

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-3-16

WHEREAS, MELISSA WOLIN, TRUSTEE OF PONCE DE LEON TRUST applied to Community Zoning Appeals Board 12 for the following:

- (1) DISTRICT BOUNDARY CHANGE from EU-1 to EU-S.
- (2) NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (125' minimum required).

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

- (3) NON-USE VARIANCE to permit two lots with an area of 0.61 +/- gross acre each (1 gross acre required).
- (4) NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (125' minimum required).

A plan is on file and may be examined in the Department of Regulatory and Economic Resources entitled "Map of Boundary Survey/Site Plan" as prepared by Hadonne, dated stamped received 11/16/15 and consisting of 1 sheet. Plan may be modified at public hearing.

SUBJECT PROPERTY: Lot 3, Block 3, GRANADA PARK AMENDED, PB 40-21.

LOCATION: 7677 PONCE DE LEON ROAD, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested DISTRICT BOUNDARY CHANGE to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested NON-USE VARIANCE to permit two lots with a lot frontage

of 100' each (Item #2) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, or that in the alternative to Items #1 and #2, the requested NON-USE VARIANCE to permit two lots with an area of 0.61 +/- gross acre each (Item #3), and the NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (Item #4) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and said application was denied with prejudice by Resolution No. CZAB12-7-16, and

WHEREAS, MELISSA WOLIN, TRUSTEE OF PONCE DE LEON TRUST appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) DISTRICT BOUNDARY CHANGE from EU-1 to EU-S.
- (2) NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (125' minimum required).

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

- (3) NON-USE VARIANCE to permit two lots with an area of 0.61 +/- gross acre each (1 gross acre required).
- (4) NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (125' minimum required).

A plan is on file and may be examined in the Department of Regulatory and Economic Resources entitled "Map of Boundary Survey/Site Plan" as prepared by Hadonne, dated stamped received 11/16/15 and consisting of 1 sheet. Plan may be modified at public hearing.

SUBJECT PROPERTY: Lot 3, Block 3, GRANADA PARK AMENDED, PB 40-21.

LOCATION: 7677 PONCE DE LEON ROAD, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB12-7-16 and that the appeal should be approved and the decision of Community Zoning Appeals Board 12 should be overruled, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested NON-USE VARIANCE to permit two lots with an area of 0.61 +/- gross acre each (Item #3), and the NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, in the alternative, the requested DISTRICT BOUNDARY CHANGE to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and the requested NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (Item #2) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community

Zoning Appeals Board 12, and to further approve Items #3 and #4 of the application, and deny Items #1 and #2 without prejudice was offered by Commissioner Xavier L. Suarez, seconded by Commissioner Barbara J. Jordan, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	absent
Daniella Levine Cava	aye	Rebecca Sosa	aye
Jose "Pepe" Diaz	aye	Sen. Javier D. Souto	aye
Audrey M. Edmonson	absent	Xavier L. Suarez	aye
Sally A. Heyman	absent	Juan C. Zapata	aye
		Jean Monestime	absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and the decision of Community Zoning Appeals Board 12 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-7-16 is hereby null and void.

BE IT FURTHER RESOLVED that that the requested NON-USE VARIANCE to permit two lots with an area of 0.61 +/- gross acre each (Item #3), and the NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (Item #4) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, 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 "Map of Boundary Survey" as prepared by Hadonne and dated stamped received 11/16/15 and consisting of 1 sheet.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant remove the residential structures from the property as indicated on the site plan.

5. That the applicant comply with all applicable conditions and requirements, if any, from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources in their memorandum dated January 22, 2016.
6. That the applicant comply with all applicable conditions and requirements, if any, from the Platting and Traffic Review section of the Department of Regulatory and Economic Resources in their memorandum dated December 1, 2015.

BE IT FURTHER RESOLVED that the requested DISTRICT BOUNDARY CHANGE to EU-S (Item #1), and the requested NON-USE VARIANCE to permit two lots with a lot frontage of 100' each (Item #2) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 19th day of May, 2016, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No.
16-3-C12-1

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 6TH DAY OF JUNE, 2016.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-3-15 adopted by said Board of County Commissioners at its meeting held on the 19th day of May, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 6th day of June, 2015.



Rosa Davis, Deputy Clerk (218345)
Miami-Dade County Department of Regulatory and
Economic Resources

SEAL





Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

June 6, 2016

MELISSA WOLIN, TRUSTEE
OF PONCE DE LEON TRUST
c/o Felix Lasarte
3250 NE 1 Ave, Suite 334
Miami, FL 33137

Re: Hearing No. 16-3-CZ12-1 (15-121)
Location: 7677 PONCE DE LEON ROAD, MIAMI-DADE COUNTY, FLORIDA.

Dear Appellant:

Enclosed herewith is Resolution No. Z-3-16, adopted by the Board of County Commissioners, which approved your appeal and reversed the decision of Community Zoning Appeals Board 12 on the above-described property. Specifically, the Board approved Items #3 and #4 of your application and denied Items #1 and #2 without prejudice. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificates(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **DATE**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in blue ink, appearing to be "R. A. Cuevas, Jr.", written over a blue circular stamp or seal.

Deputy Clerk

Enclosure