

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
SEPTEMBER 8, 2008
CORAL GABLES CITY HALL, 405 BILTMORE WAY, COMMISSION CHAMBER
CORAL GABLES, FLORIDA

The meeting was scheduled to be held in Coral Gables City Hall Commission Chamber, Coral Gables, Florida, commencing at 8:00 a.m.

MEMBERS

S O N D J F M A M J J A APPOINTED BY:

Miles McGrane	E	P	P	E	P	C	C	L	P	P	C	P	Mayor Donald Slesnick II
Tony Bello	P	P	P	P	P	C	C	P	P	P	C	E	Vice Mayor William H. Kerdyk, Jr.
Sharon Langer, Esq.	P	P	P	P	P	C	C	P	P	E	C	E	Comm. Maria Anderson
Jaime Pozo, Esq.	E	E	P	P	P	C	C	P	E	P	C	P	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	P	P	P	P	C	C	P	P	P	C	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	P	E	P	P	C	C	P	P	P	C	E	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	P	P	P	P	P	C	C	P	P	P	C	P	City Manager David L. Brown

STAFF:

Elizabeth L. Gonzalez, Acting Secretary
Joan Bailey, Court Reporter
Edward M. Weiler, Interim Building & Zoning Director
Martha Salazar-Blanco, Zoning Official
Manuel Z. Lopez, Building Official
Carlos Mindreau, City Architect
Peter Iglesias, P.E., Structural Engineer
Eric Riel, Planning Director
Kara Kautz, Historic Preservation Officer
Javier Betancourt, Planner

A = Absent
C = Meeting Cancelled
E = Excused Absence
L = Late
P = Present
R = Resigned
X = Not on Board

THESE MINUTES DO NOT REQUIRE ANY ACTION BY THE CITY COMMISSION.

The meeting was called to order at 8:00 a.m. by the Chairperson who announced that five board members were present at that time. Four votes are necessary for any action thereof.

The Chairperson announced the following rules of procedure for the hearing:

1. Staff recommendation.
2. The applicant will present his/her case.
3. If there are speakers in favor of the application, they will be given the opportunity to be heard.
4. If there are speakers against the application, they will be given the opportunity to be heard.
5. The applicant will be given the opportunity of a rebuttal.
6. Public hearing closed.
7. Board members discussion.
8. Motion, second and a vote on the application.

1. Roll Call

Roll call was taken. Mr. McGrane and Mr. Pozo had given prior notice of their inability to attend the Board of Adjustment meeting.

A motion was made by Mr. Bello, seconded by Dr. Briggle to excuse the absence of Mr. McGrane and Mr. Pozo. A resolution was passed by voice vote.

RESOLUTION NO. 4902-ZB

Dr. Briggle made a motion to excuse the absence of Mr. Bello from the August 4, 2008 Board of Adjustment meeting. Mr. Bello could not attend due to a delayed flight. The motion was seconded by Ms. Langer and a resolution passed by voice vote.

RESOLUTION NO. 4903-ZB

2. Approval of the August 4, 2008 Recap

A motion was made by Dr. Briggle, seconded by Ms. Langer to approve the August 4, 2008 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4904-ZB

3. 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

A hearing was held on case no. 8677-Z.

Present: Robert S. Fine, Esq. – Applicant and 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-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."

All as shown on plans which have received Preliminary approval from the Board of Architects. Such approval is for architectural design only and is not an endorsement of any variance being requested by the Applicant.

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 allowable wood facings are.

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.

A motion was made by Ms. Langer, seconded by Mr. Artigues to deny items 1 and 2 of the Applicant's proposal.

A RESOLUTION DENYING A REQUEST FOR VARIANCES TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

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."

A Resolution was passed and adopted due to the following roll call: "Yea" - Mr. Artigues, Mr. Bello, Dr. Briggle, Ms. Langer and Mr. Lukacs. "Nay" - None. "Excused" - Mr. McGrane and Mr. Pozo.

A motion was made by Mr. Bello, seconded by Mr. Artigues to deny item 3 of the Applicant's proposal.

RESOLUTION NO. 4906-ZB

A RESOLUTION DENYING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

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."

A Resolution was passed and adopted due to the following roll call: "Yea" - Mr. Bello, Dr. Briggle, Mr. Artigues and Mr. Lukacs. "Nay" - Ms. Langer. "Excused" - Mr. McGrane and Mr. Pozo.

A motion was made by Ms. Langer, seconded by Mr. Artigues to approve item 4 of the Applicant's proposal.

RESOLUTION NO. 4907-ZB

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

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."

**THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT**

**RECAP
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A Resolution was passed and adopted due to the following roll call: "Yea" - Dr. Briggle, Ms. Langer, Mr. Artigues and Mr. Bello. "Nay" - Mr. Lukacs. "Excused" - Mr. McGrane and Mr. Pozo.

A motion was made by Ms. Langer, seconded by Dr. Briggle to approve item 5 of the Applicant's proposal.

RESOLUTION NO. 4908-ZB

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

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."

A Resolution was passed and adopted due to the following roll call: "Yea" - Ms. Langer, Mr. Artigues, Mr. Bello and Dr. Briggle. "Nay" - Mr. Lukacs. "Excused" - Mr. McGrane and Mr. Pozo.

4. 8680-Z

Lot: 14, Block: 17
Coral Gables Section B, PB/PG: 5/111
601 Navarre Avenue

Kara Kautz - Applicant
Thomas R. Mooney and Gilda M. Battelle - Owner
N/A - Architect/Engineer

A hearing was held on case no. 8680-Z.

Present: Historic Preservation Officer Kara Kautz - Applicant; Thomas R. Mooney and Gilda M. Battelle - Owner

APPLICANT'S PROPOSAL: In connection with an appeal of the approval of a permit for the installation of a painted copper roof for the single-family residence at the subject property, the Applicant requests the following appeal pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. 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 pursuant to Section 3-604 of the Coral Gables "Zoning Code."

All as shown on plans which have received Final approval from the Board of Architects. Such approval is for architectural design only and is not an endorsement of any variance being requested by the Applicant.

STAFF OBSERVATION: Historic Preservation Officer Kara Kautz is appealing the approval of a permit request by Manny Lopez for the installation of a painted copper roof as approved by the Board of Architects. Coral Gables "Zoning Code" Section 5-1605 allows the use of copper as a roofing material, but does not specify whether or not the copper may be painted. There is a provision under "Zoning Code" Section 5-1605 (C), which allows the painting of a tile roof; however, this provision is not stated under Subsection (J) with regards to copper.

Copper, in its natural state, has a common reddish brown metallic element. The painting of a copper roof would detract from its natural beauty and conceal the valued patina color which occurs naturally over time.

It is unknown how the painted copper would weather on the final appearance of the roof.

Staff recommends the APPROVAL of the appeal by Historic Preservation Officer Kara Kautz.

Testimony was heard by Historic Preservation Officer Kara Kautz, City Architect Carlos Mindreau and Building Official Manuel Lopez speaking to the fact that an application for the installation of a painted copper roof was approved by the Board of Architects and approved for the permitting process by the Building Official. The normal recourse for such an appeal from the Board of Architects is to be presented to the City Commission; however, the time allowed for that appeal elapsed before any action was taken. Testimony also indicated confusion on whether or not the "Zoning Code" allows the painting of copper roofs.

It was apparent from the aforementioned testimony, that the Building Official was acting appropriately when he signed off on the plans approved by the Board of Architects for a painted copper roof; however, board members agree that this appeal is outside the Board of Adjustment's jurisdiction. An appeal of the Board of Architects' approval for the painted copper roof should have been presented to the City Commission, but due to the laps of time allotted to appeal the Board of Architects' decision, it was presented to the Board of Adjustment.

Board members are also in agreement that the issue of painting copper roofs should be addressed by the City Commission and a recommendation for a text amendment to the "Zoning Code" be made to address the appropriateness of whether or not copper, as a roofing material, can be altered from its natural state specifically by painting.

A motion was made by Ms. Langer, seconded by Mr. Artigues to determine that the Board of Adjustment does not have the express authority, by virtue of the operating policies and procedures under which it works, to make a determination on this issue before this board today, therefore, the appeal is denied.

RESOLUTION NO. 4909-ZB

A RESOLUTION DENYING A REQUEST FOR AN APPEAL TO ORDINANCE NO. 1525
AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

1. 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 pursuant to Section 3-604 of the Coral Gables "Zoning Code."

**THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT**

**RECAP
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A Resolution was passed and adopted due to the following roll call: "Yea" - Dr. Briggle, Ms. Langer, Mr. Artigues, Mr. Bello and Mr. Lukacs. "Nay" - None. "Excused" - Mr. McGrane and Mr. Pozo.

A motion was made by Mr. Artigues, seconded by Dr. Briggle to recommend that staff seek clarification of the "Zoning Code" on whether or not metal and/or copper roofs are allowed to be painted.

RESOLUTION NO. 4910-ZB

A Resolution was passed and adopted due to the following roll call: "Yea" - Dr. Briggle, Ms. Langer, Mr. Artigues, Mr. Bello and Mr. Lukacs. "Nay" - None. "Excused" - Mr. McGrane and Mr. Pozo.

5. 8681-Z

Lot: 14, Block: 17
Coral Gables Section B, PB/PG: 5/111
601 Navarre Avenue

Thomas R. Mooney and Gilda M. Batlle - Applicants
Thomas R. Mooney and Gilda M. Batlle - Owners
Z.W. Jarosz Architect, P.A. - Architect/Engineer

A hearing was held on case no. 8681-Z.

Present: Thomas R. Mooney and Gilda M. Batlle - Applicants and Owners

APPLICANT'S PROPOSAL: In connection with the proposed standing seam metal roof for the single-family residence at the subject property, the Applicant requests the following variance 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 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."

All as shown on plans which have received Final approval from the Board of Architects. Such approval is for architectural design only and is not an endorsement of any variance being requested by the Applicant.

STAFF OBSERVATION: 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.

This property is located in the North Gables, which is considered the most dense, historic, urban fabric area in the city, and a metal roof would not be compatible or in harmony with the surrounding properties.

After review of the plans presented, and considering the specific materials allowed for pitched roofs as prescribed in the "Zoning Code," staff feels that the Applicant has failed to demonstrate a hardship and recommends DENIAL of Item No. 1.

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 item 1 of the Applicant's proposal.

A motion was made by Ms. Langer, seconded by Mr. Artigues to approve item 1 of the Applicant's proposal.

RESOLUTION NO. 4911-ZB

A RESOLUTION DENYING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

1. 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."

A Resolution was passed and adopted due to the following roll call: "Yeas" - Ms. Langer, Mr. Artigues and Mr. Bello. "Nays"- Dr. Briggle and Mr. Lukacs. "Excused" - Mr. McGrane and Mr. Pozo.

Meeting adjourned at 10:17 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez
Acting Secretary