



FINAL AGENDA

Community Zoning Appeals Board 12
Kendall Village Center, Civic Pavilion, 8625 SW 124 Avenue, Miami, FL
Thursday, June 26, 2025 at 6:30 pm

PREVIOUSLY DEFERRED

APPEALS

CURRENT

- | | | | | | |
|----|-------------|--------------------------------------------------|--------|----------|---|
| 1. | Z2022000253 | Peter Martinez Noda | 22-253 | 54-40-35 | N |
| 2. | Z2023000151 | Victor Hugo Concepcion & Apsara
Medina Suarez | 23-151 | 55-40-09 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12
MEETING OF JUNE 26, 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.

2. VICTOR HUGO CONCEPCION AND APSARA MEDINA SUAREZ Z2023000151

Area 12/District 07

The application seeks to modify the condition of a prior resolution in order to submit a new site plan showing the existing residence, 2 utility sheds and a swimming pool. The application also seeks to allow the existing residence and two detached utility sheds to be located closer to the property lines, for the sheds to occupy more rear yard area, and one shed to be larger in size than allowed by code. Additionally, the application seeks to permit an existing swimming pool to be located in front of the principal residence (not permitted).

(1) MODIFICATION of Condition #2 of Resolution No. 5-ZAB-241-95, passed and adopted by the Community Zoning Appeals Board, only as it applies to the subject property, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled Sketch of Waiver of Plat, as prepared by Viscaya Land Surveyors, Inc., dated 5-25-94, except as modified herein to delete the two proposed lots (Lot A and Lot B), the carport and the dog house Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

TO: "2. That in the approval of the plans, the same be substantially in Accordance with that submitted for the hearing entitled "Residence" as prepared by G plus G Constructions LLC, consisting of 4 sheets dated stamped received 09/17/2024, and 1 sheet dated stamped received 3/13/2025, for a total of 5 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

The purpose of request #1 is to allow the applicant to modify the condition of a previously approved resolution, in order to submit a new site plan showing the existing residence, 2 utility sheds and a swimming pool.

- (2) NON-USE VARIANCE to permit the existing single-family residence to setback 24'-4" (25' required) from the rear (south) property line and to setback 9'-6" (25' required) from the side street (east) property line.
- (3) NON-USE VARIANCE to permit two (2)-utility sheds on the subject property (maximum 1 utility shed permitted for a single-family residence).
- (4) NON-USE VARIANCE to permit a utility Shed #2 with 1,410 sq. ft. (400 sq. ft. maximum permitted).
- (5) NON-USE VARIANCE to permit the existing detached shed #1 to setback 6'-4" (7'-6" required) from the rear (south) property line and 8'-6" (15' required) from the interior side (west) property line.
- (6) NON-USE VARIANCE to permit the existing utility shed #2 to setback 8'-4" (15' required) from the interior side (west) property line.
- (7) NON-USE VARIANCE to permit a rear yard lot coverage of 16.27% (5% maximum permitted).
- (8) NON-USE VARIANCE to permit an existing swimming pool located in front of the principal building (not permitted).

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

PH: Z22-253

June 26, 2025

Item No. 1

Recommendation Summary	
Commission District	6
Applicant	Peter Martinez Noda
Summary of Requests	The applicant seeks to permit four (4) proposed residential lots on the subject property with less area, less width and depth, and to permit future residences on those lots to have more lot coverage than allowed by Code. Additionally, the application seeks to allow the proposed residential lots to have no frontage on an existing public street, and to permit access to these 4 lots by means of a private driveway.
Location	7130 SW 74 Street, Miami-Dade County, Florida.
Property Size	±1.56 net Acres
Existing Zoning	EU-1, Single-family One-Acre Estate Residential District
Existing Land Use	Single-family residence
2030-2040 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 du/ac <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Modified approval with conditions of requests #1, #3, #4 and #5 to permit 3 residential lots and denial without prejudice of request #2.

REQUESTS:

- (1) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot areas varying from 0.35-acres to 0.39-acres (minimum 1-gross acre required).
- (2) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot widths varying from 102' to 124' (minimum 125' required).
- (3) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot depths varying from 124.89' to 151.88' (minimum 200' required).
- (4) NON-USE VARIANCE to permit the proposed 4 residential lots to have lot coverages varying from 30% to 35% (maximum 15% permitted).
- (5) NON-USE VARIANCE to permit 4 proposed residential lots to have 0' of frontage on public rights-of-way (125' required), and to permit such lots to have access to the public street by means of a private driveway.

A plan is on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "7130 SW 74 ST", as prepared by DECEM, LLC., dated stamped received 1/27/2025, consisting of a total of 1 sheet. Plan may be modified at public hearing.

PROJECT DESCRIPTION:

The applicant seeks to subdivide the ±1.65-gross acre subject parcel that is zoned EU-1, Single-Family One Acre Estate District, into four (4)-proposed lots, each with less lot area, lot width and lot depth than otherwise required for EU-1 zoned parcels. The application also seeks to allow the proposed residential lots to have no frontage on a public street, and to permit access to these lots by way of a private driveway. Additionally, the applicant seeks to allow future proposed residences that are to be constructed on these lots to have more lot coverage than otherwise permitted by Code. The submitted site plan sheet shows the subdivision of the subject parcel into the four (4)-lots, as well as the access to each parcel by means of a private driveway.

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

NEIGHBORHOOD COMPATIBILITY:

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

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to subdivide the subject property to provide additional housing in this area of the County. Staff however opines that subdividing this parcel with four (4)-proposed lots would be an overutilization of the site that could have negative visual impacts on a neighborhood that is primarily developed with single-family residential lots that are larger in size than the proposed 4-lots. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that the application will generate approximately 4 PM peak hour vehicle trips. Staff notes that the application request will add to the population and may bring additional noise into the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. *The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.* This allows the applicant to develop the ±1.65-gross (±1.56 net) acres subject site with a total of 4 residential units as the maximum density allowed under the CDMP Estate Density Residential threshold on the LUP map.

Under the current zoning application, the applicant seeks to subdivide the ±1.65-gross (±1.56 net) acre subject property into four (4) proposed residential lots, which would be similar to the aforementioned maximum density threshold allowed under the CDMP. As such, although the four (4) proposed residential lots would be **consistent** with the Estate Density Residential designation on the CDMP LUP map, the proposed 4-lots would have lot areas varying from 0.35-acres to 0.39-acres where a minimum 1-gross acre lot area is required by code. Based on the foregoing, staff opines that subdividing this subject parcel into lots with sizes that are less than even 50% of the required lot area for an EU-1 lot, would be an over-intensification of the parcel that would have an unfavorable effect on the surrounding area and would be **incompatible** with this neighborhood. In the alternative, staff is supportive of a modified set of requests that would instead permit the parcel to be subdivided into 3-lots with less lot area and lot width, and recommends that a **modified approval** of the application with the condition restricting that the subject property be developed a maximum of three (3) residential lots, would be **compatible** with the surrounding neighborhood and the 3-lots abutting the subject site to the west, and would be **consistent** with the density threshold of the **Estate Density Residential** designation of the parcel on the CDMP Land Use Plan map.

ZONING ANALYSIS:

The applicant seeks to subdivide the ±1.65-gross (±1.56 net) acre subject property into four (4) proposed residential lots that are to be accessed by means of a private driveway. The subject site is zoned EU-1, Single-family One-Acre Estate Residential District, which requires a residential lot to be a minimum of 1 gross acres, a minimum lot width of 125' and a minimum lot depth of 200'. Staff opines that the requests to subdivide the subject property into four (4)-lots, each with less lot area, lot width, and lot depth than currently permitted, when reviewed under the standards for Non-Use Variances from Other Than Airport Regulations, pursuant to Section 33-311(A)(4)(b), represent an intensity of development that is **incompatible** with the surrounding area. When evaluated under the Non-Use Variance standards of Section 33-311(A)(4)(b) of the County Code, the proposal does not meet the intent of the Zoning Code, which seeks to reduce congestion, protect public welfare, and ensures development that reflects the character and suitability of the surrounding area. Staff does not support subdividing the site into four (4)-lots, as it would not be in character with the established residential zoning pattern in the area. Staff notes that one of the proposed lots would be as small as 12,605 square feet— which would be even below the minimum lot size permitted in the EU-M district (which requires a minimum of 15,000 square feet lot). Accordingly, staff recommends **denial** of the current set of requests as proposed under the application to permit a subdivision of the parcel into four (4) proposed residential lots with less lot area, less lot width and depth. However, as further detailed in the zoning analysis below, staff recommends a **modified approval** that would instead allow the property to be subdivided into a **maximum of three (3) residential lots** that would be **consistent** in size and lot width with the three lots abutting the subject site immediately to the west, and thereby be more **compatible** with the surrounding neighborhood. As such, staff recommends as a condition for the **modified approval** that the subject site be subdivided with up to a maximum of three (3) residential lots, each with no less than 15,000 sq. ft. in lot area and no less than 125' in lot width.

Staff notes that the county's Geographic Information System (GIS) shows an existing single-family residence on the subject property that the applicant intends to demolish and subdivide the ±1.65-gross (±1.56 net) acre subject property. Staff however further notes that the applicant intends the subdivision of the parcel into four (4) separate lots. The GIS indicates that the subject property is surrounded with properties to its east, west and south which were approved for a zone change to EU-1 by the Board of County Commissioners in 1951 pursuant to Resolution #4257. Additionally, in 1957, pursuant to Resolution #410, the Board of County Commissioners denied a request to

permit lots located immediately to the south, east and west of the subject property to be rezoned from EU-1 to EU-M and in the alternative approved for the development of the subject parcels using the EU-M Standards. Staff further notes that in 2020 pursuant to Resolution #CZAB12-13-20, the Community Zoning Appeals Board 12 (CZAB 12) denied without prejudice requests to permit lots varying from 25,816.30 sq. ft. to 30,298.89 sq. ft. (43,560 sq. ft. gross required), lots with lot coverage of 30% (15% maximum permitted), lots with a lot depth varying from 144.36' to 153.75' (200' required) and lots with a front setback of 35' (50' required) from the front (north) and front (east) property lines for the property located immediately to the South at 7420 SW 71 Avenue. The denial without prejudice was appealed to the BCC subsequently, and pursuant to Resolution #Z-2-21, the BCC approved the appeal and overruled the decision of CZAB #12, thereby granting approval of requests to permit two (2) lots, each with a lot area varying from 25,816.30 sq. ft. to 30,298.89 sq. ft. (43,560 sq. ft. gross required), a lot coverage for the proposed lots of 30% (where 15% is the maximum permitted), a lot depth varying from 144.36' to 153.75' (200' required), and front setbacks of 35' (50' required) for the proposed residences.

Staff further notes that the memoranda submitted by other departments reviewing the application, indicates that approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application as indicated in their memorandum stating application meets the traffic concurrency criteria for an Initial Development Order. Their memorandum indicates that the application will only generate 4 PM peak hour vehicle trips, which does not exceed the acceptable Level of Service (LOS) on the surrounding roadways. Further, the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources in their memorandum indicate that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. In addition, the other departments reviewing the application, including the Miami-Dade Fire Rescue Department, and the Water and Sewer Department, do not object to the application.

Notwithstanding, staff opines that that approving the applicant's requests to create four (4) lots out of the ±1.65-gross (±1.56 net) acre subject parcel would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and would not be compatible with the surrounding area. In the alternative, staff finds that a **modified approval** that would allow the parcel of land to be subdivided into a **maximum of three (3) residential lots**, each with no less than 15,000 sq. ft. in lot area, and no less than 125' in lot width, would be more consistent and **compatible** with the surrounding area. Similarly, staff opines that although requests #1 through #5, in their current form, would be too intense, and represent an over-intensification of the parcel, the modified approval restricting the subdivision to a maximum of 3-lots, would also allow a scaled-down (modified) version of the accompanying ancillary non-use variance requests for less lot area and lot depth (#1 and #3) for the three lots that would be comparable to and appropriate for the area, and not an obvious departure from the aesthetic character of the immediate vicinity. Staff would also be supportive of the ancillary non-use variance requests for more lot coverage (request #4), and to permit access to the 3-lots by means of a private driveway (request #5). Staff opines that the approval with conditions of request #4 would allow the future single-family residences developed on these 3-lots to have more lot coverage on the reduced sized lots than otherwise required by code. Staff further opines that the increase in lot coverage would be internal to the subject site, would not be visible in the area, and would not create a significant visual impact in the area. Similarly, due to the unique characteristics of the three residential lots that would have limited direct frontage to the public roadway SW 74 Street, the use of a private driveway is necessary and should be approved based on the special circumstances affecting the subject property. Further, staff notes that the Platting and Traffic

Review Section of the Department of Regulatory and Economic Resources does not object to this request. Staff further notes that request #2, for less lot widths, may no longer be required with the reduction to a maximum of three lots, and as such may be withdrawn. Based on the foregoing analysis, staff opines that approval of the application that would allow a maximum of three (3) residential lots on the subject parcel, would not be detrimental to the neighborhood or create adverse privacy or visual impacts on the adjacent residences in the area in which the property is situated, and would be compatible with the surrounding neighborhood. **As such, staff recommends modified approval with conditions of requests #1, #3, #4 and #5, to permit a maximum of three (3) residential lots on the subject parcel, and withdrawal of request #2, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

RECOMMENDATION:

Modified approval with conditions of requests #1, #3, #4 and #5, to permit a maximum of three (3) residential lots, and withdrawal of request #2.

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 the proposed site be subdivided with up to a maximum of three (3) residential lots, each with no less than 15,000 sq. ft. in lot area, and no less than 125' in lot width.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant complies with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources as contained in its memorandum dated February 6, 2025.

ES:JB:SS:EA:JH

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Peter Martinez Noda
PH: Z22-253

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

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

Estate Density (Pg. I-31)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i>
Objective LU-4 (Pg. I-8)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Objective LU-4 (Pg. I-9)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Policy LU-4A (Page I-9)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Sec. 33-49. - Table of minimum widths, area of lots, maximum lot coverage, and minimum building sizes.	<i>District</i>	<i>Families</i>	<i>Min. Width</i>	<i>Min. Lot Area (Sq. Ft.)</i>	<i>Max. Lot Coverage (% of Lot Area)</i>	<i>Min. Bldg. Size (Cu. Ft.)</i>
33-311(A)(4)(b) Non-Use Variances From Other Than Airport	<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</i>					

ZONING RECOMMENDATION ADDENDUM

Peter Martinez Nodal

PH: Z22-253

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Regulations	<i>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

MARTINEZ NODA, PETER

7130 SW 74 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2022000253

DATE

HEARING NUMBER

FOLIO: 30-4035-000-0220

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 15, 2024

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

Martinez Noda, Peter


OUTSTANDING LIENS AND FINES:

There are no outstanding Liens, Fines, or Fees

Memorandum

Date: February 6, 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: Z2022000253-10th Review
Peter Martinez Noda
7130 SW 74th Street
DBC from EU-1 to EU-M and NUV for lot area, depth, width, and frontage.
Proposing 4 residential lots
(EU-1) (1.57 acres)
35-54-40

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

Conditions of Approval: None

Potable Water Service

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

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

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

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

Wastewater Disposal

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

In accordance with section 24-43.1(3) of the Code, no zoning action shall be approved for a proposed residential land use to be served by an OSTDS until it is determined that the proposed development complies with this section of the Code and public sanitary sewers are not within feasible distance. Pursuant to section 24-43.1(3)(a)(i) of the Code, the minimum lot size for a single-family residence served by public water and OSTDS shall be 15,000 square feet (gross). According to the site plans submitted, sheet SP-1, stamped received by Miami-Dade County on January 15, 2025, and DERM staff calculations, the proposed four lots comply with the minimum lot size requirements in section 24-43.1(3)(a)(i) of the Code. Therefore, DERM can administratively approve this application.

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

Conditions of Approval: None

Water Control Review

Stormwater shall be retained on site utilizing properly 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.

The proposed development is located within the Maximum Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Pursuant to section 24-43(5)(c)(iv) of the Code baffles must be installed at the exfiltration trenches and no weep hole is allowed inside the drainage structures.

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, including specimen trees (a tree with a trunk diameter of 18 inches or greater). Section 24-49 of the Code provides for the

preservation and protection of specimen tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards.

DERM has reviewed the site plan entitled " 7130 SW 74 ST" prepared by Daniel Diez, R.A., and dated as received by Miami-Dade County on January 15, 2025, which indicates the removal/relocation of non-specimen and specimen tree resources. The applicant has not provided any information about the specimen trees. DERM cannot determine if this project complies with the requirements of sections 24-49.2 and 24-49.4 of the Code, specifically the specimen tree standards. Please note that the Code generally requires the preservation of specimen trees and the standards in the Code for removal/relocation of specimen trees are stricter than for removal non-specimen trees. DERM recommends approval of this application with a condition that requires the preservation of the specimen trees whenever reasonably possible, unless a tree removal permit is obtained which authorizes the removal of specimen trees as per the specimen tree standards of section 24.49.2(II)(1) of the Code. DERM approval of this zoning application shall not be interpreted as approval of removal or relocation approval of any tree resources on site.

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

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

Condition of approval: specimen trees must be preserved whenever reasonably possible, unless a tree removal permit is obtained in compliance with the specimen tree standards of section 24.49.2(II)(1) of the Code.

DERM Enforcement History Review

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

Concurrency Review Summary

A concurrency review has been conducted for this application and 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: April 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 - Peter Martinez Noda
Application No. Z2022000253 - Revision # 2

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process. *The applicant is advised to consult with their engineer and WASD's Plans Review staff to finalize points of connection and capacity approval.*

Application Name: Peter Martinez Noda

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

Proposed Development: The Applicant is seeking the approval of a district boundary change from EU-1 (Single-Family One Acre Estate District) to EU-M (Single-Family Estate Modified District) in order to subdivide the property into four (4) lots to allow the construction of four (4) single-family residences. The existing single-family residence will be demolished.

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

The estimated total water demand for the proposed project will be 840 gallons per day (gpd).

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

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

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

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the applicant requests connection to the water system. The WSC letter shall

remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

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

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

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

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

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

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

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

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

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

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

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

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

Memorandum



Date: February 11, 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: Z2022000253
Name: Alexander Borell
Location: 7130 SW 74 Street
Section 35 Township 54 South Range 40 East

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

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

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **4 PM** peak hour vehicle trips.

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

Notes: PM =Post Meridien

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

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

Memorandum



Date: March 29, 2024

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

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

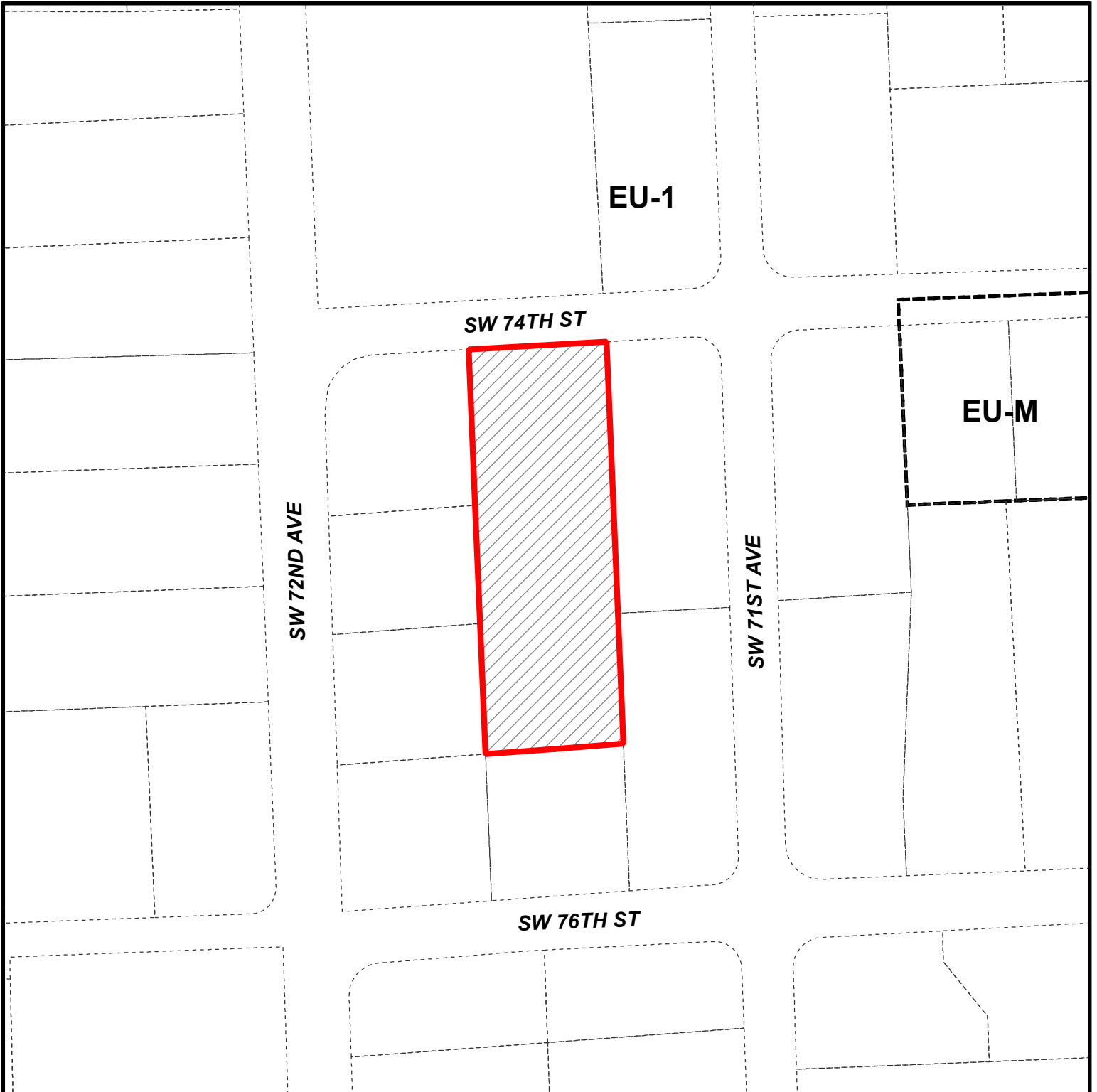
Subject: Z2022000253

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in “EnerGov” on 3/26/2024.

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
Z2022000253



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

Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2022000253

Legend
 Subject Property



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



SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

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

Process Number
Z2022000253
RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY

ESTATE DENSITY RESIDENTIAL (EDR) 1-2.5 DU/AC

SW 74TH ST

SW 72ND AVE

SW 71ST AVE

SW 76TH ST

MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2022000253

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

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, November 23, 2022

REVISION	DATE	BY

OPINION OF TITLE

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

TO: Miami-Dade County

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

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

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

PETER MARTINEZ-NODA, a single man

Subject to the following encumbrances, liens and other exceptions:

1. **RECORDED MORTGAGES:** On or about, March 19, 2020, Peter Martinez-Noda, gave a mortgage to Executive National Bank, in the original principal amount of \$500,000.00, said mortgage was recorded on or about March 30, 2020, in Official Record Book 34875 at Page 46. Said mortgage was assigned and is currently in the possession of Regions Mortgage.
2. **RECORDED CONSTRUCTION LIENS.**
CONTRACT LIENS AND JUDGEMENTS: NONE
3. **GENERAL EXCEPTIONS:**
 - a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
 - b. General or special taxes and assessments required to be paid in the year 2022 and subsequent years.
 - c. Rights or claims of parties in possession not recorded in the Public Records.

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

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

4. SPECIAL EXCEPTIONS:

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

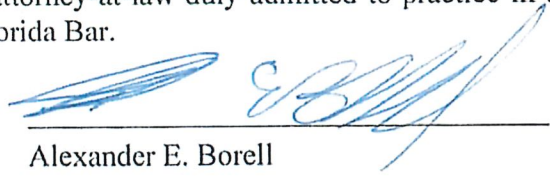
I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

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

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

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

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

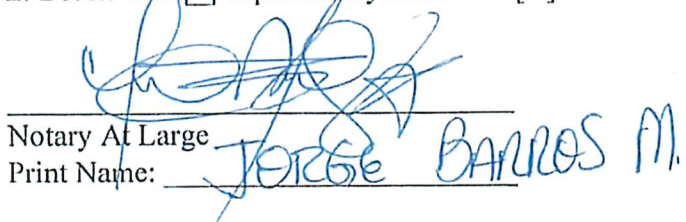


Alexander E. Borell
 Florida Bar No. 0793078

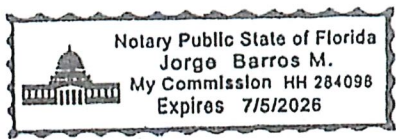
State of Florida
 County of Palm Beach

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

my commission expires: 7/5/2026



Notary At Large
 Print Name: JORGE BARROS M.



Ownership Affidavit for Individual

Zoning Application _____

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

1. Affiant is the fee owner of the property, which is the subject of a Zoning Modification Application.
2. The subject property is located at 7130 SW 74 Street, Miami FL 33143, and has a legal description as follows:

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

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

Witness: Jorge Barmos

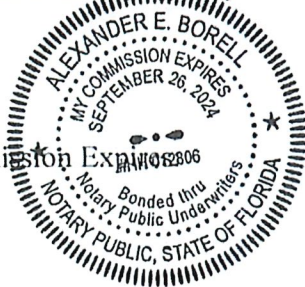
PETER MARTINEZ NODA

Witness: Alex Borell

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

My Commission Expires 09/26/2024



Alex E. Borell
NOTARY PUBLIC OF THE STATE

Print Name: Alex E. Borell

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



LAW OFFICES OF
ALEXANDER E. BORELL

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

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

October 10, 2022

VIA ELECTRONIC SUBMISSION

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

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

To whom it may concern:

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

The Project:

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

Zoning Information and Existing Conditions:

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

Metro Dade County, Zoning Department
October 10, 2022
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BY: CABR

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

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

Respectfully,



Alexander E. Borell

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

PH: Z23-151

June 26, 2025

Item No.2

Recommendation Summary	
Commission District	7
Applicants	Victor Hugo Concepcion and Apsara Medina Suarez
Summary of Requests	The applicant seeks to modify the condition of a prior resolution in order to submit a new site plan showing the existing residence, 2 utility sheds and a swimming pool. The applicant also seeks to allow the existing residence and two detached utility sheds to setback less than required from the property lines, for the sheds to occupy more rear yard area, and one shed to be larger in size than allowed by code. Additionally, the applicant seeks to permit an existing swimming pool to be located in front of the principal residence (not permitted).
Location	9350 SW 106 Street, Miami-Dade, FL.
Property Size	±1.45 acres
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	Single-family residence.
2030-2040 CDMP Land Use Designation	Estate Density Residential, 1 to 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(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 No. 5-ZAB-241-95, passed and adopted by the Community Zoning Appeals Board, only as it applies to the subject property, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled Sketch of Waiver of Plat, as prepared by Viscaya Land Surveyors, Inc., dated 5-25-94, except as modified herein to delete the two proposed lots (Lot A and Lot B), the carport and the dog house. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action."

TO: "2. That in the approval of the plans, the same be substantially in accordance with that submitted for the hearing entitled "Residence" as prepared by G plus G Constructions LLC, consisting of 4 sheets dated stamped received 09/17/2024, and 1 sheet dated stamped received 3/13/2025, for a total of 5 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action."

The purpose of request #1 is to allow the applicant to modify the condition of a previously approved resolution, in order to submit a new site plan showing the existing residence, 2 utility sheds and a swimming pool.

- (2) NON-USE VARIANCE to permit the existing single-family residence to setback 24'-4" (25' required) from the rear (south) property line and to setback 9'-6" (25' required) from the side street (east) property line.
- (3) NON-USE VARIANCE to permit two (2)-utility sheds on the subject property (maximum 1 utility shed permitted for a single-family residence).
- (4) NON-USE VARIANCE to permit a utility Shed #2 with 1,410 sq. ft. (400 sq. ft. maximum permitted).
- (5) NON-USE VARIANCE to permit the existing detached shed #1 to setback 6'-4" (7'-6" required) from the rear (south) property line and 8'-6" (20' required) from the interior side (west) property line.
- (6) NON-USE VARIANCE to permit the existing utility shed #2 to setback 8'-4" (20' required) from the interior side (west) property line.
- (7) NON-USE VARIANCE to permit a rear yard lot coverage of 16.27% (5% maximum permitted).
- (8) NON-USE VARIANCE to permit an existing swimming pool located in front of the principal building (not permitted).

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

PROJECT DESCRIPTION AND HISTORY:

In 1995, Pursuant to Resolution #5-ZAB-241-95, the subject property was approved for a non-use variance of fence height regulations to permit an existing 7' high CBS wall (6' high permitted) and a non-use variance of the zoning & subdivision regulations prohibiting buildings and other structures in a mapped street; to waive same to permit a portion of an existing CBS wall within the right of way of SW 93 court and SW 106 street.

The submitted plans show an existing one (1)-story single-family residence on a corner lot, with an existing swimming pool towards the front of the property, and two detached accessory use utility sheds located towards the rear of the 1.45-acre subject property that fronts along both SW 106 Street and SW 93 Court roadways. The applicants seek to modify the condition of a prior resolution in order to submit a new site plan showing the existing residence, the two sheds and swimming pool. The applicants also seek to allow the existing residence and utility sheds to setback less than required from the property lines, for the sheds to occupy more rear yard area, and for one of the detached sheds to be larger in size than allowed by code. Additionally, the applicant seeks to permit the swimming pool to be located in front of the principal residence which is otherwise not permitted. The submitted plans, photos, and the County's Geographical Information System (GIS) aerial map indicate an existing 6' high CBS wall located along the rear, side street and interior side property lines of the subject property.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property consists of an existing single-family residence that is on a 58,370 sq. ft., EU-1, Single-Family One Acre Estate District, zoned corner lot, located at 9350 SW 106 Street, at the southwest corner of the intersection of SW 106 Street and SW 93 Court roadways. The surrounding area is characterized by single-family residences properties to the north, south, east and west, also developed under the EU-1 regulations.

SUMMARY OF THE IMPACTS:

Approval of this application will permit the owner of the property to modify the approved plans, maintain the existing residence with its rear additions to encroach into the rear and side street setback areas, as well as legalize the two existing sheds, and allow the continued use of the existing swimming pool in its current location in front of the principal residence. Staff opines that since the property is enclosed with a 6' high CBS wall along the rear, side street and interior side property lines, together with the additional separation provided by the SW 106 Street right-of-way, any visual impact that the existing residence, swimming pool and detached sheds 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 site as **Estate Density Residential**. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre. This would allow the applicant to develop the ± 1.45 net-acres (± 1.51 gross-acres) subject site with a total of 3 residential units as the maximum density allowed under the CDMP Estate Density Residential threshold on the LUP map. The applicant seeks to modify the condition of a prior resolution in order to submit a new site plan showing the existing residence, 2 utility sheds and a swimming pool. The applicant also seeks to allow the existing residence and two detached utility sheds to be located closer to the property lines, for the sheds to occupy more rear yard area, and one shed to be larger in size than allowed by code. Additionally, the applicant seeks to permit an existing swimming pool to be located in front of the principal residence (not permitted). Staff opines that approval of these requests will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family use. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use on the property, staff opines that approval of the application with conditions would be **consistent** with the Estate Density Residential Communities designation of the CDMP LUP map.*

ZONING ANALYSIS:

When the request to modify the site plan condition #2 of Resolution No. 5-ZAB-241-95, only as it applies to the subject property (request #1), in order to submit a new site plan showing the existing single-family residence, two (2) utility sheds and a swimming pool is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval with conditions of the request for modification would be **compatible** with the surrounding area. Staff opines that the request to modify the previously approved plans 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 property with its existing additions to the principal structure, detached accessory sheds and swimming pool are a similar condition to the other properties in the surrounding area, and approval with conditions of the proposed modification to the previously approved Resolution will not have significant new visual impacts on the surrounding area and would be **compatible** with the same.

Further, staff note 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 that approval of the aforementioned requests will not have an unfavorable impact on the environmental resources in the area. Additionally, the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the existing conditions on the property will have a negative impact on the fire rescue services in the area. 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).**

The ±1.45-acre subject property is located at 9350 SW 106 Street in an area developed under EU-1, Single-family one acre estate district regulations. The submitted plan shows the existing single-family residence with a setback of 24'-4" (25' required) from the rear (south) property line and setback 9'-6" (25' required) from the side street (east) property line (request #2); two detached (2)-utility sheds (maximum 1 utility shed permitted for a single-family residence) (request #3); with utility Shed #2 with an area of 1,410 sq. ft. (400 sq. ft. maximum permitted) (request #4); utility shed #1 with a setback of 6'-4" (7'-6" required) from the rear (south) property line and setback 8'-6" (20' required) from the interior side (west) property line (request #5); utility shed #2 setback 8'-4" (20' required) from the interior side (west) property line (request #6); a rear yard lot coverage of 16.27% (5% maximum permitted) (request #7); and, an existing swimming pool located in front of the principal building (not permitted) (request #8). When these requests are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval with conditions would be **compatible** with the surrounding area, and would not cause any significant negative visual impact on the abutting properties. Staff further opines that the requested variances for the existing additions to the principal residence, the detached accessory use utility sheds, the swimming pool, and encroachments into the rear, interior and street side setbacks are internal to the site and that the location of the structures on a subject site that is a corner lot and fronts along SW 106 street roadway, would not result in any significant visual impact on the surrounding properties. Staff opines that the encroachments of the existing residence (request #2), especially onto the rear property line, is minimal in nature, and any

significant visual impacts generated from the encroachment on the single-family residences to the east would be further mitigated by the SW 93 Court right-of-way that separates the site from the properties located across from the street. Staff have no objection to approving the existing detached accessory use utility shed structures located on the property (requests #3 through #6) which based on the pictures of their interiors provided by the applicant are being used for storage purposes. The detached shed #1 has general house items and shed #2 is mainly being used to store a boat and other general household items. Staff opines that the encroachments by the existing shed structures onto the interior side (west) property lines are internal to the site and enclosed from view from the single-family residence to the west by an existing 6-foot-high CBS wall. Staff further opines that approval with conditions of those requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations.

When request #7, to permit a non-use variance to permit a rear yard lot coverage of 16.27% (5% maximum permitted) is analyzed, staff opines that the request is internal to the site and 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. Staff notes that the size of the backyard, or the area behind the principal residence is much smaller in comparison to the overall property which is a total of ± 1.45 -acres. The principal residence had been built in the rear part of the parcel; therefore, the backyard is extremely small. As previously mentioned, the shorter frontage for this corner lot is along SW 106 Street, and based on zoning criteria, the north property line is to be considered as the front property line. Based on the configuration of the parcel, this rear yard area at the back of the main residence is where the existing accessory structures are located and cover more area of that small space than permitted by code.

When request #8, to permit the existing swimming pool to be located in front of the principal building (not permitted) is analyzed, staff opines that approval with conditions of this request would be **compatible** with the surrounding area. Staff further opines that the existing swimming pool located in front of the principal residence is internal to the site that is enclosed from view from the outside by the 6' height CBS wall, and although said pool is towards the front, any significant visual impacts generated from it on the single-family residences to the north would be further mitigated by the SW 106 Street right-of-way that separates the site from the properties located across from the street. Staff also notes that except for its placement on the property and in front of the principal residence, the existing swimming pool is located well in excess of the required setbacks under EU-1. Specifically, the swimming pool is located 208'-4" where 75' is required from the front side (north) property line, approximate 37' where 30' is required from the side street (east) property line, more than 55' from the interior side (west) property line where 20' is required and approximate 60' where 30' is required from the rear (south) property line. Staff notes that the principal residence itself is accessed from SW 93 Court, which is along its east property line, and the existing swimming pool would otherwise be to the side of the main building when considering the main access to the property. However, the shorter frontage for this corner lot is along SW 106 Street, and based on zoning criteria, this (north) property line is to be considered as the front property line, and therefore, the existing swimming pool, located closest to the north property line, is considered as located in front of the principal building.

Based on the foregoing, staff supports the requests and opines that approval with conditions of these non-use variances would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff further notes from plans, survey map and photographs submitted by the applicants as well as the County's Geographic Information System (GIS) that any impact of the requests are adequately mitigated by the ample landscape buffer dividing the adjacent properties comprised of hedges, trees, a chain-link fence abutting the neighbors'

properties, as well as by the existing 6' high CBS wall located along the rear, side street and interior side property lines of the subject property, which, staff opines, buffers any visual intrusion of the encroachments on the surrounding properties, especially to the parcels to the west and south of the subject property. Staff recommends as a condition for approval that the said CBS wall along the 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 found similar approvals in the area. For example, pursuant of Resolution No. 4-ZAB-347-87 adopted in September 1987, a property located lying north of SW 106 Street lying east and west of SW 92 Avenue, Dade County, Florida, was approved for non-use variance of lot coverage requirements to permit 7 proposed single-family residences each with a lot coverage of 20% (15% permitted). Another example is Resolution No. 5-ZAB-179-94 approved in May 1994, which approved a property located at 9220 SW 105 Street, Dade County, Florida a non-use variance of spacing and setback requirements to permit an existing gazebo spaced 5' (10' required) from the existing residential building and setback 6' (7.5' required) from the rear (west) property line. Another example is Resolution No. 4-ZAB-216-91 adopted in July 1991, a property located at 40625 SW 91 Avenue, was approved for a non-use variance of lot coverage requirements to permit the construction of an exercise room addition and an art studio addition to an existing single-family residence with a combined lot coverage of 24.3% (15% permitted; 18% previously approved under Administrative Variance 88-AV-130), and a non-use variance of setback requirements to permit the aforementioned additions to setback varying from 18' to 19' (50' required) (25' previously approved under Administrative Variance 87-AV-277) from the front (north) property line and to setback 15' (25' required) from the side street (east) property line.

Furthermore, staff opines that the architectural style and scale of the single-family residence and the detached sheds 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 requests would be **compatible** with the surrounding residences and with the aesthetic character of the immediate vicinity. Therefore, staff opines that approval with conditions of the requests would maintain the basic intent and purpose of zoning, and other land use regulations, as they affect the stability and appearance of the community. **Based on the foregoing analysis, staff recommends approval with conditions of requests #2 through #8, 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 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 Department 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 ""Residence"" as prepared by G plus G Constructions LLC, consisting of 4 sheets dated stamped received 09/17/2024, and 1 sheet dated stamped received 3/13/2025, for a total of 5 sheets. 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 applicants submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the 6' high CBS wall located along the rear, side street and interior side property lines of the subject property 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.
6. That the applicants comply with all applicable conditions, requirements, recommendations, requests, and other provisions of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as indicated in their memorandum dated March 14, 2025.
7. That the applicants comply with all the applicable conditions, requirements, recommendations, requests, and other provisions of the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources as contained in their memorandum dated April 7, 2025.

ES:JB:SS:PM

Eric Silva

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

ZONING RECOMMENDATION ADDENDUM

Victor Hugo Concepcion and Apsara Medina Suarez
PH: Z23-151

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

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

Estate Density (Pg. I-31)	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre</i>
Objective LU-4 (Pg. I-8)	<i>Miami-Dade County shall continue to reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
Section 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>
Section 33-311(A)(7) Generalized Modification Standards	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>

ZONING RECOMMENDATION ADDENDUM

Victor Hugo Concepcion and Apsara Medina Suarez
PH: Z23-151

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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Sec. 33-50. - Table of setback lines in residential and estate districts.</p>	<p>(a) <i>The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">District/Families</th> <th style="width: 15%;">Front (Ft.)</th> <th style="width: 15%;">Rear (Ft.)</th> <th style="width: 15%;"></th> <th style="width: 15%;">Interior Side (Ft.)</th> <th style="width: 15%;">Side Street (Ft.)</th> </tr> </thead> <tbody> <tr> <td>EU-1: One</td> <td>50</td> <td>25</td> <td style="text-align: center;">—</td> <td>15</td> <td>25</td> </tr> <tr> <td>Acc. bldg.</td> <td></td> <td></td> <td></td> <td>- same as EU-M accessory buildings -</td> <td></td> </tr> <tr> <td>Canopy carport</td> <td>28</td> <td>5</td> <td style="text-align: center;">—</td> <td>2</td> <td>5</td> </tr> <tr> <td>EU-1C</td> <td></td> <td></td> <td></td> <td>- same as EU-1 -</td> <td></td> </tr> <tr> <td>EU-2</td> <td></td> <td></td> <td></td> <td>- same as EU-1 - principal building and entrance lodge same as principal building in EU-1 - all other buildings not closer than 85' to the highway right-of-way</td> <td></td> </tr> <tr> <td>Canopy carport</td> <td>28</td> <td>5</td> <td style="text-align: center;">—</td> <td>2</td> <td>5</td> </tr> <tr> <td>AU</td> <td></td> <td></td> <td></td> <td>- same as EU-1 unless otherwise specified in AU District</td> <td></td> </tr> </tbody> </table>	District/Families	Front (Ft.)	Rear (Ft.)		Interior Side (Ft.)	Side Street (Ft.)	EU-1: One	50	25	—	15	25	Acc. bldg.				- same as EU-M accessory buildings -		Canopy carport	28	5	—	2	5	EU-1C				- same as EU-1 -		EU-2				- same as EU-1 - principal building and entrance lodge same as principal building in EU-1 - all other buildings not closer than 85' to the highway right-of-way		Canopy carport	28	5	—	2	5	AU				- same as EU-1 unless otherwise specified in AU District	
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<p>Sec. 33-20. - Accessory structures and ancillary uses.</p>	<p>(b) <i>Permanent. Accessory buildings, structures or uses shall not be closer than seventy-five (75) feet to the front property line except where it is desired to place them closer than seventy-five (75) feet to the front property line; each side line offset distance required for such lot shall be increased by the number of feet less than seventy-five (75) feet above referred to, provided such setback from the front property line is at least fifteen (15) feet greater than the setback for a principal building in the same block and said front line setback is not less than fifty (50) feet. No permit shall be issued for an accessory building for any use unless the principal building exists on front of lot, or unless a permit is obtained simultaneously for both buildings and construction progress concurrently. Accessory buildings shall not occupy a greater percent of the rear yard area than the following:</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;">District</th> <th style="width: 40%;">Percent</th> </tr> </thead> <tbody> <tr> <td>EU-M</td> <td style="text-align: center;">20</td> </tr> <tr> <td>RU-1</td> <td style="text-align: center;">30</td> </tr> <tr> <td>RU-2</td> <td style="text-align: center;">30</td> </tr> <tr> <td>EU-1</td> <td style="text-align: center;">5</td> </tr> <tr> <td>EU-2</td> <td style="text-align: center;">2</td> </tr> <tr> <td>BU & IU</td> <td style="text-align: center;">30</td> </tr> </tbody> </table>	District	Percent	EU-M	20	RU-1	30	RU-2	30	EU-1	5	EU-2	2	BU & IU	30																																		
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

APSANA MEDINA SUAREZ, VICTOR H 9350 SW 106 ST
CONCEPCION MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2023000151

DATE

HEARING NUMBER

FOLIO No: 30-5009-000-0781

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

April 4, 2025

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

Building Support Case 20220216750-B was opened on July 19th, 2022 for Failure to obtain required building permit(s) prior to commencing work on: three detached structures at North, South and West, one attached structure at South, new windows/ doors and gates. The Notice of Violation was mailed on July 20th, 2022 and recorded on July 21st, 2022 under Book 33299 and Page 574. Total Pages 1. Ticket #'s: P053868, P053869, P053871 & P053872 were posted on August 23rd, 2024. Ticket #P053871 was voided on August 23rd, 2024 and ticket #'s: P053868, P053869 & P053872 were appealed on August 30th, 2024. There is an active extension until April 14, 2025. There are no outstanding fees.

VIOLATOR:

APSANA MEDINA SUAREZ, VICTOR H CONCEPCION

OUTSTANDING LIENS AND FINES:

There are no outstanding liens or fines.

Memorandum

Date: April 7, 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: Z2023000151-2nd Review
Victor Hugo Concepcion & Apsara Medina Suarez
9350 SW 106th Street
NUV. Legalizing the utility shed, wood canopy, and terrace on site.
(EU-1) (1.45 acres)
09-55-40

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 and wellfield protection. Based on the information provided, this zoning application is approved pursuant to sections 24-43.1 and 24-43(5) of the Code related to potable water service and wastewater disposal and wellfield protection area, respectively.

Wellfield Protection

The subject property is located within the Average Day Pumpage 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 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, all structures being legalized are 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

Tree Preservation Review

An aerial review of the subject property indicates the presence of tree resources, however, the site plan entitled “Wood Trellis and Wood Canopy” and dated as received by Miami-Dade County on August 29, 2023, 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: April 18, 2025

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

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

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

Subject: **UPDATED** Zoning Application Comments - Victor H. Concepcion & Apsara Medina Suarez - Application No. Z2023000151

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: Victor H. Concepcion & Apsara Medina Suarez

Location: The proposed project is located on approximately 1.45 acres at 9350 SW 106th Street, with Folio No. 30-5009-000-0781, in unincorporated Miami-Dade County.

Proposed Development: The Applicant is requesting a Non-Use Variance to permit and legalize a Utility Shed, a Terrace, and a Wood Canopy at the existing Single-Family Residence (SFR).

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

Water: The proposed development 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 subject property is currently on septic.

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

Memorandum



Date: March 14, 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: Z2023000151
Name: Victor Hugo Concepcion and Apsara Medina Suarez
Location: Southwest Corner of SW 232 Street and SW 133 Avenue
Section 09 Township 55 South Range 40 East

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

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

This application 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: February 13, 2025

To: Eric Silva, Assistant Director
Regulatory and Economic Resources

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

Subject: Z2023000151

The Miami-Dade Fire Rescue Department has **no objection** to the site plan uploaded in “EnerGov” on 1/30/2025. 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: June 10, 2025

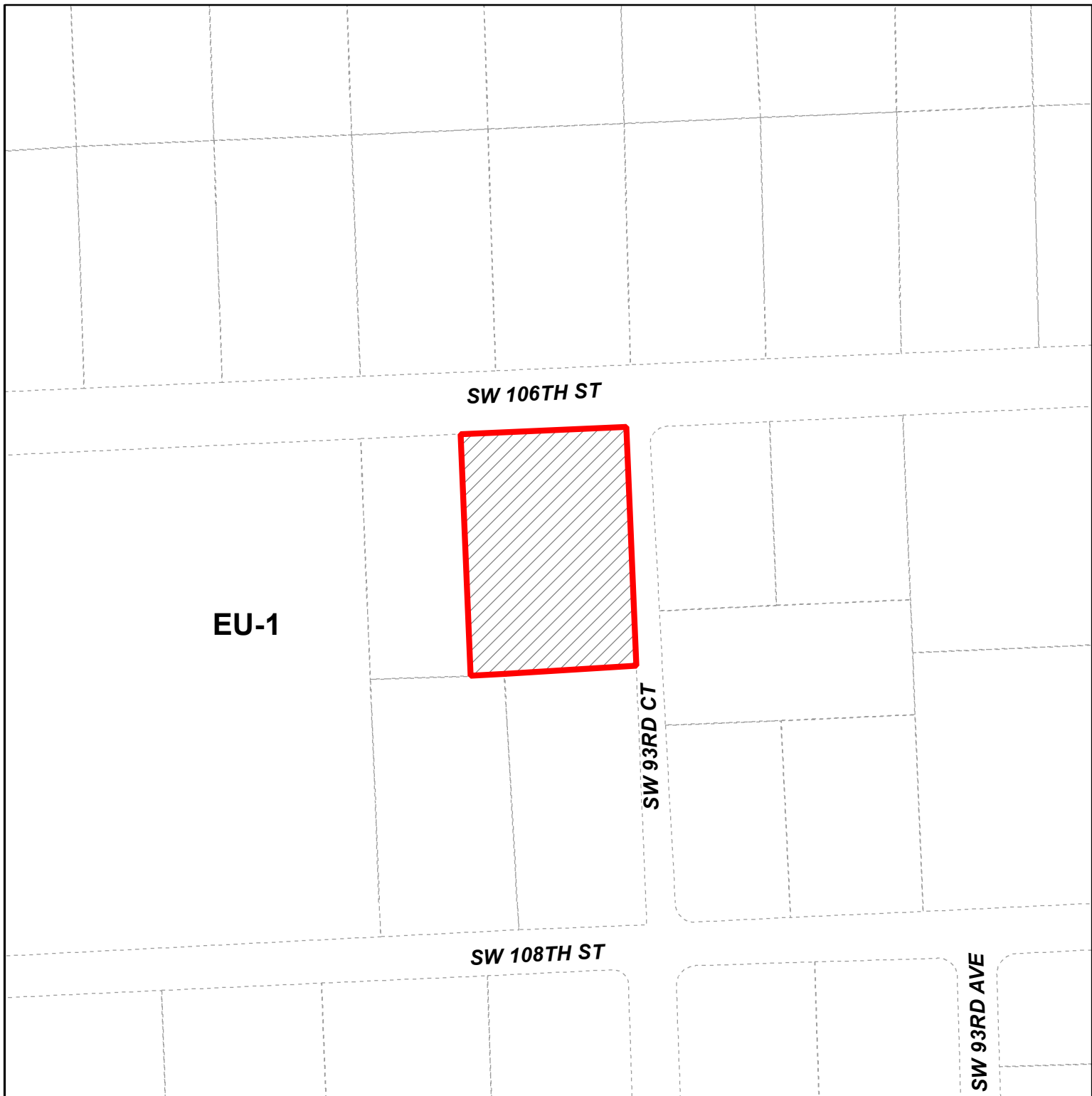
To: Eric Silva, Assistant Director for Development Services
Department of Regulatory and Economic Resources

From: Jeff Ransom, Historic Preservation Specialist
Department of Regulatory and Economic Resources

Subject: Zoning Application Z2023-000151 Victor Hugo Concepcion and Asparó Medina Suarez

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

For any questions, please contact Jeff Ransom at (305) 375-3412 or via email at jeff.ransom@miamidade.gov.



MIAMI-DADE COUNTY



HEARING MAP

Process Number

Z2023000151



Legend

-  Subject Property Case
-  Zoning

Section: 09 Township: 55 Range: 40
 Applicant: Victor H. Concepcion and Apsana Medina Suarez
 Zoning Board: C12
 Commission District: 7
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, September 5, 2023

REVISION	DATE	BY



SW 106TH ST

SW 93RD CT

SW 108TH ST

SW 93RD AVE

MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2023000151

Legend



Subject Property

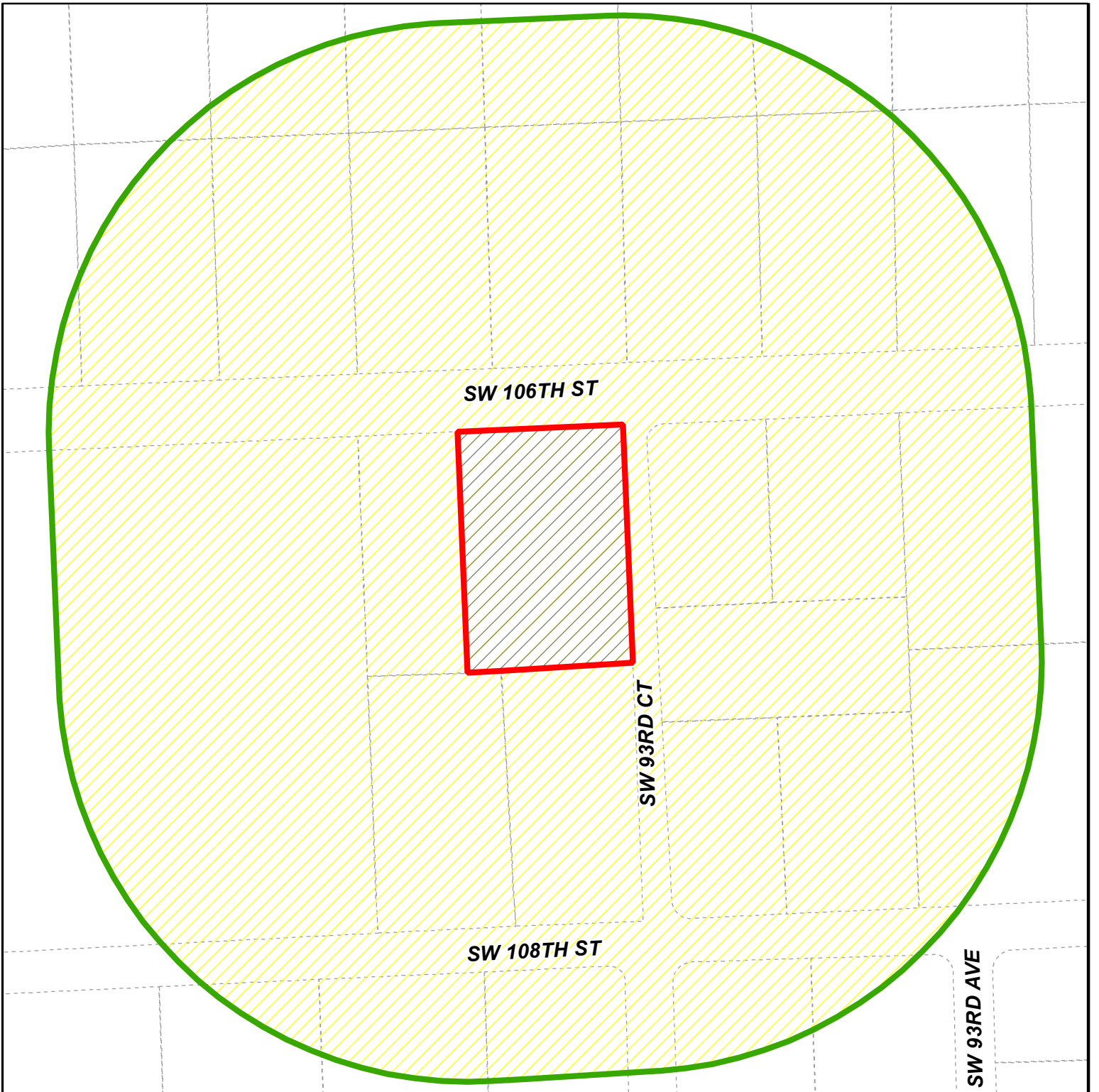


Section: 09 Township: 55 Range: 40
 Applicant: Victor H. Concepcion and Apsana Medina Suarez
 Zoning Board: C12
 Commission District: 7
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 Scale: NTS



SKETCH CREATED ON: Tuesday, September 5, 2023

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Section: 09 Township: 55 Range: 40
 Applicant: Victor H. Concepcion and Apsana Medina Suarez
 Zoning Board: C12
 Commission District: 7
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Process Number
Z2023000151
 RADIUS: 500

Legend

-  Subject Property
-  Buffer
-  Property Boundaries

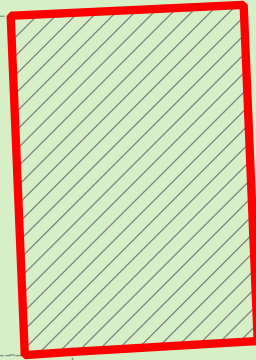


SKETCH CREATED ON: Tuesday, September 5, 2023

REVISION	DATE	BY

ESTATE DENSITY RESIDENTIAL (EDR) 1-2.5 DU/AC

SW 106TH ST



SW 93RD CT

SW 108TH ST

SW 93RD AVE

MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2023000151

Section: 09 Township: 55 Range: 40

Applicant: Victor H. Concepcion and Apsana Medina Suarez

Zoning Board: C12

Commission District: 7

Drafter ID: EDUARDO CESPEDES

Scale: NTS

Legend

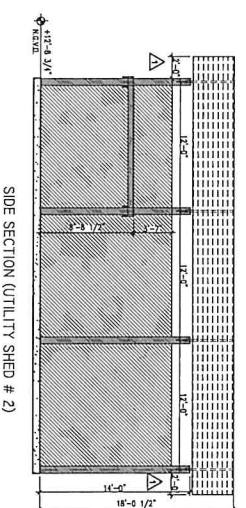
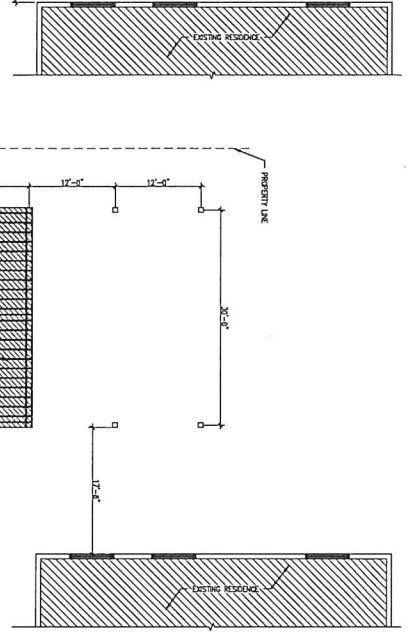
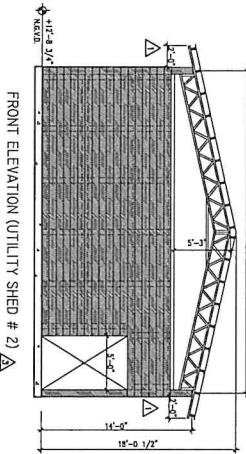
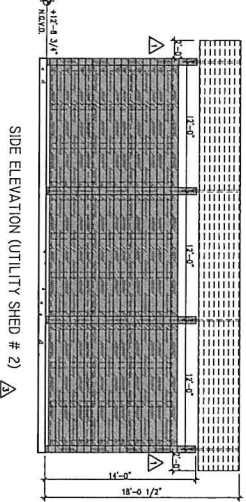
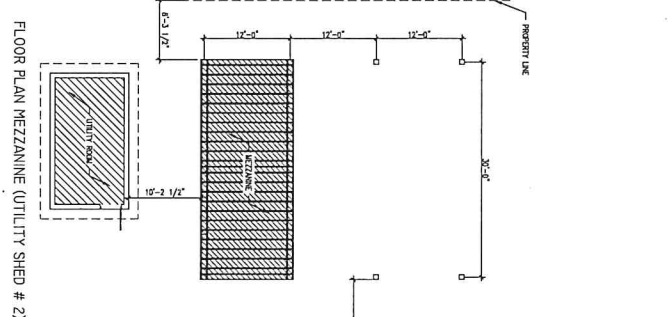
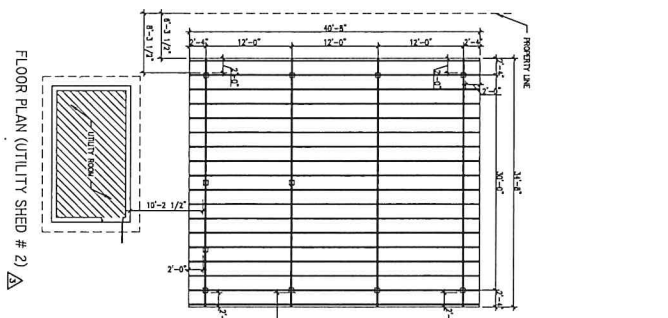


Subject Property Case

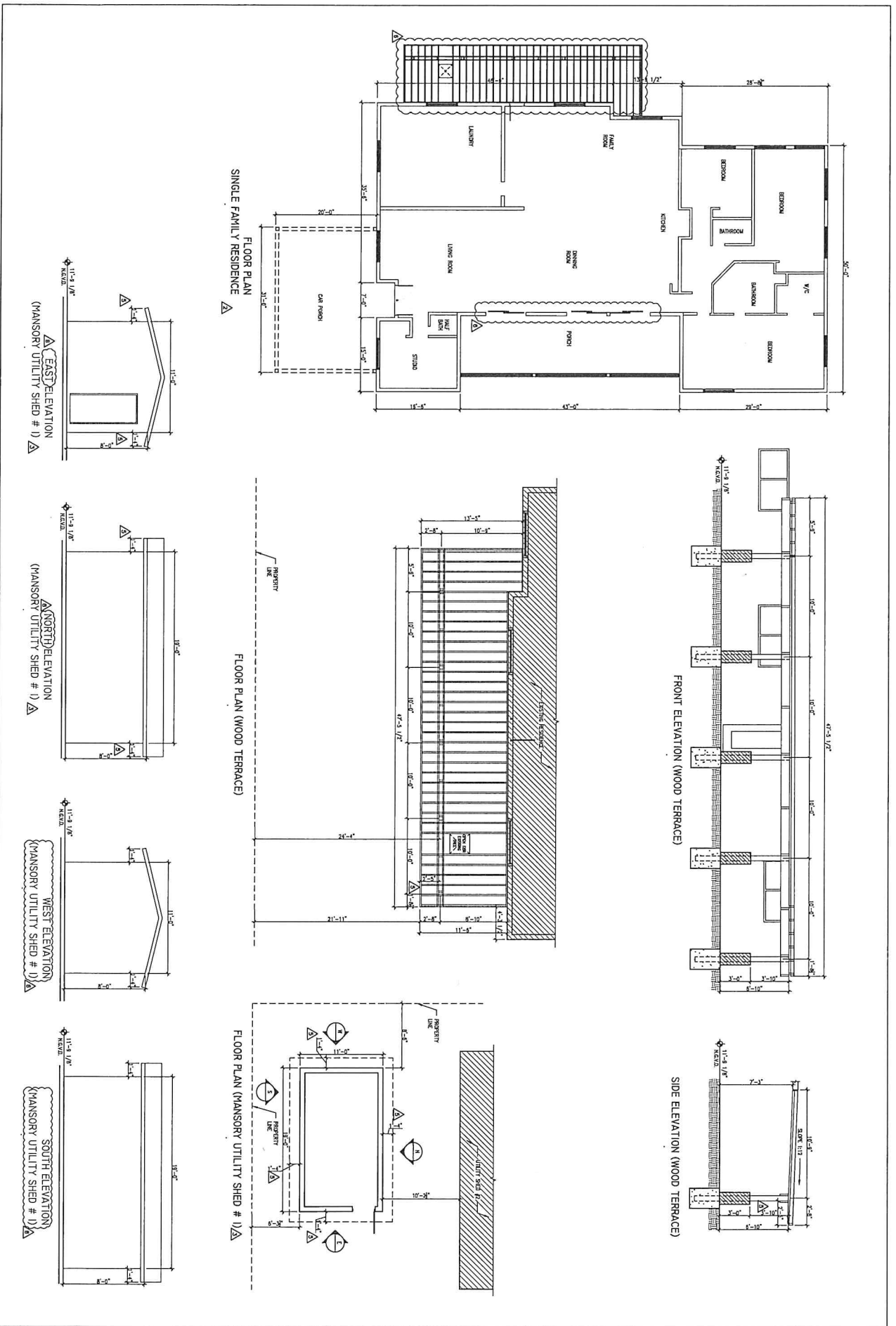


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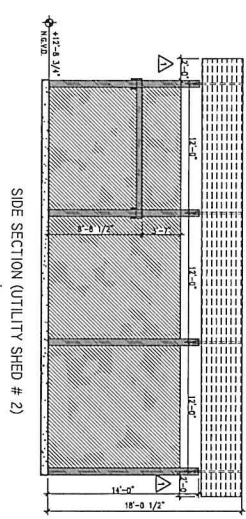
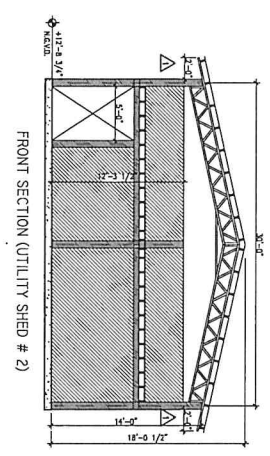
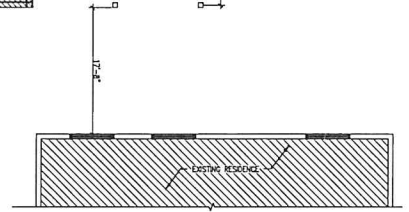
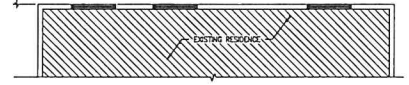
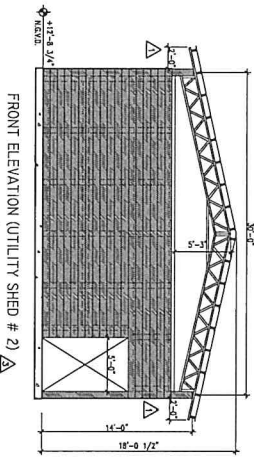
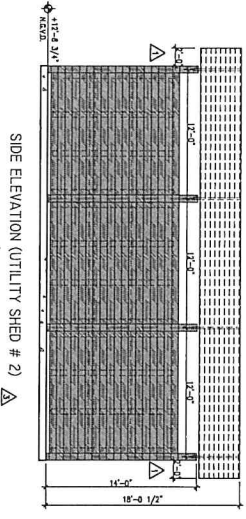
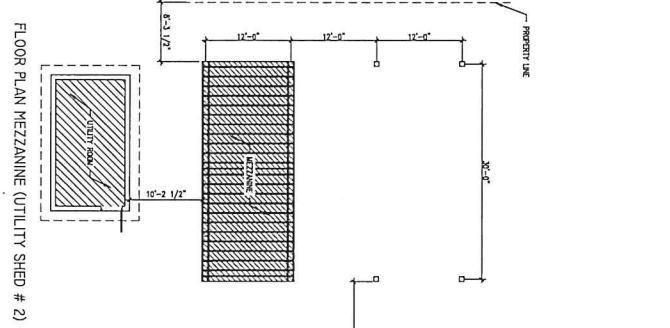
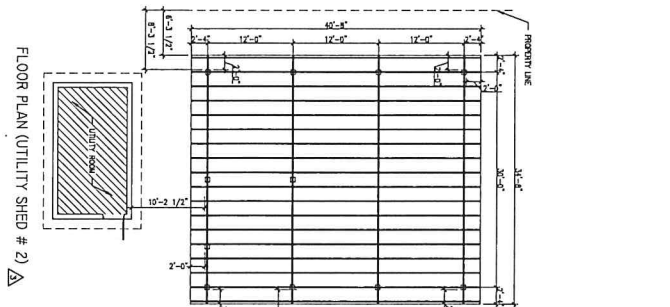
REVISION	DATE	BY



PROJECT NAME:		RESIDENCE																					
PROJECT ADDRESS:		9350 SW 106 ST, MIAMI FL 33176																					
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6	09/11/2024																						
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<p>SCALE: 1/8" = 1'-0"</p>																							
<p>SHEET 3</p>																							



PROJECT NAME:		RESIDENCE
PROJECT ADDRESS:		9350 SW 106 ST, MIAMI FL 33176
DATE:	09/11/2024	
DESIGNER:	G Plus G	
ARCHITECT:	EXPERTE Construction, LLC	
SCALE:	1/4" = 1'-0"	
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SHEET 3

DATE: 09/11/2024
 G Plus G
 Construction, LLC
 09/11/2024

NO.	DESCRIPTION
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6	09/11/2024

PROJECT NAME:
 RESIDENCE

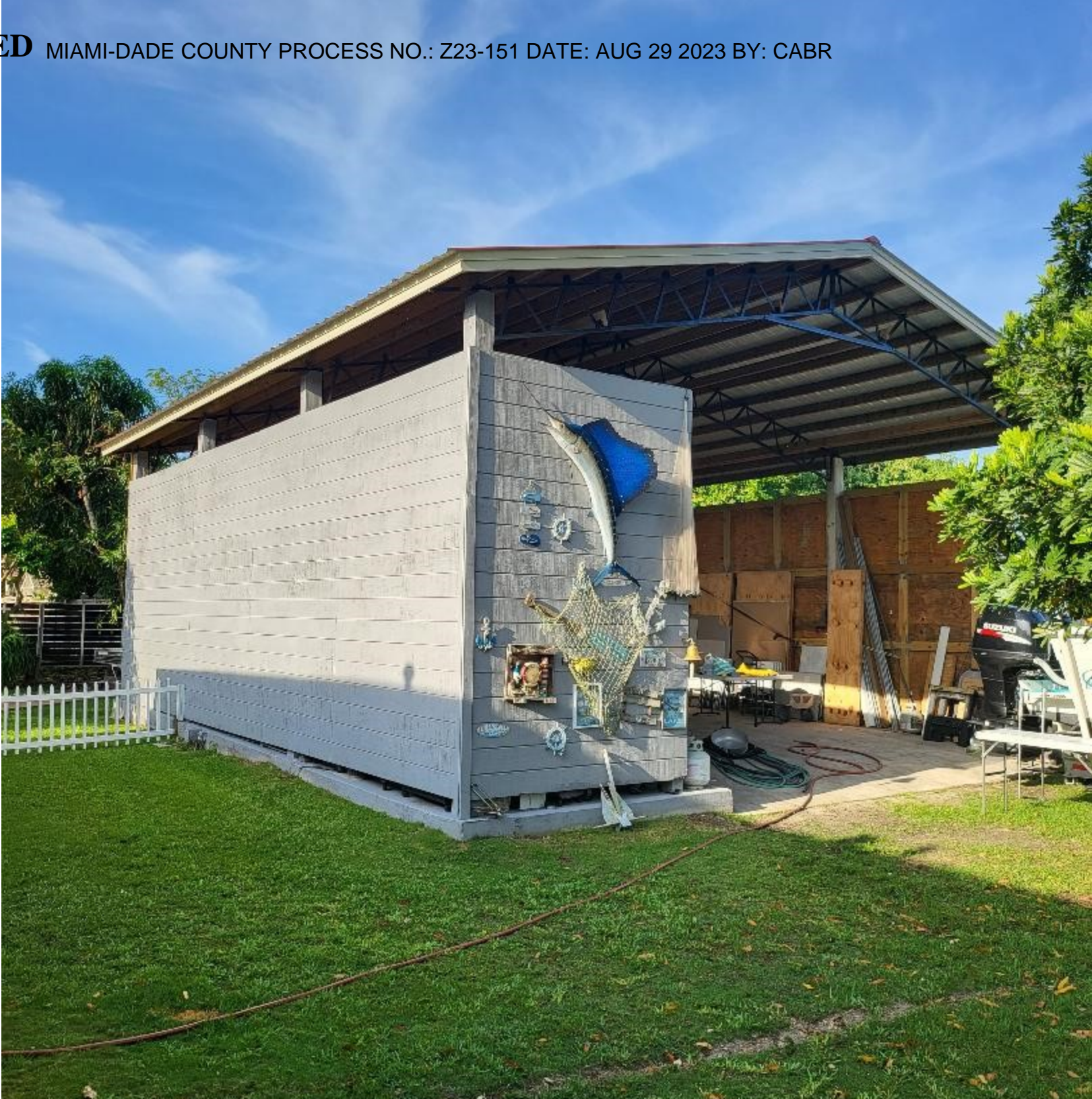
PROJECT ADDRESS:
 9350 SW 106 ST, MIAMI FL 33176

RECEIVED MIAMI-DADE COUNTY PROCESS NO. 23-151 DATE: AUG 29 2023 BY: CABR











RECEIVED

MIAMI-DADE COUNTY PROCESS NO. Z23-151 DATE: AUG 29 2023 BY: CABR



































Photo One

Photo One Caption Front View



Photo Two

Photo Two Caption Back View

RECEIVED

MIAMI-DADE COUNTY PROCESS NO.: Z23-151 DATE: AUG 29



Photo Three

Photo Three Caption Left View



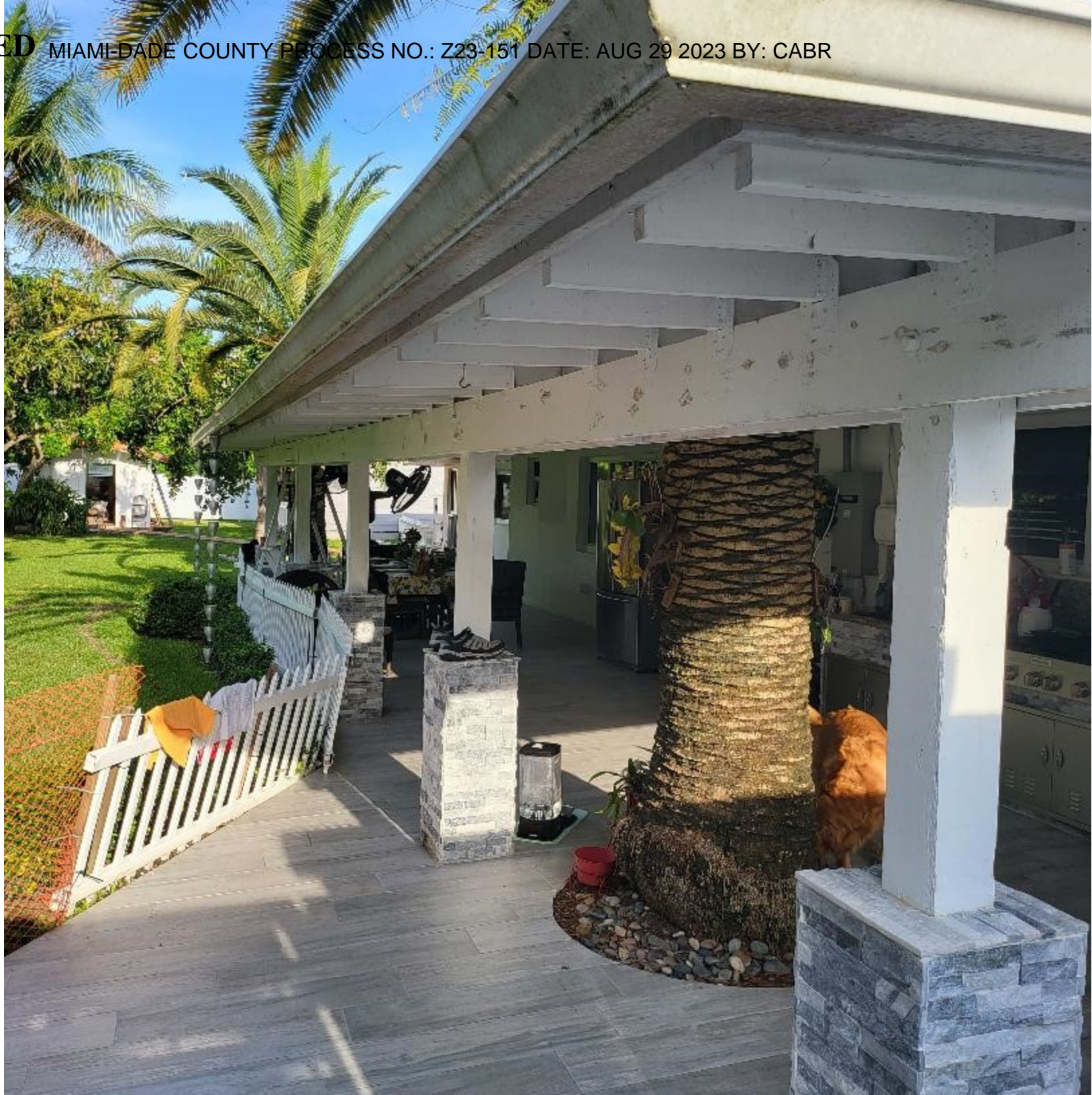
Photo Four

Photo Four Caption Right View









10. The letter of intent must be modified to include lot coverage and rear lot coverage.

- Lot coverage and rear lot coverage was provided on Drawings, see Sheet 1.

11. Provide proof of permit for the pool, if not available the pool must be added as an additional request on the letter of intent for an accessory structure to be allowed at the front.

- See Microfilms attached for Pool.

PICTURES









If you have questions or require additional information, please do not hesitate to contact our office for further assistance.

Jose E Polanco Digitally signed
by Jose E Polanco
Date: 2023.10.19
04:47:37 -04'00'

Jose E. Polanco, PE
Lic. No. 76919