

**RESOLUTION NO. 05-92
ZONING APPLICATION 05-11-VPB-2/05-189**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF LEE AND DINA ELMSLIE FOR ALTERNATIVE NON-USE VARIANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicants made applications for alternative non-use variance, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on November 14, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for alternative non-use variance is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the applications, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present applications was held on November 14, 2005 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicants are Lee and Dina Elmslie. The property is single family residence located at 8315 SW 153 Terrace.
2. The applicants request approval, as follows:
 - a. Applicant is requesting to permit an addition to a single-family residence setback 15'4" (25' required) from the side street (west) property line.
 - b. Applicant is requesting to permit an accessory structure (garage) in front of the principal residence (not permitted) and setback a minimum of 44.7' (75' required) from the front (south) property line.
 - c. Applicant is requesting to permit a swimming pool & spa in front of the principal residence (not permitted) and setback 27' (30' required) from the side street (west) property line.

3. The village council adopts the portions of the cover sheet to, and the county recommendation, entitled Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The village council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative non-use variance is consistent with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and compatible with the neighboring area, and complies (with conditions) under §33-311(A)(4)(b)(NUV).

Section 4. Order.

1. The village council accepts the county recommendation at page 10 and staff recommendation at page 11a. The application for alternative non-use variance is granted subject to the conditions, as follows:
 - a. That a site plan be submitted to and meet with the approval of the Director of the Department of Community Development upon the submittal of an application for a building permit and/or Certificate of Completion said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
 - b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Elmslie Residence", as prepared by Thorn Grafton, Architect and dated 4/29/05 and consisting of 5 sheets and Landscaping Plans as prepared by Geomantic Designs, Inc., dated 4/22/05 and consisting of 2 sheets.
 - c. That the use be established and maintained in accordance with the approved plan.
 - d. That the applicant submit to the Department of Community Development for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
 - e. That buffering be provided along the side street (west) property line in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', consisting of silver or green buttonwood, golden dew drop, potocarpus, or equivalent, or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the proposed garage and storage room addition.
 - f. That the applicants obtain building permits for any non-permitted additions or structures from the Village of Palmetto Bay within 120 days of the expiration of the appeal period for this application, unless a time extension

is granted by the Director of the Department of Community Development; should same be relocated, then the applicants must obtain building permits for the same prior to relocation.

Section 5. Record.

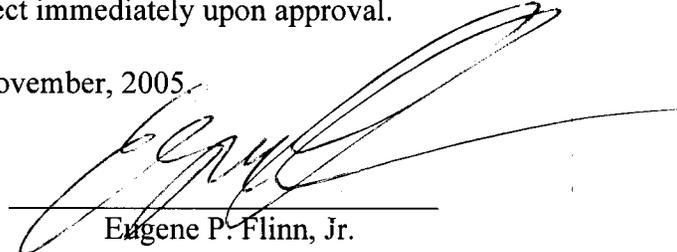
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the audio recording 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 14th day of November, 2005.

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>Yes</u> _____
Council Member Paul Neidhart	<u>Yes</u> _____
Council Member John Breder	<u>Yes</u> _____
Vice-Mayor Linda Robinson	<u>Yes</u> _____
Mayor Eugene P. Flinn, Jr.	<u>Yes</u> _____

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**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE VILLAGE OF PALMETTO BAY**

APPLICANT: Lee & Dina Elmslie

PH: Z05-189 (05-11-VPB-2)

SECTION: 27-55-40

DATE: November 14, 2005

ITEM NO.: 2

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A. INTRODUCTION

o **REQUESTS:**

1. Applicant is requesting to permit an addition to a single-family residence setback 15'4" (25' required) from the side street (west) property line.
2. Applicant is requesting to permit an accessory structure (garage) in front of the principal residence (not permitted) and setback a minimum of 44.7' (75' required) from the front (south) property line.
3. Applicant is requesting to permit a swimming pool & spa in front of the principal residence (not permitted) and setback 27' (30' required) from the side street (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Elmslie Residence," as prepared by Thorn Grafton, Architect and dated 4/29/05 and consisting of 5 sheets and Landscaping Plans as prepared by Geomantic Designs, Inc., dated 4/22/05 and consisting of 2 sheets. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

Request #1 will allow the applicants to construct a kitchen, bathroom, and laundry/pantry room addition to the existing residence setback less than required from the side street (west) property line. Request #2 would permit the maintenance and continued use of the existing garage and playroom located in front of the principal residence and setback closer to the front (south) property line than permitted. Request #3 would permit the maintenance and continued use of the existing swimming pool and spa to be located in front of the principal building and setback closer to the side street (west) property line than permitted.

o **LOCATION:**

8315 S.W. 153 Terrace, Palmetto Bay, Florida.

- o **SIZE:** 128.08' x 276'
- o **IMPACT:**

The approval of the requests would provide the residents additional storage space and living area and would permit the continued use of the swimming pool, spa and existing garage addition. However, the encroachment of the garage, swimming pool, and proposed addition into the front and side street setback areas could visually impact the adjacent properties.

B. ZONING HEARINGS HISTORY: None.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **estate density residential**. 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. 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.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

SUBJECT PROPERTY:

EU-M; single family residence

Residential, estate density, 1 to 2.5 dua

SURROUNDING PROPERTY:

NORTH: EU-M; single family residences

Residential, estate density, 1 to 2.5 dua

SOUTH: EU-M; single family residences

Residential, estate density, 1 to 2.5 dua

EAST: EU-M; single family residences

Residential, estate density, 1 to 2.5 dua

WEST: EU-M; single family residences

Residential, estate density, 1 to 2.5 dua

The subject property is located at 8315 S.W. 153 Terrace. The area where the subject property lies is characterized with single-family residences.

E. SITE AND BUILDINGS:

Site Plan Review:

(Plan submitted)

Scale/Utilization of Site:

Acceptable

Location of Buildings:

Acceptable

Compatibility:

Acceptable

Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	Acceptable
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

(c) **Setbacks** for a single family or duplex dwelling shall be approved after public hearing upon demonstration of the following:

1. the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and
2. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space; and
3. the proposed alternative development will not reduce the amount of open space on the parcel proposed for alternative development to less than 40% of the total net lot area; and
4. any area of shadow cast by the proposed alternative development upon an adjoining parcel of land during daylight hours will be no larger than would be cast by a structure constructed pursuant to the underlying district regulations, or will have no more than a *de minimus* impact on the use and enjoyment of the adjoining parcel of land; and
5. the proposed alternative development will not involve the installation or operation of any mechanical equipment closer to the adjoining parcel of land than any other portion of the proposed alternative development, unless such equipment is located within an enclosed, soundproofing structure; and
6. the proposed alternative development will not involve any outdoor lighting fixture that casts light on an adjoining parcel of land at an intensity greater than permitted by this code; and

7. the architectural design, scale, mass, and building materials of any proposed structure or addition are aesthetically harmonious with that of other existing or proposed structures or buildings on the parcel proposed for alternative development; and
8. the wall of any building within a setback area required by the underlying district regulations shall be improved with architectural details and treatments that avoid the appearance of a "blank wall"; and
9. the proposed development will not result in the destruction or removal of mature trees within a setback required by the underlying district regulations, with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the same side of the lot; and
10. any windows or doors in any building to be located within an interior setback required by the underlying district regulations shall be designed and located so that they are not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; and
11. total lot coverage shall not be increased by more than twenty percent (20%) of the lot coverage permitted by the underlying regulations; and
12. the area within an interior side setback required by the underlying district regulations located behind the front building line will not be used for off-street parking except:
 - a. in an enclosed garage where the garage door is located so that it is not aligned directly across from facing windows or doors on buildings located on an adjoining parcel of land; or
 - b. if the off-street parking is buffered from property that abuts the setback area by a solid wall at least six (6) feet in height along the area of pavement and parking, with either:
 - i. articulation to avoid the appearance of a "blank wall" when viewed from the adjoining property, or
 - ii. landscaping that is at least three (3) feet in height at time of planting, located along the length of the wall between the wall and the adjoining property, accompanied by specific provision for the maintenance of the landscaping, such as but not limited to, an agreement regarding its maintenance in recordable form from the adjoining landowner; and
13. any structure within an interior side setback required by the underlying district regulations;

- a. is screened from adjoining property by landscape material of sufficient size and composition to obscure at least sixty percent (60%) of the proposed alternative development to a height of the lower fourteen (14) feet of such structure at time of planting; or
 - b. is screened from adjoining property by an opaque fence or wall at least six(6) feet in height that meets the standards set forth in paragraph (f) herein; and
14. any proposed alternative development not attached to a principal building, except canopy carports, is located behind the front building line; and
 15. any structure not attached to a principal building and proposed to be located within a setback required by the underlying district regulations shall be separated from any other structure by at least three (3) feet; and
 16. when a principal building is proposed to be located within a setback required by the underlying district regulations, any enclosed portion of the upper floor of such building shall not extend beyond the first floor of such building within the setback; and
 17. the eighteen (18) inch distance between any swimming pool and any wall or enclosure required by this code is maintained; and
 18. safe sight distance triangles shall be maintained as required by this code; and
 19. the parcel proposed for alternative development will continue to provide on-site parking as required by this code; and
 20. the parcel proposed for alternative development shall satisfy underlying district regulations or, if applicable, prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002), regulating lot area, frontage and depth.
 21. the proposed development will meet the following:
 - A. interior side setbacks will be at least three (3) feet or fifty percent (50%) of the side setbacks required by the underlying district regulations, whichever is greater.
 - B. Side street setbacks shall not be reduced by more than fifty percent (50%) of the underlying zoning district regulations;
 - C. Interior side setbacks for active recreational uses shall be no less than seven (7) feet in EU, AU, or GU zoning district or three (3) feet in all other zoning districts to which this subsection applies;
 - D. Front setbacks will be at least twelve and one-half (12 ½) feet or fifty percent (50%) of the front setbacks required by the underlying district regulations, whichever is greater;

E. Rear setbacks will be at least three (3) feet for detached accessory structures and ten (10) feet for principal structures.

(g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations: 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.

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

*Subject to the conditions indicated in their memorandum.

H. ANALYSIS:

The subject property is located at 8315 S.W. 153 Terrace and is an existing single-family residence in an established EU-M, Estate Use Modified Residential District. The EU-M zoning district requires that any residence, or integral part thereof, be setback 25' from the side street property line. Additionally, any accessory structure or use must be setback a minimum of 75' from the front property line, must be setback a minimum of 30' from the side street, and must be located behind the principal residence. The applicants are requesting to permit a proposed addition to the existing residence consisting of a kitchen, bathroom, and laundry/pantry room setback 15'4" (25' required) from the side street (west) property line. Additionally, the applicants are requesting to allow the maintenance and continued use of an existing garage and play room located in front of the principal building and setback 44.7' (75' required) from the front (south) property line. The applicants are also requesting to allow the

maintenance and continued use of an existing swimming pool and spa to be located in front of the principal residence and setback 27' (30' required) from the side street (west) property line. The plans submitted as part of this application reflect the requests sought herein.

The Department of Environmental Resources Management (DERM) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicants will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application and has indicated that it will not generate any additional peak hour trips.

Approval of this application will allow the applicants to construct a proposed addition to be used in conjunction with an existing single-family residence. The proposed addition will provide additional living area for the residents. The site plan submitted by the applicants indicates that the location of the proposed addition will result in a setback of 15'4" from the side street (west) property line. Additionally, the existing swimming pool, spa and garage/playroom are located in front of the principal building. The garage/playroom is setback a minimum of 44.7' from the front (south) property line where a 75' setback is required. The existing swimming pool and spa is setback 27' (30' required) from the side street (west) property line. The subject property is an EU-M lot that is **consistent** with said property's Land Use Plan (LUP) Map's **Estate Density Residential** designation of the Comprehensive Development Master Plan (CDMP). Staff further notes that the site has been designated historic and that the existing residence dates back to 1917. The applicants have requested permits from the Historic Preservation Board and received permit approval on 5/18/2005. According to said Department, the project is consistent with historic preservation guidelines. The principal building is one of the earliest examples of Mediterranean/Mission architecture in Miami and predates the City of Coral Gables' adoption of the popular design theme.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option standards and does not contravene the enumerated public interest standards as established. This section requires any proposed alternative development for a single family residence which is requesting a relief of side street setback requirements to provide a minimum side street setback of 50% of the required setback. Staff notes that request #1 meets the minimum numerical standards since the proposed addition will be setback 15' 4" from the side street property line. Staff notes that requests #2 and #3 cannot be approved under this section, since the existing accessory structures are located in front of the principal structure. The ASDO Standards require that all accessory uses be located behind the front building line. Notwithstanding, the ASDO standards require additional mitigation and documentation for approval under Section 33-311(A)(14). In accordance with Section 33-311(A)(14)(c)(1) and (2), the applicants have to demonstrate that the character and design of the proposed alternative development will not result in a material diminution of the privacy of adjoining residential property; and that the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity, taking into account existing structures and open space. Subsequently, the ASDO Standards require that any area of shadow cast by the proposed addition will be no larger than would

be cast by a structure constructed pursuant to the underlying district regulations. Staff has not received this information and, as such, the requests cannot be properly analyzed under the ASDO Standards and should be denied without prejudice under same.

If analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicants would have to prove that the requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with EU-M zoning standards, this application cannot be approved under the alternative non-use variance standards and should be denied without prejudice under same.

When analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that the approval of this application with conditions would be **compatible** with the surrounding area, would not negatively affect the stability and appearance of the community, and would not be detrimental to the neighborhood. The proposed addition will be constructed, as depicted in the submitted plans, to match the scale of the existing residence, which will not result in an obvious departure from the aesthetic character of the surrounding area. Additionally, the existing swimming pool, spa and garage/playroom are constructed in a similar architectural style and scale as the principal residence. Staff recommends, as a condition of approval, that the applicants provide additional buffering along the west property line in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', consisting of silver or green buttonwood, golden dew drop, potocarpus, or equivalent, or a 6' high wall or wood fence to reduce the impacts on adjacent properties of the kitchen, bathroom, and laundry/playroom addition and existing accessory uses. As such, staff recommends approval with conditions of this application under the NUV Standards.

Accordingly, this application is **consistent** with the Land Use Plan (LUP) map's Estate Density designation of the CDMP and **compatible** with the neighboring area, with the addition of the aforementioned buffering to reduce the impacts of the proposed addition on adjacent properties. Based on all of the aforementioned, staff recommends approval with conditions of this application under §33-311(A)(4)(b) (Non-Use Variance), and denial without prejudice under §33-311(A)(14) (Alternative Site Development Option), and under §33-311(A)(4)(c) (Alternative Non-Use Variance).

