

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 14**

PH: Z15-040 (15-09-CZ14-1)

September 9, 2015

Item No. 1

Recommendation Summary	
Commission District	9
Applicants	Deisy Pozo and Rene Casanova
Summary of Requests	The applicants are seeking to permit an existing addition of a single-family residence to setback less than required from the property line.
Location	12481 SW 191 Street, Miami-Dade County, Florida
Property Size	78.36' X 102.83'
Existing Zoning	RU-1, Single-Family Residential District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Low 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 (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUESTS:

NON-USE VARIANCE to permit existing additions to a single family residence setback varying from 14.5' to 16.32' (25' required) from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Existing Residence Deisy Pozo & H Rene Casanova", as prepared by JCD Architect, Inc., dated stamped received 5/6/15 and consisting of 2 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The site plan shows an existing 548.68 sq. ft. addition which consist of a storage room, bathroom and a home gym area, and an existing 211.90 sq. ft. terrace addition encroaching into the rear 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 - 6 dua)
North	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)
South	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)
East	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)
West	RU-1; single-family residence	Low Density Residential (2.5 - 6 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing single-family residence located at 12481 SW 191 Street. The surrounding area is characterized by single-family residential uses.

SUMMARY OF THE IMPACTS:

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

CDMP ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. The approval of the requests to permit existing additions to a single family residence setback less than required from property lines 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, approval of the application would be **consistent** with the density threshold of the Low Density Residential Communities map of the CDMP LUP map designation.

ZONING ANALYSIS:

When analyzing the requested setback of the existing additions from the rear (north) property line under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that the approval of the request would be **compatible** with the surrounding area. Furthermore, staff opines that the approval of the request would not result in an obvious departure from the aesthetic character of the surrounding area. Staff notes from the site plan submitted by the applicants that the existing additions are a 548.68 sq. ft. addition which consist of a storage room, bathroom and home gym area, and a 211.90 sq. ft. terrace addition. Staff further notes that the site plan shows a 6' high wood fence along the rear (north) setback area. Staff opines that the wood fence currently mitigates any negative impacts from the 8.68' encroachment generated from the existing 548.68 sq. ft. addition and from the 10.5' encroachment from the existing terrace addition into the rear (north) setback area on the neighboring residence.

Staff's research of the area found similar or more intensive approvals of rear setbacks in the surrounding area. As such, staff opines that the requested rear setback would not be out of character with the surrounding area. However, staff recommends as a condition for approval that the existing 6' high wood fence along the rear (north) property line be maintained.

In addition, based on the floor plan, staff opines that future owners could attempt to convert the addition into a second residential unit. Therefore, staff recommends as a condition for approval 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.

Therefore, staff recommends approval of the applicant 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 "Existing Residence Deisy Pozo & H Rene Casanova", as prepared by JCD Architect, Inc., dated stamped received 5/6/15 and consisting of 2 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the 6' high wood fence along the rear (north) setback area be maintained, and that if the wood fence is removed or destroyed, the applicants shall install a cbs wall, opaque fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code.
5. That the applicants obtain a building permit for all non-permitted structures, if applicable, from the Department of Regulatory and Economic Resources with 90 days of the expiration of the final appeal of this application, unless a time extension is granted by the Director of the Department.
6. That the applicant submits 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.
7. That the barbeque and roof structure in northeast corner as indicated on the site plan, be removed prior to permitting.

NK:MW:NN:JV:EJ



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



ZONING RECOMMENDATION ADDENDUM

Deisy Pozo and Rene Casanova
Z15-040

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
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>Low Density Residential (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 Low Density Residential. 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>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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