

Page 1 CITY OF CORAL GABLES BOARD OF ADJUSTMENT DECEMBER 2, 2024 427 BILTMORE WAY, FIRST FLOOR CONFERENCE ROOM CORAL GABLES, FL 33134 9:00 A.M. BOARD MEMBERS Chairperson Gema Pinon Board Member Nicolas Cabrera Board Member Sandra Murado Board Member Alberto Perez Board Member Gustave Perez Board Member Eugene Wolman Clifford Friedman, Esq. City Attorney STAFF: Arceli Redila Zoning Administrator Development Services	Page 2 1 INDEX 2 AGENDA ITEM E.-1 3 APPLICANT PRESENTATION PAGE 33 4 STAFF PRESENTATION PAGE 41 5 MEMBERS OF THE PUBLIC PAGE 68 6 ROLL CALL PAGE 92 7 8 AGENDA ITEM E.-2 9 APPLICANT PRESENTATION PAGE 96 10 STAFF PRESENTATION PAGE 101 11 ROLL CALL PAGE 111 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 3 1 PROCEEDINGS 2 (Thereupon, the City of Coral 3 Gables Board of Adjustment 4 commenced at 9:00 a.m.) 5 UNIDENTIFIED SPEAKER: Recording in 6 progress. 7 CHAIRPERSON PINON: Good morning and 8 welcome our new Members. 9 The Board of Adjustment is comprised of 10 seven members. Four members of the Board shall 11 constitute a quorum. And the affirmative vote 12 of four members of the Board present shall be 13 necessary to authorize or deny a variance or 14 grant an appeal. 15 A tie vote shall result in the automatic 16 continuance of the matter to the next meeting 17 which shall be continued until a majority vote 18 is achieved. 19 If only four members of the Board are 20 present, an applicant shall be entitled to a 21 postponement to the next regularly scheduled 22 meeting of the Board. 23 Any person who asks -- acts as a lobbyist 24 pursuant to the City of Coral Gables Ordinance 25 No.: 2006-11 must register with the City Clerk	Page 4 1 prior to engaging in lobbying activities or 2 presentations before City Staff, Boards, 3 Committees and/or the City Commission. 4 A copy of the Ordinance is available in 5 the office of the City Clerk. Failure to 6 register and provide proof of registration 7 shall prohibit your ability to present to the 8 Board. 9 I now officially call the City of Coral 10 Gables Board of Adjustment meeting of 11 December 2, 2024 to order. The time is 12 9:03 a.m. 13 Can we, please, have the roll call? 14 ZONING ADMINISTRATOR REDILA: Gema Pinon. 15 CHAIRPERSON PINON: Present. 16 ZONING ADMINISTRATOR REDILA: Nicolas 17 Cabrera. 18 BOARD MEMBER CABRERA: Present. 19 ZONING ADMINISTRATOR REDILA: Sandra 20 Murado. 21 BOARD MEMBER MURADO: Present. 22 ZONING ADMINISTRATOR REDILA: Alberto 23 Perez. 24 BOARD MEMBER PEREZ: Present. 25 ZONING ADMINISTRATOR REDILA: Gustave

Page 5	Page 6
1 Perez. 2 BOARD MEMBER PEREZ: Here. 3 ZONING ADMINISTRATOR REDILA: Eugene 4 Wolman. 5 BOARD MEMBER WOLMAN: Here. 6 CHAIRPERSON PINON: Please be advised that 7 this Board is a quasi-judicial board and the 8 items on the agenda are quasi-judicial in 9 nature which requires Board Members to disclose 10 all ex-parte communications and any site 11 visits. 12 An ex-parte communication is defined as 13 any contact, communication, conversation, 14 correspondence, memorandum or other written or 15 verbal communication that takes place outside a 16 public hearing between a member of the public 17 and a member of quasi-judicial board regarding 18 those matters to be heard by the Board. 19 If anyone has made any contact with a 20 Board Member regarding an issue before the 21 Board, the Board Member must state on the 22 record the existence of the ex-parte 23 communication and the party who originated the 24 communication. 25 Does anybody have any -- did anyone have	1 any conversations with anyone? 2 BOARD MEMBER MURADO: No. 3 BOARD MEMBER PEREZ: No. 4 BOARD MEMBER PEREZ: No. 5 CHAIRPERSON PINON: No. Okay. 6 BOARD MEMBER WOLMAN: No. 7 BOARD MEMBER CABRERA: No. 8 CHAIRPERSON PINON: Great. 9 Also, if a Board Member conducted a site 10 visit specifically related to the case before 11 the Board, the Board Member must also disclose 12 such a visit. 13 In either case, the Board Member must 14 state on the record whether the ex-parte 15 communication and/or the site visit will effect 16 the Board Member's ability to impartially 17 consider the evidence to be presented before 18 this matter. 19 The Board Member shall also state that his 20 or her decision will be based on substantial, 21 competent evidence and testimony presented on 22 the record today. 23 Does any Board Member have any 24 communication or site visit to disclose at this 25 time?
Page 7	Page 8
1 BOARD MEMBER MURADO: No. 2 BOARD MEMBER PEREZ: No. 3 BOARD MEMBER PEREZ: No. 4 BOARD MEMBER CABRERA: No. 5 BOARD MEMBER WOLMAN: No. 6 CHAIRPERSON PINON: No. Okay. So our 7 first matter is the approval of the minutes. 8 Can I please have a motion? 9 BOARD MEMBER CABRERA: Motion to approve 10 the minutes. 11 CHAIRPERSON PINON: And -- 12 BOARD MEMBER WOLMAN: I will second. 13 CHAIRPERSON PINON: Great. Can we have 14 the roll call, please? 15 ZONING ADMINISTRATOR REDILA: Gema Pinon. 16 CHAIRPERSON PINON: Yes. 17 ZONING ADMINISTRATOR REDILA: Mr. Cabrera. 18 BOARD MEMBER CABRERA: Yes. 19 ZONING ADMINISTRATOR REDILA: Ms. Murado. 20 BOARD MEMBER MURADO: Yes. 21 ZONING ADMINISTRATOR REDILA: Mr. Perez. 22 BOARD MEMBER PEREZ: Yes. 23 ZONING ADMINISTRATOR REDILA: Mr. Gustave 24 Perez. 25 BOARD MEMBER PEREZ: Yes.	1 ZONING ADMINISTRATOR REDILA: Mr. Wolman. 2 BOARD MEMBER WOLMAN: Yes. 3 CHAIRPERSON PINON: Okay. Let's move on 4 here. 5 So let's -- swearing in. Everyone who 6 speaks today must complete the roster on the 7 podium. We ask that you print clearly so that 8 the official records of your name and address 9 will be correct. 10 Now with the exception of attorneys, all 11 person -- persons who will speak on agenda 12 items before us this morning, please rise to be 13 sworn in. 14 ASSISTANT CITY ATTORNEY FRIEDMAN: And if 15 anybody on Zoom is going to be speaking, please 16 rise and raise your right hand and turn on your 17 camera. 18 THE COURT REPORTER: Would you raise your 19 right hand. 20 Do you solemnly swear or affirm that the 21 testimony that you will provide will be the 22 truth, the whole truth and nothing but the 23 truth? 24 MR. MILNE: I do. 25 MR. NUÑEZ: I do.

Page 9 1 THE COURT REPORTER: Thank you. 2 CHAIRPERSON PINON: In deference to those 3 present, we ask that all cell phones, pagers 4 and other electrical devices be turned off at 5 this time. 6 Now let's proceed with the agenda. 7 Arceli, you have the floor. 8 ZONING ADMINISTRATOR REDILA: Good 9 morning, Madame Chair, Members of the Board. 10 Arceli Redila, Zoning Administrator. 11 The first item before you is a setback 12 variance for gazebo for a single-family home 13 located at 5200 San Amaro Drive. 14 The Applicant is here to present. And let 15 me just state this for the record. That this 16 item was presented to the Board on September 9, 17 2024, the last meeting that we had. 18 There were only four Board Members present 19 at that meeting. And after presentation and 20 discussion a motion was made to grant the 21 variance. 22 But the vote was three in favor and one 23 opposed. So the motion failed and no other 24 action was taken at that time. So that's why 25 we are here today. And there have been no	Page 10 1 changes to the materials in the last meeting 2 that we had. 3 CHAIRPERSON PINON: If I may I just wanted 4 to make a clarification with the Attorney's 5 Office. 6 It's my understanding that what may seem 7 like an oxymoron, but according to Robert's 8 Rules of Order such a vote the -- the three to 9 one is, in fact, no action. 10 So the -- the Applicant is -- is able to 11 re-present the item before the Board. Is -- is 12 that correct? 13 ASSISTANT CITY ATTORNEY FRIEDMAN: That -- 14 that is correct. Clifford Friedman, Assistant 15 City Attorney. 16 The -- as -- as Arceli stated the Board 17 heard this item and heard testimony from the 18 Applicant and from Staff and also there was an 19 opportunity for public comment. The Board -- 20 there was a motion to approve made. That 21 motion failed. And a failed motion is not a 22 denial. 23 So the Board can approve, approve with 24 conditions or deny. But those need to be 25 affirmative votes. So you are correct, Madame
Page 11 1 Chair. 2 CHAIRPERSON PINON: And another question I 3 have regarding this matter. 4 Does that action need to be rescinded or 5 can we proceed without any action regarding 6 that -- that motion? 7 ASSISTANT CITY ATTORNEY FRIEDMAN: There 8 was -- essentially there was no action taken. 9 And so, you know, here we can -- we can move 10 forward as a continuation of the prior hearing. 11 You know, Applicant's Counsel is here to make 12 that presentation. 13 I know we have some new Board Members as 14 well. But you all also have the transcript 15 from the prior hearing which you -- which you 16 can review and consider. 17 But there is -- there is no action to be 18 rescinded. 19 CHAIRPERSON PINON: Okay. Thank you. 20 BOARD MEMBER PEREZ: To my knowledge we 21 had a quorum last time this item was heard. 22 Correct? 23 ASSISTANT CITY ATTORNEY FRIEDMAN: 24 Correct. 25 BOARD MEMBER PEREZ: So if it was three to	Page 12 1 one, why -- why did it fail? 2 ASSISTANT CITY ATTORNEY FRIEDMAN: Because 3 in the -- in the Code it specifically requires 4 an affirmative vote of four to grant. And so, 5 you know, in order for -- for this -- for this 6 body to approve or deny or, you know, approve 7 an appeal you would need four votes. 8 And that's -- that's just specifically in 9 the Code. 10 BOARD MEMBER PEREZ: Because it was four 11 Board Members in attendance. 12 ASSISTANT CITY ATTORNEY FRIEDMAN: Even 13 if -- the Board fully constituted would have 14 seven members. 15 Right? So in that case four would be a 16 simple majority. But even if it had six 17 members in attendance or five members in 18 attendance, it would still be four required to 19 approve. 20 So that's why that failed. You know, a -- 21 a three to one, yes. The majority voted for 22 it, but in the Code it specifically requires 23 four in order to approve that variance. 24 BOARD MEMBER PEREZ: Got it. 25 CHAIRPERSON PINON: I do have one other

Page 13 1 question. 2 ASSISTANT CITY ATTORNEY FRIEDMAN: Sure. 3 CHAIRPERSON PINON: Before we proceed, 4 Mr. Mestre, if you will allow me. The Code 5 specifically allows for a -- the Applicant to 6 have a postponement. 7 ASSISTANT CITY ATTORNEY FRIEDMAN: Uh-huh. 8 CHAIRPERSON PINON: So if at the time of 9 the initial meeting the Applicant elected not 10 to -- not to have a postponement, is that -- 11 does that have an impact on having a subsequent 12 postponement? Does that -- does it constitute 13 a waiver? 14 I just want to be clear for the record 15 that that does not constitute a waiver and that 16 this postponement is authorized pursuant to the 17 Code. 18 ASSISTANT CITY ATTORNEY FRIEDMAN: Yeah. 19 And it's a continuance. Right? So we -- it 20 wasn't a postponement. It was -- the item was 21 heard. There was a motion to approve which 22 failed. 23 The Applicant could have -- it was -- it 24 was offered to -- 25 CHAIRPERSON PINON: Right.	Page 14 1 ASSISTANT CITY ATTORNEY FRIEDMAN: -- to 2 postponement until there was a, you know, more 3 than four -- four -- four individuals on the 4 Board present. 5 The Applicant decided to proceed. And the 6 Board did not -- essentially did not take any 7 action. And so this would be the continuation 8 of that hearing. And -- and it is properly 9 before you. 10 CHAIRPERSON PINON: Great. Thank you. 11 ASSISTANT CITY ATTORNEY FRIEDMAN: Of 12 course. 13 MR. MESTRE: Good morning. Ceasar Mestre. 14 Law offices at 8105 Northwest 155 Street; Miami 15 Lakes, Florida. 16 There is another matter that we need to 17 address before I make the presentation. My 18 understanding is there has been a -- a 19 commit -- Commission on Ethics complaint filed 20 for improper lobbying from disclosures that 21 were made the last time. 22 And -- and one of -- one of the persons 23 mentioned in the complaint is the Chairman now. 24 So we just need to make sure that there is no 25 conflicts at this point or if the Chair needs
Page 15 1 to recuse herself. 2 CHAIRPERSON PINON: I am not aware of any 3 of this matter. I met with the City Attorney. 4 I was not lobbied. I had no conversation 5 regarding the matter. So I am not going to 6 recuse myself. And I strenuously object to any 7 inference that I behaved in any unethical 8 manner. 9 MR. MESTRE: I wasn't the one that -- that 10 filed the complaint. I haven't seen it or -- 11 or read it. I am just aware that it was filed. 12 And based -- 13 BOARD MEMBER MURADO: May I ask a question 14 afterwards. 15 MR. MESTRE: I am sorry. 16 BOARD MEMBER MURADO: May I ask a question 17 afterwards? 18 MR. MESTRE: Sure. But I think based on 19 the disclosures last time prior to you stated 20 that you were in communication by a certain 21 person regarding this matter and asked you 22 to -- 23 CHAIRPERSON PINON: And -- 24 MR. MESTRE: -- to -- 25 CHAIRPERSON PINON: And I -- and I have	Page 16 1 already provided the City Attorney and the 2 Clerk's Office with copies of what those 3 communications were. 4 And in effect the communication was: "Do 5 not contact me. I cannot have an ex-parte 6 communication with you." 7 That was the extent of the communication. 8 So -- 9 ASSISTANT CITY ATTORNEY FRIEDMAN: Madame 10 -- 11 CHAIRPERSON PINON: If I had known that it 12 was going to rise to this leave I wouldn't have 13 said anything. If anything, I -- I went beyond 14 the scope of ethical -- of being ethical by 15 disclosing that somebody had called me and I 16 was forthright in saying that: "Don't call 17 me." 18 ASSISTANT CITY ATTORNEY FRIEDMAN: And 19 just, Madame Chair, as you stated previously -- 20 you know -- as -- as long as you remain 21 impartial and you believe that you can base 22 your decision on the substantial, competent 23 evidence and testimony presented there is no 24 reason why you wouldn't be able to proceed. 25 But if -- if that is not the case, then

Page 17 1 you know, it -- it is essentially up to you. 2 CHAIRPERSON PINON: I am not going 3 anywhere. I didn't do anything wrong. 4 BOARD MEMBER MURADO: I would like to ask 5 a question. 6 MR. MESTRE: Yes. 7 BOARD MEMBER MURADO: Do I address it to 8 Madame Chair? 9 CHAIRPERSON PINON: Sure. 10 BOARD MEMBER MURADO: Who filed the 11 complaint? Do you have this complaint? 12 MR. MESTRE: I don't know. 13 BOARD MEMBER MURADO: Well, then if you 14 filed it -- 15 MR. MESTRE: I have -- 16 BOARD MEMBER MURADO: -- in what capacity? 17 Who -- who -- 18 MR. MESTRE: I received -- 19 BOARD MEMBER MURADO: Who sees it? 20 MR. MESTRE: I -- 21 BOARD MEMBER MURADO: How did you find out 22 about it? 23 MR. MESTRE: I received -- 24 BOARD MEMBER MURADO: Who filed it? 25 MR. MESTRE: I received a communication	Page 18 1 telling me that it was filed and it was sent to 2 the City Attorney's Office and to the Clerk's 3 Office. That's -- that's the information that 4 I know. 5 BOARD MEMBER MURADO: Did you see a copy 6 of the complaint? 7 MR. MESTRE: I have not seen the it, 8 though. 9 CHAIRPERSON PINON: I don't have it 10 either. 11 BOARD MEMBER MURADO: Who told you there 12 was a complaint then? 13 MR. MESTRE: I can't answer that. 14 BOARD MEMBER MURADO: You can't say it? 15 MR. MESTRE: No. 16 CHAIRPERSON PINON: Or you won't. 17 BOARD MEMBER MURADO: Okay. 18 CHAIRPERSON PINON: Come on -- 19 BOARD MEMBER MURADO: So you -- so you 20 can't say it? 21 CHAIRPERSON PINON: Or you won't. 22 MR. MESTRE: I received a communication 23 telling me that it was filed. That's all I can 24 say regarding that. 25 BOARD MEMBER MURADO: Okay. So you
Page 19 1 received a communication. 2 MR. MESTRE: And I have not seen it. 3 BOARD MEMBER MURADO: And where was the 4 ethics complaint filed? With what government 5 entity? 6 MR. MESTRE: By definition I guess it's 7 the Commission on Ethics. 8 BOARD MEMBER MURADO: The Commission on 9 Ethics with Miami-Dade County -- 10 MR. MESTRE: Correct. 11 BOARD MEMBER MURADO: -- or the City -- 12 MR. MESTRE: I believe so. 13 BOARD MEMBER MURADO: You believe so? 14 MR. MESTRE: Yes. As I said I haven't 15 seen it. 16 BOARD MEMBER MURADO: All right. Well, if 17 you haven't seen it -- Mr. City Attorney, may I 18 ask you a question or do I have to go through 19 the -- 20 CHAIRPERSON PINON: No. 21 BOARD MEMBER MURADO: Okay. Sir, have you 22 received a copy of any ethics complaint filed 23 with the Miami-Dade County Ethics Commission? 24 ASSISTANT CITY ATTORNEY FRIEDMAN: I have 25 not. My understanding is that there has been	Page 20 1 one filed, but I don't believe that our office 2 has had time to review that or really digest it 3 in any way. 4 CHAIRPERSON PINON: You know -- 5 BOARD MEMBER MURADO: Well, I would 6 like -- 7 CHAIRPERSON PINON: I am really offended. 8 BOARD MEMBER MURADO: -- to know -- 9 CHAIRPERSON PINON: I am really offended. 10 BOARD MEMBER MURADO: -- who filed it if 11 there is an ethics complaint. And if you found 12 out that there is something to your knowledge, 13 then if you have knowledge then I would like to 14 know what that knowledge is. 15 Is it a document? Is it somebody that 16 said something? 17 CHAIRPERSON PINON: I am really offended. 18 I really am offended; really beyond, beyond. 19 BOARD MEMBER MURADO: Are you taking a 20 break? 21 CHAIRPERSON PINON: No. I am leaving. 22 BOARD MEMBER MURADO: Okay. Procedurally 23 now, what happens? 24 ASSISTANT CITY ATTORNEY FRIEDMAN: Do we 25 have a Vice Chair for this Committee?

Page 21 1 ZONING ADMINISTRATOR REDILA: I don't 2 think we have a Vice Chair. 3 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 4 Would the Board like to appoint a Vice Chair 5 at -- 6 ZONING ADMINISTRATOR REDILA: Hold on. 7 ASSISTANT CITY ATTORNEY FRIEDMAN: -- 8 this -- 9 ZONING ADMINISTRATOR REDILA: Hold on. 10 Hold on. Let me check. 11 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 12 ZONING ADMINISTRATOR REDILA: Because we 13 have new Board members. So let me check. 14 ASSISTANT CITY ATTORNEY FRIEDMAN: 15 Typically in the -- in the absence of the Chair 16 the Vice Chair would -- would run the meeting. 17 BOARD MEMBER MURADO: I do have a question 18 for the City Attorney while the Zoning 19 Department reviews if there is a Vice Chair. 20 ZONING ADMINISTRATOR REDILA: I am 21 thinking it was Mr. Arrizurieta. 22 BOARD MEMBER MURADO: And he is not here. 23 And who was he appointed by? 24 He was here for the September ninth 25 meeting. And he is not on the list --	Page 22 1 ASSISTANT CITY ATTORNEY FRIEDMAN: He -- 2 he is -- 3 BOARD MEMBER MURADO: -- of people on the 4 agenda that are before -- that are part of the 5 Board of Adjustment today. 6 ASSISTANT CITY ATTORNEY FRIEDMAN: He is 7 no longer on the Board of Adjustment. 8 BOARD MEMBER MURADO: Who appointed him, 9 please, Mr. City Attorney? 10 ZONING ADMINISTRATOR REDILA: Mayor Lago. 11 He was Mayor Lago's appointment. 12 BOARD MEMBER MURADO: And did he resign 13 from his position? 14 ZONING ADMINISTRATOR REDILA: I don't 15 think so. I am not sure. It -- 16 BOARD MEMBER MURADO: Well, we have a new 17 appointment from Mr. Lago -- from our Mayor; I 18 believe Nicolas Cabrera. 19 So I would like to know what were the 20 circumstances behind the other member not being 21 here today? 22 ASSISTANT CITY ATTORNEY FRIEDMAN: Well, 23 it was -- 24 BOARD MEMBER MURADO: Did he resign? 25 ASSISTANT CITY ATTORNEY FRIEDMAN: At this
Page 23 1 point the -- the Board -- the Board should 2 really appoint a new Chair -- appoint a Vice 3 Chair so that this meeting can continue with 4 some order. 5 BOARD MEMBER MURADO: I understand, but I 6 do have a question as to why he is no longer 7 here. 8 Why is he not a Board Member? I am just 9 curious if you know the answer to that. 10 BOARD MEMBER CABRERA: I -- I don't know 11 if that's relevant to what we are trying to do 12 here. 13 BOARD MEMBER MURADO: I think it is 14 relevant. Because you were recently appointed 15 just like I was. 16 BOARD MEMBER PEREZ: Why -- absolutely. 17 BOARD MEMBER CABRERA: And -- 18 BOARD MEMBER PEREZ: Why -- why would it 19 be relevant if he is here or not? I believe he 20 was -- 21 BOARD MEMBER CABRERA: Are their term -- 22 are their term -- 23 BOARD MEMBER MURADO: It expired in 2025, 24 May thirty-first. 25 BOARD MEMBER PEREZ: I believe he may have	Page 24 1 been termed out already. 2 ASSISTANT CITY ATTORNEY FRIEDMAN: There 3 are -- 4 BOARD MEMBER PEREZ: I believe he has 5 on -- 6 ASSISTANT CITY ATTORNEY FRIEDMAN: There 7 are -- 8 BOARD MEMBER PEREZ: -- this Board for a 9 long time. 10 ASSISTANT CITY ATTORNEY FRIEDMAN: There 11 are also requirements for each Board Member. 12 And so it may be that he no longer met the 13 requirements. I am not a hundred percent sure 14 on that. I would have to ask the Clerk's 15 Office. 16 BOARD MEMBER MURADO: But I believe I have 17 a right to ask my questions. 18 BOARD MEMBER PEREZ: Oh. 19 ASSISTANT CITY ATTORNEY FRIEDMAN: 20 Absolutely. 21 BOARD MEMBER MURADO: Thank you. 22 BOARD MEMBER PEREZ: Of course, you -- but 23 like there is a way of asking not being so 24 hostile. 25 BOARD MEMBER MURADO: I don't think I

Page 25 1 am -- 2 ZONING ADMINISTRATOR REDILA: I just 3 received this -- 4 BOARD MEMBER MURADO: -- being hostile. 5 ZONING ADMINISTRATOR REDILA: I just 6 received this information from the City Clerk 7 that I have two new members: Ms. Murado and 8 Mr. Cabrera. 9 BOARD MEMBER MURADO: Okay. 10 ASSISTANT CITY ATTORNEY FRIEDMAN: So at 11 this points I -- I think it would be prudent 12 for the Board to appoint a Vice Chair who can 13 act in the absence of the Chair. 14 BOARD MEMBER MURADO: I -- I have a 15 question before we appoint the Vice Chair 16 and -- 17 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 18 BOARD MEMBER MURADO: -- it's procedural. 19 And I am sorry if Mr. Perez thinks that I am 20 speaking hostile. I don't think -- 21 BOARD MEMBER PEREZ: Well, I mean, listen. 22 You are -- 23 BOARD MEMBER MURADO: -- I am. 24 BOARD MEMBER PEREZ: You are -- you just 25 got here.	Page 26 1 BOARD MEMBER MURADO: Right. 2 BOARD MEMBER PEREZ: There is a way of 3 asking things in a certain manner. And I don't 4 appreciate the way your tone is talking thus 5 far being a new member. You are -- you are 6 free to talk and ask as many questions as you 7 want. 8 But there is a way of framing and asking 9 things that I personally feel you are coming 10 out here in a manner that many up here aren't 11 appreciating. 12 So it's Monday morning. It's a beautiful 13 morning. Take it easy. 14 BOARD MEMBER MURADO: It is a beautiful 15 morn. And I am sorry that you are taking this 16 personally. 17 BOARD MEMBER PEREZ: I -- I am not -- 18 BOARD MEMBER MURADO: Because it is 19 personal -- 20 BOARD MEMBER PEREZ: I am not taking it 21 personal. The last thing -- 22 BOARD MEMBER MURADO: You just said 23 you did. 24 BOARD MEMBER PEREZ: I want here is you 25 come out here for the first morning -- for the
Page 27 1 first time and start throwing bad ends at us. 2 There is a way of asking things. Just calm 3 down. 4 BOARD MEMBER MURADO: I think I am really 5 calm. 6 BOARD MEMBER PEREZ: No. I don't think 7 you are. 8 BOARD MEMBER MURADO: Okay. 9 BOARD MEMBER PEREZ: So what was your 10 question? 11 BOARD MEMBER MURADO: I think you answered 12 it. 13 BOARD MEMBER PEREZ: What is your 14 question? 15 BOARD MEMBER MURADO: That it didn't 16 matter. I want to know the circumstances under 17 which our -- 18 BOARD MEMBER PEREZ: And I think 19 everybody -- 20 BOARD MEMBER MURADO: -- previous Board 21 Member -- 22 BOARD MEMBER PEREZ: Everybody up here 23 already stated that we don't know. 24 BOARD MEMBER MURADO: Okay. 25 BOARD MEMBER PEREZ: He already --	Page 28 1 BOARD MEMBER MURADO: Thank you. 2 BOARD MEMBER PEREZ: He already stated 3 that the matter is that without us knowing we 4 don't know why George isn't up here anymore. 5 He may have moved from the City. 6 Who knows? 7 BOARD MEMBER MURADO: I understand that. 8 But I believe that I have a right to find out. 9 And as a Board of Adjustment Member regardless 10 of what date I am here my responsibilities I 11 take very seriously. 12 BOARD MEMBER PEREZ: You see how -- 13 You see how nice your tone is now? How 14 nice it is? 15 BOARD MEMBER MURADO: I don't think my 16 tone has changed. But if you believe that, 17 with all due respect, my tone is not personal 18 and it is not a personal attack. It has not 19 been directed at you or anyone on this Board, 20 sir. 21 And I do have a question for the City 22 Attorney now -- 23 ASSISTANT CITY ATTORNEY FRIEDMAN: Yes, 24 ma'am. 25 BOARD MEMBER MURADO: -- with respect to

Page 29 1 proceeding. 2 Procedurally if Ms. Pinon who is our Chair 3 said that she was present and left, how is her 4 vote going to be considered or not? 5 ASSISTANT CITY ATTORNEY FRIEDMAN: If -- 6 if she is not present, she can't vote. So she 7 would not be considered present. In -- in this 8 case I think that it -- 9 You know, the Board's action right now 10 should be to appoint a Vice Chair. And that 11 Vice Chair would not just be for this meeting. 12 It would be for all future meetings throughout 13 the term or until the Board chooses to appoint 14 a new Vice Chair. 15 And that person could run the meeting in 16 the absence of the Chair. And that's -- that's 17 best practice. And that is I believe if -- if 18 that was the -- the prior -- it just seems that 19 our Vice Chair was -- is no longer on the Board 20 so -- for whatever reason. 21 But at this point that's -- that's the 22 next course of action that -- that I will 23 advise. So if someone has a motion or would 24 like to make a motion to appoint someone Vice 25 Chair, the Board can vote on that. And then	Page 30 1 that person would be responsible for running 2 the meeting. 3 BOARD MEMBER MURADO: Thank you. 4 BOARD MEMBER PEREZ: So my -- my question 5 would be from a seniority perspective who has 6 been here the longest? I -- I have been here 7 since September. 8 I know you just started and you just 9 started. So that will be between Gus and -- 10 ZONING ADMINISTRATOR REDILA: Eugene. 11 BOARD MEMBER PEREZ: -- Eugene. 12 BOARD MEMBER WOLMAN: I defer to -- 13 BOARD MEMBER PEREZ: Not -- 14 BOARD MEMBER WOLMAN: -- experience. 15 BOARD MEMBER PEREZ: Not to put you guys 16 on the spot, but my recommendation, again, from 17 a pure -- 18 BOARD MEMBER WOLMAN: No. 19 BOARD MEMBER PEREZ: -- from a pure 20 seniority perspective, I mean that will be my 21 recommendation. 22 BOARD MEMBER WOLMAN: He is closest to the 23 gavel. 24 BOARD MEMBER PEREZ: That would be my 25 recommendation.
Page 31 1 ASSISTANT CITY ATTORNEY FRIEDMAN: Both -- 2 both Mr. Wolman and Mr. Perez have served two 3 terms on the Board -- on this Board. Gustave 4 Perez and Eugene Wolman in terms of seniority 5 those would be the -- the most senior 6 individuals. 7 If someone would like to move to appoint 8 one of the individuals as Vice Chair and then 9 the Board can vote or whomever. It's up to you 10 all. 11 BOARD MEMBER PEREZ: So I -- I would move 12 to -- to -- to appoint Gustave Perez. 13 BOARD MEMBER WOLMAN: I will second. 14 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 15 ZONING ADMINISTRATOR REDILA: Do I call 16 roll? 17 ASSISTANT CITY ATTORNEY FRIEDMAN: Yeah. 18 ZONING ADMINISTRATOR REDILA: Mr. Cabrera. 19 BOARD MEMBER CABRERA: Yes. 20 ZONING ADMINISTRATOR REDILA: Ms. Murado. 21 BOARD MEMBER MURADO: Yes. 22 ZONING ADMINISTRATOR REDILA: Mr. Perez. 23 BOARD MEMBER PEREZ: Yes. 24 ZONING ADMINISTRATOR REDILA: Mr. Wolman. 25 BOARD MEMBER WOLMAN: Yes.	Page 32 1 ZONING ADMINISTRATOR REDILA: Mr. Gustave 2 Perez. 3 VICE CHAIRPERSON PEREZ: Yes. 4 ZONING ADMINISTRATOR REDILA: Okay. 5 VICE CHAIRPERSON PEREZ: Thank you. 6 ASSISTANT CITY ATTORNEY FRIEDMAN: So, 7 Mr. Perez, you can -- you can take the -- the 8 gavel and the -- you -- and it's -- it's your 9 meeting, sir. 10 VICE CHAIRPERSON PEREZ: Is this working? 11 BOARD MEMBER MURADO: I think -- 12 VICE CHAIRPERSON PEREZ: Is the mic 13 working? Yeah. Okay. 14 ZONING ADMINISTRATOR REDILA: I was just 15 informed that the previous Board Member was 16 replaced by Mr. Nicolas Cabrera is no longer 17 a -- 18 VICE CHAIRPERSON PEREZ: Thank you. 19 THE COURT REPORTER: Of course. 20 ZONING ADMINISTRATOR REDILA: -- resident 21 of Coral Gables. That's what I -- 22 BOARD MEMBER MURADO: Thank you for 23 answering that. 24 ZONING ADMINISTRATOR REDILA: So let's 25 proceed with the presentation of the Applicant.

Page 33 1 MR. MESTRE: Thank you. Good morning, 2 again. 3 This item is a property located at 5200 4 San Amaro Drive, Coral Gables. It's a corner 5 that's located directly across the street from 6 the University of Miami. 7 Here you will see some pictures regarding 8 the property. The owners of the house are 9 Vince and Olga Lago. They have two small 10 daughters. 11 They purchased this house in 2011. What's 12 important here is that there was no changes 13 made by them to the structure of the house. 14 The back yard, the -- the deck, the pool, none 15 of that area has been changed by them at all. 16 They ask for by them today is to reduce a 17 north side setback from fifteen feet to ten 18 feet in order to allow them to place a gazebo 19 on the property. 20 You see here this is a photograph 21 depicting the back yard. The one on the right 22 is facing northeast. This is the northeast 23 corner of their back yard. 24 The overlay -- that little orange overlay 25 is where the gazebo would be placed. You can	Page 34 1 see the one on the left is a photograph facing 2 northeast. The other one is northwest. This 3 is northeast showing where the gazebo would be 4 located. 5 This is what the gazebo will look like. 6 It's a very simple structure with a little 7 kitchen and a sitting area; nothing 8 extravagant. 9 In order to grant a variance the City Code 10 has eight different standards that have to be 11 met. Of those eight standards Staff has agreed 12 that we meet four of them. 13 That there is no special privilege that 14 would be given to these owners if this is 15 granted; that it will not change the use to one 16 that's not permitted; that it will not be 17 granting -- it will be granting something in 18 harmony with the Code and not detrimental to 19 public welfare and No. 8 that we agree is not 20 applicable. 21 So those four are already met according to 22 Staff. It's the next four that we have a 23 disagreement on. The first one, No. 1, is that 24 special conditions or circumstances exist 25 peculiar to this land.
Page 35 1 And this is why I am telling you that it's 2 important to note that since 2011 when the 3 Lagos purchased this property no changes have 4 been made to the back yard structure at all. 5 If you see here you will see where on the 6 left side of the photograph it says proposed 7 gazebo. You see it -- going in there you see 8 the deck and you see the pool. 9 On the bottom which is the south side of 10 the house, there is a -- a room that extends 11 into the back yard. So this back yard doesn't 12 have a normal -- a rectangular back yard as 13 most -- as a lot of the properties do. 14 You will see that there is no space there 15 on the south side of the pool to do it. There 16 is no space on the left side of the pool which 17 is the east side of the back yard to put the 18 gazebo. 19 So we are left -- on the right-hand side 20 is where the house is. So obviously we can't 21 put it there. So the alternative is which they 22 are proposing is to put it on the north side of 23 the property. 24 You will see that there is an area between 25 the gazebo and -- and the edge of the pool --	Page 36 1 the north edge of the pool which is what they 2 are trying to maximize. 3 They are trying to maximize the usable 4 space in this back yard. So being as there is 5 no other alternative than to put it on the 6 north side we believe that there is special 7 conditions and circumstances peculiar to this 8 property that do not exist on -- 9 No. 2 is that the special conditions and 10 circumstances are not the result of actions of 11 the Applicant. 12 Again, this is where I told you back yard 13 is in the same configuration. The structure of 14 the house is in the same configuration. The 15 deck is in the same configuration. The pool is 16 in the same configuration. Nothing has been 17 changed by the Lagos on this property to create 18 this issue. 19 No. 4 of your Code says that the literal 20 interpretation of the Code will deprive the 21 Lagos of rights commonly enjoyed by other 22 properties. 23 Here it's obviously common sense that 24 there are other properties that have gazebo. 25 And really they ask here is for a five foot

Page 37 1 difference. 2 To them that five foot represents an extra 3 140 feet of deck space for their two little 4 girls to be able to play. 5 To them it's the difference between being 6 able to put a dollhouse up there or if we have 7 to put the five feet behind the gazebo now it's 8 just dead space. It's behind their. Nobody is 9 going to use. It's just a waste of space on 10 their property. 11 And the last standard is that the variance 12 is the minimum variance to make possible the 13 use of the land, building, structure. As I 14 said before if this variance is granted, they 15 will be able to use the space for their girls 16 and for their deck. 17 If it is not, it's going to be dead space 18 somewhere behind a possibly another gazebo that 19 they -- they come up with. As I said it's only 20 five feet. It's not a huge thing. 21 Last time I handed out copies of this 22 petition. My understanding is that you have 23 not been given this. So I only have two, but I 24 would like to pass them around if possible. 25 ZONING ADMINISTRATOR REDILA: It -- it was	Page 38 1 part of the record. It is posted online. If 2 it is the same thing the neighbors -- 3 MR. MESTRE: Yeah. It's the same one. 4 ZONING ADMINISTRATOR REDILA: -- the 5 neighbors signed? 6 MR. MESTRE: Yes. It's the same letter. 7 So I -- I just want to make sure that you 8 have it. These are the signatures of the 9 neighbors to this property. Every single 10 adjoining member, people that will have on the 11 side, people on the other side, people 12 behind -- everyone has signed this petition 13 saying that it is okay to approve this. That 14 it is not -- they are not against it. They 15 are -- they are for it. 16 BOARD MEMBER MURADO: May I ask a 17 question? 18 MR. MESTRE: Yes. 19 BOARD MEMBER MURADO: Of those that have 20 signed the petition are they all the 21 homeowners -- 22 MR. MESTRE: Yes, they have. 23 BOARD MEMBER MURADO: -- have owned the 24 property? 25 MR. MESTRE: Yes, ma'am.
Page 39 1 BOARD MEMBER MURADO: Does Anthony Dau own 2 property behind 5200 San Amaro Drive? 3 MR. MESTRE: I don't know if it's on 4 there, but I know that it was signed by the 5 people -- my -- my understanding was that it 6 was the homeowners. 7 BOARD MEMBER MURADO: Your -- 8 MR. MESTRE: That's -- 9 BOARD MEMBER MURADO: Your understanding 10 is that it's -- Anthony Dau is the homeowner? 11 MR. MESTRE: I don't know who the 12 homeowner is. I don't know. 13 BOARD MEMBER MURADO: Well, you just said 14 that the people that signed are the 15 homeowners -- the property owners. 16 MR. MESTRE: That is my understanding. 17 But it -- it's not -- it sounds like you may 18 have other information so I don't want to guess 19 or -- or say something that's wrong. 20 BOARD MEMBER MURADO: According to the 21 Miami-Dade Property Appraisal Anthony Dau is 22 not the owner of the property. He is the one 23 directly behind San Amaro. 24 His mailing address is in California. And 25 he lives -- his physical address is in Biscayne	Page 40 1 Boulevard. And I have a copy of that if you 2 would like. I just want to put it on the 3 record -- 4 BOARD MEMBER CABRERA: Okay. 5 BOARD MEMBER MURADO: -- to be clear. 6 MR. MESTRE: Understood. Thank you. 7 These are photographs of the outside of 8 the property facing where the gazebo would be. 9 It would be behind these bushes right here. 10 All the photographs showing -- depicting the 11 same thing. 12 So as Staff told you we were here before 13 back in September. There was a motion to 14 approve it. It was voted three in favor, one 15 against. 16 So we respectfully ask you today to 17 recommend approval of this property. I would 18 be happy to answer any questions that you may 19 have. 20 Is Staff going to present? 21 ZONING ADMINISTRATOR REDILA: Mr. Chair. 22 ASSISTANT CITY ATTORNEY FRIEDMAN: 23 Mr. Chair, would you like Staff to begin the 24 presentation? 25 VICE CHAIRPERSON PEREZ: I didn't hear

Page 41 1 you. I am sorry. 2 ASSISTANT CITY ATTORNEY FRIEDMAN: I said 3 would -- would you like Staff to begin their 4 presentation? 5 VICE CHAIRPERSON PEREZ: I didn't bring my 6 hearing aids and I don't hear well. So I 7 couldn't -- 8 BOARD MEMBER PEREZ: Do you want Staff to 9 start the recommendation -- 10 VICE CHAIRPERSON PEREZ: Yes. 11 BOARD MEMBER PEREZ: -- get the other -- 12 ZONING ADMINISTRATOR REDILA: Yeah. 13 BOARD MEMBER PEREZ: -- the presentation? 14 ASSISTANT CITY ATTORNEY FRIEDMAN: Please 15 -- 16 VICE CHAIRPERSON PEREZ: Yeah. 17 ASSISTANT CITY ATTORNEY FRIEDMAN: Please 18 proceed. 19 ZONING ADMINISTRATOR REDILA: Good morning 20 again. For the record Arceli Redila, Zoning 21 Administrator Development Services. 22 So as the Applicant already stated this is 23 a variance for a gazebo asking ten feet where 24 the required setback is fifteen feet. The 25 subject site is 5200 San Amaro Drive. It is	Page 42 1 approximately eleven thousand square feet. And 2 then it is located in a corner lot as you can 3 see. It is platted east/west which is a 4 different configuration in their section. 5 There is an aerial. There is the gazebo 6 that they are proposing two hundred fifty 7 square feet. Gazebo is considered an accessory 8 structure in single-family home. 9 As already stated the Zoning Code requires 10 it to be 15 feet. And here is what the 11 Applicant is proposing. Ten feet on Urbino 12 Avenue. 13 Staff is not recommending approval of this 14 application. We have worked with the 15 Applicant, have a lot of conversation, have a 16 lot of suggestion. 17 With regards to platting this is in a 18 corner lot. The typical configuration on that 19 north section on San Amaro Drive that Staff 20 does not find that as a special permission. 21 And that the gazebo could be designed in a 22 way where it can put -- be pushed back a little 23 bit to the pool or it could maximize the ten 24 feet setback on the -- towards -- towards the 25 west because the setback there is ten feet.
Page 43 1 The neighbor immediately to the west would 2 be required 25 feet setback because that is 3 their front. In this case the gazebo is 4 required fifteen because here it is considered 5 a side street so ten feet versus 6 twenty-five feet. 7 So Staff does not find that a special 8 condition has -- that it does not meet all the 9 criteria so Staff does not recommend. If you 10 have any question -- 11 BOARD MEMBER PEREZ: I have a question. 12 There is a private wall already installed. 13 Right? 14 ZONING ADMINISTRATOR REDILA: Yes. 15 BOARD MEMBER PEREZ: Technically isn't 16 that a structure? 17 ZONING ADMINISTRATOR REDILA: A wall, 18 fence is -- is considered to -- is allowed to 19 be on property line. 20 BOARD MEMBER PEREZ: But -- 21 ZONING ADMINISTRATOR REDILA: Walls and 22 fences. 23 BOARD MEMBER PEREZ: But a wall is a 24 structure by definition. 25 Right?	Page 44 1 ZONING ADMINISTRATOR REDILA: Yeah. Wall 2 is a structure, but it could be -- 3 BOARD MEMBER PEREZ: So -- 4 ZONING ADMINISTRATOR REDILA: It's 5 actually -- 6 BOARD MEMBER PEREZ: -- at -- 7 ZONING ADMINISTRATOR REDILA: -- required 8 if you have a pool that is visible on the -- on 9 the street it is required to have a four foot 10 wall. 11 BOARD MEMBER PEREZ: So you could bring a 12 structure to the property line if it's a wall? 13 ZONING ADMINISTRATOR REDILA: No. Only 14 wall and fences could be on property line, but 15 not those typical structures that we have. 16 Like a gazebo, a trellis or any extension of 17 the house those needs to be in line -- 18 BOARD MEMBER PEREZ: So -- 19 ZONING ADMINISTRATOR REDILA: -- with 20 the -- 21 BOARD MEMBER PEREZ: So the wall -- 22 ZONING ADMINISTRATOR REDILA: -- required 23 setback. 24 BOARD MEMBER PEREZ: So the wall that's 25 there -- I am not sure it was permitted,

