

# KITS

5-1-2009 Version # 1



**COMMUNITY ZONING APPEALS BOARD 8  
HENRY REEVES ELEMENTARY SCHOOL  
2005 NW 111 Street, Miami  
Tuesday, May 26, 2009 at 7:00 p.m.**

**CURRENT**

1.	09-5-CZ8-1	MANETTE CHERENFANT & MARIE C JEAN FRANCOIS	08-108	35-52-41	N
2.	09-5-CZ8-2	DESAMP,LLC, A FLORIDA LLC.	08-117	35-53-40	N
3.	09-5-CZ8-3	NEW HOPE MISSIONARY BAPTIST CHURCH OF MIAMI, INC	08-195	34-52-41	N
4.	09-5-CZ8-4	MIAMI COUNTRY DAY SCHOOL, INC.	08-211	31-52-42	N
5.	09-5-CZ8-5	ELLA DAVIS	08-216	27-52-41	N
6.	09-5-CZ8-6	CATHY ROLLINS	08-232	27-52-41	N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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### COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, MAY 26, 2009

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 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

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1. **MANETTE CHERENFANT & MARIE C. JEAN**  
**FRANCOIS (09-5-CZ8-1/08-108)**

**35-52-41**  
**Area 8/District 2**

- (1) Applicants are requesting to permit additions to a single-family residence setback 24.76' (25' required) from the rear (north) property line and setback 5.5' (15' required) from the side street (west) property line.
- (2) Applicants are requesting to permit a detached playroom addition setback 3' (20' required) from the side street (west) property line and setback 2.1' (5' required) from the rear (north) property line and spaced 5.2' (10' required) from the residence.
- (3) Applicants are requesting to permit a porch addition to the single-family residence setback 24.34' (25' required) from the front (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Bedroom-Florida and Playroom to be Legalized Manette Cherenfant", as prepared by Fernando Gomez-Pina, P.E. dated stamped received 2/2/09 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 1455 N.W. 117 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 60' x 101'

Department of Planning and  
Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 12

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

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

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

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

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2. **DESAMP, LLC, A FLORIDA LLC. (09-5-CZ8-2/08-117)**

**35-53-40**  
**Area 8/District 12**

- (1) Applicant is requesting to permit a landscaped open-space requirement of 4,787 sq. ft. (12,280 sq. ft. required).
- (2) Applicant is requesting to permit 8 street trees (12 street trees required).
- (3) Applicant is requesting to permit 82 parking spaces (87 required).
- (4) Applicant is requesting to permit parking spaces to back-out onto the public right-of-way (not permitted).

(5) Applicant is requesting to waive the 8' greenbelt requirement.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests #1 through #3 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and approval of requests #1 through #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan for Variance: Tiles and Stones, Inc.," as prepared by Carlos Diaz & Assoc., Architects, P. A., dated stamped received 10/14/08 and consisting of one sheet. Plans may be modified at public hearing.

LOCATION: 1777 N.W. 72 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.75 Acres

Department of Planning and Zoning Recommendation:

Denial without prejudice.

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

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

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

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

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

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

**3. NEW HOPE MISSIONARY BAPTIST CHURCH OF MIAMI, INC. (09-5-CZ8-3/08-195)**

**34-52-41  
Area 8/District 2**

- (1) SPECIAL EXCEPTION to permit a religious facility to expand onto additional property to the north, east and west.
- (2) MODIFICATION of Condition #2 of Resolution #4-ZAB-512-88, passed and adopted by the Zoning Appeals Board and last modified by Resolution #CZAB-8-7-03, passed and adopted by Community Zoning Appeals Board #8, 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 'Site Plan,' as prepared by The Architects Hall Designers, Inc., consisting of 7 sheets: SP-1.00, A-1.0 through A-3.0 and LP-1.00, dated 5/2/02, A-4.0 dated 4/2/01."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'New Hope M B Church', as prepared by Mah & Assoc. Inc., sheet G001 dated stamped received 12/16/08 and sheets LF-1, A100 and A200 dated stamped received 10/7/08, and plans entitled 'New Hope Mission Baptist Church' as prepared by Kimberly Moyer, ASLA, Landscape Architecture, sheets L-1 & L-2 dated stamped received 1/16/2009, consisting of a total of 6 sheets."

The purpose of the request is to allow the applicant to submit a new site plan to include a new administrative office addition and a deletion of 5 modular buildings for a previously approved religious facility and a day care center.

Upon a demonstration that the applicable standards have been satisfied, approval of Request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

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

LOCATION: 1881 N.W. 103 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6.05 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1; approval with conditions of request #2 under Section 33-311(A)(7); denial without prejudice of same under Section 33-311(A)(17).

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

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

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

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

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

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

**4. MIAMI COUNTRY DAY SCHOOL, INC. (09-5-CZ8-4/08-211)**

**31-52-42  
Area 8/District 3**

(1) MODIFICATION of Condition #2 of Resolution #4-ZAB-319-82, passed and adopted by the Zoning Appeals Board and last modified by Resolution #CZAB7-2-03, passed and adopted by the Community Zoning Appeals Board #7, reading as follows:

FROM: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Miami Country Day School,' as prepared by Max Wolfe Sturman Architects, Inc., consisting of 1 sheet, dated 10/29/02 and a boundary survey as prepared by A. R. Toussaint & Assocs., Inc., consisting of 4 sheets and dated 9/3/02."

TO: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Miami Country Day School Katherine E. Franco Center for Learning Resources,' as prepared by Zyscovich, Architect, Sheets 'A-1' and 'A-2', dated stamped received 2/6/09, the remaining 8 sheets dated stamped received 10/22/08, and plans entitled 'New Amphitheatre @ Miami Country Day School,' as prepared by Design Build Professionals, consisting of 3 sheets, dated stamped received 10/22/08, for a total of 13 sheets."

The purpose of request #1 is to permit the applicant to submit a revised site plan for a previously approved school to include a new library center and amphitheatre.

(2) Applicant is requesting to permit a proposed library building with a height of 42'4" (35' maximum permitted).

- (3) Applicant is requesting to permit the maintenance shed and the maintenance canopy setback 4'2" (7'6" required) from the interior side (north) property line.
- (4) Applicant is requesting to permit the student assembly area setback 4'9" (25' required) from the rear (east) property line.
- (5) Applicant is requesting to permit parking within 25' of the Right-of-Way (not permitted).
- (6) Applicant is requesting to permit a parking back-up width of 20' (22' required).
- (7) Applicant is requesting to permit two additional wall signs with a total of 279 sq. ft. (1 sign 24 sq. ft. permitted (2 detached signs previously approved, 1 not to exceed 18 sq. ft. and one not to exceed 24 sq. ft.).

Upon a demonstration that the applicable standards have been satisfied, approval of Request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of Request #2 through #7 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

LOCATION: 601 N.E. 107 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 14.58 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1 on modified basis to show the deletion of 2 proposed signs affixed to the south and east elevations of the proposed library building under Section 33-311 (A)(7) and denial without prejudice of same under Section 33-311 (A)(17); approval with conditions of requests #2 through #6 under Section 33-311 (A)(4)(b)(NUV); denial without prejudice of request #7 under Section 33-311(A)(4)(b)(NUV); and denial without prejudice of request #2 through #7 under Section 33-311(A)(4)(c)(ANUV).

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

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

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

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

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

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

5. ELLA DAVIS (09-5-CZ-5/08-216)

27-52-41  
Area 8/District 2

- (1) Applicant is requesting to permit a screen room addition to a single-family residence setback 0.98' (7.5' required) from the interior side (west) property line.

- (2) Applicant is requesting to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to permit a 5' wall with metal pickets within the safe sight distance triangle along the front (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Renovation For: Ella Davis-Parker," as prepared by L. Hugh Anglin, consisting of two sheets, dated stamped received 2/2/09. Plans may be modified at public hearing.

LOCATION: 1935 N.W. 133 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10,380 sq. ft.

Department of Planning and Zoning Recommendation:	Denial without prejudice.
Protests: _____ 0 _____	Waivers: _____ 0 _____ 0
APPROVED: _____	DENIED WITH PREJUDICE: _____
DENIED WITHOUT PREJUDICE: _____	DEFERRED: _____

**6. CATHY ROLLINS (09-5-CZ-6/08-232) 27-52-41  
Area 8/District 2**

APPLICANT: CATHY ROLLINS

- (1) Applicant is requesting to permit an aluminum carport setback 3.34' (5' required) from the side street (north) property line.
- (2) Applicant is requesting to permit a screen enclosure setback 7.7' (15' required) from the side street (north) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Screened Enclosure to a SFR Kathy Rollins," as prepared by NPAC Management Corporation, consisting of 2 sheets, dated stamped received 1/16/09. Plans may be modified at public hearing.

LOCATION: 13345 N.W. 18 Place, Miami-Dade County, Florida.

SIZE OF PROPERTY: 80' x 105'

Department of Planning and  
Zoning Recommendation:

Denial without prejudice.

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

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

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

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

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

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

NOTICE OF APPEAL RIGHTS

\*\*\*\*\*  
THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.  
\*\*\*\*\*

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ 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. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

**1. MANETTE CHERENFANT &  
MARIE C JEAN FRANCOIS**  
(Applicant)

09-5-CZ8-1 (08-108)  
Area 8/District 2  
Hearing Date: 5/26/09

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<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.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL NO. 8**

**APPLICANT:** Manette Cherenfant and Marie Jean Francois      **PH:** Z08-108 (09-05-CZ8-1)

**SECTION:** 35-52-41      **DATE:** May 26, 2009

**COMMISSION DISTRICT:** 2      **ITEM NO.:** 1

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**A. INTRODUCTION**

o      **REQUESTS:**

1. Applicants are requesting to permit additions to a single-family residence setback 24.76' (25' required) from the rear (north) property line and setback 5.5' (15' required) from the side street (west) property line.
2. Applicants are requesting to permit a detached playroom addition setback 3' (20' required) from the side street (west) property line and setback 2.1' (5' required) from the rear (north) property line and spaced 5.2' (10' required) from the residence.
3. Applicants are requesting to permit a porch addition to the single-family residence setback 24.34' (25' required) from the front (south) property line

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Bedroom-Florida and Playroom to be Legalized Manette Cherenfant", as prepared by Fernando Gomez-Pina, P.E. dated stamped received 2/2/09 and consisting of 3 sheets. Plans may be modified at public hearing.

o      **SUMMARY OF REQUESTS:**

The applicants are seeking to legalize additions to a single-family residence that encroaches into the side street (west), rear (north) and front (south) setback areas. Additionally, the applicants seek to legalize a detached playroom addition spaced less than required from the principal residence and also encroaching into the side street (west) and rear (north) setback areas.

o      **LOCATION:** 1455 N.W. 117 Street, Miami-Dade County, Florida.

o      **SIZE:** 60' x 101'

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

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential**. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-1; Single-Family residence

Low-Medium Density Residential, 6 to 13 du

**Surrounding Properties:**

**NORTH:** RU-1; single-family residence

Low-Medium Density Residential, 6 to 13 du

**SOUTH:** RU-1; single-family residence

Low-Medium Density Residential, 6 to 13 du

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

Low-Medium Density Residential, 6 to 13 du

**WEST:** RU-4L; apartments

Low-Medium Density Residential, 6 to 13 du

The subject property is located at 1455 N.W. 117 Street in an area zoned RU-1, Single-family Residential District, developed with single-family residences. To the west is an apartment complex zoned RU-4L, Limited Apartment House District.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Unacceptable**

Landscape Treatment:

**N/A**

Open Space:

**N/A**

Buffering:

**Acceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**N/A**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

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

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

17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
  18. safe sight distance triangles shall be maintained as required by this code; and
  19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
  20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
  21. the proposed development will meet the following:
    - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
    - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
    - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
    - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
    - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (e) **Notwithstanding** the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
  - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (f) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive

recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

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

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

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

**G. NEIGHBORHOOD SERVICES:**

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

## H. ANALYSIS:

The subject property is located at 1455 N.W. 117 Street in an area zoned RU-1, Single-Family Residential District. The surrounding area is developed with single-family residences to the north, east and south and an apartment development to the west. The subject property is designated as **Low Medium-Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 6 to 13 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP. However, staff does not recommend approval of this application for reasons stated below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:14** minutes. The **Public Works Department (PWD)** also has **no objections** to this application.

When requests to permit the continued use of an existing single-family residence with additions encroaching into the rear (north), front (south) and side street (west) setback areas and in the case of the playroom, spaced less than required from the principal residence, are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the requests would be **incompatible** with the surrounding area, would negatively affect the appearance of the community, and would be detrimental to the neighborhood. Staff opines that approval of requests as intensive as these would have a negative visual impact on the surrounding area. Further, staff opines that the 9.5' encroachment into the side street (west) setback area for the bedroom and family room addition combined with the 17' encroachment of the detached playroom structure into the side street (west) setback area is too intensive and creates a negative visual impact on the surrounding properties. In addition, the applicants are also requesting variances to permit the aforementioned additions and detached building to encroach into the rear (north) setback area. Staff is also of the opinion that the existing floor plan could be modified in the future to house additional dwelling units exceeding the maximum allowed in the RU-1 zoning district, which only permits a maximum of one unit on the property. Staff also notes that there were no approvals of similar variances in the surrounding area as intensive as that requested in this application. As such, staff notes that the approval of the requests would be **incompatible** with and adversely affect the aesthetic character of the area, and set a negative precedent for similarly intense requests. Therefore, staff recommends denial without prejudice of the request under the NUV Standards.

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

The Alternative Site Development Option (ASDO) standards under Section 33-311(A)(14) provide for the approval of a zoning application which can demonstrate at a public hearing that

the development requested is in compliance with the applicable Alternative Site Development Option Standards as established. However, the applicants have not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application cannot be analyzed under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

Based on all of the aforementioned, staff opines that, though the subject RU-1 site remains **consistent** with the LUP map of the CDMP, approval of the requests would have an adverse effect on the aesthetic character of the surrounding properties and is therefore **incompatible** with the surrounding area. Staff therefore recommends denial without prejudice of the requests under Section 33-311(A)(4)(b) NUV, Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 03/26/09  
DATE TYPED: 04/13/09  
DATE REVISED: 04/14/09  
DATE FINALIZED: 04/27/09  
MCL:MTF:NN:AA:CH

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

# Memorandum



**Date:** June 24, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

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

**Subject:** C-08 #Z2008000108  
Manette Cherenfant  
1455 N.W. 117<sup>th</sup> Street  
Request to Permit an Existing Addition that Exceeds Lot Coverage and  
Setback Requirements  
(RU-1) (0.14 Acres)  
35-52-41

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

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

Concurrency Review Summary

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

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

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

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

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

**Date:** March 8, 2006

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



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

**Subject:** Zoning Hearing Improvements

---

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

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

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

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

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

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

Leandro Rodriguez

# Memorandum



**Date:** 30-JUN-08  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000108

**Fire Prevention Unit:**

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

**Service Impact/Demand:**

Development for the above Z2008000108  
located at 1455 N.W. 117 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0591 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.27 alarms-annually.  
The estimated average travel time is: 6:14 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station 19 - North Miami W - 650 NW 131 Street  
Rescue, ALS 50' Squrt TRT-1

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
Station 18 - North Miami - NE 138 Street & 5 Avenue.

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped June 17, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

MANETTE CHERENFANT

1455 N.W. 117 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

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Z2008000108

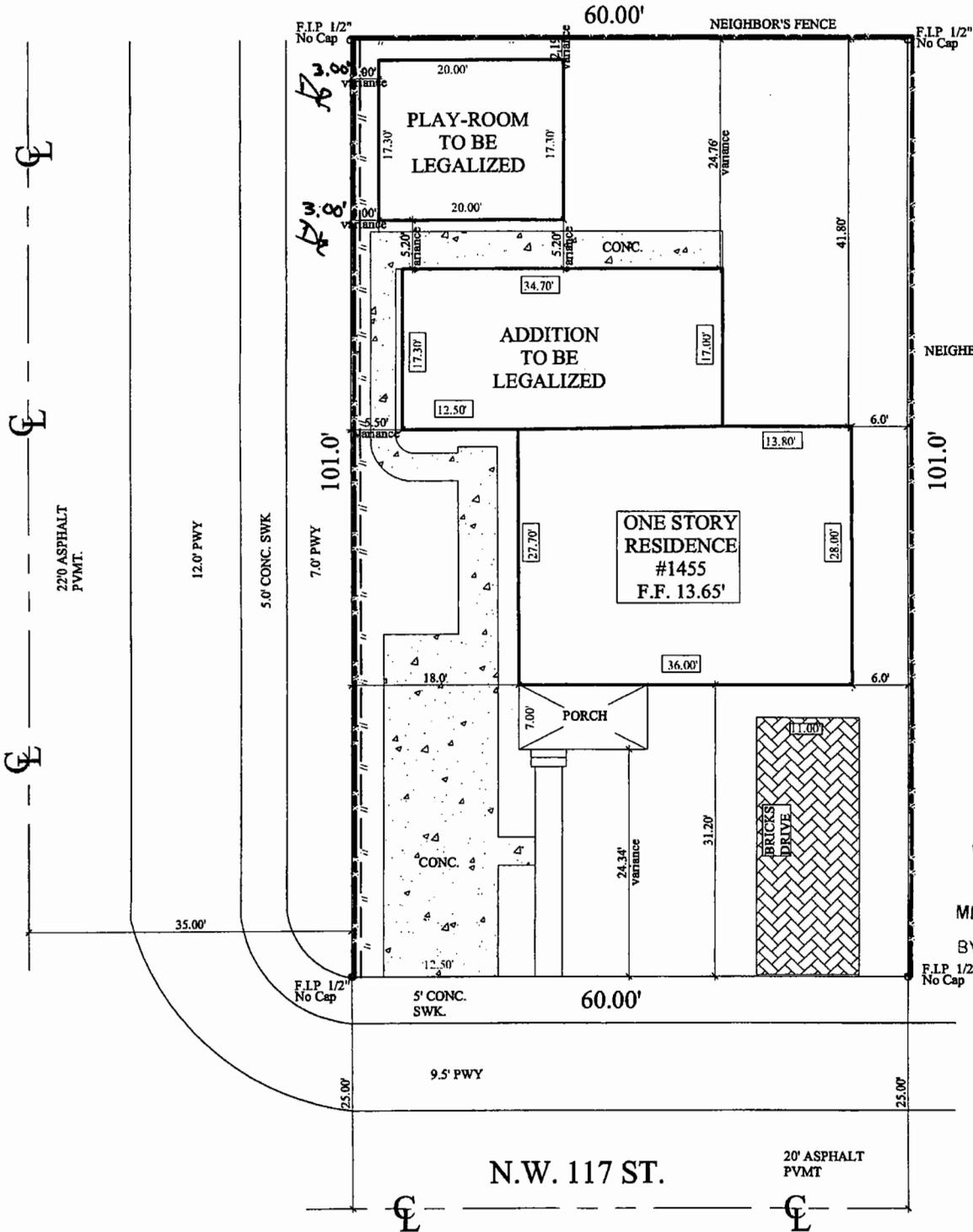
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HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

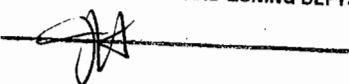
200804004440 no current TM violation found; case closed on 6/30/08.

Joan Spikes



**RECEIVED**  
 209.109  
 FEB 02 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY   
 F.L.P. 1/2" No Cap

ENLARGED SITE PLAN  
 SITE PLAN.- SCALE: 1" = 10'



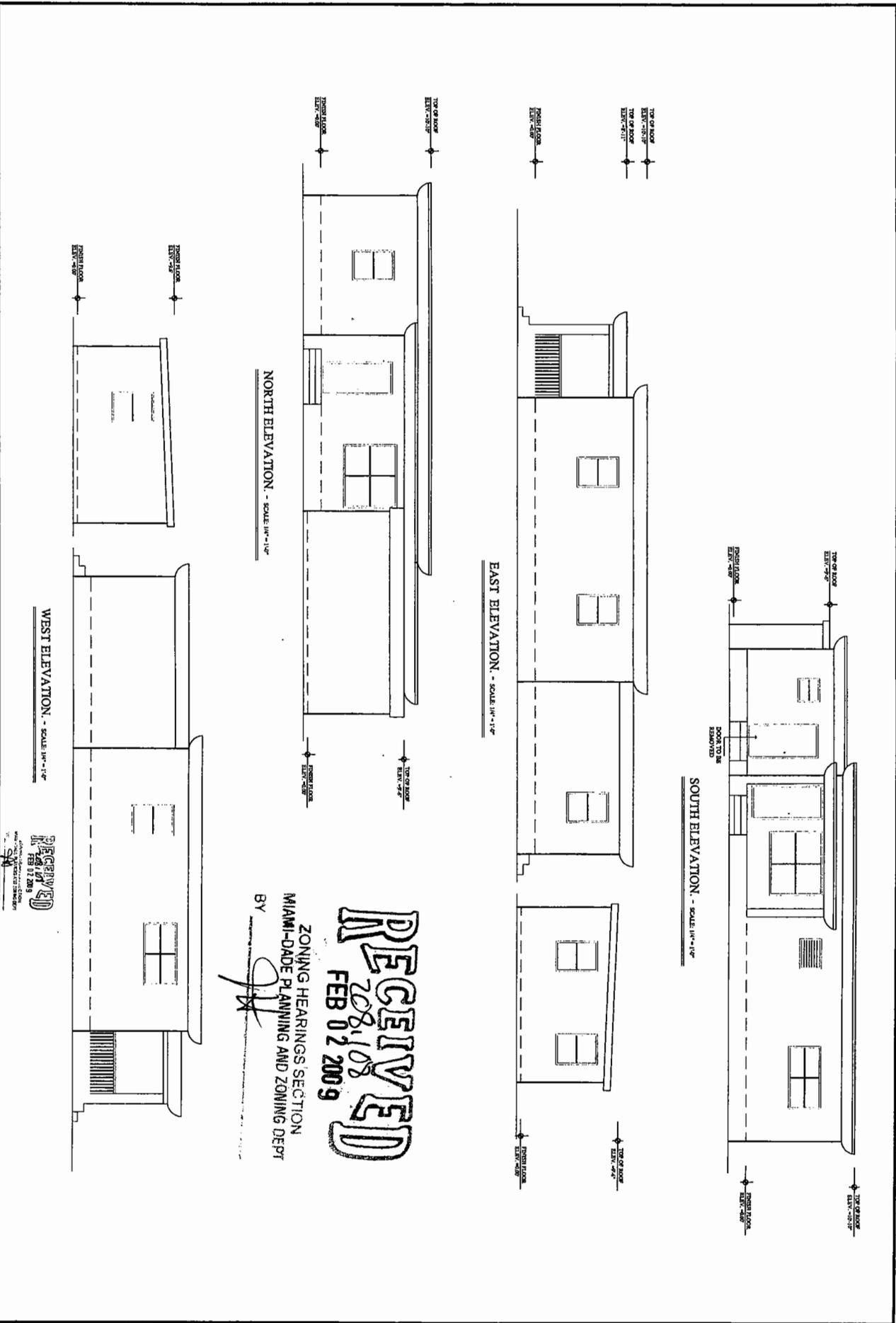
**TERMITE PR**

105.10 Certificate of prot  
 A weather-resistant job-si  
 each required protective t  
 to and another copy for th  
 identity of the applicator,  
 If the soil chemical barrie  
 prior to final building app  
 105.11 Notice of termite  
 A permanent sign which  
 contract renewal shall be

14



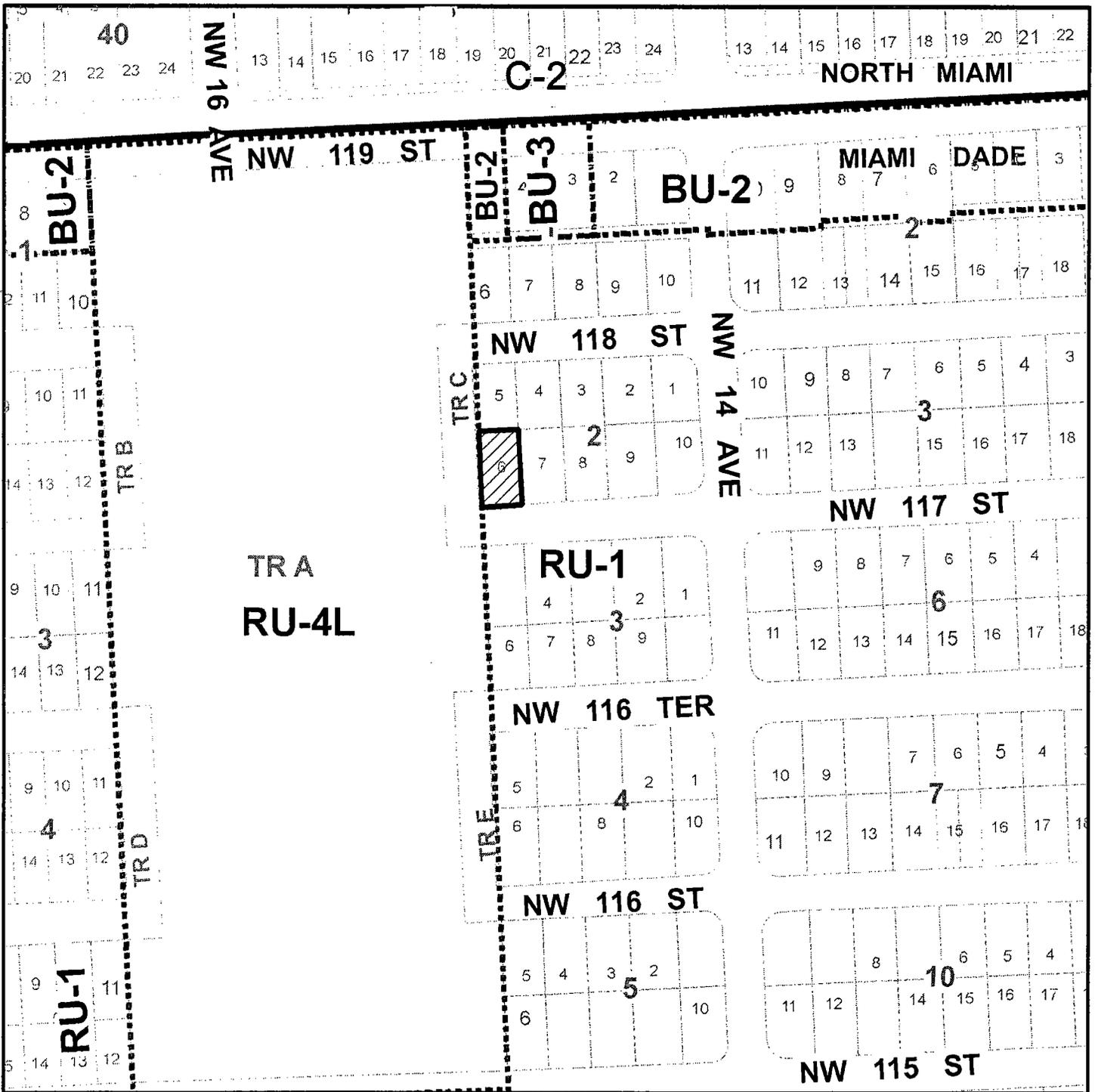




**RECEIVED**  
 208,108  
 FEB 02 2009  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT  
 BY *[Signature]*

**RECEIVED**  
 FEB 17 2009  
 MIAMI-DADE PLANNING AND ZONING DEPT

SHEET NO. <b>A-2</b> 3 3	TITLE <b>ELEVATIONS</b>	PROJECT TITLE <b>BEDROOM-FLORIDA AND PLAYROOM TO BE LEGALIZED          MANETTE CHERNFANT</b>
PROJECT NO. DATE	DESCRIPTION PLAN NO.	1455 NW. 117 ST- MIAMI, FLORIDA 33167-3223
DRAWN BY CHECKED BY DATE	APPROVED BY DATE	FERNANDO GOMEZ-PINA, P.E. CONSULTING ENGINEER FL. P.E. No. 14719 (CIVIL) 14637 SW. 127 ST. MIAMI, FL 33186 TEL: (305) 894-1883 (786) 363-7003 FAX: 363-7004 E-MAIL: fgp@fpa.com



**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 35 Township: 52 Range: 41  
 Applicant: MANETTE CHEREFANT  
 Zoning Board: C08  
 Commission District: 2  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-108**

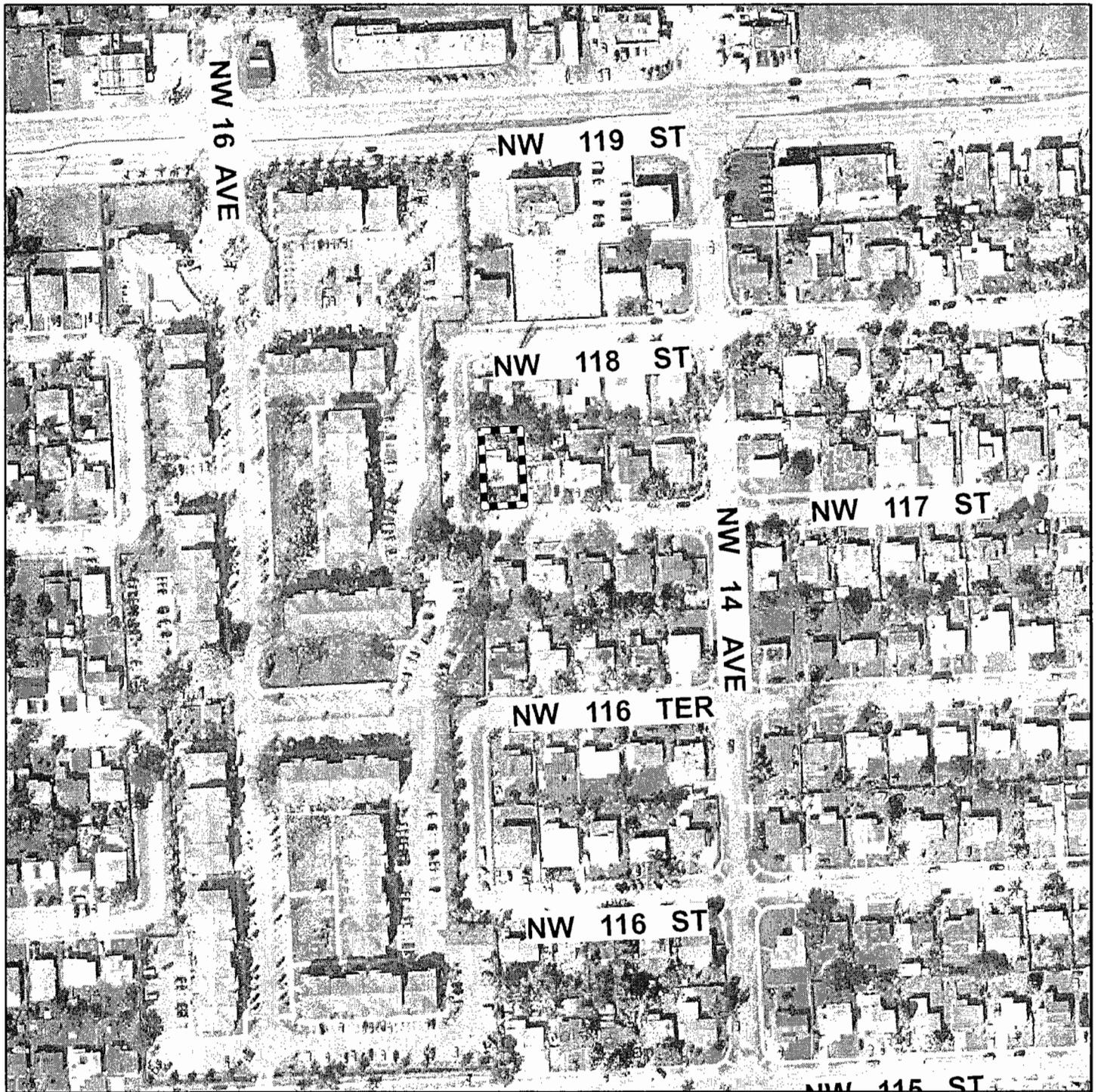


**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/27/08

REVISION	DATE	BY
		18



**MIAMI-DADE COUNTY**  
 AERIAL YEAR 2008  
 Section: 35 Township: 52 Range: 41  
 Applicant: MANETTE CHEREFANT  
 Zoning Board: C08  
 Commission District: 2  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-108**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 08/27/08

REVISION	DATE	BY

**2. DESAMP,LLC, A FLORIDA LLC.**  
**(Applicant)**

**09-5-CZ8-2 (08-117)**  
**Area 8/District 12**  
**Hearing Date: 5/26/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

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

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** Desamp, L.L.C.

**PH:** Z08-117 (09-5-CZ8-2)

**SECTION:** 35-53-40

**DATE:** May 26, 2009

**COMMISSION DISTRICT:** 12

**ITEM NO.:** 2

=====

**A. INTRODUCTION**

o **REQUESTS:**

- (1) Applicant is requesting to permit a landscaped open-space requirement of 4,787 sq. ft. (12,280 sq. ft. required).
- (2) Applicant is requesting to permit 8 street trees (12 street trees required).
- (3) Applicant is requesting to permit 82 parking spaces (87 required).
- (4) Applicant is requesting to permit parking spaces to back-out onto the public right-of-way (not permitted).
- (5) Applicant is requesting to waive the 8' greenbelt requirement.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 through #3 may be considered under §33-311(A)(19) (Alternative Site Development Option for the IU Zoning District) and approval of requests #1 through #5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan for Variance: Tiles and Stones, Inc.," as prepared by Carlos Diaz & Assoc., Architects, P. A., dated stamped received 10/14/08 and consisting of one sheet. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant seeks a reduction in the amount of landscape open space, number of street trees, and parking spaces required by the Zoning Code for this industrial site. In addition the applicant seeks to permit parking spaces to back-out onto the right-of-way and to waive the required 8' wide green belt.

o **LOCATION:** 1777 N.W. 72 Avenue, Miami-Dade County, Florida.

o **SIZE:** 2.75 Acres

**B. ZONING HEARINGS HISTORY:** None

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Industrial and Office** use. Industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Limited commercial uses to serve the firms and workers in the industrial and office area are encouraged, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

**2. Policy LU-4A**

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.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

IU-1; warehouse

Industrial and Office

**Surrounding Properties:**

**NORTH:** IU-1; warehouse

Industrial and Office

**SOUTH:** IU-1; warehouse

Industrial and Office

**EAST:** IU-2; warehouses

Industrial and Office

**WEST:** IU-1; Offices and vacant land

Industrial and Office

**E. SITE AND BUILDINGS:**

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

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

**Section 33-311(A)(19) Alternative Site Development Option for Buildings and Structures in IU Zoning Districts.** This subsection provides for the establishment of an alternative site development option, after public hearing, for buildings and structures permitted by the underlying district regulations, except residential buildings and structures and religious facilities, in the IU-1, IU-2, IU-3, and IU-C zoning districts, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

- (e) **Landscaped open space** for an industrial development shall be approved after public hearing upon demonstration of the following:
- (1) landscaped open space shall not be decreased by more than ten percent (10%) of the landscape open space required by the applicable district regulations; and
  - (2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
  - (3) the landscaped open space provided shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen non-compatible uses and block noise generated by major roadways and intense use areas; and
  - (4) the landscaped open space provided shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities; and
  - (5) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity.
  - (6) the installation of the required percentage of landscaped open space on an industrial site containing an existing building, would necessitate a decrease in the number of parking spaces provided, or necessitate a decrease in the square footage of an existing building on the site; and
  - (7) that twenty percent (20%) more lot or **street trees** are provided on the site or within the adjacent rights-of-way, respectively; said trees to be of a type and size as required by Chapter 18A; and
  - (8) that an additional number of shrubs shall be provided commensurate with the trees in (7) above; said shrubs to be of a number, type and size as required by Chapter 18A.
- (j) An alternative reduction in the number of required **parking spaces** shall be approved on an IU site after public hearing upon demonstration of the following:
- 1) the alternative reduction of the number of parking spaces does not apply to parking spaces for the disabled, parking spaces for persons transporting small children, nor to bicycle racks or other means of bicycle storage; and either
  - 2) the total number of required parking spaces is not reduced below 10%; and
    - (A) the alternative reduction of the number of required parking spaces does the lot, parcel or tract is located within 660 feet of an existing transportation corridor such as a Major Roadway identified on the Land Use Plan (LUP) Map, within one-quarter ( 1/4) mile from existing rail, transit stations, or existing express busway stops; or
    - (B) the hours of operation of multiple industrial uses within the development vary and do not overlap and a recordable agreement is provided which restricts the hours of operation; or

- (k) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
  - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (l) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the economic viability of any industrial enterprises proposed within the approved development and the quality of life of residents and other owners of property in the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, landscaped open space over and above that normally required by the code, additional trees or landscaping, convenient pedestrian connection(s) to adjacent residential development(s), convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, monument signage (where detached signs are allowed) or limited wall signage, and decorative street lighting. In determining which amenities or buffering elements are appropriate, the following shall be considered:
- (A) the types of needs of the residents or other owners of property in the immediate vicinity and the needs of the occupants of the parcel proposed for development that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
  - (B) the proportionality between the impacts on the residents or on other owners of property in parcel(s) in the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional landscaped open space.

**G. NEIGHBORHOOD SERVICES:**

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

H. **ANALYSIS:**

The subject property is located at 1777 NW 72 Avenue within an established industrial park which lies immediately to the northwest of the Miami International Airport. The area where the subject property lies is predominantly characterized by industrial uses such as warehouses and vacant parcels of land. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. Uses permitted in these areas are manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. The existing IU-1 zoning on the site allows the warehouse use. As such, the warehouse building use on the subject property is **consistent** with the LUP map designation of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department objects** to this application. Although, their memorandum indicates that this application meets the traffic concurrency criteria and that the Department has no objections to the request to permit parking spaces to back-out onto the right-of-way, the approval of Request #3, to permit less parking than required, may result in vehicles parking within the right-of-way where parking is not allowed. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application and their memorandum indicates that the estimated average travel response time is **7:18**.

When requests #1 through #5 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) standards, staff is of the opinion that approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood, and would have a negative effect on the stability and appearance of the community. Staff is of the opinion that the approval of request #1, to permit a 4,787 sq. ft. of landscape open-space (12,280 sq. ft. required), is excessive and will allow the applicant to provide only 3.9% landscape open-space where 10% is required. In addition, staff notes that approval of request #2, to permit 8 street trees (12 street trees required) and request #5, to waive the 8' green belt requirement are indicative of an overutilization of the site and will be visually intrusive to the surrounding area. Moreover, no similar approvals have been granted in the surrounding area. As such, staff opines that requests #1, #2, and #5 would be out of character with the area. It should be noted that the Public Works Department objects to request #3, to permit 82 parking spaces where 87 parking spaces are required. Similarly, staff objects to this request and opines that approval of said request will result in vehicles parking within the right-of-way thereby impeding traffic flow along NW 72 Avenue. Staff's review of the submitted plans reveals that the applicant is proposing 33 parking spaces along the western façade of the building, which is currently approved as landscaped open space for the site, which will back-out onto NW 72 Avenue. Staff opines that approval of request #4, to permit parking spaces to back-out onto the public right-of-way will also impede traffic flow along NW 72 Avenue. As such, staff is of the opinion that requests #1 through #5 are **incompatible** with the surrounding area and recommends denial without prejudice of requests #1 through #5 under the NUV standards.

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #1 through #5 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion that these requests do not

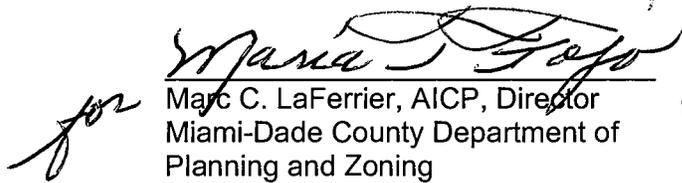
comply with the standards of said section since the property can be utilized in accordance with IU-1 zoning regulations. Therefore, in staff's opinion, the resultant requests are self-imposed and therefore not an unnecessary hardship. Accordingly, staff recommends denial without prejudice of requests #1 through #5 under the Section 33-311(A)(4)(c) (ANUV).

The Alternative Site Development Option for the IU Zoning District (ASDO) Standards, Section 33-311(A)(19), provide for the approval of a zoning application which can demonstrate at a public hearing that the proposed development is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, requests #1 through #3 cannot be approved under same and should be denied without prejudice under Section 33-311(A)(19) (ASDO).

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 03/26/09  
**DATE TYPED:** 04/09/09  
**DATE REVISED:** 04/13/09; 05/18/09  
**DATE FINALIZED:** 05/18/09  
MCL:MTF:MW:NN:JV:NC

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

# Memorandum



**Date:** June 25, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

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

**Subject:** C-08 #Z2008000117  
DESAMP, LLC.  
1777 N.W. 72<sup>nd</sup> Avenue  
Request to Landscape and Parking Spaces Less than Required  
(IU-1) (2.75 Acres)  
35-53-40

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

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

Concurrency Review Summary

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:DESAMP,LLC, A FLORIDA LLC.

This Department objects to this application.

This Department objects to the request to permit less parking than required.

This Department has no objections to the request to permit vehicles to back-out into the right-of-way. The property is in existing use in an area with similar uses where the Department does not foresee any problems.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

06-MAR-09

# Memorandum



**Date:** 09-JUL-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000117

**Fire Prevention Unit:**

Fire Engineering & Water Supply Bureau has no objection to letter of intent date stamped June 18, 2008.

**Service Impact/Demand:**

Development for the above Z2008000117  
 located at 1777 N.W. 72 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 4151 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: 7:18 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 17 - Virginia Gdns -7050 NW 36 Street  
 BLS 75' Ladder (Haz Mat Supp), Haz Mat 1

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Not applicable to Service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

DESAMP,LLC, A FLORIDA LLC.

1777 NW 72 AVENUE, MIAMI-DADE  
COUNTY, FLORIDA.

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APPLICANT

---

ADDRESS

Z2008000117

---

HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS OBSERVED

DESAMP LLC. A FLORIDA LLC.

JOANNE SUITE

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

CORPORATION NAME: DESAMP, LLC, a Florida limited liability company

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
Jose T. Tomas and Desamparados Tomas (as Tenants by the Entirety) 1777 NW 72 <sup>nd</sup> Avenue, Miami, FL 33126-1316	100

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and 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>

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

**RECEIVED**  
208.117  
JUN 18 2008

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

**RECEIVED**  
208.117  
JUN 18 2008

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

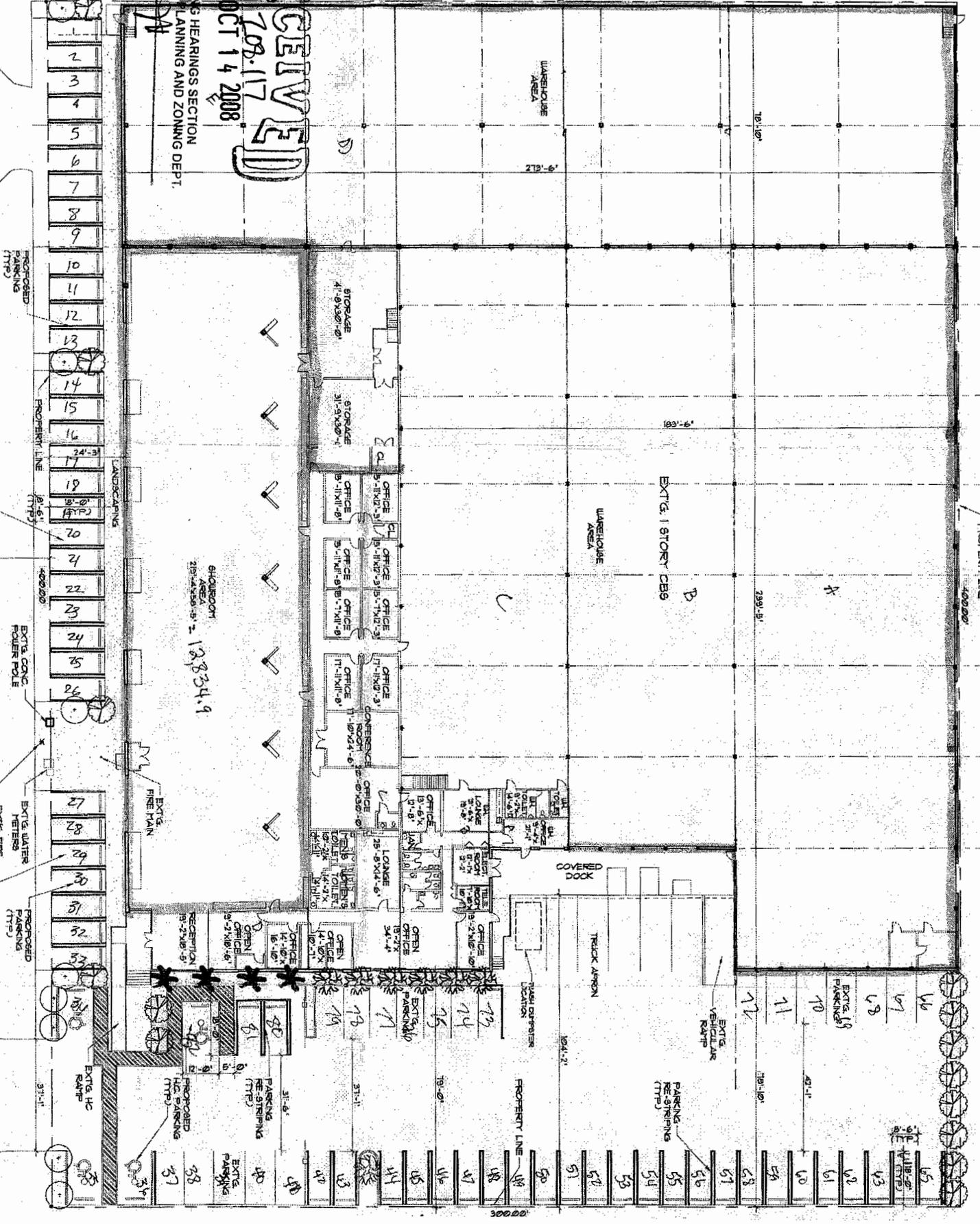


ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY                     

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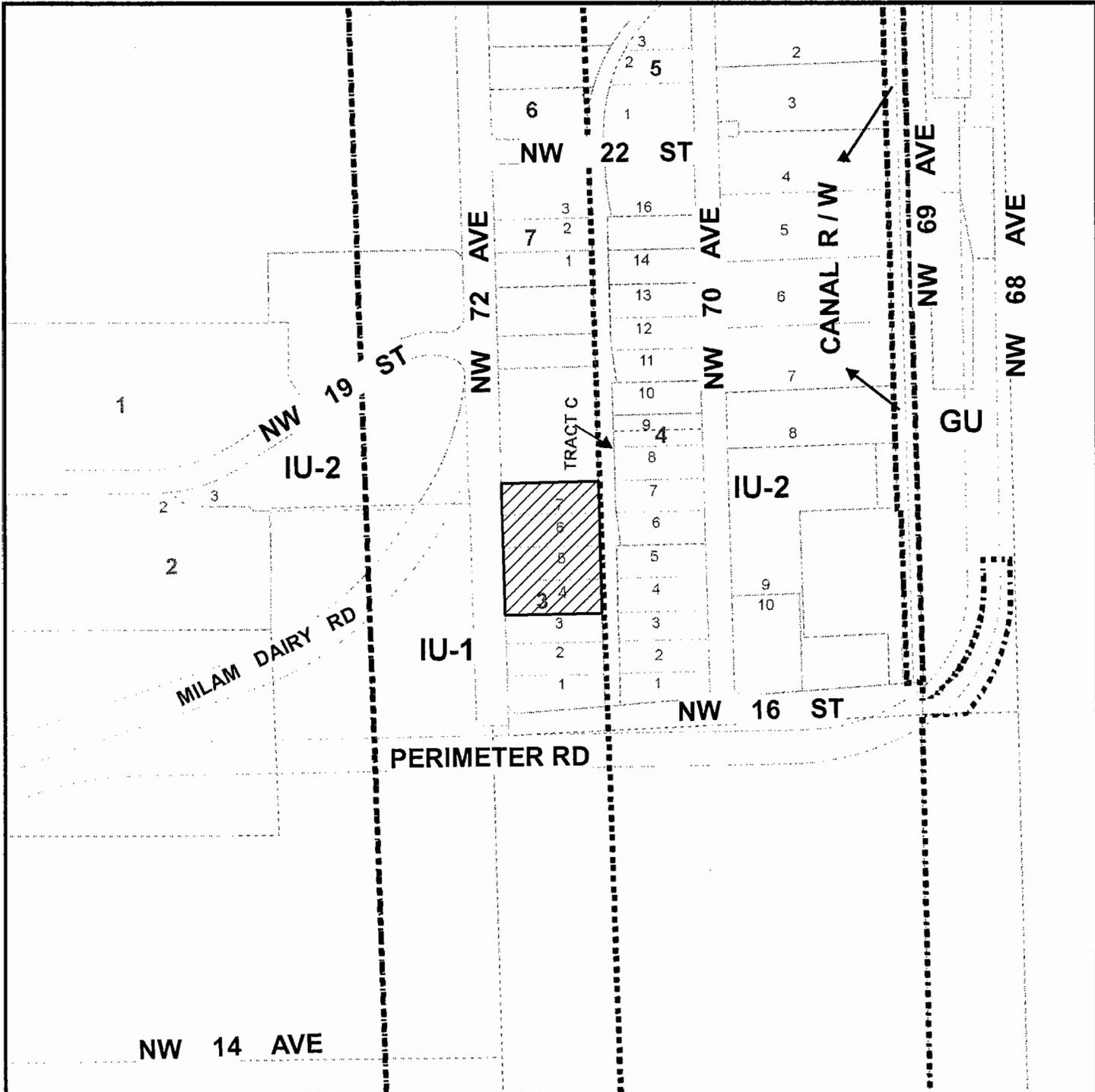
101101  
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PROPERTY LINE

ENLARGED SITE PLAN



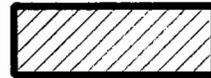
PARKING





**MIAMI-DADE COUNTY**  
**HEARING MAP**  
 Section: 35 Township: 53 Range: 40  
 Applicant: DESAMP, LLC, A FLORIDA LLC.  
 Zoning Board: C08  
 Commission District: 12  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-117**

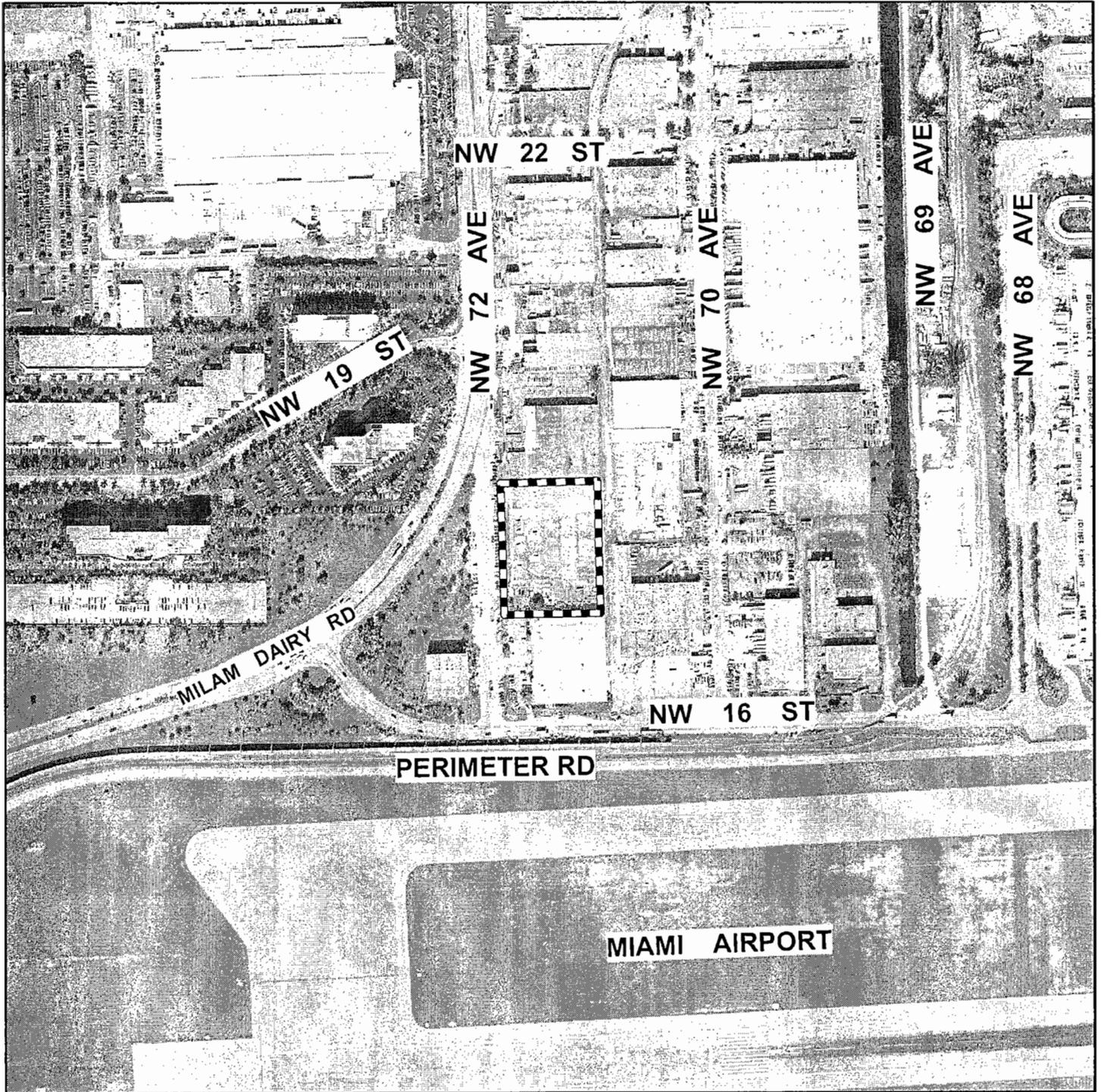


**SUBJECT PROPERTY**



SKETCH CREATED ON: 06/27/08

REVISION	DATE	BY
		17



**MIAMI-DADE COUNTY**  
 AERIAL YEAR 2008  
 Section: 35 Township: 53 Range: 40  
 Applicant: DESAMP, LLC, A FLORIDA LLC.  
 Zoning Board: C08  
 Commission District: 12  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number

**08-117**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 06/27/08

REVISION	DATE	BY

**3. NEW HOPE MISSIONARY BAPTIST  
CHURCH OF MIAMI, INC**  
(Applicant)

09-5-CZ8-3 (08-195)  
Area 8/District 2  
Hearing Date: 5/26/09

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1960	Unknown	25' Private drive in lieu of 75' frontage	BA	Approved
1974	Charles R White, Et Al	- Unusual-Use Utility facility - Special exception height for fence	BCC	Approved w/conds.
1988	New Hope Missionary	- Special Exception to permit a church - Non-Use Variance of height regulations	ZAB	Approved w/conds.
1999	New Hope M.B.C. of Miami Inc.	- Modification of conditions #2 new site plan - Unusual-Use day nursery - Non-Use Variance of landscaping	C08	Approved in part w/conds.
2003	New Hope Missionary Baptist Church	Modification of conditions #2 & 5 for a new site plan & number of children	C08	Approved

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** New Hope Missionary Baptist Church of Miami, Inc.      **PH:** Z08-195 (09-5-CZ8-3)

**SECTION:** 34-52-41      **DATE:** May 26, 2009

**COMMISSION DISTRICT:** 2      **ITEM NO.:** 3

=====

**A. INTRODUCTION:**

o      **REQUESTS:**

- (1)      SPECIAL EXCEPTION to permit a religious facility to expand onto additional property to the north, east and west.
  
- (2)      MODIFICATION of Condition #2 of Resolution 4-ZAB-512-88, passed and adopted by the Zoning Appeals Board and last modified by Resolution #CZAB-8-7-03, passed and adopted by Community Zoning Appeals Board #8, 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 'Site Plan,' as prepared by The Architects Hall Designers, Inc., consisting of 7 sheets: SP-1.00, A-1.0 through A-3.0 and LP-1.00, dated 5/2/02, A-4.0 dated 4/2/01."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'New Hope M B Church', as prepared by Mah & Assoc. Inc., sheet G001 dated stamped received 12/16/08 and sheets LF-1, A100 and A200 dated stamped received 10/7/08, and plans entitled 'New Hope Mission Baptist Church' as prepared by Kimberly Moyer, ASLA, Landscape Architecture, sheets L1 & L2 dated stamped received 1/16/2009 consisting of a total of 6 sheets."

The purpose of the request is to allow the applicant to submit a new site plan showing a new administrative office addition and deletion of 5 modular buildings for a previously approved religious facility and daycare center.

Upon a demonstration that the applicable standards have been satisfied, approval of Request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

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

o **SUMMARY OF REQUESTS:**

The applicant seeks a special exception to allow an existing religious facility to expand onto additional property. The applicant also seeks to modify a condition of a Resolution in order to submit a new site plan illustrating a proposed administrative office addition to a previously approved daycare center and religious facility.

o **LOCATION:** 1881 N.W. 103 Street, Miami-Dade County, Florida.

o **SIZE:** 6.05 Acres

**B. ZONING HEARINGS HISTORY:**

In 1960, a portion of the subject property was approved a request to permit a 25' private drive in lieu of the required 75' of frontage for a single-family building site by the Board of Adjustments (BA). In 1974, a portion of the subject site was granted approval of requests by the Board of County Commissioners (BCC) to permit a utility facility with an electric distribution substation and to permit a 7' high (6' high maximum permitted) chain link fence to be topped off by 3 strands of barbed wire (barbed wire prohibited in the RU districts) on a "V" extension resulting in an overall height of 8', pursuant to Resolution No. Z-327-74. In 1988, a portion of the subject site was granted approval of a special exception to permit a religious facility and approval of a request to permit said religious facility structure to attain a maximum height of 44' (35' permitted), pursuant to Resolution No. 4-ZAB-512-88. In 1999, a portion of the subject site was granted approval of a request to modify a previously approved site plan in order to show a proposed day nursery in conjunction with the previously approved religious facility, approval of an unusual use request to permit a day nursery, and modified approval of a request to permit 8 street trees in lieu of the requested 0 street trees, all subject to conditions, pursuant to Resolution No. CZAB8-26-99. In 2003, a portion of the subject site was granted approval of requests to modify a previously approved site plan in order to show the addition of 5 modular buildings and to modify a condition of a prior Resolution to increase the number of children for a previously approved daycare center subject to conditions, pursuant to Resolution No. CZAB-8-7-03.

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Also permitted in residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care 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 relationship.

3. **Policy LU-4A:** 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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.
4. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<b><u>Subject Property:</u></b>	
RU-1 and RU-2; Religious facility	Low-Medium Density, 6 to 13 dua
<b><u>Surrounding Properties:</u></b>	
<b><u>NORTH:</u></b> RU-1; Single-family residences	Low-Medium Density, 6 to 13 dua
<b><u>SOUTH:</u></b> GU; School	Low-Medium Density, 6 to 13 dua
<b><u>EAST:</u></b> RU-1 and GU; Little River Canal and Miami Shores Village Hall	Low-Medium Density, 6 to 13 dua
<b><u>WEST:</u></b> RU-1; Daycare RU-2; Duplex residences	Low-Medium Density, 6 to 13 dua

**E. SITE AND BUILDINGS:**

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

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.** The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by 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.

**Section 33-311(A)(7) Generalized Modification Standards.** 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; 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.

**Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing.** The Community Zoning Appeals Board shall approve applications to **modify** or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

**G. NEIGHBORHOOD SERVICES:**

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

Schools

**No comment**

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

The subject property is comprised of several lots and is located at 1881 NW 103 Street. The applicant seeks a special exception to permit the existing religious facility to expand onto additional property to the north, east, and west (request #1). In 2003, pursuant to Resolution CZAB8-7-03, the Community Zoning Appeals Board-8 (CZAB-8) granted a modification of the 1988 Resolution (4ZAB-512-88) and the 1999 Resolution (CZAB8-26-99) which allowed the applicant to submit new plans that depicted 5 modular buildings in connection with the daycare center. The applicants are currently seeking a modification of the aforementioned Resolutions in order to submit a new site plan that depicts a proposed administrative office addition to the previously approved daycare center and religious facility (request #2) and indicates the removal of the 5 modular classroom buildings. Plans submitted by the applicant depict the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department (**PWD**) has **no objections** to this application. According to the Public Works Department's memorandum, the proposal does not generate any new additional daily peak hour trips; therefore this application meets traffic concurrency criteria set for an Initial Development Order. The Miami-Dade Fire Department (**MDFR**) has no objections to the application and indicates in their memorandum that the average travel response time is 4:30 minutes.

Approval of this application would allow the applicant to expand the existing religious facility use onto additional property to the north, east, and west and to construct a proposed administrative office addition. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Low-Medium Density Residential** use, which permits a density range of a minimum of 6 to a maximum of 13 units per gross acre. However, the Master Plan indicates that neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, are permitted in Residential Communities only when consistent with the goals, objectives and policies of the Master Plan and compatible with the neighborhood. **Policy LU-4A** indicates that 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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable. Staff is of the opinion that the proposed expansion of the existing religious facility use onto additional property to the north, east, and west would not disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive noise, light, glare and traffic. Staff's review of the submitted site plan reveals that although the applicant is expanding the existing religious facility use onto additional properties to the north, east, and west, the existing configuration of the religious facility will remain unaltered, except for the proposed 3,300 sq. ft. administrative office addition to the north side of the existing religious building located

towards the center of the site. Moreover, staff notes that the plans submitted in conjunction with this application indicate the removal of 5 modular classroom buildings that were previously approved pursuant to Resolution No. CZAB8-7-03. As such, staff notes that the property onto which the religious facility would be expanding onto, will remain free of any structures and as such will provide additional buffering between the religious facility structures and the existing residences located to the north and west. As such, staff opines that the requested expansion of the religious facility use onto additional properties to the north, east, and west will result in a development that is less intensive in terms of bulk and scale than that previously approved in 2003. As such, staff opines that the approval with conditions of the religious facility expansion as illustrated in the submitted plans for this application will not negatively impact the adjacent properties, is **compatible** with the surrounding area, and is therefore, **consistent** with Policy LU-4A of the CDMP.

When analyzing request #1 under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the proposed expansion of the religious facility onto additional property to the north, east and west, would not result in excessive noise, provoke excessive overcrowding or concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed expansion of the religious facility onto additional property to the north, east and west will not, in staff's opinion, be intrusive to the residential neighborhood and will not generate excessive noise or will provoke excessive overcrowding. As previously mentioned, staff notes that although the applicant is requesting to expand the existing religious facility use onto additional properties to the north, east, and west, the configuration of the site with the main religious structure located in the center of the site and the parking areas located around the north and west portions of the main building will remain unaltered, except for a proposed 3,300 sq. ft. administrative office addition to the northern portion of the existing religious building. As such, staff's review of the submitted plans reveals that no additional buildings or parking areas are proposed on the requested expansion areas located to the north, east and west. Staff's review of the submitted plans reveals that the proposed expansion to the north will result in a setback of 247' from the north property line for the proposed administrative office addition which staff opines will effectively mitigate any negative aural or visual impacts said addition could have on the adjoining single-family residences to the north of the site. In staff's opinion, the requested expansion of the existing religious facility onto additional property to the north, east and west would be **compatible** with the area and, therefore, **consistent** with Policy LU-4A of the Master Plan. As such, staff recommends approval with conditions of request #1 under Section 33-311(A)(3).

When request #2 is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff is of the opinion that the proposed site plan will not adversely impact the surrounding area and will be **compatible** with same. Approval of request #2, to modify Condition #2 of Resolution 4-ZAB-512-88 in order to allow the applicant to submit a new site plan that includes a proposed administrative office addition to a previously approved daycare center and religious facility, would, in staff's opinion, not be detrimental to the area and would not negatively affect the stability of the residential neighborhood. As previously mentioned, the proposed 3,300 sq. ft. administrative office addition to the northern portion of the existing daycare center and religious facility will be well spaced from the adjoining single-family residences located to the north of the site by a 247' setback. Moreover,

staff's review of the plans submitted in conjunction with this application, indicate the removal of 5 modular class room buildings, which staff notes results in a development program that is less intensive. When considering the necessity for and the reasonableness of the proposed modification the religious facility in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that this application, as currently depicted in the submitted plans, will not have an unfavorable effect on same, and will not be contrary to the public interest. Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(7).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to request #2. Due to the lack of information, staff is unable to properly analyze the modification request under said standards and, as such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(17).

Based on all of the aforementioned, staff opines that the requested expansion of the existing religious facility onto additional property to the north, east and west as well as the proposed modification of the plans, as currently designed on the submitted plans, would be **compatible** with the area and, therefore, **consistent** with Policy LU-4A of the Master Plan. Staff therefore recommends approval with conditions of request #1 and approval with conditions of request #2 under Section 33-311(A)(7) (Generalized Modification Standards), and denial without prejudice same under Section 33-311(A)(17).

I. **RECOMMENDATION:** Approval with conditions of request #1; approval with conditions of request #2 under Section 33-311(A)(7); denial without prejudice of same under Section 33-311(A)(17).

J. **CONDITIONS:**

1. That all conditions of Resolutions 4ZAB-512-88, CZAB8-26-99 and CZAB8-7-03 shall remain in full force and effect, except as herein modified.
2. That a unity of title agreement or agreement in lieu of unity of title, in recordable form, encumbering the entire subject property be submitted to and meet the approval of the Director of the Department of Planning and Zoning prior to the issuance of a building permit for the proposed administrative office addition.

**DATE INSPECTED:** 03/26/09  
**DATE TYPED:** 04/02/09  
**DATE REVISED:** 04/06/09; 05/01/09; 05/18/09  
**DATE FINALIZED:** 05/18/09  
MCL:MTF:MW:NN:TA:NC

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

# Memorandum



**Date:** April 24, 2009

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

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

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

**Subject:** C-08 #Z2008000195-Revised  
New Hope Missionary Baptist Church of Miami, Inc.  
1881 N.W. 103 Street  
Modification of a Previous Resolution to Permit an Addition to an Existing  
Religious Facility  
(RU-1/RU-2) (6.05 Acres)  
34-52-41

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

#### 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.

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Notwithstanding the foregoing, the applicant is advised that certain land uses such as medical offices utilizing x-ray equipment and others that generate liquid waste other than domestic sewage, cannot be permitted by DERM since it would violate the aforesaid Code Section and would also violate the covenant. Approval of land uses that are not compatible with the usage of a septic tank and drainfield system as a means for the disposal of the domestic liquid waste would require a variance from the Environmental Quality Control Board (EQCB) from the aforesaid Code Section.

#### Operating Permit

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

#### Stormwater Management

The Little River Canal (C-7) adjacent to the subject property is owned and regulated by the South Florida Water Management District (SFWMD). The applicant is advised to contact the SFWMD for written verification of canal right of way. It is the applicant's responsibility to obtain information regarding possible permits required from the SFWMD prior to any work on the canal right of way.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

#### Air Quality Preservation

In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A Notice of Asbestos Renovation or Demolition form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

#### Wetlands

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

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

Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. According to the landscape plan submitted with this zoning application, the proposal of the new office addition will impact non specimen tree resources; therefore this Section recommends approval of this zoning application.

However please be advised that Section 24-49 of the Code provides for the preservation and protection of tree resources. 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. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: NEW HOPE MISSIONARY BAPTIST CHURCH OF MIAMI, INC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

28-NOV-08

# Memorandum



**Date:** 09-APR-09  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000195

**Fire Prevention Unit:**

This Memo supersedes MDFR Memorandum dated October 15, 2008.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to the handwritten corrections to Site plan date stamped December 16, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

**Service Impact/Demand:**

Development for the above Z2008000195  
 located at 1881 N.W. 103 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0679 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
3,300 Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.73 alarms-annually.  
 The estimated average travel time is: 4:30 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 7 - W. Little River - 9350 NW 22 Avenue.  
 Rescue, ALS Engine, Squad

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped December 16, 2008. Substantial changes to the plans will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

NEW HOPE MISSIONARY BAPTIST  
CHURCH OF MIAMI, INC

1881 N.W. 103 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

---

Z2008000195

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Case #200904002798 was opened based on enforcement history request and inspected on 04/21/09. No violation observed and case closed. Case #200704004101 was opened for overgrowth with junk and trash and inspected on 05/11/07. Warning notice was issued and case closed. Case #200305003233 was opened based on enforcement history request and inspected on 06/17/03. No violation observed and case closed. Case #200205002352 was opened for address display and inspected on 04/23/02. Warning notice issued and case closed. Case #200205001822 was opened for junk yard violation and inspected on 04/23/02. No violation observed and case closed. Case #199905000038 was opened for resolution violation and inspected on 12/07/1999. No violation observed and case closed.

Joan Spikes

**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: New Hope ABC of Miami, Inc

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Bishop Randall E. Hotts, President</u>	<u>not for profit</u>
<u>Karen Wilkinson, V. President</u>	
<u>Janet Brown, Secretary</u>	
<u>Ludsey Davis, Treasurer</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>
/	/
/	/
/	/
/	/
/	/

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>
/	/
/	/
/	/
/	/

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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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

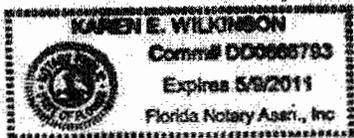
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature]  
(Applicant)

Sworn to and subscribed before me this 2 day of October, 2008. Affiant is personally known to me or has produced DRIVER LICENSE as identification.

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208195  
OCT - 7 2008

[Signature]  
(Notary Public)



My commission expires: 5/9/2011

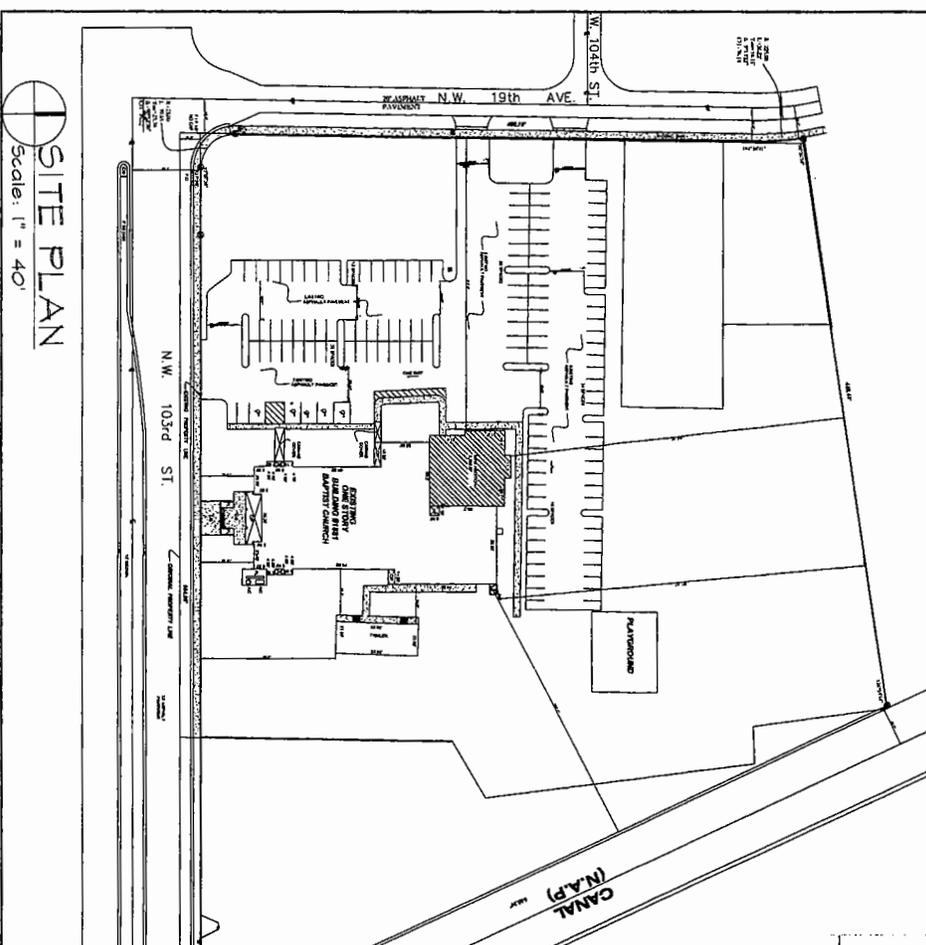
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY: [Signature]

\*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.



**OFFICE ADDITION TO:  
NEW HOPE MIB CHURCH  
1881 N.W. 103RD STREET  
MIAMI, FL 33147**

**LOCATION PLAN**



**SITE PLAN**  
Scale: 1" = 40'

**LIST OF DRAWINGS**

- 0000 SITE & LOCATION PLAN
- 0100 FLOOR PLAN
- 0200 EXTERIOR ELEVATION
- 0300 BUILDING SECTIONS
- 0400 FLOOR DETAILS
- 0500 INTERIOR ELEVATIONS
- 0600 INTERIOR SECTIONS
- 0700 EXTERIOR ELEVATIONS
- 0800 INTERIOR ELEVATIONS
- 0900 EXTERIOR ELEVATIONS
- 1000 EXTERIOR SECTIONS
- 1100 EXTERIOR SECTIONS
- 1200 EXTERIOR SECTIONS
- 1300 EXTERIOR SECTIONS
- 1400 EXTERIOR SECTIONS
- 1500 EXTERIOR SECTIONS
- 1600 EXTERIOR SECTIONS
- 1700 EXTERIOR SECTIONS
- 1800 EXTERIOR SECTIONS
- 1900 EXTERIOR SECTIONS
- 2000 EXTERIOR SECTIONS
- 2100 EXTERIOR SECTIONS
- 2200 EXTERIOR SECTIONS
- 2300 EXTERIOR SECTIONS
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- 2900 EXTERIOR SECTIONS
- 3000 EXTERIOR SECTIONS
- 3100 EXTERIOR SECTIONS
- 3200 EXTERIOR SECTIONS
- 3300 EXTERIOR SECTIONS
- 3400 EXTERIOR SECTIONS
- 3500 EXTERIOR SECTIONS
- 3600 EXTERIOR SECTIONS
- 3700 EXTERIOR SECTIONS
- 3800 EXTERIOR SECTIONS
- 3900 EXTERIOR SECTIONS
- 4000 EXTERIOR SECTIONS
- 4100 EXTERIOR SECTIONS
- 4200 EXTERIOR SECTIONS
- 4300 EXTERIOR SECTIONS
- 4400 EXTERIOR SECTIONS
- 4500 EXTERIOR SECTIONS
- 4600 EXTERIOR SECTIONS
- 4700 EXTERIOR SECTIONS
- 4800 EXTERIOR SECTIONS
- 4900 EXTERIOR SECTIONS
- 5000 EXTERIOR SECTIONS

**LEGAL DESCRIPTION**

LOT 10 OF BLOCK 4, RIVERDALE, ACCORDING TO THE PLAT RECORDED IN PUBLIC RECORDS OF DADE COUNTY, FLORIDA AND EXCEPT THE SOUTH 6 FEET OF LOT 10 OF BLOCK 4, RIVERDALE, ACCORDING TO THE PLAT RECORDED IN PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

**OCCUPANT LOAD:**

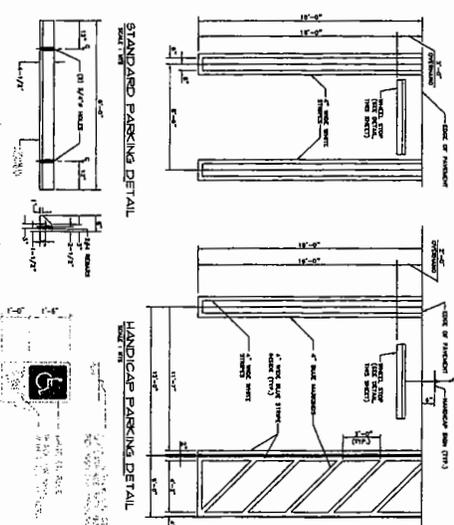
EXIST: CHURCH: 1 PERSON PER 100 SF OF CEILING/200 PERSONS  
 EXIST: SANITARY: 1 PERSON PER 20 SF OF FLOOR/100 PERSONS  
 EXIST: OFFICE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: MEETING: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: RESTROOM: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: STORAGE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: LOBBY: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: HALL: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: STAIR: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: ELEVATOR: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: MECHANICAL: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: ELECTRICAL: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: TELEPHONE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: SIGNAGE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: FURNITURE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: EQUIPMENT: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: UTILITY: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: SERVICE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: STORAGE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: LOBBY: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: HALL: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: STAIR: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: ELEVATOR: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: MECHANICAL: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: ELECTRICAL: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: TELEPHONE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: SIGNAGE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: FURNITURE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: EQUIPMENT: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: UTILITY: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS  
 EXIST: SERVICE: 1 PERSON PER 100 SF OF FLOOR/100 PERSONS

**BUILDING TYPE/OCCUPANCY**

BUILDING TYPE	VI UNPROTECTED
OCCUPANCY GROUP	SI
PARKING	REQUIRED
PARKING USE BY EXIST. (SCHEDULE 3-3119)	SI
PARKING USE BY NEW OFFICE ADDITION	SI
TOTAL	10

**ZONING INFORMATION:**

ZONING CLASSIFICATION	RM-1
SITE AREA	24,621 SF
REQUIREMENTS	PROVIDED
FRONT	13.6'
REAR	56.2'
RIGHT SIDE	21.5'
LEFT SIDE	20.0'
MAX. LOT COVERAGE	35%
EXIST. BUILDING	14,887 SF
NEW ADDITION	3,300 SF
TOTAL	17,987 SF

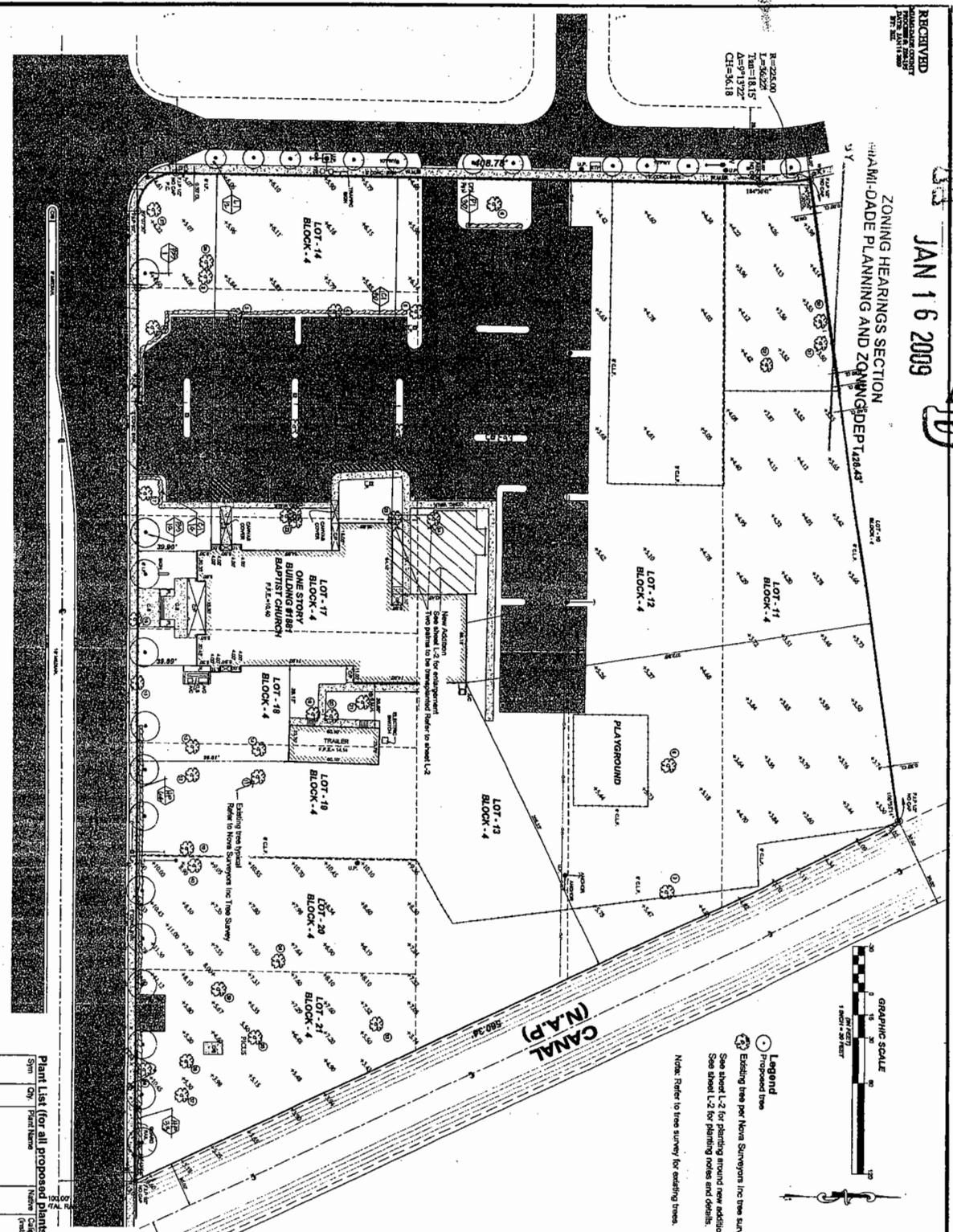


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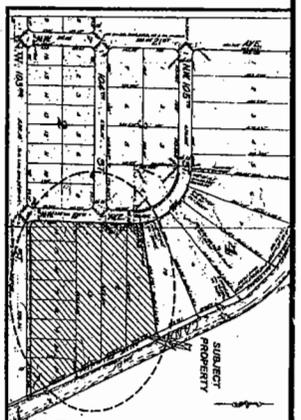


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**Legend**  
 Existing trees per Miami Surveys Inc tree survey  
 See sheet L-2 for planting around new addition.  
 See sheet L-2 for planting notes and details.  
 Note: Refer to tree survey for existing trees.



LOCATION SKETCH SCALE: N.T.S.

**Landscape Legend**

SYMBOL	DESCRIPTION	PROVIDED	PROPOSED
1	Grass	NA	NA
2	Grass	NA	NA
3	Grass	NA	NA
4	Grass	NA	NA
5	Grass	NA	NA
6	Grass	NA	NA
7	Grass	NA	NA
8	Grass	NA	NA
9	Grass	NA	NA
10	Grass	NA	NA
11	Grass	NA	NA
12	Grass	NA	NA
13	Grass	NA	NA
14	Grass	NA	NA
15	Grass	NA	NA
16	Grass	NA	NA
17	Grass	NA	NA
18	Grass	NA	NA
19	Grass	NA	NA
20	Grass	NA	NA
21	Grass	NA	NA
22	Grass	NA	NA
23	Grass	NA	NA
24	Grass	NA	NA
25	Grass	NA	NA
26	Grass	NA	NA
27	Grass	NA	NA
28	Grass	NA	NA
29	Grass	NA	NA
30	Grass	NA	NA
31	Grass	NA	NA
32	Grass	NA	NA
33	Grass	NA	NA
34	Grass	NA	NA
35	Grass	NA	NA
36	Grass	NA	NA
37	Grass	NA	NA
38	Grass	NA	NA
39	Grass	NA	NA
40	Grass	NA	NA
41	Grass	NA	NA
42	Grass	NA	NA
43	Grass	NA	NA
44	Grass	NA	NA
45	Grass	NA	NA
46	Grass	NA	NA
47	Grass	NA	NA
48	Grass	NA	NA
49	Grass	NA	NA
50	Grass	NA	NA

**Plant List (for all proposed plants)**

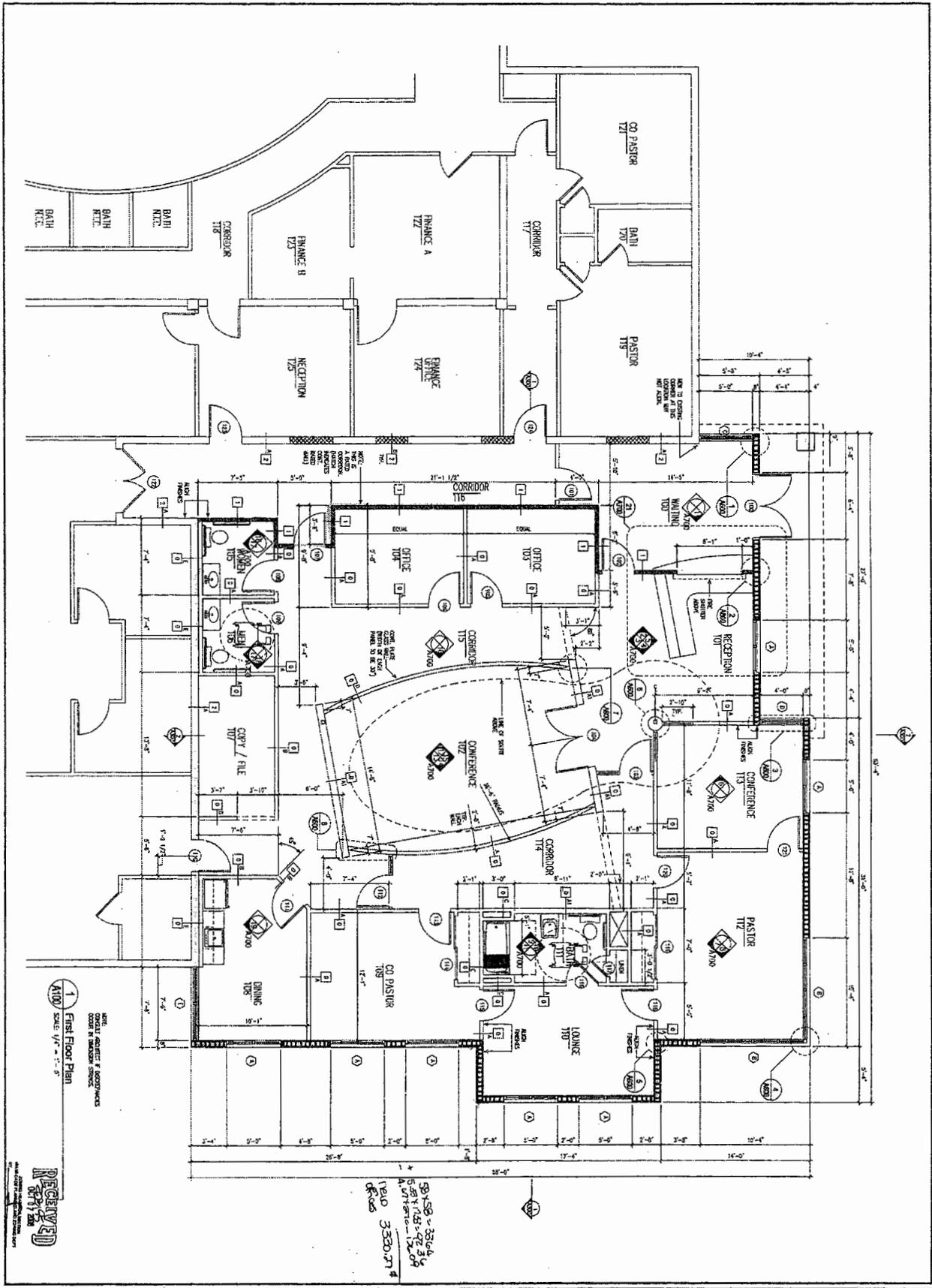
SYM	QTY	PLANT NAME	HEIGHT (FEET)	SPREAD (FEET)	SPACING
1	15	FLORIDA PALM	12-18	12-18	12' x 12'
2	15	FLORIDA PALM	12-18	12-18	12' x 12'
3	15	FLORIDA PALM	12-18	12-18	12' x 12'
4	15	FLORIDA PALM	12-18	12-18	12' x 12'
5	15	FLORIDA PALM	12-18	12-18	12' x 12'
6	15	FLORIDA PALM	12-18	12-18	12' x 12'
7	15	FLORIDA PALM	12-18	12-18	12' x 12'
8	15	FLORIDA PALM	12-18	12-18	12' x 12'
9	15	FLORIDA PALM	12-18	12-18	12' x 12'
10	15	FLORIDA PALM	12-18	12-18	12' x 12'
11	15	FLORIDA PALM	12-18	12-18	12' x 12'
12	15	FLORIDA PALM	12-18	12-18	12' x 12'
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**Landscape Plan**  
**New Hope Mission Baptist Church**  
 Miami, FL

Kimberly Meyer ASLA  
 Landscape Architecture  
 (954) 422-2000  
 LIC. No. RL00000002

Scale: 1" = 30'-0"  
 Date: December 1, 2008  
 Sheet: L-1





1 First Floor Plan  
 SCALE: 1/4" = 1'-0"

RECEIVED  
 07/17/04

93-158-23104  
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 06/04

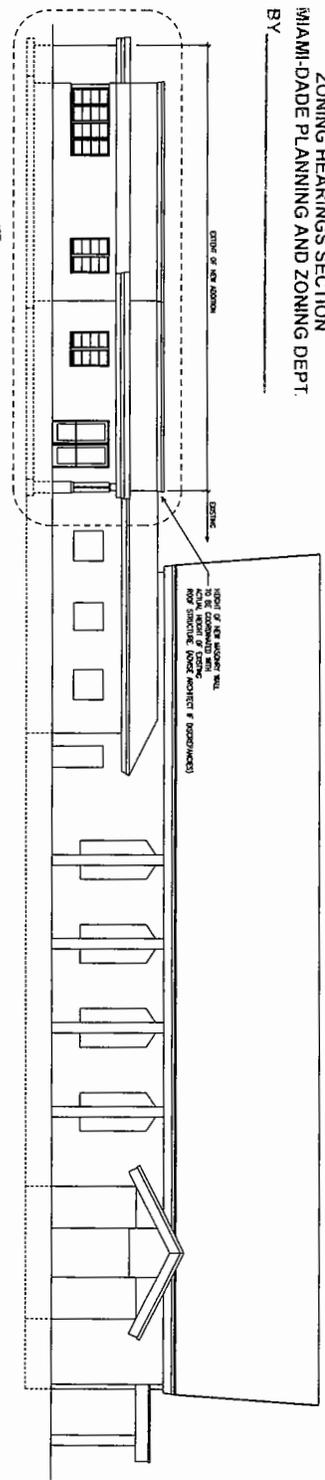
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DESIGNED BY: JF	DATE: 07/17/04
SHEET NO.: A100	

FLOOR PLAN  
 NEW HOPE MB CHURCH  
 1881 NW. 103 rd STREET  
 MIAMI, FL 33147

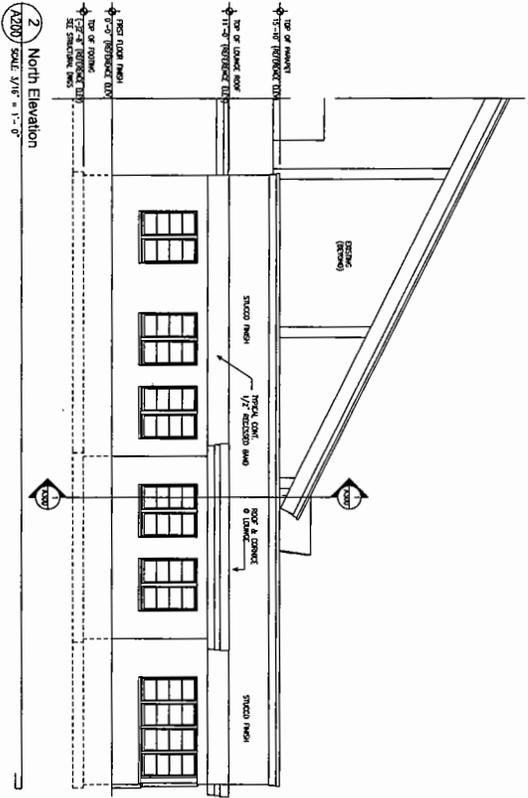
WALKER ARCHITECTS  
 1111 Biscayne Blvd., Suite 100  
 Miami, FL 33132  
 (305) 371-1111  
 www.walkerarchitects.com

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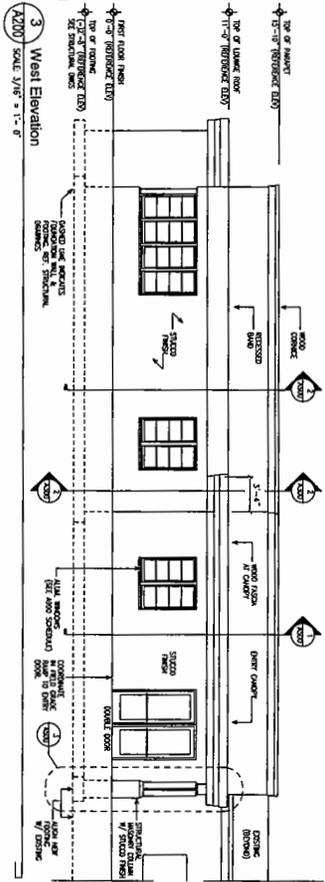
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_



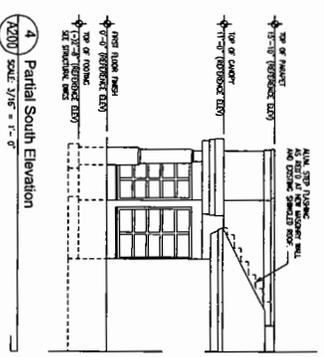
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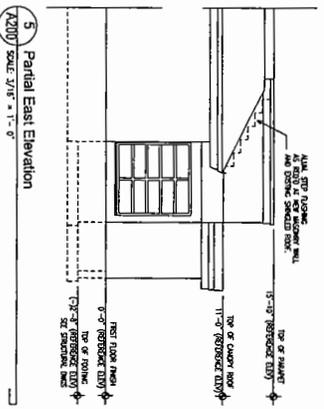
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3 West Elevation  
4200 SCALE 3/16 = 1'-0"



4 Partial South Elevation  
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5 Partial East Elevation  
4200 SCALE 3/16 = 1'-0"

BUILDING ELEVATIONS  
BUILDING ELEVATIONS  
1881 N.W. 103 rd STREET  
MIAMI, FL 33147

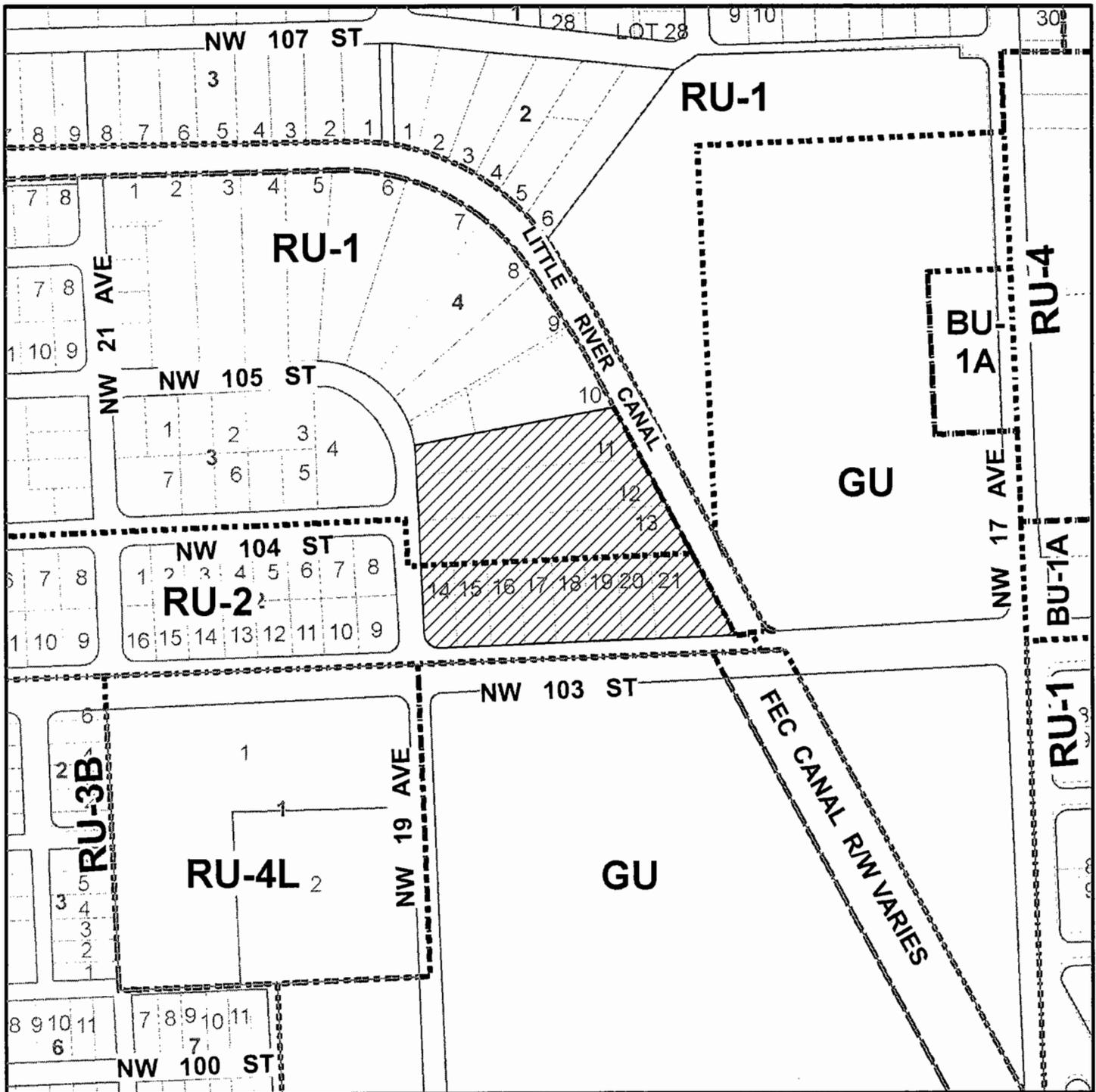
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DATE: 08/01/08  
DRAWN BY: JLM  
CHECKED BY: JLM  
SCALE: AS SHOWN  
SHEET NO. A200

Professional Engineer Seal: JAMES L. MURPHY, P.E., No. 12457, State of Florida. License expires 12/31/2010.

Professional Architect Seal: JAMES L. MURPHY, AIA, No. 12457, State of Florida. License expires 12/31/2010.

Professional Engineer Seal: JAMES L. MURPHY, P.E., No. 12457, State of Florida. License expires 12/31/2010.

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**MIAMI-DADE COUNTY**

**HEARING MAP**

Section: 34 Township: 52 Range: 41

Applicant: NEW HOPE BAPTIST CHURCH OF MIAMI, INC

Zoning Board: C08

Commission District: 2

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

**08-195**

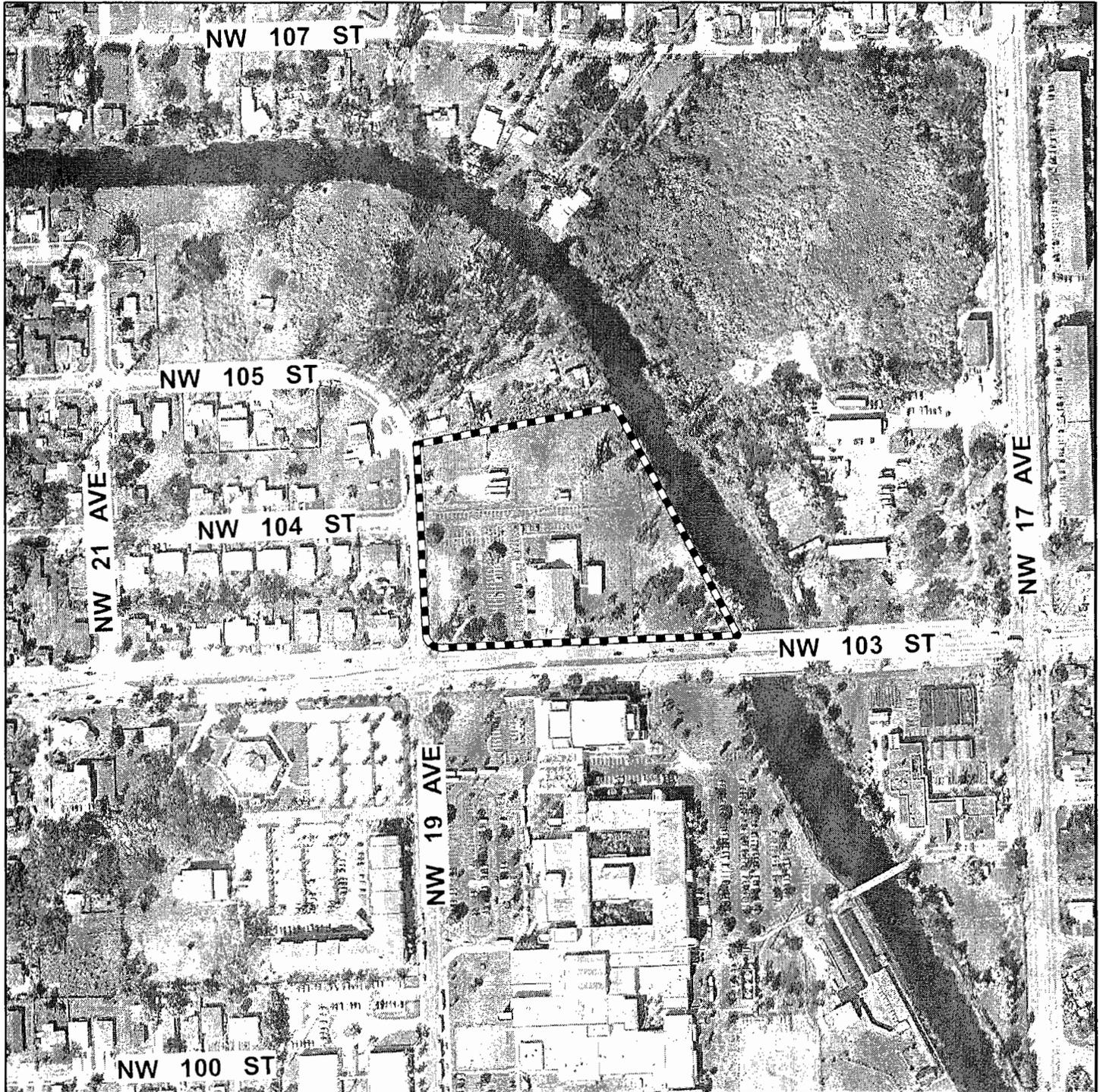


**SUBJECT PROPERTY**



SKETCH CREATED ON: 10/14/08

REVISION	DATE	BY
		25



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

Process Number

**08-195**

Section: 34 Township: 52 Range: 41  
 Applicant: NEW HOPE BAPTIST CHURCH OF MIAMI, INC  
 Zoning Board: C08  
 Commission District: 2  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 10/14/08

REVISION	DATE	BY

**4. MIAMI COUNTRY DAY SCHOOL, INC.**  
**(Applicant)**

**09-5-CZ8-4 (08-211)**  
**Area 8/District 3**  
**Hearing Date: 5/26/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1950	Sophia Smith	Zone Change from RU-1B to BU-1A, Nursery & florist shop, and church	ZC	Approved w/conds
1957	Miami Country Day & Resident School	Zone Change from GU, BU-2 & Ru-1 to RU-1 & BU-1A, Expand school, Non-Use Variance	BCC	Approved in Part
1957	Sophia Smith	- Zone Change from RU-3 to RU-4 - Modification on a previous Resolution	BCC	Approved in part w/conds.
1963	L.B. Sommers-Miami Country Day and Resident School	Special exception expansion of non-conforming day & resident school	ZAB	Approved w/conds.
1971	Village Lodge # 315 F & A.M.	- Special exception all uses front public Right-of-Way & Use Variances access drive - Non-Use Variance lot frontage	BCC	Denied Appeal Sustain ZAB
1971	Village Lodge # 315 F & A.M.	- Special exception all uses front public Right-of-Way & Use Variances access drive - Non-Use Variance lot frontage	ZAB	Approved w/conds.
1973	Director Building & Zoning Planning Depts.	Zone Change from BU-1A & BU-2 to BU-1	BCC	Denied without Prejudice
1973	Director Building & Zoning Planning Depts.	Zone Change from GU to RU-1 (1060 Sq. Ft.)	BCC	Approved
1973	Director Building & Zoning Planning Depts.	Zone Change from RU-3 to RU-1	BCC	Approved
1982	Miami Country Day	- Special exception to expand	ZAB	Approved

	School, Inc.	- Non-Use Variance for Parking		w/conds.
1983	Miami Country Day School	- Special exception to expand - Non-Use Variance for 934 students - Waiver for wall between a business lot and residence - Waiver for parking	ZAB	Approved w/conds.
1990	Miami Country Day School, Inc.	- Special exception to expand school - Non-Use Variance on spacing of parking - Modification of previous Resolution	ZAB	Approved w/conds.
1998	Miami Country Day School	- Special exception to expand school onto additional property - Modification of previous Resolution - Non-Use Variances	C7	Approved w/conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 8**

**APPLICANT:** Miami Country Day School, Inc.

**PH:** Z08-211 (09-5-CZ8-4)

**SECTION:** 31-52-42

**DATE:** May 26, 2008

**COMMISSION DISTRICT:** 3

**ITEM NO.:** 4

**A. INTRODUCTION**

o **REQUESTS:**

- (1) MODIFICATION of Condition #2 of Resolution #4-ZAB-319-82, passed and adopted by the Zoning Appeals Board and last modified by Resolution #CZAB7-2-03, passed and adopted by the Community Zoning Appeals Board #7, reading as follows:

FROM: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Miami Country Day School,' as prepared by Max Wolfe Sturman Architects, Inc., consisting of 1 sheet, dated 10/29/02 and a boundary survey as prepared by A. R. Toussaint & Assocs., Inc., consisting of 4 sheets and dated 9/3/02."

TO: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Miami Country Day School Katherine E. Franco Center for Learning Resources,' as prepared by Zyscovich, Architect, Sheets 'A-1' and 'A-2', dated stamped received 2/6/09, the remaining 8 sheets dated stamped received 10/22/08, and plans entitled 'New Amphitheatre @ Miami Country Day School,' as prepared by Design Build Professionals, consisting of 3 sheets, dated stamped received 10/22/08, for a total of 13 sheets."

The purpose of request #1 is to permit the applicant to submit a revised site plan for a previously approved school to include a new library center and amphitheatre.

- (2) Applicant is requesting to permit a proposed library building with a height of 42'4" (35' maximum permitted).
- (3) Applicant is requesting to permit the maintenance shed and the maintenance canopy setback 4'2" (7'6" required) from the interior side (north) property line.
- (4) Applicant is requesting to permit the student assembly area setback 4'9" (25' required) from the rear (east) property line.
- (5) Applicant is requesting to permit parking within 25' of the Right-of-Way (not permitted).
- (6) Applicant is requesting to permit a parking back-up width of 20' (22' required).
- (7) Applicant is requesting to permit two additional wall signs with a total of 279 sq. ft. (1 sign 24 sq. ft. permitted (2 detached signs previously approved, 1 not to exceed 18 sq. ft. and one not to exceed 24 sq. ft.).

Upon a demonstration that the applicable standards have been satisfied, approval of Request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of Request #2 through #7 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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

o **SUMMARY OF REQUESTS:**

The applicant is seeking the modification of Condition #2 of Resolution 4-ZAB-319-82 in order to submit new site plans showing a new library center and amphitheatre. The applicant is also seeking to permit the proposed library building with a greater height than allowed by Code, to permit an existing maintenance shed and maintenance canopy setback closer to the interior side (north) property line than permitted, to permit the student assembly area setback closer to the rear (east) property line than permitted, to permit parking within 25' of the right-of-way, to permit parking with less back-up width than that required by Code, and to permit two wall signs larger in size than that previously approved.

o **LOCATION:**

601 N.E. 107 Street, Miami-Dade County, Florida.

o **SIZE:** 14.58 Acres

**B. ZONING HEARINGS HISTORY:**

Resolution 3850, passed and adopted by the Board of County Commissioners (BCC) on July 25, 1950, approved a zone change from RU-1B to RU3 & BU-1A on portions of the subject site. Resolution 11, passed and adopted by the BCC on July 25, 1957, approved with conditions, a zone change from GU, BU-2, & RU-1 to RU-1 & BU-1A on portions of the subject site, and a special permit to allow the expansion of an existing school. In October 1957, the BCC granted approval of a special permit to permit a Masonic Hall on a portion of the subject site and approval of a request to modify the restrictions of Resolution No. 3850 to permit said Masonic Hall, pursuant to Resolution No. 412. Resolution 2-ZAB-19-63 approved a special exception to permit the expansion of a non-conforming day and residential school. Resolution Z-106-71 approved a special exception to waive the requirement that all uses front on public roadways and allow the construction of a Masonic Hall on an undedicated access road, a variance of lot frontage, and a use variance to permit the access road to the aforementioned Masonic Hall in the RU-1 zone as would be permitted in the RU-4 zone. Resolution Z-226-73 approved with modifications, a zone change from BU-1A & BU-2 to RU-1 on a portion of the subject site. Resolution Z-227-73 approved with conditions, a zone change from GU to RU-1 on a portion of the subject site. Resolution Z-229-73 approved a zone change from RU-3 to RU-1 on a portion of the subject site. Resolution 4-ZAB-319-82 approved a special exception to permit the expansion of a private school onto adjacent property and a non-use variance of zoning regulations for parking spaces. Resolution 4-ZAB-299-83 approved with conditions, a special exception to permit the expansion of a private school, a non-use variance of zoning regulations as applied to the maximum number of students permitted, the modification of conditions #2, #5, #11, #13 & #14 of Resolution 4ZAB-319-82, to permit all new structures, and non-use variances of zoning regulations to

wave the requirements for a wall abutting residential property and for paved parking areas. Resolution 4-ZAB-267-90 approved with conditions a special exception to permit the expansion of a private school, a non-use variance of setback and spacing requirements for a building of public assemblage, a non-use variance of parking requirements within 25' of an official right-of-way, the modification of a paragraph of Resolution 11, and the modification of conditions #2, #6, #7, #10 and #11 of Resolution 4-ZAB-319-82, as further modified by Resolution 4ZAB-299-83. Resolution CZAB7-2-98 approved with conditions, a special exception to permit the expansion of a private school onto adjacent property, the modification of a paragraph of Resolution 11, as further modified by Resolution 4ZAB-229-83, the modification of condition #5 of Resolution 4ZAB-319-82 as further modified by Resolution 4ZAB-299-83, the modification of conditions #2 & #11 of Resolution 4ZAB-319-82, as further modified by Resolution 4ZAB-299-83, as further modified by Resolution 4ZAB-267-90, a non-use variance of setback requirements and a non-use variance of zoning regulations requiring a wall between business and residential uses. In 2003, the subject site was granted approval of a request to modify Conditions #2 and #12 of Resolution No. 4-ZAB-319-82 in order to allow the applicant to submit a revised site plan showing reconfigured sports fields for a private school and to permit lighting on said sports fields, pursuant to Resolution No. CZAB7-2-03.

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

1. The Adopted 2015 and 2025 Land Use Plan designates **approximately 12.9 acres** of the eastern portion of the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. 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.
2. The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including **schools**, parks, houses of worship, day care 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 relationship.
3. The Adopted 2015 and 2025 Land Use Plan designates **approximately 1.68 acres** of the western portion of the subject property, abutting NE 6 Avenue, as being within the Urban Development Boundary for **Business & Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.
4. **Policy LU-9B vii** of the Land Use Element states that Miami-Dade County shall continue to maintain and enhance, as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1, BU-1& BU-1A; private school

Low Density Residential, 2.5 to 6.0 dua (RU-1 portion) & Business and Office (BU-1 & BU-1A portions)

Surrounding Properties:

NORTH: BU-1A & RU-1; strip commercial

Low Density Residential, 2.5 to 6.0 dua (RU-1 portion) & Business and Office (BU-1A portion)

SOUTH: R-20 & S-1; City of Miami Shores, residences and golf course

Low Density Residential, 2.5 to 6.0 dua & Parks and Recreation

EAST: R-1; City of Biscayne Park, canal and residences

Low Density Residential, 2.5 to 6.0 dua

WEST: BU-1, BU-1A & BU-2; strip commercial

Business and Office

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

Scale/Utilization of Site:

**Acceptable**

Location of Buildings:

**Acceptable**

Compatibility:

**Acceptable**

Landscape Treatment:

**Acceptable**

Open Space:

**Acceptable**

Buffering:

**Acceptable**

Access:

**Acceptable**

Parking Layout/Circulation:

**Acceptable**

Urban Design:

**N/A**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**33-311(A)(7) Generalized Modification Standards.** 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; 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.

**Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing.** The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to

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modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

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

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

**G. NEIGHBORHOOD SERVICES:**

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

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The subject property consists of 14.58 acres and is located at 601 NE 107 Street. The property is developed with a private school in a campus setting which provides educational services for 980 students enrolled in kindergarten through 12<sup>th</sup> grade. The CDMP states that also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. As such, staff is of the opinion that the existing private

school, with its proposed library building and amphitheatre, are **consistent** with the interpretative text of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The **Public Works Department** has **no objection** to this application and indicates that the subject site lies within the urban infill area and therefore meets traffic concurrency criteria for an initial development order. The **Miami-Dade Fire Rescue Department (MDFR)** has **no objections** to this application and indicates in their memorandum that the estimated average travel response time is **5:47** minutes.

When analyzing request #1 under Section 33-311(A)(7) (Generalized Modification Standards), staff opines that the approval of said request on a modified basis to show the deletion of 2 proposed signs affixed to the south and east elevations of the proposed library building, would not adversely impact the surrounding area and would not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area. The applicant is seeking to modify a condition of a prior Resolution in order to submit a revised site plan for the previously approved school which illustrates a proposed library center and an amphitheater. The submitted plans also indicate two proposed signs totaling 279 sq. ft. affixed to the south and east elevation of the proposed library. It should be noted that staff is not supportive of the proposed additional signage for reasons to be outlined below. Staff's review of the submitted plans indicates that the proposed 15,400 sq. ft. library and 2,055 sq. ft. amphitheatre are to be sited towards the approximate center of the 14.58-acre site amidst existing school buildings thereby reducing any negative aural or visual impacts said structures may have on the surrounding area. Moreover, it should be noted that the applicants are not seeking an increase in the number of students or faculty members. Therefore, staff opines that the approval of the revised site plans illustrating the proposed library and amphitheatre will not result in overcrowding of people, but rather will provide additional amenities to the existing student population. As such, staff notes that the approval of this request would be **compatible** with the existing legally established school use on the property and the surrounding community, and will not result in a material new adverse impact on the public health, safety, welfare or aesthetic values, in that it will not result in a material decrease in the privacy enjoyed by the adjoining properties. It should be noted that the site is bounded by a golf course on the south, a canal to the east and the right-of-way of N.E. 6 Avenue on the west; and the proposed library and amphitheatre will be located internally and positioned so as to avoid impact on a residence located approximately 248' to the north and will be further buffered by three existing 2-story classroom buildings. Therefore, staff recommends approval with conditions of request #1 on a modified basis to show the deletion of 2 proposed signs affixed to the south and east elevations of the proposed library building under Section 33-311(A)(7) (Generalized Modification Standards).

The standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to request #1 under said section. Due to the lack of information, staff is unable to analyze request #1 under said standards, and as such, staff recommends that this request be denied without prejudice under same.

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval with conditions of these requests maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Request #2, to permit the proposed library building with a maximum height of 42'-4" (35' maximum permitted) would not have an adverse effect on the stability and appearance of the community. As previously mentioned, the proposed library building will be sited towards the approximate center of the 14.58-acre site amidst existing buildings, which staff opines will buffer the excess height of said building. Moreover, staff notes that the proposed library building is setback approximately 248' from the existing single-family residence located to the north of the site, which staff opines will further mitigate any negative visual impact said structure may have on the abutting residence. Staff opines that approval of request #3, to permit the existing maintenance shed and the maintenance canopy setback 4'2" (7'6" required) from the interior side (north) property line, will not have a detrimental effect on the surrounding area and would be compatible with same. Staff's review of the submitted plans reveals that a landscape buffer consisting of Pigeon Plum Trees and a Cocoplum Hedge is proposed along the north property line, which staff opines will adequately buffer the requested 3.33' encroachment. Similarly, staff opines that approval of request #4, to permit the student assembly area setback 4'9" (25' required) from the rear (east) property line, would be compatible with the area. It should be noted that the subject site abuts the 100' wide Biscayne Canal to the east, which staff opines will adequately buffer the student assembly area from the single-family residences located across the canal. Therefore, based on the aforementioned, staff recommends approval with conditions of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV).

When requests #5 and #6 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval with conditions of these requests maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. Staff opines that approval of request #5, to permit parking within 25' of the right-of-way (not permitted), would not have a negative visual impact on the surrounding area. Staff notes that said request pertains to the parking area located near the southwest corner of the site, between the existing gymnasium and basketball court and that all other parking areas on the subject site comply with the required 25' setback. Moreover, staff notes that the submitted plans illustrate buffering elements in the form of existing street trees along N.E. 107 Street which staff opines will adequately buffer the parking area. Approval of request #6, to permit a parking back-up width of 20' (22' required), will allow the applicant to preserve the existing parking configuration of the parking area located between the existing aquatic center and existing library. Staff notes that the requested 2' reduction in parking back-up width is minimal and will not result in conflicting vehicular movements. Moreover, staff notes that the memorandum issued by the Public Works Department indicates that they have no objections to this application. Therefore, based on the aforementioned, staff recommends approval with conditions of requests #5 and #6 under Section 33-311(A)(4)(b) (NUV).

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that approval of request #7, to permit two additional wall signs with a total of 279 sq. ft. would negatively impact adjacent properties and would not be in keeping with the intent and purpose of the zoning and land use regulations. In 1982, Condition #14 of Resolution No. 4-ZAB-319-82 approved an 18.5 sq. ft. sign. Subsequently, in 1983, Condition #14 of Resolution No. 4-ZAB-319-82 was modified at public hearing to permit 2 detached signs, one not to exceed 18 sq. ft. and the other not to exceed 24 sq. ft., pursuant to Resolution No. 4-

ZAB-299-83. As such, staff opines that the subject site has already had the benefit of relief from the signage regulations and that approval of request #7 would permit the applicant a total of 4 signs on the subject site which staff opines is overly intensive and contrary to the spirit and intent of Condition #14 as modified by Resolution No. 4-ZAB-299-83. Moreover, staff is of the opinion that the Zoning Code provides adequate signage allowances. Therefore, based on the aforementioned, staff recommends denial without prejudice of request #7 under Section 33-311(A)(4)(b) (NUV).

**Policy LU-9B (vii)** of the Land Use Element of the CDMP indicates that Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate signage. Staff has consistently recommended denial of applications seeking deviations from the signage requirements and is of the opinion that the Zoning Code provides adequate signage allowances. The approval of request #7, to permit two additional signs with a total of 279 sq. ft., on the subject site where two detached signs had previously been approved (1 not to exceed 18 sq. ft. and 1 not to exceed 24 sq. ft.) would be excessive and could lead to a proliferation of signage by setting a precedent to allow additional signage along the roadways near the subject property. Further, the approval of the additional signage would result in a total of 4 signs on the subject site which staff opines would negatively impact adjacent properties and roadways, would not be in keeping with the intent and purpose of the zoning and land use regulations, and, in staff's opinion, would be **incompatible** with the surrounding area.

When requests #2 through #7 are analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) the requests would have to be proven to be due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of these requests would result in unnecessary hardship. As such, this application cannot be approved under this section. Therefore, staff recommends denial without prejudice of requests #2 through #7 under Section 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

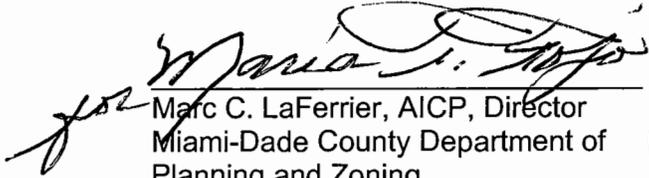
Approval with conditions of request #1 on a modified basis to show the deletion of 2 proposed signs affixed to the south and east elevations of the proposed library building under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17); approval with conditions of requests #2 through #6 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of request #7 under Section 33-311(A)(4)(b) (NUV); and denial without prejudice of requests #2 through #7 under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:**

1. That all conditions of Resolutions 4ZAB-319-82, CZAB7-2-98 and CZAB7-2-03 shall 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 the site plan submitted for the hearing entitled 'Miami Country Day School Katherine E. Franco Center for Learning Resources,' as prepared by Zyscovich, Architect, Sheets 'A-1' and 'A-2', dated stamped received 2/6/09, the remaining 8 sheets dated stamped received 10/22/08, and plans entitled 'New Amphitheatre @ Miami Country Day School,' as prepared by Design Build Professionals, consisting of 3 sheets, dated stamped received 10/22/08, for a total of 13 sheets, except as modified herein to show the deletion of the 2

proposed signs (totaling 279 sq. ft.) affixed to the south and east elevations of the proposed library building.

**DATE INSPECTED:** 04/10/09  
**DATE TYPED:** 04/15/09  
**DATE REVISED:** 04/16/09; 05/18/09  
**DATE FINALIZED:** 05/18/09  
MCL:MTF:NN:CXH:NC

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

NDN

# Memorandum



**Date:** December 23, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

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

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

**Subject:** C-07 #Z2008000211  
Miami Country Day School, Inc.  
601 N.E. 107 Street  
Modification of a Previous Resolution to Submit New Plans to include a  
New Library Building, and Request to Exceed Building Height  
Requirements  
(RU-1) (14.58 Acres)  
31-52-42

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

#### Potable Water Service and Wastewater Service

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

Our records indicate contamination in this site, drainage facility associate with this development shall be subject to review and approval by the DERM Pollution Remediation Division.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Miami-Dade County Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

The C-8, Biscayne Canal, adjacent to the subject property is owned and regulated by the South Florida Water Management District (SFWMD). The applicant is advised to contact the SFWMD for written verification of canal right of way. It is the applicant's responsibility to obtain information regarding possible permits required from the SFWMD prior to any work on the canal right of way.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

#### Pollution Remediation

The applicant is advised that there are records of petroleum contamination assessment or remediation issues on these properties as follows:

1. Folio # 30-2230-001-0410 (Farm Store, 10901 NE 6 Ave (UT-2996/F-8982))
2. Folio # 30-2231-024-0050 (Miami Country Day School, 10855 NE 6 Ave (UT-2561/F-8640))

Both sites are in a state funded program awaiting allocation of funds for cleanup.

#### Wetlands

The subject properties do not contain jurisdictional wetlands as defined by Chapter 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 of the new library building 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 Chapter 24.

#### Enforcement History

DERM has found the following closed enforcement record for the subject property:  
Folio No 30-2231-024-0050

601 NE 107 St, Miami-Dade County, FL

\* On 04/06/98, a Consent Agreement between the DERM and Miami Country Day School was executed in order to allow time to connect to sanitary sewers. On 05/24/00, all buildings were confirmed to be connected to sewers, and the case was subsequently closed.

Concurrency Review Summary

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

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

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

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:MIAMI COUNTRY DAY SCHOOL, INC.

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements will be accomplished thru the recording of a plat.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

13-JAN-09

# Memorandum



**Date:** 02-DEC-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000211

**Fire Prevention Unit:**

Fire Engineering & Water Supply Bureau has reviewed and approved the plans dated stamp received 10/22/08.

**Service Impact/Demand:**

Development for the above Z2008000211 located at 601 N.E. 107 STREET, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 0687 is proposed as the following:

residential	dwelling units	_____	square feet
	square feet	industrial	_____
Office	square feet	162,809	square feet
	square feet	institutional	_____
Retail	square feet	_____	square feet
		nursing home/hospitals	_____

Based on this development information, estimated service impact is: 36 alarms-annually. The estimated average travel time is: 5:47 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station No. 30 - 9500 NE 2nd Avenue  
Rescue, ALS Engine

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
N/A

**Fire Planning Additional Comments:**

N/A

# TEAM METRO

## ENFORCEMENT HISTORY

MIAMI COUNTRY DAY SCHOOL,  
INC.

601 N.E. 107 STREET, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

---

Z2008000211

---

HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

Current Enforcement History: Case was opened 5/12/09 200906002040 for enforcement history request. No violation found.

George Vargas

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

CORPORATION NAME: MIAMI COUNTRY DAY SCHOOL, INC., a Florida non-profit corporation

NAME AND ADDRESS Percentage of Stock

PAULK, ANNE, PRESIDENT  
9906 N.E 4 AVENUE ROAD  
MIAMI SHORES FL 33138

PREMER, HOWARD, VICE PRESIDENT  
601 NE 107 ST  
MIAMI FL 33161

HACH, ELIZABETH, SECRETARY  
987 NE 96TH STREET  
MIAMI SHORES FL 33138

FARREY, JOHN F, TREASURER  
1315 BAY TERR  
N BAY VILLAGE FL 33141

HUNT, ALAN P, CHIEF FINANCIAL OFFICER  
601 NE 107 ST  
MIAMI FL 33161

\*A Florida non-profit; no percentage of interest required

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and 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: Not applicable.

NAME AND ADDRESS Percentage of Stock

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Not applicable.

NAME AND ADDRESS Percentage of Stock

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10/17/08 11:10 AM

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MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

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

NAME OF PURCHASER: Not applicable.

NAME, ADDRESS AND OFFICE (if applicable) \_\_\_\_\_ Percentage of Stock \_\_\_\_\_

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 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.

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BY \_\_\_\_\_

**EXECUTION PAGE TO FOLLOW**

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

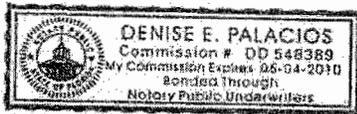
MIAMI COUNTRY DAY SCHOOL, INC.,  
a Florida non-profit corporation

BY: *[Signature]*  
ALAN P. HUNT, CFO

Sworn to and subscribed before me this 22 day of October, 2008. Affiant is personally known to me or has produced as identification.

*[Signature]*  
(Notary Public)

My commission expires 05-04-2010



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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BY *[Signature]*

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

School Name: Miami Country Day School

2231-024-0050

School Address: 601 NE 107 Street, Miami, FL 33161

Tax Folio # 30 - 2230-001-0410

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: \_\_\_\_\_  
\*Application for new library requires no additional student stations.
2. Total size of site: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ + 43,560 sq. ft. = 14.28 acres
3. Number of children or students requested: 980 Ages: Kindergarten-Twelfth Grade  
\*Application for new library requires no additional student stations.
4. Number of teachers: 102 Number of administrative & clerical personnel: 38
5. Number of classrooms: 75 Total square footage of classroom area: 78,565

6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets):  
\_\_\_\_\_
7. Amount of outdoor recreation/play area in square footage: 291,025 SF

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:  
3 Buses, 2 Vans, 1 Truck & 1 Station Wagon.
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 335 parking spaces required by §33-124(L) 236
10. Indicate the number of auto stacking spaces: \_\_\_\_\_ provided \_\_\_\_\_ required.  
\*No additional spacing is required. Stacking is provided per previous approval.
11. Proposed height for the structure(s): 35'-0" See §33-151.18(g).
12. Size of identification sign: \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_ sq. ft. See §33-151.18(c).  
Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.  
\*No additional signage is required.
13. Days and hours of operation: M-F 8:00 A.M to 5:30 P.M

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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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 100 (number of children) = 3,500 sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x 500 (number of children) = 15,000 sq. ft. of classroom area required.

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

25 sq. ft. x 380 (number of children) = 9,500 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 28,000 SF

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 78,565 SF

OUTDOOR RECREATION SPACE:

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

45 sq. ft. x 50 (1/2 of children) = 2,250 SF

- b. Grades 1-6 500 sq. ft. x 30 (first 30 children) = 15,000 SF

300 sq. ft. x 470 (remaining children) = 141,000 SF

- c. Grades 7-12 800 sq. ft. x 30 (first 30 children) = 24,000 SF

300 sq. ft. x 350 (remaining children) = 105,000 SF

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 287,250

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 291,025

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

- a. 28 trees are required per net acre. Trees required: 408 Trees provided: 411

- b. Ten shrubs are required for each tree required. Shrubs required 4082 Shrubs provided 4537

- c. Grass area for organized sports/play area in square feet: 123,850 SF

- d. Lawn area in square feet (exclusive of organized sports/play area): 55,823 SF

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BY \_\_\_\_\_

22

School Address: 601 NE 107 Street, Miami, FL Zip Code: 33161

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

Signed, sealed, executed and acknowledged on this 22nd day of October at Miami-Dade County, Florida.



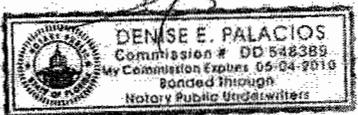
Signature

WITNESSES:

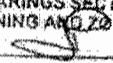
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this 22 day of October, 2008, before me personally appeared Alan Hurt 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: 05-04-2010



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OCT 22 2008

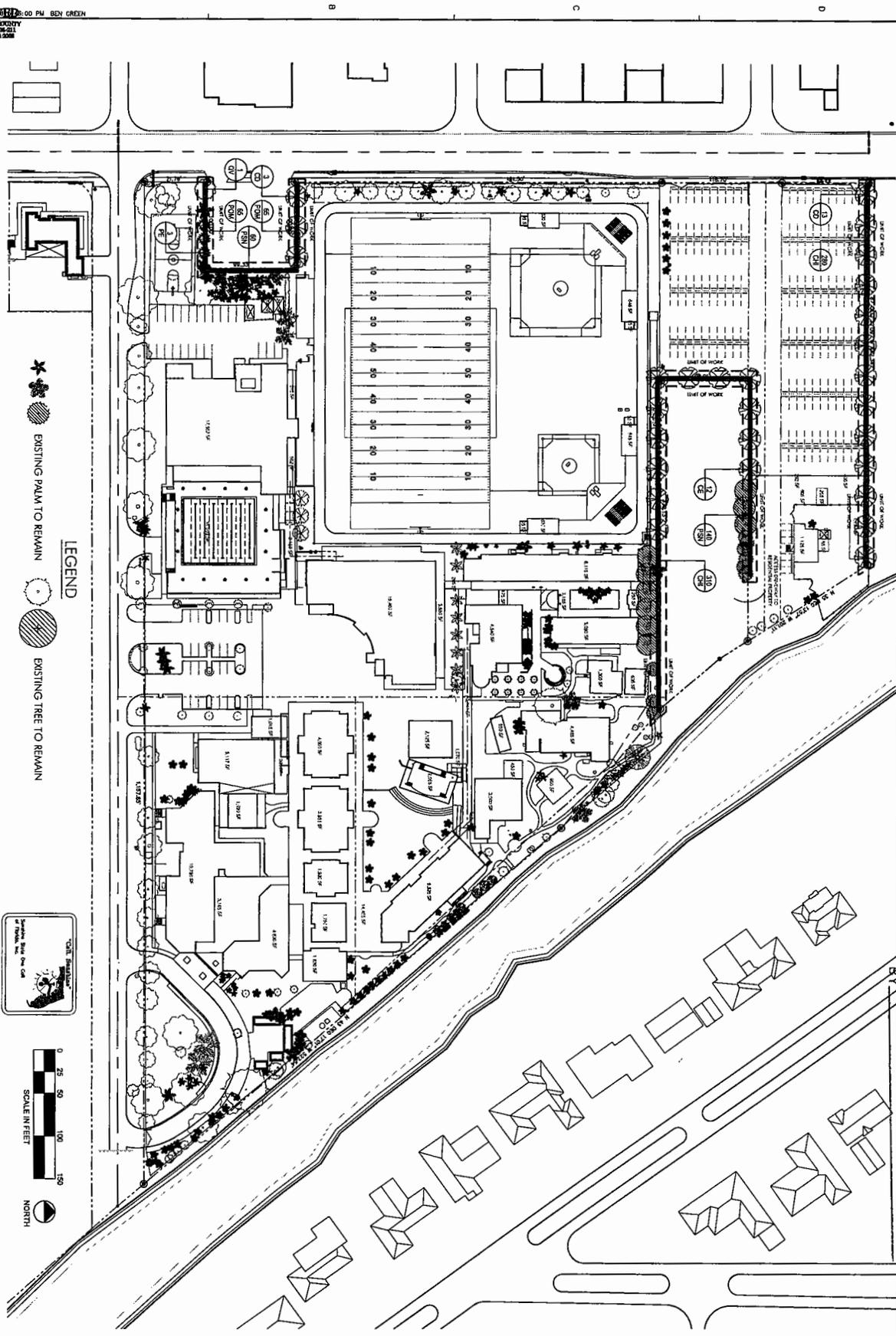
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BY: 





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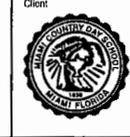


**SITE PLAN MODIFICATION APPROVAL SUBMISSION**

**PLANTING PLAN**  
L1.0  
08/20/2008  
10/20/2008

**SEAL**  
I, **YUSUF M. ALI**, a duly Licensed Professional Engineer in the State of Florida, do hereby certify that I am the author of the above described site plan and that it was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Florida.  
YUSUF M. ALI  
Professional Engineer  
No. 100000000  
State of Florida  
10/20/2008

**SUFFOLK EDUCATION**  
**ZYSCOVICH ARCHITECTS**  
1100 N. WASHINGTON AVE. SUITE 100  
MIAMI, FL 33136  
TEL: 305.375.1111 FAX: 305.375.1112



**Client**  
Miami Country Day School  
**Katherine E. Franco**  
Center for Learning Resources  
601 NE 107th Street, Miami, FL 33161

**Civil Engineers**  
Sohwaka-Shikin and Associates, Inc.  
2200 Corporate Way  
Coral Gables, FL 33134  
TEL: 305.455.7373  
FAX: 305.455.7374

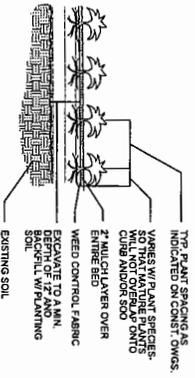
**Structural Engineers**  
BBM Structural Engineers and Architects, Inc.  
10000 NW 17th Ave., Suite 100  
Miami, FL 33157  
TEL: 305.551.1111  
FAX: 305.551.1112

**ME/P Engineers**  
Mariano Professional Engineering, Inc.  
10000 NW 17th Ave., Suite 100  
Miami, FL 33157  
TEL: 305.551.1111  
FAX: 305.551.1112

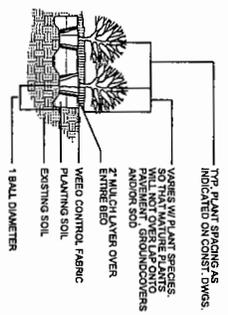
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BY \_\_\_\_\_



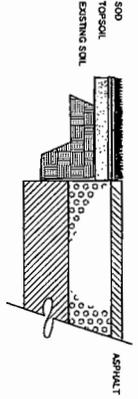
**GROUNDCOVER PLANTING DETAIL**  
N.T.S.



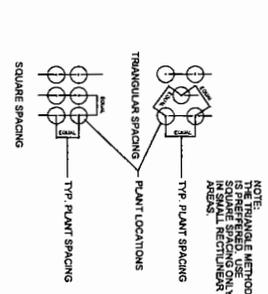
**SHRUB PLANTING DETAIL**  
N.T.S.



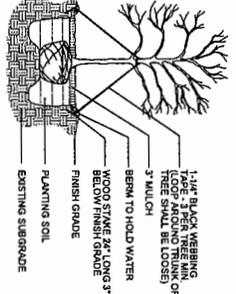
**SOD ADJACENT TO CONCRETE DETAIL**  
N.T.S.



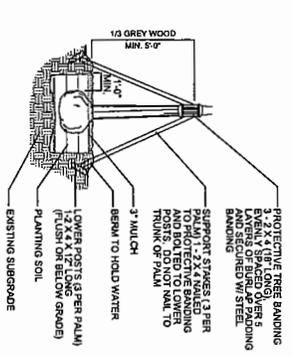
**SOD ADJACENT TO ASPHALT DETAIL**  
N.T.S.



**SHRUB AND GROUNDCOVER SPACING**  
N.T.S.



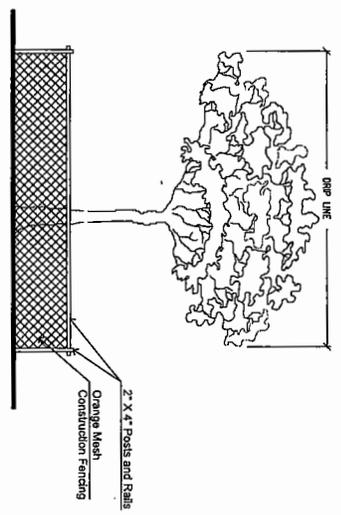
**TREE PLANTING DETAIL**  
N.T.S.



**PALM PLANTING DETAIL**  
N.T.S.

PLANT LIST				
ABR.	QUANTITY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
<b>TREES / PALMS</b>				
CD	12	COCOA CAVA DIVERSIFOLIA	PIZZEE PALM	10' O.A. H.T., 2" CAL.
CE	16	CORDON ROSEUS SPICATUS	GREEN BUTTONWOOD	10' O.A. H.T., 2" CAL.
CF	3	QUERUS FRANKLINIANA	WHITE OAK	10' O.A. H.T., 2" CAL.
CF	3	QUERUS VIRGINIANA	WHITE OAK	10' O.A. H.T., 2" CAL.
<b>SHRUBS / GROUNDCOVERS</b>				
CH	550	CHRYSOMALUS EXCO	COCOPALM	3 GAL., 30" H.T., 2.5" O.C.
FOH	150	PHODOPRIS MACROPHYLUS	PRODOXIFUS	3 GAL., 30" H.T., 2.5" O.C.
FSN	200	PSYCHOTRICHUM VISA	WILD COFFEE	3 GAL., 30" H.T., 2.5" O.C.
SOD	AS REQUIRED	STENOZYPHUM SECUNDATUM	ST. JULIANSITE FLOREATA	SOLID 500

**NOTES:**  
1. ALL PLANTS SPECIFIED BY CONTRACTOR SHALL BE REPLACEMENT QUALITY TO ORIGINAL CONDITION.  
2. ALL PLANTS MUST BE PLANTED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
3. ALL PLANTS MUST BE PLANTED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
4. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND OBTAINING THE NECESSARY  
5. PLANT QUANTITIES ARE FOR COMPARISON ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES  
6. CONTRACTOR SHALL MAINTAIN TRAFFIC WITH SITE CONTINUOUS FROM TO COMPLETION WORK.

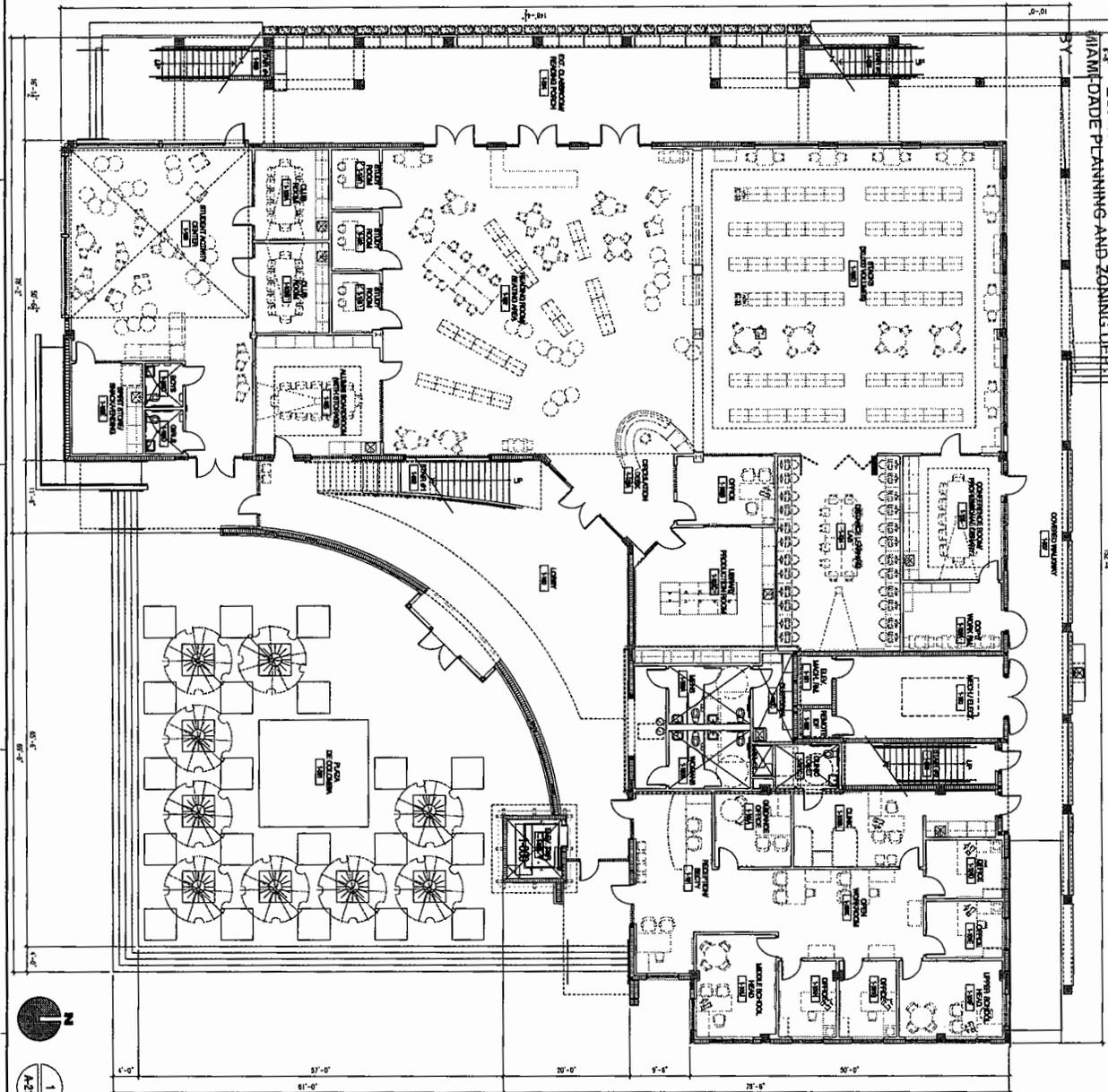


**STAKING FOR TREE PROTECTION**  
INDIVIDUAL TREE

**SITE PLAN MODIFICATION APPROVAL SUBMISSION**

<p>DATE: 10/20/2008 PROJECT: L1.1</p>	<p>OWNER: MDC PROJECT: L1.1</p>	<p>CLIENT: SUFFOLK EDUCATION ZYSCOVICH ARCHITECTS</p>	<p>PROJECT: Miami Country Day School Katherine E. Franco Center for Learning Resources 601 NE 107th Street, Miami, FL 33181</p>	<p>ARCHITECTS: M/E/P Engineers Mellen Professional Engineering, Inc. 1700 Corporate Center Miami, Florida 33156 (305) 742-8222</p>	<p>STRUCTURAL ENGINEERS: BSM Structural Engineers, Inc. 2500 NW 10th Street, Suite 400 Miami, Florida 33136 (305) 551-1111</p>
---	-------------------------------------	---	---	--	--

RECEIVED  
 OCT 22 2008



1  
 A211 SCALE: 1/8" = 1'-0"

ENLARGED FIRST FLOOR PLAN

**SITE PLAN MODIFICATION APPROVAL SUBMISSION**

<p><b>NEW LIBRARY FLOOR PLAN FIRST FLOOR</b></p>	<p>DATE: 10/22/2008</p>
	<p>PROJECT: 10/22/2008</p>
<p>REG. NO. AR10870</p>	

**SUFFOLK**

**ZYSCOVICH ARCHITECTS**

1001 NE 107th Street, Suite 100  
 Miami, FL 33158  
 Phone: 305.555.1000  
 Fax: 305.555.1001  
 www.zyscovich.com



**Client**  
 Miami Country Day School  
 Katherine E. Franco  
 Center for Learning Resources  
 601 NE 107th Street, Miami, FL 33151

**Civil Engineers**  
 Charles E. Rogers  
 Charles E. Rogers, Inc.  
 1000 NE 107th Street, Suite 100  
 Miami, FL 33158  
 Phone: 305.555.1000  
 Fax: 305.555.1001  
 www.cer-inc.com

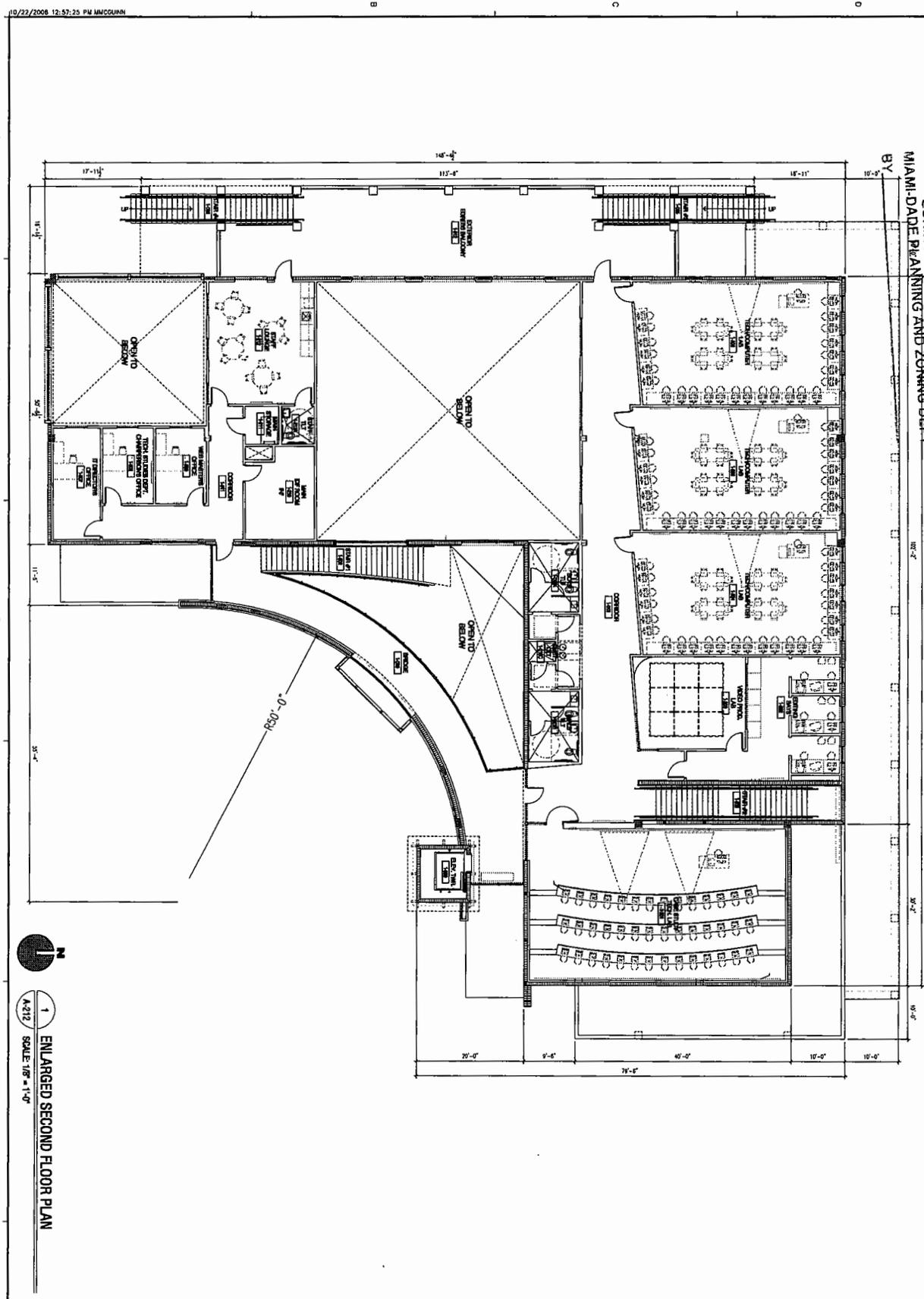
**Structural Engineers**  
 Charles E. Rogers  
 Charles E. Rogers, Inc.  
 1000 NE 107th Street, Suite 100  
 Miami, FL 33158  
 Phone: 305.555.1000  
 Fax: 305.555.1001  
 www.cer-inc.com



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 MIAMI-DADE COUNTY  
 PLANNING AND ZONING DEPT.

**RECEIVED**  
 OCT 22 2008

MIAMI-DADE PLANNING AND ZONING DEPT.



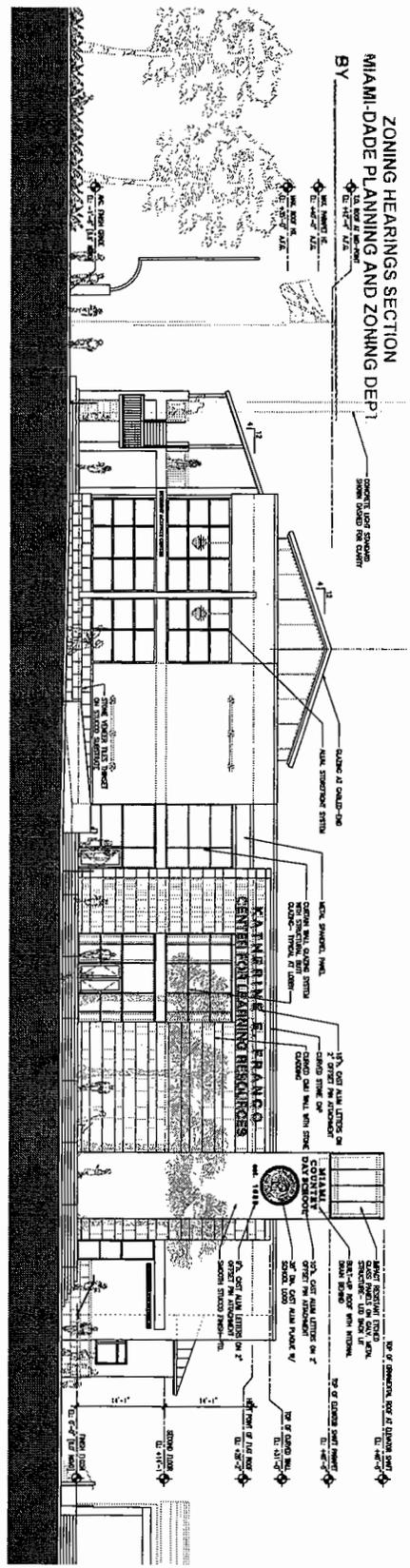
1  
 A-512 / SCALE 1/8" = 1'-0"  
 ENLARGED SECOND FLOOR PLAN

**SITE PLAN MODIFICATION APPROVAL SUBMISSION**

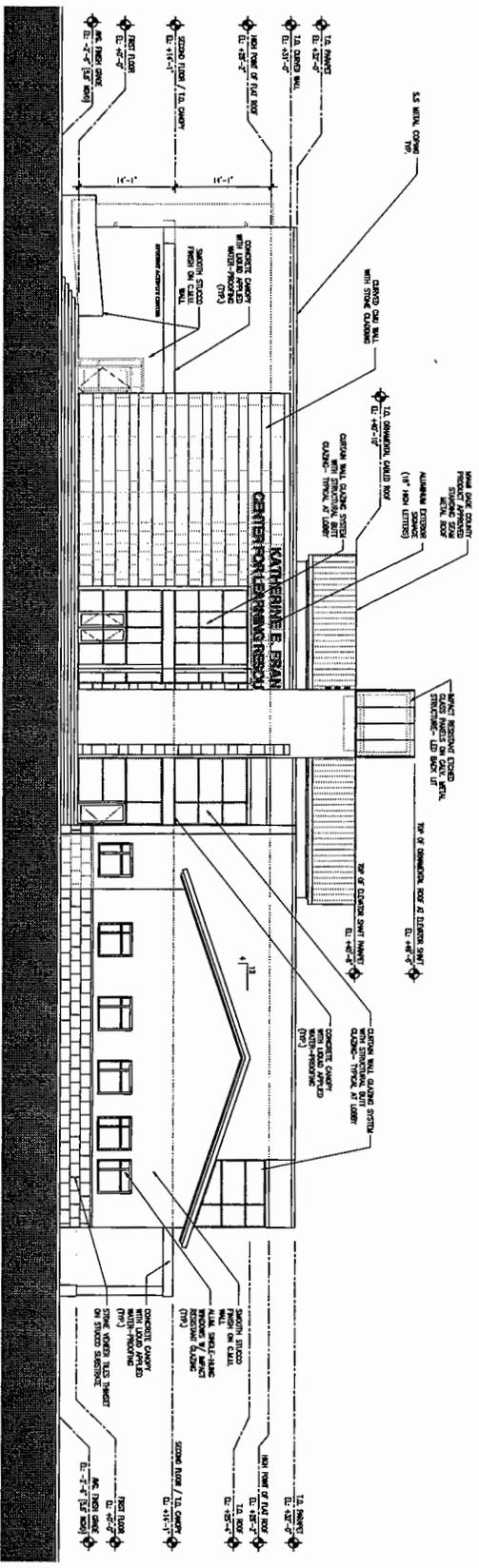
<p><b>A-5</b></p> <p>DATE: 1/10/2008</p> <p><b>NEW LIBRARY FLOOR PLAN SECOND FLOOR</b></p>	<p>Reg. No. AR10670</p>	<p><b>SUFFOLK</b>          EDUCATIONAL SERVICES</p> <p><b>ZYSCOVICH</b>          ARCHITECTS</p>	<p>Client</p> <p><b>MIAMI COUNTRY DAY SCHOOL</b></p>	<p>Project</p> <p><b>Miami Country Day School          Katherine E. Franco          Center for Learning          Resources</b></p> <p>601 NE 107th Street, Miami, FL 33161</p>	<p>Civil Engineers</p> <p><b>Strobel, Skidmore          and Associates, Inc.</b></p> <p>1400 NW 10th St., Suite 200          Ft. Lauderdale, FL 33304          (954) 562-1100 Fax          (954) 562-1101 Fax</p> <p>Landscape Architecture</p> <p><b>Castle &amp; Rogers</b></p> <p>1000 NW 10th St., Suite 200          Ft. Lauderdale, FL 33304          (954) 562-1100 Fax          (954) 562-1101 Fax</p>	<p>Structural Engineers</p> <p><b>RS&amp;I Structural          Engineers, Inc.</b></p> <p>1000 NW 10th St., Suite 200          Ft. Lauderdale, FL 33304          (954) 562-1100 Fax          (954) 562-1101 Fax</p> <p>M/E/P Engineers</p> <p><b>Matheson Professional          Engineers, Inc.</b></p> <p>1000 NW 10th St., Suite 200          Ft. Lauderdale, FL 33304          (954) 562-1100 Fax          (954) 562-1101 Fax</p>
	<p>Site</p> <p>1. THE PROJECT IS DESCRIBED AS SHOWN ON THE ATTACHED SITE PLAN AND THE INFORMATION CONTAINED THEREIN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE INFORMATION CONTAINED THEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.</p> <p>3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.</p> <p>4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.</p> <p>5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.</p>					

30

**RECEIVED**



**1 ENLARGED SOUTH ELEVATION**  
 Scale: 1/8" = 1'-0"



**2 ENLARGED EAST ELEVATION**  
 Scale: 1/8" = 1'-0"

**SITE PLAN MODIFICATION APPROVAL SUBMISSION**

**SUFFOLK**  
**ZYSCOVICH ARCHITECTS**  
 601 NE 107th Street, Miami, FL 33161  
 Phone: 305-555-1111  
 Fax: 305-555-1112  
 Website: www.zyscovich.com

**Client**  
**Miami Country Day School**  
**Katherine E. Franco Center for Learning Resources**  
 601 NE 107th Street, Miami, FL 33161

**Civil Engineers**  
**Landscapes Architecture**  
**Design + Planning**  
**Engineering, Inc.**  
 601 NE 107th Street, Miami, FL 33161  
 Phone: 305-555-1111  
 Fax: 305-555-1112  
 Website: www.lap.com

**Structural Engineers**  
**Miami Professional Engineering, Inc.**  
 601 NE 107th Street, Miami, FL 33161  
 Phone: 305-555-1111  
 Fax: 305-555-1112  
 Website: www.mpe.com

**M/E/P Engineers**  
**Miami Professional Engineering, Inc.**  
 601 NE 107th Street, Miami, FL 33161  
 Phone: 305-555-1111  
 Fax: 305-555-1112  
 Website: www.mpe.com

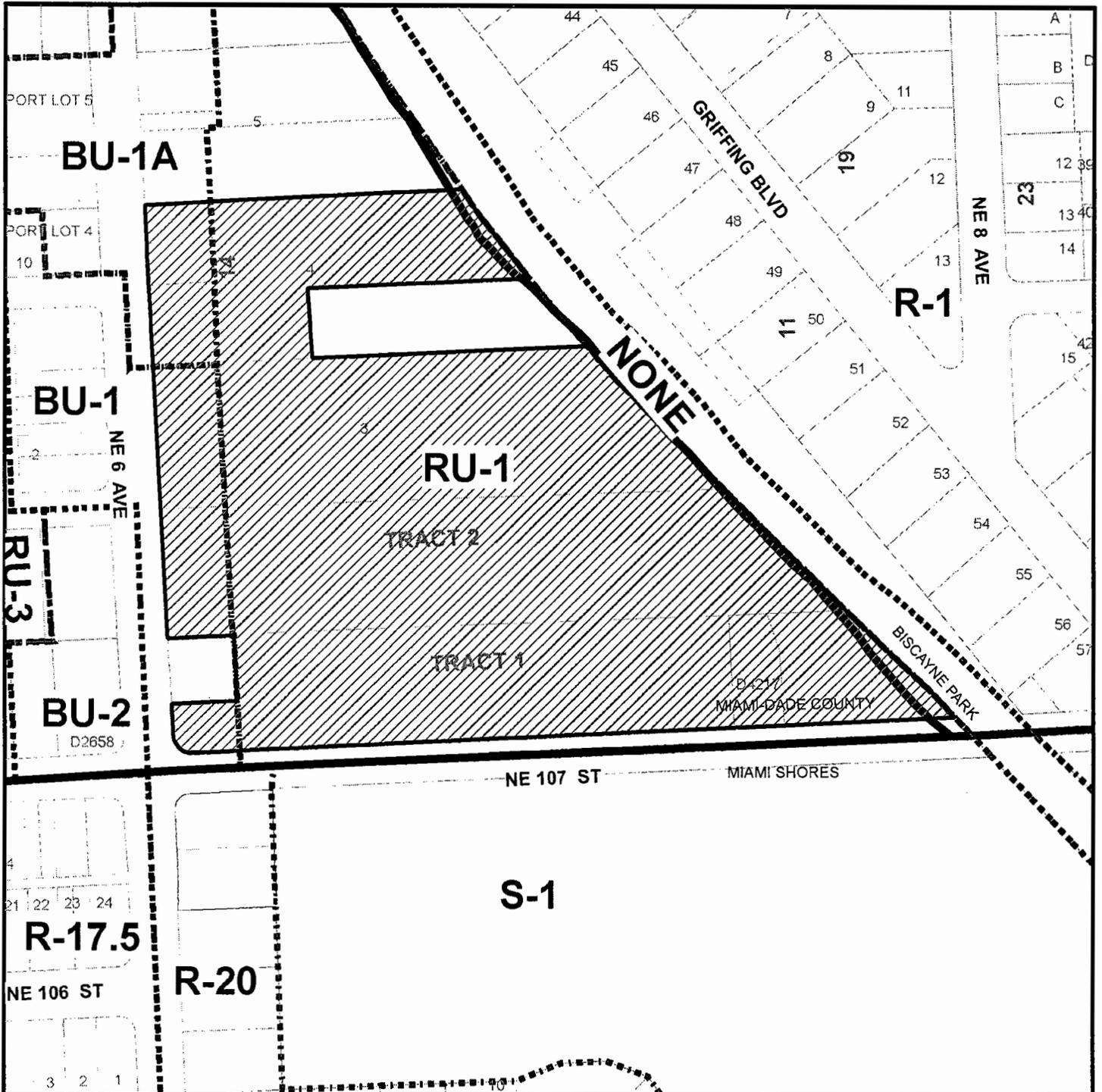
**CONTRACTOR**  
**10/23/2008 1:34:35 PM JDELCASTILLO**

31





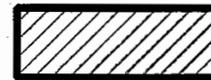




**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-211**

Section: 31 Township: 52 Range: 42  
 Applicant: MIAMI COUNRTY DAY SCHOOL, INC.  
 Zoning Board: C08  
 Commission District: 03  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning

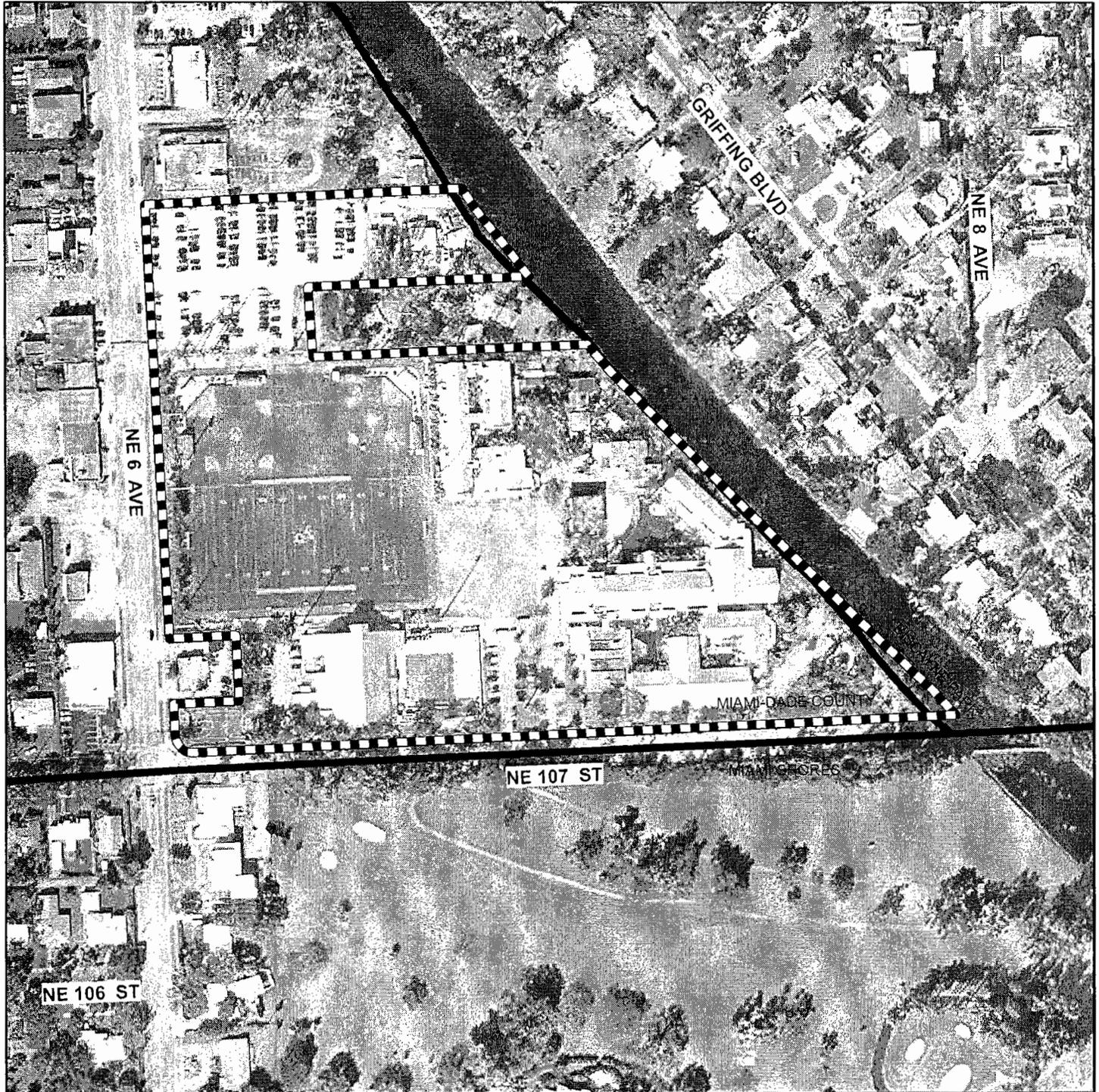


**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/20/08

REVISION	DATE	BY
		35



**MIAMI-DADE COUNTY  
AERIAL YEAR 2008**

Process Number  
**08-211**

Section: 31 Township: 52 Range: 42  
 Applicant: MIAMI COUNRTY DAY SCHOOL, INC.  
 Zoning Board: C08  
 Commission District: 03  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/20/08

REVISION	DATE	BY

**5. ELLA DAVIS**  
**(Applicant)**

**09-5-CZ8-5 (08-216)**  
**Area 8/District 2**  
**Hearing Date: 5/26/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

None

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL NO. 8**

**APPLICANT:** Ella Davis

**PH:** Z08-216 (09-5-CZ8-5)

**SECTION:** 27-52-41

**DATE:** May 26, 2009

**COMMISSION DISTRICT:** 2

**ITEM NO.:** 5

=====

**A. INTRODUCTION**

o **REQUESTS:**

- (1) Applicant is requesting to permit a screen room addition to a single-family residence setback 0.98' (7.5' required) from the interior side (west) property line.
- (2) Applicant is requesting to waive the zoning regulations requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to permit a 5' wall with metal pickets within the safe sight distance triangle along the front (south) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Renovation For: Ella Davis-Parker," as prepared by L. Hugh Anglin, consisting of two sheets, dated stamped received 2/2/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to legalize an existing screen room addition to a single-family residence that encroaches into the interior side setback area and to legalize that portion of a 5' high wall with metal pickets located within the safe sight distance triangle.

o **LOCATION:** 1935 N.W. 133 Street, Miami-Dade County, Florida.

o **SIZE:** 10,380 sq. ft.

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

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

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. It could

include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

**Surrounding Properties:**

**NORTH:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

**SOUTH:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

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

Low Density Residential, 2.5 to 6 du

**WEST:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:

**Unacceptable**

Landscape Treatment:

**N/A**

Open Space:

**N/A**

Buffering:

**N/A**

Access:

**Acceptable**

Parking Layout/Circulation:

**N/A**

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

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

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

2. The proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:

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

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

21. the proposed development will meet the following:

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

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

- 1. no wall, hedge or fence shall exceed eight (8) feet in height; and
- 2. no wall, hedge or fence located in a front setback required by the underlying district regulations shall exceed six (6) feet in height; and
- 3. the additional height of a proposed wall, hedge or fence will not obscure in whole or in part an existing view or vista to any landmark, natural area, or waterbody from any window or door in a residential unit on an adjoining parcel of land; and
- 4. proposed walls or fences shall be:
  - a. articulated to avoid the appearance of a "blank wall" when viewed from adjoining property; or
  - b. landscaped with landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement from the landowner regarding its maintenance in recordable form from the adjoining property owner; or

- c. where facing a public right-of-way, set back at least two and one-half (2 1/2) feet from the right-of-way line and extensively landscaped with shrubs of a minimum of three (3) feet in height when measured immediately after planting, which will form a continuous, unbroken, solid, visual screen within one (1) year after time of planting; hedges of a minimum of three (3) feet in height immediately after planting, which will form a continuous, unbroken, solid, visual screen within one (1) year after time of planting; and/or climbing vines of a minimum of thirty-six (36) inches in height immediately after planting; and
  5. proposed fences shall be constructed or installed so that the "unfinished" side is directed inward toward the center of the parcel proposed for alternative development; and
  6. proposed fences are constructed of durable materials and are decorative; and
  7. proposed fences are not comprised of chain link or other wire mesh, unless located in an AU or GU with AU trend zoning district; and
  8. safe sight distance triangles are maintained pursuant to this code.

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

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

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

or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

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

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

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

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

**G. NEIGHBORHOOD SERVICES:**

DERM  
Public Works  
Parks  
MDT

**No objection**  
**No objection**  
**No objection**  
**No objection**

Fire Rescue  
Police  
Schools

**No objection**  
**No objection**  
**No comment**

**H. ANALYSIS:**

The subject property is located at 1935 N.W. 133 Street in an area zoned RU-1, Single-Family Residential District, and developed with single-family residences. The applicant is requesting to permit an existing screen room addition to a single-family residence setback 0.98' from the interior side (west) property line (request #1). The applicant is also requesting to permit an existing 5' wall with metal pickets within the safe sight distance triangle along the front (south) property line (request #2). The RU-1 zoning regulations require that single-family residences and their additions setback 7.5' from the interior side property line. The Zoning Code prohibits walls and fences that exceed 2.5' in height within the safe sight distance triangle. The applicant has submitted a site plan depicting the aforementioned requests.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:48**. The **Public Works Department (PWD)** also has **no objections** to this application.

Approval of this application will allow the applicant the maintenance and continued use of the existing screen room addition with a non-conforming interior side setback as well as the maintenance and continued use of that portion of the existing fence with metal pickets located within the safe sight distance triangle. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the requests will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the density threshold of the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the requests would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff acknowledges that the existing screen room addition provides an additional amenity for the residents of the single-family residence by providing additional outdoor space that is sheltered from the elements. Furthermore, staff acknowledges that there is an approval, albeit not as intense as the request sought in this application, for relief of interior side setback requirements in the immediate area. Specifically, staff notes that the property located at 12901 NW 19 Street, approximately 1,290' to the southeast of the subject site, was granted approval of a request to permit an addition to a single-family residence setback 3.75' (7.5' required) from the interior side property line, pursuant to Administrative Variance No. V2001000046. Notwithstanding the forementioned approval, staff notes that the request sought in this application is more intense than said approval and results in an encroachment of 6.52' into the interior side setback area, which staff opines is excessive and out of character with the approvals granted in the surrounding area. It should be noted that staff's research also revealed that there are no approvals to permit fences or

walls that exceed 2.5' in height within the safe sight distance triangle within the surrounding area. Moreover, staff opines that approval of request #2 which would allow the applicant the maintenance and continued use of that portion of the existing 5' high wall with metal pickets to be located within the safe sight distance triangle, would obstruct visibility of vehicles exiting and entering the property. As such, staff opines that the approval of the requests would be **incompatible** and would adversely affect the aesthetic character of the area. Further, staff opines that approval of the requests would set a negative precedent for similarly intense requests for relief of interior side setback requirements and to permit walls greater than 2.5' in height to be located within the safe sight distance triangle. Therefore, staff recommends denial without prejudice of requests #1 and #2 under the NUV Standards.

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

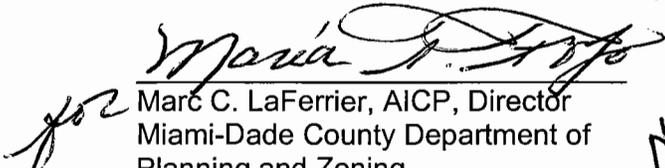
When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This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

**I. RECOMMENDATION:**

Denial without prejudice.

**J. CONDITIONS: None.**

**DATE INSPECTED:** 11/10/08  
**DATE TYPED:** 03/27/09  
**DATE REVISED:** 05/18/09  
**DATE FINALIZED:** 05/18/09  
MCL:MTF:MW:NN:CXH:NC

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

NON

# Memorandum

**Date:** November 25, 2008

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

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



**Subject:** C-08 #Z2008000216  
Ella Davis  
1935 N.W. 133<sup>rd</sup> Street  
Request to Permit an Addition that Would Exceed Setback Requirements  
(RU-1) (0.24 Acres)  
27-52-41

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

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

#### Concurrency Review Summary

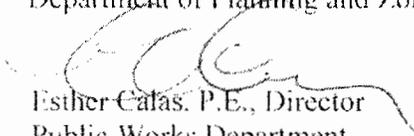
DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal, and flood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

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

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

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

MIAMI-DADE COUNTY   
Memorandum

**Date:** November 26, 2008  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning  
**From:**   
Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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

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

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

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

cc: Antonio Cotarelo, P.E., Assistant Director  
Public Works Department

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

Leandro Rodriguez

# Memorandum



**Date:** 01-DEC-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000216

**Fire Prevention Unit:**

Fire Engineering & Water Supply has no objection to this application.

**Service Impact/Demand:**

Development for the above Z2008000216  
located at 1935 N.W. 133 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0479 is proposed as the following:

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

Based on this development information, estimated service impact is: 0 alarms-annually.  
The estimated average travel time is: 6:48 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station 19 - 650 NW 131 Street  
Rescue, 65' ALS Aerial

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
N/A

**Fire Planning Additional Comments:**

N/A

**OFFICE OF NEIGHBORHOOD  
COMPLIANCE  
MELROSE OFFICE**

**ENFORCEMENT HISTORY**

Ella Ree Davis

**APPLICANT**

1935 NW 133 St.  
Folio # 3021270140280

**ADDRESS**

12/01/08

**DATE**

Case # Z2008000216

**HEARING NUMBER**

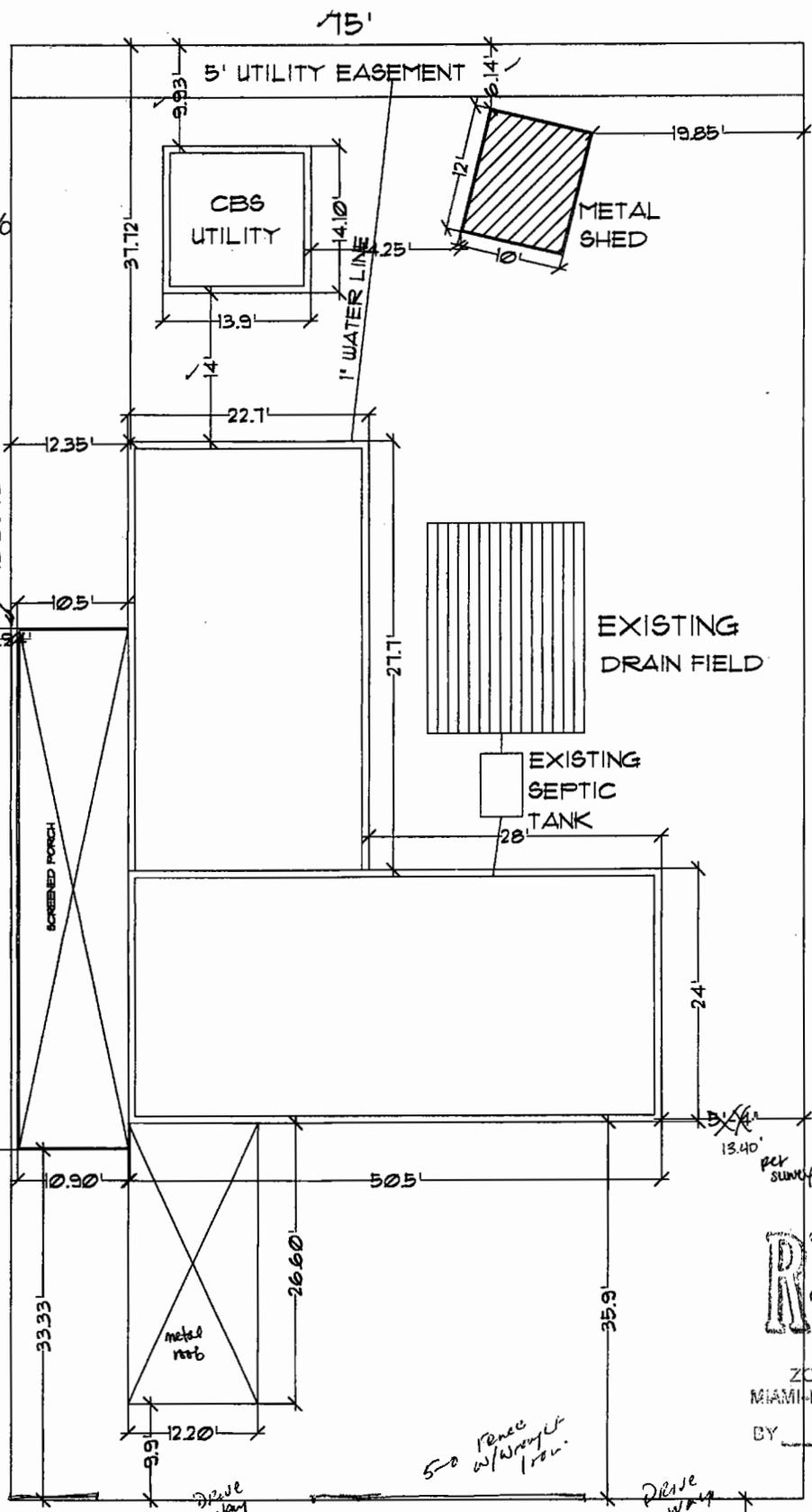
**CURRENT ENFORCEMENT HISTORY:**

12/01/08

No violations found. No previous code violation history.

$\frac{10}{380} = 2.8\%$   
 2.57  
 S.

198'  
 2/2/09  
 2/2/09  
 ca



RYA  
 $37.72 \times 75 = 2829$   
 848 #  
 pmv. 323 #



**RECEIVED**  
 208.216  
 FEB 02 2009

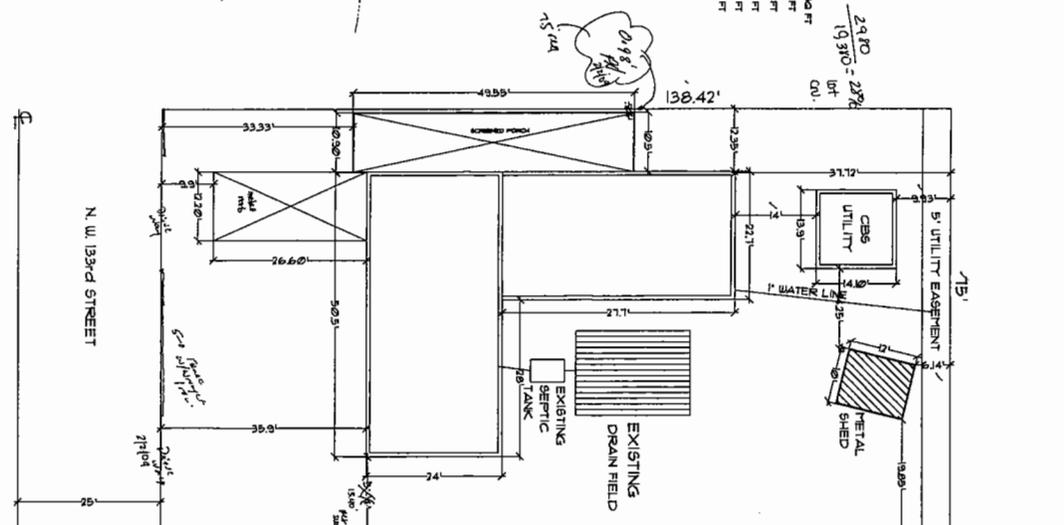
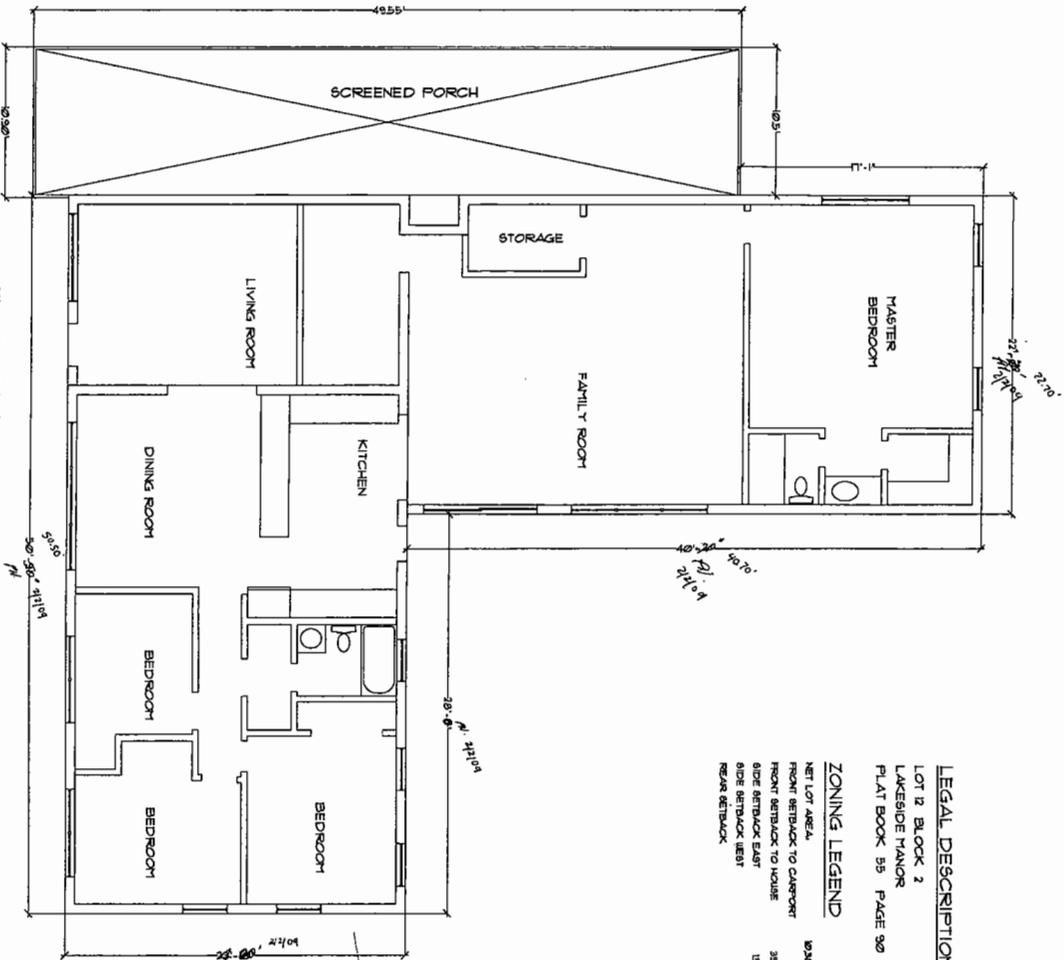
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY XH

5-0 Fence w/wrought iron.

Drive way  
 2/2/09

N. W. 133rd STREET

ENLARGED SITE PLAN



**RECEIVED**  
 208-216  
 FEB 02 2009

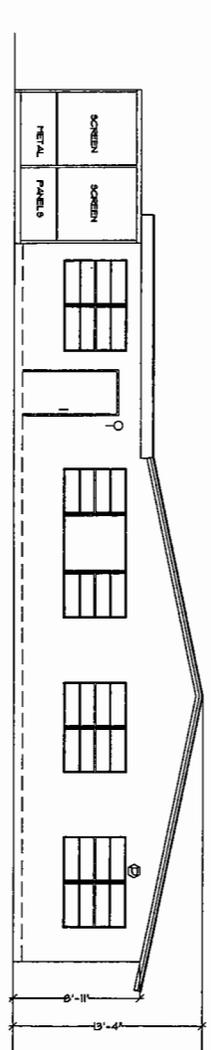
ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY: KH

REVISIONS	BY

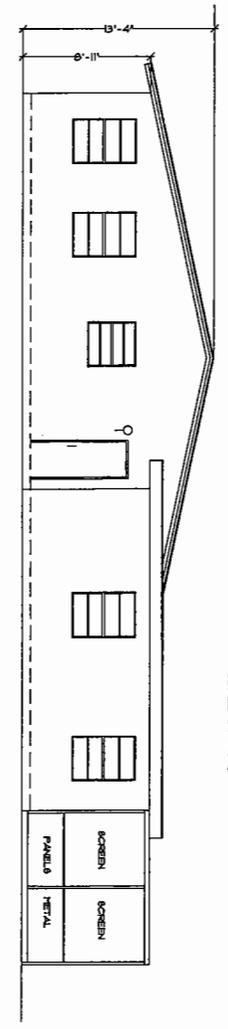
L. Hugh Anlin - 63466  
 P. O. Box 848008  
 Pembroke Pines, Fla. 33084  
 Phone: (954) 275-9110

PROPOSED RENOVATION FOR  
**ELLA DAVIS-PARKER**  
 1935 N. W. 133rd STREET  
 MIAMI, FLORIDA  
 PHONE: (305) 681-1515

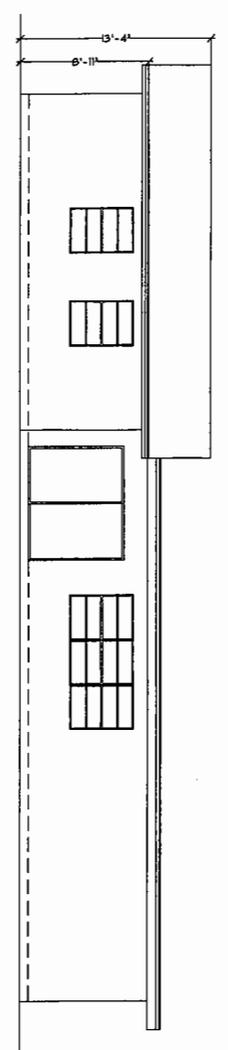
RECEIVED  
 THE PLANNING DEPARTMENT  
 OF THE CITY OF MIAMI  
 FEB 02 2009



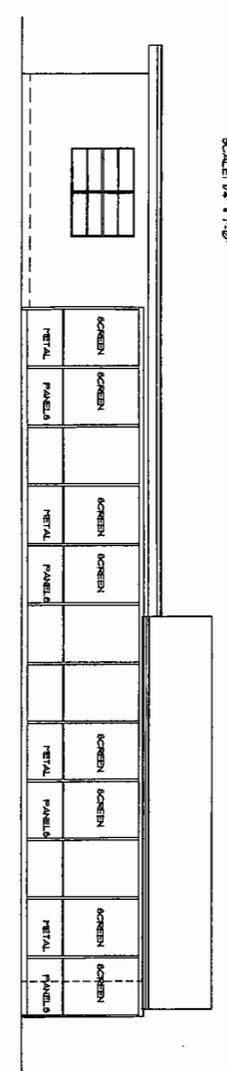
SOUTH ELEVATION  
 SCALE: 1/4" = 1'-0"



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



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



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

**RECEIVED**  
 FEB 02 2009  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY *[Signature]*

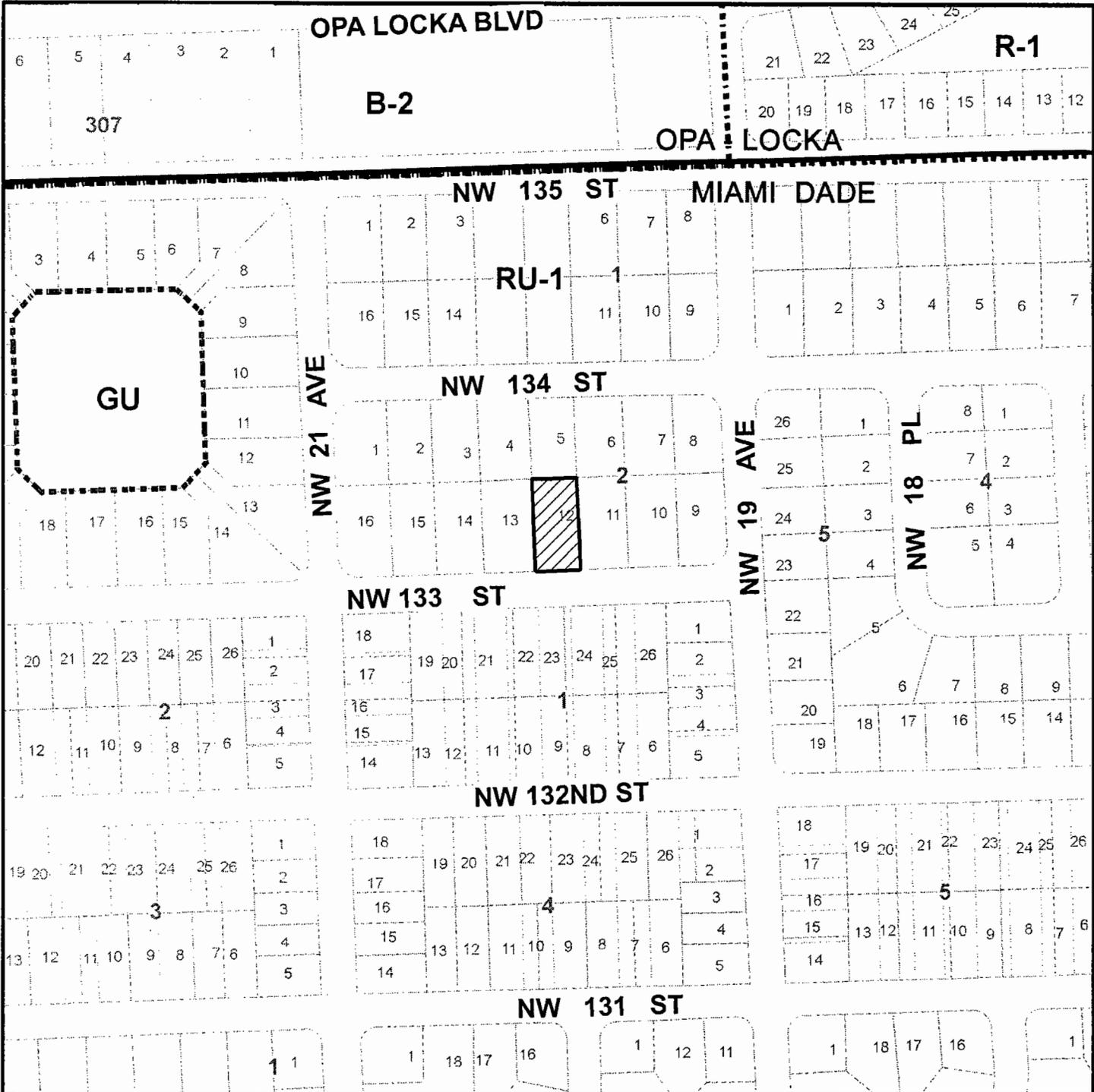
**RECEIVED**  
 FEB 17 2009  
 PLANNING DEPARTMENT  
 MIAMI-DADE COUNTY

PROJECT	PATRICK J.L.
CHARGED	
DATE	04/09/09
SCALE	AS NOTED
DRAWN	08/02/09
CHECKED	
DATE	
BY	
DATE	

PROPOSED RENOVATION FOR  
**ELLA DAVIS-PARKER**  
 1935 N. W. 133rd STREET  
 MIAMI, FLORIDA  
 PHONE: (305) 681-1515

L. Hugh Analin - 63466  
 P. O. Box 848008  
 Pembroke Pines, Fla. 33084  
 Phone: (954) 275-9110

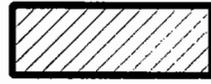
REVISIONS	BY



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-216**

Section: 27 Township: 52 Range: 41  
 Applicant: ELLA DAVIS  
 Zoning Board: C08  
 Commission District: 02  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/12/08

REVISION	DATE	BY
		18



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

Section: 27 Township: 52 Range: 41  
 Applicant: ELLA DAVIS  
 Zoning Board: C08  
 Commission District: 02  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-216**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 11/12/08

REVISION	DATE	BY

**6. CATHY ROLLINS**  
**(Applicant)**

**09-5-CZ8-6 (08-232)**  
**Area 8/District 2**  
**Hearing Date: 5/26/09**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

None

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL NO. 8**

**APPLICANT:** Cathy Rollins

**PH:** Z08-232 (09-05-CZ8-6)

**SECTION:** 24-54-40

**DATE:** May 26, 2009

**COMMISSION DISTRICT:** 2

**ITEM NO.:** 6

=====

**A. INTRODUCTION**

o **REQUESTS:**

1. Applicant is requesting to permit an aluminum carport setback 3.34' (5' required) from the side street (north) property line.
2. Applicant is requesting to permit a screen enclosure setback 7.7' (15' required) from the side street (north) property line

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Screened Enclosure to a SFR Kathy Rollins," as prepared by NPAC Management Corporation, consisting of 2 sheets dated stamped received 1/16/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to legalize existing carport and screen enclosure additions to a single-family residence that encroaches into the side street (north) setback area.

o **LOCATION:** 13345 NW 18 Place, Miami-Dade County, Florida.

o **SIZE:** 80' x 105'

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

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

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

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-1; Single-Family residence

Low Density Residential, 2.5 to 6 du

**Surrounding Properties:**

**NORTH:** RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

**SOUTH:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

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

Low Density Residential, 2.5 to 6 du

**WEST:** RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is located at 13345 NW 18 Place in an area zoned RU-1, Single-family Residential District, developed with single-family residences.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Site plan submitted.)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>Unacceptable</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

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

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

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

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and

3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and
7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:

- i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
  - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;
  - a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
18. safe sight distance triangles shall be maintained as required by this code; and
19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
  - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
  - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;

- C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
  - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
  - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (e) **Notwithstanding** the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- (1) will result in a significant diminution of the value of property in the immediate vicinity; or
  - (2) will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  - (3) will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations.
- (f) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:
- (A) the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
  - (B) the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, an increase in the lot area coverage for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

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

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

**G. NEIGHBORHOOD SERVICES:**

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

**H. ANALYSIS:**

The subject property is located at 13345 NW 18 Place in an area zoned RU-1, Single-Family Residential District, developed with single-family residences. The applicant is requesting to permit an existing carport addition to the single-family residence setback 3.34' (request #1) and an existing screen enclosure setback 7.7' (request #2), both from the side street (north) property line. The RU-1 zoning regulations require that carport additions to single-family residences setback a minimum of 5', and that additions to the residence setback a minimum of 15' from the side street property line. The applicant has submitted a site plan depicting the aforementioned requests. Said site plan indicates carport and screen enclosure additions on the north of the residence that extend into the side street setback area. Staff does not recommend approval of this application for reasons stated below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to this application and their memorandum indicates that the estimated average travel response time is **6:19** minutes. The **Public Works Department (PWD)** also has **no objections** to this application.

Approval of this application will allow the applicant the maintenance and continued use of an existing carport and screen enclosure addition to a single-family residence with a non-conforming side street setback. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the request will not add additional dwelling units to the subject property, the RU-1 zoned density of the subject site remains **consistent** with the density threshold of the LUP map of the CDMP.

When request #1, to permit the continued use of an existing carport addition to the single-family residence setback 3.34' (5' required), and request #2, to permit an existing screen enclosure addition setback 7.7' (15' required), both from the side street (north) property line are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of the requests would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff opines that approval of requests as intensive as these would have a negative visual impact on the surrounding area. Further, staff opines that the 7.30' encroachment of the screen enclosure is too intensive and that the subject property can accommodate the screen enclosure and the carport without creating the requested encroachments into the side street setback area. Additionally, the aluminum carport and screen enclosure do not match the architectural style and scale of the existing residence. As such, staff notes that the approval of the requests would not only be **incompatible** with and adversely affect the aesthetic character of the area, but would also continue to set a negative precedent for similarly intense requests for relief of side street setback requirements. Therefore, staff recommends denial without prejudice of the request under the NUV Standards.

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

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

Based on all of the aforementioned, staff opines that, though the subject RU-1 site remains **consistent** with the LUP map of the CDMP, approval of the requests would have an adverse effect on the aesthetic character of the surrounding properties and is therefore **incompatible** with the surrounding area. Staff therefore recommends denial without prejudice of the requests under Section 33-311(A)(4)(b), Section 33-311(A)(4)(c) ANUV and under Section 33-311(A)(14) ASDO.

I. **RECOMMENDATION:**

Denial without prejudice.

J. **CONDITIONS:** None.

DATE INSPECTED: 12/26/07

DATE TYPED: 04/01/09

DATE REVISED: 04/02/09

DATE FINALIZED: 04/27/09

MCL:MTF:MW:NN:AA:CH

*for* Marie T. Trojs *N2W*  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** January 15, 2009  
**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning  
**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

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

**Subject:** C-08 #Z2008000232  
Cathy Rollins  
13345 N.W. 18<sup>th</sup> Place  
Request to Permit an Aluminum Carport and Screen Enclosure that  
Exceed Setback Requirements  
(RU-1) (0.19 Acres)  
27-52-41

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

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

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

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

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

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

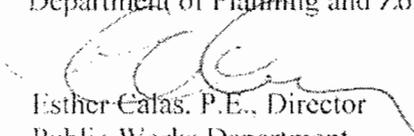
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

# Memorandum



**Date:** November 26, 2008

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

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

**Subject:** Zoning Hearing Improvements

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

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

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

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

cc: Antonio Cotarelo, P.E., Assistant Director  
Public Works Department

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

Leandro Rodriguez

# Memorandum



**Date:** 30-DEC-08  
**To:** Marc LaFerrier, Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2008000232

**Fire Prevention Unit:**

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

**Service Impact/Demand:**

Development for the above Z2008000232  
 located at 13345 N.W. 18 PLACE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0479 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	square feet
<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: 6:19 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 19 - North Miami W - 650 NW 131 Street  
 Rescue, ALS 65' Squrt, TRT-1

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Not applicable to service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

CATHY ROLLINS

13345 N.W. 18 PLACE, MIAMI-DADE  
COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

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Z2008000232

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HEARING NUMBER

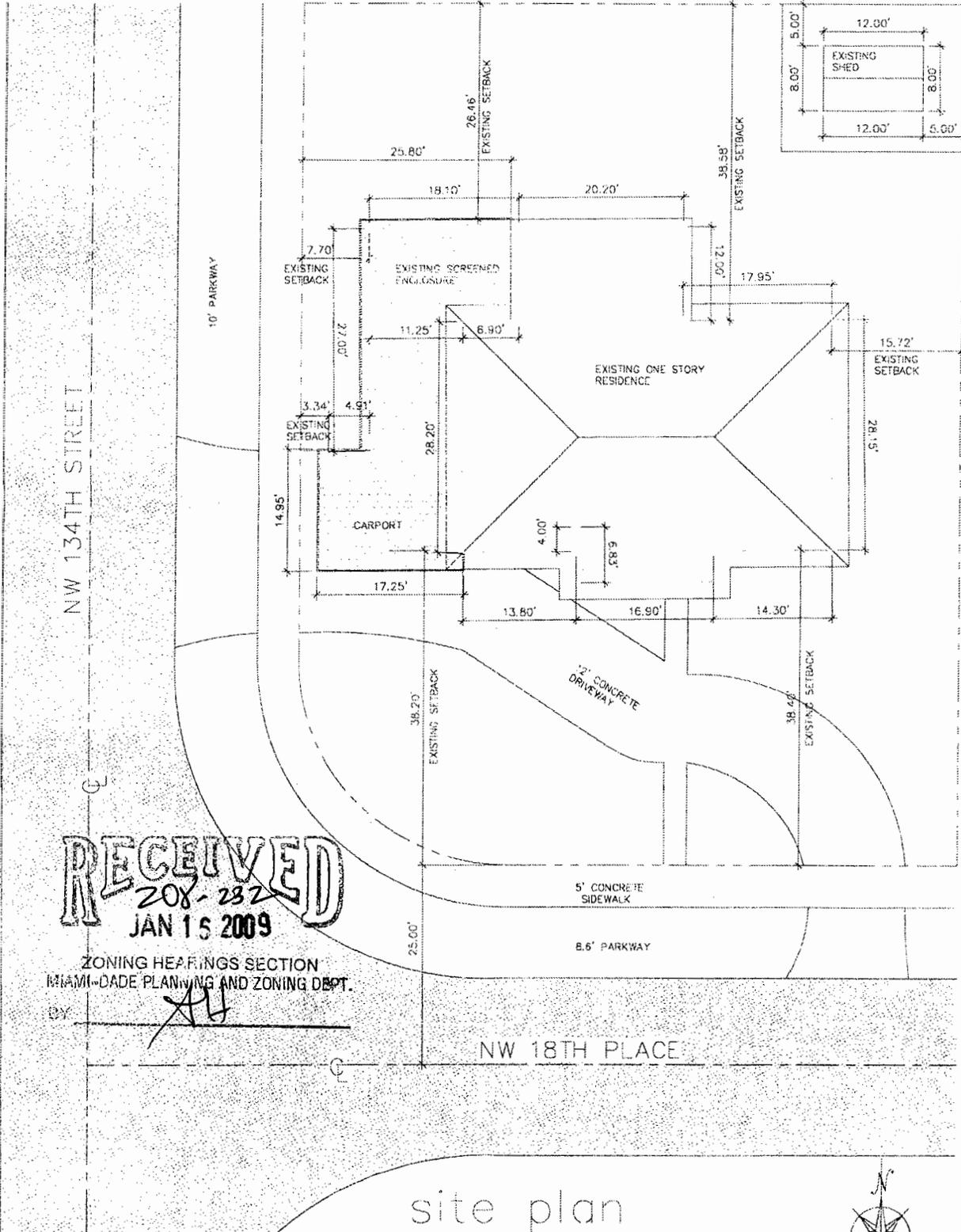
### CURRENT ENFORCEMENT HISTORY:

12/29/2008 No Office of Neighborhood Compliance violations observed.

J. Spikes

**LEGAL DESCRIPTION**

LOT 8, BLOCK 4 OF "MORVEN ESTATES" SUBDIVISION  
 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN  
 PLAT BOOK 56 AT PAGE 10 OF THE PUBLIC RECORDS  
 OF MIAMI-DADE COUNTY, FLORIDA



**RECEIVED**  
 208-282  
 JAN 15 2009

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY: *AA*

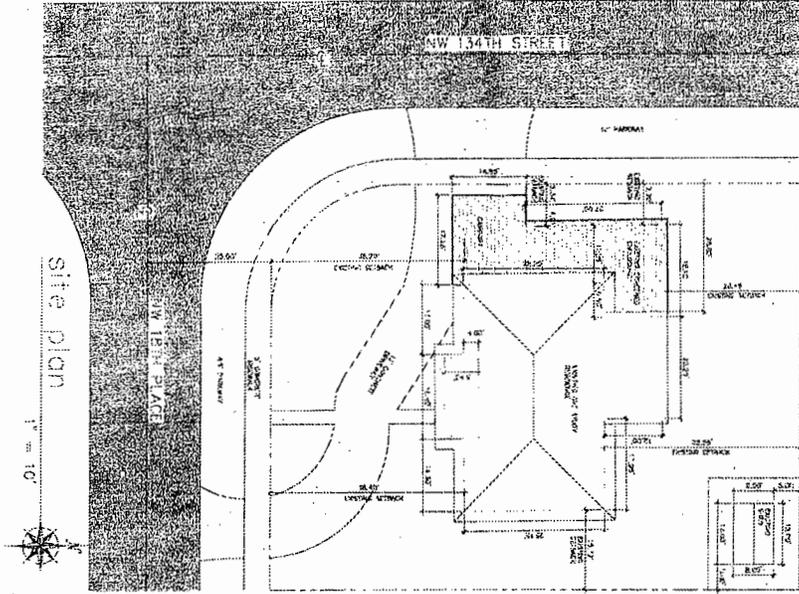
site plan

1" = 10'

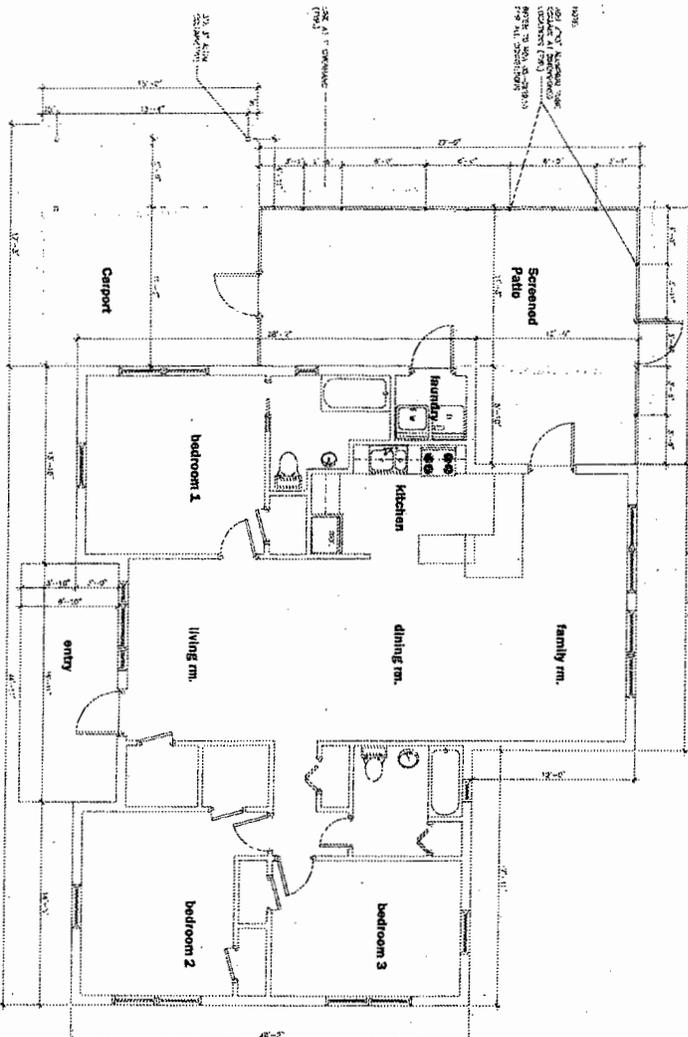


ENLARGED SITE PLAN

RECEIVED  
 PLANNING DEPARTMENT  
 JAN 15 2009



LEGAL DESCRIPTION  
 LOT 10, BLOCK 12, SUBDIVISION 1, PLAT 1, 1988, CITY OF MIAMI, FLORIDA



Floor plan

DATE: 1/15/09  
 1/15/09  
 1/15/09

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

RECEIVED  
 208.232  
 JAN 15 2009

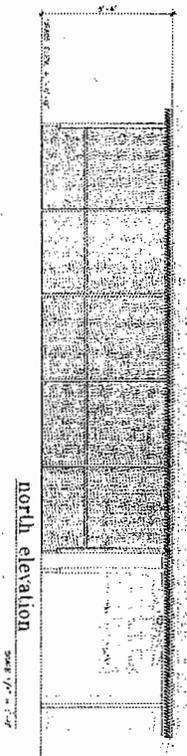


SCREENED ENCLOSURE to a STR  
 Rainy Poles  
 13345 NW 18th Place

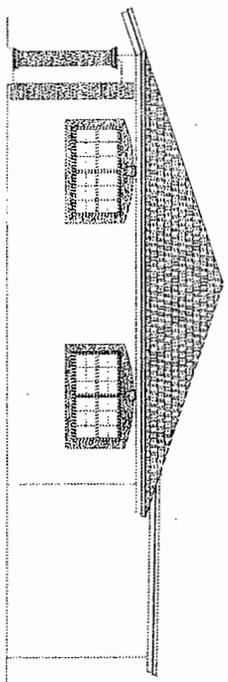
Computer Aided Drafting By  
 A1  
 MANAGEMENT  
 CORPORATION  
 RESIDENTIAL & COMMERCIAL DRAFTING

Revisions

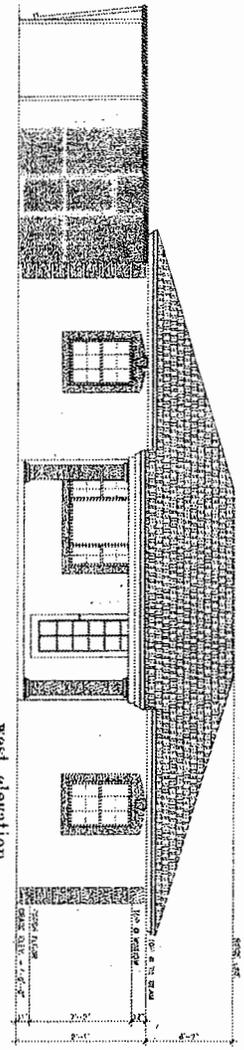
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JAN 15 2009



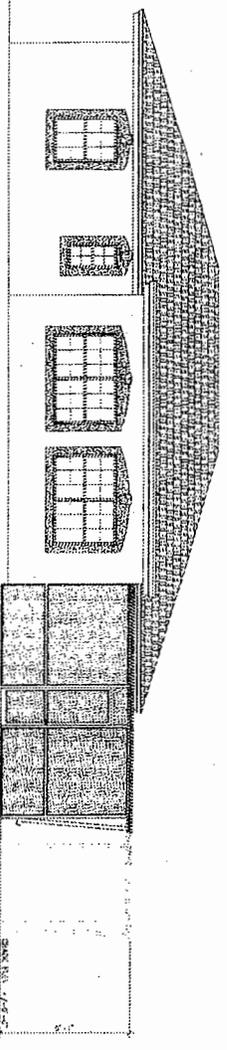
north elevation



south elevation



west elevation



east elevation

**RECEIVED**  
ZON-208-2352  
JAN 15 2009

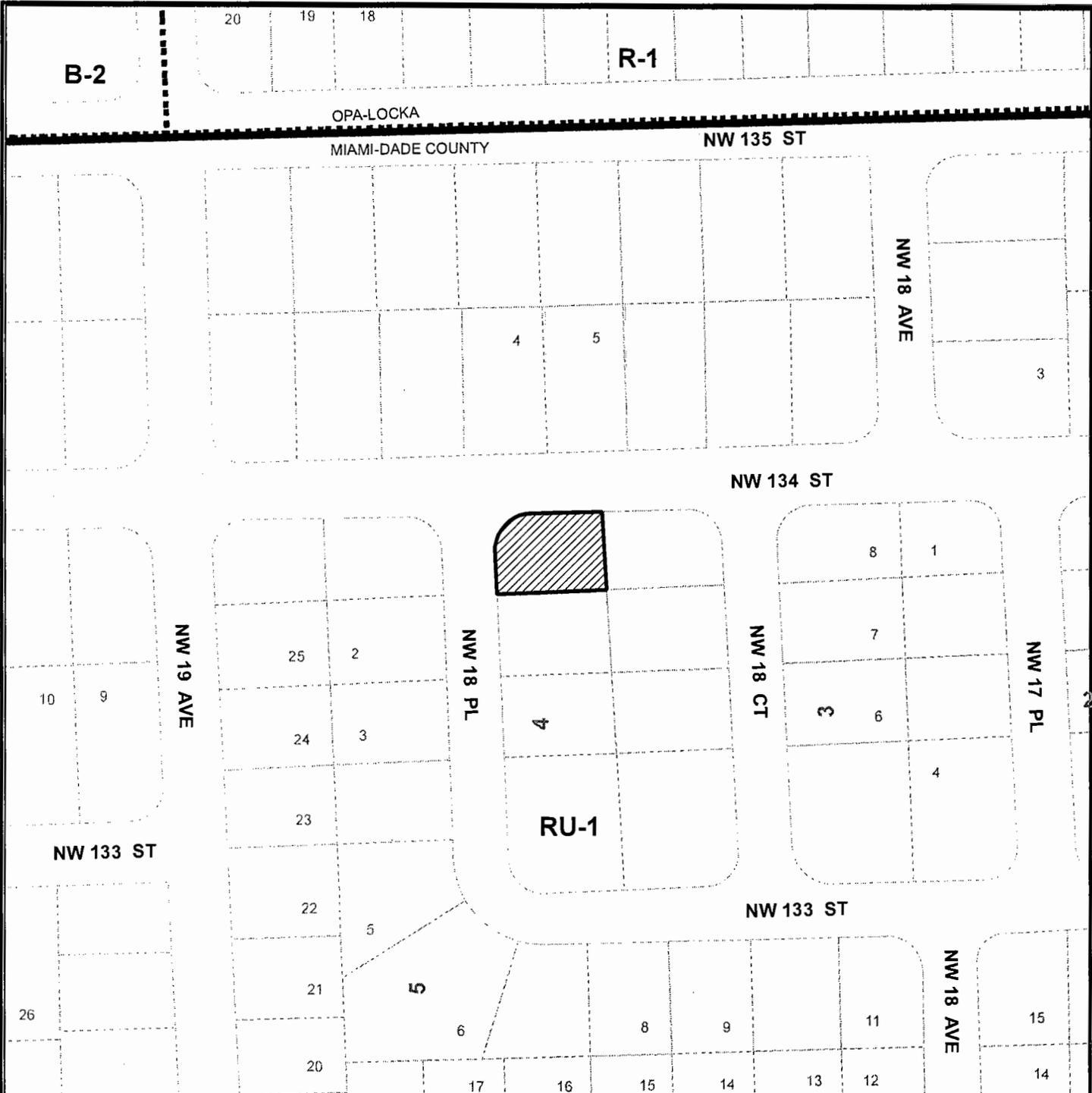
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY *[Signature]*

2008-2009  
JAN 15 2009  
PA

**A2**

FORLEND ENCLOSURE to a SFR  
Kathy Rollins  
13345 NW 16th Place  
Miami, Florida 33167

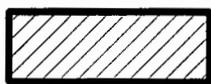
Computer Aided Drafting By  
SPAC  
MANAGEMENT  
GRAPHICS  
RESEARCH & COMMERCIAL, INC.  
2900 NW 16th Street, Suite 101  
Miami, FL 33150



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**08-232**

Section: 27 Township: 52 Range: 41  
 Applicant: CATHY ROLLINS  
 Zoning Board: C08  
 Commission District: 02  
 Drafter ID: ALFREDO  
 Scale: NTS  
 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 12/23/08

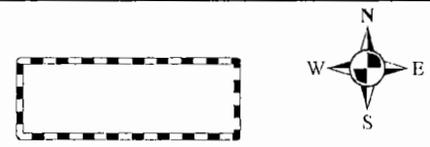
REVISION	DATE	BY
		17



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

Process Number  
**08-232**

Section:27 Township: 52 Range:41  
 Applicant: CATHY ROLLINS  
 Zoning Board: C08  
 Commission District: 02  
 Drafter ID: ALFREDO  
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 ----- Zoning



**SUBJECT PROPERTY**



SKETCH CREATED ON: 12/23/08

REVISION	DATE	BY