KITS

12-2-2008 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 11

ARVIDA MIDDLE SCHOOL

10900 SW 127 Avenue, Miami

Wednesday, January 7, 2009 at 7:00 p.m.

CURRENT

1.	09-1-CZ11-1	SONIA J. SANGUINETTI	08-131	35-54-39	N
2.	09-1-CZ11-2	GHOLAM & TERESA AZADBAKHT	08-157	23-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF WEDNESDAY, JANUARY 7, 2009

ARVIDA MIDDLE SCHOOL

10900 SW 127 AVENUE, 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. **SONIA J. SANGUINETTI (09-1-CZ11-1/08-131)** **35-54-39**
Area 11/District 10

(1) Applicant is requesting to permit a bathroom addition to a single-family residence setback 5' (7.5' required) from the interior side (west) property line.

(2) Applicant is requesting to permit a covered terrace addition setback 17' (25' required, 17.09' previously approved) from the rear (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Sonia Sanguinetti," as prepared by the owner, dated stamped received 10/22/08 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 13505 S.W. 82 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 96.78' x 100'

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same requests under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. **GHOLAM & TERESA AZADBAKHT (09-1-CZ11-2/08-157)** **23-54-39**
Area 11/District 11

(1) Applicants are requesting to permit a covered terrace addition setback 13'9" (25' required) from the rear (east) property line.

(2) Applicants are requesting to permit a 92 sq. ft. shed setback 52'6" (55' required for sheds less than 100 sq. ft. and less than 8' high) from the front (west) property line and spaced 0' (10' required) from the residence.

(3) Applicants are requesting to permit a gate with a maximum height of 6'6" (6' permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed New Covered Terrace to: Azadbakht Residence," as prepared by Archi-Tect Integral Solutions, dated stamped received 10/3/08 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 4221 S.W. 134 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 85' x 100'

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1, #2, and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same requests under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

1. SONIA J. SANGUINETTI
(Applicant)

09-1-CZ11-1 (08-131)
Area 11/District 10
Hearing Date: 1/7/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1972	Centex Homes Corp. & City of Miami Water & Sewer Dept.	Zone change. Unusual Use lake & recreational activities.	ZAB	Approved in part w/conds.
1972	Centex Homes Corp. & City of Miami Water & Sewer Dept.	Zone change from GU to RU-1, RU-TH, RU-4L, and BU-1A..	BCC	Approved in part w/conds.
1990	Sonia Sanguinetti	Variance for setbacks.	AV	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. 11

APPLICANTS: Sonia J. Sanguinetti **PH:** Z08-131 (09-1-CZ11-1)

SECTION: 35-54-39 **DATE:** January 7, 2009

COMMISSION DISTRICT: 10 **ITEM NO.:** 1

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A. INTRODUCTION:

- **REQUESTS:**

  (1) Applicant is requesting to permit a bathroom addition to a single-family residence setback 5' (7.5' required) from the interior side (west) property line.

  (2) Applicant is requesting to permit a covered terrace addition setback 17' (25' required, 17.09' previously approved) from the rear (north) property line.

  Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Sonia Sanguinetti," as prepared by the owner, dated stamped received 10/22/08 and consisting of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicant is seeking approval for an existing bathroom addition and a covered terrace addition to a single-family residence with less interior side and rear setbacks than required.

- **LOCATION:**

  13505 SW 82 Street, Miami-Dade County, Florida

- **SIZE:** 96.78' x 100'

- **IMPACT:**

  Although the existing additions provide additional living area and outdoor amenities for the resident, the approval of the encroachment into the interior side and rear setback areas could have a negative visual impact on adjacent properties.

B. ZONING HEARINGS HISTORY:

In October 1, 1990, pursuant to Administrative Variance Number #90-AV-365, the Director of the Department of (then) Building and Zoning, granted the approval on the subject property for a living room addition to setback 17.09' from the rear (north) property line where 25' is required.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
SUBJECT PROPERTY:	
RU-TH; Single-family residence	Low Density Residential, 2.5 to 6 dua
SURROUNDING PROPERTY:	
NORTH: RU-TH; Single-family residence	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-TH; Single-family residences	Low Density Residential, 2.5 to 6 dua
EAST: RU-TH; Lake	Low Density Residential, 2.5 to 6 dua
WEST: RU-TH; Single-family residence	Low Density Residential, 2.5 to 6 dua

The subject property is a corner lot located at 13505 SW 82 Terrace. The surrounding area is developed with single-family residences.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	**Acceptable***
Location of Buildings:	**Acceptable***
Compatibility:	**Acceptable***
Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**Acceptable**

Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**N/A**

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

    a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

    A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

    B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

    C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

    D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

    E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;

B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-Use Variance Standard.
Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and

other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.
Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

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 property is a corner lot located at 13505 SW 82 Terrace in an established area zoned RU-TH, Townhouse Residential District, and developed with single-family residences. The applicant is seeking approval of an existing bathroom addition to a single-family residence setback 5' from the interior side (west) property line (Request #1) and an existing covered terrace addition setback 17' from the rear (north) property line (Request #2). When developed with single-family residences the RU-TH zoning district requires a minimum interior side setback of 7.5' for the bathroom addition and a minimum rear setback of 25' for the covered terrace addition. Plans submitted by the applicant depict the requests for the bathroom and covered terrace additions.

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** also has **no objections** to this application. Additionally, the **Miami-Dade Fire Rescue Department** (MDFR) has stated that the travel response time to the site is approximately **6:28** minutes.

Approval of the application will allow the maintenance and continued use of an existing bathroom addition attached to the northwest portion of the residence located within the required 7.5' interior side (west) setback area. In addition, it will allow the maintenance and

continued use of an existing covered terrace addition attached to the rear portion of the residence located within the required 25' rear (north) setback area. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre for a total of 1 unit on this site. Since the requests will not add additional units to the community, the 9,678 sq. ft. RU-1 zoned single-family residential lot is **consistent** with the Low-Density Residential designation as shown in the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of Request #1 would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. In Request #1, the applicant seeks approval for the maintenance and continued use of an existing bathroom addition to a single-family residence setback 5' (7.5' required) from the interior side (west) property line. Staff notes that as depicted on the plans submitted by the applicant, the existing bathroom addition has been designed to match the same architectural style and scale as the existing residence. Moreover, staff opines that the addition's encroachment of 2.5' into the interior side (west) setback area does not result in an obvious departure from the aesthetic character of the surrounding area as evidenced by similar approvals in the area. Staff acknowledges that in 1998, pursuant to Administrative Variance #V1998000230, the Director of the Department of Planning and Zoning granted the approval of a family/bedroom/bathroom addition to a single family residence to setback 3.91' where 7.5' is required from the interior side property line on a parcel of land located at 8015 SW 135 Street, approximately 850' northwesterly of the subject property and in 1980, pursuant to Administrative Variance #80-AV-10, the Director of the (then) Building and Zoning Department granted the approval for a roofed porch addition setback 13.2' where 25' is required from the rear property line on a parcel of land located at 8025 SW 135 Court, approximately 800' northwesterly of the subject property. When analyzing Request #2, staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, and would not be detrimental to the neighborhood and would not affect the appearance of the community. In request #2 the applicant is seeking approval for the maintenance and continued use of an existing covered terrace addition that encroaches 8' into the required 25' rear setback area. Staff also notes that the subject property was granted the approval for a living room addition to setback 17.09' from the rear (north) property line pursuant to Administrative Variance #90-AV-365. As depicted on the plans submitted by the applicant, the existing covered terrace addition has also been designed to match the same architectural style and scale as the existing residence. Staff notes, that there is an existing 6' high wood fence running along the rear (north) and interior side (west) property lines which, in staff's opinion, provides a buffer from any negative impact generated by the existing addition. Staff is of the opinion that the existing 6' high wood fence diminishes the visual impact of the bathroom addition and the visual and aural impact of the covered terrace addition on the neighboring properties to the north and west. However, staff will recommend as a condition for the approval of Request #2 that the covered terrace not be enclosed. Staff notes that the existing single-family residence and existing bathroom and covered terrace additions, comply with all other setback and spacing requirements and, as such, will be well spaced from the adjacent properties. As such, staff recommends approval with conditions of Requests #1 and #2 of this application under the Non-Use Variance Standards (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, requests #1 and #2 cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the applicable RU-TH zoning regulations. Therefore, staff recommends denial without prejudice of this application under the Alternative Non-Use Variance (ANUV) Standards.

Accordingly, staff opines that Requests #1 and #2 of the application are **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP and therefore recommends approval with conditions of Requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of Requests #1 and #2 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

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 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 "Sonia Sanguinetti," as prepared by the owner, dated stamped received 10/22/08 and consisting of 3 sheets.

3. That the applicant apply for and secure a building permit for all non-permitted construction from the Building Department within 120 days of the expiration of the appeal period for this hearing application, unless a time extension is granted by the Director for good cause shown.

5. That the covered terrace addition not be enclosed in any manner except for approved insect screen materials.

6. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 11/26/08
DATE TYPED: 11/26/08
DATE REVISED: 11/26/08; 12/02/08; 12/05/08
DATE FINALIZED: 12/06/08
MCL:MTF:NN:JV:AA

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

Memorandum

MIAMI-DADE COUNTY

Date: July 30, 2008

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

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

Subject: C-11 #Z2008000131
Sonia Sanguinetti
13505 S.W. 82nd Terrace
Request to Permit an Addition that Exceeds Setback Requirements
(RU-TH) (0.22 Acres)
35-54-39

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

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

Concurrency Review Summary

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

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

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

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

Memorandum MIAMI-DADE COUNTY

Date: March 8, 2006

To: Diane O'Quinn-Williams, 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 the 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: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 07-AUG-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2008000131

Fire Prevention Unit:

Not applicable to Fire Engineering and Water Supply Bureau Site Requirements.

Service Impact/Demand:

Development for the above Z2008000131
located at 13505 S.W. 82 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1783 is proposed as the following:

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

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 57 - West Kendall - 8501 SW 127 Avenue
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.

Office of Neighborhood Compliance
WEST OFFICE

ENFORCEMENT HISTORY

Sonia J. Sanguinetti	13505 SW 82 Terr. Miami-Dade County, Florida
APPLICANT	**ADDRESS**
12/01/08	Z2008000131
DATE	**HEARING NUMBER**

CASE # 1

12/02/08 — **CMS # TBA**
Inspection conducted – No violation(s) observed

CASE # 2

05/18/06 — **CMS # 200612-3192**
Inspection conducted- Found in Violation of Ch. 19-13(a), Warning Notice was issued. Violation corrected by property owner on 5/15/06

CASE # 3

05/03/06 — **CMS # 200612-3191**
Inspection conducted- Found in violation of Ch. 33-4.2(a), Warning Notice was issued. Violation corrected by property owner on 5/18/06

CASE # 4

04/28/06 — **CMS # 200612-2807**
Inspection conducted- Found in violation of Ch. 33-202.3, Citation Issued; Property owner complied and paid Citation in full

CASE # 5

05/29/02 — **CMS # 200212-1914**
Inspection conducted- Found in violation of Ch. 8-1, Citation Issued; Property owner complied and paid Citation in full

RECEIVED
70-131
OCT 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

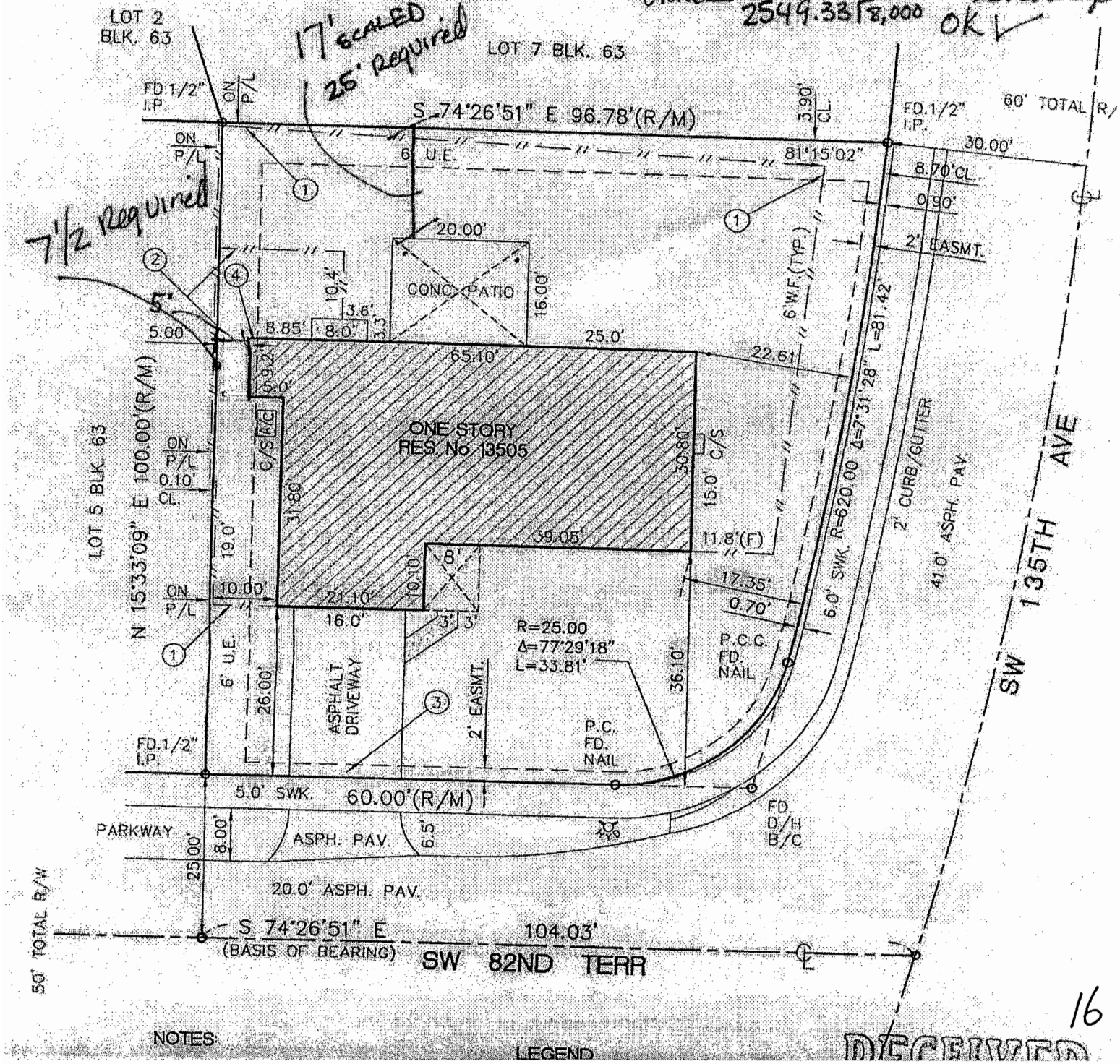
20'x16' = 320 (covered patio)
60.15 x 30.80' = 1852.62
29.10' x 10.10' = 293.91
9.20 x 9' = 82.8
2229.33 (House)

SHEET 2 OF 2

Site plan (temp)

DRAWING EXECUTED BY:
SONIA SANGUINETTI
OWNER

2229.33 + 320 = 2549.33
2549.33 / 8,000 = 31.8%
Lot coverage OK ✓



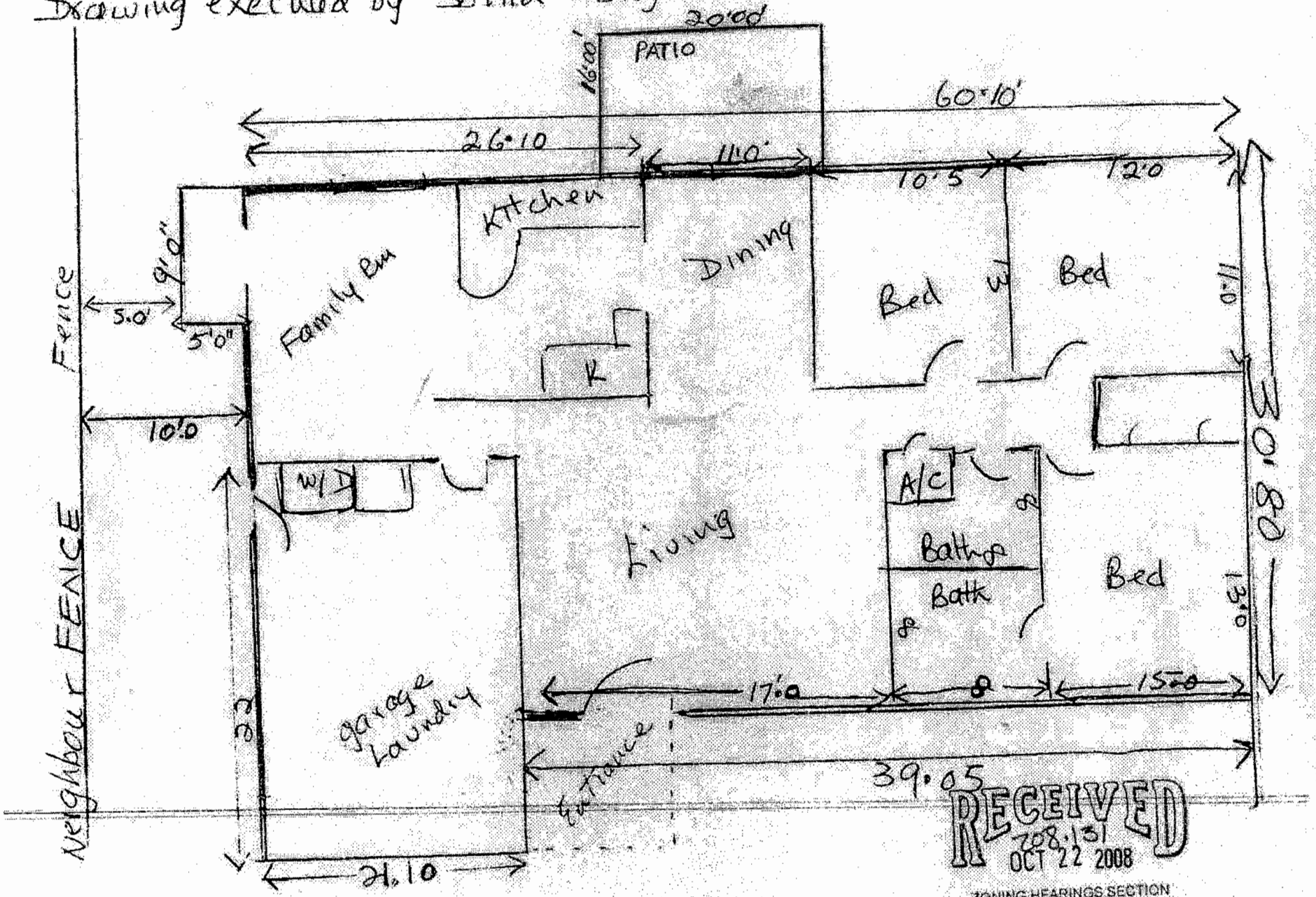
16

NOTES:

LEGEND

RECEIVED

address: 13505 SW 82 Terrace - Miami - FL 33183
Drawing executed by Sonia Sanguinetti - owner



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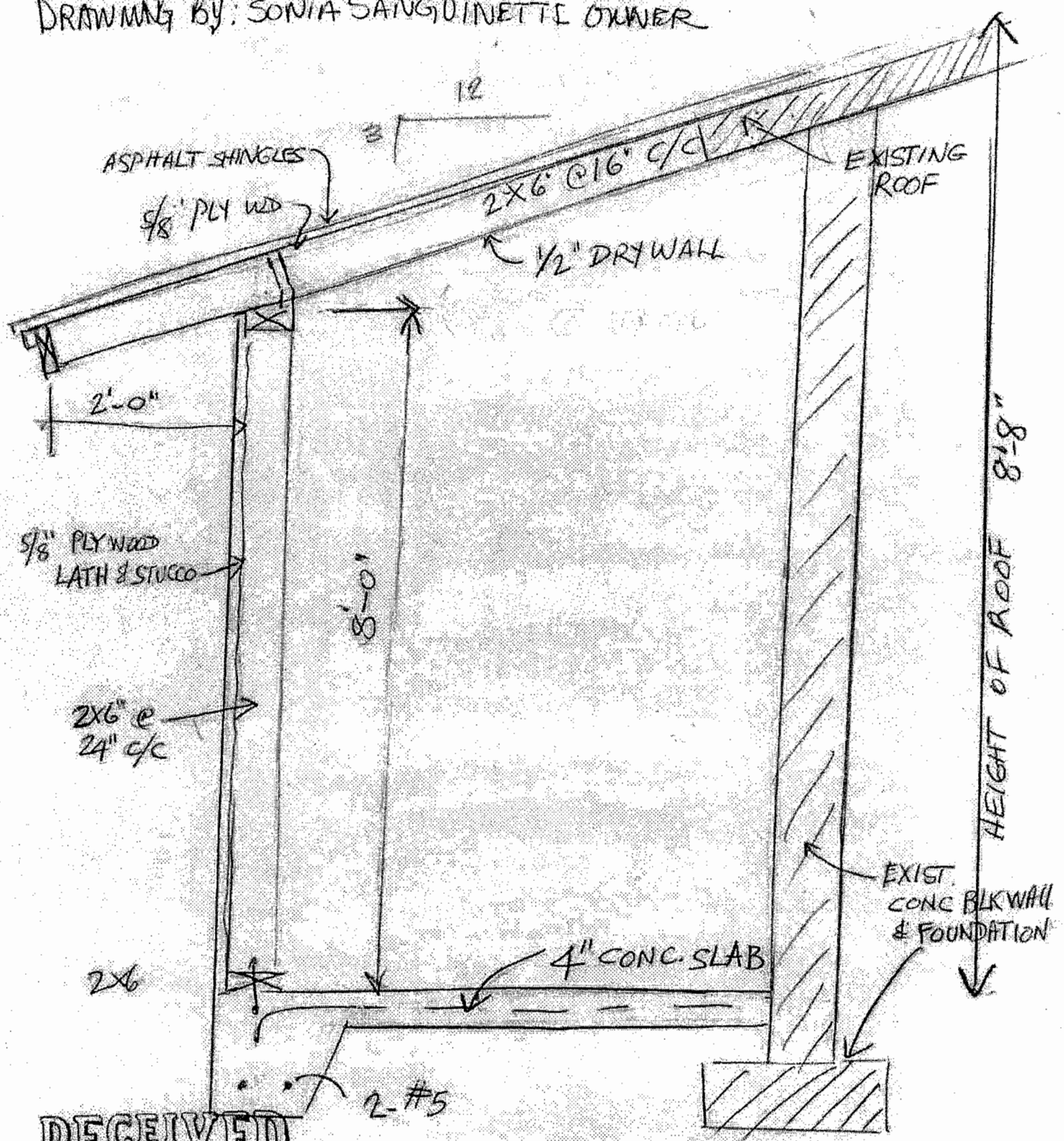
OCT 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

13505 SW 82 Terrace
Miami 33183

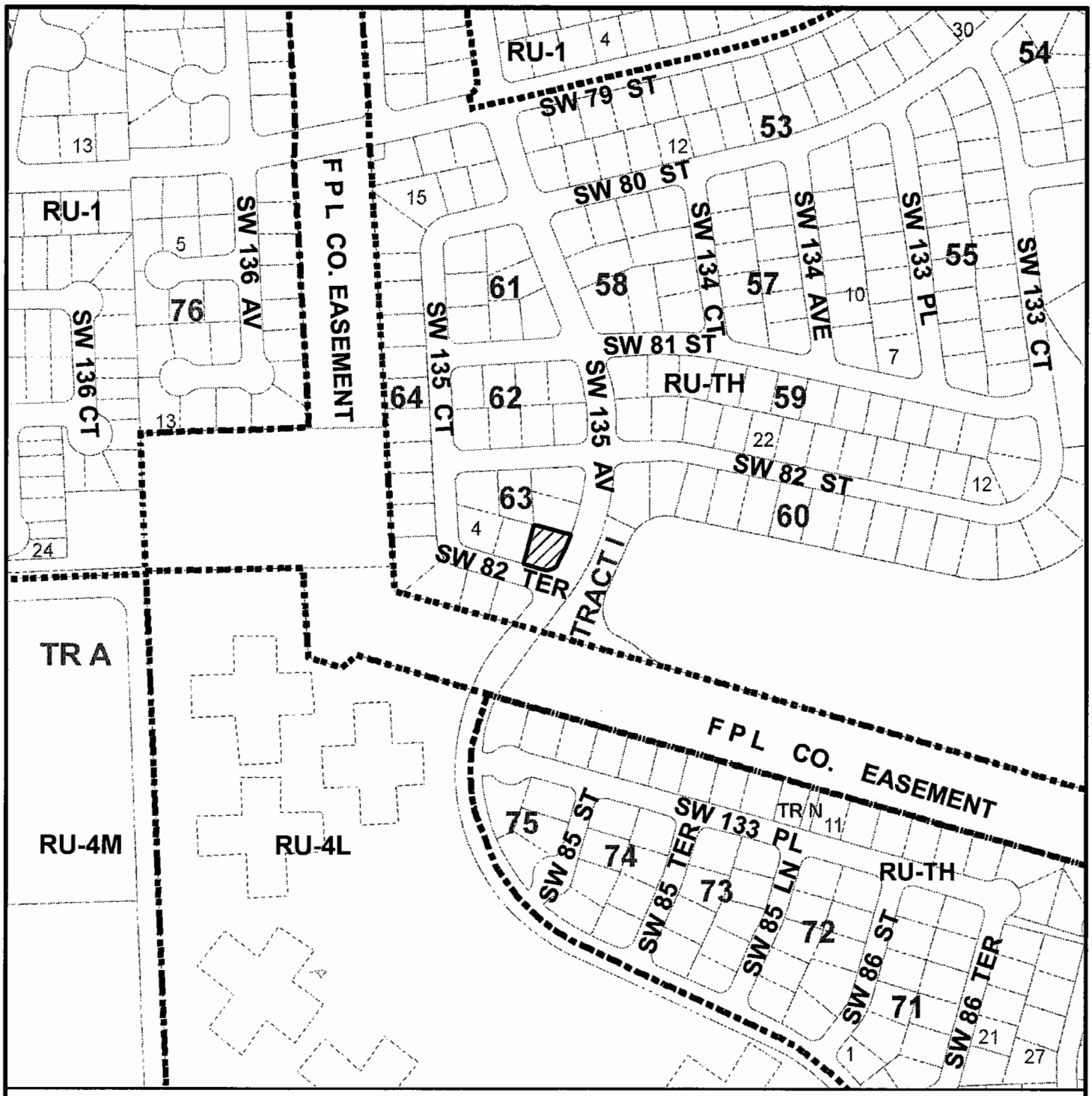
ELEVATION

DRAWING BY: SONIA SANGUINETTI OWNER



RECEIVED
2008-131
OCT 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

SECTION (A) 1/2" 3/4



MIAMI-DADE COUNTY
HEARING MAP

Section: 35 Township: 54 Range: 39
Applicant: SONIA J. SANGUINETTI
Zoning Board: C11
Commission District: 10
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number
08-131

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/28/08

REVISION	DATE	BY
		19

MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section: 35 Township: 54 Range: 39
Applicant: SONIA J. SANGUINETTI
Zoning Board: C11
Commission District: 10
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number
08-131

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 07/28/08

REVISION	DATE	BY

2. GHOLAM & TERESA AZADBAKHT
(Applicant)

09-1-CZ11-2 (08-157)
Area 11/District 11
Hearing Date: 1/7/09

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

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1977	Centrex Home of Florida	Zone change; multiply zone changes.	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. 11

APPLICANT: Gholam & Teresa Azadbakht **PH:** Z08-157 (09-1-CZ11-2)

SECTION: 23-54-39 **DATE:** January 7, 2009

COMMISSION DISTRICT: 11 **ITEM NO.:** 2

==========

A. INTRODUCTION:

- **REQUESTS:**

(1) Applicants are requesting to permit a covered terrace addition setback 13'9" (25' required) from the rear (east) property line.

(2) Applicants are requesting to permit a 92 sq. ft. shed setback 52'6" (55' required for sheds less than 100 sq. ft. and less than 8' high) from the front (west) property line and spaced 0' (10' required) from the residence.

(3) Applicants are requesting to permit a gate with a maximum height of 6'6" (6' permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed New Covered Terrace to: Azadbakht Residence," as prepared by Archi-Tech Integral Solutions, dated stamped received 10/3/08 and consisting of 3 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicants are seeking approval to allow a proposed covered terrace addition to a single-family residence that does not meet the required rear setback and to allow the maintenance and continued use of an existing shed to setback less than required from the front property line and spaced less than required from the existing single family residence. Additionally, the applicants are seeking to allow the maintenance and continued use of a gate which exceeds the maximum height permitted by the zoning regulations.

- **LOCATION:**

4221 SW 134 Avenue, Miami-Dade County, Florida.

- **SIZE:** 85' X 100'

o **IMPACT:**

The approval of the setback requests will allow the applicant to obtain permits in order to allow a proposed covered terrace to a single family residence which provides more outdoor living area and protection from the environment for the residents and their guests. Additionally, the shed provides more storage space and the gate provides more security to the backyard area. However, the reduced setbacks and increased fence height could have a negative visual impact on adjacent neighbors.

B. ZONING HEARINGS HISTORY:

In 1978, pursuant to Resolution Z-176-78, the subject property was part of a larger tract of land where the Board of County Commissioners granted a district boundary change to RU-1 (Single Family Residential District).

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING:		LAND USE PLAN DESIGNATION:
Subject Property:		
RU-1; single-family residence		Low Density Residential, 2.5 to 6.0 dua
Surrounding Properties:		
NORTH:	RU-1; single-family residence	Low Density Residential, 2.5 to 6.0 dua
SOUTH:	RU-1; single-family residence	Low Density Residential, 2.5 to 6.0 dua
EAST:	RU-1; single-family residence	Low Density Residential, 2.5 to 6.0 dua
WEST:	RU-1; single-family residence	Low Density Residential, 2.5 to 6.0 dua

The subject property is located at 4221 SW 134 Avenue and is developed with a single-family residence. The surrounding area is predominantly single family residences.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(c) Setbacks for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and

2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and

4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and

5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and

6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and

8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and

12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

    a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or

    b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

        i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or

        ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and

13. any structure within an interior side setback required by the underlying district regulations;

a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or

b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and

14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and

16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and

18. safe sight distance triangles shall be maintained as required by this code; and

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.