Page 45	Page 46
1 though, way back when. 2 The wall that is currently there is not 3 encroaching? 4 ZONING ADMINISTRATOR REDILA: No. No. 5 Walls and fences could be on property lines. 6 There is no setback for those walls. 7 BOARD MEMBER PEREZ: Okay. 8 ZONING ADMINISTRATOR REDILA: No setback 9 requirements. 10 BOARD MEMBER PEREZ: And so the front -- 11 the front of the home is facing San Amaro. 12 Right? 13 ZONING ADMINISTRATOR REDILA: Yes. 14 BOARD MEMBER PEREZ: So technically they 15 have -- 16 ZONING ADMINISTRATOR REDILA: They have 17 25. 18 BOARD MEMBER PEREZ: They have twenty-five 19 in the front. Their side setback is north and 20 south. And their rear is the west. 21 Correct? 22 ZONING ADMINISTRATOR REDILA: Yes. 23 BOARD MEMBER PEREZ: So right now their 24 other side setback is the -- what's the 25 furthest point to the southern property line?	1 Is that five feet? 2 ZONING ADMINISTRATOR REDILA: Are you 3 talking about this side -- 4 BOARD MEMBER PEREZ: No. No. No. 5 ZONING ADMINISTRATOR REDILA: -- over 6 here? 7 BOARD MEMBER PEREZ: Where -- where it -- 8 where -- where it carves out the most. No. 9 No. Yeah. You are right. Just further -- 10 ZONING ADMINISTRATOR REDILA: Right here? 11 BOARD MEMBER PEREZ: No. No. That little 12 jog. There. 13 ZONING ADMINISTRATOR REDILA: Right here. 14 MR. MESTRE: Looks like six something. 15 ZONING ADMINISTRATOR REDILA: Maybe six, 16 but it is -- it's still considered -- it is 17 still meeting the setback. 18 Because now the setback on the minimum 19 would be fifteen. And then the maximum setback 20 if it had -- side setback requires is 21 20 percent of your -- of your width -- street 22 width. 23 So that's fifteen and they could have five 24 on the south side. That's fine. 25 BOARD MEMBER PEREZ: So they have five on
Page 47	Page 48
1 the southern -- currently right now they have a 2 five foot setback? 3 ZONING ADMINISTRATOR REDILA: On -- based 4 on that, yes. That's -- that's meeting the 5 requirements. It's fine. Because they still 6 took out twenty -- twenty feet. The maximum 7 you could have for side setbacks is ten feet. 8 BOARD MEMBER PEREZ: The maximum is 9 twenty? 10 ZONING ADMINISTRATOR REDILA: Yes. 11 BOARD MEMBER PEREZ: So if they get five 12 and ten, that's fifteen. 13 ZONING ADMINISTRATOR REDILA: No. It's -- 14 here is -- here is -- here is 25 and there is 15 5 feet. 16 BOARD MEMBER PEREZ: Yeah. But the -- 17 ZONING ADMINISTRATOR REDILA: They 18 would -- 19 BOARD MEMBER PEREZ: -- the home is 20 existing. That part of the home that jogs 21 out -- 22 ZONING ADMINISTRATOR REDILA: Yes. 23 BOARD MEMBER PEREZ: -- it's -- you told 24 me is five feet. 25 ZONING ADMINISTRATOR REDILA: It could be	1 five if it's -- it could be five -- 2 BOARD MEMBER PEREZ: It could be not. 3 ZONING ADMINISTRATOR REDILA: -- feet. 4 BOARD MEMBER PEREZ: The home -- the home 5 exists if it's there. 6 ZONING ADMINISTRATOR REDILA: Yes. 7 BOARD MEMBER PEREZ: So it's a five foot 8 setback. So if you are telling me that maximum 9 is 20 -- 10 ZONING ADMINISTRATOR REDILA: Yes. 11 BOARD MEMBER PEREZ: -- if I get five plus 12 ten, that's 15. 13 ZONING ADMINISTRATOR REDILA: Yes. 14 BOARD MEMBER PEREZ: They are not 15 surpassing the 20. 16 ZONING ADMINISTRATOR REDILA: Yes. 17 BOARD MEMBER PEREZ: You are not following 18 me. 19 ZONING ADMINISTRATOR REDILA: It's -- this 20 is not the issue that we are talking about. We 21 are not talking about the existing house. We 22 are not touching -- we are not -- 23 BOARD MEMBER PEREZ: I am -- 24 ZONING ADMINISTRATOR REDILA: But you are 25 asking on the --

Page 49 1 BOARD MEMBER PEREZ: I am talking -- 2 ZONING ADMINISTRATOR REDILA: -- existing 3 house -- 4 BOARD MEMBER PEREZ: -- from a -- from a 5 pure planning -- from an esthetic perspective 6 the home has a five foot -- if you are looking 7 at the home from the front. 8 ZONING ADMINISTRATOR REDILA: Okay. From 9 San Amaro Drive -- 10 BOARD MEMBER PEREZ: Correct. 11 ZONING ADMINISTRATOR REDILA: -- looking 12 west? 13 BOARD MEMBER PEREZ: You have a five foot 14 setback to your left. 15 ZONING ADMINISTRATOR REDILA: Okay. 16 BOARD MEMBER PEREZ: You have a ten to 17 your -- your right. 18 ZONING ADMINISTRATOR REDILA: Right now 19 it's 25. 20 BOARD MEMBER PEREZ: But they are -- you 21 are requesting a ten. 22 ZONING ADMINISTRATOR REDILA: For the 23 gazebo. 24 BOARD MEMBER PEREZ: Correct. So -- 25 ZONING ADMINISTRATOR REDILA: For the	Page 50 1 gazebo. 2 BOARD MEMBER PEREZ: -- from a planning 3 perspective even if we grant the ten, wouldn't 4 you say that esthetically it -- it would still 5 look? 6 ZONING ADMINISTRATOR REDILA: The 7 entire -- the entire house going west is -- 8 needs to go by 25 feet. 9 BOARD MEMBER PEREZ: Okay. But we are 10 talking about a side setback. 11 ZONING ADMINISTRATOR REDILA: Okay. 12 BOARD MEMBER PEREZ: We are talking about 13 the side setback to Urbino. 14 ZONING ADMINISTRATOR REDILA: Yes. 15 BOARD MEMBER PEREZ: It's -- that's what 16 we are talking about. 17 ZONING ADMINISTRATOR REDILA: But the 18 requirement is fifteen feet. And they are -- 19 they are providing ten. 20 BOARD MEMBER CABRERA: You -- you are -- 21 you are trying to look at it from an esthetic 22 perspective. 23 BOARD MEMBER PEREZ: Right. 24 BOARD MEMBER CABRERA: Right? 25 BOARD MEMBER PEREZ: Yeah.
Page 51 1 BOARD MEMBER CABRERA: So if you are 2 looking at the house from the front from San 3 Amaro, if you are looking to the left you have 4 five feet. 5 ZONING ADMINISTRATOR REDILA: Yes. 6 BOARD MEMBER CABRERA: With the gazebo if 7 the gazebo is to be approved -- 8 ZONING ADMINISTRATOR REDILA: Uh-huh. 9 BOARD MEMBER CABRERA: -- he is going to 10 have ten esthetically it doesn't look that off. 11 ZONING ADMINISTRATOR REDILA: I am not 12 here for esthetics. I am -- 13 BOARD MEMBER CABRERA: I know that. 14 ZONING ADMINISTRATOR REDILA: -- to go by 15 the criteria -- 16 BOARD MEMBER CABRERA: For -- 17 ZONING ADMINISTRATOR REDILA: -- for -- 18 BOARD MEMBER CABRERA: For our 19 perspectives esthetically -- 20 ZONING ADMINISTRATOR REDILA: That's only 21 why it's approved by -- it went to Board of 22 Architects. But for mine -- 23 BOARD MEMBER PEREZ: And the Board -- 24 ZONING ADMINISTRATOR REDILA: -- it needed 25 to go.	Page 52 1 BOARD MEMBER PEREZ: So this already went 2 to the Board of Architects? 3 ZONING ADMINISTRATOR REDILA: This went to 4 Board of Architects. Yes. 5 BOARD MEMBER PEREZ: And what was the 6 outcome? 7 ZONING ADMINISTRATOR REDILA: They 8 approved it. 9 BOARD MEMBER PEREZ: Okay. 10 ZONING ADMINISTRATOR REDILA: For 11 esthetics purposes. 12 BOARD MEMBER PEREZ: Okay. I am still not 13 following -- because you told me maximum was 14 20. 15 ZONING ADMINISTRATOR REDILA: Yes. 16 Maximum is 20. 17 BOARD MEMBER PEREZ: And we are below 18 twenty. 19 ZONING ADMINISTRATOR REDILA: But -- but 20 on the street side -- they are required to have 21 15 on the street side. 22 BOARD MEMBER PEREZ: So it's -- 23 ZONING ADMINISTRATOR REDILA: If -- 24 BOARD MEMBER PEREZ: So it's not the 25 aggregate. If I -- if I get five, plus ten

Page 53 1 fifteen -- so it's not -- it's not a 2 combination. It's -- it's maximum per side is 3 what you are telling me. 4 ZONING ADMINISTRATOR REDILA: It's -- it's 5 ten, ten, five, fifteen. But on -- if you are 6 on a corner lot and you have a street side 7 regardless of what's on your side you have to 8 abide by the fifteen feet on the street side. 9 That's why we are here. It wouldn't be a 10 variance or if like -- you are just calculating 11 it that way. 12 BOARD MEMBER CABRERA: It -- it applies 13 per side. It's not an addition of all of the 14 sides. 15 ZONING ADMINISTRATOR REDILA: On the -- 16 BOARD MEMBER CABRERA: I understand. 17 ZONING ADMINISTRATOR REDILA: -- street 18 side it's mandatory that you have fifteen. 19 BOARD MEMBER CABRERA: Okay. 20 ZONING ADMINISTRATOR REDILA: Yes. 21 BOARD MEMBER CABRERA: Did that answer 22 your question? 23 BOARD MEMBER PEREZ: Yeah. 24 BOARD MEMBER CABRERA: Okay. 25 BOARD MEMBER MURADO: I have a question.	Page 54 1 What -- what is the standard for granting 2 variance according to our Zoning Code? 3 ZONING ADMINISTRATOR REDILA: As it is -- 4 as it is stated in the Staff's report analysis 5 there are eight criteria that they have to 6 meet. 7 First is that -- 8 BOARD MEMBER MURADO: Great. 9 ZONING ADMINISTRATOR REDILA: -- there is 10 a special condition. The second one is that 11 the special condition does -- do not result 12 from the actions of the Applicant. And No. 3 13 is that granting the variance requested will 14 not confer on the Applicant a special 15 privilege. 16 No. 4 the -- as it is in your Staff 17 report, there are eight. And based on Staff's 18 analysis it does not meet all. It needs to 19 meet all the criteria for it to be. 20 BOARD MEMBER MURADO: According to 14 -- 21 Section 14-207 of the Code -- and correct me if 22 I am wrong Counsel and City Attorney. And it 23 says: "Variances are granted where there are 24 practical difficulties or unnecessary and undue 25 hardship."
Page 55 1 Is that the standard? 2 MR. MESTRE: I am looking at Section 3 14-207 which is the eight standards for 4 variances which are the ones that Staff just -- 5 just spoke about. 6 BOARD MEMBER MURADO: Thank you. 7 VICE CHAIRPERSON PEREZ: I have a 8 question. Out of the eight looking at it I 9 think that the Staff did not recommend it. 10 ZONING ADMINISTRATOR REDILA: Yes. 11 Staff -- 12 VICE CHAIRPERSON PEREZ: Okay. 13 ZONING ADMINISTRATOR REDILA: -- is not 14 recommending -- 15 VICE CHAIRPERSON PEREZ: That was the 16 finding -- 17 ZONING ADMINISTRATOR REDILA: -- approval. 18 VICE CHAIRPERSON PEREZ: -- from the Staff 19 and you don't -- and -- so which is one, two 20 and four is not -- 21 ZONING ADMINISTRATOR REDILA: Yes. 22 VICE CHAIRPERSON PEREZ: -- does not meet 23 that standard. Eight is not applicable. 24 ZONING ADMINISTRATOR REDILA: Yes. 25 VICE CHAIRPERSON PEREZ: Okay. So after	Page 56 1 eight we got seven. And the Staff went no on 2 one, two and three. So we have -- you don't -- 3 we don't -- 4 You don't have a consensus of -- as far as 5 the Staff is concerned. And you -- you did all 6 the paperwork, all the findings that not to 7 approve as I understand it. 8 ZONING ADMINISTRATOR REDILA: Yes. 9 That's -- that's Staff's recommendation. And 10 of course, the Board can always have a 11 discussion based on all the evidence presented 12 to you before today. 13 And the Board can decide. It's just 14 Staff's analysis and recommendation on the 15 application. 16 VICE CHAIRPERSON PEREZ: I know. The 17 Board Members can go against what the Staff 18 recommends or they can go ahead and follow 19 through and not -- not recommend based on the 20 Staff presentation. 21 BOARD MEMBER CABRERA: May I? 22 VICE CHAIRPERSON PEREZ: That's correct? 23 BOARD MEMBER CABRERA: My apologies. Go 24 ahead. I -- I thought you were finished. 25 Continue.

Page 57 1 VICE CHAIRPERSON PEREZ: No. I am 2 finished. I am asking the City Attorney: Is 3 that correct? 4 ASSISTANT CITY ATTORNEY FRIEDMAN: Yes. 5 Yes, sir. The -- the Board has three -- three 6 options: It can grant, it can grant with 7 conditions or it can deny. 8 VICE CHAIRPERSON PEREZ: Okay. Thank you. 9 BOARD MEMBER CABRERA: At the previous 10 meeting this was approved although no action 11 was taken because there was not a super 12 majority is my understanding. 13 ASSISTANT CITY ATTORNEY FRIEDMAN: No 14 action was taken at the previous meeting. 15 BOARD MEMBER CABRERA: Nonetheless, that 16 majority three of the five or the four that 17 were present did approve the item. And in 18 reading the minutes -- let me see because the 19 minutes are here. 20 Mr. Mestre, there were some reasons as to 21 why the placement of the gazebo of where it's 22 being suggested was suggested? 23 Are you able to kind of go over that again 24 for the new members of this Board as to why the 25 gazebo that's being suggested to be placed in	Page 58 1 this area? 2 MR. MESTRE: It's -- it's -- as I said in 3 my presentation it's really the only feasible 4 area. On the east side of the property there 5 is not enough space between the pool and the 6 fence. 7 On the south side of the property is where 8 the -- the house extends. There is not enough 9 space between the house and the fence or the 10 house and the pool. 11 On the east side is where the house is. 12 So there is no place to put it. So the only 13 place that you could put it is on the north 14 side of the pool. 15 So there it becomes an issue of do we try 16 to maximize usable space which would be putting 17 it all together or do we have to cut it up and 18 put part of it behind the gazebo and part of it 19 in front of the gazebo which makes the part 20 behind it totally useless. 21 So it's -- it's the five feet. And as I 22 said before it's an extra one hundred forty 23 feet -- square feet of usable space that they 24 are going to be able to -- to get on this 25 property.
Page 59 1 BOARD MEMBER PEREZ: And -- and I am 2 sorry. If you were to shift it five feet 3 towards the pool if I understood you, that's 4 not allowed. 5 ZONING ADMINISTRATOR REDILA: It's 6 allowed. It's what Staff -- it's what Staff is 7 recommending. 8 BOARD MEMBER PEREZ: Got it. 9 BOARD MEMBER CABRERA: But -- but what he 10 was saying is that that's the five feet that 11 becomes unusable. 12 Is that correct? 13 MR. MESTRE: Yeah. Because then instead 14 of having the five feet of additional deck 15 space, now you are going to have five feet 16 behind the gazebo. 17 So you are going to have a very small 18 space between the wall on the north side and 19 the actual back of the gazebo. 20 VICE CHAIRPERSON PEREZ: Is -- 21 BOARD MEMBER CABRERA: Thank you for 22 the -- 23 VICE CHAIRPERSON PEREZ: Is -- 24 BOARD MEMBER CABRERA: -- clarification. 25 VICE CHAIRPERSON PEREZ: Is the use of the	Page 60 1 swimming pool not allowed because you don't 2 have the gazebo? You have to have a gazebo to 3 use the pool or not? 4 MR. MESTRE: No. They -- they bought the 5 house in 2011. So they use the pool. And 6 the -- 7 VICE CHAIRPERSON PEREZ: Okay. 8 MR. MESTRE: -- pool was there. The deck 9 was there. The back wall was there. The 10 driveway was there. The structure of the house 11 is the same. 12 Just that now they would like to add the 13 gazebo in order to maximize the use of the back 14 yard. 15 VICE CHAIRPERSON PEREZ: Right. So -- 16 MR. MESTRE: They -- they are here. 17 VICE CHAIRPERSON PEREZ: Okay. For their 18 personal use, for the children, whatever. But 19 if the gazebo is not compliant with the current 20 law of the Building and Zoning Department, then 21 due diligence maybe should have been done when 22 they bought the property to find out if they 23 could do this or not. 24 MR. MESTRE: Well, I don't -- I don't -- I 25 don't know. Maybe they were thinking about it.

