

CITY OF CORAL GABLES, FLORIDA
OFFICE OF THE CITY CLERK

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APPLICATION FOR APPEAL FROM BOARD OF ADJUSTMENT

2010 JUN 14 PM 2:36

NAME: Mr. Rogelio Tovar
ADDRESS: 1221 Mariola Court, Coral Gables, FL 33134
PHONE: (787) 579-7900

The undersigned hereby appeals the decision of the Board of Adjustment of the City of Coral Gables, Florida, made at its meeting of June 7, 2010, in which it () granted, (X) denied an application for a Variance to Ordinance No. 1525, as amended and known as the "Zoning Code," to permit the following:

APPLICATION NO. BA-10-05-3859-Z

Describe what is being appealed:

APPEAL THE BOARD OF ADJUSTMENT DECISION NOT TO GRANT A VARIANCE ALLOWING A PROPOSED ADDITION TO A SINGLE FAMILY RESIDENCE THAT WOULD TOTAL 7,835 SQUARE FEET VERSUS 7,140 OF MAXIMUM FLOOR AREA FACTOR AS REQUIRED BY SECTION 4-101(D)(10)(A) OF THE CORAL GABLES CODE. THE REQUEST IS BASED ON UNIQUE AND SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH APPLY TO THIS PROPERTY.


Signature of Applicant

6/10/10
Date

Subject property located at: 1221 Mariola Court
Coral Gables, FL 33134

Subject property legally described as: Lot: 77 & 78, Block: 50
Coral Gables Country Club Sec. 4, PB/PG: 10/57

Owner/Applicant Appeal Fee: \$600.00, Z.C. §24-8(a)5 and Z.C. §26-2
Aggrieved Party Fee: \$600.00



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June 14, 2010

City of Coral Gables
Office of the City Clerk
405 Biltmore Way Suite #101
Coral Gables, FL 33134

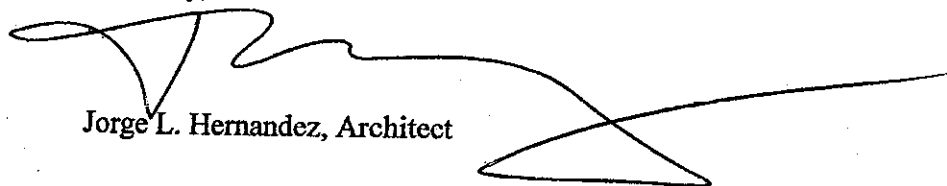
To Whom It May Concern:

Attached please find our submittal for an Appeal from a decision of the Board of Adjustment (Hearing No. BA-10-05-3859) regarding the property located at 1221 Mariola Court, Coral Gables.

The following documents are enclosed with this submittal:

- Application for Appeal from the Board of Adjustment
- City of Coral Gables Building and Zoning Class 1 Department Board of Adjustment Application
- 2 sets of Mailing Labels
- Rendition letter from Elizabeth L. Gonzalez, City of Coral Gables, Board of Adjustment
- Receipt of order placed with Bailey & Sanchez Court Reporting, Inc. for transcripts as requested
- Check # 1700 in the amount of \$600.00 made out to the City of Coral Gables

Sincerely,



Jorge L. Hernandez, Architect



The City of Coral Gables

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Building and Zoning Department

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

June 7, 2010

Jorge Hernandez, Architect
337 Palermo Avenue
Coral Gables, FL 33134

Re: Lot: 77 & 78, Block: 50 Country Club Sec. No. 4, PB/PG: 10/57
(1221 Mariola Court)
Hearing No. BA-10-05-3859

Dear Mr. Hernandez:

The Board of Adjustment at its regular meeting held on June 7, 2010, passed and adopted Resolution No. 4991-ZB denying Item 1 of your application, all is outlined under the Applicant's Proposal as follows:

1. Grant a variance to allow the proposed addition in conjunction with the existing residence to exceed the allowable floor area factor and maintain a square foot floor area of seven thousand eight hundred and thirty five (7,835) vs. the single family residence shall not exceed a maximum square foot floor area of seven thousand one hundred and forty (7,140) as required by Section 4-101 (D) (10) (a) of the Coral Gables, "Zoning Code".

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.

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
Secretary

Cc: Rogelio Tovar
PO Box 143975
Coral Gables, FL 33114

The Board of Adjustment shall have power to construe the provisions of the Zoning Code so that the spirit and the true purpose thereof may be observed. Variances to the Zoning Code may be granted by the Board of Adjustment only after a hearing has been held at which persons interested and/or affected shall be accorded an opportunity to be heard.

DECISIONS OF THE BOARD OF ADJUSTMENT

All decisions of the Board of Adjustment shall be by Resolution. Within ten days (10) from the date of such decision, any Resolution of the Board of Adjustment may be appealed to the City Commission, as explained below; otherwise the Resolution shall become final.

