

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES BOARD OF ADJUSTMENT VERBATIM TRANSCRIPT HYBRID FORMAT MONDAY, JUNE 7, 2021, COMMENCING AT 9:05 A.M.</p> <p>Board Members Present at Commission Chamber: Kathleen Kauffman Javier Salman Eugene Wolman Jorge Arrizurieta Scott Davidson</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Jill Menendez, Administrative Assistant, Board Secretary Arceli Redila, Principal Planner, via Zoom Stephanie M. Throckmorton, Assistant City Attorney</p> <p>Also Participating Via Zoom Platform: Jesus Cabrera Liana Cabrera</p>	<p style="text-align: center;">Page 2</p> <p>1 THEREUPON:</p> <p>2 (The following proceedings were had:)</p> <p>3 MR. TRIAS: Good morning, and welcome.</p> <p>4 Most of you are new, except for Kathleen and</p> <p>5 Javier, and we're missing one person, and</p> <p>6 hopefully she'll come in, in a few minutes, but</p> <p>7 we do have a quorum, so if you want to start,</p> <p>8 we can start.</p> <p>9 Very good.</p> <p>10 So we have some issues to deal with before</p> <p>11 we start with the agenda, because,</p> <p>12 unfortunately, our Chair and Vice Chair were</p> <p>13 not reappointed, so we have to appoint a new</p> <p>14 Chair and a new Vice Chair. In addition, we'll</p> <p>15 give you a very brief introduction of the Board</p> <p>16 of Adjustment, since we haven't had a chance to</p> <p>17 speak. We already had this item scheduled, so</p> <p>18 we had to immediately schedule this meeting.</p> <p>19 So what I will do is, I would ask the</p> <p>20 Assistant City Attorney to give you an</p> <p>21 introduction on some of the issues that you</p> <p>22 need to be mindful of, and then I'll explain a</p> <p>23 few things.</p> <p>24 MS. THROCKMORTON: Good morning, everyone.</p> <p>25 Stephanie Throckmorton, Assistant City</p>
<p style="text-align: center;">Page 3</p> <p>1 Attorney. I serve as counsel to the Board of</p> <p>2 Adjustment. And welcome to all of you and</p> <p>3 welcome back to some of you.</p> <p>4 I just wanted to give you all a very brief</p> <p>5 overview of the Sunshine Law. We're going to</p> <p>6 do a more extensive Board and Committee</p> <p>7 training later this Fall for all of you, but</p> <p>8 since we dove right in here, I just want to</p> <p>9 make sure you guys have a brief overview.</p> <p>10 Generally speaking, when this Board meets</p> <p>11 to discuss items that may come before them,</p> <p>12 such as variances, you need to be in a duly</p> <p>13 noticed public meeting. So that means, if two</p> <p>14 of you are meeting to discuss an item that may</p> <p>15 come before the Board of Adjustment or is</p> <p>16 scheduled before the Board of Adjustment, that</p> <p>17 needs to be at a Sunshine meeting, so a</p> <p>18 publicly noticed meeting, which means generally</p> <p>19 that doesn't happen unless we're sitting here</p> <p>20 as a Board together.</p> <p>21 All of your communications about this</p> <p>22 Board, e-mails to and from City Staff about</p> <p>23 these items, if you receive communications from</p> <p>24 people you may know about these items, are</p> <p>25 public records, subject to being disclosed when</p>	<p style="text-align: center;">Page 4</p> <p>1 they're requested. So just something to keep</p> <p>2 in mind as you communicate about the Board and</p> <p>3 its activities.</p> <p>4 Our office is open at any time to answer</p> <p>5 any questions you might have about serving on</p> <p>6 the Board. The Clerk's Office is also very</p> <p>7 helpful, if you have any questions about your</p> <p>8 role as a Board or Committee member. So,</p> <p>9 again, the Clerk's Office, the City Attorney's</p> <p>10 Office, we're here to help at any time.</p> <p>11 I believe Mr. Trias has a brief overview of</p> <p>12 the duties and role of the Board of Adjustment</p> <p>13 in approving or denying variances, but I'm</p> <p>14 happy to answer any immediate questions you may</p> <p>15 have about the Sunshine Law, the public records</p> <p>16 law and your ability to discuss things as a</p> <p>17 Board.</p> <p>18 MR. TRIAS: Thank you. Thank you very</p> <p>19 much.</p> <p>20 We provided a memorandum to you, about</p> <p>21 three pages, from the Zoning Code, which</p> <p>22 describes the duties of the Board and the</p> <p>23 composition of the Board of Adjustment. I</p> <p>24 suppose most of you are very familiar with the</p> <p>25 process of Zoning.</p>

