

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-24-07

WHEREAS, DANIEL & JANE LYONS applied to Community Zoning Appeals Board

14 for the following:

(1) EU-1C & AU to EU-1

REQUEST #1 ON PARCEL "A"

(2) EU-1C & AU to EU-S

(3) Applicants are requesting to permit 3 lots on proposed Block 3 with a minimum lot depth of 124.97' (135' required).

REQUESTS #2 AND #3 ON PARCEL "B"

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwellings) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A survey is on file and may be examined in the Zoning Department entitled "Tentative Plat Lyons Subdivision," as prepared by Makowski & Wright, dated stamped received 9/5/06 and consisting of 1 page.

SUBJECT PROPERTY: PARCEL "A" : The north 200' of the NW ¼ of the NE ¼ of the SW ¼ of Section 1, Township 57 South, Range 38 East, LESS the SAF Railway Right-of-Way and also less the east 165' thereof; subject to a right-of-way dedication across the north 35'; PARCEL "B" : The NW ¼ of the NE ¼ of the SW ¼ of Section 1, Township 57 South, Range 38 East, less the SAF Railway right-of-way, and less the north 200' and the east 165' thereof. AND: the south ½ of the NE ¼ of the SW ¼ of Section 1, Township 57 South, Range 38 East, less the SAF Railway Right-of-Way and also less the east 979.25' thereof.

LOCATION: The southeast corner of S.W. 288 Street & S.W. 184 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter

were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary changes to EU-1 on Parcel "A" (Item #1) and EU-S on Parcel "B" (Item #2), and the request to permit 3 lots on proposed Block 3 with a minimum lot depth of 124.97' on Parcel "B" (Item #3) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB14-14-07, and

WHEREAS, **DANIEL & JANE LYONS** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

(1) EU-1C & AU to EU-1

REQUEST #1 ON PARCEL "A"

(2) EU-1C & AU to EU-S

(3) Applicants are requesting to permit 3 lots on proposed Block 3 with a minimum lot depth of 124.97' (135' required).

REQUESTS #2 AND #3 ON PARCEL "B"

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family or Duplex Dwellings) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A survey is on file and may be examined in the Zoning Department entitled "Tentative Plat Lyons Subdivision," as prepared by Makowski & Wright, dated stamped received 9/5/06 and consisting of 1 page.

SUBJECT PROPERTY: PARCEL "A" : The north 200' of the NW ¼ of the NE ¼ of the SW ¼ of Section 1, Township 57 South, Range 38 East, LESS the SAF Railway Right-of-Way and also less the east 165' thereof; subject to a right-of-way dedication across the north 35'; PARCEL "B" : The NW ¼ of the NE ¼ of the SW ¼ of Section 1, Township 57 South, Range 38 East, less the SAF Railway right-of-way, and less the north 200' and the east

165' thereof. AND: the south ½ of the NE ¼ of the SW ¼ of Section 1, Township 57 South, Range 38 East, less the SAF Railway Right-of-Way and also less the east 979.25' thereof.

LOCATION: The southeast corner of S.W. 288 Street & S.W. 184 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Makowski & Wright, Inc., entitled "Tentative Plat, Lyons subdivision" last dated the 24th day of August 2006, dated stamped received September 5, 2006 and consisting of page, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB14-14-07 and that the appeal should be approved and that the decision of Community Zoning Appeals Board 14 should be overruled, and

WHEREAS, the requested district boundary changes to EU-1 on Parcel A (Item #1) and EU-S on Parcel B (Item #2) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request to permit 3 lots on proposed

Block 3 with a minimum lot depth of 124.97' (Item #3) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal, overrule the decision of Community Zoning Appeals Board 14, accept the proffered Declaration of Restrictions, and approve Items #1, 2, and 3 was offered by Commissioner Katy Sorenson, seconded by Commissioner Dorrin D. Rolle, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	absent
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	absent	Sen. Javier D. Souto	aye
		Bruno A. Barreiro	absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and the decision of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED, that the requested district boundary changes to EU-1 on Parcel A (Item #1) and EU-S on Parcel B (Item #2) be and the same are hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the request to permit 3 lots on proposed Block 3 with a minimum lot depth of 124.97' (Item #3) be and the same is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-14-07 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise

its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 26th day of July, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-4-CZ14-2

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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10TH DAY OF AUGUST, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-24-07 adopted by said Board of County Commissioners at its meeting held on the 26th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of August, 2007.



Earl Jones, Deputy Clerk (4149)
Miami-Dade County Department of Planning and Zoning

SEAL

