

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

PH: Z15-108 (16-2-CZ12-2)

February 2, 2016

Item No. 2

Recommendation Summary	
Commission District	8
Applicants	Kevin and Kathleen Murray
Summary of Requests	The applicants are seeking to permit a proposed guest house resulting in more rear yard area coverage than is permitted by Code.
Location	8210 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 (see attached Zoning Recommendation Addendum)
Recommendation	Approval with conditions

REQUEST:

NON-USE VARIANCE to permit a proposed guest house with a rear yard area coverage of 10.6%. (5% maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources, entitled, "Variance Request for Rear yard Guest House: For Kevin and Kathleen Murray" as prepared by Jose L. Diaz Architect, and dated stamped received October 6, 2015, consisting of two sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The site plan shows the proposed 800 sq. ft. guest house in the rear (south) area on the 0.63 acre subject property.

NEIGHBORHOOD CHARACTERISTICS		
	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; 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)

NEIGHBORHOOD COMPATIBILITY:

The subject property is a 0.63 acre site, located 8210 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. Staff opines that the increased rear yard area coverage of the proposed guest house will not have any negative visual impacts on the surrounding area due to the fact that it will be adequately screened by a subdivision wall and an existing hedge abutting the parcel to the south, and that it will be centrally located in the rear yard area.

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 result in additional parcelization of 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 notes that plans and pictures submitted by the applicants indicate an existing 5' high subdivision wall and a continuous hedge along the rear south property line, which abuts SW 112 Street, a half section line roadway. Staff's research did not indicate any similar approvals for variances of the rear yard area lot coverage. Notwithstanding, staff opines that subject to conditions that the wall and the hedge be maintained, approval of the proposed guest house, which will result in an increase of 5.6% of the rear yard area coverage, beyond the 5% maximum that is allowed will not be detrimental to the character of the surrounding residential neighborhood.

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 prior to final permit approval. **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 " Variance Request for Rear yard Guest House: For Kevin and Kathleen Murray" as prepared by Jose L. Diaz Architect, and dated stamped received October 6, 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:EJ:CH



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

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ZONING RECOMMENDATION ADDENDUM

*Kevin and Kathleen Murray
Z15-108*

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>Not applicable</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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