

# KITS

12-17-2008 Version # 2



**COMMUNITY ZONING APPEALS BOARD 14**  
**SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)**  
**10710 SW 211 Street, Miami**  
**Wednesday, January 14, 2009 at 6:00 p.m.**

**CURRENT**

- |    |             |                               |        |          |   |
|----|-------------|-------------------------------|--------|----------|---|
| 1. | 09-1-CZ14-1 | CARMEN R. AND JORGE A. CONCHA | 08-151 | 31-55-40 | N |
| 2. | 09-1-CZ14-2 | RAMIRO & MIRNA RAMIREZ        | 08-161 | 02-56-39 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

---

COMMUNITY ZONING APPEALS BOARD - AREA 14

MEETING OF WEDNESDAY, JANUARY 14, 2009

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

---





**1. CARMEN R. AND JORGE A. CONCHA**  
**Applicant)**

**09-1-CZ14-1 (08-151)**  
**Area 14/District 9**  
**Hearing Date: 1/14/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<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>
				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.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

**APPLICANTS:** Carmen R. and Jorge A. Concha

**PH:** Z08-151 (09-1-CZ14-1)

**SECTION:** 31-55-40

**DATE:** January 14, 2009

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 1

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) Applicants are requesting to permit a chickee hut setback 46' (75' required) from the front (north) property line and setback 4' (20' required) from the side street (east) property line and spaced 0' (10' required) from the residence.
- (2) Applicants are requesting to permit a decorative fountain setback 5' (75' required) from the front (north) property line and setback 8.5' (20' required) from the side street (east) property line.
- (3) Applicants are requesting to permit a roofed structure setback 12.75' (20' required) from the side street (east) property line and spaced 6.25' (10' required) from another roofed structure.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Tikki-Hut Addition Legalization for: Jorge and Carmen Concha," as prepared by Nestor J. Cifuentes and dated stamped received 9/16/08 and consisting of 2 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants seek to permit an existing chickee hut, an existing fountain and an existing roofed structure setback less than required from property lines and, in the case of the chickee hut and the roofed structure, spaced less than required from the principal residence or another accessory structure.

o **LOCATION:** 11500 SW 179 Terrace, Miami-Dade County, Florida

o **SIZE:** 104.39' x 84'

o **IMPACT:**

The approval of these existing structures would allow the applicants the maintenance and continued use of a covered outdoor living area and outdoor visual amenities for the residents to utilize and enjoy; however, the encroachment into the front and side-street

setback areas on the site could have a negative visual impact on adjacent properties, as well as create a trend of overdevelopment on single-family lots in this area.

**B. ZONING HEARINGS HISTORY:** None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property located approximately 3.25 miles east of and within the Urban Development Boundary (UDB) for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SURROUNDING PROPERTY:

NORTH: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

EAST: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

WEST: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is a corner lot located at 11500 SW 179 Terrace in an established residential enclave, approximately 3.25 miles east of and within the UDB. The subject property is surrounded primarily by single-family residences.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Unacceptable**

Landscape Treatment:

**Unacceptable**

Open Space:

**N/A**

Buffering:

**Acceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**N/A**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings.** The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and

11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six (6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and

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

21. the proposed development will meet the following:

- A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
- B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
- C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
- D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
- E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
- 4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

**(h) Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including

improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;
- B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

## H. ANALYSIS:

The subject property is a corner lot located at 11500 SW 179 Terrace in an established residential enclave, approximately 3.25 miles east of and within the UDB. The site, zoned RU-1, Single-family Residential District, is currently improved with a one-story single-family residence. The subject property has an existing chickee hut addition, an existing fountain and an existing roofed structure, all of which are non-conforming, with encroachments into the front (north) and side-street (east) setbacks, and in the case of the chickee hut and the roofed structure, spaced less than required from other structures on the property. The applicants, through this application, seek to legalize the aforementioned structures. As such, the applicants are requesting to permit a chickee hut setback 46' from the front (north) property line, setback 4' from the side street (east) property line and spaced 0' from the residence (request #1) and to permit a decorative fountain setback 5' from the front (north) property line and setback 8.5' from the side street (east) property line (request #2). Additionally, the applicants seek to permit a roofed structure setback 12.75' from the side street (east) property line and spaced 6.25' from another roofed structure (request #3). The RU-1 zoning district regulations requires accessory structures to have a minimum front setback of 75', a minimum side street setback of 20' and the minimum spacing between structures to be 10'. Plans submitted by the applicants depict the aforementioned existing conditions. The plans also show the single-family residence on the corner lot with the rear yard entirely enclosed by a 6' high wood fence along the interior side (west) and rear (south) property lines as well as a 6' high metal fence with gates along the side street (east) property line. Said plans also show a roofed structure located in the rear southwest corner of the property that is slated to be removed. Pictures by the applicant depict an abundance of landscaping throughout the property comprised of palms and shrubbery with the fountain providing a focal point for the landscaping in the northeast quadrant of the subject property.

The Department of Environmental Resources Management (**DERM**) and the Public Works Department (**PWD**) have **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also **does not object** to this application.

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The requests found within this application will not create additional units on the subject property. As such, the RU-1 zoned, single-family residence is **consistent** with the Low Density Residential designation as shown on the LUP map of the CDMP. However, staff opines that the proposal and the legalization of the additions are an over utilization of the site and are **incompatible** with the single-family residences found in the area.

When analyzing requests #1 and #3 under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that these requests do not maintain 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. As such, staff maintains that the requests will be **incompatible** with the surrounding land uses and would be detrimental to the community. Staff is of the opinion that the requests will negatively impact the surrounding properties individually or combined, as they are too intensive when compared to other approvals for variances in the surrounding area. Staff has researched the zoning history of adjacent properties and notes that other approvals have been granted in the area for rear and side setback variances for single-family residences. However, staff's research did not indicate any other similar approvals as that requested for side street setbacks within the residential neighborhood surrounding the subject property. Further, the requests for setback

variances identified in the surrounding area did not, in staff's opinion, reach the level of intensity as that requested in request #1. Although the request for a variance to the regulations governing side street setbacks for the roofed structure (request #3) was to only allow a 7.25' (12.75' setback) encroachment, the requested variance of a 4' setback for the chickee hut is a 16' encroachment. Staff opines that combined these encroachments are overly intensive and are further exacerbated by the additional requests to permit 0' (10' required) spacing from the primary structure as well as a front setback of 46' (75' required) for the chickee hut and a 6.25' (10' required) spacing from another roofed structure for the aforementioned roofed structure. Staff's research of surrounding properties identified a property located on SW 182 terrace, located to the south of the subject property, that received approval to allow a reduced spacing of 6.42' for accessory buildings along with variances to allow the residence setback 19.67 (25' required) from the front property line and a 6.87' (7.5' required) setback for a shed, pursuant to Administrative Variance #V05-045. However, when examined closely, the requests approved in Administrative Variance #V05-045, were not as intensive as the requests contained in this application. Although the requested spacing for the roofed structure is less than that approved for the shed in the aforementioned example, staff opines that the combined impact generated by the encroachments and spacing of the structures in requests #1 and #3 cannot be sufficiently mitigated and are a substantial overutilization of the site which is **incompatible** with the area. As such, staff recommends denial without prejudice of requests #1, and #3 under the Non-Use Variance Standards (NUV).

When request #2, to permit a decorative fountain setback 5' (75' required) from the front (north) property line and setback 8.5' (20' required) from the side street (east) property line, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the approval with conditions of this request would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. Although the decorative fountain, like the previously mentioned chickee hut and roofed structure, encroaches into the front and side street setbacks, staff opines that the 13' in diameter and approximately 6' high decorative structure provides a minimal visual intrusion on the surrounding properties. Pictures submitted by the applicants along with the submitted plans depict the fountain located in the northeast quadrant of the lot amidst an array of palms and shrubbery. As such, staff opines that the fountain along with the surrounding landscaping provides a welcome visual enhancement at the east entrance to this block of houses that will not have a negative impact on the surrounding residences. However, staff would recommend as conditions for approval of request #2 that both of the aforementioned violations, the chickee hut (request #1) and the roofed structure referred to in request #3, be removed prior to final inspections for the required building permits for the existing fountain. Staff therefore opines that the approval of the fountain would not be too intensive for the site subject to the aforementioned conditions. Staff, therefore, recommends approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV).

When analyzing the application under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would be required to prove that the requests are due to unnecessary hardship and that should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of the application under Section 33-311(A)(4)(c) (ANUV).

When analyzing the application under the Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), staff notes that the ASDO Standards provide for the approval of a zoning application which can demonstrate at a public hearing that the development

requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicants have not provided staff with the documentation required for analysis of the requests under the ASDO Standards. As such, the requests cannot be approved under same and, therefore, staff recommends denial without prejudice of the application under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff opines that, subject to the recommended conditions, modified approval of this application is **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP. Staff therefore recommends approval with conditions of request #2 under Section 33-311(A)(4)(b), denial without prejudice of requests #1 and #3 under same, and denial without prejudice of requests #1 through #3 under Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

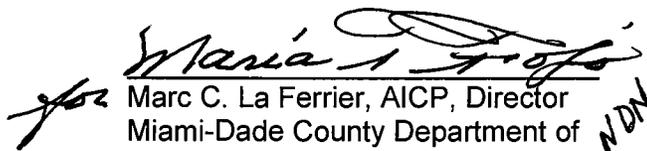
**I. RECOMMENDATION:** Approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of requests #1 and #3 under same and denial without prejudice of requests #1 through #3 under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

**J. CONDITIONS:** (For request #2 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion, said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing to the Department of Planning and Zoning entitled "Tikki-Hut Addition Legalization for: Jorge and Carmen Concha," as prepared by Nestor J. Cifuentes and dated stamped received 9/16/08 and consisting of 2 sheets, except as herein modified to show the removal of the chickee hut and the roofed structure that encroaches into the side street (east) setback. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant apply for and secure a building permit for any non-permitted additions or structures from the Building Department within 120 days of the expiration of the appeal period for this zoning hearing application, unless a time extension is granted by the Director of the Department of Planning and Zoning for good cause shown.

**DATE INSPECTED:** 11/25/08  
**DATE TYPED:** 11/24/08  
**DATE REVISED:** 11/26/08, 12/4/08  
**DATE FINALIZED:** 12/15/08

MCL:MTF:NN:AA:CH

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

# Memorandum

**Date:** September 2, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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



**Subject:** C-14 #Z2008000151  
Carmen and Jorge A. Concha  
11500 S.W. 179<sup>th</sup> Terrace  
Request to Permit an Addition that Exceeds Setback Requirements  
(RU-1) (0.2 Acres)  
36-55-39

---

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

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

#### Concurrency Review Summary

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

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

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

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

**Date:** March 8, 2006  
**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning  
  
**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

---

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department  
  
Raul A. Pino, P.L.S., Chief  
Land Development Division  
  
Leandro Rodriguez

# Memorandum



**Date:** 28-AUG-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000151

**Fire Prevention Unit:**

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

**Service Impact/Demand:**

Development for the above Z2008000151  
 located at 11500 S.W. 179 TERRACE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2173 is proposed as the following:

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

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

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 52 - South Miami Hgts - 12105 Quail Roost Drive  
 Rescue, ALS Tanker

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

CARMEN R. AND JORGE A.  
CONCHA

11500 S.W. 179 TERRACE, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000151

---

**HEARING NUMBER**

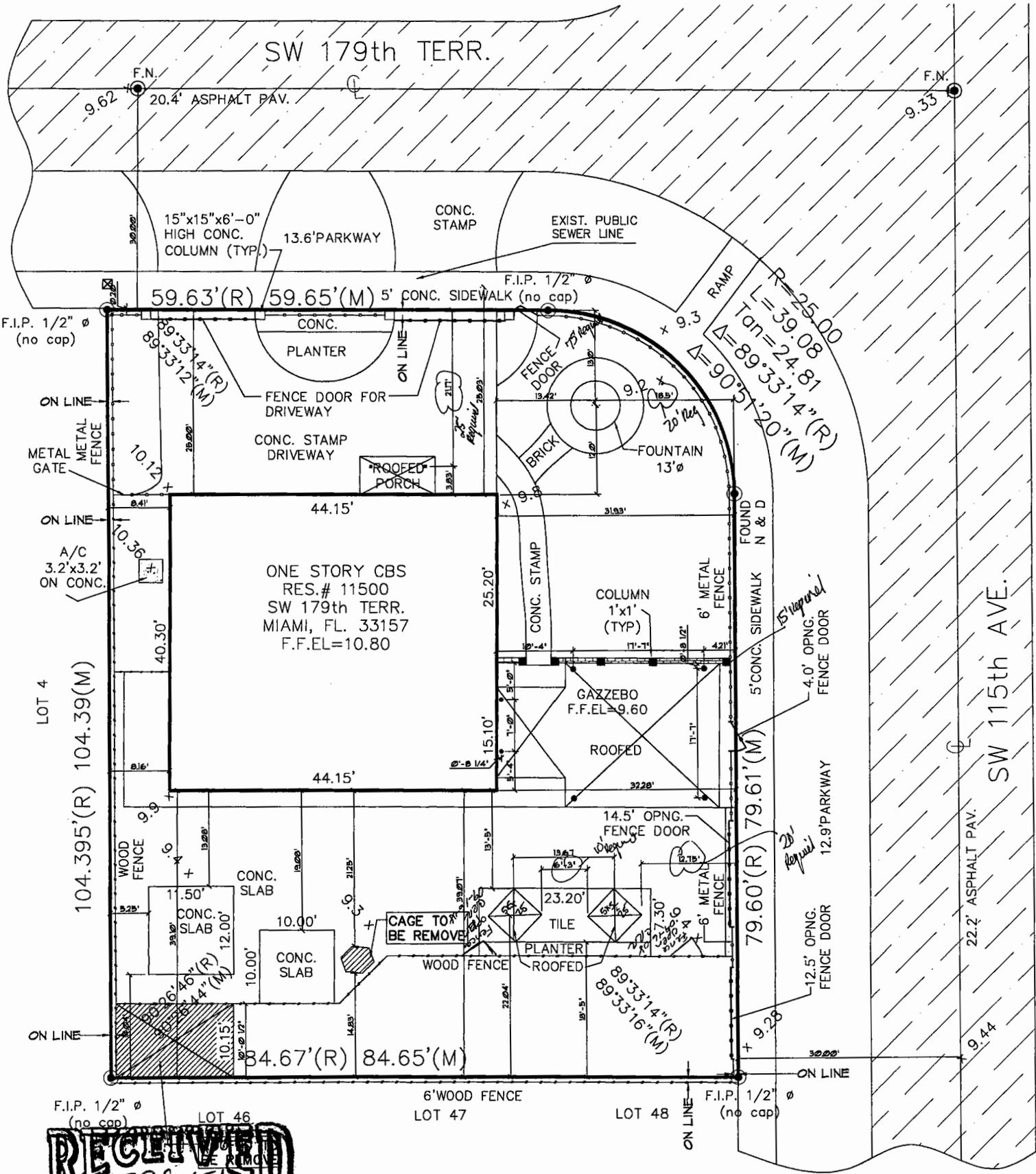
### CURRENT ENFORCEMENT HISTORY:

12-04-08 No Violation observed at this location.

Maria Panizo

60' TOTAL R/W

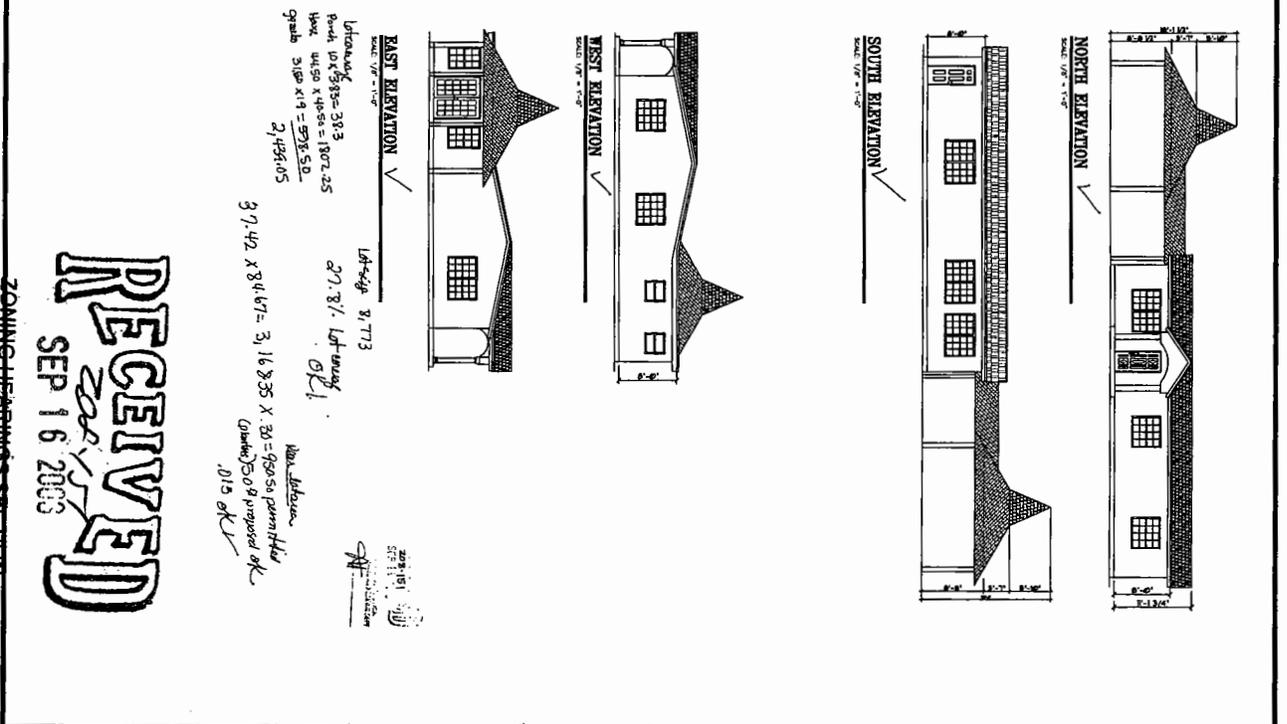
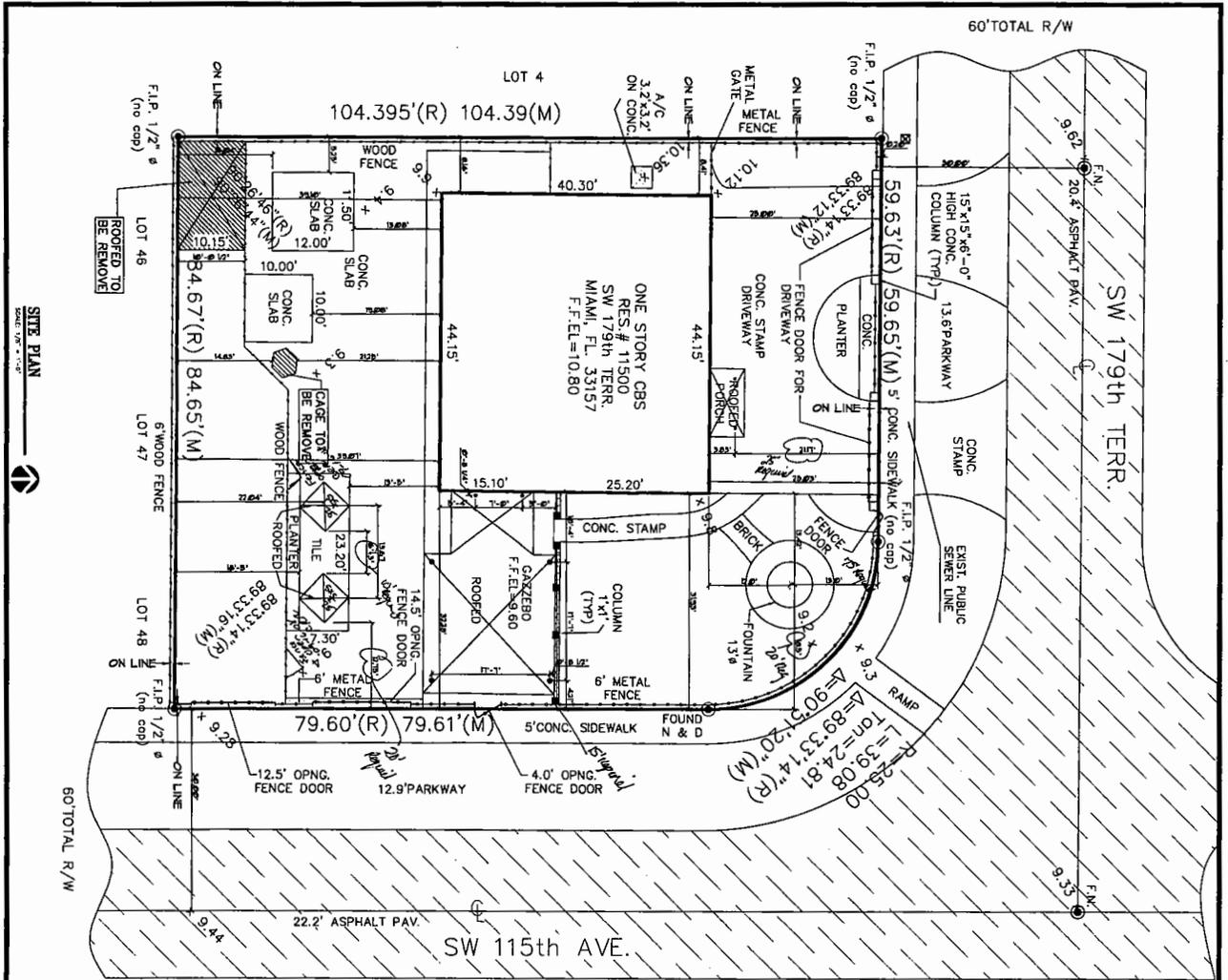
SW 179th TERR.



RECEIVED  
 208-151  
 SEP 16 2008

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

ENLARGED SITE PLAN



**RECEIVED**  
SEP 16 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

PROJECT NO.	11500
DATE	08/11/03
DESIGNER	...
APPROVED BY	...
DATE	...

**SITE & FLOOR PLAN**

**TIKKI-HUT ADDITION**  
LEGALIZATION FOR: JORGE & CARMEN CONCHA

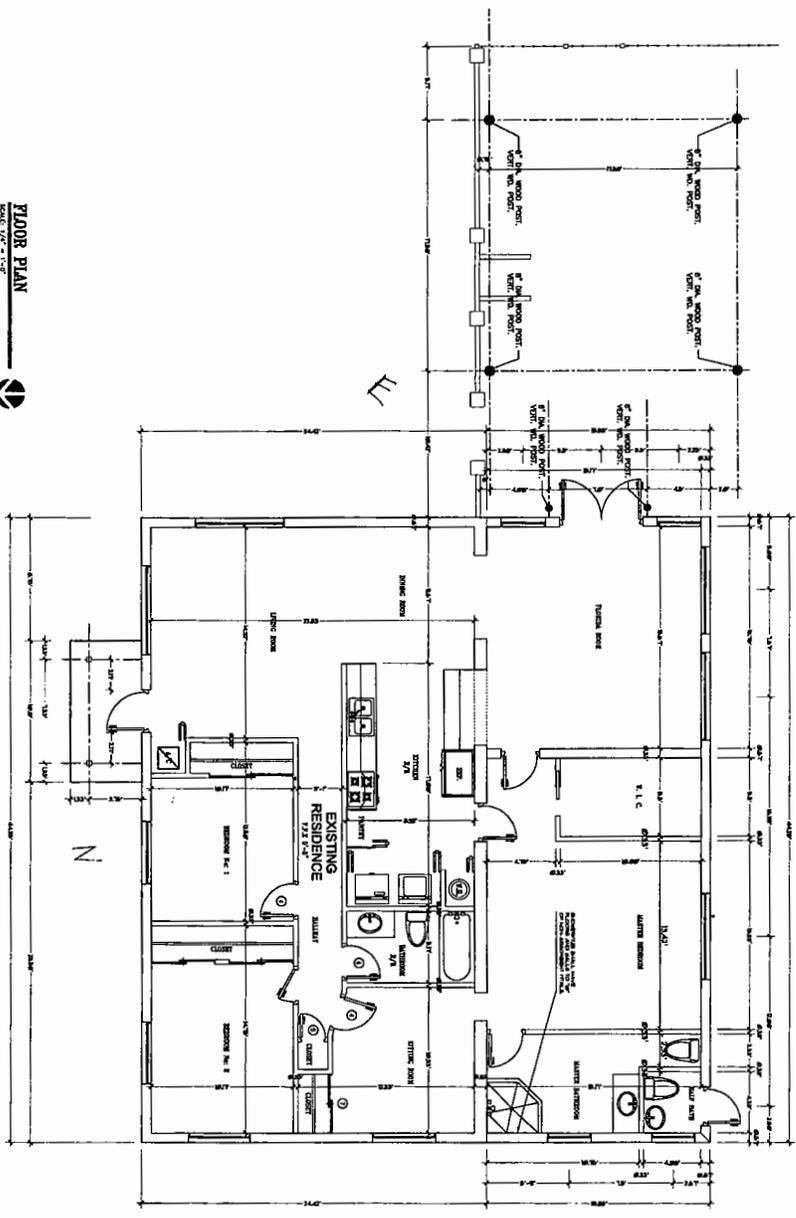
11500 S.W. 179th TERR  
MIAMI, FLORIDA. 33157

Project Title: TIKKI-HUT ADDITION  
Project No.: 11500

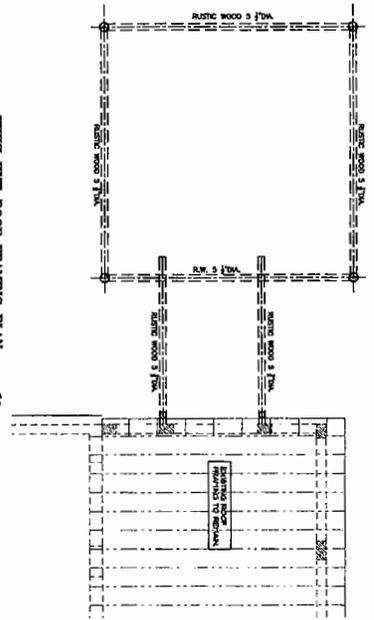
8000 SW 23 TERR.  
Miami, Florida 33156  
PH: 305-554-9654

16

5



**FLOOR PLAN**  
SCALE 1/8" = 1'-0"



**TIKKI HUT ROOF FRAMING PLAN**  
SCALE 1/8" = 1'-0"

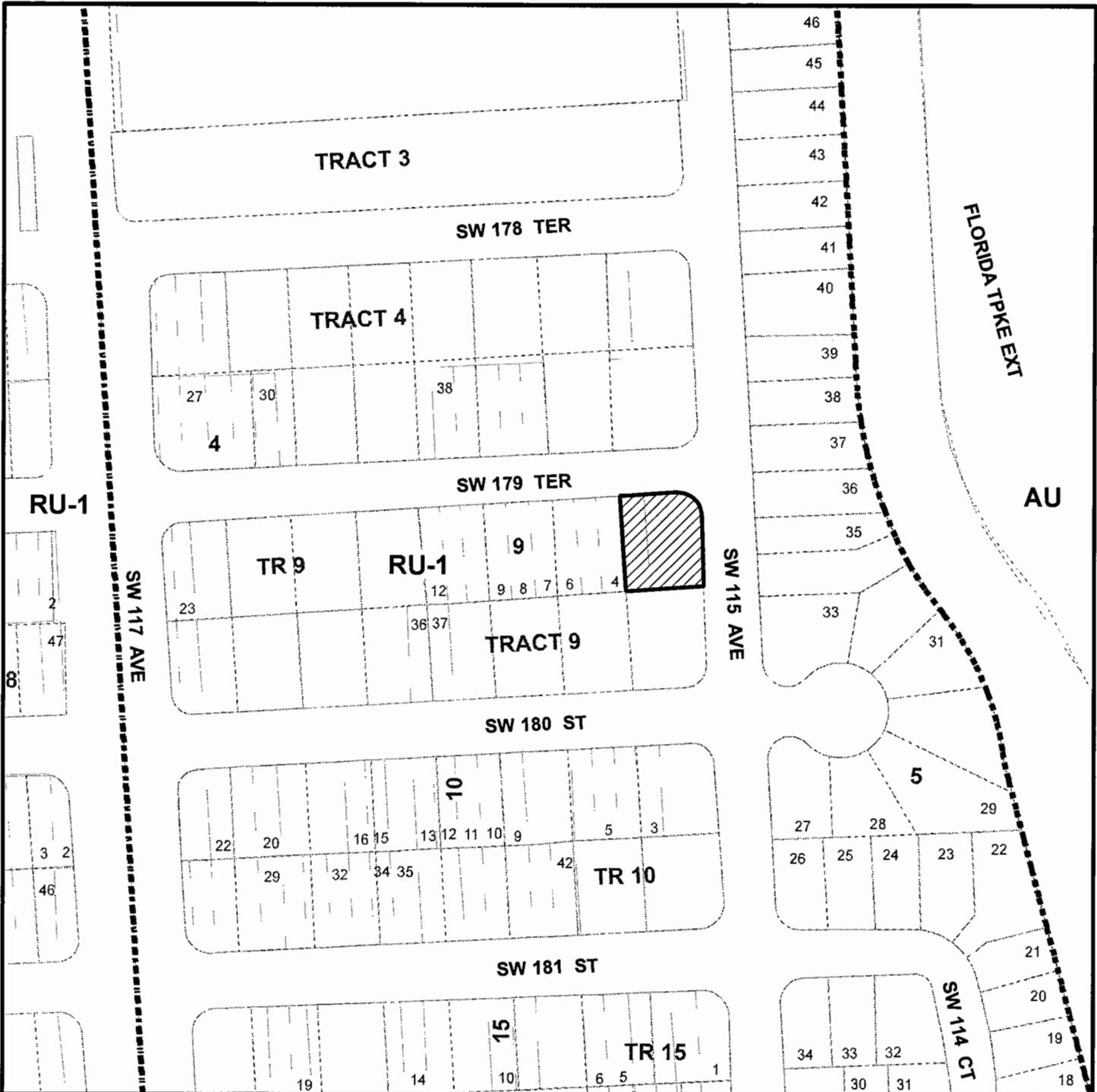
**RECEIVED**  
SEP 16 2008  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

*Handwritten signature and initials*

SHEET NO. S-2	PROJECT NO. 07-28-08	DATE 07-28-08	DRAWN BY [Name]	CHECKED BY [Name]	APPROVED BY [Signature]	TITLE N.L.C.	REVISIONS 1. [ ] 2. [ ] 3. [ ]	PROJECT TITLE <b>FLOOR PLAN &amp; ROOF FRAMING PLAN</b>	PROJECT TITLE <b>TIKKI-HUT ADDITION LEGALIZATION FOR: JORGE &amp; CARMEN CONCHA</b>	ARCHITECT <b>MBRISTOR J. CERVANTES</b> 8000 SW 33 TER. MIAMI, FLORIDA 33155 PH: 305-554-8634 Mobile: 305-554-8634 # 204075 E.
							11500 S.W. 179th TERR MIAMI, FLORIDA. 33157			

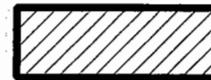
17



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-151**

Section: 31 Township: 55 Range: 40  
 Applicant: CARMEN R. AND JORGE A. CONCHA  
 Zoning Board: C14  
 Commission District: 09  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/26/08

REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2008**

Section:31 Township: 55 Range: 40  
 Applicant: CARMEN R. AND JORGE A. CONCHA  
 Zoning Board: C14  
 Commission District: 09  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-151**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/26/08

REVISION	DATE	BY

**2. RAMIRO & MIRNA RAMIREZ**  
**Applicant)**

**09-1-CZ14-2 (08-161)**  
**Area 14/District 8**  
**Hearing Date: 1/14/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<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>
2005	Grec Homes II, Inc.	Non-Use variances lot coverage and setbacks.	CZAB-14	Approved w/conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

**APPLICANTS:** Ramiro & Mirna Ramirez

**PH:** Z08-161 (09-1-CZ14-2)

**SECTION:** 2-56-39

**DATE:** January 14, 2009

**COMMISSION DISTRICT:** 8

**ITEM NO.:** 2

=====

=

**A. INTRODUCTION**

o **REQUEST:**

Applicants are requesting to permit a gazebo for a single-family residence setback 7'8" (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of this request may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled, "Ramiro Ramirez Gazebo," as prepared by A.M. Julien & Associates, dated stamped received 10/17/08 and consisting of 1 sheet. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

The applicants are seeking to permit an existing gazebo addition encroaching into the interior side (south) setback area.

o **LOCATION:**

19930 S.W. 129 Avenue, Miami-Dade County, Florida.

o **SIZE:** 100' x 150.06'

o **IMPACT:**

The approval of this request would allow the applicants the maintenance and continued use of a covered entertainment area. However, the 145.09 sq. ft. gazebo may have a negative visual and aural impact on adjacent properties.

**B. ZONING HEARINGS HISTORY:**

The subject property was part of a tract of land within a residential development that was granted a variance of lot coverage for some lots ranging from 30.195% to 32.3% and to

allow one lot a setback variance of 13.06', pursuant to Resolution #CZAB14-21005, adopted in July 2005. The aforementioned variances did not however include the subject property.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property located approximately **.75 of a mile east of and within the Urban Development Boundary (UDB)**, which is SW 137 Avenue along this portion of Miami-Dade County. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Estate Density Residential** use. 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.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

EU-M; Single-Family Residence

Estate Density Residential, 1 to 2.5 dua

**Surrounding Properties:**

**NORTH:** EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

**SOUTH:** EU-M; single-family residence

Estate Density Residential, 1 to 2.5 dua

**EAST:** EU-1; single-family residence

Estate Density Residential, 1 to 2.5 dua

**WEST:** EU-M; single-family residences

Estate Density Residential, 1 to 2.5 dua

The subject property is located at 19930 SW 129 Avenue within an established single-family residential development.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable\***

Landscape Treatment:

**Acceptable**

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**Acceptable**

Visibility/Visual Screening:

**N/A**

\*Subject to conditions

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and

9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
  - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
  - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
  - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
  - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
  - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (g) Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
  1. will result in a significant diminution of the value of property in the immediate vicinity; or
  2. will have substantial negative impact on public safety due to unsafe automobile

movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or

3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

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

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;
- B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations.**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**H. ANALYSIS:**

The subject property is developed with an existing single-family residence located at 19930 SW 129 Avenue, approximately **.75 of a mile east of and within the Urban Development Boundary (UDB)**. The EU-M, Single-Family Modified Estate Residential Zoning District, requires an interior side setback of 20'. The applicants are requesting to permit an existing 145.09 sq. ft. gazebo addition to the single-family residence setback 7'8" from the interior side (south) property line. Plans submitted by the applicants depict the abovementioned request. Said plans as well as photographs submitted by the applicants depict an opaque metal fence that surrounds the entire property. Single-family residences characterize the surrounding properties.

The Department of Environmental Resources Management (**DERM**) has **no objection** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works** and **Miami-Dade Fire Rescue (MDFR) Departments** also **have no objections** to this application.

Approval of this application will allow the applicants the maintenance and continued use of a gazebo addition, which will provide a covered outdoor amenity for the residents and their guests. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Estate-Density Residential** use, which allows a minimum of 1 to a maximum of 2.5 dwelling units per gross acre. This application will not generate any additional housing units. As such, the existing single-family residence is **consistent** with the Low-Density Residential designation as shown in the LUP map of the CDMP.

When analyzing the applicants' request to permit an existing gazebo addition setback 7'8" (20' required) from the interior side (south) property line under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the area. Approval of this request will allow the maintenance and continued use of an existing gazebo addition, which provides a covered outdoor amenity for the residents and their guests to enjoy. The existing gazebo addition has been designed, as depicted in the submitted plan, to match the architectural style and scale of the existing residence and, therefore, does not result in an obvious departure from the aesthetic character of the surrounding area. Staff further notes that similar requests were approved through hearings and through the Administrative Adjustment process within less than a ½ a mile of the subject property. For example, in 2006, pursuant to Administrative Variance #V06-134, a residence northwest of the subject property on SW 196 Street was approved for a request to permit a shed setback 15' from the interior side (east) property line, among other things. Additionally, in 1987, a residence located at the southwest corner of SW 128 Avenue and SW 193 Street was approved pursuant to Resolution #4-ZAB-304-87, to allow a gazebo setback 4' from the interior side (south) property line. Further, staff opines that the opaque metal fence enclosing the entire rear back yard of the subject property provides an adequate visual buffer for the encroachment into the setback. However, staff recommends that as a condition for the approval, that the gazebo remains open sided and thus, not enclosed in any manner except for approved insect screen materials. As such, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

When the applicants' request to permit an addition to a single-family residence setback 7'8" (20' required) from the interior side (south) property line is analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. Staff notes that said request does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, this application should be denied without prejudice under the ANUV Standards.

The Alternative Site Development Option (ASDO) Standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. Even so, the ASDO standards, which are articulated in Section 33-311(A)(14) require additional mitigation and documentation for approval thereunder. Staff has not received this information from the applicants and, as such, the request cannot be properly analyzed under the ASDO Standards and should be denied without prejudice under same.

Accordingly, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

**I. RECOMMENDATION:**

Approval with conditions under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(4)(c) (ANUV) and under Section 33-311(A)(14) (ASDO).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Ramiro Ramirez Gazebo," as prepared by A.M. Julien & Associates, dated stamped received 10/17/08 and consisting of 1 sheet. 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 gazebo addition remain open sided and thus, not enclosed in any manner except for approved insect screen materials.
5. That the applicants apply for and secure building permits for all non-permitted structures on the property from the Building Department within 120 days of the expiration of the appeal period for this public hearing application, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.

**DATE INSPECTED:** 11/26/08  
**DATE TYPED:** 11/24/08  
**DATE REVISED:** 11/25/08, 12/4/08  
**DATE FINALIZED:** 12/15/08  
MCL:MTF:NN:CI:CH

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

# Memorandum



**Date:** September 2, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

**Subject:** C-14 #Z2008000161  
Ramiro and Mirna Ramirez  
19930 S.W. 129<sup>th</sup> Avenue  
Request to Permit an Existing Addition that Exceeds Setback Requirements  
(EU-M) (0.34 Acres)  
02-56-39

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

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

#### Concurrency Review Summary

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

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

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

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

**Date:** March 8, 2006

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning



**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

---

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department

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

Leandro Rodriguez

# Memorandum



**Date:** 26-AUG-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000161

**Fire Prevention Unit:**

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

**Service Impact/Demand:**

Development for the above Z2008000161  
 located at 19930 S.W. 129 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 2235 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: 6:15 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 52 - South Miami Hgts - 12105 Quail Roost Drive  
 Rescue, ALS Tanker

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

RAMIRO & MIRNA RAMIREZ

19930 S.W. 129 AVENUE, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000161

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

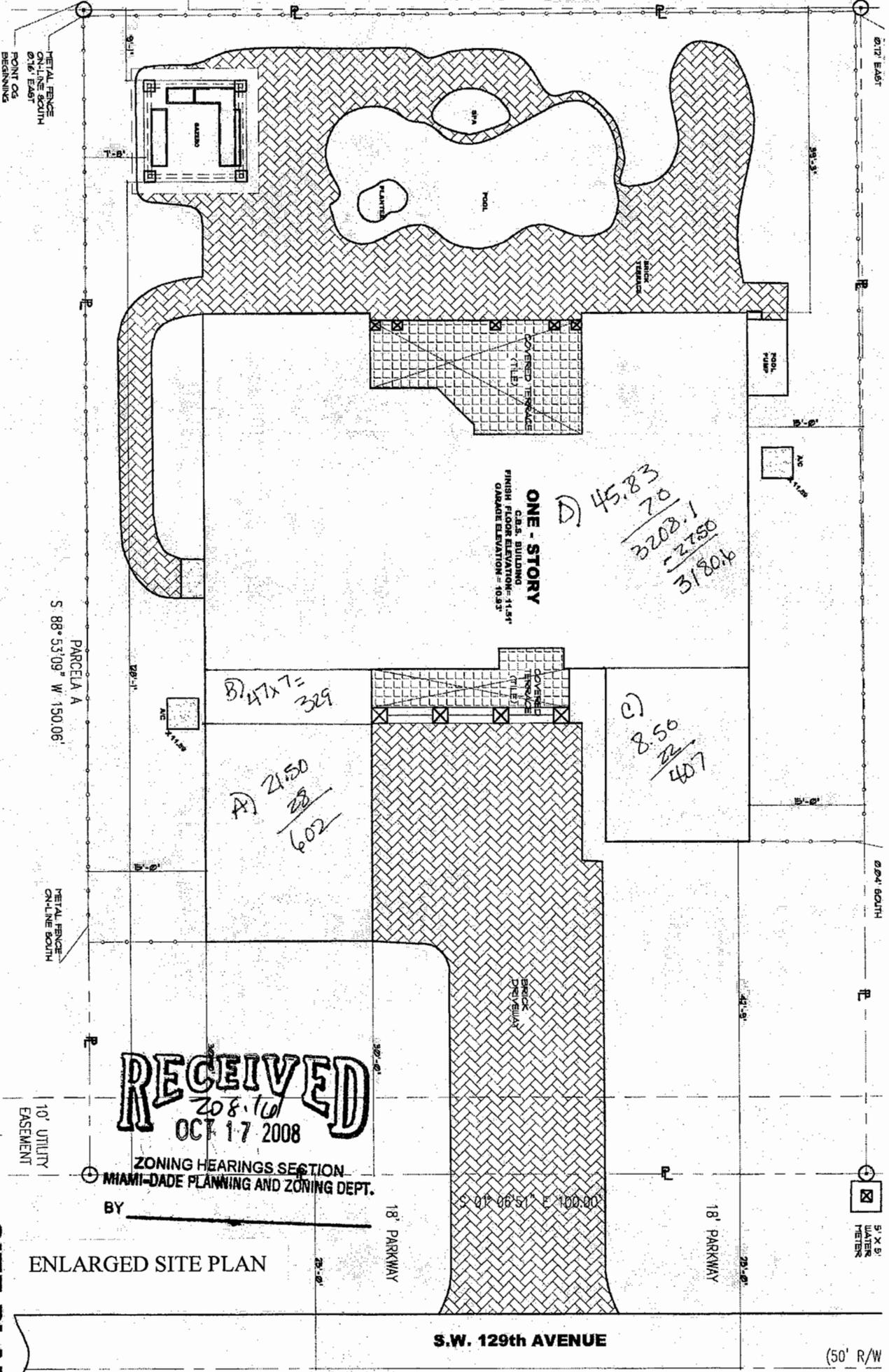
Current case history;

Case 200801007328 was opened based on enforcement history request and inspected on 12-2-08. No violations were observed and the case was closed.

Previous case history;

Case 200801002526 was opened based on an anonymous complaint of a fence in the rear of the property without a ZIP (Zoning Improvement Permit). The property was inspected and issued a Warning notice for a violation of Ch 33-8.1, no ZIP for an aluminum fence on 5-14-08. On 6-27-08 ZIP number 2008054319 was obtained and case was closed.

S 01° 12' 34" W 100.00'



SITE PLAN

ENLARGED SITE PLAN

BY

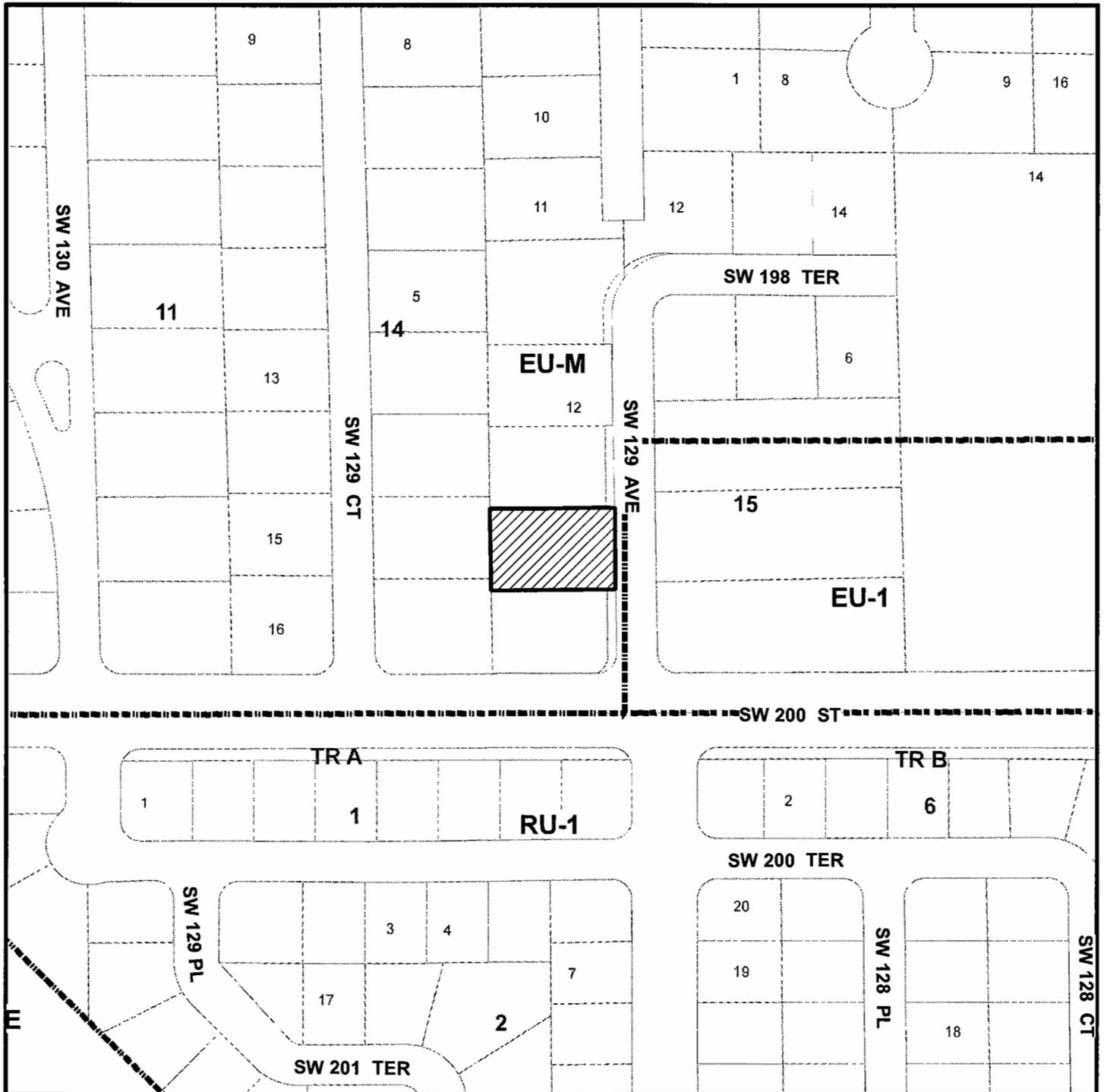
ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT.

RECEIVED 208.10 OCT 17 2008

S.W. 129th AVENUE

(50' R/W)





**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-161**



**SUBJECT PROPERTY**

Section: 02 Township: 56 Range: 39  
 Applicant: RAMIRO & MIRNA RAMIREZ  
 Zoning Board: C14  
 Commission District: 08  
 Drafter ID: ALFREDO  
 ----- Zoning



SKETCH CREATED ON: 08/26/08

REVISION	DATE	BY
		17





**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2008**

Process Number  
**08-161**



**SUBJECT PROPERTY**

Section: 02 Township: 56 Range: 39  
 Applicant: RAMIRO & MIRNA RAMIREZ  
 Zoning Board: C14  
 Commission District: 08  
 Drafter ID: ALFREDO  
 ----- Zoning



SKETCH CREATED ON: 08/26/08

REVISION	DATE	BY