

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 28447

A RESOLUTION GRANTING APPEALS OF APPLICANT/DEVELOPER AND ADMINISTRATIVE OFFICIAL AND DENYING APPEAL OF APPLICANT/APPELLANT, AS SET FORTH IN APPLICANT'S PROPOSAL NO. 7782-Z, THEREBY APPROVING PLANS AND REINSTATING BUILDING PERMIT, SUBJECT TO CERTAIN CONDITIONS, IN CONNECTION WITH PROPOSED COURT ADMINISTRATIVE BUILDING AT 3100 PONCE DE LEON BOULEVARD, BASED ON DETERMINATION THAT 90% ADMINISTRATIVE USE WITH 10% ACCESSORY USE CAN LEGALLY OPERATE INCB COMMERCIAL DISTRICT; AND FURTHERAGREEINGTHAT BOARD OF ADJUSTMENT DOES NOT HAVE JURISDICTION TO DECIDE COMPREHENSIVE PLAN LAND USE ISSUES; THEREBY OVERRULING IN PART AND UPHOLDING IN PART BOARD OF ADJUSTMENT DECISION AND UPHOLDING BOARD OF ARCHITECTS AND BUILDING AND ZONING DECISIONS.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

1. That the City Commission on this 8th day of March, 1994 having jointly heard the Appeals of the Aggrieved Parties herein, including the **Applicant/Developer**, 3100 Ponce Associates, Inc., owned by F. W. Mort **Guilford** and Jeffrey Fine, and the Administrative Official, Building and Zoning Director Dennis Smith, and the **Applicant/Appellant**, Todd and Nanette **Wernstrom**, Austin and Vera **Porfiri**, and Edgar and Nina Bravo, against a decision of the Board of Adjustment at its regular meeting of Monday, February 7, 1994, wherein the Board heard the Appeal of the **Applicant/Appellant** duly filed under Applicant's Proposal No. 7782-Z; and
2. That said Appeal by the **Applicant/Appellant** to the Board of Adjustment having been in connection with a proposed Court Administrative Building at 3100 Ponce de Leon Boulevard, on property legally described as Lots 1-13, Block 34, Crafts Section, and was filed for the purpose of (a) appealing the decision of the Board of Architects in approving the plans for the subject property; (b) appealing the issuance of the Building Permit by the Building and Zoning Department; and (c) appealing Comprehensive Plan Land Use issues; and
3. That the Board of Adjustment decision in the Appeal of the **Applicant/Appellant** having been made in three parts: (a) upholding the decision of the Board of Architects and denying the Appeal; (b) overruling the Building and Zoning Department decision to issue the Building Permit and granting the Appeal, thereby revoking the Building Permit; and (c) refusing to consider Comprehensive Plan Land Use issues based on its decision that it did not have jurisdiction; and

4. That all parties having been given an opportunity to be heard by the City Commission on this 8th day of March, 1994, the Appeals of the **Applicant/Developer** and the Administrative Official as to 3(b) herein are hereby granted and the Appeal of the **Applicant/Appellant** as to 3(a) and 3(c) herein is hereby denied, thereby approving the plans and reinstating the Building Permit for the subject property, subject to certain conditions as hereinafter set forth, and further agreeing that the Board of Adjustment does not have jurisdiction to decide Comprehensive Plan Land Use issues; thereby overruling in part and upholding in part the Board of Adjustment decision and upholding the Board of Architects and Building and Zoning decisions; and

5. That the decision to reinstate the Building Permit for the subject property is based on a determination that a 90% Administrative Use, with a 10% Accessory Use, can legally operate in a CB Commercial District and the reinstatement of the Building Permit shall be subject to the following conditions: (a) that no court proceedings shall commence after 4:30 p.m.; (b) that the courtrooms shall not be operated on weekends or holidays; (c) that no criminal felony cases shall be conducted at that location; (d) that there shall be no holding or jail cells at that location; and (e) that the two proposed courtrooms shall not increase in number or size.

6. That this resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF MARCH, A. D., 1994.

ATTEST:

RAUL J. VALDES-FAULI
MAYOR

VIRGINIA L. PAUL
CITYCLERK
(9)(T/B(4/1)(W-)