



BOARD OF ADJUSTMENT

MONDAY, JANUARY 4, 2016

6:30 P.M.

CITY HALL - COUNCIL CHAMBERS



City of Miami Springs, Florida

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Monday, November 2, 2015 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
 Juan Molina

Absent: Bill Tallman
 Bob Calvert

Also present: City Attorney Jan K. Seiden
 Planning and Zoning Director Chris Heid
 Board Secretary Elora R. Sakal
 Administrative Assistant I, Juan D. Garcia

2) Approval of Minutes

Minutes of the September 21, 2015 meeting were approved as written.

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

3) Swearing In:

Board Secretary Sakal 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:

City Attorney Seiden advised the applicants that there are normally five active members on the Board. There are three Board members present which constitutes a quorum so the meeting can take place. In order to get relief, the applicants must get all three votes.

City Attorney Seiden stated that the applicants have the option to continue with the case tonight or postpone until the next Board of Adjustment meeting.

Both applicants chose to move forward with their cases.

**A) Case # 17-V-15
LOURDES MENENDEZ-MILITELLO
144 HOUGH DRIVE
ZONING: R-1C
LOT SIZE: 7,042 SQ. FT**

Applicant is seeking a variance in order to construct an attached flat roofed screen enclosure in the rear yard of an existing single family home.

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

Discussion ensued regarding the concern Chair Pérez-Vichot had with regards to Section 150-010 (f) which prohibits the screening of a porch.

City Attorney Seiden does not believe that screening constitutes living space. This case should be a variance for the screening.

City Attorney Seiden clarified that Section 150-009 reads *"open, semi-open, or screened enclosures including porches, patios, carports, or utility sheds, may be constructed of aluminum or similar fireproof materials."* What Chair Pérez-Vichot has brought up is under Section 150-010 (f) which reads *"flat roofs would be permitted as open patios without screening in the rear yard would constitute non-living space so long as the property owner agrees that the patio area will never be enclosed as to constitute living space and will execute a recordable covenant running with the land"*.

City Attorney Seiden said that there are two variances; the rear yard setback and the fact that it will be screened.

Planning and Zoning Director Heid commented that this house does not have the minimum required rear yard setback of 25 ft. It was allowed to be built at 20 ft. which pushes the screen room a little further into the setback than it would if it had provided the 25 ft. setback.

Chair Pérez-Vichot mentioned that there had previously been a slightly larger screened patio.

Planning and Zoning Director Heid commented that there was no correspondence in favor or against the variance.

Applicant Lourdes Menendez-Militello commented that they would like to screen the patio because her husband is terribly allergic to mosquito bites.

Laura Menendez of 100 Hough Drive commented that she has no issue with the variance. Her and her daughter will also be enjoying the enclosure.

Board member Molina moved to approve the variance subject to the conditions recommended by Staff. Vice Chair Aloma seconded the motion which was carried unanimously on voice vote.

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

**B) Case # 18-V-15
KATHIE AND MARTIN L. MARQUEZ
401 HUNTING LODGE DRIVE
ZONING: R-1B
LOT SIZE: 8,159 SQ. FT**

Applicant is seeking variances in order to enlarge an existing single family house.

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

Chair Pérez-Vichot asked Planning and Zoning Director Heid if the code has changed for flat roofs and Planning and Zoning Director Heid replied that the code has not changed but it is in the process of being changed.

Vice Chair Aloma commented that in this case, the applicant's plans show a parapet around the flat roof so the concern with the flat roof becomes irrelevant.

Planning and Zoning Director Heid commented that he wanted to add a second condition in which the garage not be permitted to be enclosed as a living space and remain a garage.

Chair Pérez-Vichot commented that he has a difficult time recommending something that is clearly not in the Code. The Board would be distancing themselves from the Code which is the basis for any decisions they make. Having said that, the applicants have a difficult site and it would be an improvement compared to what is currently there.

Chair Pérez-Vichot stated that on the south side of the property, Mr. Marquez is providing 20 ft. when 15 ft. is required, but on the north side, he is only providing 3 ft.

Mr. Marquez commented that he is only providing 3 ft. because of the garage.

Planning and Zoning Director Heid commented that he received one letter today in favor of the variance.

Planning and Zoning Director Heid mentioned that he distributed a footprint that Mr. Marquez provided showing the existing home in red overlaid with the proposed house in the shaded area (attached).

