

# The City of Coral Gables

## *Building and Zoning Department*

CITY HALL 405 BILTMORE WAY  
CORAL GABLES, FLORIDA 33134

December 6, 2010

Jorge L. Hernandez  
337 Palermo Avenue  
Coral Gables, FL 33134

Re: Lot: 17, Block: 3 Hammock Lake Park, PB/PG: 44/87  
(4995 Hammock Lake Drive)  
Hearing No.: BA-10-10-5515

Dear Mr. Hernandez:

The Board of Adjustment at its regular meeting held on December 6, 2010, passed and adopted Resolution No. 5002-ZB denying Item Nos. 1 & 2 of your application, all is outlined under the Applicant's Proposal as follows:

- 1) Grant a variance to allow the single family residence to have a lot coverage of (22.5%), nine thousand one hundred and fifty square feet (9,150) vs. no single family residence shall occupy more than (15%), six thousand and ninety two square feet (6,092) of the ground area of the building site upon which the residence is erected as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed single family residence to have a rear yard area ground coverage for accessory uses and structures of (7.4%), one thousand and ninety square feet (1,090) vs. a maximum rear yard area ground coverage for accessory uses and structures of (5%), seven hundred and thirty three square feet (733) shall be permitted as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."

Please refer to the attached sheet regarding decisions of the Board of Adjustment, appeal from a decision of the Board of Adjustment, and appeal from the decision of the City Commission.

Jorge L. Hernandez  
December 6, 2010  
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If you desire further information, please do not hesitate to contact this office.

Sincerely,

THE CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT

*Elizabeth L. Gonzalez*  
Elizabeth L. Gonzalez  
Secretary

Cc: Jeffrey & Caterina Bartel  
6909 Mindello Street  
Coral Gables, FL 33146

The Board of Adjustment shall have power to construe the provisions of the Zoning Code so that the spirit and the true purpose thereof may be observed. Variances to the Zoning Code may be granted by the Board of Adjustment only after a hearing has been held at which persons interested and/or affected shall be accorded an opportunity to be heard.

### **DECISIONS OF THE BOARD OF ADJUSTMENT**

All decisions of the Board of Adjustment shall be by Resolution. Within ten days (10) from the date of such decision, any Resolution of the Board of Adjustment may be appealed to the City Commission, as explained below; otherwise the Resolution shall become final.

### **APPEAL FROM A DECISION OF THE BOARD OF ADJUSTMENT**

An appeal from a decision of the Board of Adjustment upon any matter initiated before such Board or before it upon appeal from the decision of Staff, or any Administrative Official of the City may be taken to the City Commission by any person who is aggrieved by such decision, or by any Officer of the City. Any person desiring to appeal a decision of the Board of Adjustment, shall, within ten (10) days from the date of such decision, file a written notice of appeal with the City Clerk, whose duty it shall then become to send written notice of such appeal to all persons previously notified by the Board of Adjustment. The matter shall then be heard by the City Commission at its next meeting provided at least ten (10) days have intervened between the time of the filing of the notice of appeal and the date of such meeting, if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next following regular meeting of the City Commission. If the Applicant files the appeal, he shall pay to the City Clerk a fee of six hundred dollars (\$600.00) at the time of filing of such notice of appeal. An appeal shall stay all proceedings in the matter appealed until acted on by the City Commission.

Any proposed variance which has failed to receive the recommendations of the Board of Adjustment shall not be passed except by the affirmative vote of three-fifths (3/5) of all the members of the City Commission.

### **PLEASE NOTE**

It is the responsibility of the party filing an appeal of the decision of the Board of Adjustment to obtain the transcript from the court reporter and to provide fifteen (15) copies to the City Clerk's office on or before two weeks prior to the Tuesday's City Commission meeting at which time the appeal will be heard.

Contact:      Joan L. Bailey, RDR  
                    Court Reporter  
                    Joan L. Bailey & Associates  
                    28 West Flagler Street, Suite 606  
                    Miami, Florida 33130  
                    (305) 358-2829

### **APPEAL FROM THE DECISION OF THE CITY COMMISSION**

Any appeal from the decision of the City Commission may be taken by any person or persons, jointly or severally, aggrieved by any decision of the City Commission by presenting to the Circuit Court a petition for issuance of a writ or certiorari, duly certified, setting forth that such decision is illegal, in whole or in part certifying the grounds of illegality, provided same is done in the manner and within the time provided by Florida Appellate Rules.

All interested persons are advised that if they decide to appeal any decision made by the Board of Adjustment on this item, they will need a record of the proceedings of the Board of Adjustment meeting(s) and therefore may need to ensure that a verbatim record of the proceedings are made, which record includes the testimony and evidence upon which the appeal is to be based.

