

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to Community Council No. 10**

PH: Z15-010 (15-07-CZ10-3)

July 15, 2015

Item No. 3

<b>Recommendation Summary</b>	
<b>Commission District</b>	6
<b>Applicants</b>	Marcos A and Marcos M Moran
<b>Summary of Requests</b>	The applicants are seeking to permit a proposed garage addition to a single-family residence with less rear setback than is required and with more lot coverage than permitted by the zoning district regulations. In addition, the applicants also seek to permit more fence height than permitted by Code.
<b>Location</b>	1750 SW 70 Court, Miami-Dade County, Florida
<b>Property Size</b>	75' X 113'
<b>Existing Zoning</b>	RU-3B, Bungalow Court District
<b>Existing Land Use</b>	Single-family residence
<b>2020-2030 CDMP Land Use Designation</b>	Low Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Approval with conditions</b>

**REQUESTS:**

1. NON USE VARIANCE to permit a proposed garage addition to setback varying from 8.0' to 10.0' from the rear (west) property line (25' required).
2. NON USE VARIANCE to permit the proposed garage addition resulting with a lot coverage of 35.4% (35% max. permitted).
3. NON USE VARIANCE to permit a proposed vinyl fence with a height of 7' (6' max. permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Garage Addition" as prepared by Pascual Perez Kiliddjian & Associates, dated stamped received 2-17-15 and consisting of 3 sheets. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The subject property was approved pursuant to Resolution #ZB-588-61, to permit a screen pool enclosure addition to setback 14' (25' required) from the rear (west) property line.

The current site plan shows an existing 2,091 sq. ft. residence and a proposed 796 sq. ft. garage addition on an 8,475 sq. ft. parcel with a 7' high vinyl fence along the north, south and west property lines. In addition, the site plan further shows the removal of an existing tool shed located in the rear northwest corner of the subject property.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-3B; single-family residence	Low Density Residential (2.5 - 6 dua)
<b>North</b>	RU-3B; single-family residence	Low Density Residential (2.5 - 6 dua)
<b>South</b>	RU-3B; single-family residence	Low Density Residential (2.5 - 6 dua)
<b>East</b>	RU-3B; single-family residence	Low Density Residential (2.5 - 6 dua)
<b>West</b>	RU-3B; single-family residences	Low Density Residential (2.5 - 6 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an existing single-family residence located at 1750 SW 70 Court. The surrounding area is characterized by single-family residential uses.

**SUMMARY OF THE IMPACTS:**

Staff opines that approval of the requests would provide shelter for the applicants' vehicles against the elements along with a fence that would provide the applicants with privacy and security at the rear of their property. However, the proposed encroachment and fence height would not have a negative visual impact to neighboring residences.

**CDMP ANALYSIS:**

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential** use. The approval of the requests sought in the application will not add additional dwelling units to the site beyond what is allowed by the LUP map of the CDMP and will not change the single-family detached use. Therefore, staff opines that approval of the application would be **consistent** with the CDMP Land Use Element for Residential Communities, and the Low Density Residential designation of the property on the LUP of the CDMP.

**ZONING ANALYSIS:**

When request #1, to permit a proposed garage addition to setback varying from 8.0' to 10.0' (25' required) from the rear (west) property line and request #2, to permit the proposed garage addition resulting with a lot coverage of 35.4% (35% max. permitted) are analyzed under Section 33-311(A)(4)(b) Non-Use Variances, staff opines that the approval of the requests would be **compatible** with the surrounding area. Staff notes that the site plan submitted by the applicants indicates a 7' high opaque vinyl fence (request #3), which staff opines will mitigate any negative visual impacts from the encroachment of the proposed garage addition.

However, based on its size and the configuration of the floor plan, staff opines that future owners could easily convert the garage into an additional residential unit. Therefore staff recommends as a condition for approval that the applicant proffer a Declaration of Use Agreement restricting the subject property to a single-family use only.

Staff opines that the requested 35.4% lot coverage, which is .4% over the permitted 35% lot coverage is minor, and that approval of the request would not create a negative impact on the neighboring residences in the area. Staff did research of the area and found similar or more intensive approvals of lot coverages and rear setbacks in the surrounding area. **As such, staff recommends approval with conditions of requests #1 and #2 under Section 33-311(A)(4)(b), Non-Use Variances Standards From Other Than Airport Regulations.**

In addition, when request #3, to permit a proposed vinyl fence with a height of 7' (6' max. permitted) is analyzed under Section 33-311(A)(4)(b) Non-Use Variances, staff opines that the approval would be **compatible** with the surrounding area. As previously noted, the site plan indicates the proposed fence is shown along the north, south and west property lines. Staff opines that the requested 7' high vinyl fence, which is 1' higher than permitted is by Code, is minor and would not create a negative visual impact to the neighboring residences in the area. Staff's research of prior zoning approvals in the area found similar or more intensive approvals of fence height. Further, staff is supportive of the proposed fence as a visual buffer to mitigate the visual impact of the proposed garage. Staff recommends as a condition of approval that said fence be maintained, and if removed or destroyed be replaced by a 6' high vinyl fence (opaque fence), cbs wall or hedge 3' high at the time of planting that shall grow to and be maintained at a maximum height of 6'. **Therefore, staff recommends approval with conditions of request #3 under Section 33-311(A) (4) (b), Non-Use Variances Standards From Other Than Airport Regulations.**

**ACCESS, CIRCULATION AND PARKING:** N/A

**NEIGHBORHOOD SERVICES PROVIDER COMMENTS:** See attached.

**OTHER:** N/A

**RECOMMENDATION:** Approval with conditions.

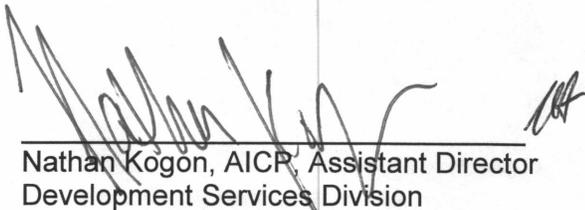
**CONDITIONS FOR APPROVAL:**

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, except as herein modified to show the removal of the sliding glass door between the sitting room and the family room.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Garage Addition" as prepared by Pascual Perez Kiliddjian & Associates, dated stamped received 2-17-15 and consisting of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the existing tool shed located in the rear northwest corner of the subject property be removed as indicated on the site plan.
5. That the 7' high vinyl fence along the rear (west) property line, as show on the site plan be maintained, and that if the fence is destroyed or removed, the applicants shall replace same with a 6' high vinyl fence (opaque fence), cbs wall or hedge 3' high at the time of planting

that shall grow to and be maintained at a maximum height of 6', in accordance with Section 33-11(h) of the County Code.

6. That the applicants submit a Declaration of Use to the Department of Regulatory and Economic Resources restricting the use of the subject property only to a single-family residence prior to the issuance of a building permit.

NK:MW:NN:CH:EJ



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

# ZONING RECOMMENDATION ADDENDUM

Marcos A & Marcos M Moran  
Z15-010

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
Division of Environmental Resource Management (RER)	<i>No objection*</i>
Platting and Traffic Review Section (RER)	<i>No objection*</i>
Parks, Recreation and Open Spaces	<i>No objection</i>
Police	<i>No objection</i>
Fire Rescue	<i>No objection</i>
Schools	<i>No objection</i>
Public Works and Waste Management Department	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<p><b>Low Density Residential</b> (Pg. 1-29)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low Density Residential</b>. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. Residential densities of blocks abutting activity nodes as defined in the Guidelines for Urban Form, or of blocks abutting section line roads between nodes, shall be allowed a maximum residential density of 10.0 dwelling units per gross acre. To promote infill development, residential development exceeding the maximum density of 6.0 dwelling units per acre is permitted for substandard lots that were conveyed or platted prior to August 2nd, 1938. This density category is generally characterized by single family housing, e.g., single family detached, cluster, and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i></p>
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## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for <b>non-use variances</b> 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>
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