

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
NOVEMBER 7, 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	P	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. Briggles, 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
 Erick Tejera, Zoning Technician
 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.

Mrs. De Las Cuevas-Diaz arrived at 8:05 am.

2. Approval of the October 3, 2011 Recap

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

RESOLUTION No. 5038-ZB

3. BA-11-06-6352

BA-11-06-6352

(1 Tahiti Beach Island Road)

Lot: 1, Block: 21

Cocoplum Sec. 2 Plat E, PB/PG: 131/76

David Wearne Johnson – Applicant

Michael D. and Carolynn G. Friedman – Owners

David Wearne Johnson, AIA – Architect

A hearing was held on case No. BA-11-06-6352

Present: David Wearne Johnson, AIA

APPLICANT'S PROPOSAL: In connection with the proposed swimming pool screen fence 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 a four feet (4'0") high aluminum picket fence with solid aluminum backing to be used for screening the pool from street view vs. In all cases where a swimming pool is constructed which will be visible from a street, a four feet (4'0") high wall shall be erected upon the premises between the street and the swimming pool as required by Section 5-108 (E).

STAFF OBSERVATION: This property is situated on the corner of Tahiti Beach Island Road and Isla Dorada Boulevard. The swimming pool which is located in the rear of the home is visible to Isla Dorada Boulevard. The Coral Gables Zoning Code requires swimming pools which are visible from a street be screened from street view with a four (4'0") feet high wall.

A fence wall was proposed to screen the swimming pool, however a ten (10'0") feet underground utility easement was discovered on the North side of the property, which would prevent the installation of pilings and grade beams necessary for the wall to be built. Relocating the screen wall within the property would not be a feasible design, since it would result in a significant loss of yard area.

The applicant is proposing to screen the swimming pool with a four (4'0") feet high aluminum picket fence with solid aluminum backing panels in lieu of a fence wall. In addition to the dense and lush landscaping existing adjacent to the property boundary, additional landscaping will be added camouflaging the aluminum fence. The Zoning Division Staff finds the existing limitations created by the utility easement, produces a special condition and circumstance which are peculiar to the land. The proposed fence and landscaping complies with the intent of screening the swimming pool from the street view.

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. Galvez and seconded by Dr. De Blij to approve the Applicant's request.

RESOLUTION NO. 5039-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 a four feet (4'0") high aluminum picket fence with solid aluminum backing to be used for screening the pool from street view vs. In all cases where a swimming pool is constructed which will be visible from a street, a four feet (4'0") high wall shall be erected upon the premises between the street and the swimming pool as required by Section 5-108 (E).

A Resolution was passed and adopted due to the following roll call: "Yeas, Mrs. De La Cuevas Diaz, Dr. De Blij, Mr. Hidalgo, Mr. Bello, Mr. Galvez, and Dr. Briggie "Nays"- Mr. Otero.

4. BA-11-09-5807

BA-11-09-5807

(6006 Mall Street)

Lot: 9, Block: 140

Riviera Sec. 9, PB/PG: 28/29

F. W. Zeke Guilford, Guilford & Associates, P.A. – Applicant

Alejandro J. and Deirdre Chomat– Owners

Cesar M. Cano A.I.A. – Architect

A hearing was held on case No. BA-11-09-5807

Present: Zeke Guilford, P.A

APPLICANT'S PROPOSAL: In connection with the proposed swimming pool for the new single family residence 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 swimming pool for the new residence to be located in the area between the street and the main residential building or any part thereof vs. no accessory building or structure may be located in the area between the street and the main residential building or any part thereof as required by Sections 4-101 (D) (5) (a) and 5-101 (B) of the Coral Gables "Zoning Code."

2. Grant a variance to allow the proposed swimming pool for the new residence to be located closer to the front or side street of a lot or building site than the main or principal building vs. in no case shall an accessory building or structure be located closer to the front or side street of a lot or building site than the main or principal building as required by Sections 4-101 (D) (5) (b), 5-101 (C), 5-108 (D) (1), and 5-108 (I) of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed swimming pool for the new residence to be visible in both the front and side street elevation vs. on corner lots, swimming pools may be located within an L of the building provided that such L is not visible in both the front and side street elevation as required by Section 5-108 (H) of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The Applicant is requesting several variances which pertain to the proposed swimming pool's location. The Coral Gables "Zoning Code" stipulates the following: no accessory building or structure may be located in the area between the street and the main residential building or any part thereof, no accessory building or structure may be located closer to the front or side street of a lot or building site than the main or principal building and swimming pools may be located within an "L" of the building provided that such "L" is not visible in the both the front and side street elevations.

