

RESOLUTION NO. CZAB12-24-15

WHEREAS, MARIA FANTI applied for the following:

REQUESTS #1 THROUGH #4 ON PARCEL "A"

- (1) NON-USE VARIANCE to permit proposed Parcel "A" with a lot area of 30,359 sq. ft. (43,560 sq. ft. required), a frontage of 50' (125' minimum required) and a lot depth of 160' (200' minimum required).
- (2) NON-USE VARIANCE to permit a lot coverage of 26% (20% maximum permitted).
- (3) NON-USE VARIANCE to permit the proposed building to setback 25' (50' required) from the front (east) property line and setback 25'-5" (25' required) from the rear (west) property line.
- (4) NON-USE VARIANCE of Zoning and Subdivision regulations requiring lot frontage on a public street; to waive same to permit a lot with 0' frontage (125' required) on a public street, and to permit access to a public street by means of a private easement.

REQUESTS #5 THROUGH #7 ON PARCEL "B"

- (5) NON-USE VARIANCE to permit proposed Parcel "B" with a lot area of 37,455 sq. ft. (43,560 sq. ft. required).
- (6) NON-USE VARIANCE to permit a lot coverage of 22.17% (20% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "New Residence for Mr. & Mrs. Doner Garcia" as prepared by Richard Cortes Architect, Sheets A-2, A-3 & A-4 dated stamped received 10/22/14, sheet L-1 dated stamped received 11/6/14, Sheets SP-1, SP-1.2, A-1, A-1.2, A-2.1 & L-1.2 dated stamped received 2/27/15, for a total of 10 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL "A": The North 185' of the following described property: The East ½ of the East ½ of the Southeast ¼ of the SW ¼ of the SE ¼, less the South 50' for right-of-way, all lying and being in Section 27, Township 54 South, Range 40 East. PARCEL "B": The North 185' of the following described property: The West ½ of the east ½ of the SE ¼ of the SW ¼ of the SE ¼, less the South 50' thereof, AND the East 35' of the West ½ of the SE ¼ of the SW ¼ of the SE ¼, less the South 50' thereof, all lying and being in Section 27, Township 54 South, Range 40 East.

LOCATION: Lying approximately 141' South of the SW 69 Terrace, between theoretical SW 79<sup>th</sup> Avenue & SW 79 Court, A/K/A 7001 SW 79<sup>th</sup> Court, MIAMI-DADE COUNTY, FLORIDA, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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*, the applicant had previously submitted revised plans within the scope of the advertisement entitled "New Residence for Mr. & Mrs. Doner Garcia" as prepared by Richard Cortes Architect, with sheets SP-1 & SP-2 dated stamped received 06/19/15, sheets A-1.2, A-2.1 & L-1.2 dated stamped received 02/27/15, sheets A-1, A-2 & L-1 dated stamped received 01/29/15, sheet L-1 dated stamped received 11/6/14 and sheet A-4 dated stamped received 10/22/14 for a total of 10 sheets, 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 NON-USE VARIANCE on Parcel A to permit proposed Parcel "A" with a lot area of 30,359 sq. ft., a frontage of 50' and a lot depth of 160' (Item #1), the NON-USE VARIANCE on Parcel A to permit a lot coverage of 26% (Item #2), the NON-USE VARIANCE on Parcel A to permit the proposed building to setback 25' from the front (east) property line and setback 25'-5" from the rear (west) property line (Item #3), the NON-USE VARIANCE on Parcel A of Zoning and Subdivision regulations requiring lot frontage on a public street; to waive same to permit a lot with 0' frontage on a public street, and to permit access to a public street by means of a private easement (Item #4), the NON-USE VARIANCE on Parcel B to permit proposed Parcel "B" with a lot area of 37,455 sq. ft. (Item #5), and the NON-USE VARIANCE on Parcel B to permit a lot coverage of 22.17% (Item #6) 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*, the NON-USE VARIANCE on Parcel A of Zoning and Subdivision regulations requiring lot frontage on a public street; to waive same to permit a lot with 0' frontage on a public street, and to permit access to a public street by means of a private easement (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 meet the public interest criteria standards contained Section 28-18 of the Code of Miami-Dade County Florida, and

*WHEREAS*, a motion to approve the application (Items #1 through #6), under Section 33-311(A)(4)(b), was offered by Elliot N. Zack, seconded by Alberto Santana, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Alberto Santana	aye
Javier Gonzalez-Abreu	aye	Angela Vazquez	absent
Matthew Larsh	absent	Elliot N. Zack	aye
	Jose I. Valdes	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 12 that the requested NON-USE VARIANCE on Parcel A to permit proposed Parcel "A" with a lot area of 30,359 sq. ft., a frontage of 50' and a lot depth of 160' (Item #1), the NON-USE VARIANCE on Parcel A to permit a lot coverage of 26% (Item #2), the NON-USE VARIANCE on Parcel A to permit the proposed building to setback 25' from the front (east) property line and setback 25'-5" from the rear (west) property line (Item #3), the NON-USE VARIANCE on Parcel A of Zoning and Subdivision regulations requiring lot frontage on a public street; to waive same to permit a lot with 0' frontage on a public street, and to permit access to a public street by means of a private easement (Item #4), the NON-USE VARIANCE on Parcel B to permit proposed Parcel "B" with a lot area of 37,455

sq. ft. (Item #5), and the NON-USE VARIANCE on Parcel B to permit a lot coverage of 22.17% (Item #6) be and the same are hereby approved, under Section 33-311(A)(4)(b), subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of 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 "New Residence for Mr. & Mrs. Doner Garcia" as prepared by Richard Cortes Architect, with sheets SP-1 & SP-2 dated stamped received 06/19/15, sheets A-1.2, A-2.1 & L-1.2 dated stamped received 02/27/15, sheets A-1, A-2 & L-1 dated stamped received 01/29/15, sheet L-1 dated stamped received 11/6/14 and sheet A-4 dated stamped received 10/22/14 for a total of 10 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. 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 the issuance of a Certificate of Use.
5. That the applicant comply with all applicable conditions and requirements, if applicable, from the Division of Environmental Resources Management (DERM) of (RER) memoranda dated March 16, 2015.
6. That the applicant comply with all applicable conditions and requirements, if applicable from the Platting and Traffic Section of (RER) dated June 29, 2015.

*BE IT FURTHER RESOLVED* that the approval of the non-use variance of subdivision regulations on Parcel A of Zoning requiring lot frontage on a public street; to waive same to permit a lot with 0' frontage on a public street, and to permit access to a public street by means of a private easement (Item #4) is predicated on the following:

- A. That there are special circumstances affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- C. That the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

*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 1<sup>st</sup> day of September, 2015.

Hearing No. 15-6-CZ12-1  
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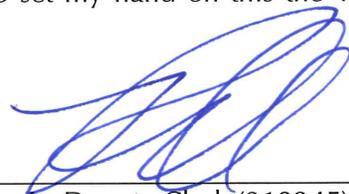
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 17<sup>TH</sup> DAY OF SEPTEMBER, 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, 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 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-24-15 adopted by said Community Zoning Appeals Board at its meeting held on the 1<sup>st</sup> day of September, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17<sup>th</sup> day of September, 2015.



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Rosa Davis, Deputy Clerk (218345)  
Miami-Dade Department of Department of Regulatory  
and Economic Resources

SEAL





Department of Regulatory and Economic Resources  
Development Services Division  
111 NW 1st Street • Suite 111C  
Miami, Florida 33128-1902  
T 305-375-2640  
www.miamidade.gov/economy

September 17, 2015

Maria Fanti  
c/o Richard Cortes  
7700 SW 115 Street  
Pinecrest, FL 33156

Re: Hearing No. 15-6-CZ12-1 (14-048)  
Location: Lying Approximately 141' South of SW 69 Terrace, Between Theoretically SW 79 Avenue & SW 79 Court, AKA 7001 SW 79 CT, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB12-24-15**, adopted by the by the Community Zoning Appeals Board 12, **which approved your application (Items #1 through #6) 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 certificates(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.

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 **September 17, 2015**. 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. 1<sup>st</sup> Street, Suite 2811  
Miami, Florida 33128-1993

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Rosa Davis".

Rosa Davis  
Deputy Clerk

Enclosure