



To: W. Tucker Gibbs

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

RE: Legal Opinion Regarding Postponement Of An Appeal

Date: March 4, 2013

I am writing for the City in response to your request. Section 3-608(A)(1) of the Zoning Code allows for an automatic postponement of an appeal for up to 90 days. It is my understanding that you would like to modify your client's initial request for a 30-day automatic extension so that it would be a request for a 90-day automatic extension. Because the appeal has not been reset or renoticed as of this time, it is my office's view that such a request is permissible and may be granted by the City. Accordingly, I have conferred with City staff, and the 30-day automatic extension previously granted under section 3-608(A)(1) is hereby modified to be a 90-day automatic extension. Any further extension beyond the automatic 90-day period would need to be sought pursuant to section 3-608(A)(2) of the Zoning Code.

Hernandez, Cristina

From: Leen, Craig
Sent: Monday, March 04, 2013 11:18 AM
To: Hernandez, Cristina
Subject: FW: Extension of time --Appeal of Variance for 390 Bird Road

Please place in the opinion folder with the prior opinion I just sent.

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Monday, March 04, 2013 11:16 AM
To: 'W. Tucker Gibbs'
Cc: Foeman, Walter; Olazabal, Carmen; Tompkins, Jane; Trias, Ramon
Subject: RE: Extension of time --Appeal of Variance for 390 Bird Road

Mr. Gibbs,

I am writing for the City in response to your request. Section 3-608(A)(1) of the Zoning Code allows for an automatic postponement of an appeal for up to 90 days. It is my understanding that you would like to modify your client's initial request for a 30-day automatic extension so that it would be a request for a 90-day automatic extension. Because the appeal has not been reset or renoticed as of this time, it is my office's view that such a request is permissible and may be granted by the City. Accordingly, I have conferred with City staff, and the 30-day automatic extension previously granted under section 3-608(A)(1) is hereby modified to be a 90-day automatic extension. Any further extension beyond the automatic 90-day period would need to be sought pursuant to section 3-608(A)(2) of the Zoning Code.

Please let me know if you have any questions.

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: W. Tucker Gibbs [mailto:tucker@wtgibbs.com]
Sent: Monday, March 04, 2013 7:05 AM
To: Leen, Craig
Subject: Extension of time --Appeal of Variance for 390 Bird Road

Good Morning Craig,

As you know I requested and was granted a continuance of city commission consideration of my client's appeal of the zoning variance granted for the property at 390 Bird Road. Because the code permits a 90-day continuance and I requested a 30 days, I would like to extend another 60 days the continuance of my client's appeal of the variance for the property at 390 Bird Road. This extension will allow my client to continue to work with the property owner to resolve their differences. Thank you for your consideration of this matter.

Regards,

Tucker

W. Tucker Gibbs
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Hernandez, Cristina

From: Leen, Craig
Sent: Monday, March 04, 2013 10:38 AM
To: Hernandez, Cristina
Cc: Thornton Richard, Bridgette
Subject: FW: Extension of time --Appeal of Variance for 390 Bird Road
Attachments: W Tucker Gibbs.vcf

Please place in the opinion folder.

Craig E. Leen
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Email: cleen@coralgables.com

From: Leen, Craig
Sent: Monday, March 04, 2013 10:03 AM
To: Tompkins, Jane; Trias, Ramon
Cc: Olazabal, Carmen; 'bthornton@coralgables.com'
Subject: FW: Extension of time --Appeal of Variance for 390 Bird Road

Please see the request below from Tucker Gibbs in the 390 Bird Road appeal. As long as the appeal has not already been reset and renoticed, it is my view that the City could modify the initial extension that was granted from 30 days to 90 days under section 3-608(A)(1), without requiring a request for a second postponement under 3-608(A)(2).

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Sent: Monday, March 04, 2013 7:05 AM
To: Leen, Craig
Subject: Extension of time --Appeal of Variance for 390 Bird Road

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property at 390 Bird Road. This extension will allow my client to continue to work with the property owner to resolve their differences. Thank you for your consideration of this matter.

Regards,

Tucker

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