Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-12-08

WHEREAS, **ROGER AND DOROTHY WOLIN** applied to Community Zoning Appeals Board 12 for the following:

(1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

(2) To permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

(3) To permit two lots with a frontage of 100′ each (125′ required).

(4) To permit a utility shed accessory building on Parcel 1 setback 7.72′ (20′ required) from the interior side (south) property line.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

SUBJECT PROPERTY: Lot 3, Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: 7677 Ponce de Leon Road, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having

been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100' each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72' from the interior side (south) property line (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB12-31-07, and

WHEREAS, **ROGER AND DOROTHY WOLIN** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) EU-1 to EU-S

OR IN THE ALTERNATIVE:

(2) Applicants are requesting to permit two lots with lot areas of 0.617 gross acre each (1 gross acre required).

AND WITH EITHER REQUEST #1 OR #2, THE FOLLOWING:

(3) Applicants are requesting to permit two lots with a frontage of 100' each (125' required).

(4) Applicants are requesting to permit on Parcel 1 a utility shed accessory building setback 7.72' (20' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A boundary survey is on file and may be examined in the Zoning Department, as prepared by Schwebke, Shiskin & Associates, Inc. and dated stamped received 8/31/07.

SUBJECT PROPERTY: Lot 3, Block 3, AMENDED PLAT OF GRANADA PARK, Plat book 40, Page 21.

LOCATION: 7677 Ponce de Leon Road, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB12-31-07, and that the appeal should be denied, and that the decision of Community Zoning Appeals Board 12 should be sustained, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100′ each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72′ from the interior side (south) property line (Item #4) would not be compatible

with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and

WHEREAS, a motion to deny the appeal, sustain the decision of Community Zoning Appeals Board 12, and deny Items #1 through 4 without prejudice was offered by Commissioner Carlos A. Gimmenez, seconded by Commissioner Barbara J. Jordan, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	nay	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	aye

Bruno A. Barreiro nay

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 12 is sustained

BE IT FURTHER RESOLVED that that the requested district boundary change to EU-S (Item #1), be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit two lots with lot areas of 0.617 gross acre each (Item #2), to permit two lots with a frontage of 100′ each (Item #3), and to permit a utility shed accessory building on Parcel 1 setback 7.72′ from the interior side (south) property line (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-31-08 remains in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 24th day of April, 2008, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-12-CZ-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 29TH DAY OF APRIL, 2008.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-12-08 adopted by said Board of County Commissioners at its meeting held on the 24th day of April, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 29th day of April, 2008.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL