

**BOARD OF ADJUSTMENT
CITY OF CORAL GABLES**

BOARD OF ADJUSTMENT NUMBER 8677-Z

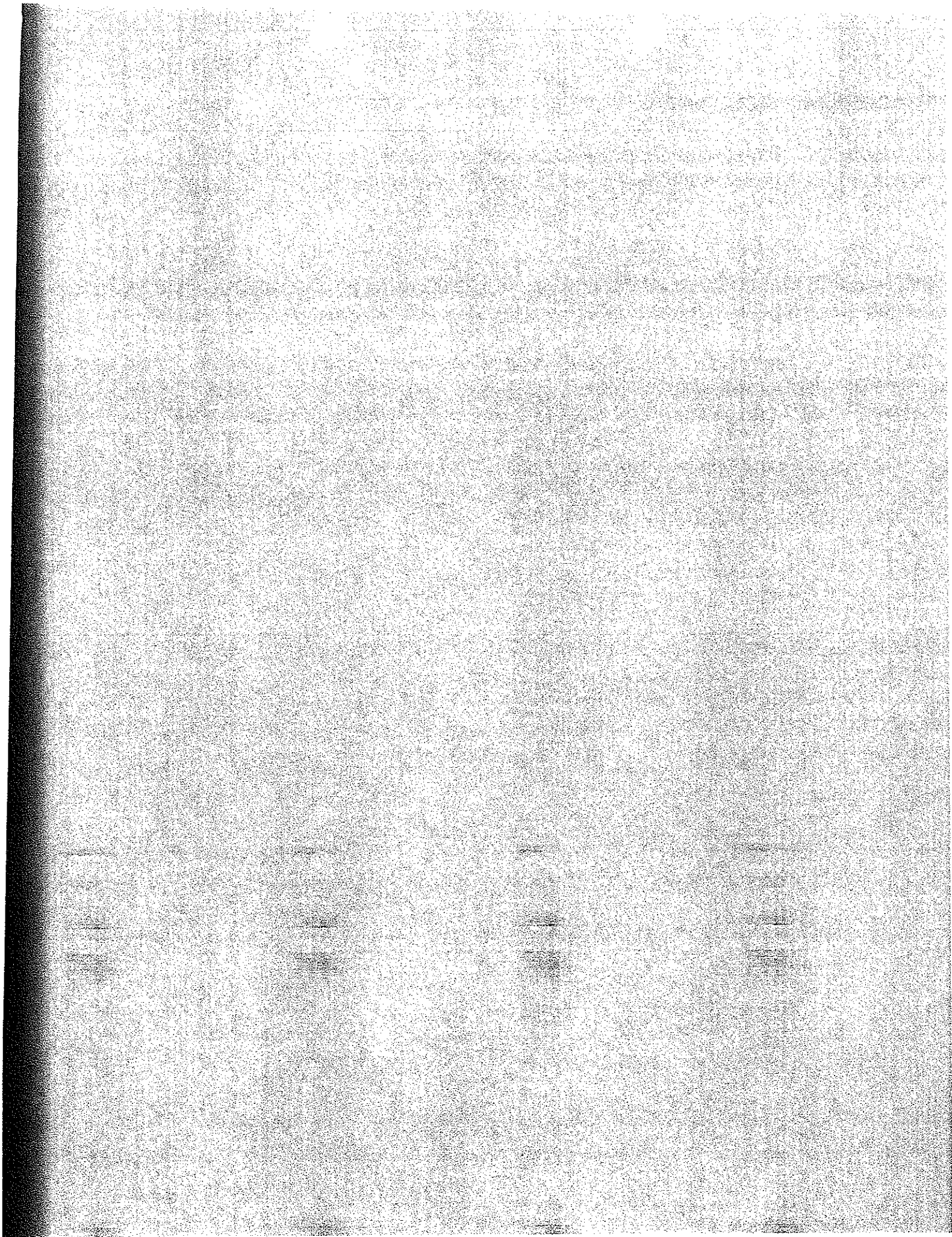
IN THE MATTER OF: ROBERT AND ISABEL FINE, 360 SOLANO
PRADO, CORAL GABLES, APPLICATION FOR VARIANCES

