

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2009-04

A RESOLUTION OF THE COMMISSION OF THE CITY OF CORAL GABLES APPROVING THE CONDITIONAL UPHOLDING OF THE APPEAL WHICH WAS FILED BY APPLICANTS SIXTO GONZALEZ AND WIFE ELVIRA GONZALEZ, TO INSTALL ACCORDION SHUTTERS ON THE PRINCIPAL (FRONT) FAÇADE OF THEIR RESIDENCE LOCATED AT 43 MARABELLA AVENUE, CORAL GABLES, THEREBY REVERSING THE DECISION OF THE BOARD OF ARCHITECTS; FURTHER REFERRING SAID MATTER TO OUR CITY ARCHITECT CARLOS MINDREAU, FOR THE PURPOSE OF CONDUCTING A SURVEY OF THE NEIGHBORHOOD TO DETERMINE IF THE REQUESTED APPLICATION IS CONSISTENT WITH PREVIOUS APPLICANTS IN THE NEIGHBORHOOD WHO HAVE BEEN GRANTED PERMITS; FURTHER STIPULATING IF FIFTY (50) PERCENT OF THE HOUSES IN SAID NEIGHBORHOOD HAVE HAD SHUTTERS INSTALLED, THEN THE CITY SHALL PROCEED TO ISSUE A PERMIT TO THE APPLICANT FOR SAME; FURTHER STATING THAT IF LESS THAN FIFTY (50) PERCENT OF THE HOUSES IN SAID NEIGHBORHOOD HAVE SHUTTERS THAT ARE NOT ENCASED IN THE AFOREMENTIONED DESIGNATED COVERS, THEN THE CITY COMMISSION SHALL DENY THE APPEAL, THEREBY SUPPORTING THE DECISION OF THE BOARD OF ARCHITECTS.

WHEREAS, Sixto and Elvira Gonzalez, applicants have filed an appeal to the Coral Gables City Commission from a decision of the Board of Architects at its regular hearing on December 18, 2008; and

WHEREAS, the Board of Architects at its hearing of December 18, 2008, denied that the applicant's request for the installation of accordion shutters on the front façade of the residence in accordance with Article 5, Division 6, Section 5.601, 5.602 and 5.603 of the Coral Gables Zoning Code; and

WHEREAS, after a review of the record and decision of the Board of Architects, and having heard testimony from all interested parties, the City Commission of the City of Coral Gables conditionally upheld the appeal, thereby reversing the decision of the Board of Architects; and

WHEREAS, a motion to conditionally uphold the appeal and reverse the decision of the Board of Architects, further referring said matter to the City Architect Carlos Mindreau, with the stipulations as more particularly noted above, was moved by Commissioner Cabrera, and seconded by Commissioner Anderson, with a 5-0 vote, the City Commission approved said motion;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

SECTION 2. That this appeal is hereby granted and the decision of the Board of Architects is hereby conditionally upheld.

SECTION 3. That this resolution shall become effective immediately upon the date of its adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF JANUARY, A.D., 2009.

(Moved: Cabrera / Seconded: Anderson)

(Yeas: Anderson, Cabrera, Kerdyk, Withers, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY