Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z22-253 **November 19, 2026**
Item No. 8B1

Appeal Application Summary	
Commission District	6
Applicant	Peter Martinez Noda
Summary of Requests	The applicant seeks a rezoning of the subject property from EU-1 (minimum 1-gross acre lots) to EU-M (minimum 15,000 net sq. ft. lots), in order to subdivide it into 3 proposed residential lots. Additionally, the applicant also seeks to allow these 3 lots to have no frontage on a public street and be accessed by a private driveway; and to allow future residences to have a greater lot coverage on each on their individual lots. In the alternative, the applicant seeks to permit 3 proposed residential lots with less lot area and lot depth than otherwise required under the current EU-1 zoning district regulations. Additionally, the applicant also seeks to allow these 3 lots to have no frontage on a public street and be accessed by a private driveway; and to allow future residences to setback less than required from the front property lines, and to have a greater lot coverage on each of their individual lots.
Location	7130 SW 74 Street, Miami-Dade County, Florida.
Property Size	±1.56-net (±1.65-gross) Acres
Existing Zoning	EU-1, Single-family One-Acre Estate Residential District
Existing Land Use	Single-family residence
2030-2040 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 du/ac (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	**Denial without prejudice of requests #1, #2 and #3, and approval with conditions of requests #4 through #8.**

REQUESTS:

(1) DISTRICT BOUNDARY CHANGE from EU-1, Single-Family One Acre Estate District, to EU-M, Single-Family Estate Modified District.

(2) NON-USE VARIANCE to permit residential units on 3 proposed lots each to have a maximum lot coverage of 35% (30% maximum permitted).

(3) NON-USE VARIANCE of zoning and subdivision regulations requiring lots to have frontage on a public right-of-way; to waive same to permit the proposed residential lots with 0' of lot frontage (120' required) and to permit their access to a public street by means of a private driveway.

OR IN THE ALTERNATIVE

(4) NON-USE VARIANCE to permit 3 proposed lots to have lot areas varying from 0.47-gross acres to 0.55-gross acres (minimum 1-gross acres required).

(5) NON-USE VARIANCE to permit 3 proposed lots to have lot depths varying from 124.88' to 139.90 (200' minimum required).

(6) NON-USE VARIANCE to permit residential units on 3 proposed lots each to have a front setback of 25' (50' required).

(7) NON-USE VARIANCE to permit residential units on 3 proposed lots each to have a maximum lot coverage of 35% (15% maximum permitted).

(8) NON-USE VARIANCE of zoning and subdivision regulations requiring lots to have frontage on a public right-of-way; to waive same to permit the proposed residential lots with 0' of lot frontage (125' required) and to permit their access to a public street by means of a private driveway.

A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "7130 SW 74 ST", as prepared by DECEM, LLC, dated stamped received 5/1/2026, consisting of a total of 1 sheet. Plan may be modified at public hearing.

CZAB 12 Action

CZAB 12 July 8, 2026	**Denied Without Prejudice (Resolution #CZAB12-10-26)**

Staff Recommendation

Recommendation of the Appeal	**Denial without prejudice of requests #1, #2 and #3, and approval with conditions of requests #4 through #8. Reverse CZAB 12 decision in part in accordance with staff's recommendation below (Reversal of CZAB 12 decision would require the affirmative votes of 2/3 of the Board members present)**
Previous Recommendation to the CZAB 12	**Denial without prejudice of requests #1, #2 and #3, and approval with conditions of requests #4 through #8. (Original Staff Recommendation to the CZAB 12 is attached)**

Timeline

1. On June 26, 2025, 2025, this application was deferred from the Community Zoning Appeals Board (CZAB) #12 meeting to allow the applicant to work with the opposing neighbors.

2. On July 24, 2025, this application was deferred at the CZAB 12 meeting, in order to allow the applicant to submit a modified conceptual site plan for three (3)-lots that are in accordance with the EU-1 standards.

3. On October 22, 2025, at a request by the applicant, this application was deferred indefinitely with leave to amend at the meeting of the CZAB 12.

4. On July 8, 2026, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the subject application with a 4-2 vote.

5. On July 27, 2026, the applicant, Peter Martinez Noda, appealed the CZAB #12 decision to the BCC.

6. This application was noticed for the November 19, 2026, BCC meeting.

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appeal should be **granted** and CZAB #12 decision should be **reversed in part in accordance with staff's recommendation below**.

Staff Recommendation:

Denial without prejudice of requests #1, #2 and #3, and approval with conditions of requests #4 through #8.

ES:JB:SS:JH

Eric Silva

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Community Zoning Appeals Board 12

PH: Z22-253 **July 8, 2025**
Item No. A

Recommendation Summary	
Commission District	6
Applicant	Peter Martinez Noda
Summary of Requests	The applicant seeks a rezoning of the subject property from EU-1 (minimum 1-gross acre lots) to EU-M (minimum 15,000 net sq. ft. lots), in order to subdivide it into 3 proposed residential lots. Additionally, the applicant also seeks to allow these 3 lots to have no frontage on a public street and be accessed by a private driveway; and to allow future residences to have a greater lot coverage on each on their individual lots. In the alternative, the applicant seeks to permit 3 proposed residential lots with less lot area and lot depth than otherwise required under the current EU-1 zoning district regulations. Additionally, the applicant also seeks to allow these 3 lots to have no frontage on a public street and be accessed by a private driveway; and to allow future residences to setback less than required from the front property lines, and to have a greater lot coverage on each of their individual lots.
Location	7130 SW 74 Street, Miami-Dade County, Florida.
Property Size	±1.56-net (±1.65-gross) Acres
Existing Zoning	EU-1, Single-family One-Acre Estate Residential District
Existing Land Use	Single-family residence
2030-2040 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 du/ac *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations *(see attached Zoning Recommendation Addendum)*
Recommendation	**Denial without prejudice of requests #1, #2 and #3, and approval with conditions of requests #4 through #8.**

This application was deferred from the June 26, 2025, meeting of the Community Zoning Appeals Board (CZAB) 12, in order to allow the applicant to work with the opposing neighbor. This application was deferred from July 24, 2025, to the October 22, 2025, meeting in order to allow staff to include amended recommendations that were presented at the June 26, 2025 meeting, and to allow the applicant to submit a conceptual site plan for the 3 lots that are in accordance with the EU-1 standards. However, at a request by the applicant, this application was deferred indefinitely with leave to amend from the October 22, 2025, meeting of the CZAB 12.

The public hearing on this item was held June 26, 2025.

REQUESTS:

(1) DISTRICT BOUNDARY CHANGE from EU-1, Single-Family One Acre Estate District, to EU-M, Single-Family Estate Modified District.

(2) NON-USE VARIANCE to permit residential units on 3 proposed lots each to have a maximum lot coverage of 35% (30% maximum permitted).

(3) NON-USE VARIANCE of zoning and subdivision regulations requiring lots to have frontage on a public right-of-way; to waive same to permit the proposed residential lots with 0' of lot frontage (120' required) and to permit their access to a public street by means of a private driveway.

OR IN THE ALTERNATIVE

(4) NON-USE VARIANCE to permit 3 proposed lots to have lot areas varying from 0.47-gross acres to 0.55-gross acres (minimum 1-gross acres required).

(5) NON-USE VARIANCE to permit 3 proposed lots to have lot depths varying from 124.88' to 139.90 (200' minimum required).

(6) NON-USE VARIANCE to permit residential units on 3 proposed lots each to have a front setback of 25' (50' required).

(7) NON-USE VARIANCE to permit residential units on 3 proposed lots each to have a maximum lot coverage of 35% (15% maximum permitted).

(8) NON-USE VARIANCE of zoning and subdivision regulations requiring lots to have frontage on a public right-of-way; to waive same to permit the proposed residential lots with 0' of lot frontage (125' required) and to permit their access to a public street by means of a private driveway.

A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "7130 SW 74 ST", as prepared by DECEM, LLC, dated stamped received 5/1/2026, consisting of a total of 1 sheet. Plan may be modified at public hearing.

PROJECT HISTORY AND DESCRIPTION:

Staff notes that on May 1, 2026, the applicant submitted revised plans that indicate that the subject site is to be subdivided into three (3) proposed residential lots; instead of the 4-lots as were being initially proposed for the property and were presented on the layout plan at the last public hearing meeting of the Community Zoning Appeals Board (CZAB) 12.

The ±1.56-net (±1.65-gross) acre subject property is an interior lot that is currently improved with a single-family residence that is located at 7130 SW 74 Street, and fronts along SW 74 Street. The submitted lot layout plan dated 5/1/2026 indicates that the applicant intends to demolish the existing single-family residence in order to subdivide the parcel into 3 new proposed residential lots.

In order to effectuate the proposed subdivision of the subject parcel, the applicant has submitted two sets of alternate requests under this zoning application. Specifically, under requests #1, #2, and #3, the applicant seeks a rezoning of the subject property from EU-1 to EU-M, subdivide the property into the 3 proposed lots, and allow these lots to have no frontages on a public street (SW 74 Street) and each be accessed by a private driveway instead. Additionally, under the proposed EU-M district, the applicant also seeks to allow future residences on these 3-lots to have a greater lot coverage than otherwise required under the EU-M district zoning regulations. In the alternative,

(under requests #4 through #8) while staying under the current EU-1 zoning district, the applicant seeks to permit the 3 residential lots with less lot area and lot depth, with no frontages on SW 74 Street and each accessed by a private driveway instead; and to allow future residences on these lots to setback less than required from the front property lines, and to have a greater lot coverage.

NEIGHBORHOOD CHARATERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)
North	EU-1, religious facility	Estate Density Residential (1 to 2.5 du/ac)
South	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)
East	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)
West	EU-1, single-family residence	Estate Density Residential (1 to 2.5 du/ac)

NEIGHBORHOOD COMPATIBILITY:

The ±1.65-gross (±1.56 net) acre subject property is an interior lot and consists of an existing 2,499 sq. ft. single-family residence located at 7130 SW 74 Street. The surrounding area is also characterized by EU-1 zoned properties, with existing single-family residences located to the south, east and west of the subject site, whereas an existing church use is located to its north across from SW 74 Street.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to subdivide the subject property to provide additional housing in this area of the County. Based on memoranda from the departments reviewing this application, any additional impacts will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that this application meets the Traffic Concurrency Criteria for Initial Development Order, and that the application will generate approximately 3 PM daily peak hour vehicle trips. Staff notes that the application request will add to the population and may bring additional noise into the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±1.65-gross (±1.56 net) acre subject property is located within the Urban Development Boundary (UDB) and the Comprehensive Development Master Plan (CDMP) Adopted 2030-2040 Land Use Plan (LUP) map designates the site as **Estate Density Residential.** *The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre*. This allows the applicants to develop the ±1.65-gross (±1.56 net) acre subject site with a total of 4 residential units as the maximum density allowed under the CDMP Estate Density Residential threshold on the LUP map. Under request #1, the applicants seek a district boundary change from EU-1 to EU-M. Staff notes that EU-M, Single-Family Estate Modified District, has a minimum lot size of 15,000 sq. ft. net acres, and that the approval of this application could allow the applicant to develop the ±1.56-net acre subject parcel with up to a maximum of 4 residential

units. In the alternative, the applicants seek to allow the currently EU-1 zoned parcel to be subdivided into 3 proposed residential lots which would have less lot area and less lot depth (requests #4 and #5). Staff notes that in either scenario, the proposed 3 residential lots do not exceed, and would be **consistent** with the maximum density threshold permitted in areas designated for **Estate Density Residential** uses on the CDMP Land Use Plan (LUP) map.

Staff notes that the subject property is a long, rectangular shaped parcel of land designated as Estate Density Residential on the CDMP LUP map, which abuts properties to the south, east and west that are also zoned EU-1 and developed with single-family residences. Staff does not support requests #1 through #3, however staff is supportive of the alternate set of requests (request #4 through #8) and opines that the alternative requests would be **compatible** with the surrounding neighborhood and with the development trend witnessed in the area recently. Staff further opines that subdividing the subject parcel into lots with sizes that are less than the required lot area and lot widths for EU-1 parcels (requests #4 and #5), would be similar in size with the existing parcels immediately to west of the subject site. For the reasons further outlined in the zoning analysis below, staff opines that the subdivision into 3-residential lots would be **consistent** with the density threshold of the **Estate Density Residential** designation of the parcel on the CDMP Land Use Plan map.

ZONING ANALYSIS:

The applicant seeks approval of a request for a zone change from EU-1, Single-Family One Acre Estate District to EU-M, Single-Family Estate Modified District on the subject parcel (request #1). Staff notes that based on the submitted Letter of Intent (LOI), the applicant has indicated that in support of the request for a rezoning to EU-M, and subject to the Workforce Housing Development Program regulations for the Workforce Housing, the applicant would provide the Monetary Contribution in Lieu alternative as allowed under Section 33-193.8 of the County Code of Ordinances. Notwithstanding, for the reasons stated above and below, staff opines that when the request to rezone the ±1.65-gross (±1.56 net) acre parcel to EU-M (minimum 15,000 sq. ft. lots) in order to split the lot into 3 separate parcels is analyzed under Section 33-311, District Boundary Change, approval of the request would not be compatible with the surrounding area for the following reasons. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote health, safety, morals, convenience and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses. Staff notes that properties to the north, south, east and west of the subject site are all zoned EU-1. As such, staff is of the opinion that the approving the EU-M zone change would be spot zoning and could initiate a proliferation of similar requests and potentially foster the introduction of more intensive residential zoning districts in this area. Therefore, staff does not support this request #1 based on the aforementioned reasons and opines that introducing the EU-M zoning district within this block would be **incompatible** with the established development trend in this immediate neighborhood and when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Staff notes that in addition to the request #1 for rezoning, and in order to effectuate the future development on the site with 3 proposed lots under the proposed EU-M zoning district, the applicant also requests the ancillary non-use variance requests to permit future residential units on the 3 proposed lots each to have a maximum lot coverage of 35% (30% maximum permitted) (request #2), and to allow the proposed 3-lots with 0’ frontage (120’ required) on SW 74 Street as required by code, and to permit their access to a public street by means of a private driveway (request #3). Staff therefore opines that these requests are both inextricably intertwined with request #1, which staff does not support and has recommended a denial, and therefore

opines that these requests be denied as well. **Based on the foregoing, staff recommends denial without prejudice of request #1, under Section 33-311, District Boundary Change, and a denial without prejudice of the ancillary requests #2 and #3, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

Notwithstanding, when analyzing the alternate non-use variance set of requests to permit the subdivision of the current EU-1 zoned parcel into 3 proposed residential lots with less lot area and lot depth than otherwise required (requests #4 and #5); to allow future residences to setback less than required from the front property lines (request #6), and to have a greater lot coverage on each of their individual lots (request #7); and to allow these 3 lots to have no frontage on a public street and be accessed by a private driveway (request #8), under the standards for the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b) of the County Code, staff supports the requests and, based on the foregoing analysis and for reasons stated above and below, opines that the aforementioned requests would be **compatible** with the surrounding area when considering the necessity and reasonableness of the requests in relation to the character and suitability of the surrounding area.

The subject property is surrounded with properties to its east, west and south which were approved for a zone change to EU-1 by the Board of County Commissioners in 1951 pursuant to Resolution #4257. Additionally, in 1957, pursuant to Resolution #410, the Board of County Commissioners denied a request to permit lots located immediately to the south, east and west of the subject property to be rezoned from EU-1 to EU-M and in the alternative approved for the development of the subject parcels using the EU-M Standards. Staff further notes that in September 2020, pursuant to Resolution #CZAB12-13-20, the Community Zoning Appeals Board 12 (CZAB 12) denied without prejudice requests by the property immediately abutting to the east of the subject site at 7420 SW 71 Avenue, to permit a district boundary change from EU-1 to EU-S, or in the alternative, to permit two (2)-lots under the EU-1 zoning district, to have less lot area and lot depth, with more lot coverage, and with reduced setbacks from the front property line. The denial without prejudice was then appealed by the applicant to the BCC subsequently, and in March 2021, pursuant to Resolution #Z-2-21, the BCC approved the appeal and overruled the decision of CZAB #12, thereby granting approval of request to permit two (2)-lots on that parcel, with lot areas varying from 25,816.30 sq. ft. to 30,298.89 sq. ft. (43,560 sq. ft. gross required), lot depths varying from 144.36’ to 153.75’ (200’ required), a lot coverage of 30% (15% maximum permitted) and front setbacks of 35’ (50’ required) for the future residences on these 2-lots. Additionally, staff notes that the proposed three (3)-lots on the subject parcel would also be **consistent** in lot size and lot width with the three (3) existing lots located immediately to its west, as well as the two (2) existing lots that abut the subject site immediately to its south. As such, staff opines that the subdivision into 3-lots would be **compatible** with the surrounding neighborhood, and in character with the established residential zoning pattern in the area. Furthermore, staff is supportive of the requests #6 and #7 which would allow the future single-family detached residences developed on these 3-lots to have closer setbacks and more lot coverage on the reduced sized lots than otherwise required by code. Staff opines that the reduced setbacks and increase in lot coverage would be internal to the subject site, would not be visible in the area and would not create a significant visual impact in the area. Similarly, under request #8, due to the unique characteristics of the three (3) residential lots that would have limited direct frontage to the public right of way roadway SW 74 Street, the use of a private driveway is necessary and should be approved based on the special circumstances affecting the subject property. Further, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources does not object to the request.

Staff further notes that the memoranda submitted by other departments reviewing the application indicates that approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application as indicated in their memorandum stating the application meets the traffic concurrency criteria for an Initial Development Order. Their memorandum indicates that the application will only generate 3 PM peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Further, the Code Coordination and Public Hearings Section of the Department of Regulatory and Economic Resources in their memorandum indicates that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. In addition, the other departments reviewing the application, including the Miami-Dade Fire Rescue Department, and the Water and Sewer Department, do not object to the application. Based on the aforementioned department memoranda, staff opines that approval of the requests as per staff's recommendation below, will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, and will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities. Staff further opines that requests #4 through #8 are not intensive, would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and would not be out of character with the surrounding properties in the neighborhood.

Based on the foregoing analysis, staff opines that approval of the requests allowing 3 proposed residential lots on the parcel under the current EU-1 zoning district, and with less lot area and lot depth, and allowing future residences to setback less than required from the front property lines, and to have a greater lot coverage on each of their individual lots, would not be detrimental to the neighborhood or create adverse privacy or visual impacts on the adjacent residences in the area in which the property is situated, and would be compatible with the surrounding neighborhood. **Therefore, staff recommends approval with conditions of the requests #4 through #8, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION:

Denial without prejudice of requests #1, #2 and #3, and approval with conditions of requests #4 through #8.

CONDITIONS FOR APPROVAL: For requests #4 through #8 only.

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things 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 survey, the same be substantially in accordance with that submitted for the hearing entitled “7130 SW 74 ST”, as prepared by DECEM, LLC, dated stamped received 5/1/2026, consisting of a total of 1 sheet. 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 submit to the Department of Regulatory and Economic Resources 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.

4. That the use be established and maintained in accordance with the approved plan.

5. That the applicants comply with all applicable conditions and requirements from the Code Coordination and Public Hearings Section of the Department of Regulatory and Economic Resources as indicated in the memorandum.

ES:JB:SS:JH

Eric Silva

Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Code Coordination and Public Hearings Section (RER)	*No objection**
Platting and Traffic Review Section (RER)	*No objection*
Miami-Dade Fire Rescue (MDFR)	*No objection*
Water & Sewer Department (WASD)	*No objection*
Building and Neighborhood Compliance (BNC)	*No objection*
**Subject to conditions in their memorandum.*	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Estate Density (Pg. I-31)	*The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.*
Policy LU-4A (Page I-9)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*
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.*

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

PETER MARTINEZ NODA	7130 SW 74 ST MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**
Pending	Z2022000253
DATE	**HEARING NUMBER**

FOLIO: 30-4035-000-0220

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:
May 27, 2026

NEIGHBORHOOD REGULATIONS:
There are no open/closed cases.

BUILDING SUPPORT REGULATIONS:
There are no open/closed cases.

OUTSTANDING LIENS AND FINES:
There are no outstanding liens or fines.

Memorandum

MIAMI-DADE COUNTY

Date: May 29, 2026

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources (RER)

From: Christine Velazquez, Division Chief
Department of Regulatory and Economic Resources (RER)

Subject: Z2022000253-12th Review
Peter Martinez Noda
7130 SW 74th Street
DBC from EU-1 to EU-M and NUV for lot area, depth, width, and frontage.
Proposing 3 residential lots
(EU-1) (1.57 acres)
35-54-40

The Departments of RER and Environmental Resources Management (DERM) have reviewed the above-referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service, wastewater disposal, and wellfield protection. Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 and 24-43(5) of the Code related to potable water service and wastewater disposal, and wellfield protection area, respectively.

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

Conditions of Approval: None

Potable Water Service
Pursuant to the Code and based on the site plan submitted and development allowed under the requested district boundary change (EU-M), the proposed residential lots are within feasible distance to connect to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Under section 24-43.4(2)(b)(iii) of the Code, once a property or portion thereof is determined to be within feasible distance, the owner shall record, in the Public Records of Miami-Dade County and at the owner's expense, a covenant in a form acceptable to the Director acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

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 County for this proposed development order.

Conditions of Approval: That the property owner submits a covenant in accordance with the requirements of section 24-43.4(2)(b)(iii) of the Code.

Wastewater Disposal

Pursuant to the Code, the site plans submitted, and development allowed under the requested district boundary change, public sanitary sewers are not currently located within feasible distance for connection to the subject property; consequently, the proposed development would have to be served by an onsite sewage treatment and disposal system (OSTDS) as a means for the disposal of domestic liquid waste.

In accordance with section 24-43.1(3) of the Code, no zoning action shall be approved for a proposed residential land use to be served by an OSTDS until it is determined that the proposed development complies with this section of the Code and public sanitary sewers are not within feasible distance. Pursuant to section 24-43.1(3)(a)(i) of the Code, the minimum lot size for a single-family residence served by public water and OSTDS shall be 15,000 square feet (gross). According to the site plans submitted, sheet SP-1, stamped received by Miami-Dade County on May 1, 2026, and staff calculations, the proposed three lots comply with the minimum lot size requirements in section 24-43.1(3)(a)(i) of the Code. Therefore, RER can administratively approve this application.

This analysis is based on sanitary sewer infrastructure as it exists at the time of this application. Please be advised that sanitary sewer system infrastructure is constantly changing, and future applications related to this property will be reanalyzed based on the infrastructure that exists at the time of such future applications.

Conditions of Approval: None

Water Control Review

For compliance with Miami-Dade County stormwater disposal requirements, stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by the applicable storm event pursuant to the Code. Any grading and drainage improvements within the parcels will require review and approval by RER. Any public road drainage systems shall provide service that complies with the minimum requirements outlined in the Miami-Dade County Public Works Manual.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

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 for this proposed development order.

The development is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. All stormwater disposal methods must be in compliance with section 24-43 of the Code, Table C-1, Allowable Storm Water Disposal Methods

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources, including specimen trees (a tree with a trunk diameter of 18 inches or greater). Section 24-49 of the Code provides for the preservation and protection of specimen tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

The site plan submitted entitled "7130 SW 74 ST" prepared by Daniel Diez, R.A., and dated as received by Miami-Dade County on May 01, 2026, indicates the removal/relocation of non-specimen and specimen tree resources. RER recommends approval of this application with a condition that requires the preservation of the specimen trees whenever reasonably possible, unless a tree removal permit is obtained which authorizes the removal of specimen trees as per the specimen tree standards of section 24.49.2(II)(1) of the Code. Approval of this zoning application shall not be interpreted as a RER tree removal or relocation approval of any tree resources on site.

The applicant is advised to contact the Tree and Forest Resources Section at (305) 372-6574 for additional information regarding tree permitting procedures and requirements.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov for additional information or concerns regarding this review.

Condition of Approval: Specimen trees shall be preserved on the site, unless a tree removal permit is obtained which authorizes the removal of specimen trees as per the specimen tree standards of section 24.49.2(II)(1) of the Code.

DERM Enforcement History Review

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and the County 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: May 15, 2026

To: Eric Silva, AICP, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources (RER)

Through: James B. Ferguson, P.E.
Assistant Director
Water and Sewer Department (WASD)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD)

Subject: Zoning Application Comments - Peter Martinez Noda
Application No. Z2022000253 - Revision # 3

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objection to this zoning application, based on the information provided. Additional requirements may be needed at the time of permitting. The information provided below is preliminary and it does not affect the Zoning process.

At the time of development, the applicant is advised to consult with the project's engineer and WASD's Plans Review staff to finalize points of connection and capacity approval. A WASD Agreement and/or a Verification Form will be required.

Application Name: Peter Martinez Noda

Location: The proposed project is located on approximately 1.57 acres at 7130 SW 74th Street, with Folio No. 30-4035-000-0220, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is seeking to subdivide the property into three (3) lots to allow the construction of three (3) single-family residences, per site plan submitted with this application. The existing single-family residence will be demolished.

The gross floor area for the future single-family residences was not provided with this application; therefore, to calculate the water demand, it was assumed that each single-family residence will have a gross floor area under 3,001 sq. ft.

The estimated total water demand for the proposed project will be 630 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The water supply will be provided by the Alexander-Orr Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

The subject property is connected to water. There is an existing 8-inch water main (E15457-2) along SW 74th Street abutting the northern boundary of the property, to where the developer may connect and extend southerly, a new 8-inch water main within the property in a dedicated public right-of-way (R/W) and/or in a WASD easement to a point as required to abut and provide water service to the proposed lots.

Any public water main extension within the property shall be 8-inch minimum diameter. If two (2) or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connections. *Final points of connection and capacity approval to connect to the water system will be provided at the time the applicant requests connection to the water infrastructure.*

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests connection to the water system. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC required is consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to: http://www.miamidade.gov/water/water-supply-certification.asp

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP.

For more information about our Water Conservation Program, please go to: http://www.miamidade.gov/conservation/home.asp

For information concerning the Water-Use Efficiency Standards Manual please go to: http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf

Sewer: The proposed development is located within the WASD's sewer service area. The existing facility is currently on septic. There is no sanitary gravity sewer connection in close proximity to this property at the present time.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

http://www.miamidade.gov/water/construction-development.asp

http://www.miamidade.gov/water/construction-service-agreement.asp

http://www.miamidade.gov/water/construction-existing-service.asp

http://www.miamidade.gov/water/library/forms/service-agreement.pdf

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Pedro P. Vera Carballes at (786) 552-8144 or pedro.veracarballes@miamidade.gov.

Memorandum

MIAMI-DADE COUNTY

Date: June 8, 2026

To: Eric Silva, AICP, Assistant Director
Department of Regulatory and Economic Resources

From: FOR: Raul A. Pino, PLS, Division Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2022000253
Name: Peter Martinez Noda
Location: 7130 SW 74 Street
Section 35 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has **no objections.**

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **3 PM** peak hour vehicle trips.

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Notes: PM =Post Meridiem
The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

- A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum

MIAMI-DADE COUNTY

Date: May 19, 2026

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

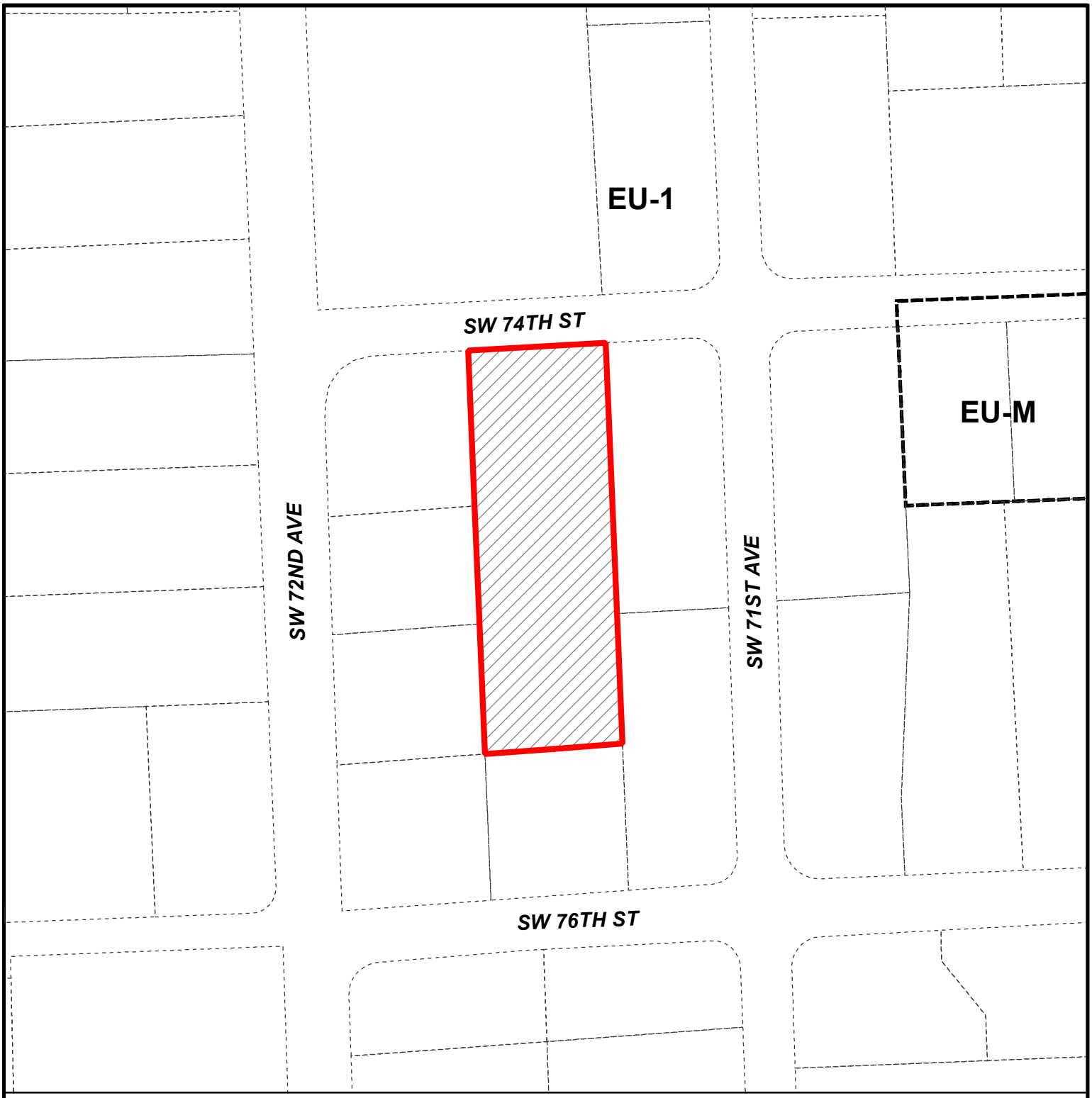
Subject: Z2022000253

The Miami-Dade Fire Rescue Department has no objection to the site plan uploaded to "EnerGov" on 05/04/2026.

MDFR's review of this application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building's design must be in compliance with the applicable requirements for the proposed use:

Florida State Statue Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2022000253

Section: 35 Township: 54 Range: 40
Applicant: Peter Martinez Noda
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

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Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2021

Process Number

Z2022000253

Legend

Subject Property

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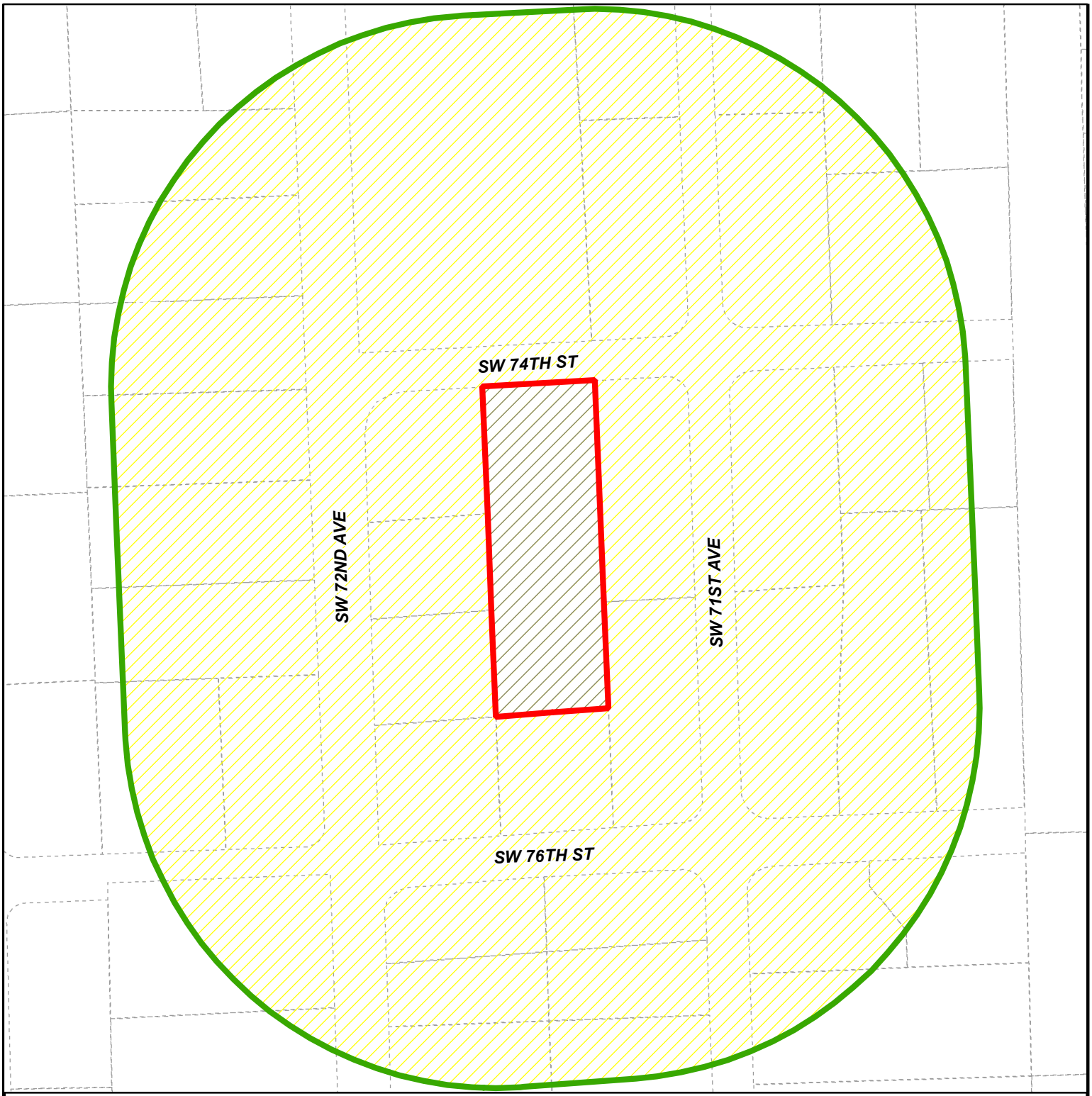
Section: 35 Township: 54 Range: 40
Applicant: Peter Martinez Noda
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Section: 35 Township: 54 Range: 40
Applicant: Peter Martinez Noda
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Process Number

Z2022000253

RADIUS: 500

Legend

- Subject Property
- Buffer
- Property Boundaries

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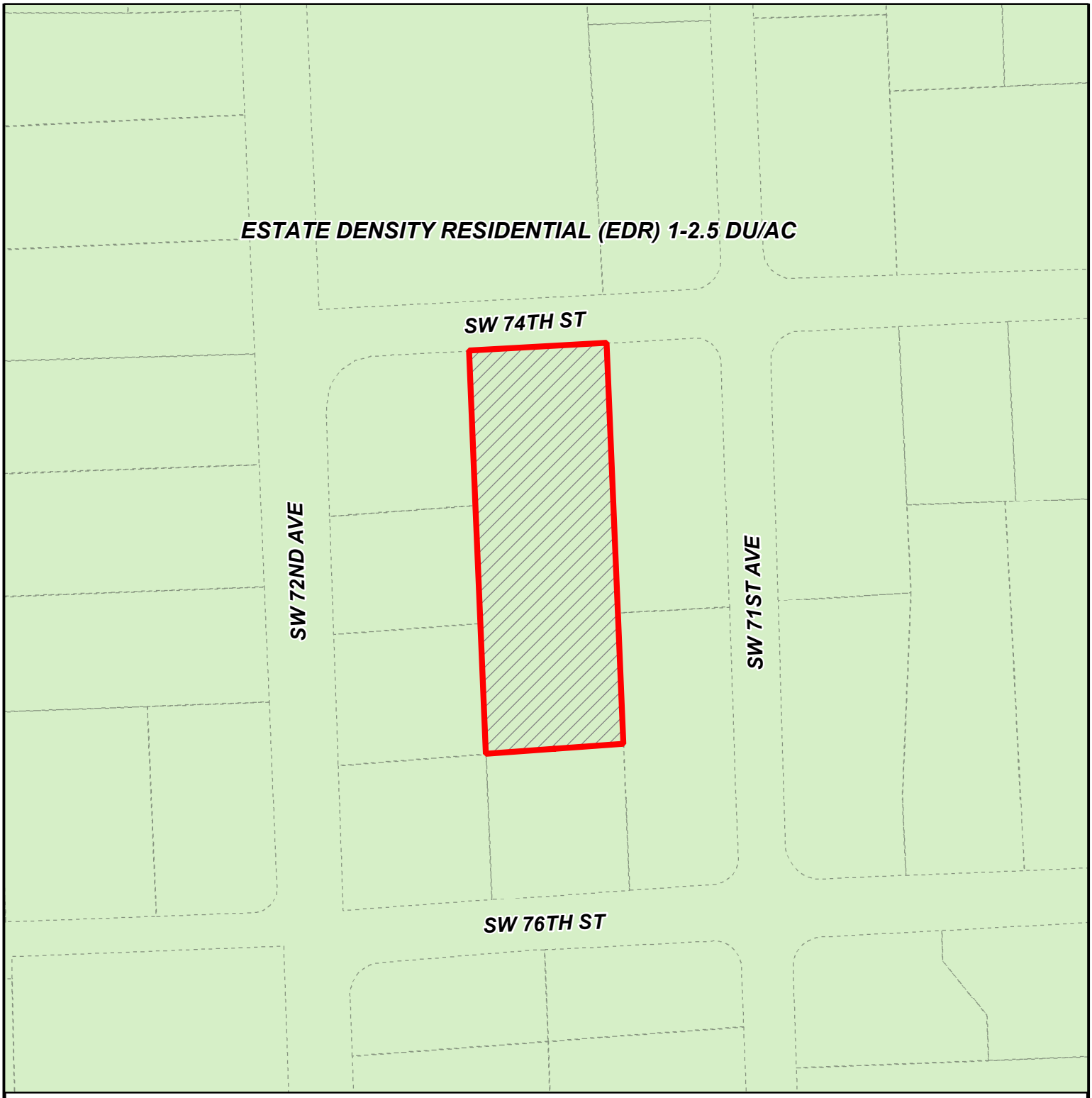
MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2022000253

Section: 35 Township: 54 Range: 40
Applicant: Peter Martinez Noda
Zoning Board: C12
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Legend

Subject Property Case

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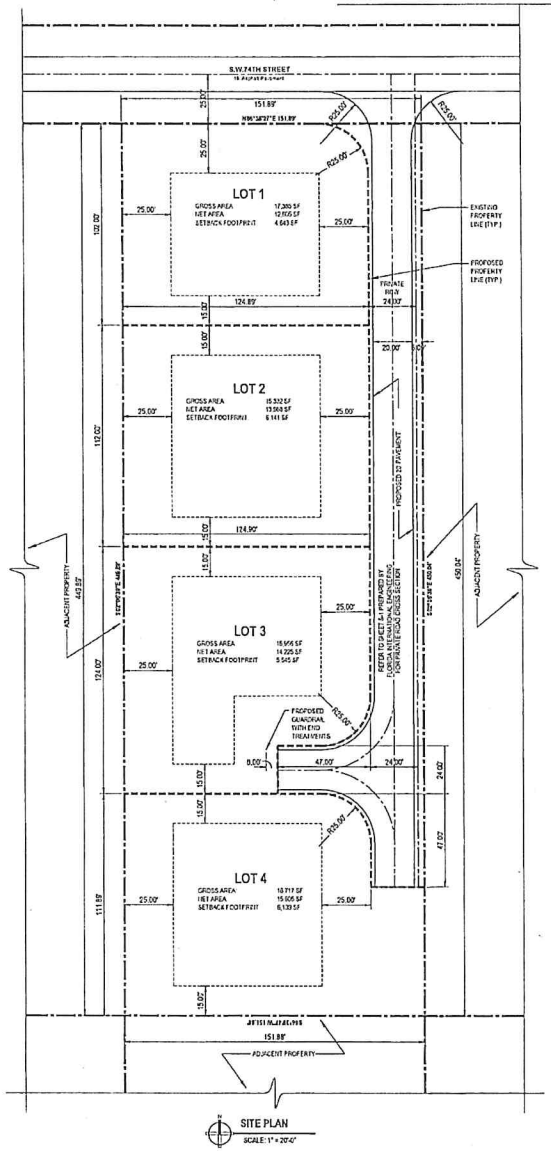
MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z22-253 DATE: JAN 27 2025 BY: CABR



SITE PLAN
SCALE: 1" = 20'-0"

PROPERTY INFORMATION

PROPERTY ADDRESS	7130 SW 74 ST MIAMI, 33143
FOLIO	30-4036-001-0370
LEGAL DESCRIPTION	THE EAST 151.89 FEET OF THE NORTH 198.9 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 54 SOUTH, RANGE 40 EAST, IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
OWNER	PETER MARTINEZ NODA
LOT SIZE	68,353.00 SF / 1.57 ACRES

FIRE DEPARTMENT NOTES

1. FIRE ACCESS ROADS SHALL BE DESIGNED AND CONSTRUCTED TO SUPPORT A MINIMUM OF 22 TONS AND SHALL BE PROVIDED WITH A SURFACE SUITABLE FOR ALL WEATHER DRIVING CAPABILITIES PER THE FLORIDA FIRE PREVENTION CODE, NFPA 1 18.2.3.4.1.
2. THE MINIMUM DIMENSIONS FOR FIRE DEPARTMENT ACCESS ROADS SHALL BE OF STREETS AND DEFINED BY CURBS OR OTHER ROADWAY DELINEATORS, AND SHALL HAVE A MINIMUM UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET PER FLORIDA FIRE PREVENTION CODE, NFPA 1 18.2.3.4.1.2. THE MINIMUM UNOBSTRUCTED OVERHEAD VERTICAL CLEARANCE FOR THE PLUS OR FIV

LAW OFFICES OF
ALEXANDER E. BORELL

RECEIVED
MIAMI-DADE COUNTY
PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR

October 10, 2022

OPINION OF TITLE

Subject Property
Folio Number: 30-4035-000-0220
Type of Property: Single Family
Owner: Peter Martinez Noda

TO: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Right-of-Way Dedication, Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I have examined the Public Records for the following described property:

The East 151.85' of the North ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of the Northeast ¼ , less the North 25' for Right-of-Way; and the North 143.03' of the East 151.58' of the South ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of the Northeast ¼ lying and being in Miami-Dade County, Florida. All in Section 35, Township 54 South, Range 40 East according to the Public Records of Miami-Dade County, Florida.

I am of the opinion that as of today's date, the fee simple title to the above-described real property was vested in:

PETER MARTINEZ-NODA, a single man

Subject to the following encumbrances, liens and other exceptions:

1. **RECORDED MORTGAGES:** On or about, March 19, 2020, Peter Martinez-Noda, gave a mortgage to Executive National Bank, in the original principal amount of $500,000.00, said mortgage was recorded on or about March 30, 2020, in Official Record Book 34875 at Page 46. Said mortgage was assigned and is currently in the possession of Regions Mortgage.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGEMENTS:** **NONE**

3. **GENERAL EXCEPTIONS:**
   a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
   b. General or special taxes and assessments required to be paid in the year **2022** and subsequent years.
   c. Rights or claims of parties in possession not recorded in the Public Records.

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PROCESS NO: Z22-253
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BY: CABR

d. Any encroachment, encumbrance, violation. variation or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
e. Easements or claims of easements not recorded in the Public Records.
f. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
g. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

4. **SPECIAL EXCEPTIONS**:

a. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
b. Rights of the lessees under unrecorded leases.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

Name: NONE
Interest: NONE
Special Exception Number: N/A

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Alexander E. Borell
Florida Bar No. 0793078

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 12 day of October, 2022, by Alexander E. Borell who [_] is personally known or [X] has produced a driver's license as identification.

my commission expires: 7/5/2026

Notary At Large
Print Name: JORGE BARROS M.

Notary Public State of Florida
Jorge Barros M.
My Commission HH 284098
Expires 7/5/2026

Law Offices of Alexander Borell
319 Clematis street, Suite 200, West Palm Beach FL 33401
561-766-1452 * alex@borelllaw.com * www.borelllaw.com

LAW OFFICES OF
ALEXANDER E. BORELL

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DATE: NOV 22 2022
BY: CABR

Ownership Affidavit for Individual

Zoning Application _____

Before me, the undersigned authority personally appeared, **PETER MARTINEZ NODA**, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of a Zoning Modification Application.

2. The subject property is located at 7130 SW 74 Street, Miami FL 33143, and has a legal description as follows:

The East 151.85' of the North ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of the Northeast ¼ , less the North 25' for Right-of-Way; and the North 143.03' of the East 151.58' of the South ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of the Northeast ¼ lying and being in Miami-Dade County, Florida. All in Section 35, Township 54 South, Range 40 East according to the Public Records of Miami-Dade County, Florida.

3. Affiant understands this Affidavit is subject to the penalties of law for perjury and that it will be used in conjunction with the Zoning Modification Application.

Witness: Jorge Barros.

PETER MARTINEZ NODA

Witness: Andrea Borell

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this ____ day of October, 2022, by PETER MARTINEZ NODA, who [_] is personally known or [_] has produced a driver's license as identification.

ALEXANDER E. BORELL
MY COMMISSION EXPIRES
SEPTEMBER 26, 2024
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

NOTARY PUBLIC OF THE STATE
Print Name: Alex E. Borell

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PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR

LAW OFFICES OF
ALEXANDER E. BORELL

MIAMI LAKES
7975 NW 154 STREET
SUITE 480
MIAMI LAKES, FL 33016
305.514.0500 OFFICE

MAIN OFFICE
319 CLEMATIS STREET
SUITE 200
WEST PALM BEACH, FL 33401
561.766.1452 OFFICE

October 10, 2022

VIA ELECTRONIC SUBMISSION

Metro Dade County, Zoning Department
111 NW 1 Street, Suite 1100
Miami, FL 33128

Re: Zoning Modification Request by Peter Martinez Noda
7130 SW 74 Street, Miami FL 33143

To whom it may concern:

This firm represents Peter Martinez Noda, in connection with his plans to develop 7130 SW 74 Street, Miami FL 33143 (the "Project"), Folio No. 30-4035-000-0220. In accordance therewith, we are pleased to submit the enclosed Zoning Hearing Application Form for the Project.

The Project:

The Project will consist of the demolition of the current residential structure on the property, so as to allow the lot to be subdivided into 4 separate residential homes with a road for ingress and egress

Zoning Information and Existing Conditions:

The subject Property is located in an area where several other homeowners have recently requested and have ben approved to subdivide their properties. Mr. Martinez Noda intents to construct residential homes on his property which will be consistent with the density and make-up of the surrounding community.

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PROCESS NO: Z22-253
DATE: NOV 22 2022
BY: CABR

Furthermore, and as more thoroughly described on the attached plans, the Project satisfies or exceeds all site development standards under the current zoning code, specific regulations as well as the standard regulations, as applicable. The Project's buildings will be setback as required under the Code; and shall follow and meet those standards.

Collectively, the Project is consistent with the Code, as well as many of the goals and policies of the County's Comprehensive Development Master Plan. If you have any questions or require any additional information, please do not hesitate to contact me at 786-586-5562.

Respectfully,

Alexander E. Borell

LAW OFFICES OF ALEXANDER E. BORELL
319 CLEMATIS STREET, SUITE 200, WEST PALM BEACH, FLORIDA 33401 • 561-766-1452
ALEX@BORELLLAW.COM • WWW.BORELLLAW.COM

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF WEDNESDAY, JULY 8, 2026

KENDALL VILLAGE CENTER, CIVIC PAVILION

8625 SW 124 AVENUE, Miami, Florida

ITEM A

PETER MARTINEZ NODA

(22-253)

Members of the Board

Present

Jason B. Krieger, Chair
Hugo Alvarez
Nick Scher
José Valdes

COUNTY ATTORNEY'S OFFICE

Abbie Raurell, Assistant County Attorney

Regulatory & Economic Resources

Veronica Mendoza?

I N D E X

ON BEHALF OF THE APPLICANT

THE RILEY LAW FIRM, LLC
BY: WILLIAM RILEY, ESQ.
16343 SW 256th Street.
Homestead, FL 33031-2026

SUPPORTERS:

	PAGE
--	--

OBJECTORS

	PAGE
Mary Faraldo	23
Ana Izquierdo	36
James Dee	46
Lawrence Percival	48, 59
Mikel Urbistondo	49
Rhonda Arroyave	52
Pam Peltz	55
Cecilia Izquierdo	57
Michelle Urbistondo	62

(Thereupon, the following proceedings were had:)

CHAIRMAN KRIEGER: Good afternoon, everyone.

Ladies and Gentlemen, this meeting of Community Council 12 has come to order on this July 8th, 2026.

Let us please stand for the Pledge of Allegiance.

(Thereupon, the Pledge of Allegiance was had, after which the following transpired:)

CHAIRMAN KRIEGER: You may be seated.

Staff, please call the roll.

MS. MENDOZA: Board Member Alvarez?

BOARD MEMBER ALVAREZ: Present.

MS. MENDOZA: Board Member Fernandez?

Absent.

Board Member Scher?

BOARD MEMBER SCHER: Here.

MS. MENDOZA: Board Member Valdes?

BOARD MEMBER VALDES: Present.

MS. MENDOZA: Chair Krieger?

CHAIRMAN KRIEGER: Present.

MS. MENDOZA: We have a quorum.

CHAIRMAN KRIEGER: Thank you.

So, those of you who wish to speak today, must be sworn in. So, if you plan on speaking at all, in any capacity, please stand, and the court reporter will swear you in.

THE COURT REPORTER: Even if you might speak, stand. Okay, thank you very much.

(Thereupon, all interested individuals seeking to present testimony in these proceedings were duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

CHAIRMAN KRIEGER: Thank you very much.

So, those of you are lobbyists should have registered prior with the Dade County Clerk of the Board's Office prior to the meeting.

And so, with that, if there are any applications here that wish to defer or

withdraw, you may do so at this time.

(Thereupon, other matters were heard not related to this case, after which the following transpired:)

CHAIRMAN KRIEGER: Please read the introductory.

MS. MENDOZA: "In accordance with the Code of Miami-Dade County, all items to be heard this evening have been legally advertised in the newspaper. Notices have been mailed, and properties have been posted.

"Additional copies of the agenda are available here at the meeting.

"Items called up to be heard by agenda number, and the name of applicant. The record of the hearing on each application will include the records of the Department of Regulatory and Economic Resources.

"All these items are physically present this evening, available to all interested parties, and available to Members of the Board who examine the items from the record during this

hearing.

"Parties have the right to cross-examination.

"This statement, along with the fact that all witnesses have been sworn, shall be included in any transcript of all or any of these proceedings.

"In addition, the following departments have representatives present here at the meeting to address any questions. The Zoning Evaluations section of the Department of Regulatory and Economic Resources, and the County Attorney's Office.

"All exhibits used in presentation before this Board becomes part of the public record, and will not be returned unless an identical letter-sized copy is submitted for the file.

"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 again, or address the Board be granted by the majority vote of the Board Members present.

"The number of filed protesters and waivers on each application will be read into the record at the time of each 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."

CHAIRMAN KRIEGER: Thank you.

(Thereupon, other matters were heard not related to this cause, after which the following transpired:)

CHAIRMAN KRIEGER: So, here is how this meeting is going to go. We have a number of items on the agenda, and we're going to call one item at a time.

The Applicant will come up and give a presentation, and then the Board will ask some questions for the Applicant. Once we are done asking questions, or at least when we want to pause asking

questions, we will open up the forum to the public, and you can come up and either speak for or against the application.

When you're done, we'll close the public hearing for that item, and then proceed with a motion and a vote on that item. And then we'll move to the next item.

If you do want to speak, as you come up to the podium, please state your name and address for the record.

And with that, please, staff, let's call Item A.

MS. MENDOZA: Item A, Z2022000253, Peter Martinez Noda.

There are zero protesters and zero waivers.

MR. RILEY: Good afternoon, Mr. Chairman, Members of the Board.

For the record, my name is Bill Riley. I'm here before you on behalf of the Applicant. My address is 16343 Southwest 256 Street.

I'm ready to proceed with the

presentation. I have one handout to provide you. I don't know if you want to hear from staff first, or if you want me to proceed first.

CHAIRMAN KRIEGER: Please proceed.

MR. RILEY: Okay.

I just have a quick handout that may help truncate the presentation.

CHAIRMAN KRIEGER: Oh, actually, please hand it to staff.

MR. RILEY: Yeah, sure. I have copies for everyone. I have extra copies.

MS. MENDOZA: We'll pass them out.

MR. RILEY: Do you want me to give you all of them?

MS. MENDOZA: Yes.

MR. RILEY: No problem. I have way too many.

So, Mr. Chairman, you may recognize this application. When staff read it into the record, it had a 2022 process number, which means that this application has been pending for over four years now. It was filed back in March of 2022. So,

we just had our fourth year anniversary.

I've come into the project much more recently. I wasn't here at the previous presentations, but I did get briefed upon them. And to make my presentation as succinct and as efficient as possible tonight, because I understand you have a long agenda, I want to incorporate the presentations from the previous hearings into the record this evening.

Now, this application came before you previously, and asked for an approval to ultimately permit four lots, four single-family lots.

And at that meeting, we heard from the Board Members, and we heard from staff, and we've worked with them. And one of the biggest concern, or one of the biggest comment was, there was a willingness and an expectation, from our standpoint, that we wanted to go ahead and comply with those comments. And one of those comments ultimately led us to reduce the number of units for this

project from four to three.

So, the presentation packet that I just handed out to you, on the first page, has the current site plan. The site plan that we're asking for approval this evening. And it shows you the three different lots.

The second page that I handed out provides a site plan that you considered previously, the four lots.

And then the third page, is just a survey of the property, to give you some background information, if you'd like.

Now, the client, the owner of the property, Peter Noda, who is here with me tonight with his lovely wife, and some people from his family; him and his family purchased this property back in 2020, six years ago.

And the ultimate goal for this project is not a development project that's going to be for sale.

Mr. Noda is a practicing physician here in town. His plan is to live in one of the homes, and sell the other two

homes. So, he's a member of the community. He plans to stay a member of the community. And his plan is to actually live in one of these homes that we're talking about this evening.

Now, we went ahead and we designed the new site plan. We took a look at the surrounding area. And there's eight lots that exist on this block. And to give you some, some background information with regards to the location of the property, even though I'm sure you're familiar with it; this property is located about four blocks east of the Palmetto Expressway, the 826 Expressway, and about one block south of Sunset Drive.

Now, if you're familiar with this area of Sunset Drive, you may be familiar with the South Miami Lutheran Church. This block sits right behind that church.

And in the block, there is, like I mentioned, eight homes, including the property we're speaking about now.

Now, when we looked at those

existing homes, and the rest of the community, we want to make sure that our application is consistent with the existing makeup of the community. And we've been able to do that with the submittal of the three lots that we have before you this evening.

So, Lot 1 has a net lot area of 18,600 square feet. It has a gross lot area, much larger, almost 24,000 square feet.

And a building footprint, doesn't mean the size of the house, it means any place you can put patios, walkways, and so forth, is 8,240 square feet.

It is very much a mirror image of what you find in the neighborhood. And I'm going to show you that in just a moment.

Now, Lot Number 1, just like most of the other -- or, just like all the other lots, really, has a 25 foot rear setback, a 25 foot front setback, and a 25 foot side setback. There's an interior lot side setback, which is the

setback from our second home. That setback is proposed at 15 feet, which is what the code requires.

Lot Number 2 is pretty much the same. It has the same setback dimensions, the same buildable footprint area, and it has a little bit larger lot. Its net area is 18,669 square feet, larger than Lot 1, even though Lot 1 is a corner lot.

Lot 3 is the largest of all three lots. And that is almost 20,000 square feet at 19,440 square feet net lot area. It has a buildable footprint, because it's the largest lot, of 9,170 square feet.

Sorry. I had to clear and swallow for a moment.

The mean net area of all three lots is 18,903 square feet, almost 19,000 square feet in total. And the mean gross is almost 22,000 square feet. These are large substantial lots. They are EU-1 equivalent type of lots.

And whenever we presented this to

staff, it's gone through a very rigorous review process. And that reviewing process has included reviews from 10 different departments of the County. And those include:

Code Compliance.

And Public Hearing Section.

The Public Works Department.

Traffic Engineering.

Fire Rescue.

Police.

Water Sewer Department.

Building and Neighborhood Compliance.

DERM.

Planning and Zoning.

We have worked extensively with all of those different departments, and I'm happy to report to you this evening that we've earned their recommendation of approval, which includes the recommendation I have before you this evening in your record packet from the Department of Planning and Zoning.

Now, we didn't stop there with what

is located on our block. We took a look at the expanse of surrounding neighborhood. And the closest development trend that I could find is the property that used to be the University Baptist Church, which I'm sure you're all familiar with. It's the large property that fronts on Sunset Drive. It has been a topic of discussion for decades.

It's currently under development, four single-family homes. And those lots on average are 13,521 square feet. We are substantially larger than their average lot. And we are larger than their largest lot. But that is the biggest comparison that I could find that gives you an analysis of what's existing in the area, and what's being built in the area.

So, what's existing in the area, again, we are a mirror image of. What is being built in the area, we are significantly larger than.

We have a few different requests

that's in your packet this evening. And those requests came inherited in the project whenever I came on board.

Now, in order to make this a simpler presentation, which I'm about ready to conclude, I want you to focus on the staff recommendation of approval; which is a recommendation to approve request four through eight. That's what we're asking this Board's consideration of this evening.

Staff, even though the request has two different alternatives, staff has decided that it's more appropriate for the second alternative to be approved this evening, and to create that precedent.

We've read their conditions. We've read their recommendation. We have no objections to their conditions. We accept everything that they've proposed. And we've done everything that not only this Board has asked us to do at the previous hearing, but what staff has asked us to do. And we're very happy

that we've been able to earn everybody's recommendation, and appear before you this evening.

With that, I'll conclude. And I'm happy to answer any questions you may have.

BOARD MEMBER ALVAREZ: Through the Chair, one question to you.

I heard what you said about four through eight, but what about one, two, and three?

MR. RILEY: So, one, two --

BOARD MEMBER ALVAREZ: One recommendation is denied without prejudice of requests one, two and three, and approval with conditions of requests four through eight.

MR. RILEY: That's exactly what we're asking this Board to do, yes. Yes, sir.

BOARD MEMBER ALVAREZ: I'm referring to the staff.

MR. RILEY: Sorry.

CHAIRMAN KRIEGER: Question for staff.

Thank you for your presentation.

MR. RILEY: Thank you.

CHAIRMAN KRIEGER: So, for this alternative scenario, on one case, change the zoning, and on the other case, let's just give them some variances to achieve the ultimate result that they want to achieve without actually changing the zoning. In our previous meeting, that topic did come up, and that second alternative was frowned upon, it seemed.

Could we comment on that a little bit, the difference between what makes this application different from that particular one?

MS. MENDOZA: It's not different.

CHAIRMAN KRIEGER: So, in this case, the staff is recommending to do --

MS. MENDOZA: The staff has not changed their recommendation from the previous. They're standard -- what you have here is the same recommendation you had at the last hearing.

CHAIRMAN KRIEGER: I'm sorry. I didn't mean for this particular

application. I meant, literally, the last meeting that we had on a completely different application. There was, it came up on the topic of should they change zoning or should they ask for a bunch of variances in order to achieve the ultimate goal. And it was said that staff normally frowns upon that latter, uh strategy.

MS. MENDOZA: Right. But, apparently, there's been a trend in the neighborhood with this. So, the district boundary change is progressive. That would pretty much be the only property that would be zoned that.

CHAIRMAN KRIEGER: Right.

MS. MENDOZA: So, we asked -- we're okay with the variances, because it's kind of similar to the area.

CHAIRMAN KRIEGER: So, to your point, the immediate adjacent properties to the west are, essentially, as the Applicant mentioned, the same particular size. Is that how those were achieved as well?

MS. MENDOZA: Yes.

CHAIRMAN KRIEGER: Okay.

And was that strategy in this particular area? You said that it was a trend in this area. Was there, besides that one to the west, were there other examples of this particular strategy being approved?

MS. MENDOZA: Not that I'm aware of.

CHAIRMAN KRIEGER: Okay. Thank you.

MR. RILEY: The only thing, if I can add, just to help with the discussion, if it's helpful, is my understanding that staff has vetted this scenario, specifically, with University Baptist Church.

And you asked if that was how that development trend got approved. And they indicated, yes. During that vetting process, which took many years, staff, I came to a conclusion that in their professional opinion, that was a better avenue to proceed. And that's how

University Baptist Church proceeded.

So, they asked us to do the same.

CHAIRMAN KRIEGER: And so the alternative scenario, that was proposed to you by staff as a way -- as a method of submitting your application?

MR. RILEY: Yes, sir.

CHAIRMAN KRIEGER: Thank you.

Any other questions?

BOARD MEMBER SCHER: What was the desire to move from four units to three?

THE COURT REPORTER: I'm sorry. I can't hear you.

CHAIRMAN KRIEGER: Speak up, please.

BOARD MEMBER SCHER: What was the desire to move the units from four to three?

MR. RILEY: There was -- again, I was not part of those presentations at the time, but from my understanding, there was a concern of whether or not four or three was more appropriate. And what it was signaled to the Applicant, was that they'd like to have bigger

lots -- bigger lots in this community. So, what we did was we reduced the plan, and we presented an alternative with three large lots. And that was really the only analysis, to have bigger lots.

BOARD MEMBER SCHER: Thank you.

CHAIRMAN KRIEGER: With that, if anybody would like to speak for or in opposition to this application, you may approach the podium.

Please state your name and address for the record.

MS. FARALDO: Good evening Council Members. Thank you. Chairman, thank you.

My name is Mary --

THE COURT REPORTER: Excuse me. What's your name again?

MS. FARALDO: I'm getting there.

THE COURT REPORTER: Oh, you didn't?

MS. FARALDO: Mary Faraldo.

I'm at 7120 Southwest 80th Court, Miami, Florida, 33143. And I also represent us as a community association,

Glenvar Heights Association, which is -- we actually established in 2020. We are from 87th Avenue to 67th Avenue, and Southwest 80th Street to Southwest 56th Street.

So, from time to time I've spoken, and we haven't had to speak in a long time, because we've got all the crazy handled.

And I'm glad the gentleman brought up the issue with Pastor White and the church. So, I'm very familiar with staff and recommendation. And I know staff works aggressively, and I know that they know Glenvar Heights, and how this community works. And, obviously, they're going to comment on things that are in front of them.

I'm also in the construction business. One of my friends' neighbors and client, I've been trying for two years to get a variance for him, because all of us, all of us respect our EU-1 zoning.

And so he is going by the legal

in-law quarters that is, literally, for his '97 year old parent. And for two years we've been trying to get this variance. And we're patient, and we're going to wait. So, we have not the majority, a plurality of a community that wants our EU-1.

With the subject of Pastor White, as you're all familiar, how much did we fight?

So, Number 1, defeat Academica (phonetic), and successfully did so.

And Number 2, when the whole thing with Andy came up, that became another battle, because they wanted to rezone to EU-M. And which, at that point, when we looked at the plan, it was a good plan. You're talking about 20 -- almost 20 acres. We knew it was a good plan, just not EU-M. We understood that Andy needed to reach that threshold for financial purposes. So, with Nathan Kogon's help, we found the PAD designation.

And that is why those homes are there, because it did not diminish our

EU-1. In fact, it strengthened it. Because, as you know, to have a PAD designation, you need over five acres, and you have to be able to give 20, 30 percent back to green space. And that's why it worked, and that's why it was the perfect designation. And that's why that went away. The homes are there. He met the threshold of homes. Pastor White got the church, and it worked.

That is why those homes are there. It's not because we rezoned to EU-M. Our community does not want that.

As you all know, or should know, our canopy is part of CDMP. Our canopy is supposed to be weighed into our needs for a canopy. Every time one of these homes gets put in, and any time these new developments, we get sick trees. And I really want to encourage all of you -- I don't know what can be done legislatively, but these are not sick trees. We have drone videos of them. These are healthy trees. And every time one of these development comes in, we are

losing 30, 40-year-old trees, which is the lour.

When come through our community, and you look up from any yard, you see a massive canopy. But every day it's thinning out because, again -- great for our property values to a degree, but part of the beauty of the neighborhood is the canopy. And, eventually, it'll be worthless, because at some point they're going to say, what happened to the trees?

And so, that is one of the motivating issues why we all try to protect at least our EU-1 zoning, where we know, if a tree comes down, where we forcibly -- and, luckily, every time when Regalado was our Commissioner, she did away with the palm thing, and actually forced Florida natives.

So, we've worked with the County. We've worked with DERM. We want to work -- if they want to build something, ask for a variance, like all of us do, and see if it works. But rezoning to EU-M is not consistent, and it's not

compatible, and it's not something that this community wants.

CHAIRMAN KRIEGER: So, if -- just so we can be clear, the application is essentially -- a choice is offered. We could either approve a change in the zoning, or we could keep the zoning the same, and approve variances that would let them achieve that. If, given that choice, as a member of the community, either -- can tell me whether you're speaking for yourself or the community?

MS. FARALDO: Well, I have -- and that's another thing I want to enter into the record, if you allow.

CHAIRMAN KRIEGER: Well, let me ask you this.

MS. FARALDO: Uh-huh.

CHAIRMAN KRIEGER: Would you be okay with the division of this lot into three lots if it maintains the EU-1 zone?

MS. FARALDO: I mean, I don't know how you're going to accomplish that.

CHAIRMAN KRIEGER: Through

variances.

MS. FARALDO: To get three different addresses that are individually EU-1 under zoning?

CHAIRMAN KRIEGER: That is the application before us.

MS. FARALDO: I mean, I don't see a problem with that. I don't feel that, that should be a problem. But it would not -- as long as it doesn't weaken our EU-1. And then that would have to be brought, again -- or would that be the approval today?

CHAIRMAN KRIEGER: So, the application -- and we'd be happy to share this with you. Essentially, this is, as he said, the survey of the current property as it exists right now. North is that way, right (indicating)? What they previously came to us with is this four lots like this. And now they are coming to us with just three lots, right?

And, also, I should point out that in this, as you can see down here (indicating), it looks like, I'm not

exactly sure. I'll let the Applicant correct me if I'm wrong, but the three lots that are being divided is almost kind of in line with the divisions of the three lots to the west.

So, my question to you, as a member of the community, as a member of the HOA, what are your thoughts on that?

MS. FARALDO: So, I know one of the big issues that I've had neighbors call me, the problem with that also, is there's going to be the need for a road.

CHAIRMAN KRIEGER: Yes. There will be a need for a road.

MS. FARALDO: And that's not something that the community is --

CHAIRMAN KRIEGER: It would be a private road, but it would be -- I don't know if it's the same size.

Does staff know if it would be a regular sized road?

MR. RILEY: If I could, Mr. Chairman? Just to avoid confusion?

CHAIRMAN KRIEGER: One more question. Does staff have the answer?

No? Do you have the answer?

MS. MENDOZA: Give me a second.

CHAIRMAN KRIEGER: All right. Ma'am, we'll pause, and then we'll let the Applicant answer.

MR. RILEY: Yes, Mr. Chairman. Thank you so much.

CHAIRMAN KRIEGER: I'm sorry. Please, for the court reporter.

MR. RILEY: Just to avoid confusion.

Thank you for your comments. We actually share your feelings, which is why we're asking this Board this evening not to change the zoning. There's only the property estate EU-1. It would not become EU-M. There would be the variances that the Chairman laid out. And there would not be a new street. There would be a private drive, but no through traffic go onto the street. It's a dead end. A dead end having private homes that we have, and it's not a publicly accessible street.

So, hopefully that helps answer

your question.

MS. FARALDO: Again, what we see is, if you look at it from the standpoint of our community, you walk around in any one of our yards. So, trick or treating is difficult in our neighborhood. You got to go in little cars, because to get from this house to the next one, it's a long stretch. We like that. That's part of the beauty of the community. That's been the consistency of the community.

Once you start shrinking these frontages, then --

MR. RILEY: And just, also, if you don't mind.

MS. FARALDO: Uh-huh.

MR. RILEY: If I can approach real quick just so we're talking about the same thing.

MS. FARALDO: Uh-huh.

MR. RILEY: I'm not sure -- I have a bigger picture here. What we're talking about is this lot right here. Come up. It's in the middle of the block. So, if they divide it, it doesn't

impact in any way the frontage on the road.

MS. FARALDO: Will there be a through street between --

MR. RILEY: No, there wouldn't be a through street. Essentially what they would do, is they would take a road -- essentially, so if you come down here just to show you on here. They would, like, come down here, and then just go to the houses. That's it. It wouldn't be a street. It would just be a driveway -- a long driveway to that third house.

BOARD MEMBER VALDES: Because the property is essentially landlocked.

CHAIRMAN KRIEGER: Yes.

Thoughts?

AN AUDIENCE MEMBER: Mr. Chair, can you publish that?

CHAIRMAN KRIEGER: This kit?

AN AUDIENCE MEMBER: Can you publish that?

CHAIRMAN KRIEGER: That's a great question.

Staff, is the kit available

currently online?

MS. MENDOZA: Yes, it is.

CHAIRMAN KRIEGER: Are you sure about that? Because we actually -- I did check earlier today, and it --

MS. MENDOZA: Yes. It's online. This that he just submitted is not online, but it will be tomorrow.

CHAIRMAN KRIEGER: Thank you.

MS. FARALDO: So, in truth, just to finish on that. Honestly, I don't think that that's something that the community would be amenable to, because it's going to look like something cut out of nowhere. That should be one house. That's what our community looks like. All of a sudden you're going to come in -- the only place that has managed to do something like this was on the cul-de-sac on 82nd Avenue and 60. And those are large homes. Those are large homes. And it's in its own cul-de-sac.

This is going to be something, like you said, in a deadlocked -- that should be a property, which they can sell that.

That property will sell for a lot of money, and a contractor will make a gorgeous house out of that. That's EU-1. And I know that's going to be the position of the community.

If the sizing, and you need a variance because you got to get a little closer this way or that way, that's not a problem, but to stick three houses in that landlocked piece of land, it's not fair to the rest of the community.

And that's just going to set a precedent for anybody else who has -- I mean, it's going to destroy our neighborhood. It's going to destroy our neighborhood.

CHAIRMAN KRIEGER: Thank you very much for your comments.

MS. FARALDO: And I'd also like to enter this (indicating).

Again, we only found out about this -- Glenvar Heights is registered. I'm going to check in the County. I never got notice of the hearing. But neighbors, I've got 38 letters from

neighbors (handing).

MS. MENDOZA: Thank you.

MS. FARALDO: And we got that in just moments, because we didn't have a lot of time. So, there isn't an appetite for this. We truly ask this Board to please be mindful. This is a little paradise we have. We're good neighbors. That's a great property. They can build something else, but we ask that -- we respect our EU-1, and the compatibility and consistency of our neighborhood.

CHAIRMAN KRIEGER: Thank you very much.

MS. FARALDO: Thank you.

CHAIRMAN KRIEGER: Does anybody else have any comments?

MS. IZQUIERDO: Hi. My name is Ana Izquierdo.

I live on 7650 Southwest 71st Avenue. And I am down the street from him.

THE COURT REPORTER: Can you pull the mic up, please, and tell me your last name again?

MS. IZQUIERDO: Izquierdo.

I am down the street from him.

Now, hear me out, because this is not my first rodeo, okay? And I'm sure you guys seen me here before. And I brought pictures of the eagles and all that before.

Mr. Noda wants to divide that property into three parcels. The property is on 74th, and it's landlocked on both sides of the property with only the front part of his property facing 74th. You already know this, right?

Okay, so I'll move on.

The only reason anyone would want to divide that property is to sell it already divided to a developer. Again, this is not my first rodeo with this neighborhood. I have been living here for almost 30 years; which would bring him more value to his property if he was to sell it this way. Mr. Noda knows that this is an EU-1 acre estate, and should stop trying to change the neighborhood to benefit the bank account. They don't

care anything about the integrity of the neighborhood, only how they can profit from it.

These developers come in like vultures. They grab the land, and they leave us the carcass to deal with because of their greed. I have heard this before a million times. I just want to build for my family, okay? Here we go. I just want to have an in-law quarters. I just want to rent the house in the front, and live in the house in the back.

They lie in order to get the permit for the changing of the zoning, and then they sell it off to developers. Miami seems like a large town, but, eventually, everyone knows someone in this, and people talk. And I have heard a lot of talk.

So, here we go. His neighbor on 7420, right next door, is an acre lot with one house. For example, he never lived in that house, okay? And he sold you a bunch of lies and told you that he needed to divide that property to build

his in-laws, blah, blah, blah. And we said it was grandfather in, and no one believed us, okay? To build his dream home for his mother-in-law, he even had an AI photo of his dream house printed. Which was a total lie, because Glenvar Height is grandfathered in to build an in-law's quarter without dividing up the property.

And the truth was, he had already built his dream house somewhere else. And that he had bought the property and planned to develop it in order to make a big profit from it. And I heard this personally from a friend of his.

In addition, I was also told by another person that Mr. Martinez Noda wanted to make a deal with his neighbor on 7420, the same neighbor that I just spoke about that has never lived on that property. That if he could split that property, they can go in it all together and build many homes, and sell it to developers. Again, all about the money.

And of course, hold on, because

you're paid to do this. He will deny this.

CHAIRMAN KRIEGER: I'm sorry, let's address to us, please.

MS. IZQUIERDO: He will deny this. They will even pay a lawyer that knows how to play the game to convince you otherwise, okay? We're not fools.

MR. RILEY: Mr. Chair --

CHAIRMAN KRIEGER: I'm sorry, you're going to have time for rebuttal.

MS. IZQUIERDO: We're not fools, okay? I've been down this rodeo a hundred times. I even fought with the church, okay? So, stop, okay? It's my turn. It's my turn.

Then we have another problem. How do you get into the parcels? So, obviously, you already know that he has to build a road. So, he has homes on one side, home -- another property on the other side, and now we're building a road straight through the middle of the property.

And the reason that, that property

is huge, just so you know -- and they'll say, oh, because there are little properties next to it. The person behind them, in the 1960s, had half an -- I mean, had an acre, and then he had an acre. And because they had horses, the property he was on had horses, they, with permission of all the neighbors, agreed that he could sell half an acre so that they could run their horses. It was with the whole entire neighborhood's permission, okay. That's why his lot is bigger than most, okay?

Mr. Noda knows that he doesn't want to improve the neighborhood or his property. He wants to break it up so he could probably make as much money off of it, and then leave. And we will never see him again. And I know this, because it happens every single time. No one is going to fool me this time.

We, your fellow neighbors, we're your neighbors. We have lived there. We have told you guys this many times, okay, that this is what they will do, okay?

I'm raising my family there. And most of my neighbors are doing the same, and we're asking you to, please, don't allow the vultures to destroy our neighborhood and community with their greed.

I'm asking you, not only to vote against it, but with prejudice, okay? When you don't vote with prejudice, they keep on going and keep on going and keep on going. And, you know, I have to keep taking time off from work, coming out here, doing all this. And we need to preserve our land. Our green space is disappearing. There's not even a park near us, okay?

Our park is basically our neighborhood. We've got animals. You know, I showed you baby eagles, okay? They are dying every time these developments take place. And can you imagine three houses? Everybody else is an acre. He knows this, because across the street, he has an acre. And across the street of his neighbor, there's

another acre. And everybody -- and across from him is an acre. And I have an acre. And this is an acre neighborhood.

If you don't want to live here, and you want to live in a smaller house, sell your property, buy a smaller house. You'll get over $2 million for that property. He doesn't have to break it up. He could sell it. And this is what I'm asking you. Keep this in mind. He knows it's an EU-1. He knows that all these are acres. The only ones that are not acres are a few houses on 72nd, and they were grandfathered in, in 1950, okay?

And people are -- the developers are sneaking in, and I know, because they approached one of my neighbors, and they said, get it broken up. Tell them you have a reason to break it up. Tell them you want to live there with your in-laws, with this, whatever. And then we will buy it once you have the zoning.

I don't care how many lawyers they

get. So, they pay the lawyer, because they're going to make the money. And the lawyers know how to play this game. They know how to play this game. I come from a family of lawyers. I know, okay?

So, please, I'm asking you to vote against it with prejudice, and preserve my neighborhood. And this is my neighborhood.

Thank you.

CHAIRMAN KRIEGER: Thank you very much.

I'm just curious. How many people, if you could raise your hand, are wanting to speak on this application?

AUDIENCE MEMBERS: (Indicating).

CHAIRMAN KRIEGER: Two more? Three more?

Just to be -- if we have a bunch of people, we may have to start limiting the time of each speaker. But let me see here. So, we'll give you a minute and-a-half, and then we'll see how it goes from there. I think your neighbors have made some great points.

MS. RAURELL: Mr. Chair, it's your discretion, you could ask if individuals who wish to speak on this item, if they could lineup behind the podium just to make a sense of who wishes to speak.

CHAIRMAN KRIEGER: Okay.

MS. RAURELL: It's up to you.

CHAIRMAN KRIEGER: Sure.

If you are able to stand, if you're willing to stand, please do stand so we can understand how many people are in line.

BOARD MEMBER VALDES: Through the Chair?

CHAIRMAN KRIEGER: Yes.

BOARD MEMBER VALDES: My only concern is what time limits we have. Probably in the best interest, we should have done it in the beginning.

CHAIRMAN KRIEGER: We should have, yes. I apologize for that.

BOARD MEMBER VALDES: And I think.

THE COURT REPORTER: Mr. Valdes, I need you to use the mic.

BOARD MEMBER VALDES: I think the

people who are behind Ms. Izquierdo, you know, are going to get short changed, and that's my only concern.

CHAIRMAN KRIEGER: That's a fair point. I concede.

Sir, name and address for the record.

MR. DEE: James Dee.

7320 Southwest --

THE COURT REPORTER: Your last name?

MR. DEE: Dee, D-e-e.

THE COURT REPORTER: Okay. Thank you.

MR. DEE: 7320 Southwest 72nd Avenue.

I grew up in a time where small governments' and local governments' responsibility is to look out for the greater good.

THE COURT REPORTER: I'm sorry. I need you to speak more in the mic. Can you pull it up?

MR. DEE: Do I need to repeat what I said?

THE COURT REPORTER: Yes, please.

MR. DEE: I grew up in a time when the responsibility of local government was to look out for the greater good. I believe that this application is not in the interest of the greater good, meaning the community, both the immediate neighborhood, and the larger neighborhood. It's zoned one-acre lots. That's part of what makes that neighborhood interesting, charming, and desirable. By breaking it into smaller lots, we don't have what we have now.

I urge you all to vote against this. It's not in the great good.

Thank you.

CHAIRMAN KRIEGER: Thank you, sir.

MR. PERCIVAL: I need to be sworn in.

THE COURT REPORTER: Yes.

Does anybody need to be sworn in that was not sworn in previously?

CHAIRMAN KRIEGER: If anyone has come in after the swearing in, and you would like to speak, you will need to

be sworn in. So, the court reporter will swear you in now.

AN AUDIENCE MEMBER: (Complies).

THE COURT REPORTER: You didn't swear? Okay, I'll swear you right now. Just raise your right hand.

AN AUDIENCE MEMBER: (Inaudible).

THE COURT REPORTER: I'm sorry?

AN AUDIENCE MEMBER: I already swore in.

THE COURT REPORTER: You were already swore?

AN AUDIENCE MEMBER: Yes.

CHAIRMAN KRIEGER: Okay, perfect. All right.

(Thereupon, interested individuals seeking to present testimony in these proceedings were duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

THE COURT REPORTER: Thank you very much.

MR. PERCIVAL: Mr. Chairman, Council Members, it's been a long time.

Lawrence Percival, Greater Kendall Community Activist. And I'm probably going to speak on many items this evening.

The one in front of us, I didn't get a chance to review. So, as a consequence, I think I would like to listen for a little bit more before I come back up, if that's okay with you?

CHAIRMAN KRIEGER: That's fine with us.

MR. PERCIVAL: Thank you very much.

MR. URBISTONDO: My name is Mikel Urbistondo.

My address is redacted as per Florida Statute, but if you'd like me to share, I can show you my driver's license.

THE COURT REPORTER: Speak in the mic, please.

CHAIRMAN KRIEGER: Could you repeat that for the court reporter, please.

MR. URBISTONDO: My home address is redacted pursuant to Florida Statute. If you'd like, I can show you my driver's

license.

MS. RAURELL: I was just going to suggest that instead of giving your address, if you wanted to include in your testimony that you live within a certain community?

MR. URBISTONDO: I live in Glenvar Heights.

So, I am a builder myself. And I built a home in South Miami, not too far away. I live in Glenvar Heights, which is my homestead. And as a builder, I'm sorry, but I come from the notion of I know what I'm buying, and I know what I'm going to build, or I know what I'm allowed to build. And it's very funny that the gentleman comes up and says, no, this is for my family to live on. It's not a plan for financial gain. Yet, he told you he is going to sell two of the homes or two of the parcels.

Because, here it says that "permitted residential units." We don't know how many units he's actually going to build on each lot, because that could

be amended later on, right? As soon as he gets 15K or more.

So, I would just like to echo exactly what it is that the previous lady stated. Everything having to do with -- they call it a buildable acre for a reason, right? It's a builder's acre.

And, I'm sorry, this is all for financial gain. I can tell you exactly the house that I built in South Miami. It's not too far from everything that he's referencing as far as the church goes. There's many nuances that went into that project, including the church getting that built for them. Nobody has mentioned that at all. And that was actually for the greater good of the community, with different parishioners also being owners in that community.

So, I would just like to -- again, I really think this is just a money grab. You can say that it's a doctor building. And, you know, the doctor knew what he was purchasing in 2020. The reason we're -- or 2020 -- I think it's 2020

that he purchased it. And 2022, he can come here and cry that it's been four years. It's been four years for a reason. I don't know why he's getting -- I mean the staffer said it, right? Not much has changed since the last time that they applied. I don't know how many times, Mr. Krieger, you mentioned no. But now we're okay? And we're not doing this lesser of two evils.

You asked the first young lady that came up, are you okay with the amendments? Are you okay with the variance? We're not okay with either one. We want it denied, and we want it denied with prejudice.

If you have any questions for me, you let me know. I don't mind showing you my driver's license.

MS. ARROYAVE: Hi. My name is Rhonda Arroyave.

I live on 90th -- actually 91st Avenue. It says 9020 Southwest 120th Street. I've lived there for 25 years. I have what you would call a knockdown

house.

I love my property. I enjoy the nature. We have lots of oak trees. It is something like -- basically, I fell in love with that property. Not the house so much, but I fell in love with the natural environment we have. I feel like I have a small park in my backyard. I have all kinds of animals. They come and go. Sometimes I don't like them.

But the point I'm trying to make is that I enjoy the quality of life that I have there, and I feel it is in jeopardy, because people want to come -- I understand that Miami is a vibrant City. I've lived here since I was eight years old, and I'm 67 now. So, I've seen a lot of changes. But I feel that once we start just chopping up every piece of land that we have, we have nothing to leave to our children and our grandchildren.

I always say to people that my house would be a teardown. But that's okay. And I hope I, one day, to maybe

be able to leave that property to my son, who's also a nature lover like I am. So, I ask of you to please reconsider. I'm no, you know, great person with, you know, the square footage and this and that. All I know is that I'm a simple person who enjoys what I have. And, unfortunately, I get it. Other people love Miami too. And we have a problem. We don't have enough land. So, maybe, just maybe, just maybe, if you all that are wanting to build, which that's fine. Great. But maybe consider our quality of life, because we're all going to be stuck in traffic. And we're all going to be sitting there going, you know, damn, I gotta get out of here. And that's what's happening to people that come -- that have been here for many, many years. They no longer can afford it.

We have lots of rich people coming in. And everyone thinks it's wonderful. And it is to a certain extent. But, I beg you to consider the quality of life

for our children and our grandchildren. Maybe you don't have any now, but maybe one day you will.

Thank you.

CHAIRMAN KRIEGER: Thank you.

MS. PELTZ: Hi. My name is Pam Peltz, 7190 --

THE COURT REPORTER: Say your name again?

MS. PELTZ: Peltz, P-e-l-t-z.

THE COURT REPORTER: Thank you very much.

MS. PELTZ: 7190 Southwest 74th Street, right next to our neighbors who I do care for. As a matter of fact, I hope they keep it. Teesy (phonetic) has wanted a pool. I hope they put a big pool, and just enjoy the rest of the time there.

I'm one of the original families. There's still five of us in the neighborhood that either their parents are still alive, and the kids have moved back into the homes. It was really something at one time. 72nd ended at

Sunset and 80th. So, you can imagine how it was. So, we've seen a lot of changes.

But this change -- and, like I said, I feel bad because you're my neighbors, but 74th Street is a very small street. Our house, their house, and the house on the end. I only know it by Mr. Kampis' (phonetic) house.

So to have only one entrance, you have one house this way, one house that way. It's nice to think, you know, oh, it's only three houses, but you can see any house in these neighborhoods, they don't have two cars. They have three, four, five, six, eight cars maybe per house, or a boat. And we just -- even if the family all left at the same time, our street is completely full. And we have cars zipping around the corner, cutting to get to Sunset, cutting that street. And there's a church there. People going into the church with the kids there. So, I think traffic-wise, it's just not a good decision.

Like everyone is saying, land-wise,

it's not a good decision. These were beautiful parcels. Everyone that bought there at one time, that's what we -- my parents bought it for, and that's why the kids have come back.

I hope it stays the same. I know -- I know you're saying, okay, well instead of four, we'll do three. Okay, instead of three, we'll do two. Just keep it one. Keep a beautiful parcel of land, and just enjoy it. And I don't think we need so much. I think we can enjoy what we have.

I know -- sometimes I think decisions are already made. So, I hope our voices make a little bit of difference.

And thank you for listening. I know it's nice for the people in the future too, but remember all of us from the past.

Thank you.

CHAIRMAN KRIEGER: Thank you.

MS. IZQUIERDO: Hello.

My name is Cecilia Izquierdo, and I

live at 7650 Southwest, 71st Avenue.

So, I'm really right on that street. I'm right there.

So, good evening, Council Members. Thank you for giving me time to speak here. So, I just want to say a few things.

So, I've grown up there my whole entire life at this home, and there used to be a lot less traffic growing up. But now that we have, like, all these developments near us, and things like that, and, you know, with everyone moving to Miami, it's gotten way, way more crowded. So, our street doesn't really even have a sidewalk, which is fine. You know, you walk on the street with your dog or, you know, with your stroller, jogging. But it gets really, really heavy traffic, especially being near the expressway. We have so many cars zipping down. I've seen so many of my neighbor's pets get hurt. You know, my cat got hit by a car. Like, the traffic has just been getting worse and worse. And I can

only imagine that with another piece of, you know, these three lots or more, that there's going to be even more cars, you know. And then there's, like, teenagers, or visitors, or parties, or things like that, and then there's even more cars. And that kind of traffic just really jeopardize our neighborhood and jeopardize all of us living there. And it's just -- it's just really concerning. And it's just not something that I would like to see in my neighborhood going forward. And I don't think a lot of us would like to see there in the future.

So, um, if you could choose against this, that would be really, really appreciated. Yeah.

So, thank you so much. Appreciate it.

CHAIRMAN KRIEGER: Thank you very much.

And, sir, did you want to speak on this?

MR. PERCIVAL: Thank you. I will, yes, sir.

Lawrence Percival, Greater Kendall Community Activist.

I've been living here and all over Miami-Dade County since 1953. This is not the same place that many of us knew way back then. It's changed. It's vibrant. It's a lot different. And for some people, their quality of life has been diminished significantly because of traffic and other issues.

And Mr. Valdes has known me speaking before this Board for at least the last 20 years. I don't believe I've met any of you in the past, but I hope to be coming back on a more regular basis in my role as a community activist. And I tend to be supportive of things more than not. But I try to be sensitive to the needs of the residents who are impacted by projects that come before you. And I particularly speak on issues where someone is trying to legalize something that was built without permits or not done in a way that should have been done. And they come, and they

spend a lot of money to make a request to get something approved. I generally support those things, and I help the process; because they pay a substantial penalty to require a hearing, and to legalize something that otherwise wouldn't be legal.

So, on this particular application, I'm not going to opine at this point. I think it would be better for everyone if I didn't, and just listen; but there will be others that I will be coming up to speak about at the appropriate time.

Thank you for listening.

CHAIRMAN KRIEGER: Thank you Mr. Percival.

Sir, your rebuttal?

MR. RILEY: Thank you, Mr. Chairman.

CHAIRMAN KRIEGER: Actually, let me go ahead. So, if there is anybody else that wants to speak, anyone? Wait, one more person? Okay, last person, and then we're going to close the public hearing and give you your rebuttal.

MR. RILEY: Okay.

MS. URBISTONDO: I'm sorry. I was not sworn in.

THE COURT REPORTER: Okay.

(Thereupon, an interested individuals seeking to present testimony in these proceedings was duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

THE COURT REPORTER: Thank you.

MS. URBISTONDO: Good afternoon, gentlemen.

Through the Chair, my name is Michelle Urbistondo. My address is redacted from public records pursuant to Florida Statute.

I'm a resident of Glenvar Heights. I'm just going to speak generally.

There is a designation, a zoning designation for a reason. Looking at this application, and this being the alternative of four variances, essentially, makes a nullity of what the zoning is meant to be. If we are going

to just disregard zoning, let's just start now. These variances, as articulated, are done in such a way that would make every single parcel EU-1 rated, a nullity. That's all I proffer to you all for consideration.

I oppose the variances as applied.

Thank you.

CHAIRMAN KRIEGER: Thank you.

So, with that, the public hearing portion of this application is now closed. And the Applicant will have their chance to rebuttal.

