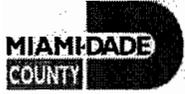


# KITS

4-20-2010 Version # 1



## COMMUNITY ZONING APPEALS BOARD 5

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 Street, Miami

Thursday, May 27, 2010 at 7:00 p.m.

### CURRENT

1. 10-5-CZ5-1 CARLOS & ARASAY GONZALEZ 08-141 09-52-40 N



# Official Zoning Agenda

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## COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, MAY 27, 2010

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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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. CARLOS & ARASAY GONZALEZ**  
**(Applicant)**

**10-5-CZ5-1 (08-141)**  
**Area 5/District 12**  
**Hearing Date: 05/27/10**

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:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1997	Charles Morgan	<ul style="list-style-type: none"><li>- Zone change from AU to RU-1.</li><li>- Special Exception for residential development.</li><li>- Unusual Use for lake excavation entrance feature.</li><li>- Non-Use Variance of zoning regulations.</li><li>- Non-Use Variance of lot frontage.</li></ul>	BCC	Approved w/conds.

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:** Carlos and Arasay Gonzalez

**PH:** Z08-141 (10-5-CZ5-1)

**SECTION:** 9-52-40

**DATE:** May 27, 2010

**COMMISSION DISTRICT:** 12

**ITEM NO.:** 1

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) Applicants are requesting to permit a covered terrace addition setback varying from 7' to 10' (25' required) from the rear (west) property line.
- (2) Applicants are requesting to permit the single-family residence setback 18.83' (25' required) from the rear (west) property line.
- (3) Applicants are requesting to permit a shed setback 36' (75' required) from the front (east) property line setback 4' (7.5' required) from the interior side (north) property line and spaced 4' (10' required) from the residence.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Legalization to an Existing Covered Terrace to: The Gonzalez Family," as prepared by Design 2004 Productions, consisting of 3 sheets dated stamped received 1/13/10.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing covered terrace addition and the existing residence encroaching into the rear (west) setback area. Additionally, the applicants seek to permit an accessory structure setback closer to the front (east) and interior side (north) property lines and spaced closer to the principal residence than permitted by the Zoning Code.

- o **LOCATION:** 17000 N.W. 89 Avenue, Miami-Dade County, Florida.

- o **SIZE:** 7,552 sq. ft.

**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** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, 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 dua

**Surrounding Properties:**

**NORTH:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 dua

**SOUTH:** AU; canal easement

Low Density Residential, 2.5 to 6 dua

**EAST:** RU-1M(b); single-family residences

Low Density Residential, 2.5 to 6 dua

**WEST:** RU-1; Single-family residence  
AU; canal easement

Low Density Residential, 2.5 to 6 dua

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable\***

Landscape Treatment:

**N/A**

Open Space:

**Unacceptable**

Buffering:

**Unacceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**N/A**

Visibility/Visual Screening:

**N/A**

Urban Design:

**N/A**

\* Subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations.**

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:**

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

**H. ANALYSIS:**

Approval of the application would allow the applicants the maintenance and continued use of the existing single family residence along with the existing covered terrace addition as well as the existing accessory structure all of which encroach into setback areas for the RU-1, Single Family Residentially zoned property. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Because the proposal will not add additional dwelling units to the property, the RU-1 zoned subject property is **consistent** with the LUP Map designation of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** and the **Miami-Dade Fire Rescue Department (MDFRD)** also have **no objections** to this application and MDFRD indicates in their memorandum that the estimated average response travel time is **7:01** minutes.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #1 and #3 would be **incompatible** with the surrounding area and would negatively affect the stability and appearance of the community. Staff opines that the approval of request #1, to permit the existing terrace addition setback 7' to 10' (25' required) from the rear (west) property line is excessive and would affect the stability and appearance of the neighborhood. Similarly, staff opines that the request to permit a shed setback 36' (75' required) from the front (east) property line setback 4' (7.5' required) from the interior side (north) property line and spaced 4' (10' required) from the residence is also excessive. Staff's research of properties in the surrounding area did not indicate any other properties that were approved for variances as intensive as that requested in this application. As such, staff opines that approval of the aforementioned requests would result in a negative precedent for the properties in this area. Therefore, staff recommends that the aforementioned requests, requests #1 and #3, be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

However, when request #2, to permit the existing single-family residence setback 18.83' (25' required) from the rear (west) property line is analyzed under the NUV Standards, staff opines that approval of this request would not affect the stability and appearance of the surrounding properties. Although staff's research of other properties in the surrounding area did not identify any other similar approvals for variances to the setback

requirements for residences, staff opines that the requested 9.17' encroachment will not have a negative visual impact on the abutting residence located to the west. The majority of the rear property line of the subject property abuts a canal easement to the west, apart from the 25.36' angled portion of the rear (northwest) property line that abuts a single-family residence. As such, any visual impact on this abutting property will, in staff's opinion, be minimal. Further, staff opines that the aforementioned encroachment is likely due to the irregular, angular configuration of the northwest corner of the lot and the fact that the existing house is also sited at an angle on the lot. The submitted survey indicates a 6' high wood fence and a shed on a concrete slab which extend to the west of the subject property beyond the owner's property line. The submitted plans however indicate that the 6' tall wood fence will be relocated along the entire rear (west) property line and the shed will be relocated to the north (interior side) setback area (request #3). As such, staff opines that approval of request #2 to allow the encroachment of the existing residence into the rear (west) setback area will be **compatible** with the surrounding area and therefore should be approved subject to conditions. Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

Based on all of the foregoing, staff opines that the approval of the encroachment of the existing house into the rear (west) setback, request #2, would not be out of character with the area and is **compatible** with same. However, staff opines that approval of requests #1 and #3 would set a negative precedent for the approval of overly intensive setback and spacing requests. Accordingly, staff recommends approval with conditions of request #2 and denial of request #1 and #3 under Section 33-311(A)(4)(b) (NUV).

**I. RECOMMENDATION:**

Approval with conditions of request #2 and denial of requests #1 and #3.

**J. CONDITIONS: (For request #2 only).**

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 not 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 "Proposed Legalization to an Existing Covered Terrace to: The Gonzalez Family," as prepared by Design 2004 Productions, consisting of 3 sheets dated stamped received 1/13/10, except as herein amended to show the removal of the terrace addition and the shed and the relocation of the 6' high wood fence. 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 require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.

4. That the applicants apply for a building permit for the residence from the Building Department within 90 days after final public hearing approval of this application and that the work be completed within 90 days after the issuance of the building permit.
5. That the applicants remove the fence and the shed on the concrete slab which extend to the west of the subject property beyond the owner's property line within 90 days of the expiration of the appeal period for this public hearing unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.
6. That the applicants maintain the 6' high wood fence along the rear (west) property line.

**DATE TYPED:** 03/30/10  
**DATE REVISED:** 03/30/10, 04/15/10  
**DATE FINALIZED:** 04/28/10  
MCL:GR:NN:NC:CH

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

# Memorandum



**Date:** July 29, 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 #Z2008000141  
Carlos and Arasay Gonzalez  
17000 N.W. 89<sup>th</sup> Avenue  
Request to Permit an Addition that Exceeds Setback Requirements  
(RU-1) (0.11 Acres)  
09-52-40

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.

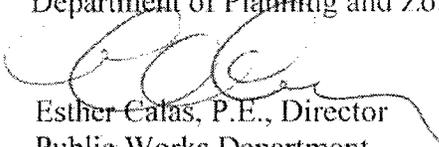
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

# 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:** 22-FEB-10  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000141

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## Fire Prevention Unit:

This memo supersedes MDRF memorandum dated August 7, 2008.  
- Not applicable to MDRF site requirements.

## Service Impact/Demand

Development for the above Z2008000141  
located at 17000 N.W. 89 AVEVUE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0226 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 7:01 minutes

## Existing services

The Fire station responding to an alarm in the proposed development will be:  
Station 44 - Palm Springs N - 7700 NW 186 Street  
Rescue, ALS Engine, EMS Capt.

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:  
None.

## Fire Planning Additional Comments

Not applicable to service impact analysis.

