



City of Coral Gables
CITY COMMISSION MEETING
January 11, 2011

ITEM TITLE:

Board of Adjustment Application No. BA-10-10-5515

Mr. Jorge L. Hernandez, Applicant has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting December 6, 2010, wherein it denied an application for variances for the property located at 4995 Hammock Lake Drive pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code." (Board of Adjustment Vote: 5-2)

SUMMARY OF APPEAL:

The Applicant is appealing the decision made by the Board of Adjustment to deny the following variances related to the proposed new single family residence.

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

STAFF OBSERVATIONS AND BACKGROUND:

On the Board of Adjustment hearing date of December 6, 2010, the Applicant requested two variances from the provisions of the "Zoning Code" that relate to maximum lot coverage and the rear yard area lot coverage for the subject property.

Similar variances were requested under Case No. 8602-Z and approved by the Board of Adjustment on October 3, 2006; however, there are several differences with the current requested variances versus the originally approved variances. These differences include, but are not limited to the following: the site plan has been modified by eliminating the originally detached pool pavilion, adding bedrooms, bath and a closet into the total enclosed living area, the swimming pool has been enlarged, and most importantly, the original overall total square feet requested has increased. (Note: Based on the preliminary plans presented and based on the lot coverage calculations as presented by the architect on record, Mr. Jorge L. Hernandez, the square foot floor area which

regulates the enclosed portions of the residence has decreased and the porch areas have increased.) On March 30, 2007 an administrative extension of Resolution No. 4802-ZB was granted for an additional six (6) months ending on October 3, 2007. In addition, on September 19, 2007 another administrative extension was granted for an additional twelve (12) months. Zoning Code Section 3-807 is specific and states the variances granted will become null and void and of no effect twelve (12) months from and after the date of the approval granting the same, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matter for which the variance was granted shall have been issued.

This property was annexed by the City in 1996 as part of the Hammock Lakes annexation. Miami-Dade County allows credit for right-of-way dedicated to be included into the lot area, allowing a maximum of fifteen percent (15%) lot coverage to be based on total lot area. However, even considering this factor, the proposed residence exceeds the allowable lot coverage, and therefore would not comply with the Miami-Dade County standards. City Staff finds with regard to Item No. 1, the property site is not unusual or unique in nature and cannot find any hardship to recommend approval for the additional three thousand and fifty eight (3,058) square feet being requested. The proposed single family home may be redesigned to adhere to the maximum allowed lot coverage. The architectural style proposed is not a hardship. The maximum lot coverage of fifteen percent (15%) provides for a house that is proportional to the lot size and is clearly noted by Site Specifics Section A-56 (D), of the City's Zoning Code.

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

Staff is recommending DENIAL of the applicant's request because the evidence presented does not support six (6) of the seven (7) mandatory findings required by the Zoning Code to allow these two variances to be granted. Given the facts of the proposal and the evidence presented by the Applicant, as previously explained, the mandatory findings cannot be made specifically as to special circumstances or as to the granting of special privileges. The applicant's variance requests are basically predicated on the approval granted of the variances requested in 2006.

Please note that based on the preliminary plans presented, City Staff is unable to determine full compliance with other provisions as required and/or allowed by the Zoning Code.

ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
December 6, 2010	Board of Adjustment	Denied

PUBLIC NOTIFICATION(S):

Date	Form of Notification
November 23, 2010	Miami Daily Business Review – Notice for the Board of Adjustment
December 30, 2010	Miami Daily Business Review – Notice for the Board of Adjustment Appeal before the City Commission

APPROVED BY:

Building & Zoning Director	City Attorney	City Manager
 Carmen Olazabal, P.E.	 Elizabeth M. Hernandez	 Patrick G. Salerno

ATTACHMENT(S):

1. Appeal Application
2. Notice of Public Hearing
3. Board of Adjustment Submittal Package
4. Official Transcript