

# Caldera

LAW

September 19, 2024

Ms. Anna Pernas  
Historic Resources and Cultural Arts Director  
2327 Salzedo Street  
Coral Gables, Florida 33134

RE: 2325 Alhambra Circle – Special Certificate of Appropriateness for Variances

Dear Ms. Pernas:

This Letter of Intent is transmitted to you on behalf of Mr. Jacques Arnaud Ulvert, (the “Owner”) the owner of the home located within the Alhambra Circle Historic District in the City of Coral Gables (the “City”) having the address of 2523 Alhambra Circle and the folio number of 03-4118-002-0870 (the “Property”). The Property is a Contributing Property listed on the Coral Gables Registry of Historic Places.

The Owner and his architect are working diligently to obtain all required approvals from the City to construct an addition, interior renovations, and restoration of original finishes and details at the Property (the “Project”). To move forward, the Owner is requesting approval from the City’s Historic Preservation Board of a Special Certificate of Appropriateness for three variances to facilitate changes requested by the City’s Board of Architects (“BOA”).

### Board of Architect Requests

The Owner submitted Application BOAR-23-04-0590 to the BOA and was heard three times before the BOA ultimately approved the Project on May 9, 2024.

The Project was first heard on June 1, 2023. The BOA rejected the Project and provided the following comments: (1) Take on the comments from Historic regarding the window, roof, etc.; (2) Redesign two story addition – need to match the existing more; (3) Rework connector one story section with window to the north.

After a substantial redesign pursuant to the comments outlined above, The Project was heard again on February 1, 2024. The BOA deferred the Project and provided the following comments: (1) Consider moving pool south (meet with City architect and zoning); (2) Further study massing and detailing of two-story volume including scale and relationship to the main existing house and balcony; (3) Study connector piece.

Following the February 1, 2024 second hearing, the Owner and his architect made the revisions requested by the BOA that necessitate the variances requested in more detail below. Initially, the connecting hallway adjacent to the pool was a narrower hallway, allowing the pool to be constructed within the side setback. The BOA urged the Owner to expand the connector to be a more habitable seating area – not just a pass-through, requiring the pool to be pushed to the south.

On May 9, 2024, the BOA heard the Project for a third and final time. The BOA approved the revised design. The BOA minutes for June 1, 2023, February 1, 2024, and May 9, 2024 are attached to this letter as Composite Exhibit A.

## Variances

Pursuant to the authority vested in the Historic Preservation Board by Section 8-113 of the Zoning Code of the City of Coral Gables (the “Code”), the Owner respectfully submits its application for three variances described in detail below. If approved, the variances will facilitate the continued preservation of the Property, as well as promote its maintenance and restoration. The Owner’s proposed designs are harmonious with the exterior architectural and landscape features of neighboring buildings, sites, and streetscapes. Furthermore, the Project meets the U.S. Secretary of the Interior’s Standards for Rehabilitation.

The spirit of the City’s regulations will be observed, public welfare secured, and substantial justice done if the variances are approved, as the variances arise from practical difficulties the Owner contends with in terms of complying with the BOA orders and the City’s side setback and pool location regulations.

1. Variance from the requirement of Article 2, Section 2-101(D)(4)(b)(ii) to allow a reduction of the required fifteen-foot side setback from the south property line to the closest edge of the swimming pool’s water’s edge.
2. Variance from the requirement of Article 3, Section 3-308(l) to allow the swimming pool’s location to be closer to the street than the main residence.
3. Variance from the requirement of Section 2-101(D)(4)(b)(ii) to allow the second floor balcony to project over the required fifteen-foot side setback from the south property line.

The requested variances will not adversely affect the historic, architectural, or aesthetic character of the Property or the relationship and congruity between the Property and its neighboring improvements and surroundings, including form, spacing, height, setbacks, materials, color, or rhythm and pattern of window and door openings in building facades. The requested variances will not adversely affect the special character of the Property or the Alhambra Circle Historic District.

## Criteria

The Project meets the City's standards for variances as set forth in Section 14-207.6 in the Code.

1. **Special conditions and circumstances 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.** The special conditions and circumstances necessitating the variance requests arise from the direction of the BOA, which specifically called for shifting the pool's location south to accommodate an expansion of the connector hall area between the front and rear portions of the home.

The balcony projection variance stems from a BOA request to add a more contextual and dynamic façade; the BOA specifically asked the Owner to project the balcony into the secondary side yard, thus over the 15-foot setback line as measured from the property line and the exterior of the balcony structure. Along with this, the BOA requested that the roofline correspondingly project, fully covering the projected balcony. These two revisions resulted in a more contextual massing of the two-story portion of the addition, reducing the scale and breaking up the roofline, which was an essential component to obtain BOA approval. Additionally, the BOA approval was conditioned upon a meeting between the City Architect (Juan Riesco) and the Owner's architect to refine the details of the projected balcony and roof eave detail, which occurred. From that meeting with Mr. Riesco, a curvilinear, stepped balcony edge detail was incorporated, which references the historic art-deco influenced character of the mid-1930's original design.

The BOA's instructions, as described above, are not applicable to other structures in the City and are unique to this Project.

2. **The special conditions and circumstances do not result from the actions of the Owner.** The special conditions and circumstances are the result of specific direction from the BOA: they are not the decisions or actions of the Owner.
3. **Granting the variances requested will not confer on the Owner any special privilege that is denied by the Code to other lands, buildings or structures in the same zoning district.** The Owner will not be granted any special privilege denied by ordinance to other lands, buildings, or structures in the City. The variance procedures in the Code may be utilized by all property owners in the City: as variance requests are quasi-judicial matters, the determinations of the Historic Preservation Board regarding the Project stand alone and do not create

precedent with respect to other properties. The Owner and its team submit this letter and supporting materials with respect for the Code and in complete compliance with all other Code provisions regulating the Project.

4. **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 Owner.** It would be an unnecessary hardship to deny the Owner the ability to have an appropriately sized swimming pool. A single-family home in the City without a swimming pool has significantly less value than a home that does. Section 3-308(l) provides that no swimming pools shall be located closer to the side street of a lot than the principal building.

The Property is a corner property without a backyard, which is typically where swimming pools are located. Additionally, the Property is smaller and has half the width as the lot to its east: it is less than fifty feet wide and just over 8,800 total square feet. The property to the east is over 17,000 square feet. The property to the north is also over 17,000 square feet. The property to the south across Valencia Avenue is 18,000 square feet.

Moreover, there is a concrete wall and landscape buffer along the southern boundary that shields the pool from view from the right-of-way. A setback of over ten feet between the edge of the pool and the property line adds additional buffering and open space. The BOA has authority over the performance standards codified in Section 2-101(D) of the Code, and the BOA requested the site design changes that necessitate the variance requests related to the location of the swimming pool and its encroachment into the side setback. The BOA did not ask the Owner to reduce the size of the swimming pool.

Finally, denial of the variance as it relates to the balcony encroachment would force the Owner to spend additional time and money to redesign the Project and obtain a new approval from the BOA, forcing the Owner to explain why it could not comply with the BOA's request for the balcony encroachment. This would work an unnecessary hardship on the Owner.

5. **The variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure.** The variances requested all arise from the BOA's direction to expand the center hallway into a habitable seating area, pushing the pool farther to the south. The requests are the minimum variances needed for the Owner to comply with the BOA's order, such order presumably deemed by the BOA to make reasonable use of the Property.

6. Granting the variances will not change the use to one that is different from other land in the same district. The use of the Property as a single-family residence will remain.
7. The granting of the variances 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. The variances further the general purpose of the Code to implement the Comprehensive Plan of the City, and for the protection and promotion of the safety, health, morals, convenience, peace, prosperity, appearance, and general welfare of the City and its inhabitants. Please refer to the response provided in Number 4 above. The variances will advance the specific purposes of the Code as enumerated in Section 1-103(A-K).
8. The granting of the variances is appropriate for the continued preservation of a Contributing Property in the Alhambra Circle Historic District. Granting the variances will further the Project, which aims to enhance the architectural consistency and quality of the existing structure, as well as increase the value of the Property by increasing the living space for modern residential use. The improvements proposed by the Owner are consistent with the character of the Alhambra Circle District, and the variances do not detract from the exceptional design of the Project.

## Conclusion

For the foregoing reasons, the Owner respectfully requests that the Historic Preservation Board approve the three variances requested. Should you have any questions or comments relating to this letter or the Project, please do not hesitate to contact me at either (954) 290-8600 or [rachel@caldera.law](mailto:rachel@caldera.law).

Sincerely,

*Rachel Streitfeld*

Rachel A. Streitfeld  
Counsel to Owner

# COMPOSITE EXHIBIT A

6/1/2023	Plan Number	Address	Plan Description	Results
1	CORE-23-05-0014	375 MIRACLE MILE Coral Gables, FL 33134	Review the addition of rooftop canopies	DISCUSSION ONLY – CONCEPTUAL REVIEW. RECUSED: J. CARTY RECUSED. EXCUSED: G. PRATT  NOTE: AZENCO BRAND
2	BOAR-23-05-0599	4200 SANTA MARIA ST Coral Gables, FL 33146	HISTORIC *Interior Renovations - Adding an exterior pergola in the backyard -Pool and Pool Deck	4200 SANTA MARIA 06/01/2023 BOA MEETING *MOTION TO DEFER WITH THE FOLLOWING COMMENTS: 1) THREE(3) BAYS INSTEAD OF TWO(2); 2)THREE(3) SETS OF DOORS, PREFERABLY FRENCH; 3)LOWER HEIGHT OF STRUCTURE; 4)BUILD-OUT PERGOLA STRUCTURE AND INSERT OPERABLE PERGOLA SYSTEM.  THE MOTION WAS MADE BY L. JAUREGUI, SECONDED BY P. KILIDDJIAN. THE MOTION PASSED BY THE FOLLOWING VOTES: YEAS: D. SACKMAN, H. RODRIGUEZ, P. KILIDDJIAN, J. CARTY, C. GIBB, L. JAUREGUI. NAYS: NONE. EXCUSED: G. PRATT
3	BOAR-23-04-0590	2523 ALHAMBRA CIR Coral Gables, FL 33134	HISTORIC *ADDITION TO EXISTING RESIDENCE CONSISTING OF TWO NEW BEDROOMS AND POOL COURTYARD ON FIRST FLOOR AND MASTER BEDROOM ON SECOND FLOOR. INTERIOR AND EXTERIOR IMPROVEMENTS OF EXISTING STRUCTURE. INTERIOR CHANGES INCLUDE A RECONFIGURATION OF SPACE. EXTERIOR MODIFICATIONS INCLUDE MINOR CHANGES TO EXTERIOR WINDOWS AND GARAGE DOOR.	06/01/2023 BOA MEETING *MOTION TO REJECT WITH THE FOLLOWING COMMENTS: 1)TAKE ON THE COMMENTS FROM HISTORIC REGARDING THE WINDOW, ROOF, ETC.; 2)REDESIGN TWO STORY ADDITION – NEED O MATCH THE EXISTING MORE; 3)REWORK CONNECTOR ONE STORY SECTION WITH WINDOW TO THE NORTH.  THE MOTION WAS MADE BY C.GIBB, SECONDED BY P.KILIDDJIAN. YEAS: D.SACKMAN, H.RODRIGUEZ, J.CARTY, L.JAUREGUI, P.KILIDDJIAN, C.GIBB. NAYS: NONE. RECUSED: L.JAUREGUI. EXCUSED: G.PRATT.
4	BOAR-23-05-0603	177 W SUNRISE AVE Coral Gables, FL 33133	NEW MEDITERRANEAN STYLE, TWO-STORY, SINGLE-FAMILY RESIDENCE	06/01/2023 BOA MEETING *MOTION TO REJECT WITH THE FOLLOWING COMMENTS: UNRESOLVED MEDITERRANEAN ARCHITECTURAL STYLE, MASSING & USE OF MATERIALS.  THE MOTION WAS MADE BY L. JAUREGUI, SECONDED BY H. RODRIGUEZ. THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: D. SACKMAN, H. RODRIGUEZ, J. CARTY, L. JAUREGUI. NAYS: P. KILIDDJIAN, C. GIBB. EXCUSED: G. PRATT.

# COMPOSITE EXHIBIT A

1-Feb	APPLICATION	ADDRESS	PLAN DESCRIPTION	RESULTS
<b>1</b>	BOAR-23-11-0752	1501 SUNSET DR	BOARD OF ARCHITECTS DESIGN AND MEDITERRANEAN REVIEW FOR NEW MIXED USE BUILDING WITH GROUND FLOOR COMMERCIAL AND UPPER LEVEL OFFICE USE LOCATED AT 1501-1505 SUNSET DRIVE.	02/01/2024 BOA MEETING. * MOTION TO APPROVE AS NOTED WITH THE FOLLOWING COMMENTS: 1) USE ROUNDED BALCONIES AT CORNER THE MOTION WAS MADE BY G. PRATT SECONDED BY P. KILIDDJIAN THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: J. CARTY, G. BALLI, R. FEITO, L. JAUREGUI, A. BARTROLI NAYS: NONE EXCUSED: C. GIBB RECUSED: H. RODRIGUEZ
<b>2</b>	BOAR-24-01-0781	1231 COLUMBUS BLVD	*HISTORIC - NEW ONE STORY ADDITION/RENOVATION TO MEDITERRANEAN REVIVAL HISTORIC PROPERTY	02/01/2024 BOA MEETING. * MOTION TO DEFER WITH THE FOLLOWING COMMENTS: A) INAPPROPRIATE: 1) TRELIS AT GARAGE BLDG. 2) DEATILING OF GARAGE BLDG. 3) ARCHITECTURE OF NEW CONNECTOR PIECE. 4) FENESTRATION/OPENING TYPES AT GARAGE BLDG. B) ONLY RAISE GARAGE BLDG AS REQUIRED BY CODE. C) RESOLVE WHETHER A GARAGE IS REQUIRED OR IF THE PORTE COCHERE IS SUFFICIENT WITH BOTH ZONING AND HISTORIC D) CONFIRM THAT RENOVATION TO EXISTING HISTORIC BLDG IS HISTORICALLY CORRECT E) BLANK WALL AT GARAGE FACING VENETIA NOT APPROPRIATE F) ADDITIONAL COMMENTS MAY FOLLOW AS MAJOR MODIFICAITON THE MOTION WAS MADE BY L. JAUREGUI SECONDED BY G. PRATT THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: J. CARTY, A. BARTROLI, P. KILIDDJIAN, R. FEITO, H. RODRIGUEZ, G. BALLI NAYS: NONE EXCUSED: C. GIBB
<b>3</b>	BOAR-23-04-0590	2523 ALHAMBRA CIR	*HISTORIC - ADDITION TO EXISTING RESIDENCE CONSISTING OF TWO NEW BEDROOMS AND POOL COURTYARD ON FIRST FLOOR AND MASTER BEDROOM ON SECOND FLOOR. INTERIOR AND EXTERIOR IMPROVEMENTS OF EXISTING STRUCTURE. INTERIOR CHANGES INCLUDE A RECONFIGURATION OF SPACE. EXTERIOR MODIFICATIONS INCLUDE MINOR CHANGES TO EXTERIOR WINDOWS AND GARAGE DOOR.	02/01/2024 BOA MEETING. * MOTION TO DEFER WITH THE FOLLOWING COMMENTS: 1) CONSIDER MOVING POOL SOUTH (MEET WITH CITY ARCHITECT & ZONING). 2) FURTHER STUDY MASSING & DETAILING OF TWO STORY VOLUME INCLUDING SCALE & RELATIONSHIP TO THE MAIN EXSITING HOUSE AND BALCONY. 3) STUDY CONNECTOR PIECE. THE MOTION WAS MADE BY A. BARTROLI SECONDED BY G. PRATT THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: J. CARTY, P. KILIDDJIAN, R. FEITO, H. RODRIGUEZ, G. BALLI NAYS: NONE EXCUSED: C. GIBB RECUSED: L. JAUREGUI

