

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 8**

PH: Z15-111 (16-1-CZ8-1)

January 28, 2016
Item No. 1

Recommendation Summary	
Commission District	2
Applicants	Ida Martinez and Beatriz Carralero
Summary of Requests	The applicants are seeking approval to permit existing additions to a single family residence setback less than required from the front and interior side property lines.
Location	1318 NW 75 Street, Miami-Dade County, Florida.
Property Size	.22 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-Medium 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 an existing single family residence setback 21' (25' required) from the front (north) and setback 3.1' (7.5' required) from the interior side (east) property lines.
- (2) NON-USE VARIANCE to permit an existing terrace addition to a single family residence setback 15' (25' required) from the rear (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Public Hearing for Ida Martinez" as prepared by Property Solution Services, LLC., dated stamped received 10/7/15 and consisting of 4 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION:

The submitted plans show the existing single-family residence with a front, rear and interior side additions.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-1, single-family residence	Low-Medium Density Residential 6 to 13 dua
North	RU-1, single-family residence	Low-Medium Density Residential 6 to 13 dua
South	IU-1, warehouse	Industrial and Office

East	RU-1, single-family residence	Low-Medium Density Residential 6 to 13 dua
West	RU-1, single-family residence	Low-Medium Density Residential 6 to 13 dua

NEIGHBORHOOD COMPATIBILITY:

The surrounding area is characterized by single-family residences. Warehouse uses are located to the south.

SUMMARY OF THE IMPACTS:

Staff opines that because the additions are 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 *Low-Medium Density Residential* use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The approval of the request 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 residential use. Since the applicants are not requesting to add additional dwelling units or change the single-family residential use, approval of the application would be **consistent** with the uses allowed under the Low-Medium Density Residential land use category text in the CDMP and the threshold of the CDMP Low-Medium Density Residential 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 existing front, interior side and rear additions. Staff further notes that these additions consist of the existing residence (living room, bedrooms and terrace) that, in staff's opinion, will continue to provide the applicants with indoor living area and outdoor recreational area. However, staff further opines that in order to properly mitigate these existing conditions, the applicant must install and maintain a 6' high wood fence, or cbs wall, or opaque fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code along the rear (south) and interior side (east) property lines denoted in the submitted survey. In staff's opinion, said 6' high wood fence, or cbs wall, or opaque fence or hedge would be sufficient to mitigate any negative visual impacts on the adjacent properties and, therefore, would not visually intrusive to the surrounding area.

Additionally, in staff's opinion, the approval of the requested setback variances that will allow the existing single family residence setback 21' (25' required) from the front (north) and setback 3.1' (7.5' required) from the interior side (east) property lines, along with an existing terrace addition to a single family residence setback 15' (25' required) from the rear (south) property line will not be out of character with other approvals in the surrounding area. 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 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. However, based on the configuration of the floor plans for the existing single-family residence and rear detached storage building, staff opines that future owners could easily convert same into an additional residential units. 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. **Staff, therefore, recommends approval with conditions of this application 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 "Public Hearing for Ida Martinez" as prepared by Property Solution Services, LLC., dated stamped received 10/7/15 and consisting of 4 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 applicant submit 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.
6. That a 6' high wood fence, or cbs wall, or opaque fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code shall installed and maintained along the rear (south) and interior side (east) property lines as denoted in the submitted survey prior to final permit approval, and if the wood fence, or cbs wall, or opaque fence or hedge is removed or destroyed, the applicant shall install a cbs wall, opaque fence or hedge that must be 3' high at the time of planting and that shall grow to and be maintained at a minimum height of 6' in accordance with Section 33-11(h) of the County Code.

7. That the existing 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:AN:NN:CH:JV



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

NK

2016 JAN 12 P 4: 01
PLANNING AND ZONING
AGENDA OFFICE

ZONING RECOMMENDATION ADDENDUM

Ida Martinez and Beatriz Carralero
Z15-111

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 objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

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

<p>Low Medium Density Residential (Pg. I-29)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</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>
---	--