



To: Kautz, Kara, Assistant Historic Preservation Officer for the City of Coral Gables  
Dona M. 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 

RE: Legal Opinion Regarding 200 Edgewater Drive

Date: June 20, 2017

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I would confirm the information below. Please inform Zoning that the project should proceed based on the opinion I provided. I would also note that this project was supported by your department, and then approved by the Historic Preservation Board sitting in a quasi-judicial capacity, which was appealable to the City Commission if there were any objections. Accordingly, it should proceed as indicated. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

OBSERVATIONS:

1. PLANS SHOW THE LEGAL DESCRIPTION OF THIS SITE AS BEING LOT 2 OF COCHRANE MANOR. THE ADDRESS PROVIDED SHOWS THE PARCEL AS LOT 4 AND 6 WITH PARTS OF TRACK 6 AND 7 OF BAKER HOMESTEAD. THE SETBACKS ARE ESTABLISHED FOR ALL SIDES OF A LOT IN THE ZONING CODE APPENDIX 8. THE FOLLOWING COMMENTS ARE PERTAINING LOT 4 FOR THE ADDITION OF THE GARAGE AND ACCESSORY DWELLING.
2. SITE SPECIFICS FOR LOT 4 ESTABLISH THE FRONT OF THE LOT TO FACE WEST. THEREFORE, THE PROPOSED GARAGE AND ACCESSORY DWELLING ARE WITHIN THE FRONT SETBACK OF TWENTY-FIVE (25) FEET. REFER TO THE ZONING CODE APPENDIX A - BAKER HOMESTEAD.
3. SINCE THE GARAGE EXPANSION WILL BE GREATER THAN ON STORY AND OVER THE ALLOWABLE 350 SQUARE FEET, THE PROVISION FOR A DETACHED GARAGE ON SIDE SETBACKS WILL NOT BE APPLIED. THE GARAGE EXPANSION WILL BE RESTRICTED TO THE ESTABLISHED NORTH TWENTY (20) FOOT SIDE SETBACK AND CANNOT FOLLOW THE SAME SETBACK LINE AS THE EXISTING DETACHED GARAGE. REFER TO THE ZONING CODE APPENDIX A - BAKER HOMESTEAD.
4. ALL MECHANICAL EQUIPMENT IS RESTRICTED TO THE SAME SETBACKS AS THE MAIN RESIDENCE OF WHICH IS ESTABLISHED TO BE TWENTY-FIVE (25) FEET FROM THE FRONT (WEST) OF LOT 4. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-1804.
5. GENERATORS ARE NOT ALLOWED TO BE PLACED IN A FRONT SETBACK. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-2801 (A).
6. NEW OPEN AIR PATIO CANNOT BE PLACED WITHIN THE FRONT TWENTY-FIVE (25) FOOT SETBACK. PROVIDE DIMENSIONS FROM THE WEST PROPERTY LINE TO THE EDGE OF THE PROPOSED PATIO.
7. PLANS MUST PROVIDE A NEW ZONING LEGEND THAT PROVIDES THE NEW CALCULATIONS FOR GROUND AREA COVERAGE, FLOOR AREA FACTOR AND OPEN LANDSCAPING.
8. A UNITY OF TITLE COVENANT MUST BE PROVIDED.
9. "FUTURE COTTAGE" IS LIMITED TO THE REAR YARD. THE PLACEMENT OF THE COTTAGE IS SHOW IN THE FRONT YARD OF LOT 6. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-105.
10. "FUTURE COTTAGE" CANNOT BE PLACED CLOSER TO A FRONT/STREET SIDE THAN THE MAIN RESIDENTIAL BUILDING. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-101 (C).
11. "FUTURE POOL" CANNOT BE PLACED CLOSER TO THE FRONT/STREET THAN THE MAIN RESIDENCE. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-101 (C).
12. PROVIDE/ILLUSTRATE A COMPLETE POOL ENCLOSURE FOR THE EXISTING POOL.
13. FURTHER REVIEW REQUIRED UPON SUBMITTAL.

