



To: Glenn Larson

From: Cristina M. Suárez, Assistant City Attorney for the City of Coral Gables

Approved: 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 name of the City Attorney.

RE: Legal Opinion Regarding 281 Costanera Road

Date: June 20, 2017

During the review of this matter with our office, you requested an opinion allowing the replacement of an existing nonconforming dock with a dock that would improve the nonconformity. Specifically, according to your explanation, the property has a South side setback of 15 feet and a much wider side setback of 50 feet on the North side of the property. The existing dock encroaches onto the South side setback and 5 feet onto the North side setback. The proposed new dock would completely eliminate the encroachment onto the 15 foot side setback on the South side, but would further encroach an additional 1 foot 5 inches onto the wider side setback on the North side. The owner of the adjacent property on the North side has submitted the attached letter confirming that the proposed additional encroachment would have no effect on his use of the water or view and that he has no objection to the construction of the dock as proposed.

Given that there does not appear to be a reason for the wider side setback of 50 feet on the North side, that the adjacent property owner has no objection, and that the proposed construction of the new dock will improve the nonconformity, the existing dock can be replaced with the proposed dock that will encroach 6 feet, 5 inches onto the North side setback (subject to all other applicable reviews).

This opinion is issued pursuant to Sections 2-201(e)(1) and (8) of the City Code and Section 2-702 of the City of Coral Gables Zoning Code.

Letter to Craig Leen the City Attorney for The City Of Coral Gables

Dear Mr. Leen,

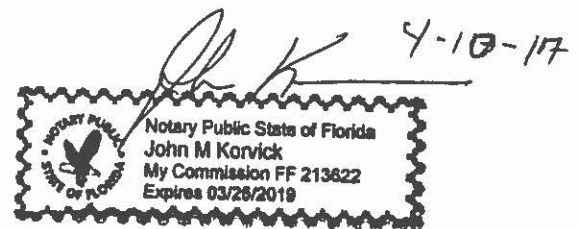
I Gerardo Moya, the owner of the property located at 275 Costanera Rd, am the adjacent property owner to Michael and Elizabeth Gomez.

Glen Larson with Dock and Marine Construction presented me with a set of plans titled "Gomez Residence; Dock Replacement; 281 Costanera Blvd.(signed and sealed 6-16-15 He explained that there is a side setback of 50' on Michael's property on my side, and that the existing dock encroaches 5' into that setback, and that the proposed dock encroaches an additional 1'-5" for a total encroachment of 6'5". This encroachment will not have any effect on my use of the water, or view. I have no objection to the construction of this dock as proposed.

If you have any questions you may contact me at 305-299-8554

Regards,

Gerardo Moya



Provides Photo ID.

From: [Suarez, Cristina](#)
To: [Paulk, Enga](#)
Cc: [Leen, Craig](#); [Ramos, Miriam](#)
Subject: FW: 281 Costanera Road
Date: Tuesday, June 20, 2017 5:05:22 PM
Attachments: [281 Costanera Road-Letter from Owner at 275 Costanera.pdf](#)
[image001.png](#)

Enga:

This is the version that should be published.

Thanks,
Cristina

Cristina M. Suárez

Assistant City Attorney

City of Coral Gables

405 Biltmore Way, 3rd Floor

Coral Gables, Florida 33134

Main Phone: (305) 460-5218

Direct Dial: (305) 476-7231

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From: Suarez, Cristina
Sent: Tuesday, June 20, 2017 4:49 PM
To: 'Glenn Larson'
Cc: Leen, Craig; Tejera, Erick
Subject: 281 Costanera Road

Glen:

During the review of this matter with our office, you requested an opinion allowing the replacement of an existing nonconforming dock with a dock that would improve the nonconformity. Specifically, according to your explanation, the property has a South side setback of 15 feet and a much wider side setback of 50 feet on the North side of the property. The existing dock encroaches onto the South side setback and 5 feet onto the North side setback. The proposed new dock would completely eliminate the encroachment onto the 15 foot side setback on the South side, but would further encroach an additional 1 foot 5 inches onto the wider side setback on the North side. The owner of the adjacent property on the North side has submitted the attached letter confirming that the proposed additional encroachment would have no effect on his use of the water or view and that he has no objection to the construction of the dock as proposed.

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Thanks,
Cristina

Cristina M. Suárez

Assistant City Attorney

City of Coral Gables

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