

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
MARCH 2, 2009
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

M A M J J A S O N D J F APPOINTED BY:

Jorge Mora	E	X	X	X	X	X	X	X	X	X	C	P	Mayor Donald Slesnick II
Tony Bello	P	P	P	P	C	E	P	P	P	P	C	P	Vice Mayor William H. Kerdyk, Jr.
Sharon Langer, Esq.	P	P	P	E	C	E	P	P	P	E	C	P	Comm. Maria Anderson
Jaime Pozo, Esq.	P	P	E	P	C	P	E	P	E	P	C	E	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	P	P	P	C	P	P	P	P	P	C	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	P	P	P	C	E	P	P	P	P	C	P	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	P	P	P	P	C	P	P	P	P	P	C	P	City Manager

STAFF:

Elizabeth L. Gonzalez, Acting Secretary
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. Ms. Gonzalez informed board members that Mr. Mora had given prior notification of his inability to attend the Board of Adjustment meeting.

A motion was made by Mr. Bello, seconded by Mr. Pozo to excuse Mr. Mora's absence. A resolution was passed by voice vote.

RESOLUTION NO. 4935-ZB

2. Approval of the February 2, 2009 Recap

A motion was made by Mr. Bello, seconded by Dr. Briggles to approve the February 2, 2009 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4933-ZB

3. 8694-Z

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

Manny Reus, P.A.- Applicant
Victor E. Clarke - Owner
Manny Reus, P.A.- Architect/Engineer

A hearing was held on case no. 8694-Z.

Present: Manny Reus, P.A.- Applicant and Architect/Engineer; Salvador A. Jurado, Jr., Esq.

APPLICANT'S PROPOSAL: In connection with the proposed single-family residence at the subject property, the Applicant requests the following variance(s) 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 single-family residence to have a ground coverage of 6,544 square feet (17.47%) vs. the proposed single-family residence to have a maximum ground coverage of 5,619 square feet (15%) as required by Section A-56 (D) of the Coral Gables "Zoning Code."

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: The Coral Gables “Zoning Code” allows a maximum ground coverage of 15% of the lot area within the Hammock Lake Park neighborhood. The applicant is proposing to build a single-family residence, and is requesting a variance to exceed the allowable ground coverage permitted. The proposed ground coverage would be 17.47% of the lot area.

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. However, it has been determined that, in the past, Dade County included in its calculations for the permissible lot coverage the land area to the centerline of the street, whereas our “Zoning Code” excludes it. Thereby, some of the existing residences in the Hammock Lake Park neighborhood are larger than the current 15% ground coverage prescribed in the Coral Gables “Zoning Code.”

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 ground coverage being requested. The size and the Mediterranean style design of the proposed residence is in harmony with the surrounding residences in the neighborhood.

The Zoning Division 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 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 Dr. Briggie, seconded by Mr. Artigues to Approve item 1 of the Applicant's proposal.

RESOLUTION NO. 4934-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 allow the proposed single-family residence to have a ground coverage of 6,544 square feet (17.47%) vs. the proposed single-family residence to have a maximum ground coverage of 5,619 square feet (15%) as required by Section A-56 (D) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas" - Ms. Langer, Mr. Pozo, Mr. Artigues, Mr. Bello, Dr. Briggie and Mr. Lukacs. "Nays" - None. Excused" - Mr. Mora.

Meeting adjourned at 8:08 a.m.

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

Elizabeth L. Gonzalez, Acting Secretary