



METROPOLITAN DADE COUNTY • FLORIDA

909 SOUTHEAST 1ST AVENUE
BRICKELL PLAZA BUILDING
MIAMI, FLORIDA 33131
TEL: 579-2500

BUILDING AND ZONING DEPARTMENT

May 5, 1981

Eric C. & Phyllis Stoller
8180 Erwin Road
South Miami, Fla. 33143

RE: 81-AV-27 ERIC C. & PHYLLIS STOLLER

Sec. 31 Twp. 54 Rge. 41

LEGAL DESCRIPTION: The south 132.0' of Lot 80, second amended plat of Cocoa-Plum Heights, Plat Book 1, Page 73, Dade County, Florida.

Dear Mr. & Mrs. Stoller :

This department has processed your application for an Administrative Variance consisting of the following:

Variance of setback requirements to permit a pool addition at 8180 Erwin Road, setback 10' (20' required) from the side (N) property line.

Attached is a copy of the report from staff and the Director who recommends approval of your application.

The legal advertisement of your request will be in the Miami Herald on FRIDAY, MAY 8, 1981.

The deadline for receipt of appeals from an aggrieved property owner is MAY 22, 1981. Your variance will become final the following day and you or your contractor may then apply for a permit.

Very truly yours,

Linda G. Itzkoff, Acting Supervisor
Zoning Hearing Section

LGI/yp

cc: Hearing file
Adjacent property owners
Zoning Plans Processing Section
Maps and Plats Section
Enforcement Section (if applicable)

MEMORANDUM

TO J. Ed Bell, Director
Building and Zoning Department

DATE April 22, 1981

FROM Frank C. Richmond
Jerry Proctor
Robert Tedone
Zoning Evaluation Section

SUBJECT ERIC C. & PHYLLIS STOLLER
(81-AV-27)
Application for
Administrative Variance

REQUEST

The above named applicant is seeking administrative approval for a variance of setback requirements to permit a proposed swimming pool addition to an existing single family residence located at 8180 Erwin Road (SW 47 Ave). The pool will setback 10' from the side (north) property line where 20' is required.

IMPACT ON ADJACENT PROPERTIES

The property is a corner lot in this single family (EU-1) area, and all the surrounding properties are developed with single family residences. Owners of the surrounding properties have signed the required waiver form.

Staff inspected the property on April 9, 1981. This area is developed on a large lot basis and the proposed pool will be a considerable distance from the residence to the north. In addition, an existing wood fence and hedging will buffer the pool from the adjacent property. The pool and wood decking will enhance the livability and enjoyment of the property and should be compatible with the surrounding area.

RECOMMENDATION

Based on the review of the plans for the proposed pool and a visit to the property in question, we find the following exists:

1. That the variance will be in harmony with the general appearance and character of the community.
2. That the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
3. That the proposed pool is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant reasonable use of his land.

We therefore, recommend your approval of this request for an Administrative Variance.

FCR:aa

RESOLUTION NO. 5-ZAB-8-97

WHEREAS, PETER & MICHELE DIEL had applied for the following:

- (1) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the existing swimming pool setback 8.11' (20' required) from the interior side (north) property line.
- (2) NON-USE VARIANCE OF ZONING & SUBDIVISION REGULATIONS prohibiting buildings and other structures in a mapped street; to vary same to permit maintenance of an existing stone concrete fence in the official right-of-way of S.W. 47 Avenue, north of S.W. 82 Street and to permit an existing chain link fence in the official right-of-way of S.W. 82 Street.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a section-line right-of-way to be 80' wide; to vary same to permit a right-of-way width of 25' (40' required) on the west side of S.W. 47th Avenue (A/K/A: Erwin Road) for the length of the subject property.
- (4) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit a covered screen terrace to setback 10' (15' required) from the interior side (north) property line.

Plans are on file and may be examined in the Zoning Department entitled "Boundary Survey," as prepared by Gary B. Castel Surveying, Inc. and dated last revised 2-6-96. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south 182' of Tract 80 of SECOND AMENDED PLAT OF COCOAPLUM HEIGHTS, Plat book 1, Page 73; LESS AND EXCEPTING THEREFROM the following described property, to wit:

The south 5' of Tract 80 of SECOND AMENDED PLAT OF COCOAPLUM HEIGHTS, Plat book 1, Page 73; the east 25' of the south 132' of Tract 80 of SECOND AMENDED PLAT OF COCOPLUM HEIGHTS, Plat book 1, Page 73; and the external area bounded by the west line of the east 25' of Tract 80 of SECOND AMENDED PLAT OF COCOAPLUM HEIGHTS, Plat book 1, Page 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 lines.

LOCATION: 8180 Erwin Road, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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 non-use variances of setback requirements (Items #1 and #4) and zoning regulations (Items #2 and #3) 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 that the requested non-use variance of subdivision regulations (Item #2) is justified and would meet the requirements of the Subdivision Code and should be approved, and

WHEREAS, a motion to approve the application was offered by Gerri Fontanella, seconded by Colleen Griffin, and upon a poll of the members present, the vote was as follows:

Frank Colunga	absent	Colleen Griffin	aye
Marcia Cummings-Grayson	absent	Barbara Hardemon	aye
Spencer B. Eig	aye	Eduardo LaCasa	absent
Karen Esty	aye	Dean Oddy	aye
Gerri Fontanella	aye	June Stevens	absent
Wilfredo Calvino, Jr.		aye	

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested application be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of Planning, Development and Regulation, upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, 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 "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 public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants proffer a covenant to the Public Works Department ensuring that the stone concrete fence and chain link fence which encroach into official rights-of-way will be removed by the applicants at the request of the Public Works Director.
5. That the applicant apply for and obtain a building permit and all requisite inspections for the existing stone concrete fence and chain link fence which encroach into the official rights-of-way of S.W. 47th Avenue and S.W. 83 Street, respectively, from the Dade County Department of Planning, Development and Regulation, within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director.
6. That the covered screen terrace not be enclosed in any manner.

BE IT FURTHER RESOLVED that the approval of the non-use variance of

subdivision regulations (Item #2) 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 Dade County Department of Planning, Development and Regulation and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 8th day of January, 1997.

Hearing No. 96-10-21
bn