2015-15 – 200 Edgewater Drive – Zoning Review Comments

[RED] – Status Update 04.03.17

OBSERVATIONS:

1. PLANS SHOW THE LEGAL DESCRIPTION OF THIS SITE AS BEING LOT 2 OF COCHRANE MANOR. THE ADDRESS PROVIDED SHOWS THE PARCEL AS LOT 4 AND 6 WITH PARTS OF TRACK 6 AND 7 OF BAKER HOMESTEAD. THE SETBACKS ARE ESTABLISHED FOR ALL SIDES OF A LOT IN THE ZONING CODE APPENDIX 8. THE FOLLOWING COMMENTS ARE PERTAINING LOT 4 FOR THE ADDITION OF THE GARAGE AND ACCESSORY DWELLING.
  - a. LEGAL DESCRIPTION TO BE REVISED ACCORDINGLY.
2. SITE SPECIFICS FOR LOT 4 ESTABLISH THE FRONT OF THE LOT TO FACE WEST. THEREFORE, THE PROPOSED GARAGE AND ACCESSORY DWELLING ARE WITHIN THE FRONT SETBACK OF TWENTY-FIVE (25) FEET. REFER TO THE ZONING CODE APPENDIX A - BAKER HOMESTEAD.
  - a. PER MEETING WITH HISTORIC PRESERVATION AND CITY ATTORNEY ON 03/20/17 @ 11:00A.M., SITE SPECIFIC REGULATIONS HAVE BEEN REMOVED FROM THIS PROPERTY, AS LOTS 4 AND 6 HAVE BEEN COMBINED VIA UNITY-OF-TITLE. AS APPROVED IN SAID MEEITNG, FRONT SETBACK WILL BE APPLIED ALONG NORTH PROPERTY LINE FACING EDGEWATER DRIVE. EXISTING NON-CONFORMING SETBACK (5') OF HISTORIC GARAGE WILL BE ALLOWED TO BE MAINTAINED FOR EXPANSION.
3. SINCE THE GARAGE EXPANSION WILL BE GREATER THAN ON STORY AND OVER THE ALLOWABLE 350 SQUARE FEET, THE PROVISION FOR A DETACHED GARAGE ON SIDE SETBACKS WILL NOT BE APPLIED. THE GARAGE EXPANSION WILL BE RESTRICTED TO THE ESTABLISHED NORTH TWENTY (20) FOOT SIDE SETBACK AND CANNOT FOLLOW THE SAME SETBACK LINE AS THE EXISTING DETACHED GARAGE. REFER TO THE ZONING CODE APPENDIX A - BAKER HOMESTEAD.
  - a. SEE 2(a) ABOVE
4. ALL MECHANICAL EQUIPMENT IS RESTRICTED TO THE SAME SETBACKS AS THE MAIN RESIDENCE OF WHICH IS ESTABLISHED TO BE TWENTY-FIVE (25) FEET FROM THE FRONT (WEST) OF LOT 4. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-1804.
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  - a. SEE 2(a) ABOVE

2015-15 – 200 Edgewater Drive – Zoning Review Comments

[RED] – Status Update 04.03.17

7. PLANS MUST PROVIDE A NEW ZONING LEGEND THAT PROVIDES THE NEW CALCULATIONS FOR GROUND AREA COVERAGE, FLOOR AREA FACTOR AND OPEN LANDSCAPING.
  - a. NOTED. ZONING LEGEND TO BE REVISED ACCORDINGLY.
8. A UNITY OF TITLE COVENANT MUST BE PROVIDED.
  - a. COVENANT HAS BEEN PROVIDED AT MEETING WITH HISTORIC PRESERVATION AND CITY ATTORNEY ON 03/20/17 @ 11:00 A.M.
9. "FUTURE COTTAGE" IS LIMITED TO THE REAR YARD. THE PLACEMENT OF THE COTTAGE IS SHOWN IN THE FRONT YARD OF LOT 6. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-105.
  - a. PER MEETING WITH HISTORIC PRESERVATION AND CITY ATTORNEY ON 03/20/17 @ 11:00 A.M., FUTURE COTTAGE (EXPANSION OF HISTORIC EXISTING COTTAGE TO REMAIN) WILL BE ALLOWED IN ITS CURRENT LOCATION, PROVIDED THAT A 48" HIGH VISUAL BUFFER IS PROVIDED FROM EDGEWATER DRIVE.
10. "FUTURE COTTAGE" CANNOT BE PLACED CLOSER TO A FRONT/STREET SIDE THAN THE MAIN RESIDENTIAL BUILDING. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-101 (C).
  - a. PER MEETING WITH HISTORIC PRESERVATION AND CITY ATTORNEY ON 03/20/17 @ 11:00 A.M., FUTURE COTTAGE (EXPANSION OF HISTORIC EXISTING COTTAGE TO REMAIN) WILL BE ALLOWED IN ITS CURRENT LOCATION, PROVIDED THAT A 48" HIGH VISUAL BUFFER IS PROVIDED FROM EDGEWATER DRIVE.
11. "FUTURE POOL" CANNOT BE PLACED CLOSER TO THE FRONT/STREET THAN THE MAIN RESIDENCE. REFER TO THE ZONING CODE ARTICLE 5 SECTION 5-101 (C).
  - a. PER MEETING WITH HISTORIC PRESERVATION AND CITY ATTORNEY ON 03/20/17 @ 11:00 A.M., FUTURE POOL WILL BE ALLOWED IN ITS CURRENT LOCATION, PROVIDED THAT A 48" HIGH VISUAL BUFFER IS PROVIDED FROM EDGEWATER DRIVE.
12. PROVIDE/ILLUSTRATE A COMPLETE POOL ENCLOSURE FOR THE EXISTING POOL.
  - a. EXISTING POOL TO BE FILLED. SILHOUETTE TO BE PROVIDED VIA PAVING MATERIAL, ALLUDING TO HISTORIC POOL LOCATION.
13. FURTHER REVIEW REQUIRED UPON SUBMITTAL.
  - a. NOTED.

6645

I HONORABLE CLERK OF COURT HONORABLE CLERK OF COURT

CFN 20080028156  
 DR Bk 26154 Pgs 4257 - 4260 (4p)  
 RECORDED 01/10/2008 16:56:39  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

### DECLARATION OF RESTRICTIVE COVENANT

KNOWN ALL BY THESE PRESENTS, that  
~~JAMES & ALICE DUE~~ hereinafter referred to as  
 "Owners", hereby make, declare, and impose on the land herein described, the covenants  
 running with the title to the land, which shall be binding on the Owners, their heirs, successors,  
 and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by  
 through or under them;

WHEREAS, Owners hold the fee simple title to the land in the City of Coral Gables,  
 Florida, described in Exhibit "A" attached hereto, and made a part hereof, (hereinafter called the  
 "Property"), which statement as to title is supported by the attorney's opinion which is attached  
 to this Declaration as Exhibit "B"; and

WHEREAS, Owners have a cottage, separate and detached, which is not used as a separate  
 habitable living facility; and

WHEREAS, Owners wish only to be charged for one waste fee on a single residential  
 property; and

WHEREAS, Owners will not allow the use of the Property to violate any ordinances of the  
 City of Coral Gables now in effect, or hereinafter enacted.

NOW THEREFORE, IN ORDER TO ASSURE the City of Coral Gables that the  
 representations made by the Owners in connection with the approvals by the City and issuance of  
 a certificate of use and occupancy will be abided by, the Owners freely, voluntarily, and without  
 duress, make the following Declaration of Restrictions covering and running with the Property  
 and agrees as follows:

Exhibit A

SEE ATTACHED

4 and  
 Lots 6, of a Resubdivision of a portion of BAKER  
 HOMESTEAD, according to the plat thereof, as recorded in  
 Plat Book 80, at Page 15, of the Public Records of Dade  
 County, Florida.

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1. The above recitations are true and correct and are incorporated herein in their entirety
2. The said lots herein described will not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.
3. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City of Coral Gables, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the premises to determine whether or not the requirements of the Building and Zoning regulations and the conditions herein agreed to are being complied with.
4. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
5. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years, unless an instrument signed by the, then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the City of Coral Gables notice.
6. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the City of Coral Gables. Should this Declaration of Restrictions be so modified, amended or released, the City shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
7. Enforcement shall be by action at law or in equity against any parties or person violating, or attempting to violate, any covenants, either to restrain violations or to recover damages. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of their attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.
8. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the City is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as there is compliance with this declaration.
9. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election

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of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

10. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the City, and inspections made and approval of occupancy given by the City, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

11. Invalidity of any of these covenants by judgment or Court shall not affect any of the other provisions, which shall remain in full force and effect.

12. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owners.

## ACKNOWLEDGEMENT

Signed, sealed, executed, and acknowledged on this 30 of October, 2007

Witnesses:

Print Name:

Print Name:

By:

Print Name:

Print Name:

STATE OF FLORIDA )

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 30 day of October, 2007 by JAMES JUDE and Sallye Jude who are personally known to me or who produced as identification.

APPROVED AS TO FORM

ERAZO M. HERNANDEZ  
CITY ATTORNEY

Notary Public State of Florida

Print Name: JANE CAPORELLI

Commission No.:

Commission Expires:



Jane A. Caporelli

Commission #DD363973

Expires: OCT 19, 2008

www.AARONNOTARY.com

3

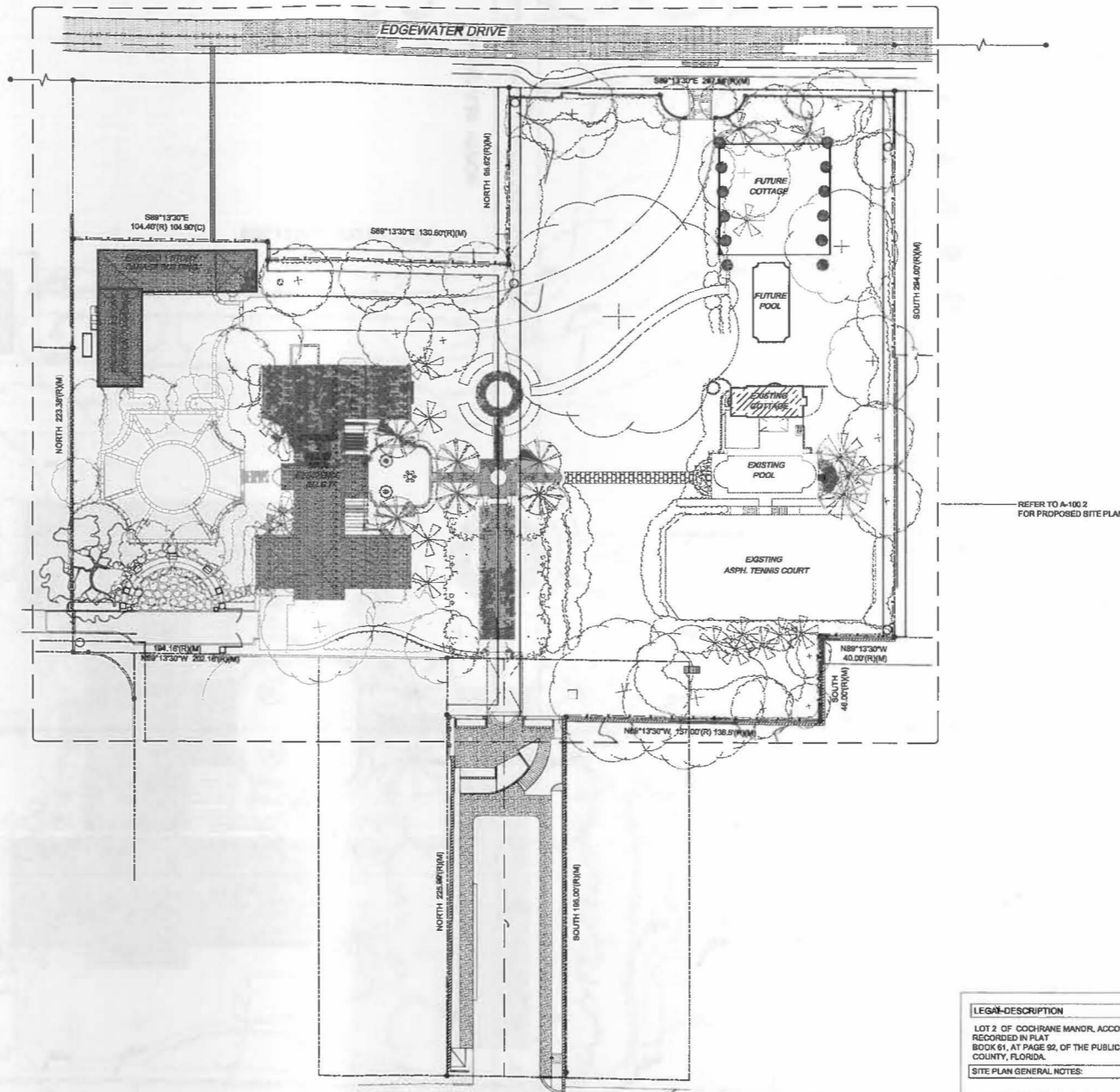
6645  
OR BK 26154 PG 4260  
LAST PAGE

*EXHIBIT A:*

Lot(s): Block: Section:

BAKER HOMESTEAD RESUB PB 80-15 LOTS 4 & LOT 6 & E30.5FT OF TR 6 LESS N31FT &  
W33.5FT OF TR 7 LESS N31FT OF PB 41-38 LOT SIZE 133789 SQ FT  
according to the Plat thereof, as recorded in Plat Books 41 and 80 Pages 380 and 150 respectively, of the  
Public Records of Dade County, Florida.

EL. 0'-0" = + 16.00' NGVD



REFER TO A-100.2  
FOR PROPOSED SITE PLAN

LEGAL DESCRIPTION

LOT 2 OF COCHRANE MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 61, AT PAGE 92, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SITE PLAN GENERAL NOTES:

- 01- REFER TO THE RECORDED PLAT FOR INFORMATION RELATED TO THIS PROPERTY.
- 02- SITE TO BE FILED TO GOVERNMENT FLOOD CRITERIA ELEVATION N.G.V.D. OR AN ELEVATION NOT LESS THAN THE HIGHEST APPROVED CROWN ELEVATIONS OF THE ROAD ADJUTING THE PROPERTY.
- 03- AREA ADJACENT TO THE WATERWAY TO BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORMWATER INTO THE WATERWAY.
- 04- LOT WILL BE GRADED SO AS TO PREVENT DIRECT OVERLAND DISCHARGE OF STORM WATER ONTO ADJACENT PROPERTIES.

SITE PLAN GENERAL NOTES (cont)

- 05- REFER TO CIVIL ENGINEERING DRAWINGS FOR SITE GRADING AND DRAINAGE
- 06- REFER TO LEGAL SURVEY FOR SITE GEOMETRY, BOUNDARIES, ELEVATIONS AND LOCATION OF EXISTING ELEMENTS.
- 07- REFER TO LANDSCAPING DRAWINGS FOR LANDSCAPING REQUIREMENTS AND FOR ROAD PATTERNS AND MATERIALS.
- 08- ALL RAINWATER WILL BE RETAINED ON PROPERTY.

LEGEND

- DENOTES EXISTING ELEVATIONS
- DENOTES PROPOSED ELEVATIONS

NOTES:

1. REFER TO CIVIL ENGINEERING DRAWINGS FOR FINAL GRADE ELEVATIONS
2. LANDSCAPING WILL COMPLY ALL LOCAL AND APPLICABLE CODES



01

SCALE: 1" = 32'-0"

PROPOSED SITE PLAN

SHEET:  
A-100.1  
OF  
2

TITLE:  
PROPOSED SITE PLAN

SCALE:  
1" = 32'-0"

OWNER:  
LUIS PEREZ

200 EDGEWATER DRIVE  
CORAL GABLES, FL 33133

200 EDGEWATER RESIDENCE

200 EDGEWATER DRIVE  
CORAL GABLES, FLORIDA 33133

ARCHITECTS  
PORTUONDO PEROTTI ARCHITECTS

Architectural Planning, Interior Design  
A.A.C.O.O. 1407  
8717 S.W. 88 Street, Miami, Florida 33144, USA  
Tel: (305) 284-8321 • Fax: (305) 280-8518  
http://www.portuondo-perotti.com

PROJECT NUMBER:  
2015-15

DATE:  
03/05/16

DRAWN BY:  
JIN / MM / MC

CHECKED BY:  
JLGP / RP

REVISIONS:

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: 200 Edgewater Drive  
**Date:** Tuesday, June 20, 2017 4:33:09 PM  
**Attachments:** [200 Edgewater - Zoning Comments.docx](#)  
[Sent from the Coral Gables Historical Department.pdf](#)  
[200 Edgewater - Architect Response to Zoning Comments.pdf](#)  
[Proposed Site Plan.pdf](#)  
[image001.png](#)  
[image002.png](#)

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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](mailto:cleen@coralgables.com)



*Celebrating 90 years of a dream realized.*

---

**From:** Leen, Craig  
**Sent:** Tuesday, June 20, 2017 4:33 PM  
**To:** Kautz, Kara <[kkautz@coralgables.com](mailto:kkautz@coralgables.com)>; Spain, Dona <[dspain@coralgables.com](mailto:dspain@coralgables.com)>  
**Cc:** Guin, Elizabeth <[eguin@coralgables.com](mailto:eguin@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** RE: 200 Edgewater Drive

Good afternoon, Kara. I would confirm the information below. Please inform Zoning that the project should proceed based on the opinion I provided. I would also note that this project was supported by your department, and then approved by the Historic Preservation Board sitting in a quasi-judicial capacity, which was appealable to the City Commission if there were any objections. Accordingly, it should proceed as indicated. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

**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](mailto:cleen@coralgables.com)



*Celebrating 90 years of a dream realized.*

---

**From:** Kautz, Kara

**Sent:** Tuesday, June 20, 2017 3:42 PM

**To:** Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)>; Spain, Dona <[dspain@coralgables.com](mailto:dspain@coralgables.com)>

**Cc:** Guin, ElizaBeth <[eguin@coralgables.com](mailto:eguin@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>

**Subject:** FW: 200 Edgewater Drive

Hello Craig,

I was checking through my emails for a response to the message below and did not find one. Did you ever send back any determination? The project is being permitted and Zoning is requesting clarification.

Thank you,  
Kara

Kara Kautz  
City of Coral Gables  
Historical Resources and Cultural Arts Department

[kkautz@coralgables.com](mailto:kkautz@coralgables.com)  
305-460-5090

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

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**From:** Kautz, Kara  
**Sent:** Tuesday, April 04, 2017 5:09 PM  
**To:** Leen, Craig; Spain, Dona  
**Cc:** Guin, Elizabeth; Ramos, Miriam ([mramos@coralgables.com](mailto:mramos@coralgables.com))  
**Subject:** 200 Edgewater Drive

Craig-

This is a follow-up to our meeting of March 20<sup>th</sup> about the property at 200 Edgewater Drive, a Local Historic Landmark consisting of multiple lots.

To recap, the new owner is proposing some additions to the property that will be going to the Historic Preservation Board in April. During the preliminary Zoning review, it was discovered that site specifics exist for the property (Baker Homestead). The site specifics dictate that the various lots which make up this parcel have differing frontages and setbacks. We met with you to determine whether a unity of title (or the attached restrictive covenant) would tie the lots together to establish regular overall setbacks for the property and establish the front of the property to be along Edgewater Drive (North side of property).

During the meeting we also discussed placement of the future pool and future addition to the existing pool cabana as not needing a variance, as long as a visual buffer is maintained from Edgewater Drive, because of the odd configuration of the lot.

Please confirm so we can move them onto the April HPB Agenda.

Thanks!

Kara Kautz  
City of Coral Gables  
Historical Resources and Cultural Arts Department

[kkautz@coralgables.com](mailto:kkautz@coralgables.com)  
305-460-5090

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