

FINAL AGENDA

8-5-2013 Version # 2



COMMUNITY ZONING APPEALS BOARD 5
LAWTON CHILES MIDDLE SCHOOL
8190 NW 197 Street, Miami
Thursday, September 12, 2013 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|-------------|----------------------------------------|-------|----------|---|
| 1. | 13-9-CZ05-1 | <u>MINISTERIO CASA DE ORACION INC.</u> | 11-15 | 01-52-40 | N |
| 2. | 13-9-CZ05-2 | <u>MILTON & MAYRA RUBIO</u> | 13-21 | 36-52-40 | N |
| 3. | 13-9-CZ05-3 | <u>SERGIO PASQUIER, ET AL</u> | 13-51 | 06-52-41 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, SEPTEMBER 12, 2013

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.



**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 5**

PH: Z11-015 (13-9-CZ5-1)

September 12, 2013

Item No. 1

Recommendation Summary	
Commission District	1
Applicant	Ministerio Casa De Oracion, Inc.
Summary of Requests	The approval of this application will allow the applicant to establish a daycare center and to modify previously approved plans to show the daycare center along with the existing religious facility; and allow said facility with reduced setbacks.
Location	20151 NW 67 Avenue, Miami-Dade County, Florida.
Property Size	3.69 acres
Existing Zoning	GU, Interim District
Existing Land Use	Religious facility
2015-2025 CDMP Land Use Designation	Low-Density Residential, 2.5 – 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b), Non-Use Variance Standards Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) UNUSUAL USE to permit a daycare.
- (2) MODIFICATION of Condition #4 of Resolution 4-ZAB-84-81, passed and adopted by the Zoning Appeals Board, last modified by Resolution Z-215-86, passed and adopted by the Board of County Commissioners, only as it applies to subject property, reading as follows:

FROM: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Calvary Community Church at NW. 202 st. & 67 ave." and entitled "Commercial Park at 202 st. & 67 ave." as prepared by Genesis III architects & Planners, Inc. dated received 7-30-86 and consisted of five sheets."

TO: "4. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Ministerio Casa De Oracion" as prepared by Jose L. Perdomo Architect, with sheets 1 & 2 dated stamped received 07/27/12 and the remaining 3 sheets dated stamped received 10/13/11, for a total of 5 sheets."

The purpose of Request #2 is to allow the applicant to submit a revised site plan showing the existing daycare center in conjunction with the previously approved religious facility.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The applicant seeks to modify the previously approved plans for an existing 11,664 sq. ft. religious facility to permit an existing daycare use along with the existing church. In 1981, pursuant to Resolution #4-ZAB-84-81, the subject property was a part of a larger tract of land that was approved to allow a church, private school and daycare use along with other variances. Subsequently, pursuant to Resolution #Z-215-86, the east and west portions of the larger tract were rezoned respectively to RU-1, Single-family Residential District and BU-1A, Limited Business District and the previously approved plans for the religious facility were also modified to reflect these changes. However, said modification and rezoning did not carry forward the previously approved daycare use or the daycare plans on the remaining 3.69-acre parcel on which the existing religious facility is located.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	GU; religious facility	Low-Density Residential (2.5 to 6 dua)
North	Broward County; vacant land	Low-Density Residential (2.5 to 6 dua)
South	RU-1; single-family residences	Low-Density Residential (2.5 to 6 dua)
East	RU-1: religious facility	Low-Density Residential (2.5 to 6 dua)
West	BU-1A; gas station and auto service center	Low-Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The submitted plans depict the existing 11,664 sq. ft. church building with the classroom and sanctuary areas on the 3.69 acre parcel. The facility is separated from a vacant parcel in the adjoining County, Broward County by an approximately 40' wide canal and a 20' wide roadway to the north. To the east is a religious facility, to the west is a gas station and automobile service facility and to the south are existing single-family residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to continue to provide daycare services along with the previously approved religious facility. Staff opines that approval of this application will not create any new visual or traffic impacts on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is currently zoned GU, Interim District and contains an existing religious facility and the daycare use which the application now seeks to permit. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Residential Communities Low-Density Residential** use. This land use category is

*typically characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. The CDMP Land Use Element Interpretative text under Residential Communities also permits neighborhood and community services including schools, **daycare centers and houses of worship, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood.** The criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**, among which are access, traffic, parking, height, bulk scale of architectural elements, buffering, and landscaping as applicable.*

Staff opines that approval of the existing daycare use within the existing 11,664 sq. ft. religious facility which also contains the sanctuary and ancillary facilities on the 3.69 acre parcel is similar in scale to the surrounding commercial and institutional developments to the west and east. Additionally, staff opines that the site will be adequately spaced from the neighboring property to the north in Broward County by the 40' wide canal and the 20' wide right-of-way. Further, in staff's opinion, the existing building that contains the sanctuary and the proposed daycare use is adequately spaced from the residential uses located to the south. As such, staff opines that the approval of the existing daycare use along with the previously approved religious facility will not have a negative visual or aural impact on the surrounding properties or on passersby along the abutting roadways and therefore would satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines that the existing religious facility and the proposed daycare use are **compatible** with the area and therefore **consistent** with the CDMP Land Use Element interpretative text for the **Residential Communities** and the CDMP Land Use Plan map Low-Density Residential designation for the subject property.

ZONING ANALYSIS:

When request #1, to legally permit the existing daycare use on the property is reviewed under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New Uses, staff opines that the approval of these requests would be **compatible** with the surrounding residential, institutional and commercial. Staff opines that based on memoranda from the Division of Environmental Resource Management (DERM) and the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) and the Miami-Dade Fire Rescue Department (MDFRD) that the approval with conditions of the request would not generate or result in excessive noise or traffic. Further, based on said memoranda staff opines that the approval of the existing daycare use in conjunction with the existing religious facility would not cause undue or excessive burden on public facilities, tend to create a fire or other equally or greater dangerous hazards, when considering the necessity for and reasonableness of such applied for exception in relation to the present and future development of the area concerned.

Staff notes that the subject property was previously approved to allow a daycare use with the religious facility in 1981 pursuant to Resolution #4-ZAB-84-81. However, said resolution was later modified pursuant to Resolution #Z-215-86 in 1986. The 1986 resolution modified the previously approved plans for the religious facility and daycare use. However, the daycare use was inadvertently removed from the plans that were approved in 1986. The applicant now seeks to re-authorize the previously approved daycare use with the religious facility.

The applicant indicated in its letter of intent that the religious facility and the unpermitted daycare use have been operating for the past twenty (20) years and the daycare use currently serves

sixty (60) children. The applicant now seeks to permit the daycare use for 59 children. Based on the previously mentioned memoranda from the Departments reviewing the application, and specifically, the Platting and Traffic Review Section of RER, staff opines that approval with conditions of this request will not create any new traffic impacts on the surrounding roadways nor will it create any environmental impacts or create hazardous conditions for the surrounding properties. However, as a condition for approval, the Platting and Traffic Review section of RER requires the applicant to provide a minimum of six (6) visitor parking spaces adjacent to the main daycare entrance that are reserved for daycare vehicle loading/unloading during the peak arrival and dismissal times. Further, since the applicant is not proposing to expand the buildings for the existing facility, approval will not create any new visual or aural impacts on the residential development to the south, nor will it impact the existing religious facility or commercial uses to the located to the east and west. **Therefore, staff recommends approval with conditions of request #1, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses.**

When request #2, to allow the modification of a condition of a prior resolution pertaining to the site plan, is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval of this request would be **compatible** with the surrounding area. The submitted plans depict the existing religious facility and the proposed daycare use within an 11,664 sq. ft. building. However, the plans that were approved in 1986 pursuant to Resolution #Z-215-86, depict the existing building along with a proposed 2-story multi-purpose building, basketball and tennis courts, a shelter building as well as a parsonage. Staff opines that the current plans are physically less intensive than the previously approved plans and therefore, will not have visual or aural impacts on the abutting residences to the south, the similar religious use to the east or commercial uses to the west.

For the reasons that were previously outlined, staff opines that the site plan inclusive of the proposed daycare use is visually similar in scale and compatible with the religious facility use to the east and the commercial uses located to the west. Additionally, as previously mentioned, staff opines that approval of this application would not generate excessive noise or traffic, create other hazards to the surrounding area or be incompatible with same, when considering the necessity for and reasonableness of the modifications in relation to the present and future development of the area concerned. **Therefore, staff recommends approval with conditions of request #2, under the Generalized Modification Standards, Section 33-311(A)(7).**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has ingress and egress drives through a previously approved private easement along NW 67 Avenue. The plans also show a total of 83 parking spaces, of which only 15 spaces are required for the existing daycare uses and 45 spaces are required for the church use.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

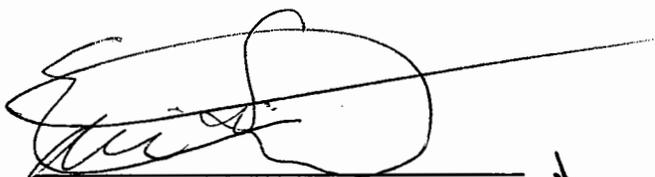
RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution 4-ZAB-84-81, last modified by Resolution Z-215-86, remain in full force and effect except as herein modified.

2. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Department of Public Health, and the State of Florida Department of Children and Families (Child Care Licensing Unit).
3. That the daycare use shall be restricted to a maximum number of 59 children.
4. That the hours of operation for the daycare shall be between 6:00 A.M. to 6:00 P.M.
5. That the daycare use may be conducted on the premises Monday through Friday.
6. That the applicant to provide a minimum of six (6) visitor parking spaces adjacent to the main daycare entrance that are reserved for daycare vehicle loading/unloading during the peak arrival and dismissal times (typically 7 – 9 AM and 4 – 6 PM).
7. That the applicant obtain a Certificate of Use for the daycare use from, and promptly renew the same annually with, the Department upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That all signage be in compliance with the zoning regulations and that no caricatures be placed on the fences or walls of the structure.
9. That the applicant comply with all applicable conditions and requirements of the Platting and Traffic Review Section and the Division of Environmental resource Management of the Department of Regulatory and Economic Resources.

ES:MW:NN:AN:CH



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

NDW

ZONING RECOMMENDATION ADDENDUM

Ministerio Casa De Oracion, Inc.
Z11-015

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

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

Low-Density Residential <i>(Pg. I-31)</i>	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities <i>(Pg. I-26)</i>	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses and their relationships.</i>
Policy LU-4A <i>(Page I-11)</i>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses.	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i>
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ZONING RECOMMENDATION ADDENDUM

Ministerio Casa De Oracion, Inc.
Z11-015

Section 33-311(A)(7) Generalized Modification Standards.	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i>
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i>

1. MINISTERIO CASA DE ORACION INC.
(Applicant)

13-9-CZ5-1 (11-015)
Area 05/District 01
Hearing Date: 09/12/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1981	May L. Flotolante	<ul style="list-style-type: none">- Special Exception to permit a church private school, recreational facilities and other accessory structures.- Non-Use Variance's.- Special Exception to permit night lighting.- Unusual Use to permit a day nursery and to permit a watchman quarters.	ZAB	Approved with condition(s)
1986	Calvary Community Church	<ul style="list-style-type: none">- Zone change from GU to RU-1 and BU-1A.- Non-Use Variance for Zoning regulations.- Non-Use Variance's of lot coverage, frontage and private drives.- Modification of Resolution.	BCC	Approved with condition(s)
2000	AT&T Wireless Services	<ul style="list-style-type: none">- Unusual Use to permit a telecommunications facility.	C05	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.

Memorandum

Date: October 20, 2011
To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs

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



Subject: C-05 #Z2011000015-1st Revision
Ministerio Casa de Oracion, Inc.
20151 N.W. 67th Avenue
Unusual Use to Permit a Daycare and Modification of Resolution to Show a
Daycare use to a Previously Approved Religious Facility
(GU) (3.69 Acres)
01-52-40

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

Potable Water Service and Wastewater Disposal

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

Existing public water and 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 in the LOS standards subject to compliance with the conditions required 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 proposed change will not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

According to the site plan submitted with this zoning application, the unusual use to permit a daycare will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

The subject property has one (1) closed enforcement record for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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.

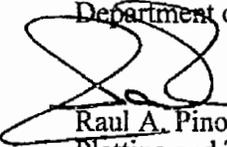
Cc: Eric Silva, Permitting, Environment and Regulatory Affairs

Memorandum



Date: April 23, 2013

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

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

Subject: Z2011000015
Name: Ministerio Casa De Oracion Inc.
Location: 20151 NW 67 Avenue
Section 01 Township 52 South Range 40 East

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

This land complies with Chapter 28 of the Miami-Dade County Code and was approved under Waiver of Plat D-15618.

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.

Public Works and Waste Management Department Traffic Engineering Division Comments:

The Miami-Dade County Public Works and Waste Management Department Traffic Engineering Division (TED) has no objection to this application. TED has reviewed the Site Plans for the proposed facility located at 20151 NW 67 AVE, and has the following recommendation:

Site Plan Review:

The daycare should provide a minimum of 6 visitor parking spaces adjacent to the daycare's main entrance that are reserved in the field for daycare vehicle loading/unloading during the peak arrival and dismissal times (typically 7-9 AM and 4-6 PM).

Please note that a Signing and Pavement Marking plan must be approved by TED prior to receiving a Certificate of Occupancy (CO) for this daycare operation. You may contact Jeff Cohen, P.E. at 305-375-2746 if you have any questions regarding this recommendation.

Memorandum



Date: 24-FEB-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2011000015

Fire Prevention Unit:

No objection to Zoning change.

Service Impact/Demand:

Development for the above Z2011000015
 located at 20151 NW 67 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0031 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 6:59 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 44 - Palm Springs N - 7700 NW 186 Street Rescue, ALS Engine, EMS Capt.

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.

**Child Care Check List for
Day Nursery, Day Care Center, Kindergarten and Private School**

School Name: Christian Creative Learning Center

School Address: 20151 NW 67 Ave, Hialeah 33445 Tax Folio # 30 - _____

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____
2. Total size of site: 595'4" x 270'43" = 161,041'4" + 43,560 sq. ft. = 36,924 acres
3. Number of children or students requested: 59 Ages: 0-5 yrs VS 10/13/11
4. Number of teachers: 8 Number of administrative & clerical personnel: 2
5. Number of classrooms: 6 Total square footage of classroom area: 2,078 sqft
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):
9,162 sqft
7. Amount of outdoor recreation/play area in square footage: 7,600 sqft.

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:
NONE
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 83 parking spaces required by §33-124(L) 10
10. Indicate the number of auto stacking spaces: 5 provided 5 required.
11. Proposed height for the structure(s): 32ft See §33-151.18(g).
12. Size of identification sign: 6 x 6 = 36 sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: Monday - Friday 7am - 6pm
14. Does the subject facility share the site with other facilities? Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans).

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BY AT

3.

PHYSICAL STANDARDS: OUTDOOR RECREATION SPACE AND CLASSROOM SPACE MUST BE CALCULATED IN TERMS OF THE MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME.

The following information will determine the maximum number of children permitted at the facility. WHEN GRADE LEVELS OVERLAP, THE MORE RESTRICTIVE SHALL BE USED.

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x 59 (number of children) = 2065 sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 2065
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 2081

OUTDOOR RECREATION SPACE:

- a. Day nursery/kindergarten, preschool and after school care

45 sq. ft. x 29.50 (1/2 of children) = _____

- b. Grades 1-6

500 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (remaining children) = _____

- c. Grades 7-12

800 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (next 300 children) = _____

150 sq. ft. x _____ (remaining children) = _____

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 BY ATJ

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 1327
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 760 per plans

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: _____ Trees provided: _____
- b. Ten shrubs are required for each tree required. Shrubs required _____ Shrubs provided _____
- c. Grass area for organized sports/play area in square feet: _____
- d. Lawn area in square feet (exclusive of organized sports/play area): _____

School Address: 20151 NW 67 AVE Zip Code: 33015^{4.}

THE INFORMATION ABOVE IS COMPLETE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

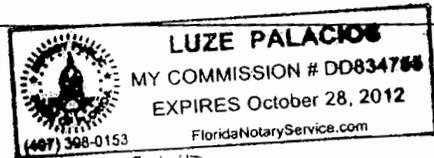
Signed, sealed, executed and acknowledged on this 29 day of December at Miami-Dade County, Florida.

[Signature]
Signature

WITNESSES: [Signature]

[Signature]

STATE OF FLORIDA
COUNTY OF MIAMI-DADE



I hereby certify that on this 29 day of December, 2010, before me personally appeared Heriberto Rivera, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

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

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Ministerio Casa de Oracion

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jose Tabraue</u>	<u>0</u>
<u>Freddy Pinell</u>	<u>0</u>
<u>Heriberto Rivera</u>	<u>0</u>
<u>Juan Rodriguez</u>	<u>0</u>
<u>Gloria Contreras</u>	<u>0</u>
<u>Ana Luz Patel</u>	<u>0</u>

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY: AV

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable) Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties (list all individuals or officers, if a corporation, partnership or trust.



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *[Signature]*

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *[Signature]*
(Applicant)

Sworn to and subscribed before me this 29 day of dec., 2010. Affiant is personally know to me or has produced personally known as identification.

[Signature]
(Notary Public)

My commission expires: 10-28-12



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Christian Creative Learning Center Non-Profit

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jose Tabraue</u> <u>Freddy Pinell</u>	<u>0</u>
<u>Heriberto Rivera</u> <u>Juan Rodriguez</u>	<u>0</u>
<u>Gloria Contreras</u>	<u>0</u>
<u>Aha Luz Patel</u>	<u>0</u>

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____


 FEB 08 2011
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY AD

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

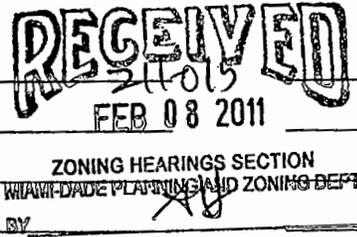
entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.



NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]
(Applicant)

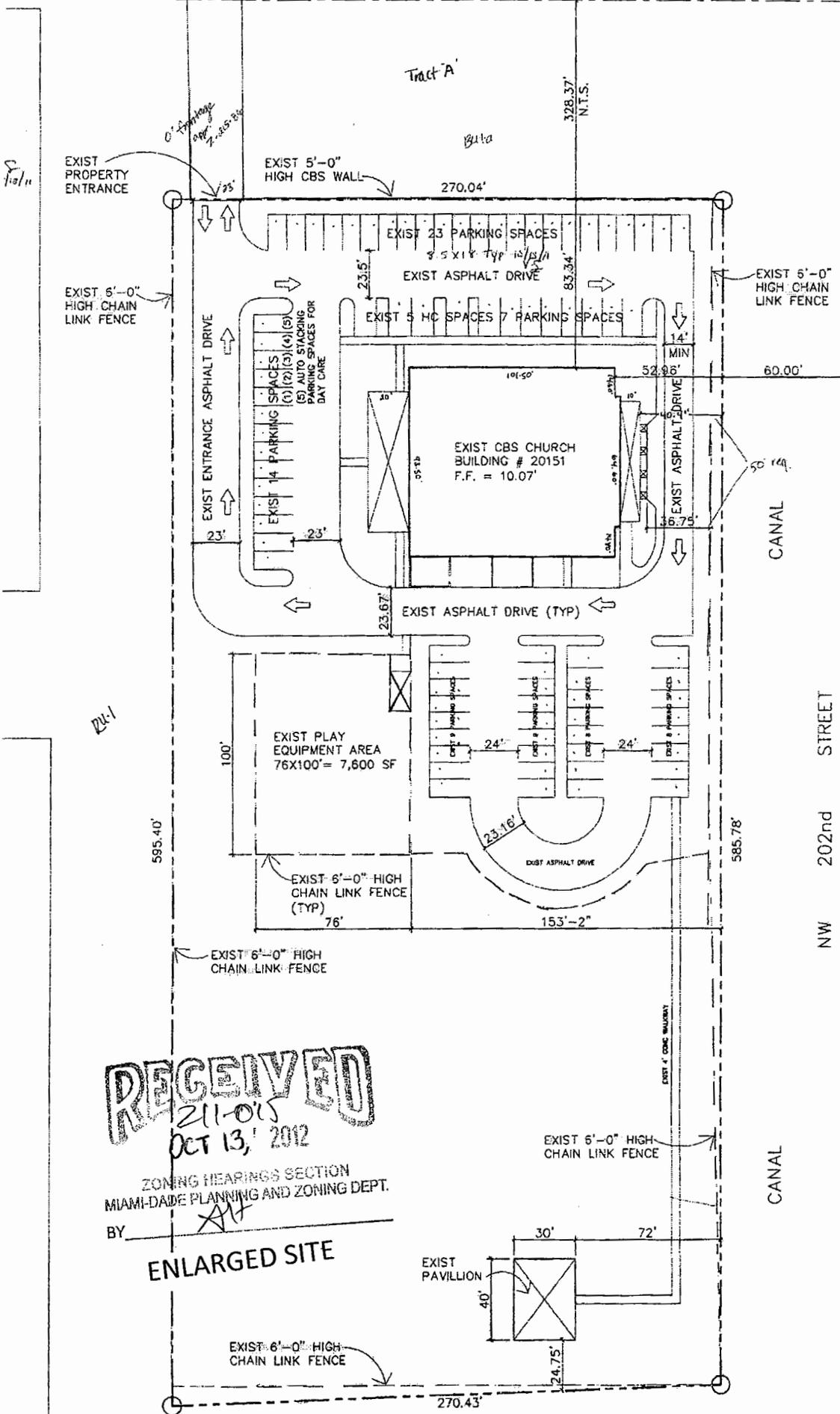
Sworn to and subscribed before me this 7 day of January, 2011. Affiant is personally know to me or has produced _____ as identification.

[Signature]
(Notary Public)



My commission expires: 4-23-2011

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



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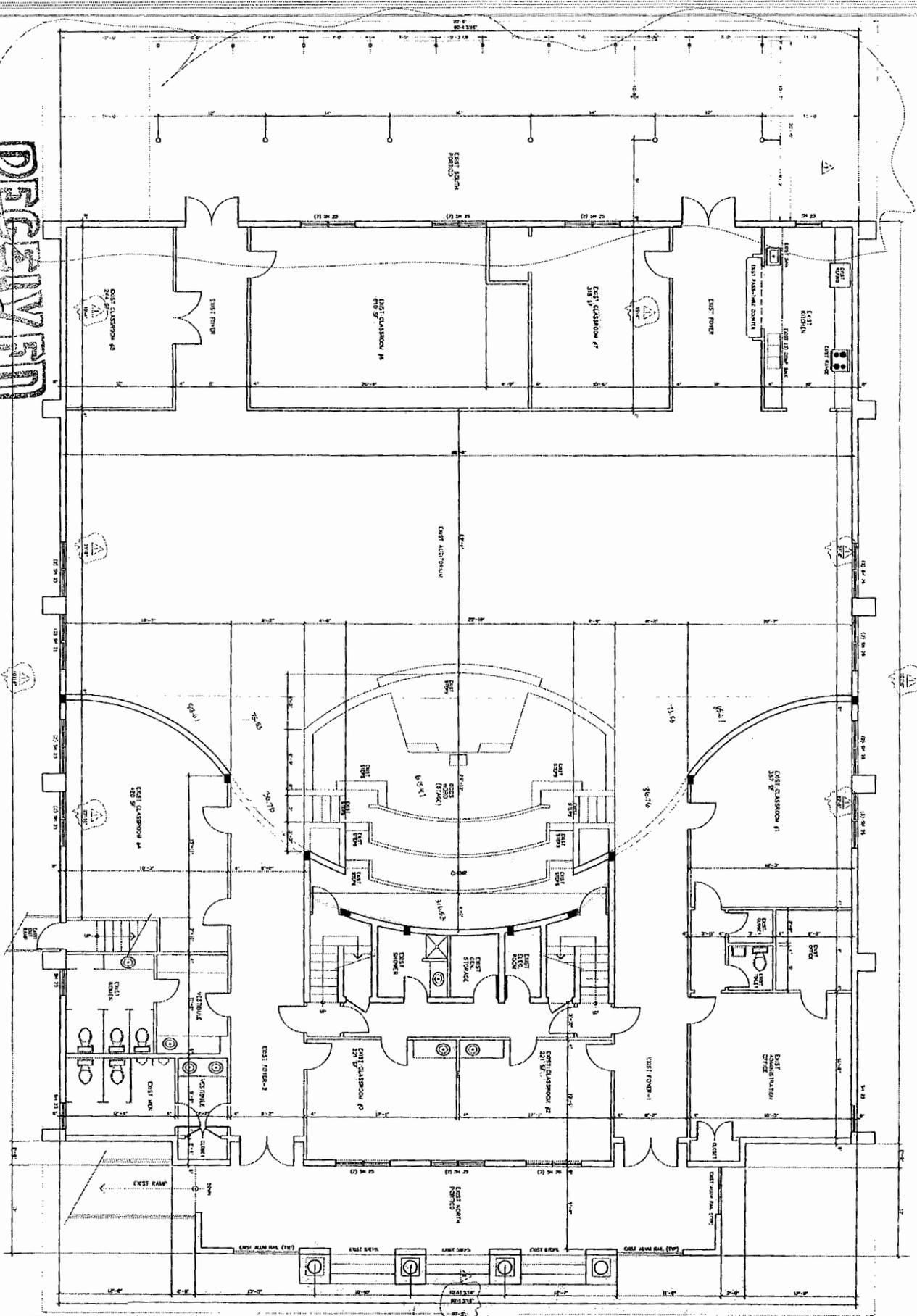
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*

ENLARGED SITE

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 Z-11-015

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 BY *[Signature]*

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

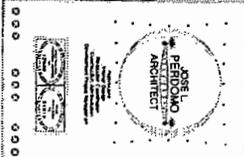


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LEGALIZATION CHILDRENS DAY CARE IN AN EXISTING CHURCH BUILDING
MINISTRO CASA DE ORACION
 20151 NW 67 AVENUE • MIAMI-DADE, FLORIDA • TELEPHONE # 305 - 624 - 5787

VARIANCE PACKAGE
 FLOOR PLAN

13001 S.W. 86 AVE.
 MIAMI, FLORIDA 33156
 (305) 330-1814
 11-MCDD-100
 SEPTEMBER 12, 2011
 AUGUST 25, 2012

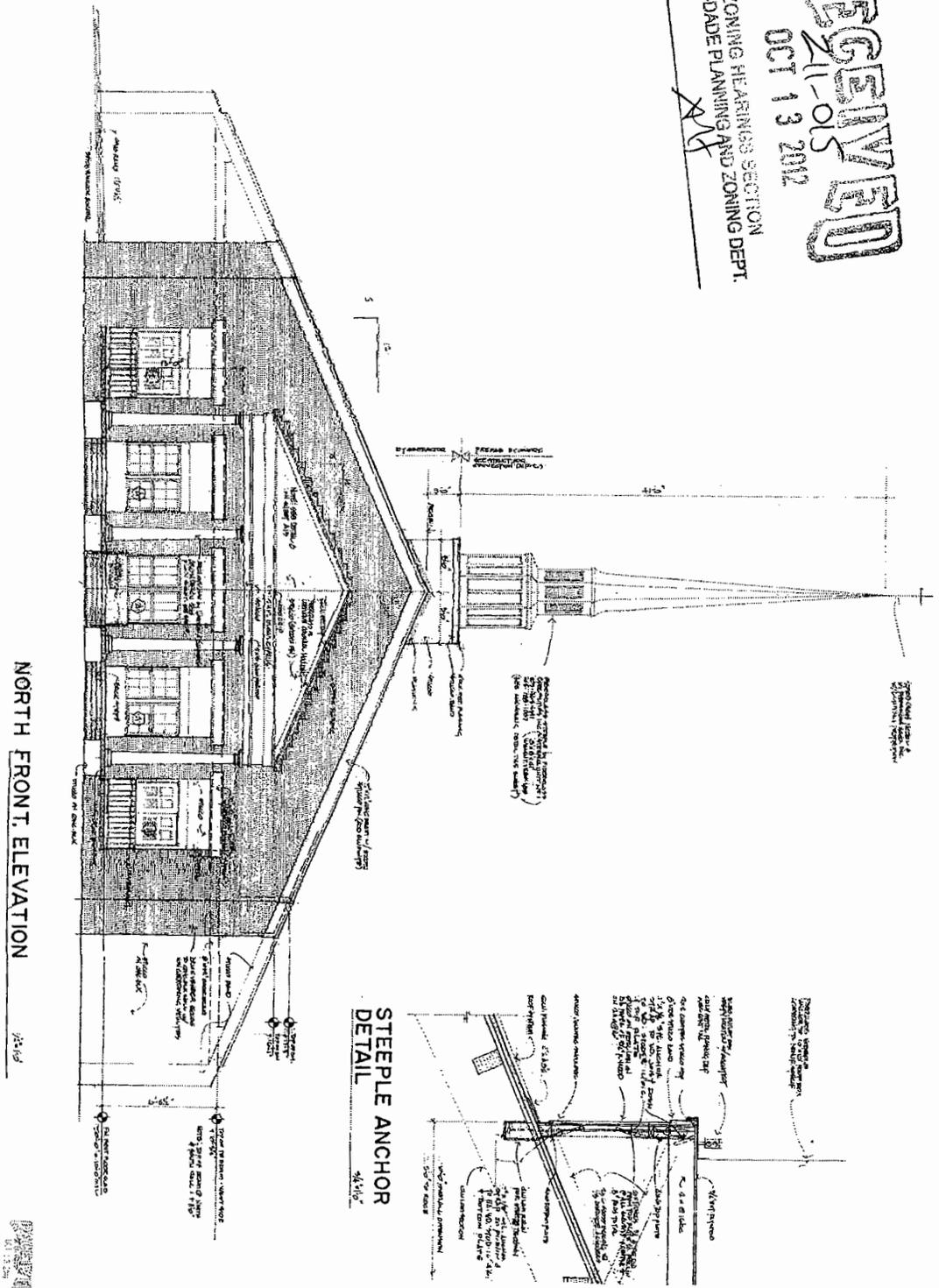


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ZONING HEARINGS SECTION
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 BY AK



3/5

LEGALIZATION CHILDREN'S DAY CARE IN AN EXISTING CHURCH BUILDING
MINISTRO CASA DE ORACION
 20151 NW 87 AVENUE MIAMI GAZE, FLORIDA TELEPHONE # 305-824-5367

VARIANCE PACKAGE
 NORTH ELEVATION

DATE: 10/13/12
 11-MDCD-100
 SEPTEMBER 12, 2011

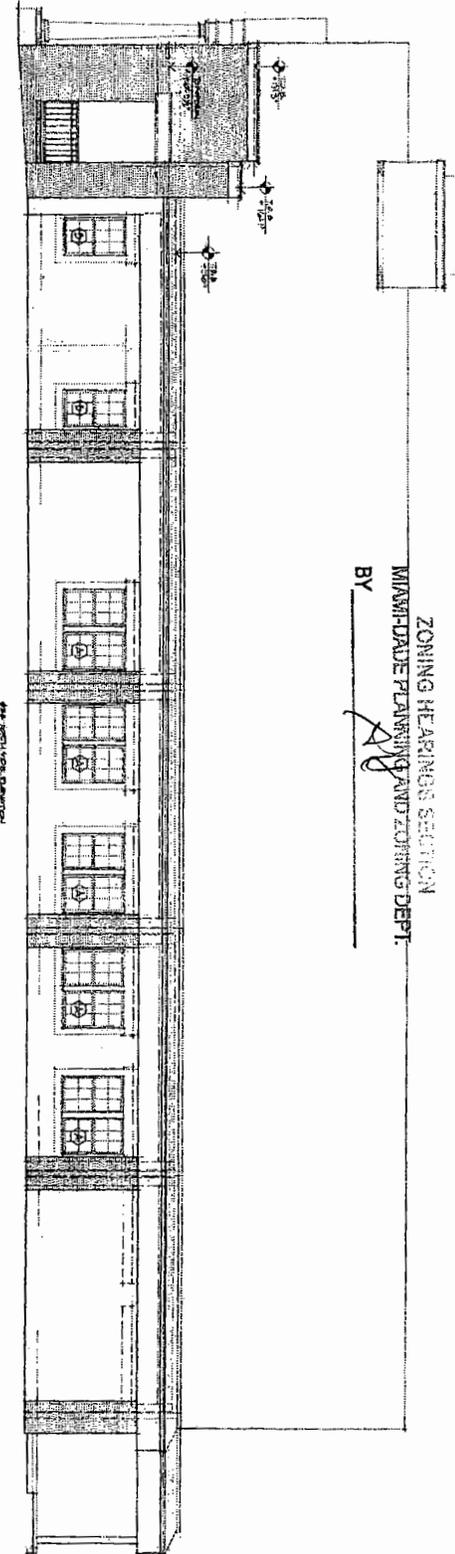
JOSE L. PERDOMO ARCHITECT

Professional Seal and Stamp area.

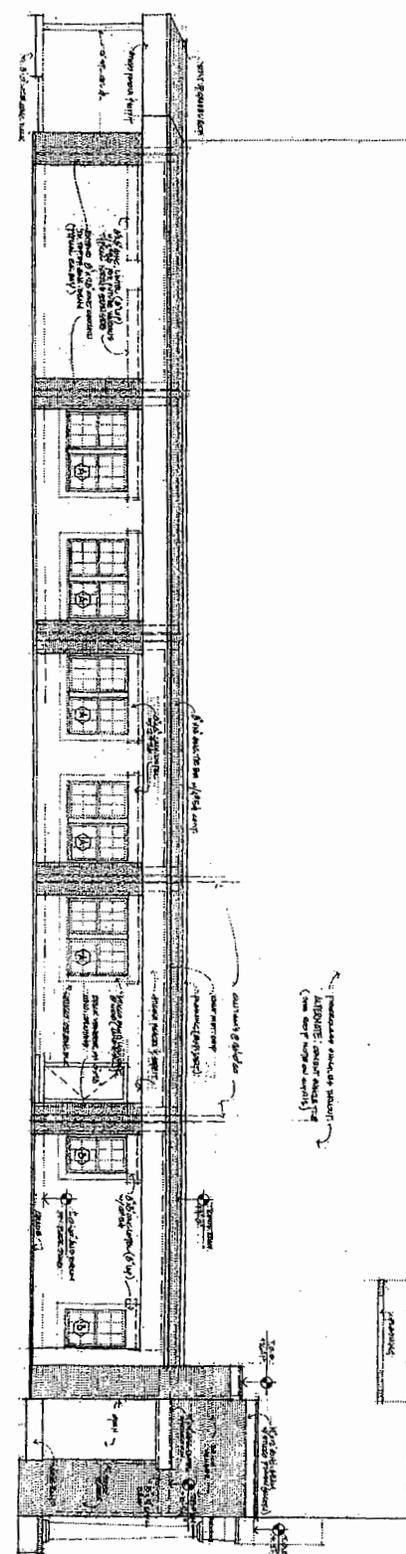
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SIDE ELEVATION WEST



SIDE ELEVATION EAST

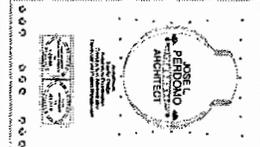
JOSE L. PERDOMO ARCHITECT
 1111 S.W. 11th St.
 Miami, FL 33135
 (305) 371-1111

4/5

LEGALIZATION CHILDRENS DAY CARE IN AN EXISTING CHURCH BUILDING
MINISTRO CASA DE ORACION
 20151 NW 67 AVENUE MIAMI-DADE, FLORIDA TELEPHONE # 305-524-5767

VARIANCE PACKAGE
 EAST & WEST ELEVATIONS

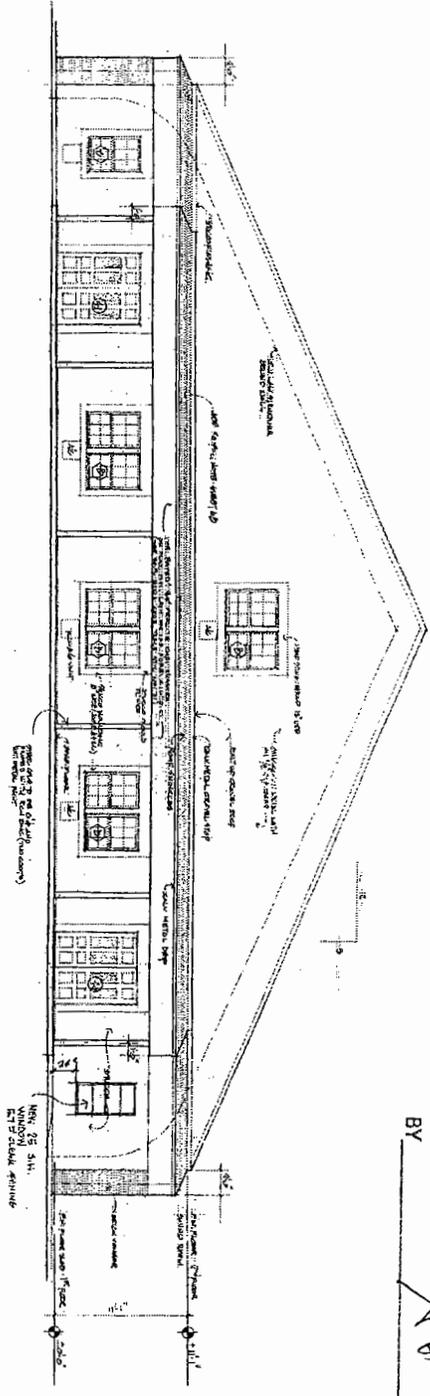
JOSE L. PERDOMO ARCHITECT
 1111 S.W. 11th St.
 Miami, FL 33135
 (305) 371-1111



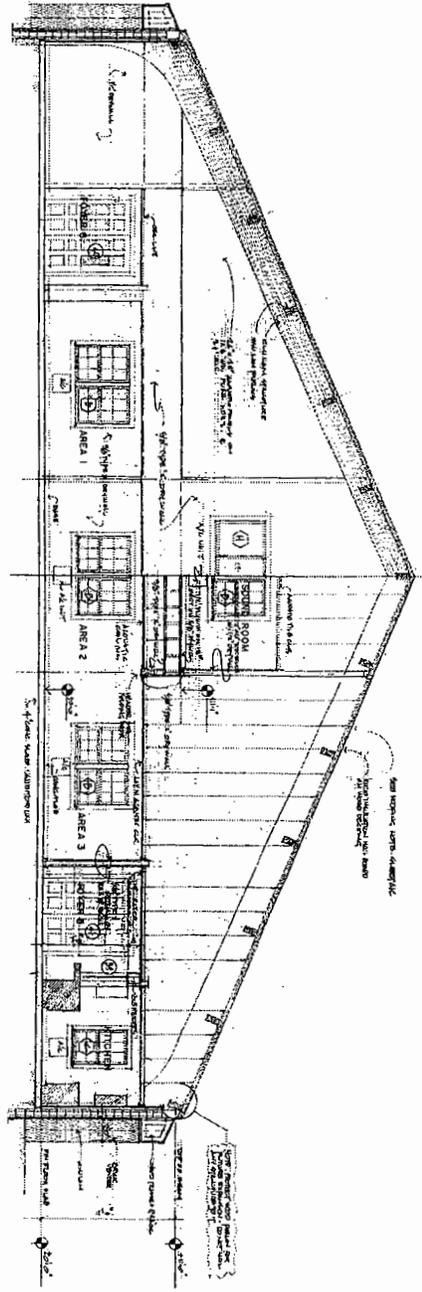
24

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



REAR ELEVATION SOUTH



SECTION H-H

SECTION G-G



LEGALIZATION CHILDRENS DAY CARE IN AN EXISTING CHURCH BUILDING
MINISTRO CASA DE ORACION
 2051 NW 47 AVENUE • MIAMI DADE, FLORIDA • TELEPHONE 305-624-5247

VARIANCE PACKAGE
 EAST & WEST ELEVATIONS

DATE OF PREPARATION	11-14-2011
DATE OF REVISION	11-14-2011
DATE OF SUBMITTAL	11-14-2011
DATE OF APPROVAL	
DATE OF DENIAL	

PERMITS ADMINISTRATION
 MIAMI-DADE COUNTY
 1100 N. MIAMI AVENUE
 MIAMI, FLORIDA 33132
 (305) 259-1514

5/5

NW 202ND ST

MIAMI-DADE COUNTY

BU-1A

GU

NW 67TH AVE

RU-1

6

NW 201ST TER

5 RU-1

NW 64TH AVE

BOBOLINK DR

NW 201ST ST

RU-TH

RU-TH

NW 66TH PL

NW 65TH CT

4

NW 64TH PL

NW 64TH CT

3

TR A

1

MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000015

Legend

 Zoning

 Subject Property Case



Section: 01 Township: 52 Range: 40
Applicant: MINISTERIO CASA DE ORACION INC.
Zoning Board: C5
Commission District: 1
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS



SKETCH CREATED ON: Monday, February 14, 2011

REVISION	DATE	BY
		26



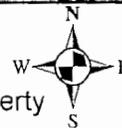
MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2011000015

Legend



Subject Property

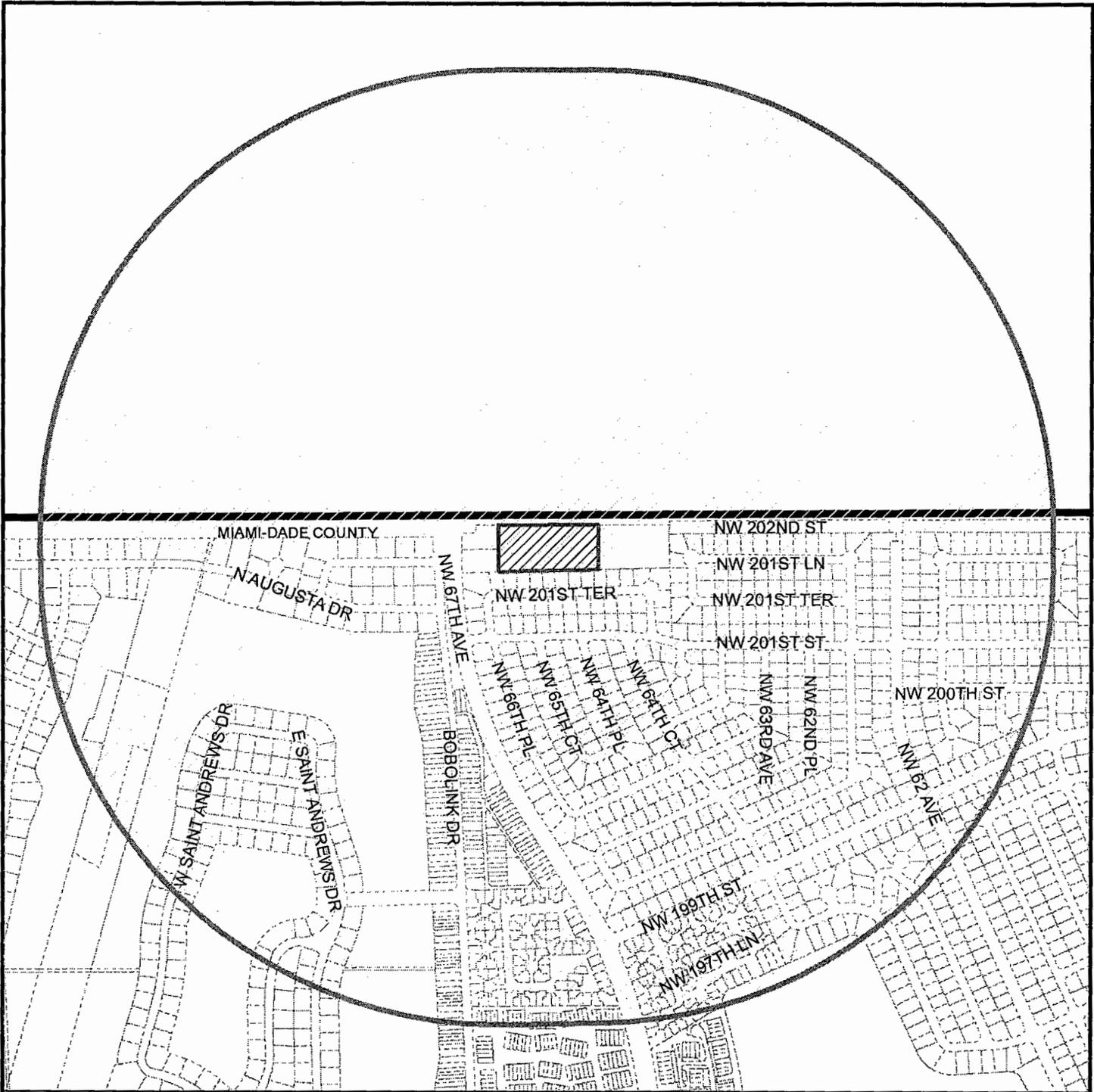


Section: 01 Township: 52 Range: 40
 Applicant: MINISTERIO CASA DE ORACION INC.
 Zoning Board: C5
 Commission District: 1
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Monday, February 14, 2011

REVISION	DATE	BY
		27



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2011000015
RADIUS: 2640

Legend

-  Buffer
-  Subject Property
-  Municipalities
-  Property Boundaries



Section: 01 Township: 52 Range: 40
 Applicant: MINISTERIO CASA DE ORACION INC.
 Zoning Board: C5
 Commission District: 1
 Drafter ID: ALFREDO FERNANDEZ-CUETO
 Scale: NTS



SKETCH CREATED ON: Tuesday, February 15, 2011

REVISION	DATE	BY
		28

(LMDR) 6-13 DU/AC

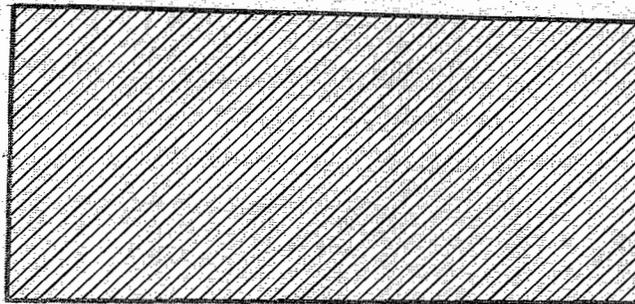
(LDR) 2.5-6 DU/AC

NW 202ND ST

MIAMI-DADE COUNTY

WATER

NW 67TH AVE



(LDR) 2.5-6 DU/AC

NW 201ST TER

BOBOLINK DR

NW 64TH AVE

NW 201ST ST

(LMDR) 6-13 DU/AC

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000015

Legend



Subject Property Case

Section: 01 Township: 52 Range: 40
Applicant: MINISTERIO CASA DE ORACION INC.
Zoning Board: C5
Commission District: 1
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS



SKETCH CREATED ON: Monday, February 14, 2011

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 5**

PH: Z13-021 (13-9-CZ5-2)

September 12, 2013

Item No. 2

Recommendation Summary	
Commission District	13
Applicants	Milton and Mayra Rubio
Summary of Requests	The applicants are seeking to modify previously approved plans in order to legalize to the existing covered terrace and utility room additions to the single-family residence, that were not a part of the prior approval and encroach further into the rear (west) setback area.
Location	11130 NW 58 Avenue, Miami-Dade County, Florida.
Property Size	8,536.50 sq. ft.
Existing Zoning	RU-1, Single-family Residential District
Existing Land Use	Single-family residence
2015-2025 CDMP Land Use Designation	Low Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Modified approval with conditions of request #1 and #2 and approval with conditions of request #3.

REQUESTS:

1. MODIFICATION of Condition #2 of Resolution No. 5-ZAB-380-94, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "addition plan for Mr. Milton Rubio," prepared unknown, dated July 26, 1993 and a survey as prepared by Baez & Assoc., Inc. dated 7-26-93 as it pertains to the variance related construction, except as herein modified, to permit the metal shed to setback 3' from the west and north property lines and to delete the overheight fence. Any future additions on the property which conform to zoning code requirements will not require further public hearing action."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "new addition" prepared Pavel Gonzalez P. E., dated stamped received 3-4-13 consisting of 5 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further substantial compliance or public hearing action."

The purpose of request #1 is to allow the applicants to submit a new site plan indicating an existing covered terrace and utility room addition to the single family residence.

- 2. NON-USE VARIANCE to permit an existing covered terrace addition to a single-family residence setback from 10' (25' required, 23.78" previously approved) from the rear (west) property line.
- 3. NON-USE VARIANCE to permit an existing utility room addition to a single-family residence setback a minimum of 20' (25' required, 23.78" previously approved) from the rear (west) property line.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources.

PROJECT DESCRIPTION:

The subject property was previously approved pursuant to Resolution #5-ZAB-17-94, to permit a bedroom addition setback 23.78' (25' required) from the rear (west) property line as well as to permit a metal shed setback 3' from the rear (west) and interior side (north) property lines where 5' is required for both.

Since the aforementioned approval, additions to the residence including the terrace addition and the utility room that were not a part of the prior approval were completed. The plan submitted depicts the existing terrace and utility room additions that were built without approval encroaching further into the rear (west) setback area than what was previously approved. This application seeks to legalize the aforementioned terrace and utility room additions.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 0.19 acre interior lot located at the intersection of NW 111 Terrace and NW 58 Avenue in the RU-1, Single-Family Residential District. The area surrounding the subject property is primarily characterized by single-family residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to maintain the existing covered terrace and utility room additions to a single-family residence setback less than required from the rear (west) property line which provide a sheltered recreational amenity and additional storage area

for the residents. However, the proposed addition may have a minimal visual impact on adjacent properties located to the west.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

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

ZONING ANALYSIS:

The approval of this application will allow the applicants to legalize existing additions to the single-family residence that were constructed without the required permits.

When the applicants' request to modify condition #2 of a prior resolution (request #1) pertaining to the approved plans is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval of the request which would allow the applicants to legalize the existing terrace and utility room additions setback a minimum of 10' from the rear (west) property line, where 23.78' was previously approved and 25' is required, would be excessive. However, staff opines that a modified approval would be **compatible** with the surrounding area. For the reasons stated below, staff opines that a modified approval with conditions of the applicant's request as it applies to the existing covered terrace addition (request #2) to the subject residence will not generate excessive noise or traffic, create other hazards to the surrounding area or be incompatible with same, when considering the necessity for and reasonableness of the modifications in relation to the present and future development of the area concerned. However, staff's research of similar requests for variances to the rear setback requirements in the surrounding area on ten (10) properties within an approximate 1,000' radius of the subject property did not indicate any approvals as excessive as being requested in this application. The aforementioned research indicated that the approvals for rear setback variances ranged from 23.56' to 17'-1" (25' is required). For example, pursuant to Resolution #CZAB5-4-10, the property located to the east of the subject property at 5740 NW 111 Terrace was approved to allow a terrace addition setback 23.56' (25' required) from the rear (south) property line. At the other extreme, pursuant to Resolution #CZAB5-8-10, a property located to the west of the subject property at 11110 NW 59 Court, was approved to permit an addition to the residence setback 17'-1" (25' required) from the rear (east) property line. Further, staff notes that the subject property was previously approved to allow an addition setback 23.78' from the rear (west) property line where 25' is required, pursuant to resolution #5-ZAB-380-94. Therefore, staff opines that the requested 15' encroachment of the existing terrace addition that was constructed after the latter approval is excessive.

Staff recommends a modified approval with conditions of request #2 to permit the existing terrace addition setback of 12.5' instead of the 10' being requested from the rear (west) property line due to the fact that it is an open sided terrace. However staff recommends as a condition for approval that the covered terrace addition remains open sided and not be enclosed except for

approved insect screen material and that the applicant obtains the necessary permits for this structure. Further, staff also recommends as a condition for approval that the gazebo shown in the plans and the photographs, located in the northwest corner of the subject property, also be demolished as indicated in the plans prior to final permit approval. The photographs submitted by the applicants depict an existing approximately 6' high wood fence along the rear (west) property line. In order to mitigate any negative visual or aural impact of the existing encroachment on the abutting property to the west, staff recommends as a condition for approval that the applicant maintains the existing fence and in the event the fence is removed that an opaque 6' high cbs wall or fence or a hedge, 3' tall at time of planting to grow and be maintained at a maximum height of 6' be installed along said property line. **Therefore, staff recommends a modified approval with conditions of request #1, under Section 33-311(A)(7) to allow a 12.5' setback instead of the 10' setback being requested.**

Staff opines that request #2 is germane to request #1. Therefore, when request #2 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), for the reasons outlined above, staff opines that a modified approval with conditions to allow the terrace setback 12.5' instead of the 10' setback requested from the rear (west) property line would not be detrimental to the neighborhood, would not have a negative effect on the appearance of the community and would be **compatible** with same. Although this request is more intensive than anything that was previously approved in the area, staff opines that for the reasons that were previously explained, the modified approval recommended will not result in an obvious departure from the aesthetic character of the surrounding area. **Staff therefore, recommends a modified approval with conditions of request #2, to allow a 12.5' setback from the rear (west) property line under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

When request #3, to permit an existing utility room addition setback 20' (25' required) from the rear (west) property line is similarly analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff opines that approval of this request would be **compatible** with the area and would not have a negative effect on the appearance of the neighborhood. The submitted plans indicate that the existing 25 sq. ft. utility room addition that is the subject of request #3 is located along the rear (west) wall of the residence and this 2.22' encroachment into the rear setback area is minimal and will not have any visual impact on the surrounding area. **Staff therefore, recommends approval with conditions of request #3, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

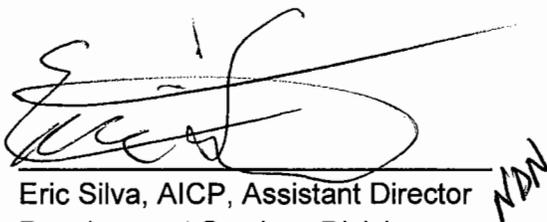
RECOMMENDATION:

Modified approval with conditions of requests #1 and #2; and approval with conditions of request #3.

CONDITIONS FOR APPROVAL :

1. That all the conditions of Resolution #5-ZAB-380-94, remain in full force and effect except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "new addition" prepared Pavel Gonzalez P. E., dated stamped received 3-4-13 consisting of 5 sheets except as herein amended to show a 12.5' setback for the existing terrace addition.
3. That the terrace addition be cut back to meet the recommended 12.5' from the rear (west) property line.
4. That the applicants obtain a building permit for all non-permitted structures on the property when applicable from the Department of Regulatory and Economic Resources within 90 days after the appeal period deadline date.
5. That the covered terrace addition remain open sided and not be enclosed in any manner except by approved insect screen materials.
6. That the existing gazebo structure shown in the submitted plans and photographs be demolished prior to final permit approval.
7. That the applicants maintain the existing 6' high wood fence along the rear (west) property line, and in the event the fence is removed that an opaque 6' high cbs wall or fence or a hedge, 3' tall at time of planting to grow and be maintained at a maximum height of 6' be installed along said property line.

