

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
DECEMBER 1, 2008
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	D	J	F	M	A	M	J	J	A	S	O	N	APPOINTED BY:
Miles McGrane, III	A	P	C	C	L	P	P	C	P	E	E	E	Mayor Donald Slesnick II
Tony Bello	P	P	C	C	P	P	P	C	E	P	P	P	Vice Mayor William H. Kerdyk, Jr.
Sharon Langer, Esq.	E	P	C	C	P	P	E	C	E	P	P	P	Comm. Maria Anderson
Jaime Pozo, Esq.	P	P	C	C	P	E	P	C	P	E	P	E	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	P	C	C	P	P	P	C	P	P	P	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	P	C	C	P	P	P	C	E	P	P	P	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	P	P	C	C	P	P	P	C	P	P	P	P	City Manager David L. Brown

STAFF:

Elizabeth L. Gonzalez, Acting 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 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. McGrane and Ms. Langer were not in attendance; however, Ms. Langer had given prior notice of her inability to attend the Board of Adjustment meeting.

Mr. Bello made a motion to excuse the absence of Ms. Langer, seconded by Dr. Briggle and a resolution passed by voice vote.

RESOLUTION NO. 4926-ZB

2. Approval of the November 3, 2008 Recap

A motion was made by Mr. Bello, seconded by Dr. Briggle to approve the November 3, 2008 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4927-ZB

3. 8687-Z Lot(s): East half of Lot 9 and all of Lot 10, Block: 36
 Coral Gables Douglas Section, PB/PG: 25/69
 (108 Menores Avenue)

108 Menores, LLC - Applicant
108 Menores, LLC - Owner
Bellin & Pratt Architects, LLC - Architect/Engineer

A hearing was held on case no. 8687-Z.

Present: Marshall Bellin – Bellin & Pratt Architects, LLC - Architect/Engineer

APPLICANT'S PROPOSAL: In connection with the proposed six-story, Mediterranean style apartment building at the subject property, the Applicant requests the following variance(s) and ruling pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the uncovered off-street parking to have a front setback (Menores Avenue) of sixteen feet, six inches (16'-6") vs. the proposed uncovered off-street parking to have a front setback of twenty (20'-0") feet as required by Section 3-4(h)1 of the Coral Gables "Zoning Code."
2. Grant a variance allowing the uncovered surface parking to be located at the front yard area vs. parking for apartment buildings shall be located at the rear and/or interior side yard area as provided by Section 13-3 (a) of the Coral Gables "Zoning Code."

3. Grant a variance to allow the proposed cantilevered open balcony to project into the required setback below fifteen (15'-0") feet above finished grade vs. cantilevered open balconies having a height of not less than fifteen (15'-0") feet above finished grade may project into the required setback areas with a maximum of six (6'-0") feet as provided by Section 3-4(h)5 of the Coral Gables "Zoning Code."
4. Consider a waiver of Section 24-9 of the Coral Gables "Zoning Code," limiting the effective time period for a variance(s) from six (6) months to one (1) year.

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: These variance(s) requests were presented to the Board of Adjustment and approved on November 1, 2004 and subsequently on November 14, 2005. Several extensions were granted but the time allotted for the variances lapsed.

On January 8, 2007 the application was again presented to the Board of Adjustment and was granted approval. The last approval has expired and the applicant is requesting the same variances with no alterations to the plans as originally presented.

Included within your packet are the original staff observations and recommendations. Based on prior approvals staff recommends APPROVAL of items 1, 2, 3, and 4.

2007 STAFF OBSERVATIONS: This case came before the Board of Adjustment on November 1, 2004 and November 14, 2005. The Applicant also requested extensions from the City Manager, and was given an additional six months each time. The Applicant was granted a total of one year per case; however, this was not enough time to obtain the permit needed for a project this size. The Applicant is requesting the same variances with no changes to the plans.

