



To: George Mencio

From: Miriam S. Ramos, 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 "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Deck Replacement

Date: September 2, 2015

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You have represented that you are replacing an existing wood deck on your property and that the replacement deck will be in the same location as the one you are removing. I have reviewed this matter and issue this opinion pursuant to Sec. 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City and pursuant to Sec. 2-702 of the Zoning Code giving the City Attorney the final authority with regard to legal issues involving interpretation and implementation of the Zoning Code. Based on the facts of this case, the proposed replacement deck improves an existing legal non-conformity (by removing a wood deck which is rotted and has become a safety hazard and replacing it with a new and safer deck) and continues along the same legally non-conforming setback that has already been established for the deck (the size of which is already present along the legally non-conforming setback). This opinion is consistent with previous interpretations of Article 6, including CAO 2014-30. It is therefore concluded that the request should be allowed without need for a variance (assuming all other applicable provisions of the Zoning Code are satisfied).

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#); [Figueroa, Yanneris](#); [Chen, Brigitte](#)  
**Subject:** FW: Legal Opinion regarding deck replacement at 914 Alfonso  
**Date:** Tuesday, September 01, 2015 8:18:11 PM  
**Attachments:** [image002.png](#)  
[image001.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*  
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CORAL GABLES  
THE CITY BY THE SEA

*Celebrating 90 years of a dream realized.*

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**From:** Ramos, Miriam  
**Sent:** Tuesday, September 01, 2015 4:32 PM  
**To:** 'George.Mencio@hkllaw.com'  
**Cc:** Trias, Ramon; Wu, Charles; Leen, Craig  
**Subject:** Legal Opinion regarding deck replacement at 914 Alfonso

Dear Mr. Mencio,

You have represented that you are replacing an existing wood deck on your property and that the replacement deck will be in the same location as the one you are removing. I have reviewed this matter and issue this opinion pursuant to Sec. 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City and pursuant to Sec. 2-702 of the Zoning Code giving the City Attorney the final authority with regard to legal issues involving interpretation and implementation of the Zoning Code. Based on the facts of this case, the proposed replacement deck improves an existing legal

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Sincerely,

*Miriam S. Ramos, Esq.*

Deputy City Attorney

City of Coral Gables

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