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

CARLOS & ARASAY GONZALEZ

17000 N.W. 89 AVEVUE, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

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ADDRESS

---

Z2008000141

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HEARING NUMBER

**HISTORY:**

CURRENT ENFORCEMENT HISTORY: NC Enforcement - No open cases. Building Enforcement  
- Only (1) case opened 20080114759 10/24/2007 for working without permit. Case still open.

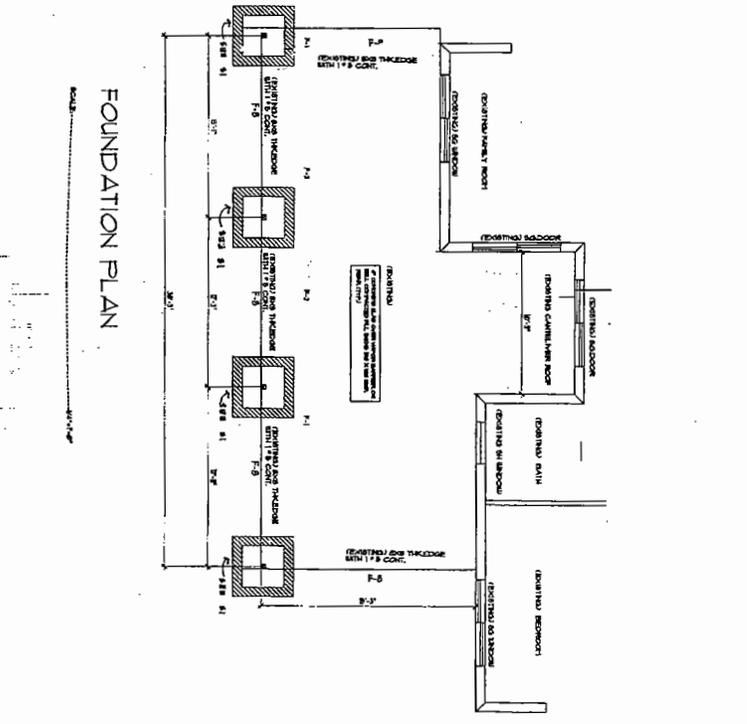
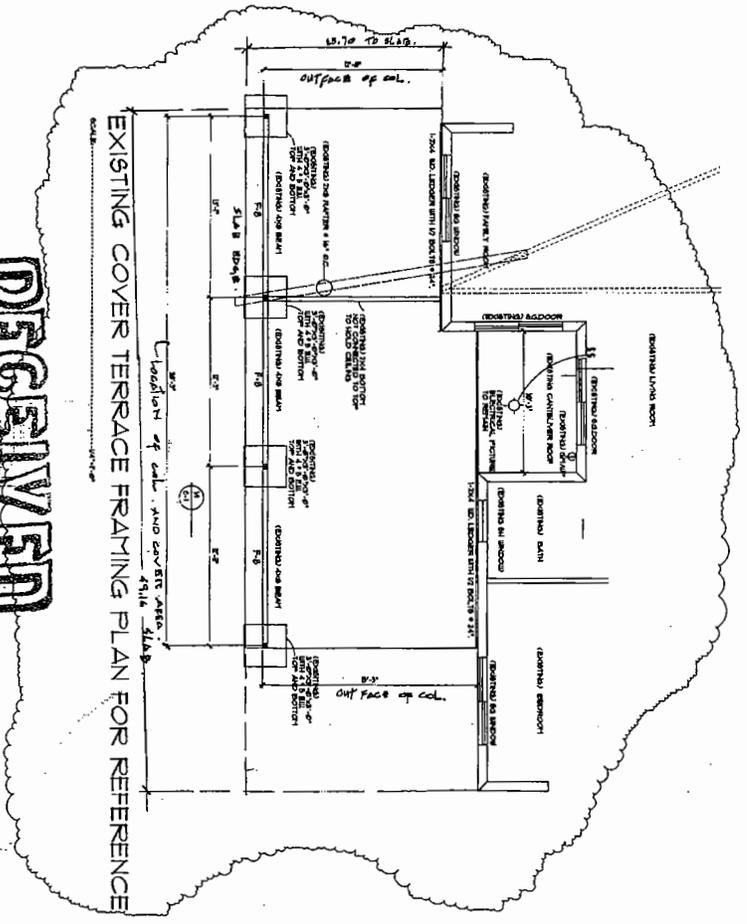
Carlos Gonzalez

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

**REPORTER NAME:**







**PERMITS PROTECTION, ETC.**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND PROTECTING ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND PROTECTING ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND PROTECTING ALL UTILITIES AND STRUCTURES TO REMAIN.

