2-27-2012 Version # 1

FINAL AGENDA

MIAMI-DADE COUNTY

COMMUNITY ZONING APPEALS BOARD 10

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 Avenue, Miami

Wednesday, April 4, 2012 at 6:30 p.m.

CURRENT

1.	12-4-CZ10-1	DAGOBERTO CASTRO	11-109	17-54-40	N

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, APRIL 4, 2012

RUBEN DARIO MIDDLE SCHOOL

350 SW 97 AVENUE, MIAMI-DADE COUNTY, 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. DAGOBERTO CASTRO (12-4-CZ10-1/11-109) **17-54-40**
Area 10/District 10

(1) NON-USE VARIANCE to permit additions to a single family residence setback 5.1' (25' required) from the rear (north) property line, setback 4.50' (7.5' required) from the interior side (west) property line.

(2) NON-USE VARIANCE to permit a covered terrace addition setback 1.01' (7.5' required) from the interior side (east) property line.

(3) NON-USE VARIANCE to permit existing planters setback a minimum of .87' (5' required) from the rear (north) property line, setback a minimum of .87' (7.5' required) from the interior side (east) property line.

(4) NON-USE VARIANCE to permit a lot coverage of 43.26% (35% maximum permitted).

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successor department entitled "As-built drawings for Mr. Oswaldo Castro" as prepared by Filer & Hammond Architects, Inc., sheets A-1, A-3 & L-1 dated stamped received 11/01/11 and sheet A-2 dated stamped received 12/20/11 for a total of 4 sheets. Plans may be modified at public hearing.

LOCATION: 10021 SW 38 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' X 100.05'

Department of Permitting, Environment
and Regulatory Affairs

Recommendation: Approval with conditions of requests #1 And #3, denial without prejudice of request #2, and modified approval with conditions of request #4 to permit a 40.59% lot coverage.

Protests: 0 Waivers: 46

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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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 Permitting, Environment and Regulatory Affairs (PERA) within 14 days after PERA 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. (PERA's posting will be made on a bulletin board located in the office of PERA.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

Miami-Dade County Department of Permitting, Environment and Regulatory Affairs
Staff Report to Community Council No. 10

PH: Z11-109 (12-04-CZ10-1) **April 4, 2012**
Item No. 1

Recommendation Summary	
Commission District	10
Applicant	Dagoberto Castro
Summary of Requests	The applicant is seeking to allow existing additions to a single-family residence and existing planters that encroach into the rear and interior side setback areas. Additionally, the applicant seeks to allow the residence with a greater lot coverage than permitted by the RU-1 zoning regulations.
Location	10021 S.W. 38th Terrace, Miami-Dade County, Florida.
Property Size	75' x 100.05'
Existing Zoning	RU-1
Existing Land Use	Single-Family Residence
2015-2025 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	**Approval with conditions of requests #1 and #3, denial without prejudice of request #2, and modified approval with conditions of request #4 to permit a 40.59% lot coverage.**

REQUESTS:

(1) NON USE VARIANCE to permit existing additions to a single family residence setback 5.1' (25' required) from the rear (north) property line, setback 4.50' (7.5' required) from the interior side (west) property line.

(2) NON USE VARIANCE to permit a covered terrace addition setback 1.01' (7.5' required) from the interior side (east) property line.

(3) NON USE VARIANCE to permit existing planters setback a minimum of .87' (5' required) from the rear (north) property line, setback a minimum of .87' (7.5' required) from the interior side (east) property line.

(4) NON USE VARIANCE to permit a lot coverage of 43.26% (35% maximum permitted).

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department, entitled "As-built drawings for Mr. Oswaldo Castro" as prepared by Filer & Hammond Architects, Inc. Sheets A-1, A-3 & L-1 dated stamped received 11/01/11 and sheet A-2 dated stamped received 12/20/11, for a total of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Existing single-family residence with 1,100 sq. ft. in additions, encroaching into the interior sides and rear setback areas.

NEIGHBORHOOD CHARATERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
South	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
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)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an interior lot, located at 10021 S.W. 38th Terrace. Single-family residences characterize the surrounding area where the subject property lies.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to maintain additional indoor living space to an existing single-family residence. However, the additional setback encroachments and increased lot coverage could have negative visual and aural impacts on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

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

ZONING ANALYSIS:

When requests #1 and #3 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff opines that the approval of request #1, to allow a 19.9' encroachment into the rear (north) setback area and a three (3) feet encroachment into the interior side (west) setback area, and request #3, to permit the existing planters with a minimum setback of 0.87' from the rear (north) and interior side (east) setback areas, are mitigated by the existing 6' high CBS wall along the rear (north) property line and 6' high wood fence along the interior side (west) property line and therefore would not have a negative visual or aural impact on the surrounding area and would be

compatible with same. Staff opines that the requested encroachments in requests #1 and #3 are not likely to affect the stability and appearance of the community. Therefore, staff recommends that as a condition for approval of this application, that the applicant maintains the visual buffer along the rear (north) and interior side (west) property lines to mitigate any negative visual impact from the aforementioned encroachments on the abutting properties. **Staff therefore, recommends approval with conditions of requests #1 and #3 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

However, when request #2 is similarly analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of this request will not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **incompatible** with the same. In fact, staff's research of other properties in the surrounding area did not indicate any similar approvals of interior side setback encroachments as intensive as what is being requested herein. As such, staff opines that the approval of the applicant's request for the existing covered terrace addition to the single-family residence to encroach 6.49' into the interior side (east) setback area (7.5' required) would be overly intensive and would therefore be out of character and **incompatible** with the surrounding residential developments. **Staff therefore, recommends denial without prejudice of request #2 under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

Staff opines that approval of the applicant's request to permit the existing residence with a 8.26% increase in lot coverage (request #4), under the Non-Use Variance Standards of Section 33-311(A)(4)(b) is contingent on the approval of request #2, which would allow the applicant to maintain the covered terrace addition. Staff maintains that the approval of request #2 would be overly intensive and would be out of character with the surrounding residential properties. Further, staff notes that the existing rear addition contributes to the total lot coverage for the residence. As such, contingent upon the denial of request #2, staff recommends a modified approval of request #4, to allow a lot coverage of 40.59% in lieu of the 43.20% being requested. Staff opines that although this would be 5.59% more than the allowable lot coverage of 35%, it would not be as intensive as what is proposed by the applicant.

