



**COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Wednesday, January 6, 2010 at 7:00 p.m.**

CURRENT

- | | | | | | |
|----|------------|--|---------------|----------|---|
| 1. | 10-1-CZ8-1 | <u>VICENTE & MARGITA CUELI SANTOS</u> | <u>08-16</u> | 28-53-41 | N |
| 2. | 10-1-CZ8-2 | <u>JOSEPH & ANNE DORCIUS</u> | <u>08-94</u> | 36-52-41 | N |
| 3. | 10-1-CZ8-3 | <u>ABRAMOVICH FINANCING LLC &
CENTRAL FLORIDA FINANCIAL, LLC</u> | <u>09-132</u> | 02-53-41 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, JANUARY 6, 2010

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

LOCATION: 270 N.W. 104 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 60' x 100'

Department of Planning and Zoning Recommendation:

Approval with conditions of request #2 and denial without prejudice of request #1.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. ABRAMOVICH FINANCING LLC & (10-1-CZ8-3/09-132)
CENTRAL FLORIDA FINANCIAL, LLC**

**02-53-41
Area 8/District 2**

- (1) SPECIAL EXCEPTION to permit a pawn shop.
- (2) Applicants are requesting to permit a setback of 11' 1" (15' required) from the interior side (south) property line.
- (3) Applicants are requesting to permit a landscaped open space of 16.1% (17.5% required).
- (4) Applicants are requesting to permit a greenbelt width varying from 0' to 7' (7' required) along portions of the right-of-way line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Pawn Shop," as prepared by Catalyst Design Group consisting of 8 sheets, dated stamped received 10/2/09 with Sheets "A-1" and "L-1" last handwritten revision dated 10/15/09. Plans may be modified at public hearing.

LOCATION: 8700 N.W. 7 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.64 Acres

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 2

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of 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). 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. VINCENTE & MARGITA CUELI SANTOS
(Applicant)

10-1-CZ8-1 (08-016)
Area 8/District 2
Hearing Date: 01/06/10

Property Owner (if different from applicant) **VINCENTE CUELI SANTOS / W MARGITA.**

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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NO HISTORY

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**

APPLICANTS: Vicente and Margita Cueli Santos

PH: Z08-16 (10-1-CZ8-1)

SECTION: 28-53-41

DATE: January 6, 2010

COMMISSION DISTRICT: 2

ITEM NO.: 1

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicants are requesting to permit a parcel of land with a lot frontage of 50' (75' required) and a lot area of 2,187.5 sq. ft. (7,500 sq. ft. required)
- (2) Applicants are requesting to permit an addition to a single-family residence setback 6.65' from the rear (east) property line and setback 23.67' from the front (west) property line (25' required for each).
- (3) Applicants are requesting to permit the residence setback 7.19' from the front (west) property line and setback 1.77' from the rear (east) property line (25' required for each).
- (4) Applicants are requesting to permit the residence with a lot coverage of 34.86% (maximum 30% permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Vicente Cueli," as prepared by Douglas Ruggiano, dated stamped received 6/6/08 and consisting of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking approval for an existing non-conforming single family residence and an addition to the existing residence setback less than required from the front and rear property lines and which exceeds the permitted lot coverage permitted by the Zoning Code. Additionally, the applicants are seeking the approval for the continued use of the existing residence on a parcel of land which contains less than the required lot frontage and lot area than required by the Zoning Code.

o **LOCATION:**

2429 NW 29 Avenue, Miami-Dade County, Florida

o **SIZE:** 50' x 43.8'

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**. 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.

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 pertains 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:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

IU-1; Single-Family residence

Low Medium Density Residential, 6 to 13 dua

SURROUNDING PROPERTY:

NORTH: IU-1; Single-Family residence

Low Medium Density Residential, 6 to 13 dua

SOUTH: IU-1; Industrial

Industrial and Office

EAST: IU-1; Duplex

Low Medium Density Residential, 6 to 13 dua

WEST: IU-2; Industrial

Low Medium Density Residential, 6 to 13 dua & Industrial and Office

The subject property is an interior lot located at 2429 NW 29 Avenue. The surrounding area is developed with mixed uses such as single family residences, duplexes, industrial and commercial buildings.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-Use Variance Standard.

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.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject property is an interior lot located at 2429 NW 29 Avenue in an established mixed use residential and industrial area containing single family, duplex, commercial and industrial uses in an area zoned IU-1, RU-3b and IU-2. The subject property is designated for **Low Medium Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 6 to a maximum of 13 dwelling units per gross acre for a total of 1 unit on this 0.0789 gross acre site. Additionally, the interpretative text of the CDMP indicates that all existing lawful residential uses and zoning that are not specifically depicted on the LUP map are deemed to be **consistent** with the CDMP, as indicated in the section titled "Concepts and Limitations of the Land Use Plan Map." Moreover, as indicated on the Property Appraisal Tax Records the existing residential building on the subject site was built in 1930 which is

prior to the establishment of the CDMP and Zoning Code and since the requests will not add additional units to the community, the existing IU-1 zoned non-conforming residential lot is **consistent** with the Low Medium Density Residential designation as shown in the LUP map 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** also has **no objections** to this application and the Miami-Dade Fire Rescue Department (**MDFR**) has stated in their memorandum that the estimated travel time to the site is **7:18** minutes.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of Requests #1 through #4 would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. The applicants are seeking approval for the maintenance and continued use of an existing single family residence on a parcel of land with a lot frontage of 50' where 75' is required and with a net lot area of 2,187 square feet where 7,500 square feet is required. Staff has researched the subject parcel and as shown on the Property Appraisal Records, the subject property contains its own folio number on a portion of a platted lot which, was originally built as a detached two-family residential site which was subsequently split into two separate building sites and which the Property Appraisal Records indicate were built in 1930, prior to the establishment of the Zoning Code. The applicants are also seeking approval for the maintenance and continued use of family room addition attached to the north side of the existing single family residence and encroaching 18.35' into the rear (east) and 1.33' into the front (west) setback areas (request #2) and to allow the maintenance and continued use of an existing non-conforming 596 square feet single family residence encroaching 17.81' into the front (west) and 23.23' into the rear (east) setback area (request #3). As previously mentioned the existing 596 sq. ft. single family residence was built in 1930 which makes the existing structure a legally established non-conforming structure. However, the applicant has added the aforementioned family room to the single family residence, which modifies the legal non-conforming structure. The existing family room addition encroaches into the front and rear setback areas and exceeds the permitted lot coverage by 4.86% when combined with the floor area of the existing non-conforming single family residence (request #4). Staff notes that the lot coverage overage of 4.86% represents approximately 106 square feet which is 64% of the family room addition which staff's feels provides adequate additional living space for the existing non-conforming 596 square feet single family residence. Further, staff notes that there have been similar approvals for non-use variance of lot frontage requirements and lot coverage requirements within a half mile radius of the subject property. For example, in 1967, pursuant to Resolution #3-ZAB-230-67, the Zoning Appeals Board granted the approval to allow a three family building on a parcel of land with a lot frontage of 50' where 75' is required on a parcel of land located at 2760 NW 26 Street and in 1991, pursuant to Resolution #4-ZAB-101-91, among other things, the Zoning Appeals Board granted the approval to allow a duplex on a parcel of land with a lot frontage of 45' where 75' is required and to allow a lot coverage of 38% where 30% is permitted on a parcel of land located at 2766 NW 27 Street. Additionally, staff notes that there is an existing 6' high wood fence which runs along the rear (east) property line which in staff's opinion provides satisfactory visual buffering to the neighboring property to the east from the existing non-conforming residence and addition. As such, staff recommends approval of requests #1 through #4 under Section 33-

311(A)(4)(b) with a condition that the applicants obtain a building permit for the family room addition.

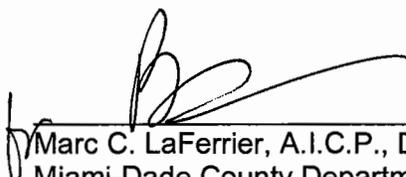
I. RECOMMENDATION:

Approval with conditions.

CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Vicente Cueli," as prepared by Douglas Ruggiano, dated stamped received 6/6/08 and consisting of 3 sheets.
3. That the applicant apply for and secure a building permit for the family room addition from the Building Department within 120 days of the expiration of the appeal period for this hearing application, unless a time extension is granted by the Director for good cause shown.
4. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 11/23/09
DATE TYPED: 11/23/09
DATE REVISED: 11/24/09; 12/18/09
DATE FINALIZED: 11/25/09
MCL:NN:CH:TA



Marc C. LaFerrier, A.I.C.P., Director
Miami-Dade County Department of
Planning and Zoning

NDN
GMR

Memorandum



Date: February 7, 2008

To: Subrata Basu, AIA, AICP, Interim 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 #Z2008000016
Vicente Cueli and Margita Santos
2429 N.W. 29th Avenue
Request to Permit an Addition that Exceeds Lot Area, Frontage and
Setback Requirements
(IU-1) (0.05 Acres)
28-53-41

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.

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.

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:VICENTE CUELI SANTOS/W MARGITA

This Department has no objections to this application.

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

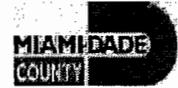
This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

18-JUN-08

Memorandum



Date: 04-FEB-08
To: Subrata Basu, Interim Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000016

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000016
located at 2429 N.W. 29 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1076 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 2 - Model Cities - 6460 NW 27 Avenue
Rescue, BLS 50' Sqr, Battalion

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

VICENTE & MARGITA CUELI
SANTOS

2429 N.W. 29 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000016

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

12/3/09 No BNC violations observed.

S. Cordoba

HERMETIC PROTECTION NOTE (181617 FBC) DOOR SAFETY NOTES NEPA 101-21-24.34
 ALL EXTERIOR DOORS WITH PROTECT PERSONAL AND SERVICE FROM ALL WEATHER CONDITIONS SHALL BE DESIGNED TO BE SECURED TO THE BUILDING STRUCTURE BY MEANS OF AN ANCHORING SYSTEM. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER.

DOOR SCHEDULE

NO.	SIZE	FIN.	TYPE	MATERIAL	FRAME	GLASS
1	3'-0" x 7'-0"	1-1/2"	FLUSH	WOOD-GLASS	WOOD	EXTERIOR DOOR (DOING)

*** NOTES**
 ALL EXTERIOR DOORS WITH PROTECT PERSONAL AND SERVICE FROM ALL WEATHER CONDITIONS SHALL BE DESIGNED TO BE SECURED TO THE BUILDING STRUCTURE BY MEANS OF AN ANCHORING SYSTEM. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER.

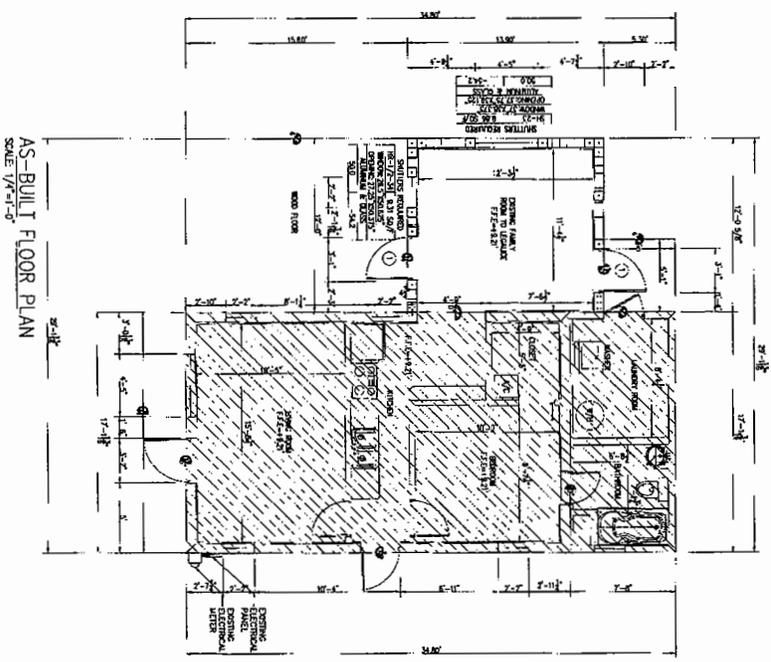


FINISH SCHEDULE

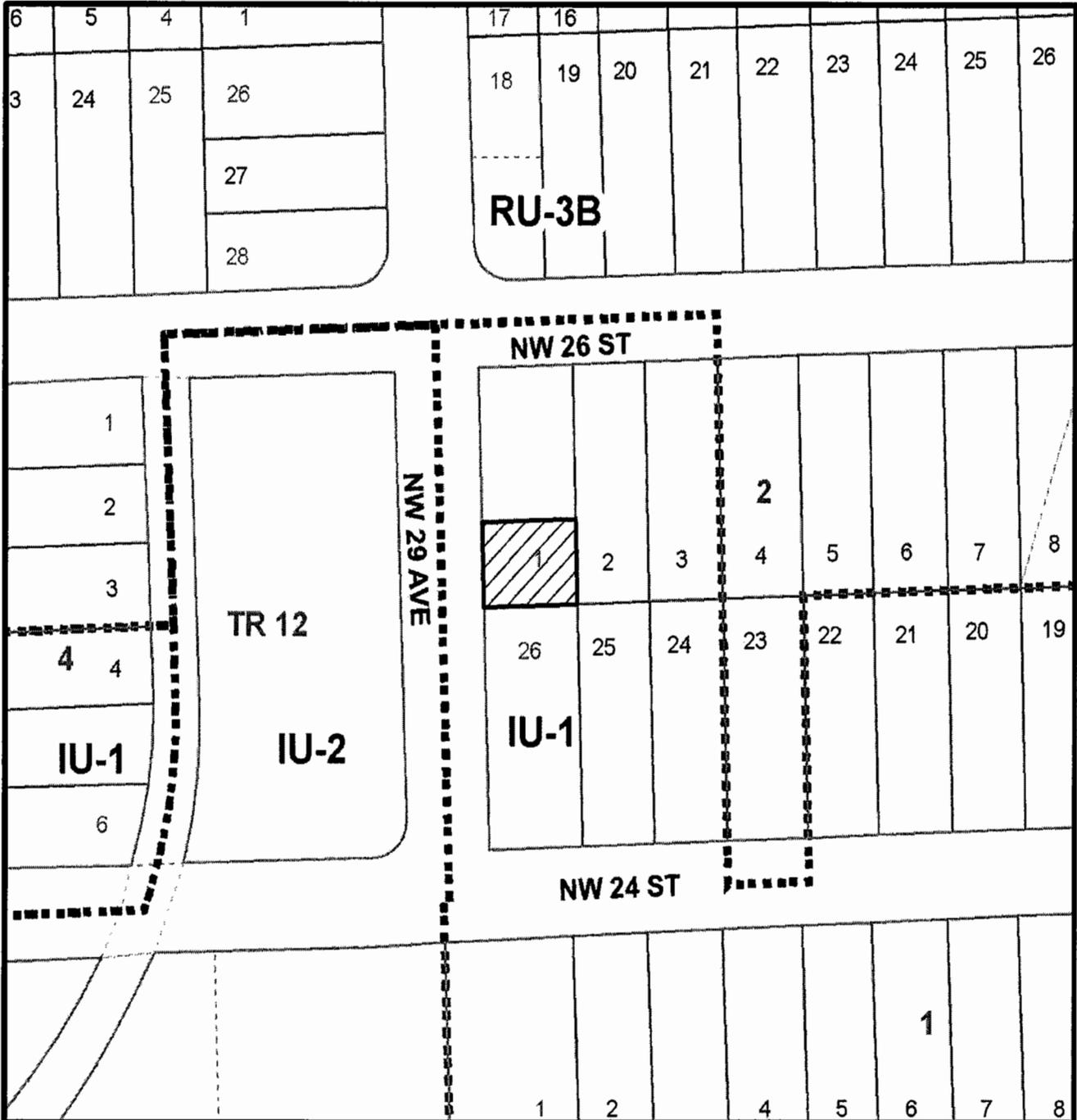
AREA	CEILING	WALL	FLOOR	DOORS
MAIN ROOM	CONCRETE TIE COATING TIE			

*** NOTES**
 ALL EXTERIOR DOORS WITH PROTECT PERSONAL AND SERVICE FROM ALL WEATHER CONDITIONS SHALL BE DESIGNED TO BE SECURED TO THE BUILDING STRUCTURE BY MEANS OF AN ANCHORING SYSTEM. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER. THE ANCHORING SYSTEM SHALL BE DESIGNED TO RESIST THE FORCES OF WIND AND SEVERE WEATHER.

RECEIVED
 JUN 06 2008
 208-016
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *[Signature]*



<p>REVISIONS:</p> <p>NO. DATE</p>	<p>TERRACOTA BUILDING SOLUTIONS T.B.S. DESIGNING & ENGINEERING CONSULTING CORPORATION DOUGLAS RUGGIANO P.E. # 51497 9370 SW 72 STREET MIAMI, FL 33173 Phone: (305) 388-4128 / Fax: (305) 412-2759 E-MAIL: TERRACOTADES@AOL.COM</p>	<p>ORDER INFORMATION: VICENTE CUELLI 2429 N.W. 29th AVENUE MIAMI, FLORIDA 33142 PHONE: (305) 300-8249 LEGALIZATION FOR ATTACHED ADDITION.</p>	<p>PROJECT INFORMATION: JOB NO.: 0772 DRAWN BY: T.B.S. SCALE: AS SHOWN DATE: 04-25-2008 SHEET NO.: 1 OF 3 FLOOR PLAN A-2</p>
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**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-016

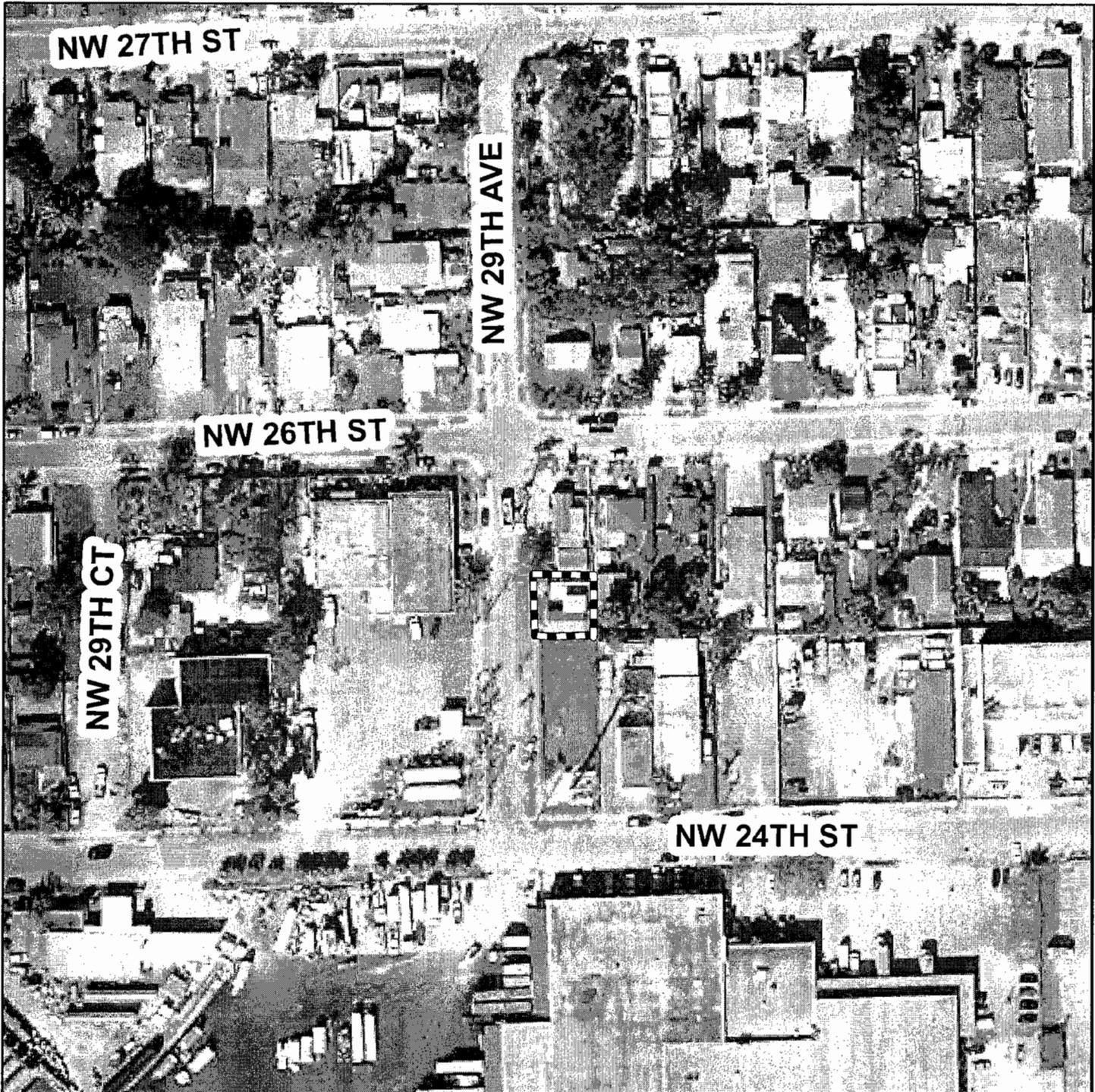


SUBJECT PROPERTY

Section: 28 Township:53 Range: 41
 Applicant: VICENTE CUELI SANTOS /W MARGITA
 Zoning Board: C08
 District Number: 02
 Drafter ID: JOAQUIN
 Scale: NTS



REVISION	DATE	BY
Aerial updated	03/03/09	JOAQUIN



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number

08-016

Section: 28 Township: 53 Range: 41
 Applicant: VINCENT AND MARGARITA CUELI SANTOS
 Zoning Board: C08
 Commission District: 2
 Drafter ID: JGURD
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 01/30/08

REVISION	DATE	BY
Aerial update	03/03/09	JGURD

2. JOSEPH & ANNE DORCIUS
(Applicant)

10-1-CZ8-2 (08-094)
Area 8/District 3
Hearing Date: 01/06/10

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>
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NO HISTORY

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**

APPLICANTS: Joseph and Anne Dorcius

PH: Z08-094 (10-1-CZ8-2)

SECTION: 36-52-41

DATE: January 6, 2010

COMMISSION DISTRICT: 3

ITEM NO.: 2

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicants are requesting to permit a bedroom addition to a single-family residence setback 10' 4" (25' required) from the rear (south) property line.
- (2) Applicants are requesting to permit the single-family residence setback 5' 9" (6' required) from the interior side (east) property line and setback 23' 8" (25' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Variance for a Setback/Addition Legalization for: Mr. Joseph E. Dorcius & Anne A," as prepared by A.B., dated stamped received 8/15/08 and consisting of 2 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking approval to allow the continued use of an existing bedroom addition setback less than required from the rear (south) property line. Additionally, the applicants seek to permit the single-family residence with reduced interior side and rear setbacks.

o **LOCATION:**

270 NW 104 Street, Miami-Dade County, Florida..

o **SIZE:** 60' x 100'

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING:

LAND USE PLAN DESIGNATION:

Subject Property:

RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

SOUTH: RU-2; duplex-family residences

Low Density Residential, 2.5 to 6 dua

EAST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

WEST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 dua

The subject property is located at 270 NW 104 Street and is developed with a single-family residence. The surrounding area is predominantly developed with single and duplex residences.

E. SITE AND BUILDINGS:

Site Plan Review:	(Plans submitted)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	Acceptable*
Compatibility:	Unacceptable
Buffering:	Unacceptable
Access:	Acceptable

*Subject to conditions.

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(4)(b) Non-use Variance Standard. 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.

G. NEIGHBORHOOD SERVICES:

DERM	No objection
Public Works	No objection
Parks	No objection
MDT	No objection

Fire Rescue
Police
Schools

No objection
No objection
No comment

H. ANALYSIS:

The subject property is located at 270 NW 104 Street, in an area characterized by single-family and duplex residences. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, permitting from 2.5 to 6 dwelling units per gross acre. The existing single-family residence and existing addition will not add any additional dwelling units to the site. Therefore, the existing single-family residence, on this RU-1, Single-Family Residential District, lot is **consistent** with the Master Plan.

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. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the estimated average travel response time for this site is **6:20** minutes.

When request #1 is analyzed under Section 33-311(A)(4)(b) Non-use Variance (NUV) Standard, staff opines that approval of the aforementioned request would be out of character with the area and therefore **incompatible** with the surrounding area. Staff's research of zoning approvals for properties in the surrounding area indicated that other properties were similarly approved for setback variances as requested in request #1. For example, in January 1993, a property located approximately 495' to the northeast of the subject property along NW 2 Court, was approved for a rear setback of 5.9' (25' required), pursuant to Resolution #4-ZAB-23-93. Additionally, in February 2001, a property located approximately 1,200' to the northwest of the subject property on NW 108 Street, was approved for a 5.1' setback from the rear property line by the CZAB, when staff of the Planning and Zoning Department was recommending a 19.95' setback in lieu of the request, pursuant to Resolution #CZAB8-3-01. Notwithstanding the previous approvals of similar or more intensive requests for rear setback variances in the surrounding area, staff opines that the continued approval of these requests will lead to a proliferation of these intensive setback variances in the area and therefore could result in an erosion of the zoning standards beyond what would be required to maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Further, staff opines that due to the configuration of the floor plans of the existing bedroom addition, inclusive of a full bathroom and two separate bedrooms, future owners could easily convert the structure into a second residential unit. Therefore, staff recommends denial without prejudice of request #1 under Section 33-311(A)(4)(b) (NUV).

When request #2 is similarly analyzed under Section 33-311(A)(4)(b) (NUV), staff opines that approval with conditions of this request would be **compatible** with the surrounding residential properties. As previously mentioned, properties in the surrounding residential area, were approved for setback variances that were more intensive than that requested in request #2. Staff opines that approval of the requested 5' 9" (6' required) interior side (east) and a 23' 8" (25' required) rear (south) setback variances, request #2, would result in a minimal visual impact on the surrounding properties and would not be out of character with same. Further, staff opines that approval of this request is likely due to construction error and would not undermine the

basic intent and purpose of the zoning or subdivision regulations. Additionally, staff also notes that the previous approvals for setback variances, included variances to allow side setbacks of 5' 10" and 5' respectively. Further, staff's research of approvals in the surrounding area also indicated that 2 properties on the same block as the subject property were approved for variances through the Board of Adjustment process in 1958 and 1959, to allow rear setback variances of 18' 3" and 23', respectively for additions to the residences. However, staff recommends as a condition for approval of request #2 that the applicants install a 6' tall opaque fence or hedge along the interior side (east) and rear (south) property lines to mitigate any negative visual impacts from the aforementioned encroachments. Therefore, staff recommends approval of request #2 with conditions under Section 33-311(A)(4)(b) (NUV).

Based on the aforementioned, staff recommends approval with conditions of request #2 and denial without prejudice of request #1.

I. **RECOMMENDATION:** Approval with conditions of request #2 and denial without prejudice of request #1.

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

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but no be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Variance for a Setback/Addition Legalization for: Mr. Joseph E. Dorcius & Anne A," as prepared by A.B., dated stamped received 8/15/08 and consisting of 2 sheets, except as herein amended to show the removal of the bedroom addition. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not required further public hearing action.
3. That buffering be provided along the rear (south) and interior side (east) property lines, either in the form of a 6' high wood fence or hedge, not less than 2.5' high at the time of planting, which shall grow to and be maintained at a height of 6'. Said buffering shall be installed prior to final zoning inspection for the existing residence.
4. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 11/4/09
DATE TYPED: 11/13/09
DATE REVISED: 11/16/09, 11/25/09, 12/18/09
DATE FINALIZED: 12/18/09
MCL:GR:NN:AA:CH



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

NDN
6/11/09

Memorandum



Date: May 28, 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 #Z2008000094
Joseph and Anne Dorcius
270 N.W. 104th Street
Request to Permit an Addition that Exceeds Setback Requirements
(RU-1) (0.13 Acres)
36-52-41

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.

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.

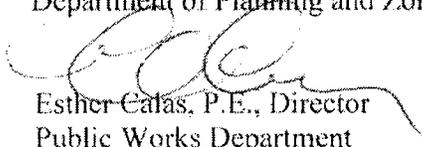
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

From: 
Esther Galas, 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 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.

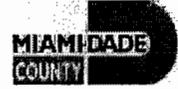
Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

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

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

Leandro Rodriguez

Memorandum



Date: 05-JUN-08
To: Subrata Basu, Interim Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000094

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000094
located at 270 N.W. 104 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0684 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:20 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 30 - Miami Shores - 9500 NE 2 Avenue
Rescue, BLS Engine

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

JOSEPH & ANNE DORCIUS

270 NW 104 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000094

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

ENFORCEMENT HISTORY: NCO Ogando opened/closed case on 12-2-09, no violation found. 08-94

NCO OGANDO

C/L

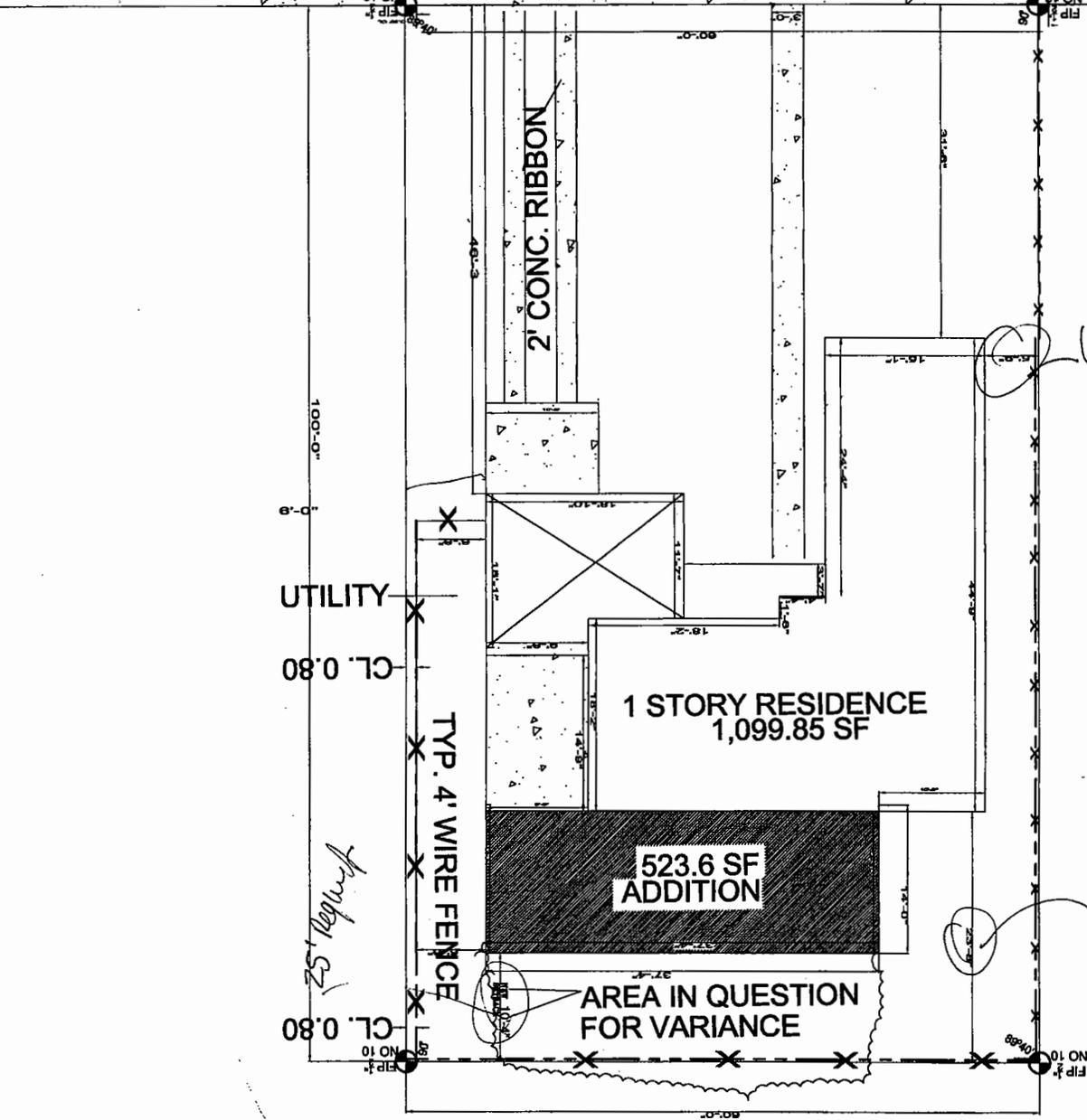
17' ASPHALT ROAD

SITE PLAN
SCALE: 1" = 10'

NW 104TH STREET

11' PKWY
60.00'

5' CONC. SWK

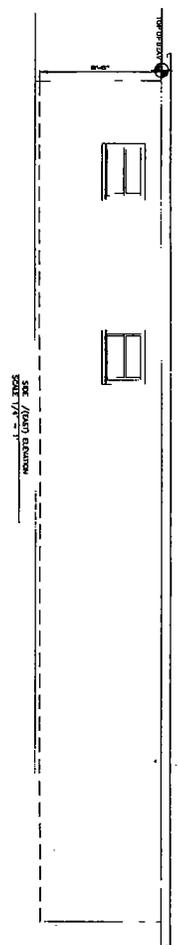
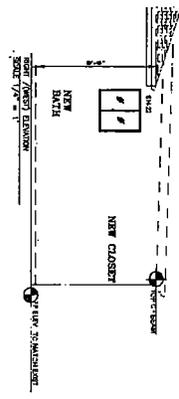
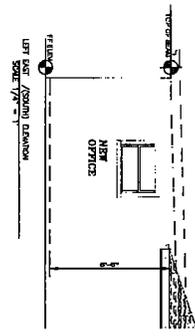
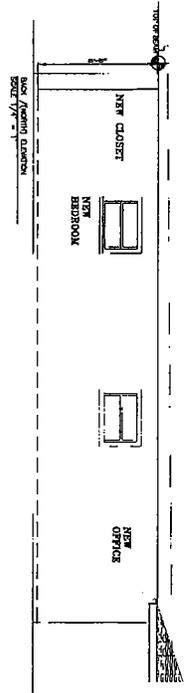
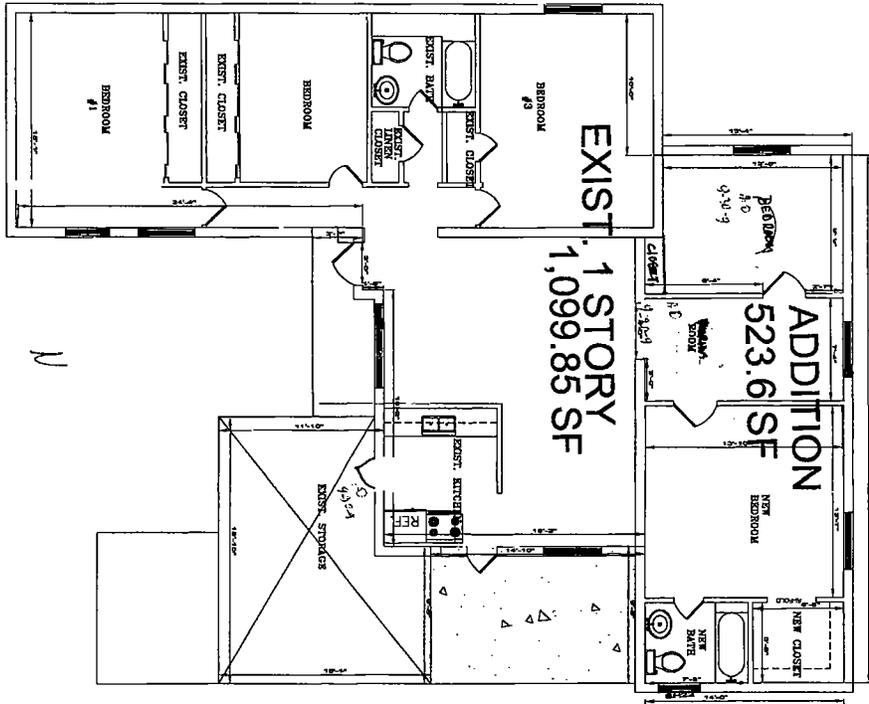


ENLARGED SITE PLAN

RECEIVED
208,094
AUG 15 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY: *JH*

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



RECEIVED
2008.09.04
AUG 15 2008

ZONING HEARINGS SECTION
CITY OF MIAMI PLANNING AND ZONING DEPT.

