



FINAL AGENDA

Community Zoning Appeals Board 10
 Kendall Village Center, Civic Pavilion, 8625 SW 124 Avenue, Miami, FL
 Tuesday, June 24, 2025 at 6:30 pm

PREVIOUSLY DEFERRED

A.	Z2024000075	Alberto Angel Dominguez	24-75	54-40-16	N
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APPEALS

CURRENT

1.	Z2024000256	Byron A. & Maria A. Vega	24-256	54-40-04	N
2.	Z2024000271	Jesus A. Gonzalez	24-271	54-40-19	N
3.	Z2025000007	Oscar Morejon	25-7	54-40-13	N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 10
MEETING OF JUNE 24, 2025

KENDALL VILLAGE CENTER, CIVIC PAVILION
8625 SW 124 AVENUE, MIAMI, FLORIDA.

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND
ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

NOTICE

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

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

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

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 10**

PH: Z24-075

June 24, 2025

Item No. A

Recommendation Summary	
Commission District	10
Applicant	Alberto Angel Dominguez
Summary of Requests	The applicant seeks to permit an existing single-family residence to setback less than required from the rear and side street property lines, and to occupy more area on the lot than permitted by code.
Location	3580 SW 94 Avenue, Miami-Dade County, Florida.
Property Size	0.15 Acre
Existing Zoning	RU-2, Two-Family Residential District
Existing Land Use	Single-family residence
2030-2040 CDMP Land Use Designation	Low-Medium Density Residential, 6 to 13 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives, 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 <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

This item was deferred at the May 22, 2025 meeting of the Community Zoning Appeals Board (CZAB) 10, in order to allow the applicant to be present at the next hearing.

The public hearing on this item has not been held.

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing single-family residence to setback 6' (15' required for 50% of the lineal width of the house and 25' for balance required) from the rear (west) property line, and to setback 11' (15' required) from the side street (south) property line.
- (2) NON-USE VARIANCE to permit lot coverage of 52% (40% maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Aluminum Terrace" as prepared by Jose E. Polanco, consisting of two (2) sheets, dated stamped received 01/22/2025. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The submitted plans show an existing one (1)-story, 2,614 sq. ft. single-family residence located on a corner lot that is zoned as RU-2, Two-Family Residential District. The applicant seeks to permit proposed covered terrace addition to the existing principal residence encroaching 9' into the rear (west) setback area and by 4' into the side street (south) setback area. The applicant also seeks to permit an increase in the lot coverage area by the building footprint due to the addition of an extra 687.50 sq. ft. area, resulting in a total of 3,3015.5 sq. ft. (52%).

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)
North	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)
South	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)
East	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)
West	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in a corner lot in an established residential neighborhood that is zoned RU-2, Two-Family Residential District, however, staff notes that the property was developed under the RU-1, Single-Family Residential District zoning regulations. The surrounding area is also characterized by RU-2 zoned properties to the north, south, east, and west of the subject site, but which have also been developed under the RU-1 district regulations.

SUMMARY OF THE IMPACTS:

Approval of this application would permit the applicant to legalize reduced setbacks and an increased lot coverage on the property due to a covered terrace addition to the existing single-family residence. Staff opines that since the rear yard area is enclosed with a 6' high metal fence along the rear, interior side and side street property lines, together with the existing landscaping on the property, any visual impact that the reduced setbacks may have on the surrounding properties is minimal and would be sufficiently mitigated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject site as **Low-Medium Density Residential**. The Low-Medium Density Residential designation allows a range in density of 6 to a maximum of 13 dwelling units per gross acre. *The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.* Staff notes that the approval of the requests sought under this application for reduced setbacks (request #1) and for more lot coverage (request #2), will not add any additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. As such, staff opines that since the applicant is not requesting to add additional dwelling units or change the single-family residential use, approval of the application with conditions would be **consistent** with the Land Use Element interpretative text under the Low-Medium Density Residential Communities designation on the CDMP LUP map.

ZONING ANALYSIS:

When the requests to permit an existing single-family residence to setback 6' (15' required for 50% of the lineal width of the house and 25' for balance required) from the rear (west) property

line, and to setback 11' (15' required) from the side street (south) property line (request #1); and to permit a lot coverage of 52% (40% maximum permitted) (request #2), are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that the approval with conditions of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community.

When analyzing request # 1, staff research found that the requested 6' (15' required for 50% of the lineal width of the house and 25' for balance) from the rear (west) property line needed to be reviewed under the public hearing process but the 11' (15' required) from the side street (south) property line could have been approved through the administrative variance process which allows for a 50% reduction of what the code allows. However, request # 2 seeks to permit a lot coverage of 52% where a maximum of 40% is otherwise permitted by code. Staff research found that the property was built with Severable Use Rights (SUR's) in 2020, as per section 33B-43 (g)(7). This section of the code [33B-43 (g)(7)] allows the applicant to develop a lot that does not meet the minimum RU-1 or RU-2 zoning district standards, as long as the lot has a minimum size of 6,000 square feet, minimum frontage of 60 feet and maximum lot coverage of 40 percent. When the property was originally developed it had a total lot coverage of 38.8%, the existing 687.50 sq. ft. would add 13.4% for a total of 52% lot coverage. The existing addition is at the rear and part of the street side of the property which faces directly SW 36 Street. It is important to mention that the immediate properties to the north and west were also developed with severable use rights (SUR's). The property has a 6' height metal fence on all sides of the property and it also has landscaping which will help mitigate the visual impact from the surrounding area. Furthermore, staff research in the area found that there have been other approvals in the area which included setback reductions as well requests for increased lot coverage pursuant to Resolutions #CZAB10-29-10, #CZAB10-9-03, #CZAB10-5-20 and #CZAB10-36-09.

The subject property is located at 3580 SW 94 Avenue in an area zoned RU-2, Two-Family Residential District but developed under the RU-1, Single-Family Residential District standards. The plans submitted in conjunction with this application depict the existing addition encroaching into the setback areas and will utilize a larger space of the property that is currently permitted under the zoning standards. Staff opines that approval with conditions of this request would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff further opines that the encroachment of the proposed addition into the setbacks and lot coverage increase, is internal to the site. Staff notes from plans and photographs submitted by the applicant as well as the County's Geographic Information System (GIS) that any impact of the request is adequately mitigated by existing landscaping and shade trees, as well as an existing 6' high perimeter metal fence located along the rear and side property lines of the subject property, which, staff opines, buffers any visual intrusion of the encroachments on the surrounding properties, especially to the parcel to the west of the subject property. Staff recommends as a condition for approval that the fencing along the rear and street side property lines be maintained as a visual buffer, and, if said fence is destroyed or removed, it must be replaced by an opaque fence at a maximum height of 6', or a fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(h) of the County Code. Staff notes that the request to permit a setback 11' (where 15' is otherwise required) from the side street, could have been otherwise obtained through the Administrative Adjustment approval process pursuant to Section 33-36.1 of the County Code, which allows a setback reduction of 50%, and is to be accompanied by the signed consent of all contiguous property owners, including those located across the street(s) from the subject site. However, the request for a setback of 6' from the rear (west) property line (where a setback of 15' is required for 50% of the lineal width of the house and 25' for the balance) requires that the application be

reviewed under the public hearing process as it is more than 50% of what the code allows to be processed administratively.

As mentioned before, staff's research of the surrounding area found several similar approvals for variances for setback requirements and lot coverage increase for single-family residences and duplex residences within the neighborhood. For example, a property located at 3341 SW 94 Place was approved pursuant to Resolution # CZAB10-5-20 to setback 14.72' from the side street (south) property line, where 15' is required. Similarly, the property located at 9255-57 SW 37 Street was approved pursuant to Resolution #CZAB10-9-03 to allow a setback varying from 18.42' to 20.7' from the rear (north) property line (25' required) and lot coverage of 46% (30% permitted). Another property, 9645 SW 37 Street was approved per resolution #CZAB10-36-09 to allow 16' setback (25' required) and 40.7% (30% permitted). Additionally, property 9440 SW 36 Street was approved per resolution #CZAB10-29-10 a setback of 17' from the rear (south) property line (25' required) and lot coverage of 36.5% (30% permitted). Staff therefore has no objections and opines that that the approval with conditions of requests would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Furthermore, staff opines that the architectural style and scale of the single-family residence is designed and arranged in a manner that would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and that approval with conditions of the requested setbacks would be **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity. **Therefore, staff recommends approval with conditions of the request under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: Not applicable

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor 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, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "New Aluminum Terrace" as prepared by Jose E. Polanco, consisting of two (2) sheets, dated stamped received 01/22/2025. Plans may be modified at public hearing. 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 use be established and maintained in accordance with the approved plan.

4. That the applicant maintains the existing fence along the rear and side street property lines and that if the fence is destroyed or removed, the applicant shall install a 6' high cbs wall, opaque fence, or chain link fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(h) of the County Code.
5. That the applicant obtains a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources.

ES:JB:SS:VM:PM



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

ZONING RECOMMENDATION ADDENDUM

Alberto Angel Dominguez
PH: Z24-075

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection</i>
<i>Miami-Dade Fire Rescue (MDFR)</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Water and Sewer Department (WASD)</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Low-Medium Density. <i>(Pg. I-31)</i>	<i>This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>
Sec. 33-36.1. - Administrative adjustment procedure.	<i>Zoning Districts – AU, GU, EU-1, EU-1C, EU-2, EU-S, EU-M, RU-1, RU-1Ma, RU-1Mb, RU-1Z, RU-2 Setback - Maximum reduction 50% (i.e., if minimum required setback is 10 feet, then setback could not be reduced below 5 feet administratively) Lot Coverage - maximum increase for a principal and/or accessory structure 15% (i.e., if maximum lot coverage in the district is 30%, then total lot coverage that could be approved administratively is 34.5 percent)</i>

Sec. 33-49. - Table of minimum widths, area of lots, maximum lot coverage, and minimum building sizes	District	Families	Min. Width	Min. Lot Area (Sq. Ft.)	Max. Lot Coverage (% of Lot Area)	Min. Bldg. Size (Cu. Ft.)
	District	Families	Min. Width	Min. Lot Area (Sq. Ft.)	Max. Lot Coverage (% of Lot Area)	Min Bldg. Size (Cu Ft)
	RU-1	1	New sub.- 75'	7,500	40%	8,500
RU-2	1	New sub.-75'	7,500	35%	8,500	
		Old sub.-None	3,750	30%	8,500	
	2 singles	New sub.-75'	7,500	30%	8,500 front res. 5,000 rear res.	
		Old sub.-50'	5,550	30%	8,500 front res. 3,000 rear res.	
	duplex	New sub.-75'	7,500	30%	8,500	
		Old sub.-50'	5,550	30%	8,500	

Sec. 33-50. - Table of setback lines in residential and estate districts.	District/ Families	Front (Ft.)	Rear (Ft.)	Interior Side (Ft.)	Side Street (Ft.)
	RU-1: One	15 for 50% of the lineal footage of the width of the house and 25 for balance; except 20 for attached garages	15 for 50% of the lineal footage of the width of the house and 25 for balance	10% lot width min.—5' max.— 7½'	15

<p>Sec. 33B-45. - Development of severable use rights.</p>	<p><i>(g) Residential use of severable use rights. Except as provided in paragraph (g)(15) below and notwithstanding the provisions of any other code or regulation of Miami-Dade County or the applicable municipality, the developer of a parcel of land may develop, in addition to the number of dwelling units authorized in each zoning district, one dwelling unit for each severable use right, provided that the total development proposed does not exceed the following limitations:</i></p> <p><i>(7) In the RU-2 District:</i></p> <ul style="list-style-type: none"><i>a. Minimum lot size—Six thousand (6,000) square feet;</i><i>b. Minimum frontage—Sixty (60) feet;</i><i>c. Maximum coverage—Forty (40) percent.</i>
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

DOMINGUEZ, ALBERTO

3580 SW 94 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000075

DATE

HEARING NUMBER

FOLIO: 30-4016-043-0030

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

February 18, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

DOMINGUEZ, ALBERTO

OUTSTANDING LIENS AND FINES:


There are no outstanding liens or fines.

Memorandum

MIAMI-DADE
COUNTY

Date: April 11, 2025

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

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2024000075-2nd Review
Alberto Angel Dominguez
SW 94th Avenue and SW 36th Street
NUV for setback requirements for the legalization of the placement
of an 774 square feet aluminum terrace.
(RU-2) (0.152 acres)
16-54-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has 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 and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water service and wastewater disposal.

Wellfield Protection

The subject property is located within the Maximum Wellfield Protection Area for the Alexander Orr Wellfield. Since the subject land use is for a residential development, a covenant prohibiting hazardous materials and hazardous waste is not required; however, all development shall comply with the requirements of section 24-43 of the Code.

Conditions of Approval: None

Potable Water Service and Wastewater Disposal

According to DERM records, the property is currently connected to the public water supply system and is served by an onsite sewage treatment and disposal system (OSTDS) as a means for the disposal of domestic liquid waste. Furthermore, pursuant to section 24-43.4 of the Code and based on the information submitted with this application DERM staff has determined that public sewer lines are not located within feasible distance to the subject site. Pursuant to the Code, the aluminum terrace to be legalized is required to connect to public water and to the OSTDS to the extent that it will have plumbing connections for potable water and/or wastewater.

Conditions of Approval: None

Water Control Review

Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 25-year, 6-hour storm event per section 24-42.8(4)(c)(i)(3) of the Code.

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.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources; however, the site plan entitled "New Aluminum Terrace" prepared by Jose E. Polanco, P.E., and dated as received by Miami-Dade County on June 18, 2024, was submitted with the subject application, and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree 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.

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 regarding any additional information or concerns with this review.

Conditions of Approval: None

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 DERM 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



Date: February 12, 2025

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

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

Subject: Zoning Application Comments - Alberto Angel Dominguez
Application No. Z2024000075 - Revision No. 1

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. **As per revised site plan (V2) submitted, the applicant has relocated the proposed open aluminum terrace in order to avoid the encroachment on the 10-foot utility easement along the southern boundary of the property.** 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.

Application Name: Alberto Angel Dominguez

Location: The proposed project is located at 3580 SW 94th Avenue, with Folio No. 30-4016-043-0030, in unincorporated Miami-Dade County.

Proposed Development: The applicant is requesting a zoning hearing to permit a 687.50 sq. ft. open Aluminum Terrace on the existing single-family residence, without the required setbacks, as per site plan (V2) submitted.

This project results in a no-net-increase in the water demand.

Please note that per Plat Book 174, page 61, the subject property has a 10-foot Utility Easement within the southern and eastern boundary of the subject property. *Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).* **The Applicant has submitted a revised site plan-V2, indicating that the proposed open aluminum terrace (including the roof) will not be encroaching on said 10-foot utility easement along the southern boundary of the subject property.**

Water: The subject site is located within the WASD's water service area. The subject property is currently connected to water.

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


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 Benita A. Ramirez at (786) 552-8121 or benita.ramirez@miamidade.gov

Memorandum



Date: February 18, 2025

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

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

Subject: Z2024000075
Name: Alberto Angel Dominguez
Location: 3580 SW 94 Avenue
Section 16 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 **complies** with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 3, Block 1, Plat Book 174, Page 61.

This application does not generate any additional trips.

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



Date: January 22, 2025

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2024000075

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to "EnerGov" on 1/22/2025. Single family home.

MDFR's review of this zoning 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 Statute 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.

Memorandum



Date: July 18, 2024

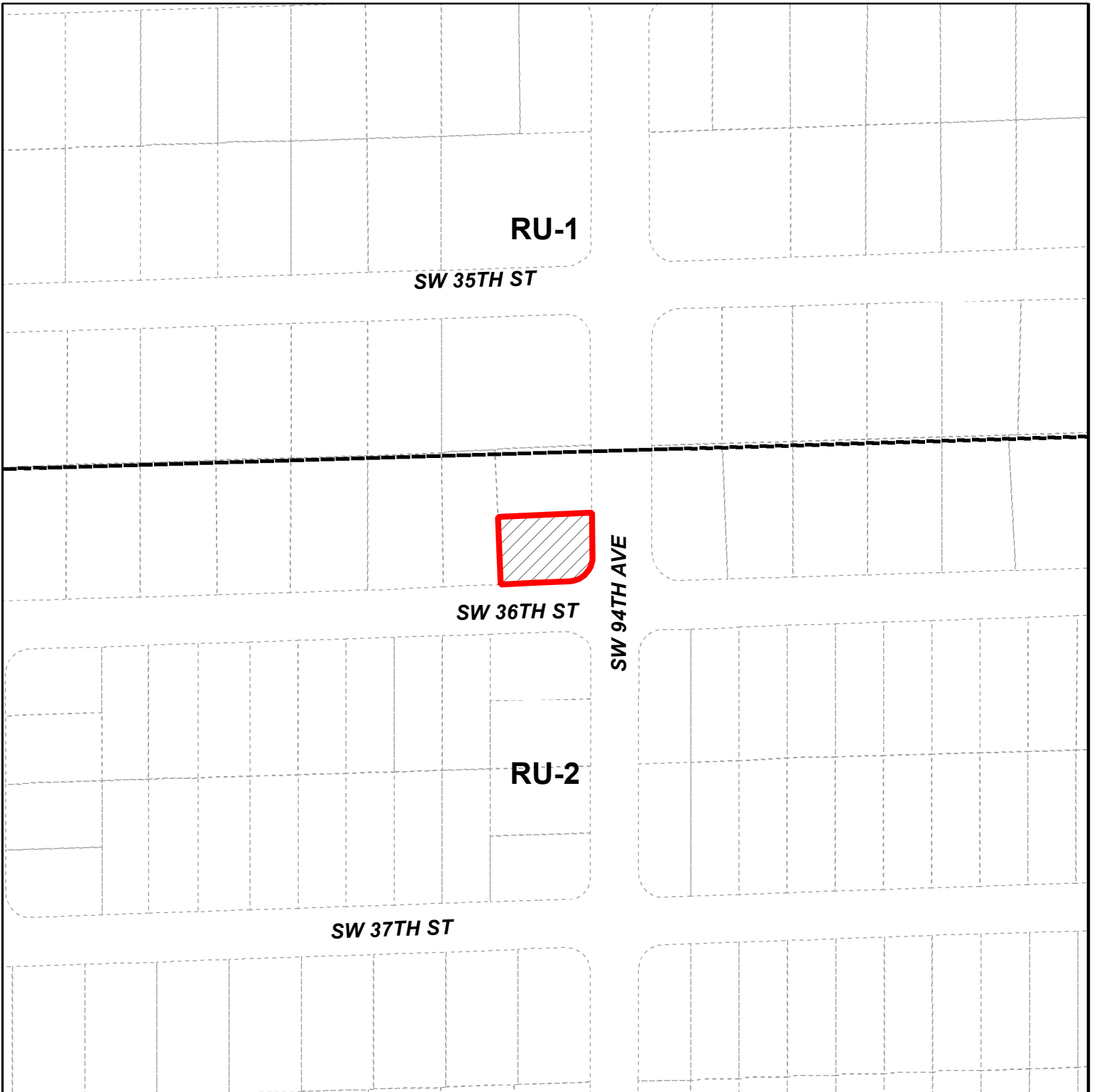
To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Application Z2024-000075 Alberto Angel Dominguez

The Miami-Dade County Office of Historic Preservation has reviewed the subject application and has no comments or objections.

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov.



RU-1

SW 35TH ST



SW 36TH ST

SW 94TH AVE

RU-2

SW 37TH ST

MIAMI-DADE COUNTY

HEARING MAP



Process Number

Z2024000075



Section: 16 Township: 54 Range: 40
 Applicant: Alberto Dominguez
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Thursday, June 20, 2024

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2024000075

Legend
 Subject Property

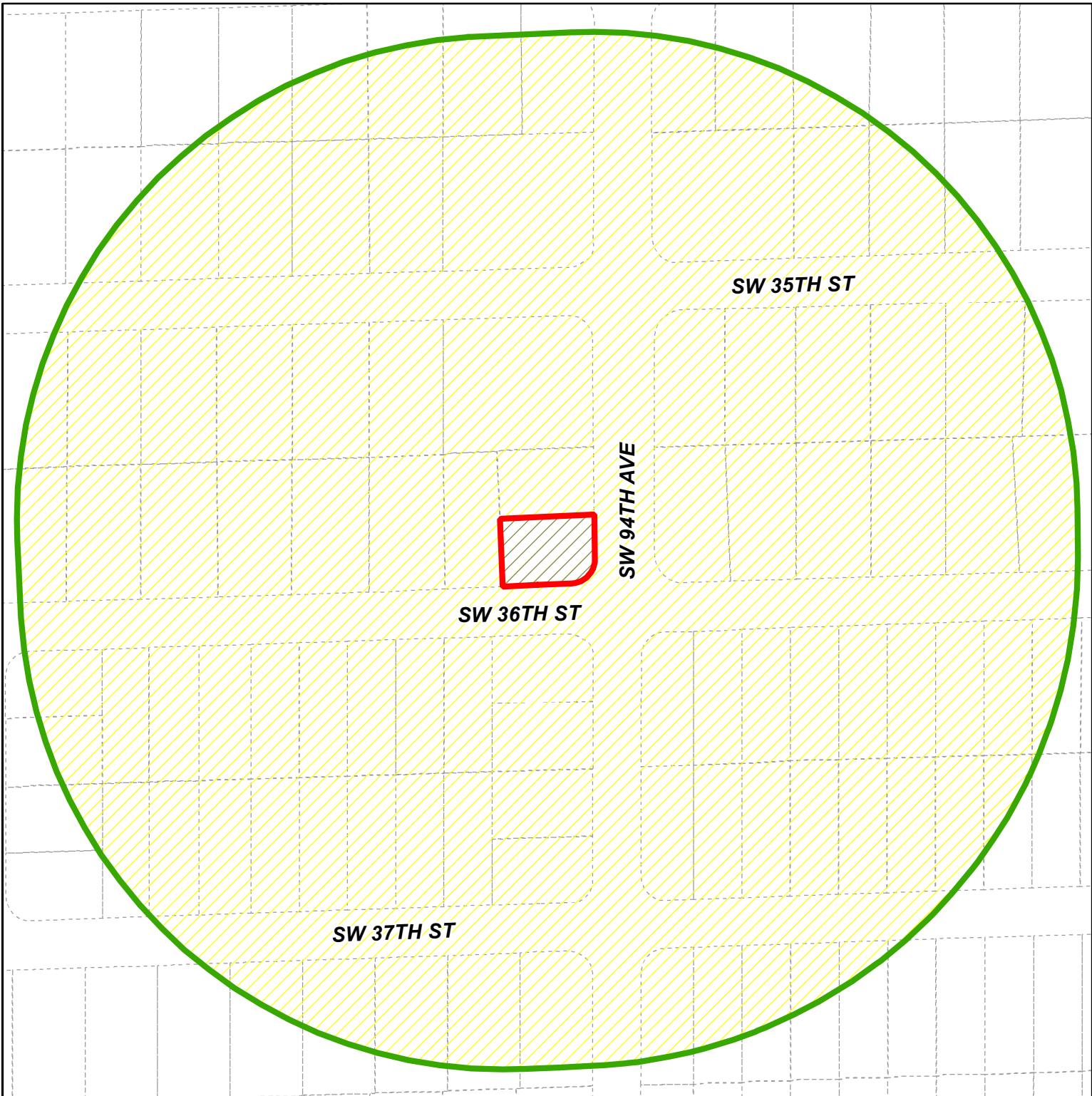


Section: 16 Township: 54 Range: 40
Applicant: Alberto Dominguez
Zoning Board: C10
Commission District: 10
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Thursday, June 20, 2024

REVISION	DATE	BY






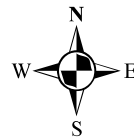
MIAMI-DADE COUNTY
RADIUS MAP

Section: 16 Township: 54 Range: 40
Applicant: Alberto Dominguez
Zoning Board: C10
Commission District: 10
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Process Number
Z2024000075
RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Thursday, June 20, 2024

REVISION	DATE	BY

LOW DENSITY RESIDENTIAL (LDR) 2.5-6 DU/AC

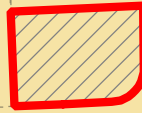
SW 35TH ST

SW 94TH AVE

SW 36TH ST

LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) 6-13 DU/AC

SW 37TH ST



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2024000075

**Section: 16 Township: 54 Range: 40
Applicant: Alberto Dominguez
Zoning Board: C10
Commission District: 10
Drafter ID: EDUARDO CESPEDES
Scale: NTS**

Legend

 **Subject Property Case**

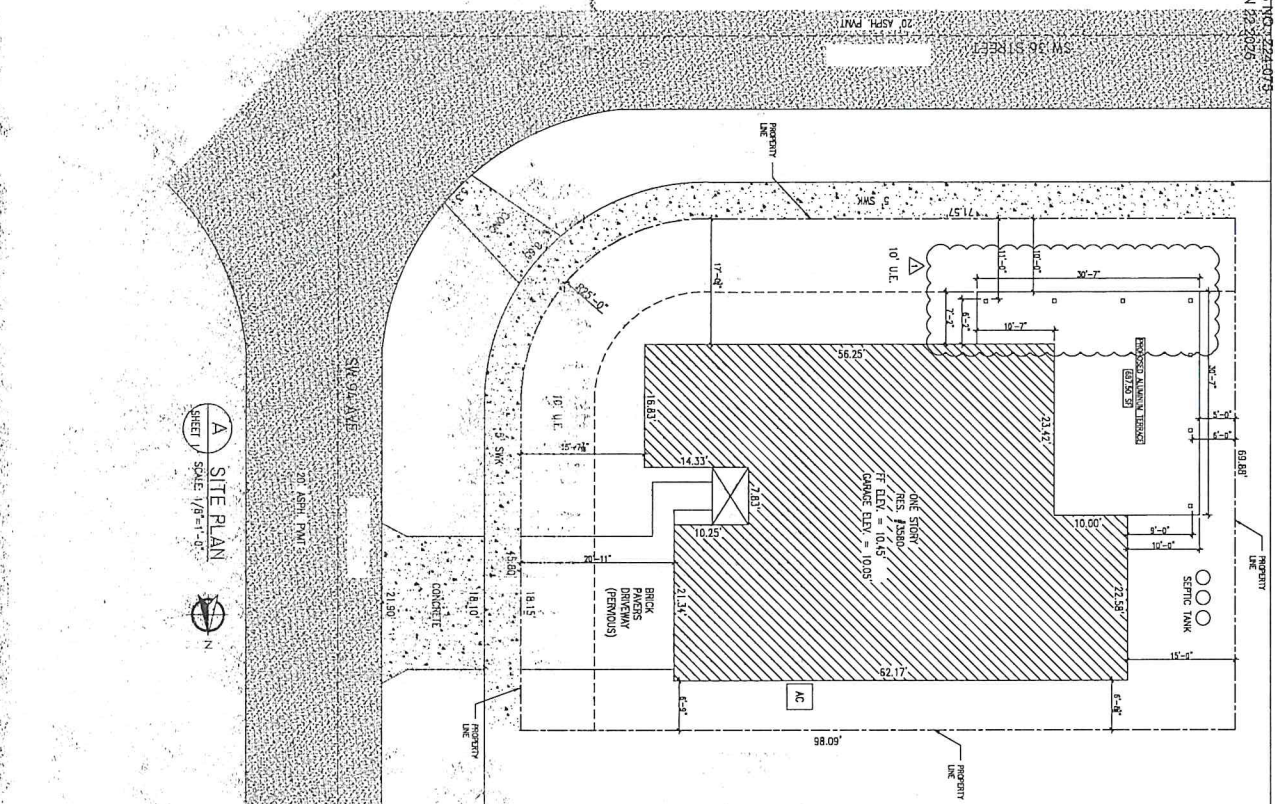


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REVISION	DATE	BY

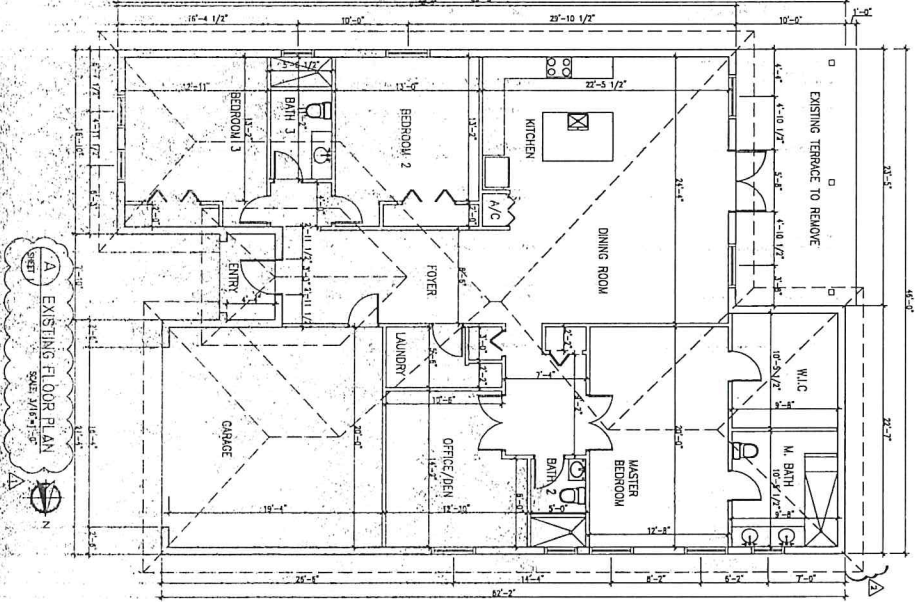
RECEIVED

MIAMI-DADE COUNTY
 PROCESS NO. 22-0075
 DATE: JAN 23 2025
 BY: ISA



A SITE PLAN
 SHEET 1
 SCALE: 1/8"=1'-0"
 N

RESIDENCE
 3580 SW 94 AVE, MIAMI FL 33165
 INDEX OF DRAWINGS
 SHEET DESCRIPTION
 SHEET 1 FLOOR PLAN & ELEVATION
 SHEET 2



A EXISTING FLOOR PLAN
 SHEET 1
 SCALE: 1/8"=1'-0"
 N

SCOPE OF WORK

THE SCOPE OF WORK CONSIST OF:
 NEW ALUMINUM TERRACE

ZONING LEGEND

RES-35(1)-SH-100

LEGAL DESCRIPTION

GRAND PALMS ONE
 LOT 3 S.W. 94th ST. P.L.M.A.
 FILE 22-0075-0000

REVISIONS

NO.	DATE	DESCRIPTION
1	11/07/2024	ISSUED FOR PERMITS

LOT COVERAGE CALCULATION

Zoning District: RES-35

Category	Area (sq ft)	Percentage
TOTAL SQUARE FOOT AREA OF ENTIRE LOT (A)	47,124 sq ft	100.00 %
EXISTING IMPERVIOUS SQUARE FOOTAGE	24,840 sq ft	52.71 %
PROPOSED IMPERVIOUS SQUARE FOOTAGE	28,124 sq ft	59.68 %
TOTAL IMPERVIOUS SQUARE FOOTAGE	52,964 sq ft	112.39 %

NEW ALUMINUM TERRACE

3580 SW 94 AVE, MIAMI FL 33165

PHYSICAL DIMENSIONS
 TOTAL SQUARE FOOTAGE OF LOT: 47,124 SQ. FT.
 TOTAL SQUARE FOOTAGE OF EXISTING IMPERVIOUS SURFACE: 24,840 SQ. FT.
 TOTAL SQUARE FOOTAGE OF PROPOSED IMPERVIOUS SURFACE: 28,124 SQ. FT.

PROJECT NAME: NEW ALUMINUM TERRACE
PROJECT NUMBER: 22-0075-0000

SITE PLAN
 SHEET 1
 DATE: 11/07/2024

SCALE: 1/8"=1'-0"

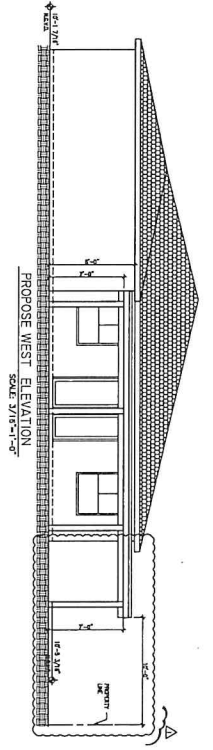
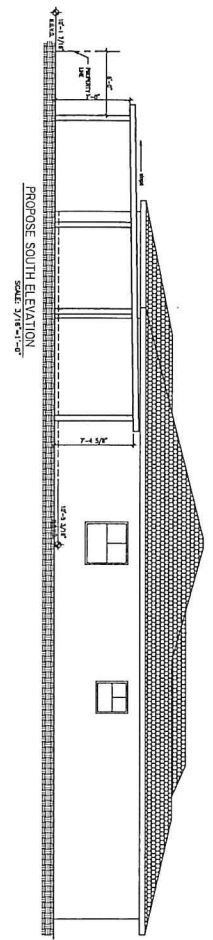
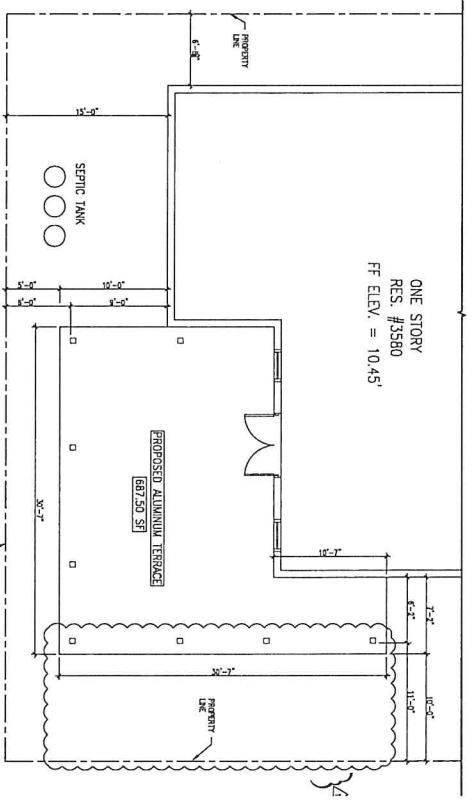
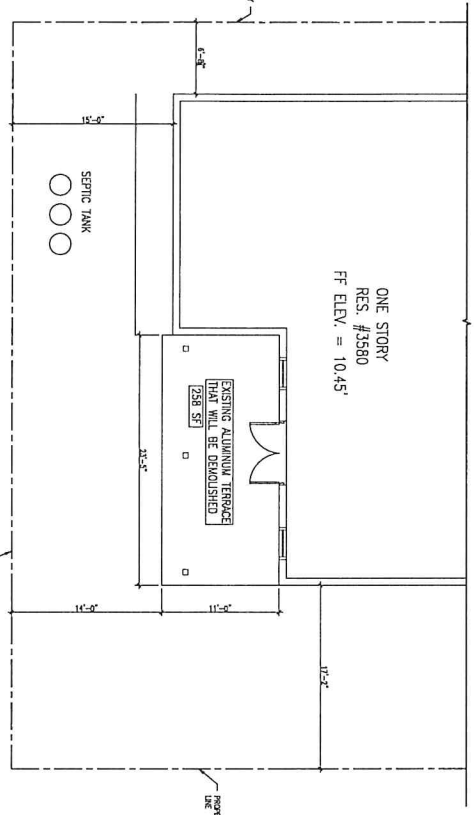
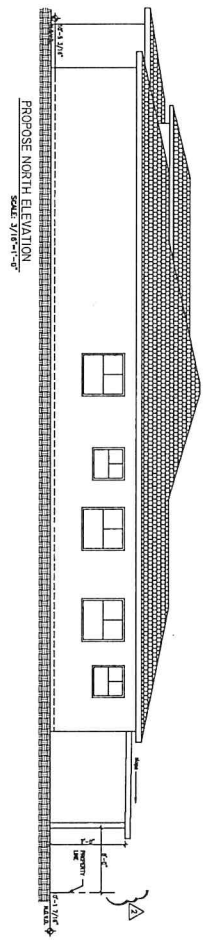
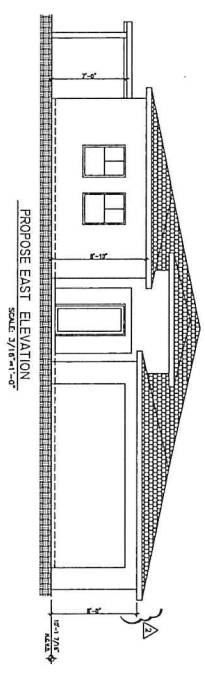
DESIGNER: J.P.
CHECKER: J.P.
DATE: 11/07/2024

REVISIONS:

APPROVED:

SCALE: 1/8"=1'-0"

20



TP

THOMAS P. POLANSKY
 LICENSED PROFESSIONAL ARCHITECT
 MIAMI, FL 33136
 305.441.1111
 4044

DATE OF REVISION:
 1. NEW DRAWING IN PLACE OF AN
 EXISTING ONE.
 2. REVISIONS TO EXISTING DRAWING.
 3. REVISIONS TO EXISTING DRAWING.
 4. REVISIONS TO EXISTING DRAWING.

PROJECT NAME:
NEW ALUMINUM TERRACE

PROJECT ADDRESS:
**3580 SW 94 AVE,
 MIAMI FL 33165**

FLOOR PLAN AND ELEVATIONS

NO.	DATE	DESCRIPTION
1	11/02/2024	

DESIGNED BY: J.P.
 CHECKED BY: J.P.
 APPROVED BY: J.P.

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO.: Z24-075 ABERTO DOMINGUEZ

DATE: JUN 18 2024

BY: ISA

3580 SW 94 AVE, MIAMI, FL 33165



**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 10**

PH: Z24-256

June 24, 2025

Item No.1

Recommendation Summary	
Commission District	10
Applicant	Byron A. Vega
Summary of Request	The applicant seek to allow existing additions to a townhouse residence to setback less than required from the rear property line.
Location	9340 SW 5 Lane, Miami-Dade County, Florida
Property Size	0.06 Acres
Existing Zoning	RU-TH, Townhouse District
Existing Land Use	Single-family Residence
2030-2040 CDMP Land Use Designation	Low-Medium Density Residential, 6 - 13 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Non-Use Variances from Other Than Airport Regulations Sec 33-311. (A) (4) (b) <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit an existing den and a covered terrace addition to a townhouse residence to setback 4'-8" (10' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "Public Hearing to Legalize Addition at Vega Residence", as prepared by GFD Group Miami, LLC., consisting of 5 sheets dated stamped received 2/24/2025, and sheet A-0 dated stamped received 3/28/2025 for a total of 6 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

On June 12, 1973, pursuant to Resolution #Z-175-73, the subject property was part of a larger tract of land that was approved for a district boundary change from RU-4M, Modified Apartment House District, to RU-TH, Townhouse District.

The submitted plans for the 0.06-acre subject property show an existing one (1)-story townhouse on a corner lot. Under the current zoning application, the applicant seeks to permit an existing den and a covered terrace addition to encroach 5'-4" into the rear (south) property line. The submitted plans, photos, and the County's Geographical Information System (GIS) aerial map indicate an existing 6' Concrete Block Structure (CBS) wall along the rear (south) and side (west) property lines.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-TH, townhomes	Low-Medium Density Residential (6 to 13 dua)
North	RU-TH, townhomes	Low-Medium Density Residential (6 to 13 dua)
South	RU-TH, townhomes	Low-Medium Density Residential (6 to 13 dua)
East	RU-TH, townhomes	Low-Medium Density Residential (6 to 13 dua)
West	RU-TH, townhomes	Low-Medium Density Residential (6 to 13 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property consists of an existing townhouse situated on a 2,805-square-foot corner lot zoned RU-TH (Townhouse District), located at 9340 SW 5 Lane. The surrounding area is predominantly developed with townhouse units to the north, south, east, and west, all of which are also governed by the RU-TH zoning regulations.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to legalize existing additions consisting of a den and a covered terrace that encroach into the rear setback area. Staff opines that since the rear yard area is enclosed with a 6’ high CBS wall and the existing landscaping on the property, any visual impact from the additions will be minimal and would be adequately mitigated. In addition, staff opines that based on the memoranda submitted by the departments reviewing the application, approval of the existing den and a covered terrace addition will not create any new impacts on County resources in the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±0.06-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 **Low-Medium Density Residential**. The CDMP Land Use Element interpretative text for Low-Medium Density Residential states that *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 6 to a maximum of 13 dwelling units per gross acre.* Staff notes that the approval of the requests sought under this application for reduced setbacks for an existing den and terrace addition will not add any additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. As such, staff opines that since the applicant is not requesting to add additional dwelling units or change the single-family residential use, approval of the application with conditions would be **consistent** with the Land Use Element interpretative text under the Low-Medium Density Residential Communities designation on the CDMP LUP map.

ZONING ANALYSIS:

When the request to permit an existing den and a covered terrace additions to a townhouse residence to setback 4'-8" (10' required) from the rear (south) property line is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that the approval with conditions of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community.

The plans submitted in conjunction with this application depict the existing townhouse residence on a corner lot, with the existing den and a covered terrace addition closer to the rear of the subject property. The den and terrace addition encroach into the rear setback area property lines more than is permitted under the zoning standards. Staff supports the request and opines that approval with conditions of these non-use variance would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff notes from plans and photographs submitted by the applicant as well as the County's Geographic Information System (GIS) that any impact of the request is adequately mitigated by the existing 6'CBS wall along the rear and side property lines together with the existing landscaping of the subject property, which, staff opines, buffers any visual intrusion of the encroachments on the surrounding properties. Staff further opines that the existing encroachments of the existing den and terrace additions towards the rear property line are internal to the site and any negative visual impacts generated from the encroachments would be adequately mitigated by the existing 6'CBS wall together with the existing landscaping along the rear (south) and side (west) property lines. Staff recommends as a condition for approval that the wall along the rear (south) and side (west) property lines be maintained as a visual buffer, and, if said wall is destroyed or removed, it must be replaced by an opaque fence at a maximum height of 6', or a fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(h) of the County Code.

Staff's research of the surrounding area identified similar approvals within the neighborhood for variances to setback requirements for principal structures. For instance, pursuant to Resolution No. 5-ZAB-18-95, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, non-use variances allowing a family room addition to be set back 0 feet from the rear property line and to provide less patio area than required. This approval pertained to a townhouse located within the same development, at 9359 SW 4 Lane. Staff therefore has no objections and opines that that the approval with conditions of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Furthermore, staff opines that the architectural style and scale of the den and terrace structure are designed and arranged in a manner that would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and that approval with conditions of the requested setbacks would be **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity. **Based on the foregoing analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

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. Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled "Public Hearing to Legalize Addition at Vega Residence", as prepared by GFD Group Miami, LLC., consisting of 5 sheets dated stamped received 2/24/2025, and sheet A-0 dated stamped received 3/28/2025 for a total of 6 sheets. 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 use be established and maintained in accordance with the approved plan.
4. That the wall located along the rear (south) and side (west) property lines be maintained as a visual buffer, and that if the wall is removed or destroyed, the applicant shall install a cbs wall, opaque fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code.

ES:JB:SS:EA:JH

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Byron A. Vega

PH: Z24-256

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection</i>
Fire Rescue Department	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Low- Medium Density (Pg. I-31)	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Sec. 33-202.3 setback parameters.	<i>All applications for RU-TH Townhouse District shall comply with the following applicable development parameters as stated in 33-50: RU-TH; Principal Building setback. Front setback: 15' minimum distance from the nearest edge of roadway pavement. Interior Side Setback: A minimum of 15' between the end of a group of townhouses and the right of way line or private street. A spacing of 20' shall be provided between each group of townhouses. Rear setback. 10' rear setback for enclosed additions, 5' for open structures and 0' for screen enclosure without a solid roof. Side street setback. A minimum of 15' between the end of a group of townhouses and the right of way line or private street. A spacing of 20' shall be provided between each group of townhouses. Principal Building setback structures shall comply with the following minimum setback requirements.</i>
Sec. 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

VEGA, BYRON A & MARIA A.

9430 SW 5 LN
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2024000256

DATE

HEARING NUMBER

FOLIO: 30-4004-039-0460

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

January 2, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

Building support Case: 20230223059-B was opened on 07/20/2023. Notice of Violation issued on 07/21/2023 for Failure to obtain required building permit(s) prior to commencing work on: new windows, enclosed terrace to include electrical, mechanical, enclosed addition to include electrical, and mini split, exterior sink at the rear. Recorded by Clerk of Courts on 08/02/2023 under Book: 33812 , Page: 3365 TotalPages:1. Civil violation Notice P054274 issued on 09/11/2024 due to non-compliance. Non-Compliance Affidavit issued on 12/13/2024. Notice of Assessment of Continuing Penalties Issued on 12/16/2024. There are pending fees. Case remains open.

VIOLATOR:

VEGA, BYRON A & MARIA A.


OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum

Date: December 20, 2024

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

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2024000256-1st Review
Byron Vega
9340 SW 5th Lane
NUV for setback requirements for the legalization of additions to a
single-family residence.
(RU-TH) (0.064 acres)
04-54-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has 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 and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water supply and wastewater disposal.

Potable Water Supply and Wastewater Disposal

According to DERM records, the subject property is currently connected to public water and sanitary sewers. Pursuant to the Code, the structure to be legalized is required to connect to public water and sanitary sewers to the extent that they have plumbing connections for potable water and/or wastewater.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources; however, the site plan entitled “Legalization Vega Residence” prepared by Jacqueline James-Lyttle, P.E., and dated as received by Miami-Dade County on November 25, 2024, was submitted with the subject application and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree 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.

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 regarding any additional information or concerns with this review.

Conditions of Approval: None

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 DERM 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



Date: December 16, 2024

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

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

Subject: Zoning Application Comments - Byron A. & Maria A. Vega
Application No. Z2024000256

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.

Application Name: Byron A. & Maria A. Vega

Location: The proposed project is located on approximately 0.06 acres at 9340 SW 5th Lane, with Folio No. 30-4004-039-0460, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting the following setback modification: Rear setback from 10' to 4'-8", in order to legalize an attached addition and an open Aluminum terrace, located at the rear of the existing townhouse.

This project results in a no-net-increase to the water demand.

Please note that the subject property has a 6 feet Utility Easement within and along the northern boundary of the subject property. Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).

Water/Sewer: The subject site is located within the WASD's water and sewer service area. The subject property is currently connected to water and sewer.

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 Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidade.gov.

Memorandum



Date: January 7, 2025

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

From: Raul A. Pino, P.E.S., Division Chief
Plattin Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2024000256
Name: Byron A. Vega
Location: 9340 SW 5 Lane
Section 04 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 complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 1, Block 9, Plat Book 106, Page 24.

This application does not generate any additional trips.

- 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



Date: December 06, 2024

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2024000256

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in “EnerGov” on 11/25/2024. Proposed scope of work does not affect existing fire department access.

MDFR’s review of this zoning 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 Statute 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



Section: 04 Township: 54 Range: 40
 Applicant: GFD Miami LLC
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number

Z2024000256

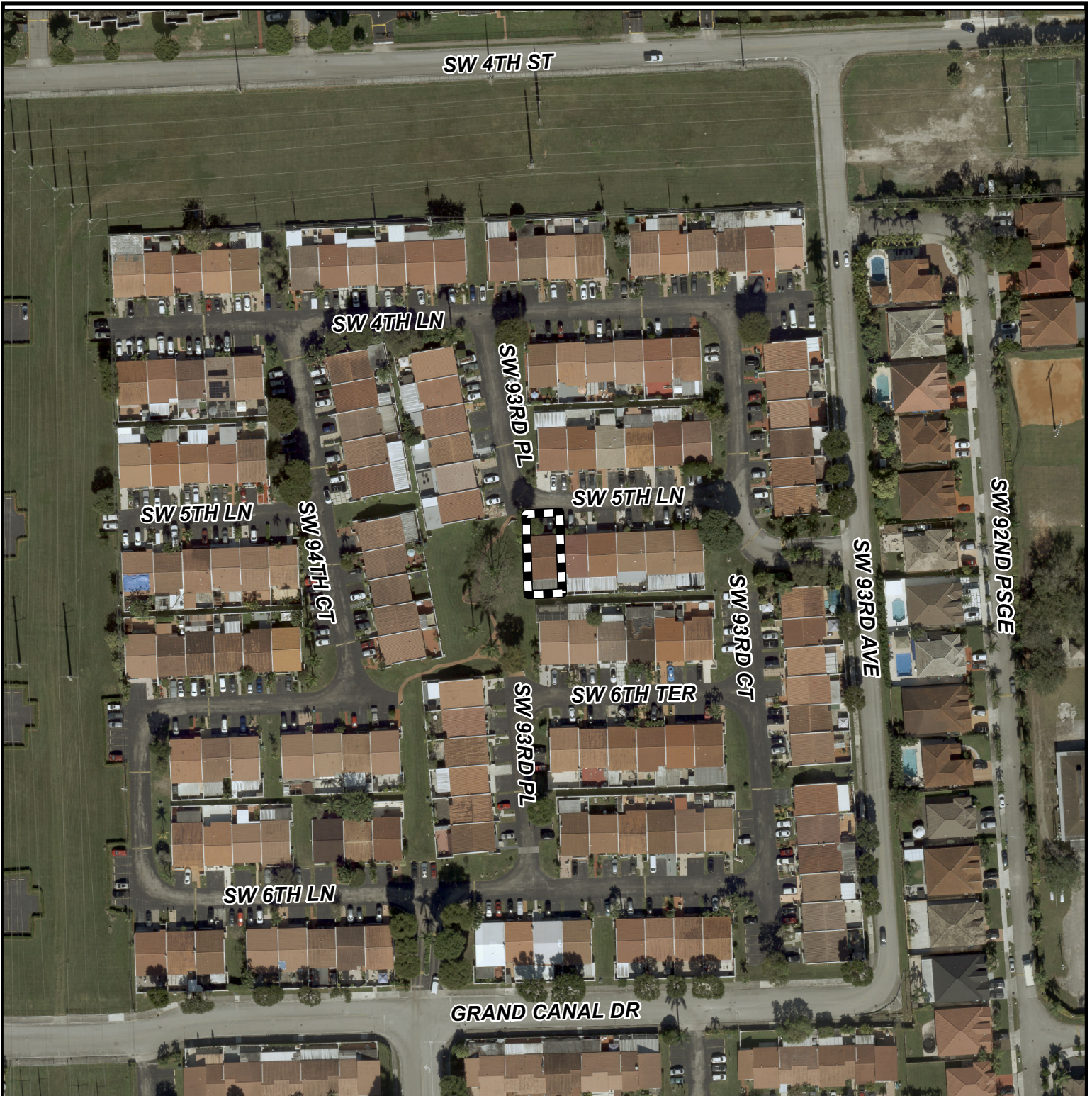


Legend

-  Subject Property Case
-  Zoning




REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2024

Process Number
Z2024000256

Legend
 Subject Property

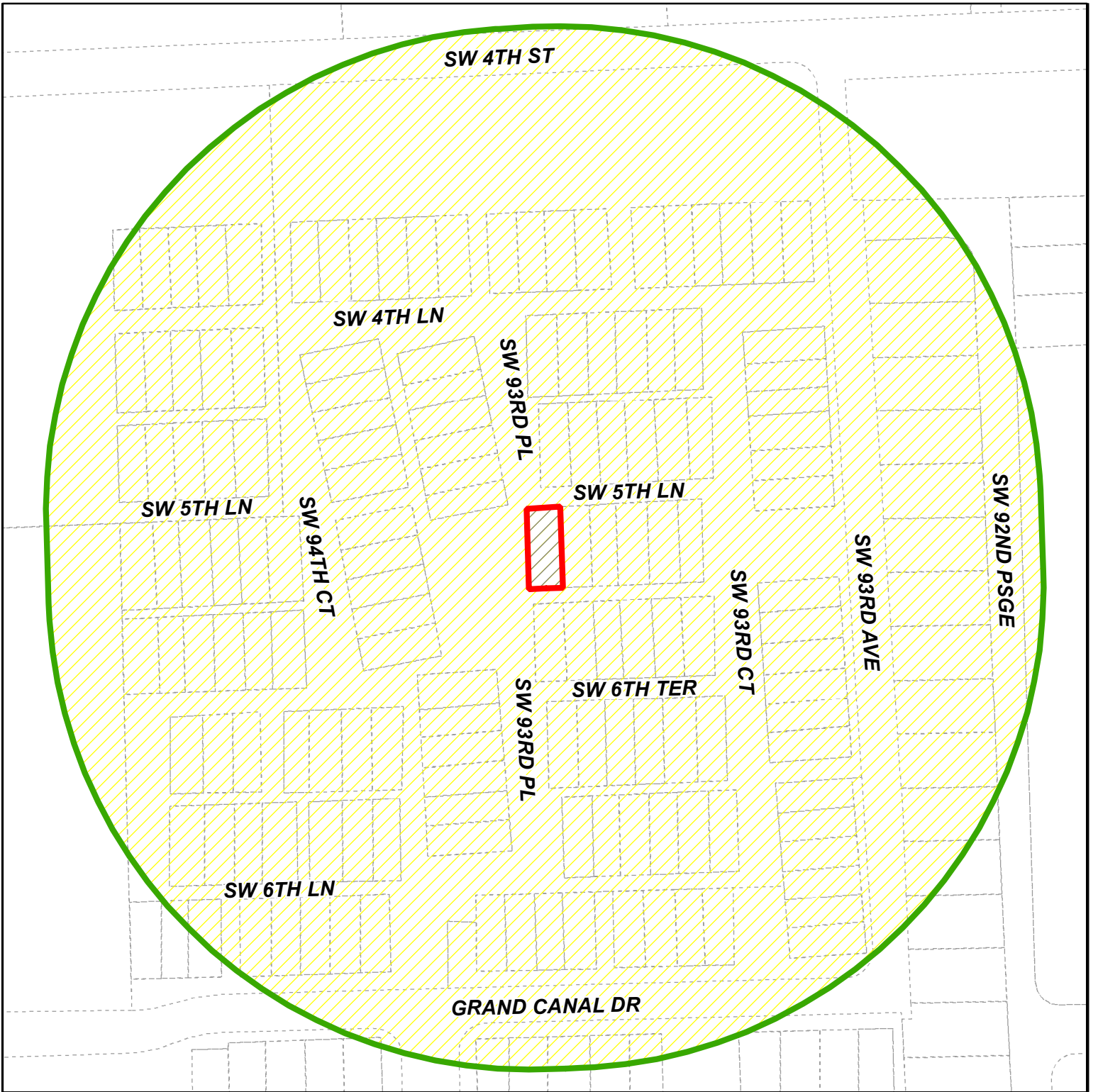


Section: 04 Township: 54 Range: 40
 Applicant: GFD Miami LLC
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, December 3, 2024

REVISION	DATE	BY






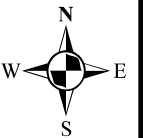
MIAMI-DADE COUNTY
RADIUS MAP

Section: 04 Township: 54 Range: 40
 Applicant: GFD Miami LLC
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2024000256
 RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, December 3, 2024

REVISION	DATE	BY

MEDIUM DENSITY RESIDENTIAL (MDR) 13-25 DU/AC

OFFICE/
RESIDENTIAL

SW 4TH ST

LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) 6-13 DU/AC



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2024000256

Section: 04 Township: 54 Range: 40

Applicant: GFD Miami LLC

Zoning Board: C10

Commission District: 10

Drafter ID: EDUARDO CESPEDES

Scale: NTS

Legend



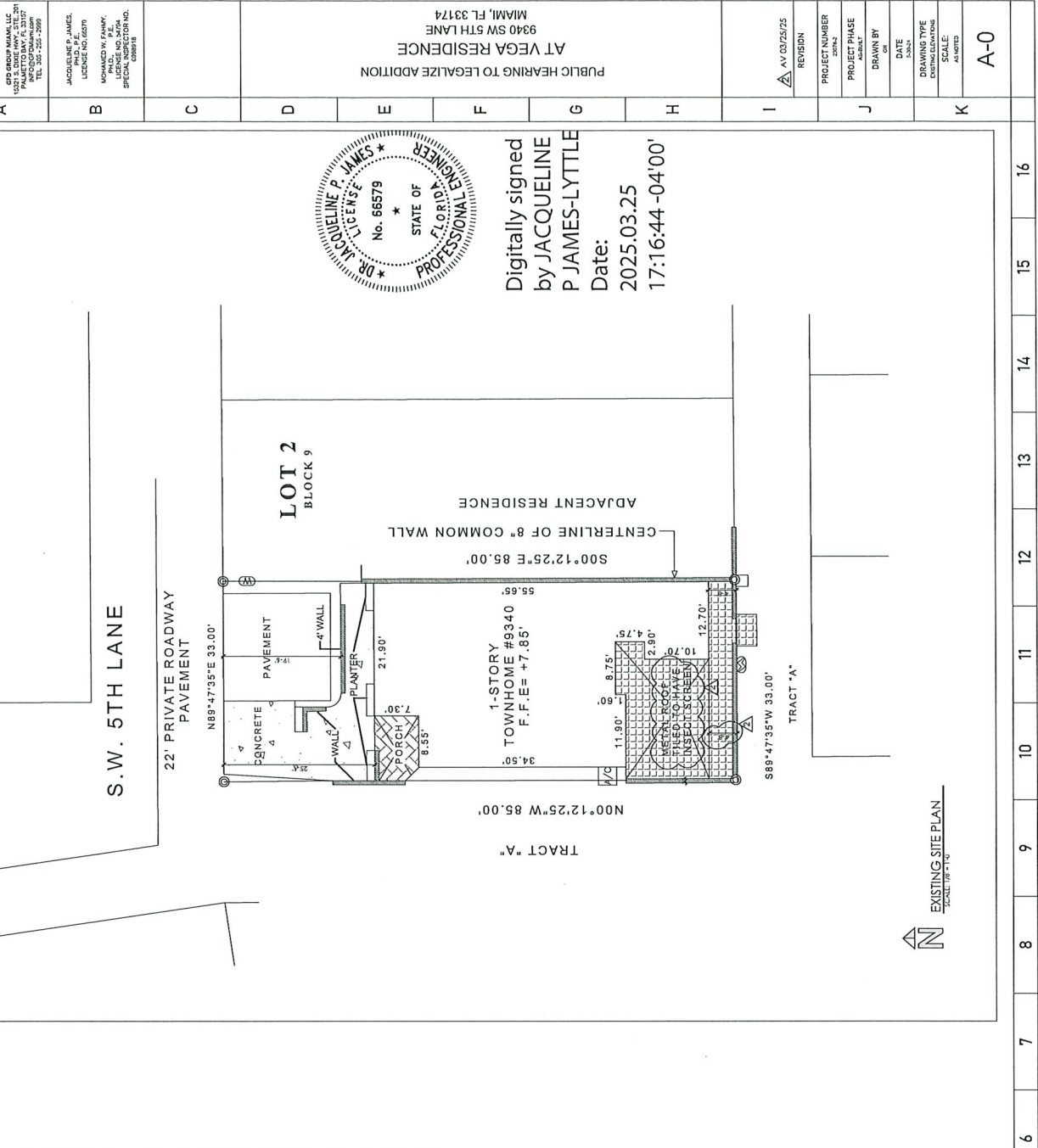
Subject Property Case



SKETCH CREATED ON: Tuesday, December 3, 2024

REVISION	DATE	BY

ZONING DATA	
ADDRESS	9340 SW 5TH LANE, MIAMI FL 33174
FOLIO NUMBER	30-0004-039-0460 - UNINCORPORATED COUNTY
LEGAL DESCRIPTION	
LOT 1, IN BLOCK 9, OF THE VILLAS OF MADERA SECTION IN PLAT BOOK 106, PAGE 24, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.	
ZONING INFORMATION	
ZONE: RU-TH ONE-FAMILY TOWNHOUSE DISTRICT FLOOD ZONE: AH	
MAX DENSITY:	8.5 UNITS PER NET ACRE (43,560 SF)
MIN LOT AREA PER UNIT	1,250 SF
MIN TOWNHOUSE SIZE:	600 SF
MAX BUILDING HEIGHT:	40'
BASE FLOOD ELEVATION**	+7.85'
MIN PATIO AREA	400 SF (ENCLOSED)
BUILDING SETBACKS	
FRONT	15'-0"
SIDE STREET	15'-0"
SPACING BETWEEN GROUPS	20'-0"
REAR	10'-0"



DR. JACQUELINE P. JAMES
 LICENSE NO. 66579
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

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 by JACQUELINE
 P JAMES-LYTLE
 Date: 2025.03.25
 17:16:44 -04'00'

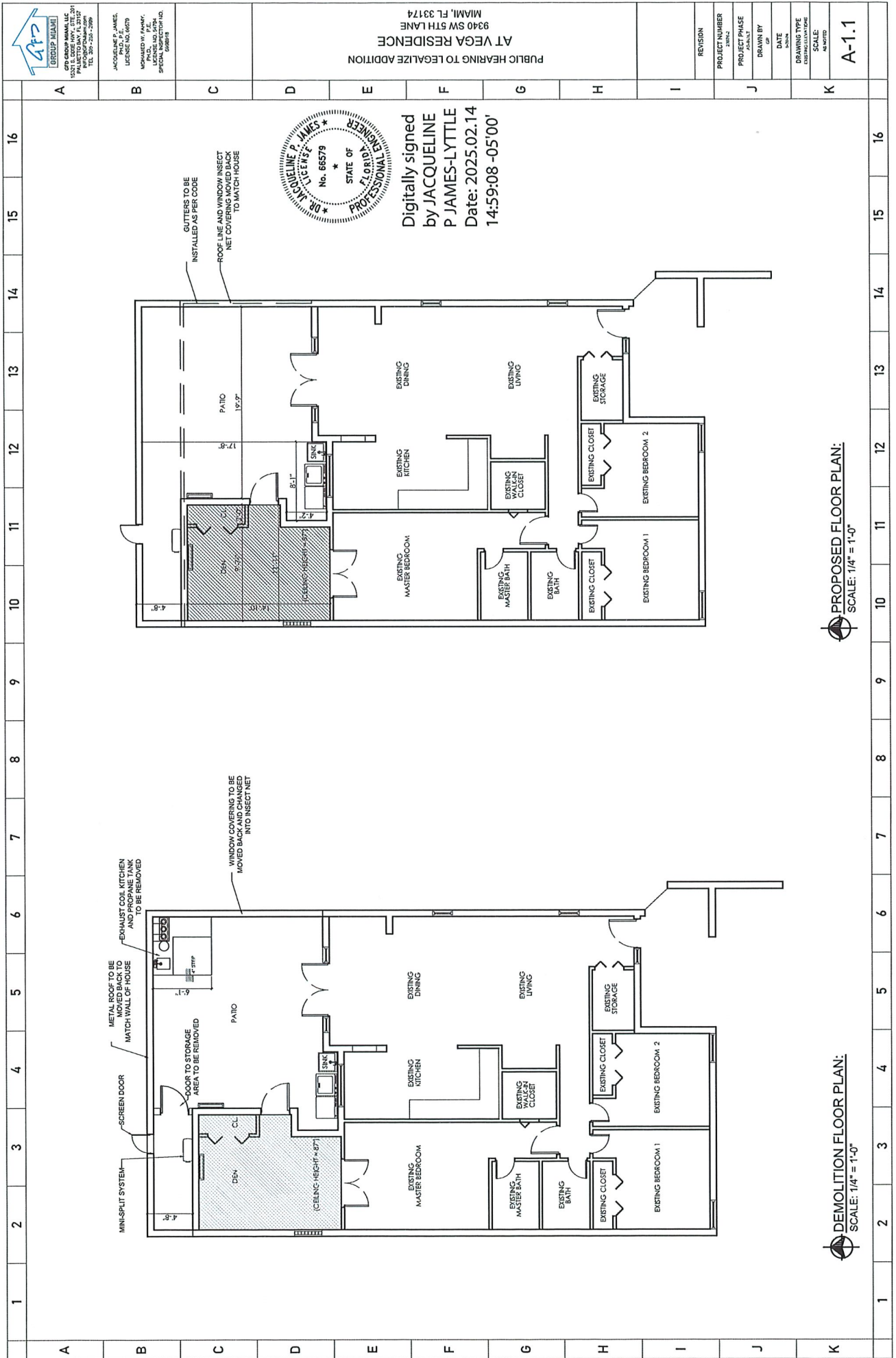
EXISTING SITE PLAN
 SCALE: 1/8" = 1'-0"

REVISION	AV 03/25/25
PROJECT NUMBER	20252
PROJECT PHASE	AS-BUILT
DRAWN BY	AMBR
CHECKED BY	AMBR
DRAWING TYPE	EXISTING ELEVATIONS
SCALE	AS NOTED
A-0	

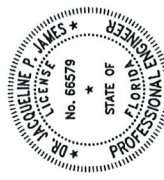
PUBLIC HEARING TO LEGALIZE ADDITION
 AT VEGA RESIDENCE
 9340 SW 5TH LANE
 MIAMI, FL 33174



RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z24-256 DATE: FEB 24 2025 BY: B1DS



PUBLIC HEARING TO LEGALIZE ADDITION
 9340 SW 5TH LANE
 MIAMI, FL 33174



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 by JACQUELINE
 P JAMES-LYTTLE
 Date: 2025.02.14
 14:59:08 -05'00'

GROUP MIAMI
 GFD GROUP MIAMI, LLC
 1911 N.W. 10TH AVENUE, SUITE 201
 MIAMI, FL 33136
 INFO@GFDGROUP.COM
 TEL: 305.575.5299

JACQUELINE P. JAMES,
 P.E., P.L.C.
 LICENSE NO. 68579
 MICHAEL W. FANNING,
 P.L.C.
 LICENSE NO. 52784
 SPECIAL INSPECTION NO.
 1999121

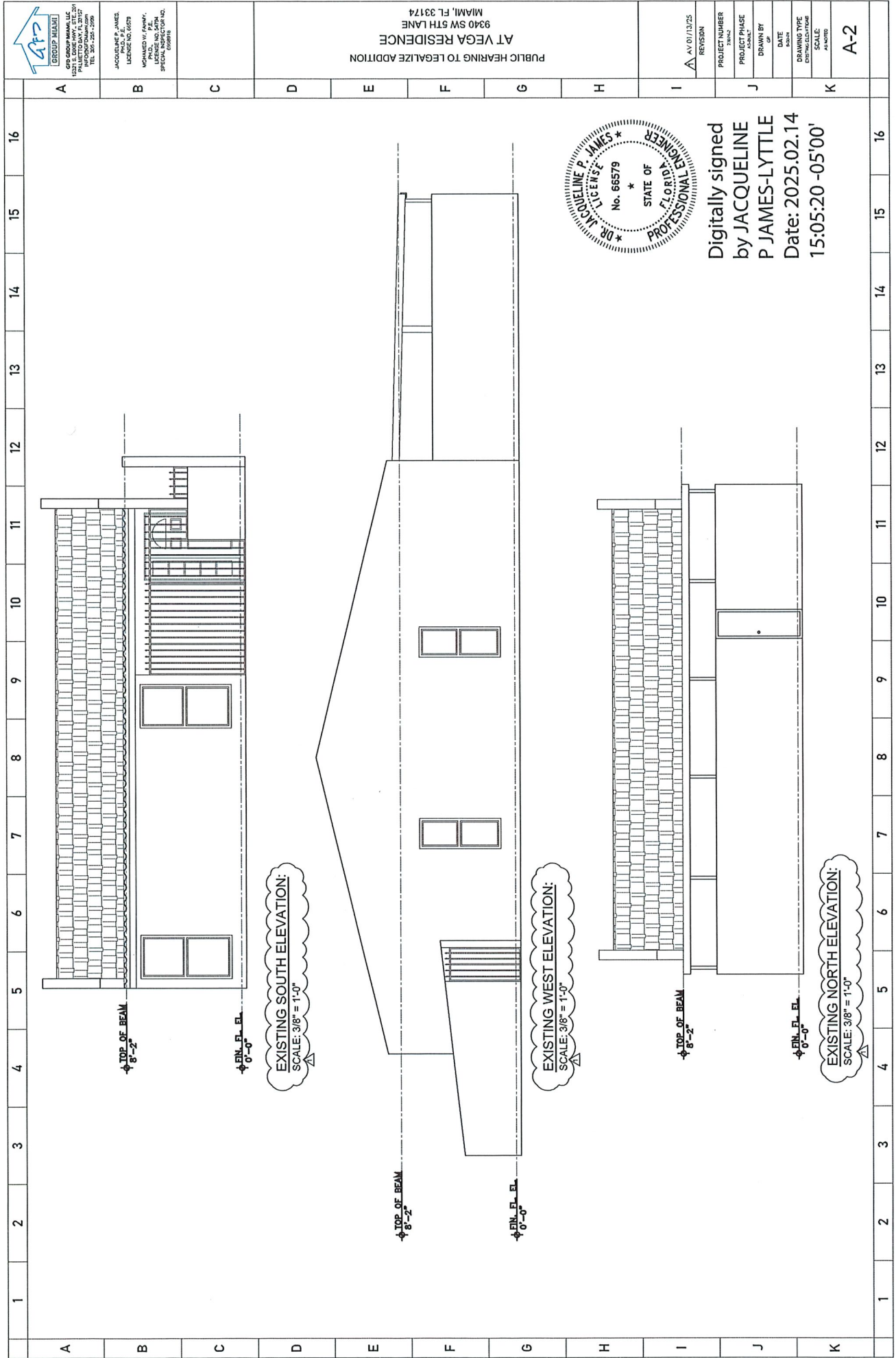
PROJECT NUMBER	REVISED
PROJECT PHASE	REVISION
DRAWN BY	DATE
DATE	DRAWING TYPE
SCALE	SCALE
AS NOTED	AS NOTED


