

RESOLUTION NO. CZAB15-15-07

WHEREAS, **BISHOP SIMEON L. DOWNS, ET AL.** applied for the following:

- (1) SPECIAL EXCEPTION to permit the expansion of a religious facility onto additional property to the northeast.
- (2) UNUSUAL USE to permit the expansion of the previously approved day care center and after-school care onto additional property to the northeast.
- (3) MODIFICATION of Condition #2 of Resolution #4-ZAB-149-88, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The Church of God of Prophecy,' as prepared by Brad Schiffer/Taxis Architects and Planners dated 12/1/87."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Expansion for Triumphant Church of God of Prophecy,' as prepared by Allen Far Design Assoc., consisting of Sheets "A-1" & "A-4" dated stamped received 7/17/06, and Sheets "A-2" & "A-3" dated stamped received 10/23/06."

The purpose of request #3 is to revise the site plan to show a new sanctuary and relocation of the day care center and after school care to the previously approved religious facility and day care center.

- (4) Applicant is requesting to permit the religious facility on 1.44 gross acres (2.5 gross acres required/1.127 gross acres previously approved).
- (5) Applicant is requesting to permit the religious facility setback 19'1" (50' required) from the interior side (north) property line and setback 49'8" (50' required) from the interior side (south) property line.
- (6) Applicant is requesting to permit parking within 25' of the official right-of-way (not permitted).
- (7) Applicant is requesting to permit 87 parking spaces (109 required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #4 - #7 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: A portion of the north 225' of the east ½ of the SE ¼ of the SE ¼ of the SW ¼, less the north 75' of the east 185' and less the east 50' of the south 150'; of Section 7, Township 56 South, Range 40 East, being more particularly described as follows: Commence at the southeast corner of the SW ¼ of said Section 7 and run N01°01'34 "W along the east line of the SW ¼ of said Section 7 for 480.26'; thence parallel to the south line of the SW ¼ of said Section 7; thence run S89°11'31"W, 50' to the Point of beginning of the parcel hereinafter described; thence continue along said line parallel to the south line of the SW ¼ of said Section 7; thence S89°11'3 1"W, 293.25'; thence along the west line of the east ½ of the SE ¼ of the SE ¼ of the SW ¼ of said Section 7, N00°59'07 "W, 182.79'; thence along the north line of the east ½ of the SE ¼ of the SE ¼ of the SW ¼ of said Section 7, N89°04 '02"E, 158.2'; thence S01°01'34" E, 75'; thence N89°04'02 "E, 135'; thence parallel to the east line of the SW ¼ of said Section 7 to the Point of beginning; thence S01° 01'34"E, 108.43'; and the north 75' of the east 185' of the east ½ of the SE ¼ of the SE ¼ of the SW ¼, less the east 50' for the road in Section 7, Township 56 South, Range 40 East.

LOCATION: 21450 S.W. 112 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested special exception to permit the expansion of a religious facility onto additional property to the northeast (Item #1), unusual use to permit the expansion of the previously approved day care center and after-school care onto additional property to the northeast (Item #2), and modification of Condition #2 of Resolution #4-ZAB-149-88, passed and adopted by the Zoning Appeals Board (Item #3), and the requests to permit the religious facility on 1.44 gross acres (Item #4), to permit the religious facility setback 19'1" from the interior side (north) property line and setback 49'8" from the interior side (south) property line (Item #5), to permit parking within 25' of the official right-of-way (Item #6), and to permit 87 parking spaces (Item #7) would be

compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item #1) and unusual use (Item #2) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 - 7 was offered by Gale L. Wimbley, seconded by Paul J. Morrow, and upon a poll of the members present, the vote was as follows:

Paul J. Morrow	aye	Bobby D. Stewart	aye
Diane Richardson	aye	Gale L. Wimbley	aye
	Patricia Forbes	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requested special exception to permit the expansion of a religious facility onto additional property to the northeast (Item #1), unusual use to permit the expansion of the previously approved day care center and after-school care onto additional property to the northeast (Item #2), and modification of Condition #2 of Resolution #4-ZAB-149-88, passed and adopted by the Zoning Appeals Board (Item #3), and the requests to permit the religious facility on 1.44 gross acres (Item #4), to permit the religious facility setback 19'1" from the interior side (north) property line and setback 49'8" from the interior side (south) property line (Item #5), to permit parking within 25' of the official right-of-way (Item #6), and to permit 87 parking spaces (Item #7) be and the same are hereby approved, subject to the following condition:

1. That all conditions of Resolution 4ZAB-149-88 shall remain in full force and effect, except as herein modified.

BE IT FURTHER RESOLVED, Condition #2 of Resolution #4-ZAB-149-88, passed and adopted by the Zoning Appeals Board, as herein modified (Item #3), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Expansion for Triumphant Church of God of Prophecy,' as prepared by Allen Far Design Assoc., consisting of Sheets "A-1" & "A-4" dated stamped received 7/17/06, and Sheets "A-2" & "A-3" dated stamped received 10/23/06.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 26th day of June, 2007.

Hearing No. 07-6-CZ15-4
Is

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF JULY, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-15-07 adopted by said Community Zoning Appeals Board at its meeting held on the 26th day of June 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 2nd day of July 2007.



Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

July 02, 2007

Bishop Simeon L. Downs, et al.
c/o Ismael Allendes
8280 S.W. 139 Terrace
Miami, Florida 33158

Re: Hearing No. 07-6-CZ15-4 (07-15)
Location: 21450 S.W. 112 Avenue,
Miami-Dade County, Florida

Dear Mr. Allendes:

Enclosed herewith is Resolution No. CZAB15-15-07, adopted by Miami-Dade County's Community Zoning Appeals Board 15, which approved your clients' application on the above-noted location.

Please note that, the decision of the Board may be appealed to Circuit Court by any aggrieved party within thirty (30) days from the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is July 02, 2007.

If an appeal is filed, any permit sought shall be at the risk of the party seeking said permit. Copies of court filings concerning this matter should be served upon both my office and:

Robert Cuevas, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

Cordially,

Lou Salvat
Deputy Clerk

Enclosure

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements Construction Coordination
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning**
- Police
- Procurement Management
- Property Appraiser
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

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