

FINAL AGENDA

1-21-2014 Version # 1



COMMUNITY ZONING APPEALS BOARD 8
HENRY REEVES ELEMENTARY SCHOOL
2005 NW 111 Street, Miami
Wednesday, February 26, 2014 at 7:00 p.m.

CURRENT

- | | | | | | |
|----|------------|--------------------------------|-------|----------|---|
| 1. | 14-2-CZ8-1 | <u>NEWSOUL LAPAIX, ET AL</u> | 13-11 | 35-52-41 | N |
| 2. | 14-2-CZ8-2 | <u>JOHN LONON</u> | 13-25 | 11-53-41 | N |
| 3. | 14-2-CZ8-3 | <u>ELSA & FREDDY GOMEZ</u> | 13-93 | 04-53-41 | N |



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 8

MEETING OF THURSDAY, FEBRUARY 26, 2014

HENRY REEVES ELEMENTARY SCHOOL

2005 NW 111 STREET, MIAMI, FLORIDA

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

1. NEWSOUL LAPAIX, ET AL. 14-2-CZ8-1 (13-11)

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

- (1) SPECIAL EXCEPTION to permit a religious facility.
- (2) NON-USE VARIANCE to permit a proposed religious facility setback 19.5' (25' required) from the front (north) property line.
- (3) NON-USE VARIANCE to permit the religious facility to setback a minimum of 7.8' (50' required) from the interior side (east) interior property line and spaced closer than 75' to an existing residence to the east.
- (4) NON-USE VARIANCE to permit parking within 25' to an official right-of-way.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Soul LaPaix", as prepared by Paramount Consulting & Engineering, consisting of 6 sheets with Sheets A-2, A-3, A-5, A-6 dated stamped received 8/16/13 with Sheet A-3 last handwritten revision dated 12/13/13 and Sheets A-1A and SP-2 dated stamped received 11/18/13 and landscape plan as prepared by JVM Engineers, Inc./JFS Design, Inc., consisting of 1 sheet, dated stamped received 11/18/13, for a total of 7 sheets. Plans may be modified at public hearing.

LOCATION: 1480 NW 112 Terrace & 1499 NW 111 Terrace, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 62,370 sq. ft.

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: 0

Waivers: 112

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

2. JOHN LONON 14-2-CZ8-2 (13-25)

**11-53-41
Area 8/District 2**

- (1) NON-USE VARIANCE to permit a single family residence addition setback a minimum of 9.06' (25' required) from the rear (north) property line and setback a minimum of 5.05' (5.5' required) from the interior side (west) property line.

- (2) NON-USE VARIANCE to permit a lot coverage of 36% (35% permitted).
- (3) NON-USE VARIANCE to permit a 6' high ornamental iron fence within 10' of an edge of driveway leading to a right-of-way (2.5' maximum height permitted).
- (4) NON-USE VARIANCE to permit a cbs wall with ornamental iron fence with a height of 8' (6' maximum permitted) along the interior sides (east) and (west) property lines and along the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "John Lonon" as prepared by Oscar S. Benitez Architect, dated stamped received 3/6/13 and consisting of 3 sheets. Plans may be modified at public hearing.

LOCATION: 1599 NW 82 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 55' X 89'

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions.

Protests: _____ 0 _____

Waivers: _____ 0 _____

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED: _____

3. ELSA & FREDDY GOMEZ 14-2-CZ8-3 (13-93)

**04-53-41
Area 8/District 2**

- (1) NON-USE VARIANCE to permit an existing single family residence setback a minimum of 3.82' (6' required) from the interior side (west) property line.
- (2) NON-USE VARIANCE to permit an existing 6' high metal picket fence within 10' of an edge of pavement leading to a right-of-way (2.5' maximum height permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Freddy & Josefina Gomez" as prepared by Rafael Droz-Seda, P.E., dated stamped received 10/23/13 and consisting of 3 sheets. Plans may be modified at public hearing.

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



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

PH: Z13-011 (14-02-CZ8-1)

February 26, 2014

Item No. 1

Recommendation Summary	
Commission District	2
Applicants	Newsoul La Paix, Et. Al.
Summary of Requests	The approval of this application will allow the applicants to establish a religious facility with reduced setbacks and parking within 25' of the right-of-way.
Location	1480 NW 112 Terrace, Miami-Dade County, Florida.
Property Size	62,370 sq. ft.
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-Family Residences
2020-2030 CDMP Land Use Designation	Low Density Residential, 2.5 - 6 dua (<i>see attached Zoning Recommendation Addendum</i>)
Comprehensive Plan Consistency	Consistent with the LUP map, interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Special Exceptions , Unusual Uses and New uses, and Section 33-311(A)(4)(b), Non-Use Variance Standards (<i>see attached Zoning Recommendation Addendum</i>)
Recommendation	Approval with conditions.

REQUESTS:

- (1) SPECIAL EXCEPTION to permit a religious facility.
- (2) NON-USE VARIANCE to permit a proposed religious facility building setback 19.5' (25' required) from the front (north) property line.
- (3) NON-USE VARIANCE to permit the religious facility to setback a minimum of 7.8' (50' required) from the interior side (east) interior property line and spaced closer than 75' to an existing residence to the east.
- (4) NON-USE VARIANCE to permit parking within 25' to an official right-of-way.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Soul La Paix" as prepared by Paramount Consulting & Engineering, consisting of 6 sheets with Sheets A-2, A-3, A-5, A-6 dated stamped received 8/16/13 with Sheet A-3 last handwritten revision dated 12/13/13 and Sheets A-1A and SP-2 dated stamped received 11/18/13 and landscape plan as prepared by JVM Engineers, Inc./JFS Design, Inc., consisting of 1 sheet, dated stamped received 11/18/13, for a total of 7 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The applicants seek to develop a religious facility on a 61,623 sq. ft. irregular parcel of land within the RU-1, Single-Family Residential District. The submitted plans depict a 9,448 sq. ft. religious facility consisting of a sanctuary, altar, fellowship hall, a class room, offices, kitchen and bathrooms. The plans also show the proposed development with parking on hard surface exceeding the required parking spaces required with ingress and egress drives along NW 112

Terrace, NW 112 Street and NW 111 Street. Additionally, there is an existing single-family residence that will be converted into pastor's quarters.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
South	RU-2; duplex residences	Low Medium Density Residential (6 to 13 dua)
East	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
West	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in a residential neighborhood characterized by single-family and duplex residences.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to provide the community with additional religious services. However, the increased encroachments of the public assemblage uses into the setback area could have negative visual and noise impacts on the surrounding residential uses. Further, the proposed facility could create additional traffic impacts in the abutting roadways.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the subject property for **Low Density Residential** use. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This land use category is *typically characterized by single family housing, e.g., single-family detached, cluster, 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.*

Further, 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.* Further, the CDMP Land Use Element, **Policy LU-4D** states that *uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.*

The applicants are proposing to develop the subject property with a religious facility. The site is surrounded by single-family and duplex residences. Staff opines that although the proposed use will generate additional traffic for the surrounding area, the use is compatible with the area given that: the bulk and scale of the structures are similar to the abutting residential developments to the north, east and south; does not exceed the maximum height requirement for this residential zoning designation; provides adequate access to the property, exceeds the minimum parking requirements; and provides adequate buffering in the form of a continuous hedge and shrubs along the interior sides (east and west) property lines and landscaping throughout the site. As such, staff opines that the proposed development including the parking areas will be adequately buffered and will not have a negative visual or aural impact on the surrounding properties or on passersby along the abutting roadways and therefore would satisfy the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**. For these reasons, staff is of the opinion that the approval of the proposed religious facility is compatible with the area and **consistent** with the CDMP Land Use Element interpretative text for the **Residential Communities**, CDMP Land Use Element **Objective LU-4, Policy LU-4D** and the CDMP Land Use Plan map designation for the subject property.

ZONING ANALYSIS:

When request #1, to permit the proposed religious facility, is reviewed under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses, staff opines that the approval of this request would be **compatible** with the surrounding residential uses. The submitted plans depict a 9,448 sq. ft. religious facility consisting of a sanctuary, altar, fellowship hall, a class room, offices, kitchen and bathrooms. The plans also show the proposed development with parking on hard surface exceeding the required parking spaces required with ingress and egress drives along NW 112 Terrace, NW 112 Street and NW 111 Street. Additionally, there is an existing single-family residence that will be converted into pastor's quarter. As previously mentioned, the surrounding properties are single-family and duplex residences. Staff opines that the proposed development is similar in architectural scale to the surrounding residential uses. In addition, staff notes that the applicants have provided adequate buffering in the form of continuous hedges and rows of trees along the property lines abutting residences to the east and west. Staff opines that said buffering will mitigate any negative visual impact that the proposed facility will have on the surrounding area.

Staff further opines that the proposed development will not result in excessive traffic for the community given that religious services are typically provided on the weekends and weekday evenings. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application meets the traffic concurrency criteria and does not generate any new daily peak hour trips. The Division of Environmental Resources Management of RER indicates in its memorandum that approval will not result in a reduction in the LOS standards for an initial development order. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposed facilities will have a negative impact on fire rescue services in the area.

Based on the aforementioned, staff opines that the request will not result in excessive noise or traffic, cause undue or excessive burden on public facilities, nor provoke excessive overcrowding and concentration of people, when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development.

Therefore, staff recommends approval with conditions of request #1, under Section 33-311(A)(3), Special Exceptions, Unusual Uses and New uses.

When requests #2 and #3 are analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of these requests will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Approval of requests #2 and #3, to permit reduced setbacks from the front (north) and interior side (east) property lines, in staff's opinion, will not result in any adverse visual or aural impacts for the surrounding area. Additionally, as mentioned earlier, staff opines that the proposed development has been designed with sensitivity to the residences and residentially zoned properties surrounding the subject property. Further, the applicants are providing a continuous hedge and 6' high CBS wall along the interior sides (east and west) property lines to help mitigate any visual impacts generated by the proposed use. As such, staff opines that approval with conditions of these requests will not create a negative visual impact, will not be intrusive to the surrounding area and would be **compatible** with same. **Therefore, staff recommends approval with conditions of requests #2 and #3 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

When request #4, to permit parking within 25' of the right-of-way, is analyzed under the Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval of this request will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with same. Staff notes that request #4 is germane to the applicants' request to establish a religious facility on the subject site. Additionally, staff notes that the Platting and Traffic Review Section of the RER does not object to the approval of this request. Staff opines that any visual impact generated by this request will be properly mitigated by the proposed abundant landscaping located along the front (north and south) property lines of the dual frontage lot. **Therefore, staff recommends approval with conditions of request #4 under Section 33-311(A)(4)(b), Non-Use Variance Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate that the subject property has three (3) ingress and egress drives; one each along NW 111 Street, NW 112 Street and NW 112 Terrace. The plans also show a total of 48 parking spaces, which exceeds the minimum required parking by 8 spaces.

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 Miami-Dade County 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 "New Soul La Paix" as prepared by Paramount Consulting & Engineering, consisting of 6 sheets with Sheets A-2, A-3, A-5, A-6 dated stamped received 8/16/13 with Sheet A-3 last handwritten revision dated 12/13/13 and

Sheets A-1A and SP-2 dated stamped received 11/18/13 and landscape plan as prepared by JVM Engineers, Inc./JFS Design, Inc., consisting of 1 sheet, dated stamped received 11/18/13, for a total of 7 sheets.

3. That the use be established and maintained in accordance with the approved plan.
4. That no trailers, tents or similar structures and no temporary use of any type shall be permitted on the premises.
5. That the applicants obtain a Certificate of Use from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the applicants comply with all applicable conditions and requirements of the Environmental Division of the Miami-Dade County Department of Regulatory and Economic Resources.
7. That the proposed wall and landscaping along the property lines be installed prior to the applicants obtaining a certificate of use for the religious facility.

ES:MW:NN:CH:JV



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

ZONING RECOMMENDATION ADDENDUM

Newsoul La Paix, Et. Al.
Z13-011

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation & Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

Low Density Residential (Pg. I-31)	<i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different constructions systems. Also permitted in residential Communities are neighborhood and community services including schools, parks, houses of worship, day care centers, group housing facilities, and utility facilities only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments mix of land uses, and their relationship.</i>
Land Use Element LU-4A (Pg. I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>
Land Use Element LU-4D (Pg. I-11)	<i>Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.</i>
Objective LU-4 (Pg. I-11)	<i>Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(3) Special exceptions, unusual and new uses	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways</i>
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ZONING RECOMMENDATION ADDENDUM

Newsoul La Paix, Et. Al.
Z13-011

	<p><i>or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p>33-17. - Buildings for public assemblage—in districts other than business or industrial.</p>	<p><i>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:</i></p> <p style="margin-left: 40px;"><i>(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.</i></p>

1. NEW SOUL LAPAIX, ET AL
(Applicant)

14-2-CZ8-1 (13-011)
Area 08/District 02
Hearing Date: 02/26/14

Property Owner (if different from applicant) **NEWSOUL LAPAIX, Alene La Paix,**
Andre Jean-Glaude.

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

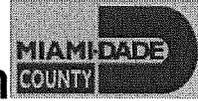
Disclosure of interest form attached? Yes No

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: November 25, 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 #Z2013000011-3rd Revision
Newsoul LaPaix, Alene LaPaix and Andre Jean-Glaude
1480 NW 112th Terrace, Miami, FL 33167
Special Exception to Permit a Religious Facility
(RU-1) (1.41 Acres)
35-52-41

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.

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

The subject property is currently connected to a septic tank and drainfield system; however a 6-inch sanitary sewer force main abuts the property along N.W. 111th Street. In accordance with Code requirements, the proposed development is required to connect to the public sanitary sewer system if it is determined to be available and operative. The applicant is advised to contact the City of North Miami Water and Sewer Department for further information regarding connecting to their system.

Civil drawings for the required sewer main extension will need to be approved by the City of North Miami Water and Sewer Department and the Environmental Permitting Section of DERM prior to approval of final development orders.

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

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can

be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater 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

Tree Removal/Relocation Permit TREE 4346 was issued for the property with folio 30-2135-022-0250 on June 7, 2013. Please be advised that the parcel with folio 30-2135-022-0310 is not included in this tree permit. The landscape plan submitted with this zoning application matches the permitted site plans; therefore DERM has no objection to this application.

All approved tree removal/relocation, replanting and final inspection (a two weeks notice is required prior to the final inspection) must be completed prior to the scheduled expiration date of this permit on June 7, 2016 in order to avoid violation of permit conditions.

Please be advised that a new Miami-Dade County Tree Removal/Relocation Permit or an amendment to this permit is required prior to the removal and/or relocation of additional trees on the subject properties that are subject to the Tree Preservation and Protection provisions of the Code.

Please contact the Tree Permitting Program at 305-372-6574 for information regarding tree permits.

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.

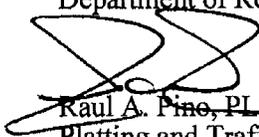
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: March 12, 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: Z2013000011
Name: Newsoul Lapaix, et al.
Location: 1480 NW 112 Terrace
Section 35 Township 52 South Range 41 East

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

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

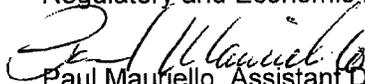
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: November 15, 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: Newsoul_Alene LaPaix_Andre Jean-Glaude update (#13_011)

The Department's review of the above-referenced item is provided below. The review updates a previous response, dated May 10, 2013. Additional comments will be provided as needed. 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. **The PWWM has no objections to the proposed application.**

Application: *Newsoul LaPaix, Alene LaPaix and Andre Jean-Glaude* are requesting a special exception to allow a church on a property currently zoned for Single Family Residential use (RU-1). The applicant is currently providing updates to the site and landscape plans.

Size: The subject property is 1.4 acres.

