

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 10**

PH: Z14-035 (14-7-CZ10-2)

July 15, 2015

Item No. 2

Recommendation Summary	
Commission District	10
Applicant	Ada C. Perez
Summary of Requests	The applicant is seeking to permit an existing two story addition to a single-family residence and swimming pool with less setbacks than are permitted.
Location	11085 SW 48 Street, Miami-Dade County, Florida.
Property Size	75' x 107'
Existing Zoning	RU-1, Single-family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions.

REQUESTS:

1. NON USE VARIANCE to permit an existing addition to a single family residence setback 7'-1" (25' required) from the rear (north) property line.
2. NON USE VARIANCE to permit an existing pool setback 73.15' (75' required) from the front (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Ada C. Perez Residence" as prepared by Emiliano Orozco P.E. and dated stamped received 12-10-14 consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The submitted site plan shows an existing 2,606 sq. ft. single-family residence with a two-story addition, which encroaches into the rear (north) setback area. In addition, the site plan shows an existing 440 sq. ft. swimming pool in the rear yard area behind the residence.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)
North	RU-1; canal	Low Density Residential (2.5 - 6 dua)
South	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)
East	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)
West	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is in an area characterized by single-family residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to maintain an existing two story addition to single-family residence and swimming pool with less setbacks than is required. Since they are existing, staff opines that approval of the requests would not create any new visual impacts on the area.

CDMP ANALYSIS:

The subject property is designated as **Low Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The approval of the requests sought in this application will legalize the existing rear encroachment of the two story single-family residence into the required setback area, as well as the encroachment of the swimming pool into the front setback area. Staff notes that approval of the requests will not add additional dwelling units to the site beyond what is allowed by the CDMP LUP map and will not change the single-family detached use. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions is **consistent** with the uses allowed under the CDMP Land Use Element interpretive text for Residential Communities, and the Low Density Residential designation of the property on CDMP LUP map.

ZONING ANALYSIS:

The applicant seeks to permit an existing addition to a single family residence setback 7'-1" (25' required) from the rear (north) property line (request #1) and an existing pool setback 73.15' (75' required) from the front (south) property line (request #2).

When analyzing requests #1 and #2 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that the approval of the requests would be **compatible** with the surrounding area. In request #1, staff notes from a survey submitted by the applicant, there is a 6' high wood fence along the rear north property line. Furthermore, aerial photographs of the subject property from the County's Geographical Information System (GIS) indicates that subject residence abuts an approximately 50' wide canal to the north, and is approximately 100' from the residences that are across the canal to the north. As such, staff opines that said wood fence and the spacing from the subject property to the neighboring residences to the north adequately mitigates any negative visual impact the encroachment creates. Furthermore, staff did research of the area and found similar or more intensive approvals for rear setbacks in the surrounding area. Therefore, staff opines that the requested rear setback of the residence is not out of character with other approvals in the area.

However, based on the floor plans submitted by the applicant, staff opines that the existing residence could easily be converted into multiple residential units. As such, staff recommends as a condition for approval that the applicant submits a Declaration of Use restricting the use of the subject property only to a single-family residence prior to the issuance of a building permit.

Staff opines that the request to permit the existing pool encroaching 1.85' into the front (south) setback area (request #2), is minor, and that the approval of same does not have a negative visual impact to the neighboring residence to the south. Additionally, staff notes that the pool is located behind the house and is not visible from the front of the house. Furthermore, staff's research of other zoning approvals in the area, found similar or more intensive approvals than is being requested herein.

Based on the foregoing analysis, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

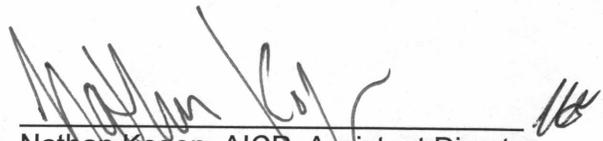
OTHER: N/A

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor 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, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled , "Ada C. Perez Residence" as prepared by Emiliano Orozco P.E. and dated stamped received 12-10-14 consisting of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits a Declaration of Use to the Department of Regulatory and Economic Resources restricting the use of the subject property only to a single-family residence prior to the issuance of a building permit.

NK:MW:NN:CH:EJ



Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Ada C. Perez
Z14-035

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objections
Platting and Traffic Review Section (RER)	No objections
Parks, Recreation and Open Spaces	No objections
Police	No objections
Fire Rescue	No objections
Public Works and Waste Management Department	No objections
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Low-Density Residential (Pg. I-31)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
--	--

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required</i></p>
--	--