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APPLICATION FOR APPEAL FROM BOARD OF ADJUSTMENT

NAME: Guilford & Associates, P.A.
ADDRESS: 2222 Ponce de Leon Blvd. 6th Floor, Coral Gables, Fl 33134
PHONE: (305) 446-8411

The undersigned hereby appeals the decision of the Board of Adjustment of the City of Coral Gables, Florida, made at its meeting of September 8, 2008, in which it () granted, () denied an application for a Variance to Ordinance No. 1525, as amended and known as the "Zoning Code," to permit the following:

APPLICATION NO. 8677 -Z

Describe what is being appealed:

This is an appeal of the granting by the Board of Adjustment the fourth of five requested variances.

The appealed variance provides in part:

To allow the proposed single family residence to have a standing seam metal roof vs. pitched roofs shall be constructed or 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.


Signature of Applicant

9-16-08
Date

Subject property located at: 360 Solano Prado

Subject property legally described as: Lot 77, Block 2, Old Cutler Bay Section 4.

Owner/Applicant Appeal Fee: \$200.00, Z.C. §24-8(a)5 and Z.C. §26-2
Aggrieved Party Fee: \$200.00

Guilford & Associates, P.A.
Attorneys at Law

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September 16, 2008

CITY OF CORAL GABLES
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Mayor and City Commission
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134

Re: Appeal of the Board of Adjustment / Allowance of a Metal Roof / Property
Owner – Robert and Isabel Fine / 360 Solano Prado

Mayor and City Commissioners:

This firm represents Andres Murai, an aggrieved party and owner of 200 Solano Prado, relative to the granting of a variance by the Board of Adjustment at its September 8, 2008, meeting for the property located at 360 Solano Prado.

The Board at its meeting granted a standing seam metal roof in lieu of roof material prescribed by the city's zoning code. It is clear from the transcript that a hardship was not presented. It appears that since the property owner had procured the ability to place a metal roof on the residence during the city's ninety (90) day trial period that he was still entitled to a metal roof regardless of the fact that the ninety (90) day period had expired and the property owner was demolishing and constructing a new residence.

While we understand and appreciate the circumstances associated with residence, it does not justify the granting of this variance. Once the ninety (90) day trial period ended, a property owner must comply with the criteria for the granting of a variance and that did not occur in this case. The property owner is starting with cleared piece of property and can not demonstrate a hardship. The owner stated during the meeting that there was nothing unique about the configuration of the property. As such, the property is no different than the other similarly situated properties. Thus, the property owner has failed to meet one of the criteria for the granting of a variance. By failing to meet the criteria set forth for the granting of a variance the, City Commission must reverse the action of the Board of Adjustment.

Thanking you in advance for your consideration of this appeal.

Very sincerely,
Guilford Associates P A


F.W. Zeke Guilford, Esq.

FRANK W. GUILFORD III	1618	6-1977/631
GINA GUILFORD		
7625 S. W. 50th Ave.		
Miami, FL 33143		
9-17-08 Date		
Pay to the Order of <u>Ally of Goodness</u>		\$ 200.00
<u>Two hundred & no 1/20</u>		Dollars <input type="checkbox"/>
		
MERCANTILE BANK  For <u>Frank W. Guilford III</u> 1618		