

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-36-04**

*WHEREAS*, **DRI, INC.** applied to Community Zoning Appeals Board 14 for the following:

- (1) EU-1 to EU-M
- (2) To permit 2 proposed lots with 112.5' of frontage (120' required).

Upon a demonstration that the applicable standards have been satisfied, request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Site Plan", as prepared by DRI, Inc. dated received 2/4/04.

SUBJECT PROPERTY: Lot 1, Block 3, DUKE ESTATES, Plat book 116, Page 86.

LOCATION: The Northeast corner of S.W. 127 Avenue and S.W. 195 Terrace, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the request for a district boundary change (Item #1), and to permit 2 proposed lots with 112.5' of frontage (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB14-22-04, and

*WHEREAS*, **DRI, INC.** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) EU-1 to EU-M
- (2) Applicant is requesting to permit 2 proposed lots with 112.5' of frontage (120' required).

Upon a demonstration that the applicable standards have been satisfied, request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Site Plan", as prepared by DRI, Inc. dated received 2/4/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 1, Block 3, DUKE ESTATES, Plat book 116, Page 86.

LOCATION: The Northeast corner of S.W. 127 Avenue and S.W. 195 Terrace, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 14 should be overruled, and that the requested district boundary change to EU-M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request to permit 2 proposed lots with 112.5' of frontage (Item #2) would be in harmony with the general purpose and intent of the

regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

*WHEREAS*, a motion to grant the appeal, to overrule the decision of Community Zoning Appeals Board 14, approve Item #1, approve #2 as a non-use variance was offered by Commissioner Dennis C. Moss, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	absent	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye
Chairperson Barbara M. Carey-Shuler			aye

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and the decision and the decision of Community Zoning Appeals Board 14 is overruled.

*BE IT FURTHER RESOLVED* that requested that the requested district boundary change to EU-M be and the same is hereby approved.

*BE IT FURTHER RESOLVED* that requests to permit 2 proposed lots with 112.5' of frontage (Item #2) be and the same is hereby approved as a non-use variance, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Site Plan," as prepared by DRI, Inc., dated received 2/4/04.
3. That the use be established and maintained in accordance with the approved plan.

*BE IT FURTHER RESOLVED* that Resolution No.CZAB14-22-04 is hereby null and void.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 21<sup>st</sup> day of October, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-7-CZ14-2  
ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida  
By **KAY SULLIVAN**  
Deputy Clerk

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 30<sup>TH</sup> DAY OF NOVEMBER, 2004.**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-36-04 adopted by said Board of County Commissioners at its meeting held on the 21<sup>st</sup> day of October, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 30<sup>th</sup> day of November, 2004.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175

IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145

ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223

ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106

ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

December 1, 2004

DRI, Inc.  
c/o Errol Duncan  
8935 SW 163 Terrace  
Miami, Florida 33157

Re: Hearing No. 04-7-CZ14-2  
Location: The Northeast corner of S.W. 127 Avenue  
and S.W. 195 Terrace, Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-36-04, adopted by the Board of County Commissioners, which approved your appeal and reversed the decision of Community Zoning Appeals Board 14 on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required

on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **November 30, 2004**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosure