

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

PH: Z15-089 (16-4-CZ12-2)

April 5, 2016

Item No. 2

Recommendation Summary	
Commission District	7
Applicant	Ismael and Alice Roque-Velasco
Summary of Requests	The applicants are seeking to permit a soccer field within the front and interior side setback areas and a portion of said soccer field to be located in front of the principal building.
Location	8040 SW 54 Court, Miami-Dade County, Florida
Property Size	1 acre gross
Existing Zoning	EU-1 (Estates 1 Family 1 Acre Gross)
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.

REQUEST:

NON-USE VARIANCE to permit an existing soccer field setback 48' (75' required) from the front (east) property line, setback 10'-9" (20' required) from the interior side (north) property line and located in front of the principal building (not permitted).

A plan is on file and may be examined in the Department of Regulatory and Economic Resources entitled "Dr. and Mrs. Ismael & Alice Roque-Velasco" preparer unknown, dated stamped received 08/18/15, consisting of 1 sheet. Plan may be modified at public hearing.

PROJECT DESCRIPTION:

The applicants seek to permit a soccer field within the front and interior side setback areas and a portion of said soccer field to be located in front of the principal building. The existing two-story single-family residence sits mid-block in an established single-family residential area and will have two egress/ingress access points along SW 54 Court.

<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	RU-1; single-family residence	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	Estate Density Residential, (1 to 2.5 dua)

West	EU-1; single-family residence	Estate Density Residential, (1 to 2.5 dua)
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NEIGHBORHOOD COMPATIBILITY:

The subject property is surrounded by single-family residences.

SUMMARY OF IMPACT:

Staff opines that because the soccer field is existing, approval of this application will not create any new visual impacts on the area. Further, the variance requested is not out of character with the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as *Estate Density Residential* (see attached Zoning Recommendation Addendum) on the Comprehensive Development Master Plan's (CDMP) Adopted 2020-2030 Land Use Plan (LUP) map. Approval of this request would permit the applicants to maintain a soccer field within the front and interior side setback areas and a portion of said soccer field to be located in front of the principal building. As such, staff notes that the approval of the request sought in the application will not add additional dwelling units to the site and will not change the single-family residential use. Therefore, staff opines that approval of the application would be **consistent** with the uses allowed under the Low Density Residential land use designation on the CDMP LUP map.

ZONING ANALYSIS:

Staff supports this application under Section 33-311(A)(4)(b), Non-Use Variance Standards and opines that approval of the same would be **compatible** with the surrounding area for the reasons stated herein. The plans submitted in conjunction with this application depict the existing single-family residence centrally located with an existing soccer field located towards the north of the subject property. The applicants are seeking to permit said existing soccer field setback 48' (75' required) from the front (east) property line, setback 10'-9" (20' required) from the interior side (north) property line and a portion of said soccer field to be located in front of the principal building (not permitted). Staff notes that approval of said soccer field will continue to provide the applicants with outdoor recreational area. Staff opines that the existing soccer field is adequately mitigated by existing fencing and abundant landscaping which include the required street and lot trees and hedges along all property lines. Additionally, staff notes that the submitted plans show additional fencing and landscaping surrounding the existing soccer field. As such, staff opines that approval of same would not create any negative visual impacts on the surrounding properties or on passersby along the abutting area roadways.

Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application will not generate any additional daily peak hour trips, and therefore meets the traffic concurrency criteria for an initial development order. Also, the Division of Environmental Resources Management of RER memorandum indicates that approval of this application meets all applicable LOS standards for an initial development order. Additionally, the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the existing soccer field will have a negative impact on fire rescue services in the area.

Based on the aforementioned, staff maintains that approval of this application would allow the applicants to maintain an existing soccer field that, in staff's opinion, is designed and arranged in a manner that would not create materially greater adverse privacy impacts on adjacent residences than what would otherwise be permitted by the underlying district regulations, when taking into account the location of same and the provided fencing and landscaping. **Therefore, staff recommends approval with conditions of this application under Section 33-311(A)(4)(b), Non-Use Variance (NUV) From Other Than Airport Regulations Standards.**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

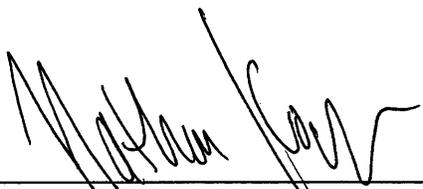
RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That a site plan be submitted to and meet with the approval of the Director 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 "Dr. and Mrs. Ismael & Alice Roque-Velasco" preparer unknown, dated stamped received 08/18/15, consisting of 2 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 and uses, 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 soccer field be for personal use only. No formal competition, team practice or league games will be allowed.

NK:MW:NN:EJ:JV



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

NON

ZONING RECOMMENDATION ADDENDUM

Ismael and Alice Roque-Velasco
Z15-089

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

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

Estate Density (Pg. I-31)	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Estate Density Residential. 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 dwelling units per gross acre.</i></p>
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PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<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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