

FINAL AGENDA

8-7-2012 Version # 2



COMMUNITY ZONING APPEALS BOARD 11
KENDALL VILLAGE CENTER - CIVIC PAVILION
8625 SW 124 Avenue, Miami
Tuesday, September 11, 2012 at 7:30 p.m.

CURRENT

- | | | | | | |
|----|-------------|---|--------------|----------|---|
| 1. | 12-9-CZ11-1 | <u>FRANCIS & LUCILLE RUMPF</u> | <u>12-56</u> | 28-55-39 | N |
| 2. | 12-9-CZ11-2 | <u>MIREYA CLEMENTE & ELIO HERRERA</u> | <u>12-63</u> | 10-55-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, SEPTEMBER 11, 2012

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:30 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

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 challenge or appeal.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z12-056 (12-09-CZ11-1)

September 11, 2012

Item No. 1

Recommendation Summary	
Commission District	9
Applicants	Francis & Lucille Rumpf
Summary of Requests	The applicant is seeking to permit a proposed accessory building that encroaches into the interior side and front setback areas.
Location	15050 S.W. 166 th Street, Miami-Dade County, Florida.
Property Size	132' x 168'
Existing Zoning	EU-S
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Estate 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.

REQUEST:

- (1) NON-USE VARIANCE to permit a proposed detached garage setback 10' (20' required) from the interior side (west) property line.
- (2) NON-USE VARIANCE to permit an existing single family residence setback 34'-9" (35' required) from the front (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Garage" as prepared by JSA Group Inc., dated stamped received 3/16/12 for a total of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Proposed garage for an existing single-family residence.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-S; single-family residence	Estate Density Residential (1.0 to 2.5 dua)
North	EU-S; single-family residence	Estate Density Residential (1.0 to 2.5 dua)
South	EU-S; single-family residence	Estate Density Residential (1.0 to 2.5 dua)
East	EU-S; single-family residences	Estate Density Residential (1.0 to 2.5 dua)
West	EU-S; single-family residence	Estate Density Residential (1.0 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 15050 S.W. 166th Street. Single-family residences characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to build a garage and additional storage space for an existing single-family residence. However, the requested interior side setback variance could have a negative visual impact on the adjacent property to the west.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates this site as **Estate Density Residential** on the Adopted 2015-2025 LUP map. *This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.* 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. Therefore, staff opines that the request is **consistent** with the uses allowed in the Estate 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 requests #1 and #2 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, to permit a proposed detached garage setback 10' (20' required) from the interior side (west) property line is mitigated by the existing 6' high wood fence along the interior side (west) property line and therefore would not have a negative visual or aural impact on the surrounding area and would be **compatible** with same. However, in order to ensure that said buffering remains, staff recommends as a condition of the approval that said 6' high wood fence be maintained along the interior side (west) property line. Furthermore, the applicant provided a letter of support from his neighbor to the west. Staff opines that request #2, to permit an existing single family residence with an encroachment of 3 inches into the front (north) setback area is minimal and will not create a negative visual impact on the neighborhood. Furthermore, staff found a similar approval for relief of front setback requirements in the surrounding area. Pursuant to Administrative Variance #V1999000179, a property located northwest of the subject property at 16335 SW 153 Court, was granted approval to allow a front setback of 30.92' (35' required) from the front (west) property line. Consequently, staff is of the opinion that approval of request #2 will not result in an obvious departure from the aesthetic character of the surrounding area and would also be **compatible** with the surrounding residential developments. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

In addition, staff opines that although the accessory building is labeled as a garage and storage room on the plans, the layout could easily be converted and used as an additional residential unit. Staff notes that this is a single-family residential district which only permits one (1)

residential unit on the subject property. Therefore, staff recommends as a condition for approval that the applicant submits a Declaration of Use agreement which restricts the use of the subject property to single-family use only.

ACCESS, CIRCULATION AND PARKING: Not applicable.

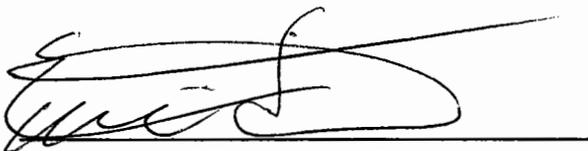
NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

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 "Proposed Garage" as prepared by JSA Group Inc., dated stamped received 3/16/12 for a total of 2 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the existing 6' high wood fence running along the interior side (west) property line be maintained.
5. That the applicant submit a Declaration of Use Agreement restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.

ES:MW:NN:CH:JC



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

ZONING RECOMMENDATION ADDENDUM

Applicant: *Francis & Lucille Rumpf*
PH: Z12-056

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

<i>Estate Density Residential (Pg. I-31)</i>	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<i>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</i>	<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>
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1. FRANCIS & LUCILLE RUMPF
(Applicant)

12-9-CZ11-1 (12-056)
Area 11/District 09
Hearing Date: 09/11/12

Property Owner (if different from applicant) **Francis/Lucille Rumpf.**

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>
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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: April 25, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs 

Subject: #Z2012000056
Francis Rumpf, Jr.
15050 SW 166 Street
Non Use Variance to Permit an Accessory Building Setback Less
than Required
(EU-S) (0.50 Acres)
28-55-39

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.

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 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 Department has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, 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.

Stormwater Management

The proposed 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 for this property.

Please be advised that 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 require permits for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. 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. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. Approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permit for additional information regarding permitting procedures and requirements prior to site development.

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, Sustainability, Planning and Economic Enhancement

PH# Z2012000056
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: FRANCIS & LUCILLE RUMPF

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

31-MAY-12

Memorandum



Date: May 14, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement Department

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

Subject: Z2012000056: FRANCIS & LUCILLE RUMPF

Application Name: FRANCIS & LUCILLE RUMPF

Project Location: The site is located at 15050 SW 166 ST, Miami-Dade County.

Proposed Development: The applicant is requesting approval of non-use variance for setbacks on a residential lot for an accessory structure.

Impact and demand: This application does not generate any new residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments 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

Memorandum



Date: 17-APR-12
To: , Director
 Department of Sustainability, Planning and Economic Enhancement
From: William W. Bryson, Fire Chief.
 Miami-Dade Fire Rescue Department
Subject: Z2012000056

Fire Prevention Unit:

Not applicable to MDR site requirements.

Service Impact/Demand

Development for the above Z2012000056
 located at 15050 SW 166 ST, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 2111 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: 8:24 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 43 - Richmond - 13390 SW 152 Street
 Rescue, ALS 50' Squirt (TRT)

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 17-MAY-12

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

FRANCIS & LUCILLE RUMPF

15050 SW 166 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000056

HEARING NUMBER

HISTORY:

THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATION OR
BUILDING SUPPORT CASES.

FRANCIS & LUCILLE RUMPF

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

REPORTER NAME:

Memorandum



Date: JULY 30, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2012000056

An inspection was conducted on July 30, 2012, at the property known as 15050 SW 166 Street. This is a residential property with an unpermitted shed in the rear. The owner has indicated this shed is scheduled to be demolished at the time when the detached garage is built. No other zoning violations were observed.

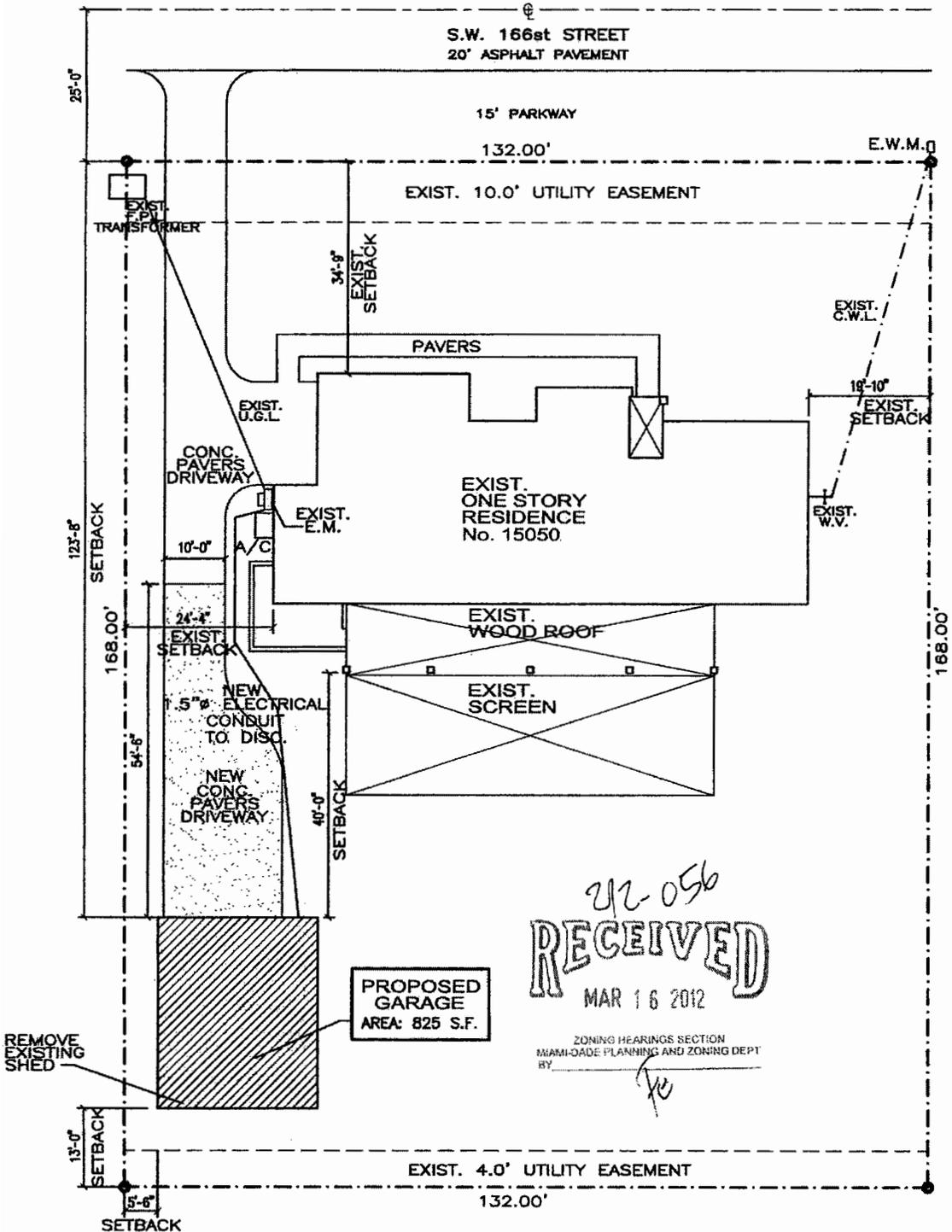
If you have any questions or need further information, please let me know!

Francie Boellard

LEGAL DESCRIPTION

LOT 4, BLOCK 5,
OF "KINGS GROVE"
ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 123,
AT PAGE 26, OF THE PUBLIC RECORDS
OF MIAMI-DADE COUNTY, FLORIDA.

JSA
12229 S.W



212-056
RECEIVED
MAR 16 2012

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

SITE PLAN

SCALE: 1"=20'-0"



ENLARGED SITE PLAN

PROPOSED GARAGE:

FRANCIS L. RUMPF JR.
15050 S.W. 166th STREET

JOB # 12-

DRAWN BY:

JANUARY 21

A-

1 OF

SEAL



JULIO SANC
NO. 157

SITE NOTES

1. VERIFY ALL DIMENSIONS, DISTANCES, TYPICAL MATERIALS, FINISHES, ELEVATIONS, AND CONDITIONS.
2. VERIFY TO BE SURE ALL DIMENSIONS, DISTANCES, TYPICAL MATERIALS, FINISHES, ELEVATIONS, AND CONDITIONS.
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GENERAL NOTES

1. VERIFY TO BE SURE ALL DIMENSIONS, DISTANCES, TYPICAL MATERIALS, FINISHES, ELEVATIONS, AND CONDITIONS.
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INDEX OF DRAWINGS

- A-1 SITE PLAN & NOTES
- A-2 FLOOR PLAN, ELEVATION, DOOR & WINDOW SCHEDULES
- SCHEDULES
- S-1 FOUNDATION, FINISHING PLAN & SECTION
- S-2 GENERAL NOTES, SCHEDULES & DETAILS
- ELECTRICAL
- E-1 ELECTRICAL PLAN, PANEL SCHEDULE, GENERAL NOTES

RECEIVED
MAR 16 2012

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

Address: Remodeling, Repairs & Combination

PARCEL NO. 30-0829-00-1050 ADDRESS: 15050 S.W. 166th STREET
 LOT/BLK: 4 BLOCK/BLDG: 5 PLAT BOOK: 123 PLAT: 25
 SUBDIVISION: JMSB SPEC.

SOIL & CONSTRUCTION-COST OF WORK (LAST INCLUDE FINISHED LIFT)
 MINIMUM INVESTMENT-COST OF WORK (LAST INCLUDE FINISHED LIFT)
 MINIMUM INVESTMENT-COST OF WORK (LAST INCLUDE FINISHED LIFT)
 MINIMUM INVESTMENT-COST OF WORK (LAST INCLUDE FINISHED LIFT)

EXISTING	PROPOSED	FIN. NO. 1	FIN. NO. 2	FIN. NO. 3	FIN. NO. 4	FIN. NO. 5
EXISTING	PROPOSED	11.000	10.000	11.000	12.000	13.000

FLOOR AREA CALCULATION

SPACING	AREA	UNIT
EXISTING	1841.00	SQ-FT
PROPOSED	712.00	SQ-FT
SUB-TOTAL SQUARE FOOT	2553.00	SQ-FT
TOTAL SQUARE FOOT	4869.00	SQ-FT

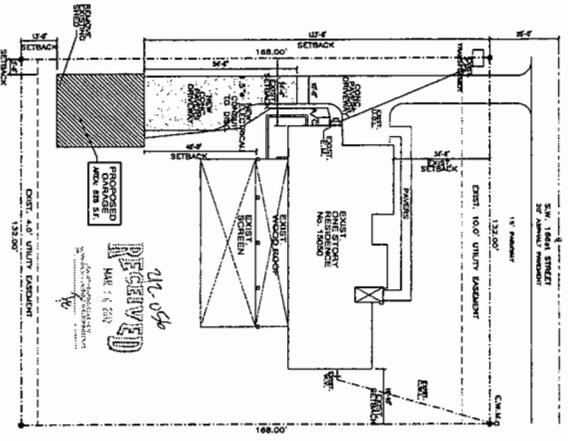
NET LOT SPACING: 4466/25,028 = 173K
 THEREFORE: 173K

ZONING INFORMATION

ZONING DISTRICT: SINGLE FAMILY RESIDENTIAL
 NET LAND AREA: 22,178 SQ-FT
 HEIGHT REQUIRED: 35'-0"
 PROPOSED HEIGHT: 18'-5"
 FRONT SETBACK: 12'-0"
 SIDE SETBACK: 5'-0"
 REAR SETBACK: 12'-0"

ZONING LEGEND

ZONE	DESCRIPTION	MINIMUM INVESTMENT	MINIMUM INVESTMENT
RS-1	SINGLE FAMILY RESIDENTIAL	150,000	150,000
RS-2	SINGLE FAMILY RESIDENTIAL	150,000	150,000
RS-3	SINGLE FAMILY RESIDENTIAL	150,000	150,000
RS-4	SINGLE FAMILY RESIDENTIAL	150,000	150,000
RS-5	SINGLE FAMILY RESIDENTIAL	150,000	150,000



SITE PLAN
SCALE: 1/8" = 1'-0"
NORTH

JSA GROUP INC.
12229 S.W. 132ND COURT MIAMI, FLORIDA 33186
JULIO SANCHEZ ARCHITECT/INTERIOR DESIGNER
AR-0015751/AAD003550/10-0002171

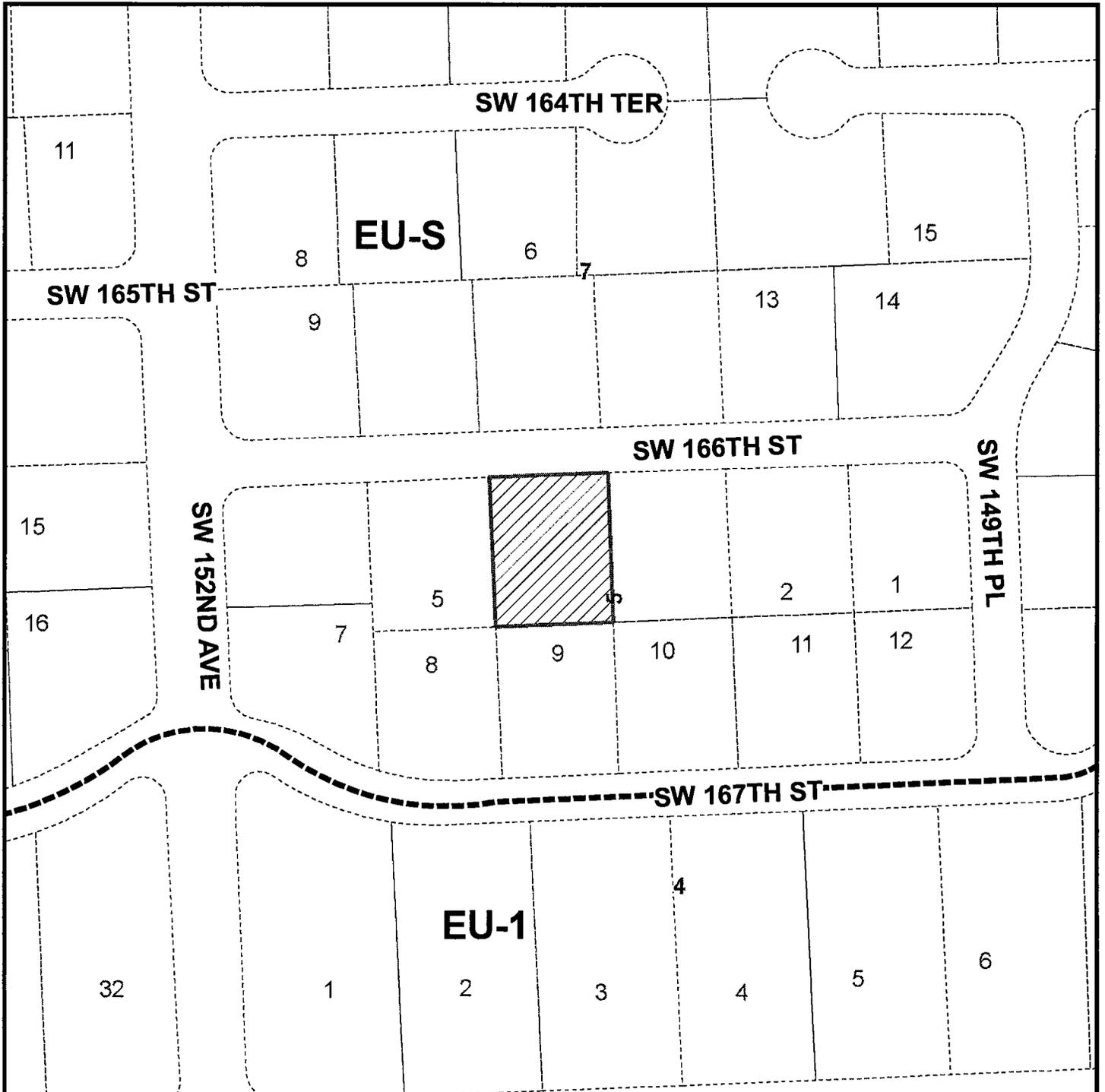
(305) 251-7923
FAX (305) 251-7924



PROPOSED GARAGE:
 FRANCIS L. RUMPF JR.
 15050 S.W. 166TH STREET
 MIAMI, FLORIDA 33187-0804

A-1
 1 OF 2

14



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000056



Section: 28 Township: 55 Range: 39
 Applicant: FRANCIS/LUCILLE RUMPF
 Zoning Board: C11
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

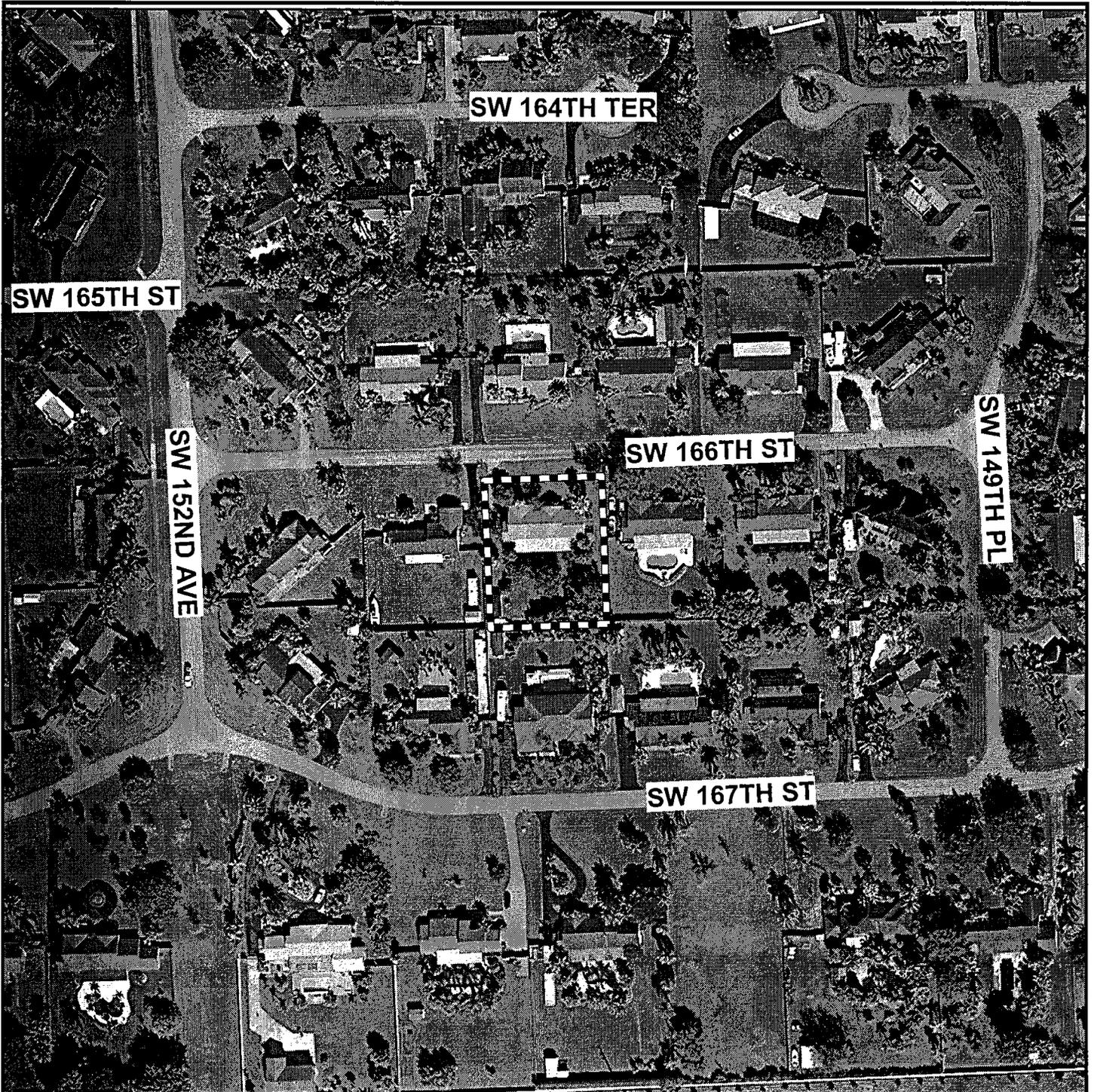
Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, April 24, 2012

REVISION	DATE	BY
		16



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000056



Section: 28 Township: 55 Range: 39
Applicant: FRANCIS/LUCILLE RUMPF
Zoning Board: C11
Commission District: 9
Drafter ID: JEFFER GURDIAN
Scale: NTS

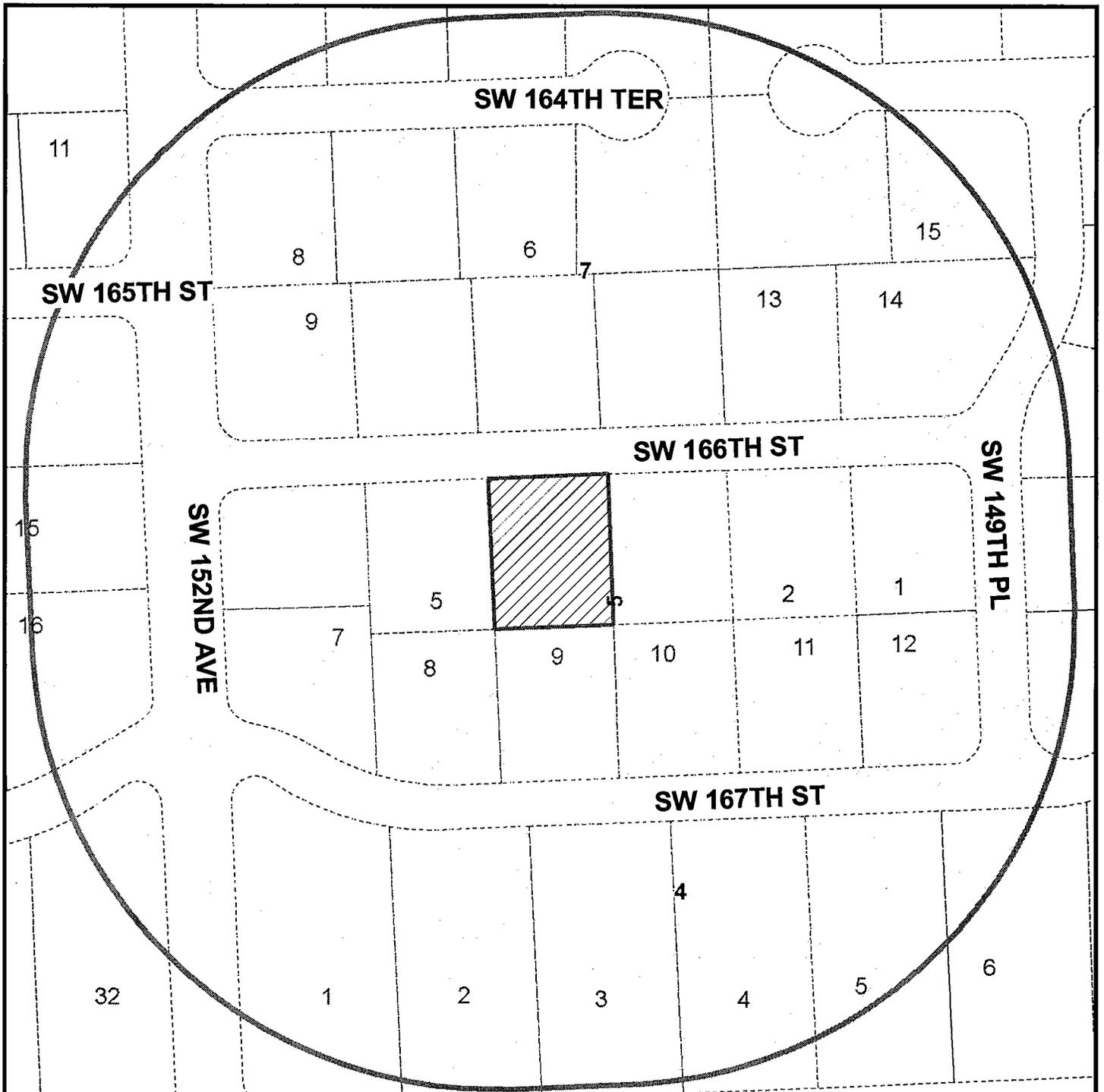
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 Subject Property



SKETCH CREATED ON: Tuesday, April 24, 2012

REVISION	DATE	BY
		17



MIAMI-DADE COUNTY
RADIUS MAP

Process Number

Z2012000056

RADIUS: 500



Section: 28 Township: 55 Range: 39
 Applicant: FRANCIS/LUCILLE RUMPF
 Zoning Board: C11
 Commission District: 9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property

 Buffer



SKETCH CREATED ON: Tuesday, April 24, 2012

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 11**

PH: Z12-063 (12-09-CZ11-2)

September 11, 2012

Item No. 2

Recommendation Summary	
Commission District	11
Applicants	Mireya Clemente & Elio Herrera
Summary of Requests	The applicant is seeking to permit an existing terrace addition that encroaches into the rear setback area. The applicant is also seeking a greater lot coverage than permitted.
Location	10805-07 S.W. 146 th Place, Miami-Dade County, Florida.
Property Size	8,068 sq.ft.
Existing Zoning	RU-2
Existing Land Use	Duplex 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 an existing roofed terrace addition to a duplex residence setback 18.75' (25' required) from the rear (east) property line.
- (2) NON-USE VARIANCE to permit a lot coverage of 36% (30% permitted).

Plans are on file and be examined in the Department of Regulatory and Economic Resources entitled "Legalization of Existing Roofed Terrace" as prepared by MDS Engineering Corp., dated stamped receive 3/7/12 for a total of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Legalization of terrace addition to a duplex residence.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-2; duplex residence	Low Density Residential (2.5 to 6 dua)
North	RU-TH; single-family residence	Low Density Residential (2.5 to 6 dua)
South	RU-2; duplex residence	Low Density Residential (2.5 to 6 dua)
East	RU-2; duplex residences	Low Density Residential (2.5 to 6 dua)
West	RU-2; duplex residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject properties are located at the southeast corner of the intersection of SW 108th Street and SW 146th Place. Duplex residences and townhouse developments characterize the surrounding area where the subject properties lie.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to maintain their existing terrace additions. Further, staff opines that since the terraces are existing and located to the rear of the residences, they will not create any new visual impacts 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 duplex 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 requests #1 and #2 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, to permit existing roofed terrace additions to a duplex residence setback 18.75' (25' required) from the rear (east) property line, and request #2, to permit a lot coverage of 36% (30% permitted), are mitigated by the existing 6' high wood fence along the perimeter of the subject properties and therefore would not have a negative visual or aural impact on the surrounding area and would be **compatible** with same. Furthermore, staff found similar approvals for relief of setback and lot coverage requirements in the surrounding area. For example, pursuant to Resolutions 5-ZAB-160-94 and CZAB11-30-03, the properties located at 10831 SW 146 Court and 10903 SW 146 Court, were granted approvals to allow setbacks of 17.83' and 17' (25' required) from the rear property lines and lot coverages of 39.5% and 38% (35% permitted), respectively. 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 developments.

Staff recommends that as a condition for approval of this application, that the applicants maintain the 6' high wood fence as a visual buffer along the perimeter of the subject properties to mitigate any negative visual impact from the aforementioned encroachments on the abutting properties. In addition, staff recommends as additional conditions for approval, that the shed on the rear setback area of lot 1A be demolished as indicated on the plans, and that the covered terrace additions not be enclosed in any manner except for approved insect screen materials.

Staff therefore, recommends approval with conditions of 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 "Legalization of Existing Roofed Terrace" as prepared by MDS Engineering Corp., dated stamped receive 3/7/12 for a total 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 covered terrace additions not be enclosed in any manner except for approved insect screen materials.
5. That the existing 6' high wood fence running along the interior side (west) property line be maintained.
6. That the shed located in the rear setback area be demolished as indicated in the plans.

ES:MW:NN:CH:JC



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

ZONING RECOMMENDATION ADDENDUM

Applicant: *Mireya Clemente & Elio Herrera*
PH: Z12-063

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No objection
*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>
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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>
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2. MIREYA CLEMENTE & ELIO HERRERA
(Applicant)

12-9-CZ11-2 (12-063)
Area 11/District 11
Hearing Date: 09/11/12

Property Owner (if different from applicant) **Mireya Clement & Elio Herrera.**

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

If so, who are the interested parties? **AAA**

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>
1981	Fred J. & Waive C. Schad	- Zone change from GU to RU-2.	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: May 22, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement

From: Jose Gonzalez, P.E., Assistant Director
Permitting, Environment and Regulatory Affairs

Subject: #Z2012000063
Mireya Clemente
10805 and 10807 SW 146th Place
Non Use Variance for Setbacks Les than Required and Lot
Coverage More than Permitted
(RU-2) (0.17 Acres)
10-55-39

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

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.

Potable Water Service and Wastewater Disposal

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

Stormwater Management

According to the information found on this project, the existing setbacks 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 setbacks less than required 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 Chapter 24 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, Sustainability, Planning and Economic Enhancement

PH# Z2012000063
CZAB - C11

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MIREYA CLEMENTE & ELIO HERRERA

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

27-JUL-12

Memorandum



Date: June 11, 2012

To: Jack Osterholt, Director
Sustainability, Planning and Economic Enhancement Department

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

Subject: Z2012000063: MIREYA CLEMENTE/ELIO HERRERA

Application Name: MIREYA CLEMENTE/ELIO HERRERA

Project Location: The site is located at 10805 SW 146 PL, Miami-Dade County.

Proposed Development: The applicant is requesting approval of non-use variances setback and lot coverage requirements for an existing single family residence.

Impact and demand: This application does not generate any new residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

We have no comments 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

Memorandum



Date: 05-JUN-12
To: , Director
Department of Regulatory and Economic Resources
From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department
Subject: Z2012000063

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2012000063
located at 10805 SW 146 PL, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1885 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: 6:18 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 36 - Hammocks - 10001 Hammock Blvd.
Rescue, ALS 50' Squirt

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 18-JUN-12

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

MIREYA CLEMENTE & ELIO
HERRERA

10805-07 SW 146 PL, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2012000063

HEARING NUMBER

HISTORY:

THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATIONS OR
BUILDING SUPPORT CASES.

MIREYA CLEMENTE & ELIO HERRERA

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

REPORTER NAME:

Memorandum



Date: JULY 30, 2012

To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement

From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs

Subject: Z2012000063

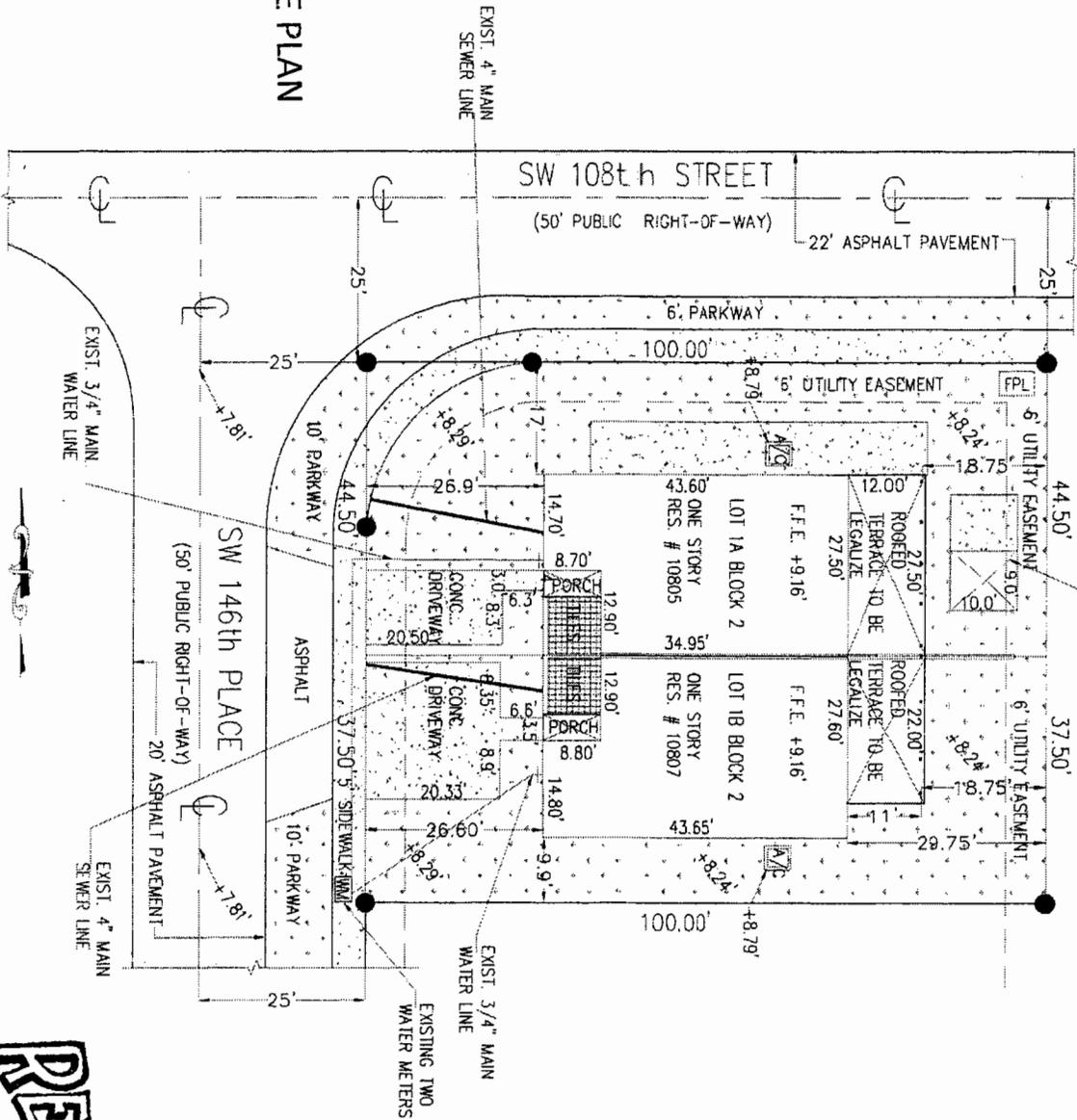
An inspection was conducted on July 30, 2012, at the property known as 10805-07 SW 146 Place. This is a residential duplex, where each property owner is seeking a variance. At 10805, in the rear is a shed in the setback. The owner has indicated this shed is scheduled to be demolished. No other zoning violations were observed.

At 10807, no zoning violations were observed.

If you have any questions or need further information, please let me know!

Francie Boellard

ENLARGED SITE PLAN



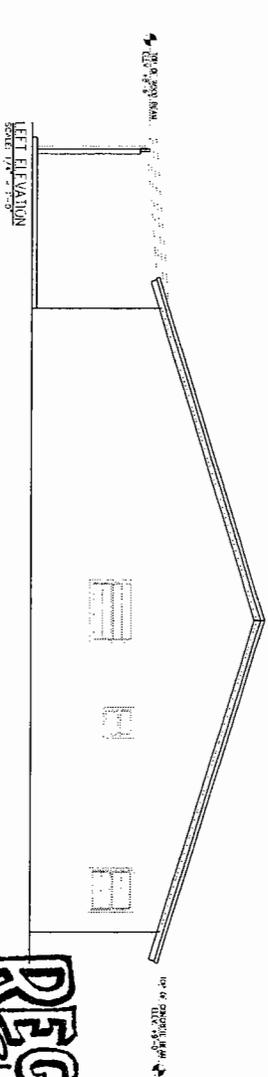
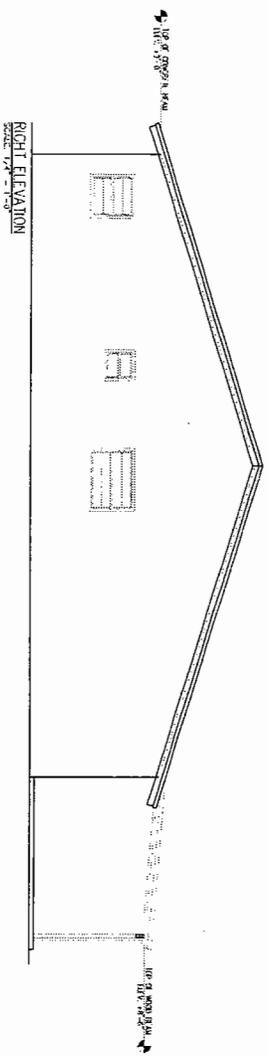
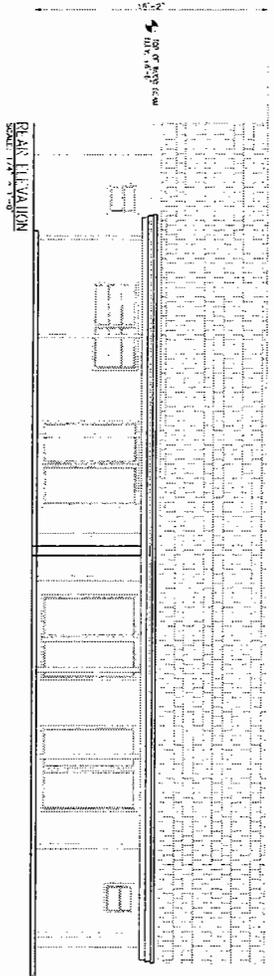
SITE PLAN
SCALE 1"=20'

EXISTING SHED TO
BE DEMOLISHED

RECEIVED
MAR 07 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*



RECEIVED
 212-063
 MAR 07 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY MD

RECEIVED
 11 11 2011

REVISIONS:

No.	DATE	DESCRIPTION

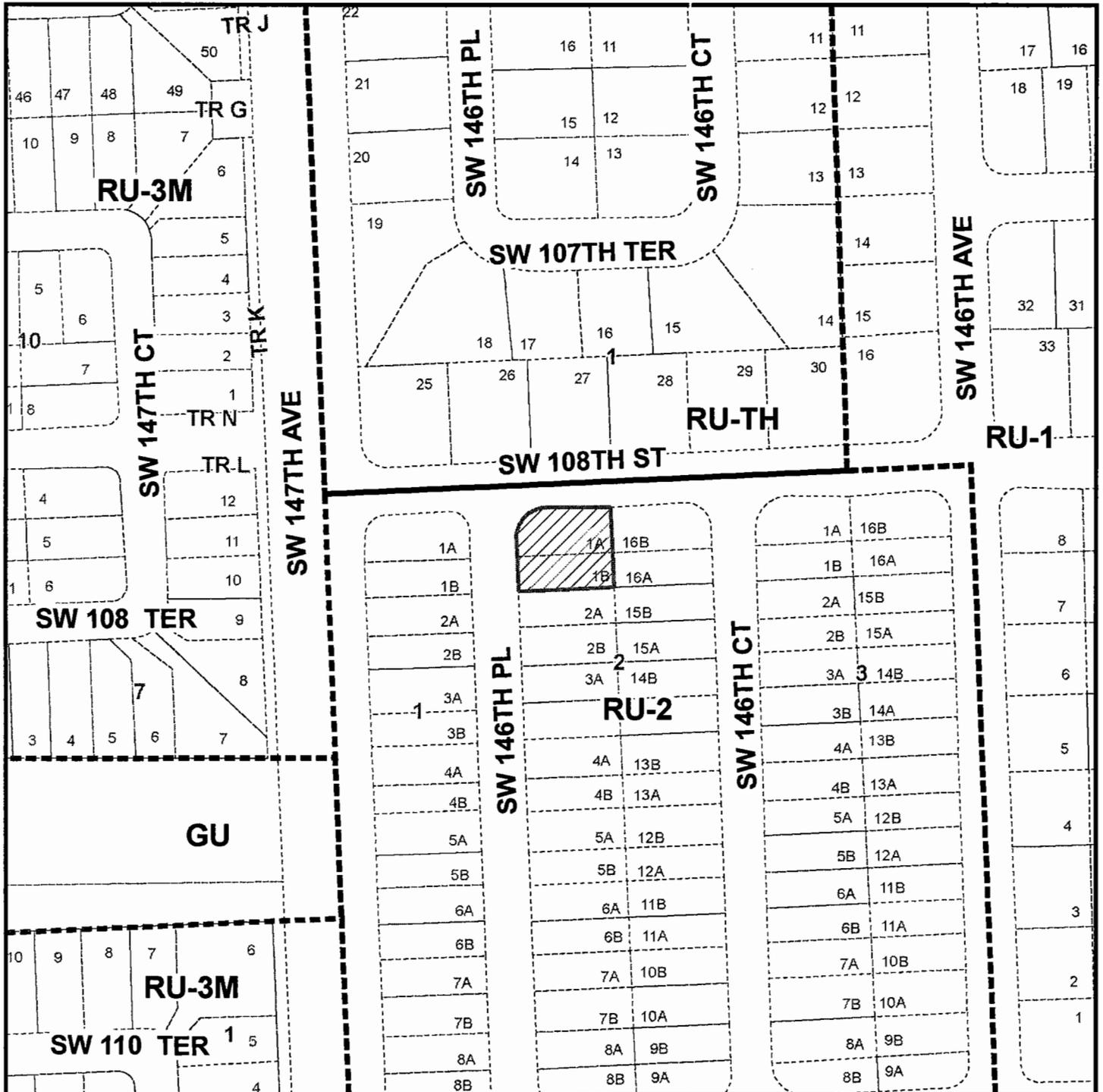
[Handwritten Signature]



M D S ENGINEERING CORP.
 FLORIDA C.A. # 28051
 MARIO DUANY P.E. # 67340
 9370 SW 72 ST
 MIAMI, FLORIDA 33173
 PHONE: (305) 412-2104

RESIDENCE OWNER INFORMATION
MIREYA CLEMENTE
 10805 SW 146 PL MIAMI, FL 33186
 RESIDENCE OWNER CONTACT INFORMATION
ELIO M HERRERA
 10807 SW 146 PL MIAMI, FL 33186
 TEL: (305) 469-2839
 LEGALIZATION OF EXISTING ROOFED PATIO

DATE: 11-27-2011
 SCALE: AS SHOWN
 SHEET: **A-3**
 OF 4



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2012000063



Section: 10 Township: 55 Range: 39
 Applicant: MIREYA CLEMENTE/ELIO HERRERA
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend
 Subject Property Case



SKETCH CREATED ON: Tuesday, May 15, 2012

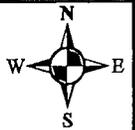
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		17



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2012000063



Section: 10 Township: 55 Range: 39
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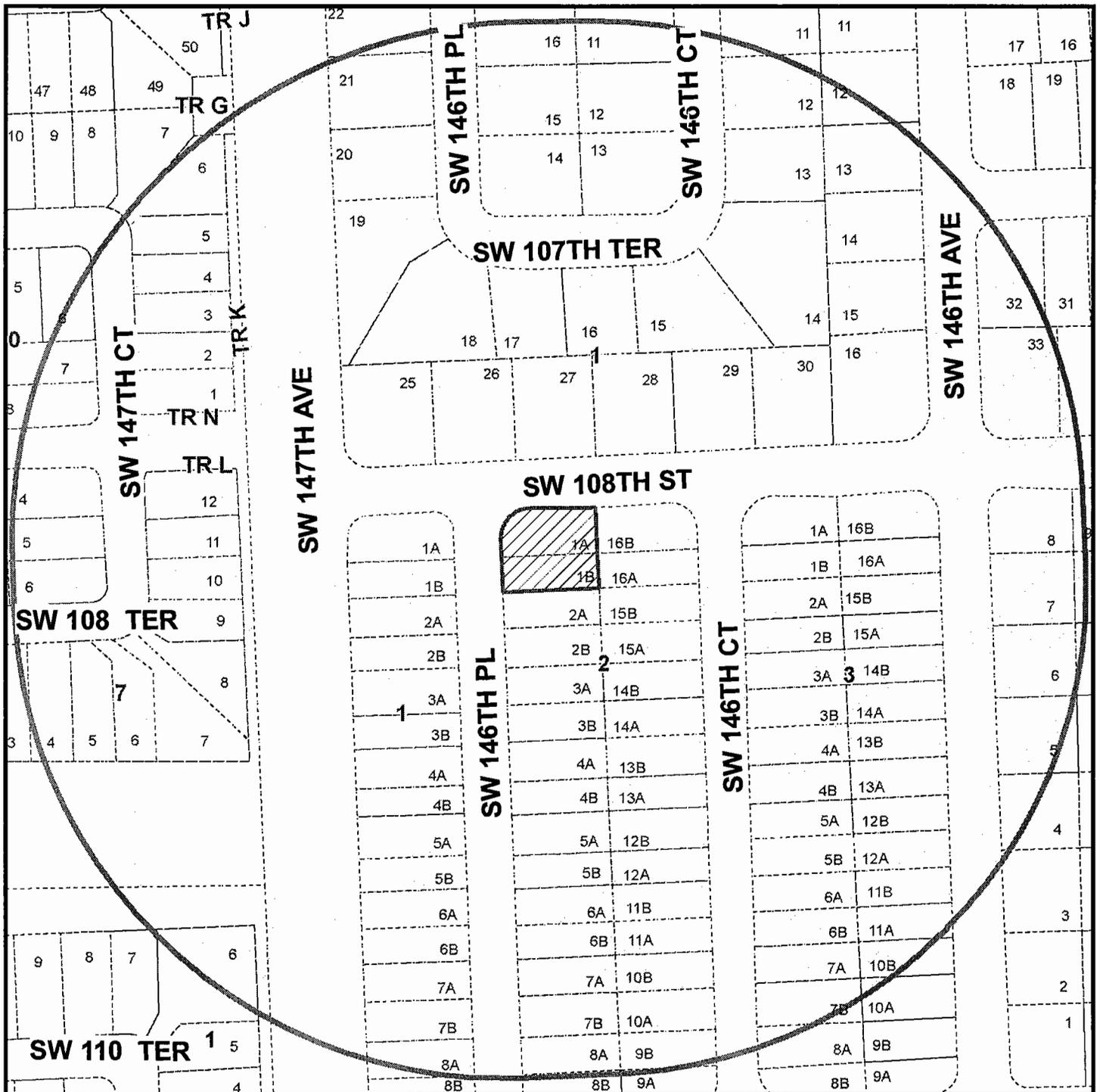
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 Subject Property



SKETCH CREATED ON: Tuesday, May 15, 2012

REVISION	DATE	BY
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**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number

Z2012000063

RADIUS: 500



Section: 10 Township: 55 Range: 39
 Applicant: MIREYA CLEMENTE/ELIO HERRERA
 Zoning Board: C11
 Commission District: 11
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Tuesday, May 15, 2012

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