



To: Hung Nguyen; Dona Spain

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

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

RE: Legal Opinion Regarding Garage Being Added Next To Existing One On 1016 Alhambra

Date: August 5, 2014

This confirms that you informed me that the width of the present garage is greater than the width of the proposed new addition to the garage. I have now finished my review of this matter and hereby opine pursuant to section 2-201 of the City Code and 2-702 of the Zoning Code that the application should be allowed under Article 6 of the Zoning Code. It is my view, based on the specific facts of this case, that the proposed addition improves an existing legal non-conformity (by making the garage more usable and not jagged in its layout) and continues along the same legally non-conforming setback that has already been established for the garage (the predominant width of which is already present along that legally non-conforming setback). This opinion is consistent with my office's prior view and interpretation of Article 6. Although you would not need a variance under this opinion, you would need to comply with all other applicable requirements. Please let me know if you have any questions.

Parramore, Carol

From: Leen, Craig
Sent: Wednesday, August 13, 2014 4:24 PM
To: Parramore, Carol
Subject: FW: 1016 Alhambra

Importance: High

Please place in the opinion folder.

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

From: Leen, Craig
Sent: Wednesday, August 13, 2014 4:24 PM
To: Spain, Dona
Cc: Thornton, Bridgette
Subject: 1016 Alhambra
Importance: High

Dona,

I have reviewed the 1016 Alhambra matter. It is my understanding that the applicant would put a second story on the garage, and that the only issue is the presently legally non-conforming setback of the present garage. The addition would not encroach further into the setback, and the addition would not be greater than the width of the current garage. In such circumstances, it is my view that the analysis in the opinion below supports granting the request. Accordingly, pursuant to section 2-201 of the City Code and 2-702 of the Zoning Code, it is my opinion that the application should be allowed under Article 6 of the Zoning Code.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
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405 Biltmore Way
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Email: cleen@coralgables.com

From: Leen, Craig
Sent: Tuesday, August 05, 2014 4:26 PM
To: 'Hung Nguyen'; Thornton, Bridgette
Cc: Spain, Dona; Kautz, Kara; Gonzalez, Elizabeth; Figueroa, Yaneris; Osle, Zilma

Subject: RE: Setback issue

Importance: High

Mr. Nguyen,

It was good speaking with you. This email confirms that you informed me that the width of the present garage is greater than the width of the proposed new addition to the garage. I have now finished my review of this matter and hereby opine pursuant to section 2-201 of the City Code and 2-702 of the Zoning Code that the application should be allowed under Article 6 of the Zoning Code. It is my view, based on the specific facts of this case, that the proposed addition improves an existing legal non-conformity (by making the garage more usable and not jagged in its layout) and continues along the same legally non-conforming setback that has already been established for the garage (the predominant width of which is already present along that legally non-conforming setback). This opinion is consistent with my office's prior view and interpretation of Article 6. Although you would not need a variance under this opinion, you would need to comply with all other applicable requirements. Please let me know if you have any questions.

Best regards,

Craig E. Leen
City Attorney

From: Hung Nguyen [mailto:hnguyen@welbaum.com]

Sent: Monday, August 04, 2014 10:51 AM

To: Thornton, Bridgette

Cc: Leen, Craig; Spain, Dona; Kautz, Kara; Gonzalez, Elizabeth; Figueroa, Yaneris; Osle, Zilma

Subject: RE: Setback issue

Ok I'm sure he is very busy. I appreciate the consideration.

Hung

WELBAUM GUERNSEY

Attorneys at Law

Welbaum Guernsey Hingston Gregory

Black Rune Thomas & Nguyen LLP

901 Ponce De Leon Blvd | Penthouse Suite

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Tel.: 305-441-8900 | Fax: 305-441-2255

Email: hnguyen@welbaum.com

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From: Thornton, Bridgette [mailto:bthornton@coralgables.com]

Sent: Monday, August 04, 2014 10:48 AM

To: Hung Nguyen

Cc: Leen, Craig; Spain, Dona; Kautz, Kara; Gonzalez, Elizabeth; Figueroa, Yaneris; Osle, Zilma

Subject: RE: Setback issue

Good Morning Mr. Hung,

The City Attorney will be addressing your issue himself in the very near future. Indeed, I cc'ed him on this email as a friendly reminder to do so. I apologize for the delay; however, I am confident that you will have a response very soon.

Thank you,
Bridgette

Bridgette N. Thornton
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 460-5084
Cell: (305) 801-5797
Fax: (305) 476-7795

From: Hung Nguyen [<mailto:hnguyen@welbaum.com>]
Sent: Monday, August 04, 2014 9:07 AM
To: Thornton, Bridgette
Subject: RE: Setback issue

Happy Monday Bridgette! Can I please get an update on this issue? We are at a standstill until this issue is decided. Thanks.

Hung

WELBAUM GUERNSEY

Attorneys at Law

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Black Rune Thomas & Nguyen LLP
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From: Thornton, Bridgette [<mailto:bthornton@coralgables.com>]
Sent: Thursday, July 24, 2014 4:22 PM
To: Hung Nguyen; Spain, Dona
Cc: Leen, Craig; nazy@pjbarchitects.com; Gonzalez, Elizabeth
Subject: RE: Setback issue

Good Afternoon Mr. Nguyen,

I have been in communication with the City Attorney and he informed me that he will be addressing your below question shortly. He just needed to confirm some additional information.

Thank you,
Bridgette

Bridgette N. Thornton
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 460-5084
Cell: (305) 801-5797
Fax: (305) 476-7795

From: Hung Nguyen [<mailto:hnguyen@welbaum.com>]
Sent: Thursday, July 24, 2014 11:37 AM
To: Thornton, Bridgette; Spain, Dona
Cc: Leen, Craig; nazy@pjbarchitects.com; Gonzalez, Elizabeth
Subject: RE: Setback issue

Bridgette, thank you for speaking with me. Per our discussion, I am sending you a follow up email to Dona's email.

I have attached a copy of our proposed plan that Dona sent to you. As of now, the current 1 car garage (it actually doesn't even fit a standard modern day car) violates the setback. As part of the renovation, I want to enlarge the 1 car garage so that it actually fits two cars.

The problem is, if we do it per the setback (with the original garage not meeting the setback and the new garage meeting the setback), the garage will be a jagged monstrosity (like a game piece from Tetris). So we are proposing to do the addition to the garage using the same setback as the current garage so that it's flush as per the attached plans.

Please let me know if this is ok without needing a special variance.

I appreciate your time on this. Thanks.

Hung

WELBAUM GUERNSEY
Attorneys at Law

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From: Thornton, Bridgette [<mailto:bthornton@coralgables.com>]
Sent: Wednesday, July 23, 2014 2:08 PM
To: Spain, Dona
Cc: Leen, Craig; nazy@pjbarchitects.com; Hung Nguyen; Gonzalez, Elizabeth
Subject: Re: Setback issue

I've been waiting for Craig to get an opportunity to issue an interpretation.

Bridgette N. Thornton

Deputy City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134
(305) 460-5084

On Jul 23, 2014, at 1:46 PM, "Spain, Dona" <dspain@coralgables.com> wrote:

Any word on this issue?

Dona M. Spain
Historic Preservation Officer
City of Coral Gables, Florida
(305)460-5095

From: Spain, Dona
Sent: Monday, July 14, 2014 2:55 PM
To: Leen, Craig; Thornton, Bridgette
Cc: Gonzalez, Elizabeth; nazy@pjbarchitects.com
Subject: Setback issue

Craig, attached is the proposed plans for additions (in yellow) to 814 Santiago, a local historic landmark. I met with the owner and his architect. They want to add another garage next the existing one and line it up. The required setback now is 10 feet from the rear property line. I think that as long as the new garage isn't closer to the property line than the existing, a variance won't be allowed. Could you please confirm that? Thanks. I'm copying the architect on this email.

Dona

<814 Santiago Street - proposed plan.pdf>

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