

RESOLUTION NO. CZAB12-16-15

WHEREAS, J. DAVID & JOAN SCHEINER applied for the following:

- (1) MODIFICATION of condition #2 of Resolution 5-ZAB-8-97, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Boundary Survey," as prepared by Gary B. Castel Surveying, Inc. and dated last revised 2-6-96, as it pertains to the variance related construction. Any future additions on the property which conform to Zoning Code requirements will not require further hearing action."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Residence For the Scheiner Family" as prepared by David Wearne Johnson AIA, with sheets A-1, A-2.1 & A-2 dated stamped received 03/26/15 and the remaining 6 sheets dated stamped received 02/26/15, for a total of 9 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action."

The purpose of request #1 is to allow the applicant to submit a revised site plan showing demolition of the existing residence and construction of a new residence and a coral rock wall with decorative fence on the property.

- (2) NON-USE VARIANCE of zoning regulations requiring fences, rocks and walls not to exceed 2.5' in height when placed within the safe sight distance triangle; to waive same to permit a 5' high decorative fence with coral rock within the safe sight distance triangle.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

SUBJECT PROPERTY: The South 182' of Tract 80 of 2nd AMENDED PLAT OF COCOAPLUM HEIGHTS, PB 1-73, less and excepting therefrom the following described property, to wit: The South 5' of Tract 80 of SECOND AMENDED PLAT OF COCOAPLUM HEIGHTS, PB 1-73, the East 25' of the South 132' of Tract 80 of SECOND AMENDED PLAT OF COCOAPLUM HEIGHTS, PB 1-73 and the external area bounded by the West line of the East 25' of Tract 80 of SECOND AMENDED PLAT OF COCOAPLUM HEIGHTS, PB 1-73 and bounded by the North line of the South 5' of said Tract 80 and bounded by a 25' radius arc concave to the Northwest, said arc being tangent to both of the last described line.

LOCATION: 8180 SW 47 Avenue, 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, 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 MODIFICATION of condition #2 of Resolution 5-ZAB-8-97, passed and adopted by the Zoning Appeals Board (Item #1), and the NON-USE VARIANCE of zoning regulations requiring fences, rocks and walls not to exceed 2.5' in height when placed within the safe sight distance triangle; to waive same to permit a 5' high decorative fence with coral rock within the safe sight distance triangle (Item #2) would be compatible with the area and its development and 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, a motion to approve the application (Items #1 and #2) was offered by Elliot N. Zack, 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	absent	Angela Vazquez	aye
Matthew Larsh	aye	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 MODIFICATION of condition #2 of Resolution 5-ZAB-8-97, passed and adopted by the Zoning Appeals Board (Item #1), and the NON-USE

VARIANCE of zoning regulations requiring fences, rocks and walls not to exceed 2.5' in height when placed within the safe sight distance triangle; to waive same to permit a 5' high decorative fence with coral rock within the safe sight distance triangle (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That all other conditions of Resolution #5-ZAB-8-97 remain in full force and effect, except as herein modified.
2. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources Management of RER as contained in its attached memorandum dated April 28, 2015.

BE IT FURTHER RESOLVED that the requested MODIFICATION of condition #2 of Resolution 5-ZAB-8-97, passed and adopted by the Zoning Appeals Board (Item #1), shall read as follows:

That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "New Residence For the Scheiner Family" as prepared by David Wearne Johnson AIA, with sheets A-1, A-2.1 & A-2 dated stamped received 03/26/15 and the remaining 6 sheets dated stamped received 02/26/15, for a total of 9 sheets. Any future additions on the property which conform to Zoning Code requirements will not require further public hearing action."

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 9th day of June, 2015.

Hearing No. 15-6-CZ12-3
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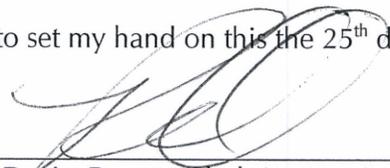
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 24TH DAY OF JUNE, 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

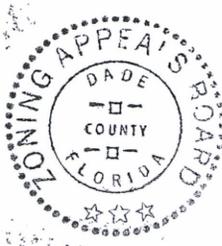
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-16-15 adopted by said Community Zoning Appeals Board at its meeting held on the 9th day of June, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 25th day of June, 2015.



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

SEAL





Department of Regulatory and Economic Resources
Development Services Divisor
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Miami, Florida 33128-1902
T 305-375-264C
www.miamidade.gov/economy

June 25, 2015

J. David & Joan Scheiner
c/o Javier Avino
1450 Brickell Ave, 23rd Floor
Miami, FL 33131

Re: Hearing No. 15-6-CA12-3 (14-094)
Location: 8180 SW 47 Avenue, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB12-16-15**, adopted by the by the Community Zoning Appeals Board 12, **which approved your application (Items #1 and #2) 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 **June 25, 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,

A handwritten signature in blue ink, appearing to read "Rosa Davis", written over a blue circular stamp or seal.

Rosa Davis
Deputy Clerk

Enclosure