

**SHUTTS
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LLP**

DAVID J. COVIELLO
Member Florida Bar
(305) 415-9437 Direct Telephone
(305) 415-9837 Direct Facsimile

E-MAIL ADDRESS:
dcoviello@shutts.com

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VIA HAND-DELIVERY

Mr. Patrick Salerno
City Manager
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134

Re: 1029-1037 Valencia Avenue (the "Property") owned by Franz and Eugenia Schmid (the "Owner") - Request to be placed on the City of Coral Gables City Commission agenda as a personal appearance

Dear Mr. Salerno:

We write on behalf of the Owner requesting permission from the City Commission to revise certain restrictive covenants of record affecting the Property. As explained below, this request is permitted by the City Code. If the Commission grants this request, it will also ensure that any possible future development of the vacant land portion of the Property is consistent with the surrounding area. Lastly, it is important to note that the revisions to the covenants will not result in the creation of any new building sites.

The Property consists of 6 adjacent lots on Valencia Avenue just east of Salvadore Park (Lots 18 through 23, in Block 12, of Coral Gables Section A). The Owner currently resides on 2 of the six lots (Lots 18 and 19), and a Declaration of Restrictive Covenant in favor of the City requires that these 2 lots be held together as one tract. The Owner recently acquired Lots 20 through 23, which are vacant. The previous owner of lots 20 through 23 intended to develop a very large single family residence on that tract, and therefore a Declaration of Restrictive Covenant also in favor of the City requires that these 4 lots be held together as one tract.¹ Attached as **Exhibit "A"** are surveys and legal descriptions of Lots 18 and 19 and Lots 20 through 23, respectively. A copy of each Declaration of Restrictive Covenant is attached as **Exhibit "B"** (collectively, the "Existing Declarations").

¹ In connection with the previous owner's plans to develop, a separate Declaration of Restrictive Covenant also encumbering Lots 20 through 23 was recorded with respect to the permitted encroachment of pavers within the right-of-way directly adjacent to Lots 20 through 23.

Since our client now owns all six adjacent lots, they are merely seeking to add one lot (Lot 20) for their existing single family residence located on Lots 18 and 19. The remaining vacant land (Lots 21 through 23), now reduced in size by one lot, would remain held together as a single tract. Aerial maps of the Property showing the existing and proposed lot configurations are attached as **Exhibit "C"**. By grouping the lots as two independent parcels of three lots each, instead of two and four lots respectively, the City will be assured that any possible future development of the vacant land will be consistent with the surrounding area.

Pursuant to Article 3, Section 3-206(I)(3) of the City's Code, the proposed reconfiguration of land is permitted so long as the existing structures do not become non-conforming. Section 3-206(I)(3) provides as follows:

Sale of the property to adjoining property owner. The sale of property between two (2) previously lawfully established building sites which results in an increase/decrease of the size of the properties shall be determined to be lawfully established building sites if all existing structures do not become nonconforming as they relate to all applicable provisions of the Zoning Code for the zoning district in which the property is located and all other applicable Comprehensive Land Use Plan and City Code provisions.

In this case, the shifting of land covered under the Existing Declarations will not cause the Owner's existing residence to be nonconforming with any of the City's applicable regulations.

We have met with the City Attorney, as well as with the Directors of the Building & Zoning Department and Planning Department, and staff is in full support of this request. We are therefore seeking permission from the City Commission to release the Existing Declarations and approve new Declaration of Restrictive Covenants so that Lots 18 through 20, and Lots 21 through 23, respectively, will be held together as single tracts. A copy of the releases of the Existing Declarations and proposed new Declaration of Restrictive Covenants are attached hereto as **Exhibit "D"**.

We hereby request that the matter be placed on the next available City Commission meeting as a personal appearance. If you need anything further or have any questions, please do not hesitate to contact me.

Sincerely,

SHUTTS & BOWEN LLP



David J. Coviello

cc: Elizabeth Hernandez, City Attorney
Edward Weller, Building & Zoning Director
Eric Riel, Jr., Planning Director
Mr. Franz Schmid