Page 61 1 Maybe they weren't. But here -- here we are 14 2 years later. 3 VICE CHAIRPERSON PEREZ: Right. 4 MR. MESTRE: And they are coming before 5 you to -- to -- 6 VICE CHAIRPERSON PEREZ: Right. 7 MR. MESTRE: -- to do it the right way. 8 They would like to do -- 9 VICE CHAIRPERSON PEREZ: The thing is it's 10 not here. I was in this Board before like six 11 years. 12 And there is a lot of people that come to 13 request things and we don't issue it. So, you 14 know, needs that are not necessarily have to be 15 met like that is what I am saying. 16 MR. MESTRE: And -- 17 VICE CHAIRPERSON PEREZ: That's my 18 concern. We set a precedent. 19 MR. MESTRE: And -- and -- well, I -- I 20 think the -- the Staff will tell you and I 21 think the City Attorney will tell you. That 22 each -- each request has to stand on its own 23 merits -- 24 VICE CHAIRPERSON PEREZ: Yes. 25 MR. MESTRE: -- not because of somebody	Page 62 1 else. 2 VICE CHAIRPERSON PEREZ: Yes. 3 MR. MESTRE: And regarding the elements, 4 the eight standards the City's position -- 5 Staff's position is that it doesn't comply. 6 Our position is that it does comply -- 7 VICE CHAIRPERSON PEREZ: Right. 8 MR. MESTRE: -- based on what's there now, 9 what we have done and what we are asking. 10 VICE CHAIRPERSON PEREZ: I understand 11 that. The part that I want to make sure is 12 understood is the Staff has done the research. 13 And they come back to with their presentation 14 and they do not believe that this should be 15 granted. 16 MR. MESTRE: Correct. 17 VICE CHAIRPERSON PEREZ: That's what is 18 denied. Otherwise, they would have approved 19 it. So basically that's -- I want to make sure 20 it's understood also. 21 MR. MESTRE: And -- and that's -- that's 22 why you are here. And that's why this Board 23 is -- is so important. And that's -- that's 24 your -- that's your call. 25 I just want you to understand. Because at
Page 63 1 the last hearing I did speak with the person 2 that voted against. And they told me that 3 their position is always that Staff -- they 4 have to follow Staff's recommendation. 5 VICE CHAIRPERSON PEREZ: That's not true. 6 MR. MESTRE: And that's not -- that's not 7 the case. 8 VICE CHAIRPERSON PEREZ: That's not true. 9 We have gone against the Staff more than once 10 six years ago and I think now we have. 11 MR. MESTRE: Correct. 12 VICE CHAIRPERSON PEREZ: So -- 13 MR. MESTRE: That's -- that's your job. 14 That's what you are here for. 15 VICE CHAIRPERSON PEREZ: Right. 16 BOARD MEMBER CABRERA: What's most 17 important to me on this item is Standard No. 7 18 which is the effect to the public welfare. And 19 as per Staff's recommendation it does meet the 20 standard required for authorization of variance 21 based off this standard because it will not be 22 detrimental to the public welfare. Is that 23 correct? 24 ASSISTANT CITY ATTORNEY FRIEDMAN: The -- 25 the -- the standards are taken together. So	Page 64 1 there is -- there are eight standards. And -- 2 BOARD MEMBER CABRERA: Right. 3 ASSISTANT CITY ATTORNEY FRIEDMAN: -- it 4 should meet all eight. As the Chair pointed 5 out this is not a historic property so eight 6 wouldn't apply. So I believe -- I mean, I 7 would defer to Staff on what their 8 recommendation is. 9 ZONING ADMINISTRATOR REDILA: Yes. Those 10 are just one of the recommendation -- those are 11 one of the recommendations. 12 BOARD MEMBER CABRERA: One of the eight. 13 ZONING ADMINISTRATOR REDILA: Yes. 14 BOARD MEMBER CABRERA: Correct. 15 ZONING ADMINISTRATOR REDILA: One of the 16 eight. 17 BOARD MEMBER CABRERA: But I feel like -- 18 and -- and correct me if I am misinterpreting 19 the -- the concept of public welfare. But is 20 this in -- pertinent to only historic 21 structures or to -- 22 ZONING ADMINISTRATOR REDILA: They are for 23 everything. 24 BOARD MEMBER CABRERA: To everything. 25 ZONING ADMINISTRATOR REDILA: Yeah.

Page 65 1 BOARD MEMBER CABRERA: They -- 2 ZONING ADMINISTRATOR REDILA: Gazebos are 3 typically associated with single-family homes. 4 Staff does not find them as detrimental to the 5 public welfare. 6 BOARD MEMBER CABRERA: Oh, I think that's 7 important to -- to take into account here. 8 Because it -- as being an accessory structure 9 it won't harm the public welfare by -- by 10 granting approval. 11 BOARD MEMBER PEREZ: Arceli, I -- I know I 12 last asked about that. I asked last time, 13 but is it possible -- 14 ASSISTANT CITY ATTORNEY FRIEDMAN: Real 15 quick -- 16 BOARD MEMBER PEREZ: Is there a way -- I 17 am sorry. 18 ASSISTANT CITY ATTORNEY FRIEDMAN: Please 19 just make sure you are speaking into the 20 microphone. 21 BOARD MEMBER PEREZ: Oh, sorry. 22 ASSISTANT CITY ATTORNEY FRIEDMAN: So -- 23 BOARD MEMBER PEREZ: I know I asked last 24 time and I don't see it. Is -- if it's 25 possible is there a way to dimension from the	Page 66 1 pool to the edge of the -- the pool deck where 2 the gazebo starts? What -- because he keeps 3 talking about usable area, usable space. 4 What's the square footage of that -- 5 that -- 6 ZONING ADMINISTRATOR REDILA: The -- 7 BOARD MEMBER PEREZ: -- pool deck? I 8 think -- 9 ZONING ADMINISTRATOR REDILA: The 10 Applicant could probably answer that question. 11 BOARD MEMBER PEREZ: There is no dimension 12 for it. 13 MR. MESTRE: No. I don't -- I 14 honestly don't -- I haven't measured that. But 15 what I -- what I did measure was the five feet 16 times the width of -- of the deck. Which I 17 believe that one is in there and it was 140 18 square feet. 19 BOARD MEMBER PEREZ: And I am just asking 20 because if we, you know, split the baby -- 21 what -- two and a half feet and we, you know, 22 shift it south two and a half feet, you know, 23 how much impact is that going to have on -- on 24 that usable area that you -- that you have 25 referenced?
Page 67 1 Because what would their Plan B right now 2 where it's at? Because where the open area is 3 behind the gazebo you have got ten feet. 4 MR. MESTRE: It would be ten feet. 5 Correct. 6 BOARD MEMBER PEREZ: You know, two and a 7 half feet more to the south that will give him 8 12 and a half feet. I mean, I don't know what 9 their intent or their future use would be 10 for -- for that space back there what they want 11 to do: Dollhouse, swing set; you know, 12 something to that. 13 Just -- just trying to understand the 14 whole usable space area. 15 ZONING ADMINISTRATOR REDILA: Mr. Chair, 16 we may have people on the Zoom. Do we have 17 people on Zoom? 18 UNIDENTIFIED SPEAKER: Yes. 19 ASSISTANT CITY ATTORNEY FRIEDMAN: If 20 there is anyone on Zoom who wishes to speak, 21 please raise your hand or -- Mr. Chair, you are 22 ready -- 23 VICE CHAIRPERSON PEREZ: Yes. 24 ASSISTANT CITY ATTORNEY FRIEDMAN: -- for 25 public comment?	Page 68 1 VICE CHAIRPERSON PEREZ: Yes. 2 ASSISTANT CITY ATTORNEY FRIEDMAN: Who 3 wish to speak please raise your hand or send a 4 message. 5 And I am not sure if these folks were 6 sworn in. I couldn't see on the screen. So 7 I -- I may ask that each of them be sworn in as 8 well unless someone else -- unless you saw that 9 they were. 10 UNIDENTIFIED SPEAKER: Ms. Maria Cruz -- 11 Maria C. Cruz would like to speak. 12 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 13 UNIDENTIFIED SPEAKER: She is not on mute. 14 ASSISTANT CITY ATTORNEY FRIEDMAN: Mrs. -- 15 Mrs. Cruz, were you sworn in at the beginning? 16 MRS. CRUZ: Yes, I did. 17 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 18 Ma'am, please proceed. 19 MRS. CRUZ: Okay. Once again we are 20 trying to change, codify what the rules are. 21 ZONING ADMINISTRATOR REDILA: Could you, 22 please, state your name and address first? 23 MRS. CRUZ: Oh, I thought he had done it 24 already. My name is Mrs. Maria Cruz. 1447 25 Miller Road. I have been in this home since

Page 69 1 1976. 2 I take very serious any and all neighbors' 3 changes approved because there is a reason for 4 the rules. And when you buy a property you 5 know what you can and cannot do and you should 6 be expected to honor those rules. 7 ASSISTANT CITY ATTORNEY FRIEDMAN: Ms. -- 8 Mrs. Cruz, real quick. I apologize. Can you, 9 please, just turn your camera on to provide -- 10 MRS. CRUZ: I choose -- no. I choose not 11 to turn the camera on. I have asked for sound 12 only. 13 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 14 Please proceed. 15 MRS. CRUZ: All right. So here we go. We 16 have listened to the same presentation that we 17 had before. We brought in the idea of the 18 dollhouse. Well, there was a dollhouse in that 19 property that got a -- 20 If I remember correctly I don't know 21 whether there was a variance or the rules were 22 changed so the dollhouse could be there. I 23 didn't have the time to go and check the 24 rules -- the Code how it went. 25 But I know that it was a very specific	Page 70 1 request that was made and went through so that 2 dollhouse could be there. 3 The dollhouse has been removed. So I 4 don't know why we keep bringing up the 5 dollhouse. It doesn't exist. It's not there. 6 It was beautiful. It was approved, but it's no 7 longer there. 8 And I -- I have serious issues with 9 probably a guilt trip by mentioning the 10 residents of the house. I don't know many 11 children the age of the residents that will be 12 with a dollhouse. So I don't understand why 13 the dollhouse is coming up. 14 You talked -- the attorney talked about 15 there was feasible area. Well, are we saying 16 that the Staff does not know what feasible is? 17 Because the Staff thinks to believe that this 18 should not be approved because it doesn't 19 follow the rules. 20 There is a Code. The Code requires 15 21 feet on the side of the street. I hope you 22 understand that every time rules are changed, 23 the doors are open for other people to ask for 24 the same thing. 25 And pretty soon instead of living in the
Page 71 1 City Beautiful, the City where we follow the 2 rules, we will be called like anybody else in 3 this South Florida that can do whatever they 4 want. 5 I urge you to support the recommendation 6 of the Staff. They are paid to understand the 7 rules. They are the experts. They are 8 professional experts. And they have made it 9 clear. 10 And by the way I think that this whole 11 process is skewed. Because I was watching from 12 the beginning. And the fact is, No. 1, that 13 you took a vote for a Vice Chair when somebody 14 else should have been there to vote. I don't 15 object, but I am just pointing out that we have 16 done everything possible to see if we can swing 17 what we want. 18 Okay. I object very seriously to the way 19 this meeting has been held. I object to 20 being -- assertions being mentioned on the spot 21 like a last minute accusation. 22 And I think that it's time for people that 23 are elected officials to be treated the same as 24 everybody else in this City. 25 If the rules don't allow you to do it, you	Page 72 1 can't do it. If you can do it the right way, 2 do it. And let's not talk about doing it the 3 right way. 4 But what you are doing is pushing in my 5 way or the highway. Thank you very much. 6 ASSISTANT CITY ATTORNEY FRIEDMAN: Is -- 7 is there anyone else from the public online who 8 wishes to comment? If -- if you are, please 9 send a message or raise your hand to move 10 forward. 11 No? 12 VICE CHAIRPERSON PEREZ: Okay. There is 13 no one else? No one -- 14 ASSISTANT CITY ATTORNEY FRIEDMAN: No one 15 else? And no one in the -- in the audience, 16 sir, here today? No. Okay. 17 VICE CHAIRPERSON PEREZ: Okay. 18 BOARD MEMBER PEREZ: Can -- can we go back 19 to No. 1 for a second? 20 ZONING ADMINISTRATOR REDILA: Yes. 21 BOARD MEMBER PEREZ: So, again, we are 22 looking at the north and the south being a 23 side -- 24 ZONING ADMINISTRATOR REDILA: Yes. 25 BOARD MEMBER PEREZ: -- setback.

