

RESOLUTION NO. Z-4-11

WHEREAS, **RENE MIGUEL VALDEZ** had applied to Community Zoning Appeals

Board 10 for the following:

- (1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

- (2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21.

LOCATION: 2425 S.W. 82 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 10 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 10 that the requested district boundary change to RU-5A (Item #1), or in the alternative, the requested use variance to permit RU-5A uses in the RU-1 zone (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 that said application was denied by Resolution No. CZAB10-62-06, and

WHEREAS, **RENE MIGUEL VALDEZ** had appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

- (1) RU-1 to RU-5A

OR IN THE ALTERNATIVE:

- (2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G. J. R. Architects, consisting of 2 sheets, dated 4/22/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 4, Block 8, CORAL WAY HOMESITES, Plat book 46, Page 21 AND THE SOUTH ½ OF ALLEY LYING NORTH AND ADJACENT PER R-941-74.

LOCATION: 2425 S.W. 82 Avenue, 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 the Metropolitan Dade County Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-62-06 and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, and

WHEREAS, **RENE MIGUEL VALDEZ** appealed the decision of the Board of County Commissioners to the 11th Judicial Circuit Court in and for Miami-Dade County, Florida, (Appellate Division Case No. 07-304 AP), and

WHEREAS, pursuant to a mandate dated March 31, 2008, the 11th Judicial Circuit Court made a ruling to reverse the decision of the Board of County Commissioners in resolution Z-6-07 and remanded the case to the Board for approval of the application, and...

WHEREAS, **RENE MIGUEL VALDEZ** applied for the following:

- (1) RU-1 TO RU-5A.

OR IN THE ALTERNATIVE:

- (2) USE VARIANCE to permit RU-5A uses in the RU-1 zone.

Plans are on file and may be examined in the Zoning Department entitled "Proposed RU-5A Zoning For: Rene Miguel Valdez," as prepared by G.J.R., Architects, consisting of 2 sheets, dated 11/18/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 4, Block 8 and S ½ of Alley Lyg N. & Adj. Per R-941-74, CORAL WAY HOMESITES, Plat book 46, Page 21.

LOCATION: 2425 S.W. 82 Avenue, 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 at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by G.J.R. Architects entitled, "Proposed RU-5A Zoning for Rene Miguel Valdes," dated stamped received November 18, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part hereof ("Site Plan").
2. That Parking space #10 in the Site Plan shall have 5 feet of aisle end back-out, and all landscaping and fences shall comply with safe-site distance triangle requirements.
3. That the Property shall be used as an architect's office or for any uses allowed pursuant to the underlying RU-1 zoning regulations.

WHEREAS, said cause having been remanded to the Board of County Commissioners by the Circuit Court, was advertised and a public hearing was held, and in compliance with the Court's remand, it is the opinion of this Board that the requested use variance to permit RU-5A uses in the RU-1 zone (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 would be consistent with the Comprehensive Development Master Plan, and that the requested district boundary change to RU-5A (Item #1) 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 proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to approve Item #2 and to deny Item #1 without prejudice was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Barbara J. Jordan	absent
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	absent	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Rebecca Sosa	aye
Audrey M. Edmonson	absent	Sen. Javier D. Souto	aye
Sally A. Heyman	aye	Xavier L. Suarez	aye
		Joe A. Martinez	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that that the requested use variance to permit RU-5A uses in the RU-1 zone (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, parking, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed RU-5A Zoning for the hearing entitled "Proposed RU-5A Zoning for Rene Miguel Valdes," as prepared by G.J.R. Architects, consisting of 2 sheets, dated stamped received 11/18/05, except as herein modified to show a 5' high wood fence in lieu of the chain link fence along the interior side (north and south) property lines and rear (east) property line.
3. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
4. That the use be established and maintained in accordance with the approved plan.
5. That the applicant comply with all applicable conditions and requirements of the Public Works Department.
6. That the applicant install a 5' high wood fence along the interior side (north and south) property lines and the rear (east) property line. Said fence shall be installed prior to final zoning inspection for the proposed addition.
7. That the use be restricted to an architect's office only, pursuant to the proffered covenant.

BE IT FURTHER RESOLVED that Resolutions No. CZAB10-62-06 and Z-6-07 are 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 and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 23rd day of June, 2011, 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. 06-10-CZ10-2
ej

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

By DIANE COLLINS
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 6TH DAY JULY, 2011.

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-4-11 adopted by said Board of County Commissioners at its meeting held on the 23rd day of June, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 6th day of July, 2011.



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

July 7, 2011

miamidade.gov

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- 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
- Vicaya Museum And Gardens
- Water & Sewer

Rene Miguel Valdez
c/o Jeffery Flanagan
1450 Madruga Avenue, Suite 407
Coral Gables, Florida 33146

Re: Hearing No. 06-10-CZ10-2
Location: 2425 S.W. 82 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-4-11, adopted by the Board of County Commissioners, which accepted your proffered Declaration of Restrictions, approved your appeal, reversed the decision of Community Zoning Appeals Board 10, approved Item #2 and denied Item #1 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 stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please 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, in as much 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 **July 6, 2011**. 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:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

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

Sincerely,

Earl Jones
Deputy Clerk

Enclosure