

FINAL AGENDA

4-23-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 10
RUBEN DARIO MIDDLE SCHOOL
350 NW 97 Avenue, Miami
Tuesday, May 28, 2013 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|-------------|------------------------|--------|----------|---|
| 1. | 13-5-CZ10-1 | <u>OSWALDO SALAZAR</u> | 12-143 | 11-54-40 | N |
| 2. | 13-5-CZ10-2 | <u>EUGENIO REYES</u> | 12-153 | 11-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF TUESDAY, MAY 28, 2013

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 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. OSWALDO SALAZAR (13-5-CZ10-1/12-143)

**11-54-40
Area 10/Dist. 6**

(1) NON-USE VARIANCE to permit existing additions to a single family residence setback 18.70' (25' required) from the rear (north) property line.

(2) NON-USE VARIANCE to permit a lot coverage of 36.85% (35% permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Amnesty for Attached Addition (Playroom and Storage)" as prepared by Emiliano Orozco, P.E., dated stamped received 1/11/13 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 6761 SW 13 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 70' X 107.45'

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions

Protests: 0

Waivers: 7

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. EUGENIO REYES (13-5-CZ10-2 (12-153)

**11-54-40
Area 10/Dist. 6**

NON-USE VARIANCE to permit an existing addition to a single family residence setback 17.5' (25' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Reyes Residence" as prepared by Juan A. Montalvan, Architect and dated stamped received 2/21/13, consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 7230 SW 19 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 79.12' X 100'

Department of Regulatory and
Economic Resources
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 Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER 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. (RER's posting will be made on a bulletin board located in the office of RER.) 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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z12-143 (13-05-CZ10-1)

May 28, 2013

Item No. 1

Recommendation Summary	
Commission District	6
Applicant	Oswaldo Salazar
Summary of Requests	The applicant is requesting to permit an existing single-family residence with setback variances to the rear (north) property line and a greater lot coverage than permitted.
Location	6761 SW 13 Street, Miami-Dade County, Florida.
Property Size	70' x 107.45'
Existing Zoning	RU-1
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON-USE VARIANCE to permit existing additions to a single family residence setback 18.70' (25' required) from the rear (north) property line.
- (2) NON-USE VARIANCE to permit a lot coverage of 36.85% (35% permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Amnesty for Attached Addition (Playroom and Storage)" as prepared by Emiliano Orozco, P.E., dated stamped received 1/11/13 and consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Legalization of existing single-family residence additions.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
South	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
East	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
West	RU-3; religious facility	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in an area characterized by single-family and duplex residences developed under the RU-1 and RU-2 zoning district regulations as well as a religious facility.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to maintain the existing additions to a single-family residence, which consist of a play room with closet, storage room with closet and bathroom. Further, staff opines that since the single-family residence with the encroachments is existing, no new visual impacts are created on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Low Density Residential** on the Adopted 2015-2025 LUP map. *This designation permits a density range of a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The Land Use Element Interpretive Text under Residential Communities provides that this density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses.* The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family use. Therefore, staff opines that the request is **consistent** with the uses allowed in the Low Density Residential category and the density threshold for this land use category and is consistent with the designation of the site on the CDMP LUP map.

ZONING ANALYSIS:

When request #1, to permit an existing single-family residence with setback variances, and request #2, to permit a lot coverage of 36.85% (35% permitted), are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations.

Staff opines that the approval of request #1 will allow the applicant the continued use of the existing additions, which provides additional living space for the residents. The aforementioned additional indoor living space consists of a play room with closet, storage room with closet, and bathroom. Also, staff notes that the applicant still provides 18.70' of setback from the rear (north) property line, which is 74.8% of the required distance. Staff opines that the 6.3' encroachment into the rear (north) setback area would not cause any adverse impacts on the abutting residence to the north provided that the applicant provides an opaque visual buffer along the rear (north) property line. Staff opines that the approval of request #2, an increase of 1.85% over the maximum lot coverage permitted is minimal and therefore will not be visually intrusive to the surrounding area. Staff further opines that the additions have been designed, as depicted on the submitted plans, to match the same architectural style and scale as the existing single-family residence.

Staff further opines that the proposed additions and lot coverage will not detract from the aesthetic character of the area and will be compatible with same, as a similar request has been approved in the area. Specifically, a non-use variance to permit a lot coverage of 36% (30% permitted) was granted for a property located at 6711 SW 13 Street, pursuant to Administrative

Variance No. V1984000021. Although no similar setback variance requests have been sought in the immediate vicinity, staff opines that as stated before, the 6.3' encroachment into the rear (north) setback area will have a minimal visual impact on the abutting property to the north if adequately buffered. The plans and photographs submitted by the applicant show an existing 4' high chain link fence along the rear (north) property line, which staff opines does not provide an adequate visual buffer from the existing additions on the neighboring property to the north. Therefore, as a condition of approval, staff recommends that the applicant provide an opaque visual buffer along the rear (north) property line either in the form of a hedge, 3' tall at time of planting to grow and be maintained at a height of 6', or in the alternative to erect a 6' high solid fence or 6' high CBS wall along said property line to mitigate any negative visual impact from the aforementioned encroachment

In addition, staff opines that the existing additions could be converted into a separate residence; therefore, staff recommends as a condition for the approval of the request that the applicant submit a Declaration of Use agreement in recordable form acceptable to the Director, which restricts this property to single-family use only. As an additional condition for approval of this application, staff recommends that the applicant remove the doors, windows and metal shed located in the rear (north) setback area as indicated in the plan submitted.

Consequently, staff is of the opinion that approval of the subject requests will not result in an obvious departure from the aesthetic character of the surrounding neighborhood and would be **compatible** with the surrounding residential and institutional developments. **Staff therefore, recommends approval with conditions of the requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

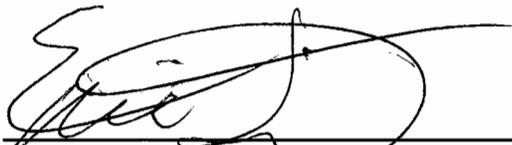
RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must 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 "Amnesty for Attached Addition (Playroom and Storage)" as prepared by Emiliano Orozco, P.E., dated stamped received 1/11/13 and consisting of 3 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 applicants provide a visual buffer along the rear (north) property line either in the form of a hedge, 3' tall at the time of planting to grow and be maintained at a height of 6', or in the alternative, erect a 6' high solid fence or 6' high CBS wall.

5. That the doors, windows and metal shed located in the rear (north) setback area be removed as indicated in the site plan provided.
6. That the applicants secure a building permit for all existing non-permitted structures from the Building Department within 90 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Regulatory and Economic Resources.
7. That a Declaration of Use agreement, in recordable form, limiting the property to single-family use only be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources prior to permit issuance.

ES:MW:NN:CH:JC



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NDN

ZONING RECOMMENDATION ADDENDUM

Applicant: *Oswaldo Salazar*
PH: Z12-143

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Low Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include 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.</i></p>
--	---

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>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.</i></p>
---	--

1. OSWALDO SALAZAR
(Applicant)

13-5-CZ10-1 (12-143)
Area 10/District 06
Hearing Date: 05/28/13

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>
1957	Southwest Jewish Center	- Special permit for church & allied uses.	BCC	Approved
1957	Joseph Intagliata	- Variances of lot frontage, area & sub of lots.	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.

Memorandum

Date: February 20, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-10 #Z2012000143-1st Revision
Oswaldo Salazar
6761 SW 13th Street
Non-Use Variance to Permit an Addition to a Single Family
Residence Setback Less than Required from Property Lines.
(RU-1) (.17 Acres)
11-54-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Flood Protection

The application site is not within a Special Flood Hazard Zone as per determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 6.50 ft NGVD. The proposed legalization of addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Chapter 11C of the Code. Non-substantial improvements are required at a minimum to match the elevation of the existing single family residence or comply with Code requirements. Based on the survey provided with this submittal the single family residence has an elevation of 10.86 ft., the additions have an elevation of 10.51 ft and 10.44 ft. and highest crown of road of 9.55 ft. which are in compliance with the Code.

Potable Water Service

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

Existing public water 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.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. Pursuant

to Section 24-43.1(3), the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively. However, if it can be demonstrated that the legal subdivision, creating such tract of land, occurred prior to the effective date of the requirement, the subject property is grandfatherable and could be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

The existing addition will not affect the existing stormwater management system.

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

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

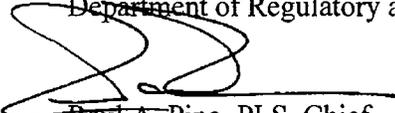
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: March 22, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: 
Raul A. Pino, PLS, Chief
Platting Section
Department of Regulatory and Economic Resources

Subject: Z2012000143
Name: Oswaldo W. Salazar
Location: 6761 SW 13 Street
Section 11 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections subject to the following:

Driveway connection along SW 13th Street must offset a minimum of 5 feet from side lot property line as per Standard Detail R12.1 of the Public Works Manual.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 6 of Plat Book 67, Page 28.

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

Memorandum



Date: 13-DEC-12
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000143

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000143
located at 6761 SW 13 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1399 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: 5:35 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 40 - West Miami - 975 SW 62 Avenue
Rescue, ALS Engine

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.

Memorandum



Date: December 13, 2012

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000143: OSWALDO SALAZAR

Application Name: OSWALDO SALAZAR

Project Location: The site is located at 6761 SW 13 ST, Miami-Dade County.

Proposed Development: The request is approval of non-use variances for setback less than required and lot coverage for an existing single family residence.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. The Department has no objections to this application.

We have no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

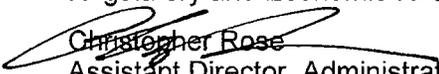
Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: January 13, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From:  Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: # Z12-143
Oswaldo Salazar

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

Z12-143
Oswaldo Salazar

Application: *Oswaldo Salazar* is requesting a non-use variance for a rear setback on a property which is currently zoned for Single Family Residential use (RU-1).

Size: The subject property is approximately .17 acres.

Location: The subject property is located at 6761 SW 13th Street in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The single family residence on the property meets the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential unit on the property currently receives, and shall continue to receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc..) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

OSWALDO SALAZAR

6761 SW 13 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000143

HEARING NUMBER

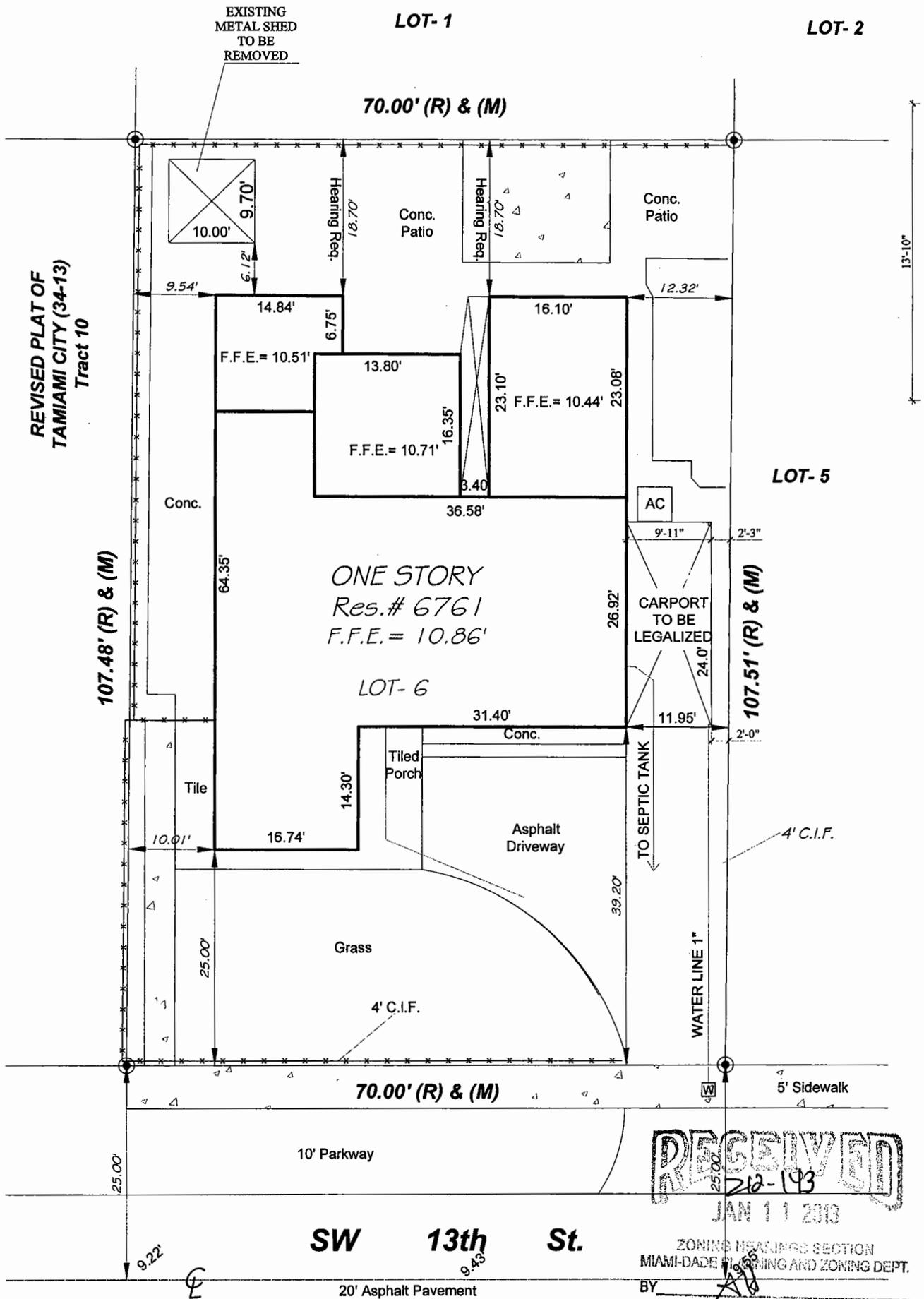
HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case opened August 16, 2012 for animals. No violation observed and case closed September 12, 2012. BNC: BSS case 20120154178-B opened on July 10, 2012. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: storage structures at NE and NW corners of the property encroaching into setbacks. House has 5 bedrooms, 5 bathrooms, ptxa shows 3 bedrooms, 2 1/2 bath. Construction of this property exceed the 1936 adj sq ftg on ptxa records. Case remains open, currently in non compliance.

Oswaldo Salazar

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

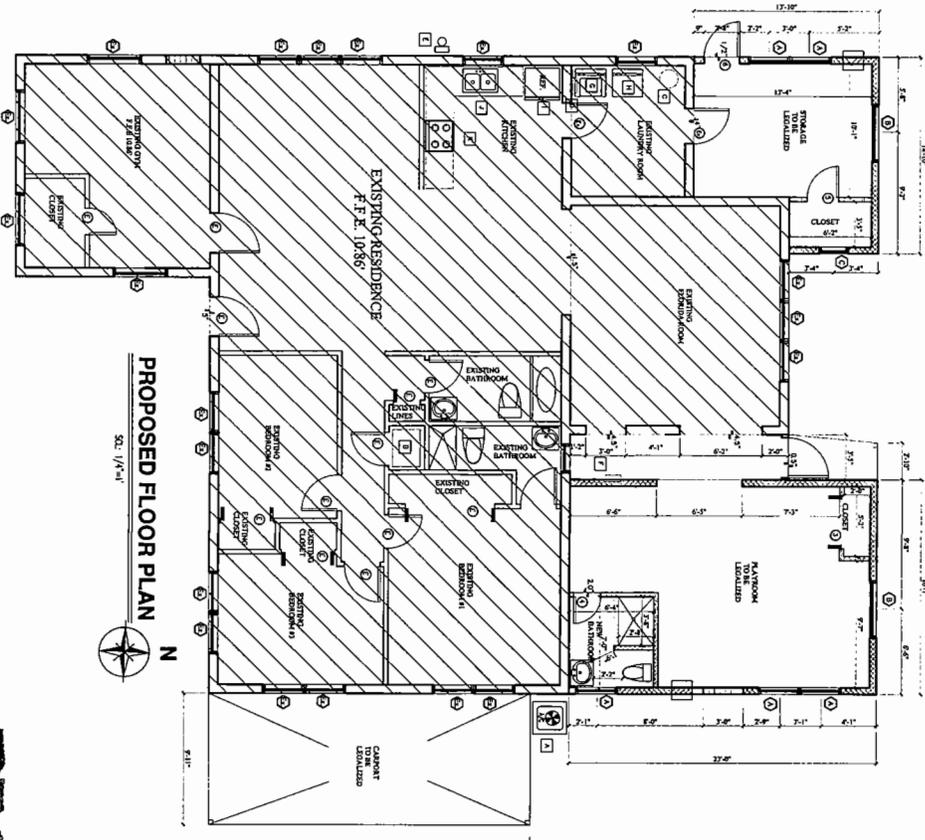
REPORTER NAME:



SITE PLAN



16



PROPOSED FLOOR PLAN
Scale: 1/4" = 1'-0"

DOOR SCHEDULE

MARK	DESCRIPTION	QTY	SIZE	REMARKS
1	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (LIVING ROOM)
2	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (DINING ROOM)
3	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (KITCHEN)
4	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (BEDROOM)
5	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (BATHROOM)
6	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (CLOSET)
7	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (CLOSET)
8	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (CLOSET)
9	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (CLOSET)
10	Swing	1	3'-0" x 7'-0"	EXISTING DOOR (CLOSET)

WINDOW SCHEDULE

MARK	SIZE	QTY	REMARKS
1	3'-0" x 7'-0"	1	EXISTING WINDOW (LIVING ROOM)
2	3'-0" x 7'-0"	1	EXISTING WINDOW (DINING ROOM)
3	3'-0" x 7'-0"	1	EXISTING WINDOW (KITCHEN)
4	3'-0" x 7'-0"	1	EXISTING WINDOW (BEDROOM)
5	3'-0" x 7'-0"	1	EXISTING WINDOW (BATHROOM)
6	3'-0" x 7'-0"	1	EXISTING WINDOW (CLOSET)
7	3'-0" x 7'-0"	1	EXISTING WINDOW (CLOSET)
8	3'-0" x 7'-0"	1	EXISTING WINDOW (CLOSET)
9	3'-0" x 7'-0"	1	EXISTING WINDOW (CLOSET)
10	3'-0" x 7'-0"	1	EXISTING WINDOW (CLOSET)

LEGEND

- EXISTING RESIDENCE TO REMAIN
- EXISTING CEILING WALLS TO REMAIN
- EXISTING SET PARTITIONS TO REMAIN
- EXISTING PARTITIONS TO BE DEMOLISHED
- NEW FRAMED DOOR WALLS
- NEW FRAMED WINDOW WALLS
- NEW FRAMED PARTITION WALLS
- NEW FRAMED PARTITION WALLS ON PAINT
- NEW FRAMED PARTITION WALLS ON PAINT AND FINISH

FIXTURES SCHEDULE

MARK	DESCRIPTION
1	1/2" COMPRESSOR
2	WATER HEATER
3	ELECTRICAL PANEL
4	ELECTRICAL WIRING
5	WATER METER
6	WATER VALVE
7	WATER SHUT-OFF
8	WATER SHUT-OFF
9	WATER SHUT-OFF
10	WATER SHUT-OFF

FLAME SPREAD AND SMOKE DENSITY

ALL WALL AND CEILING SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL DOORS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD).

SCOPE OF WORK:

THE PROPOSED SCOPE OF WORK CONSIST OF: OBTAIN PERMIT FOR TWO AMNESTY FOR ATTACHED ADDITION - PLAYROOM - STORAGE ROOM

WINDOWS & SHUTTERS NOTES

1. ALL WINDOWS AND SHUTTERS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD).

BATHROOM FINISH NOTES

1. BATHROOM FINISH SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD).

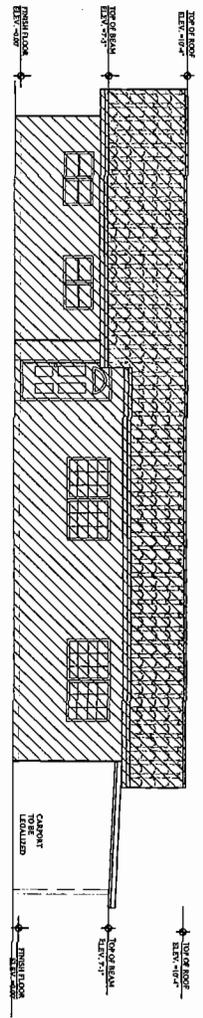
TERMITE PROTECTION

THE PROPOSED ADDITION SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD). ALL PARTITIONS SHALL BE CLASSIFIED AS 1-1/2" MINIMUM THICKNESS (CONCRETE OR Gypsum BOARD).

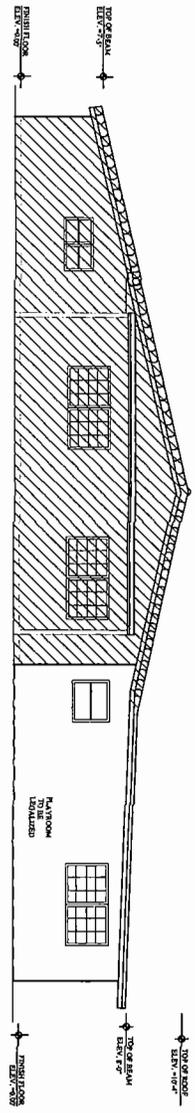
RECEIVED
2-12-14
JAN 17 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: *AK*

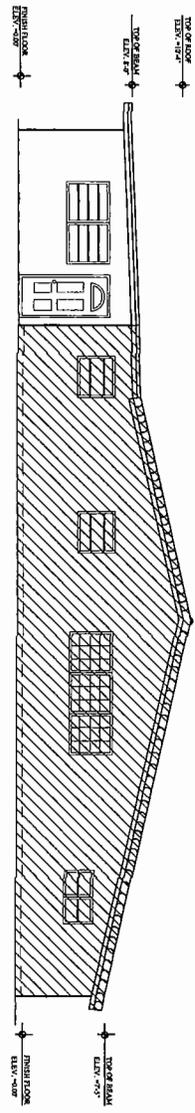
<p>REVISIONS</p> <p>NO. DESCRIPTION</p> <p>1. CORRECTED</p> <p>2. CORRECTED</p> <p>3. CORRECTED</p>	<p>PROPOSED FLOOR PLAN NOTES</p> <p>THESE DRAWINGS AND DESIGN ARE THE PROPERTY OF OSWALDO W SALAZAR & W ASELA. NO REPRODUCTION OR TRANSMISSION IS PERMITTED WITHOUT HIS WRITTEN CONSENT.</p>	<p>AMNESTY FOR ATTACHED ADDITION (PLAYROOM AND STORAGE)</p> <p>OSWALDO W SALAZAR & W ASELA 6761 SW 13 ST MIAMI FL 33144-5520</p>	<p>EMILIANO OROZCO, P.E.</p> <p>FL P.E. No 66341 12829 SW 54 ST MIAMI, FL 33175 TEL: (305) 804-0857</p>
--	---	---	--