In staff's opinion, the existing rear addition provides the applicant with additional living space that is not visually intrusive. Additionally, staff opines that the recommended reduced lot coverage of 40.59% would not be visually intrusive to the surrounding properties, since the bulk of this addition is mitigated by the 6' high CBS wall along the rear (north) property line and not easily visible to the adjacent property. **Staff therefore recommends a modified approval with conditions of request #4, to allow a lot coverage of 40.59%, under the Section 33-311(A)(4)(b), Non-Use Variance standards.**

Furthermore, based on the configuration of the floor plans, staff opines that future owners could easily convert the existing residence to allow a multiple residential use. Therefore, staff recommends as a condition for approval, that the applicant submit a Declaration of Use agreement which restricts the use of the subject property to a single-family use only. Additional conditions for the approval of this application include that the exterior door leading outside from the rear (north) bedroom be replaced with a window and that the existing aluminum roof, located in the rear (north) setback area be removed as shown on the plans. **As such, staff recommends approval with conditions of requests #1 and #3, denial without prejudice of request #2, and modified approval with conditions of request #4 to permit a lot coverage of 40.59%.**

CIRCULATION AND PARKING: Not applicable.

ENVIRONMENTAL REVIEW: Not applicable.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions of requests #1 and #3, denial without prejudice of request #2, and modified approval with conditions of request #4 to permit a 40.59% lot coverage.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs Department or its successor department upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "As-built drawings for Mr. Oswaldo Castro" as prepared by Filer & Hammond Architects, Inc. Sheets A-1, A-3 & L-1 dated stamped received 11/01/11 and sheet A-2 dated stamped received 12/20/11, for a total of 4 sheets, except as herein amended to show the replacement of the exterior door leading outside from the north side of the residence with a window and the removal of the covered terrace. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That the applicant submit a Declaration of Use Agreement restricting the use of the subject property to a single-family residence only, prior to the issuance of a building permit.

5. That the exterior door leading outside from the rear (north) bedroom be replaced with a window.

6. That the existing aluminum roof in the rear (north) setback area be removed as shown on the plans.

7. That the applicant maintain the visual buffer along the rear (north) and interior side (west) property lines either in the form of 6' high wood fence or CBS wall.

8. That prior to issuance of a building permit, the applicant submit approvals from the utility companies agreeing to the encroachments into the utility easements as indicated in the plans.

9. That the applicant obtain a building permit for all non-permitted structures on the property from the Permitting, Environment and Regulatory Affairs Department or its successor department within 90 days after the appeal period deadline date.

ES:GR:NN:CH:JC

Eric Silva, AICP, Interim Assistant Director NDN
Zoning and Community Design
Miami-Dade County
Sustainability, Planning and Economic Enhancement Department
Permitting, Environment and Regulatory Affairs Department

ZONING RECOMMENDATION ADDENDUM
HISTORY
MOTION SLIPS*
DEPARTMENT MEMORANDA
DISCLOSURE OF INTEREST*
HEARING PLANS*
MAPS

*If applicable

ZONING RECOMMENDATION ADDENDUM

Dagoberto Castro
Z11-109

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Permitting, Environment and Regulatory Affairs	No objection
Public Works and Waste Management	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

Low Density Residential (Pg. I-31)	*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.*

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*

1. DAGOBERTO CASTRO
(Applicant)

12-4-CZ10-1 (11-109)
Area 10/District 10
Hearing Date: 04/04/12

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
1952	William B & eatrice Oschwend	- Variance of minimum cubic feet.	BCC	Approved in Part
1953	A.J. Paul	- Zone change from AU & EU-1 to RU-1. - Variance of minimum cubic feet.	BCC	Approved

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

Memorandum

MIAMI-DADE COUNTY

Date: November 15, 2011

To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs

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

Subject: C-10 #Z2011000109-1st Revision
Dagoberto Castro
10021 S.W. 38th Terrace
Non-Use Variance to Permit an Addition to a Single-Family Residence Setback Less than Required from Property Lines and Non-Use Variance to Permit a Greater Lot Coverage than Permitted

(RU-1) (0.172 Acres)
17-54-40

Permitting, Environment and Regulatory Affairs has reviewed the subject application for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County (the Code) and has determined that at the present time the same cannot be approved. Therefore, the application must be deferred until the application is found in compliance with the following:

Flood Protection
The application site is not within a Special Flood Hazard Zone as per determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 8.25 ft NGVD. The proposed legalization of the additions as depicted in the zoning request for a variance of set backs appears to be a substantial improvement as defined in the Code.

Existing residential structures with proposed substantial improvements must be 8 inches above the crown of road and County Flood Criteria. Based on the survey provided with this submittal the single family residence has an elevation of 11.52 ft. and the highest crown of road is 9.57 ft. Please submit revised plans to the zoning section depicting elevations for the proposed addition to determine if it complies with the Code. For more information please contact the Floodplain Program at 786-315-2800.

Pertinent Environmental Services Comments:

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

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if

8

approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required for this proposed development order.

Wastewater Disposal
A sewer main project was recently completed and certified (sewer extension permit 2008-SEW-EXT-00008) along SW 38th Terrace. Therefore, a gravity sanitary sewer main abuts the subject property. Please be advised that the applicant will be required to connect to the abutting sanitary sewer line once notified that the line is available for connection.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the 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 the Department 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 storm water runoff from the terrace must be retained on-site, without causing any runoff into the abutting properties. The applicant may be required at the time of construction permit application, to demonstrate by calculation or grading details that there is adequate green area within the property to provide drainage to the terrace, without causing any runoff into the adjacent properties.

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 additions will not impact tree resources. 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
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

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

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

In summary, this application cannot be approved at this time and therefore should not be scheduled for public hearing.

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

Cc: Eric Silva, Permitting, Environment and Regulatory Affairs.

Memorandum

MIAMI-DADE COUNTY

Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

11

Memorandum

MIAMI-DADE COUNTY

Date: December 5, 2011

To: Charles Danger, P.E., Interim Director
Permitting, Environment and Regulatory Affairs

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

Subject: Z2011000109: Dagoberto Castro
Revised plans dated stamped received 11/01/11

Application Name: Dagoberto Castro

Project Location: The site is located at 10021 SW 38 Terrace, Miami-Dade County.

Proposed Development: The applicant is requesting a non-use variance of setbacks and lot coverage for an existing residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb
Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

REVISION 1

Memorandum

Date: 14-NOV-11

To: , Director
Department of Permitting, Environment and Regulatory Affairs

From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department

Subject: Z2011000109

Fire Prevention Unit:

Not applicable to MDFR site requirements.

Service Impact/Demand

Development for the above Z2011000109
located at 10021 SW 38 TERR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1524 is proposed as the following:

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

Based on this development information, estimated service impact is: 0 alarms-annually.
The estimated average travel time is: 5:36 minutes

Existing services

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

Station No. 47 - Westchester - 9361 Coral Way - 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: 15-MAR-12

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

DAGOBERTO CASTRO

APPLICANT

10021 SW 38 TERR, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

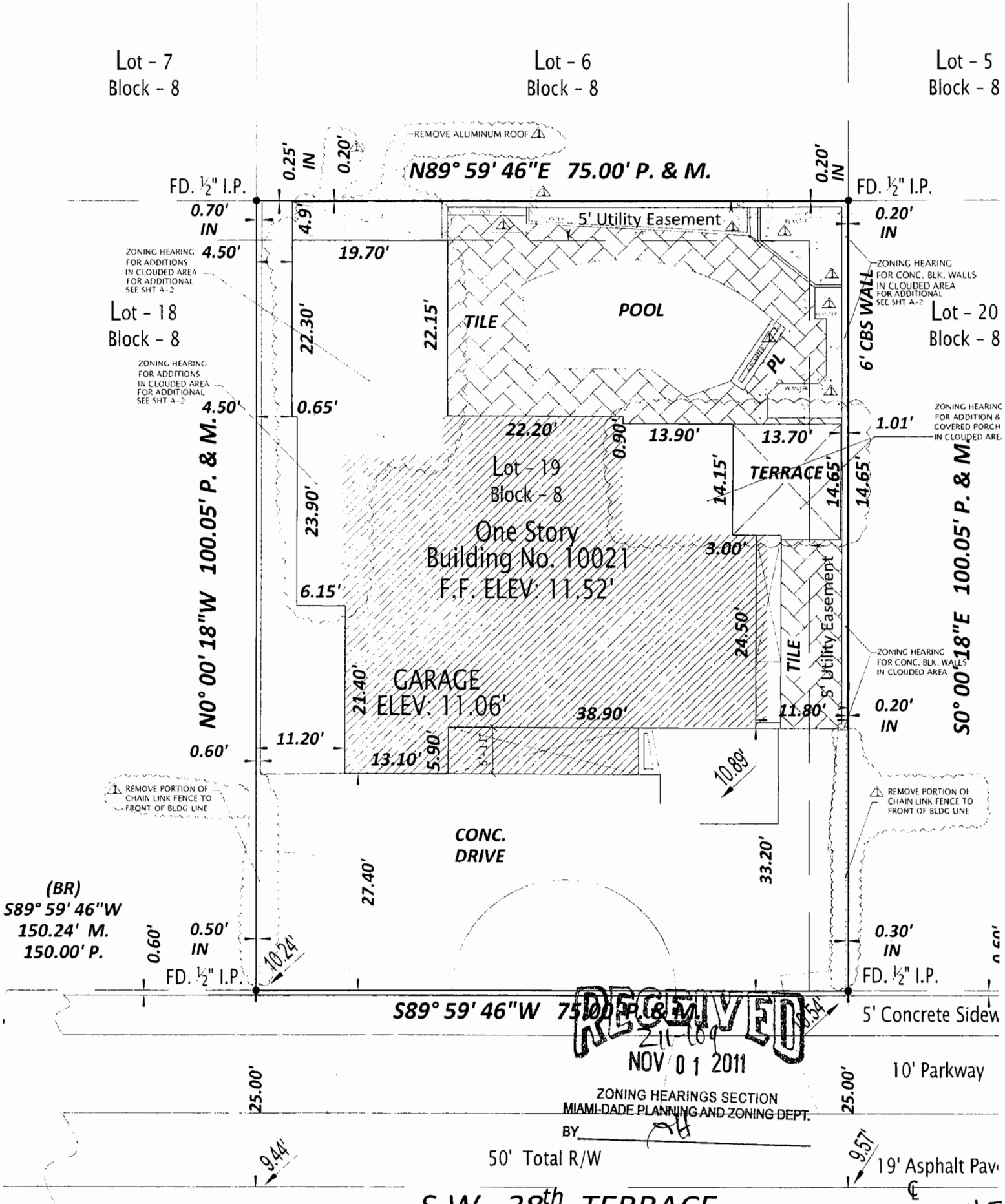
Z2011000109

HEARING NUMBER

HISTORY:

BNC: BSS case G20110142463-UG was opened on February 1, 2011. Growhouse case opened property indentified by MDPD as a ¿Grow house¿¿ main dwelling with carport converted into a living space¿ repair required on exterior wall and roof structure if Structure ¿B¿ is demolished¿ in addition to obtaining required permits, report for Electrical, Plumbing, Structural and Mold conditions have to be submitted and approved by Unsafe Structure Section before a final inspection can be scheduled¿ Structure B¿ Property indentified by MDPD as a `¿Grow house¿¿built without the required permit¿ underground room constructed and used as a grow house. In addition to obtaining required permits, reports for Electrical, Plumbing, Structual and Mold conditions have to be submitted and approved by Unsafe Structures Section before a final permit inspection can be scheduled. Structure ¿C¿ slab and pool with stagnant water¿ Structure¿D¿..Attached aluminum roof built without the required permit¿with washer and dryer underneath¿Structure ¿E¿¿.Concrete fence built without the required permit¿height more than 6 ft. Notice of Violation (NOV) issued on May 23, 2011 providing compliance dates as follow Structures A,C: To be secured by May 15, 2011. Permits to be obtained by August 3, 2011, repairs to be completed by December 1, 2011. Structures B, D, E: Permits to be obtained by June 4, 2011, demolition to be completed by June 24, 2011. Due to non compliance of NOV the case was sent for a Panel hearing on September 15, 2011, all structures were given 180 days to obtain permit and 120 days to complete repairs, case remains open.
BSS case A2012000551-X opened on November 11, 2011. Notice of Violation issued on November 11, 2011 for expired permit 2011020083, case remains opened in non compliance

Dagoberto Castro



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NOV 01 2011
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MIAMI-DADE PLANNING AND ZONING DEPT.
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ENLARGED SITE PLAN

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PROCESS # 21-109
DATE: NOV 01 2011
BY: [illegible]

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

16

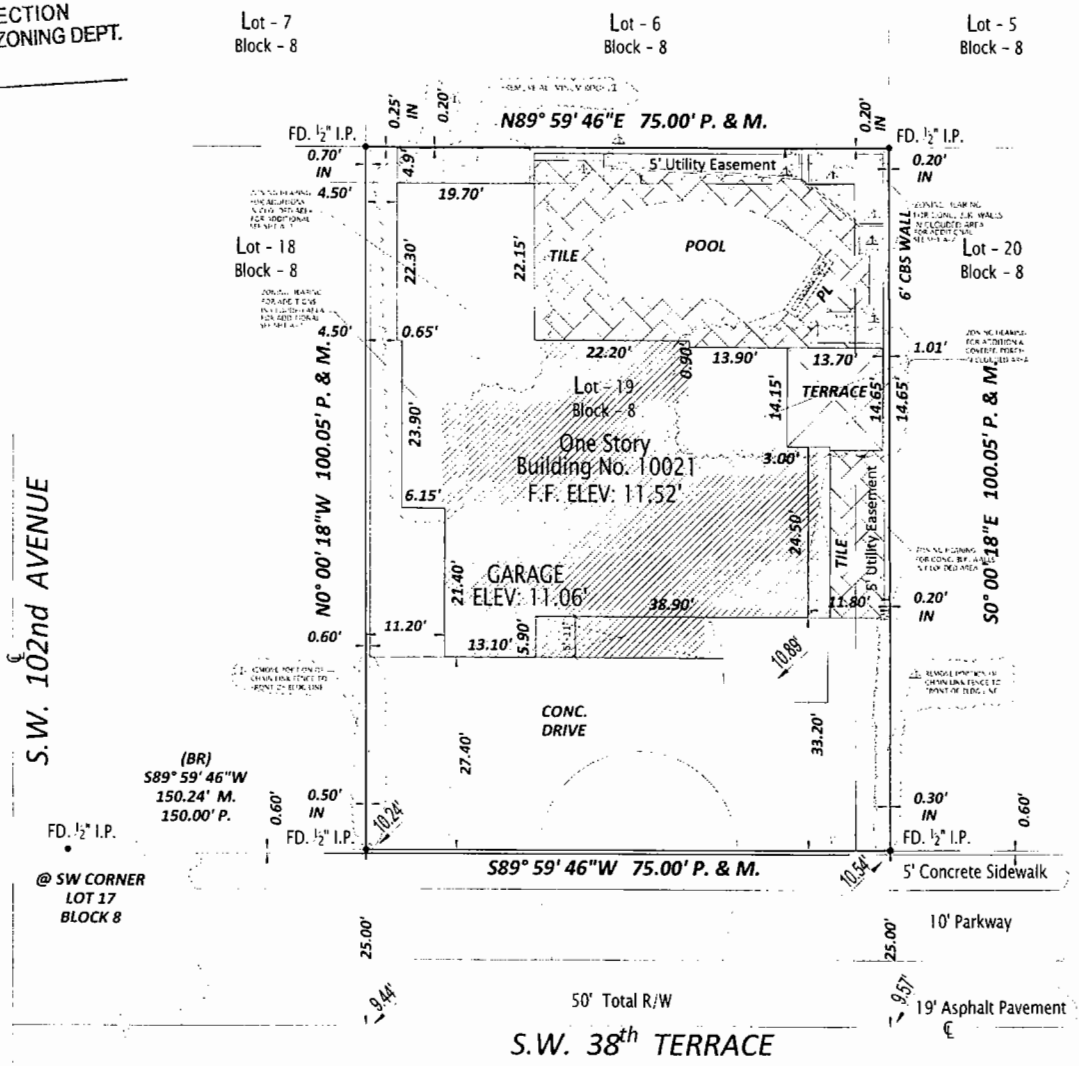
ZONING INFORMATION:

PERMIT HISTORY INFORMATION

ZONING LEGEND

FLOOD PROGRAM

THE SITE WILL BE GRADED IN A MANNER TO PREVENT THE FLOODING OF ADJACENT PROPERTIES. INTERCEPTORS SWALES WILL BE CONSTRUCTED ON-SITE WITH NO ENCROACHMENT OVER ADJACENT PROPERTIES.



LEGAL DESCRIPTION:

TAX FOLIO:

EXISTING SITE PLAN
SCALE: 1/8"

DATE	REVISION
9-29-11	ZONING HEARING COMMENTS

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Filer & Hammond Architects, Inc.
7438-A S.W. 48 ST., MIAMI, FL. 33155 444-5714
As-built drawings for
Mr. Oswaldo Castro at
10021 SW 38 Terrace, Miami, Fl. 33165

DATE: 3-24-2011
LIC.#AA-C002179
LIC.#FILER: 3144
HAMMOND:#5159
COMM. NO.: 1111
TITLE: SITE PLN
SHEET: A-1

10-24-11

17

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MIAMI-DADE COUNTY
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DATE: DEC 20 2011
BY: [illegible]

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211-109
DEC 20 2011
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MIAMI-DADE PLANNING AND ZONING DEPT.
BY

