

City of Coral Gables City Commission Meeting
Agenda Item E-1
October 14, 2008
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Zoning Administrator, Martha Salazar-Blanco
City Architect, Carlos Mindreau

Public Speaker(s)

Thomas R. Mooney, Appellant, 601 Navarre Avenue
Charles Girtman, Coral Gables Resident

E-1 [Start: 11:39:10 a.m.]

Board of Adjustment Appeal – Item No. 8681-Z

Thomas R. Mooney, Applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting of September 8, 2008, wherein it denied an application for a variance pursuant to Ordinance No. 1525, as amended and known as the “Zoning Code”. (Board of Adjustment Vote: 3-2)

SUMMARY OF APPEAL

The Applicant is appealing the Board of Adjustment decision in regard to the proposed standing seam metal roof for the existing single-family residence, as outlined under the Applicant’s Proposal as follows:

Consider a variance request for a standing seam metal roof for the existing single-family residence located at 601 Navarre Avenue, Coral Gables, Florida.

Mayor Slesnick: We have item E-1, is a Board of Adjustment appeal; the item for the Board of Adjustment was 8681-Z. This is an appeal by Mr. Tomas R. Mooney, applicant who filed an appeal to our Commission from a decision of the Board of Adjustment at its regular meeting of September 8, 2008, wherein it denied an application for a variance pursuant to Ordinance No.

1525, as amended and known as the “Zoning Code”; and the summary of the appeal, we’ll let him give the summary of the appeal; Mr. Mooney.

Mr. Mooney: Good morning Mr. Mayor, members of the Commission; for the record Thomas Mooney, with residence at 601 Navarre Avenue. Why I’m standing before you today is the appeal of the denial by the City’s Board of Adjustment on September 8, 2008 for a variance for a white standing seam metal roof for our residence. By way of introduction, I’m here today with my wife Gilda; and I’ve been a resident of the City since 2000; and my wife has been a resident since she was five; and she told me I can say this, she’s thirty-six now, she’s a life-long resident. When we bought our house in 2002, it took about two years to actually finally find a home, and so we both plan on being very long term residents of the City. With regard to our house, we’ve had kind of an ongoing problem with roof leaks and Hurricanes of 2005, when we got a series of storms in the year 2005. The leaks that we experienced was due to wind-blown debris damage; and finally after the last storm two different roofers finally told us that we can’t just keep on repairing this. You are going to have to put on a new roof because every time that you make a repair of the roof the leak will migrate and create another leak, that’s just sort of the nature of a flat tile roof that has a thirty pound [inaudible] underneath it. So we decided to...in late 2005 white tiles weren’t available. The only types of materials that were available in terms of tiles were Spanish “S” tiles and barrel tile, which didn’t work with our house architecturally; and from my understanding with the previous Assistant Building Director probably wouldn’t be approved by the Board of Architects; when I inquired as to the use of white standing seam metal, he said that it would require a variance and the likelihood of getting a variance was remote. So we continued to repair the roof and it reached a crescendo this past June when we had the tropical weather systems, and at that time we decided that, OK, we need to repair the roof and we have one or two options; we could either...

Mayor Slesnick: Mr. Mooney, I’m sorry, I’ve been informed that I messed up again; you need to be sworn in. So we’ll make this retroactive.

Mr. Mooney: OK.

Mr. Clerk: Do you solemnly swear and affirm that the statements that you make today will be the truth and nothing but the truth?

Mr. Mooney: I do.

Mr. Clerk: Thank you.

Mayor Slesnick: Is there anybody else appearing on this item? Thank you. We need to swear you in too.

Mr. Clerk: Do you solemnly swear and affirm that the statements that you make today will be the truth and nothing but the truth?

Audience Member: I do.

Mr. Clerk: Thank you.

Mr. Mooney: So this past June after the weather systems that we had gotten, the leaks started to get really bad, by the time it reached our son's nursery, we decided, OK, we have to get a new roof and we've got one of two choices. Based upon the City Code we can either do flat white tile or we can do copper. We decided that although it was substantially more expensive, the peace of mind that we would get with copper in terms of durability for wind-blown debris was something that we were willing to look into and possible install, however, from an architectural standpoint either natural finished copper or patina copper just didn't work with the architecture of our home. So we made applications with the Board of Architects on July 3rd, and receive approval for a white painted copper roof; and I brought in a sample. This is basically what a typical tile roof would look like and this is what it would look like painted; dimensionally it's identical, there's no difference in terms of the wood for the panels, in terms of the seams, the only difference is the exterior color. So the Board of Architects approved our request for the painted copper roof, and then we proceeded to then, I just got the permit for it last week. Before we went to the Board of Architects for that, I did have discussions with all my neighbors, all the neighbors that live down the street, and in your packet, I believe it's in there today, there are letters of support from all my neighbors. So, I just also want to clarify as part of the introduction that my request for a variance is not part of the previous legislative process; that I also participated in, but this is something that is for my own property and it's not meant to foster any further discussion beyond that property. So with that...with regard to the hardship criteria, with the action of the Board of Adjustment on September 8th, the basis of my variance is as follows. When you take a look at the two different panels, what I have a permit for is painted copper, and what I was seeking a variance for they are one in the same, you can't tell the difference. So, I think that...[inaudible – off mike]...was that if they are going to look exactly the same from an aesthetic standpoint, there is no difference and one is permitted by the Code, what you don't see are some fairly substantial differences with regard to the white standing seam metal; that include an energy star rating, which will lower your utility bill by forty percent; storm durability; durability of the material itself; and then also as importantly a reduction in the carbon footprint, because unlike copper, what standing seam metal will do is it will reflect sunlight as opposed to absorb it like copper would; and then also, and this was something that was I think more [inaudible] because we grappled with cost and it was something that we decided that we needed to deal with if we needed to, its also...[inaudible]...not just the cost of the copper, but the painting process and then the installation process that you have to go to on the interior. Mr. Mayor, what I've done is in my letter of intent that everybody received, I went through why I felt that hardship criteria was satisfied. I can go through it if you would like, but everybody has already read it, I don't necessarily need to go through it again.

Mayor Slesnick: Well, let me say this; not only have we read it, but we will assure you that that's part of the record, so it's now officially, it was, but now publicly let me let you know its officially part of the record.

Mr. Mooney: OK, but...

Mayor Slesnick: So its part of your case preparation.

Mr. Mooney:...For the sake of [inaudible]..I won't necessarily...so.

Mayor Slesnick: Then the Commission may have questions about that.

Mr. Mooney: Yes. So the Board of Adjustment approved the variance by a vote of 3-2, unfortunately there was not a quorum; there was a quorum, but there was not a full Board. Although they approved it 3-2, the Code requires that I need four votes in order for a variance to be granted, so technically it was a denial. The Board was nice enough to ask me if I would prefer to have the matter continued to the October meeting, but I declined to do so for two reasons; number one, they didn't know when they were going to have a full Board again; and number two, our roof issues with regard to leaks and...[inaudible]...so I needed to move the process forward; and I had a feeling that given the amount of opposition to it at the Board meeting, that this matter was likely going to come before you on an appeal, even if I'd gotten a variance, so. The staff to the Board in their report, they didn't really go into detail with regard to the analysis that I'd done on the hardship criteria; their basis for denial in their report was due to aesthetics and compatibility, even though these are not part of the hardship criteria, I will address these. One thing I would want to point out though is that at the same meeting there was a variance request for Hardy Plank siding on the exterior wall of a single family home; and the Zoning Code, I'm quoting from the staff report, allows for the use of wood siding on an exterior finish on walls. After review of the plans submitted, the Zoning Division determined that Hardy Plank siding is the same appearance as the allowable wood siding specified in the Zoning Code is that as durable and resistant for permeable water and salt spray damage as wood fascias allows. So basically their rationale for bringing the variance with the Hardy Plank siding was a carbon copy of my request of standing seam metal as opposed to what is true and [inaudible]. With regard to architectural compatibility and neighborhood context, the Board of Architects approved both white painted copper roofs as well as the standing seam metal and concluded that it was in full compatibility and harmony with the surrounding area. In addition to that, I've spoken to a number of architects who have concurred with me, and I also submitted for the record a letter, and this should be in your packets as well, its from Jose Gelabert-Navia, I think most of you know him, he's a very highly respected architect with Perkins and Will, who has done a number of historic restorations around the country; he lives in North Gables and restored his own historic home; and he agreed that my request for both painted white copper as well as white standing seam metal are fully compatible with the architecture of the home, and would be fully conformed with the harmony and the compatibility of the surrounding area. You should have that in the record again, because its part of the record; I won't go ahead and read that into the record. Visually, there would be no change in the house no matter which [inaudible] would be used, whether the painted white copper or the white standing seam metal; and since I will be going with the roof material that is permitted by Code, it is also similar to a variance that was granted by the Board of Adjustment a little over a year ago, and this is at 219 Ridgewood Avenue; and this is a variance for a standing seam metal roof on a wood frame bungalow house, and the rationale for their variance was that the roof that was permitted by Code was not as good as a standing seam metal; a standing seam metal would be much stronger, much more versatile, and it would be as architectural compatible as shingles that are permitted by Code. So the Board of Adjustment has already set the precedent; my variance request is very similar to that because the home size is similarly situated, and the neighborhood context is similarly situated. So with that, I'm am going to conclude my presentation by saying that the proposal for the white standing

seam metal again, is no different materially aesthetically than painted white copper; its substantially better in terms of things that we don't see; and also I think its important to point out, as I said in the introduction, my wife and I are both life long residents in the Gables, we would never do anything to our house that we felt would harm the house, or harm the neighborhood; the neighbors feel the exact same way, that's why they gave us the letters of support. If you have any questions, I would be glad to answer any questions, and also I'd like to reserve time for rebuttal.

Mayor Slesnick: Thank you. I'd like to ask the staff to give us their report.

Ms. Salazar-Blanco: Good morning Mr. Mayor, members of the Commission. As far as this appeal, again I will repeat what Mr. Mooney has said...

Mayor Slesnick: Martha, grab the microphone to your mouth.

Ms. Salazar-Blanco: The reason why we are here is exactly what Mr. Mooney said, they did make a motion to approve this metal roof, however, there was not four permitted votes, so that's why we are here. However, the truth of the matter is, is there a hardship to have a metal roof? and that's why we are here. There is no hardship. The Zoning Code is very specific on the type of roof materials that we can have, and metal roofs is not one of them. So staff is recommending for the Commission to deny this appeal, and further that this has gone to the Commission many times, and on May of this year the Commission also could not come up with a...to be able to adopt an ordinance to allow a metal roof. Based on all this, staff is recommending for the Commission to deny the appeal.

Commissioner Withers: May I ask you a question? Is copper allowed as a roofing material in Coral Gables?

Ms. Salazar-Blanco: The Zoning Code does not base that it is going to be painted.

Commissioner Withers: No, no, I just asked you if copper is allowed as a material.

Ms. Salazar-Blanco: Yes, yes.

Commissioner Withers: Does it say that you can't paint it?

Ms. Salazar-Blanco: No.

Commissioner Withers: Is concrete a building material in Coral Gables?

Ms. Salazar-Blanco: Yes.

Commissioner Withers: Does it say that you can't paint it, or you paint it?

Ms. Salazar-Blanco: The only section of the Code is the paint is to be able to paint roof cement tile, and that has to be approved by the Board of Architects.

Commissioner Withers: And my feeling is, and I brought this argument up two years ago, is that right now the Code does not disallow it, the Code does not say you can't paint it, just like the Code says you have options to paint your house and your trim and whatever. So, I am going to support the applicant.

Commissioner Cabrera: Is that, is that, OK...I'm with you on what you are saying, and so you are calling the hardship the fact that...

Commissioner Withers: I'm not saying there is a hardship; I'm saying he's allowed to do what he's allowed to do.

Commissioner Cabrera: But no, this is all about a hardship.

Mayor Slesnick: He's not appealing the...

Commissioner Withers: In my mind there's not a hardship, is what I'm saying, in my mind I'm not voting on this variance because there is a hardship here.

Commissioner Slesnick: So how are you voting?

Commissioner Cabrera: So how are you voting?

Ms. Salazar-Blanco: Because there are two different things; there is the appeal and then there is the painted copper roof material, if that is allowed.

Commissioner Withers: I am voting to uphold the appeal because I believe our Code is mute as to painting copper roofs.

Mayor Slesnick: Now wait, that is not what he is appealing.

Commissioner Withers: I know, but I'm just saying, that's how I want to allow...

Commissioner Cabrera: But that's not a hardship.

City Attorney Hernandez: I understand what you are saying, you are denying his request, but you are saying go ahead and paint the copper roof.

Commissioner Withers: Exactly right, because I feel that he got here through a secquetious route through an appeal process, and he should have never been here to the appeal process, that's all I'm saying.

Vice Mayor Kerdyk: So the copper is a material you said, but it's also a color?

Commissioner Withers: White and I think white is an approved roof color in Coral Gables.

Vice Mayor Kerdyk: But copper is a color, so I mean...

Commissioner Withers: In this case copper is a metal.

Mayor Slesnick: No, it's a color.

Vice Mayor Kerdyk: It's a color.

Commissioner Withers: But in our Code is copper, let me finish...

Ms. Salazar-Blanco:...Painted copper or copper being painted as...

Commissioner Withers: In our Code does it refer to copper as a building product or as a color for a roof?

Ms. Salazar-Blanco: As a product, as a true material.

Commissioner Withers: OK. It's not as a color in our Building Code.

Commissioner Anderson: Right.

Mayor Slesnick: Well, Chip...

Vice Mayor Kerdyk: But it talks about patina and...

Mayor Slesnick: That's right...

Commissioner Withers: You guys vote the way you want to vote, I'm just telling you, you don't have to argue with me, you guys have three votes, vote three votes...

Commissioner Cabrera: But I'm not arguing with you. I don't want to argue with you either.

Mayor Slesnick: Wait a minute Chip, don't get distressed here.

Commissioner Cabrera: Let's argue later.

Mayor Slesnick: First of all we need to decide what it is we are voting on. You are arguing that he can paint his copper; he's already gotten his building to paint his copper; he's not here on that issue at all.

Commissioner Withers: I understand.

Mayor Slesnick: He wants to substitute the metal which we don't allow for the copper.

Commissioner Withers: I understand that. I understand.

Mayor Slesnick: OK. That's all.

Commissioner Withers: I understand. My whole point is how silly is that?- how silly are we in allowing a material to be painted white, when we don't allow another material to be painted white, it looks the same way; I mean, I just think its very irrational on our....

Mayor Slesnick: It may be irrational, but I would agree with Commissioner Kerdyk that I have always in all my years on the Planning and Zoning Board, and here have considered copper as having been allowed, because not only of the material aspects, but of the patina or the color, and that copper is in fact a color; copper is not only a material it's a color; cement is not a color; cement is just a material; shingles are not a color, its just material.

Commissioner Cabrera: You can never say my favorite color is cement.

Mayor Slesnick: That's right.

Commissioner Withers: That's my whole point Don, because in our Code copper is a material for a roof...

Mayor Slesnick: That's right.

Commissioner Withers:...it's not a color in our Building Code for a roof.

Mayor Slesnick: I can say to you, I've always considered it a reference of both color and material.

Commissioner Cabrera: You know, when I'm asked what my favorite color is, I usually say clear, because it goes with everything.

Mayor Slesnick: It's a part of our Building Code that needs to be absolutely tightened up because of the disagreements between your interpretation and my interpretation. So obviously there are two interpretations right here on the Commission. I think we should tighten that up, and if you look at the copper roofs that are going on in the Gables, they are not being bastardized by being painted white; they are beautiful copper roofs; one of them over in the golf course here, I noticed the other day, and its not that kind of copper either. Is this the kind of copper we allow?

Commissioner Cabrera: How do you know copper roofs have not been painted?

Mayor Slesnick: I don't know, I'm just saying, I was looking at the copper roof being put up over on Riviera Golf Course.

Commissioner Cabrera: But there could be some copper roofs that have actually been...I bet you there are.

Mayor Slesnick: I've never gone around and done an inventory of...

Commissioner Cabrera: Well, I think it would be hard for any of us to do that.

Mayor Slesnick: But the copper roof I'm watching going up is much different material than this copper.

Mr. Mindreau: Typically when the copper comes up from the mill to the job site, it is copper, it is this copper, but it very quickly begins the patina process and it turns, I don't know specifically the time length, but quickly within a year I think, it begins to turn into the brown; and eventually under the right conditions it turns into the patina, which has a lot of greens and blues, and black, and you'll specifically see copper.

Mayor Slesnick: I'm saying is this...the copper I'm seeing going on roofs is thicker than that copper.

Mr. Mindreau: This is pretty thick as copper goes; this is probably the right gauge for a roof....

Mayor Slesnick: OK – maybe it's the lining.

Mr. Mindreau: The standing seam gets its strength from the vertical rib, that's why its called the standing seam, that gives it the strength; and that's why they crimp in the center of the panel to give it additional stability to keep it from looking like an oil painting.

Mayor Slesnick: And your recommendation to the Board of Architects was not to approve the painting of copper?

Mr. Mindreau: That's correct. In my opinion copper – if you take an inventory of people's opinion of what copper is, it is not a painted finish; it is a natural material that weathers.

Commissioner Cabrera: I'm going to ask Mr. Mooney when he returns for his rebuttal, not now sir, but when you return, Mr. Mooney, having served on the Board of Adjustment, first of all I understand what Commissioner Withers is saying, and I agree with Commissioner Withers, I'm not in disagreement with him; however, the way we are going to derive at our votes might be different, because I'm going to derive at my vote based upon the criteria as set forth by our Zoning Code, and that happens to be in my package; so when its time for you to return, I would like you to try to, for me, address the seven points of the Zoning Code, and then if you're argument is compelling, I'm going to agree with your appeal, but not based....well I'm going to agree in part based upon your rebuttal, and part based upon Commissioner Withers comments. So I just wanted you to be prepared for that.

Mayor Slesnick: Any comments? Mr. Mooney you are on.

Mr. Mooney: OK. Just a couple of comments regarding what was said by City staff; let me get the LOI out as well so that I can answer your specific questions on the hardship criteria. As was stated by some members of the Commission, the material clearly....copper is a material, it's a roofing material; in your Code it a roofing material, and just by way of some background, when my wife and I discussed using copper in June, we said look, its going to be a lot easier just to use

regular copper because we can go to the Board of Architects, they'll approve regular copper and then we're done with it. The problem was, we kept looking at our house; it's a post-war home, and the architecture just doesn't call for patina copper, it's essentially it becomes black standing seam metal. We even went back some homes that have patina copper; there's one on Alhambra Court by the Biltmore Golf Course and that copper works very well with that architecture because it's more of a rusticated type of architecture; and I think if we had a pre-war home, or a home that was designed with a different architectural style regular copper or patina copper would work perfectly, but the other issue that we had was the strength of the copper; and as I indicated in my packet there are two letters from two certified structural engineers, and our biggest concern with the flat tile roof is that the wind blown debris damage; and if we put a copper roof on, we are sort of not acknowledging the aesthetic value of the house; we are compromising the aesthetic value of the house, but we are addressing wind blown debris damage that's...[inaudible]...that's why we decided to paint that material white, because it's something that architecturally just works better than having patina copper on our particular style or architecture. So therefore, that's why we painted it white; the variance application was similar to the Hardy Plank variance request that was granted by the Board at the same meeting. There have been others where you got a material that's specifically not permitted by the Code, but looks exactly like what is permitted; wood siding is permitted by the Code, Hardy Plank siding is just a lot better in terms of durability, and therefore the variance was granted; my variance request was virtually the same thing. So, with regard to the specific hardship criteria that are in the Code, as Commissioner Cabrera correctly pointed out, there are seven criteria. The first being that special conditions and circumstances exist that is peculiar to the land structure or building that are not applicable to other lands. In my particular instance, I've got a very, very shallow pitch of two and-a-half and twelve, that's very unique to other properties, because most properties don't have a pitch like that, that shallow. Additionally, it's a corner lot which makes it more susceptible to wind blown debris damage. The second criteria is that special circumstances and conditions that do not result in the actions of the applicant...

Mayor Slesnick: Wait, wait, wait, you need to speak to your appeal...

Mr. Mooney: Yes.

Mayor Slesnick:...but the pitch and the wind blown covers copper too; you need to speak to your appeal, that you are moving from copper to metal, that's the hardship that you are appealing.

Mr. Mooney: Yes.

Mayor Slesnick: So, I mean copper addresses wind...

Mr. Mooney: You're right, you're absolutely correct; copper does have the same durability of properties as standing seam metal.

Mayor Slesnick: But the hardship that you are asking us to consider is why you are moving from copper to metal, that's the hardship.

Mr. Mooney: OK. The property owners purchased the subject lot well before the potential cycle tropical weather activity has been documented, which forces us into the need for a copper roof; and the copper roof is something that is as durable as standing seam metal; but standing seam metal has a lot of other significant benefits; and I went through those before with regard to the energy benefits, footprint benefits, and then the benefits associated with the long term durability in terms of the content of the metal. The granting of the variance requested will not confer on the applicant any special privileges; this is a corner lot and a roof pitch that is very unique to the area, distinguishing post-war modern style of architecture, and it will not confer a special privilege any more than the variance that was granted at 219 Ridgewood got a special privilege. The little interpretation of the provision of these regulations will deprive the applicant of rights commonly enjoyed by other properties; a number of residencies throughout the City within single family districts and similar situated neighborhoods have had standing seam metal roofs approved some of which were approved by variance, again going back to 219 Ridgewood. The variance is granted as a minimum variance that will make possible reasonable use of the land. As I said before, the need to have a more durable type of roof material to address the wind blown debris damage is essential and standing seam metal will do that. The granting of the variance will not change the use to one that is not permitted; there will be no change in the Zoning Ordinance or use of the land; and at the granting of the variance it would be in harmony with the general...[inaudible]...regulations, and would not be injurious to the area involved and otherwise...[inaudible]...public welfare as determined by the Board of Architects and by a majority of the Board of Adjustment. There is no difference in the exterior appearance of copper painted white and white standing seam metal, such roof material is fully compatible with the architectural style with the existing residents, and the variance being sought would result in the retention and preservation of the existing residential structure that is highly compatible with the established scale, character and context of the area, furthermore the variance would benefit the public welfare as a safer and more durable material and will not result in flying debris in the event of storms would be installed.

Mayor Slesnick: Thank you very much. Mr. Manager, we need to talk about the way in which our agendas are set up, and I would like the City Attorney, not here and now, to weigh in on this in the interim, because this has been listed as a public hearing; I don't think this is a public hearing; this is an appeal, it's a legal process, and only participants in that process and affected persons should be able to take part, but because its been listed as a public hearing Mr. Girtman has asked to speak, Mr. Girtman its your turn.

Mr. Girtman: Charlie Girtman, 744 Tibidabo.

Mr. Clerk: Excuse me Mr. Girtman, let me swear you in.

Mayor Slesnick: Yes, you need to swear in Mr. Girtman.

Mr. Clerk: Do you solemnly and affirm that the testimony you offer today will be the truth and nothing but the truth?

Mr. Girtman: I do.

Mayor Slesnick: Thank you.

Mr. Girtman: For the sake of gravity, do any of the five of you not remember the lengthy arguments I have made against tin roofs before? Are all of you familiar with the periodic table? Anybody take chemistry? There is an awful of difference between the properties of copper and the properties of coated steel. The durability of copper if properly installed a copper roof on a solid structure can last one hundred years; take architecture you'll probably see that than different materials. This what the applicant is asking for is a light gauge steel with a coating process, we generally refer to that as paint; its kind of an electro-coating process with an aluminum oxide in it. It is not the same as everything else in the neighborhood. In my opinion it is not compatible with Coral Gables. As a little aside, I believe that the applicant's house is one that was in Coral Shores, which was one of our subdivisions that my grandfather built many years ago. So the harmony is not a true argument; it is not harmonious with the neighborhood. The energy savings, which I heard the applicant say, I argued this before, you can call Florida Power and Light; they make no difference between a white cement tile and a white painted steel roof. We went through all this, we had a whole lot of witnesses; we had manufacturers, we had their experts, we had neighbors who stood up against this, overwhelmingly against these roofs in their neighborhoods. I brought a list, other people brought a list, some pro, some con; and I think it's a little disingenuous that we have to fight every argument every single time; and I hope that this will end it; I really hope that this will end it. This is Coral Gables, that was house was designed for a cement tile roof on it or something that is opposed, and I genuinely hope that you will discourage more of these appeals. Thank you very much.

Mayor Slesnick: Thank you Mr. Girtman; close the hearing. Let me just say, as I've said before, the Mooney's are neighbors of mine and they are very good people, and very pleasant people, and good community citizens, but Mr. Mooney and I have disagreed on metal roofs from the outset of this discussion, and Mr. Mooney is a very intelligent, well educated and smart person and has found a way to bring this back to us. I am sorry that there are differences in interpretation between myself and the Board of Architects; I'm more sorry that there is a difference of interpretation between myself and Commissioner Withers as to what copper means or doesn't mean; and I think that we need to shore up that part, but at this moment Mr. Mooney has found a way in which to first get a copper roof approved, and secondly get it painted, and then thirdly show to us that a painted copper roof doesn't look any different than a painted metal roof; but I have to say that unless we want to go back to square one that approval of this variance in my estimation where there is no hardship will in fact open the door to every other metal roof in part of the Gables that we seemingly by consensus we agree that we did not want to introduce metal roofs. So I would think in my estimation my vote would be against the appeal, and secondly my request to the Planning Department to bring us back something which clarifies what copper roofs really should be, that's my position. Do I have a motion?

Commissioner Withers: I will move that we uphold the appeal.

Mayor Slesnick: OK, is there a second?

Commissioner Anderson: I'll second that.

Mayor Slesnick: Moved by Mr. Withers second by Ms. Anderson. Now Chip, I really need to understand, and I'm not trying to pressure you, this is as a friend. I heard what you said and I just don't understand your motion based on what you said.

Commissioner Withers: Well, I want to give the resident what they want because I don't think that our Code...because like I said the secquitious route by which he got here is a secquitious route, exactly as you said. Since our...I just think our Code is way off base on this as far as it is contradictory of itself, and if this is the way that this resident can end up with a metal roof then I'm in favor of it. If this is the avenue...the end justifies the means to me in this situation. You understand where I'm coming from?

Mayor Slesnick: Yes, I do, but I hope you understand where I'm coming from. I appreciated your comments that you felt that under our Code we couldn't overturn the decision to paint the copper white; I understood that part. What I wasn't understanding is why you felt there was a hardship to move from copper to the metal, you just think that, I don't know.

Commissioner Withers: You held up a copper crayon, but I submit to you that five years later that copper, which you think is a color is not that color any more...

Commissioner Cabrera: No, it is not.

Commissioner Withers:...it's no longer that gold vibrant shiny, its black, you can go to "B" under Crayola, I think its number 482, and it's now black in the Crayola book. So the excuse that copper ages and it's now a beautiful color and its patina, etc., etc., etc., why do we accept that?

Mayor Slesnick: Why do you think our forefathers approved copper and not other kinds of metal?

Commissioner Withers: Why do I think what...? I don't think they had molded concrete tiles.

Mayor Slesnick: No, but don't you think there was a purpose for allowing copper as opposed to other metals?

Commissioner Withers: I think that there has been a....I think that most roofs ten-fifteen years ago were the tin model roofs; I think tin unlike the barns in North Carolina and Tennessee that people have visions of, I think through technology, through improved metallurgy, I have no idea what the science of improving metals is called, but I think there has been an improvement in the manufacturing of metal. I think the extrusion process in the standing seam metal has improved, and I just think technology has improved metal roofs.

Mayor Slesnick: OK. We have a motion and a second.

Mr. Clerk.

Commissioner Cabrera: No
Vice Mayor Kerdyk: No
Commissioner Withers: Yes
Commissioner Anderson: Yes
Mayor Slesnick: No
(Vote: 3-2)
Mayor Slesnick: Thank you all.

[End: 12:14:54]