

**RESOLUTION NO. 2018-94**

**ZONING APPLICATION VPB-18-002**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO SECTION 30-30.6, VARIANCES, AND SECTION 30-50.4, E-M ZONING DISTRICT, AUTHORIZING A SETBACK VARIANCE REQUEST FOR MR. LUIS A. RODRIGUEZ AT 14600 SW 75<sup>TH</sup> AVENUE TO PERMIT THE CONSTRUCTION OF A SWIMMING POOL AND DECK WITHIN THE FRONT AND INTERIOR SIDE SETBACKS OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)***

**WHEREAS**, the applicant, Mr. Luis A. Rodriguez made an application for a variance to reduce the front yard setback from 75 feet to 57.08 feet and the interior side yard setback from 20 feet to 10 feet to allow construction of a swimming pool and deck that is ancillary to an existing single-family home; and

**WHEREAS**, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the applicant at Village Hall, 9705 East Hibiscus Street on July 16, 2018; and

**WHEREAS**, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the variance is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations; and

**WHEREAS**, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as provided in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:**

1           **Section 1.** A public hearing on the present application was held  
2 on July 16, 2018, in accordance with the Village’s “Quasi-judicial  
3 Hearing Procedures”. Pursuant to the testimony and evidence  
4 presented during the hearing, the Village Council makes the following  
5 findings of fact, conclusions of law, and final order.

6  
7           **Section 2.** Findings of fact.

8  
9           a. That the property is located at 14600 SW 75<sup>th</sup> Avenue.

10  
11           b. The requested variance is consistent with the Village’s  
12 Comprehensive Plan, as further specified in the Analysis Section of the  
13 Village’s Staff Report.

14  
15           c. After hearing testimony from staff, the applicant, the  
16 applicant’s experts, and the public, the Village Council found that  
17 variance requests are consistent with the variance criteria at Section  
18 30-30.6(e), of the Village’s Land Development Code.

19  
20           d. The Village adopts and incorporates by reference the  
21 Planning and Zoning Department staff report, which expert report is  
22 considered competent substantial evidence.

23  
24           e. The Village Council did not have any substantive disclosure  
25 regarding ex-parte communications and the applicant did not raise any  
26 objections as to the form or content of any disclosures by the Council.

27  
28           **Section 3.** Conclusions of law. The requested variance was  
29 reviewed pursuant to Section 30-30.6(e) of the Village’s Land  
30 Development Regulations and was found to be consistent.

31  
32           **Section 4.** Order. The Village Council approves the variance  
33 requests to reduce the front yard setback from 75 feet to 57.08 feet and  
34 to reduce the interior side yard setback from 20 feet to 13 feet to allow  
35 the construction of a swimming pool and deck for the property located  
36 at 14600 SW 75<sup>th</sup> Avenue. Applicant shall submit a landscape plan  
37 acceptable to the Village’s Building Department as a condition of the  
38 building permit. THIS IS THE FINAL ORDER.  
39

**Section 5.** Record. The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of Planning and Zoning in connection with the applications, the County recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented as the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.

**Section 6.** This Resolution shall take effect immediately upon approval.

**PASSED** and **ADOPTED** this 16<sup>th</sup> day of July, 2018.

Attest:

DocuSigned by:  
*Missy Arocha*  
Missy Arocha  
Village Clerk

DocuSigned by:  
*Eugene Flinn*  
Eugene Flinn  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

DocuSigned by:  
*Dexter W. Lehtinen*  
Dexter W. Lehtinen  
Village Attorney

**FINAL VOTE AT ADOPTION:**

- Council Member Karyn Cunningham YES
- Council Member David Singer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois ABSENT
- Mayor Eugene Flinn YES

# STAFF REPORT



Village of Palmetto Bay  
Florida

**ZONING ANALYSIS**

**FILE:** VPB-18-002

**HEARING DATE:** July 16, 2018

**APPLICANT** Mr. Luis Rodriguez

**COUNCIL DISTRICT:**

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**GENERAL INFORMATION**

**REQUEST:**

The applicant, Mr. Luis Rodriguez, is requesting a non-use variance from the requirements of Section 30-50.4. - E-M, Estate Modified Single Family District to reduce the front setback from 75 feet to 57 feet, and to reduce the interior side setback from 20 feet to 10 feet for the addition of a swimming pool and surrounding deck in the side yard of an existing single-family home, where an easement encumbers the rear yard.

**ADDRESS:** 14600 SW 75<sup>th</sup> Avenue

**LOCATION:** Old Cutler Creek

**LOT SIZE:** 15,645 square feet,  
0.3 acres approx.  
125-ft frontage  
125-ft depth

**FOLIO #:** 33-5023-039-0390



**BACKGROUND**

The application is on a property that is occupied by a one-story CBS single-family home with an attached, covered terrace. The home was constructed in 1989. Twenty-five feet of the rear yard of the home is a South Florida Water Management District (SFWMD) canal maintenance easement which must be maintained clear of structures and other obstructions. The existing home and its covered terrace are 2-feet distant from



the SFWMD easement, and there is no space to construct a swimming pool conventionally located behind the home. The only feasible location to construct a swimming pool is on the large side yard to the north of the home. To locate a swimming pool in the side yard while maintaining required setbacks would result in a pool size of 20 feet by 10 feet that is 5 feet from the house, leaving 3 feet for circulation in between with a baby fence at 2 feet from the pool edge.

As relief from zoning requirements that limit the feasibility of constructing a commonly-sized swimming pool, the applicant is seeking non-use variances from front and side setbacks for the swimming pool

1. On the side, where 20 feet is required, the applicant seeks to provide 10 feet from the pool to the property line
2. On the front, where 75-foot setback is required, the applicant requests that 57'-1" is provided.

The other setbacks exceed requirements:

- to the rear, the pool location will provide a setback of 32'-1" where 7'-6" is required, and
- on the building side, the pool location provides 10' distance where 5' is required.

### **ZONING HEARING HISTORY**

On September 6, 1962, the Dade County Board of Commissioners approved Resolution 2-ZAB-437-62 to change zoning on this and other properties in the subdivision from EU-2, 5-acre estates (18,000 s.f.); EU-1, 1-acre estates (12,500 sf); AU, Agricultural (7,500 sf); and GU, Interim (3,000 sf) to EU-M, Estate Use – Modified. The applicant was the Ideal Holding Company c/o South Dade Realty, Inc.

On February 16, 1971, by Resolution 4-ZAB-91-71, the Dade County Board of Commissioners granted and sustained a use variance and special exception to permit the continued growing of strawberries on the land that is now the subdivision within which the subject property lies. The applicants were Leon and Guy Norman.

On November 30 1987, the Dade County Board of Commissioners approved Resolution 2-Z-311-87 to permit non-use variances for various properties in the subdivision, regarding: 1) and unusual use for an entrance feature; 2) to allow some lots to front on private drives; 3) to permit 0-ft. frontage on public streets where 120-ft. is required; 4) to permit accessory buildings in front of principal buildings; and 5) to permit one of the lots with a frontage of 25-ft. where 125-ft is required. While these conditions applied to various properties in the subdivision, the subject property is not one of them. The applicant was the Ideal Holding Company.

On August 23, 1988, the subdivision of which the subject property is a part, was platted by the Icon Development Corporation.

In 1989, the home that exists on the subject property was constructed. In 1993, the covered porch was added (source: Dade County Property Appraiser).

**NEIGHBORHOOD CHARACTERISTICS**

**Zoning District**

**Subject Property:**

E-M Estate Modified Single Family

**Surrounding Properties**

- North: E-M Estate Modified Single Family
- South: E-M Estate Modified Single Family
- East: E-M Estate Modified Single Family
- West: E-M Estate Modified Single Family



Zoning Districts

**Comprehensive Plan**

**Subject Property:**

FLUM Cat. Estate Density Residential

**Surrounding Properties**

- North: Estate Density Residential
- South: Estate Density Residential
- East: Estate Density Residential
- West: Estate Density Residential



Future Land Use Map Designations

**Existing Conditions**

The subject property is occupied by a one-story, single-family home constructed in 1989 with a roofed back porch, constructed in 1993. The home is 2,356 s.f. in living area with a covered porch of 426 (2,994 s.f. total area with garage) on a 15,646 s.f. lot. The structure is in good condition and has no violations.

Abutting the rear lot is the SFWMD canal and abutting the subject property on its two sides are one and two-story single-family homes in the E-M zoning district.

**Subject Property:**

1-story, single-family home built in 1989  
2,994 s.f. on a 0.36 acre (15,646 s.f.) lot.  
In good condition and has no violations.  
*(photograph to right)*



**Surrounding Properties:**

**Front: (across street):**

1-story, single-family home built in 1973:  
4,440 s.f. on 0.36-acre (15,000 s.f.) lot  
*(photograph to right)*



**South Side (left):**

1-story, single-family home built in 1989:  
3,442 s.f. on 0.36-acre (15,649 s.f.) lot  
*(photograph to right)*



**North Side (right):**

1-story, single-family home built in 1989:  
3,430 s.f. on 0.36-acre (15,643 s.f.) lot  
*(photograph to right)*



**Rear:**

SFWMD canal

## SITE AND STRUCTURE

<b>Site Plan Review:</b>	Acceptable
<b>Scale/Utilization of Site:</b>	Acceptable
<b>Location of Building(s):</b>	Acceptable
<b>Compatibility:</b>	Acceptable
<b>Landscape Treatment:</b>	Acceptable
<b>Open Space:</b>	Acceptable
<b>Buffering:</b>	Acceptable
<b>Access:</b>	Acceptable
<b>Visibility/Visual Screening:</b>	Acceptable
<b>Circulation:</b>	Acceptable

## ANALYSIS

The following is a review of the request pursuant to the Village's non-use variance criteria found at Section 30-30.6(e), of the Land Development Code. The Background Section of this report is hereby incorporated by reference into this analysis.

**Criteria 1** That the variance is in fact a variance allowed in this Division and is within the province of Village Council.

**Analysis:** Pursuant to Section 30-30.6(b), of the Code, a variance may be requested for setback lines; lot width; street frontage; lot depth; lot coverage; landscape or open space requirements; height limitations; yard regulations; fence and wall regulations; signs; parking; and flood regulations approved under Section 30-100.6, of the Code of Ordinances, and other matters specifically permitted as variances pursuant to this Division. The variance requested is for relief from yard regulations which is a variance allowed in this Division.

**Finding:** Consistent

**Criteria 2** Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

**Analysis:** The subject property is encumbered on its back yard with a 25-foot easement for the maintenance of the South Florida Water Management District canal. While other homes in the subdivision along the canal, also have the same easement encumbrance, this property has a legally located home structure

that leaves no room between the house and the easement for a practical pool. The property has a substantial side yard that ameliorates the limited use of the back yard; however, the zoning ordinance requires long front setbacks for a pool that anticipates location at the rear of the house and leaves limited use of side yards for pools. With the swimming pool located in the side yard, the required setbacks that work well for rear yard pools also create constraints that either limit the size of the pool to dimensions that are small or locate the pool to close to the home. The circumstances of the easement, the provision of a large side yard, and the disposition of the house on the lot are together special conditions peculiar to this property and some, but not all of lots in this subdivision.

Finding: Consistent

**Criteria 3** That the special conditions and circumstances do not result from the actions of the applicant.

Analysis: The applicant purchased the property in May 2014. While it is incumbent on the purchaser to exercise due diligence that the property can legally meet their anticipated needs, failure of due diligence is a passive action. The criteria is a test for active participation in an act, alteration of construction that causes the need for the variance. The applicant has not made alterations or constructions that cause a need for the variance; therefore, the special conditions do not result from the actions of the applicant.

Finding: Consistent

**Criteria 4** That granting of the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Analysis: The granting of the request would provide this homeowner the ability to construct a swimming pool of a size that is not beyond the typical and usual size of a residential swimming pool in the surrounding neighborhood and the E-M Zoning District. Taken alone, Criterion 2 is met regarding the type of structure and its use as being typical; however, the variance seeks to locate the structure at a distance from the side and front property lines that is not typical for the E-M Zoning District. Although not typical, relief from setbacks for pools and pool enclosures in the E-M District has precedence. The setbacks that are proposed are not excessively small. For example, the 10-ft side yard distance is permissible on the R-1 District, one step up in density from E-M. With regards to the front setback, although relief is sought, the pool is still located 32 feet behind the façade of the main structure; therefore, not causing any special circumstances that would be disruptive to the neighborhood. As such, the request while not typical, would not constitute a special privilege.

Finding: Consistent

**Criteria 5** Financial difficulties or economic hardship shall not be a factor for determining whether a variance should be granted.

Analysis: Financial or economic hardships have not been proffered by the applicant as part of the Letter of Intent.

Finding: Consistent

**Criteria 6** That literal interpretation of the provisions of Chapter 30 would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 30 and would work unnecessary and undue hardship on the applicant. The purchase of property which has an illegal nonconformity with Chapter 30 shall not be considered a hardship for the granting of a variance, nor shall conditions peculiar to the property owner be considered.

Analysis: The homeowner seeks the ability to construct a swimming pool of similar size to typical pools that are otherwise permitted in the surrounding neighborhood and the E-M Zoning District. The key point of the analysis for this criterion is the concept of hardship. By strict interpretation, a hardship is constituted when reasonable use of the property is denied. Using a strict interpretation, the property as zoned is for a single-family home, and if the property could not be used as a single-family home of any legal size and form, that would be a hardship. In the Zoning Ordinance of the Village of Palmetto Bay, specifically Sec. 30-30.6 Variances. (a), unnecessary and undue hardship is used to mean *“when relaxation of terms is not contrary to the public interest and results from conditions particular to the property and not the result of the actions of the applicant that may result from a literal enforcement of Chapter 30.”* Ancillary uses such as swimming pools can be part of reasonable use of the property as intended by the E-M Zoning District. Under this hardship standard, and referring to the analysis of Criteria 2, 3 and 8, the requirements of this criterion are met.

Finding: Consistent

**Criteria 7** That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Analysis: The variance sought is not the minimum variance that makes possible anticipate use of the land, building or structure (swimming pool). The variance seeks relief from front and side yard setbacks to allow the construction of a pool and deck. By creating a very small swimming pool, the setback criteria could be met; however, the result would be a swimming pool of abnormally small dimensions and proximity to the applicant's home: approximately 18-feet long by 10-feet wide and 5-feet from the house. Strict application of this criteria would produce an unreasonable pool with possible

safety issues. Considering this, the applicant has applied for a 540-square-foot swimming pool that is in keeping with typical size ranges for a single-family home in the E-M Zoning District.

Finding: Consistent

**Criteria 8** That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and Chapter 30, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Analysis: The reduced setbacks that are proposed are not excessively small. For example, the 10-ft side yard distance is permissible on the R-1 District, one step up in density from the E-M District. With regards to the front setback, although relief is sought, the pool is still located 32 feet behind the façade of the main structure; therefore, not causing any special circumstances that would be disruptive to the neighborhood. As such, the request while not strictly consistent with the E-M Zoning District, would not be determinantal to the harmony of the area or the public welfare.

Finding: Consistent

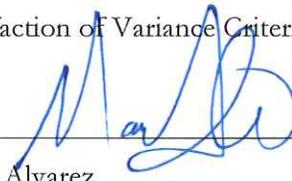
**Criteria 9** In granting any variance, Village Council may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Plan and Chapter 30 or any other duly enacted ordinance. Violation of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall nullify the variance development approval.

Analysis: The intent of this criterion is to provide the Mayor and Council with an opportunity to recommend any conditions based on their evaluation and understating of the technical and non-technical aspects of the application to ensure compliance with the Comprehensive Plan, Chapter 30 of the Land Development Code or any enacted ordinance. The Council's suggestions are intended to provide conditions that would augment or revise the recommendations proposed by the Planning Department.

Finding: As determined by the Mayor and Council

### **RECOMMENDATION**

Staff recommends approval, based satisfaction of Variance Criteria 1 through 9.



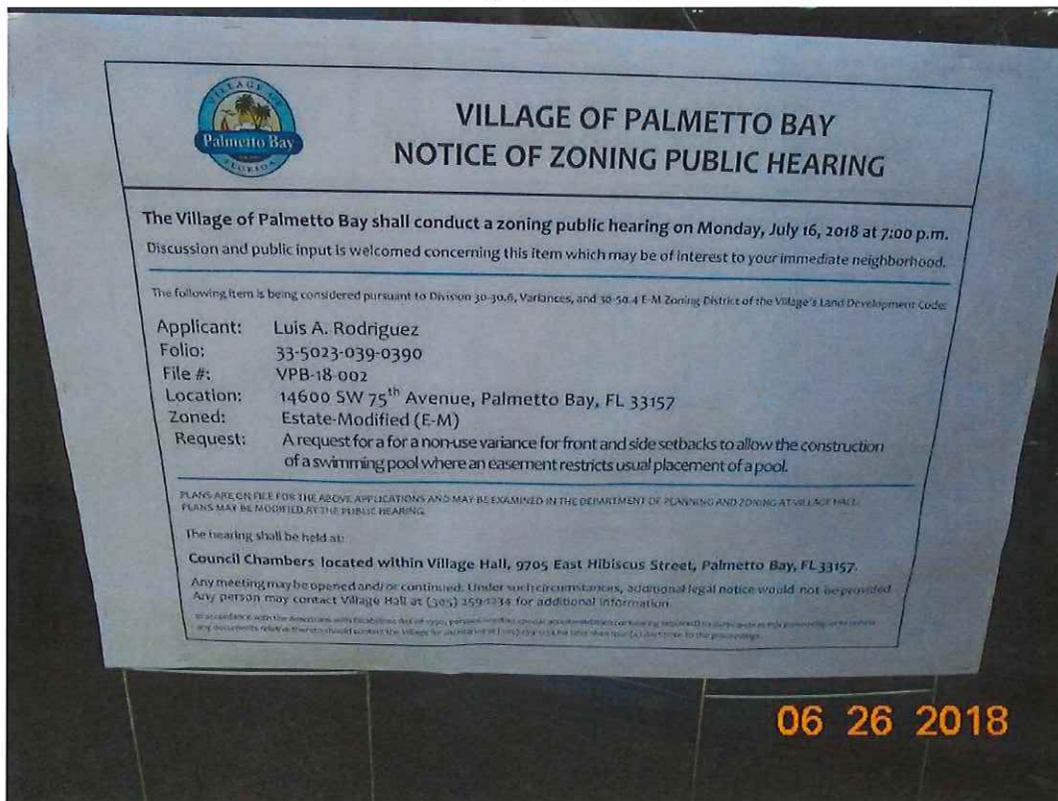
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Mark Alvarez  
Planning Consultant for the Village of Palmetto Bay

# **PUBLIC NOTICE**



Hearing notice posted at 14600 SW 75<sup>th</sup> Avenue on June 26, 2018  
 21 days prior to hearing (20 days required)  
 Close-up of sign below



**VILLAGE OF PALMETTO BAY  
PUBLIC NOTICE**

**APPLICANT: MR. LUIS A. RODRIGUEZ**

**LOCATION: 14600 SW 75<sup>TH</sup> AVENUE**

**REQUEST: REQUEST FOR A NON-USE VARIANCE FROM FRONT AND SIDE SETBACKS TO ALLOW THE CONSTRUCTION OF A SWIMMING POOL WHERE AN EASEMENT RESTRICTS ITS USUAL PLACEMENT FOR A PARCEL ZONED ESTATE MODIFIED (E-M), PUSUANT TO SECTION 30-30.6, VARIANCES, AND SECTION 30-50.4, E-M ZONING DISTRICT – ZONING APPLICATION NO. 18-002**

**A PUBLIC HEARING WILL BE HELD:**

**MONDAY, JULY 16, 2018 AT 7:00 P.M.  
AT COUNCIL CHAMBERS WITHIN VILLAGE HALL,  
9705 EAST HIBISCUS STREET, PALMETTO BAY, FLORIDA 33157**

**YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE:** However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

**VILLAGE OF PALMETTO BAY  
PUBLIC NOTICE**

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**LOCATION: 14600 SW 75<sup>TH</sup> AVENUE**

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**Village of Palmetto Bay**  
Department of Planning and Zoning  
9705 East Hibiscus Street  
Palmetto Bay, FL 33157



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**Village of Palmetto Bay**  
Department of Planning and Zoning  
9705 East Hibiscus Street  
Palmetto Bay, FL 33157

**APPLICATION**  
**&**  
**AFFIDAVIT**



**ZONING HEARING (ZH) APPLICATION**  
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 33-5023-039-0390 Date Received \_\_\_\_\_

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a "Disclosure of Interest" is required).

Luis A. Rodriguez

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 14600 SW 75 Avenue  
City: Palmetto Bay State: FL Zip: 33158 Phone#: 786-942-0617

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Luis A. Rodriguez  
City: 14600 SW 75 Avenue State: FL Zip: 33158 Phone#: 786-942-0617  
Palmetto Bay

4. CONTACT PERSON'S INFORMATION:

Name: Luis A. Rodriguez Company: N/A  
City: Palmetto Bay State: FL Zip: 33158 Cell Phone#: 786-942-0617  
Phone: N/A Fax #: N/A Email: lu.rodriguez@yahoo.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

OLD CUTLER CREEK  
PB 134-76 LOT 5 BLK 2  
LOT SIZE 15646 SQ FT  
OR 14186-3261 0789 1  
FIA/V 30-5023-039-0390  
COC 22724-1484 10 2004 5

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

14600 SW 75 Avenue  
Palmetto Bay, FL 33158

7. SIZE OF PROPERTY (in acres): 0.36 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property  acquired  leased: May 2014 9. Lease term: \_\_\_\_\_ years  
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)?  NO  YES  
If yes, provide complete legal description of said contiguous property.

N/A

11. Is there an option to purchase  or lease  the subject property or property contiguous thereto?  
 NO  YES (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: E-M (Estate Modified Single Family Dist.)

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- District Boundary (zone) Changes [Zone(s) requested]: \_\_\_\_\_  
(Provide a separate legal description for each zone requested)
- Establish a Use: \_\_\_\_\_
- Variance: Front setback to pool and side setback to pool.
- Site Plan \_\_\_\_\_
- Modification of previous resolution/plan: \_\_\_\_\_
- Other: \_\_\_\_\_

14. Has a public hearing been held on this property within the eighteen (18) months?  NO  YES  
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice?  NO  YES (If yes, give name to whom the violation notice was served: and describe the violation: \_\_\_\_\_)

16. Describe structures on the property: One story CBS single family home with attached covered terrace.

17. Is there any existing use on the property?  NO  YES (If yes, what use and when established?)  
Use: Single Family Unit Year: 1989

*Planning Staff Use Only*

Base Fee	Reviewed and Accepted By	Date
Receipt No.	Deemed Complete By	Date

PHOTOGRAPHS

FRONT ELEVATION

V.P.E

Provided separate sheet.

PLAN

SIDE ELEVATION

Provided separate sheet.

REAR ELEVATION

Provided separate sheet.



Village of Palmetto Bay, Florida  
 Finance Department  
 9705 East Hibiscus Street  
 Palmetto Bay, FL 33157  
 305-259-1234  
 Welcome

32323448-0028 Wanner F. 05/25/2018 04:08PM

PLANNING AND ZONING

Payment Tran Code: P&Z  
 ZONING APPLICATIONS  
 (pzzoneappl)

Description: VPB-18-002  
 P&Z ZONING APPLICATIONS  
 (pzzoneappl)

2018 Item: pzzoneappl  
 P&Z ZONING APPLICATIONS  
 (pzzoneappl) 1,255.00

0001-32900101 1,255.00C  
 Payment Id: 257302

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 1,255.00

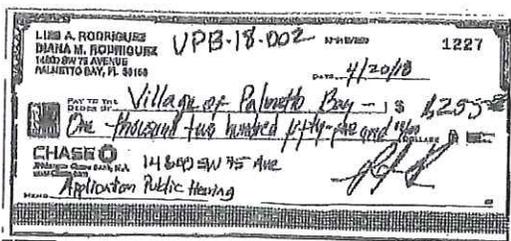
Subtotal 1,255.00  
 Total 1,255.00

CHECK 1,255.00  
 Check Number 1227

Change due 0.00

Paid by: LUIS A RODRIGUEZ

Comments: VPB-18-002



Thank you for your payment  
 VISIT  
 WWW.PALMETTOBAY-FL.GOV

**ZONING HEARING APPLICATION**

**"LEGAL DESCRIPTION"**

Owner: Luis A. Rodriguez

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158

Legal Description:

Lot 5, Block 2 of "Old Cutler Creek", according to the plat thereof, as recorded in plat book 134, at page 76, of the public records of Miami Dade County, Florida. Lot size 15646 SQ FT. OR 14186-3261 0789 1. F/A/U 30-5023-039-0390. COC 22724-1484 10 2004 5.

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

\*\*\*\*\*

OWNER OR TENANT AFFIDAVIT

(I)(WE), Luis A. Rodriguez, being first duly sworn, depose and say that (I am) (we are) owner tenant of the property described and which is the subject matter of the proposed hearing.

Signature [Handwritten Signature]

Signature \_\_\_\_\_

Sworn to and subscribed to before me this 20 day of April, 2018.

Notary Public: \_\_\_\_\_ Commission Expires: July 26, 2019

\*\*\*\*\*



CORPORATION AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am) (we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

Authorized Signature \_\_\_\_\_

(Corporate Seal)

Office Held \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

\*\*\*\*\*

PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

Sworn to and subscribed to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

\*\*\*\*\*

ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

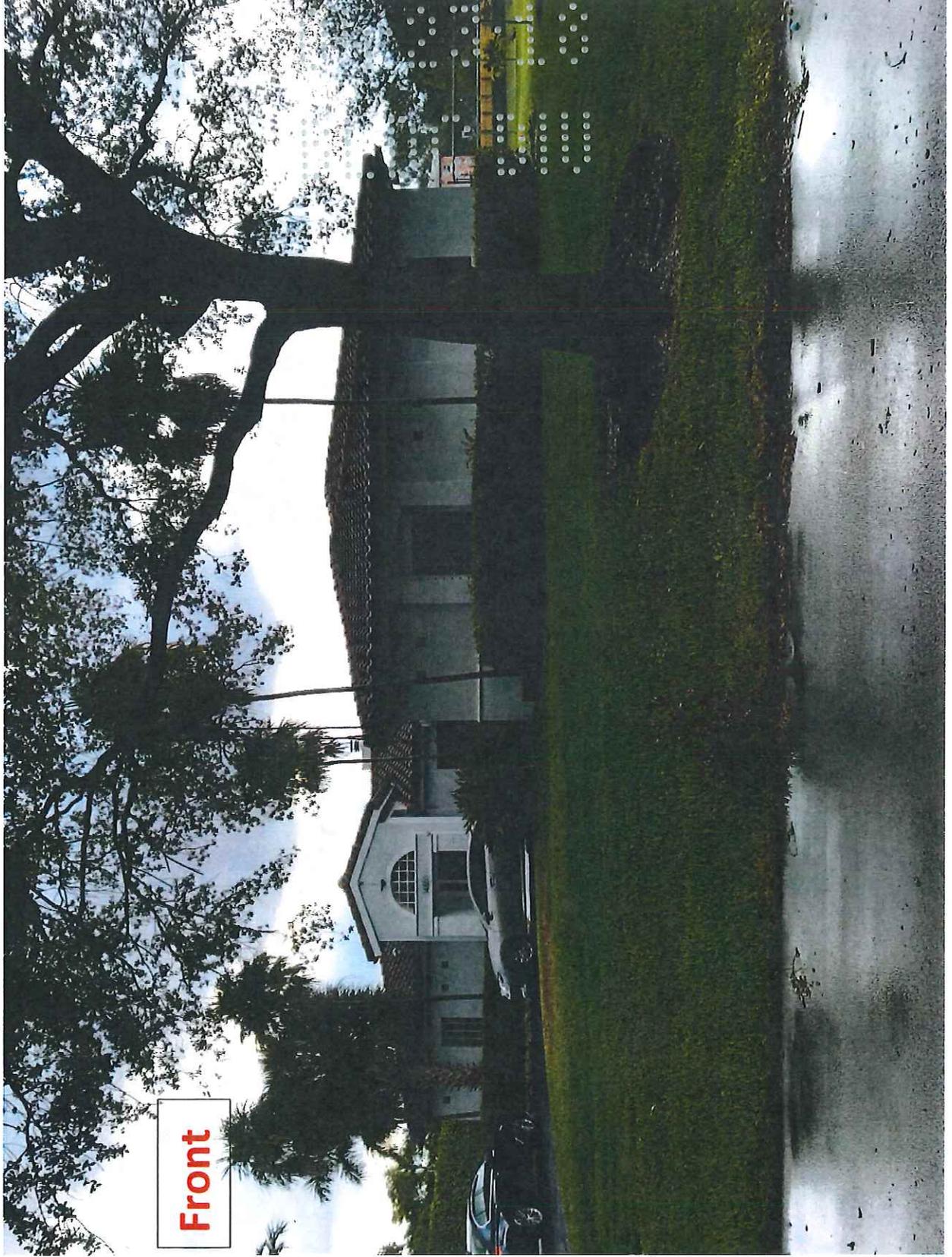
Signature \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

# Application Photos

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



## Application Photos

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



Side

## Application Photos

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



# LETTER OF INTENT

## ZONING HEARING APPLICATION

### "LETTER OF INTENT"

Owner: Luis A. Rodriguez

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158

- **Request** – The request is for two (2) variances to the “minimum setbacks” required for the construction of a new pool. The property is located in a lot zoned E-M (Estate Modified Single Family District). The lot is approximately 125 ft. (frontage) x 125 ft. (deep).
  - The required front setback is **75 ft.** The variance request is to allow a **57 ft.** setback
  - The required interior side setback is 20 ft. The variance request is to allow a 10 ft. setback
  
- **Need for Variance (Why)** –
  - **Special Conditions** - There are special conditions in the form of an easement to SFWMD that apply to this tract of land that would deprive the owner of rights commonly enjoyed by other properties in the same zoning district, construction of a pool.
  - **SFWMD Easement** –
    - There is an existing 25 ft. easement on the back of the property to SFWMD.
    - SFWMD was contacted. Owner has received email correspondence confirming that **NO construction of pool**, regrading or installation of fences, decks, etc. will be allowed within the easement.
    - As a result of the location of the existing structure and the existence of the SFWMD easement, the proposed pool cannot be constructed on the back of the lot (typical location). There are only 2 ft. between the existing structure and the easement.
  - **Other Constraints** –
    - The only feasible location for the pool, outside of the easement, is on the north side of the house.
    - Construction of the pool on the side of the house (proposed location) without the approval of the requested variances would result in a pool that:
      - Is too close to the house (5 ft. required to structure minus 2 ft. for baby fence provides 3 ft. for circulation)
      - Is too narrow at 10 ft. width max. Consider that typical pool width in this area is 15 ft. Also, a small pool is considered 12 ft. in width. A 10 ft. pool is too narrow.
      - It is too short. Pool would be about 20 ft. in length. Consider that typical pool length in this area is 30 ft. plus. Also, a small pool is considered 24 ft. in length. A 20 ft. pool is too short.

- **Reason Request Should be Approved –**
  - The requested variance is allowed and is within the province of village council according to Section 30-30.6(b) Permitted Variances.
  - There are special conditions or circumstances to this land which are peculiar to this and not applicable to other lands in the same zoning district. There is an existing 25 ft. easement in the back of the lot that prevents owner from constructing a pool there.
  - The special conditions, the easement, do not result from the actions of the owner.
  - The granting of the variance will not confer any special privilege to the owner that is denied by Chapter 30. The owner is requesting this variance for the construction of a pool which is allowed by Chapter 30.
  - The literal interpretation of Chapter 30 (minimum setbacks) would deprive the owner of rights commonly enjoyed by other properties in the same zoning district by not allowing the construction of a pool. It would result in unnecessary and undue hardship considering about 80% of properties within a 500 ft. radius enjoy the privilege of a pool. Most, if not all pools, are 15 ft. X 30 ft. in size or larger.
  - The hardship DOES NOT result from a nonconformity with Chapter 30.
  - The request DOES NOT result from conditions peculiar to property owner.
  - The variance requested is the minimum variance that will make possible the reasonable use of the land by allowing owner to build a pool size that is proportional to the land area and common pool size found in 80%+ of parcels within a 500 ft. radius (almost all pools are 15'x30' or larger, plus area for stairs into the pool).
  - The requested variance is for setbacks of a pool that is allowed by Chapter 30. It is therefore in harmony with the general intent and purpose of the comprehensive plan and with Chapter 30. The variance:
    - Provides for a compatible development of the land, maintaining the estate residential character (lot meets and exceeds size requirements)
    - Preserves the open space requirements since pool is allowed in this zoning classification
    - Achieves and maintains a density compatible with current development and code
    - DOES NOT put undue burden on public services and facilities since the proposed pool is allowed by Chapter 30.
  - The variance IS NOT injurious to the area involved nor detrimental to the public welfare. The variance will accommodate an allowed use of the land by Chapter 30.
  - The variance request is a result of the existing easement on the back of the land. The easement serves a public purpose and supports public welfare. While the public in general benefits from the easement, the burden is in the owner of the land as he/she is required to maintain the easement area, is assessed with property taxes and is only allowed a limited use of the easement area.

For all the reasons above the owner is requesting from the village council to consider the hardship created by the existing easement, which precludes the owner from constructing a pool on this land, and approve the above requested variances.

# **APPLICANT'S PHOTOGRAPHS**

# Index Map

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



**Photo #1**

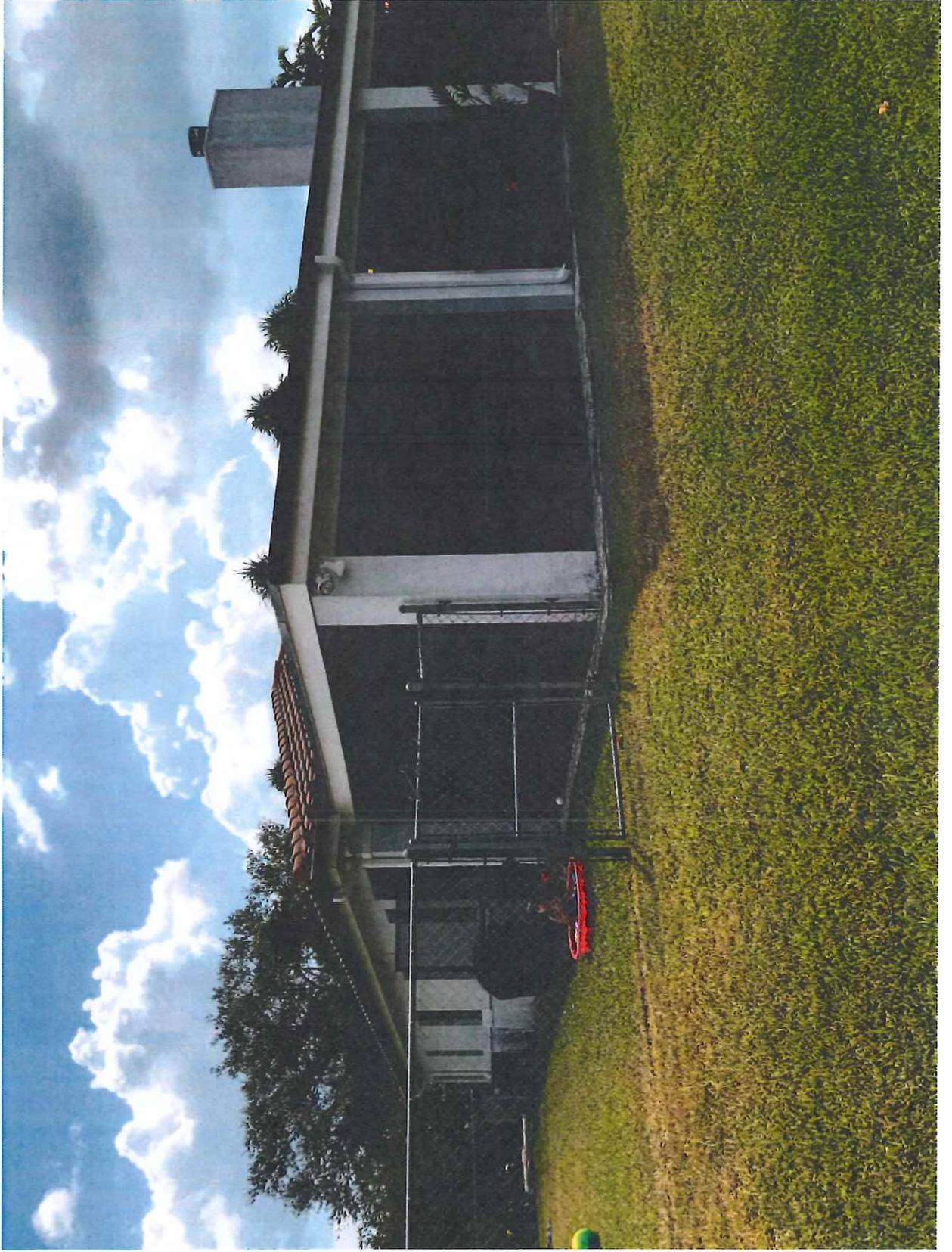


Photo #2



Photo #3



Photo #4



Photo #5



Photo #6

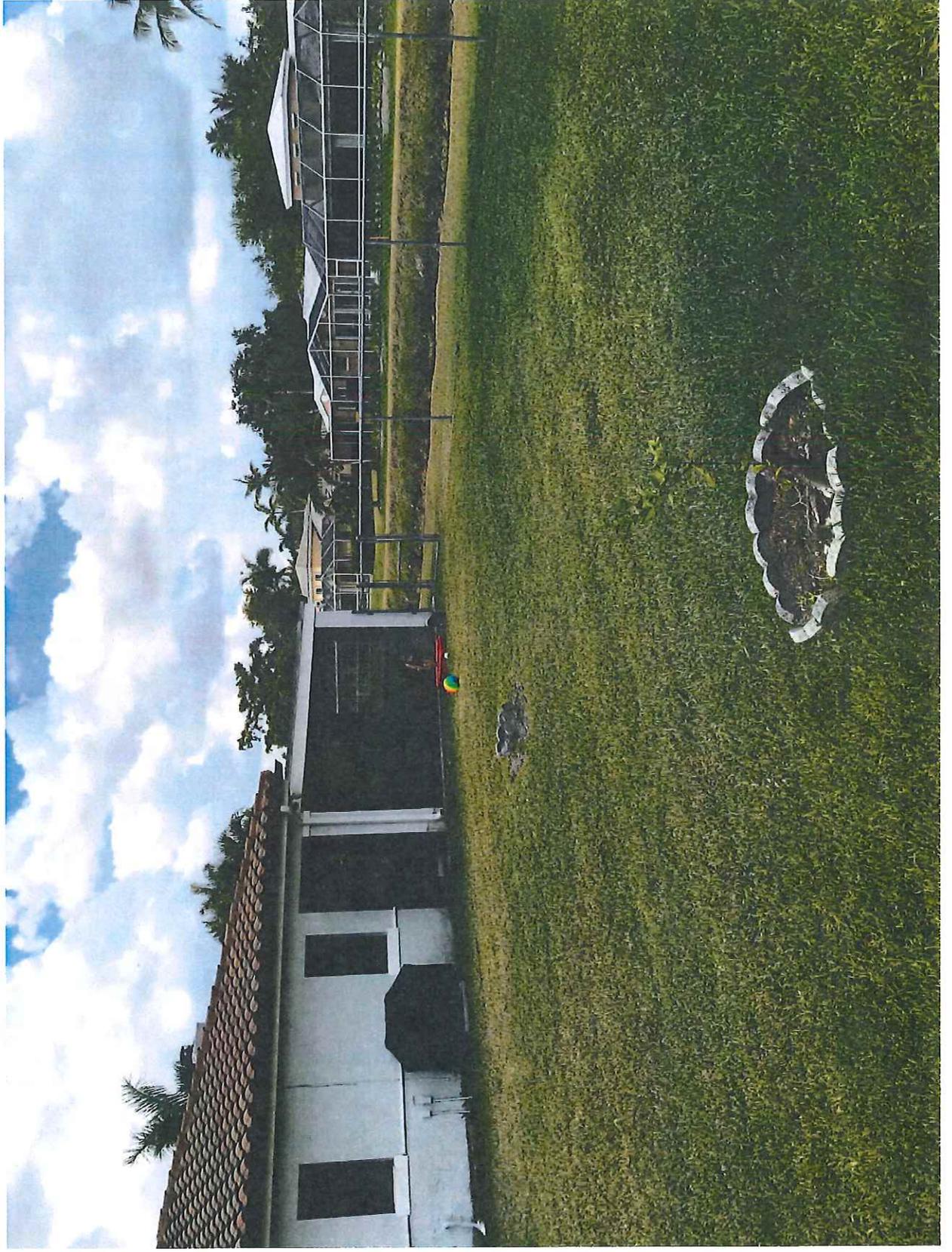


Photo #7

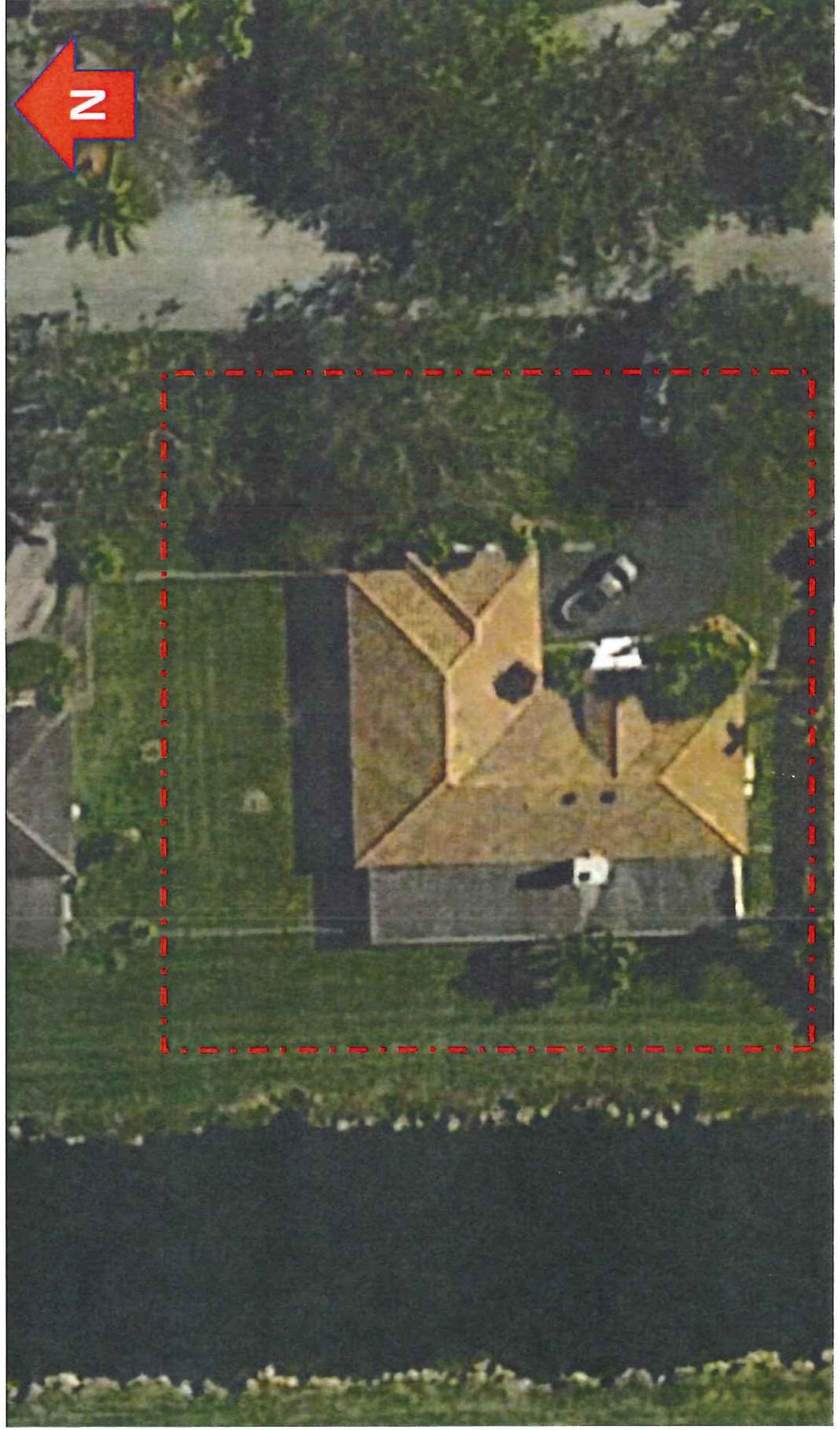


**Photo #8**



# Aerial Photograph of the Subject Property

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



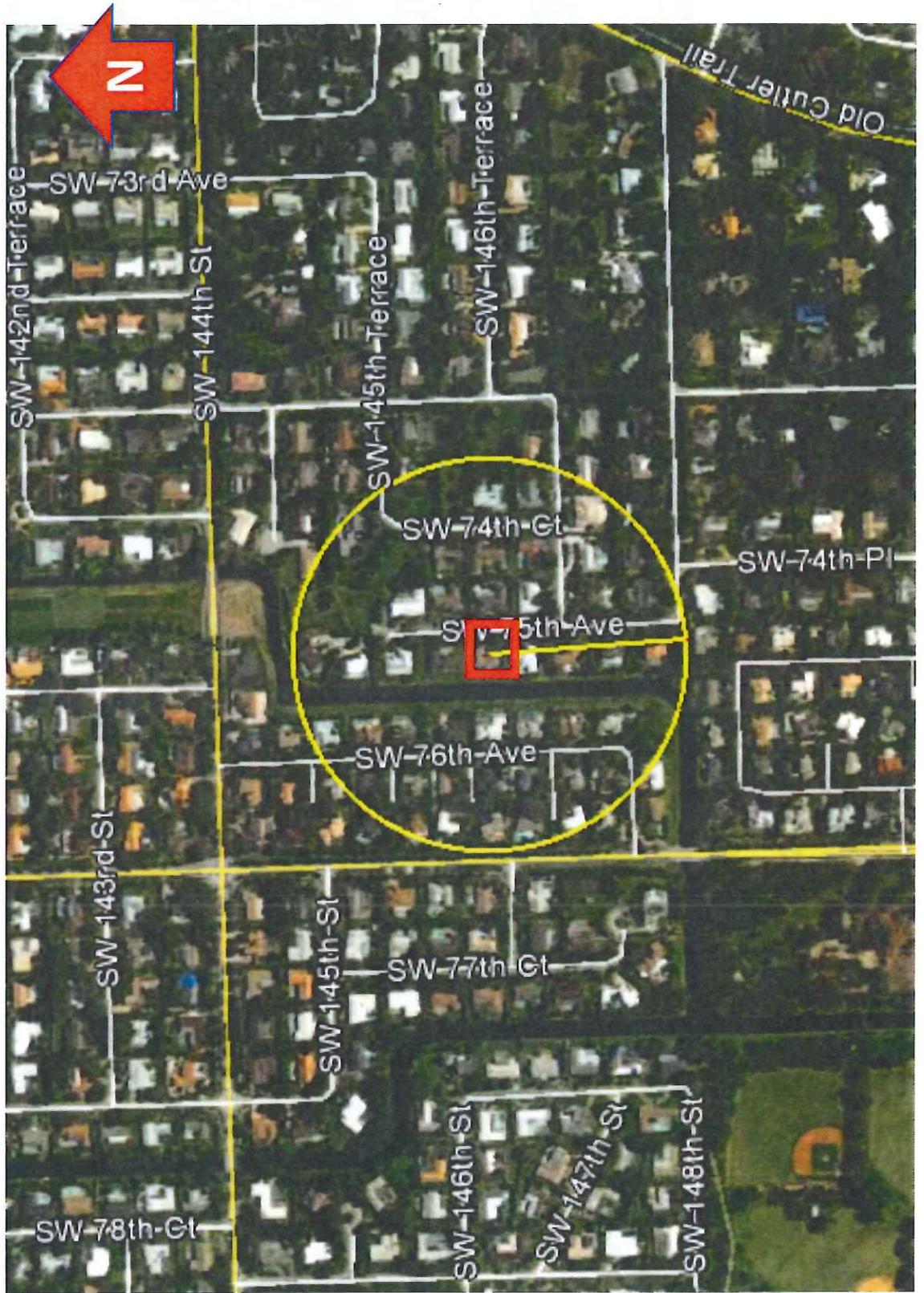
## Vicinity Map of the Project Site

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



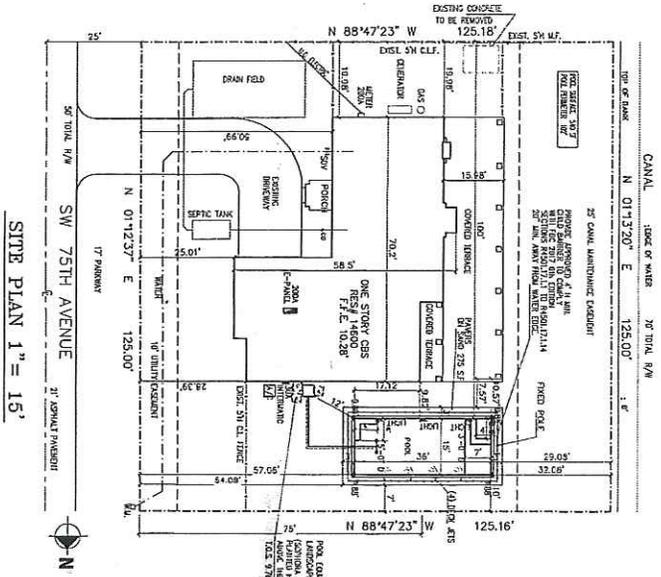
# Vicinity Map of the Project Site #2 (With +/- 500' Radius)

Address: 14600 SW 75 Avenue, Palmetto Bay, FL 33158



# PLANS





SITE PLAN 1" = 15'

Zone	Zone Code	Zone Name	Area (sq. ft.)	Volume (cu. ft.)
(1) Minimum lot area	15,000	Minimum lot area	15,000	15,000
(2) Minimum front setback	10	Minimum front setback	10	10
(3) Minimum lot coverage	100	Minimum lot coverage	100	100
(4) Minimum lot depth	100	Minimum lot depth	100	100
(5) Minimum lot coverage	100	Minimum lot coverage	100	100
(6) Minimum lot coverage	100	Minimum lot coverage	100	100
(7) Minimum lot coverage	100	Minimum lot coverage	100	100
(8) Minimum lot coverage	100	Minimum lot coverage	100	100
(9) Minimum lot coverage	100	Minimum lot coverage	100	100
(10) Minimum lot coverage	100	Minimum lot coverage	100	100
(11) Minimum lot coverage	100	Minimum lot coverage	100	100

Z-1  
 PROPOSED NEW POOL FOR  
 LUIS A. RODRIGUEZ  
 ADDRESS: 14600 SW 75TH AVE.  
 PALMETTO BAY, FL 33158

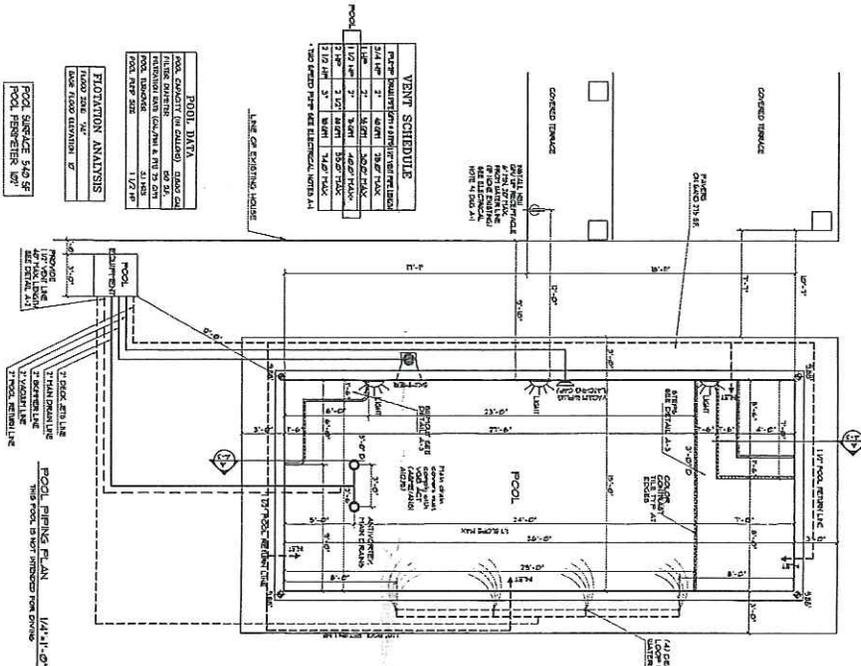


ALEJANDRO MALIN PE  
 No. 4-2334  
 1100 SW 20th Street, Suite 202 West Palm Beach, FL 33411  
 (561) 887-2543



DATE: 11-05-17  
 PROJECT: 15000  
 SCALE: AS SHOWN  
 OWNER: LUIS A. RODRIGUEZ  
 14600 SW 75TH AVE.  
 PALMETTO BAY, FL 33158  
 PH: (305) 218-3350





**VENT SCHEDULE**

POOL	TYPE	PAINT	FINISH	PERFORATION
1	24\"/>			

\*NO OPEN PIPE AND ELECTRICAL WIRING AT

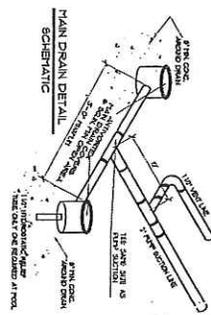
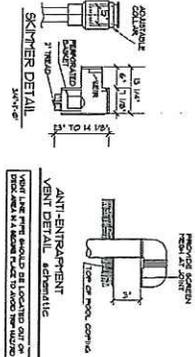
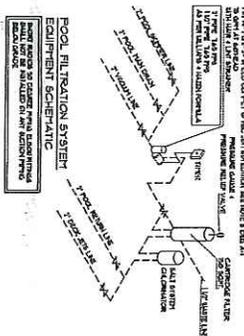
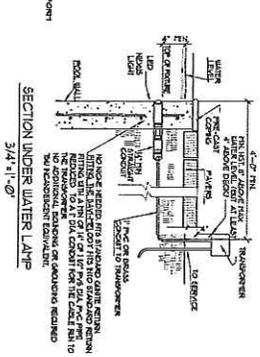
**POOL DATA**

POOL CAPACITY (IN GALLONS)	3425.00
WATER SURFACE (SQ. FT.)	3425.00
POOL LENGTH	11.00
POOL WIDTH	3.10
POOL DEPTH	1.00
POOL SERVICE	3425.00
POOL PERIMETER FIN	1.00

**FLotation ANALYSIS**

LOAD SIZE	72"
LOAD RISE	1.00
LOAD RISE	1.00
LOAD RISE	1.00

SEE FLOTATION ANALYSIS, UPLIFT AND STRUCTURAL CALCULATION IN THE ATTACHMENT PROVIDED



DATE	11-23-11
PROJECT	POOL
NO.	1000
SCALE	AS SHOWN
PROJECT	POOL
OWNER	LUIS A. RODRIGUEZ
ADDRESS	14600 SW 79TH AVE.
CITY	PAUJETTO BAY, FL 33186
PHONE	754-251-1100



**PROPOSED NEW POOL FOR**  
**LUIS A. RODRIGUEZ**  
 ADDRESS: 14600 SW 79TH AVE.  
 PAUJETTO BAY, FL 33186

A-2  
 1 OF 3

