

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

PH: Z15-044 (15-9-CZ12-3)

September 1, 2015

Item No. 3

Recommendation Summary	
Commission District	8
Applicants	James and Rosemary Hartigan
Summary of Requests	The applicants are seeking to permit a proposed guest house resulting in more rear lot coverage than is permitted by Code.
Location	8201 SW 111 Terrace, Miami-Dade County, Florida
Property Size	0.63 acre
Existing Zoning	EU-1; Single-Family One Acre Estate District
Existing Land Use	Single-family residence
2020-2030 CDMP Land Use Designation	Estate 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 <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions

REQUESTS:

NON-USE VARIANCE to permit a proposed guest house resulting in a rear lot coverage of 10.6%. (5% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Guest House Addition" as prepared by Jose Diaz Architect and dated stamped received May 18, 2015, consisting of two sheets.

PROJECT DESCRIPTION: The site plan shows an existing 7,573.86 sq ft. single family residence. In addition, the site plan shows an existing swimming pool and a proposed 890.14 sq. ft. guest house in the rear north area on the 0.63 acre subject property.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)
North	EU-1; vacant lot	Estate Density Residential, (1 to 2.5 dua)
South	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)
East	EU-1; single-family residence	Transportaion
West	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 0.63 acre site, located 8201 SW 111 Terrace, Miami-Dade County, Florida. The subject property is surrounded by EU-1, Single-Family One Acre Estate District zoned properties to north, east, south and west.

SUMMARY OF IMPACT:

The approval of this application will permit an existing single family residence with a guest house. Although the increased rear lot coverage could have a visual impact on the surrounding area, staff opines that landscaping as seen in photos submitted by the applicants would mitigate any negative visual impacts on the surrounding properties.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Estate Density Residential**. The application seeks to permit a guest house on the 0.63 acre subject property. However, approval of the request would result in an increase in rear lot coverage beyond what is permitted by the zoning district. Staff notes that the proposed guest house is a permitted use in the EU-1 zoning district. Therefore, staff opines that subject to a condition requiring the applicants to submit a Declaration of Use limiting the subject property to a single-family use prior to permitting, the approval of the application will not create additional parcelization on the subject site above which is not allowed, nor change the single-family residence use.

As such, staff opines that approval with conditions of the request would be **consistent** with the Uses allowed under the Estate Density Residential land use category text and the density threshold of the CDMP Estate Density Residential Communities LUP Map designation.

ZONING ANALYSIS:

The applicants are seeking to permit a proposed guest house resulting in a rear lot coverage of 10.6%. (5% maximum permitted). When the request is analyzed under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the request would be **compatible** with the surrounding area.

Staff opines that the increased rear lot coverage of 5.6% is internal to the subject site and that landscaping, as seen in photos submitted by the applicant along the rear and side property will mitigate any negative visual impacts on the neighboring properties. As such, staff opines that the approval of the request would not be detrimental to the neighborhood, and that the requested rear lot coverage would not affect the appearance of the community. Furthermore, staff's research of the area found similar or more intensive approvals for rear lot coverage in the surrounding area.

However, staff opines that approval of the request could allow future owners to easily convert the guest house into an additional residential unit. 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 only. **Therefore, staff recommends approval with conditions of the application under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.**

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 Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion; 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 "Guest House Addition" as prepared by Jose Diaz Architect and dated stamped received May 18, 2015, consisting of two sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the landscaping as seen in photos by the applicant showing landscaping along the side and rear property lines be maintained.
5. That the applicants submits 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.

NK:MW:NN:CH:EJ



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



ZONING RECOMMENDATION ADDENDUM

James and Rosemary Hartigan (15-044)

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Police</i>	<i>No objection</i>
<i>Public Works and Waste Management Department</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<i>Estate Density Residential (Pg. I-29)</i>	<i>This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 units per gross acre.</i>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

<i>Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.</i>	<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>
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