21. the proposed development will meet the following:

A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.

B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;

D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(f) An alternative maximum height of walls, hedges or fences for a single family or duplex dwelling shall be approved upon demonstration of the following:

(1) no wall, hedge or fence shall exceed eight (8) feet in height; and

(2) no wall, hedge or fence located in a front setback required by the underlying district regulations shall exceed six (6) feet in height; and

(3) the additional height of a proposed wall, hedge or fence will not obscure in whole or in part an existing view or vista to any landmark, natural area, or water body from any window or door in a residential unit on an adjoining parcel of land; and

(4) proposed walls or fences shall be:

(A) articulated to avoid the appearance of a "blank wall" when viewed from adjoining property; or

(B) landscaped with landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement from the landowner regarding its maintenance in recordable form from the adjoining property owner; or

(C) where facing a public right-of-way, set back at least two and one-half (2 1/2) feet from the right-of-way line and extensively landscaped with shrubs of a minimum of three (3) feet in height when measured immediately after planting, which will form a continuous, unbroken, solid, visual screen within one (1) year after time of planting; hedges of a minimum of three (3) feet in height immediately after planting, which will form a continuous, unbroken, solid, visual screen within one (1) year after time of planting; and/or climbing vines of a minimum of thirty-six (36) inches in height immediately after planting; and

(5) proposed fences shall be constructed or installed so that the "unfinished" side is directed inward toward the center of the parcel proposed for alternative development; and

(6) proposed fences are constructed of durable materials and are decorative; and

(7) proposed fences are not comprised of chain link or other wire mesh, unless located in an AU or GU with AU trend zoning district; and

(8) Safe sight distance triangles are maintained pursuant to this code.

(g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or

2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or

4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;

B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311(A)(4)(b) Non-use Variance Standard. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of

the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-use Variance Standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

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

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 4221 SW 134 Avenue, and is located in an area characterized by single-family homes. The applicants are seeking to permit a proposed covered terrace addition to a single family residence to setback 13'9" (25' required) from the rear (east) property line (Request #1). Additionally, the applicants are requesting to permit the maintenance and continued use of an existing 92 sq. ft. shed setback 52'6" from the front (west) property line where 55' is required and spaced 0' from the existing residence where a 10' spacing is required (Request #2). Moreover, the applicants are requesting to permit the maintenance and continued use of an existing gate with a maximum height of 6'6" where a maximum height of 6'0" is permitted (Request #3). The applicants have submitted plans for this application depicting the construction of the aforementioned proposed covered terrace, existing 92 sq. ft. shed, and existing 6'6" high gate.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application, and The Miami-Dade Fire Rescue

Department **(MDFRD)** has **no objections** to this application and has indicated that the average response time for this site is **6:15** minutes.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for Low Density Residential use, permitting from 2.5 to 6.0 dwelling units per gross acre. The proposed covered terrace addition, existing 92 sq. ft. shed and existing 6'6" high gate on the property will not add any additional dwelling units to the site. Therefore, the existing RU-1 zoned single family residence is **consistent** with the Master Plan.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval with conditions of this application would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. Staff opines that Request #1, to permit a proposed covered terrace to a single-family residence to setback 13'9" (25' required) from the rear (east) property line, and Request #2 to permit the maintenance and continued use of an existing 92 sq. ft. shed setback 52'6" (55' required) from the front (west) property line and spaced 0' (10' required) from the existing residence, would not negatively affect the appearance of the surrounding community. Staff notes that the 11.25' encroachment of the proposed covered terrace into the rear setback area would be buffered from the neighboring property to the east by an existing 6'0" high wood fence running along the rear (east) property line. Staff is of the opinion that the existing 6'0" high wood fence diminishes the visual and aural impact of the proposed covered terrace addition on the neighboring property to the east. Additionally, as depicted on the plans, staff notes that the proposed covered terrace addition has been designed to match the architectural style of the existing residence. Staff also notes that the existing 92 sq. ft. shed has been painted to match the existing residence and is well maintained. Additionally, the 92 sq. ft. shed is centrally located and the 2.5' encroachment into the front setback area is buffered from the neighboring property located to the west, across SW 134 Avenue, by an existing 6' high wood fence which runs in alignment with the front building line of the existing residence to the side street (north) property line. Staff also notes that the 0' spacing between the 92 sq. ft. shed and existing residence is internal to the site and does not cause a negative impact to the neighboring properties. In staff's opinion, approval of these requests (Requests #1 and #2), with conditions, will not result in an obvious departure from the aesthetic character of the immediate vicinity. Staff notes that the proposal is **compatible** with the area as several similar approvals have been granted in the vicinity. In 1989, pursuant to V1989000348, the (then) Director of the Department of Building and Zoning granted approval for a family room and covered terrace addition to setback 13' from the rear property line on a parcel of land located approximately 900' southeasterly of the subject property, and in 1984 pursuant to V1994000195, the (then) Director of the Department of Building and Zoning granted approval for a study room, family room and covered terrace addition to setback 13.76' from the rear property line on a parcel of land located approximately 400' southwesterly of the subject property. Staff also notes that approval of the existing 6'6" high gate (Request #3) does not cause a negative impact to the aesthetic character of the surrounding area. As depicted on the photographs submitted by the applicant for this application, the existing wrought iron 6'6" high gate is a decorative gate which has been designed with an arch configuration. Staff notes that except for the top of the arch portion of that 6'6" high gate the other portions of the gate meet the maximum 6'0" height requirement allowed in the RU-1 District. As such, staff recommends that requests #1, #2 and #3 be approved with conditions under Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable (ASDO) standards and does not contravene the enumerated public interest standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO standards. As such, the application cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14)(ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should said requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that this property can be developed under the RU-1 applicable zoning regulations; therefore, staff is of the opinion that this application cannot be approved and should be denied without prejudice under the ANUV standards in Section 33-311(A)(4)(c).

Based on all of the foregoing, staff recommends approval with conditions of requests #1, #2 and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of requests #1, #2, and #3 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but no be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with tat submitted for the hearing entitled "Proposed New Covered Terrace to: Azadbakht Residence," as prepared by Archi-Tech Integral Solutions, dated stamped received 10/3/08 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 required further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.

4. That the proposed covered terrace addition not be enclosed in any manner except for approved insect screen materials.

5. That the applicants secure a building permit for the existing non-permitted 92 sq. ft. shed and existing 6'6" high gate from the Building Department within 120 days of the expiration

DATE INSPECTED: 11/24/08
DATE TYPED: 11/24/08
DATE REVISED: 11/25/08; 12/02/08; 12/05/08
DATE FINALIZED: 12/05/08
MCL:MTF:NN:JV:AA

for Maria Tinoco

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: September 15, 2008

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

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

Subject: #Z2008000157
Gholam and Teresa Azadbakht
4221 S.W. 134th Avenue
Request to Permit an Addition that Would Exceed Setback Requirements
(RU-1) (0.19 Acres)
23-54-39

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.

Wellfield Protection

The subject property is located within the West Wellfield interim protection area. The West Wellfield is located between S.W. 72nd Street and Coral Way along theoretical S.W. 172nd Avenue. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance provides for stringent wellfield protection measures that restrict development within the above noted wellfield protection area.

Since the subject request is for a residential zoning district a covenant prohibiting hazardous materials is not required; however, all development shall comply with the requirements of Section 24-43 of the Code.

Potable Water Supply 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. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Existing public water and public sanitary 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 of 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 jurisdictional 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 proposed rear terrace will not impact tree resources. Therefore, DERM has no objection to this zoning application. However, the applicant is advised 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 Chapter 24

Enforcement History
DERM has found no open or closed enforcement record 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 discus this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum

MIAMI-DADE COUNTY

Date: March 8, 2006

To: Diane O'Quinn-Williams, 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 the 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: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

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

Leandro Rodriguez

Memorandum

Date: 09-SEP-08

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2008000157

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000157
located at 4221 S.W. 134 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1582 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:15 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 37 - West Bird - 4200 SW 142 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.

TEAM METRO
WEST OFFICE

ENFORCEMENT HISTORY

NAME:	ADDRESS
GHOLAM & TERESA AZADBAKHT	4221 SW 134 AVE Miami-Dade County, FL (30-4923-0323510)

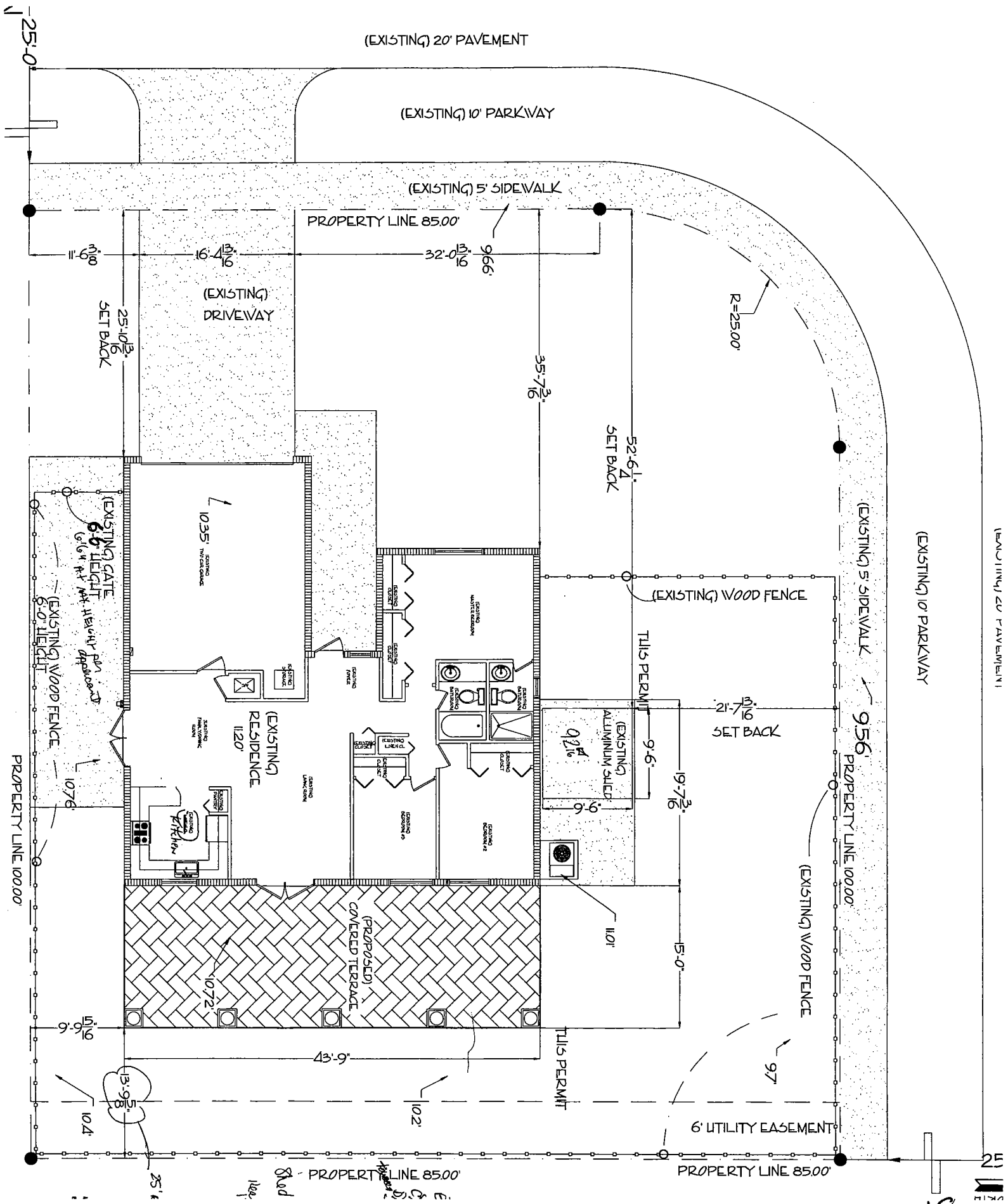
DATE	CMS#
11/19/08	

ZONING Number Z2008000157

CURRENT ENFORCEMENT HISTORY:

Folio No. 30-4923-0323510

11/19/08 Inspection conducted by NCO M. Rojas. No current violations at the present time.



ENLARGED SITE PLAN

SITE PLAN
SCALE: 3/16"=1'-0"

S.W. 134 TH AVENUE

S.W. 42ND TERRACE

(EXISTING) 20' PAVEMENT

(EXISTING) 10' PARKWAY

(EXISTING) 5' SIDEWALK

PROPERTY LINE 85.00'

(EXISTING) DRIVEWAY

(EXISTING) RESIDENCE 1,120

(EXISTING) WOOD FENCE

(EXISTING) GATE 6'-0" HEIGHT

(EXISTING) WOOD FENCE 6'-0" HEIGHT

(EXISTING) ALUMINUM SHED

(PROPOSED) CONCRETE TERRACE

THIS PERMIT

PROPERTY LINE 100.00'

6' UTILITY EASEMENT

NORTH

SHEET: SITE PLAN

A-1

REVISION: | BY:

PROJECT: PROPOSED NEW COVERED TERRACE TO.
AZADBAKHT RESIDENCE

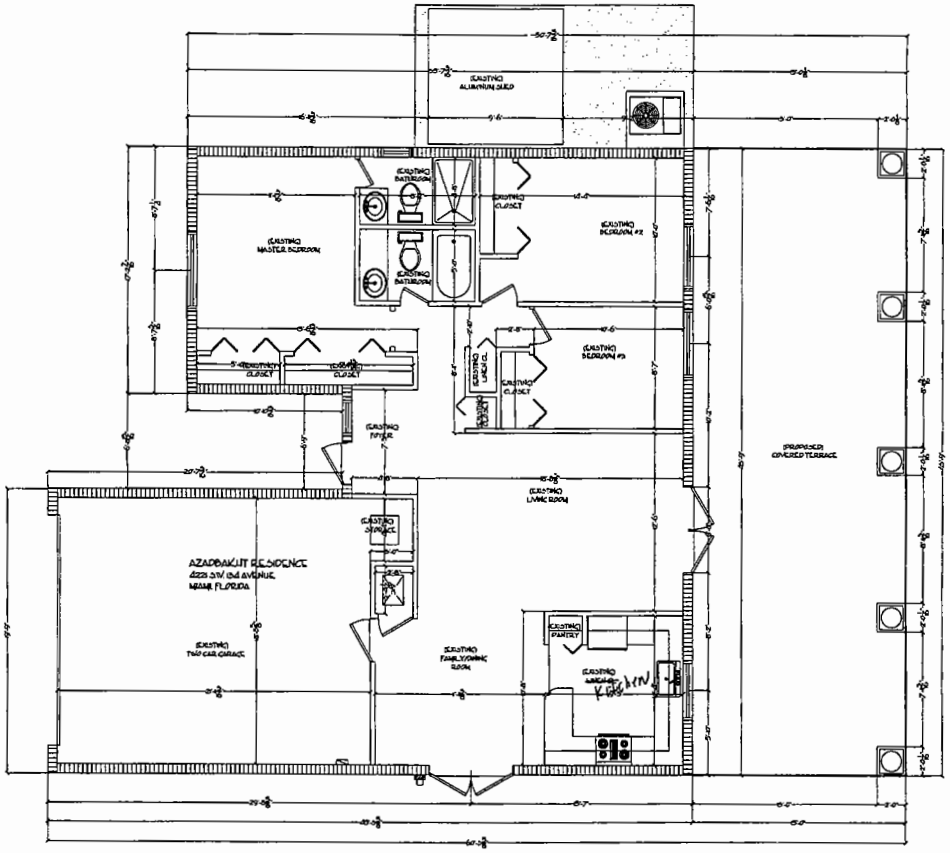
ADDRESS: 4221 S.W. 134 AVENUE
MIAMI, FLORIDA

DRAWN BY: JOSEFINA SANDOVAL

SCALE: 1/4"=1'-0"

DATE: 10-08-2008

ARCHI-TECH
INTEGRAL SOLUTIONS
13866 SW 155 TERR.
MIAMI, FL. 33177
PH. (786)294-8800
PH. (786)282-5565
FAX (786)472-6886



FLOOR PLAN (PROPOSED NEW TERRACE)
SCALE 1/8"=1'-0"

EXISTING HOUSE = 1,481 SQ.FT.
NEW PRPOPOSED TERRACE = 656 SQ.FT.
TOTAL PROPOSED NEW = 2,137 SQ.FT.
BUILDING AREA

F1

RECEIVED
OCT 03 2008
ZONING HEARINGS SECTION
ISSUES-DADE PLANNING AND ZONING DEPT.
BY

ARCHI-TECH
INTEGRAL SOLUTIONS
13456 SW 155 TERR.
MIAMI, FL 33177
PH (786)294-8800
PH (786)285-5965
FAX (786)472-6886
ARCHITECHOWNA.COM

20

PROJECT: PROPOSED NEW COVERED TERRACE TO:
AZADBAKHT RESIDENCE

ADDRESS: 4221 S.W. 154 AVENUE
MIAMI, FLORIDA

REVISION	BY:

DRAWN BY: JOSEFINA SANDOVAL

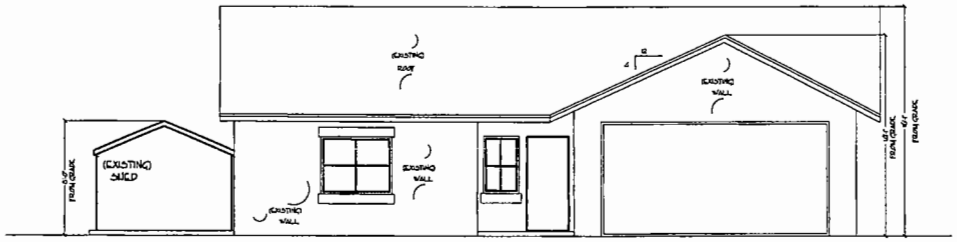
SCALE: 1/8"=1'-0"

DATE: 10-02-2008

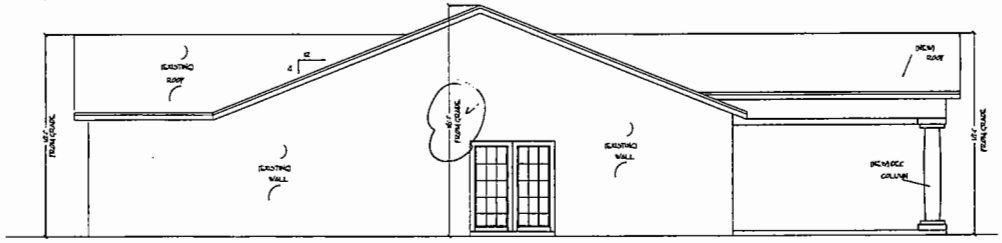
SHEET: FLOOR PLAN

A-2

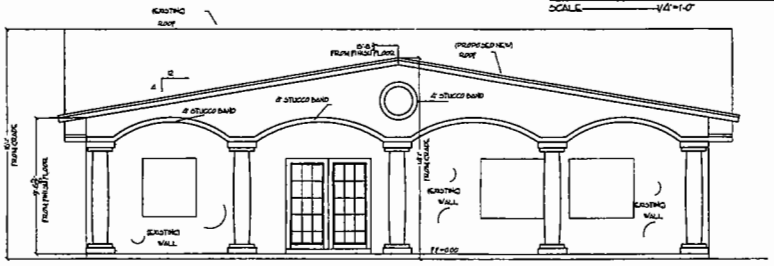
21



(EXISTING) FRONT ELEVATION WEST ✓
SCALE 1/8"=1'-0"

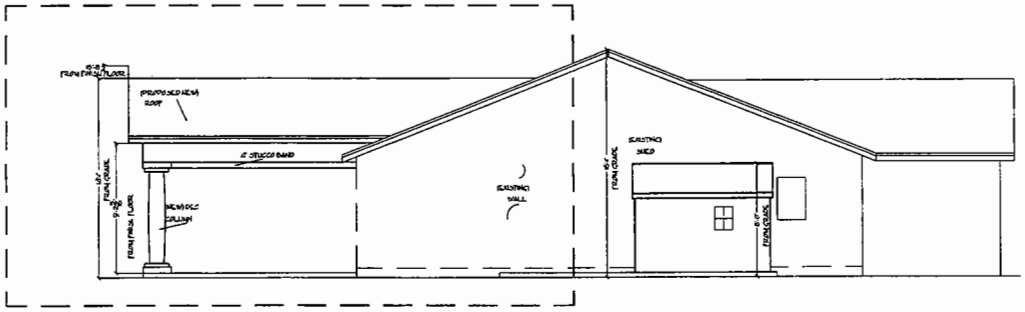


(EXISTING) RIGHT ELEVATION South ✓
SCALE 1/8"=1'-0"



REAR ELEVATION (PROPOSED NEW TERRACE) EAST ✓
SCALE 1/8"=1'-0"

PROPOSED NEW TERRACE



✓ (EXISTING) LEFT ELEVATION North
SCALE 1/8"=1'-0"

E1

RECEIVED
208-157
OCT 03 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ARCHI-TECH
INTEGRAL SOLUTIONS
13666 SW 155 TERR.
MIAMI, FL 33177
PH.(786)268-8800
PH.(786)282-3565
FAX (786)472-6886
ARCHITECH@YAHOO.COM

PROJECT: PROPOSED NEW COVERED TERRACE TO: AZADBAKHT RESIDENCE

ADDRESS: 4221 S.W. 154 AVENUE MIAMI, FLORIDA

DATE: 10-01-2008

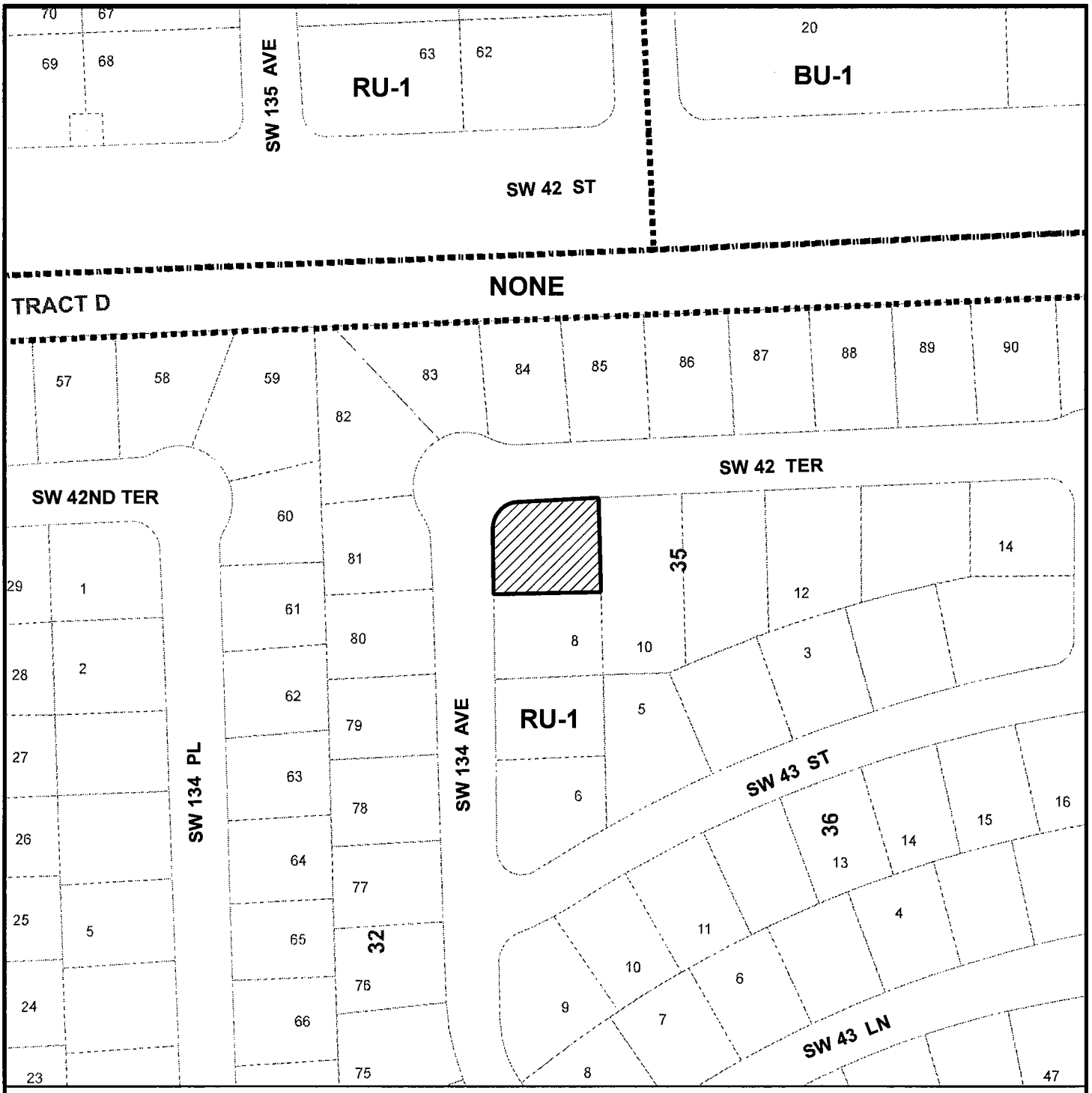
SCALE: 1/8"=1'-0"

DRAWN BY: JOSEFINA SANDOVAL

REVISION:	BY:

SHEET: ELEVATIONS

A-3



MIAMI-DADE COUNTY
HEARING MAP

Process Number

08-157

Section:23 Township:54 Range: 39
Applicant: GHOLAM & TERESA AZADBAKHT
Zoning Board:C11
Commission District:11
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

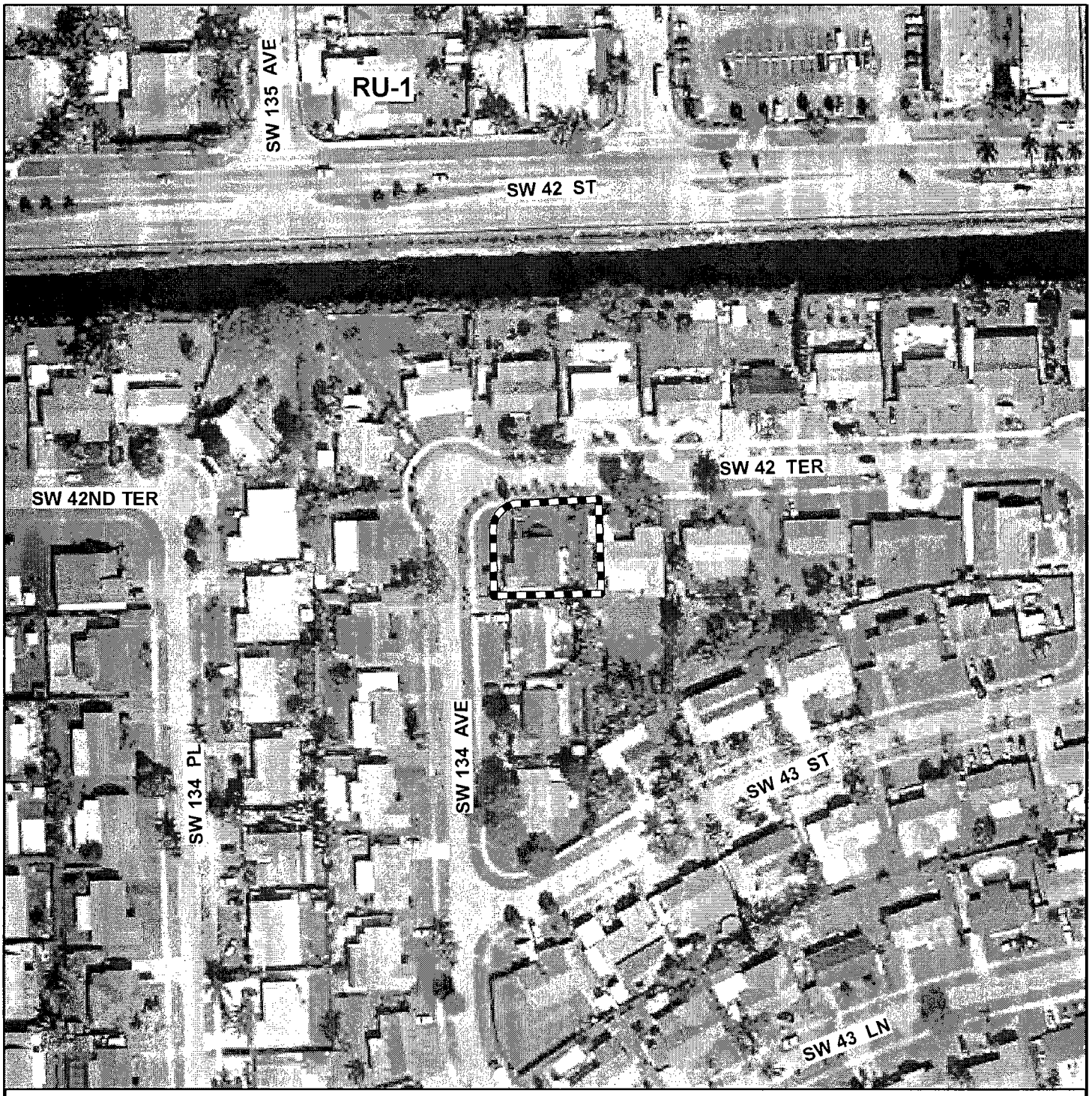
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/29/08

REVISION	DATE	BY
		22



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Section:23 Township:54 Range: 39
Applicant: GHOLAM & TERESA AZADBAKHT
Zoning Board:C11
Commission District:11
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number

08-157

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 08/29/08

REVISION	DATE	BY