

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-1-13-20132	Folio Number	11-3206-013-4420
Owner	Santiago Herrera, 273 NE 98th Street		
Applicant	Same		
Agent	None		
Property Address	273 NE 98th Street		
Legal Description	MIAMI SHORES SEC 1 AMD PB 10-70 LOTS 20 & 21 & LOT 19 LESS W1/2 BLK 32 LOT SIZE 125.000 X 115 OR 17440-4444 1196 1 OR 28049-0166 0312 01		
Property Sq. Ft.	14,375	Building Sq. Ft.	2,892
		Flood Zone	X
Zoning	R18.5	Future Land Use Designation	Single Family Residential
Existing Use	One-family dwelling	Comprehensive Plan Consistency	Yes
Existing Structure	2-story; 3 bed/3 bath	Year Built	1924
Subject	Pursuant to Articles IV, V, VI and VII of Appendix A Zoning, Special site plan review and approval and Variance request rear yard. Garage conversion, cabana, bathroom and storage.		
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 applicant has a detached garage and is requesting a variance to the rear yard setback to permit a garage conversion to allow a cabana, with a playroom, bathroom and storage area. French doors open from the cabana to the yard.

The detached garage is located on the rear property line and is part of the original construction. The planning board will determine if a variance is necessary for the conversion to proceed or if the existing situation warrants site plan approval only.

Analysis

The applicant is requesting a hardship variance of 5 feet to permit a garage with 0 rear setback and to further allow a change of use in an existing detached garage

The nonconforming section of the code addresses nonconforming uses but does not address nonconforming structures with conforming uses.

If approved, the proposed code would allow a nonconforming structure to be enlarged or altered for a conforming use provided the element that is nonconforming is not increased.

Pursuant to Sec 702 Hardship variances, of the Miami Shores Village Code of Ordinances, Appendix A, the applicant must provide sufficient evidence to support a finding by the Planning Board that the variance requested meets all four (4) of the required criteria to grant a variance:

The board may make a finding that no variance is required based on the facts presented.

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 IV, V, VI and VII 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 cabana, with a playroom, bathroom and storage area 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 cabana, with a playroom, bathroom and storage area.
- 2) Applicant to provide and maintain not less than two (2) parking spaces on the plot.
- 3) A five (5) foot landscape strip shall be provided between the driveway and garage.
- 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.