

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

PH: Z14-086 (14-1-CZ12-3)

March 3, 2015

Item No. B

Recommendation Summary	
Commission District	11
Applicants	Ricardo & Liliana Del Cueto
Summary of Requests	The subject application seeks approval to permit a proposed garage/guest house and swimming pool to be located in front of the subject residence on a dual frontage lot, setback less than required from the front and interior side property lines.
Location	9490 SW 99 Street, Miami-Dade County, Florida.
Property Size	.83 acre
Existing Zoning	EU-1, Single-family One Acre Estate District
Existing Land Use	Single-Family Residence
2020-2030 CDMP Land Use Designation	Estate 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.

The application was deferred from the January 6, 2015 hearing of Community Zoning Appeals Board (CZAB) #12 to allow the applicants to meet with the neighbors.

REQUESTS:

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, setback 15'-3" (20' required) from the interior side (east) property line, and setback 25' (75' required) from the front (north) property line on a 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 and dated stamped received 8-6-14 consisting of 8 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: Site plan indicates the development of a new single-family residence with a proposed garage/guest house and a swimming pool on a dual frontage lot.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residence	Estate Density Residential (1 – 2.5 dua)
North	EU-1; single-family residence	Estate Density Residential (1 – 2.5 dua)
South	EU-1; single-family residence	Estate Density Residential (1 – 2.5 dua)
East	EU-1; single-family residence	Estate Density Residential (1 – 2.5 dua)
West	EU-1; single-family residence	Estate Density Residential (1 – 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The .83 acre subject property is an existing single-family residence located at 9490 SW 99 Street. The surrounding area is characterized by EU-1 zoned single-family residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow a proposed garage/guest house setback less than required from the front and interior side property lines on a dual frontage lot. However, approval of the requests could have a visual impact on the surrounding properties.

CDMP ANALYSIS:

The subject property is designated as ***Estate Density Residential*** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *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.* The approval of the requests sought in this application will allow the applicants to develop the property with a proposed garage/guest house and swimming pool on a dual frontage lot. Staff opines that approval of the application will not change the single-family residence use, and therefore, would be **consistent** with the density threshold, and the uses allowed under the Estate Density Residential designation of the property on CDMP LUP map.

ZONING ANALYSIS:

When request #1, to permit a garage/guest house in front of the principal residence, setback 15'-3" (20' required) from the interior side (east) property line and setback 25' (75' required) from the front (north) property line on a dual frontage lot, and request #2, 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 are analyzed 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. Staff notes from the County's Geographic Information System (G.I.S.) that the proposed garage/guest house is located

approximately 134' from the neighboring residence to the north, and the proposed swimming pool is located 242' from said residence. Staff opines that the distance from the proposed garage/guest house and swimming pool to the neighboring residence will mitigate any negative visual impacts from the 50' encroachment of the garage/guest house and the 7.75' encroachment of the swimming pool into the front (north) setback area. Staff notes that the neighboring residence located to the east will not be adjacent to the proposed garage/guest house, and staff opines that the installation of additional landscaping will mitigate any negative visual impacts from the 4.75' encroachment into the interior side (east) setback area on said residence. Therefore, staff recommends as a condition for approval that the applicants install a hedge along the interior side (east) setback area along the property lines abutting the garage.

Staff's research based on the area found similar or more intensive approvals of front and interior setback variances for an accessory building and/or swimming pool, along with requests to permit accessory buildings or swimming pools to be located in front of the principal building on dual frontage lots. For example, a Property located to the southeast at 9350 SW 98 Street was approved pursuant to Resolution #5-ZAB-72-97 to permit a guest house setback 7'-6" from the front (south) property line and a property located to the south at 9445 SW 100 Street was approved pursuant to Resolution #5-ZAB-76-95 to permit a two story guest house setback 25' (75' required) from the front (north) property line. As such, staff opines that requests #1 and #2 are not out of character with prior approvals in the area and therefore, are **compatible** with the residences in the area. **Therefore, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

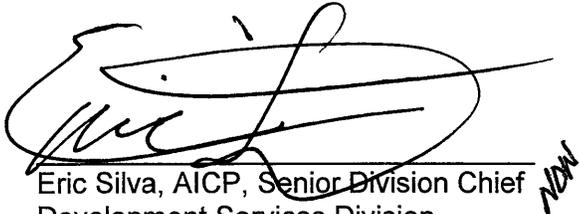
RECOMMENDATION: Approval with conditions.

CONDITION 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, "proposed residence for Ricardo & Lilian Del Cueto" as prepared by Burgos Lanza architects & planners and dated stamped received 8-6-14 consisting of 8 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.

ES:MW:NN:CH:EJ

A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line. To the right of the signature, the initials 'MW' are written vertically.

Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Ricardo & Liliana De Cueto
Z14-086

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

<i>Estate Density Residential (Pg. I-31)</i>	<i>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

<i>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</i>	<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>
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