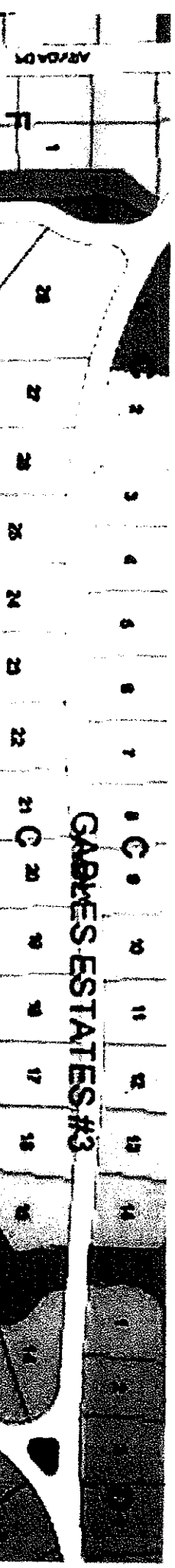


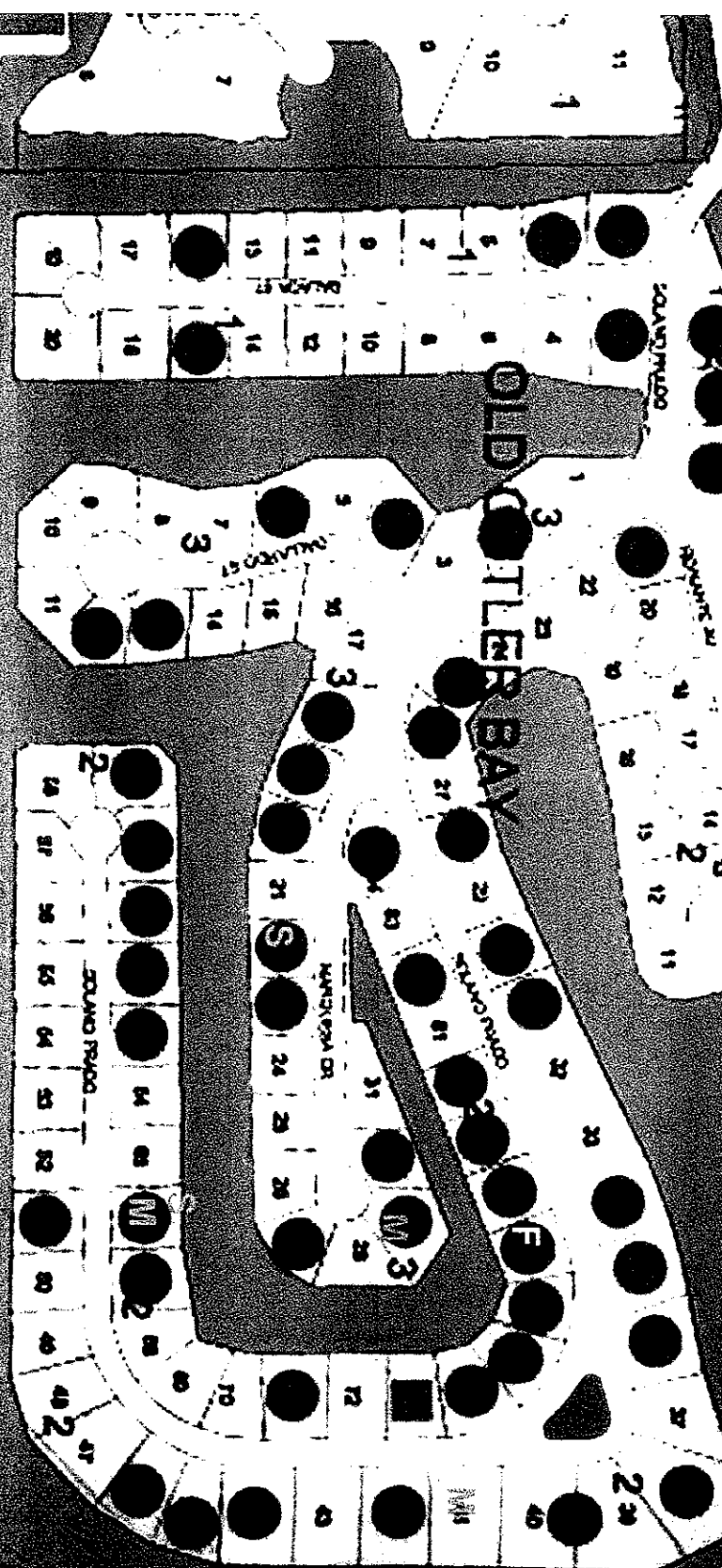
GABRES ESTATES #3



ABLES

ATES #4

OLD CUTLER BAY



Hardy Plank Siding

M= Metal Roof

F= Fine Residence





1 IN THE CITY OF CORAL GABLES
2 BOARD OF ADJUSTMENT
3 BUILDING AND ZONING DEPARTMENT

4 CASE NO.. 8574-Z
5

6 RE:

7 360 Solano Prado
8 Old Cutler Bay

9 Robert S. Fine - Applicant
10 Robert S. and Isabel Fine - Owners
11 David Johnson - Architect
12
13
14
15
16
17
18 Commission Chambers
19 405 Biltmore Way
20 Coral Gables, Florida
21 Monday, 8:00 a.m.
22 April 3, 2006
23
24
25

1 BOARD MEMBERS PRESENT:

2 CATHERINE FAHRINGER, CHAIRWOMAN
3 SERGIO ARTIGUES
4 DR. JOE BRIGGLE
5 SHARON LANGER
6 TONY BELLO
7

7 FROM THE CITY:

8 DENNIS SMITH,
9 ASSISTANT BUILDING & ZONING DIRECTOR
10 MARTHA SALAZAR-BLANCO,
11 BOARD SECRETARY
12

12 OTHERS PARTICIPATING:

13 GREENBERG TRAUERIG
14 BY: ROBERT S. FINE, ESQ.
15 On behalf of the Owners
16

16 DAVID JOHNSON, ARCHITECT
17
18
19
20
21
22
23
24
25

1 THEREUPON:

2 The following proceedings were had:

3 * * * * *

4 (Thereupon, all who were to speak were duly
5 sworn.)

6 * * * * *

7 MS. FAHRINGER: 8574-Z, 360 Solano Prado.

8 MR. FINE: Good morning, Members of the
9 Board. My name is Robert Fine, with offices at 1221
10 Brickell Avenue, and this morning I'm representing me,
11 and my wife, in requests for variances at our residence
12 at 360 Solano Prado.

13 The book I handed out is intended to be like
14 this. Basically, as far as my presentation, this
15 isn't, as you know, the best room for PowerPoint, so I
16 thought it best just to give you what's up there. I'm
17 basically going to be talking through this book, and
18 this lets you follow along with me

19 After the table of contents, under tab one,
20 start in and -- The variances that I've requested --

21 Now, I've taken the liberty of changing the
22 order of the variances I'm going to go through, from
23 what's put in the notice, to deal with the setback and
24 the landscaped open space first, and then the roof
25 issue last.

1 MS. FAHRINGER: Mr. Fine, did Mr. Smith get
2 a copy of this?

3 MR. FINE: Yes, he did.

4 MS. SALAZAR-BLANCO: Yes, he did.

5 MR. FINE: Also, before I get started, I'd
6 like to just introduce my architect, David Johnson
7 David's been practicing architecture in South Florida.
8 I believe, for 30 years.

9 MR. JOHNSON: Thirty-three years

10 MR. FINE: Thirty-three years, a lot of it
11 in Coral Gables, this part of the County. He's going
12 to be part of our presentation.

13 Note, for the record, since I'm presenting,
14 but I'm also putting in evidence, I had myself sworn in
15 at the beginning of the meeting. I guess I'm doing a
16 little of both here.

17 MS. FAHRINGER: We need you to sign in

18 MR. JOHNSON: I did sign in, yes, ma'am.

19 MS. FAHRINGER: Thank you.

20 THE WITNESS: Under tab two we've got the
21 project drawings, two of which are shown up here, right
22 now. Right now, this residence exists with this line
23 coming straight across. This garage comes straight out
24 to here. There's an addition. That up here would be
25 the guest room. This gets stretched back a little bit

And the same thing, but they're all in there.

I said before, the City has granted at least four -- at least four times relief from this provision of the Zoning Code. One of them, the grounds were, "I don't like tiles on my roof. I'm going to put something else instead for hurricanes." Four times.

To the extent Staff wants to say I'm not similarly situated to the annexed areas, I certainly am similarly situated to a different -- Old Cutler Bay and Gables-by-the-Sea.

The case law says to grant that and not to grant this would be improper. Although, I think and I hope I conveyed enough on the variance, without that, to support my request for these variances.

With that, I've spoken enough. Thank you.

MS. FAHRINGER: Thank you, Mr. Fine.

Is there anyone who wishes to speak in favor of this application? Is there anyone who wishes to speak in opposition to this application? Hearing none, unless you have something further, Mr. Fine, I will close the public hearing and ask for Staff's report.

Mr. Smith.

MR. SMITH: Good morning. Forgive me. My allergies are just all over the place today.

23

In regards to the setback variance and the landscaping variance, we're recommending approval of those. Those are both, given the shape of the lot, what he has there on the front, it's a very minimal request, so we're recommending approval of those two items.

In terms of the metal roofs, number one, Mr. Fine has given us a memorandum of law this morning, that I would like to have the City Attorney review. And he's given us a lot of information in this book, this morning, which we've just received, so I'm going through and trying to understand some of that.

The other thing is, I don't know that we've been presented with anything here that specifically says, and I haven't had the opportunity to really study it and look at it, that metal roofs are more hurricane resistant than the tile roofs. I don't have that kind of evidence here. I'd like to take a look at that. So we'd like to defer the metal roof issue until next month.

And I don't think it's going to slow down your project. I mean, you've given us a memorandum of law this morning, which we don't have counsel here to get advice on.

And the other thing is, what the memorandum

24

of law seems to say is if we granted similar variances in the past, then we don't have any choice than to grant them again. And our position has always been that we look at each one of these cases on an individual basis. So that's something I would certainly like counsel to look at before we go forward on the metal roof issue.

But I don't have any problem with approval -- having you approve the other two issues today, so he can keep going on that. And then we can come back next month on the metal roof issue. I'd appreciate that.

MS. FAHRINGER: Thank you, Mr. Smith. Members of the Board.

DR. BRIGGLE: I think it's a reasonable request.

Mr. Fine, again, Staff hasn't had the opportunity to really look through the information you've provided in the memo.

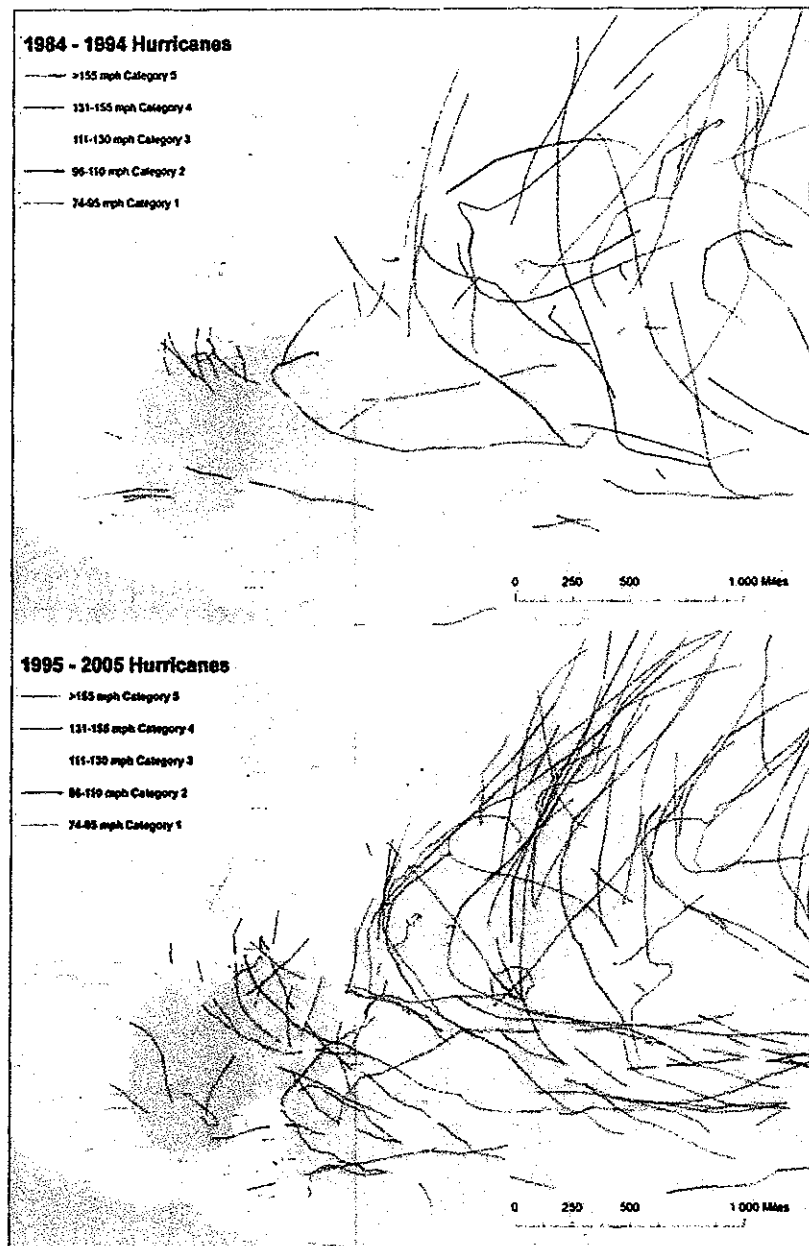
MR. FINE: Well, that's not entirely true. As I was preparing for this, and I had a meeting last week with Staff, with the Zoning Administrator, I showed her -- let her look through an unbound copy of this book.

MS. SALAZAR-BLANCO: Right, he just showed

APPENDIX B: HISTORICAL PHASES AND THEIR IMPACTS

Within the last 55 years of hurricane occurrences, three phases of hurricane frequency have emerged. Upon reviewing historical yearly data, a heightened state of hurricane frequency was in effect during the 1950s into the 1960s. However, coastal building stock was not at the level it is currently. Therefore, even the most damaging hurricanes did not produce the amount of devastation that has been experienced during 2004 and 2005. By the 1970s and continuing into the early 1990s, hurricane activity returned to a more normal state, and in some years was below the long-term frequency average. The quieter period lasted through 1994. During this time, however, several very destructive storms made landfall in the United States, including 1992's Hurricane Andrew. A very abrupt shift in hurricane frequency occurred in 1995, when the Atlantic and Caribbean Oceans suddenly became very active. This state continues currently. The last two states – the quiet period and the current active period – are depicted vividly when analyzing the hurricane data over the last 20 years, as shown in the graphics here.

The following pages in this section detail the higher and lower frequency periods in hurricane activity in the Atlantic and Caribbean Oceans as well as some of the notable storms that developed during each period.



9. As evidence of the durability and hurricane-resistance of Aecor metal roofing, a copy of the Miami-Dade County Product Control Notice of Approval for the material being proposed for the Fine residence is attached hereto as Exhibit 'A'.

FURTHER AFFIANT SAYETH NAUGHT.


GLENN BURNS

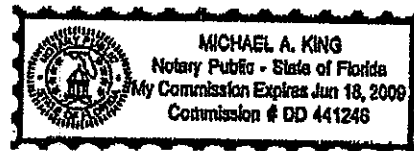
SWORN TO, SUBSCRIBED and ACKNOWLEDGED before me this 27th day of April, 2006.


My Commission Expires:

6-18-2009

Notary Public, State of Florida

[NOTARIAL SEAL]



AFFIDAVIT of GLENN BURNS

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

SS:

BEFORE ME, the undersigned authority, personally appeared the undersigned Glenn Burns, who being first duly sworn upon oath, deposes and says that:

1. I am employed by Aecor Metal Products as a sales representative.
2. I hold a current, but inactive Florida Roofer License # CCC 51528.
3. I have been employed by Aecor since 1982.
3. Aecor is a Broward County-based manufacturer and installer of metal roofing products, including Miami-Dade County approved standing seam metal roofs.
4. Since 1990, Aecor has installed well over 200 metal roofs in Miami-Dade County.
5. Of the roofs referred to in paragraph 4 above, approximately 9 experienced damage during Hurricanes Katrina or Wilma in 2005. This damage consisted of some loss of flashing—there was no loss of roof panels and no loss of watertight integrity in any of our roofs.
6. An advantage of metal roofs is that the manufacturing of the finished materials is not susceptible to shortages in concrete or cement, and the installation of them is not susceptible to shortages of concrete or clay roof tile.
7. Because metal for standing seam metal roofing is readily available, the time period to provide metal roofing either for installation or repair is much shorter than it currently is for tile roofs in Miami-Dade County.
8. ~~As an example, if one of our roofs had been damaged in Hurricane Wilma and required replacement panels, Aecor would have been able to supply the panels within approximately 8 weeks of their being ordered. We continue to be able to meet this schedule.~~

Permit No. 06020338
2/17/2006

ARCHITECTURE
PLANNING
INTERIORS

ARCHITECTURE
PLANNING
INTERIORS

Consultants, Architects

4533 Pines Dr. Suite 104
Coral Gables, FL 33134
TEL: (305) 446-8320
FAX: (305) 529-0146
E: info@merckview.com

20% design complete
for review and approval
by the City of Coral Gables
for the proposed
development of the
MerrickView Office Condominium
at 135 San Lorenzo Avenue
Coral Gables, Florida

SCALE:

AS SHOWN
1/8"=1'-0"

CONSULTANT

MerrickView
An Office Condominium
135 SAN LORENZO AVENUE
CORAL GABLES, FLORIDA

D.T.G.
07/21/04

REVISIONS:

ARCHITECT REVISION
07/21/04
ARCHITECT REVISION
07/21/04
07/21/04
07/21/04
07/21/04
07/21/04

PROJECT NO.
D1-135

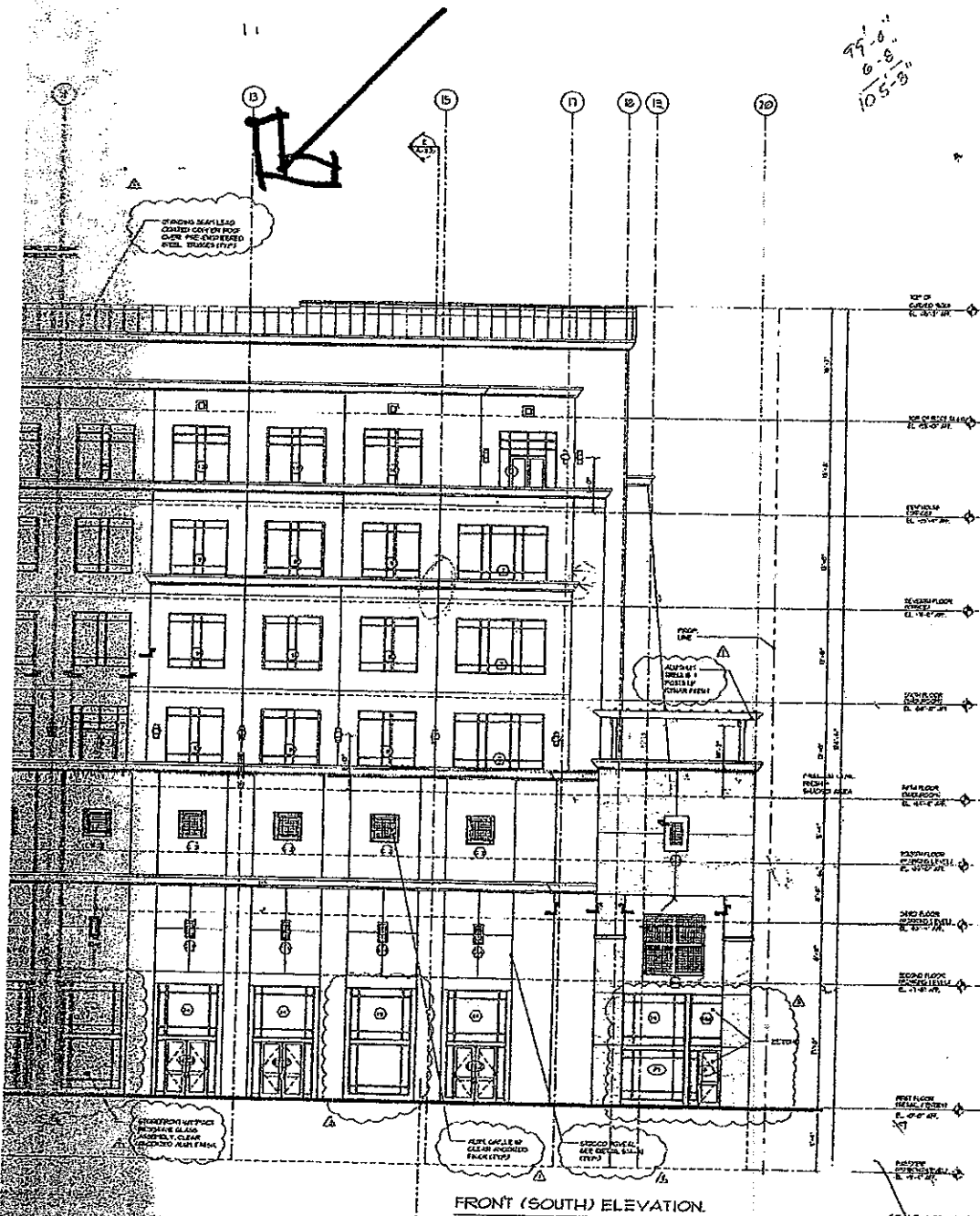
DRAWN BY
JLL

CHECKED BY
RB

SCALE:
AS SHOWN

SHEET NO.

A.2.01



FRONT (SOUTH) ELEVATION

NOTES: ALL DIMENSIONS SHOWN ON THIS DRAWING ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES.

JOAN L. BAILEY & ASSOCIATES

THE CITY OF CORAL GABLES
CITY COMMISSION MEETING
405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134
TUESDAY, MAY 23, 2006, 9:00 A.M.

IN RE:

AGENDA ITEM NUMBER E-1

APPLICATION NUMBER 8574-Z
APPEAL OF BOARD OF ADJUSTMENT
DECISION OF MAY 1, 2006

ROBERT S. FINE, ESQ. - APPLICANT
ROBERT AND ISABEL FINE - OWNERS

CITY COMMISSION:

MAYOR DONALD D. SLESNICK, II
VICE-MAYOR MARIA ANDERSON
COMMISSIONER RAFAEL "RALPH" CABRERA
COMMISSIONER WAYNE "CHIP" WITHERS
COMMISSIONER WILLIAM H. KERDYK, JR.

FROM THE CITY:

DAVID BROWN, CITY MANAGER
ELIZABETH M. HERNANDEZ, CITY ATTORNEY
WALTER J. FOEMAN, CITY CLERK
DENNIS SMITH, ASSISTANT BUILDING & ZONING
DIRECTOR
SUSAN FRANQUI, ASSISTANT CITY CLERK

OTHERS PARTICIPATING:

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ROBERT FINE, ESQ.	6
ZEKE GUILFORD, ESQ.	39
ANDRES MURAI	42
ANA SANTISTEBAN	45
IVETTE PANIAGUA	47
EUGENIO SILVA	48
THOMAS MOONEY	49
SERGIO AKSELRAD	54
ANGELA ANDRADE	55
ISABEL FINE	55

THEREUPON:

The following proceedings were had:

MAYOR SLESNICK: And we're going to move to E, Public Hearings, and E-1. It's Application Number 8574-Z. Robert Fine, Esquire, has filed an appeal -- Robert Fine has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting of Monday, May 1st, 2006. The Board of Adjustment, at its regular hearing, passed and adopted Resolution 4756-ZB, approving the following ruling for captioned, all as outlined under the Applicant's Proposal, as follows.

I don't know what that means. Maybe somebody can explain that sentence to me.

Applicant's Proposal: In connection with the proposed addition and renovation for the single-family residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Number -- our Ordinance Number 1525 as amended and known as the Zoning Code.

One, grant a variance allowing the residence to have a standing seam metal roof, versus having a roof constructed of tile, coral rock slabs, slate or

copper, as required by Section 14-1 of the Coral Gables Zoning Code.

It is my understanding, is it not true, that this was denied --

COMMISSIONER CABRERA: That's correct.

MAYOR SLESNICK: -- that this variance was denied, and we are here on appeal for the denial?

Mr. Manager, I really would like you to work on the wording of this, for the future. This is very confusing. It doesn't say what it's supposed to say, and it doesn't tell us what it says. It says approving -- a resolution approving this. Well, that's not what they did at all. They denied it.

So are we all on the same sheet of music?

COMMISSIONER CABRERA: Yes.

MAYOR SLESNICK: We're here on an appeal of a denial. That's not what it says.

VICE-MAYOR ANDERSON: That's correct.

MR. BROWN: Correct.

MAYOR SLESNICK: That's not what it says.

COMMISSIONER WITHERS: So we either accept the appeal or deny the appeal.

MAYOR SLESNICK: That's right. We're going to accept or deny the appeal, but I want to make sure we all understand, that we cannot understand from

this item, what it is that we're here on We're here on an appeal, appealing the denial of the application.

MR. FINE: Right.

MR. BROWN: We'll reword those in the future so they're a little bit more clear.

MAYOR SLESNICK: Thank you.

Now, before we start, however, I would like to refer -- and those people who are going to testify on this item, we're going to swear you in We also would like you each to take a card. Everyone speaking on this item will fill out a card, we request, please, and it asks just for your basic information that we would ask otherwise, but it does give you the ground rules on the back

So let me state specifically, here, that we will give each side 10 minutes for an initial presentation, five minutes for cross examination, and five minutes for closing arguments. If there's a reason, tell me now that you can't abide by that. If it's a good reason, we'll consider it. But otherwise, we'll stick to that, and then speakers other than those people taking part in the initial time will be allowed three minutes.

VICE-MAYOR ANDERSON: Mr. Mayor, can I have

COMMISSIONER WITHERS: I know, and I'm saying -- and I asked you why a copper roof was permitted, and you said because it ages better.

That's the only reason it's permitted?

MR. SMITH: That's -- and it has a better appearance, you know, than the normal standing seam metal roof. It's a different stylistic appearance.

COMMISSIONER WITHERS: I'm not arguing that. I understand. I'm just -- I'm just trying to figure out why our Code allows copper and not metal, and you're telling me it's because it ages better and has a better look to it?

MS. HERNANDEZ: Right.

MR. SMITH: That's correct.

COMMISSIONER WITHERS: Nothing to do with structural? Structurally, it doesn't matter?

MR. SMITH: No.

COMMISSIONER WITHERS: So it's not a mechanical issue --

MR. SMITH: No.

COMMISSIONER WITHERS: -- it's just a pure, totally aesthetics issue --

MR. SMITH: That's correct.

COMMISSIONER WITHERS: -- which is supported by our Board of Architects?

1 speak first.

MAYOR SLESNICK: I'm just going to call them as I've got them, on the cards.

MR. GUILFORD: Good morning, Mr. Mayor, Commissioners. For the record, my name is Zeke Guilford, with offices at 400 University Drive. I have the great pleasure of representing Andy Murai, the owner of property at 200 Solano Prado, which is the red dot or red square four houses away from Mr. Fine's, and Mr. Murai will be speaking in a couple minutes.

What this is, is not neighborhood compatibility. That's for the Board of Architects to determine. In order to grant a variance, you must meet seven criteria, plain and simple. And what I'm going to do is just kind of walk us through those seven items.

First, are there special conditions or circumstances that exist which are particular to the land, structure or building involved which are not applicable to other land, structures and buildings in the same zoning district? Well, we don't meet that one, or Mr. Fine does not meet that one, because there's -- he, as he stated, will be the only metal roof in this area. All the other roofs, other than

MR. SMITH: That's correct

COMMISSIONER WITHERS: Okay. I don't have any other questions, Mr. Mayor.

MAYOR SLESNICK: Thank you, Dennis.

COMMISSIONER CABRERA: Could you take a copper roof and paint it white?

MR. SMITH: If you had approval from the Board of Architects, technically, you could do that.

COMMISSIONER CABRERA: What would that do to the -- what would that do to the mechanical -- not the mechanical, but the chemical aspects of the patina? It would stunt the ability for it to age?

MR. SMITH: Yes, it would. That is something that it wouldn't make sense to do, to paint a copper roof.

MAYOR SLESNICK: Thank you, Dennis.

Thank you. We're going to go now to the -- we'll come back -- we're going to go now to the speakers. I'm going to remind you, we'd like you to keep these to three minutes, or we will ask you to keep it to three minutes, less if possible.

Mr. Zeke Guilford, 400 University Drive.

MR. GUILFORD: Mr. Mayor, I'm actually representing the objectors. There are some people who are in favor. I don't know if you want them to

1 the one he mentioned, are made of tile. In fact, 40
2 there are some new houses, which Mr. Murai will show
3 you pictures of, that are complying with the tile
4 roofs dictated by our Code.

That special conditions or circumstances do not result from the actions of the applicant. Well, the applicant is living in the house now, that has a tile roof. So this is an action by the applicant and not particular to -- or are there are no special circumstances.

The granting of the variance will not confer on the applicant -- the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, buildings or structures in the same zoning district. In fact, it will, because you're granting a metal roof that is not permitted by our ordinance, or for the other houses in the area.

The 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. Well, it would not, because all the other houses, except for the one Mr. Fine discussed, all have tile roofs.

The variance is a minimum variance that will

City of Coral Gables City Commission Meeting

Agenda Item H-1

January 8, 2008

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick 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

Eric Riel, Planning Director

Carlos Mindreau, City Architect

Public Speaker(s)

Robert De Leo, President of I Metal Roofing

Luis Revuelta, Coral Gables Resident

Andi Murai, Coral Gables Resident

Susan Kawalerski, Coral Gables Resident

Michael Steffens, Coral Gables Resident

Ray Airan, Coral Gables Resident

Richard Namon, Coral Gables Resident

Miguel Cano, Coral Gables Resident

Charles Girtman, Coral Gables Resident

H-1 [Start: 10:28:14 a.m.]

Progress Report on the installation of standing seam metal roofs pursuant to the City Commission approved 90-day time period (07-17-2007 – 10-17-2007).

Mayor Slesnick: We now go to H-1, Progress Report on the installation of standing seam metal roofs; Mr. Brown.

City Manager Brown: Mr. Riel and Mr. Mindreau.

Mr. Riel: Good morning, I have copies of the report, if anybody on the public would like a copy.

Commissioner Withers: I understand.

Commissioner Cabrera: I just don't want it to be the ongoing excuse, and I'm not trying to say that I'm for or against metal roofs, I'm just saying that we need to address this once and for all, because the cost issue is going to be always a consideration, its just cost prohibitive to put a copper roof and then go and paint it, but it can be done. Thank you, Thank you, Mr. Mayor.

Mayor Slesnick: Luis Revuelta, 1417 Santa Cruz; welcome back Luis.

Mr. Revuelta. Good morning and a Happy New Year to you all and to your families; congratulations to the Mayor for the AA Award, which I understand that you've got; and congratulations to the City Architect for the good job that he is doing in trying to walk on water, which I respect him a lot...

Mayor Slesnick: Luis, too I want you to know that I have a copy of your e-mail that I'll submit to the record.

Mr. Revuelta: OK.

Commissioner Cabrera: Thank you so much, thank you sir.

Mr. Revuelta: I think I sent everybody an e-mail except Maria.

Commissioner Anderson: Because I support... but it's OK.

Mr. Revuelta: I think that we do agree with part of the report that says that it should be maintained in South Gables, but I strongly disagree and was disheartened by the part that talks about North Gables; I actually was surprised because I did not think that the Commission asked staff to actually report or mention anything about North Gables; I thought this was strictly for South Gables; so I was taken a little bit aback when the North Gables issue came up and a strong recommendation not to approve it because I did not think that was part of the request. I think more important to maintain the historic character of North Gables and the City to incentivize owners and buyers of the real 1920 homes to keep them, and preserve them, and restore them, and not to incentivize people to replicate these homes which has been happening over the years, through no fault of anybody here probably, and might be good for Epcot, but I don't think its good for the Gables, and that's why we ended up with so much of this quasi-Med revival homes that are nothing in particular, and very bothersome to me as an architect; what choices do I have as an architect, that's... to design my house; I find myself in a tight spot here. My wife likes the Gables, so I have to stay in the Gables, but I find myself with very little choices; I love the Gables too, but sometimes I find myself as an architect very frustrated. I did a survey this morning from Eighth Street to Milan, and spent probably an hour counting homes; forty percent (40%) of the homes are 1920s - 1930s Med-Revival homes; real 1920s-1930s. The other sixty percent (60%) are maybe twenty (20) or forty

Mr. De Leo: Well, a couple of them came today to express their opinion as well.

Commissioner Cabrera: Since you are up here and you are a professional in this industry, I just need a point of education, does rust come to play with metal roofs.

Mr. De Leo: The manufacturer gives you twenty (20) years if you are a mile or more, a warranty on the material; if you next to the water it would be aluminum which is for life, so there is no consideration on the rest.

Commissioner Cabrera: So rust is not a consideration.

Mr. De Leo: It is not a problem.

Commissioner Cabrera: Because of the warranty period of twenty (20) years.

Mr. De Leo: And they give you a warranty because the material will last at least twenty years.

