

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
FEBRUARY 7, 2011
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	J	F	M	A	M	J	J	A	S	O	N	D	APPOINTED BY:
Jorge Mora	P	P											Mayor Donald Slesnick
Tony Bello	P	P											Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	P	L											Comm. Maria Anderson
Dr. Katherine De Blij	P	P											Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	P											Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	P											Board of Adjustment
Dr. Joseph W. Briggles, Vice Chair	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

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

The 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. Six members were present.

2. Approval of the January 10, 2011 Recap

A motion was made by Dr. Briggie, seconded by Dr. De Blij to approve the January 10, 2011 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 5009-ZB

3. BA-11-01-4348

Lengthy Legal, Tract A
Riviera Section 8, PB/PG: 46/100
(1250 S. Dixie Highway, #1210)

Richard Pacetti – Architect/Applicant

A hearing was held on case no. BA-11-01-4348.

Present: Richard Pacetti – Architect/Applicant

APPLICANT'S PROPOSAL: In connection with the proposed sign for the tenant “Mattress Xpress”, in the existing commercial building 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 proposed tenant sign to be mounted at a maximum height of twenty three (23’0”) feet above grade vs. eighteen (18’0”) feet maximum as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”
- 2) Grant a variance to allow the proposed tenant sign to have a maximum of eighteen (18”) inches lettering height vs. a maximum of twelve (12”) inches lettering height as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”
- 3) Grant a variance to allow the proposed tenant sign to have a maximum sign area of twenty four and a half (24.5) square feet vs. a maximum sign area of eighteen (18.0) square feet as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The subject property is located on the corner of Mariposa Court and South Dixie Highway and the building is identified as the “University Centre”. The Applicant is requesting three variances with regard to the installation of the tenant sign “Mattress Xpress”.

The Zoning Code sign provisions allow for tenant signage to be installed at a maximum height of eighteen (18’0”) feet from grade. This building’s mirrored glass front façade is unique and unusual due to the fact it has an angled eyebrow. Therefore, all existing signage is located above this eyebrow. Using the existing bolts and threaded rods attachment method will prevent any unnecessary damage to the glass façade. In order to maintain the building signage consistent and uniform in nature it is necessary to install the proposed sign at twenty-three (23’0”) feet above grade.

Item No. 2 is a variance request to allow the lettering height of the sign to be at a maximum eighteen (18”) inches versus a maximum of twelve (12’) inches lettering height and Item No. 3 is a variance request to allow the proposed tenant sign to have a maximum sign area of twenty four and a half (24.5) square feet versus a maximum sign area of eighteen (18.0) square feet. As previously noted this building’s mirrored glass front façade and the building being set back approximately one hundred and ninety five (195) feet from the front property boundary, hinders the identification of signage. The increase in lettering height and additional sign area is necessary in order to be able to identify the business for motorist and pedestrians traveling on South Dixie Highway. The proposed sign is aesthetically in harmony with the building and with the existing signage on the building. The increase in lettering height and additional six and a half (6.5) square feet being requested for overall sign area is a reasonable and minimal request.

The Zoning Division Staff recommends **APPROVAL** of Item No. 1, 2 and 3 as requested by the Applicant.

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

1. That special conditions and circumstances do 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 not 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, 2 and 3 of the Applicant’s request.

A motion was made by Dr. Briggie and seconded by Mr. Mora to approve the Applicant’s request.

RESOLUTION NO. 5010-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 tenant sign to be mounted at a maximum height of twenty three (23’0”) feet above grade vs. eighteen (18’0”) feet maximum as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”
- 2) Grant a variance to allow the proposed tenant sign to have a maximum of eighteen (18”) inches lettering height vs. a maximum of twelve (12”) inches lettering height as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”
- 3) Grant a variance to allow the proposed tenant sign to have a maximum sign area of twenty four and a half (24.5) square feet vs. a maximum sign area of eighteen (18.0) square feet as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”

A Resolution was passed and adopted due to the following roll call: “Yeas” – Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggie, Mr. Mora, Mr. Lukacs. “Nays” – None.

4. BA-11-01-4349

Lengthy Legal, Tract A
Riviera Section 8, PB/PG: 46/100
(1250 S. Dixie Highway, #1230)

Richard Pacetti – Architect/Applicant

A hearing was held on case no. BA-11-01-4349.

Present: Richard Pacetti – Architect/Applicant

APPLICANT'S PROPOSAL: In connection with the proposed sign for the tenant “T.C.B.Y. Frozen Yogurt”, in the existing commercial building 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 proposed tenant sign to be mounted at a maximum height of twenty three (23’0”) feet above grade vs. eighteen (18’0”) feet maximum as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”
- 2) Grant a variance to allow the proposed tenant sign to have a maximum of eighteen (18”) inches lettering height vs. a maximum of twelve (12”) inches lettering height as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The subject property is located on the corner of Mariposa Court and South Dixie Highway and the building is identified as the “University Centre”. The Applicant is requesting two variances with regard to the installation of the tenant sign “T.C.B.Y. Frozen Yogurt”.

The Zoning Code sign provisions allow for tenant signage to be installed at a maximum height of eighteen (18’0”) feet from grade. This building’s mirrored glass front façade is unique and unusual due to the fact it has an angled eyebrow. Therefore, all existing signage is located above this eyebrow. In order to maintain the building signage consistent and uniform in nature it is necessary to install the proposed sign at twenty-three (23’0”) feet above grade.

Item No. 2 is a variance request to allow the lettering height of the sign to be at a maximum eighteen inches (18”). As previously noted this building’s mirrored glass front façade and the building being set back approximately one hundred and ninety five (195) feet from the front property boundary, hinders the identification of signage. The increase in lettering height is necessary in order to be able to identify the business for motorist and pedestrians traveling on South Dixie Highway. The proposed sign is aesthetically in harmony with the building and with the existing signage on the building. The additional six (6) inches being requested for lettering height is a reasonable and minimal request.

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

STAFF RECOMMENDATION: Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the “Zoning Code,” the Zoning Division Staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their

application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the “Zoning Code,” and makes the following recommendations:

1. That special conditions and circumstances do 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 not 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 Dr. Briggie and seconded by Mrs. Diaz De Las Cuevas to approve the Applicant’s request.

RESOLUTION NO. 5011-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 tenant sign to be mounted at a maximum height of twenty three (23’0”) feet above grade vs. eighteen (18’0”) feet maximum as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”

- 2) Grant a variance to allow the proposed tenant sign to have a maximum of eighteen (18") inches lettering height vs. a maximum of twelve (12") inches lettering height as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

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

Mr. Pacetti asked the Board to grant a blanket approval for all future signs on the building. Mr. Lukacs explained that it was not possible and all cases should be heard to offer due process to all interested parties.

5. Discussion Items

Elizabeth Gonzalez, Secretary to the Board of Adjustment advised the Board Members that the appeal presented to the City Commission on January 25, 2011, with regard to the denied variances for the property located at 4995 Hammock Lake Drive was approved and the Board's denial was overturned.

Dr. Briggie asked the reasons for which the City Commission based their decision upon. Martha Salazar-Blanco, Zoning Official advised the Board the decision was based on the 2006 transcripts and the Board of Adjustment appeal package submitted to the City Commission.

Mr. Lukacs made a recommendation that staff should have legal representation for any appeals presented to the City Commission. Ms. Salazar-Blanco explained that Staff had met with both the previous City Attorney and the current Interim City Attorney on the matter.

Meeting adjourned at 8:15a.m.

**THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT**

Elizabeth L. Gonzalez
Secretary