



City of Coral Gables Planning and Zoning Staff Report

Applicant: Jesus and Liana Cabrera
Application: Variance - BA-21-05-7934
Property: 7550 Old Cutler Road
Legal Description: Lot 10 & 11, Block 101, Coral Gables Biscayne Bay Section 1 PL A
Present Owners: Jesus and Liana Cabrera
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: **June 07, 2021; 9:00 a.m.**
Location: HYBRID Meeting (public participation on ZOOM platform)
Online: Meeting ID: 917 264 22661
Phone: (305) 461-6769
email: planning@coralgables.com

City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

Request for Variance for a proposed swimming pool and pool deck for the property located at 7550 Old Cutler Road, pursuant to the provisions of Ordinance No. 2021-07 as amended and known as the "Zoning Code."

1. *Variance to allow a swimming pool and pool deck to be located in the area between the street and the main residential building vs. no accessory building or structures may be located in the area between the street and the main residential building, as required by Sections 2-101.D(5) and 3-301.B of the Coral Gables Zoning Code.*
2. *Variance to allow a swimming pool and pool deck to be located closer to the side street of a lot or building site than the main or principal building vs. in no case shall a swimming pool 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 2-101.D(5), 3-301.C, and 3-308.I of the Coral Gables Zoning Code.*
3. *Variance to allow a swimming pool and pool deck 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 3-308.H of the Coral Gables Zoning Code.*

2. ADVERTISING

This application was advertised in the Miami Daily Business Review on May 28, 2021. Letters were mailed to properties within one thousand feet of subject property and the property was posted on May 25, 2021.

3. STAFF OBSERVATION

The subject property, 7550 Old Cutler Road is generally located south of Cocoplum Circle. It is an irregularly shaped lot that faces two streets, Old Cutler Road and Santurce Avenue. The property is approximately 14,750 square feet, comprised of lots 10 & 11, Block 101, Coral Gables Biscayne Bay Section 1, Plat A.

There is an existing two-story single-family house constructed in 2012, which was previously granted a variance for building setback on the rear and setback for mechanical equipment. Currently, the applicant is proposing a swimming pool but due to the existing as-built condition and the irregular shape of the lot, it would not meet the requirements of the Zoning Code. The applicant is requesting several variances from the requirement of the Zoning Code that pertains to the swimming pool and pool deck: 1.) to allow the swimming pool and deck to be located in the area between the street and the main building; 2.) to be located closer to the front or side street; and, 3.) visible on both front and side elevation.

This request requires a public hearing, including review and approval by the Board of Adjustment. The Board provides relief from hardships and errors in the application of the regulations.

4. STAFF RECOMMENDATION

Pursuant to Section 14-207 Standards for 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 provision of Ordinance No. 2021-07, as amended and known as the “Zoning Code,” and makes the following findings:

- 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.**

Does meet the standard required for authorization of variance.

The irregular shape lot and the as-built configuration of the existing home present a special condition where the only possible location of the pool is between the main building, closer to the street, and visible on both elevations.

- 2) **That the special conditions and circumstances do not result from the actions of the applicant.**

Does meet the standard required for authorization of variance.

The subject property faces two streets, Old Cutler Road and Santurce Avenue with irregular configuration. It was platted in 1926 as part of the Biscayne Bay Section Part One Plat A. These are site conditions that do not result from the actions of the applicant.

- 3) **That granting the variances 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.**

Does meet the standard required for authorization of variance.

A swimming pool with a deck is a customarily associated use for single-family homes and is a common feature found in adjacent properties throughout this neighborhood.

- 4) The 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”).**

Does meet the standard required for authorization of variance.

A swimming pool with a deck is a typical accessory use to single-family residences not only in this neighborhood but throughout Florida. A strict and literal enforcement of the pool location

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

Does meet the standard required for authorization of variance.

The variances requested if granted is the minimum variance that would allow the property owner to add a swimming pool.

- 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.**

Does meet the standard required for authorization of variance.

The Variances requested are for an existing single-family home on site, which will remain a single-family home. Granting the Variances 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.**

Does meet the standard required for authorization of variance.

Granting the variance request will allow the property owner to enjoy the same amenity commonly enjoyed by property owners in the same zoning district. Therefore, variances requested will not be detrimental to the public welfare.

- 8) The granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.**

Does meet the standard required for authorization of variance.

The property is not a historic landmark or in a historic landmark district.

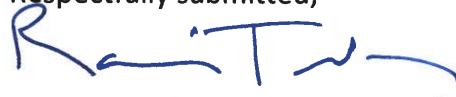
The Planning and Zoning Division staff recommends APPROVAL of Items No. 1, 2, and 3.

5. ATTACHMENTS

- A. Applicant's submittal package.
- B. Property Appraiser Summary Report.
- C. Legal advertisement published.
- D. Notice mailed to all property owners within 1,000 feet.
- E. Correspondence from the neighbors
- F. Powerpoint

Please visit the City website at www.coralgables.com to view all application materials. The complete application also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Ramon Trias, PhD, AIA, AICP, LEED AP
Assistant Director of Development Services
for Planning and Zoning
City of Coral Gables, Florida