

# FINAL AGENDA

4-16-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 11  
KENDALL VILLAGE CENTER - CIVIC PAVILION  
8625 SW 124 Avenue, Miami  
Tuesday, May 21, 2013 at 7:30 p.m.

## CURRENT

1. 13-5-CZ11-1 MARILYN DELGADO 12-144 32-54-39 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF TUESDAY, MAY 21, 2013

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

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**I. Board Vacancy – Sub-Area 112**

**II. Application(s):**

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**1. MARILYN DELGADO (13-5-CZ11-1/12-144)**

**32-54-39**

**Area 11/District 11**

- (1) NON-USE VARIANCE to permit a storage room addition to a single family residence setback 3.51' (6' required) from the interior side (south) property line.
- (2) NON-USE VARIANCE to permit a storage addition to a single family residence setback 4.30' (6' required) from the interior side (north) property line.
- (3) NON-USE VARIANCE to permit a single family residence setback 19.97' (25' required, 20' previously approved) from the front (east) property line.
- (4) NON-USE VARIANCE to permit a lot coverage of 42 % (35 permitted, 37.57% previously approved).
- (5) NON-USE VARIANCE to permit an accessory building (gazebo) setback a minimum of 1.40' (6' required) from the interior side (south) property line, setback 3.40' (5' required) from the rear (west) property line and be spaced 7.83' (10' required) from the principal residence.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Marilyn Delgado" as prepared by Fernando Gomez-Pina P.E. and dated stamped received 12/3/12, consisting of 2 sheets with sheet A-1 last handwritten revision dated 3/14/13. Plans may be modified at public hearing.

LOCATION: 7722 SW 163 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 60' X 105'

Department of Regulatory and  
Economic Resources  
Recommendation:

Approval with conditions of requests #1 - #4  
and denial without prejudice of request #5.

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

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**NOTICE**

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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.

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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), 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](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

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

**PH: Z12-144 (13-04-CZ11-1)**

**May 21, 2013**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	11
<b>Applicants</b>	Marilyn Delgado
<b>Summary of Requests</b>	The applicant seeks to permit an existing single-family residence and storage room additions to the single-family residence setback less than required, with a lot coverage greater than permitted. Additionally, the applicant seeks to permit a gazebo setback less than required from the interior side and rear property lines and spaced less than required from the principal residence.
<b>Location</b>	7722 SW 163 Court
<b>Property Size</b>	60' x 105'
<b>Existing Zoning</b>	RU-3M, Minimum Apartment House District
<b>Existing Land Use</b>	Single-family residence
<b>2015-2025 CDMP Land Use Designation</b>	Low Density Residential (see attached Zoning Recommendation Addendum)
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
<b>Recommendation</b>	<b>Approval with conditions of requests #1 - #4 and denial without prejudice of request #5</b>

**REQUESTS:**

- (1) NON-USE VARIANCE to permit a storage room addition to a single-family residence setback 3.51' (6' required) from the interior side (south) property line.
- (2) NON-USE VARIANCE to permit a storage room addition to a single family residence setback 4.3' (6' required) from the interior side (north) property line.
- (3) NON-USE VARIANCE to permit a single family residence setback 19.97' (25' required, 20' previously approved) from the front (east) property line.
- (4) NON-USE VARIANCE to permit a single-family residence with a lot coverage of 42% (35% maximum permitted, 37.57% previously approved).
- (5) NON-USE VARIANCE to permit an accessory building (gazebo) setback a minimum of 1.4' (6' required) from the interior side (south) property line, setback 3.4' (5' required) from the rear (west) property line and spaced 7.83' (10' required) from the principal structure.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Marilyn Delgado", prepared by Fernando Gomez-Pina, P.E. and dated stamped received 12/3/12, and consisting of 2 sheets, last handwritten revision dated 3/4/13. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** Existing approximately 2,672 sq. ft. single-family residence with terrace and storage room additions

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-3M; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>North</b>	RU-3M; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>South</b>	RU-3M; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-3M; single-family residence	Low Density Residential (2.5 to 6 dua)
<b>West</b>	RU-3M; single-family residence	Low Density Residential (2.5 to 6 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an existing single-family residence located at 7722 SW 163 Court. Residential uses characterize the surrounding area where the subject property lies.

**SUMMARY OF THE IMPACTS:**

Approval of this application will permit an existing single-family residence and storage room additions to setback less than required, with a lot coverage greater than permitted, and a gazebo setback less than required from the interior side and rear property lines and spaced less than required from the principal residence. However, the encroachments may visually and aurally impact the abutting single-family residences.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The subject property is designated as **Low Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the requests sought in this application will permit the existing single-family residence with terrace and storage room additions to encroach into the required rear and interior side setback areas with greater lot coverage than permitted. Staff notes that approval will not add additional dwelling units to the site beyond what is allowed by the CDMP LUP map and will not change the single-family residence use. Further, since the applicant is not requesting to add additional dwelling units to the site above that allowed nor change the single-family residence use, approval of the application with conditions is **consistent** with the density range of the Low Density Residential CDMP LUP map category.

**ZONING ANALYSIS:**

The subject property is a part of an existing residential development that was approved pursuant to Resolution No. 5-ZAB-539-94, to allow some lots with reduced lot areas, less front, rear, interior side and side-street setbacks and increased lot coverage. The subject property was approved to allow the single-family residence to setback 20' from the front (east) property line, where 25' is required and a lot coverage of 37.57% (35% maximum permitted). The applicant now seeks to permit the existing residence setback 3.51' and 4.3' (6' required) from the interior side south and north property lines (requests #1 and #2), setback 19.97' (25'

required; 20' previously approved) from the front (east) property line (request #3) with a lot coverage of 42% (35% permitted; 37.57% previously approved) (request #4). Additionally, the applicant seeks to permit an existing gazebo setback a minimum of 1.4' (6' required) from the interior side (south) property line, setback 3.4' (5' required) from the rear (west) property line and spaced 7.83' (10' required) from the principal structure.

When requests #1 through #4 are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion the approval of the requests with conditions would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community for the reasons stated below. Staff notes that the survey and photographs submitted by the applicant show an existing 6' high wood fence located along the interior sides and rear property line. As such, staff opines that the 2.49' and 1.7' (requests # 1 and #2 for the storage room) encroachments into the interior side setback areas would be adequately buffered by said 6' high wood fence. In staff's opinion, said fence diminishes any negative visual impact of the setback encroachments on the abutting single-family residences to the north and south. As a condition of approval staff recommends that said fence remain and be maintained. Staff opines that the applicant's request to permit the existing single-family residence setback 19.97' (25' required, 20' previously approved) from the front (east) property line is minimal and the .03' encroachment is most likely due to construction error.

Further, staff opines that the applicant's request for a 7% increase in lot coverage for a single-family residence is similar to an 8% increase in lot coverage granted in the surrounding area. Pursuant to Administrative Variance #2000000045, a residence located to the west at 16474 SW 75 Terrace was granted approval for a lot coverage of 48%, where 40% maximum is permitted by the Zoning Code. Staff opines that the 7% increase is minimal and similar to the previously mentioned approval. **As such, staff recommends approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

However, when analyzing request #5 under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff is of the opinion that the request is **incompatible** with the surrounding area, would be detrimental to the neighborhood and would negatively affect the appearance of the community. Staff notes that the approximately 220 sq. ft. existing gazebo encroaches 4.6' into the interior side (south) setback area and 1.6' into the rear (west) setback area, where 6' and 5' are required, respectively. Additionally, the gazebo is spaced 2.17' closer to the existing single family residence than permitted. Staff acknowledges that an existing 6' high wood fence is located along the interior side (south) and rear (west) property lines, which may provide a buffer for the gazebo building. Although the existing gazebo provides an outdoor amenity for the residents and their guests to enjoy, staff opines the encroachments into the rear and interior side setback areas are too intense and could have a negative visual and aural impact on the abutting single-family residences located to the south and west. **As such, staff recommends denial without of request #5 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

Staff opines that the approval of requests #1 through #4 would not be out of character with the surrounding area and is **compatible** with same; however, request #5 is **incompatible** based on the above analysis. **As such, staff recommends approval of requests #1 through #4 and denial without prejudice of request #5 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

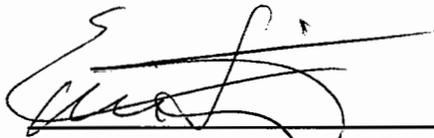
**OTHER:** Not applicable.

**RECOMMENDATION:** Approval with conditions of requests #1 - #4 and denial without prejudice of request #5.

**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, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Marilyn Delgado", prepared by Fernando Gomez-Pina and dated stamped received 12/3/12, consisting of 2 sheets, last handwritten revision dated 3/4/13. Except as herein modified to show the removal of the gazebo. 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 existing gazebo be removed prior to final permit approval.
4. That the use be established and maintained in accordance with the approved plan.
5. That the existing 6' high wood fence along the rear (west) and interior (south and north) property lines remain and be maintained and in the event that it is removed the applicant shall install an opaque 6' high fence or wall, or a hedge, 3' high at the time of planting, to grow to and be maintained at a height of 6' along the rear (west) and interior side (south) property lines as a visual buffer.

ES:MW:NN:CH:AN



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

NDN

## ZONING RECOMMENDATION ADDENDUM

Marilyn Delgado  
Z12-144

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation & Open Spaces	No objection
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><b>Low Density Residential (Pg. I-31)</b></p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low Density Residential</b>. 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. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. 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.</i></p>
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### PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></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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**1. MARILYN DELGADO**  
**(Applicant)**

**13-5-CZ11-1 (12-144)**  
**Area 11/District 11**  
**Hearing Date: 05/21/13**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1994	Heftler Realty	- Non-Use Variance's of set back, lot frontage and area coverage.	ZAB	Approved with condition(s)

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.

**Date:** January 9, 2013  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources   
**Subject:** C-11 #Z2012000144  
Marilyn Delgado  
7722 SW 163<sup>rd</sup> Court, Miami, Florida 33193  
Non-Use Variance to Permit Less Setbacks than Required.  
(RU-1) (0.145 Acres)  
32-54-39

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

Flood Protection:

The application site lies within a Special Flood Hazard Zone with a base flood elevation of 9 ft. NGVD as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 9.00 ft NGVD. The proposed addition as depicted in the zoning request for a variance of set backs appears to be a non-substantial improvement as defined in Chapter 11C of the Code. The survey included with this submittal does not state the elevations of the storage structures to be legalized. The applicant will be required to demonstrate the addition complies with the Code prior to approval of building permit plans.

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

The two storages and gazebo legalization will not affect the existing stormwater management system.

#### Wetlands

The subject property is located within the Bird Drive Wetlands Basin, in an area that normally contains wetlands. However, this property has already been included as part of a larger project, under Class IV Wetland Permit FW 87-110. All Class IV Wetland Permit requirements for this property have been completed under the previously issued permit.

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

#### Tree Preservation

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

#### Enforcement History

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

#### Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

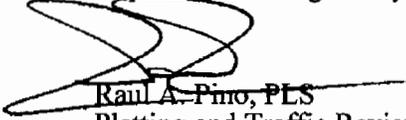
cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** January 15, 2013

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

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

**Subject:** Z2012000144  
Name: Marilyn Delgado  
Location: 7722 SW 163 Court  
Section 32 Township 54 South Range 39 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 18, Block 25 of Plat Book 147, Page 53.

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

# Memorandum



**Date:** January 13, 2013

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

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

**Subject:** # Z12-144  
Marilyn Delgado

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

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

# Z12-144  
**Marilyn Delgado**

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

**Size:** The subject property is approximately .14 acres.

**Location:** The subject property is located at 7722 SW 163<sup>th</sup> Court in Miami-Dade County, Florida.

**Analysis:**

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

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

3. Recycling

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

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

#### 4. Waste Storage/Setout Considerations

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

#### 5. Site Circulation Considerations

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

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

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

# Memorandum



**Date:** December 21, 2012

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

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

**Subject:** Z2012000144: MARILYN DELGADO

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**Application Name:** MARILYN DELGADO

**Project Location:** The site is located at 7722 SW 163 CT, Miami-Dade County.

**Proposed Development:** The request is approval for a setback less than required for an accessory building to an existing single family residence.

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** 07-JAN-13  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** William W. Bryson, Fire Chief.  
Miami-Dade Fire Rescue Department  
**Subject:** Z2012000144

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**Fire Prevention Unit:**

Not applicable to MDRF site requirements.

**Service Impact/Demand**

Development for the above Z2012000144  
located at 7722 SW 163 CT, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1738 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 5:04 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
Station 56 - West Sunset - 16250 SW 72 Street  
Rescue, ALS Engine Haz Mat Support

**Planned Service Expansions:**

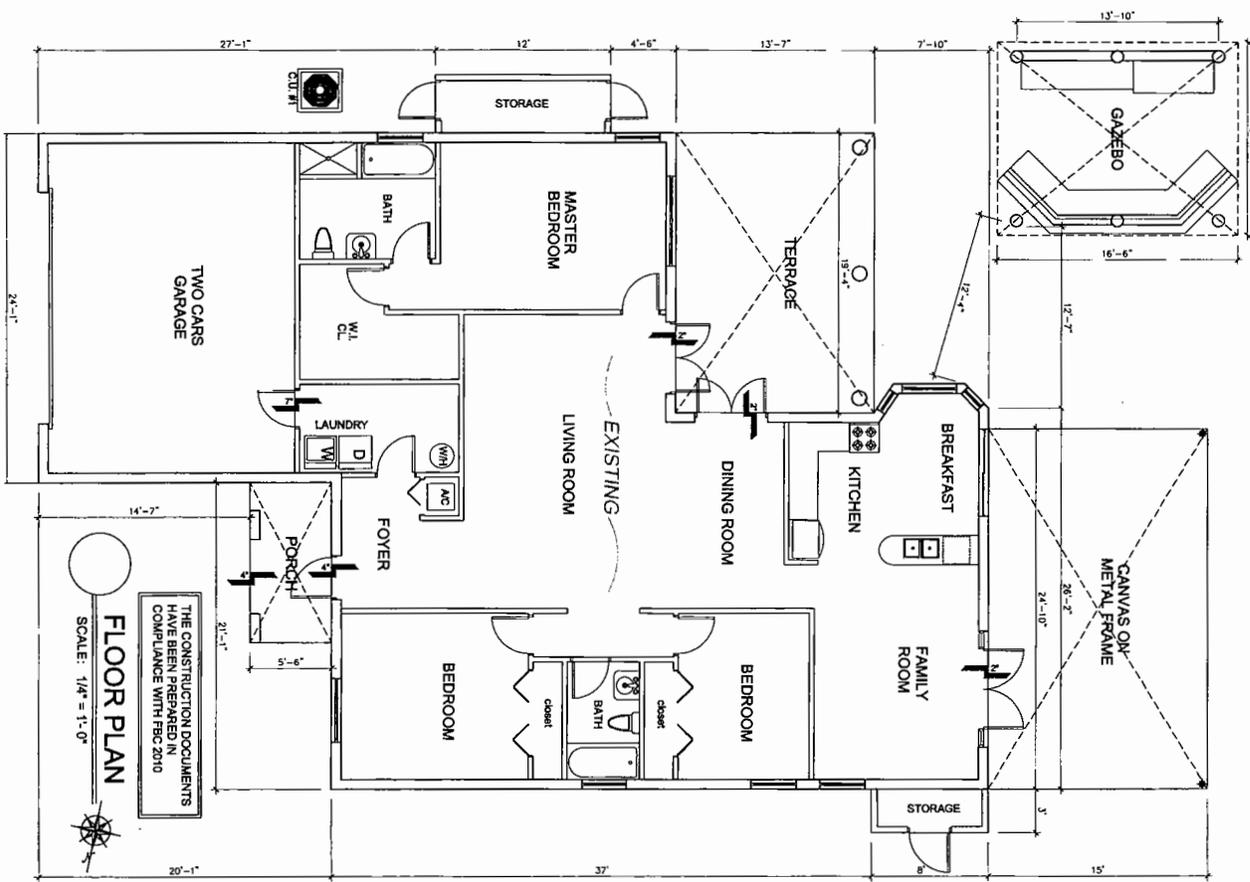
The following stations/units are planned in the vicinity of this development:  
None.

**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.





**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

THE CONSTRUCTION DOCUMENTS  
HAVE BEEN REVIEWED  
FOR COMPLIANCE WITH FBC 2010

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY *for F.P.*

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ZONING INFORMATION			
NET LOT AREA	6300 SQ. FT.		
BUILDING AREA	2114 SQ. FT.		
PAVING AREA	1600 SQ. FT.		
TOTAL	9914 SQ. FT.		
LOT COVERAGE - NET LOT A	= 34.1% - 7%		

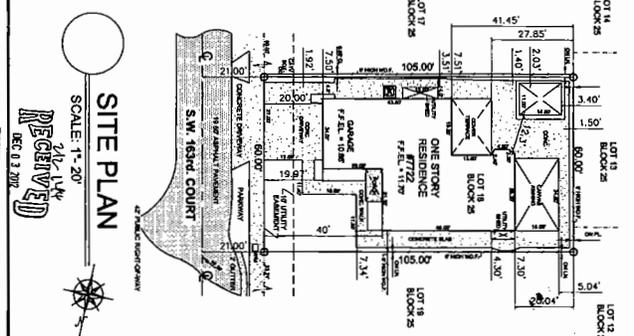
SET BACKS			
FRONT	20'	18.4'	
REAR	25'	4.5'	
SIDE (S)	7.5'	3.8'	

SET BACKS - GAZEBO			
REAR	5'	3.4'	
SIDE (S)	7.5'	2.0'	

Use the following table to indicate any objections to these plans, which are being submitted for an Administrative Adjustment Application.

Objection	Response

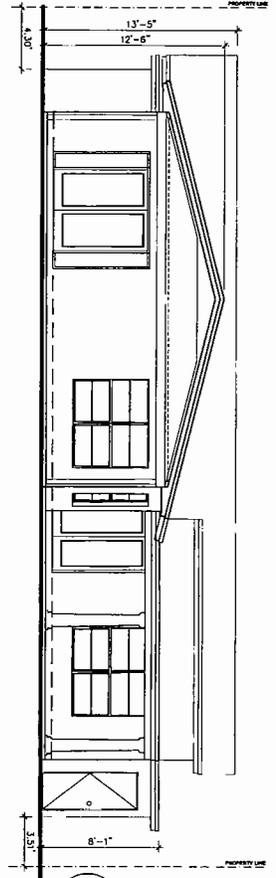


**SITE PLAN**  
SCALE: 1" = 20'

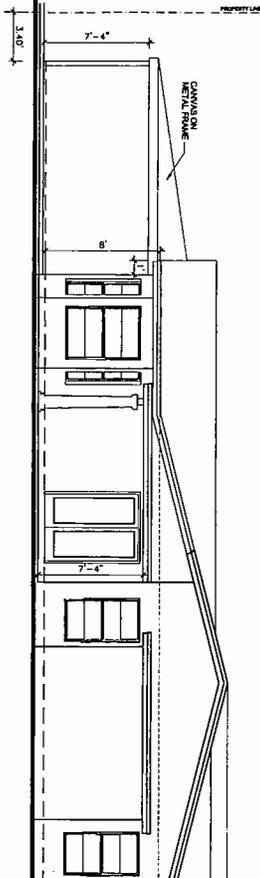
**LEGAL DESCRIPTION:**  
THE PART DESCRIBED IS A CERTAIN PART OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND WORK AND ALL OTHER EXISTING CONDITIONS PRIOR TO COMMENCING ANY WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
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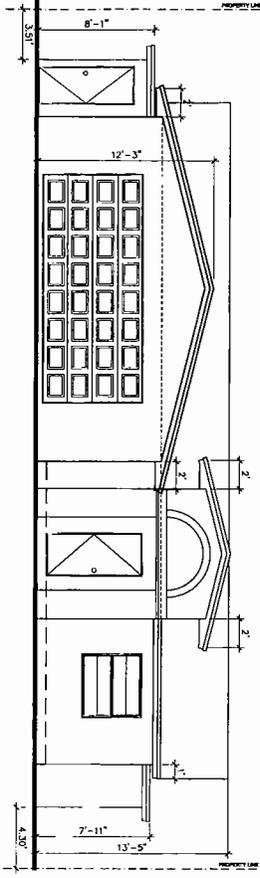
	<b>AS BUILT PLANS FOR ZONING PURPOSES ONLY FOR</b> <b>MARILYN DELGADO</b> 7722 SW 183rd COURT MIAMI, FL 33183	<b>FERNANDO GOMEZ-PINA, P.E.</b> CONSULTING ENGINEER P. E. No. 14710 (CIVIL) 250 CATALONIA AVE., #154 CORAL GABLES, FL 33134 TEL: (305) 461-2168 FAX: (305) 461-2238 FIDUCIARY@FERNANDEZPINA.COM
	<b>REVISIONS:</b> THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF FERNANDO GOMEZ-PINA, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.	Project No: _____ Date: _____



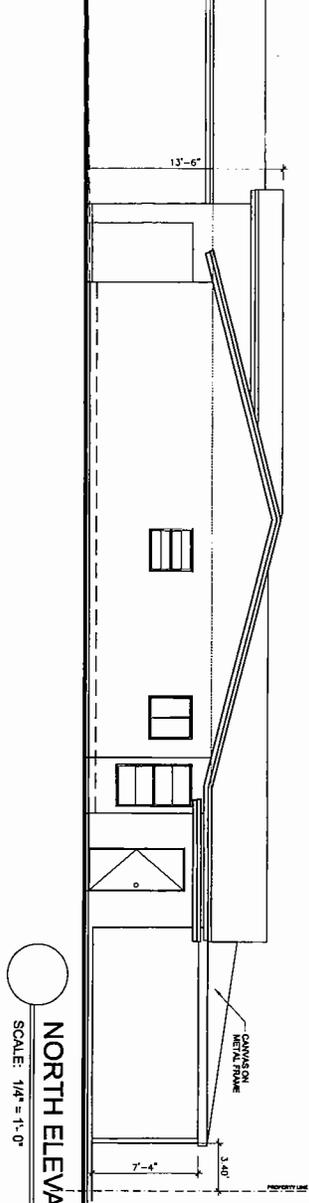
**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



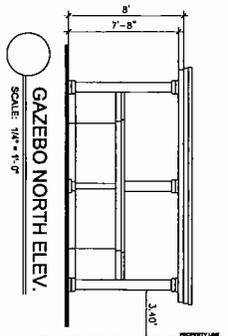
**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



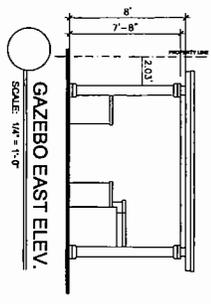
**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**GAZEBO NORTH ELEV.**  
SCALE: 1/4" = 1'-0"

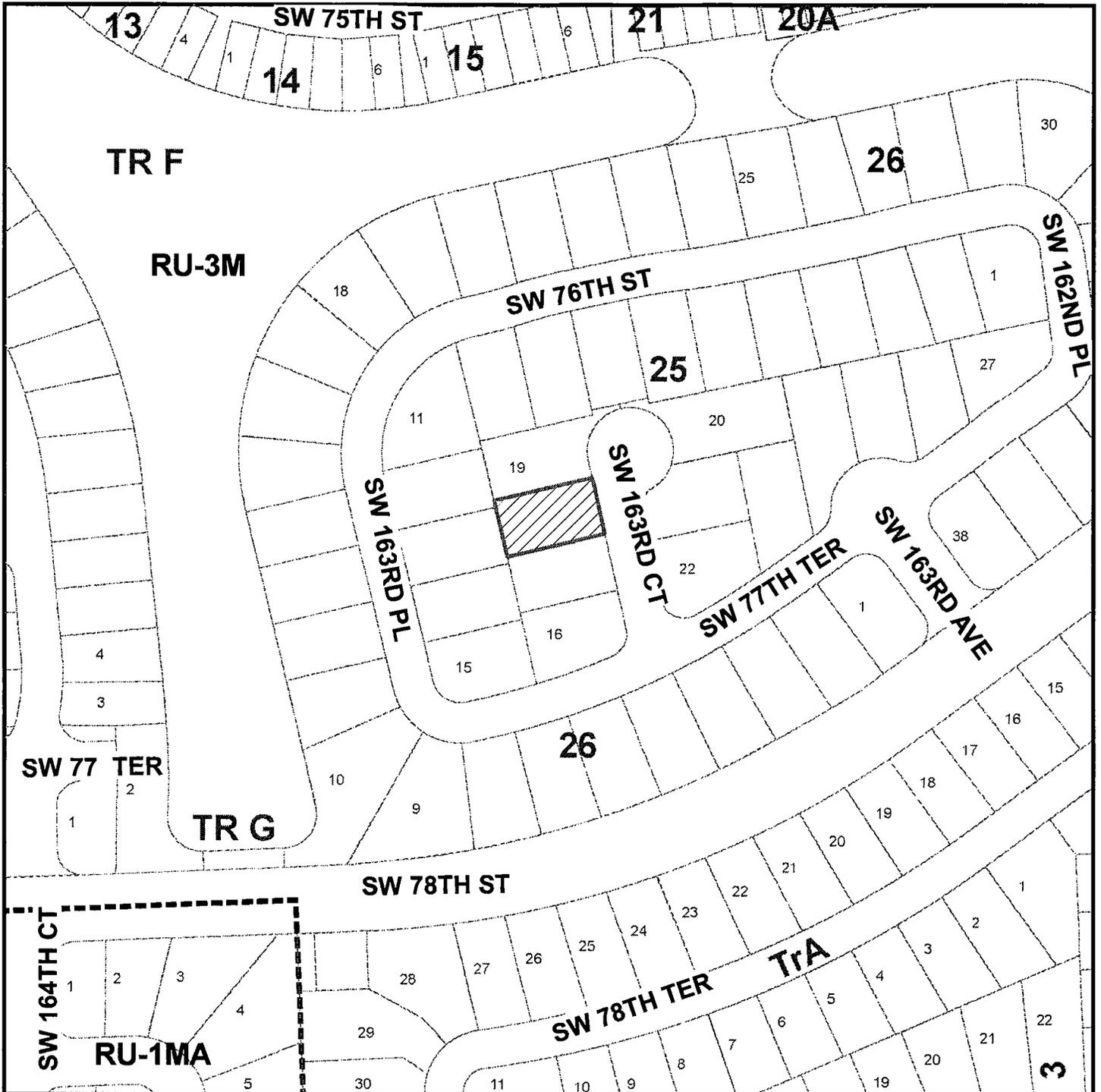


**GAZEBO EAST ELEV.**  
SCALE: 1/4" = 1'-0"

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DEC 03 2012  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY *for P.E.*

RECEIVED  
DEC 03 2012  
743-1144

SHEET NO. <b>A-2</b> OF	THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF FERNANDO GOMEZ-PINA, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.	REVISIONS	PROJECT TITLE <b>AS BUILT PLANS FOR ZONING PURPOSES ONLY FOR MARILYN DELGADO</b>	<b>FERNANDO GOMEZ-PINA, P.E.</b> CONSULTING ENGINEER FL. P.E. No 14710 (C.V.L.) 235 CATALINA AVE #204 CORAL GABLES, FL 33134 TEL: (305) 461-2188 FAX (305) 461-2238 FOO@DPMGARCHITECT.COM
		DESCRIPTION Project No. Date: Drawn by: Checked by: Approved by: F.A.S. SEAL	7722 SW 183rd COURT MIAMI, FL 33193	



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

Process Number

**Z2012000144**



Section: 32 Township: 54 Range: 39  
 Applicant: MARILYN DELGADO  
 Zoning Board: C11  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Tuesday, December 18, 2012

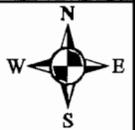
REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2012**

Process Number

**Z2012000144**



Section: 32 Township: 54 Range: 39  
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 Zoning Board: C11  
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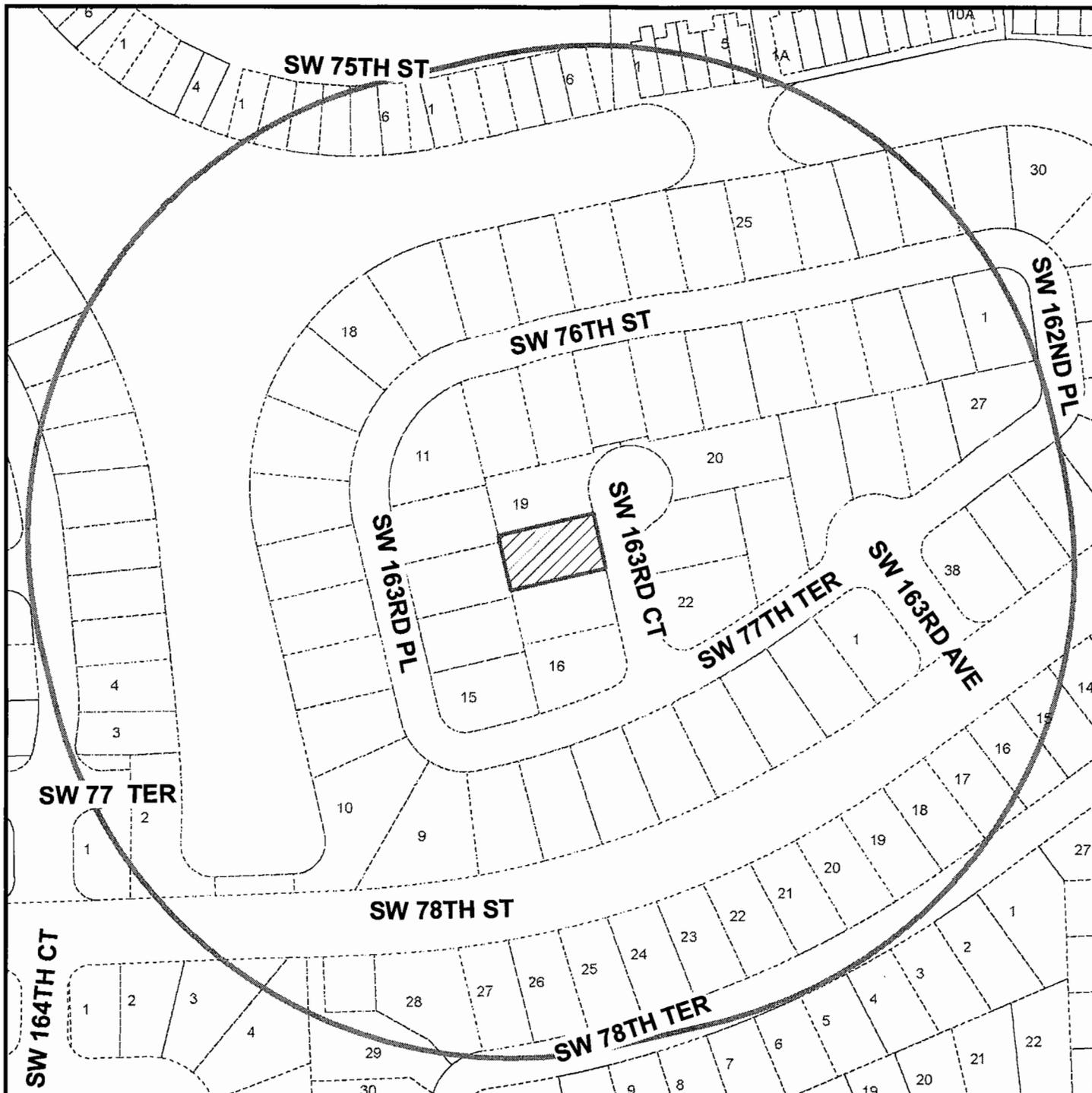
**Legend**

 Subject Property



SKETCH CREATED ON: Tuesday, December 18, 2012

REVISION	DATE	BY
		19



**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 32 Township: 54 Range: 39  
 Applicant: MARILYN DELGADO  
 Zoning Board: C11  
 Commission District: 11  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number

**Z2012000144**

RADIUS: 500



**Legend**

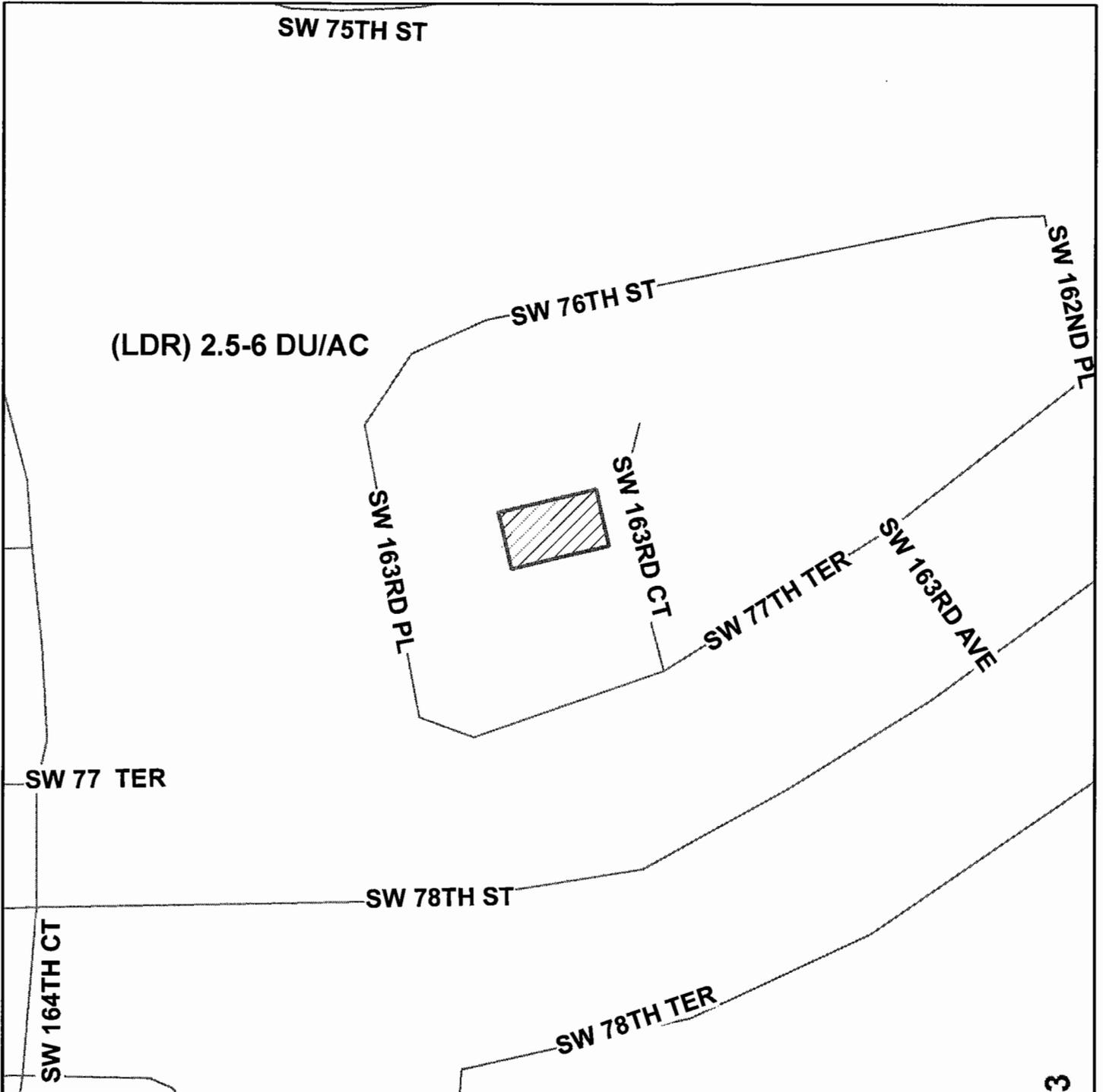
 Subject Property

 Buffer



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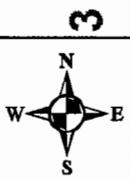
**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2012000144**

Section: 32 Township: 54 Range: 39  
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**Legend**

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