



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

Revised: To Include
Special Items (I & II)

COMMUNITY ZONING APPEALS BOARD - AREA 10

MEETING OF WEDNESDAY, JANUARY 12, 2011

RUBEN DARIO MIDDLE SCHOOL

350 NW 97 AVENUE, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

I. ELECTION OF CHAIR AND VICE-CHAIR

II. APPROVAL OF SUNSET REVIEW

III. APPLICATIONS:

A. ANTHONY B. WILSON (10-11-CZ10-1/08-111)

13-54-40
Area 10/District 06

- (1) Applicant is requesting to permit an existing storage room setback 7.2' (25' required) from the rear (north) property line.
- (2) Applicant is requesting to permit the existing single-family residence setback 14.6' (15' required) from the side street (west) property line.
- (3) Applicant is requesting to permit a canvas carport setback a minimum of 3.85' from the side street (west) property line and setback a minimum of 3.2' from the rear (north) property line (5' required for both).
- (4) Applicant is requesting to permit a jacuzzi setback 7.94' (10' required) from the interior side (east) property line and setback 49.7' (75' required) from the front (south) property line..
- (5) Applicant is requesting to permit a raised wood deck setback 3.3' (6.25' required) from the interior side (east) property line.
- (6) Applicant is requesting to permit a lattice fence with a maximum height of 12.4' (6' maximum permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Existing Conditions," as prepared by N25 Architect Co., consisting of 4 sheets dated stamped received 1/13/10. Plans may be modified at public hearing.

LOCATION: 5913 S.W. 26 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 62.5' x 100'

Department of Planning and
Zoning Recommendation:

Approval with conditions of requests #2, #4 and #5, modified approval of request #6 and denial without prejudice of requests #1 and #3 under Section 33-311(A)(4)(b) NUV Standards.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____
Deferred from: November 30, 2010

DEFERRED: _____

- (1) MODIFICATION of Condition #2 of Resolution No.4-ZAB-227-92, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Use Change of Exist. Residence to Office,' as prepared by J. J. Gaston Rivero, P.A., and dated 1/15/92."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Offices of Vacuba, Inc.,' as prepared by Jose R. Merlo, Architect, Sheets 'SP-1,' 'A-1.,' 'A-2,' 'A-2.,' 'A-3' and 'A-4,' dated stamped received 11/24/09, Sheets 'LS-2,' 'LS-4' and LS-6dated stamped received 2/3/10 and Sheets 'SP-1.1,' 'SP-1.0,' 'A-1,' LS-1,' 'LS-3' and 'LS-5'dated stamped received 5/13/10 for a total of 15 sheets."

- (2) DELETION of Condition #4 of Resolution No.4-ZAB-227-92, passed and adopted by the Zoning Appeals Board, reading as follows:

"4. That medical, dental, chiropractor, optometrist and opticians' offices be prohibited."

The purpose of requests #1 and #2 is to allow the applicant to submit a new site plan shown in 2 phases and to delete the condition that prohibits medical, dental, chiropractor, optometrist and opticians' offices. Once phase 2 is complete both sites will stand on their own.

REQUESTS #1 AND #2 ON LOT 3, BLOCK 19 ONLY.

- (3) MODIFICATION of Condition #2 of Resolution No. CZAB10-17-08, passed and adopted by Community Zoning Appeals Board #10, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Gonzalez Family Company LLC Office Complex,' as prepared by de la Pezuela & Associates, consisting of a total of 9 sheets, dated stamped received 3/14/08. 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."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Offices of Vacuba, Inc.,' as prepared by Jose R. Merlo, Architect, 'SP-1,' 'A-1.,' 'A-2,' 'A-2.,' 'A-3' and 'A-4,' dated stamped received 11/24/09, Sheets LS-2,' 'LS-4' and 'LS-6' dated stamped received 2/3/10 and Sheets 'SP1.1,' 'SP1.0,' 'A-1,' 'LS-1,' 'LS-3' and LS-5,' dated stamped received 5/13/10 for a total of 15 sheets."

- (4) MODIFICATION of Paragraph #1(a) and #1(c) of a Declaration of Restrictions as recorded in Official Record Book 26433, Pages 1614 – 1619, reading as follows:

FROM: "1(a). That said property shall be developed substantially in accordance with the plans previously submitted, prepared by de la Pezuela & Associates entitled 'Gonzalez Family Company LLC Office Complex,' dated stamped received 3/14/08 and consisting of a total of 9 sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning and by reference made a part of this agreement."

TO: "1(a). That said property shall be developed substantially in accordance with the plans entitled 'Offices of Vacuba, Inc.,' as prepared by Jose R. Merlo,

Architect, Sheets 'SP-1,' 'A-1.,' 'A-2,' 'A-2.,' 'A-3' and 'A-4,' dated stamped received 11/24/09, Sheets 'LS-2,' 'LS-4' and 'LS-6' dated stamped received 2/3/10 and Sheets 'SP1.1,' 'SP1.0,' 'A-1,' 'LS-1,' 'LS-3' and LS-5,' dated stamped received 5/13/10 for a total of 15 sheets."

- FROM: "1(c) Owner agrees to restrict the property to the following uses:
- (1) Medical Doctor's Office/Clinic
 - a. (27) Medical Doctors
 - b. (15) Chiropractors
 - c. (31) Opticians
 - d. (32) Optometrists
 - (2) Professional Office
 - a. (2) Accountants-Bookkeeping
 - b. (4) Advertising (no shops)
 - c. (8) Architects
 - d. (9) Attorneys
 - e. (13) Building contractors (office only – no shop or storage)
 - f. (22) Drafting or plan service
 - g. (35) Real Estate
 - h. (36) Real Estate Management
 - i. (45) Zoning Consultants
 - (3) Dental Office
 - a. (20) Dentist

- TO: "1(c) Owner agrees to restrict the property to the following uses:
- (1) Medical Doctor's Office/Clinic
 - a. (27) Medical Doctors
 - b. (15) Chiropractors
 - c. (31) Opticians
 - d. (32) Optometrists
 - (2) Professional Office
 - a. (2) Accountants-Bookkeeping
 - b. (4) Advertising (no shops)
 - c. (8) Architects
 - d. (9) Attorneys
 - e. (13) Building contractors (office only – no shop or storage)
 - f. (22) Drafting or plan service
 - g. (35) Real Estate
 - h. (36) Real Estate Management
 - i. (45) Zoning Consultants
 - j. (44) Travel Agencies
 - (3) Dental Office
 - a. (20) Dentists

The purpose of the requests is to allow the applicant to submit a new site plan shown in 2 phases and to delete the condition that prohibits medical, dental, chiropractor, optometrist and opticians' offices. Once phase 2 is complete both sites will stand on their own.

REQUESTS #3 - #4 ON LOT 4, BLOCK 19 ONLY

- (5) Applicant is requesting to permit a 4' high masonry wall along the north and a portion east property lines (6' required).

REQUEST #5 ON LOT 3, BLOCK 19 ONLY

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

LOCATION: 3721 and 3731 S.W. 87 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.49 Acre

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**2. CHRISTIAN & JESSICA GARCELL DE GOMEZ (11-1-CZ10-2/10-057) 04-54-39
Area 10/District 11**

Applicants are requesting to waive the zoning regulations requiring no accessory use structure for a townhouse residence to extend above the height of the enclosed patio wall; to permit a chickee hut to extend above the height of the 6' wood fence.

A plan is on file and may be examined in the Department of Planning and Zoning entitled "As-Built," as prepared by D'Avila & Associates Services, Inc., dated stamped received 5/19/10 consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 14756 S.W. 9 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 24.17' x 95'

Department of Planning and Zoning Recommendation:

Denial without prejudice.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

**3. ALBERTO CARO & JEANETTE FARACH CARO (11-1-CZ10-3/10-077) 01-54-39
Area 10/District 12**

Applicants are requesting to permit a single-family residence with a lot coverage of 19.9% (15% permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Custom Residence for Mr. And Mrs. Alberto & Jenny Caro, as opened by Bellon Milanes Architects Planners, dated stamped received 7/20/10 and consisting of 10 pages. Plans may be modified at public hearing.

LOCATION: The N.E. corner of N.W. 2 Street, and N.W. 124 Avenue, aka 201 N.W. 124 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.838 Acre

Department of Planning and Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

4. FLORIDA POWER & LIGHT COMPANY (11-1-CZ10-4/10-102)

**04-54-40
Area 10/District 06**

- (1) DBC from AU to RU-5A.
- (2) Unusual Use to permit a parking lot within a more restrictive zone than the use it serves.
- (3) Applicant is requesting to waive the zoning regulations requiring a 5' high wall or fence along the interior side (north) and rear (east) property lines.
- (4) Applicant is requesting to permit a 1-way drive with a minimum width of 9' (14' wide required).
- (5) Applicant is requesting to permit 45 degree angle parking with a minimum stall length of 20' (26.5' required) and a minimum stall aisle width of 9' (12' required).
- (6) Applicant is requesting to permit an landscape open space of 16.28% (25% required).
- (7) Applicant is requesting to permit 135 lot trees (172 required) 0 street trees (36 required) and 0' shrubs (2,080 required).
- (8) Applicant is requesting to waive the dissimilar land use buffer along the north, and east property lines.
- (9) Applicant is requesting to permit 0' to 7' wide landscape buffer (7' required) along the right-of-way.

REQUESTS # 1 THRU #9 ON PARCEL B.

(10) Unusual Use to permit a heliport.

(11) Deletion of Condition #3 of Resolution Z-8-72 passed and adopted by the Board of County Commissioners, reading as follows:

“3 . That the proffered agreement be accepted and that the same include an agreement that they will apply to remove the BU-2 zoning and replace the same with the proposed office park district when it is adopted, provided that the building which is erected falls within the purview of that ordinance”.

The purpose of request #11 is to delete the condition to rezone the BU-2 portion of the property to Office Park District and to allow the current BU-2 zoning classification to remain on the site.

REQUESTS #10 AND 11 ON PARCEL A.

(12) Applicant is requesting to permit an office building with 1,503 parking spaces (1,672 parking spaces required).

REQUEST #12 ON PARCELS A AND B

A Boundary survey and a plan is on file and may be examined in the Department of Planning and Zoning entitled “Boundary and Topographic Survey” as prepared by A.R. Toussaint & Associates, Inc. consisting of 3 sheets. Sheet 1 dated stamped received 11/12/10, last handwritten revision dated 12/06/10 and sheets 2 and 3 dated stamped received 10/28/10 and a plan entitled “Florida Power and Light FP&L General Office & OverFlow Parking Lot” as prepared by Leo Giangrande dated stamp received 12/02/10 all totaling 4 sheets. Plans may be modified at public hearing.

LOCATION: Lying south of Flagler Street and on both sides of S.W. 92 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 25.98 Acres

Department of Planning and Zoning Recommendation:

Approval of request #1, approval with conditions of requests #2 through #6 and requests #8 through #12, subject to the Board’s acceptance of the proffered covenant and denial without prejudice of request #7 .

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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