

KITS

9-5-2008 Version # 1



COMMUNITY ZONING APPEALS BOARD 11
ARVIDA MIDDLE SCHOOL
10900 SW 127 Avenue, Miami
Thursday, October 16, 2008 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|--------------|--|-------|----------|---|
| 1. | 08-10-CZ11-1 | HUMBERTO & BEATRIZ DIAZ | 08-43 | 35-54-39 | N |
| 2. | 08-10-CZ11-2 | CARLOS CUBA GAMARRA & JUAN
CAMPILLO | 08-95 | 26-54-39 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 11

MEETING OF THURSDAY, OCTOBER 16, 2008

ARVIDA MIDDLE SCHOOL

10900 SW 127 AVENUE, 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: 13552 AND 13554 S.W. 65 Lane, Miami-Dade County, Florida.

SIZE OF PROPERTY: 8,259.08 sq. ft.

Department of Planning and
Zoning Recommendation:

Denial without prejudice of request #1; approval with conditions of request #2 on a modified basis, to allow a maximum lot coverage of 39.4% in lieu of the requested 40.8% under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Sections 33-311(A)(14) (ASDO) and 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

T H E E N D

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

1. HUMBERTO & BEATRIZ DIAZ
(Applicant)

08-10-CZ11-1 (08-43)
Area 11/District 10
Hearing Date: 10/16/08

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 11**

APPLICANTS: Humberto and Beatriz Diaz

PH: Z08-43 (08-10-CZ11-1)

SECTION: 35-54-39

DATE: October 16, 2008

COMMISSION DISTRICT: 10

ITEM NO.: 1

A. INTRODUCTION:

o **REQUEST:**

Applicants are requesting to permit an addition to a single-family residence setback 15.29' (25' required) from the rear (west) property line.

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Diaz Residence," as prepared by Zubillaga Design, Inc., Sheets "A-1" and "A-2" dated stamped received 7/29/08 and Sheet "A-3" dated stamped received 8/11/08 for a total of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:** The applicants are requesting to permit an existing addition to a single-family residence setback closer to the rear property line than permitted.

o **LOCATION:** 8430 S.W. 129 Avenue, Miami-Dade County, Florida.

o **SIZE:** 11,456 sq. ft.

o **IMPACT:** The approval of the request would allow the applicants the maintenance and continued use of the existing addition to the single-family residence. However, the reduced setback along the rear (west) property line could have a negative visual impact on the adjoining single-family residence located to the west of the subject site.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. 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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

Surrounding Properties:

NORTH: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

EAST: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

WEST: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is located at 8430 S.W. 129 Avenue in an area characterized by single-family residences developed under the RU-1 zoning district regulations.

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings. The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

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

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

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

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

19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

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

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

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a

manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

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

Section 33-311(A)(4)(b) Non-Use Variances from other than airport regulations.

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

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

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

This subject property is an irregularly shaped corner lot located at 8430 S.W. 129 Avenue and is improved with a single-family residence in an established area zoned RU-1, Single-Family Residential District. The applicants are requesting to permit an existing addition to a single-family residence setback 15.29' from the rear (west) property line. The RU-1 zoning district requires a minimum rear setback of 25' for the principal residence and any additions. The applicants have submitted plans depicting the aforementioned request.

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. However, the applicants will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** and the **Miami-Dade Fire Rescue Department (MDFR)** also have **no objections** to this application and MDFR indicates in their memorandum that the estimated average response travel time is **5:07** minutes.

Approval of the request would allow the applicants the maintenance and continued use of the existing addition to the single-family residence. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). Because the addition will not add additional dwelling units to the property, the RU-1 zoned subject property 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 the request would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. The approval of this application will permit an existing 464-square foot computer/study room, family room, bathroom, and storage addition to the single-family residence setback 15.29' (25' required) from the rear (west) property line, which will provide additional indoor living space for the residents. Staff acknowledges that said addition results in an encroachment of 9.71' into the rear setback area, but notes that said encroachment is adequately buffered by an existing 6' high wood fence that encloses the rear yard area of the site. Furthermore, staff opines that the approval of the request would not be out of character with the surrounding area as similar requests for relief of rear setback

requirements have been granted in the area. Specifically, staff notes that a property located at 13000 SW 85 Street, approximately 133' to the west of the subject site, was granted a request to permit a family-room addition to a single-family residence to setback 12.7' from the rear property line, pursuant to Administrative Variance No. V1979000207. Moreover, staff notes that property located at 13010 SW 85 Street, approximately 191' to the west of the subject site, was granted a request to permit an addition to a single-family residence setback 13.33' from the rear property line by this Board, pursuant to Resolution No. CZAB11-26-06. As such, staff opines that the approval of the request would not be out of character with the surrounding area and recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV).

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

When analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with RU-1 zoning regulations, this application cannot be approved under the ANUV Standard and should be denied without prejudice under §33-311(A)(4)(c) (ANUV).

Based on all of the foregoing, staff opines that the approval of the request would not be out of character with the area and is **compatible** with same. Accordingly, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of the request under Section 33-311(A)(4)(b) (NUV) and denial without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

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 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 "Diaz Residence," as prepared by Zubillaga Design, Inc., sheets "A-1" and "A-2" dated stamped received 7/29/08 and sheet "A-3" dated stamped received 8/11/08, consisting of a total of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants apply for and secure a building permit for all of the existing non-permitted additions to the single-family residence from the Building Department within 120 days of the expiration of the appeal period for this public hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning, for good cause shown.

DATE INSPECTED: 09/10/08
DATE TYPED: 09/03/08
DATE REVISED: 09/05/08; 09/08/08; 09/30/08
DATE FINALIZED: 09/30/08
MCL:MTF:LVT:NC


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

Memorandum



Date: April 30, 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".

Subject: C-11 #Z2008000043
Humberto and Beatriz Diaz
8430 S.W. 129th Avenue
Request to Permit an Addition that Exceeds Setback Requirements
(RU-1) (0.26 Acres)
35-54-39

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.

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.

Date: March 8, 2006

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



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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 25-AUG-08
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000043

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000043
located at 8430 S.W. 129 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1784 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: 5:07 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 57 - West Kendall - 8501 SW 127 Avenue
Rescue

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.

Office of Neighborhood Compliance WEST OFFICE

ENFORCEMENT HISTORY

Humberto and Beatriz Diaz

8430 SW 129 Avenue
Miami-Dade County, Florida

APPLICANT

ADDRESS

10/01/08

Z2008000043

DATE

HEARING NUMBER

CASE # 1

10/01/08

CMS # TBA

Inspection conducted – No violation(s) observed

CASE # 2

03/16/06

CMS # 200612-1189

1st. Inspection conducted- Case was closed on 4/12/06 due to that Environmental Investigative Unit (MDPD) is handling

CASE # 3

07/07/01

CMS # 200112-4544

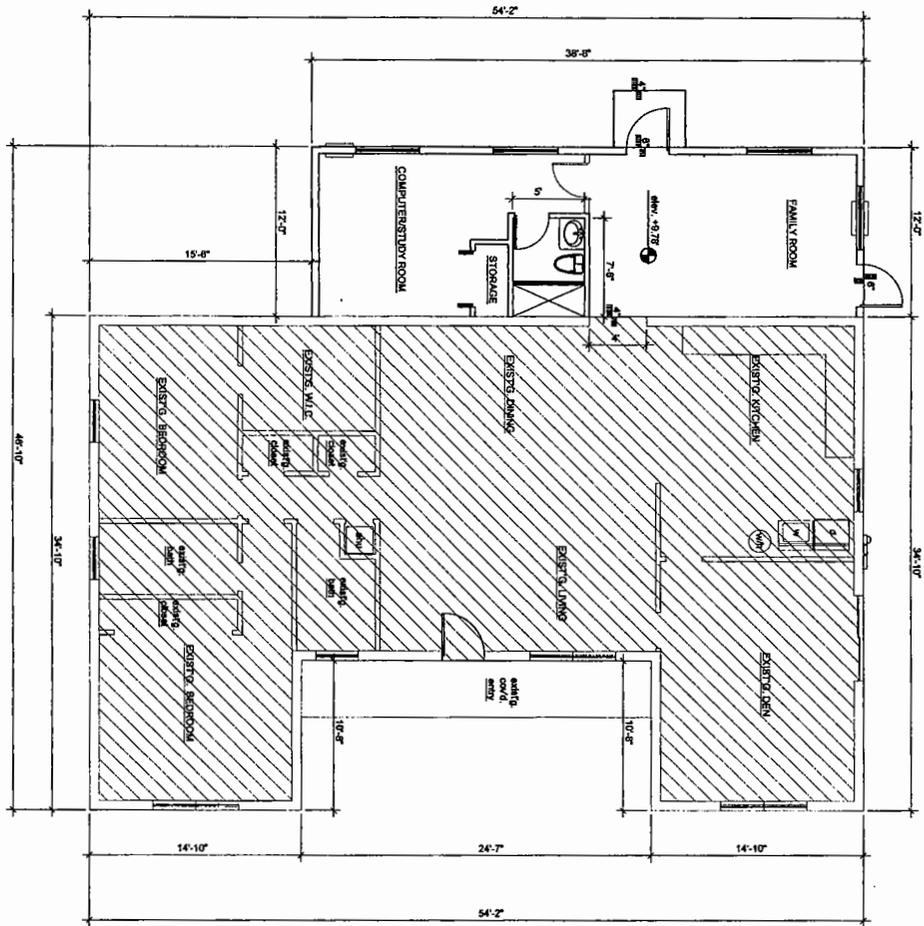
1st. Inspection conducted- Found in violation of Ch. 33-124.1. Warning Notice was issued. Violation corrected by property owner on 07/12/01

CASE # 4

01/25/00

CMS # 200002-4691

1st. Inspection conducted- Found in violation of Ch. 33-15.1. Warning Notice was issued. Case was transferred to another office, and violation was corrected by property owner on 05/25/01.



FLOOR PLAN 1/4"=1'-0"

MICHAEL J. ZERBE

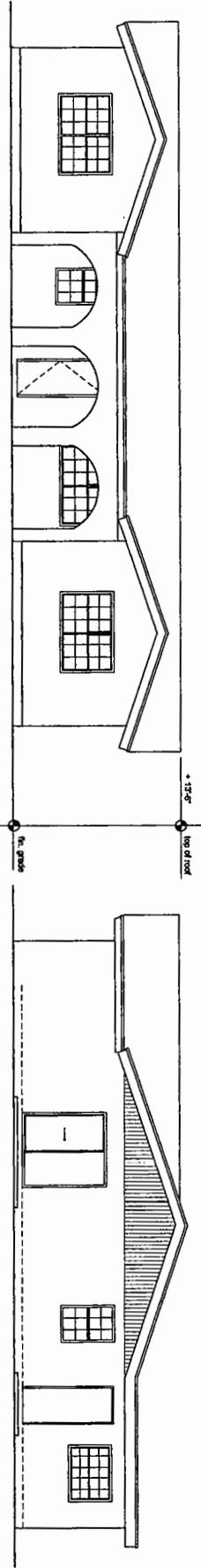
 PROFESSIONAL ENGINEER

 STATE OF FLORIDA

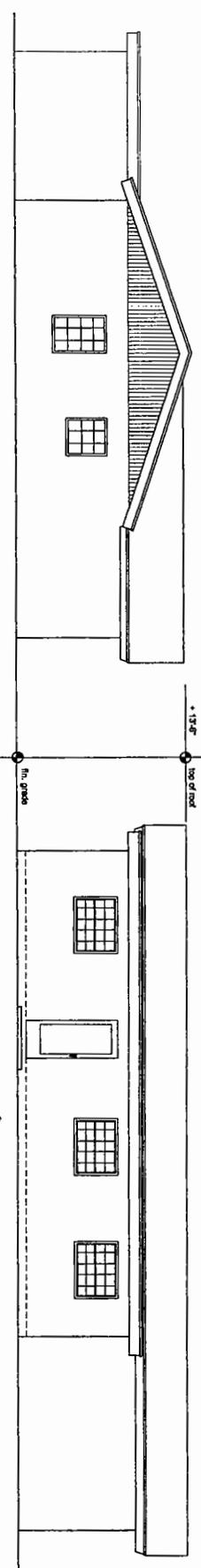
 LICENSE NO. 12013

 EXPIRES 12/31/2025

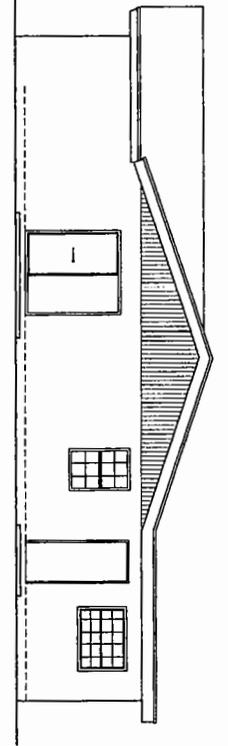
ARCHITECTURE GUYTON/PAUL ANDERSON 1000 N. W. 10th St., Suite 100 Ft. Lauderdale, FL 33304 Phone: (754) 561-1111	"DIAZ RESIDENCE" 8430 SW 129th AVE., Dade County, FL 33183 owner: Mr./Ms. Diaz pho: (786) 206-5764	PROJECT: AS BUILT ADDITION DATE: 1/20/08 REVISIONS:	SCALE: NOTED BY: J.Z. DATE: 1/20/08 JUNNY ZERBE/JCA ARCHITECT 1000 N. W. 10th St., Suite 100 Ft. Lauderdale, FL 33304	SHEET NO. FOR DESIGN ZD THE TOTAL NUMBER OF SHEETS IN THIS PROJECT IS 10
	TRACER # A-2 24			



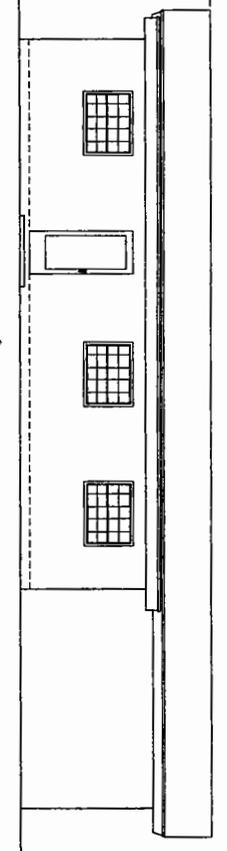
✓ EAST ELEVATION 1/4"=1'-0"
Front



✓ SOUTH ELEVATION 1/4"=1'-0"



✓ NORTH ELEVATION 1/4"=1'-0"



✓ WEST ELEVATION 1/4"=1'-0"
Back

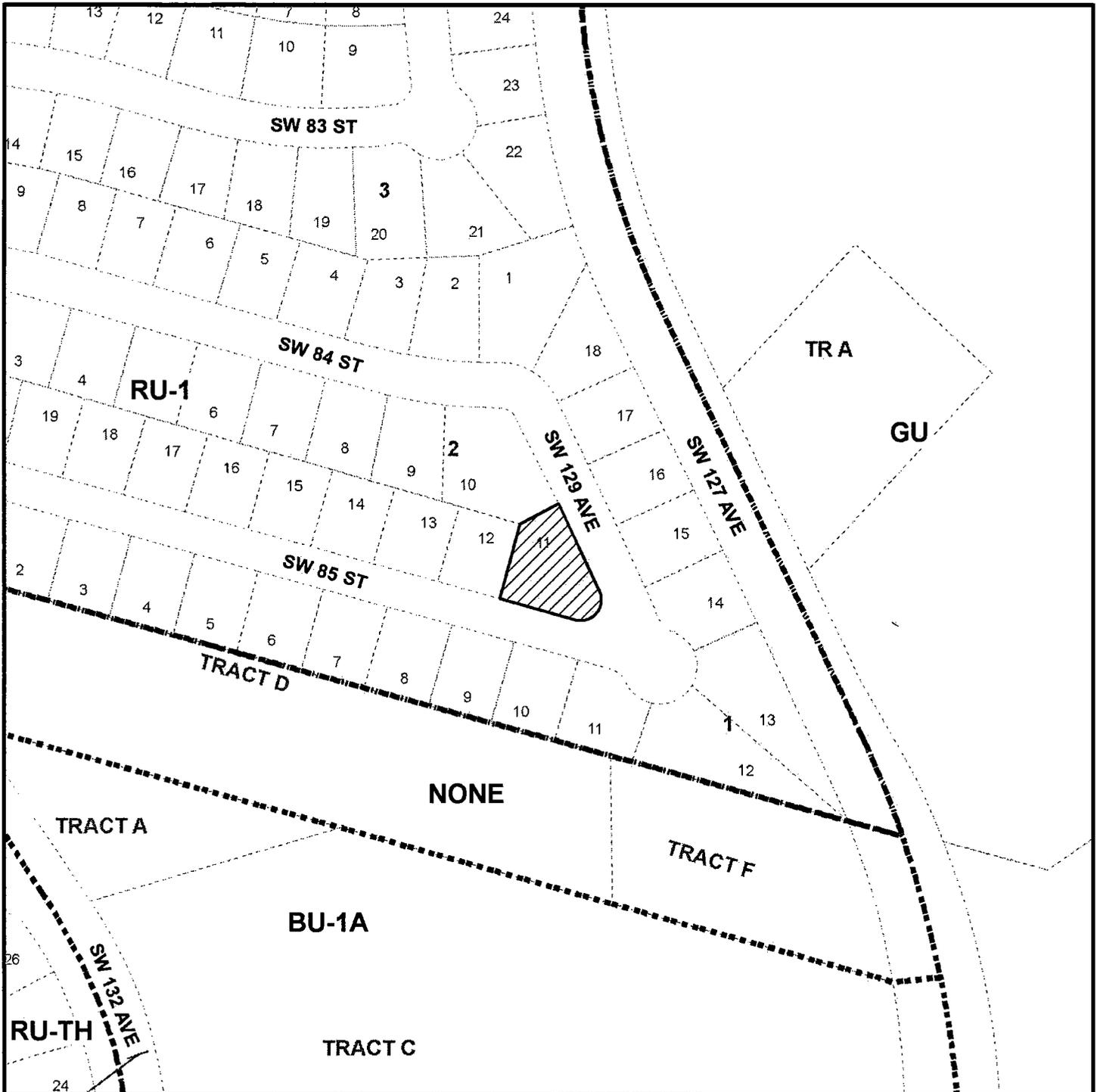
REVISIONS
 1. 11/15/17
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 8. 11/15/17
 9. 11/15/17
 10. 11/15/17

DATE: 4-26-18
 REVISIONS:
 SCALE: NOTED
 BY: J.Z.
 O.D.
 JUAN I. ZIBILAKA
 REG. ARCHITECT
 AS 1447

PROJECT: AS BUILT ADDITION
 "DIAZ RESIDENCE"
 8430 SW 129th AVE., Dade County, FL 33183
 owner: Mr./Ms. Diaz pho: (786) 208-5764

ARCHITECTING
 ZIBILAKA DESIGN INC.
 57th Street, West Palm Beach, FL 33411
 Tel: 561-840-1111
 Fax: 561-840-1112

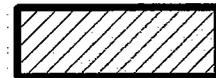
FIGURE #
 A-3



MIAMI-DADE COUNTY
HEARING MAP

Process Number

08-043



SUBJECT PROPERTY

Section: 35 Township: 54 Range: 39
 Applicant: HUMBERTO & BEATRIZ DIAZ
 Zoning Board: C11
 District Number: 10
 Drafter ID: JOAQUIN
 Scale: NTS



CREATED ON: 03/14/08

REVISION	DATE	BY

19



MIAMI-DADE COUNTY
AERIAL

Process Number
08-043

Section: 35 Township: 54 Range: 39
 Applicant: HUMBERTO & BEATRIZ DIAZ
 Zoning Board: C11
 District Number: 10
 Drafter ID: JOAQUIN
 Scale: NTS



SUBJECT PROPERTY



CREATED ON: 03/14/08

REVISION	DATE	BY

2. CARLOS CUBA GAMARRA & JUAN CAMPILLO
(Applicant)

08-10-CZ11-2 (08-95)
Area 11/District 10
Hearing Date: 10/16/08

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>
1969	Merwitzer, et al	Zone change.	BCC	Approved on a modified basis w/conds.
1969	Merwitzer, et al	Zone change.	ZAB	Recommended for approval on a modified basis

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. 11**

APPLICANTS: Carlos Cuba Gamarra and Juan Campillo **PH:** Z08-095 (08-10-CZ11-2)

SECTION: 26-54-39 **DATE:** October 16, 2008

COMMISSION DISTRICT: 10 **ITEM NO.:** 2

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicants are requesting to permit a bedroom and utility room addition to Unit "B" of a duplex residence setback 4.5' (7.5' required) from the interior side (east) property line.
- (2) Applicants are requesting to permit a duplex residence with a lot coverage of 40.8% (30% permitted).

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

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalization of Addition to Residence for: Carlos Cuba," as prepared by Remberto Contreras, Professional Engineer, dated stamped received 7/28/08 and consisting of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking approval for an existing bedroom addition and a utility room addition to a duplex residence with less interior side setback than required. Additionally, the applicants are seeking approval to allow the existing duplex residence with a lot coverage which exceeds that permitted by the Zoning Code.

o **LOCATION:**

13552 and 13554 SW 65 Lane, Miami-Dade County, Florida

o **SIZE:** 8,259.08 sq. ft.

o **IMPACT:**

Although the existing addition provides additional living area for the residents, the approval of the encroachment into the interior side setback area and excessive lot coverage could have a negative visual impact on adjacent properties.

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.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>SUBJECT PROPERTY:</u>	
RU-4L; Duplex residence	Low Medium Density, 6 to 13 dua
<u>SURROUNDING PROPERTY:</u>	
<u>NORTH:</u> RU-4L; Duplex residence	Low Medium Density, 6 to 13 dua
<u>SOUTH:</u> RU-4L; Duplex residence	Low Medium Density, 6 to 13 dua
<u>EAST:</u> RU-4L; Duplex residence	Low Medium Density, 6 to 13 dua
<u>WEST:</u> RU-1; FPL easement	Low Medium Density, 6 to 13 dua

The subject property is an interior lot located at 13552 and 13554 SW 65 Lane. The surrounding area is developed with duplex residences.

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

***for request #2 only on a modified basis**

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

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

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

trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and

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

15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
 16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
 17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
 18. safe sight distance triangles shall be maintained as required by this code; and
 19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
 20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
 21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;
 - E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.
- (e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:
1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and

2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

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

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

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned

by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts;

- B. and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

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

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

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

G. NEIGHBORHOOD SERVICES:

DERM	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 13552 and 13554 SW 65 Lane in an established duplex residential area zoned RU-4L, Limited Apartment House District. The applicants are seeking approval of an existing bedroom and utility room addition to one of the duplex units setback 4.5' from the interior side (east) property line. Additionally, the

applicants are requesting to permit the continued use of the duplex residence with a lot coverage of 40.8% which exceeds the lot coverage permitted by the Zoning Code. The RU-4L zoning district when developed with duplexes requires a minimum interior side setback of 7.5' and allows a maximum lot coverage of 30% for such duplex residence. Plans submitted by the applicants depict the requests for the bedroom and utility room addition to the duplex residence with a combined lot coverage of 40.8%.

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 **6:31** minutes.

The applicants seek to allow the maintenance and continued use of an existing bedroom and utility room addition attached to the rear portion of a duplex residence, specifically, to Unit "B" located at 13552 SW 65 Lane. The bedroom and utility room addition is located within the required 7.5' interior side (east) setback area. Additionally, the applicants seek to allow the maintenance and continued use of the principal duplex structure with a combined lot coverage of 40.8% which exceeds the 30% permitted lot coverage by 10.8%. 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 2 units on this site. Since the requests will not add additional units to the community, the 8,259.08 square foot, duplex lot is **consistent** with the Low-Medium Density designation as shown in the LUP map of the CDMP.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of Request #1 would be **incompatible** with the surrounding area, would be detrimental to the neighborhood and would affect the appearance of the community. In request #1 the applicants seek approval for the maintenance and continued use of a bedroom addition and utility room addition to Unit "B" of a duplex residence setback 4.5' (7.5' required) from the interior side (east) property line. Although, the existing bedroom and utility room addition have been designed, as depicted in the submitted plans, to match the same architectural style and scale as the existing duplex residence, staff opines that the 3' encroachment into the required interior side setback area is excessive and does not provide adequate circulation space on the easterly portion of the lot. Additionally, when the door to the utility room is opened, it substantially reduces interior side access from the front yard to the rear yard area. Moreover, staff opines that the addition's encroachment of 3' into the interior side (east) setback area results in an obvious departure from the aesthetic character of the surrounding area. However, staff will recommend in favor of the balance of the application on a modified basis if the applicants remove that portion of the bedroom and utility room addition which encroaches 3' into the interior side (east) setback area, and maintains the remaining portion of such addition in alignment with the easterly building line of the existing duplex residence. Therefore, staff recommends denial without prejudice of request #1.

Request #2 is seeking approval for the maintenance and continued use of a duplex residence with a lot coverage of 40.8% where the Zoning Code allows a maximum of 30%. As indicated on the departmental record copies of the original building plans, the original duplex structure was constructed as two units containing two bedrooms and two

bathrooms each, with a combined lot coverage of 28.4% and with an 8.66' interior side (east) setback and a 40.4' rear (south) setback area. As depicted by the plans submitted by the applicants, the original duplex structure has been extended towards the rear setback area by 15.1' on both units (Unit "A" and Unit "B"), resulting in a reduction of the rear setback area from 40.4' (as originally built) to 25.3' for Unit "A" and Unit "B". Additionally the lot coverage has increased from 28.4% (as originally built) to an existing excessive lot coverage of 40.8% and exceeding the permitted 30% lot coverage by 10.8% resulting in an additional 891.98 square feet of building area. Staff acknowledges that a similar request for interior side setback requirements (request #1) was granted in 1982, pursuant to Administrative Variance #82-AV-180, to allow a carport addition to setback 3.8' from the interior side property line was approved on a parcel of land located at 13500 SW 66 Street (approximately 300' southeasterly of the subject property) and in 1990, pursuant to Administrative Variance #90-AV-242, a request to allow a florida room addition to setback 18.1' from the rear property line and to allow a lot coverage of 34.2% was approved on a parcel of land located at 6330 SW 135 Avenue (approximately 700' northeast of the subject property). However, staff is of the opinion that this request (request #2) found in this application is excessive and **incompatible** with the surrounding area. However, staff opines that it would be compatible if the applicant removes that portion of the addition which encroaches 3' into the interior side (east) setback area, which will result in a decrease of 113.82 square feet of the bedroom and utility room addition and a resultant decrease of the requested lot coverage by 1.4% (from the requested 40.8% to 39.4%). Staff will support this request on the modified basis to allow a maximum lot coverage of 39.40% in lieu of the requested 40.8%. As such, staff recommends denial without prejudice of Requests #1 and approval on a modified basis of request #2 of this application to allow a lot coverage of 39.4% in lieu of the requested 40.8% under the Non-Use Variance Standards (NUV).

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

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

Accordingly, staff opines that Request #1 is **incompatible** with the surrounding properties and should be denied without prejudice under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV). Staff further opines that Request #2 should be approved with conditions on a **modified basis** to allow a maximum lot coverage of 39.4% in lieu of the requested 40.8% and that, as modified, request #2 would be **compatible** with the surrounding properties and should be approved with

conditions under Section 33-311(A)(4)(b) (NUV) and denied without prejudice under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

I. RECOMMENDATION:

Denial without prejudice of request #1 and approval with conditions of request #2 on a **modified basis** to allow a maximum lot coverage of 39.4% in lieu of the requested 40.8% under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS: for request #2 on a modified basis.

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 "Legalization of Addition to Residence for: Carlos Cuba," as prepared by Remberto Contreras, Professional Engineer, dated stamped received 7/28/08 and consisting of 3 sheets as amended to show the removal of the easterly 4'2" of the subject addition which encroaches 3' into the interior side (east) setback area. 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 applicants apply for and secure a building permit for all non-permitted construction 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 of the Department of Planning and Zoning for good cause shown.
4. That the use be established and maintained in accordance with the approved plan.

DATE INSPECTED: 07/22/08
DATE TYPED: 07/15/08
DATE REVISED: 07/16/08; 08/22/08; 09/02/08; 09/11/08
DATE FINALIZED: 10/01/08
MCL:MTF:LVT:AA



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

Memorandum



Date: June 2, 2008

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

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

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

Subject: C-11 #Z2008000095
Carlos Cuba Gamarra
13552 S.W. 65th Lane
Request to Permit an Addition that Exceeds Lot Coverage and Setback
Requirements
(RU-4L) (0.09 Acres)
26-54-39

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.

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

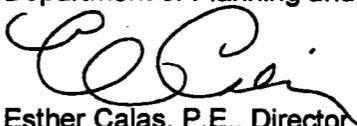
Concurrency Review Summary

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.

Date: March 8, 2006
To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 11-JUN-08
To: Subrata Basu, Interim Director
Department of Planning and Zoning
From: Heminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2008000095

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2008000095
located at 13552 S.W. 65 LANE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1663 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: 6:31 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 37 - West Bird - 4200 SW 142 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.

TEAM METRO

ENFORCEMENT HISTORY

CARLOS CUBA GAMARRA & JUAN
CAMPILLO

13552 & 13554 S.W. 65 LANE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000095

HEARING NUMBER

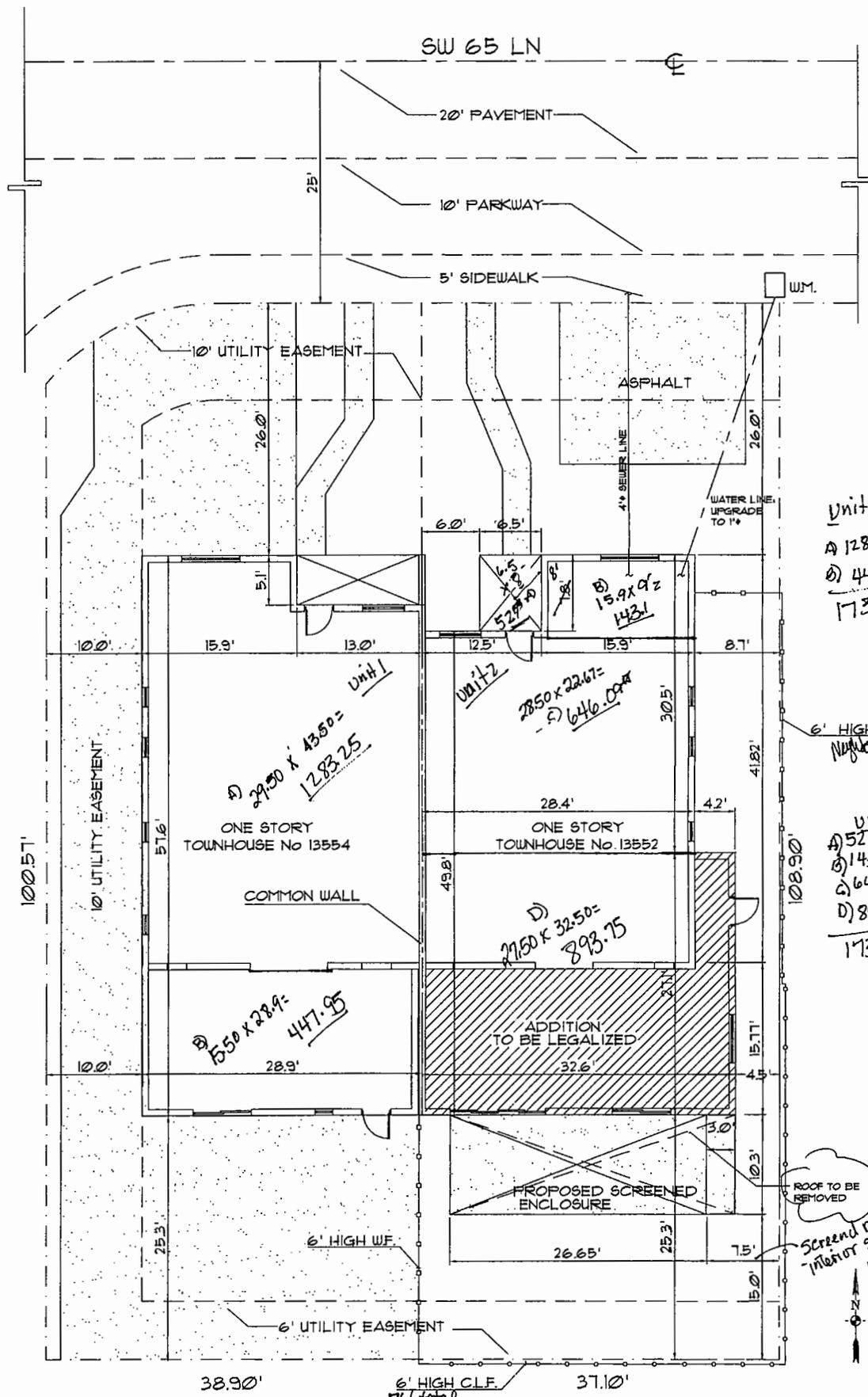
CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

Previous History:

CMS#200612000014 -NOV issued in December 2005 for Junk & Trash. Case closed as complied.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.



Unit 1
 A) 1283.25
 B) 447.95
 1731.20

Unit 2
 A) 52
 B) 143.1
 C) 646.09
 D) 893.75
 1734.94

Unit 1
 29.50 x 43.50 =
 1283.25

Unit 2
 28.50 x 22.67 =
 646.09

D) 27.50 x 32.50 =
 893.75

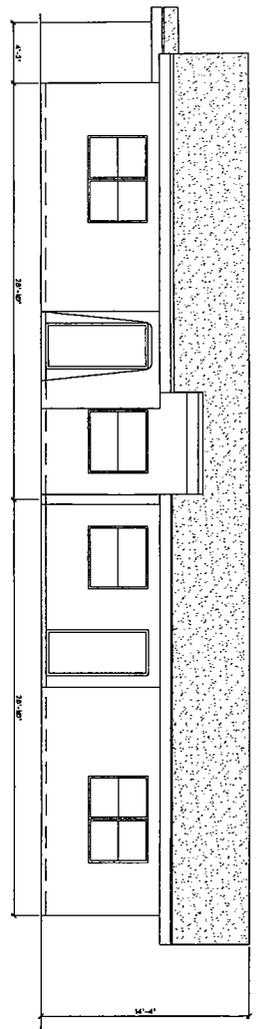
B) 5.50 x 28.9 =
 447.95

ROOF TO BE REMOVED
 Screen roof
 interior side setback
 10.3 x 26.65 = 274.49

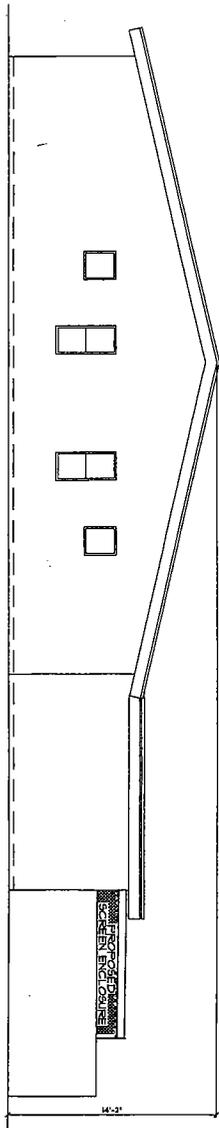
6' HIGH CLF
 76' total
 76' x 104.74 = 7960 Lot Area
 (110.57 + 108.90 = 219.47 / 2 = 104.74)

ENLARGED PLAN

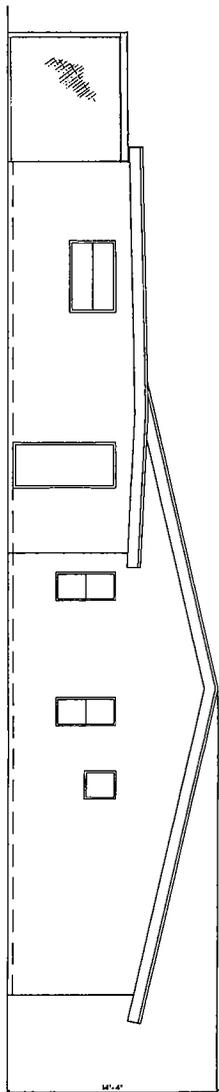
Z08-095



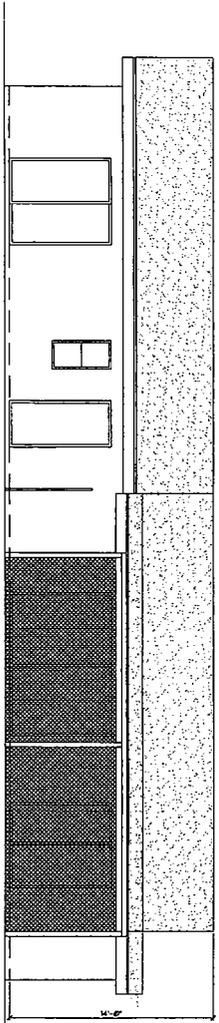
NORTH ELEVATION
SC 1/4"=1'-0"



WEST ELEVATION
SC 1/4"=1'-0"



EAST ELEVATION
SC 1/4"=1'-0"



SOUTH ELEVATION
SC 1/4"=1'-0"

NO	REVISION	DATE

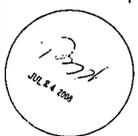
ENGINEERING
CONSULTANT

REINBERTO CONTRERAS
PROFESSIONAL ENGINEER
STATE OF FLORIDA
LIC. # 21527
30 NW 8TH AVE., C-101
MIAMI, FL. 33172
TEL. (305) 663-0543

LEGALIZATION OF
ADDITION TO
RESIDENCE FOR:
CARLOS CUBA

JOB ADDRESS:
11421 SW 53RD LANE
MIAMI, FL. 33155

SEAL



CONTRERAS
Date: 07/24/2000
Scale: As Noted
Drawn: Checked:
Approved:

ELEVATIONS

Date: 07/24/2000

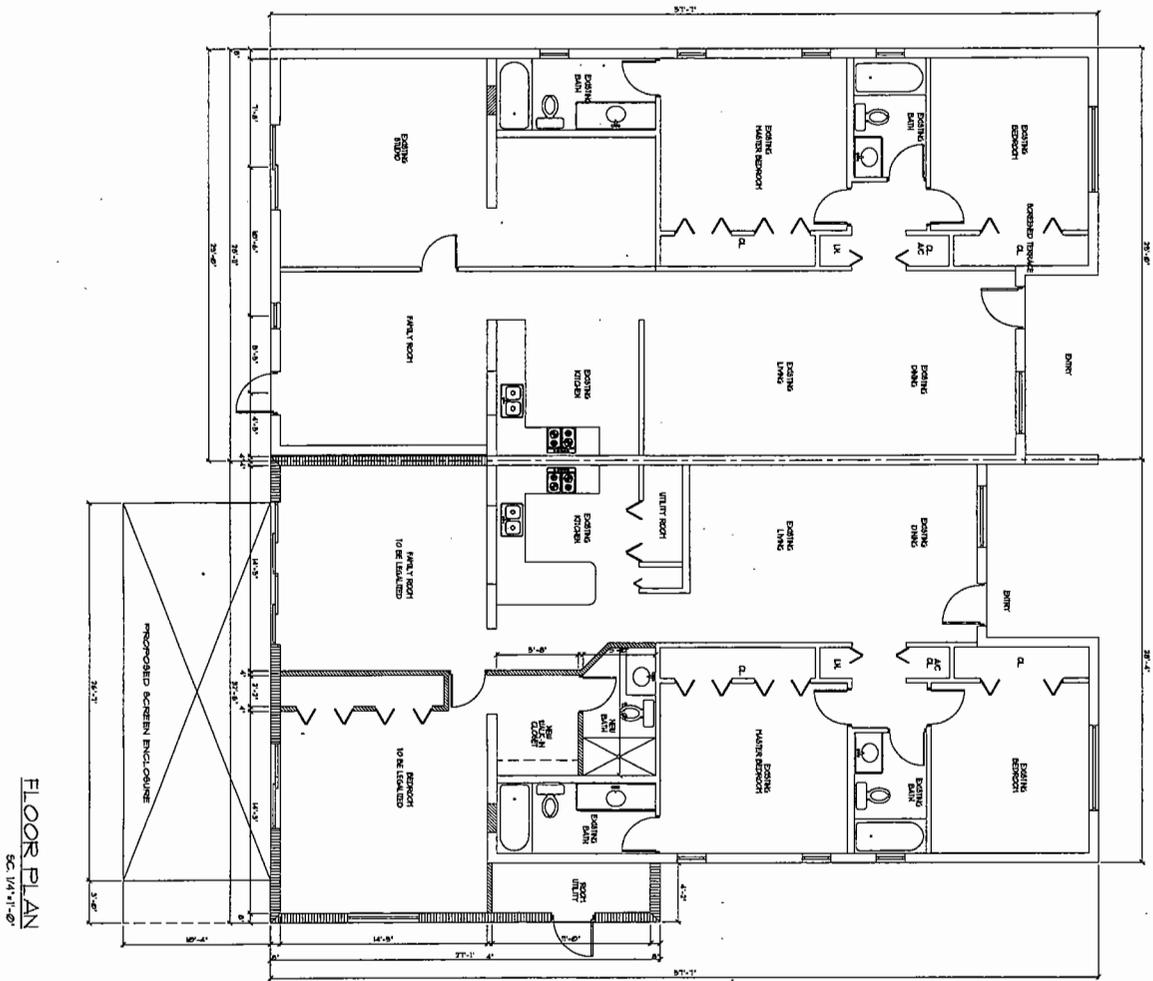
Sheet No:

A-2

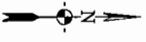
REINBERTO CONTRERAS
PROFESSIONAL ENGINEER
STATE OF FLORIDA
LIC. # 21527

9/8

8



FLOOR PLAN
SC 1/4"=1'-0"



RECEIVED
MAY 17 2006
10:00 AM
PLANNING DEPARTMENT
CITY OF MIAMI

08-095
C-11

NO.	REVISION	DATE

ENGINEERING
CONSULTANT

REIBERTO CONTRERAS
 PROFESSIONAL ENGINEER
 STATE OF FLORIDA
 L.C. # 21822
 36 NW 87th AVE. C-101
 MIAMI, FL 33172
 TEL: (305) 663-0943

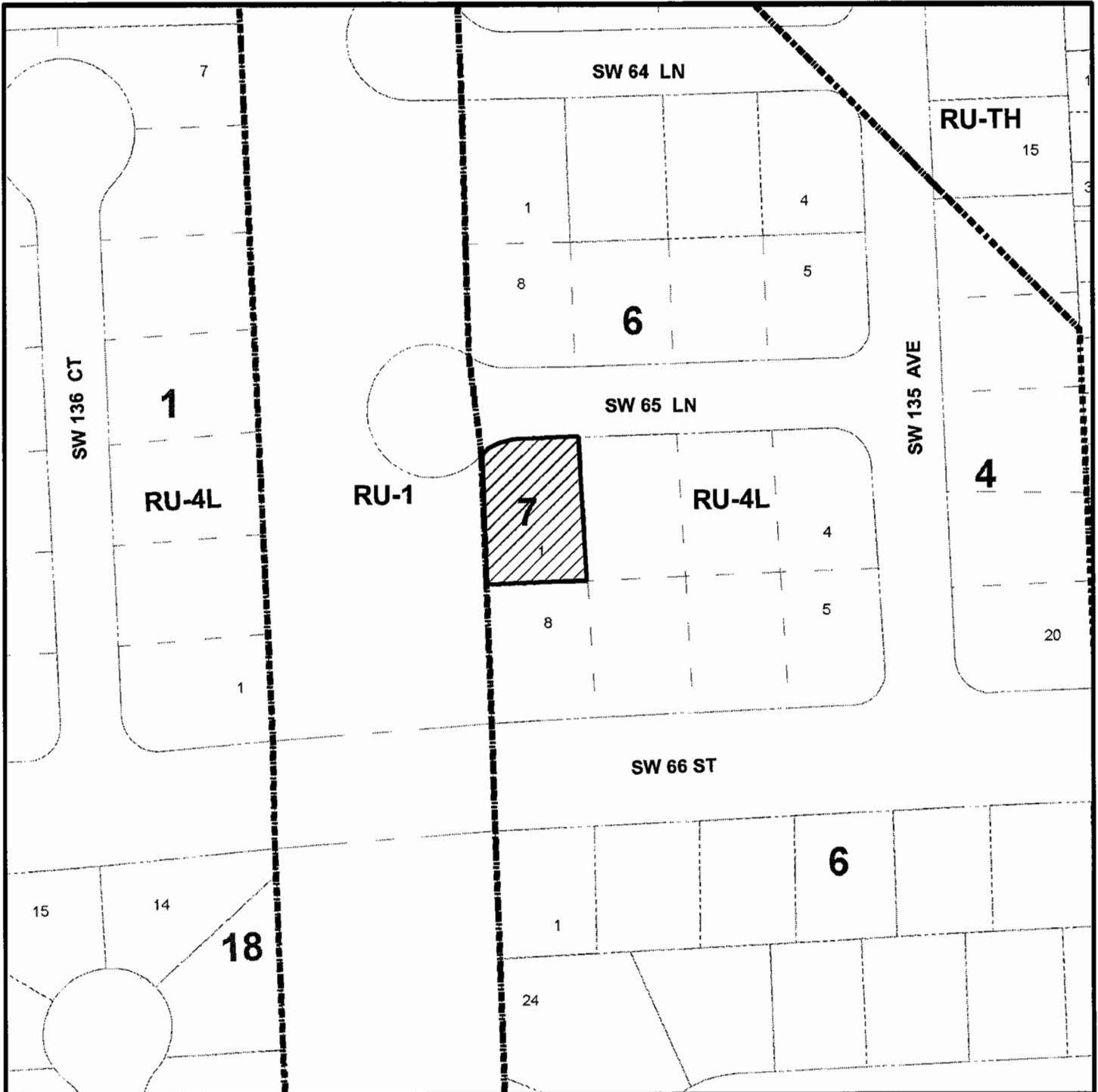
LEGALIZATION OF
ADDITION TO
RESIDENCE FOR
CARLOS CUBA

JOB ADDRESS:
13052 SW 65th LANE
MIAMI, FL 33183



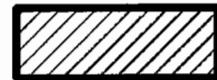
SEAL

Comm: _____
 Date: _____
 Scale: As shown
 Drawn: _____
 Checked: _____
 Approved: _____
 Sheet Title
FLOOR PLAN
 Date: 6/17/2006
 Sheet No: _____
A-1



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
08-095



SUBJECT PROPERTY

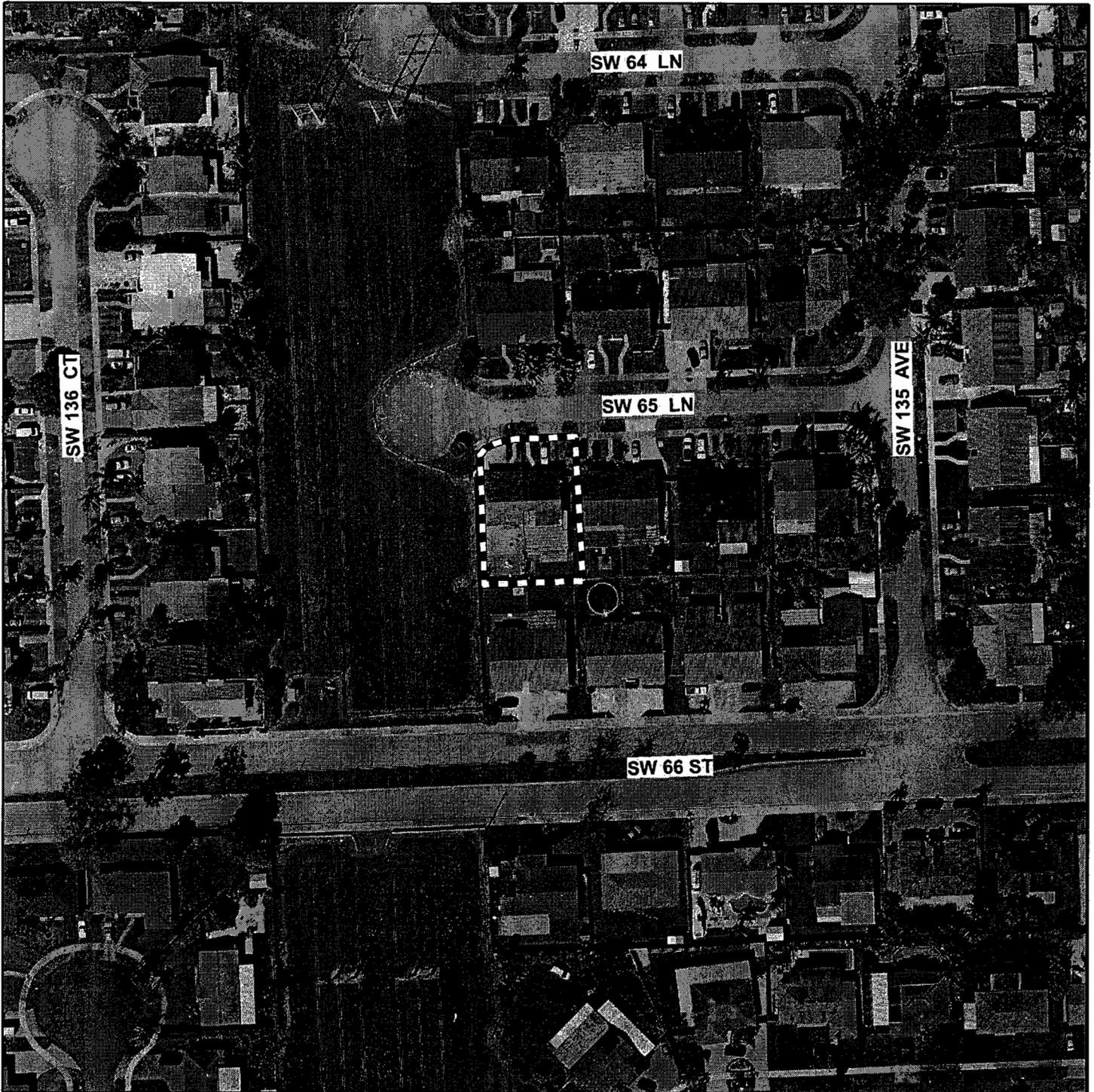
Section: 26 Township: 54 Range: 39
 Applicant: CARLOS CUBA GAMARRA, & JUAN CAMPILLO
 Zoning Board: C11
 District Number: 10
 Drafter ID: KEELING
 Scale: NTS



CREATED ON: 05/30/08

REVISION	DATE	BY
Add applicant name	08/28/08	KS

20



**MIAMI-DADE COUNTY
AERIAL**

Process Number
08-095



SUBJECT PROPERTY

Section: 26 Township: 54 Range: 39
 Applicant: CARLOS CUBA GAMARRA, & JUAN CAMPILLO
 Zoning Board: C11
 District Number: 10
 Drafter ID: KEELING
 Scale: NTS



CREATED ON: 05/30/08

REVISION	DATE	BY
Add applicant name	07/28/08	KS