

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
MAY 5, 2008
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 J J A S O N D J F M A APPPOINTED BY:**

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

STAFF:

Elizabeth Gonzalez, Acting Secretary
Martha Salazar-Blanco, Zoning Administrator
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. Mr. Pozo was not in attendance; however, he advised staff prior to the meeting of his potential absence due to a pending court matter.

A motion was made by Dr. Briggle, seconded by Ms. Langer to approve the absence of Mr. Pozo. A resolution was passed by voice vote.

RESOLUTION NO. 4888-ZB

2. Approval of the April 7, 2008 Recap

A motion was made by Mr. Bello, seconded by Ms. Langer to approve the April 7, 2008 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4889-ZB

3. 8666-Z

Lot(s): 1 and 2, Block: 2
Coral Gables Section D, PB/PG: 25/74
1262 Andalusia Avenue

Rey Martinez, AIA – Applicant
Jorge L. Guerra Jr. and Lissette M. Aviles – Owner
Rey Martinez, AIA – Architect/Engineer

A hearing was held on case no. 8666-Z.

Present: Rey Martinez, AIA – Applicant and Architect

APPLICANT'S PROPOSAL: In connection with the rear setback for the proposed single-family residence at the subject property, the Applicant requests the following variance pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the proposed single-family residence to have a rear setback of five feet (5'-0") vs. the proposed single-family residence to have rear setback of ten feet (10'-0") as required by Section 4-101 (D)(4)(c) 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 Applicant is proposing a new two story residence with a five feet (5'-0") rear setback versus a ten feet (10'-0") rear setback as required in the Coral Gables "Zoning Code."

This corner lot is situated on Andalusia Avenue and Madrid Street. The site and lots are platted for front facing on Andalusia Avenue. The property boundary consists of two platted lots with a total street frontage of one hundred feet (100'-0") on Andalusia Avenue and eighty feet in depth (80'-0") on Madrid Street.

The unusual depth of this site was established under Resolution No. 8255 by the City Commission on March 22, 1960.

The residence has been designed with a front required setback of twenty-five feet (25'-0") and has provided a side street setback of twenty-three feet (23'-0"). The proposed residence complies with the maximum allowable lot coverage.

Neighboring properties on this block have varying rear setbacks. The property adjacent to the east has a detached structure closer than the required ten feet (10'-0") to the rear property line and the property site to the rear south side also has a detached structure closer than the required ten feet (10'-0"). Maintaining a five feet (5'-0") rear setback for the proposed residence would be in harmony with the adjacent properties.

Staff has determined there is a unique condition in the depth of the lot and requiring a ten feet (10'-0") rear setback would cause a hardship in the design of the residence.

The Zoning Division Staff recommends APPROVAL of the Applicant's request.

STAFF RECOMMENDATION: Pursuant to Section 24-7 VARIANCES of the "Zoning Code," the Zoning Division staff finds as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 1525, 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.

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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 Mr. Artigues, seconded by Mr. McGrane to approve item 1 of the Applicant's proposal.

RESOLUTION NO. 4890-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 allowing the proposed single-family residence to have a rear setback of five feet (5'-0") vs. the proposed single-family residence to have rear setback of ten feet (10'-0") as required by Section 4-101 (D)(4)(c) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" - Mr. Artigues, Mr. Bello, Dr. Briggle, Mr. McGrane, Ms. Langer and Mr. Lukacs. "Nay" - None. "Excused" - Mr. Pozo.

4. 8668-Z

All of Blocks: 117, 118 and 121
Coral Gables Country Club Section 6
PB/PG: 20/1 (Lengthy Legal)
400 Anastasia Avenue, aka Coral Gables War Memorial Youth Center

City of Coral Gables Parks and Recreation Director Fred Couceyro – Applicant
City of Coral Gables – Owner
David S. Dayton, P.E. – Architect/Engineer

A hearing was held on case no. 8668-Z.

Present: City of Coral Gables Parks and Recreation Director Fred Couceyro – Applicant

APPLICANT'S PROPOSAL: In connection with the proposed freestanding shelter canopy for the existing playground at the subject property, the Applicant requests the following variance pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the freestanding shelter canopy for the existing playground at the Coral Gables War Memorial Youth Center vs. all shelter canopies shall be attached to the building as required by Section 5-302 (F)(2) of the Coral Gables "Zoning Code."

All as shown on plans which have received Preliminary 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 Applicant is requesting a variance to allow a freestanding shelter canopy over the existing playground at the Coral Gables War Memorial Youth Center. Presently the "Zoning Code" does not allow any self-supporting or freestanding shelter canopies. All canopies must be attached to the building.

After careful review of the plans submitted for the proposed custom sail shade system, staff has determined the canopy to be a necessity. The canopy provides relief from sun exposure and protection from the rain for the children using the playground. In addition, the canopy maintains the equipment at a cooler level.

The custom sail shade system canopy is aesthetically pleasing and enhances the appearance of the playground.

The Zoning Division staff recommends APPROVAL of the Applicant's request.

STAFF RECOMMENDATION: Pursuant to Section 24-7 VARIANCES of the "Zoning Code," the Zoning Division staff finds as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 1525, 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. Briggle, seconded by Ms. Langer to approve item 1 of the Applicant's proposal.

RESOLUTION NO. 4891-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 allowing the freestanding shelter canopy for the existing playground at the Coral Gables War Memorial Youth Center vs. all shelter canopies shall be attached to the building as required by Section 5-302 (F)(2) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" - Mr. Bello, Dr. Briggle, Mr. McGrane, Ms. Langer, Mr. Artigues and Mr. Lukacs. "Nay" - None. "Excused" - Mr. Pozo.

Meeting adjourned at 8:10 a.m.

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

Elizabeth L. Gonzalez
Acting Secretary