

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

PH: Z14-094 (15-6-CZ12-3)

June 9, 2015

Item No. 3

Recommendation Summary	
Commission District	7
Applicant	J. David Scheiner and Joan Scheiner
Summary of Requests	The applicants are seeking to permit a modification of a condition of a prior Resolution in order to submit a revised site plan showing demolition of the existing residence and construction of a new residence, and to permit the previously approved coral rock wall, decorative fence within the safe sight distance triangle.
Location	8180 SW 47 Avenue, Miami-Dade County, Florida
Property Size	1.16 Acre
Existing Zoning	EU-1 (Estates 1 Family 1 Acre Gross)
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 <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

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

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 line.

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

PROJECT HISTORY AND DESCRIPTION:

The subject property was previously approved, pursuant to Resolution #5-ZAB-8-97, to permit a pool setback less than required from the interior side (north) property line, to permit an existing stone concrete fence encroaching into the right-of-way, to waive a portion of the right-of-way, and to permit a covered terrace setback less than required from the interior side (north) property line.

The applicants now seek to demolish the existing one-story home and build a new two-story residence, while maintaining the existing coral rock wall with decorative fence within the safe sight distance triangle. The proposed two-story single-family residence will sit on a corner lot in an established single-family residential area and will have two egress/ingress access points along SW 47 Avenue and SW 82 Street.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)
North	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)
South	EU-1; single-family residences	Estate Density Residential, (1 to 2.5 dua)
East	City of Coral Gables; single-family residence	Estate Density Residential, (1 to 2.5 dua)
West	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is surrounded by single-family residences.

SUMMARY OF IMPACT:

The approval of this application would allow the applicants to build a new residence on the lot.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as *Estate Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan's (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map. Approval of these requests would permit the applicants to build a new two-story single-family residence on the 1.16-acre parcel, while maintaining an existing coral rock wall with decorative fence within the safe sight distance triangle. As such, staff notes that the approval of the requests sought in the application will not add additional dwelling units to the site beyond what was previously approved and will not change the single-family residential use. Therefore, staff opines that approval of the application would be **consistent** with the uses allowed under the Low Density Residential land use designation on the CDMP LUP map.

ZONING ANALYSIS:

When request #1 is analyzed under Section 33-311(A)(7), General Modification Standards, staff opines that approval of the same would be **compatible** with the surrounding area for the reasons stated herein. The applicants are seeking approval to modify a previously approved Resolution in order to submit a revised site plan showing a new residence. Staff notes that the proposed two-story single-family residence will sit on a corner lot in an established single-family residential area and will have two egress/ingress access points along SW 47 Avenue and SW 82 Street. Staff opines that the proposed single-family residence is designed and arranged in a manner that would not create materially greater adverse privacy impacts on adjacent residences than what would otherwise be permitted by the underlying district regulations, and the proposed residence is in harmony with the general appearance and character of the subject block face and the block face across the street.

Staff also notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application will not generate any new PM daily peak hour trips, and that this application meets the traffic concurrency criteria for an initial development order. Further, the Division of Environmental Resources Management of RER memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order, as specified in the CDMP for potable water service, wastewater disposal, and flood protection, and the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the proposal will have a negative impact on fire rescue services in the area. Based on the aforementioned memoranda, staff opines that approval of the subject request would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. **For the reasons above, staff recommends approval with a condition of request #1 under Section 33-311(A)(7) Generalized Modification Standards.**

When the request to permit the existing 5' high coral rock wall with decorative fence within the safe sight distance triangle (request #2) is analyzed under the Non-Use Variance (NUV) From Other Than Airport Regulations Standards, Section 33-311(A)(4)(b), staff is of the opinion that approval of same would be **compatible** with the surrounding area and would not be detrimental to the neighborhood. Staff notes that the existing coral rock wall with decorative fence was previously approved, pursuant to Resolution #5-ZAB-8-97, to encroach into SW 47 Avenue right-of-way. In staff's opinion, the requested approval of the entire existing coral rock wall with decorative fence within the safe sight distance triangle does not create any new impact on the vehicles entering or leaving the property or vehicular traffic along this section of SW 47 Avenue, and also adds curb appeal to the subject property. Additionally, staff notes that the Platting and Traffic Review Section of RER does not object to this request. **Therefore, staff recommends approval with a condition of request #2, under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

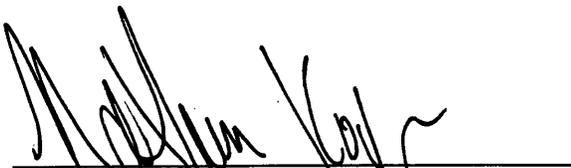
RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

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.

NK:MW:NN:CH:JV



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

ZONING RECOMMENDATION ADDENDUM

J. David Scheiner and Joan Scheiner
Z14-094

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation & Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

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

Estate Density (Pg. I-31)	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. 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></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<p><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></p>
Section 33-311(A)(7) Generalized Modification Standards.	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>