



BOARD OF APPEALS

WEDNESDAY, MAY 31, 2017

7:00 P.M.

CITY HALL - COUNCIL CHAMBERS



**BOARD OF APPEALS
CITY OF MIAMI SPRINGS, FLORIDA**

**Vice Mayor Bob Best
Councilwoman Mara Zapata**

**Mayor Billy Bain
Councilwoman Maria Puente Mitchell
Councilman Jaime Petralanda**

**AGENDA
Regular Meeting
Wednesday, May 31, 2017
7:00 p.m.**

- 1. CALL TO ORDER AND ROLL CALL**
- 2. APPROVAL OF MINUTES OF REGULAR MEETING**
 - A) July 18, 2016**
- 3. SWEARING IN OF ALL WITNESSES**
- 4. NEW BUSINESS**
 - A) Case # 10-V-16
RAUL AND LIZA GARCIA
535 PLOVER AVENUE
Zoning: R-1B, Single Family Residential
Lot Size: 10,125 SQ. FT.**

The applicant is seeking an after-the-fact variance from Section 150-042(A)(2) in order to retain an existing gazebo in the rear yard adjacent to the home, where a separation of ten feet is required.

Appeal by applicant/property owner of Board of Adjustment's denial of the after-the-fact variances for the gazebo and the City Council Approval upholding the Board of Adjustment decision. The following documentation is provided as information and guidance for the deciding of this appeal.

1. Case memorandum from City Planner
2. Ordinances related to approved variances
3. Minutes of Board of Adjustment meeting of May 1, 2017
4. Minutes of City Council meeting of May 8, 2017
5. Variance Application for current case (2016)
6. Documentation in support of current variance cases

7. Citizen request for appeal

**B) Case # 02-V-17
LARRY BUTLER
29 PALMETTO DRIVE
Zoning: CBD, CENTRAL BUSINESS DISTRICT
Lot Size: 12,500 SQ. FT.**

The applicant is seeking variances from Section 150-070(B) and Section 150-070(I) to construct a three-story twelve (12) unit apartment building with residential uses on the first floor, where retail on the first floor is required by a 2:1 ratio between residential and business, respectively.

Appeal by citizen of Board of Adjustment and City Council Approval of variances related to subject property. The following documentation is provided as information and guidance for the deciding of this appeal.

1. Case memorandum from City Planner
2. Ordinances related to approved variances
3. Minutes of Board of Adjustment meeting of May 1, 2017
4. Minutes of City Council meeting of May 8, 2017
5. Variance Application for current case (2017)
6. Documentation in support of current variance cases
7. Citizen request for appeal

5. OTHER BUSINESS: None.

6. ADJOURNMENT

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F.S. 286.0105), all of which the City does not provide.



City of Miami Springs, Florida

The Miami Springs City Council met in special session, Monday, July 18, 2016, and during the meeting sat as the Board of Appeals. The meetings were held in the Council Chambers at City Hall, beginning at 7:00 p.m. On ROLL CALL the following were present:

1) CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:00 p.m.

The following were present:

Mayor Xavier M. Garcia
Vice Mayor Roslyn Buckner
Councilman Bob Best
Councilman Billy Bain
Councilman Jaime A. Petralanda

Also Present:

Assistant City Manager/Finance Director William Alonso
Police Chief Armando Guzman
City Attorney Jan K. Seiden
City Planner Christopher Heid
Public Works Director Tom Nash
City Clerk Erika Gonzalez-Santamaria, CMC

Sitting as the Board of Appeals, Council took the following actions:

2) MINUTES OF REGULAR MEETING:

Minutes of the January 11, 2016 Board of Appeals meeting were approved as written.

Councilman Best made a motion to approve the minutes. Councilman Petralanda seconded the motion, which was carried 5-0 on roll call vote. The vote was as follows: Mayor Garcia, Vice Mayor Buckner, Councilman Best, Councilman Bain, and Councilman Petralanda voting yes.

3) NEW BUSINESS:

- A) Case # 05-V-16
AQ GROUP, LLC
650 DE SOTO DRIVE

Zoning: NW 36TH STREET DISTRICT

Applicant is requesting variances in order to construct an 80,170 square foot, five story hotel with 122 rooms on an existing surface parking lot at 650 De Soto Drive in the NW 36 Street Zoning District. Variances requested are as follow:

1. Requests variance from Section 150-016 (E)(6), Parking, to waive 19 of the 121 required vehicular parking spaces. (Provision of 102 parking spaces proposed).
2. Requests variance from Section 150-176, Off Street Parking Appendix, to waive one (1) foot of the minimum required aisle width of 23 feet. (Aisle width of 22 feet proposed).
3. Requests variance from Section 150-164 (E)(1), Height Limitations, to exceed by one (1) story, the maximum permitted four (4) stories. (A five story building proposed).

City Planner Heid read his recommendation.

Mr. John Souder, the resident who filed the appeal, presented his case to Council.

Mayor Garcia asked City Attorney Seiden if any other issues other than the variances that were appeal were going to be discussed at this time. City Attorney Seiden responded that only the variances relating to the appeal can be discussed at this time.

Councilman Best asked Mr. Souder how long he has been working on this appeal. Mr. Souder replied that he had been working on this case for a month and five days.

Vice Mayor Buckner asked City Planner Heid why the plans had changed from the plans that we originally presented in the case in 2014. City Planner Heid replied that it is quite common for plans to change slightly during the design and approval process. He also added that the fundamentals of the project had not changed; the setbacks, the size of the building, the location of the property all remain the same from the original plans that were submitted by the applicant in 2014.

Vice Mayor Buckner asked City Planner Heid why the building was over the 55 foot height limit. City Planner Heid replied that the ten additional feet shown in the plans were a decorative parapet used to cover the building's mechanical equipment. The height of the building is defined in the Code as roof and does not include the parapet. This is a condition that was included in the project because if it were not stated the building could be constructed and have all the mechanical equipment, such as air conditioning units, exposed an visible on the roof.

Mayor Garcia noted that in both, the 2014 and 2016 plans, there was a parapet included.

Discussion ensued regarding the amount of parking spaces that are required by code and the variance request of 19 parking spaces.

Councilman Bain made a motion to affirm the decisions made by the Board of Adjustment and the City Council on the request for variance. Councilman Best seconded the motion which was carried 4-1 on roll call vote. The vote was as follows: Mayor Garcia, Councilman Best, Councilman Bain, Councilman Petralanda voting yes and Vice Mayor Buckner voting no.

4) OTHER BUSINESS

None.

5) ADJOURNMENT

There was no additional business to be considered by the Council sitting as the Board of Appeals and the meeting was adjourned at 8:04 p.m. to the Council Regular Meeting.

Respectfully submitted,

Erika Gonzalez-Santamaria, CMC
City Clerk

Approved as _____during meeting of: _____

Transcribed from tape by Juan D. Garcia.

VARIANCE CASE

NO. 10-V-16

RAUL & LIZA GARCIA

535 PLOVER AVENUE

BOARD OF ADJUSTMENT

MEETING: 05-01-2017

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5030
Fax: (305) 805-5036

MEMORANDUM

TO: Board of Appeals
FROM: Christopher Heid, City Planner
DATE: May 31, 2017
SUBJECT: Appeal of City Council Decision
CASE # 10-V-16

APPLICANT: Raul & Liza Garcia

ADDRESS: 535 Plover Avenue

ZONING DISTRICT: R-1B, Single Family Residential

REQUEST: The applicant is seeking after-the-fact variances from Section 150-042 (A)(2) in order to retain an existing gazebo in the rear yard, as follows:

1. Requests variance from Section 150-042 (A)(2) to waive 4'2" (four feet two inches) of the minimum required side yard setback of 7'6" (seven feet six inches). (Side yard setback of 3'4" [three foot four inches] requested.)
2. Requests variance from Section 150-042 (A)(2) to waive 7' (seven feet) of the minimum required distance of 10' (ten feet) between an accessory structure and the main building. (Three foot separation requested).

THE PROPERTY: The property is rectangular in shape, with 75 feet of frontage on Plover Avenue and a depth of 135 feet, for a total lot area of 10,125 square feet. There is an eight foot utility easement at the rear of the property.

THE PROJECT: The applicant is requesting after-the-fact variances in order to retain a 167 square foot gazebo in the rear yard. The gazebo was built without the required building permit.

The gazebo is approximately 12 feet x 14 feet, and is constructed of wood with a barrel tile roof that matches that of the house. There is a U-shaped counter that

partially encloses three sides, with open areas above. The fourth side, facing the pool, is fully open. The counter contains a BBQ, smoker and grill.

ANALYSIS: The gazebo is attractively designed and seemingly well built of high quality materials. (No inspections have yet been performed as the applicant must first obtain the requested variances before applying for a building permit).

However, the variances requested are significant in nature. The eave of the gazebo's roof actually extends under that of the house, and in the side yard the eave extends to within one foot of the property line, providing insufficient room for drainage.

In addition, staff is always extremely concerned with granting after-the-fact variances, fearing that this will only further encourage homeowners to build what and where they want, assuming they too will be granted relief if detected.

HISTORY: This project was originally scheduled for the meeting of February 20, 2017. However, only three Board members were present at that meeting, requiring a positive vote of all three members in order to approve the project. The applicant elected to withdraw the item from the agenda and return to a meeting in which more members attended.

This project returned to the Board of Adjustment on May 1, 2017, where it received a recommendation of denial by a vote of 4-0. The recommendation of denial was upheld by the City Council on May 18, 2017 by a vote of 5-0.

The City Council denial was appealed by the applicants on May 11, 2017.

RECOMMENDATION: It is recommended that the appeal of the City Council's decision be denied.

Sec. 150-042. - R-1B district.

(A) *Uses permitted.*

- (2) Accessory structures and uses incidental to the single-family dwelling shall be the same as in the R-1A district.

Sec. 150-041. - R-1A district.

(A) *Uses permitted.*

- (1) Single-family dwelling. In no case shall there be more than one main building on a lot.
 - (2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.
 - (3) Signs. See Signs, § 150-030.
- (B) *Building height limit.*** The maximum building height of main buildings shall be two stories which shall not exceed 30 feet. For accessory structures, the roof tie beam shall not exceed ten feet in height, and the roof height shall not exceed 15 feet. Notwithstanding the foregoing, the Board of Adjustment and City Council can approve additional heights for structures when the additional heights are for architectural design features which do not constitute living space and which are not inconsistent with the character of the surrounding neighborhood. Any application for approval pursuant to this provision shall not be considered a variance, but an exceptional approval by the Board and City Council.

- (C) *Building site area required.* The minimum building site area shall be one lot or parcel of land 10,000 square feet in area for each single-family dwelling. The parcel shall have a minimum average width of at least 75 feet.
- (D) *Front yard required.* There shall be a front yard of a depth of not less than 30 feet, unless the average depth of the front yard of the contiguous lot or lots is either greater or less than 30 feet, in which case the front yard shall be the average depth of the front yard of the contiguous lot or lots. In case there is no dwelling on the block, the depth of the front yard shall be a minimum of 30 feet. The maximum depth of the front yard permitted shall be not more than 50 percent of the depth of the lot or building site. Notwithstanding the foregoing, porte cochere structures may be constructed up to the line of the required 30-foot front yard setback, so long as there is strict compliance with the following conditions and requirements:
- (1) The structure shall be open on all sides except where attached to the front of the residential structure.
 - (2) The structure shall never be permitted to be enclosed.
 - (3) The structure shall be utilized for vehicular traffic flow and parking only.
 - (4) The structure shall not be utilized for storage, vehicular repairs, or recreational vehicle parking.
 - (5) The structure shall be supported by no more than two columns adjacent to the front yard setback line.
 - (6) The structure shall be no more than 30 feet in width and shall only be attached to the front of the residential structure.
 - (7) The structure and related parking areas, aisles, driveways, walkways and other impervious areas in the front yards of residential properties shall be in compliance with the provisions of Code § 150-016(F)(4).
 - (8) The structure shall conform in design and character to that of the residential structure to which it is attached and shall be located and constructed in accordance with all other applicable provisions of the City Code of Ordinances.
 - (9) The construction of a porte cochere structure in accordance with the foregoing conditions and requirements shall in no way authorize, permit, enable or create any special right or privilege in the property owner to construct any addition or other structure which encroaches into the established front yard setback of the residential property that existed before the construction of the porte cochere structure, nor shall any adjacent property owner be permitted to consider the forward vertical line of the columns of the porte cochere structure as the new front yard setback line of the property.
- (E) *Side yard requirements.*
- (1) *Side yards required for one-story buildings.* The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure to the side lot line, on a bearing parallel to the front lot line, at ground level.

- (2) *Side yards required for two-story buildings.* Except as provided in division (E)(3) below, the width of the required side yards for two-story buildings shall be ten percent of the average width of the lot, plus two and one-half feet, provided that in no case shall each side yard be less than ten feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure's vertical outside wall to the side lot line, on a hearing parallel to the front lot line, at ground level.
- (3) *Exceptions to additional side yard setback.* No additional two and one-half foot side yard setback shall be required under the following circumstances:
 - (a) The second-story addition covers less than one-half of the existing first floor area of the structure.
 - (b) The second-story addition is recessed two and one-half feet from the vertical building line of the first floor of the existing structure on both side yard areas.
 - (c) The second-story addition is located in such a manner that a side yard area of the structure abuts a street. However, the requirement to provide an additional two and one-half feet of side setback for second-story additions remains applicable to the interior side yard areas of structures abutting streets.
 - (d) The provisions of subsection (c) above shall also be applicable to all appropriate instances of reverse frontage that may exist.
- (F) *Rear yard required.* There shall be a rear yard of not less than 25 feet in depth.
- (G) *Floor area requirements.* The minimum floor areas of dwellings in this district shall be 1,800 square feet.
- (H) *Off-street parking requirement.* See § 150-016(F) for off-street parking requirements for this district.

(Code 1962, § 25.19; amend. Ord. 395, passed 2-12-68; amend. Ord. 763-90, passed 6-25-90; amend. Ord. 768-90, passed 9-10-90; amend. Ord. 769-90, passed 9-24-90; amend. Ord. 791-92, passed 5-11-92; amend. Ord. 812-94, passed 8-8-94; amend. Ord. 814-94, passed 10-10-94; amend. Ord. 822-95, passed 4-10-95; amend. Ord. 937-06, passed 8-28-06; amend. Ord. 954-07, passed 3-26-07; amend. Ord. 967-08, passed 5-12-08; amend. Ord. 986-09, passed 11-23-09)



City of Miami Springs, Florida

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Monday, May 1, 2017 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 6:52 p.m.

The following were present:

Chairman Manuel Pérez-Vichot
Vice Chair Ernie Aloma
Bob Calvert
Ana Paula Ibarra

Absent:

Juan Molina
Alejandro Gonzalez

Also present:

City Attorney Daniel A. Espino
City Planner Chris Heid
Board Secretary Juan D. Garcia

2) Approval of Minutes

The minutes for the February 20, 2017 meeting were approved as written.

Vice Chair Aloma moved to approve the minutes as written. Board member Ibarra seconded the motion, which passed unanimously on voice vote.

3) Swearing In of All Witnesses and City Planner:

Board Secretary Garcia swore in the City Planner, the applicants or representatives of the applicants who would testify should the Board have any questions.

Before discussing any items City Attorney Espino notified the applicants that although there are enough members to hold a meeting, the applicants would need to have a majority of the votes for an item to pass; In the case that a Board member has a conflict of interest and has to recuse themselves from voting, a unanimous vote from the remaining Board members is needed in order for the item to pass. City Attorney Espino added that it is customary for the City to give the applicant the opportunity to have their case heard at a future meeting when all the Board members are present.

4) Old Business:

**Case # 01-V-17
DANIEL ZAMUDIO
1185 LUDLAM DRIVE
R-1C, RESIDENTIAL SINGLE FAMILY**

City Planner Heid explained to the Board members that he has chosen to add the section of Old Business to the agenda to update the Board on the status of projects that were discussed at previous meetings.

City Planner Heid noted that this case was approved unanimously at the last Board of Adjustment meeting and that it was also approved by the City Council on February 27, 2017, by a unanimous vote of 5-0.

5) New Business:

**A) Case # 10-V-16
RAUL & LIZA GARCIA
535 PLOVER AVENUE
R-1B, RESIDENTIAL SINGLE FAMILY**

The applicant is seeking after-the-fact variances from Section 150-042 (A)(2) in order to retain an existing gazebo in the rear yard, as follows:

1. Requests variance from Section 150-042 (A)(2) to waive 4'2" (four feet two inches) of the minimum required side yard setback of 7'6" (seven feet six inches). (Side yard setback of 3'4" [three foot four inches] requested.)
2. Requests variance from Section 150-042 (A)(2) to waive 7' (seven feet) of the minimum required distance of 10' (ten feet) between an accessory structure and the main building. (Three foot separation requested).

City Planner Heid read his recommendation to the Board. While reading the recommendation, City Planner Heid noted that this project had first been scheduled to be heard in October but was moved to a later date due to the meeting being cancelled. The case was then again scheduled to be heard in February but the applicant chose not to be heard on that date due to there not being a full Board present at the time of the meeting. City Planner Heid recommended to deny the variance request.

Chair Pérez-Vichot asked if there was any correspondence received in favor or against this project. City Planner Heid stated that one letter of approval was received from the neighbor directly in front of the property.

City Attorney Espino stated that the precedential nature of granting these variances would be difficult for the City because there are set-back requirements in the City that need to be met and that there are no hardships associated with the project.

Liza Garcia, property owner of 535 Plover Avenue explained the reason for building the gazebo and stated they were aware that a permit was needed and apologized for not obtain before beginning the project.

Board member Ibarra moved to deny the variance request. Vice Chair Aloma seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Ibarra, Board member Calvert, Vice Chair Aloma and Chair Pérez-Vichot voting YES.

Mrs. Garcia asked what would be the next step in the process. Chair Pérez-Vichot replied that they could appeal the decision of the Board to deny to the City Council.

Board Secretary Garcia informed the applicants of the process on how to file an appeal to the City Council.

**B) CASE # 02-V-17
LARRY BUTLER
29 PALMETTO DRIVE
CBD, CENTRAL BUSINESS DISTRICT**

Chair Pérez-Vichot abstained from any discussion or voting. Vice Chair Aloma served as Chairman at this time.

The applicant is seeking variances from Section 150-070 (B) and Section 150-070 (I) to construct a three story 12 unit, 12,158 square foot apartment building as follows:

1. Requests variance from Section 150-070 (B) to waive the requirement that residential units are allowed only in mixed-use developments. (Completely residential building proposed).
2. Requests variance from Section 150-070 (B) to waive the requirement that residential units in mixed-use developments are allowed only on upper floors above office, retail and related uses. (Ground floor residential units proposed with no ground floor office, retail or related uses).
3. Requests variance from Section 150-070 (I) to waive 1,500 square feet the minimum required 1,500 square feet of ground floor commercial or office use. (No ground floor office or commercial use proposed).
4. Requests variance from Section 150-070 (I) to exceed by 33% the maximum permitted 67% residential square footage allocation. (100% residential building proposed).

City Planner Heid read his recommendation to the Board.

Vice Chair Aloma stated that essentially these variances being requested are to waive the commercial component to project. City Planner Heid confirmed Vice Chair Aloma's statement as being correct.

Vice Chair Aloma asked if there were any correspondence received in favor or against this project. City Planner Heid stated that no correspondence has been received.

Larry Butler, property owner of 29 Palmetto Drive gave a history of the property since he has owned it and explained that the proposed project was to create a 12 unit apartment building that would potentially interest long term Miami Springs retirees or empty nesters living in Miami Springs that are looking to downsize, but still remain in this

community. Mr. Butler also added that he believes that the proposed project is a perfect transition from the Central Business District and the commercial area, to the residential community that starts just south of the property.

Resident Miguel Becerra, 53 Palmetto Drive, addressed the Board and stated that although he is not opposed to the project, he does have concerns regarding the density and if there was going to be enough parking spaces to accommodate 12 units, as well as guest parking in that area.

City Planner Heid stated that the project will have parking for three spaces per unit with a total of 27 required and 27 provided.

Vice Chair Aloma added that the variance request to not have a commercial component to the project would help the density and traffic in the area.

Board member Ibarra stated that she believes that this project is a great idea and that it would be worse if it was a commercial project as it would cause more traffic and bring more cars to the area. She added that this would bring a buffer to the residential area before entering into the Central Business District.

Board member Calvert stated that he believes the project would improve the area.

Board member Ibarra moved to approve the variances with the conditions listed in the City Planner's recommendation. Board member Calvert seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Ibarra, Board member Calvert, and Vice Chair Aloma voting YES.

City Attorney Espino advised the applicant of the 10 day appeal period. He added that this item will be brought before council for their review.

**C) CASE #03-V-17 BRICKELL PARK, LLC
BRICKELL PARK, LLC
749 CURTISS PARWAY
AG AIRPORT GOLF DISTRICT**

Board member Ibarra abstained from any discussion or voting on this item due to a conflict of interest.

The applicant is seeking variances from Section 150-043 (E)(2) to construct surface parking lots associated with a multi-building multi-family residential project as follows:

1. Requests variance from Section 150-016 (A)(9) to waive one foot of the minimum required parking space depth of 19 feet. (Some parking spaces 18 feet in depth proposed).
2. Requests variance from Section 150-016 (A)(9) to waive approximately one inch of the minimum required parking space width of 9 feet. (Some parking spaces 8.9 feet in width proposed).
3. Requests variance from Section 150-016 Appendix to waive five feet of the minimum required one way parking lot approach of 15 feet. (One way parking lot approaches of 10 feet proposed).

4. Requests variance from Section 150-016 Appendix to waive five feet of the minimum required two way parking lot approach of 25 feet. (Two way parking lot approach of 20 feet proposed).

City Planner Heid read his recommendation to the Board.

Chair Pérez-Vichot asked if there were any correspondence received regarding this project. City Plan Heid replied that no correspondence had been received in favor or against this project.

Chair Pérez-Vichot suggested that the alley located in the center of the project be made one way making it much safer. Chair Pérez-Vichot added that a two-way alley measuring 16 feet is very small and very difficult for large vehicles to pass through.

City Attorney Espino responded that he and City Planner Heid would bring this issue up to Public Works to see what can be done in that area.

Chair Pérez-Vichot stated that he would like to know if there was any landscaping that would be added to the project and asked the applicant if he had any landscaping plans or planned to submit any landscaping plans.

George Befeler, Chief Executive Officer of Brickell Park, LLC and property owner of 749 Curtiss Parkway responded that he will be working together with City Planner Heid on a landscaping plan. City Planner Heid added that he would be making this an additional condition to his staff recommendation.

Chair Pérez-Vichot noted that on the civil drawings is shows only 5 feet radius coming in from Eldron Drive and he would like it to be 15 feet in order to avoid a visibility problem from cars parking at an angle or trying to make a left turn.

Mr. Befeler acknowledged the request and stated that there is plenty of space to accommodate the request. Mr. Befeler added that he would make the changes to the plans.

Chair Pérez-Vichot asked if there were any comments from the audience and there were no comments at this time.

Vice Chair Aloma moved to approve the variance request with the conditions listed in the City Planner's recommendation. Board member Calvert seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Chair Pérez-Vichot, Board member Calvert, and Vice Chair Aloma voting YES

City Attorney Espino advised the applicant of the 10 day appeal period. He added that this item will be brought before council for their review.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 7:34 p.m.

Respectfully submitted:

Juan D. Garcia
Board Secretary

Adopted by the Board on
this ____ day of _____, 2017.

Manny Perez-Vichot, Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes.
All other words remain unchanged.

*“The comments, discussions, recommendations and proposed actions of City Citizen
Advisory Boards do not constitute the policy, position, or prospective action of the City,
which may only be established and authorized by an appropriate vote or other action of
the City Council”.*



City of Miami Springs, Florida

City Council Meeting
Regular Meeting Minutes
Monday, May 8, 2017 7:00 p.m.
Council Chambers at City Hall
201 Westward Drive, Miami Springs, Florida

1. **Call to Order/Roll Call:** The meeting was called to order by the Mayor at 7:00 p.m.

Present were the following:

Mayor Billy Bain
Vice Mayor Bob Best
Councilwoman Maria Puente Mitchell
Councilwoman Mara Zapata
Councilman Jaime A. Petralanda

City Manager/Finance Director William Alonso
City Attorney Haydee Sera
City Clerk Erika Gonzalez-Santamaria
Assistant to City Manager Tammy Romero
Police Chief Armando Guzman
Public Works Director Tom Nash
Elderly Services Director Karen Rosson

2. **Invocation:** Offered by Councilwoman Mitchell

Salute to the Flag: Students from AIE led the Pledge of Allegiance and Salute to the Flag

3. **Awards & Presentations:**

A) Yard of the Month – May 2017 – Ronnie & Anna Gonzalez of 381 Navarre Drive

Mayor Bain presented Ms. Gonzalez with a Certificate of Recognition for Yard of the Month. Ms. Gonzalez was present to receive the award.

4. **Open Forum:** None at this time.

5. **Approval of Council Minutes:**

A) April 24, 2017 – Regular Meeting

Vice Mayor Best moved to approve the minutes of the Regular meeting on April 24, 2017. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

6. Reports from Boards & Commissions:

A) Board of Adjustment – Approval of Actions Taken at their Meeting of May 1, 2017 Subject to the 10-day Appeal Period

Vice Mayor Best moved to approve the actions of the Board of Adjustment on May 1, 2017. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

7. Public Hearings: None at this time.

8. Consent Agenda: (Funded and/or Budgeted): None at this time.

9. Old Business: None at this time.

10. New Business:

A) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Establishing Rates For Collection Of Garbage, Trash And Recycling For Residential And Commercial Customers Within The City Of Miami Springs; Providing For An Effective Date

City Manager Alonso read the Resolution by title for the record.

Vice Mayor Best moved to approve the Resolution. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

B) Resolution – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Approving A Proposal From Florida Metro Construction Co. For Emergency Underground Fuel Tank Repairs, In An Amount Not To Exceed \$50,000.00; Authorizing The City Manager To Enter Into A Contract Consistent With The Proposal And To Expend Budgeted Funds; Directing The City Manager To Seek Reimbursement From The City's Property Insurance Carrier For The Emergency Repairs; Providing For Implementation; And Providing For An Effective Date

City Manager Alonso read the Resolution by title for the record.

Councilman Petralanda moved to approve the Resolution as stated. Councilwoman Mitchell seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata,

Councilman Petralanda and Mayor Bain voting Yes.

C) Ordinance – First Reading – Ordinance Of The City Council Of The City Of Miami Springs, Florida, Extending A Temporary Moratorium On The Acceptance, Review, Approval Or Issuance Of Any Land Development Permits As The Term Is Defined In Florida Statutes Section 163.3164(16), Business Tax Receipts, Or Any Other License Or Permit For The Establishment Or Operation Of Dispensing Facilities Within The City Of Miami Springs Engaged In The On-Site Distribution, Sale, Delivery Or Retail Of Low-THC Cannabis, Medical Cannabis Or Cannabis Delivery Devices Pursuant To Sections 381.986 And 499.0295 Of The Florida Statutes, For An Additional Period Of One Hundred And Eighty (180) Days From The Effective Date Of This Ordinance, In Order To Provide The City With An Opportunity To Review And Enact Regulations Governing The Establishment And Operation Of Dispensing Facilities; Providing For Penalties For Violations Hereof; Providing For Implementation; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For A Severability Clause; And Providing For An Effective Date

City Manager Alonso read the Resolution by title for the record.

Councilman Petralanda moved to approve the Ordinance. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

D) Consideration of the Board of Parks and Parkways Recommendations for nominating the Yard of the Month Awards for June, July and August 2017

Councilman Petralanda moved to approve the Resolution as stated. Councilwoman Zapata seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

11. Other Business: None at this time.

12. Reports & Recommendations:

A) City Attorney

City Attorney Sera had no report at this time.

B) City Manager

The City Manager updated the Council that there were two members of the senior center community had passed. He said that a grievance counselor will be available to the seniors for the next couple of weeks. He also wanted to clarify the response time of the rescue unit that was dispatched for the incident at the Aquatic Facility for Marie Mascaro. He advised that the aquatic facility staff responded instantaneously, within several minute MSPD was on the scene providing life-saving tactics and within 9 minutes there was a Fire

Rescue with Paramedics on-site. He reminded that on May 17th the DMV will be at the Community Center and that the Ethics Training for Elected Officials will be at our City Hall on May 17th as well.

C) City Council

Councilwoman Mitchell Councilwoman Mitchell requested that before Open Forum that a statement be read by the City Clerk so that the public understands that there would be limited opportunity for dialogue between them and the City Council, since the Council must address the items on the agenda but that the City Staff could answer their questions or comments after the meeting. She was advised that the request would be on an upcoming council meeting for Council consideration. She also advised members of Council and staff that she would be unavailable to attend the upcoming Council meeting on May 22nd. She stated that hopefully she can attend via phone or electronically. She stated that there were some great events held in the City this weekend, the Golf Tournament in honor of fallen Officer Stafford on May 5th and the Iliad and Odyssey play production at the Pelican Playhouse.

Councilwoman Zapata thanked City Manager Alonso for his clarification to Council on the response time to the incident that happened at the Aquatic Facility. She also wanted to further discuss the Board of Adjustment approvals of certain projects that took place at their last meeting that the City Council just approved tonight. She was concerned that there is not enough transparency on how variances are approved, specifically, the property on 29 Palmetto Drive being approved for a twelve unit apartment building which would increase the vehicle count on the circle. She stated that the Council should revisit on how things are noticed and how citizens are informed of certain projects. She was advised that there is an appeals process. She expressed interest on appealing the case and stated that she will reach out to City Staff as to how to appeal.

Councilman Petralanda had no report at this time.

Vice Mayor Best said that he appreciated the Manager's report on the response time to the incident at the Aquatic Facility. He announced that the Pelican Playhouse continues to put on the Iliad and Odyssey with curtain times on Friday and Saturday night and a matinee on Sunday.

Mayor Bain thanked everyone for attending the meeting and wished all the mothers a wonderful Mother's Day.

13. Adjourn

There being no further business to be discussed the meeting was adjourned at 7:50 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, MMC
City Clerk*

*Adopted by the City Council on
This 22nd day of May, 2017.*

Billy Bain, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING 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 CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



Official Use Only
Submittal Date: _____
Case No.: _____

Building & Planning Department
201 Westward Drive
Miami Springs, FL 33166
Phone: 305-805-5034 Fax: 305-805-5036
www.miamispringsfl.gov

CITY OF MIAMI SPRINGS

VARIANCE APPLICATION

APPLICANT INFORMATION	
APPLICANT NAME <u>Raul and Liza Garcia</u>	PROPERTY ADDRESS <u>535 Plover Avenue</u>
APPLICANT PHONE NUMBER (BEST NUMBER TO REACH YOU) <u>(305) 951-2465</u>	E-MAIL ADDRESS <u>lgarcia@hhconstructiongroup.net</u>

Request that a determination be made by the Board of Adjustment of the City of Miami Springs, on the following appeal that was denied by the Building Official for the reason that it is a matter, in which the Building official could not exercise discretion and which, in his opinion, might properly come before the Board.

PROPERTY INFORMATION	
LEGAL DESCRIPTION <u>13</u> <u>5</u> <u>Kent Estates</u>	LOT SIZE AND ZONING DISTRICT <u>10125 s.f.</u> <u>R-1B</u>
LOT(S) <u>13</u>	BLOCK <u>5</u>
SUBDIVISION <u>Kent Estates</u>	LOT SIZE <u>10125 s.f.</u>
ZONING DISTRICT <u>R-1B</u>	
HAVE ANY PREVIOUS APPLICATIONS OR APPEALS BEEN FILED WITHIN THE LAST SIX (6) MONTHS IN CONNECTION WITH THESE PREMISES? YES _____ NO <u>X</u>	
IF YES, BRIEFLY STATE THE NATURE OF THE PREVIOUS APPLICATION:	
IF YOU ARE THE OWNER, HOW LONG HAVE YOU OWNED THE PROPERTY? <u>13 years</u>	WHAT IS THE APPROXIMATE MARKET VALUE INVOLVED IN THIS PROJECT? <u>\$ 7000</u>

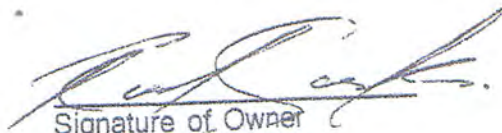
Please include the following information in your application letter:

(I)(We) believe that the Board of Adjustment should grant this petition for the following reasons:

(Please include a separate document indicating the grounds for the appeal and reasons with respect to the law and fact for granting the appeal or special exception or variance. SHOWING OF UNNECESSARY HARDSHIP MUST BE MADE BEFORE A VARIANCE CAN BE GRANTED; the grounds must be stated.)

(I) (We) understand this petition becomes part of the permanent records of the Board of Adjustment.

(I) (We) hereby certify that the above statements and the statements or showing made in any papers and/or plans submitted are true to the best of my/our knowledge and belief.

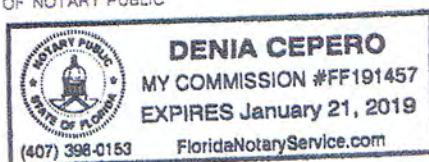

Signature of Owner
Raul Garcia
Printed name of Owner

The contents of this petition are
Sworn to and subscribed before
me this 31 day of August,
2016.

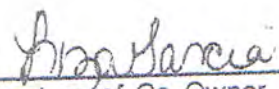

SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA

DENIA CEPERO
PRINT NAME OF NOTARY PUBLIC

STAMP SEAL



COMMISSION EXPIRES: 01/21/19
PERSONALLY KNOWN: X
PRODUCED IDENTIFICATION: _____

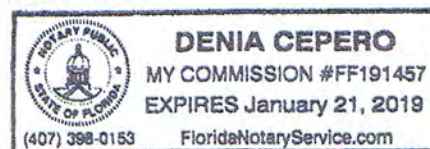

Signature of Co-Owner
Liza Garcia
Printed name of Co-Owner

The contents of this petition are
Sworn to and subscribed before
me this 31 day of August,
2016.


SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA

DENIA CEPERO
PRINT NAME OF NOTARY PUBLIC

STAMP SEAL



COMMISSION EXPIRES: 01/21/19
PERSONALLY KNOWN: X
PRODUCED IDENTIFICATION: _____

LETTER OF REQUEST

DATE: September 1, 2016

TO: CITY OF MIAMI SPRINGS

REF: 535 PLOVER AVE, MIAMI SPRINGS, FL 33166

To whom it may concern:

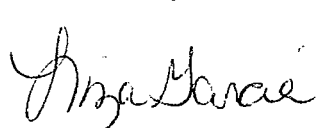
We, Raul and Liza Garcia, are applying for a variance for a gazebo located on the north side of my existing residence, located at 535 PLOVER AVENUE, to be setback 3.7' (7.5' required) from the side (East) property line. And 3' (required 10') from existing building.

We would really appreciate if you would grant us the variance. The gazebo is of great importance to us, since we are a big and close family, we would use the gazebo to get together and unite the family even more. We love to get together to cook, play and spend time bonding outdoors and the gazebo would provide the perfect space for that. Even though our lot is big, the rear yard is not, and due to that condition the gazebo is encroaching the setbacks to the east and between buildings. Due to a utility easement, we have a fence way before our property line in the rear, and that very much forces us to get closer to the house than we are allowed. Also the distance between the pool edge and the property line also leaves us with the alternative of being too close to the pool or to the property line. A smaller space would not serve the purpose of this gazebo for our family is big and active. For that reason, we as a family would greatly appreciate and be thankful if you could grant us the variance.

Sincerely



Raul Garcia



Liza Garcia

DATE: September 12, 2016

TO: CITY OF MIAMI SPRINGS

REF: 535 PLOVER AVE, MIAMI SPRINGS, FL 33166

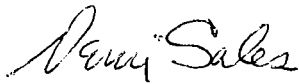
To whom it may concern:

Our neighbors, Raul and Liza Garcia, are applying for a variance for a gazebo located on the north side of their property located at 535 Plover Avenue.

I, Nemi Sales, owner of the property located at 531 Plover Avenue, am ok with their gazebo being in the setback 3.7' instead of the 7.5' required from the east side of their property line.

Please do not hesitate to contact me if you need any further information.

Thank you.

A handwritten signature in cursive script that reads "Nemi Sales".

Nemi Sales

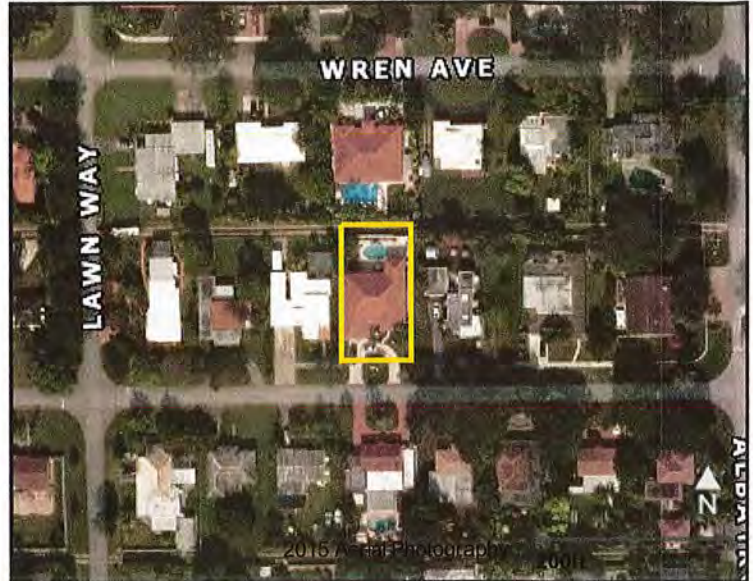


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/20/2016

Property Information	
Folio:	05-3013-005-0730
Property Address:	535 PLOVER AVE Miami Springs, FL 33166-3926
Owner	RAUL GARCIA JR
Mailing Address	535 PLOVER AVE MIAMI SPRINGS, FL 33166-3927
Primary Zone	0600 SINGLE FAMILY,1401-1550 S
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 3 / 0
Floors	1
Living Units	1
Actual Area	3,406 Sq.Ft
Living Area	2,407 Sq.Ft
Adjusted Area	3,015 Sq.Ft
Lot Size	10,125 Sq.Ft
Year Built	2003



Assessment Information			
Year	2016	2015	2014
Land Value	\$155,368	\$135,036	\$117,389
Building Value	\$307,771	\$311,269	\$306,626
XF Value	\$44,968	\$30,624	\$30,956
Market Value	\$508,107	\$476,929	\$454,971
Assessed Value	\$401,099	\$398,311	\$395,150

Benefits Information				
Benefit	Type	2016	2015	2014
Save Our Homes Cap	Assessment Reduction	\$107,008	\$78,618	\$59,821
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
KENT ESTATES PB 46-28 LOT 13 BLK 5 LOT SIZE 75.000 X 135 OR 19734-0536 06/2001 1	

Taxable Value Information			
	2016	2015	2014
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$351,099	\$348,311	\$345,150
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$376,099	\$373,311	\$370,150
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$351,099	\$348,311	\$345,150
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$351,099	\$348,311	\$345,150

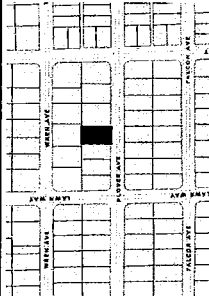
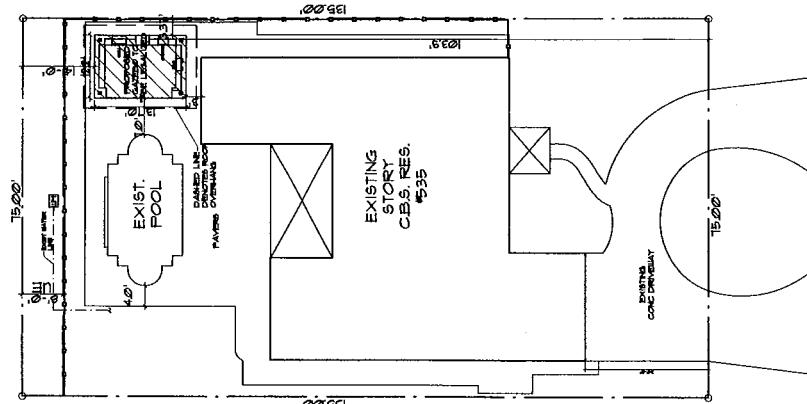
Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/01/2001	\$79,000	19734-0536	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

KENT ESTATE
FD 46-28
LOT 13 BLK 5
LOT 612E T5.000 X 135
OR 17154-0836 06/2001

SCOPE OF WORKS
-PROPOSED GATEBO

LOCATION MAP 

G. PLOVER
G.

SITE PLAN

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

NOTE: CONTRACTOR MUST VERIFY ALL DIMENSION AT SITE OF WORK IF ANY DISCREPANCIES ARE FOUND, STOP WORKING IMMEDIATELY AND NOTIFY OWNER OR ENGINEER.

NOTE: THE CONSTRUCTION DOCUMENTS FOR THIS PROJECT HAVE BEEN PREPARED IN COMPLIANCE WITH THE 2014 EDITION OF THE F.B.C.

FINISH SCHED.
FLOOR PAVES TO BE SELECTED BY OWNER
COUNTER TOP CONC BY OWNER
CEILING 3/4" T&G TO BE SELECTED BY OWNER

GENERAL NOTES AND SPECS.

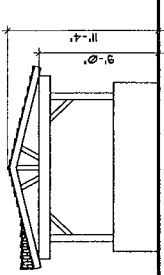
1. ALL WORKS MUST BE ACCORDING TO THE IRC AND ANY OTHER APPLICABLE FEDERAL, LOCAL OR UTILITY ORDINANCES.
2. THE CONTRACTOR MUST CAREFULLY EXAMINE THE DRAWING, CHECK ALL DIMENSIONS AND SPECIFICATIONS, AND BE AWARE OF ANY DISCREPANCY CONDITIONS BEFORE COMMENCING WORK. IN CASE OF ANY DISCREPANCY, THE ARCHITECT MUST BE NOTIFIED IN WRITING BEFORE PROCEEDING.
3. THE CONTRACTOR MUST OBTAIN AND PAY FOR ALL REQUIRED INSPECTIONS, PERMITS AND PAID FOR ALL REQUIRED.
4. THE CONTRACTOR IS TO BE SOLELY RESPONSIBLE FOR CONSTRUCTION OF THE PROJECT IN ACCORDANCE WITH THE CITY OF CHICAGO, ILLINOIS, ORDINANCES, PROCEDURES, AND SAFETY REGULATIONS.
5. THE CONTRACTOR MUST PROTECT ALL EXISTING FACILITIES AND UTILITY LINES, IF ANY, FROM ALL DAMAGES.
6. DIMENSIONS TAKE PRECEDENCE OVER SCALE.
7. THE CONTRACTOR SHALL REMOVE ALL DEBRIS AND WASTE TO ADHERE TO ALL CITY OF CHICAGO, ILLINOIS, ORDINANCES, PROCEDURES, AND SAFETY REGULATIONS.
8. ALL LOADS, FINISH HARDWARE, DOORS AND WINDOWS MUST COMPLY WITH SEISMIC INTRUSION SECURITY REGULATIONS.
9. SUBMITTIONS TO SPECIFIED MATERIALS AND/OR VIBRATIONS BY THE CONTRACTOR SHALL BE SUBJECT TO THE CITY OF CHICAGO, ILLINOIS, ORDINANCES, PROCEDURES, AND SAFETY REGULATIONS.
10. THE CONTRACTOR IS ASSUMED RESPONSIBLE FOR PRODUCT CONTROL APPROVAL WHEN APPLICABLE. A PERMIT IS REQUIRED FOR THE FOLLOWING ITEMS:
STREET BUILTERS - LOAD NUMBER - HANDRAILS

NOTE:
NO ELECTRICAL OR PLUMBING AS PART OF THIS PERMIT

[illegible]

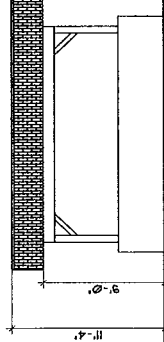
SOUTH ELEVATION

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



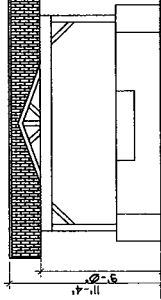
EAST ELEVATION

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



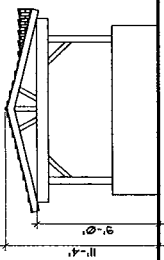
WEST ELEVATION

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



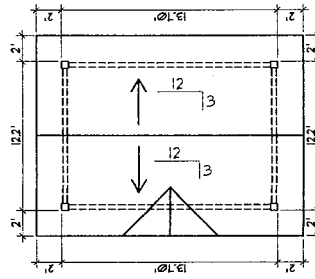
NORTH ELEVATION

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



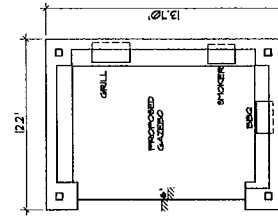
PROPOSED ROOF PLAN

SCA 1 E-1/4" 11-0"



PROPOSED FLOOR PLAN

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







Property Information

Address: 535 PLOVER AVENUE
MIAMI SPRINGS, FL 33166
Location ID: 308671
FOLIO NUMBER: 05-3013-005-0730
Old Customer Account No.: 6001029606
Zoning: NA UPDATE
Subdivision: KENT ESTATES

Case General Information

Case status: AC ACTIVE
Status date: 7/21/2016
Case type: WWP WORK WITHOUT PERMIT
Reported date: 7/21/2016
Origination: AC ANONYMOUS COMPLAINT
Default inspector: RN ROSEMARY NOVO
Credit balance: .00

Owner Information

Owner name: GARCIA, RAUL
Address: 536 EAST 62ND STREET
City: HIALEAH, FL 33013
Phone: 0
Notice: Y
Flip: Y

Violations

Type	Status	Location	Quantity	Date Established	Date Resolved
No violations exist					

Case Data

Description	Data
WORK WITHOUT A PERMIT	Gazebo

Active Inspections

Type	Insp ID	Schedule Date
No scheduled inspections exist		

Type	Text	Date
Case narrative		

7/21/16	As per complaint, spoke with homeowner at property who claimed to build a Gazebo at rear without permits.	7/21/2016
	Homeowner allowed access to rear. photos taken of construction work - Gazebo, advised to pull permits, granted 7 days. CCO NOVO.	7/21/2016

Violation comments
Inspection comments
001 - INITIAL INSPECTION
Board meeting comments
Other action comments

Type	Text	Date
(Continued)		
001 - VERBAL COURTESY NOTIC		
002 - CIVIL INFRACTION DOOR	9/30/16 Still no permit, Posted CIN with 7 more days to comply with Permit.	9/29/2016
Land Management information		
Legal description	301300507300	9/29/2016
	.23	
Lien information		



**CITY OF
MIAMI SPRINGS**
Florida

201 Westward Drive
Miami Springs, FL 33166
(305) 805-5030

CIVIL INFRACTION NOTICE!

ADDRESS: **535 PLOVER AVENUE**

The residents of Miami Springs have always taken great pride in maintaining their properties in keeping with the theme of "Beautiful Miami Springs" and we appreciate your efforts. While making inspections in your area today, I noticed the following items needing your attention and compliance:

CODE SECTION: 151-04

Work has been done without a permit - Gazebo.

CORRECTIVE ACTION NEEDED:

Apply for a permit and cease all further work until permit has been issued.

This is a Notice of Civil Infraction. If no action is taken **within 7 days**, a Civil Infraction Ticket for \$100 will be written!

Your anticipated cooperation is appreciated. Thank you for helping to keep the theme "Beautiful Miami Springs!"

9-30-16
Date

R. Novo
Code Compliance Officer

QUESTIONS OR COMMENTS? PLEASE CALL ME

**CODE TEXT
MIAMI SPRINGS CODE OF ORDINANCES**

Sec. 151-04. Application for building permits.

No person shall erect, construct, or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, renovate, remodel, improve, alter, convert, extend, or demolish any building or structure, or any group of buildings or structures under one or joint ownership, whether on one or more lots or tract of land, or cause the same to be done without first obtaining a building permit therefor from the City Building Department.



Rosemary Novo
Code Compliance Officer

**CITY OF
MIAMI SPRINGS**
At the Heart of it All!

201 Westward Drive Miami Springs, FL 33166
(Office) 305-805-5000 Ext 1008 (Fax) 305-805-5036 (Cell) 305-307-9294
novor@miamisprings-fl.gov
www.miamisprings-fl.gov

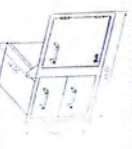




07/21/2016



DOOR AND DRAWER
PAPER TOWELL



ONTARIO, CALIFORNIA 91704







Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

CITY OF MIAMI SPRINGS

2017 MAY 11 P 1:46

Pedro Gassant
305.789.7430
Pedro.gassant@hklaw.com

Christopher Heid
City Planner
Zoning and Planning Department
201 Westward Drive
Miami Springs, FL 33166
(305)805-5034

May 11, 2017

**Re: Notice of Appeal of the Board of Adjustment's Denial of a Variance on May 1, 2017
on Case No. 10-V-16**

Mr. Heid:

This letter serves as the Notice of Appeal on behalf of Raul and Liza Garcia (collectively, the "Garcias" or the "Applicant") concerning the Board of Adjustment's decision to deny the Garcias variance requests to permit a gazebo in their rear yard. Specifically, this Notice of Appeal relates to Board of Adjustment Case No. 10-V-16, which concerns two variance requests for the location of a gazebo for property located at 535 Plover Avenue, Miami Springs, FL 33166-3927 (the "Property"). The Garcias requested two variances:

1. Variance from Section 150-042 (A)(2) of the City of Miami Springs Code of Ordinances to waive 4'2" (four feet two inches) of the minimum required side yard setback of 7'6" (seven feet six inches). Specifically, the Garcias requested approval of a side yard setback of 3'4" (three foot four inches).
2. Variance from Section 150-042 (A)(2) of the City of Miami Springs Code of Ordinances to waive 7 feet of the minimum required distance between an accessory structure and the main building. Specifically, the Garcias requested a variance to allow a three (3) foot separation where 10 feet would normally be required.

The Applicant is seeking reversal of the Board of Adjustment's decision to deny the aforementioned variance requests in order to permit what the City's diligent staff has recognized as an "attractively designed and seemingly well built of high quality materials" gazebo the Applicant's rear yard. The Applicant notes that, pursuant to Section 150-111 of the City of Miami

Springs Code of Ordinances, there are practical difficulties that make carrying out the setback and spacing requirements of Section 150-042(A)(2).

For example, the Property is limited by several constraints outside of the control of the Garcias. Notably, there is a utility easement at the rear portion of the Property that has essentially rendered approximately 8.4 feet of the rear portion of the unusable by the Applicants and has required the Applicants to place their rear wall nine feet short of their property line. Given the implications of the utility easement, the rear yard of the Property is constrained and limited. Moreover, there is an easement on the western portion of the Property that further constrains development in the rear yard. This additional easement on the western portion of the Property is unique to the Applicants. *See Exhibit A.*


Further, the Applicant notes that the neighbor to its east, where the Gazebo is located, has already provided support for the Gazebo given its attractive design and high quality materials. *See Exhibit B.*

Given the easements on the rear and western portion of the Property coupled with the support of the neighbor who is the most directly impacted by the gazebo creates a unique circumstance justifying the approval of the aforementioned variance request.

The Applicants note that the proposed variance will not constitute any change to the zoning map, will not impair an adequate supply of light and air to adjacent property, or materially increase the danger of fire, or materially diminish or impair property values within the surrounding area or in any other respect impair the public health, safety, morals, and general welfare of the City.

Given the practical difficulties presented by the configuration of the site, the Applicants respectfully request the City Council's reversal of the Board of Adjustments decision to deny the aforementioned variance requests. Should you have any questions or concerns please feel free to contact me at 305-789-7430.

Sincerely,

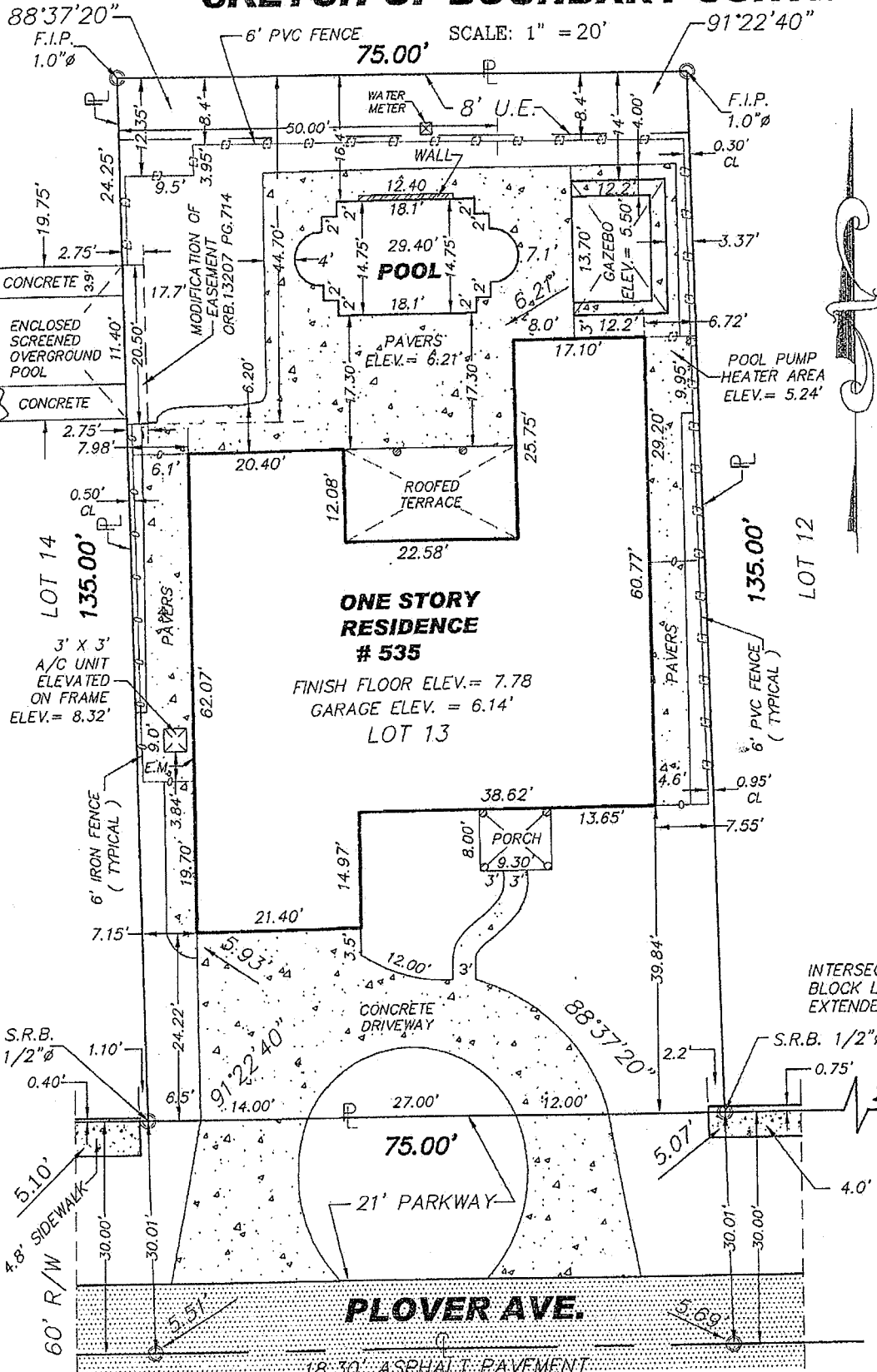


Pedro Gassant, Esq.

EXHIBIT A

SKETCH OF BOUNDARY SURVEY

SCALE: 1" = 20'



Elevations are Refer to
BENCH MARK USED:
Dade County B.M. No
feet.
LOCATED AT:
Shadow Way, Sunset
of common intersect.
Hunting Lodge Drive-
center line.
Bench Mark is a bra-
monument at P.C. of
curved sidewalk.

BEARINGS HEREON (IF ANY) ARE REFERRED TO AN ASSUMED VALUE OF _____ FOR THE
_____, SAID BEARING IS IDENTICAL WITH THE PLAT OF RECORD
AH
ACCORDING TO THE N.F.I.P. THE SUBJECT PROPERTY FALLS WITHIN FLOOD ZONE: _____

EXHIBIT B

DATE: September 12, 2016

TO: CITY OF MIAMI SPRINGS

REF: 535 PLOVER AVE, MIAMI SPRINGS, FL 33166

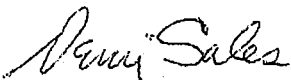
To whom it may concern:

Our neighbors, Raul and Liza Garcia, are applying for a variance for a gazebo located on the north side of their property located at 535 Plover Avenue.

I, Nemi Sales, owner of the property located at 531 Plover Avenue, am ok with their gazebo being in the setback 3.7' instead of the 7.5' required from the east side of their property line.

Please do not hesitate to contact me if you need any further information.

Thank you.

A handwritten signature in cursive script that reads "Nemi Sales".

Nemi Sales

CITY OF MIAMI SPRINGS
*** CUSTOMER RECEIPT ***
Oper: MIASMHP Type: OC Drawer: 1
Date: 5/11/17 04 Receipt no: 3105

Description	Quantity	Amount
B8 BD - APPLICATION FEES	1.00	\$100.00

APPEAL VARIANCE CASE #10-V-16
535 PLOVER AVE

Tender detail		
CK CHECK	1849	\$100.00
Total tendered		\$100.00
Total payment		\$100.00

Trans date: 5/11/17 Time: 14:45:00

VARIANCE CASE

NO. 02-V-17

LARRY BUTLER

29 PALMETTO DRIVE

BOARD OF ADJUSTMENT

MEETING: 05-01-2017

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5030
Fax: (305) 805-5036

MEMORANDUM

TO: Board of Appeals
FROM: Christopher Heid, City Planner
DATE: May 31, 2017
SUBJECT: Appeal of City Council Decision
CASE # 02-V-17

APPLICANT: Larry Butler

ADDRESS: 29 Palmetto Drive

ZONING DISTRICT: CBD, Central Business District

REQUEST: The applicant is seeking variances from Section 150-070 (B) and Section 150-070 (I) to construct a three story 12 unit, 12,158 square foot apartment building as follows:

1. Requests variance from Section 150-070 (B) to waive the requirement that residential units are allowed only in mixed-use developments. (Completely residential building proposed).
2. Requests variance from Section 150-070 (B) to waive the requirement that residential units in mixed-use developments are allowed only on upper floors above office, retail and related uses. (Ground floor residential units proposed with no ground floor office, retail or related uses).
3. Requests variance from Section 150-070 (I) to waive 1,500 square feet the minimum required 1,500 square feet of ground floor commercial or office use. (No ground floor office or commercial use proposed).
4. Requests variance from Section 150-070 (I) to exceed by 33% the maximum permitted 67% residential square footage allocation. (100% residential building proposed).

THE PROPERTY: The property is a rectangular parcel, with a width of 100 feet and a depth of 125 feet, for a total lot size of 12,500 square feet lot. The property abuts a 16 foot “alley”, Hook Square, at the rear (east).

The parcel is the transition parcel between the CBD, Central Business District and the R-1B Residential Single Family District to the immediate south.

THE PROJECT: The applicant is requesting variances in order to build a three story, 12 unit apartment building on a 12,500 square foot parcel of land. An existing two story structure would be demolished to make way for the proposed project.

All units are 900 square feet, and are generally identical in size and layout, with an open floor plan kitchen and living room, two bedrooms and one and one-half baths, and a washer and dryer. (One unit on the second floor and one on the third have different layouts than the other ten).

The ground floor of the building is comprised of a two units, a lobby, mechanical room an elevator and two staircases. The site contains 27 parking spaces, including two handicap spaces and a CBS dumpster enclosure

The second and third floors are identical, with each containing 5 units, four of which are corner units that have balconies off of the living room and one of the bedrooms. The two interior units have a balcony off of the living room only.

The building is designed in an attractive contemporary style, with stone siding on the ground floor and smooth stucco on the upper floors, and balcony rails and metal awnings for added visual interest. The building cantilevers over one row of the double loaded parking lot.

ANALYSIS: The building is attractively designed and well thought out, with comfortable layouts and desired amenities such as in-unit washer/dryer and a half bathroom. Parking as required is provided.

The building or site plan itself needs no variances. Rather, all variances are related to the requirement that the ground floor contain commercial uses only, and that the building be no more than two-thirds residential.

Presumably, this requirement is in place so as not to dilute the street level energy of the downtown with ground floor residential use.

However, it is doubtful that commercial activity would be successful in this location, at the furthest end of the Central Business District, on what is essentially a single family residential street .

In addition the lot line transition between single family and commercial zoning districts is abrupt, and having a commercial activity such as a retail store at zero setback from the front property line and five feet from the south side property lines, as is allowed, would be quite an intrusion on the adjacent single family home to the south and this stretch of Palmetto Drive.

Instead, this building would be setback 70 feet from the south property line, and a multifamily residential use would be a much smoother and more appropriate transition between the single family use to the south and the commercial use to the north.

Finally, very few new multi-family residential units have been built in the City in several decades, and would seem to fill a void in the City's housing offerings.

HISTORY: This project received a recommendation of approval from the Board of Adjustment on May 1, 2017 by a vote of 3-0. The City Council voted to approve the project on May 8, 2017 by a vote of 5-0.

This approval was appealed by a citizen on May 18, 2017.

RECOMMENDATION: It is recommended that the request for variance be approved subject to the following conditions:

1. Plans shall substantially comply with those submitted, as follow:
 - Sheet A-1, COVER by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-2.0, SITE PLAN, by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-2.1, 1st FLR. PLAN, by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-2.2, 2nd & 3rd FLR PLAN, by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-2.3, ROOF PLAN, by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-3.1, COVER, by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-3.2, COVER, by Southeast Design Associates, Inc., dated April 7, 2017 2016.
 - Sheet A-4.0, 1st FLR. PLAN, by Southeast Design Associates, Inc., dated April 7, 2017 2016.

Substantial compliance shall be at the sole determination of the City.

2. Any variances granted by the City Council shall be null and void if the applicant does not obtain a building permit and commence construction within one year of the date of the granting of the variance. If unusual

circumstances exist, the variance may be extended by the City Council for an additional six-month period. No extensions beyond the time periods specified above are authorized.

3. Parapet shall be tall enough to fully screen all rooftop equipment.
4. If approved, the final order, including any conditions upon which the approval is granted shall be incorporated on a cover sheet of the plans submitted for building permit.

Sec. 150-070. - CBD central business district.

(B) Allowed uses.

Accounting, bookkeeping, law and other professional offices.

Agency (for employment, travel and/or services to be performed elsewhere).

Art or photographic studio (commercial).

Automobile rental agency, office use only.

Bank or other financial institution.

Business or commercial school.

Catering and delicatessen (including butcher shop) business.

Civic clubs, lodges and fraternal organization facilities.

Conference, meeting facilities or areas of public assemblage for less than 20 people.

Day care center, nursery school or preschool facility.

Dental care and doctor's offices.

Dog grooming only—Prohibiting a "pet shop" type business or the boarding, maintaining or keeping of dogs on-premises anytime between 7:00 p.m. and 7:00 a.m.

Dry cleaning and laundry, drop-off/pick-up only.

Family restaurant/arcade; so long as the arcade use does not exceed 40 percent of the available business space, no alcoholic beverages are permitted on the premises, no gambling games/machines are permitted, no more than one pool table is permitted, the arcade area is continually supervised, and the family nature of the operation is maintained. No more than two family restaurant/arcades shall be permitted in the Central Business District.

Gymnasium, health club, dance studio or other center where "physical activity" lessons are conducted.

Insurance agency.

Laundry—No more than two allowed in the Central Business District.

Mixed-use development of residential uses on upper floors above retail, office and related uses.

Office supply or support (office supplies, copying, printing shop).

Package store—No more than two allowed in the Central Business District.

Personal services (i.e., barbershops, beauty parlors, physical therapy clinics, etc. No physical therapy clinic shall be open for business between the hours of 10:00 p.m. and 6:00 a.m.).

Post office.

Restaurant (and lounge), cafe, cafeteria, bar and grill.

Retail use.

Small appliance sales and/or service.

Sporting goods store; including the sale of weapons and related products used for sporting and hunting activities, so long as all such merchandise is removed from the premises within 24 hours of delivery and receipt, and there are no store displays or merchandising activities; no more than one store allowed in the district that sell the described merchandise.

Stereo/video/electronics rental, sales and/or service.

Theater (live) or motion picture house.

Veterinary clinic (which may provide short-term boarding, for medical purposes only, for no more than 48 hours).

Other enterprises or businesses which are similar in character and impact to enterprises or businesses enumerated herein, and which are consistent with the Comprehensive Plan adopted pursuant to Chapter 163, Florida Statutes. A final determination of similarity with listed uses and consistency with the Comprehensive Plan shall be made by the City Council, after obtaining a recommendation by the Zoning and Planning Board.

Sec. 150-070. - CBD central business district.

(l) Square footage requirements.

Commercial or office use only, all floors:

The minimum first floor area of a commercial building in this district shall be 1,500 square feet.

Mixed use:

In addition to the floor area required for the first floor of commercial or office use, the minimum square footage requirement for the upper-floor residential dwellings shall be a minimum of 900 square feet for each residential unit. Also, the following maximum percentage allocation of total residential area to ground floor business area, per development, shall apply:

Residential: 67 percent (i.e., a 2:1 ratio between residential and business, respectively.)



City of Miami Springs, Florida

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Monday, May 1, 2017 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 6:52 p.m.

The following were present:

Chairman Manuel Pérez-Vichot
Vice Chair Ernie Aloma
Bob Calvert
Ana Paula Ibarra

Absent:

Juan Molina
Alejandro Gonzalez

Also present:

City Attorney Daniel A. Espino
City Planner Chris Heid
Board Secretary Juan D. Garcia

2) Approval of Minutes

The minutes for the February 20, 2017 meeting were approved as written.

Vice Chair Aloma moved to approve the minutes as written. Board member Ibarra seconded the motion, which passed unanimously on voice vote.

3) Swearing In of All Witnesses and City Planner:

Board Secretary Garcia swore in the City Planner, the applicants or representatives of the applicants who would testify should the Board have any questions.

Before discussing any items City Attorney Espino notified the applicants that although there are enough members to hold a meeting, the applicants would need to have a majority of the votes for an item to pass; In the case that a Board member has a conflict of interest and has to recuse themselves from voting, a unanimous vote from the remaining Board members is needed in order for the item to pass. City Attorney Espino added that it is customary for the City to give the applicant the opportunity to have their case heard at a future meeting when all the Board members are present.

4) Old Business:

**Case # 01-V-17
DANIEL ZAMUDIO
1185 LUDLAM DRIVE
R-1C, RESIDENTIAL SINGLE FAMILY**

City Planner Heid explained to the Board members that he has chosen to add the section of Old Business to the agenda to update the Board on the status of projects that were discussed at previous meetings.

City Planner Heid noted that this case was approved unanimously at the last Board of Adjustment meeting and that it was also approved by the City Council on February 27, 2017, by a unanimous vote of 5-0.

5) New Business:

**A) Case # 10-V-16
RAUL & LIZA GARCIA
535 PLOVER AVENUE
R-1B, RESIDENTIAL SINGLE FAMILY**

The applicant is seeking after-the-fact variances from Section 150-042 (A)(2) in order to retain an existing gazebo in the rear yard, as follows:

1. Requests variance from Section 150-042 (A)(2) to waive 4'2" (four feet two inches) of the minimum required side yard setback of 7'6" (seven feet six inches). (Side yard setback of 3'4" [three foot four inches] requested.)
2. Requests variance from Section 150-042 (A)(2) to waive 7' (seven feet) of the minimum required distance of 10' (ten feet) between an accessory structure and the main building. (Three foot separation requested).

City Planner Heid read his recommendation to the Board. While reading the recommendation, City Planner Heid noted that this project had first been scheduled to be heard in October but was moved to a later date due to the meeting being cancelled. The case was then again scheduled to be heard in February but the applicant chose not to be heard on that date due to there not being a full Board present at the time of the meeting. City Planner Heid recommended to deny the variance request.

Chair Pérez-Vichot asked if there was any correspondence received in favor or against this project. City Planner Heid stated that one letter of approval was received from the neighbor directly in front of the property.

City Attorney Espino stated that the precedential nature of granting these variances would be difficult for the City because there are set-back requirements in the City that need to be met and that there are no hardships associated with the project.

Liza Garcia, property owner of 535 Plover Avenue explained the reason for building the gazebo and stated they were aware that a permit was needed and apologized for not obtain before beginning the project.

Board member Ibarra moved to deny the variance request. Vice Chair Aloma seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Ibarra, Board member Calvert, Vice Chair Aloma and Chair Pérez-Vichot voting YES.

Mrs. Garcia asked what would be the next step in the process. Chair Pérez-Vichot replied that they could appeal the decision of the Board to deny to the City Council.

Board Secretary Garcia informed the applicants of the process on how to file an appeal to the City Council.

**B) CASE # 02-V-17
LARRY BUTLER
29 PALMETTO DRIVE
CBD, CENTRAL BUSINESS DISTRICT**

Chair Pérez-Vichot abstained from any discussion or voting. Vice Chair Aloma served as Chairman at this time.

The applicant is seeking variances from Section 150-070 (B) and Section 150-070 (I) to construct a three story 12 unit, 12,158 square foot apartment building as follows:

1. Requests variance from Section 150-070 (B) to waive the requirement that residential units are allowed only in mixed-use developments. (Completely residential building proposed).
2. Requests variance from Section 150-070 (B) to waive the requirement that residential units in mixed-use developments are allowed only on upper floors above office, retail and related uses. (Ground floor residential units proposed with no ground floor office, retail or related uses).
3. Requests variance from Section 150-070 (I) to waive 1,500 square feet the minimum required 1,500 square feet of ground floor commercial or office use. (No ground floor office or commercial use proposed).
4. Requests variance from Section 150-070 (I) to exceed by 33% the maximum permitted 67% residential square footage allocation. (100% residential building proposed).

City Planner Heid read his recommendation to the Board.

Vice Chair Aloma stated that essentially these variances being requested are to waive the commercial component to project. City Planner Heid confirmed Vice Chair Aloma's statement as being correct.

Vice Chair Aloma asked if there were any correspondence received in favor or against this project. City Planner Heid stated that no correspondence has been received.

Larry Butler, property owner of 29 Palmetto Drive gave a history of the property since he has owned it and explained that the proposed project was to create a 12 unit apartment building that would potentially interest long term Miami Springs retirees or empty nesters living in Miami Springs that are looking to downsize, but still remain in this

community. Mr. Butler also added that he believes that the proposed project is a perfect transition from the Central Business District and the commercial area, to the residential community that starts just south of the property.

Resident Miguel Becerra, 53 Palmetto Drive, addressed the Board and stated that although he is not opposed to the project, he does have concerns regarding the density and if there was going to be enough parking spaces to accommodate 12 units, as well as guest parking in that area.

City Planner Heid stated that the project will have parking for three spaces per unit with a total of 27 required and 27 provided.

Vice Chair Aloma added that the variance request to not have a commercial component to the project would help the density and traffic in the area.

Board member Ibarra stated that she believes that this project is a great idea and that it would be worse if it was a commercial project as it would cause more traffic and bring more cars to the area. She added that this would bring a buffer to the residential area before entering into the Central Business District.

Board member Calvert stated that he believes the project would improve the area.

Board member Ibarra moved to approve the variances with the conditions listed in the City Planner's recommendation. Board member Calvert seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Ibarra, Board member Calvert, and Vice Chair Aloma voting YES.

City Attorney Espino advised the applicant of the 10 day appeal period. He added that this item will be brought before council for their review.

**C) CASE #03-V-17 BRICKELL PARK, LLC
BRICKELL PARK, LLC
749 CURTISS PARWAY
AG AIRPORT GOLF DISTRICT**

Board member Ibarra abstained from any discussion or voting on this item due to a conflict of interest.

The applicant is seeking variances from Section 150-043 (E)(2) to construct surface parking lots associated with a multi-building multi-family residential project as follows:

1. Requests variance from Section 150-016 (A)(9) to waive one foot of the minimum required parking space depth of 19 feet. (Some parking spaces 18 feet in depth proposed).
2. Requests variance from Section 150-016 (A)(9) to waive approximately one inch of the minimum required parking space width of 9 feet. (Some parking spaces 8.9 feet in width proposed).
3. Requests variance from Section 150-016 Appendix to waive five feet of the minimum required one way parking lot approach of 15 feet. (One way parking lot approaches of 10 feet proposed).

4. Requests variance from Section 150-016 Appendix to waive five feet of the minimum required two way parking lot approach of 25 feet. (Two way parking lot approach of 20 feet proposed).

City Planner Heid read his recommendation to the Board.

Chair Pérez-Vichot asked if there were any correspondence received regarding this project. City Plan Heid replied that no correspondence had been received in favor or against this project.

Chair Pérez-Vichot suggested that the alley located in the center of the project be made one way making it much safer. Chair Pérez-Vichot added that a two-way alley measuring 16 feet is very small and very difficult for large vehicles to pass through.

City Attorney Espino responded that he and City Planner Heid would bring this issue up to Public Works to see what can be done in that area.

Chair Pérez-Vichot stated that he would like to know if there was any landscaping that would be added to the project and asked the applicant if he had any landscaping plans or planned to submit any landscaping plans.

George Befeler, Chief Executive Officer of Brickell Park, LLC and property owner of 749 Curtiss Parkway responded that he will be working together with City Planner Heid on a landscaping plan. City Planner Heid added that he would be making this an additional condition to his staff recommendation.

Chair Pérez-Vichot noted that on the civil drawings is shows only 5 feet radius coming in from Eldron Drive and he would like it to be 15 feet in order to avoid a visibility problem from cars parking at an angle or trying to make a left turn.

Mr. Befeler acknowledged the request and stated that there is plenty of space to accommodate the request. Mr. Befeler added that he would make the changes to the plans.

Chair Pérez-Vichot asked if there were any comments from the audience and there were no comments at this time.

Vice Chair Aloma moved to approve the variance request with the conditions listed in the City Planner's recommendation. Board member Calvert seconded the motion, which passed unanimously by roll call vote. The vote was as follows: Board member Chair Pérez-Vichot, Board member Calvert, and Vice Chair Aloma voting YES

City Attorney Espino advised the applicant of the 10 day appeal period. He added that this item will be brought before council for their review.

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 7:34 p.m.

Respectfully submitted:

Juan D. Garcia
Board Secretary

Adopted by the Board on
this ____ day of _____, 2017.

Manny Perez-Vichot, Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes.
All other words remain unchanged.

*“The comments, discussions, recommendations and proposed actions of City Citizen
Advisory Boards do not constitute the policy, position, or prospective action of the City,
which may only be established and authorized by an appropriate vote or other action of
the City Council”.*



City of Miami Springs, Florida

City Council Meeting
Regular Meeting Minutes
Monday, May 8, 2017 7:00 p.m.
Council Chambers at City Hall
201 Westward Drive, Miami Springs, Florida

1. **Call to Order/Roll Call:** The meeting was called to order by the Mayor at 7:00 p.m.

Present were the following:

Mayor Billy Bain
Vice Mayor Bob Best
Councilwoman Maria Puente Mitchell
Councilwoman Mara Zapata
Councilman Jaime A. Petralanda

City Manager/Finance Director William Alonso
City Attorney Haydee Sera
City Clerk Erika Gonzalez-Santamaria
Assistant to City Manager Tammy Romero
Police Chief Armando Guzman
Public Works Director Tom Nash
Elderly Services Director Karen Rosson

2. **Invocation:** Offered by Councilwoman Mitchell

Salute to the Flag: Students from AIE led the Pledge of Allegiance and Salute to the Flag

3. **Awards & Presentations:**

A) Yard of the Month – May 2017 – Ronnie & Anna Gonzalez of 381 Navarre Drive

Mayor Bain presented Ms. Gonzalez with a Certificate of Recognition for Yard of the Month. Ms. Gonzalez was present to receive the award.

4. **Open Forum:** None at this time.

5. **Approval of Council Minutes:**

A) April 24, 2017 – Regular Meeting

Vice Mayor Best moved to approve the minutes of the Regular meeting on April 24, 2017. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

6. Reports from Boards & Commissions:

A) Board of Adjustment – Approval of Actions Taken at their Meeting of May 1, 2017 Subject to the 10-day Appeal Period

Vice Mayor Best moved to approve the actions of the Board of Adjustment on May 1, 2017. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

7. Public Hearings: None at this time.

8. Consent Agenda: (Funded and/or Budgeted): None at this time.

9. Old Business: None at this time.

10. New Business:

A) Resolution – A Resolution Of The City Council Of The City Of Miami Springs Establishing Rates For Collection Of Garbage, Trash And Recycling For Residential And Commercial Customers Within The City Of Miami Springs; Providing For An Effective Date

City Manager Alonso read the Resolution by title for the record.

Vice Mayor Best moved to approve the Resolution. Councilman Petralanda seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

B) Resolution – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Approving A Proposal From Florida Metro Construction Co. For Emergency Underground Fuel Tank Repairs, In An Amount Not To Exceed \$50,000.00; Authorizing The City Manager To Enter Into A Contract Consistent With The Proposal And To Expend Budgeted Funds; Directing The City Manager To Seek Reimbursement From The City's Property Insurance Carrier For The Emergency Repairs; Providing For Implementation; And Providing For An Effective Date

City Manager Alonso read the Resolution by title for the record.

Councilman Petralanda moved to approve the Resolution as stated. Councilwoman Mitchell seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata,

Councilman Petralanda and Mayor Bain voting Yes.

C) Ordinance – First Reading – Ordinance Of The City Council Of The City Of Miami Springs, Florida, Extending A Temporary Moratorium On The Acceptance, Review, Approval Or Issuance Of Any Land Development Permits As The Term Is Defined In Florida Statutes Section 163.3164(16), Business Tax Receipts, Or Any Other License Or Permit For The Establishment Or Operation Of Dispensing Facilities Within The City Of Miami Springs Engaged In The On-Site Distribution, Sale, Delivery Or Retail Of Low-THC Cannabis, Medical Cannabis Or Cannabis Delivery Devices Pursuant To Sections 381.986 And 499.0295 Of The Florida Statutes, For An Additional Period Of One Hundred And Eighty (180) Days From The Effective Date Of This Ordinance, In Order To Provide The City With An Opportunity To Review And Enact Regulations Governing The Establishment And Operation Of Dispensing Facilities; Providing For Penalties For Violations Hereof; Providing For Implementation; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For A Severability Clause; And Providing For An Effective Date

City Manager Alonso read the Resolution by title for the record.

Councilman Petralanda moved to approve the Ordinance. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

D) Consideration of the Board of Parks and Parkways Recommendations for nominating the Yard of the Month Awards for June, July and August 2017

Councilman Petralanda moved to approve the Resolution as stated. Councilwoman Zapata seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Best, Councilwoman Mitchell, Councilwoman Zapata, Councilman Petralanda and Mayor Bain voting Yes.

11. Other Business: None at this time.

12. Reports & Recommendations:

A) City Attorney

City Attorney Sera had no report at this time.

B) City Manager

The City Manager updated the Council that there were two members of the senior center community had passed. He said that a grievance counselor will be available to the seniors for the next couple of weeks. He also wanted to clarify the response time of the rescue unit that was dispatched for the incident at the Aquatic Facility for Marie Mascaro. He advised that the aquatic facility staff responded instantaneously, within several minute MSPD was on the scene providing life-saving tactics and within 9 minutes there was a Fire

Rescue with Paramedics on-site. He reminded that on May 17th the DMV will be at the Community Center and that the Ethics Training for Elected Officials will be at our City Hall on May 17th as well.

C) City Council

Councilwoman Mitchell Councilwoman Mitchell requested that before Open Forum that a statement be read by the City Clerk so that the public understands that there would be limited opportunity for dialogue between them and the City Council, since the Council must address the items on the agenda but that the City Staff could answer their questions or comments after the meeting. She was advised that the request would be on an upcoming council meeting for Council consideration. She also advised members of Council and staff that she would be unavailable to attend the upcoming Council meeting on May 22nd. She stated that hopefully she can attend via phone or electronically. She stated that there were some great events held in the City this weekend, the Golf Tournament in honor of fallen Officer Stafford on May 5th and the Iliad and Odyssey play production at the Pelican Playhouse.

Councilwoman Zapata thanked City Manager Alonso for his clarification to Council on the response time to the incident that happened at the Aquatic Facility. She also wanted to further discuss the Board of Adjustment approvals of certain projects that took place at their last meeting that the City Council just approved tonight. She was concerned that there is not enough transparency on how variances are approved, specifically, the property on 29 Palmetto Drive being approved for a twelve unit apartment building which would increase the vehicle count on the circle. She stated that the Council should revisit on how things are noticed and how citizens are informed of certain projects. She was advised that there is an appeals process. She expressed interest on appealing the case and stated that she will reach out to City Staff as to how to appeal.

Councilman Petralanda had no report at this time.

Vice Mayor Best said that he appreciated the Manager's report on the response time to the incident at the Aquatic Facility. He announced that the Pelican Playhouse continues to put on the Iliad and Odyssey with curtain times on Friday and Saturday night and a matinee on Sunday.

Mayor Bain thanked everyone for attending the meeting and wished all the mothers a wonderful Mother's Day.

13. Adjourn

There being no further business to be discussed the meeting was adjourned at 7:50 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, MMC
City Clerk*

*Adopted by the City Council on
This 22nd day of May, 2017.*

Billy Bain, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING 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 CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



Official Use Only
Submittal Date: _____
Case No.: <u>02-V-17</u>

Building & Planning Department
201 Westward Drive
Miami Springs, FL 33166
Phone: 305-805-5034 Fax: 305-805-5036
www.miamisprings-fl.gov

CITY OF MIAMI SPRINGS

VARIANCE APPLICATION

APPLICANT INFORMATION	
APPLICANT NAME <u>LARRY BUTLER</u>	PROPERTY ADDRESS <u>29 Palmetto Dr</u>
APPLICANT PHONE NUMBER (BEST NUMBER TO REACH YOU) <u>305 588-5627</u>	E-MAIL ADDRESS <u>BTLRCMN@AOL.COM</u>

Request that a determination be made by the Board of Adjustment of the City of Miami Springs, on the following appeal that was denied by the Building Official for the reason that it is a matter, in which the Building official could not exercise discretion and which, in his opinion, might properly come before the Board.

PROPERTY INFORMATION	
LEGAL DESCRIPTION <u>6-8-9 88 CC east Sec 2</u>	LOT SIZE AND ZONING DISTRICT <u>100 x 125 CENTRAL BUSINESS DISTRICT</u>
LOT(S) BLOCK SUBDIVISION <u>6-8-9 88 CC east Sec 2</u>	LOT SIZE ZONING DISTRICT <u>100 x 125 CENTRAL BUSINESS DISTRICT</u>
HAVE ANY PREVIOUS APPLICATIONS OR APPEALS BEEN FILED WITHIN THE LAST SIX (6) MONTHS IN CONNECTION WITH THESE PREMISES? YES _____ NO <u>✓</u>	
IF YES, BRIEFLY STATE THE NATURE OF THE PREVIOUS APPLICATION: _____	
IF YOU ARE THE OWNER, HOW LONG HAVE YOU OWNED THE PROPERTY? <u>11 YEARS</u>	WHAT IS THE APPROXIMATE COST INVOLVED IN THIS CHANGE? \$ _____

(I)(We) believe that the Board of Adjustment should grant this petition for the following reasons: PERFECT TRANSITION FROM COMMERCIAL TO RESIDENTIAL - IDEAL FOR SPRINGS RETIREES TO MAINTAIN TURN KEY HOUSING.
(Please include a separate document indicating the grounds for the appeal and reasons with respect to the law and fact for granting the appeal or special exception or variance. SHOWING OF UNNECESSARY HARDSHIP MUST BE MADE BEFORE A VARIANCE CAN BE GRANTED; the grounds must be stated.)

(I) (We) understand this petition becomes part of the permanent records of the Board of Adjustment.

(I) (We) hereby certify that the above statements and the statements or showing made in any papers and/or plans submitted are true to the best of my/our knowledge and belief.

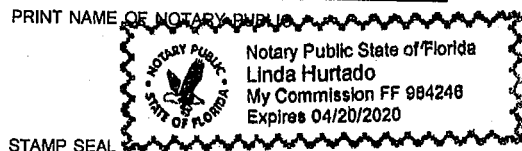
LARRY BUTLER
Signature of Owner

LARRY BUTLER
Printed name of Owner

The contents of this petition are
Sworn to and subscribed before
me this 5 day of April,
2017.

Linda Hurtado
SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA

Linda Hurtado
PRINT NAME OF NOTARY PUBLIC



COMMISSION EXPIRES: _____

PERSONALLY KNOWN: ☒

PRODUCED IDENTIFICATION: _____

Signature of Co-Owner

Printed name of Co-Owner

The contents of this petition are
Sworn to and subscribed before
me this ____ day of _____,
20____.

SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA

PRINT NAME OF NOTARY PUBLIC

STAMP SEAL

COMMISSION EXPIRES: _____

PERSONALLY KNOWN: _____

PRODUCED IDENTIFICATION: _____

Larry Butler
161 Bentley Drive
Miami Springs, FL 33166

RE: 29 Palmetto Drive
Variance Request
Zoning - CBD
Central Business District

TO: City Planner
City of Miami Springs

I am requesting a variance from the zoning district requirements for this parcel from 66 2/3 Residential and 33 1/3 Commercial to All Residential.

The plans submitted call for a 12 unit condominium project with each unit being 900 square feet with 2 bedrooms and 2 baths per unit. The FAR (floor area ratio) will meet the required 1 to 1 square feet of building to square feet of lot. All required parking with handicap spaces will be provided.

The reason I am asking for this variance is two fold:

- 1) This is a great transition from the commercial to the residential area. The traffic will be residential in nature without cars coming in and out for commercial properties. I feel this will benefit the single family homes on the southern border.
- 2) I have been in real estate since 1975 and have been repeatedly asked if there are any condominium units available for long term for Miami Springs residents that have retired or become empty nestors that want to downsize and still live in our great city. These people want to travel, cruise, visit grandkids and have a turn key home in which to come and go from. This condominium project will provide this and keep our residents in the Springs.

Sincerely,



Larry Butler

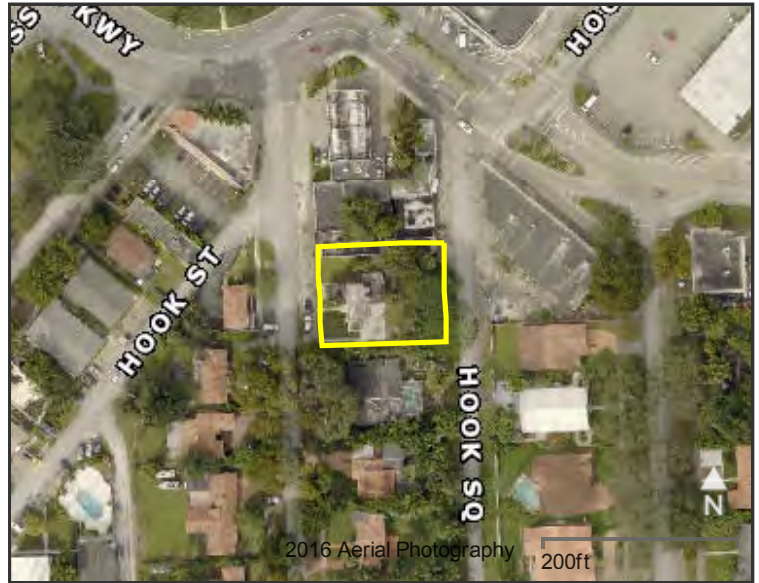


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 4/26/2017

Property Information	
Folio:	05-3119-010-0100
Property Address:	29 PALMETTO DR Miami Springs, FL 33166-5807
Owner	LARRY BUTLER TRS
Mailing Address	161 BENTLEY DR MIAMI SPRINGS, FL 33166-4918
PA Primary Zone	6400 COMMERCIAL - CENTRAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	2 / 2 / 0
Floors	2
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	1,900 Sq.Ft
Lot Size	12,500 Sq.Ft
Year Built	1935



Assessment Information			
Year	2016	2015	2014
Land Value	\$325,000	\$312,500	\$312,500
Building Value	\$1,000	\$1,000	\$1,000
XF Value	\$0	\$0	\$0
Market Value	\$326,000	\$313,500	\$313,500
Assessed Value	\$326,000	\$313,500	\$313,500

Benefits Information				
Benefit	Type	2016	2015	2014
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
COUNTRY CLUB ESTS SEC 2 PB 10-79
LOTS 6-8-9 BLK 88 & TRACT G OF
PB 34-40
LOT SIZE 12500 SQ FT
OR 12419-0049 0285 1

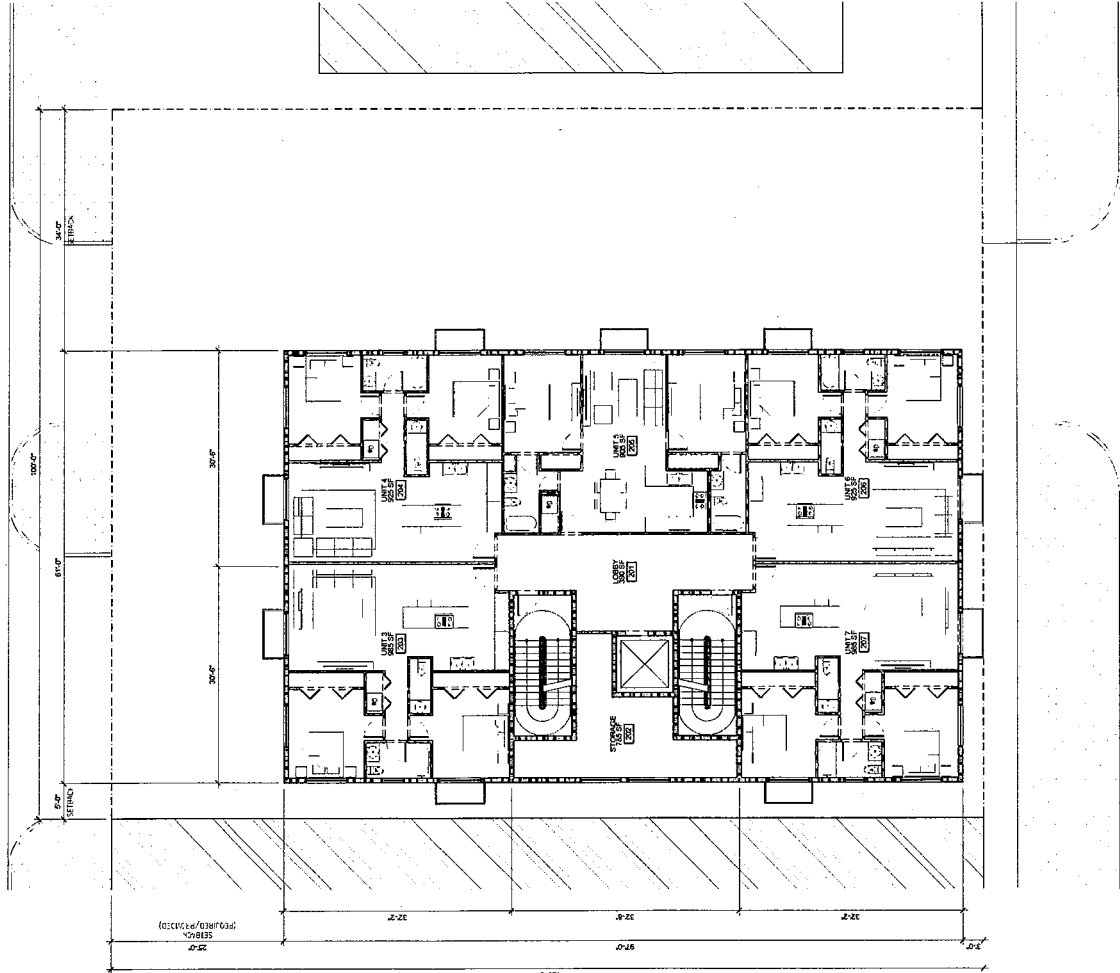
Taxable Value Information			
	2016	2015	2014
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$326,000	\$313,500	\$313,500
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$326,000	\$313,500	\$313,500
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$326,000	\$313,500	\$313,500
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$326,000	\$313,500	\$313,500

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
05/01/2008	\$0	26411-1611	Sales which are disqualified as a result of examination of the deed
05/01/2006	\$659,000	24578-2090	Sales which are qualified
02/01/1985	\$124,000	12419-0049	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

HOOK SQUARE



PALMETTO DRIVE
1 2ND & 3RD FLOOR PLAN
A2.2
SCALE 1/8" = 1'-0"

OWNER:
Lynn B. Butler
30 Palmetto Drive
Montgomery, Alabama 36105

PROJECT:
12 Unit Apt. Building
Palmetto Drive

CONSULTANT:
SOUTHEAST DESIGN ASSOCIATES, INC.
11111 Highway 90, Suite 100
Montgomery, Alabama 36117
Tel: (205) 833-1111
Fax: (205) 833-1112
www.southeastdesign.com

DATE:
10/1/01

COMMISSION NO.:

DESIGNER:
ARCHITECT:
ENGINEER:
MECHANICAL:
ELECTRICAL:
PLUMBING:
HVAC:
STRUCTURAL:
LANDSCAPE:
INTERIOR DESIGN:
FURNITURE:
LIGHTING:
SOUND/VIDEO:
GRAPHIC ARTS:
OTHER:

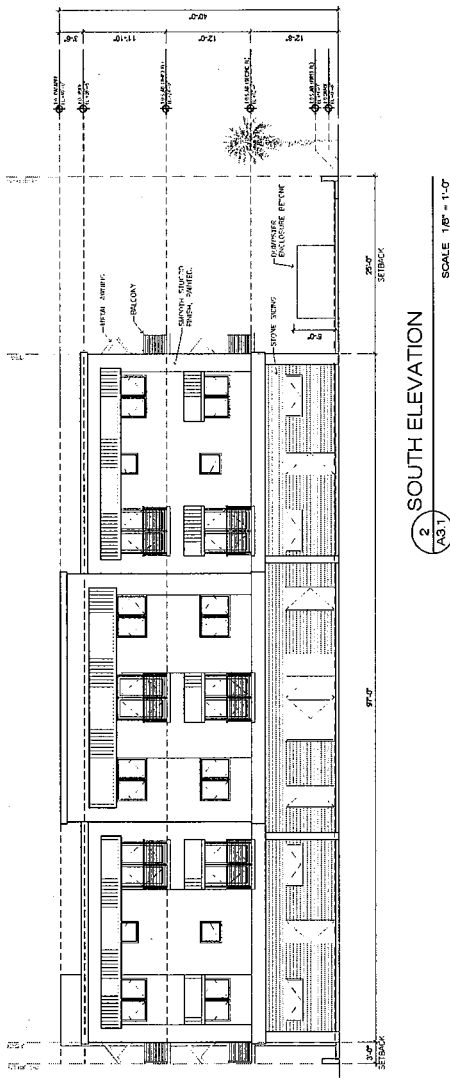
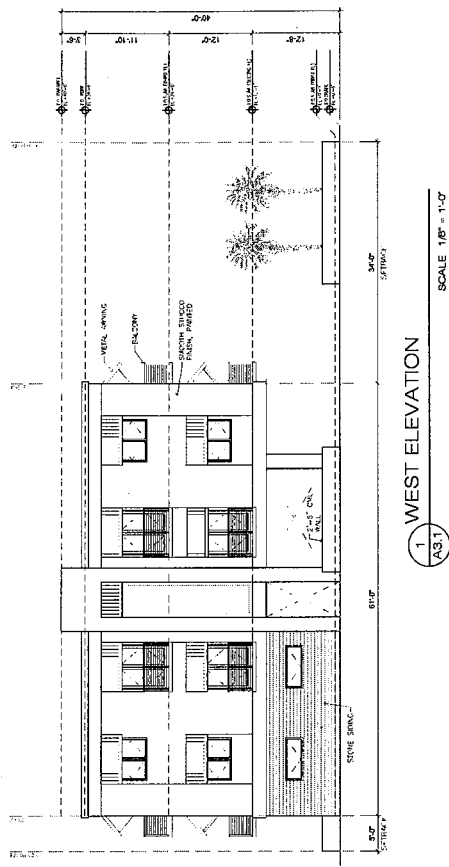
DRAWING TITLE:
2ND & 3RD FLOOR PLAN

SHEET NO.:

OF 4

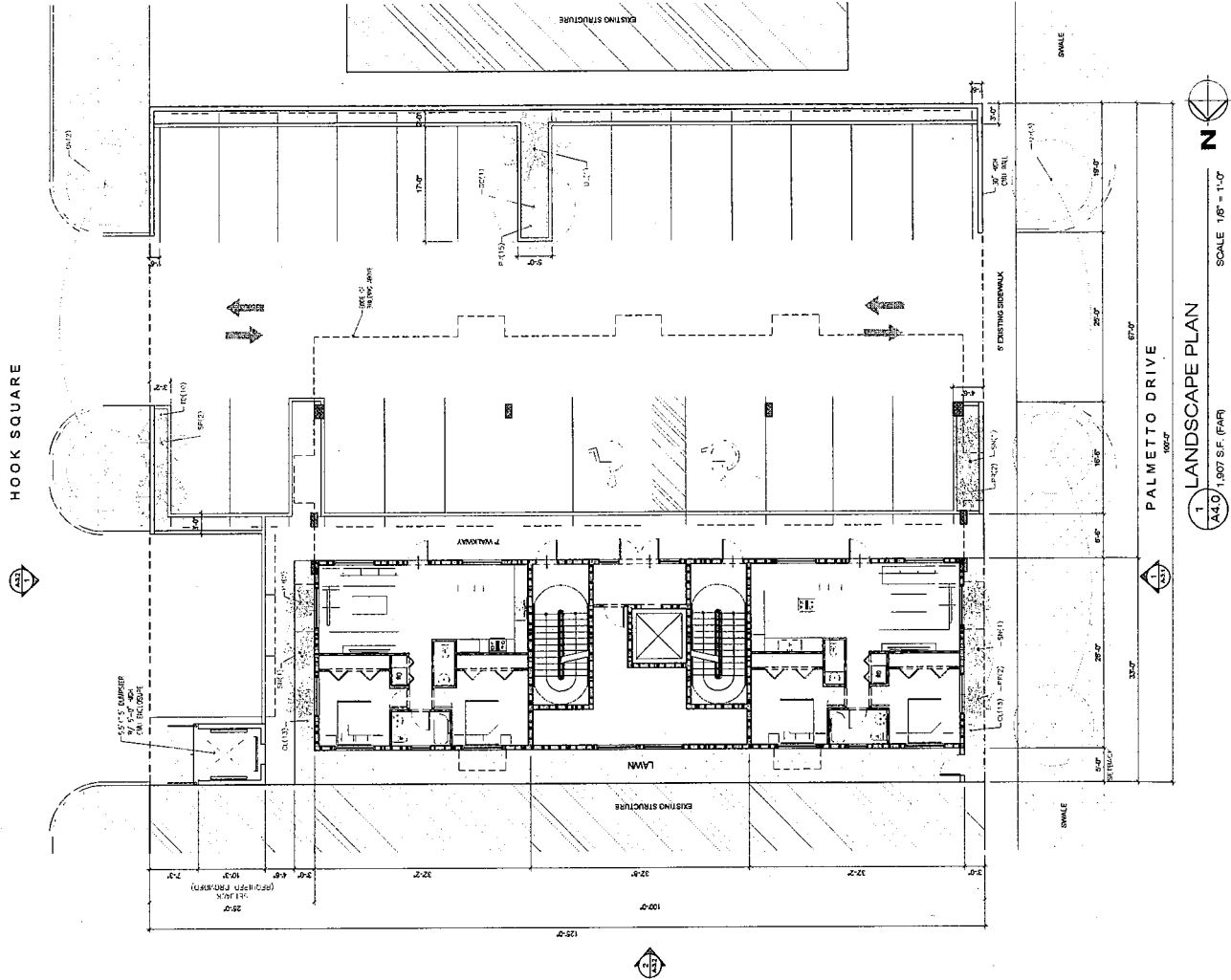
DATE:

4/2/01



PLANT LIST:

QTY	FEET	SYMBOL/COMMON NAME	DESCRIPTION
1	DL	Dwarf Live Oak	15' H. Full
1	GC	Grass	25 gal.
1	GC	Grass	15' H. x 6' sp.
6	PR	Prunella	15' H. x 6' sp.
3	SN	Shrub	15' H. x 6' sp.
2	SP	Shrub	15' H. x 6' sp.
25	CI	Clematis	25' H. x 6' sp.
15	PV	Panicle	25' H. x 6' sp.
5	OV	Ornamental	15' H. x 6' sp.
10	TD	Trees	25' H. x 6' sp.
			As needed Lawn St. Augustine 'Floratam'
			* Indicates Native species



1 LANDSCAPE PLAN
A4.0 1,507 S.F. (FAR)
SCALE 1/8" = 1'-0"

Date: May 18, 2017

CITY OF MIAMI SPRINGS
2017 MAY 18 P 4: 32

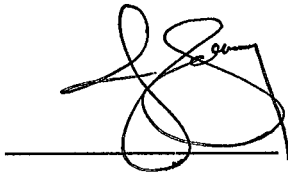
City Clerk
City of Miami Springs
201 Westward Drive
Miami Springs, FL 33166

Dear Sirs:

Pursuant to the provisions of Code of Ordinances, Section 150.113 (B) (1) (b) (ii), I am appealing the ruling of variance case No. 02-V-17, heard by the Board of Adjustment on May 1, 2017, and pertaining to two (2) variance requests from Section 150-070(B,) and two (2) variance requests from Section 150-070(I.)

It is my understanding that this appeal will be heard by the City Council, sitting as the Board of Appeals and that I will be notified of the date and time of the meeting.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Souder', written over a horizontal line.

Applicant - John Souder
Address - 443 Esplanade Drive, Miami Springs, FL 33166

cc: City Council
City Manager
Assistant City Manager/Finance Director
City Attorney
City Planner

Office of the City Clerk

City Clerk Erika Gonzalez-Santamaria

201 Westward Drive

Miami Springs, Florida 33166

CITY OF MIAMI SPRINGS
2017 MAY 18 P 4: 32

RE: Application for Appeal of Variance Case #02-V-17

City Clerk Gonzalez-Santamaria –

In conjunction with my Application for Appeal filed today, May 18, 2017, regarding Variance Case # 02-V-17, I respectfully submit the following request:

I ask that this Appeal be heard by Council in a Special Meeting.

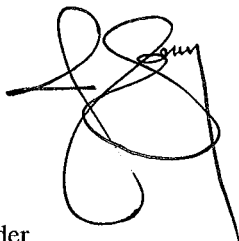
As I feel this matter is of the utmost importance to Our Community, I request that this Appeal take place outside of one of our Regular Council Meetings. This will direct the full attention of Council to this matter, and it will remove the procedural “wait-times” and distractions that are customary in Our Regular Council Meetings. It will allow a forum for any pertinent and expert testimony to be set forth as a matter of record, and it will allow ample seating for all affected Citizens, who may wish to come and participate.

Furthermore, I feel the \$600 fee charged for a Commercial Appeal justifies a Special Meeting for this matter.

I thank you for your kind attention to this matter.

Please feel free to copy all Council Members and any necessary City Staff on this correspondence.

Very Respectfully,



John Souder

CITY OF MIAMI SPRINGS
*** CUSTOMER RECEIPT ***
Oper: MIASMHP Type: OC Drawer: 1
Date: 5/19/17 04 Receipt no: 3204
Description Quantity Amount
B8 BD - APPLICATION FEES
1.00 \$600.00
APPEAL VARIANCE 02-V-17
29 PALMETTO DRIVE
Tender detail
CR CREDIT CARD 8557 \$600.00
Total tendered \$600.00
Total payment \$600.00
Trans date: 5/18/17 Time: 16:42:22