

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
DECEMBER 6, 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	J	F	M	A	M	J	J	A	S	O	N	D	APPOINTED BY:
Jorge Mora	C	C	P	P	P	P	C	C	P	P	C	P	Mayor Donald Slesnick
Tony Bello	C	C	P	P	P	P	C	C	P	P	C	P	Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	C	C	P	P	E	L	C	C	A	E	C	P	Comm. Maria Anderson
Dr. Katherine De Blij	C	C	P	P	P	P	C	C	P	P	C	P	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	C	C	E	P	P	P	C	C	P	P	C	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	C	C	P	P	P	P	C	C	P	P	C	P	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	C	C	P	P	P	P	C	C	P	P	C	P	City Manager

STAFF:

Elizabeth L. Gonzalez, Secretary
 Joan Bailey, Court Reporter
 Martha Salazar-Blanco, Zoning Official
 Carmen Olazabal, Building & Zoning Director

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 seven 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. Seven members were present.

2. Approval of the October 4, 2010 Recap

A motion was made by Mr. Bello, seconded by Dr. Briggle to approve the October 4, 2010 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 5000-ZB

3. BA-10-07-3866

Lots: 15 & 16, Block: 44
Country Club Sec. 3, PB/PG: 10/52
(909 Algaringo Avenue)

Faith Read Xenos – Owner/Applicant
Kenneth R. Pfeiffer – Architect

A hearing was held on case no. BA-10-07-3866.

Present: Faith Read Xenos – Owner/Applicant

APPLICANT'S PROPOSAL: In connection with the proposed swimming pool, pool deck and screen wall for the existing 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 and pool deck for the existing 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 and pool deck for the existing 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 existing 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."
- 4) Grant a variance to allow the existing three feet six inches (3'6") masonry wall with an additional two feet three inches (2'3") of wrought iron on top and four feet (4'0") of concealing landscape adjacent to existing fence wall to be used for screening from street view vs. in all cases where a swimming pool is constructed which will be visible from a street, a four (4'0") foot wall shall be erected upon the premises between the street and the swimming pool as required by Section 5-108 (E).
- 5) Grant a variance to allow the proposed swimming pool for the existing residence to have a setback less than the required setback for the residence vs. the proposed swimming pool shall provide the same required setback for a residence located on the parcel where pool is to be constructed as required by Section 5-108 (D) (1) of the Coral Gables "Zoning Code."
- 6) Grant a variance to allow the proposed swimming pool for the existing residence to have a side street setback (Toledo Street) of thirteen (13'0") feet vs. the proposed swimming pool to maintain a minimum side street setback of fifteen (15'0") feet as required by Sections 4-101 (D) (4) (b) and 4-101 (D) (5) of the Coral Gables "Zoning Code."
- 7) Grant a variance to allow the proposed pool deck for the existing residence to have a side street setback (Toledo Street) of nine (9'0") feet vs. the proposed pool deck to maintain a minimum side street setback of fifteen (15'0") feet as required by Sections 4-101 (D) (4) (b) and 4-101 (D) (5) of the Coral Gables "Zoning Code."

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

RESOLUTION NO. 5001-ZB

**A RESOLUTION DEFERRING A REQUEST FOR VARIANCES TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
"ZONING CODE," TO WIT:**

A Resolution was passed and adopted due to the following roll call: "Yea" – Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggle, Mrs. De Las Cuevas-Diaz Mr. Mora, Mr. Lukacs. "Nay" – None.

4. BA-10-5515

Lot: 17, Block: 3
Hammock Lake Park, PB/PG: 44/87

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(4995 Hammock Lake Drive)

Jorge L. Hernandez – Architect/Applicant
Jeffrey & Caterina Bartel – Owners

A hearing was held on case no. BA-10-10-5515.