<p style="text-align: right;">Page 5</p> <p>1 So what happens is, as you know, we have a</p> <p>2 Zoning Code that has some very strict</p> <p>3 requirements. We also have a very, very good</p> <p>4 Plan, that was prepared by George Merrick, who</p> <p>5 is with us in that painting, and what happens</p> <p>6 with that wonderful Plan is that sometimes</p> <p>7 there are some parcels that may not be exactly</p> <p>8 the way they should be, so that's where a</p> <p>9 variance comes in.</p> <p>10 A variance is a request from an applicant,</p> <p>11 from a private owner, for some change, some</p> <p>12 minor change, because the development that they</p> <p>13 want to do to their house, the dock, the pool,</p> <p>14 whatever it is, doesn't quite match the</p> <p>15 requirements of the Code. So that's the</p> <p>16 opportunity that you have to look at the facts</p> <p>17 and make a decision.</p> <p>18 Now, you have some help, Staff is helping</p> <p>19 you, and they're not here today, because today</p> <p>20 is the last meeting that we're doing as a</p> <p>21 hybrid meeting, but next time, everybody is</p> <p>22 going to be here, so there will be a Staff</p> <p>23 presentation that explains the issues, and then</p> <p>24 there will be a presentation or a discussion</p> <p>25 from the applicant, and then you'll be able to</p>	<p style="text-align: right;">Page 6</p> <p>1 discuss it amongst yourselves. So that's the</p> <p>2 way that the meetings go.</p> <p>3 Does anybody have any questions about the</p> <p>4 process or the role of the Board?</p> <p>5 Yes, sir.</p> <p>6 MR. SALMAN: (Inaudible) and, likewise,</p> <p>7 there are specific issues with regards to</p> <p>8 dockage and frontage of dockage, the length of</p> <p>9 the dockage, the distance away from the</p> <p>10 property. A lot of them are environmental</p> <p>11 issues, having to do with mangrove growths and</p> <p>12 ability to access the dock and having it extend</p> <p>13 out into the navigable waterway.</p> <p>14 So we look at these kinds of issues, as</p> <p>15 well as other types of non-self-imposed</p> <p>16 hardships, and the key here is that they are</p> <p>17 hardship issues.</p> <p>18 MR. TRIAS: Yes, sir.</p> <p>19 (Inaudible.)</p> <p>20 MR. TRIAS: Yes. And what happens is, that</p> <p>21 is something that you, as an applicant, can't</p> <p>22 resolve, that is a result of the plat or the</p> <p>23 result of mangroves or something else.</p> <p>24 MS. THROCKMORTON: Mr. Trias, if I may.</p> <p>25 In the memo that Mr. Trias provided,</p>
<p style="text-align: right;">Page 7</p> <p>1 there's a section 14-2076, that's the Standards</p> <p>2 for Variances, those are the eight items that</p> <p>3 this Board must find to grant a variance, and</p> <p>4 one of those does include a special condition</p> <p>5 or circumstance, which I believe is the</p> <p>6 hardship provision that was being referred to,</p> <p>7 but those are the exact details that this</p> <p>8 Board must find before they grant a particular</p> <p>9 variance and that's what the Staff report is</p> <p>10 based around, those eight factors.</p> <p>11 MR. TRIAS: Yes.</p> <p>12 MS. THROCKMORTON: So if you read the Staff</p> <p>13 report, you can see that each of those items is</p> <p>14 addressed in the Staff report and that's what</p> <p>15 requires a finding by this Board.</p> <p>16 MR. TRIAS: Yeah, and you're welcome to</p> <p>17 disagree with the Staff. I mean, certainly,</p> <p>18 it's up to you to make a decision. We give you</p> <p>19 the best professional advice that we can.</p> <p>20 So why don't we move to Item 2, which is</p> <p>21 Election of New Chairperson and Vice</p> <p>22 Chairperson. To run a meeting, we need to have</p> <p>23 a Chair. The Chair runs the meeting. Until</p> <p>24 that happens, I'm trying to help you with it,</p> <p>25 but if we could nominate and second a person</p>	<p style="text-align: right;">Page 8</p> <p>1 for Chair and then vote, and, then, for Vice</p> <p>2 Chair, and then vote, so we'll be able to run</p> <p>3 the meeting properly.</p> <p>4 So, does anybody nominate anyone for Chair?</p> <p>5 BOARD MEMBER: Who is the returning?</p> <p>6 MR. TRIAS: Kathleen and Javier are the</p> <p>7 two. Javier would have to be reappointed,</p> <p>8 because he's an appointment of the Board. The</p> <p>9 Board gets to appoint one member. The rest of</p> <p>10 you have been appointed by different</p> <p>11 Commissioners or the Mayor or Vice Mayor.</p> <p>12 Yes, sir.</p> <p>13 (Inaudible.)</p> <p>14 MR. TRIAS: We could do that. Certainly we</p> <p>15 can change the -- we could --</p> <p>16 (Inaudible.)</p> <p>17 MR. TRIAS: Yeah. If you'd prefer, why</p> <p>18 don't we do that, so we have a Board that is</p> <p>19 more complete? So why don't we nominate a</p> <p>20 person to be Board as a Whole member?</p> <p>21 Yes, sir.</p> <p>22 (Inaudible.)</p> <p>23 MR. TRIAS: Is there a second?</p> <p>24 BOARD MEMBER: Second.</p> <p>25 MR. TRIAS: Okay. Let's take roll call,</p>

<p style="text-align: right;">Page 9</p> <p>1 please.</p> <p>2 (Inaudible.)</p> <p>3 MR. ARRIZURIETA: Yes.</p> <p>4 THE SECRETARY: Ms. Kaufman?</p> <p>5 MS. KAUFMAN: Yes.</p> <p>6 (Inaudible.)</p> <p>7 BOARD MEMBER: Yes.</p> <p>8 MR. SALMAN: Yes.</p> <p>9 (Inaudible.)</p> <p>10 MR. TRIAS: Okay. Thank you. All right.</p> <p>11 MS. THROCKMORTON: And just to be clear,</p> <p>12 Mr. Trias, this nomination will then go to the</p> <p>13 Commission to be approved.</p> <p>14 MR. TRIAS: Oh, yes, correct.</p> <p>15 MS. THROCKMORTON: So Mr. Salman remains a</p> <p>16 Member of this Board, as he continues to serve</p> <p>17 as a member, appointed by the Board as a Whole,</p> <p>18 and this appointment will be confirmed</p> <p>19 hopefully by the Commission at their next</p> <p>20 meeting in July.</p> <p>21 MR. TRIAS: Very good.</p> <p>22 So now we have, I think, a full Board, so</p> <p>23 I'll take a nomination for Chair.</p> <p>24 MS. KAUFMAN: I nominate -- I move that</p> <p>25 Javier Salman be Chair of the Board.</p>	<p style="text-align: right;">Page 10</p> <p>1 MR. TRIAS: Is there a second?</p> <p>2 BOARD MEMBER: I'll second that.</p> <p>3 MR. TRIAS: Very good.</p> <p>4 Let's take a roll.</p> <p>5 (Inaudible.)</p> <p>6 BOARD MEMBER: Yes.</p> <p>7 (Inaudible.)</p> <p>8 MS. KAUFMAN: Yes.</p> <p>9 (Inaudible.)</p> <p>10 BOARD MEMBER: Yes.</p> <p>11 (Inaudible.)</p> <p>12 BOARD MEMBER: Yes.</p> <p>13 MR. TRIAS: Very good.</p> <p>14 All right, Mr. Chair, you can take the</p> <p>15 Chair and run the rest of the meeting.</p> <p>16 Of course, the next item will be to appoint</p> <p>17 the Vice Chair.</p> <p>18 MR. SALMAN: What about approval of the</p> <p>19 Minutes?</p> <p>20 MR. TRIAS: I think you should appoint a</p> <p>21 Vice Chair first.</p> <p>22 MR. SALMAN: Very good.</p> <p>23 Thank you for your vote.</p> <p>24 I'd like to go ahead and request</p> <p>25 nominations for the Vice Chair.</p>
<p style="text-align: right;">Page 11</p> <p>1 BOARD MEMBER: Well, to keep with</p> <p>2 continuity, I'd nominate Ms. Kaufman, for her</p> <p>3 prior experience sitting on the Board.</p> <p>4 MR. SALMAN: I'll second that nomination.</p> <p>5 MS. KAUFMAN: Can I say something?</p> <p>6 MR. SALMAN: Yes.</p> <p>7 MS. KAUFMAN: I really appreciate the</p> <p>8 nomination, but I have to let you know that</p> <p>9 this is actually -- even though I was just</p> <p>10 reappointed, this is my last Board meeting.</p> <p>11 I'm going to be going back to my old stomping</p> <p>12 ground in Gainesville to be their Historic</p> <p>13 Preservation Officer for the City of</p> <p>14 Gainesville.</p> <p>15 MR. SALMAN: Well, congratulations,</p> <p>16 actually.</p> <p>17 MS. KAUFMAN: Thank you, but, sadly, I'm</p> <p>18 leaving my hometown, and we're going to have to</p> <p>19 find somebody else to be Vice Chair.</p> <p>20 MR. SALMAN: Well, I'd like to nominate</p> <p>21 Jorge. I've known him for many years. I know</p> <p>22 that he's familiar with the issues of the City</p> <p>23 and he can bring a lot to this Board as Vice</p> <p>24 Chair.</p> <p>25 Do we have a second?</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. KAUFMAN: I'll second that.</p> <p>2 MR. SALMAN: Okay. Let's take a vote.</p> <p>3 THE SECRETARY: Kathleen Kaufman?</p> <p>4 MS. KAUFMAN: Yes.</p> <p>5 THE SECRETARY: Scott Davidson?</p> <p>6 MR. DAVIDSON: Yes.</p> <p>7 THE SECRETARY: Eugene Wolman?</p> <p>8 MR. WOLMAN: Yes.</p> <p>9 THE SECRETARY: Javier Salman?</p> <p>10 MR. SALMAN: Yes.</p> <p>11 MR. TRIAS: All right. And I would like to</p> <p>12 make a personal note. Kathleen used to work</p> <p>13 with me when I was Director in Fort Pierce.</p> <p>14 So, there you go, she's going back to the rest</p> <p>15 of Florida. Congratulations.</p> <p>16 Very good. Okay. So the next item will be</p> <p>17 the Minutes and then we have one item.</p> <p>18 MR. SALMAN: I'd like a motion to approve</p> <p>19 the minutes, please.</p> <p>20 MS. KAUFMAN: So moved.</p> <p>21 BOARD MEMBER: Second.</p> <p>22 MR. SALMAN: Let's call for the roll,</p> <p>23 please.</p> <p>24 THE SECRETARY: Scott Davidson?</p> <p>25 MR. DAVIDSON: Yes.</p>

<p style="text-align: right;">Page 13</p> <p>1 THE SECRETARY: Eugene Wolman?</p> <p>2 MR. WOLMAN: Yes.</p> <p>3 THE SECRETARY: Jorge Arrizurieta?</p> <p>4 MR. ARRIZURIETA: Yes.</p> <p>5 THE SECRETARY: Kathleen Kaufman?</p> <p>6 MS. KAUFMAN: Yes.</p> <p>7 THE SECRETARY: Javier Salman?</p> <p>8 MR. SALMAN: Yes.</p> <p>9 That brings us to our first item.</p> <p>10 MR. TRIAS: Yeah, Mr. Chairman. There's</p> <p>11 one item today before you, which is a variance</p> <p>12 for the property located at 7550 Old Cutler</p> <p>13 Road. As you know, the presentation is through</p> <p>14 Zoom. This is the last time. The next time,</p> <p>15 we will be here.</p> <p>16 So whenever you're ready, we can proceed</p> <p>17 with the Staff presentation.</p> <p>18 MR. SALMAN: Everyone ready?</p> <p>19 I believe so. Go ahead and proceed.</p> <p>20 MR. TRIAS: Arceli, are you ready?</p> <p>21 MS. REDILA: Let me just share my screen.</p> <p>22 THE SECRETARY: We can see your screen.</p> <p>23 MS. REDILA: Good morning, Mr. Chair,</p> <p>24 Members of the Board. For the record, Arceli</p> <p>25 Redila, from Planning.</p>	<p style="text-align: right;">Page 14</p> <p>1 The item before you this morning is</p> <p>2 BA-21-05-7934, a variance request by the</p> <p>3 applicant, Jesus and Liana Cabrera, regarding</p> <p>4 the location of a swimming pool and pool deck</p> <p>5 for their single-family home located at 7550</p> <p>6 Old Cutler Road.</p> <p>7 So the subject property is generally</p> <p>8 located south of Cocoplum Circle. It is an</p> <p>9 irregularly shaped lot that faces two streets,</p> <p>10 Old Cutler Road and Santurce Avenue. It is</p> <p>11 approximately 14,750 square feet, comprised of</p> <p>12 Lots 10 and 11, Lot 101 of Coral Gables</p> <p>13 Biscayne Bay Section 1, Plat A.</p> <p>14 So there is an existing single-family home</p> <p>15 that was constructed in 2012, which was</p> <p>16 previously granted a variance for building</p> <p>17 setback on the rear and setback for mechanical</p> <p>18 equipment in the rear.</p> <p>19 So, currently, the applicant is proposing a</p> <p>20 swimming pool, but due to the existing as-built</p> <p>21 condition and the irregularly shaped lot, it</p> <p>22 would not meet the requirements of the Code.</p> <p>23 So, for this, the applicant is requesting three</p> <p>24 variances, although -- it's three questions,</p> <p>25 but it's all related.</p>
<p style="text-align: right;">Page 15</p> <p>1 So the first one is to allow the swimming</p> <p>2 pool and pool deck to be located in the area</p> <p>3 between the street and the main building, and,</p> <p>4 then, to be closer to the front or side street,</p> <p>5 and visible on both, the front and the side</p> <p>6 elevation, but this is all within the required</p> <p>7 setback of the house.</p> <p>8 This is the view from Old Cutler Road. Due</p> <p>9 to the as-built condition and the irregularly</p> <p>10 shaped lot, Staff, with the Staff report -- as</p> <p>11 indicated in the Staff report is recommending</p> <p>12 approval, and we have the applicant, if you</p> <p>13 have any questions, Mr. Chair, and that's the</p> <p>14 end of my presentation.</p> <p>15 MR. SALMAN: Very good.</p> <p>16 Before we begin discussion on this item, I</p> <p>17 need to ask, is there any member of the public</p> <p>18 here to speak on behalf of this project?</p> <p>19 Everyone speaking today must complete the</p> <p>20 roster on the podium and we ask that they print</p> <p>21 clearly and that they be sworn in.</p> <p>22 I guess not. There's no member of the</p> <p>23 public wishing to speak on this issue? I guess</p> <p>24 not.</p> <p>25 MS. THROCKMORTON: Mr. Salman, if I may,</p>	<p style="text-align: right;">Page 16</p> <p>1 just to be clear, since we did things a little</p> <p>2 bit out of our normal order.</p> <p>3 MR. SALMAN: Right.</p> <p>4 MS. THROCKMORTON: If the Board could just</p> <p>5 state, for the record, if they have any ex</p> <p>6 parte communications related to this? If they</p> <p>7 have any, to please reveal them before, we do</p> <p>8 any discussion or motions on this item. An ex</p> <p>9 parte communication, meaning discussion or a</p> <p>10 special site visit to this location outside of</p> <p>11 the context of this meeting.</p> <p>12 MR. SALMAN: Does anyone here have any</p> <p>13 conflict of interest or ex parte communication</p> <p>14 they wish to reveal to this Board before we</p> <p>15 begin discussion? No.</p> <p>16 MS. THROCKMORTON: Seeing none, you may</p> <p>17 proceed.</p> <p>18 MR. SALMAN: Seeing none, we can move</p> <p>19 forward to discussion.</p> <p>20 MS. THROCKMORTON: Thank you.</p> <p>21 MR. TRIAS: Mr. Chair, if you look at the</p> <p>22 Staff report, the three requests are listed in</p> <p>23 the front page, and you could discuss each of</p> <p>24 them and agree with one or the other or the</p> <p>25 three of them.</p>

<p style="text-align: right;">Page 17</p> <p>1 MR. SALMAN: You know, before this Board</p> <p>2 today, we're here to grant or deny a variance</p> <p>3 to allow a swimming pool and a pool deck to be</p> <p>4 located in the area between the street and the</p> <p>5 main residential building, versus no accessory</p> <p>6 building or structures may be located in the</p> <p>7 area between the street and the main</p> <p>8 residential building, as required by Section</p> <p>9 2-101 D(5).</p> <p>10 MR. TRIAS: And, Mr. Chairman, I think</p> <p>11 that's pretty clear, what that means. If you</p> <p>12 have a house, you're not supposed to have a</p> <p>13 pool in front. However, as you can see, this</p> <p>14 is a differently shaped lot, so that is what</p> <p>15 the request is today.</p> <p>16 MR. SALMAN: I believe that's the primary</p> <p>17 request here, that's pretty much the whole</p> <p>18 issue.</p> <p>19 MR. TRIAS: Yes.</p> <p>20 MR. SALMAN: First of all, an irregular</p> <p>21 lot -- more than -- three lots, I believe, and</p> <p>22 it faces a corner, so it has setbacks along Old</p> <p>23 Cutler -- so where was the front located on</p> <p>24 this property?</p> <p>25 MR. TRIAS: Arceli, could you show the site</p>	<p style="text-align: right;">Page 18</p> <p>1 plan?</p> <p>2 MR. REDILA: It's to front -- it faces Old</p> <p>3 Cutler Road.</p> <p>4 MR. SALMAN: Is it an Old Cutler address?</p> <p>5 MR. TRIAS: Yes, the address is Old Cutler</p> <p>6 Road.</p> <p>7 MR. SALMAN: That would make the side</p> <p>8 street, the street in question, with regard to</p> <p>9 the setback, correct?</p> <p>10 MR. REDILA: I'm sorry, Mr. Chair?</p> <p>11 MR. SALMAN: Santurce. Santurce is the</p> <p>12 street that would have to have the variance for</p> <p>13 the setback?</p> <p>14 MS. REDILA: Santurce Avenue and Old Cutler</p> <p>15 Road, they both provide 25 feet setback.</p> <p>16 MR. SALMAN: And the request for the</p> <p>17 variance is for how much?</p> <p>18 MS. REDILA: There is no setback request,</p> <p>19 because the pool is within the required</p> <p>20 setback. It's just that --</p> <p>21 MR. SALMAN: It's the auxiliary building.</p> <p>22 MR. TRIAS: It's the location, the</p> <p>23 location.</p> <p>24 MS. REDILA: It's the location.</p> <p>25 MR. TRIAS: As you can see, the house is</p>
<p style="text-align: right;">Page 19</p> <p>1 existing and it was designed in certain ways,</p> <p>2 and based on that, then the pool can only be</p> <p>3 located where it's being proposed.</p> <p>4 BOARD MEMBER: To ask a quick question --</p> <p>5 MR. TRIAS: Yes, sir.</p> <p>6 MR. SALMAN: Yes.</p> <p>7 BOARD MEMBER: -- I noticed that we</p> <p>8 received a couple of letters from folks in the</p> <p>9 community asking about the -- really, the point</p> <p>10 of this letter was more about the precedent</p> <p>11 that this set. I wouldn't want every home</p> <p>12 along Old Cutler to have a pool in the front</p> <p>13 yard. So that's my only question, what does</p> <p>14 Staff think about that?</p> <p>15 MR. TRIAS: Well, each variance is unique.</p> <p>16 I don't think there's any precedent being set</p> <p>17 by any action you may take or not take.</p> <p>18 Certainly every variance should be looked at</p> <p>19 individually. Maybe the City Attorney could</p> <p>20 expand on that.</p> <p>21 MS. THROCKMORTON: I'm happy to. You know,</p> <p>22 notwithstanding any changes to the Zoning Code</p> <p>23 that may be made by the Commission as a whole,</p> <p>24 each variance would still need to come before</p> <p>25 this Board and meet each of those eight</p>	<p style="text-align: right;">Page 20</p> <p>1 factors. One of those factors does look at</p> <p>2 sort of the general neighborhood where that's</p> <p>3 located, so if something is or isn't out of</p> <p>4 character with that neighborhood, but the fact</p> <p>5 that one variance has been granted by no means</p> <p>6 makes it an as of right variance for another</p> <p>7 property located nearby. Each property would</p> <p>8 still need to come to this Board and request a</p> <p>9 variance, unless there was an overarching</p> <p>10 change in the Zoning Code.