

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
JUNE 7, 2010
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 **APPOINTED BY:**

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

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.

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1. Roll Call

Roll call was taken. Six members were present. Mrs. De Las Cuevas-Diaz arrived late.

2. Approval of the May 3, 2010 Recap

A motion was made by Dr. Briggle, seconded by Dr. De Blij to approve the May 3, 2010 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4990-ZB

3. BA-10-05-3431

Lot: 17, Block: 24
Cocoplum Sec. No. 2, PB/PG: 133/30
(136 Paloma Drive)

Ocean Consulting – Applicant
Preston Wilson, Jr., IV – Owner
Denis K. Solano – Architect/Engineer

A hearing was held on case no. BA-10-05-3431.

Present: Kirk Lofgren – Applicant

APPLICANT'S PROPOSAL: In connection with the proposed watercraft lift for 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 proposed watercraft lift's outermost portion to be located at forty three feet six inches (43'6") from the property line vs. docks, wharves or similar structures may be constructed over or in canals and waterways at a distance extending outward from the property line not more than fifteen feet (15'0") as allowed by Section A-23 (A) (3) (a) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed watercraft lift's outermost portion to be located at thirty nine feet six inches (39'6") from the bank of the waterway vs. watercraft lifts or floating watercraft lifts shall not extend beyond twenty five feet (25'0") from the bank of the waterway as allowed by Section 5-805 (E) of the Coral Gables "Zoning Code."

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STAFF OBSERVATION: This request was originally presented and approved on December 7, 2009 by Resolution No. 4976-ZB. However, due to a dimensional error in calculating the waterward projection of the lift, the actual boatlift extends an additional four (4'0") feet than as originally approved. Considering the additional four (4'0") feet extension, the remaining and ample waterway width is still in compliance with the required minimum navigable waterway width.

The following is the Staff Observation as presented on December 7, 2009.

The applicant is proposing to install a watercraft lift on an existing L-shaped dock which was approved by a variance (Hearing No. 8394-Z) on July 9, 2003.

The proposed design was necessary due to the presence of red mangroves, white mangroves and buttonwoods along the shoreline of the subject site. The Department of Environmental Resources Management (DERM) has approved and recommends this design to minimize and avoid the potential and cumulative adverse environmental impact. Pursuant to the Code of Miami-Dade County, (DERM) required the proposed watercraft lift be installed on the most waterward edge of the terminal platform of the existing dock in order to avoid impact to the lateral branches of the mangrove canopy adjacent to said dock.

Directly across the subject property is a conservation area and no similar type structures such as wood dock, watercraft lifts, or davits etc. exist or would be installed. Therefore, the remaining navigable waterway width of approximately eighty eight feet and six inches (88'6") from the outermost portion of the watercraft lift still allows for safe navigation of vessels.

Due to the unique site conditions the Zoning Division staff recommends **APPROVAL** of Items No. 1 and No. 2 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 would 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.

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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 Items No. 1 and No. 2 of the Applicant's request.

A motion was made by Dr. Briggle and seconded by Mr. Artigues to approve Items 1 & 2 of the Applicant's request.

RESOLUTION NO. 4991-ZB

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

1. Grant a variance to allow the proposed watercraft lift's outermost portion to be located at forty three feet six inches (43'6") from the property line vs. docks, wharves or similar structures may be constructed over or in canals and waterways at a distance extending outward from the property line not more than fifteen feet (15'0") as allowed by Section A-23 (A) (3) (a) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed watercraft lift's outermost portion to be located at thirty nine feet six inches (39'6") from the bank of the waterway vs. watercraft lifts or floating watercraft lifts shall not extend beyond twenty five feet (25'0") from the bank of the waterway as allowed by Section 5-805 (E) of the Coral Gables "Zoning Code."

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

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4. BA-10-05-3859

Lot: 77 & 78, Block: 50

Country Club Sec. No. 4, PB/PG: 10/57
(1221 Mariola Court)

Rogelio Tovar – Applicant
Rogelio Tovar – Owner
Jorge L. Hernandez - Architect

A hearing was held on case no. BA-10-05-3859.

Present: Jorge L. Hernandez, Architect - Applicant

APPLICANT'S PROPOSAL: In connection with the proposed addition for the existing single 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 addition in conjunction with the existing residence to exceed the allowable floor area factor and maintain a square foot floor area of seven thousand eight hundred and thirty five (7,835) vs. the single family residence shall not exceed a maximum square foot floor area of seven thousand one hundred and forty (7,140) as required by Section 4-101 (D) (10) (a) of the Coral Gables, "Zoning Code".

STAFF OBSERVATION: 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 site area. The intent and purpose of the maximum floor area factor permitted is to limit the size and mass of a residence in relation to the building site.

The Applicant is requesting a variance to build a second floor addition above the existing garage and be allowed to exceed the maximum square foot floor area permitted for this property site. The maximum floor area permitted is seven thousand one hundred and forty (7,140) square feet. The proposed floor area considering the new addition and the existing residence is seven thousand eight hundred and thirty five (7,835) square feet, totaling an excess of six hundred and ninety five (695) square feet.

The Zoning Code is amended and modified throughout the years and the parameters currently in effect are imposed on all properties. An undue hardship exists only if the predicament is unique to the property of the applicant. This situation is not unique if it is shared by other land in the district. Staff was unable to identify any unusual or unique circumstances with the property site.

As stated in Zoning Code Section 1-103 (E), the Zoning Code was implemented to preserve residential properties to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design and appearance.

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The Zoning Code is a comprehensive plan outlining the future growth and development of the community. The parameters are necessary for the public benefit and the ordinance should be observed.

The Zoning Division staff recommends **DENIAL** of Item no. 1.

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 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 **DENIAL** of Item No. 1 of the Applicant's request.

A motion was made by Dr. Briggle, seconded by Dr. De Blij to deny Item 1 of the Applicant's request.

RESOLUTION NO. 4992-ZB

A RESOLUTION DENYING A REQUEST FOR A VARIANCE TO

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ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
“ZONING CODE,” TO WIT:

1. Grant a variance to allow the proposed addition in conjunction with the existing residence to exceed the allowable floor area factor and maintain a square foot floor area of seven thousand eight hundred and thirty five (7,835) vs. the single family residence shall not exceed a maximum square foot floor area of seven thousand one hundred and forty (7,140) as required by Section 4-101 (D) (10) (a) of the Coral Gables, “Zoning Code”.

A Resolution was passed and adopted due to the following roll call: “Yea” – Dr. De Blij, Mr. Bello, Dr. Briggle, Mr. Mora, Mr. Lukacs. “Nay” – Mr. Artigues, Mrs. De Las Cuevas-Diaz.

5. Election of Chairperson

A motion was made by Mr. Bello and seconded by Mrs. De Las Cuevas-Diaz to elect Mr. Lukacs as Chairperson.

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

RESOLUTION NO. 4993-ZB

6. Election of Vice Chairperson

A motion was made by Dr. De Blij and seconded by Mr. Mora to elect Dr. Briggle as Vice Chairperson.

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

RESOLUTION NO. 4994-ZB

7. Board of Adjustment Meeting to be held July 6, 2010

Mr. Lukacs, Dr. Briggle, Mr. Artigues, Mrs. De Las Cuevas-Diaz, Mr. Bello and Mr. Mora advised the secretary and the Board that they could not attend the Board of Adjustment Meeting scheduled for July 6, 2010.

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A motion was made by Mr. Bello and seconded by Dr. Briggle to cancel the meeting scheduled for July 6, 2010.

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

RESOLUTION NO. 4995-ZB

Meeting adjourned at 8:50a.m.

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Elizabeth L. Gonzalez
Secretary