I. RECOMMENDATION:

Approval with conditions under Section 33-311(A)(4)(b) and denial without prejudice under Section 33-311(A)(14) and under Section 33-311(A)(4)(c).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Community Development upon the submittal of an application for a building permit and/or Certificate of Completion said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Elmslie Residence," as prepared by Thorn Grafton, Architect and dated 4/29/05 and consisting of 5 sheets and Landscaping Plans as prepared by Geomantic Designs, Inc., dated 4/22/05 and consisting of 2 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Community Development for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.
5. That buffering be provided along the side street (west) property line in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', consisting of silver or green buttonwood, golden dew drop, potocarpus, or equivalent, or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the proposed garage and storage room addition.
6. That the applicants obtain building permits for any non-permitted additions or structures from the Village of Palmetto Bay within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Community Development; should same be relocated, then the applicants must obtain building permits for the same prior to relocation.

DATE INSPECTED: 10/17/05
DATE TYPED: 10/18/05
DATE REVISED: 10/28/05; 11/01/05
DATE FINALIZED: 11/02/05
DO'QW:AJT:MTF:LVT:JV:JED


Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

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Village of Palmetto Bay
Department of Community Development
Recommendation:

The applicant's residence was built in 1917 and has been designated historic by Miami-Dade County. When originally built, the property extended to SW 152 Street which served as the front face of the house. Development of single family homes along SW 152 Street now abut this residence on the north side, changing the front of the house to SW 153 Terrace which is the narrowest portion of the lot. The applicant is requesting an addition to the existing residence with a setback of 15'4" where 25' is required from the side (west) property line. A part of the frontage on the west side is considered an interior side yard which only requires a 15' setback, not requiring any variance. The applicant is also requesting approval to allow the existing accessory uses of a swimming pool and garage to be setback less than that required because they have been built in front of the principal structure since the original front of SW 152 Street no longer exists.

It is recommended that the application be approved with the conditions as stated in Section J. above. The application has been issued a Special Certificate of Appropriateness from the Miami-Dade County Historic Preservation Board. Approval of this application is in accordance with the Village's Comprehensive Plan policy to encourage the protection of historic structures.



Arleen Weintraub, Director
Community Development

Memorandum

MIAMI-DADE
COUNTY

Date: July 28, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
AUG 02 2005

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING



Subject: VPB #Z2005000189
Lee and Deena Elmslie
8315 SW 153rd Terrace
Non-Use Variance of Setback Requirements to Permit an Addition to an Existing Single Family Residence
(EU-1) (0.89 Ac.)
27-55-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

Public water can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal:

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains specimen-sized (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees on the site. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

Memorandum 

Date: May 24, 2005
To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning
From: Aristides Rivera, P.E., P.L.S., Director
Public Works Department
Subject: Zoning Hearing Improvements

RECEIVED
MAY 28 2005
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

In order to enhance the efficiency of the zoning review process for public hearings, your Department requested that the Public Works Department (PWD) provide standard "bypass" comments for some residential applications. These applications will be limited to single family residences, townhouses and duplexes, where the applicant seeks zoning hearing relief for a customary residential use, on previously platted lots. The following applications for public hearings could "bypass" the PWD review:

- Applications requesting setback variances
- Applications requesting variance on lot frontage
- Applications requesting a variance on lot area
- Applications requesting greater lot coverage than permitted by Code
- Applications requesting additions to an existing structure

Pursuant to Sec. 33-24 of the Miami-Dade County Code, for those applications where a structure encroaches onto an easement, the applicant must secure from the easement owner a written statement that the proposed use will not interfere with owner's reasonable use of the easement.

Please contact Mr. Raul Pino, P.L.S., Chief, Land Development Division, at (305) 375-2112, if you have any questions.

cc: Ovidio Rodriguez, P.E. Assistant Director
Public Works Department

Raul A. Pino, P.L.S., Chief
Land Development Division

Leandro Rodriguez

Memorandum



Date: 18-JUL-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000189

Fire Prevention Unit:

No objection to this application.

Service Impact/Demand:

Development for the above Z2005000189
located at 8315 SW 153 TERR
in Police Grid 2093 is proposed as the following:

<u>1</u> single	dwelling units	<u> </u> Industrial	square feet
<u> </u> multifamily	dwelling units	<u> </u> institutional	square feet
<u> </u> commercial	square feet	<u> </u> nursing home	square feet

Based on this development information, estimated service impact is: 0.26 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 4 9201 SW 152 Street.

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None.

Fire Planning Additional Comments:

No objection to this application.

TEAM METRO

ENFORCEMENT HISTORY

LEE AND DINA ELMSLIE

8315 SW 153 TERR

APPLICANT

ADDRESS

72005100189

MEASURING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.

THORN GRATIC ARCHITECT, A.I.

ARCHITECTURE & PLANNING
FOR ENVIRONMENTAL, HISTORIC
& COMMUNITY RESEARCH
901 Ponce de Leon Blvd., Suite #
Coral Gables, FL 33134
305.461.4007 fax 305.461.5000
thorn@thorngratic.com