**PERMITS PROTECTION, ETC.**  
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**RECEIVED**  
 2014  
 JAN 13 2010  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

**FOOTING SCHEDULE**

MARK	DESCRIPTION	REMARKS	REVISIONS
F-1	12" x 12" CONCRETE FOOTING	12" x 12" CONCRETE FOOTING	
F-2	12" x 12" CONCRETE FOOTING	12" x 12" CONCRETE FOOTING	
F-3	12" x 12" CONCRETE FOOTING	12" x 12" CONCRETE FOOTING	



**RECEIVED**  
 2014  
 JAN 13 2010

PROPOSED LEGALIZATION TO AN EXISTING COVER TERRACE TO THE GONZALEZ FAMILY  
 11022 NW 85 AVE  
 MIAMI, FLORIDA

DESIGNER: [Name]  
 DATE: JAN 2010

REVISION BY: [Name]

DESIGN 2004  
 PRODUCTIONS  
 CA 95844

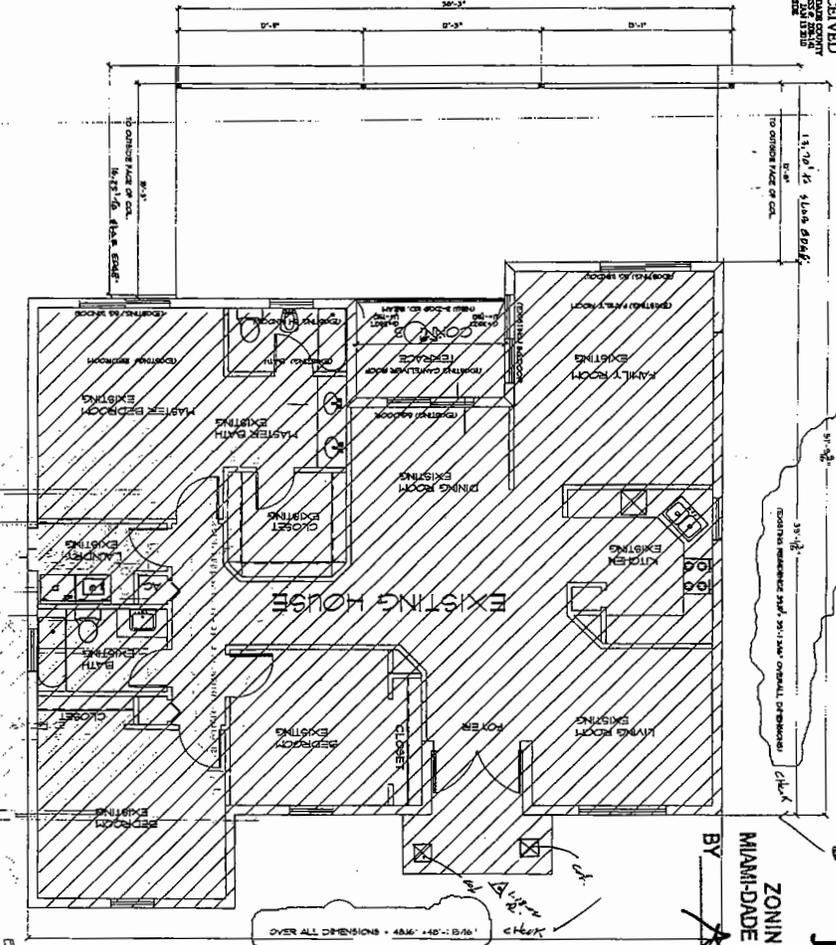
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**RECEIVED**  
 2009 JAN 13 2010

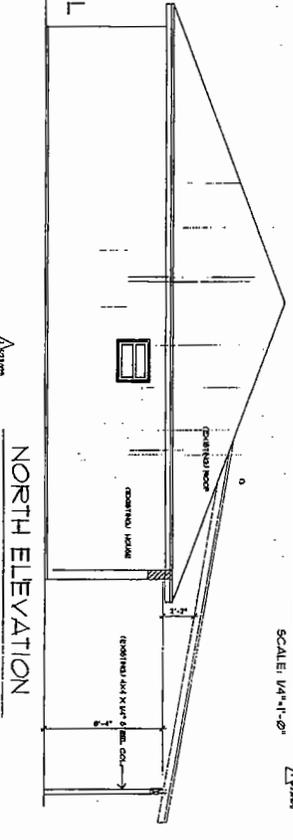
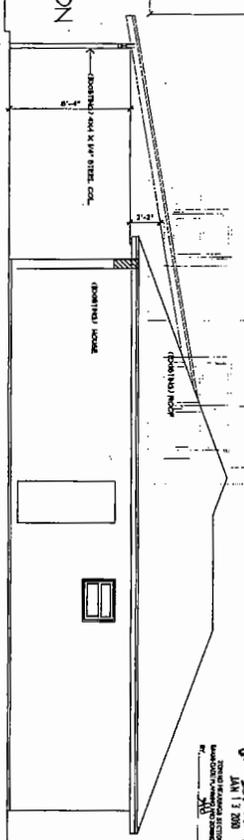
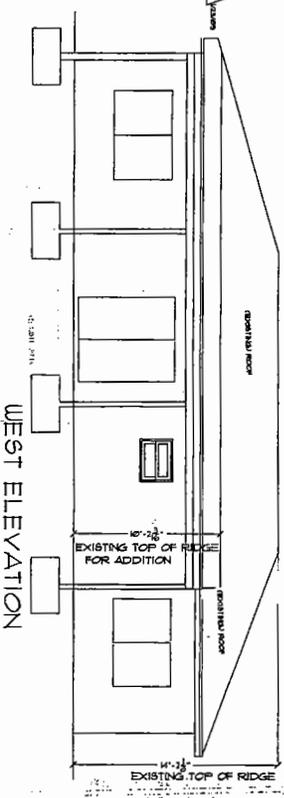
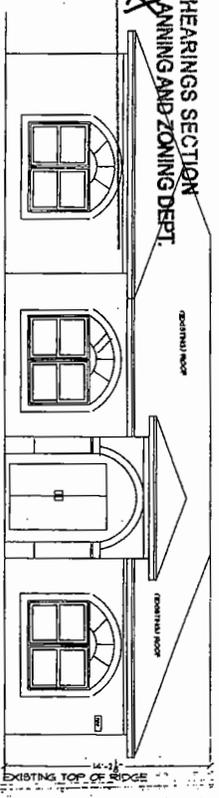
JAN 13 2010

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED  
 MIAMI-DADE COUNTY  
 PLANNING DEPT.  
 1/13/10

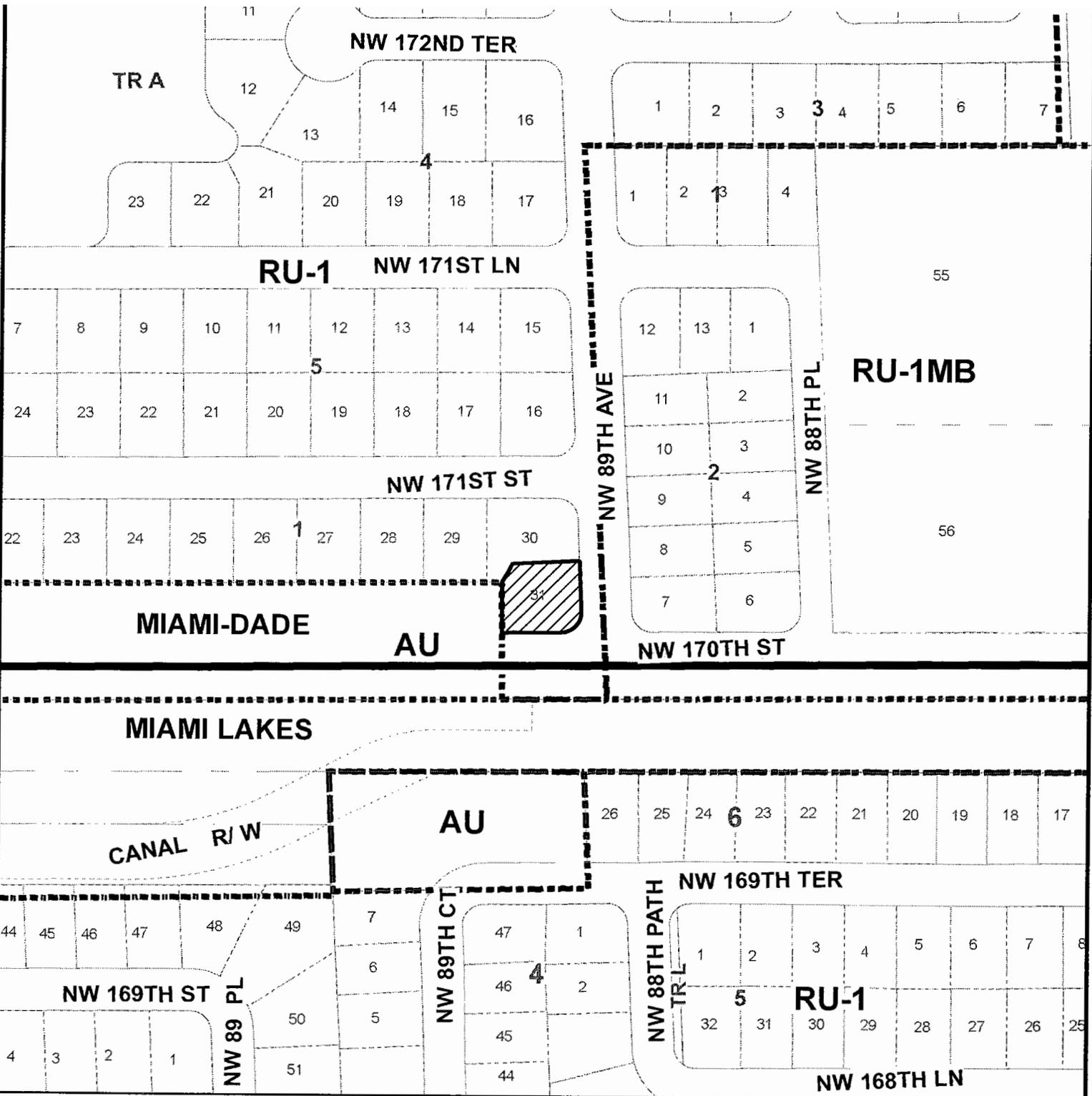


FOR REFERENCE ONLY (EXISTING FLOOR PLAN WITH ADDITION)



<p>DESIGN 2004          PRODUCTIONS          CA 95-44          800-308-0833          5050          14711 Hill St. #1          Miami Springs          FL 33166          305-758-7208</p>		<p>REVISION BY          A-3          1/13/10</p>		<p>PROPOSED LEGALIZATION TO AN EXISTING          COVER TERRACE          TO: THE GONZALEZ FAMILY          1100 NW 85 AVE          MIAMI, FLORIDA</p>	
<p>PLANNED ENGINEER          State of Florida          REAL SIGN AND DATE</p>		<p>REVISION BY          A-3          1/13/10</p>		<p>REVISION BY          A-3          1/13/10</p>	

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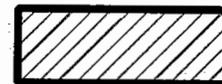


**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number

**08-141**

Section: 09 Township: 52 Range: 40  
 Applicant: CARLOS & ARASAY GONZALEZ  
 Zoning Board: C05  
 Commission District: 12  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/01/08

REVISION	DATE	BY
		15





**MIAMI-DADE COUNTY**  
AERIAL YEAR 2008

Section: 09 Township: 52 Range: 40  
 Applicant: CARLOS & ARASAY GONZALEZ  
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**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/01/08

REVISION	DATE	BY