



The City of Coral Gables

CITY OF CORAL GABLES
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2008 SEP 17 AM 11:39

Building and Zoning Department

ISO Class 1

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

September 9, 2008

Robert Fine
1221 Brickell Avenue
Miami, Florida 33131

Re: Lot(s): 77, Block: 2
Old Cutler Bay Section 4, PB/PG: 82/34
360 Solano Prado
Hearing No. 8677-Z

Dear Mr. Fine:

The Board of Adjustment at its regular meeting held on September 8, 2008, passed and adopted Resolution No. 4905-ZB denying items 1 and 2 and Resolution No. 4906-ZB denying item no.3, all is outlined under the Applicant's Proposal as follows:

1. Grant a variance allowing the proposed single-family residence to have a west side setback distance of six (6'-0") feet vs. the proposed new single family residence maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101(D) and A-72 (A)(2) of the Coral Gables "Zoning Code."
2. Grant a variance allowing the proposed mechanical equipment, specifically air conditioning units and pool equipment to have a side setback distance of six (6'-0") feet vs. the proposed mechanical equipment maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101(D), A-72 (A)(2) and 5-1804 of the Coral Gables "Zoning Code."
3. Grant a variance allowing the proposed building site to provide a landscape open space of seven thousand three hundred fifty-six (7,356) square feet (37.21%) of the site area vs. the proposed landscape open space to be a minimum of seven thousand nine hundred eight (7,908) square feet (40%) of the site area as required by Section 5-1105 (B)(1) of the Coral Gables "Zoning Code."

The Board of Adjustment also passed and adopted Resolution No. 4907-ZB approving item no. 4 and Resolution No. 4908-ZB approving item no. 5, all is outlined under the Applicant's Proposal as follows:

Robert Fine
September 9, 2008
Page Two

4. Grant a variance allowing the proposed single-family residence to have a standing seam metal roof vs. pitched roofs shall be constructed of vitrified clay tile, concrete tile, cement tile, coral rock slabs, slate, white Bermuda roof or copper as required by Section 5-1601 and 5-1605 of the Coral Gables "Zoning Code."
5. Grant a variance allowing the proposed single-family residence to have an exterior wall facing material of Hardy Plank siding vs. wood facings shall be permitted on the exterior walls of single-family residences in the area of Coral Gables lying south of the Coral Gables Deep Waterway and east of Old Cutler Road as provided by Section 5-607 of the Coral Gables "Zoning Code."

Any variance authorized by Resolution by the Board of Adjustment shall become void and of no effect twelve (12) months from and after the date of the resolution granting the variance, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matters for which the variance was granted shall have been issued and taken out; or if the use or adoption of such variance does not require the issuance of a building permit, unless the requested action permitted by the variance shall have taken place within the said twelve (12) month period. Whenever the twelve (12) month period has elapsed without action by the applicant, he shall be required to file a new application as set forth in Section 3-807 of the "Zoning Code." However, upon application and payment of a fee of \$400.00, the Development Review Official may, after review and determination that substantive progress has been achieved by the applicant in terms of project planning, extend the expiration date of the variance for an additional period of time not to exceed twelve (12) months. An application requesting the extension of a variance shall be filed with the Office of the Zoning Official prior to the expiration of the initial twelve (12) month effective date of the variance.

Please refer to the attached sheet regarding decisions of the Board of Adjustment, appeal from a decision of the Board of Adjustment, and appeal from the decision of the City Commission.

No permit can be issued on the application which was approved by the aforementioned resolution, passed and adopted by the Board of Adjustment, during the first 10 days after the Board of Adjustment meeting.

If you desire further information, please do not hesitate to contact this office.

Sincerely,

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez

Elizabeth L. Gonzalez
Acting Secretary

P.S. PLEASE BE REMINDED THAT A PERMIT MUST BE TAKEN OUT WITHIN TWELVE MONTHS OF THE DATE OF VARIANCE APPROVAL OR IT WILL BECOME VOID.

Foeman, Walter

From: Brown, David
Sent: Tuesday, September 23, 2008 8:03 AM
To: 'Zeke Guilford'
Cc: Foeman, Walter; FineR@gtlaw.com
Subject: RE: 360 Solano Prado

Zeke,

If you are fine and Robert is fine (no pun intended, a pretty good one!) I will ask Walter to follow the process for the 10/28 meeting.

From: Zeke Guilford [mailto:ZGuilford@guilfordassoc.com]
Sent: Monday, September 22, 2008 3:44 PM
To: Brown, David
Cc: Foeman, Walter; FineR@gtlaw.com
Subject: 360 Solano Prado

David: Robert Fine contacted me regarding a deferral of an appeal we filed regarding a variance he received from the Board of Adjustment at the September 8th meeting. I do not have an objection to Robert's deferral as I am trying to get my client and Robert together in order that they might reach some form of agreement. Robert or I will contact you when and if we wish to proceed with the appeal. Thank you. Zeke

Robert S. Fine, Esq., AIA

360 Solano Prado
Coral Gables, Florida 33156
(305) 579-0826
(305) 665-8099
(305) 961-5826 (Fax)
E-mail: FineR@gtlaw.com

2008 SEP 23 AM 8:24
CITY OF CORAL GABLES
OFFICE OF THE CITY CLERK

VIA REGISTERED E-MAIL and CERTIFIED MAIL

September 22, 2008

David Brown, City Manager
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134

RE: APPEAL OF VARIANCE GRANTED TO 360 SOLANO PRADO, CORAL GABLES FILED BY ANDRES MURAI: REQUEST FOR DEFERRAL

Dear David:

I just recently discovered, by way of a visit to the City Clerk's office, that Zeke Guilford, on behalf of Andres Murai, filed an appeal of the variance I was granted at the last Board of Adjustment meeting to allow my house to have a metal roof. According to Section 3-606 of the Zoning Code, appeals from decisions of the Board of Adjustment to the City Commission are to be placed on the next regular meeting of the City Commission where there is at least 10 days between the filing of the appeal and the City Commission meeting. By my count, that means this appeal is going to be set on the October 14, 2008 agenda of the City Commission.

Unfortunately, I will be representing clients in hearings before the Florida Building Commission in Tampa on October 13-15 and so cannot be available for that hearing date. Therefore, in accordance with Section 3-608 A.1. of the Zoning Code, I respectfully request that this appeal be reset to the next City Commission meeting on October 28, 2008.

Thank you for your consideration and please confirm back to me the resetting of the date of the appeal before the City Commission.

Best regards,

Robert

Robert S. Fine, Esq., AIA

To: David Brown, City Manager
From: Robert S. Fine
Date: September 22, 2008
Re: Application for variances

Page 2

cc: Maria Jimenez
Dona Lubin
Edward Weller
Martha Salazar-Blanco
Elizabeth Gonzalez
Zeke Guilford, Esq.

Foeman, Walter

From: Brown, David
Sent: Tuesday, September 23, 2008 8:10 AM
To: Foeman, Walter
Subject: FW: (R)egistered: FW: 360 Solano Prado
Attachments: 180211672_1.DOC

From: FineR@gtlaw.com [mailto:FineR@gtlaw.com]
Sent: Monday, September 22, 2008 2:51 PM
To: Brown, David
Cc: Jimenez, Maria A.; Lubin, Dona; Salazar-Blanco, Martha; Weller, Edward; Gonzalez, Elizabeth; FineR@gtlaw.com
Subject: (R)egistered: FW: 360 Solano Prado



This is a Registered E-mail® message from FineR@gtlaw.com.

From: Fine, Robert (Shld-Mia-ADA/Env)
Sent: Monday, September 22, 2008 2:45 PM
To: Fine, Robert (Shld-Mia-ADA/Env)
Subject: 360 Solano Prado

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to postmaster@gtlaw.com.

For more information about the RPost® Registered E-mail® service visit <http://www.rpost.com>

STAFF REPORT FOR 360 SOLANO PRADO

Architect/Engineer: Raul Sotolongo

Legal Description: Lot(s): 77, Block: 2
Old Cutler Bay Section 4, PB/PG: 82/34

Present Owner(s): Robert S. Fine and Isabel Fine

Present Use: Single-Family

Zoning Classification: "SFR"

Land Use Designation: Single-Family Residential

APPLICANT'S PROPOSAL: In connection with proposed single-family residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the proposed single-family residence to have a west side setback distance of six (6'-0") feet vs. the proposed new single family residence maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101(D) and A-72 (A)(2) of the Coral Gables "Zoning Code."
2. Grant a variance allowing the proposed mechanical equipment, specifically air conditioning units and pool equipment to have a side setback distance of six (6'-0") feet vs. the proposed mechanical equipment maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101(D), A-72 (A)(2) and 5-1804 of the Coral Gables "Zoning Code."
3. Grant a variance allowing the proposed building site to provide a landscape open space of seven thousand three hundred fifty-six (7,356) square feet (37.21%) of the site area vs. the proposed landscape open space to be a minimum of seven thousand nine hundred eight (7,908) square feet (40%) of the site area as required by Section 5-1105 (B)(1) of the Coral Gables "Zoning Code."
4. Grant a variance allowing the proposed single-family residence to have a standing seam metal roof vs. pitched roofs shall be constructed of vitrified clay tile, concrete tile, cement tile, coral rock slabs, slate, white Bermuda roof or copper as required by Section 5-1601 and 5-1605 of the Coral Gables "Zoning Code."
5. Grant a variance allowing the proposed single-family residence to have an exterior wall facing material of Hardy Plank siding vs. wood facings shall be permitted on the exterior walls of single-family residences in the area of Coral Gables lying south of the Coral Gables Deep Waterway and east of Old Cutler Road as provided by Section 5-607 of the Coral Gables "Zoning Code."

BOARD OF ARCHITECTS REVIEW: All as shown on plans which have received Preliminary approval by the Board of Architects on June 12, 2008.

ADVERTISING: This application was advertised in the Miami Daily Business Review on August 28, 2008. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on August 28, 2008.

STAFF OBSERVATION:

Items No. 1 and No. 2

The Applicant is requesting several variances for the proposed single-family residence. Items No. 1 and No. 2 are interrelated. The request is to provide a six (6'-0") feet, West side setback and be allowed to encroach into the required side setback of ten (10'-0") feet as required under the "Zoning Code" Site Specifics Regulations pertaining to this particular building site.

Item No. 1 pertains to a concrete slab cantilevered into the required side setback area. Item No. 2 pertains to the mechanical equipment, specifically the air conditioning units and pool equipment on the concrete slab, cantilevered into the required side setback area.

The "Zoning Code" is specific in prohibiting any building, structure or portion thereof to be erected at a lesser distance from the front, side or rear line of any building site as prescribed and established for such building site. The "Zoning Code" also clearly states, all mechanical equipment installed on or attached to premises shall be completely retained within the primary building, or shall meet side and rear setback requirements for the principal structure.

After careful review of the plans submitted for the proposed single-family residence, and because this is not an existing residence with an unusual size and/or lot configuration, staff has determined that an alternate location could be found to comply with the standards required by the "Zoning Code." Staff is recommending DENIAL of Item No. 1 and No. 2.

Item No. 3

The Applicant is requesting a reduction in the required landscaped open area as prescribed by the "Zoning Code." The code requires all single-family building sites to provide a minimum of forty (40%) percent of the site area to be landscaped open space. The purpose of providing 40% is to preserve the existing natural environment and promote a positive urban image, enhancement of property value, promotion of orderly growth and overall enhanced aesthetic quality in the City. The Applicant is proposing thirty-seven (37.21%) percent. The deficit in actual square feet is five hundred fifty-two (552).

After review of the proposed single-family residence, staff has determined that the Applicant has not demonstrated a hardship for this request. A reduction of the building, driveway area or pool deck would satisfy the open landscape area requirement, therefore, staff is recommending DENIAL of Item No. 3.

Item No. 4

The Applicant is requesting to install a standing seam metal roof. The "Zoning Code" is specific in the allowable materials which may be used on pitched roofs.

