

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT**  
**NOVEMBER 2, 2009**  
**CORAL GABLES CITY HALL, 405 BILTMORE WAY, COMMISSION CHAMBER**  
**CORAL GABLES, FLORIDA**

The meeting was scheduled to be held in Coral Gables City Hall Commission Chamber, Coral Gables, Florida, commencing at 8:00 a.m.

**MEMBERS**

	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>APPOINTED BY:</b>
Jorge Mora	P	X	C	P	E	P	P	P	C	A	P	P	Mayor Donald Slesnick
Tony Bello	P	P	C	P	P	P	P	P	C	P	P	P	Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	P	X	C	X	X	X	X	X	C	E	P	P	Comm. Maria Anderson
Dr. Katherine De Blij	P	X	C	X	X	X	X	X	C	P	P	P	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	E	P	C	P	P	P	P	P	C	P	E	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	P	C	P	P	P	L	P	C	P	P	P	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	P	P	C	P	P	P	P	P	C	P	P	P	City Manager

**STAFF:**

Elizabeth L. Gonzalez, Secretary  
Joan Bailey, Court Reporter  
Martha Salazar-Blanco, Zoning Official

A = Absent

C = Meeting Cancelled

E = Excused Absence

L = Late

P = Present

R = Resigned

X = Not on Board

**THESE MINUTES DO NOT REQUIRE ANY ACTION BY THE CITY COMMISSION**

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The meeting was called to order at 8:00 a.m. by the Vice Chairperson who announced that six board members were present at that time. Four votes are necessary for any action thereof.

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The Vice Chairperson announced the following rules of procedure for the hearing:

1. Staff recommendation.
2. The applicant will present his/her case.
3. If there are speakers in favor of the application, they will be given the opportunity to be heard.
4. If there are speakers against the application, they will be given the opportunity to be heard.
5. The applicant will be given the opportunity of a rebuttal.
6. Public hearing closed.
7. Board members discussion.
8. Motion, second and a vote on the application.

**1. Roll Call**

Roll call was taken. Mr. Lukacs had given prior notice of his inability to attend the meeting.

A motion was made by Mrs. De Las Cuevas, seconded by Dr. De Blij to excuse Mr. Lukacs' absence. A resolution was passed by voice vote to excuse Mr. Lukacs.

**RESOLUTION NO. 4966-ZB**

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**2. Approval of the October 5, 2009 Recap**

A motion was made by Mr. Bello, seconded by Dr. De Blij to approve the October 5, 2009 Recap. A resolution was passed by voice vote.

**RESOLUTION NO. 4965-ZB**

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**3. 8709-Z**

Lot: 6, Block: 20  
Coral Gables Sec. E, PB/PG: 8/86  
(1708 Ferdinand Street)

Federico E. Melo and Carmen E. Garcia – Applicant  
Federico E. Melo and Carmen E. Garcia – Owner  
Armando M. Rizo, AIA – Architect/Engineer

A hearing was held on case no. 8709-Z.

Present: Carmen Garcia – Owner; Tucker Gibbs – Attorney

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

1. Grant a variance to allow the existing single-family residence to have a maximum ground area coverage of two thousand, two hundred and ninety three (2,293) square feet vs. the residence having a maximum ground area coverage of two thousand, and one hundred (2,100) square feet as allowed by Section 4-101 (D) (8) of the Coral Gables "Zoning Code."
2. Grant a variance to allow a stacked washer/dryer, sink and air handler unit obstructing the required length and width inside the existing garage vs. the minimum required interior dimensions of a one car garage shall be twenty two (22'0") feet in length and twelve (12'0") feet in width and shall be clear of all obstructions from the floor to ceiling of the garage pursuant to Section 5-1402 (A) (5) (a) of the Coral Gables "Zoning Code."

3. Grant a variance not to provide the required one (1) car parking space due to the proposed installation of appliances in the existing garage (see item #2) vs. single family residences are required to provide a minimum of one (1) parking space consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, port-cochere, or breezeway pursuant to Section 5-1409 (B) (1) of the Coral Gables "Zoning Code."
4. Grant a variance to allow a stacked washer/dryer, sink and air handler unit obstructing the required length and width inside the existing nonconforming garage vs. a structure that is nonconforming as to parking, height, setback, ground area coverage, floor area ratio, or other requirements other than use, shall not be altered or enlarged in a way that increases the extent of any nonconformity pursuant to Section 6-303 of the Coral Gables "Zoning Code."

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

**STAFF OBSERVATION:** Item No. 1; The Applicant is requesting a variance to allow a non permitted enclosed portion of the residence to remain and to be allowed to exceed the maximum ground area coverage permitted for this property site.

The maximum ground coverage permitted for this building site is two thousand, and one hundred (2,100) square feet. The existing ground area coverage with the non permitted enclosed portion is two thousand, two hundred and ninety three (2,293) square feet, totaling an excess of one hundred and ninety three (193) square feet.

The Coral Gables "Zoning Code" has specific regulations, as well as design and performance standards, to ensure that the renovation of a residence is harmonious in proportion and scale to its existing neighborhood. The maximum ground area coverage permitted is intended as a supplemental control to be used in conjunction with required setback areas and maximum floor area factor requirements to help maintain landscape open space and control the mass of a structure in relation to the building site.

The fact that this area is an existing non permitted and a non conforming enclosure is not a hardship and approving this request would be in direct conflict with the standards for approval of variances as noted in Zoning Code Section 3-806.

Items No. 2, 3 and 4; The Applicant is requesting to maintain a washer, dryer, and air handler unit inside the garage obstructing the required length and width for a one car garage. The Zoning Code was specifically changed to include the provision that within the required dimensions of a one car garage of twenty two (22'0") feet in length and twelve (12'0") feet in width, the area shall be clear of all obstructions from the floor to the ceiling of the garage. Although, the interior dimensions of the garage are eleven (11'0") feet in width by twenty one feet and ten inches (21'10") in depth and is existing legally nonconforming, the "Zoning Code" specifically prohibits any structure that is nonconforming as to parking, to be altered or enlarged in a way

that increases the extent of the nonconformity.

Staff recommends **DENIAL** of items no. 1, 2, 3 and 4.

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

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

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **DENIAL** of Items 1, 2, 3 and 4 of the Applicant's proposal.

Testimony was presented by Mr. Gibbs stating the present homeowners had purchased the property in September, 2008, with the addition built. They believe this addition was constructed right after Hurricane Andrew and they were unaware of the nonconformity. The home is only one story and as allowed by the Zoning Code, and could possibly be a two story home. However, the owners do not want to add a second story and wish to maintain the home exactly how it is. The homeowner Mrs. Carmen Garcia-Mello testified that the enclosed area is being used as a family room area. Mr. Gibbs presented letters of support from surrounding neighbors.

With regard to the variance being requested for the appliances impeding the required width and depth inside the existing one car garage, Mr. Gibbs presented pictures illustrating a vehicle completely fitting within the remaining garage area and illustrating this does not keep the garage from being used for its intended purpose.

A motion was made by Dr. De Blij, seconded by Mr. Mora to approve Items 1, 2, 3 and 4 of the Applicant's request.

**RESOLUTION NO. 4967-ZB**

**A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO  
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE  
“ZONING CODE,” TO WIT:**

1. Grant a variance to allow the existing single-family residence to have a maximum ground area coverage of two thousand, two hundred and ninety three (2,293) square feet vs. the residence having a maximum ground area coverage of two thousand, and one hundred (2,100) square feet as allowed by Section 4-101 (D) (8) of the Coral Gables “Zoning Code.”
2. Grant a variance to allow a stacked washer/dryer, sink and air handler unit obstructing the required length and width inside the existing garage vs. the minimum required interior dimensions of a one car garage shall be twenty two (22'0") feet in length and twelve (12'0") feet in width and shall be clear of all obstructions from the floor to ceiling of the garage pursuant to Section 5-1402 (A) (5) (a) of the Coral Gables “Zoning Code.”
3. Grant a variance not to provide the required one (1) car parking space due to the proposed installation of appliances in the existing garage (see item #2) vs. single family residences are required to provide a minimum of one (1) parking space consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, port-cochere, or breezeway pursuant to Section 5-1409 (B) (1) of the Coral Gables “Zoning Code.”
4. Grant a variance to allow a stacked washer/dryer, sink and air handler unit obstructing the required length and width inside the existing nonconforming garage vs. a structure that is nonconforming as to parking, height, setback, ground area coverage, floor area ratio, or other requirements other than use, shall not be altered or enlarged in a way that increases the extent of any nonconformity pursuant to Section 6-303 of the Coral Gables “Zoning Code.”

A Resolution was passed and adopted due to the following roll call: “Yea” – Mr. Mora, Mrs. De las Cuevas-Diaz, Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggle. “Nay” – None.

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**4. BA-09-09-1963**

Lots: 1 Thru 16 & Lots 24 Thru 36, Block: 31  
Coral Gables Sec. L, PB/PG: 8/85  
(55 Merrick Way, Bays 25-44)

Guilford & Associates, P.A. – Applicant  
AHM Properties LLC – Owner  
Luis Naya – Architect/Engineer

A hearing was held on case no. BA-09-09-1963.

Present: Alonzo Mourning – Owner; Zeke Guilford – Attorney.

**APPLICANT'S PROPOSAL:** In connection with the required parking for the proposed medical clinic in the existing commercial building at the subject property, the Applicant requests the following variance pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the “Zoning Code.”

1. Grant a variance to provide sixty three (63) off street parking spaces vs. providing ninety seven (97) off street parking spaces shall be provided for new buildings, uses or structures as required by Section 5-1401 (B) (1) (a) and 5-1409 (B) (a) of the Coral Gables “Zoning Code.”

**STAFF OBSERVATION:** In this case, the applicant is proposing a parking variance due to a change of use. The Coral Gables “Zoning Code” Section 5-1401 (B) requires parking for “new buildings, uses, or structures”. The applicant is changing from an existing Health Club use approval, to a Medical Clinic.

The existing building was approved as a Mediterranean Mixed-Use project. The project was reviewed under the “old code” which had different parking requirements. At the time of review the parking requirements for the Health Club was based on 18,761 square feet with a parking ratio of one (1) parking space per 350 square feet. A total of 54 spaces were required and provided.

If at the time the owner of the building decided to change the use from a Health Club to a Medical Clinic as being proposed now, there would have been one (1) parking space surplus. The Medical Clinic would have been reviewed and approved under the old “Zoning Code”. Although, it is the same 18,761 square footage, the back of house (mechanical equipment rooms) would not have been counted for parking requirements.

In addition, after further review the required total parking count is 97 parking spaces, not 106 as advertised. This is due to the portion of the mezzanine not being accessible. The following provides the essential parking analysis:

**Proposed (minus removed portion of the mezzanine):** Baptist Medical: 18,761-1800 (mezzanine) = 16,961

**Parking ratio-medical clinic (new code):** 1/200 + 1 space for each full time employee

Parking requirement:  $16,961/200 = 85$  spaces  
12 FTE (Full time employees) = 12 Spaces  
Total:  $85 + 12 = 97$  Spaces

**Deficit:**

97 spaces - 54 spaces (currently provided) = 43 spaces  
43 spaces - 4 recovered spaces (based on new condo docs) = 39 spaces  
39 spaces - 5 loading spaces = **34 spaces (Deficit)**

**Medical Clinic calculated under old code requirements (minus entire mezzanine):**

Baptist Medical:  $18,761 - 3,300$  (mezzanine) = 15,461  
Parking ratio – medial clinic (**old code**): 1/250  
Parking requirement:  $15,461/250 = 62$

**Deficit:**

62 spaces - 54 spaces (currently provided) = 8 spaces  
8 spaces - 4 recovered spaces (based on new condo docs) = 4 spaces  
4 spaces - 5 loading spaces = **+1 surplus**

The Zoning Division staff supports this request because the proposed use will not generate additional parking for the building, and in the event that the proposed Medical Clinic use is removed, the building space may be utilized as the previously approved Health Club use.

The Zoning Division Staff recommends **APPROVAL** of the Applicant's request.

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

1. That special conditions and circumstances do exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the Applicant.
3. That granting the variance requested will not confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of these regulations would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would not work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").

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5. That the variance granted is the minimum variance that will make possible the reasonable
6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **APPROVAL** of Item no. 1 of the Applicant's request.

A motion was made by Mr. Artigues, seconded by Mr. Bello to approve Item 1 of the Applicant's request.

**RESOLUTION NO. 4968-ZB**

A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO  
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE  
"ZONING CODE," TO WIT:

1. Grant a variance to provide sixty three (63) off street parking spaces vs. providing ninety seven (97) off street parking spaces shall be provided for new buildings, uses or structures as required by Section 5-1401 (B) (1) (a) and 5-1409 (B) (a) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" – Mr. Mora, Mrs. De las Cuevas-Diaz, Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggle. "Nay" – None.

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**5. BA-09-08-3041**

Lot: 27, Block: A  
Gables Estates No. 2, PB/PG: 60/37  
(50 Casuarina Concourse)

Jose Gonzalez – Applicant  
Armando M. & Margarita Codina – Owner

Edward A. Swakon – Architect/Engineer

Deferred by Staff.

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**6. BA-09-09-1556**

Lot: 69, Block: 2

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Old Cutler Bay Sec. 5, PB/PG: 85/25  
(160 Solano Prado)

Trident Environmental Consultants, Inc. – Applicant  
Roberto R. & Karen F. Gonzalez – Owner  
Denis K. Solano – Architect/Engineer

A hearing was held on case no. BA-09-09-1556.

Present: Bibi Villazon, President, Trident Environmental – Applicant.

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

1. Grant a variance to allow the proposed dock to extend outward from the bank twelve (12'0") feet vs. no dock, wharf or similar structure shall be constructed more than five (5'0") feet outward from the bank as allowed by Section 5-802 (A) of the Coral Gables “Zoning Code.”

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

**STAFF OBSERVATION:** The applicant is proposing to construct an “L” shaped boat dock consisting of a four (4'0") feet wide by seven (7'0") feet long access walkway and a five (5'0") feet wide by thirty (30'0") feet long terminal platform. Therefore, the waterward edge of the proposed dock shall be located at a maximum twelve (12'0") feet from the seawall cap.

The proposed design was necessary due to a coral rock shelf which abuts the seawall. The Department of Environmental Resources Management (DERM) has approved and recommends this design to minimize the potential adverse environmental impact and cumulative adverse environmental impact. DERM does not recommend dredging at this site since the dredging would require the removal of limerock substrate which would result in significant water quality impact and impact to resources in the area.

The ample waterway width of approximately two hundred and twenty five (225'0") feet, easily accommodates the additional distance projecting into the waterway and does not interfere with the required seventy-five (75'-0") feet of unobstructed navigable waterway as required by the Zoning Code.

Due to the unique site conditions a five (5'0") feet marginal dock is not feasible at this site. The Zoning Division staff recommends APPROVAL of item no. 1 in order to protect and preserve the existing resources.

**STAFF RECOMMENDATION:** Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the “Zoning Code,” the Zoning Division Staff finds and the Board of

Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the "Zoning Code," and makes the following recommendations:

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

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **APPROVAL** of Item no. 1 of the Applicant's proposal.

A motion was made by Mr. Artigues, seconded by Mr. Bello to approve Item 1 of the Applicant's request.

**RESOLUTION NO. 4969-ZB**

**A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO  
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE  
"ZONING CODE," TO WIT:**

1. Grant a variance to allow the proposed dock to extend outward from the bank twelve (12'0") feet vs. no dock, wharf or similar structure shall be constructed more than five (5'0") feet outward from the bank as allowed by Section 5-802 (A) of the Coral Gables "Zoning Code."

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A Resolution was passed and adopted due to the following roll call: "Yeas" – Mr. Mora, Mrs. De las Cuevas-Diaz, Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggle. "Nays" – None.

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**7. BA-09-09-1722**

Lot: 30, Block: 3  
Old Cutler Bay Sec. 4-A, PB/PG: 84/6  
(435 Marquesa Drive)

Trident Environmental Consultants, Inc. – Applicant  
M G 1146 Inc. – Owner  
John H. Buscher – Architect/Engineer

Deferred by Staff.

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**8. 8497-Z**

Lot: 44 thru 54, Block: 5  
Coral Gables Industrial Section, PB/PG: 28/22  
(135 San Lorenzo Avenue)

Merrick View Holdings, LLC – Applicant  
Merrick View Holdings, LLC – Owner  
Marc Wigder – Attorney

A hearing was held on case no. 8497-Z.

Present: Marc Wigder, Attorney

**APPLICANT'S PROPOSAL:** In connection with the existing commercial building at the subject property, the Applicant requests to modify Resolution No. 4634-ZB for a previously approved variance pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Consider a request to remove the restriction as set forth within Resolution No. 4634-ZB restricting Retail Condominium Units Nos. 140, 150, 160 and 170, on the ground level floor plan to Showroom Use.
2. Approve a corresponding amendment to the Declarations of Restrictions appropriately memorializing the foregoing.

**STAFF OBSERVATION:** The applicant is requesting to amend Resolution No. 4634-ZB on previously granted variances, specifically condition no. (3) as noted; "On May 2, 2005 the Board

of Adjustment passed and adopted Resolution No. 4634-ZB approving the following variances for captioned with the condition that the property owner submit a restrictive covenant to the city providing that: 1) The parking spaces located on the parking lifts will be assigned employee parking or that the building will provide a permanent valet parking service for parking cars on the parking lifts. 2) The building will have no restaurant or food service establishment. 3) The building will have six thousand (6,000) square feet of space restricted to showroom use."

This restriction limiting the units to "Showroom Use" was necessary to accommodate the allocated parking being provided and in conjunction with the requested variance of allowing forty-two (42) of the off-street parking spaces to be provided on twenty-one (21) mechanical lifts. At the time the variance was granted mechanical lifts were not allowed by the Zoning Code.

Based on the new provisions in the Zoning Code, mechanical lifts are now allowed and the owner of the building is able to provide mechanical lifts for any required parking generated by other allowed uses. The restriction limiting the units to "Showroom Use" is no longer necessary.

The Zoning Division staff recommends **APPROVAL** of the Applicant's request.

**STAFF RECOMMENDATION:** Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the "Zoning Code," the Zoning Division Staff finds and the Board of

Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the "Zoning Code," and makes the following recommendations:

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

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6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will be injurious to the area involved or otherwise detrimental to the public welfare.

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

A motion was made by Mr. Bello, seconded by Dr. De Blij to approve Items 1 and 2 of the Applicant's request.

**RESOLUTION NO. 4970-ZB**

A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO  
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE  
“ZONING CODE,” TO WIT:

1. Consider a request to remove the restriction as set forth within Resolution No. 4634-ZB restricting Retail Condominium Units Nos. 140, 150, 160 and 170, on the ground level floor plan to Showroom Use.
2. Approve a corresponding amendment to the Declarations of Restrictions appropriately memorializing the foregoing.

A Resolution was passed and adopted due to the following roll call: “Yea” – Mr. Mora, Mrs. De las Cuevas-Diaz, Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggle. “Nay” – None.

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**9. BA-09-10-2453**

Lot: 48, Block: 2  
Old Cutler Bay Sec. 5, PB/PG: 85/25  
(153 Solano Prado)

Eastshore International Corp. – Applicant  
Gilbert J. Florentino TRS – Owner  
Luis Jauregui – Architect/Engineer

Deferred by Staff.

Meeting adjourned at 9:35a.m.

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Elizabeth L. Gonzalez  
Secretary