

Board of Adjustment Application

City of Coral Gables

Development Services Department

Phone# 305.460.5211

Preamble
Pursuant to the City Charter, and subject to those provisions, a Board of Adjustment is created to provide relief from hardships and errors in the application of the regulations.
Application review request
The undersigned applicant(s)/agent(s)/property owner(s) request(s) a Board of Adjustment hearing for the following application(s) (please check all that apply):
□ Appeal □ Variance □ Other:
Property information
Property/project name:
Street address of the subject property:
Property Legal Description: Lot(s):
Block(s):
Section(s):
Plat Book(s)/Page(s):
Has there been a Board of Adjustment hearing on the property in the last year?
Is this request the result of a Notice of Violation?
Is this request the result of a deviation from an approved set of plans?
Has the property owner owned the property for at least one (1) year?
Current land use classification(s):
Current zoning classification(s):
Listing of all folio numbers for subject property:

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General informati	on		
Applicant(s)/Agent(s)	Name(s):		
Mailing Address:	(City)	(State)	(ZIP Code)
Property Owner(s) Na	me(s):		
Telephone#:	Fax#:	Email:	
Mailing Address:	(City)	(State)	(ZIP Code)
Property Owner(s) Na	me(s):		
Telephone#:	Fax#:	Email:	
Mailing Address:	(City)	(State)	(ZIP Code)
Project Architect(s) Na	ame(s):		
Mailing Address:			
	(City)	(State)	(ZIP Code)
• •	nd type(s) of application(s) petions related to this reques	oreviously filed with the City t:	of Coral Gables and type of
Application received h	ov:		Date:

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Application requirements and supporting information

The Development Services Department cannot accept applications that are not complete for any hearing before the Board of Adjustment. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.

Pre-application Meeting Requirements. A pre-application meeting is required to be held in advance of an application submittal to determine the information necessary to be filed with the application(s). The City reserves the right to request additional information as necessary.

Application submittal (order of documents). The order of the documents for the application submittal shall be
as follows (required documents will be determined at pre-application meeting):
☐ Table of Contents with page numbers identifying all below documents.
☐ Completed Application.
☐ Applicant's proposal.
Letter of intent.
☐ Standards for Variances #1 through #8.
☐ Owner's Affidavit.
☐ Proof of ownership if ownership of the property has changed in the last year.
☐ Full size set of plans (stamped by the Board of Architects).
☐ Plans in 11" x 17" size format (13 sets).
☐ Color photographs (35mm or digital photographs), must be labeled (13 sets).
☐ One (1) compact disc (CD) containing required plans and color photographs.
☐ Signed and sealed survey (indicate any tree disposition necessary if affected by proposed work).
☐ Aerial.
Other (letter of support, rescheduling letter, etc.)
Application supporting materials. The following application supporting materials shall be provided separately
from the application submittal and are as follows:
☐ Application fees.
☐ One (1) original certified mailing list and signed affidavit including MDCPS.
☐ Two (2) sets of mailing labels.
☐ City of Coral Gables Annual Registration Application and Issue Application Lobbyist forms.

Posting of the property. The City shall post the subject property with a City approved sign advising of the Board of Adjustment meeting date. The public notice posting shall be in accordance with the Zoning Code. The sign shall be installed ten (10) days prior to the meeting and shall not be removed until after the meeting, at which time it is the applicant's responsibility to remove the sign.

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Applicant/agent/property owner/architect affirmation and consent

(I) (We) affirm and certify to all of the following:

- 1. The application will not be heard unless the Applicant/Agent is present at the Board of Adjustment hearing.
- 2. The subject property will be posted with a City approved public notice sign. The sign shall be installed a minimum of ten (10) days prior to the meeting and shall not be removed until after the meeting, at which time it is the applicant's responsibility to remove the sign.
- 3. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:
 - a. Conditional uses and variances: six (6) months.
 - b. Comprehensive Plan Map Amendment, Comprehensive Plan Text Amendment, Zoning Code Map Amendment, Zoning Code Text Amendment, amendments and applications for abandonment and vacation of non-fee interests: twelve (12) months (Section 3-210. Resubmission of application affecting same property).
- 4. That the only variance or items being requested are those that have been specified in the written application for a variance, and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Coral Gables.
- 5. That the applicant will be responsible for complying with all of the conditions and restrictions imposed by the Board of Adjustment in connection with the requested variance, and will take the necessary steps to make the variance effective if approved by the Board of Adjustment.
- 6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Board of Adjustment to hear the applicant's request.
- 7. That the applicant is responsible for the submission and accuracy of a certified mailing list and three (3) sets of mailing labels according to the latest ad valorem tax record of all property owners within one-thousand (1,000) feet of the property for which a public hearing before the Board of Adjustment is being requested.
- 8. Any variance granted by the Board of Adjustment or the City Commission shall be in effect for twelve (12) months from the date of approval. If a permit is not issued within the twelve (12) months, and work commenced, then the variance shall become null and void. One (1) twelve (12) month extension of a variance may be granted by the Development Review Official.
- 9. That the application fee is not refundable or any portion thereof regardless of final resolution, deferment, or non-presentation to the Board of Adjustment.
- 10. That all the information contained in this application and all documentation submitted herewith is true to the best of (my) (our) knowledge and belief.
- 11. Understand that the application, all attachments and fees become a part of the official records of the City of Coral Gables and are not returnable.
- 12. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
- 13. Applicant has read and understands all of the information in the City of Coral Gables Board of Adjustment Information brochure.
- 14. All representatives of the application have registered with and completed lobbyist forms for the City of Coral Gables City Clerk's office.

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- 15. Understand that under Florida Law, all the information submitted as part of the application are public records.
- 16. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of Coral Gables entitlements in effect during the entire review process.

Applicant(s)/Agent(s) Signature:	Applicant(s)/Agent(s) Print Name:			
Address:				
Telephone:	Fax:			
Email:				
NOTARIZATION				
CTATE OF FLORIDA/COLINITY OF				
STATE OF FLORIDA/COUNTY OF	mothic day of by			
The foregoing instrument was acknowledged before	me this day of by			
(Signature of Notary Public - State of Florida)				
(Print, Type or Stamp Commissioned Name of Notary Public)				
☐ Personally Known OR ☐ Produced Identification; Type of Identification Produced				

Board of Adjustment Application	entraling a montaine to the
Property Owner(s) Signature:	Property Owner(s) Print Name: Liana V Cabrera
Property Owner(s) Signature:	Property Owner(s) Print Name: Jesus Cabrera
Property Owner(s) Signature:	Property Owner(s) Print Name:
Address: 7550 Old Cutler Rd Coral Gables, FI 33143	8081-803-887 months
Telephone: 305-905-6655	Fax:
Email:m13alexandra@hotmail.co	om
	NOTARIZATION
STATE OF FLORIDA/COUNTY OF The foregoing instrument was acknowledg (Signature of Notary Public - State of Florida Notary Public State of Florida Zoemi M Garcia My Commission GG 277815 Expires 12/08/2022	ged before me this 29 day of April by JESUS & LANA CABRERA
(Print, Type or Stamp Commissioned Name Personally Known OR ☐ Produced Iden	

Board of Adjustment Application Architect(s)/Engineer(s) Signature: Architect(s)/Engineer(s) Print Name: Eduardo Llano 250 Catalonia Ave. Suite 407 Coral Gables, F/33134 Telephone: 305-498-4144 Fax: Email: eddy_llano@msn.com NOTARIZATION STATE OF FLORIDA/COUNTY OF April, 2021 The foregoing instrument was acknowledged before me this ____ day of _ Eduardo Llano (Signature of Notary Public - State of Florida) Attonio Jama (Print, Type or Stamp Commissioned Name of Notary Public) ☐ Personally Known OR ☐ Produced Identification; Type of Identification Produced

Attachments:

- A. Board of Adjustment supporting information.
- B. Board of Adjustment Calendar.
- C. Board of Adjustment Application Fee Schedule.
- D. Certified Mailing List Service Providers.

Jesus and Liana Cabrera

7550 Old Cutler Rd Coral Gables, Florida 33131

City of Coral Gables
Board of Adjustments
405 Biltmore Way
Coral Gables, Florida 33134

Re: Pool Variance

7550 Old Cutler Rd

Dear Sirs:

By means of this letter, I hereby request a variance to permit a pool to be constructed at the above address. In staffs review of the plans, it was determined that the pool, as designed, would fall in the area between the street and the main residential building which would not be in compliance with Section 3-3101 (B) that states:

Except as may be otherwise required, no accessory building or structure may be located in the area between the street and the main residential building or any part thereof; with the exception of fountains, reflecting pools, planters and flagpoles.

In designing the pool on the property, because of the rare configuration of the lot, there is no other location that could safely accommodate the design of the pool of the property. Aesthetically, it is difficult to design a pool that would meet the existing guidelines. But despite the fact the pool lies between the main structure and the street, we believe that the current design falls within the spirit of the code and would in fact greatly improve the property as well as be a benefit to the surrounding community.

If you have any questions or concerns, please do not hesitate to contact me at 305-905-6655.

Thank you in advance for your help and cooperation. I look forward to your favourable review on this application.

Jesus Cabrera	
Liana Cabrera	

<u>Liana Cabrera</u>

7550 Old Cutler Rd Coral Gables, Florida 33143

City of Coral Gables Board of Adjustments 405 Biltmore Way Coral Gables, Florida 33134

Re: Pool Variance – Justification Letter

7550 Old Cutler Rd

Dear Sirs:

In response to the justification for the above-mentioned variance, I am being asked the following questions. Please see my responses below:

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.

You will note from the survey that this lot is peculiar in a couple of aspects. First, the lot fronts on two streets, Old Cutler Rd and Santurce Ave. The configuration is very irregular having 5 sides with only two corners on the west being perpendicular to each other. The west side of the lot is the widest and therefore lends itself to accommodating the house. The narrowest portion of the lot and the legal front of the property abuts Old Cutler Rd. To design a house that would be functional and aesthetically pleasing, the house had to be designed to have the entry of the house face the neighbor's property (521 Santurce Ave) on the west. Because of these conditions, the only possible location of the pool is between the main building structure and Old Cutler Rd.

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

The special condition of this application resulted from the original plat and thus was not a result of the present owners' actions.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings, or structures in the same zoning district.

Being that the configuration of this lot is unique, the granting of this variance will not grant any special privileges to any other applicants.

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 work unnecessary and undue hardship on the applicant.

If we were to apply the zoning code, there is no other location on the property that could accommodate a pool and therefore the owner of the property would be denied the pool. This

would create a situation where the owner would be under undue hardship which would deny the owner the right to build a pool.

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

This variance from this section of the code would be the minimum necessary adjustment that would be required to allow the owner to build the 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.

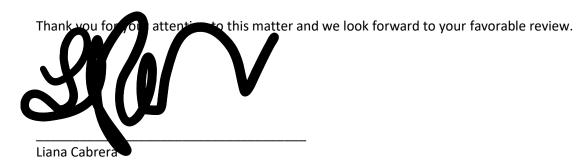
Pools are permitted in the zoning district. Therefore, granting the variance which would allow the building of the pool would not change the use to one that is not permitted.

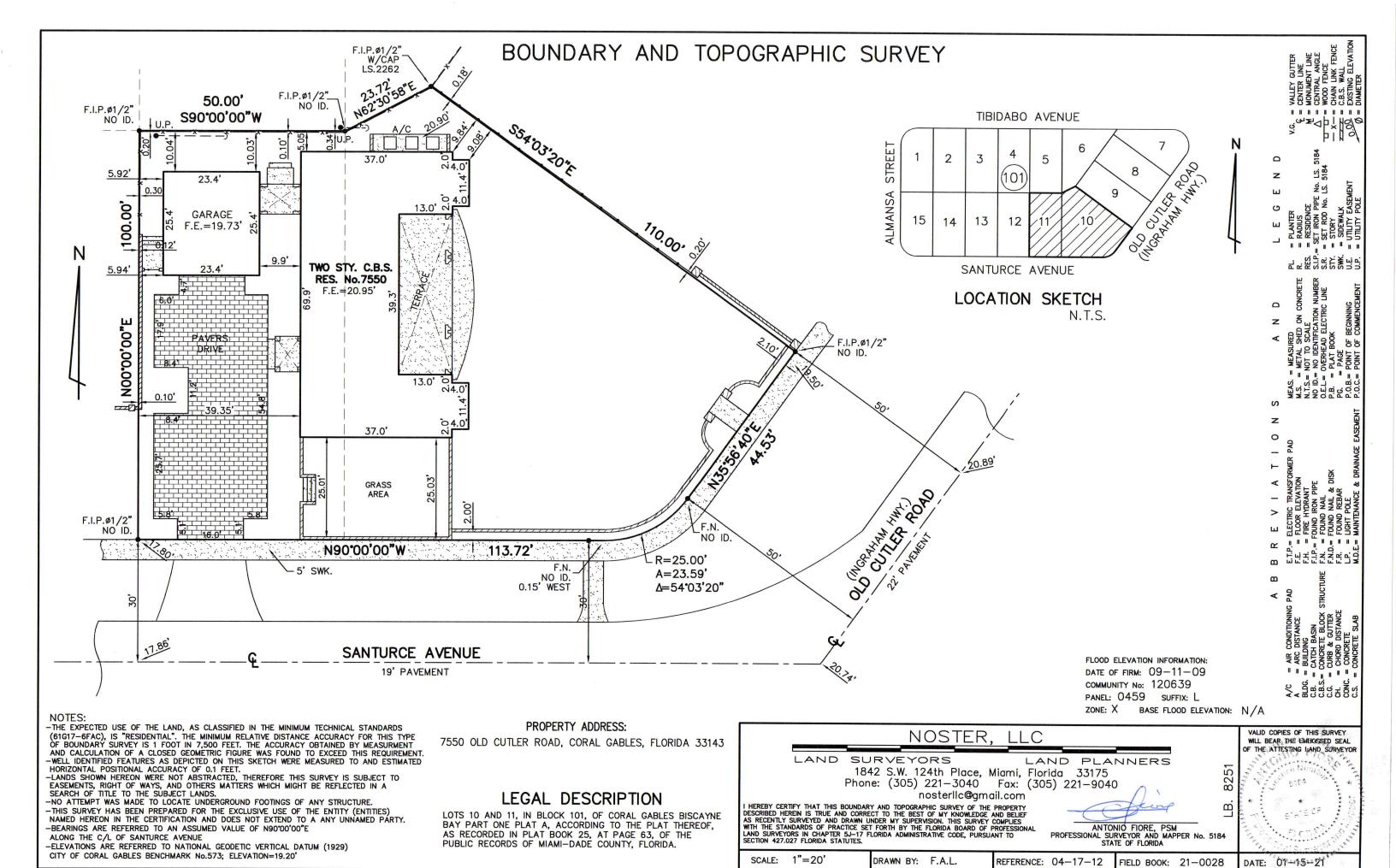
7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

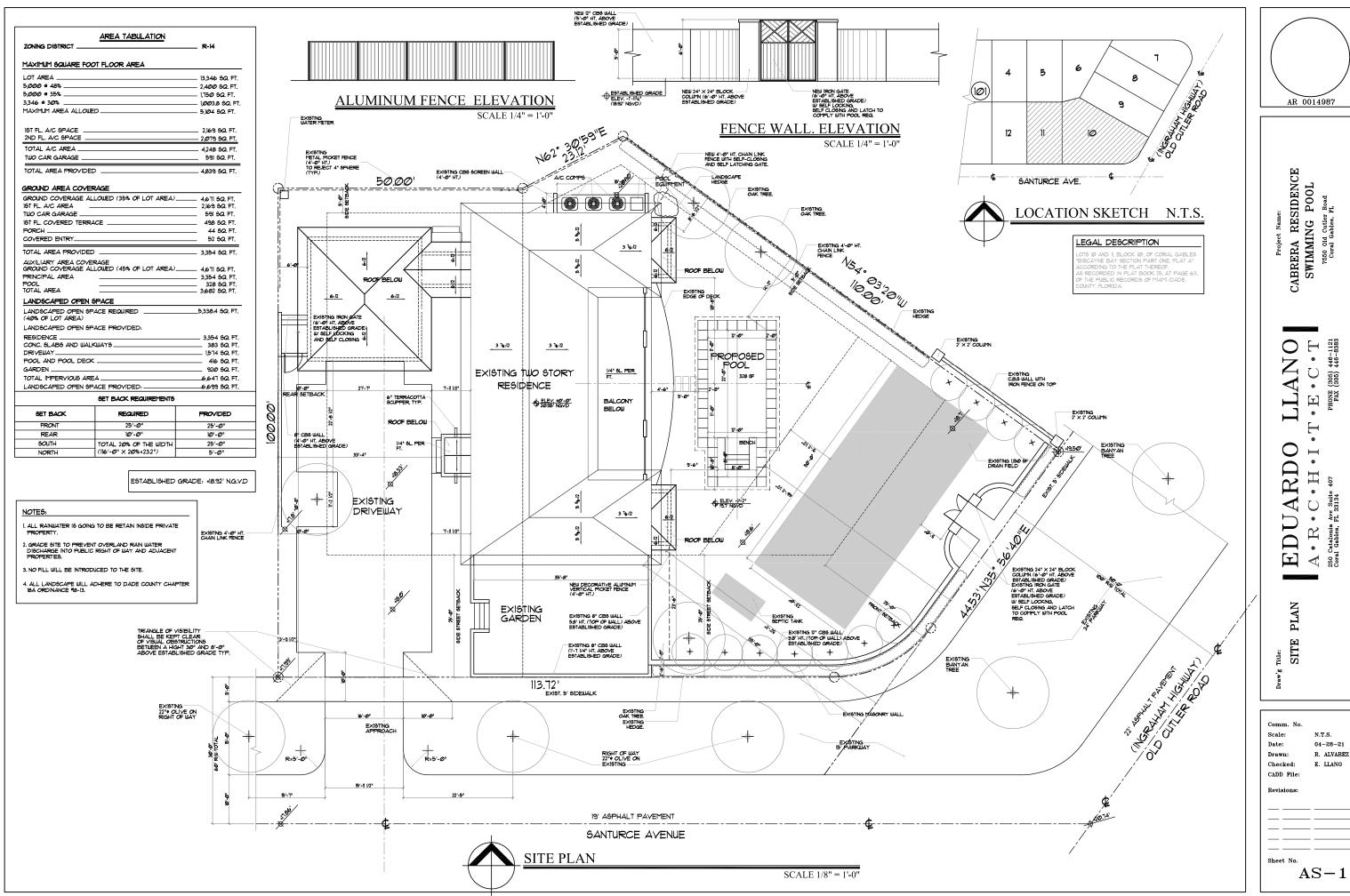
We believe that the general intent and purpose of this regulation is to prevent property owners in standard lots from building pools which would be visible from the street or in the front of the property. Additionally, we believe that they intended to restrict access to the pool from the street. You will notice that the access to the house is limited to the west side of the property. We do not think that when this regulation was enacted, the legislators were envisioning the configuration of lot that is the case on this property. Therefore, the granting of this variance will not only be in harmony with the general intent and purpose of this regulation, but it will also impact the neighborhood in a positive way.

8. That the granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.

This property is not designated as a historic landmark nor is it in a historic landmark district.







Pictures



Pictures of the terrace in the rear of the hose.





Proposed area of pool



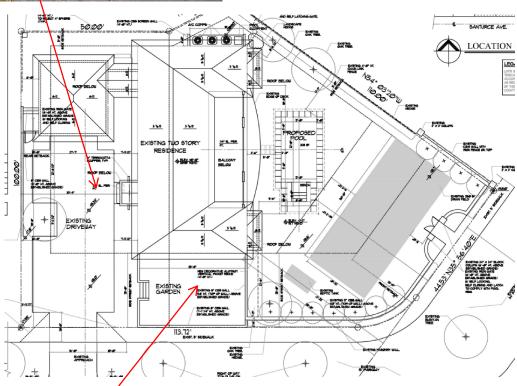
















View of yard from Santurce



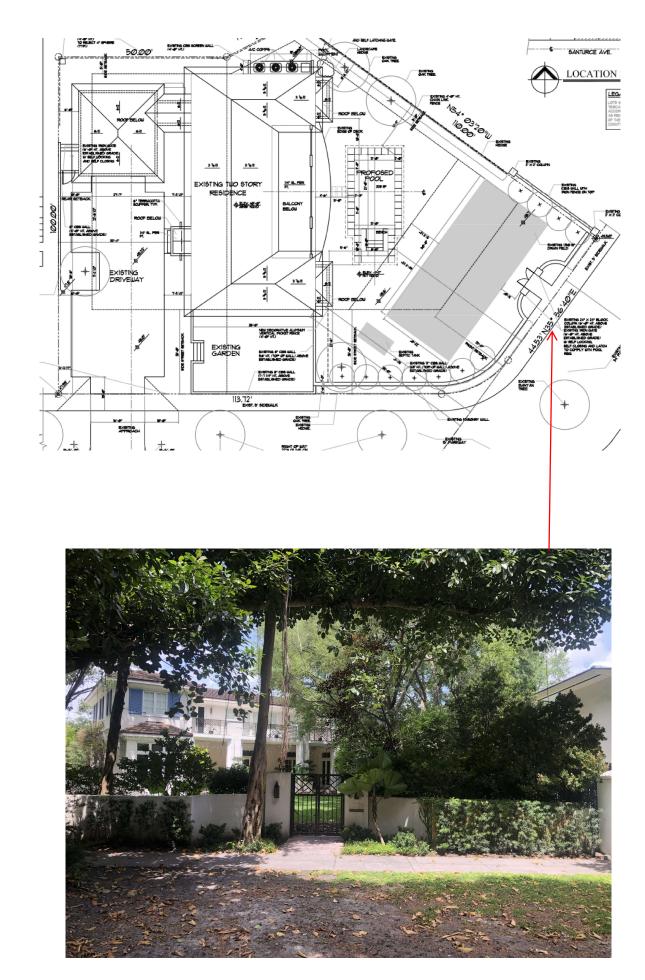
View of house from Santurce



Closeup of wall as viewed from old cutler



Closeup of wall as viewed from old cutler



View from Old Cutler Rd