Location: The subject property is generally located at 1480 NW 112th Terrace, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (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 flows. The latest Concurrency Status Determination issued on September 25, 2013, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The PWWM maintains the response provided in May 10, 2013 as the supplemental information provided in the application does not affect the waste management service provided. Pursuant to

Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the single family residence on the property meets the County Code definition of a residential unit, while the church will be considered a commercial establishment. As such, according to the Code, the residential unit will continue to receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

Per the Code the following is required of commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

3. Recycling: Residential Establishments

The PWWM provides curbside recycling services to **residential units** located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained by calling the Department's Public Information & Outreach Division at 305-594-1500 or 305-514-6714.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

4. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

5. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site

plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

6. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum



Date: December 9, 2013

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

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

Subject: Z2013000011: NEWSOUL LAPAIX, ET. AL
Revised plans submitted dated stamped received 11/20/2013

Application Name: NEWSOUL LAPAIX, ET. AL

Project Location: The site is located at 1480 NW 112 TER, Miami-Dade County.

Proposed Development: The request is approval of an unusual use to permit a religious facility and a variance for lot width less than required.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. The Department has no objections to this application.

We have 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.

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: 03-DEC-13
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2013000011

Fire Prevention Unit:

OBJECTIONS:

- No mention of required Knox Key Switch or Knox Padlock on the November 16, 2013 site plan as previously requested.

Service Impact/Demand

Development for the above Z2013000011
 located at 1480 NW 112 Terrace and 1499 NW 111 Terrace, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 0591 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>8,792</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: 5.62 alarms-annually.
 The estimated average travel time is: 6:59 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 19 - North Miami W - 650 NW 131 Street
 Rescue, ALS 60' Aerial, TRT-1

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 date stamped received November 16, 2013. Substantial changes to the plan will require additional service impact analysis.

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

DATE: 22-NOV-13
REVISION 2

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

NEWSOUL LAPAIX, ET AL

1480 NW 112 Terrace and 1499 NW
111 Terrace, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000011

HEARING NUMBER

HISTORY:

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

Newsoul Lapaix, Et Al

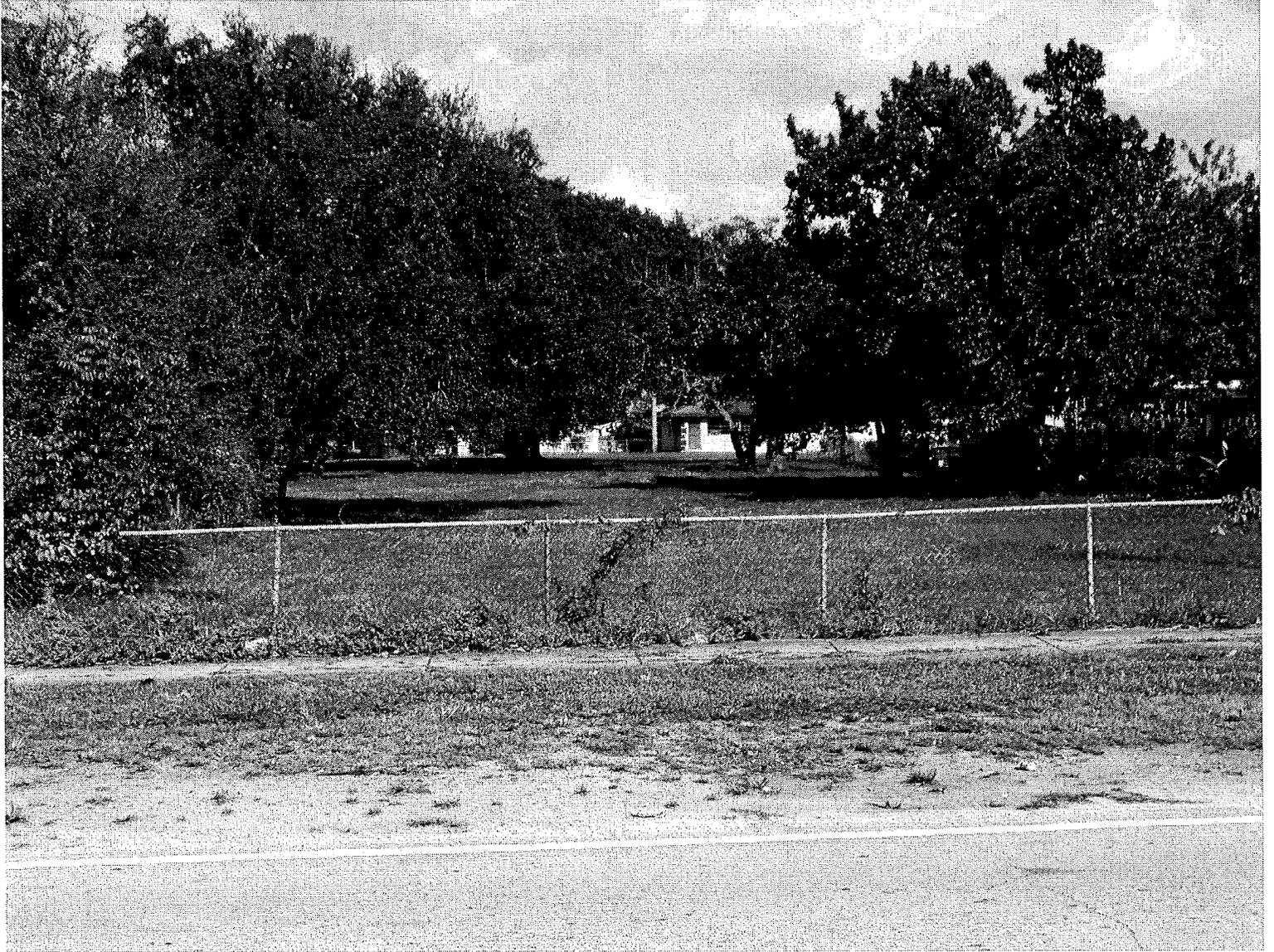
**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

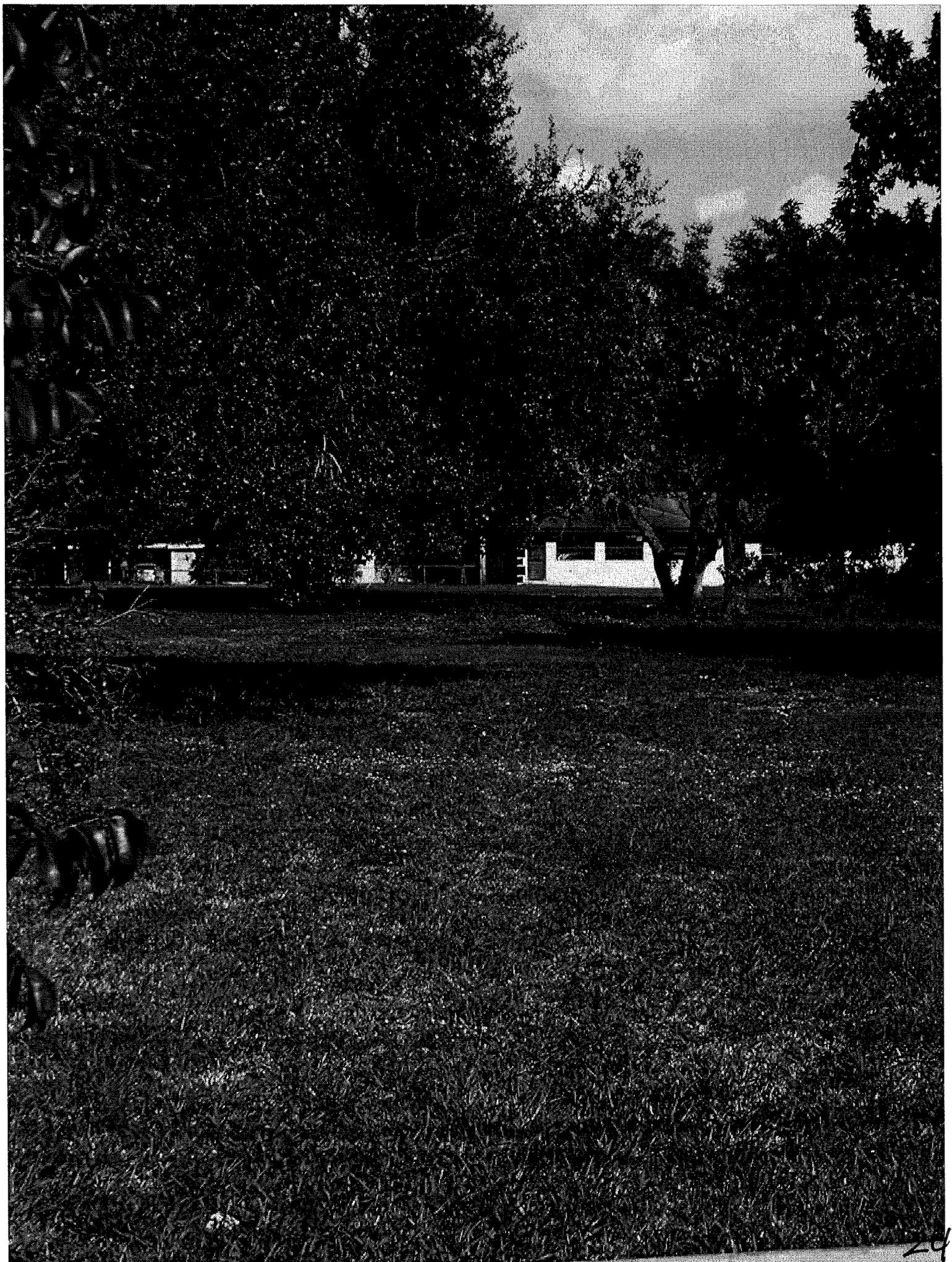










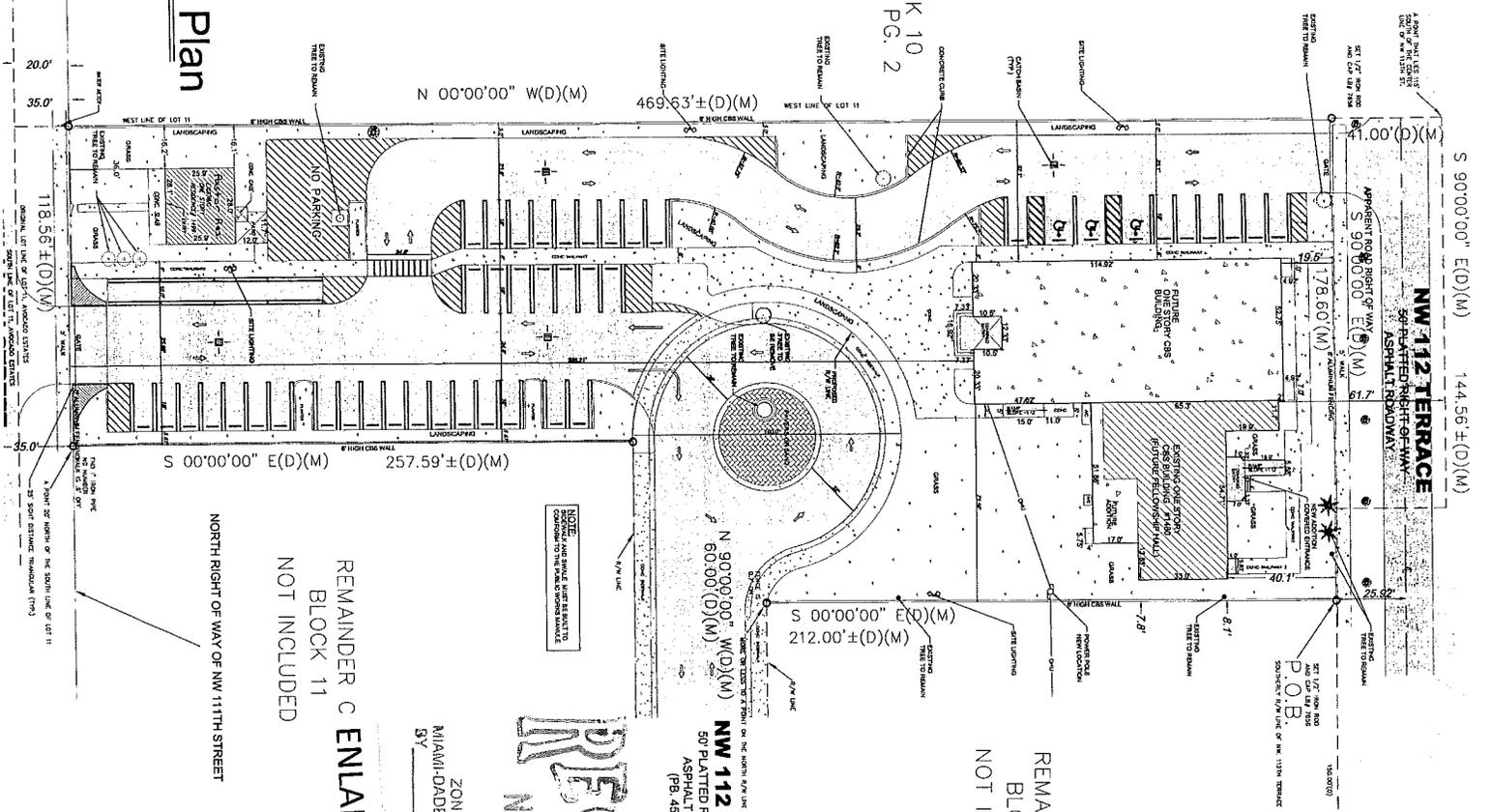


New Site Plan

SCALE: 1"=20'



BLOCK 10
PB. 1, PG. 2



REMAINDER OF
BLOCK 11
NOT INCLUDED

REMAINDER C
ENLARGED SITE PLAN
NOT INCLUDED

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NOV 18 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

LEGAL DESCRIPTION: (AS FURNISHED)

SITE DATA TABLE

GRAND LOT AREA, APPROX. (1.18 ACRES)	ZONING DISTRICT (M1)
NET LOT AREA, VERTICALLY (1.18 ACRES)	50 FT.
STRUCTURE	% OF LOT COVERED
FOOTED STRUCTURE	10.3%
UNFOOTED AREA	66.3%
PERMITS AREA	19.8%
	31.7%

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 11, AVOCAO GROVE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, BEING PLAT BOOK 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID POINT ALSO LING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF N.W. 112 TERRACE, SAID EXTENSION PARALLEL TO THE NORTH LINE OF SAID LOT 11, AVOCAO GROVES, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

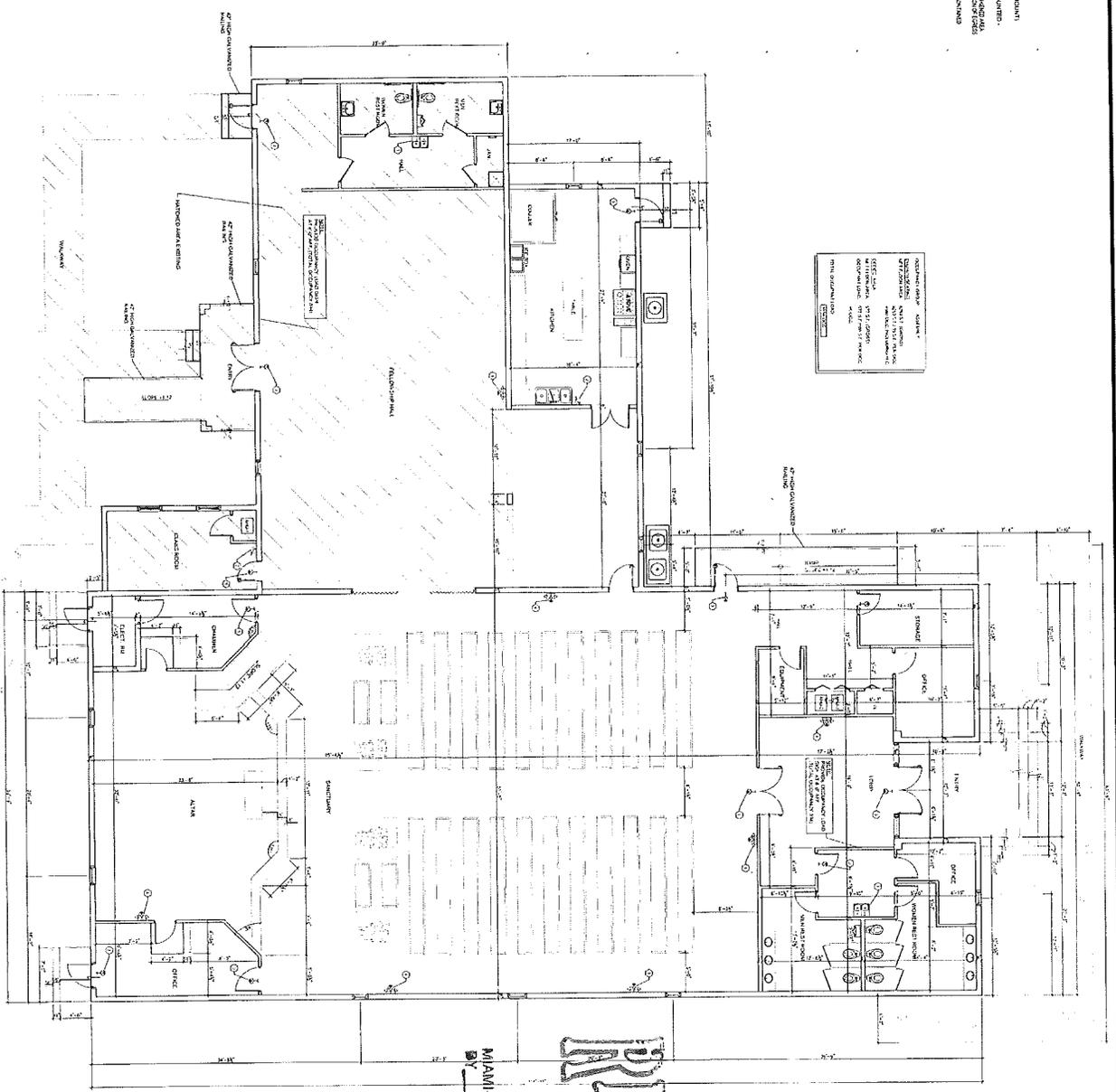
FROM THE POINT OF BEGINNING AS ABOVE ESTABLISHED RUN SOUTH PARALLEL TO THE EAST LINE OF SAID LOT 11, A DISTANCE OF 60.00 FEET TO A POINT OF BEGINNING, ACCORDING TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING PLAT BOOK 2, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID EXTENSION PARALLEL TO THE NORTH LINE OF SAID LOT 11, AVOCAO GROVES, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

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- ① STAIRWELL
- ② ELEVATOR
- ③ MECHANICAL ROOM
- ④ ELECTRICAL ROOM
- ⑤ TELEPHONE ROOM
- ⑥ JANETRY



PROJECT NO. 10000000
 CLIENT NAME
 PROJECT NAME
 PROJECT ADDRESS
 PROJECT CITY
 PROJECT STATE
 PROJECT ZIP
 PROJECT PHONE
 PROJECT FAX
 PROJECT EMAIL
 PROJECT WEBSITE
 PROJECT URL
 PROJECT DATE
 PROJECT STATUS
 PROJECT DESCRIPTION
 PROJECT CONTACT
 PROJECT CONTACT TITLE
 PROJECT CONTACT PHONE
 PROJECT CONTACT FAX
 PROJECT CONTACT EMAIL
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 PROJECT CONTACT WEBSITE
 PROJECT CONTACT URL

Future Floor Plan
 Scale: 1/8" = 1'-0"
 N

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 2/3-011
 AUG 16 2013

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT

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 10

DATE	10/2/12
SCALE	AS NOTED
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CHECKED BY	
SHEET	A-3

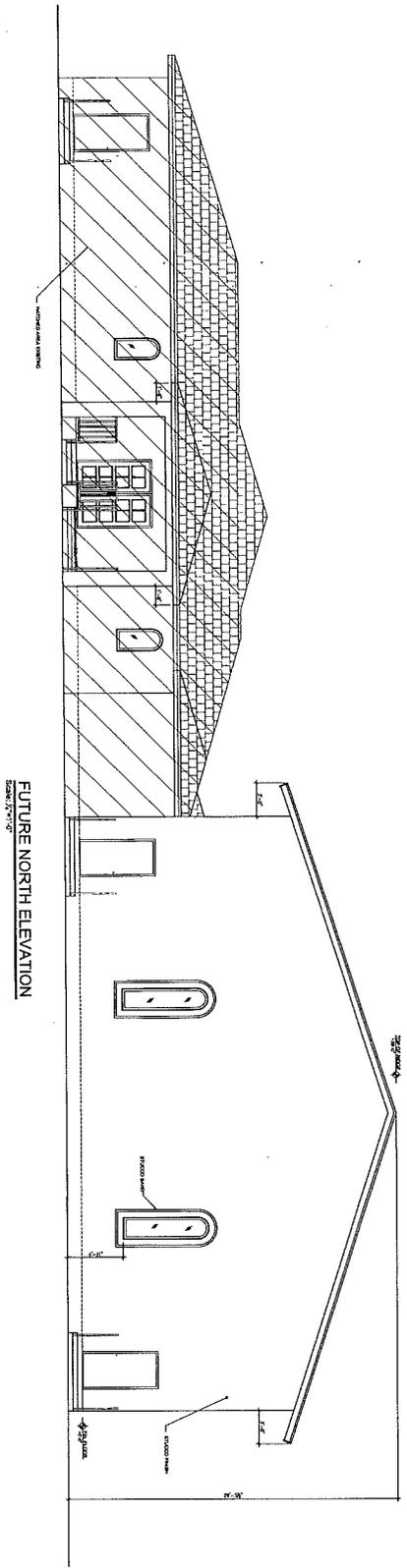
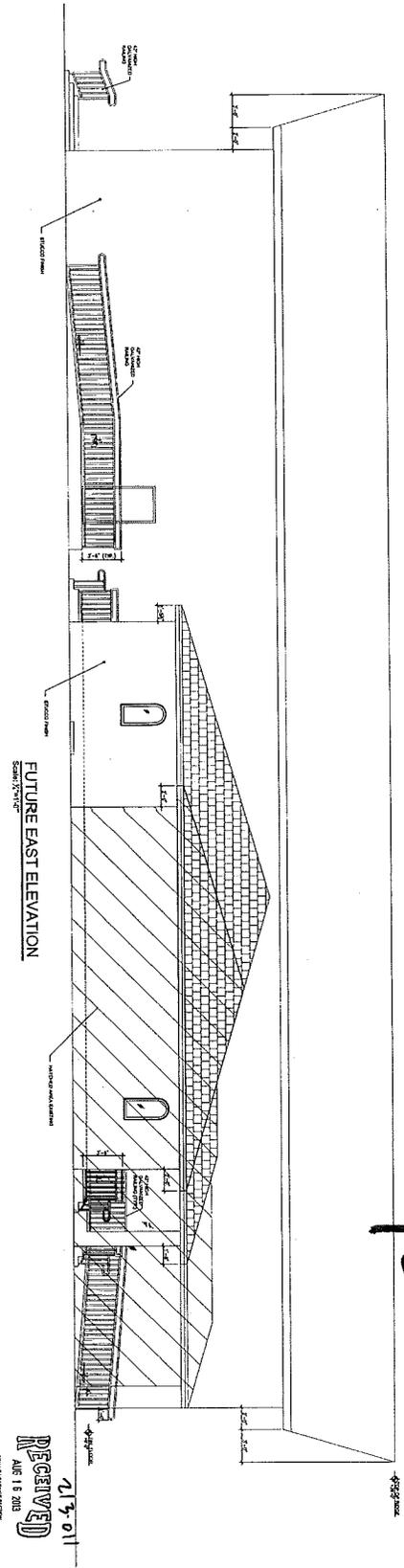
NEW SOUL LA PAIX
 1480 N.W. 112 TH. STREET
 MIAMI FLORIDA
 33168

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

NO.	REVISION	DATE

FUTURE FLOOR PLAN

DETAIL NOTES



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 AUG 16 2013
 213-011

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

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DATE: 10/21/13
 SCALE: AS NOTED
 DRAWN BY: STANISLAW
 CHECKED BY:
 SHEET: **A-5**

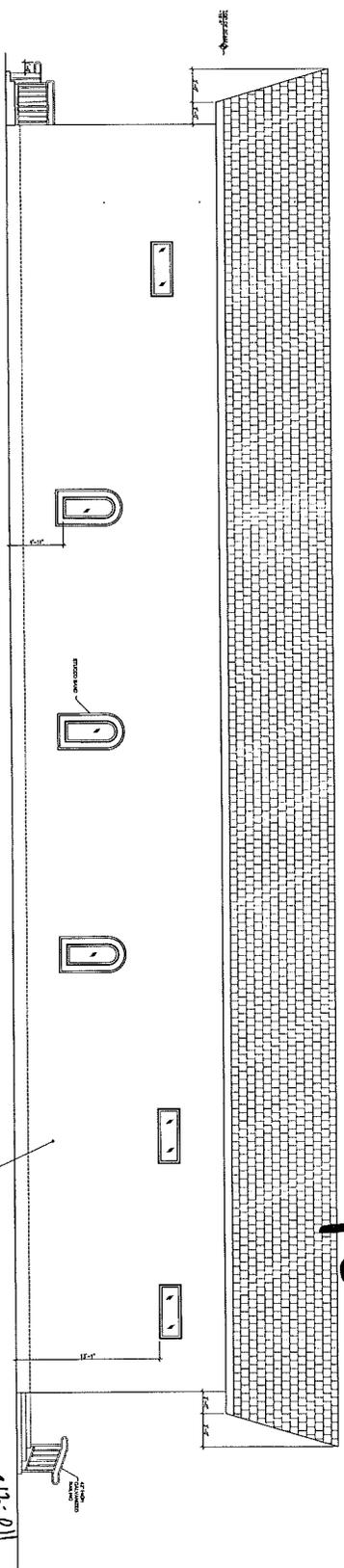
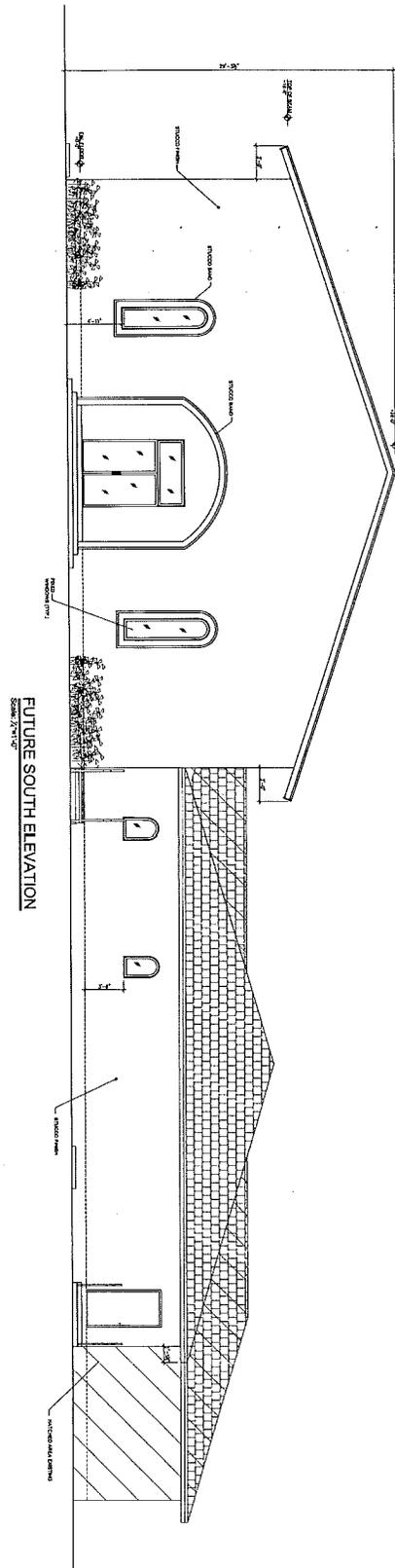
NEW SOUL LA PAIX
 1480 N.W. 112 TH. STREET
 MIAMI FLORIDA
 33168

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

NO.	REVISION	DATE

FUTURE ELEVATIONS

Sheet Name



ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT
 BY

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 AUG 16 2013

213-011

FE

FUTURE WEST ELEVATION
 Scale: 3/8"

FUTURE SOUTH ELEVATION
 Scale: 3/8"

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 213-011

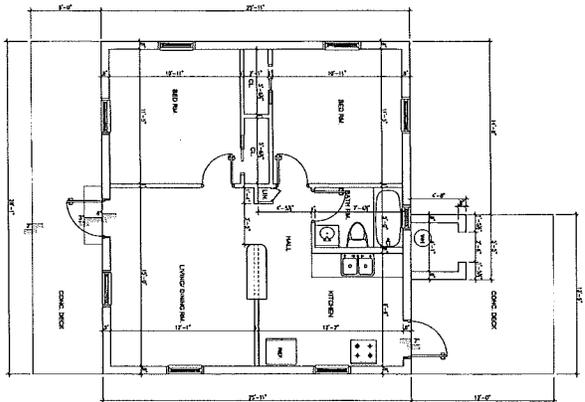
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NEW SOUL LA PAIX
 1480 N.W. 112 TH. STREET
 MIAMI FLORIDA
 33168

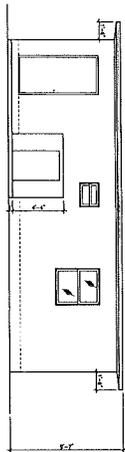
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 CONSULTING & ENGINEERING
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 MIAMI, FLORIDA 33015
 SESAR SOTO P.E.# 69852

NO.	REVISION	DATE

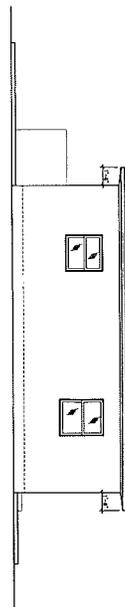
FUTURE ELEVATIONS



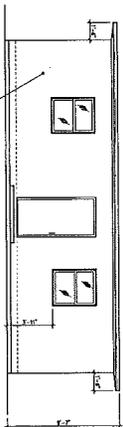
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Existing Floor Plan
Scale: 1/8" = 1'-0"
N



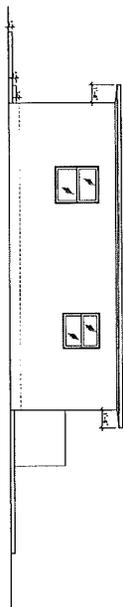
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Scale: 1/8" = 1'-0"



EXISTING WEST ELEVATION
Scale: 1/8" = 1'-0"



EXISTING SOUTH ELEVATION
Scale: 1/8" = 1'-0"



EXISTING EAST ELEVATION
Scale: 1/8" = 1'-0"

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NOV 18 2013

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

BY *FS*

2/13-011

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NOV 13 2013

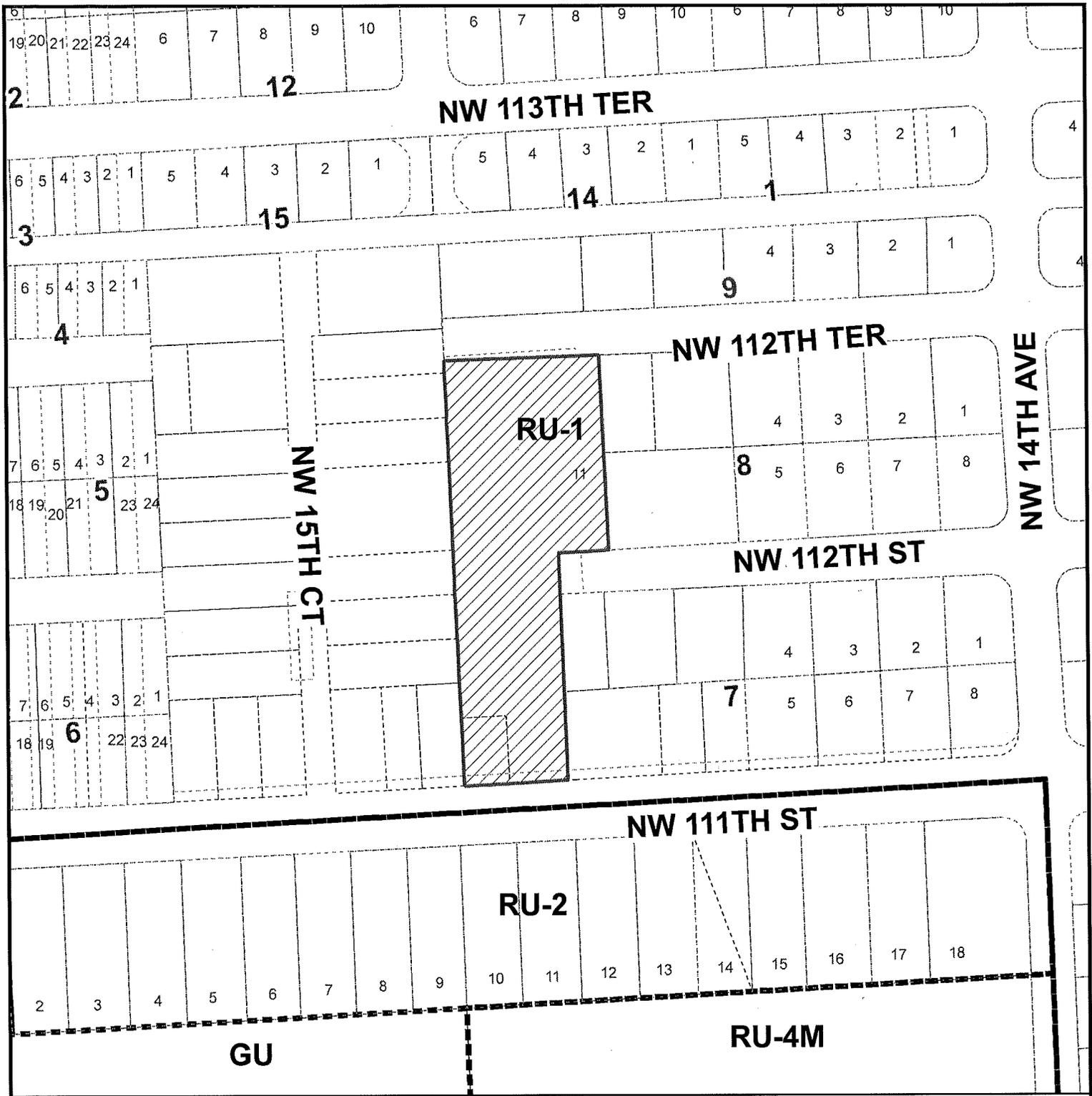
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NEW SOUL LA PAIX
1480 N.W. 112 TH. STREET
MIAMI FLORIDA
33168

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

NO.	REVISION	DATE

PASTOR'S RESIDENCE
EXISTING FLOOR , ELEVATIONS



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000011



Section: 35 Township: 52 Range: 41
 Applicant: NEWSOUL LAPAIX, ET AL
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, February 21, 2013

REVISION	DATE	BY
		33



MIAMI-DADE COUNTY

AERIAL YEAR 2009

Process Number

Z201300011



Section: 35 Township: 52 Range: 41

Applicant: NEWSOUL LAPAIX, ET AL

Zoning Board: C8

Commission District: 2

Drafter ID: JEFFER GURDIAN

Scale: NTS

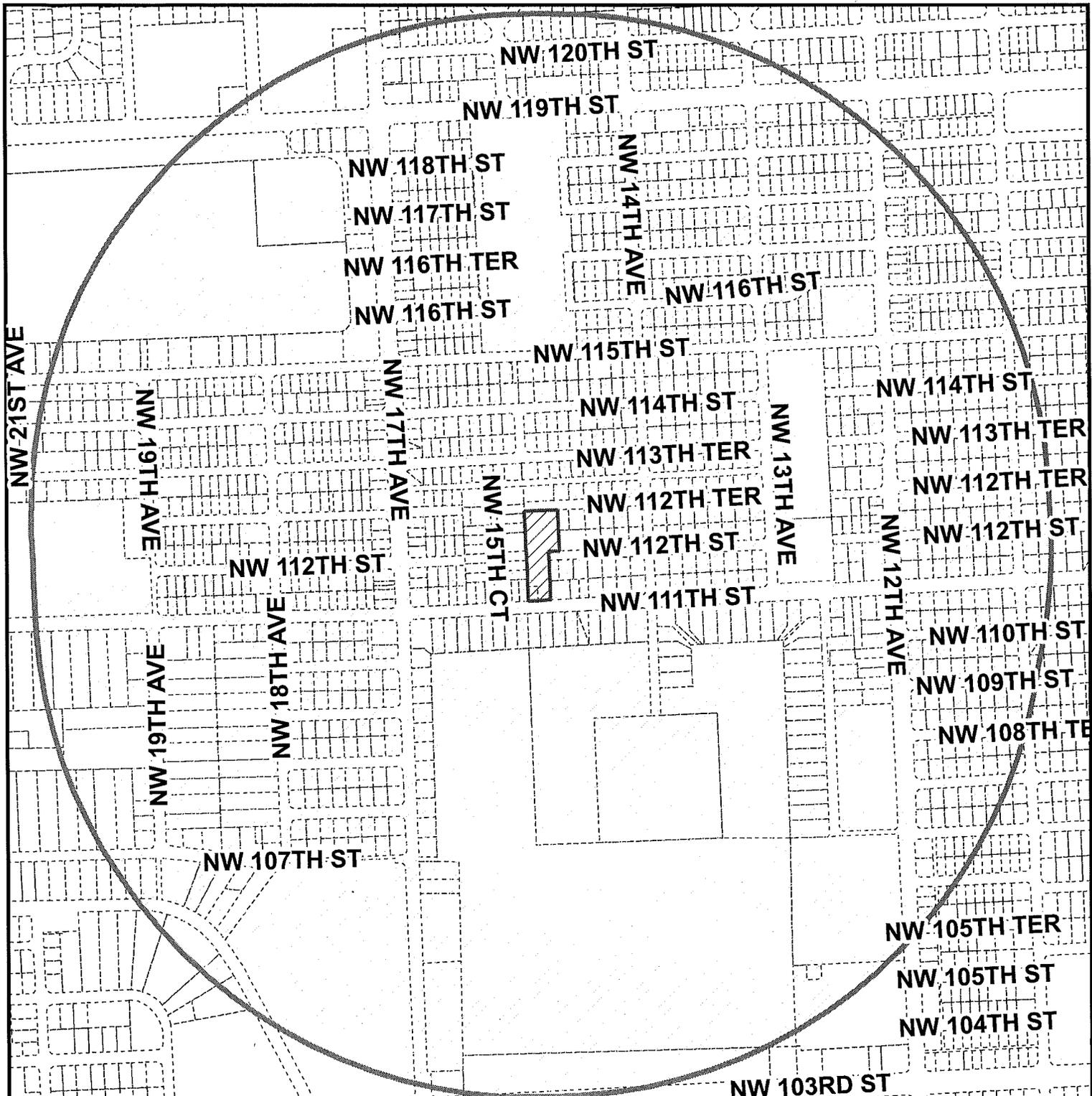
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 **Subject Property**



SKETCH CREATED ON: Thursday, February 21, 2013

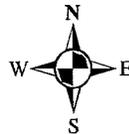
REVISION	DATE	BY
		34



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 35 Township: 52 Range: 41
 Applicant: NEWSOUL LAPAIX, ET AL
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2013000011
 RADIUS: 2640

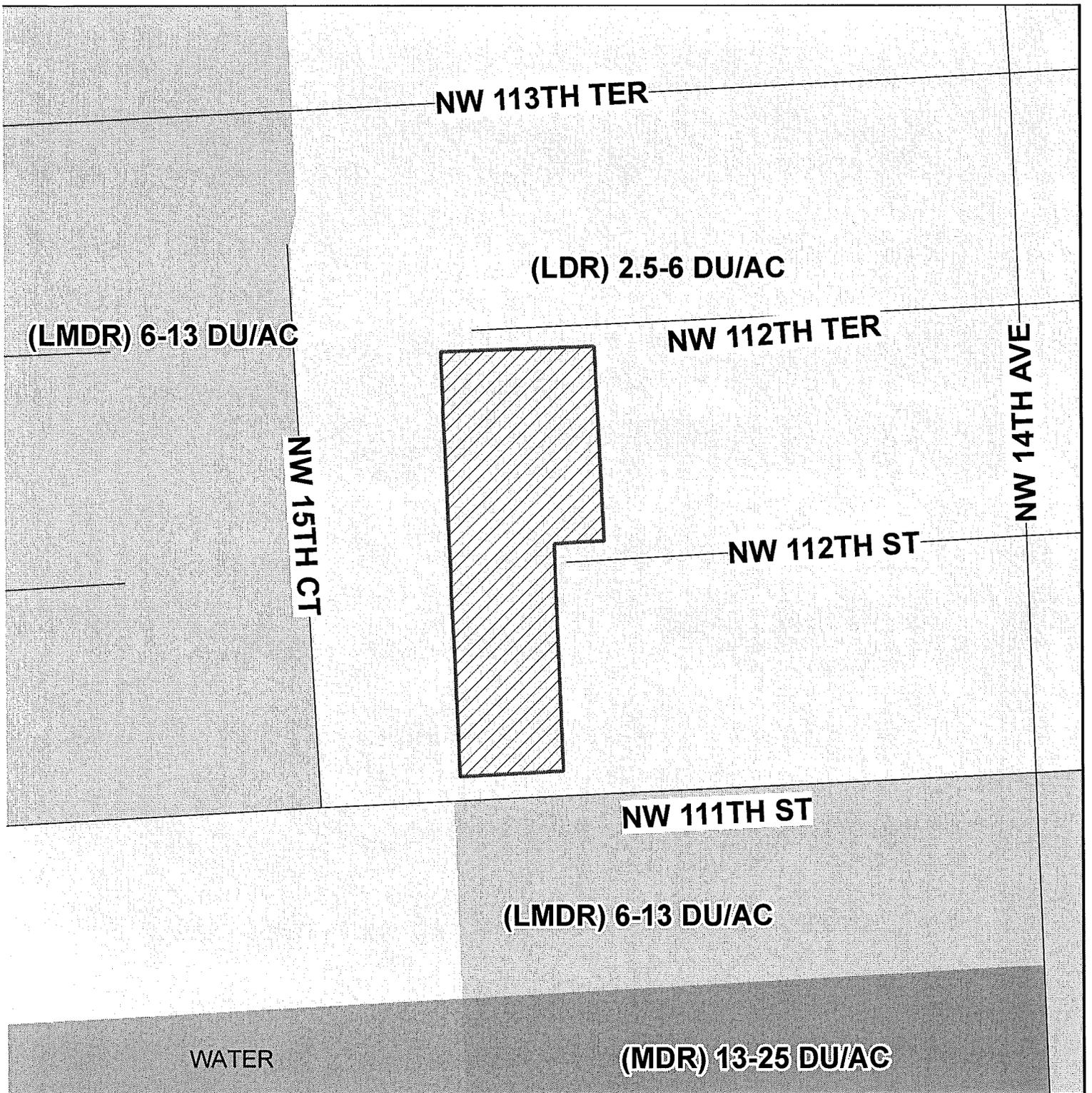


Legend

-  Subject Property
-  Buffer



REVISION	DATE	BY
		35



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000011



Section: 35 Township: 52 Range: 41
 Applicant: NEWSOUL LAPAIX, ET AL
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, February 21, 2013

REVISION	DATE	BY

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

PH: Z13-025 (14-02-CZ8-2)

February 26, 2014

Item No. 2

Recommendation Summary	
Commission District	2
Applicant	John Lonon
Summary of Requests	The applicant is requesting to permit an existing addition to encroach into the interior side and rear setback areas, respectively. The applicant is also seeking to permit a greater lot coverage than allowed and to permit a fence and wall higher than permitted.
Location	1599 NW 82 Street, Miami-Dade County, Florida.
Property Size	55' x 89'
Existing Zoning	RU-1
Existing Land Use	Single-Family Residence
2020-2030 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing addition to a single family residence setback a minimum of 9.06' (25' required) from the rear (north) property line and setback a minimum of 5.05' (5.5' required) from the interior side (west) property line.
- (2) NON-USE VARIANCE to permit a lot coverage of 36% (35% permitted).
- (3) NON-USE VARIANCE to permit a 6' high ornamental iron fence within 10' of an edge of drive way leading to a right-of-way (2.5' maximum height permitted).
- (4) NON-USE VARIANCE to permit a CBS wall and ornamental iron fence with a height of 8' (6' maximum permitted) along the interior sides (east and west) property lines and along the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "John Lonon" as prepared by Oscar S. Benitez Architect, dated stamped received 3/6/13 and consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The subject application seeks to legalize an existing addition containing a study room, breakfast room and a terrace that encroaches into the rear and interior side setback areas. In addition, there are other existing additions on the eastern portion of the single-family residence that contribute to the lot coverage request, but do not encroach into the setback areas.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in an area characterized by single-family residences developed under the RU-1, Single-Family Residential District regulations.

SUMMARY OF THE IMPACTS:

The approval of this application will provide a benefit to the owner by permitting an existing addition containing a study room, breakfast room and a terrace. However, approval of the application may also visually impact the surrounding area due to its close proximity to the property lines.

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 requests 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 of the Low Density Residential Communities map of the CDMP LUP map designation.

ZONING ANALYSIS:

When requests #1 and #2 are analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions of these requests would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations. Staff opines that request #1, to permit an existing addition to a single family residence setback a minimum of 9.06' (25' required) from the rear (north) property line and setback a minimum of 5.05' (5.5' required) from the interior side (west) property line is adequately mitigated by the existing 8' high CBS wall and iron fence surrounding the subject property. Additionally, approval of same will allow the applicant the continued enjoyment of a study room, breakfast room and a terrace. Further, staff opines that said existing additions will not be visually intrusive to the surrounding

2

area. Staff opines that the approval of request #2, an increase of 1% over the maximum lot coverage permitted, is minimal, will also be mitigated by the existing 8' high CBS wall and iron fence surrounding the subject property and, therefore, will not be visually intrusive to the surrounding area.

Staff further opines that approval with conditions of requests #3 and #4 would maintain the basic intent and purpose of the zoning, subdivision and other land use regulations when analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards. The submitted plan, survey and pictures depict the existing CBS wall with an ornamental iron fence on top surrounding the subject property. Staff opines that the approval of these requests will not have a negative visual impact on the surrounding properties. Staff notes that there were no similar approvals in the surrounding area. However, staff opines that approval of the wall/fence encroaching within 10' of an edge of drive way leading to a right-of-way and being higher than permitted will not be detrimental to the area. Staff notes that the subject existing CBS wall with an ornamental iron fence on top is designed with a height of 8' along the rear of the property and 6' high along the front, which provides a reasonable buffer, security and privacy for the subject property. Additionally, staff notes that there is a 5' sidewalk and 10' swale area between the fence located along the front of the property and the edge of right-of-way's pavement. Therefore, staff opines that the ornamental fence allows for visibility and will not create a hazard for vehicular and pedestrian traffic along the abutting right-of-way.

However, staff opines that the existing single-family residence layout could be converted into more than one dwelling unit; therefore, staff recommends as a condition for the approval of the requests that the applicant submit a Declaration of Use agreement in recordable form acceptable to the Director, which restricts this property to single-family use only.

Staff is of the opinion that approval with conditions of these requests will not result in an obvious departure from the aesthetic character of the surrounding neighborhood and would be **compatible** with the surrounding residential developments. **Staff therefore, recommends approval with conditions of requests #1 through #4 under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

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, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "John Lonon" as prepared by Oscar S. Benitez Architect, dated stamped received 3/6/13 and consisting of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions

on the property which conform to Zoning Code requirements will not require further public hearing action.

3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant secure a building permit for all existing non-permitted structures from the Department within 90 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Regulatory and Economic Resources.
5. That a Declaration of Use agreement, in recordable form, limiting the property to single-family use only be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources prior to permit issuance.
6. That the proposed terrace addition remain open-sided and not be enclosed in any manner except for approved insect screen materials.

ES:MW:NN:CH:JV



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

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ZONING RECOMMENDATION ADDENDUM

Applicant: John Lonon
PH: Z13-025

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

<p>Low Density Residential (Pg. I-31)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster 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>
--	---

PERTINENT ZONING REQUIREMENTS/STANDARDS

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

2. JOHN LONON
(Applicant)

14-2-CZ8-2 (13-025)
Area 08/District 02
Hearing Date: 02/26/14

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

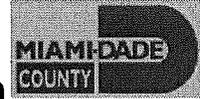
Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1949	Charles W. Bradford	- Lot width and area less than required.	ZAB	Approved

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

Memorandum



Date: November 18, 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 #Z2013000025-1st Revision
John Lonon
1599 NW 82nd Street, Miami, Florida 33147
Non-Use Variance lot area and frontage less than required; Non-
Use Variance setbacks less than required
(RU-1) (0.11 Acres)
11-53-41

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the "From:" field 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 6 ft NGVD. The proposed legalization of several additions 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 elevations must be 8 inches above the highest crown of road and County Flood Criteria. Based on the survey provided with this submittal the proposed addition will be raised to an elevation of 8.50' to match the elevation of the existing single family residence. 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 existing 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 proposal will not impact tree resources. 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.

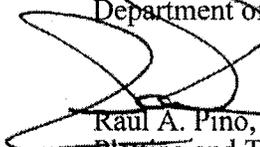
cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: May 6, 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: Z2013000025
Name: John Lonon
Location: 1599 NW 82 Street
Section 11 Township 53 South Range 41 East

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

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

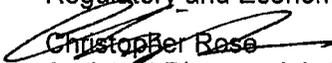
This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: April 30, 2013

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

From:  Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: #13-025
John Lonon

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

According to Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, the property meets the definition of residential unit. The residential unit on the property currently receives, and shall continue to receive PWWM waste collection and recycling service. The current waste collection fee will cover all associated costs as the property is within the Department's waste collection service area. The application will have no impact or any associated costs for waste collection or recycling services.

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

Memorandum



Date: 03-APR-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000025

Fire Prevention Unit:

Not applicable to MDRF site requirements.

Service Impact/Demand

Development for the above Z2013000025
located at 1599 NW 82 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0796 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 6:57 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: 17-JAN-14
REVISION 1

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

JOHN LONON

1599 NW 82 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000025

HEARING NUMBER

HISTORY:

Applicant: John Lonon

Hearing Number: 13-26

Location: 1599 NW 82 Street

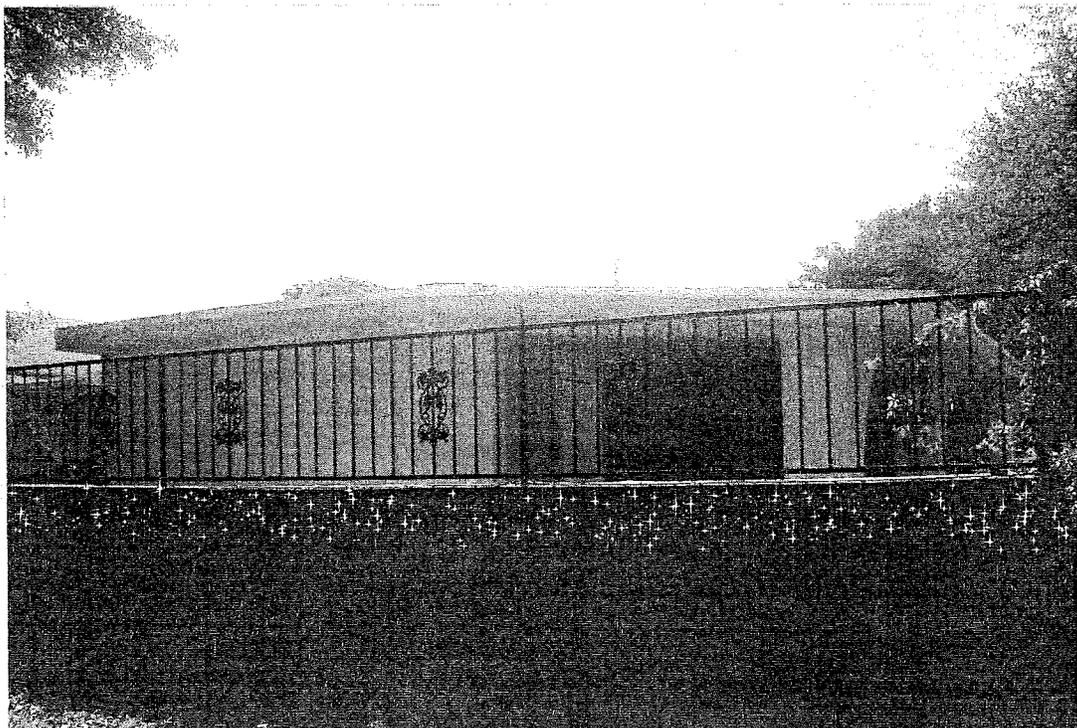
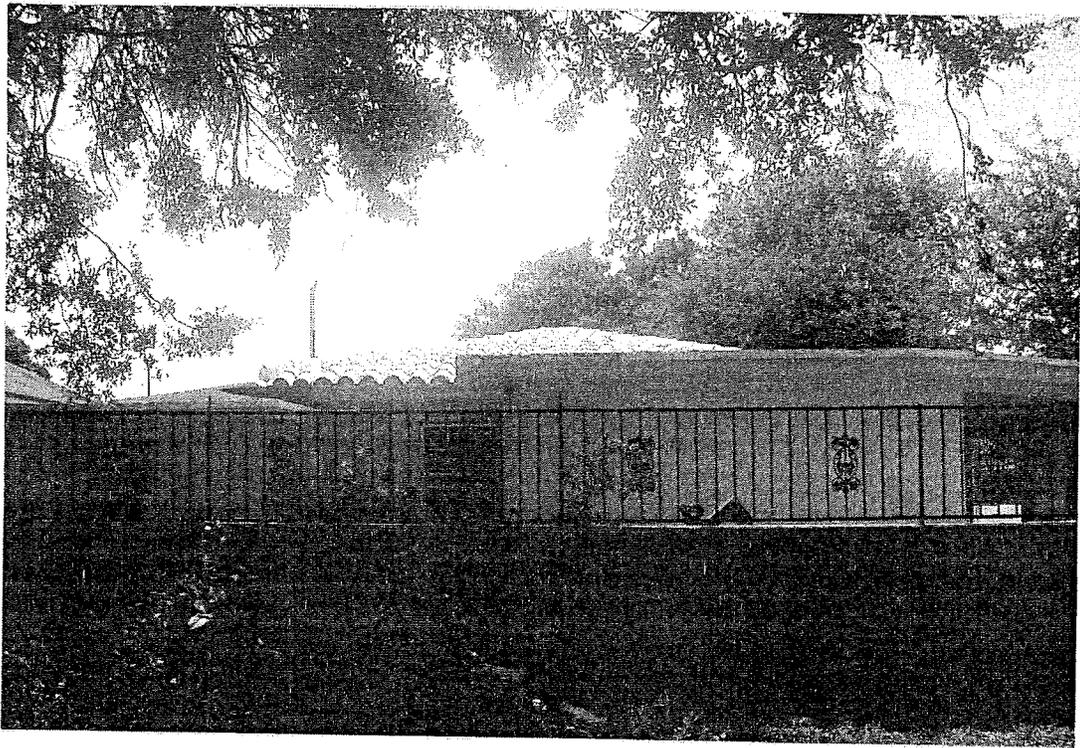
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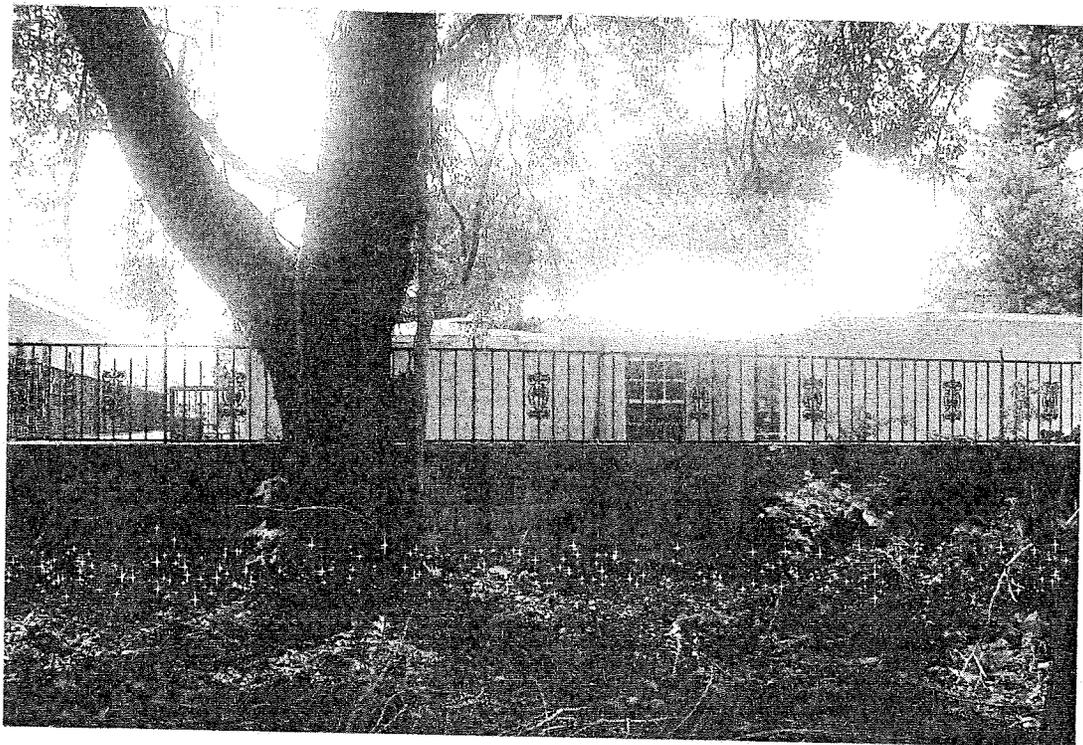
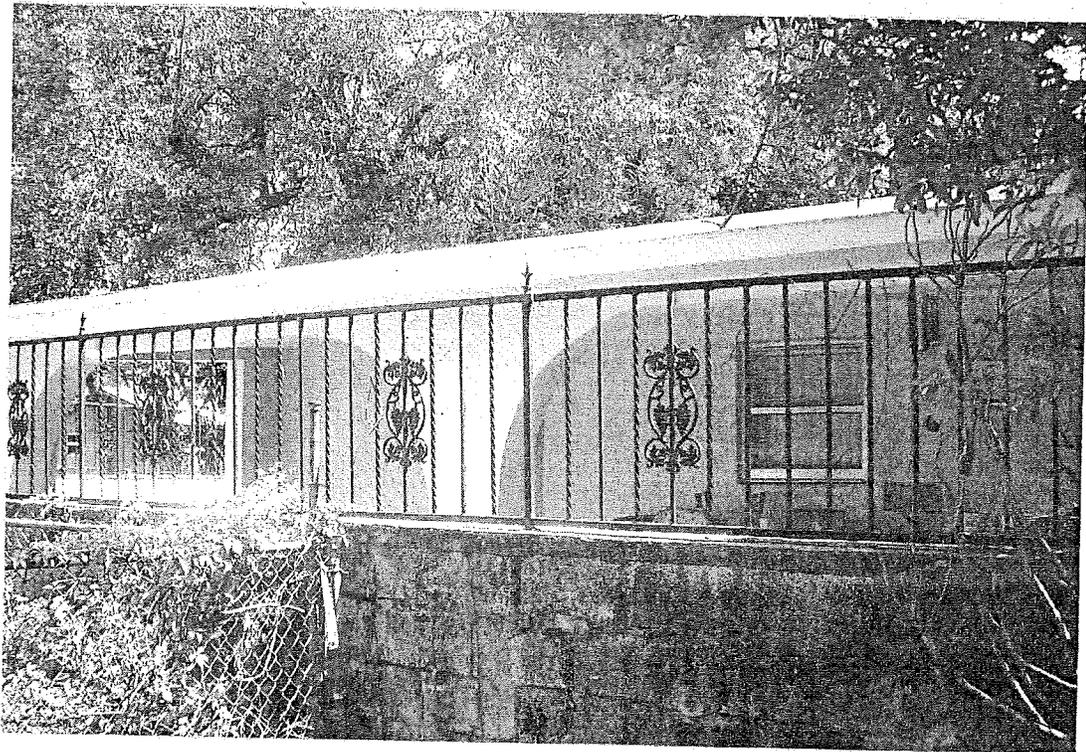
ENFORCEMENT HISTORY: NC: No open cases. Prior case 200904008704 was opened October 22, 2009 for Junk/Trash and warning issued on October 23, 2009. Citation issued November 9, 2009. Affidavit of Non-compliance December 28, 2009. Corrected by owner December 28, 2009. Citation not paid February 8, 2010. Case forwarded to collections February 12, 2010. Noil mailed February 19, 2010. CVN submitted for closure on August 3, 2010. Case closed on January 15, 2013 due to change of ownership. BNC: BSS case 20110142817-X opened on February 15, 2011. Notice of Violation issued for expired permit 2009047688. Civil Violation Notice P004039 issued on June 21, 2011 for noncompliance. Citation appealed and hearing held on September 2, 2011, at hearing found guilty by Hearing Officer. Final Notice of intent to Lien/Demand for Payment issued on November 28, 2011. Lien was recorded on February 15, 2012, case remains open. BSS case 20110141465-X opened on December 22, 2010. Notice of Violation issued for expired permit 2009051900. Civil Violation Notice P004067 issued on June 27, 2011 for noncompliance. Citation appealed and hearing held on August 26, 2011, at hearing appeal withdrawn. Citation was paid on September 23, 2011. Final Notice of intent to Lien/Demand for payment issued on November 17, 2011. Lien was recorded on February 10, 2012. Case remains open. BSS case 20110141245-B opened on December 14, 2010. Notice of Violation issued for required building permit(s) prior to commencing work on: addition of rooms at all sides of house, including new bathroom, electric and plumbing. Civil Violation Notice P004594 issued for noncompliance. Final Notice of Intent to Lien/Demand for payment issued on April 23, 2012. Lien was recorded on September 28, 2012. Case remains open. BSS case A2011003783-X was opened on August 11, 2011. Notice of Violation issued for expired permit 2010056555. Civil Violation Notice P006242 issued for noncompliance. Final Notice of Intent to Lien/Demand for payment issued for April 10, 2012. Lien

was recorded on July 27, 2012. Case remains open. BSS case A2011000345-X opened on November 11, 2010. Civil Violation Notice 649312 issued on November 11, 2010 to contractor for expired permit 2009047688. Case remains open.

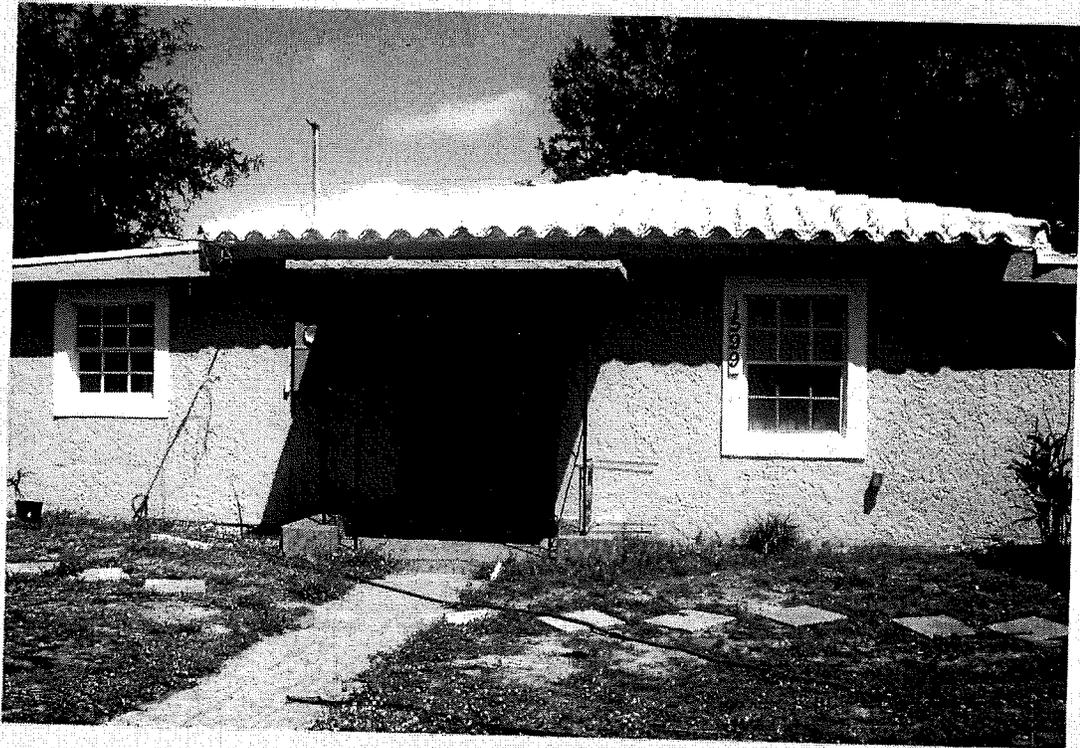
**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

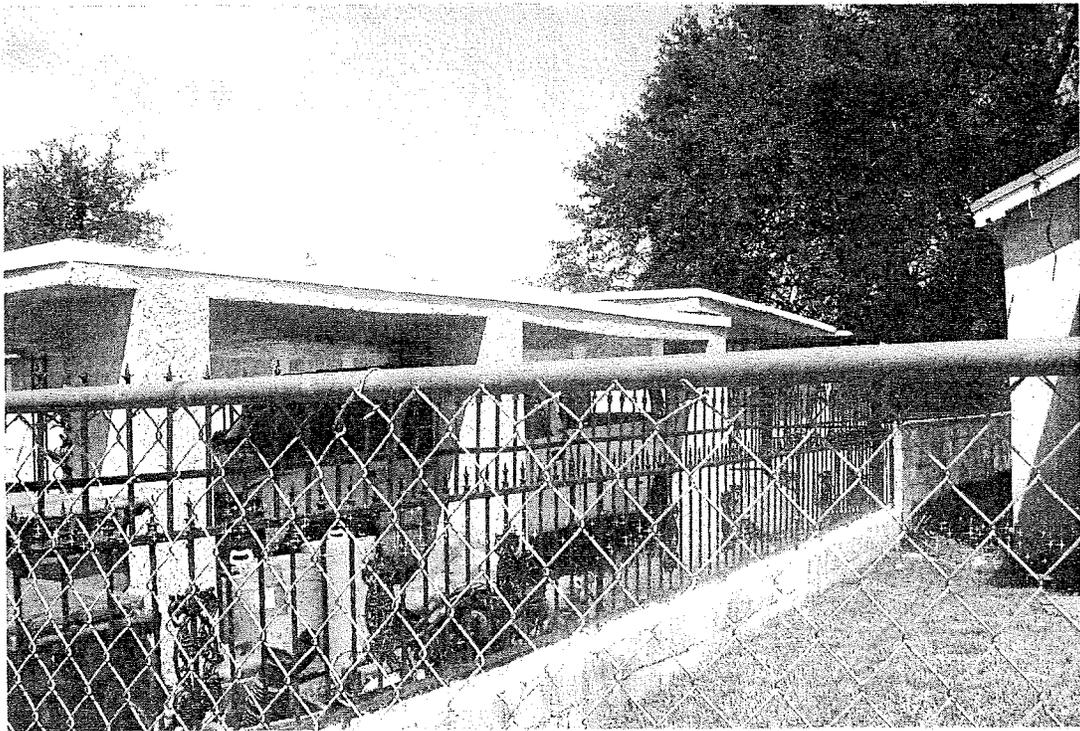
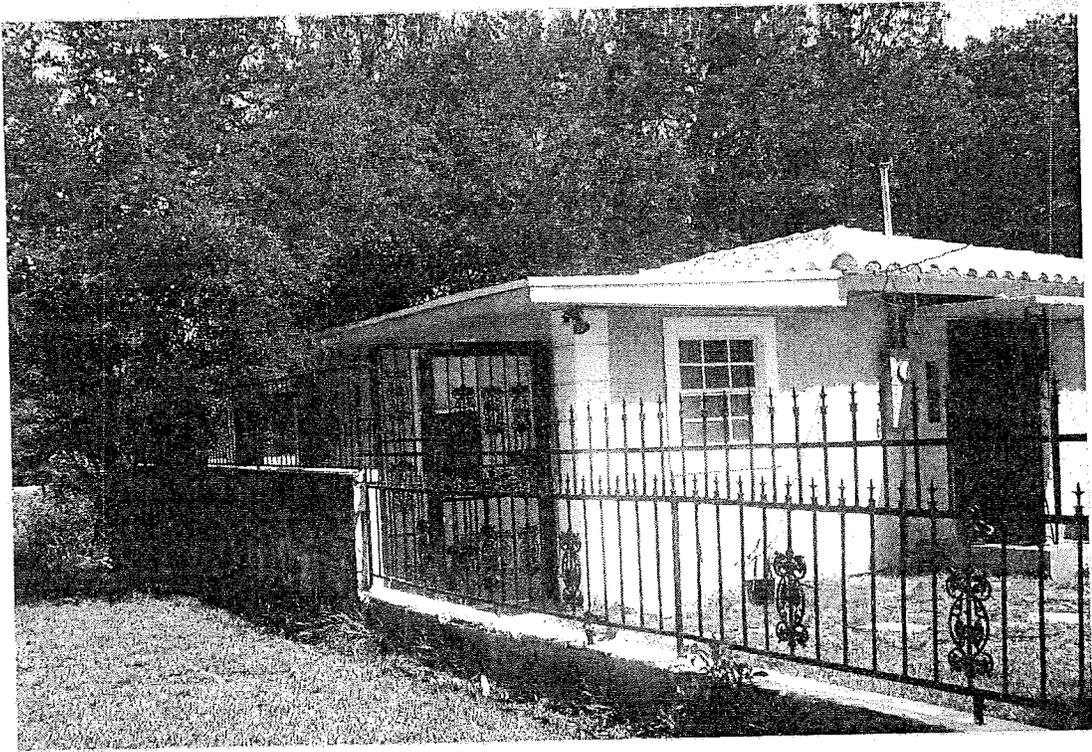
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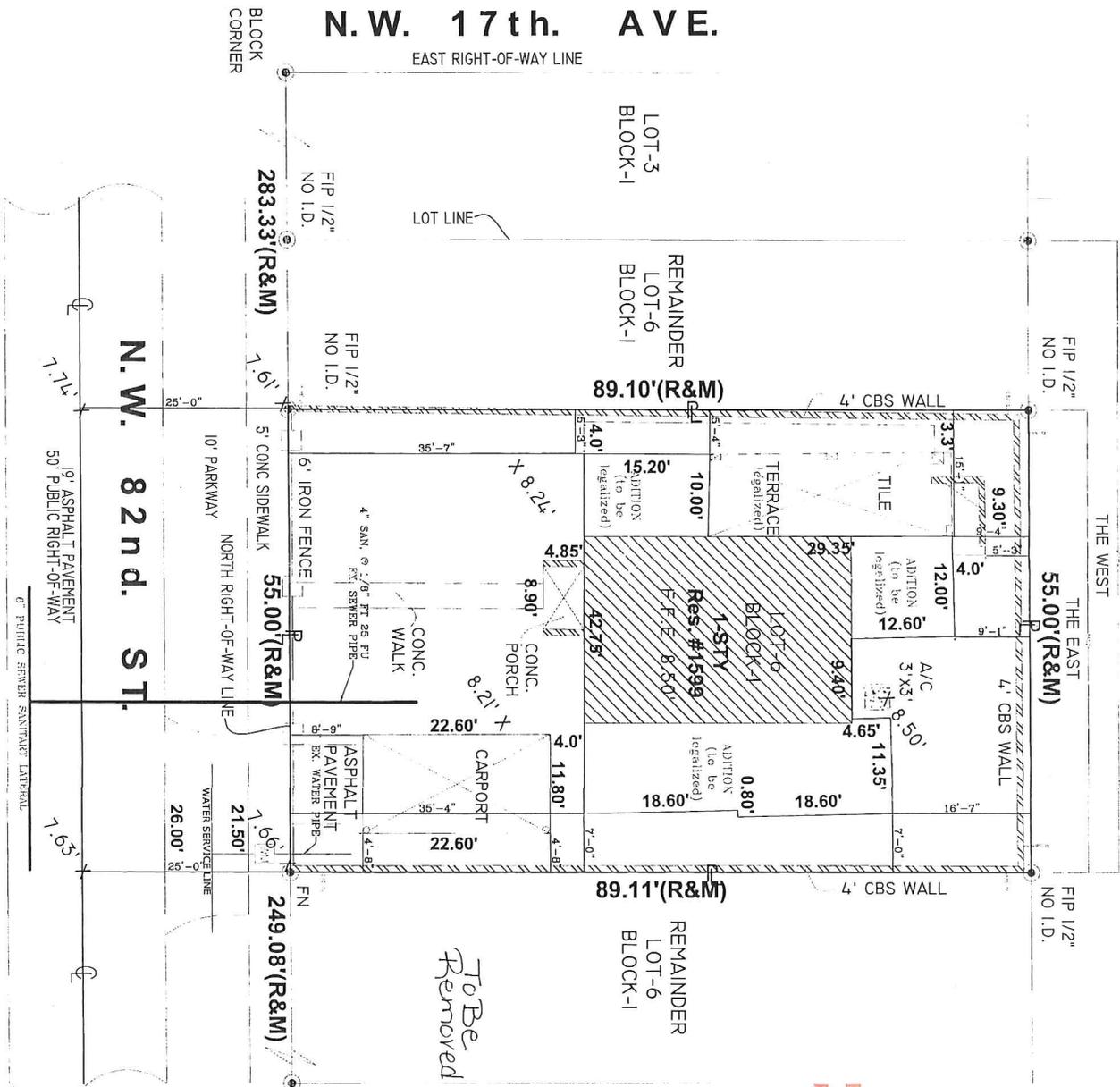












N. W. 17th. AVE.

EAST RIGHT-OF-WAY LINE

BLOCK CORNER

LOT-1
BLOCK-1

LOT-4
BLOCK-1

THE WEST

FIP 1/2"
NO I.D.

THE EAST
55.00'(R&M)

FIP 1/2"
NO I.D.

LOT-3
BLOCK-1

REMAINDER
LOT-6
BLOCK-1

89.10'(R&M)

4' CBS WALL

TERRACE
(legalized)

TILE

ADDITION
(to be
legalized)

A/C
3' X 3'

4' CBS WALL

10.00'

ADDITION
(to be
legalized)

15.20'

42.75'

8.24'

4.85'

8.90'

CONC.
PORCH

8.12'

4.0'

11.35'

ADDITION
(to be
legalized)

18.60'

0.80'

18.60'

4.0'

11.80'

4.0'

22.60'

22.60'

4.0'

4.0'

4.0'

4.0'

REMAINDER
LOT-6
BLOCK-1

N. W. 15th. AVE.

WEST RIGHT-OF-WAY LINE

BLOCK CORNER

N. W. 82nd. ST.

19' ASPHALT PAVEMENT
50' PUBLIC RIGHT-OF-WAY

6" PUBLIC SEWER SANITARY LATERAL

1.95'

26.00'

21.50'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

283.33'(R&M)

FIP 1/2"
NO I.D.

1.61'

5' CONC SIDEWALK

6' IRON FENCE

55.00'(R&M)

FIP 1/2"
NO I.D.

1.61'

10' PARKWAY

NORTH RIGHT-OF-WAY LINE

249.08'(R&M)

FIP 1/2"
NO I.D.

1.61'

26.00'

21.50'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

1.60'

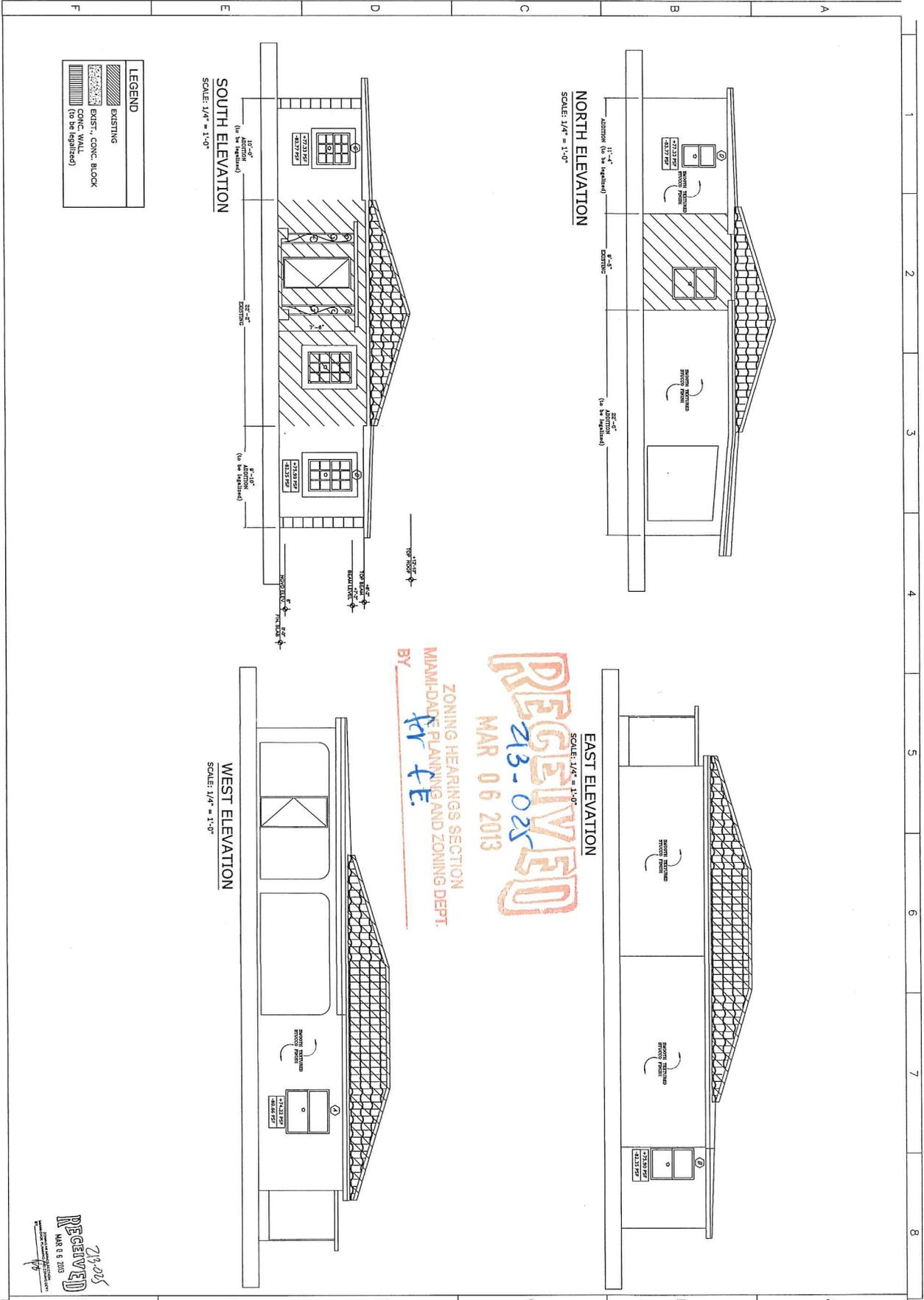
1.60'

To Be
Removed

ENLARGED SITE PLAN

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY for FE

RECEIVED
213-025
MAR 06 2013



LEGEND

	EXISTING
	BKST. I., CONC. BLOCK
	CONC. WALL (to be finished)

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

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

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

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

RECEIVED
MAR 06 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY HCFE

RECEIVED
MAR 6 2013

OSCAR S. BENITZ ARCHITECT
DESIGN
PLANNING
INTERIORS

3410 WEST FLAGLER ST.
MIAMI, FLORIDA 33174
TEL/FAX (305) 524 8555

SHEET TITLE: **ELEVATION**
JOB TITLE: **JOHN LONON
ADDITION TO BE LEGALIZED
1599 NW 82 ST. MIAMI, FLORIDA, 33147**

SCALE

Oscar S. Benitz, Architect
3410 West Flagler Street, Suite 202
Miami, Florida 33174
Tel: (305) 524 8555
Fl. Lic. No. 9412

