

RESOLUTION NO. Z-42-85

The following resolution was offered by Commissioner Beverly B. Phillips, seconded by Commissioner Clara Oesterle, and upon poll of members present the vote was as follows:

Barbara M. Carey	aye	Barry D. Schreiber	aye
Clara Oesterle	aye	Sherman S. Winn	absent
Beverly B. Phillips	aye	Jorge (George) Valdes	absent
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, ROBERT AND JACQUELINE KOGER, had applied for the following:

- (1) A district boundary change from AU (Agricultural) to RU-5A (Semi-Professional Offices and Apartments) (on Parcels "A" and "B")
- (2) USE VARIANCE to permit the maintenance and continued use of an existing sod business and florist shop on Parcel "A" (N/ly parcel).
- (3) USE VARIANCE to permit the maintenance and continued use of a plant nursery on Parcel "B" (S/ly parcel).
- (4) NON-USE VARIANCE OF ZONING REGULATIONS requiring all buildings to be enclosed, to waive same to permit the existing plant nursery to be operated from 5 open Quonset huts (Parcel B).
- (5) NON-USE VARIANCE OF ZONING REQUIREMENTS to permit 6 parking spaces to be on turf blocks (hard surface required).
- (6) DELETION of Condition #1 of Resolution Z-174-81, passed and adopted by the Board of County Commissioners on the 16th day of July, 1981 as follows:

"1. That the Southbound driveway on 87th Avenue at the intersection of 76th Street be widened to 45 feet in accordance with the recommendations of Mr. Eugene Simm, director of the Department of Traffic and Transportation; that said widening be accomplished within ninety (90) days from the date of this resolution."

The purpose of the request is to allow the applicant to relocate said truck exit onto S.W. 87th Avenue (Galloway Road) to the southernmost area of the property.

- (7) NON-USE VARIANCE OF SIGN REGULATIONS to permit the maintenance and continued use of a 32 sq. ft. detached sign and a proposed 72 sq. ft. detached sign (none permitted).
- (8) NON-USE VARIANCE OF ZONING REGULATIONS which requires a 5' high wall along the south property line, to waive same to permit a proposed 6' high chain link fence in lieu thereof.

A site plan is on file and may be examined in the Zoning Department entitled "Parker Sod Retail", as prepared by Koger Architectural Group, and dated last revised 2-13-85. Landscape plans entitled "Parker Sod Retail", dated revised 2/13/85 are also on file.

SUBJECT PROPERTY: Parcel A: Tract 33 of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1, Page 84 in Section 33, Township 54 South, Range 40 East less the south 450' and less the right-of-way as described in Official Records Book 9451, Page 1178.

AND:

Parcel B: The north 111' of the south 450' of Tract 33 of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1, Page 84 in Section 33, Township 54 South, Range 40 East less the right-of-way.

LOCATION: 7600 and 7650 S.W. 87 Avenue (Galloway Road), and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant proffered a Declaration of Restrictions to the effect that the property will be developed substantially in accordance with the plan submitted for the hearing, restricting the uses to which the property can be put, and agreeing to erect a row of Arica palms at the request of neighboring property owners to the west and 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 RU-5A would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved and that the requested use-variances, non-use variances and deletion of Condition #1 of Resolution Z-174-81 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 should be approved, subject to conditions and that the proffered Declaration of Restrictions should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-5A be and the same is hereby approved and said property is hereby zoned accordingly;

BE IT FURTHER RESOLVED that the requested use variances, non-use variances and deletion of Condition #1 of Resolution Z-174-81 be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with those submitted for the hearing entitled "Parker Sod Retail", as prepared by Koger Architectural Group, and dated last revised 2-26-85, and the landscape plans entitled "Parker Sod Retail", dated revised 2/26/85.
3. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy. That the five foot wide landscaped area northerly of the six foot high wall buffering the parking area on the northwest corner of the property be landscaped in accordance with the plans submitted. That the seven foot and ten foot wide landscaped area between the proposed parking area and S.W. 87 Avenue be planted and maintained in lush landscaping. That the area between the west property line and the two proposed sheds be suitably landscaped to act as a buffer over the wall for the westerly adjacent property owner.

4. That the five bins on the westerly side of the new (south) property area be used only for dry storage of non-organic materials and that the height of said storage not exceed the height of the westerly property line wall.
5. That particular attention be given to the maintenance of the quonset hut covering so that the same does not become discolored or unsightly; that the same shall be replaced or upgraded at the request of the Department if it has been determined that the same has become visually objectionable, or, when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the structure covering has become visually objectionable, the same shall be removed.
- 6. That the sign be non-electric and any illumination be from ground spotlights; that the sign be limited to 15' in height.
7. That the use be established and maintained in accordance with the approved plan.
8. That all conditions of Resolution Z-175-80 and Z-174-81, except as are herein modified, remain in full force and effect.
9. That the applicant apply for and secure proper permits for any illegally erected structures within 30 days of the final disposition of this application.
10. That the existing gate along S.W. 76 Street will be setback an additional 25' from its present location.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictions and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 7th day of March, 1985.

November, 1984
No. 84-11-CC-16
mr
3/12/85

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners
on the 20th day of March 1985.

#86

RESOLUTION NO. Z-174-81

The following resolution was offered by Commissioner William G. Oliver, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Harvey Ruvin	aye
Clara Oesterle	absent	Barry D. Schreiber	aye
William G. Oliver	aye	Ruth Shack	aye
Beverly B. Phillips	absent	Stephen P. Clark	aye
James F. Redford, Jr.	aye		

WHEREAS, JACQUELINE P. KOGER had applied for the following:

TO DELETE Condition #5 of Resolution Z-175-80 passed and adopted by the Board of County Commissioners on the 17th day of July, 1980, and reading as follows:

"That the western portion of S.W. 76 Street be restricted to no trucks."

Purpose of the request is to permit applicant to use the western portion of S.W. 76 Street for ingress and egress of trucks.

SUBJECT PROPERTY: Tract 33 of Section 33, Township 54 South, Range 40 East, of DADE COUNTY DEVELOPMENT CO. SUBDIVISION, Plat book 1 Page 84, less the South 450' and less the right-of-way as described in Official Records Book 9451, Page 1778.

LOCATION: 7600 S.W. 87 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested deletion of Condition No. 5 of Resolution Z-175-80 would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance and denied the request without prejudice, and

WHEREAS, Jacqueline P. Koger, the applicant, appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance a hearing was held by this Board, and after reviewing the record and decision of the Zoning Appeals Board 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 for the reversal of the ruling made by the Zoning Appeals Board were sufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board be and the same is hereby overruled and the requested deletion of Condition No. 5 of Resolution

Z-175-80, adopted by this Board on July 17, 1980, be and the same is hereby approved, subject to the following conditions:

1. That the Southbound driveway on 87th Avenue at the intersection of 76th Street be widened to 45 feet in accordance with the recommendations of Mr. Eugene Simm, Director of the Department of Traffic and Transportation; that said widening be accomplished within ninety (90) days from the date of this resolution.
2. That all of the conditions of previous resolutions, except as herein modified, shall remain in full force and effect.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution..

PASSED AND ADOPTED this 9th day of July, 1981.

May, 1981
No. 81-5-30
vp
7/16/81

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 16th day of July, 1981.

RESOLUTION NO. Z-175-80

The following resolution was offered by Commissioner William G. Oliver, seconded by Commissioner Clara Oesterle, and upon poll of members present the vote was as follows:

Barbara M. Carey	nay	Harvey Ruvin	nay
Clara Oesterle	aye	Barry D. Schreiber	absent
William G. Oliver	aye	Ruth Shack	aye
Beverly B. Phillips	aye	Stephen P. Clark	nay
James F. Redford, Jr.	absent		

WHEREAS, JACQUILINE PARKER KOGER AND PEGGY PARKER TYRRELL have applied for the following:

- (1) USE VARIANCE to permit an architect's office in the AU zone as would be permitted in the RU-5A zone, in conjunction with a landscape business, and as indicated on plans submitted for the hearing.
- (2) NON-USE VARIANCE OF ZONING REGULATIONS requiring that the building to be erected be of masonry construction without store fronts or display windows; to waive same to permit the proposed building to be of a geodesic dome design and of concrete construction up to the tie beam (approximately 4' above slab) with the dome constructed of wood.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS limiting the building height to 24' above finished grade; to waive same to permit the proposed building with an overall height of 25' 9/16".
- (4) NON-USE VARIANCE OF ZONING REGULATIONS requiring a decorative masonry wall at least 5' in height along all interior property lines; to waive same to permit a 6' high chain link fence along the interior side (south) property line to within 80' of the front (east) property line; and to delete the required wall in its entirety along said 80' as indicated in the plans submitted for the hearing.

Plans of the proposed building are on file and may be examined in the Zoning Department entitled " Rev. to Site Plan - Jackie's Parker Sod" prepared by Robert Koger, Architect, consisting of 3 pages dated 7-16-79 last revised 12-17-79.

SUBJECT PROPERTY: Tract 33, DADE COUNTY DEVELOPMENT COMPANY SUBDIVISION, of Section 33, Township 54 South, Range 40 East, Plat book 1, Page 84, less the south 450' and less right-of-way.

LOCATION: 7600 S.W. 87 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested use variance and non-use variances of zoning regulations 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 approved the requests, subject to conditions, and

WHEREAS, Jose A. Hurtado and Emiliano Rodriguez, had appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning

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ZONING HEARING FILE

Procedure Ordinance a hearing was held by this Board, and after reviewing the record and decision of the Zoning Appeals Board 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 for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board be and the same is hereby sustained and the requested use variance and non-use variances be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, 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 "Rev. to Site Plan - Jackie's Parker Sod" prepared by Robert Koger, Architect, consisting of 3 pages, dated last revised 12-17-79.
3. That the applicant submit to the Building and Zoning and Planning Departments for their review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
4. That the use be established and maintained in accordance with the approved plan.
5. That the western portion of SW 76 Street be restricted to no trucks.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 17th day of July, 1980.

Heard January, 1980
No. 80-1-36
vp
8/15/80

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND REED
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 25th day of August, 1980.

RESOLUTION NO. 4-ZAB-138-80

#77

The following resolution was offered by Mrs. Thelma Damewood, seconded by Mrs. R. Jollivette Frazier upon poll of members present, the vote was as follows:

Thelma Damewood	aye	Margaret C. Nelson	nay
Jose A. Losa	nay	Betty S. Page	aye
Lillian Dickmon	nay	Murray Sisselman	absent
R. Jollivette Frazier	aye	Edward G. Coll, Jr.	aye
Peter Goldring	aye		

WHEREAS, JACQUILINE PARKER KOGER AND PEGGY PARKER TYRRELL have applied for the following:

- (1) USE VARIANCE to permit an architect's office in the AU zone as would be permitted in the RU-5A zone, in conjunction with a landscape business, and as indicated on plans submitted for the hearing.
- (2) NON-USE VARIANCE OF ZONING REGULATIONS requiring that the building to be erected be of masonry construction without store fronts or display windows; to waive same to permit the proposed building to be of a geodesic dome design and of concrete construction up to the tie beam (approximately 4' above slab) with the dome constructed of wood.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS limiting the building height to 24' above finished grade; to waive same to permit the proposed building with an overall height of 25' 9/16".
- (4) NON-USE VARIANCE OF ZONING REGULATIONS requiring a decorative masonry wall at least 5' in height along all interior property lines; to waive same to permit a 6' high chain link fence along the interior side (south) property line to within 80' of the front (east) property line; and to delete the required wall in its entirety along said 80' as indicated in the plans submitted for the hearing.

Plans of the proposed building are on file and may be examined in the Zoning Department entitled " Rev. to Site Plan - Jackie's Parker Sod" prepared by Robert Koger, Architect, consisting of 3 pages dated 7-16-79 last revised 12-17-79.

SUBJECT PROPERTY: Tract 33, DADE COUNTY DEVELOPMENT COMPANY SUBDIVISION, of Section 33, Township 54 South, Range 40 East, Plat book 1, Page 84, less the south 450' and less right-of-way.

LOCATION: 7600 S.W. 87 Avenue, Dade County, Florida.

Whereas, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested Use Variance and Non-use Variances of Zoning Regulations 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested Use Variance to permit an architect's office in the Au zone and Non-Use Variances of Zoning Regulations be and the same are hereby approved, subject to the following conditions:

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ZONING HEARING FILE

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, 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 "Rev. to Site Plan - Jackie's Parker Sod" prepared by Robert Koger, Architect, consisting of 3 pages, dated last revised 12-17-79.
3. That the applicant submit to the Building and Zoning and Planning Departments for their review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
4. That the use be established and maintained in accordance with the approved plan.
5. That the western portion of SW 76 Street be restricted to no trucks.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 9th day of April, 1980.

Heard 4/9/80
No. 80-1-36
4/18/80
aa

*new plan by
2-42-85*

*deleted by
2-17-81*