APPEAL FROM A DECISION OF THE BOARD OF ADJUSTMENT

An appeal from a decision of the Board of Adjustment upon any matter initiated before such Board or before it upon appeal from the decision of Staff, or any Administrative Official of the City may be taken to the City Commission by any person who is aggrieved by such decision, or by any Officer of the City. Any person desiring to appeal a decision of the Board of Adjustment, shall, within ten (10) days from the date of such decision, file a written notice of appeal with the City Clerk, whose duty it shall then become to send written notice of such appeal to all persons previously notified by the Board of Adjustment. The matter shall then be heard by the City Commission at its next meeting provided at least ten (10) days have intervened between the time of the filing of the notice of appeal and the date of such meeting, if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next following regular meeting of the City Commission. If the Applicant files the appeal, he shall pay to the City Clerk a fee of six hundred dollars (\$600.00) at the time of filing of such notice of appeal. An appeal shall stay all proceedings in the matter appealed until acted on by the City Commission.

Any proposed variance which has failed to receive the recommendations of the Board of Adjustment shall not be passed except by the affirmative vote of three-fifths (3/5) of all the members of the City Commission.

PLEASE NOTE

It is the responsibility of the party filing an appeal of the decision of the Board of Adjustment to obtain the transcript from the court reporter and to provide fifteen (15) copies to the City Clerk's office on or before two weeks prior to the Tuesday's City Commission meeting at which time the appeal will be heard.

Contact: Joan L. Bailey, RDR
Court Reporter
Joan L. Bailey & Associates
28 West Flagler Street, Suite 606
Miami, Florida 33130
(305) 358-2829

APPEAL FROM THE DECISION OF THE CITY COMMISSION

Any appeal from the decision of the City Commission may be taken by any person or persons, jointly or severally, aggrieved by any decision of the City Commission by presenting to the Circuit Court a petition for issuance of a writ or certiorari, duly certified, setting forth that such decision is illegal, in whole or in part certifying the grounds of illegality, provided same is done in the manner and within the time provided by Florida Appellate Rules.

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 meeting(s) and therefore may need to ensure that a verbatim record of the proceedings are made, which record includes the testimony and evidence upon which the appeal is to be based.

Bailey & Sanchez Court Reporting, Inc

28 W. Flagler Street
Suite 606
Miami, FL 33130

Phone:(305) 358-2829
Fax:(305) 358-1545
email:JoanBaileyReporting@me.com

Invoice

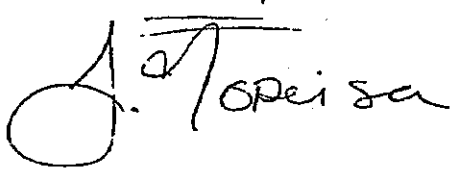
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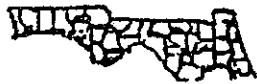
Bill To:
JORGE L. HERNANDEZ, ARCHITECT 337 PALERMO AVENUE CORAL GABLES, FL 33134

Ship to
JORGE L. HERNANDEZ, 337 PALERMO AVENUE CORAL GABLES, FL 33134

Assignment Date	Case Number	Terms	Due Date
06/07/10	BA-10-05-3859	Due on receipt	06/10/10

Description	Pages	Amount
CITY OF CORAL GABLES BOARD OF ADJUSTMENTS IN RE: 1221 MARIOLA COURT TRANSCRIPT, ORIGINAL AND ONE COPY, 40 PAGES Postage and Delivery (TRANSCRIPT ORDERED ON 6/10/10, BY JORGE L. HERNANDEZ ARCHITECT, P.A. TRANSCRIPT WILL BE COMPLETED BY 6/17/10. <div>Paid on 6/10/10. </div> <div>Please make check payable to: Bailey & Sanchez Court Reporting, Inc.</div>	40	240.00 5.00
Thank you for your business.		Total \$245.00

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Florida Real Estate Decisions, Inc.



April 13, 2010

City of Coral Gables
Building & Zoning
405 Biltmore Way
Coral Gables, Florida 33134

Re: Property Owners List
Within 1,000 feet of:

CORAL GABLES COUNTRY CLUB SEC 4
PB 10-57
LOTS 77 & 78 BLK 50
1221 MARIOLA CT

This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 1,000 feet of the subject property listed above. This reflects the most current records on file in the Miami-Dade County Tax Assessor's office.

Sincerely,

Maureen E. Hudson

Maureen E. Hudson

MEH/ms

cc: Ms. Zoeni Garcia
JORGE L. HERNANDEZ ARCHITECT
337 Palermo Avenue
Coral Gables, Florida 33134

*Number of Labels: 91

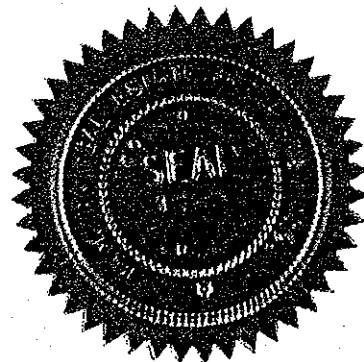
16375 N.E. 18th Avenue
Suite 300
Miami, FL 33162
(305) 757-6884

1500 West Cypress Creek Rd
Suite 409
Ft. Lauderdale, FL 33309
(954) 761-9003

12230 Forest Hill Blvd.
Suite 110-SS
Wellington, FL 33414
(561) 798-4423

WWW.FREDIFL.COM

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2010 JUN 14 PM 2:35



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