

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

PH: Z15-023 (15-7-CZ10-4)

July 15, 2015
Item No. 4

Recommendation Summary	
Commission District	6
Applicants	Monica and Charles Dabney
Summary of Requests	The applicants are seeking approval to permit existing additions to a single family residence setback less than required from the front and interior side property lines.
Location	6383 SW 38 Street, Miami-Dade County, Florida.
Property Size	62' X 105'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low-Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(4)(b) Non-Use Variance <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

REQUESTS:

- (1) NON-USE VARIANCE to permit an existing storage room addition setback 4.0' (6.2' required) from the interior side (west) property line.
- (2) NON-USE VARIANCE to permit the existing residence setback 24'-2" (25' required) from the front (south) property line.
- (3) NON-USE VARIANCE to permit an existing front porch setback 14' (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 "Charles M. Dabney & Monica Dabney" as prepared by Edward Ledesma, E.I., dated 3/18/15 and stamped received 3/18/15 and consisting of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The submitted plans show the existing single-family residence with existing front and interior side additions consisting of a front porch and a storage room.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1, single-family residence	Low-Density Residential 2.5 to 6 du

North	RU-1, single-family residences	Low-Density Residential 2.5 to 6 dua
South	RU-1, single-family residence	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 surrounding area is characterized by single-family residences.

SUMMARY OF THE IMPACTS:

Staff opines that because the additions are existing, approval of this application will not create any new visual impacts on the area. Further, the variances requested are not out of character with the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low-Density Residential** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. 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 residential use. Since the applicants are not requesting to add additional dwelling units or change the single-family residential use, approval of the application would be **consistent** with the uses allowed under the Low-Density Residential land use category text in the CDMP and the density threshold of the CDMP Low-Density Residential LUP map designation.

ZONING ANALYSIS:

Staff supports this application under Section 33-311(A)(4)(b), Non-Use Variance Standards. The plans submitted in conjunction with this application depict the existing single-family residence with an existing front addition consisting of a porch and the interior side addition consisting of storage area. Staff opines that visual impact of the encroachments is mitigated by existing landscaping in the form of scrubs, as well as lot and street trees along the interior side and front property lines and, therefore, is not visually intrusive to the surrounding area.

However, based on the configuration of the floor plans for the existing single-family residence, staff opines that future owners could easily convert same into additional residential units. As such, staff recommends as a condition for approval that the applicants proffer a Declaration of Use Agreement restricting the subject property to a single-family use.

Staff's research of the surrounding area found a similar approval for relief of front and interior side setback requirements. Therefore, staff opines that approval of the subject application would not be an obvious departure from the aesthetic character of the immediate vicinity, and is not likely to have a major visual impact on the abutting properties.

Furthermore, the architectural style and scale of the additions have been designed in a manner that is consistent with that of the original house, and in staff's opinion, also adds curb appeal to the subject property as both the addition and the house are architecturally compatible with the surrounding residences. **Staff therefore, recommends approval with conditions of this application under Section 33-311(A)(4)(b), Non-Use Variance standards.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

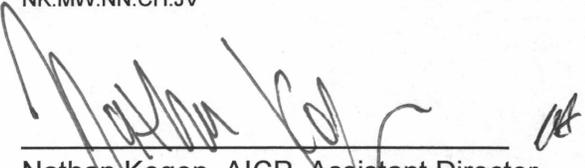
RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Charles M. Dabney & Monica Dabney" as prepared by Edward Ledesma, E.I., dated stamped received 3/18/15 and consisting of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants obtain a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources within 90 days of the expiration of the final appeal period of this application, unless a time extension is granted by the Director of the Department.
5. That the applicants submit a Declaration of Use Agreement restricting the use of the subject property only to a single-family residence prior to the issuance of a building permit.
6. That the applicants remove the barbeque structure and shed as indicated in the submitted survey.

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

Applicant: Jessica Viaros
PH: Z14-023

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

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

<p>Low Density Residential (Pg. I-29)</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include 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>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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