

KITS

8-30-2011 Version # 1



**COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Tuesday, October 4, 2011 at 7:00 p.m.**

CURRENT

- | | | | | | |
|----|-------------|---|---------------|----------|---|
| 1. | 11-10-CZ8-1 | <u>JENE'S RETIREMENT INVESTORS, LTD</u> | <u>10-175</u> | 20-52-42 | N |
| 2. | 11-10-CZ8-2 | <u>CONSTANCE ABRAMS</u> | <u>11-47</u> | 10-53-41 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF TUESDAY, OCTOBER 4, 2011

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

1. JENE'S RETIREMENT INVESTORS, LTD (11-10-CZ8-1/10-175)

20-52-42
Area 8/District 02

- (1) UNUSUAL USE to permit a group home.
- (2) MODIFICATION of Condition #2 of Resolution 4-ZAB-216-84, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Colony House Apt. Building,' as prepared by Luis Felipe Lacau, dated received 4-30-84, and consisting of five pages."

TO: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Colony House Apt. Building Existing Layout to Existing 2 Story Building,' as prepared by Robert A. Guzman, P.E. consisting of 6 sheets dated stamped received 03/09/11."

- (3) Deletion of Conditions #3, #4, #6 and #9 of Resolution 4-ZAB-216-84, passed and adopted by the Zoning Appeals Board, reading as follows:

The purpose of Requests #2 and #3 is to allow the applicant to submit a new site plan showing a group home in lieu of the previously approved home for the aged, delete the restriction tying the site to elderly residence only and remove interior remodeling restrictions.

"3. That the existing door into the living room to be converted into a bedroom, be replaced with a solid block wall, with or without a window, prior to the issuance of a certificate of use and occupancy."

"4. That a revised plan be submitted to the Planning Department for the proposed two common area rooms for the residents, prior to the issuance of a building permit."

"6. That a solid partition be provided in each unit between the dining area and living room, with a door, and to be inspected by the Building and Zoning Department prior to the issuance of a certificate of use and occupancy."

"9. That the use be limited to a maximum of 50 elderly residents."

- (4) Applicant is requesting to permit the group home setback 27' (50' required) from the rear (west) property line, setback 25' (50' required) from the rear (north) property line.
- (5) Applicant is requesting to permit a Floor Area Ratio (F.A.R.) of .56 (.51 maximum permitted).
- (6) Applicant is requesting to permit parking backing-out into the right-of-way (not permitted).
- (7) Applicant is requesting to permit a 1-way drive with a width of 19' (20' is required).
- (8) Applicant is requesting to permit a 0' wide landscape buffer abutting the right-of-way (7' wide required).
- (9) Applicant is requesting to permit a lawn area of 138.9% (20% maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearings.

LOCATION: 1595 N.E. 145 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 137.42' X 162'

Department of Planning and
Zoning Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. CONSTANCE ABRAMS (11-10-CZ8-2/11-047)

**10-53-41
Area 8/District 02**

- (1) Applicant is requesting to permit a covered terrace addition setback 3.72' (7.5' required) from the interior side (north) property line.
- (2) Applicant is requesting to permit the existing residence and bathroom addition setback 22.5' (25' required) from the front (west) property line.
- (3) Applicant is requesting to permit a garage addition setback varying from 2.7' to 4.45' (25' required) from the rear (east) property line.
- (4) Applicant is requesting to permit a lot coverage of 50.8% (35% maximum permitted).
- (5) Applicant is requesting to waive the zoning regulations prohibiting walls, fences and hedges with a height greater than 2.5' within 10' of the edge of driveway leading to a right-of-way; to permit a 6' high masonry wall, along the front property line, within 10' of the edge of driveway.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalized Garage & ½ Bath Addition" as prepared by Charles Mitchell, P.E., dated stamped received 4/20/11 and consisting of 2 sheets. Plans may be modified at public hearing.

LOCATION: 2291 N.W. 86 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 86' X 100'

Department of Planning and
Zoning Recommendation:

Denial without prejudice.

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. JENE'S RETIREMENT INVESTORS, LTD
(Applicant)

11-10-CZ8-1 (10-175)
Area 8/District 02
Hearing Date: 10/04/11

Property Owner (if different from applicant) **JENE'S RETIREMENT INVESTORS, INC.**

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>
1964	Anthony Aiello	- Variance detached swimming pool setback.	ZAB	Approved
1984	Leon Brauser Tr.	- Unusual Use to permit a home for the aged for 50 elderly adults. - Non-Use Variance of parking.	ZAB	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: Jene's Retirement Investors, LTD.

PH: Z10-175 (11-10-CZ08-1)

SECTION: 20-52-42

DATE: October 4, 2011

COMMISSION DISTRICT: 2

ITEM NO.: 1

A. INTRODUCTION

o **SUMMARY OF REQUESTS:**

The approval of this application will allow the applicant to:

- Establish a group home with greater FAR and lesser setbacks than required.
- Modify and delete previously approved conditions of a resolution.
- Permit backing out into the right-of-way from parking spaces.
- Permit a 19' 2-way driveway.
- Permit a 0' wide landscape buffer and a lawn area of 138.9%.

o **REQUESTS:**

- (1) UNUSUAL USE to permit a group home.
- (2) MODIFICATION of Condition #2 of Resolution 4-ZAB-216-84, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Colony House Apt. Building,' as prepared by Luis Felipe Lacau, dated received 4-30-84, and consisting of five pages.

TO: 2. That the plan be substantially in accordance with that submitted for the hearing entitled 'Colony House Apt. Building Existing Layout to Existing 2 Story Building,' as prepared by Robert Guzman, P. E. consisting of 6 sheets dated stamped received 3/9/11."

- (3) Deletion of Conditions #3, #4, #6 and #9 of Resolution 4- ZAB-216-84, passed and adopted by the Zoning Appeals Board, reading as follows:

"3. That the existing door into the living room to be converted into a bedroom, be replaced with a solid block wall, with or without a window, prior to the issuance of a certificate of use and occupancy."

"4. That a revised plan be submitted to the Planning Department for the proposed two common area rooms for the residents, prior to the issuance of a building permit."

"6. That a solid partition be provided in each unit between the dining area and living room, with a door, and to be inspected by the Building and Zoning Department prior to the issuance of a certificate of use and occupancy."

"9. That the use be limited to a maximum of 50 elderly residents."

- (4) Applicant is requesting the group home setback 27' (50' required) from the rear (west) property line, setback 25' (50' required) from the rear (north) property line.
- (5) Applicant is requesting to permit a Floor Area Ratio (FAR) of .53 (.51 maximum permitted).

The purpose of request #2 and #3 is to allow the applicant to submit a new site plan showing a group home in lieu of the previously approved home for the aged, delete the restriction tying the site to elderly residence only and remove interior remodeling restrictions.

- (6) Applicant is requesting to permit parking backing-out into the right-of-way (not permitted).
- (7) Applicant is requesting to permit 19' for a 2-way drive (20' is required).
- (8) Applicant is requesting to permit a 0' wide landscape buffer abutting the right-of-way (7' wide required).
- (9) Applicant is requesting to permit a lawn area of 138.9% (20% maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearings.

o **LOCATION:**

1595 NE 145 Street, Miami-Dade County, Florida.

o **SIZE:** 137.45' x 162'

B. ZONING HEARINGS HISTORY:

In 1984, pursuant to Resolution #4-ZAB-216-84, the property was approved for an unusual use to permit the conversion of an existing 2-story apartment house into a home for the aged for 50 elderly adults. The approval prohibited alcoholic and mental patients of any type from the premises.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

BU-1; home for the aged

Low Density Residential, 2.5 to 6 dua

Surrounding Properties:

NORTH: BU-1; commercial

Low Density Residential, 2.5 to 6 dua
and Business and Office

SOUTH: RU-3; multi-family residences	Low Density Residential, 2.5 to 6 dua
EAST: RU-2; duplex residences	Low Density Residential, 2.5 to 6 dua
WEST: BU-1; commercial	Low Density Residential, 2.5 to 6 dua and Business and Office

D. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection*
Public Works	No objection*
Parks	No objection
Fire Rescue	No objection
Police	No comments
Schools	No comments

*Subject to the conditions indicated in their memoranda.

E. PLANNING AND ZONING ANALYSIS :

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Low Density Residential** (see attached *Zoning Recommendation Addendum*) use. This land use category permits neighborhood and community services such as group homes when consistent with other goals, objectives and policies of the Master Plan and compatible with the neighborhood.

Staff opines that the proposed group home would be similar to the existing use on this site which consists of a home for the aged. Said existing use has been approved pursuant to the resolution being requested to be modified in this application. Staff is of the opinion that since the existing use on this site has been lawfully approved and the interpretative text of the CDMP indicates that *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 proposed group home facility would be **consistent** with the Land Use Plan Map of the CDMP since it would be similar to the existing use on the subject site.

Staff also notes that the interpretative text of the CDMP indicates group housing facilities are permitted in residential communities only when consistent with other goals, objectives and policies and compatible with the neighborhood. Furthermore, staff opines that said group home facility is **consistent** with **Policy LU-4A** (see attached *Zoning Recommendation Addendum*) which states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk, and scale of architectural elements because the proposed facility will be located within an existing building. Moreover, **Policy LU-4C** (see attached *Zoning Recommendation Addendum*) indicates that *residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic*. As such, staff notes that the existing home for the aged and the proposed group home are similar uses and therefore the proposed group home will be **consistent** with Policies LU-4A and LU-4C.

When request #1 is analyzed under Section 33-311(A)(3) Special Exceptions, **Unusual Uses** and New Uses and requests #2 and #3 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff recommends that the requested unusual use to permit a group home facility (request #1), and the requested modification and deletion of the previously approved resolution (requests #2 and #3), be approved with conditions. Staff is of the opinion that the proposed group home facility would be **compatible** with the surrounding area because the proposed group home facility would not increase the aural impact to the neighboring properties. Staff opines the proposed group home will not generate excessive traffic; cause any undue or excessive burden on public facilities, including water, sewer, or solid waste disposal. Staff notes, that since 1984 the subject site has been utilized by an existing home for the aged. Further, staff opines that approval of the modified site plan and the deletion of conditions will not have a negative visual or aural impact on the surrounding residential communities as the maximum number of residents will be the same as was previously approved, can be accommodated in the existing buildings and therefore would be **compatible**. **As such staff recommends approval with conditions of request #1, under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses and approval with conditions of requests #2 and #3 under Section 33-311(A)(7) Generalized Modification Standards.**

When requests #4 through #9 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of these are germane to requests #1 through #3 and represent the existing conditions on the subject site. However, staff notes that while the proposed group home is similar to the existing use in order to accommodate the new use on the site, the applicant has requested to permit the group home to setback less than required, have a greater FAR, back-out into the right-of-way from parking spaces, a 19' two-way drive, a 0' wide landscape buffer and lawn area of 138.9%. Staff further opines that, the applicant is not proposing any new development on the subject site, as such, staff opines that approval of the requests would not have a negative visual or aural impact and the existing facility would continue to be **compatible** with the surrounding area. **As such, staff recommends approval requests #4 through #9 under the Non-Use Variance Standards (NUV).**

F. RECOMMENDATION:

Approval with conditions.

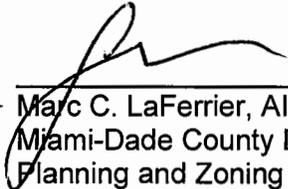
5

G. CONDITIONS:

1. That all the conditions of Resolution No. 4-ZAB-216-84 remain in full force and effect, except as herein modified.
2. That the use be limited to a maximum of 50 residents.
3. That at time of Certificate of Use renewal, the applicant shall submit to the Department of Planning and Zoning a "No Mental Patient" Affidavit.

DATE TYPED: 08/08/11
DATE REVISED: 08/24/11; 09/12/11
DATE FINALIZED: 09/06/11
MCL:GR:NN:CH:AN

ADDENDUM

for  *NON*

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

ZONING RECOMMENDATION ADDENDUM

Jene's Retirement Investors LTD.

10-175

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

Low Density Residential (Pg. I-31)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare 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 relationships.</i>
Congregate Living Facilities, Group Homes, Foster Homes, Nursing Homes, and Day Care Facilities (Pg. I-34)	<i>"Congregate residential uses" and nursing homes may be permitted at suitable locations in Residential Communities in keeping with the following density allowance: Each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential density category than that for which the site is designated. For example, a ten-acre site located in an area designated for six dwelling units per gross acre may be permitted up to 13 units per gross acre or in this instance, up to 130 units. Assuming 2.5 occupants per unit, up to 325 persons could occupy the site. The intensity of use that may be approved for "daytime service uses" such as day care facilities shall be limited as necessary to be compatible with adjacent uses and to comply with water supply and sewage regulations contained in Chapter 24 of the Miami-Dade County Code.</i> <i>If located in Estate, Low or Low-Medium Density neighborhoods, congregate residential uses, and daytime service uses such as day care centers, should locate only in activity nodes, transition areas and section centers as indicated in the Guidelines for Urban Form, or on sites that are transitional to higher density or higher intensity land uses, to public uses or to other areas of high activity or accessibility. In particular, nursing homes are best located on a Major or Minor Roadway and in, or adjacent to commercial or institutional areas, higher density areas or other situations transitional from lower density residential areas.</i>
Land Use Policy 4A (Pg. I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.</i>
Land Use Policy 4C (Pg. I-11)	<i>Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(3) Special Exceptions, Unusual Uses and New Uses	<i>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</i>
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ZONING RECOMMENDATION ADDENDUM

Jene's Retirement Investors LTD.

10-175

	<p><i>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.</i></p>
<p>33-311(A)(7) Generalized Modification Standards</p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>

Date: January 19, 2011

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

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

Subject: C-08 #Z2010000175-1st Revision
Jene's Retirement Investors, Ltd.
1595 N.E. 145th Street
Unusual Use to Permit a Group Home
(BU-1) (2.5 Acres)
20-52-42

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

According to the information found on this project, the proposed change will not affect the existing stormwater management system.

Wetlands

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

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

Tree Preservation

The subject property contains specimen-sized trees. Section 24-49.2(II) of, the Code requires that specimen trees be preserved whenever reasonably possible. The applicant is aware of DERM preservation requirements and has submitted a landscape plan of record entitled "Colony House Apt Building as Built to existing Building 1595 N.E. 145th Street", sheet LS1.0, prepared by Avlis Group LLC, signed and sealed by Robert Guzman on December 17, 2010 and dated May 5, 2010, that provides for the preservation of the existing trees on-site. 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 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 staff found two (2) closed enforcement cases for the referenced property address. The following is a summary of these closed enforcement cases that is associated with the subject folio:

North Miami Retirement Home (PSO 962)

In February 2005 A Notice of Violation (NOV) was issued to this facility for failure to renew/secure the required operating permit. In May 2005 the permit was secured and this case was subsequently closed due to compliance.

In January 2006 A NOV was issued to this facility for failure to renew/secure the required operating permit. In June 2006 the permit was secured and this case was subsequently closed due to compliance.

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 Christine Velazquez at (305) 372-6764.

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: JENE'S RETIREMENT INVESTORS, LTD

This Department has no objections to this application.

This site is presently being used with the existing parking lot layout where there is minimal impact to the surrounding roads; therefore this Department has no objections to the request to permit parking backing out into the right-of-way.

Additional improvements may be required at time of permitting/platting.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any road dedications and improvements required 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.

21-JUL-11

Memorandum



Date: 14-JAN-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2010000175

Fire Prevention Unit:

This memo supersedes MDFR memo dated 10/26/10. MDFR has no objection to the application.

Service Impact/Demand:

Development for the above Z2010000175
 located at 1595 N.E. 145 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0399 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: 5:31 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station No. 22 - Interama - 15655 Biscayne Blvd.

Planned Service Expansions:

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

Fire Planning Additional Comments

None

DATE: 06-SEP-11

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

JENE'S RETIREMENT INVESTORS,
LTD

1595 N.E. 145 STREET, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2010000175

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open cases

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

none

REPORTER NAME:

NCS Albury

ZONING INSPECTION REPORT

Inspector: RODRIGUEZ, FRANK

Inspection Date

Evaluator: AMINA NEWSOME

08/31/11

Process #: Z2010000175
Applicant's Name: JENE'S RETIREMENT INVESTORS, LTD

Locations: 1595 N.E. 145 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 22,264 Sq. Ft.

Folio #: 3022200022420

Request:

- 1 Unusual Use to permit a group home.
- 2 Modification of condition #2 of Resolution 4-ZAB-216-84, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM:

"2. That the plan be substantially in accordance with that submitted for the hearing entitled "Colony House Apt. Building", as prepared by Luis Felipe Lacau, dated received 4-30-84, and consisting of five pages."

"2. That the plan be substantially in accordance with that submitted for the hearing entitled "Colony House Apt. Building Existing Layout To Existing 2 Story Building" as prepared by Robert A. Guzman, P.E. consisting of 6 sheets dated stamped received 03/09/11.

The purpose of request #2 is to allow the applicant to submit a new site plan showing a group home in lieu of the previously approved home for the aged.

- 3 Applicant is requesting to permit the group home setback 27' (50' required) from the rear (west) property line, setback 25' (50' required) from the rear (north) property line.
- 4 Applicant is requesting to permit a FAR of .56 (.51 maximum permitted).
- 5 Applicant is requesting to permit 14 parking spaces (30 parking spaces required, 28 previously approved).
- 6 Applicant is requesting to permit parking backing out into the right-of-way (not permitted).
- 7 Applicant is requesting to permit a 19' for a 2-way drive (20' is required).
- 8 Applicant is requesting to permit a 0' to .08' wide landscape buffer abutting the right-of-way (7' wide required).
- 9 Applicant is requesting to permit a lawn area of 138.9% (20% maximum permitted).

EXISTING ZONING

Subject Property BU-1,

EXISTING USE ALF

SITE CHARACTERISTICS

STRUCTURES ON SITE:

Two story apartment building.

USE(S) OF PROPERTY:

Assisted living facility.

FENCES/WALLS:

Wall encloses court yard. Three foot decorative C.B.S. wall extends from east building line southward.

LANDSCAPING:

Existing landscape is established and thriving. Landscape includes eight Oak trees, two large ficus trees.

BUFFERING:

ZONING INSPECTION REPORT

Large shrubs and trees provide buffer from BU zoned district to the north. Parking lot is buffered with hedge.

VIOLATIONS OBSERVED:

Limited mental patients under the age of sixty reside therein which is in violation of reso. #4ZAB-216-84.

OTHER:

None.

Process #	Applicant's Name
Z2010000175	JENE'S RETIREMENT INVESTORS, LTD

SURROUNDING PROPERTY

NORTH:

One story multifamily residence and parking lot for BU zoned property.

SOUTH:

One story multifamily homes

EAST:

One story duplex homes

WEST:

Parking lot for BU zoned property

SURROUNDING AREA

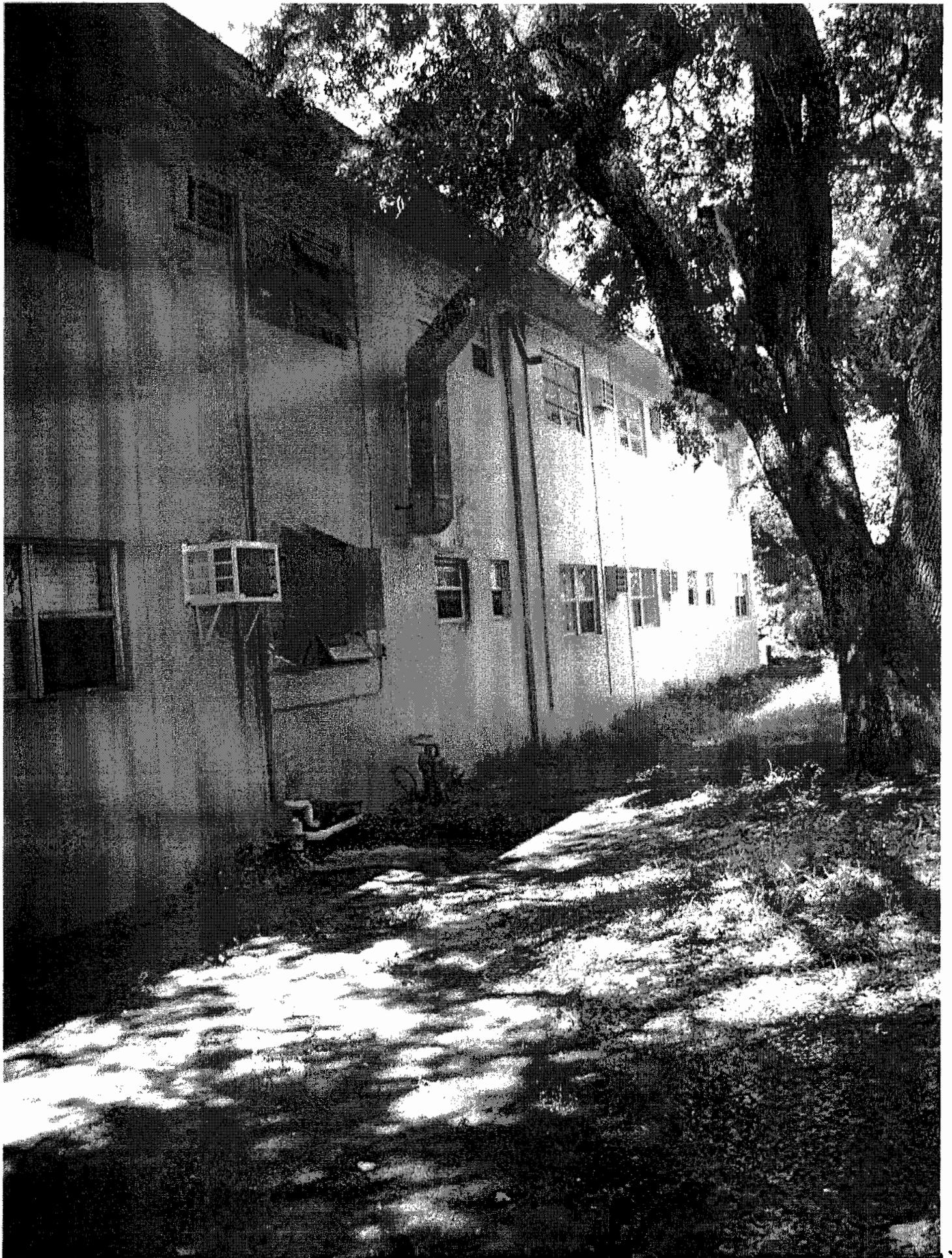
Subject property is surrounded by duplex homes, multifamily residential properties and a BU zoned property used for retailer of musical instruments and a church.

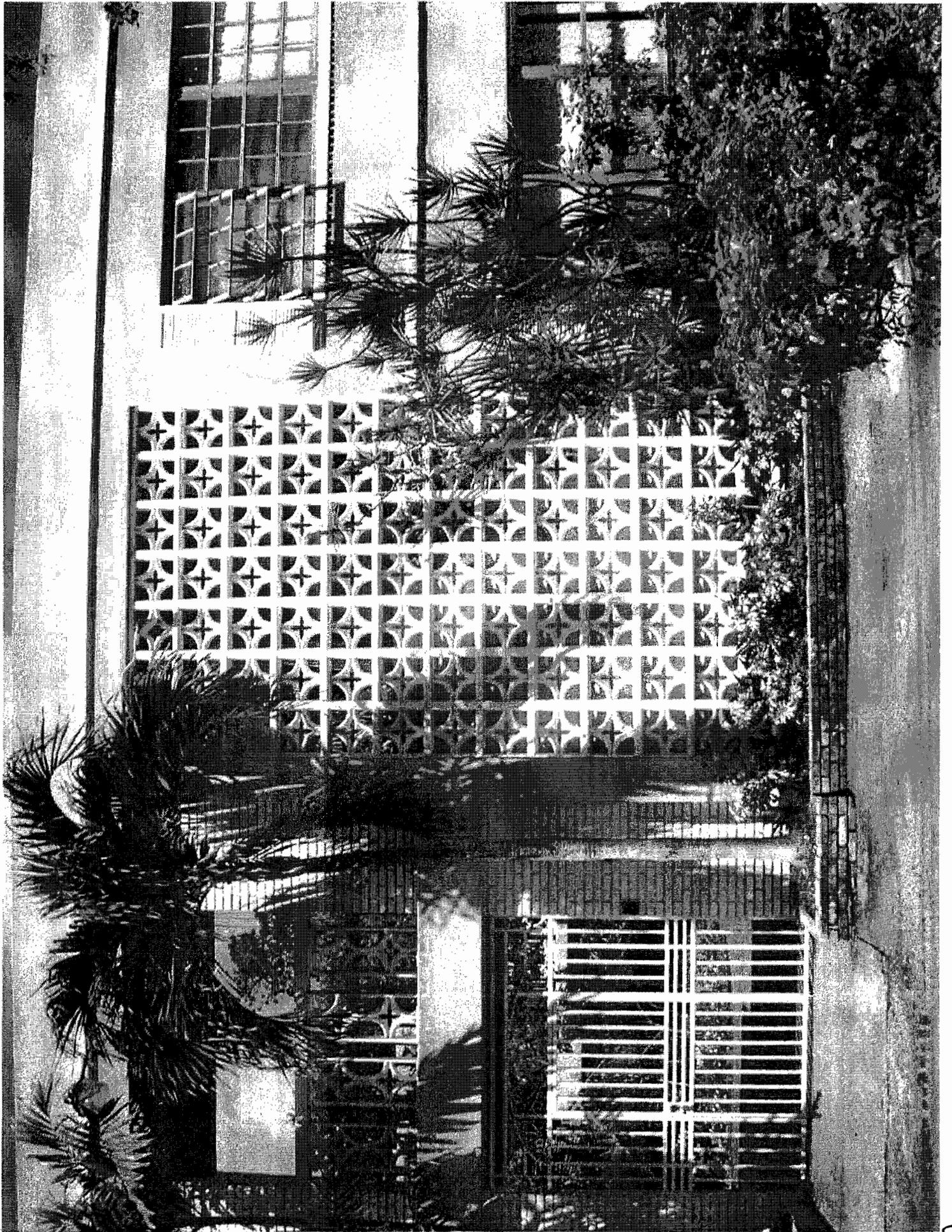
NEIGHBORHOOD CHARACTERISTICS:

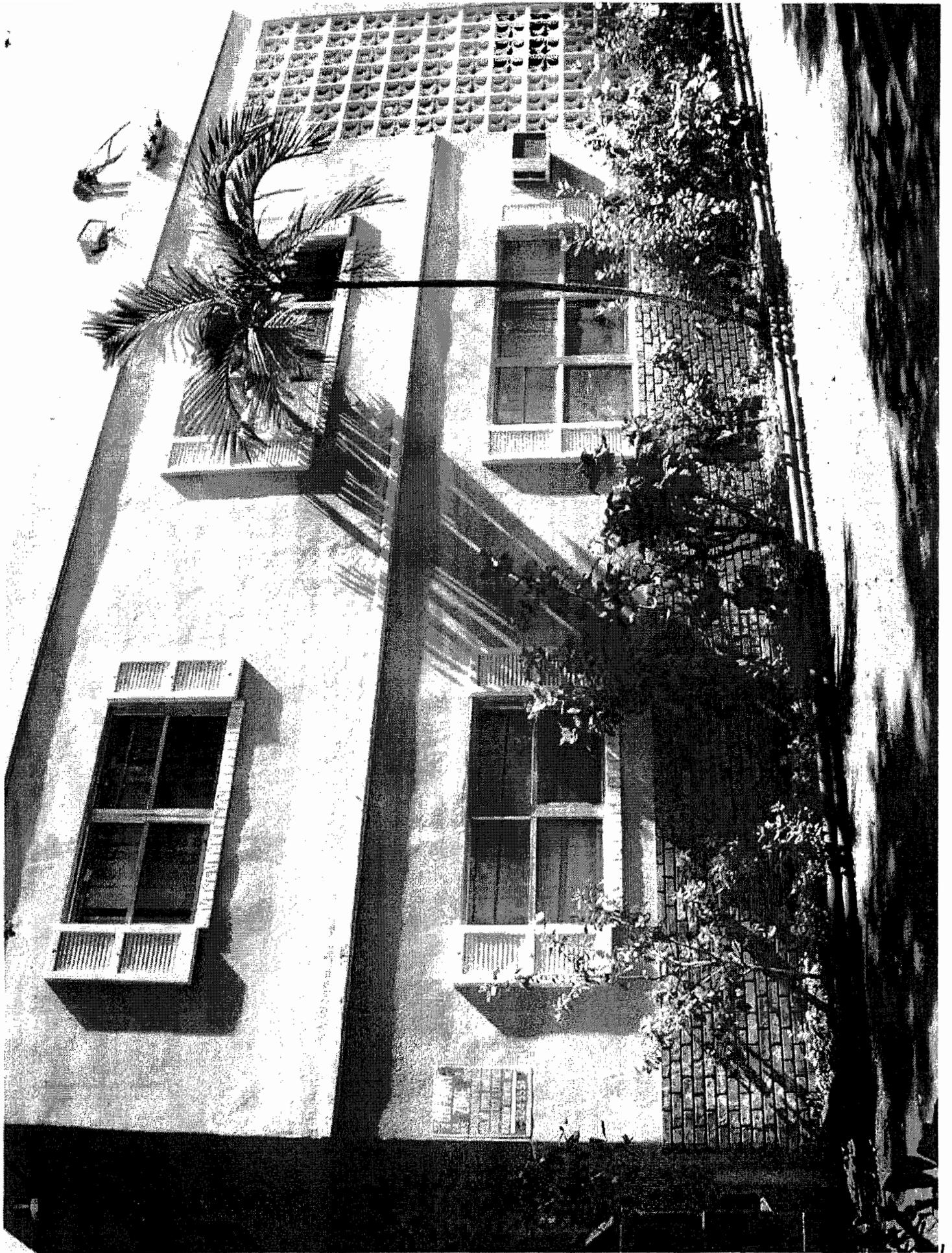
Multifamily residential close to commercially zoned properties.

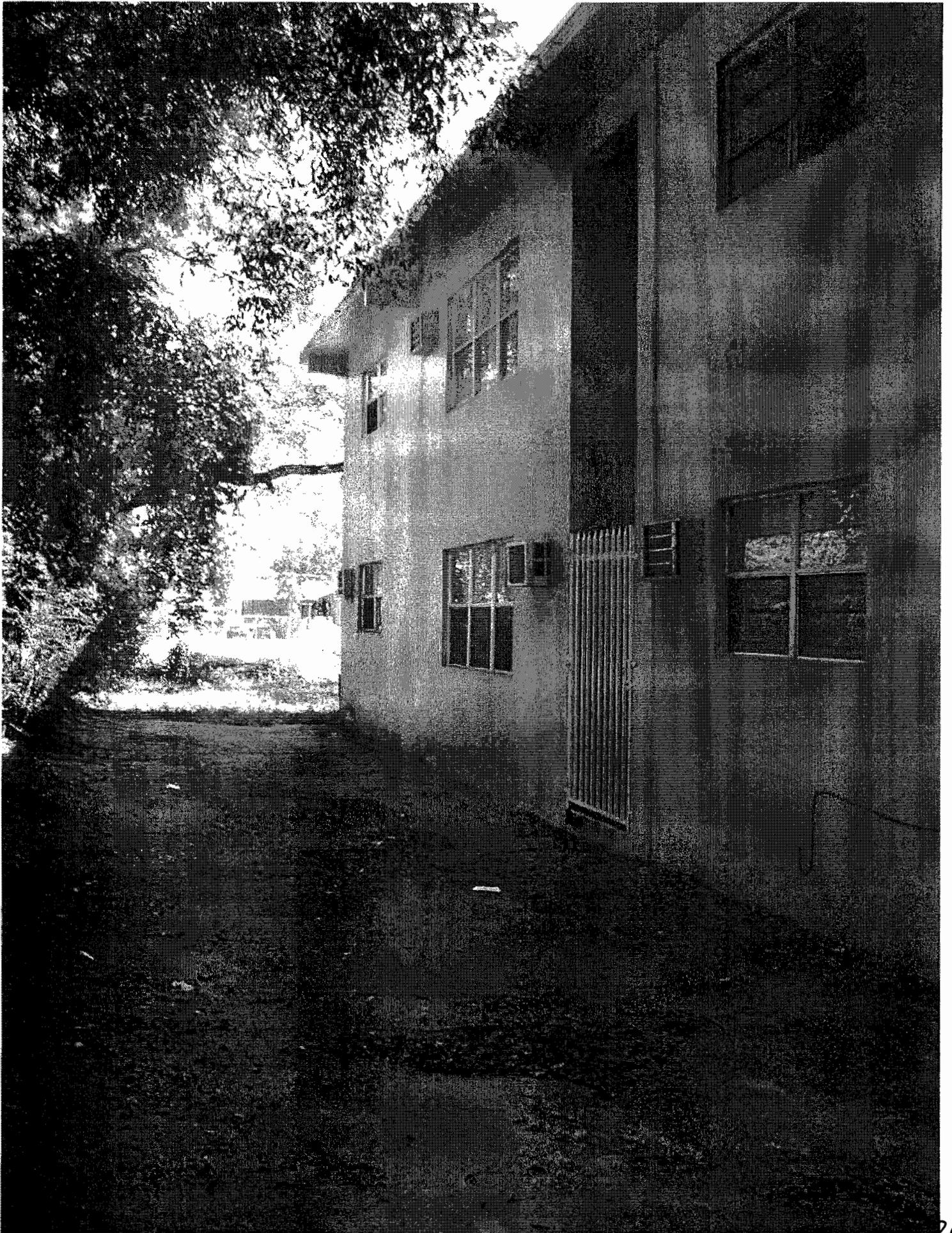
COMMENTS:

None













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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</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>
210-175 _____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: Jexas Retirement Investors, Ltd.

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
LP Morris Esformes, 6885 N. Lincoln Ave. Lincolnwood, IL 60712	58.25
LP Philip Esformes, 12221 W. Dixie Hwy, No. Miami, FL 33161	40.75
GP DVAR Tove, LLC, 12221 W. Dixie Hwy, No. Miami FL 33161	1.00
Owners of Dvar Tove: Morris and Philip Esformes manager: Philip Esformes	_____

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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

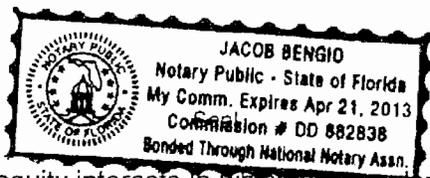
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

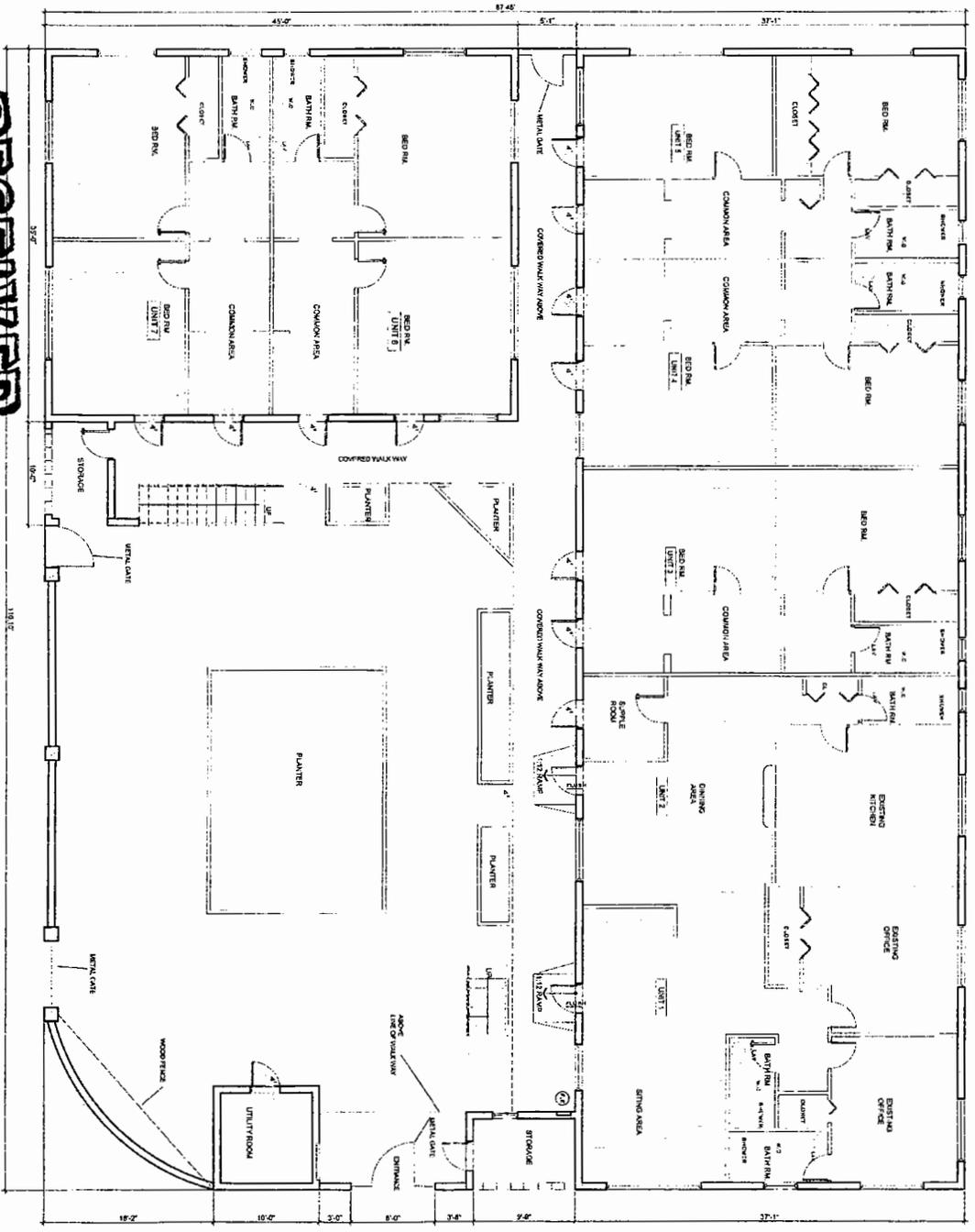
Signature: _____
(Applicant)

Sworn to and subscribed before me this 19 day of July, 2016. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)
My commission expires: 5/21/13



*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
 Z-10-175
 MAR 09 2011

EXISTING FLOOR (TYP) PLAN
 SCALE: 3/16" = 1'-0"

TOTAL # OF BEDS
 AT GROUND FLOOR-----20 BEDS

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY AT



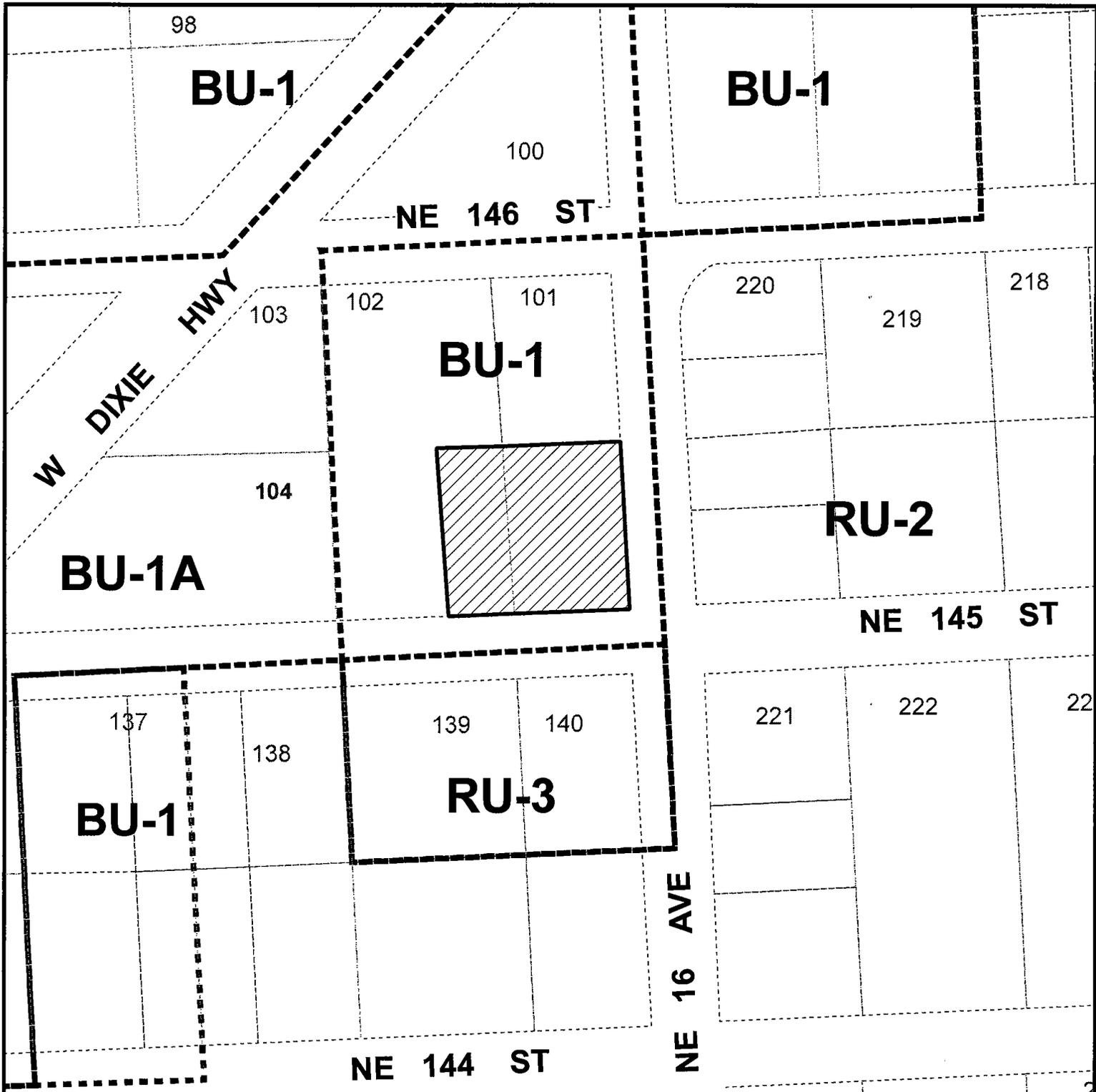
COLONY HOUSE APT. BUILDING
 EXISTING LAYOUT TO EXISTING
 2 STORY BUILDING
 1595 N.E 145 Street

OWNER:
 Jenes Retirement Investors LTD.
 3389 Sheridan St. Suite #195
 Hollywood Fl. 33021

PROJECT: A. GORDON, P.E., P.A.
 CONSULTING ENGINEERS
 11000 SW 15th Street
 Miami, FL 33187
 TEL: 305-554-4327
 FAX: 305-554-1066

CONSULTING ENGINEERS
 11000 SW 15th Street
 Miami, FL 33187
 TEL: 305-554-4327
 FAX: 305-554-1066

NO.	DATE	REVISION
1	05-05-2010	AS SHOWN
2	05-05-2010	CHD
3	05-05-2010	RA



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2010000175



Section: 20 Township: 52 Range: 42
 Applicant: JENE'S RETIREMENT INVESTORS, LTD
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

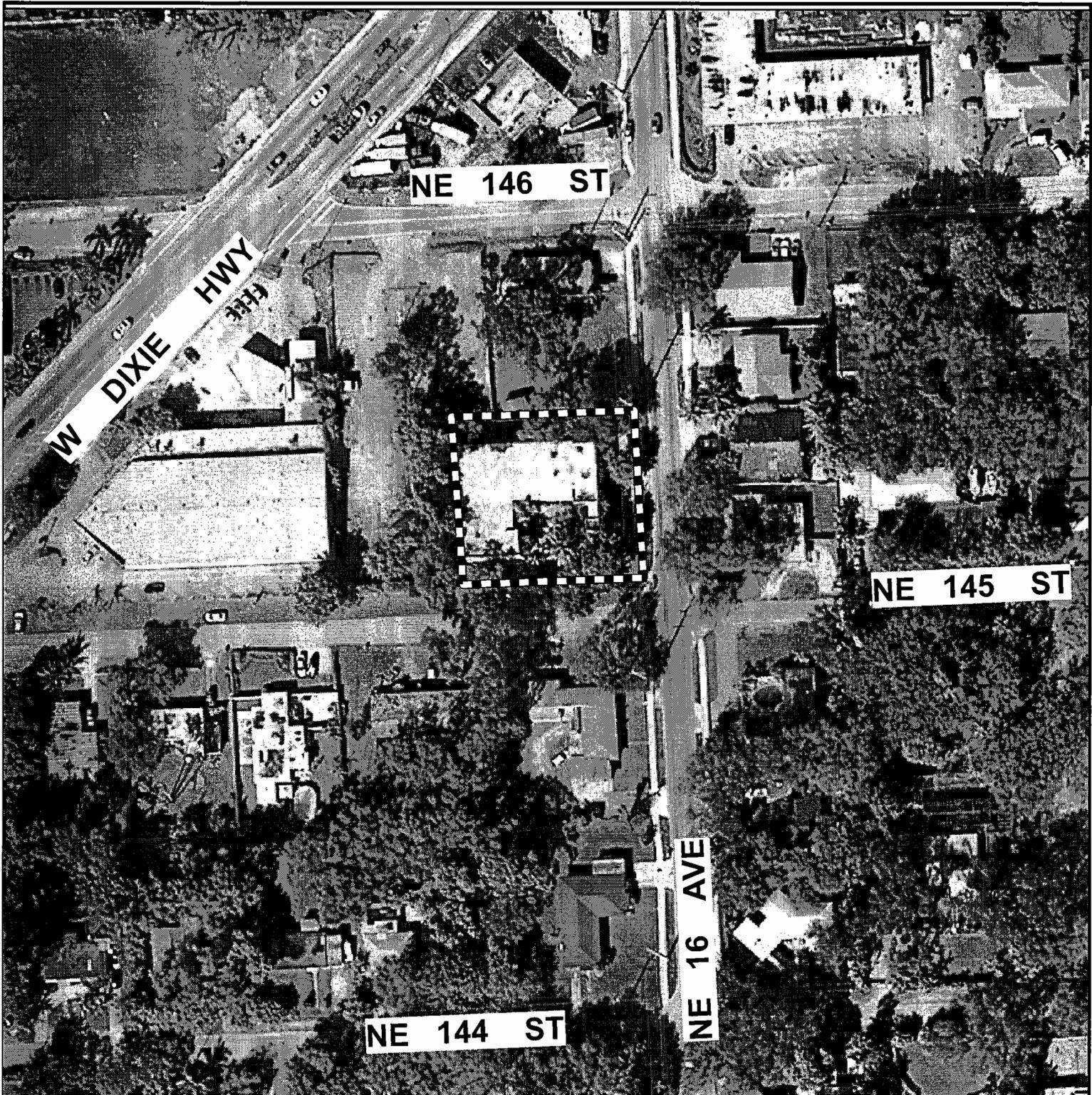
Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, October 14, 2010

REVISION	DATE	BY
		32



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number

Z2010000175



Section: 20 Township: 52 Range: 42
 Applicant: JENE'S RETIREMENT INVESTORS, LTD
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Thursday, October 14, 2010

REVISION	DATE	BY

2. CONSTANE ABRAMS
(Applicant)

11-10-CZ8-2 (11-047)
Area 8/District 02
Hearing Date: 10/04/11

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**

APPLICANTS: Constance Abrams

PH: Z11-047 (11-10-CZAB8-2)

SECTION: 10-53-41

DATE: October 4, 2011

COMMISSION DISTRICT: 2

ITEM NO.: 2

A. INTRODUCTION:

o **SUMMARY OF REQUESTS:**

The approval of this application will allow the applicant to:

- Permit an existing single family residence, including additions built without a permit, with less than the minimum setbacks required by the Zoning Code.
- Permit an existing 4' high CBS wall within ten (10) feet of the edge of driveway, which exceeds the 2.5' maximum wall height within the safe sight distance triangle.

o **REQUESTS:**

- (1) Applicant is requesting to permit a covered terrace addition setback 3.72' (7.5' required) from the interior side (north) property line.
- (2) Applicant is requesting to permit the existing residence and bathroom addition setback 22.5' (25' required) from the front (west) property line.
- (3) Applicant is requesting to permit a garage addition setback varying from 2.7' to 4.45' (25' required) from the rear (east) property line.
- (4) Applicant is requesting to permit the additions resulting in a lot coverage of 50.8% (35% maximum permitted).
- (5) Applicant is requesting to waive the zoning regulations prohibiting walls, fences and hedges with a height greater 2.5' within 10' of the edge of driveway leading to a right-of-way; to permit a 6' high masonry wall along the front property line within 10' of the edge of driveway.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Legalized Garage & ½ Bath Addition" as prepared by Charles Mitchell, P.E., dated 4/20/11. Plans may be modified at public hearing.

o **LOCATION:** 2291 N.W. 86th Street, Miami-Dade County, Florida.

o **SIZE:** 86' X 100'

B. ZONING HEARINGS HISTORY: None.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-2; single-family residence

Low-Medium Density Residential, 6 to 13 dua

Surrounding Properties:

NORTH: RU-2; single-family residence

Low-Medium Density Residential, 6 to 13 dua

SOUTH: RU-2; single-family residence

Low-Medium Density Residential, 6 to 13 dua

EAST: RU-2; single-family residence

Low-Medium Density Residential, 6 to 13 dua

WEST: RU-2; single-family residence

Low-Medium Density Residential, 6 to 13 dua

D. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

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

*Subject to the conditions indicated in their memoranda.

E. PLANNING AND ZONING ANALYSIS:

The subject parcel is a corner lot, which lies north of N.W. 86th Street, at the intersection of N.W. 23rd Avenue and N.W. 86th Street. Single-family residences characterize the surrounding area where the subject property lies. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Low-Medium Density Residential** use (see *attached Zoning Recommendation Addendum*). This designation permits a density range of a minimum of 6 to a maximum of 13 dwelling units per gross acre. The approval of the requests sought in this application will not add additional dwelling units to the site beyond what is allowed by the Land Use Map of the CDMP. Therefore, the application is **consistent** with the density threshold of the LUP map of the CDMP.

When requests #1 thru #5 are analyzed under the Non-Use Variance (NUV) Standard Section 33-311(A)(4)(b) (see *attached Zoning Recommendation Addendum*), staff is of the opinion that the approval of the requests would be **incompatible** with the surrounding area, would negatively affect the stability and appearance of the community, and would be detrimental to the neighborhood. Staff opines that the requested encroachments of requests #1 thru #3 when coupled with the lot coverage of 50.8%, of request #4, are excessive and out of character with the area as evidenced by the lack of similar approvals in the surrounding area.

