



City of Miami Springs, Florida

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

1) Call to Order/Roll Call

The meeting was called to order at 6:30 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:

- Councilwoman Roslyn Buckner
- City Attorney Jan K. Seiden
- Zoning and Planning Director Chris Heid
- Board Secretary Juan D. Garcia

Chair Pérez-Vichot welcomed new Board member Martin Marquez to the Board. Chair Pérez-Vichot then instructed Board Secretary Garcia to send former Board member Bill Tallman a note of gratitude for his compassion and years of service to the City of Miami Springs Board of Adjustment/ Zoning and Planning Board.

2) Approval of Minutes

The minutes for the April 4, 2016 meeting were approved as written.

Board member Molina moved to approve the minutes as written. Vice Chair Aloma seconded the motion, which passed unanimously 4-0 on voice vote. The vote was as follows: Board member Molina, Board Alternate Gonzalez, Vice Chair Aloma, and Chair Pérez-Vichot voting Yes.

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 # 04-V-16**
SANDRA VITTERI AND FABIAN MALDONADO
914 IBIS AVENUE
Zoning: R-1B, RESIDENTIAL SINGLE FAMILY
Lot Size: 9,448 SQ. FT

The applicant is seeking a variance from Section 150-042 (E)(1) in order to construct an addition to an existing single family home that would continue the existing non-conforming side yard setback of the residence.

Zoning and Planning Director Heid read his recommendation to the Board. While reading the recommendation, Zoning and Planning Director Heid noted that the plans did not show a roof on the addition that is being requested. Zoning and Planning Director also added a requirement for the air conditioning unit to be in the rear yard and not the side yard as indicated in the plans submitted. He asked the applicant if this would be reroofed, and if so, for the plans to reflect that before it is brought to Council.

The applicant, Sandra Vitteri of 914 Ibis, responded that the room will be reroofed, the air conditioning unit moved to the rear yard and that the plans would be revised to show the changes.

Zoning and Planning Director Heid stated that due to the addition that is being requested, the house would need to have an additional parking space added for a third car. This is a requirement that will be added to the recommendation.

Board member Marquez asked if the parking space that is being added needed to be paved or if it could be made from other materials. Zoning and Planning Director Heid responded that in this case he would require for it to be pavement so that it is consistent to the parking spaces that are existing.

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 six conditions listed in the Zoning and Planning Director's recommendation. Board member Calvert 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.

City Attorney Seiden advised the applicant of the 10 day appeal period.

- B) **Case # 05-V-16**
AQ GROUP, LLC
650 DE SOTO DRIVE
Zoning: NW36, NW 36TH STREET DISTRICT
Lot Size: 102,352 SQ. FT

Chair Pérez-Vichot abstained from any discussion or voting (attached is Form 8B Memorandum of Voting Conflict). Vice Chair Aloma served as Chairman at this time.

The applicant is requesting a variances in ordered to construct an 80,170 square foot, five story hotel with 122 rooms on an existing surface parking lot at 650 De Soto Drive, in the NW 36 Street Zoning District.

Variances requested are as follows:

1. Requests variance from Section 150-016 (E)(6), Parking, to waive 19 of the 121 required vehicular parking spaces. (Provision of 102 parking spaces proposed).
2. Requests variance from Section 150-176, Off Street Parking Appendix, to waive one (1) foot of the minimum required aisle width of 23 feet. (Aisle width of 22 feet proposed).
3. Requests variance from Section 150-164 (E)(1), Height Limitations, to exceed by one (1) story, the maximum permitted four (4) stories. (A five story building proposed).

Before reading his recommendation, Zoning and Planning Director Heid reminded the Board member that this was a project that was previously recommended favorably by the Board of Adjustment and approved by the City Council. He added that the applicant had one year to obtain a building permit, however prior the expiration of that one year period the applicants came in for a six month extension, which was also approved by the Board and City Council. The applicants are in front of the Board again in order to be reapproved. Zoning and Planning Director Heid also noted that the one year period that is given to applicants to obtain a building permit is extremely short and is something he hopes to discuss changing with the City Council, as well as the Board.

Zoning and Planning Director Heid read his recommendation to the Board.

Discussion ensued as to why to the applicant had to appear in front of the Board for a project that was already approved. Vice Chair Aloma asked if the applicants were to submit an affidavit stating that the variance request that is being submitted is exactly the same as what was requested previously, could the Board vote to approve the variance again. City Attorney Seiden explained that the language of the code states that after the six month extension expires the variance that was granted then becomes null and void.

Board member Molina asked the applicant if the requested variances were the same as the variances that were granted by the Board and approved by Council.

The applicant, Domingo Ansereo of AQ Group, LLC responded that they request is the same as the variances that were previously granted.

Zoning and Planning Director wanted to make it clear that the Board was voting on an entirely new approval, granting the applicant and additional year with the opportunity to request a six-month extension.

Vice Chair Aloma asked if there were any comments from the audience or any Board member. There were no comments at this time.

Board member Molina moved to approve the variances with the four conditions that were listed in the Zoning and Planning Director's recommendation. Board member Calvert seconded the motion, which passed 4-1 on voice vote. The vote

was as follows: Board member Calvert, Board member Molina, Board Alternate Gonzalez and Vice Chair Aloma voting Yes; Board member Marquez voting No. Chair Pérez-Vichot abstained from voting.

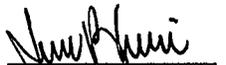
City Attorney Seiden advised the applicant of the 10 day appeal period. He added that this item will be brought before council for their review.

5) Old Business: None.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 6:52 p.m.

Respectfully submitted:


Juan D. Garcia
Board Secretary

Adopted by the Board on
this 9 day of August, 2016.


Manny Perez-Vichot, Chair

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".

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MANUEL PEREZ-ULCHOT, hereby disclose that on JUNE 6, 2016

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

CASE # 05-V-16 - BOARD OF ADJUTMENT
CASE # 05-ZP-16 - ZONING AND PLANNING.
HOTEL FOR DOMINGO ANSEREO
VARIANCE FOR PARKING SPACES / PARAPET HEIGHT.

I ABSTAINED FROM PARTICIPATION
BECAUSE I AM A PRINCIPAL OF SOUTHEAST DESIGN,
THE PROJECT'S ARCHITECT

JUNE 8, 16

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.