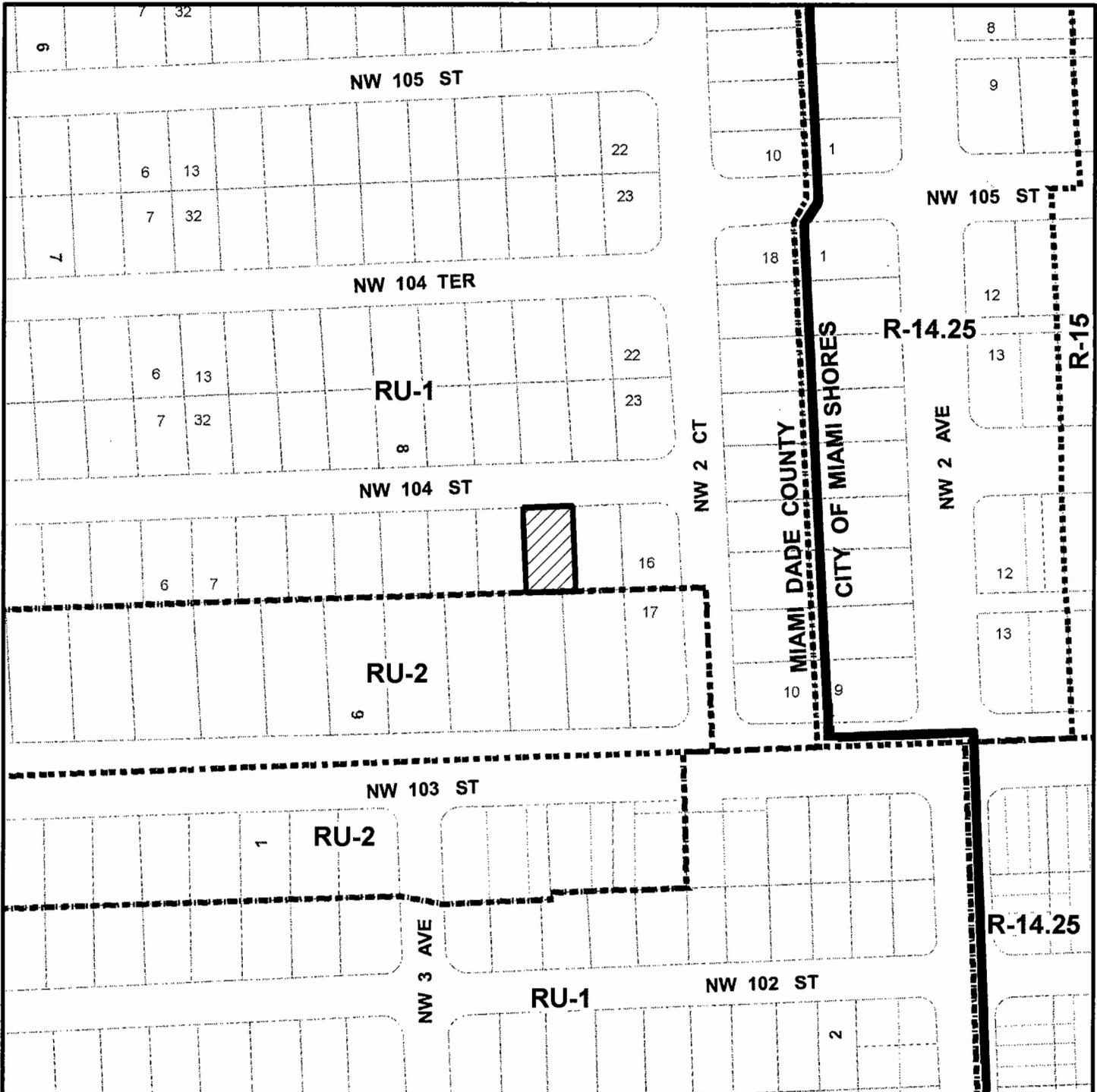
[Handwritten signature]

RECEIVED
AUG 15 2008

APPROVED BY	DATE

VARIANCE FOR SETBACK/ADDITION LEGALIZATION
FOR: MR. JOSEPH E DORCIUS. & ANNE A
270 NW 104 ST
MIAMI, FL. 33150
PHONE: (786) 487-4368





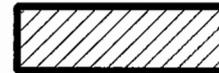
MIAMI-DADE COUNTY

HEARING MAP

Section:36 Township: 52 Range:41
 Applicant: JOSEPH & ANNE DORCIUS
 Zoning Board: C08
 District Number: 03
 Drafter ID: ERIC
 Scale: NTS

Process Number

08-094



SUBJECT PROPERTY



REVISION	DATE	BY
		13



MIAMI-DADE COUNTY

AERIAL

Section:36 Township: 52 Range:41
 Applicant: JOSEPH & ANNE DORCIUS
 Zoning Board: C08
 District Number: 03
 Drafter ID: ERIC
 Scale: NTS

Process Number

08-094



SUBJECT PROPERTY



CREATED ON: 05/28/2008

REVISION	DATE	BY

**3. ABRAMOVICH FINANCING LLC &
CENTRAL FLORIDA FINANCIAL LLC**
(Applicant)

10-1-CZ8-3 (09-132)
Area 8/District 2
Hearing Date: 01/06/10

Property Owner (if different from applicant) DDE LLC.

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>
1953	Robert Uricho Jr.	- Zone change change from GU, BU-2A & BU-3A to BU-3A & RU-4a - Special Exception to permit a Shopping Center & Multi-Family apt.	BCC	Recommended for Approval
1954	Robert Uricho Jr.	- Zone change change from GU, BU-2A & BU-3A to BU-3A & RU-4a - Special Exception to permit a Shopping Center & Multi-Family apt.	BCC	Denied
1954	Robert Uricho Jr.	- Zone change change from GU, BU-2A & BU-3A to BU-3A & RU-4a - Special Exception to permit a Shopping Center & Multi-Family apt.	BCC	Reconsideration Item Granted

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: Abramovich Financing L.L.C. and
Central Florida Financial L.L.C.

PH: Z09-132 (10-1-CZ8-3)

SECTION: 2-53-41

DATE: January 6, 2010

COMMISSION DISTRICT: 2

ITEM NO.: 3

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Special Exception to permit a pawn shop.
- (2) Applicants are requesting to permit a setback 11'1" (15' required) from the interior side (south) property line.
- (3) Applicants are requesting to permit a landscape open space of 16.1% (17.5% required).
- (4) Applicants are requesting to permit a greenbelt width varying from 0' to 7' (7' required) along portions of the right-of-way.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Pawn Shop," as prepared by Catalyst Design Group consisting of 8 sheets, dated stamped received 10/2/09 with sheets "A-1" and "L-1" last handwritten revision dated 10/15/09. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** Approval of this application will allow the applicants to establish a pawn shop in an existing building on the subject site with a reduced interior side setback, reduced landscaped open space and reduced greenbelt along portions of the right-of-way.

- o **LOCATION:** 8700 NW 7 Avenue, Miami-Dade County, Florida.

- o **SIZE:** 1.64 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 as being within the Urban Development Boundary for **Business and Office**. 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. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business

districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

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:

BU-3; pawn store/auto repair store

Business and Office

Surrounding Properties:

NORTH: BU-2; car lot and boat storage

Business and Office

SOUTH: BU-3; parking lot, canal
 RU-1: church/vacant land

Business and Office
 Low Density Residential, 2.5 to 6 du

EAST: BU-2; boat storage

Business and Office

WEST: RU-1; single-family residence

Low Density Residential, 2.5 to 6 du

The 1.64 acre subject parcel is located at 8700 NW 7 Avenue. The surrounding area is predominantly characterized by commercial uses to the north, south and west abutting NW 7 Avenue and residential uses including a church located to the west.

E. SITE AND BUILDINGS:

Site Plan Review:

(Site plans submitted)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access: **Acceptable**
Parking Layout/Circulation: **Acceptable**

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)(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.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to the conditions as indicated in their memorandum.

H. ANALYSIS:

Approval of the application would allow the applicant to establish a pawn shop on the subject property along with accompanying variances. This site is located at the southwest corner of NW 7 Avenue and Little River Drive on a parcel of land that is zoned BU-3, Liberal Business District and is presently surrounded by a mixture of developed commercial properties and residentially zoned properties, the latter of which also includes a church. The Land Use Plan (LUP) map of

the Comprehensive Development Master Plan (CDMP) designates the subject site as **Business and 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. Approval of the proposed pawn shop on this parcel will not be overly intrusive to the surrounding community since the location of the site fronts on a well travelled main road, NW 7 Avenue and abuts a 78' wide canal to the south, both of which will minimize the visual impact on the residentially zoned properties to the south and west. The aforementioned roadway, NW 7 Avenue, is designated as a major roadway in this section of the County which makes the site highly accessible to auto, pedestrian and public transportation. It should be noted that the BU-3 district allows retail uses such as the proposed pawn shop after a public hearing. As such, the requested Special Exception to permit the pawn shop is **consistent** with the Business and Office LUP map designation of the CDMP. As previously mentioned, the abutting properties to the north, east and south of the subject property, are zoned BU-2, Special Business District, and BU-3, and are occupied by commercial retail establishments. As such, staff opines that approval of the Special Exception to allow a pawn shop is **compatible** with the surrounding properties to the north, south and east, and **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 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 conditions as set forth in their memorandum pertaining to this application. The Public Works Department (**PWD**) **also has no objections** to this application and indicate in their memorandum that sidewalk improvements will be required along NW Little River Drive and NW 7 Avenue. The Miami-Dade Fire Rescue Department (**MDFR**) **also has no objections** to this application and they indicate that the estimated response time is **5.21 minutes**.

The applicant is seeking a Special Exception to permit a pawn shop use in the BU-3 zone (request #1). When analyzing this request under Section 33-311(A)(3) Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the approval of the request would not result in excessive noise and would not tend to create a fire or other equally or greater dangerous hazards. Also, staff opines that the two-story commercial retail use would not produce excessive overcrowding or concentration of people on the 1.64 acre subject site. Moreover, staff opines that this commercial retail use will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Further, staff opines that the request to permit the pawn shop in the BU-3 zone would not have an unfavorable effect on the economy of Miami-Dade County. Staff also notes that proposed pawn shop will be located in the front building which is approximately 265' east of the RU-1, Single-Family Residential District. Staff opines that the location of the proposed pawn shop use within the existing two-story building will not have a negative visual impact on the residential uses to the west and is compatible with the commercial uses to the north, east and south. Therefore, staff opines that approval of the request to permit the pawn shop would be **compatible** with the existing commercial uses fronting on NW 7 Avenue. As such, staff is of the opinion that the proposed pawn shop would not be out of character with the area. Based on the foregoing, staff recommends approval with conditions of request #1 under Section 33-311(A)(3).

When requests #2 through #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of same would be **compatible** with the surrounding area. In staff's opinion, approval of the applicants' requests to permit the existing commercial building setback 11' 1" (15' required) from the interior side (south) property line (request #2), to permit a landscape open space of 16.1% (17.5% required) (request #3) and to permit 0' to 7' (7' required) along portions of the right-of-way (request #4), would not affect the stability and appearance of the surrounding properties nor be detrimental to the community. Staff's research of properties surrounding the subject property found that there was an approval for more intensive variances of setbacks on a property to the north of the subject property, located at the 9498 NW 7 Avenue. Said property was approved in October 1986, pursuant to Resolution #Z-232-86, to permit among other things, a thrift shop setback 0.10' to 0.8' (20' required) from the front (north) property line and -0.22' to 0.25' (15' required) from the side street (east) property line. Additionally, pursuant to said resolution, the aforementioned property was permitted a total of 11% (18% required) landscape open space. Additionally, as previously mentioned, approval of the aforementioned requested variances do not have a negative visual impact on the surrounding area. Therefore, staff recommends approval with conditions of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV).

Based on all of the aforementioned, staff is of the opinion that the approval of the application is **compatible** with the surrounding area and is **consistent** with the CDMP. As such, staff recommends approval with conditions of requests #1 through #4.

I. RECOMMENDATION:

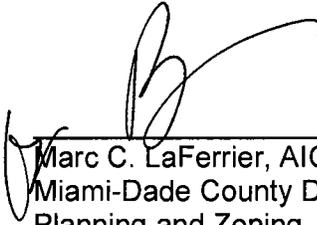
Approval with conditions.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Pawn Shop," as prepared by Catalyst Design Group consisting of 8 sheets, dated stamped received 10/2/09 with sheets "A-1" and "L-1" last handwritten revision dated 10/15/09.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a obtain a Certificate of Use from and promptly renew same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That no stringer lights, pennants, mobile or stationary visual devices, except as permitted under point of sale sign regulations, shall be used or displayed.
6. That outdoor display shall be prohibited.

7. That the applicant submit to the Department of Planning and Zoning for its review and approval at the time of building permit, a landscaping plan which complies with this approval and indicates the type of plant material and size to be installed prior to the issuance of a building permit and that it shall be installed prior to final zoning inspection.

DATE INSPECTED: 11/07/08
DATE TYPED: 11/30/09
DATE REVISED: 12/1/09, 12/03/09
DATE FINALIZED: 12/7/09
MCL:GR:NN:AA:CH



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

*NAN
GMR*

Memorandum

Date: September 17, 2009

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

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

Subject: C-08 #Z2009000132
Abramovich Financial, LLC
8700 N.W. 7th Avenue
Special Exception to Permit a Pawn Shop
(BU-3) (1.8 Acres)
02-53-41

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 and Wastewater Disposal

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

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

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

Stormwater Management

Site grading and development 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 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.

Wetlands

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

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

Tree Preservation

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

Enforcement History

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

Hazardous Materials Management

Due to the nature of uses allowed in the existing zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the underlying zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning required management practices as related to the handling of hazardous materials.

Operating Permits

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.

Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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: ABRAMOVICH FINANCIAL & CENTRAL FLA FINANCIAL, LLC

This Department has no objections to this application.

Sidewalk will be required along the right-of-way of NW Little River Drive and NW 7th Avenue.

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

Additional improvements may be required at time of platting/permitting.

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-OCT-09

Memorandum



Date: 07-OCT-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000132

Fire Prevention Unit:

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped October 2, 2009. Any changes to the vehicular circulation must be resubmitted for review and approval.

Service Impact/Demand

Development for the above Z2009000132
located at 8700 N.W. 7 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0741 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:21 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 30 - Miami Shores - 9500 NE 2 Avenue
Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

TEAM METRO

ENFORCEMENT HISTORY

ABRAMOVICH FINANCING LLC &
CENTRAL FLORIDA FINANCIAL,
LLC

8700 NW 7 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000132

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Case 200904009654

No BNC violation observed 12/2/09.

J. Colson

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: DDE LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>David Saig</u>	<u>100%</u>
<u>1065 W. Hallandale Beach Blvd.</u>	_____
<u>Hallandale, FL 33009</u>	_____
_____	_____

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

TRUST/ESTATE NAME _____

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

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 SEP 08 2010
 ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY MH

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

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

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

Date of contract: _____

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

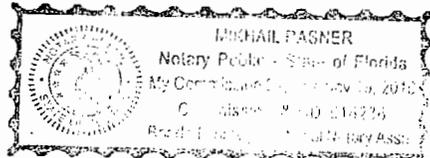
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: *[Handwritten Signature]*
(Applicant)

Sworn to and subscribed before me this 27 day of August, 2009. Affiant is personally know to me or has produced _____ as identification.

[Handwritten Signature]
(Notary Public)

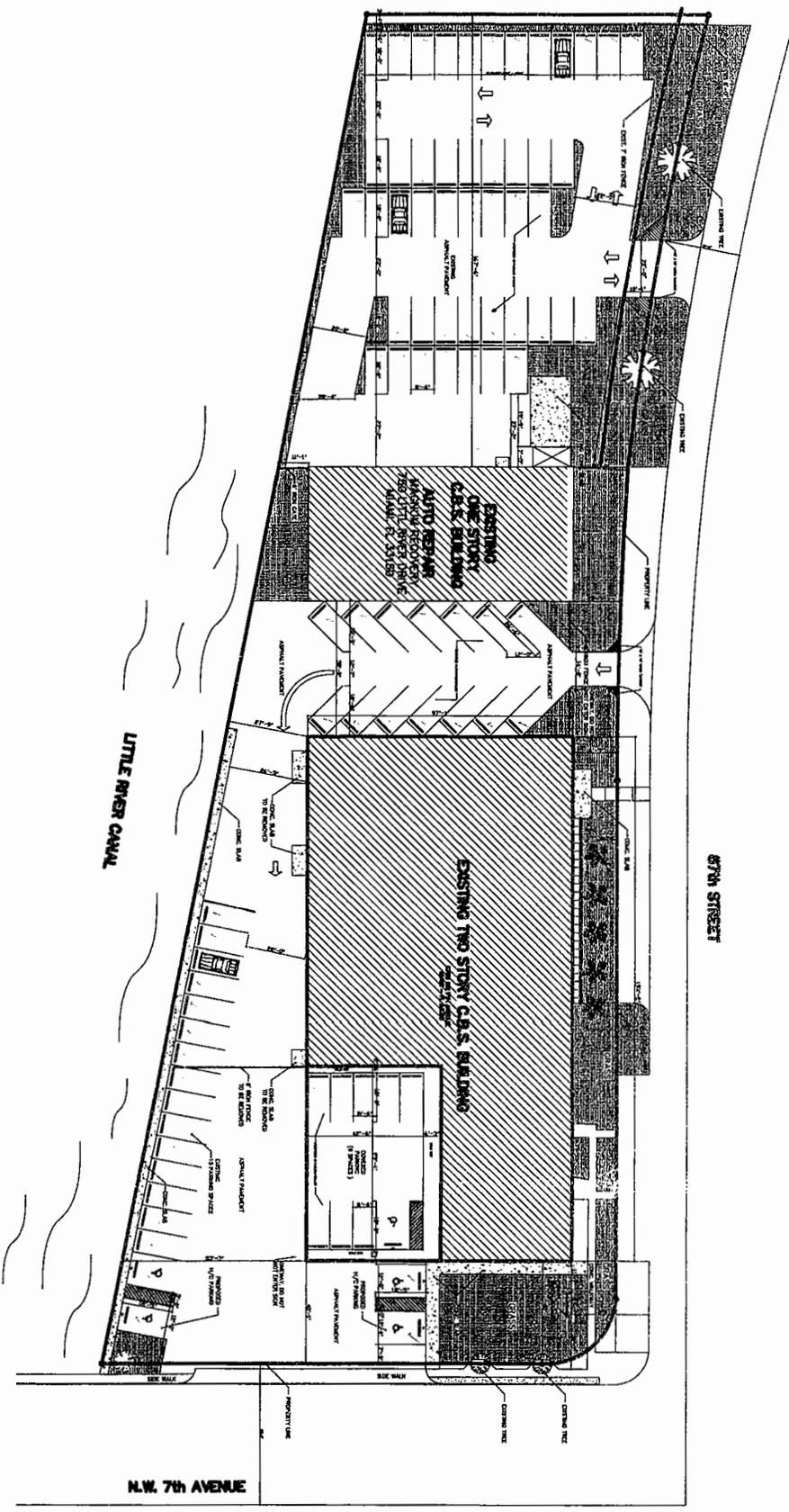


My commission expires: _____

*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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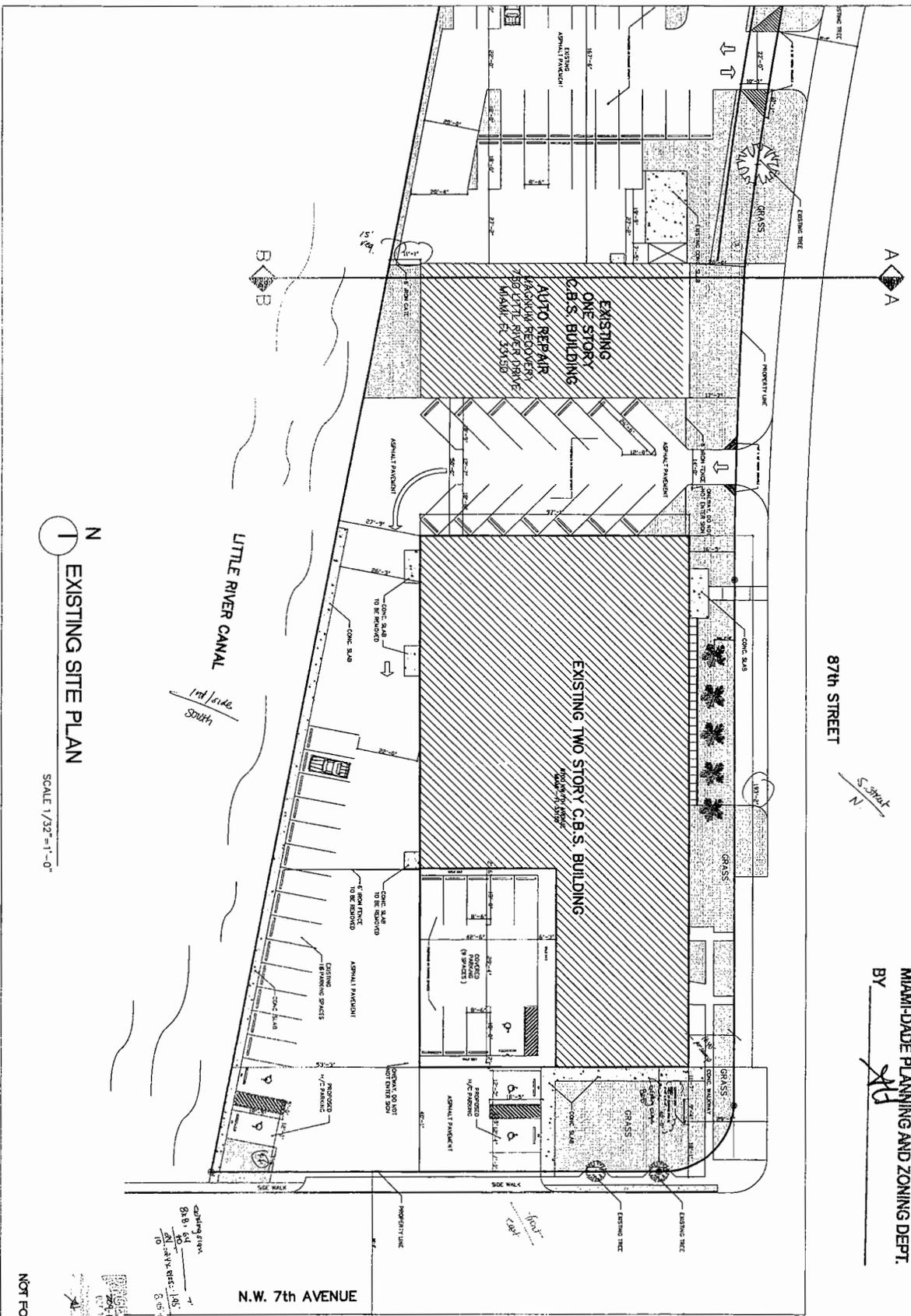
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY SAH



ENLARGE SITE PLAN

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 OCT 02 2009

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 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XLD



EXISTING SITE PLAN
 SCALE 1/32" = 1'-0"

NOT FOR CONSTRUCT

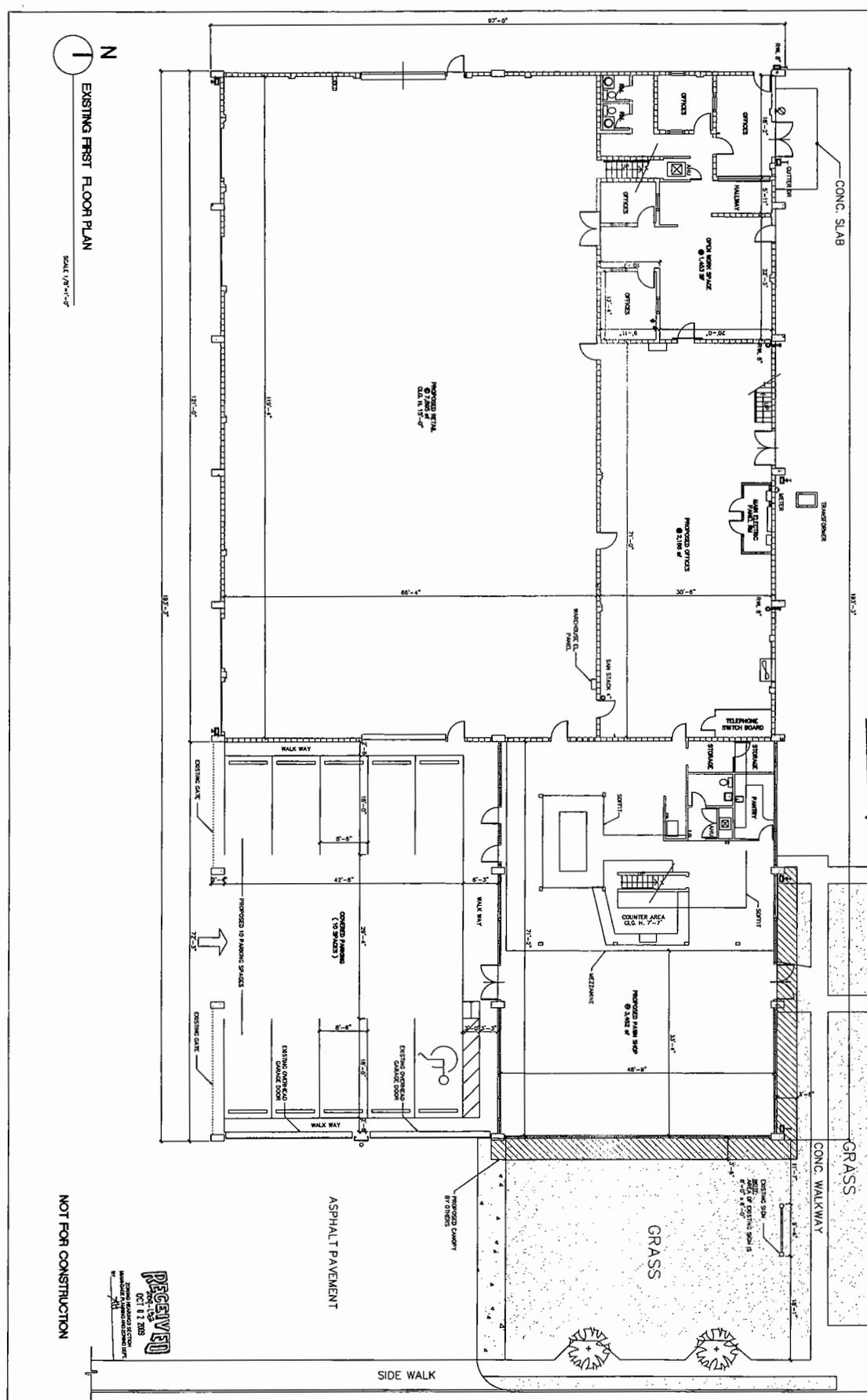
<p>PAWN SHOP 8700 NW, 7th AVENUE, MIAMI, FL. 33150</p>	<p>DATE: 08/01/2009 DRAWN BY: JAVIER ZELAZNIK CHECKED BY: JAVIER ZELAZNIK</p>	<p>PROJECT NO: 08-00000 SHEET NO: 01</p>
	<p>DESIGNED BY: JAVIER ZELAZNIK CHECKED BY: JAVIER ZELAZNIK</p>	<p>DATE: 08/01/2009 DRAWN BY: JAVIER ZELAZNIK CHECKED BY: JAVIER ZELAZNIK</p>

5

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 HANSHUR COMPANY
 1000 N. MIAMI AVENUE
 MIAMI, FL 33132
 OCT 1 2009

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 2009-10-02
 OCT 02 2009

ZONING HEARINGS SECTION
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 BY *SAF*



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 HANSHUR COMPANY
 1000 N. MIAMI AVENUE
 MIAMI, FL 33132
 OCT 1 2009

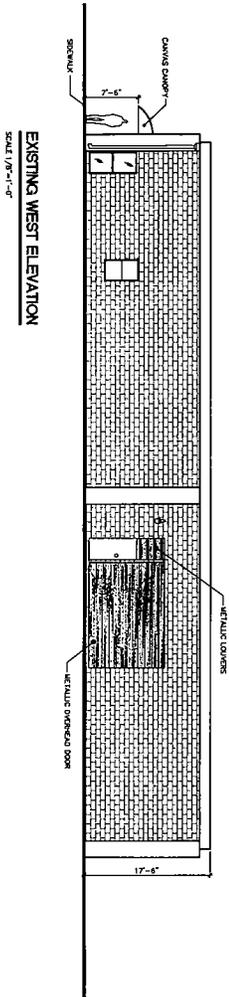
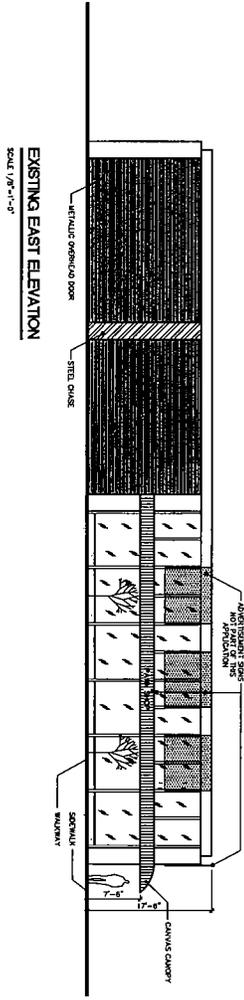
A-2

PAWN SHOP
 8700 NW, 7th AVENUE, MIAMI, FL. 33150

DESIGN: SCHEERER ASSOCIATES
 ARCHITECTURE AND INTERIORS
 1400 N. WALKER, 7th FLOOR
 MIAMI, FL 33132
 PHONE: 305.375.1100
 FAX: 305.375.1101
 WWW: SCHEERER.COM
 PROJECT NO. 04.000000
 DATE: 08.08.09
 CHECKED BY: LARRY B. SCHEERER
 DRAWN BY: SAH
 SCALE: AS SHOWN
 SHEET NO. 04.000000
 TOTAL SHEETS: 04.000000
 22

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 OCT 02 2009

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



NOTES

1. VERIFY ALL BUILDINGS ON DRAWING AND CONDITIONS AT JOB SITE PRIOR TO STARTING ANY WORK. NOTIFY ARCHITECT IMMEDIATELY IN WRITING OF ANY DISCREPANCIES, OMISSIONS, CONFLICTS AND SCALE IN REPRODUCTION BEFORE PROCEEDING WITH THE WORK.
2. COORDINATE THESE DRAWINGS WITH DRAWINGS PROVIDED BY OTHERS.
3. TYPICAL DETAILS AND NOTES ON THESE DRAWINGS SHALL APPLY UNLESS SPECIFICALLY NOTED OTHERWISE. CONSTRUCTION DETAILS AND SECTIONS NOT COMPLETELY SHOWN OR NOTED SHALL BE SHOWN TO DETAILS AND SECTIONS SHOWN ON SHEET 100-200-000.

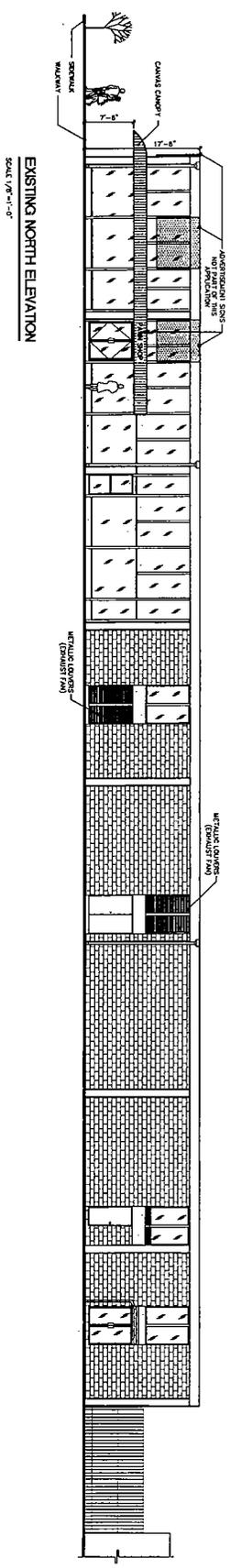
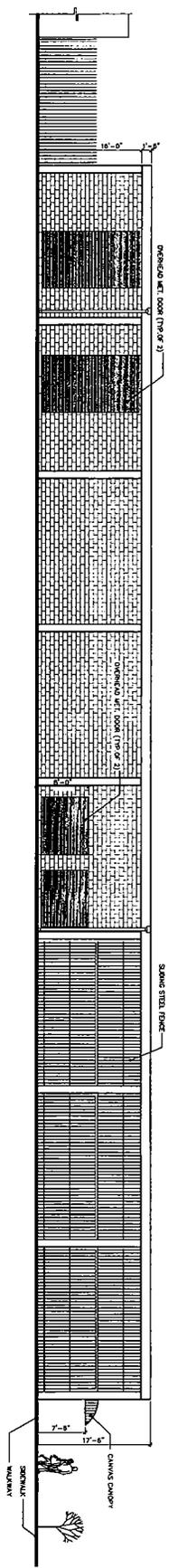
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NOT FOR CONSTRUCTION

<p>PAWN SHOP 8700 NW, 7th AVENUE, MIAMI, FL. 33150</p>	<p>A-4</p>
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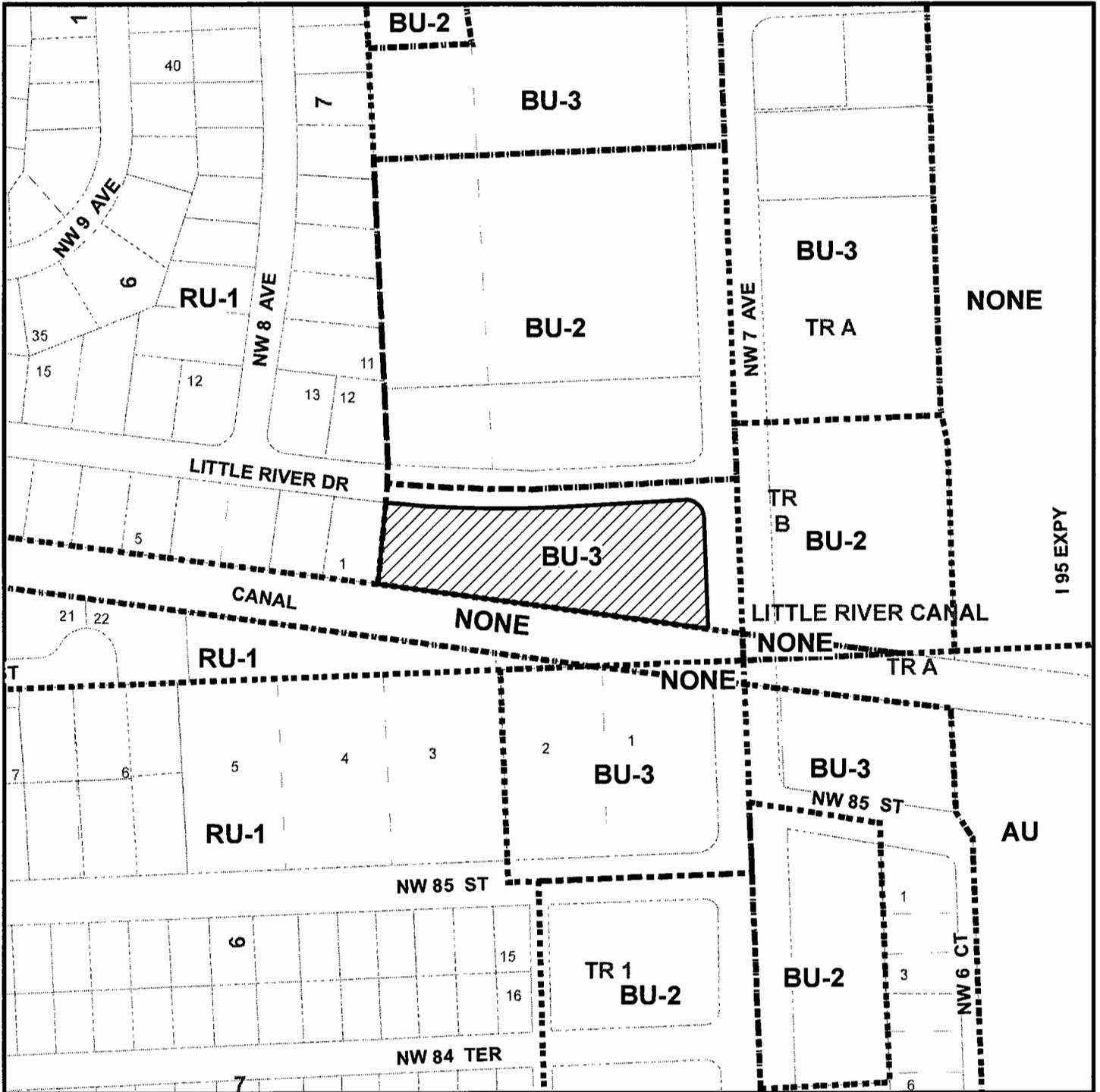
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY STP



NOT FOR CONSTRUCTION

RECEIVED
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 OCT 02 2009

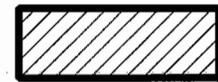
<p>A-5</p>	<p>PAWN SHOP 8700 NW, 7th AVENUE, MIAMI, FL. 33150</p>	<p>GENERAL NOTES:</p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.</p> <p>2. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON DRAWINGS.</p> <p>3. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.</p> <p>4. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.</p> <p>5. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.</p> <p>6. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE ZONING DEPARTMENT.</p> <p>7. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE PLANNING DEPARTMENT.</p> <p>8. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE COMMISSIONERS.</p> <p>9. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE BOARD OF ALDERMEN.</p> <p>10. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE CITY COMMISSION.</p> <p>11. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS.</p> <p>12. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF ALDERMEN.</p> <p>13. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS.</p> <p>14. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF ALDERMEN.</p> <p>15. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS.</p> <p>16. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF ALDERMEN.</p> <p>17. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS.</p> <p>18. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF ALDERMEN.</p> <p>19. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS.</p> <p>20. ALL WORK TO BE SUBJECT TO THE APPROVAL OF THE MIAMI-DADE COUNTY BOARD OF ALDERMEN.</p>
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MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-132

Section: 02 Township: 53 Range: 41
 Applicant: ABRAMOVICH FINANCIAL & CTL. FINANCIAL
 Zoning Board: C08
 Commission District: 02
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 09/14/09

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 02 Township: 53 Range: 41

Applicant: ABRAMOVICH FINANCIAL & CTL. FINANCIAL

Zoning Board: C08

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REVISION	DATE	BY