Commissioner Cabrera: I didn't know that; thank you sir.

Mr. De Leo: Thank you.

Mayor Slesnick: Well, if you are guaranteed twenty years you still can have rust and discoloration, correct?

Mr. De Leo: Yes.

Mayor Slesnick: OK, you can still have rust and discoloration...

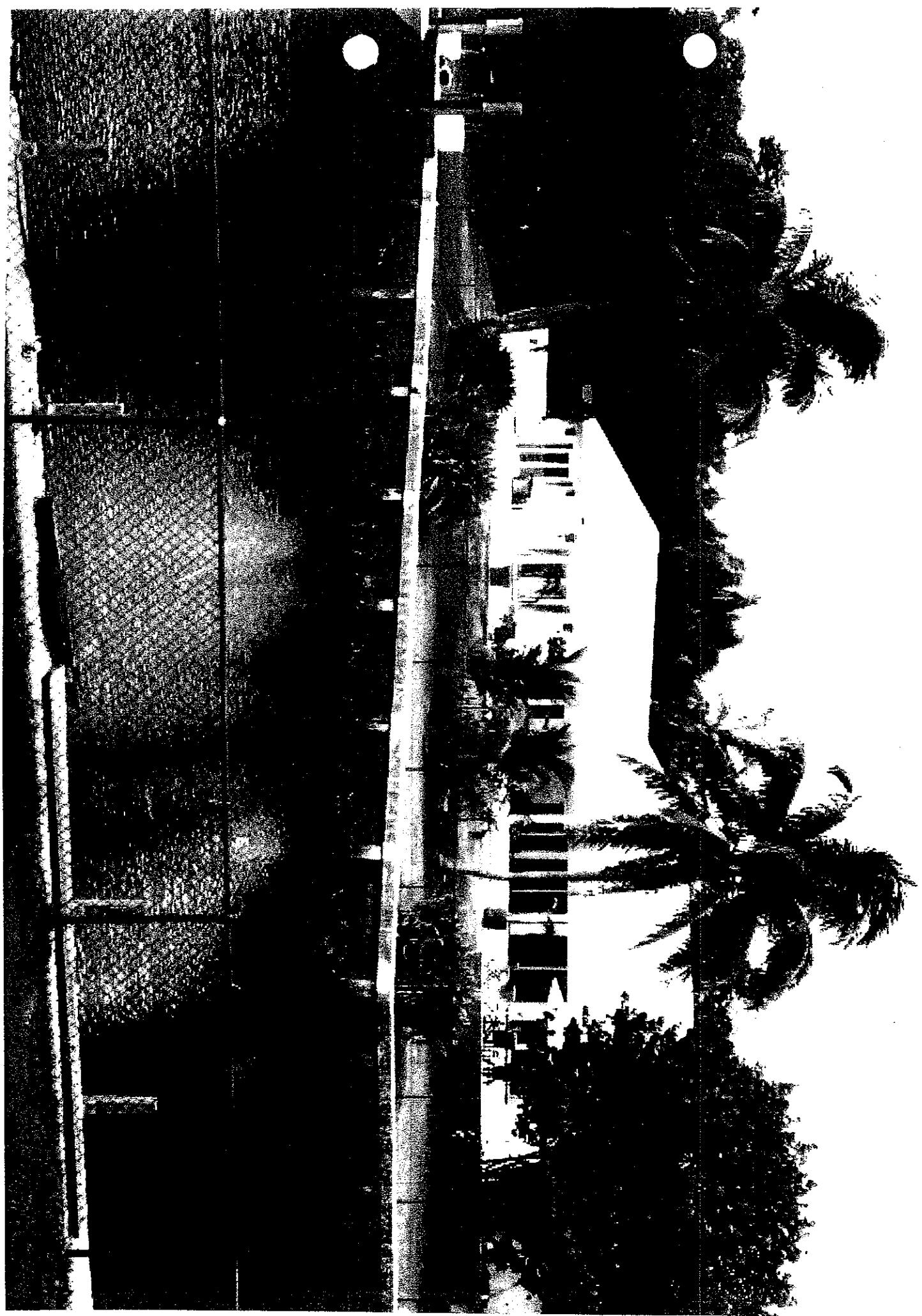
Mr. De Leo: In twenty years...

Mayor Slesnick: So the company comes out and pays to help take care of the rust and discoloration during the twenty year period.

Mr. De Leo: Yes.

Mayor Slesnick: OK.

Commissioner Cabrera: Before you call the next speaker, can I just make a point to the Manager. Hey, Mr. Manager, regardless of what we do with this subject today, with this pilot program, I really have a strong feeling about copper roofs, and the fact is, and its written by Mr. Mooney and its been discussed by the Commissioners; I think Commissioner Withers was the first one to bring it up when we started this metal roof stuff, when you said you could put a copper roof and then paint it, and you're good to go; I think we are going to have to address that one, OK, and depending upon the direction we take, do you know where I'm coming from with this thing?









13014 SAND JOSS STREET



