



To: Dona Spain

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding 915 Bayamo Avenue

Date: October 5, 2016

I have reviewed the matter and the proposed plans. This falls within prior legal opinions I have given on this subject 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 (following aesthetic and architectural review by the Board of Architects, which advises the Historic Preservation Board). 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."

The project may proceed to the Board of Architects for its review.

This opinion is based on the specific facts of this matter and the proposed plans.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 915 Bayamo Avenue
Date: Wednesday, October 05, 2016 1:58:16 AM
Attachments: [image001.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5218

Fax: (305) 460-5264

Email: cleen@coralgables.com



CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, October 05, 2016 1:57 AM
To: Spain, Dona
Cc: Ramos, Miriam; 'daniel.faust@akerman.com'; daisy.faust@gmail.com; Kautz, Kara; Guin, Elizabeth
Subject: RE: 915 Bayamo Avenue

Dona,

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Craig E. Leen, City Attorney

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CORAL GABLES
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Celebrating 90 years of a dream realized.

From: Spain, Dona

Sent: Friday, September 30, 2016 4:23 PM

To: Leen, Craig

Cc: Ramos, Miriam; 'daniel.faust@akerman.com'; daisy.faust@gmail.com; Kautz, Kara; Guin, Elizabeth

Subject: 915 Bayamo Avenue

Craig – attached is a proposal for an addition to this residence. The existing historic home has a legally non-conforming rear setback of 7-6”. The owners would like to do the addition at that same setback line. You have said in the past that this would not require a variance. Please confirm as soon as possible. They want to get to the Board of Architects.

Thanks. I’m copying the owner on this email.

Dona