



**NORTH MIAMI BOARD OF ADJUSTMENT MEETING AGENDA  
776 NORTHEAST 125 STREET, NORTH MIAMI CITY HALL, 2<sup>ND</sup> FLOOR  
WEDNESDAY, JULY 20, 2016, 6:30 PM**

**I. ASSEMBLY AND ORGANIZATION:**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Board Members
- D. Announcement to Audience of the Public Hearing Process

***QUASI-JUDICIAL ITEMS: THESE ITEMS MAY EITHER BE APPROVED, DENIED, OR APPROVED WITH CONDITIONS.***

PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. THE APPLICANT OR DULY AUTHORIZED AGENT FOR THE APPLICANT MUST BE PRESENT. IF NO REPRESENTATIVE IS PRESENT, THE APPLICATION WILL BE TABLED TO THE NEXT BOARD OF ADJUSTMENT MEETING. WHEN THE PETITION IS ANNOUNCED, THE APPLICANT OR HIS/HER AGENT SHALL APPROACH THE MICROPHONE AND STATE HIS/HER NAME AND ADDRESS FOR THE RECORD.

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- E. Quasi-Judicial Oath
- F. Amendments to the Agenda

**II. APPROVAL OF MINUTES: MAY 25, 2016 BOARD OF ADJUSTMENT MEETING**

**III. COMMUNICATIONS: BOARD MEMBER COMMUNICATIONS**

**IV. CONTINUED PETITIONS: NONE**

**V. NEW PETITIONS:**

**V-4-16 CENTER COURT APARTMENTS – 14695 NE 18 AVENUE**

**A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-902 OF THE NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED FENCE WITH A HEIGHT OF EIGHT (8) FEET IN CONNECTION WITH A PROPERTY LOCATED AT 14695 NE 18<sup>TH</sup> AVENUE WHERE THE MAXIMUM ALLOWABLE HEIGHT SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR FENCES IN THE R-6 ZONING DISTRICT IS SIX (6) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.**

**V-5-16 DESIGNER BLINDS & FABRICS – 1830 NE 144 STREET**

**A VARIANCE TO ARTICLE 4, DIVISION 3, SECTION 4-303 OF THE LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW THE EXISTING WAREHOUSE/SHOWROOM AND PROPOSED EXPANSION THERETO WHICH IS LOCATED AT 1830 NE 144<sup>TH</sup> STREET TO BE SETBACK FIVE (5) FEET FROM THE SIDE (WEST) PROPERTY LINE WHERE THE MINIMUM SIDE SETBACK SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR DEVELOPMENTS PERMITTED IN THE M-1 ZONING DISTRICT IS FIFTEEN (15) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.**

**V-6-16 SAMARIE CHRISTIAN CHURCH, INC. – 13995 W. DIXIE HIGHWAY**

**A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-302 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A PROPOSED RELIGIOUS INSTITUTION AT THE PROPERTY LOCATED AT 13995 W. DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LAND DEVELOPMENT REGULATIONS.**

**VI. OLD BUSINESS: NONE**

**VII. NEW BUSINESS: NONE**

**VIII. ADJOURNMENT:**

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**In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Zoning Department no later than four (4) days prior to the proceeding. Telephone (305) 893-6511, ext. 12256 for assistance. If hearing impaired, telephone our TDD line at (305) 893-7936 for assistance.**

**AS A COURTESY TO THE PEOPLE RECORDING THE MEETING, PLEASE PUT YOUR CELL PHONE ON SILENT.**



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- F. Amendments to the Agenda

II. APPROVAL OF MINUTES: MAY 25, 2016 BOARD OF ADJUSTMENT MEETING

III. COMMUNICATIONS: BOARD MEMBER COMMUNICATIONS

IV. CONTINUED PETITIONS: NONE

V. NEW PETITIONS:

Y-4-J6 CENTER COURT APARTMENTS -- 14695 NE 18 AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-902 OF THE NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS"), TO ALLOW A PROPOSED FENCE WITH A HEIGHT OF EIGHT (8) FEET IN CONNECTION WITH A PROPERTY LOCATED AT 14695 NE 18<sup>TH</sup> AVENUE WHERE THE MAXIMUM ALLOWABLE HEIGHT SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR FENCES IN THE R-6 ZONING DISTRICT IS SIX (6) FEET. SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.

Y-5-J6 DESIGNER BLINDS & FABRICS -- 1830 NE 144 STREET

A VARIANCE TO ARTICLE 4, DIVISION 3, SECTION 4-303 OF THE LAND DEVELOPMENT REGULATIONS ("LDRS") TO ALLOW THE EXISTING WAREHOUSE/SHOWROOM AND PROPOSED EXPANSION THERETO WHICH IS LOCATED AT 1830 NE 144<sup>TH</sup> STREET TO BE SETBACK FIVE (5) FEET FROM THE SIDE (WEST) PROPERTY LINE WHERE THE MINIMUM SIDE SETBACK SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR DEVELOPMENTS PERMITTED IN THE M-1 ZONING DISTRICT IS FIFTEEN (15) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.

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VI. OLD BUSINESS: NONE

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Y-5-16 CENTER COURT APARTMENTS - 14695 NE 19 AVENUE

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Y-6-16 SAMARIE CHRISTIAN CHURCH, INC. - 13995 W. DIXIE HIGHWAY

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MINUTES  
 NORTH MIAMI BOARD OF ADJUSTMENT  
 6:30 P.M.  
 WEDNESDAY, MAY 25, 2016  
 COUNCIL CHAMBERS

The meeting was called to order at 6:32 p.m. After the pledge of allegiance, a roll call of the members was taken.

	Name	Present	Excused	Absent
1.	Roseline Philippe Chair	X		
2.	Holly Cohen	X		
3.	Michael McDearmaid	X		
4.	Dotie Joseph	X		
5.	Danna Magloire-Fenelon	X		
6.	Pegy Boulé		X	
7.	Laura Hill Alternate			
8.	Mary Estimé-Irvin Alternate			

**Staff was represented by:**

Alex A. David, Zoning Administrator  
 Jeff P.H. Cazeau, City Attorney  
 Brittni Duria, Board Secretary

**I. Assembly and Organization – Amendments to the Agenda:**

Item V-3-16 was stated as a Continued Item and not a New Item.

**II. Approval of Minutes:**

The minutes of the March board meeting were unanimously approved and a motion was made by board member McDearmaid and seconded by board member Cohen.

**III. Board Member Communications:**

Board member Cohen stated that she spoke with Councilwoman Keys regarding the item. Board member Joseph stated that she spoke with former Mayor Burns as to why it is on the agenda.

Mr. Nixon Lebrun introduced Mr. Alex David as the new Zoning Administrator.

#### **IV. CONTINUED PETITIONS:**

##### **V-3-16 VALVOLINE INSTANT OIL CHANGE – 1600 NE 123 STREET**

**A SPECIAL EXCEPTION PURSUANT TO ARTICLE 6, DIVISION 7, SECTION 6-702 OF THE NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO TERMINATE THE STATUS OF A NON-CONFORMING AUTO SERVICE STATION IN CONNECTION WITH THE PROPERTY LOCATED AT 1600 NE 123 STREET IN THE C-2BW DISTRICT.**

##### **Board Discussion:**

The Chair introduced the item then Mr. Tom Robertson, the applicant and duly appointed representative introduced himself along with Mr. Graham and Mr. Marino, the owners, and Mr. Schultz, the facilities manager. Mr. David then read and summarized the staff recommendations. Mr. Robertson then spoke on the petition stating that if all requirements are met through Section 6-702 of the City’s Code, then the Special Exception would then be an entitlement. There used to be no landscaping or parking and the site was contaminated. The new site plan consists of substantial improvements which include an appealing building, landscape and parking. All will comply with the current code. Mr. Schultz spoke and stated that the building will be occupied by 6-8 local employees, there will be no contamination as all oil will be drained and picked up, maintenance people will be hired for repairs and upkeep, corporate will provide computer training, which is graded, and all managers will be trained. The Chair then opened the public hearing then it closed. Board member Joseph questioned what adjustments would be made for a basement since it was mentioned that one would be provided. Mr. Schultz stated that the water table is at 4’-0” but the basement would be 7’-6”, 9’-0” from grade.

Board member Cohen questioned the cessation of operation. She mentioned that it was more than 180 days so the use could not be grandfathered, it would be termination of a nonconforming use. Mr. David mentioned page four (4) of the staff report. Board member Cohen stated that she did read it but the business had been vacant for one (1) year so it is not the same set of facts. She stated that she does not understand why we would have this in the entrance of the City when we have areas designated for such use. Mr. Robertson stated that in terms of legality, the termination was forced due to contamination. The property was in operation until March 1<sup>st</sup>. When it was purchased in August, it was deemed in operation as long as a sign was up. Board member Cohen begged to differ as the original intent was stated for a bank during the Brownfield hearing, the use was changed. Mr. Robertson stated that a legal nonconforming use can continue based on three criteria, which was verified by the Zoning Determination Letter. Mr. Cazeau, City Attorney, stated that that was true based on the statutes at the state level for Brownfields. The sign issue binds on us as it is stated in our code as an automotive use and under Business Tax Receipts. Mr. Robertson then

mentioned that when they showed up in front of the Board for Brownfield designation, no one was signed to lease. Chase, Valvoline and BB & T were all dealt with as potential tenants, which made a clear case that Valvoline would be a possibility. It is a corner lot that needed improvement and very few were willing to take a contaminated space.

Board member Joseph mentioned the landscape plan and asked what the requirements were prior. Mr. Robertson stated that there was a Northfolk pine tree, no parking and the building was built in the 1960s. Board member Joseph asked how the client will preserve the water table, Mr. Schultz explained that they would waterproof the slab and up the walls so that there would be no infiltration; water cannot go in or out. Board member Magloire-Fenelon mentioned again the contamination on the site. Mr. Robertson stated that a covenant would be filed if there is still minor contamination. Board member Magloire-Fenelon then questioned the chance of oil contamination and the mention of a secondary containment. Mr. Schultz stated that all would be located within the basement: the metal container and the basement itself, there would be no subpumps or drains. Mr. Robertson then added that by state and DERM regulations, there must be 110% containment. Board member Magloire-Fenelon then asked how long the container would last and how impenetrable the container would be and if there is a possibility for contamination later. Mr. Robertson stated that all belongs underground but considered above ground because it can still be seen. If it were to leak, it would be physically visible.

Previous Mayor Burns stated that this was a legally represented vicinity. The Special Exception, City Attorney and staff stated that they were entitled. When he rewrote the code, nonconforming uses could not just be abolished, which there are hundreds of. The City is partially to blame for allowing the property to diminish due to traumatic events. That further explains the redevelopment and how it should be allowable. The location of the parcel is not the grand entrance to the City but it is much better than before. Bay Harbor's main entrance along Broad Causeway has a gas station and is responsible reuse of property. It is legally permitted and investing.

Board member McDearmaid stated that environmental impact is important so he is glad that this is being established. As clarification, he asked if there would be no auto repairs, strictly oil change. Mr. Robertson stated that the recommendation of the covenant be that no other use be allowed. Mr. Cazeau requested that all conditions be read as they may answer some questions, Mr. David then did so.

**Public Hearing:**

No one spoke at the public hearing.

**Vote:**

The motion for approval was made by board member McDearmaid and seconded by board member Magloire-Fenelon. The item passed 4-1, with board member Cohen dissented.

**V. NEW PETITIONS: None**

— — —

The next meeting was tentatively set for July 20, 2016.

**VI. COMMITTEE REPORTS: None**

**VII. OLD BUSINESS: None**

**VIII. NEW BUSINESS: None**

**IX. ADJOURNMENT:**

The meeting was adjourned at 7:40 p.m.

Respectfully submitted:

Attest:

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Roseline Philippe, Chairperson  
Board of Adjustment

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Alex David, AICP, Zoning Administrator  
Community Planning & Development

Prepared by:

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Brittini Duria, Board Secretary  
Community Planning & Development



## NOTICE OF PUBLIC HEARING

July 7, 2016

Dear Property Owner:

The City of North Miami has received the following zoning approval request:

**V-4-16      CENTER COURT APARTMENTS – 14695 NE 18 AVENUE**

**A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-902 OF THE NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED FENCE WITH A HEIGHT OF EIGHT (8) FEET IN CONNECTION WITH A PROPERTY LOCATED AT 14695 NE 18<sup>TH</sup> AVENUE WHERE THE MAXIMUM ALLOWABLE HEIGHT SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR FENCES IN THE R-6 ZONING DISTRICT IS SIX (6) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.**

The Board of Adjustment will hear this request on **Wednesday, July 20, 2016 at 6:30 p.m.** You are welcome to attend this meeting where you will be given an opportunity to express your support or concerns, if you so choose. **The meeting will be held in the City Council Chambers on the second floor of the City Hall located at 776 Northeast 125 Street.**

The City is mailing notice of this request as a courtesy **to the surrounding property owners.** No response is necessary on your part. However, if you wish to respond and cannot attend the meeting, you may respond in writing to the Board of Adjustment, c/o Community Planning & Development Department, City of North Miami, 12400 NE 8 Avenue, North Miami, FL 33161. The application documents are available for review upon request in the Community Planning & Development Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex David", with the word "for" written above it.

Alex A. David, AICP  
Zoning Administrator  
Community Planning & Development



776 Northeast 125<sup>th</sup> Street, P.O. Box 610850, North Miami, Florida 33161-0850 (305) 893-6511

**To:** Honorable Board of Adjustment Members

**From:** Alex A. David, AICP  
Zoning Administrator  
Community Planning & Development Department

**Date:** July 20, 2016

**V-4-16** Center Court Apartments – 14695 NE 18<sup>th</sup> Avenue

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**Application Summary**

**Applicant/Agent:** YMP Center Court, LLC/Ethan B. Wasserman, Esq.  
**Location:** 14695 NE 18<sup>th</sup> Avenue  
**Total Land Area:** 646,468 sq. ft. (14.84 acres)  
**Folio Numbers:** 06-2221-017-0010  
**Petition:** A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-902 OF THE NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED FENCE WITH A HEIGHT OF EIGHT (8) FEET IN CONNECTION WITH A PROPERTY LOCATED AT 14695 NE 18<sup>TH</sup> AVENUE WHERE THE MAXIMUM ALLOWABLE HEIGHT SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR FENCES IN THE R-6 ZONING DISTRICT IS SIX (6) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.

**Project Summary**

The project site consists of one (1) parcel: Folio #: 06-2221-017-0010 totaling 646,468 sq. ft. (14.84 acres) in size. The site is located east of NE 18<sup>th</sup> Avenue, west of NE 19<sup>th</sup> Court and between NE 149<sup>th</sup> Street and approximately 100 feet north of NE 146<sup>th</sup> Street.

The Applicant, YMP Center Court, LLC, wishes to install a four (4) foot picket fence on top of an existing four (4) foot wall, originally constructed at the time of the development of the seven (7) building apartment complex (also known as Hamlet Villas). The request for this variance is due to the need for increased security at the apartment complex. The Applicant has indicated that the complex is experiencing issues with security. Staff has reviewed the City Police Department logs and has confirmed this finding. The south and east property lines abut M-1 District Properties. This District permits six (6) foot walls,

which have been constructed, thereby providing security to this property. This request is to provide additional security along the front (west) and side (north) property lines to prevent individuals from climbing the walls. The large property measures 783 feet along NE 18<sup>th</sup> Avenue (front) and 776 feet along NE 149<sup>th</sup> Street (side).

Fences, walls, and other similar structures are regulated by Article 5, Division 9, Section 5-902, Subsection C, regulates fences or walls in residential districts. In all multifamily residential districts (excluding townhouse developments), no fence or wall shall exceed six (6) feet in height within the required front yard.

**Legal Description**

Tract “A” of “Hamlet Villas,” According to the plat thereof, as recorded in Plat Book 91, Page 46, of the Public Records of Miami-Dade County, Florida.

F/K/A

All of Center Court Condominium, together with an Undivided Interest in the Common Elements, according to the Declaration of Condominium thereof recorded in Official Record Book 18035, Page 1435, as amended from time to time, of the Public Records of Miami-Dade County.

**Parcel History**

The following is a brief synopsis of the history of the property:

- 1) The Center Court Apartments, also designated as Hamlet Villas, were built in 1971 (per M-D County Property Appraiser);
- 2) On May 25, 2016 the Applicant submitted an application to the City to install a four (4) foot high fence atop of a four (4) wall through the Variance procedure.

**Neighborhood Land Use Characteristics**

<b>Property</b>	<b>Future Land Use</b>	<b>Existing Zoning</b>	<b>Existing Use/Subdivision</b>
Site	High Density Residential	R-6	Apartment Complex
North	Industrial	M-1	Warehouse, Office uses
South	Industrial	M-1	Warehouse, Office uses
East	Industrial	M-1	Warehouse uses
West	Low-Density Residential (Unincorporated Area)	RU-1 and RU-2 (Unincorporated Area)	Residential

The subject property consists of one parcel. The surrounding properties feature a variety of industrial, warehouse, office uses and residential uses. The following aerial view depicts the subject parcel.



### **Consistency with the City of North Miami Comprehensive Land Use Plan**

The property is designated High Density Residential on the City's adopted Future Land Use Map (FLUM). This land use category is intended to provide land area for residential dwellings and other uses related to a residential environment. The proposed use is compatible with this designation in accordance with Policy 1.13.1 of Objective 1.13 of the Future Land Use Element (FLUE) of the City's Comprehensive Plan.

### **Compliance with the City of North Miami Land Development Regulations**

The subject property is zoned R-6, Multifamily Residential on the City's Adopted Zoning Map. The purpose of this district is to accommodate higher density residential uses in the City.

### **Analysis**

Fences, walls, and other similar structures are regulated by Article 5, Division 9, Section 5-902, Subsection C, which regulates fences or walls in residential districts. In all multifamily residential districts (excluding townhouse developments), no fence or wall shall exceed six (6) feet in height within the required front yard setback. This request is to permit the addition of a four (4) foot fence to be installed on top of an existing four (4) wall along the front (west) and side (north) property lines. The combination wall/fence will total eight (8) feet in height where six (6) feet is permitted. In its analysis, staff has reviewed the following pertinent sections of the City's Land Development Regulations (LDRs). Staff has also provided its responses to each code citation based on the request.

Additionally, and for informational purposes, the apartment buildings were built prior to the adoption of the City's current LDRs and under the development standards of the time.

The apartments were constructed in 1971 (Miami-Dade County Property Appraisers Office Folio Information) as legally conforming structures on the subject site.

**ARTICLE 3. - DEVELOPMENT REVIEW**  
**DIVISION 6. – VARIANCES HEARD BY BOARD OF ADJUSTMENT**

**Sec. 3-602. - Application.**

An application for variance approval shall be made in writing upon an application form approved by the city staff, accompanied by such other information required by the city and by applicable fees.

STAFF RESPONSE: Staff has reviewed the application and deemed it complete.

**Sec. 3-603. - Staff review, report and recommendation.**

A. City staff shall review the application in accordance with the provisions of this division.

STAFF RESPONSE: Staff has reviewed the application and deemed it complete.

B. Upon completion of review of an application, city staff shall:

1. Provide a report that summarizes the application and the effect of the proposed variance, including whether the variance complies with each of the standards for granting administrative variances in Section 3-604 or the standards for other variances in Section 3-606.

STAFF RESPONSE: Staff has provided a report summarizing the application.

2. Provide written recommended findings of fact regarding the standards for granting non-administrative variances as provided for in Section 3-606.

STAFF RESPONSE: Staff has provided written recommended findings.

3. Provide a recommendation as to whether the application should be approved, approved with conditions or denied.

STAFF RESPONSE: Recommendation is provided at the end of the Staff Report.

4. Schedule the application for hearing before the Board of Adjustment, if not an application for administrative variance.

STAFF RESPONSE: Application has been scheduled for hearing.

5. Provide notice of the hearing in accordance with the provisions of Article 3, Division 3, of these LDRs.

STAFF RESPONSE: Notice provided as follows:

1. Publication Date – July 7, 2016

**Sec. 3-606. - Standards.**

In order to authorize any variance from the terms of these LDRs, the Board of Adjustment shall find that the applicant has demonstrated compliance with four (4) of six (6) of the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

STAFF RESPONSE: The circumstances are unique to this parcel of due to the fact that this high density residential apartment complex abuts M-1 Zoning Districts on both the south and east sides. The industrial district permits walls and fences to be eight (8) feet in height, providing security on the east and west sides of the apartment complex. At issue is the lack of protection from the public rights-of-way sides (west and north). IN COMPLIANCE

2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.

STAFF RESPONSE: NOT APPLICABLE

3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.

STAFF RESPONSE: The variance maintains the intent and purpose of the regulations and allows for the stability and appearance of the City by permitting the Applicant to provide safety and security to the residents of the community. IN COMPLIANCE

4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.

STAFF RESPONSE: NOT APPLICABLE

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.

STAFF RESPONSE: The variance is the minimum necessary in order to provide safety and security due to the fact that a fence less than four (4) feet would permit individuals to scale the fence. IN COMPLIANCE

6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

STAFF RESPONSE: If granted, the variance will allow the fence to be built which will be in harmony with the intent and purpose of the LDRs and will not be injurious to the surrounding area. IN COMPLIANCE

**Conclusion**

The variance to Article 5, Division 9, Section 5-902 of the North Miami Code of Ordinances, Land Development Regulations (“LDRs”) to permit a combination wall/fence to be eight (8) feet in height in a Residential District where six (6) feet is permitted conforms to the goals, objectives and policies of the City’s Comprehensive Plan. It is in keeping with the intent and purpose of the City’s LDRs, as it is appropriate for the area involved and will not be detrimental to the public welfare. In light of these findings, staff recommends that the BOA approve the requested variance for the subject property, subject to the conditions herein listed and summarized as follows:

1. That, if approved, an application for a building permit be submitted along with the Board Order to the Building Department.
2. That the variance, if granted, shall become null and void and of no effect twelve (12) months from and after the date of approval, unless within such period of twelve (12) months a building permit is issued.
3. That the Applicant submit plans for landscape approval prior to building permits.

**Public Notification/Comments**

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City’s LDRs, notification of the applicant’s request was published on July 7, 2016 in The Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire.

**Applicable Code Citations**

- Article 2, Division 3, Section 2-301 (Powers and Duties)
- Article 3, Division 6, Sections 3-602, 3-603 and 3-606 (Standards for variances)
- Article 5, Division 9, Section 5-902 (General standards for nonresidential and residential districts)

**Attachments**

- Application
- Letter of Intent
- Addenda to Submittal
  - Sections 3-602, 3-603 and 3-606, Code of North Miami
  - Article 3, Division 3, Section 3-302, Code of North Miami
  - Section 5-902, Code of North Miami
  - Existing Building Photographs
  - Survey and Site Plan
  - Wall/Fence Detailed Plans
  - Folio Information

ZUARC 2016 0000311



# Board of Adjustment Public Hearing Application

**Instructions: Please print or type all information. The application must be filled out accurately and completely.**

**TYPE OF APPLICATION:**

- Special Exception
- Variance
- Appeal by Applicant
- Appeal by Aggrieved Party

**PROPERTY OWNER'S INFORMATION:**

Owner's Name: YMP CENTER COURT, LLC  
 Mailing Address: 777 NW 155th Lane, Suite 111  
 City: Miami State: Florida Zip: 33169  
 Phone #: 786-245-6996 E-mail Address: ddomenech@ymprealestate.com

**APPLICANT/DULY APPOINTED AGENT INFORMATION:**

Contact Name: Ethan B. Wasserman, Esq.  
 Company Name: Greenberg Traurig, P.A.  
 Mailing Address: 333 S.E. 2nd Avenue, Suite 4400  
 City: Miami State: Florida Zip: 33131  
 Phone: 305-579-0784 E-mail Address: wassermanb@gtlaw.com

**PROJECT INFORMATION:**

Project Name: Center Court Apartments  
 Address of Property: 14695 NE 18 Avenue, North Miami, FL 33181  
 Folio Number(s): 06-2221-017-0010  
 Size of Property: 646,468 sq. ft. Building Square Footage: N/A

**LEGAL DESCRIPTION:** Tract "A" of "Hamlet Villas," according to the Plat thereof, as recorded in Plat Book 91, Page 46 of the Public Records of Miami-Dade County, Florida.

**PREVIOUS APPROVALS:**

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

\_\_\_\_\_  
 \_\_\_\_\_ Date Approved: \_\_\_\_\_  
 \_\_\_\_\_ Date Approved: \_\_\_\_\_



**OWNERSHIP AFFIDAVIT FOR CORPORATION**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Moshe Popack  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:  
14797 NE 18th Avenue, North Miami, FL 33181
2. The Corporation owns the property which is the subject of this request.
3. The subject property is legally described as:  
Tract "A" of "Hamlet Villas," according to the Plat thereof, as recorded in Plat Book 91, Page 46 of the Public Records of Miami-Dade County, Florida.
4. Affiant is legally authorized to file this application or the Affiant has authorized Ethan Wasserman  
as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

**WITNESSES:**

[Signature]

Signature

Malika Nadel

Print Name

[Signature]

Signature

Kosta Kreiman

Print Name

[Signature]

Affiant's Signature

Moshe Popack

Print Name

Sworn to and subscribed before me on the 04<sup>th</sup> day of May, 2016.

Affiant is personally known to me or has produced as identification.

Notary Deborah Domenech

Commission Expires:





**OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST (CORPORATION)**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

On behalf of YMP CENTER COURT, LLC, a Florida (state) corporation, Moshe Popack being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to Ethan Wasserman, as applicant, to file this application for the proposed request.

**LEGAL DESCRIPTION:**

Tract "A" of "Hamlet Villas," according to the Plat thereof, as recorded in Plat Book 91, Page 46 of the Public Records of Miami-Dade County, Florida.

**WITNESSES:**

[Signature]

Signature

Malika Nodel

Print Name

[Signature]

Signature

KOSTA KREIMAN

Print Name

YMP CENTER COURT, LLC

Name of Corporation

14797 NE 18th Avenue, North Miami, FL 33181

Address

[Signature]

By: President, Vice-President or CEO (circle one)

Sworn to and subscribed before me on the 24<sup>th</sup> day of May, 2016.

Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Deborah Domenech

Commission Expires:



May 25, 2016

**VIA HAND DELIVERY**

Mr. Alex David, A.I.C.P.  
Zoning Administrator  
Community Planning & Development Department  
City of North Miami  
12400 NE 8<sup>th</sup> Avenue  
North Miami, Florida 33161

**Re: Request for Variances from Board of Adjustment (the "Application")  
14695 NE 18<sup>th</sup> Avenue, North Miami, Florida (the "Property")**

Dear Mr. David:

Our firm represents YMP CENTER COURT, LLC, a Florida limited liability company (the "Applicant"), owner of the Property. Please accept this Application together with the enclosed materials, on behalf of the Applicant, requesting approval of two (2) minor non-use variances for the Property from the City of North Miami (the "City").

**I. The Property**

The Property is zoned R-6 Multifamily Residential on the City's Official Zoning Map, and is designated High Density Residential on the City's Future Land Use Map. The Property contains seven (7) multifamily residential structures, surface area parking, a swimming pool, two (2) tennis courts and two (2) basketball courts. Note, there is an existing concrete wall of four (4) feet in height that borders the entire Property.

To the West of the Property is NE 18<sup>th</sup> Avenue, which serves as the divider between the City and Unincorporated Miami-Dade County. To the North of the Property is NE 148<sup>th</sup> Street, to the East is NE 19<sup>th</sup> Court, and to the South is an industrial use building. The neighborhood is primarily zoned M-1 Industrial and contains warehouse uses.

**II. Request for Variance**

The Applicant is requesting two (2) minor non-use variances:

1. A variance to permit a fence of eight (8) feet in height on the North boundary of the Property (i.e., its side yard), where six (6) feet is permitted.

Variance requested from:

**Section 5-902(C)(2) – Fences or walls in residential districts.**

Side yard and rear yard setbacks. No fence or wall shall exceed six (6) feet in height within the required side and rear yards setbacks.

2. A variance to permit a fence of eight (8) feet in height on the West boundary of the Property (i.e., its principal frontage), where six (6) feet is permitted.

Variance requested from:

**Section 5-902(C)(6) – Fences or walls in residential districts.**

In all multifamily districts (excluding townhouse developments) no fence or wall shall exceed six (6) feet in height within the required front yard.

Section 3-606 of the City's Land Development Regulations (the "LDRs") delineate the standards of review for a variance application. Specifically, a variance shall be approved upon demonstrating compliance with four (4) of six (6) of the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

*Satisfied; A four (4) foot concrete wall currently lines the entire perimeter of the Property. The Applicant intends to add four (feet) in height of square-picket style, galvanized fence to the concrete wall on only the West and North borders of the Property. The Applicant needs to increase the height by four (4) feet for a total fence height of eight (8) feet to effectively prevent trespassers from entering the Property. If the Applicant adds two (2) feet of fence to the concrete wall for a total of six (6) feet in height of fence, non-residents may easily step on to the concrete wall and go over the fence. Therefore, the Applicant must increase the height by four (4) feet to prevent non-residents from stepping on the concrete wall and scaling the fence. The Property's Northern border will accommodate an eighteen (18) foot long, eight (8) feet in height sliding gate to provide the City's fire department access to the Property. Ordinarily, the sliding gate will act as a fence, and be consistent with the height of the Property's West and North border fences.*

2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.

*Satisfied; The neighborhood is experiencing security problems. The increase in the fence height will prevent trespassers as well as reduce the time and expense of the police and fire department from responding to false alarms.*

3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.

*Satisfied; The variance request to exceed the maximum fence height of six (6) feet by two (2) feet is to protect the Property and its residents. The fence height will allow the Property Owner to monitor the site and prevent undue hardship for the City and the Property's residents.*

4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.

*Satisfied; The literal interpretation of the provisions of the LDRs would deprive the Applicant from safeguarding its Property in an effective manner.*

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.

*Satisfied; The requested relief is minimal in nature and provides necessary security to the Property and its residents. A two (2) feet increase to the concrete wall for the fence height is not sufficient. A four (4) feet increase is the minimum necessary to prevent non-residents from gaining access to the Property.*

6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

*Satisfied; The proposed fence height is in harmony with the intent and purpose of the LDRs and is a protective measure not injurious to the area involved. The increase in fence height is a life-safety measure that prevents non-residents from entering the Property. In addition, it lessens the chance that emergency response staff will be called to attend the Property; thus allowing them to attend other matters.*

### III. Conclusion

The Applicant is requesting two (2) minor non-use variances to construct a fence of eight (8) feet in height that borders the Property's West and North frontages. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Ethan B. Wasserman, Esq.

Enclosures

MIA 185293035v1

Sec. 3-602. - Application.

An application for a variance shall be made in writing upon an application form approved by the city staff, accompanied by such other information as required by the city and by applicable fees.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 3-603. - Staff review, report and recommendation.

- A. City staff shall review the application in accordance with the provisions of this division.
- B. Upon completion of review of an application, city staff shall:
  1. Provide a report that summarizes the application and the effect of the proposed variance, including whether the variance complies with each of the standards for granting administrative variances in section 3-604 or the standards for other variances in section 3-606.
  2. Provide written recommended findings of fact regarding the standards for granting nonadministrative variances as provided for in section 3-606.
  3. Provide a recommendation as to whether the application should be approved, approved with conditions or denied.
  4. Schedule the application for hearing before the board of adjustment, if not an application for administrative variance.
  5. Provide notice of the hearing in accordance with the provisions of article 3, division 3 of these LDRs.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 3-606. - Standards for variances.

In order to authorize any variance from the terms of these LDRs, the board of adjustment shall find that the applicant has demonstrated compliance with four (4) of six (6) of the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The unusual circumstances or conditions necessitating the variance request are present

in the neighborhood and are not unique to the property.

3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.
4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

In every case where a public hearing is required pursuant to these LDRs, city staff shall provide a notice of public hearing in the manner set out in this section.

- A. *Publication.* The requirements for this type of notice shall be as follows:
1. Notice shall be published at least one (1) time in a newspaper of general circulation published in the City of North Miami, or in Miami-Dade County, Florida, at least ten (10) days prior to the date of any required public hearing.
  2. The notice of hearing shall state the date, time and place of the meeting; the titles of the proposed ordinances or resolution or a description of the substance of the matter being considered; and the place within the city where the proposed ordinances or other materials may be inspected by the public. The notice shall also state that interested parties may appear at the meeting and be heard with respect to the matter.
  3. A copy of the notice shall be available for public inspection at city hall during the regular business hours of the city.
  4. Notice for ordinances that change the actual list of permitted, conditional or prohibited uses, within a zoning category/district, or ordinances initiated by the city that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published at least ten (10) days prior to the planning commission public hearing, again at least seven (7) days prior to the first city council public hearing and again at least five (5) days prior to the second city council adoption hearing. Public notice shall be provided as described in the following subsections:
    - a. The required advertisements shall be no less than two (2) columns wide by ten (10) inches long in a standard size tabloid size newspaper and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality, not one of limited subject matter, pursuant to F.S. ch. 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the city is published less than five (5) days a week.
    - b. The advertisement shall be in substantially the following form:

### Notice of (Type) Change

The City of North Miami proposes to adopt the following ordinance or application: (title of ordinance or description of application).

A public hearing on the ordinance will be held on (date) at (time) at (location).

The proposed ordinance or application materials are available for inspection at the office of the department of community planning and development during normal business hours.

Interested parties may appear at the meeting and will be given the opportunity to be heard on the matter.

Except for amendments which change the actual list of permitted, conditional or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or application. The map shall include major street names as a means of identification of the general area.

- c. In lieu of publishing the advertisement set out in this section, the city may mail a notice to each person owning real property within five hundred (500) feet of the property covered by the ordinance or application. Such notice shall clearly explain the proposed ordinance or application and shall notify the persons of the date, time and location of any public hearing on the proposed ordinance or application. The notice shall also inform the persons that the materials are available for inspection and of their opportunity to attend the meeting and be heard.
5. Ordinances initiated by other than the city that would change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two (2) separate city council hearings and shall be published at least ten (10) days before the planning commission meeting and again at least ten (10) days before the city council adoption hearing.
6. Notice of small-scale development amendments to the comprehensive land use plan, initiated by someone other than the city, shall be published at least ten (10) days before the planning commission public hearing and again at least five (5) days before the city council adoption hearing.

- 7. All comprehensive land use plan amendments, other than small-scale amendments, shall be published at least ten (10) days before the planning commission public hearing, and again at least seven (7) days before the first city council meeting, and again at least five (5) days before the city council adoption hearing.
- 8. Failure to provide advertised notice as set forth in the foregoing notice requirements shall not affect any action or proceedings taken under this section unless such notice is required by Florida Statutes.

B. *Posting property.*

- 1. Except as provided in subsection B.2., all specific property being considered at a public hearing shall be posted at least ten (10) days in advance of the public hearing, provided however that the posting of specific property shall not be required when the property subject to change constitutes more than ten (10) contiguous acres. Such posting shall consist of a sign, the face surface of which shall not be larger than five hundred seventy-six (576) square inches in area, with black lettering and shall contain the following language:

**[NAME OF DECISION-MAKING BODY]**

**NOTICE OF PUBLIC HEARING**

**PHONE: \_\_\_\_\_**

**HEARING DATE: \_\_\_\_\_**

**HEARING TIME: \_\_\_\_\_**

**HEARING NO.: \_\_\_\_\_**

**ACTION REQUESTED: \_\_\_\_\_**

**ADDRESS: \_\_\_\_\_**

- 2. No posting shall be required for meetings of the business development board.
- 3. The sign shall be erected in full view of the public on each street side of the subject property. Where large parcels of property are involved with street frontages extending over considerable distances, as many signs shall be erected on the street frontage as may be deemed adequate by the city staff to inform the public.
- 4. The sign shall be located within the boundaries of the subject property and visible from the street.

5. The height of such sign shall be erected to project not more than seven (7) feet above the surface of the ground.
6. Failure to post specific property shall not affect any action or proceeding taken under the provisions of these LDRs.

C. *Mailed notices.*

1. Except for meetings before the business development board, a notice of public hearing affecting specific properties containing general information as to the date, time, place of the hearing, property location and general nature of the application may be mailed to the property owners whose addresses are known by reference to the latest ad valorem tax record, within a five hundred-foot radius. This notification requirement is measured in feet from the perimeter boundaries of the subject property. The expense of mailing notice shall be borne by the applicant.  
The community planning and development department may require that an additional area receive a courtesy notice on any application. The building and zoning department may also require courtesy notices on applications that are not typically required to be so noticed if it is determined that such notice is desirable.
2. Courtesy notice shall be mailed at least ten (10) days prior to the date of the public hearing.
3. When a proposed ordinance is initiated by the city that changes the actual zoning map designation for a parcel or parcels of land less than ten (10) acres, the community planning and development department shall notify, by mail, each real property owner whose land the city will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. In addition, the notice will be mailed to all owners of property within a five hundred-foot radius of the subject property. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a place and time for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the planning commission meeting and again at least thirty (30) days prior to the date of the city council public hearing.
4. Notice of small-scale development amendments to the future land use map, initiated by the city, shall be mailed to each owner of record of the property subject to the amendment in the current tax rolls. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place

for the public hearing on such ordinance. Such notice shall be given at least ten (10) days prior to the date of the planning commission public hearing and again at least thirty (30) days prior to the date of the city council public hearing.

5. Notice for ordinances that change the actual list of permitted, conditional or prohibited uses or special exceptions within a zoning category/use district, or ordinances initiated by the city that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be mailed at least ten (10) days prior to the planning commission public hearing, again at least seven (7) days prior to the first city council public hearing and again at least five (5) days prior to the second city council adoption hearing.
6. A copy of mailed notice shall be available for public inspection during the regular business hours of the city.
7. Failure to mail or receive notice shall not affect any action or proceeding taken under these LDRs. Except for courtesy notices, the applicant shall be required to provide a mailing list and labels of the area within the radius prescribed above to the city. The mailing list shall be accompanied by a map certified by a registered surveyor or engineer indicating the property within a five hundred-foot radius of the subject property.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 5-902. - General standards for nonresidential and residential districts.

- A. Fences or walls in nonresidential districts shall be subject to the following minimum requirements:
1. Screening adjacent to residential property. A six (6) feet high masonry wall shall be required on all nonresidential property that has a side or rear lot line abutting or separated by a public right-of-way from residentially zoned property. The wall shall be subject to the vision clearance requirements set forth in section 5-904.
  2. Outdoor storage. All permitted outdoor commercial or industrial storage shall be visually screened from public view by an opaque fence or wall six (6) feet in height. In no case shall the items stored project above the fence or wall.
  3. All fences and walls in nonresidential districts shall be harmonious in color, type and material with adjacent architecture and lots. The community planning and development manager may approve the installation of a fence with the "wrong side" (post side) facing the adjacent or affected properties if the applicant obtains notarized approval letters from all adjacent or affected property owners.
  4. Wood and chain link fences in commercial districts. All fence posts shall face the property upon which the fence is erected. All chain link fences shall be installed with the knuckled side up and shall be plastic coated. All straps, for chain link fences, shall be consistent in color with the color of the principal structure and be maintained in good condition and not weathered, cracked or faded.
- B. Nonresidential districts maximum height.
1. In all commercial districts (except for industrial), no fence or wall shall exceed six (6) feet in height.
  2. In all industrial districts:
    - a. No fence, wall or hedge shall exceed eight (8) feet in height.
    - b. All salvage, junk and storage (vehicle, RV, boat trailers and items of this nature) operations shall be visually screened from the public view by an eight-foot high fence or wall which shall be of masonry construction and shall be without openings, except entrance and exit. Such gates shall be of an opaque material providing screening of interior properties' content from public view.
- C. Fences or walls in residential districts shall be subject to the following minimum requirements:
- 1.

Opaque fences or walls. Completely opaque fences or walls exceeding three (3) feet in height shall be prohibited in the required front yard setback. Opaque fences or walls shall be allowed in the required back yard, side yard, or side street setback not exceeding six (6) feet in height and subject to the vision clearance requirements set forth in section 5-904.

2. Side yard and rear yard setbacks. No fence or wall shall exceed six (6) feet in height within the required side and rear yards setbacks.
  3. Front yard setbacks. In all single-family residential districts, no fence or wall shall exceed five (5) feet in height within the required front yard; provided however, that decorative arches for gates and driveway gates may extend twelve (12) inches above the approved fence and post exteriors are permitted six (6) inches above the approved fence.
  4. No chain link except in back yard.
  5. Any fence must be of a decorative design.
  6. In all multifamily residential districts (excluding townhouse developments) no fence or wall shall exceed six (6) feet in height within the required front yard.
- D. Measurement. All height measurements for determination of compliance with this section shall be made from the finished grade of the lot. No fence or wall may be placed on any portion of an earthen mound or berm unless the height of the fence or wall is cumulatively not higher than the allowable height in the zoning district from the finished grade of the lot.

(Ord. No. 1386, § 1, 6-23-15)

**Editor's note—** Ord. No. 1386, § 1, adopted June 23, 2015, amended section 5-902 in its entirety to read as herein set out. Formerly, section 5-902 pertained to maximum height, and derived from Ord. No. 1278, § 1(Exh. 1), adopted April 28, 2009.



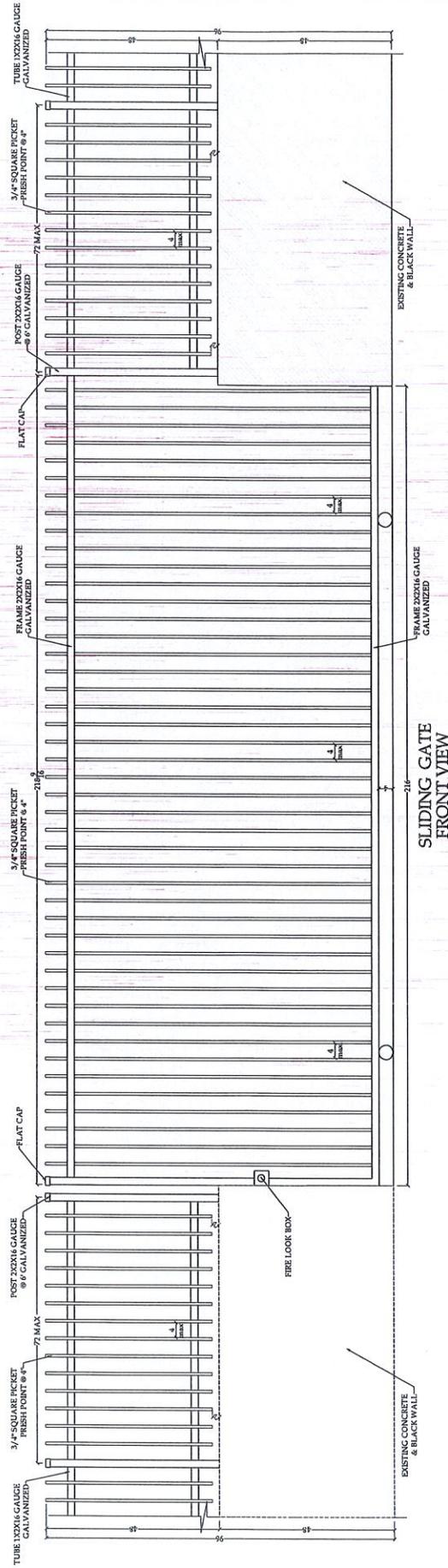












SLIDING GATE  
FRONT VIEW

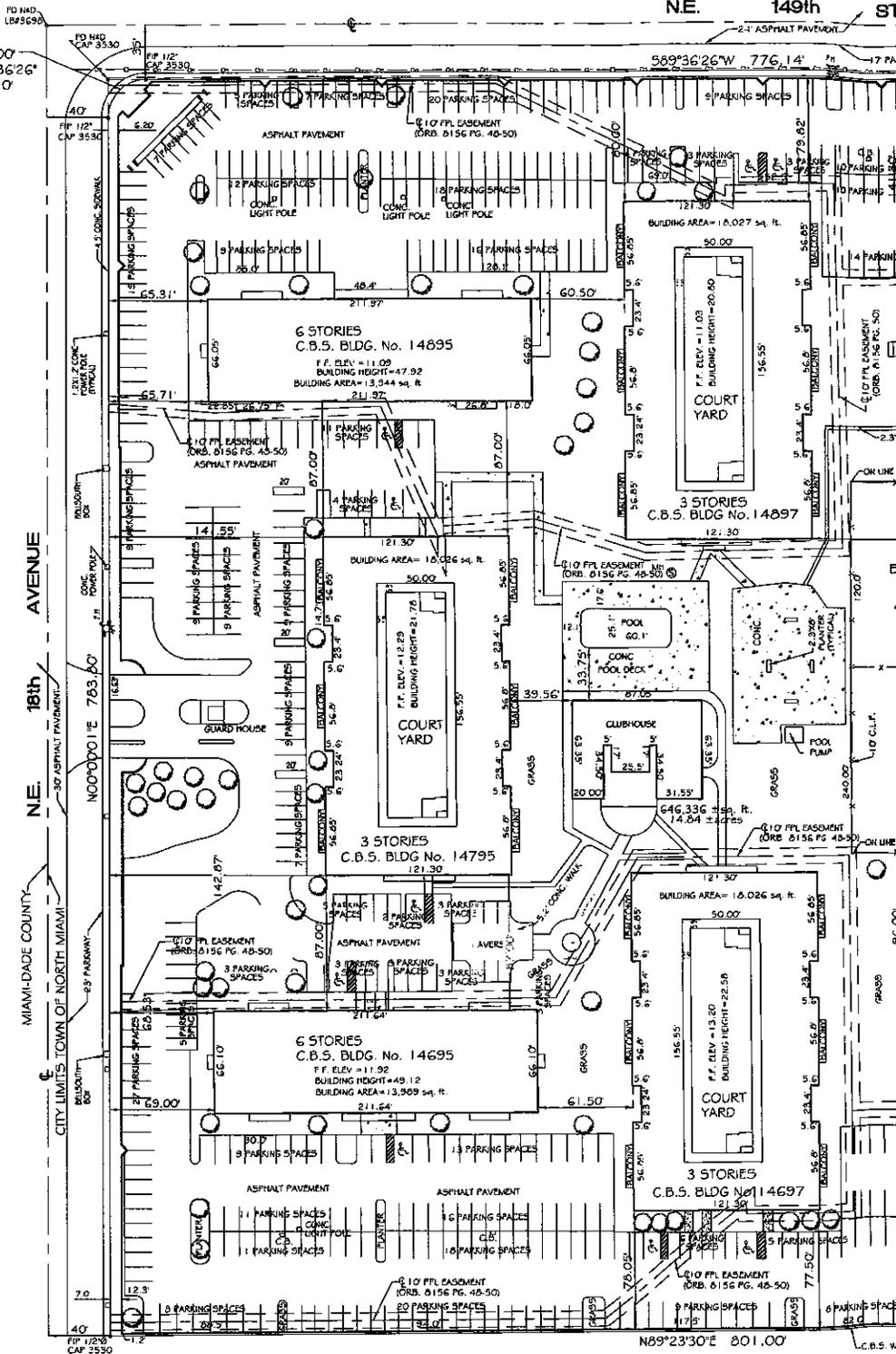


JOB : CENTER COURT APTS.

# ALTA / ACSM LAND TITLE

R=25.00'  
 $\Delta=69^{\circ}36'26''$   
 L=39.10'

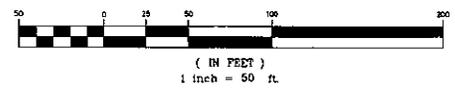
NE. 149th ST



MIAMI-DADE COUNTY  
 CITY LIMITS TOWN OF NORTH MIAMI  
 NE. 18th AVENUE

NOT SUBDIVIDED

GRAPHIC SCALE



## LEGAL DESCRIPTION:

TRACT "A" OF "HAMLET VILLAS" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 91, PAGE 46, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

F/K/A:

ALL OF CENTER COURT CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORD BOOK 18035, PAGE 1435, AS AMENDED FROM TIME TO TIME, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

## TITLE REVIEW NOTES:

WITH REFERENCE TO OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. 01-2013-003144-A4, EFFECTIVE JULY 15, 2015 AT 11:00 P.M. I HEREBY CERTIFY AS FOLLOWS:

SCHEDULE B - SECTION II:

ITEMS 1 THROUGH 3: "STANDARD EXCEPTIONS": NOT PLOTTED

ITEM 4: RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS AND OTHER MATTERS SHOWN ON THE PLAT OF HAMLET VILLAS AS RECORDED IN PLAT BOOK 91, PAGE 46.

"DOES AFFECT THIS PROPERTY": PLOTTED

ITEM 5: Easement granted to Florida Power & Light Co. recorded in O.R. Book 8156, Page 48, Public Records of Miami-Dade County, Florida, as affected by Non-Disturbance Agreement recorded in O.R. Book 17360, Page 514, of the Public Records of Miami-Dade County, Florida

"DOES AFFECT THIS PROPERTY": PLOTTED

ITEM 6: Board Order No. 83-24 Agreed Order Relating to Sewage Service recorded in O.R. Book 12000, Page 1545, Public Records of Miami-Dade County, Florida

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 7: Board Order No. 83-25 Agreed Order Relating to Water Service recorded in O.R. Book 12000, Page 1548, Public Records of Miami-Dade County, Florida

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 8: Board Order No. 85-26 Agreed Order Relating to Water service recorded in O.R. Book 12666, Page 1411, Public Records of Miami-Dade County, Florida

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 9: Board Order No. 85-34 Agreed Order Relating to Sewage Service recorded in O.R. Book 12740, Page 3060, Public Records of Miami-Dade County, Florida

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 10: Board Order No. 86-57 Agreed Order Relating to Sewage Service recorded in O.R. Book 13177, Page 1681, Public Records of Miami-Dade County, Florida

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 11: Land Use Restriction Agreement as set forth in instrument recorded September 20, 1996 in O.R. Book 17360, Page 523, together with First Amendment recorded May 20, 2003 in O.R. Book 21269, Page 2996 and Second Amendment recorded March 8, 2006 recorded in O.R. Book 24300, Page 773, affected by O.R. Book 28081, Page 4716, Public Records of Miami-Dade County, Florida, which creates an easement and provides for assessments and approval of purchaser on a limited basis.

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 12: Rental Regulatory Agreement as set forth in instrument recorded September 20, 1996 recorded in O.R. Book 17360, Page 599, Public Records of Miami-Dade County, Florida, which creates an easement and provides for assessments and approval of purchaser on a limited basis.

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 13: Extended Low-Income Housing Agreement as set forth in instrument recorded May 7, 1998 in O.R. Book 18095, Page 4625; together with First Amendment recorded March 25, 1999 in O.R. Book 18534, Page 247; Second Amendment recorded April 28, 1999 in O.R. Book 18984, Page 357; Third Amendment recorded July 8, 1999 in O.R. Book 18685, Page 2390; Fourth Amendment recorded September 27, 1999 in O.R. Book 18796, Page 4023, and Fifth Amendment recorded August 8, 2002 in O.R. Book 20594, Page 1324, affected by O.R. Book 28081, Page 4716, Public Records of Miami-Dade County, Florida, which creates an easement and provides for assessments and approval of purchaser on a limited basis.

"DOES AFFECT THIS PROPERTY": NOT PLOTTABLE

ITEM 14: All of the terms and provisions set forth and contained in that certain Memorandum of Site Lease Acknowledgment (Lease) between Global Tower, LLC, a Delaware limited liability company, Lessor, and MetroPCS California/Florida, Inc., a corporation, Lessee, recorded June 30, 2004 in O.R. Book 22440, Page 1318, Public Records of Miami-Dade County, Florida.

"DOES AFFECT THIS PROPERTY": "BLANKET IN NATURE"

ITEM 15: Intentionally deleted.

ITEM 16: The following items shown on the ALTA/ACSM Boundary and Improvement Survey, Project No. LT 14-03-7953, dated July 5, 2005, last updated July 14, 2015, prepared by Level-Tech Surveyors, LLC, Alfredo Diaz-Basos, Professional Surveyor and Mapper:

- Apparent encroachment of Building 14695 into the Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.
- Apparent encroachment of Building 14795 into the Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.
- Apparent encroachment of Building 14697 into the Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.
- Apparent encroachment of Building 14697 into the Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.
- Apparent encroachment of Building 14699 into the Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.
- Apparent encroachment of the Tennis Court into the Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.
- Encroachment of Parking Spaces into Florida Power & Light Co. Easement recorded in O.R. Book 8156, Page 48.

"DOES AFFECT THIS PROPERTY": PLOTTED

ITEM 17: Intentionally deleted

ITEM 18, 19, 20: Standard "NOT PLOTTABLE"

ITEM 21: Memorandum of Service Agreement recorded in O.R. Book 18484, Page 1456

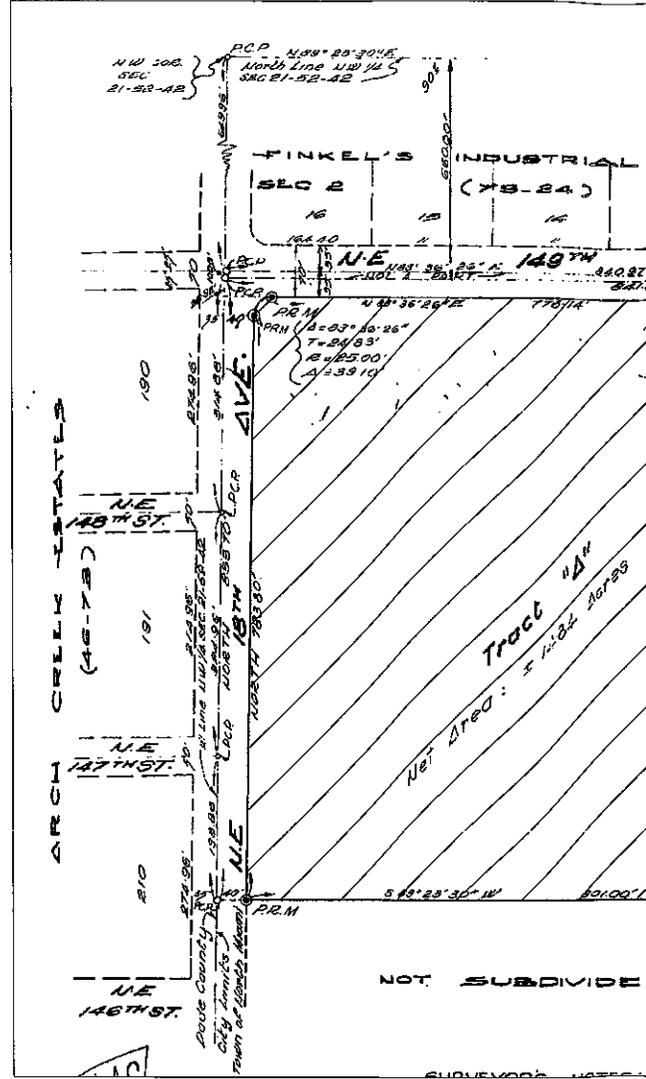
"DOES AFFECT THIS PROPERTY": "BLANKET IN NATURE"

ALL THE ABOVE DOCUMENTS BEING RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

LEVEL-TECH SURVEYORS, LLC

*Donald T. Ramsay*  
DONALD T. RAMSAY  
PROFESSIONAL SURVEYOR AND MAPPER  
REGISTRATION NO. 5851  
STATE OF FLORIDA

LEVELTECHSURVEY@Yahoo.com  
"NOT VALID UNLESS SEALED WITH THE SURVEYORS EMBOSSED SEAL."



## ABBREVIATIONS AND LEGEND

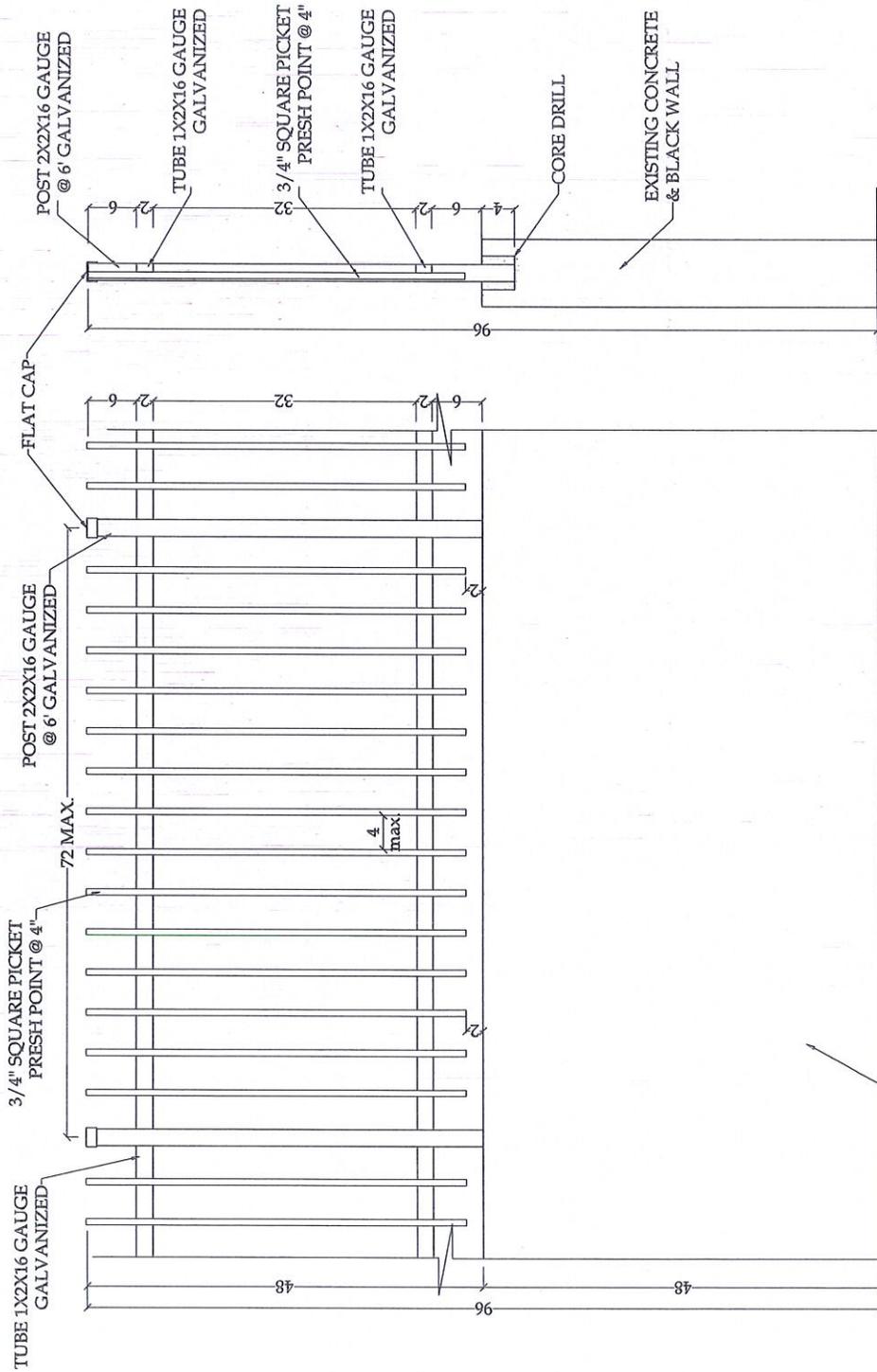
AC = AIR CONDITIONING PAD	M.D.E. = MAINTENANCE & DRAINAGE EASEMENT	□ = DRIVE
A = ARC DISTANCE	M.E.S. = MEASURED	□ = 5' CRY
B.L.D. = BUILDING	N.I.D. = NO IDENTIFICATION NUMBER	□ = SIDEWALK
C.B. = CATCH BASIN	N.T.S. = NOT TO SCALE	□ = "L" UTILITY EASEMENT
C.B.S. = CONCRETE BLOCK STRUCTURE	O.E. = OVERHEAD ELECTRIC LINE	□ = UTILITY POLE
C.G. = CURB & GUTTER	O.R.B. = OFFICIAL RECORDS BOOK	□ = VALLEY GUTTER
CH = CHORD DISTANCE	P.B. = PLAT BOOK	□ = CENTER LINE
CL = CLEAR	P.C.P. = PERMANENT CONTROL POINT	□ = MONUMENT LINE
CONC. = CONCRETE	P.C. = POINT OF BEGINNING	□ = CENTRAL ANGLE
C.S. = CONCRETE SLAB	P.O.C. = POINT OF COMMENCEMENT	□ = WOOD FENCE
ENC. = ENCROACHMENT	P.R.M. = PERMANENT REFERENCE MONUMENT	□ = CHAIN LINK FENCE
E.T.P. = ELECTRIC TRANSFORMER PAD	PL = PLANTER	□ = C.B.S. WALL
F.L. = FLOOR ELEVATION	P.N. = POLYMER PIPE	□ = F. CONCRETE POWER & LIGHT COMPANY MARKER
F.R. = FIRE HYDRANT	P.O. = POINT OF BEGINNING	□ = CONTROL VALVE
F.F. = FOUND WITH PIPE	P.O.D. = POINT OF DISCONTINUITY	□ = 1/2" DIA. HOLE
F.N. = FOUND NAIL	P.R. = FOUND REBAR	□ = WATER VALVE
F.N.D. = FOUND NAIL & DISK	L.P. = LIGHT POLE	
F.R. = FOUND REBAR		
L.P. = LIGHT POLE		
○ = TREE		

## LOCATION SKETCH

PORTION OF N.W. 1/4, SECTION 21, TOWNSHIP 52 S. MIAMI-DADE COUNTY, FLORIDA NOT TO SCALE

## DEVEL

MINIMUM FRONT REAR BETWEEN INTERIOR MINIMUM 588 PAR AVAILABI 808 PAR 14 HAND



FENCE ELEVATION  
SIDE VIEW

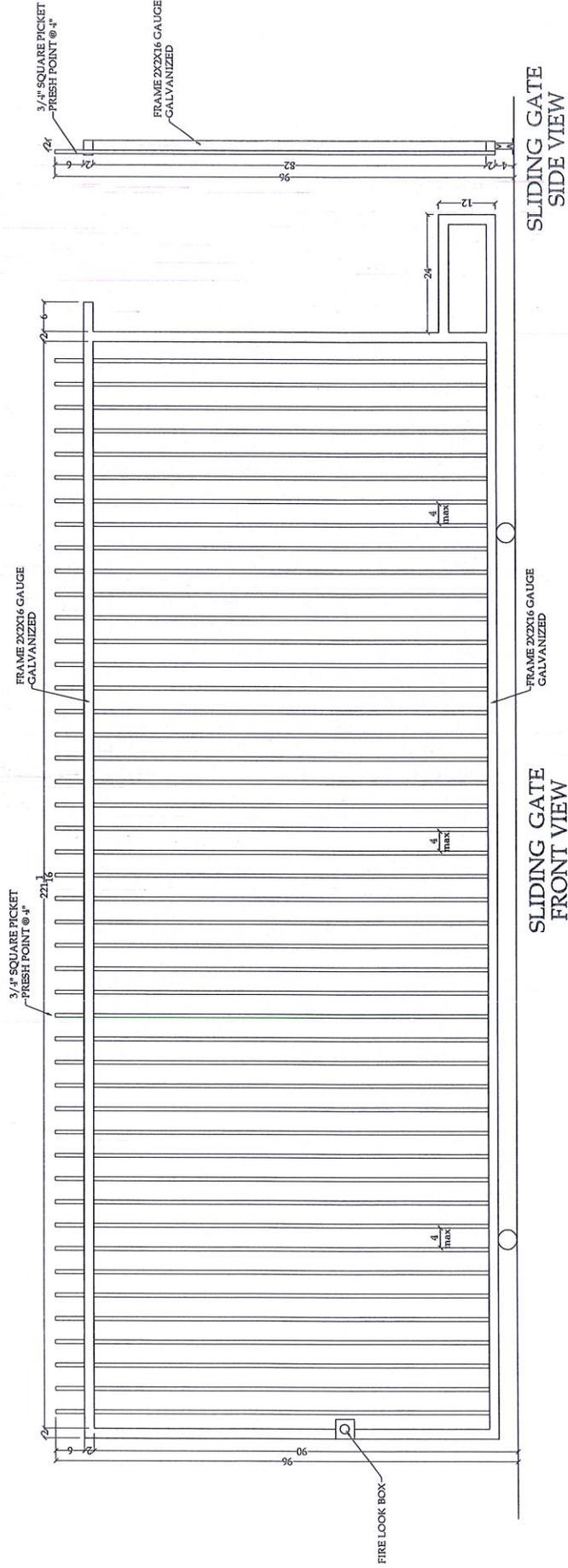
FENCE ELEVATION  
FRONT VIEW

EXISTING CONCRETE  
& BLACK WALL



**UNITED**  
IRON & ALUMINUM CONTRACTOR

JOB : CENTER COURT APTS.



SLIDING GATE  
SIDE VIEW

SLIDING GATE  
FRONT VIEW



JOB : CENTER COURT APTS.



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 6/23/2016

Property Information	
Folio:	06-2221-017-0010
Property Address:	14695 NE 18 AVE North Miami, FL 33181-1418
Owner	YMP CENTER COURT LLC
Mailing Address	2413 FISHER ISLAND DR FISHERS ISLAND, FL 33109 USA
Primary Zone	3800 MULTI-FAMILY - 22-37 U/A
Primary Land Use	0303 MULTIFAMILY 10 UNITS PLUS : MULTIFAMILY 3 OR MORE UNITS
Beds / Baths / Half	0 / 752 / 0
Floors	8
Living Units	588
Actual Area	606,000 Sq.Ft
Living Area	605,514 Sq.Ft
Adjusted Area	573,944 Sq.Ft
Lot Size	646,468 Sq.Ft
Year Built	1971



Assessment Information			
Year	2015	2014	2013
Land Value	\$3,232,340	\$3,232,340	\$4,848,510
Building Value	\$14,580,660	\$11,467,660	\$9,651,490
XF Value	\$0	\$0	\$0
Market Value	\$17,813,000	\$14,700,000	\$14,500,000
Assessed Value	\$16,170,000	\$14,700,000	\$14,500,000

Benefits Information				
Benefit	Type	2015	2014	2013
Non-Homestead Cap	Assessment Reduction	\$1,643,000		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
HAMLET VILLAS PB 91-46 TRACT A LOT SIZE 646468 SQ FT FAU 06 2221 032 0001 FKA CENTER COURT CONDO

Taxable Value Information			
	2015	2014	2013
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$16,170,000	\$14,700,000	\$14,500,000
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$17,813,000	\$14,700,000	\$14,500,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$16,170,000	\$14,700,000	\$14,500,000
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$16,170,000	\$14,700,000	\$14,500,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
10/26/2015	\$25,500,000	29832-1451	Non-market financing or assumption of lease

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:



## NOTICE OF PUBLIC HEARING

July 7, 2016

Dear Property Owner:

The City of North Miami has received the following zoning approval request:

**V-5-16      DESIGNER BLINDS & FABRICS – 1830 NE 144 STREET**

**A VARIANCE TO ARTICLE 4, DIVISION 3, SECTION 4-303 OF THE LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW THE EXISTING WAREHOUSE/SHOWROOM AND PROPOSED EXPANSION THERETO WHICH IS LOCATED AT 1830 NE 144<sup>TH</sup> STREET TO BE SETBACK FIVE (5) FEET FROM THE SIDE (WEST) PROPERTY LINE WHERE THE MINIMUM SIDE SETBACK SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR DEVELOPMENTS PERMITTED IN THE M-1 ZONING DISTRICT IS FIFTEEN (15) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.**

The Board of Adjustment will hear this request on **Wednesday, July 20, 2016 at 6:30 p.m.** You are welcome to attend this meeting where you will be given an opportunity to express your support or concerns, if you so choose. **The meeting will be held in the City Council Chambers on the second floor of the City Hall located at 776 Northeast 125 Street.**

The City is mailing notice of this request as a courtesy to the surrounding property owners. No response is necessary on your part. However, if you wish to respond and cannot attend the meeting, you may respond in writing to the Board of Adjustment, c/o Community Planning & Development Department, City of North Miami, 12400 NE 8 Avenue, North Miami, FL 33161. The application documents are available for review upon request in the Community Planning & Development Department.

Sincerely,

A handwritten signature in blue ink that reads "Alex A. David" with "for Alex David" written above it.

Alex A. David, AICP  
Zoning Administrator  
Community Planning & Development



776 Northeast 125<sup>th</sup> Street, P.O. Box 610850, North Miami, Florida 33161-0850 (305) 893-6511

**To:** Honorable Board of Adjustment Members

**From:** Alex A. David, AICP  
Zoning Administrator  
Community Planning & Development Department

**Date:** July 20, 2016

**V-5-16** Designer Blinds & Fabrics – 1830 NE 144<sup>th</sup> Street

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**Application Summary**

**Applicant/Agent:** Designer Blinds & Fabrics/Ricardo Muniz-Guillet, AIA  
**Property Owner:** Magnolia Drive Investments, LLC  
**Location:** 1830 NE 144<sup>th</sup> Street  
**Total Land Area:** 24,500 sq. ft. (0.56 acres)  
**Folio Numbers:** 06-2221-006-0240 and 06-2221-006-0044

**Petition:** A VARIANCE TO ARTICLE 4, DIVISION 3, SECTION 4-303 OF THE LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW THE EXISTING WAREHOUSE/SHOWROOM AND PROPOSED EXPANSION THERETO WHICH IS LOCATED AT 1830 NE 144<sup>TH</sup> STREET TO BE SETBACK FIVE (5) FEET FROM THE SIDE (WEST) PROPERTY LINE WHERE THE MINIMUM SIDE SETBACK SET FORTH IN THE LAND DEVELOPMENT REGULATIONS FOR DEVELOPMENTS PERMITTED IN THE M-1 ZONING DISTRICT IS FIFTEEN (15) FEET; SAID VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LAND DEVELOPMENT REGULATIONS.

**Project Summary**

The project site consists of two (2) parcels: Folios #: 06-2221-006-0240 and 06-2221-006-0044, which total 25,500 sq. ft. (0.56 acres). The site is located mid-block and is a through parcel east of NE 18<sup>th</sup> Avenue.

The Applicant, Designer Blinds & Fabrics, wishes to construct an addition to an existing warehouse. The proposed warehouse showroom will be renovated to allow for the display of fabrics and blinds. The assembly of window and door treatments will also take place at this facility. The existing 7,106 square

foot warehouse will be remodeled with a more aesthetically pleasing façade and a somewhat greater transparency through the modification of several window and door openings. The application before the Board of Adjustment is a Variance request to permit a 2,520 square foot addition to be setback five (5) feet from the side (west) property line where fifteen (15) feet is required, pursuant to Section 4-303, Minimum Standards of Development for nonresidential districts. The west setback of the proposed addition is aligned with the existing warehouse at five (5) feet.

Additionally, and for informational purposes, the vast majority of the surrounding buildings were built prior to the adoption of the City’s current LDRs and were built under the development standards of the time.

The existing warehouse was constructed in 1958 (Miami-Dade County Property Appraisers Office Folio Information) as a legally conforming structure on the subject site. However, due to changes in the City’s zoning code over time, the structure became nonconforming with respect to its west side setback.

Pursuant to **Article 7. – Definitions** the proposed use is defined as *Industrial, light* and is permitted in the M-1 Zoning District:

“Industrial, light means a use involving limited showrooms, accessory offices, fabrication, or processing of materials that are already in processed form, warehousing, wholesaling, distribution, communication, scientific and research facilities but not including outdoor storage.”

**Legal Description**

Lot 3, Block 2, of BENNETT INDUSTRIAL SITES, FIRST ADDITION, according to the plat thereof, as recorded in Plat Book 53, at Page 11; together with the East 100 feet of the West 300 feet of Tract H, of BENNETT INDUSTRIAL SITES, FIRST ADDITION, according to the plat thereof, as recorded in Plat Book 53, at Page 11, together with 20 feet of N.E. 143<sup>rd</sup> Street lying South of and adjacent to said Tract H abandoned by Resolution R-84-61 and recorded in Official Records Book 12329, at Page 794, all of the Public Records of Miami-Dade County, Florida.

**Parcel History**

The following is a brief synopsis of the history of the property:

- 1) Structure was built in 1958 (per M-D County Property Appraiser);
- 2) On May 25, 2016, the Applicant submitted application to City to improve the parcel and construct an addition through the Variance procedures.

**Neighborhood Land Use Characteristics**

<b>Property</b>	<b>Future Land Use</b>	<b>Existing Zoning</b>	<b>Existing Use/Subdivision</b>
Site	Industrial	M-1	Warehouse uses
North	Industrial	M-1	Warehouse uses
South	Industrial	M-1	Warehouse uses
East	Industrial	M-1	Warehouse uses
West	Industrial	M-1	Warehouse uses

The subject property consists of two parcels under the same ownership. The surrounding properties all feature a variety of industrial, warehouse and office uses.

The following aerial view depicts the subject parcel.



### **Consistency with the City of North Miami Comprehensive Land Use Plan**

The property is designated Industrial on the City adopted Future Land Use Map (FLUM). This land use category is intended to provide land area for light and heavy uses, research facilities and/or laboratories, wholesaling and office uses, amongst other uses. The proposed use is compatible with this designation in accordance with Policy 1.13.5 of Objective 1.13 of the Future Land Use Element (FLUE) of the City's Comprehensive Plan.

### **Compliance with the City of North Miami Land Development Regulations**

The subject property is zoned M-1, Industrial District, on the City's Adopted Zoning Map. The purpose of this district is to accommodate industrial and related uses in the City. The proposed Designer Blinds & Fabrics is a light industrial use and is permitted by right in this Zoning District.

### **Analysis**

As per Article 4, Division 3, Section 4-303 of the City's Land Development Regulations, the side setback requirement is fifteen (15) feet in the M-1 District. This request is to permit a warehouse showroom addition to be setback five (5) feet from the side (west) property line where fifteen (15) feet is required. In its analysis, staff has reviewed the following pertinent sections of the City's Land Development Regulations (LDRs). Staff has also provided its responses to each code citation based on the request.

## **ARTICLE 3. - DEVELOPMENT REVIEW**

## **DIVISION 6. – VARIANCES HEARD BY BOARD OF ADJUSTMENT**

### **Sec. 3-602. - Application.**

An application for variance approval shall be made in writing upon an application form approved by the city staff, accompanied by such other information required by the city and by applicable fees.

STAFF RESPONSE: Staff has reviewed the application and deemed it complete.

### **Sec. 3-603. - Staff review, report and recommendation.**

A. City staff shall review the application in accordance with the provisions of this division.

STAFF RESPONSE: Staff has reviewed the application and deemed it complete.

B. Upon completion of review of an application, city staff shall:

1. Provide a report that summarizes the application and the effect of the proposed variance, including whether the variance complies with each of the standards for granting administrative variances in Section 3-604 or the standards for other variances in Section 3-606.

STAFF RESPONSE: Staff has provided a report summarizing the application.

2. Provide written recommended findings of fact regarding the standards for granting non-administrative variances as provided for in Section 3-606.

STAFF RESPONSE: Staff has provided written recommended findings.

3. Provide a recommendation as to whether the application should be approved, approved with conditions or denied.

STAFF RESPONSE: Recommendation is provided at the end of the Staff Report.

4. Schedule the application for hearing before the Board of Adjustment, if not an application for administrative variance.

STAFF RESPONSE: Application has been scheduled for hearing.

5. Provide notice of the hearing in accordance with the provisions of Article 3, Division 3, of these LDRs.

STAFF RESPONSE: Notice provided as follows:

1. Publication Date – July 7, 2016
2. Mailed Notice – July 7, 2016

### **Sec. 3-606. - Standards.**

In order to authorize any variance from the terms of these LDRs, the Board of Adjustment shall find that the applicant has demonstrated compliance with four (4) of six (6) of the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

STAFF RESPONSE: NOT APPLICABLE

2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.

STAFF RESPONSE: The majority of the structures within the neighborhood predate the existing code, and as such have less than the required fifteen (15) foot setback required by the current code. Therefore, the request would not be unique to this property. IN COMPLIANCE

3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.

STAFF RESPONSE: The variance maintains the intent and purpose of the regulations and allows for the stability and appearance of the City by permitting the Applicant to renovate, modernize and expand a structure approximately 60 years old. IN COMPLIANCE

4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.

STAFF RESPONSE: NOT APPLICABLE

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.

STAFF RESPONSE: The variance is the minimum necessary in order to expand and modernize the structure for the new showroom space. In addition new parking striping and landscaping is proposed. IN COMPLIANCE

6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

STAFF RESPONSE: If granted, the variance will allow the addition to be built to the same build to line as the original structure, in keeping with the intent and purpose of the LDRs and will not be injurious to the surrounding area. IN COMPLIANCE

## **Conclusion**

The requested variance to permit a warehouse showroom addition to be setback five (5) feet from the side (West) property line where fifteen (15) is required (Reference Division 7 and Sec. 6-203) conforms to the goals, objectives and policies of the City's Comprehensive Plan. It is in keeping with the intent and purpose of the City's LDRs, as it is appropriate for the area involved and will not be detrimental to the public welfare. In light of these findings, staff recommends that the BOA approve the requested variance for the subject property, subject to the conditions herein listed and summarized as follows:

1. That the use complies with all applicable requirements of the Division of Environmental and Regulatory Management of the County's Department of Regulatory and Economic Resources, and all other County and State agencies.
2. That a Certificate of Use from the Community Development and Planning Department only be issued upon compliance with all terms and conditions of this approval, the same subject to cancellation upon violation of any of the conditions herein listed.
3. That a recorded Unity of Title in a form agreed to by the City be submitted to the Community Planning & Development Department prior to Administrative Site Plan approval.
4. That the variance, if granted, shall become null and void and of no effect twelve (12) months from and after the date of approval, unless within such period of twelve (12) months a building permit is issued.
5. That the landscape plan be provided to the Community Planning & Development Department prior to the issuance of any building permit in order review conformance with the Landscape Code.

### **Public Notification/Comments**

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City's LDRs, notification of the applicant's request was published on July 7, 2016 in The Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire.

### **Applicable Code Citations**

Article 2, Division 3, Section 2-301 (Powers and Duties)

Article 3, Division 3, Section 3-302 (Notice)

Article 3, Division 6, Sections 3-602, 3-603 and 3-606 (Standards for variances)

Article 4, Division 3, Section 4-303 (Minimum standards for nonresidential districts)

Article 6, Division 3, Section 6-303 (Expansions and alterations to nonconforming structures)

### **Attachments**

Application

Letter of Intent

Letter Requesting Withdrawal of Backup Parking Variance

Addenda to Submittal

Sections 3-602, 3-603 and 3-606, Code of North Miami

Existing Building Photographs

Site Plan, Building Elevations and Renderings

Folio Information

# NORTH MIAMI FLORIDA

## Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

### TYPE OF APPLICATION:

- Special Exception  
 Variance  
 Appeal by Applicant  
 Appeal by Aggrieved Party

### PROPERTY OWNER'S INFORMATION:

Owner's Name: Josefine Almanza  
Mailing Address: 1830 NE 144th St #  
City: N Miami State: FL Zip: 33181  
Phone #: 305 947 1200 E-mail Address: Jo@DBF Miami. Com

### APPLICANT/DULY APPOINTED AGENT INFORMATION:

Contact Name: RICARDO MUNIZ-GUINET, AIA  
Company Name: MUVE ARCHITECTURE, LLC  
Mailing Address: 6022 BAYFRONT DR  
City: MARGATE, FL State: FLORIDA Zip: 33063  
Phone: (954) 812-6690 E-mail Address: ricardo@muvearch.com

### PROJECT INFORMATION:

Project Name: DESIGNER BLINDS & FERRIS  
Address of Property: 1830 NE 144th St North Miami  
Folio Number(s): 06-2221-006-0240

Size of Property: 24,554 SF Building Square Footage: 66 3,106 N300 292.0 = 9,126 SF

LEGAL DESCRIPTION: LOT 3, BLOCK 2, OF BENNETT INDUSTRIAL SITES, TRACT A22701, ACCORDING TO THE PLOT MEASUREMENTS AS DEPICTED IN PLAT BOOK 53, PAGE 11; TOGETHER WITH THE EAST 100 FEET OF THE WEST 300 FEET OF TRACT #... SEE S21654

### PREVIOUS APPROVALS:

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

\_\_\_\_\_  
Date Approved: \_\_\_\_\_  
\_\_\_\_\_  
Date Approved: \_\_\_\_\_



**OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST  
(INDIVIDUAL)**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I, Josefina Almanza, the fee owner, which is the fee owner of the property legally described below and which is the subject of the proposed request, do hereby grant limited power of attorney to Ricardo Moriz, to file this application for the proposed request.

**LEGAL DESCRIPTION:**

(See Application)

**WITNESSES:**

Signature

Deborah Zukowski

Print Name

Deborah Zukowski

Signature

[Signature]

Print Name

Fee Owner's Signature

Josefina Almanza

Print Name

1830 NE 144<sup>th</sup> St

Address

N Miami, FL 33180

Sworn to and subscribed before me on the 25<sup>th</sup> day of May, 2016.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary [Signature]

Commission Expires:



Deborah Zukowski  
Commission # FF936080  
Expires: January 31, 2020  
Bonded thru Aaron Notary

# NORTH MIAMI FLORIDA

## OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Josefina Almanza  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:  
1830 NE 144<sup>th</sup> Street N Miami, FL 33181
2. The Corporation owns the property which is the subject of this request.
3. The subject property is legally described as:
4. Affiant is legally authorized to file this application or the Affiant has authorized Ricardo Muniz  
as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

### WITNESSES:

[Signature]

Signature  
Deborah Zukowski

Print Name

Deborah C. Zukowski

Signature

Deborah C. Zukowski

Print Name

[Signature]

Affiant's Signature

Josefina Almanza

Print Name

Sworn to and subscribed before me on the 24<sup>th</sup> day of May, 2016.  
Affiant is (personally known to me or has produced \_\_\_\_\_ as identification.

Notary [Signature]

Commission Expires:



Deborah Zukowski  
Commission # FF856033  
Expires: January 31, 2020  
Bonded thru: Aaron Motary

# NORTH MIAMI FLORIDA

## OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Josefina Almankla  
hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of this request.
2. The subject property is legally described as:
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized Ricardo Moriz as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

### WITNESSES:

[Signature]

Signature  
Deborah Zukowski

Print Name  
Deborah L. Zukowski

Signature  
Bobbie L. Albu

Print Name

[Signature]

Affiant's Signature  
Josefina Almankla

Print Name

Sworn to and subscribed before me on the 24<sup>th</sup> day of May, 2016.  
Affiant is (personally known to me) or has produced \_\_\_\_\_ as identification.

Notary [Signature]

Commission Expires:



Deborah Zukowski  
Commission # F096088  
Expires: January 31, 2020  
Bonded thru Aaron Notary

Date: May 24, 2016

Re: Designer Blinds & Fabrics  
1830 NE 144<sup>TH</sup> ST.  
North Miami, FL 33181

Project Description: Designer Blinds and Fabrics Warehouse addition, site renovation and parking improvements.

Subject: Variance Request – Letter of Intent

### **About Designer Blinds & Fabrics**

Designer Blinds and Fabrics warehouse and showroom building in North Miami serves as business headquarters to assist designers and property owners with window treatments, and other fabric applications. The business runs in regular business hours with minimal walk-in clientele, fabrics and operating gear are assembled in-house and installation crews install at job site.

### **Scope of Work**

The project will consist on the exterior renovation and expansion of an existing warehouse building located at 1830 NE 144th St. in North Miami, Florida. The existing building consists of a square footage of approximately 7,400 square feet.

The exterior structural envelope of the structure will remain as is. New windows and doors will be provided and designed to meet current code requirements. Overhead doors and window opening modifications will be provided as discussed and shown on sketches. Three (3) main areas will be enhanced in the façade to provide for main business entrances with proper signage to guide costumers and cover for the doors.

An addition to the main structure on the southeast corner of the building to provide additional square footage of office and storage to the back tenant will be part of the scope of work. Also, a 2,200 sf addition will be designed as one (1) new warehouse bay with an office, bathroom, loading zone and open warehouse space. Structure will be designed as CMU with steel bar joists. Adequate structure, electrical, and mechanical work will be incorporated to this addition as well as architecturally tying the addition aesthetically to the main building.

The exterior envelope of the structure will be designed to match the newly renovated Warehouse building height and architectural features. The site areas will be designed to

provide parking spaces as required by the local jurisdiction and access to the warehouse spaces from pedestrians.

The site areas will be improved by re-stripping the parking lot, providing new vehicular gates, dumpster area enclosure, new ornamental fence and site lighting. A new entrance and exit to 143<sup>rd</sup> Street will be designed to give access to the parking and new tenant space.

Site plan design and configuration meets all the City of North Miami Planning and Zoning requirements as established in the latest regulations with the exception of one of the side setbacks to the property line in which we are maintaining a non-compliant configuration from a structure built in the 1950's.

## Variances

### *Side Setback*

#### **Division 3. - Nonresidential Districts**

#### **Sec. 4-303. - Minimum standards of development for nonresidential districts**

Presently, the existing building, which was built in 1958 is non-compliant with the one of the current zoning regulations requirements. The lateral setback in the westerly side of the building is less than what's required. We currently have 5'-0" from the property line and 15'-0" is what is required.

Per Sec3-606 this request complies with four of the six standards required.

- A. *Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

**Response:** Given the fact that this industrial neighborhood was developed in the 1950's and there was no zoning ordinances that would regulate the subject matter, none of the existing structures in the district comply with the current setbacks established by the zoning regulations. The design proposed does not alter the architectural configuration of the existing conditions given that we are simply extending the current configuration and dimensions of the structure further south within our property.

- B. *The unusual circumstances or conditions necessitating the variance request are present in the neighborhood are not unique to the property.*

**Response:** None of the existing structures in the district comply with the setbacks established by the present-day zoning regulations. The design proposed does not alter the architectural configuration of the existing

conditions given that we are simply extending the current configuration and dimensions of the structure further south within our property.

- C. *The variance request is the minimum variance that will make possible the reasonable use of the land, structure or building.*

**Response:** The lateral side setback requirement is a minimum variance that will make possible the reasonable use of the land. Keeping this setback as it presently is with the existing building would allow for an additional square footage to a new warehouse space that the owner of the property will develop to lease which will have a reasonable amount of space feasible for a business to operate.

- D. *The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.*

**Response:** the granting of this variance will not take away from accomplishing the intent of the LDRs. Given the fact that the existing structures in the area do not comply it is an existing configuration that will remain the same and it will not be injurious to the area involved. The volumetric aspect and proportions of the site along with the enhanced architectural elements that will embellish the existing and proposed portions of the building will contribute to the existing aspect of the district. See drawings for exterior renderings showing proposed renovated building.

***Parking spaces backing up into the public right-of-way***

**Division 14. - Parking and Loading**

**Sec. 5-1401. - General Criteria.**

In present time, the existing building and site configuration provides for 90 Degree parking spaces that backup into the street (144<sup>th</sup> street). The proposed site plan and parking configuration complies with the requirements for off-street parking without counting these proposed spaces at the northern property line of the site. The non-compliant spaces proposed at 144<sup>th</sup> street are considered overflow parking spaces and will contribute to the parking space shortage of the district in general.

Per Sec3-606 this request complies with four of the six standards required.

- A. *Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

**Response:** Given the fact that this industrial neighborhood was developed in the 1950's and there was no zoning ordinances that would regulate the subject matter, none of the existing structures in the district comply with the current

parking configurations as required by the zoning regulations. Currently both properties adjacent to ours have the same parking configuration with spaces backing up into the street.

- B. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood are not unique to the property.*

**Response:** None of the existing structures in the district comply with the setbacks established by the present-day zoning regulations. The design proposed does not alter the configuration of the existing conditions given that we are maintaining a condition that already exists within our site for past years and that all businesses throughout the district and adjacent to our property have.

- C. The variance request is the minimum variance that will make possible the reasonable use of the land, structure or building.*

**Response:** In a district with such limitations of parking throughout all businesses, having additional spaces from the ones required by the zoning regulations is a contribution to the reasonable use of our land and our structure. Our clients and employees will have enough parking spaces to park within our property and will not incur in parking incorrectly throughout the street as all businesses encounter in present time.

- D. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.*

**Response:** the granting of this variance will not take away from accomplishing the intent of the LDRs. Given the fact that the existing structures in the area do not comply, it is an existing configuration that will remain the same and it will not be injurious to the area involved. The volumetric aspect and proportions of the site along with the enhanced architectural elements that will embellish the existing and proposed portions of the building will contribute to the existing aspect of the district. See drawings for exterior renderings showing proposed renovated building and proposed parking.

We are complying with all other planning and zoning regulations for building placement and we propose keeping the current side setback and parking spaces with our proposal. See drawings for reference.

END of NARRATIVE

Date: June 10, 2016

Re: Designer Blinds & Fabrics  
1830 NE 144<sup>TH</sup> ST.  
North Miami, FL 33181

Project Description: Designer Blinds and Fabrics Warehouse addition, site renovation and parking improvements.

Subject: Variance Request

The present is to solicit that the backup parking variance request be withdrawn from the application. The only variance to be applied for is the side setback.

Regards,

Ricardo J. Muniz-Guillet  
AR97841

Sec. 3-602. - Application.

An application for a variance shall be made in writing upon an application form approved by the city staff, accompanied by such other information as required by the city and by applicable fees.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 3-603. - Staff review, report and recommendation.

- A. City staff shall review the application in accordance with the provisions of this division.
- B. Upon completion of review of an application, city staff shall:
  1. Provide a report that summarizes the application and the effect of the proposed variance, including whether the variance complies with each of the standards for granting administrative variances in section 3-604 or the standards for other variances in section 3-606.
  2. Provide written recommended findings of fact regarding the standards for granting nonadministrative variances as provided for in section 3-606.
  3. Provide a recommendation as to whether the application should be approved, approved with conditions or denied.
  4. Schedule the application for hearing before the board of adjustment, if not an application for administrative variance.
  5. Provide notice of the hearing in accordance with the provisions of article 3, division 3 of these LDRs.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 3-606. - Standards for variances.

In order to authorize any variance from the terms of these LDRs, the board of adjustment shall find that the applicant has demonstrated compliance with four (4) of six (6) of the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. The unusual circumstances or conditions necessitating the variance request are present

in the neighborhood and are not unique to the property.

3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.
4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)









LOCATION MAP  
N.T.S.



LEGAL DESCRIPTION:

THE EAST 100 FEET OF THE WEST 300 FEET OF TRACT H, BENNETT INDUSTRIAL SITES FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORD IN PLAT BOOK 53, AT PAGE 11, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH 20 FEET OF N.E 143RD STREET LYING SOUTH OF AND ADJACENT TO SAID TRACT H ABANDONED BY RESOLUTION R-84-61 AND RECORDED IN OFFICIAL RECORDS BOOK 12329, AT PAGE 794, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

CERTIFIED TO:

- MOHAMED ALMANIA

SURVEYOR'S NOTES:

- The above captioned property was surveyed and described based on the above legal description furnished by client.
- This certification is only for the lands as described, it is not a certification of Title, Zoning, Easements, or Freedom of Encumbrances, ABSTRACT NOT REVIEWED.
- There may be additional restrictions not shown on this survey that may be found in the Public Records of this County. Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
- Ownership subject to OPINION OF TITLE.
- Type of Survey: BOUNDARY SURVEY.
- Location and identification of utilities on or adjacent to the property were not secured as such information was not requested.
- Unless otherwise noted, this Firm has not attempted to locate Footings and/or Foundations (underground).
- This BOUNDARY SURVEY, has been prepared for the exclusive use of the entities named hereon. The Certificate does not extend to any unnamed party.
- Precision of Closure 1:7500 Suburban Class Survey.
- Bearings shown are assumed and are based on the North of Right of Way Line of N.E 143rd STREET, Being S 87° 14' 43" W.
- All dimensions are same as recorded unless otherwise noted.

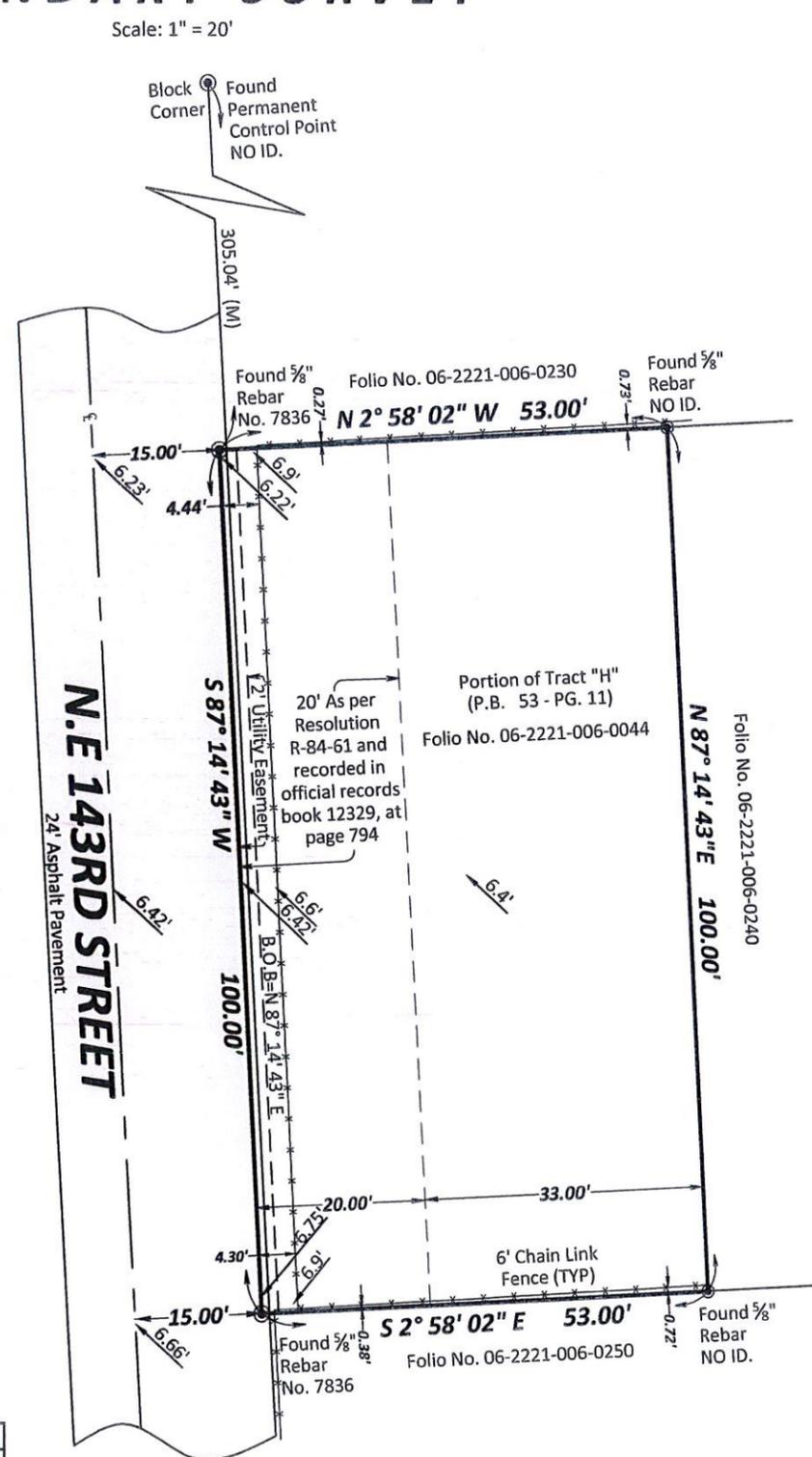
ELEVATIONS NOTE: (IF REQUESTED AND SHOWN).

- 0.00' Indicates existing Elevations.
- Elevations are referred to the National Geodetic Vertical Datum 1929.

2nd BENCHMARK INFORMATION: N-760-R, DESCRIPTION: PK PK NAIL AND ALUMINUM WASHER IN CONC SIDEWALK IN FRONT OF TRAFFIC CONTROL BOX. LOCATION: NE 151 ST --- 30' SOUTH OF C/L---NE 18 AVE --- 95' EAST OF C/L---WEST DIXIE HWY --- 69' SE OF C/LELEVATION: 9.65'

BOUNDARY SURVEY

Scale: 1" = 20'



<b>FLOOD ZONE INFORMATION:</b>		<b>PROPERTY ADDRESS: 1830 NE 144th , NORTH MIAMI, FL 33181.</b>	
COMMUNITY MAP: 12086C	PANEL NUMBER: 0141	SUFFIX: L	BENCHMARK: S-35
MAP REVISED: 09-11-2009	FLOOD ZONE: AE	BASE FLOOD ELEVATION: 7	DESCRIPTION: DADE CO BRASS DISC IN CONC.
SHEET: 1 OF 1 SHEET(S)	DESIGNED BY: Y. Fernandez	DRAWN BY: Y. Fernandez	LOCATION: NE 141 ST --- 32' NORTH OF C/L---US HWY #1 (BISC BLVD) --- 30' WEST OF EXTENDED WEST EP---ADDRESS #14055
DATE: 06-16-2016	CHECKED BY: Jose M. Rives	SCALE: 1" = 20'	BISCAYNE BLVD --- OPPOSITE C/L OF DRIVEWAY FEC RR --- 31.5' EAST OF EAST RAIL OF NORTHBOUND TRACK
PROJ. No: 160209	<b>LAND SURVEYORS - LAND PLANNERS</b> 7725 S.W. 129TH COURT Miami, Florida 33183 JOSE M. RIVES Jr. P.S.M. No. 6685 · L.B. No. 7836 PHONE: (786) 486-8088 FAX: (305) 382-4334		<b>CERTIFICATION:</b> BY: _____ FOR THE FIRM JOSE M. RIVES Jr. P.S.M No. 6685 STATE OF FLORIDA

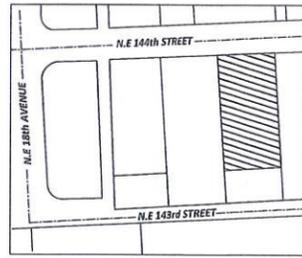
THIS NOT A VALID CERTIFICATION WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL PRESENT

LEGEND AND ABBREVIATIONS

PG. = PAGE  
P.B. = PLAT BOOK  
C = CENTER LINE  
No. = NUMBER  
(TYP) = TYPICAL  
N.T.S. = NOT TO SCALE  
B.O.B. = BASIS OF BEARING  
I.D. = IDENTIFICATION  
(M) = MEASURED

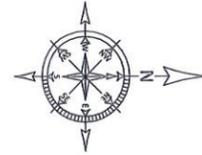
REVISIONS:	PROJECT No.:	DATE:

LOCATION MAP  
N.T.S.



BOUNDARY SURVEY

Scale: 1" = 15'



LEGAL DESCRIPTION:

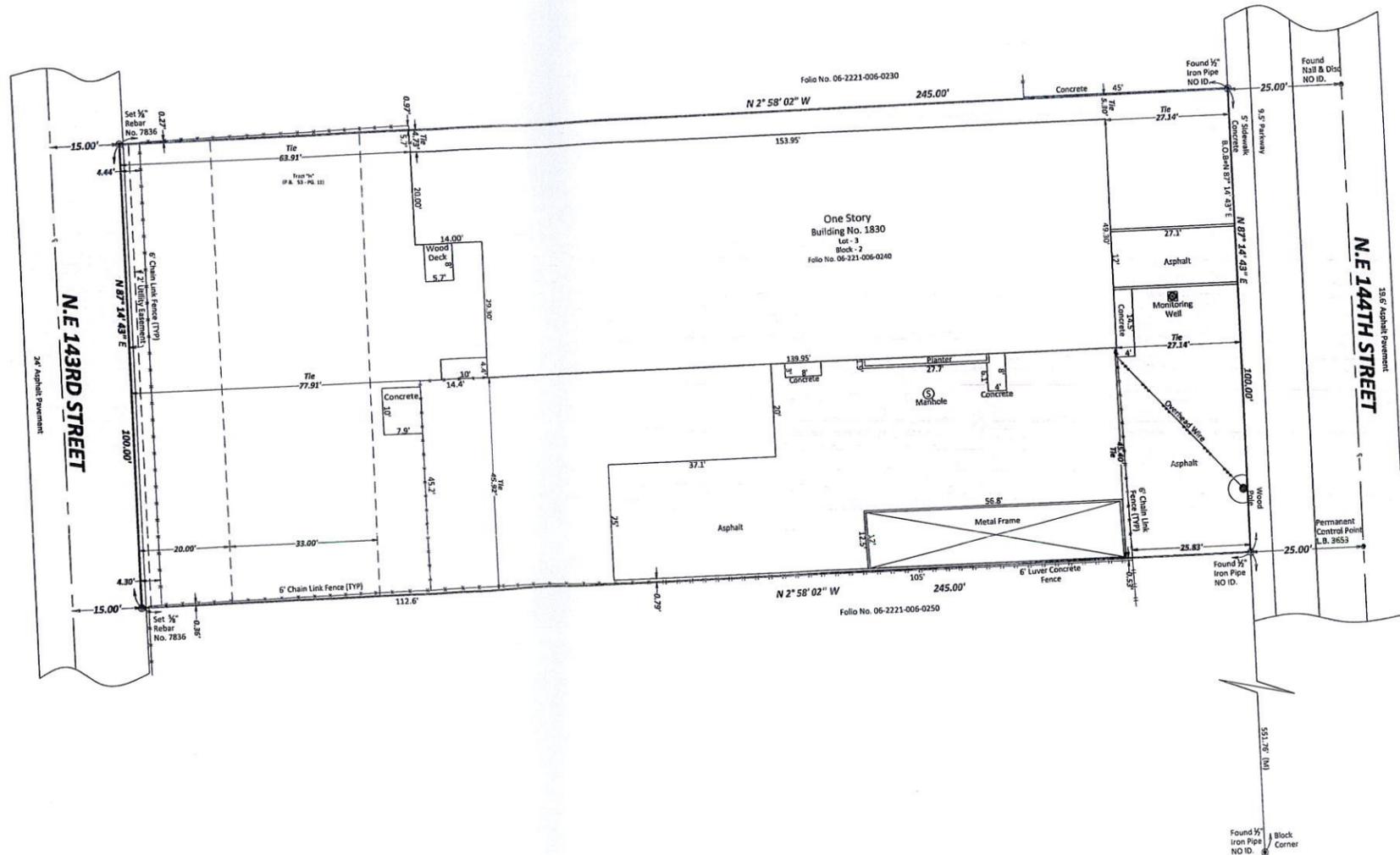
Lot 3, Block 2, of BENNETT INDUSTRIAL SITES, FIRST ADDITION, according to the Plat thereof, as recorded in Plat Book 53, at Page 11; together with the East 100 feet of the West 300 feet of Tract H, of BENNETT INDUSTRIAL SITES, FIRST ADDITION, according to the Plat thereof, as recorded in Plat Book 53, at Page 11, together with 20 feet of N.E. 143rd Street lying South of and adjacent to said Tract H abandoned by Resolution R-84-61 and recorded in Official Records Book 12329, at Page 794, all of the Public Records of Miami-Dade County, Florida.

CERTIFIED TO:

- MOHAMED ALMANIA

SURVEYOR'S NOTES:

1. The above captioned property was surveyed and described based on the above legal description furnished by client.
2. This certification is only for the lands as described, it is not a certification of Title, Zoning, Easements, or Freedom of Encumbrances, ABSTRACT NOT REVIEWED.
3. There may be additional restrictions not shown on this survey that may be found in the Public Records of this County. Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
4. Ownership subject to OPINION OF TITLE.
5. Type of Survey: BOUNDARY SURVEY.
6. Location and identification of utilities on or adjacent to the property were not secured as such information was not requested.
7. Unless otherwise noted, this Firm has not attempted to locate Footings and/or Foundations (underground).
8. This BOUNDARY SURVEY, has been prepared for the exclusive use of the entities named hereon. The Certificate does not extend to any unnamed party.
9. Precision of Closure 1:10000 Commercial/High Risk Class Survey.
10. Bearings shown are assumed and are based on the South of Right of Way Line of N.E. 144th STREET, Being N 87° 14' 43" E.



REVISIONS:		PROJECT No.:	DATE:
REVISIONS:		PROJECT No.:	DATE:
REVISIONS:		PROJECT No.:	DATE:

2016 RESEARCH INFORMATION

LEGEND AND ABBREVIATIONS:  
 P.G. = PAGE  
 E.O.B. = BASE OF BEARING  
 N.T.S. = NOT TO SCALE  
 (M) = MEASURED  
 (TYP) = TYPICAL  
 I.D. = IDENTIFICATION  
 L.B. = LICENSED BUSINESS

BENCHMARK INFORMATION:

THIS NOT A VALID CERTIFICATION WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND IMBOSSED SEAL PRESENT.

ELEVATIONS (NOTES: IF REQUESTED AND SHOWN):  
 1. Elevation is referred to the National Geodetic Vertical Datum 1929.  
 2. Elevation is referred to the National Geodetic Vertical Datum 1929.

CERTIFICATION:

FOR THE FIRM:  
 JOSE M. RIVES JR.  
 STATE OF FLORIDA

FOR THE FIRM:  
 JOSE M. RIVES JR.  
 STATE OF FLORIDA

LAND SURVEYORS - LAND PLANNERS

CHECKED BY: V. Fernandez  
 DRAWN BY: V. Fernandez  
 SCALE: 1" = 15'

FLOOD ZONE INFORMATION:  
 ADDRESS: 1830 N.E. 144th STREET, NORTH MIAMI, FL 33181  
 NORTH MIAMI, CITY OF: 12065  
 COMMUNITY MAP: 1208CC  
 MAP REVISED: 09-11-2009  
 FLOOD ZONE: AE  
 BASE FLOOD ELEVATION: 7  
 SUFFIX: L

725 S.W. 12th COURT  
 Miami, Florida 33133  
 P.O. BOX No. 6688 - L.B. No. 7816  
 PHONE: (786) 486-8088 FAX: (305) 382-8334

1  
 OF 3 SHEET(S)  
 DATE: 01-04-2016  
 PROJ No: 150406

# DESIGNER BLINDS & FABRICS RENOVATION VARIANCE REQUEST PACKAGE

Revision Schedule		
Number	Description	Date
1	REVISION 1 (BOA) INITIAL COMMENTS SHEET	JUNE 06, 2016

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181



MUVE ARCHITECTURE, LLC  
11220 SW 10TH ST, MIAMI, FL 33156  
(305) 444-1111

AA#26003161  
SEAL

REVISED: 11/20/15 3:28:12 PM

DRAWN: R.M.  
EDIT DATE: 6/17/2015 3:28:12 PM  
ISSUE DATE: 05/25/16  
SCALE: 1/4" = 1'-0"  
JOB NUMBER: 15-016  
VARIANCE REQ PACKAGE

SHEET NAME: COVER

SHEET NUMBER: A-000

A-000

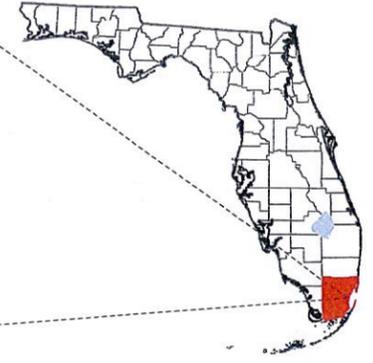
SHEET LIST	
SHEET NUMBER	SHEET NAME
A-000	COVER
SP-100.1	PROPOSED SITE PLAN
SP-100.2	EXISTING SITE CONDITION PHOTOS
LA-100	PROPOSED LANDSCAPE PLAN
A-100	GROUND FLOOR PLAN
A-102	PROPOSED ENLARGED PARTIAL FIRST FLOOR PLAN
A-201	BUILDING OVERALL ELEVATIONS NORTH, EAST & WEST
A-202	PROPOSED NEW BUILDING ELEVATIONS SOUTH, EAST & WEST
A-203	PERSPECTIVES

**PROJECT DESCRIPTION**  
THIS PROJECT CONSISTS OF AN ADDITION TO AN EXISTING BUILDING, LOCATED AT 1830 NE 144TH ST, NORTH MIAMI, FL 33181. THE NEW STRUCTURE CONSIST OF 2,520 SQUARE FEET AND ITS INTERIOR LAYOUT CONSIST OF AN OFFICE, A STORAGE, AN ADA COMPLIANT BATHROOM AND A WAREHOUSE.

SATELLITE VIEW



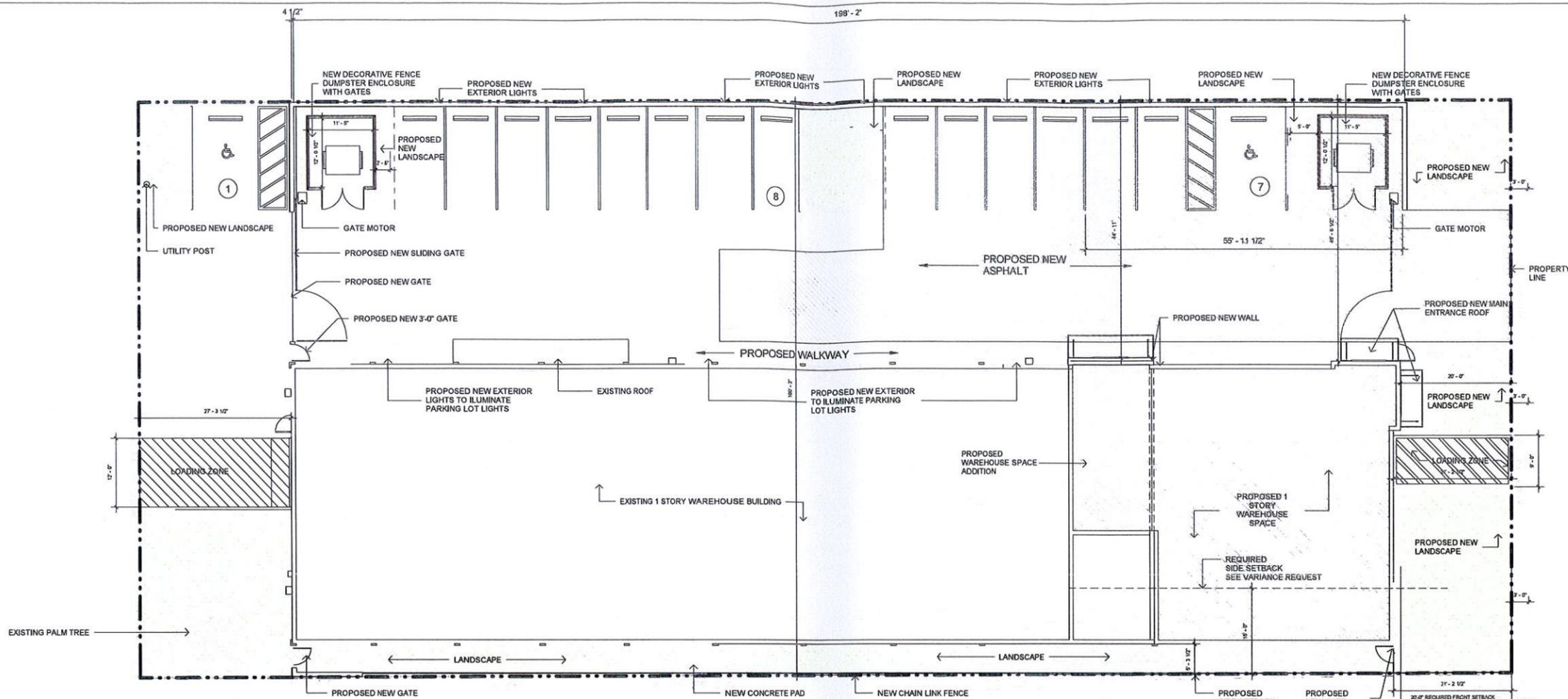
FLORIDA COUNTY MAP



PROJECT LOCATION



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**1 SITE PLAN**  
 SP-100.1  
 3/32" = 1'-0"

LAND USE DESIGNATION					
CURRENT USE	PROPOSED USE	ZONING	BUILDING TYPOLOGY	OCCUPANCY	CONST. TYPE
LIGHT INDUSTRIAL	LIGHT INDUSTRIAL AND MANUFACTURING	M-1	WAREHOUSE	F-1	TYPE IB

LOT COVERAGE	
Name	Area
LOT COVERAGE	24,554 SF

SITE AREA		
DESCRIPTION	AREA (SQ.FT)	AREA RATIO
DRIVEWAY	5,635	23%
DUMPSTER	377	2%
EXISTING BUILDING FOOTPRINT	7,106	29%
FENCE	273	1%
LANDSCAPE	3,820	16%
LOADING ZONE	544	2%
PARKING	2,954	12%
PROPOSED NEW BUILDING	2,520	10%
SIDEWALK	1,315	5%

PERVIOUS			
DESCRIPTION	LOT SIZE	PERVIOUS REQUIRED	PERVIOUS PROPOSED
LANDSCAPE	24,554 S.F.	N/A	3,820 SF

SEC. 5 - 1207 - PARKING AREAS AND INTERIOR LANDSCAPING  
 A. MINIMUM LANDSCAPING OF A PARKING AREA. A MINIMUM OF FIFTEEN (15) PERCENT OF THE GROSS PARKING AREA IS TO BE DEVOTED TO LIVING LANDSCAPING WHICH INCLUDES GRASS, GROUND COVER, PLANTS, SHRUBS AND TREES.  
 B. INTERIOR AREAS OF PARKING LOTS SHALL CONTAIN PLANTER ISLANDS LOCATED SO AS TO BEST RELIEVE THE EXPANSE OF PAVING. PLANTER ISLANDS MUST BE LOCATED NO FURTHER APART THAN EVERY TEN (10) PARKING SPACES AND AT THE TERMINUS OF ALL ROWS OF PARKING. A PLANTER ISLAND SHALL BE A MINIMUM OF FIVE (5) FEET WIDE, SHALL BE EIGHTEEN (18) FEET LONG AS MEASURED FROM THE END OF THE PARKING STALL, AND SHALL BE CURBED TO PREVENT VEHICULAR ENCROACHMENT.

IMPERVIOUS	
DESCRIPTION	PROPOSED
DRIVEWAY	5,635
DUMPSTER	377
EXISTING BUILDING FOOTPRINT	7,106
FENCE	273
LOADING ZONE	544
PARKING	2,954
PROPOSED NEW BUILDING	2,520
SIDEWALK	1,315
	20,724

AREA SCHEDULE (GROSS BUILDING)	
DESCRIPTION	AREA
PROPOSED NEW BUILDING	2,520 SF
EXISTING BUILDING	7,106 SF

PARKING REQUIREMENTS	
ONE (1) PARKING SPACE PER EACH THREE HUNDRED (300) GROSS S.F. OF OFFICE AREA, AND SHOWROOM OR RETAIL SPACE, IF ANY, PLUS ONE (1) SPACE PER (1) ONE THOUSAND (1,000) S.F. OF ALL OTHER FLOOR AREA.	

PARKING CALCULATION			
USE	SF	REQUIRED	PROVIDED
PROPOSED NEW BUILDING	2,520 SF	3	9
EXISTING BUILDING	7,106 SF	10	7
	9,626 SF	13	16

PARKING SPACES PROVIDED ON SITE (BY TYPE)	
DESCRIPTION	PROPOSED
ADA PARKING SPACE	2
PARKING SPACE 9' x 18'	14
	16

HANDICAP PARKING REQUIREMENTS		
SEC. 30-442 - PARKING SPACES FOR DISABLED PERSONS		
TOTAL IN PARKING LOT	REQUIRED NUMBER OF ACCESSIBLE SPACES	PROVIDED
UP TO 25	1	2

OCCUPANCY CLASSIFICATION	
NAME	CLASSIFICATION
FACTORY & INDUSTRIAL F-1	F-1

OCCUPANCY REQUIREMENTS		
FUNCTION OF SPACE	OCCUPANT LOAD FACTOR	OCCUPANT RATIO
INDUSTRIAL AREAS	100 GROSS	0.01

AREA OCCUPANCY CALCULATION (F.B.C. TABLE 1004.1.2)					
NAME	AREA	FUNCTION SPACE	OCCUPANT LOAD FACTOR	OCCUPANTS	EXIT WIDTH REQUIRED (INCHES)
Level 1					
OFFICE	189 SF	BUSINESS AREAS	100 GROSS	2	0.4
WAREHOUSE	1,697 SF	WAREHOUSES	500 GROSS	3	0.7
				5	1.1

AREA OCCUPANCY CALCULATION	
OFFICE	189 SF / 100 GROSS = 2
WAREHOUSE	1,697 SF / 500 GROSS = 3

OPEN SPACE REQUIREMENTS	
SEC. 18A-6 MIAMI DADE COUNTY MINIMUM STANDARDS	
PERCENT OF OPEN SPACE REQUIRED	PERCENT OF OPEN SPACE PROVIDED
20%	39%

OPEN SPACE REQUIREMENTS CALCULATION  
 EXISTING BUILDING AREA + PROPOSED NEW BUILDING AREA  
 7,106 SF + 2,520 SF = 9,626 SF  
 TOTAL OF STRUCTURE / SITE SF  
 9,626 / 24,554 = 0.39  
 0.39 \* 100 = 39% OPEN SPACE

OPEN SPACE REQUIREMENTS		
SETBACKS	REQUIRED	PROPOSED
MINIMUM LOT SIZE	20,000 S.F.	24,554 S.F.
MINIMUM LOT WIDTH	100' - 0"	100' - 0"
SETBACK FRONT (NE 143 RD STREET)	20' - 0"	20' - 0"
MINIMUM SETBACK SIDE	15' - 0"	5' - 0"
MINIMUM SETBACK REAR	15' - 0"	N/A
MAXIMUM HEIGHT	55' - 0"	18'- 9 1/4"
MAXIMUM LOT COVERAGE	75%	39%
ADMINISTRATIVE SITE PLAN INTERVENTION	10%	10%

Revision Schedule		
Number	Description	Date
1	REVISION 1. (BOA) INITIAL COMMENTS SHEET	JUNE 06, 2016

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
 1830 NE 144 TH ST NORTH MIAMI, FL 33181

**MUVE**  
 ARCHITECTURE

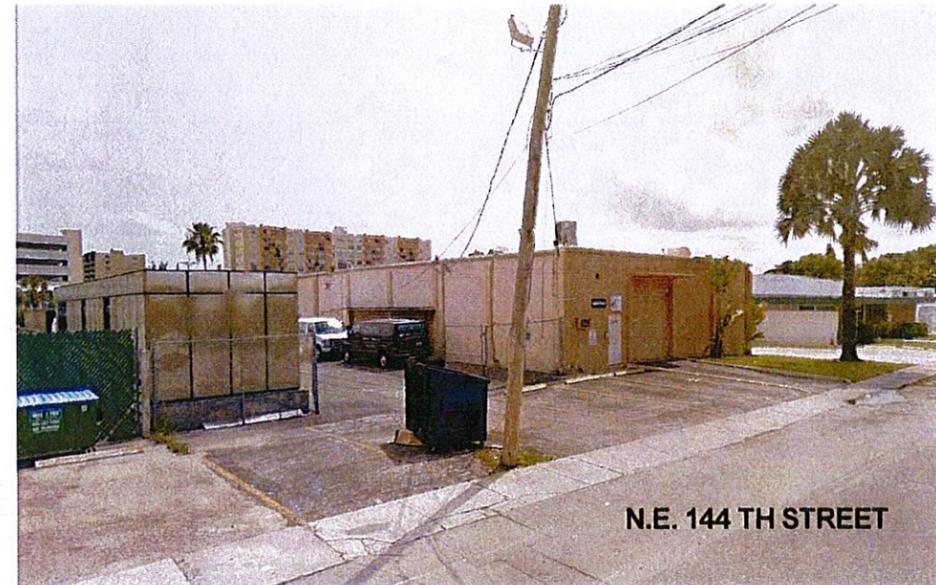
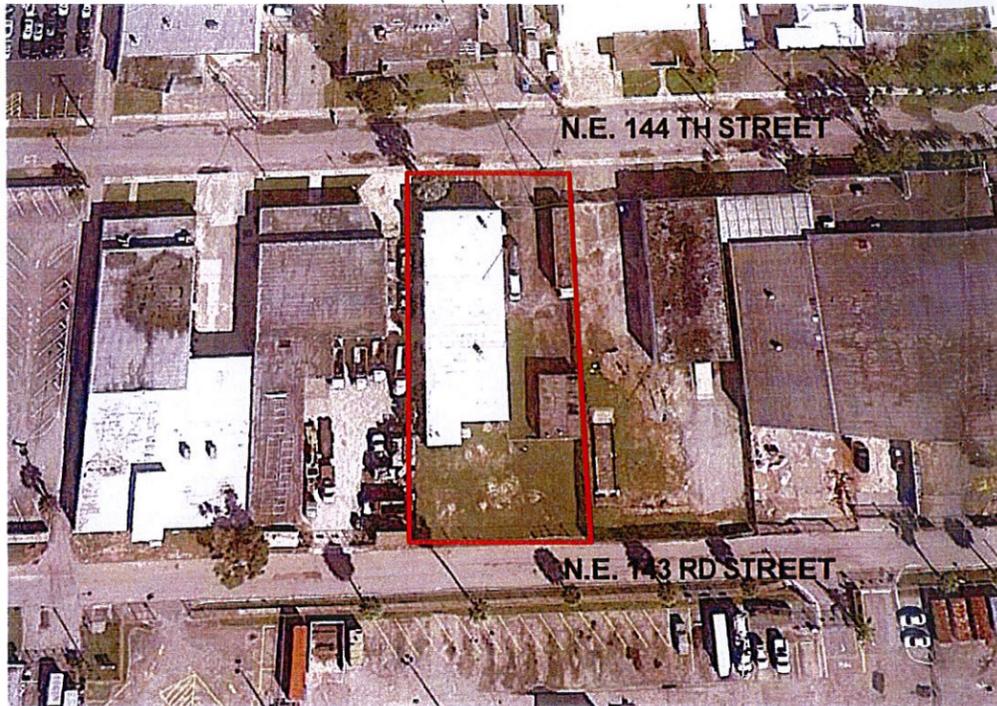
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 JOB NUMBER  
 16-016  
 VARIANCE REQ. PACKAGE

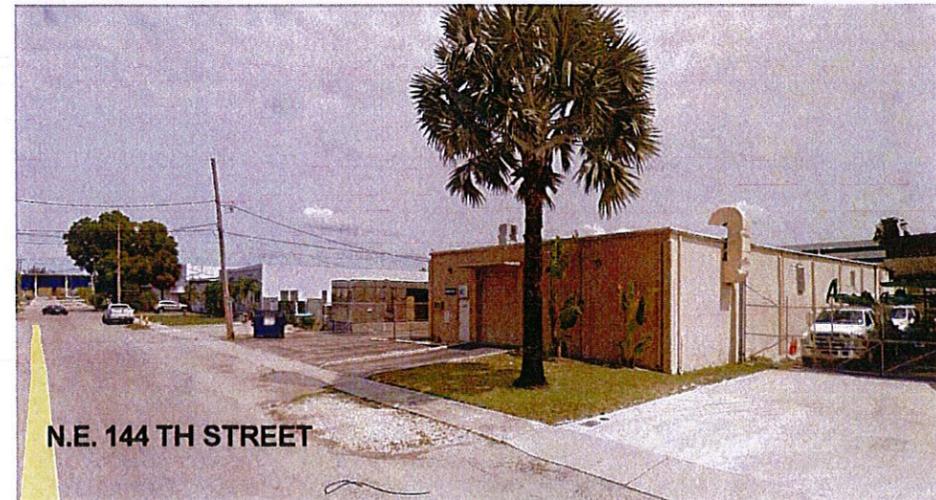
SHEET NAME  
 PROPOSED SITE PLAN

SHEET NUMBER  
**SP-100.1**

# SITE LOCATION



N.E. 144 TH STREET



N.E. 144 TH STREET



N.E. 143 RD STREET

Revision Schedule		
Number	Description	Date
1	REVISION 1. (BOA) INITIAL COMMENTS SHEET	JUNE 06, 2016

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181



MUVE ARCHITECTURE, LLC  
1830 NE 144 TH ST NORTH MIAMI, FL 33181  
TEL: 781.234.1234

AA#26003161  
SEAL

REVISED: J. MARRAS-GALLET, AIA

DRAWN  
Author  
EDIT DATE  
6/17/2016 3:26:30 PM  
ISSUE DATE  
06/06/16  
SCALE

JOB NUMBER  
16-016

VARIANCE REQ. PACKAGE

SHEET NAME  
EXISTING SITE CONDITION  
PHOTOS

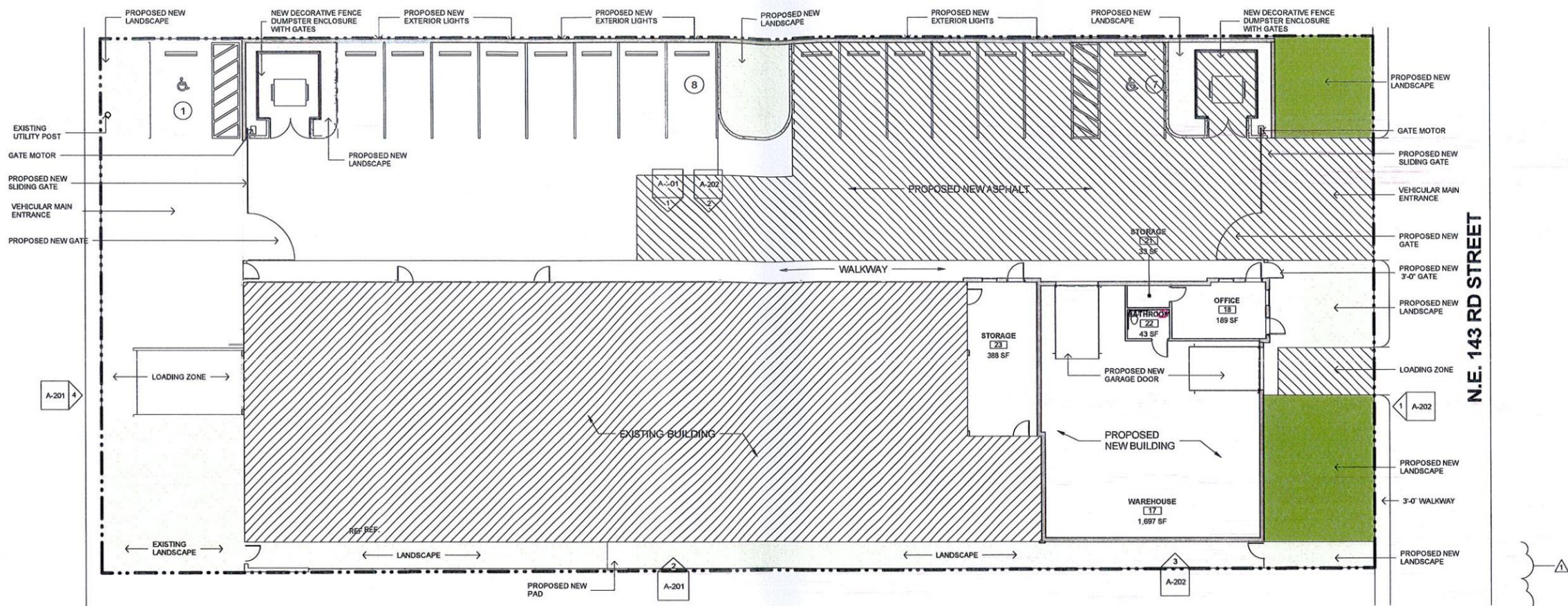
SHEET NUMBER

SP-100.2

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N.E. 144 TH STREET

N.E. 143 RD STREET



1 LANDSCAPE PLAN  
LA-100 3/32" = 1'-0"

NOTE:  
FULL LANDSCAPE PLAN AND IRRIGATION PLANS  
WILL BE PROVIDED DURING SITE PLAN APPROVAL PROCESS

Revision Schedule		
Number	Description	Date
1	REVISION 1. (BOA) INITIAL COMMENTS SHEET	JUNE 08, 2016

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181

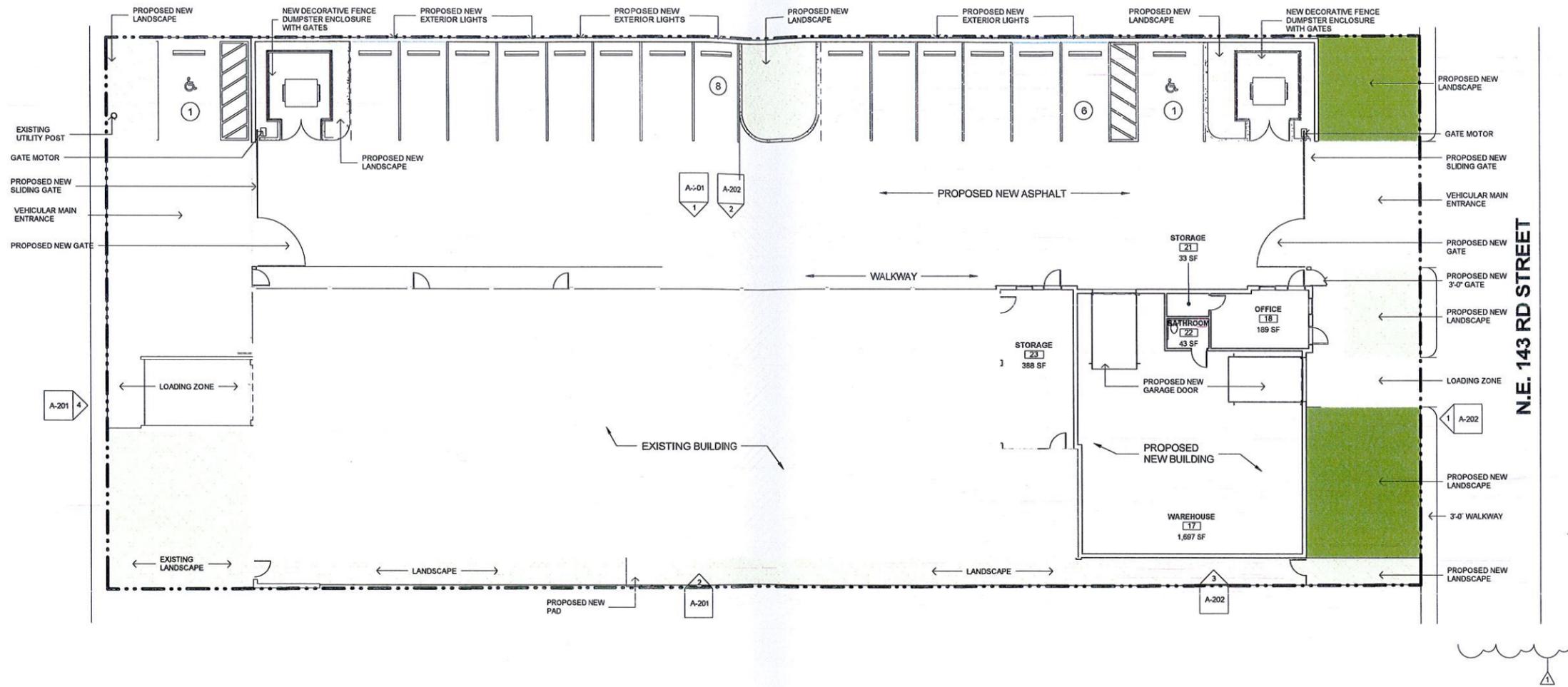


AA#26003161  
SEAL

DRAWN	Author
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ISSUE DATE	06/05/16
SCALE	As Indicated
JOB NUMBER	16-016
VARIANCE REQ. PACKAGE	
SHEET NAME	PROPOSED LANDSCAPE PLAN
SHEET NUMBER	LA-100

N.E. 144 TH STREET

N.E. 143 RD STREET



**GROUND FLOOR PLAN  
(EXISTING & PROPOSED)**

1  
A-100  
3/32" = 1'-0"

Revision Schedule		
Number	Description	Date
1	REVISION 1. (BOA) INITIAL COMMENTS SHEET	JUNE 06, 2016

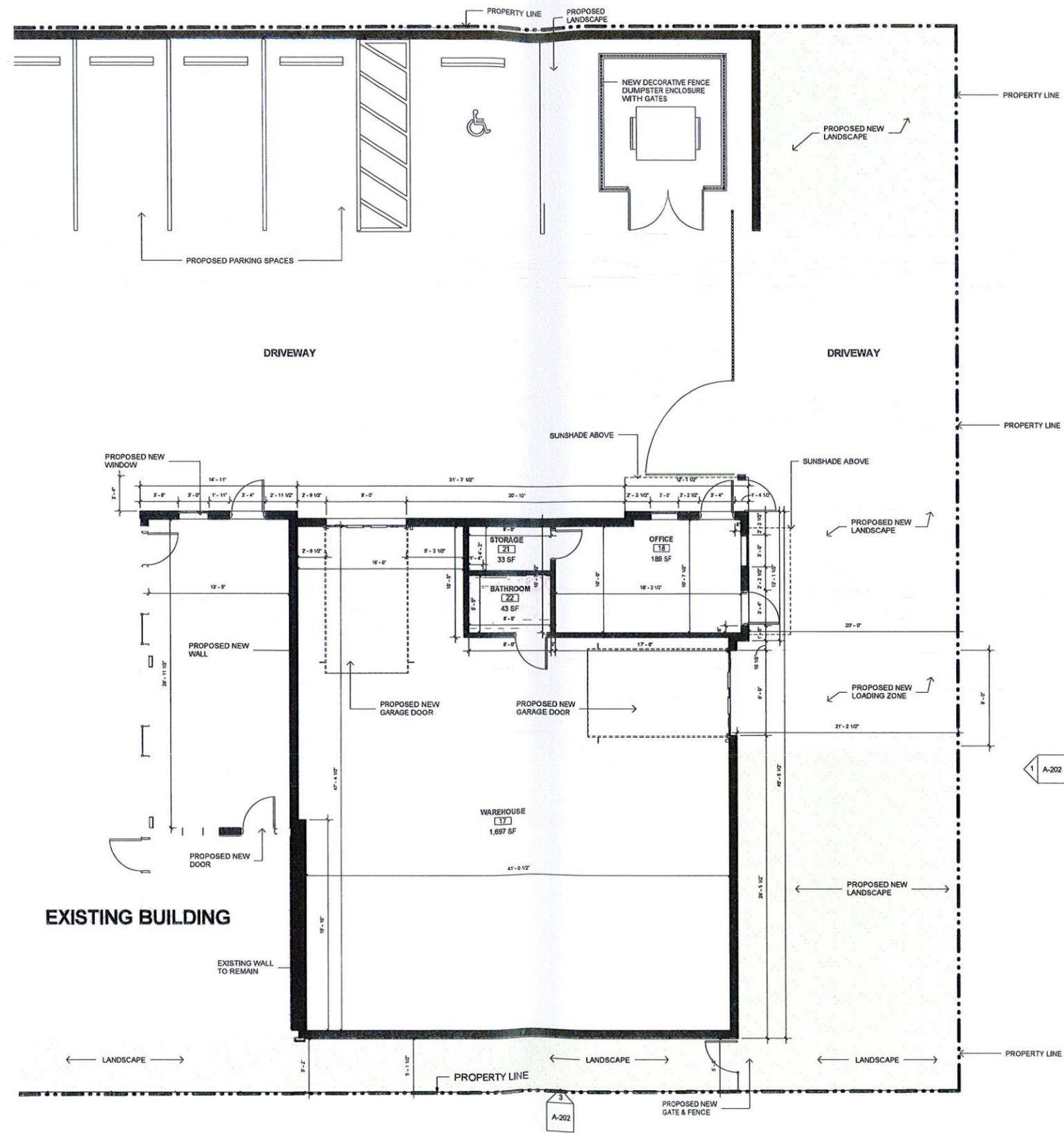
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DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181



AAE26003161  
SEAL

RODRIGO J. HERNANDEZ, AIA
DRAWN
MR
EDIT DATE 6/17/2016 3:28:14 PM
ISSUE DATE 05/26/16
SCALE 3/32" = 1'-0"
JOB NUMBER 16016
VARIANCE REQ. PACKAGE
SHEET NAME GROUND FLOOR PLAN
SHEET NUMBER <b>A-100</b>



**EXISTING BUILDING**

**PROPOSED FIRST FLOOR PLAN**

1  
A-102  
3/16" = 1'-0"

Revision Schedule	
Number	Date
CONSULTANT LOGO:	
<b>DESIGNER BLINDS &amp; FABRICS</b> 1830 NE 144 TH ST NORTH MIAMI, FL 33181	
AA#26003161	
SEAL	
DRAWN RM	
EDIT DATE 01/2016 3:28:15 PM	
ISSUE DATE 02/25/16	
SCALE 3/16" = 1'-0"	
JOB NUMBER 18-018	
VARIANCE REQ. PACKAGE	
SHEET NAME PROPOSED ENLARGED PARTIAL FIRST FLOOR PLAN	
SHEET NUMBER <b>A-102</b>	

Revision Schedule		
Number	Description	Date
1	REVISION 1. (BOA) INITIAL COMMENTS SHEET	JUNE 06, 2016

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181



MUVE ARCHITECTURE, LLC  
11750 SW 10TH ST., MIAMI, FL 33156  
(305) 441-1111

AA#26003161

SEAL

RECORDED & MAPPED

DRAWN

RJM

EDIT DATE  
6/17/2016 3:28:17 PM

ISSUE DATE  
05/25/16

SCALE  
1/8" = 1'-0"

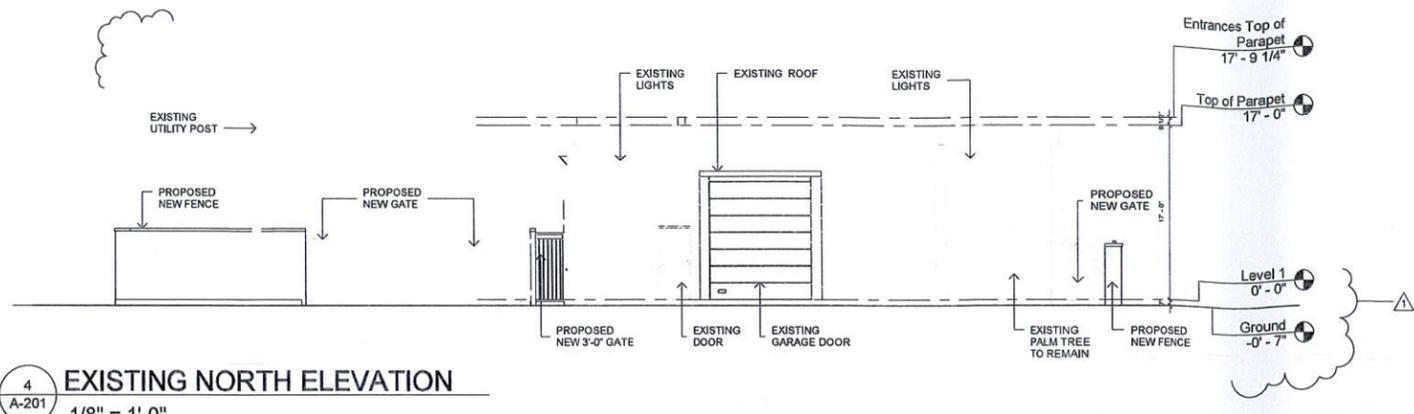
JOB NUMBER  
18-018

VARIANCE REQ. PACKAGE

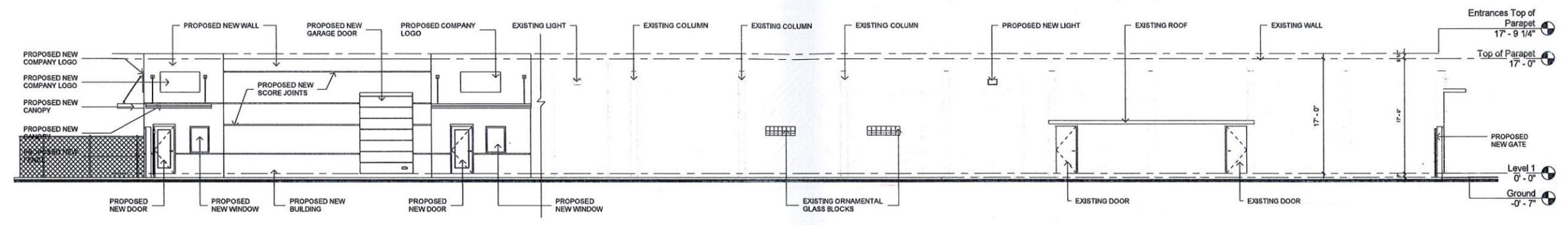
SHEET NAME  
BUILDING OVERALL  
ELEVATIONS NORTH, EAST &  
WEST

SHEET NUMBER  
**A-201**

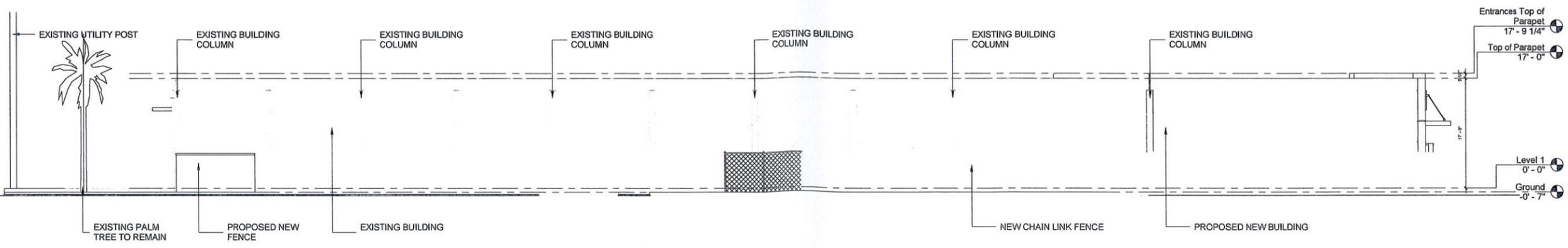
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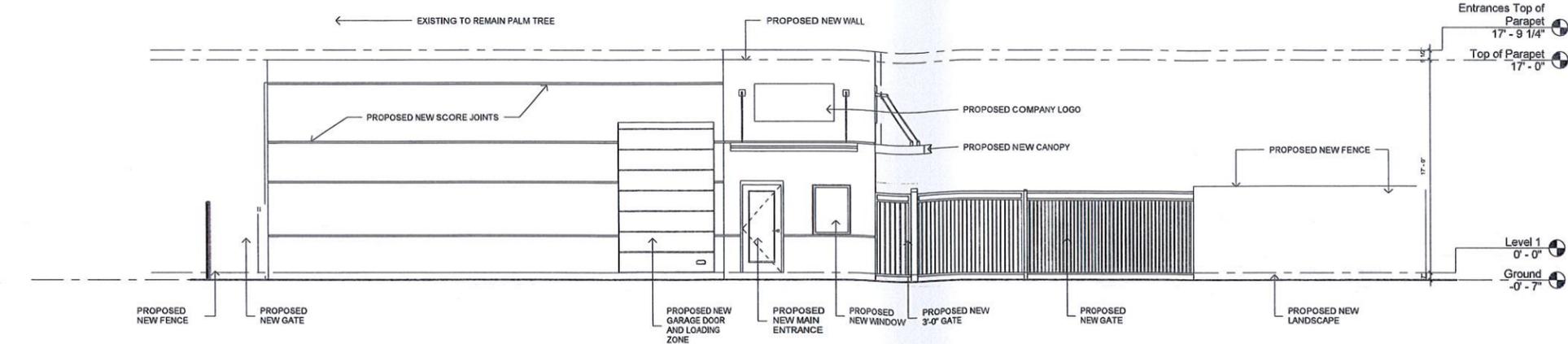
**4**  
A-201  
**EXISTING NORTH ELEVATION**  
1/8" = 1'-0"



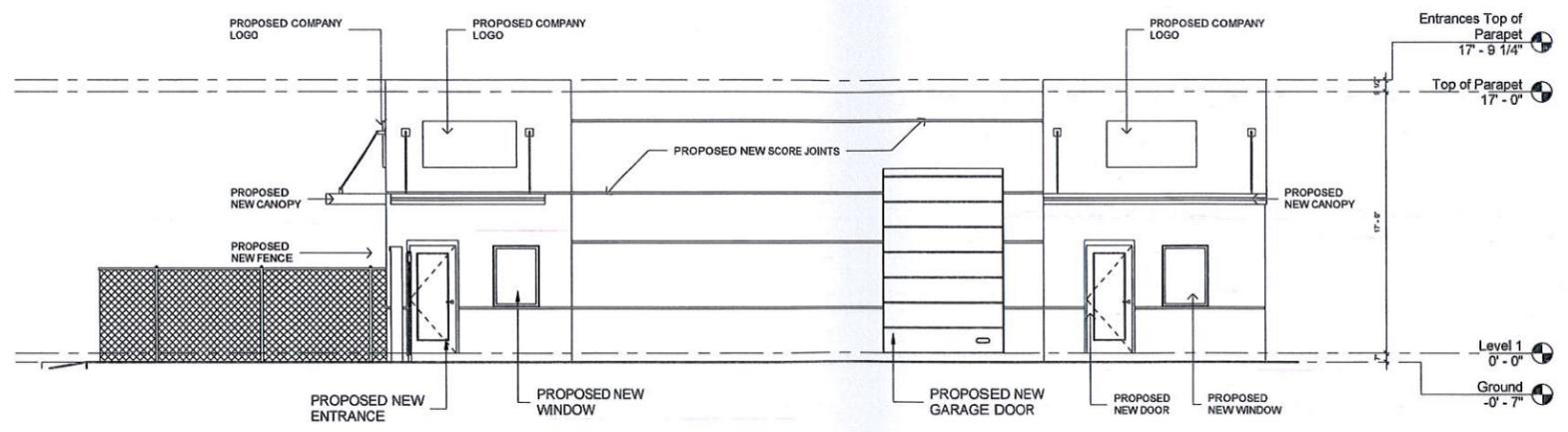
**1**  
A-201  
**OVERALL EAST ELEVATION**  
1/8" = 1'-0"



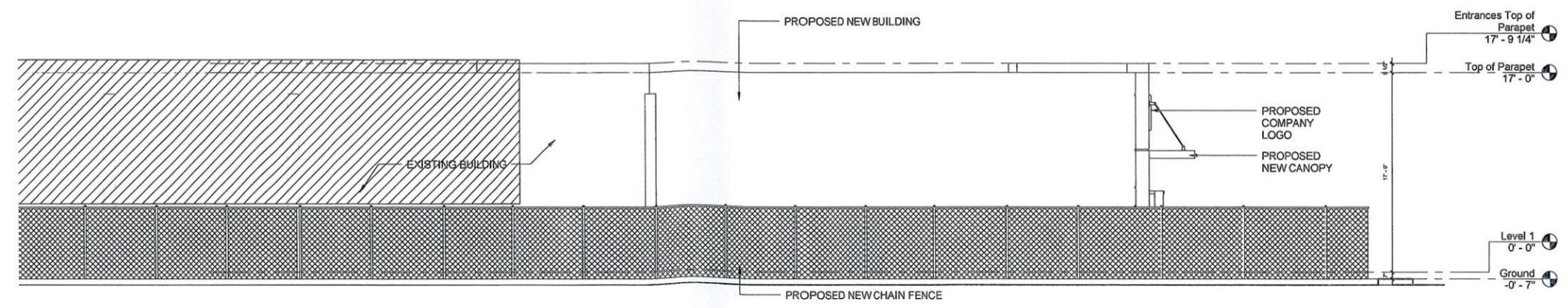
**2**  
A-201  
**OVERALL WEST ELEVATION**  
1/8" = 1'-0"



1  
A-202  
**PROPOSED SOUTH ELEVATION**  
3/16" = 1'-0"



2  
A-202  
**PROPOSED EAST ELEVATION**  
3/16" = 1'-0"



3  
A-202  
**PROPOSED WEST ELEVATION**  
3/16" = 1'-0"

Revision Schedule		
Number	Description	Date

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181



AA#26003161

SEAL

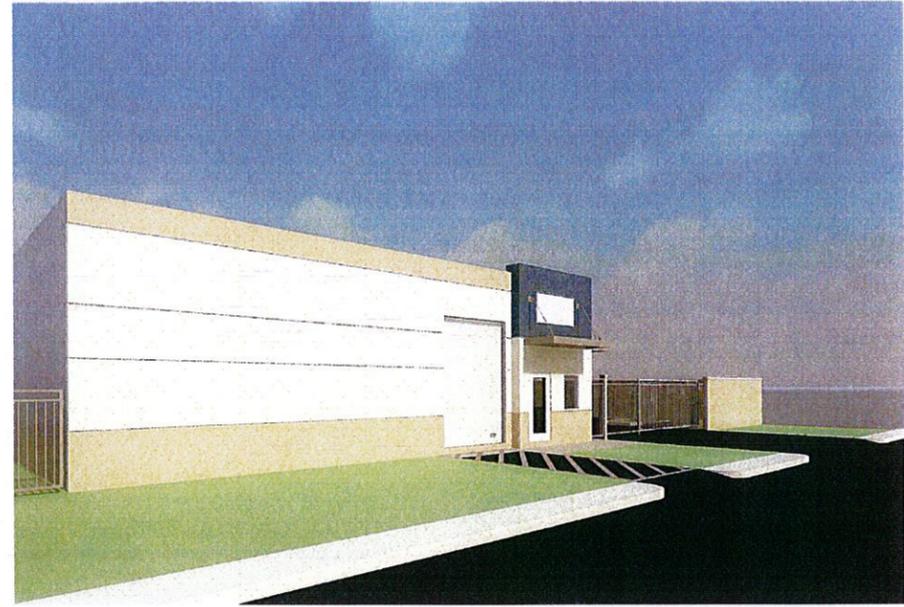
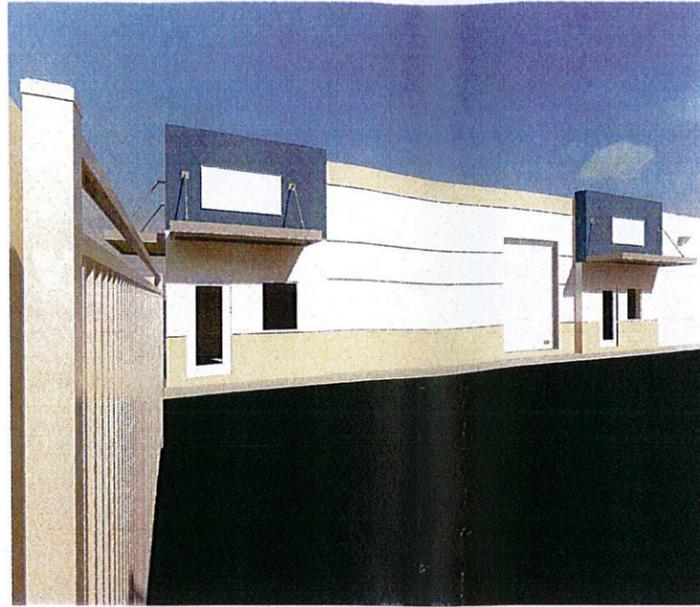
RODOLFO J. SANCHEZ-OLIVET, AIA

DRAWN  
R.M.  
EDIT DATE  
07/2016 3:28:18 PM  
ISSUE DATE  
05/26/16  
SCALE  
3/16" = 1'-0"  
JOB NUMBER  
15-018  
VARIANCE REQ. PACKAGE

SHEET NAME  
PROPOSED NEW BUILDING  
ELEVATIONS SOUTH, EAST &  
WEST  
SHEET NUMBER

**A-202**

COPY TO FILE ONLY. DO NOT SCALE. ALL DIMENSIONS SHOWN ON THIS DRAWING ARE TO BE CONSIDERED AS SHOWN UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.



Revision Schedule		
Number	Description	Date

CONSULTANT LOGO:

DESIGNER BLINDS & FABRICS  
1830 NE 144 TH ST NORTH MIAMI, FL 33181



MUVE ARCHITECTURE, LLC  
1830 NE 144 TH ST NORTH MIAMI, FL 33181  
PH: 305.555.1111

AA#26003161

SEAL

REGISTERED PROFESSIONAL ARCHITECT  
FLORIDA ARCHITECTURE BOARD #12345

DRAWN	MRZ
EDIT DATE	8/17/2016 3:26:23 PM
ISSUE DATE	05/25/16
SCALE	
JOB NUMBER	16-016
VARIANCE REQ PACKAGE	
SHEET NAME	PERSPECTIVES
SHEET NUMBER	

**A-203**

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# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 6/23/2016

Property Information	
Folio:	06-2221-006-0240
Property Address:	1830 NE 144 ST North Miami, FL 33181-1420
Owner	MAGNOLIA DRIVE INVESTMENTS LLC
Mailing Address	3245 NE 184 ST 13109 AVENTURA, FL 33160 USA
Primary Zone	7100 INDUSTRIAL - LIGHT MFG
Primary Land Use	4837 WAREHOUSE TERMINAL OR STG : WAREHOUSE OR STORAGE
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	7,245 Sq.Ft
Lot Size	19,200 Sq.Ft
Year Built	1958



Assessment Information			
Year	2015	2014	2013
Land Value	\$268,800	\$230,400	\$268,800
Building Value	\$161,200	\$112,298	\$112,298
XF Value	\$0	\$7,843	\$7,843
Market Value	\$430,000	\$350,541	\$388,941
Assessed Value	\$385,595	\$350,541	\$388,941

Benefits Information				
Benefit	Type	2015	2014	2013
Non-Homestead Cap	Assessment Reduction	\$44,405		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
BENNETT IND SITES 1ST ADDN PB 53-11 LOT 3 BLK 2 LOT SIZE 19200 SQUARE FEET COC 21962-2458 22988-2552 01/04 2

Taxable Value Information			
	2015	2014	2013
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$385,595	\$350,541	\$388,941
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$430,000	\$350,541	\$388,941
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$385,595	\$350,541	\$388,941
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$385,595	\$350,541	\$388,941

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/04/2016	\$775,000	29956-4690	Qual on DOS, multi-parcel sale
01/01/2004	\$425,000	21962-2458	Deeds that include more than one parcel
02/01/1988	\$130,000	13593-1577	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:



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 6/23/2016

Property Information	
Folio:	06-2221-006-0044
Property Address:	
Owner	MAGNOLIA DRIVE INVESTMENTS LLC
Mailing Address	3245 NE 184 ST 13109 AVENTURA, FL 33160 USA
Primary Zone	7100 INDUSTRIAL - LIGHT MFG
Primary Land Use	4081 VACANT LAND - INDUSTRIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	5,300 Sq.Ft
Year Built	0



Assessment Information			
Year	2015	2014	2013
Land Value	\$74,200	\$63,600	\$53,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$74,200	\$63,600	\$53,000
Assessed Value	\$64,130	\$58,300	\$53,000

Taxable Value Information			
	2015	2014	2013
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$64,130	\$58,300	\$53,000
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$74,200	\$63,600	\$53,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$64,130	\$58,300	\$53,000
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$64,130	\$58,300	\$53,000

Benefits Information				
Benefit	Type	2015	2014	2013
Non-Homestead Cap	Assessment Reduction	\$10,070	\$5,300	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
BENNETT IND SITES 1ST ADD
PB 53-11
E100FT OF W300FT OF TR H &
20FT OF NE 143 ST LYG S & ADJ
CLOSED PER R-84-61

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
02/04/2016	\$775,000	29956-4690	Qual on DOS, multi-parcel sale
01/01/2004	\$425,000	21962-2458	Deeds that include more than one parcel
04/01/1988	\$0	13720-1326	Sales which are disqualified as a result of examination of the deed

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Version:



**NOTICE OF PUBLIC HEARING**

July 7, 2016

Dear Property Owner:

The City of North Miami has received the following zoning approval request:

**V-6-16 SAMARIE CHRISTIAN CHURCH, INC. – 13995 W. DIXIE HIGHWAY**

**A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-302 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A PROPOSED RELIGIOUS INSTITUTION AT THE PROPERTY LOCATED AT 13995 W. DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LAND DEVELOPMENT REGULATIONS.**

The Board of Adjustment will hear this request on **Wednesday, July 20, 2016 at 6:30 p.m.** You are welcome to attend this meeting where you will be given an opportunity to express your support or concerns, if you so choose. **The meeting will be held in the City Council Chambers on the second floor of the City Hall located at 776 Northeast 125 Street.**

The City is mailing notice of this request as a courtesy **to the surrounding property owners.** No response is necessary on your part. However, if you wish to respond and cannot attend the meeting, you may respond in writing to the Board of Adjustment, c/o Community Planning & Development Department, City of North Miami, 12400 NE 8 Avenue, North Miami, FL 33161. The application documents are available for review upon request in the Community Planning & Development Department.

Sincerely,

A handwritten signature in blue ink that reads "Alex David" with "for" written above it.

Alex A. David, AICP  
Zoning Administrator  
Community Planning & Development



776 Northeast 125<sup>th</sup> Street, P.O. Box 610850, North Miami, Florida 33161-0850 (305) 893-6511

**To:** Honorable Board of Adjustment Members  
**From:** Alex A. David, AICP  
Zoning Administrator  
Community Planning & Development Department  
**Date:** July 20, 2016  
**V-6-16** Samarie Christian Church - 13995 West Dixie Highway

---

**Application Summary**

**Applicant/Agent:** Flagami Land Corp. / Rev. Rodin Alexis  
**Project Name:** Samarie Christian Church  
**Location:** 13995 West Dixie Highway  
**Land Area:** 34,112 sq. ft. (0.78 acre)  
**Folio Number:** 06-2220-000-0250  
**Petition:** A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-302 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A PROPOSED RELIGIOUS INSTITUTION AT THE PROPERTY LOCATED AT 13995 W. DIXIE HIGHWAY IN THE C-1 DISTRICT; SAID SPECIAL EXCEPTION TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LAND DEVELOPMENT REGULATIONS.

**Project Summary**

The subject property is located on the east side of West Dixie Highway, west of NE 13<sup>th</sup> Avenue and south of theoretical NE 140<sup>th</sup> Street. The structure on the property was built in 1972 and comprises a total of 5,708 square feet (Miami-Dade County Property Appraiser). The building was formerly occupied by the Top Tomato Farmers Market. The 34,112 square foot (0.78 acre) parcel is improved with the building and parking area (19 spaces) on the west half while the east half is undeveloped.

Samarie Christian Church is now seeking Special Exception approval to operate a proposed religious institution in the C-1 district.

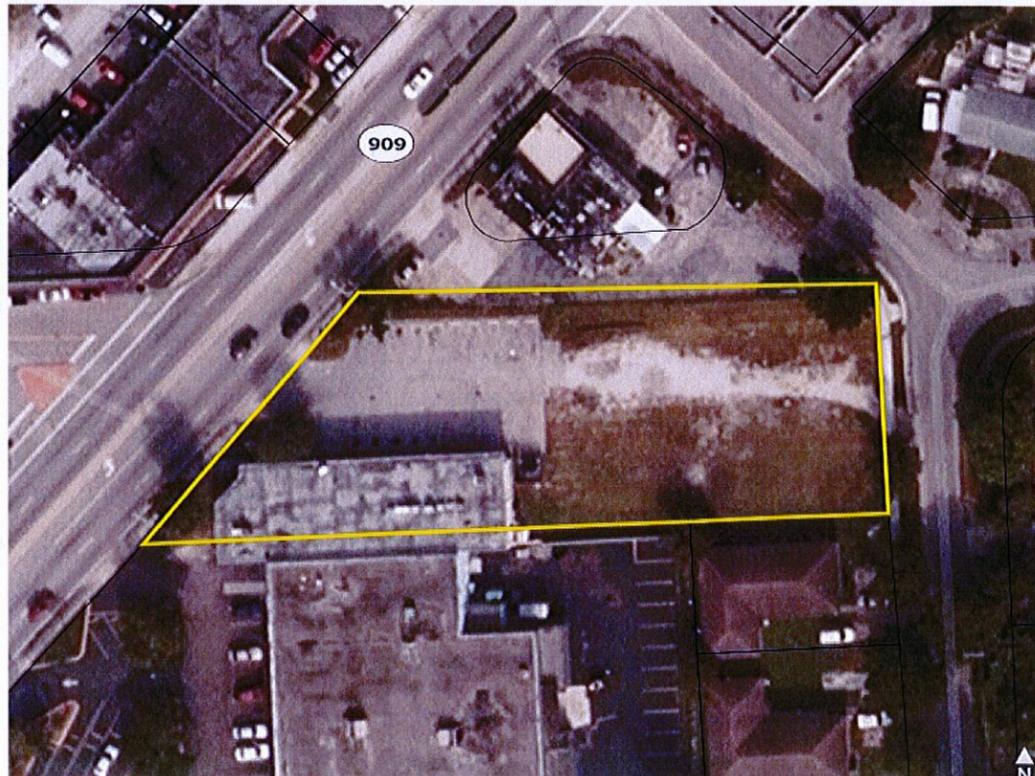
**History**

A search of the City's zoning records shows no previous zoning approvals on the property.

**Neighborhood Land Use Characteristics**

Property	Future Land Use	Existing Zoning	Existing Use/Subdivision
Site	Commercial/Office Planned Corridor Development Overlay	C-1	Vacant Commercial
North	Commercial/Office Planned Corridor Development Overlay	C-1	Restaurant
South	Commercial/Office Planned Corridor Development Overlay Medium Density Residential	C-1 and R-5	Auto Parts and Take-Out Restaurant and Duplex
East	Low Density Residential	R-2	Single-Family Residential
West	Commercial/Office Planned Corridor Development Overlay	C-1	Commercial/Retail Uses

The subject property is a vacant commercial building located on the east side of West Dixie Highway, west of NE 13<sup>th</sup> Avenue and south of theoretical NE 140<sup>th</sup> Street. The surrounding properties have all been developed with commercial or residential structures. The aerial view below and property information has been obtained from the Miami-Dade County Property Appraisers Office files. Street level views of the subject property are found in the Site Photos Attachment –



**Consistency with the City of North Miami Comprehensive Land Use Plan**

The property is designated Commercial/Office on the City adopted Future Land Use Map (FLUM). This land use category is intended to provide land area for business, office, retail, service and other commercial enterprises. The proposed religious institution is compatible with this designation in accordance with Policy 1.20.4 of Objective 1.20 of the Future Land Use Element (FLUE) of the City's Comprehensive Plan.

Policy 1.20.4  
COMMERCIAL/OFFICE

The area designated Commercial/Office on the Future Land Use Map are intended to provide land area for business, office, retail, service, light industrial and other commercial enterprises.

Uses permitted in areas designated Commercial/Office are as follows:

1. Retail uses, including restaurants.
2. Office and business uses.
3. Professional offices and businesses.
4. Community Facilities such as schools, museums, places of worship, child and adult day care centers, nursing homes, governmental administration, police and fire protection facilities, and libraries.
5. Passive parks and open space.
6. Nonprofit neighborhood social and recreational facilities.
7. Light industrial uses.
8. Residential Mixed Uses.

The Applicant's special exception request to permit a religious institution would be allowed under this Land Use designation, if approved. As such, the Applicant's petition for said use is similar to what would be allowed under business uses in the goals, objectives and policies of the Comprehensive Plan for areas designated Commercial/Office in the City.

The subject parcel is also within the Planned Corridor Development (PCD) Overlay District (Objective 1.18). This Overlay promotes the creation of compact higher intensity development along major City corridors but is not relevant to this application at this time.

**Compliance with the City of North Miami Land Development Regulations**

The subject property is zoned C-1, Commercial District on the City's Adopted Zoning Map. The purpose of this district is to provide citizens of the City with convenient access to goods and services without adversely impacting the integrity of residential neighborhoods. The existing one-story, 5,708 square foot structure is well located to provide religious services. A religious institution, as defined in Chapter 29, Article 7, Section 7-101 of the LDRs, means "a church, synagogue, temple, mosque or other place of religious worship, which may include administrative facilities, schools, day care center or dwelling physically associated with the institution." As submitted by the petitioner, Rev. Rodin Alexis, the purpose of the facilities would be to serve as their "meeting space and ministry center." As such, the proposed use meets the definition of a religious institution as provided in Section 7-101, and therefore requires special exception approval by the Board of Adjustment, pursuant to Article 4, Division 3, Section 4-302 of the LDRs.

**ARTICLE 3. - DEVELOPMENT REVIEW**  
**DIVISION 5. – SPECIAL EXCEPTIONS**

**Sec. 3-502. - Application.**

An application for special exception approval shall be made in writing upon an application form approved by the City, accompanied by a site plan and other information required and applicable fees.

STAFF RESPONSE: Staff has reviewed the application and deemed it complete.

**Sec. 3-503. - Staff review, report and recommendation.**

A. City staff shall review the application in accordance with the provisions of Division 2 of this article and this division.

STAFF RESPONSE: Staff has reviewed the application and deemed it complete.

B. Upon completion of review of an application, city staff shall:

1. Provide a report that summarizes the application, including whether the application complies with each of the standards for granting special exception approval in Section 3-504.

STAFF RESPONSE: Staff has provided a report summarizing the application and compliance with standards.

2. Provide written recommended findings of fact regarding the standards for granting special exception approval.

STAFF RESPONSE: Staff has provided recommended findings.

3. Provide a recommendation as to whether the application should be approved, approved with conditions or denied.

STAFF RESPONSE: Recommendation is provided at end of Staff Report.

4. Provide the report and recommendation, with a copy to the applicant, to the Board of Adjustment for review.

STAFF RESPONSE: Provided to Applicant and Board prior to hearing.

5. Provide notice of the hearing before the Board of Adjustment in accordance with the provisions of Article 3, Division 3, of these LDRs.

STAFF RESPONSE: Notice provided as follows:

1. Publication Date – July 7, 2016
2. Mailed Notice – July 8, 2016

6. After the Board of Adjustment hearing and decision, prepare and record a special exception permit and provide the Applicant with a copy.

STAFF RESPONSE: To be Completed after hearing.

**Analysis**

**Criteria for granting special exceptions:** Article 3, Division 5, Section 3-504 of the City's LDRs provides authority to the BOA to hear and grant or deny applications for special exceptions. In evaluating an application for such request, the BOA shall find that the application demonstrates compliance with the following:

**Sec. 3-504. – Standards for approval.**

Applications for special exceptions shall demonstrate compliance with the following standards:

- A. The use is a listed special exception in the district where the property is located.

STAFF RESPONSE: Yes. The Uses Permitted chart provided in Article 4, Division 3, Section 4-302 of the LDRs lists religious institutions as uses that require special exception use approval by the BOA in the C-1, Commercial District.

- B. There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.

STAFF RESPONSE: Yes. The proposed use is served by West Dixie Highway which also has adequate sidewalk facilities.

- C. There are adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.

STAFF REPOSENSE: There is adequate parking based on the fact that the nineteen spaces are sufficient to serve the users of the facilities due to the fact that that the parking was calculated based on the square footage of the sanctuary area and not the gross floor area since the other spaces are for offices, which will not be occupied during services. The current sanctuary is approximately 1,799.94 square feet in size, which requires 17.9 spaces. As such, staff believes the current spaces are sufficient. In addition, there is space for overflow parking available on the eastern half of the parcel.

- D. There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.

STAFF RESPONSE: As a condition of approval staff recommends additional landscaping in the form of a hedge or landscape buffer be planted between the proposed religious institution use and the adjoining commercial (north) and residential (east and south).

- E. The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.

STAFF RESPONSE: Yes. All basic public services, such as public water, sewers, police and fire protection, are readily available and provided to the property, and meet applicable service-level standards. No increase in the demand of such services will result from the establishment of the proposed use.

- F. The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.

STAFF RESPONSE: Yes. The requested special exception use for a religious institution will clearly constitute an appropriate use for this commercial parcel within the City and will not result in the diminution of value of any adjacent property.

### **Conclusion**

The requested special exception use to establish the proposed religious institution conforms to the goals, objectives and policies of the City's Comprehensive Plan. It is also in keeping with the intent and purpose of the City's LDRs, as it is an appropriate use for the area involved, will not detract from the uses of the surrounding properties and will not be injurious to the public welfare. In light of these findings, staff recommends that the BOA approve the requested special exception use to allow the Applicant to finalize the lease of the property and use same as a religious facility, subject the conditions herein listed and summarized as follows:

1. That the Applicant agrees to abide by the Special Exception Use criteria set forth in Article 3, Division 5, Section 3-504 of the LDRs; failure to do shall constitute a basis for the revocation of the Special Exception approval;
2. That a more suitable hedge or landscape buffer be planted between the proposed religious institution use and the adjoining commercial (north) and residential (east and south) – subject to the approval of landscape plans prior to the submittal of Building permits;
3. That the Applicant apply for a building permit within eighteen (18) months of approval of the special exception use; failure to do so will result in the expiration of said approval;
4. That a Certificate of Occupancy (CO) from the Building and Minimum Housing Department be only issued to the Applicant upon compliance with all terms and conditions of this approval; the same subject to cancellation upon violation of any of the conditions herein listed;
5. That the use comply with all applicable requirements of the City's Public Works Department, Police Department, and all other County and State agencies; and
6. That a Certificate of Use (CU) from the Community Planning & Development Department and the Business Tax Receipt (BTR) from the City Clerk's Office be only issued to the Applicant upon compliance with all terms and conditions of this approval; the same subject to cancellation upon violation of any of the conditions herein listed.

**Public Notification/Comments**

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the City's LDRs, notification of the applicant's request was published in The Miami Herald, posted on the property, and mailed to property owners within a 500-foot radius of the subject property to give them an opportunity to comment on the application if they so desire. No comments were received from neighboring property owners within the aforementioned radius.

**Applicable Ordinances**

Article 3, Division 3, Section 3-302 Subsections (A), (B) and (C);  
Article 3, Division 5, Section 3-504;  
Article 4, Division 2, Section 4-302;  
Article 7, Section 7-101.

**Attachments**

Submitted Application  
Submitted Letter of Intent  
Newspaper Advertisement and Posting  
Addenda to Submittal  
    Sections 3-504 and 4-302, Code of North Miami  
    Survey and Site Plan  
    Folio Information  
    Site Photos

75E2016 00001W



**BOARD OF ADJUSTMENT (BOA)**

**SECTION 1: SUBMITTAL REQUIREMENTS & CHECKLIST**

**SECTION 2: BOARD OF ADJUSTMENT (BOA) INFORMATION, FEES & CONTACTS**

**APPLICATION**

12400 NE 8 Avenue North Miami, FL 33161  
305-893-6511, ext. 12148  
[www.northmiamifl.gov](http://www.northmiamifl.gov)

## Section 1: Submittal Requirements & Checklist

Please read the following information on the general requirements and procedures of the Board of Adjustment. **Incomplete applications will not be accepted.** For questions concerning the Board of Adjustment application requirements and procedures, please contact the Department of Zoning at 305-895-9820, Extension 12148. **Unless told otherwise by the Zoning Administrator, all applicants must schedule a meeting with staff to explain their request and go over the application requirements.**

### **Board of Adjustment Members**

The Board of Adjustment consists of current residents of North Miami who have been appointed by a member of the North Miami City Council.

### **Submittal Dates/Meeting Dates and Times**

The Board of Adjustment shall meet on the third (3rd) Wednesday of every other month at 6:30pm in the City Council Chambers in City Hall, which is located at 776 NE 125 Street.

### **Board of Adjustment Procedure**

1. Fill out the "Development Application" which is included in this packet. **Your Petition (Development Application) will not be processed unless your application is complete.** The required attachments are listed on the following page.
  2. The Petition and all attachments must be filed no later than 5:00 pm on the day of the filing deadline in order to be placed on the Board of Adjustment meeting agenda for the following month. You must also pay the filing fee. The deadline dates and applicable fees are listed on the last page of the packet.
  3. You will be contacted to pick up a Public Notice Sign ten (10) days prior to the Board of Adjustment meeting date. The sign must be conspicuously posted on your property one week prior to the meeting and remain posted until final action.
  4. If your Petition is for a Special Exception Use for the Sale of Alcoholic Beverages or for a new business, you must also apply for a certificate of use and business tax receipt if the request is approved.
  5. The Board of Adjustment meetings start at 6:30 pm and are held in the City Council Chambers on the 2<sup>nd</sup> floor of City Hall, 776 NE 125 Street, North Miami, Florida. The meetings are open to the public. For additional information, call the Department of Community Planning and Development at 305-893-6511, ext. 12148. The department is located at 12400 NE 8 Avenue, North Miami, Florida 33161.
1. **You must obtain a building permit from the Department of Building within one year of the date of the variance or special exception use approval. An extension of time may be granted by the Building and Zoning Department for good cause, for a period not to exceed six (6) months for a variance and twelve (12) months for a Special Exception, and only if requested within the original period of validity. AFTER THE ORIGINAL PERIOD OF VALIDITY, THE APPROVAL BECOMES NULL AND VOID.**

Application Submittal Deadline	Board of Adjustment Hearing
December	January
February 17, 2016	March 16, 2016
March 23, 2016	May 18, 2016
<del>May 25, 2016</del>	July 20, 2016
July 27, 2016	September 21, 2016
September 21, 2016	November 16, 2016

**Petition to Appear before the Board of Adjustment**

**A letter of intent** clearly explaining what it is you propose to do. If a business, include the type and nature of business, the days and hours of operation, the number of employees on the largest shift and the square footage occupied by the business. All other applicants should include any information applicable to the request. All variance requests must include a statement of hardship, or what the hardship is that necessitates the variance request.

All **Variance** requests must include a statement of hardship or what the hardship is that necessitates the variance request. Please state how the request complies with four (4) of six (6) of the following standards (Sec. 3-606):

- Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- The unusual circumstances or conditions necessitating the variance request are present in the neighborhood are not unique to the property.
- That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.
- The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
- The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
- The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

All **Special Exception** use applications must state how the request complies with the following standards (Sec. 3-504):

- Applications for special exceptions shall demonstrate compliance.
- The use is listed SE (Special Exception) in the district where the property is located.
- There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.
- There are adequate parking areas and off street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons and the layout of the parking is convenient and conducive to safe operation.
- There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.
- The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and transportation.
- The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.

One original, one copy (at 11"x17") and PDF file of the following:

- a current Survey of the property
- Floor Plan indicating how building will be used and square footage
- Site Plan including existing and proposed parking and landscape
- Elevations

**A certified map and two sets of mailing labels** indicating the names and address of property owners within a 500-foot radius of the subject property (for public notice requirements). A list of some of the companies that perform this service are:

Florida Real Estate Decisions	(305)-757-6884	Rio Development Services	(305)-498-1614
Real Estate Data Researcher	(305)-207-1412	Consuelo Quintana	(305)-858-2287



Applications will not be processed unless all requirements have been submitted by the submittal deadline.  
 All applications and fees shall be submitted in person between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday  
 \*\* Please note that all incomplete applications will be discarded after 60 days from submittal date without notice. \*\*

Section 2: Board of Adjustment (BOA) Information, Fees & Contacts

1. **Pre-application meeting:** Contact the Community Planning & Development Department at (305) 893-6511, ext. 12171 to schedule a pre-application meeting.
2. **Application Intake:** BOA meetings occur the third Wednesday evening of each month in the Council Chambers (2<sup>nd</sup> Floor) of City Hall (776 NE 125 Street). New submittals will only be accepted a month prior to the BOA meeting.
3. **Review by DRC members:** The Departments/Divisions shown below review BOA applications.

Publishing/Noticing	\$262.20
Signs (Public Notice)	\$100.00
Special Exception	\$524.40
Variance, Residential	\$262.20.
Commercial	\$524.40
Applicant Appeal	\$125.86
Appeal by Aggrieved Party	\$262.20
Continuation of Item	\$125.86

Contact	Phone Number	E-Mail
Zoning Admin.	305-893-6511, ext. 12256	
<b>Roland Galdos</b> Interim City Attorney	305-895-9810, ext. 12119	<a href="mailto:rgaldos@northmiamifl.gov">rgaldos@northmiamifl.gov</a>
<b>Brittini Duria</b> Sr. Zoning Technician	305-893-6511, ext. 12171	<a href="mailto:bduria@northmiamifl.gov">bduria@northmiamifl.gov</a>
<b>Anita Winchester</b> Zoning Clerk	305-893-6511, ext. 12148	<a href="mailto:awinchester@northmiamifl.gov">awinchester@northmiamifl.gov</a>



Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:

- Special Exception, Variance, Appeal by Applicant, Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:

Owner's Name: Flagami Land Corp.
Mailing Address: 1553 San Ignacio Ave
City: Coral Gables State: FL Zip: 33156
Phone #: 305 447-1196 E-mail Address: scollazo@caval.com

APPLICANT/DULY APPOINTED AGENT INFORMATION:

Contact Name: Rev. Robin Alexis
Company Name: SAMARIE CHRISTIAN CHURCH, INC.
Mailing Address: 13995 W. DIXIE HWY
City: NORTH MIAMI, FL State: FL Zip: 33161
Phone: 786-262-8761 E-mail Address:

PROJECT INFORMATION:

Project Name: SAMARIE CHRISTIAN CHURCH, INC.
Address of Property: 13995 W. DIXIE HWY, NORTH MIAMI, FL 33161
Folio Number(s): 06-2220-000-0250

Size of Property: 34,112 SF Building Square Footage: 5,708 SF

LEGAL DESCRIPTION: 20.52 AC M/L N 110 FT OF S 1/2 OF SW 1/4 OF NE 1/4 SW 1/4 E OF HWY LESS E 25 FT FOR R.O.

PREVIOUS APPROVALS:

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved:
Date Approved:



**OWNERSHIP AFFIDAVIT FOR CORPORATION**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Jose Valle  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:  
1553 San Ignacio Ave Coral Gables, FL 33146.
2. The Corporation owns the property which is the subject of this request.
3. The subject property is legally described as:
4. Affiant is legally authorized to file this application or the Affiant has authorized owner as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

**WITNESSES:**

Andrea Herrera  
Signature

Andrea Herrera  
Print Name

ADA B. PANDO  
Signature

ADA B. PANDO  
Print Name

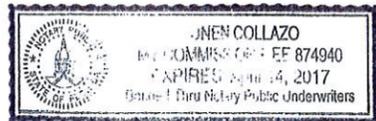
Jose Valle  
Affiant's Signature

Jose Valle  
Print Name

Sworn to and subscribed before me on the 2 day of June, 2014.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Juan Collazo

Commission Expires:





**OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST  
(CORPORATION)**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

On behalf of Flagami Land Corporation, a Florida (state) corporation,  
Jose Valle being first duly sworn, deposes and says that as the  
President Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below  
and which is the subject property of the proposed request, does hereby grant limited power of attorney to SAMARIE  
Christian church, as applicant, to file this application for the proposed request.

**LEGAL DESCRIPTION:**

(EOLIO #: 06-2220-000-0250)  
20 52 42.846 AC MK N110FT OF S 1/2 OF SW 1/4 OF NE 1/4  
OF SW 1/4 E OF HWY LESS E 25 FT FOR RD.

**WITNESSES:**

x Andrea Herrera  
Signature  
x Andrea Herrera  
Print Name  
x ADA B. PANDO  
Signature  
x ADA B. PANDO  
Print Name

Flagami Land Corp.  
Name of Corporation  
1553 San Ignacio  
Address  
Jose Valle  
By: President, Vice-President or CEO (circle one)

Sworn to and subscribed before me on the 2 day of June, 2016.  
Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Sunen Collazo

Commission Expires:



# **SAMARIE CHRISTIAN CHURCH**

**Pastors Rodin Alexis,**

**Pastor Carsel St. Fleur,**

**Pastor Narcis Petite- Frere**

To Whom It May Concern,

Samarie Christian Church is recognized as a 501 © 3 nonprofit Organization and has long been serving the North Miami Beach area for more than 15 years. We pride ourselves on being both a place of worship and a community center.

*Our hours of Operation are as followed:*

*Sunday Morning 9am- 1pm, Sunday Afternoon, Youth Group Meeting 5pm- 7pm, Sunday Night 7:30pm- 9pm, Tuesday Night Prayer Services 7pm- 9:30pm, Wednesday Night Small Groups 7:30pm- 9:30pm, Thursday Morning 9am- 12pm, Friday Night, Bible Study and Prayer 8pm- 12am, Saturday Morning 10am- 2pm Kids Class.*

We are a congregation made up of volunteers, working together to better our people and our community through the word of God.

We plan to bring with us a growing congregation to our new 5,413 SF building located in the City North Miami, FL along with vital resources to the community such as our Sunday Morning Breakfast Program which will be open to the public every Sunday Morning from 10:15am – 10:40am.

We also plan to bring resources to the children and youth of the community. Samarie Christian Church kid's ministry includes children ages 3-12 years old and meets monthly to play, learn, do arts and crafts and go on various field trips. The youth age group 13-17 and young adult ministry age 18-30 works weekly together in small groups teaching biblical standards as well as character building and development.

Further programs and resources are on their way to Samarie Christian Church such as our Partnership with Feeding South Florida and our Mentoring Programs.

In all Samarie Christian Church believes strongly in Family Values and Community Development our purpose is educational, philanthropic, and civic to ensure that those linked to our services will become more efficient in their homes and more forceful in raising the standard of civic morality.

We the committee of Samarie Christian Church thanks you for the time to explain our resources and the impact that we would like to have with in the City of North Miami. We know that if we work together in unity we have the potential to influence change and positivity throughout our community.

From,

Samarie Christian Church Committee President

Pastor Rodin Alexis

*Rodin Alexis*

Sec. 3-504. - Standards for approval.

Applications for special exceptions shall demonstrate compliance with the following standards:

- A. The use is a listed special exception in the district where the property is located.
- B. There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.
- C. There are adequate parking areas and offstreet truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.
- D. There is suitable landscaping or fencing along side lot and rear lot lines adjacent to residential uses or residential zoning districts.
- E. The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.
- F. The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.

(Ord. No. 1278, § 1(exh. 1), 4-28-09)

Sec. 4-302. - Uses permitted.

The following chart establishes the uses permitted in the non-residential zoning district in the city. No use is permitted which is not listed as permitted on this chart. "P" indicates whether the use is permitted, subject to review and approval in accordance with Article 3 of this Code. "P\*" indicates that the use is permitted with administrative site plan review. "SE" indicates that the use is permitted but only through special exception review. No use is permitted unless it complies with the provision of the zoning district in which it is located and the applicable development standard in article 5 of this Code.

<b>Nonresidential Districts</b>					
<b>Permitted Uses</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>

Accessory Uses and Structures	P	P	P	P	P
Adult Businesses					SE
Adult Daycare (stand alone building)	P*	P*	P*	P*	
Animal Boarding	P*	P*	P*		P*
Animal Grooming Establishment	P	P	P	P	
Appliance, Furniture, Electronic Rentals and Repair	P				P
Auto Service Station	SE				SE
Banquet	P*			P*	
Bar, Lounge or Tavern**	P	P	P	P	SE
Boat Repair					P*
Catering Kitchen	P				P
Check Cashing Store					P
Child Care Centers	SE			SE	
Community Facilities	SE	SE	SE		
Consignment Shops	P*	P*	P*	P*	
Convention Center	SE		SE	SE	

Day Spa	P	P	P	P	
Drive Through	SE	SE	SE	SE	
Dry Cleaning Plant					P
Educational Facilities	SE*		SE*	SE*	
Funeral Homes	SE				
Government Uses	P	P	P	P	P
Gun Shops					SE
Hospitals	SE	SE	SE	SE	
Hotel	p*	p*	p*	p*	
Industrial					P
Institutional Uses	p*	p*	p*	p*	
Light Industrial	SE				P
Liquor Package Stores***		SE	SE		
Manufacturing					P
Marinas		p*			
Mechanical Car Washing	SE				P
Medical	P	P	P	P	
Museums				p*	p*

Nightclubs	SE	SE	SE	SE	SE
Nursing and Convalescent Homes	P*		P*		
Office	P	P	P	P	
Outdoor Storage (as main use)					SE
Public Facilities	P	P	P	P	P
Public Park	P	P	P	P	P
Recording and TV/Radio	P	P	P	P	P
Recreation, Indoor	P*	P*	P*	P*	P*
Recreation, Outdoor					SE
Religious Institutions	SE				
Research and Technology Uses	P				P
Restaurants	P	P	P	P	P*
Retail, Sales, Services	P	P	P	P	P
Retail Showroom, Automobile			SE*****		
Schools	SE	SE	SE	SE	
Schools, Special and Technical	SE	SE		SE	
Self-Service Laundries	SE				
Self Storage	P*****				P

Studios (fine arts)					P*
Temporary Uses	P	P	P	P	P
Tow Truck Yard					P*
Vehicle Sales/Displays	SE				SE
Vehicle Sales/Displays, Major					SE
Vehicle Rental	P*				P*
Vehicle Service, Major					P*
Vehicle Service, Minor	P*				P*
Veterinary Clinics	P*	P*	P*		P*
<b>P = Permitted Use</b>					
<b>P* = Administrative Site Plan Required</b>					
<b>SE = Special Exception</b>					

\* If a college/university dormitory was included in a master plan approved by the City prior to the adoption of these LDRs, administrative site plan shall be required.

\*\* Subject to chapter 3 of the city's Code.

\*\*\* Prohibited in the arts, culture and design overlay district (AOD) subject to section 4-403E and chapter 3 of the city's Code.

\*\*\*\* Retail and personal service uses larger than one (1) acre in size are prohibited in the industrial district, in an effort to minimize a depletion of the industrial land supply. Retail sales and service uses one (1) acre and less in size should front on major east west corridors including NE 146 Street and NE 151 Street.

\*\*\*\*\* Retail Showroom, Automobile use requires minimum lot area of one (1) acre. No more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

\*\*\*\*\* Prohibited in C-1 zoned areas that abuts a single family residential district and on major C-1 commercial corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street.

(Ord. No. 1292, § 1, 2-9-10; Ord. No. 1316, § 1, 4-12-11; Ord. No. 1333, § 1, 5-22-12; Ord. No. 1359, § 1, 10-8-13; Ord. No. 1387, § 1, 6-23-15)





PARKING ANALYSIS			
	EXISTING	PROPOSED	PERMITTED
PARKING SPACES	17	17	17
FIXED SEATS	--	50	50
MOVABLE SEATS	--	1750 SQ.FT	1750 SQ.FT.

PROVIDE 1 PARKING SPACE PER 3 FIXED SEATS  
 PROVIDE 1 PARKING SPACE PER 35 SQUARE FEET OF MAIN ASSEMBLY AREA  
 WHERE THERE ARE NO FIXED SEATS.

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

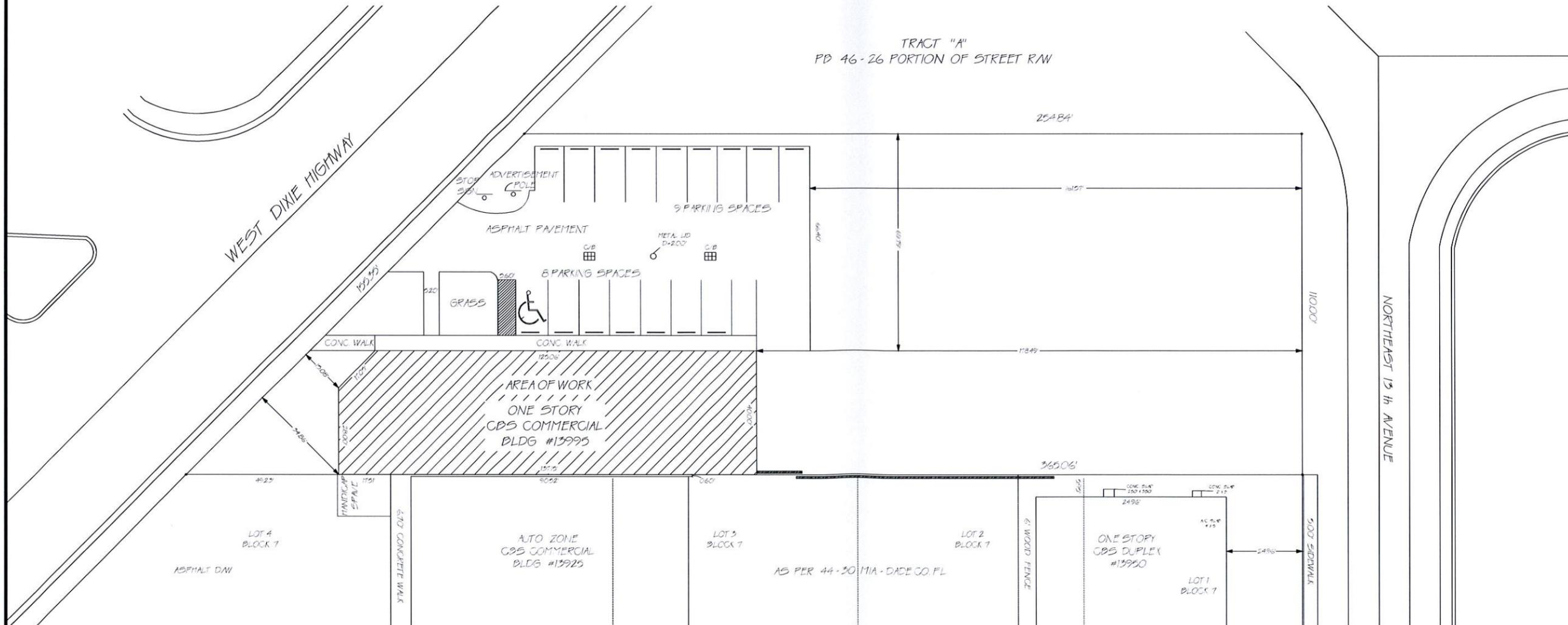
ARTICLE 17  
 PARKING REGULATIONS  
 SECTION 17-1. APPLICATION

17-1.01 THESE PARKING REGULATIONS, AS WELL AS THE PARKING REGULATIONS OF EACH ZONING DISTRICT, ARE INTENDED TO ENSURE THAT ALL USES OF LAND WITHIN THE UNINCORPORATED TERRITORY HAVE A PARKING SPACE COMPONENT REQUIRING ADEQUATE OFF-STREET PARKING FOR SUCH USE. SUCH PARKING SPACES SHALL BE LOCATED ENTIRELY ON PRIVATE PROPERTY WITH NO PORTION EXCEPT THE NECESSARY DRIVES EXTENDING INTO ANY STREET OR OTHER PUBLIC WAY. RESIDENTIAL PARKING SHALL BE PROVIDED IN QUANTITIES STATED IN THE VARIOUS ZONING DISTRICT REGULATIONS, AND NON-RESIDENTIAL PARKING QUANTITIES ARE LISTED BELOW. THE PARKING REQUIREMENTS FOR SOME CONDITIONAL USES ARE ALSO LISTED IN ARTICLE 14 OF THESE REGULATIONS. THE ISSUANCE OF BUILDING PERMITS SHALL REQUIRE COMPLIANCE WITH THE FOLLOWING STANDARDS AND THE PARKING REQUIREMENTS OF THESE ZONING REGULATIONS AT A MINIMUM, EVEN THOUGH A CONCEPTUAL PLAN MAY HAVE BEEN APPROVED PREVIOUSLY WHICH INCLUDED FEWER PARKING SPACES DUE TO THE UNKNOWN OR CHANGING STATUS OF OCCUPANTS.

SECTION 17-2. PARKING REQUIREMENTS

17-2.01 EXCEPT AS OTHERWISE PROVIDED FOR IN THESE REGULATIONS, WHEN ANY BUILDING OR STRUCTURE IS HEREAFTER ERECTED OR STRUCTURALLY ALTERED TO THE EXTENT OF INCREASING THE FLOOR AREA BY FIFTY PERCENT (50%) OR MORE, OR ANY BUILDING OR STRUCTURE HEREAFTER ERECTED IS CONVERTED FOR THE USES LISTED BELOW, ACCESSORY OFF-STREET PARKING SPACES SHALL BE PROVIDED AS REQUIRED IN THIS ARTICLE.

1. CHURCHES, TEMPLES, THEATERS, ATHLETIC FIELDS AND OTHER SEATING FACILITIES: ONE (1) PARKING SPACE PER THREE (3) FIXED SEATS, OR PER THIRTY-FIVE (35) SQUARE FEET OF MAIN ASSEMBLY AREA WHERE THERE ARE NO FIXED SEATS.



EXISTING SITE PLAN / WORK AREA LOCATION PLAN

1/16" = 1'-0"

1



**PRESTIGE CONSTRUCTION**  
**ENGINEERING GROUP, LLC**  
 1931 NW 150TH AVENUE  
 SUITE 208  
 PEMBROKE PINES FL, 33028  
 TEL: 954-961-5300 FAX: 954-961-3003

**PROPOSED CHANGE OF OCCUPANCY**  
**13995 WEST DIXIE HIGHWAY**  
**NORTH MIAMI, FLORIDA 33161**

SEAL:

**JOSEPH POTTS**  
 ENGINEER OF RECORD  
 PE # 22656

NO.	DATE	REVISION
1		

DRAWN BY: YG  
 CHECKED BY: JEJ  
 DATE: 05/25/2016  
 SCALE: AS SHOWN  
 JOB NO:  
 SHEET

**SP-1**





# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 7/13/2016

Property Information	
Folio:	06-2220-000-0250
Property Address:	13995 W DIXIE HWY North Miami, FL 33161-3440
Owner	FLAGAMI LAND CORP
Mailing Address	1553 SAN IGNACIO AVE CORAL GABLES, FL 33146
Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1111 STORE : RETAIL OUTLET
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	5,708 Sq.Ft
Lot Size	34,112 Sq.Ft
Year Built	1972



Assessment Information			
Year	2016	2015	2014
Land Value	\$614,016	\$614,016	\$251,886
Building Value	\$268,744	\$154,637	\$240,807
XF Value	\$18,674	\$0	\$19,307
Market Value	\$901,434	\$768,653	\$512,000
Assessed Value	\$619,520	\$563,200	\$512,000

Benefits Information				
Benefit	Type	2016	2015	2014
Non-Homestead Cap	Assessment Reduction	\$281,914	\$205,453	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
20 52 42 .846 AC M/L
N110FT OF S1/2 OF SW1/4 OF NE1/4
OF SW1/4 E OF HWY LESS E25FT FOR
RD
LOT SIZE IRREGULAR

Taxable Value Information			
	2016	2015	2014
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$619,520	\$563,200	\$512,000
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$901,434	\$768,653	\$512,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$619,520	\$563,200	\$512,000
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$619,520	\$563,200	\$512,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
09/23/2008	\$625,000	26582-4128	Sales which are qualified
09/01/1985	\$300,000	12651-2261	Sales which are qualified

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