

# KITS



COMMUNITY ZONING APPEALS BOARD 5  
LAWTON CHILES MIDDLE SCHOOL  
8190 NW 197 Street, Miami  
Thursday, December 10, 2009 at 7:00 p.m.

**CURRENT**

1. 09-12-CZ5-1 MARITZA & EDWAR BRIZUELA 08-222 07-52-41 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, DECEMBER 10, 2009

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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1. MARITZA AND EDWARD BRIZUELA (09-12-CZ5-1/08-222)

07-52-41  
Area 5/District 13

Applicants are requesting to permit a roofed terrace, 2-bedroom and 2-bath additions to a single-family residence setback a minimum of 7.79' (15' required) from the side street (west) property line and setback a minimum of 12.95' (25' required) from the rear (north) property lines.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalizing Addition for Mr. & Mrs. Brizuela," as prepared by Nestor J. Cifuentes, P. E., dated stamped received 11/18/08 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 5275 N.W. 182 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 100' x 100'

Department of Planning and  
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**NOTICE**

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THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

\*\*\*\*\*

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**1. MARITZA & EDWAR BRIZUELA**  
**(Applicant)**

**09-12-CZ5-1 (08-222)**  
**Area 5/District 13**  
**Hearing Date: 12/10/09**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase  /lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|-------------|------------------|----------------|--------------|-----------------|
| NONE        |                  |                |              |                 |

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 5**

**APPLICANTS:** Maritza and Edward Brizuela

**PH:** Z08-222 (09-12-CZ5-1)

**SECTION:** 7-52-41

**DATE:** December 10, 2009

**COMMISSION DISTRICT:** 13

**ITEM NO.:** 1

**A. INTRODUCTION:**

o **REQUESTS:**

Applicants are requesting to permit a roofed terrace, two bedrooms and two bathroom additions to a single-family residence setback a minimum of 7.79' (15' required) from the side street (west) property line and setback a minimum of 12.95' (25' required) from the rear (north) property lines.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalizing Addition for Mr. & Mrs., Brizuela" as prepared by Nestor J. Cifuentes, P.E., dated stamped received 11/18/08 and consisting of 2 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking approval to allow the continued use of an existing roofed terrace, two bedrooms and two bath additions to a single-family residence setback less than required from the side street and the rear property lines.

o **LOCATION:**

5275 NW 182 Street, Miami-Dade County, Florida..

o **SIZE:** 100' x 100'.

**B. ZONING HEARINGS HISTORY:** None

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is -not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING:**

**LAND USE PLAN DESIGNATION:**

Subject Property:

RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

EAST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

WEST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is located at 5275 NW 182 Street, and is developed with a single-family residence. The surrounding area is predominantly developed with single family residences.

**E. SITE AND BUILDINGS:**

|                              |                   |
|------------------------------|-------------------|
| Site Plan Review:            | (Plans submitted) |
| Scale/Utilization of Site:   | <b>Acceptable</b> |
| Location of Buildings:       | <b>Acceptable</b> |
| Compatibility:               | <b>Acceptable</b> |
| Landscape Treatment:         | <b>N/A</b>        |
| Open Space:                  | <b>N/A</b>        |
| Buffering:                   | <b>Acceptable</b> |
| Access:                      | <b>Acceptable</b> |
| Parking Layout/Circulation:  | <b>N/A</b>        |
| Visibility/Visual Screening: | <b>N/A</b>        |
| Urban Design:                | <b>N/A</b>        |

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(4)(b) Non-use Variance Standard.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**G. NEIGHBORHOOD SERVICES:**

|                     |                     |
|---------------------|---------------------|
| <b>DERM</b>         | <b>No objection</b> |
| <b>Public Works</b> | <b>No objection</b> |
| <b>Parks</b>        | <b>No objection</b> |
| <b>MDT</b>          | <b>No objection</b> |
| <b>Fire Rescue</b>  | <b>No objection</b> |
| <b>Police</b>       | <b>No objection</b> |
| <b>Schools</b>      | <b>No comment</b>   |

**H. ANALYSIS:**

The subject property is located at 5275 NW 182 Street, in an area characterized by single-family homes. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, permitting from 2.5 to 6 dwelling units per gross acre. The existing single-family residence, roofed terrace, bedroom and bath addition to the single-family residence will not add any additional dwelling units to the site. Therefore, the existing single-family residence, on this RU-1 zoned 10,000 sq. ft. Lot is **consistent** with the Master Plan.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the estimated average travel response time for this site is **8:30** minutes.

Staff is of the opinion that the approval with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that this request, to permit the maintenance and continued use of a portion of an existing two bedroom and two bath addition to the existing single-family residence setback 7.79' (15' required) from the side street (west) property line, and to permit the maintenance and continued use of an existing roofed terrace addition to the existing single-family residence setback 12.95' (25' required) from the rear (north) property line would not negatively affect the appearance of the surrounding community. Staff notes, that the existing single family residence structure on this corner lot was originally built in an angle configuration leaving limited space for expansion onto the side street and rear setback areas. Staff notes, that the aforementioned additions have been built in alignment with the original structure on the site, resulting in encroachments into the side street and rear setback areas. In staff's opinion the subject property as developed is compatible with the surrounding area and does not have a negative visual impact on the adjacent properties. Additionally, in 1978, pursuant to Administrative Variance #78-AV-138, a single-family residence on a parcel of land located at 5240 NW 182 Street (lying approximately 350' southeasterly of the subject property) was approved to allow a family room addition to setback 12'7" (25' required) from the rear property. Additionally, in 1993, pursuant to Administrative Variance #V93000304 a single-family residence on a parcel of land located at 5230 NW 181 Street (lying approximately 500' southeasterly of the subject property) was approved to allow a two-story bedroom/family room addition to setback 12.5' (25' required) from the rear property line. However, staff recommends that in order to diminish the visual impact of the roofed terrace addition on the neighboring property to the rear (north), a 6' high wood fence or wall or hedge

be provided along the rear (north) property line. Moreover, staff recommends that the roofed terrace remain open sided and not be enclosed in any manner except for approved insect screen materials. As such, staff recommends approval of this application with conditions under Section 33-311(A)(4)(b) (NUV).

**I. RECOMMENDATION:** Approval with conditions.

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but no be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Legalizing Addition for Mr. & Mrs., Brizuela" as prepared by Nestor J. Cifuentes, P.E., dated stamped received 11/18/08 and consisting of 2 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not required further public hearing action.
3. That buffering be provided along the rear (north) property line either in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection.
4. That the use be established and maintained in accordance with the approved plan.
5. That the applicants secure a building permit for the existing two bedroom and two bath, and roofed terrace addition from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.
6. That the proposed roofed terrace addition not be enclosed in any manner except for approved insect screen materials.

**DATE INSPECTED:** 10/13/09  
**DATE TYPED:** 10/13/09  
**DATE REVISED:** 10/20/09; 11/05/09  
**DATE FINALIZED:** 11/10/09  
MCL:NN:CH:TA

  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning *NDN*

# Memorandum



**Date:** December 5, 2008

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

**Subject:** C-05 #Z2008000222  
Maritza Brizuela and Edward Aldana  
5275 N.W. 182 Street  
Request to Permit a Roofed Terrace, Bedroom & Bath Setback less than  
Required from Property Lines  
(RU-1) (0.23 Acres)  
07-52-41

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

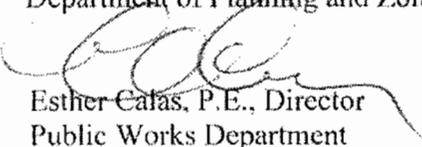
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# Memorandum



**Date:** November 26, 2008

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

**From:**  Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Antonio Cotarelo, P.E., Assistant Director  
Public Works Department

Raul Pino, P.L.S., Chief  
Land Development Division

Leandro Rodriguez

# Memorandum



**Date:** 01-DEC-08  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000222

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**Fire Prevention Unit:**

Fire Engineering & Water Supply has no objection to this application.

**Service Impact/Demand:**

Development for the above Z2008000222  
located at 5275 N.W. 182 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0099 is proposed as the following:

|             |                |                        |             |
|-------------|----------------|------------------------|-------------|
| _____       | dwelling units | _____                  | square feet |
| residential |                | industrial             |             |
| _____       | square feet    | _____                  | square feet |
| Office      |                | institutional          |             |
| _____       | square feet    | _____                  | square feet |
| Retail      |                | nursing home/hospitals |             |

Based on this development information, estimated service impact is: 0 alarms-annually.  
The estimated average travel time is: 8:30 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station No. 51 - 4775 NW 199 Street  
Rescue, ALS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
N/A

