

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
SEPTEMBER 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	
Jorge Mora	C	C	P	P	P	P	C	C	P				Mayor Donald Slesnick
Tony Bello	C	C	P	P	P	P	C	C	P				Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	C	C	P	P	E	L	C	C	A				Comm. Maria Anderson
Dr. Katherine De Blij	C	C	P	P	P	P	C	C	P				Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	C	C	E	P	P	P	C	C	P				Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	C	C	P	P	P	P	C	C	P				Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	C	C	P	P	P	P	C	C	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.

1. Roll Call

Roll call was taken. Six members were present.

2. Approval of the June 7, 2010 Recap

A motion was made by Mr. Bello, seconded by Dr. Briggle to approve the June 7, 2010 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4996-ZB

3. BA-10-06-4551

Lot: 5, Block: 3
Hammock Lake Park, PB/PG: 44/87
(5000 N. Kendall Drive)

Salvador A. Jurado, Jr., Esquire – Applicant
Victor E. Clarke – Owner
Manny Reus – Architect/Engineer

A hearing was held on case no. BA-10-06-4551.

Present: Salvador A. Jurado, Jr., Esquire – Applicant
Manny Reus - Architect

APPLICANT'S PROPOSAL: In connection with the proposed screen enclosure 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 build a screen enclosure of two thousand four hundred and fourteen (2,414) square feet which exceeds the maximum ground coverage of five (5) percent of the rear yard area of the building site vs. a maximum ground coverage of five (5) percent of the rear yard area of the building site [eight hundred and ninety one (891) square feet] may be used for accessory uses and structures in accordance with Section A-56 (D) of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The Zoning Code allows a maximum ground coverage of 5% of the rear lot area within the Hammock Lake Park neighborhood. The owner is proposing to build a screen enclosure and is requesting a variance to exceed the allowable ground coverage permitted.

The subject property is located in a neighborhood that was annexed into the City of Coral Gables in 1996. Following the annexation, site specific regulations were adopted to maintain and protect the existing character of the neighborhood. The lot coverage provisions adopted were consistent with the provisions in place when the neighborhood was part of Miami-Dade County. It has been determined that Miami-Dade County would not include screen enclosures without a hard roof in calculating the allowable rear yard lot coverage area allocated for accessory structures (see Exhibit A included in your packet).

In addition, this property is unique due to the fact that at the rear of the lot, beyond the platted property line, exists a land area of 6,712 square feet. Although this area is not included within the platted property lines, it provides aesthetically the additional land needed to accommodate the screen enclosure which will be built within the area created by the "L" shape of the residence.

Also, included in your packet are letters of support from both adjacent neighbors and several neighbors within close proximity to the subject property.

The Zoning Division staff recommends **APPROVAL** 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 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 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 and seconded by Mr. Artigues to approve Item 1 of the Applicant's request.

RESOLUTION NO. 4997-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 build a screen enclosure of two thousand four hundred and fourteen (2,414) square feet which exceeds the maximum ground coverage of five (5) percent of the rear yard area of the building site vs. a maximum ground coverage of five (5) percent of the rear yard area of the building site [eight hundred and ninety one (891) square feet] may be used for accessory uses and structures in accordance with Section A-56 (D) 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.

Meeting adjourned at 8:15a.m.

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

Elizabeth L. Gonzalez
Secretary