

# KITS

10-21-2008 Version # 1



COMMUNITY ZONING APPEALS BOARD 15  
SOUTH DADE GOVERNMENT CENTER-ROOM 203 (OLD BUILDING)  
10710 SW 211 Street, Miami  
Tuesday, November 25, 2008 at 7:00 p.m.

## CURRENT

1. 08-11-CZ15-1 GUSTAVO ZAMBRANO

06-13

13-56-39 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 15

MEETING OF TUESDAY, NOVEMBER 25, 2008

SOUTH DADE GOVERNMENT CENTER – ROOM 203 (OLD BUILDING)

10710 SW 211 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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**1. GUSTAVO ZAMBRANO (08-11-CZ15-1/06-13)**

**13-56-39  
Area 15/District 9**

- (1) SPECIAL EXCEPTION to permit a religious facility.
- (2) Applicant is requesting to permit a parsonage residence setback 35' (50' required) from the front (south) property line.
- (3) Applicant is requesting to permit an access ramp setback 35' (50' required) from the interior side (west) property line.
- (4) Applicant is requesting to permit a parcel of land with a lot area of 3.42 gross acres (5 gross acres required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Agricultural Center," and "Religious Facility," as prepared by Ruben J. Pujol, A. I. A., Sheets A-1 dated stamped received 6/25/08, L-1 dated stamped received 12/11/07; Sheet A-2 dated stamped received 9/5/08 and the remaining sheets dated stamped received 3/30/07 for a total of 6 sheets. Plans may be modified at public hearing.

LOCATION: 11855 S.W. 232 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.42 Gross Acres

Department of Planning and Zoning Recommendation:

Approval with conditions of request #1; approval with conditions of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV, and denial without prejudice of same requests under Section 33-311(A)(4)(c) (ANUV).

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

T H E E N D

NOTICE OF APPEAL RIGHTS

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

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

**1. GUSTAVO ZAMBRANO**  
**(Applicant)**

**08-11-CZ15-1 (06-13)**  
**Area 15/District 9**  
**Hearing Date: 11/25/08**

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

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

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

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

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

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 15**

**APPLICANT:** Gustavo Zambrano

**PH:** Z06-013 (08-11-CZ15-1)

**SECTION:** 13-56-39

**DATE:** November 25, 2008

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 1

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**A. INTRODUCTION:**

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit a religious facility.
- (2) Applicant is requesting to permit a parsonage residence setback 35' (50' required) from the front (south) property line.
- (3) Applicant is requesting to permit an access ramp setback 35' (50' required) from the interior side (west) property line.
- (4) Applicant is requesting to permit a parcel of land with a lot area of 3.42 gross acres (5 gross acres required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Agricultural Center," and "Religious Facility," as prepared by Ruben J. Pujol, A. I. A., Sheets A-1 dated stamped received 6/25/08, L-1 dated stamped received 12/11/07; Sheet A-2 dated stamped received 9/5/08 and the remaining sheets dated stamped received 3/30/07 for a total of 6 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking a church in the AU, Agricultural Zoning District. Additional requests to permit a parsonage residence and an access ramp setback closer to the front and interior side property lines than permitted as well as a request to permit a parcel of land with less lot area are also being sought.

o **LOCATION:** 11855 SW 232 Street, Miami-Dade County, Florida.

o **SIZE:** 3.42 Acres

o **IMPACT:**

Approval of this application will allow a religious facility in the AU zoning district as well as to allow the parsonage residence and the access ramp setback less than required from the front and interior side property lines. Approval will also

permit the religious facility on a parcel of land with less lot area than permitted in the AU district. This application will bring additional traffic and noise into the area and may impact public services. Further, the approval of the parsonage residence and the access ramp for the religious facility with reduced setbacks could have a negative visual impact on the surrounding area.

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

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

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **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 units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.
2. Also permitted in residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.
3. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
4. **Guidelines for Urban Form.** The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors:
  6. Areas located along section line roads between transition areas are also authorized for eligible higher residential densities, public and semi-public uses. When section line roads are served by adequate mass transit, these areas are more suitable for office uses than such properties not served by adequate transit.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

AU; single-family residence

Low Density Residential, 2.5 to 6 dua

**Surrounding Properties:**

**NORTH:** AU; Vacant

Low Density Residential, 2.5 to 6 dua

**SOUTH:** RU-1M(A); Vacant (construction site)

Low Density Residential, 2.5 to 6 dua

**EAST:** AU; church

Low Density Residential, 2.5 to 6 dua

**WEST:** AU; single-family residence

Low Density Residential, 2.5 to 6 dua

The subject property is located at 11855 SW 232 Street and is currently improved with an existing one-story single-family residence. Developed parcels of land, including a church and single-family residences along with undeveloped properties and properties in the process of being developed, surround the subject property which is located approximately 1.5 miles east of and within the Urban Development Boundary (UDB).

**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**

\* Subject to conditions.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3) Special Exception, Unusual and New Uses.** Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise

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or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.

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

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

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

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The 3.42-acre subject property is located at 11855 SW 232 Street, is surrounded by vacant parcels, a single-family residence, a church, and parcels in the process of being developed for residential use and is located approximately 1.5 miles east of and within the Urban Development Boundary (UDB). The property is zoned AU, Agricultural District, and is currently improved with a one-story single-family residence. The applicant is requesting a special exception to permit a religious facility (request #1). Additional requests, to permit an existing residence to be used as a parsonage setback 35' from the front (south) property line (request #2), to permit an access ramp addition to the religious facility setback 35' from the interior side (west) property line (request #3) and to permit the parcel of land with a lot area of 3.42 gross acres (request #4), are also being sought. The AU zoning regulations require that structures on the property maintain a minimum 50' setback from the front property line and structures for public assemblage use (the religious facility) to be setback 50' from interior side property lines and require the property to have a minimum lot area of 5 gross acres. Plans submitted by the applicant depict the aforementioned requests.

The submitted plans indicate the proposed 5,583 sq. ft. religious facility sited towards the front (south) half of the property with an access ramp located on the western side of the building setback 35' from the interior side (west) property line. This proposed principal structure (the religious facility), consists of the worship hall, a group conference room, a media room, vestibule and restrooms. To the south of the proposed principal structure is the existing 2,630 sq. ft. parsonage residence which is currently located 35' from the front (south) property line. A two-way ingress and egress drive is proposed along the south property line to facilitate the movement of traffic to and from the proposed religious facility from section line road, SW 232 Street. The plans depict abundant, existing landscaping in the form of an Avocado grove on the entire northern half of the property as well as a proposed landscape buffer consisting of a variety of Live Oak and Ficus (short leaf fig) trees and Coco Plum hedges to be provided along the east, north and west property lines between the proposed religious facility and the abutting AU-zoned properties. Additionally, a landscaped strip along the south property line is to include a continuous Coco Plum hedge, along with additional Live Oak and Ficus trees planted along the front of the property on SW 232 Street. The submitted plans also indicate the removal of an existing shed located approximately 320' from the front of the property to facilitate the construction of the new building.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated in their memorandum that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The DERM memorandum also indicates that the subject property lies near County designated Natural Forest Community (NFC) that will be maintained by periodic ecological prescribed burning, which may affect the subject property. Said management technique reduces wildfire threats and is beneficial to wildlife and the rare plant species harbored by this plant community. Their memorandum indicates that such burning is generally performed once every three years; the subject property lies within the potential smoke dispersion corridor of this pine rockland and hardwood hammock areas and, as such, may be temporarily affected by the periodic smoke events. Further, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The Public Works Department (**PWD**) also has **no objections** and

has indicated that this application does not generate additional daily peak hour vehicle trips and it, therefore, meets traffic concurrency. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application. Their memorandum indicates that the estimated average travel response time is **6:18** minutes.

Approval of the application would permit a religious facility on the subject property. This site is located in a section of land that is zoned AU and is presently surrounded by a mixture of developed and undeveloped properties. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject parcel for **Low Density Residential** use. Single-family housing and townhouses generally characterize this density category. However, also permitted in Residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses, and their relationship. The interpretative text of the CDMP also indicates that public or semi-public uses such as **houses of worship** located in Low Density Residential neighborhoods should be located only in activity nodes, transition areas, section centers and **along section line roads** between transition areas as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. The subject property is located along a section line road (SW 232 Street) and, as such, staff opines that the proposed religious facility will be readily accessible to the congregation members. Staff's research revealed that, in 1974, the property located at 11805 SW 232 Street, which abuts the subject site to the east, was granted approval of a special exception to permit a church, Sunday school, parsonage, mid-week worship services, youth meetings, and community oriented programs as well as a request for an unusual use to permit a day nursery, pursuant to Resolution #Z-281-74. Therefore, staff is of the opinion that the proposed religious facility would be **compatible** with the area. Additionally, it should be noted that the subject site is located in an area of Miami-Dade County that, though currently zoned AU, is trending towards residential development, such as the residential construction site to the south, and the recently approved RU-1M(a), Modified Single-Family District, development to the north that was approved earlier this year, pursuant to Resolution #CZAB15-4-08. Further, staff opines that the size of the site in comparison to the size of the buildings, both existing and proposed along with the abundant buffering provided in the form of the Avocado, Live Oak and Ficus trees negate any negative visual impact that may arise from the setback encroachments. Based on all of the aforementioned, staff opines that the proposed religious facility is **consistent** with the objectives of the CDMP and **compatible** with the area.

When analyzing request #1 under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses And New Uses, staff is of the opinion that the proposed religious facility would not result in excessive noise or traffic, cause undue or excessive burden on transportation, streets, roads or highways, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. The 3.42-acre subject property is located at 11855 SW 232 Street and is surrounded by vacant parcels, a single-family residence, a church, and parcels in

the process of development for residential use, and is located approximately 1.5 miles east of and within the Urban Development Boundary (UDB). The AU-zoned, subject property is currently improved with a one-story single-family residence and a detached accessory structure. The submitted plans indicate a 5,583 sq. ft church building and an existing 2,630 sq. ft. single-family residence on the property, which the applicant proposes to use as the parsonage. The plans also show that the property will be developed with an abundance of foliage some of which already exists in the form of an avocado grove located on the northern half of the subject property as well as a mixture of Live Oak and Ficus (short leaf fig) trees along the east, west and southern property lines which will provide an adequate visual buffer to the development on the site. Further, staff notes that the applicant has provided parking on the site for 72 cars, which is over and above the 36 spaces required by the zoning regulations for a church of this size and will not, in staff's opinion, result in the spillage of parking onto the right-of-way. Additionally, staff is of the opinion that the religious facility use will not cause a burden on area roads when meetings are held and will be compatible with the area. Staff notes that the Public Works Department does not object to this application. The proposed religious facility will be located on a major right-of-way and will therefore not overburden local streets and roads. Staff further notes that the proposal abuts an existing religious facility to the east and staff, therefore, opines that the religious facility as proposed is **compatible** with the area and **consistent** with the goals and objectives of the CDMP. As such, staff recommends approval of request #1 under Section 33-311(A)(3).

When requests #2 and #3 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of the requests would be **compatible** with the surrounding area and would not negatively affect the appearance of the community. Requests #2, to permit an existing parsonage residence to setback 35' from the front (south) property line and request #3, to permit an access ramp setback 35' (50' required) from the interior side (west) property line, would not, in staff's opinion, have a negative impact on the surrounding area. The subject property is a 3.42-acre site with an existing Avocado orchard covering the entire northern half of the site with additional buffering along the north, east and western property lines in the form of Live Oak and Ficus trees. Additionally, the applicant has also proposed to place an almost continuous line of Coco Plum hedges along the front (south) property line. As such, staff opines that the existing parsonage and the proposed religious facility development of the subject property will be adequately buffered from the surrounding properties and will not create a negative visual impact. Staff also notes that the size of the site, 3.42 acres, is adequate to accommodate both the existing parsonage and the proposed church and will not result in an overly intensive use of the site. Further, staff is of the opinion that the requested setback variance in request #2 is compatible with the area as other similar requests have been approved. Staff's research identified a property to the east of SW 120 Avenue, on SW 232 Street that was also approved for a variance of front setbacks in 1982, pursuant to Resolution #4-ZAB-357-82. Said variance approved a setback of 50' and 20' where 75' are required from the front property line. Staff acknowledges that the proposed access ramp attached to the west portion of the proposed religious facility encroaches 15' into the interior side setback area but opines that said encroachment will be effectively buffered from the single-family residence located to the west of the site by the proposed landscaping in the form of a continuous planting of Live Oak and Ficus trees. However, staff recommends as a condition for the approval of these requests that the applicant remove or relocate an existing wood carport identified by staff's inspection of the property and submitted



photographs of the site, that encroaches into the interior side (west) setback prior to permitting. As such, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b) (NUV).

When request #4 is analyzed under the NUV Standards, staff is of the opinion that the request to permit a parcel of land with a lot area of 3.42 gross acres would not be detrimental to the community and would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public. Staff notes that the reason for this request is due to the existing AU zoning on the subject property, which requires a minimum of 5 acres for any use of the property. Nonetheless, as previously mentioned, staff opines that the size of the site, 3.42 gross acres, is adequate to accommodate both the existing parsonage and the proposed church and will not result in an overly intensive use of the site. Further, staff's research identified properties that were approved for similar variances of lot area within less than a quarter mile of the subject property. For example, in January 1976, pursuant to Resolution #4-ZAB-29-76, a property located to the west of the subject property at 11945 SW 232 Street, was approved to allow a lot area of 0.56 of an acre. In 1980, a property located northwest of the aforementioned property was approved pursuant to Resolution #4-ZAB-56-80, to allow a 0.92 acre lot. Similarly, also in 1980, a lot located to the east of the subject property was approved, pursuant to Resolution #4-ZAB-426-80, to allow a lot area of 0.68 of an acre. As such, staff opines that the requested variance for a lot area of 3.42 gross acres, where 5 gross acres is required, is not precedent setting and is not out of character with the surrounding properties. Further, as previously mentioned, the submitted plans indicate that the proposed development will be adequately buffered from the surrounding properties by the Avocado grove on the northern half of the property as well as a mixture of Live Oak and Ficus trees along the east, west and southern property lines. As such, staff opines that the proposed religious facility on the substandard lot is **compatible** with the surrounding properties in the AU district. Staff therefore, recommends approval with conditions of request #4 under Section 33-311(A)(4)(b) (NUV).

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. The applicant has not submitted documentation stating how the denial of the requests will result in unnecessary hardship and staff notes that the property can be utilized in accordance with the zoning regulations. Therefore, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

Based on the aforementioned, staff recommends approval with conditions of request #1 for a Special Exception to permit a religious facility; approval with conditions of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

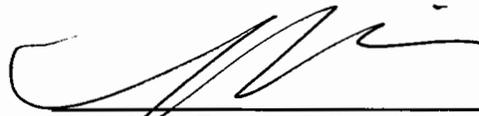
**I. RECOMMENDATION:**

Approval with conditions of request #1; approval with conditions of requests #2 through #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use, said plan shall include but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agricultural Center," and "Religious Facility," as prepared by Ruben J. Pujol, A. I. A., Sheets A-1 dated stamped received 6/25/08, L-1 dated stamped received 12/11/07; Sheet A-2 dated stamped received 9/5/08 and the remaining sheets dated stamped received 3/30/07 for a total of 6 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning 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.
5. That the existing wood carport be removed or relocated prior to the issuance of a Certificate of Use for the religious facility.
6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

**DATE INSPECTED:** 06/23/06  
**DATE TYPED:** 10/06/08  
**DATE REVISED:** 10/07/08, 10/17/08, 10/27/08  
**DATE FINALIZED:** 10/29/08  
MCL:MTF:LVT:NC:CH

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

# Memorandum



**Date:** July 15, 2008

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

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

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

**Subject:** C-15 #Z2006000013-Revised  
Gustavo Zanbrano  
11855 S.W. 232<sup>nd</sup> Street  
Special Exception to Permit a Religious Facility and  
Request to Permit Less Parking Spaces and Less Setback than Required  
(AU) (3.03 Acres)  
13-56-39

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

Potable Water Supply and Wastewater Disposal

The closest public water and sanitary sewer systems are located approximately 3,000 feet from the subject property; consequently, the existing single family residence on site is served by an on-site drinking water supply well and septic tank. However, development in the area is such that public water and public sanitary sewers will be available for connection to the subject property in the foreseeable future. Therefore, based on the proposed request for a special exception to permit a religious facility, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

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

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

### Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or Miami-Dade Public Works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in 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

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code. The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact the DERM Tree Program at (305) 372-6574 for additional information regarding permitting procedures and requirements prior to site development.

### Natural Forest Community

The subject property lies near County designated Natural Forest Community (NFC) properties. NFC's are unplanned natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species, low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values, and geological features.

These pinelands will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildlife threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor of this pineland. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or

unexpected wildfires. According to the landscaping Code, controlled species may not be planted within 500 feet of the native plant community.

#### Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at (305) 372-6700.

#### Enforcement History

DERM has found no open or closed formal enforcement record 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: GUSTAVO ZAMBRANO

This Department has no objections to this application.

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

This 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.

30-JUN-08



# Memorandum

**Date:** 10-APR-08  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2006000013

**Fire Prevention Unit:**

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped March 30, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications only. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2006000013 located at 11855 SW 232 ST, MIAMI-DADE COUNTY, FLORIDA. in Police Grid 2352 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>5,583</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: 3.57 alarms-annually.  
 The estimated average travel time is: 6:18 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 5 - Goulds/Princeton - 13150 SW 238 Street  
 Rescue, BLS Engine.

**Planned Service Expansions:**

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

**Fire Planning Additional Comments:**

Current service impact calculated based on plans date stamped March 30, 2007. Substantial changes to plans will require additional service impact analysis.

15

# TEAM METRO

## ENFORCEMENT HISTORY

GUSTAVO ZAMBRANO

11855 SW 232 ST, MIAMI-DADE  
COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

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Z2006000013

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

Current case history;

CSR case 08-00131707 was opened based on enforcement history request and inspected on 4-7-08. A warning notice was issued for Ch 19-11 storing construction materials without an active building permit. A reinspection will be conducted after 5-8-08.

CSR case 08-00139350 was opened based on enforcement history request and inspected on 4-7-08. A warning notice was issued for Ch 33-279 storing a bus on property. A reinspection will be conducted after 5-8-08.

Previous case history;

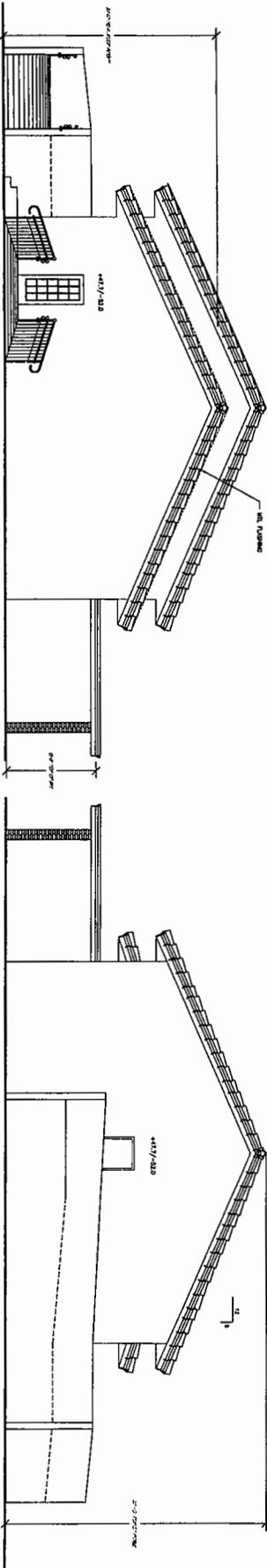
No previous cases.



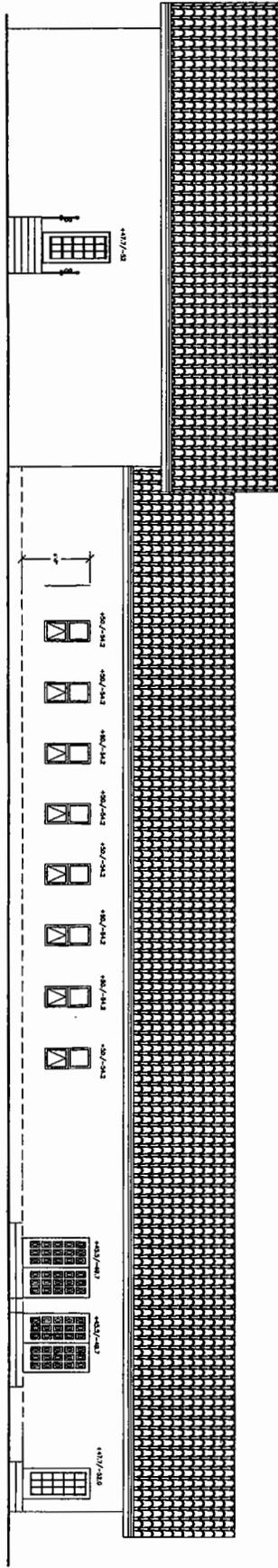




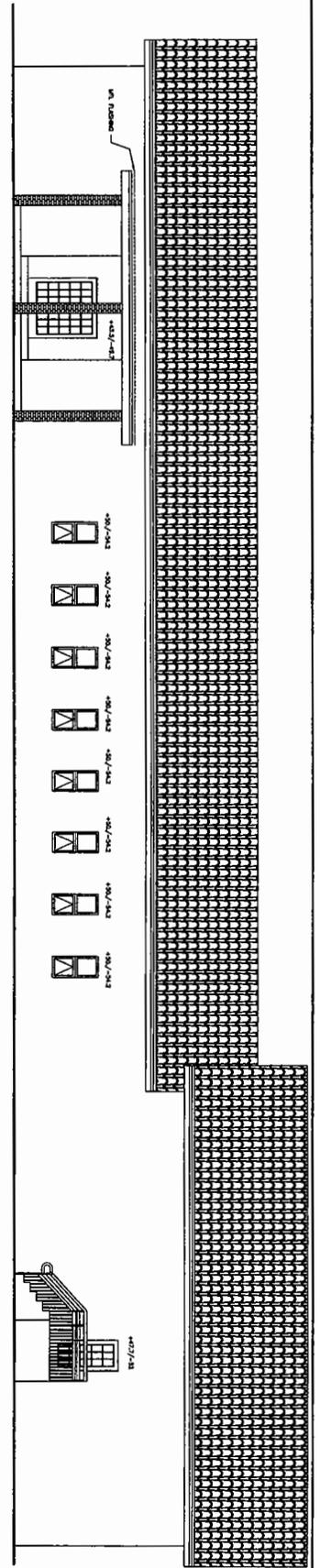
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



**RECEIVED**  
MAR 30 2008

**RECEIVED**  
MAR 30 2008

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

SHEET TITLE **ELEVATIONS**

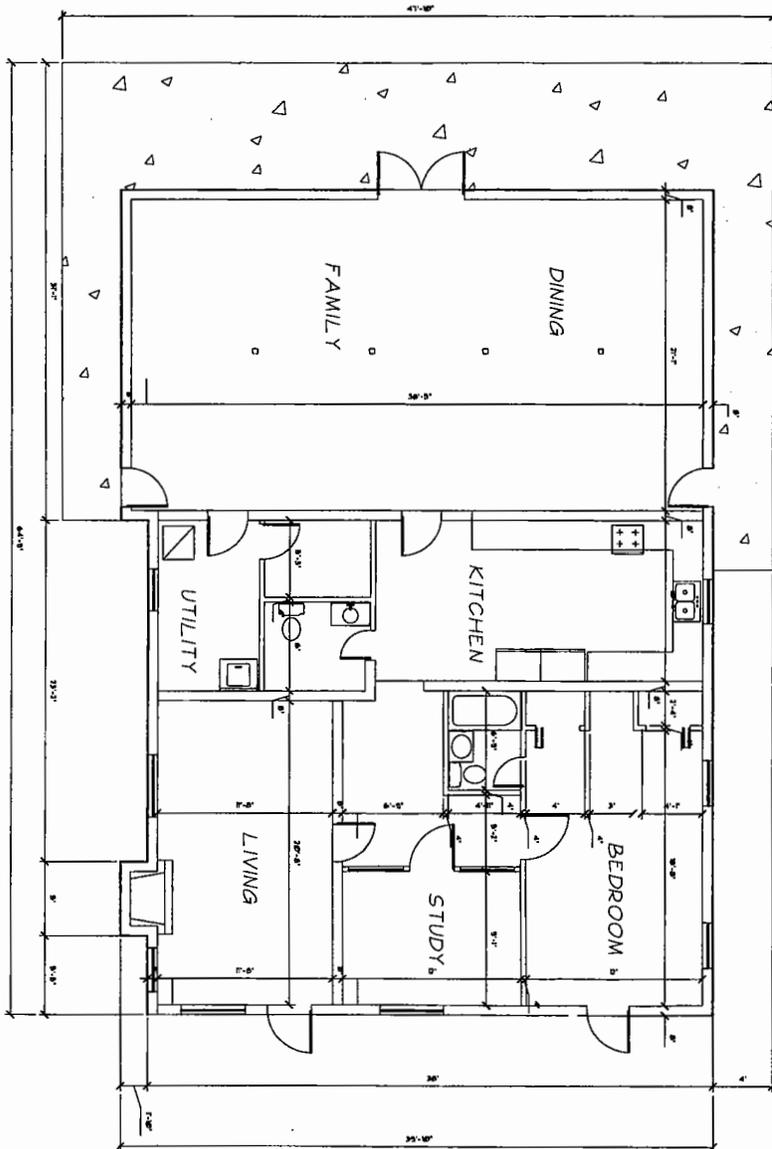
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PROJECT ADDRESS 11885 SW 232 ST MIAMI, FLORIDA  
PROJECT OWNER GUSTAVA ZANBRANO  
OWNER ADDRESS 19921 GULFSTREAM RD MIAMI, FLORIDA  
OWNER PHONE • 305 251-2907



No.	DATE	DESCRIPTION

design/drafting  
robort foraker  
9540 Vantage Dr.  
Miami, FL 33156  
305 444-4444





**RECEIVED**  
 MAR 30 2006  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT

**RECEIVED**  
 MAR 30 2006  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT

SEAL  
 [Signature]

PROJECT No.	
SCALE	1/4" = 1'
SHEET No.	9 OF 26
A	B

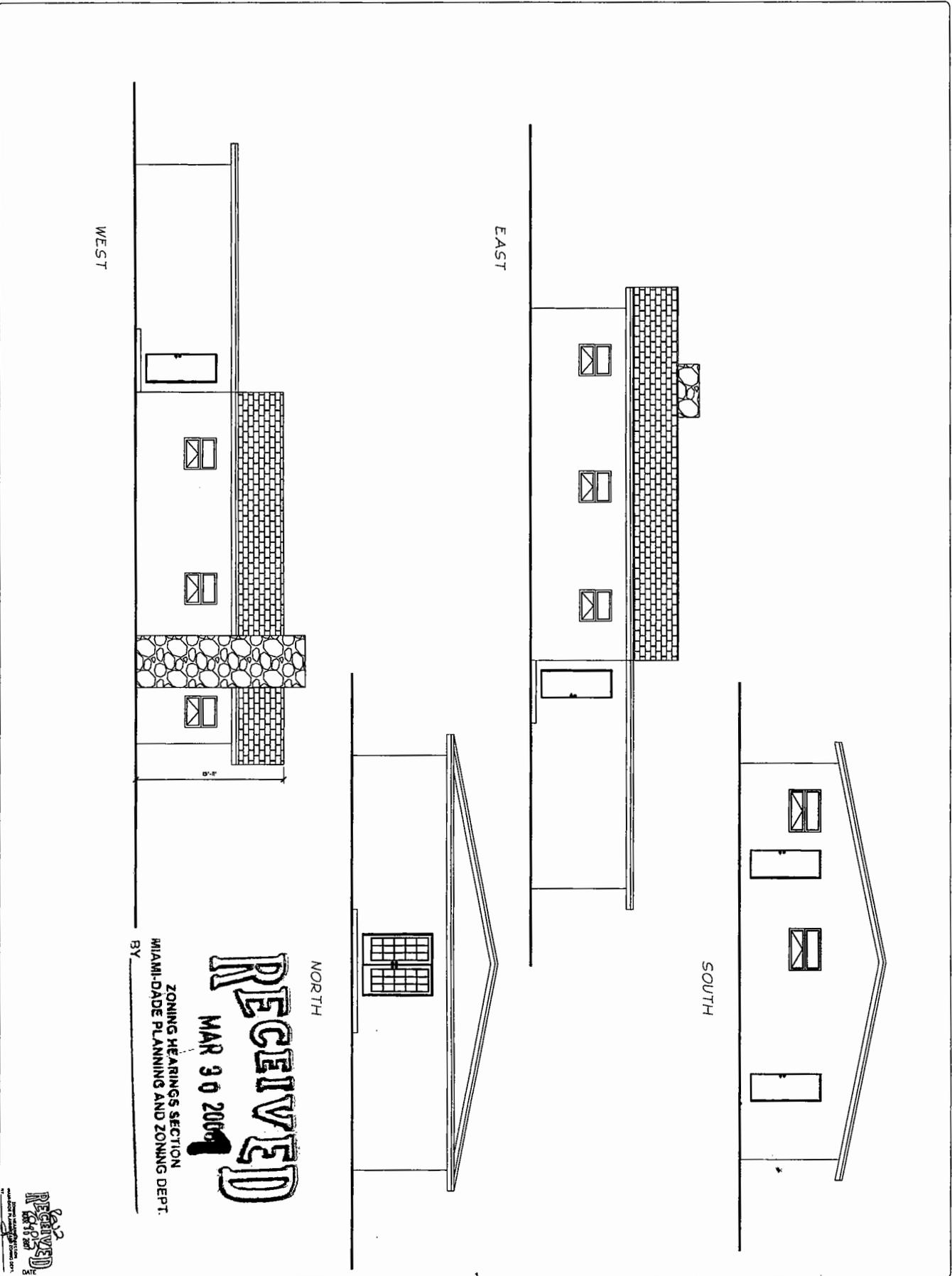
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PROJECT NAME: RELIGIOUS FACILITY  
 PROJECT ADDRESS: 11855 SW 232 ST MIAMI, FLORIDA  
 PROJECT OWNER: GUSTAVO ZANBRAND  
 OWNER ADDRESS: 19921 GULFSTREAM RD MIAMI, FLORIDA  
 OWNER PHONE: 305 251-2907

**RUBEN J. PUJOL ARCHITECT**  
 ARCHITECT  
 19921 GULFSTREAM RD MIAMI, FLORIDA 33187  
 305 251-2907

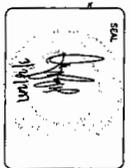
No.	DATE	REVISION	DESCRIPTION

delightful  
 3900 N.W. 10th St.  
 Miami, FL 33150  
 305 271-9300  
 305 271-9301



**RECEIVED**  
 MAR 30 2006  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY \_\_\_\_\_

**RECEIVED**  
 MAR 15 2006  
 DATE



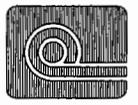
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SHEET No. 1	OF 1
A	0

SHEET TITLE		EXISTING HOUSE ELEVATIONS
PROJECT NAME	RELIGIOUS FACILITY	
PROJECT ADDRESS	11855 SW 232 ST MIAMI, FLORIDA	
PROJECT OWNER	GUSTAVO ZANBRANO	
OWNER ADDRESS	19921 GULFSTREAM RD MIAMI, FLORIDA	
OWNER PHONE	305 251-2907	

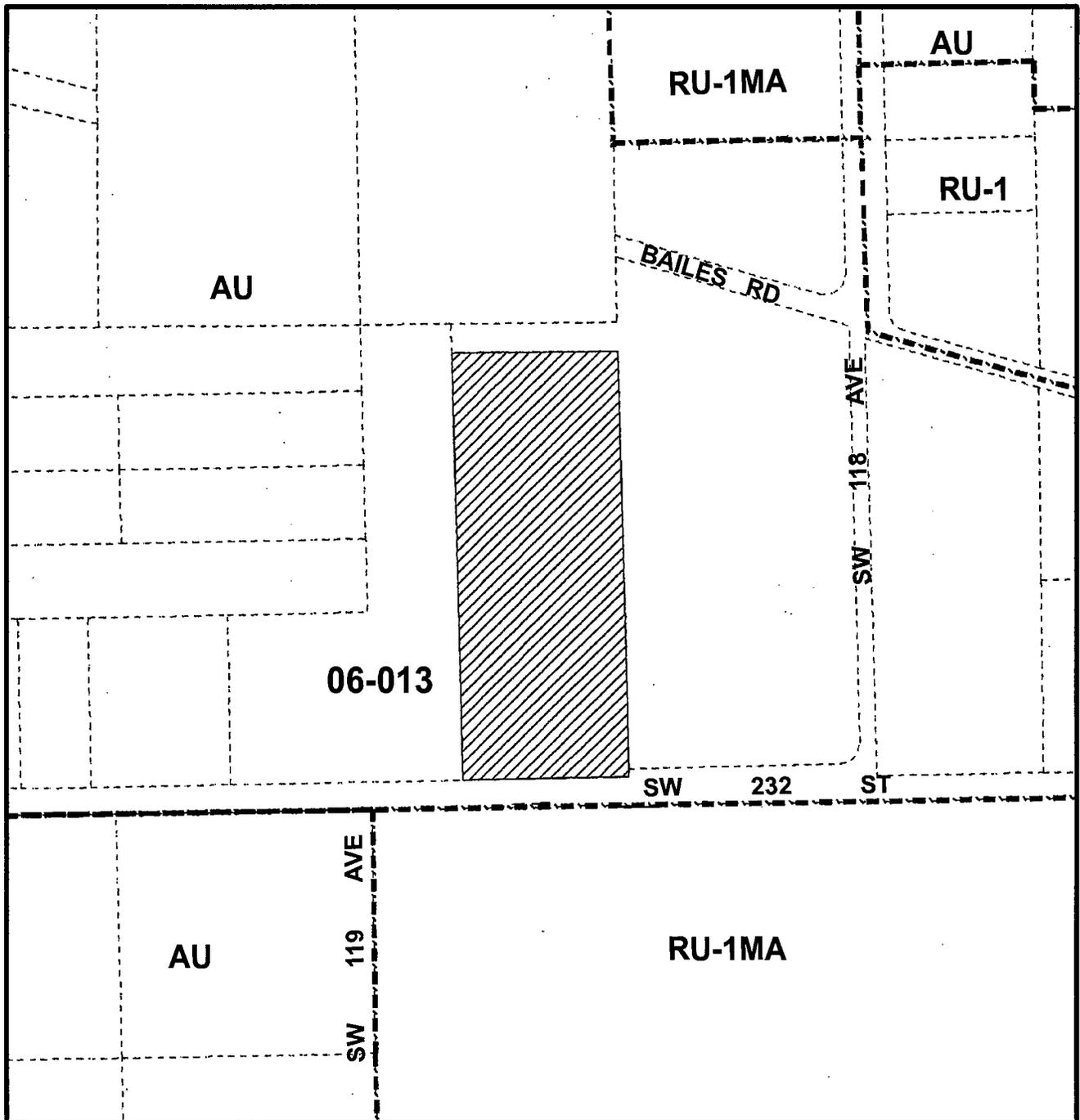


REVISIONS	
No.	DATE
	DESCRIPTION

design/drafting  
 robert foraker  
 3800 N.W. 23rd St.  
 MIAMI, FL 33150  
 305 251-2907

