



## ***City of Miami Springs, Florida***

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Tuesday, August 9, 2016 in the Council Chambers at City Hall.

### **1) Call to Order/Roll Call**

The meeting was called to order at 6:34 p.m.

The following were present:

- Chairman Manuel Pérez-Vichot
- Vice Chair Ernie Aloma
- Bob Calvert
- Juan Molina
- Martin L. Marquez
- Alejandro Gonzalez

Also present:

- Zoning and Planning Director Chris Heid
- Board Secretary Juan D. Garcia

### **2) Approval of Minutes**

The minutes for the June 6, 2016 meeting were approved as written.

**Board member Calvert moved to approve the minutes as written. Board member Molina seconded the motion, which passed unanimously 5-0 on voice vote.**

### **3) Swearing In of All Witnesses and Zoning and Planning Director:**

Board Secretary Garcia swore in the Zoning and Planning Director, the applicants or representatives of the applicants who would testify should the Board have any questions.

### **4) New Business:**

- A) **Case # 06-V-16  
ENNA ALCAINE  
919 HUNTING LODGE DRIVE  
Zoning: R-1A, RESIDENTIAL SINGLE FAMILY**

The applicant is seeking a variance in order to construct an addition to the existing non-conforming side yard setback of the residence for a new addition to a single family home.

Zoning and Planning Director Heid read his recommendation to the Board. In his recommendation, Zoning and Planning Director Heid noted that this was a project that was previously recommended favorably by the Board of Adjustments and approved by the City Council. He added that the applicant did not obtain the building permit in time frame that was required and because of this she is resubmitting for the same variance that was previously requested.

Chair Pérez-Vichot asked if there were any correspondence received in favor or against this project.

Zoning and Planning Director Heid informed the Board that no correspondences were received regarding this project.

Chair Pérez-Vichot noted that with the addition that is being requested, the house would have 5 bed rooms. Chair Pérez-Vichot asked Zoning and Planning Director Heid if they would have the required amount of parking necessary as stated in the City's Code.

Zoning and Planning Director clarified that the applicant needs three parking spaces, which the applicant has. The house currently has a garage, as well as a 56 foot drive way which is more than adequate.

Board member Calvert asked Zoning and Planning Director Heid if the front yard met the required green space area. Zoning and Planning Director Heid responded that it did meet the requirements for green space area as required by the City's Code.

Board member Molina asked why the applicant had let the approval elapse multiple times.

Carlos Fox, the applicant's son-in-law, explained that in 2002 the applicant's husband passed away and that delayed the project. Last year when the project was resubmitted for the second time, there were problems with the architect as well as personal health issues. For this current request for the variance, the plans have been completed and everything is ready to finally go through with the project.

Chair Pérez-Vichot asked if there were any other comments from members of the Board or the audience. There were no comments at this time.

**Board member Molina moved to approve the variance requested with the three conditions listed in the Zoning and Planning Director's recommendation. Vice Chair Aloma seconded the motion, which passed unanimously 5-0 on voice vote. The vote was as follows: Board member Calvert, Board member Molina, Board member Marquez, Vice Chair Aloma, and Chair Pérez-Vichot voting Yes.**

Chair Pérez-Vichot advised the applicant of the 10 day appeal period.

**B) Case # 08-V-16  
MELISSA & RICHARD BENNETTI  
1171 NIGHTINGALE AVENUE  
Zoning: R-1B, RESIDENTIAL SINGLE FAMILY**

The applicant is seeking a variance in order to construct an addition that continues the existing non-conforming side yard setback of the residence for a new addition to a single family home.

Zoning and Planning Director Heid read his recommendation to the Board. In his recommendation he noted that this project to add a second floor addition to the property and to continue the existing non-conforming side yard setback.

Chair Pérez-Vichot asked if there were any comments from the audience or any Board member. There were no comments at this time.

**Vice Chair Aloma moved to approve the variances with the three conditions that were listed in the Zoning and Planning Director's recommendation. Board member Calvert seconded the motion, which passed 5-0 on voice vote. The vote was as follows: Board member Calvert, Board member Molina, Board member Marquez, Board Alternate Gonzalez and Vice Chair Aloma voting Yes.**

Chair Pérez-Vichot advised the applicant of the 10 day appeal period.

**5) Old Business:** None.

**6) Adjournment**

Chair Pérez-Vichot took a moment to address the Board regarding the procedures of Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. He stated that he recently submitted a Form 8B for the previous Board of Adjustment meeting on June 6, 2016. Chair Pérez-Vichot also made reference to a letter written by Board member Marquez shortly after the June 6 meeting, which was submitted to the Miami-Dade County Commission on Ethics and Public Trust. He indicated that the letter written by Board member Marquez questioned the procedures that took place during the June 6 meeting of which Chair Pérez-Vichot had excused himself from voting, and making negative references to the integrity of the Board. He clarified that when filing Form 8B for voting conflict, it does not require for the person to leave the room, nor the dais, but simply does not allow the person with the voting conflict to cast a vote.

Board member Marquez questioned the timing and motives of Chair Pérez-Vichot's comments and asked if this was a matter of politics or part of the Board meeting.

Chair Pérez-Vichot explained to Board member Marquez that he is making these comments because the Board's integrity was questioned and he believes they need to be addressed.

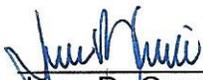
Vice Chair Aloma added that he welcomes differences of opinions and believes it is good for the Board, but agreed that the letter that was written was inaccurate. Vice Chair Aloma cautioned Board member Marquez about spreading lies about him and the rest of the Board members.

Board member Marquez acknowledged Vice Chair Aloma's comments.

Chair Pérez-Vichot agreed with Vice Chair Aloma's comments and added that if the Board would have asked him to step out of the meeting during the discussion of the item that he had submitted the form for, he would not have had an issue in doing so.

There was no further business to be discussed and the meeting was adjourned at 6:59 p.m.

Respectfully submitted:

  
\_\_\_\_\_  
Juan D. Garcia  
Board Secretary

Adopted by the Board on  
this 1 day of Sept., 2016.

  
\_\_\_\_\_  
Manny Perez-Vichot, Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

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*"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council"*  
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