

# KITS

11-5-2008 Version # 1



**COMMUNITY ZONING APPEALS BOARD 5  
LAWTON CHILES MIDDLE SCHOOL  
8190 NW 197 Street, Miami  
Thursday, December 11, 2008 at 7:00 p.m.**

**CURRENT**

- |    |             |                          |        |              |   |
|----|-------------|--------------------------|--------|--------------|---|
| 1. | 08-12-CZ5-1 | ROBERTO & CARMEN DELGADO | 07-355 | GL3-53/54-39 | N |
| 2. | 08-12-CZ5-2 | JOSEPH CISNEROS          | 08-123 | 10-52-40     | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, DECEMBER 11, 2008

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 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.

SWEARING IN OF WITNESSES

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**1. ROBERTO & CARMEN DELGADO**  
**(Applicant)**

**08-12-CZ5-1 (07-355)**  
**Area 5/District 12**  
**Hearing Date: 12/11/08**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase  /lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 5**

**APPLICANTS:** Roberto and Carmen Delgado

**PH:** Z07-355 (08-12-CZ5-1)

**SECTION:** Gov. Lot 3 Between 53/54-39

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 12

**ITEM NO.:** 1

**A. INTRODUCTION**

o **REQUESTS:**

1. GU to IU-1

2. Applicants are requesting to waive the zoning regulations requiring all manufacturing, storing, rebuilding or renovating operations to be completely enclosed in a building or within masonry walls not less than 6' in height; to waive same to permit a 6' high chain link fence in lieu of the required wall.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "New Office Plans for Rock Power Paving," as prepared by Alexander Rochell, 2 sheets dated stamped received 10/3/07 and 1 sheet dated stamped received 8/6/08 for a total of 3 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:** The applicants seek to change the zoning on the subject property from GU, Interim District, to IU-1, Light Industrial Manufacturing District, and to allow a 6' high chain link fence in lieu of the required wall.

o **LOCATION:** Lying approximately 833' west of NW 137 Avenue and south of NW 10 Street, Miami-Dade County, Florida.

o **SIZE:** 1.24 acres

o **IMPACT:** The approval of the requested district boundary change will provide industrial uses which could potentially generate additional traffic and noise in the area. Moreover, the requested waiver of the required wall to permit a chain link fence in lieu of the required wall could have a negative visual impact on the surrounding area.

**B. ZONING HEARINGS HISTORY: None**

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being **approximately 1,528 ft. east** of and within the Urban Development Boundary (UDB) for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-

equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

- 2. Uses and Zoning Not Specifically Depicted.** Some existing uses and zoning are not specifically depicted on the LUP map. All existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". The limitations referenced in this paragraph pertain to existing zoning districts and uses. All approval of new industrial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, the objectives and policies of this Plan.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

GU; vacant

Industrial and Office

**Surrounding Properties:**

**NORTH:** IU-C; lot used for truck storage

Industrial and Office

**SOUTH:** GU; vacant lots

Industrial and Office

**EAST:** GU; lake and SR-836 ramp

Industrial and Office

**WEST:** GU; vacant

Industrial and Office

The subject property consists of 1.24-acre parcel of land located south of NW 10 Street and west of the newly constructed SR 836 ramp. The area where the subject property lies contains vacant lots some of which are being used for storage of heavy equipment.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Plans submitted*)
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>Acceptable</b>
Open Space:	<b>Acceptable</b>
Buffering:	<b>Acceptable</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>Acceptable</b>
Visibility/Visual Screening:	<b>Acceptable</b>
Urban Design:	<b>N/A</b>

\*Subject to the Board's acceptance of the proffered covenant.

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicants 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.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.**

Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicants that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

The subject property consists of a 1.24-acre parcel of land located south of NW 10 Street and approximately 833' west of NW 137 Avenue. The area where the subject property lies is predominantly characterized by open lot storage yards and vacant parcels of land. The applicants are seeking a zone change on the subject property from GU, Interim District, to IU-1, Light Industrial Manufacturing District. Plans submitted for this application depict the development of the site with a proposed one-story 15,102 sq. ft. warehouse and office building to be constructed on the northwesterly portion of the subject property. The site plan

also depicts a 25' wide landscaped strip running parallel to the right-of-way line of NW 10 Street along the entire frontage of the subject property, except for the 22' wide access drive onto NW 10 Street, 39 parking spaces, an asphalt area for the storage of heavy equipment, a proposed 6' high vinyl chain link fence with and a proposed ficus hedge (3' at the time of planting) running along the interior sides, east and west property lines and along the rear, south property line. Landscaping in the form of Gumbo Limbo, Sabal Palm, Live Oak, groundcovers and trees as well as a ficus hedge are provided throughout the site. It should be noted that the applicants have voluntarily proffered a covenant that restricts the development of the site to the submitted plans and permits only an office use along with the storage of trucks and heavy equipment. In addition, the covenant restricts the subject property that no storage of containers, mechanical repairs, truck washing either by hand or by mechanical equipment, automotive maintenance or repair of any kind shall be permitted.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this application meets the traffic concurrency criteria and will generate **5** additional daily PM peak hour vehicle **trips**. However, the traffic distribution of these trips to the adjacent roadways does not exceed the acceptable Levels of Service (LOS) which are currently operating at LOS "B". The Miami-Dade Fire Rescue Department (**MDFR**) does not object to this application and their memorandum indicates that the estimated average travel response time is **6:18** minutes.

The approval of this application will allow the applicants to utilize the subject property for light industrial uses in accordance with the IU-1 zoning classification. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings which are **consistent** with the proposed warehouse and office building and proposed storage of heavy equipment requested by the applicant. The IU-1 zoning district allows uses such as contractors' storage yards, auto paint and body shops, automobile repair garages, lumberyards, restaurants, wholesale salesrooms and manufacturing operations. Existing uses already occurring in the area include warehouse facilities, open-lot storage yards, and vacant parcels of land. Therefore, the applicants' request to rezone the subject property from GU to IU-1 is **consistent** with the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP).

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer,

solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Staff opines that the rezoning of the subject site to IU-1 will not have an unfavorable impact on the environment based upon the favorable recommendation issued by the Department of Environmental Resources Management (DERM) pursuant to their memorandum pertaining to this application. The development of the subject property will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Additionally, the rezoning does not unduly burden or affect public transportation facilities since the 5 additional daily peak hour vehicle trips do not diminish the current LOS of the area roadways as indicated in the Public Works Department's memorandum. Staff's research reveals that several properties in the surrounding area have recently been granted requests for district boundary changes to IU-1, Light Industrial District, and IU-C, Industrial Controlled District. Specifically, a parcel of land located on the south side of NW 12 street and approximately 1,460' west of theoretical NW 137 Avenue was granted a district boundary change from GU to IU-1 in June 2001, pursuant to Resolution #CZAB10-57-01. In 2002, pursuant to Resolution #CZAB10-50-02, Community Zoning Appeals 10, granted a district boundary change from GU to IU-C, on a 16-acre parcel of land located at the southwest corner of theoretical NW 137 Avenue and theoretical NW 12 Street. Moreover, in 2008, pursuant to Resolution #CZAB5-2-08, Community Zoning Appeals 5 granted a district boundary change from GU to IU-1 on a parcel of land located lying approximately 1,300' west of NW 137 Avenue and on both sides of NW 10 Street. As such, staff opines that the approval of IU-1 zoning would be in keeping with the character of the surrounding industrial uses in the area, and therefore, would be **compatible** with same. As such, staff recommends approval of the district boundary change from GU to IU-1 subject to the Board's acceptance of the proffered covenant.

Staff notes that, when analyzing request #2, the applicants are seeking to waive the zoning regulations requiring all manufacturing, storing, rebuilding or renovating operations to be completely enclosed in a building or within masonry walls not less than 6' in height; to waive same to permit a 6' high chain link fence in lieu of the required wall. The approval of this request will allow the applicants to operate an engineering contracting office with an outside storage area for construction materials and heavy equipment which the applicants are requesting to be stored within an area enclosed by a 6' high vinyl chain link fence in lieu of the required walls. Staff notes that the reason for the requirement of solid walls is due to the fact that the subject property abuts GU zoning. The Zoning Code requires storage to be within solid walls but allows chain link fencing in the IU district if the property abuts only other IU zoning. Since the subject property abuts GU zoning, a variance is needed to allow storage enclosed by a 6' high vinyl chain link fence. Staff also notes that the plans submitted by the applicants depict that, in addition to the proposed 6' high chain link fence, a proposed hedge will buffer the adjacent undeveloped properties to the south and west. Further, since this area is designated for industrial and office use, those properties will most likely be rezoned to industrial in the future and will not be utilized for residential purposes. The plans submitted by the applicants depict adequate landscaping, setbacks and parking spaces for the proposed engineering contracting storage yard and office site. As previously mentioned, staff notes that in June 2001, pursuant to Resolution #CZAB10-57-01, Community Zoning Appeals 10, granted a similar request to allow the storage of construction materials within an area enclosed by a chain link fence in lieu of a masonry wall on a parcel of land located on the south side of NW 12 street and approximately 1,460' west of theoretical NW 137 Avenue. Based on the aforementioned, staff opines that the approval

of request #2 will not affect the appearance and stability of the area, will be **compatible** with the surrounding area, and should be approved with conditions under the NUV Standards under Section 33-311(A)(4)(b).

When request #2 is analyzed under the Alternative Non-use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the request is due to unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion that this request does not comply with the standards of said section since the property can be utilized in accordance with the zoning regulations. Therefore, staff recommends denial without prejudice of request #2 under the Alternative Non-use Variance (ANUV) Standards.

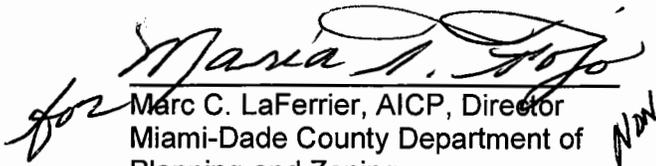
**I. RECOMMENDATION:**

Accordingly, staff recommends approval of request #1 subject to the Board's acceptance of the proffered covenant, and approval with conditions of request #2 under Section 33-311(A)(4)(b) (NUV), and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS: for request #2 only.**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Office Plans for Rock Power Paving," as prepared by Alexander Rochell, 2 sheets dated stamped received 10/3/07 and 1 sheet dated stamped received 8/6/08 for a total of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants submit to the Department of Planning and Zoning 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 applicants obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the applicants comply with all the conditions and requirements of the Public Works Department.
7. That the applicants comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

**DATE INSPECTED:** 11/09/07  
**DATE TYPED:** 10/15/08  
**DATE REVISED:** 10/30/08; 11/5/08  
**DATE FINALIZED:** 11/10/08  
MCL:MTF:LVT:NN:NC:AA

*for*   
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Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning *NW*

# Memorandum



**Date:** November 4, 2008

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management 

**Subject:** C-05 #Z2007000355-Revised  
Roberto and Carmen Delgado  
West of N.W. 137<sup>th</sup> Avenue and South of N.W. 10<sup>th</sup> Street  
District Boundary Change from GU to IU-C  
(GU) (1.24 Acres)  
53-53-39

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

#### Potable Water Service and Wastewater Disposal

The closest public water and public sanitary sewer systems are located approximately 950 feet from the site. Consequently, the subject property would have to be served by an on-site drinking water supply well and a septic tank.

Section 24-43.1(4) of the Code of Miami-Dade County, Florida (the Code) prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage. There are some land uses permitted in the requested zoning district that have the potential to generate liquid waste that is not domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

The property owner has obtained a new variance from the above-noted Code Section requirements to include the proposed district boundary change; therefore, DERM may approve the subject application and the same may be scheduled for public hearing.

#### Stormwater Management

The subject property is located within the North Trail Basin. Cut and fill as well as drainage restrictions are in effect within this basin. Development on this property is required to set aside 28.6% of the total

project area as a surface water management area in compliance with basin requirements. However, since the site contains only 4.5 acres, the applicant has the option of making a payment to Stormwater Compensation Plan in lieu of setting land aside for stormwater management in accordance with the provisions of the Code.

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 100-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

#### Hazardous Materials Management

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Wetlands

The subject property is located within a designated wetland basin. However, a Class IV Wetland Permit will not be required for this property since the property was grandfathered under the condition that the property was filled and work was completed prior to September 16, 1983.

The applicant is advised that the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may require permits for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

DERM has found no open or closed enforcement records for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDM for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names:ROBERTO & CARMEN DELGADO

This Department has no objections to this application.

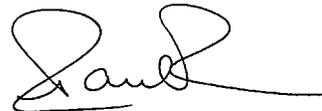
The Applicant must provide paved public access to this site.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 5 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9798	SW 137 Ave. n/o Tamiami Trail	B	B

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.



Raul A Pino, P.L.S.

10-JUL-08



# Memorandum

**Date:** 26-NOV-07  
**To:** Subrata Basu, Interim Director  
 Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2007000355

**Fire Prevention Unit:**

This Memo supersedes MDRF Memorandum dated October 18, 2007.

**APPROVAL**

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped November 1, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

**Service Impact/Demand:**

Development for the above Z2007000355  
 located at WEST OF N.W. 137 AVENUE AND SOUTH OF N.W. 10 STREET, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 1229 is proposed as the following:

N/A	dwelling units	N/A	square feet
residential		industrial	
3,572	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 0.78 alarms-annually.  
 The estimated average travel time is: 6:18 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
 Station 58 - Tamiami - 12700 SW 6th Street.  
 Rescue, ALS Engine.

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
 None

**Fire Planning Additional Comments:**

Current service impact calculated based on letter of intent date stamped November 1, 2007. Substantial changes to the letter of intent will require additional service impact analysis

# TEAM METRO WEST OFFICE

## ENFORCEMENT HISTORY

NAME:

ROBERTO & CARMEN  
DELGADO

ADDRESS

833' W OF NW 137 AVE & S OF  
NW 10 ST, MIAMI DADE  
COUNTY, FLORIDA

DATE

NOVEMBER 12, 2008

CMS# 200812009060

ZONING Number Z2007000355

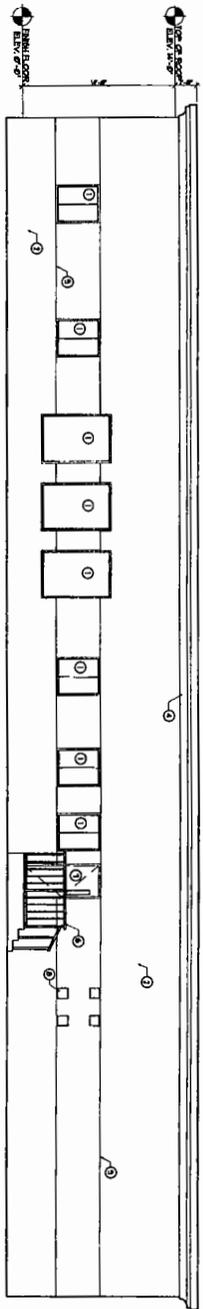
### CURRENT ENFORCEMENT HISTORY:

11/12/08 CMS# 200812009060, opened for Enforcement History inspection. There are some structures erected on this vacant lot which appear to be being used in conjunction with a paving company in the name of Rock Power Paving Engineering Contractors. A case has been opened and is being referred to the Building Department. No previous cases found for this location.

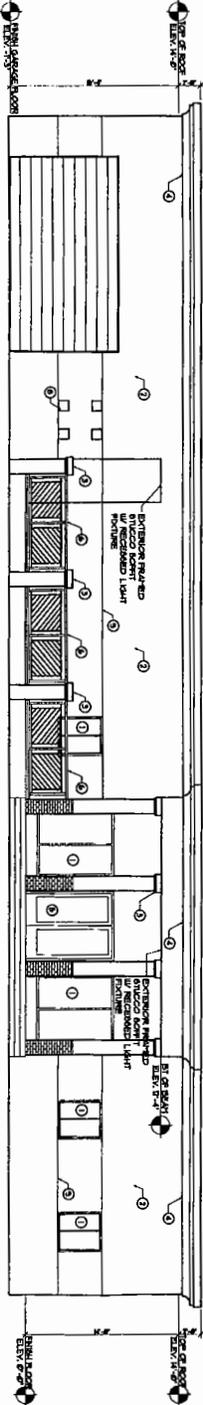




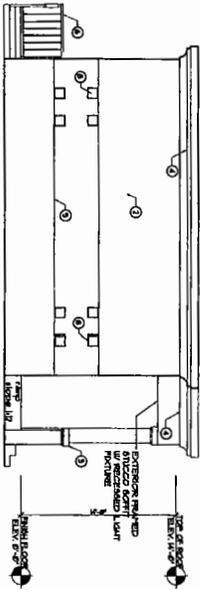




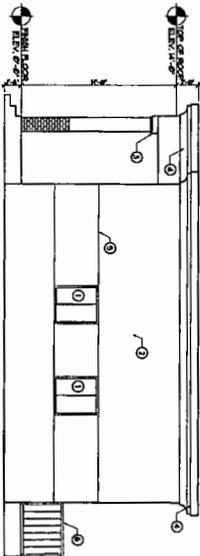
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



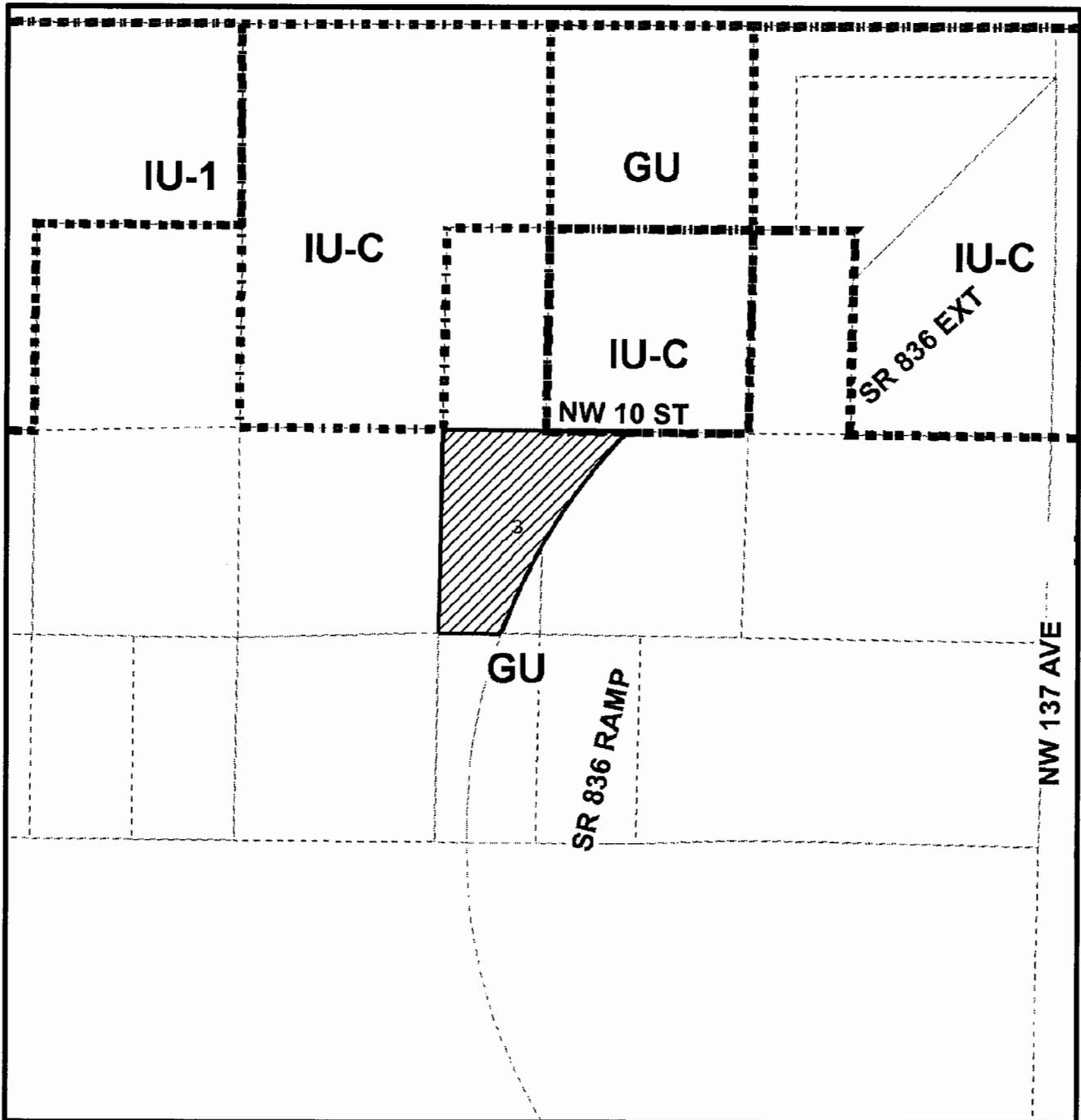
NORTH ELEVATION

**KEY NOTES LEGEND**

1	PAINTED ALUMINUM
2	PAINTED ALUMINUM
3	PAINTED ALUMINUM
4	PAINTED ALUMINUM
5	PAINTED ALUMINUM
6	PAINTED ALUMINUM
7	PAINTED ALUMINUM
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49	PAINTED ALUMINUM
50	PAINTED ALUMINUM

**RECEIVED**  
 COUNTY CLERK'S OFFICE  
 1000 WEST 10TH AVENUE  
 DENVER, CO 80202  
 10/15/07

<p>PROJECT BY:</p> <p><b>ALEXANDER ROCHELL</b>          P.E. 60735          488 N.W. 27th AVE          MIAMI, FL 33150          TEL: (305) 849-4049</p>		<p>DATE: 08/01/07</p> <p>BY: A-3</p>
<p>PROJECT FOR:</p> <p><b>NEW OFFICE PLANS FOR ROCK POWER PAVING</b>          1001 10th STREET AND 32nd AVENUE          TEL: (305) 752-7742</p>		<p>DATE: 08/01/07</p> <p>BY: A-3</p>



**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**07-355**



**SUBJECT PROPERTY**

Section: 53 Township: 53 Range: 39  
 Applicant: **ROBERTO & CARMEN DELGADO**  
 Zoning Board: C05  
 District Number: 12  
 Drafter ID: ALFREDO  
 Scale: NTS



REVISION	DATE	BY



MIAMI-DADE COUNTY  
**AERIAL**

Process Number  
**07-355**



**SUBJECT PROPERTY**

Section: 53 Township: 53 Range: 39  
Applicant: **ROBERTO & CARMEN DELGADO**  
Zoning Board: C05  
District Number: 12  
Drafter ID: ALFREDO  
Scale: NTS



CREATED ON: 10/19/07

SYMBOL	DATE	BY

**2. JOSEPH CISNEROS**  
**(Applicant)**

**08-12-CZ5-2 (08-123)**  
**Area 5/District 13**  
**Hearing Date: 12/11/08**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase  /lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
				NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 5**

**APPLICANT:** Joseph Cisneros

**PH:** Z08-123 (08-12-CZ5-2)

**SECTION:** 10-52-40

**DATE:** December 11, 2008

**COMMISSION DISTRICT:** 13

**ITEM NO.:** 2

**A. INTRODUCTION:**

o **REQUESTS:**

- (1) Applicant is requesting to permit a porte-cochere addition to a single-family residence setback 12.5' (25' required) from the front (south) property line.
- (2) Applicant is requesting to permit the single-family residence with a lot coverage of 47.4% (35% permitted).
- (3) Applicant is requesting to permit a boat ramp setback 2' (7.5' required) from the interior side (east) property line.
- (4) Applicant is requesting to permit a dock with a width of 54.4% of the width of the lot (30% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 and #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) and approval of requests #1 - #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plan is on file and may be examined in the Department of Planning and Zoning entitled "Site Plan," as prepared by Pablo R. Garcia, P. E., dated stamped received 8/25/08 and consisting of 1 sheet. Plans may be modified at public hearing.

o **SUMMARY OF REQUEST:**

The applicant is seeking approval for a proposed porte-cochere addition with less front setback than required and to permit a proposed addition resulting in a lot coverage higher than allowed. Additionally, the applicant is seeking approval to allow the continued use of an existing boat ramp with less setback than required from the interior side property line and to permit a wood dock to exceed the permitted percentage of lot width.

o **LOCATION:**

7871 NW 181 Street, Miami-Dade County, Florida.

o **SIZE:** 9,375 sq. ft.

o **IMPACT:**

Although the proposed porte-cochere addition would provide shelter from the elements, the proposed two-story addition will provide additional indoor living area for the applicant's use and the proposed wood dock will provide additional outdoor area for the applicant's enjoyment, the approval of the encroachments into the front and interior setback areas and additional lot coverage could have a negative visual and aural impact on adjacent properties.

B. **ZONING HEARINGS HISTORY:** None

C. **COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is -not exceeded.

D. **NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**SUBJECT PROPERTY:**

RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

**SURROUNDING PROPERTY:**

**NORTH:** RU-1; Lake

Low Density Residential, 2.5 to 6 du

**SOUTH:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

**EAST:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

**WEST:** RU-1; Single-family residence

Low Density Residential, 2.5 to 6 du

This property is an interior lakefront lot located at 7871 NW 181 Street. The surrounding area is developed with single-family residences.

E. **SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Acceptable\***

Location of Buildings:

**Acceptable\***

Compatibility:

**Acceptable\***

Landscape Treatment:

**Acceptable**

Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

\*Subject to conditions

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings.**

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

**(c) Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a “blank wall”; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
  - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
  - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
    - i. articulation to avoid the appearance of a “blank wall” when viewed from the adjoining property, or
    - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;

- a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
  - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
  15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
  16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
  17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
  18. safe sight distance triangles shall be maintained as required by this code; and
  19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
  20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
  21. the proposed development will meet the following:
    - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
    - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
    - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
    - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

e) **A lot coverage ratio** for a single family or duplex dwelling shall be approved upon demonstration of the following:

1. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying district regulations; and
2. the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in Section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and
3. the increase in lot coverage will not result in a principal building with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and
4. the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

(g) **Notwithstanding the foregoing**, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) **Proposed alternative development** under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space,

additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variance Standard.**

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.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.**

Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>

Schools

**No comment**

\*Subject to conditions indicated in their memorandum.

**H. ANALYSIS:**

The subject property is a 9,375 sq. ft. interior lakefront lot located at 7871 NW 181 Street in an established RU-1, Single Family Residential Zoning District. The applicant is seeking approval of a proposed porte-cochere addition to setback 12'6" from the front (south) property line where 25' is required. Additionally, the applicant is seeking to construct a two-story addition which when combined with the proposed porte-cochere addition and existing residence results in a lot coverage of 47.4% where the Zoning Code regulations allow a maximum of 35% lot coverage. The applicant is also seeking the continued use of a boat ramp setback 2' from the interior side (east) property line where 7.5' is required, which encroaches 5.5' into the interior side setback area. Additionally, the applicant is seeking to allow a proposed wood dock with a width of 54.4% of the width of the lot where a maximum of 30% of the width of the lot is permitted. Plans submitted by the applicant depict the proposed porte-cochere addition, two-story addition, boat ramp and proposed wood dock.

The subject property is designated for **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Since the requests will not add additional units to the community, the RU-1 zoned, single-family residence is **consistent** with the Low Density Residential designation as shown in the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** to this application. The Miami-Dade Fire Rescue Department (**MDFRD**) also has **no objections** to this application and has indicated that the average response time for this site is **5:24** minutes.

As previously mentioned, the applicant is seeking to permit a proposed porte-cochere addition to a single family residence to setback 12'6" (25' required) from the front (south) property line (Request #1). Staff is of the opinion that the proposed porte-cochere addition will provide shelter from the environment to the applicant and his guests while exiting their vehicles and entering the residence, it also provides shelter from the environment for a secondary vehicle, since the existing single-family residence only contains a one-car garage. As depicted on the plans submitted by the applicant, the proposed porte-cochere addition matches the same architectural style and scale as the existing residence. Moreover, in staff opinion, the porte-cochere addition will add depth and curb appeal to the home's façade, and because the porte-cochere addition is designed to be open sided, it will not add mass to the existing single-family residence. Staff also notes that the plans submitted by the applicant depict intensifying the front yard landscaped area with additional shrubs, bushes, trees and palms, which in staff's opinion, will mitigate any visual impact on the neighboring properties across NW 181 Street. Staff notes that in 1997, pursuant to application #V97000238, the Director of the (then)

Department of Planning, Development and Regulation granted the approval for a porte-cochere addition to a single family residence to setback 12.5' from the front property line where 25' is required on a parcel of land located at 7950 NW 185 Street. In 2000, pursuant to application #V2000000163, the Director of the Department of Planning and Zoning granted the approval for a porte-cochere addition to a single family residence to setback 12.5' from the front property line where 25' is required on a parcel of land located at 18301 NW 81 Court and, in 2002, pursuant to application #V2001000215, the Director of the Department of Planning and Zoning granted the approval for a porte-cochere addition to a single family residence to setback 12.58' from the front property line where 25' is required on a parcel of land located at 8470 NW 178 Street. As such, based on the aforementioned, staff recommends approval of this request (request #1) with conditions under Section 33-311(A)(4)(b) (NUV).

Additionally, the applicant is seeking to permit an existing single-family residence, proposed porte-cochere addition, and a proposed two-story addition with a lot coverage totaling 47.4% where 35% is permitted (request #2). As depicted on the survey submitted by the applicant, the subject property consists of a platted lot with dimensions of 75' x 125' for a total area of 9,375 sq. ft. However, the rear of the lot contains a 25' canal maintenance easement which runs along the width (75') of the subject property, containing an area of 1,875 sq. ft. which is below flood criteria elevation and resulting in a 7,500 sq. ft. area of the subject property at flood criteria elevation, which is the area being used for lot coverage calculations. The plans submitted by the applicant depict an existing single-family residence with an area of 1,727.69 sq. ft., a proposed porte-cochere addition with an area of 311.61 sq. ft. and a proposed two-story addition with area 1,508.99 sq. ft. for a total area of 3,548.29 sq. ft. When calculating the 3,548.29 sq. ft. covered by the existing residence and proposed additions it results in a lot coverage of 47.4%. However, staff notes that the subject property abuts a lake and contains additional property beyond the top of bank which when combined with the subject property diminish the visual impact of the proposed 47.4% lot coverage on the site. As such, staff is of the opinion that the resulting 12.4% in excess of the permitted lot coverage caused by the proposed additions to the single-family residence will not have a negative visual impact on the surrounding neighboring properties. Additionally, the existing single-family residence and proposed additions comply with all other setback and spacing requirements with the exception of the porte-cochere in request #1 and, as such, are well spaced from the adjacent properties. In staff's opinion, this request is **compatible** with the surrounding area, would not be detrimental to the community, would not be intrusive to the adjacent properties and, therefore, should be approved with conditions under Section 33-311(A)(4)(b) (NUV).

When request #3 is analyzed under the NUV Standard, staff notes that the applicant is requesting to permit the continued use of an existing boat ramp located on the northeast corner of the subject property, setback 2' from the interior side (east) property line where 7.5' is required. The boat ramp is utilized by the applicant to store his boat and is used to launch his vessel into the lake which abuts the rear of the subject property. Staff is of the opinion that the boat ramp does not obstruct visibility and blocks neither light nor air to the neighboring property lying to the east of the subject property. As such, staff recommends approval with conditions of this request under Section 33-311(A)(4)(b) (NUV).

Additionally, the applicant is requesting to permit a dock with a width of 54.4% of the width of the lot where 30% of the width of the lot is permitted (request #4). As depicted on the plans and the photographs submitted by the applicant, there are two existing wooden

docks located on the rear of the subject property and projecting into the lake which are in decaying condition and will be removed from the site. The applicant is requesting to replace the wooden docks with one continuous wooden dock which runs for approximately 40' along the rear (north) property line and extends 8' into the lake, resulting in 54.4% of the width of the 75' wide lot. Staff opines that the wood dock will provide additional outdoor living space to the applicant and his guests while enjoying the rear yard area and lake view. Staff notes that the proposed wood dock will be setback 7.5' from the interior side (west) property line which meets the minimum 7.5' setback requirement and will be setback 27.5' from the interior side (east) property line which exceeds the minimum 7.5' setback requirement from the interior side (east) property line. As such, staff recommends approval of this request with conditions as per Section 33-311(A)(4)(b) (NUV).

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO standards. As such, requests #1 and #2 cannot be approved under same and should be denied without prejudice under Section 33-311(A)(14) (ASDO).

When analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would be required to prove that the requests are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. This application does not comply with the standards of said section since the property can be utilized in accordance with the RU-1 zoning regulations. Therefore, staff recommends denial without prejudice of requests #1 through #4 under the Alternative Non-Use Variance (ANUV) Standards.

Accordingly, staff opines that the application is **compatible** with the surrounding properties and **consistent** with the LUP map of the CDMP and, therefore, recommends approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b) (NUV), denial without prejudice of requests #1 and #2 under Section 33-311(A)(14) (ASDO) and denial without prejudice of requests #1 through #4 under Section 33-311(A)(4)(c) (ANUV).

**I. RECOMMENDATION:**

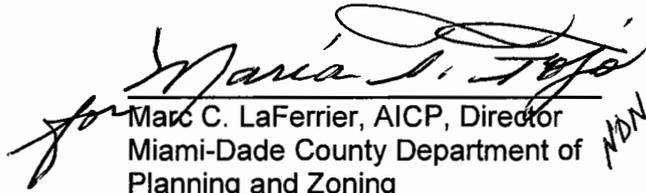
Approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #1 and #2 under Section 33-311(A)(14) (ASDO) and denial without prejudice of requests #1 through #4 under Section 33-311(A)(4)(c) (ANUV).

**J. CONDITIONS:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; said plan to include, 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 "Site Plan," as prepared by Pablo R. Garcia, P. E., dated stamped received 8/25/08 and consisting of 1 sheet. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the proposed porte-cochere addition not be enclosed in any manner.

**DATE INSPECTED:** 10/16/08  
**DATE TYPED:** 10/16/08  
**DATE REVISED:** 10/29/08; 11/20/08; 11/21/08  
**DATE FINALIZED:** 11/21/08  
MCL:MTF:LVT:NC:AA

  
for Maria S. Tejo  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning *MDN*

# Memorandum

**Date:** July 15, 2008

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management



**Subject:** C-05 #Z2008000123  
Joseph Cisneros  
7871 N.W. 181<sup>st</sup> Street  
Request to Permit an Addition that Would Exceed Lot Coverage and  
Setback Requirements  
(RU-1) (0.21 Acres)  
10-52-40

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer 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.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

The adjacent canal, Palm Springs North Canal, is maintained by Miami-Dade County. Positive drainage systems or direct discharge of stormwater runoff into the neighboring canal are not permitted. Therefore, DERM will require that a berm with a top elevation of one foot above flood criteria be placed along the canal, in order to prevent direct discharge of stormwater runoff into the canal. A Class III

Permit from DERM will be required for any work within the canal or its right-of-way. The applicant is advised to contact the DERM Water Control Section at (305) 372-6681 for further information.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

The subject property contains tree resources. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM Tree Program at 305-372-6574 for additional information regarding permitting procedures and requirements prior to site development.

#### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and 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. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

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

**Date:** March 8, 2006  
**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning  
  
**From:** Esther Calas, P.E., Director  
Public Works Department

**Subject:** Zoning Hearing Improvements

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In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

**cc:** Ovidio Rodriguez, P.E. Assistant Director  
Public Works Department  
  
Raul A. Pino, P.L.S., Chief  
Land Development Division  
  
Leandro Rodriguez

# Memorandum



**Date:** 24-JUL-08  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000123

**Fire Prevention Unit:**

Fire Engineering and Water Supply Bureau has no objection to this application.

**Service Impact/Demand:**

Development for the above Z2008000123  
located at 7871 N.W. 181 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0171 is proposed as the following:

<u>1</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>N/A</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.27 alarms-annually.  
The estimated average travel time is: 5:24 minutes

**Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station 44 - Palm Springs N - 7700 NW 186 Street  
Rescue, ALS Engine, EMS Capt.

**Planned Service Expansions:**

The following stations/units are planned in the vicinity of this development:  
None.

**Fire Planning Additional Comments:**

Service impact calculated based on letter of intent date stamped July 8, 2008. Substantial changes to the letter of intent will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

JOSEPH CISNEROS

7871 N.W. 181 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

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Z2008000123

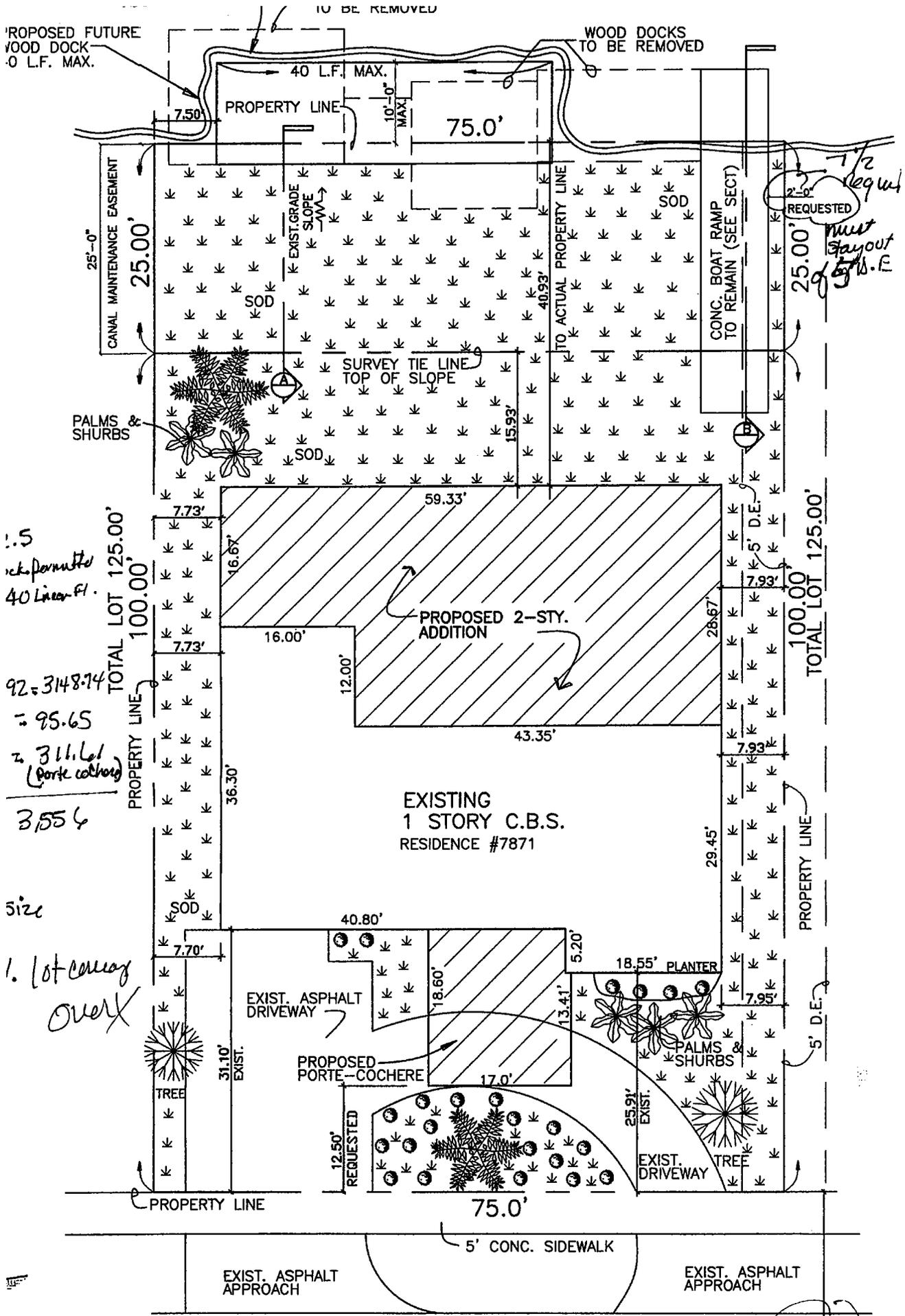
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**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

No violations were observed. Previous case for junk & trash and for overgrowth was cleared.

Osiel Morales



1.5  
 req'd permitted  
 40 Linear Ft.

$92 = 3148.74$   
 $= 95.65$   
 $\approx 311.1$   
 (Porte cochere)  
 3556

size  
 1. lot carry over

ENLARGED SITE PLAN

NW. 181st Street

**ZONING LEGEND**

SPACE PLANS, RESIDENTIAL (R-1) DISTRICT

ZONING CLASSIFICATION: R-1

TOTAL GROSS LOT AREA: 125.00 SQ. FT. 93.15

NET LOT AREA: 125.00 SQ. FT. 93.15

LOT COVERAGE REQUIRED: 48% (REQUESTED) 59.91%

EXIST. BUILDING FOOT PRINT: 1,700 SQ. FT.

NEW TOTAL FT. PRINT S.F.A.: 1,556 SQ. FT. 94%

STAIRWAYS REQUIRED: 2

STAIRWAY WIDTH: 36.00"

MINIMUM SIZE: 36.00"

REAR: 36.00"

SEMI-DETACHED: 12.50' (REQUESTED)

MINIMUM SIZE: 12.50'

MINIMUM SIZE: 12.50' (EXISTING)

STREET SIDE: 12.50'

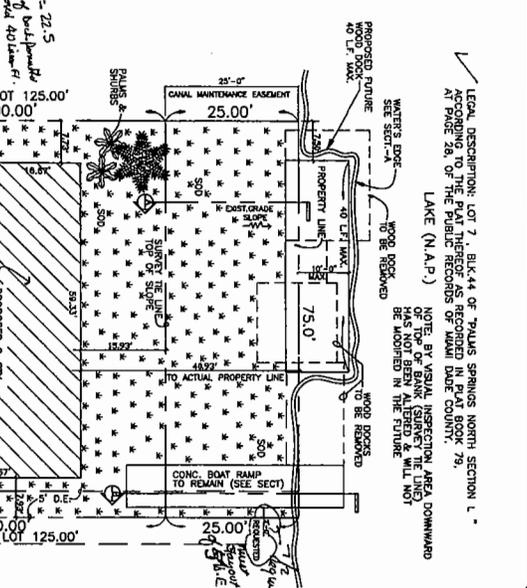
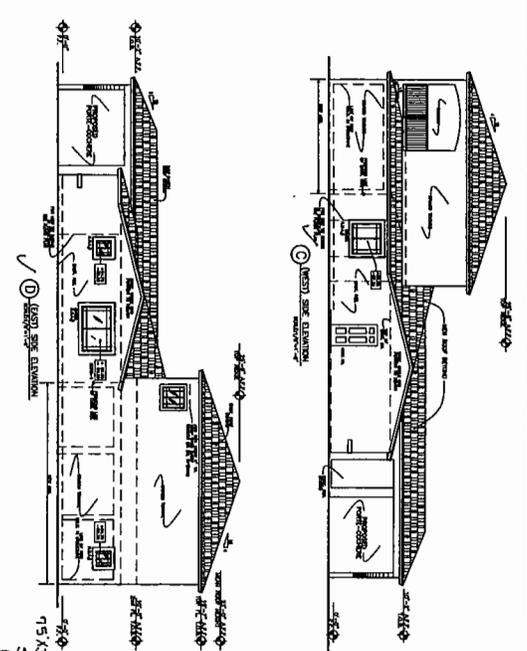
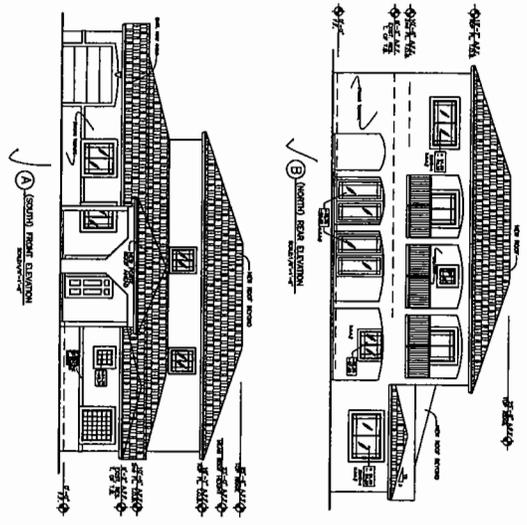
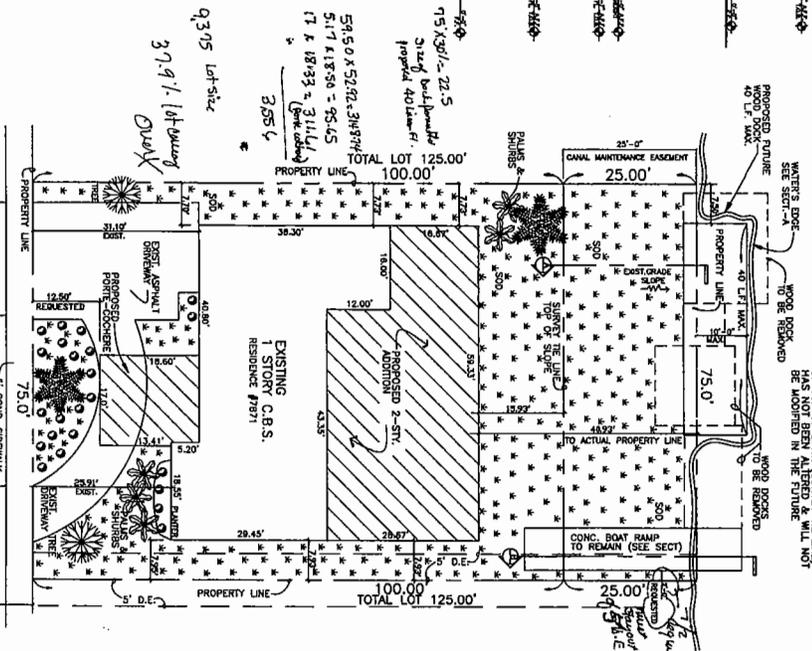
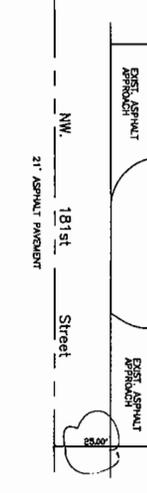
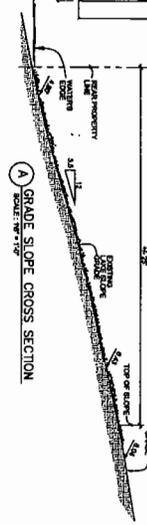
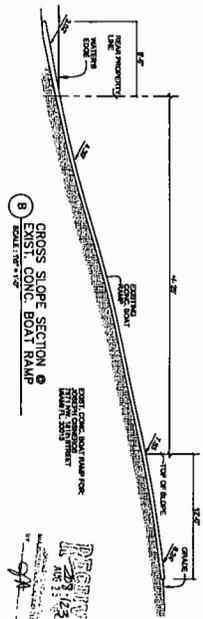
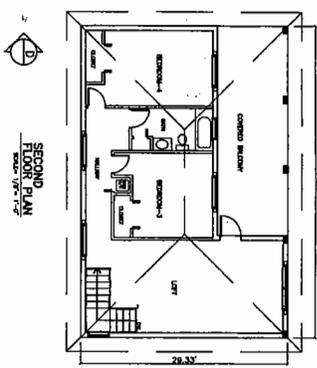
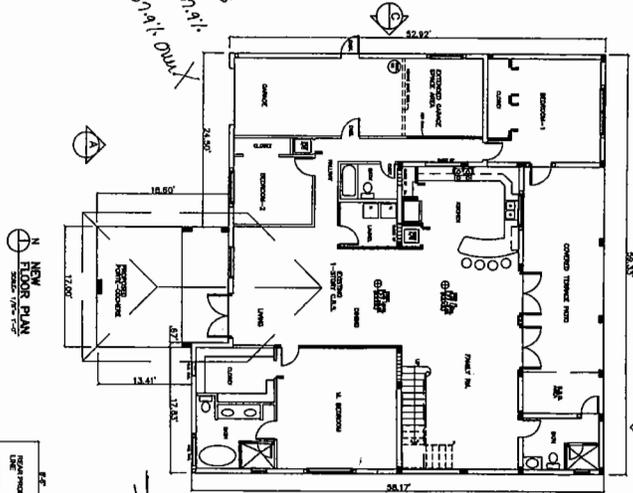
FRONT: 12.50'

PROPOSED 2-STORY RESIDENTIAL LINE

1- ALSO REQUESTING 40 L.F. OF OTHER ROAD FRONT

2- ALSO REQUESTING EXISTING CONC. BOAT RAMP TO BE

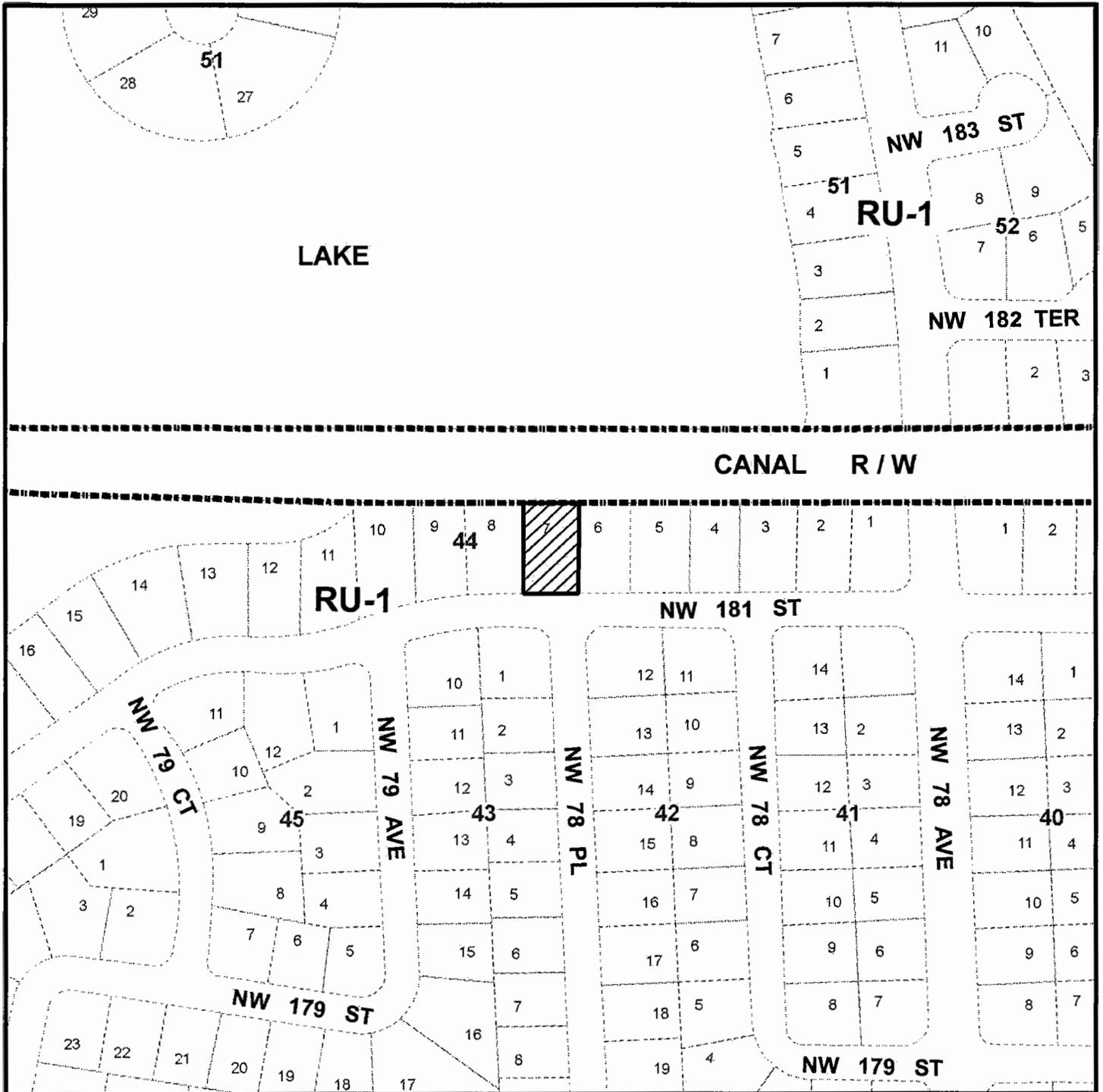
(A) 2'-0" SIDE SETBACK WHERE 7'-6" IS REQUIRED



LEGAL DESCRIPTION: LOT 7, BLK-44 OF "PALMS SPRINGS NORTH SECTION 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 79, AT PAGE 28, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, LAKE (N.A.P.)

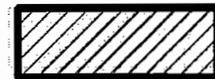
NOTE: BY VISUAL INSPECTION AREA DOWNWARD HAS NOT BEEN INSPECTED & WILL NOT BE MODIFIED IN THE FUTURE

SP-1 2025-04-04-08	<b>PABLO R. GARCIA P.E.</b> 7729 NW 148 Street MIAMI LAKES FL CIVIL ENGINEER #4239	PROJECT NAME: SITE PLAN OWNER/PH: JOSEPH CISNEROS 786-402-7300 ADDRESS: 7871 NW 181st STREET HIALEAH, FLORIDA 33015 PROJECT ADD: SAME	SCALE: 3/32"=1" DATE: 04/04/25	
			DRAWING NO. 101	



**MIAMI-DADE COUNTY**  
**HEARING MAP**  
 Section: 10 Township: 52 Range: 40  
 Applicant: JOSEPH CISNEROS  
 Zoning Board: C05  
 Commission District: 13  
 Drafter ID: JEFFER  
 Scale: NTS  
 ----- Zoning

Process Number  
**08-123**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 07/16/08

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY**

AERIAL YEAR 2008  
 Section: 10 Township: 52 Range: 40  
 Applicant: JOSEPH CISNEROS  
 Zoning Board: C05  
 Commission District: 13  
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**SUBJECT PROPERTY**



SKETCH CREATED ON: 07/16/08

REVISION	DATE	BY