A-1.1

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z24-256 DATE: FEB 24 2025 BY: B1DS

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
A																	
B																	
C	<p>Digitally signed by JACQUELINE P JAMES-LYTTLE Date: 2025.02.14 15:04:50 -05'00'</p>																
D	<p>Public Hearing to Legalize Addition 9340 SW 6TH LANE MIAMI, FL 33174</p>																
E	<p>PROJECT NUMBER: 24030 PROJECT PHASE: PERMITS DRAWN BY: JACQUELINE P JAMES DATE: 02/14/25 DRAWING TYPE: PERMITS/LEGALIZATION SCALE: AS SHOWN</p>																
F	<p>REVISION</p>																
G	<p>EXISTING ROOF PLAN: SCALE: 1/4" = 1'-0"</p>																
H	<p>PROPOSED ROOF PLAN: SCALE: 1/4" = 1'-0"</p>																
I	<p>GROUP MIAMI 670 GROUP MIAMI, LLC 1621 S. 2000 AVENUE, SUITE 201 MIAMI, FL 33135 PH: 305.251.2229 FAX: 305.251.2228</p>																
J	<p>JACQUES P. JAMES P.E., P.L.C. LICENSE NO. 66579</p>																
K	<p>MOHAMED W. FAYMI, P.E. LICENSE NO. 6078 SPECIAL INSPECTOR NO. 589091</p>																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
	<p>A-1.2</p>																

RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z24-256 DATE: FEB 24 2025 BY: B1DS




GPO GROUP MIAMI
 13271 S. DIXIE HWY., STE. 207
 MIAMI, FL 33157
 TEL: 305-251-2299

JACQUELINE P. JAMES
 LICENSE NO. 66579
 MICHAEL V. FANNY,
 P.E.
 LICENSE NO. 8154
 SPECIAL INSPECTOR NO.
 00000000

PUBLIC HEARING TO LEGALIZE ADDITION
 AT VEGA RESIDENCE
 9340 SW 6TH LANE
 MIAMI, FL 33174

AV 01/13/25
 REVISION

PROJECT NUMBER
 PROJECT PHASE
 DRAWN BY
 DATE

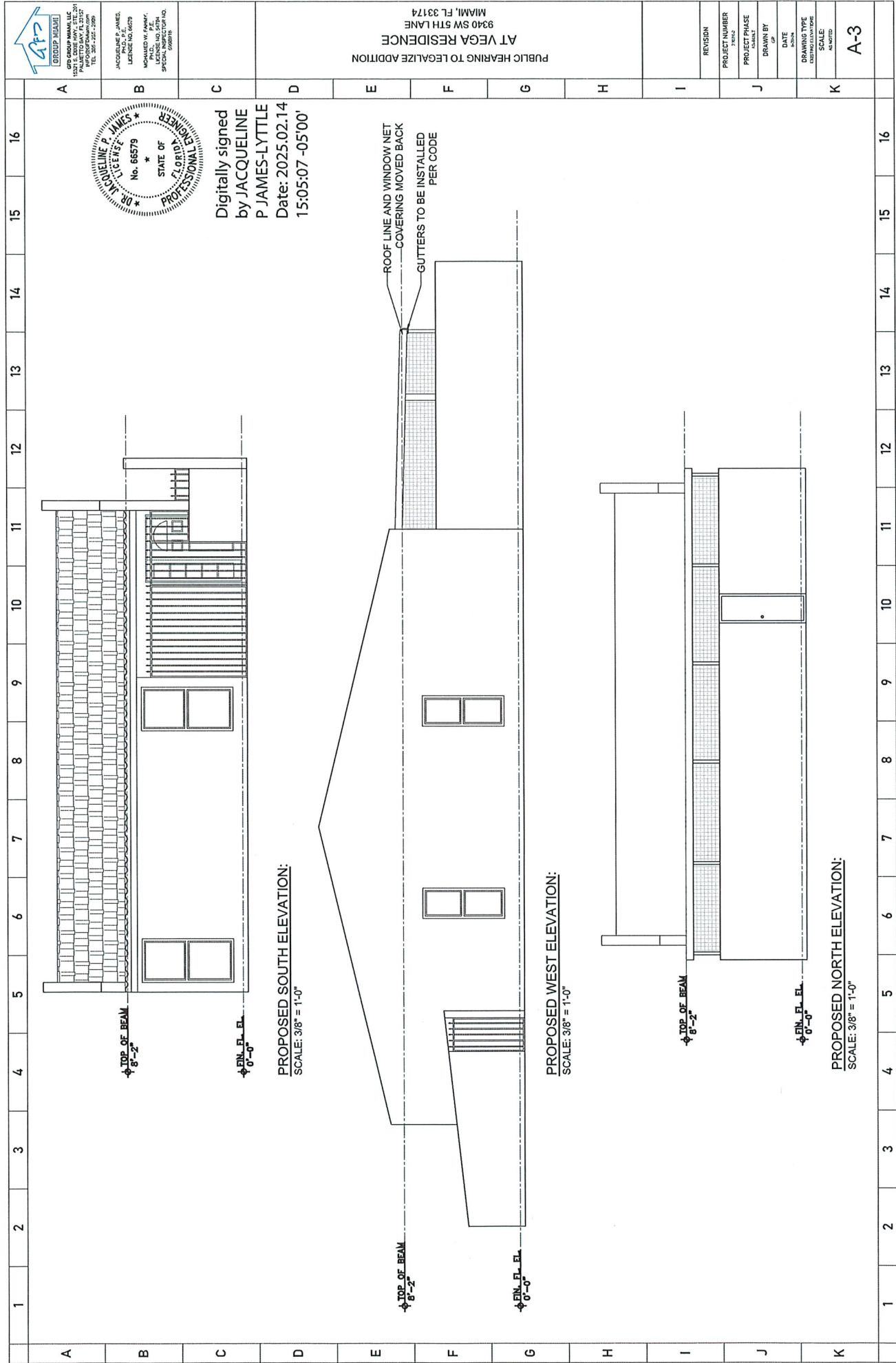
DRAWING TYPE
 SCALE
 DRAWN BY

A-2



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 Date: 2025.02.14
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RECEIVED MIAMI-DADE COUNTY PROCESS NO.: Z24-256 DATE: FEB 24 2025 BY: B1DS



JACQUELINE P. JAMES,
P.E., P.L.C.
LICENSE NO. 66579
MEMBER OF F.A.M.E.,
LICENSE NO. 5078
SPECIAL INSPECTOR NO.
507878



Digitally signed
by JACQUELINE
P JAMES-LYTLE
Date: 2025.02.14
15:05:07 -05'00'

PUBLIC HEARING TO LEGALIZE ADDITION
AT VEGA RESIDENCE
9340 SW 5TH LANE
MIAMI, FL 33174

PROJECT NUMBER	2502
PROJECT PHASE	PERMITS
DRAWN BY	UP
DATE	02/14/25
DRAWING TYPE	PERMITS
SCALE	AS SHOWN

A-3



SIDE OF PROPERTY



REAR OF PROPERTY

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Zoning Appeals Board 10**

PH: Z24-271

June 24, 2025

Item No. 2

Recommendation Summary	
Commission District	10
Applicant	Jesus A. Gonzalez
Summary of Requests	The applicant is seeking to modify Condition #2 of a previously approved resolution to submit revised plans showing a modification of the lake slope in order to submit revised plan for an existing swimming pool and retaining wall located waterward from the top of slope into a lake. Additionally, the applicant also seeks to allow the existing residence to be located closer to the interior side property line than allowed by Code.
Location	11015 Westwood Lake Drive, Miami-Dade County, Florida
Property Size	0.21 Acre
Existing Zoning	RU-1, Single-family Residential District
Existing Land Use	Single-family residence
2030-2040 CDMP Land Use Designation	Low Density Residential (2.5 to 6 du/ac) <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7), Generalized Modification Standards. Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

(1) MODIFICATION of Condition #2 of Resolution 10469, passed and adopted by the Board of County Commissioners on the 18th day of October 1956, only as it applies to the subject property, reading as follows:

FROM: "2. That the perimeter be backfilled and graded to meet with the approval of the County Engineer, except that a slope of one foot vertical be provided for each seven (7) feet horizontal from the perimeter into a minimum depth of five (5) feet of water at low water elevation."

TO: "2. That the property shall be developed substantially in accordance with the plans entitled, "GONZALEZ RESIDENCE", as prepared by Alberto Prieto-PE, consisting of 2 sheets dated stamped received 2/28/2025, Sheet SP-1 dated stamped received 12/19/2024, and Sheet SP-2 dated stamped received 3/4/2025, for a total of 4 sheets."

The purpose of request #2 is to modify the previously approved lake slope requirements in order to submit a revised site plan that indicates an existing swimming pool and retaining wall extending within the lake slope.

(2) NON-USE VARIANCE OF ZONING REGULATIONS prohibiting structures to be placed waterward from the top of slope into a lake; to waive the same to permit an existing swimming pool and retaining wall located waterward from the top of slope into a lake.

- (3) NON-USE VARIANCE of the setback requirements to permit an existing single-family residence to setback a minimum of 7.1' (7.5' required) from the interior side (west) property line.

The aforementioned plan is on file and may be examined in the Department of Regulatory and Economic Resources. Plan may be modified at public hearing.

PROJECT DESCRIPTION AND HISTORY:

The subject property is a part of a larger tract of land which, pursuant to Resolution No. 10469 adopted in October 1956, approved a special permit for lake excavation in conjunction with the development of a subdivision in the SE1/2 of Section 19, Township 54, Range 40, SW corner of 107 to 112 Avenue, between 47 Terrace and Miller Drive, Dade County, Florida.

Under the current zoning application, the applicant seeks to modify condition #2 of the previously approved Resolution No. 10469, only as it applies to the subject property, in order to submit revised plans showing the existing pool and retaining wall located waterward from the top of slope into a lake. The submitted plans depict the 0.21-acre subject property improved with an existing 1-story single-family residence, along with an existing swimming pool and retaining wall that are located waterward from the top of slope into a lake in the rear of existing residence. Additionally, the applicant seeks approval to allow the residence to encroach by a minimal 0.4' into the interior side setback area.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	<u>Zoning and Existing Use</u>	<u>Land Use Designation</u>
<u>Subject Property</u>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<u>North</u>	RU-1; lake	Water
<u>South</u>	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
<u>East</u>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
<u>West</u>	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject 0.21-acre property is located at 11015 Westwood Lake Drive, Miami-Dade County, Florida. The subject property is surrounded by single-family residences to the south, east and west. To the north is a lake, a portion of which belongs to the property beyond the survey tie line.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to maintain the single-family residence with the existing swimming pool and retaining wall located waterward from the top of slope into a lake. Staff opines that the visual impact on the surrounding area would be minimal and could be mitigated by the existing landscape trees and existing 6' high metal fence along the interior side property lines and retaining wall along the rear of the lot and the lake to the north.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±0.21-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 **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by*

single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. The applicant seeks to modify a prior resolution in order to submit revised plans for a modification of an existing lake slope in order to permit existing swimming pool and retaining wall located waterward from the top of slope into a lake (requests #1 and #2), and to permit the existing residence to setback less than required from the interior side property line (request #3). Staff opines that since the applicant is not requesting additional dwelling units or change the existing single-family detached use on the property, approval with standard conditions of the application would be **consistent** with the density threshold of the Low Density Residential Communities map of the CDMP LUP map designation.

ZONING ANALYSIS:

The applicant seeks approval to modify a prior resolution in order to submit a new site plan that shows existing swimming pool and retaining wall located waterward from the top of slope into a lake. When the request to modify Condition #2 of Resolution No. 10469, passed and adopted by the Miami-Dade Board of County Commissioners, only as it applies to the subject property (request #1) is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval with conditions would be **compatible** with the surrounding area. Staff notes that the subject property is part of a larger parcel of land that was approved for a special permit or exception for lake excavations pursuant to Resolution No. 10469 in October 1956. Staff opines that the approval with conditions of the applicant's request to modify the previously approved plans, only as it applies to the subject residence, will not generate excessive noise or traffic, create other hazards to the surrounding area or be incompatible with same, when considering the necessity for and reasonableness of the modifications in relation to the present and future development of the area concerned. Staff's review of the County's aerial photographs for the surrounding area, indicates that the subject residence with the subject existing accessory structures located waterward on top of the water slope is similar to the residences in the surrounding area and would be **compatible** with same.

Staff's research found similar lake slope modification approval within the original larger development area of the overall parcel of land. For example, pursuant of Resolution No. 5-ZAB-209-95 adopted in May 1995, a property located at 10855 West Lake Drive, four (4) properties west of the subject application site, was approved for a modification of the same condition #2 of amending the approved lake slope requirements to permit an existing concrete ramp, concrete slab and wood deck extending into the lake. The referenced resolution approved several non-use variances of various setback and spacing requirements which are not relevant to this application.

Further, staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum does not object to the application and that the application does not generate any additional vehicular trips. The memorandum from the Division of Environmental Resources Management (DERM) of the RER indicates it has no pertinent comments concerning the application and does not entail any environmental concern. Additionally, the memoranda from the Water and Sewer Department (WASD) and the Miami-Dade Fire Rescue Department, state that they do not object to the application. Therefore, staff opines that approval with conditions of the requested modification (request #1) would be compatible with the area concerned, when considering the necessity and reasonableness of the modifications or in relation to the present and future development of the area. As such, **staff recommends approval with conditions of request #1 of the application, under Generalized Modification Standards, Section 33-311(A)(7).**

When the request to waive the zoning regulation that prohibits structures on the lake slope and permit the existing swimming pool and retaining wall located waterward from the top of slope into

a lake (request #2), and the request to permit an existing den and a covered terrace additions to the townhouse residence to setback 4'-8" (10' required) from the rear (south) property line (request #3), are analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that the approval with conditions of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. As noted above, staff's research found a similar approval for a modification or reconfiguration of a prior approved lake slope. Staff has no objection to approving the existing swimming pool and retaining wall that are located waterward from the top of slope into a lake. Staff notes that request #2 is inextricably intertwined with the requested modification of the prior site plan (request #1), which is recommended for approval with standard conditions including all other conditions of the said resolution to remain in full force and effect except as modified herein. Further, both the requests #2 and #3 are internal to the application site and would not have any significant visual or noise impact on the surrounding properties.

Furthermore, staff opines that the architectural style and scale of the existing single-family residence, the swimming pool, and the retaining wall are designed and arranged in a manner that would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and that approval with conditions of the requested setbacks would be **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity. Therefore, staff opines that approval of this application would maintain the basic intent and purpose of zoning, and other land use regulations, as they affect the stability and appearance of the community. **Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b), Non-Use Variances Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: Not applicable

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution No. 10469 remain in full force and effect except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "GONZALEZ RESIDENCE", as prepared by Alberto Prieto-PE, consisting of 2 sheets dated stamped received 2/28/2025, Sheet SP-1 dated stamped received 12/19/2024, and Sheet SP-2 dated stamped received 3/4/2025, for a total of 4 sheets." 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 use be established and maintained in accordance with the approved plan.
4. That the applicant obtains a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department.

5. That the existing 6' high metal fence along the interior side property lines be maintained as a visual buffer, and that if the fence is removed or destroyed, the applicant shall install a 6' high CBS wall, opaque fence, or chain link fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(h) of the County Code.

ES:JB:EA:JH

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Jesus A. Gonzalez
(Z24-271)

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection</i>
<i>Fire Department</i>	<i>No objection</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Water and Sewer Department</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

Low-Density Residential <i>(Pg. I-31)</i>	<i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-16.1	<p>(a) <i>This section shall govern the placement of accessory improvements and landscaping which are hereby deemed not to modify the established slope of privately owned artificial lakes. This section shall not apply to the placement of accessory improvements landward of the top of the slope of such artificial lakes, which structures are permitted as accessory uses under other Sections of this Code.</i></p> <p>(b) <i>For purposes of this section, "privately owned artificial lake" shall mean only a privately owned artificial lake not connected to any jurisdictional wetlands or to any other surface water body.</i></p> <p>(c) <i>For purposes of this section, "water's edge" shall be defined as the average low ground water elevation.</i></p> <p>(d) <i>The placement of the following accessory improvements and landscaping shall be permitted waterward of the top of slope, as measured pursuant to the County Flood Criteria Map as defined in Chapter 11C, on a residential lot, parcel or tract, subject to the following conditions:</i></p> <p>(1) <i>Docks shall either be floated or be placed on pilings at right angles to the shoreline, except as otherwise provided herein.</i></p> <p>(2) <i>All docks on a single lot, parcel or tract collectively shall not exceed 30 percent of the subject lot's width as measured at the top of the slope; provided, however, a dock that is placed parallel to the lot and that does not extend more than six feet beyond the water's edge may be built to the side setback lines.</i></p> <p>(3) <i>No dock shall project further into the artificial lake more than one-half the length of the lot's shoreline frontage as measured at the water's edge, or 20 percent of the lake width at its widest point, whichever is smaller. In no event shall a dock exceed 50 feet in length. For purposes of this section, the length shall be the perpendicular dimension measured from the water's edge to the farthest point of the dock extending into the lake.</i></p> <p>(4) <i>In no event shall a dock be placed closer than 100 feet to the opposite shore's top of slope.</i></p> <p>(5) <i>A dock or a deck not exceeding 18 inches above minimum finished grade elevation may be placed with a zero foot side setback. A dock or a deck exceeding 18 inches above minimum finished grade elevation shall conform to accessory building side setback requirements.</i></p> <p>(6) <i>Only one (1) dock shall be permitted for each principal building on the subject lot, parcel or tract.</i></p> <p>(7) <i>Rocks and landscaping waterward of the top of slope but landward of the water's edge are allowed.</i></p>
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	<p>(8) Rip-rap and interlocking block waterward of the top of slope and extending to a point one (1) foot below the water's edge are allowed.</p> <p>(9) Open sided structures shall be permitted waterward of the top of slope but landward of the water's edge, subject to compliance with accessory building setback and lot coverage requirements of the zoning district in which the structure is located; provided, however, the rear setback requirement shall be zero (0) feet. In no event shall an open sided structure that is placed waterward of the top of slope exceed fifteen (15) feet in height nor shall it exceed two hundred twenty-five (225) square feet in area. Only one (1) such open sided structure shall be permitted for each principal building on the subject lot, parcel or tract. Open sided structures other than railings on docks and decks shall not be permitted, unless approved as a nonuse variance at a public hearing.</p> <p>(10) Steps and decks on pilings or on similar spatially separated upright supports shall be permitted waterward of the top of slope and landward of the water's edge.</p> <p>(11) Boat ramps shall be permitted providing no filling of the slope area occurs.</p> <p>(12) Filling waterward of the top of slope shall be prohibited.</p> <p>Structures other than those listed above are prohibited from placement within the area waterward of the top of slope.</p>
<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p>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 (a) 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.</p>
<p>Section 33-311(A)(4)(b) Non-use variances from other than airport regulations</p>	<p>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.</p>

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

ZOA MORALES, JESUS A GONZALEZ 11015 WESTWOOD LAKE DR
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2024000271

DATE

HEARING NUMBER

FOLIO No: 30-4019-008-0510

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

January 2, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

ZOA MORALES, JESUS A GONZALEZ


OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum

Date: June 2, 2025

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

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2024000271-2nd Review
Jesus Gonzales
11015 Westwood Lake Drive
Modification of land slope of a pool to the lake within a single-family residence.
(RU-1) (0.251 acres)
19-54-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has 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 Review

The subject property is located within the Average Wellfield Protection Area for the Alexander Orr Wellfield. Since the subject land use is for residential development, a covenant prohibiting hazardous materials and hazardous waste is not required; however, all development shall comply with the requirements of section 24-43 of the Code.

Conditions of Approval: None

Potable Water Supply and Wastewater Disposal

According to DERM records, the property is currently connected to public water and sewer. Pursuant to the Code, all structures being installed are required to connect to public water and sanitary sewers to the extent that they have plumbing connections for potable water and/or wastewater.

Conditions of Approval: None

Water Control Review

Stormwater shall be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year storm event.

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.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources; however, the site plan entitled “New Retaining Wall for: Gonzalez Residence” prepared by Alberto Prieto, P.E., and dated as received by Miami-Dade County on December 19, 2024, was submitted with the subject application and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree 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.

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 regarding any additional information or concerns with this review.

Conditions of Approval: None

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 DERM 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



Date: January 9, 2025

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

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

Subject: Zoning Application Comments - Jesus A. Gonzalez & Zoa A. Morales
Application No. Z2024000271

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.

Application Name: Jesus A. Gonzalez & Zoa A. Morales

Location: The proposed project is located on approximately .25 Acres at 11015 Westwood Lake Drive, with Folio No. 30-4019-008-0510, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting a Special Exception to modify the land slope to the Lake.

Please note that the subject property has a 1.5-foot Utility Easement within and partially abutting the southwestern boundary of the property. Permanent structures, trees or palms are not allowed within said utility easement (only passive landscaping along the Utility Easement).

Water/Sewer: The subject site is located within the WASD's water and sewer service area. The subject property is currently connected to water and sewer.

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 Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidade.gov.

Memorandum



Date: January 28, 2025

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

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

Subject: Z2024000271
Name: Jesus A. Gonzalez
Location: 11015 Westwood Lake Drive
Section 19 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 **complies** with Chapter 28 of the Miami-Dade County Code, the property is platted as Lot 29, Block 78, Plat Book 65, Page 101.

This application does not generate any additional trips.

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



Date: December 30, 2024

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

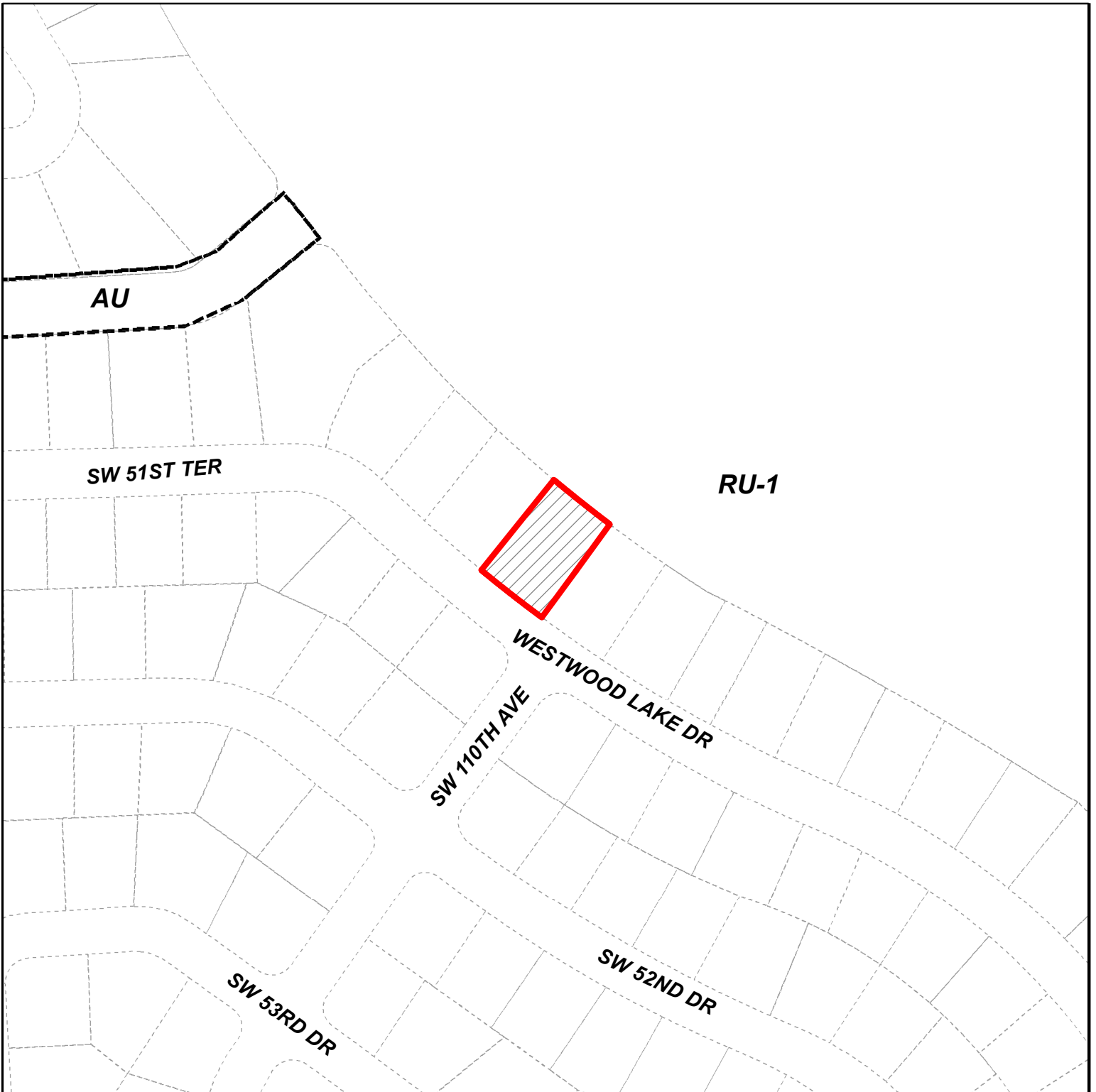
Subject: Z2024000271

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in “EnerGov” on 12/19/2024. Single family home.

MDFR’s review of this zoning 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 Statute 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
Z2024000271



Section: 19 Township: 54 Range: 40
 Applicant: Jesus A. Gonzalez and Zoa A. Morales
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

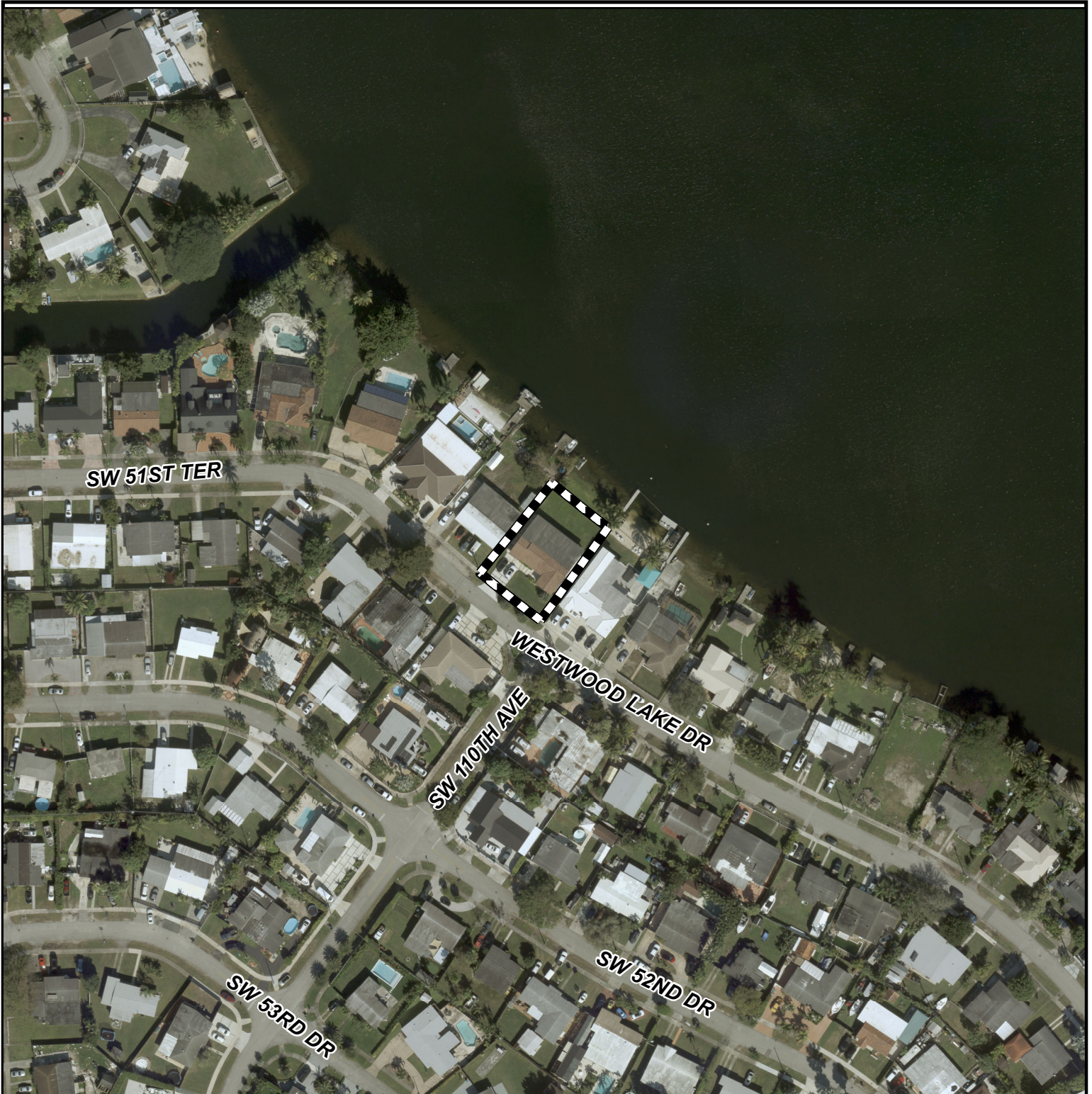
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Friday, December 20, 2024


REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2024

Process Number
Z2024000271

Legend

 Subject Property

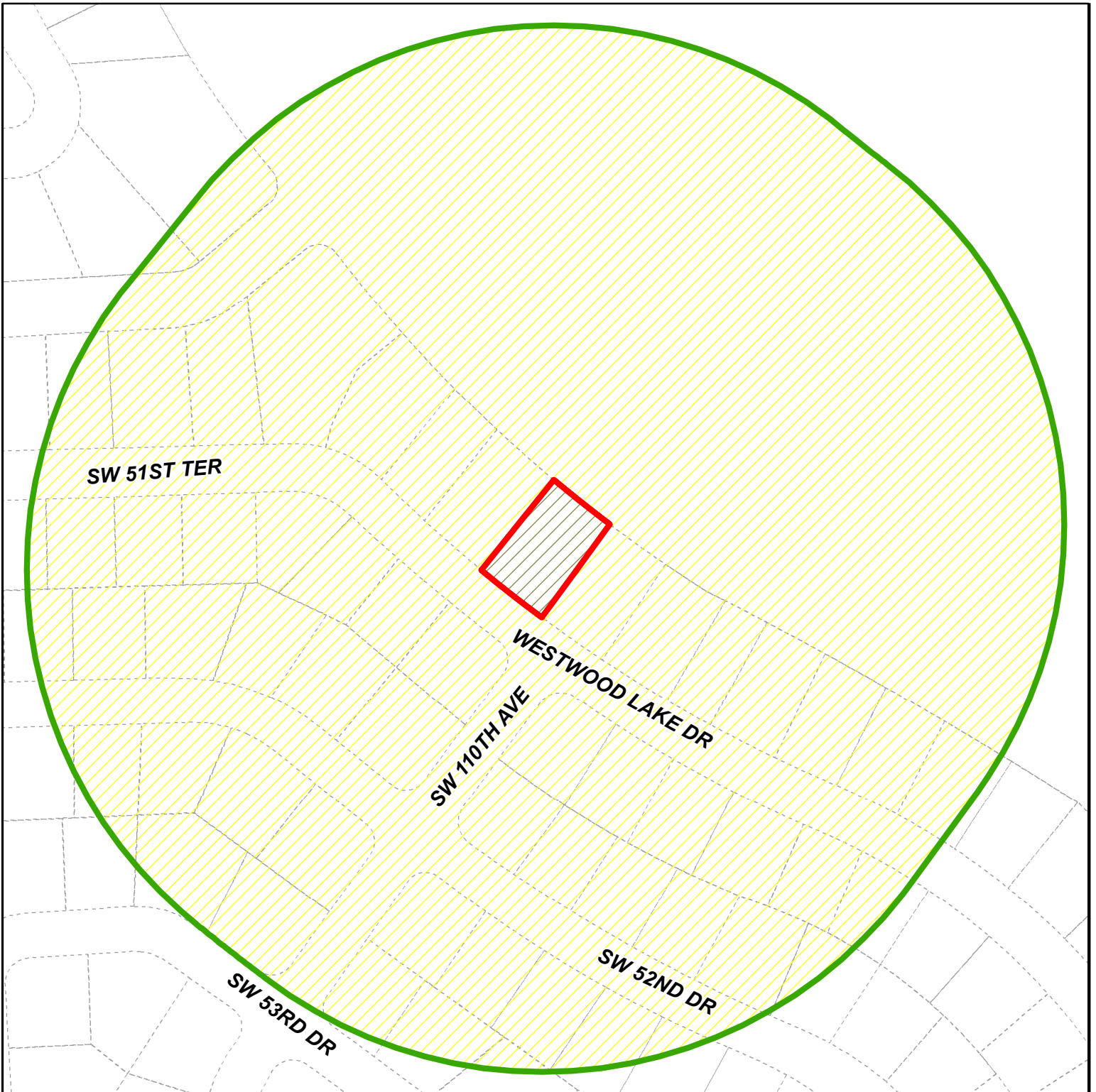


Section: 19 Township: 54 Range: 40
Applicant: Jesus A. Gonzalez and Zoa A. Morales
Zoning Board: C10
Commission District: 10
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Friday, December 20, 2024

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Section: 19 Township: 54 Range: 40
 Applicant: Jesus A. Gonzalez and Zoa A. Morales
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2024000271
 RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Friday, December 20, 2024

REVISION	DATE	BY




MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2024000271

Section: 19 Township: 54 Range: 40
 Applicant: Jesus A. Gonzalez and Zoa A. Morales
 Zoning Board: C10
 Commission District: 10
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, December 20, 2024

REVISION	DATE	BY

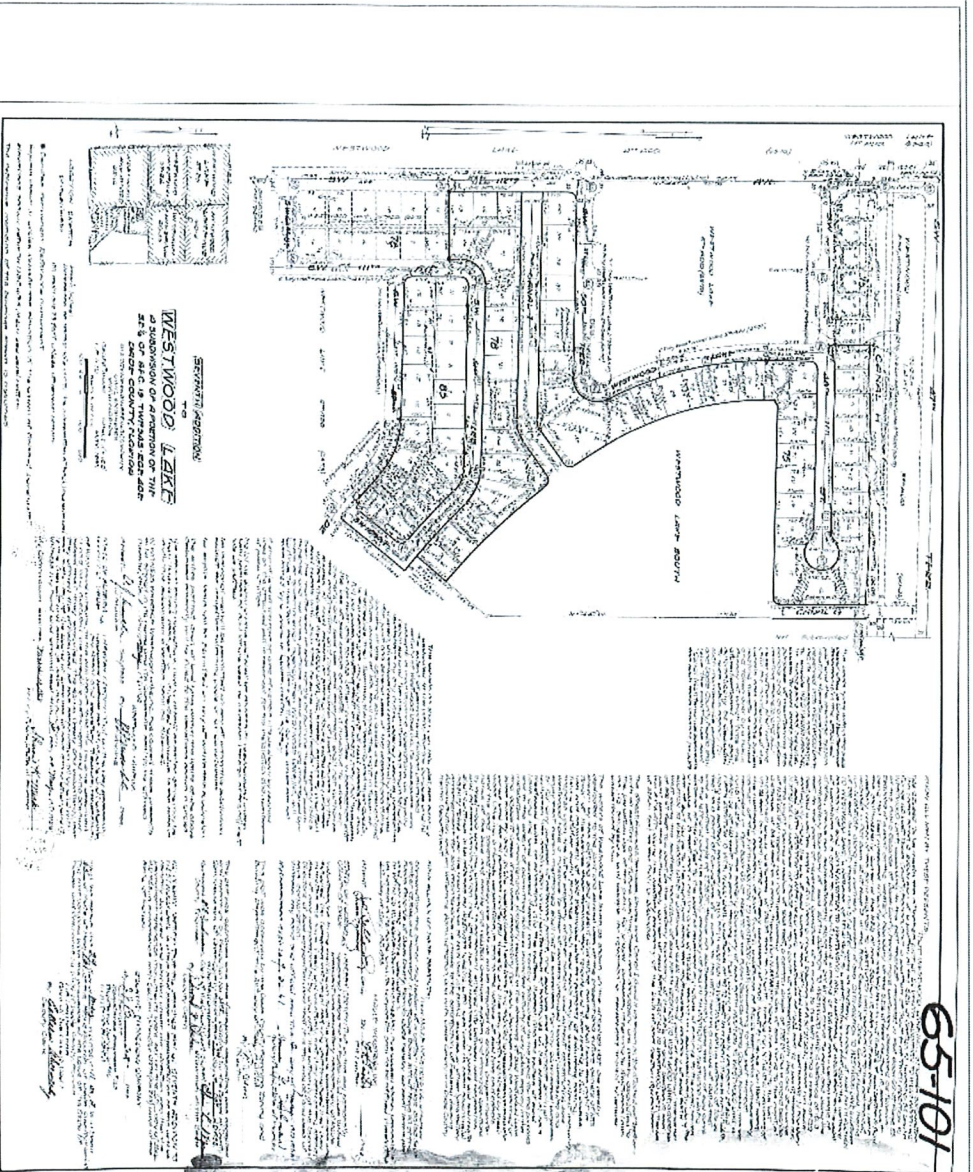
Public Hearing to legalize lake modification and interior side setback to existing house

Property Owners: Jesus A. Gonzalez and Zoa A. Morales
Property Address: 11015 Westwood Lake Drive, Miami, Fl. 33165

Zoning application #Z2024000271

Correction Action Question 2: Both site plan and boundary survey must show correct lot dimension (property points) of 123'x75' as shown on county recorded plat book 65 page 101. Plans show it to the water's edge.

Response: According to the Surveyor, both site plan and boundary survey are correct. They are within the recorded Plat Book water's edge Tolerances.



Public Hearing to legalize lake modification and interior side setback to existing house

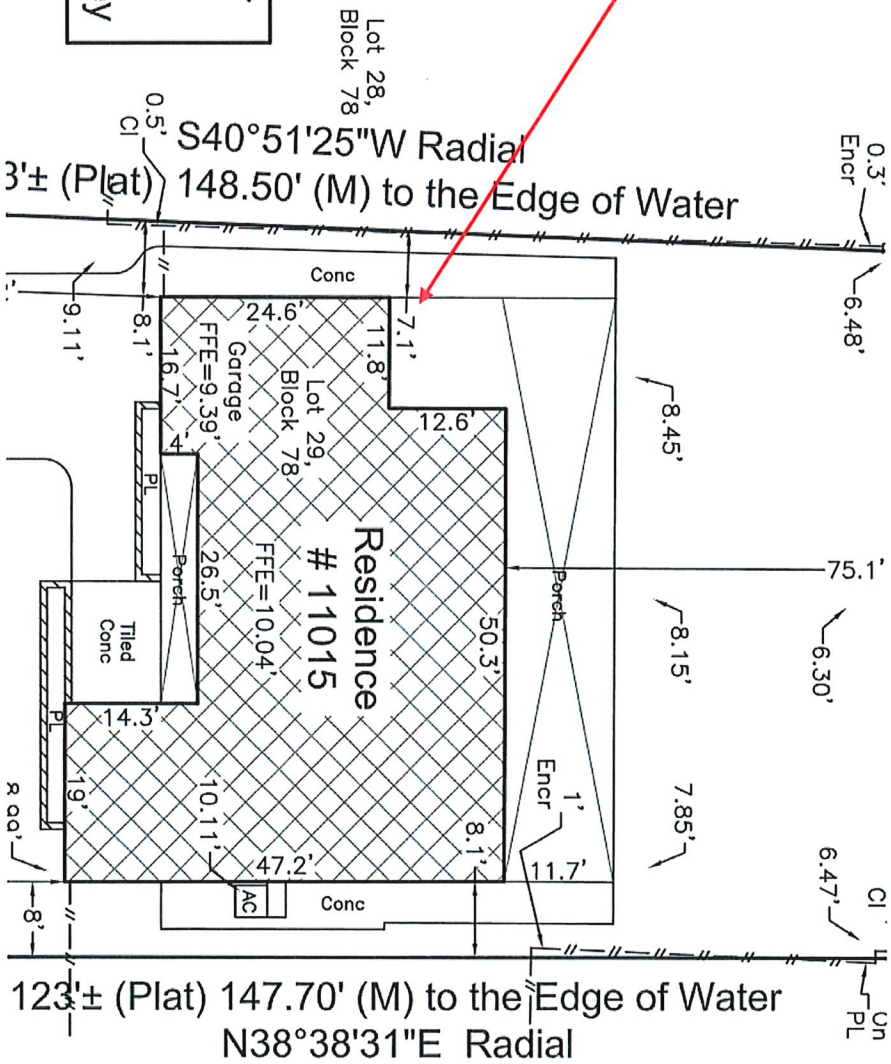
Property Owners: Jesus A. Gonzalez and Zoa A. Morales
Property Address: 11015 Westwood Lake Drive, Miami, FL 33165

Zoning application #Z2024000271

Response to Corrective Action: Question 1. This property I zoned RU1, which requires an interior side setback of 7'6", plan shows 7'1". Provide hearing number that approved a lesser setback. I no hearing found, then letter of intent must be revised to include interior side setback as a variance request.

This dimension should be grandfather-in since the residence was constructed in the 1950's, and there has been no change to the residence structure

There may be easements and/or other instruments affecting this property, recorded in the Public Records not shown on this survey



Tenth Addition to Westwood Lake
(Pb 65, Pg 150)
Not a Part of this Plat

Public Hearing to legalize lake modification and interior side setback to existing house

Property Owners: Jesus A. Gonzalez and Zoa A. Morales
Property Address: 11015 Westwood Lake Drive, Miami, Fl. 33165

Zoning application #Z2024000271



Public Hearing to legalize lake modification and interior side setback to existing house

Property Owners: Jesus A. Gonzalez and Zoa A. Morales

Property Address: 11015 Westwood Lake Drive, Miami, Fl. 33165

Zoning application #Z2024000271





EXISTING BACKYARD w/ POOL BUILT



BACKYARD DURING POOL CONSTRUCTION



LATEST VIEW OF SUBJECT PROPERTY



BACK YARD BEFORE CONSTRUCTION



→ Pools containing retaining wall 2 to 3 homes from subject property (11015 Westwood Lake Drive) with dozens of pools with retaining walls around the entire lake.



★ Under New Construction 10755 SW 52 Terrace (All homes Highlighted have pools with sea walls)



Subject Property:
11015 Westwood Lake Drive

New Construction
10755 SW 52 Terrace



2 Houses AWAY WITH A RETAINING WALL & POOL
11021 WEST WOOD LAKE DRIVE

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Zoning Appeals Board 10**

PH: Z25-007

June 24, 2025

Item No. 3

Recommendation Summary	
Commission District	6
Applicants	Oscar Morejon and Isabella Morejon
Summary of Requests	The applicants seek to allow a proposed terrace addition to setback less than required from the rear property line.
Location	5740 SW 39 Street, Miami-Dade County, Florida
Property Size	0.17 Acres
Existing Zoning	RU-3, Four Unit Apartment House District
Existing Land Use	Single-family Residence
2030-2040 CDMP Land Use Designation	Low Density Residential, 2.5-6 DU/AC (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Non-Use Variances from Other Than Airport Regulations Sec 33-311. (A) (4) (b) (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUESTS:

NON-USE VARIANCE to permit a proposed terrace addition to setback 4' (15' required for 50% the lineal footage of the width of the house and 25' for the balance) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Zoning Hearing for Terrace Addition Morejon Residence", as prepared by Angel C. Saqui, FAIA, dated stamped received, 3/11/2025 consisting of a total of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The 0.17-acre subject property is an interior lot, and consists of an existing one (1)-story single-family residence. Under the current zoning application, the applicants seek to permit a proposed terrace addition to the single-family residence to encroach 4' into the rear (south) setback area. The submitted plans and boundary survey indicate an existing perimeter iron and wood fence with hedges and palms located along the rear and interior side property lines of the subject site, as well as a 5' high Concrete Block Structure (CBS) wall located along the rear (south) property line of the subject property that abuts a large parcel that is zoned BU-1A and consists of a shopping center.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-3; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-3; single-family residence	Low Density Residential (2.5 to 6 dua)
South	BU-1A; shopping center	Low Density Residential (2.5 to 6 dua)
East	RU-3; single-family residence	Low Density Residential (2.5 to 6 dua)
West	RU-3; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property consists of an existing single-family residence that is on a 7,725 sq. ft., RU-3, Four Unit Apartment House District, zoned interior lot, located at 5740 SW 39 Street. The surrounding area is characterized by existing single-family residences to the north, east and west that are also developed under the RU-3 zoning district regulations. A large BU-1A, Limited Business District zoned parcel is located to the south of the subject site which consists of an existing shopping center.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicants to construct the terrace addition setback less than required from the rear property line. Staff opines that since the rear yard area is enclosed with the existing iron and wood fences with a hedge along the rear and interior side property lines, and an existing 5-foot-high CBS wall together with the existing landscaping on the property, any visual impact of the terrace addition will be minimal and would be sufficiently mitigated.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The ±0.17-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 **Low Density Residential**. The CDMP Land Use Element interpretative text for Low Density Residential states that *the residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre, and is generally characterized by single family housing, e.g., single-family detached, cluster, and townhouses*. Staff notes that the approval of the requests sought under this application for reduced setbacks for a proposed terrace addition will not add any additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP. As such, staff opines that since the applicant is not requesting to add additional dwelling units or change the single-family residential use, approval of the application with conditions would be **consistent** with the Land Use Element interpretative text under the Low Density Residential Communities designation on the CDMP LUP map.

ZONING ANALYSIS:

When the request to permit the proposed terrace addition to setback 4' (15' required for 50% the lineal footage of the width of the house and 25' for the balance) from the rear (south) property line is analyzed under the Non-Use Variances From Other Than Airport Regulations, Section 33-311(A)(4)(b), staff opines that the approval with conditions of this request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community.

The plans submitted in conjunction with this application depict the existing single-family residence on an interior lot, with the proposed terrace addition closer to the rear of the subject property. The terrace addition encroaches into the rear setback area property lines than is permitted under the zoning standards. Staff supports the requests and opines that approval with conditions of these non-use variance would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff notes from plans and photographs submitted by the applicants as well as the County's Geographic Information System (GIS) that any impact of the requests is adequately mitigated by the existing iron and wood fences located along the rear and interior side and an existing 5' high CBS wall along the rear property lines together with the existing landscaping of the subject property, which, staff opines, buffers any visual intrusion of the encroachments on the surrounding properties. Staff further opines that the existing encroachments of the proposed terrace addition towards the rear property line are internal to the site and any negative visual impacts generated from the encroachments would be adequately mitigated by the aforementioned existing iron and wood fences with a hedge along the rear and interior side property lines, and an existing 5' high CBS wall together with the existing landscaping along the property lines. Staff recommends as a condition for approval that the fence along the rear and interior side property lines be maintained as a visual buffer, and, if said fence is destroyed or removed, it must be replaced by an opaque fence at a maximum height of 6', or a fence with a hedge 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code.

Staff's research of the surrounding area did find similar approvals within the neighborhood for variances of the setback requirements for principal structures. Notwithstanding, staff notes that, based on memoranda from the departments reviewing this application, any impacts from the reduced setbacks will not cause their facilities and services to operate below their adopted levels of service standards. The memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) indicates that the application does not generate any new additional daily peak hour trips, and the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water supply, wastewater disposal, or flood protection. Additionally, the memorandum from Miami-Dade Water and Sewer Department indicates that they do not have objections, and that the County's Fire Rescue Department in their memorandum indicates that approval of this application would not create a fire or become a hazard on the subject site.

Furthermore, staff opines that the architectural style and scale of the terrace structure are designed and arranged in a manner that would not be detrimental to the neighborhood or create adverse privacy impacts on the abutting properties, and that approval with conditions of the requested setbacks would be **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity. **Based on the foregoing analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

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 plan, the same be substantially in accordance with that submitted for the hearing entitled, Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Zoning Hearing for Terrace Addition Morejon Residence", as prepared by Angel C. Saqui, FAIA, dated stamped received, 3/11/2025 consisting of a total of 4 sheets. 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 use be established and maintained in accordance with the approved plan.
4. That the iron and wood fence located along the rear and interior side property lines be maintained as a visual buffer, and that if the wall is removed or destroyed, the applicant shall install a cbs wall, opaque fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code.

ES:JB:SS:JH

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Oscar Morejon and Isabella Morejon
PH: Z25-007

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection</i>
Fire Rescue Department	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<p>Low Density (Pg. I-31)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>ARTICLE XVI. - RU-3, FOUR UNIT APARTMENT HOUSE DISTRICT</p> <p>Sec. 33-50 setback parameters.</p>	<p><i>All applications for Four Unit Apartment House District shall comply with the following applicable development parameters as stated in 33-50</i></p> <p><i>RU-3; Principal Building setback.</i></p> <p><i>Front setback: 15' for 50% of the lineal footage of the width of the house and 25' for the balance; except 20' for the attached garage.</i></p> <p><i>Interior Side Setback: 10% lot width minimum 5'; maximum 7 ½'.</i></p> <p><i>Rear setback. 15' for 50% of the lineal footage of the width of the house and 25' for the balance.</i></p> <p><i>Side street setback. 15' from the side street property line.</i></p> <p><i>Principal Building setback structures shall comply with the following minimum setback requirements.</i></p>
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33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

MOREJON, ISABELLA

5740 SW 39 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2025000007

DATE

HEARING NUMBER

FOLIO: 30-4013-004-0150

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

February 18, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

MOREJON, ISABELLA

OUTSTANDING LIENS AND FINES:


There are no outstanding liens or fines.

Memorandum

MIAMI-DADE
COUNTY

Date: February 18, 2025

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

From: Lisa M. Spadafina, RER Assistant Director
Division of Environmental Resources Management 

Subject: Z2025000007-1st Review
Oscar Morejon
5740 SW 39th Street
Non-Use Variance for setback requirements for proposed open
terrace.
(RU-3) (0.17 acres)
13-54-40

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has 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 and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code related to potable water supply and wastewater disposal.

Potable Water Service and Wastewater Disposal

According to DERM records, the property is currently connected to the public water supply system and is served by an onsite sewage treatment and disposal system (OSTDS) as a means for the disposal of domestic liquid waste. Furthermore, pursuant to section 24-43.4 of the Code and based on the information submitted with this application DERM staff has determined that public sewer lines are not located within feasible distance to the subject site. Pursuant to the Code, the structure being proposed is required to connect to public water and the OSTDS to the extent that they have plumbing connections for potable water and/or wastewater.

Conditions of Approval: None

Water Control Review

Stormwater runoff generated by a 5-year storm event should be retained on site utilizing designed seepage or infiltration drainage system. -Site grading shall not cause flooding of adjacent properties.

Conditions of Approval: None

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources; however, the site plan entitled “Morejon Residence” prepared by Angel C. Saqui, A.I.A., and dated as received by Miami-Dade County on January 29, 2025, was submitted with the subject application and indicates that tree resources onsite will not be removed. Please note that a Miami-Dade County Tree 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.

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 regarding any additional information or concerns with this review.

Conditions of Approval: None

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 DERM 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



Date: March 25, 2025

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

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

Subject: Zoning Application Comments - Oscar Morejon
Application No. Z2025000007 (Revision No. 1)

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.

Application Name: Oscar Morejon

Location: The proposed project is located on approximately 0.177 acres at 5740 SW 39th Street, with Folio No. 30-4013-004-0150, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting a Non-Use Variance regarding setbacks in order to permit a proposed open terrace and the existing rear terrace to be converted into a new living room, as shown in the site plan submitted on March 11, 2025. Therefore, according to said site plan, the single family residence will have a total of 1,834 square feet under air-conditioning. As per Property Appraiser, the existing Single-Family Residence has 1, 534 square feet of living Area.

This project results in a no-net-increase to the water demand.

Water: The subject site is located within the WASD's water service area. The subject property is currently connected to water.

Sewer: The subject site is located within the WASD's sewer service area. The existing facility is currently on septic. There is no sanitary sewer system in close proximity to this project at the present time.

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 Suyapa Carbajal at (786) 552-8124 or suyapa.carbajal@miamidade.gov

Memorandum



Date: February 28, 2025

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

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

Subject: Z2025000007
Name: Oscar Morejon
Location: 5740 SW 39 Street
Section 13 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 complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 6, Block 2, Plat Book 55, Page 60.

This application does not generate any trips.

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



Date: March 18, 2025

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2025000007

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded to “EnerGov” on 3/11/2025. Single family home.

MDFR’s review of this zoning 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 Statute 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.

Memorandum



Date: February 21, 2025

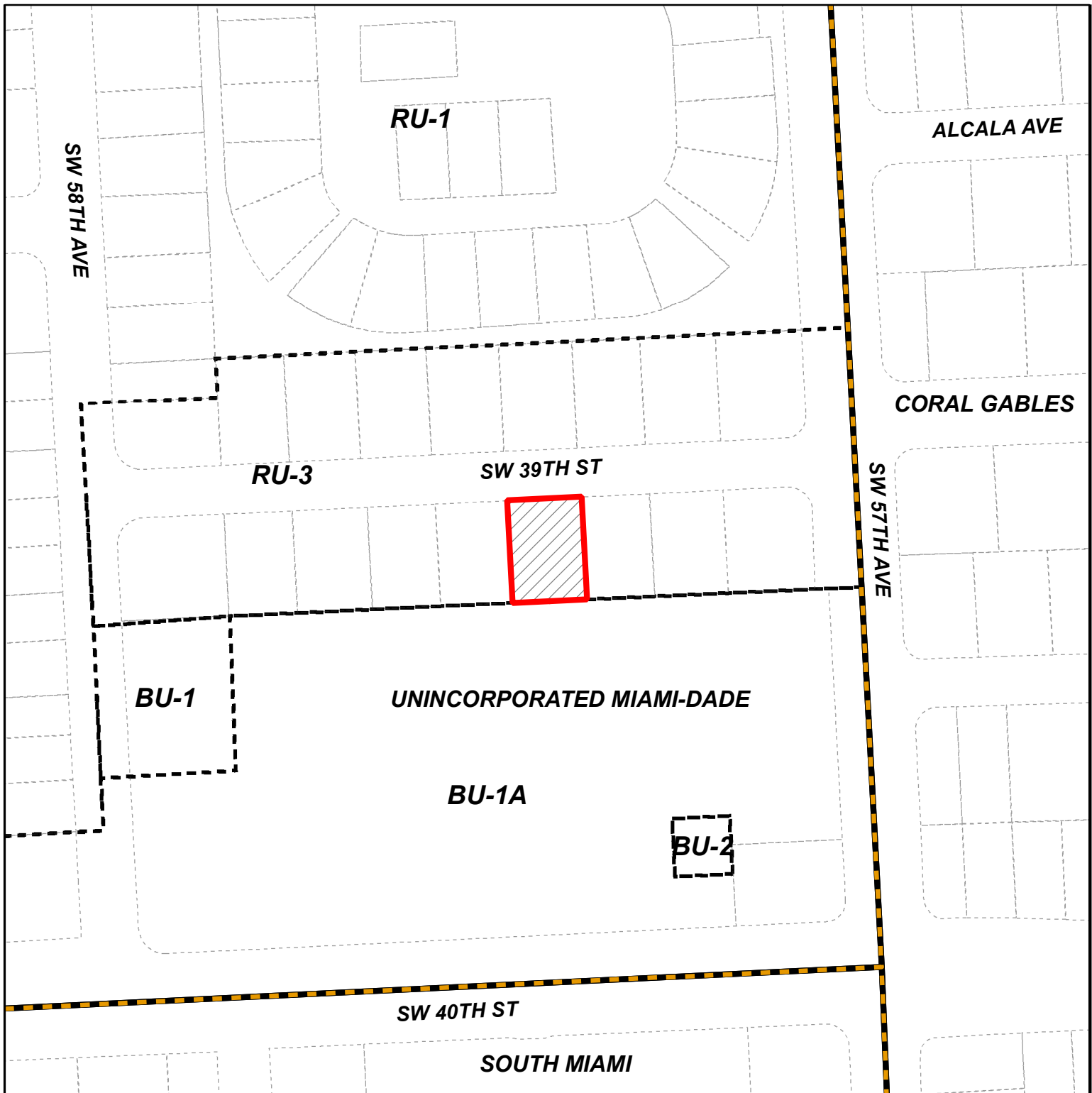
To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Sarah Cody, Historic Preservation Chief
Department of Regulatory and Economic Resources

Subject: Zoning Review Z2025-000007 Oscar Morejon

The Miami-Dade County Office of Historic Preservation has reviewed the subject application and has no comments or objections.

For any questions, please contact Sarah Cody at (305) 375-4438 or via email at sarah.cody@miamidade.gov.





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2025000007



Section: 13 Township: 54 Range: 40
 Applicant: Oscar Morejon
 Zoning Board: C10
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

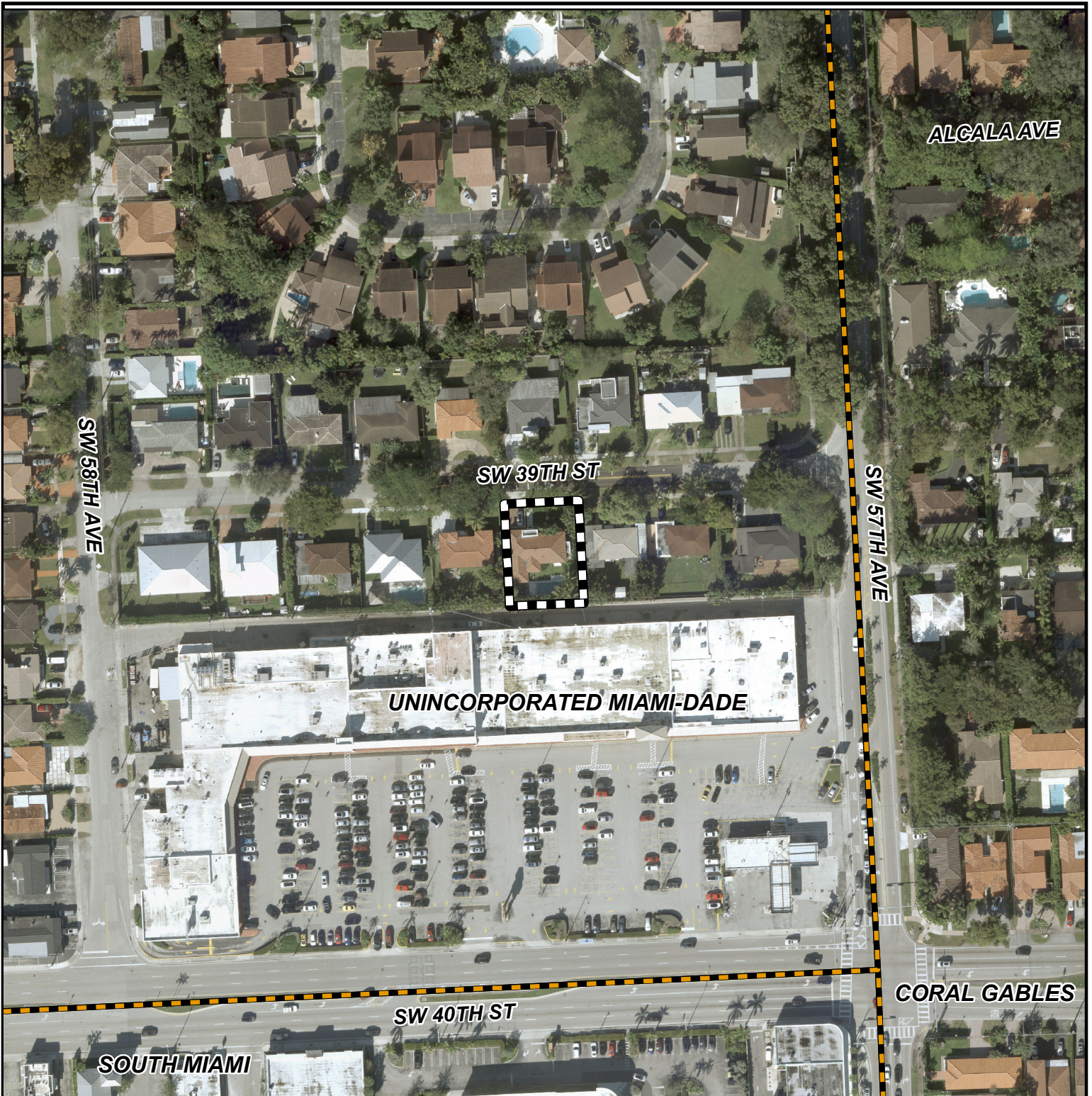
Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Monday, February 3, 2025

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2024

Process Number
Z2025000007

Legend
 Subject Property

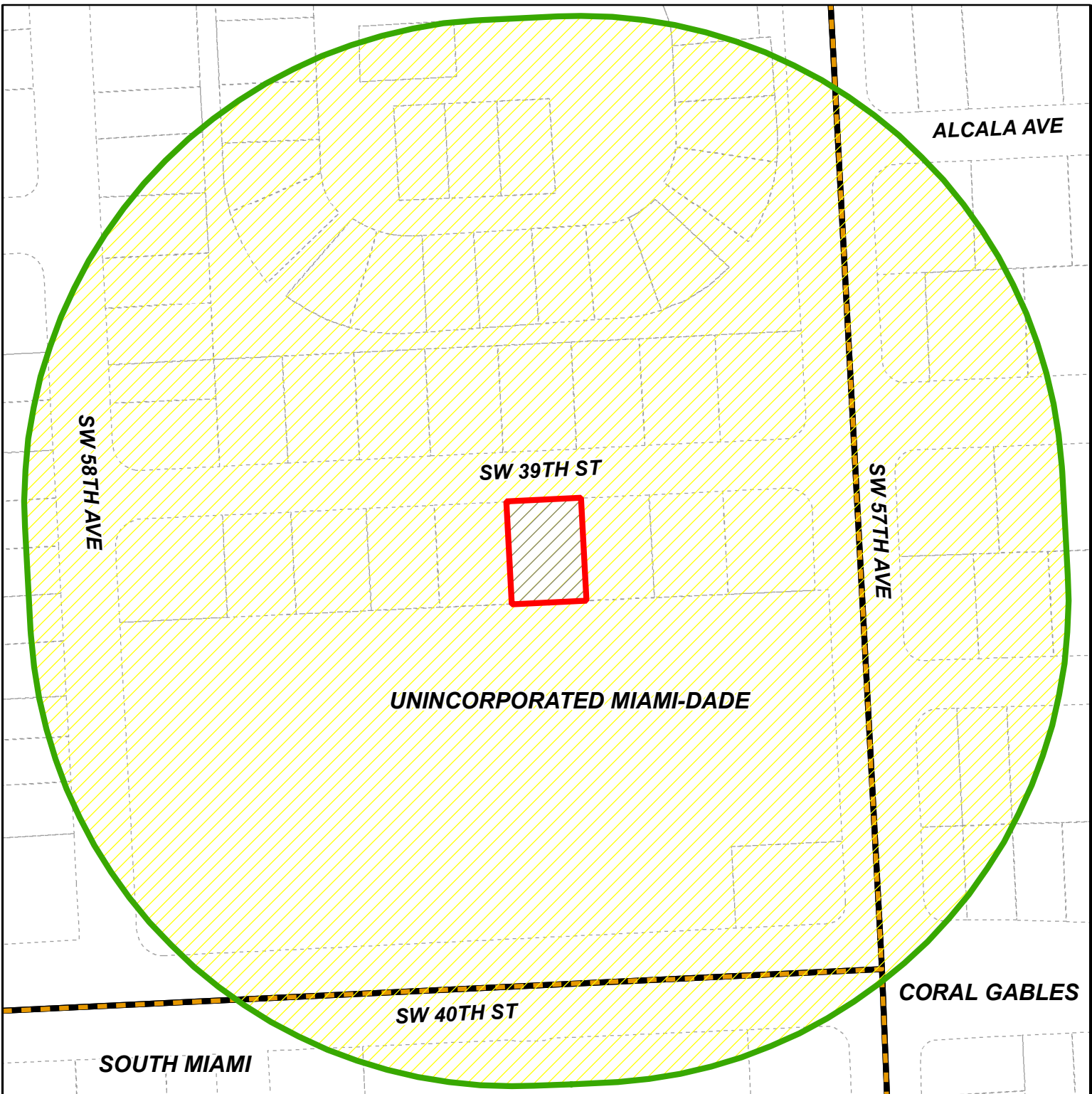


Section: 13 Township: 54 Range: 40
Applicant: Oscar Morejon
Zoning Board: C10
Commission District: 6
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Monday, February 3, 2025

REVISION	DATE	BY







MIAMI-DADE COUNTY
RADIUS MAP

Section: 13 Township: 54 Range: 40
 Applicant: Oscar Morejon
 Zoning Board: C10
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2025000007
 RADIUS: 500

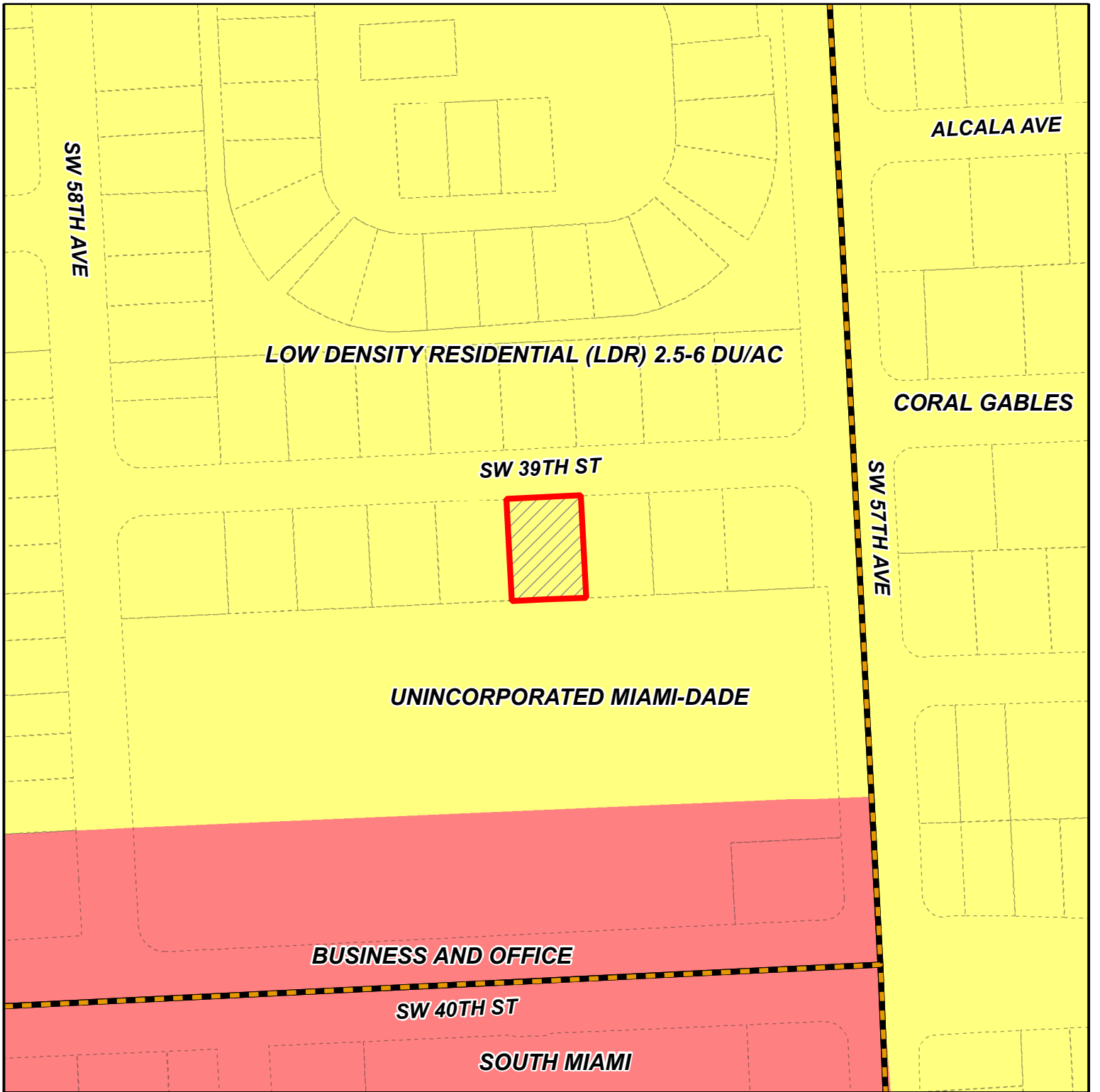
Legend

-  Subject Property
-  Buffer
-  Municipalities
-  Property Boundaries



SKETCH CREATED ON: Monday, February 3, 2025

REVISION	DATE	BY



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2025000007

Section: 13 Township: 54 Range: 40
 Applicant: Oscar Morejon
 Zoning Board: C10
 Commission District: 6
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Monday, February 3, 2025

REVISION	DATE	BY

