

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-172

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION DENYING THE APPEAL FILED BY F.W. ZEKE GUILFORD, ESQUIRE. (APPLICATION NO. 86-77), THEREBY UPHOLDING THE DECISION OF THE BOARD OF ADJUSTMENT TO ALLOW FOR A VARIANCE TO INSTALL A STANDING SEAM METAL ROOF FOR THE EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 360 SOLANO PRADO, CORAL GABLES, FLORIDA.

WHEREAS, Robert Fine, Esquire submitted to the Board of Adjustment and Zoning Division his application (Application No. 8677-Z), for review and action, thereby requesting a variance, pursuant to the provisions of Ordinance No. 1525, as amended, and known as the Zoning Code; and

WHEREAS, upon determination and interpretation by the Zoning Division of the City of Coral Gables, applicant was advised by the Zoning Division staff that the proposed single-family residence does demonstrate a case for hardship for this request to have a standing seam metal roof versus pitch roof shall be constructed of vitrified clay tile, concrete tile, cement tile, coral rock slabs, slate, white Bermuda roof or copper roof as required by Section 5-1601 and 5-1605 of the Coral Gables Zoning Code; and

WHEREAS, a public hearing of the Board of Adjustment was duly advertised and held, as required by law, and all interested parties in the matter were given an opportunity to be heard and upon due and proper consideration having been given to the matter, it was of the opinion of the Board of Adjustment at its September 8, 2008 meeting to adopt Resolution No. 4907-ZB, thereby approving the applicant's request for the variance to install a standing seam metal roof in connection with subject property legally described as Old Cutler Bay Section 4, Lot 77, Block 2, PB/PG 82/34 (360 Solano Prado); and

WHEREAS, the decision of the Board of Adjustment was appealed to the City Commission and a public hearing of the Coral Gables City Commission, Florida was duly advertised on October 17, 2008, along with a notification regarding same, which was sent to the affected property owners residing within 1,000 feet of the affected property area, and noticed as required by Section 3-606 of the Zoning Code; and

WHEREAS, after reviewing the record and the decision of the Board of Adjustment, and after having given an opportunity to those affected interested parties to be heard regarding those issues of law pertaining to the record of the hearing that is before the City Commission, it is of the opinion of the City Commission that it was insufficient to merit a reversal in the ruling made by the Board of Adjustment in Resolution No. 4907-ZB; and that the appeal should be denied and that the decision of the Board of Adjustment should not be upheld; and

WHEREAS, a motion to deny the appeal, and thereby reverse the decision of the Board of Adjustment was offered by Commissioner Anderson and seconded by Commissioner Withers, and upon a (3-2) vote of the City Commission approving the motion;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the appeal is hereby denied and the decision of the Board of Adjustment is hereby upheld.

SECTION 3. That the resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF OCTOBER, A.D., 2008.

(Moved: Anderson / Seconded: Withers)

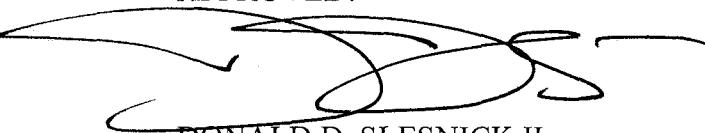
(Yea: Withers, Anderson, Slesnick)

(Nay: Cabrera, Kerdyk)

(Majority: 3-2 Vote)

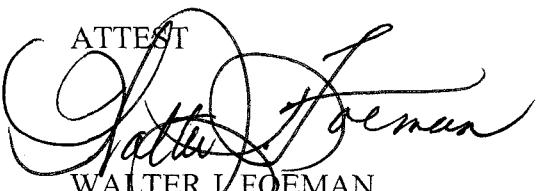
(Agenda Item E-1)

APPROVED:



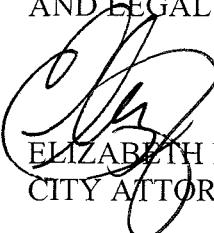
DONALD D. SLESNICK II
MAYOR

ATTEST



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY