



**MIAMI-DADE COUNTY  
FINAL OFFICIAL MINUTES  
Board of County Commissioners Zoning Board**

**Board of County Commissioners**  
Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

October 4, 2007

Harvey Ruvlin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Jill Thornton, Commission Reporter  
(305) 375-2505



**CLERKS SUMMARY AND OFFICIAL MINUTES  
BOARD OF COUNTY COMMISSIONERS ZONING HEARING  
OCTOBER 04, 2007**

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 NW First Street, Miami, Florida at 9:30 a.m., October 04, 2007, there being present upon roll call Chairman Barreiro and Commissioners Jose "Pepe" Diaz, Carlos Gimenez, Joe Martinez, Dennis Moss, Dorrin D. Rolle, Katy Sorenson, Rebeca Sosa, Javier Souto, Barbara J. Jordan (Commissioners Audrey Edmonson, Sally Heyman and Natacha Seijas were absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Coller; Mr. Subrata Basu, Interim Director, and Ms. Maria Fojo, Division Chief/Acting Assistant Director, Department of Planning and Zoning; and Deputy Clerks Ms. Kay Sullivan and Ms. Jill Thornton.

Chairman Barreiro opened the meeting with a moment of silent prayer, followed by the Pledge of Allegiance.

Department of Planning and Zoning Interim Director Subrata Basu announced, in accordance with the Code of Miami-Dade County, all items on today's zoning agenda were legally advertised, all notices were mailed and all properties were posted within prescribed timeframes. He stated that additional copies of the agenda were available in the Chambers and presented the procedures to be followed during today's proceedings.

ALL WITNESSES WERE SWORN IN BY THE CLERK BEFORE MAKING THEIR PRESENTATIONS BEFORE THE BOARD.

The interpreters were sworn in by the Clerk.

Chairman Barreiro called for any changes to the day's agenda. There being no changes, the Board proceeded to consider today's agenda.

Mr. Basu presented the following application:

**A. MICHAEL MUSKAT (06-5-CZ12-1/05-167)**

Mr. Santiago Echemendia, 1441 Brickell Avenue, attorney representing the applicant, appeared before the Board in support of the foregoing application. He noted he and the applicant met with the neighbors, as requested by Commissioner Sorenson, and reached an agreement, with no opposition, that proposes a site plan of seven (7) units for this site. He urged the Board to approve requests #3 through #8 of the foregoing application; and asked that requests #1 and #2 be withdrawn without prejudice.

Commissioner Sorenson asked whether anyone present was opposed to the foregoing application. Hearing no response, she questioned the setback requirements relating to the green space and the swimming pools, and asked whether the builder would consider eliminating the pools.

Mr. Ralph Puig, Architect, Puig and Associates, 4970 SW 72<sup>nd</sup> Avenue, noted the pools were small and would allow for some green space. He also noted the homeowner had the option to build a pool, or opt for a spa and/or pavers.

Commissioner Sorenson reminded Mr. Puig that he would need to expedite the permitting process if these buildings were to be “green” certified.

Chairman Barreiro opened the public hearing for Commissioner Sorenson to recognize a speaker, and the following individual appeared:

Mr. Ralph Dahler, (phonetic), expressed concern that this project did not include pedestrian walkways, sidewalks or dedicated easements for the safety of children walking to school, and that it did not provide proper drainage.

Following Mr. Basu’s comments that the Departments of Public Works and Solid Waste Management could be contacted regarding right-of-way and sidewalk issues, Commissioner Sorenson requested Mr. Dahler (phonetic) meet with Mr. Basu following today’s meeting to address his concerns and follow up with the appropriate departments.

Mr. Echemendia noted for the record that the applicant would execute in good faith, the proposed covenant shortly after the approval of the application.

Commissioner Sorenson noted for the record that the applicant was bound by what was presented to this Board even if the details of the covenant were worked out later.

Mr. Michael McCullough, 9825 SW 77<sup>th</sup> Place, appeared before the Board on behalf of the Continental Park Homeowners Association, and noted the neighbors were content with the settlement agreement that proposed seven (7) units and RU-1 Single-family zoning for this site.

There being no further persons to appear in connection with the foregoing application, the public hearing was closed.

Commissioner Sorenson presented and moved a resolution that the appeal and application of Michael Muskat be approved as follows: approval of requests #3 through #8; subject to the Board’s acceptance of the proffered covenant; and withdrawal of requests #1 and #2 without prejudice, as requested by the applicant. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed by a vote of 10-0. (Commissioners Edmonson, Heyman and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-36-07.

Mr. Basu presented the following application:

**1. CONLEY JOHNSON (07-5-CZ8-4)**

Chairman Barreiro called for persons wishing to be heard in opposition to the foregoing application and the following individual(s) appeared:

1. Ms. Marie Davis, 2440 NW 86<sup>th</sup> Street, appeared in opposition to the foregoing application. She noted she was opposed to the construction of a duplex and would like the area to remain Single-Family zoning.

Chairman Barreiro called for the appellant or his representative to be heard. There being no response, Mr. Basu, Interim Director, P&Z, presented staff's recommendation to sustain the decision of the CZAB and deny the applicant's requests for a zoning change to RU-2 and construction of a duplex in a Single-Family Residential District.

Commissioner Rolle noted he reviewed the transcript of the CZAB hearing that indicated the application was denied by a vote of 4-1 and the CZAB wanted this area to remain single-family neighborhood.

There being no other persons to appear in connection with the foregoing application, the public hearing was closed.

Commissioner Rolle presented and moved a resolution that sustained the decision of the CZAB and denied without prejudice the appeal and application of Conley Johnson. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed by a vote of 10-0. (Commissioners Edmonson, Heyman and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-37-07.

Mr. Basu presented the following application:

**2. MIGUEL BRIZUELA (07-4-CZ14-1/05-285)**

Mr. Miguel Brizuela, Jr., 10251 SW 72 Street, Suite #105, attorney representing the applicant, appeared before the Board in support of the foregoing application. He noted the CZAB approved the request for rezoning from AU to EU-M, but denied without prejudice the variance request for two lots with frontage less than the required square footage. He also noted staff recommended approval of the zone change and variance with conditions because it was consistent with the

Land Use Plan's low density residential designation in the Comprehensive Development Master Plan (CDMP) and compatible with the surrounding areas.

Mr. Brizuela noted the sole issue before the Board today was whether to grant a variance allowing two houses to be built with frontage less than the required square footage. He noted the subject property was disproportionate with more square footage than the surrounding properties, which were all zoned EU-M except a property directly in front with higher density. Mr. Brizuela pointed out that the zoning request was consistent with the CDMP and would not have an unfavorable impact on the community. He requested the foregoing application be approved with a variance to permit two lots with frontage of 97.5 square feet, based on staff's recommendation.

Chairman Barreiro opened the public hearing on the foregoing application, and the following individuals appeared in opposition to the foregoing application:

1. Ms. Susan Blake, 11363 SW 165<sup>th</sup> Terrace, Miami, Florida;
2. Mr. Joseph Richards, 10970 SW 170<sup>th</sup> Terrace, Miami, Florida;
3. Mr. Michael Holland, 11010 SW 170<sup>th</sup> Terrace, Miami, Florida;
4. Ms. Dorothy Culmer, 11011 SW 170<sup>th</sup> Terrace, Miami, Florida, submitted a written protest for the record; and
5. Ms. Li Shellshear, 11031 SW 170<sup>th</sup> Terrace, Miami, Florida.

Mr. Brizuela reappeared before the Board in rebuttal.

There being no other person to appear in connection with this matter, the public hearing was closed.

Commissioner Moss questioned whether a conflict of interest existed due to the proximity of his residence with the subject neighborhood.

Assistant County Attorney Joni Coffey-Armstrong advised Commissioner Moss that since his home was at least three blocks away from the subject neighborhood, and it was a single-family residential neighborhood, a direct conflict of interest did not exist unless he felt he could not be impartial.

Commissioner Moss assured he would be impartial. He noted this application was similar in nature to a previous application to rezone a property near SW 112<sup>th</sup> Avenue and the Turnpike, in which the neighbors opposed the application but the CZAB approved it with the same zoning designation as surrounding properties. He also noted the CZAB approved the foregoing application by a vote of 4-0, with the property rezoned to EU-M to allow the development but denied the variance for lots with less than required frontage.

Commissioner Moss presented and moved a resolution to sustain the decision of the CZAB and approve request #1 of the application of Miguel Brizuela, to rezone the property to EU-M and deny without prejudice request #2. This motion was seconded by Commissioner Gimenez, and

upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-38-07.

There being no objection, Mr. Basu presented applications #3 thru #15 (07-125 through 07-180) simultaneously.

Chairman Barreiro opened the public hearing on the following applications. There being no one wishing to speak on these items, the public hearing was closed, and each application was voted on separately.

**3. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-1)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-1) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-39-07.

**4. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-2)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-2) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-40-07.

**5. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-3)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-3) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-41-07.

**6. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-4)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-4) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-42-07.

**7. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-5)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-5) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-43-07.

**8. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-6)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-6) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-44-07.

**9. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-7)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-7) be approved with conditions under section 33-311 (A)(4)(b)

(NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-45-07.

**10. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-8)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-8) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-46-07.

**11. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-9)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-9) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-47-07.

**12. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-10)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-10) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-48-07.

**13. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-11)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-11) be approved with conditions under section 33-311 (A)(4)(b)

(NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-49-07.

**14. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-12)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-12) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-50-07.

**15. DIRECTOR, THE DEPARTMENT OF PLANNING AND ZONING (07-10-CC-13)**

Commissioner Rolle presented and moved a resolution that the application of the Department of Planning and Zoning (07-10-CC-13) be approved with conditions under section 33-311 (A)(4)(b) (NUV) and denied without prejudice under sections 33-311 (A)(14)(ASDO) and 33-311 (A)(4)(c) (ANUV). This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Edmonson, Heyman, and Seijas were absent).

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned resolution #Z-51-07.

All deferral dates on applications considered during the day's meeting were publicly announced.

All exhibits submitted for the record at the day's meeting were transferred to the care, custody and control of the Department of Planning and Zoning.

There being no further business to come before the Board, upon motion duly made, seconded and carried, the zoning meeting was adjourned at 10:53 p.m.

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Chairman Bruno Barreiro

ATTEST: HARVEY RUVIN, Clerk

By: \_\_\_\_\_

Kay Sullivan  
Deputy Clerk