</p> <p>11 BOARD MEMBER: Mr. Chair?</p> <p>12 MR. SALMAN: Yes.</p> <p>13 BOARD MEMBER: I had a quick question. I</p> <p>14 assume that there is significant landscaping</p> <p>15 that's being required as part of this</p> <p>16 recommendation, just to buffer the pool? I</p> <p>17 mean, that's something that the owners probably</p> <p>18 would want themselves, but I'm just curious to</p> <p>19 know if that's part of the recommendation.</p> <p>20 MR. TRIAS: You could make it part of the</p> <p>21 recommendation.</p> <p>22 Arceli, could you show the front</p> <p>23 photograph, so they can see the existing</p> <p>24 condition?</p> <p>25 There's a masonry wall. There's some</p>

<p style="text-align: right;">Page 21</p> <p>1 landscape already and the house is</p> <p>2 substantially back from that as it is.</p> <p>3 MS. KAUFMAN: Through the Chair --</p> <p>4 MR. SALMAN: Yes.</p> <p>5 MS. KAUFMAN: -- the letter included in the</p> <p>6 Staff packet, is that the only letter from</p> <p>7 residents, just one?</p> <p>8 MS. REDILA: Yes. We received one letter</p> <p>9 from Mr. William Shoreman (phonetic).</p> <p>10 Unfortunately, I don't have the address, and I</p> <p>11 can't find him, but we received a letter in</p> <p>12 opposition.</p> <p>13 And this is the front of the property along</p> <p>14 Old Cutler Road. And that's where the swimming</p> <p>15 pool will be located. And as required by Code,</p> <p>16 they are required to put up a wall, which is</p> <p>17 already there.</p> <p>18 MR. SALMAN: It appears that even though</p> <p>19 the house has an Old Cutler address, the main</p> <p>20 entrance is off of Santurce; is that correct?</p> <p>21 MR. TRIAS: Yeah, that's correct. It's a</p> <p>22 little unusual in the layout, yes.</p> <p>23 MR. SALMAN: In fact, the Old Cutler side</p> <p>24 of the property is actually his backyard.</p> <p>25 MR. TRIAS: Yeah. From a design point of</p>	<p style="text-align: right;">Page 22</p> <p>1 view, yes.</p> <p>2 MR. SALMAN: From an effective point of</p> <p>3 view.</p> <p>4 MR. TRIAS: Yes.</p> <p>5 MR. SALMAN: He's coming in off Santurce,</p> <p>6 into a motor court and the main entrance front</p> <p>7 door is down here, is off of that motor court.</p> <p>8 MR. TRIAS: Correct.</p> <p>9 MR. SALMAN: Then the actual back of the</p> <p>10 house is the triangular piece of property</p> <p>11 facing Old Cutler.</p> <p>12 MR. TRIAS: Yeah. And I think this is a</p> <p>13 very good example of the reason why we have the</p> <p>14 Board of Adjustment. It gets to deal with</p> <p>15 those issues of the geometry and whether it's</p> <p>16 unusual and the way that the house is laid out</p> <p>17 and so on.</p> <p>18 MR. SALMAN: Are there any more points of</p> <p>19 discussion?</p> <p>20 MS. KAUFMAN: Having been a part of a</p> <p>21 Planning Department in some form or other for</p> <p>22 more than twenty years, I am fully confident</p> <p>23 that the City of Coral Gables' Planning Staff</p> <p>24 has done a very thorough analysis of how to</p> <p>25 interpret the Code with this particular item,</p>
<p style="text-align: right;">Page 23</p> <p>1 and I've read through them, and, technically, I</p> <p>2 see how they would agree that it meets the</p> <p>3 requirements for a variance.</p> <p>4 My only concern is, having been in real</p> <p>5 estate for 25 years and having been a member of</p> <p>6 this community all of my life, to say that a</p> <p>7 house, a property, is irregularly shaped and so</p> <p>8 it should be allowed to have a swimming pool in</p> <p>9 the front, could then -- there is a lot of</p> <p>10 properties that would then qualify for that,</p> <p>11 and I understand your point, it would not set a</p> <p>12 precedent, but then I am positive you would</p> <p>13 start seeing a lot more applications of this</p> <p>14 type.</p> <p>15 So I'm very conflicted, because I very much</p> <p>16 trust Staff's judgment and don't wish to not</p> <p>17 allow the property owner to kind of have what</p> <p>18 they would like, but, in many, many cases, when</p> <p>19 we show houses to people, the first thing they</p> <p>20 usually ask is, is there room for a pool,</p> <p>21 because they know, in Coral Gables, you can't</p> <p>22 put a pool in the front yard. So, typically,</p> <p>23 you know, if a property does not have the space</p> <p>24 for it in the back, it's generally not allowed.</p> <p>25 So I am undecided on how to go with this at</p>	<p style="text-align: right;">Page 24</p> <p>1 the moment. So Staff -- Mr. Trias, if you</p> <p>2 could maybe address that a little bit.</p> <p>3 MR. TRIAS: Yeah.</p> <p>4 Ms. Kaufman, what I would say to this is</p> <p>5 the way that the house was designed is not that</p> <p>6 the way I would design it, as an architect, in</p> <p>7 the sense that it's a little bit unusual in the</p> <p>8 way that it fronts the street and where the</p> <p>9 entrance is located.</p> <p>10 The reality is that there's no other</p> <p>11 logical place for the pool, and the pool is set</p> <p>12 back significantly, much more than the 25 feet</p> <p>13 that is the setback that is required for the</p> <p>14 front. So, from my perspective, given the</p> <p>15 existing conditions, that the site is shaped</p> <p>16 the way it is and that the house was built the</p> <p>17 way it was, I think the request is reasonable.</p> <p>18 BOARD MEMBER: Mr. Chair.</p> <p>19 MR. SALMAN: Yes, sir.</p> <p>20 BOARD MEMBER: Are you suggesting that had</p> <p>21 they designed it facing Old Cutler, there would</p> <p>22 have been space for a pool?</p> <p>23 MR. TRIAS: Certainly. If the house had</p> <p>24 been designed differently, meaning, closer to</p> <p>25 Old Cutler and having more of a backyard, a</p>

<p style="text-align: right;">Page 25</p> <p>1 traditional backyard, there's space.</p> <p>2 BOARD MEMBER: But the original house did</p> <p>3 not have a pool?</p> <p>4 MR. TRIAS: Right.</p> <p>5 BOARD MEMBER: When the house originally</p> <p>6 came through for Board of Architects and plan</p> <p>7 review and permitting, was there a pool</p> <p>8 proposed at that time?</p> <p>9 MR. TRIAS: I don't know. This was some</p> <p>10 years ago, before my time here, which is quite</p> <p>11 a long time already. So I don't know, and I</p> <p>12 don't know why it was put this way.</p> <p>13 MR. SALMAN: It is unusual, in that it</p> <p>14 really has no front on a street. It's facing a</p> <p>15 motor court, really, the house.</p> <p>16 MR. TRIAS: It is really unusual.</p> <p>17 BOARD MEMBER: It would be great to listen</p> <p>18 from the homeowner on the --</p> <p>19 MR. TRIAS: Is the applicant available</p> <p>20 through Zoom?</p> <p>21 MR. CABRERA: Yes, I am.</p> <p>22 MS. REDILA: Yes, the applicant is here.</p> <p>23 MR. TRIAS: Perhaps they could make</p> <p>24 whatever presentation they wanted to make.</p> <p>25 MS. THROCKMORTON: Could we please make</p>	<p style="text-align: right;">Page 26</p> <p>1 sure everyone is sworn in, who is going to be</p> <p>2 testifying.</p> <p>3 (Thereupon, the participant was sworn.)</p> <p>4 MR. CABRERA: I do.</p> <p>5 THE REPORTER: Thank you.</p> <p>6 MR. CABRERA: I'm happy to answer any</p> <p>7 questions. The only point I would like to</p> <p>8 make, really, is, I believe -- I can't remember</p> <p>9 the name of the gentleman who pointed it out,</p> <p>10 this really acts as our backyard. Even though,</p> <p>11 technically, it is deemed to be the front of</p> <p>12 the property, it is the narrowest side of the</p> <p>13 home. You wouldn't really be able to access</p> <p>14 the home either through car or effectively</p> <p>15 through Old Cutler, because it is very narrow</p> <p>16 at that end.</p> <p>17 Ironically enough, the backyard is deemed</p> <p>18 to be that 35-foot section on the north side of</p> <p>19 the lot. So you almost would always have to</p> <p>20 deal with a pool visible from the street.</p> <p>21 Now, with that said, as it stands today,</p> <p>22 there is a four-foot concrete block wall around</p> <p>23 it. There are shrubs. There will be more</p> <p>24 shrubs. It's obvious, as one gentleman stated,</p> <p>25 we would want our privacy. No one would know</p>
<p style="text-align: right;">Page 27</p> <p>1 that there is a pool there, but it really acts</p> <p>2 as our backyard. Nobody enters through</p> <p>3 Santurce --</p> <p>4 MRS. CABRERA: No, on Old Cutler.</p> <p>5 MR. CABRERA: -- on Old Cutler, either on</p> <p>6 foot or with a car. It is our backyard, for</p> <p>7 all intents and purposes. We're just dealing</p> <p>8 with the fact that it was deemed to be the</p> <p>9 front yard of the house.</p> <p>10 MR. SALMAN: Mr. Trias --</p> <p>11 MR. TRIAS: Yes, sir.</p> <p>12 MR. SALMAN: -- if this house was addressed</p> <p>13 at Santurce Avenue, we wouldn't be here today?</p> <p>14 MR. TRIAS: Maybe not. I mean, that could</p> <p>15 be one of the solutions, certainly, change the</p> <p>16 address, if the applicant is willing to.</p> <p>17 MR. SALMAN: That would clear up any</p> <p>18 possible precedent and would make this problem</p> <p>19 go away. That would have been the other method</p> <p>20 to solve this problem, really.</p> <p>21 MR. TRIAS: Yeah, because then that would</p> <p>22 be a side street and it's certainly not within</p> <p>23 the setbacks. It's outside of the setbacks.</p> <p>24 MR. SALMAN: Way outside.</p> <p>25 BOARD MEMBER: Mr. Chair, out of curiosity,</p>	<p style="text-align: right;">Page 28</p> <p>1 why wouldn't Staff recommend that?</p> <p>2 MR. TRIAS: Recommend the change --</p> <p>3 BOARD MEMBER: Yeah, rather than this whole</p> <p>4 process, recommend an address change, if you</p> <p>5 seem to agree with the idea.</p> <p>6 MR. TRIAS: No, I -- certainly, that could</p> <p>7 be one of the ways, but I'm not making a</p> <p>8 recommendation one way or the other, but</p> <p>9 certainly that could be something that you may</p> <p>10 want to propose.</p> <p>11 MR. CABRERA: May I ask a question?</p> <p>12 MR. SALMAN: That would be the applicant?</p> <p>13 MR. CABRERA: Yes.</p> <p>14 Correct me if I'm wrong, but I believe that</p> <p>15 the mail address --</p> <p>16 MRS. CABRERA: The postal address.</p> <p>17 MR. CABRERA: -- the postal address does</p> <p>18 not have to coincide with what the City calls</p> <p>19 the front or the side of the street. So the</p> <p>20 question I would have to Mr. Trias, for</p> <p>21 example, is, could the City have deemed the</p> <p>22 Santurce side to be the front, while still</p> <p>23 keeping a postal address on 7550 Old Cutler</p> <p>24 Road? It's my understanding that the two don't</p> <p>25 necessarily have to coincide.</p>

<p style="text-align: right;">Page 29</p> <p>1 MR. TRIAS: Yeah, most of the time the</p> <p>2 determination of the frontage is up to the</p> <p>3 Development Review Official, which most of the</p> <p>4 time is me. So I do get a chance to make that</p> <p>5 determination. In this case, this was done way</p> <p>6 before -- I mean, I had nothing to do with it.</p> <p>7 MR. SALMAN: We understand.</p> <p>8 MR. TRIAS: So we're just dealing with the</p> <p>9 conditions on the ground.</p> <p>10 MS. KAUFMAN: Mr. Chair, I'm prepared to</p> <p>11 make a motion, if there's no other discussion</p> <p>12 from the Board.</p> <p>13 MR. SALMAN: Is there any other discussion</p> <p>14 from the Board on this item?</p> <p>15 You may proceed.</p> <p>16 MS. KAUFMAN: Thank you to the owners for</p> <p>17 their explanation a little bit better of how</p> <p>18 the property works. It's really great to hear</p> <p>19 from you, also.</p> <p>20 I move that the Board of Adjustment grant</p> <p>21 application BA-21-05-7934, a variance request</p> <p>22 by Jesus and Liana Cabrera for a single-family</p> <p>23 home located at 7550 Old Cutler Road, with the</p> <p>24 three variances as listed in the application.</p> <p>25 MR. SALMAN: Do we have a second?</p>	<p style="text-align: right;">Page 30</p> <p>1 BOARD MEMBER: I'll second.</p> <p>2 MR. SALMAN: We have a first and a second.</p> <p>3 Any discussion?</p> <p>4 Seeing no discussion, would you please call</p> <p>5 the roll?</p> <p>6 THE SECRETARY: Eugene Wolman -- Wolman?</p> <p>7 MR. WOLMAN: Grant.</p> <p>8 THE SECRETARY: Scott Davidson?</p> <p>9 MR. DAVIDSON: Grant.</p> <p>10 THE SECRETARY: Kathleen Kaufman?</p> <p>11 MS. KAUFMAN: Yes, grant.</p> <p>12 THE SECRETARY: Jorge Arrizurieta?</p> <p>13 MR. ARRIZURIETA: Yes.</p> <p>14 THE SECRETARY: Javier Salman?</p> <p>15 MR. SALMAN: Yes.</p> <p>16 MR. TRIAS: The request has been granted.</p> <p>17 Thank you very much. There are no further</p> <p>18 items from Staff.</p> <p>19 MR. SALMAN: Seeing no further items, I</p> <p>20 hereby adjourn.</p> <p>21 (THereupon, the meeting was concluded at</p> <p>22 9:40 a.m.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 31</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF FLORIDA:</p> <p>4 SS.</p> <p>5 COUNTY OF MIAMI-DADE:</p> <p>6</p> <p>7</p> <p>8</p> <p>9 I, NIEVES SANCHEZ, Court Reporter, and a Notary</p> <p>10 Public for the State of Florida at Large, do hereby</p> <p>11 certify that I was authorized to and did</p> <p>12 stenographically report the foregoing proceedings and</p> <p>13 that the transcript is a true and complete record of my</p> <p>14 stenographic notes.</p> <p>15</p> <p>16 DATED this 10th day of June, 2021.</p> <p>17</p> <p>18</p> <p>19 SIGNATURE ON FILE</p> <p>20 _____</p> <p>21 NIEVES SANCHEZ</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	