



To: Dona Spain, Historical Resources and Cultural Arts Director for the City of Coral Gables

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

A handwritten signature in blue ink, appearing to be "CL", is written over the text of the "From:" field.

RE: Legal Opinion Regarding Pool Setback - 936 Castile Avenue

Date: February 3, 2017

I have reviewed your email and the sketch. Yes, I agree with you. This situation is equivalent to prior situations and is governed by prior interpretations of legally nonconforming setbacks for historic structures. It does not require a variance. I would also note the affected neighbor's non-objection.

This opinion is issued pursuant to sections 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: Fwd: pool setback - 936 Castile Avenue
Date: Friday, February 03, 2017 11:08:13 AM

Please publish.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: February 3, 2017 at 10:57:04 AM EST
To: "Spain, Dona" <dspain@coralgables.com>
Cc: "Ramos, Miriam" <mramos@coralgables.com>, "Kautz, Kara" <KKautz@coralgables.com>, "Guin, Elizabeth" <eguin@coralgables.com>
Subject: Re: pool setback - 936 Castile Avenue

I have reviewed your email and the sketch. Yes, I agree with you. This situation is equivalent to prior situations and is governed by prior interpretations of legally nonconforming setbacks for historic structures. It does not require a variance. I would also note the affected neighbor's nonobjection.

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Sent from my iPhone

On Feb 2, 2017, at 3:41 PM, Spain, Dona <dspain@coralgables.com> wrote:

Craig – I never heard from you on this.

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

From: Spain, Dona
Sent: Thursday, January 26, 2017 3:04 PM
To: Leen, Craig
Cc: Ramos, Miriam; Kautz, Kara; Guin, Elizabeth
Subject: pool setback - 936 Castile Avenue

This is a quirky lot – only 89' long and not a fully platted lot (at some time in the past this portion of a larger piece of property was sold off and a

home was built on it. The house is historic. The new owners would like to install a pool 5' from the rear property line instead of the required 10'. The pool would line up with the existing garage building. We've checked with the neighbor and they don't mind. This is equivalent to the other determinations that you've given in the past where a variance is not required.

Let us know and thanks!

<936 Castile Avenue - Survey.pdf>