

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-138

A RESOLUTION OF THE CORAL GABLES CITY COMMISSION, GRANTING THE APPEAL FILED BY LAURA RUSSO, ESQUIRE, APPLICANT (APPLICATION NO. 8675), THEREBY REVERSING THE DECISION OF THE BOARD OF ADJUSTMENT TO ALLOW FOR A VARIANCE TO INSTALL A SIGN FOR THE TENANT "SUNSTATE BANK," ON THE REAR OF THE BUILDING (SOUTH ELEVATION), WHICH ABUTS TO AN ALLEY FOR SUBJECT PROPERTY LOCATED AT 2901-11 LE JEUNE ROAD.

WHEREAS, Laura Russo, Esq., submitted to the Board of Adjustment and Zoning Division her application (Application No. 8675-Z) for review and action, 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 building is situated on a square lot which abuts an alley, and the building is not unusual in shape, and there was a failure to demonstrate an unnecessary hardship to approve the deviation required under the 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 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 of the opinion of the Board at its August 4, 2008 Board Meeting to adopt Resolution Number 4900-ZB, thereby denying the applicant's request for the variance to install a sign for the tenant "Sunstate Bank" on the rear of the building (south elevation) which abuts to an alley, therefore upholding the decision of the Zoning Division; 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 August 29, 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 the Zoning Code; and

WHEREAS, after reviewing the record and decision of the Board of Adjustment, and after having given an opportunity for interested parties to be heard, it is of the opinion of the City Commission that it was sufficient to merit a reversal in the ruling made by the Board in Resolution No. 4900-ZB; and that the appeal should be granted and the decision of the Board should be reversed; and

WHEREAS, a motion to grant the appeal, and thereby reverse the decision of the Board was offered by Commissioner Anderson, seconded by Commissioner Cabrera, and upon a (5-0) vote of the City Commission approving the motion;

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

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 granted and the decision of the Board of Architects is hereby reversed.

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

PASSED AND ADOPTED THIS NINTH DAY OF SEPTEMBER, A.D., 2008.

(Moved: Anderson / Seconded: Cabrera)

(Yeas: Kerdyk, Withers, Anderson, Cabrera, Slesnick)

(Unanimous: 5-0 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