



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 *MSR*

RE: Legal Opinion Regarding 1206 Cordova - Non-Conforming Setback

Date: May 30, 2018

I have reviewed the matter and the site plan for the proposed additions to the home, located at 1206 Cordova, Coral Gables, Florida, 33134 (the "Property"), and the proposed setback will not require a variance. The Property currently has an existing non-conforming rear setback of 4' due to the placement of the original detached garage structure. The proposed addition to the Property will maintain the existing 4' setback and align the rear wall of the addition with the existing non-conforming detached garage structure.

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 4' setback maintains the current legally non-conforming setback and does not increase the non-conformity, and (2) the Historic Preservation Board approves a Special Certificate of Appropriateness in a publicly noticed, quasi-judicial hearing, and in this case it has already been approved by the Historic Preservation Board under COA (SP) 2017-015 with the proposed 4' rear setback. 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 City's 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](#); [Paulk, Enga](#)
Cc: [Spain, Dona](#); [Guin, ElizaBeth](#)
Subject: RE: 1206 Cordova: zoning comments--rear setback administrative approval
Date: Friday, June 01, 2018 4:15:37 PM
Attachments: [opinion - CAO 1206 Cordova - Non-conforming Setback.docx](#)
[image001.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image003.png](#)

This looks fine. I am copying Enga so that she may conform the format for my initials and then publish.

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 31, 2018 4:30 PM
To: Kautz, Kara <KKautz@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>
Cc: Spain, Dona <dspain@coralgables.com>; Guin, ElizaBeth <eguina@coralgables.com>
Subject: RE: 1206 Cordova: zoning comments--rear setback administrative approval

Attached is the draft opinion. Let me know if anyone has any comments or suggestions.

Gustavo J. Ceballos

Assistant City Attorney

City of Coral Gables

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From: Kautz, Kara
Sent: Wednesday, May 30, 2018 1:30 PM
To: Ceballos, Gustavo <gceballos@coralgables.com>; Ramos, Miriam <mrmos@coralgables.com>
Cc: Spain, Dona <dspain@coralgables.com>; Guin, ElizaBeth <eguina@coralgables.com>
Subject: RE: 1206 Cordova: zoning comments--rear setback administrative approval

Thank you!

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

kkautz@coralgables.com
305-460-5090

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From: Ceballos, Gustavo
Sent: Wednesday, May 30, 2018 1:20 PM
To: Kautz, Kara; Ramos, Miriam
Cc: Spain, Dona; Guin, ElizaBeth
Subject: RE: 1206 Cordova: zoning comments--rear setback administrative approval

If we haven’t issued one I will take care of it by tomorrow.

Gustavo J. Ceballos
Assistant City Attorney
City of Coral Gables
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From: Kautz, Kara
Sent: Wednesday, May 30, 2018 1:18 PM
To: Ceballos, Gustavo <gceballos@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>
Cc: Spain, Dona <dspain@coralgables.com>; Guin, ElizaBeth <eguina@coralgables.com>
Subject: FW: 1206 Cordova: zoning comments--rear setback administrative approval

Dona requested this one back in December, but I don't believe it was ever issued. Same item I just sent to you.

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

kkautz@coralgables.com
305-460-5090

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From: Spain, Dona
Sent: Wednesday, December 13, 2017 11:37 AM
To: Ramos, Miriam; Suarez, Cristina
Cc: 'Nelson De Leon'; Kautz, Kara; Guin, ElizaBeth
Subject: FW: 1206 Cordova: zoning comments--rear setback administrative approval

Miriam and Cristina – attached are the architectural plans for an addition to a residence located at 1206 Cordova. 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.

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

Thanks and let us know.

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

From: Nelson De Leon [<mailto:nel@locusarchitecture.net>]
Sent: Wednesday, December 13, 2017 11:30 AM
To: Spain, Dona
Subject: 1206 Cordova: zoning comments--rear setback administrative approval

Hi Dona,

It's time to get our City attorney's letter indicating an administrative approval for the rear setback (including for the AC equip which is screened by a low wall)—let me know what you'll need from me. See [highlighted](#) comments below.

Let me know you received this.

Thanks—Nelson

BL-17-11-1175		Applied	Approved	Issued	Final	Expires	
		11/03/2017				05/02/2019	
Type	RESIDENTIAL ADDITION	Status	pending				
Permit Description						Permit Address	1206 CORDOVA ST CORAL GABLES FL 33134-2457
* HISTORIC* INCLUSIVE/ 1 STY ADDITION, SIMPLIFIED/ COVERED TERRACE, INTERIOR ALTERATIONS, PAVER DRIVEWAY, WALWAY, SLAB FOR GENERATOR, A/C SLAB, LANDSCAPING, CONCRETES STEPS/LANDING, WINDOWS, DOORS, CBS WALL, MTL FENCE, CLF, GATES \$150,000	Applicant					JEFFREY D ROBBY LE MARLENE PE Owner Y	
	Owner					JEFFREY D ROBBY LE MARLENE PE	

PLAN REVIEW	pr zoning - ZONING PLAN REVIEW	etejera	11/16/2017	12/05/2017	DEFERRED	1. PROPOSED ADDITION MUST COMPLY WITH ALL REQUIRED SETBACKS. PARCEL HAS A 10'-0" REAR SETBACK REQUIREMENT. 2. NEW ROOF TERRACE FOR ADDITION MUST ALSO COMPLY WITH THE 10'-0" REAR SETBACK REQUIREMENT. 3. NEED TO SHOW HOW DOUBLE GATES LEADING TO POOL WILL BE MECHANICALLY SELF-CLOSING AND SELF-LATCHING. DOUBLE GATES WITH CENTER POST DO NOT MEET THE POOL ENCLOSURE REQUIREMENT. ONCE CENTER POST IS REMOVED GATES WILL NO LONGER COMPLY WITH CODE. A. DOUBLE GATES MUST BE OPERABLE TO PROVIDE GARAGE ACCESS. 4. POOL MUST BE SCREENED FROM STREET VIEW BY 4' HIGH C. B. S. OR CORAL ROCK WALL, OR BUILDING. PLANS SHOW PROPOSED WALL AT 2'-6" (NEEDED TO COMPLY WITH TRIANGLE OF VISIBILITY). SURVEY SHOWS A C.B.S. WALL SCREENING POOL FROM STREET VIEW, THIS WALL IS REQUIRED TO MEET CODE. 5. 6. CHAIN LINK FENCE MAY ONLY BE LOCATED ALONG BOUNDARIES OF A REAR YARD. IF FENCE IS TO EXTEND FARTHER TOWARDS THE STREET THAN THE REAR CORNER OF THE BUILDING, IT MAY GO AS FAR AS THE FRONT CORNER LINE OF THE BUILDING AS LONG AS IT IS RETURNED WITH A 4' HIGH MASONRY OR CORAL ROCK WALL. SURVEY SHOWS A C.B.S. WALL RETURNING THE CHAIN-LINK TO THE HOUSE; THIS WALL IS REQUIRED TO MEET CODE. 7. NEED TO SHOW TRIANGLE OF VISIBILITY ON DRIVEWAY. IF A SIDEWALK IS LOCATED BETWEEN THE PROPERTY LINE AND THE STREET THEN THE LEGS OF THE TRIANGLE OF VISIBILITY SHALL BE FIFTEEN (10) FEET LONG; AND MEET AT THE POINT OF INTERSECTION OF THE DRIVEWAY AND THE EDGE OF THE SIDEWALK THAT IS CLOSEST TO OR ON THE PROPERTY LINE. 8. DETAIL "B" ON SHEET A-01 SHOWS A NEW 4'-0" WALL ON THE SIDE OF THE PROPERTY LINES. PLANS MUST ALSO SHOW TRIANGLE FOR ANY ADJACENT PROPERTIES OR STATE "NO DRIVEWAY WITHIN 10' FEET OF PROPERTY LINE". 9. ALL PROPOSED MECHANICAL EQUIPMENT MUST COMPLY WITH ALL REQUIRED SETBACKS. PLANS SHOW A NEW A/C IN THE 10'-0" REAR SETBACK. 10. NEW CMU WALLS ARE NOT ALLOWED TO EXCEED A HEIGHT OF 4'-0" IN ANY SETBACK AREA. SHEET A-08 SHOWS A NEW 4'-6" HIGH CMU WALL NEXT TO THE EXISTING GARAGE. 11. WHEN MORE THAN ONE PLATTED LOT IS INVOLVED A UNITY OF TITLE MUST BE FILED WITH THE CITY ATTORNEY'S OFFICE. AS PER ZONING'S RECORDS WE DO NOT HAVE A UNITY OF TITLE ON FILE, PLEASE VISIT OUR SITE TO PRINT A CURRENT APPLICATION HTTP://WWW.CORALGABLES.COM/CGWEB/ATTORNEY_FORMSAPP.ASPX

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