RESOLUTION NO. CZAB12-6-15

WHEREAS, RICARDO & LILIANA DEL CUETO applied for the following:

(1) NON-USE VARIANCE of zoning regulations requiring accessory buildings and uses to be located behind the front building line of the principal residence; to waive same to permit a garage/guest house in front of the principal residence and setback 15'-3" (20' required) from the interior side (east) property line and setback 25' (75' required) from the front (north) property line on dual frontage lot.

(2) NON-USE VARIANCE of zoning regulations requiring accessory buildings and uses to be located behind the front building line of the principal residence; to waive same to permit a proposed swimming pool setback 67'-3" (75' required) from the front (north) property line and be located in front of the residence on a dual frontage lot.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Residence for Ricardo & Lilian Del Cueto" as prepared by Burgos Lanza Architects & Planners, dated stamped received 8/6/14 and consisting of 8 sheets. Plans may be modified at public hearing.

LOCATION: 9490 SW 99 Street, 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 it was noted that the applicant had previously submitted revised plans within the scope of the advertisement entitled "Proposed Residence for Ricardo & Lilian Del Cueto" as prepared by Burgos Lanza Architects & Planners, sheets A1.01 and A1.02 date stamped received February 2, 2015 consisting of 2 sheets and sheets A2.01, A2.02, A2.04, A3.01, A3.02, and A3.03 date stamped received August 6, 2014 and consisting of 6 sheets, and

WHEREAS, the applicant further requested permission to revise the application on a modified basis, amending a portion of Item #1 to permit a setback of 17'6" from the interior side (east) property line in lieu of the requested 15'-3" and a setback of 35' from the front (north) property line in lieu of the requested 25', and further amending a portion of Item #2

to permit a proposed swimming pool setback of 77' 4" from the front (north) property line in lieu of the requested 67'-3" setback, 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 of zoning regulations requiring accessory buildings and uses to be located behind the front building line of the principal residence to waive same, on a modified basis, to permit a garage/guest house in front of the principal residence and setback 17'6" from the interior side (east) property line and setback 35' the front (north) property line on dual frontage lot (Item #1), and the NON-USE VARIANCE of zoning regulations requiring accessory buildings and uses to be located behind the front building line of the principal residence; to waive same, on a modified basis, to permit a proposed swimming pool setback 77'4" from the front (north) property line and be located in front of the residence on a dual frontage lot (Item #2) 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 that the revised plan entitled "Proposed Residence for Ricardo & Lilian Del Cueto" as prepared by Burgos Lanza Architects & Planners, sheets A1.01 and A1.02 date stamped received February 2, 2015 consisting of 2 sheets and sheets A2.01, A2.02, A2.04, A3.01, A3.02, and A3.03 date stamped received August 6, 2014 and consisting of 6 sheets should be accepted, and

WHEREAS, a motion to approve Item #1, on a modified basis, and Item #2, on a modified basis, as described above was offered by Angela Vazquez, seconded by Matthew Larsh, and upon a poll of the members present, the vote was as follows:

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

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 of zoning regulations requiring accessory buildings and uses to be located behind the front building line of the principal residence to waive same, on a modified basis, to permit a garage/guest house in front of the principal residence and setback 17'6" from the interior side (east) property line and setback 35' the front (north) property line on dual frontage lot (Item #1), and the NON-USE VARIANCE of zoning regulations requiring accessory buildings and uses to be located behind the front building line of the principal residence; to waive same, on a modified basis, to permit a proposed swimming pool setback 77'4" from the front (north) property line and be located in front of the residence on a dual frontage lot (Item #2) 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 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, "proposed residence for Ricardo & Lilian Del Cueto" as prepared by Burgos Lanza architects & planners, sheets A1.01 and A1.02 date stamped received February 2, 2015 consisting of 2 sheets and sheets A2.01, A2.02, A2.04, A3.01, A3.02, and A3.03 date stamped received August 6, 2014 and consisting of 6 sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicants install and maintain a hedge along the interior side (east) setback area abutting the garage/guest house, not less than 3' high at the time of planting, which shall grow to and be maintained at a minimum height of 6,' in accordance with Section 33-11(h) of the County Code.

5. That the applicants comply with the safe sight distance triangle for the entrances to north and south of the subject property at the time of permitting.

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 3rd day of March, 2015.

Hearing No. 15-1-CZ12-1
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THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1ST DAY OF APRIL, 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. CZAB12-6-15 adopted by said Community Zoning Appeals Board at its meeting held on the 3rd day of March, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 1st day of April, 2015.

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

SEAL

ZONING APPEALS BOARD
DADE COUNTY FLORIDA

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

April 1, 2015

Ricardo & Liliana Del Cueto
c/o Carlos Lanza
1248 S. Alhambra Circle
Coral Gables, FL 33146

Re: Hearing No. 14-1-CZ12-3 (14-086)
Location: 9490 SW 99 St, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB12-6-15**, adopted by the by the Community Zoning Appeals Board 12, **which approved Items #1 and #2, as amended at the hearing, 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 **April 1, 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. 1st Street, Suite 2811
Miami, Florida 33128-1993

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

Sincerely,

Rosa Davis
Deputy Clerk

Enclosure