

CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT MEETING  
VERBATIM TRANSCRIPT  
CORAL GABLES CITY HALL  
405 BILTMORE WAY, COMMISSION CHAMBERS  
CORAL GABLES, FLORIDA  
MONDAY, JUNE 2, 2014, COMMENCING AT 8:00 A.M.

Board Members Present:

Jorge E. Otero, Chairperson  
Susan Fuhrman  
Alex Galvez  
Gustave Perez  
Michael Sotelo  
John M. Thomson

 **ORIGINAL**

City Staff Present:

Elizabeth Gonzalez, Zoning Tech Lead  
Charles Wu, Assistant Development Services Director  
Ramon Trias, Planning & Zoning Director  
Yaneris Figueroa, Assistant City Attorney  
Irela Ferrer, Zoning Technician

Case No. BA-14-04-2381

900 Hardee Road

CORAL GABLES RIVIERA SEC 12, PB/PG 28-35,  
LOTS 7 & 8 & 9, BLK 254

Henry L. Pujol III & Doris M. Zulueta - Applicants

Henry L. Pujol III & Doris M. Zulueta - Owners

Teresita Vazquez/Arkitere Omslaer - Architect

Public Speakers: Henry L. Pujol, III, and  
Doris M. Zulueta

Case No. BA-14-04-2600

8203 Los Pinos Circle

COCOPLUM SECTION 1, PB/PG 99/39, LOT: 26, BLK: 9

Bunnell Foundation, Inc. - Applicant

Jeff C. & Stephanie Settembrino - Owners

Denis K. Solano, P.E. - Engineer

Public Speaker: Richard Bunnell

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN OTERO: Good morning. Welcome to  
4 the regularly scheduled meeting of the City of  
5 Coral Gables Board of Adjustment. We are  
6 appointed members of the Board and are charged  
7 to provide relief from hardships in the  
8 application of the Code regulations.

9 The Board is comprised of seven members.  
10 Four members shall constitute a quorum and the  
11 affirmative vote of four members of the Board  
12 present shall be necessary to authorize a  
13 variance. As you can see, today we have six  
14 members. A tie vote shall result in the  
15 automatic continuance of the matter to the next  
16 meeting, which shall be continued until a  
17 majority vote is achieved.

18 Any person who acts as a lobbyist, pursuant  
19 to the City of Coral Gables Ordinance Number  
20 2006-11, must register with the City Clerk  
21 prior to engaging in lobbying activities or  
22 presentations before City Staff, Boards,  
23 Committees and/or the City Commission. A copy  
24 of the ordinance is available in the Office of  
25 the City Clerk. Failure to register and

1 provide proof of registration shall prohibit  
2 your ability to present to the Historic  
3 Preservation Board on applications under  
4 consideration this morning.

5 Lobbyist is defined -- and that applies  
6 also to the Board of Adjustment. Lobbyist is  
7 defined as "an individual, corporation,  
8 partnership, or other legal entity employed or  
9 retained, whether paid or not, by a principal  
10 who seeks to encourage the approval,  
11 disapproval, adoption, repeal, passage, defeat  
12 or modifications of (a) any ordinance,  
13 resolution, action or decision of any City  
14 Commissioner; (b) any action, decision,  
15 recommendation of the City Manager, any City  
16 board or committee, including but not limited  
17 to Quasi-Judicial, Advisory Board, Trust,  
18 Authority, or Council; or any action, decision  
19 or recommendation of City personnel during the  
20 time period of the entire decision-making  
21 process on the action, decision or  
22 recommendation which foreseeably will be heard  
23 or reviewed by the City Commission, or a City  
24 board or committee, including but not limited  
25 to Quasi-Judicial, Advisory Board, Trust,

1 Authority or Council."

2 I now officially call the City of Coral  
3 Gables Board of Adjustment Board meeting of  
4 June 2nd to order. The time is 8:02 a.m.

5 Liz, could you call the roll, please?

6 MS. GONZALEZ: Yes. Good morning.

7 Mr. Hidalgo has notified us that he will  
8 not be attending today. He's out of the  
9 country.

10 Ms. Fuhrman?

11 MS. FUHRMAN: Here.

12 MS. GONZALEZ: Mr. Galvez?

13 MR. GALVEZ: Here.

14 MS. GONZALEZ: Mr. Perez?

15 MR. PEREZ: Here.

16 MS. GONZALEZ: Mr. Thomson?

17 MR. THOMSON: Here.

18 MS. GONZALEZ: Mr. Sotelo?

19 MR. SOTELO: Here.

20 MS. GONZALEZ: Mr. Otero?

21 CHAIRMAN OTERO: Here.

22 MS. GONZALEZ: You will need a motion to  
23 approve his absence.

24 CHAIRMAN OTERO: So moved.

25 MR. SOTELO: Second.

1 CHAIRMAN OTERO: All those in favor?

2 (Thereupon, all members voted aye.)

3 CHAIRMAN OTERO: All opposed?

4 (No response)

5 MS. GONZALEZ: I'm sorry, who seconded?

6 MR. SOTELO: I did.

7 CHAIRMAN OTERO: One more housekeeping  
8 item, Notice Regarding Ex-Parte Communications.  
9 Please be advised that this Board is a quasi-  
10 judicial Board and the items on the agenda are  
11 quasi-judicial in nature, which requires Board  
12 members to disclose all ex-parte communications  
13 and site visits. An ex-parte communication is  
14 defined as any contact, communication,  
15 conversation, correspondence, memorandum or  
16 other written or verbal communication that  
17 takes place outside a public hearing between a  
18 member of the public and a member of a  
19 quasi-judicial board, regarding matters to be  
20 heard by the board.

21 If anyone made any contact with a Board  
22 member regarding an issue before the Board, the  
23 Board member must state on the record the  
24 existence of the ex-parte communication and the  
25 party who originated the communication. Also,

1 if a Board member conducted a site visit  
2 specifically related to the case before the  
3 Board, the Board member must also disclose such  
4 visit. In either case, the Board member must  
5 state on the record whether the ex-parte  
6 communication and/or site visit will affect the  
7 Board member's ability to impartially consider  
8 the evidence to be presented regarding this  
9 matter. The Board member should also state  
10 that his or her decision will be based on  
11 substantial, competent evidence and testimony  
12 presented on the record today.

13 Does any member of the Board have such a  
14 communication and/or site visit to disclose at  
15 this time?

16 Let the record show no Board member spoke  
17 up.

18 Everyone who speaks this morning must  
19 complete the roster on the podium, which is  
20 right in front of me. We ask that you print  
21 clearly so the official records of your name  
22 and address will be correct.

23 Now, with the exception of attorneys, all  
24 persons who will speak on agenda items before  
25 us, please rise to be sworn in.

1 (Thereupon, all who were to speak were duly  
2 sworn by the court reporter.)

3 CHAIRMAN OTERO: In deference to those  
4 present, we ask that all cell phones, pagers,  
5 if anyone has such a thing as a pager, and  
6 other electrical devices be turned off at this  
7 time.

8 Now we will proceed with the agenda.

9 Liz, could you read the first case, please?

10 MS. GONZALEZ: Good morning. The first  
11 case on the agenda is 900 Hardee Road. It is a  
12 variance request to install a swimming pool  
13 located between the street and the main  
14 residential building. The Zoning Code  
15 stipulates that any accessory structure, such  
16 as a pool, may not be located in the area  
17 between the street and the main residential  
18 building. This is a very irregularly shaped  
19 property. It is unusual and uncommon. It's  
20 bordered by three streets. Specifically, a  
21 street at the rear of the property limits the  
22 available area to build a swimming pool and  
23 comply with the Zoning Code's requirements.  
24 The swimming pool conforms to all applicable  
25 setbacks and lot coverages. In addition, a

1 four-foot high aluminum rail -- wall with an  
2 aluminum rail is installed to screen the  
3 swimming pool from street view.

4 As you can see here on the screen, this is  
5 Hardee Road. This is the side street and this  
6 is the rear street. This is an aerial view.  
7 Again, here is the rear of the property, which  
8 is Aduana. This is the side street, which is  
9 Castaneda, and this is Hardee Road in the  
10 front. The pool is being proposed at the rear  
11 of the home, which is typical to most  
12 residences. It meets the setbacks and all  
13 applicable lot coverages.

14 CHAIRMAN OTERO: Thank you -- oh, sorry.

15 MS. GONZALEZ: It has received Board of  
16 Architects approval. It has approved -- All of  
17 the trades have approved it, electrical,  
18 structural, plumbing, Public Works and  
19 Building. It meets all of the seven standards  
20 required to approve a variance. And due to the  
21 unusual lot boundaries and the existing  
22 configuration of the residence, Staff  
23 recommends approval of the applicant's request.

24 CHAIRMAN OTERO: Does anyone in the  
25 audience wish to speak in favor of this

1 application?

2 MR. PUJOL: Should we write in our names  
3 here?

4 CHAIRMAN OTERO: Please write your name and  
5 address and state your name for the record.

6 MR. PUJOL: My name is Henry Pujol.  
7 Currently my wife and I are the owners of the  
8 property in question at this time.

9 MR. WU: Speak into the mike.

10 MR. PUJOL: Sure, thanks.

11 My name is Henry Pujol, the owner, along  
12 with my wife, Doris. As just was mentioned,  
13 what we're asking for is a variance, and I want  
14 to thank the group for listening to the  
15 request. Because of the irregular shape of the  
16 lot, that's basically why we're asking for the  
17 variance at this time.

18 As was mentioned, we meet all the other  
19 requirements for the pool, and we will be  
20 building a privacy wall along the property.  
21 We're here to answer any other questions or  
22 commentary.

23 CHAIRMAN OTERO: Does anyone on the Board  
24 have any questions or comments from Staff or  
25 the applicant?

1           Is there anyone in the audience that wishes  
2           to speak in favor of this case or in opposition  
3           to this case?

4           Let the record show that no one is speaking  
5           in favor of or in opposition to.

6           MR. GALVEZ: I'd like to make a motion. I  
7           move that the Board of Adjustment Grant  
8           Application BA-14-04-2381, a request by the  
9           owners as applicants, for a variance to the  
10          existing residence at 900 Hardee Road to allow  
11          the proposed pool to be constructed between the  
12          street and the main residential building. The  
13          motion is based upon the testimony presented  
14          along with the application submitted and the  
15          Staff report, which constitute competent,  
16          substantial evidence. The Board hereby makes  
17          findings of fact that the each of the standards  
18          in Section 3-806 of the Zoning Code has been  
19          met.

20          CHAIRMAN OTERO: A motion is on the table.  
21          Is there a second?

22          MR. PEREZ: I second that.

23          CHAIRMAN OTERO: Any discussion on the  
24          motion?

25          Roll call, please, on the motion.

1 MS. GONZALEZ: Mr. Thomson?  
2 MR. THOMSON: Yes.  
3 MS. GONZALEZ: Mr. Galvez?  
4 MR. GALVEZ: Yes.  
5 MS. GONZALEZ: Mr. Perez?  
6 MR. PEREZ: Yes.  
7 MS. GONZALEZ: Ms. Fuhrman?  
8 MS. FUHRMAN: Yes.  
9 MS. GONZALEZ: Mr. Sotelo?  
10 MR. SOTELO: Yes.  
11 MS. GONZALEZ: Mr. Otero?  
12 CHAIRMAN OTERO: Yes.  
13 MS. GONZALEZ: Thank you.  
14 CHAIRMAN OTERO: Thank you very much. A  
15 very thorough application. Thank you.  
16 MR. PUJOL: Thank you.  
17 CHAIRMAN OTERO: Next case?  
18 MS. GONZALEZ: I'm sorry, for the record, I  
19 wanted to add that I did leave letters of  
20 support --  
21 MR. SOTELO: Yes.  
22 MS. GONZALEZ: -- from the affected  
23 neighbors that came in on Friday, late  
24 afternoon. I wasn't able to place it in the  
25 packet. So I'd advise as to the letters of

1 support from the affected neighbors.

2 MR. SOTELO: That was noted, thank you.

3 MR. PUJOL: Thank you.

4 MS. ZULUETA: Thank you.

5 CHAIRMAN OTERO: Liz, since you're in  
6 charge of the gizmo, could you read the next  
7 case?

8 MS. GONZALEZ: Yes, sir.

9 MR. PEREZ: She sure is.

10 MS. GONZALEZ: All right. The next case is  
11 a variance request for 8203 Los Pinos Circle.  
12 It is a variance request to install a wood  
13 dock, to extend outward from the bank 41 feet,  
14 versus five feet as allowed by the Zoning Code.

15 The applicant is proposing to construct an  
16 L-shaped dock consisting a four feet in width  
17 by 36 feet in length access walkway and a five  
18 feet in width by 56 feet 8 inch in length  
19 terminal platform.

20 This is an aerial view of the property.  
21 This is the Waterway. And if you see, this is  
22 the lot. It's not vacant. There is a home  
23 that was just constructed.

24 CHAIRMAN OTERO: Which one is the lot in  
25 question?

1 MS. GONZALEZ: Right here.

2 CHAIRMAN OTERO: That one?

3 MS. GONZALEZ: It's this lot right here.

4 You can see it's a very -- It happens to be on  
5 a very wide inlet, it's just -- That's also  
6 unusual. The proposed design was necessary due  
7 to the presence of resources between the bank  
8 and a waterward distance of 41 feet.

9 As included in your packet, DERM recommends  
10 this configuration due to the existence of red  
11 and white mangroves that need to be protected.  
12 There is -- The ample waterway here also  
13 accommodates the extension of the dock of 41  
14 feet and allows for the 75 feet of remaining  
15 navigable waterway that is required by the  
16 Zoning Code.

17 This is the actual property site. Again,  
18 there is a new residence that was built on the  
19 home (sic) and here is the proposed dock with  
20 the terminal platform. Again, here we have the  
21 walkway of four feet, and the terminal platform  
22 at 56 feet 8 inches. As you can see here by  
23 the illustration, this area here is detailing  
24 the mangroves, also, here. There happens to be  
25 a separation and this was the best area that

1 DERM recommended.

2 It has received DERM approval. DERM  
3 requires this configuration in order to  
4 minimize the impact and meet the required Code  
5 depth. It has received Board of Architects  
6 approval. It has received -- Marine Patrol and  
7 Public Works have no objection to this design.  
8 It meets all of the seven standards required to  
9 obtain a variance. Staff recommends approval  
10 in recommendation -- supporting DERM's  
11 recommendation and also in order to avoid any  
12 impact to the existing resources.

13 CHAIRMAN OTERO: Liz, could you put up the  
14 one of the -- where the property is located and  
15 where the canals are, where the canal is?

16 MS. GONZALEZ: The aerial view? That one?

17 CHAIRMAN OTERO: Uh-huh.

18 So, as far as I understand it, there are  
19 two issues. One is the mangroves --

20 MS. GONZALEZ: Right here.

21 CHAIRMAN OTERO: -- or the 40-foot distance  
22 that must be exceeded, but the second is the  
23 width of the waterway.

24 MS. GONZALEZ: There is -- This happens to  
25 be a very large area.

1 CHAIRMAN OTERO: If the same issue was  
2 presented two houses to my left, to the left --

3 MS. GONZALEZ: This way?

4 MR. SOTELO: Uh-huh.

5 CHAIRMAN OTERO: Yes. Then that would not  
6 meet the waterway requirement, more than  
7 likely, without knowing the numbers?

8 MS. GONZALEZ: It depends. It's not an  
9 exact science. All the waterways differ. We  
10 would take that into consideration. But in  
11 this case --

12 CHAIRMAN OTERO: One unique factor is the  
13 fact that it is very wide at this point.

14 MS. GONZALEZ: That is correct, and it just  
15 so happens -- You can't see it on this aerial  
16 view, but the properties abutting do not have  
17 the existing mangrove vegetation that this  
18 property has. So every lot is unusual and  
19 unique in itself. You can have one property  
20 with resources and mangroves and you can have  
21 the adjacent property without.

22 CHAIRMAN OTERO: Thank you.

23 Any questions of Staff from the Board?

24 MS. FUHRMAN: There were no objections from  
25 any of the other neighbors?

1 MS. GONZALEZ: We did not receive any  
2 objections. I did speak to a couple of  
3 neighbors and I didn't receive any written or  
4 verbal objections, no.

5 CHAIRMAN OTERO: Would this preclude any  
6 other neighbor from building a similar size --  
7 a dock extending from their property?

8 MS. GONZALEZ: Each case is based on its  
9 own merits, and again, there's a combination of  
10 factors: DERM's requirement, water depth, and  
11 resources. Again, we have to abide by the  
12 Code; however, when there are unusual  
13 circumstances or factors like this, that cannot  
14 be met, then this is an unusual circumstance  
15 and so therefore the variance is -- Staff  
16 recommends approval of the variance.

17 CHAIRMAN OTERO: Thank you.

18 Will the applicant step up, if you wish to  
19 present?

20 MR. BUNNELL: Yes, thank you.

21 CHAIRMAN OTERO: Good morning.

22 MR. BUNNELL: Good morning.

23 CHAIRMAN OTERO: Would you state your name  
24 and address for the record?

25 MR. BUNNELL: My name is Richard Bunnell,

1 Bunnell Foundation, Marine Contractors. My  
2 address is 1320 Northwest 18th Avenue in Miami.

3 CHAIRMAN OTERO: And you represent the  
4 owner?

5 MR. BUNNELL: Yes. I'm just going to go  
6 ahead and fill this out.

7 CHAIRMAN OTERO: Please.

8 MR. BUNNELL: Yes, thank you, ladies and  
9 gentlemen. As I said, my name is Richard  
10 Bunnell, Bunnell Foundation, the contractor of  
11 the dock. As the City indicated, the  
12 requirements for the variance was imposed upon  
13 us by -- on the owner by Dade County DERM, for  
14 avoiding mangroves and other resources and also  
15 water depth conditions for the placement of the  
16 vessels.

17 As indicated, on Page 2 of the Staff  
18 report, your question about the distance across  
19 the waterway, it indicates 300 feet in that  
20 area, in particular. All of the other  
21 requirements of the variance have been met, and  
22 again, if you have any questions, I'll be happy  
23 to answer them.

24 CHAIRMAN OTERO: Thank you. One question I  
25 have is, it could not have been any closer in,

1 right? 41 feet was the minimum, because of the  
2 mangroves?

3 MR. BUNNELL: DERM imposed that, yes. Yes.  
4 They would not allow the mangroves to be  
5 trimmed any further to avoid that, plus the  
6 water depth was also an issue.

7 CHAIRMAN OTERO: Thank you.

8 Any Board members, questions, comments from  
9 either applicant or Staff?

10 Thank you.

11 Is there anyone present who wishes to speak  
12 in favor of or in opposition to this case?

13 Let the record note, no one spoke up.

14 The public hearing is now closed. Do I  
15 have a motion to approve or a motion to defer?

16 MS. FUHRMAN: I'll read the motion. I'll  
17 make the motion. I move that the Board of  
18 Adjustment grant Application BA-14-04-2600, a  
19 request by Bunnell Foundation, Inc., on behalf  
20 of owners Jeff C. and Stephanie Settembrino,  
21 for a variance for the existing residence at  
22 8203 Los Pinos Circle to allow the proposed  
23 dock to be constructed and extend outward from  
24 the bank, 41 feet. The motion is based upon  
25 the testimony presented along with the

1 application submitted and Staff report, which  
2 constitute competent, substantial evidence.  
3 The Board hereby makes findings of fact that  
4 each of the standards in Section 3-806 of the  
5 Zoning Code has been met.

6 MR. THOMSON: Second.

7 CHAIRMAN OTERO: Any discussion on the  
8 motion made and seconded?

9 Roll call, please.

10 MS. GONZALEZ: Ms. Fuhrman?

11 MS. FUHRMAN: Yes.

12 MS. GONZALEZ: Mr. Thomson?

13 MR. THOMSON: Yes.

14 MS. GONZALEZ: Mr. Galvez?

15 MR. GALVEZ: Yes.

16 MS. GONZALEZ: Mr. Sotelo?

17 MR. SOTELO: Yes.

18 MS. GONZALEZ: Mr. Perez?

19 MR. PEREZ: Yes.

20 MS. GONZALEZ: Mr. Otero?

21 CHAIRMAN OTERO: Yes.

22 MS. GONZALEZ: Mr. Bunnell, did you sign  
23 in?

24 MR. BUNNELL: Yes, I did.

25 CHAIRMAN OTERO: Yes, he did.

1 MS. GONZALEZ: Thank you.

2 CHAIRMAN OTERO: The motion passes  
3 unanimously.

4 MR. BUNNELL: Thank you very much.

5 CHAIRMAN OTERO: Thank you.

6 If there are no further items on the  
7 agenda, if there's no more business -- Oh,  
8 there is one more item on the agenda. Liz?

9 MS. GONZALEZ: A friendly reminder, we have  
10 a recess in July, as you all voted upon last  
11 year for the schedule of Board of Adjustment  
12 meetings this year. So we will not be meeting  
13 in July. Our next meeting is on August the  
14 4th. Of course, if the applicants are ready  
15 and the packets are complete, then we will  
16 proceed with presentation.

17 Have a wonderful Fourth of July holiday.

18 MR. PEREZ: Thank you.

19 MR. SOTELO: Thank you.

20 CHAIRMAN OTERO: The meeting is now  
21 adjourned. Thank you all very much.

22 (Thereupon, the meeting was adjourned at  
23 8:21 a.m.)

24

25

C E R T I F I C A T E

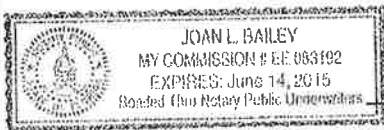
STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, Florida Professional Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I further certify that all public speakers were duly sworn by me.



*Joan L. Bailey*

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192.  
My Notary Commission expires 6/14/15.