# COMPOSITE EXHIBIT A

9-May	APPLICATION	ADDRESS	PLAN DESCRIPTION	RESULTS
1	BOAR-24-04-0855	203 UNIVERSITY DRIVE	COMMERCIAL RENOVATION	05/09/2024 BOA MEETING. * MOTION TO APPROVE THE MOTION WAS MADE BY A. BARTROLI SECONDED BY P. KILIDDJIAN THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: L. JAUREGUI, R. FEITO, G. BALLI, C. GIBB, J. CARTY NAYS: NONE EXCUSED: H. RODRIGUEZ, G. PRATT
2	BOAR-24-03-0829	1148 ALHAMBRA CIR	*HISTORIC* RENOVATION AND ADDITION	05/09/2024 BOA MEETING. * MOTION TO DEFER WITH THE FOLLOWING COMMENTS: 1) PROJECT BATHROOM VOLUME ON 2ND FLOOR. (SEE DRAWING). 2) ADD WINDOWS TO SOUTH ELEVATION @ 2ND FLOOR. 3) STUDY ROOF CONNECTION ON WEST ELEVATIONS AS IT COMES ABOVE THE BATHROOM/CLOSET ROOF. 4) STUDY ADDING PIERS AND POSTS TO 2ND FLOOR BALCONY 5) STUDY COLUMNS @ TERRACE. THE MOTION WAS MADE BY P. KILIDDJIAN SECONDED BY C. GIBB THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: L. JAUREGUI, R. FEITO, G. BALLI, J. CARTY, A. BARTROLI NAYS: NONE EXCUSED: H. RODRIGUEZ, G. PRATT
3	BOAR-23-04-0590	2523 ALHAMBRA CIR	*HISTORIC* ADDITION TO EXISTING RESIDENCE CONSISTING OF TWO NEW BEDROOMS AND POOL COURTYARD ON FIRST FLOOR AND MASTER BEDROOM ON SECOND FLOOR. INTERIOR AND EXTERIOR IMPROVEMENTS OF EXISTING STRUCTURE. INTERIOR CHANGES INCLUDE A RECONFIGURATION OF SPACE. EXTERIOR MODIFICATIONS INCLUDE MINOR CHANGES TO EXTERIOR WINDOWS AND GARAGE DOOR.	05/09/2024 BOA MEETING. * MOTION TO APPROVE AS NOTED WITH THE FOLLOWING COMMENTS: 1) REVISE BLACONY DETAILING. 2) REVISE ROOF EXTENSION DETAILING. 3) REMOVE ROOF EXTENSION OVER SMALLER BALCONY FACING POOL. 4) DETAIL ROOF RAFTER EXTENSION & USE OF FASCIA – IF FASCIA TO REMAIL PLEASE SHOW SECTION. THE MOTION WAS MADE BY P. KILIDDJIAN SECONDED BY A. BARTROLI THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: R. FEITO, G. BALLI, J. CARTY NAYS: C. GIBB EXCUSED: H. RODRIGUEZ, G. PRATT RECUSED: L. JAUREGUI
4	BOAR-23-07-0639	534 WOOD ST	THE NEW CONSTRUCTION OF A 2 STORY SINGLE FAMILY RESIDENCE OF THE CONTEMPORARY STYLE ARCHITECTURE	05/09/2024 BOA MEETING. * MOTION TO REJECT WITH THE FOLLOWING COMMENTS: 1) ARCHITECTURAL MASSING & WINDOW PLACEMENT NOT IN CONTEXT OR BALANCED. 2) RE-STUDY FLOOR PLAN TO SOLVE ELEVATION ISSUES. THE MOTION WAS MADE BY C. GIBB SECONDED BY P. KILIDDJIAN THE MOTION PASSED BY THE FOLLOWING VOTE: YEAS: L. JAUREGUI, R. FEITO, G. BALLI, J. CARTY, A. BARTROLI NAYS: NONE EXCUSED: H. RODRIGUEZ, G. PRATT