

MIAMI SHORES PLANNING AND ZONING BOARD
Planning and Zoning Department Staff Report

Hearing Date	February 28, 2013	Meeting Time	7:00 P.M.
File Number	PZ-1-13-20131	Folio Number	11-3206-017-1540
Owner	Paul Adan, 500 NE 97th Street		
Applicant	Same		
Agent	None		
Property Address	500 NE 97th Street		
Legal Description	MIAMI SHORES SEC 4 AMD PB 15-14 LOTS 9 & 10 BLK 99 LOT SIZE 103.500 X 130 OR 18935-1757 12 1999 4 COC 25199-3878 12 2006 1 OR 28339-4823 0712 12		
Property Sq. Ft.	13,455	Building Sq. Ft.	3,684
		Flood Zone	X
Zoning	R23	Future Land Use Designation	Single Family Residential
Existing Use	One-family dwelling	Comprehensive Plan Consistency	Yes
Existing Structure	2-story; 3 bed/2 bath	Year Built	1936
Subject	Pursuant to Articles IV, V and IV of Appendix A Zoning, Special site plan review and approval. Garage conversion, bedroom and master suite, and a covered patio.		
Action Required	Approve, Approve with Conditions, or Deny the Application	Other Required Approvals	Village Building Permits DOH/HRS and DRER/EPRD
Staff Report	David A. Dacquisto, Director of Planning and Zoning	Report Date	February 11, 2013

Background

The garage is located at what may have been determined to be the side of the property. The property is shaped in the form of a modified triangle and has an angled corner. Front yard setbacks are provided on NE 97th Street and off NE 5th Avenue. The front is located and addressed from NE 97th Street with the rear normally being the opposite side. The side yards are located off NE 5th Avenue and its opposite side.

The rear yard setback is normally 15 feet for the residence and 5 feet for a detached garage. The subject garage is attached and located 7.7 feet from the rear plot line instead of the normal 15 feet if it were a rear yard. The garage was a previous addition that was approved with a setback of 10 feet that may reflect a determination at the time that a side yard setback was appropriate. As noted it was actually constructed 7.7 feet from what may have been determined was the side plot line, rather than the 10 as required and as shown on the original building plan.

The garage is to be converted to a master bedroom and bath suite accessible from inside the residence. The bedroom is also accessible from the rear yard through sliding doors.

The applicant is also proposing to cover a rear patio. The patio roof appears flat on the plans however it will be sloped in conformance with the building and zoning codes and will have a clay tile roof.

Analysis

The conversion will be compatible with the design of the existing residence.

The applicant will provide 2 parking spaces on a new parking pad off NE 5th Avenue. The existing driveway will have to be removed and replaced with landscaping. As an alternative the existing driveway could serve as a trash area. The applicant does not have one along the alley at present.

Applicant to complete a covenant in the form of a "Declaration of Use" assuring the property is used only for a single family purpose, record the document with the Miami-Dade County Recorder and provide a copy of the recorded document to the Planning Director.

All additions require Miami-Dade Department of Health (DOH/HRS) approval. Additions that include new bathrooms require Miami-Dade Department of Regulatory and Economic Resources, Environmental Plan Review Division (DRER, EPRD) approval as well.

The proposal is consistent with the technical provisions of the Zoning Code except as noted and as regulated by previous village staff and built under a former owner.

The element of nonconformity will not be increased by the work proposed.

Recommendation

In acting on a site plan, the Planning Board must make a finding that the proposed improvements are harmonious with the community, as required in Articles V and VI of Appendix A Zoning of the Code of Ordinances, and, in that regard, may add further conditions or delete or modify staff recommended conditions, deny the application, or continue the item for future consideration.

Planning and Zoning staff recommends APPROVAL of the site plan to convert a garage to a master bedroom and bath suite, and a sloped clay tile roof over an open patio with a finding that it is consistent with the technical provisions of the Code.

Should the board find that the applicant merits approval, staff recommends that the following conditions apply:

- 1) Approval is granted to convert a garage to a master bedroom and bath suite and to add a sloped clay tile roof over an open patio.
- 2) Applicant to provide and maintain not less than two (2) parking spaces on the plot.
- 3) The existing driveway to be removed and replaced with a landscape strip or converted to a trash area.

- 4) Applicant to obtain all required building permits before beginning work.
- 5) Applicant to obtain all required permits from the Miami-Dade Department of Regulatory and Economic Resources, Environmental Plan Review Division (DRER, EPRD) and the Miami-Dade Department of Health (DOH/HRS).
- 6) Applicant to meet all applicable code provisions at the time of permitting.
- 7) Applicant to complete a covenant in the form of a "Declaration of Use" assuring the property is used only for a single family purpose, record the covenant with the Miami-Dade County Recorder and provide the planning director with a copy of the recorded document prior to the final inspection by the Building Official.
- 8) This zoning permit will lapse and become invalid unless the work for which it was approved is started within one (1) year of the signing of the development order by the board chair, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.