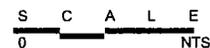






**MIAMI-DADE COUNTY  
HEARING MAP**

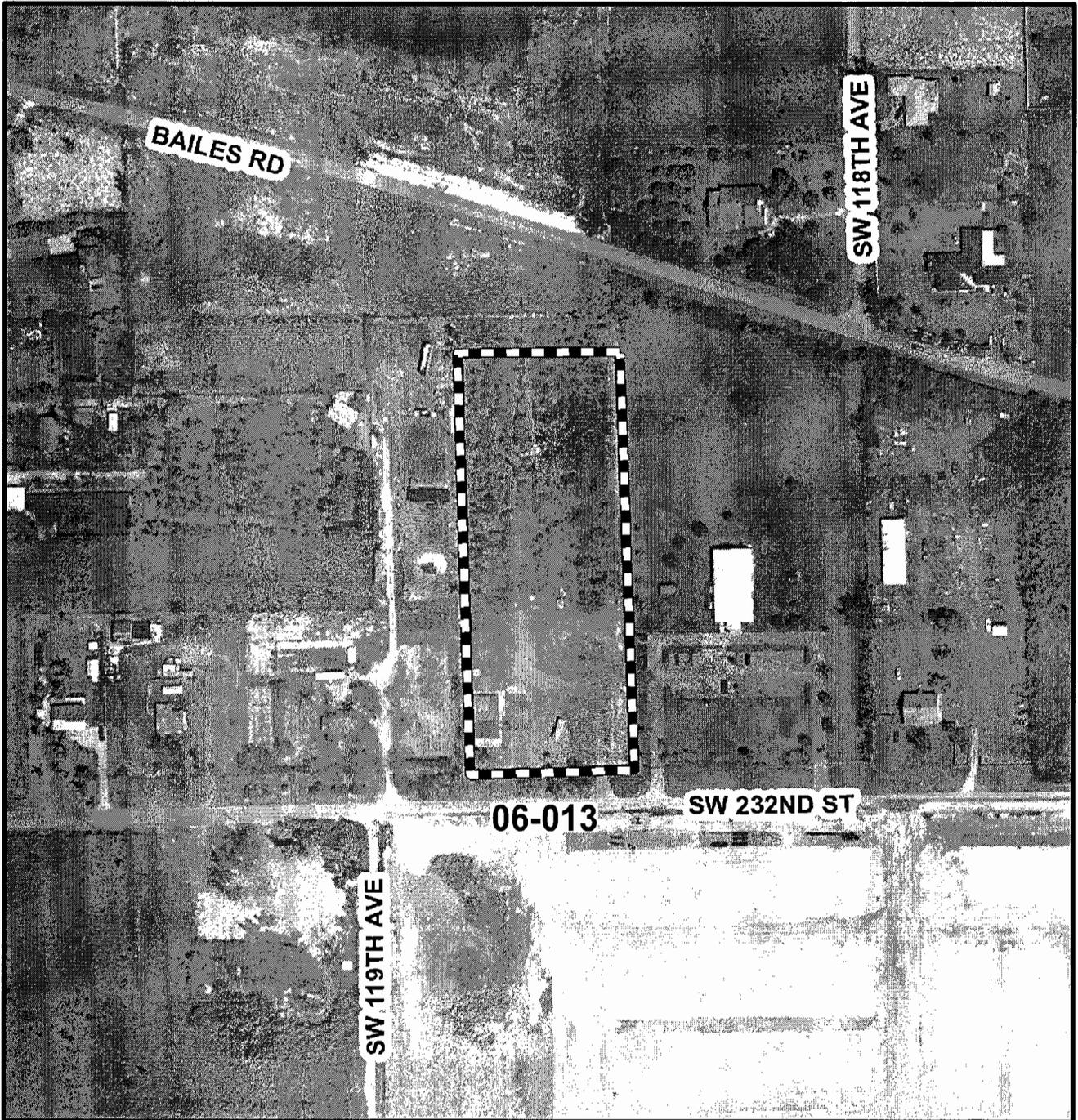
**Section: 13 Township: 56 Range: 39  
 Process Number: 06-013  
 Applicant: GUSTAVO ZAMBRANO  
 Zoning Board: C15  
 District Number: 9  
 Cadastral: JORGE  
 Scale: 1:200'**



 **SUBJECT PROPERTY**



24



MIAMI-DADE COUNTY  
**AERIAL**

**Section: 13 Township: 56 Range: 39**  
**Process Number: 06-013**  
**Applicant: GUSTAVO ZAMBRANO**  
**Zoning Board: C15**  
**District Number: 9**  
**Cadastral: JORGE**  
**Scale: 1:200'**

