

ORDINANCE NO. 2013-45

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 57 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, AND A TOTAL AREA OF 6,384 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE § 98-544. **PROPERTY LOCATED AT 830 SOUTHEAST 7 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of June 12, 2013, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, and having a total area of 6,384 square feet, more or less, where at least 7,500 square feet is required, contra to Hialeah Code § 98-544, which provides in pertinent part: “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall have a minimum average depth of 100 feet.”.

Property located at 830 Southeast 7 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 1 AND 2, IN BLOCK 11, OF HIALEAH PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

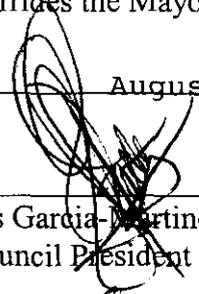
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

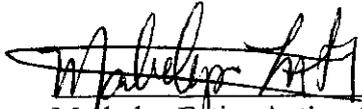
PASSED and ADOPTED this 13 day of August, 2013.



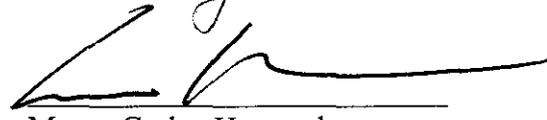
Isis Garcia-Martinez
Council President

Attest:

Approved on this 16 day of August, 2013.

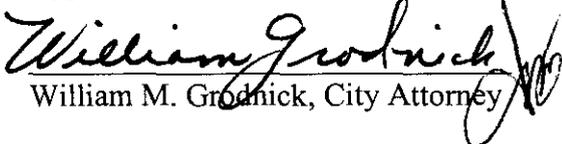


Marbelys Fatjo, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes", Councilmember Casals-Munoz absent.

PLANNER'S RECOMMENDATION FOR VARIANCE

MEETING: JUNE 12, 2013

ITEM # 4

APPLICANT: IRVING PENA

LOCATION: 830 SE 7 AVE, HIALEAH

SIZE: 6,384 Square Feet

EXISTING ZONING: R-3 (Multiple Family District)

EXISTING LAND USE: Low Density Residential

SURROUNDING LAND USE AND ZONING:

NORTH: R-1 (One-Family District)

EAST: C-2 (Liberal Retail Commercial District)

SOUTH: R-1 (One-Family District)

WEST: R-3 (Mutiple-Family District)

LAND USE PLAN: Low Density Residential

BUILDING VIOLATIONS: None

CODE VIOLATIONS: None

FIRE VIOLATIONS: None

FLOOD INFORMATION: FIRM zone: AH. Base flood elevation: 8.0; Finished floor elevation: 6.83. Flood criteria must be met prior to building permit.

REQUEST:

Variance permit to allow the construction of a duplex on a substandard lot, having a width of 57' (75' required) and total area of 6,384 square feet, more or less, (7,500 square feet required).

Planner's Recommendation

APPLICANT: IRVING PENA

MEETING: JUNE 12, 2013

LOCATION: 830 SE 7 AVE, HIALEAH

ITEM#: 4

ANALYSIS: According to the information obtained from Miami-Dade County's Tax Assessor's Office, this property known as Lots 1 and 2, Block 11, Hialeah Park, PB10-22, was separated from its parent parcel in 1979. It appears that this structure was used as an accessory structure to the residence known as 690 S.E. 8 Street located on Lots 3 and 4 of the same block. Subsequently, the county issued separate folio numbers to the properties. City records show that the original garage structure was built in 1963. However, there are no records of any permits for the conversion of the structure into the existing two-bedroom residence. In addition, being originally a garage, this structure does not comply with the requirements of flood criteria.

The applicant, who bought the property with the intention of redeveloping it, is now before the City requesting a variance to allow the construction of a new duplex in a substandard lot having a front of 57 feet and area of 6,384 sq ft, where 75 feet and 7,500 square feet are required.

Given that the current zoning of the property allows for a duplex and that the proposed structure complies with all the required setbacks, the request could be allowed. In addition, the construction of this new building, replacing a dilapidated garage structure, illegally converted into a living unit will not only correct a long standing violation, but will also enhance the area.

RECOMMENDATION: Approval

Disclosure of All Parties In Interest

Type of Application: Variance

Types: (Platting, Rezoning, Variance, Special use Permit, Conditional Use Permit, Final Decisions, Land Use Map Amendments).

* If Applicant is a Corporation or Partnership all officers and or partners shall disclose their name and addresses.

Names (s) and addresses (s) of all legal and/or equitable owners, even if said property is held in trust for same:

Corner Investment Group, LLC.

18492 NW 21 Street

Pembroke Pines FL 33029

Irvin Pena, MGRM and Jaidzy Hernandez, MGRM

5001 SW 193rd Lane, SW Ranches FL 33332

Name (s) and address (es) of those having any interest in a contract for sale of said property, including real estate brokers and sale persons:

N/A

Mortgagee (s) of Property:

N.A.

All those having an interest in a contract for sale, shall disclose whether they are acting and/or for an undisclosed principal and, if so shall disclose the name(s) and address (es) of the beneficiary (ies) of the trust or the principal(s) and their interest in the contract:

N/A

THE DISCLOSURE MUST BE MADE AND OR UPDATED WITHIN A REASONABLE TIME, AS MAY BE NECESSARY, IN ORDER TO ENSURE THAT THE INFORMATION DISCLOSED IS ACCURATE AT THE TIME OF FILING AND AT ALL TIMES THEREAFTER SPECIFICALLY, AT DATES UPON WHICH ACTION IS DISCUSSED AND/OR TAKEN UPON SUCH PROPERTY.

AFFIDAVIT

This is to certify that the undersigned (has) (have) prepared the foregoing disclosure of all parties in interest on property legally described as:

see reverse

Located on/at:

830 SE 7 Ave., Hialeah FL

(I) (We) further understand that any change (s) in said disclosure shall be updated and accurate at all times, specifically at dates upon which action is disclosed and/or taken on said property.

(I) (We) further certify that to the rest of (my) (our) knowledge it is a complete disclosure.

Signature Irvin Pena

Affix
Corporate
Seal

Signature Jaidzy Hernandez

State of Florida

County of Miami-Dade

The forgoing instrument was acknowledge before me on this _____ day of

May, 2013 by Irvin Pena and Jaidzy Hernandez

(Owner /Representative)

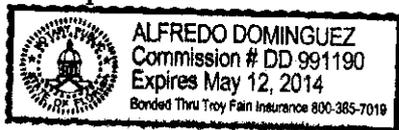
DID TAKE AN OATH [] OR DID NOT TAKE AN OATH []

PERSONALLY KNOWN [X] OR PRODUCED IDENTIFICATION []

Type of Identification Produced _____

May 12, 2014
My Commission Expires

Alfredo Dominguez
Signature of Notary Public



ALFREDO DOMINGUEZ
Name of Notary Typed, Printed, of Stamped

LEGAL DESCRIPTION:

Lots 1 and 2, Block 11 of "HIALEAH PARK", according to the Plat thereof, as recorded in Plat Book 10, at Page 22 of the Public Records of Miami-Dade County, Florida.

LOCATION: 830 S.E. 7th Avenue, Hialeah, FL 33010

FOLIO NO. : 04-3120-019-1960

FOR: CORNER INVESTMENT GROUP, LLC.

Application for Rezoning/Variance Hearing

Application Information

- 1) Owner of Property Representative
- 2) Name: Irvin Pena
- 3) Home Phone: (786) 344-3454 Work Phone: () _____
Cellular Phone: () _____
- 4) Mailing Address: 5001 SW 193rd Lane
City: SW Ranches State: FL Zip: 33332
Email address: _____

Property Information

- 5) Folio Number: 04-3120-019-1960
- 6) Address of Location: 830 SE 7 Avenue
- 7) Legal Description: see reverse

Requested Zoning/Variations

- 8) Existing Zoning (Office Use): R-3
- 9) Zoning and/or Variance desired: see reverse

Justification for Variances Request

- 10) Special conditions or reasons justifying requested Zoning or
In order to build a duplex on property zoned R-3
- 10a) If applicable, what provisions will be made for official right-of-way
existing