

RESOLUTION NO. 05-66

ZONING APPLICATION 05-9-VPB-2/05-116 (21-55-40)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF MINERVINO AND HELENA ARGUELLES 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 September 12, 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 September 12, 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 Minervino and Helena Arguelles. The property is single family residence located at 8760 SW 148 Street.
2. The applicants request approval to permit a swimming pool setback varying from 33' to 40.83' (75' required) from the front (east) property line on a dual frontage lot and setback 7.5' (20' required) from the interior side (south) property line; and request to permit a single family

residence addition setback 13.83' (15' required) from the interior (south) 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 Planning and Zoning 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 "Arguelles Castillo Residence", as prepared by Alleguez Architecture, Inc., dated revised 4-13-05, consisting of one sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
 - c. That the use be established and maintained in accordance with the approved plan.
 - d. That the applicants submit to the Department 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 interior side (south) 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 swimming pool and bathroom addition.
 - f. That the existing shed be removed or relocated to conform with zoning requirements 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 a building permit for the same from the Building Department prior to is relocation.
2. For this and future applications, the calculation of the setbacks would be done, recognizing the front of the property as facing SW 148 Street.

Section 5. Record.

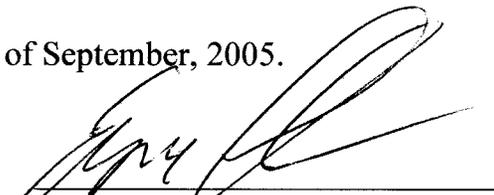
The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents,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

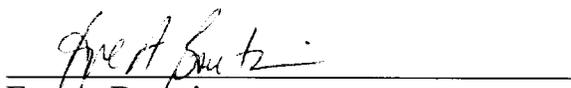
PASSED and ADOPTED this 12th day of September, 2005.

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 Yes_____

Council Member Paul Neidhart Yes_____

Council Member John Breder Yes_____

Vice-Mayor Linda Robinson Yes_____

Mayor Eugene P. Flinn, Jr. Yes_____

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

APPLICANT: Minervino & Helena Arguelles

PH: Z05-116 (05-9-VPB-2)

SECTION: 21-55-40

DATE: September 12, 2005

ITEM NO.: 2

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A. INTRODUCTION

o **REQUESTS:**

1. Applicants are requesting to permit a swimming pool setback varying from 33' to 40.83' (75' required) from the front (east) property line on a dual frontage lot and setback 7.5' (20' required) from the interior side (south) property line.
2. Applicants are requesting to permit a single family residence addition setback 13.83' (15' required) from the interior side (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of these 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).

A plan is on file and may be examined in the Zoning Department entitled "Arguelles Castillo Residence Proposed Pool Design," as prepared by Alleguez Architecture, Inc. dated revised 4-13-05, consisting of one sheet. Plan may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The requests will allow the applicants to construct a swimming pool setback less than required from the interior side (south) and front (east) property lines and permit an addition to the existing single family residence setback closer to the interior side (south) property line than permitted.

o **LOCATION:**

8760 S.W. 148 Street, Miami-Dade County, Florida.

o **SIZE:** 17,511 sq. ft.

o **IMPACT:**

The approval of the requests would provide the residents and their guests with an outdoor amenity and additional interior living area. However, the encroachment of the proposed swimming pool and proposed addition into the front and interior side 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: RU-1; single family residence and vacant parcel

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 residence

Residential, estate density, 1 to 2.5 dua

WEST: EU-M; single family residence

Residential, estate density, 1 to 2.5 dua

The subject property is located at 8760 S.W. 148 Street. 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:	Unacceptable
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 8760 S.W. 148 Street and is an existing single-family residence in an established EU-M, Estate Use Modified Residential District. The EU-M zoning district requires that swimming pools, and any integral part thereof, be setback 75' from the front property line and requires a minimum interior side setback of 20'. Additionally, the EU-M zoning district requires that the residence or any addition thereto be setback a minimum of 15' from the interior side property lines. The applicants are requesting to permit a swimming pool setback varying from 33' to 40.83' from the front (east) property line and setback 7.5' from the interior side (south) property lines (75' and 20' required respectively). Additionally, the applicants are requesting to permit a proposed addition to the existing single family residence setback 13.83' from the interior side (south) property line where 15' is required. The plan submitted as part of this application depict the location of the proposed swimming pool and proposed addition.

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, Florida. 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.

This application will allow the applicants to construct a swimming pool and a proposed bathroom addition to be used in conjunction with an existing single-family residence. The proposed swimming pool will provide an outdoor amenity for the enjoyment of the residents and their guests. The proposed bathroom addition will provide additional interior living areas for the residents. The site plan submitted by the applicants indicates that because of the irregular shape of the lot and the placement of the principal building with the proposed addition, it is necessary that the swimming pool be located varying from 33' to 40.83' from the front (east) property line and setback 7.5' from the interior side (south) property line. The proposed bathroom addition will be located 13.83' from the interior side (south) property line where 15' is required. 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).

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 front setback requirements to provide at least 50% of the front setback requirements of the EU-M zoning code. Request #1 (to setback varying from 33' to 40.83' where 75' is required from the front (east) property line and setback 7.5' where 20' is required from the interior side (south) property line) meets some of the aforementioned ASDO requirements since the ASDO standards stipulate that the interior side setbacks should be not less than seven feet (7') in the EU zoning districts for active recreational use. The request for the swimming pool to setback 7.5' from the interior side (south) property line where 20' is required meets the minimum numerical standard under this section. Additionally, the ASDO Standards require that the pool be located behind the front building line. The plans submitted indicate that the proposed swimming pool will be located behind the front building line of the principal residence. As such, the proposed pool meets both of these minimum standards. However, the ASDO Standards permit a relief of front setback requirements for a swimming pool setback if the proposed setback is no less than 37.5' from the front property line (50% of the required 75'). Due to the shape of the lot and the proposed location of the swimming pool, the applicants have requested that the front setback for the swimming pool vary from 33' to 40.83' where 75' is required. Said portion of request #1 does not meet the ASDO Standards, therefore said request in its entirety would not comply with the ASDO Standards. Request #2 to permit a bathroom addition setback 13.83' from the interior side (south) property line meets this minimum numerical standard that the interior side setback be at least 50% of the side setbacks required by the underlying zoning district. The EU-M zoning district requires a minimum setback of 15' from the interior side property line. As such, the ASDO standards permit a reduction of said setback to be a minimum of 7.5' from the property 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 applicant has 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. 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.

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 swimming pool and bathroom 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. Staff recommends, as a condition of approval, that the applicants provide additional buffering along the south 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 of the pool and bathroom addition on adjacent properties. 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 swimming pool and bathroom 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:

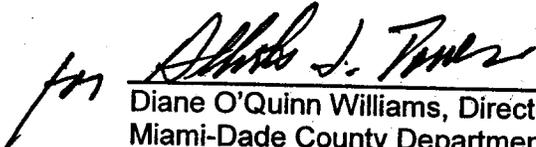
Approval with conditions under Section 33-311(A)(4)(b) and denial without prejudice under Section 33-311(A)(14) and under Section 33-311(A)(4)(c).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning 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 "Arguelles Castillo Residence Proposed Pool Design," as prepared by Alleguez Architecture, Inc. dated revised 4-13-05, consisting of one sheet. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants 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 interior side (south) 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 swimming pool and bathroom addition.
6. That the existing shed be removed or relocated to conform with zoning requirements 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 a building permit for the same from the Building Department prior to its relocation.

DATE INSPECTED: 07/11/05
DATE TYPED: 07/12/05
DATE REVISED: 08/23/05; 08/25/05
DATE FINALIZED: 08/25/05
DO'QW:AJT:MTF:LVT:JV:JED


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

Village of Palmetto Bay
Department of Community Development
Recommendation:

The applicant's house is surrounded by streets on three sides with the front entrance of the house facing S.W. 148th Street. The zoning definition in this case for such an unusual lot bounded by three streets defines the front lot line to be the two narrow sides streets, S.W. 87 Court and S.W. 88 Avenue, S.W. 148th Street to be the side street and the remaining side abutting the neighbor's lot to be the interior side. No variances for the pool would be necessary if the actual entrance of the house was recognized as the front, since the pool would then be constructed within the required setbacks (7.5' rear, 30' side street). In the case of the bathroom addition, a variance would still be necessary if the actual entrance of the house was recognized as the front, rather than the side, since the required rear setback for a structure is 25' and the proposed addition is at 13'-10".

It is recommended that the application be approved with the conditions to maintain the existing wooden fence and to provide a hedge along the interior side (south) property line.


Arleen Weintraub, Director
Community Development

Memorandum



Date: May 23, 2005

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

Subject: VPB #Z2005000116
Minervino & Helena Arguelles
8760 SW 148TH Street
Non Use Variance of Setback Requirements to Permit a Swimming Pool
(EU-M) (0.32 Ac.)
21-55-40

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 Supply:

Public water can be made available to this site, therefore, connection will be required.

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 available in this area. Therefore, connection to public sanitary sewers is not feasible. Accordingly, DERM would not object to the interim use of a septic tank and drainfield as a means for the disposal of domestic liquid waste, provided that the proposed development does not exceed the maximum sewage loading allowed by Section 24-43.1(3) of the Code. Based on available information, the maximum sewage loading for this site would allow the proposed single family residence.

Stormwater Management:

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year / 1-day storm event. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Sections 24-5 and 24-48 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers, the State of Florida Department of Environmental Protection and the South Florida Water Management District may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Tree Preservation:

The subject property contains tree resources. Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

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.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

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

PH# Z2005000116
CZAB - VPB

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MINERVINO & HELENA ARGUELLES

This Department has no objections to this application.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

28-APR-05

Memorandum



Date: 02-MAY-05
To: Diane O'Quinn Williams, Director
Department of Planning and Zoning
From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue
Subject: Z2005000116

Fire Prevention Unit:

Accessibility approved. No objection.

Development for the above Z2005000116
located at 8760 SW 148 ST
in Police Grid 2060 is proposed as the following:

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

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

Planned service(s) to mitigate the impact is:

None

Station/Unit

Estimated date of opening

At this time, Miami-Dade Fire Rescue can/cannot accomodate the
additional projected service impact.

TEAM METRO

ENFORCEMENT HISTORY

MINERVINO & HELENA
ARGUELLES

8760 SW 148 ST

APPLICANT

ADDRESS

Z2005000116

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.



ALLEGUEZ
ARCHITECTURE, INC.
 ARCHITECTURE PLANNING
 INTERIOR DESIGN
 CONSTRUCTION MANAGEMENT
 1000 BAYVIEW BLVD., SUITE 1000
 MIAMI, FL 33134
 TEL: 305.556.7400
 FAX: 305.556.7401
 WWW.AAARCHITECT.COM

ARQUELLES CASTILLO RESIDENCE

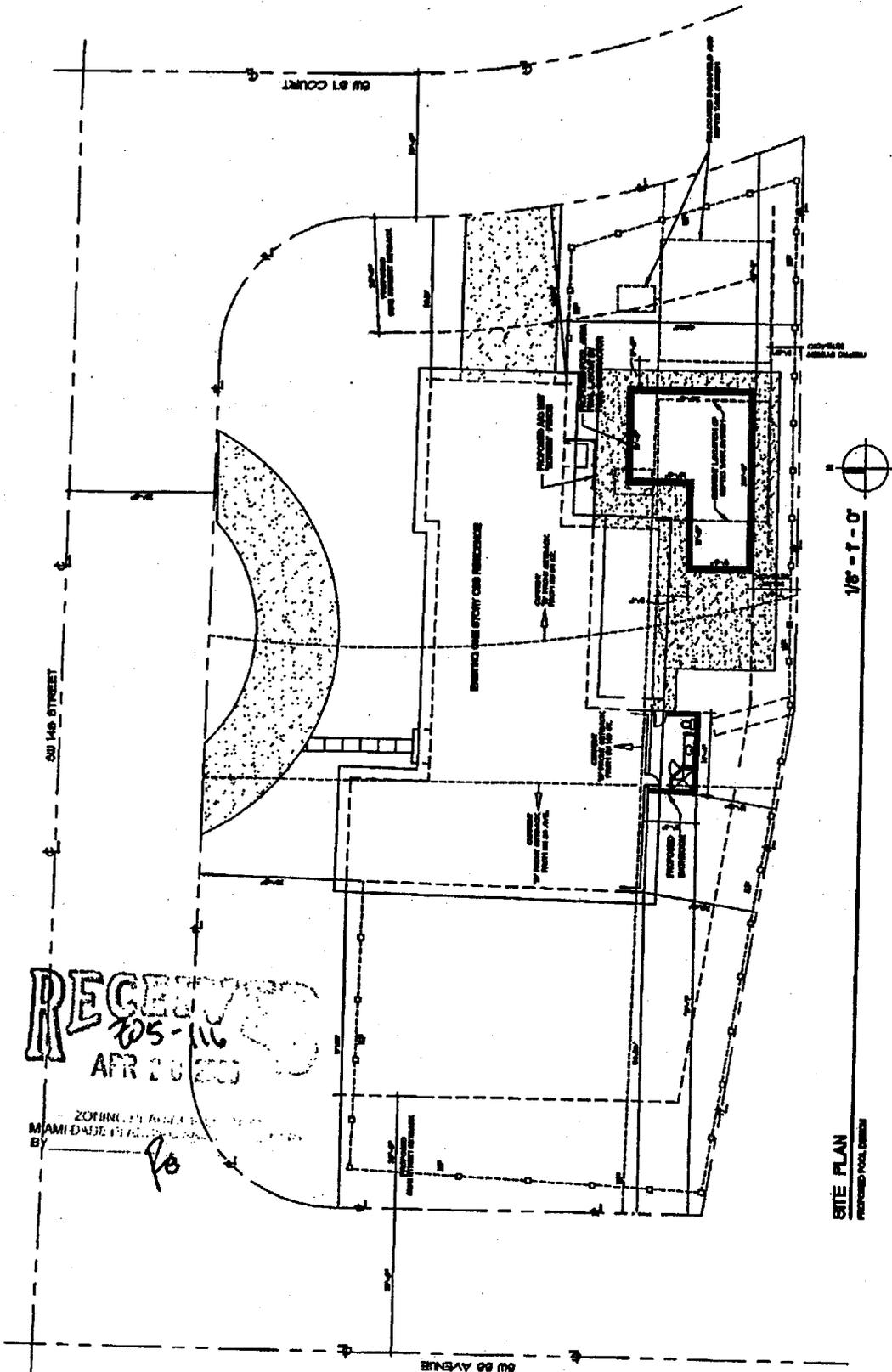
PROPOSED POOL DESIGN

FOR THE ARQUELLES CASTILLO RESIDENCE
 PROJECT NO. 2005-116

SITE PLAN

DATE	10/20/05
DESIGNED BY	ALLEGUEZ ARCHITECTURE, INC.
CHECKED BY	ALLEGUEZ ARCHITECTURE, INC.
SCALE	AS SHOWN
PROJECT NO.	2005-116
CLIENT	ARQUELLES CASTILLO
LOCATION	MIAMI, FL
DESCRIPTION	PROPOSED POOL DESIGN

A-1

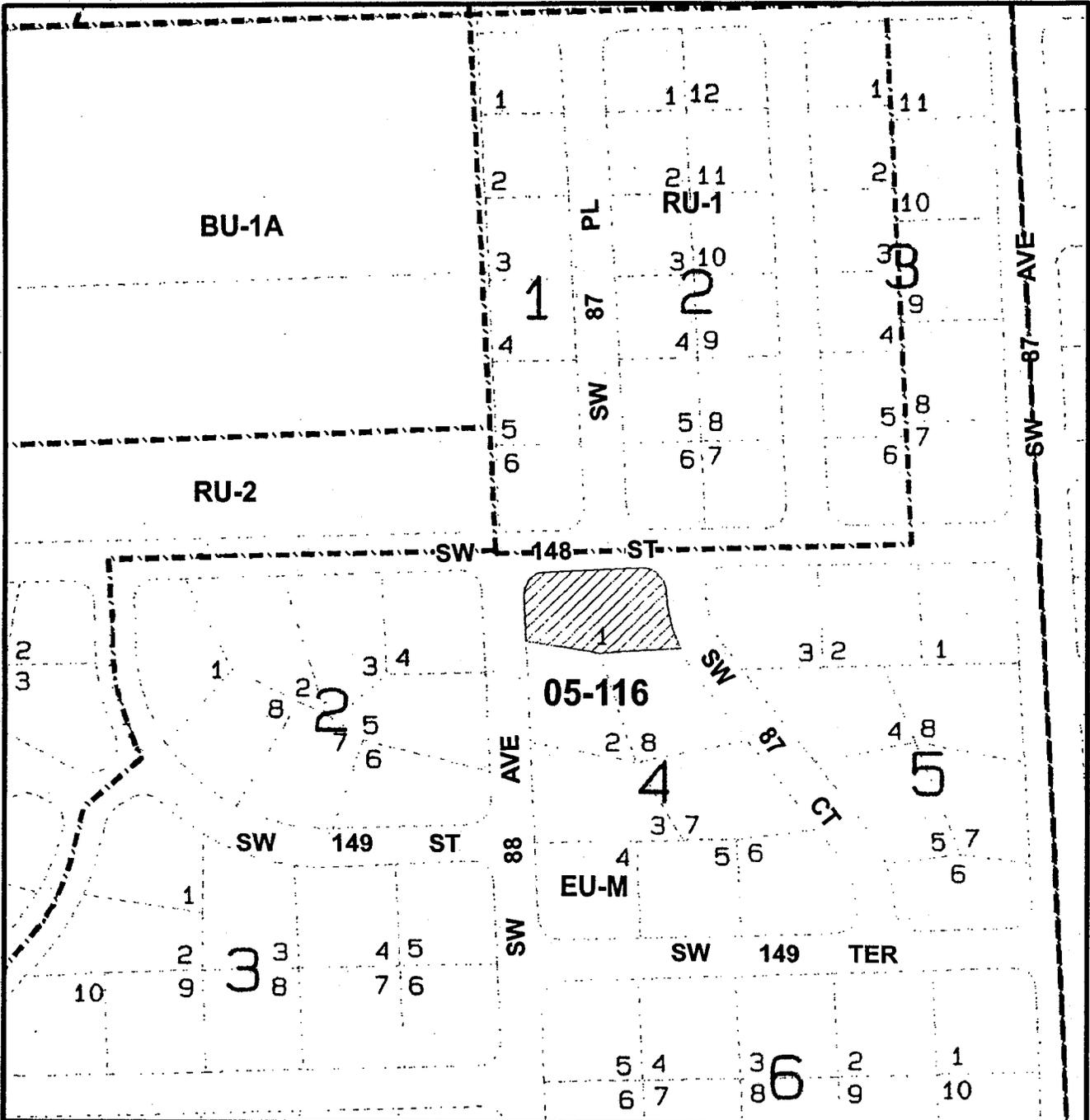


RECEIVED
 205-116
 APR 20 2005

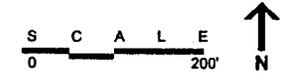
ZONING BY
 MIAMI DMBE
 BY



SITE PLAN
 PROPOSED POOL DESIGN



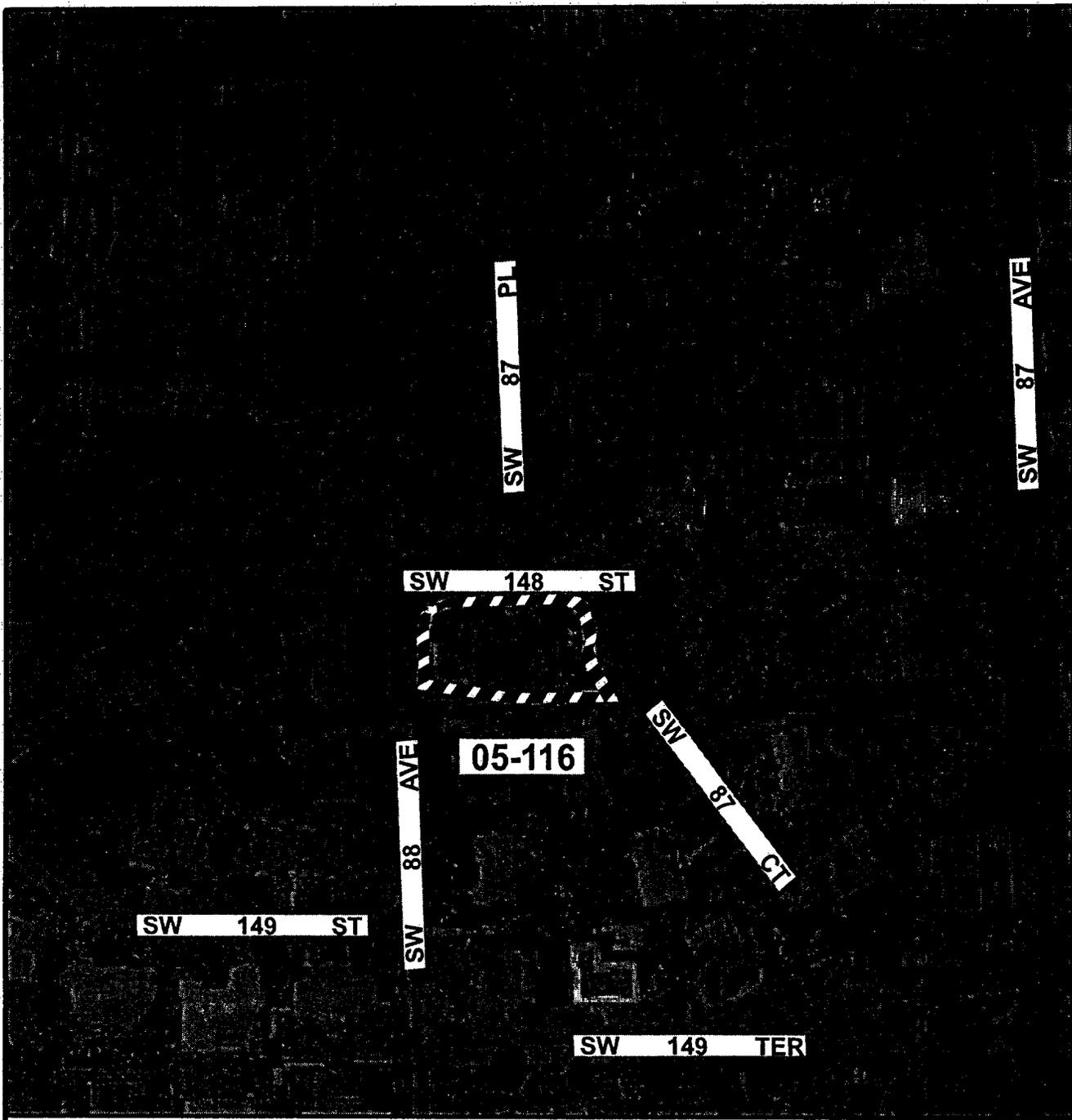
**MIAMI-DADE COUNTY
HEARING MAP**



 SUBJECT PROPERTY

Section: 21 Township: 55 Range: 40
 Process Number: 05-116
 Applicant: MINERVINO & HELENA ARGUELLES
 District Number: 08
 Zoning Board: VPB
 Drafter: ALFREDO
 Scale: 1:200'





**MIAMI-DADE COUNTY
AERIAL**

**Section: 21 Township: 55 Range: 40
Process Number: 05-116
Applicant: MINERVINO & HELENA ARGUELLES
District Number: 08
Zoning Board: VPB
Drafter: ALFREDO
Scale: NTS**

S C A L E
0 NTS N

SUBJECT PROPERTY

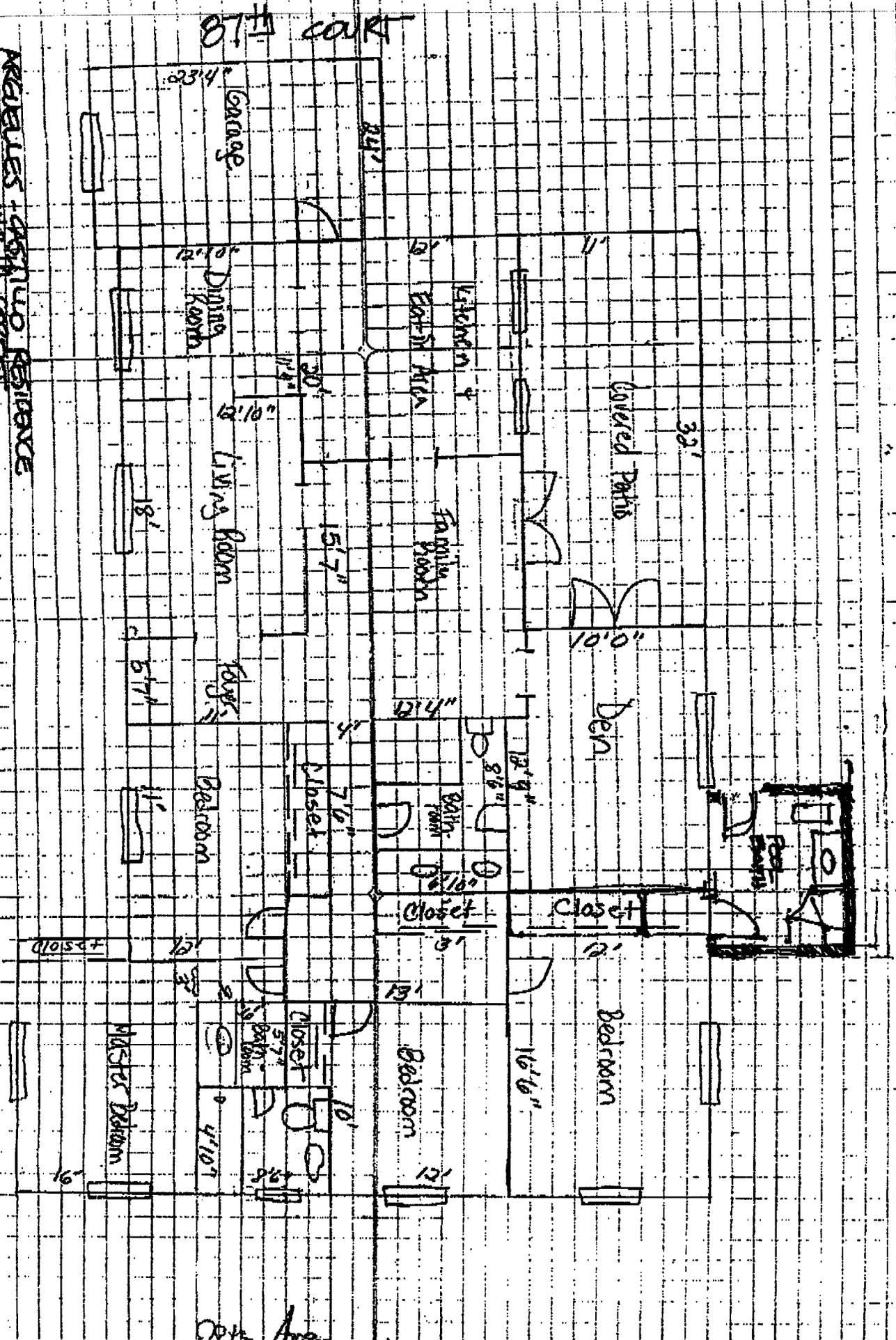


ATTN: JUDY MILLER

R-7105

KARLALES + CASTILLO RESIDENCE
5760 SW 148th STREET
PALM BEACH, FL 33458

148th STREET



Deck Area