

## **CITY OF CORAL GABLES, FLORIDA**

### **RESOLUTION NO. 2008-69**

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, AFFIRMING THE DECISION OF THE BOARD OF ADJUSTMENT THEREBY DENYING THE APPEAL FILED BY F.W. ZEKE GUILFORD, ESQ., APPLICATION NO. 8659-Z, ON BEHALF OF THE APPLICANT, MR. ALAN GREENWALD, (CONTRACT PURCHASER) OF THE PROPERTY LOCATED AT 4701 SANTA MARIA STREET, SAID PROPERTY WHICH IS OWNED BY THE VESSELS FAMILY; AND UPHOLDING THE DECISION OF THE BOARD OF ADJUSTMENT (ISSUED ON APRIL 7, 2008), WHICH DENIED AN APPLICATION FOR AN APPEAL PURSUANT TO ORDINANCE NO. 1525, AS AMENDED, THEREBY UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR, IN ACCORDANCE WITH ZONING CODE SECTION 3-206, SUBPARAGRAPH (E) AND (2), SAID PROPERTY LOCATED AT 4701 SANTA MARIA STREET CONSTITUTES ONE BUILDING SITE.

**WHEREAS**, F.W. Zeke Guilford, Esq. submitted a letter to Building and Zoning Department for an interpretation pursuant to Section 3-206 of the Coral Gables Zoning Code, subparagraph (E) and (2), entitled "Building Site Requirements,"; and analysis of the permit history for the subject property, as to which identifies several permits issued (noting lots 1, 2, 14 and 15, Block 113), as well as the legal description of said property (which includes Lots 1, 2 and 14 through 15), as to a building site determination; and

**WHEREAS**, upon a determination and interpretation by the Zoning Administrator based on the criteria in accordance with Coral Gables "Zoning Code" Section 3-206, subparagraph (E) and (2), applicant's request was denied; and said determination was appealed to the Board of Adjustment (hereinafter referred to as the "Board"); and

**WHEREAS**, F.W. Zeke Guilford, Esq. filed an appeal to the Board for the following:

Determination as to the appropriateness of an administrative decision made by the City's Zoning Administrator, with reference to a building site determination in accordance with Section 3-604 of the Coral Gables Zoning Code; and

**WHEREAS**, a public hearing of Board was duly advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been

given to the matter it was the opinion of the board to deny the applicant's appeal (Board of Adjustment vote: 4-3) and upholding the determination made by the Building and Zoning Administrator, said determination was adopted at the Board's regular meeting of April 7, 2008, Resolution No. 4887-ZB; and

**WHEREAS**, the decision of the Board was appealed to the City Commission, and a public hearing of the Coral Gables City Commission, Florida was duly advertised and held, upon notice, as required by the Zoning Code; and

**WHEREAS**, after reviewing the record and decision of Board of Adjustment and after having given an opportunity for interested parties to be heard, it is the opinion of this City Commission that the grounds and reasons specified in the appeal were insufficient to merit a reversal of the ruling made by Board in Resolution No. 4887-ZB, and that the appeal should be denied and the decision of the Board should be sustained; and

**WHEREAS**, a motion to deny the appeal and uphold the decision of the Board was offered by Commissioner Anderson, seconded by Vice Mayor Kerdyk, and upon a vote of the city commission approving the motion;

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

**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.

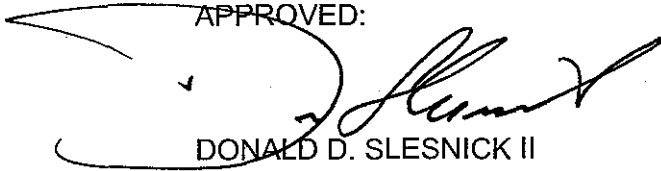
**SECTION 2.** That the appeal be and the same is hereby denied and the decision of the Board of Adjustment is upheld.

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

PASSED AND ADOPTED THIS THIRTEENTH DAY OF MAY, A.D.,  
2008.

(Moved: Anderson / Seconded: Kerdyk)  
(Yeas: Withers, Anderson, Kerdyk, Slesnick)  
(Absent: Cabrera)  
(Majority: 4-0 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