

KITS

1-6-2010 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION
8625 SW 124 Avenue, Miami
Wednesday, February 10, 2010 at 6:30 p.m.

CURRENT

- | | | | | | |
|----|-------------|--|--------------|----------|---|
| 1. | 10-2-CZ12-1 | <u>FAY ARONSON & ROBERT SHNAYERSON</u> | <u>09-39</u> | 23-54-40 | N |
| 2. | 10-2-CZ12-2 | <u>CAROLINA MENDOZA</u> | <u>09-46</u> | 24-54-40 | N |
| 3. | 10-2-CZ12-3 | <u>RICARDO ROMAY</u> | <u>09-66</u> | 03-55-40 | N |
| 4. | 10-2CZ12-4 | <u>ROBERT AND SUSAN ROSENTHAL</u> | <u>09-76</u> | 24-54-40 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, FEBRUARY 10, 2010

KENDALL VILLAGE CENTER – CIVIC PAVILION

8625 SW 124 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

I. ELECTION OF CHAIR AND VICE-CHAIR

II. APPLICATIONS:

**1. FAY ARONSON & ROBERT SHNAYERSON (10-2-CZ12-1/09-039) 23-54-40
Area 12/District 7**

- (1) IU-1 and IU-2 to BRDI (Bird Road Design and Industrial Zoning District)
- (2) Applicant is requesting to permit Buildings #1-#3 setback a minimum of 19.83' (20' required) from the front (east) property line and to permit Building #4 setback 13.2' (15' required) from the side street (south) property line.
- (3) Applicant is requesting to permit angled parking with an aisle width of 15' (17' required), a stall length of 16' (22.9' required), to permit perpendicular parking with a back out width of 19' (22' required) and to permit 2 way drives a minimum of 19' wide (20' required).
- (4) Applicant is requesting to permit a minimum of 7.62' wide landscaped buffer (10' wide required) along the right-of-way.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Lakeshore Industrial Park," as prepared by Omelio Arrabal, Architect, and consisting of 6 sheets "L-1" and "A-1" dated stamped received 12/9/09 and the remaining 4 sheets dated stamped received 9/28/09. Plans may be modified at public hearing.

LOCATION: 4652 S.W. 72 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.07 Acres

Department of Planning and
Zoning Recommendation:

Approval of request #1 and approval with
conditions of requests #2 through #4.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. CAROLINA MENDOZA (10-2-CZ12-2/09-046) 24-54-40
Area 12/District 7**

- (1) Applicant is requesting to permit a detached studio setback 1.35' (7.5' required) from the interior side (west) property line, setback 4' (5' required) from the rear (north) property line and spaced 9.7' (10' required) from the covered terrace.
- (2) Applicant is requesting to permit a barbecue grill setback 0' (7.5' required) from the interior side (west) property line and setback 67.21' (75' required) from the front (south) property line.

- (3) Applicant is requesting to permit an aluminum carport setback 2.36' (5' required) from the front (south) property line.
- (4) Applicant is requesting to permit a single-family residence setback 24.84' (25' required) from the front (south) property line.
- (5) Applicant is requesting to permit a trellis setback 3.23' (7.5' required) from the interior side (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Detached Studio to be Legalized," as prepared by Golaville K. Rao, dated stamped received 4/20/09 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 5951 S.W. 46 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 75' x 100'

Department of Planning and Zoning Recommendation:

Approval with conditions of Request #4 and denial without prejudice of Requests #1, #2, #3 and #5.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. RICARDO ROMAY (10-2-CZ12-3/09-066)

**03-55-40
Area 12/District 8**

Applicant is requesting to permit a gazebo setback 6'6" (7'6" required) from the rear (east) property line and setback 10' (20' required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Gazebo for Mr. Richard Romay," as prepared by Juan B. Ordonez, P. E., dated stamped received 11/16/09 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 9341 S.W. 78 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 13,533 sq. ft.

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

1. FAY ARONSON & ROBERT SHNAYERSON
(Applicant)

10-2-CZ12-1 (09-039)
Area 12/District 7
Hearing Date: 02/10/10

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1974	Charles W. Braznell	- Unusual Use for Recreation Center.	ZAB	Approved w/conds.

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANT: Fay Aronson and Robert Shnayerson

PH: Z09-39 (10-2-CZ12-1)

SECTION: 23-54-40

DATE: February 10, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS:**

- (1) IU-1 and IU-2 to BRDI (Bird Road Design and Industrial District)
- (2) Applicant is requesting to permit Buildings #1-#3 setback varying from 19.68' to 19.98' (20' required) from the front (east) property line and to permit Building #4 setback 13.2' (15' required) from the side street (south) property line.
- (3) Applicant is requesting to permit angled parking with an aisle width of 15' (17' required), a stall length of 16' (22.9' required), to permit perpendicular parking with a back out width of 19' (22' required) and to permit two-way drives a minimum of 19' wide (20' required).
- (4) Applicant is requesting to permit a minimum of 7.62' wide landscaped buffer (10' wide required) along the right-of-way.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Lakeshore Industrial Park," as prepared by Omelio Arrabal, Architect, and consisting of 6 sheets; "L-1" and "A-1" dated stamped received 12/9/09 and the remaining 4 sheets dated stamped received 9/28/09. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant seeks to change the zoning on the subject property from IU-1, Light Manufacturing Industrial District, and IU-2, Heavy Industry District, to BRDI, Bird Road Design and Industrial District. Additionally, the applicant is seeking to legalize the front and side street setbacks of the existing buildings on the site along with some non-use variances of parking dimension requirements and a required landscaped buffer along the right-of-way.
- o **LOCATION:** 4652 SW 72 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 4.07 Acres

B. ZONING HEARINGS HISTORY:

In 1948, the subject property was a part of a larger parcel of land which was granted a district boundary change from GU to IU-1, Light Industrial Manufacturing District and IU-2, Heavy Industry District by the Board of County Commissioners (BCC), pursuant to Resolutions No. 3001 and 3003.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.
2. **Restricted Industrial and Office.** Industrial and Office areas designated as "Restricted" are areas where the range of uses and design of facilities are governed by special groundwater protection regulations. This category primarily affects "wellfield protection areas" designated in the Miami-Dade County Code (Chapter 24, Code of Miami-Dade County). The boundaries of the "Restricted" areas shall be periodically reviewed and amended as necessary to maintain consistency with wellfield protection area boundaries provided by Chapter 24, Code of Miami-Dade County. Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the onsite use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, Traditional Neighborhood Districts and hotels also apply to the restricted category. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. The inclusion of this Restricted category on the LUP map does not preclude the application of these or similar use limitations to other land contained in the Industrial and Office or any other land use category where necessary to protect groundwater resources.

3. **Uses and Zoning Not Specifically Depicted.** Some existing uses and zoning are not specifically depicted on the LUP map. All existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". The limitations referenced in this paragraph pertain to existing zoning districts and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

IU-1 and IU-2; warehouses

Restricted Industrial and Office

Surrounding Properties:

NORTH: IU-1 & IU-2; warehouses

Restricted Industrial and Office

SOUTH: IU-1; warehouses

Restricted Industrial and Office

EAST: IU-1; warehouses

Restricted Industrial and Office

WEST: IU-2; warehouses

Restricted Industrial and Office

The subject property consists of a corner parcel of land located on the northwest corner of SW 72 Avenue and SW 48 Street. The area where the subject property lies is known as the Bird Road Design District and is predominantly characterized by industrial uses such as warehouses, offices and some retail uses.

E. SITE AND BUILDINGS:

Site Plan Review:

(Plans submitted)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Acceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

Acceptable

Urban Design:

N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

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

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

G. NEIGHBORHOOD SERVICES:

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

Schools

No comment

*Subject to the conditions indicated in their memoranda.

H. ANALYSIS:

The subject property consists of a corner parcel located on the northwest corner of SW 72 Avenue and SW 48 Street in an area known as the Bird Road Design and Industrial District. The area where the subject property lies is predominantly characterized by industrial uses such as warehouses, self storage mini-warehouse facilities, offices, restaurants and some retail uses. The applicant seeks to change the zoning on the subject property from IU-1, Light Manufacturing Industrial District, and IU-2, Heavy Industry District, to BRDI, Bird Road Design and Industrial District. Additionally, the applicant is seeking to legalize the front and side street setbacks of the existing buildings on the site along with some non-use variances of parking dimension requirements and a required landscaped buffer along the right-of-way. The approval of this application will allow the applicant to utilize the subject property as permitted under the Bird Road Design and Industrial District. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Restricted Industrial and Office** use. Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the onsite use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, Traditional Neighborhood District and hotels also apply to the Restricted category. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. Existing uses already occurring in the area include warehouse facilities, retail sales, offices, restaurants, training schools for arts and crafts, and other uses which are permitted uses in the Bird Road Design and Industrial District. Therefore, the applicant's request to rezone the property from IU-1, Light Manufacturing Industrial District, and IU-2, Heavy Industry District, to BRDI, Bird Road Design and Industrial District is **consistent** with the goals and objectives of the CDMP and consistent with the development trend toward industrial uses in the area.

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 applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFR**) does not object to this application and their memorandum indicates that the estimated average travel response time is **8:18** minutes.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer,

solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Staff opines that the rezoning of the subject site to BRDI will not have an unfavorable impact on the environment based upon the recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application. The development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. As such, staff opines that the approval of BRDI zoning would be in keeping with the character of the surrounding industrial uses in the area, and therefore, would be **compatible** with same and **consistent** with the Restricted Industrial and Office land use designation of the CDMP. As such, staff recommends approval of the district boundary change from IU-1 and IU-2 to BRDI.

When requests #2 through #4 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. As previously mentioned, the applicant seeks to permit the continued use of an existing warehouse development in which buildings 1, 2 and 3 are setback varying from 19.68' to 19.98' from the front (east) property line, where 20' is required, and building 4 is setback 13.2' from the side street (south) property line where 15' is required. Staff is of the opinion that the 0.02' to 0.32' encroachments into the required 20' front setback area and 1.8' encroachment into the side street setback area are minor and are probably due to an inadvertent construction error when the warehouse development was built. As such staff recommends approval with conditions of request #1. Request #3 seeks to allow an existing parking lot with angle parking with an aisle width of 15' where 17' is required, and stall length of 16' where 22.9' is required; to permit perpendicular parking with a back out width of 19' where 22' is required and to permit 2 way drives with a minimum of 19' where 20' is required. As indicated in the Public Works memorandum, the existing parking lot layout has been operating with such dimensions throughout the years, and the Public Works Department does not foresee any problems with the continued use of such parking layout. Staff concurs with their recommendation and recommends approval with conditions of request #3. Request #4 seeks, to permit the continued use of the existing development with a minimum of 7.62' wide landscaped buffer where a 10' wide buffer is required along the right-of-way. Staff notes that the requested 7.62' wide landscaped buffer in lieu of the required 10' wide landscaped buffer only occurs along the Blue Road (SW 48 Street) right-of-way line where there is a warehouse/office development across SW 48 Street and that a 2.38' reduction in the required landscaped greenbelt would not cause a negative impact to such warehouse/office development across SW 48 Street. Additionally, staff notes that the subject site exceeds the required 10' wide landscaped greenbelt along the right-of-way of SW 72 Avenue by approximately 6' to 8'. In staff's opinion the greenbelt compensates for the 2.38' reduction along SW 48 Street. As such, staff recommends approval with conditions of request #4.

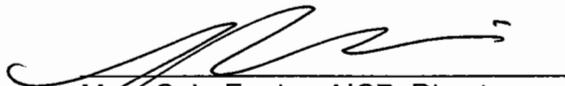
I. **RECOMMENDATION:**

Approval of request #1 and approval with conditions of requests #2 through #4.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Lakeshore Industrial Park," as prepared by Omelio Arrabal, Architect, and consisting of 6 sheets; "L-1" and "A-1" dated stamped received 12/9/09 and the remaining 4 sheets dated stamped received 9/28/09.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
5. That the applicant obtain an annually renewable Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the applicant comply with all the conditions and requirements of the Public Works Department as contained in their Memorandum pertaining to this application.
7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their Memorandum pertaining to this application.

DATE INSPECTED: 12/17/09
DATE TYPED: 12/17/09
DATE REVISED: 12/21/09; 12/23/09; 01/08/10; 01/15/10; 01/18/10
DATE FINALIZED: 01/18/10
MCL:GR:NN:CH:TA


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

NDN
OR

Memorandum

Date: June 9, 2009

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

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



Subject: C-12 #Z2009000039-2nd Revision
Faye Aranson & Robert Shnayerson
4652 S.W. 72 Avenue
District Boundary Change from IU-1 and IU-2 to BU-3; Request to Permit
a Retail Development with Less Parking than Required and to Permit a
Greater lot Coverage and FAR than Required
(IU-2) (4 Acres)
23-54-40

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.

Wellfield Protection

The subject property is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

Potable Water Service and Wastewater Disposal

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

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

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

Wetlands

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

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

Tree Preservation

According to the site plan submitted with this zoning application, the proposal for a district boundary change, to permit less parking than required and greater lot coverage than required will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24.

Enforcement History

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

Pollution Control

There are no records of current contamination assessment/remediation issues on the property or abutting the property. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with this property or abutting the property.

Hazardous Materials Management

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

Operating Permits

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

Fuel Storage Facilities

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

Concurrency Review Summary

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

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

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

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

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: FAY ARONSON & ROBERT SHNAYERSON

This Department has no objections to this application.

The property is currently operating with the existing parking lot layout where this Department does not foresee any problems.

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



Raul A Pino, P.L.S.

20-OCT-09



Memorandum

Date: 14-OCT-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000039

Fire Prevention Unit:

This memo supersedes MDR memorandum dated June 11, 2009.
 APPROVAL
 No objection to site plan date stamped September 28, 2009.

Service Impact/Demand

Development for the above Z2009000039
 located at 4652 S.W. 72 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1595 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: 8:18 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 3 - Tropical Park - 3911 SW 82 Avenue
 Rescue, ALS Engine.

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

FAY ARONSON & ROBERT
SHNAYERSON

4652 S.W. 72 AVENUE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000039

HEARING NUMBER

HISTORY:

CMS# 201003000016 ¿No open cases. N current violations.

Previous Cases:

CMS# 200803002911 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803002912 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803002922 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803002923 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803002924 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803002925 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803002926 ¿NOV issued in March 2008 for FAILURE TO OBTAIN ZONING
IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200803003216 ¼NOV issued in March 2008 for FAILURE TO OBTAIN ZONING IMPROVEMENT PERMIT. Case closed as complied.

CMS# 200903002331 ¼Enforcement History Inspection.

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

REPORTER NAME:

RECEIVED
 2009-03-19
 DEC 09 2009

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

PORTION OF NW¼,
 SECTION 23,
 TOWNSHIP 54 SOUTH,
 RANGE 40 EAST

ONE STORY C.B.S.
 BUILDING
 #4-12,568 SQ. FT

EXISTING ONE STORY C.B.S.
 BUILDING
 # 2- 27,264 SQ. FT.

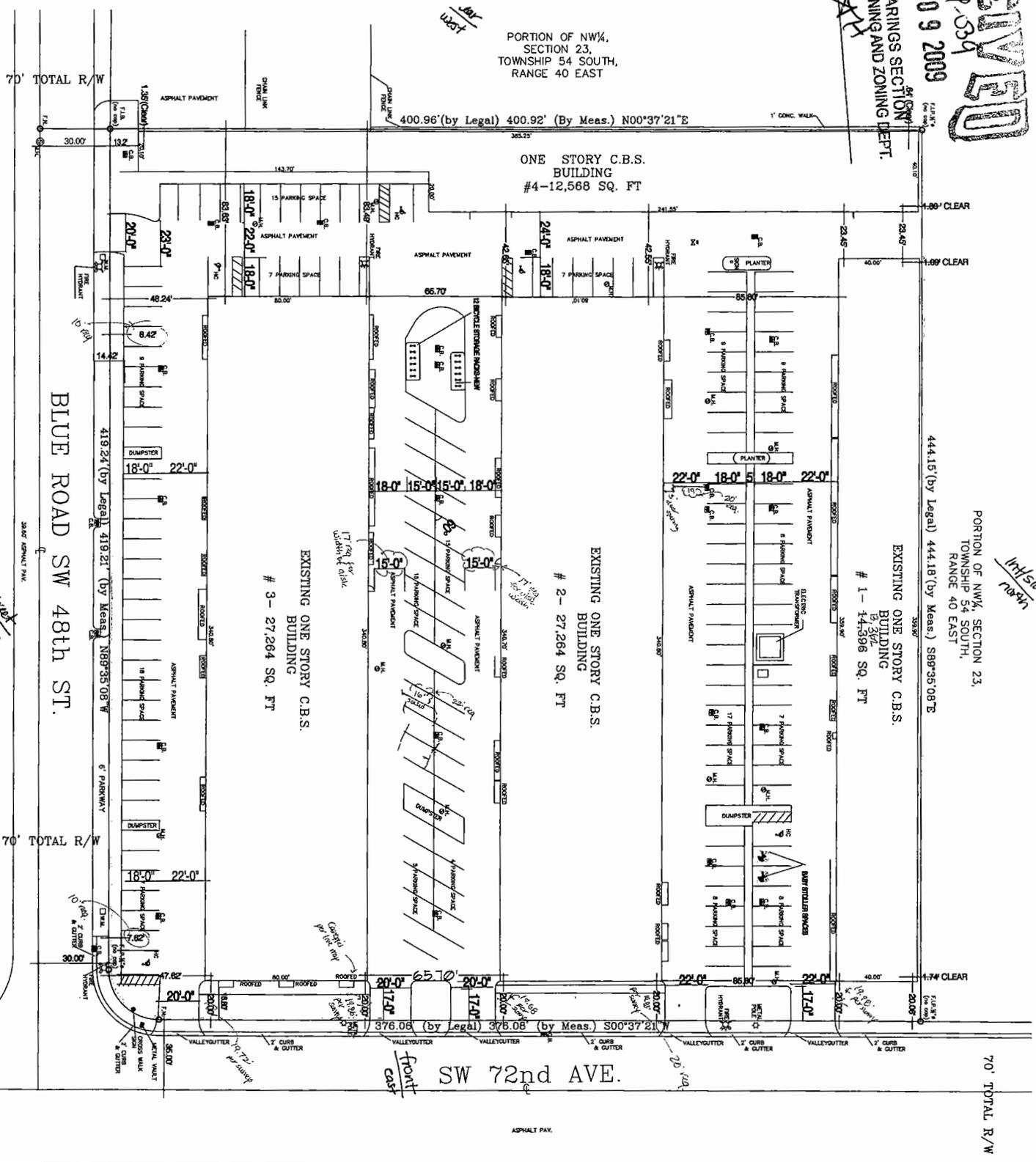
EXISTING ONE STORY C.B.S.
 BUILDING
 # 1- 44,096 SQ. FT.

PORTION OF NW¼, SECTION 23,
 TOWNSHIP 54 SOUTH,
 RANGE 40 EAST

444.15' (by Legal) 444.18' (by Meas.) S89°35'08"E

400.96' (by Legal) 400.92' (By Meas.) N00°37'21"E

376.08' (by Legal) 376.08' (by Meas.) S00°37'21"W
 SW 72nd AVE.



SITE PLAN 1"=30'

ENLARGE SITE PLAN

70' TOTAL R/W

70' TOTAL R/W

70' TOTAL R/W

70' TOTAL R/W

BLUE ROAD SW 48th ST.

419.24' (by Legal) 419.21' (by Meas.) N89°35'08"W

RECEIVED
209-034
DEC 09 2009

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

LANDSCAPE LEGEND

NOTE: TREES ARE THE ONLY REQUIREMENT FOR THIS PROPERTY HAS A CALL FROM TO EFFECTIVE DATE OF CHAPTER 19A. LANDSCAPE LEGENDS AND SPECIES NOT REQUIRED.

2009 Update
Zoning Ordinance: 407 acres 177,264 square feet
OPEN SPACE

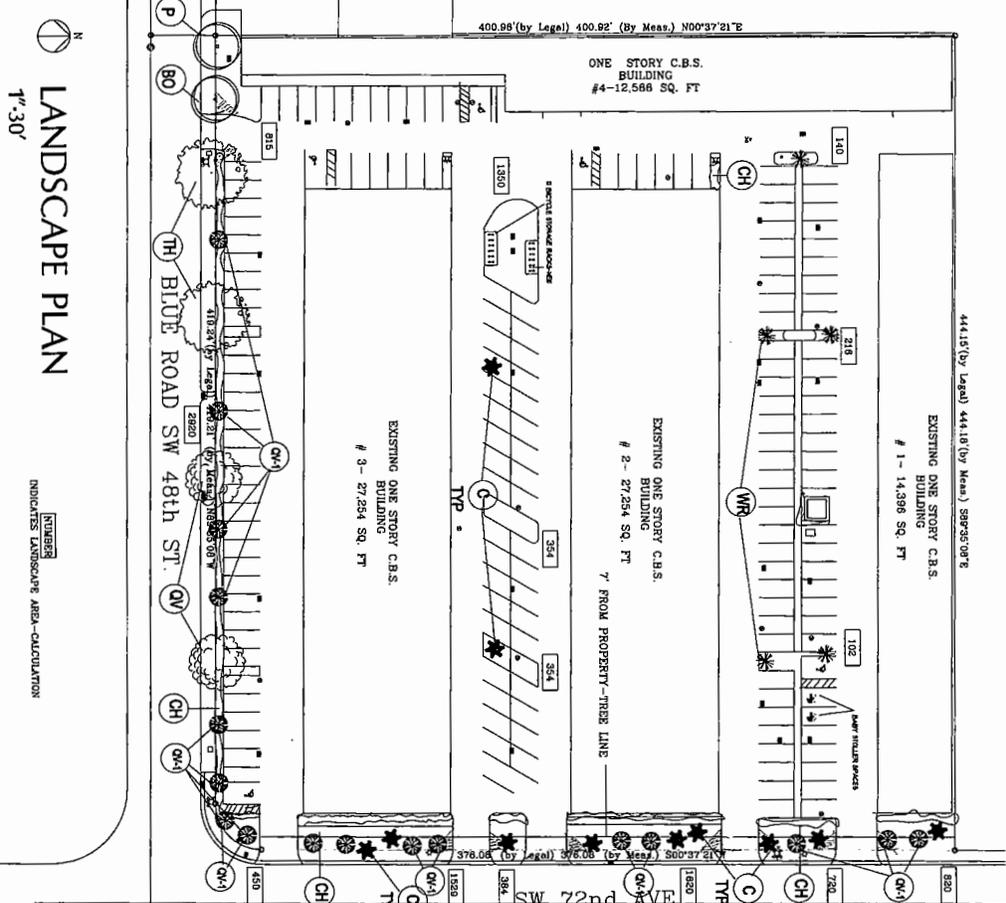
A. Square feet of open space required by Chapter 23, as indicated on this plan:
Net lot area = 177,264 square feet x 10% = 17,726 square feet
B. Square feet of open space required by Chapter 19A, as indicated on this plan:
The number of parking spaces = 170,110 square feet per parking space =

LANDSCAPE CALCULATION
A. Total square feet of landscaped open space required by Chapter 23 = 17,726
B. Total square feet of landscaped open space provided by Chapter 23 = 18,097
C. Total square feet of landscaped open space provided by Chapter 19A = 18,097

- A. The number of trees included per unit of open space
- B. 30% of trees included (two palms = one tree) (trees provided) = 0
- C. 70% of trees included (two palms = one tree) (trees provided) = 10
- D. Street trees (from average spacing of 25' x 0.014415) (trees provided) = 1289
- E. Street trees (from average spacing of 25' x 0.014415) (trees provided) = 1603
- F. Street trees (from average spacing of 25' x 0.014415) (trees provided) = 7
- G. Street trees (from average spacing of 25' x 0.014415) (trees provided) = 23 (8 DISTINGUISH 17 NEW)
- H. Total number of trees provided = 29
- I. Total number of trees required (21 + 10) = the number of trees required = 30
- J. The number of trees required is 30% the number of trees included = 490

* SHOWN PLAN: Prepared by Chapter 23. Also indicate _____ or less than _____ X _____ provided, WHILE creating SHOWN 500 GROUND COVER

TREE AND GRASS	BOTANICAL NAME	COMMON NAME	DESCRIPTION
QTY	KEY		
17	CH	GREEN BUTTWOOD	12'-14" OAK HEIGHT
1	C	COCONUT PALMS	
2	QV	OLIVE	
6	WR	WATER BUTTWOOD	
1	WR	WATER BUTTWOOD	
1	BO	BONINIA	
1	P	PAVING	
17	QV-1	OLIVE	12'-14" OAK HEIGHT (NEW TREES)



LANDSCAPE PLAN
1"=30'

INDICATES LANDSCAPE AREA-CALCULATION

NUMBERS

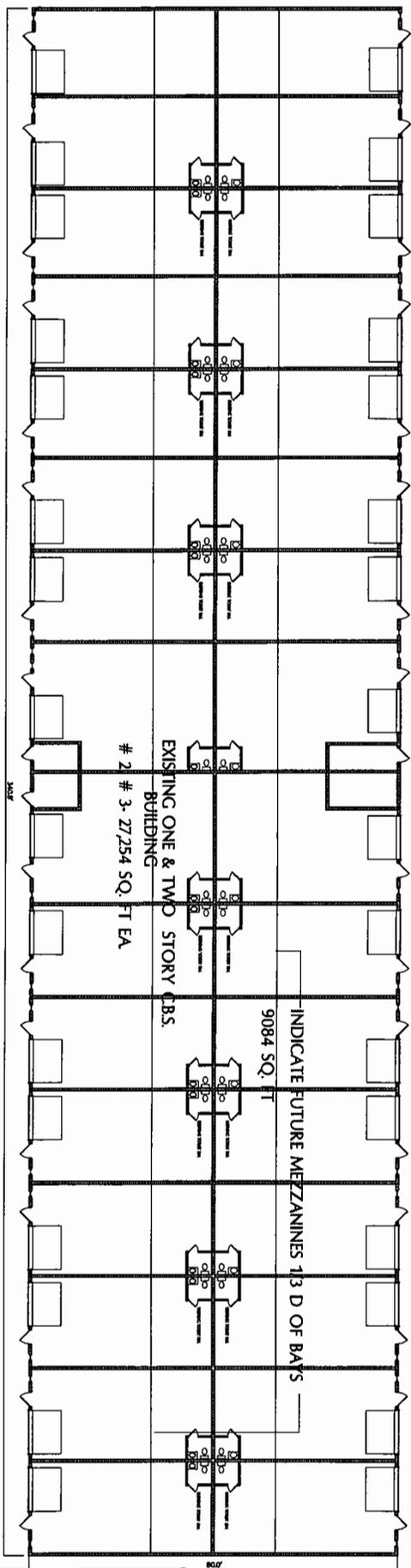
ALL SPECIES - THIS MUST BE A MINIMUM OF 10% OF TOTAL PLANTING

SHEET #
L-1
OF

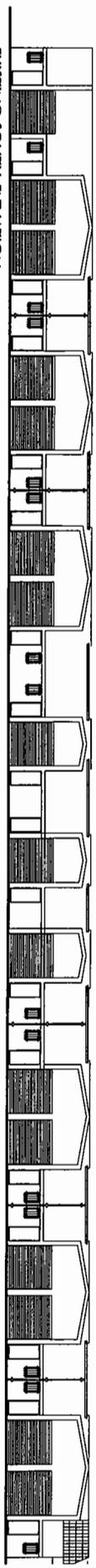
OMELIO ARRABAL
ARCHITECT
LAKESHORE INDUSTRIAL PARK
4782 S.W. 72ND AVE, MIAMI, FLORIDA
4900 SW 74TH COURT MIAMI, FL 33155 (305) 663-1662

304
OMelio Arrabal
12/01/2009

10% of lot area
street trees
used in creation
into a system
for the applicant

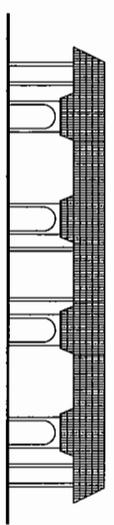


TYPICAL FLOOR PLAN 3/32"

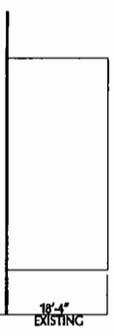


EXISTING SOUTH ELEVATION
 (NORTH ELEVATION SIMILAR-REVERSED) 3/32"

SEE ENLARGED ELEVATIONS, PLANS A-3 FOR GENERAL NOTES, ETC.



EXISTING FRONT ELEVATION- EAST
 72ND AVE 3/32"



EXISTING SIDE ELEVATION- WEST 3/32"

OMELIO ARRABAL
 A R C H I T E C T
 LAKESHORE INDUSTRIAL PARK
 4650 S.W. 72ND AVE, MIAMI, FLORIDA
 ■ 4900 SW 74TH COURT ■ MIAMI, FL 33155 ■ (305) 663-1662 ■

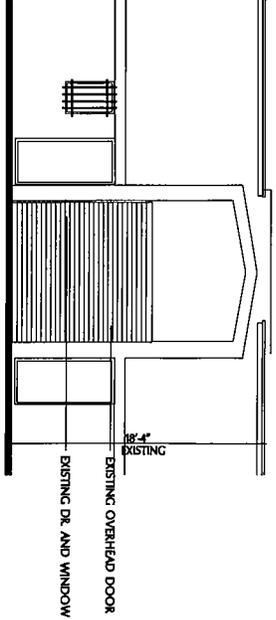
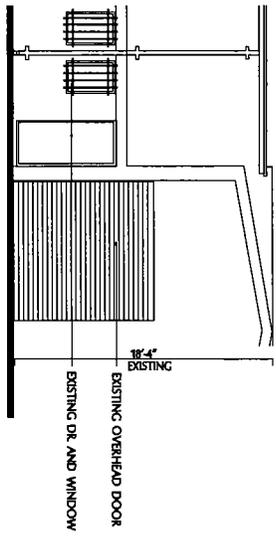
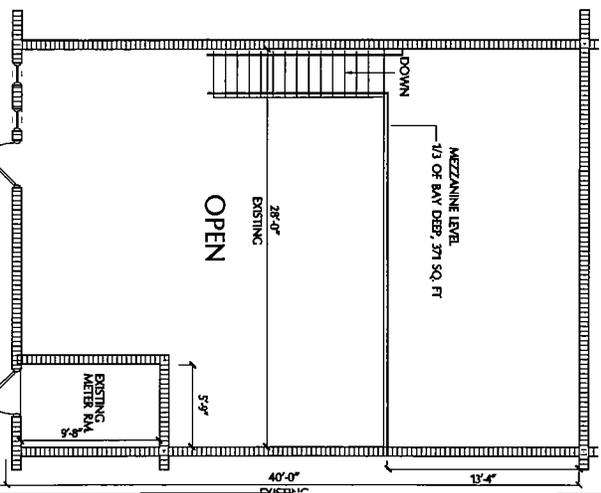
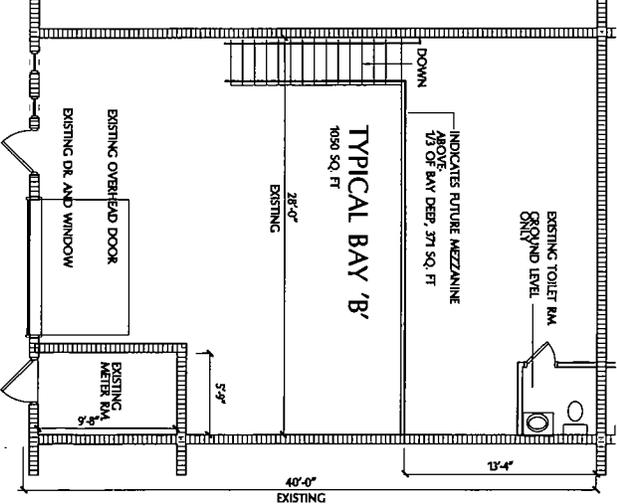
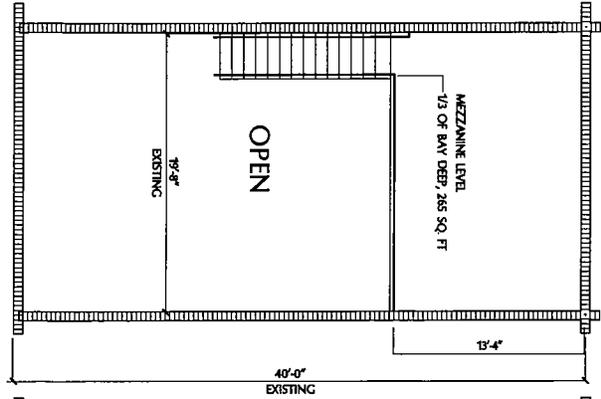
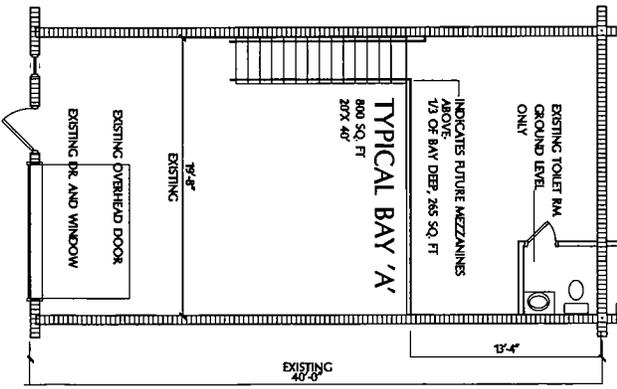
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 09/15/2009

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 SEP 28 2009

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 SEP 28 2009

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 A-2
 OR

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



EXISTING FLOOR PLAN 1/4"

MEZZANINE PLAN 1/4"

EXISTING FLOOR PLAN 1/4"

MEZZANINE PLAN 1/4"

EXISTING ELEVATION 1/4"

EXISTING ELEVATION 1/4"

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 209-039
 SEP 28 2009

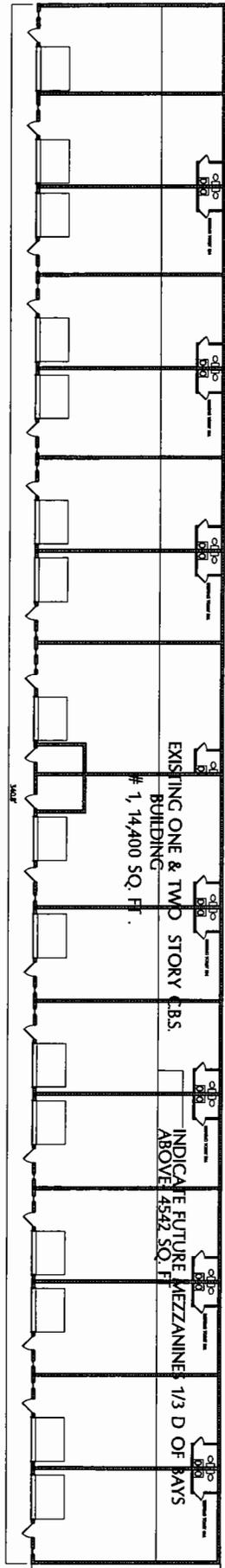
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY

RECEIVED
 SEP 28 2009

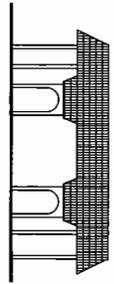
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 A-3

OMELIO ARRABAL
 ARCHITECT
 LAKESHORE INDUSTRIAL PARK
 4650 S.W. 72ND AVE, MIAMI, FLORIDA
 4900 SW 74TH COURT ■ MIAMI, FL 33155 ■ (305) 663-1662 ■

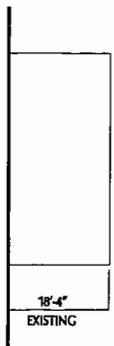
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 09/28/2009
 OMA/AMM/1



TYPICAL FLOOR PLAN 3/32"
 BUILDING #1



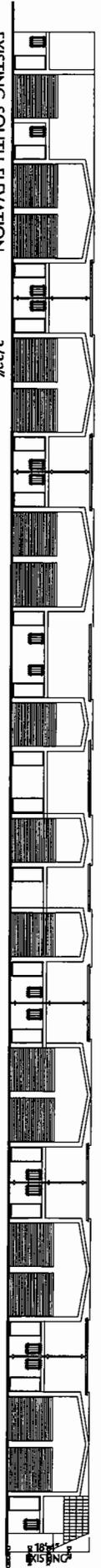
EXISTING FRONT ELEVATION- EAST 3/32"
 72ND AVE



EXISTING SIDE ELEVATION- WEST 3/32"



EXISTING REAR ELEVATION- WEST 3/32"



EXISTING SOUTH ELEVATION 3/32"
 SEE ENLARGED ELEVATIONS, PLANS A-9 FOR GENERAL NOTES, ETC.

RECEIVED
 209-039
 SEP 28 2009

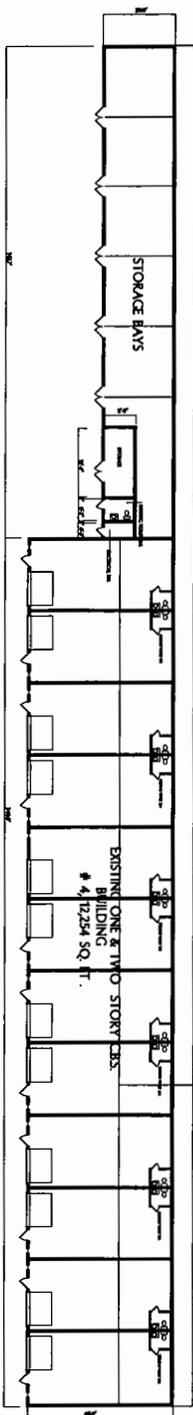
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY XD

RECEIVED
 SEP 28 2009

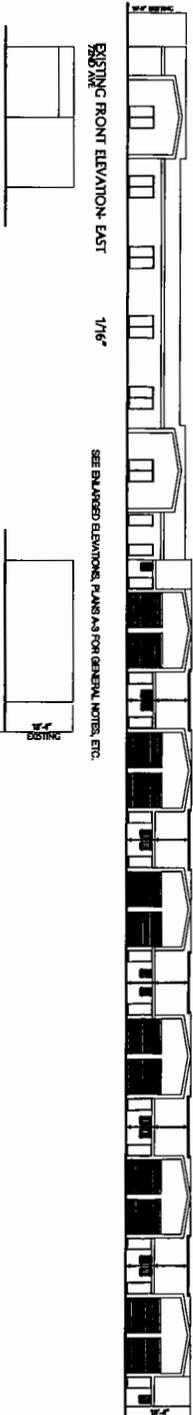
SHEET #
 A-4
 OF:

OMELIO ARRABAL
 ARCHITECT
 LAKESHORE INDUSTRIAL PARK
 4650 S.W. 72ND AVE, MIAMI, FLORIDA
 4900 SW 74TH COURT ■ MIAMI, FL 33155 ■ (305) 663-1662 ■

OMelio Arrabal
 091 951 2009



TYPICAL FLOOR PLAN 3/32"
 BUILDING #4



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 2009-039
 SEP 28 2009

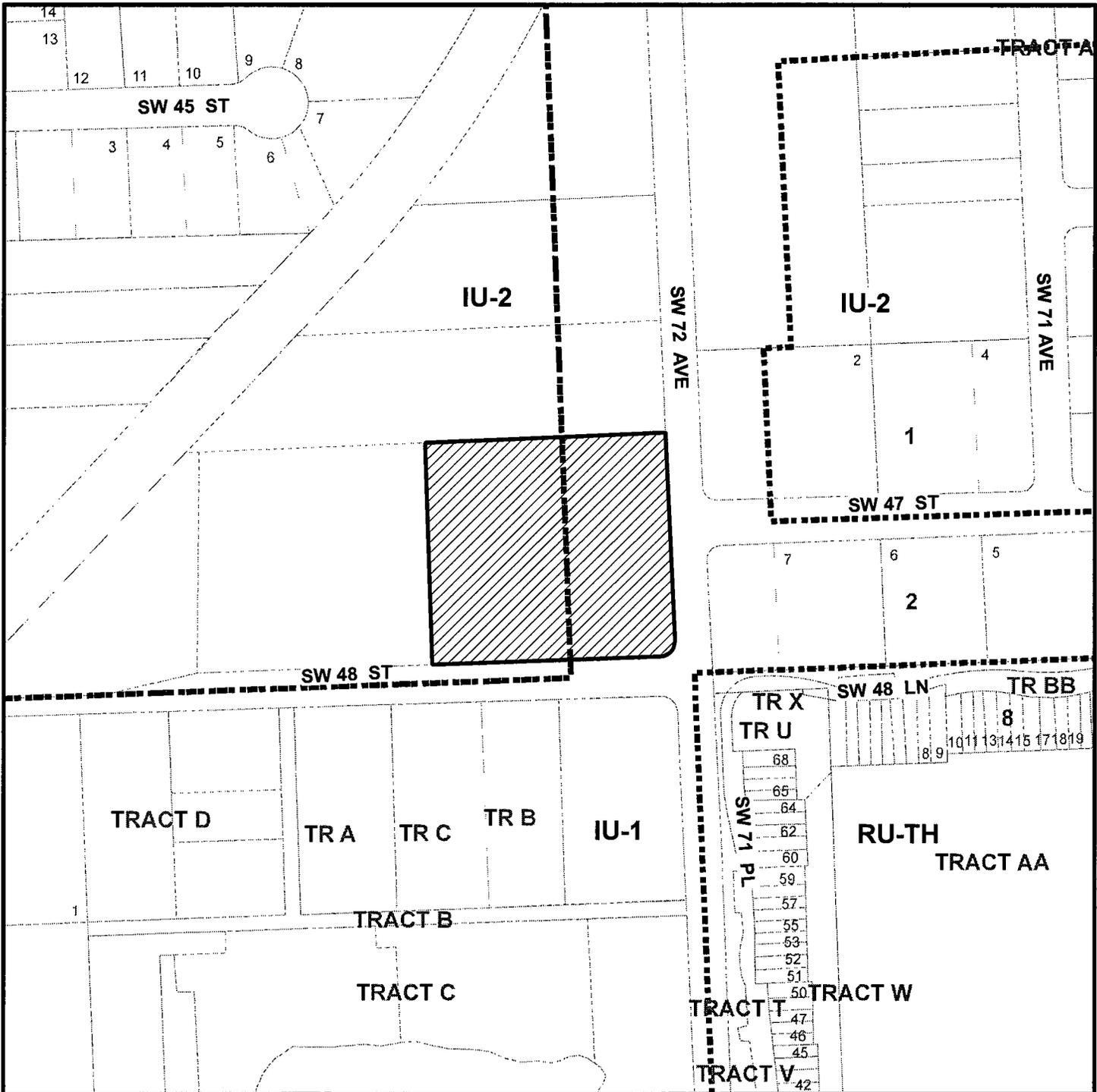
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY *ALF*

RECEIVED
 ZONING HEARINGS SECTION
 SEP 1 1 2009

OMELIO ARRABAL
 ARCHITECT
 LAKESHORE INDUSTRIAL PARK
 4650 S.W. 72ND AVE, MIAMI, FLORIDA
 4900 SW 74TH COURT MIAMI, FL 33155 (305) 663-1662

SHEET #
 A-5
 OF

22
 OMELIO ARRABAL
 09/15/09



MIAMI-DADE COUNTY
HEARING MAP

Process Number
09-039

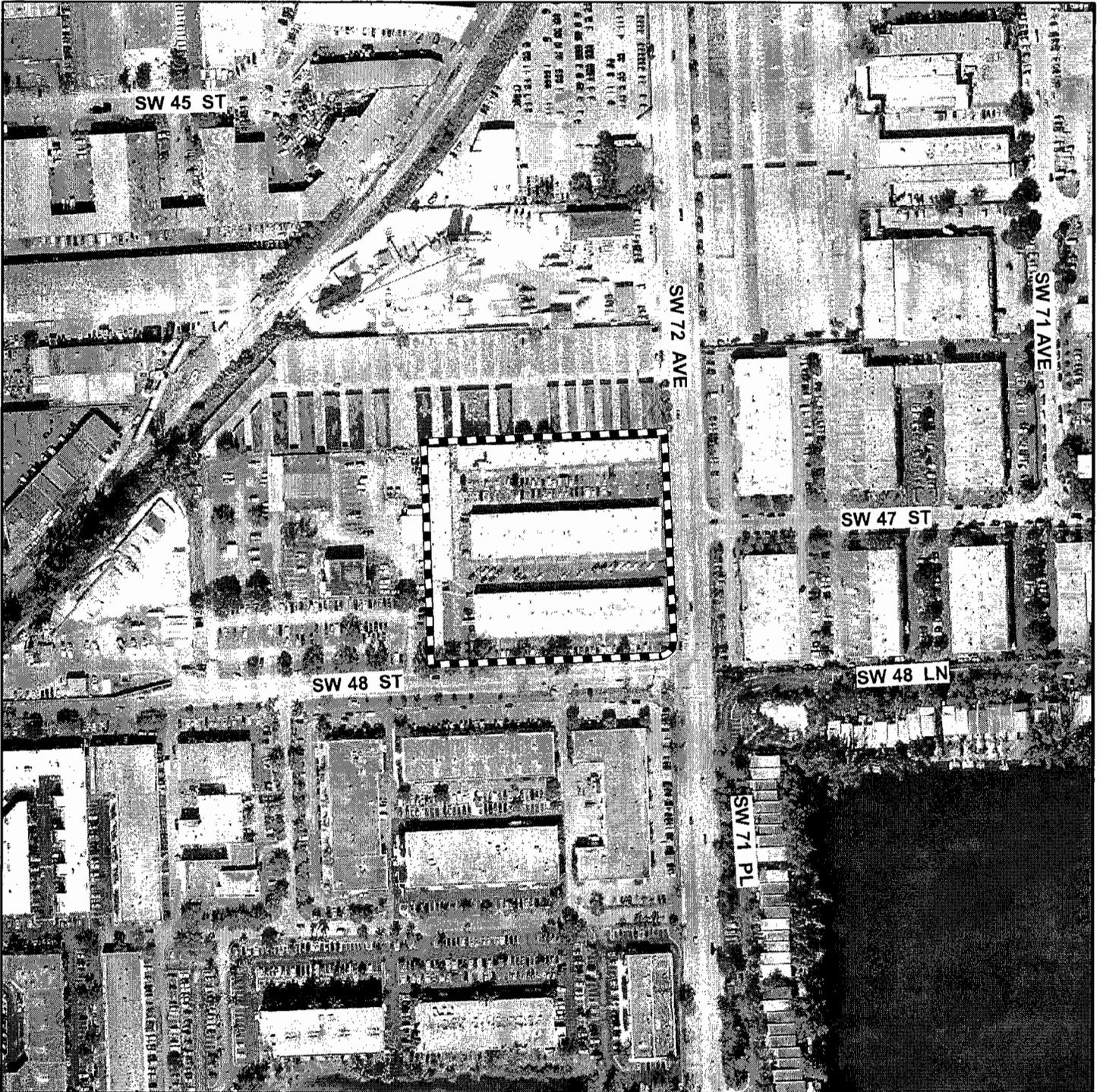
Section: 23 Township: 54 Range: 40
 Applicant: FAY ARONSON & ROBERT SHNAYERSON
 Zoning Board: C12
 Commission District: 07
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning

SUBJECT PROPERTY



SKETCH CREATED ON: 03/31/09

REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-039

Section: 23 Township: 54 Range: 40
 Applicant: **FAY ARONSON & ROBERT SHNAYERSON**
 Zoning Board: **C12**
 Commission District: **07**
 Drafter ID: **ALFREDO**
 Scale: **NTS**
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 03/31/09

REVISION	DATE	BY

2. CAROLINA MENDOZA
(Applicant)

10-2-CZ12-2 (09-046)
Area 12/District 7
Hearing Date: 02/10/10

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

NO HISTORY

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANTS: Carolina Mendoza

PH: Z09-046 (10-2-CZ12-2)

SECTION: 24-54-40

DATE: February 10, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 2

=====

A. INTRODUCTION:

o **REQUESTS:**

- (1) Applicant is requesting to permit a detached studio setback 1.35' (7.5' required) from the interior side (west) property line, setback 4' (5' required) from the rear (north) property line and spaced 9.7' (10' required) from the covered terrace.
- (2) Applicant is requesting to permit a barbecue grill setback 0' (7.5' required) from the interior side (west) property line and setback 67.21' (75' required) from the front (south) property line.
- (3) Applicant is requesting to permit an aluminum carport setback 2.36' (5' required) from the front (south) property line.
- (4) Applicant is requesting to permit a single-family residence setback 24.84' (25 required) from the front (south) property line.
- (5) Applicant is requesting to permit a trellis setback 3.23' (7.5' required) from the interior side (east) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Detached Studio to be Legalized," as prepared by Golaville K. Rao, dated stamped received 4/20/09 and consisting of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking approval of an existing studio, barbecue structure, trellis, and aluminum carport which encroach into the rear, interior sides and front setback areas and to legalize an existing single family residence which encroaches into the front setback area. Additionally, the applicant seeks the continued use of the aforementioned studio spaced less than required from the existing residence.

o **LOCATION:**

5951 SW 46 Terrace, Miami-Dade County, Florida

o **SIZE:** 75' x 100'

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

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

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

D. **NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

SURROUNDING PROPERTY:

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 residence

Low Density Residential, 2.5 to 6 du

WEST: RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is an interior lot located at 5951 SW 46 Terrace. The surrounding area is developed with single-family residences.

E. **SITE AND BUILDINGS:**

Site Plan Review:

(Site plan submitted.)

Scale/Utilization of Site:

Unacceptable

Location of Buildings:

Acceptable*

Compatibility:

Unacceptable

Landscape Treatment:

Acceptable

Open Space:

Acceptable

Buffering:

Unacceptable

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

Visibility/Visual Screening:

Acceptable

*for existing single family residence only.

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is an interior lot located at 5951 SW 46 Terrace in an established area zoned RU-1, Single-Family Residential District, and developed with single-family residences. Approval of the application will allow the maintenance and continued use of the following existing accessory structures: a detached studio, a barbecue structure, an aluminum carport and a trellis and it would also allow the legalization of the main residence which was built encroaching into the front setback area. The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre for a total of 1 unit on this site. Since these requests will not add additional units to the community, the 7,500 square foot, RU-1 zoned lot is **consistent** with the Low-Density Residential designation as shown in the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** also has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the average response travel time for this site is **7:12** minutes

When requests #1, #2, #3 and #5 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood and would negatively affect the appearance of the community. In request #1 the applicant seeks the approval for the maintenance and continued use of an existing accessory structure which is depicted on the plans as a studio which is located on the

northwesterly corner of the rear yard area. Although staff recognizes that the studio provides additional living and leisure area for the applicant and her guests. Staff opines that the 6.15' encroachment into the required 7.5' interior side setback area is excessive and has a negative visual impact on the neighboring properties to the west and north. Since the encroachments of the structure into the required 5' rear setback area and the required 10' spacing from the existing residence respectively are germane only if the 6.15' encroachment into the interior side (west) setback area were approved, staff recommends denial without prejudice of request #1. When request #2 is analyzed the applicant seeks the approval to permit the maintenance and continued use of an existing barbecue structure encroaching 7.5' into the required 7.5' interior side (west) setback area, thereby leaving a 0' setback from the interior side (west) property line. Staff is of the opinion that a barbecue area is a place where gathering takes place by the applicant and her guests while enjoying the backyard area. Staff is of the opinion that the 0' setback is excessive and has a negative visual and aural impact on the neighboring property to the west. As such, staff recommends denial without prejudice of request #2. When request #3 is analyzed staff opines that the existing aluminum carport structure which encroaches 2.64' into the required 5' front (south) setback area is excessive. Additionally, the elevation plans submitted by the applicant depict that the existing aluminum carport does not match the architecture architectural style of the existing residence. As such, staff recommends denial without prejudice of request#3. The applicant seeks the approval to permit the maintenance and continued use of an existing trellis encroaching 3.77' into the required 7.5' interior side (east) setback area (request #5). Staff notes that the plans submitted by the applicant depict that there is adequate spacing to relocate such trellis structure and provide the required 7.5' interior side setback for the east property line. Moreover, staff opines that a trellis area like the barbeque area is used for gathering, and the structure's close proximity to the interior side (east) property line will have a negative visual and aural impact on the neighboring property to the east. As such, staff recommends denial without prejudice of request #5.

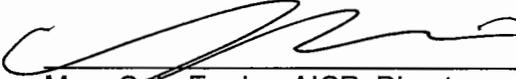
When request #4 is analyzed, the applicant is seeks to allow the maintenance and continued use of an existing single family residence encroaching 0.16' into the required 25' front (south) setback area. Staff is of the opinion that the 0.16' encroachment into the front setback area is minor and is probably due to an inadvertent construction error when the residence was built. As such, staff is of the opinion that the existing single family residence is **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not negatively affect the appearance of the community and staff recommends approval for this request.

I. **RECOMMENDATION:**

Approval with conditions of Request #4 and denial without prejudice of Requests #1, #2, #3 and #5.

J. **CONDITIONS:** None

DATE INSPECTED: 12/15/09
DATE TYPED: 12/15/09
DATE REVISED: 12/15/09; 01/08/10
DATE FINALIZED: 01/08/10
MCF:GR:NN:CH:TA



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

*NDW
GR*

Memorandum

Date: April 22, 2009

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

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



Subject: C-12 #Z2009000046
Carolina Mendoza
5951 S.W. 46 Terrace
Request to Permit an Existing Accessory Building Setback less than
Required from Property Lines
(RU-1) (0.17 Acres)
24-54-40

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

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

Concurrency Review Summary

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

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

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

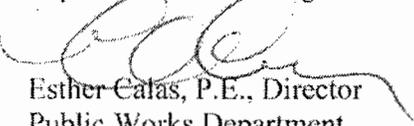
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez

Memorandum



Date: 23-APR-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000046

Fire Prevention Unit:

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

Service Impact/Demand:

Development for the above Z2009000046
 located at 5951 SW 46 TERR, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1599 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:12 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 14 - South Miami - 5860 SW 70 Street
 Rescue, ALS Engine, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

ENFORCEMENT HISTORY

NAME:

CAROLINA MENDOZA

ADDRESS:

5951 SW 46 TERR, MIAMI-DADE
COUNTY
Folio# 3040240140500

DATE: 04/13/09

ZONING HEARING#:

Z2009000046

CURRENT ENFORCEMENT HISTORY:

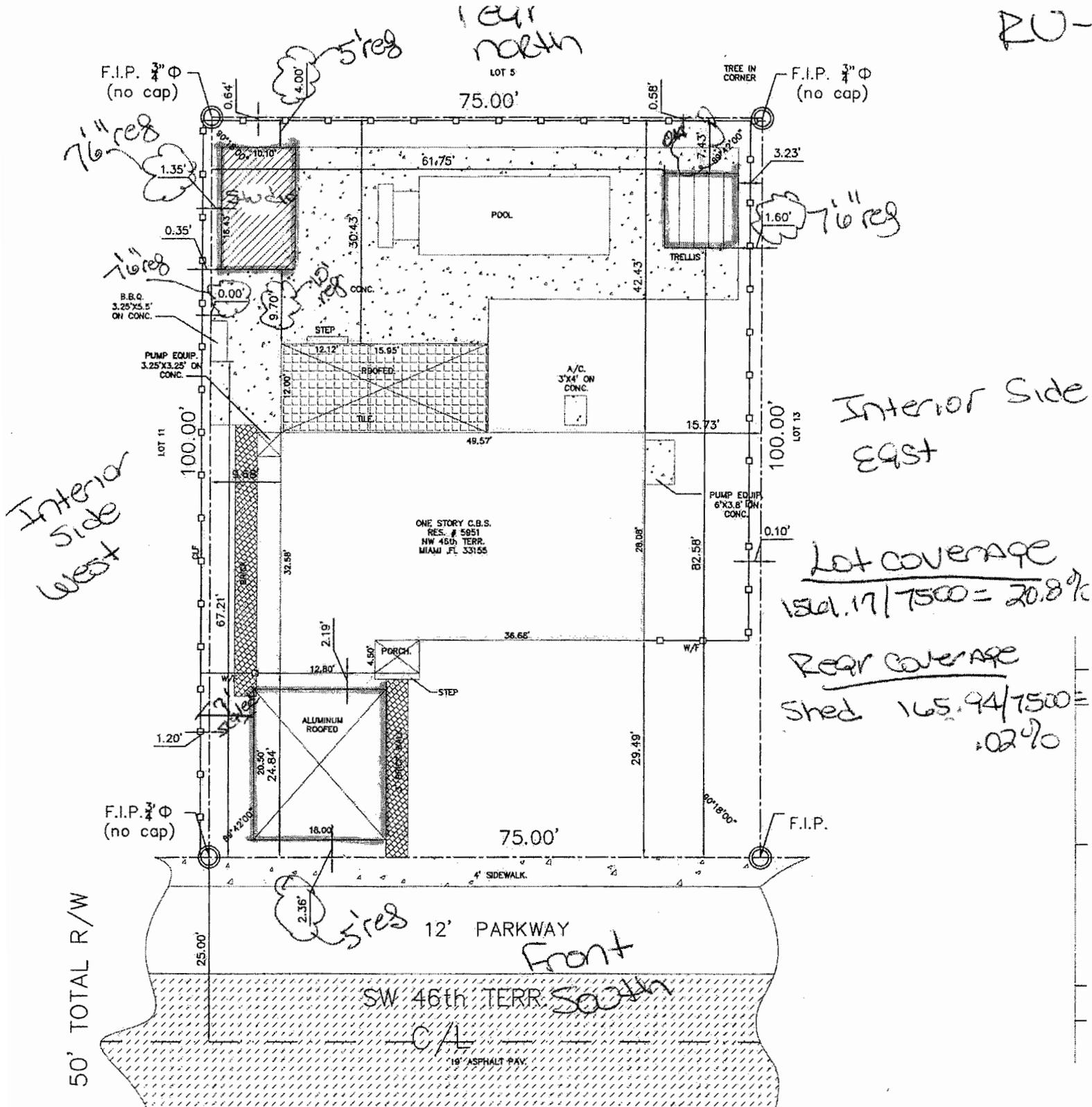
No open cases. No current violations.

PRIOR CASES:

CMS#200603001639. Right of Way Maintenance. Not in violation. Case closed.

CMS#200803006892. Failure to Obtain Zoning Permit. Not in violation. Case closed.

RU-

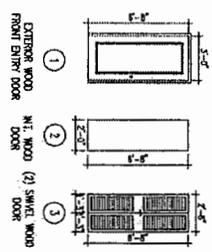
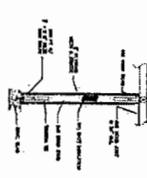
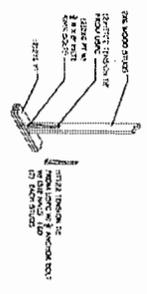
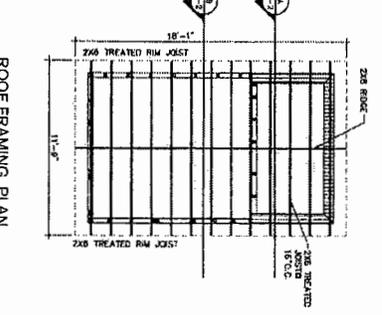
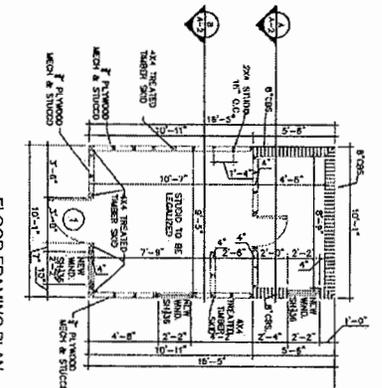
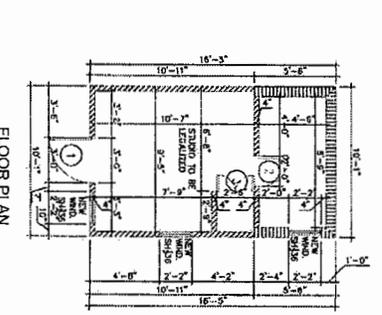


ENLARGED SITE PLAN

Drawing No.	Project No.	PROJECT: DETACH
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GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANGLES OF ALL WORKMANSHIP TO BE SHOWN ON THESE PLANS. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANGLES OF ALL WORKMANSHIP TO BE SHOWN ON THESE PLANS. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANGLES OF ALL WORKMANSHIP TO BE SHOWN ON THESE PLANS. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
4. ALL CONCRETE FOR FOUNDATIONS SHALL BE CAST ON GRADE UNLESS OTHERWISE NOTED.
5. ALL CONCRETE SHALL BE CAST AND CURED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONCRETE INSTITUTE (CCI) AND THE AMERICAN CONCRETE INSTITUTE (ACI).
6. ALL STEEL SHALL BE GALVANNEAL UNLESS OTHERWISE NOTED.
7. ALL WOOD SHALL BE DRY KILN DRIED TO A MAXIMUM MOISTURE CONTENT OF 19%.
8. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST TERMITES AND OTHER INSECT DAMAGE.
9. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST DECAY AND FUNGUS GROWTH.
10. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST BARK BEETLES AND OTHER INSECT DAMAGE.
11. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST MOLD AND MILDWORMS.
12. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST STAIN AND DISCOLORATION.
13. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST WEATHERING AND DISCOLORATION.
14. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST CRACKING AND CHECKING.
15. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST ROT AND DECAY.
16. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST SPLITTING AND CHECKING.
17. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST WARPING AND TWISTING.
18. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST SWELLING AND SHRINKING.
19. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST CHECKING AND CRACKING.
20. ALL WOOD SHALL BE TREATED WITH AN ACCEPTED PRESERVATIVE TO PROTECT AGAINST WEATHERING AND DISCOLORATION.



NUMBER	MATERIAL	ACTUAL SIZE (WxH)	THICK	FINISH	THRESHOLD TYPE	FRAME MATERIAL	FRAME FINISH	LAMB/ HINGE	HINGES	REMARKS
1	WOOD (ENTRY)	3'-0" x 6'-8"		WHITE E.S.P.	METAL	WOOD	WHITE E.S.P.	1 PAIR	1 PAIR	
2	WOOD	2'-0" x 6'-8"	1 3/4"	PAINTED	-	WOOD	PAINTED	1 PAIR	1 PAIR	WOOD DOOR COVERED
3	WOOD (2)SWIPEL LOCKERS	(2)1'-3" x 6'-8"	1 3/4"	PAINTED	-	WOOD	PAINTED	1 PAIR	1 PAIR	WOOD DOOR COVERED

STANDARD SWIPEL KALING WOOD DOOR 1 3/4" THICK CLASS CAT # SAFETY CLASS

Drawing No. **A-1** of **1**

Project No. _____
DATE: _____
DRAWN BY: _____
CHECKED BY: _____

PROJECT: DETACHED STUDIO TO BE LEASUED
ADDRESS: 2951 S.W. 46 TER
MIAMI, FLORIDA, 33155

OWNER: CAROLINA MENDOZA
ADDRESS: 2951 S.W. 46 TER
MIAMI, FLORIDA, 33155

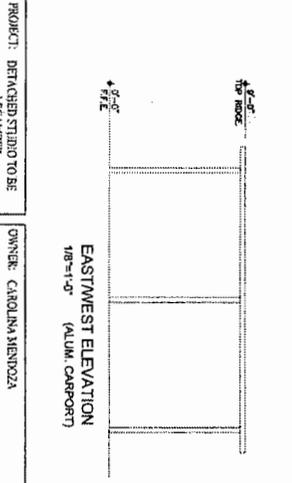
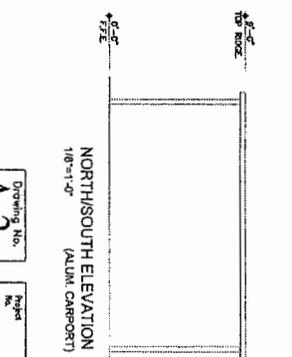
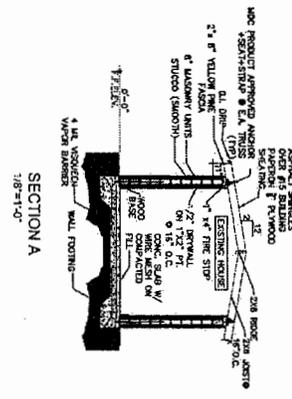
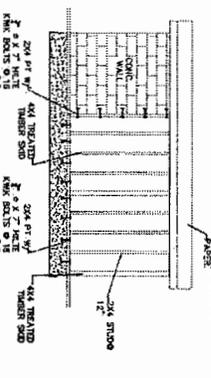
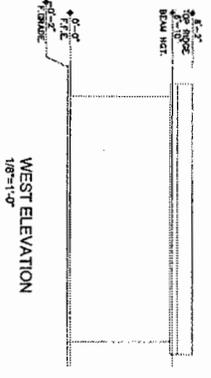
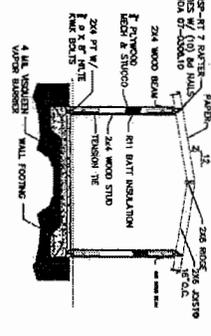
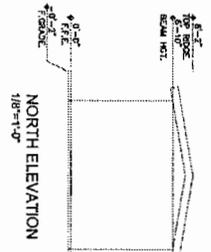
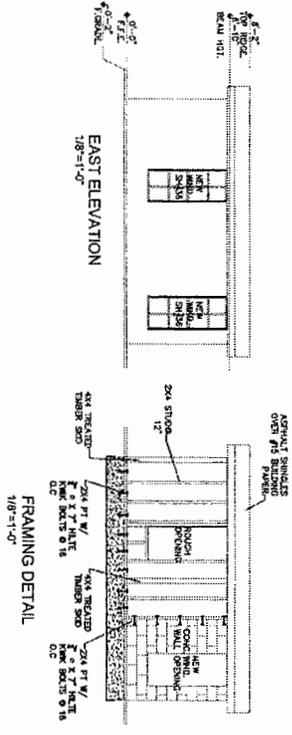
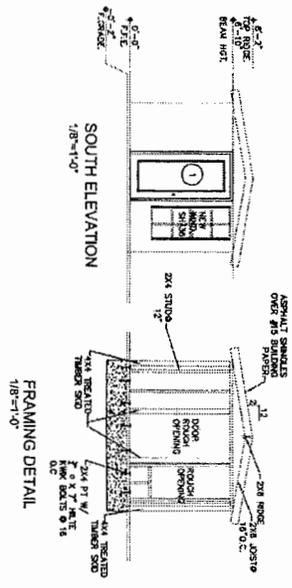
APPROVED: _____

DATE: APR 10 2009

NO MEP PLANS



RECEIVED
APR 10 2009
ZONING HEARINGS SECTION
COMMUNITY PLANNING AND ZONING DEPT.



Opening No.
A-2
of
2

Project No.	
Scale	
Client Ref. No.	

PROJECT: DEMOLISHED STUDIO TO BE LEGALIZED
ADDRESS: 391 SW 46 TERR
MIAMI, FLORIDA, 33135

OWNER: CAROLINA MENDOZA
ADDRESS: 391 SW 46 TERR
MIAMI, FLORIDA, 33135

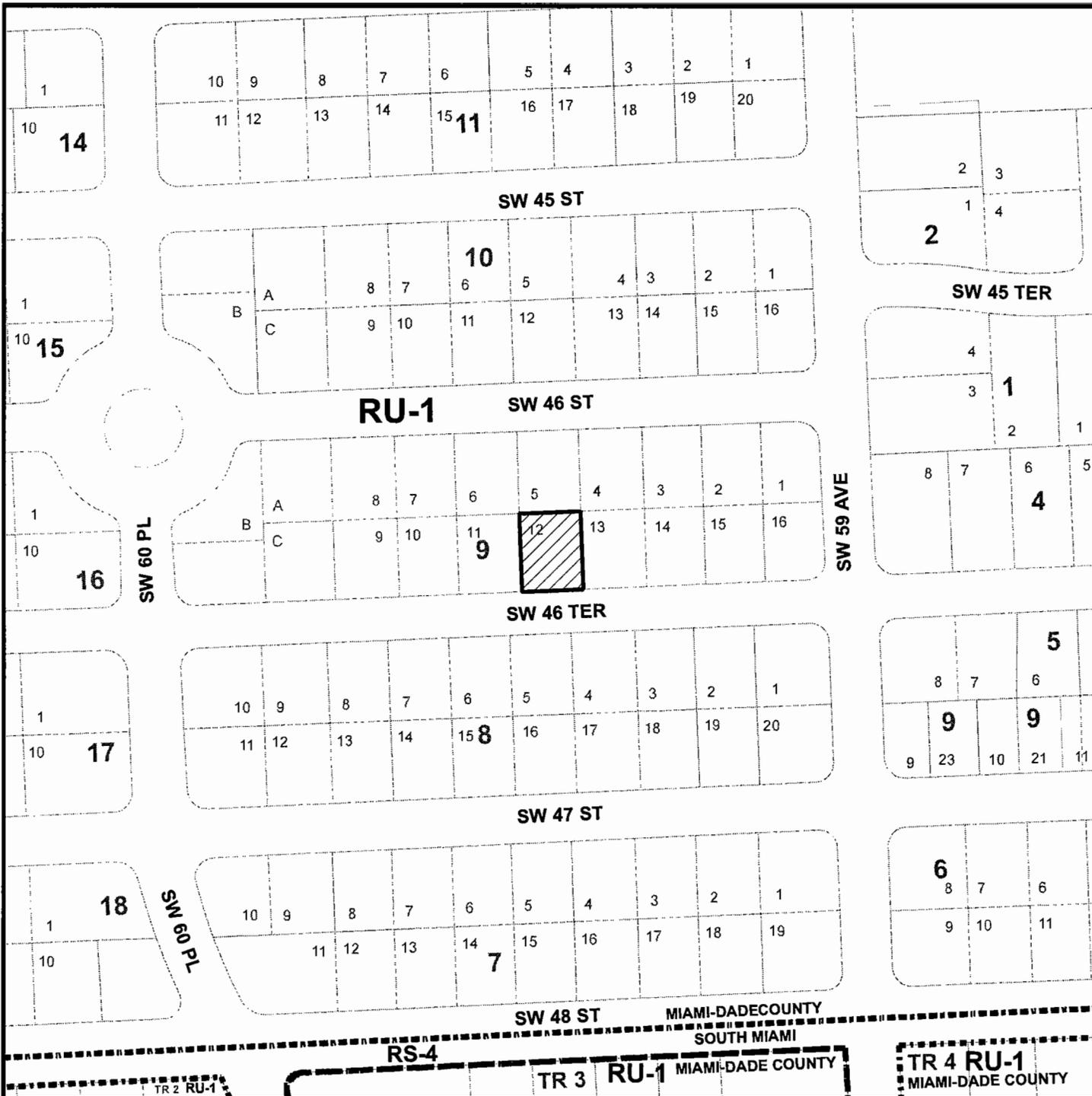
DATE: 04/20/2009

DESIGNED BY: ZUNING HEARNS
CHECKED BY: HANAN SADEK EL ANWARY
DATE: 04/20/2009

NO M.E.P. PLANS



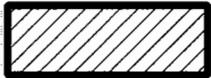
RECEIVED
APR 20 2009
ZUNING HEARNS ARCHITECTURE
MIAMI OFFICE
BY: HANAN SADEK EL ANWARY



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 24 Township: 54 Range: 40
 Applicant: CAROLINA MENDOZA
 Zoning Board: C12
 Commission District: 07
 Drafter ID: STENNETT
 Scale: NTS
 ----- Zoning

Process Number
09-046


SUBJECT PROPERTY



SKETCH CREATED ON: 04/09/09

REVISION	DATE	BY
		15



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-046

Section: 24 Township: 54 Range: 40
 Applicant: CAROLINA MENDOZA
 Zoning Board: C12
 Commission District: 07
 Drafter ID: STENNETT
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 04/09/09

REVISION	DATE	BY

3. RICARDO ROMAY
(Applicant)

10-2-CZ12-3 (09-066)
Area 12/District 8
Hearing Date: 02/10/10

Property Owner (if different from applicant) Same.

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1952	Phillip E. Groh, Jr.	- Special exception boarding & breeding dog kennel.	BCC	Approved w/conds.
1961	Phillip E. Groh, Jr.	- Unusual Use kindergarten & private school.	ZB	Approved w/conds.
1997	Phillip E. Groh, Jr.	- Non-Use Variance frontage & setbacks.	C12	Denied without prejudice

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. 12**

APPLICANTS: Ricardo Romay

PH: Z09-066 (10-2-CZ12-3)

SECTION: 03-55-40

DATE: February 10, 2010

COMMISSION DISTRICT: 8

ITEM NO.: 3

A. INTRODUCTION:

o **REQUEST:**

- (1) Applicant is requesting to permit a gazebo setback 6'6" (7.5' required) from the rear (east) property line and setback 10' (20' required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Gazebo for Mr. Richard Romay," as prepared by Juan B. Ordonez, P.E., dated stamped received 11/16/09. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking approval for a proposed gazebo to be located within the rear and interior side setback areas.

o **LOCATION:**

9341 SW 78 Court, Miami-Dade County, Florida

o **SIZE:** 13,533 sq. ft.

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-M; Single-family residence

Low Density Residential, 2.5 to 6 dua

SURROUNDING PROPERTY:

NORTH: EU-M; Single-family residence

Low Density Residential, 2.5 to 6 dua

SOUTH: EU-M; Single-family residence

Low Density Residential, 2.5 to 6 dua

EAST: RU-3M: apartments

Medium High Density Residential, 2.5 to 6 dua

WEST: EU-M; Single-family residence

Low Density Residential, 2.5 to 6 dua

The subject property is an interior lot located at 9341 SW 78 Court. The surrounding area is developed with single-family residences and apartments.

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
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

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

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use

variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is an interior lot located at 8275 SW 47 Terrace in an established area zoned EU-M, Estate Modified Residential District, and developed with single-family residences. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, permitting from 2.5 to 6 dwelling units per gross acre. The existing single-family residence and aforementioned accessory structure (gazebo) will not add any additional dwelling units to the site. Therefore, the existing single-family residence is **consistent** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the estimated average travel response time for this site is **6:11** minutes.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this application would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not negatively affect the appearance of the community. The applicant seeks approval for a proposed accessory structure (gazebo) located in the rear yard area. Staff notes, that the one foot (1') encroachment into the rear (east) setback area and ten (10') encroachment into the interior side (south) setback area are buffered by an existing 6' high wood fence running along both of these property lines which in staff's opinion diminishes the negative visual and aural impact of such structure on the neighboring properties to the east and south. However, staff recommends, that as depicted on the plans, the proposed gazebo not be enclosed in any manner except for approved insect screen materials. As such, staff recommends approval with conditions of this application under the Non-Use Variance Standards (NUV).

I. RECOMMENDATION:

Approval with conditions.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of 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 "Proposed Gazebo for Mr. Richard Romay," as prepared by Juan B. Ordonez, P.E., dated stamped received 11/16/09.. 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 proposed gazebo not be enclosed in any manner except for approved insect screen materials.

DATE INSPECTED: 12/15/09
DATE TYPED: 12/15/09
DATE REVISED: 12/16/09; 01/08/10; 01/15/10
DATE FINALIZED: 01/15/10
MCF:GR:NN:CH:TA



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

NON
GR

Memorandum



Date: May 18, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

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

Subject: C-12 #Z2009000066
Ricardo Romay
9341 S.W. 78 Court
Request to Permit an Accessory Structure to a Single Family Residence
with Setbacks Less Than Required from Property Line
(EU-M) (0.31 Acres)
03-55-40

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.

Wellfield Protection

The subject property is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24-43 of the Code.

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 Code requirements.

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, the existing single family residence is served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim continued use the septic tank and drainfield since the existing house complies with the requirements of Section 24-43.1(3) of the Code.

Wetlands

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

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

Tree Preservation

According to the site plan submitted with this zoning application, the proposal of the gazebo will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however please be advised that a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24.

Enforcement History

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

Concurrency Review Summary

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

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

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

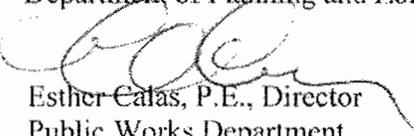
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

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

Subject: Zoning Hearing Improvements

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

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

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

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

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

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

Leandro Rodriguez



Memorandum

Date: 12-NOV-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000066

Fire Prevention Unit:

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

Service Impact/Demand

Development for the above Z2009000066
 located at 9341 SW 78 CT, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1831 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: 6:11 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 23 - Suniland - 7825 SW 104 Street
 Rescue, BLS 75' Ladder

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

TEAM METRO

ENFORCEMENT HISTORY

RICARDO ROMAY

9341 S.W. 78 COURT, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

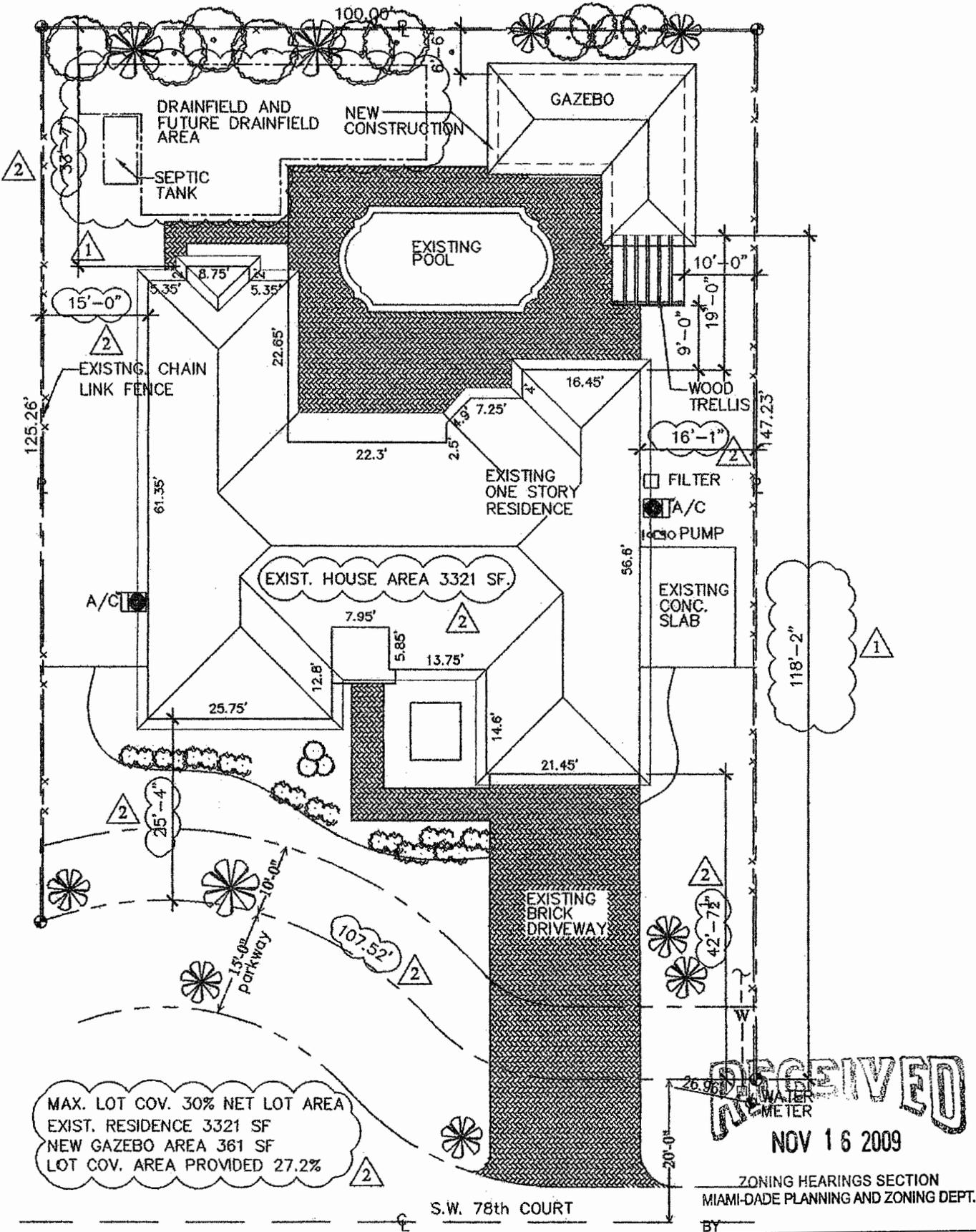
Z2009000066

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

200902006221 CLOSED ENFORCEMENT HISTORY (NO VIOLATION FOUND).

LUIS CARCAMO



SITE PLAN

SCALE: 1/16" = 1'-0"



ENLARGED SITE PLAN

LEGAL DESCRIPTION

LOT 4, BLOCK 1 SUBDIVISION KENWOOD ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 154 AT PAGE

RECEIVED

NOV 16 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

GENERAL NOTES

1. THE WORK SHALL INCLUDE THE SUPERVISION OF ALL MATERIALS, OILING, EXTENDING, CONNECTING, REPAIRING, ADJUSTING, AND OTHER WORK CONSIDERED HERE TO, TOGETHER WITH SUCH REPAIRING INSTALLATIONS AS MAY BE NECESSARY TO MAINTAIN THE EXISTING UTILITIES AND FACILITIES IN ACCORDANCE WITH THE APPLICABLE CODES, ORDINANCES AND REGULATIONS.
2. ALL BUILDING CONSTRUCTION REFERRED BY THE GENERAL NOTES, SHALL BE CONFORMANT WITH THE APPLICABLE CODES, ORDINANCES AND REGULATIONS, OR OWNER'S REPRESENTATIVE.
3. ALL ELECTRICAL AND PLUMBING LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE CODES, ORDINANCES AND REGULATIONS, OR OWNER'S REPRESENTATIVE.
4. THIS PLAN SHALL BE FILED CONFORMANT WITH ALL OTHER APPLICABLE PLANS ELECTRICAL DRAWINGS FOR NEITHER REVISIONS.
5. CONTRACTOR IS RESPONSIBLE FOR REMOVAL OF ALL DEBRIS GENERATED BY THE WORK HEREON.
6. CONTRACTOR SHALL VERIFY LOCATION OF UTILITIES PRIOR TO COMMENCEMENT OF WORK TO ENSURE THE UTILITIES WILL NOT BE DAMAGED DURING THE COURSE OF CONSTRUCTION.
7. GENERAL CONTRACTOR SHALL VISIT THE SITE TO ESTABLISH THE EXISTING WORK NOT AFFECTED BY ANY REVISIONS AND ADDRESS REVISIONS PRIOR TO COMMENCEMENT OF WORK.
8. CONTRACTOR SHALL VERIFY LOCATION OF UTILITIES PRIOR TO COMMENCEMENT OF WORK TO ENSURE THE UTILITIES WILL NOT BE DAMAGED DURING THE COURSE OF CONSTRUCTION.
9. PROVIDE ALL CUTTING AND MARKING OF CONCRETE SHALL BE FOR THE PURPOSE OF INSTALLING FORMING AND CONCRETE OF ANY ELECTRICAL, MECHANICAL, AND PLUMBING WORK AS REQUIRED.
10. ALL WINDOWS SHOULD HAVE SHUTTERS AGAINST HURRICANES OR SHALL BE HURRICANE RESISTANT DUE COUNTY APPROVED PRODUCT FOR THE INSTALLATIONS OF SERVICES AND FOR INSPECTIONS.
11. SOIL SHALL BE TREATED AGAINST SUBTERRANEAN TERMITES BY THROUGHLY PENETRATING WITH LOCAL SOILS AND CHEMICAL AREA TO BE TREATED SHALL INCLUDE ALL THE BUILDING CONSTRUCTION AND FOUNDATION.
12. ALL BUILDINGS SHALL HAVE PRE-CONSTRUCTION TREATMENT FOR TERMITES AND SUBTERRANEAN TERMITES SHALL BE TREATED AGAINST SUBTERRANEAN TERMITES BY THROUGHLY PENETRATING WITH LOCAL SOILS AND CHEMICAL AREA TO BE TREATED SHALL INCLUDE ALL THE BUILDING CONSTRUCTION AND FOUNDATION.
13. ALL BUILDINGS SHALL HAVE PRE-CONSTRUCTION TREATMENT FOR TERMITES AND SUBTERRANEAN TERMITES SHALL BE TREATED AGAINST SUBTERRANEAN TERMITES BY THROUGHLY PENETRATING WITH LOCAL SOILS AND CHEMICAL AREA TO BE TREATED SHALL INCLUDE ALL THE BUILDING CONSTRUCTION AND FOUNDATION.

INDEX

- A-0 SITE PLAN, GENERAL NOTES AND ZONING LEGEND
- A-1 FLOOR PLAN, ELEVATIONS, SECTIONS AND REFLECTING CLG. PLAN
- A-2 ROOF PLAN, WALL SECTIONS AND TYP. SECTION

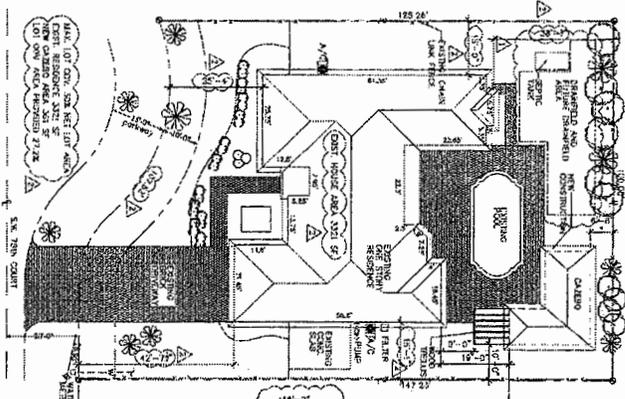
- P — OVER HEAD POWER
- S — SEWER LINE
- W — WATERLINE
- X — EXISTING FENCE TO REMAIN
- L — PROPERTY LINE
- C — CENTERLINE

SITE GENERAL NOTES

1. BEFORE STARTING WORK, THE CONTRACTOR SHALL VISIT THE SITE AND INFORM THE OWNER AS TO THE LOCATION, NATURE OF THE WORK, EQUIPMENT AND FACILITIES NEEDED, GENERAL AND LOCAL CONDITIONS PREVAILING AT THE SITE, AND ANY OTHER MATTERS WHICH MAY AFFECT THE WORK UNDER THIS CONTRACT.
2. CLEAR AND GRUB PROPOSED OF ALL SUBTERRANEAN OR SURFACE UTILITIES CANAL, DRAINAGE MATERIAL, GROWTH AND THE LINE INDICATED ON DRAWINGS WITHIN CLEARING AND GRADE LIMITS.
3. GRAVE EXISTING CONSTRUCTION AREA OF ANY GRASS, WEEDS AND PLANTS SHALL BE PROTECTED AND PRESERVED TO REMAIN UNLESS OTHERWISE NOTED ON DRAWINGS. ANY PLANTS OR SHRUBS SHALL BE REMOVED TO A DEPTH NOT LESS THAN 18 INCHES BELOW ORIGINAL GRADE LEVEL.
4. ONE ALL EXCAVATION FOR CONCRETE WALL FOUNDATIONS WITH SQUARE CORNERS LEVEL BOTTOMS AND TO TRUE DIMENSIONS WHEN EXCAVATIONS ARE NOT CLEAN CUT OR SLOVING CORNER. REMOVE STUMPS AND ROOTS PENETRATING THROUGH OR APPEARING ON THE SURFACE OF THE EXCAVATIONS. EXISTING EXCAVATIONS FOR FOUNDATIONS TO ELEVATIONS SHOWN ON DRAWINGS.
5. SOIL EXCAVATIONS REQUIRING FORMING, LAKE ENOUGH TO ALLOW FOR THE INSTALLATION OF FORMING SHALL BE TREATED AGAINST SUBTERRANEAN TERMITES BY THROUGHLY PENETRATING WITH LOCAL SOILS AND CHEMICAL AREA AND AN APPROVED METHOD OF BUILDING FOUNDATION CONSTRUCTION SHALL BE USED.
6. SOIL SHALL BE TREATED AGAINST SUBTERRANEAN TERMITES BY THROUGHLY PENETRATING WITH LOCAL SOILS AND CHEMICAL AREA AND AN APPROVED METHOD OF BUILDING FOUNDATION CONSTRUCTION SHALL BE USED.
7. CHEMICALS UNDER SLABS SHALL BE APPLIED AFTER FILL IS TAMPED AND ROUGH FINISHING IS INSTALLED. CHEMICALS SHALL BE APPLIED AND ROUGH FINISHING IS INSTALLED. CHEMICALS SHALL BE APPLIED AND ROUGH FINISHING IS INSTALLED. CHEMICALS SHALL BE APPLIED AND ROUGH FINISHING IS INSTALLED.
8. PROVIDE ALL IRRIGATION SYSTEM TO BE OPERATED WITH A TIMER AND TO COVER ALL LANDSCAPING AREAS WITHIN PROPERTY LINE.
9. THE HEIGHT OF FENCES, WALLS AND HEDGES SHALL NOT EXCEED 6 FEET IN HEIGHT WITHIN 10'-0" FEET OF THE EDGE OF ANY DRIVEWAY LEADING TO RIGHT OF WAY. THE HEIGHT OF FENCES IS BEING MEASURED TO THE TOP OF THE FENCE TO ELEVATION OF PUBLIC SIDEWALK OR CURB OF ROAD.

NOTE

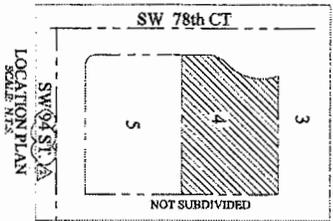
ALL GAZES AND WINDING PROPOSED DIRECT ACCESS FROM THE HOME TO THE POOL SHALL BE EQUIPPED WITH AN EXIT ALARM ACCORDING TO FLORIDA BUILDING CODE REQUIREMENTS.



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

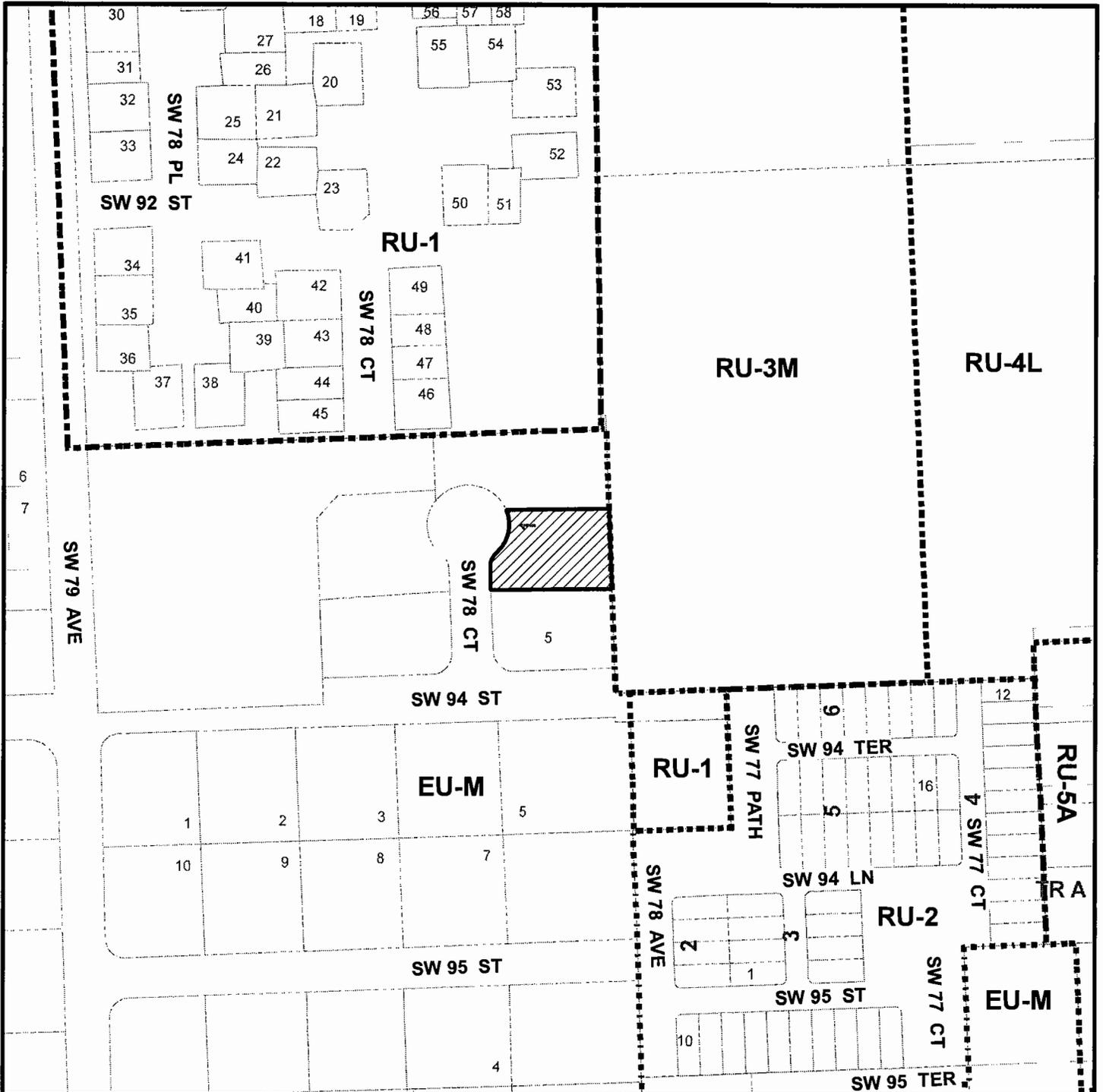
LOT 4 & EX-1 SUBDIVISION CONDOMINIUM ESTATES ACCORDING TO THE PLAT THEREON RECORDED IN PLAT 1000 OF BOOK 1000, PAGE 82 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

ZONING LEGEND	DESCRIPTION
RES-1	RESIDENTIAL SINGLE-FAMILY
RES-2	RESIDENTIAL SINGLE-FAMILY (LARGER LOTS)
RES-3	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-4	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-5	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-6	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-7	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
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RES-45	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-46	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-47	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-48	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-49	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)
RES-50	RESIDENTIAL SINGLE-FAMILY (SMALLER LOTS)



LEGEND

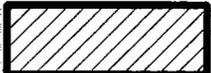
- WALL SECTION
- SITE OVERLAY
- SETBACKS
- DETAIL
- SITE OVERLAY DETAIL TO SHOW



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-066

Section: 03 Township: 55 Range: 40
 Applicant: RICARDO ROMAY
 Zoning Board: C12
 Commission District: 08
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY




SKETCH CREATED ON: 05/11/09

REVISION	DATE	BY
		14



MIAMI-DADE COUNTY
AERIAL YEAR 2008

Process Number
09-066

Section: 03 Township: 55 Range: 40
 Applicant: RICARDO ROMAY
 Zoning Board: C12
 Commission District: 08
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 05/11/09

REVISION	DATE	BY

4. ROBERT AND SUSAN ROSENTHAL
(Applicant)

10-2-CZ12-4 (09-076)
Area 12/District 7
Hearing Date: 02/10/10

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

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

NO HISTORY

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12**

APPLICANTS: Robert and Susan Rosenthal

PH: Z09-076 (10-2-CZ12-4)

SECTION: 24-54-40

DATE: February 10, 2010

COMMISSION DISTRICT: 7

ITEM NO.: 4

A. INTRODUCTION:

o **REQUEST:**

- (1) Applicants are requesting to permit an addition to a single-family residence setback varying from 3.5' to 9.6' (25' required) from the rear (south) property line.
- (2) Applicants are requesting to permit the existing residence setback 17'11" (25' required) from the front (north) property line.
- (3) Applicants are requesting to permit an existing accessory building setback 1'1" (20' required) from the interior side (east) property line and setback 4.63' (75' required) from the front (north) property line and to allow the accessory building to be in front of the principal building (not permitted).
- (4) Applicants are requesting to permit a rear yard area coverage of 37.5% (20% permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Renovation to Existing Residence," as prepared by Reinaldo A. Gomez, Sheet "Z-1", dated stamped received 10/16/09 and the remaining sheets dated stamped received 8/7/09 for a total of 4 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicants are seeking approval for the continued use of an existing addition to the rear of the existing residence encroaching into the required rear setback area, to permit the continued use of an existing single family residence which encroaches in the front setback area and to permit the continued use of an existing accessory building (cabana) encroaching in the front and interior side setback areas and located in front of the principal residence where is not permitted by the Zoning Code. Additionally, the applicants are seeking to permit the aforementioned accessory structure (cabana) to exceed the permitted rear yard lot coverage.

o **LOCATION:**

6400 SW 44 Street, Miami-Dade County, Florida

o **SIZE:** 0.92 Acre

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

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

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-M; Single-family residence

Low Density Residential, 2.5 to 6 du

SURROUNDING PROPERTY:

NORTH: RU-1; Single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: EU-M; Single-family residence

Low Density Residential, 2.5 to 6 du

EAST: EU-M; Lake

Low Density Residential, 2.5 to 6 du

WEST: EU-M; Single-family residence

Low Density Residential, 2.5 to 6 du

The subject property is an interior lot located at 6400 SW 44 Street. The surrounding area is developed with single-family residences and a lake lies to the east of the subject property.

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 the existing single family residence and addition only. Excluding, the accessory structure (cabana).

F. PERTINENT REQUIREMENTS/STANDARDS:

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

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

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is an interior lot located at 6400 SW 44 Street in an established area zoned EU-M, Estate Modified Residential District, and developed with single-family residences and a lake to the east. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, permitting from 2.5 to 6 dwelling units per gross acre. The existing single-family residence and aforementioned addition and accessory structure will not add any additional dwelling units to the site. Therefore, the existing single-family residence is **consistent** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department** has **no objections** to this application. However, the Public Works Department requires that the applicants dedicate 25' for the right-of-way dedication of the south half of SW 44 Street. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the estimated average travel response time for this site is **7:24** minutes.

When request #1 is 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 **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Staff acknowledges that the main residence (excluding the bathroom and closet addition) encroaches varying from 1.6' to 12.7' into the

required 25' rear (south) setback area (when measured to the present bluff line). Staff estimates, that in 1942, when the main residence was built (excluding the aforementioned addition), the main residential structure was built in accordance with the zoning requirements. However, staff is of the opinion that throughout the past 68 years and as a result of erosion, the lake bank (bluff line) has been gradually changing inland to the present bluff line. Although, the bathroom and closet addition result in additional encroachment into the rear (south) setback area, varying from 15.4' to 21.5', staff recognizes, that the addition is adequately buffered from the neighboring property to the south by the aforementioned lake. The plans submitted by the applicant also depict that the addition has been designed to match the same architectural style as the main residence and that the addition will provide additional indoor living space to the applicants such as a larger bathroom and additional closet space. Staff also notes that the photographs submitted with this application show that the existing residence and addition are buffered from the surrounding properties by intense landscaping along the interior sides and front setback areas. Additionally, staff is of the opinion that the encroachment of the addition into the rear (south) setback area does not create a negative visual impact to the neighboring property to the south since as previously mentioned is adequately buffered from the neighboring properties to the south, by the existing lake. However, staff recommends approval of request #1 with a condition that the applicants obtain a building permit to legalize such addition. As such, staff recommends approval with conditions of request #1. 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 #2 would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. The applicant seeks approval for the continued use of an existing single family residence setback 17'11" from the front (north) property line where 25' is required. As previously mentioned the Public Works Department is requesting a 25' right-of-way dedication for the south half of SW 44 Street along the entire length of the north portion of the subject property which results in a reduction of the existing front (north) setback from 42'11" to 17'11". Staff is of the opinion that since the reduction of the front setback area is caused by the required right-of-way dedication for the south half of SW 44 Street and since such right-of-way dedication is required by the Public Works Department and is necessary to improve connectivity and traffic flow to the surrounding residential community, staff recommends approval of request #2 with conditions

When requests #3 and #4 are analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, would be detrimental to the neighborhood and would affect the appearance of the community. The applicant is requesting to permit the continued use of an existing accessory building (cabana) encroaching 19'11" into the interior side (east) setback area where 20' is required and encroaching 70'4" into the front (north) setback area where 75' is required. Although, the applicant has met with staff and has brought old plans indicating such cabana structure on the site. The applicant did not demonstrate the approval of such cabana structure by the then Building and Zoning Department. As such, staff is of the opinion that these encroachments into the interior side and front setback areas are excessive and incompatible with surrounding area. In addition, the applicant is also seeking the approval for the continued use of such accessory structure (cabana) which exceeds the permitted rear yard lot coverage by 17.5% which in staff's opinion is also excessive and incompatible with the surrounding area. As such, staff recommends denial without prejudice of requests #3 and #4.

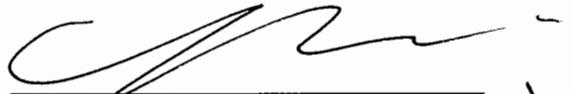
I. RECOMMENDATION:

Approval with conditions of requests #1 and #2 and denial without prejudice of requests #3 and #4.

J. CONDITIONS: for requests #1 and #2.

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 "Proposed Renovation to Existing Residence," as prepared by Reinaldo A. Gomez, Sheet "Z-1", dated stamped received 10/16/09 and the remaining sheets dated stamped received 8/7/09 for a total of 4 sheets, except as modified to show the removal of the existing accessory structure (cabana) located in front of the existing residence. 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 secure a building permit for the existing addition to the single-family residence from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Planning and Zoning.
4. That the applicant provides a 25' right-of-way dedication for the south half of SW 44 Street as required by the Public Works Department at time of plat or building permit whichever comes first.

DATE INSPECTED: 12/22/09
DATE TYPED: 12/22/09
DATE REVISED: 12/23/09; 01/14/10; 01/15/10
DATE FINALIZED: 01/15/10
MCF:GR:NN:TA



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

NOW
GR

Date: June 3, 2009

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

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

Subject: C-12 #Z2009000076
and Susan Rosenthal
6400 S.W. 44 Street
Request to Permit an Existing Single Family Residence that Exceed
Setback Requirements
(EU-M) (0.92 Acres)
54-40-24

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

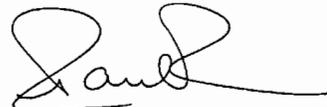
PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ROBERT AND SUSAN ROSENTHAL

This Department has no objections to this application.

The applicant must dedicate 25 feet for the south half of SW 44 Street.

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



Raul A Pino, P.L.S.

06-JAN-10

Memorandum



Date: 15-JUN-09
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2009000076

Fire Prevention Unit:

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

Service Impact/Demand

Development for the above Z2009000076
 located at 6400 S.W. 44 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1598 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 7:24 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 14 - South Miami - 5860 SW 70 Street
 Rescue, ALS Engine, Battalion

Planned Service Expansions:

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

Fire Planning Additional Comments

Not applicable to service impact analysis.

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

DATE: 13-JAN-10

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

ROBERT AND SUSAN ROSENTHAL

6400 SW 44 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000076

HEARING NUMBER

HISTORY:

NO CURRENT ZONING VIOLATIONS OBSERVED

ROBERT AND SUSAN ROSENTHAL

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

N/A

REPORTER NAME:

UNKNOWN

133'± to Fence Post
DEED = 140'±

S 00°00'00" E

Measured 90°21'19"

Existing Property Line per Deed

N 90°00'00" E
C.W. 44th LI CURVE
236.6'

261.60'

No Identification

Measured
29.63'
25.00'
29.78'

Found 1/2" Pipe

S 00°21'30" W
94'±

West Line, SE 1/4, NW 1/4, Section 24-54-40

WATER'S EDC
PROPERTY LI

LAKE

Utility Pole
Overhead Powerlines

Asphalt Drive

EXIST. SEPTIC TANK AND DRAIN FIELD SEE PLUMBING

Finish Floor Elevation = +14.22'
Garage Elevation = +14.02'

One Story Residence
6400 S.W. 44th Street

Roofed Terrace

Concrete Deck with Pool

Wood Deck

LEDGE

LEDGE

LEDGE

LEDGE

LEDGE

LEDGE

Dear Sir

BLUFF LINE

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

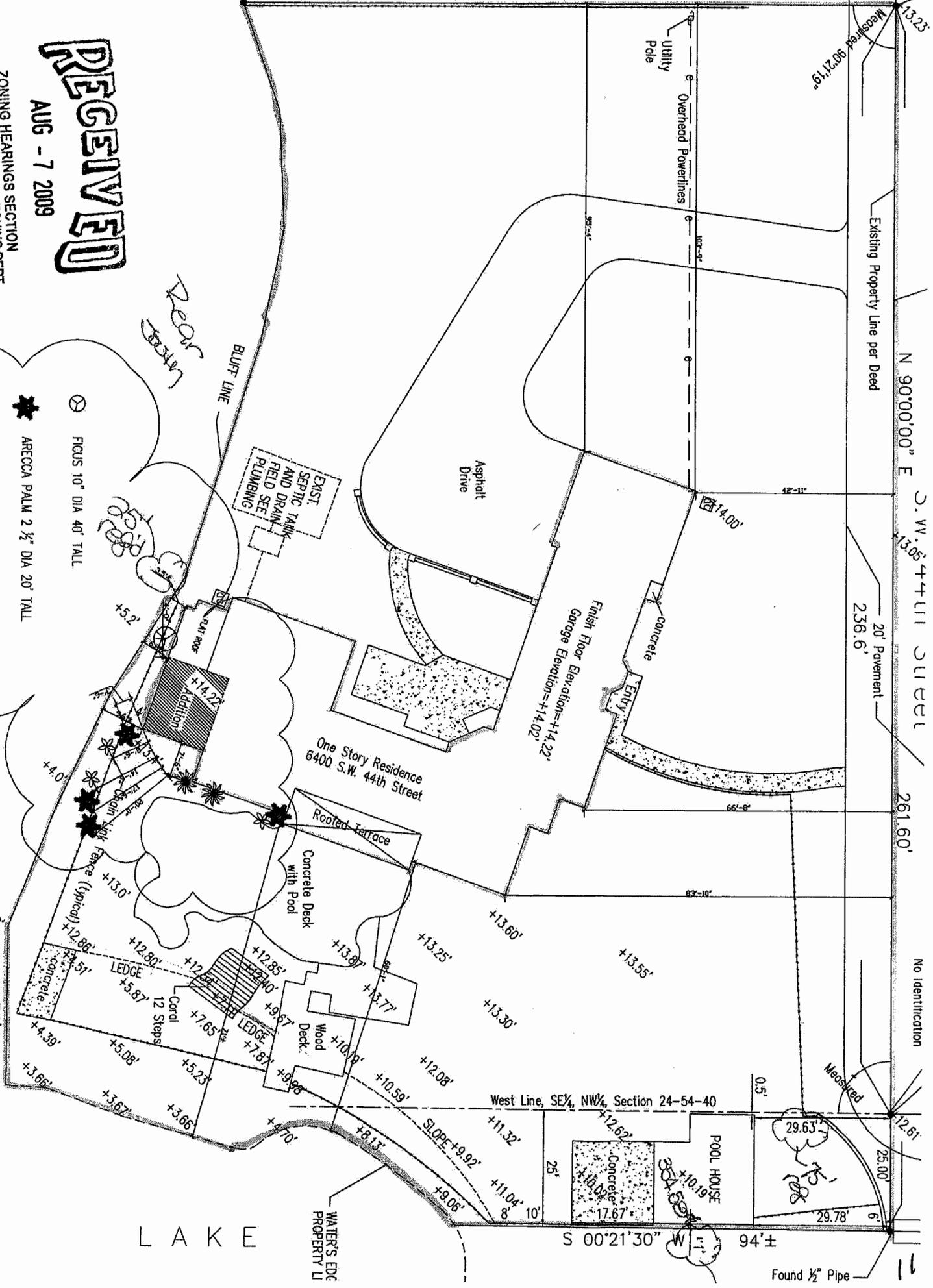
⊙ FOCUS 10" DIA 40' TALL

★ ARECCA PALM 2 1/2" DIA 20' TALL

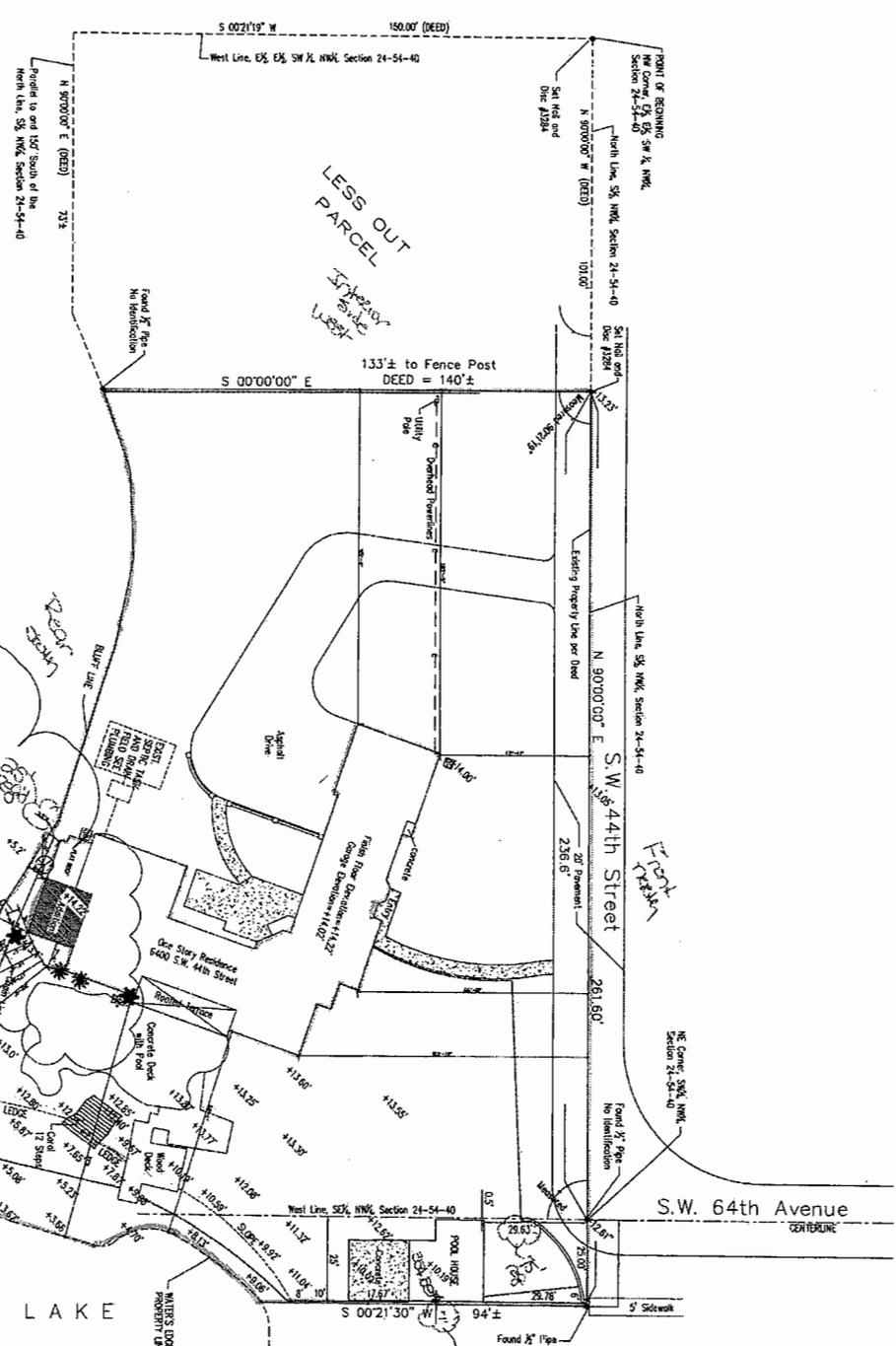
✱ ALEXANDER PALM 5" DIA 20' TALL

ENLARGED SITE PLAN

S 89°38'41" E
34'±



THIS PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THIS PLAN.



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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

- ⊙ FDS 10' DIA. 40' TALL
 - ★ ALEXANDER PALM 2' X 2' DIA. 20' TALL
 - ★ ALEXANDER PALM 5' DIA. 20' TALL
 - ★ OCEAN PALM 8' DIA. 25' TALL
- PLEASE NOTE CONSTRUCTION HAS BEEN COMPLETED - PLANS ARE BEING PREPARED FOR SUBMITTAL - THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THIS PLAN.

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

AS-BUILT

EU-H	Required	Provided
Gross Lot Area	40,075 SF	57,754 SF
Net Lot Area		
Setbacks Front	25'	35'
Setbacks Side	15'	25'
Setbacks Rear	25'	35'
Room Area Ratio	Maximum 4000 sq ft	Maximum 4376 sq ft
Maximum Floor Area	15,000 sq ft	15,000 sq ft
Building Footprint	11,362 sq ft	4376 sq ft
Existing A/C Area	3343 sq ft	3343 sq ft
Existing Garage Area	344 sq ft	344 sq ft
Existing Detached Bldg Area	226 sq ft	226 sq ft
Existing Detached Bldg Area	103 sq ft	103 sq ft
Pool Area	2070 sq ft	2070 sq ft

Per Survey Dimensions
 201.180 x 3.5 = 215.16
 215.16 x 20.0 = 4303.2
 354.50 x 1215.0 = 387,770

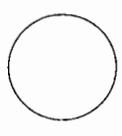
Handwritten signature and date: 8/6/09

Proposed Renovation To Existing Residence
 5400 SW 44TH STREET
 MIAMI, FLORIDA
 OWNER: MR. & MRS. ROSSENTHAL

RAG
 Reinhold A. Gomez
 Architect
 ASR 00157346
 1808 N.W. 83RD PLACE
 MIAMI LAKES, FL 33018
 Phone: 305-887-8880

RAG

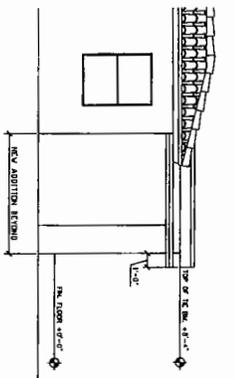
Rainaldo A. Gomez
 Architect
 AR# 0013736
 1830 N.W. 83RD PLACE
 Miami Lakes, FL 33018
 Phone: 305-837-4288



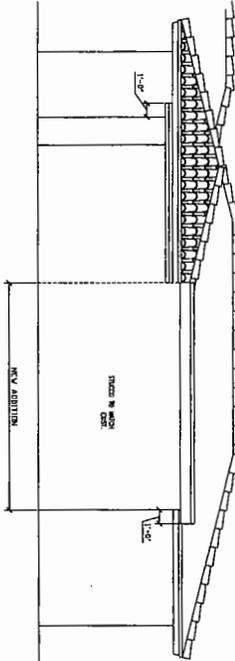
REVISIONS

**Proposed Renovation
 To Existing Residence**
 6400 SW 44TH STREET
 Miami, FLORIDA
 OWNER: MR. & MRS. ROSENTHAL

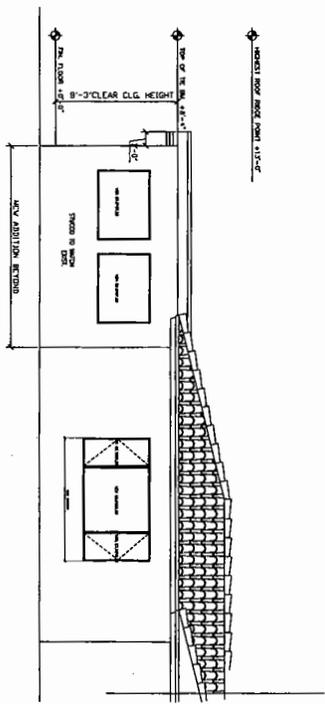
Rainaldo A. Gomez
 7/16/09



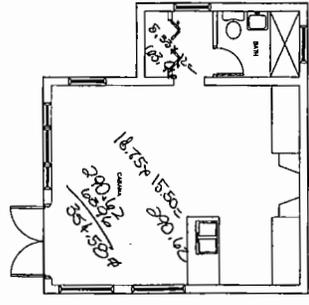
NORTHWEST ELEVATION 1/4"=1'-0"



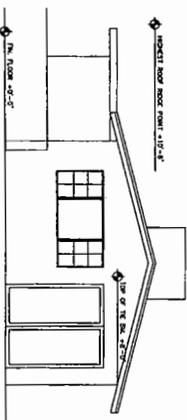
SOUTHWEST ELEVATION 1/4"=1'-0"



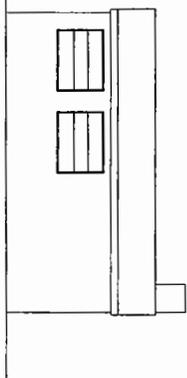
SOUTHEAST ELEVATION 1/4"=1'-0"



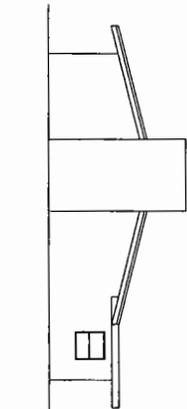
POOL HOUSE PLAN 1/4"=1'-0"



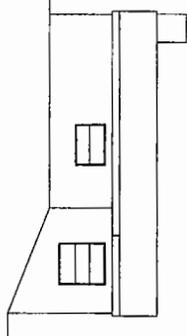
POOL HOUSE SOUTH ELEV. 1/4"=1'-0"



POOL HOUSE EAST ELEV. 1/4"=1'-0"



POOL HOUSE NORTH ELEV. 1/4"=1'-0"



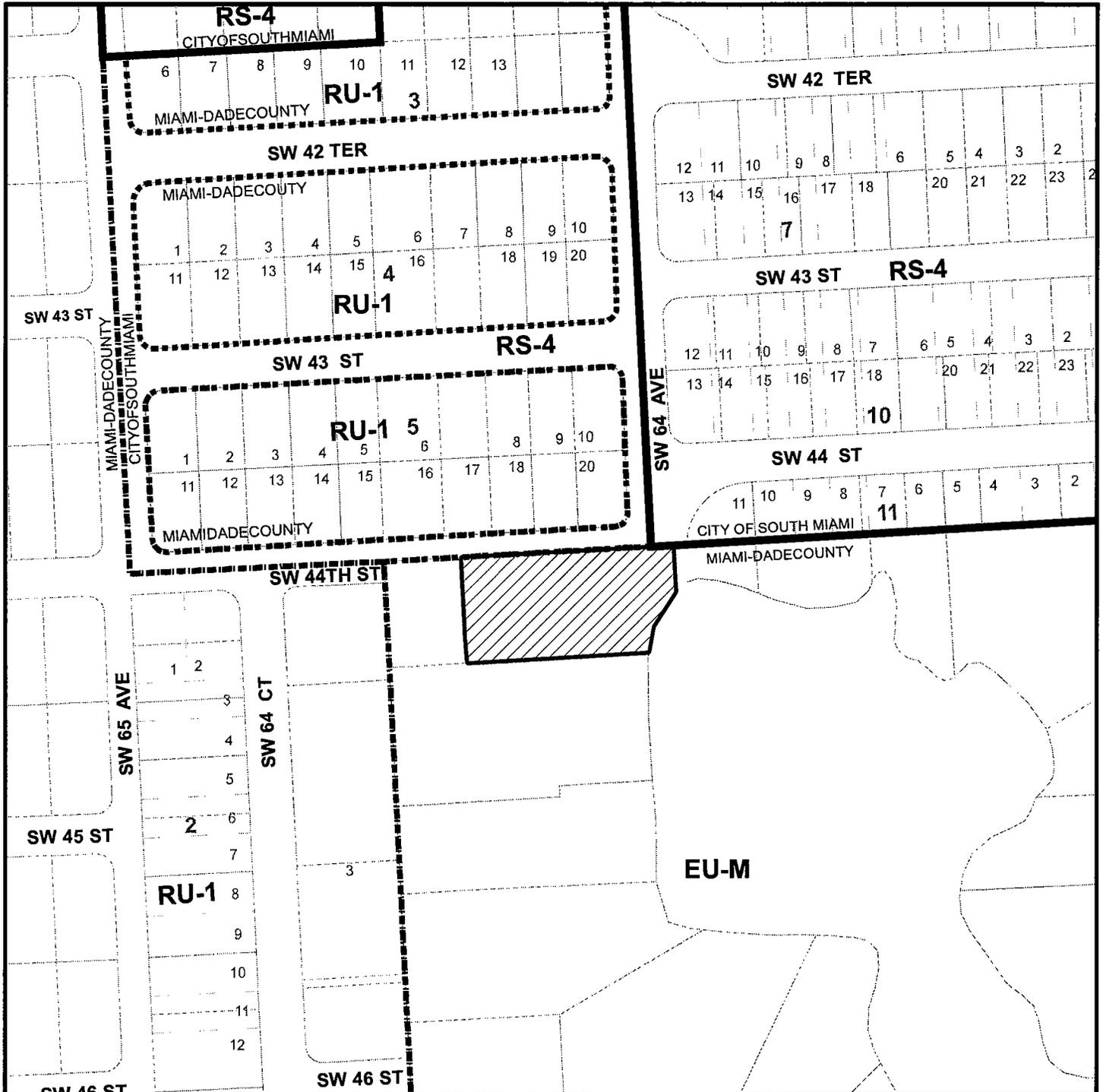
POOL HOUSE WEST ELEV. 1/4"=1'-0"

RECEIVED
 AUG - 7 2009

AS-BUILT

DATE:	PROJECT:	REVISION:
08-07-09	6400 SW 44TH STREET	AS-BUILT
SHEET:	NO.	OF
A-3	3	3

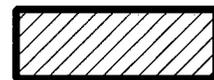
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____



**MIAMI-DADE COUNTY
HEARING MAP**

Process Number
09-076

Section: 24 Township: 54 Range: 40
 Applicant: ROBERT AND SUSAN ROSENTHAL
 Zoning Board: C12
 Commission District: 07
 Drafter ID: KEELING
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 06/29/09

REVISION	DATE	BY
		16



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Section: 24 Township: 54 Range: 40

Applicant: ROBERT AND SUSAN ROSENTHAL

Zoning Board: C12

Commission District: 07

Drafter ID: KEELING

Scale: NTS

----- Zoning

Process Number

09-076



SUBJECT PROPERTY



SKETCH CREATED ON: 05/29/09

REVISION	DATE	BY