Historic, American List of Architecture
& P.L. Reg. Arch. RECOR. 100001590

DATE: 1/15/10

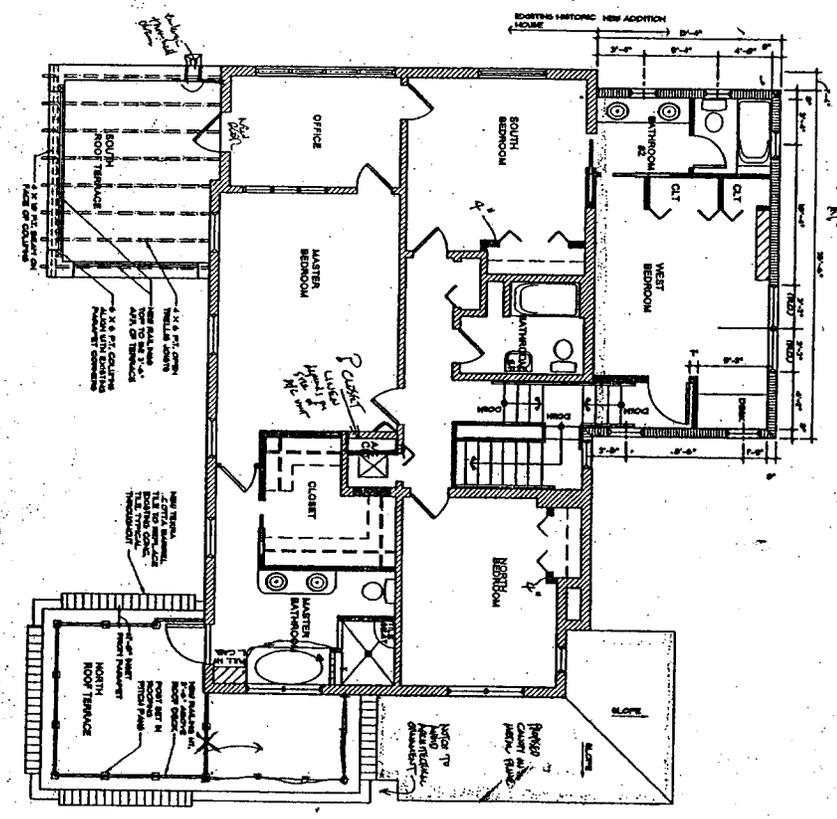
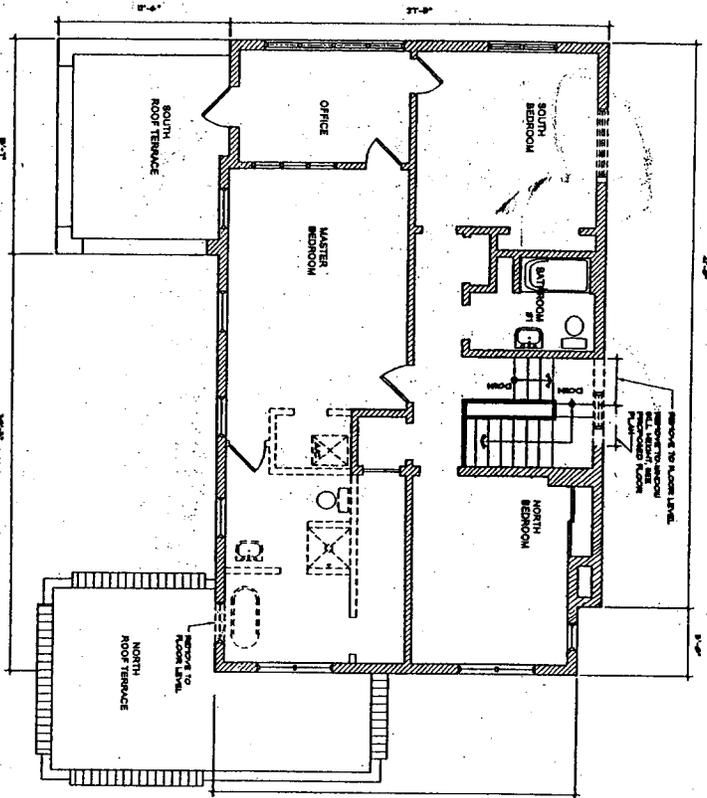
PROJECT: ELMSLIE RESIDENCE

LESLIE DINN ELMSLIE
1111 N. W. 11th St.
MIAMI, FL 33137

SECOND FLOOR PLAN

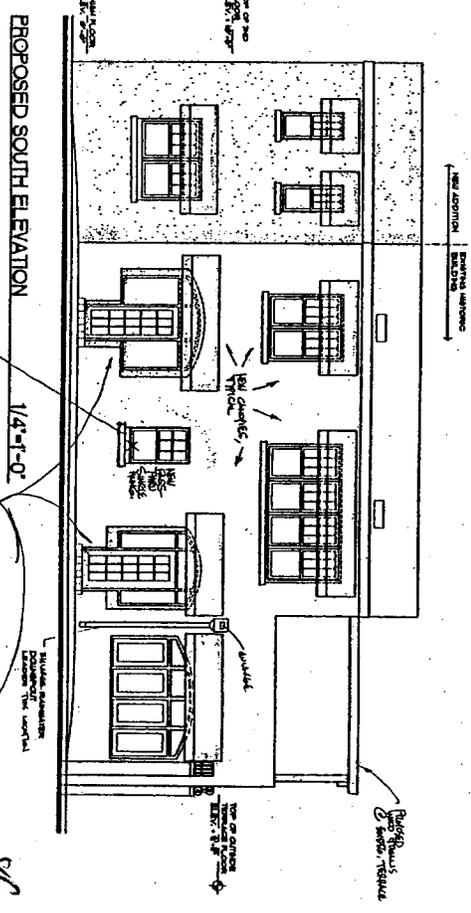
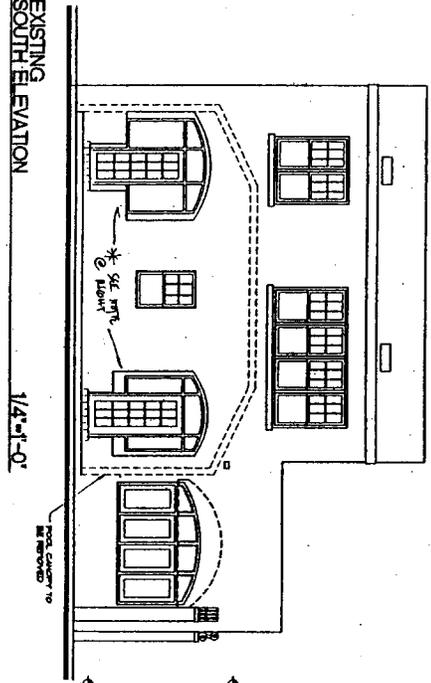
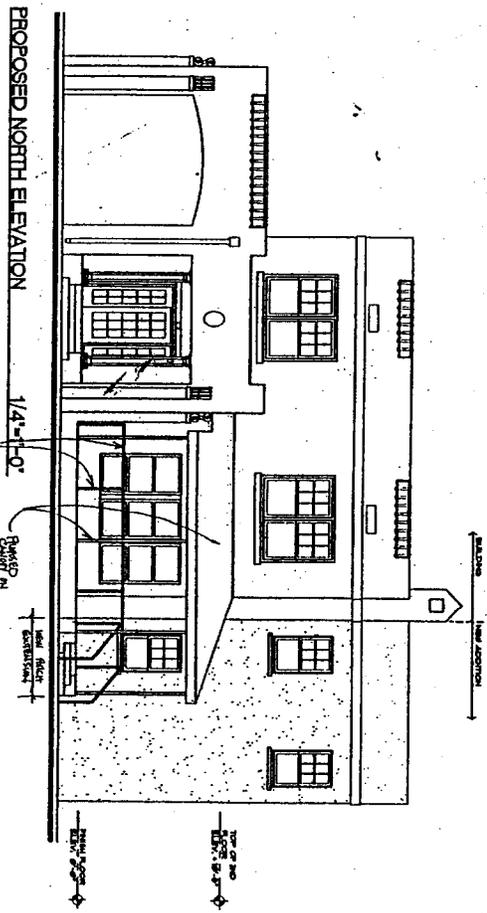
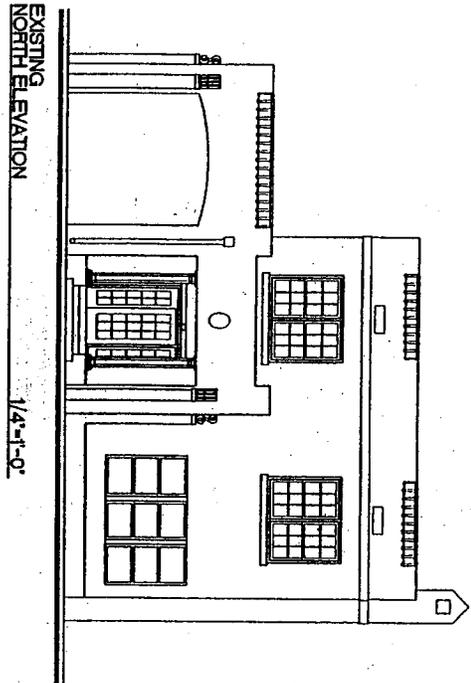
DATE	APRIL 28, 2005
REVISED	
DATE	
BY	
DESCRIPTION	

A-3



Handwritten note: "New addition to South Bedroom"

Handwritten note: "05-186"



These 2 Prop./Window combinations (see above) are to be reviewed by the Architect and the Client. The Client shall be responsible for the final decision to be retained.

05-185

A-4

THORN GRAFF ARCHITECT, A1

ARCHITECTURE & PLANNING FOR ENVIRONMENTAL BETTER COMMUNITY RESOURCES
 901 Powers de Leon Blvd., Suite 8
 305-467-0077 Fax: 305-467-1600
 www.thorngraff.com

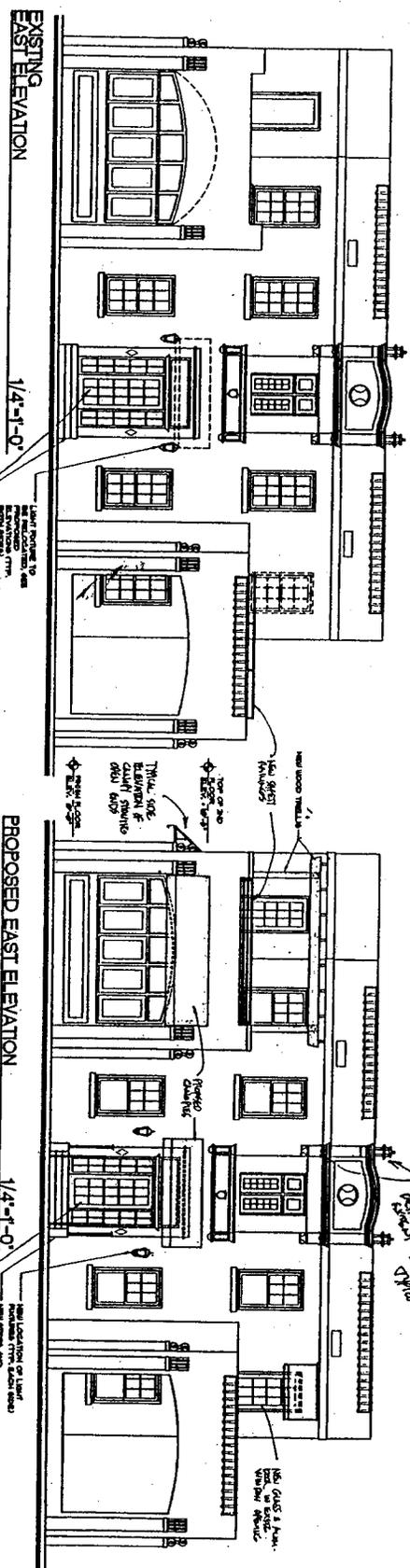
Architect: Thorn Graff Architects
 4700 N. Bay Blvd., Suite 1000, Tampa, FL 33610

ELMSLIE RESIDENCE

LEE & DONA ELMSLIE
 8313 SW 127 TRAIL
 MIAMI, FL 33157

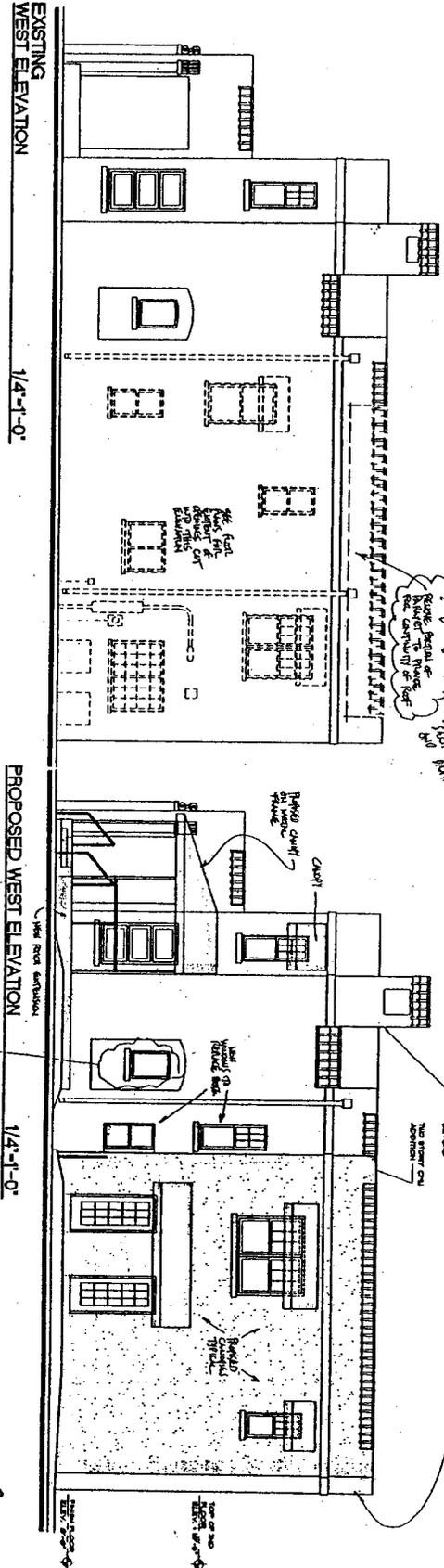
EXISTING AND PROPOSED ELEVATIONS

DATE	APRIL 28, 2008
BY	
REVISION	
NO.	
DATE	
BY	
REVISION	
NO.	



Light fixture to be added to existing porch area. Existing steps and porch area to be removed.

New porch area to be added to existing porch area. New window to be added to existing porch area.



New porch area to be added to existing porch area. New window to be added to existing porch area.

05-185

A-5

DATE	APRIL 24, 2008
BY	
PROJECT	
NO.	
CD SHEET NO.	
SHEET NO.	

ELMSLIE RESIDENCE

1824 BUNA TERRACE
 2115 SOUTH WASHINGTON
 WASHINGTON, DC 20007

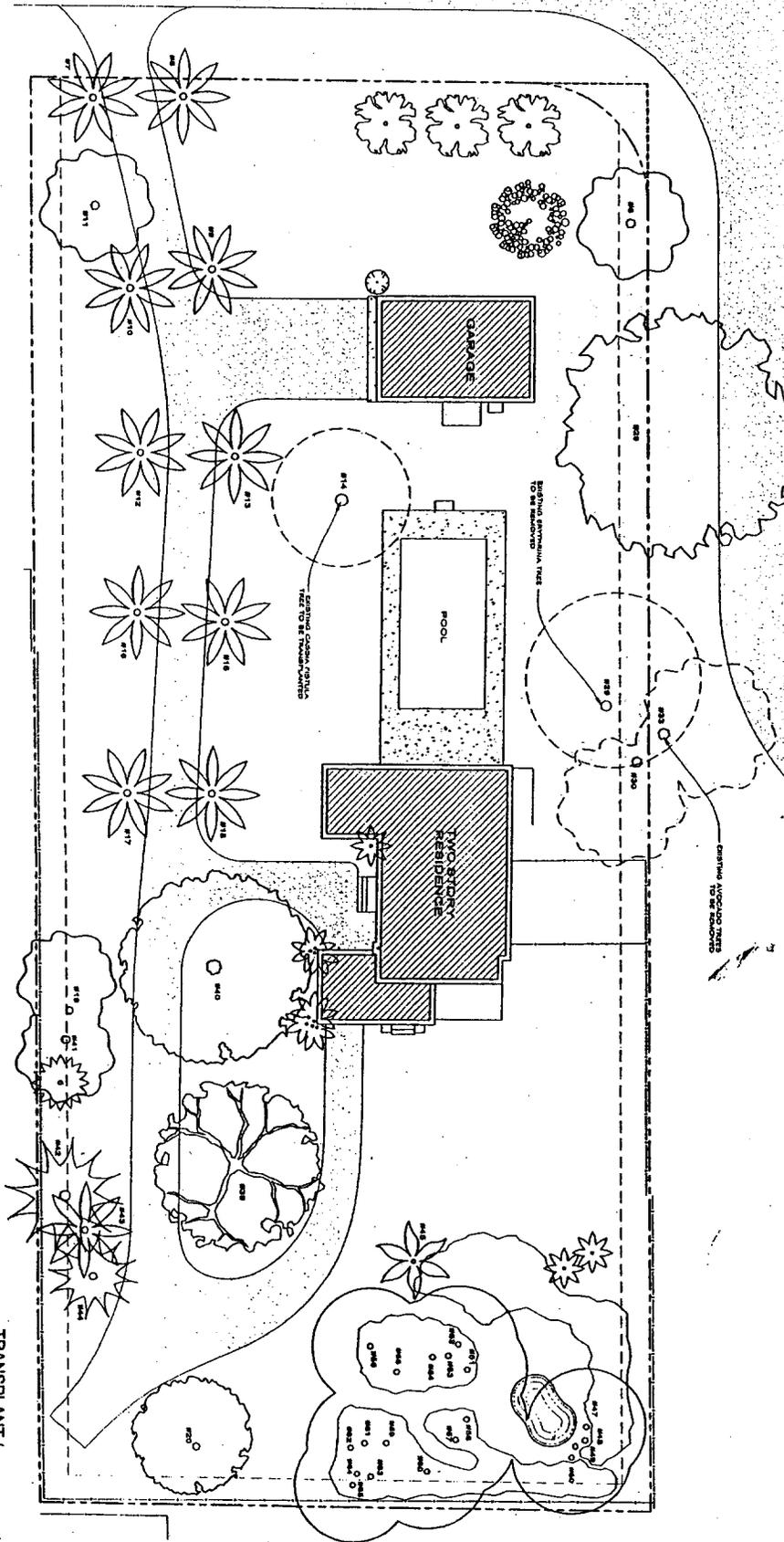
EXISTING
 ELEVATIONS
 AND PROPOSED
 ELEVATIONS

THORN GRAYTO
 ARCHITECT, A/I

ARCHITECTS & PLANNING
 FOR ENVIRONMENTAL, HISTORIC
 & COMMUNITY BENEFITS

301 Powers of Lane Blvd., Suite 40
 Columbia, MD 21046
 302.461.4007 fax: 302.461.6002
 thorngrayto.com

Member, American Institute of Architects
 & The Reg. Arch. Assoc. (No. 1989)

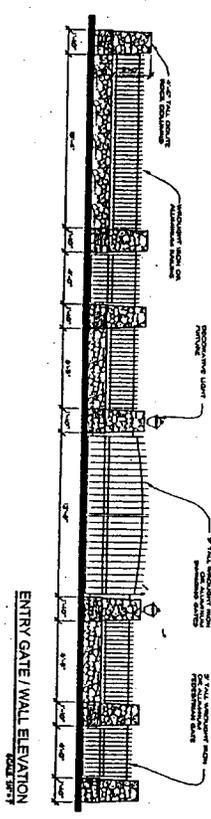
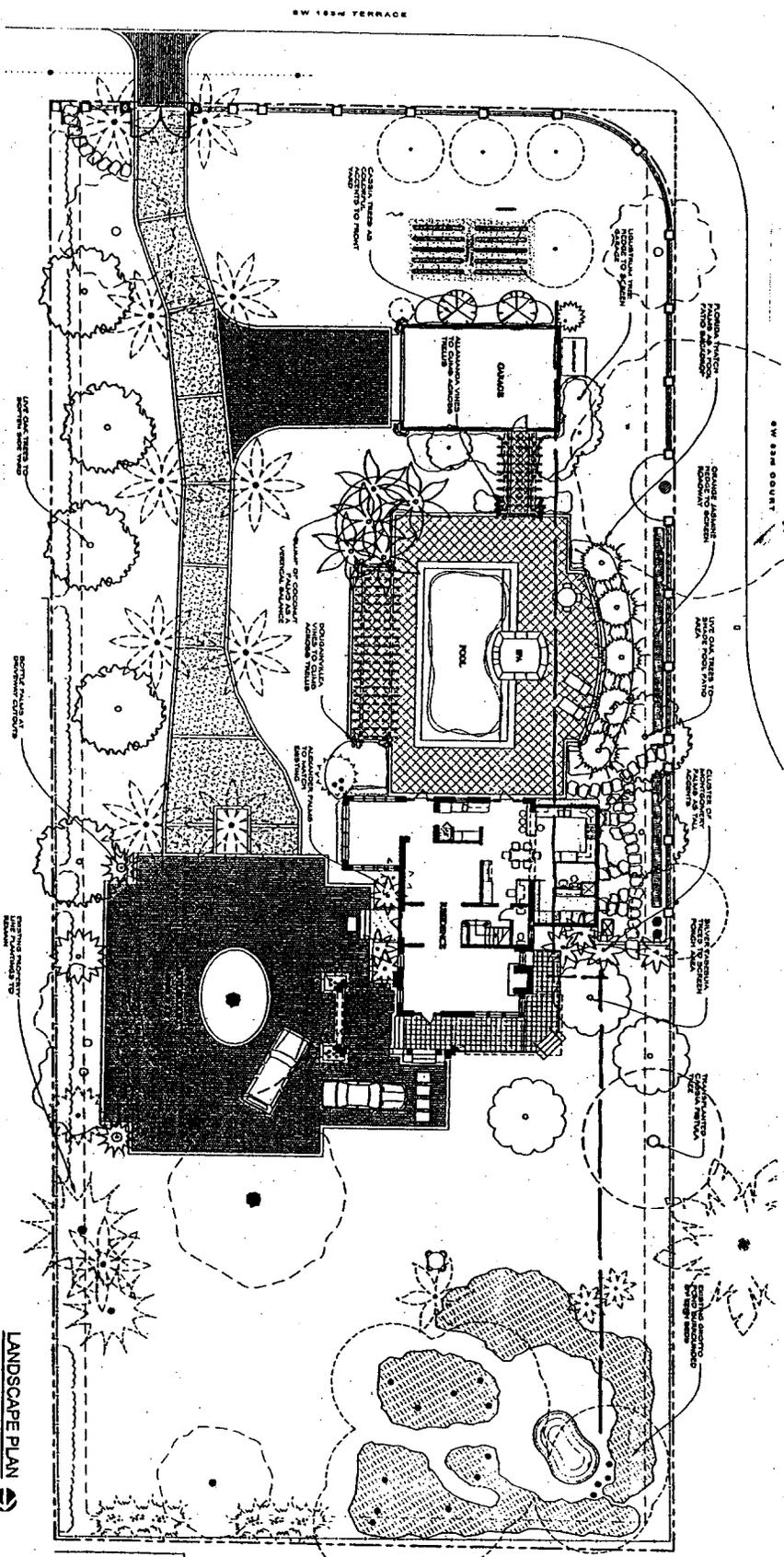


EXISTING TREES TO BE REMOVED

NO.	SYMBOL	DATE	REMARKS
14	[Symbol]	1/2	22
20	[Symbol]	1/2	22
20	[Symbol]	1/2	22
23	[Symbol]	1/2	22

NOTE: REFER TO SITE SURVEY TO DETERMINE EXISTING TREE AND NUMBER

TRANSPLANT / DEMOLITION PLAN
05.185



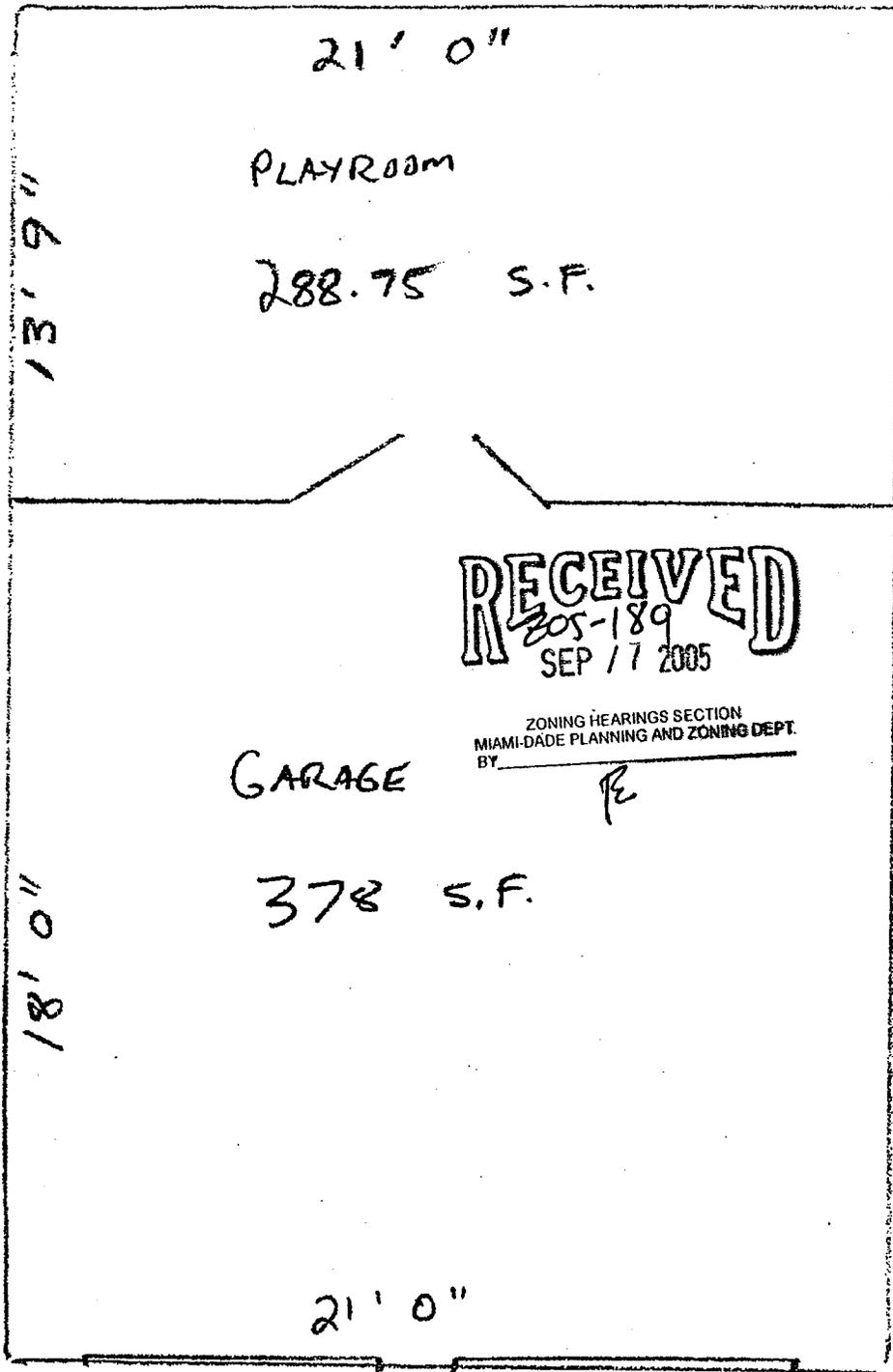
PLANT LIST

TREES & SHRUBS

- 1 - 10' TALL, ROUND TOP, GREEN LEAVES
- 2 - 10' TALL, ROUND TOP, GREEN LEAVES
- 3 - 10' TALL, ROUND TOP, GREEN LEAVES
- 4 - 10' TALL, ROUND TOP, GREEN LEAVES
- 5 - 10' TALL, ROUND TOP, GREEN LEAVES
- 6 - 10' TALL, ROUND TOP, GREEN LEAVES
- 7 - 10' TALL, ROUND TOP, GREEN LEAVES
- 8 - 10' TALL, ROUND TOP, GREEN LEAVES
- 9 - 10' TALL, ROUND TOP, GREEN LEAVES
- 10 - 10' TALL, ROUND TOP, GREEN LEAVES
- 11 - 10' TALL, ROUND TOP, GREEN LEAVES
- 12 - 10' TALL, ROUND TOP, GREEN LEAVES
- 13 - 10' TALL, ROUND TOP, GREEN LEAVES
- 14 - 10' TALL, ROUND TOP, GREEN LEAVES
- 15 - 10' TALL, ROUND TOP, GREEN LEAVES
- 16 - 10' TALL, ROUND TOP, GREEN LEAVES
- 17 - 10' TALL, ROUND TOP, GREEN LEAVES
- 18 - 10' TALL, ROUND TOP, GREEN LEAVES
- 19 - 10' TALL, ROUND TOP, GREEN LEAVES
- 20 - 10' TALL, ROUND TOP, GREEN LEAVES

LANDSCAPE PLAN
SCALE: 1" = 10'

E mslie Residence
Garage Layout

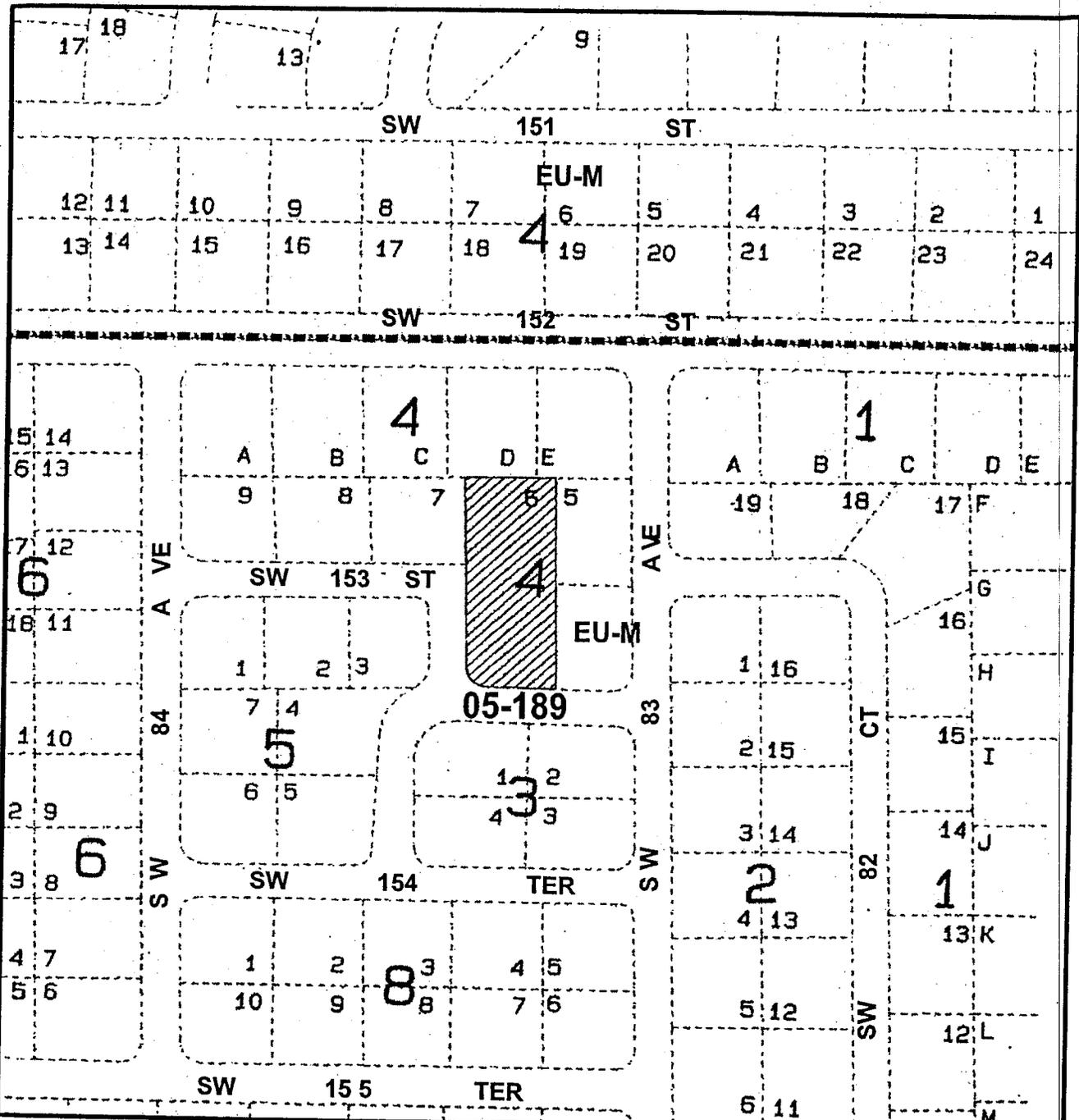


N
WALKWAY
TO SFL

N

SINGLE
GARAGE
DOOR

SINGLE
GARAGE
DOOR



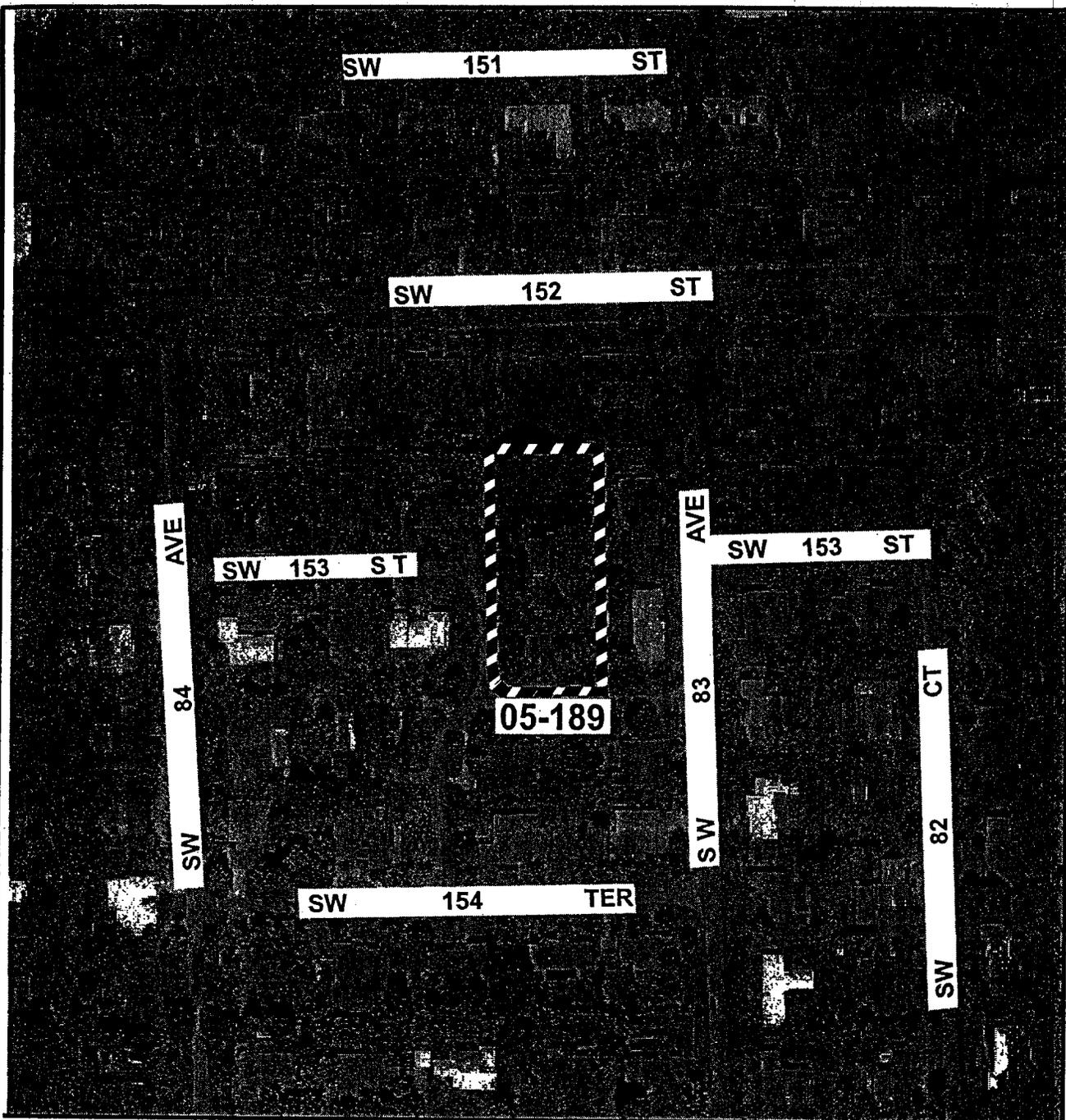
**MIAMI-DADE COUNTY
HEARING MAP**

Section: 27 Township: 55 Range: 40
 Process Number: 05-189
 Applicant: LEE & DEENA ELMSLE
 Zoning Board: VPB
 District Number: 08
 Drafter ID: ERIC
 Scale: 1:200'



SUBJECT PROPERTY





MIAMI-DADE COUNTY
AERIAL

Section: 27 Township: 55 Range:40
Process Number: 05-189
Applicant: LEE & DEENA ELMSLE
Zoning Board: VPB
District Number: 08
Drafter ID: ERIC
Scale: NTS

