

**City of Coral Gables  
CITY COMMISSION MEETING  
JANUARY 22, 2008**

**ITEM TITLE:**

Board of Adjustment Meeting Minutes – January 7, 2008

**SUMMARY:**

8652-Z - Approved

8656-Z - Approved

**ATTACHMENT(S):**

1. Recap for Board of Adjustment Meeting dated January 7, 2008.
2. Copy of Notice of Public Hearing Advertisement – Miami Daily Business Review published December 20, 2007.

# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

## STATE OF FLORIDA COUNTY OF MIAMI-DADE:

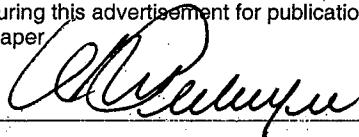
Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRES., Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

## BOARD OF ADJUSTMENT OF THE CITY OF CORAL GABLES PUBLIC HEARING FOR JANUARY 7, 2008

in the XXXX Court,  
was published in said newspaper in the issues of

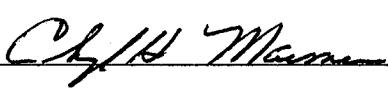
12/20/2007

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this

20 day of DECEMBER , A.D. 2007



(SEAL)

O.V. FERBEYRE personally known to me



Cheryl H Marmer  
My Commission DD338559  
Expires July 18, 2008

## BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

All interested parties are hereby notified that the Board of Adjustment of the City of Coral Gables, Florida, will hold a public hearing for the purpose of hearing variance requests and taking action on such requests, reviewing and taking action on appeals from Administrative Officials, and other decision making orders, as outlined in Section 2-401 of Ordinance No. 1525, as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, to wit:

1. 8652-Z Consider a variance request in regard to the proposed signage for the existing commercial building located at 1190 South Dixie Highway, Coral Gables, Florida. Folio number 03-4130-000-0024

2. 8656-Z Consider variance requests in regard to the setbacks and required off street parking for the proposed commercial building known as the Bahamian Village located at 238 Florida Avenue, 226 Florida Avenue, 222 Florida Avenue, 218 Florida Avenue, 330 South Dixie Highway, and 231 Grand Avenue, Coral Gables, Florida. Folio numbers 03-4120-006-1650, 03-4120-006-1660, 03-4120-006-1670, 03-4120-006-1680, 03-4120-006-1690, 03-4120-006-1710, 03-4120-006-1730, 03-4120-006-1740, 03-4120-006-1750, 03-4120-006-1760, and 03-4120-006-1770.

Interested parties may express their views at the hearing or file them in writing with the undersigned on or before the commencement of the hearing which will be held before the Board of Adjustment of the City of Coral Gables in the Auditorium at the Coral Gables Youth Center, 405 University Drive, Coral Gables, Florida, commencing at 8:00 A.M., Monday, January 7, 2008.

If a person decides to appeal any decision made by a board/ committee with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

Any person requiring special accommodation for participation in the meeting because of a special disability, should call the City Manager's Office, no less than five working days prior to the meeting at (305) 460-5204.

Elizabeth Gonzalez  
Acting Secretary

12/20

07-3-90/937331M

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT**  
**JANUARY 7, 2008**  
**AUDITORIUM , CORAL GABLES YOUTH CENTER, 405 UNIVERSITY DRIVE**  
**RECAP**

The meeting was scheduled to be held in the Auditorium, Coral Gables Youth Center, 405 University Drive, Coral Gables, Florida, commencing at 8:00 a.m.

**MEMBERS F M A A M J J A S O N D J APPOINTED BY:**

|                                   |   |   |   |   |   |   |   |   |   |   |   |   |   |                                   |
|-----------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|-----------------------------------|
| Miles McGrane                     | X | X | X | X | X | E | C | E | P | P | P | E | P | Mayor Donald Slesnick II          |
| Tony Bello                        | P | P | P | P | P | P | C | P | P | P | P | P | P | Vice Mayor William H. Kerdyk, Jr. |
| Sharon Langer, Esq.               | P | P | P | P | E | E | C | E | P | P | P | P | P | Comm. Maria Anderson              |
| Jaime Pozo, Esq.                  | E | P | P | E | P | P | C | P | P | E | P | P | P | Comm. Rafael "Ralph" Cabrera, Jr. |
| John C. Lukacs, Esq., Chairperson | P | P | P | E | P | P | C | P | E | P | P | P | P | Comm. Wayne "Chip" Withers        |
| Sergio Artigues, Architect        | P | P | P | P | P | P | C | E | P | P | E | P | P | Board of Adjustment               |
| Dr. Joseph W. Briggle, Vice Chair | P | P | P | P | P | P | C | P | P | P | P | P | P | City Manager David L. Brown       |

**STAFF:**

Elizabeth Gonzalez, Acting Secretary  
Steven Rodriguez, Zoning Technician

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 seven 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. All Board members were in attendance.

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**2. Approval of the December 3, 2007 Recap**

A motion was made by Dr. Briggle, seconded by Mrs. Langer to approve the December 3, 2007 Recap. A resolution was passed by voice vote.

**RESOLUTION NO. 4878-ZB**

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**3. Approval of Absence**

In lieu of the written explanation provided to the board by Mr. McGrane, a motion was made by Dr. Briggle, seconded by Ms. Langer to excuse his absence at the December 3, 2007 Board of Adjustment meeting. A resolution was passed by voice vote.

**RESOLUTION NO. 4879-ZB**

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**4. 8652-Z** 30 54 41 1.89 Acre M/L part of northerly 1/2 of north 1/2 of southwest 1/4  
of northeast 1/4 beginning at northeast corner Lot 26, Block: 155  
per PB/PG: 25-55 through west 212.40 feet northwest 85.34 feet  
northeast 375 feet along SE/L of (lengthy legal)  
(1190 South Dixie Highway)

Ariel Pedrosa - Applicant  
John C. Breder, BIC Management Corporation, c/o Breder Management Corporation - Owner  
Ariel Pedrosa, Advanced Multi Sign - Architect/Engineer/Contractor

A hearing was held on case no. 8652-Z.

Present: Ariel Pedrosa - Applicant and Contractor

**APPLICANT'S PROPOSAL:** In connection with the proposed signage for the existing commercial building at the subject property, the Applicant requests the following variance pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance to allow the proposed tenant "metro PCS" to have two (2) signs vs. only one (1) sign permitted per street level as required by Section 5-1904 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 variances being requested by the Applicant.

**STAFF OBSERVATION:** The Applicant is requesting a variance for two (2) proposed signs for the tenant "metroPCS". The "Zoning Code" is specific as to the number of signs and the locations allowed. The "Zoning Code" allows one (1) sign per street level tenant, per street right-of-way frontage. This section requires that businesses must face upon a street in order have signage.

The existing tenant space is located in a building that does not face the street; the building is perpendicular to South Dixie Highway. The Applicant is requesting one sign to be located on the building directly above the front entrance to the store facing the parking lot, and is requesting a second sign on the arch of the building facing South Dixie Highway.

In November 2005, with respect to Case No. 8537-Z, the Board of Adjustment granted variances for the "UPS Store" tenant signage, also located within this building. The variances were for two signs, one at the entrance to the store and one on the arch of the building.

South Dixie Highway is a major thoroughfare, and the sign on the arch would enable the public to identify the location of "metroPCS". Once entering the parking lot, the sign located on the building above the entrance would identify the exact location of "metroPCS".

The Zoning Division staff finds that this building is unique in its design and recommends APPROVAL for a sign on the building directly above the front entrance and a sign to be located on the arch of the building.

**STAFF RECOMMENDATION:** Pursuant to Section 24-7 VARIANCES of the "Zoning Code," the Zoning Division staff finds as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 1525, 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 this Ordinance to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of the "Zoning Code" would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the "Zoning Code," and would work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").
5. That the variance requested 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 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 the "Zoning Code," 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 1 of the Applicant's proposal.

A motion was made by Dr. Briggle, seconded by Ms. Langer to approve item 1 of the Applicant's proposal. A resolution was passed by voice vote.

**RESOLUTION NO. 4880-ZB**

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

1. Grant a variance to allow the proposed tenant "metro PCS" to have two (2) signs vs. only one (1) sign permitted per street level as required by Section 5-1904 of the Coral Gables "Zoning Code."

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**5. 8656-Z**

Lot(s): 7 through 27, Block: 1-B

MacFarlane Homestead and St. Albans Park, PB/PG: 5-81  
(231 Grand Avenue, 330 S. Dixie Highway, 238 Florida Avenue  
230 Florida Avenue, 226 Florida Avenue, 222 Florida Avenue, 218 Florida Avenue)

Laura Russo, Esq. - Applicant  
Bahamian Village, LLC. - Owner  
Hersh, Vitalini, Corazzini - Architect/Engineer

A hearing was held on case no. 8656-Z.

Present: Laura Russo, Esq. - Applicant; Burton Hersh, Architect

**APPLICANT'S PROPOSAL:** In connection with the proposed commercial building known as the "Bahamian Village" at the subject property, the Applicant requests the following variance(s) pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the commercial building to provide a total of seventy-nine (79) parking spaces vs. providing a minimum of ninety-nine (99) parking spaces as required by Section 5-1409 B.1 of the Coral Gables "Zoning Code."
2. Grant a variance allowing a minimum front setback of one foot six inches (1'-6") from Grand Avenue vs. providing a minimum front setback of twenty (20'-0") feet as required by Section A-66 E.1 of the Coral Gables "Zoning Code."

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

**STAFF OBSERVATION:** In regard to item 1, the Applicant is requesting a reduction in the required off-street parking for the proposed commercial building. The building is a mixture of retail use, restaurant use and office use. The required parking for these uses is ninety-nine (99) parking spaces and the Applicant is proposing seventy-nine (79) parking spaces. The proposed uses in the project are community based uses that will bring pedestrians from the surrounding neighborhood into the project and this will mitigate the required parking.

In regard to item 2, the Applicant is requesting a variance to encroach into the required front setback for the proposed commercial building. The Applicant is proposing a one foot, six inch (1'-6") front setback along Grand Avenue versus the twenty (20'-0") feet front setback required.

The property abuts Florida Avenue, Grand Avenue and U.S. 1, and is a unique triangular shaped lot. Within the perimeter of the property exists a City park. The building was designed to accommodate surface parking and maximize the remaining area of the lot.

The adjacent building on Grand Avenue has a zero front setback. Other properties along Grand Avenue have different front setback distances ranging from zero (0'-0") feet to twenty (20'-0") feet. The proposed building is in harmony with the existing structures along Grand Avenue.

The Zoning Division staff recommends APPROVAL of items 1 and 2.

**STAFF RECOMMENDATION:** Pursuant to Section 24-7 VARIANCES of the "Zoning Code," the Zoning Division staff finds as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 1525, 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 this Ordinance to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of the "Zoning Code" would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the "Zoning Code," and would work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").
5. That the variance requested 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 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 the "Zoning Code," 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 1 and 2 of the Applicant's proposal.

A motion was made by Ms. Langer, Seconded by Mr. McGrane grant a variance allowing a minimum front setback of one foot six inches (1'-6") from Grand Avenue

**RESOLUTION NO. 4881-ZB**

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

2. Grant a variance allowing a minimum front setback of one foot six inches (1'-6") from Grand Avenue vs. providing a minimum front setback of twenty (20'-0") feet as required by Section A-66 E.1 of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" - Mr. Bello, Dr. Briggle, Mr. McGrane, Ms. Langer, Mr. Pozo, Mr. Artigues and Mr. Lukacs. "Nay" - None. "Excused" - None.

A motion was made by Ms. Langer, Seconded by Mr. McGrane grant a variance allowing the commercial building to provide a total of seventy-nine (79) parking spaces vs. the required ninety-nine (99).

**RESOLUTION NO. 4882-ZB**

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

1. Grant a variance allowing the commercial building to provide a total of seventy-nine (79) parking spaces vs. providing a minimum of ninety-nine (99) parking spaces as required by Section 5-1409 B.1 of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" - Dr. Briggle, Mr. McGrane, Ms. Langer, Mr. Artigues and Mr. Lukacs. "Nay" - Mr. Pozo and Mr. Bello. "Excused" - None.

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Meeting adjourned at 8:19 a.m.

THE CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez  
Acting Secretary