

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-5-06

WHEREAS, **EMILIO GARCELL** applied to Community Zoning Appeals Board 14 for the following:

Applicant is requesting to permit a single-family residence on a lot with an area of 7.78 gross acres (40 gross acres required).

Upon a demonstration that the applicable standards have been satisfied, approval of this request 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).

A plan is on file and may be examined in the Zoning Department entitled "Proposed Legalization Residence for: Mr. & Mrs. Emilio & Caridad Garcell," as prepared by Miami Engineering Co. consisting of 1 sheet and dated stamped received 2/9/05. Plan may be modified at public hearing.

SUBJECT PROPERTY: The north ½ of the NE ¼ of the SW ¼ of the NE ¼ and the south ½ of the south ½ of the SE ¼ of the NW ¼ of the NE ¼ all in Section 15, Township 55 South, Range 38 East.

LOCATION: 12350 & 12400 S.W. 199 Avenue, Miami-Dade County, 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 to permit a single-family residence on a lot with an area of 7.78 gross acres 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 said application was approved by Resolution No. CZAB14-46-05, and

WHEREAS, THE DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

Applicant is requesting to permit a single-family residence on a lot with an area of 7.7 gross acres (40 gross acres required).

Upon a demonstration that the applicable standards have been satisfied, approval of this request 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).

A plan is on file and may be examined in the Zoning Department entitled "Proposed Legalization Residence for: Mr. & Mrs. Emilio & Caridad Garcell," as prepared by Miami Engineering Co. and dated 2/8/05. Plan may be modified at public hearing.

SUBJECT PROPERTY: The north ½ of the NE ¼ of the SW ¼ of the NE ¼ and the south ½ of the south ½ of the SE ¼ of the NW ¼ of the NE ¼, all in Section 15, Township 55 South, Range 38 East.

LOCATION: 12400 S.W. 199 Avenue, Miami-Dade County, 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, 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 made by the Director of the Department of Planning and Zoning were sufficient to merit a reversal of the decision and that the appeal should be approved and that the decision of Community Zoning Appeals Board 14 should be overruled, and that the request to permit a single-family residence on a lot with an area of 7.7 gross acres would not meet the standards of the alternative site development option zoning regulation, and would not promote the objectives of creative urban design, infill development and redevelopment and/or preservation and enhancement of property values, and would contravene the public interest standards enumerated in such regulation,

with the result that the public interest would not be served by the underlying zoning district regulations and that the CDMP would not be commensurately served, and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to grant the appeal, overrule the decision of Community Zoning Appeals Board 14, and deny the application without prejudice was offered by Commissioner Dennis C. Moss, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Dorrin D. Rolle	aye
Audrey M. Edmonson	aye	Natacha Seijas	absent
Carlos A. Gimmenez	aye	Katy Sorenson	absent
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye
Chairperson Joe A. Martinez		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 of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED that the request to permit a single-family residence on a lot with an area of 7.7 gross acres be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-46-05 is hereby null and void.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 23rd day of February, 2006, 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. 05-7-CZ14-7

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **KAY SULLIVAN**
Deputy Clerk

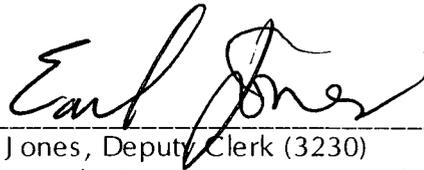
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 8TH DAY OF MARCH, 2006.

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 HERE BY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-5-06 adopted by said Board of County Commissioners at its meeting held on the 23rd day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 8th day of March, 2006.



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

SEAL





Department of Planning and Zoning
 Stephen P. Clark Center
 111 NW 1st Street • Suite 1210
 Miami, Florida 33128-1902
 T 305-375-2800

miamidade.gov

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- Finance
- Fire Rescue
- General Services Administration
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- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning**
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

March 9, 2006

Emilio Garcel
 C/o Bridget Adams
 100 S.E. 3rd Avenue, 23rd Fl
 Fort Lauderdale, Florida 33394

Re: Hearing No. 05-7-CZ14-7
 Location: 12400 S.W. 199 Avenue,
 Miami-Dade County

Dear Applicant:

Enclosed herewith is Resolution No. Z-5-06, adopted by the Board of County Commissioners, which granted the appellant's appeal and denied your application without prejudice.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is March 8, 2006.

Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, 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