



To: Glen Larson

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the "From:" line.

RE: Legal Opinion Regarding Location of Boatlifts

Date: July 15, 2016

I have reviewed the matter and conferred with the Director of Planning & Zoning and the Ombudsman. 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, it is my opinion and ruling that a variance is not required here based on the authority provided in Article 6, relating to legal non-conformities, as long as the specific legal non-conformity at issue is not being increased. Here, it is my understanding that the boat lift would be located within the notch, which is an area intended for boats, and the notch would not be made larger in a way that would further encroach into the side setback. Accordingly the application may proceed consistent with Article 6.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: PW15045623/Glen.
Date: Friday, July 15, 2016 6:19:39 PM
Attachments: [image001.png](#)

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

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Email: cleen@coralgables.com



CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Friday, July 15, 2016 6:13 PM
To: 'Glenn Larson'; Silio, Antonio; Lago, Vince; Ochoa, Martha; Albert Triana; Trias, Ramon
Cc: Gonzalez, Elizabeth
Subject: RE: PW15045623/Glen.

City Attorney Opinion

Good evening. I have reviewed the matter and conferred with the Director of Planning & Zoning and the Ombudsman. 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, it is my opinion and ruling that a variance is not required here based on the authority provided in Article 6, relating to legal non-conformities, as long as the specific legal non-conformity at issue is not being increased. Here, it is my understanding that the boat lift would be located within the notch, which is an area intended for boats, and the notch would not be made larger in a way that would further encroach into the side setback. Accordingly the application may proceed consistent with Article 6.

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Celebrating 90 years of a dream realized.

From: Glenn Larson [mailto:glarson@dockandmarine.net]
Sent: Friday, July 15, 2016 9:16 AM
To: Silio, Antonio; Lago, Vince; Ochoa, Martha; Albert Triana; Trias, Ramon
Cc: Gonzalez, Elizabeth; Leen, Craig
Subject: RE: PW15045623/Glen.

Thank you Tony,

I would like to request a meeting with Craig Leen before I proceed to the Board of Adjustments

This case should not need a variance.

I did some research on properties with very similar situations that had boatlifts constructed inside boat slips that did not meet the side setback requirements. I could find none where a variance had ever been required.

Some of the work that was done was permitted by me. In meetings with Martha Salazar Blanco and Irela Ferrer and I believe it was Elizabeth Hernandez it was discussed that the code did not have any stipulation regarding the existing boat notches. The notches were unique to the properties and were created and intended to be used for the permanent docking of boats. There was no specific zoning for the notches. Many of them had structures over or adjacent to them that also did not meet any current or previous versions of the zoning code.

It was determined at the meetings that because the nature of the feature was intended for boating,

that the installation of a boat lift within the slip was sensible and should not require a variance where the side setback is concerned. As long as the new boatlift did not change the nature, shape or size of the notch to make it any more non-conforming.

I have provided evidence of 5 previous projects that have lifts in boat notches that are outside the side setbacks that were legally permitted. None of which a variance was required. It was brought to my attention that the projects I permitted were before 2007 and that there was a code change in 2007. In my research this afternoon I could find nothing that was changed in the code that would alter a decision in favor of proceeding without a variance.

Kind Regards,
Glen Larson
Dock and Marine Construction Corp

From: Silio, Antonio [mailto:asilio@coralgables.com]
Sent: Wednesday, July 13, 2016 1:37 PM
To: Lago, Vince <VLago@coralgables.com>; Glenn Larson <glarson@dockandmarine.net>; Ochoa, Martha <mochoa@coralgables.com>; Albert Triana <dralbert triana@hotmail.com>; Trias, Ramon <rtrias@coralgables.com>
Subject: Fwd: PW15045623/Glen.

Good afternoon:

This is to let you know that after further review by the Planning Director it was decided that if you wish to continue with the application as submitted. There would be a need to apply for a variance through the Board of Adjustments. This does not mean that what was proposed cannot be built it means that the code as written does not allow it to be approved by staff. In other words you may appeal that decision to the board and explain why you believe that it should be built as submitted. Please let me know if I can be of any assistance in this process.

Respectably sent,

Antonio Silio

Sent from my iPhone

Begin forwarded message:

From: "Rodriguez, Steven" <srodriguez@coralgables.com>
Date: July 13, 2016 at 10:55:56 AM EDT
To: "Silio, Antonio" <asilio@coralgables.com>
Subject: PW15045623/Glen.

Dear Tony,

Good Morning.

Ramon and me met with Glen today, regarding the boat lift within the required side setback and it was decided that the Board of Adjustment will be required for this plan.

Regards,

Steven Rodriguez

Zoning Planner

City of Coral Gables

427 Biltmore Way, 2nd Flr.

Coral Gables, FL 33134

T: 305-476-7216

www.coralgables.com

image003 (3)



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