



To: Dona Spain

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in black ink, appearing to be "C. Leen", is written over the name "Craig E. Leen" in the "From:" line.

RE: Legal Opinion Regarding 129 Frow Ave and 110 Oak Ave

Date: July 22, 2016

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It is my understanding that these are local historic landmarks receiving public restoration funds pursuant to a County and City program, which serves a public purpose and promotes the City's governmental objective of historic preservation. It is also my understanding that the landmarks will be restored in the same locations on the property and that the encroachments would be materially in the same locations as with the original houses. As long as the encroachments are not increased from the original, and it is approved for a special certificate of appropriateness in a public hearing (which is subject to appeal to the City Commission), I would view this as an improvement of a legally non-conforming historic landmark pursuant to a publicly funded program and there would be no need for variances. This opinion and interpretation is issued pursuant to section 2-201(e)(1) and (8) of the City Code, section 2-702 of the Zoning Code, and Article 3, Division 11 and Article 6 of the Zoning Code.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** Fwd: 129 Frow Ave and 110 Oak Ave  
**Date:** Friday, July 22, 2016 11:44:28 AM

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Please publish.

Sent from my iPhone

Begin forwarded message:

**From:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Date:** July 22, 2016 at 11:43:54 AM EDT  
**To:** "Spain, Dona" <[dspain@coralgables.com](mailto:dspain@coralgables.com)>  
**Cc:** "Ramos, Miriam" <[mramos@coralgables.com](mailto:mramos@coralgables.com)>, "Kautz, Kara" <[KKautz@coralgables.com](mailto:KKautz@coralgables.com)>, "Guin, Elizabeth" <[eguin@coralgables.com](mailto:eguin@coralgables.com)>, "Suarez, Cristina" <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>  
**Subject:** **Re: 129 Frow Ave and 110 Oak Ave**

Dona,

It is my understanding that these are local historic landmarks receiving public restoration funds pursuant to a County and City program, which serves a public purpose and promotes the City's governmental objective of historic preservation. It is also my understanding that the landmarks will be restored in the same locations on the property and that the encroachments would be materially in the same locations as with the original houses. As long as the encroachments are not increased from the original, and it is approved for a special certificate of appropriateness in a public hearing (which is subject to appeal to the City Commission), I would view this as an improvement of a legally non-conforming historic landmark pursuant to a publicly funded program and there would be no need for variances. This opinion and interpretation is issued pursuant to section 2-201(e)(1) and (8) of the City Code, section 2-702 of the Zoning Code, and Article 3, Division 11 and Article 6 of the Zoning Code.

Craig E. Leen  
City Attorney

Sent from my iPhone

On Jul 22, 2016, at 10:46 AM, Spain, Dona <[dspain@coralgables.com](mailto:dspain@coralgables.com)> wrote:

Craig – these are the two homes in MacFarlane that we're restoring. We're going to the Historic Preservation Board in August with 129 Frow. 110 Oak has already been permitted. We're going to ask the board if we can use Hardie Board (or equivalent) in place of wood, but we're requiring the following:

Wood frame construction

Wood siding (possibly Hardie Board, which would require BOA and HPB approval)

Front setback encroachment – we are requiring that a porch be built in the front setback where it was originally

Side setback encroachment – the house is “skewed” on the lot and when it’s rebuilt we want it to be in the exact location.

Since these are things that we’re requiring would they need variances?

Thanks.

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