

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
FEBRUARY 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	F	M	A	M	J	J	A	S	O	N	D	J	APPOINTED BY:
Jorge Mora	P	X	X	X	X	X	X	X	X	X	X	C	Mayor Donald Slesnick II
Tony Bello	P	C	P	P	P	C	E	P	P	P	P	C	Vice Mayor William H. Kerdyk, Jr.
Sharon Langer, Esq.	P	C	P	P	E	C	E	P	P	P	E	C	Comm. Maria Anderson
Jaime Pozo, Esq.	E	C	P	E	P	C	P	E	P	E	P	C	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	C	P	P	P	C	P	P	P	P	P	C	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	C	P	P	P	C	E	P	P	P	P	C	Board of Adjustment
Dr. Joseph W. Briggles, Vice Chair	P	C	P	P	P	C	P	P	P	P	P	C	City Manager

STAFF:

Elizabeth L. Gonzalez, Acting Secretary
Joan Bailey, Court Reporter

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 five 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. Mr. Pozo was not in attendance, but had given staff prior notification of his inability to attend the Board of Adjustment meeting.

2. Approval of the December 1, 2008 Recap

A motion was made by Mr. Bello, seconded by Dr. Briggie to approve the December 1, 2008 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4931-ZB

3. 8676-Z

Lot(s): 8, Block: B
Gables Estates No. 2, PB/PG: 60/37
(457 Leucadendra Drive)

Daniel M. Bell, Trustee - Applicant
Daniel M. Bell, Trustee - Owner
Denis K. Solano - Architect/Engineer

A hearing was held on case no. 8676-Z.

Present: Zeke Guilford, Esq., representing Applicant and Owner

APPLICANT'S PROPOSAL: In connection with the proposed mooring piles for the single-family residence 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 to allow the proposed mooring piles to be installed at thirty-five (35'-0") feet from the bank of the water or waterways vs. no mooring piles shall be placed or set at a greater distance than twenty-five (25'-0") feet from the bank of the water or waterways as required by Section 5-802(B) 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 states that due to the existing dock extending ten (10'-0") feet from the bank of the waterway, it is necessary to place the mooring piles at thirty-five (35'-0") feet from the bank of the waterway to provide adequate separation needed to safely moor his vessel.

This property is unique in that the boundaries, as platted, are in the water. Due to this specific site condition, the installation of mooring piles at thirty-five (35'-0") feet from the existing bank would still fall within the property boundary. If the water portion area within the platted property lines were filled, the dock and/or mooring piles could realistically be located farther into the waterway. Furthermore, the requested location does not interfere with the required seventy-five (75'-0") feet of open, unobstructed navigable waterway.

After careful review of the plans presented 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. 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 Ms. Langer, seconded by Dr. Briggie to Approve item 1 of the Applicant's proposal.

RESOLUTION NO. 4932-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 mooring piles to be installed at thirty-five (35'-0") feet from the bank of the water or waterways vs. no mooring piles shall be placed or set at a greater distance than twenty-five (25'-0") feet from the bank of the water or waterways as required by Section 5-802(B) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas" - Dr. Briggie, Mr. Mora, Ms. Langer, Mr. Artigues, Mr. Bello and Mr. Lukacs. "Nays" - None. Excused" - Mr. Pozo.

Meeting adjourned at 8:09 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez, Acting Secretary