

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

PH: Z15-015 (15-6-CZ12-5)

June 9, 2015

Item No. 5

Recommendation Summary	
Commission District	7
Applicant	Narciso Ruiz
Summary of Requests	The applicant is seeking to permit a proposed addition to a single-family residence setback less than required from the front (south) property line.
Location	5831 SW 51 Street, Miami-Dade County, Florida.
Property Size	75' x 100'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Density Residential, 2.5 to 6 dua <i>(see attached Zoning Recommendation Addendum)</i>
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 Variance Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUEST:

NON-USE VARIANCE to permit a proposed addition to a single-family residence setback 15' (25' required) from the front (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Private Residence", as prepared by Berry Design Studio, dated stamped received 3/2/15, consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The plan submitted depicts the existing 1,234 sq. ft. single-family residence with the proposed two-story addition, which will encroach 10' into the front (south) setback area.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
North	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
South	RU-1; single-family residences	Low Density Residential (2.5 to 6 dua)
East	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)
West	RU-1; single-family residence	Low Density Residential (2.5 to 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at 5831 SW 51 Street. The area surrounding the subject property is primarily characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Approval of this application will allow the applicant to permit the proposed two-story addition to the single-family residence which will provide the applicant with additional living area. For the reasons that will be expanded upon in the zoning analysis below, staff opines that any visual impact that the proposed addition will have on the surrounding, primarily one-story residences is likely to be minimal.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. The approval of the request sought in the application will allow the existing terrace addition to the single-family residence setback less than permitted, will not add additional dwelling units to the site beyond what is allowed by the CDMP Low Density Residential Category, Land Use Element interpretative text, and will not change the single-family detached use. Since the applicants are not requesting to add additional dwelling units or change the single-family detached use, approval of the application with conditions, is **consistent** with the uses allowed under the Low Density Residential Land use category text and the density threshold of CDMP Low Density Residential Communities LUP map designation.

ZONING ANALYSIS:

The applicant seeks to permit the residence with the proposed two-story addition that will setback 15' (25' required) from the front (south) property line. When the aforementioned application is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff opines that approval with conditions will maintain the basic intent and purpose of the zoning, subdivision and other land use regulations and for the reasons stated below would be **compatible** with same. The subject property is an interior lot located within an established residential district, developed under the RU-1, Single-Family Residential District regulations.

Staff notes that the proposed two-story addition, which includes a garage, bedrooms/bathrooms, and a music room, result in an encroachment of less than 50% of the linear frontage of the residence into the front (south) setback area. Although no other approvals of similar requests for a reduction of the front setback requirements were found in the surrounding area, staff opines that the request is not out character with the current zoning regulations for RU-1 properties platted after 2002. If this property had been platted after 2002, said regulations would have allowed a 15' front setback for 50% of the lineal footage of the width of the house and 25' for the balance; except 20' for attached garages. Therefore, staff opines that approval of the request would maintain the basic intent and purpose of the aforementioned zoning regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community, and therefore, will be compatible with the surrounding residential uses. Further, staff opines that the proposed development will not have a negative visual impact on the residences located to the south, which will still be spaced approximately 90' from the residence. **Based on the aforementioned analysis, staff recommends approval with**

conditions of the application under Section 33-311(A)(4)(b), Non-Use Variance From Other Than Airport Regulations Standards.

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

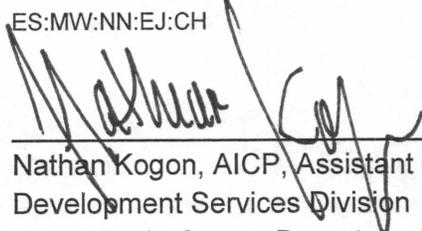
OTHER: Not applicable.

RECOMMENDATION: Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources 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, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Private Residence", as prepared by Berry Design Studio, dated stamped received 3/2/15, consisting of 4 sheets. Except 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.

ES:MW:NN:EJ:CH



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

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ZONING RECOMMENDATION ADDENDUM

Narcisso Ruiz
Z15-015

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

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

<p>Low-Density Residential (Pg. I-31)</p>	<p><i>The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line 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>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</p>	<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>
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