DOCUMENTARY AND EVIDENTIARY MATERIALS

1. *Curriculum vita* of Thomas Mooney and summary of expert testimony
2. Site plan of Fines' 2006 variances application for 360 Solano Prado
3. Front elevation of Fines' 2006 variances application for 360 Solano Prado 8574-Z
4. Transcript excerpt from 2006 Board of Adjustment hearing, case no. 8574-Z
5. Zoning code provisions regarding siding materials
6. Cut sheet on hardy plank siding
7. Florida Statute § 553.73
8. Map of Old Cutler Bay showing location of homes with hardy plank siding and metal roofs
9. Photographs of homes in Old Cutler Bay showing hardy plank siding
10. Reduced site plan of application 8677-Z
11. Transcript excerpt of May 1, 2006 City Commission hearing on variance appeal 8574-Z
12. Transcript excerpt of January 8, 2008 City Commission discussion on metal roofs

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13. 360 Solano Prado: Photos of water leak and associated damage
14. Photos of homes in Old Cutler bay with metal roofs (locations indicated on Old Cutler Bay map: 395 Marquesa, 103 Solano Prado, 201 Solano Prado
15. Documentation of variances from pitched roof material ordinance variances issued by City: 13014 San Joes, 165 Solano Prado, 12891 Deva
16. Documentation of variance granted by City at 219 Ridgewood: staff report, photographs, and Miami-Dade Notice of Approval (NOA) of wood shingles that could have been used instead of variance
17. Hurricane frequency report diagram
18. Wind chart from International Building Code showing higher winds near water
19. Metal roof durability and replacement time affidavit
20. Copy of section of drawing of Merrick View, where City approved roof of copper with lead (exposed) covering
21. NOA for copper metal roofing, aluminum roofing and wood shingles showing relative wind resistance strength



Thomas R. Mooney, AICP

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PROFESSIONAL EXPERIENCE

September 1999 - Present: DESIGN and PRESERVATION MANAGER

City of Miami Beach, Florida; Planning Department

Director of all professional and operational functions of the Design and Preservation Section of the Planning Department; primary responsibilities include the direct supervision of ten (10) Professional Planners, and administrative support staff; serving as the contact person for the City's Certified Local Government (CLG); coordinating urban design, historic preservation, and other special projects, as well as the administrative level development review process; coordinating all personnel functions for the Planning Department; serving as the chief staff person to the Design Review Board and Historic Preservation Boards.

April 1993 - September 1999: SENIOR PLANNER / PRINCIPAL PLANNER

City of Miami Beach, Florida; Planning Department

Assistant to the Planning and Zoning Director and the Historic Preservation Coordinator as chief staff person to the City's Design Review Board and Historic Preservation Board; primary responsibilities included the supervision of two (2) Professional Planners and two (2) Planning Technicians, composition and review of all staff reports, representing the City and Department at all Board meetings, preparation of all resolutions, appeals, special reports and Commission Memorandums for design review and historic preservation matters, as well as ongoing revisions and amendments to the Design Guidelines, Zoning Code and Comprehensive Plan.

May 1991 - April 1993: ASSISTANT PLANNER

City of North Miami Beach, Florida; Community Development Department

Assistant to the Director of Planning in all facets of the site plan review process including plan review, preliminary plats, variances and rezonings. Other responsibilities included assisting applicants, writing staff reports and staff support for Planning and Zoning Board meetings; zoning and land use determinations for occupational licenses and extensive verbal and written communication regarding the City's Zoning Code and Comprehensive Plan; coordination of Comprehensive Master Plan and Land Use Plan amendments including City sponsored Land Use Plan amendments; Departmental liaison with the City Code Enforcement Board.

July 1989 - May 1991: PLANNING/MANAGEMENT INTERN

City of North Miami Beach, Florida; City Managers Office

Worked directly with the City Manager to coordinate and implement projects and tasks in the areas of strategic planning, commercial development and the budget process for fiscal years '90, '91, '92, as well as assisting the Economic Development Director in various aspects of the City's economic development program. Assisted the City Planner and Community Development Director in administering planning and zoning functions including the implementation of new signage and landscape ordinances, drafting revised Land Development Regulations and the coordination of a residential redevelopment program.

EDUCATION

- April 1991:** **MASTER OF PUBLIC ADMINISTRATION (Urban and Regional Planning)**
Florida International University; Miami, Florida
- Spring 1990:** Graduate Certificate in Public Management
Florida International University; Miami, Florida
- April 1989:** **BACHELOR OF ARTS (Political Science)**
Florida International University; Miami, Florida
- January - April 1989:** Administrative Internship
Finance Department; City of North Miami, Florida
- May - August 1987:** Congressional Internship
U.S. Congressman William Lehman; Washington, D.C.

PROFESSIONAL CERTIFICATIONS

July 1995 - Present: American Institute of Certified Planners (AICP), Certificate No. 011606.

PUBLICATIONS

- "Recognizing the Continuum: 150 Years (and counting) of Architecture in Miami", Accent Miami, Issue 3, 2002
- "The Maritime Park Project and the Efforts of the UEL", The Gold Coast Planner, Vol. 1, Issue 4.
- "Metropolitan Regions Confront Growth Management Challenges", Florida Planning, Vol. VIII, No. 10, co-author with Oliver Kerr, AICP and Andrew Dickman, AICP.

PROFESSIONAL AND COMMUNITY ORGANIZATIONS

Accent Miami (Quarterly Publication):

Editor of "Designing Miami", architectural section of publication, 2002 - Present.

American Planning Association, Urban Design and Preservation Division:

Southeast Representative, 2003 - Present

Florida Chapter of the American Planning Association, Gold Coast Section:

Immediate Past Chair, 2001- 2002; Chair, 1999 - 2001; Chair-Elect, 1998; Treasurer, 1997.

Dade Heritage Trust:

Board of Trustees, May 1996 - May 1999; Board of Advisors, 1994 - 1996.

Tropical Pioneers (Tropes) of the Historical Museum of Southern Florida:

Vice-Chair, Executive Council, May 1996 - May 1999; Executive Council Member, 1994 - 1996.

Florida Philharmonic Maestro Society of Dade County:

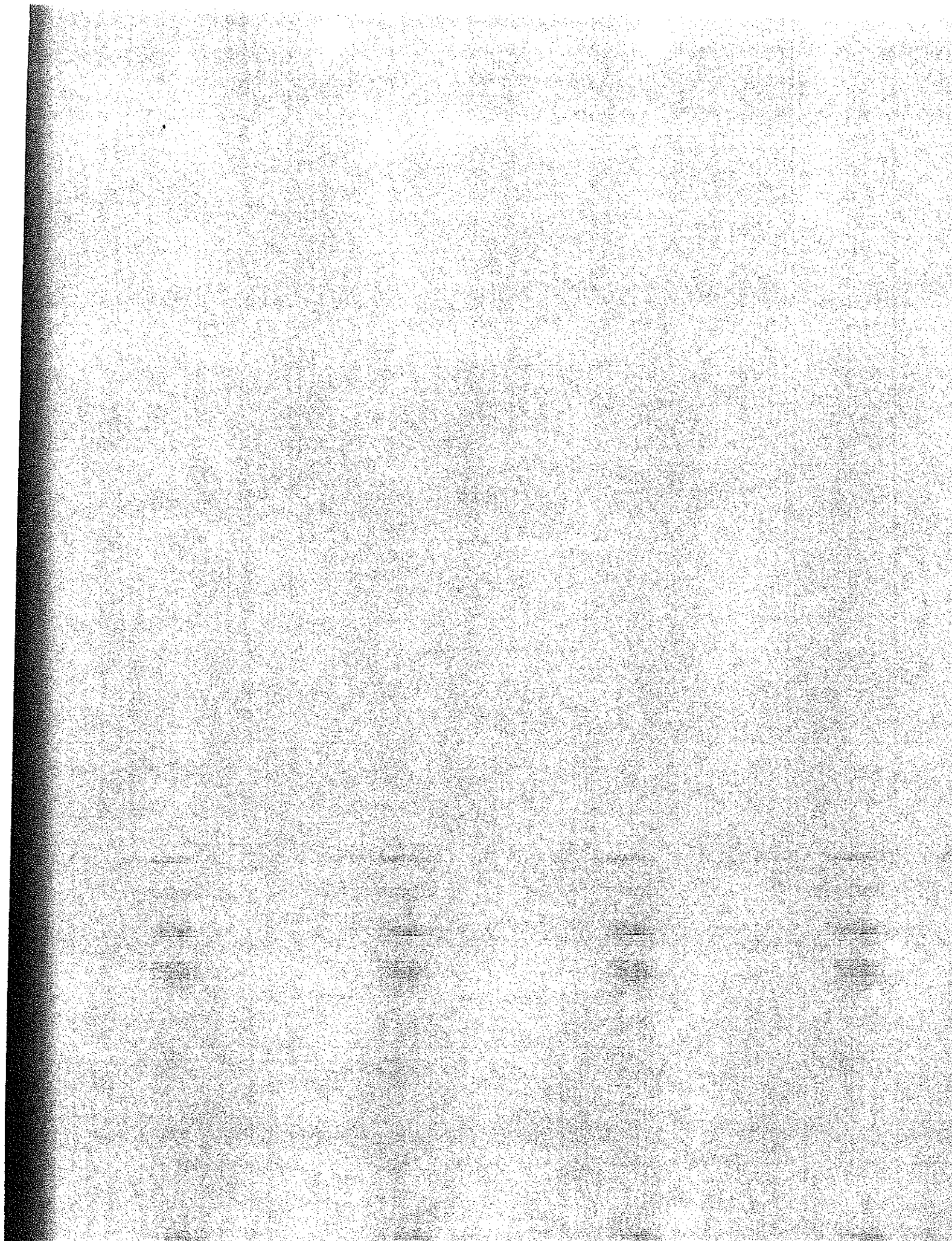
Chair, Board of Directors, June 1996 - June 1999; Board of Directors, 1994 - 1996.

PERSONAL INTERESTS

Reading, Golf, Cycling, Triathlons, Classical Music, and Investing.

REFERENCES

Available upon request



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BOARD OF ADJUSTMENT NUMBER 8677-Z

IN THE MATTER OF: ROBERT AND ISABEL FINE, 360 SOLANO
PRADO, CORAL GABLES, APPLICATION FOR VARIANCES

THOMAS R. MOONEY, AICP
SUMMARY OF EXPERT TESTIMONY

Mr. Mooney may provide expert testimony in regard to the request for variances from section 5-1605 of the Zoning Code (roof covering material); sections A-72 A.2. and 5-1804 of the Zoning Code (side yard setback and equipment within a side yard setback); section 5-1105B of the Zoning Code (landscape open space); and section 5-607 of the Zoning Code (to be able to use hardy plank siding).

Roof covering material variance

- Mr. Mooney will provide testimony that the Zoning Code allows for the use of painted copper as a roof covering material and so prohibiting painted metal which has the same appearance and which is both more durable and more structurally sound and hurricane resistant is arbitrary. In further support, Mooney will provide evidence that the City has approved the use of lead covered copper as a pitched roofing material which provides the appearance of unpainted metal such as galvalume, aluminum or steel without requiring a variance further demonstrating that the City's pitched roof material ordinance, and the City's interpretation thereof is arbitrary.
- Mr. Mooney will provide testimony that the City has granted variances from the requirements of the roof covering material ordinance (for pitched roofs) in the Fine's immediate neighborhood, and in other very similar neighborhoods in that part of the City lying east of Old Cutler Road/Le Jeune Road. Mr. Mooney will further testify that these variances either do not cite hardship at all, or cite hardships which are in fact not hardships at all which will be demonstrated by Mr. Mooney's and other testimony. Mr. Mooney will conclude that the

Fine's application for roof covering material variance is similarly situated to the applications that will be provided (as copied from the City's records) at the hearing.

- Mr. Mooney will provide testimony that there now exist no fewer than 3 metal roofs, similar to that which the Fine's are seeking, in the Fine's immediate neighborhood.
- Mr. Mooney will support his testimony by use of his experience and professional qualifications as set forth in his *curriculum vitae* which is provided in this package. For additional support and authority, Mr. Mooney may rely on the City's Zoning Code; the immediate prior edition of the Zoning Code; City ordinances; transcripts of sworn testimony by City staff in front of the City Commission; minutes/transcripts of Commission discussion on metal roofs; notices of approval for metal roof material, copper roofing material and wood shingles; variance records and/or photographs and/or staff reports for 13014 San Jose Street, 165 Solano Prado, 12891 Deva Street, and 219 Ridgewood Road; and photographs of the 3 metal roofs in the Fine's immediate neighborhood.

Side yard, and equipment within a side yard, setback variance

Mr. Mooney may provide testimony regarding the requested variance from sections A-72 A.2. and 5-1804 of the Zoning Code involving side yard setbacks.

- Mooney may testify that based on his years of experience as a planning and zoning official, that switching the locations of the planned standby generator from the west side of the house with the air conditioning and pool equipment on the east side of the house would not negatively impact the neighbors and neighborhood, but in fact, would benefit it.

Landscape open space variance

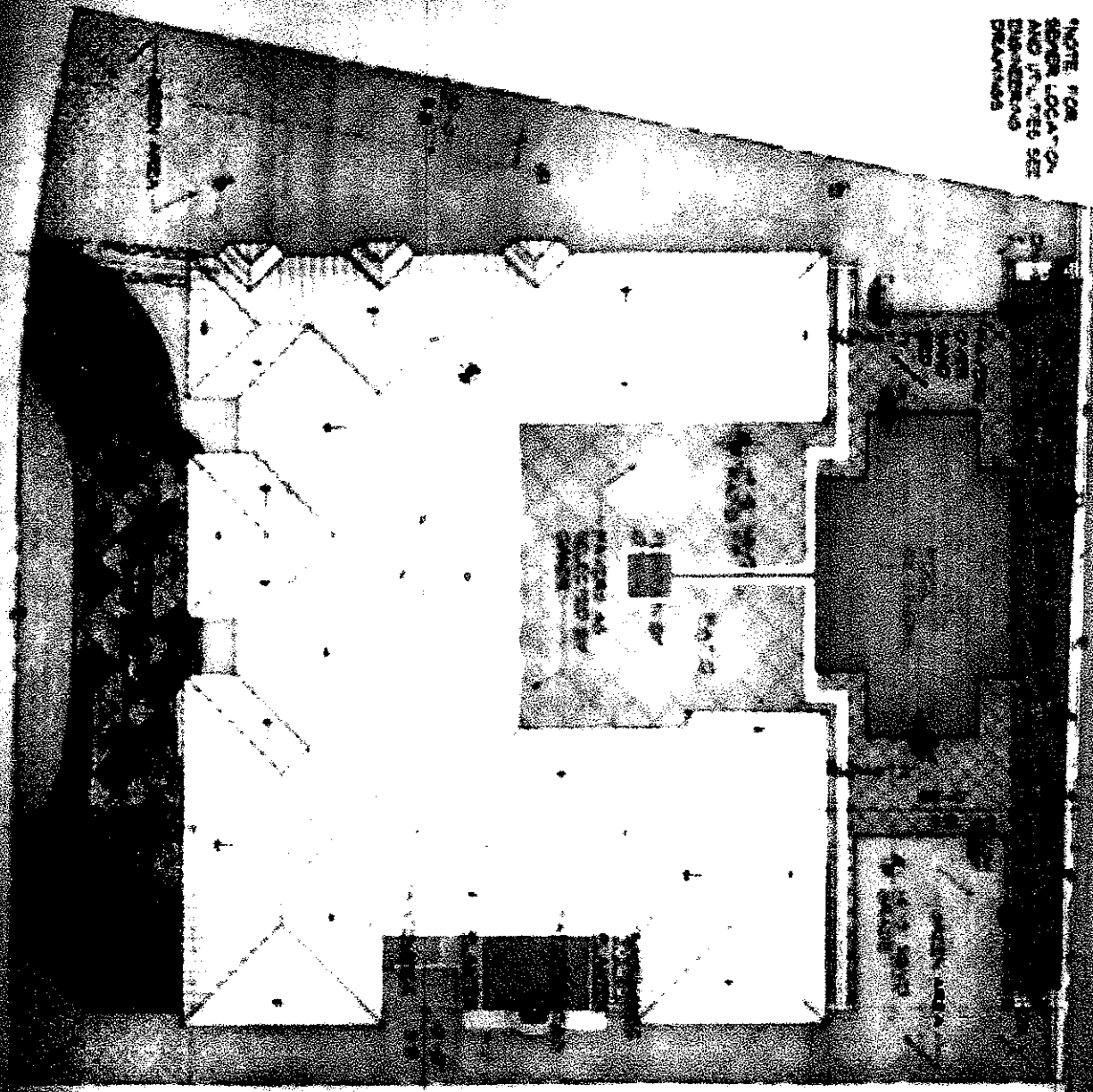
Mr. Mooney may provide testimony regarding the requested variance from sections 5-1105B of the Zoning Code regarding landscape open space.

- Mr. Mooney may testify that he is familiar with the previous variance granted by the Board for landscape open space, the circumstances and hardships for that request, the staff recommendation and Board

vote. Mooney will further testify that in his expert opinion, the circumstances that warranted the granting of the variance the first time are not materially different from this application, and that the staff recommendation from the original variance should be considered as competent evidence for this application.

- Mooney will base his testimony on his knowledge and experience as a planning and zoning official as reflected in his CV, his knowledge of the instant application, as well as his knowledge of the prior variance-
- and may refer to the current and prior editions of the Zoning Code.

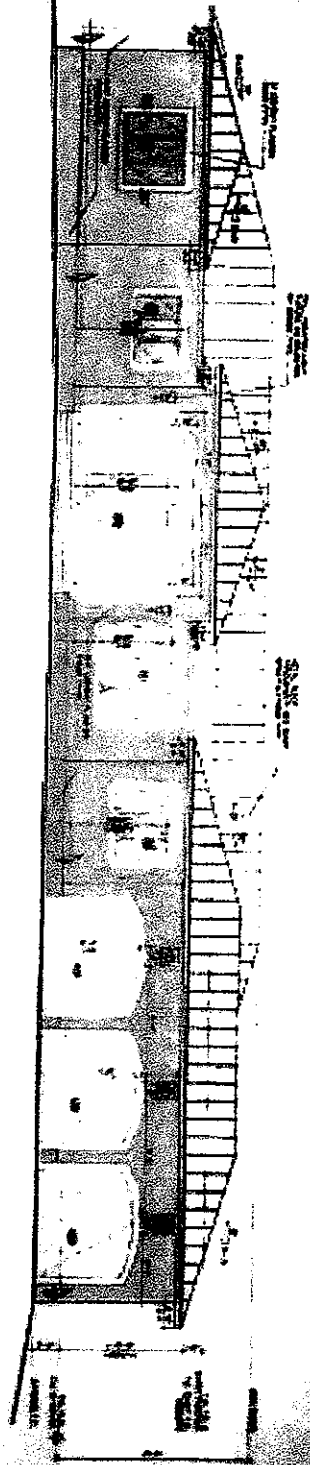
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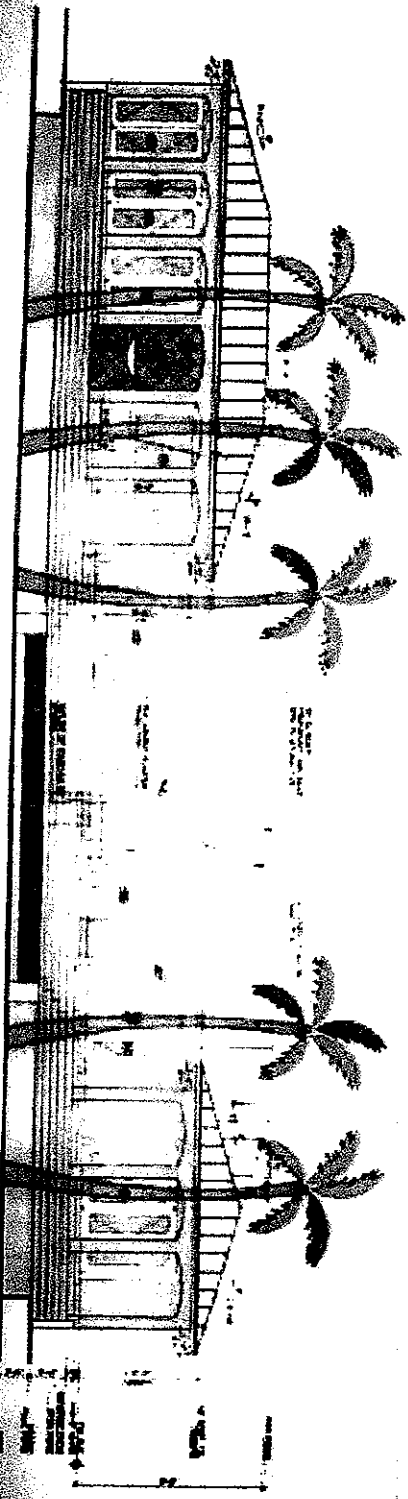
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NORTH ELEVATION



EAST ELEVATION

