STAFF REPORT

FERNANDO & NEREIDA LORA

VPB-15-002

Village of Palmetto Bay
FLORIDA

ZONING ANALYSIS

APPLICANT: Fernando Lora & W Nereida

PH: VPB-15-002

SECTION: 23-55-40

HEARING DATE: April 20, 2015

COUNCIL DISTRICT: 1

ITEM: 1

A. GENERAL INFORMATION

REQUEST: The applicant, Fernando Lora & W Nereida, are requesting a variance from Section 30-50.6(e) to reduce the required side yard setback along the west side from 20' feet the 7.5' feet to allow for construction of a guest house.

ADDRESS: 7200 SW 146th Terrace

LOT SIZE: 29,000 square feet, .66 acres approximately

FOLIO #: 33-5023-023-0240

B. BACKGROUND

The property in question is a corner lot located adjacent to Old Cutler Road and SW 146 Terrace and is developed with a 4,653 square foot (gross) single family home. The applicant is seeking to construct a 1,578± square foot, 4 bedroom 2 bathroom detached guest house with storage space. The structure is to be located at the southwest quadrant of the property 7.5 feet from the interior side property line where 20' is required. The property is also developed with a tennis court at the rear of the property which was approved with two variances in 1973.

C. ZONING HEARING HISTORY

On November 18, 1952, the Dade County Board of County Commissioners pursuant to **Resolution No. 5477** approved a rezoning from EU-1C to EU-1 (single family residential) for a portion of the larger parcel.

On July 28, 1962, the Dade County Board of County Commissioners pursuant to **Resolution No. 5549** approved a rezoning from EU-1 to EU-M.

On October 4, 1973, the Metropolitan Dade county Zoning Appeals Board pursuant to **Resolution No. 4-ZAB-557-73** approved a variance for a tennis court reducing the front setback to 21 feet were 75 was required, and reduced the side setback to 6 feet were 20 was required to allow the construction of a tennis court. The board also approved a variance to allow a 10 foot high chain link fence were 8 feet was permitted.

In and around 2009, the Mayor and Village Council of the Village of Palmetto Bay adopted its own Land Development Code and Official Zoning Map which had the effect of rezoning the property from EU-M, Estate Use Modified, to E-1, One Acre Estate Single Family District.

D. NEIGHBORHOOD CHARACTERISTICS

ZONING

Subject Property:
E-1; Estate Single Family

Surrounding Properties
NORTH: E-M; Estate Modified Single Family, and E-1; Estate Single Family
SOUTH: E-1; Estate Single Family
EAST: E-1; Estate Single Family
WEST: E-S; Estate Use Suburban Single Family

E. SITE AND BUILDINGS

Site Plan Review:	Not Acceptable
Scale/Utilization of Site:	Not Acceptable
Location of Building(s):	Not Acceptable
Compatibility:	Not Acceptable

F. ANALYSIS

The following is a review of the request pursuant to the Village's 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 request is for a reduction of the required side yard setback.

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 property is a corner lot that does not appear to have a dimensional configuration that would prevent the construction of a 1,578± addition. Sufficient area exists at the rear and street side of the property to accommodate either an attached or detached structure of similar size. The proposed location of the detached guest house would be adjacent to the side property line of the neighbor to the west. The dimensional requirements of the E-1 district are intended to provide a development character reflective of appropriate separations of structures and open space. This request appears to be contrary to that intent.

Finding: Inconsistent

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

Analysis: Please see Criteria 2. There appears to be other areas within the property that could accommodate the proposed structure.

Finding: Inconsistent

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: Granting of the request would provide this homeowner the special privilege of building 7.5 feet from the property line were all other homes in the area are required to maintain a 20 foot setback. If approved this development would be inconsistent with the other development in the immediate area with similar property/development configurations.

Finding: Inconsistent

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 considered in reviewing this application.

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: Please see Criteria 3 and 4. The literal interpretation of Chapter 30 would not deprive the applicant of other rights which have been afforded other homes in the area. The applicant could if they choose, relocate the proposed construction to a different area of the property and still meet all of the setback criteria of the E-1 zoning District.

Finding: Inconsistent

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

Analysis: Please see Criteria 3, 4 and 6. Given that there are other areas of the property that could accommodate the proposed guest house, there appears to be no need for a variance.

Finding: Inconsistent

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: Please see Criteria 3, 4 and 6. Although the Land Development Code permits guests houses, the request is in conflict with policy 3.1.9 of the Comprehensive Plan. The Comprehensive Plan requires the evaluation of the appropriateness of allowing such uses in existing neighborhoods as to adequate setbacks, parking, drainage, septic system, and other similar requirements. Such standards are provided in greater specificity within the Zoning Code, which in this case, seeks to satisfy the intent with a 20 foot side yard setback. This application does not meet that setback requirement. Therefore, the proposed detached guest house violates the anticipated development pattern for E-1 zoned properties.

Finding: Inconsistent

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 Council with an opportunity to recommend any conditions based on their evaluation and understating of the technical and non-technical aspects of the application. Should the Mayor and Council be inclined to approve the request with conditions, they should provide clear guidance to mitigate the potential impacts created by the proposed variances. In addition, the Council can recommend conditions to ensure compliance with the Comprehensive Plan, Chapter 30 of the Land Development Code or any duly enacted ordinance. The Council's suggestions are intended to provide conditions that would augment or revise the conditions that may be proposed by the Planning Department.

Finding: As determined by the Mayor and Council

H. RECOMMENDATION

Staff recommends denial.

FOR DD

Darby Delsalle, AICP
Director of the Department of Planning & Zoning

RESOLUTION NO. _____

ZONING APPLICATION VPB-15-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING/DENYING A VARIANCE FROM SECTION 30-50.6(e), TO CONSTRUCT A GUEST HOUSE 7.5 FEET FROM THE PROPERTY LINE WHERE 20 FEET IS REQUIRED; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Applicant, Fernando Lora and W Nereida made an application for a variance to reduce the required side yard setback from 20' feet to 7.5' feet to allow the construction of a guest house; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street, on April 20, 2015; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the variance is/is not 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/not to grant the application, 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 public hearing on the present application was held on April 20, 2015, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 2. Findings of fact.

a. The requested variance request is/is not consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.

b. After hearing testimony from staff, the applicant, the applicant's experts, and the public, the Village Council found the variance request is/is not consistent with the variance criteria at Section 30-30.6(e), of the Village's Land Development Code.

c. The Village adopts and incorporates by reference the Planning & Zoning Department staff report, which expert report is considered competent substantial evidence.

d. The Village Council did not have any substantive disclosures regarding ex-parte communications and the applicant did not raise any objections as to the form or content of any disclosures by the Council.

Section 3. Conclusions of law.

The requested variance was reviewed pursuant to Section 30-30.6(e) of the Village's Land Development Regulations and was found to be consistent/inconsistent.

Section 4. Order.

The Village Council grants/denies the variance request as conditionally consistent with Section 30-30.6(e) of the Village's Land Development Regulations.

This is a final order.

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 at 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 _____ day of April, 2015.

Attest: _____

Meighan Alexander
Village Clerk

_____

Eugene Flinn
Mayor

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

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

ZONING & LAND USE MAPS

FERNANDO & NEREIDA LORA

VPB-15-002

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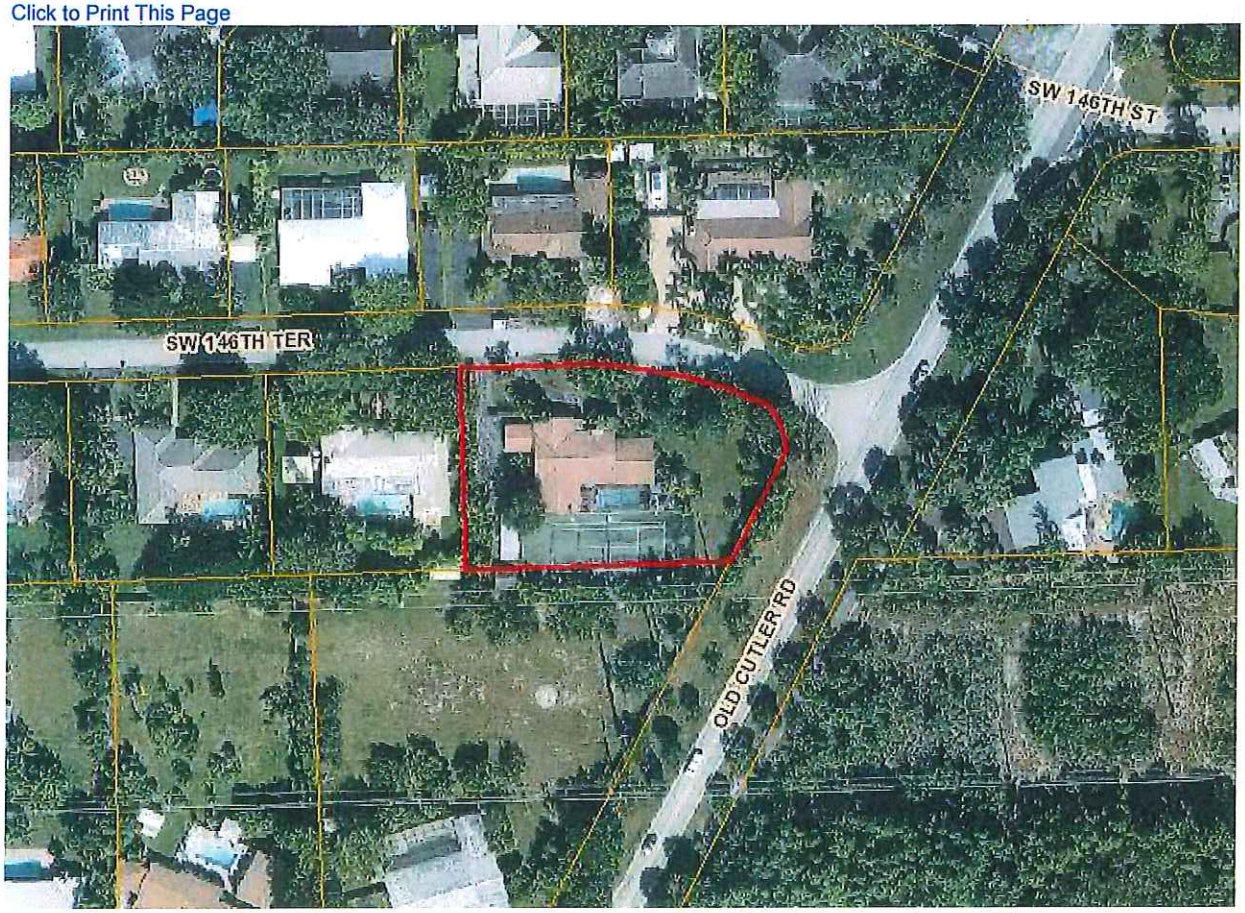

Summary Details:	
Folio:	3350230230240
Site Address:	7200 SW 146 TER Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	FERNANDO LORA &W NEREIDA 7200 SW 146 TER MIAMI, FL 331581660

Property Information:	
Beds/Baths:	4/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2901
Lot Size:	28967 SQ FT
Year Built:	1972
Legal Description:	KINGS BAY PINES PB 87-54LOT 1 BLK 3LOT SIZE 134.500 X 161OR 14328-3899 1189 1F/A/U 30-5023-023-0240OR 14328-3899 1189 00 VIEW PLAT 87-54 Deed: 14328-3899 Deed: 14328-3899

Sale Information:			
Sale Date:	11/1989	2/1973	0/0
Sale Amount:	220000	93100	0
Sale O/R:	14328-3899	00000-0000	

Assessment Information:		
Year:	2015	2014
Land Value:	0	238714
Building Value:	0	235779
Market Value:	0	474493
Assessed Value:	0	333340
Homestead Exemption:	0	25000
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

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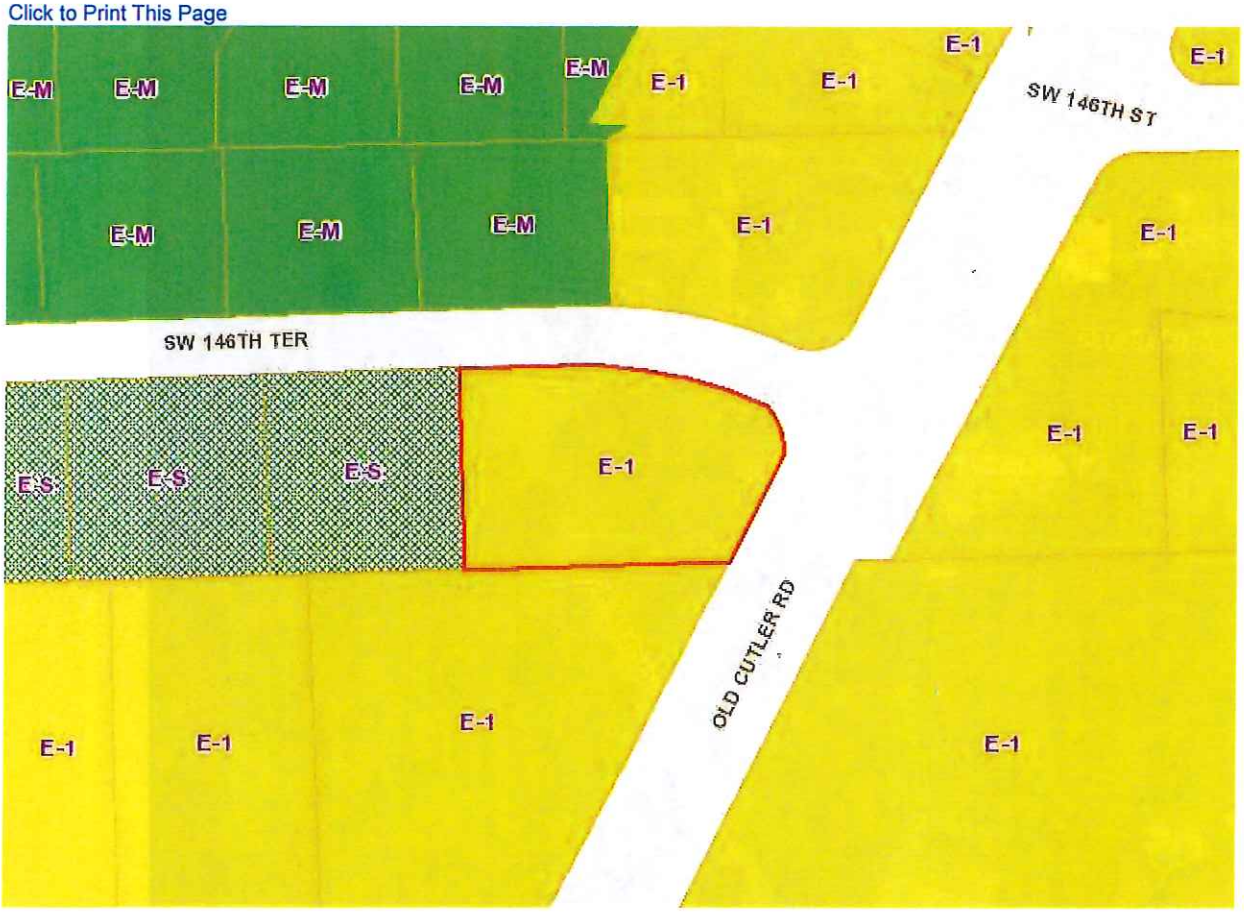

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Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

ZONING HISTORY

FERNANDO & NEREIDA LORA

VPB-15-002

November 20, 1952

Mr. Samuel Kupperman
235 83rd Street
Miami Beach, Florida

Dear Sir:

Enclosed is a copy of Resolution No. 5477, adopted by the Board of County Commissioners, Dade County, Florida, removing the 2½ acre zoning in Section 23, Township 55 South, Range 40 East and placing the property in a 1 acre estate classification with a requirement of a minimum frontage of 200' (as near as practical). Please note that the minimum cubic content has been retained at 15,000 cubic feet. This change applies only to the properties along the arterial highways in the section, as had been advertised for the hearing held on October 20, 1952.

Very truly yours,

DADE COUNTY PLANNING, ZONING & BLDG. DEPT.

C. C. Czebrinski

CCC/3
Enc.
CC: Dr. Jack J. Falk
605 Lincoln Road
Miami Beach, Florida

Miss Rose Waterman
311 86th Street
Miami Beach, Florida

Mr. W. L. Guthrie
Route 2, Box 207
Miami, Florida

RESOLUTION NO. 5477

The following resolution was offered by Commissioner Preston B. Bird seconded by Commissioner J. D. MacVicar, and upon vote duly adopted:

WHEREAS, Oscar Nelson, et al, have applied for a change of zone from EU-1C (2½ Acre Estates) 15,000 cubic feet minimum to EU-1 (1 Acre Estates) 13,000 cubic feet minimum on that part of the S½ of Section 23, Township 55 South, Range 40 East, for a maximum depth of 330' along Ingraham Highway, along Mitchell Drive, along Palmetto Road and along Coral Reef Drive; said property lying between Ludlum and Palmetto Roads and extending from Mitchell Drive to Coral Reef Drive, Dade County, Florida, and

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held as required by law and after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the application be denied, and

WHEREAS, the applicants have appeared before this Board in furtherance of the requested change of zone and after a personal inspection of the property in question, this Board is of the opinion that the requested change of zone from EU-1C (2½ Acre Estates) to EU-1 (One Acre Estates) would not be detrimental to the overall comprehensive zoning plan for Dade County, Florida providing that, as near as practical, a frontage of 200' is provided with each building site;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida that the aforedescribed property be and the same is hereby zoned from EU-1C to EU-1 on condition that each building site provide, as near as practical, a minimum frontage of 200' along said highways.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Planning, Zoning and Building Department.

PASSED AND ADOPTED this 18th day of November, 1952.

STATE OF FLORIDA)
: SS.
COUNTY OF DADE)

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and ex officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution adopted by the said Board of County Commissioners at its meeting held on November 18, 1952, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 19th day of November, 1952.

E. B. LEATHERMAN, Clerk

By _____
Deputy Clerk

Heard 10.20.52

[illegible]
IV-13
60-427

RESOLUTION NO. [illegible]

The following resolution was offered by Commissioner Walter Weiss, seconded by Commissioner Alexander S. Gordon, and upon poll of members present, the vote was as follows:

Joseph A. Boyd, Jr.	aye	A. C. Kittel, Jr.	aye
Frank H. Cowart	absent	John D. Seldon	aye
Ralph A. Dewey	aye	Arthur D. Patten	absent
Alexander S. Gordon	aye	Walter Weiss	aye
Charles F. Hall	aye	Ben C. McCahey	absent
Robert M. Haverfield	absent		

WHEREAS, Theodore Hahn has applied for a change of zone from EU-1 (1-Acre Estates) 15,000 c.f. & 12,500 c.f. to EU-M (Estate Use Modified) 18,000 c.f., to permit single family use on EU-M basis on all that part of the E½ S½ NE¼ SW¼ lying N. and W. of the C/Ly r/w line of Ingraham Bay. in Section 23, Township 55 South, Range 40 East. E. side of SW 146 St., between SW 74 Ave. and Old Cutler Rd., Dade County, Florida, and

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the application be approved on the following basis:

1. That one tier of acre lots be provided on the east portion of the property.
2. That the South ½ of the property, excluding the one acre area, be zoned EU-5.
3. That the balance of the property be zoned EU-M.
4. That a minimum cubic content requirement on the entire property be established at 15,000 cubic feet, and

WHEREAS, a public hearing of this Board was advertised and held, at which time the recommendation of the Zoning Commission was presented, and interested parties present and concerned in the same were heard, and upon due and proper consideration having been given to the matter, it appears to this Board that the change of zone as recommended by the Zoning Commission would be in accord with the overall, comprehensive zoning plan for Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the application as recommended by the Zoning Commission be and the same is hereby approved and said property is hereby zoned accordingly.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 28th day of July, 1960.

Board 6/22/60
No. 55
8/2/60
hf

23-55-40
Item No. 73-595

RESOLUTION NO. 4-ZAB-557-73

The following resolution was offered by Mrs. Thelma Damewood, seconded by Mrs. Nancy Brown, and upon poll of members present, the vote was as follows:

Wilfredo Borroto	aye	Joe H. Moffat	aye
Nancy Brown	aye	Carlos Salman	absent
Thelma Damewood	aye	Albert R. Veri	aye
Aspeo Irani	aye	Edward G. Coll, Jr.	aye
Robert Kaufman	absent		

WHEREAS, Gordon D. Maddox has applied for the following:

(1) Variance of Zoning Regulations to permit an accessory use, to wit a tennis court, to setback 21' (75' required) from the front (E) property line and to be in front of the principal building (required to be to the rear) and to setback 6' (20' required) from the interior (S) property line. AND

(2) Variance of height requirements pertaining to fences to permit a 10' high (8' permitted) chain link fence along the South and East sides of said tennis court.

Plans may be examined of the proposed tennis court and are on file in the Zoning Department as prepared by Gordon D. Maddox and dated 8/5/73.

SUBJECT PROPERTY: Lot 1; Block 3; Kings Bay Pines; PB 87 - Page 54.

LOCATION: 7200 SW 146 Terrace, DADE COUNTY, FLORIDA.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of the Board that the requested Variance 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 subject to conditions.

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested Variance be and the same is hereby approved on condition that the fence is to be a green vinyl coded type of fence.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 4th day of October, 1973.

Heard 10/4/73
No. 73-10-41
10/12/73
ns

Chairman Coll: The Chair is ready for a motion.

Mrs. Damewood: Mr. Chairman, I move that we grant the request, according to the recommendations of both departments.

Chairman Coll: Motion by Mrs. Damewood, seconded by Mrs. Brown that the application be approved in its entirety, motion based on both departments. That includes the installation of the green textured fence.
Do you agree to that?

Mr. Maddox: I haven't really decided at this time. I wanted to compare price between green.

Chairman Coll: We think we ought to decide for you. Everybody else has been putting up a green textured fence. I think you ought to do the same thing.

Mrs. Damewood: I will put that in my motion.

Chairman Coll: With the requirements of green vinly coated fence.

Mr. Geiger: I is in the recommendations.

Chairman Coll: All opposed? Motion carries 7 - 0.

Mr. Maddox: Could I say something else? I want to put a ten-foot fence all the way around, except for the part of the tennis court that is up against the house.

Chairman Coll: That is your variance, a green-coated vinyl fence.

Mr. Maddox: Is it vinyl coated, and not painted?

Chairman Coll: It is vinyl coated.

Mr. Maddox: You are costing me money.

Chairman Coll: That's right, but you will have a nice looking fence, and your neighbors won't mind looking at it. The vote was 7 - 0.

The voting was as follows: All voted yes; those excused were Mr. Kaufman and Mr. Salman.

October 12, 1973

Mr. Gordon D. Maddox and Tina Maddox
7200 S. W. 146th Terrace
Miami, Florida

RE: Request for VARIANCE of Zoning Regulations to permit a tennis court and Variance of height requirements pertaining to fences of said tennis court. Hearing No. 73-10-41.

4-ZAB-557-73

Enclosed herewith is a copy of Resolution No. _____, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

If said approval was with conditions, please note same carefully inasmuch as strict compliance therewith will be required.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as has been provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits should be made with this department. The appeal period commences to run two days after the adoption date of the Resolution.

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPARTMENT

Chester C. Czebrinski
Assistant Director

CCC/ns
Enc.

bcc: Agnes Oakford
Hearing File

POSTING & MAILING

FERNANDO & NEREIDA LORA
VPB-15-002

VILLAGE OF PALMETTO BAY
NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, April 20, 2015, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing item which may be of interest to your immediate neighborhood.

The following item is being considered pursuant to Division 30-30.6 of the Village's Land Development Code:

Applicant:	Fernando Lora & W Nereida
Folio:	33-5023-023-0240
File #:	VPB-15-002
Location:	7200 SW 146th Terrace, Palmetto Bay, FL 33158
Zoned:	E-1
Request:	Variance from Section 30-50.6(e) to reduce the required side yard setback along the west side from 20 feet to 7.5 feet for the construction of a guest house.

PLANS ARE ON FILE FOR THE ABOVE APPLICATION AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING.

The hearing shall be held at the Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Any meeting may be opened and/ or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.

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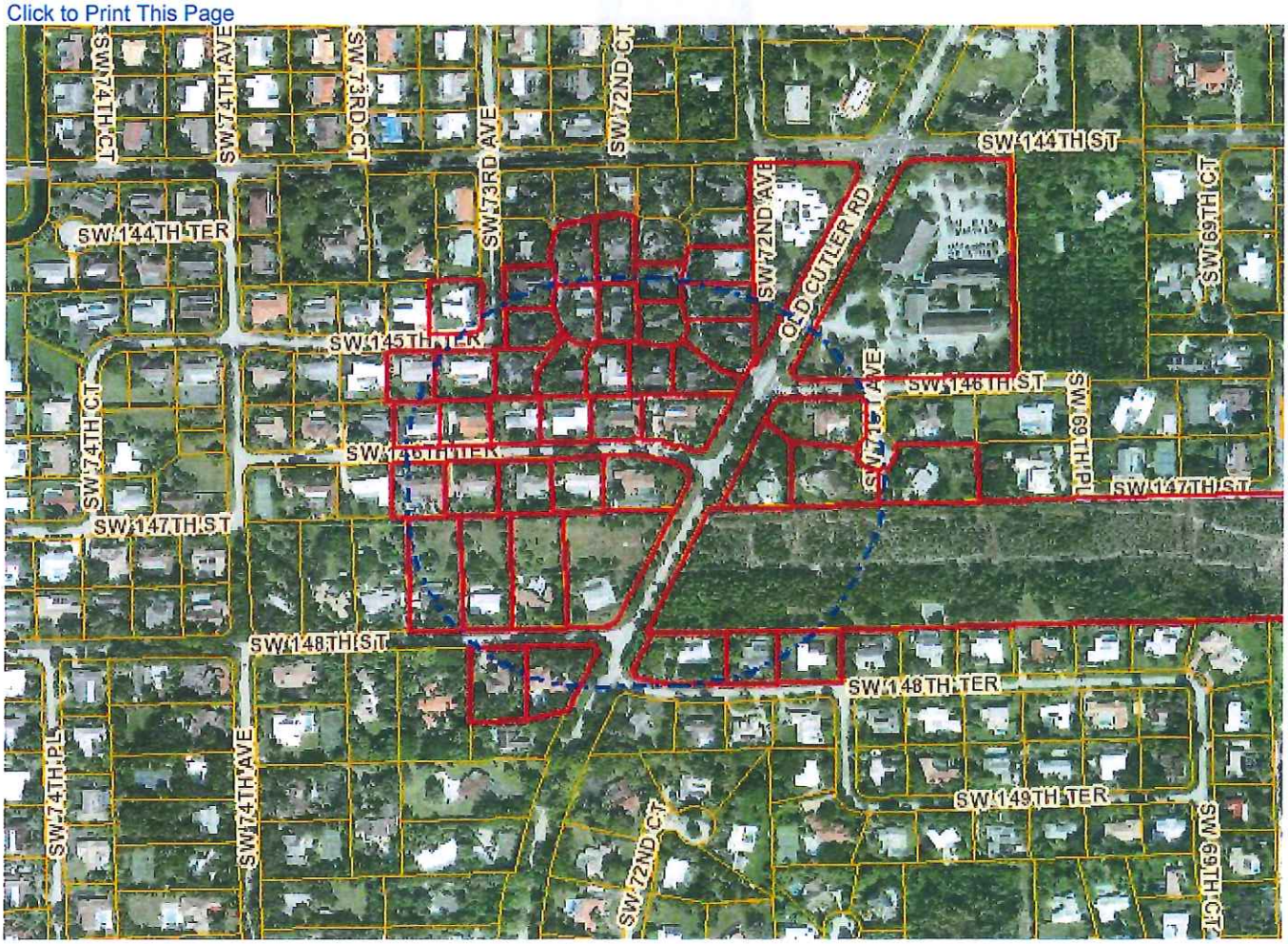

VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING

HEARING NUMBER: VPB-15-002
APPLICANT NAME: Fernando Lora & W Nereida
FOLIO: 33-5023-023-0240 ZONED: E-1

PROJECT LOCATION: 7200 SW 146th Terrace, PALMETTO BAY, FL 33158

REQUEST: Variance from Section 30-50.6(e) to reduce the required side yard setback along the west side from 20' feet to 7.5' feet to allow for construction of a guest house.

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, April 20, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 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
NOTICE OF PUBLIC HEARING

HEARING NUMBER: VPB-15-002
APPLICANT NAME: Fernando Lora & W Nereida
FOLIO: 33-5023-023-0240 ZONED: E-1

PROJECT LOCATION: 7200 SW 146th Terrace, PALMETTO BAY, FL 33158

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VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING

HEARING NUMBER: VPB-15-002
APPLICANT NAME: Fernando Lora & W Nereida
FOLIO: 33-5023-023-0240 ZONED: E-1

PROJECT LOCATION: 7200 SW 146th Terrace, PALMETTO BAY, FL 33158

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VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING

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ZONING HEARING
PERTAINING TO THIS PROPERTY TO BE
HELD AT
ADDRESS
PURPOSE OF HEARING:
DATE:
TIME:
Palmetto Bay
FOR FURTHER DETAILS CALL
305-259-1271
HEARING No:
VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING

ZONING HEARING
PERTAINING TO THIS PROPERTY TO BE
HELD AT
ADDRESS
PURPOSE OF HEARING:
DATE:
TIME:
Palmetto Bay
FOR FURTHER DETAILS CALL
305-259-1271
HEARING No:
VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING

ZONING HEARING
PERTAINING TO THIS PROPERTY TO BE
HELD AT VILLAGE HALL
ADDRESS 9205 EAST HIBISCUS STREET
PURPOSE OF HEARING:
DATE: APRIL 20,2015
TIME: 4:00 PM
Palmetto Bay
FOR FURTHER DETAILS CALL
305-259-1271
HEARING No: VPD: 15.002
VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING

ZONING HEARING

HARVEY RUVIN CLERK CIRCUIT COURT, DADE COUNTY, FLORIDA (Circuit Court Seal)
By: DANIEL CALIXTE Deputy Clerk Publish: 3/19-26 4/2-9 15-I-26/2411073M

3/18/2015

Title:

Category: Hearings
Adnumber: 2419088

VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, April 20, 2015, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing item which may be of interest to your immediate neighborhood. The following item is being considered pursuant to Division 30-30.6 of the Village's Land Development Code: Applicant: Fernando Lora & W Nereida Folio: 33-5023-023-0240 File #: VPB-15-002 Location: 7200 SW 146th Terrace, Palmetto Bay, FL 33158 Zoned: E-1 Request: Variance from Section 30-50.6(e) to reduce the required side yard setback along the west side from 20 feet to 7.5 feet for the construction of a guest house. PLANS ARE ON FILE FOR THE ABOVE APPLICATION AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING. The hearing shall be held at the Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Any meeting may be opened and/ or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings. 3/18 15-3-109/2419088M

APPLICATION

FERNANDO & NEREIDA LORA

VPB-15-002

Form ZH-0107-01

VPB-15-002

SEC: TWP: RGE:

RECEIVED
Zoning Department
2/13/2015
Village of Palmetto Bay
Building & Zoning Department
By:

ZONING HEARING (ZH) APPLICATION

Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 33502302300 40 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).

FERNANDO LORA & W NEREIDA

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 7200 SW 146TR (*) 786-380-5652

City: MIAMI State: FL Zip: 33158 Phone#: 786-296-4160

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

Owner's Name (Provide name of ALL owners): FERNANDO LORA & W NEREIDA

7200 SW 146TR

City: MIAMI State: FL Zip: 33158 Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Company: FERNANDO LORA

City: _____ State: _____ Zip: _____ Cell Phone#: _____

Phone#: 786-296-4160 Fax#: _____ E-mail: _____

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.)

KINGS BAY PINES PB 87-54 LOT 1 BLK 3 LOT SIZE 134,500 X 161

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

7200 SW 146TER MIAMI FL 33158-1660

NE CORNER OLD CUTLER RD.

7. SIZE OF PROPERTY (in acres): 0.66499 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☑ acquired ☐ leased: 11/1999 (month & year) **9. Lease term:** _____ years

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

_____

_____

_____

_____

_____

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-1

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)

☐ Unusual Use: _____

☑ Use Variance:_____

☐ Non-Use Variance:_____

☐ Alternative Site Development: Option:_____

☐ Special Exception:_____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

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: S/F

_____

17. Is there any existing use on the property? ☐ no ☑ yes. If yes, what use and when established? _____
Use: S/F Year: 1972

Planning Staff Use Only

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

PHOTOGRAPHS

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

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), FERNANDO LORA, 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.

LILIANA MARIELA PAJO
NOTARY
My Comm. Expires March 14, 2017
No. EE 884085
PUBLIC
STATE OF FLORIDA

Signature

Signature

Sworn to and subscribed to before me
this 12 day of DEC 2013.

Notary Public: _____
Commission Expires:

****

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

_____
Office Held

(Corp. Seal)

Sworn to and subscribed to before me
This _____day of _____, _____.

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 _____, _____.

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 _____, _____.

Notary Public: _____
Commission Expires:

FORM ZH-0107-03

RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

(Applicant's Signature)

FERNANDO LOBA

(Print Name)

Sworn to and subscribed before me this 12 day of [illegible] 2013 Affiant is personally known to me or has produced L-656-426-43-0[illegible] as identification.

(Notary Public)
My commission expires _____

LILIANA MARIECA PATO
NOTARY PUBLIC
My Comm. Expires March 14, 2017
No. EE 884085
STATE OF FLORIDA

FORM ZH-0107-04

December 12th, 2014

LETTER OF INTENT

RECEIVED
Zoning Department
2/13/2015
Village of Palmetto Bay
Building & Zoning Department
By:

Village of Palmetto Bay
Department of Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay Fl 33157

Re: **New Guest House and Shed**
7200 SW 146 TR, Palmetto Bay, Fl 33158

To whom it may concerns:

I, Mr. Fernando Lora, come to you with a request to build a Guest House at my property located at 7200 SW 146 TR, Palmetto Bay, Fl 33158.

I receive an increasing number of visitors from my home country due to the cultural exchanges I'm promoting, and I cannot accommodate them into the existing facility. I'd like you to take in account consider a interior setback of 7.50', because of although I have a corner lot, the front is considered by 146 Terrace.

I appreciate the opportunity to present this hearing.