ES:MW:NN:JV:CH



Handwritten signature of Eric Silva, Assistant Director, Development Services Division, Miami-Dade County Department of Regulatory and Economic Resources. The signature is written in black ink and is highly stylized, with a large loop at the end. To the right of the signature, the initials "NDN" are written vertically.

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

ZONING RECOMMENDATION ADDENDUM

Milton and Mayra Rubio
Z13-021

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

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

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

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(7) Generalized Modification Standards.	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.</i>
Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i>

2. MILTON & MAYRA RUBIO
(Applicant)

13-9-CZ5-2 (13-021)
Area 05/District 13
Hearing Date: 09/12/13

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1994	Milton Rubio	- Rear setback less tan required.	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.

Memorandum

Date: March 25, 2013

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

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

Subject: #Z2013000021
Milton & Mayra Rubio
11130 NW 58th Avenue, Miami-Dade, Florida 33012
Modification of Previous Resolution to Permit Less Setbacks Than
Approved
(RU-1) (0 Acres)
36-52-40

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

Flood Protection

The application site is not within a Special Flood Hazard Zone as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 6.50 ft NGVD. The proposed legalization of addition as depicted in the zoning request for a variance of setbacks appears to be a non-substantial improvement as defined in Section 11C of the Code. Non-substantial improvements are required at a minimum to meet the elevation of the existing single family residence. The survey included with this submittal does not state the crown of road elevation. The applicant will be required to demonstrate the addition complies with the Code prior to approval of building permit plans.

Potable Water Service

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

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal

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

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

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

Stormwater Management

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

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit an addition and existing terrace 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.

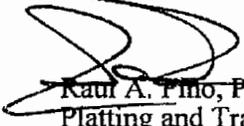
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: May 1, 2013

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

From: 
~~Kaur A. Piro, PLS, Chief~~
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000021
Name: Milton and Mayra Rubio
Location: 11130 NW 58 Avenue
Section 36 Township 52 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and objects for the following reasons.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 15, Block 30 of Plat Book 57, Page 17.

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: April 16, 2013

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

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

Subject: #13-021
Milton and Mayra Rubio

The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

According to Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, the property meets the definition of residential unit. The residential unit on the property currently receives, and shall continue to receive PWWM waste collection and recycling service. The current waste collection fee will cover all associated costs as the property is within the Department's waste collection service area. The application will have no impact or any associated costs for waste collection or recycling services.

If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

Memorandum



Date: March 22, 2013

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

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

Subject: Z2013000021: MILTON & MAYRA RUBIO

Application Name: MILTON & MAYRA RUBIO

Project Location: The site is located at 11130 NW 58 AVE, Miami-Dade County.

Proposed Development: The applicant is seeking approval for a rear setback less than required for an existing single family home.

Impact and demand: The request of this application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum



Date: 03-APR-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000021

Fire Prevention Unit:

Not applicable to MDRFR site requirements.

Service Impact/Demand

Development for the above Z2013000021
located at 11130 NW 58 AVE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0628 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: 9:24 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 26 - Opa Locka - 3190 NW 119 Street
Rescue, ALS 75' Ladder,

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 07-MAR-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

MILTON & MAYRA RUBIO

11130 NW 58 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000021

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed.

Milton & Mayra Rubio

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

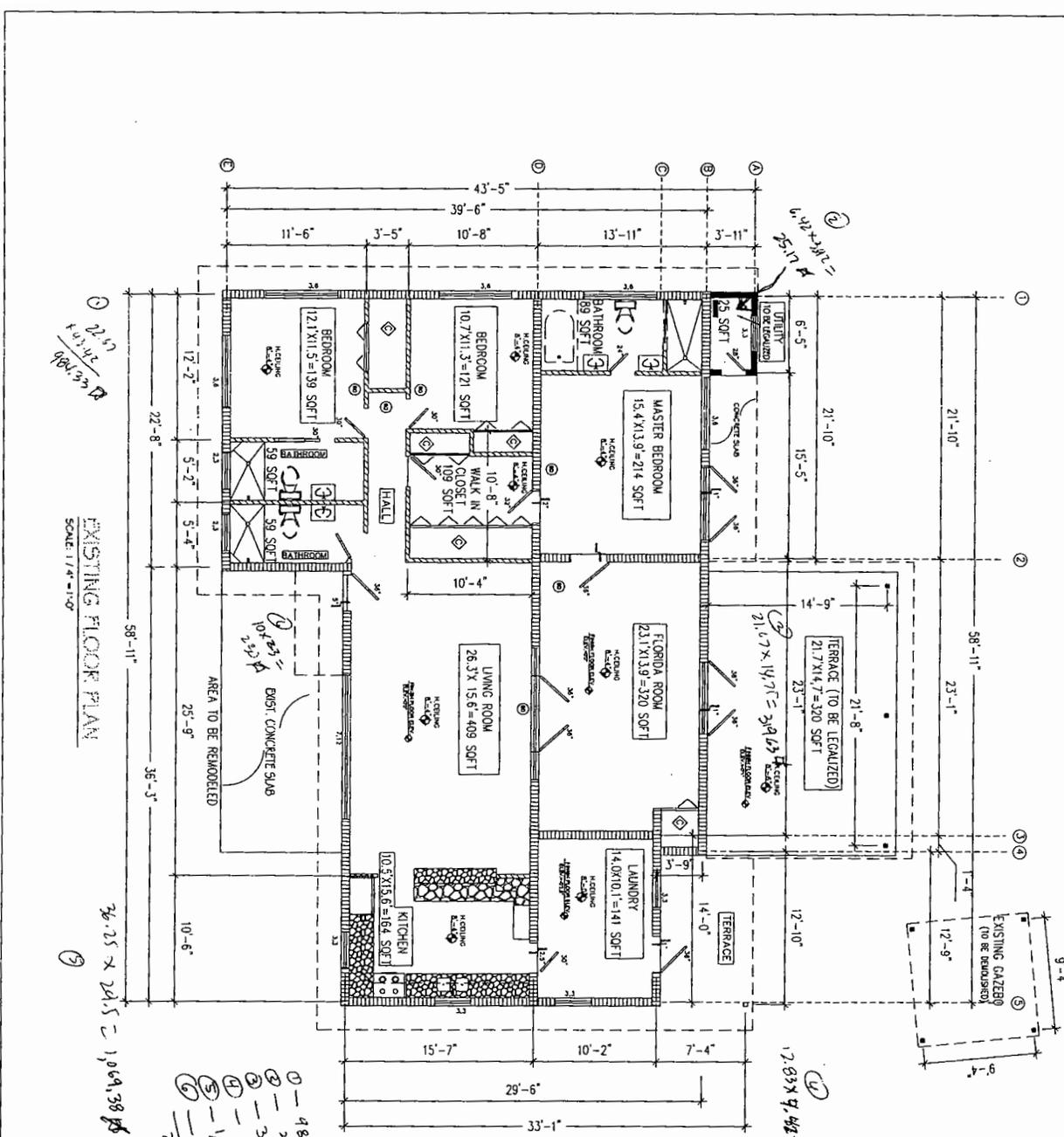
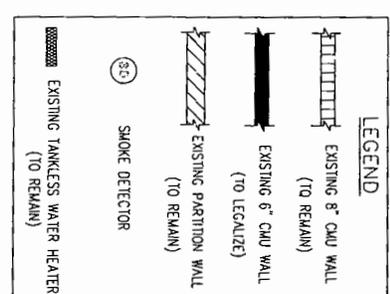
REPORTER NAME:

213-021
RECEIVED
 MAR 04 2013

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

FCS

CONSTRUCTION TYPE: IV
LEVEL OF ALTERATION: II



22.57
 1.12.42
 984.33

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

36.25 x 24.5 = 1,009.38
 2,198.11 / 1,923 =
 1.143

- ① - 484.33
- ② - 25.17
- ③ - 319.43
- ④ - 51.71
- ⑤ - 1,009.38
- ⑥ - 2.90
- 2,148.517
- 140.53



23-021
 RECEIVED
 MAR 14 2013

Project name: **NEW ADDITION & LEGALIZATION TO RESIDENCE**

Address: **11026 NW 52 AVE
 MIAMI, FL 33152**

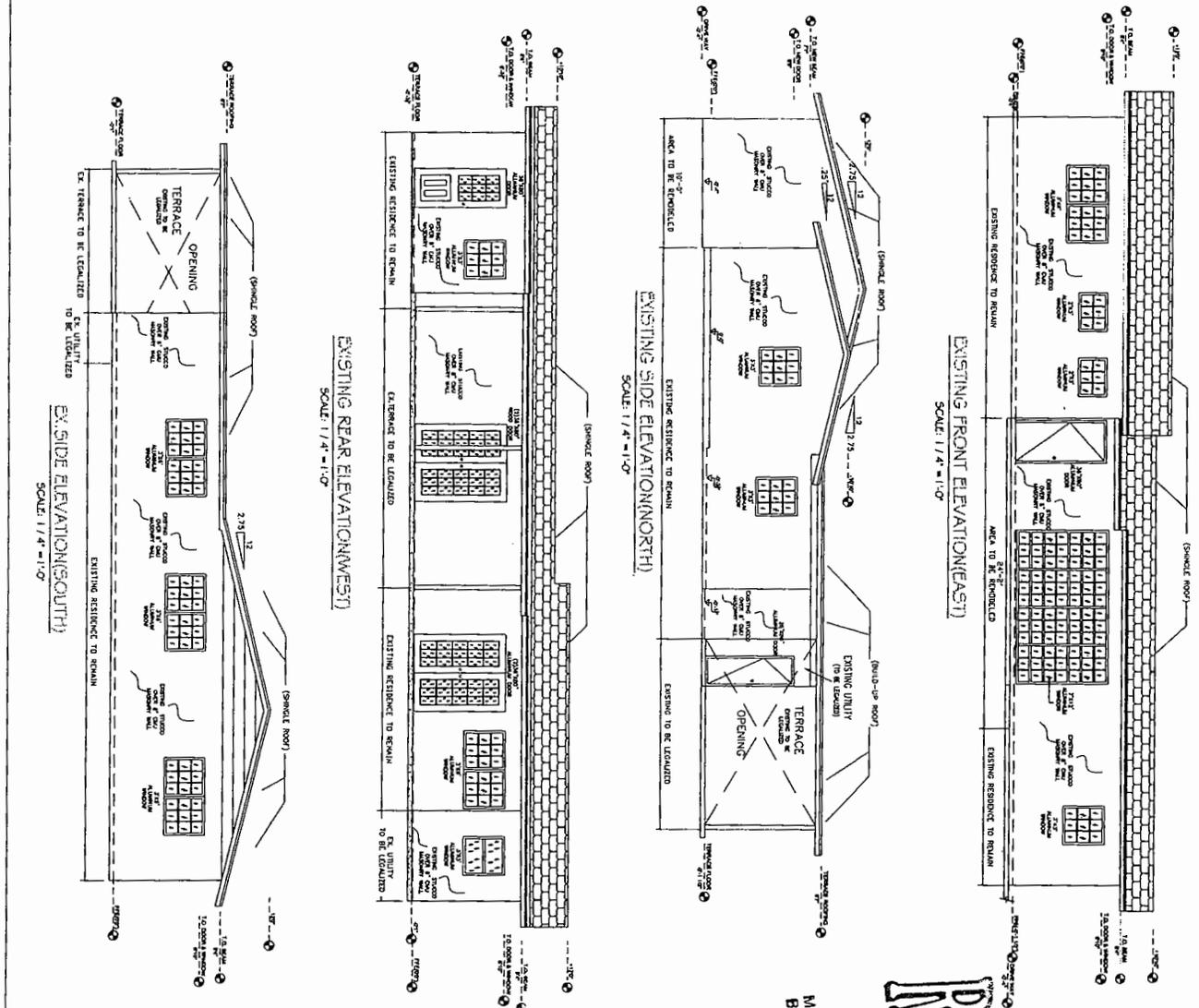
Owner: **MILTON RUESS**

DATE PLOTTED: 15-03-2012

RESOURCES:

PAVEL, SERGIYALEX, PE
 LIC. 889748
 2204 W 7th St, Suite 1018
 Ft. Lauderdale, FL 33304
 Phone: (954) 365-3871
 Email: pavel@pavelalex.com

DRAWING NO: **A-2**



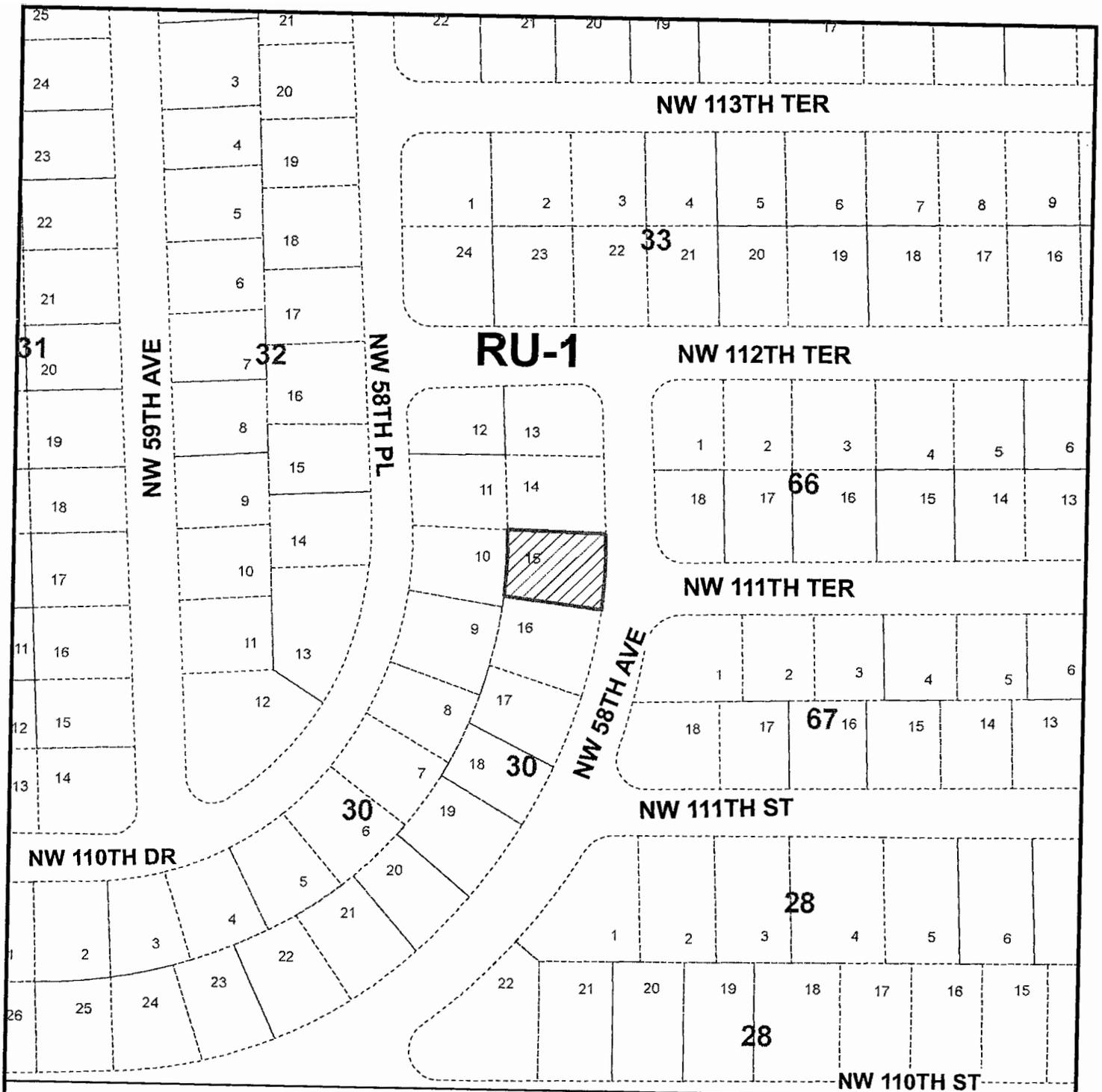
213-021
RECEIVED
 MAR 04 2013

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



RECEIVED
 MAR 14
Fc

Project name: NEW ADDITION & LEGALIZATION TO RESIDENCE	LUC ROZMAN, P.E. 3264 W 77 AV. HIALEAH, FL 33116 PH: (305) 852-5077 email: lucrozman@aol.com
Address: 14185 SW 26 AVE CALENDAR, FL 33342	DATE PLOTTED: 12-12-2012
Owner: WALTER RUIBIO	REVISIONS:
DRAWING NO: A-4	



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000021



Section: 36 Township: 52 Range: 40
 Applicant: MILTON & MAYRA RUBIO
 Zoning Board: C5
 Commission District: 13
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Monday, March 11, 2013

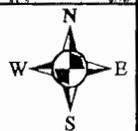
REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000021



Section: 36 Township: 52 Range: 40
 Applicant: MILTON & MAYRA RUBIO
 Zoning Board: C5
 Commission District: 13
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

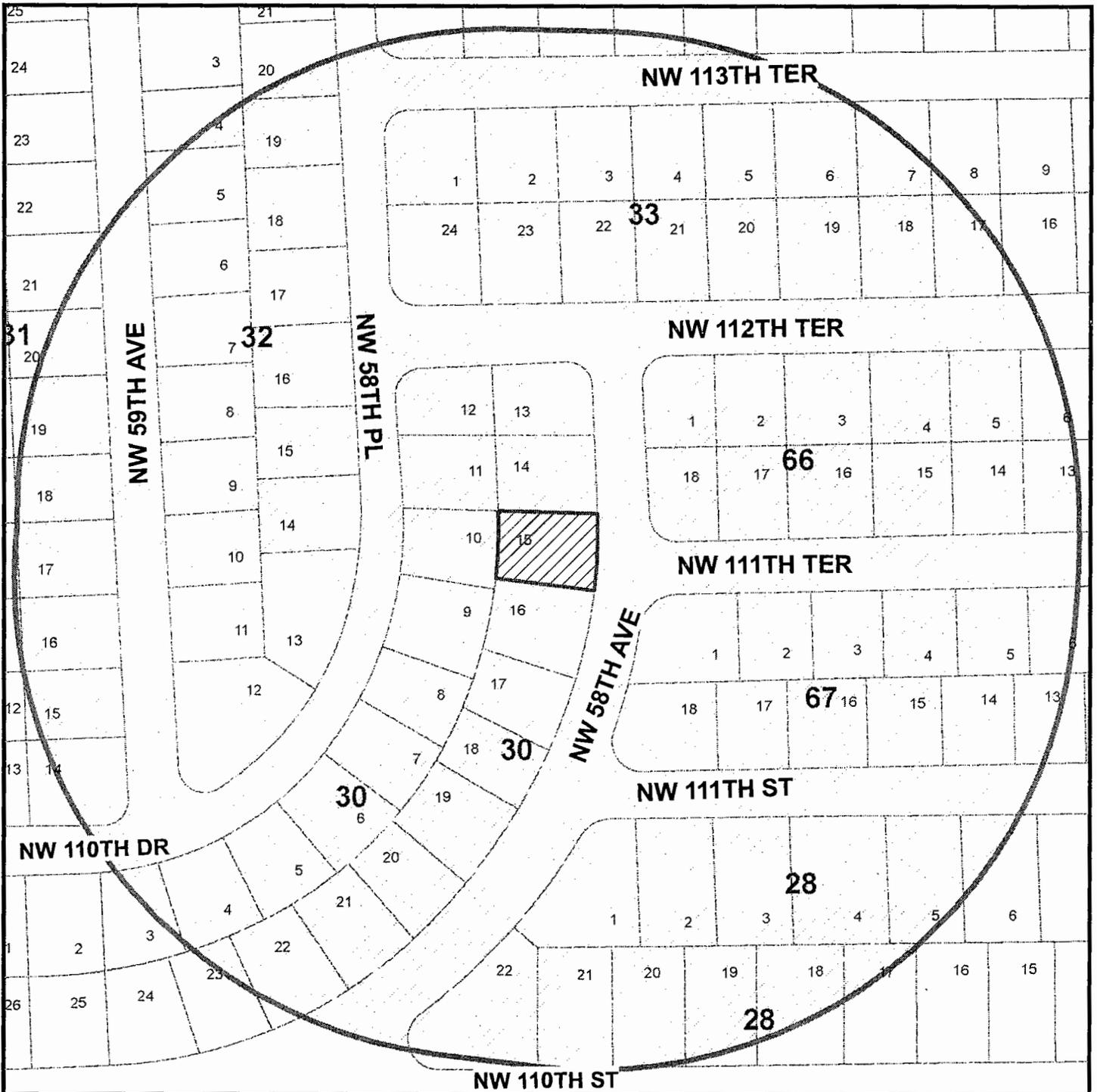
Legend

 Subject Property



SKETCH CREATED ON: Monday, March 11, 2013

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 36 Township: 52 Range: 40
 Applicant: MILTON & MAYRA RUBIO
 Zoning Board: C5
 Commission District: 13
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2013000021
 RADIUS: 500



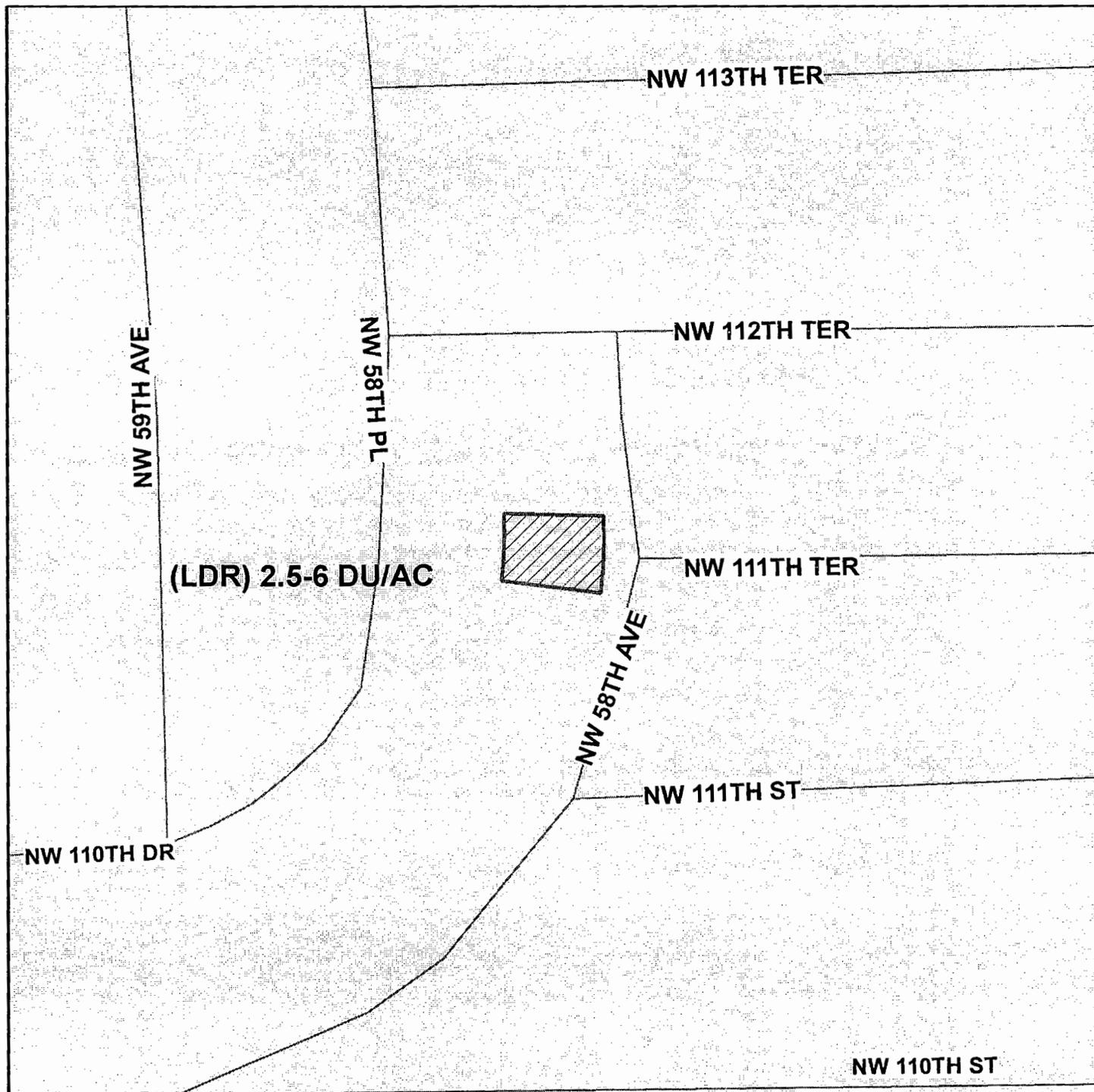
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Monday, March 11, 2013

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000021

Section: 36 Township: 52 Range: 40
 Applicant: MILTON & MAYRA RUBIO
 Zoning Board: C5
 Commission District: 13
 Drafter ID: JEFFER GURDIAN
 Scale: NTS



Legend

 Subject Property Case



SKETCH CREATED ON: Monday, March 11, 2013

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 5**

PH: Z13-051 (13-09-CZ5-3)

September 12, 2013

Item No. 3

Recommendation Summary	
Commission District	1
Applicant	Sergio Pasquier, et al.
Summary of Requests	The applicant is requesting to permit an existing single-family residence with setback variances to the rear (north) property line and a greater lot coverage than permitted.
Location	18931 SW 47 Court, Miami-Dade County, Florida.
Property Size	75' x 100'
Existing Zoning	RU-1
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit an existing addition to a single family residence setback a minimum of 13.5' (25' required) from the rear (east) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Sergio & Carolina Pasquier" as prepared by Fernando Gomez, dated stamped received 5/22/13 and consisting of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Legalization of an existing addition to a single-family residence.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in an area characterized by single-family residences developed under the RU-1 zoning district regulations.

SUMMARY OF THE IMPACTS:

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

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

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

ZONING ANALYSIS:

The property owners seek to legalize an addition built without a permit due to a notice of violation. Based on the information available, the addition consists of a bedroom, bathroom, laundry room, computer room, game room and family room.

When the subject request, to permit an existing addition to a single-family residence setback a minimum of 13.5' (25' required) from the rear (east) property line is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of this request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Approval of the subject request will allow the applicants the continued use of the existing addition, which provides additional living space for the residents and their family. Staff opines that the 11.5' encroachment into the rear (east) setback area will not create a more intensive visual impact beyond what currently exists. Staff also opines that the 11.5' encroachment, into the rear (east) setback is adequately buffered by the abundant landscaping along the rear (east) property line. Therefore, staff recommends that as a condition for approval of this application, that the applicant maintain the abundant landscaping or provide a visual buffer along the rear (east) property line either in the form of a hedge, 3' tall at time of planting to grow and be maintained at a height of 6', or in the alternative to erect a 6' high wood fence or 6' high CBS wall along said property line to mitigate any negative visual impact from the aforementioned encroachment.

Staff further opines that approval of this application will not detract from the aesthetic character of the area and will be compatible with same, as similar requests have been approved in the area. For example, a non-use variance to permit an addition to an existing single-family

residence setback a minimum of 9.839' (25' required) from the rear (south) property line was granted for a property west of the subject property, located at 4950 NW 190 Street, pursuant to Resolution No. 4-ZAB-344-89. Also, pursuant to Administrative Variance #V1990000147, the property located at 4801 NW 190 Street, was approved to permit an addition to a single-family residence setback 17.32' (25' required) from the rear (north) property line.

In addition, based on the floor plans submitted, staff opines that the existing additions could be converted into a separate residence; therefore, staff recommends as a condition for the approval of the request that the applicants submit a Declaration of Use agreement in recordable form acceptable to the Director, which restricts this property to single-family use only. As additional conditions for approval of this application, staff recommends that the applicant obtain a building permit for all existing non-permitted structures from the Building Department within 90 days of the expiration of the appeal period for this application and remove the roofed and screened area on the east side of the residence and the hallway in the middle of the residence as well as the doors on the east and west sides of the residence as indicated in the plans submitted.

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

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Sergio & Carolina Pasquier" as prepared by Fernando Gomez, dated stamped received 5/22/13 and consisting of 2 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants provide a visual buffer along the rear (north) property line either in the form of a hedge, 3' tall at the time of planting to grow and be maintained at a height of 6', or in the alternative, erect a 6' high solid fence or 6' high CBS wall.

5. That the applicants remove the roofed and screened area on the east side of the residence and the hallway in the middle of the residence as well as the doors on the east and west sides of the residence as indicated in the plan submitted.
6. That the applicants secure a building permit for all existing non-permitted structures from the Building Department within 90 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Regulatory and Economic Resources.
7. That a Declaration of Use agreement, in recordable form, limiting the property to single-family use only be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources prior to permit issuance.

ES:MW:NN:CH:JC



Handwritten signature of Eric Silva, Assistant Director, Development Services Division, Miami-Dade County, Department of Regulatory and Economic Resources. The signature is written in black ink and is highly stylized, with a long horizontal line extending to the right. To the right of the signature, the initials "NAN" are written vertically.

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

ZONING RECOMMENDATION ADDENDUM

Applicant: *Sergio Pasquier, et al.*
PH: Z13-051

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

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

<p>Low Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
--------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

3. SERGIO PASQUIER, ET AL
(Applicant)

13-9-CZ5-3 (13-051)
Area 05/District 01
Hearing Date: 09/12/13

Property Owner (if different from applicant) **Sergio Pasquier.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

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

Memorandum



Date: June 19, 2013

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

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

Subject: C-05 #Z2013000051
Sergio Pasquier
18931 NW 47th Court, Miami, FL 33055
Non-Use Variance Rear Setback Less Than Required
(RU-1) (0.107 Acres)
06-52-41

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

The subject application has been reviewed by the Department of Regulatory and Economic Resources—Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

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

Existing public water and 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 in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

According to the information provided with this application, the existing addition will not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

Tree Preservation

According to the site plan submitted with this zoning application, the proposal to permit 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.

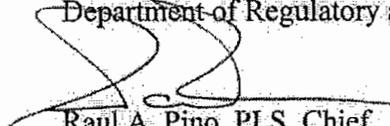
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: June 26, 2013

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

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

Subject: Z2013000051
Name: Sergio Pasquier, Caroline Pasquier, G-Gomez, Cesar Cadenas
Location: 18931 NW 47 Court
Section 06 Township 52 South Range 41 East

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 147 of Plat Book 68, Page 54.

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: June 24, 2013

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

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

Subject: 13_051
Sergio and Caroline Pasquier

The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

According to Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, the property meets the definition of residential unit. The residential unit on the property currently receives, and shall continue to receive PWWM waste collection and recycling service. The current waste collection fee will cover all associated costs as the property is within the Department's waste collection service area. The application will have no impact or any associated costs for waste collection or recycling services.

If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661.

Memorandum



Date: June 18, 2013

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

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

Subject: Z2013000051: SERGIO PASQUIER, ET AL

Application Name: SERGIO PASQUIER, ET AL

Project Location: The site is located at 18931 NW 47 CT, Miami-Dade County.

Proposed Development: The request is to seek approval for rear setback less than required for an existing single family home.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards.

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

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: 28-MAY-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000051

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2013000051
located at 18931 NW 47 CT, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0103 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 51 - Honey Hill - 4775 NW 199 Street
Rescue, ALS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 31-MAY-13

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

SERGIO PASQUIER, ET AL

18931 NW 47 CT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000051

HEARING NUMBER

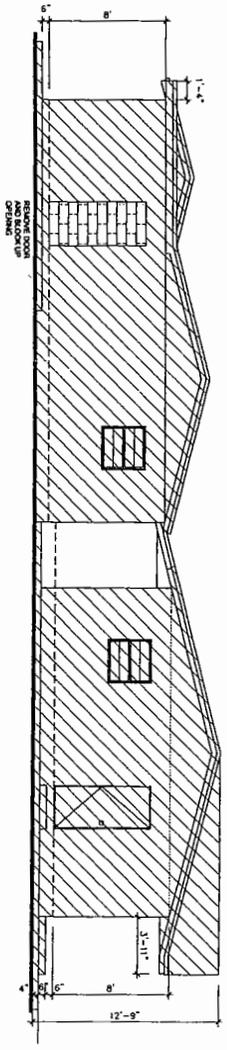
HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: BSS case 20120154931-B opened in August 22, 2012. Notice of Violation issued for failure to obtain required building permit(s) prior to commencing work on: living units on rear of property. civil Violation Notice No. P011090 issued on April 23, 2013. Case remains open.

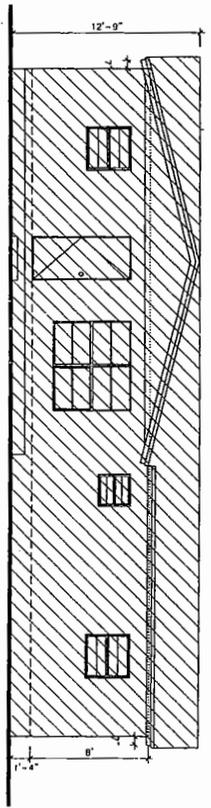
Sergio Pasquier, Caroline Pasquier, G-Gomez Garcia, Ceasar Cadenas

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

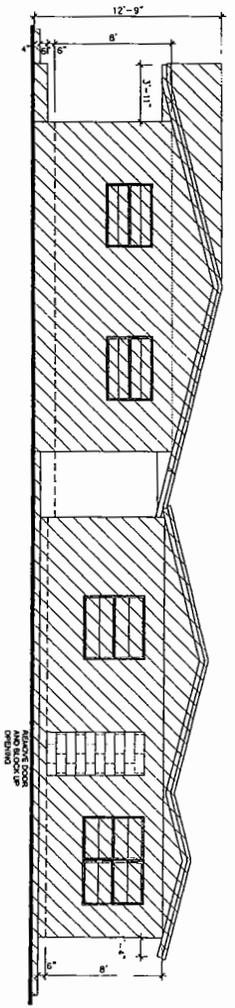
REPORTER NAME:



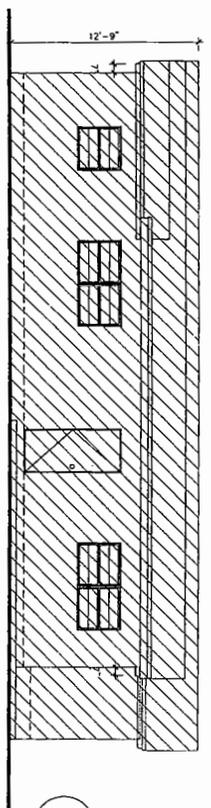
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



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



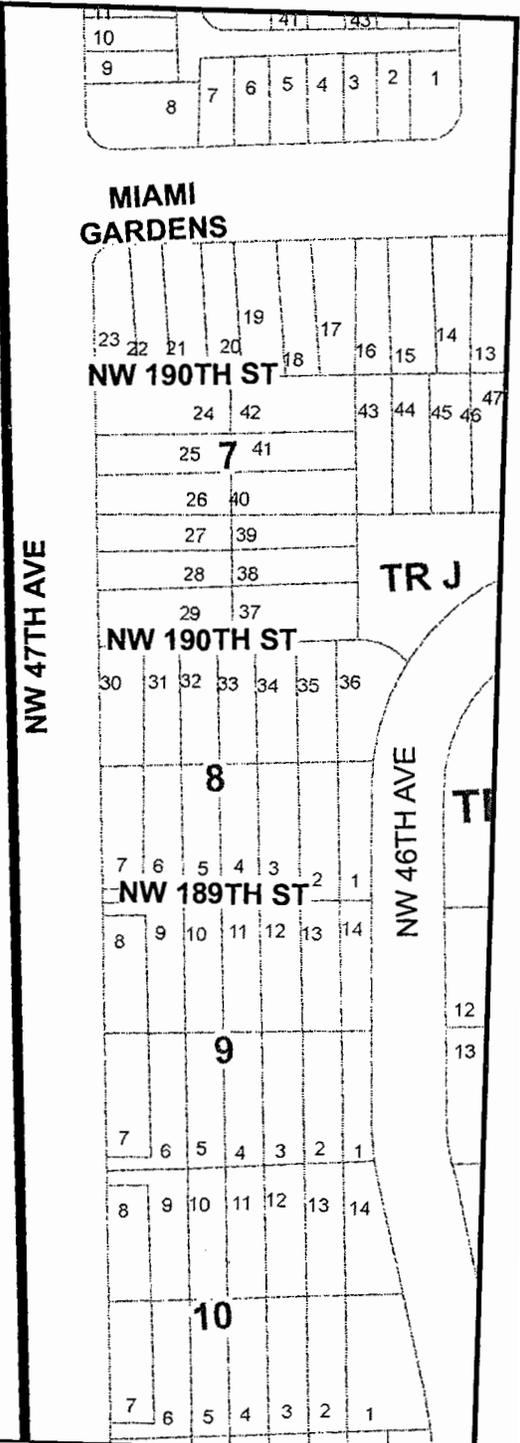
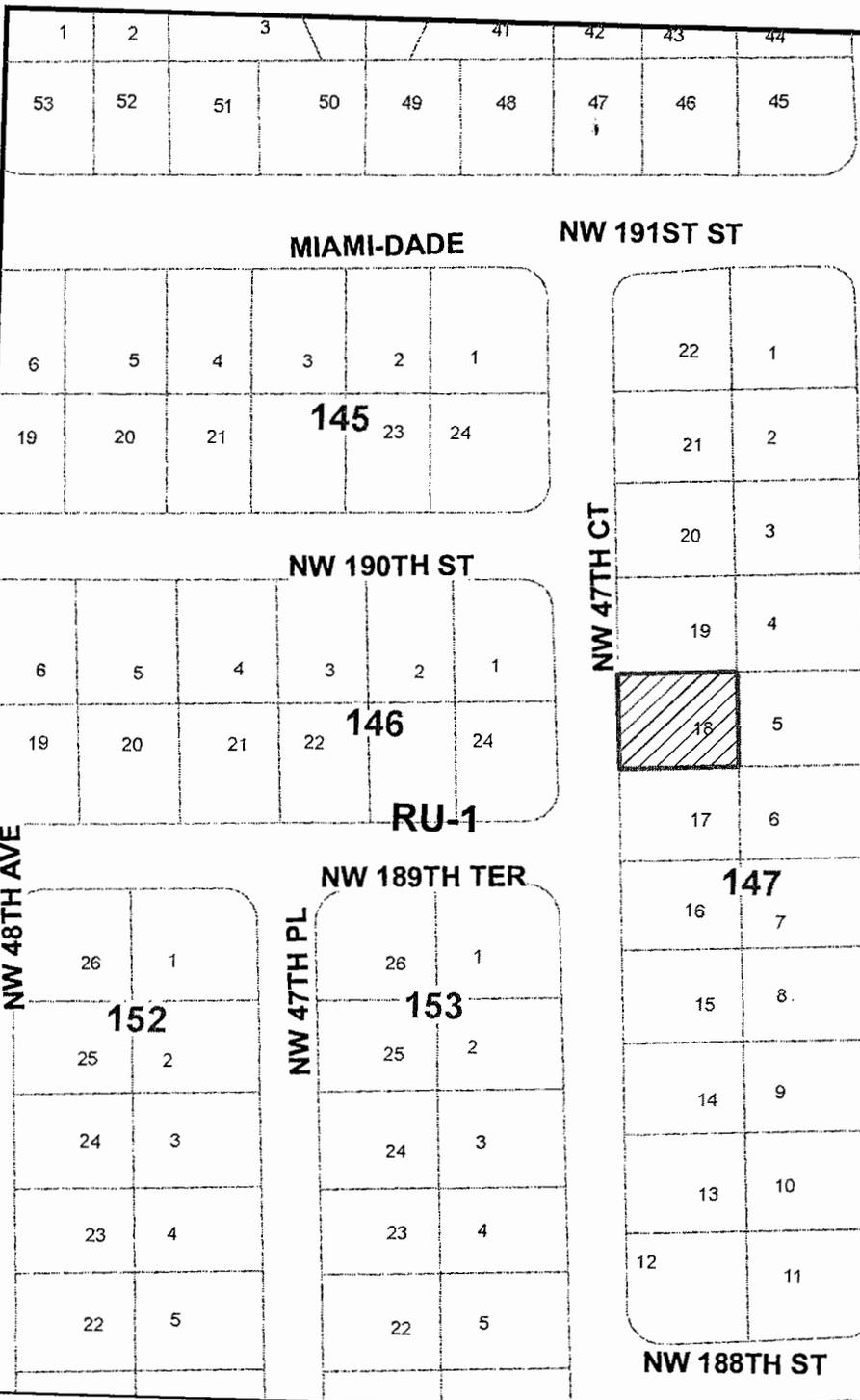
EAST ELEVATION
SCALE: 1/4" = 1'-0"

213-051
RECEIVED
MAY 22 2013

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

213-051
RECEIVED
MAY 22 2013

SHEET NO. A-2 OF	REVISIONS NO. DATE DESCRIPTION 1. 3-13-13 DATE: 02/12/13 DRAWN BY: P.PASQUIER CHECKED BY: P.PASQUIER APPROVED BY: [Signature] SEAL	AS BUILT PLANS OF ADDITION LEGALIZATION FOR SERGIO & CAROLINA PASQUIER 18931 NW 47th COURT MIAMI, FL 33055	FERNANDO GOMEZ, P.M.A., P.E. CONSULTING ENGINEER FL. P.E. No. 14710 (DVL) 250 CATALINA AVE., #104 CORAL GABLES, FL. 33134 TEL: (305) 461-2168 FAX: (305) 461-2238 FGD@FERNANDEZGOMEZ.COM
		THESE DRAWINGS AND DESIGN ARE THE PROPERTY OF FERNANDO GOMEZ-P.M.A., P.E. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT HIS WRITTEN CONSENT.	



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000051

Section: 06 Township: 52 Range: 41
 Applicant: SERGIO PASQUIER, ET AL
 Zoning Board: C5
 Commission District: 1
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

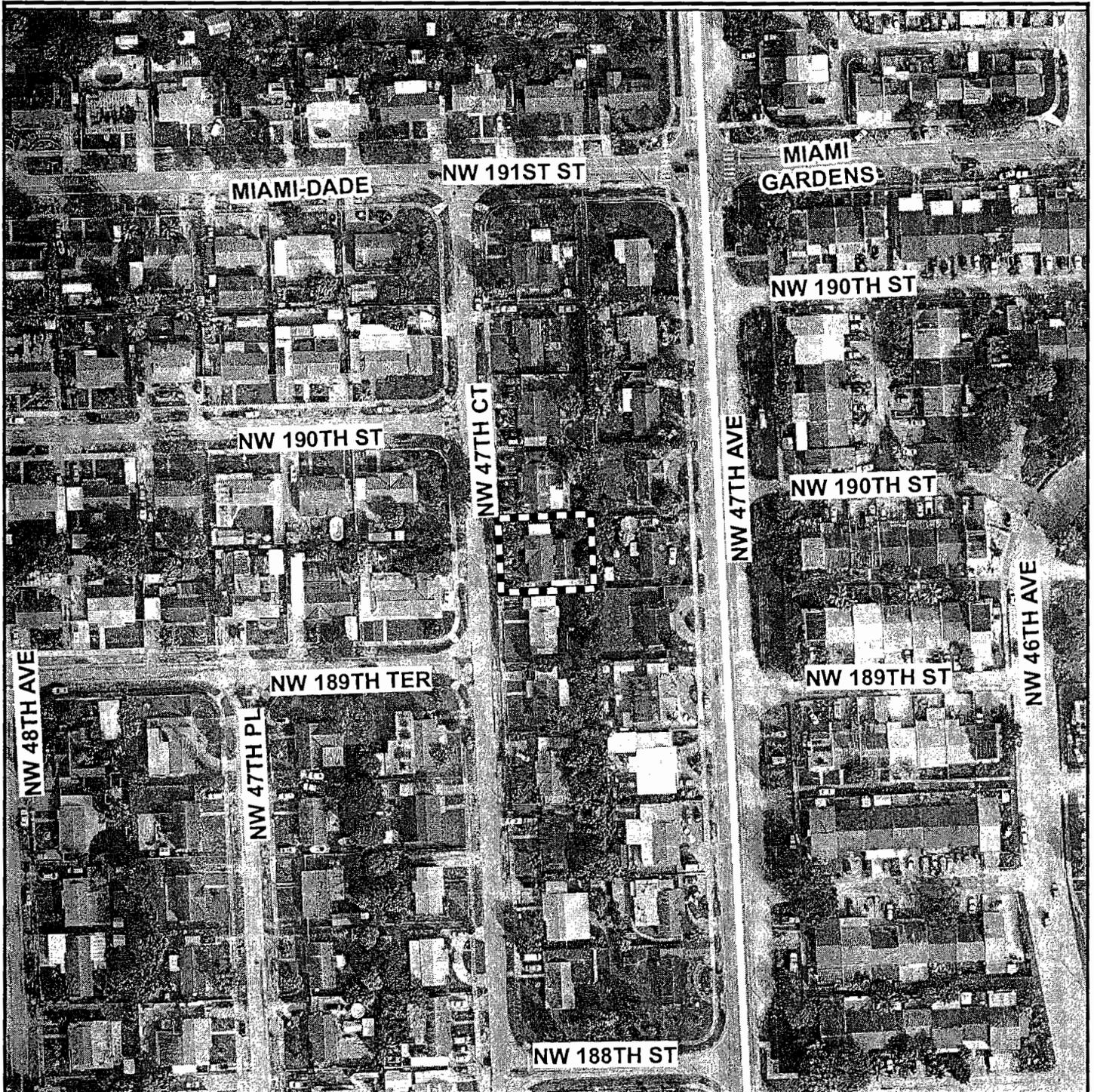
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, June 5, 2013

REVISION	DATE	BY
		17

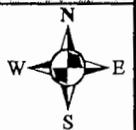


MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000051



Section: 06 Township: 52 Range: 41
 Applicant: SERGIO PASQUIER, ET AL
 Zoning Board: C5
 Commission District: 1
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

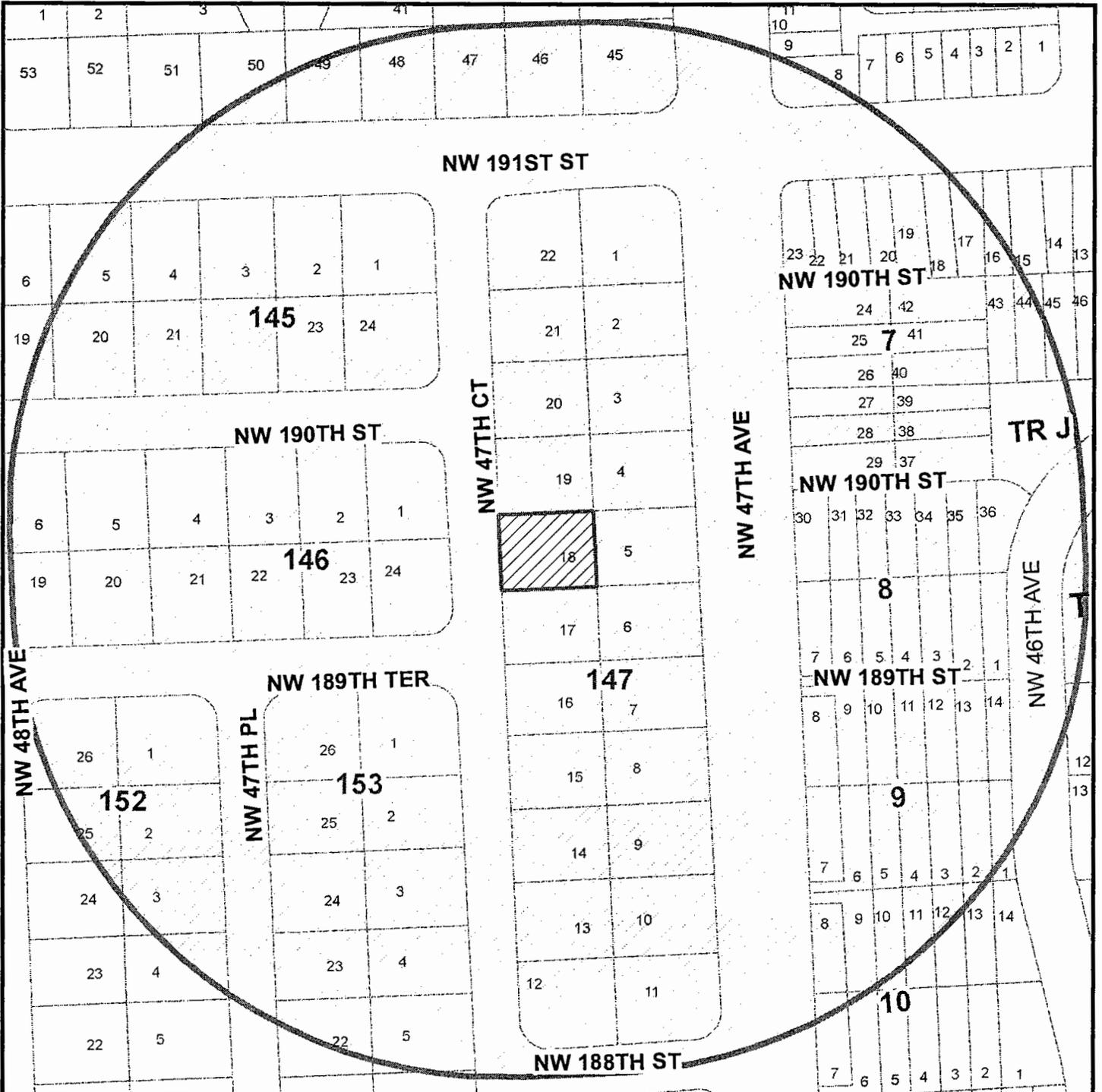
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 Subject Property



SKETCH CREATED ON: Wednesday, June 5, 2013

REVISION	DATE	BY
		18



MIAMI-DADE COUNTY
RADIUS MAP

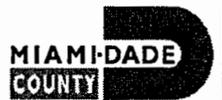
Process Number
Z2013000051
 RADIUS: 500



Section: 06 Township: 52 Range: 41
 Applicant: SERGIO PASQUIER, ET AL
 Zoning Board: C5
 Commission District: 1
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

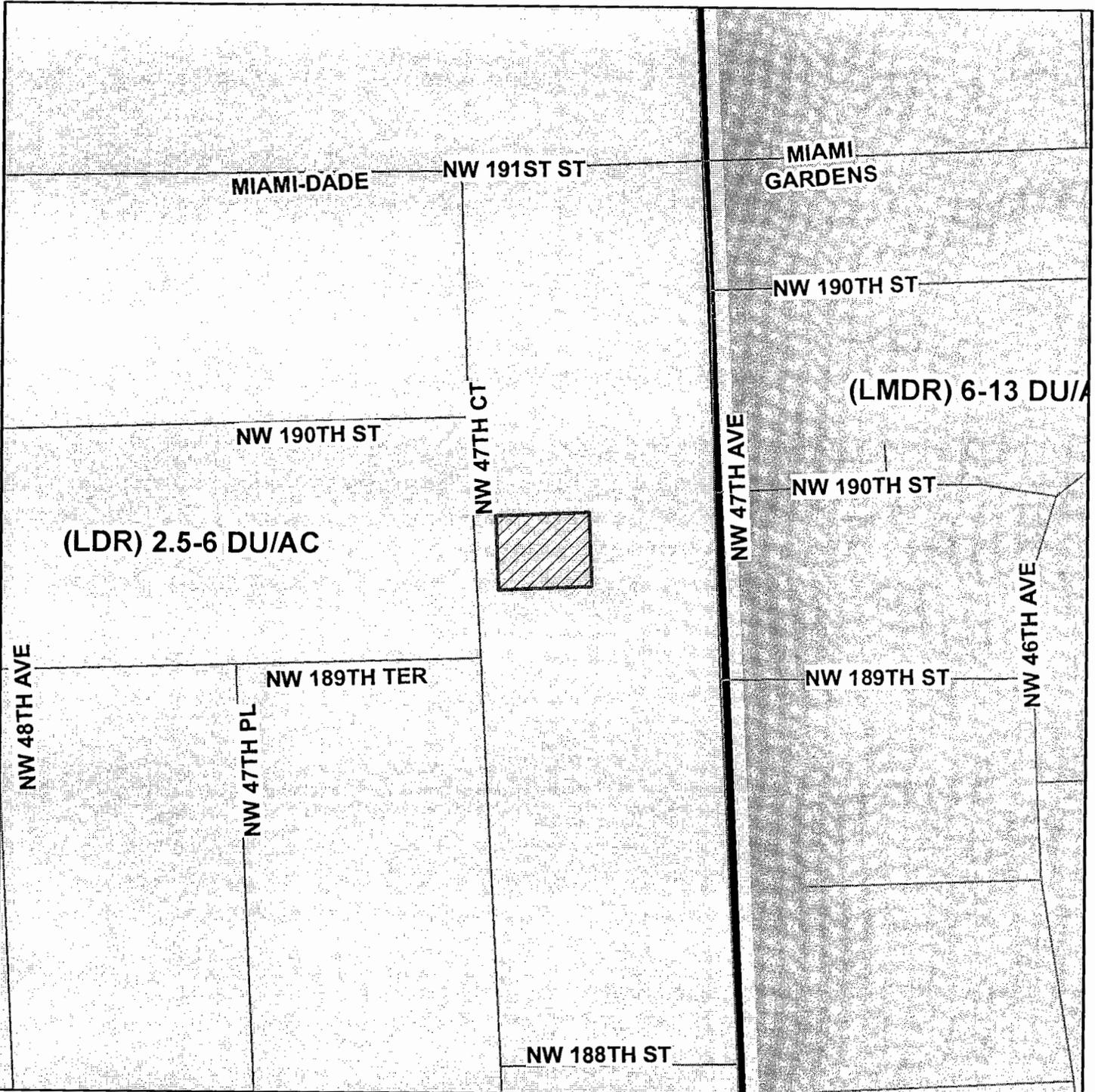
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, June 5, 2013

REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
 CDMP MAP

Process Number
Z2013000051

Section: 06 Township: 52 Range: 41
 Applicant: SERGIO PASQUIER, ET AL
 Zoning Board: C5
 Commission District: 1
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, June 5, 2013

REVISION	DATE	BY