



To: Dona Spain, Historical Resources and Cultural Arts Director for the City of Coral Gables

From: Gustavo J. Ceballos, Assistant City Attorney for the City of Coral Gables

Approved: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding 711 University Drive - Non-Conforming Setback

Date: May 1, 2018

I have reviewed the matter and the proposed plans and it does not require a variance. This falls within prior legal opinions given by the City Attorney's Office relating to historically designated structures and Article VI of the Zoning Code. If otherwise in conformity with the Zoning Code, the addition can be done along the established legally non-conforming setback line as long as (1) there is not further encroachment beyond the established legally non-conforming setback line and (2) the Historic Preservation Board approves a Special Certificate of Appropriateness in a publicly noticed, quasi-judicial hearing. See, e.g., CAO 2015-048. The City Commission would also have authority to review the matter if any affected party appeals. As indicated in CAO 2015-048, "one purpose of Article VI is to ensure that properties are not penalized for legal non-conformities. This is particularly true for historic properties where the City has made a policy decision that these properties should be historically preserved as originally built, which substantially restricts an applicant from being able to modify the structure to comply with the current setback in an historically appropriate manner." This opinion is based on the specific facts of this matter and the proposed plans and pursuant to Section 2-252(e)(1) and (8) of the City Code and Section 2-702 of the Zoning Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

From: [Ceballos, Gustavo](#)
To: [Ramos, Miriam](#)
Cc: [Throckmorton, Stephanie](#); [Paulk, Enga](#)
Subject: RE: 711 University Drive - non-conforming setback opinion
Date: Monday, April 30, 2018 10:45:41 AM
Attachments: [CAO 711 University Drive - Non-conforming Setback.docx](#)
[image001.png](#)
[image002.png](#)

Opinion for non-conforming setback. Used previously opinions. Let me know if I can send to Dona.

Thanks

Gustavo J. Ceballos

Assistant City Attorney

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From: Throckmorton, Stephanie
Sent: Wednesday, April 25, 2018 5:20 PM
To: Ceballos, Gustavo
Subject: FW: 711 University Drive - non-conforming setback opinion

Trying again

From: Spain, Dona
Sent: Monday, April 23, 2018 1:40 PM
To: Ramos, Miriam; Suarez, Cristina; Throckmorton, Stephanie
Cc: Kautz, Kara; Guin, ElizaBeth
Subject: FW: 711 University Drive - non-conforming setback opinion

We need help on this. This project has already gone to our board. They have approved the setback of the addition that lines up with the existing non-conforming setback of the historic residence. I do not want them to have to go back to our board for a variance. Could you please issue an opinion that a variance is not necessary? This is consistent with legal opinions in the past.

Also, there is an existing historic wall that is three feet high. We would like the wall to remain even though it is in the triangle of visibility (typically a wall needs to be 2'-6" or less in the triangle of visibility).

Dona M. Spain
Historical Resources and Cultural Arts Director
City of Coral Gables, Florida
(305) 460-5095

From: Kautz, Kara
Sent: Monday, April 23, 2018 1:31 PM
To: Spain, Dona
Subject: FW: 711 University Drive - non-conforming setback opinion

Kara Kautz
City of Coral Gables
Historical Resources and Cultural Arts Department

kkautz@coralgables.com
305-460-5090

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From: Kautz, Kara
Sent: Monday, March 12, 2018 3:24 PM
To: Ramos, Miriam; Suarez, Cristina; Ceballos, Gustavo
Cc: Spain, Dona; Guin, ElizaBeth
Subject: 711 University Drive - non-conforming setback opinion

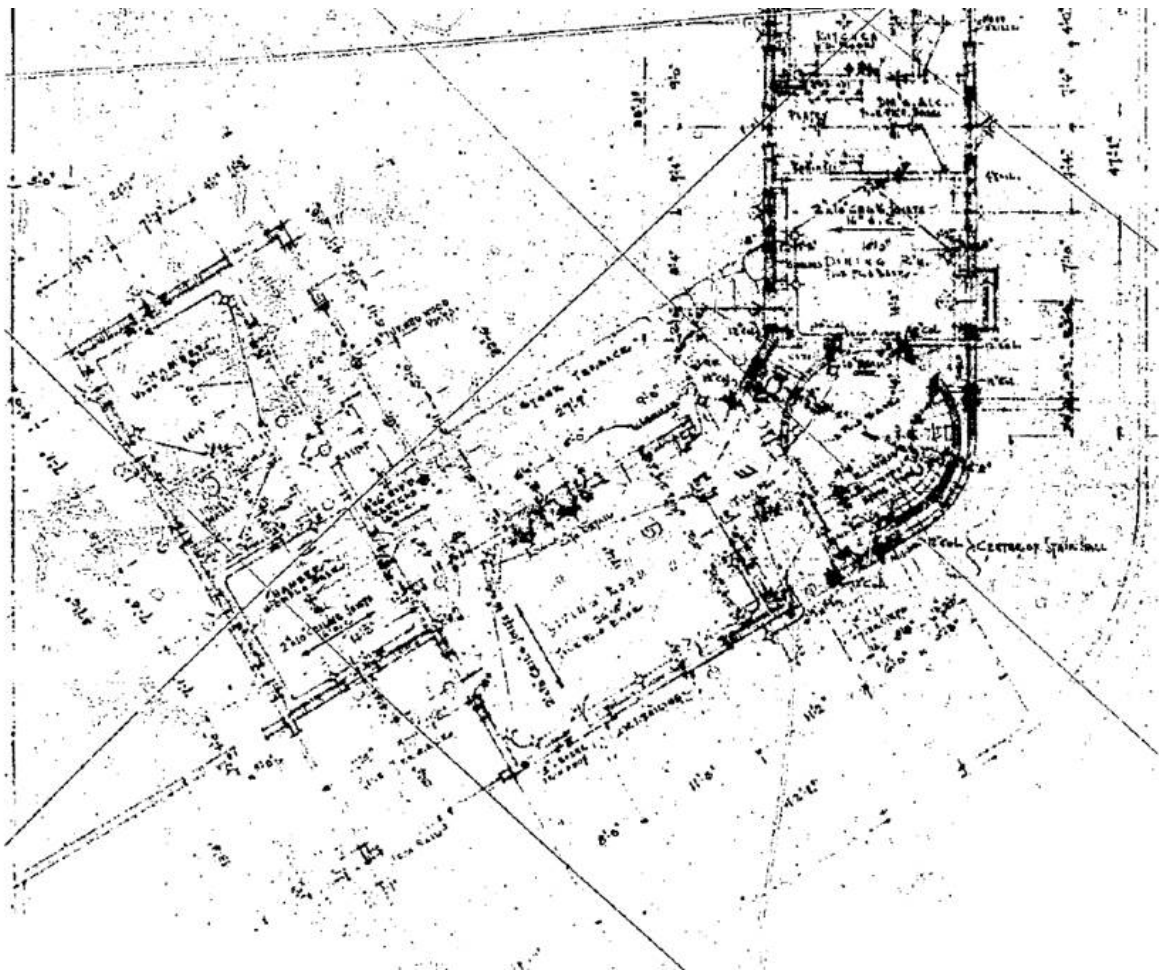
Miriam and Cristina – attached are the architectural plans for an addition to a residence located at 711 University Drive.

In the past, Craig has issued opinions saying that if there is an existing non-conformity with a setback the proposed addition can line up with that setback and since it does not increase the non-conformity, it would be allowed and not require a variance to the Zoning Code. In this case, the entire residence encroaches into the required University Drive front setback. An original walled terrace at the southwest corner of the house is being enclosed but will match the existing footprint of the terrace.

We've done this on a case by case basis. I'm requesting that you issue a similar opinion in this case.

Thanks and let us know.

Terrace location in blue below.



Kara Kautz
City of Coral Gables
Historical Resources and Cultural Arts Department

kkautz@coralgables.com
305-460-5090

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