- Item 1: In this case, the Applicant is proposing to build a six (6) story apartment building at the subject property. The Applicant is requesting one variance in regard to parking setbacks. The variance request is to allow the uncovered off-street parking to have a front setback (Menores Avenue) of sixteen feet, six inches (16'-6").
- Item 2: The Applicant is requesting to allow the uncovered surface parking to be located at the front yard area. The Coral Gables "Zoning Code" requires the parking for apartments to be located in the rear yard area (not including the side street setback), or between the building and the side interior property line, or a combination of the two.
- Item 3: This variance deals with the location or height of the first floor balconies. The Coral Gables "Zoning Code" provides that the balconies can encroach six (6'-0") feet into the setback provided they are fifteen (15'-0") feet above grade. The proposed balconies are approximately nine (9'-0") feet above grade. Increasing the height of the first floor by six (6'-0") feet would correct the problem; however, the Zoning Division Staff is working with the Applicant in reducing the height of the building.
- Item 4: The Applicant is requesting for the Board to consider a waiver of the limited effective time period for a variance from six months to one year because six months is not sufficient time to obtain a permit for this kind of project.

The Zoning Division staff recommends APPROVAL of items 1, 2, 3 and 4.

2005 STAFF OBSERVATIONS: This case came before this Board of Adjustment on November 1, 2004. The Applicant requested an extension from the City Manager and was granted an additional six months. A total of one year was not enough time to obtain a permit for a project this size. The Applicant requests the same variances with no changes to the plans.

Items 1 and 2:

In this case, the Applicant is proposing to build a six (6) story apartment building at the subject property. The Applicant is requesting two variances in regard to setbacks for parking.

The requested setback variances for the surface parking allows the building to have all of the required off-street parking at grade level without having another $\frac{1}{2}$ level of parking, which would increase the height of the building.

Item 3 of the Applicant's proposal deals with the location or height of the first floor balconies. The "Zoning Code" provides that the balconies can encroach six (6'-0") feet into the setback provided they are fifteen (15'-0") feet above grade. The proposed balconies are approximately nine (9'-0") feet above grade. Increasing the height of the first floor by six (6'-0") feet would correct the problem, however; the Zoning Division Staff is working with the Applicant in reducing the height of the building.

The proposed height of the building is fifty-three feet, eleven inches (53'-11") from the top of the roof deck/tie beam, and sixty-three feet, five inches (63'-5") to the top of the roof. The building is permitted a height of seventy-seven (77'-0") feet to the top of the roof deck/tie beam, and one hundred, two (102'-0") feet to the top of the roof. This is a reduction of twenty three (23'-0") feet from the height of the building to the roof deck and thirty-nine (39'-0") feet from the height of the building to the top of the roof.

The Zoning Division staff recommends APPROVAL of items 1, 2 and 3 of the Applicant's proposal.

2004 STAFF OBSERVATIONS: Items 1 and 2; In this case, the Applicant is proposing to build a six (6) story apartment building at the subject property. The Applicant is requesting two variances in regard to the setbacks for parking. The requested setback variances for the surface parking allows the building to have all of the required off-street parking at grade level without having another $\frac{1}{2}$ level of parking, which would increase the height of the building.

Item 3 of the Applicant's proposal deals with the location or height of the first floor balconies. The "Zoning Code" provides that the balconies can encroach six (6'-0") feet into the setback provided they are fifteen (15'-0") feet above grade. The proposed balconies are approximately nine (9'-0") feet above grade. Increasing the height of the first floor by six (6'-0") feet would correct this problem; however, the Zoning Division Staff is working with the Applicant in reducing the height of the building.

The proposed height of the building is fifty-three feet, eleven inches (53'-11") from the top of the roof deck/tie beam, and sixty-three feet, five inches (63'-5") to the top of the roof. The building is permitted a height of seventy-seven (77'-0") feet to the top of the roof deck/tie beam, and one hundred, two (102'-0") feet to the top of the roof. This is a reduction of twenty-three (23'-0") feet from the height of the building to the roof deck and thirty-nine (39'-0") feet from the height of the building to the top of the roof.

Zoning Division staff recommends APPROVAL of items 1, 2 and 3.

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 items 1, 2, 3 and 4 of the Applicant's proposal.

A motion was made by Dr. Briggle, seconded by Mr. Artigues to Approve items 1 through 4 of the Applicant's proposal, and a resolution passed by voice vote.

RESOLUTION NO. 4928-ZB

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

1. Grant a variance allowing the uncovered off-street parking to have a front setback (Menores Avenue) of sixteen feet, six inches (16'-6") vs. the proposed uncovered off-street parking to have a front setback of twenty (20'-0") feet as required by Section 3-4(h)1 of the Coral Gables "Zoning Code."

2. Grant a variance allowing the uncovered surface parking to be located at the front yard area vs. parking for apartment buildings shall be located at the rear and/or interior side yard area as provided by Section 13-3 (a) of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed cantilevered open balcony to project into the required setback below fifteen (15'-0") feet above finished grade vs. cantilevered open balconies having a height of not less than fifteen (15'-0") feet above finished grade may project into the required setback areas with a maximum of six (6'-0") feet as provided by Section 3-4(h)5 of the Coral Gables "Zoning Code."
4. Consider a waiver of Section 24-9 of the Coral Gables "Zoning Code," limiting the effective time period for a variance(s) from six (6) months to one (1) year.

3. 8692-Z Lot(s): North 50 feet of Lot 1, all of Lot 2, and Lot 3 less north 35 feet, Block: 1
Coral Gables Douglas Section, PB/PG: 25/69
(838 Salzedo Street)

Noscohue Investments, LLC - Applicant
Noscohue Investments, LLC - Owner
Marshall Bellin, Bellin & Pratt Architects, LLC - Architect

A hearing was held on case no. 8692-Z.

Present: Marshall Bellin, Bellin & Pratt Architects, LLC - Architect

APPLICANT'S PROPOSAL: In connection with the proposed four-story, Mediterranean style apartment building at the subject property, the Applicant requests the following variance(s) and ruling pursuant to the provisions of the Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a front setback of six (6'-0") feet for the townhouses and eighteen (18'-0") feet for the tower vs. the proposed mid-rise, Mediterranean style apartment building having a front setback of twenty-five (25'-0") feet as required by Section 3-4(h)1 of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a south side setback of seven feet, seven inches (7'-7") vs. the proposed mid-rise, Mediterranean style apartment building having a side setback of ten (10'-0") feet as required by Section 3-4(h)3 of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a rear setback of ten feet, six inches (10'-6") vs. the proposed mid-rise, Mediterranean style apartment building having a rear setback of twenty (20'-0") feet as required by Section 3-4(h)4 of the Coral Gables "Zoning Code."

4. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a Floor Area Ratio of 1.7 vs. the proposed mid-rise Mediterranean style apartment building to have a Floor Area Ratio of 1.5 as provided by Section 3-4(t) and Section 28-7 (a)(b)and(c) of the Coral Gables "Zoning Code."
5. Grant a variance to allow the proposed cantilevered open balcony to project into the required setback below fifteen (15'-0") feet above finished grade vs. cantilevered open balconies having a height of not less than fifteen (15'-0") feet above finished grade may project into the required setback areas with a maximum of six (6'-0") feet as provided by Section 3-4(h) 5 of the Coral Gables "Zoning Code."
6. Grant a variance to allow four (4) tandem parking spaces vs. each parking space shall be accessible without driving over or through any parking spaces as required by Section 13-2(b) of the Coral Gables "Zoning Code."
7. Consider a waiver of Section 24-9 of the Coral Gables "Zoning Code," limiting the effective time period for a variance(s) from six (6) months to one (1) year.

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: These variance(s) requests were presented to the Board of Adjustment and approved on February 5, 2007. The approved variances expired on February 5, 2008. The Applicant is requesting the same variances with no alterations to the plans as originally presented.

Included within your packet are the original staff observations and recommendations. Based on prior approvals staff recommends APPROVAL of items 1, 2, 3, 4, 5, 6, and 7.

2007 STAFF OBSERVATION: In this case the Applicant is requesting a series of variances that will allow them to construct a four-story residential condominium building that is approximately forty-five (45'-0") feet in height. The Coral Gables "Zoning Code" would allow for the construction of a residential condominium building that is six stories and seventy-seven (77'-0") feet in height. The proposed building is two stories and thirty-eight (38'-0") feet lower in height than permitted.

Variances 1, 2, 3 and 5 allow for a reduction in the setback requirements for the building, and provides for a design that is more urban in nature. Two of the units have a six (6'-0") feet setback from the front property line, and the remainder of the building is set back eighteen (18'-0") feet. The two units that are setback six (6'-0") feet, screen the parking garage for street view.

The fourth variance allows the property to maintain the permitted Floor Area Ratio for a six-story building, with the permitted Mediterranean bonuses of 1.7. The permitted Floor Area Ratio for a four-story building is 1.5 with the permitted Mediterranean bonuses. The property owner wants to maintain there six-story F.A.R. while down scaling the height of the building, and if the property owner can not maintain their permitted F.A.R. then there is no incentive for them to down scale the height of the building.

The Sixth variance will allow four of the twenty-five parking spaces for the project, to be tandem parking spaces. These spaces will be assigned to two individual units so that the unit owners can manage the use of the space. This minimal use of tandem parking spaces helps to reduce the size of the off street parking area and garage size, and allows for an increase in the landscaping and open space area on the site.

The seventh item of the Applicant's proposal is a request for a waiver of the six month effective time period for the variances. The Applicant is requesting a one year time limit, which would allow the City Manager to extend the variance for an additional six months, if necessary, making the total effective period for the variance up to eighteen months. Given the amount of time it takes to prepare plans, review them and issue the permit for a project like this, the Zoning Division Staff feels that the Applicants request for the waiver is a reasonable request.

The Zoning Division staff recommends APPROVAL of items 1 through 7 of the Applicant's proposal.

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 Mr. Bello, seconded by Dr. Briggle to Approve items 1 through 7 of the Applicant's proposal, and a resolution passed by voice vote.

RESOLUTION NO. 4929-ZB

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

1. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a front setback of six (6'-0") feet for the townhouses and eighteen (18'-0") feet for the tower vs. the proposed mid-rise, Mediterranean style apartment building having a front setback of twenty-five (25'-0") feet as required by Section 3-4(h)1 of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a south side setback of seven feet, seven inches (7'-7") vs. the proposed mid-rise, Mediterranean style apartment building having a side setback of ten (10'-0") feet as required by Section 3-4(h)3 of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a rear setback of ten feet, six inches (10'-6") vs. the proposed mid-rise, Mediterranean style apartment building having a rear setback of twenty (20'-0") feet as required by Section 3-4(h)4 of the Coral Gables "Zoning Code."
4. Grant a variance to allow the proposed mid-rise, Mediterranean style apartment building to have a Floor Area Ratio of 1.7 vs. the proposed mid-rise Mediterranean style apartment building to have a Floor Area Ratio of 1.5 as provided by Section 3-4(t) and Section 28-7 (a)(b)and(c) of the Coral Gables "Zoning Code."
5. Grant a variance to allow the proposed cantilevered open balcony to project into the required setback below fifteen (15'-0") feet above finished grade vs. cantilevered open balconies having a height of not less than fifteen (15'-0") feet above finished grade may project into the required setback areas with a maximum of six (6'-0") feet as provided by Section 3-4(h) 5 of the Coral Gables "Zoning Code."
6. Grant a variance to allow four (4) tandem parking spaces vs. each parking space shall be accessible without driving over or through any parking spaces as required by Section 13-2(b) of the Coral Gables "Zoning Code."
7. Consider a waiver of Section 24-9 of the Coral Gables "Zoning Code," limiting the effective time period for a variance(s) from six (6) months to one (1) year.

4. 8689-Z

Lot(s):34 through 37 inclusive, Block: 29
Coral Gables Section L, PB/PG: 8/85
2271 Ponce de Leon Boulevard

Guilford and Associates, P.A. – Applicant
Ponce de Leon Properties, L.C. – Owner
Burton Hersh, P.A. – Architect/Engineer

A hearing was held on case no. 8689-Z.

Present: W. F. Zeke Guilford, Esq., Guilford and Associates, P.A. – Applicant

APPLICANT'S PROPOSAL: In connection with the proposed additional space for the restaurant use 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 provide zero (0) parking spaces vs. providing thirty (30) parking spaces as required by Section 5-1409 (B)(1) of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The Applicant is requesting a variance to provide zero (0) parking spaces versus providing thirty (30) parking spaces as required by "Zoning Code" Section 5-1409 (B)(1).

The current tenant, IQ Coral Gables, LLC, presently operates a restaurant use and is proposing to expand into an adjacent space. This space was previously occupied by a retail establishment. The Coral Gables "Zoning Code" requires any change in use to provide the adequate off-street parking as required for the proposed use. The expansion area consists of twenty-five hundred (2,500) square feet. The "Zoning Code" requires twelve (12) spaces per one thousand (1,000) square feet of floor area for restaurant use, thereby requiring thirty (30) parking spaces for the proposed expansion.

This building was built in 1979. The plans for the building were reviewed and approved under the existing provisions of the "Zoning Code," which did not require one (1) story buildings located within the Central Business District to provide off-street parking. Due to changes and requirements within our current "Zoning Code," the building is legally nonconforming with regard to parking. In addition, the current "Zoning Code" now regulates parking based on Floor Area Ratio, regardless of the number of stories.

"Zoning Code" Section 6-303 also states that a structure that is nonconforming as to parking, height, setback, ground area coverage, Floor Area Ratio, or requirements other than use, shall not be altered or enlarged in a way that increases the extent of any nonconformity.

After review of the information presented staff recommends **DENIAL** of item 1 of the Applicant's proposal.

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 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 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 1 of the Applicant's proposal.

Mr. Guilford gave the board a brief overview of the history of the subject property and presented them with a letter dated September 1, 1978 written by the Director of the Building and Zoning Department, John Little, pertaining to the subject property which states that off-street parking for a one-story building within the Central Business District would not be required.

Mr. Guilford made the argument that this letter exempts the building in question from ever having to provide parking, no matter the use. Mr. Guilford offered that the building has changed uses over the course of 30 years, and although he could not document the many uses the building has gone through, he did note that 152 uses (i.e. a bank, a restaurant and several different retail establishments) were permitted on the property without providing parking. Mr. Guilford further stated that the only way the Applicant could comply with the parking requirement is to demolish the existing building and build a new structure that could house the parking needed.

Zoning Official Martha Salazar-Blanco spoke in support of staff's recommendation, reiterating that the "Zoning Code" has recently changed and because the building is legally nonconforming in regard to parking, a change of use would require that the Applicant comply with the parking requirement.

A motion was made by Mr. Pozo, seconded by Mr. Bello to Approve item 1 of the Applicant's proposal.

RESOLUTION NO. 4930-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 provide zero (0) parking spaces vs. providing thirty (30) 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" - Mr. Bello, Dr. Briggle, Mr. Pozo and Mr. Artigues. "Nay" - Mr. Lukacs. "Excused" - Ms. Langer. "Absent" - Mr. McGrane.

Meeting adjourned at 9:03 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez
Acting Secretary