

RESOLUTION NO. CZAB10-7-13

WHEREAS, **AN-PE ENTERPRISES, LLC.** applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from RU-5A to RU-3M.
- (2) NON-USE VARIANCE to permit a lot frontage 89.88' (100' required).
- (3) NON-USE VARIANCE to permit parking spaces within 25' of the official right-of-way line (not permitted).
- (4) NON-USE VARIANCE to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees; along the North, East and West property lines.

Plans are on file and may be examined in Department of Regulatory and Economic Resources entitled "Proposed 5 Units Apartment Building for AN-PE ENTERPRISES LLC" as prepared by Eusebio M. Mora and dated stamped received 1/17/2012, consisting of 5 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 19 & 20 of Biltmore Manor Subdivision, Plat Book 29, Page 37.

LOCATION: 5725 SW 20 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County 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

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, 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-3M (Item #1) would be consistent with the Comprehensive Development Master Plan and 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 requested non-use variance to permit a lot frontage 89.88' (Item #2), the requested non-use variance to permit parking spaces

within 25' of the official right-of-way line (Item #3), and the requested non-use variance on a modified basis to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along the North and East property lines but to provide additional landscaping including a 6' high wall on the West property line (Item #4) 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

WHEREAS, a motion to approve Items #1, 2, and 3 and approve Item #4 on a modified basis was offered by Julio R. Caceres, seconded by Manuel Valdes, and upon a poll of the members present the vote was as follows:

| | | | |
|------------------|------------------|-------------------|-----|
| Julio R. Caceres | aye | Gerardo Rodriguez | aye |
| Miriam Planas | aye | Toufic Zakharia | aye |
| | | Manuel Valdes | aye |
| | Richard M. Gomez | aye | |

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU-3M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED, that the requested non-use variance to permit a lot frontage 89.88' (Item #2), the requested non-use variance to permit parking spaces within 25' of the official right-of-way line (Item #3), and the requested non-use variance on modified basis to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees; along the North and East property lines and to provide additional landscaping including a 6' high wall on the West property line (Item #4) 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 Miami-Dade County Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed 5 Units Apartment Building for AN-PE ENTERPRISES LLC" as prepared by Eusebio M. Mora and dated stamped received 1/17/2012, consisting of 5 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant provide increased landscaping buffering along the interior side (west) property line to be maintained at a height of 6' in the form of a hedge and buffer trees.
5. That the applicant submit to the Department 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 final zoning inspection.
6. That the applicant comply with all applicable conditions and requirements of the Department of Regulatory and Economic Resources and all other departments as contained in their memoranda pertaining to this application.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 23rd day of April, 2013.

Hearing No. 13-2-CZ10-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-8-13 adopted by said Community Zoning Appeals Board at its meeting held on the 23rd day of April, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 3rd day of May, 2013.



Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Department of Regulatory
and Economic Resources

SEAL





miamidade.gov

Department of Regulatory and Economic Resources

Development Services Division
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Miami, Florida 33128-1902
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May 3, 2013

An-Pe Enterprises, LLC.
c/o Jeffery Flanagan
1450 Madruga Avenue, Suite 407
Coral Gables, Florida 33146

Re: Hearing No. 13-2-CZ10-1
 Location: 5725 SW 20 Street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB10-7-13, adopted by the Miami-Dade County Community Zoning Appeals Board, which **approved your request for a district boundary change to RU-3M (Item #1), approved Item #2 and 3, and approved Item #4 on a modified basis** on the above noted location. Please note the conditions under which said approval was granted, since failure to comply with stipulated conditions, if any, will result in the issuance of civil violation notices requiring payment of daily fines.

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 as appropriate. At time of permit application you must provide a copy of this resolution.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is **April 29, 2012**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Sincerely,

A handwritten signature in black ink that reads "Earl Jones".

Earl Jones
Deputy Clerk

Enclosure