

KITS

6-15-2009 Version # 1



**COMMUNITY ZONING APPEALS BOARD 8
NFL YET CENTER AT GWEN CHERRY PARK**

7090 NW 22 Avenue, Miami

Wednesday, July 22, 2009 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|------------|-----------------------------------|---------------|----------|---|
| 1. | 09-7-CZ8-1 | <u>TEMPLE DE L'ETERNAL, INC.</u> | <u>07-319</u> | 35-52-41 | N |
| 2. | 09-7-CZ8-2 | <u>ALL STATE FLORIDA BUILDERS</u> | <u>08-13</u> | 15-53-41 | N |
| 3. | 09-7-CZ8-3 | <u>ETHEL ALLEN FRAZIER</u> | <u>09-15</u> | 04-53-41 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF WEDNESDAY, JULY 22, 2009

NFL YET CENTER AT GWEN CHERRY PARK

7090 NW 22 AVENUE, 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

1. TEMPLE DE L'ETERNAL, INC. (09-7-CZ8-1/07-319)

**35-52-41
Area 8/District 2**

- (1) SPECIAL EXCEPTION to permit the expansion of a previously approved religious facility onto additional property to the west.
- (2) Applicant is requesting to permit the religious facility setback 11' (15' required) from the interior side (south) property line.
- (3) Applicant is requesting to permit the religious facility setback 6' (20' required) from the front (east) property line.
- (4) Applicant is requesting to waive the required 5' wide masonry wall between the BU and RU zoned property (interior to the site).
- (5) Applicant is requesting to waive the landscape regulations to permit 0 street trees (2 required) along N.W. 7th Avenue.
- (6) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (7) Applicant is requesting to permit 3 wall signs covering 90% of the wall (2 wall signs covering 10% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #7 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 'Interior Remodeling & Addition for Temple de L'Eternel, (sic) Inc.,' as prepared by Charles C. Mitchell, P. E., dated stamped received 3/12/09, consisting of 5 sheets. Plans may be modified at public hearing.

LOCATION: 10836 N.W. 7 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 32,250 sq. ft.

Department of Planning and
Zoning Recommendation:

Approval with conditions of request #1 under Section 33-311(A)(3); approval with conditions of requests #2 through #6 and denial without prejudice of request #7 under Section 33-311(A)(4)(b) and denial without prejudice of #2 through #7 under Section 33-311(A)(4)(c).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

(5) Applicant is requesting to permit a shed setback a minimum of 2.17' (7.5' required) along the interior side (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or 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 "Jones Allen Legalization," as prepared by Conde Architect, P.A., dated stamped received 3/12/09 and consisting of 3 pages. Plans may be modified at public hearing.

LOCATION: 3435 N.W. 87 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7,743 sq. ft.

Department of Planning and Zoning Recommendation:

Approval with conditions of request #2, #3 and #5 under Section 33-311(A)(4)(b) (NUV); and denial without prejudice of requests #1 and #4 under same, and denial without prejudice of requests #1 through #5 under Section 33-311(A)(14) (ASDO) and under Section 33-311(A)(4)(c) (ANUV).

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

NOTICE

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

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for

the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

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

1. TEMPLE DE L'ETERNAL, INC.
(Applicant)

09-7-CZ8-1 (07-319)
Area 8/District 2
Hearing Date: 7/22/09

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1992	Richard M. Vickers	- Variance for 85' radio tower setback 1'(95' required) 17'(95' required) 84'(95' required)	ZAB	Approved

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. 8**

APPLICANT: Temple De L'Eternal, Inc.

PH: Z07-319 (09-7-CZ8-1)

SECTION: 35-52-41

DATE: July 22, 2009

COMMISSION DISTRICT: 2

ITEM NO.: 1

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A. INTRODUCTION:

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to permit the expansion of a previously approved religious facility onto additional property to the west.
- (2) Applicant is requesting to permit the religious facility setback 11' (15' required) from the interior side (south) property line.
- (3) Applicant is requesting to permit the religious facility setback 6' (20' required) from the front (east) property line.
- (4) Applicant is requesting to waive the required 5' wide masonry wall between the BU and RU zoned property (interior to the site).
- (5) Applicant is requesting to waive the landscape regulations to permit 0 street trees (2 required) along N.W. 7th Avenue.
- (6) Applicant is requesting to permit parking and drives within 25' of the right-of-way (not permitted).
- (7) Applicant is requesting to permit 3 wall signs covering 90% of the wall (2 wall signs covering 10% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #7 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 'Interior Remodeling & Addition for Temple de L'Eternal, (sic) Inc.,' as prepared by Charles C. Mitchell, P. E., dated stamped received 3/12/09, consisting of 5 sheets. Plans may be modified at public hearing.

SUMMARY OF REQUESTS:

The applicant seeks a special exception to allow an existing religious facility to expand onto additional property the west. The applicant also seeks non-use variances of setbacks, wall requirements, parking regulations, tree requirements and sign regulations.

- o **LOCATION:** 10836 NW 7 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 32,250 sq. ft.

B. ZONING HEARINGS HISTORY:

In 1962, pursuant to Resolution 2-ZAB-257-62, a portion of the subject property was granted approval for a radio tower to setback less than the required distance from the front, rear and interior sides property lines.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates approximately the westerly 151' of the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. Also permitted in residential Communities are neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.
3. **Policy LU-4A:** 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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.
4. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
5. The Adopted 2005 and 2015 Land Use Plan designates approximately the easterly 133' of the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design

considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

6. **Uses and Zoning not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such 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 and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

D. NEIGHBORHOOD CHARACTERISTICS:

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
BU-3, BU-1A and RU-2; Religious facility	Low-Medium Density, 6 to 13 dua Business and Office
<u>Surrounding Properties:</u>	
<u>NORTH:</u> BU-3 and BU-2; Commercial	Low-Medium Density, 6 to 13 dua Business and Office
<u>SOUTH:</u> RU-2 and BU-3; Single Family Residences, Duplexes and Commercial	Low-Medium Density, 6 to 13 dua Business and Office
<u>EAST:</u> BU-2; Commercial	Business and Office
<u>WEST:</u> RU-2; Single Family Residences and Duplexes	Low-Medium Density, 6 to 13 dua

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:	Acceptable
Visibility/Visual Screening:	Acceptable*
Urban Design:	N/A

*Subject to the removal of the signage on the elevation plan.

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

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 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 from the terms of the zoning regulations 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	No objection*
Public Works	No objection
Parks	No comment
MDT	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is comprised of six lots and is located at 10836 NW 7 Avenue. The existing church structure is located on two lots located within the BU-3, Liberal Business District on the eastern portion of the subject property. The expansion of the church structure and parking area will be built within the BU-1A, Limited Business District and the RU-2, Two-Family Residential District on the westerly portion of the subject property. The Adopted 2015 and 2025 Land Use Plan designates the front portion of the subject property (approximately the easterly 133') of the subject property as **Business and Office** use and the rear portion of the subject property (approximately the westerly 151') for **Low-Medium Density Residential** use. As previously mentioned, the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates a portion of the subject property as **Business and Office**. This category accommodates a full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. As such, staff notes that, the proposed expansion to the existing church is **consistent** with the LUP map designation of the CDMP. Additionally, the Master Plan indicates that neighborhood and community services including schools, parks, **houses of worship**, day care centers, group housing facilities, and utility facilities, are permitted in Residential Communities only when consistent with the goals, objectives and policies of the Master Plan and compatible with the neighborhood. **Policy LU-4A** indicates that 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 or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable. Staff is of the opinion that the proposed expansion of the existing religious facility use onto additional property to the west would not disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive noise, light, glare and traffic. Staff's review of the submitted site plan reveals that although the applicant is expanding the existing religious facility use onto additional properties to the west, the existing configuration of the religious facility will remain within the BU-3 and BU-1A Districts, except for the proposed parking area which will be located in the RU-2 District. As such, staff opines that the requested expansion of the religious facility use onto additional properties to the west would not disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating

such impacts as excessive noise, light, and glare. As such, staff opines that the approval with conditions of the religious facility expansion as illustrated in the submitted plans for this application will not negatively impact the adjacent properties, is **compatible** with the surrounding area, and therefore, **consistent** with the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The Public Works Department (**PWD**) has **no objections** to this application. According to the Public Works Department's memorandum, the proposal does not generate any new additional daily peak hour trips; therefore this application meets traffic concurrency criteria set for an Initial Development Order. The Miami-Dade Fire Department (**MDFR**) has no objections to the application and indicates in their memorandum that the average travel response time is 6:12 minutes.

When analyzing request #1 under Section 33-311(A)(3), Standards For **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the proposed expansion of the religious facility onto additional property to the west, would not result in excessive noise, provoke excessive overcrowding or concentration of people when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development. The proposed expansion of the religious facility onto additional property to the west will not, in staff's opinion, be intrusive to the residential neighborhood and will not generate excessive noise or will provoke excessive overcrowding. As previously mentioned, staff notes that although the applicant is requesting to expand the existing religious facility use onto additional properties to the west, the addition to the existing structure will be contained within the boundaries of the BU-1A and BU-3 Districts, and only the parking area will be encroaching into the RU-2 District. Staff also notes that the plans depict only one two-way driveway that has been designed to front onto NW 109 Street, which is characterized by commercial development. Staff notes that the plans submitted by the applicant depict a proposed decorative 6' high wrought iron fence and 8.5' landscaped greenbelt consisting of trees, palms, hedge and shrubbery running along the interior side (south) property line and a proposed 25' landscaped greenbelt which also includes trees, palms, hedges and shrubbery running along the rear (west) property line where the subject property abuts residential property. As such, staff opines that the proposed buffer areas will effectively mitigate any negative aural or visual impacts said parking area could have on the adjoining residences to the south and to the west of the site. In staff's opinion, the requested expansion of the existing religious facility onto additional property to the west would be **compatible** with the area and, therefore, **consistent** with Policy LU-4A of the Master Plan. As such, staff recommends approval with conditions of request #1 under Section 33-311(A)(3).

When requests #2 through #6, are analyzed under the Non-Use Variance Standards, Section 33-311(A)(4)(b), staff is of the opinion that the proposed expansion illustrated on the site plan will not adversely impact the surrounding area and will be **compatible** with same. In Request #2, the applicant seeks to allow the proposed two-story addition to the existing church structure to setback 11' where 15' is required from the interior side (south) property line. The plans submitted by the applicant indicate that the 4' encroachment into the required 15' interior side (south) setback area is adequately buffered from the neighboring property to the south by the aforementioned 6' high wrought iron fence, and by the aforementioned landscaped area within the 8.5' greenbelt running along the south

property line. Additionally, staff notes that the proposed two-story addition has been designed with no openings towards the southern property line which, in staff's opinion, provides adequate aural buffering for the property to the south. As such, staff recommends approval with conditions of this request. The applicant also seeks the approval of the existing religious facility structure setback 6' where 20' is required from the front (east) property line (request #3). Staff notes that the 14' encroachment into the front setback area is due to an additional 15' right-of-way dedication for NW 7 Avenue after the property was originally platted in 1936. Staff notes that the existing structure was built in 1949 and the additional 15' right-of-way dedication was made in 1950. As such, staff opines that the continued use of the existing structure encroaching 14' into the front 20' setback area does not cause a negative visual impact to the surrounding area. As such, staff recommends approval with conditions of this request. In addition, the applicant seeks to waive the required 5' masonry wall between the BU-1A District and the RU-2 District (request #4). Staff notes that this request is internal to the site and is necessary in order to allow access from the proposed parking lot to the religious facility. Staff notes, that this request is also applicable to a small portion of the southern boundary of the subject property which, in staff's opinion, has been sufficiently buffered by the aforementioned landscaped area. As such, staff recommends approval with conditions of this request. In request #5, the applicant seeks to waive the requirement of two (2) street trees along NW 7 Avenue. Staff notes that the Public Works Department does not object to this request and that, due to the reduced front setback area there is a lack of adequate area to plant the required street trees. Additionally, staff also notes that the applicant has provided a surplus in the number of required trees in the parking lot area, which, in staff's opinion, compensates for the omission of the two (2) required street trees. As such, staff recommends approval with conditions of this request. In request #6, the applicant seeks to allow the parking area and drives within 25' of the official right-of-way of NW 109 Street. Staff notes that the property across NW 109 Street is zoned BU-2 and is developed with a commercial development and that the proposed parking area within 25' of the official right-of-way of NW 109 Street will not cause a negative visual impact to said commercial property. Additionally, the plans submitted by the applicant depict a proposed 10.5' greenbelt buffer along the right-of-way line of NW 109 Street except for that portion where a two-way driveway is provided for ingress and egress into the proposed parking area. The plans submitted by the applicant also depict a dense landscaped area along the 10.5' greenbelt buffer consisting of trees, palms, hedges and shrubbery. The plans also depict a proposed 6' high wrought iron decorative fence along the right-of-way line of NW 109 Street except for where the safe sight distance triangle is located which is on both sides of the two-way driveway connection to NW 109 Street. As such, staff recommends approval with conditions of this request.

When Request #7, is analyzed under the Non-Use Variance Standards, Section 33-311(A)(4)(b), to permit the maintenance and continued use of three (3) wall signs covering 90% of the front wall of the existing building where the Zoning Code only allows a maximum sign coverage of 10% of the wall, staff is of the opinion that the existing three (3) wall signs will have a negative visual impact on the surrounding area. Staff opines that a 90% sign wall coverage is excessive and that the existing wall signs should be removed prior to the issuance of a building permit for the proposed expansion to the existing religious facility and that the new wall sign should be in compliance with the Zoning Code requirements for signs. As such, staff recommends denial with prejudice of this request.

When requests #2 through #7 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Since the applicant has not proven that compliance with same would result in an unnecessary hardship and the subject property can be developed in accordance with the zoning regulations, staff is of the opinion that requests #2 through #7 cannot be approved under the ANUV Standards and should be denied without prejudice under Section 33-311(A)(4)(c) (ANUV).

- I. **RECOMMENDATION:** Approval with conditions of request #1 under Section 33-311(A)(3); approval with conditions of requests #2 through #6 and denial without prejudice of request #7 under Section 33-311(A)(4)(b) and denial without prejudice of #2 through #7 under Section 33-311(A)(4)(c).
- 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 Use; 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 'Interior Remodeling & Addition for Temple de L'Eternal, (sic) Inc.,' as prepared by Charles C. Mitchell, P. E., dated stamped received 3/12/09, consisting of 5 sheets. Except as herein modified to show the removal of the wall signs covering 90% of the wall.
 3. That the applicant 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 final zoning inspection.
 4. That the use be established and maintained in accordance with the approved plan.
 5. That the existing wall signs be removed prior to the issuance of any type of building permit.
 6. That no trailers, tents or similar structures an no temporary use of any type shall be permitted on the premises.
 7. That the applicants obtain a Certificate of Use from the Department and promptly renew same annually with the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
 8. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.

9. That the applicant comply with all applicable conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.

DATE INSPECTED: 06/23/09
DATE TYPED: 06/23/09
DATE REVISED: 06/24/09; 06/25/09; 07/01/09
DATE FINALIZED: 07/01/09
MCL:NN:NC:TA



Marc E. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDN

Memorandum



Date: January 20, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-08 #Z2007000319-Revised
Temple De L' Eternal, Inc.
10836 N.W. 7th Avenue
Non-Use Variance of Area and Parking Requirements to Permit a Religious
Facility
(BU-3) (0.74 Acres)
35-52-41

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 Supply 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

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year / 1-day storm event.

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

Pollution Remediation

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives contact the Pollution Remediation Section of DERM at 305-372-6700.

Air Quality Preservation

In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A Notice of Asbestos Renovation or Demolition form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

Wetlands

The subject property does not contain jurisdictional wetlands as defined in 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

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 the following two closed enforcement records for the subject property:

On February 3, 1995 a Uniform Civil Violation Notice (UCVN) was issued to Vickers Well Drilling for violations of permit conditions, specifically for failure to upgrade the underground tank. On June 27, 1995, an affidavit of compliance was filed by DERM upon verification of compliance. The case was subsequently closed.

On July 18, 1995 a Notice of Violation was issued to Vickers Well Drilling due to contamination in the on-site septic tank. In June 1996, the septic tank had been removed and the sludge stored on site pending disposal. On October 22, 1996 two monitoring wells had been installed. On November 25, 1996 no further action was issued. On June 25, 1997 disposal receipts were provided which verified proper disposal. The case was subsequently closed.

The following comments are also offered as they contain Code requirements, which are applicable to certain land uses permitted in the underlying zoning classification.

Hazardous Materials Management

Due to the nature of uses allowed in the existing 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 required management practices.

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 the requested use of the subject property may require operating permits from DERM. 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.

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.

PH# Z2007000319
CZAB - C08

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names:TEMPLE DE L'ETERNAL, INC.

This Department has no objections to this application.

Additional improvements may be required at time of permitting.

This project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

30-APR-08



Memorandum

Date: 04-DEC-08
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2007000319

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 28, 2007.

APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped November 26, 2008. Any changes to the vehicular circulation must be resubmitted for review and approval.

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

Service Impact/Demand:

Development for the above Z2007000319
 located at 10836 N.W. 7 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0682 is proposed as the following:

<u>N/A</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>922</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 0.61 alarms-annually.
 The estimated average travel time is: 6:12 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 30 - Miami Shores - 9500 NE 2nd Avenue.
 Rescue, BLS 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 plans date stamped November 26, 2008. Substantial changes to the plans will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

TEMPLE DE L'ETERNAL, INC.

10836 NW 7 AVENUE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2007000319

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT CASE HISTORY:

Case #200904003921 was opened for junk & trash (storage of containers) and inspected on 05/18/09. Warning notice issued and extension granted until 07/02/09.

Joan Spikes

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

✓ CORPORATION NAME: TEMPLE DE L'ETERNEL INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
✓ <u>SIMONE JEAN - LOUIS</u> <u>515 N W 124th ST</u> <u>MIAMI FL 33168</u>	<u>NOT</u> <u>FOR</u> <u>PROFIT</u>

... owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u>LISELLE BATHILLE</u> <u>328 S.W 120th AVE</u> <u>PEMBROKE PINES, FL</u> <u>33025</u>	<u>NOT</u> <u>FOR</u> <u>PROFIT</u>

... ns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u>EVANS DOBELLEN</u> <u>8700 NE 4th AVE</u> <u>MIAMI FL 33138</u>	<u>NOT</u> <u>FOR</u> <u>PROFIT</u>

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

✓ The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: Simone Jean-Louis
(Applicant)

Sworn to and subscribed before me this 9 day of April 2009. Affiant is personally know to me or has produced _____ as identification.

200-790-37-9520
Kathie K. Daniels
(Notary Public)

My commission expires: 9/24/2011

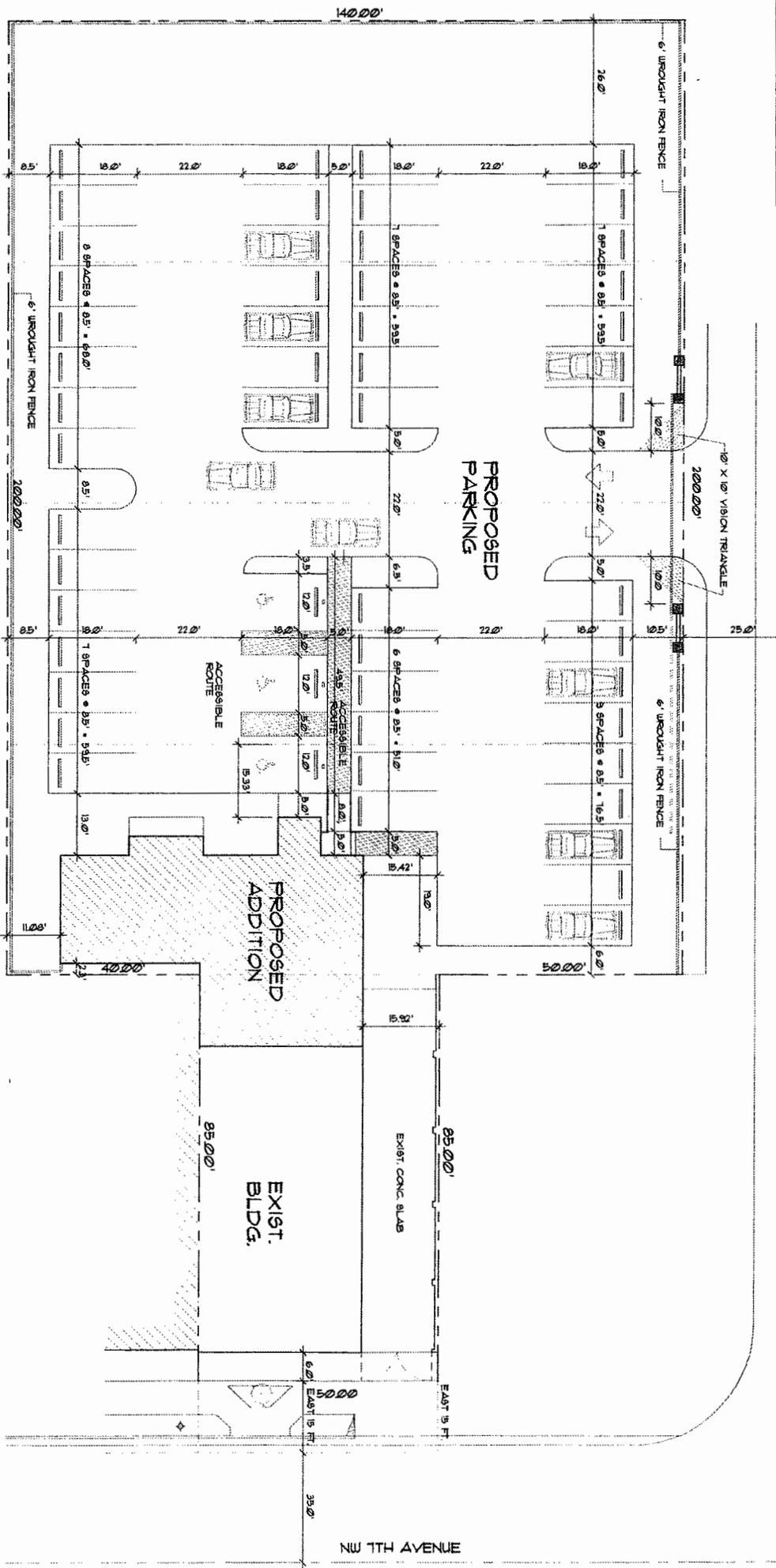


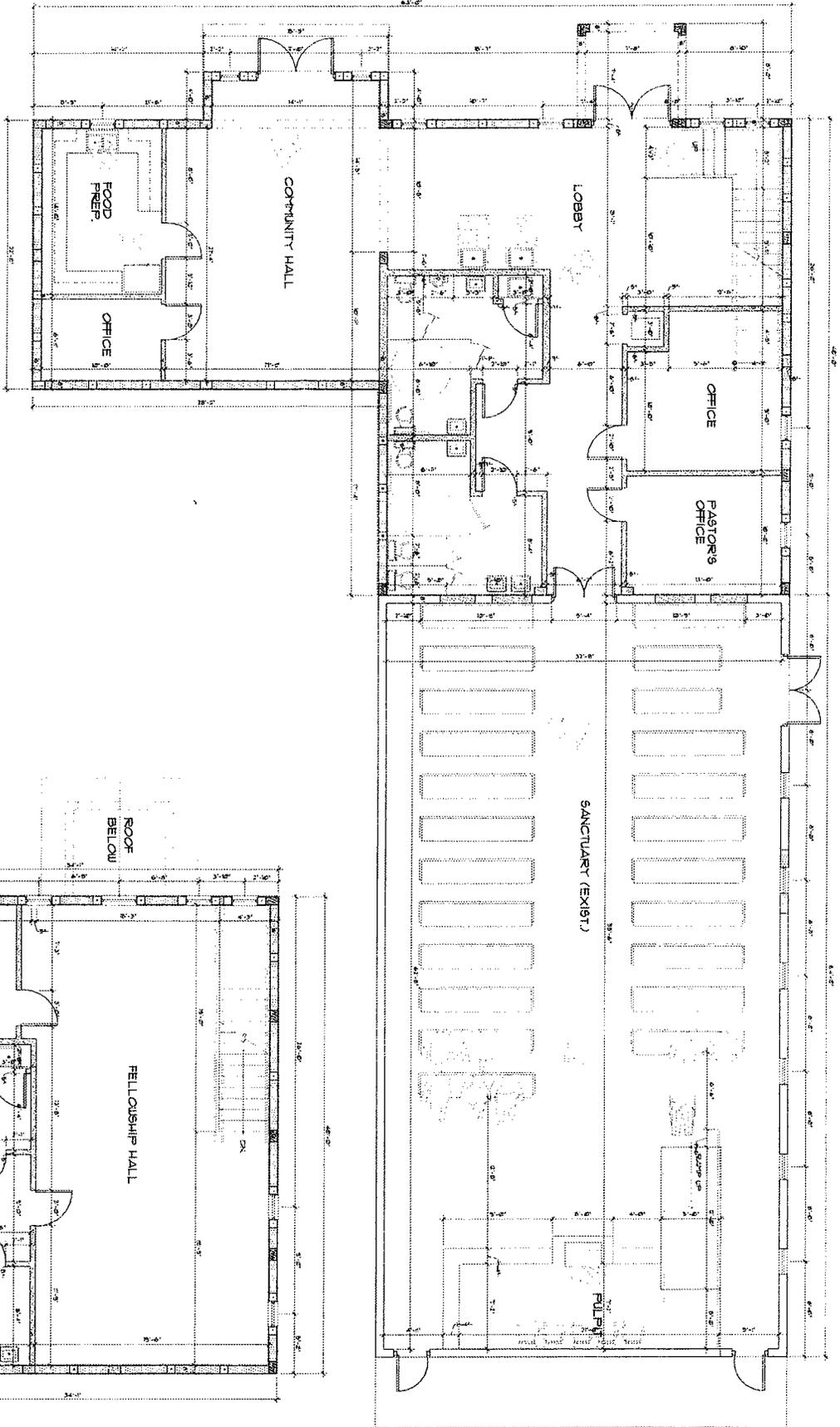
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

SITE PLAN

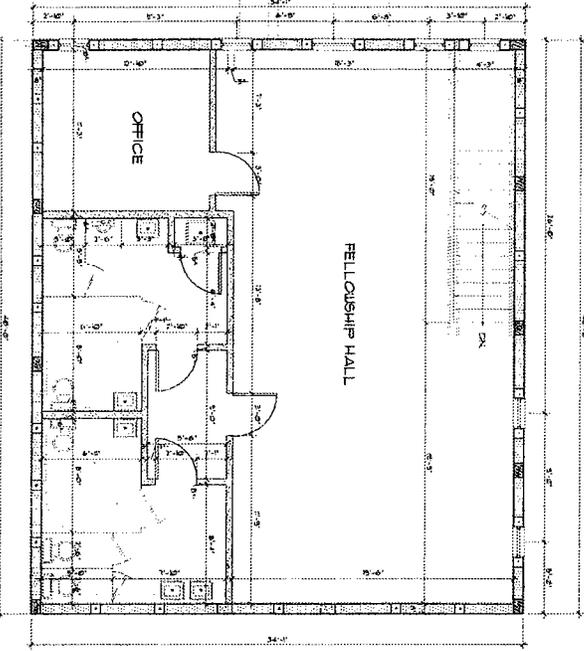


1/8" = 1'-0"

