



City of Miami Springs, Florida

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Monday, May 1, 2017 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 6:52 p.m.

The following were present:

- Chairman Manuel Pérez-Vichot
- Vice Chair Ernie Aloma
- Bob Calvert
- Ana Paula Ibarra

Absent:

- Juan Molina
- Alejandro Gonzalez

Also present:

- City Attorney Daniel A. Espino
- City Planner Chris Heid
- Board Secretary Juan D. Garcia

2) Approval of Minutes

The minutes for the February 20, 2017 meeting were approved as written.

Vice Chair Aloma moved to approve the minutes as written. Board member Ibarra seconded the motion, which passed unanimously on voice vote.

3) Swearing In of All Witnesses and City Planner:

Board Secretary Garcia swore in the City Planner, the applicants or representatives of the applicants who would testify should the Board have any questions.

Before discussing any items City Attorney Espino notified the applicants that although there are enough members to hold a meeting, the applicants would need to have a majority of the votes for an item to pass; In the case that a Board member has a conflict of interest and has to recuse themselves from voting, a unanimous vote from the remaining Board members is needed in order for the item to pass. City Attorney Espino added that it is customary for the City to give the applicant the opportunity to have their case heard at a future meeting when all the Board members are present.

4) Old Business:

**Case # 01-V-17
DANIEL ZAMUDIO
1185 LUDLAM DRIVE
R-1C, RESIDENTIAL SINGLE FAMILY**

City Planner Heid explained to the Board members that he has chosen to add the section of Old Business to the agenda to update the Board on the status of projects that were discussed at previous meetings.

City Planner Heid noted that this case was approved unanimously at the last Board of Adjustment meeting and that it was also approved by the City Council on February 27, 2017, by a unanimous vote of 5-0.

5) New Business:

**A) Case # 10-V-16
RAUL & LIZA GARCIA
535 PLOVER AVENUE
R-1B, RESIDENTIAL SINGLE FAMILY**

The applicant is seeking after-the-fact variances from Section 150-042 (A)(2) in order to retain an existing gazebo in the rear yard, as follows:

1. Requests variance from Section 150-042 (A)(2) to waive 4'2" (four feet two inches) of the minimum required side yard setback of 7'6" (seven feet six inches). (Side yard setback of 3'4" [three foot four inches] requested.)
2. Requests variance from Section 150-042 (A)(2) to waive 7' (seven feet) of the minimum required distance of 10' (ten feet) between an accessory structure and the main building. (Three foot separation requested).

City Planner Heid read his recommendation to the Board. While reading the recommendation, City Planner Heid noted that this project had first been scheduled to be heard in October but was moved to a later date due to the meeting being cancelled. The case was then again scheduled to be heard in February but the applicant chose not to be heard on that date due to there not being a full Board present at the time of the meeting. City Planner Heid recommended to deny the variance request.

Chair Pérez-Vichot asked if there was any correspondence received in favor or against this project. City Planner Heid stated that one letter of approval was received from the neighbor directly in front of the property.

City Attorney Espino stated that the precedential nature of granting these variances would be difficult for the City because there are set-back requirements in the City that need to be met and that there are no hardships associated with the project.

Liza Garcia, property owner of 535 Plover Avenue explained the reason for building the gazebo and stated they were aware that a permit was needed and apologized for not obtain before beginning the project.

Board member Ibarra moved to deny the variance request. Vice Chair Aloma seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Ibarra, Board member Calvert, Vice Chair Aloma and Chair Pérez-Vichot voting YES.

Mrs. Garcia asked what would be the next step in the process. Chair Pérez-Vichot replied that they could appeal the decision of the Board to deny to the City Council.

Board Secretary Garcia informed the applicants of the process on how to file an appeal to the City Council.

**B) CASE # 02-V-17
LARRY BUTLER
29 PALMETTO DRIVE
CBD, CENTRAL BUSINESS DISTRICT**

Chair Pérez-Vichot abstained from any discussion or voting. Vice Chair Aloma served as Chairman at this time.

The applicant is seeking variances from Section 150-070 (B) and Section 150-070 (I) to construct a three story 12 unit, 12,158 square foot apartment building as follows:

1. Requests variance from Section 150-070 (B) to waive the requirement that residential units are allowed only in mixed-use developments. (Completely residential building proposed).
2. Requests variance from Section 150-070 (B) to waive the requirement that residential units in mixed-use developments are allowed only on upper floors above office, retail and related uses. (Ground floor residential units proposed with no ground floor office, retail or related uses).
3. Requests variance from Section 150-070 (I) to waive 1,500 square feet the minimum required 1,500 square feet of ground floor commercial or office use. (No ground floor office or commercial use proposed).
4. Requests variance from Section 150-070 (I) to exceed by 33% the maximum permitted 67% residential square footage allocation. (100% residential building proposed).

City Planner Heid read his recommendation to the Board.

Vice Chair Aloma stated that essentially these variances being requested are to waive the commercial component to project. City Planner Heid confirmed Vice Chair Aloma's statement as being correct.

Vice Chair Aloma asked if there were any correspondence received in favor or against this project. City Planner Heid stated that no correspondence has been received.

Larry Butler, property owner of 29 Palmetto Drive gave a history of the property since he has owned it and explained that the proposed project was to create a 12 unit apartment building that would potentially interest long term Miami Springs retirees or empty nesters living in Miami Springs that are looking to downsize, but still remain in this

community. Mr. Butler also added that he believes that the proposed project is a perfect transition from the Central Business District and the commercial area, to the residential community that starts just south of the property.

Resident Miguel Becerra, 53 Palmetto Drive, addressed the Board and stated that although he is not opposed to the project, he does have concerns regarding the density and if there was going to be enough parking spaces to accommodate 12 units, as well as guest parking in that area.

City Planner Heid stated that the project will have parking for *three spaces per unit (see note) with a total of 27 required and 27 provided.

Vice Chair Aloma added that the variance request to not have a commercial component to the project would help the density and traffic in the area.

Board member Ibarra stated that she believes that this project is a great idea and that it would be worse if it was a commercial project as it would cause more traffic and bring more cars to the area. She added that this would bring a buffer to the residential area before entering into the Central Business District.

Board member Calvert stated that he believe the project would improve the area.

Board member Ibarra moved to approve the variances with the conditions listed in the City Planner's recommendation. Board member Calvert seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Ibarra, Board member Calvert, and Vice Chair Aloma voting YES.

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

*2.25 spaces per unit

**C) CASE #03-V-17 BRICKELL PARK, LLC
BRICKELL PARK, LLC
749 CURTISS PARWAY
AG AIRPORT GOLF DISTRICT**

Board member Ibarra abstained from any discussion or voting on this item due to a conflict of interest.

The applicant is seeking variances from Section 150-043 (E)(2) to construct surface parking lots associated with a multi-building multi-family residential project as follows:

1. Requests variance from Section 150-016 (A)(9) to waive one foot of the minimum required parking space depth of 19 feet. (Some parking spaces 18 feet in depth proposed).
2. Requests variance from Section 150-016 (A)(9) to waive approximately one inch of the minimum required parking space width of 9 feet. (Some parking spaces 8.9 feet in width proposed).
3. Requests variance from Section 150-016 Appendix to waive five feet of the minimum required one way parking lot approach of 15 feet. (One way parking lot approaches of 10 feet proposed).

4. Requests variance from Section 150-016 Appendix to waive five feet of the minimum required two way parking lot approach of 25 feet. (Two way parking lot approach of 20 feet proposed).

City Planner Heid read his recommendation to the Board.

Chair Pérez-Vichot asked if there were any correspondence received regarding this project. City Plan Heid replied that no correspondence had been received in favor or against this project.

Chair Pérez-Vichot suggested that the alley located in the center of the project be made one way making it much safer. Chair Pérez-Vichot added that a two-way alley measuring 16 feet is very small and very difficult for large vehicles to pass through.

City Attorney Espino responded that he and City Planner Heid would bring this issue up to Public Works to see what can be done in that area.

Chair Pérez-Vichot stated that he would like to know if there was any landscaping that would be added to the project and asked the applicant if he had any landscaping plans or planned to submit any landscaping plans.

George Befeler, Chief Executive Officer of Brickell Park, LLC and property owner of 749 Curtiss Parkway responded that he will be working together with City Planner Heid on a landscaping plan. City Planner Heid added that he would be making this an additional condition to his staff recommendation.

Chair Pérez-Vichot noted that on the civil drawings is shows only 5 feet radius coming in from Eldron Drive and he would like it to be 15 feet in order to avoid a visibility problem from cars parking at an angle or trying to make a left turn.

Mr. Befeler acknowledged the request and stated that there is plenty of space to accommodate the request. Mr. Befeler added that he would make the changes to the plans.

Chair Pérez-Vichot asked if there were any comments from the audience and there were no comments at this time.

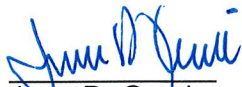
Vice Chair Aloma moved to approve the variance request with the conditions listed in the City Planner's recommendation. Board member Calvert seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Chair Pérez-Vichot, Board member Calvert, and Vice Chair Aloma voting YES

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

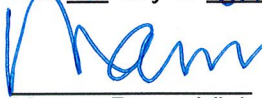
6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 7:34 p.m.

Respectfully submitted:


Juan D. Garcia
Board Secretary

Adopted by the Board on
this 5 day of June, 2017.


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".*
