

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

PH: Z15-075 (16-4-CZ12-1)

**April 5, 2016
Item No. 1**

Recommendation Summary	
Commission District	7
Applicants	Nicole Guinea
Summary of Requests	The applicant is seeking approval to permit existing and proposed additions to a single family residence & a Jacuzzi setback less than required from the rear property line.
Location	9020 SW 103 Ave, Miami-Dade County, FL 33176.
Property Size	0.23 acres
Existing Zoning	RU-1, Single Family Residential 7,500 sq. ft. net
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 a proposed covered terrace addition setback 18.49' (25' required) from the rear (west) property line.
- (2) NON-USE VARIANCE to permit existing planters walls setback 20.33' (25' required) from the front (east) property line.
- (3) NON-USE VARIANCE to permit a proposed jacuzzi setback 5' (7.5' required) from the rear (west) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Proposed Covered Terrace for: Nicole Guinea Residence" as prepared by Jose Ramos Architects & Associates. Sheet A-2 dated stamped received 07/20/15 and the remaining 2 sheets dated stamped received 02/01/16 for a total of 3 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The submitted plans show the existing single-family residence with an existing planters wall front side addition and proposed rear side additions consisting of a covered terrace and a jacuzzi.

NEIGHBORHOOD CHARACTERISTICS		
	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 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 subject property is located in an area characterized by single-family residences developed under the RU-1, Single-Family Residential District regulations.

SUMMARY OF THE IMPACTS:

Staff opines that the 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 Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for **Low Density Residential**. *This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.* 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 detached use. Since the applicant is not requesting to add additional dwelling units or change the single-family detached use, 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:

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 planters wall front addition and proposed rear additions consisting of a covered terrace and a jacuzzi. Staff further notes that these additions consist of the existing residence that, in staff's opinion, will continue to provide the applicant with indoor living area and outdoor recreational area.

Additionally, in staff's opinion, the approval of the requested setback variances to the single family residence that will allow the existing planters walls setback 20.33' (25' required) from the front (east) and a proposed covered terrace setback 18.49' (25' required), along with a proposed jacuzzi addition setback 5' (7.5' required), from the rear (west) property line will not be out of character with other approvals in the surrounding area. Additionally, there is a canal located immediately to the rear (west) of the property that would provide sufficient spacing to mitigate any visual impact. 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 proposed covered terrace addition has 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 is of the opinion that approval with conditions of these requests will not result in an obvious departure from the aesthetic character of the surrounding neighborhood and would be **compatible** with the surrounding residential developments. **Staff therefore, recommends approval with conditions of requests #1 through #3 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 "Proposed Covered Terrace for: Nicole Guinea Residence" as prepared by Jose Ramos Architects & Associates. Sheet A-2 dated stamped received 07/20/15 and the remaining 2 sheets dated stamped received 02/01/16 for a total of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant 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 fence be relocated within the property along the rear (west) property line.
6. That the proposed covered terrace addition to a single-family residence remain open-sided and not be enclosed in any manner except for approved insect screen materials.

NK:MW:NN:JV:SS



Nathan Kogon, AICP, Assistant Director

Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

NON

ZONING RECOMMENDATION ADDENDUM

Nicole Guinea
Z15-075

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment

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

<p>Low Density Residential (Pg. I-29)</p>	<p><i>The Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map designates the site for Low Density Residential. This category allows a range in density from a minimum of 2.5 to a maximum of 6 dwelling units per gross acre and is characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses.</i></p>

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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