**Fire Planning Additional Comments:**

N/A

# TEAM METRO

## ENFORCEMENT HISTORY

MARITZA & EDWAR  
BRIZUELA

5275 NW 182 STREET,  
MIAMI-DADE COUNTY,  
FLORIDA.

-----  
**APPLICANT**

-----  
**ADDRESS**

11/24/2009 11:46:26 AM

Z2008000222

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**DATE**

-----  
**HEARING NUMBER**

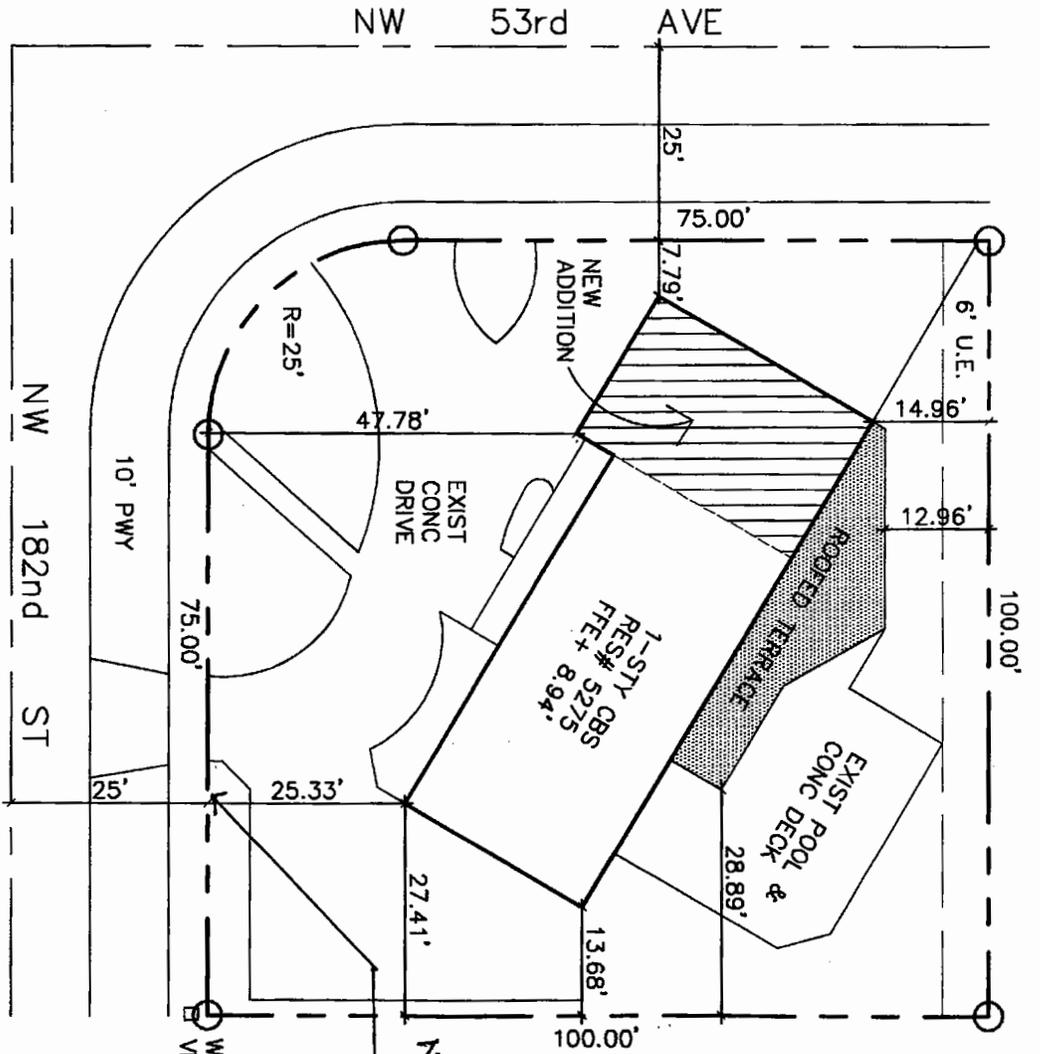
**CURRENT ENFORCEMENT HISTORY:**

OCTOBER 26, 2009 CASE#200907004224-WARNING LETTER ISSUED FOR AN ADDITION IN THE SIDE SETBACK [WESTSIDE OF PROP-7' PROVIDED; 7.5' REQUIRED] CASE#200907004221-WARNING LETTER ISSUED FOR AN ADDITION IN THE REAR SETBACK [WEST SIDE OF PROP-14' PROVIDED; 25 REQUIRED] CASE#200907004222-WARNING LETTER ISSUED FOR A COVERED TERRACE IN THE REAR SETBACK [11'PROVIDED; 25'REQUIRED]

**VIOLATOR:**

MARITZA & EDWAR BRIZUELA

AL MCMULLEN



NOTE: CONVEY MIRROR  
 WILL BE PROVIDED  
 AT ENTRANCE OF  
 DRIVEWAY TO PROVIDE  
 SAFETY

**SITE PLAN**

SCALE: 1"=20'-0"



ENLARGED SITE PLAN

**RECEIVED**  
 NOV 18 2008  
 ZONING HEARINGS SECTION  
 PLANNING AND ZONING DEPT.

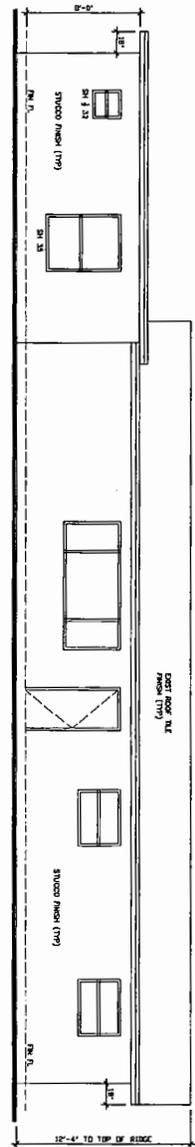
31'-8"

31'-8"

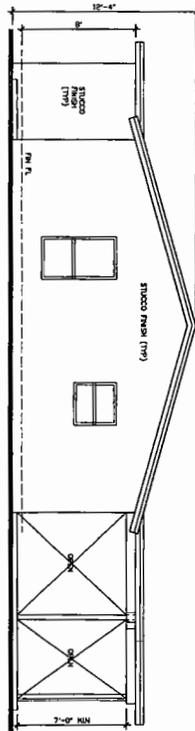


**RECEIVED**  
 NOV 18 2008

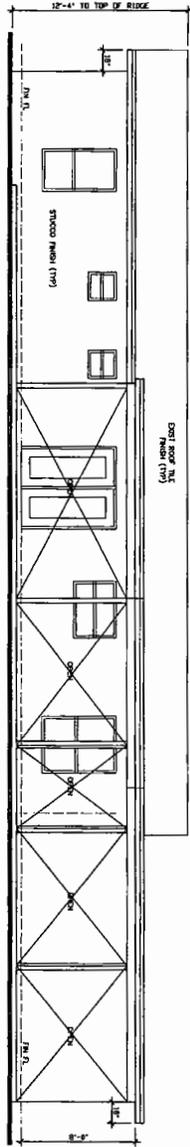
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.



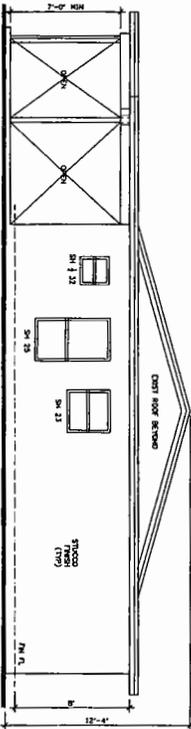
**SOUTHWEST ELEVATION**  
 SCALE: 1/4" = 1'-0" (FRONT)



**SOUTHEAST ELEVATION**  
 SCALE: 1/4" = 1'-0" (RIGHT SIDE)



**NORTHEAST ELEVATION**  
 SCALE: 1/4" = 1'-0" (REAR)

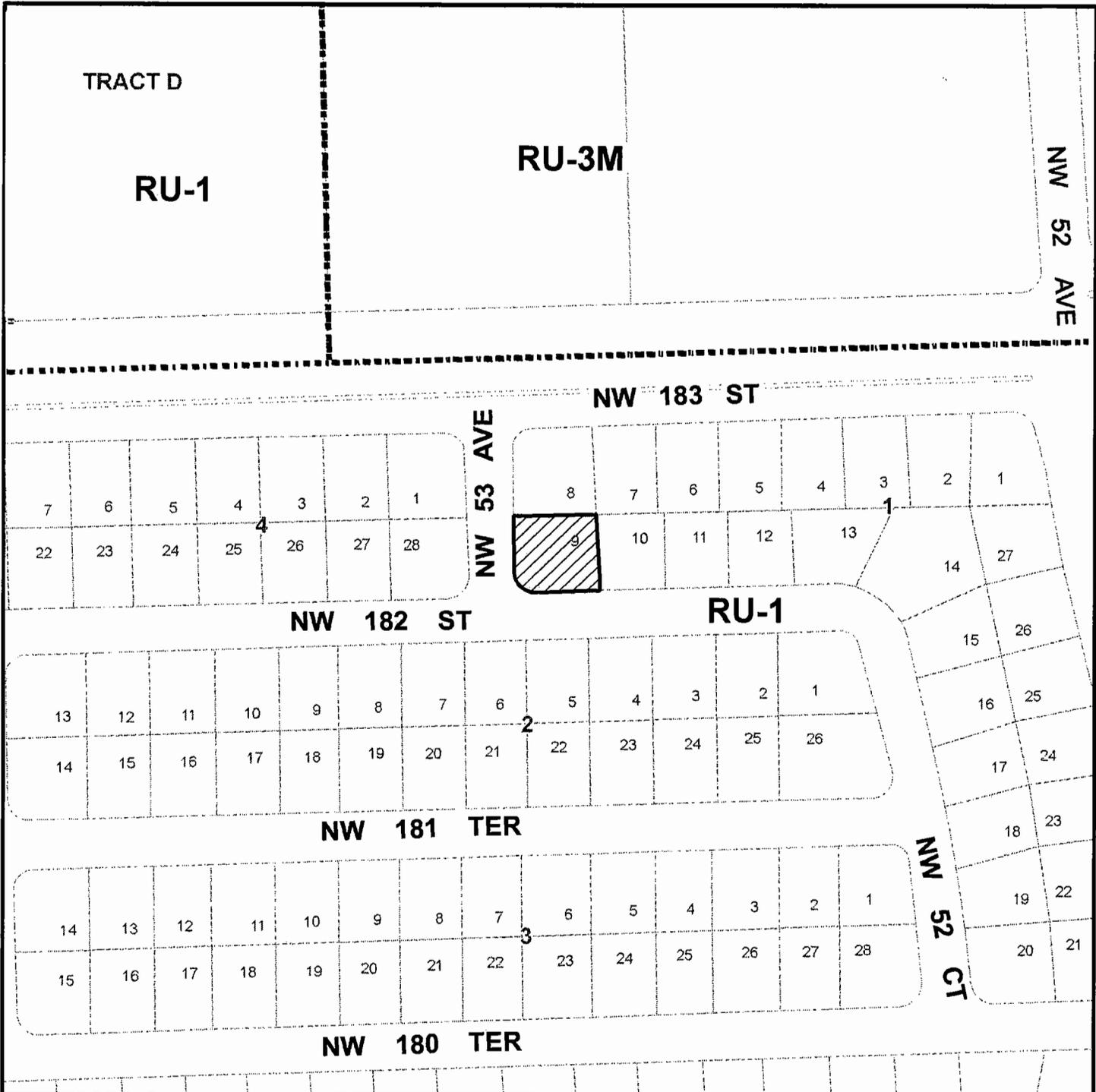


**NORTHWEST ELEVATION**  
 SCALE: 1/4" = 1'-0" (LEFT SIDE)

**RECEIVED**  
 NOV 18 2008

12

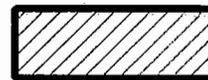
|   |   |   |                  |
|---|---|---|------------------|
| <p>OWNER'S INFORMATION</p> <p>DATE: 11/18/08</p> <p>SHEET NO: A-2</p> | <p>LEGALIZING ADDITION FOR: MR &amp; MRS BRIZUELA</p> <p>5275 NW 182 STREET</p> <p>MIAMI, FL (305) 975-7462</p> | <p>NESTOR J CIFUENTES, P.E.</p> <p>CIVIL &amp; STRUCTURAL</p> <p>ENGINEER</p> | <p>REVISIONS</p> |
|---|---|---|------------------|



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**08-222**

Section: 07 Township: 52 Range: 41  
 Applicant: MARITZA BRIZUELA & EDWARD ALDAMA  
 Zoning Board: C05  
 Commission District: 13  
 Drafter ID: JGURD  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/24/08

| REVISION | DATE | BY |
|----------|------|----|
|          | 13   |    |



**MIAMI-DADE COUNTY**

AERIAL YEAR 2008

Section: 07 Township: 52 Range: 41  
 Applicant: MARITZA BRIZUELA & EDWARD ALDAMA  
 Zoning Board: C05  
 Commission District: 13  
 Drafter ID: JGURD  
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 ----- Zoning

Process Number

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**SUBJECT PROPERTY**



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|----------|------|----|
|          |      |    |