

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
DECEMBER 5, 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:

Alejandro Galvez	P	P	P	P	P	P	P	C	P	P	P	E	Mayor Jim Cason
Tony Bello, Vice Chair	P	P	P	P	P	P	P	C	P	P	P	P	Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	P	L	P	E	P	P	A	C	L	P	L	L	Comm. Maria Anderson
Dr. Katherine De Blij	P	P	P	E	P	P	P	C	P	E	P	P	Comm. Rafael "Ralph" Cabrera, Jr.
Jorge Otero	P	P	P	P	P	P	P	C	P	P	P	P	Comm. Frank C. Quesada
Oscar Hidalgo	X	X	X	X	X	X	X	X	X	P	P	P	Board of Adjustment
Dr. Joseph W. Briggie, Chairperson	P	P	P	P	P	P	P	C	P	P	P	P	City Manager

STAFF:

Elizabeth Gonzalez, Secretary
Martha Salazar-Blanco, Zoning Official
Jane K Tompkins, AICP, Development Services Director
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 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.

Mr. Alejandro Galvez advised he could not attend the meeting. The Board made a motion by Mr. Bello, second by Mr. Otero to excuse Mr. Galvez absence.

RESOLUTION No. 5042-ZB

2. Approval of the November 7, 2011 Recap

A motion was made by Mr. Bello, seconded by Dr. De Blij to approve the October 3, 2011 Recap. A resolution was passed by voice vote.

RESOLUTION No. 5043-ZB

3.

BA-11-11-5247

(155 Isla Dorada Boulevard)

32-33 54 41 5.249 AC M/L COCOPLUM BEACH PROP PB 53-2 TR 2 LESS S400FT & LESS PORT
IN PB 114-2 & TRS 3-4-4A LESS NELY25FT 5A-5C & 5D LESS PORT IN PB 99-39 & 115-84 & 117-
65 LESS P AKA TRS

Playmore Recreation Products & Services – Applicant

Cocoplum Homeowners Association, Inc. – Owners

David S. Dayton – Engineer

APPLICANT'S PROPOSAL: In connection with the proposed freestanding shelter canopies for the playground at the Cocoplum Recreation Clubhouse, 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 allowing freestanding shelter canopies for the playground vs. all shelter canopies shall be attached to the building and may be located on the front, sides or rear of said building and no self-supporting or freestanding shelter canopy, carport canopy or entrance canopy shall be erected as required by Sections 5-302 (F) (2) (3) of the Coral Gables “Zoning Code.”

Case deferred by the Zoning Staff.

4.

BA-11-11-5279

(3516 Durango Street)

Lot: 18, Block: 31

Coral Gables Country Club Sec. Pt. 3, PB/PG: 10/52

David S. Plummer – Applicant

David S. and Kathleen R. Plummer– Owners

Hilario Candela – Architect

A hearing was held on case No. BA-11-11-5279

Present: David S. Plummer

APPLICANT'S PROPOSAL: In connection with the proposed carport enclosure into a garage 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 carport to be converted into a garage with a minimum interior dimension of 11’4” in width by 18’4” in length vs. Existing carports that were constructed before October 1, 1992 may be converted into enclosed garages if they have the minimum dimensions of 9’0” feet in width by 19’0” feet in length as required by Section 5-1402 (A) (5) (b) of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The Applicant is requesting a variance to enclose an existing legally non conforming carport into a garage by providing a garage door and enclosing the existing openings. This residence and carport was built in 1938 with an interior dimension of 11’4” in width by 18’4” in length. The Coral Gables Zoning Code allows carports to be enclosed into a garage if they were constructed before October 1, 1992 with a minimum dimension of 9’0” feet in width by 19’0” in length.

After reviewing the existing floor plan and the proposed changes, Staff finds the eight inches in length deficit is minimal. The applicant has provided pictures clearly depicting the carport easily accommodates a vehicle with additional space to spare. In addition, enclosing the carport into a garage would provide security for the vehicle and secure access into the home by the owner.

The Zoning Division Staff recommends **APPROVAL** of Item No. 1, 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 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.
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 of the Applicant’s request.

A motion was made by Mr. Bello and seconded by Dr. De Blij to approve the Applicant’s request.

RESOLUTION NO. 5044-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 carport to be converted into a garage with a minimum interior dimension of 11’4” in width by 18’4” in length vs. Existing carports that were constructed before October 1, 1992 may be converted into enclosed garages if they have the minimum dimensions of 9’0” feet in width by 19’0” feet in length as required by Section 5-1402 (A) (5) (b) of the Coral Gables “Zoning Code.”

A Resolution was passed and adopted due to the following roll call: “Yeas, Mr. Hidalgo Dr. De Blij, Mr. Bello, Mr. Otero, Mrs. De La Cuevas Diaz and Dr. Briggie “Nays”- NONE.

5.

BA-11-11-5359

(310 Sevilla Avenue)

Lots: 12 thru 37, Block: 16 & 20 Ft Alley Lyg Betw Lots

Coral Gables Crafts Sec., PB/PG: 10/40

Bill Ussery Motors Inc. – Applicant

Bill Ussery Motors Inc. – Owner

Luis Sousa – Architect

A hearing was held on case: No. BA-11-11-5359

Present: John M. (Jack) Thomson

Luis Sousa – Architect

APPLICANT'S PROPOSAL: In connection with the proposed signage for the existing commercial building (Mercedes-Benz of Coral Gables) 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 building sign on the North elevation to be mounted at a maximum height of twenty-nine feet and eleven inches (29’11”) from adjacent grade vs. A maximum height of twenty-five feet (25’0”) from adjacent grade for wall mounted building signs is allowed as required by Section 5-1904 of the Coral Gables “Zoning Code.”
2. Grant a variance to allow the proposed building sign on the East elevation to be mounted at a maximum height of thirty feet and seven inches (30’7”) and the logo at a maximum height of thirty-three feet and two inches (33’2”) from adjacent grade vs. A maximum height of twenty-five feet (25’0”) from adjacent grade for wall mounted building signs is allowed as required by Section 5-1904 of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The subject property is located on the corner of Almeria Avenue, Salzedo Street and Sevilla Avenue and the building is identified as the “Mercedes Benz of Coral Gables.” The Applicant is requesting two variances with regard to the installation of the wall mounted building signs.

The “Zoning Code” sign provisions allow for building signage to be installed at a maximum height of twenty five (25’0”) feet from adjacent grade. The new signage proposed consists of a wall mounted sign on the South elevation to be installed at a maximum height of 24’9” which is in compliance with the Zoning Code’s sign regulations. Two additional signs are also being proposed; one sign is to be installed on the East elevation and another sign is to be installed on the North elevation of the building. The differences in height from grade are a result of the natural difference in grade elevations from the North to the South property boundary. As noted on the survey, a difference in grade of four feet 4’0” exists

sloping downhill from the Northeast property boundary noted at 15'8" to 11'8" at the Southeast property boundary of the building.

In addition, in order to maintain the building signage consistent and uniform in nature it is necessary to install the proposed signs at the heights requested.

The Zoning Division Staff believes that due to the uniqueness of the grade and building design, this qualifies as a special circumstance and condition to the site. Staff notes the aforementioned special circumstance and condition are well within the "Zoning Code" requirements of granting the variances.

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 Mr. Bello and seconded by Mrs. De Las Cuevas Diaz to approve the Applicant's request.

RESOLUTION NO. 5045-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 building sign on the North elevation to be mounted at a maximum height of twenty-nine feet and eleven inches (29'11") from adjacent grade vs. A maximum height of twenty-five feet (25'0") from adjacent grade for wall mounted building signs is allowed as required by Section 5-1904 of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed building sign on the East elevation to be mounted at a maximum height of thirty feet and seven inches (30'7") and the logo at a maximum height of thirty-three feet and two inches (33'2") from adjacent grade vs. A maximum height of twenty-five feet (25'0") from adjacent grade for wall mounted building signs is allowed as required by Section 5-1904 of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas, Mrs. De La Cuevas Diaz, Mr. Bello, Mr. Otero, Dr. De Blij, Mr. Hidalgo, and Dr. Briggie "Nays"- NONE.

Meeting adjourned at 8:20 a.m.

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

Elizabeth Gonzalez
Secretary