RESOLUTION NO. 5-ZAB-134-95

WHEREAS, STEPHEN & ANNE MUSOLINO had applied for the following:

(1) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit 5 proposed lots with areas varying from .56 to .77 gross acre (1 gross acre required).

(2) NON-USE VARIANCE OF LOT DEPTH REQUIREMENTS to permit 5 proposed lots with depths varying from 110' to 158.47' (200' required).

(3) NON-USE VARIANCE OF ZONING AND SUBDIVISION REGULATIONS requiring each lot to have frontage on a public street and requiring each lot to have access to a public street; to waive same to permit 5 proposed lots to front on a private road and to have access to a public street by means of a private road.

(4) UNUSUAL USE to permit an entrance feature consisting of a 6' high decorative masonry entrance wall combined with precast concrete columns and decorative iron fence, along with landscaped planters and stamped concrete.

Plans are on file and may be examined in the Zoning Department entitled "Tentative Plat Dry Run Part of Tract 29, Kendall Green Home Sites, PB 40, Pg. 52," as prepared by Fernando Z. Gatell, P.L.S., Inc., dated 10-31-94, along with a sketch of the Entrance Feature Detail and the Site Location "Unentitled," preparer unknown, dated stamped received 9-7-94.

SUBJECT PROPERTY: That part of Tract 29, KENDALL GREEN HOMESITES, Plat book 40, Page 52, and more particularly described as follows:

Beginning at the Southwest corner of said Tract 29; thence N0°0'35"W along the west line of said tract for 383.06'; thence N89°49'20"E parallel to the north line of said tract for 151'; thence S0°0'35"E for 15.01'; thence N89°49'20"E for 150' to the east line of said Tract 29; thence S0°0'0"W for 367.67'; thence S89°44'53"W along the south line of said Tract 29, to the Point of beginning.

LOCATION: The Northwest corner of S.W. 112 Street (Killian Drive) & S.W. 82 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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 non-use variances of lot area requirements, lot depth requirements and zoning regulations (Items #1-#3), on a modified basis to permit four (4) lots in lieu of the requested 5 lots, and the requested unusual use (Item #4), on a modified basis to permit a 5' high wall, 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 that the requested non-use variance of subdivision regulations is justified and would meet the requirements of the Subdivision Code and should be approved, and

WHEREAS, the following motion was offered by Eric Jacobs seconded by Charlie McGarey and upon a poll of the members present, the vote was as follows:

Humberto Amaro	aye	Barbara Hardemon	aye
Willie Barnett	nay	Eric Jacobs	aye
Wilfredo Calvino, Jr.	absent	Charlie McGarey	aye
Frank Colunga	absent	Jonathan Rubin	absent
Raul Del Portillo	absent	June Stevens	absent
Colleen Griffin	aye	Mavel Cruz	aye

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested non-use variances of lot area requirements, lot depth requirements and zoning regulations (Items #1-#3) be and the same are hereby approved on a modified basis to permit four (4) lots in lieu of the requested 5 lots, and

BE IT FURTHER RESOLVED that the requested unusual use (Item #4) be and the same is hereby approved on a modified basis to permit a 5' high wall, and

BE IT FURTHER RESOLVED that the application, as approved, is subject to the following conditions:

1. That the subdivision of this property be limited to a maximum of four (4) lots.

2. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.

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 Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 5th day of April, 1995.

Hearing No. 95-4-10
Typed bn

STATE OF FLORIDA

COUNTY OF DADE

I, Marcy Gordon, Legal Counsel of Dade County Building and Zoning Department, as designated by Carlos F. Bonzon, Ph.D., P.E., Director of the Metropolitan Dade County Building and Zoning Department and Ex-Officio Secretary of the Metropolitan Dade County Zoning Appeals Board, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 5-ZAB-134-95 adopted by said Zoning Appeals Board at its meeting held on the 5th day of April, 1995.

IN WITNESS WHEREOF, I have hereunto set my hand on this 13th day of April, 1995.

SEAL

ZONING APPEALS BOARD
DADE COUNTY FLORIDA

Marcy Gordon, Deputy Clerk and Legal Counsel
Metropolitan Dade County
Building and Zoning Department