




To: Dona Spain

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

RE: Legal Opinion Regarding 1019 Lisbon Street

Date: July 31, 2015

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Yes, pursuant to sections 2-201(e)(1) and (8) of the City Code, section 2-702 of the Zoning Code, and Article 6 of the Zoning Code, and because the property became a Coral Gables Cottage prior to the cottage rules change, which is what established the side setback, and because she has established setbacks that would be either consistent with cottage rules or legally non-conforming under Article 6, and because the Code allows for improvements to non-conformities, it is my opinion that the property owner should be able to proceed without a variance. This is consistent with prior precedents related to Article 6 as well. I would also note that a special certificate of appropriateness would still be required, which would ensure the proposal goes through a quasi-judicial public hearing.

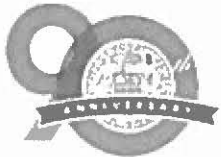
## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Friday, July 31, 2015 3:31 PM  
**To:** Herbello, Stephanie  
**Subject:** FW: 1019 Lisbon Street

Please publish.

**Craig E. Leen, City Attorney**  
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City, County and Local Government Law*  
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**From:** Leen, Craig  
**Sent:** Friday, July 31, 2015 3:31 PM  
**To:** Spain, Dona  
**Cc:** Jorey Friedman ([jfriedman@sb-architects.com](mailto:jfriedman@sb-architects.com)); Ramos, Miriam  
**Subject:** RE: 1019 Lisbon Street

Yes, pursuant to sections 2-201(e)(1) and (8) of the City Code, section 2-702 of the Zoning Code, and Article 6 of the Zoning Code, and because the property became a Coral Gables Cottage prior to the cottage rules change, which is what established the side setback, and because she has established setbacks that would be either consistent with cottage rules or legally non-conforming under Article 6, and because the Code allows for improvements to non-conformities, it is my opinion that the property owner should be able to proceed without a variance. This is consistent with prior precedents related to Article 6 as well. I would also note that a special certificate of appropriateness would still be required, which would ensure the proposal goes through a quasi-judicial public hearing.

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**From:** Spain, Dona  
**Sent:** Friday, July 31, 2015 9:36 AM  
**To:** Leen, Craig  
**Cc:** Jorey Friedman ([jfriedman@sb-architects.com](mailto:jfriedman@sb-architects.com))  
**Subject:** 1019 Lisbon Street

This email is to confirm our meeting on a proposed construction project at 1019 Lisbon Street. This property was deemed a Coral Gables Cottage prior to the cottage rules change to not allow a 2-story property to be a cottage.

The proposal is for the following:

Add a second story to the existing garage building – since the existing building is a wood frame building, it may be necessary to demolish it and rebuild it. The existing garage is legally non-conforming in the rear setback, but conforms to the reduced side setbacks as a cottage. You said that demolishing the existing garage and rebuilding it in the same place with a second story would not require a variance.

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



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