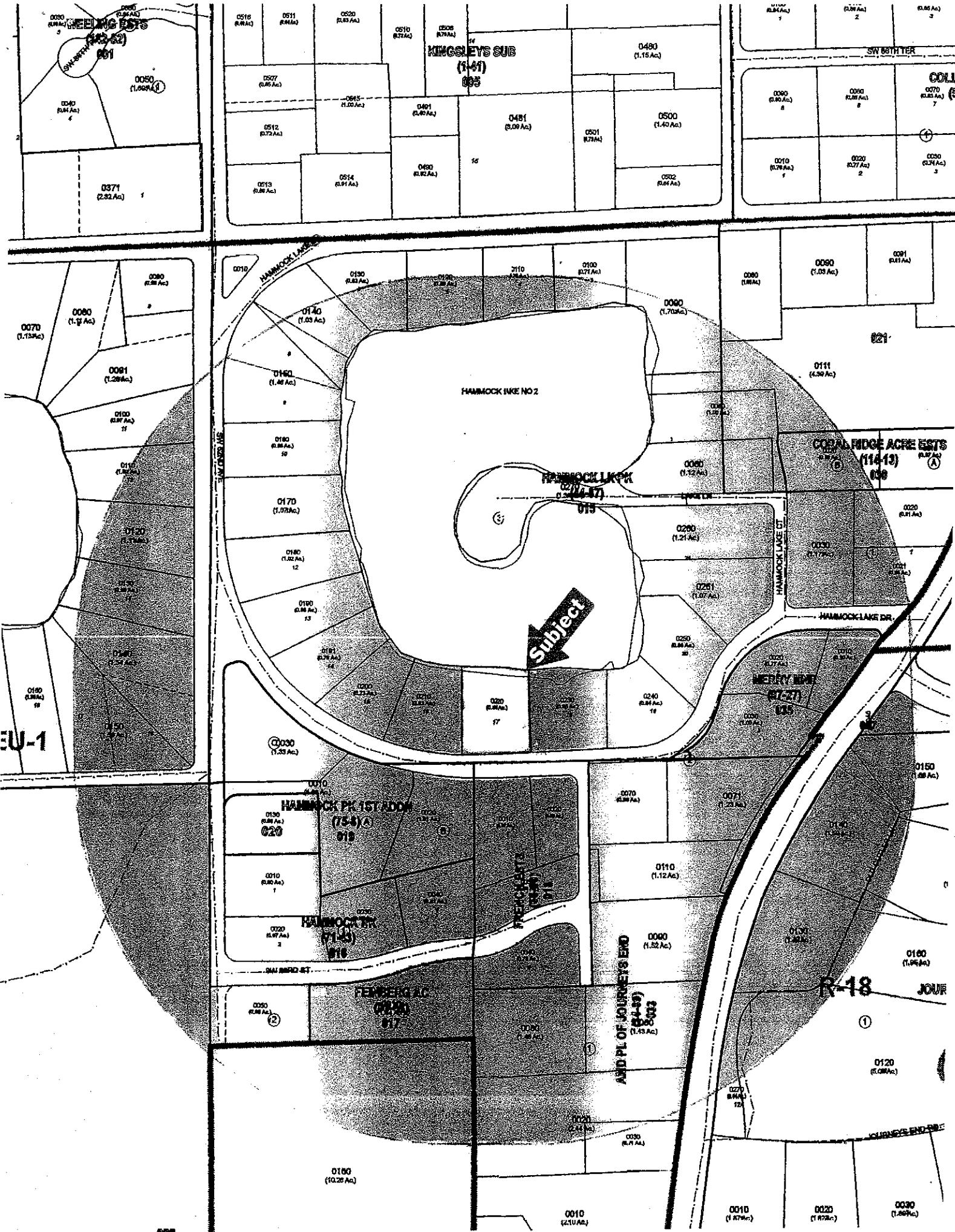
**City of Coral Gables  
Building and Zoning Department  
Board of Adjustment**

**December 6, 2010**

**Property Located at:  
4995 Hammock Lake Drive**

**BA-10-10-5515**

Consider variance requests to exceed the maximum lot coverage and to exceed the maximum rear yard area ground coverage permitted for accessory uses and structures for the proposed single family residence located at 4995 Hammock Lake Drive, Coral Gables, Florida.



STAFF REPORT FOR 4995 HAMMOCK LAKE DRIVE

Architect/Engineer: Jorge L. Hernandez, Architect

Legal Description: Lot: 17, Block: 3  
Hammock Lake Park, PB/PG: 44/87

Present Owners: Jeffrey and Caterina Bartel

Present Use: Residential

Zoning District: Single-Family Residential (SFR)

Land Use Classification: Residential Use (Single-Family) Low Density

**APPLICANT'S PROPOSAL:** In connection with the proposed single family residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

- 1) Grant a variance to allow the single family residence to have a lot coverage of (22.5%), nine thousand one hundred and fifty square feet (9,150) vs. no single family residence shall occupy more than (15%), six thousand and ninety two square feet (6,092) of the ground area of the building site upon which the residence is erected as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed single family residence to have a rear yard area ground coverage for accessory uses and structures of (7.4%), one thousand and ninety square feet (1,090) vs. a maximum rear yard area ground coverage for accessory uses and structures of (5%), seven hundred and thirty three square feet (733) shall be permitted as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."

**BOARD OF ARCHITECTS REVIEW:** All as shown on plans which have received Preliminary approval by the Board of Architects on October 14, 2010.

**ADVERTISING:** This application was advertised in the Miami Daily Business Review on November 23, 2010. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on November 23, 2010.

**STAFF OBSERVATION:** The applicant is requesting two variances from the provisions of the "Zoning Code" that relate to maximum lot coverage and the rear yard area lot coverage for the

**December 6, 2010**  
**Staff Report BA-10-10-5515**  
**4995 Hammock Lake Drive**  
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subject property. Similar variances were requested under Case No. 8602-Z and approved by the Board of Adjustment on October 3, 2006; however, there are several differences with the current requested variances versus the originally approved variances. These differences include, but are not limited to the following: the site plan has been modified by eliminating the originally detached pool pavilion and adding bedrooms, bath and a closet into the total enclosed living area, the swimming pool has been enlarged, and most importantly, the original overall total square feet requested has increased. (Note: Based on the preliminary plans presented and based on the lot coverage calculations as presented by the architect on record, Mr. Jorge L. Hernandez, the square Foot Floor Area which regulates the enclosed portions of the residence has decreased and the porch areas have increased.) On March 30, 2007 an administrative extension of Resolution No. 4802-ZB was granted for an additional six (6) months ending on October 3, 2007. In addition, on September 19, 2007 another administrative extension of Resolution No. 4802-ZB was granted for an additional twelve (12) months. Zoning Code section 3-807 is specific and states the variances granted will become null and void and of no effect twelve (12) months from and after the date of the approval granting the same, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matter for which the variance was granted shall have been issued. On October 3, 2006, City Staff supported and recommended approval of the variances requested at that time. However, at this time, City Staff does not support or recommend the requested variances.

This is an annexed property from Miami-Dade County. Miami-Dade County allows credit given in area for right-of-way dedicated from site to be included into the lot area and allows the maximum fifteen percent (15%) lot coverage to be based on total lot area. However, even considering this factor into the calculation the proposed residence exceeds the allowable lot coverage and would not comply with the Miami-Dade County standards. City Staff finds with regard to Item No. 1, the property site is not unusual or unique in nature and cannot find any hardship to approve the additional three thousand and fifty eight (3,058) square feet being requested. The proposed single family home may be redesigned to adhere to the maximum allowed lot coverage. The architectural style proposed is not a hardship. The maximum lot coverage of fifteen percent (15%) provides for a house that is proportional to the lot size and is clearly noted by Site Specifics Section A-56 (D).

With regards to Item No. 2, the proposed accessory structures (pool and spa) may be proportionately redesigned to adhere within the five percent (5%) of the rear yard area allowed for accessory structures.

Staff is recommending DENIAL of the applicant's request because the evidence presented does not support six of the seven mandatory findings required by the Zoning Code to allow these two variances to be granted. Given the facts of the proposal and the evidence presented by the

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**4995 Hammock Lake Drive**  
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applicant, as previously explained, the mandatory findings cannot be made specifically as to special circumstances or as to the granting of special privileges. The applicant's variance requests are basically predicated on the approval granted of the variances requested in 2006.

Please note preliminary plans were presented and City Staff is unable to determine full compliance of other provisions as required and/or allowed by the Zoning Code.

The Zoning Division Staff recommends **DENIAL** of Items No. 1 and 2 as requested by the Applicant.

**STAFF RECOMMENDATION:** Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the "Zoning Code," the Zoning Division Staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the "Zoning Code," and makes the following recommendations:

1. That special conditions and circumstances do not exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances would result from the actions of the Applicant.
3. That granting the variance requested will confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of these regulations would not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would not work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").
5. That the variance granted is not the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will not be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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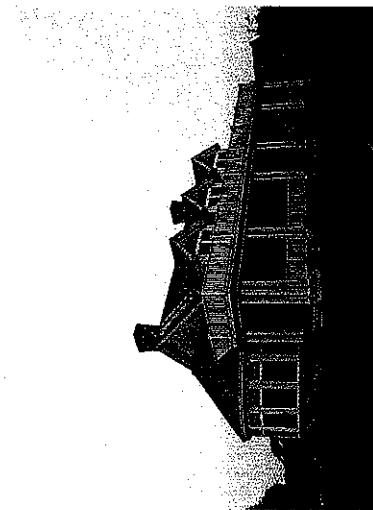
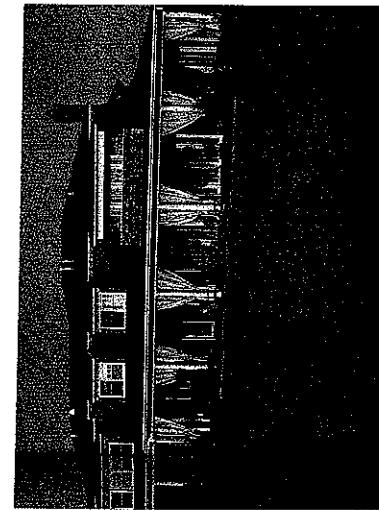
Based on the findings in paragraphs 1 through 7 above, the Zoning Division staff recommends **DENIAL** of Item No. 1 and 2 of the Applicant's request.

VARIANCE REQUESTS	2006	2010
1) GROUND AREA COVERAGE 15% ALLOWED: 6,092		
• GROUND AREA OF HOUSE PROPER (WITHOUT PORCH):	5,975 SQ.FT.	5,699 SQ.FT.
• GROUND AREA OF PORCHES:	2,870 SQ.FT.	3,451 SQ.FT.
GROUND AREA COVERAGE (HOUSE PROPER & PORCHES):	8,845 SQ.FT. 22% OF LOT AREA	9,150 SQ.FT. 22.5% OF LOT AREA
2) REAR YARD AREA	1,197 SQ.FT.	1,090 SQ.FT.
FLOOR AREA RATIO ALLOWED: 13,335	12,758 SQ.FT.	11,014 SQ.FT.

BARTEL RESIDENCE VARIANCE SET  
4995 HAMMOCK LAKE DRIVE CORAL GABLES, FLORIDA

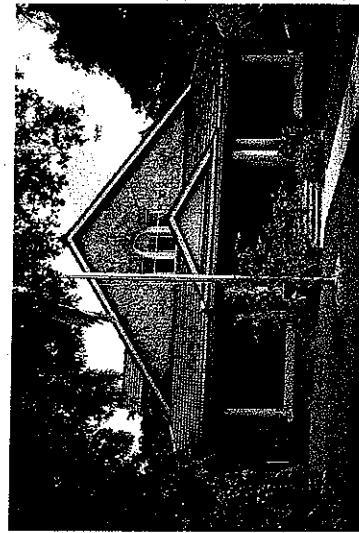
JORGE L. HERNANDEZ  
Architect  
Polaris Architecture, Inc.  
337 Palmetto Avenue, Coral Gables, Florida 33134 (305) 774-4022

PROVIDED BY ARCHITECT AT HEARING 12/6/10



BARTEL RESIDENCE VARIANCE SET  
4995 HAMMOCK LAKE DRIVE CORAL GABLES, FLORIDA

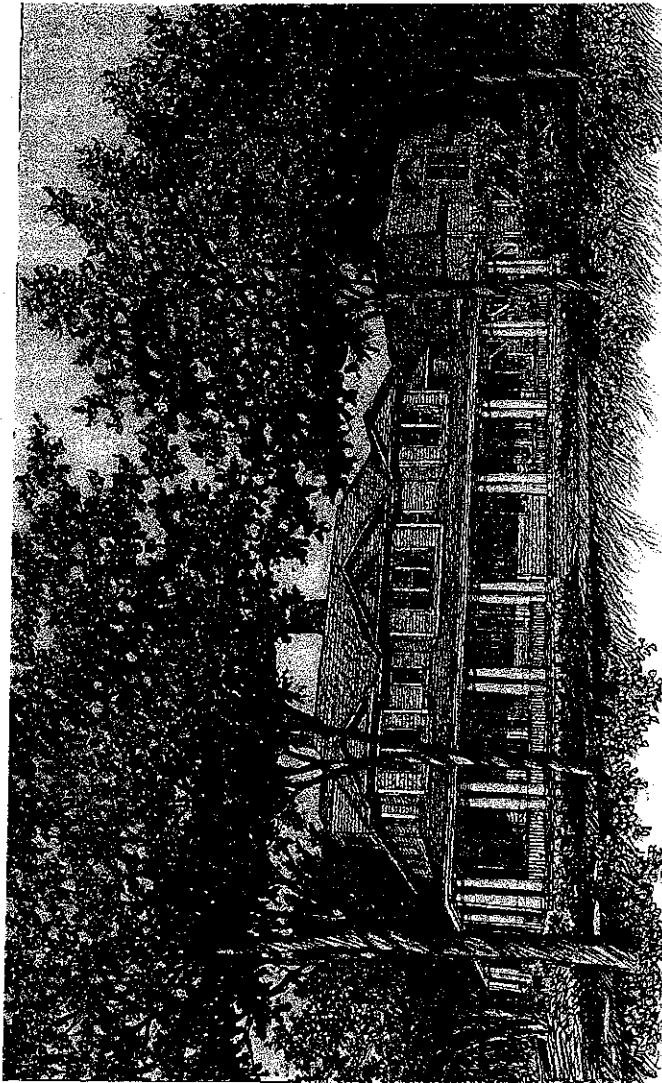
JORGE L. HERNANDEZ  
Architect  
317 Palmetto Avenue, Coral Gables, Florida 33134 (305) 774-4022



BARTEL RESIDENCE VARIANCE SET  
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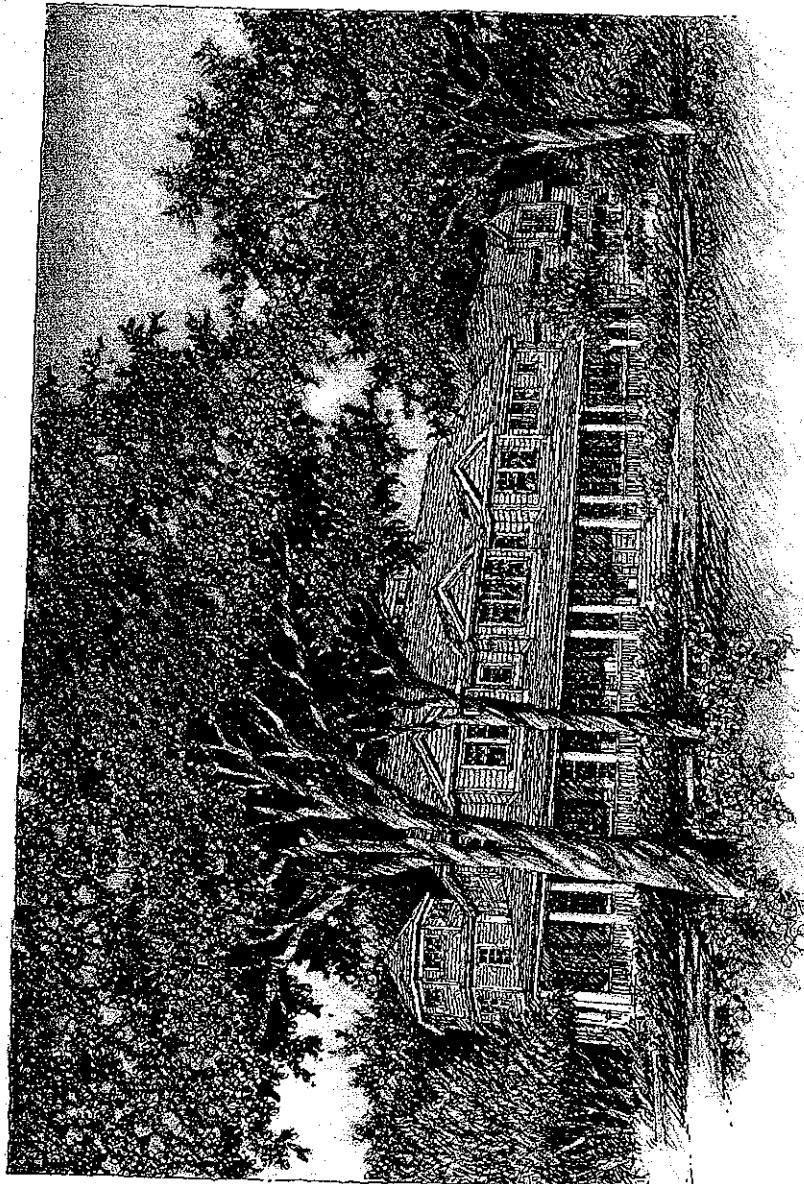
JORGE L. HERNANDEZ  
Architect  
Hernandez Associates, Inc.  
511 Palmetto Avenue, Coral Gables, Florida 33134 (305) 774-0422