Staff's review of the submitted plans reveals that the existing additions consist of a bathroom, garage, and covered terrace. The resulting encroachments of 2.5' into the front (west), 3.78' into the interior side (north), and 22.3' into the rear (east) setback areas are, in staff's opinion, overly excessive and approval would set a precedent for more intensive setback variance requests in this area. Furthermore, staff opines that the resulting 50.8% lot coverage (35% maximum permitted) could have a negative visual impact on the adjoining single-family residences located to the north and east of the subject site. As such, staff opines that the approval of requests #1 thru #4 would be out of character with the surrounding area and would set a precedent for requests of similar intensity.

Moreover, staff notes that the existing 4' high CBS wall, request #5, exceeds the 2.5' height requirement within the safe sight distance triangle. Staff opines that the 4' high CBS wall, located within 10' of the edge of driveway leading to the right-of-way, would obstruct cross-visibility and may create a hazardous situation when backing out of the driveway. Therefore, staff recommends denial without prejudice of requests #1 thru #5 under Section 33-311(A)(4)(b) (NUV).

Based on the aforementioned, staff opines that approval of requests #1 thru #5 would be **incompatible** with the surrounding area. **Therefore, staff recommends denial without prejudice of requests #1 thru #5, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standard.**

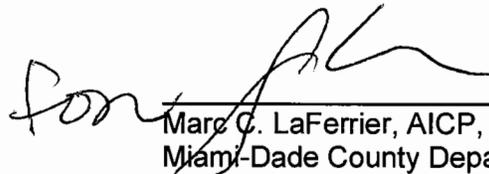
F. **RECOMMENDATION:**

Denial without prejudice.

G. **CONDITIONS:** None.

DATE TYPED: 08/15/11
DATE REVISED:
DATE FINALIZED: 08/15/11
MCL:GR:NN:CH:JC

ADDENDUM



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

ZONING RECOMMENDATION ADDENDUM

Constance Abrams
Z11-047

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

Low-Medium Density Residential (Pg. I-31)	<i>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.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(b)	Non-Use Variances From Other Than Airport Regulations. <i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>
------------------------	---

Memorandum

Date: May 10, 2011

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

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



Subject: C-08 #Z2011000047
Constance Abrams
2291 N.W. 86th Street
To Permit a Garage and Covered Terrace Addition to a Single-Family
Residence
(RU-1) (0.20 Acres)
10-53-41

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

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

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

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property. Consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

The subject property does not meet the minimum allowable lot size requirements of Section 24-43.1(3) of the Code for a single-family residence or duplex served with a septic tank and public water. However, since the legal subdivision, creating by plat such tract of land, occurred prior to the effective date of the aforesaid Code Section, the subject property is grandfatherable and may be administratively approved by DERM. DERM does not object to the proposed use served by a septic tank and drainfield disposal system, provided that all the above criteria are met and connection is made to public water.

Stormwater Management

The proposed change will not affect the existing stormwater management system.

Wetlands

The subject property does not contain wetlands as defined by Section 24-5 of the Code; therefore, a DERM 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 proposal to permit a garage and covered terrace addition will not impact tree resources. Therefore, the Tree Program has no objection to this zoning application, however 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 the Code.

Enforcement History

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

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted 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.

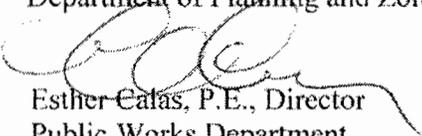
If you have any questions concerning the comments, or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

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: May 17, 2011

To: Marc LaFerrier, Director
Department of Planning and Zoning

Thru: *M.N.* Maria I. Nardi, Chief
Planning and Research Division

From: *JB* John M. Bowers, AICP/RLA
Landscape Architect 2
Planning and Research Division

Subject: Z2011000047

Application Name: Constance Abams

Project Location: The site is located at 2291 NW 86th St, Miami-Dade County.

Proposed Development: The applicant is requesting variances of front, side and rear yard setbacks to permit construction of an addition to an existing residence.

Impact and demand: Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

We have no comments concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

Memorandum



Date: 18-MAY-11
To: Marc LaFerrier, Director
 Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2011000047

Fire Prevention Unit:

- Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2011000047
 located at 2291 NW 86 STREET, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0792 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: 5:16 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.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue
 Department Planning Section at 786-331-4540.

DATE: 28-APR-11

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

CONSTANCE ABRAMS

2291 NW 86 STREET, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000047

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: Case opened 10-30-2009 20100133318 for work without permit. March 18, 2010 nov mailed, 6-10-2010 nov extension request received. On 10-14-2010 cvn posted, 12-3-2010 cvn appealed and hearing date set. 1-28-2011 appeal withdrawn and 2-23-2011 cvn paid. 3-7-2011 non compliance affidavit and 3-20-2011 notice of assessment. 4-15-2011 recommended for lien.

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

NCS Chris Albury

ZONING INSPECTION REPORT

Inspector: EDWARDS, RALPH
Evaluator: JACQUELINE CARRANZA

Inspection Date
08/31/11

Process #: Z2011000047
Applicant's Name: CONSTANCE ABRAMS

Locations: 2291 NW 86 STREET, MIAMI-DADE COUNTY, FLORIDA.

Size: 86'X100'

Folio #: 3031100120160

Request:

- 1 Applicant is requesting to permit a covered terrace addition setback 3.72' (7.5' required) from the interior side (north) property line.
- 2 Applicant is requesting to permit the existing residence and bathroom addition setback 22.5' (25' required) from the front (west) property line.
- 3 Applicant is requesting to permit a garage addition setback varying from 2.7' to 4.45' (25' required) from the rear (east) property line.
- 4 Applicant is requesting to permit the additions resulting in a lot coverage of 50.8% (35% maximum permitted).
- 5 Applicant is requesting to waive the zoning regulations prohibiting walls, fences and hedges with a height greater 2.5' within 10' of the edge of driveway leading to a right-of-way; to permit a 6' high masonry wall along the front property line within 10' of the edge of driveway.

EXISTING ZONING

Subject Property RU-1,

EXISTING USE SFR

SITE CHARACTERISTICS

STRUCTURES ON SITE:

THE SUBJECT PROPERTY HAS A ONE STORY SINGLE-FAMILY RESIDENCES ON A CORNER LOT.

USE(S) OF PROPERTY:

THE SUBJECT SITE HAS A SINGLE-FAMILY HOUSE USED AS A RESIDENCE.

FENCES/WALLS:

THE FRONT OF THE PROPERTY (SOUTH VIEW) HAS A CBS FENCE WITH IRON GATES. THE REST OF THE PROPERTY HAS A CHAIN LINK FENCE 4 FT ALL AROUND.

LANDSCAPING:

THE PROPERTY HAS A FICUS HEDGE ALONG THE WEST PROPERTY LINE.

BUFFERING:

VIOLATIONS OBSERVED:

THE GARAGE SIT ON EASTSIDE OF THE SETBACK. THE TERRACE SIT ON THE NORTHSIDE OF THE SETBACK.

OTHER:

ZONING INSPECTION REPORT

Process # Applicant's Name

Z2011000047 CONSTANCE ABRAMS

SURROUNDING PROPERTY

NORTH:

RU-1; ONE STORY SINGLE-FAMILY RESIDENCE.

SOUTH:

RU-1; ONE STORY SINGLE-FAMILY RESIDENCE.

EAST:

RU-1 ONE STORY SINGLE-FAMILY RESIDENCE.

WEST:

RU-1 ONE STORY SINGLE-FAMILY RESIDENCE.

SURROUNDING AREA

THE SUBJECT PROPERTY IS SURROUNDED BY ONE STORY SINGLE-FAMILY RESIDENCES WITH THE EXEPTION TO THE SOUTHEAST WHERE THERE IS A TWO STORY SINGLE-FAMILY RESIDENCE.

NEIGHBORHOOD CHARACTERISTICS:

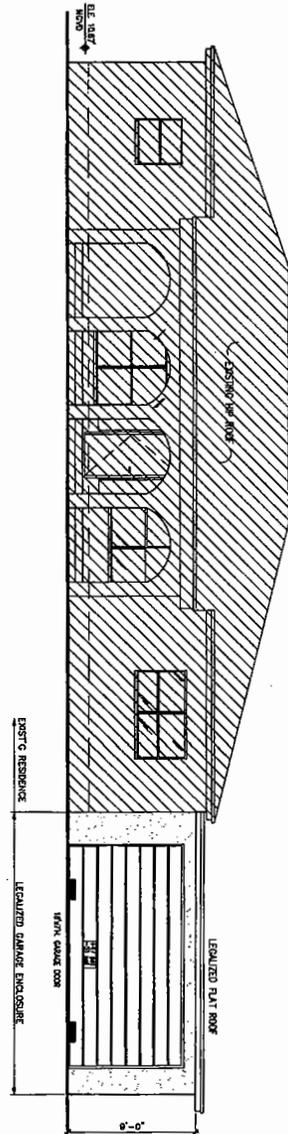
THE SUBJECT PROPERTY LIES TO THE NORTH OF NW 86 ST, ON THE EAST SIDE OF NW 23 AVE. THE SUBJECT PROPERTY IS SURROUNDED BY SINGLE-FAMILY RESIDENCES.

COMMENTS:

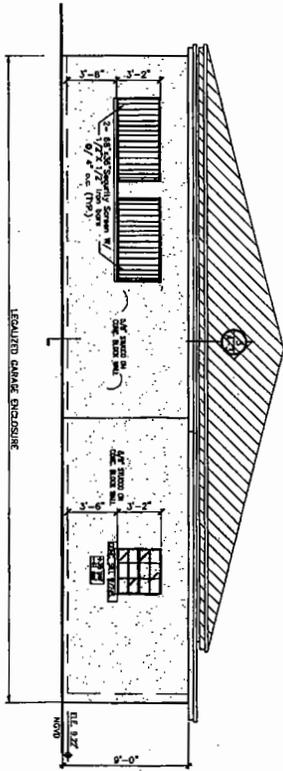
RECEIVED

APR 20 2011

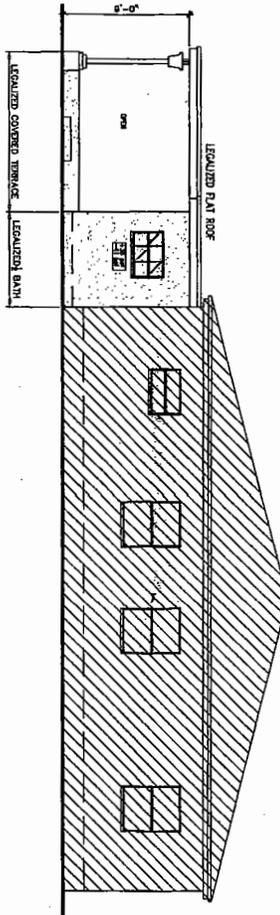
ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.
 BY _____



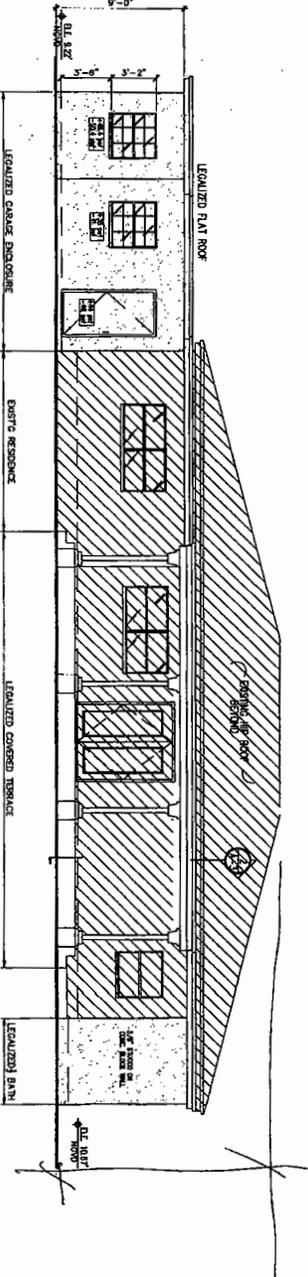
SOUTH ELEVATION (Front)



WEST ELEVATION (Side)



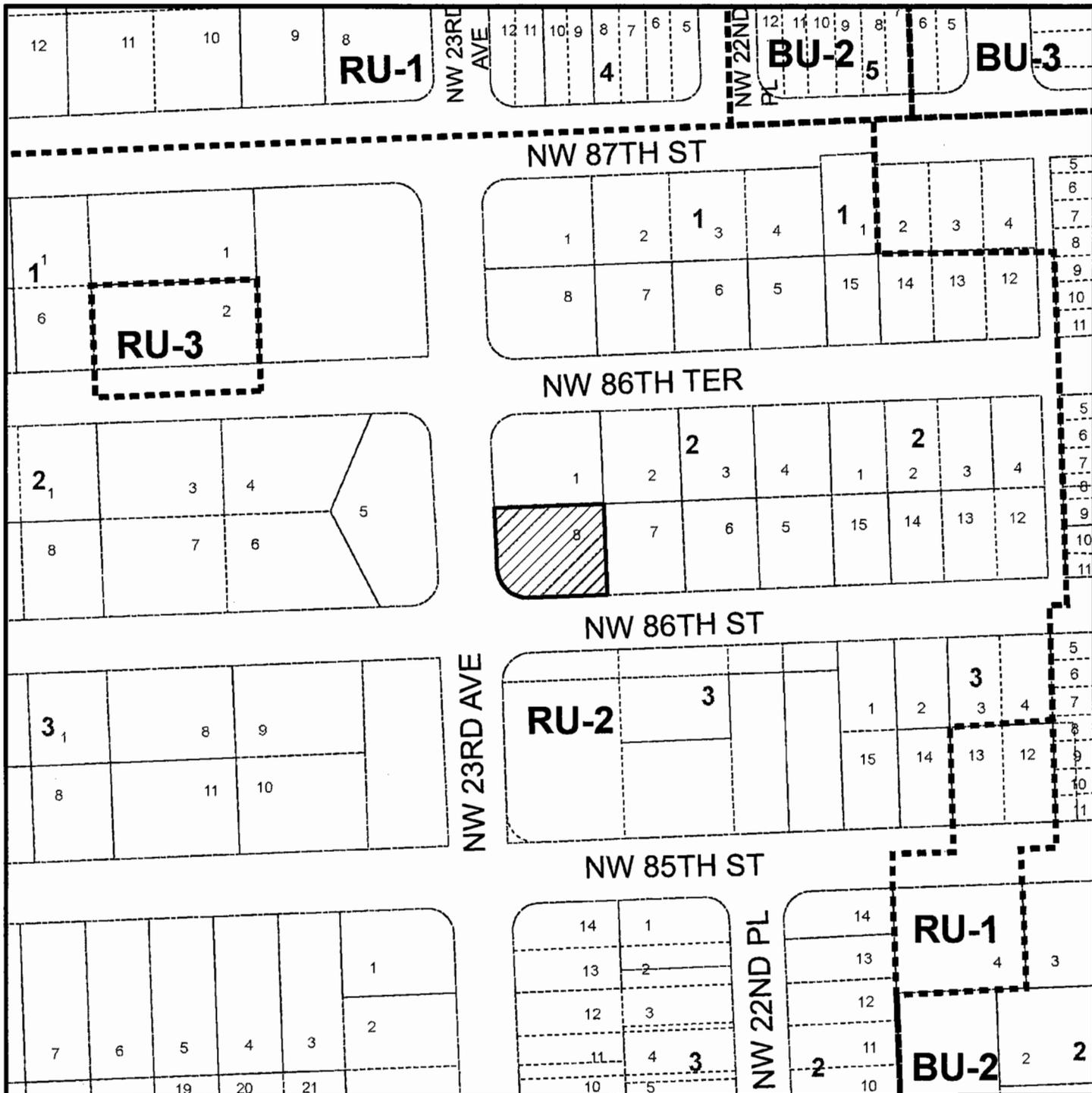
EAST ELEVATION (Side)



NORTH ELEVATION (Rear)

RECEIVED
 APR 20 2011

REV. DATE BY 02/28/11 SHEET NO. A-2	TITLE: Legalized Garage k1/2 Bath Addition Drawn: LEGALIZED ELEVATIONS Address: 2291 N.W. 85th, Street Miami FL 33147 Owner: MR. BASSEY C. DION	CHARLES C. MITCHELL, P.E. #11127 CONSULTING ENGINEER: CIVIL , STRUCTURAL 924 N. FEDERAL HWY HOLLYWOOD FL. 33020 Phone: (305) 336-5069	M.D. A DRAFTING CONSULTANTS HOLLYWOOD, FL 33024 Phone: (305) 331-0835
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MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2011000047

Section: 10 Township: 53 Range: 41
 Applicant: CONSTANCE ABRAMS
 Zoning Board: C8
 Commission District: 2
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Thursday, May 5, 2011

REVISION	DATE	BY
		17



MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2011000047



Section: 10 Township: 53 Range: 41
 Applicant: CONSTANCE ABRAMS
 Zoning Board: C8
 Commission District: 2
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend
 Subject Property



SKETCH CREATED ON: Thursday, May 5, 2011

REVISION	DATE	BY