Page 73 1 ZONING ADMINISTRATOR REDILA: Uh-huh. No. 2 I just want to figure the -- the part when it 3 was nestled here. So the setback on south -- 4 the south side is 6.63; the jagged edge: 6.63. 5 BOARD MEMBER PEREZ: So -- so right now 6 the existing home is -- has a set -- setback on 7 the south of 6.63? 8 ZONING ADMINISTRATOR REDILA: Yes. And 25 9 on the -- and 25 on Urbino Avenue. 10 BOARD MEMBER PEREZ: Okay. So, again, 11 this is -- I wanted -- this is for my 12 knowledge. 13 ZONING ADMINISTRATOR REDILA: Yes. 14 BOARD MEMBER PEREZ: When you are looking 15 at a circumstance of a home that is on a corner 16 like this is -- 17 ZONING ADMINISTRATOR REDILA: Yes. 18 BOARD MEMBER PEREZ: -- what are the side 19 setbacks? 20 ZONING ADMINISTRATOR REDILA: Okay. In 21 this case because it is platted east/west -- 22 two lots plotted east/west you can have -- hold 23 on. 24 In this case since it is plotted 25 east/west, the front would be San Amaro, 25.	Page 74 1 Urbino on the north side would be 15. The rear 2 would be 10 feet. And then on the -- this 3 would be a combination of 20 -- 20 percent of 4 the street width. 5 So say, for example, if this was done in 6 reverse where this has 20 feet on the north 7 side. It would still be required 15 feet on 8 the Urbino side because that is the required 9 setback on Urbino. 10 Even if they have ample space on the south 11 side they would still be required 15. 12 BOARD MEMBER CABRERA: But -- okay. 13 BOARD MEMBER PEREZ: So the six and a half 14 feet is complaint? 15 ZONING ADMINISTRATOR REDILA: Yes. 16 Side -- side setback would be no less than 17 five. No less than five feet. 18 BOARD MEMBER PEREZ: And this one I -- you 19 wouldn't consider a corner lot to be an unusual 20 condition? 21 ZONING ADMINISTRATOR REDILA: Be -- 22 because this is a typical configuration -- it's 23 a typical platted configuration on San Amaro 24 Drive this property going west seventeen all 25 the way three they would have to provide
Page 75 1 twenty-five feet. 2 BOARD MEMBER PEREZ: From the front? 3 ZONING ADMINISTRATOR REDILA: Yes. 4 Twenty-five feet from Urbino. 5 BOARD MEMBER PEREZ: Okay. 6 ZONING ADMINISTRATOR REDILA: And this is 7 only required fifteen. And they are 8 question -- requesting to do ten. All the 9 other properties, same as here, would be 10 required fifteen. 11 This would also be required fifteen, this 12 and this -- 13 BOARD MEMBER PEREZ: So -- 14 ZONING ADMINISTRATOR REDILA: -- all the 15 rest. 16 BOARD MEMBER PEREZ: So when I look at 17 number -- lots one and two on Alhambra Circle 18 and Urbino, do we know what -- what that home 19 looks like from the north? 20 ZONING ADMINISTRATOR REDILA: Lot 20 -- 21 where is it? 22 BOARD MEMBER PEREZ: Lot -- on -- on the 23 book end. So when you look at one and two -- 24 ZONING ADMINISTRATOR REDILA: One and two? 25 BOARD MEMBER PEREZ: Yeah.	Page 76 1 ZONING ADMINISTRATOR REDILA: I -- 2 BOARD MEMBER PEREZ: Have you looked at 3 what that looks like? 4 ZONING ADMINISTRATOR REDILA: I am not 5 sure if it is a combination of one and two. It 6 could be just the two or one. I have -- it's 7 plotted on that side. 8 BOARD MEMBER PEREZ: So listen. I agree 9 with you on the -- on -- I share your sentiment 10 on No. 7. I think No. 1 I -- I think corner 11 lots in the Gables are unusual conditions. So 12 I -- I -- I -- I -- in my personal view I think 13 No. 1 applies because of the corner lot 14 scenario. 15 ZONING ADMINISTRATOR REDILA: Okay. 16 BOARD MEMBER PEREZ: Unfortunately on 17 corner lots, I mean, you get -- you are getting 18 digged from all over. So I think it makes it a 19 hardship in my opinion. 20 BOARD MEMBER CABRERA: I was going to 21 agree with you in that sense that I understand 22 that that is the typical configuration being 23 the corner lot, but it is somewhat peculiar in 24 the sense that had it not been a corner lot the 25 setback would have been ten feet. Is that

Page 77 1 correct? 2 ZONING ADMINISTRATOR REDILA: Yes. If it 3 is -- if it is not a corner lot, it would be 4 ten, ten or five, five regarding -- depends on 5 the -- on the width of the lot. Typical 6 configuration in Coral Gables is five thousand, 7 maybe eight thousand square feet minimum width 8 on the street side. 9 BOARD MEMBER CABRERA: Was that what you 10 were trying to -- 11 BOARD MEMBER PEREZ: Yes. 12 BOARD MEMBER CABRERA: Yeah. I mean, 13 again, I want to reiterate that I understand 14 that it is a typical configuration. But with 15 it being a corner lot it is somewhat peculiar 16 in the sense that other setbacks for properties 17 that are not on a corner lot have a smaller 18 setback. 19 BOARD MEMBER MURADO: I am sorry. 20 Procedurally I would like to ask a question. I 21 don't know -- 22 VICE CHAIRPERSON PEREZ: Yes. 23 BOARD MEMBER MURADO: -- if I am supposed 24 to ask. 25 VICE CHAIRPERSON PEREZ: Yes.	Page 78 1 BOARD MEMBER MURADO: Oh, okay. Thank 2 you. After the public comment assuming there 3 is no more public comment, may I ask some 4 questions of the City Attorney? 5 ASSISTANT CITY ATTORNEY FRIEDMAN: Sure. 6 BOARD MEMBER MURADO: Okay. I will wait 7 till the public comments are closed. Thank 8 you. 9 ASSISTANT CITY ATTORNEY FRIEDMAN: I mean, 10 the -- 11 ZONING ADMINISTRATOR REDILA: I believe 12 the public comments -- 13 ASSISTANT CITY ATTORNEY FRIEDMAN: There 14 was -- 15 ZONING ADMINISTRATOR REDILA: -- are 16 closed. 17 ASSISTANT CITY ATTORNEY FRIEDMAN: There 18 was no one else online or -- or -- or present 19 to make public comment. 20 BOARD MEMBER MURADO: Okay. 21 ASSISTANT CITY ATTORNEY FRIEDMAN: So if 22 you would like to proceed, you may. 23 BOARD MEMBER MURADO: Okay. Thank you. 24 And I know that I am new. I did read the 25 materials that were e-mailed to me by the
Page 79 1 City -- Assistant City Attorney who is present 2 here. 3 And on page 107 of the materials that were 4 in the YouTube -- 5 ASSISTANT CITY ATTORNEY FRIEDMAN: Oh, 6 the -- 7 BOARD MEMBER MURADO: -- video that you 8 sent me a link to -- 9 ASSISTANT CITY ATTORNEY FRIEDMAN: Yeah. 10 BOARD MEMBER MURADO: -- well, everybody. 11 It's the link to who is a Member of the Board 12 of Adjustment. I viewed that before our 13 meeting. 14 And on page 107 of those materials which 15 all Board members are supposed to listen to it 16 has requirements of the quasi-judicial 17 proceedings. 18 Do you have access to those materials or 19 that page, sir? 20 ASSISTANT CITY ATTORNEY FRIEDMAN: I will 21 in one moment. 22 BOARD MEMBER MURADO: Thank you. 23 ASSISTANT CITY ATTORNEY FRIEDMAN: Yes. 24 And -- and just to be clear this is the 25 PowerPoint that is available online. It is the	Page 80 1 City of Coral Gables Biennial Courts and 2 Committees Ethics Training dated September 29, 3 2023; a copy of which was provided to the two 4 new Board Members who were appointed since the 5 September meeting. But all Board Members 6 should receive this as well from -- from either 7 the City Attorney's Office or the City Clerk's 8 Office. 9 BOARD MEMBER MURADO: Okay. If I may 10 request for the benefit of everyone who doesn't 11 have that in front of us, can you please read 12 that requirement of the quasi-judicial 13 proceedings? 14 Because this Board has quasi-judicial 15 powers. If you can please read what I am 16 referring to so that everyone on the Board is 17 familiar with what I am looking at as well as 18 everyone who is listening or watching this 19 meeting, please? 20 ASSISTANT CITY ATTORNEY FRIEDMAN: Sure. 21 You just want to read the slide? 22 BOARD MEMBER MURADO: Yes, please. 23 ASSISTANT CITY ATTORNEY FRIEDMAN: Okay. 24 BOARD MEMBER MURADO: From -- 25 ASSISTANT CITY ATTORNEY FRIEDMAN:

Page 81 1 "Requirements" -- 2 BOARD MEMBER MURADO: From the beginning. 3 ASSISTANT CITY ATTORNEY FRIEDMAN: Yes, 4 ma'am. "Requirements of quasi-judicial 5 proceedings. The Board is sitting like a 6 Judge" -- paren -- "must also consider whether 7 you can be fair and impartial" -- in quotes. 8 "Parties must be provided with, one, 9 notice of the hearing; two, an opportunity to 10 be heard; and, three, when involving zoning the 11 parties must be able to present evidence, cross 12 examine witnesses and be informed of all facts 13 upon which the quasi-judicial body has; four, 14 ex-parte communications are prohibited." 15 BOARD MEMBER MURADO: Thank you. 16 I would follow-up with another question if 17 I am allowed. 18 ASSISTANT CITY ATTORNEY FRIEDMAN: It's 19 the -- if the Chair allows. 20 VICE CHAIRPERSON PEREZ: Yes. Go ahead. 21 BOARD MEMBER MURADO: Thank you. If a 22 member believes that they cannot be fair and 23 impartial or there is the appearance of an 24 impropriety, what must a Board Member do? 25 ASSISTANT CITY ATTORNEY FRIEDMAN: If a	Page 82 1 member does not believe that they can be fair 2 or impartial, then they should state the reason 3 why and they can recuse from that -- from that 4 decision. 5 BOARD MEMBER MURADO: So they would 6 abstain from voting or recuse? 7 ASSISTANT CITY ATTORNEY FRIEDMAN: They -- 8 they -- they would recuse from voting. 9 BOARD MEMBER MURADO: Okay. 10 ASSISTANT CITY ATTORNEY FRIEDMAN: But 11 that is a determination for the Board Member to 12 make. So they need to disclose whatever the 13 ex-parte communication is and then they would 14 need to determine whether or not they believe 15 they can proceed on an impartial and unbiased 16 manner. 17 BOARD MEMBER MURADO: Okay. Is the 18 standard of being fair and impartial based 19 solely if there is an ex-parte communication? 20 ASSISTANT CITY ATTORNEY FRIEDMAN: I -- I 21 don't -- 22 VICE CHAIRPERSON PEREZ: If a -- 23 ASSISTANT CITY ATTORNEY FRIEDMAN: You 24 mean -- 25 VICE CHAIRPERSON PEREZ: I have been
Page 83 1 through that -- that process before. And if 2 it's believed that there is an issue basically 3 with the Board Member, then the Board Member 4 would say what it is: "I don't feel that I can 5 be partial -- or I feel I can be partial." 6 But in -- in the extreme case what I -- 7 what I did which was is you excuse yourself, go 8 outside, let the meeting take place, let the 9 votes take place and you finish and don't -- 10 then you come back inside and continue the 11 meeting. 12 Because -- 13 BOARD MEMBER MURADO: Okay. 14 VICE CHAIRPERSON PEREZ: -- we should not 15 taint the proceedings because someone believes 16 that he might have conflict or he might not 17 have conflict. 18 ASSISTANT CITY ATTORNEY FRIEDMAN: And -- 19 BOARD MEMBER MURADO: Okay. 20 ASSISTANT CITY ATTORNEY FRIEDMAN: -- may 21 I? And, Mr. Chair, if I may. 22 VICE CHAIRPERSON PEREZ: Yes. 23 ASSISTANT CITY ATTORNEY FRIEDMAN: We 24 typically don't deal with these as 25 hypotheticals. But if you have a question or a	Page 84 1 concern or something of that nature, you are 2 always welcome to ask. And we can step out -- 3 we can ask for a recess and step outside and 4 discuss it as to a specific -- 5 BOARD MEMBER MURADO: A recess -- a 6 recess outside. And who would I ask my 7 question to? 8 ASSISTANT CITY ATTORNEY FRIEDMAN: If -- 9 if you believe that you have -- 10 BOARD MEMBER MURADO: I don't believe that 11 I have. 12 ASSISTANT CITY ATTORNEY FRIEDMAN: Oh, 13 okay. 14 BOARD MEMBER MURADO: No. Because I -- if 15 I did believe that I had a conflict of interest 16 or I could not be fair and impartial I would 17 say so at the very beginning of this meeting 18 immediately. 19 So my concern with all due respect and as 20 Mr. Perez says this is my first day and I just 21 got appointed, but I have do have a 22 responsibility and I take it seriously. 23 I have a concern with one of the Board 24 Members and being fair and impartial. So can I 25 bring that up?

Page 85 1 ASSISTANT CITY ATTORNEY FRIEDMAN: I -- 2 each -- each Board Member sitting here today 3 has been asked whether or not they have 4 anything to disclose or if they have any issue 5 that would render them impartial -- not 6 impartial or unable to render a decision. 7 That -- the question of whether there is 8 an issue with the Board Member's ability to 9 vote is typically one that is specific to the 10 Board Member. 11 So we do not, for instance, render 12 opinions on whether -- you know -- you believe 13 another Board Member may or may not have, you 14 know, an -- an issue of impartiality. But I 15 defer to the Chair on -- on -- 16 VICE CHAIRPERSON PEREZ: Right. If every 17 Board Member that's sitting here if one 18 believed that: "I have a -- a problem 19 relationship," it's their duty to come out and 20 say it. 21 And then the Board would decide if that 22 individual can vote or not. But the thing is 23 if -- if it's believed that there is a conflict 24 to go outside and get out of the meeting. Let 25 the hearing proceed and then you come back	Page 86 1 inside and do whatever. 2 ASSISTANT CITY ATTORNEY FRIEDMAN: But -- 3 VICE CHAIRPERSON PEREZ: And -- 4 ASSISTANT CITY ATTORNEY FRIEDMAN: And 5 directly -- 6 VICE CHAIRPERSON PEREZ: -- there is no 7 way -- it is asked verbatim if anyone has any 8 problem, any issues, any beliefs they do and 9 people will say no. 10 Now if during the duration it finds out 11 that one of the Board Members has got a -- an 12 issue because -- then he should bring it up 13 and -- on the open. And then we take vote on 14 it. 15 I don't know if I answered your question. 16 BOARD MEMBER MURADO: You answered my 17 question. And it's -- it sounds like it's in 18 contrary to what the City Attorney says. So -- 19 ASSISTANT CITY ATTORNEY FRIEDMAN: No. 20 It's -- it's a personal -- it is personal to 21 the Board Member. The Board Member is 22 responsible for determining whether or not they 23 can remain unbiased in determining whether or 24 not to approve the variance or deny the 25 variance or participate in the deliberations.
Page 87 1 So as we are all sitting here like you 2 said at the beginning, you know, you would 3 disclose that you would not be able to be -- 4 you know -- fair and impartial. 5 And my understanding is that everyone 6 sitting here has already made that 7 determination as well. 8 BOARD MEMBER MURADO: And if there is the 9 appearance of a conflict of interest, does 10 somebody have the responsibility to say that 11 or -- 12 Because I do have a concern. 13 ASSISTANT CITY ATTORNEY FRIEDMAN: An 14 appearance -- 15 BOARD MEMBER MURADO: And I guess I 16 have -- 17 VICE CHAIRPERSON PEREZ: You -- 18 BOARD MEMBER MURADO: -- to keep it to 19 myself. 20 VICE CHAIRPERSON PEREZ: You should say it 21 if the person you are thinking has an issue or 22 problem, come -- come out and say it in that 23 case. 24 I -- I had an issue. My son is an 25 attorney. My other son is an attorney. My	Page 88 1 other one is an attorney. And the guy that 2 came over here -- and I didn't know that -- I 3 found out that my son had an issue on that. So 4 I said: "Hey. I -- I don't -- just in 5 case" -- 6 BOARD MEMBER MURADO: Right. 7 VICE CHAIRPERSON PEREZ: -- "I don't know 8 that I can be really formal." 9 And then I got to face my wife, I have 10 been married 62 years, that I voted against my 11 son. That's not an issue that I want to hear. 12 So, you know, I excused myself, go outside and 13 have a drink of water and then come back 14 inside. 15 ASSISTANT CITY ATTORNEY FRIEDMAN: If -- 16 if I may, Mr. Vice Chair. 17 You know, before the Board is an 18 application. Right? And this is a -- as you 19 stated this is quasi-judicial hearing. And so 20 anything that the Board does should be based 21 upon the evidence presented here and the 22 standards that you are required to apply. 23 And so really that's the -- the four 24 corners of -- of what we are looking at. It's 25 the Board Member's responsibility to make the

Page 89 1 determination as to whether or not they can 2 remain fair and impartial and unbiased in -- in 3 reviewing this application. 4 BOARD MEMBER MURADO: I -- 5 ASSISTANT CITY ATTORNEY FRIEDMAN: And 6 so -- go ahead, ma'am. 7 BOARD MEMBER MURADO: I -- I have a 8 question. Now the question to me is whether 9 you can be fair and impartial with respect to 10 the eight points delineated in the Zoning Code 11 and one thing is whether you can be fair and 12 impartial with respect to who the homeowners 13 are. 14 I think there is a difference. 15 ASSISTANT CITY ATTORNEY FRIEDMAN: Again, 16 it -- 17 VICE CHAIRPERSON PEREZ: It's not supposed 18 to. 19 ASSISTANT CITY ATTORNEY FRIEDMAN: That 20 doesn't change -- this application should be 21 heard like any other application. So if -- 22 if -- if the Board believes that it meets the 23 standards for the variance, then they can vote 24 to approve. If they don't, they can vote to 25 deny.	Page 90 1 That's -- that is really where we are. So 2 if there is a Board Member who has an issue and 3 who has a question, you are always welcome -- I 4 e-mailed you last week. 5 If you have any questions, you are always 6 welcome to reach out to our office. This goes 7 for everyone on the Board. If you have 8 questions about your ability to vote on a 9 particular matter once you receive an agenda, 10 you are always welcome to contact our office, 11 not only me but my -- my colleagues as well. 12 And we can walk that through. 13 But it is -- it is a personal question for 14 each Board Member. And so if a Board Member 15 believes that they can remain fair and 16 impartial and -- and vote on a particular item, 17 then that is -- is -- is sufficient. 18 BOARD MEMBER MURADO: Okay. So, again, it 19 is subjective to the Board of Adjustment 20 Member. And -- and I -- I thank you for 21 answering the question. And we will leave it 22 at that. 23 VICE CHAIRPERSON PEREZ: Any other 24 questions? No. Okay. Call for vote. 25 ZONING ADMINISTRATOR REDILA: Anyone who
Page 91 1 wants to make motion? 2 ASSISTANT CITY ATTORNEY FRIEDMAN: Yeah. 3 Someone -- someone would need to make a 4 motion. 5 BOARD MEMBER PEREZ: I -- I will -- I will 6 move. 7 ZONING ADMINISTRATOR REDILA: Move to? 8 ASSISTANT CITY ATTORNEY FRIEDMAN: You 9 should have -- 10 ZONING ADMINISTRATOR REDILA: Yeah. 11 ASSISTANT CITY ATTORNEY FRIEDMAN: -- 12 options of a script if anyone wants to make a 13 motion there. 14 BOARD MEMBER PEREZ: So I move that the 15 Board of Adjustment grant the variance request 16 by the property owners, Vince and Olga Lago, 17 for the property located at 5200 San Amaro 18 Drive to reduce the side set -- a side street 19 setback of an accessory structure, gazebo, to 20 ten feet where fifteen feet is required 21 pursuant to Section 2-201.D(4) of the Coral 22 Gables Zoning Code. 23 The motion is based upon the testimony 24 presented along with the application submitted 25 and the Staff report which constitute competent	Page 92 1 and substantial evidence. 2 The Board hereby make findings of fact 3 that each of the standards of Section 14-207 of 4 the Zoning Code has been met. 5 VICE CHAIRPERSON PEREZ: Who seconded 6 that? Anyone second the motion? 7 ZONING ADMINISTRATOR REDILA: I second the 8 motion. 9 VICE CHAIRPERSON PEREZ: Any questions? 10 ASSISTANT CITY ATTORNEY FRIEDMAN: Would 11 you like to call for a roll, Mr. Vice Chair? 12 VICE CHAIRPERSON PEREZ: Yes. I will call 13 for a vote on the -- on the -- 14 ZONING ADMINISTRATOR REDILA: Mr. Wolman. 15 VICE CHAIRPERSON PEREZ: -- 5200 San Amaro 16 Drive. 17 BOARD MEMBER WOLMAN: Grant. 18 ZONING ADMINISTRATOR REDILA: Mr. Perez -- 19 Alberto Perez. 20 BOARD MEMBER PEREZ: Grant. 21 ZONING ADMINISTRATOR REDILA: Mr. Cabrera. 22 BOARD MEMBER CABRERA: Grant. 23 ZONING ADMINISTRATOR REDILA: Ms. Murado. 24 BOARD MEMBER MURADO: Deny. 25 ZONING ADMINISTRATOR REDILA: Mr. Alberto

Page 93 1 Perez -- Gustave Perez. Mr. Gustave Perez? 2 VICE CHAIRPERSON PEREZ: No. 3 ASSISTANT CITY ATTORNEY FRIEDMAN: Motion 4 fails. 5 ZONING ADMINISTRATOR REDILA: Motion 6 fails. 7 ASSISTANT CITY ATTORNEY FRIEDMAN: If the 8 Board would like to entertain another motion 9 or -- 10 ZONING ADMINISTRATOR REDILA: What would 11 the next motion be? 12 ASSISTANT CITY ATTORNEY FRIEDMAN: It 13 could -- it -- it's up to the Board if you want 14 to continue discussion and see if you can reach 15 some consensus, you are more than able to. 16 If not and there is no further motion to 17 be made, this item will be continued to the 18 next -- to the next meeting of the Board. 19 BOARD MEMBER PEREZ: I mean, I think it -- 20 it's up to the homeowners discretion or choice 21 whether they want to abide by -- by the Staff 22 which by the way you did a great job. 23 But it's up to the homeowner whether they 24 want to take -- take the recommendation or not. 25 I don't think it's up to us to -- to make a	Page 94 1 decision for them. 2 ASSISTANT CITY ATTORNEY FRIEDMAN: 3 Completely. And -- and there are -- you know, 4 if -- if the Board would like to make -- as I 5 said if the Board would like to make another 6 motion, a different motion, they are more 7 than -- more than able to do so. And, if not, 8 then they -- this motion has failed. The Board 9 has taken no action. And it would come back to 10 the Board. 11 BOARD MEMBER CABRERA: In which case we 12 would be having this settle -- discussion again 13 in a month? 14 ASSISTANT CITY ATTORNEY FRIEDMAN: 15 Possibly. Possibly. It depends on the -- on 16 the makeup of the Board. It depends on, you 17 know, whether or not there is further 18 discussion between the Applicant and City 19 Staff, but that is certainly a possibility. 20 VICE CHAIRPERSON PEREZ: Are there any 21 other issues that -- that the Board wants to 22 bring out, that they want to hash it out? 23 If not, then the vote has been casted. 24 And the number four are -- and I am in back of 25 it. The Board hereby makes finding that each
Page 95 1 of the standards Section -- has -- has been -- 2 has not been met -- 3 ASSISTANT CITY ATTORNEY FRIEDMAN: Well, 4 this -- 5 VICE CHAIRPERSON PEREZ: -- or met. 6 ASSISTANT CITY ATTORNEY FRIEDMAN: This 7 motion failed. So this is -- 8 VICE CHAIRPERSON PEREZ: Failed. Right. 9 ASSISTANT CITY ATTORNEY FRIEDMAN: There 10 is no -- essentially the Board has taken no 11 action again. So if there is no further motion 12 we do have a -- we do have another 13 application -- 14 VICE CHAIRPERSON PEREZ: Okay. 15 ASSISTANT CITY ATTORNEY FRIEDMAN: -- to 16 hear. 17 VICE CHAIRPERSON PEREZ: Then let's get 18 on -- let's get on with it. Let's -- how are 19 you -- 20 ZONING ADMINISTRATOR REDILA: Okay. To 21 our second item. It's Variance 22 VARI-24-11-0020. This is a variance for a 23 driveway for a single-family home located at 24 1201 Sorolla Avenue. I believe the Applicant 25 is here. Would you like to do your	Page 96 1 presentation? 2 MR. MILNE: So how do I connect to this? 3 UNIDENTIFIED SPEAKER: What is your user 4 name? Your user name on Zoom. 5 MR. MILNE: Oh, sorry. 6 UNIDENTIFIED SPEAKER: What is your user 7 name on Zoom? Are you not on Zoom? 8 MR. MILNE: I need to be on Zoom? 9 UNIDENTIFIED SPEAKER: Yes. 10 MR. MILNE: Can you send me a link? 11 UNIDENTIFIED SPEAKER: Give me a second. 12 MR. MILNE: Good morning everyone. 13 ASSISTANT CITY ATTORNEY FRIEDMAN: Real -- 14 real quick just before we begin. I -- I would 15 like to ask that the -- the Clerk to swear -- 16 to swear you both in. 17 THE COURT REPORTER: Would you raise your 18 right hand. 19 Do you solemnly swear or affirm that the 20 testimony that you will provide will be the 21 truth, the whole truth and nothing but the 22 truth? 23 MR. MILNE: I swear. 24 MR. NUÑEZ: Yes, I do. 25 MR. MILNE: Good morning, everyone. My

Page 97 1 name is Duncan Milne. I am the homeowner at 2 1201 Sorolla Avenue. I have lived at -- I have 3 owned the house for three and a half years with 4 my wife and daughters. 5 And this is an application -- and for the 6 Board thank you for the opportunity to present 7 this morning. This is more -- an application 8 for us to replace what is an existing driveway 9 and -- with a new driveway. 10 And the house at Sorolla Avenue is a 11 corner lot. You can see the front of the house 12 there which it faces Sorolla Avenue. The 13 existing garage of the property is on Columbus 14 Avenue which is kind of the side of the 15 property. 16 And there was a driveway -- existing 17 driveway to the garage. And as you can see the 18 house has a number of concrete blocks in the 19 front of it. 20 We purchased this home three and a half 21 years ago. The previous owners have lived 22 there for over 50 years. And I believe the 23 previous owners may have made some additions to 24 the house that I know may have been done 25 without --	Page 98 1 I don't know what the status of any 2 permits were prior to when we purchased the 3 property. But the front of the house where you 4 saw and the cars parked there and that used -- 5 had -- used to have a carport in it which was 6 converted into living space. 7 We don't know when that happened to that 8 carport. So the driveway that was in front of 9 the drive or is in front of the drive is some 10 concrete blocks four -- four foot by four foot 11 concrete blocks; not particularly attractive. 12 We are looking to replace those concrete 13 blocks with Chicago driveway in front of the 14 house. 15 And the reason why we are here before you 16 today is that the hardship that we want to 17 explain to you is that the existing garage 18 which is on Columbus Avenue is more than 50 19 yards from the front of the house. 20 And so I have three young daughters all 21 over the age of ten, school bags and -- you are 22 used to all that I am sure. And when weather 23 is in bad conditions we therefore would have 24 to wait if we are not -- unable to have a 25 driveway in front of the house.
Page 99 1 And as per the existing Code we would have 2 to walk all the way around to the side of the 3 house. 4 MR. NUÑEZ: There is no sidewalk. 5 MR. MILNE: There is no sidewalk on 6 Columbus Avenue. So just walking on the road 7 and a 50 yard walk in all weather conditions. 8 And further to that the address of the house as 9 you see is 1201 Sorolla Avenue. 10 So when we have any deliveries like Amazon 11 deliveries we have everyday or if we have 12 anyone coming to visit the house if we are not 13 permitted to have a driveway in front of the 14 house, they would have to park on the grass 15 surge. They would have -- so eroding the grass 16 surge. It would cause congestion. 17 So we are just -- our request today for -- 18 for the Board is for -- this is -- this you can 19 see here is the driveway that we have to the 20 existing garage. We want to just replicate 21 that in front of the house there with the 22 Chicago brick driveway. 23 We have considered all eight of the 24 different basis for variation. We believe that 25 we meet all of those variation requests. And,	Page 100 1 I mean, we have been kind enough to liaise with 2 Arceli and the rest of the City team over the 3 past few months and really take their feedback 4 on this. 5 And -- and they came to visit us at the 6 site to -- to look at the site and say: "We 7 are hopeful that we have the City's support on 8 this." 9 But I am happy to take any questions or 10 comments. 11 ZONING ADMINISTRATOR REDILA: Can we have 12 the presentation, please? 13 VICE CHAIRPERSON PEREZ: Any questions? 14 BOARD MEMBER MURADO: I have a question. 15 My question is in the application I didn't see 16 how many feet you wanted the driveway to be. 17 MR. MILNE: The width -- 18 BOARD MEMBER MURADO: However -- I am 19 sorry. 20 MR. MILNE: The width of 11 feet. 21 BOARD MEMBER MURADO: You requested a 22 width of 11 feet? 23 MR. MILNE: A width of 11 feet. 24 BOARD MEMBER MURADO: Okay. Because in 25 the report the Zoning Department on -- on

Page 101 1 Ms. Redila's report before .5 of attachments it 2 says: "The Planning and Zoning Division 3 recommends approval with condition: That the 4 width of the driveway be reduced to eleven feet 5 instead of the proposed twelve feet." So my 6 question is you propose twelve feet. The 7 Zoning Department proposed eleven feet. Is 8 this a compromise for you? 9 MR. MILNE: We are happy to accept the 10 11 feet. Yeah. 11 BOARD MEMBER MURADO: And my question then 12 is -- 13 May I ask a question to Ms. Redila? 14 ZONING ADMINISTRATOR REDILA: If you would 15 like -- 16 BOARD MEMBER MURADO: Is it not my turn to 17 ask yet? 18 ZONING ADMINISTRATOR REDILA: Yeah. I can 19 make my presentation. 20 BOARD MEMBER MURADO: Okay. Sorry. 21 ZONING ADMINISTRATOR REDILA: Okay. Thank 22 you. Good morning again. For the record 23 Arceli Redila, Zoning Administrator Development 24 Services. 25 So this request is for 1201 Sorolla	Page 102 1 Avenue. Just to orient you on the location, 2 this is on Section E of Coral Gables Columbus 3 Boulevard and Sorolla Avenue. As you can see 4 the site here. Here is an aerial. Huh. It's 5 not moving. Can you move to the next slide? 6 Sorry. 7 Oh, okay. Sorry. Let's go back. So here 8 as the applicant already stated they are 9 requesting a driveway on Sorolla Avenue. This 10 is the existing elevation of the house. 11 This used to be -- this used to be the 12 carport. The house was built in 1929. And 13 that was converted. And as you can see the 14 aerial here there is a -- the -- the way they 15 are providing their parking space is through 16 this structure on the rear. It's a detached 17 garage. And they want to have a driveway on 18 Sorolla Avenue in the front. 19 The Code does require the driveways needs 20 to lead into a garage. However, this house was 21 built in 1929. That requirement of the Code 22 was in 2018 when we did a -- a rewrite or a -- 23 a change to the single-family zone section. 24 We now require driveways only if it has 25 access to a garage, a carport or a
Page 103 1 porte-cochère. So now with that Staff is 2 analyzing this. 3 As you can see in the Staff report, Staff 4 is recommending approval based on the fact that 5 there is no sidewalk as you can see from along 6 Columbus Boulevard from the garage and given 7 the fact that there was a carport there before 8 and Staff is recommending approval with 9 condition that they would reduce it to 11 feet 10 as opposed to the 12. 11 And with that, that's Staffs 12 recommendation. 13 BOARD MEMBER PEREZ: I -- I am sorry. 14 Eleven feet is the entire drive -- so it's the 15 driveway? 16 ZONING ADMINISTRATOR REDILA: The 17 driveway. 18 BOARD MEMBER PEREZ: The width -- the 19 width of the entire drive even what's on the 20 right-of-way? 21 ZONING ADMINISTRATOR REDILA: Yes. They 22 can have the approach on that driveway -- on 23 the swale like on Sorolla Avenue, a little bit 24 further. But as this goes in it should be 25 eleven -- eleven.	Page 104 1 BOARD MEMBER PEREZ: What -- what are the 2 existing conditions now? Do you have a picture 3 of it? 4 ZONING ADMINISTRATOR REDILA: They have 5 presented a picture. There is no more 6 driveway. The driveway was gone. 7 MR. MILNE: Yeah. It's removed. 8 BOARD MEMBER PEREZ: But there -- there 9 was a driveway there before? 10 ZONING ADMINISTRATOR REDILA: There was a 11 driveway there before. I am not sure how -- 12 like you see the picture -- current picture 13 right now? 14 There is no driveway. And it is during 15 the permit review that we saw like there is 16 no -- it is not leading to a carport or a 17 garage or a porte-cochère. 18 BOARD MEMBER PEREZ: But -- but before 19 that what -- what was on the private property? 20 MR. NUÑEZ: Oh, they were concrete. 21 MR. MILNE: Concrete. It was concrete 22 blocks. 23 BOARD MEMBER PEREZ: Okay. 24 MR. MILNE: So four by four concrete 25 blocks.

Page 105 1 MR. NUÑEZ: There you go, sir. 2 BOARD MEMBER PEREZ: So that -- that is 3 what was there -- 4 MR. MILNE: Yes. 5 MR. NUÑEZ: There you go. That's the -- 6 before the City make us remove everything right 7 now. 8 BOARD MEMBER PEREZ: And -- and that 9 was -- and that was permitted? 10 ZONING ADMINISTRATOR REDILA: We couldn't 11 find permit for that. 12 MR. MILNE: For the -- for the carport? 13 BOARD MEMBER PEREZ: Yeah. For like 14 the -- 15 MR. NUÑEZ: No. The driveway. 16 BOARD MEMBER PEREZ: For the driveway that 17 was permitted before? 18 MR. MILNE: I am not -- don't know. 19 MR. NUÑEZ: I don't know. 20 BOARD MEMBER CABRERA: You said the City 21 asked you to remove it recently? 22 MR. MILNE: No. We started to remove it 23 because we have been in an application to put 24 the driveway in and that application was 25 initially denied. We removed it. And then we	Page 106 1 made this application after that. 2 BOARD MEMBER MURADO: I have a question 3 for Ms. Redila. 4 Why was your recommendation to 11 feet 5 versus 12? 6 ZONING ADMINISTRATOR REDILA: The Code 7 requires 11 feet. 8 BOARD MEMBER MURADO: Okay. Thank you. 9 BOARD MEMBER PEREZ: So -- 10 ZONING ADMINISTRATOR REDILA: The -- the 11 width of the -- of the property is not -- right 12 now I think it's just what? 75? 13 MR. MILNE: Yes. 14 ZONING ADMINISTRATOR REDILA: Yes. 15 BOARD MEMBER PEREZ: So -- so technically 16 it's basically a cosmetic improvement. It's -- 17 they are basically -- 18 ZONING ADMINISTRATOR REDILA: Yes. 19 BOARD MEMBER PEREZ: -- replacing a 20 driveway that was already there. And I would 21 like to think that the City way back when did 22 their job and issued a permit for that 23 driveway. 24 So they are basically just improving a 25 driveway that already exists.
Page 107 1 ZONING ADMINISTRATOR REDILA: We -- we 2 just couldn't find record of the driveway, the 3 existing. 4 And -- and it's now all gone. 5 BOARD MEMBER CABRERA: What's -- it's -- 6 may I -- may I -- through the Chair may -- may 7 I ask a question? 8 VICE CHAIRPERSON PEREZ: Yes, please. 9 BOARD MEMBER CABRERA: What is the current 10 distance of the garage to the house? How far 11 do you have to walk? 12 MR. NUÑEZ: Oh, we are over 100 feet. 13 Pure grass. No sidewalk. 14 BOARD MEMBER CABRERA: Understood. 15 MR. NUÑEZ: And basically we walk -- when 16 it's raining, we walk over the asphalt of -- of 17 the road. 18 BOARD MEMBER CABRERA: Okay. 19 MR. NUÑEZ: We have to go through the road 20 to the house. 21 THE COURT REPORTER: Your name, please? 22 MR. NUÑEZ: Enrique Nuñez. 23 BOARD MEMBER PEREZ: And -- and the 24 driveway that was there before that's being 25 replaced how wide was that?	Page 108 1 ZONING ADMINISTRATOR REDILA: Applicant 2 please. 3 MR. MILNE: It was a double driveway. 4 It -- it curved around. I -- I never measured 5 it, but you can see it's one of the -- it's -- 6 it fit -- it would fit two cars there. And 7 then it would curve around into the front of 8 the house. 9 MR. NUÑEZ: Touching the sidewalk was 10 fifteen. 11 BOARD MEMBER PEREZ: Okay. 12 MR. NUÑEZ: Touching the sidewalk. 13 BOARD MEMBER PEREZ: And I am sorry. 14 That -- that zoning was -- you said it was 15 rewritten in '18? 16 ZONING ADMINISTRATOR REDILA: 2018. 17 BOARD MEMBER PEREZ: Twenty -- that's 18 when -- 19 ZONING ADMINISTRATOR REDILA: When we now 20 require -- 21 BOARD MEMBER PEREZ: The eleven. 22 ZONING ADMINISTRATOR REDILA: -- driveways 23 leading to a garage, carport, porte-cochère and 24 also that it should be a minimum of 7 feet 25 wide.

Page 109 1 BOARD MEMBER PEREZ: Okay. So they are -- 2 it's a cosmetic improvement, but they are 3 abiding to the Code of 11 feet? 4 ZONING ADMINISTRATOR REDILA: Yes. 5 MR. NUÑEZ: Yeah. It's a reduction -- a 6 reduction of the whole. 7 I have to -- 8 BOARD MEMBER PEREZ: And I guess they are 9 adding to their green space because everything 10 that's -- 11 BOARD MEMBER CABRERA: That's correct. 12 BOARD MEMBER PEREZ: The car that's in 13 front of the drive -- or sorry. The car that 14 is in front of the -- the door that's all going 15 landscape now. 16 Right? 17 MR. MILNE: There is going to be a pathway 18 between those two trees leading to the front, 19 but yes. 20 BOARD MEMBER PEREZ: So you are increasing 21 the green space? 22 MR. MILNE: Correct. Yes. 23 MR. NUÑEZ: There you go. 24 BOARD MEMBER CABRERA: I have another 25 question, but this one is for Staff. Since the	Page 110 1 new Zoning Code in 2018 of 11 feet if a 2 homeowner who had a driveway originally fifteen 3 feet were to come to you would they be 4 grandfathered in or they would have to do an 11 5 foot driveway? 6 ZONING ADMINISTRATOR REDILA: If they are 7 not making any changes and it -- it's still 8 there, this -- that -- this application came in 9 as a new driveway. 10 BOARD MEMBER CABRERA: Right. I 11 understand. Okay. 12 ASSISTANT CITY ATTORNEY FRIEDMAN: If 13 there are no further questions from the Board, 14 we can open it up for public comment through 15 the Chair. 16 VICE CHAIRPERSON PEREZ: Any -- any 17 questions regarding this? No. 18 ZONING ADMINISTRATOR REDILA: Is there 19 anyone? 20 ASSISTANT CITY ATTORNEY FRIEDMAN: Is 21 there anyone from the public who would like to 22 speak on this item? 23 If so, please raise your hand or send us a 24 message so we can unmute you. 25 VICE CHAIRPERSON PEREZ: Do we have a --
Page 111 1 no one. 2 Right? We have a motion to approve? 3 ASSISTANT CITY ATTORNEY FRIEDMAN: So -- 4 VICE CHAIRPERSON PEREZ: Disapprove? 5 ASSISTANT CITY ATTORNEY FRIEDMAN: -- 6 no -- no one is available from the public. So 7 you can close the public hearing and resume 8 deliberations. 9 VICE CHAIRPERSON PEREZ: Okay. We -- we 10 need to move to -- to vote on this. 11 Right? 12 BOARD MEMBER WOLMAN: I will make a motion 13 to approve as -- as written. 14 BOARD MEMBER CABRERA: I second that 15 motion. 16 ZONING ADMINISTRATOR REDILA: Can -- 17 VICE CHAIRPERSON PEREZ: Those in favor? 18 ZONING ADMINISTRATOR REDILA: I will 19 make -- I will make -- 20 I will make a call? 21 VICE CHAIRPERSON PEREZ: Yeah. 22 ZONING ADMINISTRATOR REDILA: Roll call. 23 Mr. Cabrera. 24 BOARD MEMBER CABRERA: Yes. 25 ZONING ADMINISTRATOR REDILA: Ms. Murado.	Page 112 1 BOARD MEMBER MURADO: Yes. 2 ZONING ADMINISTRATOR REDILA: Mr. Albert 3 Perez. 4 VICE CHAIRPERSON PEREZ: Yes. 5 ZONING ADMINISTRATOR REDILA: Mr. Wolman. 6 BOARD MEMBER WOLMAN: Yes. 7 ZONING ADMINISTRATOR REDILA: Mr. Gustave 8 Perez. 9 VICE CHAIRPERSON PEREZ: Yes. 10 ASSISTANT CITY ATTORNEY FRIEDMAN: Motion 11 granted. 12 ZONING ADMINISTRATOR REDILA: Okay. 13 MR. NUÑEZ: Thank you. Thank you very 14 much. 15 ASSISTANT CITY ATTORNEY FRIEDMAN: And 16 just for the record I -- I would like to state 17 that Ms. Pinon did leave for the duration of 18 the meeting, not just the prior item just for 19 clarification. 20 ZONING ADMINISTRATOR REDILA: And also at 21 the meeting -- our next meeting are -- or -- 22 will be on January sixth. 23 You might have some items. We are working 24 some applications. 25 MR. NUÑEZ: Are we dismissed?

Page 113 1 VICE CHAIRPERSON PEREZ: Do we have a 2 motion to dismiss? 3 MR. NUÑEZ: Yes. Motion to dismiss. 4 BOARD MEMBER CABRERA: I make a motion to 5 adjourn. 6 VICE CHAIRPERSON PEREZ: Adjourn. 7 BOARD MEMBER CABRERA: Do we have to make 8 a motion? 9 Yeah. Motion to adjourn. 10 BOARD MEMBER WOLMAN: Second. 11 BOARD MEMBER PEREZ: Second. 12 ZONING ADMINISTRATOR REDILA: 10:35. 13 VICE CHAIRPERSON PEREZ: All those in 14 favor? 15 BOARD MEMBER PEREZ: Aye. 16 VICE CHAIRPERSON PEREZ: Aye. 17 BOARD MEMBER CABRERA: Aye. 18 BOARD MEMBER WOLMAN: Aye. 19 BOARD MEMBER MURADO: Aye. 20 ZONING ADMINISTRATOR REDILA: Thank you so 21 much. 22 ASSISTANT CITY ATTORNEY FRIEDMAN: Thank 23 you all. 24 BOARD MEMBER MURADO: Thank you. 25 ZONING ADMINISTRATOR REDILA: Thank you.	Page 114 1 (Thereupon, the City of Coral 2 Gables Board of Adjustment 3 concluded at 10:40 a.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 115 1 CERTIFICATE OF OATH 2 STATE OF FLORIDA 3 COUNTY OF MIAMI-DADE 4 5 I, ELIAS MARTINEZ, Notary Public in and 6 for the State of Florida at Large, do hereby certify 7 that MARIA C. CRUZ, personally appeared before me on 8 this 2nd day of December, 2024, and was by me duly 9 sworn. 10 11 12 13 14 _____ ELIAS MARTINEZ, Notary Public State of Florida at Large 15 16 17 18 My Commission: HH 396306 My Commission Expires: June 6, 2027 19 Bonded through Huckleberry Notary Bonding 20 21 22 23 24 25	Page 116 1 CERTIFICATE OF OATH 2 STATE OF FLORIDA 3 COUNTY OF MIAMI-DADE 4 5 I, ELIAS MARTINEZ, Notary Public in and 6 for the State of Florida at Large, do hereby certify 7 that DUNCAN MILNE, personally appeared before me on 8 this 2nd day of December, 2024, and was by me duly 9 sworn. 10 11 12 13 14 _____ ELIAS MARTINEZ, Notary Public State of Florida at Large 15 16 17 18 My Commission: HH 396306 My Commission Expires: June 6, 2027 19 Bonded through Huckleberry Notary Bonding 20 21 22 23 24 25

Page 117	Page 118
1 CERTIFICATE OF OATH 2 STATE OF FLORIDA 3 COUNTY OF MIAMI-DADE 4 5 I, ELIAS MARTINEZ, Notary Public in and 6 for the State of Florida at Large, do hereby certify 7 that ENRIQUE NUÑEZ, personally appeared before me on 8 this 2nd day of December, 2024, and was by me duly 9 sworn. 10 11 12 13 14 ELIAS MARTINEZ, Notary Public State of Florida at Large 15 16 17 18 My Commission: HH 396306 My Commission Expires: June 6, 2027 19 Bonded through Huckleberry Notary Bonding 20 21 22 23 24 25	1 CERTIFICATE OF REPORTER 2 I, Elias Martinez, Court Reporter, certify 3 that I was authorized to and did transcribe a 4 City of Coral Gables Board of Adjustment Board 5 meeting of and that the transcript is a true record 6 of the testimony given at the meeting. 7 I further certify that I am not a 8 relative, employee, attorney, or Counsel of any of 9 the parties nor am I a relative or employee of any 10 of the parties, attorney, or Counsel connected with 11 the action, nor am I financially interested in the 12 action. 13 Dated this 6th day of January, 2025. 14 15 16 ELIAS MARTINEZ 17 18 19 20 21 22 23 24 25