PROVIDED BY ARCHITECT AT HEALING 12/6/10



2010  
BARTEL RESIDENCE VARIANCE SET  
4995 HAMMOCK LAKE DRIVE CORAL GABLES, FLORIDA

**JORGE L. HERNANDEZ**  
Architect  
5117 Northwest 4th Street, Miami, Florida 33126 (305) 754-9443



2006  
BARTEL RESIDENCE VARIANCE SET  
4995 HAMMOCK LAKE DRIVE CORAL GABLES, FLORIDA

JORGE L. HERNANDEZ  
Architect  
coronadoarchitects.com  
517 Palmetto Avenue, Coral Gables, Florida 33134 (305) 771-4002

1 IN THE CITY OF CORAL GABLES  
BUILDING & ZONING DEPARTMENT

3 CASE NO.: 8602-Z

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IN RE:

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 **ORIGINAL**

BOARD OF ADJUSTMENT

Commission Chambers  
405 Biltmore Way  
Coral Gables, Florida  
Tuesday, 8:05 a.m.  
October 3, 2006

1 APPEARANCES:

2 BOARD MEMBERS PRESENT:

3 CATHERINE FAHRINGER, CHAIRWOMAN  
4 SERGIO ARTIGUES  
5 SHARON LANGER  
6 JOHN C. LUKACS  
5 JAIME POZO  
6 TONY BELLO

7 FROM THE CITY:

8 DENNIS SMITH, ASSISTANT BUILDING AND ZONING DIRECTOR  
9 MARTHA SALAZAR-BLANCO, BOARD SECRETARY

10 FROM THE HOMEOWNER:

11 JORGE L. HERNANDEZ, ARCHITECT  
12 JEFFREY BARTEL, OWNER

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1 THEREUPON:

2 (The following proceedings were had:)

3 \* \* \* \* \*

4 (Thereupon, all participants were sworn.)

5 \* \* \* \* \*

6 THE CHAIRWOMAN: Our next item is 8602-Z,  
7 4995 Hammocks Drive.

8 MR. HERNANDEZ: Good morning Members of the  
9 Board. I'm Jorge Hernandez, Architect, with an  
10 office at 337 Palermo Avenue, and I'm the  
11 applicant.

12 I'm here with Jeffrey Bartel, who is the  
13 client and owner of the property.

14 We've brought some photographs. I don't  
15 know if you can see them. I'll gladly step up,  
16 if you can't.

17 This is a question to the Board, can  
18 everybody see them?

19 This is just to give you an idea of the  
20 neighborhood in context. This is a view of  
21 Hammocks Lake Drive. This is Hammocks Lake  
22 One. It is kind of a wooded lane. This is a  
23 view of the lake in question, Hammocks Lake  
24 One, and it just, again, shows the quality of  
25 the landscape, the general character of the

1 neighborhood.

2 This is a view of the lot, with the lake  
3 beyond it, approximately 40,000 square feet.

4 The design before you did go before the  
5 Board of Architects, under the interim  
6 regulations, as the previous one.

7 The Board of Architects did establish it to  
8 be a design of exceptional quality and the  
9 appropriate bonuses did get applied. We are  
10 here for that reason.

11 What I am trying to do in the next couple  
12 of photos is to show you the character of the  
13 design. The house is designed in the classic  
14 American shingle style, which is a style --  
15 perhaps it is the only unique American style,  
16 which is a style that was established in the  
17 Nineteenth Century, and it is a derivative of  
18 the Queen Anne style.

19 It features asymmetrical columns. It  
20 features a fusion of the roofs and walls. It  
21 features prominent building of porches  
22 surrounding the house.

23 Some of these photographs show examples,  
24 mainly from the Hamptons, of that style of  
25 architecture. The relevance, again, of these

1       shots are the importance of porches to that  
2       architectural style.

3           In these photographs what is shown is an  
4       independent -- the asymmetry of the  
5       characteristics, sort of the octagonal rooms,  
6       et cetera.

7           In this photograph, it's shown, again, kind  
8       of an example of the shingle style, which has  
9       the broad porch, and I preserved this for last,  
10      because this is a demonstrative exhibit of the  
11      rendering of the house we're proposing.

12           You can see the similarities between it and  
13      this previous example, as essentially being a  
14      house with broad porches.

15           Jeffrey would like to add something now.

16           MR. BARTEL: Yes. About a year ago, when  
17      my wife and I purchased the property, and we  
18      were trying to figure out what we were going to  
19      do, we wanted to really say, know your  
20      neighborhood and be good neighbors, and when we  
21      looked around this neighborhood -- I'm born and  
22      raised in the Gables. This is not the typical  
23      Mediterranean style neighborhood. There's a  
24      lot of what I call lake houses, with the big  
25      porches, and, Jorge, quite frankly, has done a

1           number of them, and other architects, and so we  
2           really wanted to just do something that  
3           complemented the neighborhood, and we had  
4           actually consulted with Robert A. Stern and the  
5           Cooper -- Cooper, Robertson, and based on the  
6           recommendation of a number of folks, we engaged  
7           Jorge to be our architect for this.