MR. RILEY: Thank you, Mr. Chairman.

I just wanted to mention that a moment ago, I stood up because I wanted to help clarify some comments that were being made just to help making it more efficient. It's just my nature to do that. And I wanted to see if I could address it at the moment. But I want to take the time in rebuttal to go over some of the points that I heard, and that I made notes about.

So, one of them is zoning classification. And you heard members of Glendale Heights Association.

AN AUDIENCE MEMBER: Glenvar Heights.

MR. RILEY: I don't know if you're familiar with Glendale Heights, but it's an enormous large area. We're talking about both the east and the west side of Palmetto Avenue -- of Palmetto Expressway. A lot of the people, not everybody, but a lot of the people that spoke today live on the opposite side, the west side of the Palmetto Expressway. I was taking some of the addresses down. I didn't capture all of them, because I'm not that quick in typing.

For instance, the first lady. The first lady that indicated that she was the President of the Association, which again, is more of like a group. It's a voluntary association. And they're a good association. They're very active in the community.

But I want to make sure you

understand that when speakers about a homeowners association, you usually think of, like, a condensed area. It's not the case in this situation.

And we agree with a lot of the points they had. For instance, the zoning classification. Which is why I mentioned in my truncated presentation, that the first three requests in the application, the ones that staff said, you know, they prefer the alternative not to rezone it. That's why I said in our presentation, we agree with that too.

I wanted to take that sort of, and isolate it, to make sure there was no confusion. We agree with staff after talking with them. And the approval of this application will not change the zoning classification at all.

Now, you also heard the first person speak that she has been trying to get variances for two years. This is an application that's been in the process for four years. She mentioned that she's not a developer, neither is the doctor

that I represent. Developers don't take two and four years to get variances. They have so much money at stake, and they're working on big projects. I've never heard of them having a long standing period of time.

What we're talking about is a resident that has a piece of property, and they plan to improve that property, live on the part of the property, and sell the other property out to -- for financial reward, which that's what America is about. And all of us share that fundamental belief.

So, when you were -- when there were assumptions being laid out during the opposition, and there was a lot of assumptions, I want to dispel some of those. Like, for instance, Mr. Noda, who is here in the audience, he's lived in this community, not Miami-Dade County, this community since 1995. You know, he's been a stakeholder in this area. He has no plans of leaving this area. He has been in this area since, you know, he

was -- we were all much younger. Let me just put it that way.

So, you know, when there's assumptions made that, you know, as a developer coming in trying to do a quick land grab, and trying to suck money out of a project, there's no hallmarks of that situation in this application at all. You know, this has been pending for a very long time by somebody who is not a developer, and never been a developer. This is his first foray into the development process, which is probably why it has taken so long.

You also talked about quality of life. You've heard the concept of quality of life a lot, and we should consider that. We have considered it. We've considered it to a great extent. We've considered it to the fact that we revised the plan, and reduced it from four lots to three.

As staff mentioned before, we had recommendation of approval from the staff for the four lots. It wasn't to get

their recommendation of approval.

We heard from this Board. We heard from people. And we reduced it from the four to the three. That is a consideration that we took strongly and we responded in the right manner as much as we could.

You also heard about the trees. Now, there's applications that come in before you that have variances of landscaped items, or tree requests, tree removal requests, and things like that. This application has none of those types of requests. So, those, again, were some assumptions based upon people's past behavior, whether it's good or bad behavior, but it's not our behavior. We don't have any of that elements in this application whatsoever.

You also heard about cars zipping down the road. And, you know, that's a concern about the quality of life. I just want to make sure that -- I mentioned this before, but more for the audience than the Board. I think the

Board understands it. You know, this is a piece of property that, if it gets approved today, what you can see from the peripheral of the property is one home. If it gets approved, what you can see from the peripheral of the property -- of the block, is one home, because the other two are going to be serviced by a private drive at the center of the block. You're not going to be able to see that -- those two homes from any other corner of a public right-of-way. So, it's going to be in the dead center of a large block, and they're going to be large lots. The lots are larger than some of the people that spoke here today mentioned that they live in.

We've taken all these things into consideration. We've put our best foot forward. I think we've done a good job. We have a very large lot. We have a very good plan of access on this property by providing a private drive. It will have the appropriate signage. Nobody can race down a cut-through. We don't have any of

those elements.

We understand that there's a fear of change, and some people have acted poorly in the past. But don't punish us for other people's bad behavior. You know, our application that we have presented to you have been for a very long time. We've taken all these items into consideration. We have earned recommendation of approval from 10 separate county agencies, all of which are professional staff of the County, have professional backgrounds on land use and planning. And that's not an easy feat sometimes to get their recommendation. So, it should be pointed out. And that's why courts have said that Boards like this, or County Commission, or other individuals have to consider these applications based upon substantial competent evidence, right? Because substantial competent evidence takes out the assumptions, or in placing other people's bad behavior on a particular applicant sort of as a

retribution.

You have to consider just what's before you in the record. What is the competent substantial evidence? And the competent substantial evidence in this case, there's only one. My testimony is not substantial competent evidence, according to the courts. The neighbor's testimony is not either. Neither is the Applicants. The only substantial competent evidence today is your professional staff. Because they have education, and the credentials to make those recommendations, and those evaluations.

We don't have an expert witness here today. Nobody from the opposition has expert witnesses. Because, we think that the application does speak for itself. It's a fairly straightforward application. We think it's a good application. And we hope that the past four years have shown that we've done everything that we can do to make sure that all items are covered, and all

considerations have taken place in this application.

And I thank you for your time.

CHAIRMAN KRIEGER: Thank you.

Fellow Board Members, any questions or discussion points?

BOARD MEMBER SCHER: Mr. Chair, I'd just like to make a point that the acoustics in this room allow us to hear even the slightest whisper.

CHAIRMAN KRIEGER: Fair point.

BOARD MEMBER SCHER: So I'd just like to remind the crowd to be cognizant that your whispers are rather loud.

CHAIRMAN KRIEGER: Any comments on the application?

BOARD MEMBER VALDES: Through the Chair, one of the things I want to point out is, to Mr. Riley's point, that whatever we do, has to be based upon substantial competent evidence.

To Mr. Izquierdo's point, and I've been here long enough, where I've seen it all. At least I think I've seen a lot of it. Yeah, people come in and say I'm

going to, you know, build something for my parents, my grandparents, my whatever, my kids, and I'm going to sell the other lots; and then all the lots get sold. And more often than not, in my experience, that's true. The representations that are made are not what ends up happening.

But then again, that's neither here nor there, because, you know, they can sell it to whoever they want to sell it, okay. Or stay in it if they want to. By the same token, whether it's about money, there's nothing wrong that an applicant wants to maximize the use of their property to their benefit so long as they're playing by the same rules as everybody else is.

The bigger issue is whether this is compatible with the surrounding area. Which is, I think something that most people, at least on the objector's part, did not really address.

This is one of the longstanding, well established estate density areas in

the County. And then the question becomes for the four of us is, to what extent do we want to allow people to come in and make smaller lots? And the two competing interests are basically this.

Number 1, from the developer's standpoint, he's got a landlocked property. Either he builds one house -- either he tears down what he has in the house -- on the property now, and builds another larger house, or he tries to do something with it. So, the question we have to ask ourselves, and remember, we've had applications on the west side of 72nd Avenue, where they've tried to divide larger lots into smaller lots.

Number 1, are we concerned that this application could create a precedent?

I don't think there's a right or wrong answer to this question. I think there are competing interests that have equal values. At the end of the day, we have to weigh those competing concerns, and then apply the appropriate standards,

and then come up with the best decision we can. That is, again, based on substantial competent evidence.

That's all I want to say.

CHAIRMAN KRIEGER: I agree.

I will also say that, just as in principle, obviously, we have had much experience on this Board of people coming and asking us to put in a certain zone different from the other zones in the middle, kind of a spot zone. We've been against that.

We've also had, in fact, literally just this last meeting, a person come in and say they wanted to do a whole bunch of variances to achieve essentially a spot zone without actually getting the zone. We've been against that in principle.

So, I don't necessarily see anything different here about the other situations which we've applied that rule. And so, I don't think that there's a good case here for that.

BOARD MEMBER ALVAREZ: I agree with

the two of you.

CHAIRMAN KRIEGER: Is there a motion?

BOARD MEMBER VALDES: If nobody else will do it, I would make a motion to just deny it, but without prejudice.

THE COURT REPORTER: Mr. Valdes, on the mic.

BOARD MEMBER VALDES: I'm sorry. If no one else -- I would make a motion, to deny it, but without prejudice. I don't want to penalize the develop -- the owner anymore than they already have been, because they've been waiting for four years. You know, I don't know he wants to come back and maybe do it two lots rather than three lots. And maybe that changes the dynamics of what's going on here. It's just my only concern, again.

And I commend the doctor, because he's trying to do something. And I'm saying this to the neighbors. He's trying to do something on a property that's landlocked, you know. And there's

only so much you can do on a property that's landlocked, other than, well, you knew what you bought -- you knew what you bought, and you knew what it was zoned. You knew what you could build on it, and you knew what you couldn't build on it. So, if you didn't want it, why buy it? You know, that's, in a nutshell, what the argument comes down to. I think, you know, the doctor did buy it knowing what it was zoned, knowing what you could build.

And, again, my biggest concern is not necessarily this particular application, but, you know, the precedent it could set, because, like I said, we've had in the last four or five years, three or four applications on the west side of 72nd Avenue that tried to, you know, like I said, chop up larger lots into smaller lots.

And, you know, again, I mean, are we doing a disfavor to a well established estate density neighborhood to chop it up in that fashion? And that's the

philosophical question.

Look, Dade County is running out of property. That's just a fact of life, okay? So, the only way we're going to build new property is by redeveloped underutilized properties, okay, or we build up.

Listen, Fifth Avenue used to have mansions 100 years ago. Now it's got 70, 80, 90 story skyscrapers, because you know what, they ran out of land. So, they had no choice but to go up, because there's no other thing. But I think we do need to be mindful of the community and respect the interests of the community, and base it upon substantial competent evidence.

And, like I said, with all due respect to the staff, when you're looking at it from a compatibility standpoint, I think you just opened up a Pandora's box by going with the staff's recommendation; because you're trying to get in through the back door, what you can't get in through the front door.

And those are my thoughts.

BOARD MEMBER ALVAREZ: I'll second Mr. Valdes' motion.

MS. RAURELL: So, just to restate the motion, the motion is to deny without prejudice.

BOARD MEMBER VALDES: Yes.

MS. MENDOZA: Board Member Alvarez?

BOARD MEMBER ALVAREZ: Yes.

MS. MENDOZA: Board Member Scher?

BOARD MEMBER SCHER: Yes.

MS. MENDOZA: Board Member Valdes?

BOARD MEMBER VALDES: Yes.

But before everybody leaves, what I would encourage the neighbors to do is sit down and talk with them. This is an underutilized property. Something has to get built on it, okay? There has to be some give and take where you can maintain the basic integrity of your neighborhood.

So, like I said, you know, in the next year or so, before they can reapply, talk to them. You have nothing to lose. If you agree, you agree. If you don't agree, you don't agree, but you know

what? At least you spoke to them, and you tried to reach some common ground where everybody can live with the results. That usually tends to be the best results when everybody is involved as opposed to people talking, you know, at each other rather than to each other.

And that's what I would encourage you all to do in the next year or so.

MS. RAURELL: Board Member Valdes?

BOARD MEMBER VALDES: Yes.

MS. RAURELL: I don't think we've completed the vote.

CHAIRMAN KRIEGER: Yeah.

MS. RAURELL: I'm sorry for interrupting.

MS. MENDOZA: Chair Krieger?

CHAIRMAN KRIEGER: Yes.

MS. MENDOZA: Motion passes.

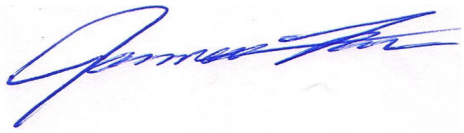
Denied without prejudice.

(Thereupon, the proceeding was concluded:)

CERTIFICATE OF OATH

STATE OF FLORIDA)
SS)
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, do hereby certify that all witnesses personally appeared before me on this 6th day of October 2026, and were duly sworn.



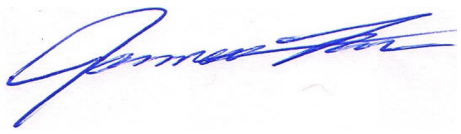
JANNETT TAYLOR-BROWN,
Court Reporter
Notary Public, State of Florida
My Commission #HH 755550
My Commission Expires: 1-12-2030

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
SS:
COUNTY OF MIAMI-DADE)

I, Jannett Taylor-Brown, Court Reporter and Notary Public in the State of Florida, do hereby certify that a meeting was held before Community Zoning Appeals Board 12 on July 8, 2026; and that Item Number (22-253), PETER MARTINEZ NODA, was heard; and that the foregoing pages, Numbered 1 to 82, inclusive, constitute a true and correct transcript of my stenographic notes.

WITNESS my hand in the City of Miami, County of Miami-Dade, State of Florida, this 9th day of October 2026.



JANNETT TAYLOR-BROWN
COURT REPORTER