

RESOLUTION NO. CZAB12-22-15

WHEREAS, DUFFIELD W. MATSON, III & SARA MATSON applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution# CZAB12-28-01, passed and adopted by Community Zoning Appeals Board #12, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing unentitled as prepared by T.L. Riggs and dated revised January 9, 2001.

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "An Addition for: Matson Residence" as prepared by Brockhouse Associates, PA, "Landscape Plans" prepared by Bell-La, Sheets L-1, L-2, L-3 and L-4 dated stamped received 5/14/15, all other plans dated stamped received 2/18/15 and consisting of 14 sheets.

The purpose of the request is to allow the applicant to submit revised plans showing an accessory building on the rear of the property and variances to allow for a smaller lot size.

- (2) NON-USE VARIANCE to permit a lot area of 0.98 Acre (1 Acre Gross required).
- (3) NON-USE VARIANCE to permit the proposed accessory building to setback 2' (20' required) from the interior side (west) property line.
- (4) NON-USE VARIANCE to permit the proposed accessory building with a rear yard area coverage of 10.1% (5% permitted).

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: PARCEL 1: That portion of the East 526.16 feet, less the East 399.62 feet thereof, of the East ½ of Lot 1 of the correction of map of the subdivision of the property of A.E. KINGSLEY, PB 1-41, lying North of the Centerline of that certain 15 foot ingress and egress easement, recorded in Official Records Book 1501, Page 424, less the North 50 feet thereof for highway purposes recorded in Official Records Book 21684, Page 1346. PARCEL 2: The right of use and interest in of that certain 30 foot private roadway easement described in the right-of-way easement, recorded in Official Records Book 926, Page 266, together with an interest in the perpetual easement for a 15 foot private road described in that certain indenture, recorded in Official Records Book 1501 - 424.

LOCATION: 4960 Sunset Drive, 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# CZAB12-28-01, passed and adopted by Community Zoning Appeals Board #12 (Item #1), the NON-USE VARIANCE to permit a lot area of 0.98 Acre (Item #2), the NON-USE VARIANCE to permit the proposed accessory building to setback from the interior side (west) property line (Item #3), and the NON-USE VARIANCE to permit the proposed accessory building with a rear yard area coverage of 10.1% (Item #4) 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 through #4), under Section 33-311(A)(4)(b) and Section 33-311(A)(7), was offered by Peggy Brodeur, seconded by Elliot N. Zack, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Alberto Santana	aye
Javier Gonzalez-Abreu	aye	Angela Vazquez	absent
Matthew Larsh	absent	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# CZAB12-28-01, passed and adopted by Community Zoning Appeals Board #12 (Item #1), the NON-USE VARIANCE to permit a lot area of 0.98 Acre (Item #2), the NON-USE VARIANCE to permit the proposed accessory building to setback from the interior side (west) property line (Item #3), and the NON-USE VARIANCE to permit the proposed accessory building with a rear yard area coverage of 10.1% (Item #4) be and the same are hereby approved, under Section 33-311(A)(4)(b) and Section 33-311(A)(7), subject to the following conditions:

1. That all the other conditions of Resolution #CZAB12-28-01, remain in full force and effect except as herein modified.
2. That the applicants comply with all the requirements of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources in its memorandum dated February 27, 2015.

BE IT FURTHER RESOLVED that the requested MODIFICATION of Condition #2 of Resolution# CZAB12-28-01, passed and adopted by Community Zoning Appeals Board #12 (Item #1), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "An Addition for: Matson Residence" as prepared by Brockhouse Associates, PA, "Landscape Plans" prepared by Bell-La, Sheets L-1, L-2, L-3 and L-4 dated stamped received 5/14/15, all other plans dated stamped received 2/18/15 and consisting of 14 sheets.

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 1st day of September, 2015.

Hearing No. 15-9-CZ12-2
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THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY
COMMISSIONERS ON THE 14TH DAY OF SEPTEMBER 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

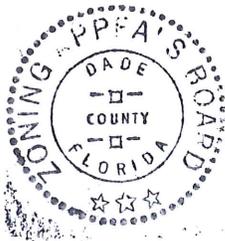
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-22-15 adopted by said Community Zoning Appeals Board at its meeting held on the 1st day of September, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 14th day of September 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 Division
111 NW 1st Street • Suite 111C
Miami, Florida 33128-1902
T 305-375-264C
www.miamidade.gov/economy

September 14, 2015

Duffield W. Matson, III & Sara Matson
c/o Jeff Bercow
200 S Biscayne Blvd, Suite 850
Miami, FL 33131

Re: Hearing No. 15-9-CZ12-2 (15-011)
Location: 4960 Sunset Drive, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB12-22-15**, adopted by the by the Community Zoning Appeals Board 12, **which approved your application (Items #1 through #4) 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 **September 14, 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".

Rosa Davis
Deputy Clerk

Enclosure