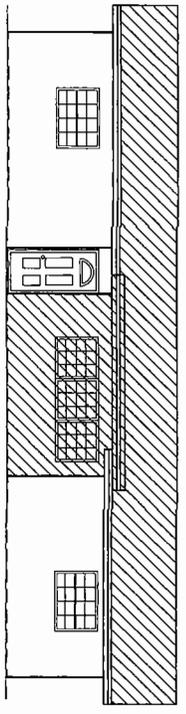
SOUTH ELEVATION
 SCL: 1/4"=1'



EAST ELEVATION
 SCL: 1/4"=1'



WEST ELEVATION
 SCL: 1/4"=1'

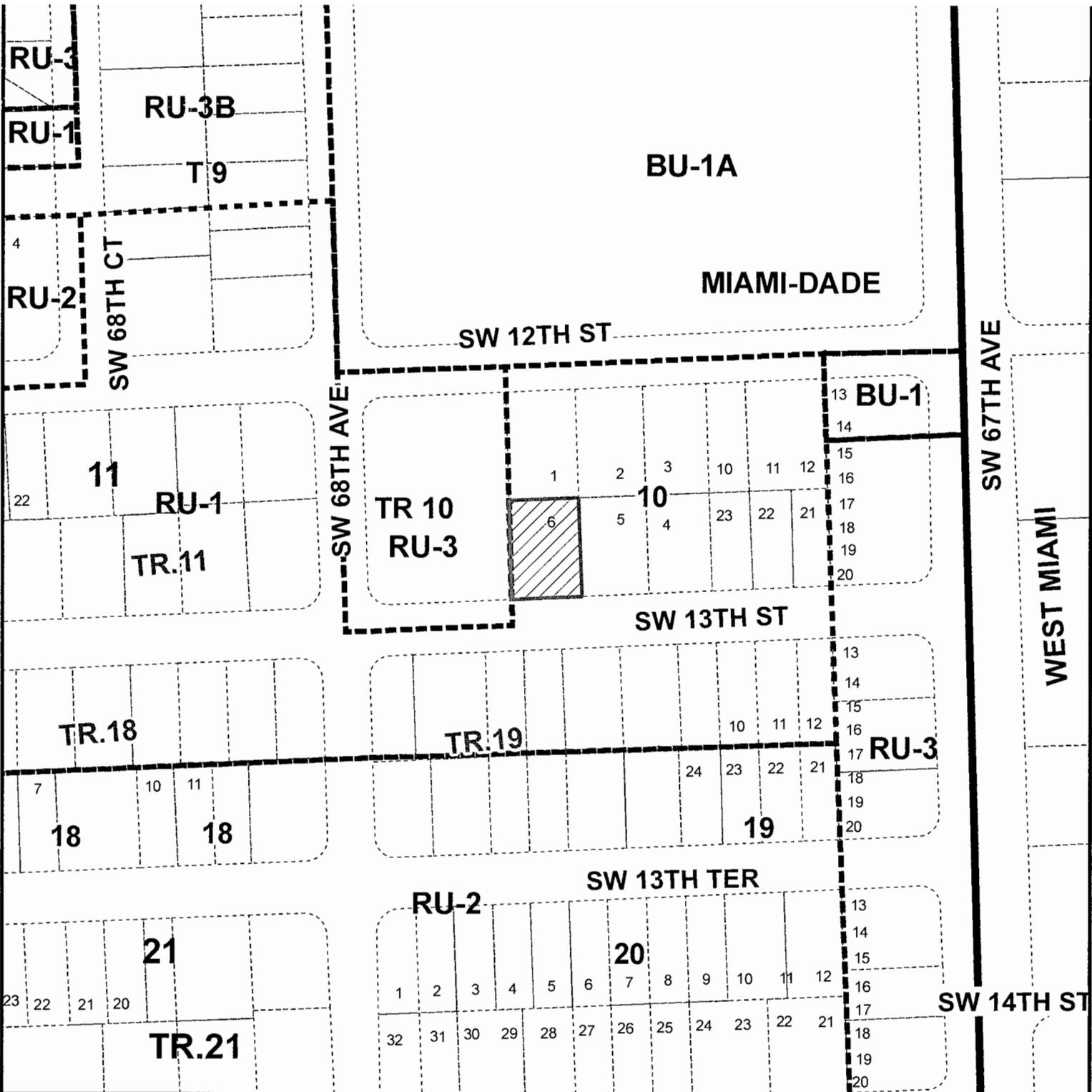


NORTH ELEVATION
 SCL: 1/4"=1'

RECEIVED
 212-1123
 JAN 11 2013
 ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY AKH

RECEIVED
 JAN 11 2013
 ZONING HEARING SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

SHEET NO. A2	DESCRIPTION ELEVATIONS AND NOTES	REVISIONS NUMBER 2, 2013	PROJECT TITLE AMNESTY FOR ATTACHED ADDITION (PLAYROOM AND STORAGE)	EMILIANO OROZCO, P.E. FL P.E. No 66341, 12529 SW 54 ST MIAMI, FL 33175 TEL: (305) 804-0857
		DATE NOVEMBER, 2012	DRAWN BY OSWALDO W SALAZAR & W ASELA 6761 SW 13 ST MIAMI FL 33144-5520	



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000143



Section: 11 Township: 54 Range: 40
 Applicant: OSWALDO SALAZAR
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, December 6, 2012

REVISION	DATE	BY
		20



MIAMI-DADE COUNTY
 AERIAL YEAR 2009

Process Number

Z2012000143



Section: 11 Township: 54 Range: 40
 Applicant: OSWALDO SALAZAR
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

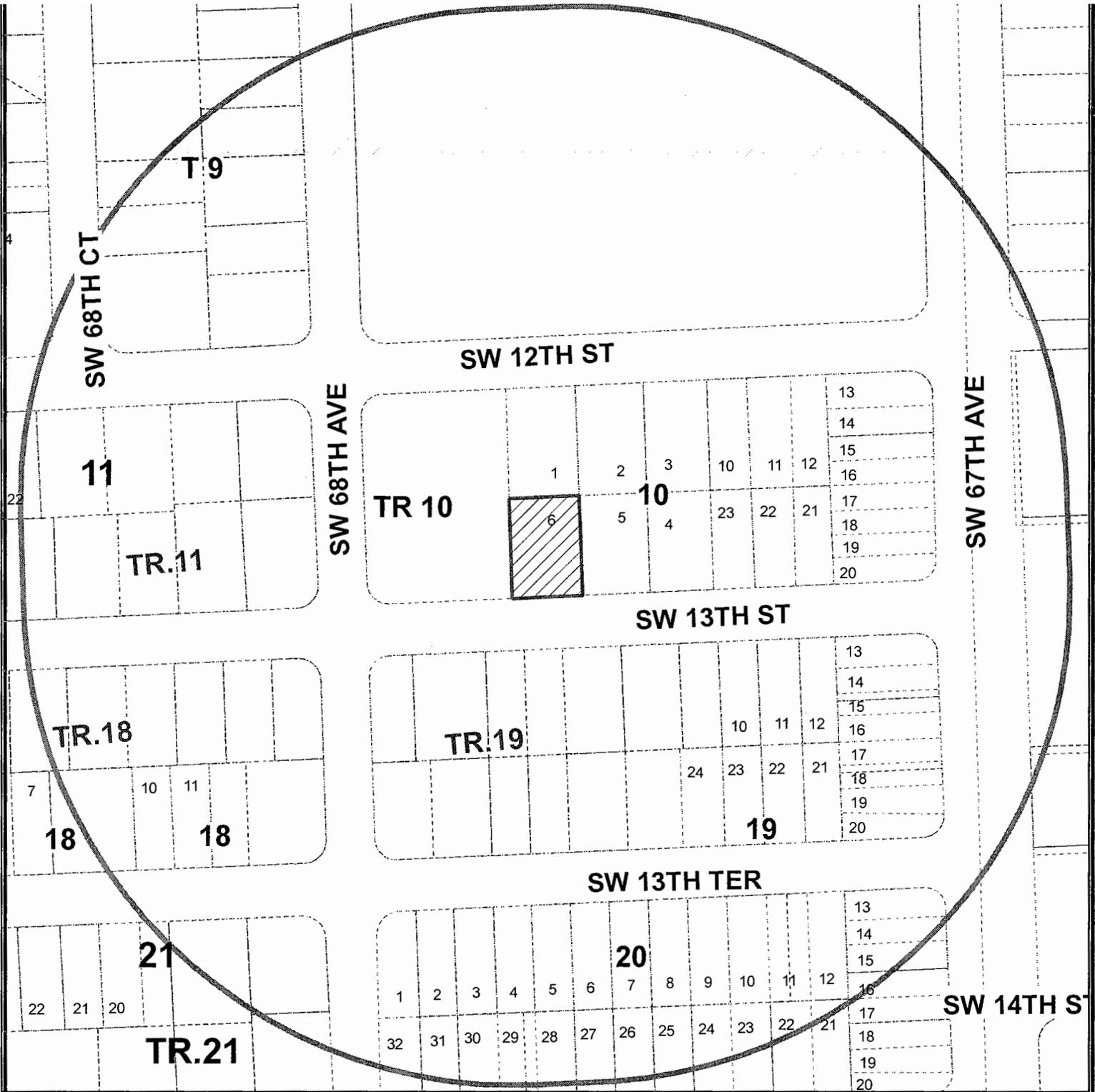
Legend

 Subject Property



SKETCH CREATED ON: Thursday, December 6, 2012

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY
RADIUS MAP**

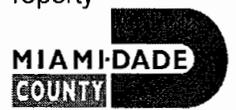
Process Number
Z2012000143
RADIUS: 500



Section: 11 Township: 54 Range: 40
 Applicant: OSWALDO SALAZAR
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, December 6, 2012

REVISION	DATE	BY
		22

BUSINESS AND OFFICE

INDUSTRIAL AND OFFICE

SW 68TH CT

SW 12TH ST

SW 67TH AVE

SW 68TH AVE



SW 13TH ST

(LDR) 2.5-6 DU/AC

SW 13TH TER

SW 14TH ST

**MIAMI-DADE COUNTY
CDMP MAP**

**Process Number
Z2012000143**



**Section: 11 Township: 54 Range: 40
Applicant: OSWALDO SALAZAR
Zoning Board: C10
Commission District: 6
Drafter ID: JEFFER GURDIAN
Scale: NTS**

Legend

 **Subject Property Case**



SKETCH CREATED ON: Thursday, December 6, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z12-153 (13-5-CZ10-2)

May 28, 2013

Item No. 2

Recommendation Summary	
Commission District	6
Applicant	Eugenio Reyes
Summary of Requests	The applicant is seeking to permit an existing addition to a single-family residence that encroaches into the rear (south) setback.
Location	7230 SW 19 Street, Miami-Dade County, Florida.
Property Size	79.12' x 100'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Low Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit an existing addition to a single family residence setback 17.5' (25' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Reyes Residence" as prepared by Juan A. Montalvan, Architect and dated stamped received 02/21/13, consisting of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plan submitted depicts the existing 1,400+/- sq. ft. single family residence and the existing addition encroaching into the rear (south) setback area.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residence	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 residences	Low Density Residential (2.5 to 6 dua)
West	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 7230 SW 19 Street within a residential development. The area surrounding the subject property is primarily characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to permit the existing addition to the residence, which will not create any new visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP, and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the density threshold of the Low Density Residential Communities designation of the CDMP LUP map.

ZONING ANALYSIS:

The application seeks to permit the single-family residence with an existing addition setback 17.5' (25' required) from the rear (south) property line. When this application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and will be **compatible** with same. Staff opines that approval of the requested 7.5' encroachment into the rear (south) setback area is not overly intensive and will not be out of character with the surrounding area. Staff notes that pursuant to Administrative Variance #V1987000041, a property located to the west of the subject parcel at 7280 SW 19 Street was approved to allow the single-family residence setback 16.5' from the rear property line, where 25' is required. Similarly, a property located south of the subject property at 7270 SW 19 Terrace was approved pursuant to Resolution #CZAB10-68-03, to allow the single-family residence setback 12.6' (25' required) from the rear property line. Staff notes that the submitted plans indicate that there is an existing 6' high wood fence along the rear (south) property line which in staff's opinion provides an adequate buffer that mitigates the visual impact of the encroachment on the property to the south. Therefore, staff recommends as a condition for approval that the applicant maintains said fence and that if the fence is removed, the applicant shall replace the fence with a similar buffer in the form of a fence, wall or hedge.

The submitted plans and aerial photographs of the property in the County's Geographical Information Systems (GIS) indicate that there is a shed located in the southwest corner of the parcel that encroaches into the rear (south) and interior side (west) setback areas. Additionally, said plans also indicate the shed as well as a roofed terrace also encroach into a utility easement that runs parallel to the rear (south) property line. Said plans also indicate the removal of an ingress/egress door along the west elevation of the house that will be removed. As such, as conditions for approval of the application, staff requires that the shed, the roofed terrace and the door should be removed as indicated on the plan prior to final permit approval.

Further, the Platting and Traffic Review Section indicates in its memorandum that the existing driveway from the residence to SW 72 Court is required to be offset a minimum of 5' from the rear (south) property line. In addition, staff opines that the existing floor plan for the single-family residence could be easily converted by future owners to allow multiple residential uses on the property. Therefore, staff recommends as a condition for approval that the applicant provide a Declaration of Use that would restrict the property to a single family use only. Based on the foregoing analysis, staff opines approval of the application with the conditions outlined, would be **compatible** with the surrounding residential uses. **As such, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must 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 "Reyes Residence" as prepared by Juan A. Montalvan, Architect and dated stamped received 02/21/13, consisting of two (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 shed, roofed terrace addition and the door along the west elevation be removed as indicated in the plans prior to final permit approval.
5. That the existing 6' high wood fence along the rear (south) property line be maintained and that if the fence is removed or destroyed, the applicant shall replace same with a 6' high fence, CBS wall of a hedge, 3' high at planting which shall grow and be maintained at a height of 6'.
6. That the existing driveway be offset a minimum of 5' from the rear (south) property line.
7. That the applicant submit a Declaration of Use to the Department of Regulatory and Economic Resources restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.

8. That the applicant obtain a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department.

ES:MW:NN:AN:CH



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department
of Regulatory and Economic Resources

NDW

ZONING RECOMMENDATION ADDENDUM

Eugenio Reyes
Z12-153

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Low-Density Residential (Pg. I-31)	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
---	---

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>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</i>
---	---

2. EUGENIO REYES
(Applicant)

13-5-CZ10-2 (12-153)
Area 10/District 06
Hearing Date: 05/28/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
None				

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

Memorandum

Date: January 14, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources 

Subject: C-10 #Z2012000153
Eugenio Reyes
7230 SW 19th Street, Miami, Florida
Non-Use Variance to Permit a Single Family Residence with Less
Setbacks Than Required
(RU-1) (1.0 Acres)
11-54-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Flood Protection

The application site is not within a Special Flood Hazard Zone as per determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 7.00 ft NGVD. The proposed addition as depicted in the zoning submittal may be a substantial improvement as defined in Chapter 11C of the Code. Existing residential structures within Special Flood Hazard Zone areas elevations must be above the base flood elevation and 8 inches above the highest crown of road and County Flood Criteria. Based on the survey provided with this submittal the single family residence has an elevation of 10.72 ft, the addition has an elevation of 10.12 ft, and highest crown of road of 8.46 ft which is in compliance with the Code.

Potable Water Service

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

Existing public water 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.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water.

However, since the legal subdivision, creating by plat such tract of land, occurred prior to the effective date of the aforesaid Code Section, the subject property is grandfatherable and may be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

The existing rear setback will not affect the existing stormwater management system.

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

The proposal to permit an addition will not impact tree resources. Please be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources



Memorandum



Date: March 22, 2013

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From:  Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2012000153
Name: Eugenio Reyes
Location: 7230 SW 19 Street
Section 11 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections subject to the following:

Driveway connection along SW 72nd Court must offset a minimum of 5 feet from side lot property line as per Standard Detail R12.1 of the Public Works Manual.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 1, Block 5 of Plat Book 50, Page 35.

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

Memorandum



Date: 10-JAN-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000153

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2012000153
located at 7230 SW 19 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1442 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: 6:28 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 3 - Tropical Park - 3911 SW 82 Avenue
Rescue, ALS Engine

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.

Memorandum



Date: January 22, 2013

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2012000153: EUGENIO REYES

Application Name: EUGENIO REYES

Project Location: The site is located at 7230 SW 19 ST, Miami-Dade County.

Proposed Development: The request is for approval of a setback less than required for an existing single family home.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. We have no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. The Department has no objection to this application.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: January 16, 2013

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: ~~Christopher Rose~~
Assistant Director, Administration
Public Works and Waste Management Department

Subject: # Z12-153
Eugenio Reyes

Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

Z12-153
Eugenio Reyes

Application: *Eugenio Reyes* is requesting a variance for a rear setback on a property which is currently zoned for Single Family Residential use (RU-1).

Size: The subject property is approximately .18 acres.

Location: The subject property is located at 7230 SW 19th Street in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The single family residence on the property meets the County Code definition of "residential unit." As such, according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential unit on the property currently receives, and shall continue to receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

3. Recycling

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

EUGENIO REYES

7230 SW 19 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000153

HEARING NUMBER

HISTORY:

ENFORCEMENT OFFICER: No open cases. BNC: BSS case 20120147972-B opened on October 3, 2011. Notice of Violation opened for Failure to obtain required building permit(s) prior to commencing work on: Rear structured and shed in set backs as per cu report. Ownership changed on March 1, 2012, refer to new case 20120151817-B. Case closed on April 2, 2012. BSS case 20130155526-B opened on December 20, 2012. Case closed on, duplicate case 20130155527. BSS case 20120151817-B opened on March 30, 2012. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Rear structure and shed as per cu report. Ownership changed on October 1, 2012, case closed on October 1, 2012. BSS case 20130155527-B opened on October 1, 2012. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Rear structure and shed as per cu report. Case remains opened.

Eugenio Reyes

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

REPORTER NAME:

REQUIRED TO
 WILL BE
 FACTURER'S

AS SHOWN ON
 IN THE
 FINISHES SHALL
 ALTERNATED
 ID FINISHED

BE SHOWN TO
 ACKLED AND

PSUM BOARD

R EXISTING
 BE REPAIRED
 FINISHES.
 CONDITIONS

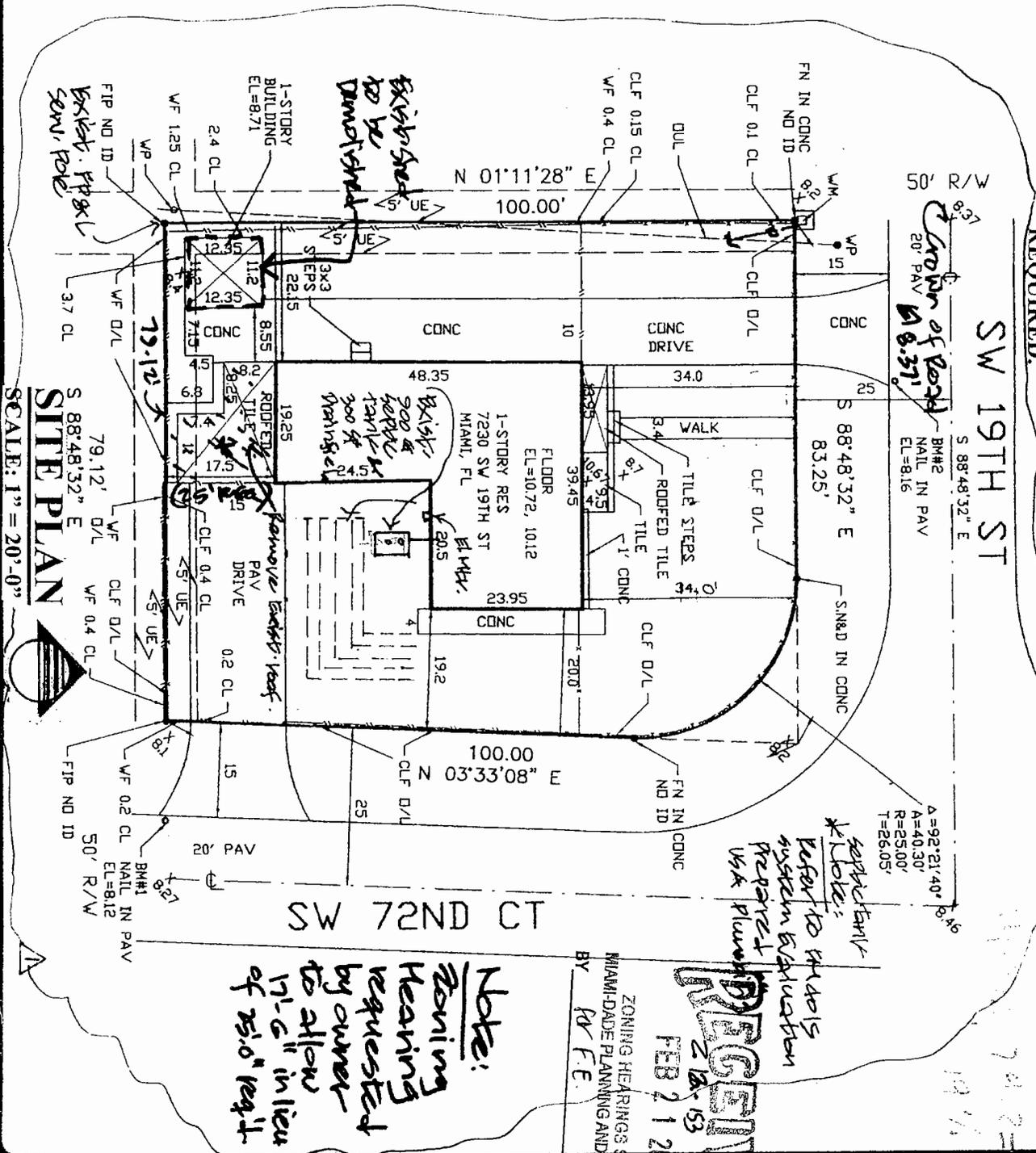
BE REJECTED
 ADJACENT

NO FINISH

3/8" UNLESS

E ONE COAT
 IL COVERED

CERAMIC TILES ON THE WALLS AS INDICATED ON
 DETAIL.
 8- ALL CEILING AND WALL SURFACES SHALL BE PATCHED
 AND PAINTED THROUGHOUT THE ENTIRE HOUSE AS
 REQUIRED.



SITE PLAN
 SCALE: 1" = 20'-0"

ENLARGED SITE PLAN

Note:
 Zoning
 Hearing
 requested
 by owner
 to allow
 11'-6" in lieu
 of 15'-0" req'd.

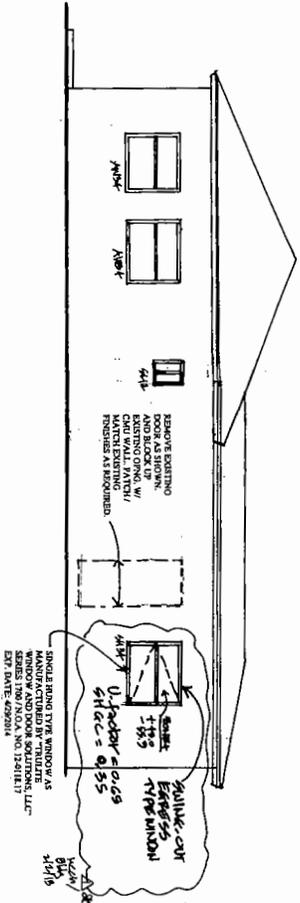
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY R.F.E.

RECEIVED
 FEB 21 2013

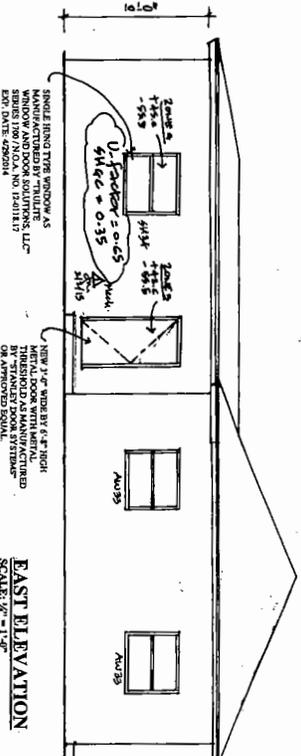
Refer to models
 system evaluation
 prepared
 with plans
 *Note:
 refer to models
 system evaluation
 prepared
 with plans

RECEIVED
 FEB 21 2013

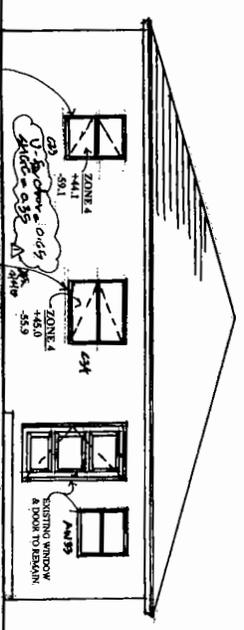
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____



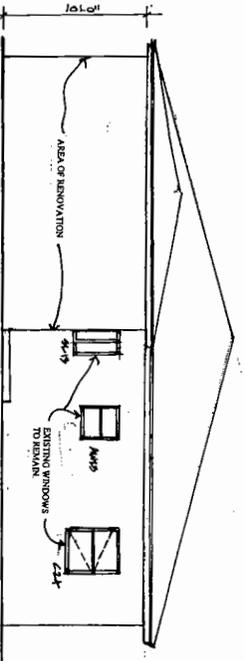
WEST ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

WIND CRITERIA
 WINDOWS SHALL COMPLY ASSET 7 AND REC-2010, EXPOSURE C AND ITS WIND EXPOSURE C AND ITS WIND

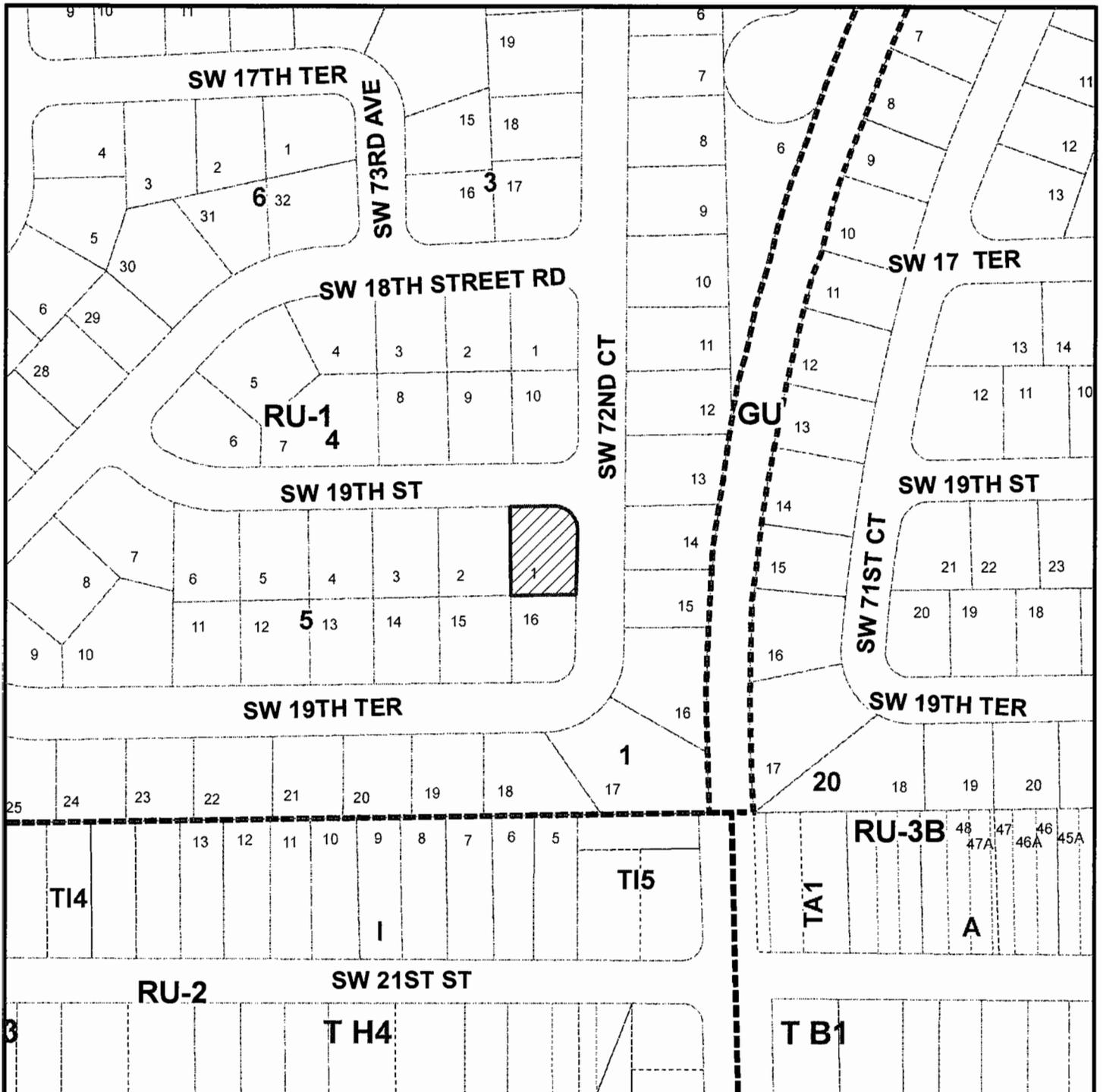
RECEIVED
 FEB 21 2013

DATE	BY	REVISION
1/1/2013	JAV	ISSUED FOR PERMIT
2/1/2013	JAV	REVISED
2/1/2013	JAV	REVISED
2/1/2013	JAV	REVISED

REYES RESIDENCE
 7230 SW 19TH STREET
 Miami, FL 33155
 OWNER: Eugenio Reyes
 PR: (786) 444-7420

JUAN A. MONTAÑAN
 ARCHITECT
 MIAMI, FLORIDA

DATE	BY	REVISION



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
Z2012000153



Section: 11 Township: 54 Range: 40
 Applicant: EUGENIO REYES
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, January 16, 2013

REVISION	DATE	BY
	19	



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2012000153



Section: 11 Township: 54 Range: 40
 Applicant: EUGENIO REYES
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

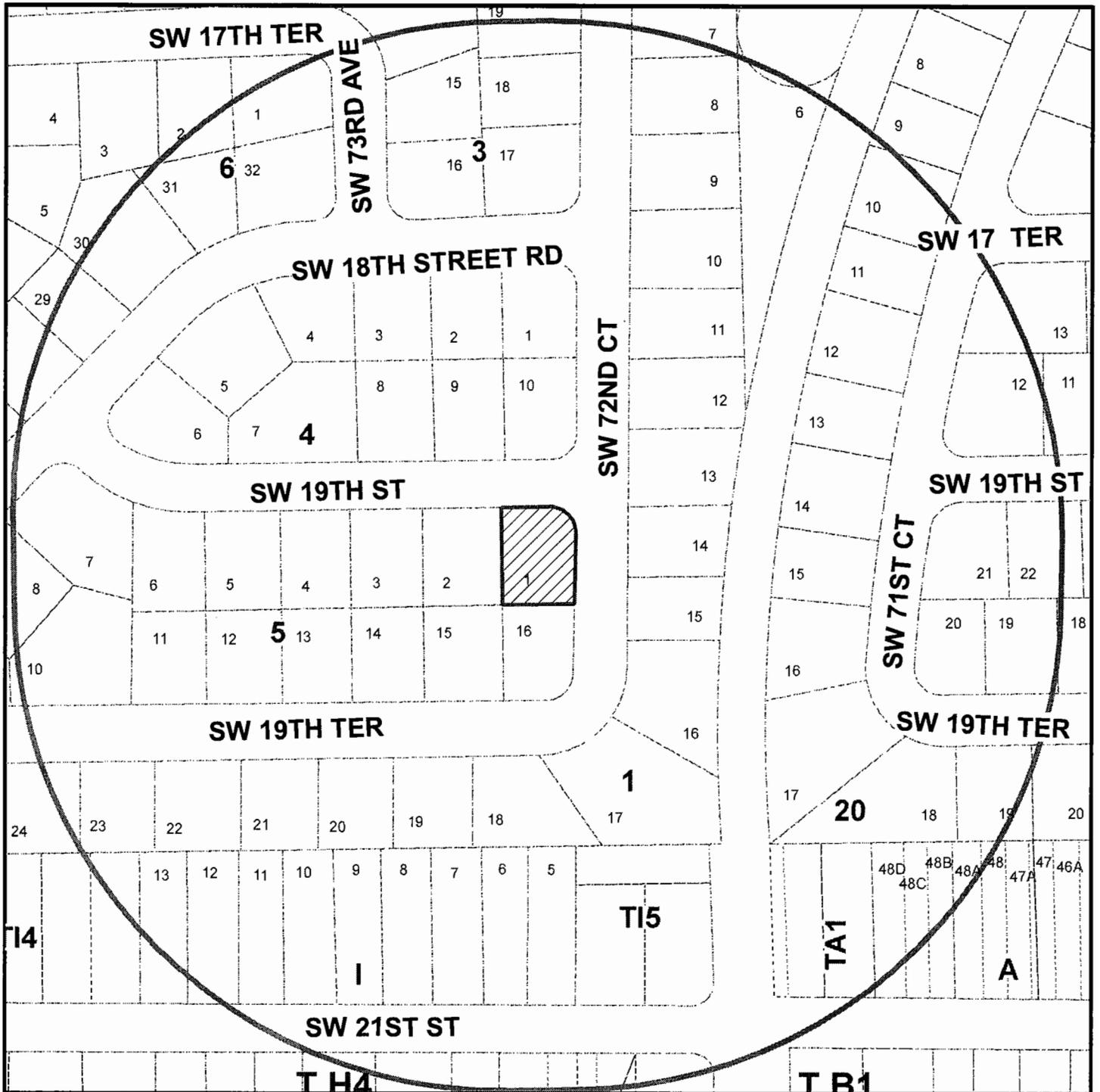


Subject Property



SKETCH CREATED ON: Wednesday, January 16, 2013

REVISION	DATE	BY
	20	



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 11 Township: 54 Range: 40
 Applicant: EUGENIO REYES
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2012000153

RADIUS: 500



Legend

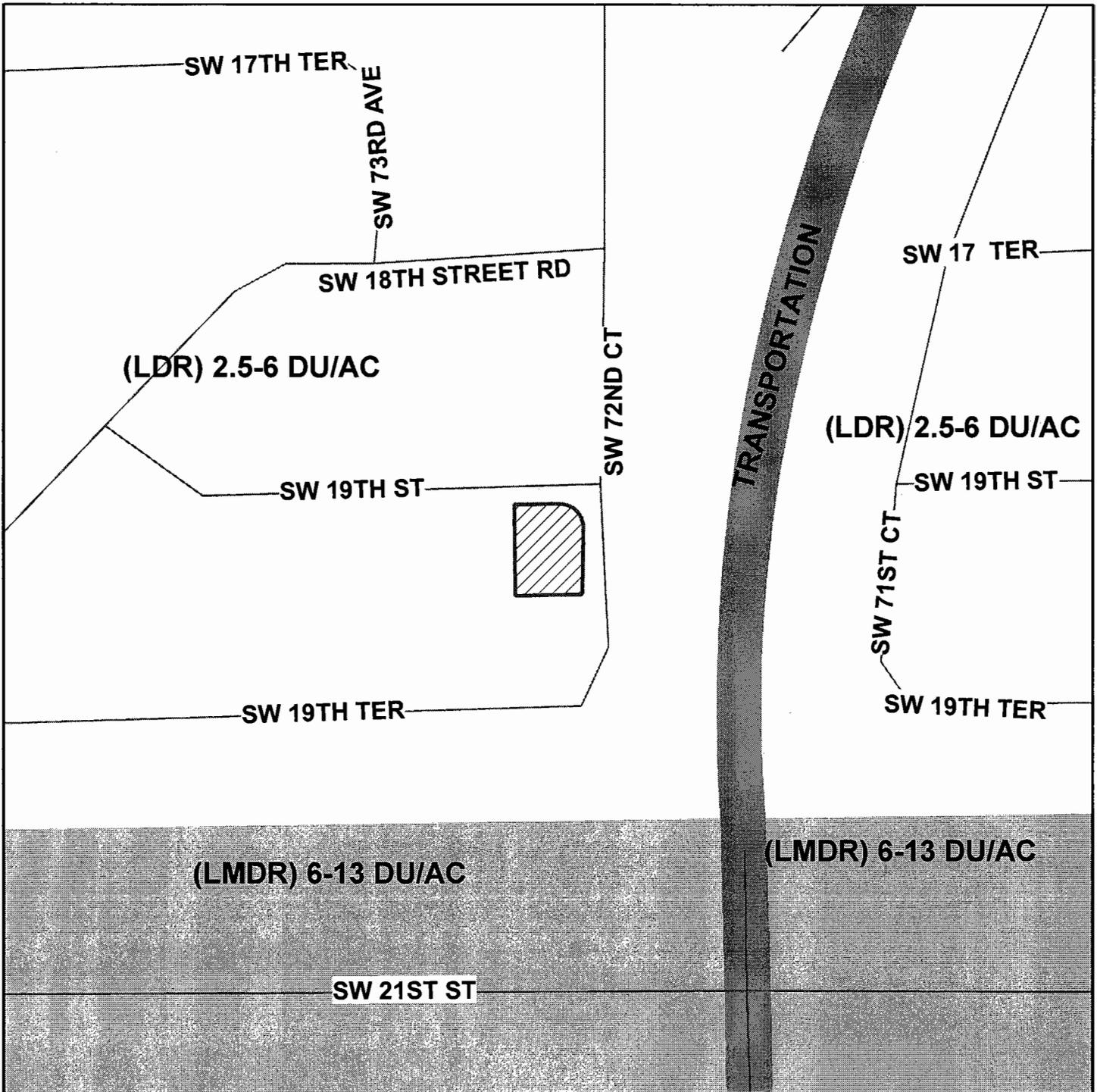
 Subject Property

 Buffer



SKETCH CREATED ON: Wednesday, January 16, 2013

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2012000153

Section: 11 Township: 54 Range: 40
 Applicant: EUGENIO REYES
 Zoning Board: C10
 Commission District: 6
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, January 16, 2013

REVISION	DATE	BY