



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

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

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

RE: Legal Opinion Regarding 4733 Santa Maria - Non-Conforming Setback

Date: May 17, 2018

I have reviewed the matter and the site plan for the proposed additions to the home, located at 4733 Santa Maria, Coral Gables, Florida, 33146, and the proposed setback abutting Blue Road will not require a variance. While the proposed addition will extend the home further to the rear of the property, the rear setback requirements will be complied with. The side set back (along Blue Road) will not encroach any further than the current legally non-conforming setback does. 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, in this case the proposed setback (19'-5") is less than the current legally non-conforming setback line (17.45'), 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 revisions to the previously approved plans and pursuant to Section 2-252(e)(1) and (8) of the City Code and Section 2-702city of the Zoning Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

From: [Ramos, Miriam](#)
To: [Ceballos, Gustavo](#); [Kautz, Kara](#)
Cc: [Spain, Dona](#); [Guin, ElizaBeth](#); [Paulk, Enga](#)
Subject: RE: 4733 Santa Maria Zoning Comments
Date: Thursday, May 17, 2018 9:28:03 PM
Attachments: [image001.png](#)
[opinion - CAO 4733 Santa Maria - Non-conforming Setback - MSR edits 5-17-18.docx](#)

Please use attached version with my edits. Enga, once the final edits are made, please publish.

Thanks,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

Board Certified by the Florida Bar in

City, County and Local Government Law

City of Coral Gables

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From: Ceballos, Gustavo
Sent: Thursday, May 17, 2018 10:43 AM
To: Kautz, Kara <KKautz@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>
Cc: Spain, Dona <dspain@coralgables.com>; Guin, ElizaBeth <eguin@coralgables.com>
Subject: RE: 4733 Santa Maria Zoning Comments

Good morning Kara,

Attached please find the requested opinion. Let me know if anyone has any comments.

Thanks

Gustavo J. Ceballos
Assistant City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, Florida 33134

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From: Kautz, Kara

Sent: Thursday, May 17, 2018 9:42 AM

To: Ceballos, Gustavo <gceballos@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>

Cc: Spain, Dona <dspain@coralgables.com>; Guin, ElizaBeth <eguin@coralgables.com>

Subject: FW: 4733 Santa Maria Zoning Comments

Hi Gus,

Please see the below Zoning comment. This is the property we discussed on Tuesday. The house has an existing non-conforming setback from Blue Road of 17.45’ (vs. 30’ required). The proposed addition has a setback of 19’-5” and does not increase the existing non-conformity. This is a contributing resource within the “Santa Maria Street Historic District.”

Proposed site plan and survey are attached.

Thanks,
Kara

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: Wednesday, May 09, 2018 11:16 AM

To: Spain, Dona; Guin, ElizaBeth

Subject: FW: 4733 Santa Maria Zoning Comments

Dona – Site plan, survey and zoning comments are included in this email.

Kara Kautz
City of Coral Gables

Historical Resources and Cultural Arts Department

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305-460-5090

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From: Pedro Bravo [<mailto:pbravo@bravoarchitecture.com>]
Sent: Monday, April 02, 2018 10:51 AM
To: Kautz, Kara; Spain, Dona; Guin, ElizaBeth
Subject: 4733 Santa Maria Zoning Comments

Good morning. I noticed this morning that Steve had posted comments last week. My concern is the comment regarding the variance:

ZONING PLAN REVIEW	przoning - ZONING PLAN REVIEW	srodriguez		03/28/2018	COMPLETED	OBSERVATIONS: 1. PAGE A-5, PROVIDE THE TRIANGLE OF VISIBILITY WHERE THE APPROACH MEETS THE STREET. 2. PAGE A-5, PROVIDE THE DISTANCE FROM THE NORTH PROPERTY LINE TO THE CLOSEST EDGE OF THE NEW DRIVEWAY. 3. PAGES A-5 AND A-6, RELABEL THE STORAGE ROOM, ? CONCRETE SLAB? TO ?CONCRETE DOOR LANDING?. 4. PAGE A-5, PROVIDE AN APPROVED VARIANCE TO ALLOW A 19.416 FEET SETBACK WHERE A SITE SPECIFIC 30 FEET SETBACK IS REQUIRED.
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Can we still proceed to the agenda with this comment? I have attached the existing survey that shows that corner of the house legally non-conforming. We are adding to that wing but with a larger setback however still not in compliance.

By the way, we have the same condition (comment) from zoning regarding the proposed gazebo rear setback over at Ana Navarro's house (2907 Columbus).

Please advise.

Thank you

Pedro Bravo

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