ZONING HEARING FOR CONC. BLK. WALLS IN CLOUDED AREA

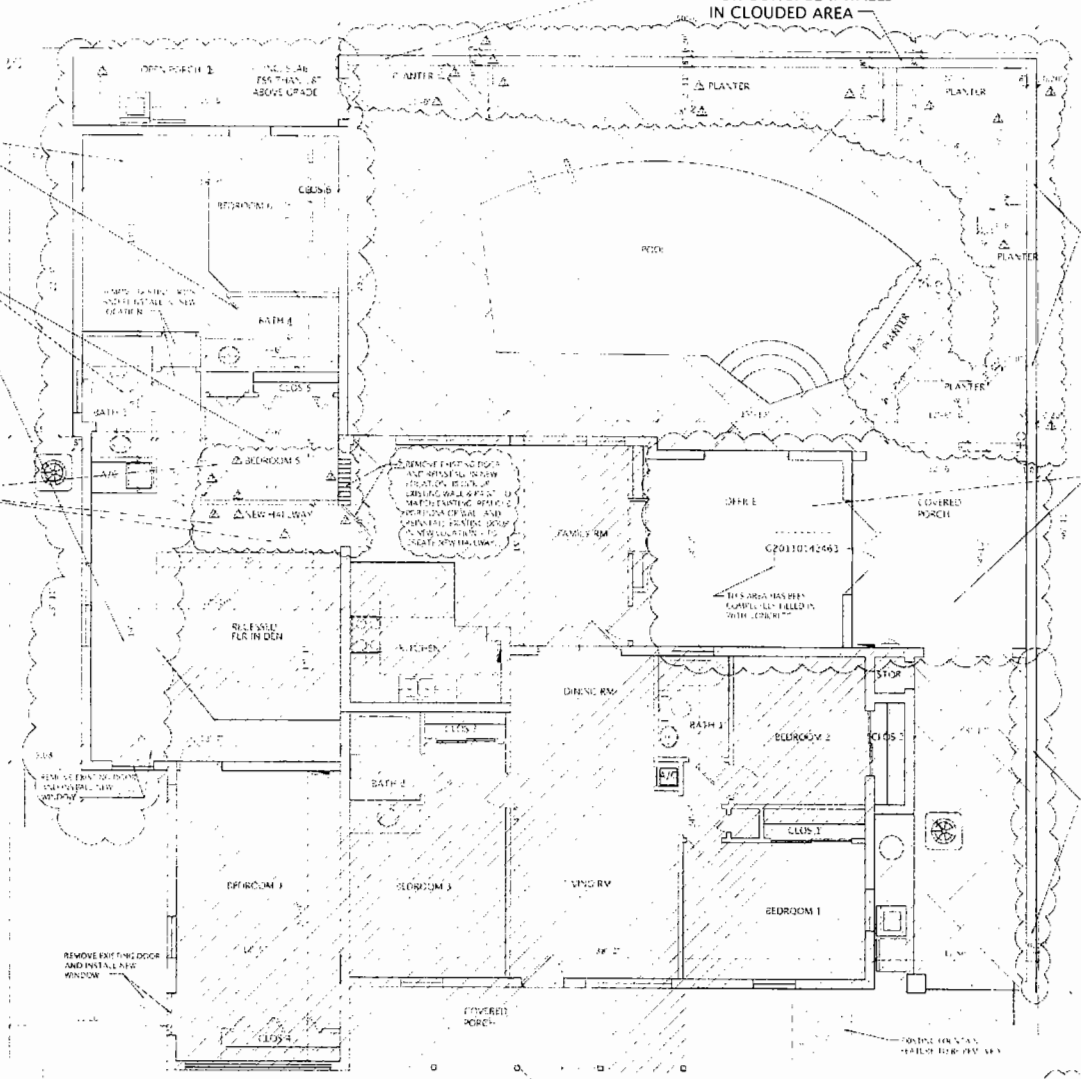
ZONING HEARING FOR ADDITIONS IN CLOUDED AREA

ZONING HEARING FOR ADDITIONS IN CLOUDED AREA

ZONING HEARING FOR CONC. BLK. WALLS IN CLOUDED AREA

ZONING HEARING FOR ADDITION & COVERED PORCH IN CLOUDED AREA

ZONING HEARING FOR CONC. BLK. WALLS IN CLOUDED AREA



AS-BUILT FLOOR PLAN
SCALE: 1/4"

ZONING INFORMATION:

PERMIT HISTORY INFORMATION

SYMBOL LEGEND

DATE	REVISION
9-26-11	ZONING COMMENTS
11-28-11	ZONING COMMENTS

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10021 SW 38 Terrace, Miami, Fl. 33165

DATE: 3-24-2011
LIC.#AA-C002179
LIC.#FILER: 3144,
HAMMOND:#5159
COMM. NO.: 1111
TITLE: ASBUILT PLN
SHEET: A-2

12-15-11

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MIAMI-DADE COUNTY
PROCESS #: 211-100
DATE: NOV 01 2011
BY: SDR

DATE	REVISION
9-29-11	1 ZONING COMMENTS

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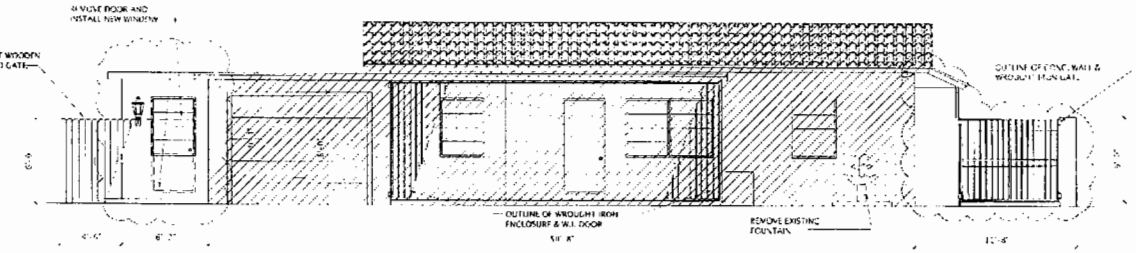
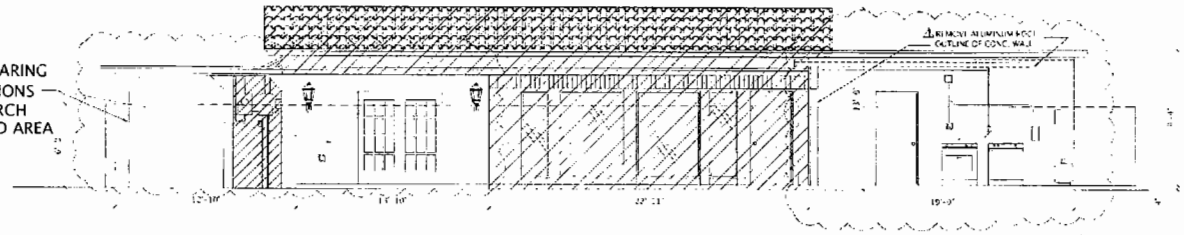
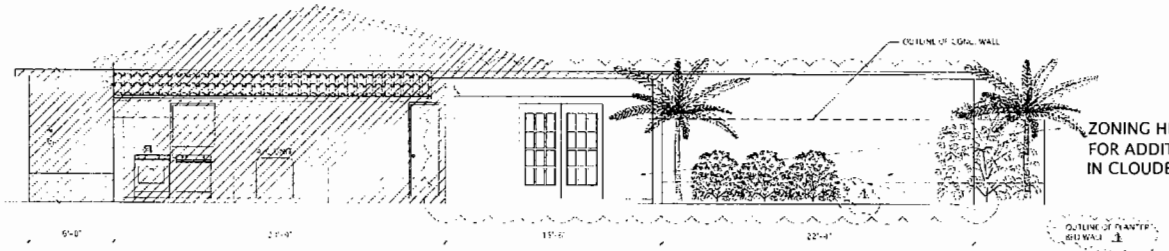


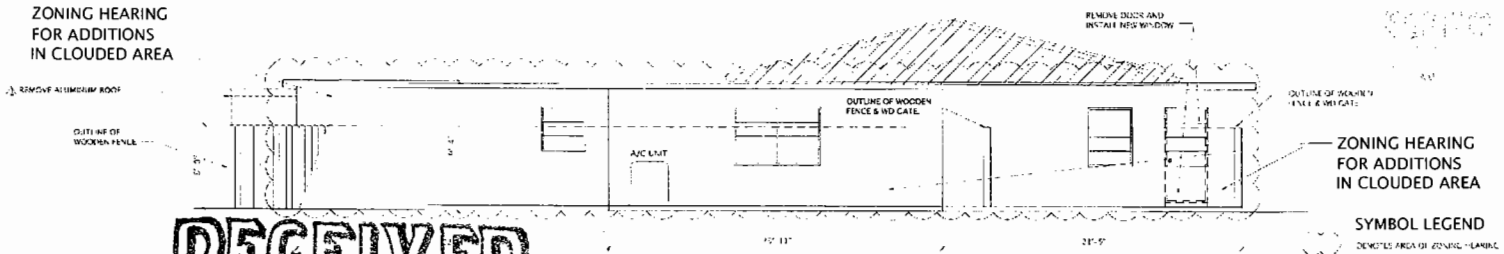
EXISTING SOUTH ELEVATION 1/4"



EXISTING NORTH ELEVATION 1/4"



EXISITNG EAST ELEVATION 1/4"



EXISITING WEST ELEVATION 1/4"

SYMBOL LEGEND

DENOTES AREA OF ZONING HEARING

EXISTING CONSTRUCTION ALREADY PERMITTED

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211-100
NOV 01 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

Filer & Hammond Architects, Inc.
7438-A S.W. 48 ST., MIAMI, FL. 33155 444-5714

As-built drawings for

Mr. Oswaldo Castro at

10021 SW 38 Terrace, Miami, Fl. 33165

DATE: 3-24-2011
LIC.#AA-C002179
LIC.#FILER: 3144,
HAMMOND:#5159
COMM. NO.: 1111

TITLE: ELEVS

SHEET: A-3

10/24/11

19

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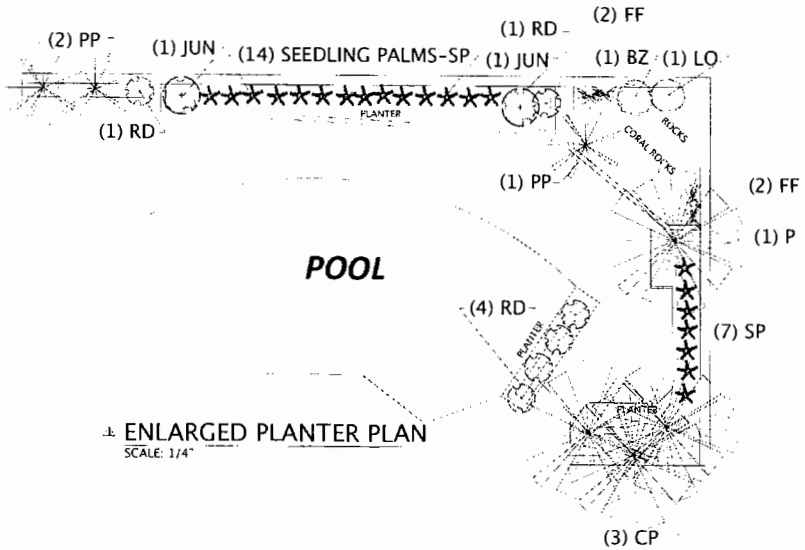
MIAMI-DADE COUNTY
PROCESS #: 211-109
DATE: NOV 01 2011
BY: SDE



ENLARGED PLANTER PLAN
SCALE: 1/4"

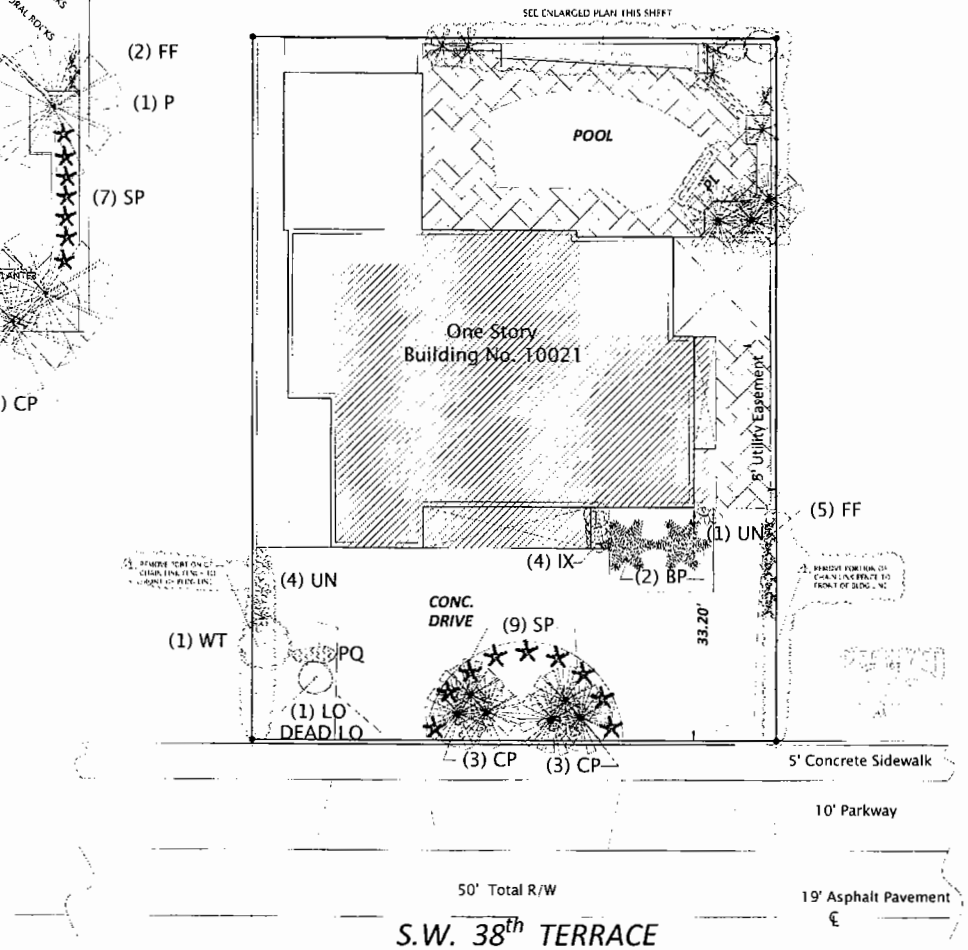
LANDSCAPE LEGEND

ZONING DISTRICT: RU-1 NET LOT AREA: 7,503 SF.

TREES					NATIVE SPECIES	HEIGHT	CALIPER OR SPACING	TOTAL
SYMBOL	ACT	EXISTING	SCIENTIFIC	COMMON	YES/NO	INSTALLED		
P		1	PTYCHOSPERMA ELEGANS	SOLITARY PALM	NO	15'	5'	1
RP		2	HYDROPHORBE AMERICAULIS	BOTTLE PALM	NO	6'	8'	2
CP		9	ADONIDIA MERRILLI	CHRISTMAS PALM	NO	15'	5'	9
PP		1	DICTYOSPERMA ALBUM	PRINCESS PALM	YES	12'	4'	1
LO		2	QUERCUS LAURIFOLIA	LAUREL OAK	NO	12	7'	2
BZ		1	SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER	NO	10	7	1
WT		1	PSEUDOMALMEA QUEM	WILD TAMARIND	YES	12	3	1
SP		16	UNKNOWN	SEEDLING PALM	UNKNOWN	7'	1'	16
							TOTAL	49

SHRUBS								
RD		6	CORDYTERM LIGULUM	RED IS DRACAENA		2'	2'	6
IP		4	INDRA FOLOCIALA	RED INDRA		2	1'	4
FF		1	NEPHROLEPIS BISERRATA VAR FURCANS	FISH TAIL FERN		3	2'	1
PQ		15	SCEPTAMEA PALLIDA	PEPPLE QUEEN		3'	15'	15
PN		2	SPARTAN EUMPERIS	JUNIPER		1	2	2
UN		5	UNKNOWN	UNKNOWN SHRUBS		3'	2	5
							TOTAL	36

*DO NOT ADJUSTIVE FLORITAMT



EXISTING LANDSCAPING PLAN
SCALE: 1/8"

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211-109
NOV 01 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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DATE	REVISION
9-29-11	1 ZONING HEARING COMMENTS

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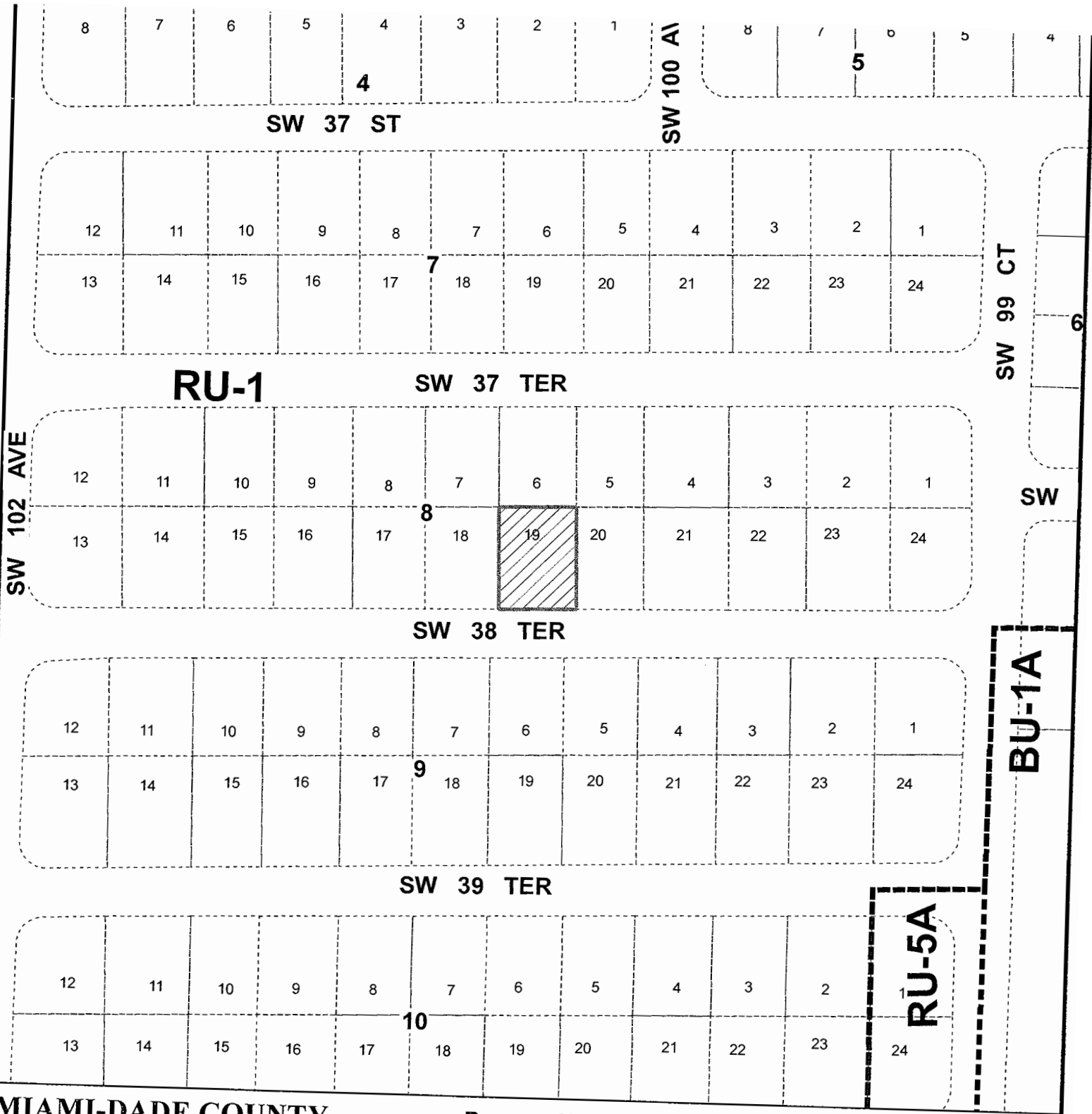
DATE: 3-24-2011
LIC.#AA-C002179
LIC.#FILER: 3144,
HAMMOND:#5159
COMM. NO.: 1111
TITLE: LANDSC
SHEET: L-1

10-24-11



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000109

Section: 17 Township: 54 Range: 40
Applicant: DAGOBERTO CASTRO
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend
Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, October 3, 2011

REVISION	DATE	BY
		20

MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z2011000109

N
W E
S

Section: 17 Township: 54 Range: 40
Applicant: DAGOBERTO CASTRO
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

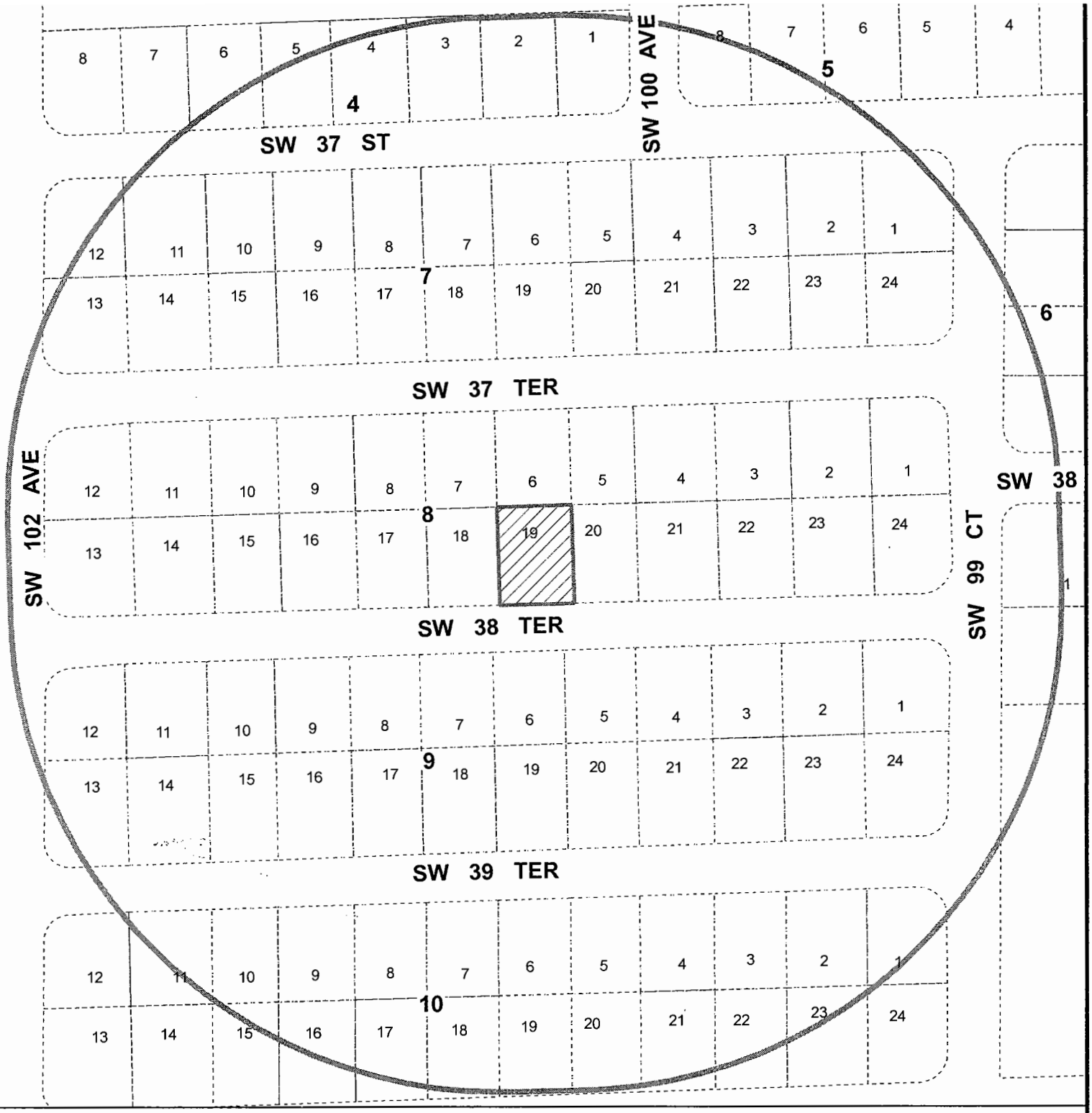
Legend

Subject Property

MIAMI-DADE

SKETCH CREATED ON: Monday, October 3, 2011

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2011000109

RADIUS: 500

Section: 17 Township: 54 Range: 40
Applicant: DAGOBERTO CASTRO
Zoning Board: C10
Commission District: 10
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, October 3, 2011

REVISION	DATE	BY
		22