

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
DECEMBER 2, 2013
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	E	C	P	C	A	P	C	P	C	P	C	P	Mayor Jim Cason
Gustave Perez							C	P	C	P	C	P	Vice Mayor William H. Kerdyk, Jr.
Susan Perry Fuhrman						P	C	E	C	E	C	P	Comm. Patricia Keon
Michael Sotelo							C	P	C	P	C	P	Comm. Vince Lago
Jorge Otero	P	C	E	C	P	P	C	P	C	P	C	P	Comm. Frank C. Quesada
Oscar Hidalgo	P	C	P	C	E	P	C	P	C	P	C	P	Board of Adjustment
Col. John (Jack) M. Thompson									C	P	C	A	City Manager

STAFF:

Elizabeth Gonzalez, Secretary
Yanieris Figueroa, Special Counsel
Irela Ferrer, Zoning Technician
Joan Bailey, Court Reporter

A = Absent
C = Meeting Cancelled
E = Excused Absence
L = Late
P = Present

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 October 7, 2013 Recap

A motion was made by Mr. Hidalgo, seconded by Mr. Perez to approve the October 7, 2013 Recap. A resolution was passed by voice vote.

RESOLUTION No. 5083-ZB

3.

BA-13-11-2070

(2222 Ponce De Leon Boulevard)

CORAL GABLES SEC K PB 8-33 LOT 30 & 31 THRU 39 & LOT 40 LESS W 11.89 FT BLK 28

Gilbert Strelec Jr. – Applicant

Giralda Complex LLC– Owner

APPLICANT'S PROPOSAL: In connection with the proposed signage for the tenant “**Seaside**”, in the existing commercial building 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 proposed tenant sign to be installed at a maximum height of twenty three feet (23’0”) from adjacent grade vs. a maximum height of eighteen feet (18’0”) as allowed by Section 5-1904 of the Coral Gables “Zoning Code.”

BOARD OF ARCHITECTS REVIEW: All as shown on plans which have received Final approval by the Board of Architects on October 10, 2013.

ADVERTISING: This application was advertised in the Miami Daily Business Review on November 20, 2013. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on November 20, 2013.

STAFF OBSERVATION: The applicant is requesting to install two signs at a maximum height of twenty three feet (23’0”) from adjacent grade. The Zoning Code’s sign provisions allow tenant signs to be installed at a maximum height of eighteen feet (18’0”) from adjacent grade.

One sign will be located on the Giralda Avenue elevation and a second sign will be located on the Ponce De Leon Boulevard elevation. The building was designed with an architectural wall above the cornice and a very limited area below the cornice. This proposed location is the most feasible area available for signage. Practical application of the Zoning Code's regulation would render the installation of a tenant sign on this building extremely difficult, due to the distinct and existing design.

The location proposed for the installation of the sign including the height is consistent with the spirit of the Zoning Code's regulations. The sign has been designed to be in proportional scale to the related structures and is compatible with adjacent signage.

Due to the existing architectural features and details of the building structure, 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. 2007-01, as amended and known as the "Zoning Code," and makes the following recommendations:

1. That 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 design of the building limits the allowable area to install signage and comply with the Zoning Code's regulations.

2. That the special conditions and circumstances do not result from the actions of the Applicant.

Special conditions and circumstances do not result from the actions of the Applicant. The building is existing.

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.

Granting the variance will not confer a special privilege. The design of the building is unique and limits the practical application of the Zoning Code's regulations.

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 work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").

Literal interpretation of the Zoning Code's regulations would deprive the Applicant of the ability to install signage and provide identification for the business.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance is a minimal request and would allow for the identification of the banking facility.

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.

Granting the variance requested will not change the use to one that is not permitted in the zoning 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.

The proposed sign will be consistent with the general intent and purposes of the Zoning Code's regulations, which allows the opportunity to provide identification for a permitted use.

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. Galvez and seconded by Mr. Sotelo to APPROVE the Applicant's request.

RESOLUTION No. 5084-ZB

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO
ORDINANCE No 2007-01 AS AMENDED AND KNOWN AS THE
"ZONING CODE", TO WITH:

- 1) Grant a variance to allow the proposed tenant sign to be installed at a maximum height of twenty three feet (23'0") from adjacent grade vs. a maximum height of eighteen feet (18'0) as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas, Mr. Otero, Mr. Perez, Mr. Hidalgo, Mr. Sotelo, Mr. Galvez, Ms. Fuhrman and. "Nays"- None.

4. Appointment of Board of Adjustment Member

A motion was made by Mr. Otero, seconded by Mr. Galvez to reappoint Mr. Oscar Hidalgo as member to the Board of Adjustment by the Board as a whole.

RESOLUTION No 5085-ZB

A resolution was passed and adopted due to the following roll call: "Yeas", Mr. Galvez, Mr. Sotelo, Mr. Hidalgo, Mr. Otero, Ms. Fuhrman and Mr. Perez. "Nays" - None.

5. Election of Chairperson.

A motion was made by Mr. Perez, seconded by Mr. Galvez to elect Mr. Jorge Otero as Chairperson.

RESOLUTION No 5086-ZB

A resolution was passed and adopted due to the following roll call: "Yeas", Ms. Fuhrman, Mr. Perez, Mr. Galvez, Mr. Otero, Mr. Hidalgo and Mr. Sotelo. "Nays" – None.

6. Election of Vice Chairperson.

A motion was made by Mr. Galvez, seconded by Mr. Sotelo to elect Mr. Oscar Hidalgo as Vice Chairperson.

RESOLUTION No 5087-ZB

A resolution was passed and adopted due to the following roll call: "Yeas", Mr. Perez, Mr. Galvez, Mr. Hidalgo, Mr. Sotelo, Ms. Fuhrman and Mr. Otero. "Nays" – None.

Meeting adjourned at 8:25 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT
Elizabeth Gonzalez
Secretary