RESOLUTION NO. CZAB14-10-06

WHEREAS, **ROYD LEMUS & RAQUEL LAU** applied for the following:

(1) AU to BU-1A

(2) Applicants are requesting to waive the zoning regulations requiring a 5′ high masonry wall where a business lot abuts EU zoned property, along the rear (west) and interior side (south) property lines.

(3) Applicants are requesting to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit the uses in an unenclosed structure.

(4) UNUSUAL USE to permit outdoor dining.

(5) Applicants are requesting to waive the zoning requirements requiring Krome Avenue to be 180′ in width; to permit 50′ of dedication (90′ required) on the west side of Krome Avenue adjacent to the subject property.

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

(6) Applicants are requesting to permit 51 parking spaces (75 required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2, 3 & 5 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #6 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) 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 "Redland Market," as prepared by Rocco J. Ceo, consisting of 3 sheets and dated stamped received 9/21/05.

SUBJECT PROPERTY: The north 330′ of the east ¾ of the SE ¼ of Section 12, Township 56 South, Range 38 East, less the west 1,686.68′ thereof, being subject to an ingress-egress easement across the north 35′ thereof.

LOCATION: The Southwest corner of S.W. 177 Avenue & S.W. 208 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County 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 at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-1A (Item #1) 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 that the requested unusual use (Item #4) and the requests to waive the zoning regulations requiring a 5′ high masonry wall where a business lot abuts EU zoned property, along the rear (west) and interior side (south) property lines (Item #2), and to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit the uses in an unenclosed structure (Item #3), and the requests to waive the zoning requirements requiring Krome Avenue to be 180′ in width; to permit 50′ of dedication on the west side of Krome Avenue adjacent to the subject property (Item #5) or in the alternative, to permit 51 parking spaces (Item #6) would not be compatible with the area and its development 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 that the requested unusual use (Item #4) would have an adverse impact upon the public interest and should be denied, and

WHEREAS, a motion to deny the entire application with prejudice was offered by Dawn Lee Blakeslee, seconded by Samuel L. Ballinger, and upon a poll of the members present the vote was as follows:

Samuel L. Ballinger	aye	Rose L. Evans-Coleman	absent
Wilbur B. Bell	nay	Don Jones	absent
Dawn Lee Blakeslee	aye	Curtis Lawrence	nay
Dr. Pat Wade	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to BU-1A (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED, that the requested unusual use (Item #4), and the requests to waive the zoning regulations requiring a 5′ high masonry wall where a business lot abuts EU zoned property, along the rear (west) and interior side (south) property lines (Item #2), to waive the zoning regulations requiring all uses to be conducted within completely enclosed buildings or within an area completely enclosed with walls; to permit the uses in an unenclosed structure (Item #3), to waive the zoning requirements requiring Krome Avenue to be 180′ in width; to permit 50′ of dedication on the west side of Krome Avenue adjacent to the subject property (Item #5) or in the alternative, to permit 51 parking spaces (Item #6) be and the same are hereby denied with prejudice.

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.

PASSED AND ADOPTED this 12th day of April, 2006.

Hearing No. 06-3-CZ14-2
ls

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, 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 Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-10-06 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of April 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 2nd day of May, 2006.

Luis Salvat, Deputy Clerk (2678)
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

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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

May 2, 2006

Royd Lemus & Raquel Lau
c/o Juan Mayol, Jr.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

Re: Hearing No. 06-3-CZ14-2 (05-144)
Location: Southwest corner of S.W. 177 Avenue (Krome Ave), And S.W. 208 Street, Miami-Dade County, Florida

Dear Mr. Mayol:

Enclosed herewith is Resolution No. CZAB14-10-06 adopted by Miami-Dade County's Community Zoning Appeals Board 14, which denied with prejudice your clients' request for a district boundary change to BU-1A and related variances on the above location.

Please note that the 14-day window for appealing the Board's decision to the Board of County Commissioners has now expired. To find out if any aggrieved party filed an appeal on this matter, please call the Zoning Hearings office at (305) 375-2640.

Cordially,

Lou Salvat
Deputy Clerk

Enclosure

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Empowerment Trust
Enterprise Technology Services
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Historic Preservation
Homeless Trust
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

April 18, 2006

Royd Lemus & Raquel Lau
c/o Juan Mayol, Jr.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

Re: Hearing No. 06-3-CZ14-2 (05-144)
Location: Southwest corner of S.W. 177 Avenue (Krome Ave), And S.W. 208 Street, Miami-Dade County, Florida

Dear Mr. Mayol:

As you know, Miami-Dade County's Community Zoning Appeals Board 14, at their meeting of April 12, 2006, denied with prejudice your clients' request for a district boundary change to BU-1A and related variances on the above location. Said approval will be memorialized in Resolution No. CZAB14-10-06, scheduled to be released on or about May 2, 2006.

If your clients intend to appeal the Board's decision to the Board of County Commissioners, be advised that the 14 calendar days for filing appeals begin on the date following the date of posting of the Board's dispositions on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The posting date is April 17, 2006.

For additional information regarding appeals before the Board of County Commissioners, please contact the Zoning Hearings office at the address shown above or call (305) 375-2640.

Cordially,

Lou Salvat
Deputy Clerk

Enclosure