

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-195

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, DENYING THE APPEAL FILED BY F.W. ZEKE GUILFORD, ESQ., CASE FILE LHD 2007-04, ON BEHALF OF THE APPLICANT, MS. MARIA FERNANDEZ FOR THE PROPERTY LOCATED AT 111 SALAMANCA AVENUE; FURTHER UPHOLDING THE DECISION OF THE HISTORIC PRESERVATION BOARD TO BIFURCATE THE HISTORIC DESIGNATION FROM THE UNDUE ECONOMIC HARDSHIP DETERMINATION.

WHEREAS, F.W. Zeke Guilford, Esq. filed an appeal to the City Commission to bifurcate the historic designation from undue economic hardship; and

WHEREAS, the decision of the Historic Preservation 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, on February 24, 2005, the Historical Resources Department issued a letter advising Maria Fernandez (property owner); of 111 Salamanca Avenue that said property met the minimum eligibility criteria for designation as a local historic landmark; and

WHEREAS, on March 15, 2007, a request for further determination of historic significance was heard by the Historic Preservation Board, and the Board upheld the City's staff determination that there was significance to the property and directed the Historical Resources Department staff to prepare a designation report; and

WHEREAS, on September 20, 2007, the local historic designation of the property was presented to the Historic Preservation Board for consideration, and at that time, Mr. Guilford representing the owner, indicated that that while the property met the criteria for historic designation, it poses an undue hardship on the owner; and

WHEREAS, on May 22, 2008, staff again presented the designation report for the property to the Historic Preservations Board with the recommendation that the designation be approved based on its architectural significance; further noting that the Board made a motion designating the property as a Local Historic Landmark, and a motion was made to not hear the issue of economic hardship until such time as the request is before said Board for a Certificate of Appropriateness; and

WHEREAS, after reviewing the record and decision of the Historic Preservation Board 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 said Board; further stating that there is no specificity outlined in the Coral Gables Zoning Code as to when economic hardship considerations can be raised, nor is there an itemization as to what items of evidence is needed to consider same; therefore, following designation of said property as a local historic landmark and upon a determination made by the Historic Preservation Board, economic hardship would only become a factor at the time that a request for a Certificate of Appropriateness is presented to said Board; and that said appeal should be denied, and the decision of the aforementioned Board should be sustained; and

WHEREAS, a motion to deny the appeal and uphold the decision of the Board was offered by Commissioner Cabrera, seconded by Vice Mayor Kerdyk, and upon a vote of (4-1), the City Commission approved 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 Historic Preservation Board is upheld.

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

PASSED AND ADOPTED THIS EIGHTEENTH DAY OF NOVEMBER,
A.D., 2008.

(Moved: Cabrera / Seconded: Kerdyk)
(Yeas: Cabrera, Kerdyk, Withers, Slesnick))
(Nays: Anderson))
(Majority: (4-1) Vote)
(Agenda Item: E-2)

APPROVED.

DONALD B. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY