KITS

1-5-2011 Version # 1

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 Avenue, Miami

Wednesday, February 9, 2011 at 6:30 p.m.

CURRENT

1.	11-2-CZ10-1	CECILIO GAMEZ	09-179	02-54-39	N
2.	11-2-CZ-10-2	CECILIO GAMEZ	10-122	02-54-39	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, FEBRUARY 9, 2011

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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1. CECILIO GAMEZ (11-2-CZ10-1/09-179) **02-54-39**
Area 10/District 12

(1) Applicant is requesting to permit an existing covered terrace addition to a single-family residence setback 14.2' (25' required) from the rear (north) property line.

(2) Applicant is requesting to permit a lot coverage of 40.4% (35% permitted).

(3) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to permit a 6' high CBS wall within the safe sight distance triangle along the front (South) property line.

Plans are on file and may be examined in the Department of Planning and Zoning, entitled, "Proposed Variance for Covered Terrace to Mr. Cecilio Gamez Residence," as prepared by Orestes Lopez-Recio, R. A., Sheet "SP-1" dated stamped received 12/23/2009 and Sheet "E-1" preparer unknown dated stamped received 4/14/2010 for a total of two sheets. Plans may be modified at public hearing.

LOCATION: 13513 S.W. 5 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 85' x 107'

Department of Planning and Zoning Recommendation: Approval with conditions of requests #1 through #3.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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2. CECILIO GAMEZ (11-2-CZ10-2/10-122) **02-54-39**
Area 10/District 12

(1) Applicant is requesting to waive the zoning requirements prohibiting a swimming pool on a lot without a principal residence; to permit same.

(2) Applicant is requesting to permit the existing swimming pool setback 16.99' (20' required) from the side street (West) property line.

(3) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to permit a 6' high CBS wall within the safe-sight distance triangle along the front (North) property line.

A Plan is on file and may be examined in the Department of Planning and Zoning, entitled, "Site Plan," preparer unknown, consisting of one sheet dated stamped received 11/10/2010. Plan may be modified at public hearing.

LOCATION: The Southwest corner of SW 4 Terrace and SW 135 Avenue, AKA 13514 S.W. 4 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 85' x 110'

Department of Planning and Zoning Recommendation:	Denial without prejudice of requests #1 and #2 and approval with conditions of request #3
Protests: 0	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.

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

11-2-CZ10-1 (09-179)
Area 10/District 12
Hearing Date: 02/09/11

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:

Year	Applicant	Request	Board	Decision
	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. 10

APPLICANT: Cecelio Gamez **PH:** Z09-179 (11-1-CZ10-1)

SECTION: 2-54-39 **DATE:** February 9, 2011

COMMISSION DISTRICT: 12 **ITEM NO.:** 1

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A. INTRODUCTION:

- **SUMMARY OF REQUESTS:** The applicant seeks to permit the existing terrace addition to the single-family residence setback less than required from the rear (north) line and to exceed the permitted lot coverage. Additionally, the applicant seeks to permit an existing 6' high CBS wall and decorative iron fence within the safe sight distance triangle of driveways along the front (south) property line.

- **REQUESTS:**

  (1) Applicant is requesting to permit an existing covered terrace addition to a single-family residence setback 14.2' (25' required) from the rear (north) property line.

  (2) Applicant is requesting to permit a lot coverage of 40.4% (35% permitted).

  (3) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe sight distance triangle; to permit a 6' high CBS wall within the safe sight distance triangle along the front (South) property line.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Variance for Covered Terrace to Mr. Cecilio Gamez Residence," as prepared by Orestes Lopez-Recio, R. A., Sheet "SP-1" dated stamped received 12/23/2009 and Sheet "E-1" preparer unknown dated stamped received 4/14/2010 for a total of two sheets. Plans may be modified at public hearing.

- **LOCATION:** 13513 S.W. 5 Street, Miami-Dade County, Florida.

- **SIZE:** 85' x 107'

B. ZONING HEARINGS HISTORY: None.

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

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; vacant lot with pool	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-1; single-family residence	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

E. PERTINENT ZONING 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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

G. PLANNING AND ZONING ANALYSIS:

The subject property is located at 13513 SW 5 Street, in an area characterized by single-family residences. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This category allows a range in density from a minimum of 2.5 to

a maximum of 6 dwelling units per gross acre. Since the applicant's letter of intent does not indicate any intent to use the existing single-family residence and additions for more than the allowable single-family dwelling, then the RU-1, Single-Family Residential District, zoned parcel is **consistent** with the LUP map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #1 through #3 would be **compatible** with the surrounding area and would not affect the stability and appearance of the community. Staff notes that there are properties in the surrounding area that were approved for variances of the rear setback and lot coverage regulations that were similar to or more intensive than what is being requested herein. For example, a property located approximately 465' northwest of the subject property along SW 135 Court, was approved for an Administrative Variance, to permit a single-family residence setback 13' from the rear (east) property line, where 25' is required, and a lot coverage of 37%, where 35% is permitted. Similarly, a property located at 440 SW 133 Court, approximately 751' to the east of the subject property, was approved among other things to allow a covered terrace addition to a single-family residence setback 12.79' from the rear (west) property line, where 25' is required, and a 41.94% lot coverage, where 35% is permitted. Therefore, staff opines that approval of requests #1 and #2, would not set a precedent for the over intensive development of RU-1 zoned properties in this area, or would not have a negative visual impact on the surrounding properties. However, staff recommends as a condition of the approval of these requests that the applicant obtains the required permits for the existing terrace and that the terrace addition remains open-sided and not be enclosed by any other materials except the approved insect screening materials.

Additionally, staff opines that approval with conditions of request #3, would not be detrimental to the community nor would it have a negative visual effect on the aesthetics of the surrounding area. Staff notes that the Public Works Department's does not object to the application and has recommended approval of this request subject to a condition. The applicant has submitted photographs with the application depicting the wall with the decorative iron fence which is the subject of request #3. Staff opines that the decorative iron fence atop the 4' tall wall, will afford pedestrians and drivers along SW 5 Street, some visibility. Staff's research of other properties in the area did not indicate any approvals for fences or walls as requested herein. However, staff concurs with the Public Works Department and opines that approval with conditions of this request, will not have a negative visual impact on the surrounding area, will not create a safety hazard for pedestrians along SW 5 Street and will be **compatible** with the area. As such, staff recommends approval with conditions of requests #1 through #3, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.

Based on the aforementioned, staff opines that the existing single-family residence is **consistent** with the Low-Density designation of the LUP map of the CDMP and that approval with conditions of requests #1 through #3 is **compatible** with the surrounding predominant residential developments.

H. RECOMMENDATION:

Approval with conditions of requests #1 through #3.

I. 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 among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Variance for Covered Terrace to Mr. Cecilio Gamez Residence," as prepared by Orestes Lopez-Recio, R. A., Sheet "SP-1" dated stamped received 12/23/2009 and Sheet "E-1" preparer unknown dated stamped received 4/14/2010 for a total of two sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That the covered terrace addition remains open sided on 3 sides and thus, not enclosed in any manner except for approved insect screen materials.

5. That the applicants comply with all applicable conditions and requirements of the Public Works Department.

6. That the applicant obtain a building permit for the terrace addition and the fence from the Building Department within 90 days after final public hearing approval of this application.

DATE TYPED: 12/14/10
DATE REVISED: 12/17/10, 02/01/11
DATE FINALIZED: 02/01/11
MCL:GR:NN:NC:CH

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

NDN
GR

Memorandum

MIAMI-DADE COUNTY

Date: January 12, 2010

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

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

Subject: C-10 #Z2009000179
Cecilio Gomez
13513 S.W. 5th Street
Request to Permit Less Setbacks than Required and Lot Coverage more than Permitted
(RU-1) (0.208 Acres)
02-54-39

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

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.

Wetlands

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

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

Tree Preservation
According to the site plan submitted with this zoning application, the proposal 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 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 discus this matter further, please contact Christine Velazquez, Interim Manager at (305) 372-6764.

PH# Z2009000179
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CECILIO GAMEZ

This Department has no objections to this application.

This Department has no objections to the request to permit an existing wall within the safe sight distance triangle subject to the condition that convex mirrors are placed on each column for pedestrian visibility.

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

Raul A Pino, P.L.S.
14-DEC-10

Memorandum

Date: 22-FEB-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2009000179

Fire Prevention Unit:

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

Service Impact/Demand

Development for the above Z2009000179
located at 13513 S.W. 5 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1366 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A 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: N/A alarms-annually.
The estimated average travel time is: 6:15 minutes

Existing services

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

Station 40 - West Miami - 975 SW 62 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.

DATE: 19-APR-10
REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

CECILIO GAMEZ	13513 S.W. 5 STREET, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2009000179

HEARING NUMBER

HISTORY:

NC: FOLIO #30-4902-014-0300; A WARNING LETTER WAS ISSUED UNDER CASE #200712006507 FOR TREES PLANTED IN THE RIGHT OF WAY [YEAR 2007]. COMPLIANCE WAS MET AND THE CASE WAS CLOSED.
BUILDING: NO BUILDING CODE VIOLATIONS WAS FOUND.

FOLIO #30-4902-014-0290: NO ZONING OR BUILDING VIOLATIONS FOUND

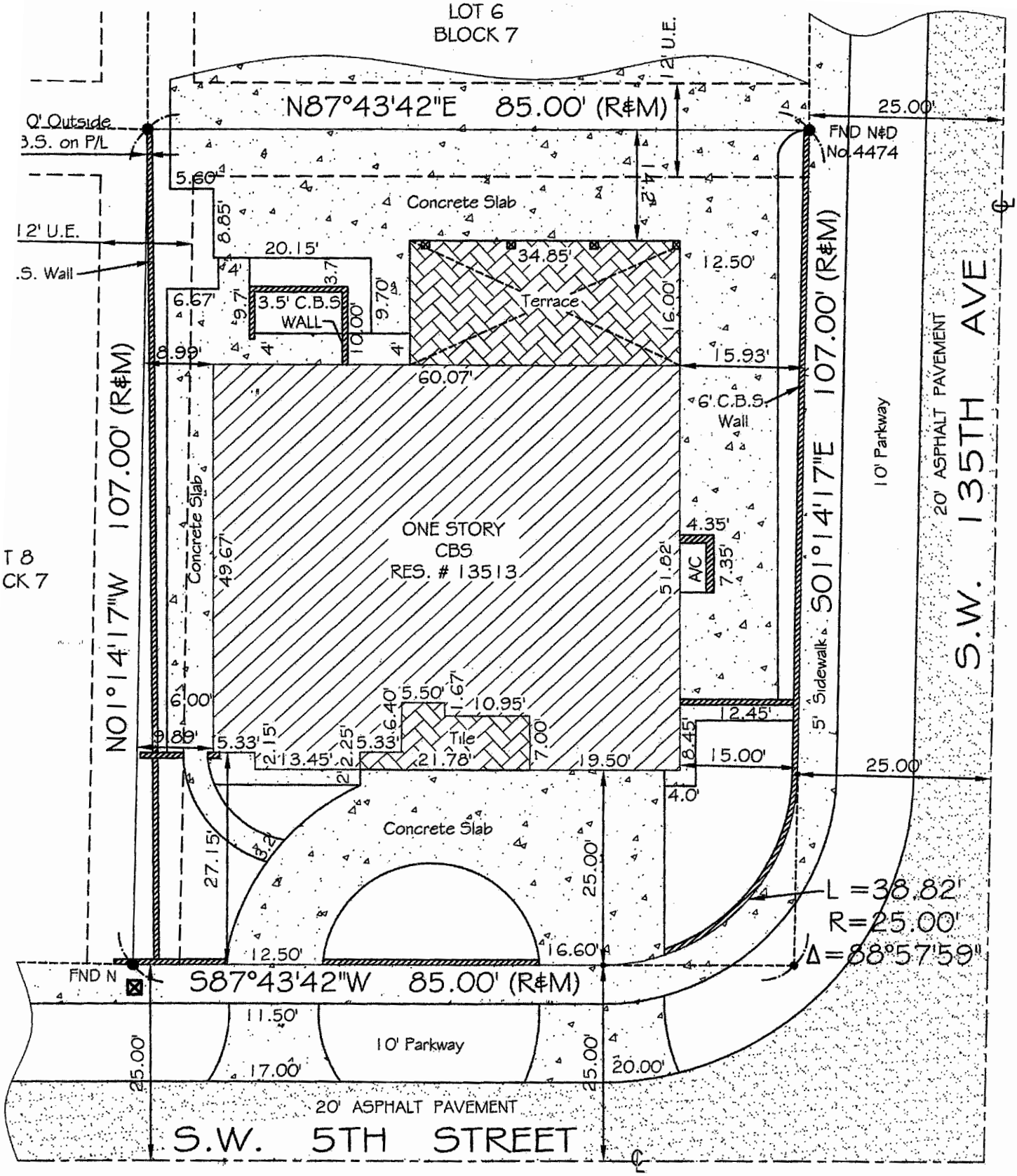
CECILIO GAMEZ

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

NA

REPORTER NAME:

UNKNOWN



ENLARGED SITE PLAN

N

SITE PLAN

SCALE : 1" = 10'-0"

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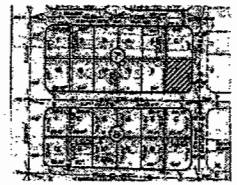


LOCATION MAP
SCALE : NTS

FOLIO NUMBER	30-4902-014-0300

ZONING LEGEND

ZONING: SINGLE FAMILY
Height (to ridge of roof): 22'-4" ONE STORY
Net Land Area: 8,256-4.53 S.F.
Lot Coverage (everything under roof): 3,82134 SF = 39.5%

SETBACKS	REQUIRED	PROVIDED
Front	25'-0"	25'-0"
Interior Side	7'-6"	6.97' / 5.97'
Side Street	15'-0"	15.00' / 15.33'
Rear	25'-0"	14.30'

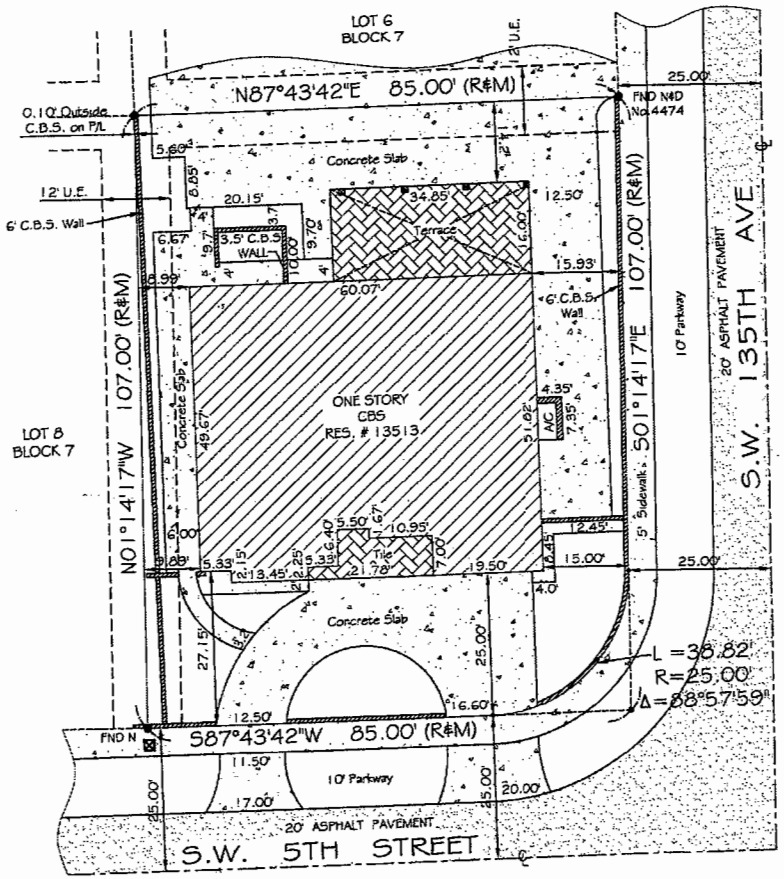
TABULATION AREA

EXISTING RESIDENCE SQUARE FOOTAGE (UNDER ROOF)	3,82134 SQ. FT.
EXISTING RESIDENCE SQUARE FOOTAGE	2,56-4.64 SQ. FT.
EXISTING PORCH	357.60 SQ. FT.

LEGAL DESCRIPTION

LEGAL DESCRIPTION: LOT 7 BLOCK 7 SUBDIVISION: "UNIVERSITY PARK FIRST SECTION THREE"
P.B. 38 PG. 34 PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA
LOCATED AT (Address): 13513 S.W. 5 STREET

NOTE:
LOT LINE DIMENSIONS, BEARINGS AND LOT AREA INFORMATION PROVIDED IS BASED ON A SURVEY PREPARED BY: SERGIO REDONDO AND ASSOCIATES



209-179
RECEIVED
DEC 2 3 2009

SITE PLAN
SCALE : 1" = 10'-0"

SCOPE OF WORK

THE INTENTION OF THIS PLAN IS TO APPLY FOR A VARIANCE OF THE REAR SETBACK FROM THE COVERED PORCH FOR THE PURPOSE OF RELEASING AN EXISTING UNITY OF TITLE ON LOT 6 AND 7 OF BLOCK 7 OF UNIVERSITY PARK FIRST SECTION THREE (B-34)

OLR

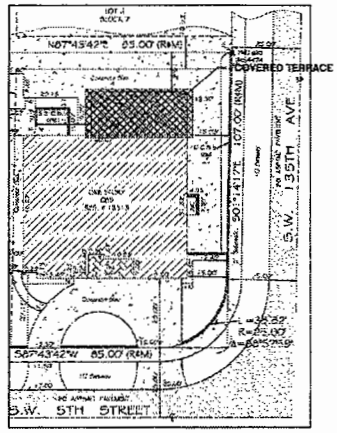
ARCHITECT
ORESTES LOPEZ-NEGO
ARCHITECTS
5005 S.W. 32 STREET
MIAMI, FLORIDA 33155
TELEPHONE: (305) 666-2734

PROPOSED VARIANCE FOR COVERED TERRACE TO MR. CECILIO GAMEZ RESIDENCE
13513 S.W. 5th STREET
MIAMI DADE COUNTY, FLORIDA

SITE PLAN
DATE: 12/15/09
SCALE: AS SHOWN
DRAWN: OCP
JOB NO.: 09-15

SP-1
SHEET NO.:

13



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SP E-1 SITE PLAN

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APR 14 2010
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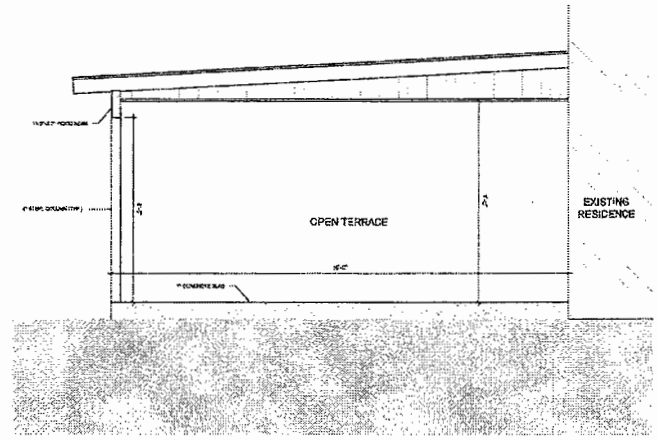
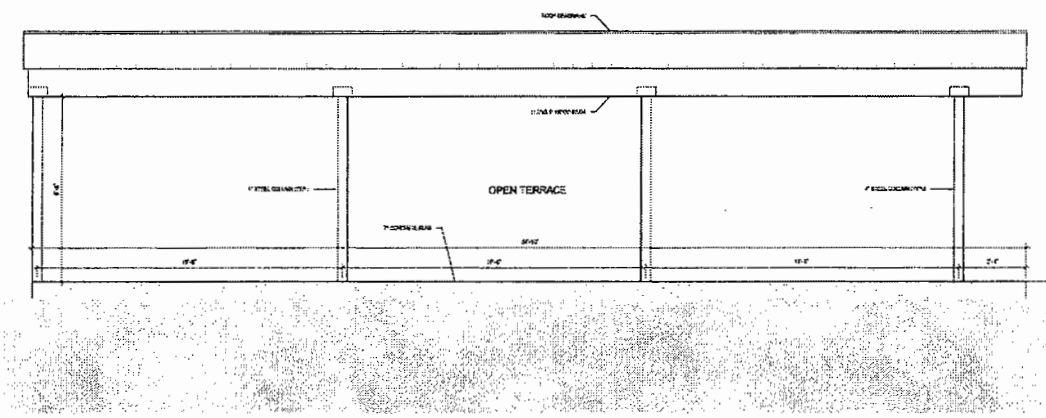
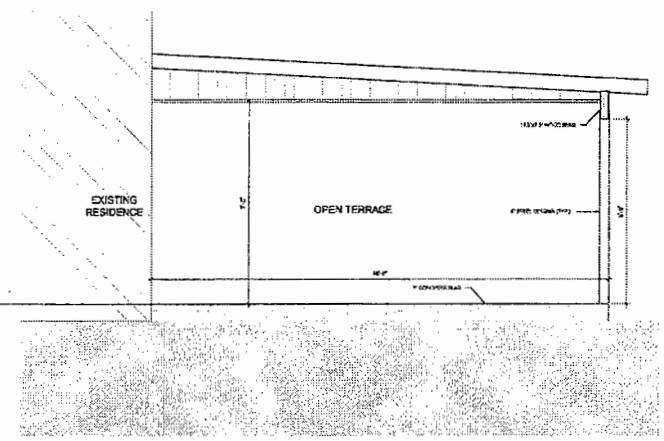
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



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



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



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

RECEIVED
209-179
APR 14 2010

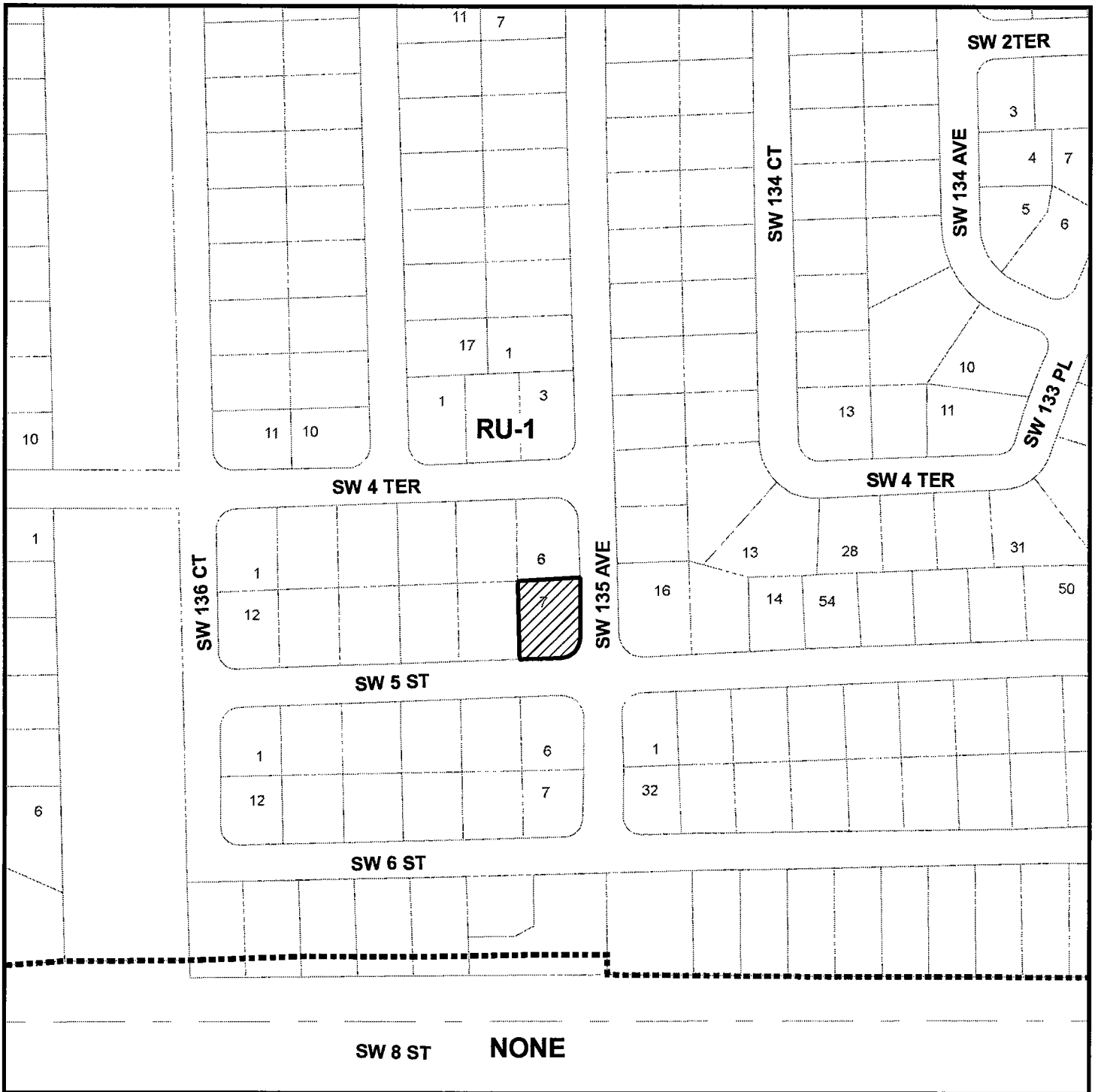
Project
PROPOSED VARIANCE FOR COVERED TERRACE
TO MR. CECILIO GAMEZ RESIDENCE
13513 S.W. 5TH STREET
Miami Dade County, Florida

Revised

PORCH ELEVATIONS

04-04-2010

E-1



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-179

Section: 02 Township: 54 Range: 39
Applicant: CECILIO GAMEZ
Zoning Board: C10
Commission District: 12
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 12/24/09

REVISION	DATE	BY
		14

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Section: 02 Township: 54 Range: 39
Applicant: CECILIO GAMEZ
Zoning Board: C10
Commission District: 12
Drafter ID: ALFREDO
Scale: NTS
---------- Zoning

Process Number

09-179

N
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SUBJECT PROPERTY

MIAMI-DADE COUNTY

SKETCH CREATED ON: 12/24/09

REVISION	DATE	BY

2. CECILIO GAMEZ
(Applicant)

11-2-CZ10-2 (10-122)
Area 10/District 12
Hearing Date: 02/09/11

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:

Year	Applicant	Request	Board	Decision
	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. 10

APPLICANT: Cecelio Gamez **PH:** Z10-122 (11-1-CZ10-2)

SECTION: 2-54-39 **DATE:** February 9, 2011

COMMISSION DISTRICT: 12 **ITEM NO.:** 2

==========

A. INTRODUCTION:

- **SUMMARY OF REQUESTS:** The applicant seeks to permit an existing swimming pool on a lot without a principal residence setback less than required from the side-street (east) property line. Additionally, the applicant seeks to permit an existing 6' high CBS wall and decorative iron fence within the safe sight distance triangle of driveways along the front (north) property line.

- **REQUESTS:**

  (1) Applicant is requesting to waive the zoning requirements prohibiting a swimming pool on a lot without a principal residence; to permit same.

  (2) Applicant is requesting to permit the existing swimming pool setback 16.99' (20' required) from the side street (West) property line.

  (3) Applicant is requesting to waive the zoning regulation requiring that no fence or wall exceed 2.5' in height when located within the safe-sight distance triangle; to permit a 6' high CBS wall within the safe-sight distance triangle along the front (North) property line.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," preparer unknown, consisting of one sheet dated stamped received 11/10/2010. Plans may be modified at public hearing.

- **LOCATION:** The Southwest corner of SW 4 Terrace and SW 135 Avenue, AKA 13514 S.W. 4 Terrace, Miami-Dade County, Florida.

- **SIZE:** 85' x 110'

B. ZONING HEARINGS HISTORY: None.

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

*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; vacant lot with a pool	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-1; single-family residence	Low Density Residential, 2.5 to 6 dua
EAST: RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
WEST: RU-1; single-family residence	Low Density Residential, 2.5 to 6 dua

E. PERTINENT ZONING 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.*

F. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

* Subject to conditions

G. PLANNING AND ZONING ANALYSIS:

The subject property is located at the southwest corner of SW 4 Terrace and SW 135 Avenue, AKA 13514 S.W. 4 Terrace, in an area characterized by single-family residences. The subject site abuts contiguous property that is the subject of another application located to the south. The subject property is designated for **Low Density**

Residential use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre. Since the applicant's Letter of Intent does not indicate any intent to use the existing RU-1, Single-Family Residential District, zoned lot for more than the allowable single-family dwelling, then the RU-1 zoned parcel is **consistent** with the LUP map designation of the CDMP.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard, staff is of the opinion that the approval of requests #1 and #2 would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with the surrounding area. Staff acknowledges that the subject parcel containing the swimming pool is contiguous to the abutting parcel located to the south and that the owner of both parcels had previously submitted a covenant that legally bound both parcels together. Therefore, staff at that time allowed the use of the swimming pool as an accessory use to the principal residence located on the parcel located to the south.

Staff opines that the approval of the applicant's current request, which would allow the maintenance of an accessory use on a parcel of land without a principal building, which is not permitted and would be incompatible. Staff's research did not indicate any other properties in the area with approvals similar to that being requested in this application. **As such, staff opines that the approval of request #1 and the ancillary request #2, would set a precedent for the approval of accessory uses without a principal building on the property. Therefore, staff recommends denial without prejudice of requests #1 and #2, under Section 33-311(A)(4)(b) NUV**.

Staff opines that the approval with conditions of request #3, would not be detrimental to the community nor would it have a negative visual effect on the aesthetics of the surrounding area. Staff notes that the Public Works Department does not object to the application and has recommended approval of this request subject to a condition. The applicant has submitted photographs with the application depicting the wall with the decorative iron fence which is the subject of request #3. Staff opines that the decorative iron fence atop the 4' tall wall, will afford pedestrians and drivers along SW 4 Terrace, some visibility. Staff's research of other properties in the area did not indicate any approvals for fences or walls as requested herein. However, staff concurs with the Public Works Department and opines that approval with conditions of this request, will not have a negative visual impact on the surrounding area, will not create a safety hazard for pedestrians along SW 4 Terrace and will be **compatible** with the area. As such, staff recommends approval with conditions of request #3, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.

Based on the aforementioned, staff opines that although the vacant parcel is consistent with the Low-Density designation of the LUP map of the CDMP, approval of requests #1 and #2, would set a negative precedent for the development of an RU-1 parcel without a principal residence in this area and would therefore be **incompatible** with same. However, staff opines that approval with conditions of request #3 would be **compatible** with the surrounding predominant residential developments.

H. RECOMMENDATION:

Denial without prejudice of requests #1 and #2 and approval with conditions of request #3.

I. CONDITIONS: For Request #3 Only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Variance for Covered Terrace to Mr. Cecilio Gamez Residence," as prepared by Orestes Lopez-Recio, R. A., Sheet "SP-1" dated stamped received 12/23/2009 and Sheet "E-1" preparer unknown dated stamped received 4/14/2010 for a total of two sheets, except as herein amended to show the removal of the swimming pool.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicants comply with all applicable conditions and requirements of the Public Works Department.

5. That the applicant obtain a building permit for the fence from the Building Department within 90 days after final public hearing approval of this application.

DATE TYPED: 12/15/10
DATE REVISED: 12/17/10, 01/03/11, 02/01/11
DATE FINALIZED: 02/01/11
MCL:GR:NN:NC:CH

for

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

NOW

Memorandum

MIAMI-DADE COUNTY

Date: December 8, 2010

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

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

Subject: C-10 #Z2010000122-2nd Revision
Cecilio Gamez
13514 S.W. 4th Terrace
To Permit an Existing Swimming Pool to Remain without a Principal Residence, to Permit an Existing Swimming Pool Setback Less than Required from Property Lines and to Permit an Existing Concrete Block Structure Wall to Remain within the Safe Distance Triangle
(RU-1) (0.215 Acres)
02-54-39

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

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

The subject property is grandfathered from the North Trail Basin criteria since the house was built before 1989; therefore the DERM has no objection to the approval of this application.

Applicant is advised for any future re-development, said site must comply with the Cut and Fill requirement for said basin where 28.6% of the total area shall be set aside as surface water management area (SWMA), or applicant may submit cut and fill engineering calculations to show that a reduce SWMA is in conformance with the requirement for that Basin.

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
The proposal to permit an existing wall and swimming pool will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. An aerial review performed by DERM staff revealed that tree resources have been removed from the north east corner of this property without first obtaining the required Miami-Dade County Tree Removal Permit. Consequently, the property owner shall be required to obtain an After-the-Fact Tree Removal Permit.

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 Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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 Christine Velazquez at (305) 372-6764.

PH# Z2010000122
CZAB - C10

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: CECILIO GAMEZ

This Department has no objections to this application.

This Department has no objections to the request to permit an existing wall within the safe sight distance triangle subject to the condition that convex mirrors are placed on each column for pedestrian visibility.

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

Raul A Pino, P.L.S.
24-SEP-10

Memorandum

Date: 13-SEP-10

To: Marc LaFerrier, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2010000122

Fire Prevention Unit:

No objection.

Service Impact/Demand

Development for the above Z2010000122
located at 13514 S.W. 4 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1342 is proposed as the following:

N/A residential	dwelling units	N/A industrial	square feet
N/A 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: N/A alarms-annually.
The estimated average travel time is: 6:22 minutes

Existing services

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

Station 58 - Tamiami - 12700 SW 6 Street
Rescue, ALS Engine

Planned Service Expansions:

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

None.

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 14-JAN-11

REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

CECILIO GAMEZ	The southwest corner of sw 47 Terrace adn SWS 135 Avenue, AKA 13514 S.W. 4 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2010000122

HEARING NUMBER

HISTORY:

NC: AS OF 1/14/11,NO ZONING VIOLATIONS OR LIENS FOUND

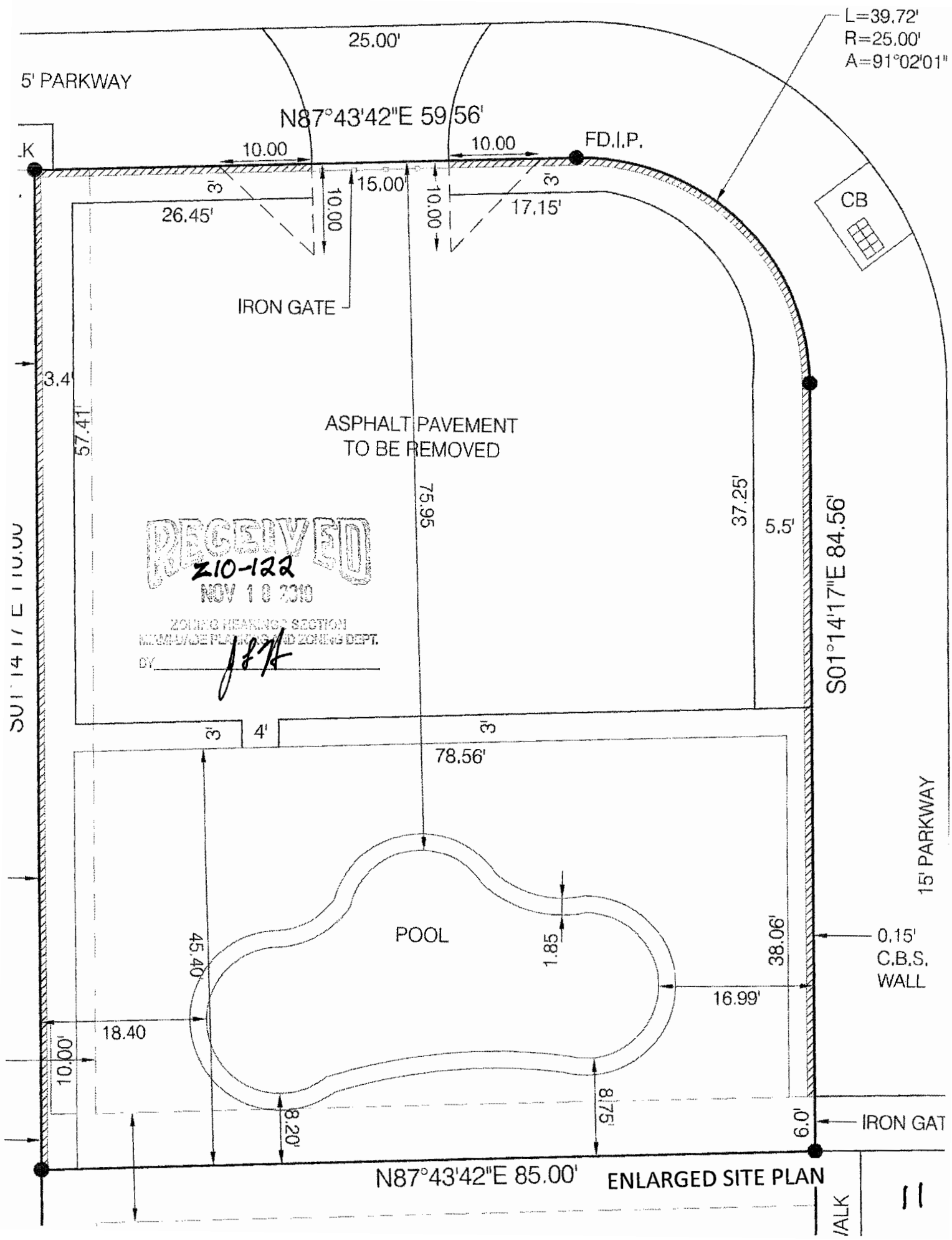
BLDG: AS OF 1/14/11,NO BUILDING VIOLATIONS OR LIENS FOUND

CECILIO GAMEZ

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

REPORTER NAME:

UNKNOWN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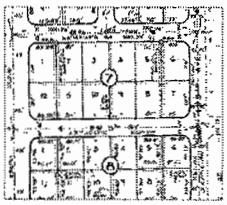
R=25.00'
A=91°02'01"
25.00'
5' PARKWAY
N87°43'42"E 59.56'
FD.I.P.
10.00
10.00
3'
26.45'
15.00'
10.00
10.00
3'
17.15'
CB
IRON GATE
3.4'
57.41'
ASPHALT PAVEMENT
TO BE REMOVED
75.95'
37.25'
5.5'
S01°14'17"E 84.56'
RECEIVED
Z10-122
NOV 10 2010
ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY
3'
4'
3'
78.56'
15' PARKWAY
POOL
45.40'
1.85
38.06'
0.15'
C.B.S.
WALL
16.99'
18.40
10.00'
8.20'
8.75'
6.0'
IRON GAT
N87°43'42"E 85.00'
ENLARGED SITE PLAN
11

SITE PLAN



NORTH

LOCATION SKETCH

N.T.S.

NORTH
SCALE ⅛"= 1'-0"

LEGAL DESCRIPTION

Lot 5, Block 7, Subdivision: University Park West Section Three

Plat Book 111, Page 34 of the Public Records of Miami, Dade County, Florida

Property: 13514 SW 4 Terrace Miami, FL 33184

FOLIO NUMBER 30-4902-014-0290

ZONING LEGEND

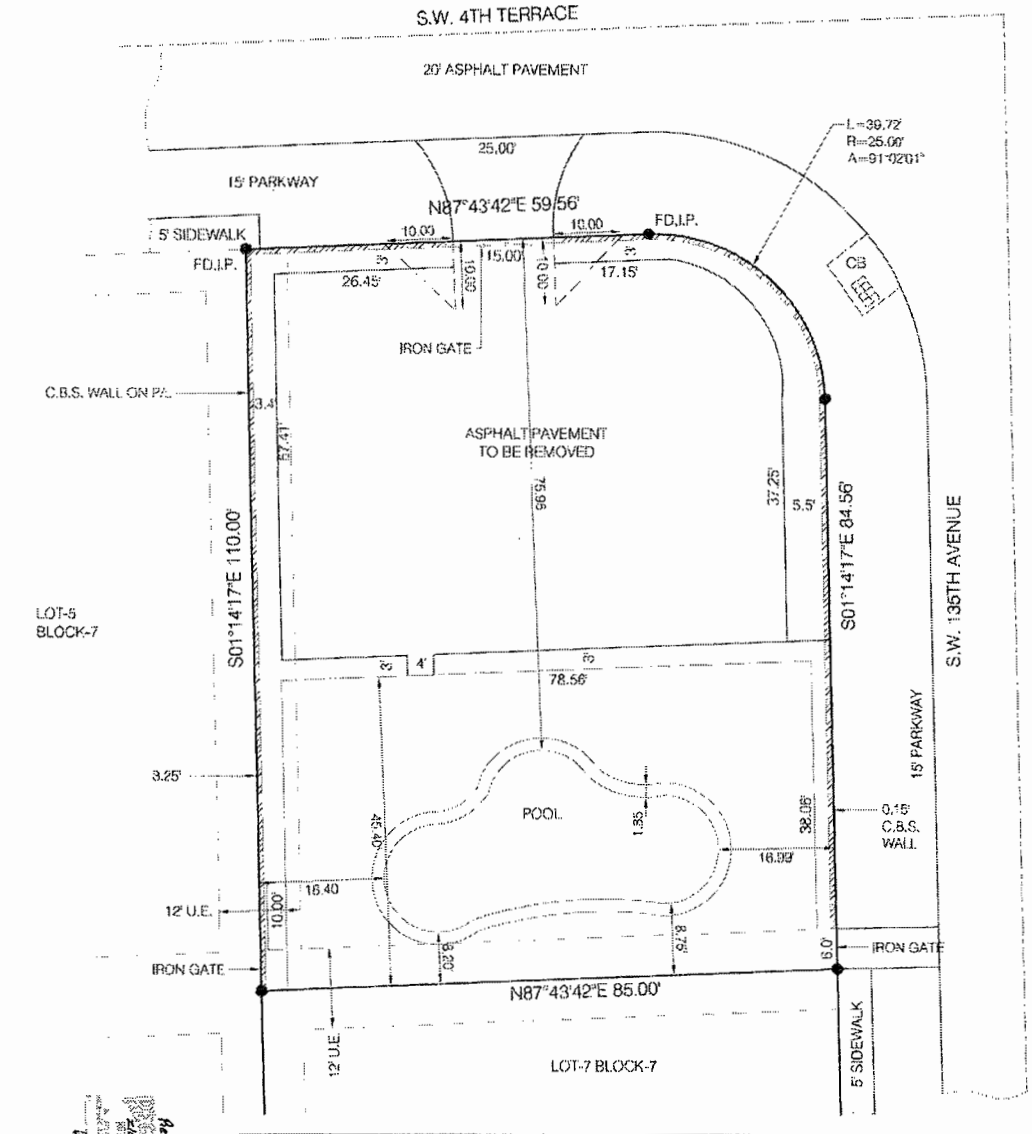
Zoning: RU-1 Single Family

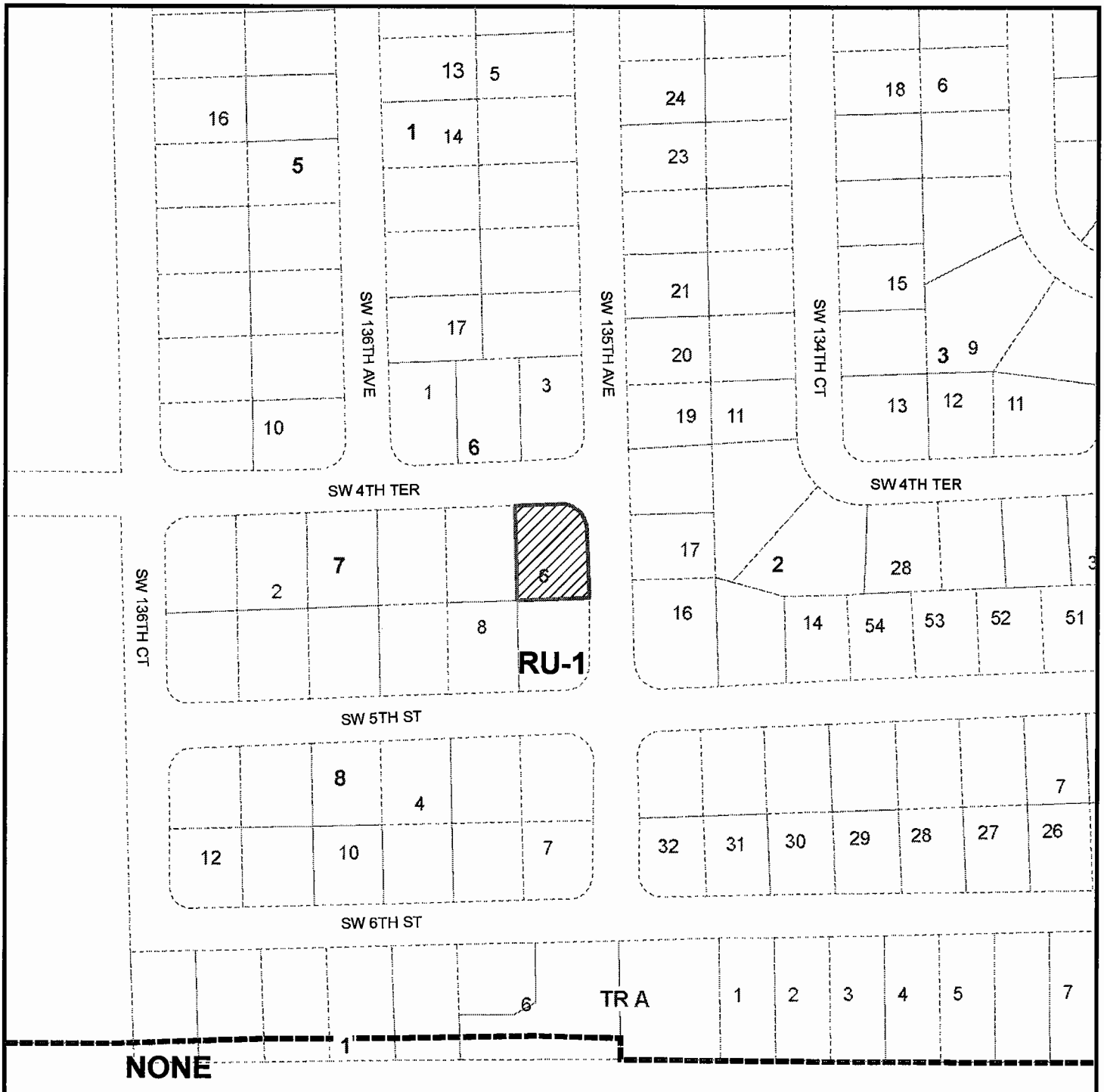
Gross Land Area: 9350 Square Feet

SETBACKS	REQUIRED
Front	25'-0"
Interior Side	7'-6"
Side Street	15'-0"
Rear	25'-0"

TABULATION AREA

Lot Size (85x110)	9350	Square Feet (Gross Zoning)
	9210	Square Feet (Net)
Future Residence (sq.ft.unavailable)	____	Square Feet
Asphalt to be removed	4660±	Square Feet





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000122

Legend
Zoning
Subject Property Case

N
W E
S

Section: 02 Township: 54 Range: 39
Applicant: CECILIO GAMEZ
Zoning Board: C10
Commission District: 12
Drafter ID: ALFREDO FERNANDEZ-CUETO
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, August 23, 2010

REVISION	DATE	BY
		13

MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2010000122

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Subject Property

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