

# FINAL AGENDA

12-23-2013 Version # 1



COMMUNITY ZONING APPEALS BOARD 8  
HENRY REEVES ELEMENTARY SCHOOL  
2005 NW 111 Street, Miami  
Thursday, January 30, 2014 at 7:00 p.m.

## CURRENT

- |    |            |                                   |       |          |   |
|----|------------|-----------------------------------|-------|----------|---|
| 1. | 14-1-CZ8-1 | <u>EMMAUS BAPTIST CHURCH</u>      | 13-63 | 02-53-41 | N |
| 2. | 14-1-CZ8-2 | <u>JOSEPH &amp; SHERLEY CADET</u> | 13-79 | 35-52-41 | N |
| 3. | 14-1-CZ8-3 | <u>ANDREW CARRY</u>               | 13-82 | 27-52-41 | N |



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

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**COMMUNITY ZONING APPEALS BOARD - AREA 8**

**MEETING OF THURSDAY, JANUARY 30, 2014**

**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**

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**1. EMMAUS BAPTIST CHURCH 14-1-CZ8-1 (13-63)**

**02-53-41  
Area 8/District 2**

- (1) Modification of Condition #3 of Resolution 4-ZAB-523-71, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "3. That the uses be established and maintained in accordance with the approved plan.

TO: "3. That the use be substantially in accordance with that submitted for hearing entitled "Eglise Baptist Emmaus" as prepared by Pramont Consulting & Engineering, with sheets SP-1 & A-1b dated stamped received 10/1/13 and the remaining 4 sheets dated stamped received 9/3/13 and landscape plans entitled "Emmaus Baptist Church" as prepared by JFS Design, Inc., dated stamped received 9/3/13, consisting of 2 sheets for a total of 8 sheets.

- (2) DELETION of Conditions #4 - #8 & #11 of Resolution 4-ZAB-523-71, passed and adopted by Zoning Appeals Board, reading as follows:

"4. That the uses be approved for and be restricted to a maximum of 25 children for the kindergarten use, and 35 children for the day nursery use."

"5. That the use be restricted to children in the age group of 3 years to 6 years for the kindergarten use, and one year to 6 years for the day nursery use."

"6. That the hours of operation shall be from 9:00 a.m. to 12:00 noon for the kindergarten use, and from 7:00 am. to 5:00 p.m. for the day nursery use."

"7. That the uses being conducted on the premises are on weekdays only, Monday through Friday inclusive."

"8. That the play area for the kindergarten and day nursery shall be enclosed with a fence of a type and at a location to be approved by the Zoning Director."

"11. That transportation to be furnished in connection the combined kindergarten and day nursery uses will consist of a total of two vehicle and shall be of a school bus type; said vehicle to be stored on the premises."

The purposes of Requests #1 & #2 is to allow the applicant to submit a revised site plan showing an addition to the existing religious facility and to delete the previous approved day nursery and kindergarten use.

- (3) NON-USE VARIANCE to permit an addition to an existing 1 story religious facility to setback a minimum of 11.68' (25' required) from the side street (north) property, setback 25.12' (50' required) from the interior side (south) property line and spaced less than 75' from adjacent residence under different ownership to the south.

- (4) NON-USE VARIANCE to permit a handicap ramp for the religious facility setback 15.83' (50' required) from the interior side (south) property line.
- (5) NON-USE VARIANCE to permit an existing fellowship hall setback varying from 0' to 20.44' (25' required) from the side street (north) property line, setback 34.30' (50' required) from the interior side (south) property line and spaced less than 75' from the adjacent residence under different ownership to the south.
- (6) NON-USE VARIANCE to permit spacing between buildings varying from 1.62' to 6.32' (10' required).
- (7) NON-USE VARIANCE to permit 21 parking spaces (25 parking spaces required).
- (8) NON-USE VARIANCE to permit parking within 25' of a right-of-way (none permitted)
- (9) NON-USE VARIANCE to waive the zoning regulations requiring walls, trees and shrubs not to exceed 2'-6" in height within the safe sight distance triangle leading from a driveway to a right-of-way; to permit an existing 2'8" high wall, trees and shrubs within the safe sight distance triangle leading from the driveway to the right-of-way.
- (10) NON-USE VARIANCE to waive the zoning regulations requiring prohibiting 33-136 structures in a right-of-way; to permit an existing 4' high masonry wall in the right-of-way

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

LOCATION: 840 NW 100 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.86 Acre

Department of Regulatory and  
Economic Resources

Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**2. JOSEPH & SHERLEY CADET 14-1-CZ8-2 (13-79)**

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

- (1) NON-USE VARIANCE to permit an existing single family residence setback varying from 17.3' to 20.1' (25' required) from the rear (east) property line.
- (2) NON-USE VARIANCE to permit the existing single family residence setback 8.4' (15' required) from the side street (south) property line.
- (3) NON-USE VARIANCE to waive the zoning regulations requiring that no fence exceed 2.5' in height within 10' of the edge of a driveway leading to a public right-of-way; to permit an existing 6' high metal picket within 10' of an edge of driveway leading to a right-of-way.

A plan is on file and may be examined in the Department of Regulatory and Economic Resources entitled "Existing Home of Sherley & Joseph Cadet" as prepared by Stingray Construction Company, dated stamped received 9/4/13 and consisting of 1 sheet. Plans may be modified at public hearing.

LOCATION: 10501 NW 12 Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 53' x 100'

Department of Regulatory and  
Economic Resources  
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 0

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

**3. ANDREW CARRY 14-1-CZ8-3 (13-82)**

**27-52-41  
Area8/District 2**

- (1) NON-USE VARIANCE to permit existing additions to a single family residence setback varying from 3.10' to 3.18' (7.5' required) from the interior side (north) property line.



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](http://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 for challenge or appeal.



**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 8**

**PH: Z13-063 (14-1-CZ8-1)**

**January 30, 2014**

Item No. 1

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicant</b>	Emmaus Baptist Church
<b>Summary of Requests</b>	The approval of this application will allow the applicant to modify the previously approved plans for the religious facility including the day nursery and kindergarten uses; to submit revised plans showing the deletion of the day nursery and kindergarten uses from the site. The applicant also seeks to show an addition to the existing two-story sanctuary building. Additionally, approval of the application would allow the building of public assemblage with reduced setbacks from property lines and from residences as well as ancillary variances based on the existing site conditions.
<b>Location</b>	840 NW 100 Street, Miami-Dade County, Florida.
<b>Property Size</b>	0.86-acre
<b>Existing Zoning</b>	RU-2, Two-Family Residential District
<b>Existing Land Use</b>	Religious facility
<b>2020-2030 CDMP Land Use Designation</b>	Low-Medium Density Residential, 6 – 13 dua <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards Section 33-311(A)(7), Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions.</b>

**REQUESTS:**

1. MODIFICATION of Condition #3 of Resolution 4-ZAB-523-71, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "3. That the uses be established and maintained in accordance with the approved plan."

TO: "3. That the use be substantially in accordance with that submitted for the hearing entitled "Eglise Baptist Emmaus" as prepared by Paramount Consulting & Engineering, with sheets SP-1 & A-1b dated stamped received 10/1/13 and the remaining 4 sheets dated stamped received 9/3/13, and landscape plans entitled "Emmaus Baptist Church" as prepared by JFS Design, Inc., dated stamped received 9/3/13, consisting of 2 sheets for a total of 8 sheets."

2. DELETION of conditions #4 - #8 & #11 of Resolution 4-ZAB-523-71, passed and adopted by the Zoning Appeals Board, reading as follows:

- "4. That the uses be approved for and be restricted to a maximum of 25 children for the kindergarten use, and 35 children for the day nursery use."
- "5. That the use be restricted to children in the age group of 3 years to 6 years for the kindergarten use, and one year to 6 years for the day nursery use."
- "6. That the hours of operation shall be from 9:00 a.m. to 12:00 noon for the kindergarten use, and from 7:00 am. to 5:00 p.m. for the day nursery use."
- "7. That the uses being conducted on the premises are on weekdays only, Monday through Friday inclusive."
- "8. That the play area for the kindergarten and day nursery shall be enclosed with a fence of a type and at a location to be approved by the Zoning Director."
- "11. That transportation to be furnished in connection with the combined kindergarten and day nursery uses will consist of a total of two vehicle and shall be of a school bus type; said vehicle to be stored on the premises." to permit an existing carport to setback 0' (25' required) from the side street (north) property line.

The purposes of requests #1 & #2 is to allow the applicant to submit a revised site plan showing an addition to the existing religious facility and to delete the previous approved day nursery and kindergarten use.

3. NON-USE VARIANCE to permit an addition to an existing 2-story religious facility setback a minimum setback a minimum of 11.68' (25' required) from the side street (north) property line, setback 25.12' (50' required) from the interior side (south) property line, and spaced less than 75' from adjacent residence under different ownership to the south.
4. NON-USE VARIANCE to permit a handicap ramp for the religious facility setback 15.83' (50' required) from the interior side (south) property line.
5. NON-USE VARIANCE to permit an existing fellowship hall setback varying from 0' to 20.44' (25' required) from the side street (north) property line, setback 34.30' (50' required) from the interior side (south) property line and spaced less than 75' from the adjacent residence under different ownership to the south.
6. NON-USE VARIANCE to permit spacing between buildings varying from 1.62' to 6.32' (10' required)
7. NON-USE VARIANCE to permit 21 parking spaces (25 parking spaces required).
8. NON-USE VARIANCE to permit parking within 25' of a right-of-way (none permitted).

9. NON-USE VARIANCE to waive the zoning regulations requiring walls, trees and shrubs not to exceed 2'-6" in height within the safe sight distance triangle leading from a driveway to a right-of-way; to permit an existing 2'8" high wall, trees and shrubs within the safe sight distance triangle leading from the driveway to the right-of-way.
10. NON-USE VARIANCE of zoning and subdivision regulations prohibiting structures in a right-of-way; to permit an existing 4' high masonry wall in the right-of-way.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The applicant seeks to modify a condition of a prior resolution pertaining to plans depicting a day nursery and kindergarten uses that were approved within the religious facility. The applicant now seeks to submit revised site plans showing an expansion of the buildings to be used for the church and ancillary Sunday school uses and the deletion of the day nursery and kindergarten use from the subject property. The proposed building expansion consists of a two-story addition to the existing two-story sanctuary building. The applicant also seeks to delete the conditions pertaining to the day nursery and kindergarten uses and to permit the existing facility with non-use variances to the zoning district regulations and to the regulations that pertain to public assemblage uses.

The existing religious facility was approved pursuant to Resolution #6340 in 1953. Subsequently, pursuant to Resolution #4-ZAB-523-71, the subject property was approved to allow the day nursery and kindergarten uses along with a reduced setback along the rear (west) property line.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-2; religious facility, school and daycare	Low-Medium Density Residential (6 to 13 dua)
<b>North</b>	RU-2; single-family residences, duplex and vacant property	Low-Medium Density Residential (6 to 13 dua)
<b>South</b>	RU-3B; single-family residences, duplex	Low-Medium Density Residential (6 to 13 dua)
<b>East</b>	RU-2; duplex	Low-Medium Density Residential (6 to 13 dua)
<b>West</b>	RU-2; vacant	Low-Medium Density Residential (6 to 13 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The submitted plans depict the existing religious facility consisting of two 2-story buildings and a 1-story sanctuary building as well as the proposed 2-story addition on the approximately 1.5-acre parcel. The facility is located in an area that is primarily made up of single-family and duplex residences.

### SUMMARY OF THE IMPACTS:

The approval of this application to remove the day nursery and kindergarten uses from the religious facility will likely reduce the traffic impacts on the surrounding residential uses during the week. However, the reduced number of parking spaces could lead to the spillage of parking onto the abutting rights-of-way which could have a negative impact on traffic during religious activities. Additionally, staff opines that the approval of the proposed two-story addition to the existing sanctuary building encroaching into the setback areas for a building of public assemblage, could create additional visual and aural impacts on the abutting residences located to the south.

### COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is currently zoned RU-2, Two-Family Residential District and contains an existing religious facility, day nursery and kindergarten use. The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Residential Communities Low-Medium Density Residential** use. This land use category is *typically characterized by single-family homes, townhouses and low-rise apartments*. The CDMP Land Use Element Interpretative text under *Residential Communities* also permits *neighborhood and community services including schools, daycare centers and houses of worship, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood*. The criteria to evaluate compatibility among proximate land uses is outlined in the CDMP Land Use Element, **Policy LU-4A**, among which are *access, traffic, parking, height, bulk scale of architectural elements, buffering, and landscaping as applicable*.

Staff opines that approval with conditions of the applicant's requests to modify the plans for the existing religious facility will not result in an intensification of the development of the site beyond the scale and height of the existing facility and the surrounding single-family and duplex residences and therefore, would not be out of character with same. Therefore, for the reasons that will be further explained below, staff opines that approval with conditions of the requests would satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Based on the foregoing analysis, staff opines that the approval of the application to modify the plans for the existing religious facility and to delete the existing day nursery and kindergarten uses along with the ancillary non-use variances would be **compatible** with the area and the proposed addition to the existing religious facility is **consistent** with the uses allowed under the CDMP Land Use Element interpretative text for the **Residential Communities** and the CDMP Land Use Plan map Low-Medium Density Residential designation for the subject property.

### ZONING ANALYSIS:

When the requests to modify the condition of a prior resolution pertaining to the previously approved plans for the religious facility (request #1) and to delete conditions #4 through #8 and #11 of said resolution that pertain to the day nursery and kindergarten uses on the property (request #2) are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), staff opines that approval with conditions of these requests would be **compatible** with the surrounding area. Staff notes that the purpose of said requests is to delete the previously approved day nursery and kindergarten uses from the subject property and to show a new

building addition to the existing religious facility. The submitted plans depict the existing religious facility inclusive of the fellowship hall located in the one-story building on the west portion of the site as well as the two-story residential building. The easternmost building on the site is a two-story building which contains a 2,297 sq. ft. sanctuary room on the ground floor as well as bible study classrooms on the second floor. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources' (RER) Department's memorandum indicates that approval of the application will not generate any new additional peak hour trips. Said memorandum also requires among other things, that the applicant provides a continuation of the sidewalk along NW 8 Avenue. Staff also notes that memoranda from the Miami-Dade Fire Department (MDFRD) and the Division of Environmental Resource Management (DERM) of RER does not indicate that the approval of the request to modify the previously approved plans and to delete the conditions pertaining to the daycare and school uses would create a fire or equally dangerous hazard or tend to provoke a nuisance. As such, subject to this and the other conditions outlined in the Platting and Traffic Review Section of RER's memorandum and the memorandum from the other departments reviewing the application, staff opines that approval with conditions of the revised plans for the existing facility and the deletion of the aforementioned conditions, would not create any new visual impacts on the surrounding area and would not have a negative impact on traffic on the abutting rights-of-way, NW 8 Avenue and NW 100 Street.

Staff notes that the maximum height of the buildings on the site inclusive of the additions to the existing two-story building, will be 30'-9", which is 4'-3" below the maximum building height allowed in the RU-2, Two-family Residential District. In addition, staff notes that the proposed addition is comprised of a two-story addition to the existing two-story building that was previously used as the nursery building. Staff opines that approval of the additions will maintain the character of the existing two-story buildings. The proposed additions will be similar in height to the existing building and will only serve to increase the floor area for the relocated sanctuary and bible study uses for the religious facility. As such, staff opines that although the approval of the building addition could create new visual and aural impacts on the abutting residences, in staff's opinion, the deletion of the daycare and school uses from the site mitigates these impacts with the reduction of the intensity of the uses allowed on the site on throughout the week. Additionally, staff notes that the proposed buffering depicted in the plans in the form of a continuous row of trees and hedges along the interior side (south) property line will mitigate the visual impacts of the existing two-story facility and the proposed two-story addition. The proposed addition to the sanctuary building is comprised of an approximately 1,809 sq. ft. footprint along the west and south elevation of the original sanctuary building. The expansion results in the reduction of the spacing between buildings and the additional encroachment into the interior side setback areas that is the subject of the ancillary requests for non-use variances discussed below. For the reasons that will be addressed later in this recommendation, staff opines that the proposed addition and the ancillary non-use variances will not be out of character with the surrounding area and will be **compatible** with same.

Additionally, as previously mentioned, staff opines that approval of this application would not generate excessive noise or traffic, create other hazards to the surrounding area or be incompatible with same, when considering the necessity for and reasonableness of the modifications in relation to the present and future development of the area concerned. Further, staff opines that the reduction in the intensity of the uses on the site will reduce the traffic impacts on the abutting roadways throughout the week. However, as a condition of approval staff also recommends that no day nursery or kindergarten uses will be permitted on the subject property in the future without a hearing. **Therefore, staff recommends approval with**

**conditions of requests #1 and #2, under the Generalized Modification Standards, Section 33-311(A)(7).**

Requests #3 through #5 pertain to the use of the subject property as a religious facility which is classified as public assemblage use in the Zoning Code (Section 33-17). Requests #3 through #5 pertain to the physical setback of the existing sanctuary building and the proposed additions as well as the handicap ramp from the 100th Street right-of-way line, the setback from the rear (south) property line and from the residences located on the abutting properties to the south.

When requests #3 through #5 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that the approval with conditions would not have a negative visual or aural impact on the surrounding residential uses and would be **compatible** with the surrounding area. Staff notes that pursuant to Resolution #4-ZAB-523-71, the existing fellowship hall building was approved for a variance to setback 13.1' (50' required) from the rear (west) property line. However, staff's research of the prior approvals did not indicate that the church buildings were approved for reduced setbacks from the property lines or the residential buildings to the south or for reduced setbacks from the abutting roadway, NW 100 Street which is the subject of requests #3 through #5. Staff opines that since the church has been in existence at this location for the past 60 years, the approval of the aforementioned requests will not create any new visual or aural impacts on the surrounding residences.

Staff notes that plans submitted with the prior approval in 1971, permitted the church to setback 39.4' from the interior side (south) property line. Said plans also indicated a 22.6' setback of the sanctuary building from the side street (north) property line. The applicant now seeks to permit additions to the existing sanctuary building to setback 11.68' from the side street (north) property line (request #3) and to permit the fellowship hall setback 0' to 20.44' from said property line (request #5). Additionally, approval of said requests would also permit the buildings and an access ramp that is the subject of request #4, setback less than required from the property lines and from residences as classified in the requirements for buildings of public assemblage. Staff opines that although the proposed additions and the encroachments could have a negative visual impact on the surrounding properties, the proposed additions are similar in scale and height to the existing buildings that have been in existence on the site for at least the past 42 years. As such, staff opines that the visual and aural impact of the additions on the surrounding residences will be minimal. Further, staff opines that the 0' setback of the existing canopy from the fellowship hall provides the visitors and attendees to the church with shelter from the elements and based on pictures submitted by the applicants with the application, provides an enhancement to the curb appeal of the facility.

Additionally, the submitted plans indicate a row of trees and a continuous hedge along the property lines abutting the residences to the south and west, which staff opines will mitigate the visual impact of the existing and proposed encroachments into the setback areas. In addition, staff notes that the religious facility abuts the rear (north) property lines of these residences to the south which are setback more than 25' from the property line separating them from the public assemblage uses on the subject property. Therefore, staff opines that the aural impact of said uses on the abutting residences to the south will be very minimal. **Based on the foregoing analysis, staff recommends approval with conditions of requests #3 through #5 under Section 33-311(A)(4)(b) Non-Use Variances.**

Similarly, when the applicant's request (request #6) to permit spacing between buildings on the subject property from 1.62' to 6.32' (10' required) is analyzed under analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that approval would be **compatible** with the area. As noted earlier, the buildings on the subject property will be adequately buffered from the residences to south by the landscape buffer along the interior side (south) property line. Additionally, staff opines that the location of the 6.32' spacing between the buildings fronting onto NW 100 Street is at a point where the buildings are setback more than 35' from the right-of-way is not likely have any visual impact on passersby along this section of the roadway. **Therefore, staff recommends approval with conditions of request #6 under Section 33-311(A)(4)(b) NUV Standards.**

When the applicant's request to permit the religious facility with 21 (25 required) parking spaces (request #7), and to permit parking spaces within 25' of the right-of-way (request #8) are analyzed under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards, staff opines that approval of these requests would not be detrimental to the surrounding area and would not have a negative impact on traffic on the abutting rights-of-way. Staff opines that the approval of the 21 parking spaces amounts to a 16% reduction in the number of parking spaces for the existing religious facility. In staff's opinion, this reduction will not result in additional spillage of parking onto the abutting rights-of-way and staff notes that the Platting and Traffic Review section of RER does not object to this request.

Additionally, staff opines that the applicant has provided adequate buffering in the form of a continuous hedge and trees along the property lines surrounding the parking areas that abut NW 100 Street and NW 8 Avenue, which, staff opines, will mitigate any negative visual impact of the parking lot on the abutting rights-of-way. Therefore, with the recommendation of a condition that the landscaping be installed prior to final permit approval, staff opines that approval of request #8 would be **compatible** with the surrounding area. **Staff therefore, recommends approval with conditions of requests #7 and #8 under Section 33-311(A)(4)(b), NUV Standards.**

When request #9, to permit structures and landscaping over 2'-6" high within the safe sight distance triangle of the driveways abutting NW 8 Avenue and request #10, to permit an existing wall within the right-of-way along NW 100 Street are analyzed under the Non-Use Variance Standards, Section 33-311(A)(4)(b), staff opines that approval with conditions would be **compatible** with the surrounding area. Pictures submitted with the application indicate that the wall along NW 8 avenue is approximately 4' high topped with an approximately 2' high wrought iron fence. Said pictures also indicate an existing sign for the church in the right-of-way along NW 8 Avenue. As a condition for approval, staff requires that this sign must be removed from the right-of-way and relocated to a permitted location on the subject property.

Staff notes that the Platting and Traffic Review Section of RER does not object to the approval of the structures and landscaping within the safe sight distance triangle of the driveways abutting NW 8 Avenue (request #9), with the condition that the appropriate traffic control signage be installed at the time of permitting. Therefore, staff opines that approval of this request with the conditions outlined in said memorandum would not be contrary to the intent of the zoning regulations. Similarly, staff opines that since the wall encroaching into the NW 100 Street right-of-way is existing (request #10), it will not create any new visual or traffic impacts along said right-of way. Further, staff notes that the existing wall does not impede pedestrian traffic along the existing sidewalk. However, as a condition for approval, staff recommends that if at a later date, the County requires the right-of-way, the applicant shall remove said wall from

the right-of-way to the existing property line. **Therefore, staff recommends a approval with conditions of requests #9 and #10, under the NUV Standards, Section 33-311(A)(4)(b).**

**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate that the subject property has an ingress/egress drives along NW 8 Avenue. Further, staff notes that the plans also show a total of 21 parking spaces, which is 4 less spaces than required for the religious facility.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:** Approval with conditions.

**CONDITIONS FOR APPROVAL:**

1. That all the conditions of Resolution 4-ZAB-523-71, remain in full force and effect except as herein modified.
2. That that no day nursery or kindergarten uses will be permitted on the subject property in the future without a public hearing.
3. That the sign indicated in the submitted pictures in the right-of-way along NW 8 Avenue be removed from the right-of-way prior to final permit approval.
4. That the existing wall within the right-of-way along NW 100 Street shall be relocated to the property line in the event it is replaced or requested by the County for future roadway improvements if necessary.
5. That the applicant comply with all applicable conditions and requirements of the Platting and Traffic Review Section and the Division of Environmental Resource Management of the Department of Regulatory and Economic Resources.

ES:MW:NN:JV:CH

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

*NDN*

## ZONING RECOMMENDATION ADDENDUM

Emmaus Baptist Church  
Z13-063

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

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

<b>Low-Medium Density Residential (Pg. I-31)</b>	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low Medium Density Residential</b>. 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>
<b>Policy LU-4A (Page I-11)</b>	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

### PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>Section 33-311(A)(7) Generalized Modification Standards.</b>	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
<b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b>	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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>

## ZONING RECOMMENDATION ADDENDUM

### Emmaus Baptist Church Z13-063

<p><b>Buildings for public assemblage—In districts other than business or industrial.</b> <b>Sec. 33-17.</b></p>	<p>All building or other structures or any part thereof, intended for public assemblage, wherein provisions are made for fifty (50) or more persons to assemble in one (1) room or such structure as an auditorium, church, club, hospital, sanitarium, school, theater, night club, amusement park structure and similar structures, excluding hotels, motels and apartments shall be located or placed only in business or industrial districts, as herein provided, and shall comply with the following:</p> <ol style="list-style-type: none"><li>(1) No building for public assemblage shall be located closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or closer than fifty (50) feet of any property line abutting a lot under different ownership than that on which the structure is to be placed, or closer than seventy-five (75) feet to an existing residential building.</li><li>(3) In EU-1 and EU-2 Districts, where the setback from the front building line is greater than the minimum specified by this section, buildings for public assemblage shall set back at least the minimum distance required, namely, fifty (50) feet from the front property line.</li><li>(4) No building for public assemblage in EU-M, EU-1 and EU-2 Districts shall be closer than seventy-five (75) feet to any property line abutting a lot under ownership other than that on which the structure is to be placed.</li><li>(7) Ample parking facilities for buildings for public assemblage shall be provided off the highway right-of-way. Parking facilities for a church, school, or other buildings used for noncommercial purposes in a residential district may be permitted in the same district with said church, school or other buildings used for noncommercial purposes, provided no parking lot or special parking area is closer than twenty-five (25) feet to any property under different ownership which is zoned RU or EU unless the parking area is separated from such lot by a wall or hedge approved by the Director.</li></ol>
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**1. EMMAUS BAPTIST CHURCH**  
**(Applicant)**

**14-1-CZ8-1 (13-063)**  
**Area 08/District 02**  
**Hearing Date: 01/30/14**

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>
1953	Pinewood Park Baptist Church	- To permit expansion of church use.	BCC	Approved
1971	Northside Spanish Baptist Church	- Unusual Use to permit day nursery and kindergarten. - Variance setback.	ZAB	Approved with condition(s)

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.

# Memorandum



**Date:** October 30, 2013

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources

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

**Subject:** C-08 #Z2013000063-2<sup>nd</sup> Revision  
Emmaus Baptist Church  
840 NW 100<sup>th</sup> Street, Miami, FL 33150  
Modification of resolution to permit a 2<sup>nd</sup> story addition to a  
previously approved religious facility AND Non-Use Variance to  
permit the religious facility setback less than required from property  
lines.  
(RU-2) (0.86 Acres)  
02-53-41

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The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application 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.

Additionally the proposed development shall comply with the maximum sewage loading allowed by Section 24-43.1(4)(b) of the Code. The maximum sewage loading shall not exceed 1,500 gallons per day per acre (gpd/acre) for nonresidential properties served by a septic tank in conjunction with public water. The subject property contains 40,950 square feet and proposed development would generate a wastewater flow of approximately 828 gallons per day. This translates into a sewage loading rate of 881 gpd/acre, which is in compliance with the above-noted Code requirements.

Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by

Sections 24-43.1(4)(a) of the Code, which provides that the only liquid waste which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

#### Stormwater Management

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

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

#### Wetlands

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

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

#### Tree Preservation

The subject property contains specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. The landscape plan submitted with this application (Sheet TD-1, dated June 6, 2013, revised June 22, 2013) depicts all tree resources on the site "to remain". Therefore, DERM recommends approval of this zoning application.

Please be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/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. 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 the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

#### Enforcement History

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

#### Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

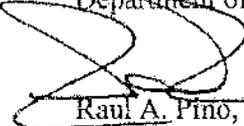
cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** December 19, 2013

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

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

**Subject:** Z2013000063  
Name: Emmaus Baptist Church  
Location: 840 NW 100 Street  
Section 02 Township 53 South Range 41 East

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

This Department has no objections to the request to permit a 4' high masonry wall to continue to encroach onto the right-of-way for NW 100<sup>th</sup> Street with the condition that said wall be relocated to the property line in the event it is replaced or requested by the County for future roadway improvements if necessary.

The appropriate signage and pavement markings (e.g. stop sign, do not enter sign, stop bar, and pavement arrows) must be provided at time of permitting.

Paving and Drainage submittal will be required to review all traffic control device placement design and to confirm compliance with the Site Plan.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 1, 2, 3, 4, 5, and 6, Block 7 of Plat Book 7, Page 58.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

# Memorandum



**Date:** October 25, 2013

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

**From:** Paul Maurello, Assistant Director, Waste Operations  
Public Works and Waste Management Department

**Subject:** Emmanus Baptist Church update (#13\_063)

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The Public Works and Waste Management Department (PWWM) has no objections to the proposed application as the supplemental information provided in the application does not affect the waste management service provided.

The review was created as requested to update a previous response dated July 19, 2013, as the applicant is currently providing updates to the floor plan. The expanded church on the property will likely be considered a commercial establishment per Chapter 15 of the County Code. As the PWWM does not actively compete for commercial waste collection service at this time, waste collection services may be provided by a private waste hauler. The application will have no impact or any associated costs.

The PWWM does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste. The PWWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division at 305-514-6661.

# Memorandum



**Date:** October 17, 2013

**To:** Jack Osterholt, Deputy Mayor  
Director, Regulatory and Economic Resources Department

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2013000063: EMMAUS BAPTIST CHURCH  
Revised Plans Submitted – Dated Stamped Received through 10/01/2013

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**Application Name:** EMMAUS BAPTIST CHURCH

**Project Location:** The site is located at 840 NW 100 ST, Miami-Dade County.

**Proposed Development:** The request is for approval of a non-use variance to permit setback less than required for an addition to the church building.

**Impact and demand:** This application does not generate any new residential population applicable to CDMP Open Space Spatial Standards.

**Recommendation:** PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor



# Memorandum

**Date:** 28-OCT-13  
**To:** Jack Osterholt, Director  
 Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2013000063

**Fire Prevention Unit:**

This memo supersedes MDR memorandum dated July13, 2013.  
 APPROVAL  
 No objection to the site plan date stamped received October 1, 2013.

**Service Impact/Demand**

Development for the above Z2013000063  
 located at 840 NW 100 ST, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0683 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>6,150</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: 1.87 alarms-annually.  
 The estimated average travel time is: 6:18 minutes

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station 30 - Miami Shores - 9500 NE 2 Avenue  
 Rescue, ALS Engine.

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

Current service impact calculated based on site plan stamped received October 1, 2013.

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

DATE: 24-OCT-13  
REVISION 2

**BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT**

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

EMMAUS BAPTIST CHURCH

840 NW 100 ST, MIAMI-DADE  
COUNTY, FLORIDA.

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**APPLICANT**

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**ADDRESS**

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Z2013000063

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**HEARING NUMBER**

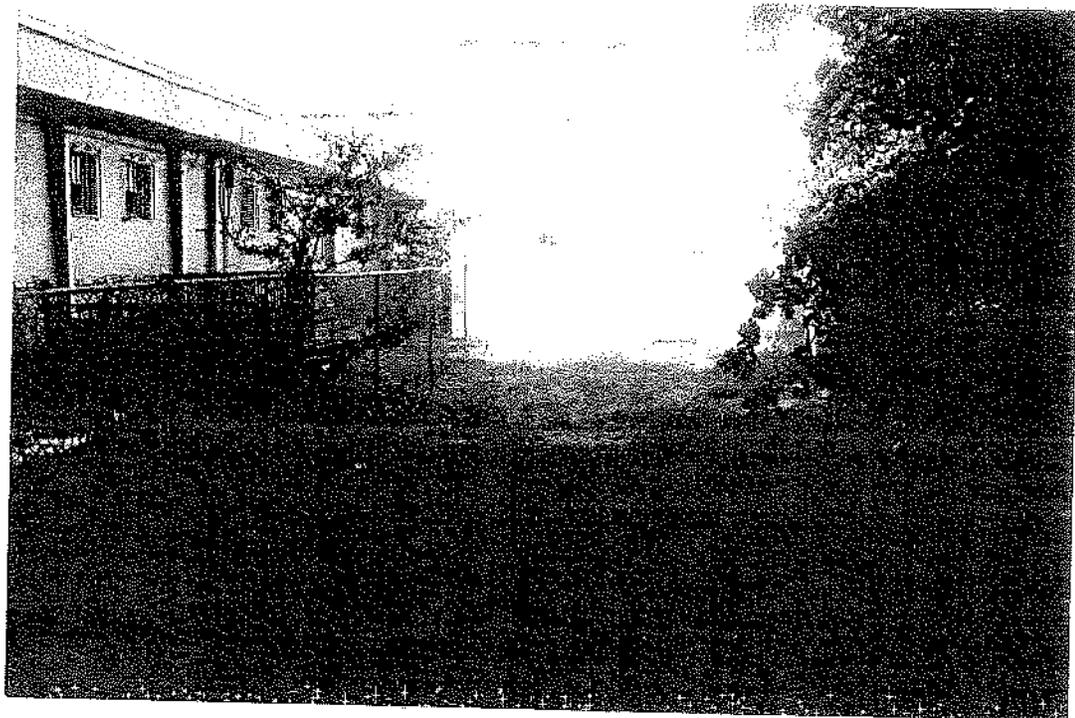
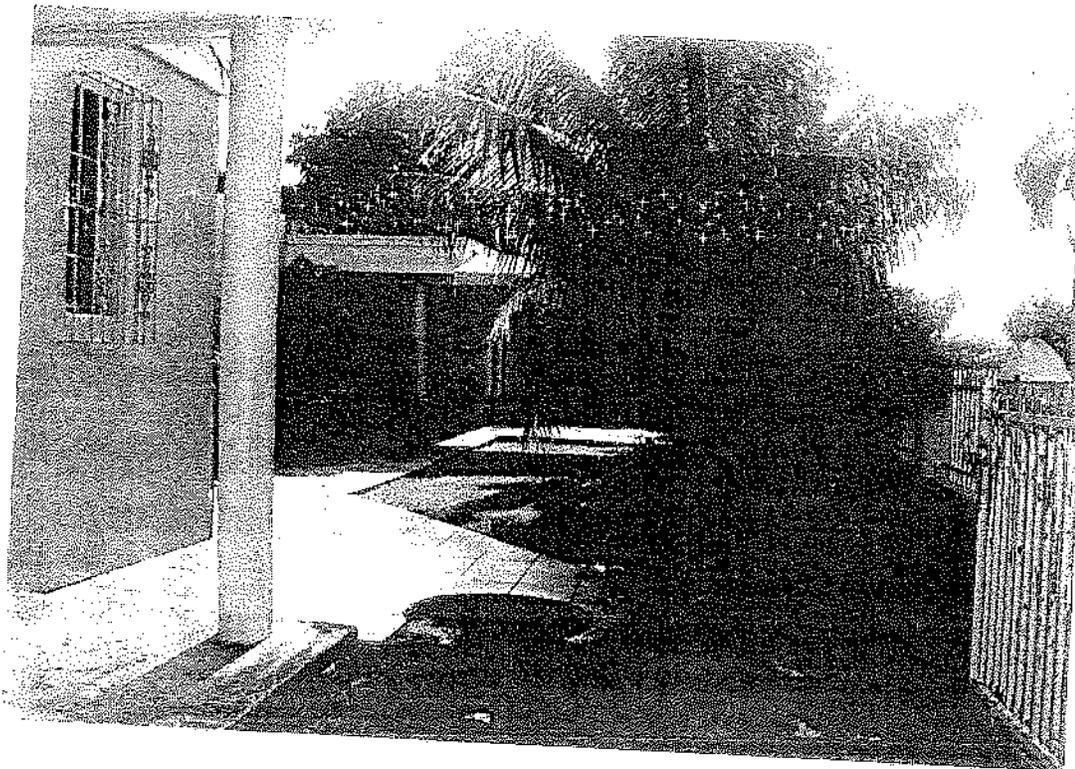
**HISTORY:**

ENFORCEMENT HISTORY: NC: No open/closed cases. BNC: BSS case 20130158993-B opened on April 23, 2013. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: Exceeded scope of window replacement permit by doing structural work. Property owner requested extension on case, case remains open.

Emmaus Baptist Church

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

**REPORTER NAME:**



213-063

9/9/13

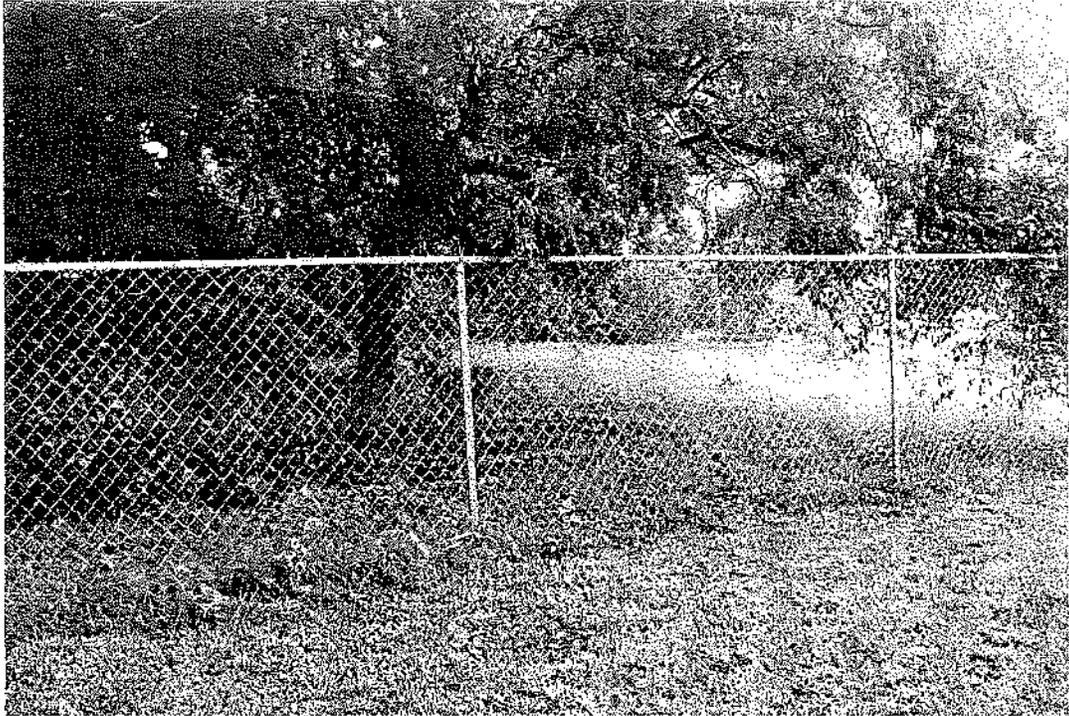
ZONING HEARINGS SECTION  
MADE LADE PLANNING AND ZONING DEPT.

BY: *[Signature]*

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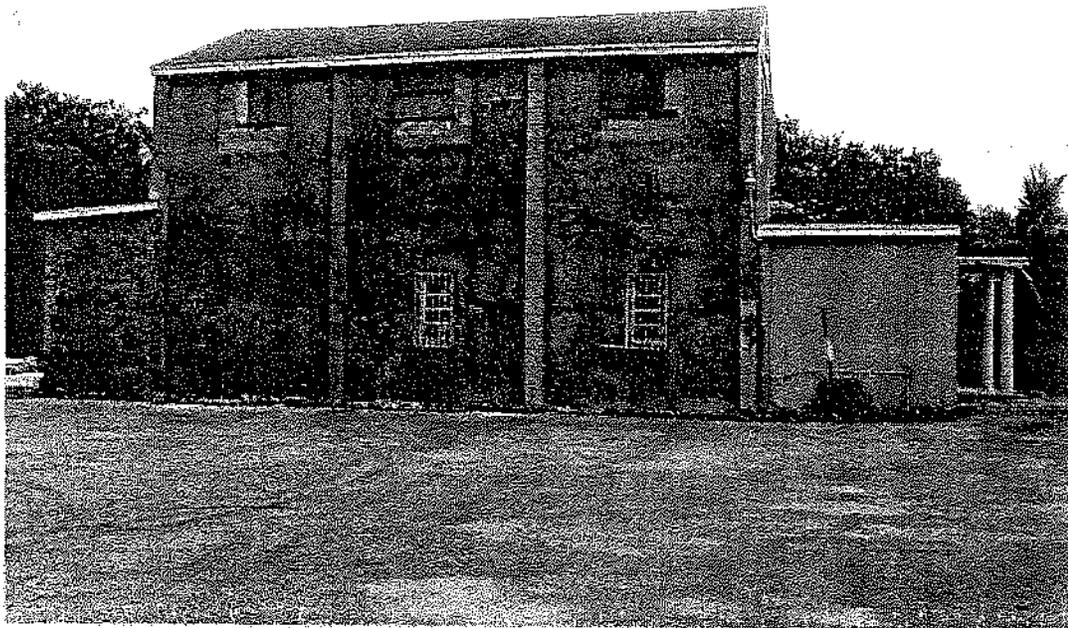
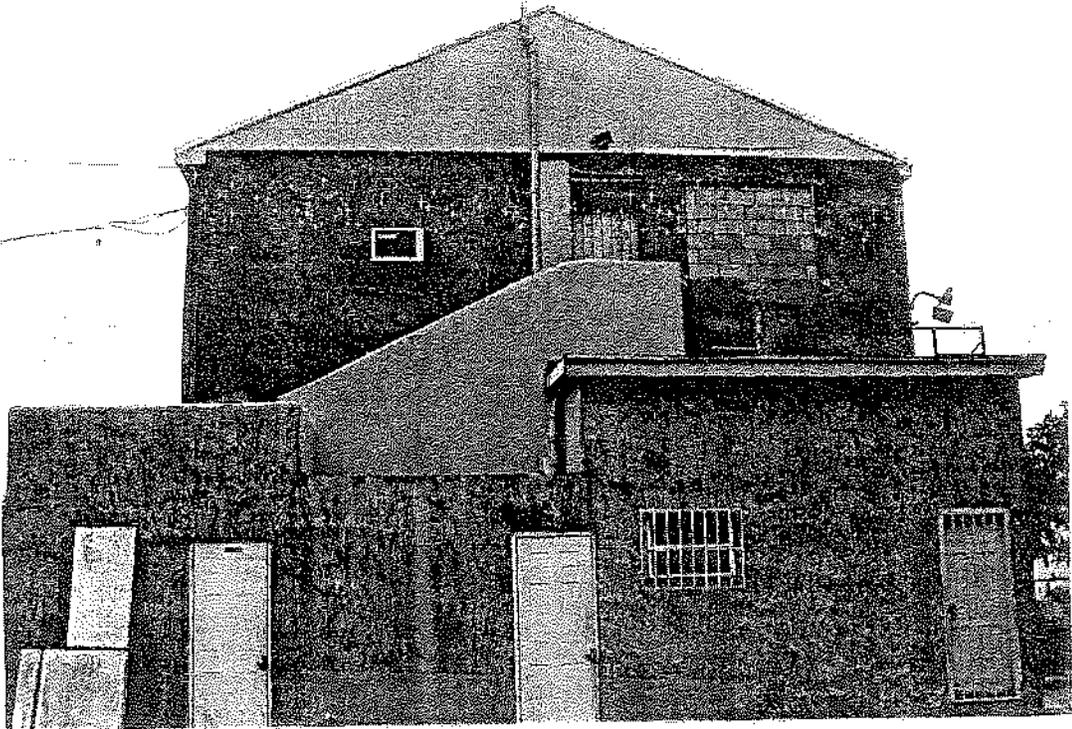
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PLANNING HEARINGS SECTION  
ADMINISTRATIVE, PLANNING AND ZONING DEPT.  
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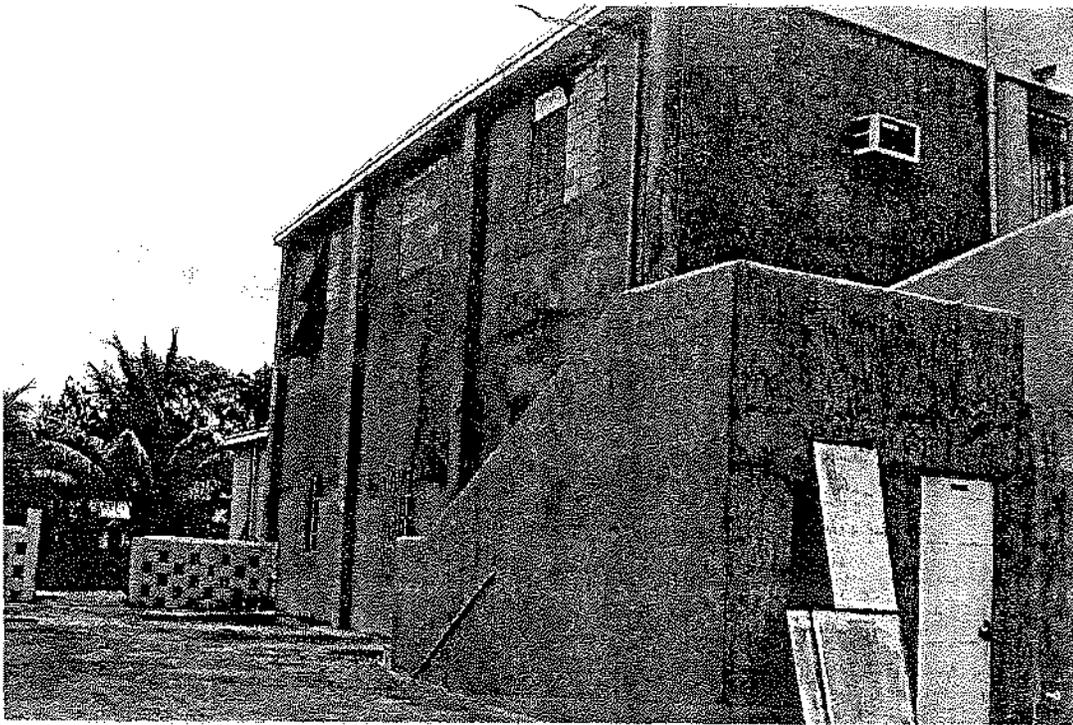
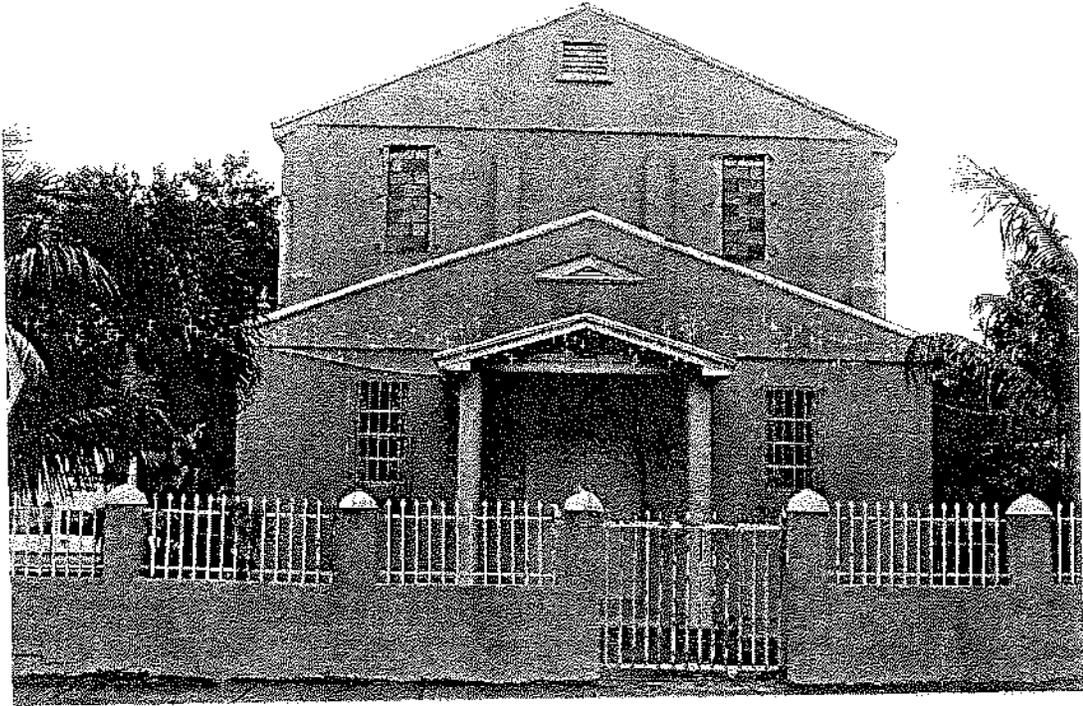




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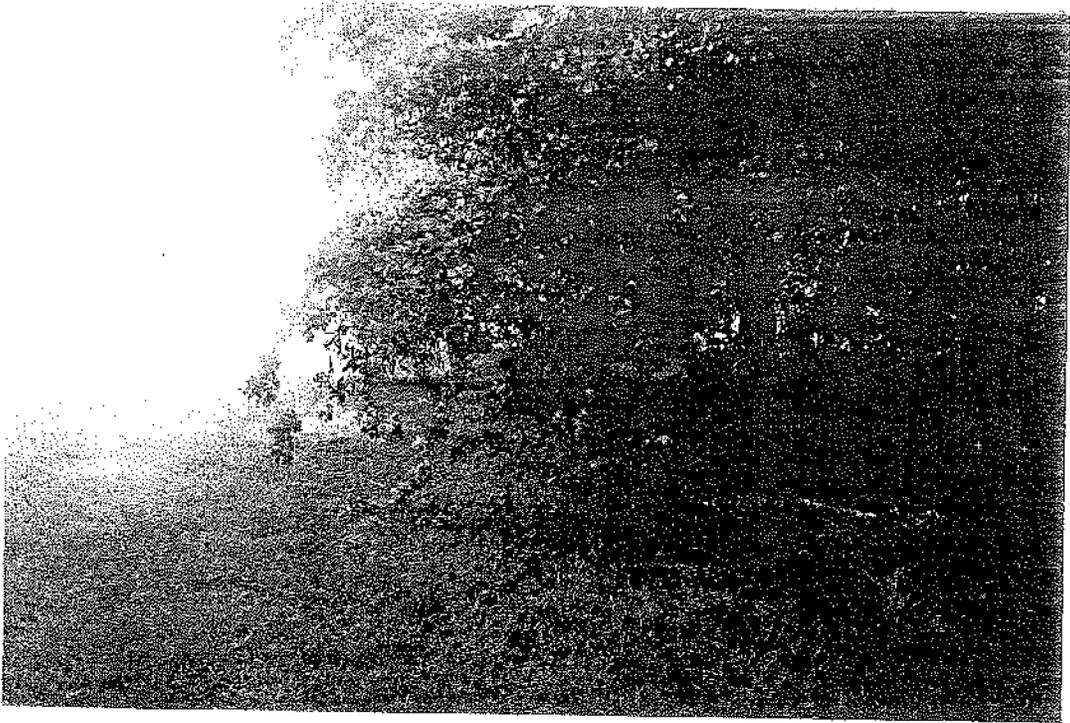
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MILWAUKEE PLANNING DEPARTMENT  
Per 0-13





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MIAMI-DADE PLANNING AND ZONING DEPT.  
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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: Emmaus Baptist Church *not for profit*

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Felix Jean-Hilaire</u>	<u>100%</u>
<u>15015 N.E 10th Avenue</u>	<u></u>
<u>Miami, Florida 33161</u>	<u></u>
<u></u>	<u></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>
<u></u>	<u></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>
<u></u>	<u></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.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

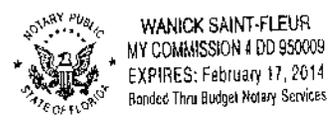
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature \_\_\_\_\_ Rev. Felix Jean-Hilaire, pastor  
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 19th day of June, 2013. Affiant is personally know to me or has produced FIDL as identification.

Wanick St. Fleur  
(Notary Public)

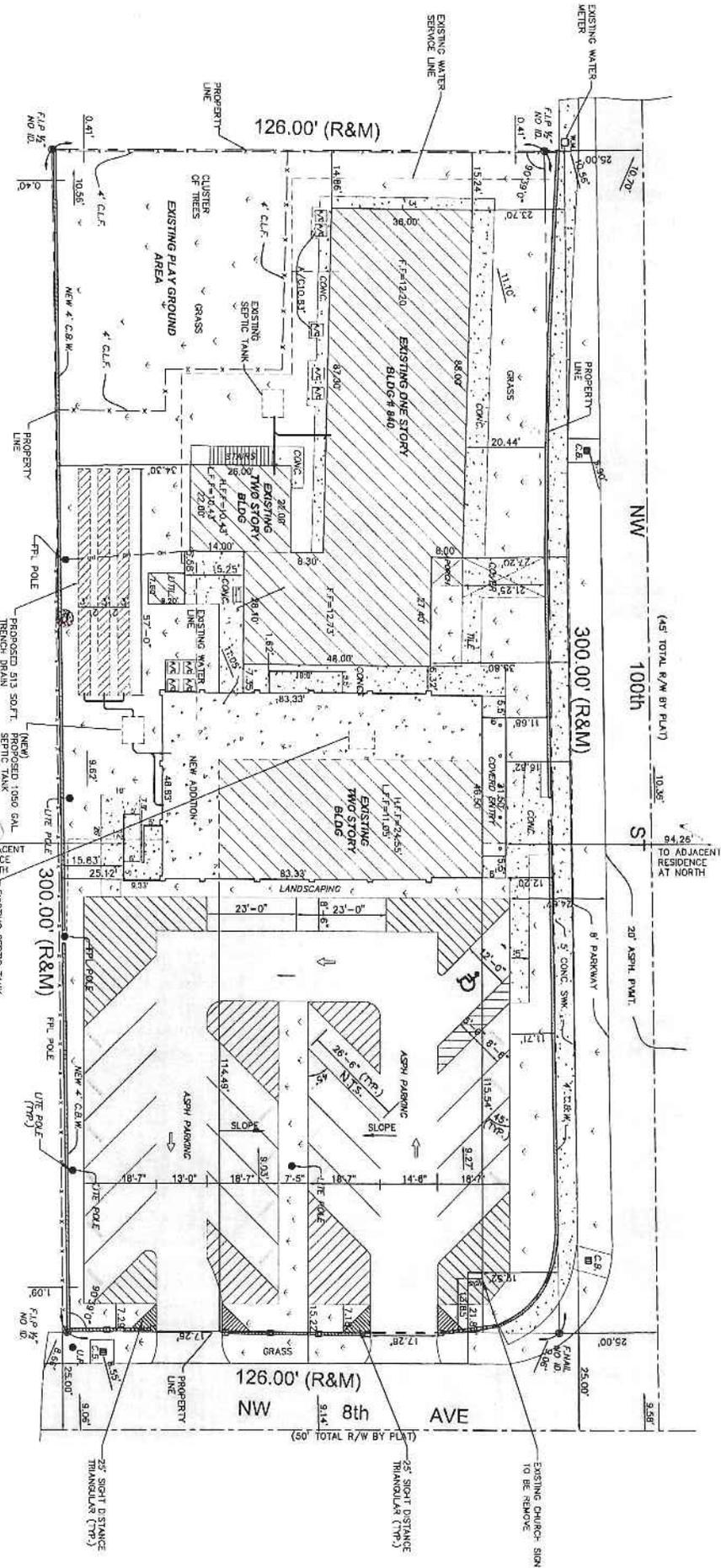


My commission expires: 2/17/14 Seal

\*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.

**Legal Description**

LOTS 1, 2, 3, 4, 5 AND 6, LESS NORTH 5 FEET OF BLOCK 7, WEST BISCAYNE SUBDIVISION, AS RECORDED IN PLAT BOOK 7, AT PAGE 58 OF THE PUBLIC RECORDS OF DRAW-BASE COUNTY, FLORIDA.



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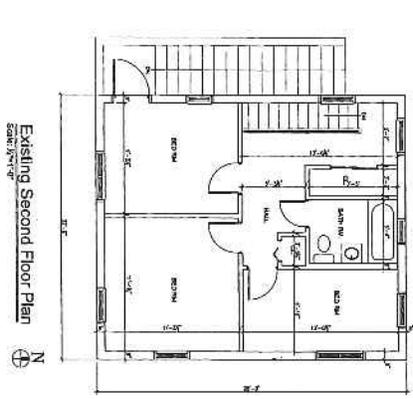
**Site Plan**  
 SCALE: 1"=20'

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.

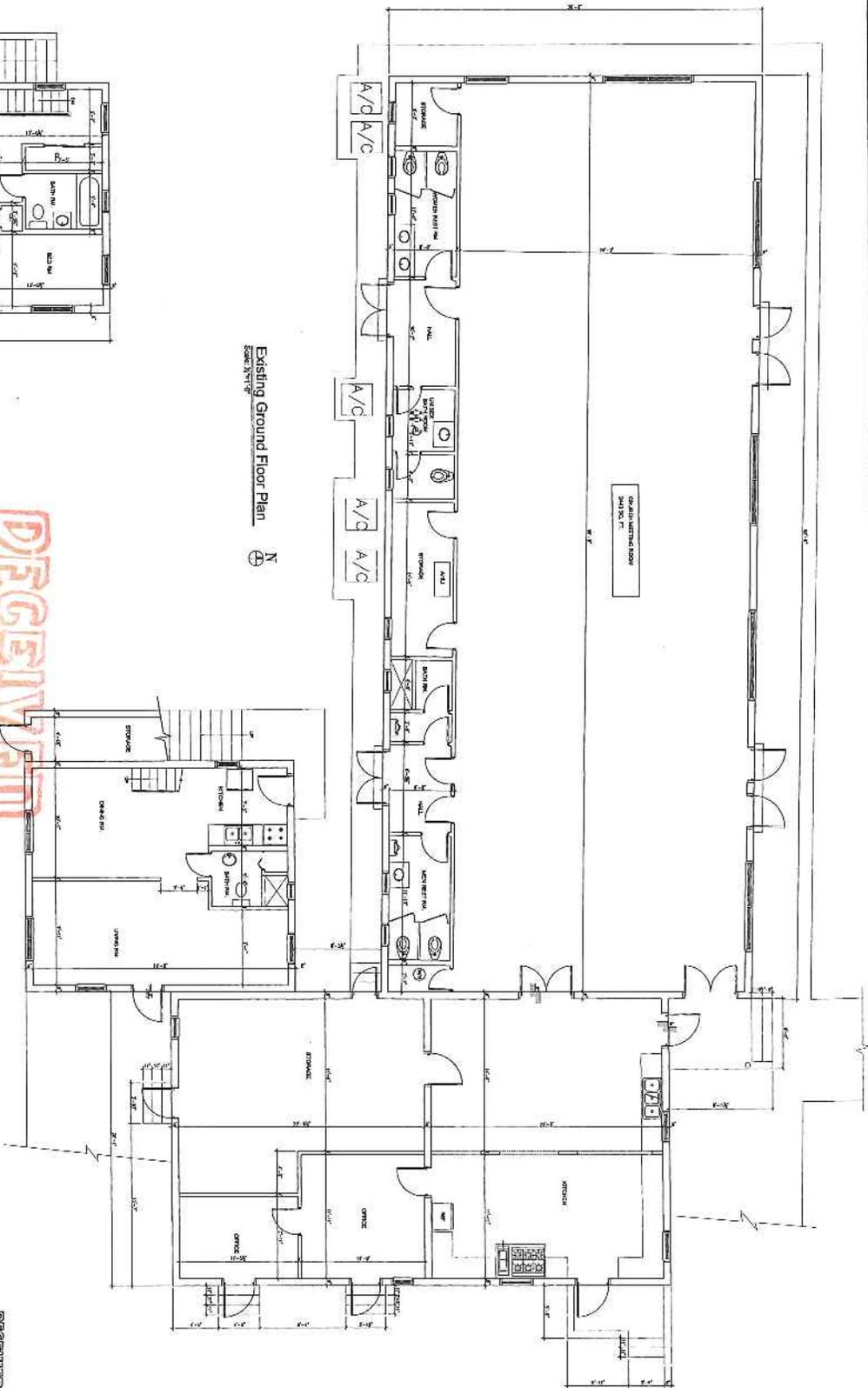
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*[North Arrow]*  
 213-063



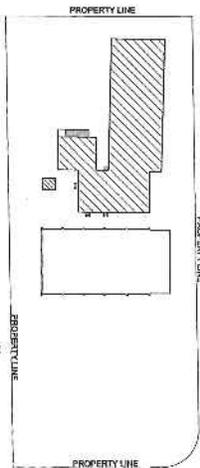


Existing Ground Floor Plan  
Scale: 1/8"



ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
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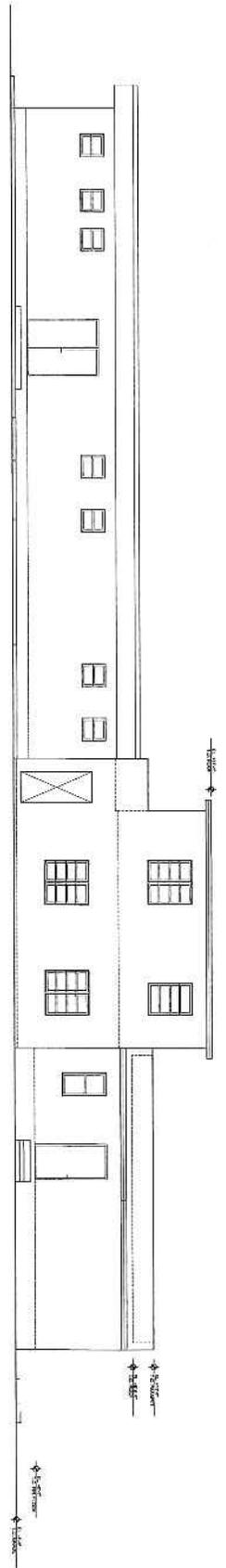
DATE	02-12-13
SCALE	AS NOTED
DRAWN BY	DF/AVS
CHECKED BY	
SHEET	<b>A-1a</b>

**EGLISE BAPTISTE EMMAUS**  
840 N.W. 100 STREET  
MIAMI FLORIDA  
33150

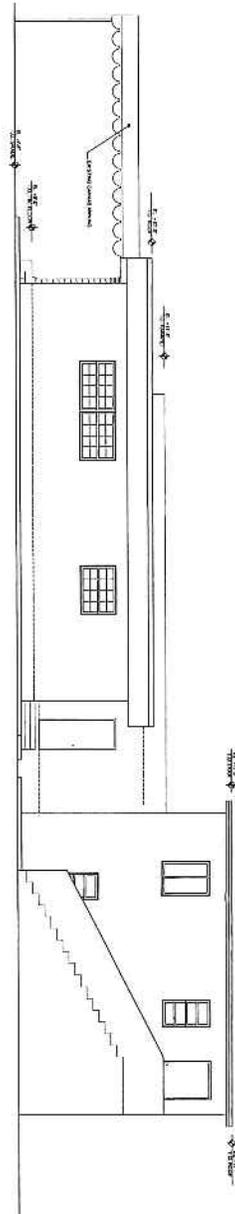
ENGINEER  
**PARAMOUNT CONSULTING & ENGINEERING**  
6167 NW 167TH STREET  
MIAMI, FLORIDA 33015  
P.E.# 59652

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	02/13
2	REVISED	02/13
3	REVISED	02/13

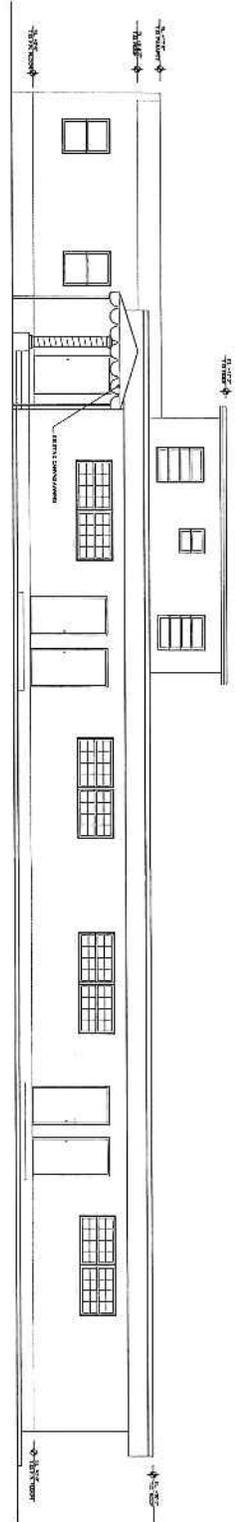
**EXISTING FLOOR PLANS**



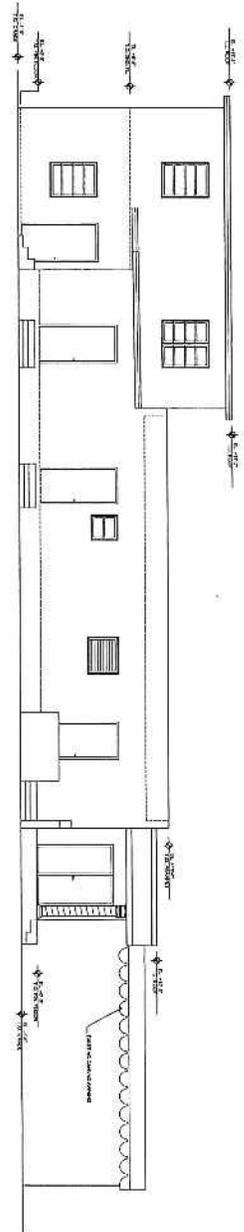
Existing South Elevation



Existing West Elevation



Existing North Elevation



Existing East Elevation

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DATE: 02/12/13  
 SCALE: AS NOTED  
 DRAWN BY: DRAMING  
 CHECKED BY: CHENGBO WU  
 SHEET: **A-1b**

**EGLISE BAPTISTE EMMAUS**  
 840 N.W. 100 STREET  
 MIAMI FLORIDA  
 33150

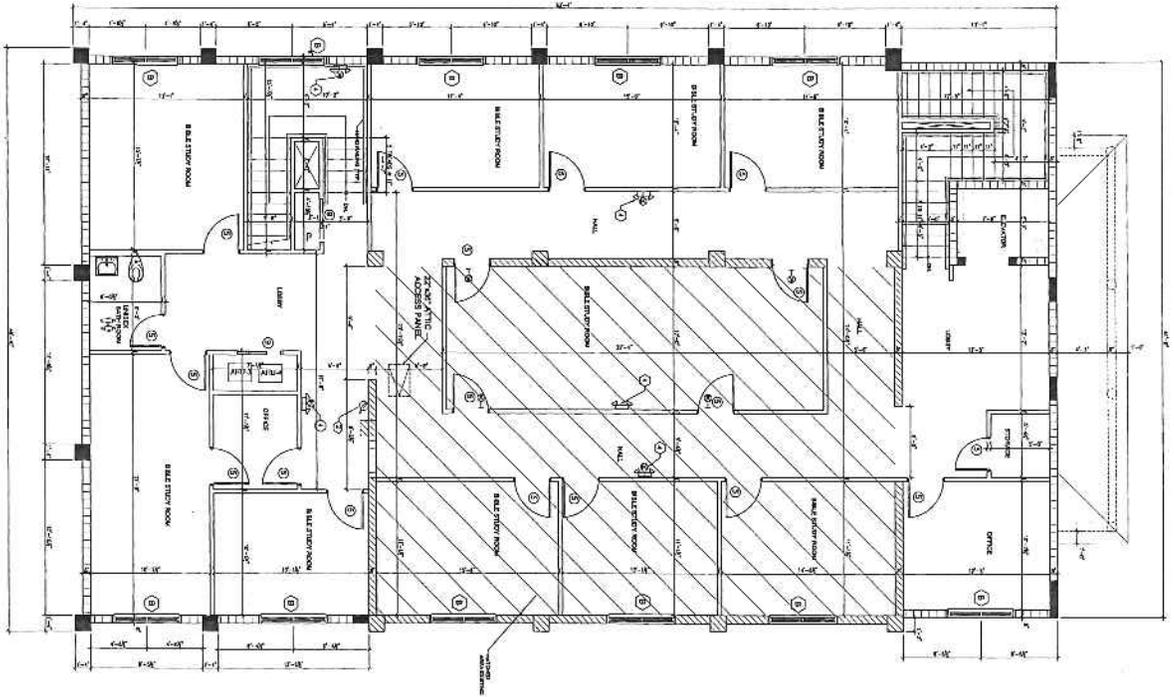
OWNER  
**PARAMOUNT**  
 CONSULTING & ENGINEERING  
 6157 NW 167TH STREET  
 MIAMI, FLORIDA 33015  
 P.E. # 58652

NO.	REVISION	DATE

**EXISTING ELEVATIONS**

OWNER: EMMAUS





Second Floor Plan  
Scale: 1/4" = 1'-0"

**RECEIVED**  
 213-063  
 SEP 03 2013  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY AT

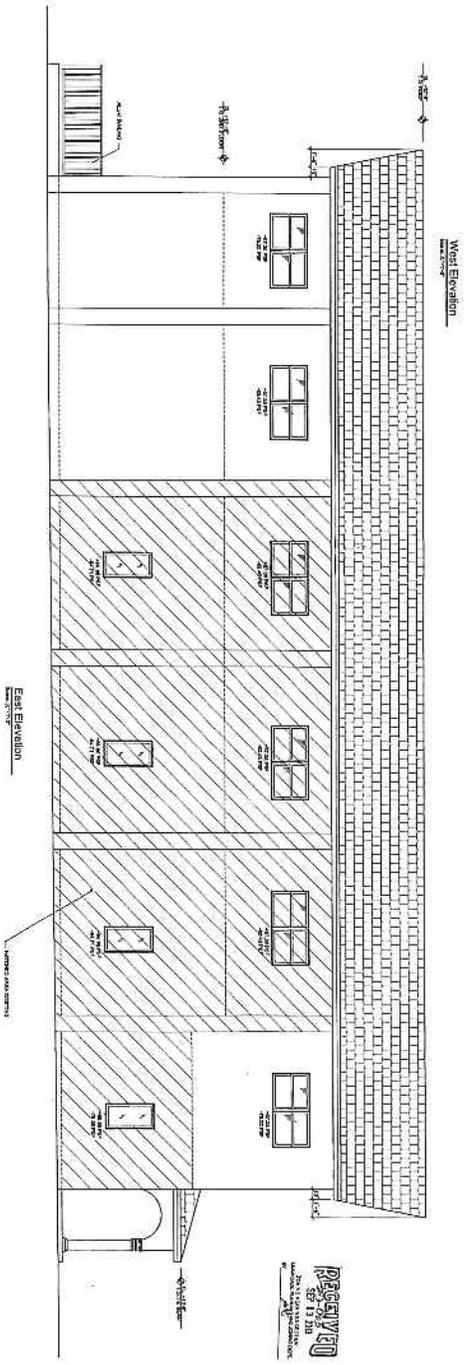
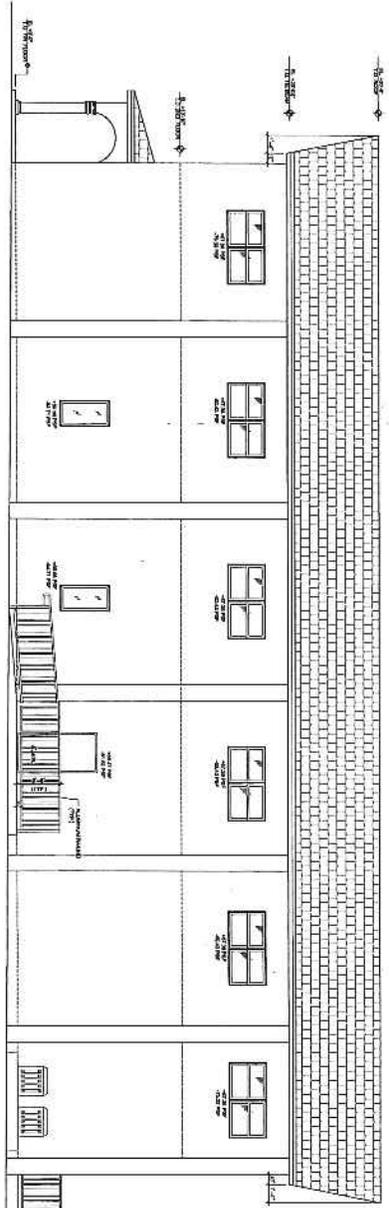
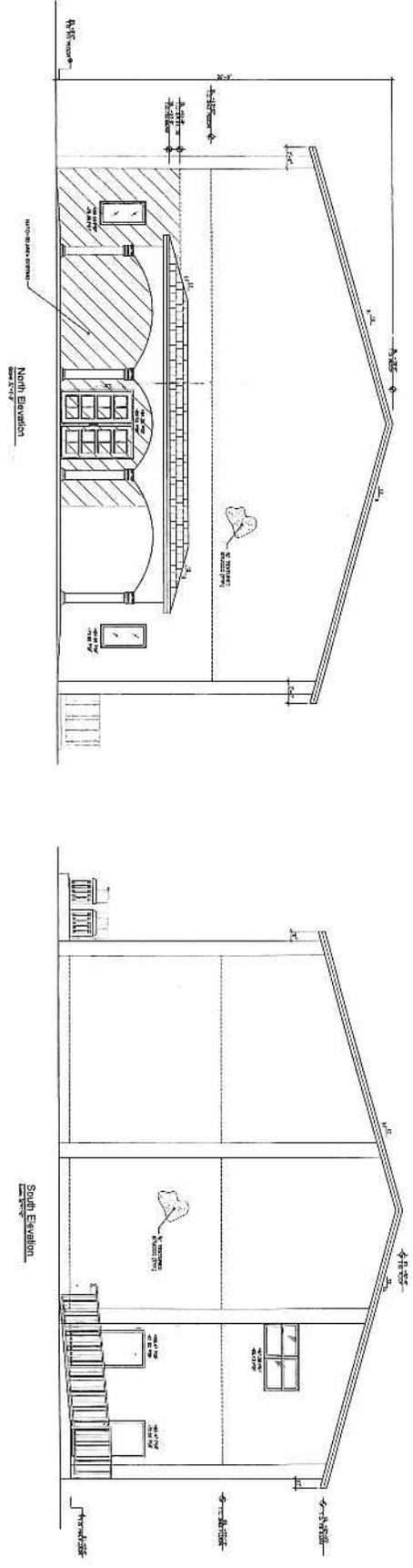
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 213-063  
 SEP 03 2013

DATE:	02.20.12
SCALE:	AS NOTED
DRAWN BY:	SKANS
CHECKED BY:	
SHEET:	<b>A-3</b>

**EGLISE BAPTISTE EMMAUS**  
 840 N.W. 100 STREET  
 MIAMI FLORIDA  
 33150

ENGINEER  
**PARAMOUNT**  
 CONSULTING & ENGINEERING  
 6157 NW 167TH STREET  
 MIAMI, FLORIDA 33015  
 P.E.# 59652

<b>NEW SECOND FLOOR PLAN</b>	
NO.	REVISION



**RECEIVED**  
 213-063  
 SEP 03 2013  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY ATF

**ELEVATIONS**

NO.	SECTION	DATE

ENGINEER  
**PARAMOUNT**  
 CONSULTING & ENGINEERING  
 6157 NW 167TH STREET  
 MIAMI, FLORIDA 33015  
 P.E.# 59652

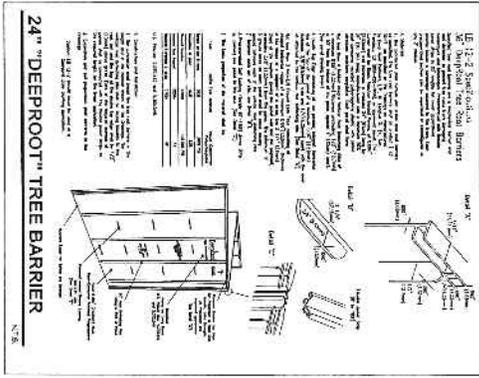
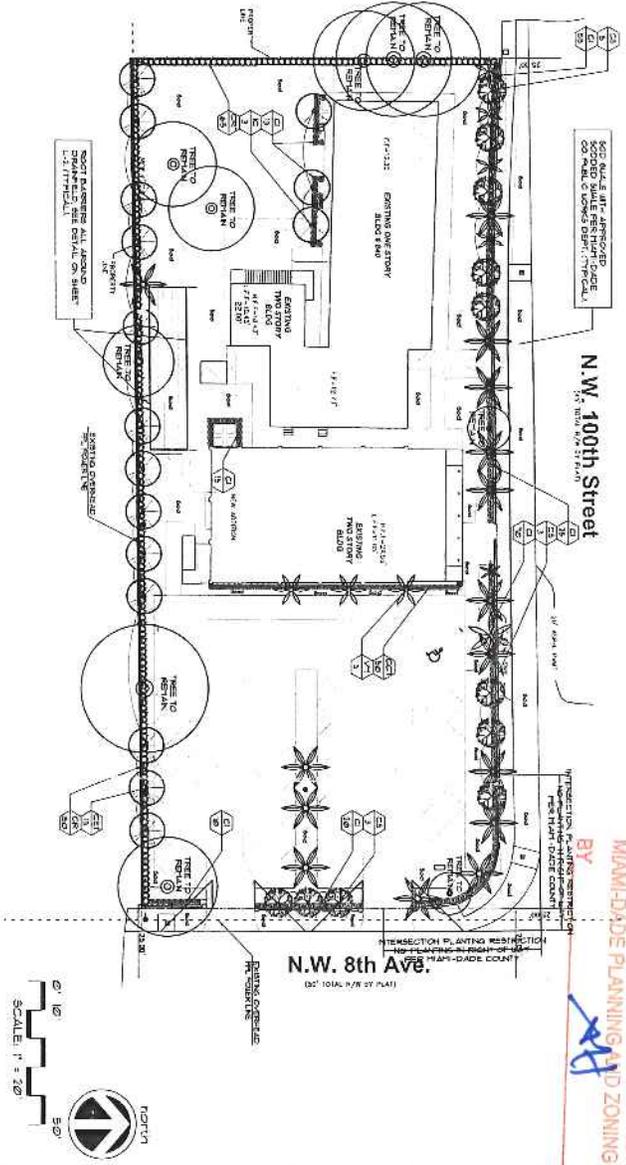
**EGLISE BAPTISTE EMMAUS**  
 840 N.W. 100 STREET  
 MIAMI FLORIDA  
 33150

DATE: 03/27/13  
 SCALE: AS SHOWN  
 DRAWN BY: JENNIFER  
 CHECKED BY:  
 SHEETS:

**A-4**



RECEIVED  
2/19/13  
SEP 03 2013  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



### PLANTLIST

SYM. NAME	COMMON NAME	HEIGHT
1	SLIVER BIRCHWOOD	10' - 12' STANDARD
2	ORANGE BLOSSOM	10' - 12' STANDARD
3	DAISY BLOSSOM	10' - 12' STANDARD
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98	DAISY BLOSSOM	10' - 12' STANDARD
99	DAISY BLOSSOM	10' - 12' STANDARD
100	DAISY BLOSSOM	10' - 12' STANDARD

### STREET TREE TABULATIONS

STREET	NUMBER	SIZE	HEIGHT
N.W. 100th Street	9	9"	9'
N.W. 8th Avenue	5	5"	5'
TOTALS	14		14'

DESIGNED: J. J. SOUSA  
DRAWN: J. J. SOUSA  
CHECKED: J. J. SOUSA  
DATE: AUG 6, 2013  
SCALE: AS SHOWN  
PROJECT: EMMAUS BAPTIST CHURCH  
SITE: 840 N.W. 100th St., MIAMI, FL 33150

### LANDSCAPE LEGEND - CHAPTER 18A SITE DATA

SYMBOL	DESCRIPTION	REMARKS
1	EXISTING TREE	TO BE MAINTAINED
2	PROPOSED TREE	TO BE PLANTED
3	PROPOSED TREE	TO BE PLANTED
4	PROPOSED TREE	TO BE PLANTED
5	PROPOSED TREE	TO BE PLANTED
6	PROPOSED TREE	TO BE PLANTED
7	PROPOSED TREE	TO BE PLANTED
8	PROPOSED TREE	TO BE PLANTED
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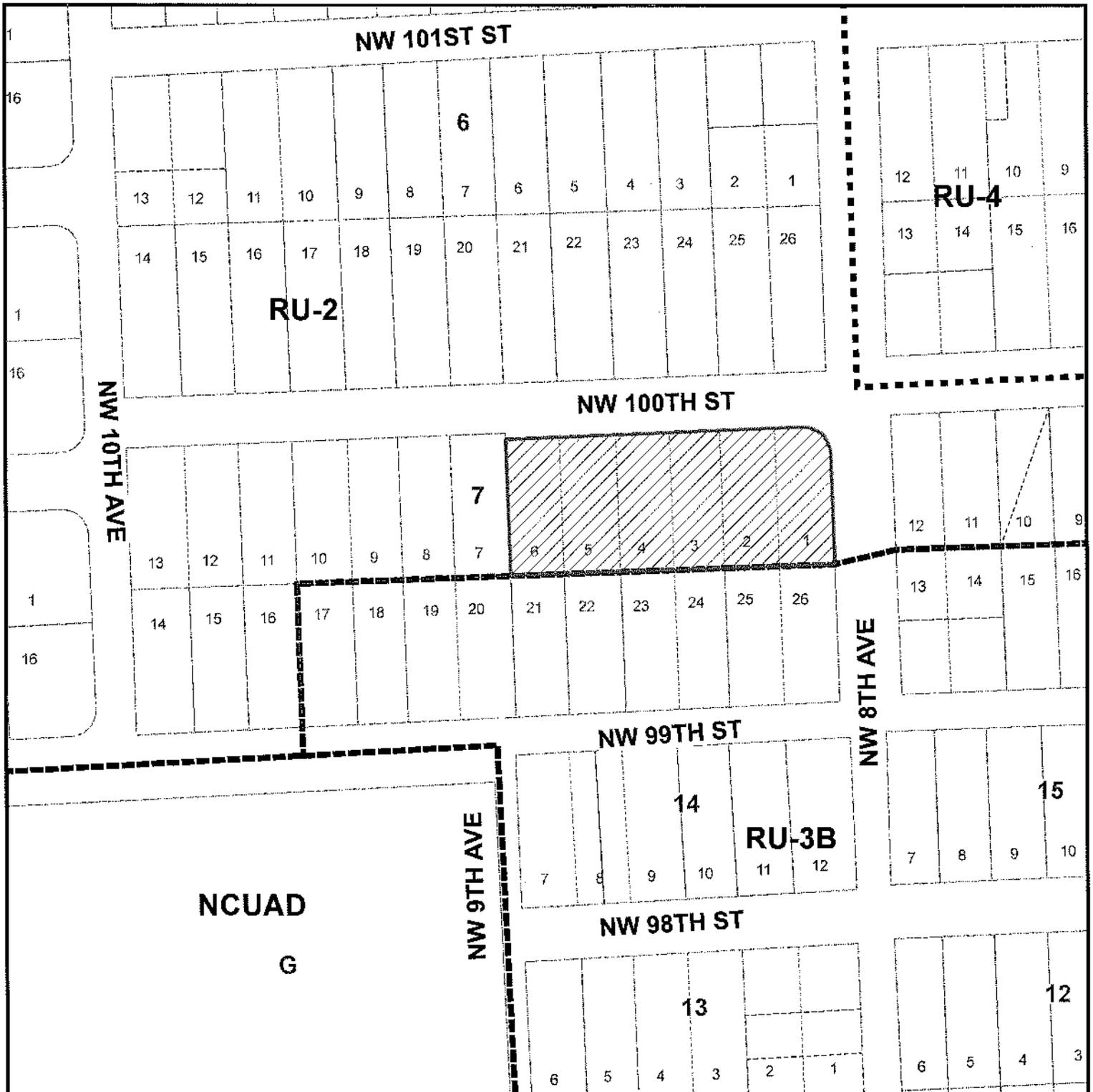
**EMMAUS BAPTIST CHURCH**  
840 N.W. 100th St.  
MIAMI-DADE, FL. 33150

**JFS**  
JFS Design Inc.  
LANDSCAPE ARCHITECTURE  
LC 000393  
www.jfsdesignfl.com  
jimmy@jfsdesignfl.com

LANDSCAPE PLAN

L-1

37



**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number  
**Z2013000063**



Section: 02 Township: 53 Range: 41  
 Applicant: EMMAUS BAPTIST CHURCH  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



REVISION	DATE	BY
		38



MIAMI-DADE COUNTY  
AERIAL YEAR 2012

Process Number  
**Z2013000063**



Section: 02 Township: 53 Range: 41  
Applicant: EMMAUS BAPTIST CHURCH  
Zoning Board: C8  
Commission District: 2  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

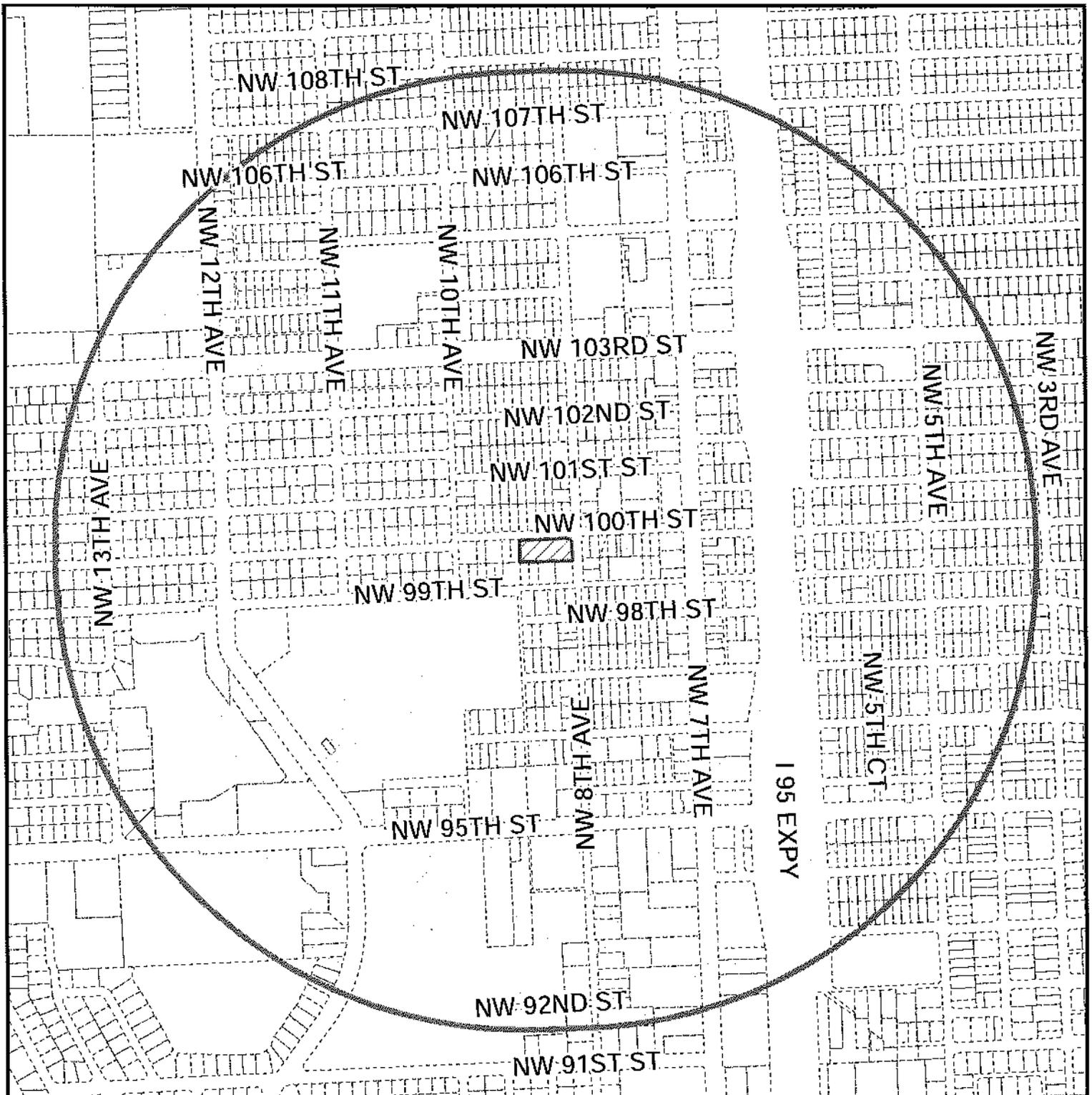
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, July 24, 2013

REVISION	DATE	BY
		39



**MIAMI-DADE COUNTY**  
RADIUS MAP

Section: 02 Township: 53 Range: 41  
 Applicant: EMMAUS BAPTIST CHURCH  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2013000063**  
 RADIUS: 2640

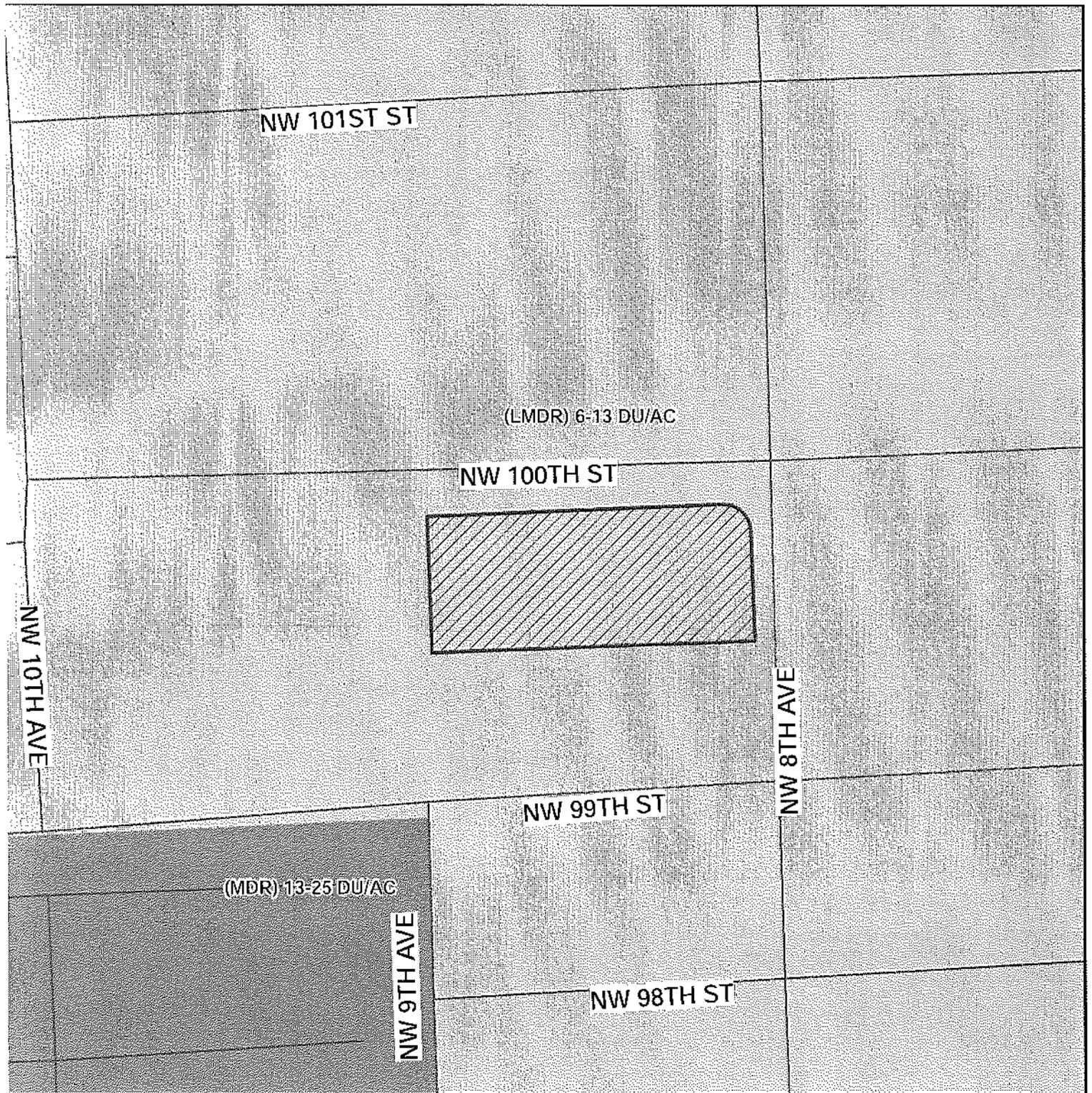


**Legend**

-  Subject Property
-  Buffer



REVISION	DATE	BY
		40



MIAMI-DADE COUNTY  
CDMP MAP

Process Number  
**Z2013000063**



Section: 02 Township: 53 Range: 41  
Applicant: EMMAUS BAPTIST CHURCH  
Zoning Board: C8  
Commission District: 2  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 8**

PH: Z13-079 (14-1-CZ8-2)

January 30, 2014

Item No. 2

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicants</b>	Joseph and Shirley Cadet
<b>Summary of Requests</b>	The applicants are seeking to permit an existing addition to a single-family residence that encroaches into the rear (east) and side street (south) setback areas.
<b>Location</b>	10501 NW 12 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	100' x 53'
<b>Existing Zoning</b>	RU-2, Two-Family Residential District
<b>Existing Land Use</b>	Single-family residence
<b>2020-2030 CDMP Land Use Designation</b>	Low-Medium Density Residential, 6 to 13 dua <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions.</b>

**REQUESTS:**

1. NON-USE VARIANCE to permit an existing single family residence setback varying from 17.3' to 20.1' from the rear (east) property line. (25' required).
2. NON-USE VARIANCE to permit the existing single family residence setback 8.4' (15' required) from the side street (South) property line..
3. NON-USE VARIANCE to waive the zoning regulations requiring that no fence exceed 2.5' in height within 10' of the edge of a driveway leading to a public right-of-way; ; to permit an existing 6' high metal picket within 10' of an edge of driveway leading to a right-of-way.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Existing Home of Sherley and Joseph Cadet" as prepared by Stingray Construction Company, dated stamped received 9/4/13 and consisting of 1 sheet. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

The plan submitted depicts the existing 1,408+/- sq. ft. single family residence and the existing additions encroaching into the rear (east) and side street (south) setback areas.

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

<b>South</b>	RU-4; church	Low Density Residential (2.5 to 6 dua)
<b>East</b>	RU-2; single-family residence	Low-Medium Density Residential (6 to 13 dua)
<b>West</b>	RU-4; apartment complex	Low-Medium Density Residential (6 to 13 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is located at 10501 NW 12 Avenue within a residential development. The area surrounding the subject property is primarily characterized by single-family residences, apartments and a religious facility.

**SUMMARY OF THE IMPACTS:**

Approval of this application will allow the applicants to permit the existing additions to the residence which provides additional living area within the single-family residence.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low-Medium Density Residential**. *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.* The approval of the requests sought in this application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP, and will not change the single-family detached use. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the density threshold and the uses allowed under the Low-Medium Density Residential Communities designation of the property on CDMP LUP map.

**ZONING ANALYSIS:**

The application seeks to permit the single-family residence with existing additions setback 17.3' to 20.1' (25' required) from the rear (east) property line (request #1) and setback 8.4' (15' required) from the side street (south) property line (request #2). When this application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and will be **compatible** with same.

Staff opines that approval of the requested maximum 7.7' encroachment into the rear (east) setback area (request #1) as well as the 6.6' encroachment into the side street setback area (request #2) is not overly intensive and will not be out of character with the surrounding area. Staff notes that pursuant to Administrative Variance #V1983000209 and Administrative Variance #V2006000118, two properties located within approximately less than 0.25 mile of the subject property along NW 12 Avenue and NW 108 Terrace, were respectively approved to setback 19' and 18.75' from the rear property lines. Additionally, pursuant to Resolution #CZAB8-11-03, a property located northeast of the subject property was approved for a more

intensive request to allow the residence to setback 3.2 to 3.45' from the side street (east) property line.

However, staff opines that the existing floor plan for the single-family residence could be easily converted by future owners to allow multiple residential uses on the property. Therefore, staff recommends as a condition for approval that the applicants provide a Declaration of Use that would restrict the property to a single family use only. Further, staff notes that the memorandum from the Building and Neighborhood Compliance Division of the Department of Regulatory and Economic Resources (RER) indicates that there is an open case pertaining to the failure to obtain the required building permits for additions encroaching into the setback areas and a shed. The submitted survey indicates a shed located in the rear (east) setback area behind the residence. Staff notes that the applicant has not depicted the shed in the submitted plans and has not requested approval of variances for the shed. Therefore, staff recommends that the aforementioned shed shall be removed as a condition for approval and the proper permits shall be obtained for approval in the future. Additionally, as a condition for approval, staff also recommends that the applicant shall obtain all the necessary permits within 90 days of the final approval of this application for all unpermitted structures on the subject property where necessary for the structures that are approved as a part of this application only. Staff also notes that the survey indicates an existing 6' high wood fence along the rear (east) property line which staff opines provides a visual buffer for the encroachment into the rear setback area, and therefore, should be maintained. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

The applicants also seek approval to waive the zoning regulations requiring that a fence shall not exceed 2.5' in height within 10' of the edge of a driveway leading to a public right-of-way; to permit an existing 6' metal picket fence within the safe sight distance triangle leading from a driveway to the right-of-way (request #3). When this request is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions would be **compatible** with the surrounding area. Pictures submitted by the applicants with the application depict the approximately 6' high wrought iron fence that runs parallel to the front (west) and partially along the side street (south) property lines. In addition, staff notes that the Platting and Traffic Review Section of RER does not object to this request. Further, staff opines that the decorative fence provides the property with an enhanced curb appeal. **Therefore, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

Based on the foregoing analysis, staff opines approval of the application with the conditions outlined, would be **compatible** with the surrounding residential uses. **As such, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

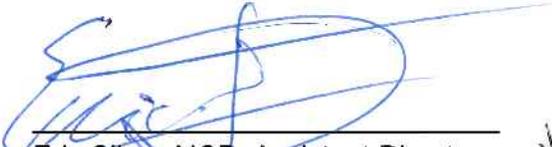
**RECOMMENDATION:**

**Approval with conditions.**

**CONDITIONS FOR APPROVAL :**

1. That a site plan be submitted to and meet with the approval of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Existing Home of Shirley and Joseph Cadet" as prepared by stingray Construction Company, dated stamped received 9/4/13. 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 shed, indicated in the survey be removed prior to final permit approval.
5. That the existing 6' high wood fence along the rear (east) property line be maintained and that if the fence is removed or destroyed, the applicant shall replace same with a 6' high fence, CBS wall of a hedge, 3' high at planting which shall grow and be maintained at a height of 6'.
6. That the applicants submit a Declaration of Use to the Department of Regulatory and Economic Resources restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.
7. That the applicant obtain a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department.

ES:MW:NN:EJ:CH

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

*NN*

# ZONING RECOMMENDATION ADDENDUM

*Joseph and Shirley Cadet  
Z13-079*

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Building and Neighborhood Compliance (RER)	No objection*
*Subject to conditions in their memorandum.	

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

<p><b>Low-Medium Density Residential (Pg. I-31)</b></p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low-Medium Density Residential</b>. 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></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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>
--	--

**2. JOSEPH & SHERLEY CADET**  
**(Applicant)**

**14-1-CZ8-2 (13-079)**  
**Area 08/District 02**  
**Hearing Date: 01/30/14**

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>
None				

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

# Memorandum



**Date:** October 2, 2013

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources

**Subject:** C-08 #Z2013000079  
Joseph & Sherley Cadet  
10501 NW 12<sup>th</sup> Avenue  
Non-Use Variance to permit setback variances to the existing residence.  
(RU-2) (0.123 Acres)  
35-52-41

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the "From:" line of the memorandum.

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

#### Flood Protection

The application site is not within a Special Flood Hazard Zone as per determined by the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County. The County flood criterion for this site is 5.5 ft NGVD. The survey included with this submittal does not state the crown of road elevation, elevations of the existing residence nor the addition to be legalized. The applicant will be required to demonstrate the addition complies with Chapter 11C Code prior to approval of building permit plans. For more information please contact DERM Floodplain Program at (786) 315-2800.

#### 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 setback variance will not affect the stormwater management system.

Wetlands

The subject property does not contain 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 proposal of a non use variance to permit setbacks to the existing home will not impact tree resources. Please be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

Enforcement History

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

Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** November 18, 2013

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

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

**Subject:** Z2013000079  
Name: Joseph & Shirley Cadet  
Location: 10501 NW 12 Avenue  
Section 35 Township 52 South Range 41 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 17 & 18, Block 3 of Plat Book 17, Page 38.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

# Memorandum



**Date:** October 28, 2013

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

**From:** *Paul Mauriello*  
Paul Mauriello, Assistant Director, Waste Operations  
Public Works and Waste Management Department

**Subject:** Joseph and Sherley Cadet (13\_079)

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The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

The property is located within the Department's waste collection service area. According to Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, the single family residence on the property meets the definition of a residential unit. The residential unit on the property will continue to receive PWWM waste collection and recycling services. The current waste collection fee of \$439 will cover all associated costs.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division at 305-514-6661.

# Memorandum



**Date:** October 11, 2013

**To:** Jack Osterholt, Deputy Mayor  
Director, Regulatory and Economic Resources Department

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2013000079: JOSEPH & SHERLEY CADET

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**Application Name:** JOSEPH & SHERLEY CADET

**Project Location:** The site is located at 10501 NW 12 AVE, Miami-Dade County.

**Proposed Development:** The request is for approval of non-use variance of setback requirements.

**Impact and demand:** This application does not generate any new residential population applicable to CDMP Open Space Spatial Standards.

**Recommendation:** PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** 22-OCT-13  
**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2013000079

**Fire Prevention Unit:**

Not applicable to MDFR site requirements.

**Service Impact/Demand**

Development for the above Z2013000079  
located at 10501 NW 12 AVE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 0680 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: 7:03 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,

**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: 04-OCT-13

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

JOSEPH & SHERLEY CADET

10501 NW 12 AVE, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

---

Z2013000079

---

HEARING NUMBER

**HISTORY:**

ENFORCEMENT HISTORY: NC: No open cases. BNC: BSS case 20130156438-B opened on November 29, 2012. Notice of Violation was issued for Failure to obtain required building permit(s) prior to commencing work on: shed in setback and principle residence with side setback violation. Property owner requested extension on case on July 18, 2013, new compliance date is October 20, 2013. Case remains open.

Joseph & Sherley Cadet

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

**REPORTER NAME:**



SOUTH EAST SIDE BACK



FRONT (FROM OUTSIDE FENCE)



SOUTH EAST SIDE FRONT



FRONT (FROM ACROSS STREET [12TH AV])



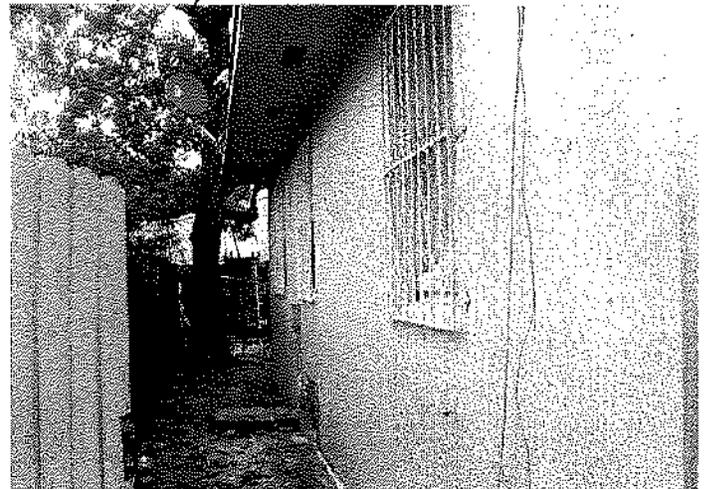
FRONT



BACK/NORTH SIDE



SOUTH SIDE



FRONT/NORTH SIDE



BACK



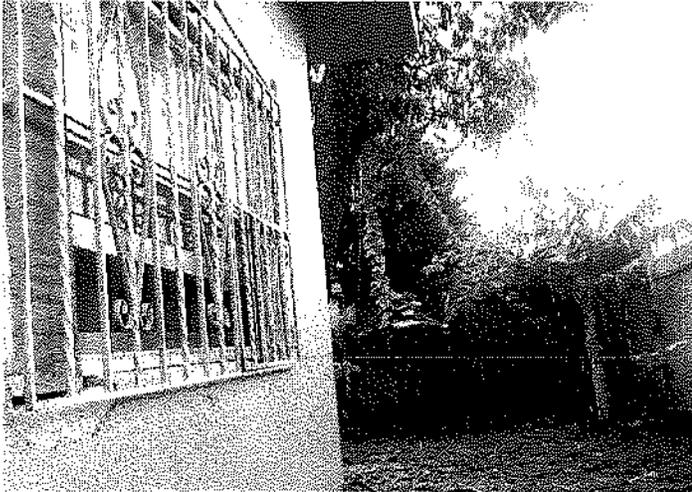
SOUTH SIDE



BACK



BACK



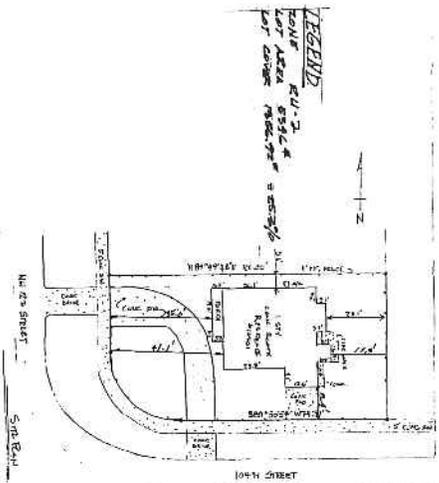
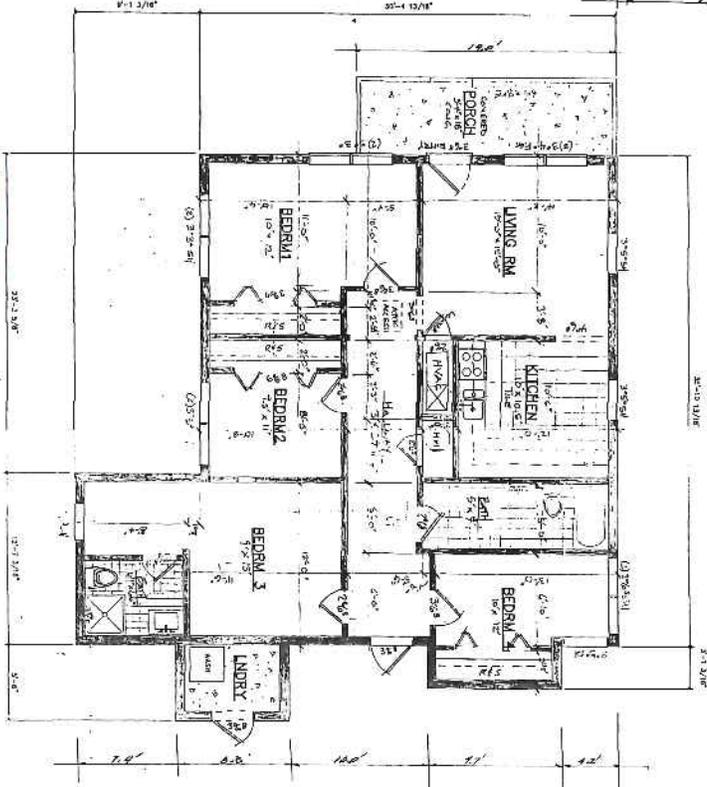
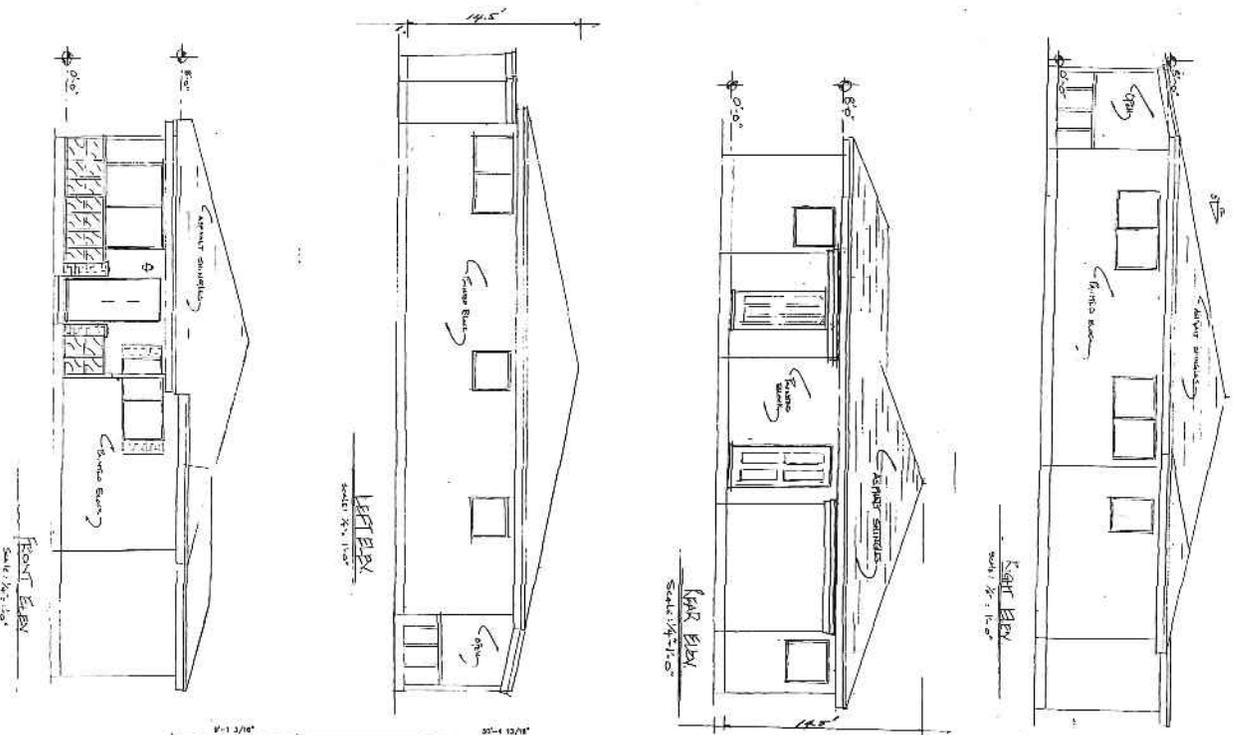
SOUTH SIDE (LOOKING TOWARDS BACK)



SOUTH SIDE (LOOKING TOWARDS FRONT)

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 28-079  
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 BY *[Signature]*





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213-079

SEP 04 2013

ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
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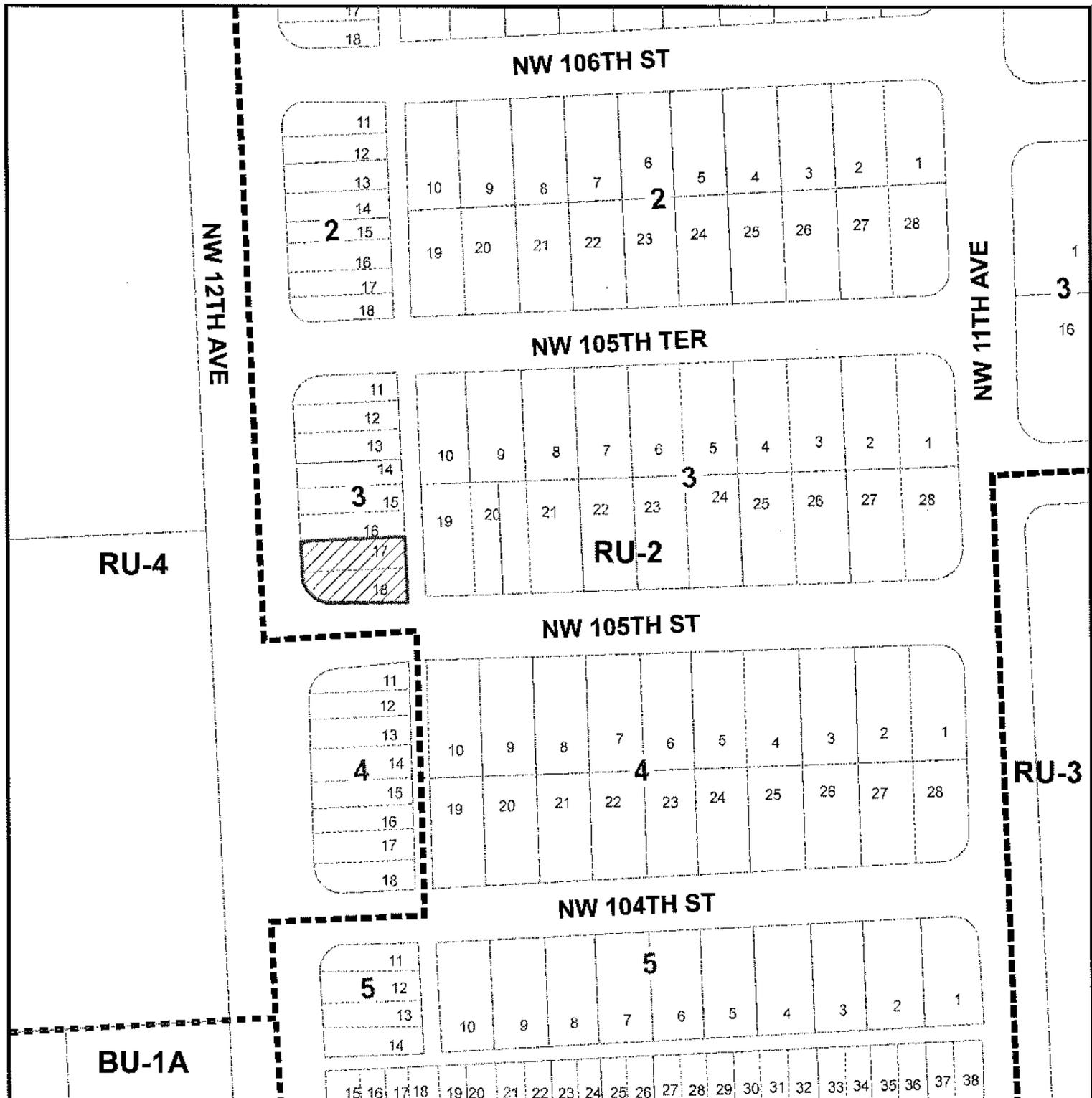
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 OF 1

DATE DRAWN:  
 24 JUNE 13  
 DRAWN BY:  
 REVISIONS:



EXISTING HOME OF  
 SHERLEY & JOSEPH CADET  
 10501 NW 12TH AVE, MIAMI, FL 33150

19



**MIAMI-DADE COUNTY**  
**HEARING MAP**

**Process Number**  
**Z2013000079**



**Section: 35 Township: 52 Range: 41**  
**Applicant: JOSEPH & SHERLEY CADET**  
**Zoning Board: C8**  
**Commission District: 2**  
**Drafter ID: JEFFER GURDIAN**  
**Scale: NTS**

**Legend**

 Subject Property Case



REVISION	DATE	BY
		20



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2012**

Process Number

**Z2013000079**



Section: 35 Township: 52 Range: 41  
 Applicant: JOSEPH & SHERLEY CADET  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

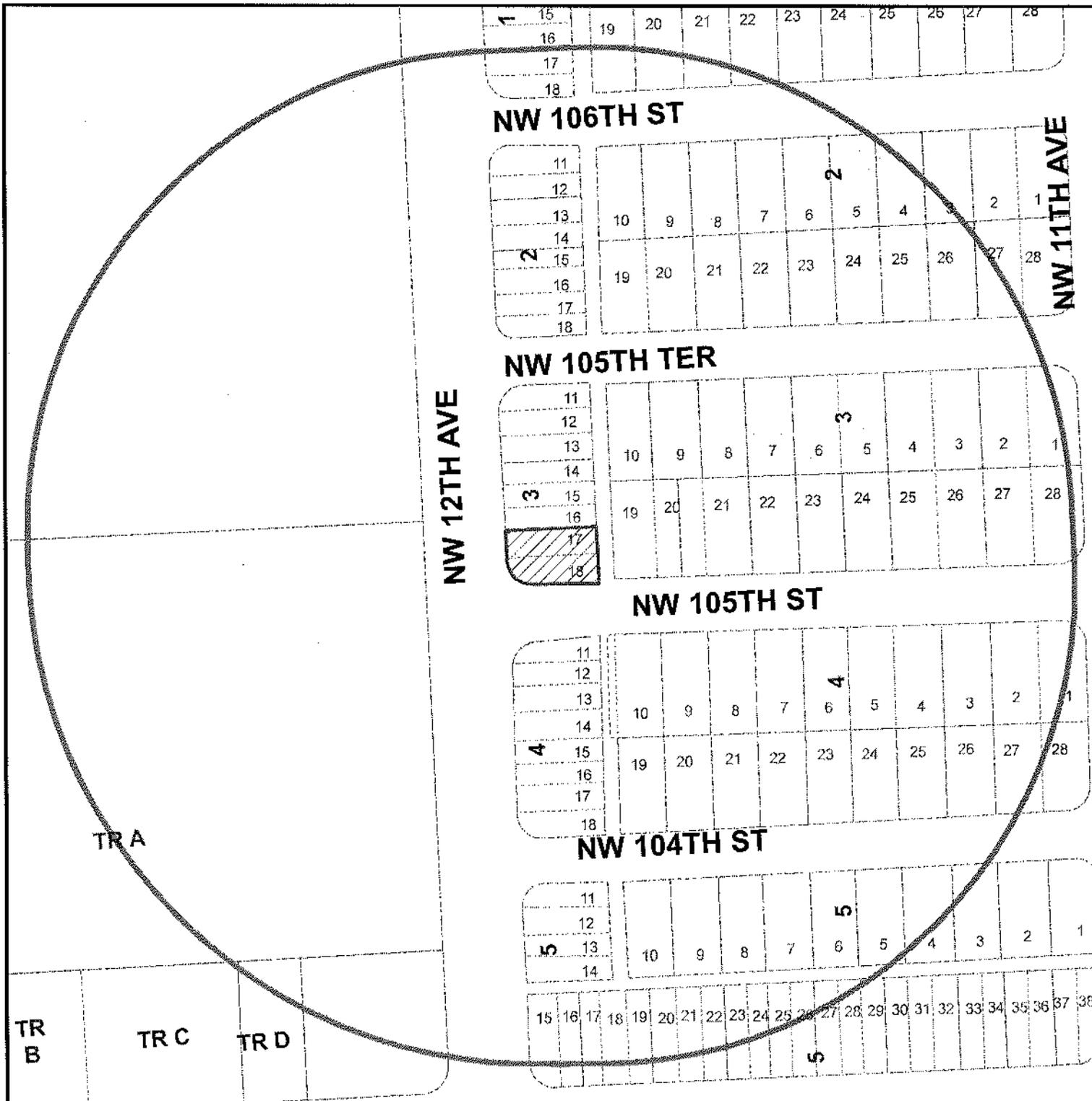
Legend

 Subject Property



SKETCH CREATED ON: Friday, September 20, 2013

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY  
RADIUS MAP**

Section: 35 Township: 52 Range: 41  
 Applicant: JOSEPH & SHERLEY CADET  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number  
**Z2013000079**  
 RADIUS: 500

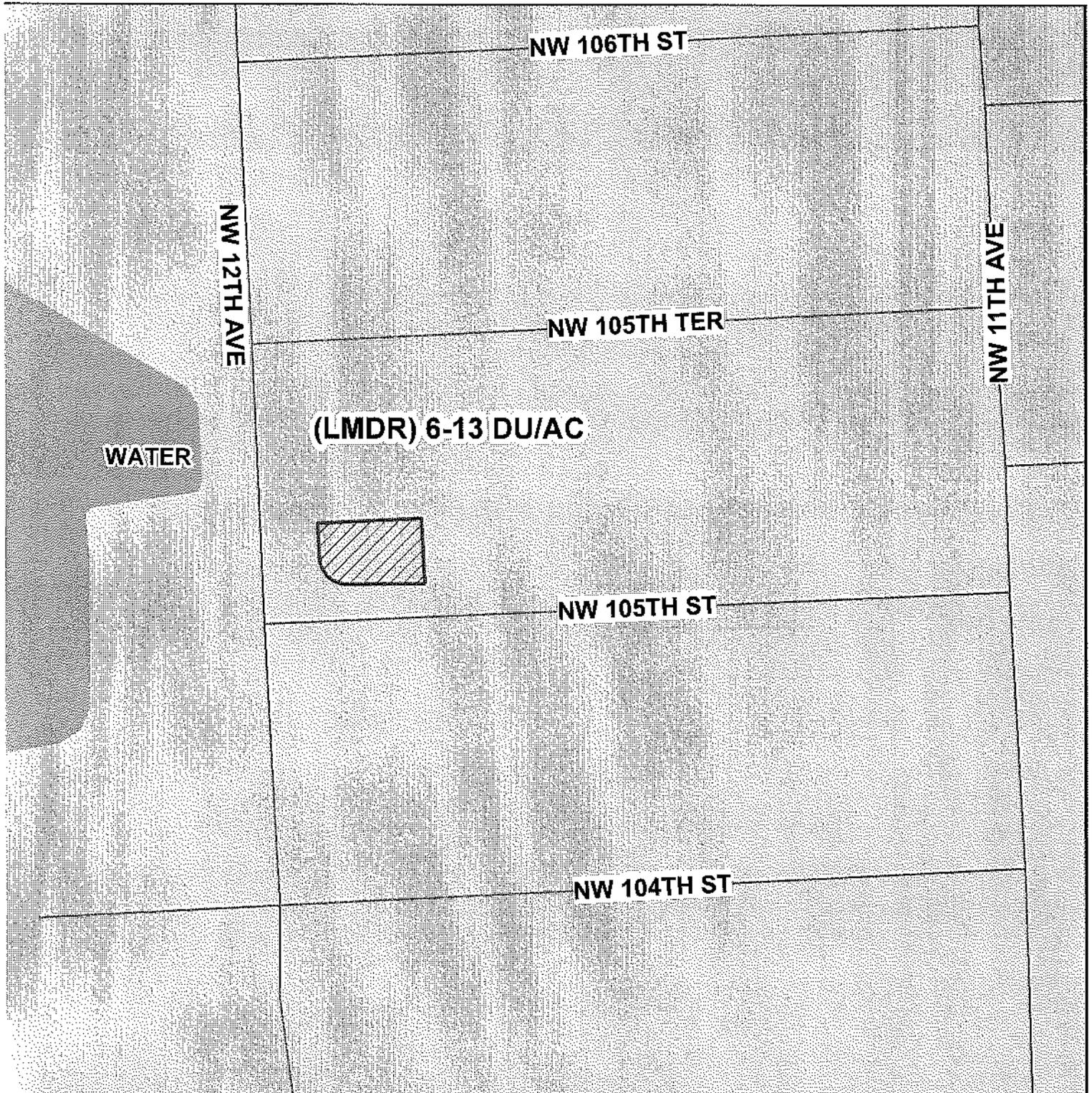


**Legend**

-  Subject Property
-  Buffer



REVISION	DATE	BY
		22



**MIAMI-DADE COUNTY**

**CDMP MAP**

Process Number

**Z2013000079**



Section: 35 Township: 52 Range: 41  
 Applicant: JOSEPH & SHERLEY CADET  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, September 20, 2013

REVISION	DATE	BY

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 8**

**PH: Z13-082 (14-01-CZ8-4)**

**January 30, 2014**

Item No. 3

<b>Recommendation Summary</b>	
<b>Commission District</b>	2
<b>Applicant</b>	Andrew Carry
<b>Summary of Requests</b>	The applicant is seeking to permit existing additions to a single-family residence setback less than required from an interior side property line.
<b>Location</b>	12025 NW 21 Place, Miami-Dade County, Florida.
<b>Property Size</b>	8,250 sq. ft.
<b>Existing Zoning</b>	RU-1, Single-Family Residential District
<b>Existing Land Use</b>	Single-family residence
<b>2020-2030 CDMP Land Use Designation</b>	Low-Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions.</b>

**REQUEST:**

NON USE VARIANCE to permit existing additions to a single family residence setback varying from 3.10' to 3.18' (7.5' required) from the interior side (north) property line.