8           We also asked the neighbors what they  
9           wanted. You know, we have over twenty letters  
10           of recommendation of approval from neighbors,  
11           including the adjacent neighbors.

12           In addition, the neighborhood association  
13           itself passed a resolution, and Ms. Salazar has  
14           this, and I'll give copies to the clerk, as  
15           well -- passed a resolution requesting this  
16           Board to approve this application.

17           Just a little bit of background. Ten years  
18           ago, when this neighborhood was incorporated  
19           and brought into the City, it asked for site  
20           specific standards that lowered the lot area  
21           coverage to 15 percent.

22           Now, in the normal Gables, at 35 percent,  
23           we wouldn't be in front of you at all, but they  
24           asked for 15 instead.

25           The house itself falls under that 15

1 percent. The porches take us over the 15  
2 percent. So it begs the question, why are we  
3 in front of you?

4 The neighborhood itself recognized that  
5 they'd much rather have the house that we have,  
6 far set back from the street, and I think we  
7 have a site plan that shows -- if I could --  
8 this is the set back, by law. We set it back  
9 far beyond that, and the actual house itself is  
10 almost anywhere from 80 to almost 100 back from  
11 the street, which is exactly what the neighbors  
12 want there.

13 We're well under FAR, and rather than  
14 building those massive houses -- no disrespect  
15 to them, but this is not a McMansion that is  
16 sitting there trying to put it right on the  
17 set-back.

18 The neighborhood association itself, which  
19 is the impetus behind the 15 percent lot area  
20 coverage, is asking you to say the following:  
21 This project is designed as fully compatible  
22 with the Hammocks Lake neighborhood and  
23 surrounding neighbors and would complement the  
24 architecture and environment. We wish to  
25 express our support for the application and the

1                   two variance requests without qualification or  
2                   exception.

3                   That's from the association itself, and  
4                   believe it or not, from the very individual who  
5                   ten years ago was the impetus behind coming to  
6                   the City and saying, "Please pass that specific  
7                   recommendation."

8                   You have in front of you Staff's  
9                   recommendation of approval. They've cited this  
10                  as, quote, minimum requests.

11                  The two requests are, One, to allow us to  
12                  put these porches -- and Jorge can indicate  
13                  this to you, if you have any questions -- to  
14                  allow effectively that buffer, so that you have  
15                  that porch concept rather than the mass right  
16                  on the street.

17                  And, Second, the minimum request for a rear  
18                  yard set-back -- rear yard area is simply  
19                  because we moved the house back so much from  
20                  the street that we punished ourselves in rear  
21                  yard area. If we move the house up to a  
22                  50-feet setback, we wouldn't have to request  
23                  it.

24                  So, effectively, you have in front of  
25                  you -- and Mr. Lukacs has talked about

1           competent and substantial evidence, every bit  
2           of that evidence you have in front of you, the  
3           application itself, with Staff's approval, 20  
4           plus letters of support from the neighbors,  
5           including the adjacent neighbors, including the  
6           association itself, the fact that the Board of  
7           Architects specifically indicated it was  
8           designed with exceptional quality, is  
9           complementary to the neighborhood, and we are  
10           extremely excited about hopefully getting  
11           started this afternoon.

12           Thank you.

13           THE CHAIRWOMAN: Is there anyone who wishes  
14           to speaks in favor of this application?

15           Is there anyone who wishes to speak in  
16           opposition of the application?

17           Hearing no further comments, I'll close the  
18           public hearing and ask for Staff's report.

19           MR. SMITH: All right. Staff is  
20           recommending approval of the applicant's  
21           proposal, as stated in our written report to  
22           the Board.

23           The big thing and the reason why we are  
24           recommending approval of this request is  
25           because when this property was annexed into the

1       City of Coral Gables, there were two important  
2       issues. One was that the neighborhood wanted  
3       to maintain the character of their neighborhood  
4       and they didn't want to turn their neighborhood  
5       into a more Mediterranean style neighborhood.

6           This neighborhood is a neighborhood of  
7       homes that have metal roofs, that have flat  
8       roofs without parapets, flat roofs with  
9       parapets, that has wood siding or simulated  
10       wood siding.

11           It has a different character than the rest  
12       of Coral Gables, but even though it has a  
13       different character, each of the homes is done  
14       in a classical style of architecture and that's  
15       one of the things that their site specific  
16       regulations require them to do, but it can be a  
17       more modern style or something like the  
18       American shingle style. It gives them the  
19       freedom to do that.

20           In order to be able to execute that in this  
21       case, they need this lot coverage variance for  
22       the porches, and the variance they're asking  
23       for is not to give them additional lot coverage  
24       for the house, but to allow them to not count  
25       the porches on the lot coverage.

1                   So we're recommending approval of the  
2                   applicant's proposal. We think this is a very  
3                   good case, considering the history of this  
4                   neighborhood and this property and the way that  
5                   the home was designed to fit into this  
6                   neighborhood. That's exactly what we do want  
7                   to do.

8                   In regard to the rear lot coverage  
9                   variance, once again, if they would push the  
10                  house towards the front, they wouldn't need  
11                  that, so they're penalizing themselves by doing  
12                  more for the neighborhood and pushing the house  
13                  further back.

14                  In addition to that, another big aspect of  
15                  this neighborhood and it's mentioned in the  
16                  site specific regulations, is the landscape and  
17                  environment of this neighborhood. I don't  
18                  know -- I hope all of you are familiar with  
19                  this neighborhood. If you've ever been down  
20                  there, it's a beautiful neighborhood, with lots  
21                  of mature trees, and one of the other things  
22                  that they're doing is working around some of  
23                  the existing trees. Few are being removed.  
24                  Most of the oaks are being preserved in place.  
25                  And that helps set where the house is sited on

1                   the lot, as well.

2                   So we're recommending approval of the  
3                   applicant's proposal. If you have any  
4                   questions, I'll be more than happy to answer  
5                   them.

6                   THE CHAIRWOMAN: Thank you.

7                   MR. LUKACS: I would move approval of the  
8                   applicant's application.

9                   THE CHAIRWOMAN: Mr. Lukacs has moved.

10                  MS. LANGER: Second.

11                  THE CHAIRWOMAN: Ms. Langer has second.

12                  MR. BELLO: I have a question. Do we  
13                  typically look at porches as coverage area?  
14                  This is --

15                  MR. SMITH: Yes, we do, but in other parts  
16                  of the City we have a 35 percent lot coverage  
17                  requirement. In this part of the City, we only  
18                  have a 15 percent lot coverage requirement.

19                  The problem becomes -- and we wanted to try  
20                  to address this, but we weren't able to get  
21                  consensus, so we decided to do it on a case by  
22                  case basis as these things came up.

23                  When the County calculated the 15 percent  
24                  lot coverage, we're not sure how they did it.  
25                  In some cases, we were told they calculated to

1           the middle of the street, and in some cases  
2           they didn't. In some cases they counted  
3           swimming pools on the lot coverage and some  
4           they didn't. In some cases they counted  
5           screened enclosures, and in some they didn't.

6           So you have a lot of different things going  
7           on there. So when we look at this issue, we  
8           really look at the neighborhood context, and,  
9           clearly, the house itself is within that  
10          requirement, so that we feel this is an  
11          appropriate request.

12           MR. BELLO: Thank you, Dennis.

13           THE CHAIRWOMAN: Ms. Langer had made the  
14          second to the motion, before Mr. Bello asked  
15          his question. Is there any further discussion  
16          or questions? Hearing none, will you call the  
17          question, please, Martha?

18           MS. SALAZAR-BLANCO: Mr. Pozo?

19           MR. POZO: Yes.

20           MS. SALAZAR-BLANCO: Mr. Artigues?

21           MR. ARTIGUES: Yes.

22           MS. SALAZAR-BLANCO: Mr. Bello?

23           MR. BELLO: Yes.

24           MS. SALAZAR-BLANCO: Mr. Lukacs?

25           MR. LUKACS: Yes.

1 MS. SALAZAR-BLANCO: Ms. Langer?

2 MS. LANGER: Yes.

3 MS. SALAZAR-BLANCO: Ms. Fahringer?

4 THE CHAIRWOMAN: Yes.

5 MR. HERNANDEZ: Thank you.

6 \* \* \* \*

7 (Thereupon, the hearing was concluded at 10:15

8 a.m.)

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C E R T I F I C A T E

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3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

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9 I, NIEVES SANCHEZ, Court Reporter, and a Notary  
10 Public for the State of Florida at Large, do hereby  
11 certify that I was authorized to and did  
12 stenographically report the foregoing proceedings and  
13 that the transcript is a true and complete record of my  
14 stenographic notes.

15

16 DATED this 24th day of November, 2010.

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NIEVES SANCHEZ

## MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

### STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the **LEGAL CLERK**, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

### CITY OF CORAL GABLES BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING FOR 12/6/2010

in the **XXXX** Court,  
was published in said newspaper in the issues of

11/23/2010

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this ~~advertisement~~ for publication in the said newspaper.

Sworn to and subscribed before me this

23 day of NOVEMBER, A.D. 2010

*Veronica Perez*

(SEAL)

MARIA MESA personally known to me



Notary Public State of Florida  
Veronica Perez  
My Commission DD819771  
Expires 09/03/2012

## PUBLIC NOTICES & HEARINGS

### BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

All interested parties are hereby notified that the Board of Adjustment of the City of Coral Gables, Florida, will hold a public hearing for the purpose of hearing variance requests and taking action on such requests, reviewing and taking action on appeals from Administrative Officials, and other decision making orders, as outlined in Section 2-401 of Ordinance No. 2007-01, as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, to wit:

1. Case No. BA-10-07-3866 Consider variance requests in regard to the proposed swimming pool, pool deck and screen wall for the existing single family residence located at 909 Algarino Avenue, Coral Gables, Florida.
2. Case No. BA-10-10-5515 Consider variance requests to exceed the maximum lot coverage permitted for the proposed single family residence and to exceed the maximum rear yard area ground coverage permitted for accessory uses and structures for the proposed single family residence located at 4995 Hammock Lake Drive, Coral Gables, Florida.
3. Case No. BA-10-11-2805 Consider variance requests in regard to the proposed signage for the tenant "Doctors Hospital Sports Medicine" in the existing commercial building located at 1222 S. Dixie Highway, Coral Gables, Florida.
4. Case No. BA-10-11-2808 Consider variance requests in regard to the proposed signage for the tenant "Baptist Health Urgent Care" in the existing commercial building located at 1240 S. Dixie Highway, Coral Gables, Florida.
5. Case No. BA-10-11-3302 Consider a variance request in regard to the proposed addition encroaching into the required rear setback area for the existing single family residence located at 13000 Miranda Street, Coral Gables, Florida.

Interested parties may express their views at the hearing or file them in writing with the undersigned on or before the commencement of the hearing which will be held before the Board of Adjustment of the City of Coral Gables at City Hall, 405 Biltmore Way, in the Commission Chamber, Coral Gables, Florida, commencing at 8:00 A.M., Monday, December 6, 2010.

If a person decides to appeal any decision made by a board/committee with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

Any person requiring special accommodations for participation in the meeting should contact Glenn Kephart, Public Works Director at (305) 460-5001, with requests for auxiliary aids or services at least one business day before the meeting.

Elizabeth Gonzalez  
Secretary

11/23

10-3-78/1605791M

THE CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT  
P.O. BOX 141549  
CORAL GABLES, FLORIDA 33114-1549  
November 24, 2010

**NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT**

The following application has been filed requesting variances pursuant to the Zoning Regulations as outlined under the Applicant's Proposal:

**BA-10-10-5515**  
**(4995 Hammock Lake Drive)**  
Lot: 17, Block: 3  
Hammock Lake Park, PB/PG: 44/87  
Jorge L. Hernandez – Applicant  
Jeffrey and Caterina Bartel – Owners  
Jorge L. Hernandez – Architect

**APPLICANT'S PROPOSAL:** In connection with the proposed single family residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

- 1) Grant a variance to allow the single family residence to have a lot coverage of (22.5%), nine thousand one hundred and fifty square feet (9,150) vs. no single family residence shall occupy more than (15%), six thousand and ninety two square feet (6,092) of the ground area of the building site upon which the residence is erected as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed single family residence to have a rear yard area ground coverage for accessory uses and structures of (7.4 %), one thousand and ninety square feet (1,090) vs. a maximum rear yard area ground coverage for accessory uses and structures of (5%), seven hundred and thirty three square feet (733) shall be permitted as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."

All as shown on plans which have received Preliminary approval from the Board of Architects. Such approval is for architectural design only and is not an endorsement of any variance being requested by the Applicant.

This application will be heard by the Board of Adjustment of the City of Coral Gables at its meeting commencing at 8:00 A.M., **Monday, December 6, 2010**, in the Commission Chamber, City Hall, 405 Biltmore Way, Coral Gables, Florida, at which time you may appear if you so desire, either in person or by agent or attorney.

The hearing of this application is not limited to those receiving copies of this courtesy notice and, if you know of any neighbors who, for any reason, would be interested in this application; it would be appreciated if you would inform them of this hearing. Further information concerning this hearing may be obtained by calling Elizabeth L. Gonzalez, Secretary at (305) 460-5253.

If a person decides to appeal any decision made by a board/committee with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made,

which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Any person requiring special accommodations for participation in the meeting should contact Glenn Kephart, Public Works Director at (305) 460-5001, with requests for auxiliary aids or services at least one business day before the meeting.

THE CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT  
Elizabeth L. Gonzalez  
Secretary

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The Board of Adjustment shall have power to construe the provisions of the Zoning Code so that the spirit and the true purpose thereof may be observed. Variances to the Zoning Code may be granted by the Board of Adjustment only after a hearing has been held at which persons interested and/or affected shall be accorded an opportunity to be heard.

#### **DECISIONS OF THE BOARD OF ADJUSTMENT**

All decisions of the Board of Adjustment shall be by Resolution. Within ten days (10) from the date of such decision, any Resolution of the Board of Adjustment may be appealed to the City Commission, as explained below; otherwise the Resolution shall become final.

#### **APPEAL FROM A DECISION OF THE BOARD OF ADJUSTMENT**

An appeal from a decision of the Board of Adjustment upon any matter initiated before such Board or before it upon appeal from the decision of Staff, or any Administrative Official of the City may be taken to the City Commission by any person who is aggrieved by such decision, or by any Officer of the City. Any person desiring to appeal a decision of the Board of Adjustment, shall, within ten (10) days from the date of such decision, file a written notice of appeal with the City Clerk, whose duty it shall then become to send written notice of such appeal to all persons previously notified by the Board of Adjustment. The matter shall then be heard by the City Commission at its next meeting provided at least ten (10) days have intervened between the time of the filing of the notice of appeal and the date of such meeting, if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next following regular meeting of the City Commission. If the Applicant files the appeal, he shall pay to the City Clerk a fee of six hundred dollars (\$600.00) at the time of filing of such notice of appeal. An appeal shall stay all proceedings in the matter appealed until acted on by the City Commission.

Any proposed variance which has failed to receive the recommendations of the Board of Adjustment shall not be passed except by the affirmative vote of three-fifths (3/5) of all the members of the City Commission.

#### **PLEASE NOTE**

It is the responsibility of the party filing an appeal of the decision of the Board of Adjustment to obtain the transcript from the court reporter and to provide fifteen (15) copies to the City Manager's office on or before the Wednesday prior to the Tuesday's City Commission meeting at which time the appeal will be heard and one (1) copy to the Office of the City Clerk.

#### **Contact:**

Joan L. Bailey, RDR

Court Reporter

Joan L. Bailey & Associates

28 West Flagler Street, Suite 606

Miami, Florida 33130

(305) 358-2829

#### **APPEAL FROM THE DECISION OF THE CITY COMMISSION**

Any appeal from the decision of the City Commission may be taken by any person or persons, jointly or severally, aggrieved by any decision of the City Commission by presenting to the Circuit Court a petition for issuance of a writ or certiorari, duly certified, setting forth that such decision is illegal, in whole or in part certifying the grounds of illegality, provided same is done in the manner and within the time provided by Florida Appellate Rules.

All interested persons are advised that if they decide to appeal any decision made by the Board of Adjustment on this item, they will need a record of the proceedings of the Board of Adjustment meeting(s) and therefore may need to ensure that a verbatim record of the proceedings are made, which record includes the testimony and evidence upon which the appeal is to be based.