

KITS

10-5-2010 Version # 3



COMMUNITY ZONING APPEALS BOARD 5
LAWTON CHILES MIDDLE SCHOOL
8190 NW 197 Street, Miami
Thursday, October 14, 2010 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|--|---------------|----------|---|
| 1. | 10-10-CZ5-1 | <u>MORMAX BEVERAGE CORP D/B/A BJ'S
WHOLESALE CLUB #174</u> | <u>09-161</u> | 12-52-40 | N |
| 2. | 10-10-CZ5-2 | <u>EDESIO A. GUERRA & FRANCISCA</u> | <u>10-54</u> | 06-52-41 | N |
| 3. | 10-10-CZ5-3 | <u>WALDO J. QUINTANA</u> | <u>10-55</u> | 36-52-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, OCTOBER 14, 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

1. **MORMAX BEVERAGE CORP. D/B/A: BJ'S**
WHOLESALE CLUB # 174 (10-10-CZ5-1/09-161)

12-52-40
Area 5/District 13

Applicant is requesting to permit the sale of alcoholic beverages on Sundays (not permitted except during the month of December) for an existing liquor package store.

SUBJECT PROPERTY: Tract "A," WALMART AT MIAMI GARDENS, Plat book 140, Page 88.

LOCATION: 17250 N.W. 57 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 15 Acres

Department of Planning and
Zoning Recommendation:

Approval with a condition.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. **EDESIO A. AND FRANCISCA GUERRA (10-10-CZ5-2/10-54)**

6-52-41
Area 5/District 1

- (1) Applicants are requesting to permit an existing storage room addition to a single-family residence setback varying from 9.81' to 9.94' (25' required) from the rear (east) property line and setback 6.74' (7.5' required) from the interior side (north) property line.
- (2) Applicants are requesting to permit an existing carport, bedroom and bathroom addition to the single-family residence setback 6.74' (7.5' required) from the interior side (north) property line.
- (3) Applicants are requesting to permit the single-family residence setback 24.08' (25' required) from the rear (east) property line and setback 5.74' (7.5' required) from the interior side (south) property line.
- (4) Applicants are requesting to permit the single-family residence with lot coverage of 38.5% (35% permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Attached and Detached Additions Legalization for: Mr. Edesio Guerra," as prepared by R.C. Remberto Contreras, dated stamped received 7/13/10 and consisting of 2 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 17, Block 19, MIAMI GARDENS MANOR, SECTION 4, Plat book 96, Page 12.

LOCATION: 19301 N.W. 51 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' X 101'

Department of Planning and Zoning Recommendation:

Approval with conditions of requests #2 and #3 and denial without prejudice of requests #1 and #4.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. WALDO J. QUINTANA (10-10-CZ5-3/10-55)

**36-52-40
Area 5/District 13**

- 1) Applicant is requesting to permit an existing addition to a single-family residence setback 17'1" (25' required) from the rear (east) property line.
- (2) Applicant is requesting to permit an existing swimming pool setback 71'7" (75' required) from the front (west) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Addition and Carport Enclosure to be Legalized for: Waldo Quintana," as prepared by Nestor J. Cifuentes, dated stamped received 5/18/10 and consisting of 2 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 11, Block 31, PALM SPRINGS SUBDIVISION, SECTION "A", 4TH ADDITION, Plat book 57, Page 17.

LOCATION: 11101 N.W. 59 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 100'

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

 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). 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. MORMAX BEVERAGE CORP DBA
BJ'S WHOLESALE CLUB # 174
(Applicant)**

**10-10-CZ5-1 (09-161)
Area 5/District 13
Hearing Date: 10/14/10**

Property Owner (if different from applicant) **Da-Red Road LLC.**

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

If so, who are the interested parties? **Mormax Beverages Corp. DBA BJ's Wholesale Club.**

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>
1969	G.B.B. Investments, Inc.	- Zone change from RU-1 & BU-1A to BU-2.	BCC	Approved w/comds.

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**

APPLICANT: Mormax Beverages Corporation
d/b/a BJ's Wholesale Club

PH: Z09-161 (10-10-CZ5-1)

SECTION: 12-52-40

DATE: October 14, 2010

COMMISSION DISTRICT: 13

ITEM NO.: 1

=====

A. INTRODUCTION

o **REQUEST:**

Applicant is requesting to permit the sale of alcoholic beverages on Sundays (not permitted except during the month of December) for an existing liquor package store.

o **SUMMARY OF REQUEST:** This application would allow the applicant to open the existing liquor package store on Sundays.

o **LOCATION:** 17250 N.W. 57 Avenue, Miami-Dade County, Florida.

o **SIZE:** 15 Acres

B. ZONING HEARINGS HISTORY:

In October 1969, pursuant to Resolution #Z-288-69, the Board of County Commissioners (BCC) granted approval of a district boundary change from AU, Agricultural District, RU-1, Single-Family Residential District, and BU-1A, Limited Business District, to BU-2, Special Business District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 - 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are **retail**, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of

hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

Policy LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, **parking**, height, bulk, scale of architectural elements, landscaping, **hours of operation**, buffering, and safety, as applicable.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
BU-2; Wholesale store	Business & Office
<u>Surrounding Properties</u>	
<u>NORTH:</u> BU-2 and IU-C; Home improvement center	Business & Office
<u>SOUTH:</u> BU-2 and BU-3; automobile repair center and commercial vehicle parking lot	Business & Office
<u>EAST:</u> RU-1; Single-family residences	Low Density Residential, 2.5 to 6 du
<u>WEST:</u> BU-2; retail store and charter school	Business & Office

The subject parcel is located at 17250 N.W. 57 Avenue on the west side of NW 57 Avenue (Red Road) which is characterized by a variety of retail uses and a charter school which is located immediately to the west of the subject site. Single-family residences are located across NW 57 Avenue (Red Road) to the east of the subject property.

E. SITE AND BUILDINGS:

Site Plan Review:	(No Site plan submitted)
Scale/Utilization of Site:	N/A
Location of Buildings:	N/A
Compatibility:	Acceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A

Service Areas: N/A

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	No objection
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject parcel is located at 17250 N.W. 57 Avenue on the west side of NW 57 Avenue (Red Road) which is characterized by a variety of retail uses and a charter school which is located immediately to the west of the subject site. Single-family residences are located across NW 57 Avenue (Red Road) to the east of the subject property. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Business and Office** use. The existing BU-2 zone allows uses such as liquor package stores, pubs, bars, major department stores as well as uses allowed in the BU-1A zone, such as grocery stores and restaurants. Staff opines that the existing liquor package store is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text 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** has **no objections** to this application. Furthermore, the application does not generate any new additional daily peak hour trips and it meets the traffic concurrency criteria. The Miami-Dade Fire Department (**MDFRD**) has no objections to this application and their memorandum indicates that the estimated average travel response time is **6:12** minutes.

When analyzing this application, to permit the liquor package store with sales of alcoholic beverages on Sundays (not permitted except during the month of December), under the Non-Use Variance Standard, Section 33-311(A)(4)(b), staff is of the opinion that this request should be approved subject to a condition. Staff opines that the location of the store within a

"big box" wholesale store on a 15-acre parcel, located along a well travelled section line roadway, Red Road (NW 57 Avenue), is unobtrusive to the closest residential properties which are well spaced from the existing liquor package store, approximately 791' to the east of the existing commercial building. Additionally, staff opines that allowing the sale of alcoholic beverages on Sundays, subject to a condition that the sales be limited to the hours of operation of the wholesale store which operates from 9:00 a.m. to 8:00 p.m. on Sundays, is compatible with the other land uses, would not be detrimental to the community and will allow the establishment to provide its patrons the convenience of shopping at the site on Sundays. Subject to this condition, staff recommends approval of this application under the NUV Standards.

As previously mentioned, staff is of the opinion that the operation of the existing liquor package store during the aforementioned hours of operation of the wholesale store on Sundays is **compatible** with the surrounding commercial and residential uses and **consistent** with the LUP map of the CDMP and with the interpretative text of the CDMP. Based on the aforementioned, staff therefore recommends approval subject to a condition of the applicant's request for the sale of alcoholic beverages on Sundays.

I. **RECOMMENDATION:**

Approval with a condition.

J. **CONDITION:**

That the Sunday hours of operation for the liquor package store be limited from 9:00 a.m. to 8:00 p.m.

DATE TYPED: 08/09/10
DATE REVISED: 08/09/10; 08/26/10; 09/24/10
DATE FINALIZED: 09/24/10
MCL:GR:NN:AA:NC

for 

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

Date: November 24, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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



Subject: C-05 #Z2009000161
Mormax Beverages Corp. dba BJ's Wholesale Club #174
17250 N.W. 57 Avenue
Request to Permit the Sale of Alcohol on Sundays
(BU-2) (15 Acres)
12-52-40

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 LOS standards for an initial development order, as specified in the adopted CDMP 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.

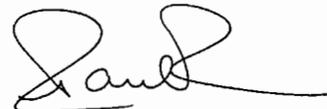
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MORMAX BEVERAGE CORP DBA BJ'S WHOLESALE CLUB

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.

A handwritten signature in black ink, appearing to read "Raul", with a stylized flourish extending to the right.

Raul A Pino, P.L.S.

08-JAN-10

Memorandum



Date: 15-DEC-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000161

Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

Service Impact/Demand

Development for the above Z2009000161
located at 17250 N.W. 57 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0231 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:12 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 1 - Miami Lakes - 16699 NW 67 Avenue
Rescue, ALS Engine, Squad

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.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 02-SEP-10
REVISION 1

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

MORMAX BEVERAGE CORP DBA
BJ'S WHOLESALE CLUB

17250 N.W. 57 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000161

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC; No open cases. BNC: No open cases

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

REPORTER NAME:

Tenant

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: DA Red Road, LLC C/O Large Realty, Inc (RP) Bj's Corp

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Bj's Wholesale Club, Inc is a publicly traded Company on the New York Stock Exchange (SYMBOL BJ)	
_____	_____
_____	_____
_____	_____

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

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ZONING HEARINGS SECTION
MIAMI BASE PLANNING AND ZONING DEPT.

BY _____

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entitles, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 3rd day of November 2009
produced _____ as Identification.

Mary I. Slatter
(Notary Public)



My commission expires: 1/17/14

Affiant is personally known to me or has produced _____ as Identification.

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
Seal

*Disclosure shall not be required of: 1) any entity whose equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entitles whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT A

DA-Red Road LLC
SCHEDULE OF MEMBERS, CAPITAL CONTRIBUTIONS,
AND MEMBERSHIP UNITS

<u>Member Name</u>	<u>Address</u>	<u>Issued Membership Percentage</u>
DA Manager LLC	c/o Largo Realty, Inc. 36 Washington St. Suite 340 Wellesley Hills, MA 02481	0.5%
Raynham Forty-Four Realty Associates Limited Partnership	c/o Largo Realty, Inc. 36 Washington St. Suite 340 Wellesley Hills, MA 02481	99.5%

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

DA Manager LLC

SCHEDULE B

Member

<u>Name</u>	<u>Mailing Address</u>		<u>Membership Interest</u>
Raynham Forty-Four Realty Associates Limited Partnership	c/o Largo Realty, Inc. 36 Washington St. Suite 340 Wellesley Hills, MA 02481		100%

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY JP



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Annual Report - 2008

(General Laws Chapter 156D, Section 16 22; 950 CMR 113 57)

Federal Employer Identification Number: 043288792 (must be 9 digits)

1. Exact name of the corporation: RAYNHAM FORTY-FOUR REALTY CORP.

2. Jurisdiction of Incorporation: State: MA Country:

3,4. Street address of the corporation registered office in the commonwealth and the name of the registered agent at that office:

Name: SOFIA SARAFOGLOU
 No. and Street: 36 WASHINGTON STREET
SUITE 340
 City or Town: WELLESLEY HILLS State: MA Zip: 02481 Country: USA

5. Street address of the corporation's principal office:

No. and Street: C/O LARGO REALTY, INC.
36 WASHINGTON ST., SUITE 340
 City or Town: WELLESLEY HILLS State: MA Zip: 02481 Country: USA

6. Provide the name and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	DAVID ALTSCHULER	11 CRAMOND ROAD CHESTNUT HILL, MA 02467 USA
TREASURER	DAVID ALTSCHULER	11 CRAMOND ROAD CHESTNUT HILL, MA 02467 USA
SECRETARY	DAVID ALTSCHULER	11 CRAMOND ROAD CHESTNUT HILL, MA 02467 USA
DIRECTOR	DAVID ALTSCHULER	11 CRAMOND ROAD CHESTNUT HILL, MA 02467 USA

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7. Briefly describe the business of the corporation:

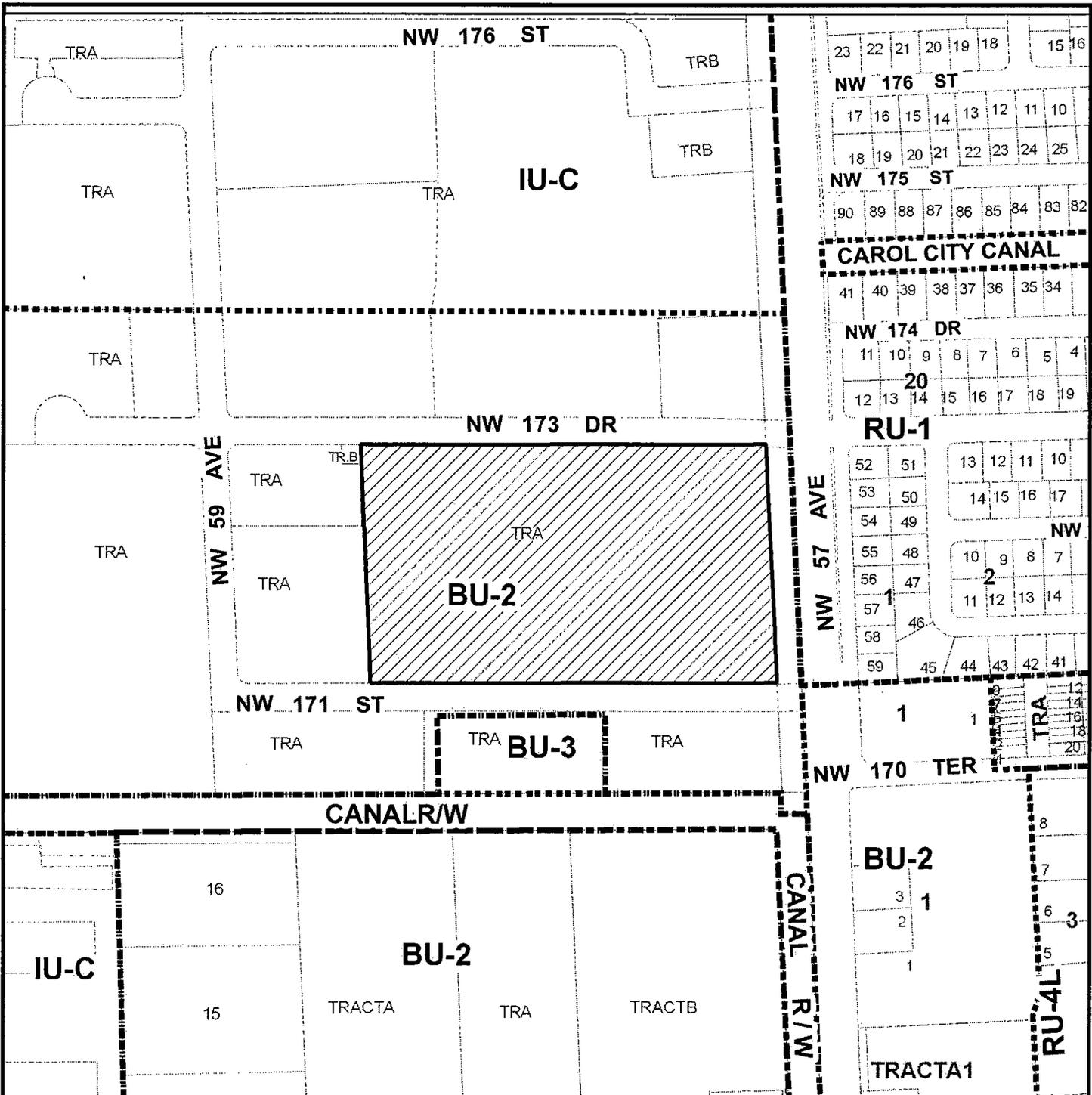
real estate ownership

ZONING HEARINGS SECTION
 MUNICIPAL PLANNING AND ZONING DEPT
 BY _____

8. Capital stock of each class and series:

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	200,000	\$0.00	100

9. Check here if the stock of the corporation is publicly traded:



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-161

Section: 12 Township: 52 Range: 40
 Applicant: MORMAX BEVERAGE CORP DBA BJ'S WHOLE SALE
 Zoning Board: C05
 Commission District: 13
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

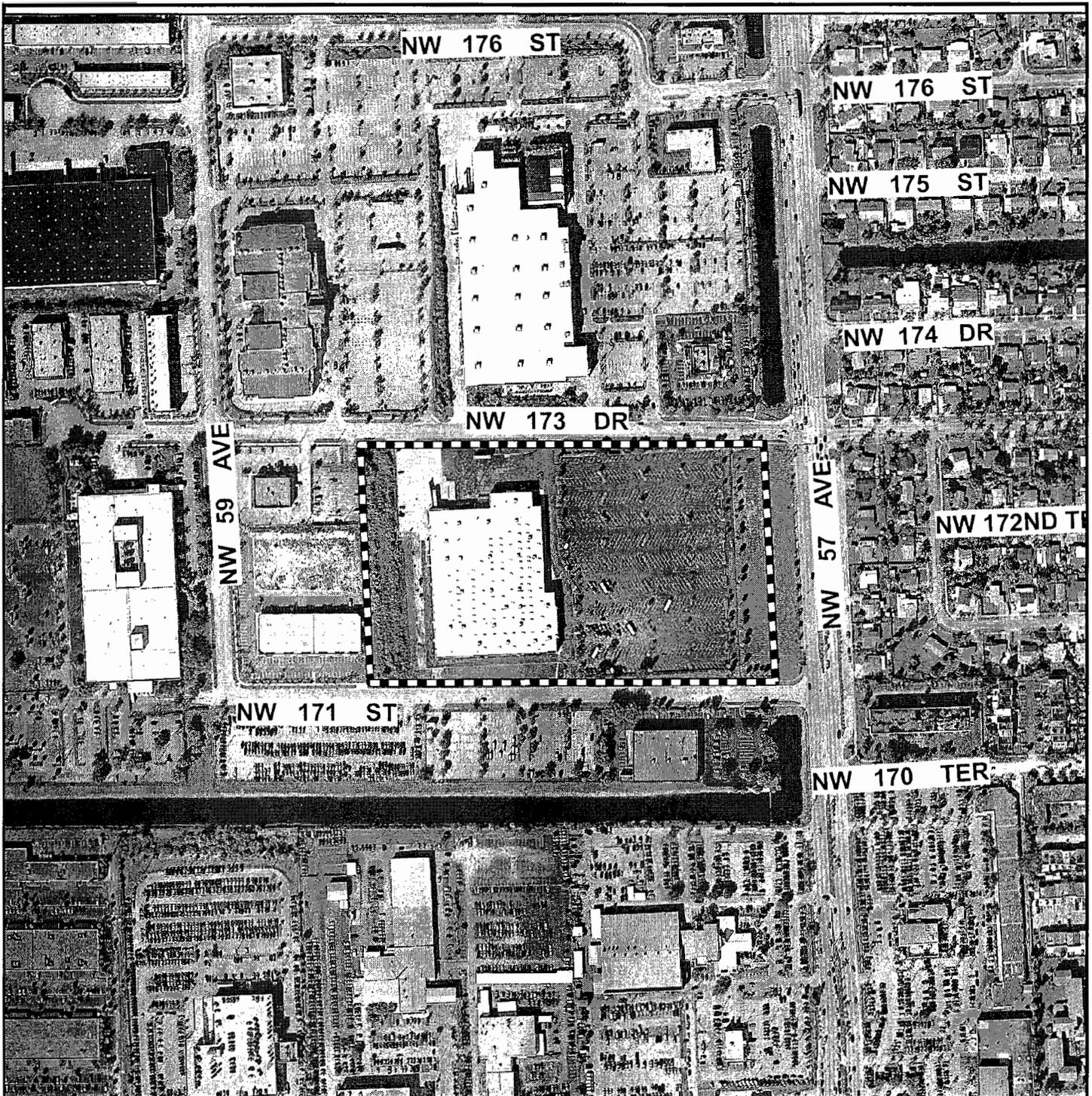


SUBJECT PROPERTY



SKETCH CREATED ON: 11/30/09

REVISION	DATE	BY
		17



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
09-161

Section: 12 Township: 52 Range: 40
 Applicant: **MORMAX BEVERAGE CORP DBA BJ'S WHOLE SALE**
 Zoning Board: C05
 Commission District: 13
 Drafter ID: JEFFER
 Scale: NTS
 ----- Zoning

SUBJECT PROPERTY



SKETCH CREATED ON: 11/30/09

REVISION	DATE	BY

2. EDESIO A. GUERRA & FRANCISCA
(Applicant)

10-10-CZ5-2 (10-054)
Area 5/District 01
Hearing Date: 10/14/10

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1955	G.W. Ten. Inc. & Dade County Planning, Zoning and Building Department.	- Zone change from AU to RU-1.	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: Edesio A. and Francisca Guerra

PH: Z10-054 (10-10-CZ5-2)

SECTION: 6-52-41

DATE: October 14, 2010

COMMISSION DISTRICT: 1

ITEM NO.: 2

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicants are requesting to permit an existing storage room addition to a single-family residence setback varying from 9.81' to 9.94' (25' required) from the rear (east) property line and setback 6.74' (7.5' required) from the interior side (north) property line.
- (2) Applicants are requesting to permit an existing carport, bedroom and bathroom addition to the single-family residence setback 6.74' (7.5' required) from the interior side (north) property line.
- (3) Applicants are requesting to permit the single-family residence setback 24.08' (25' required) from the rear (east) property line and setback 5.74' (7.5' required) from the interior side (south) property line.
- (4) Applicants are requesting to permit the single-family residence with lot coverage of 38.5% (35% permitted)

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Attached and Detached Additions Legalization for: Mr. Edesio Guerra," as prepared by R.C. Remberto Contreras, dated stamped received 7/13/10 and consisting of 2 pages. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicants are requesting to permit an existing storage room addition with an encroachment into the rear (east) and interior side (north) property lines. The applicants are also requesting to permit an existing carport, bedroom and bathroom addition to a single-family residence with an encroachment into the interior side (north) property line, to permit the single-family residence with reduced setbacks from the rear (east) and interior side (south) property lines and to permit the lot coverage to exceed the maximum allowed by the zoning district regulations.

- o **LOCATION:** 19301 NW 51 Avenue, Miami-Dade County, Florida.

- o **SIZE:** 75' x 101'

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property 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 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

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Unacceptable*

Compatibility:

Acceptable*

Landscape Treatment:

N/A

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

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	No objection
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

Approval of the application would allow the applicant a single family residence with additions encroaching into the rear and interior side setback areas, the maintenance and continued use of the an existing storage room addition, carport, bedroom and bathroom additions, and an increased lot coverage. 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, Single-Family Residential District 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 **6:15** minutes.

When request #1 and #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would affect the stability and appearance of the community, and would be detrimental to the neighborhood. The site plan submitted depicts the storage room addition at the northeastern portion of the subject property which is the subject of request #1. Staff notes, that the storage room addition encroaches 15.06' into the required 25' rear (east) setback area which in staff's opinion creates a negative visual impact to the neighboring property to the east. It is also noted by staff, that the 8" encroachment of the storage room addition into the interior side (north) setback area is minimal. However, staff opines that this encroachment is germane to the overly intensive development of this portion of the property and along with the previously mentioned 15.06' encroachment, will negatively impact the surrounding area. Further, staff opines that the 211 sq. ft. storage room would be visually intrusive to the single-family residence located north and east of the subject property. Staff also is not supportive of request #4 to permit the single-family residence with a lot coverage of 38.5% where 35% is permitted. The increased lot coverage is a result of the combined square footage of the existing single-family residence with the storage room addition which is germane to request #1. However, staff is not supporting the encroachment of the storage room addition into the rear (east) and interior side (north) setback area (request #1) and as previously mentioned opines it is excessive and creates a negative visual impact to the neighboring properties to the

north and east. Therefore, staff recommends denial without prejudice of requests #1 and #4 under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b).

Staff does support requests #2 and #3. The applicant is requesting to permit an existing carport, bedroom and bathroom addition to the single-family residence setback 6.74' where 7.5' is required from the interior side (west) property line (request #2) and request #3 to permit the single-family residence setback 24.08' where 25' is required from the rear (east) property line and setback 5.74' where 7.5' is required from the interior side (south) property line. Staff's research of previous zoning approvals has found similar approvals in the immediate area. For example, pursuant to Resolution #CZAB5-5-06, a property located at 5121 NW 190 Street was granted a reduced setback of 22' where 25' was required from the front (south) property line. In addition, pursuant to Administrative Variance #V2000000013 a property located at 5025 NW 193 Terrace was granted a reduced setback of 5.2' from the interior side (west) property line where 7.5' is required for an existing addition, a setback of 23.6' from the front (south) property line where 25' is required and setback 7.4' from the interior side (east) property line where 7.5' is required for a single-family residence. Staff opines that these requests are compatible with the surrounding community and will not have a negative impact on same. However, as condition of approval staff is recommending that the applicant remove the existing aluminum porch and wood shed prior to obtaining a building permit and that the terrace located at the southern portion of the subject property not be enclosed in any manner except for approved insect screen materials. Staff opines that approval of the aforementioned requests will not set a precedent for approvals of intensive setback requests in this area of the County.

As such, staff opines that approval of the existing single-family residence with the existing carport, bedroom and bathroom additions with setback encroachments is **consistent** with the Low Density Residential Density designation of the LUP map of the CDMP and will be **compatible** with the surrounding developments. Staff therefore, recommends approval with conditions of request #2 and #3 under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b).

I. RECOMMENDATION:

Approval with conditions of requests #2 and #3 and denial without prejudice of requests #1 and #4.

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 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 "Attached and Detached Addition Legalization for: Mr. Edesio Guerra," as prepared by R.C. Remberto Contreras, dated stamped received 7/13/10 and consisting of 2 pages.

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 existing non-permitted structures from the Building Department within 60 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.
5. That the applicants remove the wood shed in the rear setback area and aluminum porch/carport in the front (west) setback, as shown on the plans, prior to the issuance of a building permit.
6. That the covered terrace not be enclosed in any manner except for approved insect screen materials.

DATE TYPED: 08/12/10
DATE REVISED: 08/13/10
DATE FINALIZED: 09/24/10
MCL:GR:NN:CH:CI

for 

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

Memorandum



Date: July 27, 2010

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".

Subject: C-05 #Z2010000054-Revised
Edesio Guerra and Francisca Guerra
19301 N.W. 51th Avenue
To Permit a Single-Family Residence Less than Required from Property
Lines and to Permit a Greater Lot Coverage than Permitted
(RU-1) (0.17 Acres)
06-52-41

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.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to remove an existing addition and aluminum terrace will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP 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.

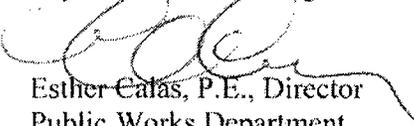
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

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

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: 07-JUN-10
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000054

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2010000054
 located at 19301 N.W. 51 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0102 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 5:30 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 51 - Honey Hill - 4775 NW 199 Street Rescue

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.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue
 Department Planning Section at 786-331-4540.

DATE: 02-SEP-10
REVISION 3

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

EDESIO A. GUERRA & FRANCISCA

19301 N.W. 51 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000054

HEARING NUMBER

HISTORY:

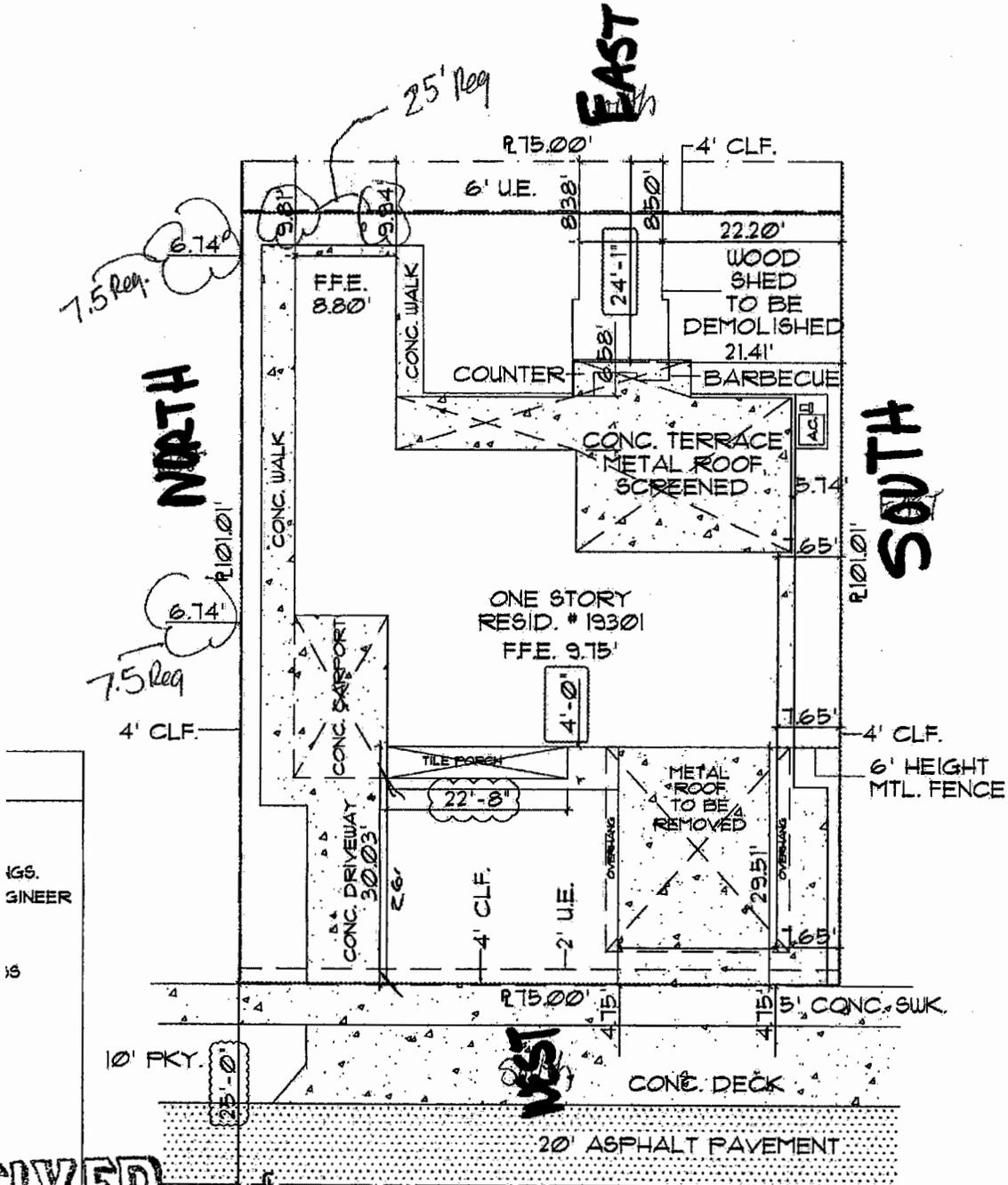
ENFORCEMENT HISTORY: NC: No open cases. BNC: (1) Case opened for work without permit,
opened 10-21-2009. Case still open

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

REPORTER NAME:

LEGAL DESCRIPTION

LOT 17, BLOCK 19, SUBDIVISION: 'MIAMI GARDENS MANOR SECTION 4'; ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96 AT PAGE 12± OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



NW 51st AVENUE

RECEIVED
20.054
JUL 13 2010

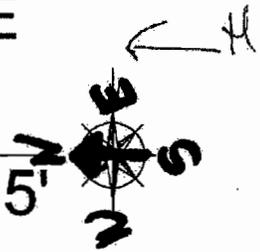
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

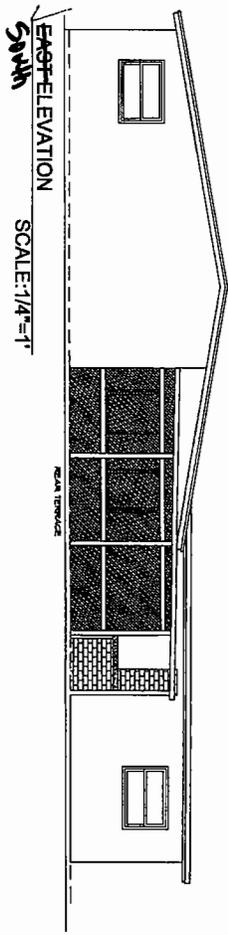
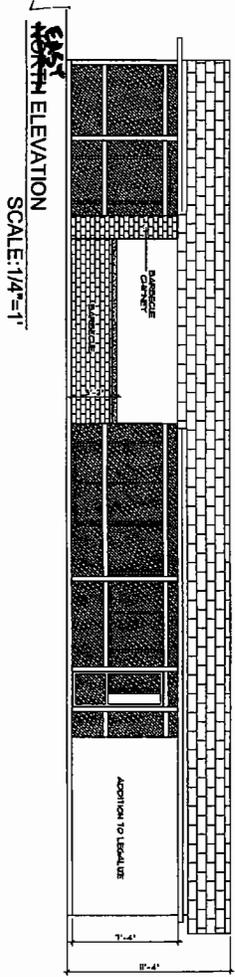
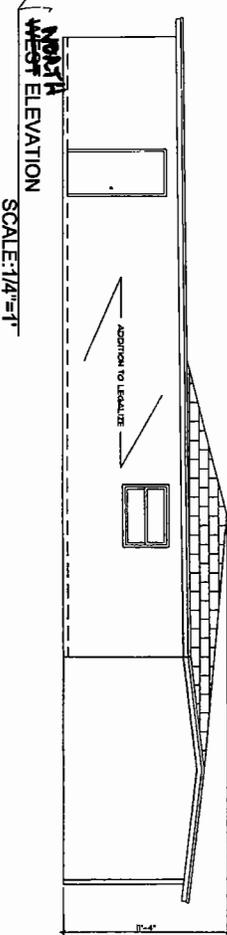
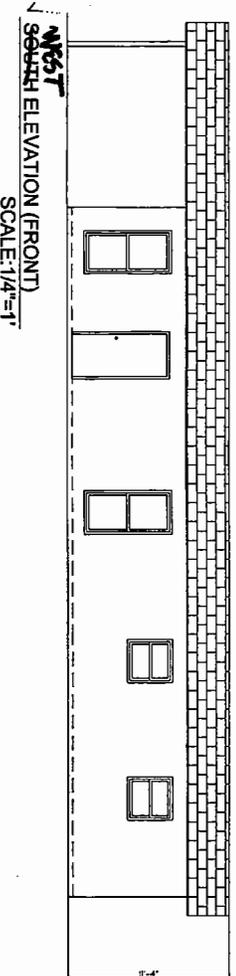
BY *[Signature]*

SITE PLAN

ENLARGED SITE PLAN

SCALE: 1" = 15'



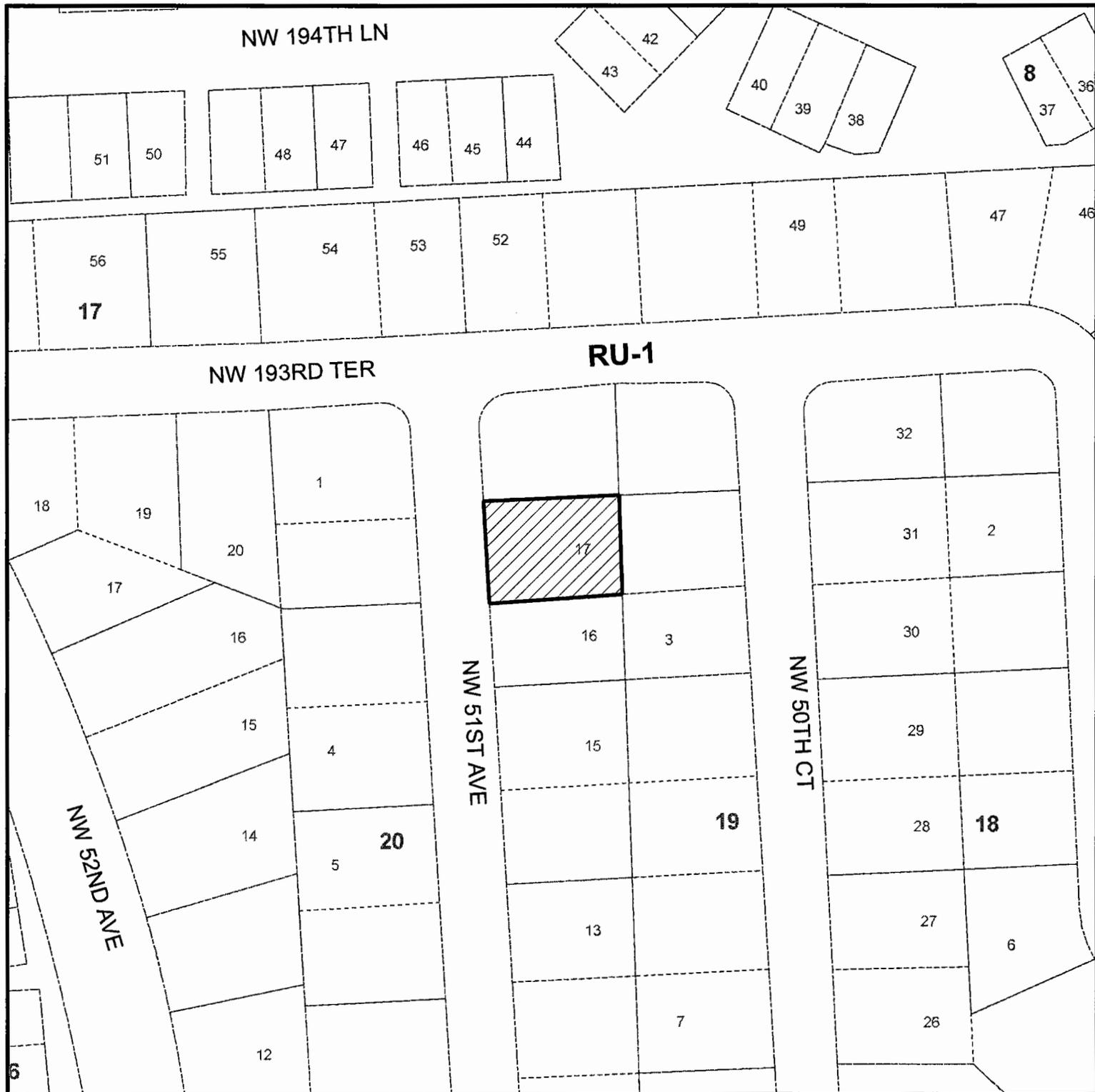


ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

RECEIVED
 216.054
 JUL 13 2010

	RC REGISTERED PROFESSIONAL ENGINEER No. 12457, State of Florida Edesio Guerra 19301 N.W. 51 AVE. MIAMI, FLORIDA 33055	PROJECT NUMBER 	ATTACHED AND DETACHED ADDITIONS LEGALIZATIONS FOR: MR. EDESIO GUERRA 19301 N.W. 51 AVE. MIAMI, FLORIDA 33055
	Revisions:	ELEVATIONS 	TITLE SHEET PROJECT NO. 19301 N.W. 51 AVE. DATE 07/13/10

14



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
Z201000054



Section: 06 Township: 52 Range: 41
 Applicant: EDESIO A. GUERRA & FRANCISCA
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, May 19, 2010

REVISION	DATE	BY
		15



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2010000054



Section: 06 Township: 52 Range: 41
 Applicant: EDESIO A. GUERRA & FRANCISCA
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Wednesday, May 19, 2010

REVISION	DATE	BY

3. WALDO J. QUINTANA
(Applicant)

10-10-CZ5-3 (10-055)
Area 5/District 13
Hearing Date: 10/14/10

Property Owner (if different from applicant) **Waldo Quintana.**

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>
1954	R and R Development Company, Inc.	- Zone change from GU to RU-1.	BCC	Approved

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**

APPLICANT: Waldo J. Quintana

PH: Z10-055 (10-10-CZ5-3)

SECTION: 36-52-40

DATE: October 14, 2010

COMMISSION DISTRICT: 13

ITEM NO.: 3

A. INTRODUCTION

o **REQUEST:**

(1) Applicant is requesting to permit an existing master bedroom addition to a single family residence setback 17'1" (25' required) from the rear (east) property line.

(2) Applicant is requesting to permit an existing swimming pool setback 71'7" (75' required) from the front (west) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Addition and Carport Enclosure to be Legalized for: Waldo Quintana", as prepared by Nestor J. Cifuentes, dated stamped received 05-18-10 and consisting of 2 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:** The applicant is requesting to permit the maintenance and continued use of a master bedroom addition to a single-family residence to encroach into the rear (east) setback area and to permit an existing swimming pool to encroach into the front west setback area.

o **LOCATION:** 11101 NW 59 Court, Miami-Dade County, Florida.

o **SIZE:** 75' 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** 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. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. 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/a

Surrounding Properties:

NORTH:	RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
SOUTH:	RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
EAST:	RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua
WEST:	RU-1; single-family residence	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:	Acceptable
Buffering:	Acceptable*
Access:	Acceptable
Parking Layout/Circulation:	Acceptable

*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	No objection
Public Works	No objection
Parks	No comment
MDT	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject site is located at 11101 NW 59 Court, in an area characterized by single-family residences developed under the RU-1 zoning district regulations. The subject

property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department (**MDFR**) and the **Public Works Department (PWD)** have **no objections** to this application. The MDFR Department indicates that the estimated average travel response time is **10:06**.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of this application with conditions would be **compatible** with the surrounding area. Approval of this application will permit the maintenance and continued use of an existing master bedroom and bathroom addition to a single-family residence to setback 17'1" (25' required) from the rear (east) property line (request #1). Staff notes that similar approvals for relief of setback requirements are prevalent in the surrounding area. Specifically, property located at 11130 NW 59 Avenue, approximately 176' to the east of the subject site was granted approval of a request to permit a bathroom and recreation/game room addition setback 19' (25' required) from the rear (west) property line, pursuant to Administrative Variance No. V1982000177. In addition, staff's research revealed that the property located at 11130 NW 58 Avenue approximately 564' east of the subject property, was granted approval to permit a bedroom addition to setback 23.78' (25' required) from the rear (west) property line, pursuant to Resolution #5-ZAB-380-94. In addition, to the above referenced examples, staff's research has found other similar approvals within a two block radius of the subject property. However, due to the configuration of the floor plan of the existing residence, staff opines that the single-family residence could be converted into a multi-family structure by future owners. Therefore, as a condition of approval, staff recommends that the applicant remove and keep open the interior doors located between the laundry room and the dining room and between the dining room and the bar area. Further, staff recommends that the applicant submit a Declaration of Use restricting the uses on the site to single-family use only and that the applicant obtain a building permit to legalize the bedroom and bathroom additions.

Staff is also supportive of request #2. Staff notes that the existing swimming pool is located at the southeastern portion of the site and opines that the 3'.42" encroachment into the front (west) setback area does not create a negative visual impact to the neighboring properties. Furthermore, the site plan depicts a 6' high wood fence along the interior sides (north and south) and rear (east) property lines which staff opines will provide buffering from the abutting properties and that said fence will minimize any negative visual or aural impact. In addition, staff is of the opinion that the swimming pool provides an outdoor amenity for the applicant and their guests to enjoy. Therefore, staff recommends approval of request #2 under the Non-Use Standards.

Staff opines that approval of this application, subject to conditions, would not result in an obvious departure from the aesthetic character of the surrounding area. Therefore, staff recommends approval with conditions of the application under the Section 33-311(A)(4)(b)) Non-Use Variance Standards.

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, but not 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 "Addition and Carport Enclosure to be Legalized for: Waldo Quintana", as prepared by Nestro J. Cifuentes, dated stamped received 05-18-10 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 require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits a Declaration of Use to the Department restricting the use of the subject property to a single family residence prior to the issuance of a building permit.
5. That the applicant apply for a building permit for the pool, bedroom and bathroom additions from the Building Department within 90 days after final public hearing approval of this application.
6. That the applicant remove and keep open the interior doors located between the laundry and the dining room and between the dining room and bar area.

DATE TYPED: 08/06/10
DATE REVISED: 08/10/10, 10/1/10
DATE FINALIZED:
MCL:GR:NN:CH:CI

for 

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

NDN
BR

Memorandum

Date: May 26, 2010

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

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



Subject: C05 #Z2010000055
Waldo Quintana
11101 N.W. 59th Court
To Permit a Single-Family Residence Setback Less than Required from
property Lines
(RU-1) (0.172 Acres)
36-52-40

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.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit the existing additions will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP 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.

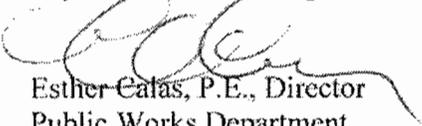
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

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

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: 03-JUN-10
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2010000055

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2010000055
located at 11101 N.W. 59 CT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0628 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> Industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 10:06 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 26 - Opa Locka - 3190 NW 119 Street
Rescue, ALS 75' Ladder, Squad

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.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 02-SEP-10
REVISION 2

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

WALDO J. QUINTANA

11101 N.W. 59 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000055

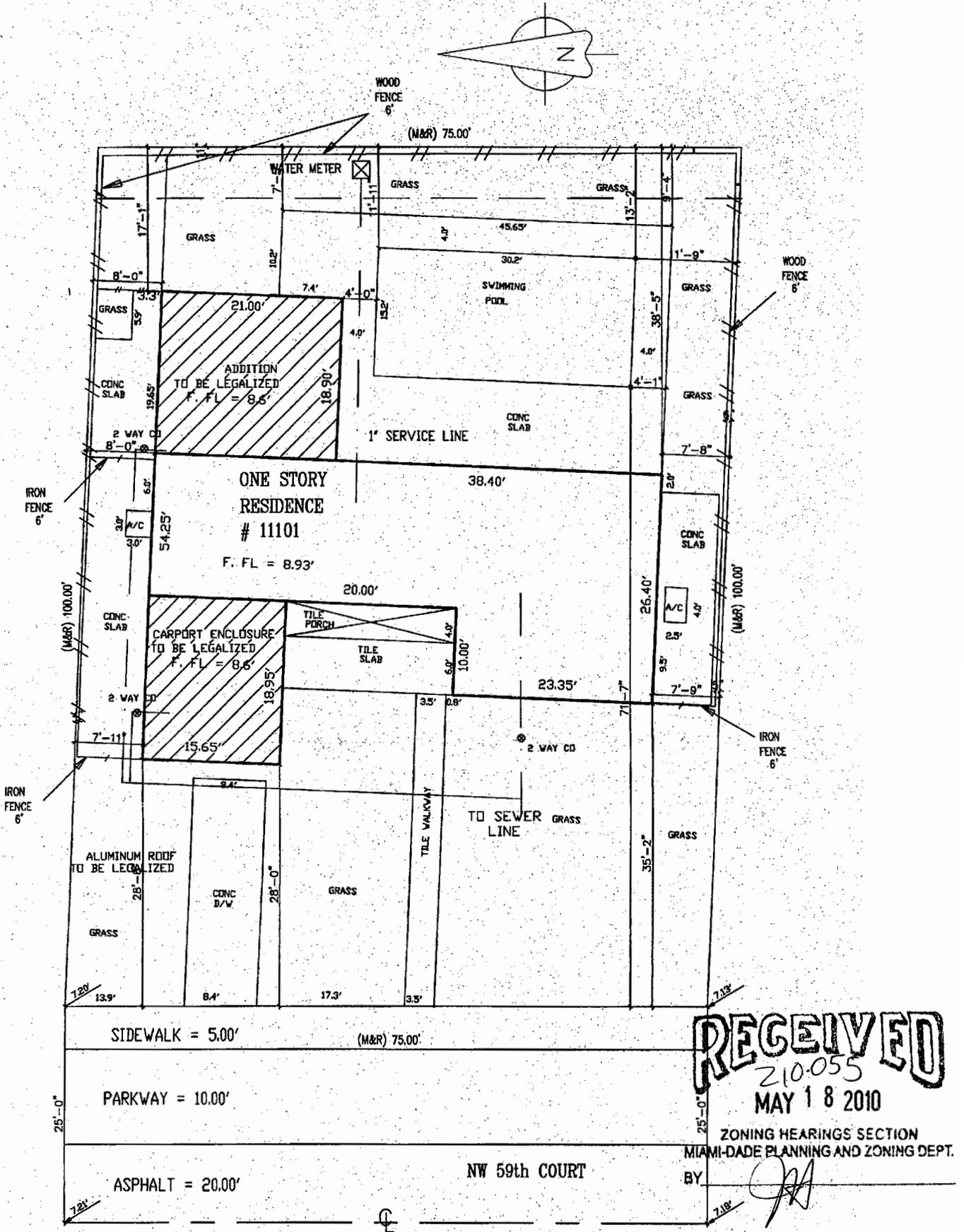
HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC; No cases. BNC; (1) Case opened 9-1-2009, case still open.

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

REPORTER NAME:



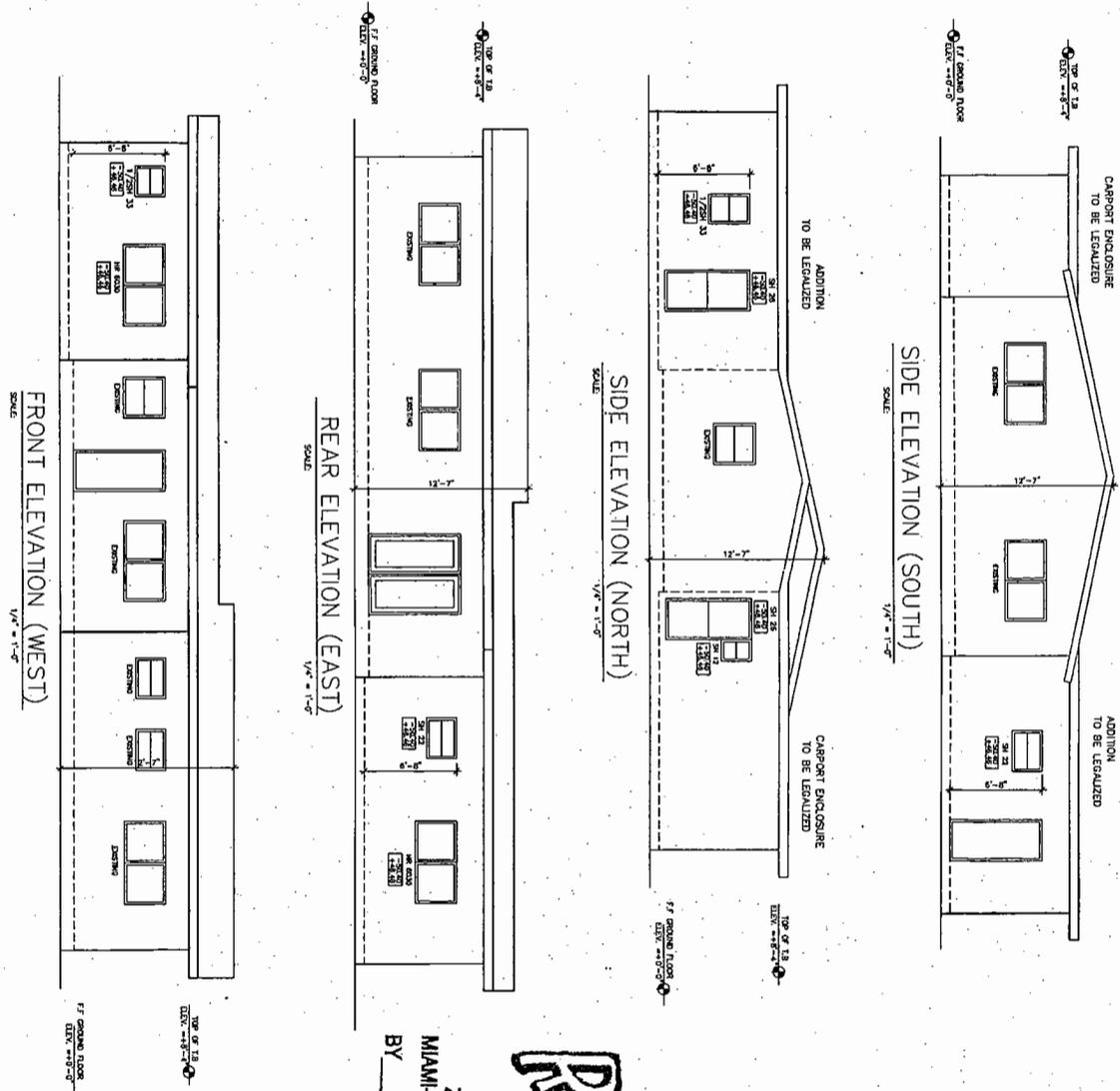
RECEIVED
 210-055
 MAY 18 2010

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

SITE PLAN
 SCALE: 3/32" = 1'-0"

ENLARGED SITE PLAN

LEGAL DESCRIPTION :
 LOT 7 BLK 8 ROOSEVELT HEIGHTS ADD
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42 AT PAGE 30
 OF THE PUBLIC RECORDS OF DADE-COUNTY, FLORIDA.



RECEIVED
 210,055
 MAY 18 2010
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

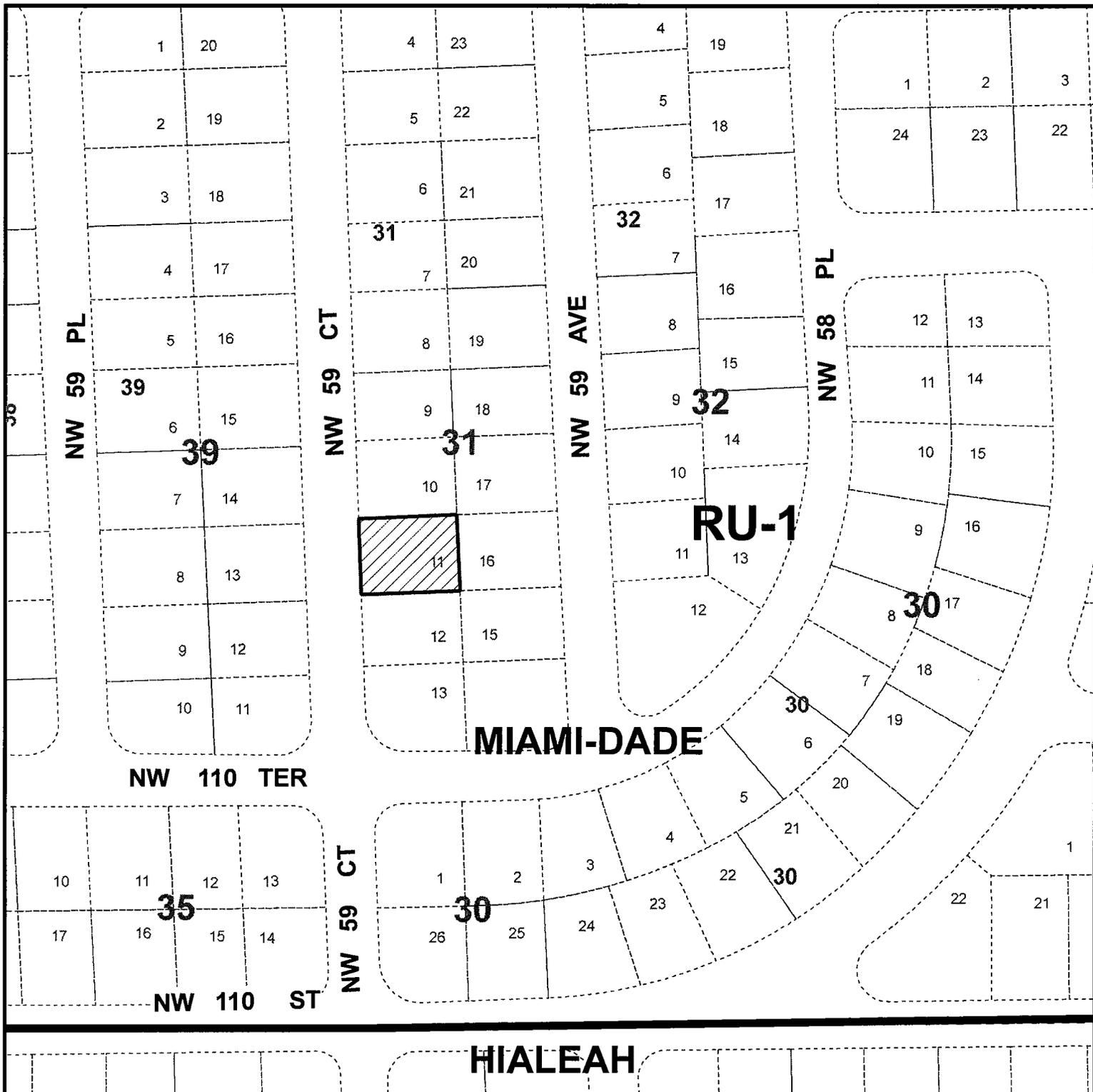
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 MAY 18 2010
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

NO. 01	REVISION
NO. 02	REVISION
NO. 03	REVISION
NO. 04	REVISION
NO. 05	REVISION
NO. 06	REVISION
NO. 07	REVISION
NO. 08	REVISION
NO. 09	REVISION
NO. 10	REVISION

ADDITION AND CARPORT ENCLOSURE TO BE LEGALIZED FOR:
WALDO QUINTANA.
 11101 NW 59TH COURT, MIAMI, FL 33012

NESTOR J. CIFUENTES
 8600 SW 33 TERR
 MIAMI 33064
 PE No 29450

13



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
Z2010000055



Section: 36 Township: 52 Range: 40
 Applicant: WALDO J. QUINTANA
 Zoning Board: C5
 Commission District: 13
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, May 20, 2010

REVISION	DATE	BY
		14



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z201000055



Section: 36 Township: 52 Range: 40
 Applicant: WALDO J. QUINTANA
 Zoning Board: C5
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Legend

 Subject Property



SKETCH CREATED ON: Thursday, May 20, 2010

REVISION	DATE	BY