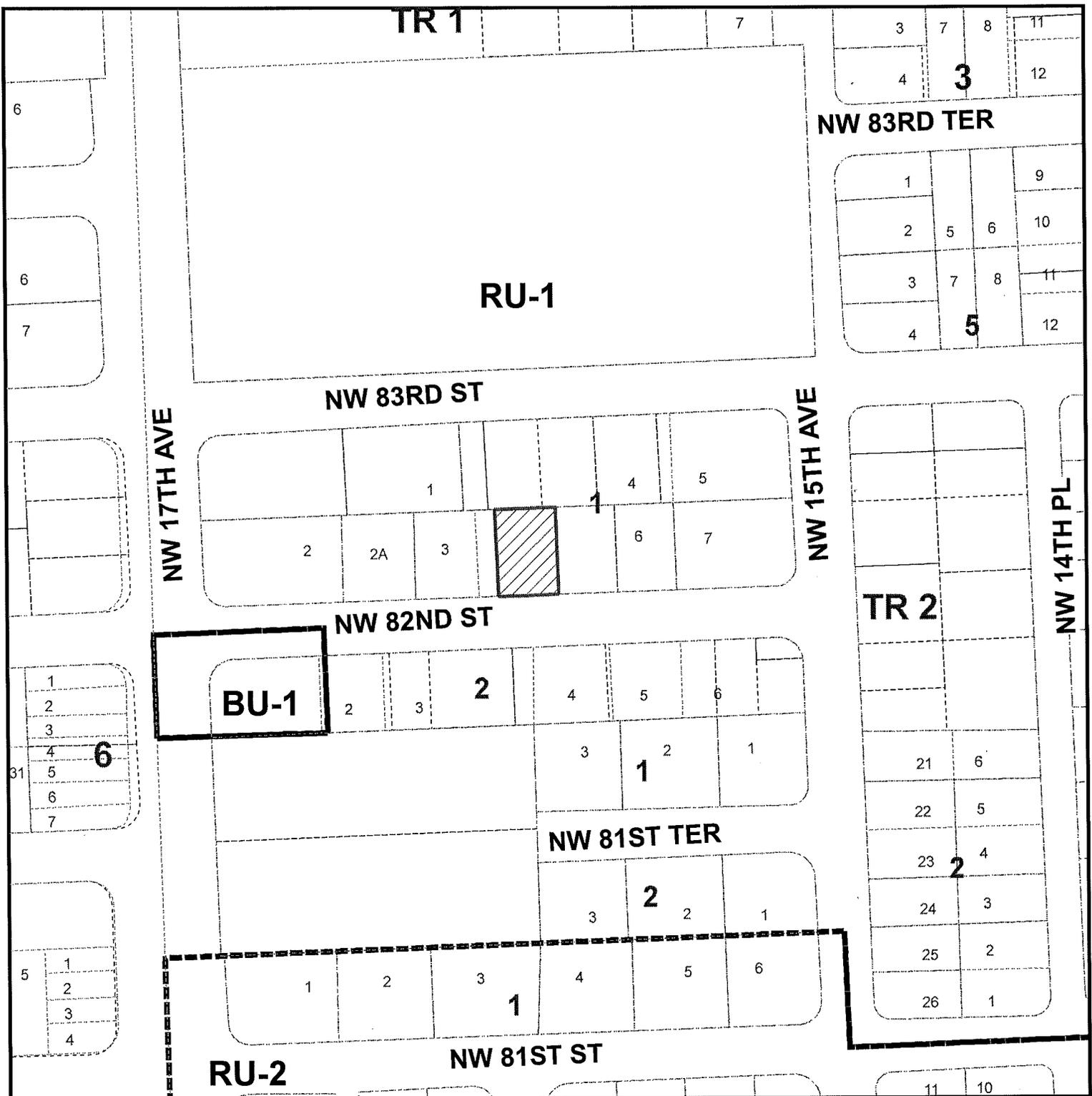
REVISIONS:

DATE: 02/27/10

SHEET NO.:

A-1

1 of 8



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000025



Section: 11 Township: 53 Range: 41
 Applicant: JOHN LONON
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY
		23



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000025



Section: 11 Township: 53 Range: 41
 Applicant: JOHN LONON
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

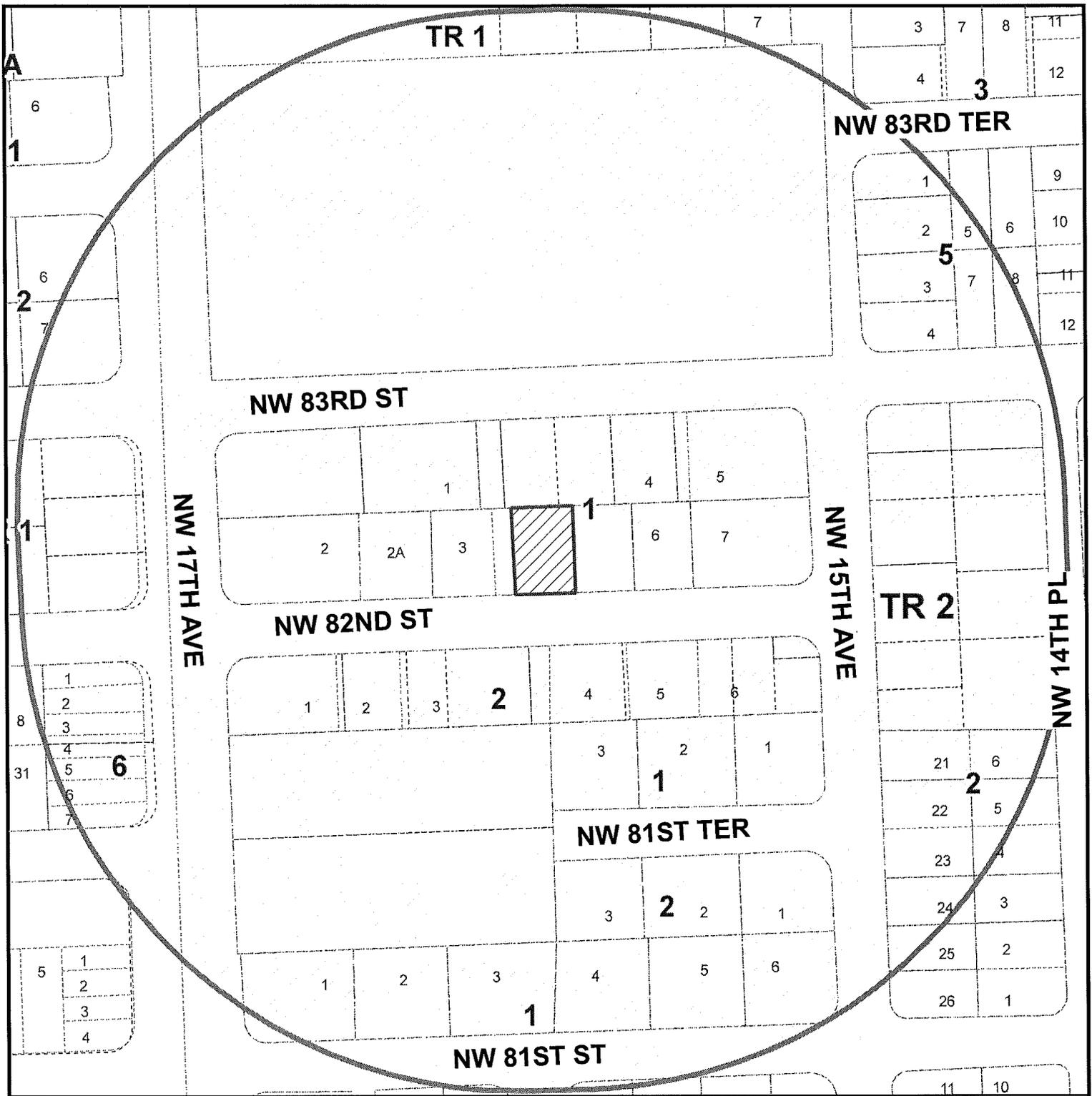
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, March 13, 2013

REVISION	DATE	BY
		24



**MIAMI-DADE COUNTY
RADIUS MAP**

Section: 11 Township: 53 Range: 41
 Applicant: JOHN LONON
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Process Number
Z2013000025
 RADIUS: 500



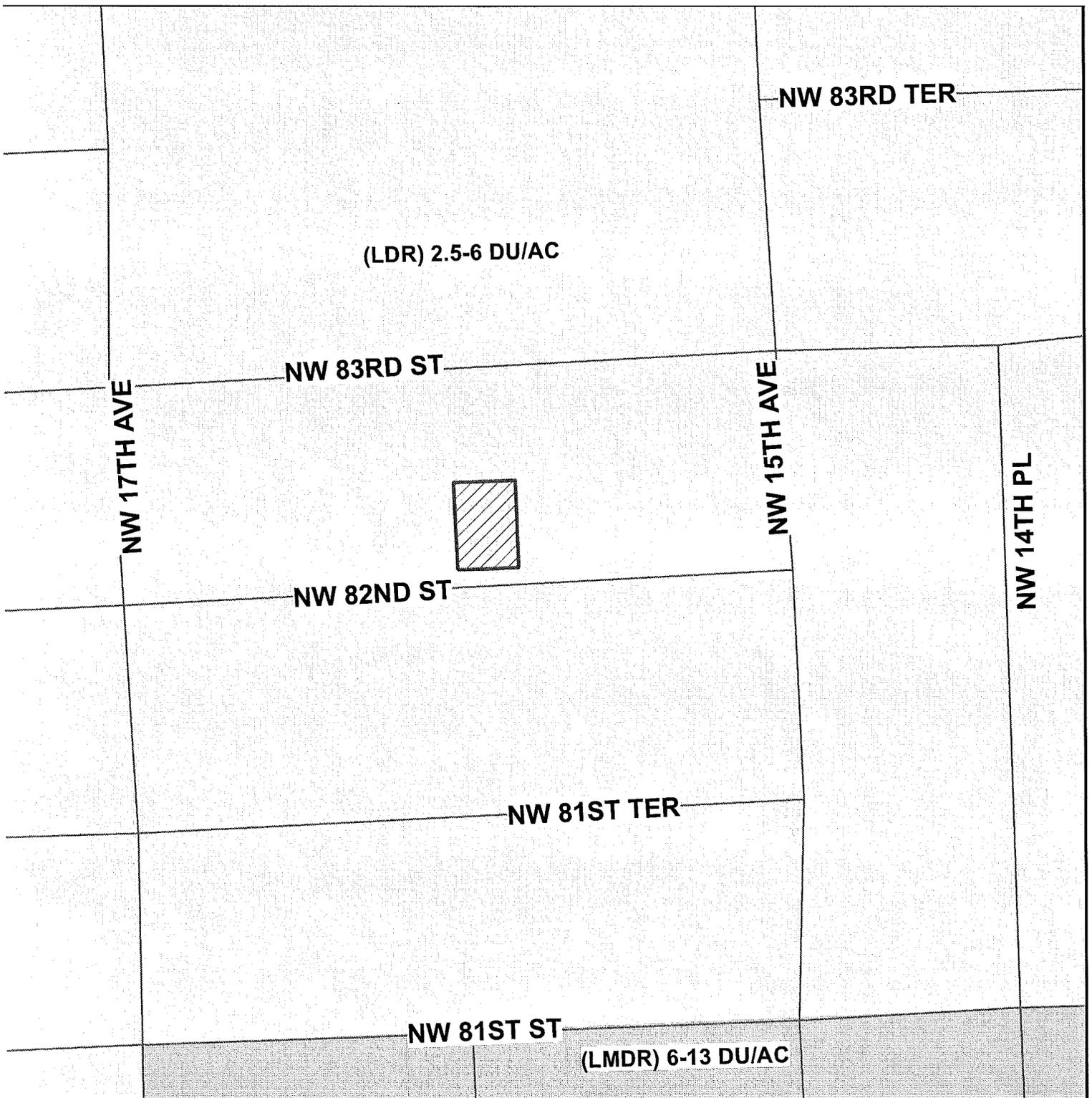
Legend

-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, March 13, 2013

REVISION	DATE	BY
		25



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2013000025



Section: 11 Township: 53 Range: 41
 Applicant: JOHN LONON
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, March 13, 2013

REVISION	DATE	BY

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

PH: Z13-093 (14-02-CZ8-3)

February 26, 2014

Item No. 3

Recommendation Summary	
Commission District	2
Applicants	Elsa & Freddy Gomez
Summary of Requests	The applicants are seeking to permit an existing single-family residence setback less than required from an interior side property line and to permit an existing metal fence within the safe sight distance triangle.
Location	3430 NW 96 Street, Miami-Dade County, Florida.
Property Size	60' X 109.65'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b), Non-Use Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

1. NON-USE VARIANCE to permit an existing single family residence setback a minimum of 3.82' (6' required) from the interior side (west) property line.
2. NON-USE VARIANCE to permit an existing 6' high metal picket fence within 10' of an edge of pavement leading to a right-of-way (2.5' maximum height permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Freddy & Josefina Gomez" as prepared by Rafael Droz-Seda P. E. dated stamped received 10-23-13 consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Existing 1,497 sq. ft. single-family residence.

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

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 3430 NW 96 Street 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 applicants to maintain the existing single-family residence along with the existing 6' metal picket fence located along the front north property line. Staff opines that although existing, the maximum 2.18' encroachment into the west setback area and the 6' metal fence at the front of the property may have a visual impact the properties to the north and west of the subject property.

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 requests 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 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 of the Low Density Residential Communities map of the CDMP LUP map designation.

ZONING ANALYSIS:

When request #1, to permit an existing single family residence setback a minimum of 3.82' (6' required) from the interior side (west) property line is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that the approval of the request 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 similar approvals for interior side setback encroachments in the area. For example, a property located at 8945 NW 33 Avenue Road was approved pursuant to Resolution #CZAB8-50-07 to permit a single-family residence to setback 5' (6' required) from the interior side (southeast) property line, and a property located at 3078 NW 91 Street was approved pursuant to Resolution #CZAB8-2-11 to permit a single-family residence setback 7.06' to 7.25' (7.5' required) from the interior side (east) property line.

Staff notes that a photograph submitted by the applicants indicates a 4' high chain link fence along the interior side west property line. Staff opines that said fence will not adequately buffer the 2.18' encroachment into the interior side west setback area. Therefore, staff recommends as a condition for approval of request #1 that the applicants install a 6' high wall, opaque fence or hedge along the interior side (west) property line to mitigate the visual impact.

Additionally, based on the configuration of the floor plans, staff opines that future owners could easily convert the residence into additional residential units. Staff notes that the submitted site plans indicate the removal and blockage of an exterior door to the play room on the west interior side of the property. Therefore, staff also recommends as an additional condition for approval that the aforementioned changes indicated in the submitted plans be completed prior to final permit approval and that the applicants proffer a Declaration of Use restricting the subject

property to a single-family residence. Therefore, staff recommends approval with conditions of request #1 under Section 33-311(A)(4)(b), the Non-Use variance (NUV) standards.

When request #2, to permit an existing 6' high metal picket fence (2.6' required) within the safe sight distance triangle is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that the approval of the request will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the area. Staff's research indicates that a property located at 10002 N.W. 31 Court was approved pursuant to Resolution #CZAB8-40-06 to permit an existing 6' high metal picket fence within the safe sight distance triangle. In addition, the Platting and Traffic Review Section of RER does not object to the request to permit the fence in the safe sight distance triangle. Therefore, staff recommends approval with conditions of request #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards.

Based on the aforementioned analysis, staff recommends approval with conditions of requests #1 and #2 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:

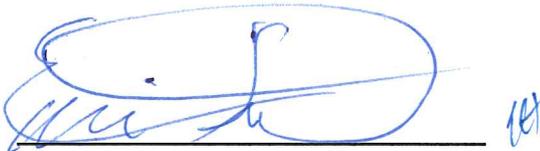
Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the 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, "Freddy & Josefina Gomez" as prepared by Rafael Droz-Seda P. E. dated stamped received 10-23-13 consisting of 3 sheets. Except as herein modified to show the removal and blockage of an exterior door to the play room on the west interior side of the property
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants 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.

5. 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.
6. That the exterior door for the playroom be blocked and replaced by an ingress/egress window prior to final permit approval.

ES:MW:NN:CH:EJ



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

ZONING RECOMMENDATION ADDENDUM

Elsa & Freddy Gomez
Z13-093

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
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
Public Works and Solid Waste	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

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

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

14-2-CZ8-3 (13-093)
Area 08/District 02
Hearing Date: 02/26/14

Property Owner (if different from applicant) **Elsa Josefina & Freddy Gomez.**

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>
1948	Margeret Rawlins	- Zone change.	BCC	Approved
1952	Ric Mar Builders	- Minimum Lot Area.	BCC	Approved

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

Memorandum



Date: November 21, 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 #Z2013000093
Elsa Josefina Gomez & Freddy Gomez
3430 NW 96th Street
Non-Use Variance to permit less setback than required.
(RU-1) (0.16 Acres)
04-53-41

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

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 does not lie 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. 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 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. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded and the property is connected to public water. In accordance with the Code, the minimum lot size for a single family residence or duplex served by public water and a septic tank shall be 15,000 square feet (gross) or 20,000 square feet (gross), respectively.

Stormwater Management

The requested 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 Wetlands 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 for the non use variance to permit fewer setbacks than required will not impact tree resources. 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 Resource

Memorandum



Date: January 10, 2014

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: Z2013000093
Name: Elsa Josefina & Freddy Gomez
Location: 3430 NW 96 Street
Section 04 Township 53 South Range 41 East

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 3, Block 9 of Plat Book 53, Page 32.

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: November 21, 2013

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

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

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

Subject: Elsa Josefina and Freddy Gomez (13_093)

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: November 18, 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: Z2013000093: ELSA JOSEFINA & FREDDY GOMEZ

Application Name: ELSA JOSEFINA & FREDDY GOMEZ

Project Location: The site is located at 3430 NW 96 ST, Miami-Dade County.

Proposed Development: The request is for approval for a setback less than required for an existing single residence.

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: 13-NOV-13
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department
Subject: Z2013000093

Fire Prevention Unit:

APPROVAL:

- No objection to the site plan with an October 23, 2013 Zoning Department received date.

Service Impact/Demand

Development for the above Z2013000093
located at 3430 NW 96 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0674 is proposed as the following:

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

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

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 26 - Opa Locka - 3190 NW 119 Street
Rescue, ALS 75' Ladder,

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: 18-NOV-13

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

ELSA JOSEFINA & FREDDY
GOMEZ

3430 NW 96 ST, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2013000093

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. Prior case 201204003945 opened on February 28, 2013 and a citation was issued. Affidavit of compliance September 6, 2013. CVN electronically closed on September 14, 2013 and case closed on October 25, 2013.

Elsa Josefina

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

REPORTER NAME:



RECEIVED

OCT 23 2013

213-093

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

BY

PC





RECEIVED
OCT 23 2013 213-093

ZONING HEARINGS SECTION
MIAMI DADE PLANNING AND ZONING DEPT
BY _____

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OCT 23 2013

213-0093

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

BY

PC

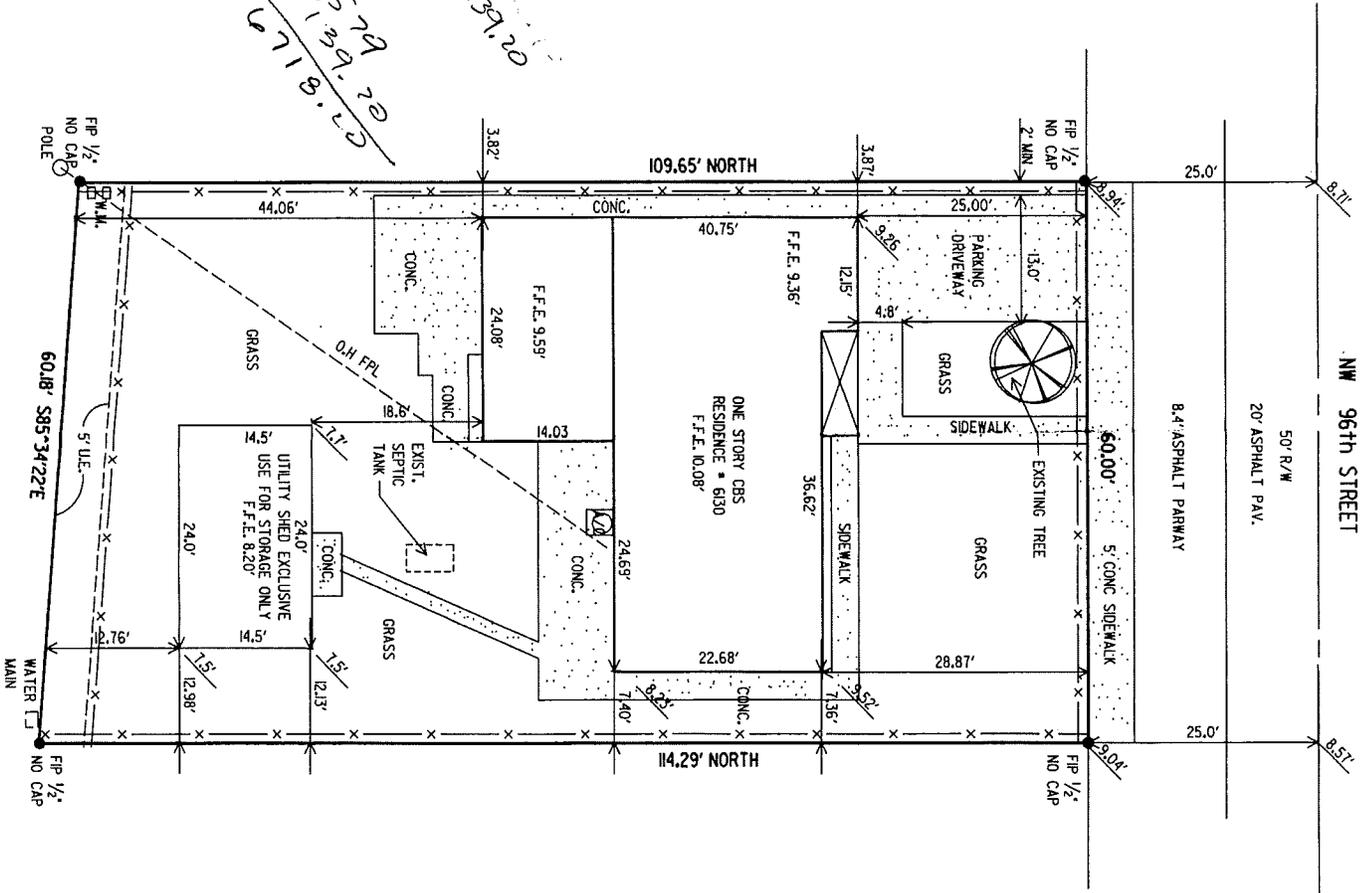


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PROPOSED NET LOT	
BUILDING STORAGE	
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IMPERVIOUS TOTAL INF	
GREEN A	
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FRONT SET	
SIDE SET	
REAR SET	
UTM	
BETWEEN SIDE SET	
REAR SET	

ENLARGED SITE PLAN

213-093
RECEIVED
OCT 23 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY *fw*



Handwritten calculations:
 $114.29 \times 2 = 228.58$
 $109.65 \times 2 = 219.30$
 $228.58 - 219.30 = 9.28$
 $9.28 \times 10 = 92.8$
 $92.8 + 60 = 152.8$

PROPOSAL SITE PLAN
SCALE 1" = 10'



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number

Z2013000093



Section: 04 Township: 53 Range: 41
 Applicant: ELSA JOSEFINA & FREDDY GOMEZ
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

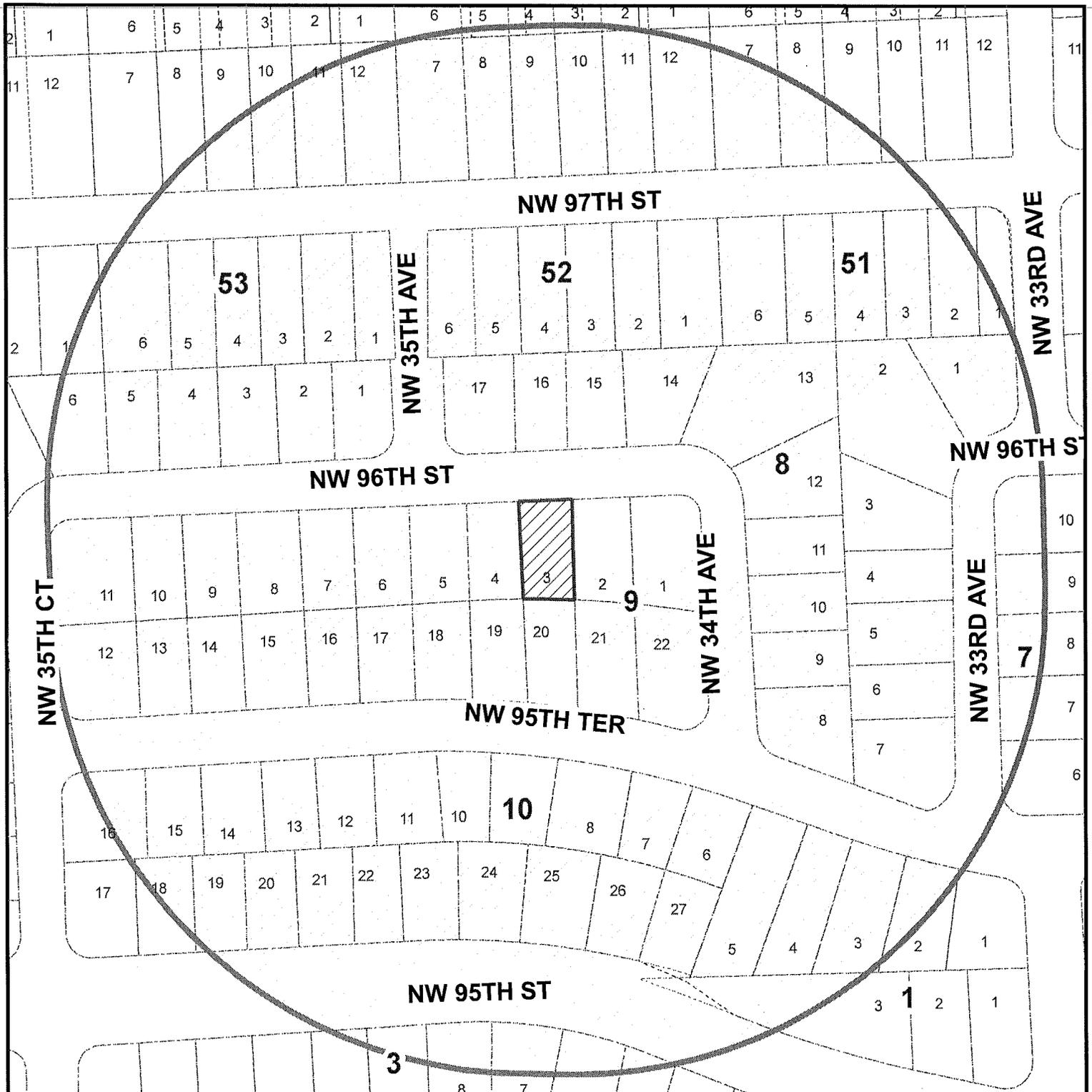
Legend

 Subject Property



SKETCH CREATED ON: Wednesday, October 30, 2013

REVISION	DATE	BY
		23



**MIAMI-DADE COUNTY
RADIUS MAP**

Process Number
Z2013000093

RADIUS: 500



Section: 04 Township: 53 Range: 41
 Applicant: ELSA JOSEFINA & FREDDY GOMEZ
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

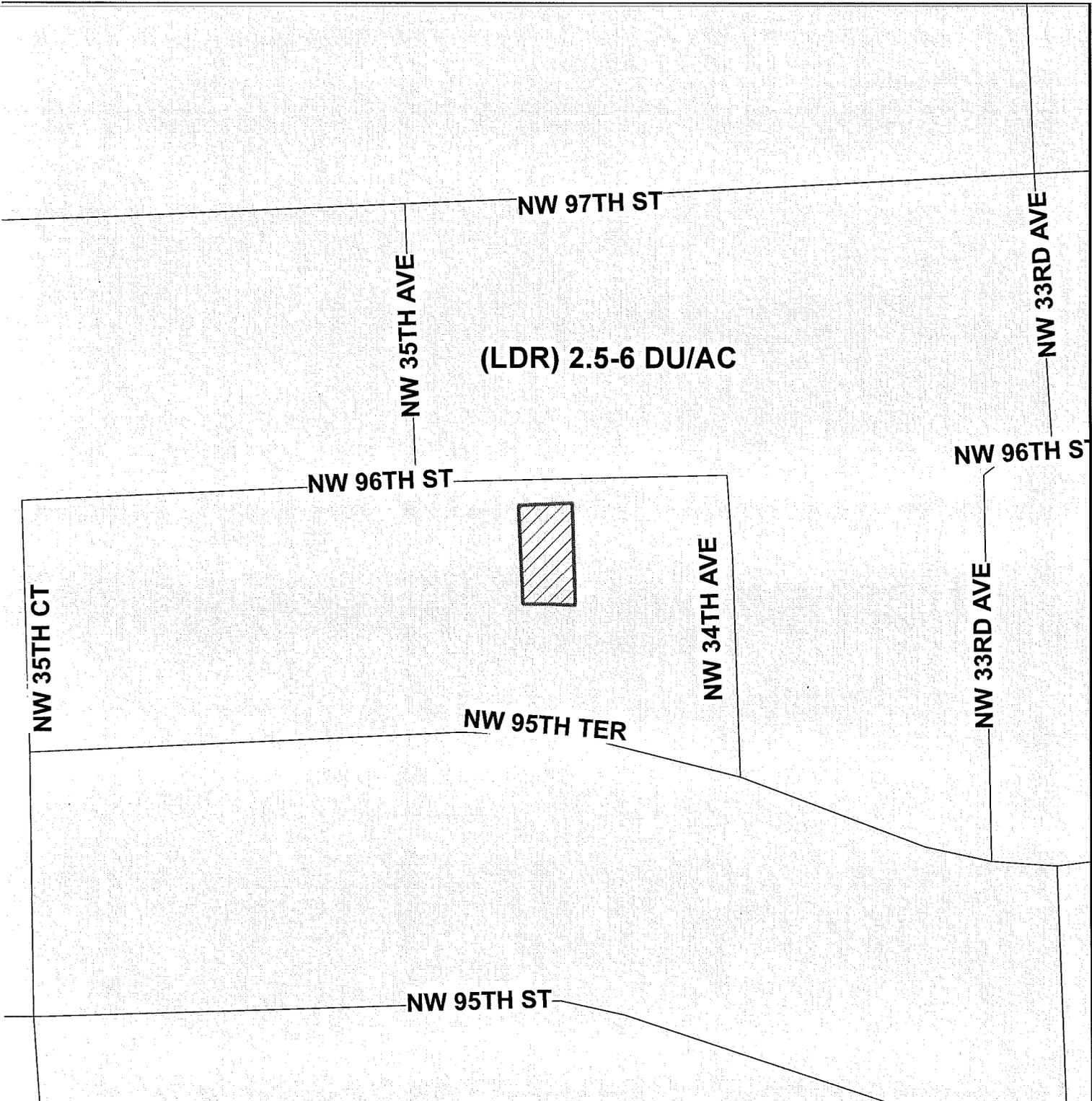
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-  Subject Property
-  Buffer



SKETCH CREATED ON: Wednesday, October 30, 2013

REVISION	DATE	BY
		24



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000093



Section: 04 Township: 53 Range: 41
 Applicant: ELSA JOSEFINA & FREDDY GOMEZ
 Zoning Board: C8
 Commission District: 2
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY