



To: Dona Spain

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables

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

A handwritten signature in black ink, appearing to be "CL", is written over the name of the City Attorney.

RE: Legal Opinion Regarding 611 N. Greenway Drive - FAR Issue

Date: May 16, 2016

You have brought to our attention that the Board of Architects (BOA) has imposed a condition on the design of a historic property located at 611 N. Greenway Drive ("the property") which results in the FAR being exceeded, thereby requiring a variance from the Historic Presentation Board.

This office opines that, if the BOA imposes a condition which results in the FAR for the property being exceeded, then the City must allow the FAR overage without requiring a variance. (See CAO 2014-36) It is important to note that this is only true for the FAR overage caused by the specific condition being imposed and not a blanket allowance for further FAR overage. Based on the above, a variance is not needed in this case for the FAR overage that resulted from the BOA's condition (assuming that other applicable provisions of the Zoning Code are satisfied).

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

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 611 N. Greenway Drive - FAR Issue
Date: Monday, May 16, 2016 1:18:09 PM
Attachments: [image003.png](#)
[image001.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
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From: Ramos, Miriam
Sent: Wednesday, April 13, 2016 4:50 PM
To: Spain, Dona
Cc: Leen, Craig; Kautz, Kara; Guin, Elizabeth
Subject: 611 N. Greenway Drive - FAR Issue

Dear Dona,

You have brought to our attention that the Board of Architects (BOA) has imposed a condition on the design of a historic property located at 611 N. Greenway Drive (“the property”) which results in the FAR being exceeded, thereby requiring a variance from the Historic Presentation Board.

This office opines that, if the BOA imposes a condition which results in the FAR for the property being exceeded, then the City must allow the FAR

overage without requiring a variance. (See CAO 2014-36) It is important to note that this is only true for the FAR overage cause by the specific condition being imposed and not a blanket allowance for further FAR overage. Based on the above, a variance is not needed in this case for the FAR overage that resulted from the BOA's condition (assuming that other applicable provisions of the Zoning Code are satisfied).

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

Sincerely,

Miriam S. Ramos, Esq.
Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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