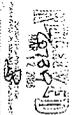




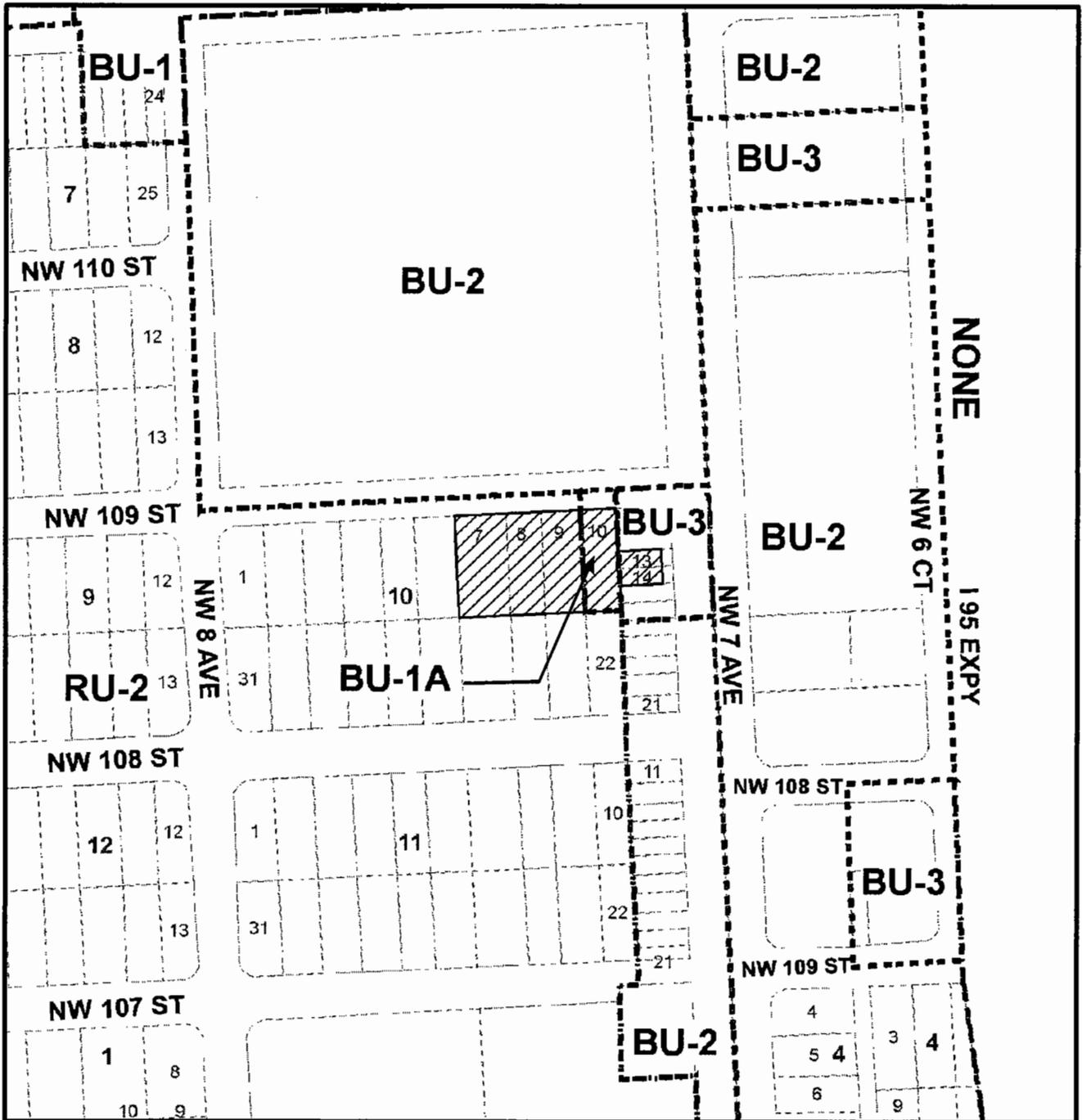
1st FLOOR PLAN
1/4" = 1'-0"



2nd FLOOR PLAN
1/4" = 1'-0"

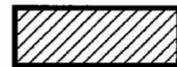


CHASE B. C. MITCHELL ARCHITECT 10036 NW 17th Avenue Fort Lauderdale, Florida 33324 TEL: (954) 344-4300	TEMPLE DE L'ETERNEL, INC. 10036 NW 17th Avenue Fort Lauderdale, Florida 33324	PREPARED ADDITION / RENOVATION FOR
		REVISION NO. DATE 1 2 3 4 5 6 7 8 9 10
3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014	3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014	3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014 3/15/2014



MIAMI-DADE COUNTY
HEARING MAP

Process Number
07-319



SUBJECT PROPERTY

Section: 35 Township: 52 Range: 41
 Applicant: TEMPLE DE L'ETERNAL, INC.
 Zoning Board: C08
 District Number: 02
 Drafter ID: ALFREDO
 Scale: NTS



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MIAMI-DADE COUNTY
AERIAL

Process Number
07-319



SUBJECT PROPERTY

Section: 35 Township: 52 Range: 41
 Applicant: TEMPLE DE L'ETERNAL, INC.
 Zoning Board: C08
 District Number: 02
 Drafter ID: ALFREDO
 Scale: NTS



CREATED ON: 09/11/07

REVISION	DATE	BY

2. ALL STATE FLORIDA BUILDERS
(Applicant)

09-7-CZ8-2 (08-013)
Area 8/District 3
Hearing Date: 7/22/09

Property Owner (if different from applicant) **Humberto Rodriguez**

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1958	W. H. Lunsford	- Lot Frontage - Bungalow Court	BA	Approved w/Conds.

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. 8**

APPLICANT: All State Florida Builders

PH: Z08-13 (09-7-CZ8-2)

SECTION: 15-53-41

DATE: July 22, 2009

COMMISSION DISTRICT: 3

ITEM NO.: 2

A. INTRODUCTION:

o **REQUESTS:**

- (1) SPECIAL EXCEPTION to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot.
- (2) Applicant is requesting to permit a parcel of land with a lot frontage of 61.28' (75' required) and a lot area of 5,425.05 sq. ft. (7,500 sq. ft. required).

Upon a demonstration that the applicable standards have been satisfied, approval of Request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or 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 "Humberto Rodriguez Residence 6099 NW 25 Ave Miami, Florida," as prepared by Antonio Acosta, consisting of 3 sheets, Sheets A-0 and A-2 dated stamped received 2/20/08 and Sheet A-1 dated stamped received 1/22/08. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** This application will allow the re-subdivision and re-facing of a portion of 2 platted lots into 1 proposed lot and will also allow for the construction of a single-family residence on a lot with less lot frontage and area than required.
- o **LOCATION:** The southeast corner of N.W. 61 Street and N.W. 25 Avenue, Miami-Dade County, Florida.
- o **SIZE:** 61.3' x 88.50'

- B. ZONING HEARINGS HISTORY:** In 1958, the subject site was part of two platted lots that were granted approval of a request to permit a bungalow court on an 88.4' X 140.45' tract of land (Lots 6 and 7, Block 2, Spring Hill Subdivision, PB 19, Page 40), pursuant to BA11-58. In 1986, the subject site was included as part of an application that encompassed a larger tract of land, filed by the then Directors of the Building and Planning Departments which sought a zone change from RU-3B, Bungalow Court, to RU-1, Single-Family Residential District, and was approved by the Board of County Commissioners (BCC), pursuant to Resolution No. Z-272-86.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. **Policy LU-1C**
 Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
3. **Objective LU-12**
 Miami-Dade County shall take specific measures to promote infill development that are located in the Urban Infill Area (UIA) as defined in Policy TC-1B or in a built-up area with urban services that is situated in a Community Development Block Grant (CDBG)-eligible area, a Targeted Urban Area identified in the Urban Economic Revitalization Plan for Targeted Urban Areas, an Enterprise Zone established pursuant to state law or in the designated Empowerment Zone established pursuant to federal law.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-1, Vacant

Low-Medium Density Residential,
 6 to 13 dua

Surrounding Properties:

NORTH: RU-2; Single-family residence
 and duplex

Low-Medium Density Residential,
 6 to 13 dua

SOUTH: RU-1; Duplex

Low-Medium Density Residential,
 6 to 13 dua

EAST: RU-1; Four-plex

Low-Medium Density Residential,
 6 to 13 dua

WEST: RU-3B; Miami-Dade County
 Bus Depot

Medium Density Residential, 13 to 25 dua

E. SITE AND BUILDINGS:

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

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(3) Special Exception, Unusual and New Uses. Hear applications for and grant or deny **special exceptions**; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or planned and budgeted for construction, area accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area of and its development.

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:

(d) The lot area, frontage, or depth for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:

1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and

- B. the proposed alternative development will not result in the further subdivision of land; and
 - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
 - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:
- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
 - B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and
 - C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
3. the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and

- B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated agricultural in the Comprehensive Development Master Plan:
- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
 - B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
 - C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with [in] the agricultural designation; and
 - E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (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
 - B. 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 Variances From Other Than Airport Regulations. Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative Non-Use Variance Standards. 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 from the terms of the zoning regulations 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	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to conditions indicated in their memorandum.

H. ANALYSIS:

The subject property lies within the Model City/Brownsville Charrette Study Area, which has been specifically targeted as an area that is in great need of revitalization. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use. This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre, yielding a minimum of 0 to a maximum density permitted of 1 dwelling unit on the 5,425.05 sq. ft. (61.3' x 88.5') subject site. Staff notes that the RU-1 zone allows only one single-family residence on a lot. Therefore, no more than one single-family residence can be developed on the subject site, which is within the density threshold of the LUP map of the CDMP. Staff acknowledges that **Policy LU-1C** of the interpretive text of the CDMP encourages infill development on vacant sites contiguous to urbanized areas and that the subject property lies within the Urban Infill Area (UIA). Additionally, staff acknowledges that the subject property is located in a Community Development Block Grant (CDBG)-eligible area and that **Objective LU-12** of the CDMP indicates that Miami-Dade County should take specific measures to promote infill development that is situated in a CDBG-eligible area. Moreover, staff acknowledges that the applicant's proposal is numerically **consistent** with the density threshold of the LUP Map of the CDMP. Notwithstanding the foregoing, it should be noted that staff is not supportive of the development of a single-family residence on the proposed substandard-sized, RU-1 zoned parcel since the approval of the proposed lot would result in the further subdivision of land and would leave the lot to the south, which is currently improved with a duplex residence and is not included as part of this application, as a substandard sized non-conforming lot.

The **Department of Environmental Resources Management (DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The **Public Works Department** also has **no objections** to this application. Their memorandum indicates that this project meets traffic concurrency because it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. Furthermore, this land requires platting in accordance with Chapter 28 of the Code of Miami-Dade County

8

and road dedications and improvements will be accomplished through the recording of a plat. Additionally, the **Miami-Dade Fire Rescue Department (MDFR) does not object** to this application and indicates that the estimated average response time is 5:10 minutes.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff is of the opinion that the request to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot would result in excessive noise or traffic, cause undue or excessive burden on transportation, streets, roads or highways, provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. The subject property consists of the northern portion of two platted lots with a total lot area of 5,425.05 sq. ft. (61.3' x 88.5'). The subject property, more particularly described as the north 61.3' of Lots 6 and 7 of the Spring Hill Subdivision (Plat book 19, Page 40), an older subdivision of Miami-Dade County, was originally platted in 1925 as Lot 6, consisting of 5,626 sq. ft. (40' x 140.65'), and Lot 7, consisting of 6,827.15 sq. ft. (48.54' x 140.65'). Staff's research indicates that the subject site was purchased in 2006 and that the site is currently vacant. Further, staff notes that the southern portions of Lots 6 and 7, which are not included in this application, are currently improved with a duplex residence. As previously mentioned, staff is not supportive of this application and notes that no approvals to re-subdivide and reface have been granted in the surrounding area. Further, staff maintains that approval of request #2 would result in the further subdivision of land and would leave the southern portion of Lots 6 and 7, which are currently improved with a duplex residence and are not included as part of this application, as a substandard sized 7,022.5 sq. ft. (79.35' X 88.50') non-conforming lot. Therefore, staff opines that the request to re-subdivide and reface a portion of 2 platted lots into 1 proposed lot is **incompatible** with the area. As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When request #2 is analyzed under the Non-Use Variance (NUV) Standard, Section 33-311(A)(4)(b), staff is of the opinion that the approval of the request would affect the stability and appearance of the community and would be **incompatible** with the surrounding area. It should be noted that the subject property is not platted and, therefore, is precluded from the grandfathering provision under Section 33-7. Staff acknowledges that the approval of the request to permit a parcel with a lot frontage of 61.28' (75' required) and a lot area of 5,425.05 sq. ft. (7,500 sq. ft. required) will not result in an obvious departure from the aesthetic character of the area. In addition, staff acknowledges that the RU-2 zoned property to the north of the subject site consists of a lot frontage of 50' and a lot area of 3,805 sq. ft and is currently improved with a single-family residence that was built in 1940. However, staff's research reveals that said lot was originally platted in 1925 as Lot 8 of the Spring Hill Subdivision (Plat book 19, Page 40) consisting of 6,880 sq. ft. (50.68' x 135.77') and has since been subdivided into two lots one with a lot frontage of 50' and a lot area of 2,550 sq. ft. and the other with a lot frontage of 50.74' and a lot area of 3,805 sq. ft., each improved with a single-family residence built in the 1940's. It should be noted that said lot to the north of the subject site was not granted approval at a zoning hearing to re-subdivide and reface a platted lot into 2 lots and that no permit records are currently on file for either of the two residences located to the north of the subject site. However, research indicates that approvals of similar requests for lot frontage are prevalent in the immediate vicinity of the subject property. Specifically, in 1967 property located at 655 NW 60 Street, approximately 920' to the southeast of the subject site, was granted approval of a request to permit a lot frontage of 46' and a lot area of 5,977.7 sq. ft. for as a duplex building site, pursuant to Resolution #3-ZAB-

226-67. Additionally, in 2006, property located approximately 325' to the southeast of the subject property, was approved for a variance of lot frontage to permit a lot with 54.3' of frontage and 5,994.72 sq. ft. of lot area as a single-family building site, pursuant to Resolution #CZAB8-22-06. Notwithstanding the aforementioned approvals, staff notes that said approvals featured a greater lot area than that proposed in this application and did not result in the further subdivision of land or the creation of any non-conforming sized lots. Therefore, as previously mentioned, approval of the request to develop the subject lot as a single-family residential building site with a lot frontage of 61.28' and a lot area of 5,425.05 sq. ft. would result in the further subdivision of land and would leave the lot to the south, which is currently improved with a duplex residence and is not included as part of this application, as a substandard sized 7,022.5 sq. ft. (79.35' X 88.50') non-conforming lot. As such, staff opines that request #2 is **incompatible** with the surrounding area. As such, staff recommends denial without prejudice of request #2 under 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. This application meets some of the criteria for approval under the ASDO Standards for lot frontage. Specifically, the site provides sufficient frontage for vehicular access (Section 33-311(A)(14)(d)(1)(G)); the size is sufficient to provide all setbacks (Section 33-311(A)(14)(d)(1)(C)); the site is not zoned GU or AU and the site is not designated as agriculture or open land on the LUP map of the CDMP (Section 33-311(A)(14)(d)(1)(F)). Further, the parcel is under lawful separate ownership from any contiguous property, is not otherwise grandfathered for single family or duplex use (Section 33-311(A)(14)(d)(1)(A)). Although the substandard sized lot will not result in an obvious departure from the aesthetic character of the immediate vicinity as evidenced by the similarly sized parcels of land that are prevalent in the surrounding area (Section 33-311(A)(14)(d)(1)(E)), staff notes that approval of request #2 will result in the further subdivision of land (Section 33-311(A)(14)(d)(1)(B)) and will create a substandard-sized non-conforming lot to the south which is currently improved with a duplex residence. Additionally, the subject site consists of a lot area of 5425.05 sq. ft. (7,500 sq. ft. required), which does not comply with the ASDO Standard in Section 33-311(A)(14)(d)(1)(D) that no lot area shall be less than ninety percent (90%) of the lot area required by the underlying district. The subject property's lot area of **5,425.05** sq. ft. falls below the 6,750 sq. ft. of lot area, which is 90% of the lot area required by the underlying zoning district. Therefore, the request cannot be approved under Section 33-311(A)(14) (ASDO). As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(14) (ASDO).

When the request is analyzed under the Alternative Non-Use Variance (ANUV) Standard, Section 33-311(A)(4)(c) request #2 would have to be proven to be due to an unnecessary hardship and that, should the request not be granted, such denial would not permit the reasonable use of the premises. It has not been demonstrated that the denial of request #2 would result in unnecessary hardship. As such, request #2 cannot be approved under this section and therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(4)(c) (ANUV).

- I. **RECOMMENDATION:** Denial without prejudice.
- J. **CONDITION:** None.

DATE INSPECTED: 03/03/08
DATE TYPED: 06/16/09
DATE REVISED: 06/17/09; 07/02/09
DATE FINALIZED: 07/02/09
MCL:NN:AA:NC



Marc C. LaFerrer, AICP, Director
Miami-Dade County Department of
Planning and Zoning

NDW

Memorandum



Date: April 6, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

Subject: C-08 #Z2008000013-1st Revision
All State Florida Builders, Inc
6099 N.W. 25 Avenue
Request to Reface a Parcel of Land and to Permit a Single-Family
Residence with Lot Frontage Less than Required
(RU-1) (0.12 Acres)
15-53-41

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.

Pollution Control

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

Stormwater Management

All 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 of a 5-year/1-day storm event.

Site grading and development plans 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 LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

Pollution Remediation

The applicant is advised that there are records of current contamination assessment or remediation issues abutting the subject property, at the Dade County Public Schools Northeast Trans. Center, 5901 N.W. 27th Avenue, UT-277/F-2871.

The subject property is located within a designated brownfield area. The applicant is advised that there are economic incentives available for development within this area. For further information concerning these incentives, contact the Pollution Remediation Section of DERM at 305-372-6700.

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 site plan submitted with this zoning application entitled "Humberto Rodriguez Residence", dated June 2007 (revised August 20, 2007), Sheet A-0 and prepared by Antonio Acosta PE, depicts two existing avocado trees located on the north of the property to remain. It also depicts one Ficus citrifolia tree on the northern right of way of the property "to remain". Therefore the Tree Program has no objection to the approval of this zoning application.

Please be advised that 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 Chapter 24. Said Tree Removal 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 tree 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.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ALL STATE FLORIDA BUILDERS

This Department has no objections to this application.

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 project meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply.



Raul A Pino, P.L.S.

18-JUN-08

Memorandum



Date: 11-FEB-08
To: Subrata Basu, Interim Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2008000013

Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

Service Impact/Demand:

Development for the above Z2008000013
 located at THE SOUTHEAST CORNER OF N.W. 61 STREET & N.W. 25 AVENUE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0918 is proposed as the following:

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

Based on this development information, estimated service impact is: 0.27 alarms-annually.
 The estimated average travel time is: 5:10 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
 Station 2 - Model Cities - 6460 NW 27 Avenue
 Rescue, BLS 50' Squrt, Battalion

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 January 22, 2008. Substantial changes to the letter of intent will require additional service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ALL STATE FLORIDA BUILDERS

THE SOUTHEAST CORNER OF NW
61 STREET & NW 25 AVENUE,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2008000013

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CURRENT ENFORCEMENT HISTORY:

Case #200904004299 was opened for overgrown grass and weeds and inspected on 06/01/09.
Warning notice issued and is scheduled for re-inspection on 06/29/09.

Milton Moore

RECEIVED

DISCLOSURE OF INTEREST*

MIAMI-DADE COUNTY
PROCESS # 708-013
DATE: JAN 22 2008

IF A CORPORATION owns or leases the subject property, list principal stockholders and percent of stock held by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: All State Florida Builders, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Humberto Rd 92.</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

IF A TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IF A PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

IF THERE IS A CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

RECEIVED
708-013
JAN 22 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY JA

18

RECEIVED

NAME OF PURCHASER: _____

MIAMI-DADE COUNTY

PROCESS #: Z08-013

DATE: JAN 22 2008

BY: JESSE1

NAME OF PARTY'S AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

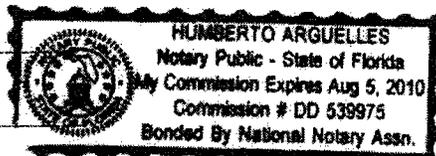
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 11 day of Jan, 2008. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)



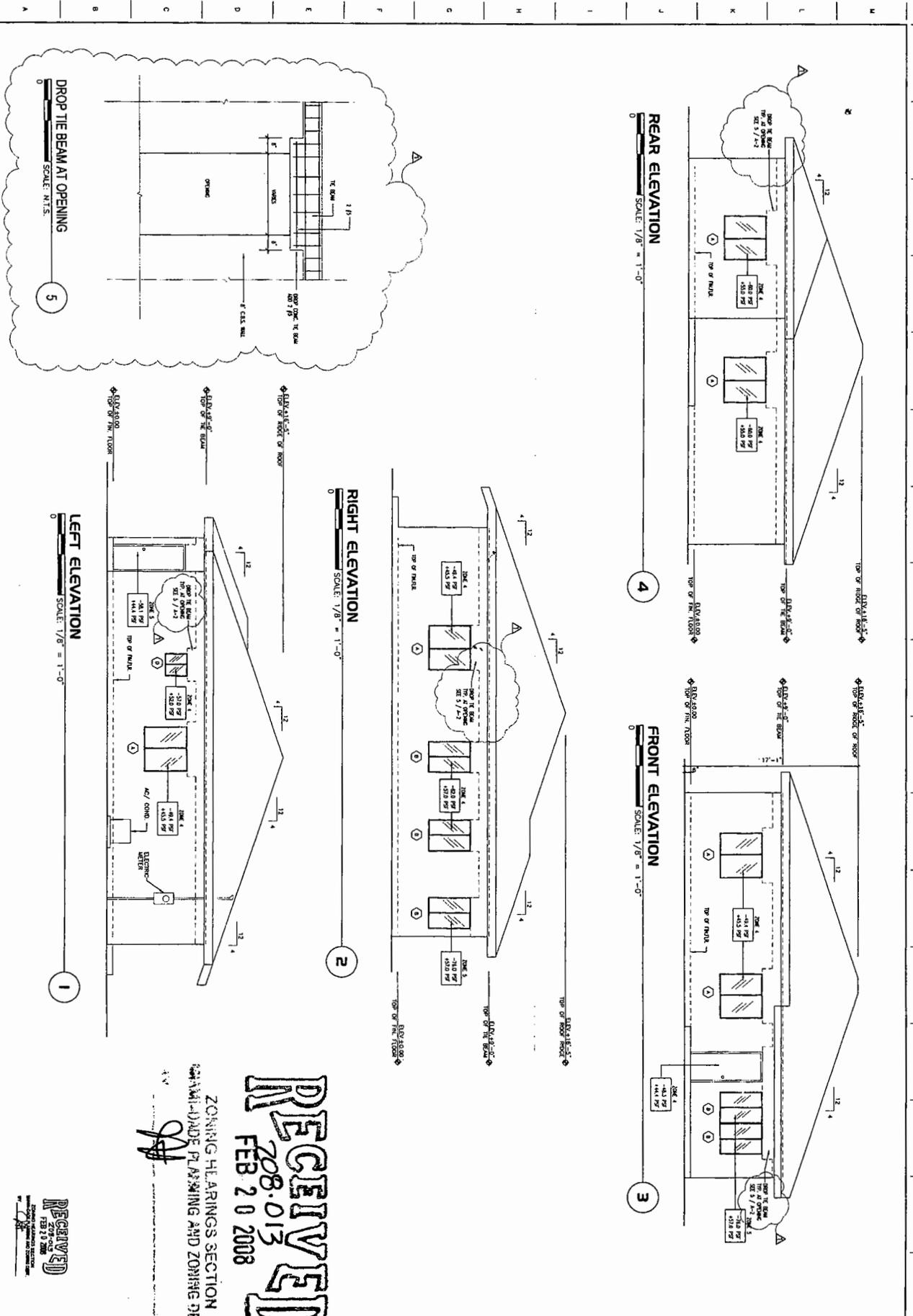
My commission expires: _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

RECEIVED
Z08013
JAN 22 2008

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____



HILBERTO RODRIGUEZ RESIDENCE

Checked: *Antonio Acosta*
2/19/08

DESIGNER
ANTONIO ACOSTA
P.E. L.C. & A.S.B.S.
1000 S.W. 10TH AVENUE
MIAMI, FL 33135
PH. (305) 855-4806

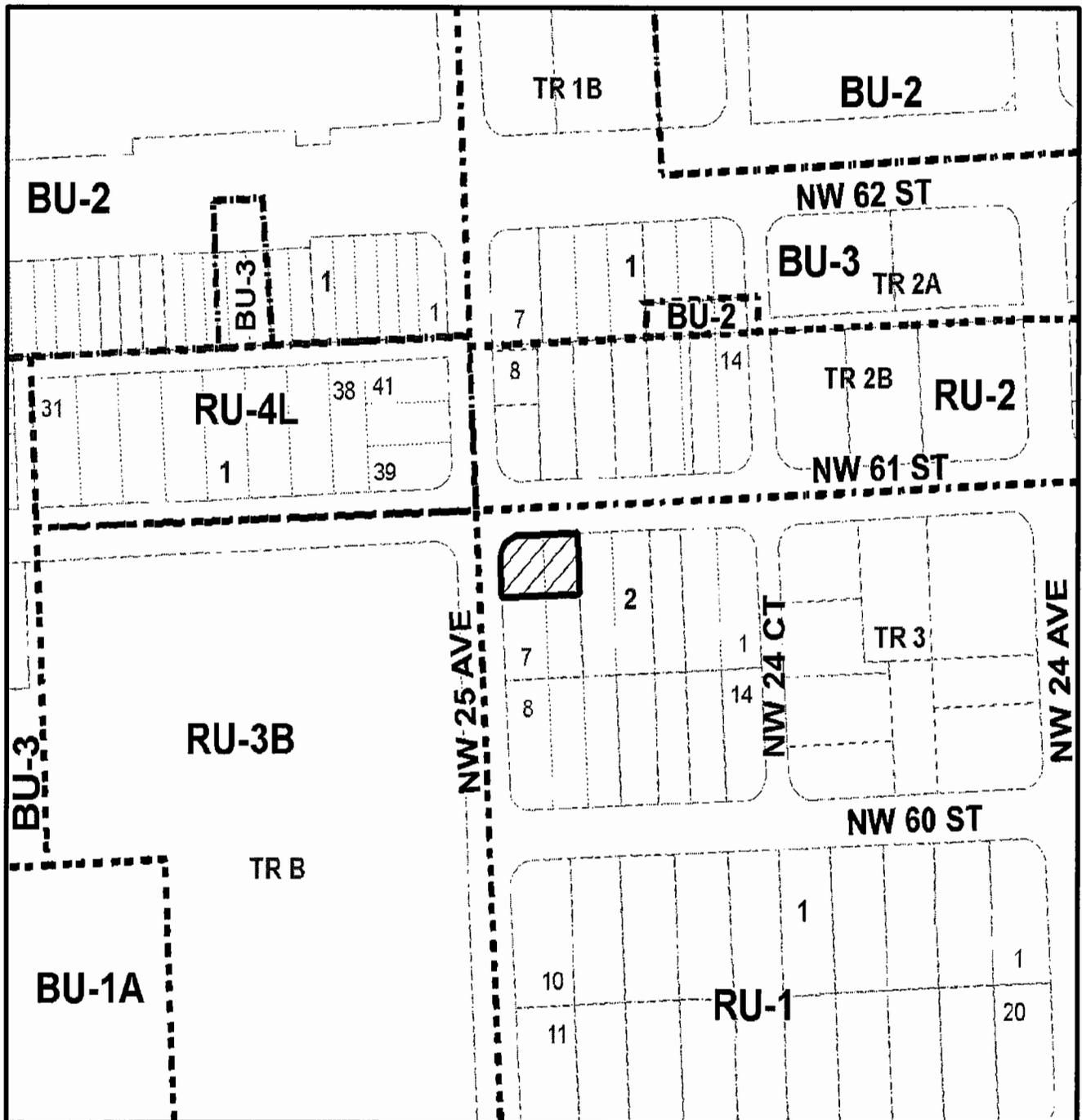
PROJECT NAME
HILBERTO RODRIGUEZ
6329 NW 25 AVE
MIAMI, FL 33142

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ZONING HEARINGS SECTION
CITY OF MIAMI PLANNING AND ZONING DEPT.

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ZONING HEARINGS SECTION
CITY OF MIAMI PLANNING AND ZONING DEPT.

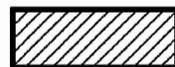
Drawing Title: ELEVATIONS
Sheet No. A-2

23



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-013



SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
Applicant: ALL STATE FLORIDA BUILDERS
Zoning Board: C08
District Number: 3
Drafter ID: N'NAGBE
Scale: NTS



REVISION	DATE	BY
24		



MIAMI-DADE COUNTY
AERIAL

Process Number
08-013



SUBJECT PROPERTY

Section: 15 Township: 53 Range: 41
Applicant: ALL STATE FLORIDA BUILDERS
Zoning Board: C08
District Number: 3
Drafter ID: N'NAGBE
Scale: NTS



REVISION	DATE	BY

3. ETHEL ALLEN FRAZIER
(Applicant)

09-7-CZ8-3 (09-015)
Area 8/District 2
Hearing Date: 7/22/09

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
--------------------	-------------------------	-----------------------	---------------------	------------------------

No History

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. 8**

APPLICANT: Ethel Allen Frazier

PH: Z09-15 (09-7-CZ8-3)

SECTION: 4-53-41

DATE: July 22, 2009

COMMISSION DISTRICT: 2

ITEM NO.: 3

A. INTRODUCTION

o **REQUESTS:**

- (1) Applicant is requesting to permit a family room addition to a single-family residence setback varying from 1.61' to 5.1' (7.5' required) from the interior side (north) property line.
- (2) Applicant is requesting to permit a single-family residence setback 24.9' (25' required) from the front (west) property line.
- (3) Applicant is requesting to permit a canopy carport setback a minimum of 0.75' (2' required) along the interior side (north) property line and setback a minimum of 4.75' (5' required) from the front (west) property line.
- (4) Applicant is requesting to permit a lot coverage of 41.72% (35% maximum allowed).
- (5) Applicant is requesting to permit a shed setback a minimum of 2.17' (7.5' required) along the interior side (north) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or 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 "Jones Allen Legalization," as prepared by Conde Architect, P.A., dated stamped received 3/12/09 and consisting of 3 pages. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting to permit an existing family room addition to the existing single-family residence to encroach into the interior side setback area, to permit the existing residence to encroach into the front setback area and to permit an existing canopy carport to encroach into the interior side and front setback areas. Additional requests to permit a greater lot coverage than allowed and to permit an existing shed to encroach into the interior side setback area are also being sought.

- o **LOCATION:** 3435 N.W. 87 Terrace, Miami-Dade County, Florida.

- o **SIZE:** 7,743 sq. ft.

- B. ZONING HEARINGS HISTORY:** In 1950, the subject site was part of a larger tract of land which was granted a zone change from AU, Agricultural District, to RU-1B, One-

Family Residential District, pursuant to Resolution No. 3570. In 1953, the subject property was subject of a Resolution which abolished the RU-1B, One Family Residential District zone classification and rezoned all areas at the time to RU-1, pursuant to Resolution No. 5711. Furthermore, the aforementioned Resolution established as conforming any lots subdivided prior to the date of the Resolution, February 24, 1953.

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** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Single family housing, e.g., single family detached, cluster, and townhouses generally characterize this density category. 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 Properties:

NORTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

SOUTH: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

EAST: RU-1; single-family residences

Low Density Residential, 2.5 to 6 du

WEST: RU-1; Miami-Dade County Park

Low Density Residential, 2.5 to 6 du

The subject property is a corner lot located at 3435 NW 87 Terrace in an area zoned RU-1, Single-Family Residential District, 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:

N/A

Open Space:

Acceptable*

Buffering:

Acceptable*

Access:

Acceptable

Parking Layout/Circulation:

Acceptable

*Only as applied to requests #2, #3 and #5.

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 (20) percent of the lot coverage permitted by the underlying district regulations provided, however, that the proposed alternative development shall not result in total lot coverage exceeding 50% of the net lot area; 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

B. 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 Variances From Other Than Airport Regulations.

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

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	No objection
Public Works	No objection
Parks	No objection
MDT	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment

H. ANALYSIS:

The subject property is a corner lot located at 3435 NW 87 Terrace in an area zoned RU-1, Single-Family Residential District, developed with single-family residences. The subject property is designated as **Low Density Residential** use on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), which allows 2.5 to 6 dwelling units per acre. Since the requests will not add additional dwelling units to the subject property, the RU-1 zoned, single-family residence is **consistent** with the LUP map of the CDMP.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. The Miami-Dade Fire Rescue Department (**MDFR**) has **no objections** to this application and indicates that the estimated average travel response time is 6:12. The **Public Works Department (PWD)** has **no objections** to this application.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of request #1 would be **incompatible** with the surrounding area, out of character with and detrimental to the neighborhood, and would therefore negatively affect the appearance of the community. Approval of request #1 will permit the maintenance and continued use of an existing family room addition to a single-family residence setback varying from 1.61' to 5.1' (7.5' required) from the interior side (north) property line. Plans submitted by the applicant illustrate that said addition is attached to the northern portion of the residence, is accessible from both outside and inside the residence, and results in an encroachment of 2.4' to 5.89' into the interior side (north) setback area. Staff opines that the requested encroachment of 2.4' to 5.89' is too intense, has a negative visual impact on the adjacent single-family residence that abuts the subject property to the north and is out of character with the neighborhood as evidenced by the lack of similar approvals in the surrounding area. It should also be noted that said addition was constructed without the benefit of building permits and that no similar approvals of requests this intense have been approved within the immediate vicinity of the subject property. Therefore, staff recommends denial without prejudice of request #1 under the NUV Standards.

When analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of requests #2, #3, and #5 would be **compatible** with the surrounding area, would not be out of character with or detrimental to the neighborhood, and would not negatively affect the appearance of the community. Approval of request #2 will permit the maintenance and continued use of the existing single-family residence setback 24.9' (25' required) from the front (west) property line. Staff opines that the requested 0.1' encroachment is minor and is most likely due to an inadvertent construction error. As such, staff opines that approval of request #2 would not be out of character with the area. Approval of request #3, to permit an existing canopy carport setback a minimum of 0.75' (2' required) along the interior side (north) property line and setback a minimum of 4.75' (5' required) from the front (west) property line, will allow the applicant the maintenance and continued use of the existing canopy carport. Staff's research reveals that property located at 3430 NW 87 Terrace, approximately 48' south of the subject site, was granted approval of a request to permit an open carport in front of a residence setback 0' from the interior side property line, pursuant to Resolution No. Z-48-87. Moreover, staff opines that the requested 0.25' encroachment into the front setback area is minor and will not have a negative visual impact on the area. Staff acknowledges that approval of request #5, to permit an existing shed setback a minimum of 2.17' (7.5' required) from the interior side (north) property line will result in an encroachment of 5.33' into the interior side setback area. However, staff's review of pictures submitted by the applicant reveal the presence of mature trees and shrubs planted along a portion of the interior side property line that coincides with the location of the existing shed which provides a visual buffer to the property to the north of the subject site. Therefore, staff opines that the approval of request #5 will not have a negative visual impact on the adjoining residence located to

the north of the subject site. Based on all of the aforementioned, staff recommends approval with conditions of requests #2, #3, and #5 under the NUV Standards.

Request #4, to permit a lot coverage of 41.72% (35% maximum allowed), is the result of the family room addition reflected in request #1 which staff does not support for reasons mentioned above. It should be noted that no similar approvals for variances of lot coverage have been granted in the immediate vicinity of the subject property; therefore, the approval of request #4 would be out of character with the neighborhood. Staff's review of the submitted plans reveals that the layout of the residence can be redesigned to comply with the maximum allowable lot coverage of 35%. Specifically, the removal of the family room addition would result in a lot coverage of 34% which would comply with the maximum lot coverage. Additionally, staff notes that the subject property consists of a lot size of 7,743 sq. ft., which exceeds the minimum 7,500 sq. ft. lot size requirement in the RU-1 district by 243 sq. ft. As such, staff opines that the subject lot is more than adequate in size to accommodate the single-family residence without exceeding the maximum allowable lot coverage. Therefore, staff maintains that request #4 is indicative of an over utilization of the site and is incompatible with the surrounding area. Accordingly, staff recommends denial without prejudice of request #4 under the NUV Standards.

The Alternative Site Development Option (ASDO) standards under 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 Alternative Site Development Option Standards as established. However, the applicant has not provided staff with the documentation required for analysis under the ASDO Standards. As such, this application 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 this application under the Alternative Non-Use Variance (ANUV) Standards.

Based on all of the foregoing, it is staff's opinion that that requests #1 and #4 are excessive and that the approval of same would be out of character with and detrimental to the neighborhood and would negatively affect the appearance of the community. Therefore, staff recommends that requests #1 and #4 be denied without prejudice under Section 33-311(A)(4)(b) (NUV), Section 33-311(A)(14) (ASDO) and under Section 33-311 (A)(4)(c) (ANUV). However, staff opines that approval of requests #2, #3, and #5 would be compatible with the surrounding area and would not be detrimental to the neighborhood. As such, staff recommends approval with conditions of requests #2, #3, and #5 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(14) (ASDO) and under Section 33-311 (A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions of requests #2, #3, and #5 under Section 33-311(A)(4)(b) (NUV); denial without prejudice of requests #1 and #4 under same, and denial without

prejudice of requests #1 through #5 under Section 33-311(A)(14) (ASDO) and 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 upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, 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 "Jones Allen Legalization," as prepared by Conde Architect, P.A., dated stamped received 3/12/09 and consisting of 3 pages, except as herein modified to show the removal of the existing family room addition to the single-family residence attached to the northern portion of the existing residence. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant apply for and secure a permit for the existing canopy carport and the existing shed from the Building Department within 120 days of the expiration of the appeal period for this public hearing, unless a time extension is granted by the Director of the Department of Planning and Zoning.
5. That the applicant maintain landscaping, consisting of trees and shrubs along the portion of the interior side (north) property line that coincides with the location of the existing shed. Said landscaping shall be installed prior to final zoning inspection.

DATE INSPECTED: 06/01/09
DATE TYPED: 06/18/09
DATE REVISED: 06/22/09
DATE FINALIZED: 07/02/09
MCL:NN:CH:NC



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

NDW

Memorandum



Date: March 3, 2009
To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: C-08 #Z2009000015
Ethel A. Frazier
3435 N.W. 87 Terrace
Request to Permit a Carport Addition and Accessory Structure to a
Single-Family Residence With Setbacks Less than Required
(RU-1) (.30 Acres)
04-53-41

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.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

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 Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

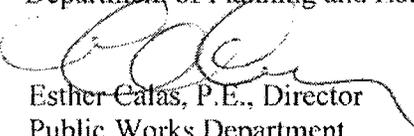
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

Memorandum



Date: November 26, 2008

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

From: 
Esther Calas, P.E., Director
Public Works Department

Subject: Zoning Hearing Improvements

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that 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: Antonio Cotarelo, P.E., Assistant Director
Public Works Department

Raul Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez

Memorandum



Date: 19-FEB-09
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2009000015

Fire Prevention Unit:

Not applicable to Fire Engineering & Water Supply Bureau site requirements.

Service Impact/Demand:

Development for the above Z2009000015
located at 3435 NW 87 TERRACE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0736 is proposed as the following:

<u>N/A</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: N/A alarms-annually.
The estimated average travel time is: 6:12 minutes

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 7 - W Little River - 9350 NW 22 Avenue
Rescue, ALS Engine, Squad

Planned Service Expansions:

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

Fire Planning Additional Comments:

Not applicable to service impact analysis.

TEAM METRO

ENFORCEMENT HISTORY

ETHEL ALLEN FRAZIER

3435 NW 87 TERRACE, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2009000015

HEARING NUMBER

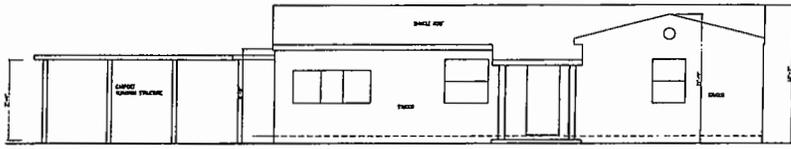
CURRENT ENFORCEMENT HISTORY:

Case 200904004299

6/29/2009 A reinspection revealed that the violation was corrected. Case has been closed.

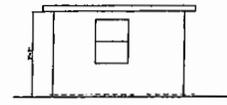
M. Moore

RECEIVED
MILLER/BLISS CONSULTING
PLANNING & DESIGN
10150 SW 15th ST
MIAMI, FL 33187



SOUTH ELEVATION

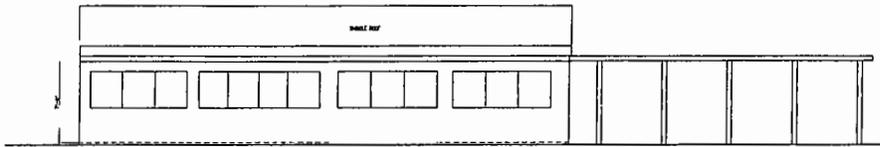
SCALE: 1/4"=1'-0"



SOUTH ELEVATION

SCALE: 1/4"=1'-0"

NOTE:
THESE PLANS ARE FOR ZONING HEARING ONLY AND
REPRESENT THE ACTUAL EXISTING CONDITIONS



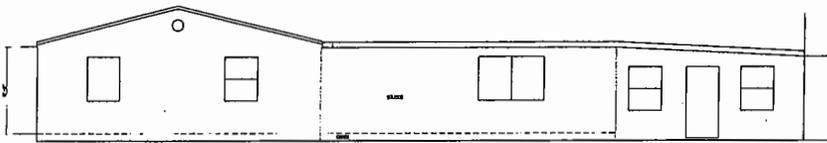
NORTH ELEVATION

SCALE: 1/4"=1'-0"



NORTH ELEVATION

SCALE: 1/4"=1'-0"



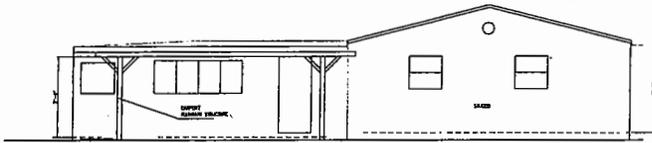
EAST ELEVATION

SCALE: 1/4"=1'-0"



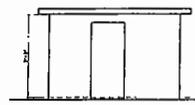
EAST ELEVATION

SCALE: 1/4"=1'-0"



WEST ELEVATION

SCALE: 1/4"=1'-0"



WEST ELEVATION

SCALE: 1/4"=1'-0"

ARCHITECT
COND
CONDIC ARCHITECT P.A.
JOSE R. CONDIC R.A.
REG. # AR 200384
15511 N.W. 85th AVENUE
MIAMI, FLORIDA 33187
PHONE: (305) 594-0886
FAX: (305) 594-0886
E-MAIL: jose@condic.com

PROJECT TITLE
**JONES ALLEN
LEGALIZATION**

CLIENT
**JAMIE JONES
ETRES ALLEN
303 SW 1317**

ISSUED & REVISIONS
DATE: 01-31-2008
JOB PERMIT: 02-01-2008

PROJECT COORDINATOR

DRAWING TITLE
ELEVATIONS

REVISION

SCALE: AS SHOWN
UNITS: FEET & INCHES

DRAWN BY: J.C.
CHECKED BY: J.C.
PROJECT NO.: 2008-003

NOT TO BE USED FOR CONSTRUCTION
WITHOUT THE SIGNATURE OF THE ARCHITECT
DATE: 01-31-2008
BY: J.C.

DATE: 01-31-2008
A3
OF 3

RECEIVED
209-015
MAR 12 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: JL

wt paw.

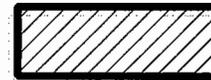
19



**MIAMI-DADE COUNTY
HEARING MAP**

**Process Number
09-015**

Section: 04 Township: 53 Range: 41
 Applicant: ETHEL ALLEN FRAZIER
 Zoning Board: C08
 Commission District: 02
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 02/09/09

REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY
AERIAL YEAR 2008**

Process Number
09-015

Section: 04 Township: 53 Range: 41
 Applicant: ETHEL ALLEN FRAZIER
 Zoning Board: C08
 Commission District: 02
 Drafter ID: ALFREDO
 Scale: NTS
 ----- Zoning



SUBJECT PROPERTY



SKETCH CREATED ON: 02/09/09

REVISION	DATE	BY