



## *City of Miami Springs, Florida*

The Board of Adjustment met in Regular Session at 6:15 p.m., on Monday, November 3, 2014 in the Council Chambers at City Hall.

### 1) Call to Order/Roll Call

The meeting was called to order at 6:21 p.m.

The following were present:

- Chairman Manuel Pérez-Vichot
- Ernie Aloma
- Bill Tallman
- Bob Calvert

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 April 7, 2014 meeting were approved as written.

Board member Aloma moved to approve the minutes. Board member Tallman seconded the motion which was carried unanimously on voice vote.

Minutes of the May 5, 2014 meeting were approved as written.

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

### 3) New Business:

Board Secretary Sakal swore in all witnesses and the Planning and Zoning Director.

A) Appointment of Vice Chair

Board member Tallman nominated Ernie Aloma to be Vice Chairman. Chair Perez-Vichot seconded the motion which was carried unanimously on voice vote.

Chair Pérez-Vichot took the time to compliment former Board member Francisco Fernandez for his many years of service on the Board of Adjustment. He had great wisdom and compassion for everything that came in front of the Board.

B) Case No. 11-V-14  
AQ GROUP, LLC  
5001 NW 36<sup>TH</sup> STREET  
Zoning: NW 36 STREET DISTRICT  
Lot Size: 61,204 SQ. FT.

Applicant is seeking a variance from Code Section 150-016 and 150-164 (E)(1) to construct a 80,170 square foot, five story hotel with 122 rooms on an existing surface parking lot.

Chair Pérez-Vichot abstained from discussion and voting for this variance due to conflict of interest.

City Attorney Seiden advised the applicant that since Chair Pérez-Vichot has to sit out for this variance request and due to the lack of Board members, to be successful the applicants would have to get a unanimous vote. Any negative vote would require the applicants to appeal to the City Council if they wish to proceed.

The applicants decided to move forward with the variance.

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

Domingo Ansereo explained that it is a family business and they have made many improvements to the property. The brand was recently changed to Ramada. They are looking to build a new property in the back to enhance the hotel and the area.

Zoning and Planning Director Heid commented that when the code was written, he does not believe that a lot of the hotels had active shuttle services so the need for parking was greater then. The other oddity in the code is that all elements of the hotel must be parked separately.

Zoning and Planning Director Heid mentioned that the City requested to provide a 6 foot CBS (concrete block stucco) wall along the rear property separating it from the residential area.

Board member Tallman said that it is interesting that it is within the code from the height standpoint but not within the story standpoint.

City Attorney Seiden explained that the code is written badly. The code states "4 stories or 55 feet" technically it is within the height so there should be no issue. Because they are choosing to use their 55 feet differently should not be an issue but because the code is written the way it is they were asked to bring it up as well at the variance hearing in an abundance of caution.

Board member Tallman reiterated that the code needs to be fixed.

Board member Tallman moved to approve the variance. Board member Calvert seconded the motion which was carried unanimously on voice vote.

City Attorney Seiden advised the applicants of the 10 day appeal period. He also suggested that the applicants begin to prepare their plans and that they will be coming back to the Zoning and Planning Board for the site plan review.

C) Case # 12-V-14  
DORAL BOULEVARD HOTEL LLC  
5301 NW 36<sup>TH</sup> STREET  
Zoning: NW 36 STREET DISTRICT  
Lot Size: 121,500 SQ. FT.

Applicant is seeking variances from Section 150-030 (H), Signs, to exceed the maximum square footage for signage as follows:

1. To exceed by 78 square feet the maximum permitted sign size of 40 square feet. (A 108 square foot sign on the south elevation proposed).
2. To exceed by 107 square feet the maximum permitted sign size of 40 square feet. (A 147 square foot sign on the east elevation proposed).
3. To exceed by 107 square feet the maximum permitted sign size of 40 square feet. (A 147 square foot sign on the west elevation proposed).

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

Chair Pérez-Vichot commented that in speaking with City Attorney Seiden and Zoning and Planning Director Heid, they will make an attempt to modify the sign code because it is unrealistic.

Board member Tallman would like the code to be corrected.

Discussion ensued regarding the need to modify the code.

Vice Chair Aloma moved to approve the variance. Board member Calvert seconded the motion which was carried unanimously on voice vote.

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

D) Case # 13-V-14  
ROBERT WILLIAMS & JOANNE KOSKI  
192 PINECREST DRIVE  
Zoning: R-1B  
Lot Size: 89 SQ. FT X 132 SQ. FT.

Applicant is seeking a variance from Section 150-042 (E) to waive 5' 4" (five feet four inches) of the minimum required setback of 9' (nine feet) in order to install an outdoor kitchen 3'8" (three feet eight inches) from the east property line.

Planning and Zoning Director Heid read his recommendation to the Board. There was one letter of support from the property owner immediately adjacent to the property which would be the most affected.

Joanne Koski of 192 Pinecrest Drive commented that she and her husband have made many improvements to the property. They would like to put some pavers in the area and install a small barbeque area in the proposed area. The proposed design is the most esthetically pleasing.

Chair Pérez-Vichot asked if this area will ever be covered at any point and Ms. Koski replied that there will never be a roof.

Mr. Williams said that he and his wife are strong proponents of the code and they would never ask for a variance that would deter the quality of life in the City or that would hurt their neighbors. They are only asking for a three foot high counter that would not be visible since they have a 6 foot high fence.

Vice Chair Aloma asked if the appliances could be rearranged so that the barbeque is further away from the neighbor and Mr. Williams replied that it is a possibility.

Mr. Williams commented that in his letter that was provided to the Board he explained three hardships and Chair Pérez-Vichot explained that hardships are unique conditions in their yard that are different from anyone else's backyard.

Vice Chair Aloma asked if the Board can ask the applicants to reverse the request and make it as a condition of approving the variance and City Attorney Seiden replied affirmatively.

Zoning and Planning Director Heid said that if the Board opts to move favorably that they do so with two conditions:

1. To reverse the grill so that it is farthest from the neighbors
2. To make clear that there will be no other structure above 36 inches as proposed

City Attorney Seiden stated that this variance is nothing like the signage code. There is nothing wrong with this code and it has been in existence for almost as long as the City has been in existence. The issue that is created by granting variances is that it leaves it open for anyone to come and say that since it was approved for someone else it should be approved for them as well, even under these circumstances while they do not necessarily impact directly.

Chair Pérez-Vichot asked if the applicants would be willing to change the 3 feet 8 inches to 5 feet and Mr. Williams replied that they may be able to do that.

Vice Chair Aloma made a motion to approve the variance with the conditions that the applicants will reverse the order of the appliances so that the grill is the furthest away from their neighbor, the assembly be shifted so that it is at least 5 feet from the edge of the fence and that there never be no cover or structure over the area. Board member Tallman seconded the motion.

The applicants agreed to the conditions.

The motion was carried unanimously on voice vote.

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

4) Adjournment

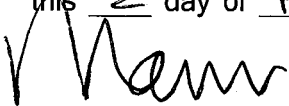
There was no further business to be discussed and the meeting was adjourned at 7:06 p.m.

Respectfully submitted:



Elora R. Sakal  
Board Secretary

Adopted by the Board on  
this 2 day of Feb., 2015



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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# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>PEREZ-VICHT, MANUEL</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>BOARD OF ADJUSTMENT</b>
MAILING ADDRESS <b>627 ELDRON DRIVE</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <b>MIAMI SPRINGS, MIAMI-DADE</b>	NAME OF POLITICAL SUBDIVISION: <b>MIAMI SPRINGS</b>
DATE ON WHICH VOTE OCCURRED <b>NOV. 3, 2014</b>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**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-VICHOT, hereby disclose that on NOVEMBER 3, 2014:

(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 # 11-V-14  
AQ GROUP, LLC  
5001 NW 36 STREET

I ABSTAINED FROM PARTICIPATING  
BECAUSE I AM A PRINCIPAL OF SOUTHEAST DESIGN, INC.  
THE PROJECT'S ARCHITECTONAL FIRM.

NOV. 3, 2014

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.