Present: Jorge L. Hernandez – Architect/Applicant
Jeffrey & Caterina Bartel – Owner

APPLICANT'S PROPOSAL: In connection with the proposed 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 single family residence to have a lot coverage of (22.5%), nine thousand one hundred and fifty square feet (9,150) vs. no single family residence shall occupy more than (15%), six thousand and ninety two square feet (6,092) of the ground area of the building site upon which the residence is erected as allowed by Section A-56 (D) of the Coral Gables “Zoning Code.”
- 2) Grant a variance to allow the proposed single family residence to have a rear yard area ground coverage for accessory uses and structures of (7.4%), one thousand and ninety square feet (1,090) vs. a maximum rear yard area ground coverage for accessory uses and structures of (5%), seven hundred and thirty three square feet (733) shall be permitted as allowed by Section A-56 (D) of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The applicant is requesting two variances from the provisions of the “Zoning Code” that relate to maximum lot coverage and the rear yard area lot coverage for the subject property. Similar variances were requested under Case No. 8602-Z and approved by the Board of Adjustment on October 3, 2006: however, there are several differences with the current requested variances versus the originally approved variances. These differences include, but are not limited to the following: the site plan has been modified by eliminating the originally detached pool pavilion and adding bedrooms, bath and a closet into the total enclosed living area, the swimming pool has been enlarged, and most importantly, the original overall total square feet requested has increased. (Note: Based on the preliminary plans presented and based on the lot coverage calculations as presented by the architect on record, Mr. Jorge L. Hernandez, the square Foot Floor Area which regulates the enclosed portions of the residence has decreased and the porch areas have increased.) On March 30, 2007 an administrative extension of Resolution No. 4802-ZB was granted for an additional six (6) months ending on October 3, 2007. In addition, on September 19, 2007 another administrative extension of Resolution No. 4802-ZB was granted for an additional twelve (12) months. Zoning Code section 3-807 is specific and states the variances granted will become null and void and of no effect twelve (12) months from and after the date of the approval granting the same, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matter for which the variance was granted shall have been issued. On October 3, 2006, City Staff

supported and recommended approval of the variances requested at that time. However, at this time, City Staff does not support or recommend the requested variances.

This is an annexed property from Miami-Dade County. Miami-Dade County allows credit given in area for right-of-way dedicated from site to be included into the lot area and allows the maximum fifteen percent (15%) lot coverage to be based on total lot area. However, even considering this factor into the calculation the proposed residence exceeds the allowable lot coverage and would not comply with the Miami-Dade County standards. City Staff finds with regard to Item No. 1, the property site is not unusual or unique in nature and cannot find any hardship to approve the additional three thousand and fifty eight (3,058) square feet being requested. The proposed single family home may be redesigned to adhere to the maximum allowed lot coverage. The architectural style proposed is not a hardship. The maximum lot coverage of fifteen percent (15%) provides for a house that is proportional to the lot size and is clearly noted by Site Specifics Section A-56 (D).

With regards to Item No. 2, the proposed accessory structures (pool and spa) may be proportionately redesigned to adhere within the five percent (5%) of the rear yard area allowed for accessory structures.

Staff is recommending **DENIAL** of the applicant's request because the evidence presented does not support six of the seven mandatory findings required by the Zoning Code to allow these two variances to be granted. Given the facts of the proposal and the evidence presented by the applicant, as previously explained, the mandatory findings cannot be made specifically as to special circumstances or as to the granting of special privileges. The applicant's variance requests are basically predicated on the approval granted of the variances requested in 2006.

Please note preliminary plans were presented and City Staff is unable to determine full compliance of other provisions as required and/or allowed by the Zoning Code.

The Zoning Division Staff recommends **DENIAL** of Items No. 1 and 2 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 not 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 result from the actions of the Applicant.
3. That granting the variance requested will 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 not 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 not 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 not 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 **DENIAL** of Item No. 1 and 2 of the Applicant's request.

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

- 1) Grant a variance to allow the single family residence to have a lot coverage of (22.5%), nine thousand one hundred and fifty square feet (9,150) vs. no single family residence shall occupy more than (15%), six thousand and ninety two square feet (6,092) of the ground area of the building site upon which the residence is erected as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed single family residence to have a rear yard area ground coverage for accessory uses and structures of (7.4%), one thousand and ninety square feet (1,090) vs. a maximum rear yard area ground coverage for accessory uses and structures of (5%), seven hundred and thirty three square feet (733) shall be permitted as allowed by Section A-56 (D) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" – Mr. Bello, Mr. Artigues. "Nay" – Dr. Briggle, Mr. Mora, Dr. De Blij, Mrs. De Las Cuevas-Diaz Mr. Lukacs.