As stated in "Zoning Code" Section 5-1605, except in Golden Gate, MacFarlane Homestead and St. Alban's Park, Coconut Grove Warehouse Center, that part of the Industrial District and/or Mixed-Use District abutting South Dixie Highway (U.S. Route 1), and where plastic or glass translucent material is used as permitted elsewhere in this article, pitched roofs shall be constructed of:

- A. Vitrified clay tile.
- B. White concrete tile. The finished surface for white concrete tile shall be a mixture of one (1) part Portland white cement to three (3) parts white silica sand, together with a waterproofing and plasticizer ad-mix. These ingredients shall be mixed with water to a consistency equal to that of a finishing coat of plaster. The mix thus obtained shall be pressure troweled onto the surface of the freshly extruded tile at the time of manufacture.
- C. Colored cement tile, provided the tile is color saturated with the same color intensity throughout and the color is not surface applied, and provided the color meets with approval of the Board of Architects, taken in conjunction with the surrounding areas. Such colored cement tile roofs, which have been installed according to approved plans, may be painted or repainted a different color from the original color of the installed tile, subject to approval of the application and the paint specifications by the Board of Architects.
- D. Coral rock slabs laid shingle fashion.
- E. Thick butt variegated colored slate as approved by the Board of Architects.
- F. White Bermuda roof, with a minimum pitch of not less than five (5") inches in twelve (12") inches.
- G. Where there exist a pitched roof of other material that was permitted at the time of the original construction, additions to or replacements to said building may use the same material.
- H. Roofs on accessory or auxiliary buildings shall conform to the roof requirements for the principal building provided that bomb shelters and/or fallout shelters may be constructed with a flat roof and that the maximum height of such shall not exceed four (4'-0") feet above grade.
- I. Roof tiles with surface applied glaze under the manufacturer's process, provided that the color meets with the approval of the Board of Architects taken in conjunction with the surrounding area and provided further that the tile shall not be painted or repainted.
- J. Copper may be used as a roofing material for residences subject to approval of design, manner of installation, and conformity with the architectural design, style and composition of the proposed residential structure as shall be approved by the Board of Architects.

The City Commission has extensively reviewed the installation of standing seam metal roofs. On May 13, 2008, the City Commission was unable to adopt an ordinance amending the "Zoning Code" to permit standing seam metal roofs in the City.

After review of the plans presented, and considering the specific materials allowed for pitched roofs as prescribed in the "Zoning Code," the Applicant has failed to demonstrate a hardship, therefore, staff recommends DENIAL of Item No. 4.

STAFF RECOMMENDATION: Pursuant to Section 3-806 STANDARDS FOR VARIANCES of the "Zoning Code," the Zoning Division staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 1525, as amended and known as the "Zoning Code," and makes the following recommendations:

1. That special conditions and circumstances do not exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

2. That the special conditions and circumstances would result from the actions of the Applicant.
3. That granting the variance requested will confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of these regulations would not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would not work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").
5. That the variance granted is not the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That granting the variance will change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will not be in harmony with the general intent and purpose of these regulations and that such variance will be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division staff recommends DENIAL of items 1, 2, 3 and 4 of the Applicant's proposal.

Item No. 5

The Applicant is requesting a variance to permit the installation of Hardy Plank siding on the exterior wall facing of the proposed single-family residence.

The "Zoning Code" allows for the use of wood siding as an exterior finish on walls. The plans have also received approval from the Board of Architects.

After review of the plans submitted, the Zoning Division staff has determined that Hardy Plank siding has the same appearance as the allowable wood siding specified in the "Zoning Code," and is as durable and resistant from permanent water and salt spray damage as the wood facings allowed.

The Zoning Division staff recommends APPROVAL of Item No. 5.

STAFF RECOMMENDATION: Pursuant to Section 3-806 STANDARDS FOR VARIANCES of the "Zoning Code," the Zoning Division staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 1525, as amended and known as the "Zoning Code," and makes the following recommendations:

1. That special conditions and circumstances do exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the Applicant.

3. That granting the variance requested will not confer on the Applicant a special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of the "Zoning Code" would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the "Zoning Code," and would work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").
5. That the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That granting the variance will not change the use to one that is different from other land in the same district.
7. That the granting of the variance will be in harmony with the general intent and purpose of the "Zoning Code," and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division staff recommends APPROVAL of item 5 of the Applicant's proposal.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the **LEGAL CLERK**, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

BOARD OF ADJUSTMENT OF THE CITY OF CORAL GABLES NOTICE OF PUBLIC HEARING FOR SEPTEMBER 8, 2008

In the XXXX Court,
was published in said newspaper in the issues of

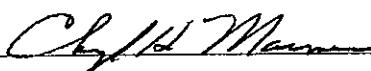
08/28/2008

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



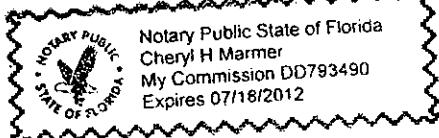
Sworn to and subscribed before me this

28 day of AUGUST , A.D. 2008



(SEAL)

V. PEREZ personally known to me



PUBLIC NOTICES & HEARING

BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

All interested parties are hereby notified that the Board of Adjustment of the City of Coral Gables, Florida, will hold a public hearing for the purpose of hearing variance requests and taking action on such requests, reviewing and taking action on appeals from Administrative Officials, and other decisions made under the outlined in Section 240.4 of Ordinance No. 1525 as amended and known as the Zoning Code of the City of Coral Gables, Florida, and:

1. Case No. 8667-Z Consider a variance request in regard to the side setback (mechanical equipment) within a 10' side setback area required for a proposed metal roof and exterior wall facing material for the proposed single family residence located at 160 Soledad Plaza, Coral Gables, Florida.
2. Case No. 8680-Z Consider a request for an appeal of the approval of a permit by the Building Official for the installation of a painted copper roof for the property located at 601 Navarre Avenue, Coral Gables, Florida.
3. Case No. 8681-Z Consider a variance request in regard to the proposed metal roof for the existing single family residence located at 601 Navarre Avenue, Coral Gables, Florida.

Interested parties may express their views at the hearing or file them in writing with the undersigned on or before the commencement of the hearing which will be held before the Board of Adjustment of the City of Coral Gables at City Hall, 405 Biltmore Way, in the Commission Chamber, Coral Gables, Florida, commencing at 8:00 A.M. Monday, September 8, 2008.

If a person decides to appeal any decision made by a board/committee with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

Any person requiring special accommodation for participation in the meeting because of a special disability should call the City Manager's Office no less than five working days prior to the meeting at (305) 460-5204.

Elizabeth Gonzalez
Acting Secretary

08-3-135/1075452M

8/28

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT
P.O. Box 141549
CORAL GABLES, FLORIDA 33114-1549
AUGUST 28, 2008

NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT

The following application has been filed requesting a variance(s) pursuant to the Zoning Regulations as outlined under the Applicant's Proposal:

8677-Z

Lot(s): 77, Block: 2
Old Cutler Bay Section 4, PB/PG: 82/34
360 Solano Prado

Robert S. Fine, Esq. – Applicant
Robert S. Fine and Isabel Fine – Owner
Raul Sotolongo – Architect/Engineer

APPLICANT'S PROPOSAL: In connection with proposed single-family residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the proposed single-family residence to have a west side setback distance of six (6'-0") feet vs. the proposed new single family residence maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101(D) and A-72 (A)(2) of the Coral Gables "Zoning Code."
2. Grant a variance allowing the proposed mechanical equipment, specifically air conditioning units and pool equipment to have a side setback distance of six (6'-0") feet vs. the proposed mechanical equipment maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101(D), A-72 (A)(2) and 5-1804 of the Coral Gables "Zoning Code."
3. Grant a variance allowing the proposed building site to provide a landscape open space of seven thousand three hundred fifty-six (7,356) square feet (37.21%) of the site area vs. the proposed landscape open space to be a minimum of seven thousand nine hundred eight (7,908) square feet (40%) of the site area as required by Section 5-1105 (B)(1) of the Coral Gables "Zoning Code."
4. Grant a variance allowing the proposed single-family residence to have a standing seam metal roof vs. pitched roofs shall be constructed of vitrified clay tile, concrete tile, cement tile, coral rock slabs, slate, white Bermuda roof or copper as required by Section 5-1601 and 5-1605 of the Coral Gables "Zoning Code."
5. Grant a variance allowing the proposed single-family residence to have an exterior wall facing material of Hardy Plank siding vs. wood facings shall be permitted on the exterior walls of single-

All interested persons are advised that if they decide to appeal any decision made by the Board of Adjustment on this item, they will need a record of the proceedings of the Board of Adjustment which record includes the testimony and evidence upon which the appeal is to be based. A record of the proceedings of the Board of Adjustment may need to ensure that a verbatim record of the proceedings are made, and therefore may need a record of the proceedings of the Board of Adjustment which record includes the testimony(s) and evidence upon which the appeal is to be based.

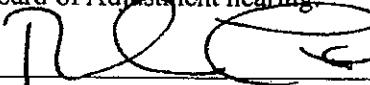
**BOARD OF ADJUSTMENT
APPLICATION CHECKLIST**

The following items are required for the processing of a public hearing before the Board of Adjustment:

	REQUIREMENTS	OFFICE USE ONLY
1)	Application	/
2)	Applicant's Proposal	/
3)	Letter of Intent	/
4)	Owners Affidavit	/
5)	Application Fee (Copy of receipt)	/
6)	Proof of ownership if ownership of the property has changed in the last year	/
7)	Register as a lobbyist (see attached)	/
8)	1 Original Certified Mailing List	/
9)	3 sets of Mailing Labels	/
10)	Signed and Sealed survey of property	/
11)	Full size set of plans (stamped by the Board of Adjustment)	/
12)	13 copies on 11" x 17" paper of the plans	/
13)	13 sets of color photographs (35mm or digital photographs) Must be labeled	/
14)	Others (letter of support, rescheduling letter, or etc.)	/

This application was checked for completeness and may be schedule to be heard by the Board of Adjustment on 8/1/08 and Received by EL Date 7-3-08

9-08-08
The Building and Zoning Department cannot accept applications that are not complete for any hearing before the Board of Adjustment. Applications, which have not been checked, will not be processed for a Board of Adjustment hearing.

Applicant's Signature: 

Office use only:

CITY OF CORAL GABLES
Building and Zoning Class 1 Department
Board of Adjustment Application

8677-Z

B.O.A. No.: _____

Applicant: Robert S. Fine Phone: 305-579-0826
Address: 1721 Brickell Ave Cell: 786-281-0595
Miami, FL 33131 Fax: 305-961-5826
E-mail: finer@gtlw.com

This is a request for a Variance _____ Appeal _____ Ruling
(Provide a "X" on desired request)

Owner: Robert S. and Isabel Fine Phone: 305-579-0826
305-665-8099

Owner's Address: 360 Solano Prado, Coral Gables, 33156

Job Address: same Folio No.: 03-5105-008-0200
Legal Description:

Section: Old Cutler Bay Section four Block: 2

Lot(s): 77 PB/PG: C2/34

Architect: Raul Sotolongo Phone: 305-593-9798

Board of Arch.#: P/AB-08-04-1093 Date: 6/12/08 Action: Approved PRELIMINARY

Has there been a Board of Adjustment hearing on the property in the last year? No

Is this request the result of a Notice of Violation? No

Is this request the result of a deviation from an approved set of plans? No

Has the property owner owned the property for at least one year? Yes

The information provided in this application is true and correct, and the application is being submitted with all of the documents necessary for review by the Board of Adjustment and the Building and Zoning Department. I understand that failure to provide the information necessary for review by the Board of Adjustment may cause my application to be deferred without further review of consideration. I have read and understand all of the information in the City of Coral Gables Board of Adjustment Information brochure.

Applicant (Signature) R. S. Fine Date: 1-30-08

Board of Adjustment Owner's Affidavit

I/We Robert S. and Isobel Fine as Owner(s) of Lot(s) 77

Block 8, Section Old Cutler Bay Sec Four, PB/PG 82/34

(the Subject property) located at 360 Solano Pado desires to file an application for a public hearing before the Board of Adjustment of the City of Coral Gables and I/we do understand and agrees as follows:

1. That the application for a variance will not be heard unless the applicant is present at the Board of Adjustment Hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing at which time it is the Applicant's responsibility to remove the sign.
3. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:
A. Conditional uses and variances: six (6) months. B. Change in zoning map, zoning text amendments, comprehensive land use plan text, comprehensive land use plan map, amendments and application for abandonment and vacation of non-fee interests: twelve (12) months (Section 3-210. Resubmission of application affecting same property).
4. That the only variance or items being requested are those that have been specified in the written application for a variance, and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Coral Gables.
5. That the applicant will be responsible for complying with all of the conditions and restrictions imposed by the Board of Adjustment in connection with the requested variance, and will take the necessary steps to make the variance effective if approved by the Board of Adjustment.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Board of Adjustment to hear the applicant's request.
7. That the applicant is responsible for the submission and accuracy of a certified mailing list and (3) three sets of mailing labels according to the latest ad valorem tax record of all property owners with (1,000) one thousand feet of the property for which a public hearing before the Board of Adjustment is being requested.
8. Any variance granted by the Board of Adjustment or the City Commission shall be in effect for (12) twelve months from the date of approval. If a permit is not issued within the (12) twelve months, and work commenced, then the variance shall become null and void. One twelve-month extension of a variance may be granted by the Development Review Official.

I/We as the owners of the subject property: (do hereby authorize Robert S. Fine to)

(will on my / our own behalf)

Act as the applicant and make application in connection with this request for a public hearing before the Board of Adjustment.

Signature of Owner RLF

Notary Public Signature Leyla M Lucas

June 30-2008

Print Owner's Name Robert Fine

Print Notary's Name Leyla M Lucas

Notary Public State of Florida

Leyla M Lucas
My Commission DD448676
Expires 09/24/2009

Signature of Owner Isobel Fine

Notary Public Signature Leyla M Lucas

June 30-2008

Print Owner's Name Isobel Fine

Print Notary's Name Leyla M Lucas

Notary Public State of Florida

Leyla M Lucas
My Commission DD448676
Expires 09/24/2009

Signature of Applicant RLF

Notary Public Signature Leyla M Lucas

June 30-2008

Print Applicant's Name Robert Fine

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Robert S. Fine, Esq., AIA

Robert S. Fine
360 Solano Prado
Coral Gables, Florida 33156
1221 Brickell Avenue
Miami, Florida 33131
Tel. 305.579.0826
Fax 305.961.5826
finer@gtlaw.com

Rev. August 26, 2008

VIA E-MAIL and HAND DELIVERY

Members of the Board of Adjustment
City of Coral Gables
Building & Zoning Dept.
405 Biltmore Way
Coral Gables, FL 33134

Re: Applicant's Proposal for Request for Variances: 360 Solano Prado, Coral Gables.

Dear Members of the Board of Adjustment:

I represent Robert and Isabel Fine in this request for variances from the City of Coral Gables (the "City") Zoning Code (the "Zoning Code") for the proposed new construction of a single family home located at 360 Solano Prado, Coral Gables (the Project"). It is in this regard that I respectfully submit to you this "Applicant's Proposal."

The Project consists of a proposed one-story single family home located in the Old Cutler Bay neighborhood. The zoning classification for the approximately 19,770 square foot lot is SFR. Although the Zoning Code would allow for a much larger two-story home, the owners have chosen to build a smaller one-story home, more in the context of the original neighborhood. The resulting project is submitted herewith.

Our Applicant's proposal and request to the Board of Adjustment are as follows:

1. Grant a variance allowing the proposed building to have a west side yard setback of 6'-0" vs. having a 10' setback as would be otherwise be required by sections 4-101(D) and A-72 A.2., of the January 2008 edition of the Zoning Code of the City of Coral Gables (the "Zoning Code");
2. Grant a variance allowing the proposed building to have air conditioning units and/or pool equipment within a (west side) side yard setback of 6'-0" vs. having a 10' setback as

Members, Board of Adjustment

Rev. August 26, 2008

Page 2

would be otherwise be required by section 5-1804, as well as sections 4-101(D) and A-72 A.2. of the Zoning Code.

3. Grant a variance allowing the proposed building site to have landscaped open space of 7356 square feet or 37.2% of the site as opposed to the landscaped open space requirement of 40% required by section 5-1105 B. of the Zoning Code;
4. Grant a variance allowing the residence to have a standing seam metal roof vs. having a roof constructed of tile, coral rock slabs, slate, white Bermuda construction or copper as required by section 5-1605 of the Zoning Code;
5. Grant a variance allowing the building of have an exterior wall facing material of hardy plank siding as opposed to being limited to the several wood species prescribed for allowable wood siding in section 5-607 A. of the Zoning Code;

We appreciate the Board's staff's assistance with, and the Board's consideration of, this matter. We would appreciate it if the staff would place this matter on the August 4, 2008 agenda of the Board of Adjustment.

Upon your review of the application, please do not hesitate to call me with any questions.

Sincerely,



Robert S. Fine

RSF

cc: Elizabeth Gonzalez
Martha Salazar-Blanco
Carlos Mindreau

Robert S. Fine, Esq., AIA

Robert S. Fine
360 Solano Prado
Coral Gables, Florida 33156
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Revised August 26, 2008

VIA HAND DELIVERY and ELECTRONIC MAIL

Members of the Board of Adjustment
City of Coral Gables
Building & Zoning Dept.
405 Biltmore Way
Coral Gables, FL 33134

Re: Request for Variance Letter of Intent: 360 Solano Prado, Coral Gables.

Dear Members of the Board of Adjustment:

I represent Robert and Isabel Fine in this request for variances from the City of Coral Gables (the "City") Zoning Code (the "Zoning Code") for the proposed new single-family residence located at 360 Solano Prado, Coral Gables (the "Project"). It is in this regard that I respectfully submit to you this "Letter of Intent."

The Project consists of a proposed one-story single family home located in the Old Cutler Bay neighborhood. The zoning classification for the approximately 19,770 square foot lot is SFR. The zoning code would allow for a significantly larger residence and a second story; however, the owners have chosen to seek approval to construct a home closer to the original scale of the neighborhood. The variances sought in this application are (a) a side yard setback variance; (b) a variance to allow mechanical equipment in the side yard setback; (c) a minimal landscape open space variance; (d) an exterior materials variance to allow for the use of a standing seam metal roof, and (e) an exterior materials variance to allow for the use of hardy plank siding instead of wood siding. The resulting project is submitted herewith.

It is requested that the Board of Adjustment grant the variances detailed in the Applicant's Proposal based upon the following justifications:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or

Members, Board of Adjustment

August 26, 2008

Page 2

buildings in the same zoning district-- the site consists of a pie-shaped lot with the (angled) east side setback line causing the housing to be pushed towards the west to maintain the east side setback. The landscape open space variance request is founded on the same basis for which a variance was previously granted to this property with staff support. That basis involves the elevation change from the seawall cap to the lowest allowed floor elevation and providing a transition area that can be reasonably maintained. The project originally consisted of an existing residence that was approved to have a metal roof. Due to a catastrophic flood caused by a broken water pipe under the residence, the project is now for a new single story residence but has lost its vested approval for a metal roof and its landscape open space variance.

2. *That the special conditions and circumstances do not result from the actions of the applicant- the property was vested with an approval for a metal roof, and a landscape open space variance based on the same hardship as set forth in this application. This application is for a new residence that the owners chose to build (instead of the prior-approved remodel-addition) due to a catastrophic water leak that rendered the residence uninhabitable and created fears that all water-related damage and mold might not be sufficiently removed. Because this application is not exact replica of the damaged residence, the vesting was lost.*
3. *That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district- the variance request for the metal roof is based in part on the property having attained a prior approval for a metal roof. A number of residences in the immediate area have been approved for, and have installed, or are in the process of installing similar metal roofs. Further, a number of other residences in the zoning district have attained approvals for exterior finish materials such as hardy plank siding that provide the same aesthetic effect as the materials they are intended to replicate but possess greater durability and require less maintenance.*
4. *That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant. A number of residences in Old Cutler Bay now possess or are in the process of installing metal roofs. Old Cutler Bay has several residences with hardy plank siding.*

Members, Board of Adjustment

August 26, 2008

Page 3

5. That the variances granted are the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *In fact, the variances being sought provide benefits to neighborhood-- from minimizing noise to a adjacent neighbor (setback variance) to the use of materials that will be better maintained to the aesthetic benefit of the neighborhood.*

We appreciate your and your staff's time and assistance regarding the Project and this application. Please do not hesitate to call me with any questions you may have.

Sincerely,

Robert S. Fine

Cc: Elizabeth Gonzalez
Martha Salazar-Blanco
Carlos Mindreaux