Vice Chair Aloma moved to deny the variances as requested. He believes that once the current home is demolished, it will be a new lot and there needs to be an effort to comply with the code. Board member Molina seconded the motion which failed 2-1 with Board member Molina being the dissenting vote.

5) Old Business: None.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 6:54 p.m.

Respectfully submitted:

Elora R. Sakal
Board Secretary

Adopted by the Board on
this ___ day of _____, 2015.

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”.*

VARIANCE CASE

NO. 01-V-16

ADRIAN M. GERBER

701 MORNINGSIDE DRIVE

BOARD OF ADJUSTMENT

MEETING: 01-04-2016

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5030
Fax: (305) 805-5036

MEMORANDUM

TO: Board of Adjustment

FROM: Christopher Heid, City Planner

DATE: January 4, 2016

SUBJECT: Application for Variance

CASE # 01-V-16

APPLICANT: Adrian Gerber

ADDRESS: 701 Morningside Drive

ZONING DISTRICT: R-1B, Single Family Residential

REQUEST: The applicant is seeking a variance from Section 150-041 (F) in order to construct an attached screen enclosure in the rear yard of an existing single family home, as follows:

1. Requests variance from Section 150-041(F) to waive seven feet of the minimum required rear yard setback of 25 feet. (Rear yard setback of 18 feet proposed).

THE PROPERTY: The property is generally rectangular in shape, with 75 feet of frontage on Morningside Drive and a depth of 170 feet on De Leon Drive. The eastern property line is approximately 155 feet, for a total lot area of 12,750 square feet. The property abuts a lake at the rear.

THE PROJECT: The property consist of two structures, the main house fronting Morningside Drive, and a garage and residence at the rear. The screened porch is proposed to be located at the rear of the rear structure, facing the lake. The porch is trapezoidal in shape, with a length of 21 feet, side walls 5 feet deep, with a maximum depth at the center of 8'6", and a total size of approximately 157 square feet .

ANALYSIS: The requested setback variance is relatively minor, particularly as the lake provides additional distance from neighboring properties and dense lakeside growth further screens the porch from direct views.

RECOMMENDATION: It is recommended that the request for variance be approved, subject to the following conditions:

1. Any variances granted either by the Board of Adjustment or by the City Council shall be null and void if the applicant does not obtain a building permit and commence construction within one year of the date of the granting of the variance. If unusual circumstances exist, the variance may be extended by the Board of Adjustment or the City Council, whichever granted the variance, for an additional six-month period. No extensions beyond the time periods specified above are authorized.
2. The porch shall remain open with screen on three sides, and may not be otherwise enclosed.



Official Use Only
 Submittal Date: _____
 Case No.: _____

Building & Planning Department
 201 Westward Dr
 Miami Springs, FL 331
 Phone: 305-805-5034 Fax: 305-805-50
www.miamisprings-fl.com

CITY OF MIAMI SPRINGS

VARIANCE APPLICATION

APPLICANT INFORMATION	
APPLICANT NAME ADRIAN M. GERBER	PROPERTY ADDRESS 701 MORNINGSIDE DRIVE
APPLICANT PHONE NUMBER (BEST NUMBER TO REACH YOU) (951) 302-7407	E-MAIL ADDRESS ADRIANGERBER@AOL.COM

Request that a determination be made by the Board of Adjustment of the City of Miami Springs, on the following appeal that was denied by the Building Official for the reason that it is a matter, in which the Building official could not exercise discretion and which, in his opinion, might properly come before the Board.

PROPERTY INFORMATION	
LEGAL DESCRIPTION	LEGAL DESCRIPTION: DISTRICT
	19 53 41 .27 AC M/L PB 34-40
	REV PL SEC 2 COUNTRY CLUB ESTS
LOT(S) BLOCK	TR 92-BC BLK 92-B FKA LOT 8 ZONING DISTRICT
HAVE ANY PREVIOUS APPLICATIONS OR APPEALS BEEN FILED WITHIN THE LAST SIX (6) MONTHS IN CONNECTION WITH THESE PREMISES? YES _____ NO <u>✓</u>	
IF YES, BRIEFLY STATE THE NATURE OF THE PREVIOUS APPLICATION:	
IF YOU ARE THE OWNER, HOW LONG HAVE YOU OWNED THE PROPERTY? SINCE JANUARY 2014	WHAT IS THE APPROXIMATE COST INVOLVED IN THIS CHANGE? \$ 9,000

(I)(We) believe that the Board of Adjustment should grant this petition for the following reasons:

(Please include a separate document indicating the grounds for the appeal and reasons with respect to the law and fact for granting the appeal or special exception or variance. SHOWING OF UNNECESSARY HARDSHIP MUST BE MADE BEFORE A VARIANCE CAN BE GRANTED; the grounds must be stated.)

(I) (We) understand this petition becomes part of the permanent records of the Board of Adjustment.

(I) (We) hereby certify that the above statements and the statements or showing made in any papers and/ or plans submitted are true to the best of my/ our knowledge and belief.

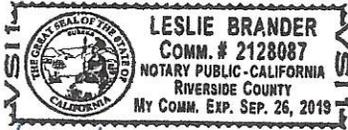
Adrian M. Gerber
Signature of Owner

ADRIAN M. GERBER
Printed name of Owner

The contents of this petition are Sworn to and subscribed before me this 10 day of November, 2015.

Leslie Brander
SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA CALIFORNIA

Leslie Brander
PRINT NAME OF NOTARY PUBLIC



STAMP SEAL

COMMISSION EXPIRES: 9/26/2019
PERSONALLY KNOWN: _____
PRODUCED IDENTIFICATION: CA DL A7388460

Signature of Co-Owner

Printed name of Co-Owner

The contents of this petition are Sworn to and subscribed before me this ____ day of _____, 20____.

SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA

PRINT NAME OF NOTARY PUBLIC

STAMP SEAL

COMMISSION EXPIRES: _____
PERSONALLY KNOWN: _____
PRODUCED IDENTIFICATION: _____

A notary public completing this document verifies only the identity of the individual who signed the document, and not the truthfulness, accuracy, or validity of the document.

17 November 2015

City of Miami Springs

Building and Planning Department

201 Westward Drive

Miami Springs, FL 331666

I am the owner of the residential property at 701 Morningside Drive, Miami Springs. I am resident in California, and the property is rented under a legal rental agreement dated March 9, 2014 to my daughter Jennifer Reyes and her husband Amado Antonio Reyes.

We have applied for a permit to add a screened patio cover to a recreation room located in the rear of the property. We have been informed that a variance application is required since the construction would be closer to the rear property line than normally permitted.

I respectfully request that my daughter Jennifer and husband Amado attend the required meeting on my behalf. I am 77 years of age and the return flight from the west coast to Miami for a single meeting would represent a significant hardship. I authorize Jennifer and Amado Reyes to act on my behalf on all matters relating to the property and to sign all required documents on my behalf.

Your favorable consideration of this request would be greatly appreciated.

Sincerely,

Adrian M. Gerber

41120 Via Del Toronjo, Temecula, CA 92592

Signature Adrian M. Gerber

Sworn to and subscribed before me by:

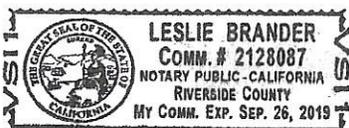
Adrian Gerber

Who has produced: DL # A 7388460 (CA)

Notary Signature: Leslie Brander

Printed Name of Notary: Leslie Brander

Dated 11/18/15



A notary public completing this document verifies only the identity of the individual who signed the document, and not the truthfulness, accuracy, or validity of the document.

17 November 2015

City of Miami Springs
Building and Planning Department
201 Westward Drive
Miami Springs, FL 33166

Attached is a completed Variance Application with respect to the property at 701 Morningside Drive, in addition to a letter requesting that my daughter, Jennifer Reyes, and her husband, Amado Antonio Reyes, be authorized to represent me in all matters relating to the application. Jennifer and Amado are legal tenants of the property.

The planned construction relates to a screened patio cover which will complement a recreation room that was recently completed under required permitting and inspection by the City. We have been informed that the planned patio would be located closer to the rear property line than normally allowed.

We are requesting the variance since the inability to add the patio cover would create unnecessary hardship by negating the investment made in the construction of the recreation room by preventing full utilization of the structure. Without the addition of this screened patio cover the recreation room doors would need to be shut at all times to protect the room from insects and rodents.

It is not possible to locate the patio cover elsewhere since there are air conditioner condensers on either side of the recreation room, mounted on the required concrete pads.

Please note also, that the property is a corner lot that adjoins a lake in the rear. The addition would not be visible to the naked eye from across the lake and it would be concealed from De Leon Drive and from the only next door home by existing concrete walls.

Your favorable review of this application would be greatly appreciated.

Sincerely,



Adrian M. Gerber
41120 Via Del Toronjo
Temecula, CA 92592



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 12/23/2015

Property Information	
Folio:	05-3119-013-0580
Property Address:	701 MORNINGSIDE DR Miami Springs, FL 33166-6052
Owner	ADRIAN M GERBER TRS THE GERBER REV TRUST OF 2007 TR
Mailing Address	41120 VIA DEL TORONJO TEMECULA, CA 92589 USA
Primary Zone	0600 SINGLE FAMILY, 1401-1550 S
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	0 / 1 / 0
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	1,550 Sq.Ft
Lot Size	12,750 Sq.Ft
Year Built	1957



Assessment Information			
Year	2015	2014	2013
Land Value	\$152,362	\$138,338	\$98,812
Building Value	\$122,003	\$97,486	\$91,396
XF Value	\$5,440	\$5,504	\$5,568
Market Value	\$279,805	\$241,328	\$195,776
Assessed Value	\$279,805	\$170,403	\$167,885

Benefits Information				
Benefit	Type	2015	2014	2013
Save Our Homes Cap	Assessment Reduction		\$70,925	\$27,891
Homestead	Exemption		\$25,000	\$25,000
Second Homestead	Exemption		\$25,000	\$25,000
Widow	Exemption		\$500	\$500

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
19 53 41 .27 AC M/L PB 34-40
REV PL SEC 2 COUNTRY CLUB ESTS
TR 92-BC BLK 92-B FKA LOT 8
BLK 92-B PER PB 14-73 & BEG NW
COR TR 92-BC N40FT E74.5FT S40FT

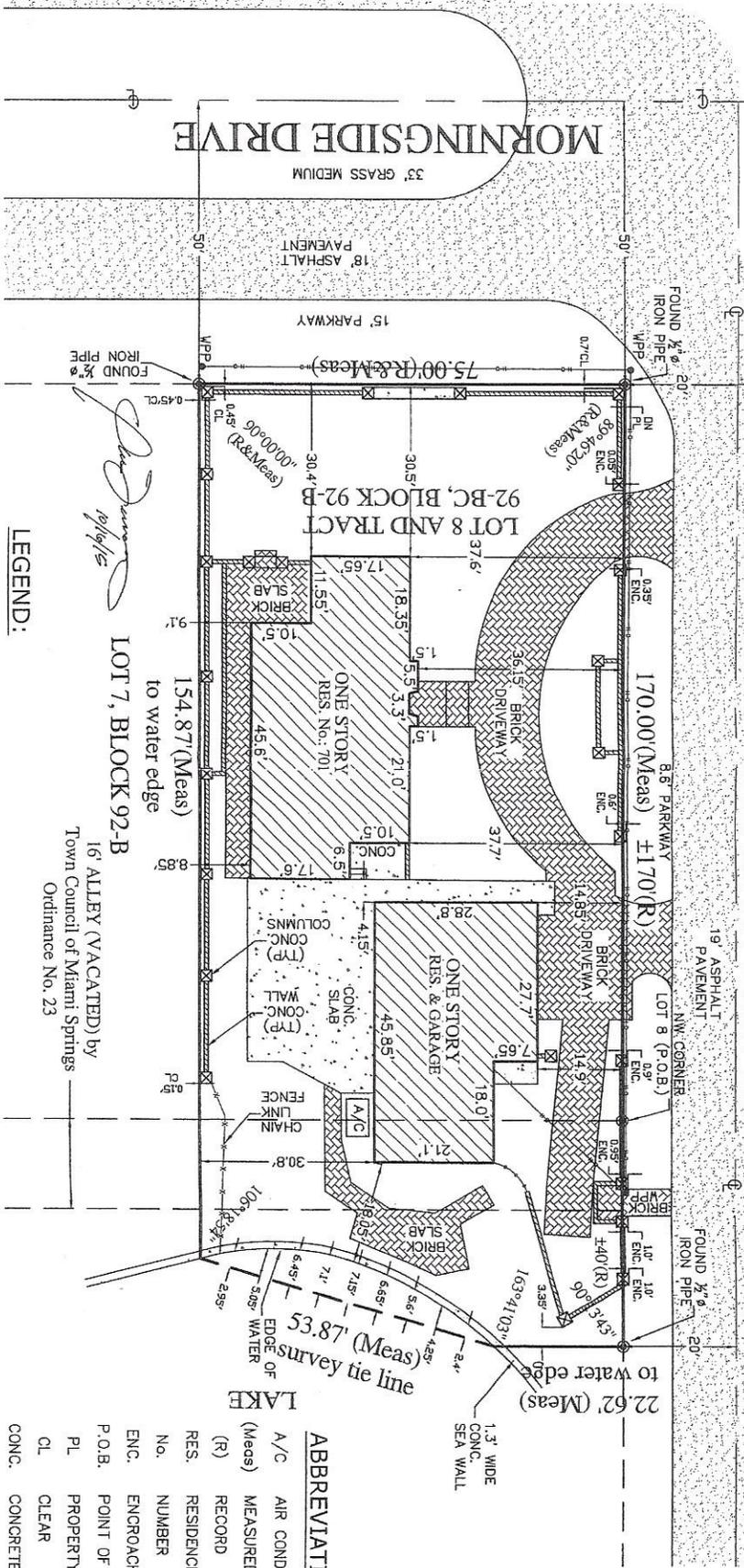
Taxable Value Information			
	2015	2014	2013
County			
Exemption Value	\$0	\$50,500	\$50,500
Taxable Value	\$279,805	\$119,903	\$117,385
School Board			
Exemption Value	\$0	\$25,500	\$25,500
Taxable Value	\$279,805	\$144,903	\$142,385
City			
Exemption Value	\$0	\$50,500	\$50,500
Taxable Value	\$279,805	\$119,903	\$117,385
Regional			
Exemption Value	\$0	\$50,500	\$50,500
Taxable Value	\$279,805	\$119,903	\$117,385

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
03/04/2014	\$100	29063-4659	Corrective, tax or QCD; min consideration
02/06/2014	\$408,000	29026-0228	Qual by exam of deed
01/01/2005	\$0	23051-3531	Sales which are disqualified as a result of examination of the deed
04/01/1991	\$105,000	15002-2321	Sales which are qualified

SKETCH OF SURVEY



SCALE 1" = 20'



LEGEND:

- ☉ — CENTER LINE
- WPP — WOOD POWER POLE

Adrian M. Gerber
10/16/15

LOT 7, BLOCK 92-B
154.87' (Meas)
to water edge

16' ALLEY (VACATED) by
Town Council of Miami Springs
Ordinance No. 23

ABBREVIATIONS:

A/C	AIR CONDITIONER
(Meas)	MEASURED
(R)	RECORD
RES.	RESIDENCE
No.	NUMBER
ENC.	ENCROACH
P.O.B.	POINT OF BEGINNING
PL	PROPERTY LINE
CL	CLEAR
CONC.	CONCRETE
(TYP)	TYPICAL

NOT VALID WITHOUT SHEET 1 OF 2
(SHEET 1 OF 2 CONTAINS LOCATION MAP AND SURVEY NOTES)

GUNTER GROUP, INC.
LAND SURVEYING - LAND PLANNING
FLORIDA CERTIFICATE OF AUTHORIZATION NO. 19 4507
9250 S.W. 22nd TERRACE
MIAMI, FLORIDA 33185
(305) 220-0073

ADRIAN M. GERBER
701 Morningside Drive, Miami Springs, Fl. 33166.

DATE: 02-01-2014
JOB No.: 14-29548

SKETCH No.: 26937
SCALE: 1"=20'

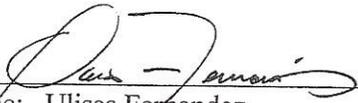
SHEET: 2 OF 2

AFFIDAVIT
SURVEY MORE THAN 1 YEAR OLD
SIGNED BY STAFF MEMBER

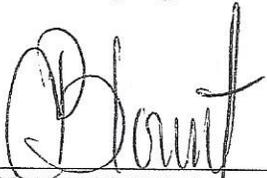
BEFORE ME, the undersigned authority, personally appeared Ulises Fernandez who, being personally known to me, was duly cautioned and sworn, deposes and says as follows:

1. That Affiant is the Building Official of the City of Miami Springs, who has been designated by Adrian M. Gerber, the property owner of 701 Morningside Drive, which is legally described on the Survey attached hereto which is more than one year old as of the date of this Affidavit, to conduct a current physical examination of the subject property.
2. That the aforesaid Survey attached hereto accurately depicts the structures, landscaping, incidental furnishings or equipment, and topographical features currently located on the subject property, except as may be supplemented by additions or modifications to the subject property contained and designated on the sketch/diagram/ revised Survey of the current property status attached hereto.
3. That this Affidavit is being submitted to the City of Miami Springs in compliance with the provisions of Code of Ordinance Section 150-027(C)(3).

FURTHER AFFIANT SAYETH NOT.


Print Name: Ulises Fernandez

SWORN TO AND SUBSCRIBED before me this 14th day of October, 2015, Ulises Fernandez who is personally known to me and who executed the foregoing instrument freely and voluntarily for the purposes therein expressed.



NOTARY PUBLIC, State of Florida
At Large

MY COMMISSION EXPIRES:





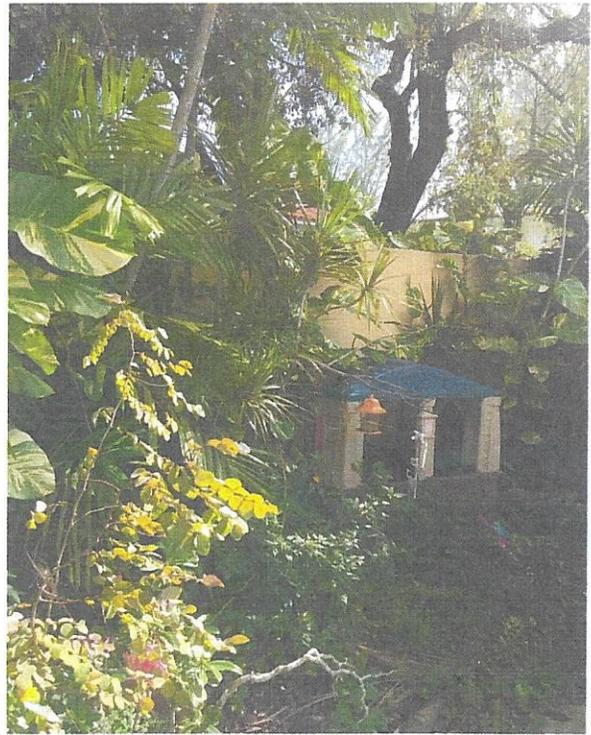
View looking west (toward DeLeon) from prospective screened-in-porch site



View looking east (toward next-door-neighbor's house)



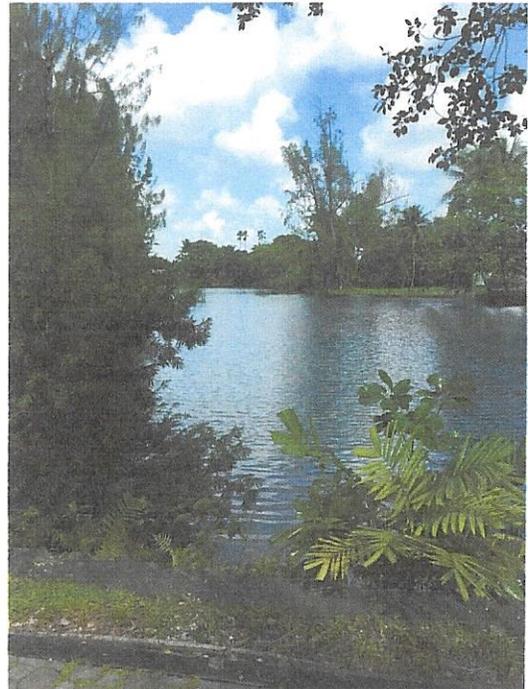
Prospective screened-in-porch site



Wall between house and neighbor's house



View looking north from back yard



View looking north from prospective screened in porch site



East side of recreational room with main-house AC condenser



West side of recreational room with recreational room AC condenser