RESOLUTION NO. 5002-ZB

**A RESOLUTION DENYING A REQUEST FOR VARIANCES TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
"ZONING CODE," TO WIT:**

5. BA-10-11-2805

Lengthy Legal, Tract A
Riviera Section 8, PB/PG: 46/100
(1222 S. Dixie Highway)

Tom Graboski – Architect/Applicant
Louis Grossman TR & Theodore Roy, Fredi S. Consolo & Gail C. Gidney – Owners

A hearing was held on case no. BA-10-11-2805.

Present: Tom Graboski – Architect/Applicant

APPLICANT'S PROPOSAL: In connection with the proposed signage for the tenant "Doctors Hospital Sports Medicine", in the existing commercial building 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 tenant sign to be mounted at twenty-two (22'0) feet above grade vs. eighteen (18'0") feet maximum as allowed by Section 5-1904 of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed tenant sign to have a maximum sign area of twenty five (25'0") square feet vs. a maximum sign area of eighteen (18'0") square feet as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The subject property is located on the corner of Mariposa Court and South Dixie Highway and the building is identified as the "University Centre". The Applicant is requesting two variances with regard to the installation of the tenant sign "Doctors Hospital Sports Medicine".

The Zoning Code sign provisions allow for tenant signage to be installed at a maximum height of eighteen (18'0") feet from grade. This building's mirrored glass front façade is unique and unusual due to the fact it has an angled eyebrow. Therefore, all existing signage is located above this eyebrow. In order to maintain the building signage consistent and uniform in nature it is necessary to install the proposed sign at twenty-two (22'0") feet above grade.

Item No. 2 is a variance request to allow the proposed tenant sign to have a maximum sign area of twenty five (25'0") square feet versus a maximum sign area of eighteen (18'0") square feet as allowed by the Zoning Code. As previously noted this building's mirrored glass front façade and the building being set back approximately one hundred and ninety five (195) feet from the front property boundary, hinders the identification of signage. The overall sign area is aesthetically in harmony with the building and with the existing signs on the building. The additional seven (7) square feet being requested for overall sign area is a reasonable and minimal request and is necessary in order to be able to identify the business for motorists and pedestrians traveling on South Dixie Highway.

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

A motion was made by Mrs. De las Cuevas-Diaz and seconded by Mr. Mora to approve the Applicant's request.

RESOLUTION NO. 5003-ZB

**A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
“ZONING CODE,” TO WIT:**

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- 1) Grant a variance to allow the proposed tenant sign to be mounted at twenty-two (22'0) feet above grade vs. eighteen (18'0") feet maximum as allowed by Section 5-1904 of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed tenant sign to have a maximum sign area of twenty five (25'0") square feet vs. a maximum sign area of eighteen (18'0") square feet 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" – Dr. Briggle, Mr. Mora, Mrs. De Las Cuevas-Diaz, Dr. De Blij, Mr. Artigues, Mr. Bello, Mr. Lukacs. "Nays" – None.

6. BA-10-11-2808

Lengthy Legal, Tract A
Riviera Section 8, PB/PG: 46/100
(1240 S. Dixie Highway)

Tom Graboski – Architect/Applicant
Louis Grossman TR & Theodore Roy, Fredi S. Consolo & Gail C. Gidney – Owners

A hearing was held on case no. BA-10-11-2808.

Present: Tom Graboski – Architect/Applicant

APPLICANT'S PROPOSAL: In connection with the proposed signage for the tenant "Baptist Health Urgent Care", in the existing commercial building 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 tenant sign to be mounted at twenty-two (22'0) feet above grade vs. eighteen (18'0") feet maximum as allowed by Section 5-1904 of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed tenant sign to have a maximum sign area of nineteen (19'0") square feet vs. a maximum sign area of eighteen (18'0") square feet as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The subject property is located on the corner of Mariposa Court and South Dixie Highway and the building is identified as the "University Centre". The Applicant is requesting two variances with regard to the installation of the tenant sign "Baptist Health Urgent Care".

The Zoning Code sign provisions allow for tenant signage to be installed at a maximum height of eighteen (18'0") feet from grade. This building's mirrored glass front façade is unique and

unusual due to the fact it has an angled eyebrow. Therefore, all existing signage is located above this eyebrow. In order to maintain the building signage consistent and uniform in nature it is necessary to install the proposed sign at twenty-two (22'0") feet above grade.

Item No. 2 is a variance request to allow the proposed tenant sign to have a maximum sign area of nineteen (19'0") square feet versus a maximum sign area of eighteen (18'0") square feet as allowed by the Zoning Code. As previously noted this building's mirrored glass front façade and the building being set back approximately one hundred and ninety five (195) feet from the front property boundary, hinders the identification of signage. The overall sign area is aesthetically in harmony with the building and with the existing signs on the building. The additional one (1) square foot being requested for overall sign area is a reasonable and minimal request and is necessary in order to be able to identify the business for motorists and pedestrians traveling on South Dixie Highway.

The Zoning Division Staff recommends APPROVAL of Item No. 1 and 2 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 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 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

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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 and 2 of the Applicant's request.

A motion was made by Mrs. De las Cuevas-Diaz and seconded by Mr. Mora to approve the Applicant's request.

RESOLUTION NO. 5004-ZB

A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
"ZONING CODE," TO WIT:

- 1) Grant a variance to allow the proposed tenant sign to be mounted at twenty-two (22'0) feet above grade vs. eighteen (18'0") feet maximum as allowed by Section 5-1904 of the Coral Gables "Zoning Code."
- 2) Grant a variance to allow the proposed tenant sign to have a maximum sign area of nineteen (19'0") square feet vs. a maximum sign area of eighteen (18'0") square feet as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" – Mr. Mora, Dr. De Blij, Mrs. De Las Cuevas-Diaz, Mr. Artigues, Mr. Bello, Dr. Briggle, Mr. Lukacs. "Nay" – None.

7. BA-10-11-3302

Coral Bay, Section D
PB 68/60, Lot 8, Block 12
(13000 Miranda Street)

James F. & Joan P. Hammel – Owner/Applicant
Albert R. Poza – Architect

A hearing was held on case no. BA-10-11-3302.

Present: Jerry Procter – Attorney

APPLICANT'S PROPOSAL: In connection with the proposed addition, 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 the balcony in connection with the proposed addition to maintain a rear setback of sixteen feet two inches (16'2") vs. the minimum setback from a canal, waterway, lake or bay shore line, as platted, for buildings or portions thereof, shall be twenty feet (20'0") as required by Section A-28 (F) of the Coral Gables "Zoning Code."

STAFF OBSERVATION: This property is located in the Coral Bay subdivision and is bordered on two sides by the waterway. The applicant is proposing an addition and is requesting a variance to allow the balcony projection to encroach into the rear required waterway setback area.

The property site configuration and the existing residence are unusual. The location of the current residence on the lot limit the available space permitted to add an addition. The addition consists of two stories with a balcony on the first and second floor. Zoning Code section 5-1609 (C) "Roof projections" allows roofs and bay windows that do not extend to the ground to project into the required minimum twenty and one-tenth (20.1) feet setback area not more than four-and-one-half (4 1/2) feet into the required minimum setback area. The proposed roof overhang extends a total of four feet six inches (4'6"). The balcony would encroach three feet ten inches (3'10") into the rear required setback area, less than the proposed overhang and underneath the proposed overhang. Granting the variance and allowing the balcony to encroach into the rear setback area is a minimal request and would still leave ample distance from the residence to the rear property boundary. The overall design has been approved by the Board of Architects, is in harmony with the neighborhood and complies with lot coverage as stipulated in the Coral Gables Zoning Code.

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 Dr. Briggle and seconded by Dr. De Blij to approve the Applicant’s request.

RESOLUTION NO. 5005-ZB

**A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
“ZONING CODE,” TO WIT:**

- 1) Grant a variance to allow the balcony in connection with the proposed addition to maintain a rear setback of sixteen feet two inches (16'2") vs. the minimum setback from a canal, waterway, lake or bay shore line, as platted, for buildings or portions thereof, shall be twenty feet (20'0") as required by Section A-28 (F) of the Coral Gables “Zoning Code.”

A Resolution was passed and adopted due to the following roll call: “Yea” – Dr. Briggle, Mr. Mora, Mrs. De Las Cuevas-Diaz, Dr. De Blij, Mr. Artigues, Mr. Bello, Mr. Lukacs. “Nay” – None.

Meeting adjourned at 9:30a.m.

**THE CITY OF CORAL GABLES
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Elizabeth L. Gonzalez
Secretary