This property is bordered by Mall Street and Cotorro Avenue. The two property lines are joined with a radial curve instead of meeting at a ninety degree angle typically found at corners. The irregular shaped property creates a special condition and limits the available space to accommodate a residence and swimming pool. The new residence was designed to maximize the property site and abide by the required minimum front and side street setbacks.

The Zoning Division Staff recommends **APPROVAL** of Item No. 1, 2, and 3 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, 2 and 3 of the Applicant's request.

A motion was made by Mr. Bello and seconded by Mr. Otero to approve the Applicant's request.

RESOLUTION NO. 5040-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 swimming pool for the new residence to be located in the area between the street and the main residential building or any part thereof vs. no accessory building or structure may be located in the area between the street and the main residential building or any part thereof as required by Sections 4-101 (D) (5) (a) and 5-101 (B) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed swimming pool for the new residence to be located closer to the front or side street of a lot or building site than the main or principal building vs. in no case shall an accessory building or structure be located closer to the front or side street of a lot or building site than the main or principal building as required by Sections 4-101 (D) (5) (b), 5-101 (C), 5-108 (D) (1), and 5-108 (I) of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed swimming pool for the new residence to be visible in both the front and side street elevation vs. on corner lots, swimming pools may be located within an L of the building provided that such L is not visible in both the front and side street elevation as required by Section 5-108 (H) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas, Dr. De Blij, Mr. Bello, Mr. Otero, Mr. Galvez, Mrs. De La Cuevas Diaz and Dr. Briggie "Nays"- Mr. Hidalgo.

5. BA-11-10-6045

BA-11-10-6045

(525 S. Dixie Highway

Coral Gables Fire Station #2)

Lots: 1 thru 17, Block: 36-A REV PL Riviera Sec. 2, PB/PG: 57/13

City of Coral Gables – Applicant

City of Coral Gables– Owner

A hearing was held on case No. BA-11-10-6045

Present: Dona Spain, Historic Preservation Officer – Ernesto Pino, Assitant Public Works Director

APPLICANT'S PROPOSAL: In connection with the proposed carport canopy for the **Coral Gables Fire Station #2**, 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 freestanding metal carport canopy for Coral Gables Fire Station #2 not simulate the appearance of canvas awning vs. carport canopies shall generally simulate the appearance of canvas awnings as required by Section 5-302 (A) (2) of the Coral Gables “Zoning Code.”
2. Grant a variance to allow the proposed freestanding metal carport canopy to be stationary and not permit quick removal vs. All carport canopies shall be so constructed as either to admit or permit quick removal such as is necessary in cases of impending storms or hurricanes as required by Section 5-302 (E) (1) of the Coral Gables “Zoning Code.”
3. Grant a variance to allow the proposed freestanding metal carport canopy not to be attached to the building, be self-supporting and freestanding vs. All carport canopies shall be attached to the building and no self-supporting or freestanding carport canopy shall be erected as required by Section 5-302 (F) (1) (3) of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: Coral Gables Fire Station No. 2 is located directly south of the metro rail track. For the past five years, the debris from the passing trains has been falling onto and damaging the parked vehicles. In order to protect the vehicles and prevent any further damage, a metal freestanding carport is being proposed. The area west of the fire station building which is currently used for the parking of vehicles, is the best suited area on the site for the carport. The carport will be designed and built to withstand full hurricane force winds in accordance with the requirements of the Florida Building Code.

Due to the falling debris and sparks caused by the trains, a nonflammable metal carport is being proposed versus an ignitable canvas, cloth or similar material.

For the safety of the individuals and the property, the Zoning Division Staff recommends **APPROVAL** of Item No. 1, 2 and 3 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, 2 and 3 of the Applicant’s request.

A motion was made by Mrs. De la Cuevas Diaz and seconded by Dr. De Blij to approve the Applicant’s request.

RESOLUTION NO. 5041-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 freestanding metal carport canopy for Coral Gables Fire Station #2 not simulate the appearance of canvas awning vs. carport canopies shall generally simulate the appearance of canvas awnings as required by Section 5-302 (A) (2) of the Coral Gables “Zoning Code.”

2. Grant a variance to allow the proposed freestanding metal carport canopy to be stationary and not permit quick removal vs. All carport canopies shall be so constructed as either to admit or permit quick removal such as is necessary in cases of impending storms or hurricanes as required by Section 5-302 (E) (1) of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed freestanding metal carport canopy not to be attached to the building, be self-supporting and freestanding vs. All carport canopies shall be attached to the building and no self-supporting or freestanding carport canopy shall be erected as required by Section 5-302 (F) (1) (3) 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. Galvez, Dr. De Blij, Mr. Hidalgo, and Dr. Briggle "Nays"- Mr. Otero.

Meeting adjourned at 8:23 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth Gonzalez
Secretary