



**MIAMI-DADE COUNTY  
FINAL OFFICIAL MINUTES  
Board of County Commissioners Zoning Board**

**Board of County Commissioners**  
Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

February 23, 2006  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

Jovel Shaw, Commission Reporter  
(305) 375-1289



Zoning Meeting, Miami-Dade County, Florida, February 23, 2006

The Board of County Commissioners met in regular session in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 10:06 a.m., February 23, 2006, there being present upon roll call Honorable Chairman Joe A. Martinez; Vice Chairman Dennis C. Moss; Commissioners Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Barbara J. Jordan, Dorrin D. Rolle, and Rebeca Sosa; (Commissioners Bruno A. Barreiro and Javier Souto were late); (Commissioners Jose "Pepe" Diaz and Katy Sorenson were excused absent; and Commissioner Natacha Seijas was absent); Assistant County Attorneys Joni Armstrong-Coffey and Craig Collier; Ms. Dianne O'Quinn Williams, Director, Department of Planning and Zoning (DPZ); Mr. Alberto Torres, Assistant Director for Zoning, Department of Planning and Zoning; and Deputy Clerks Kay Sullivan and Jovel Shaw.

MOMENT OF SILENCE

Chairman Martinez asked that everyone join the Board in a moment of silence, followed by the Pledge of Allegiance.

THE CLERK SWORE IN ALL WITNESSES AND THE INTERPRETER(S) PRIOR TO MAKING THEIR PRESENTATIONS BEFORE THE BOARD.

Chairman Martinez noted Commissioner Sorenson who was unable to attend today's meeting had requested applications *A- Elite Construction and Development (05-10-CZ15-2)* and *B, the application of Gail M. Santoro (05-10-CZ15-5)* be deferred.

Chairman Martinez called for persons wishing to appear in support or opposition to the requested deferral.

**A. ELITE CONSTRUCTION AND DEVELOPMENT, INC. (05-10-CZ15-2/05-38)**

Mr. Juan Mayol, attorney representing Elite Construction and Development, Inc., appeared before the Board. He asked that this application be deferred for consideration at the March 9, 2006, zoning meeting.

Ms. Quinn Williams noted she have no opposition to deferring this application as requested by Mr. Mayol.

Hearing no objection, it was moved by Commissioner Gimenez that the application of *Elite Construction and Development* be deferred to March 9, 2006, with no further advertisements. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 8-0, (Commissioners Barreiro, Diaz, Seijas, Sorenson and Souto were absent).

**B. GAIL M. SANTORO (05-10-CZ15-5/05-164)**

Ms. Gail Santoro, the applicant, 24525 SW 122 Avenue, Homestead, Florida, appeared before the Board and requested the Board to hear the foregoing application today. She expressed concern that this application had been presented before the Board on several occasions over the past nine months.

Chairman Martinez informed Ms. Santoro that the subject property was located in Commissioner Sorenson's district (District 8), who was unable to attend today's meeting, but asked that this application be deferred to allow her to participate in the decision; and the County Commission's decisions on zoning applications were primarily based on the recommendation of the respective district commissioner and the Department of Planning and Zoning.

Ms. O'Quinn Williams noted she had no objection to the requested deferral. She suggested this application be placed as the first item to be considered on the March 9<sup>th</sup> zoning agenda.

Hearing no objection, it was moved by Commissioner Gimenez that the application of the Gail M. Santoro be deferred to March 9, 2006, with no further advertisement and with an instruction that this application appear as the first item on the March 9<sup>th</sup> zoning agenda. This motion was seconded by Vice Chairman Moss, and upon being put to a vote, passed by a vote of 8-0, (Commissioners Barreiro, Diaz, Seijas, Sorenson and Souto were absent).

Department of Planning and Zoning Director Dianne O'Quinn Williams announced, in accordance with the Code of Miami-Dade County, all items to be heard today have been legally advertised in the newspaper, notices have been mailed, and the properties have been posted. Additional copies of the agenda are available in the chambers. Item will be called up to be heard by agenda number and name of applicant or appellant. The record of the hearing on each application will include the records of the Department of Planning and Zoning and, where there is an appeal from the Community Zoning Appeals Board, the transcript of the CZAB hearing. All these items are physically present today, available to all interested parties, and available to the members of the Board of County Commissioners who examine items from the record during the hearing. Parties have the right of cross-examination. This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings. In addition, there is an official translator present in the chambers for those individuals requiring such assistance.

Ms. O'Quinn Williams presented the following application:

**1. EMILIO GARCELL (05-7-CZ14-7/05-37)**

Ms. O'Quinn Williams provided an overview of the Planning and Zoning Department's recommendation, which she noted was to approve the appeal and to deny the application

without prejudice. She also noted the Department of Environmental Resources Management (DERM) recommended this application be denied as well.

Ms. Bridgette Adams, 100 SE 3 Avenue, Suite 2300, Fort Lauderdale, attorney representing applicant, appeared in support of the foregoing application. She stated the applicant was seeking to permit a single-family home with less area than required by the Miami-Dade Zoning Code. She provided an overview of the surrounding homes in the area. Ms. Adams concluded by asking the Board to affirm the Community Zoning Appeals Board (CZAB) #14 decision which approved the applicant's request.

Ms. O'Quinn Williams clarified the Department's recommendation and noted the Declaration of Use to obtain a permit to build a barn was outlined on pages 22 and 23 of the recommendation.

Responding to Commissioner Moss' comments regarding the zoning variance approved on the subject property in 1984, Ms. O'Quinn Williams noted the property in question was located at 13250 SW 199 Avenue which required a variance of the 40-acre requirement. She noted the CZAB's approved the request and at that time, both the Planning and the Building and Zoning Departments recommended denial of the application.

Assistant County Attorney Joni Armstrong-Coffey stated this Board or the CZAB would consider the zoning variance and the application on the merits.

Ms. O'Quinn Williams provided overview of the Declaration of Use in the subject area.

Commissioner Moss presented and moved a resolution which overruled the CZAB #14 decision; approved the appeal and denied the application of Emilio Garcell without prejudice of the application, as recommended by the Department of Planning and Zoning. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 10-0, (Commissioner Diaz, Seijas ad Sorenson were absent).

Responding to the foregoing motion, Ms. Adams noted although she respected the County Commission's efforts to avoid establishing a precedent, she wished to point out that the Third District Court of Appeal had ruled in favor of similar variances.

Commissioner Moss reiterated his motion to uphold the appeal by the DPZ and reverse the CZAB's decision.

Following Commissioner Moss' comments regarding similar violations on other properties located with the subject area, Commissioner Jordan questioned how many other properties that actually existed that may have been illegally or legally converted from barns into single-family residences.

Assistant County Attorney Armstrong-Coffey stated she was aware of approximately 12 violations in subject area.

Ms. O'Quinn Williams noted a report was done sometime ago and noted staff could inspect the subject area.

Assistant County Attorney Armstrong-Coffey noted the State and the Federal government purchased a number of illegally converted properties in the subject area.

Responding to Commissioner Jordan's comments regarding any proactive action relative to the other properties, Ms. O'Quinn Williams stated she had discussions with the Building Department Assistant Director who informed her of intensive enforcement action in the East Everglades Area.

Hearing no further questions or comments, the Board adopted the foregoing resolution and it is set forth in the Record of Resolution and assigned Z-5-06.

Ms. O'Quinn Williams presented the following application:

**2. DIRECTOR DEPARTMENT OF PLANNING AND ZONING (06-2-CC-1/05-230)**

Ms. O'Quinn Williams provided an overview of the DPZ request for a district boundary change from Agricultural District (AU), and Interim District (GU), to Industrial District Conditional (IU-C), on a parcel of land lying east of NW 97 Avenue, between NW 170 Street and the Homestead Extension of Florida's Turnpike (State Road #821).

Chairman Martinez noted he received a memorandum from Commissioner Diaz stating that he had no opposition to this application being heard today.

Commissioner Jordan presented and moved a resolution which approved the application of the Department of Planning and Zoning, as recommended by the Development Impact Committee. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 10-0, (Commissioners Diaz, Seijas and Sorenson were absent).

The Board adopted the foregoing resolution and it is set forth in the Record of Resolution and assigned Z-6-06.

The Board announced publicly all deferral dates on applications considered at today's meeting.

At today's meeting no exhibits were submitted for the record.

There being no further business to come before the Board, the zoning meeting adjourned at 10:35 a.m.

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Chairman Joe A. Martinez

ATTEST: HARVEY RUVIN, Clerk

By: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk