

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 12**

**PH: Z14-048 (15-9-CZ12-A)**

**September 1, 2015**

**Item No. A**

<b>Recommendation Summary</b>	
<b>Commission District</b>	7
<b>Applicants</b>	Maria Fanti
<b>Summary of Requests</b>	The applicant seeks to split the existing 1.5 acre parcel into two lots, with variances to the lot frontage, lot area and lot depth requirements. Additionally, the applicant seeks to permit proposed residences on the parcels with setback less than required from property lines, and with more lot coverage than allowed by the zoning district regulations and to permit access from a public street to a private easement.
<b>Location</b>	Lying approximately 141' south of SW 69 terrace, between theoretical SW 79 Avenue and SW 79 Court AKA 7001 SW 79 Court, Miami-Dade County, Florida.
<b>Property Size</b>	1.5 acres
<b>Existing Zoning</b>	EU-1, Single-Family One Acre Estate District
<b>Existing Land Use</b>	Vacant
<b>2020-2030 CDMP Land Use Designation</b>	Estate Density Residential, 1 to 2.5 dua <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b), Non-Use Variance standards <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions.</b>

The application was deferred from the June 9, 2015 hearing of Community Zoning Appeals Board (CZAB) #12 to allow the applicant to meet with staff. Subsequently, the application was deferred from the July 7, 2015 meeting of CZAB #12, with leave to amend to add an additional request.

**REQUESTS:**

**REQUESTS #1 THROUGH  
#4 ON PARCEL "A"**

1. NON-USE VARIANCE to permit proposed Parcel "A" with an area of 30,359 (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 23'-25" (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 AND 6 ON PARCEL "B"

5. NON-USE VARIANCE to permit the proposed Parcel "B" with an area of 37,455 sq. ft. (43,560 sq. ft. required).
6. NON-USE VARIANCE to permit a proposed 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, 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. Plans may be modified at public hearing.

**PROJECT DESCRIPTION:**

In the July 2015 hearing, the application was deferred by the Board to allow an additional request created from the revision of the site plan showing access to the proposed residence on Parcel "A" through a private easement.

The subject property has a gross area of 69,056 sq. ft. (1.5 acres). The applicant seeks to subdivide the subject property into two (2) parcels (Parcel "A" and "B"). The site plan shows Parcel A with a proposed 7,896 sq. ft. single-family residence and Parcel B with a proposed 7,277 sq. ft. single-family residence. In addition, the applicant now seeks to vary the subdivision regulations to allow access to one of the parcels through a private easement.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	EU-1; vacant lots	Estate Density Residential (1 to 2.5 dua)
<b>North</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>South</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>East</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)
<b>West</b>	EU-1; single-family residence	Estate Density Residential (1 to 2.5 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is zoned EU-1, Single-Family One Acre Estate District, and lying approximately south of SW 69 Terrace, between theoretical SW 79 Avenue and SW 79 Court. The area surrounding the subject property is primarily characterized by single-family residences developed under the EU-1 zoning district regulations.

### **SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to provide additional housing in this section of the County. However, approval of the requests could have a visual impact on the surrounding properties.

### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. Approval of these requests would result in the construction of two (2) single-family residential units on the 1.5-gross acre parcel, which meets the density threshold of the land use designation. Staff opines that because this application does not propose a use different from those allowed in this land use category, approval of the requests on Parcels "A" and "B" would be **consistent** with the uses allowed under the Estate Density Residential Land use category text and the density threshold of CDMP Estate Density Residential Communities LUP map designation.

### **ZONING ANALYSIS:**

The applicant has submitted a revised site plan on June 19, 2015, which shows the access to Parcel "A" through a proposed private access from SW 79 Court instead of from SW 70 Street. At the July 9, 2015 hearing, the Board deferred the application with leave to amend to add an additional variance pertaining to the change in access. Said variance is to permit Parcel "A" of the subject property with the reduced frontage and to permit access to a public street by means of a private easement (request #4), which was created by the revised site plan.

Requests #1 through #4 are related to Parcel A, and staff opines that approval of these requests would be **compatible** with the surrounding area for the reasons stated below. Staff was strongly opposed to the prior plans, which, with the reduced frontage, lot depth and lot area on Parcel A (request #1), showed a driveway access from the parcel at the intersection of SW 79 Avenue and SW 70 Street. As noted at that time, the Platting and Traffic Review Section indicated in its memorandum that this access drive would have a negative impact on the aforementioned roadways, SW 70 Street and SW 79 Avenue. As such, staff opined that the combined effect of the variances of lot size, lot frontage on Parcel A, with this driveway access, would have been too intensive and would be detrimental to the surrounding residential community. For the reasons stated herein, staff is supportive of the revised plans, which show access to Parcel A by a private easement drive that runs through Parcel "B", from SW 79 Court.

Staff's research of prior zoning approvals in this area indicated that other properties were approved for similar requests for variances of lot area and lot depth as being currently sought in request #1. Similarly, staff opines that approval of the requests for reduced lot coverage (request #2) and reduced setbacks (request #3) on Parcel "A", would not have a major visual impact on the surrounding residences that are located on parcels that vary in size from approximately 33,000 sq. ft. (.75-acres) to 99,000 sq. ft.. Further, staff opines that the approval of these variances in requests #1 through #3, would not be out of character with other approvals of lot area, lot coverage and lot depth in this area. Staff opines that the proposed private easement to Parcel "A" from SW 79 Court, which is the subject of request #4, sufficiently reduces any impact on traffic on the abutting roadways (SW 79 Avenue and SW 70 Street), which previously, staff opined could have had a detrimental effect on the surrounding area. Although the request advertised a variance for zero feet of frontage, staff notes that the actual

frontage being proposed on Parcel "A" is 50'. Therefore, although the proposed development of two (2) separate residential sites with the variances being requested herein on both parcels could be deemed to be more intensive than that allowed by the EU-1 zoning district regulations, staff opines that the greatest negative impact from the prior plans would have been the impact on vehicular and pedestrian traffic along SW 70 Street and SW 79 Avenue, and that potential impact would be mitigated, in staff's opinion, by the proposed private easement in the revised plans. In light of this, staff opines that the approval of the requests on Parcel "A" would be **compatible** with the surrounding residential parcels developed under the EU-1 zoning district regulations. **Staff therefore, recommends approval with conditions of requests #1 through #3, under the Non-Use Variance standards, Section 33-311(A)(4)(b).**

In analyzing requests on Parcel "B" to permit a lot area of 37,455 sq. ft. (43,560 sq. ft. required) (request #5) and to permit a proposed lot coverage of 22.17% (20% maximum permitted) (request #6), under the Non-Use Variance (NUV) Standards, staff opines that these requests are contingent on the approval of requests #1 through #4 on Parcel "A", of which for the reasons stated above, staff has recommended approval. Staff notes that the proposed lot area and lot coverage (requests #5 and #6) on this parcel (Parcel "B"), is similar to that being requested on Parcel "A" to the west. Therefore, staff opines that approval of the requests would not be detrimental to the neighboring property or with the surrounding area. As such, staff opines that these requests for Parcel B are inextricably intertwined with the requests on Parcel A and that approval of the application would maintain the basic intent of the zoning, subdivision and other land use regulations, and would be **compatible** with surrounding area. **Staff therefore, recommends approval with conditions of requests #4 and #5 under the Non-Use Variance standards, Section 33-311(A)(4)(b).**

**Based on the foregoing analysis, staff recommends that the application be approved with conditions under the NUV Standards, Section 33-311(A)(4)(b).**

**ACCESS, CIRCULATION AND PARKING:** Not applicable.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

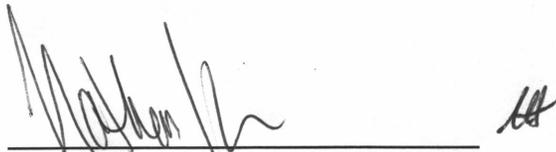
**RECOMMENDATION:** Approval with conditions.

**CONDITIONS FOR APPROVAL:**

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.

NK:MW:NN:JV:EJ



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

# ZONING RECOMMENDATION ADDENDUM

Applicant: Maria Fanti  
PH: Z14-048

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Division of Environmental Resource Management (RER)	*No objection
Platting and Traffic Review Section (RER)	*No objection
Parks	No objection
Fire Rescue	No objection
Police	No comment
Public Works and Waste Management Department	No comment
Schools	No comment
*Subject to conditions in their memorandum.	

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

<b>Estate Density Residential (Pg. I-31)</b>	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential use. This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.</i>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b>	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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>
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