Plans are on file and may be examined in The Department of Regulatory and Economic Resources, entitled, "Mr. Andrew Carry" as prepared by Etienne Prophete Professional Engineer, dated stamped received 11/6/13, consisting of 2 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:** Existing 2,018.4 sq. ft. single-family residence.

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

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is located at 12025 NW 21 Place within an existing residential development. The area surrounding the subject property is primarily characterized by single-family residences.

**SUMMARY OF THE IMPACTS:**

Approval of this application will allow the applicant to maintain the existing additions to the single-family residence which provides the applicant and his family with additional living area.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* The approval of the request sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the density threshold and uses allowed under the Low Density Residential Communities designation of the property on the CDMP LUP map.

**ZONING ANALYSIS:**

The applicant seeks to permit a residence with existing non-permitted additions that are setback 3.10 to 3.18" (7.5' required) from the interior side (north) property line. Staff notes that the existing additions to the single-family residence consist of a powder room, two bedrooms, a bathroom and an entertainment room. The submitted survey indicates a 3' high chain link fence along the interior side north property line. Staff's notes that the County's GIS aerial photo of the property indicates a partial hedge along the interior side (north) of the property line.

When the aforementioned application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the area. Staff found a more intensive approval for a variance of side setbacks in the area. For example, a property located at 12125 NW 20 Court was approved pursuant to Resolution #4-ZAB-262-86 to permit an addition to a single-family residence to setback 0.83' to 1.17' from the interior side north property line when 7.5' is required. Staff opines that the installation of a 6' high opaque fence or hedge along the interior (north) property line will mitigate the negative visual impact on the single-family residence to the north of the subject property.

Staff notes that the site plan indicates the removal of the existing doors on the northwest interior side and the southwest interior side property lines. Further, based on the configuration of the floor plans, staff opines that future owners could easily convert the residence into additional residential units. As such, staff recommends as a condition for approval that the opening between the kitchen and the family room remain open, that the aforementioned changes indicated in the submitted plans be completed prior to final permit approval and that the applicant proffer a Declaration of Use Agreement restricting the subject property to a single-

family use only. **Based on the aforementioned analysis, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations Standards.**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

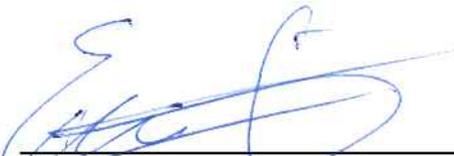
**RECOMMENDATION:**

**Approval with conditions.**

**CONDITIONS FOR APPROVAL :**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Mr. Andrew Carry" as prepared by Etienne Prophete Professional Engineer, dated stamped received 9/5/13, consisting of 2 sheets.. Except as herein modified to show the removal of the two exterior doors to the existing addition.
3. That the use be established and maintained in accordance with the approved plan.
4. That the opening between the kitchen and family room remain opened and not enclosed in manner.
5. That the applicant shall install a hedge along the interior side (north) property line, that must be 3' high at the time of planting and that shall grow to and be maintained at a maximum height of 6' along with the existing chain-link fence or in the alternative, install a 6' high opaque fence or cbs wall prior to final permit approval.
6. That the applicant applies for and secure a building permit for any unpermitted additions from the Regulatory and Economic Resources Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department.
7. That the applicant submits a Declaration of Use to the Department of Regulatory and Economic Resources restricting the use of the subject property only to a single-family residence prior to the issuance of a building permit.

ES:MW:NN:CH:EJ

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

# ZONING RECOMMENDATION ADDENDUM

Andrew Carry  
Z13-082

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
Solid Waste and Public Works	No objection
*Subject to conditions in their memorandum.	

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

<p><b>Low-Density Residential</b> (Pg. I-31)</p>	<p><i>The Adopted 2020 and 2030 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></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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>
--	--

3. ANDREW CARRY  
(Applicant)

14-1-CZ8-3 (13-082)  
Area 08/District 02  
Hearing Date: 01/30/14

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>
None				

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

# Memorandum



**Date:** October 8, 2013

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources

**Subject:** C-08 #Z2013000082  
Andrew Carrey  
12025 NW 21<sup>st</sup> Place, Miami, FL 33147  
Addition Legalization  
(RU-1) (0.05 Acres)  
27-52-41

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

The subject application has been reviewed by the Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

#### Flood Protection

The application site is not within a Special Flood Hazard Zone as per determined the Federal Flood Insurance Rate Maps (FIRM) for Miami-Dade County however it is required to comply with Chapter 11C requirements for floodplain management. The proposed legalization of the attached addition as depicted in the zoning request for a variance of set backs appears to be a substantial improvement as defined in the Code. Existing residential structures with proposed substantial improvements must be 8 inches above the crown of road and County Flood Criteria. Based on the survey provided with this submittal the highest crown of road is 7.83 ft, the proposed addition has an elevation of 9.19 ft NGVD and the single family residence has an elevation of 10.08 ft NGVD, which is in compliance with the Code. For more information please contact the DERM Floodplain Program at 786-315-2800.

#### 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 addition 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 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 existing addition will not impact tree resources; therefore DERM has no objection to this zoning application. Be advised that a Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

#### Enforcement History

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

#### Concurrency Review Summary

A concurrency review has been conducted 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 written approval as required by Chapter 24 of 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.

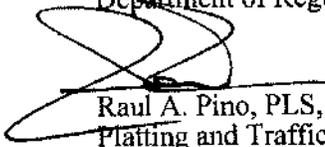
cc: Eric Silva, Department of Regulatory and Economic Resources

# Memorandum



**Date:** November 18, 2013

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

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

**Subject:** Z2013000082  
Name: Andrew Carry  
Location: 12025 NW 21 Place  
Section 27 Township 52 South Range 41 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lot 15, Block 8 of Plat Book 50, Page 38.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

# Memorandum



**Date:** October 28, 2013

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

**From:** Paul Mauriello, Assistant Director, Waste Operations  
Public Works and Waste Management Department

**Subject:** Andrew Carey (13\_082)

A handwritten signature in black ink, appearing to read "Paul Mauriello", written over the printed name in the "From:" field.

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The Public Works and Waste Management Department (PWWM) has no objections to the proposed application.

The property is located within the Department's waste collection service area. According to Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, the single family residence on the property meets the definition of a residential unit. The residential unit on the property will continue to receive PWWM waste collection and recycling services. The current waste collection fee of \$439 will cover all associated costs.

If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager of the Fiscal Management and Planning Division at 305-514-6661.

# Memorandum



**Date:** October 11, 2013  
**To:** Jack Osterholt, Deputy Mayor  
Director, Regulatory and Economic Resources Department  
**From:** Maria J. Nardi, Chief *MJN*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department  
**Subject:** Z2013000082: ANDREW CARRY

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**Application Name:** ANDREW CARRY

**Project Location:** The site is located at 12025 NW 21 PLACE, Miami-Dade County.

**Proposed Development:** The request is for approval of non-use variance of setback requirements.

**Impact and demand:** This application does not generate any new residential population applicable to CDMP Open Space Spatial Standards.

**Recommendation:** PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

DATE: 25-OCT-13

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

ANDREW CARRY

12025 NW 21 PLACE, MIAMI-DADE  
COUNTY, FLORIDA.

---

APPLICANT

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ADDRESS

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Z2013000082

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HEARING NUMBER

**HISTORY:**

ENFORCEMENT HISTORY: NC: No open cases. BNC: BSS case 20130158091-B opened on March 6, 2013. Notice of Violation issued for Failure to obtain required building permit(s) prior to commencing work on: additions within set-backs, new windows and doors, new a/c unit, metal fence, to include all traders. Civil Violation Notice P012875 issued on August 5, 2013 for non-compliance. Case remains open.

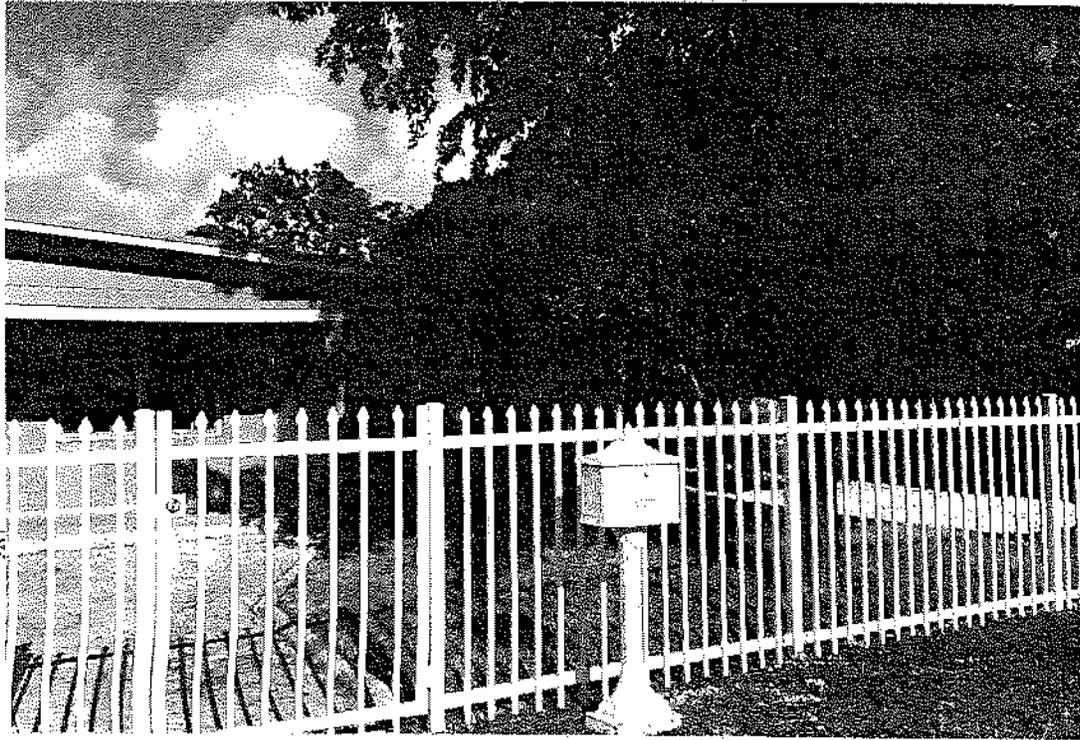
Andrew Carry

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

**REPORTER NAME:**

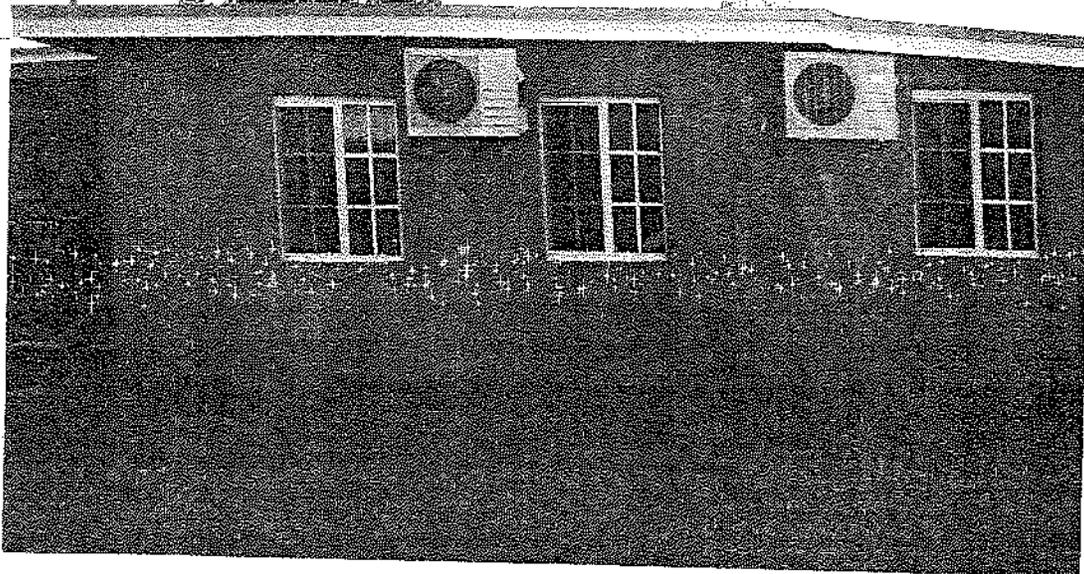
PHOTOGRAPHS --submit photos showing entire site and all structures

FRONT ELEVATION



213-087  
DEPT. OF...

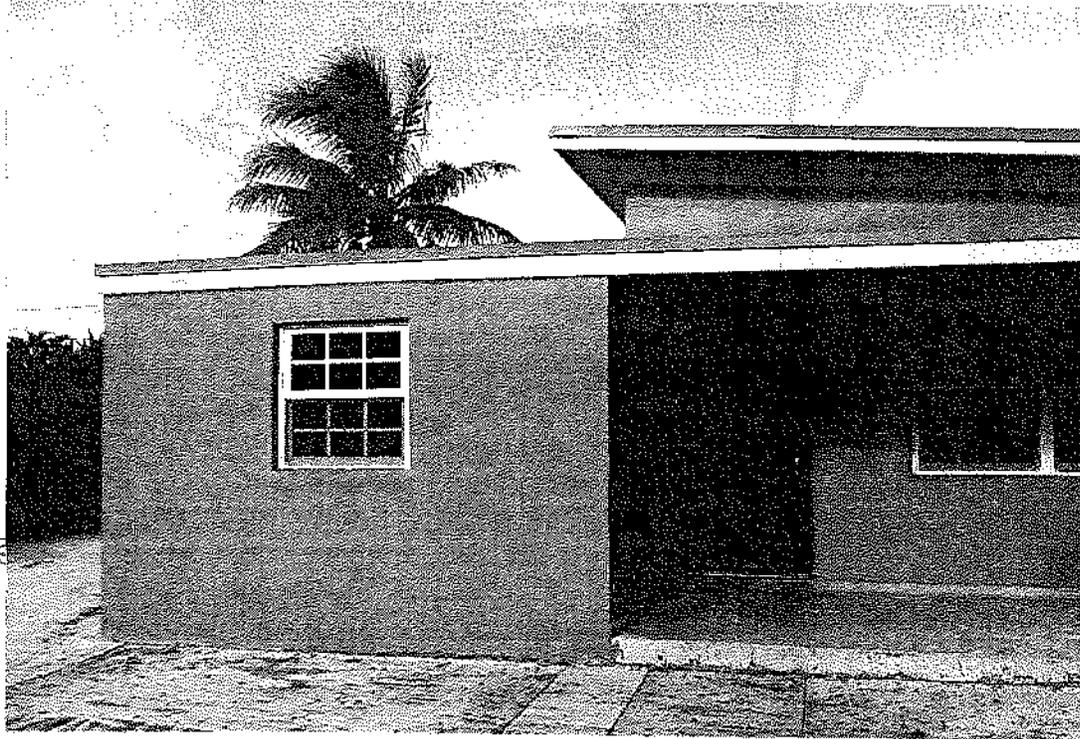
REAR



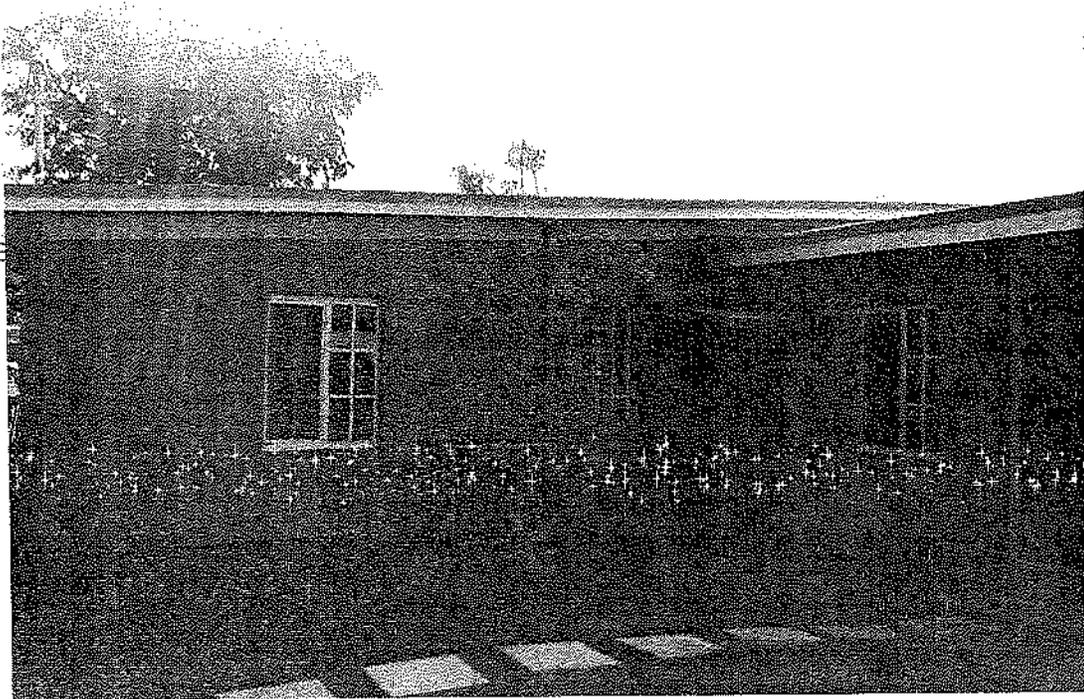
Additional photos may be submitted

PHOTOGRAPHS --submit photos showing entire site and all structures

FRONT ELEVATION



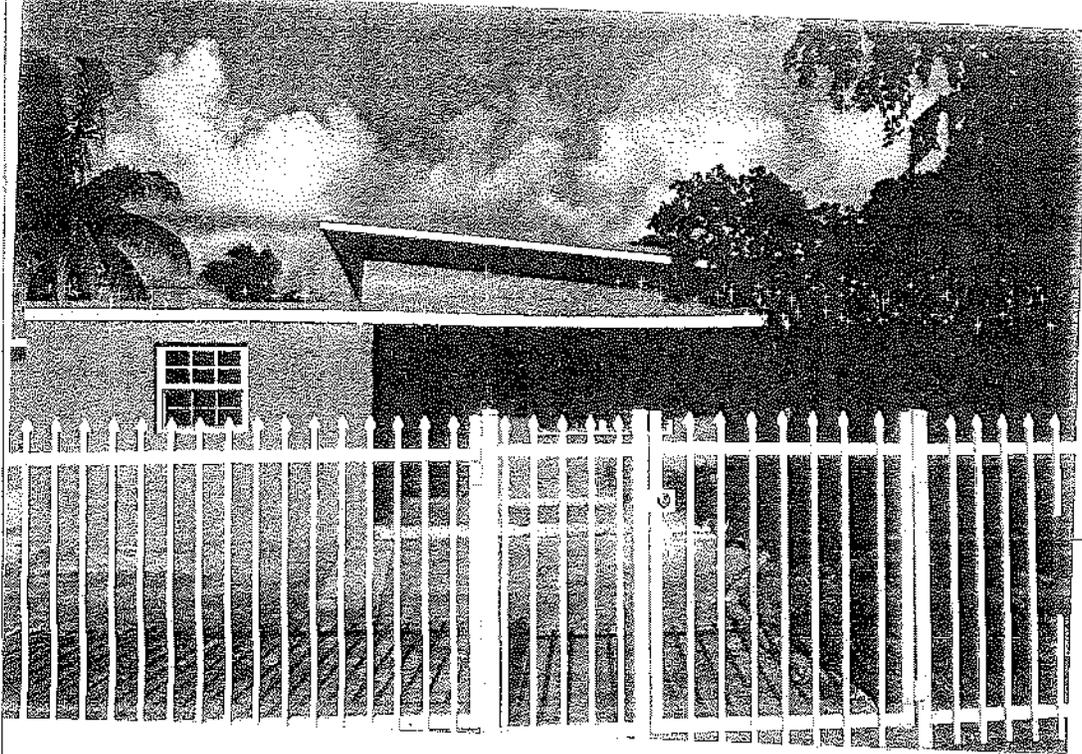
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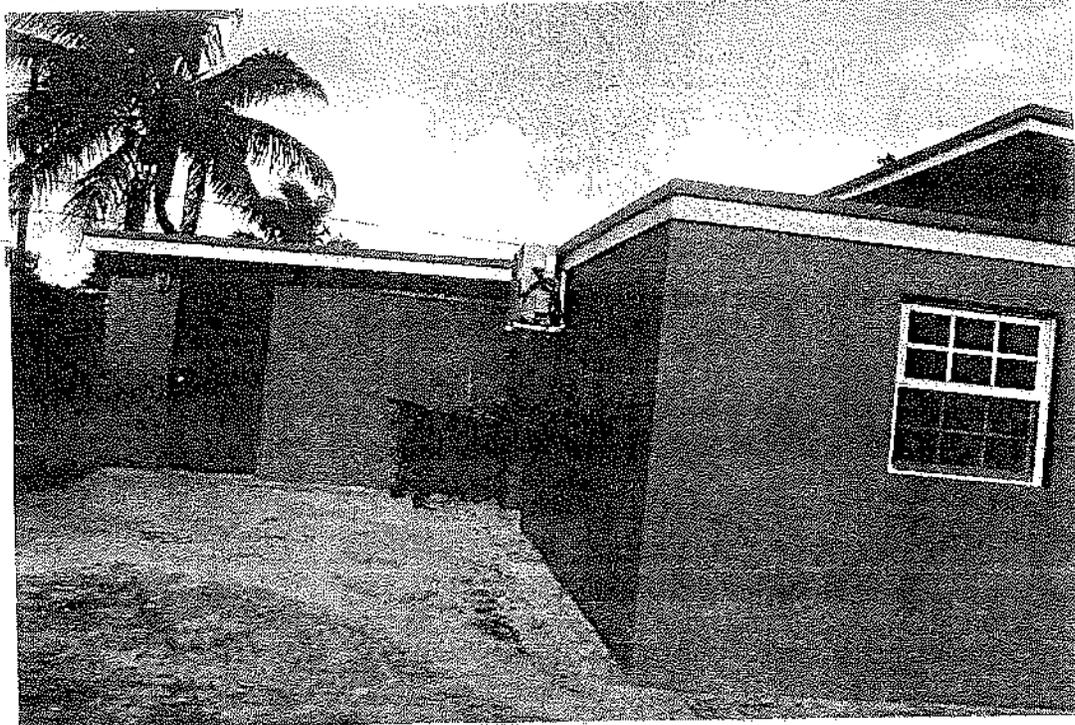
213-087

Additional photos may be submitted.