Sincerely yours,

Fernando Lora

Mr. Fernando Lora

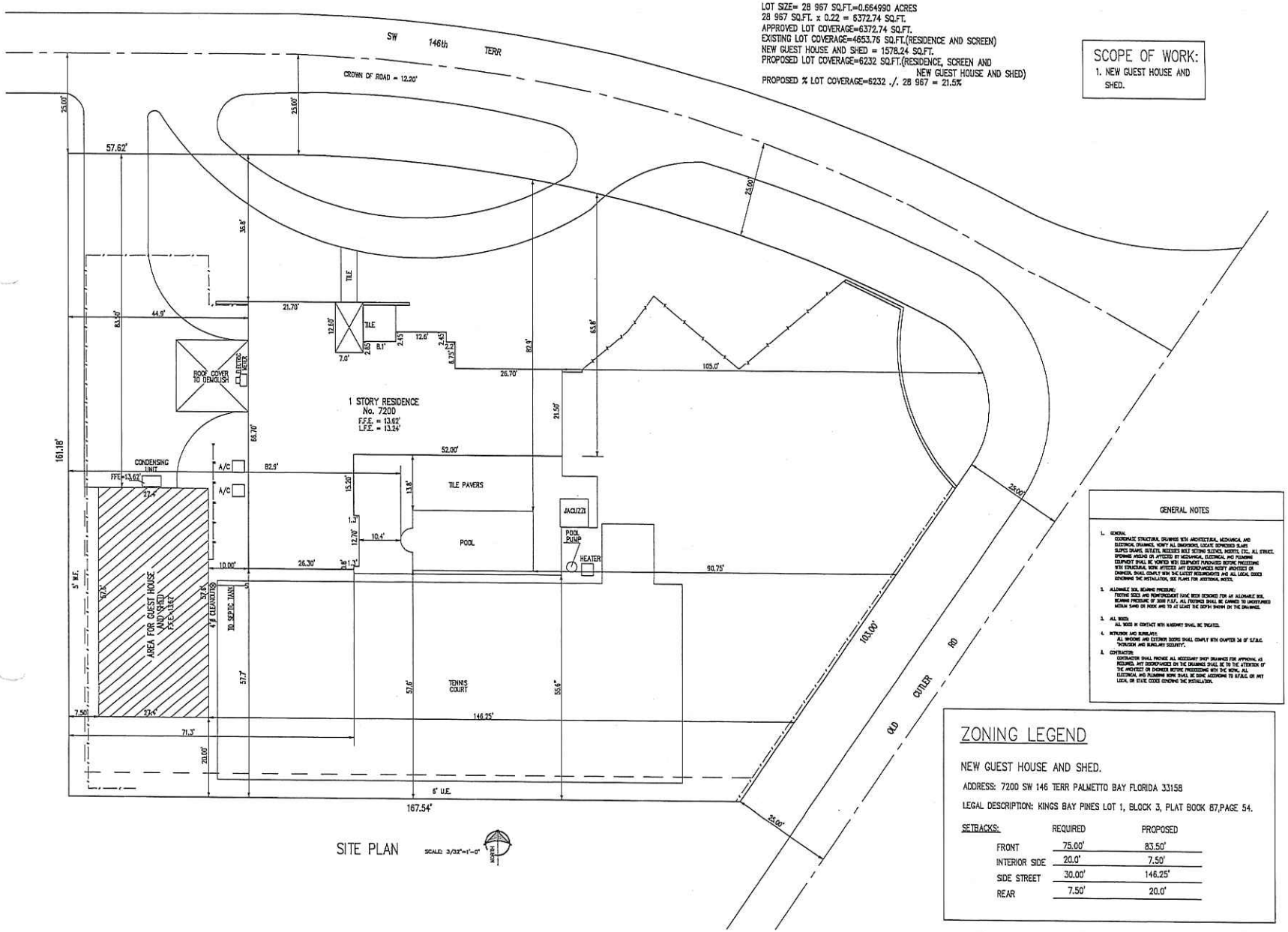
PLANS & SURVEY

FERNANDO & NEREIDA LORA

VPB-15-002

LOT SIZE= 28 967 SQ.FT.=0.664990 ACRES
28 967 SQ.FT. x 0.22 = 6372.74 SQ.FT.
APPROVED LOT COVERAGE=6372.74 SQ.FT.
EXISTING LOT COVERAGE=4653.76 SQ.FT.(RESIDENCE AND SCREEN)
NEW GUEST HOUSE AND SHED = 1578.24 SQ.FT.
PROPOSED LOT COVERAGE=6232 SQ.FT.(RESIDENCE, SCREEN AND NEW GUEST HOUSE AND SHED)
PROPOSED % LOT COVERAGE=6232 ./. 28 967 = 21.5%

SCOPE OF WORK:
1. NEW GUEST HOUSE AND SHED.



SITE PLAN SCALE: 3/32"=1'-0"

GENERAL NOTES

1. GENERAL
COORDINATE STRUCTURAL DRAWINGS WITH ARCHITECTURAL, MECHANICAL AND ELECTRICAL DRAWINGS. VERIFY ALL DIMENSIONS, LOCATE DEPRESSED SLABS SLOPES DRAINS, OUTLETS, RECESSES BOLT SETTING SLEEVES, INSERTS, ETC., ALL STRUCT. OPENINGS AREAS OR AFFECTED BY MECHANICAL, ELECTRICAL AND PLUMBING EQUIPMENT SHALL BE VERIFIED WITH EQUIPMENT PURCHASED BEFORE PROCEEDING WITH STRUCTURAL WORK AFFECTED ANY DISCREPANCIES MUST APPRISED OR ENGINEER. SHALL COMPLY WITH THE LATEST REQUIREMENTS AND ALL LOCAL CODES GOVERNING THE INSTALLATION. SEE PLANS FOR ADDITIONAL NOTES.

2. ALLOWABLE SOIL BEARING PRESSURE:
FOOTING SIZES AND REINFORCEMENT HAVE BEEN DESIGNED FOR AN ALLOWABLE SOIL BEARING PRESSURE OF 3000 P.S.F. ALL FOOTINGS SHALL BE CARRIED TO UNDISTURBED NATURAL SAND OR ROCK AND TO AT LEAST THE DEPTH SHOWN ON THE DRAWINGS.

3. ALL WOOD
ALL WOOD IN CONTACT WITH MASONRY SHALL BE TREATED.

4. WINDOWS AND BURGLARY:
ALL WINDOWS AND EXTERIOR DOORS SHALL COMPLY WITH CHAPTER 34 OF S.F.B.C. "WINDOWS AND BURGLARY SECURITY".

5. CONTRACTOR:
CONTRACTOR SHALL PROVIDE ALL NECESSARY SHOP DRAWINGS FOR APPROVAL AS REQUIRED. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE TO THE ATTENTION OF THE ARCHITECT OR ENGINEER BEFORE PROCEEDING WITH THE WORK. ALL ELECTRICAL AND PLUMBING WORK SHALL BE DONE ACCORDING TO S.F.B.C. OR ANY LOCAL OR STATE CODES GOVERNING THE INSTALLATION.

ZONING LEGEND

NEW GUEST HOUSE AND SHED.

ADDRESS: 7200 SW 146 TERR PALMETTO BAY FLORIDA 33158

LEGAL DESCRIPTION: KINGS BAY PINES LOT 1, BLOCK 3, PLAT BOOK 87,PAGE 54.

SETBACKS:

	REQUIRED	PROPOSED
FRONT	75.00'	83.50'
INTERIOR SIDE	20.0'	7.50'
SIDE STREET	30.00'	146.25'
REAR	7.50'	20.0'

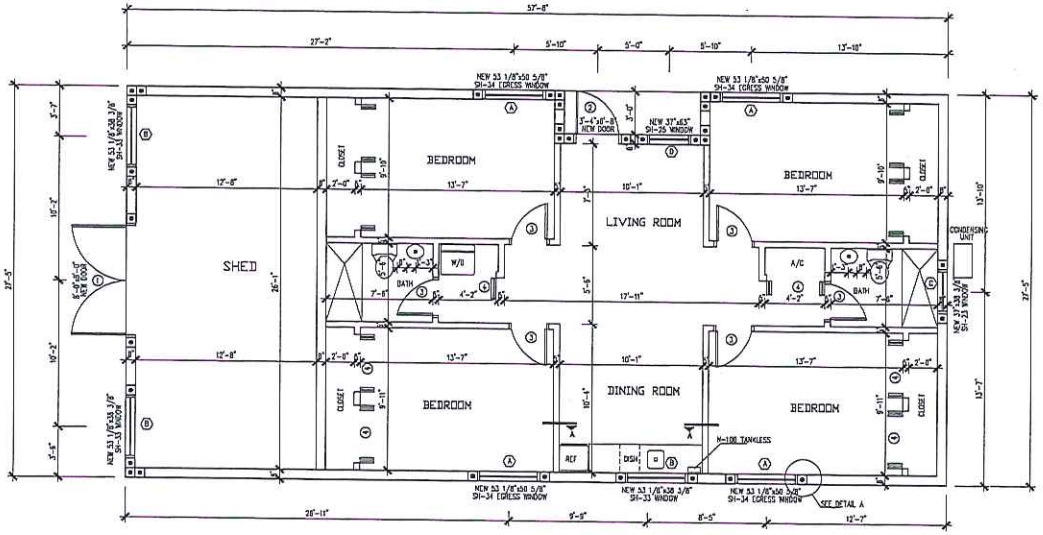
REVISIONS	BY

CLAUDIO A. JOFRE, P.E.
No. REG. 28531
8421 SW 102 CT.,MIAMI,FL TEL- (786) 380-5652

SEAL

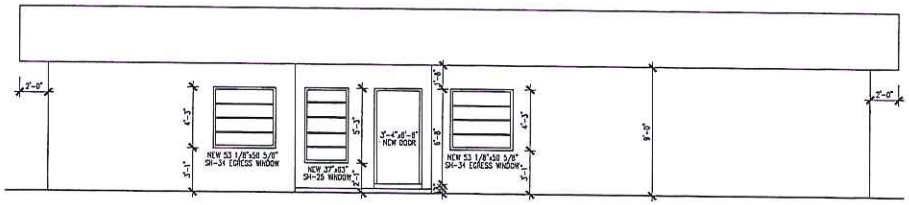
NEW GUEST HOUSE AND SHED
MR. FERNANDO LORA
LOCATED AT:
7200 SW 146 TR PALMETTO BAY FL 33158

DRAWN : L.V.
CHECKED :
DATE : DEC '14
SCALE : SHOWN
JOB NO.:
SHEET
A-1

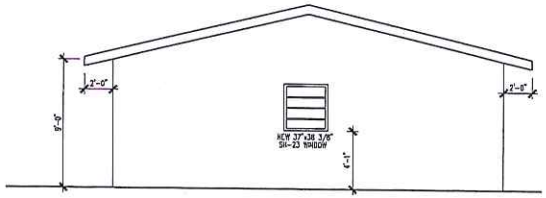


FLOOR PLAN

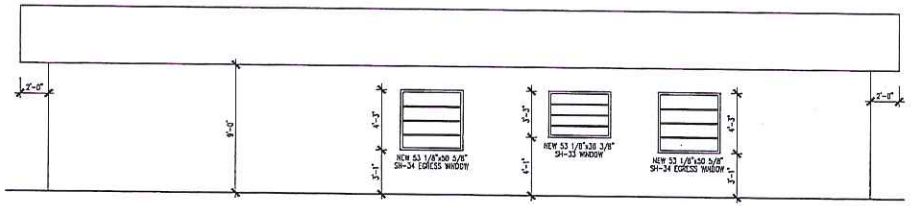
SCALE : 1/4" = 1'-0"



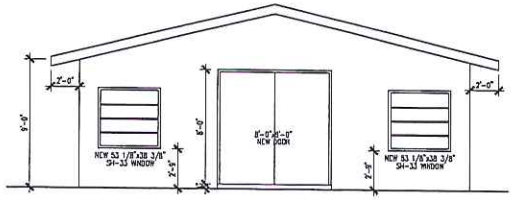
WEST ELEVATION SCALE : 1/4" = 1'-0"



NORTH ELEVATION SCALE : 1/4" = 1'-0"



EAST ELEVATION SCALE : 1/4" = 1'-0"



SOUTH ELEVATION SCALE : 1/4" = 1'-0"

REVISIONS	BY

CLAUDIO A. JOFRE, P.E.
No. REG. 28531
8421 SW 102 CT.,MIAMI,FL TEL- (786) 380-5652

SEAL

NEW GUEST HOUSE AND SHED
MR. FERNANDO LORA
LOCATED AT:
7200 SW 146 TR. PALMETTO BAY FL 33158

DRAWN : L.V.
CHECKED :
DATE : DEC '14
SCALE : SHOWN
JOB NO.:

SHEET
A-2