



City of Miami Springs, Florida

The Board of Adjustment met in Regular Session at 7:00 p.m., on Monday, February 3, 2014 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:06 p.m.

The following were present: Chairman Manuel Pérez-Vichot
Vice Chairman Francisco Fernández
Bob Calvert
Michael White

Absent: Bill Tallman
Ernie Aloma

Also present: City Attorney Jan K. Seiden
Planning and Zoning Director Chris Heid
Board Secretary Elora R. Sakal

2) Approval of Minutes

Minutes of the October 7, 2013 meeting were approved as written.

Vice Chairman Fernández moved to approve the minutes. Board member Calvert seconded the motion which was carried unanimously on voice vote.

3) Old Business: None

4) New Business:

Board Secretary Sakal swore in the applicants and the Building and Code Compliance Director.

- A) Case No. 01-V-14
MARTHA LERA
1290 DOVE AVENUE
Zoning: R-1B
Lot Size: 9,080 SQ. FT.

Applicant is seeking variances to permit an existing tiki hut to have an interior side yard of less than 7.15 feet and a setback from the principal structure (residence) of less than 10 feet.

Building and Code Compliance Director Tex Ziadie read the memo in its entirety.

City Attorney Seiden explained that the legislation itself within this process prohibits Mr. Ziadie of giving a violation notice if he enters a home and notices a violation because it is not the purpose of the legislation.

Chair Pérez-Vichot asked how this violation was created and Mr. Ziadie commented that one of the Code Officers observed that the thatch was being replaced and they checked to see if a permit had been issued for the original structure and there was no permit on file.

Chair Pérez-Vichot noted that the tiki hut was already installed when the applicant purchased the home.

Board Alternate White moved to approve both variances. Board member Calvert seconded the motion which was carried unanimously on voice vote.

City Attorney Seiden advised all applicants of 10-day appeal period and the fact that the Board only makes recommendations.

- B) Case No. 02-V-14
MARLENE JIMENEZ
611 PLOVER AVENUE
Zoning: R-1B
Lot Size: 10,125 SQ. FT.

Applicant is seeking a variance from Code Section 150-017 Recreational Vehicles (B) *Parking and Storage*: To store a boat in the side yard of their property.

Building and Code Compliance Director Tex Ziadie read the memo in its entirety.

There was a courtesy notice response from 620 Plover Avenue which Mr. Ziadie read into the record:

“That would be fine; they keep their property very nice.”

Mr. Ziadie commented that the side is properly screened but the front needs to be screened better because that is where the boat is most visible.

To answer City Attorney Seiden’s question, Ms. Jimenez commented that the boat belongs to her son-in-law and her daughter which live with her.

Chair Pérez-Vichot said that he would like the applicant to add screening on the east side yard and in the front.

City Attorney Seiden noted that the fence on the side yard is only five feet high and needs to be six feet.

Board Alternate White moved to approve the variance based on the screening conditions for the east side yard and front of the gate. Vice Chair Fernández seconded the motion which was carried unanimously on voice vote.

Mr. Ziadie asked that the Board members be specific when naming side yards by including whether it is the east or west side.

C) Case No. 03-V-14
LEDYS A. GARCIA
811 FALCON AVENUE
Zoning: R-1C
Lot Size: 9,525 SQ. FT.

Applicant is seeking a variance from Code Section 150-017 Recreational Vehicles (B) *Parking and Storage*: To store a boat in the side yard of their property.

Building and Code Compliance Director Tex Ziadie read the memo in its entirety.

Danny Diaz of 811 Falcon Avenue commented that it is not possible to get the boat into the back yard through the alley due to the size of the boat. Getting the boat into the side yard is not easy. He may be able to move it farther back.

To answer Chair Pérez-Vichot's question, Mr. Diaz said that he can possibly move the boat back approximately 10 feet.

Mr. Ziadie stated that he believes it would be possible to push the boat straight back but the alternative is to change the rear gate structure. There were two courtesy notice responses from 810 Falcon Avenue and 821 Falcon Avenue and he read them into the record:

"I do not see any problem with their request. The boat is behind a wood fence. I kindly ask the variance be granted."

"I have no objection to having the boat located on the side of the house and I support approving this variance."

Board Alternate White asked how big the boat was with the trailer and Mr. Diaz replied that it is approximately 30 feet.

Board Alternate White said that it would be impossible for the applicant to put the boat in the back yard from the alley.

To answer Chair Pérez-Vichot's question, Mr. Ziadie said that the width of the house is 52.8 feet and the length is 41 feet.

Board member Calvert said that the rear yard is large and if the applicant can maneuver it in the side yard then he does not see why he cannot move it to the back of his yard.

Mr. Diaz commented that there is an air conditioning unit on the wall and it may be difficult to move it further back without hitting it.

Mr. Ziadie explained that the Code states that if it is possible for a boat to go into the rear yard then that would be the primary requisite.

Vice Chair Fernández said that the boat could be pushed to the back of the yard but the issue is the grass. The applicant satisfies the requirement of proper screening but needs to have gravel or a cement slab so that it is easier to maneuver the boat into the rear yard.

Mr. Ziadie commented that if the boat cannot be backed into the rear yard from the front then the other alternative would be to reconfigure the rear gate so it would be cantilevered to allow the applicant to pull into the alley from the west side and back the boat in at an angle.

Chair Pérez-Vichot does not remember ever asking a resident to make major revisions on a rear fence.

Vice Chair Fernández made a motion to deny the variance. Board member Calvert seconded the motion.

Chair Pérez-Vichot wants to know if the applicant can move the boat to the back from the front yard and Mr. Diaz replied that he could measure it to see if it would be possible but he believes that it will be very tight.

Vice Chair Fernández withdrew his motion. Board member Calvert withdrew his second to the motion.

Vice Chair Fernández moved to approve the variance contingent on the clearance from the air conditioning unit. If there is no conflict with the boat hitting the air conditioning unit then the boat needs to be moved to the rear yard. The motion died for lack of a second.

Board Alternate White made a motion to approve the variance with the condition that the applicant move the boat as far back as possible and provide proper screening. Vice Chair Fernández seconded the motion which was denied 2-2 with Vice Chair Fernández and Board member Calvert being the dissenting votes.

City Attorney Seiden stated that the variance was denied. The applicant has the right to appeal their decision to the City Council within 10 days.

Mr. Ziadie advised the applicant that if he would like to make an appointment with him so that he can verify whether the boat can be moved back further to support his case then he would be happy to assist him.

Discussion ensued regarding the possibility of revising of the Code.

D) Case No. 04-V-14
GUSTAVO DE LA CRUZ
1085 NIGHTINGALE AVENUE
Zoning: R-1B
Lot Size: 17,414.20 SQ. FT.

Applicant is seeking a variance from Code Section 150-013 (B) (2) and 150-013 (C) (1) to keep a front yard fence taller than 42 inches.

This variance was rescheduled for the next Board of Adjustment meeting in March.

5) Other Business

Mr. Ziadie commented that he had the privilege of conducting a memorial service for Jim Holland at the request of his wife and siblings. Jim is missed and was a wonderful man with tremendous experience. He had continued to stay in touch with his family and they appreciated all of the consideration that was given to him. Having met Chris Heid, he believes that he will step into Jim’s shoes just fine.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 7:51 p.m.

Respectfully Submitted,



Elora R. Sakal
Board Secretary

Approved as written during meeting of: 03-03-2014

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

“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”.