PHOTOGRAPHS - submit photos showing entire site and all structures  
FRONT ELEVATION



Stone



210-082

Additional photos may be submitted

Rev 1/7/13



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: MLK RESTAURANT INC.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>LEONARD JOHNSON 2469 NW 62 ST. MIAMI, FL.</u>	<u>50%</u>
<u>ANDREW CARRY 2469 NW 62 ST. MIAMI, FL.</u>	<u>50%</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 N/A

<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: N/A

<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].

NAME OF PURCHASER: \_\_\_\_\_

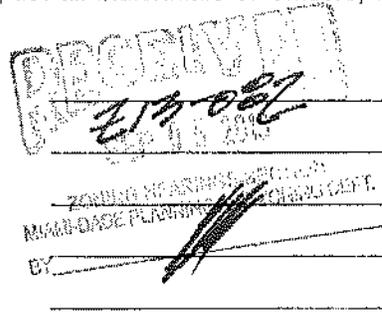
NAME, ADDRESS AND OFFICE (if applicable) Percentage of Interest

N/A	

Date of contract: \_\_\_\_\_

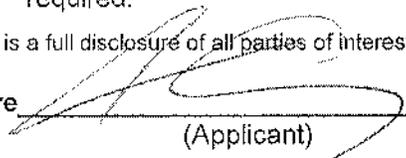
If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A	



**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.

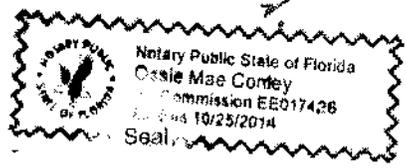
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature  ANDREW CARRY  
 (Applicant) (Print Applicant name)

Sworn to and subscribed before me this 04 day of September, 2013. Affiant is personally know to me or has produced PERSONALLY KNOWN as identification.

  
 (Notary Public)

My commission expires: 10-25-14



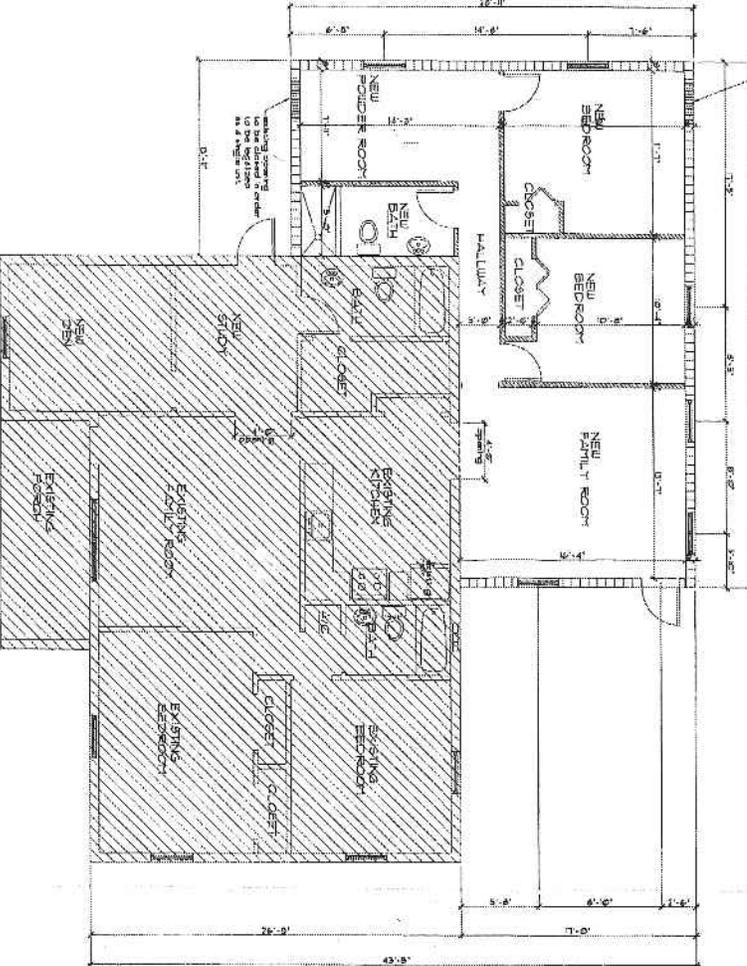
\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership 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.



**GENERAL STRUCTURAL NOTES**

- CONCRETE:
  - ALL REINFORCING SHALL BE CONFORM TO ALL REQUIREMENTS OF ACI 308-01 AND ACI 308-02.
  - ALL REINFORCING SHALL BE CONFORM TO ALL REQUIREMENTS OF ACI 308-01 AND ACI 308-02.
  - ALL CONCRETE SHALL BE AT LEAST 4000 PSI COMPRESSIVE STRENGTH AT 28 DAYS.
  - CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE "ART AND CRAFT" OF CONCRETE CONSTRUCTION OF ANY CONCRETE WORK.
  - NO WATER SHALL BE ADDED TO THE CONCRETE AT THE JOB SITE.
  - ALL CONCRETE SHALL BE CURVED AND PROTECTED FROM DRYING SHRINKAGE.
- CONCRETE COVER:
  - TO BE AS FOLLOWS:

ITEMS	TOP	SIDES
FOOTINGS	4"	4"
BEAMS	4"	4"
COLUMNS	4"	4"
EXTERIOR SLAB	2"	2"
INTERIOR SLAB	1 1/2"	1 1/2"
- STRUCTURAL STEEL:
  - ALL STEEL SHALL BE FABRICATED AND ERRECTED IN ACCORDANCE WITH THE "ART AND CRAFT" OF STRUCTURAL STEEL CONSTRUCTION.
  - ALL STEEL SHALL BE CONFORM TO ALL REQUIREMENTS OF AISC 360-05.
  - ALL STEEL SHALL BE CONFORM TO ALL REQUIREMENTS OF AISC 360-05.
  - ALL STEEL SHALL BE CONFORM TO ALL REQUIREMENTS OF AISC 360-05.
- REINFORCING STEEL:
  - TO BE NEW #4 STEEL, EPOXY COATED, 48 PER A573, 4-1/2" DIA. AND CONFORMING TO ALL REQUIREMENTS OF AISC 360-05.
  - ALL REINFORCING SHALL BE CONFORM TO ALL REQUIREMENTS OF AISC 360-05.
  - ALL REINFORCING SHALL BE CONFORM TO ALL REQUIREMENTS OF AISC 360-05.
  - ALL REINFORCING SHALL BE CONFORM TO ALL REQUIREMENTS OF AISC 360-05.



**FLOOR PLAN**

**FLOOR LEGEND**

Additional: Remodeling, Repair & Construction

1. NEW CONSTRUCTION

2. EXISTING CONSTRUCTION

3. EXISTING CONSTRUCTION TO BE REMOVED

4. EXISTING CONSTRUCTION TO BE REPAIRED

5. EXISTING CONSTRUCTION TO BE REFINISHED

6. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED

7. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH

8. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT

9. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER

10. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING

11. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING

12. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING

13. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL

14. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL

15. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING

16. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND HVAC

17. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND HVAC AND SOUND

18. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND HVAC AND SOUND AND SECURITY

19. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND HVAC AND SOUND AND SECURITY AND ACCESSIBILITY

20. EXISTING CONSTRUCTION TO BE REPAIRED AND REFINISHED WITH NEW FINISH AND PAINT AND WALL PAPER AND FLOORING AND CEILING AND LIGHTING AND MECHANICAL AND ELECTRICAL AND PLUMBING AND HVAC AND SOUND AND SECURITY AND ACCESSIBILITY AND ENERGY EFFICIENT

**RECEIVED**

213-087

SEP 05 2018

ZONING HEARING SECTION

MIAMI-DADE PLANNING AND ZONING DEPT.

**SIGNATURES FOR HEARING**

1. Andrew Carry, 12025 NW 21st Place, Miami, FL 33187

2. [Signature]

3. [Signature]

4. [Signature]

5. [Signature]

6. [Signature]

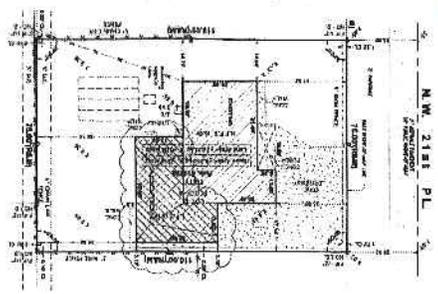
7. [Signature]

8. [Signature]

9. [Signature]

10. [Signature]

**SITE PLAN**



**LEGAL DESCRIPTION**

Lot 1, Block 1, Subdivision 1, Miami-Dade County, Florida.

DATE: 08/10/2018

PROJECT: 18-0000000-0000

DRAWING NO. 1

PLAN FOR:

**Mr. ANDREW CARRY**

12025 NW 21 PLACE

MIAMI, FLORIDA

**ETIENNE PROPHETE**

PROF. ENG.

2730 SW 46 COURT

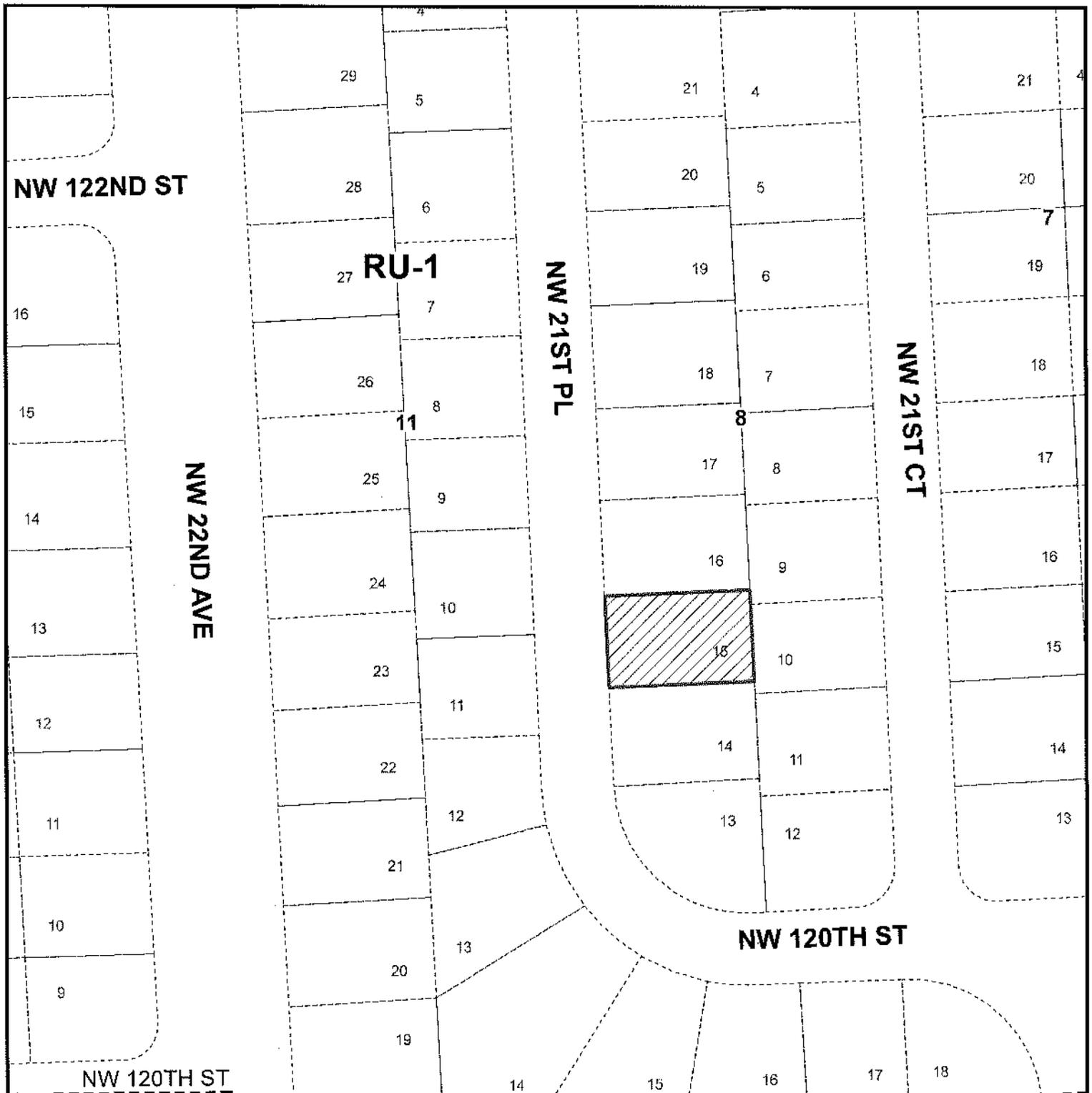
DANA, FLORIDA

TEL. 954.374.8447

CIVIL 44316

NO.	REVISION





**MIAMI-DADE COUNTY  
HEARING MAP**

Process Number  
**Z2013000082**



Section: 27 Township: 52 Range: 41  
 Applicant: ANDREW CARRY  
 Zoning Board: C8  
 Commission District: 2  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**  
 Subject Property Case



SKETCH CREATED ON: Friday, September 20, 2013

REVISION	DATE	BY
		21



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2012**

Process Number

**Z2013000082**



Section: 27 Township: 52 Range: 41  
 Applicant: ANDREW CARRY  
 Zoning Board: C8  
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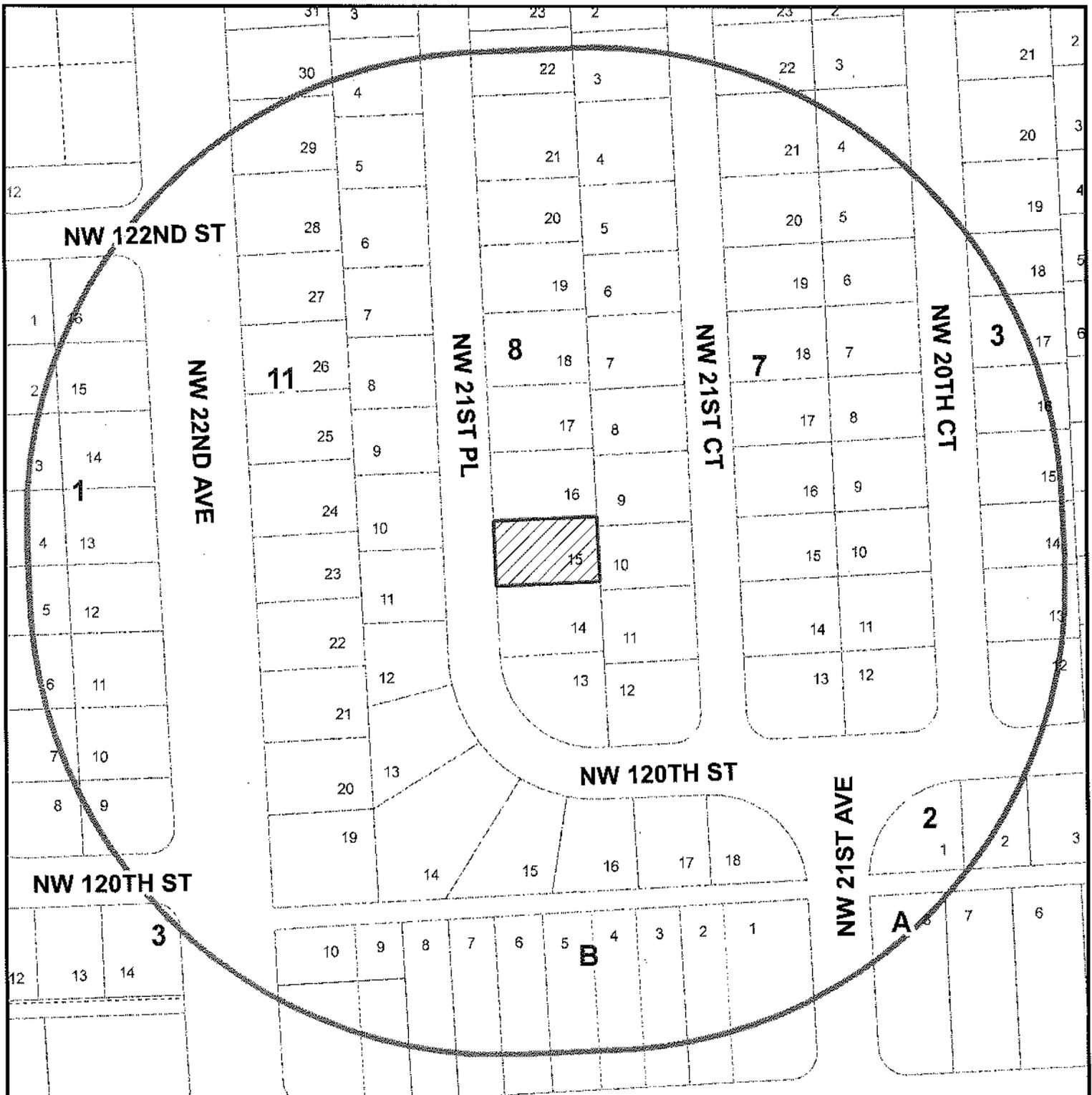
Legend

 Subject Property



SKETCH CREATED ON: Friday, September 20, 2013

REVISION	DATE	BY
		22



**MIAMI-DADE COUNTY  
RADIUS MAP**

Process Number  
**Z2013000082**  
RADIUS: 500



Section: 27 Township: 52 Range: 41  
Applicant: ANDREW CARRY  
Zoning Board: C8  
Commission District: 2  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, October 16, 2013

REVISION	DATE	BY
		23

NW 122ND ST

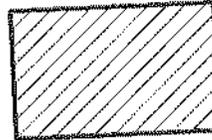
RU-1

NW 21ST PL

NW 21ST CT

NW 22ND AVE

(LDR) 2.5-6 DU/AC



NW 120TH ST

NW 120TH ST

MIAMI-DADE COUNTY  
CDMP MAP

Process Number  
**Z2013000082**



Section: 27 Township: 52 Range: 41  
Applicant: ANDREW CARRY  
Zoning Board: C8  
Commission District: 2  
Drafter ID: JEFFER GURDIAN  
Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, September 20, 2013

REVISION	DATE	BY