

CITY OF CORAL GALES, FLORIDA

RESOLUTION NO. 2023-43

A RESOLUTION OF THE CITY COMMISSION DENYING THE APPEAL AND AFFIRMING THE DECISION OF THE HISTORIC PRESERVATION BOARD TO DENY THE ISSUANCE OF A SPECIAL CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF THE PROPERTY LOCATED AT 1258 OBISPO AVENUE, LEGALLY DESCRIBED AS LOTS 1 AND 2, BLOCK 3, CORAL GABLES SECTION "E", AT PLAT BOOK 8, PAGE 13 OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY, FLORIDA.

WHEREAS, 1258 Obispo Avenue (the "Property"), a contributing resource withing the "Obispo Avenue Historic District", is owned by Javier Avila and Jennifer Ruiz (the "Property Owner/Appellant"); and

WHEREAS, on December 21, 2022, the Property Owner presented a request before the Historic Preservation Board for the issuance of a special certificate of appropriateness for demolition of the Property; and

WHEREAS, after presentations by City staff and the Property Owner, the Historic Preservation Board considered all of the evidence presented and applied the criteria as set forth in the City's Zoning Code and subsequently approved a motion denying the request for the issuance of a special certificate of appropriateness for demolition of the Property; and

WHEREAS, on December 28, 2022, the Property Owner submitted a notice of intent to appeal the Historic Preservation Board's decision to the City Clerk; and

WHEREAS, on February 7, 2023, the Property Owner submitted the completed appeals package to the City Clerk (the "Appeal"); and

WHEREAS, on February 28, 2023, the City Commission heard the Appeal and after reviewing the record and decision of the Historic Preservation Board, and after having given an opportunity for interested parties to be heard, the City Commission finds that the decision of the Historic Preservation Board, to deny the special certificate of appropriateness for demolition of the Property, was based on competent substantial evidence, that due process was properly afforded to all interested parties, and that the essential requirements of law were met, specifically, that the Historic Preservation Board appropriately applied the guidelines for issuance of certificates; and

WHEREAS, a motion to deny the appeal of the Historic Preservation Board’s decision to deny the special certificate of appropriateness for demolition of the Property was made by Vice-Mayor Michael Mena, seconded by Commissioner Kirk Menendez, and upon a vote (4-1), approved by the City Commission.

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.

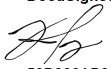
SECTION 2. That the appeal is hereby denied, and the decision of the Historic Preservation Board is affirmed, thereby upholding the denial of the issuance of a special certificate of appropriateness for demolition for 1258 Obispo Avenue, a contributing resource within the “Obispo Avenue Historic District”.

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

PASSED AND ADOPTED THIS TWENTY-EIGHT DAY OF FEBRUARY, A.D., 2023.

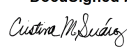
(Moved: Mena / Seconded: Menendez)
(Yeas: Anderson, Cason, Mena, Menendez)
(Nays: Lago)
(Majority: (4-1) Vote)
(Agenda Item: F-1)

APPROVED:

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VINCE LAGO
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUÁREZ
CITY ATTORNEY

ATTEST:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK