



Stephen R. Olmsted, AICP  
Planning Director  
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: December 1, 2023

TO: Yocelyn Galiano, ICMA  
Village Manager

FROM: Stephen Olmsted, AICP, LEED-GA  
Planning Director

RE: Carlos Zamora - 11175 Killian Park Road  
Appeal of Zoning Board Decision to Deny Setback and Impervious  
Coverage/Greenspace Variances

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**PETITION REQUEST**

Mr. Carlos Zamora is appealing the September 27, 2023 decision of the Pinecrest Zoning Board to deny two (2) variances from the requirements of the Village's Land Development Regulations as follows:

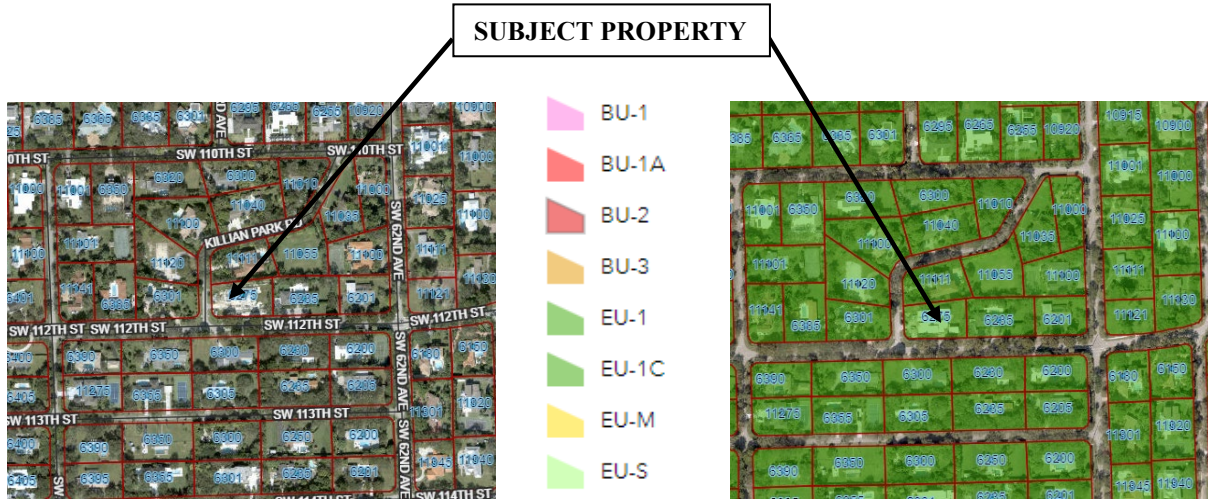
- 1.) A variance from the side and rear yard setback requirements of Division 4.2 (c) 5. g. of the Village's Land Development Regulations to allow an existing pickleball court to remain 8.74 feet from the side (north) property line instead of 19.20 feet, and 1.88 feet from the rear (east) property line instead of 15 feet, and
- 2.) A variance from the requirements of Division 4.2 (c) 5.d. of the Land Development Regulations to allow 54% impervious coverage on the subject property and 46% green space instead of 45% impervious coverage and 55% green space as otherwise required.

Pursuant to Division 3.9 of the Village's Land Development Regulations, the Village Council is required to conduct a de novo hearing and consider why the decision of the Zoning Board should or should not be sustained and/or modified.

A copy of the submitted appeal including a description of the applicant's request and a copy of the staff report and information previously considered by the Zoning Board on September 27, 2023 are attached.

**SITE LOCATION**

The subject property is located at 11175 Killian Park Road, Pinecrest, FL 33156, within the EU-1, Residential Estate zoning district; Folio # 20-5012-012-0080.



**OWNER/APPLICANT**

Carlos Zamora (Owner and Applicant)

**BACKGROUND**

Mr. Zamora constructed a new home on the subject property in 2022 in compliance with all requirements of the Village’s Land Development Regulations. Following issuance of a certificate of occupancy, Mr. Zamora installed a new sports court and artificial turf without required permits, causing the property to now be in violation of the Village’s setback and impervious coverage/greenspace requirements. Mr. Zamora is now requesting setback and greenspace variances as referenced above to allow continuance of the sports court and artificial turf. A copy of Mr. Zamora’s application and letter of intent explaining his application and the circumstances related to his request are attached.

In Mr. Zamora’s letter, he asserts that his lot is “significantly smaller” than other lots in the EU-1, Residential Estate zoning district. The minimum required lot size in the EU-1, Residential Estate zoning district is one (1) acre (43,560 square feet) gross, measured to the centerline of adjoining rights-of-way. Mr. Zamora indicates in his September 27, 2023 correspondence (attached) that the gross area of his lot including adjacent right-of-way is 40,494 square feet, or less than the required one acre minimum. However, staff has calculated that there is approximately 11,635 square feet of right-of-way adjacent to the west and south property lines, measured to the centerline, resulting in a gross lot area of 44,127 square feet or 1.013 acres gross.

Mr. Zamora has included a list of "Recent applicable variance cases in Pinecrest". Division 3.5 of the Village's Land Development Regulations prohibit granting of a variance "*because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district or because of prior variances granted*".

**PUBLIC COMMENT**

The Building and Planning Department has received two (2) letters in support of the proposed variances, and one (1) letter in opposition. A copy of all correspondence is attached.

**PINECREST LAND DEVELOPMENT REGULATIONS**

The subject property is zoned EU-1, Residential Estate and is 32,492 square feet in area (net). Pursuant to the requirements of Division 4.2 (c) of the Village's Land Development Regulations, the following setback, green space, and impervious coverage, requirements are applicable to the subject property:

	<u>EU-1</u>	<u>Proposed</u>
Side Setback	19.2 feet	8.74 feet
Rear Setback	15 feet	1.88 feet
Min. Greenspace	55%	46%
Max. Impervious	45%	54%

[14,641 square feet = 45% (permitted home and structures) + 1,514 square feet = 5% (sports court) + 1,430 square feet = 4% (artificial turf)]

Preservation of a minimum of 55% of the property in undeveloped natural area is required. Artificial turf is permitted in Pinecrest provided the specified minimum required natural area on each property is maintained. The submitted survey indicates that currently 46% of the property (14,907 square feet) consists of natural, undeveloped greenspace as defined by the Land Development Regulations. In order to satisfy the greenspace requirements of the Land Development Regulations, restoration of a total of 9% of the lot area (2,944 square feet) to green space will be required.

The existing pickleball and half basketball court is located in the northeast corner of the subject property, within the required side and rear yard setback, 8.74 feet from the side lot line instead of 19.20 feet, and 1.88 feet from the rear lot line instead of 15 feet as otherwise required. Division 5.7 of the Village's Land Development Regulations (buildings and structures), paragraph a., requires accessory uses to conform to the same setbacks as

principal structures with exceptions for certain specified accessory uses. Pickleball courts or other sports courts are not listed as an exception.

### SETBACK VARIANCE

Division 4.2 (c) 5. g. of the Village's Land Development Regulations requires the existing sports court to be located 19.20 feet from the side (north) property line and 15 feet from the rear (east) property line. The applicant has constructed an unpermitted sports court 8.74 feet from the side lot line and 1.88 feet from the rear property line.

### VARIANCE CRITERIA – SIDE AND REAR YARD SETBACK

Criteria for approval of a variance from the requirements of the Land Development Regulations are provided in Division 3.5 of the Village's Land Development Regulations. A copy of the criteria is attached for the Village Council's consideration. In order to authorize any variance from the terms of the Land Development Regulations, the Village Council is required to find that the request meets all of the specified criteria. Criteria include the following:

1. ***Variance consistent with authorized powers.*** *That the variance is in fact a variance set forth in the Land Development Code and within the province of the board or Village Council, as applicable.*

The Village Council has the authority to consider the request. Pursuant to Division 3.9 (d) of the Village's Land Development Regulations, an appeal from any decision of the Zoning Board may be taken to the Village Council by any person who is aggrieved by such decision.

2. ***Existence of special conditions or circumstances.*** *That 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.*

There do not appear to be any special conditions related to the variance request. Maintenance of minimum specified setback requirements is a condition applicable to all other properties in the Village of Pinecrest. Approval of this variance request would grant the applicant a right that otherwise is not permitted.

3. ***Conditions not created by the applicant.*** *That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances are the direct result of the applicant's decision to design and construct a new home, swimming pool, gazebo, carport, and other structures, excluding the sports court, in compliance with the Village's Land Development Regulations and to thereafter construct the sports court in its current location without going through the required permitting process.

4. ***Special privileges not conferred.*** *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

Granting of the variance would confer a privilege to the applicant that would be denied to others. An accessory structure on the subject property within the EU-1, Residential Estate Zoning District is otherwise required to be located 19.2 feet from the side lot line and 15 feet from the rear property line.

5. ***Hardship conditions exist.*** *That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*

Hardship conditions do not appear to exist. Literal interpretation of the Land Development Regulations would require the applicant to obtain an impervious coverage/green space variance and relocate the unpermitted sports court, or alternatively, to remodel the impervious areas to of the site to accommodate the sports and artificial turf in compliance with the requirements of the Land Development Regulations.

6. ***Only the minimum variance granted.*** *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

A variance is not required to allow for reasonable use of the land. The property is 32,492 square feet in area (net) excluding adjoining right-of-way and includes a single-family residence swimming pool, gazebo, tiled terrace, pond, pergolas, carport, and three (3) driveway entrances including one adjacent to SW 122 Street, and two adjacent to Killian Park Road. Reasonable use of the property will continue to be available to the applicants if the variance request is denied.

7. ***Not injurious to the public welfare or intent of the land development code.*** *That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that*

*such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The purpose of the Land Development Regulations is *"to establish comprehensive controls and management for the use of land and water within the Village; to preserve the unique Village character; and to protect, promote, and improve the public health, safety, comfort, order appearance, convenience, and general welfare of the people within the Village"*. The purpose of established setback requirements is to provide sufficient open space and separation of uses from adjoining properties, and to prevent infringement on the space and rights of neighbors, for example. Maintenance of a pickleball and half basketball court within the required side and rear yards, closer to the property lines than otherwise permitted, could be disruptive of the neighboring property owner's quiet enjoyment of their property either now or at some time in the future, and could serve as the basis for similar requests by other property owners in the Village, if approved. Development on lots closer to the property line than otherwise required would be contrary to the purpose of the Land Development Regulations

#### **RECOMMENDATION – SIDE AND REAR YARD SETBACK VARIANCE**

The Building and Planning Department recommends that the requested variance be denied as the request does not meet all of the required criteria for approval. In the event the Village Council considers granting the requested variance, the Village Council may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Development Master Plan and the Land Development Regulations. If the Village Council makes the decision to approve the variance, staff would recommend the following conditions of approval be imposed:

1. Approval of a variance for reduction of greenspace in the amount necessary to accommodate the existing sports court.
2. The variance shall be limited to the existing sports court. The variance is specific for this use and does not provide the right to build other structures in the required setback areas.
3. If the sports court is removed, damaged or destroyed to an extent that equals or exceeds 50 percent of its value, the setback variance shall expire and any new construction or reconstruction shall occur in compliance with the Village's Land Development Regulations.
4. A six-foot solid fence shall be installed adjacent to the north and east sides of the existing sports court and landscaping consisting of a hedge and trees shall be planted between the north and east property line and the sports court to form an opaque

landscaping buffer on the owner's property. A proposed landscaping plan shall be submitted for review and approval by the Administrative Official prior to planting. Additional landscaping may include Paradise Trees, Pigeon Plum Trees Travelers Palms, Dahoon Holly, Japanese Ferns, Large Leaf Clusia or equivalent plantings as approved by the Administrative Official. Trees shall be a minimum of twelve feet in height and 3 inches diameter (dbh) at the time of planting.

5. The applicant shall install "acoustiblok" or equivalent sound attenuating material on the north and east sides of the required fence adjacent to the pickleball court to reduce noise that the game of pickleball typically generates.
6. Illumination of the sports court shall not be permitted.
7. The applicant shall obtain a building permit from the Village of Pinecrest Building and Planning Department.

### GREENSPACE VARIANCE

Permitting the sports court and artificial turf as proposed by the applicants will require a variance from the requirements of Division 4.2 (c) 5. d. iii of the Land Development Regulations to allow 46% green space on the property where a minimum of 55% is otherwise required ("Minimum green space: 55 percent").

The Land Development Regulations define "Green Space" as "*a permeable area or areas open to the sky (except for roof overhangs up to three feet) including beautification strips, consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, planted floral installations, and dry retention areas, all of which must be composed of natural plantings only*".

During a review and discussion of the Village's Land Development Regulations in 2018, the Village Council confirmed that the definition of required green space does not include artificial turf and is limited to natural plantings only.

### VARIANCE CRITERIA – GREEN SPACE

Criteria for approval of a requested variance are provided in Division 3.5 of the Village's Land Development Regulations. A copy of the criteria is attached for the Village Council's consideration. In order to authorize any variance from the terms of the Land Development Regulations, the Village Council is required to find that the request meets all of the specified criteria. Criteria include the following:

1. ***Variance consistent with authorized powers.*** *That the variance is in fact a variance set forth in the Land Development Code and within the province of the board or Village Council, as applicable.*

The Village Council has the authority to consider the request. Pursuant to Division 3.9 (d) of the Village's Land Development Regulations, an appeal from any decision of the Zoning Board may be taken to the Village Council by any person who is aggrieved by such decision.

2. ***Existence of special conditions or circumstances.*** *That 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.*

There are no special conditions that exist that are peculiar to the land that necessitate a reduction in greenspace to accommodate the proposed pickleball court and artificial turf. Approval of the requested variance is not necessary to accommodate outdoor recreational activities on the residential property.

3. ***Conditions not created by the applicant.*** *That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances relative to the proposed variance result from the desires and actions of the applicant to install a pickleball court and artificial turf without permits subsequent to issuance of a certificate of occupancy.

4. ***Special privileges not conferred.*** *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

Maintenance of 55% green space is a requirement that applies to all properties in the EU-1, Residential Estate zoning district. Approval of the requested variance for a reduction in required green space would confer a privilege that is otherwise denied to other properties in the same EU-1, Residential Estate zoning district.

5. ***Hardship conditions exist.*** *That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*

Hardship conditions do not appear to exist. Literal interpretation of the Land Development Regulations would require the applicants to remove the sports court and to reduce the area and intensity of the artificial turf and/or hardscape.

6. *Only the minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

A variance is not required to allow for reasonable use of the land. The property is 32,492 square feet in area (net), not including the adjoining right-of-way) and includes a single-family residence swimming pool, gazebo, tiled terrace, pond, pergolas, carport, and three (3) driveway entrances including one adjacent to SW 122 Street, and two adjacent to Killian Park Road. Reasonable use of the property will continue to be available to the applicants if the variance request is denied.

7. *Not injurious to the public welfare or intent of the land development code. That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

#### Land Development Regulations

The authority and purpose of Chapter 30, Land Development Regulations of the Village of Pinecrest Code of Ordinances is "to establish comprehensive controls and management for the use of land and water within the village; to preserve the unique village character; and to promote and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the village". Preservation of a certain portion of natural undeveloped land within the Village is consistent with the purpose and intent of the Village's Land Development Regulations.

The Land Development Regulations define "Green Space" as "*a permeable area or areas open to the sky (except for roof overhangs up to three feet) including beautification strips, consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, planted floral installations, and dry retention areas, all of which must be composed of natural plantings only*".

The purpose of the Land Development Regulations is "*to establish comprehensive controls and management for the use of land and water within the Village; to preserve the unique Village character; and to protect, promote, and improve the public health, safety, comfort, order appearance, convenience, and general welfare of the people within the Village*". The purpose of impervious coverage, and greenspace requirements is to provide sufficient open space and separation of uses from adjoining properties, to

prevent infringement on the space and rights of neighbors, to allow room for natural vegetation, to serve as filtration areas for stormwater runoff, and to otherwise support the natural environment and the positive impacts that preservation of green space provides, including absorption of carbon dioxide, generation of oxygen, and cooling of the microclimate through evapotranspiration, for example. Approval of a reduction in required green space would be inconsistent with the stated purpose of the Land Development Regulations.

### Comprehensive Development Master Plan

Preservation of natural undeveloped land is consistent with Policy 1-2.2.1: *Low Density Residential Development* of the Comprehensive Plan. The policy states that the densities for low-density residential development are prescribed to “promote compatibility with natural features of the land”, and to “protect the quality and character of residential estates and single-family neighborhoods from incompatible development”. Preservation of undeveloped natural space is consistent with the policy’s intent to “promote compatibility with natural features of the land”, thereby protecting the quality of the residential neighborhood.

Preservation of natural, undeveloped open space is also consistent with Policy 1-3.2.6 *Redevelopment Planning Activities* of the Village’s Comprehensive Development Master Plan. The policy requires that the Land Development Regulations provide a regulatory framework that prevents the loss of open space, landscaping, native vegetation and tree canopies, and requires screening and/or buffer areas adjacent to areas of potentially incompatible land uses.

The goal of the Conservation Element of the Village’s Comprehensive Development Master Plan (Goal 5-1) is to “conserve, manage, use and protect the natural and environmental resources of Pinecrest to ensure continued resource availability and environmental quality”. Green space, defined in the Land Development Regulations as areas “consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, planted floral installations, and dry retention areas, all of which must be composed of natural plantings only”, is a critically important natural and environmental resource that is protected through implementation of green space requirements of the Land Development Regulations. A reduction in required green space would be inconsistent with Goal 5-1 and related objectives and policies of the Comprehensive Plan.

## RECOMMENDATION – GREEN SPACE VARIANCE

The Building and Planning Department recommends that the variance request be denied as the request does not meet all of the criteria required for approval. In the event that the Village Council makes the decision to approve the variance, staff would recommend the following conditions of approval be imposed:

1. Any reduction in required green space shall be limited and applied to facilitate the existing pickleball court only; and shall not be used to support any subsequent increases in development intensity.
2. Review and approval of a survey, site plan, and building permits by the Building and Planning Department.

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## Div. 3.5. Variances.

\* \* \*

- (f) *Zoning board or village council action and criteria for approval.* After the hearing, the zoning board or village council as applicable shall adopt a motion granting, granting with conditions, or denying the variance which shall be memorialized in a written order.
1. *Criteria.* In order to authorize any variance from the terms of this land development code, the zoning board or village council, as applicable, shall find all of the following:
    - a. *Variance consistent with authorized powers.* That the variance is in fact a variance as set forth in the land development code and within the province of the board or village council, as applicable, based upon the opinion of the village attorney.
    - b. *Existence of special conditions or circumstances.* That 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.
    - c. *Conditions not created by applicant.* That the special conditions and circumstances do not result from the actions of the applicant.
    - d. *Special privileges not conferred.* That granting the variance requested will not confer on the applicant any special privilege that is denied by this land development code to other lands, buildings, or structures in the same zoning district.
    - e. *Hardship conditions exist.* That literal interpretation of the provisions of this land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code and would work unnecessary and undue hardship on the applicant.
    - f. *Only the minimum variance granted.* That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
    - g. *Not injurious to public welfare or intent of the land development code.* That the grant of the variance will be in harmony with the general intent and purpose of the comprehensive development master plan and this land development code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
  2. *Conditions and safeguards may be imposed.* In granting any variance, the zoning board or village council, as applicable may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the comprehensive development master plan and this Code or any other duly enacted ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the land development code and shall nullify the variance.
  3. *Time limit shall be imposed.* The zoning board or village council, as applicable shall prescribe a reasonable time limit within which the action for which the variance is required shall begin, and such time shall not exceed six months from the date of the written order unless an application for development permit has been filed.



## DEVELOPMENT ORDER

HEARING NUMBER: PZ2023-0927-3

APPLICANT: CARLOS ZAMORA (OWNER/APPLICANT)

HEARING DATE: SEPTEMBER 27, 2023

RELIEF SOUGHT: APPROVAL OF A VARIANCE FROM THE SIDE AND REAR YARD SETBACK REQUIREMENTS OF DIVISION 4.2 (C) 5. G. OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS TO ALLOW EXISTING PICKLEBALL COURT TO REMAIN 8.74 FEET FROM THE SIDE (NORTH) PROPERTY LINE INSTEAD OF 19.20 FEET, AND 1.88 FEET FROM THE REAR (EAST) PROPERTY LINE INSTEAD OF 15 FEET; AND AN IMPERVIOUS COVERAGE VARIANCE TO ALLOW 54% IMPERVIOUS COVERAGE INSTEAD OF 45% AS OTHERWISE REQUIRED.

LOCATION: 11175 KILLIAN PARK ROAD

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The request for approval of a request filed by Carlos Zamora (the "Applicant") came to be heard before the Zoning Board of the Village of Pinecrest, Florida (the "Zoning Board") at a public hearing held on September 27, 2023. The Zoning Board having considered the relief sought by the Applicant and having the benefit of receiving testimony and evidence related to the request from the Applicant, the administrative staff of the Village of Pinecrest, Florida and affected persons, heard arguments and observed the candor and demeanor of witnesses and therefore, find that:

1. The application for the relief sought was made in a manner consistent with the requirements of the Land Development Regulations as adopted by the Village of Pinecrest, Florida.
2. The Applicant has not established by substantial competent evidence a basis for the relief sought.
3. The Applicant's request for relief is hereby denied pursuant to the authority granted to the Zoning Board by Chapter 30 of the Code of Ordinances.
4. This order shall take effect immediately upon execution by the Village Clerk.
5. The public record, including but not limited to the Zoning Board and staff reports, comments and recommendations on the subject application, and the agenda materials provided to the board, along with sworn testimony and evidence established before the board are hereby incorporated by reference.

ADOPTED this 27th day of September, 2023 by the Zoning Board as follows:

Member Chisolm	Nay
Member Mora	Aye
Member Shapiro	Aye
Member Timmons	Aye
Vice Chairperson Enekes	Aye
Chairperson Greenberg	Aye

EXECUTED this 19 day of October, 2023.



VILLAGE OF PINECREST, FLORIDA

A handwritten signature in blue ink, appearing to read "Priscilla Torres". The signature is written in a cursive, flowing style and is positioned above a horizontal line.

Priscilla Torres, MMC  
Village Clerk

**PUBLIC HEARING NOTICE**

**PUBLIC HEARING NOTICE**



Stephen R. Olmsted, AICP  
Planning Director  
planning@pinecrest-fl.gov

**REVISED NOTICE**

**REVISED NOTICE**

MEMORANDUM

Department of Building and Planning

On Tuesday, **December 12, 2023 at 7:00 p.m.**, the Pinecrest Village Council will conduct the following quasi-judicial Public Hearing to consider an appeal of a decision of the Pinecrest Zoning Board to be held at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida 33156:

**HEARING #2023-1212-1.** Carlos Zamora (Owner/Applicant) is appealing the decision of the Pinecrest Zoning Board to deny a variance from the side and rear yard setback requirements of Division 4.2 (c) 5. g. of the Village’s Land Development Regulations to allow an existing pickleball court to remain 8.74 feet from the side (north) property line instead of 19.20 feet, and 1.88 feet from the rear (east) property line instead of 15 feet; and a variance from the requirements of Division 4.2 (c) 5.d. of the Land Development Regulations to allow 54% impervious coverage and 46% green space on the subject property instead of 45% impervious coverage and 55% green space as otherwise required.

The Village Council will conduct a de novo hearing and will consider why the decision of the Zoning Board should or should not be sustained and/or modified.

**LOCATION:** The subject property is located at 11175 Killian Park Road, Pinecrest, FL 33156, within the EU-1, Residential Estate zoning district; Folio # 20-5012-012-0080.

**SUBJECT PROPERTY**



- BU-1
- BU-1A
- BU-2
- BU-3
- EU-1
- EU-1C
- EU-M
- EU-S



**OVER**



**OVER**

# PUBLIC HEARING

PERTAINING TO THIS PROPERTY TO BE HELD AT:

## MUNICIPAL CENTER

12645 PINECREST PARKWAY

ADDITIONAL  
INFORMATION  
CALL: 305-234-2121

DEPARTMENT  
OF  
BUILDING  
AND  
PLANNING

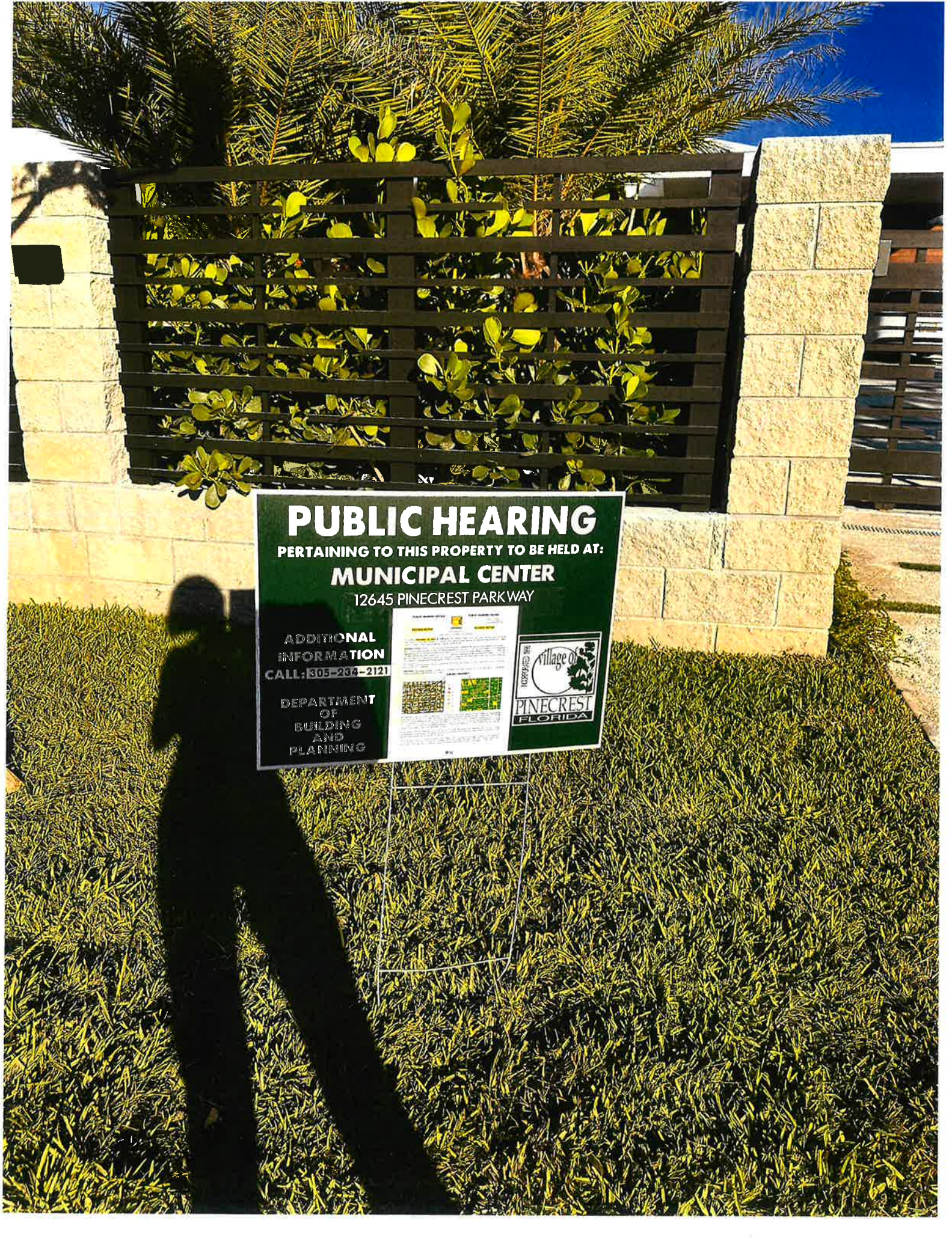
A flyer titled "PUBLIC HEARING NOTICE" with "NOTICE NO. 032" and "PENDING MATTER". It contains text about a public hearing and two maps. The left map is a street grid, and the right map is a green-colored site plan. The flyer is partially obscured by the main sign.



**PUBLIC HEARING**  
PERTAINING TO THIS PROPERTY TO BE HELD AT:  
**MUNICIPAL CENTER**  
12645 PINECREST PARKWAY

ADDITIONAL  
INFORMATION  
CALL: 305-237-2121

DEPARTMENT  
OF  
BUILDING  
AND  
PLANNING





## Stephen Olmsted (BPD)

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**From:** Roxana Neira (BPD)  
**Sent:** Friday, October 13, 2023 2:06 PM  
**To:** Stephen Olmsted (BPD)  
**Subject:** FW: 11175 Killian Park Road 2023-0927-3

FYI

**From:** pellicer@aol.com <pellicer@aol.com>  
**Sent:** Friday, October 13, 2023 1:54 PM  
**To:** Roxana Neira (BPD) <rneira@pinecrest-fl.gov>  
**Subject:** Fw: 11175 Killian Park Road 2023-0927-3

**CAUTION: Don't be quick to click! We're counting on you!** This email is from an external sender! Don't click on links or open attachments from unknown sources. If you know this is spam delete the message. If you need further assistance with an unknown message please contact [gwilson@pinecrest-fl.gov](mailto:gwilson@pinecrest-fl.gov)

Good Afternoon Mr. Olmsted,

We have just received another notice from Pinecrest that our neighbor is appealing the decision of The Pinecrest Zoning Board.

The latest hearing is set for November 14, 2023 and we will be away.

Please include our letter again stating our objections to his request. I hope that he can accept this decision with grace and stop appealing this decision. This is an unhealthy trend in Pinecrest. He lives on 3/4 of an acre. It seems that almost all of his property is covered by man-made materials.

Thank you again.

Hilary and Baldo Pellicer  
11010 Killian Park Road

----- Forwarded Message -----

**From:** [pellicer@aol.com](mailto:pellicer@aol.com) <[pellicer@aol.com](mailto:pellicer@aol.com)>  
**To:** [planning@pinecrest-fl.gov](mailto:planning@pinecrest-fl.gov) <[planning@pinecrest-fl.gov](mailto:planning@pinecrest-fl.gov)>  
**Sent:** Monday, August 28, 2023 at 05:03:44 PM EDT  
**Subject:** 11175 Killian Park Road 2023-0927-3

Hello Mr. Olmsted,

Thank you for speaking with me this afternoon. I would like to make our position clear as to our neighbor's request to both increase impervious coverage at his property and to decrease green space. We cannot attend the hearing related to these issues but wanted to make it very clear that we are opposed to this homeowner's request.

We have lived on Killian Park Road for 29 years. This road is subject to terrible flooding. We

have the lowest property on a very low road. We have flooded inside our home several times. Since we fought for and had installed some underground drains ( to nowhere), things have improved. Yet, even last year our garage flooded. We are very opposed to increasing any impervious ground cover!

Also, Pinecrest is known for its beauty. Part of that beauty is the greenspace which we all have. Any decrease in greenspace should not be allowed.

I hope that you will take our position very seriously and deny Mr. Zamora's request. Thank you very much.

Hilary Pellicer  
Baldo Pellicer  
11010 Killian Park Road  
305-798-2046

## Roxana Neira (BPD)

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**From:** Matthew Goetz <matthew.goetz@gmail.com>  
**Sent:** Wednesday, November 1, 2023 10:34 PM  
**To:** Roxana Neira (BPD); Stephen Olmsted (BPD); Priscilla Torres (OVC)  
**Subject:** Support for Variance - 11175 KILLIAN PARK ROAD

**CAUTION: Don't be quick to click! We're counting on you!** This email is from an external sender! Don't click on links or open attachments from unknown sources. If you know this is spam delete the message. If you need further assistance with an unknown message please contact [gwilson@pinecrest-fl.gov](mailto:gwilson@pinecrest-fl.gov)

Hi Stephen,

I am Matthew Goetz, residing at 6050 SW 109th St, and I wish to convey my endorsement for the variance application submitted by the Zamora family for the continuation of their sport court and artificial turf which currently exceeds the zoning requirements.

While I recognize that the present setup of the sport court and artificial turf may diverge from the zoning regulations, I'd like to underscore its beneficial contributions to our community. The Zamora family has consistently demonstrated consideration, ensuring their sport court does not cause any disruptions or nuisances to adjacent residences. I'm of the belief that when endeavors promote community enrichment, certain deviations can be justifiably permitted. The artificial turf should also be recognized as green space given the benefits it provides, and especially considering the standard set from the Gulliver variance.

I earnestly hope that the Village Council will factor in my feedback and endorsement when deliberating during the scheduled hearing in December 2023.

I appreciate your attention to this matter. Thank you.

Regards,

Matthew and Elle Goetz

## Roxana Neira (BPD)

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**From:** Ada da Silva <adadasilva01@yahoo.com>  
**Sent:** Wednesday, November 1, 2023 9:43 PM  
**To:** Roxana Neira (BPD); Stephen Olmsted (BPD); Priscilla Torres (OVC)  
**Cc:** cmzamora03@gmail.com  
**Subject:** Support for Variance VP2307-0002

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RE: Support for Variance (VP2307-0002)  
11175 KILLIAN PARK ROAD

Hi Stephen, Planning Office,

My name is Ada Da Silva, residing at 11111 Killian Park Road, which is adjacent to 11175 Killian Park Road. I am writing to express my support for the sport court and impervious coverage that exceeds the Zoning requirements.

*Note: This is our second letter expressing our support.*

While I understand that the sport court and impervious coverage as it stands may not be in line with the zoning code, I would like to emphasize its positive impact to our community.

The Zamora family has been considerate in ensuring that the sport court does not impose any undue disturbances or inconveniences to neighboring properties. I believe that certain exceptions can be made when they align with the larger goal of community building.  
**As a direct neighbor, I am not only unopposed to the sport court but truly appreciate its presence.**

**I kindly request that the Zoning Board use my feedback and support when making a decision during the upcoming hearing on December 12, 2023**

Thank you for your time and consideration.

Regards,

Ada Da Silva

Fernando Silva



VILLAGE OF PINECREST  
Building & Planning Department

### PUBLIC HEARING APPLICATION

Administrative Review Application

- Please check one:
- VILLAGE COUNCIL
  - PLANNING BOARD
  - ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY
Application No. <u>AP2310-0001</u>
Date Received: <u>10/4/2023</u>

#### INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

#### APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- |  |  |
|--|--|
| <input type="checkbox"/> Change in Zoning District     | <input type="checkbox"/> Plat          |
| <input type="checkbox"/> Variance                      | <input type="checkbox"/> Entry Feature |
| <input checked="" type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan     |
| <input type="checkbox"/> Conditional Use               | <input type="checkbox"/> Other _____   |

**IMPORTANT:** THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) Carlos Zamora		
Mailing Address 11175 Killian Park Road	City, State, Zip Pinecrest, FL 33154	Telephone 786-314-6024 Email cmzamora03@gmail.com
Name of Owner Carlos Zamora		
Mailing Address 11175 Killian Park Road	City, State, Zip Pinecrest, FL 33156	Telephone 786-314-6024 Email cmzamora03@gmail.com

#### PROPERTY INFORMATION

A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).  
If metes and bounds description – Complete description, including section, township and range).

Folio Number 20-5012-012-0080

Address 11175 Killian Park Road, Pinecrest (FL) 33156

Lot(s) 8 Block \_\_\_\_\_ Section \_\_\_\_\_ Plat Book No. 56 Page No. 76

FINISHED FLOOR ELEVATION (If applicable): 11.8' FLOOD N/A ZONE X and AH

Revised 8/2016

B. ADDRESS (If number has been assigned) 11175 Killian Park Road, Pinecrest (FL) 33156

C. SIZE OF PROPERTY \_\_\_\_\_ ft. X \_\_\_\_\_ ft. = 32,492 SF sq. ft.; \_\_\_\_\_ acre(s)  
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

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E. DATE SUBJECT PROPERTY WAS ACQUIRED 11/25/2019

**APPLICANT'S PROPOSAL**

Specify in full the request. (Use a separate sheet of paper if necessary.)

See separate sheet of paper with Letter of Intent

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**INTENT**

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See separate sheet of paper with Letter of Intent

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Is this application the result of a Notice of Violation or deviation from approved plans?  Yes  No

Are there any existing structures on the property?  Yes  No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) New SFR already built (permitted under BL2020-0482)

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A.  **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B.  **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C.  **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D.  **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E.  **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F.  **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

**NOTE:** SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 10 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other \_\_\_\_\_


Please check only one of the following options:

**FOR VILLAGE COUNCIL PURPOSES**

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

**FOR ZONING BOARD PURPOSES**

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 14 days of the decision.

10/4/23		Carlos Zamora
Date	Applicant's Signature	Print Name
Date	Applicant's Signature (if more than one)	Print Name

I/We Carlos Zamora as Owner(s) of Lot(s) 8

Block \_\_\_\_\_ Section \_\_\_\_\_ PB/PG 56 - 76

of property which is located at 11175 Killian Park Road, Pinecrest (FL) 33156 desire to file an application for a public hearing before the  Village Council  Planning Board  Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

I/We as the owners of the subject property (check one):

- do hereby authorize \_\_\_\_\_ to act on my/our behalf as the applicant.
- will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

Owner's Name Carlos Zamora Signature  Date 10/4/2023

Owner's Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Notary to Owner:

Applicant's Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Notary to Applicant:

**OPTIONAL**  
 However, applicants are encouraged to contact neighbors regarding application.

# PUBLIC HEARING APPLICATION SUPPLEMENT

\_\_\_\_\_ has applied to the Village of Pinecrest for a variance,  
 Name of Applicant

which will affect the property located at \_\_\_\_\_ as follows:  
 Property Address

To permit \_\_\_\_\_

The  Village Council  Zoning Board will hold a public hearing on this request. I have read the above requested variance, the applicable plans and understand that I am waiving any objection to the proposed variance and related construction as described above. By subscribing my name below, I hereby certify that I have done so freely and without any duress or misrepresentation on the part of the applicant.

Parcel 1 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 2 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 3 _____ Owner Name _____ Address _____ Signature _____ Date
Parcel 4 _____ Owner Name _____ Address _____ Signature _____ Date	<b>SUBJECT PROPERTY</b> Please indicate the NORTH direction. (Circle one)  ←    ↑    ↓    →	Parcel 5 _____ Owner Name _____ Address _____ Signature _____ Date
STREET / AVENUE / TERRACE / ROAD / COURT		
Parcel 6 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 7 _____ Owner Name _____ Address _____ Signature _____ Date	Parcel 8 _____ Owner Name _____ Address _____ Signature _____ Date

Village Council Hearing Materials

# VARIANCE APPLICATION

11175 Killian Park Road, Pinecrest (FL) 33156

Zamora Family

November 2023

PRIVATE & CONFIDENTIAL



# BACKGROUND OF FAMILY & VARIANCE APPLICATION

My name is Carlos Zamora and wife's name is Vanessa Zamora, and we, along with our son, Maximus Zamora, reside at 11175 Killian Park Road. We appreciate the opportunity to address the Village Council concerning our application for a setback and green space variance from the Land Development Regulations to allow the continuation of the sport court and artificial turf in our backyard. Our family is deeply devoted to maintaining the artificial turf and sport court as it plays a pivotal role in our family's health and recreational activities and overall well-being, hence our earnest request for your understanding and consideration.

We are requesting variance approval from the following:

- I. **Setback Requirements** – to allow an existing half-size sport court to remain 8.74 feet from the side property line instead of 19.20 feet, and 1.88 feet from the rear property line instead of 15 feet; and
- II. **Green Space Requirements** – to allow 46% (or 53% of green space if you count our green-wall gardens, koi pond, and artificial grass as green space) instead of 55% green space as otherwise required.

We are relatively newly-minted residents of the Village of Pincrest. We acquired the property at 11175 Killian Park Road in 2019 when it was initially host to a vintage ranch-style home spanning 3,000 square feet. As a young couple with aspirations to build our dream home, we embarked on the journey of new construction. Despite the many challenges encountered along the way, we were granted our temporary certificate of occupancy and settled into our new abode in December 2022. The corner area of our backyard was originally designated to be utilized as an open field to play sports such as soccer or flag football. However, after a couple months of living on the property and utilizing the backyard, it became clear that natural sod (especially fresh cut) and the cross pollination was causing allergic reactions for our son, leading to terrible rashes and irritations. My son and I both have sensitive skin and allergies, with his being more acute and reacting to certain plants. Living in a high-rise in Brickell previously, we hadn't fully grasped the extent of our son's sensitivity. Simply put, the natural grass and its related airborne allergens prevented our family from playing in and enjoying the backyard.

As a result, we engaged Sport Court South Florida and Easy Grass, who are both known for their previous work in the Village of Pincrest, to install a sport court and artificial grass in the courtyard of our backyard. However, two months after the installation, the Village of Pincrest issued a Code Compliance, citing two violations. We were offered two options: (i) remove the court and artificial turf, or (ii) apply for a variance. Before I go on any further, I'd like to apologize, on behalf of my family, to the Village Council for the oversight and the process that has resulted from this violation. Acting on the advice of those vendors and the observations we made after coming across several other dozen homes in Pincrest, we were under the impression that the installation of the court and turf was standard practice and did not require any permits. We have learned a lot about the Land Development Regulations through this process, and we are glad that the variance process is available to the community.

Given the unique hardships and special challenges we face, particularly our family's skin sensitivities and allergies, strictly adhering to the Village's Land Development Regulations would deny my family the same privileges that our neighbors in the same zoning district enjoy. Our paramount concern is our son's well-being, health, and development. We trust that the Village Council's decision will be grounded in understanding and common sense. Neither the artificial grass nor the sport court pose any adverse effect or impact on the health, safety, enjoyment, or well-being of our adjacent neighbors and the local community. The sought variance is not a plea for special privilege but a necessary relief from the inequitable treatment and distinctive hardships. We truly value being a part of this community and earnestly seek an approval on our variance application.

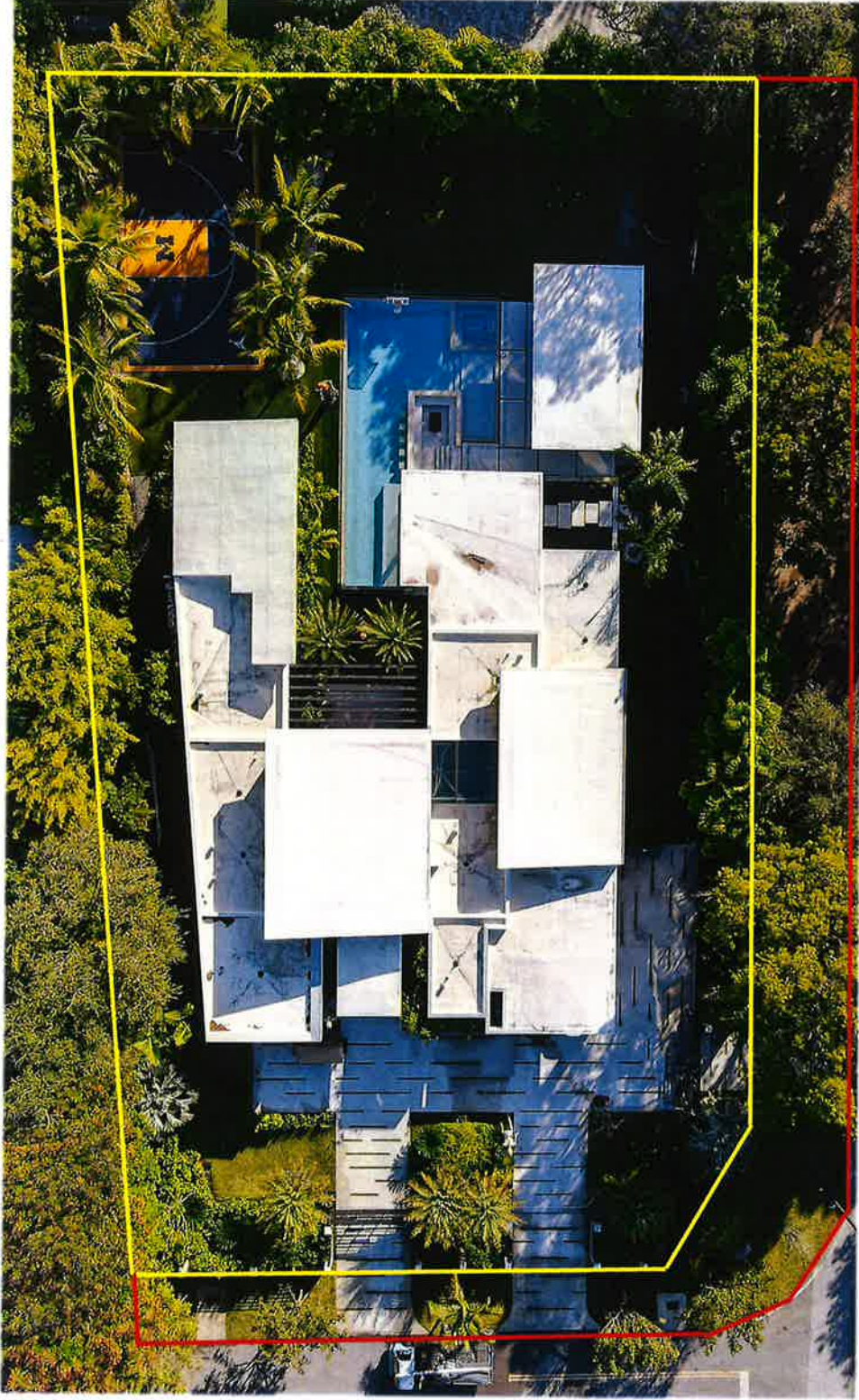








**AS-IS SITE PLAN**



**FRONT VIEW OF PROPERTY**



## GREEN VERTICAL WALL OF PLANTS – FRONT YARD



# LUSH & EXTENSIVE LANDSCAPING - FRONT YARD



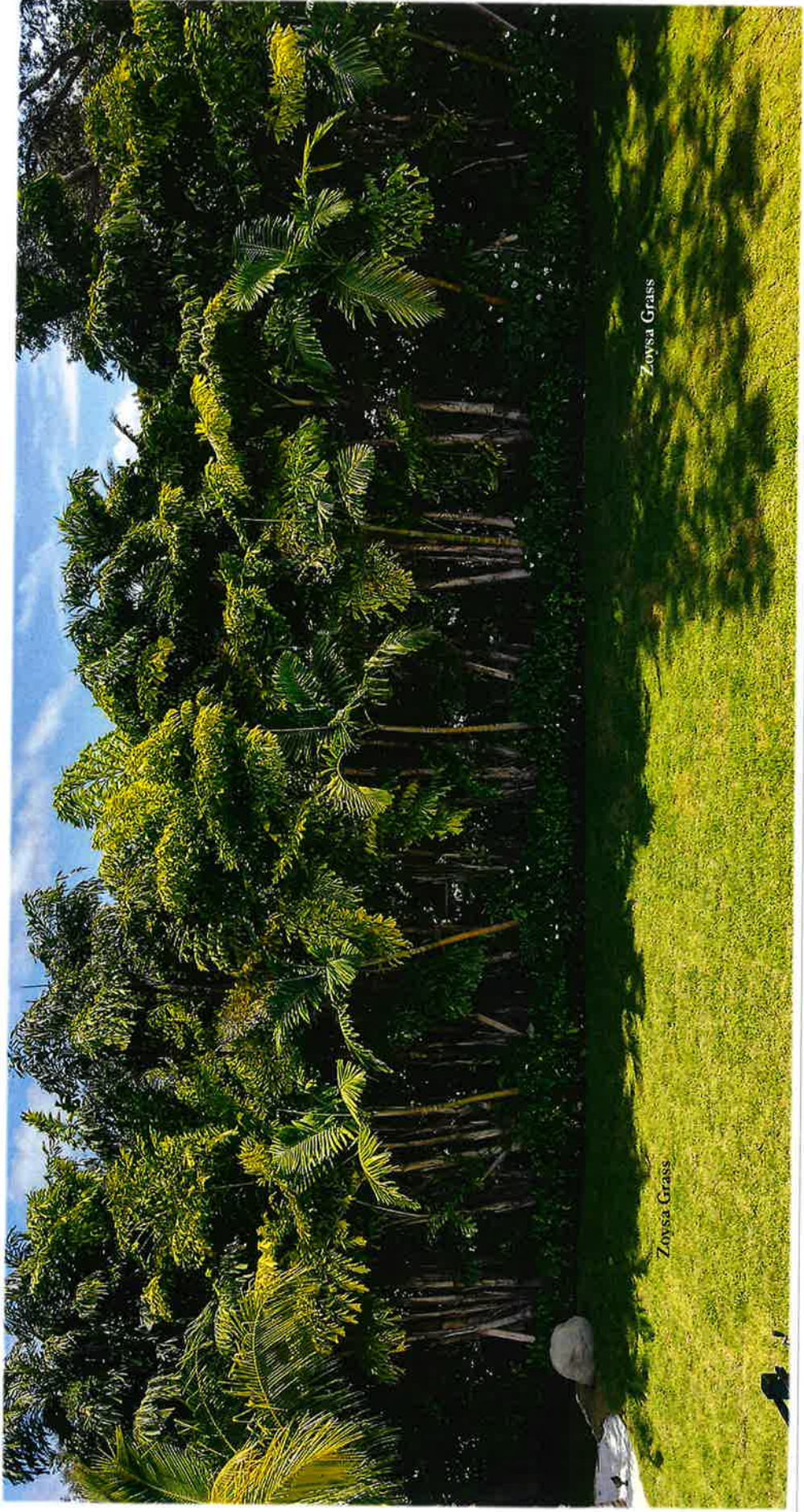
## BACK VIEW OF PROPERTY



# LUSH LANDSCAPING & GREEN VERTICAL WALL - BACK YARD



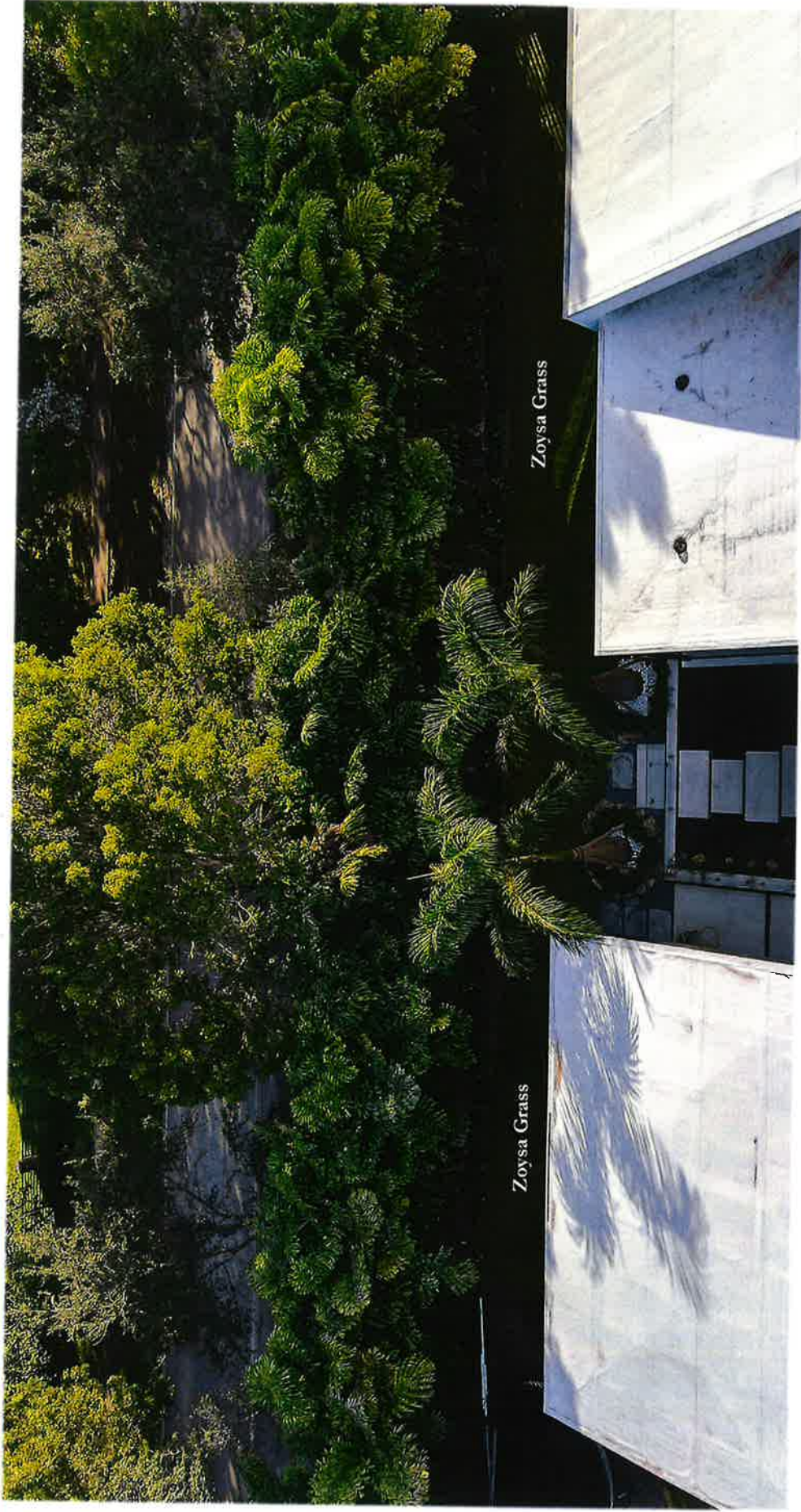
# LUSH & EXTENSIVE LANDSCAPING - BACK YARD



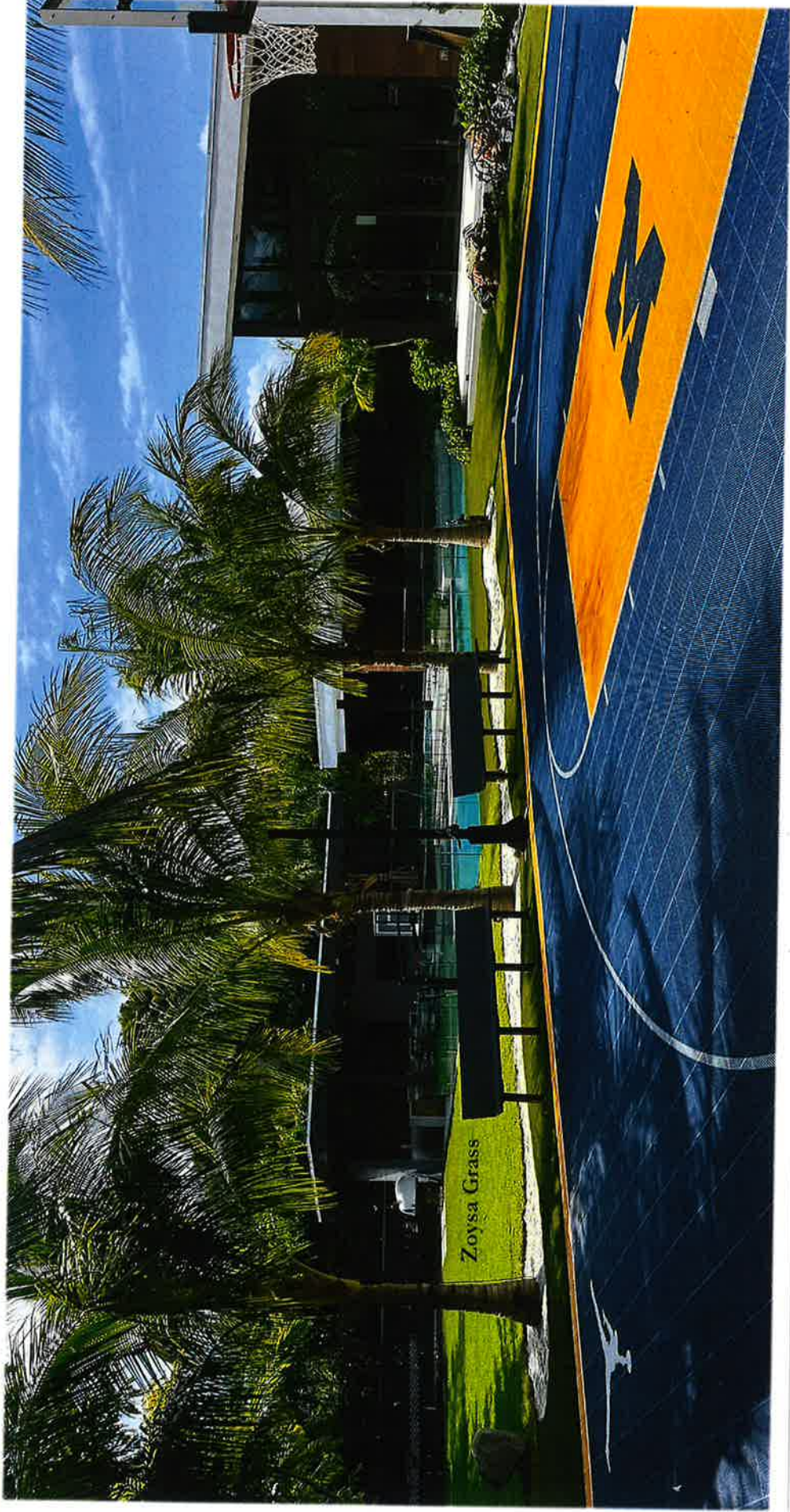
## LUSH & EXTENSIVE LANDSCAPING - SIDE YARD



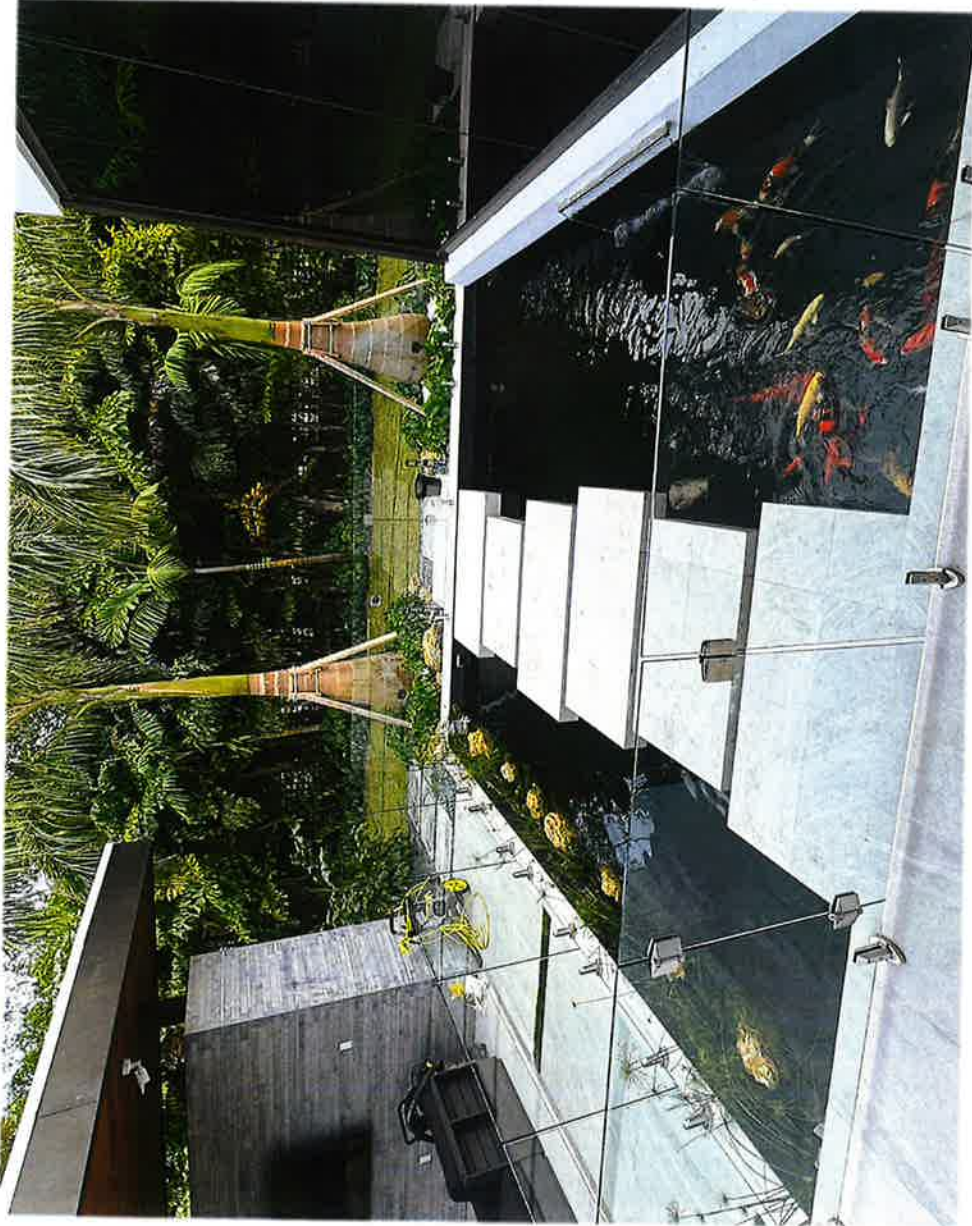
## LUSH & EXTENSIVE LANDSCAPING – SIDE YARD (2)



# HALF-COURT SPORT COURT



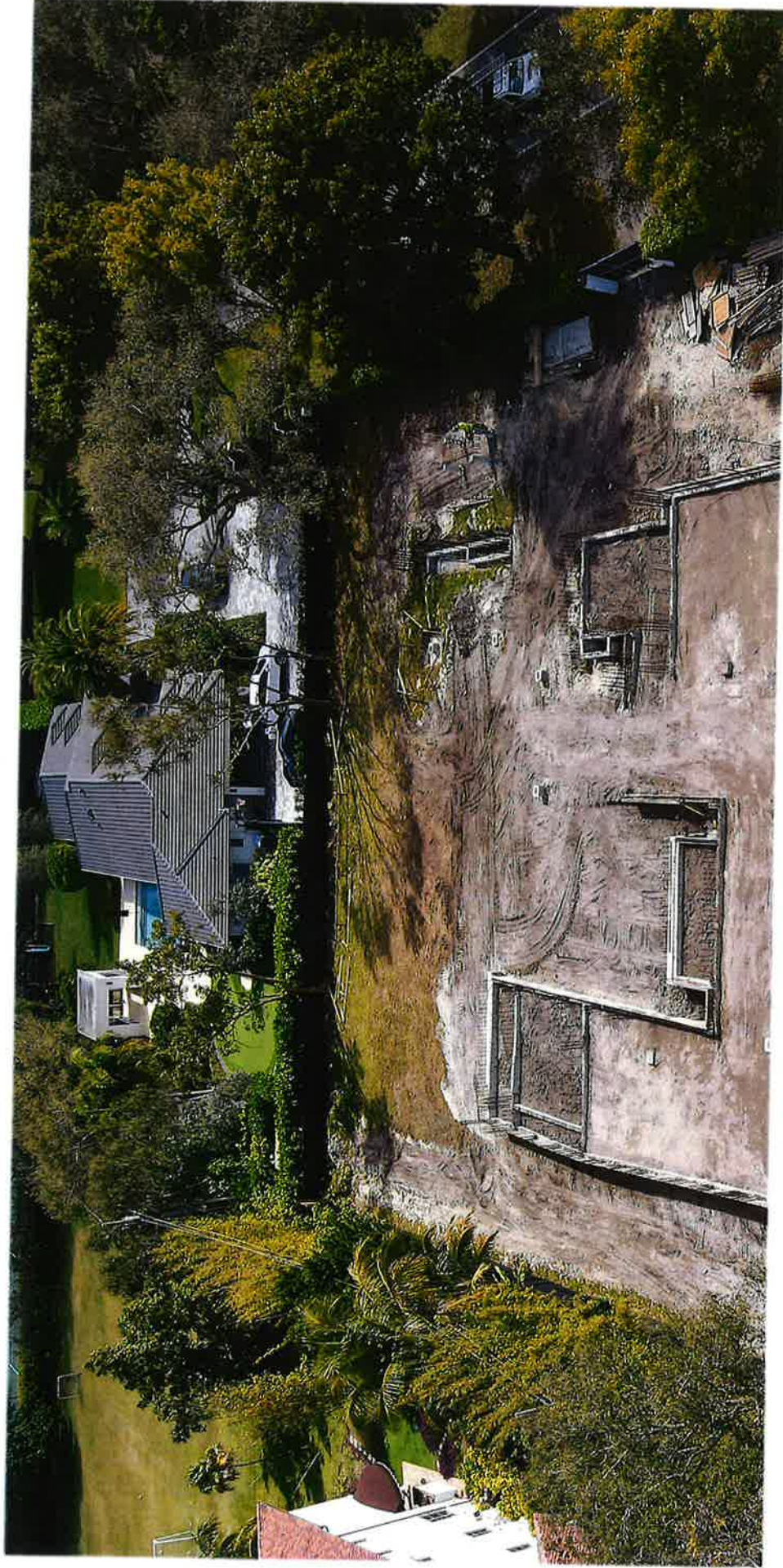
## LARGE & ECOSYSTEM KOI POND



While our **Koi Pond**, which occupies about 400 square feet or 1.3% of the lot area, provides notable environmental and green space benefits, the Land Development Regulations classify as non-green space, much like our driveway. We hope the Village Council can recognize the unique benefits and environmental contributions of our Koi Pond upon reviewing our appeal for a green space variance of our sport court and artificial turf.

- ✓ **Supports Local Wildlife & Ecosystem.** While ponds have always been a haven for beautiful fish, such as Koi and goldfish, they also attract and provide a sanctuary of breeding for indigenous wildlife in your neighborhood, like dragonflies, frogs, and birds.
- ✓ **Cooling Effect.** The evaporation of water helps cool the microclimate of your backyard, as well as provides a stable water source for your plants. A pond ecosystem located in your yard can offer energy efficiency benefits for your home.
- ✓ **Carbon Sequestration.** Ponds can act as a carbon sink, meaning that they can capture carbon dioxide in the atmosphere and store that carbon in the biodiversity of both land and aquatic plants that thrive in the pond ecosystem. Dedicating even a small part of your land to a pond can drastically reduce your household carbon footprint by cutting back on the greenhouse gas emissions associated with burning gasoline while sucking up CO2 in the atmosphere.
- ✓ **Creates Environmental Awareness.** Getting kids involved and thinking about nature early in life encourages them to continue their interest in the environment throughout adulthood. Planning, building, and maintaining a pond or water garden can teach children how a complete, natural ecosystem works. It can also help them understand the responsibility we all have for caring for our environment, which can ignite their interest in creating a better future for our planet.

## LANDSCAPING – PRE CONSTRUCTION



# LANDSCAPING – POST CONSTRUCTION

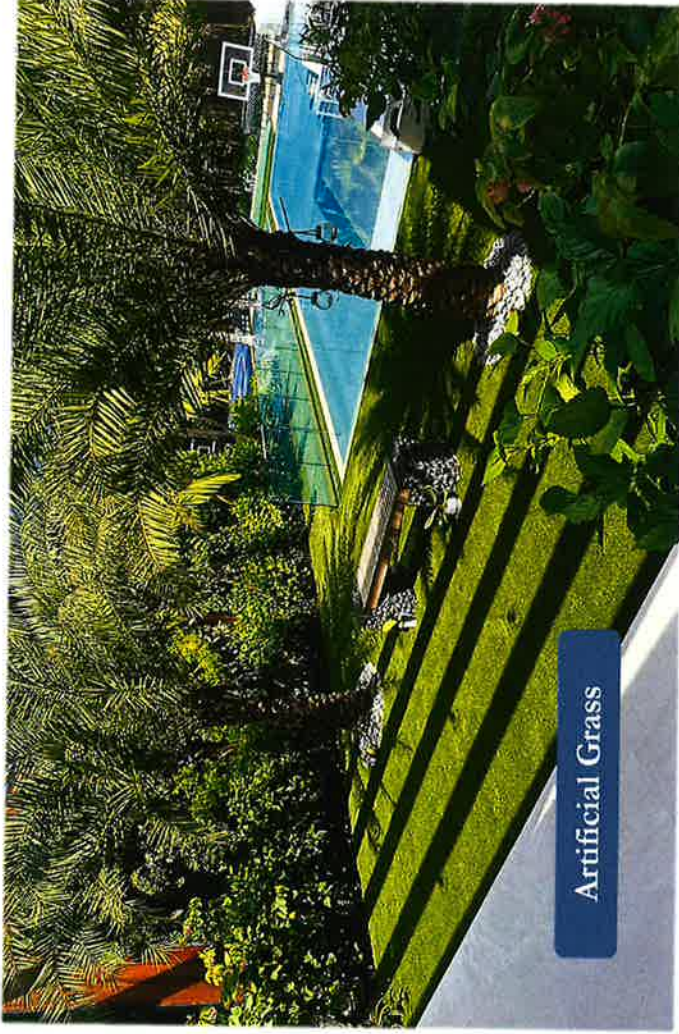


## ISSUES WITH NATURAL SOD IN OUR YARD

Not only did natural sod not grow well in the courtyard of our backyard, my son and I also experienced **several allergic reactions** – severe “grass rashes” among other symptoms – to freshly cut grass and weeds due to the **cross pollination and airborne particles**. This has been an ongoing issue since before we moved to Pinecrest but we gave it a shot for 4 months before we eventually switched to artificial grass.



Natural Sod  
(2<sup>nd</sup> Attempt)



Artificial Grass

**SETBACK W/ SUPPORTING NEIGHBOR(S)**



# KEY VARIANCE CRITERIA CONSIDERATIONS

In order to authorize any variance from the terms of the Land Development Regulations, the applicant is required to prove that they meet all seven (7) criteria. The following presents competent, substantial and relevant evidence confirming that the property meets all the statutory standards for a variance.

## Variance Criteria

- Variance Consistent with Authorized Powers.** The proposed variance(s) is in fact a variance as set forth in the Land Development Code and within the province of the Zoning Board or Village Council of the Village of Pinecrest.
- Existence of Special Conditions.** Special conditions and circumstances exist that do not apply to most similar properties in the same zoning district, including, but not limited to, the size and shape of the lot and its topography compared to others in the same zoning district.
- Conditions Not Created by Applicant.** The special conditions and hardships described herein, including the size, shape and topography, are due to circumstances unique to the property, and were not created by the property owner.
- Special Conditions Not Conferred.** Granting the variance(s) does not bestow any special privileges upon the applicant that are withheld from other properties, buildings, or structures within the same zoning district under the comprehensive plan and code. Over 18% of properties in Pinecrest exceed the impervious requirements whether by “grandfathering” or “variance”. **The supporting exhibits contain aerial photographs of fourteen (14) properties located in the Village of Pinecrest along with the address to over 124 properties that exceed the impervious area requirements.**
- Not Injurious Public Welfare or Intent of the Land Development Code.** Granting the proposed variance(s) aligns with the comprehensive plan, goals, objectives, and policies, to “preserve the unique village character, and to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Village”.

Our understanding, which is shaped by multiple precedent-setting hearings and rulings in the State of Florida, is that an **unnecessary hardship is characterized as an unusual irregularity in the property**, not created from personal circumstances, that makes it uniquely unjust to comply fully with the existing zoning regulations.

The best way to test the validity of our hardships is to contemplate the following: **If you were to superimpose our site plan on more than 90% of the EU-1 lots in the Village of Pinecrest, would it meet the requirements for impervious area and green space per the Land Development Requirements? Yes, it would.**

## Hardship Conditions Exist

- Irregular Size & Shape:** our property, with an area of **32,492 square feet**, is significantly smaller than the average lot size of the immediate neighboring properties and other EU-1 zoned properties in the Village of Pinecrest – which is roughly **40,020 square feet**.
  - According to the Code of Ordinances of Miami-Dade County, **lots in the EU-1 district are required to have a minimum area of one acre (42,560 sf)**. Our property, with an area of 32,492 square feet and total lot area (including right of way) of 40,494 square feet, **falls below this minimum acreage standard for the EU-1 district**.
  - The **average lot area (excluding ROW) for properties zoned EU-1 in Pinecrest is approximately 42,000 square feet**, making our property about **30% smaller than the average in Pinecrest**. Nearly 92% of EU-1 zoned properties in Pinecrest boast larger lot sizes compared to ours.
  - Positioned as a **corner-lot** on the corner of Killian Park Road and 112th Street, our property faces more **stringent setbacks and frontage on the right-of-way** along its perimeter compared to most EU-1 properties in Pinecrest.

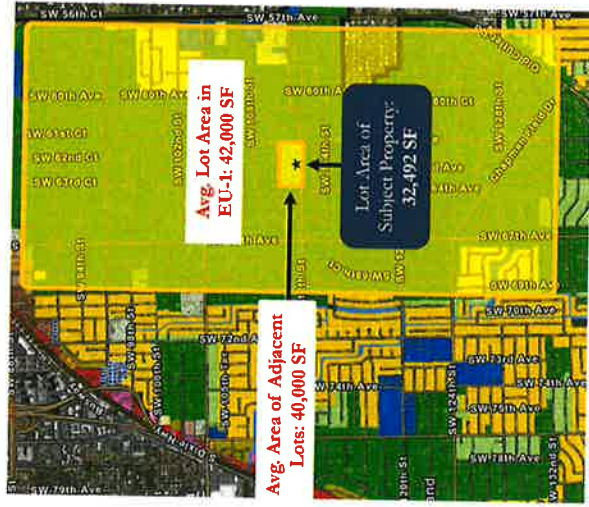
**Normalizing our lot area to the advertised lot size (~39,247 SF) or the average lot size for EU-1 properties in Pinecrest (~40,020 square feet), the site plan would meet the green space requirements. 19 out of the 20 properties located within the immediate vicinity of our property, possess the appropriate size and dimensions necessary to construct the same-sized residence and outdoor impervious features as ours and still comply with the impervious and green space requirements.**

- Topography & Soil Conditions** of the subject property has limited the ways in which the land can be utilized.
  - The terrain of the property is characterized by **steep and uneven slopes** as confirmed by the land survey.
  - There are several areas in the backyard where the **natural sod fails to grow** and sustain itself due to the **unfavorable soil and grade conditions**. Despite our multiple efforts to replant natural sod over the past six months, with professional landscaping, the sod did not survive.

# SIZE COMPARISON & NORMALIZATION OF LOT AREA

11175 Killian Park Road	Area SF	Lot Area	Advertised Lot	Pinecrest Avg. Lot
Existing Impervious Area	14,641	32,492 SF	39,247 SF	42,560 SF
As-Built Sport Court	1,514	45%	37%	34%
As-Built Artificial Grass	1,430	5%	4%	4%
<b>Total Impervious Area (%)</b>	<b>17,585</b>	<b>54%</b>	<b>45%</b>	<b>41%</b>

Nearby, Adjacent Property(s)	Lot Area
Property A: 11120 Killian Park Rd	42,645
Property B: 6301 Sw 112 St	40,162
Property C: 11100 Killian Park Rd	42,688
Property D: 11040 Killian Park Rd	37,592
Property E: 11010 Killian Park Rd	47,044
Property F: 11035 Killian Park Rd	40,162
Property G: 11100 Sw 62 Ave	37,069
Property H: 6385 Sw 112 St	37,853
Property I: 11101 Sw 64 Ave	44,866
Property J: 6350 Sw 110 St	39,639
Property K: 6320 Sw 110 St	39,247
Property L: 6300 Sw 110 St	36,938
Property M: 11111 Killian Park Rd	35,611
Property O: 11112 Killian Park Rd	38,765
Property P: 6235 Sw 112 St	35,719
Property Q: 11000 Sw 62 Ave	35,501
Property R: 6201 SW 112 St	30,796
Property S: 11001 SW 64 Ave	33,671
<b>Avg. Lot Area of Surrounding Properties</b>	<b>40,000 SF</b>
<b>Subject Area (11175 Killian Park Road)</b>	<b>32,492 SF</b>

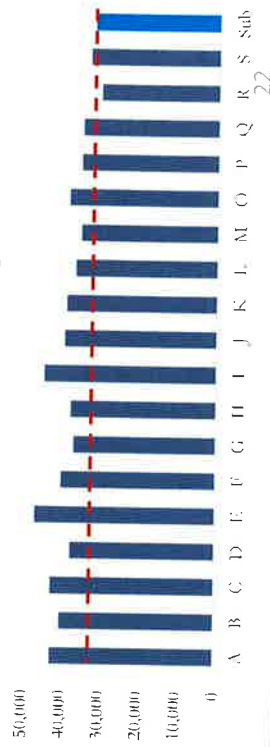


19 out of the 20 properties situated near the subject property have a lot area larger than our property.

Our property is roughly 23% smaller than the average lot on our block, and 30% smaller than the average lot in Pinecrest

The lot area of our property falls short of the required minimum for EU-1 lots as stipulated by Miami-Dade County.

Lot Area - Nearby Properties



# MIAMI-DADE COUNTY PROPERTY RECORD

FOLIO 20 5012 012 0080 PROP ADDR 6275 SW 112 ST  
 2019 Current  
 DOR CODE: 0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT  
 PROPERTY RECORD CARD  
 OFFICE OF THE PROPERTY APPRAISER  
 Generated Date: 09/30/2023  
 Roll Year: 2019

STATUS: ACTIVE EPLG:  
 \*\* Note: values are subject to change due to tax roll corrections \*\*

CURRENT OWNER AND MAILING:  
 ALBERTO DE ROJAS & AURELIA  
 LEGAL DESCRIPTION:  
 KILLIAN PARK  
 LOT 8  
 PB 56-76 # CAT TYPE DESCRIPTION VALUE  
 6301 COLLINS AVE UNIT 1503 F/A/U 30-5012-012-0080  
 MIAMI BEACH FL 33144 OR 17908-1328 1197 1

MCD: 2000 Pinecrest ZONING 1: 2300 ESTATES - 1 ACRE  
 CT/CLAS: N DISTRICT: 3 ZONING 2: 0000  
 HEX BASE YR: 0 PORT YR: 0 GP/AR: 0 NON-HEX BASE YR: 2014  
 AG: N NFC: N BEL/CONS EAS/MNT: N BEL/CONS COVENANT: N NE CD: 0.00 UNCLASSIFIED NEIGHBORHOOD

ADDITIONAL PROPERTY INFORMATION  
 LOT SIZE: 39,247 # BUILDING AREA: 2,400 L/B RATIO: 16.35 POOL: Y AVG UNIT SIZE: 2,400.00  
 BUILDINGS: 1 YEAR BLT: 1957 EFF AGE: 1957 UNITS: 1  
 BDRM: 3 BATH: 2 1/2 BTH: 0 EFF: 0  
 1BD: 0 2BD: 0 3BD: 0 4BD: 0

VALUE HISTORY:

	2017	2018	2019	\$ UNIT OF MEASURE	\$ PER UNIT
LAND VALUE	902,681	902,681	902,681	23.00	
BUILDING VALUE	13,202	13,197	13,193	5.50	
MARKET VALUE	915,883	915,878	915,874	381.61	915,874.00
ASSESSED VALUE	904,569	915,878	915,874		
TOTAL EXEMPTION VALUE	0	0	0		

SALE HISTORY

#	AMOUNT	DATE	I/V	SALE TYPE	SALECD	ORBOOK	ORPG	GRANTOR	GRANTEE
03	950,000	11/25/2019	I	Qualified	01	31720	3596	ALBERTO DE ROJAS & AURELIA	CARLOS ZAMORA
01	275,000	11/01/1997	I	Qualified	00	17908	1328		
02	267,500	03/01/1997	I	Qualified	00	17554	1049		

PREVIOUS OWNER INFORMATION  
 01 BEN L. BERKEY & MARGARET  
 02 LORENZO HAM JR &  
 03 OR 17554-1049 0397 1  
 EXEMPTIONS:  
 2017 2018 2019

Miami-Dade County classified a separate Pinecrest property located 6400 SW 100th Street as "irregular" in the property description with a lot area of 37,461 SF. This property is bigger than our property (32,492 SF)

The County set a clear precedent for recognizing properties with distinct hardships.

Out of the 17 properties situated near the subject property, 16 have a lot area larger than ours.

**FULL LEGAL DESCRIPTION**

1 55 40 .86 AC  
 AVOCADO LAND CO SUB PB 2-44  
 N185.5FT OF E235FT OF TR 15 LESS  
 N25FT  
**LOT SIZE IRREGULAR**  
 FIAU 30-5001-001-0220  
 OR 205003-3417 052002 1


## OTHER SPECIAL CONSIDERATIONS

- 1. Support from Adjacent Neighbors.** We have support from both adjacent neighbors (Silva household to the north and the Castro household to the east) for our setback and green space variance application. There have been no objections or grievances, by either neighbor concerning flooding, noise, or the proximity related to the sport court and artificial turf.
- 2. Allergies & Skin Reactions to Grass.** My son and I have inherited allergies that make us sensitive to various grass and plants, including sod and pollen. We both have very sensitive skin, and suffer from atopic dermatitis and eczema, which manifest as immune reactions on our skin. Direct contact with natural grass, weeds, and pollen in our surroundings often exacerbates our conditions. When we moved into our current home, we tried to adapt to the natural sod in our backyard. But it didn't work. The existence of natural sod has robbed our family of the pleasure of relishing our outdoor area. Artificial grass reduces the abundance of allergens in the air.
- 3. Emphasis on Natural, Plant & Organic Life.** Our property is enriched with an array of plant and organic features, inclusive of extensive landscaping, which should aptly compensate for the legal shortfall in green space as defined by the Land Development Regulations. Our property showcases a (i) Koi pond bustling with freshwater, algae, fish, frogs, and various wildlife (considered as impervious area), (ii) living wall garden with its own irrigation system across the backyard and front yard, and (iii) other vibrant landscaping that includes fishtail palms, coconur palms, hibiscus plants, and other palm species spread across the property.
- 4. Drainage & Other Benefits of Turf.** Since we installed the sport court and artificial turf in April 2023, our property has remained free from drainage issues and flooding. The artificial turf has a permeable sub-base which permits water absorption into the subgrade, and efficiently drains water at a remarkable rate of over 89 inches per hour which is faster than natural lawns. Additionally, this solution not only reduces the use of harmful pesticides, fertilizers, and fungicides but also helps conserve groundwater by eliminating the need for irrigation from the well-water. Isn't the Village concerned about the escalating salinity levels in our ground "well" water? The more we draw from the aquifer for irrigation, a practice many residents, including myself, are engaged in, the higher the risk of ocean water infiltration becomes.

- 5. Misrepresented Lot Area:** Upon purchasing the property, we were under the impression, based on the information provided by the Miami-Dade Property Appraisal and M.I.S, that the lot area (excluding the right of way) was 39,247 SF. You can refer to the supporting exhibits for a supporting snapshot. Under the advertised lot area, our site plan (inclusive of the sport court and artificial turf) would have met the impervious and green space requirements. However, it wasn't until well after the property acquisition that we discovered through our architect that the actual lot area was only 32,492 SF, not the advertised 39,247 SF.
- 6. Good Faith Installation.** We recognize and apologize for our oversight in not obtaining the necessary permit for the sport court and artificial turf. Acting on the (i) advice of *Sport Court South Florida* and *EasyGrass*, and the (ii) impression we got from coming across several other dozen homes in Pincrest with artificial grass and tennis courts, we were under the impression that our project was standard practice and no permits were required. It took the vendors no more than a couple days to complete the installation. We didn't think twice about the compliance issues and permit requirements. Our observation of many properties in the Village of Pincrest, either from firsthand sightings or images on Zillow (as we've been very curious of the architecture of neighboring houses), showcased expansive artificial turf and sport courts in their yards. Given the frequency with which we've seen these features in the Village of Pincrest, we mistakenly didn't think to question the process. Separately, we have been very cooperative with the Village; agreeing to accommodate the utility transformer installed by MasTec on our property in early 2023, serving to supply underground power lines to neighboring properties.
- 7. Precedent Cases.** The Village Council has approved several dozen cases (see slide 12) where the homeowner has requested either a setback or green space variance. It is commonplace and acceptable in the Village of Pincrest, and becoming a growing trend, to have sport courts that exceed the prescribed setback lines. Along such lines, we've also seen several dozen properties that have artificial turf covering entire backyards. Our variance request would fall in line with what is common in the Village of Pincrest.

# ENDORSEMENT LETTER FROM ADJACENT NEIGHBOR(S)

Support for Variance VP2307-0002


 Ada da Silva <adadasilva01@yahoo.com>  
 To: planning@pincrest-fl.gov; solmsled@pincrest-fl.gov;  
 ptomes@pincrest-fl.gov  
 Cc: cmzamorato3@gmail.com

RE: Support for Variance (VP2307-0002)  
 11175 KILLIAN PARK ROAD

Hi Stephen, Planning Office,

My name is Ada Da Silva, residing at 11111 Killian Park Road, which is adjacent to 11175 Killian Park Road. I am writing to express my support for the sport court and impervious coverage that exceeds the Zoning requirements.

*Notes: This is our second letter expressing our support.*

While I understand that the sport court and impervious coverage as it stands may not be in line with the zoning code, I would like to emphasize its positive impact to our community.

The Zamora family has been considerate in ensuring that the sport court does not impose any undue disturbances or inconveniences to neighboring properties. I believe that certain exceptions can be made when they align with the larger goal of community building.


**As a direct neighbor, I am not only opposed to the sport court but truly appreciate its presence.**

I kindly request that the Zoning Board use my feedback and support when making a decision during the upcoming hearing on December 12, 2023


Thank you for your time and consideration.


Regards,

*Ada Da Silva*  
*Fernanda Silva*


 Wed 11/17/2023 9:43 PM

Support for Variance - 11175 KILLIAN PARK ROAD


 Matthew Goetz <matthew.goetz@gmail.com>  
 To: planning@pincrest-fl.gov; solmsled@pincrest-fl.gov; ptomes@pincrest-fl.gov  
 Bcc: cmzamorato3@gmail.com


 Wed 10:34 PM

Hi Stephen,

I am Matthew Goetz, residing at 6050 SW 109th St, and I wish to convey my endorsement for the variance application submitted by the Zamora family for the continuation of their sport court and artificial turf which currently exceeds the zoning requirements.

While I recognize that the present setup of the sport court and artificial turf may diverge from the zoning regulations, I'd like to underscore its beneficial contributions to our community. The Zamora family has consistently demonstrated consideration, ensuring their sport court does not cause any disruptions or nuisances to adjacent residences. I'm of the belief that when endeavors promote community enrichment, certain deviations can be justifiably permitted. The artificial turf should also be recognized as green space given the benefits it provides, and especially considering the standard set from the Gulliver variance.

I earnestly hope that the Village Council will factor in my feedback and endorsement when deliberating during the scheduled hearing in December 2023.

I appreciate your attention to this matter. Thank you.

Regards,

Matthew and Elle Goetz

**SKIN RASHES & REACTIONS FROM NATURAL GRASS**



# DRAINAGE TEST REPORT & SPECS OF ARTIFICIAL TURF

## TEST REPORT

<b>CLIENT:</b>	X-Gress	<b>Report Number:</b>	76748
<b>Company:</b>	205 Boring Drive	<b>Lab Test Number:</b>	3300-0366
<b>Address:</b>	Dalton, GA 30721	<b>Test Completion Date:</b>	2/19/2019
		<b>Report Date:</b>	2/19/2019
<b>Requested By:</b>	Kevin Prose	<b>Page:</b>	1 of 1

<b>TEST MATERIAL:</b>	Synthetic Turf	<b>GOOD:</b>	<input type="checkbox"/>	<b>POOR:</b>	<input type="checkbox"/>	<b>REJECTED:</b>	<input type="checkbox"/>
<b>Material Type:</b>	EXCELLENT	<b>IS</b>					
<b>Material Condition:</b>	Turf with Single Hole Punched Backing						
<b>Material Identification:</b>							

**TESTING METHODS REQUESTED:**

ASTM F1551  
 Test Method: Standard Test Methods for Comparative Characterization of Synthetic Turf Playing Surfaces and Materials: Surface Drainage, Part B: Water Permeability of Synthetic Turf Systems and Permeable Bases

**SAMPLING PLAN:**

Sampling Date: 2/15/2019

Number of samples collected at the sampling location: 1  
 Number of samples tested: 3  
 All test results are based on the test results for the 3 samples tested.  
 If the test results for the 3 samples are not consistent, the test results are based on the average of the 3 samples.  
 If the test results for the 3 samples are not consistent, the test results are based on the average of the 3 samples.

**PROCEDURE:**

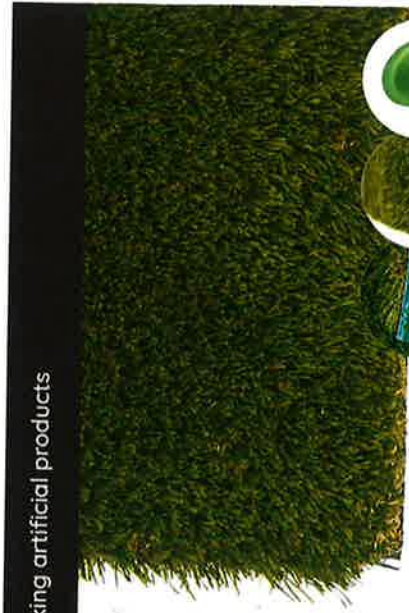
This test method determines the initial drainage capacity (permeability) of the playing surface. Test data values represent drainage rates vertically into the turf tested alone only and do not take into account the permeation properties of an underlying sub base. Three specimens, 11.5" diameter, were cut from the 15" x 15" turf, single-hole puncher. Each turf specimen was securely fastened to the permeability tub using mechanical clamps, ensuring vertical water flow into the product. Water was pumped into the tub faster than could exit, until the water level reached 6". The water source was shut off, allowing the water level to recede. The recede was timed via stopwatch until the water level evaled the turf. The flow time was recorded in seconds. This procedure was repeated a total of 4 times where, the first pass was for conditioning, with passes 2,3,4 used for averaging. This process was repeated on the remaining specimens.

**DEVIATION FROM TEST METHOD:** State reason for any Deviation from, Additions to, or Exclusions From Test Method.  
 None

Specimen #	Drainage (Seconds)	perlinch <sup>2</sup>	Rainfall Capacity (inches/hour)
1	83.0	21.7	69
2	79.9	25.3	77.6
3	54.2	37.3	114.3
<b>Average</b>			<b>81.9 inches/hour</b>

**Uncertainty:**  
 We undertake all assignments for our clients on a best effort basis. Our findings and judgments are based on the information to us using the client's test methods available. We can only assure the test results for the specific items tested.  
 Unless otherwise noted in the deviations section of this report, all tests are performed in compliance with stated test method.  
 Test Report Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 X-Gress, Inc. Lab Director, Testing Services, 750 LLC  
 205 Boring Drive, Dalton, GA 30721

**TEST APPROVAL:**  
 Test Approved: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 X-Gress, Inc. Lab Director, Testing Services, 750 LLC  
 205 Boring Drive, Dalton, GA 30721



**EasyGrass** Synthetic PLATINUM natural looking artificial products

**SPECIFICATIONS:**

- Face Weight:** 100 oz
- Pile Height:** 1.5" (15mm)
- Color:** Field Green/Olive/Apple
- Thatch:** 0.5" (5mm)
- Secondary Backing:** Block 200 (200 yd)
- Fiber Type:** Nylon 6,6 (60%)/Polyester (40%)
- Fiber Mass:** 9900 Denier / 5000 Denier Thatch
- Turfing Gauge:** 1.5"

**BACKING:** BIOCEL

**FIBER:** RELAX OMEGA

- HEAT BLOCK:** Cool system that avoids heat stress and helps dry fast.
- SHINE BLOCK:** Chemicals that prevent the backing from becoming shiny, allowing for a natural appearance.
- ANTI-STAT:** Technology that reduces static buildup with inherent fiber production.
- ANTI-MICROBIAL:** Light fiber formula designed to reduce the ability of bacteria to survive.

**XSHIELD TECHNOLOGY**

**XGRASS** INNOVATIVE SYNTHETIC TURF SOLUTIONS

305.234.5800  
 eogress.net

Facebook, Instagram, Twitter icons

# PRECEDENCE & STANDARD PRACTICE IN PINECREST

Upon examination of the real estate parcels situated within the Village of Pinecrest, it has been determined that approximately 18% of all properties zoned as EU-1 in Pinecrest possess either sport court, artificial grass, etc. that in total surpass the allowable limits stipulated in the Land Development Regulations. This percentage is expected to increase given the current trend and anticipated new developments.

## Select (26) EU-1 Properties in Pinecrest

Non-Compliant with Setback & Green Space Requirements due to Traffic Court

Property Address	Lot Area	Impervious Area	Impervious Area	Green Area	Sport Court?	Artificial Grass?	Exceed Setback?	Exceed Green Space?
40,510	18,230	45%	55%	Yes	-	Yes	Yes	
47,480	33,256	70%	30%	No	Yes	-	Yes	
50,529	35,370	70%	30%	Yes	Yes	Yes	Yes	
37,987	17,094	45%	55%	Yes	-	Yes	Yes	
39,303	23,582	60%	40%	Yes	-	Yes	Yes	
34,412	20,647	60%	40%	Yes	Yes	Yes	Yes	
46,739	26,174	50%	44%	Yes	-	Yes	Yes	
37,592	22,555	60%	40%	Yes	Yes	Yes	Yes	
57,063	31,385	55%	45%	Yes	Yes	Yes	Yes	
41,817	29,272	70%	30%	Yes	Yes	Yes	Yes	
40,946	23,339	57%	43%	Yes	-	Yes	Yes	
39,204	21,170	54%	46%	Yes	-	Yes	Yes	
50,529	28,296	56%	44%	Yes	-	Yes	Yes	
50,529	27,791	55%	45%	Yes	-	Yes	Yes	
50,529	27,286	54%	46%	Yes	-	Yes	Yes	
40,946	34,977	61%	39%	Yes	-	Yes	Yes	
40,510	23,091	57%	43%	Yes	-	Yes	Yes	
47,480	35,610	75%	25%	Yes	Yes	Yes	Yes	
32,060	22,442	70%	30%	Yes	Yes	Yes	Yes	
29,620	17,772	60%	40%	Yes	Yes	Yes	Yes	
31,798	19,079	60%	40%	Yes	Yes	Yes	Yes	
39,639	31,711	80%	20%	Yes	Yes	Yes	Yes	
21,344	13,874	65%	35%	-	Yes	-	Yes	
26,118	15,671	60%	40%	Yes	Yes	Yes	Yes	
36,005	24,703	65%	35%	Yes	Yes	Yes	Yes	
28,314	19,820	70%	30%	-	Yes	Yes	Yes	
<b>32,492</b>	<b>17,585</b>	<b>54%</b>	<b>46%</b>					

Note: For those property addresses in bold, you can refer to the supporting exhibits for aerial photography of the respective lot areas.

## Additional (124) EU-1 Properties in Pinecrest

Non-Compliant with Setback & Green Space Requirements due to Traffic Court

Property Address	Lot Area	Impervious Area	Impervious Area	Green Area	Sport Court?	Artificial Grass?	Exceed Setback?	Exceed Green Space?
42	18,230	45%	55%	Yes	-	Yes	Yes	
43	18,230	45%	55%	Yes	-	Yes	Yes	
44	18,230	45%	55%	Yes	-	Yes	Yes	
45	18,230	45%	55%	Yes	-	Yes	Yes	
46	18,230	45%	55%	Yes	-	Yes	Yes	
47	18,230	45%	55%	Yes	-	Yes	Yes	
48	18,230	45%	55%	Yes	-	Yes	Yes	
49	18,230	45%	55%	Yes	-	Yes	Yes	
50	18,230	45%	55%	Yes	-	Yes	Yes	
51	18,230	45%	55%	Yes	-	Yes	Yes	
52	18,230	45%	55%	Yes	-	Yes	Yes	
53	18,230	45%	55%	Yes	-	Yes	Yes	
54	18,230	45%	55%	Yes	-	Yes	Yes	
55	18,230	45%	55%	Yes	-	Yes	Yes	
56	18,230	45%	55%	Yes	-	Yes	Yes	
57	18,230	45%	55%	Yes	-	Yes	Yes	
58	18,230	45%	55%	Yes	-	Yes	Yes	
59	18,230	45%	55%	Yes	-	Yes	Yes	
60	18,230	45%	55%	Yes	-	Yes	Yes	
61	18,230	45%	55%	Yes	-	Yes	Yes	
62	18,230	45%	55%	Yes	-	Yes	Yes	
63	18,230	45%	55%	Yes	-	Yes	Yes	
64	18,230	45%	55%	Yes	-	Yes	Yes	
65	18,230	45%	55%	Yes	-	Yes	Yes	
66	18,230	45%	55%	Yes	-	Yes	Yes	
67	18,230	45%	55%	Yes	-	Yes	Yes	
68	18,230	45%	55%	Yes	-	Yes	Yes	
69	18,230	45%	55%	Yes	-	Yes	Yes	
70	18,230	45%	55%	Yes	-	Yes	Yes	
71	18,230	45%	55%	Yes	-	Yes	Yes	
72	18,230	45%	55%	Yes	-	Yes	Yes	
73	18,230	45%	55%	Yes	-	Yes	Yes	
74	18,230	45%	55%	Yes	-	Yes	Yes	
75	18,230	45%	55%	Yes	-	Yes	Yes	
76	18,230	45%	55%	Yes	-	Yes	Yes	
77	18,230	45%	55%	Yes	-	Yes	Yes	
78	18,230	45%	55%	Yes	-	Yes	Yes	
79	18,230	45%	55%	Yes	-	Yes	Yes	
80	18,230	45%	55%	Yes	-	Yes	Yes	
81	18,230	45%	55%	Yes	-	Yes	Yes	
82	18,230	45%	55%	Yes	-	Yes	Yes	
83	18,230	45%	55%	Yes	-	Yes	Yes	

North Pinecrest (1)

**Artificial Turf**

**Artificial Turf**

We received several promotional letters and brochures from 2020 to 2022 from real estate agents (on behalf of the homeowner) for properties that clearly maintain artificial grass and / or sport courts in their entire backyard. We thought this was standard and common practice in Pinecrest — hence our oversight.

**Zillow**  
 7 bd 10 ba 8,863 sqft  
 Sold : \$8,900,000 Sold on 03/16/22  
 Pinecrest, FL

**Sold in 2022**

North Pinecrest (2)

**Artificial Turf**

**Zillow**  
 7 bd 8 ba 8,279 sqft  
 Off market  
 Zestimate®: \$6,728,600  
 Est. mtg. payment: \$65,161/mo  
 Miami, FL 33156

**Sold in 2019**

South Pinecrest (3)

**Artificial Turf**

**Zillow**  
 6 bd 7 ba 8,287 sqft  
 Off market  
 Zestimate®: \$7,754,700  
 Est. mtg. payment: \$51,980/mo  
 Pinecrest, FL 33156

**Sold in 2019**

### North Pinecrest (4)

COMPASS The Neighborhood Authority, REALTOR®

Pinecrest, FL 33156

\$4,700,000 List Sold Price 7 Beds 7 Baths 11,117 Sq Ft

Sold in 2019

Overview Location Property Info Property History Related Markets

Mr. Olmsted examined the property photography and stated that it was not out of compliance, even though artificial turf is evidently laid out across the entire backyard.



Artificial Turf

### South Pinecrest (5)

JUST LISTED  
PINECREST, FL 33156

THE LAB LIFESTYLE

Active Listing

CALL US NOW FOR MORE INFORMATION AT 786.305.7742

### South Pinecrest (6)



Mr. Olmsted examined the property photography and stated that it was not out of compliance, even though artificial turf is evidently laid out in the backyard.

Artificial Turf

### North Pinecrest (7)



Artificial Turf



**North Pinecrest (9)**

Mr. Olmsted examined both properties and stated that both are not out of compliance with the green space requirements, even though artificial turf is evidently laid out across the entire backyard.

Artificial Turf

Artificial Turf

**Zillow**  
 5 bd 6 ba -4,428 sqft  
 Pinecrest, FL  
 Sold  
 : \$4,980,000 Sold on 08/31/23  
 Est. refl. payments \$3,365/mo

**Sold in 2023**



**North Pinecrest (8)**

One month before we engaged the vendors to install the court and turf, we saw these beautiful pictures of this new property on our architect's website.

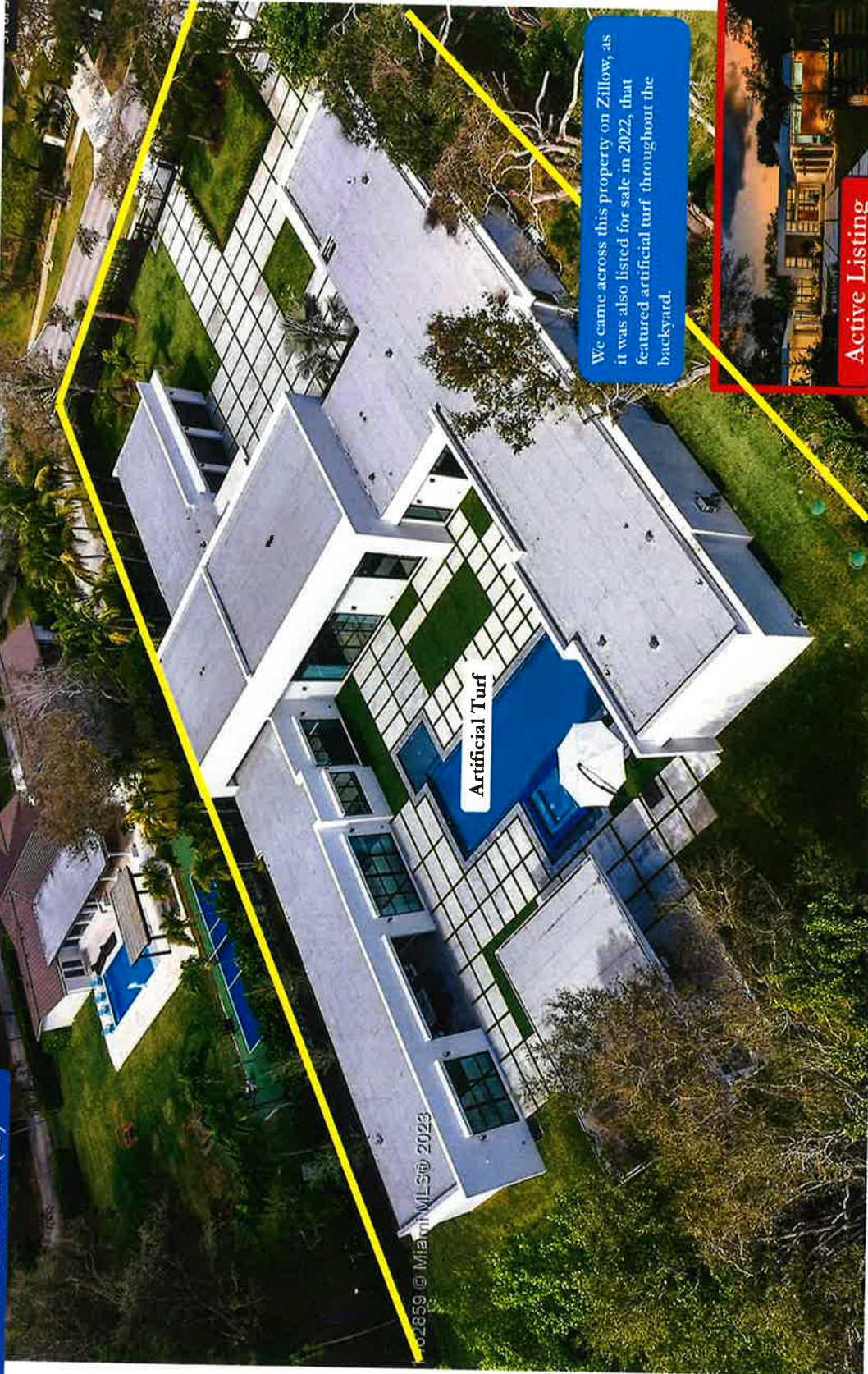
Artificial Turf

Artificial Turf

**Zillow**  
 7 bd 8 ba --soft  
 Pinecrest, FL  
 Sold  
 : \$6,000,000 Sold on 08/09/22  
 Est. refl. payments \$40,439/mo

**Sold in 2022**

North Pinecrest (10)



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Artificial Turf

We came across this property on Zillow, as it was also listed for sale in 2022, that featured artificial turf throughout the backyard.

**Zillow**  
Pinecrest  
**\$8,995,000**  
• New construction  
Zestimate: \$8,813,300  
Est. payment: \$6,633/mo

Active Listing

South Pinecrest (11)



**Zillow**  
8 bd 11 ba 14,322 sqft  
Pinecrest, FL  
**Sold**  
: \$9,800,000 Sold on 05/05/21  
Est. mtg payment \$66,957/mo

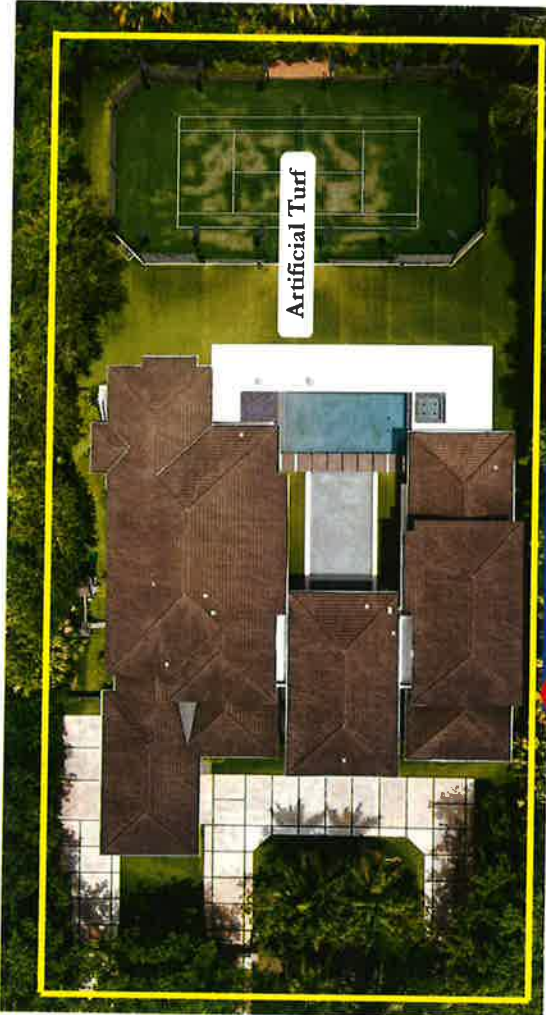
**Sold in 2021**

North Pinecrest (12)



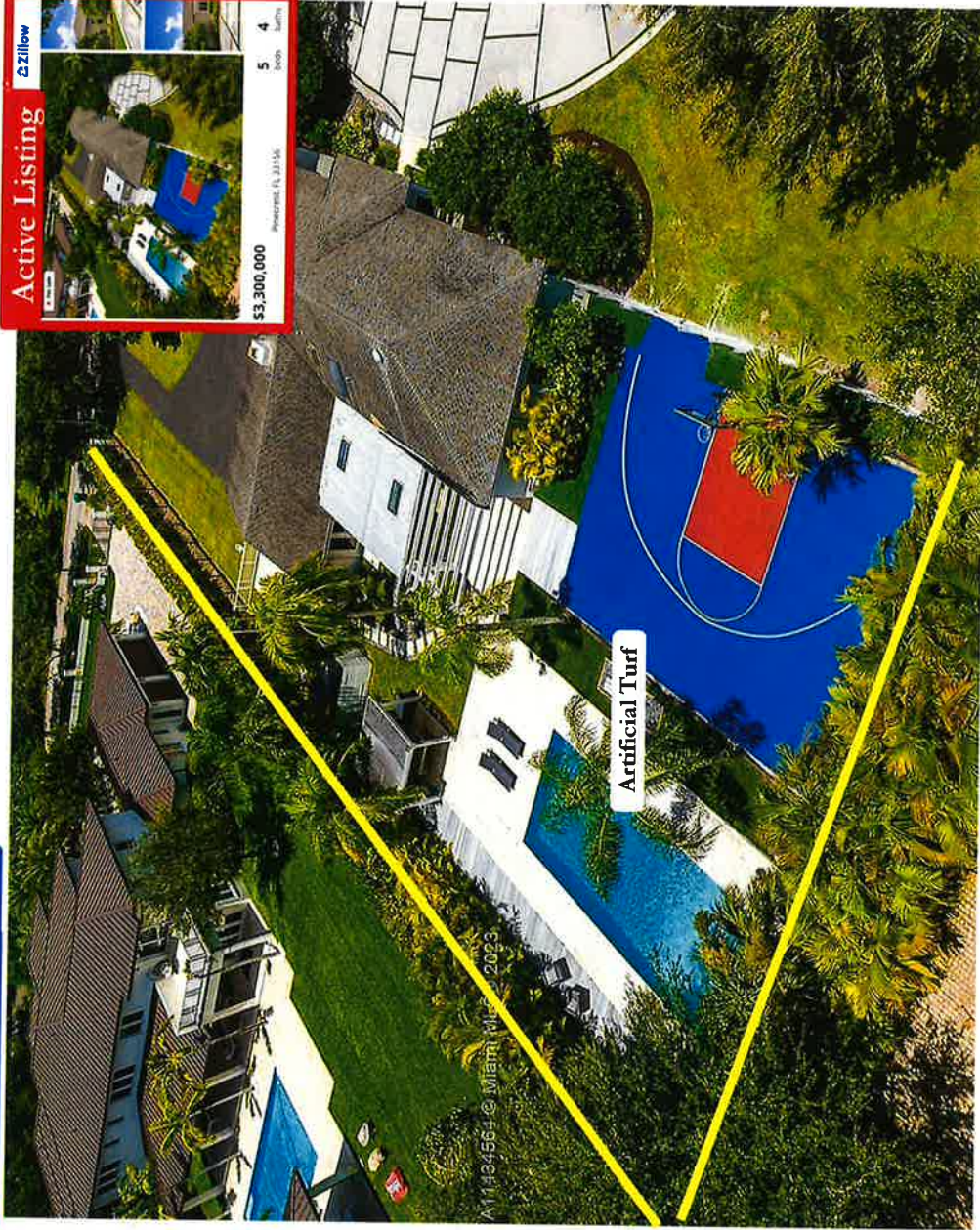
**Zillow**  
3 bd 3 ba 2,700 sqft  
Pinecrest  
**Off market**  
Zestimate®: \$8,952,100  
Est. mtg payment \$69,514/mo

**Sold in 2020**



**Artificial Turf**

North Pinecrest (16)



South Pinecrest (15)



South Pinecrest (17)



North Pinecrest (18)



South Pinecrest (19)



# RECENT APPLICABLE VARIANCE CASES IN PINECREST

Address	Owner	Hearing Decision	Hearing Date	Setback Variance	Green Space Variance	Lot Size	Neighbor(s) Opinion	Hardships?
11175 Killian Park Road	Carlos & Vanessa Zamora		Nov. 2023	Allow continuation of a sport court 9.0' from the side line and 2.0' from the east line.	Reduce green space to 46% from 55% as required.	32,492 SF	Support from Both Adjacent Neighbors	Small Lot Corner Lot Topography
8251 SW 134 St	Anthony & Kira Roussos	Approved by Zoning Board	Nov. 2022	Allow construction of impervious surface 34.0' from the front setback instead of 50' as required.	Reduce green space to 49% from 55% as required.	25,200 SF	Support from Both Adjacent Neighbors	Small Lot
10050 West Suburban Drive	Kaan & Alexandra Aguirre	Approved by Zoning Board	Nov. 2022	Allow continuation of shed 5' from the west property line instead of 30' as required.	N/A	36,154 SF	Support from Both Adjacent Neighbors	Small Lot
9101 SW 64 Ct	Francisco Mehech	Denied by Village Council	Apr. 2022	Allow construction of a sport court 9.0' from the rear property line instead of 15' as required.	N/A	43,227 SF	Opposition from One Adjacent Neighbor	None - the lot is standard size and shape
6060 SW 118 St	Jeffrey & Daphne Martino	Approved by Zoning Board	Sep. 2022	Allow continuation of tennis court 2.6' from the rear property line instead of 15' as required.	N/A	40,293 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
7440 SW 112 St	Rafael & Alexandra Rivera	Approved by Zoning Board	Sep. 2022	Allow construction of a building 15' feet from the rear property line instead of 25' as required.	N/A	16,615 SF	Support from Both Adjacent Neighbors	Corner Lot
6775 SW 101 St	Orlando Benitez	Approved by Zoning Board	Jun. 2021	Allow construction of a sport court 28.0' from front property line instead of 50.0' as required.	Reduce green space to 41% from 55% as required.	81,633 SF	Support from Both Adjacent Neighbors	None - the lot is large and shape is normal.
8870 SW 63 Ct	Santiago & Patricia Eljatek	Withdrawn Application	Nov. 2019	Allow construction of a sport court 7.0' from rear property line instead of 15' as required.	Reduce green space to 49% from 55% as required.	38,005 SF	Opposition from One Adjacent Neighbor	None - the lot is standard size and shape
Gulliver Schools	N/A	Approved by Village Council	Jul. 2019	N/A	Reduce green space to 21% from 35% as required.	300,000 SF	Support & Opposition from Community	None
6130 SW 114 St	Juan Militello & Maria Hahan	Approved by Village Council	Jul. 2018	Allow construction of a sport court 7.7' from east and 8.0' from west property line.	N/A	40,510 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
6520 SW 114 St	Ricardo Campo	Approved by Zoning Board	May. 2018	Allow continuation of a sport court 5.4' from rear property line.	N/A	40,510 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
8801 SW 63 Ct	Hector Lens	Approved by Zoning Board	Sep. 2017	N/A	Reduce green space to 51% from 55% as required.	37,952 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
6835 SW 112 St	Gloria Molina	Approved by Zoning Board	Jan. 2017	Allow continuation of gazebo with a side setback of 2.3' instead of 20.0' as required.	N/A	37,897 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
12041 SW 64 Ave	Joseph & Elizabeth Jackson	Approved by Village Council	July 2015	Allow continuation of sport court with a side setback of 10.0' instead of 20.0' as required.	N/A	35,283 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
9700 W Suburban Dr	Jacob & Laura Miguel	Approved by Zoning Board	Apr. 2015	Allow the construction of a sport court with a rear setback of 10.0' instead of 20.0' as required.	N/A	45,119 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
9800 SW 62 Ct	Juan & Maria Ortiz	Approved by Zoning Board	Nov. 2014	Allow the construction of a basketball court with a rear setback of 5.0' instead of 25.0'.	N/A	31,798 SF	Support from Both Adjacent Neighbors	Small Lot Corner Lot
6500 SW 123 St	David & Patty Rothstein	Approved by Zoning Board	Nov. 2014	Allow the construction of a basketball court with side setback of 6.0' instead of 20.0'.	N/A	40,075 SF	Support from Both Adjacent Neighbors	None - the lot is standard size and shape
10050 SW 62 Ave	Joseph He	Approved by Zoning Board	Oct. 2013	Allow the continuation of a basketball court with a rear setback of 10.0' instead of 15.0'.	N/A	73,180 SF	Support from Both Adjacent Neighbors	None - the lot is large and shape is normal.
6700 SW 125 Ter	Monica Urcein	Approved by Zoning Board	Mar. 2009	Allow to continuation of tennis court 10.9' from the rear setback instead of 50.0' as required.	N/A	31,493 SF	Support from Both Adjacent Neighbors	Small Lot Corner Lot

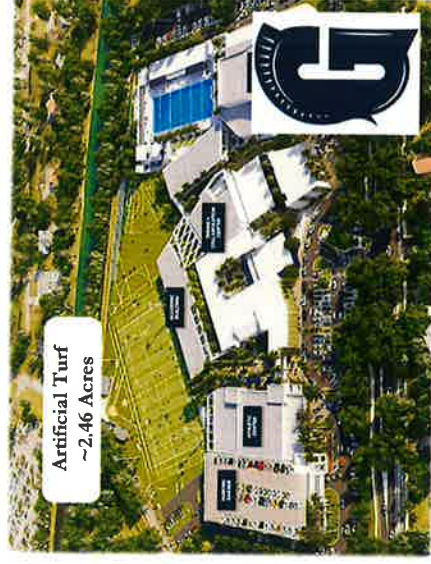
## CASE STUDY: GREEN SPACE VARIANCE FOR GULLIVER PREP

In 2019, Gulliver Prep requested a variance to the Land Development Regulations, seeking a **reduction in the green space requirements from 35% to 23%** (or approximately **2.46 acres**) to accommodate artificial turf on its athletic fields. The Zoning Board rejected the variance request. Gulliver Prep subsequently appealed to the Village Council, who unanimously overturned the Zoning Board's decision despite no significant hardships and the fact that Gulliver Prep was only required to have 35% green space, which is considerably less than the 55% required for residential properties.

Why did Gulliver Prep fight for artificial turf over natural grass for its athletic fields? The advantages of artificial turf are clear: it's safer for recreational activities, hypoallergenic, water-conserving, permeable, drains faster than natural grass, and looks good all year around. Merits that have been echoed by several former and active members of the Village Council, including Joseph Corradino, Anna Hochkammer, and Ken Fairman. Rather than ask Gulliver to redesign its site layout to comply with the parameters of the green space requirement, the Village Council not only unanimously overturned the Zoning Board's decision, but later amended the Land Development Regulations to formally recognize artificial turf "within a sports field or stadium" as green space in the following zoning districts: **Public and Private Parks and Recreation Facilities (PR)** and **Public and Semi-Public Services (PS)**. We have now seen many parks in Pinecrest, including Flagler Grove Park, implement artificial turf on a large scale. However, while the Village approved Gulliver's variance and amended the Code for the private and public institutions, the residential community was seemingly neglected and denied the same privilege for their backyards which is primarily used for recreational activities. Why were homeowners left behind?

The argument that Gulliver, along with PR / PS districts, deserved an exception from the green space requirements due to the binary nature of its athletic fields is both flawed and unfounded. It is true that Gulliver and others in those districts are limited to either natural grass and artificial turf for its athletic fields. Yet, this argument neglects and fails to recognize that homeowners face a **similar binary choice for their "recreational areas" in their backyards**. Although the argument was made at Gulliver's public hearing that homeowners could fulfil the green space requirement by planting trees and other natural plantings in place of natural grass, it is not practical unless you don't expect homeowners to use their backyards for running around and other recreational activities. The reality is that most residents in Pinecrest have **extensive grassy lawn areas in their backyard** intended for such activities – like Gulliver's athletic fields but on a smaller scale. It is unreasonable deny the same privilege to residents in the community and suggest that we have multiple options outside of this two-way choice, as replacing recreational spaces with non-grassy plantings would ultimately remove the ability to have "play zones" in their backyards. Our family's experience is a testament to this issue.

Just like how the Village Council broadened the definition of green space to include artificial turf on athletic fields for PR and PS districts, homeowners should also be granted the right to utilize artificial grass as green space in their backyards. There are many families, like ourselves unfortunately, that must opt for artificial turf over natural grass for health and practicality reasons. **I call upon the Village Council to reconvene after this hearing, possibly through a workshop, and consider extending the recognition of artificial turf as green space for just the rear (backyard) area of residential properties.** Follow in the example of Coral Gables and others who have already amended their zoning code to allow residential homeowners with the option but not obligation to utilize artificial turf as green space in their backyards. It is important that we **eliminate any double standards** in our community. As a forward-looking municipality, the Village should get ahead of this before things get out of hand especially in terms of code compliance. As Mr. Olmsted can attest, there are dozens of properties in Pinecrest that are not in compliance with the green space requirements due to the use of artificial turf. This number is growing by the week due to the growing recognition of artificial turf. Just as the code was amended following Gulliver's variance, it should also be amended for the stakeholders that should matter the most: **our residents**.



# SUPPORT FROM VILLAGE COUNCIL & ZONING BOARD

We appreciate the dedication and contributions of both current and former Village members, particularly for their support of artificial turf and flexibility regarding setback requirements. We are grateful for the existence of the variance process, which can accommodate situations like ours. After observing numerous past hearings, it's heartening to feel a sense of alignment with the Village. Our decision to reside here is not solely because of the stunning environment; it is equally driven by the responsible leadership and wise decisions made by our fellow residents.



**Doug Kraft (Former Member of Village Council)**  
RE: Eljatic – Green Space Variance in Nov. 2019  
**Support for Artificial Turf & Easing Setback Rules**



**Daniel Enekes (Member of Zoning Board)**  
RE: Gulliver Prep – Green Space Variance in July 2019  
**Support for Artificial Turf as Green Space**



**Ken Fairman (Member of Village Council)**  
RE: Gulliver Prep – Green Space Variance in July 2019  
**Support for Artificial Turf as Green Space**



**Joseph Corradino (Mayor of Pinecrest)**  
RE: Eljatic – Green Space Variance in Nov. 2019  
**Support for Artificial Turf & Easing Setback Rules**



**James McDonald (Former Member of Council)**  
RE: Gulliver Prep – Green Space Variance in July 2019  
**Support for Artificial Turf as Green Space**

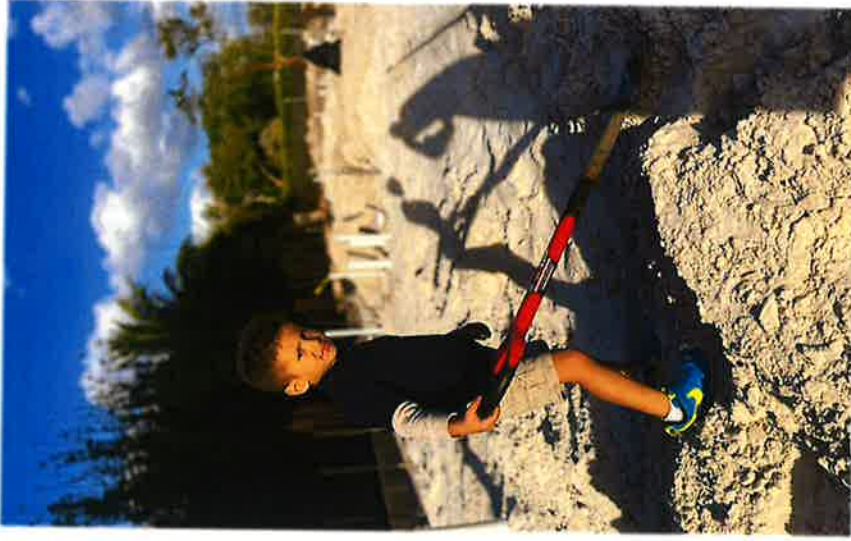
## SUMMARY & CLOSING THOUGHTS

We trust the Village Council will recognize the straightforward nature of our variance request, considering the distinct hardships and challenges we face, including our family's allergies and the aspiration for our children to enjoy our backyard. Strictly adhering to the Village's Land Development Regulations would **deny my family the same privileges** that our neighbors (and private institutions) enjoy in Pincerest. We appreciate the conditions outlined by the Building Department in their Staff Report regarding the proposed variance, should it gain the Village Council's approval. We respect the intent behind these conditions and are prepared to collaborate with the Village, **as described on the next page**, on certain stipulations to minimize any potential issues for our neighbors, both current and future.

With respect to the **green space variance**, the inclusion of artificial turf is important due to our unique conditions and health implications. Although we would prefer to install more artificial turf in our backyard, it has been limited to just the courtyard area. However, our property embodies the essence of the green space guidelines, demonstrated by the vast expanses of natural sod in our front, side, and back yards, vertical wall gardens, abundant palm and canopy trees, as well as our expansive Koi pond. Past and present members of the Village Council have provided well-sounded support for recognizing artificial turf as green space. Denying our green space variance would render a substantial area of our backyard effectively unusable. Moreover, it would cast the Gulliver amendment as contradictory and not in harmony with the principles cherished by our community.

Regarding the **setback variance for the sport court**, we have full support from our adjacent neighbors—the Silva and Castro families—without any concerns or complaints regarding flooding, noise, or proximity. Former and active members of the Village Council have also conveyed their support for flat surfaces, including sport courts, that exceed the rear yard setback as we've seen in prior variances. What we've installed isn't a bulky structure (like a gazebo or shed) but a flat, half-size basketball court which is very common in Pincerest. The sport court does not also encroach upon the 10-foot utility easement. In its Staff Report, the building department suggested to erect a six-foot solid fence with sound-dampening materials. While we are open to this **if explicitly requested by neighbors (present or future)**, our extensive landscaping around the property would render it unnecessary. We've invested significantly in enhancing the landscaping around the basketball court and along the perimeter of the property, including 20 mature casuaras, 13 coconut palms, 30 fishtail palms, etc, which will provide a sufficient buffer.

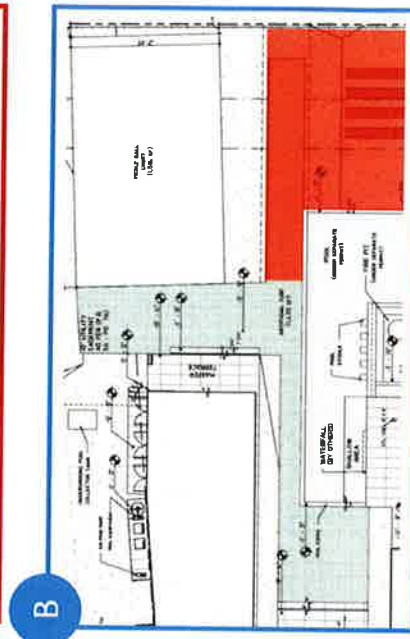
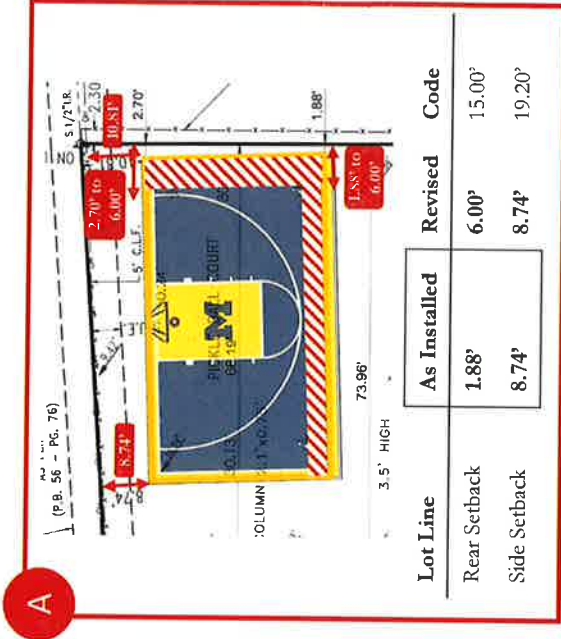
Our family is **deeply committed to our artificial turf and sport court**, both of which are crucial for our health, recreation, and overall well-being. I'd like to specifically emphasize the health considerations, particularly how without the sport court and artificial turf, we would not be able to run around and play recreational sports in our backyard given our allergies to natural grass. We are trying to create a clean, safe, and healthy outdoor environment for our children, which we would prefer to have outside rather than glued to their iPads. It is essential for the Village Council to remember the **core spirit and intent** behind the setback and green space requirements. Furthermore, the sport court (as a landscaping, koi pond, green wall, and artificial grass clearly satisfy the intent of the green space requirements. Furthermore, the sport court (as a flat surface) not only has the support of former and current members of Village Council but also of our adjacent neighbors. There is also have a clear precedence from prior variance cases. It is worth reminding everyone that we are a small and intimate community, and we should embrace nuance and practicality on matters such as this. Just as a doctor wouldn't give the same prescription to every patient, our plea is for understanding and relief from the unique challenges we face. We hope that the Village Council will base their decision on common sense and understanding. Thank you for your time and consideration.



# PROPOSED CONDITIONS FOR DISCUSSION PURPOSES

1. **Approval of variance shall be limited to the existing structure**, as amended, including the artificial grass and sport court.
2. Both the sport court and artificial grass can be viewed as "temporary and conditional improvements" that can be removed under specific circumstances. Variance can expire if:
  1. Sport court is removed, damaged or destroyed to an extent that equals or exceeds 50 percent of its value.
  2. Upon the sale of the property, the variance related to the artificial grass shall expire and will be replaced with natural sod (or other natural plantings) if no amendment is made to recognize artificial turf as green space.
3. **Prohibit lighting poles** designed to illuminate the sport court.
4. If requested by adjacent neighbor (current or future), an "acoustiblok" or equivalent sound attenuating material will be installed adjacent to the sports court. It would be unjust and overreaching for the Zoning Board to impose such conditions if our adjacent (current or future) neighbors do not consider them necessary.
5. Maintain the six (6) green walls on the front and back side of the property.
6. Purchase and donate multiple oak trees to the Village of Pinecrest for planting in tree-scarce areas.

1. Remove 25% of the installed artificial grass as per Exhibit B.
2. Reduce the size of the court by roughly 400 square feet as per Exhibit A.



	Staff's View on Lot Area		Owner's View on Lot Area		Lot Area w/ Conditions	
	Area SF	Green Space	Area SF	Green Space	Area SF	Green Space
Existing Structure	14,641	55%	14,641	55%	14,641	55%
Wall Garden	-	-	572	2%	572	2%
Koi Pond	-	-	400	1%	400	1%
Sport Court	1,514	(5%)	1,514	(5%)	1,106	(3%)
<b>Total</b>			<b>17,127</b>	<b>53%</b>	<b>16,719</b>	<b>55%</b>
Artificial Turf	1,430	(4%)			1,073	(3%)
<b>Total w/ Turf</b>	<b>17,585</b>	<b>46%</b>			<b>17,791</b>	<b>51%</b>

**Thank You!**



Stephen R. Olmsted, AICP  
Planning Director  
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: September 21, 2023

TO: Village of Pinecrest  
Zoning Board

FROM: Stephen Olmsted, AICP, LEED-GA  
Planning Director

RE: Public Hearing 2023-0927-3 – Carlos Zamora  
11175 Killian Park Road  
Request for Setback and Impervious Coverage/Greenspace Variances

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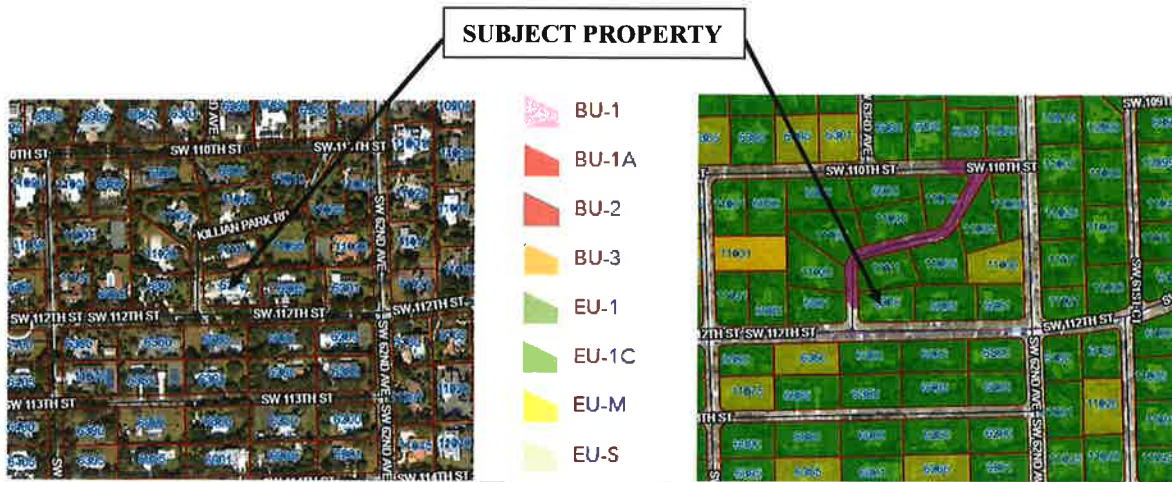
**PETITION REQUEST**

Mr. Carlos Zamora is requesting two (2) variances from the requirements of the Village's Land Development Regulations as follows:

- 1.) A variance from the side and rear yard setback requirements of Division 4.2 (c) 5. g. of the Village's Land Development Regulations to allow an existing pickleball court to remain 8.74 feet from the side (north) property line instead of 19.20 feet, and 1.88 feet from the rear (east) property line instead of 15 feet, and
- 2.) A variance from the requirements of Division 4.2 (c) 5.d. of the Land Development Regulations to allow 54% impervious coverage on the subject property and 46% green space instead of 45% impervious coverage and 55% green space as otherwise required.

**SITE LOCATION**

The subject property is located at 11175 Killian Park Road, Pinecrest, FL 33156, within the EU-1, Residential Estate zoning district; Folio # 20-5012-012-0080.



**OWNER/APPLICANT**

Carlos Zamora (Owner and Applicant)

**BACKGROUND**

Mr. Zamora constructed a new home on the subject property in 2022 in compliance with all requirements of the Village’s Land Development Regulations. Following issuance of a certificate of occupancy, Mr. Zamora installed a new sports court and artificial turf without required permits, causing the property to now be in violation of the Village’s setback and impervious coverage/greenspace requirements. Mr. Zamora is now requesting setback and greenspace variances as referenced above to allow continuance of the sports court and artificial turf.

Mr. Zamora has submitted an application and Letter of Intent explaining his application and circumstances related to his request (attached). Mr. David Mendez, P.E, Public Works Director, will be attendance at the scheduled public hearing on September 27, 2023 to address Mr. Zamora’s comments regarding the Village’s Public Works Department, electric transformer, and stormwater drainage and permeability.

**PUBLIC COMMENT**

The Building and Planning Department has received one (1) letter in support of the proposed variances, and one (1) letter in opposition. A copy of all correspondence is attached.

## PINECREST LAND DEVELOPMENT REGULATIONS

The subject property is zoned EU-1, Residential Estate and is 32,492 square feet in area. Pursuant to the requirements of Division 4.2 (c) of the Village's Land Development Regulations, the following setback, green space, and impervious coverage, requirements are applicable to the subject property:

	<u>EU-1</u>	<u>Proposed</u>
Side Setback	19.2 feet	8.74 feet
Rear Setback	15 feet	1.88 feet
Min. Greenspace	55%	46%
Max. Impervious	45%	54%

[14,641 square feet = 45% (permitted home and structures) + 1,514 square feet = 5% (sports court) + 1,430 square feet = 4% (artificial turf)]

Preservation of a minimum of 55% of the property in undeveloped natural area is required. The submitted survey indicates that currently 46% of the property (14,907 square feet) consists of natural, undeveloped greenspace as defined by the Land Development Regulations. In order to satisfy the greenspace requirements of the Land Development Regulations, restoration of a total of 9% of the lot area (2,944 square feet) to green space will be required.

There is currently 1,430 square feet of artificial turf adjacent to the swimming pool. Removal of the artificial turf (1,430 square feet), leaving the sports court (1,514 square feet), would result in 50% greenspace (16,155 square feet) on the subject property instead of 55% as otherwise required.

The existing pickleball and half basketball court is located in the northeast corner of the subject property, within the required side and rear yard setback, 8.74 feet from the side lot line instead of 19.20 feet, and 1.88 feet from the rear lot line instead of 15 feet as otherwise required. Division 5.7 of the Village's Land Development Regulations (buildings and structures), paragraph a. requires accessory uses to conform to the same setbacks as principal structures with exceptions for certain specified accessory uses. Pickleball courts or other sports courts are not listed as an exception.

### SETBACK VARIANCE

Division 4.2 (c) 5. g. of the Village's Land Development Regulations requires the existing sports court to be located 19.20 feet from the side (north) property line and 15 feet from the

rear (east Property line. The applicant has constructed an unpermitted sports court 8.74 feet from the side lot line and 1.88 feet from the rear property line.

### VARIANCE CRITERIA – SIDE AND REAR YARD SETBACK

Criteria for approval of a variance from the requirements of the Land Development Regulations are provided in Division 3.5 of the Village's Land Development Regulations. A copy of Division 3.5 is attached for the Zoning Board's consideration.

In order to authorize any variance from the terms of the Land Development Regulations, the Zoning Board is required to find that the request meets all of the specified criteria. Criteria include the following:

1. *Variance consistent with authorized powers. That the variance is in fact a variance set forth in the Land Development Code and within the province of the board or Village Council, as applicable.*

The Zoning Board has the authority to consider the variance request. Pursuant to Division 3.5(b) of the Village Land Development Regulations, a variance is authorized to be granted by the Zoning Board for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances.

2. *Existence of special conditions or circumstances. That 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.*

There do not appear to be any special conditions related to the variance request. Maintenance of minimum specified setback requirements is a condition applicable to all other properties in the Village of Pinecrest. Approval of this variance request would grant the applicant a right that otherwise is not permitted.

3. *Conditions not created by the applicant. That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances are the direct result of the applicant's decision to construct the sports court in its current location without going through the required permitting process.

4. *Special privileges not conferred.* That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.

Granting of the variance would confer a privilege on the applicant that would be denied to others. An accessory structure on the subject property within the EU-1, Residential Estate Zoning District is otherwise required to be located 19.2 feet from the side lot line and 15 feet from the rear property line.

5. *Hardship conditions exist.* That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.

Literal interpretation of the Land Development Regulations would require the applicant to obtain an impervious coverage/green space variance and relocate the unpermitted sports court.

6. *Only the minimum variance granted.* That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Reasonable use of the property will continue to be available to the applicants if the variance request is denied. The property includes a single-family residence, gazebo, and swimming pool.

7. *Not injurious to the public welfare or intent of the land development code.* That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Maintenance of a pickleball and half basketball court within the required side and rear yards, closer to the property lines than otherwise permitted, could be disruptive of the neighboring property owner's quiet enjoyment of their property either now or at some time in the future, and could serve as the basis for similar requests by other property owners in the Village, if approved.

#### RECOMMENDATION – SIDE AND REAR YARD SETBACK VARIANCE

The Building and Planning Department recommends that the requested variance be denied as the request does not meet all of the required criteria for approval.

In the event the Zoning Board considers granting the requested variance, the Board may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Development Master Plan and the Land Development Regulations. If the Zoning Board makes the decision to approve the variance, staff would recommend the following conditions of approval be imposed:

1. Approval of a variance for reduction of greenspace in the amount necessary to accommodate the existing sports court (50% instead of 55% as otherwise required).
2. The variance shall be limited to the existing sports court. The variance is specific for this use and does not provide the right to build other structures in the required setback areas.
3. If the sports court is removed, damaged or destroyed to an extent that equals or exceeds 50 percent of its value, the setback variance shall expire and any new construction or reconstruction shall occur in compliance with the Village's Land Development Regulations.
4. A six-foot solid fence shall be installed adjacent to the north and east sides of the existing sports court and landscaping consisting of a hedge and trees shall be planted between the north and east property line and the sports court to form an opaque landscaping buffer on the owner's property. A proposed landscaping plan shall be submitted for review and approval by the Administrative Official prior to planting. Additional landscaping may include Paradise Trees, Pigeon Plum Trees Travelers Palms, Dahoon Holly, Japanese Ferns, Large Leaf Clusia or equivalent plantings as approved by the Administrative Official. Trees shall be a minimum of twelve feet in height and 3 inches diameter (dbh) at the time of planting.
5. The applicant shall install "acoustiblok" or equivalent sound attenuating material on the north and east sides of the required fence adjacent to the pickleball court to reduce noise that the game of pickleball typically generates.
6. Illumination of the sports court shall not be permitted.
7. The applicant shall obtain a building permit from the Village of Pinecrest Building and Planning Department.

#### GREENSPACE VARIANCE

Permitting the sports court and artificial turf as proposed by the applicants will require a variance from the requirements of Division 4.2 (c) 5. d. iii of the Land Development

Regulations to allow 46% green space on the property where a minimum of 55% is otherwise required ("Minimum green space: 55 percent").

The Land Development Regulations define "Green Space" as "*a permeable area or areas open to the sky (except for roof overhangs up to three feet) including beautification strips, consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, planted floral installations, and dry retention areas, all of which must be composed of natural plantings only*".

During a review and discussion of the Village's Land Development Regulations in 2018, the Village Council confirmed that the definition of required green space does not include artificial turf and is limited to natural plantings only.

### VARIANCE CRITERIA – GREEN SPACE

Criteria for approval of a requested variance are provided in Division 3.5 of the Village's Land Development Regulations. A copy of Division 3.5 is attached for the Zoning Board's consideration. In order to authorize any variance from the terms of the Land Development Regulations, the Zoning Board is required to find that the request meets all of the specified criteria. Criteria include the following:

1. ***Variance consistent with authorized powers.*** *That the variance is in fact a variance set forth in the Land Development Code and within the province of the board or Village Council, as applicable.*

The Zoning Board has the authority to consider the request. Pursuant to Division 3.5(b) of the Village Land Development Regulations, a variance is authorized to be granted by the Zoning Board for setback lines; lot width; street frontage; lot depth; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, and other matters specifically permitted as variances.

2. ***Existence of special conditions or circumstances.*** *That 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.*

There are no special conditions that exist that are peculiar to the land that necessitate a reduction in greenspace to accommodate the proposed pickleball court and artificial turf. Approval of the requested variance is not necessary to accommodate outdoor recreational activities on the residential property.

3. *Conditions not created by the applicant. That special conditions and circumstances do not result from the actions of the applicant.*

The conditions and circumstances relative to the proposed variance result from the desires and actions of the applicant to install a pickleball court and artificial turf without permits subsequent to issuance of a certificate of occupancy.

4. *Special privileges not conferred. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

Approval of the requested variance for a reduction in required green space would confer a privilege that is otherwise denied to other properties in the same EU-1, Residential Estate zoning district.

5. *Hardship conditions exist. That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*

Literal interpretation of the Land Development Regulations would require the applicants to remove the sports court and to reduce the area and intensity of the artificial turf and/or hardscape.

6. *Only the minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

Reasonable use of the property will continue to be available to the applicants if their variance request is denied. The existing residence and swimming pool have been permitted in compliance with requirements of the Village's Land Development Regulations.

7. *Not injurious to the public welfare or intent of the land development code. That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Development Master Plan and the Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

#### Land Development Regulations

The authority and purpose of Chapter 30, Land Development Regulations of the Village of Pinecrest Code of Ordinances is "to establish comprehensive controls and

management for the use of land and water within the village; to preserve the unique village character; and to promote and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the village". Preservation of a certain portion of natural undeveloped land within the Village is consistent with the purpose and intent of the Village's Land Development Regulations.

The Land Development Regulations define "Green Space" as "*a permeable area or areas open to the sky (except for roof overhangs up to three feet) including beautification strips, consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, planted floral installations, and dry retention areas, all of which must be composed of natural plantings only*".

Division 1.1 of the Village's Land Development Regulations states that it is the purpose of the regulations to "*preserve the unique village character; and to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Village*". Green space is critical to the health and well-being of the residents of the Village of Pinecrest. Natural plantings generate life-sustaining oxygen, absorb carbon dioxide, and cool the micro-climate. Although a decrease in required greenspace on the applicant's property may not be imminently hazardous, it is clear that greenspace is critical to the health and well-being of the community and is intended to be preserved through implementation of the Village's green space requirements. Approval of a reduction in required green space would be inconsistent with the stated purpose of the Land Development Regulations.

#### Comprehensive Development Master Plan

Preservation of natural undeveloped land is consistent with Policy 1-2.2.1: *Low Density Residential Development* of the Comprehensive Plan. The policy states that the densities for low-density residential development are prescribed to "promote compatibility with natural features of the land", and to "protect the quality and character of residential estates and single-family neighborhoods from incompatible development". Preservation of undeveloped natural space is consistent with the policy's intent to "promote compatibility with natural features of the land", thereby protecting the quality of the residential neighborhood.

Preservation of natural, undeveloped open space is also consistent with Policy 1-3.2.6 *Redevelopment Planning Activities* of the Village's Comprehensive Development Master Plan. The policy requires that the Land Development Regulations provide a regulatory framework that prevents the loss of open space, landscaping, native vegetation and tree canopies, and requires screening and/or buffer areas adjacent to areas of potentially incompatible land uses.

The goal of the Conservation Element of the Village's Comprehensive Development Master Plan (Goal 5-1) is to "conserve, manage, use and protect the natural and environmental resources of Pinecrest to ensure continued resource availability and environmental quality". Green space, defined in the Land Development Regulations as areas "consisting of those materials such as, but not limited to hedges, trees, planted ground cover, grassed areas, planted floral installations, and dry retention areas, all of which must be composed of natural plantings only", is a critically important natural and environmental resource that is protected through implementation of green space requirements of the Land Development Regulations. A reduction in required green space would be inconsistent with Goal 5-1 and related objectives and policies of the Comprehensive Plan.

### **RECOMMENDATION – GREEN SPACE VARIANCE**

The Building and Planning Department recommends that the variance request be denied as the request does not meet all of the criteria required for approval. In the event that the Zoning Board makes the decision to approve the variance, staff would recommend the following conditions of approval be imposed:

1. Natural greenspace shall be restored to allow for 50% greenspace on the subject property instead of 55% as otherwise required. The reduction in required green space shall be limited and applied to facilitate the existing pickleball court only; and shall not be used to support any subsequent increases in development intensity.
2. Review and approval of a survey, site plan, and building permits by the Building and Planning Department.



In accordance with the Americans with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 not less than four (4) business days prior to such proceeding.

Should any person decide to appeal any decision of the Village Council with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).



Stephen R. Olmsted, AICP  
Planning Director  
planning@pinecrest-fl.gov

**MEMORANDUM**

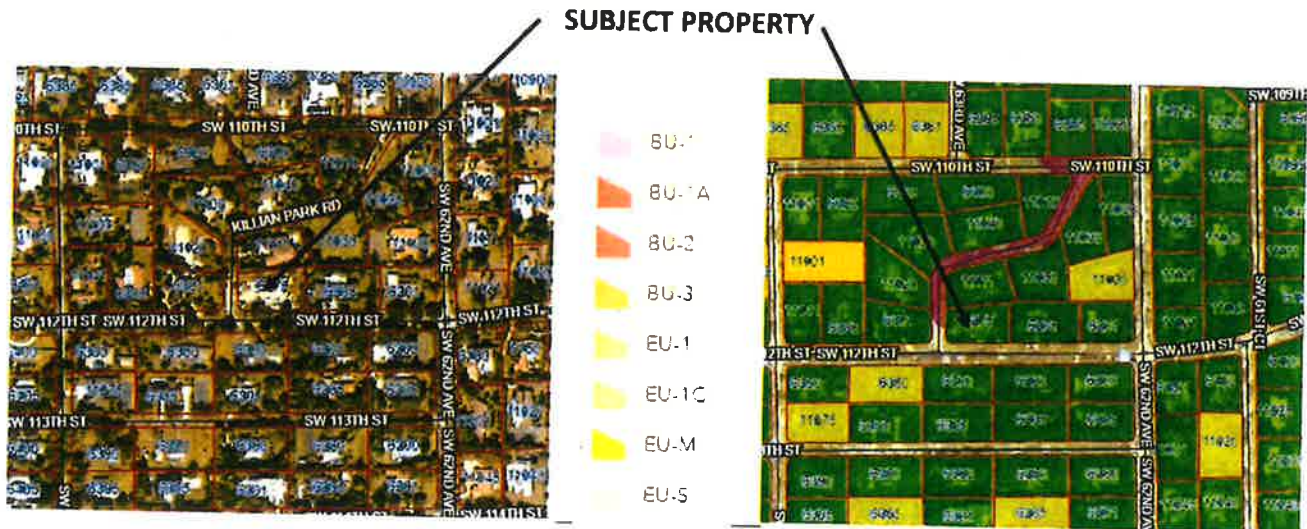
Department of Building and Planning

On Wednesday, **September 27, 2023 at 7:00 p.m.**, the Pinecrest Zoning Board will conduct a quasi-judicial public hearing in Leslie Bowe Hall at Evelyn Greer Park, located at 8200 SW 124 Street, Pinecrest, Florida 33156 to consider an application for variances as follows:

**OWNER/APPLICANT:** Carlos Zamora.

**HEARING 2023-0927-3.** Request for approval of 1.) A variance from the side and rear yard setback requirements of Division 4.2 (c) 5. g. of the Village’s Land Development Regulations to allow an existing pickleball court to remain 8.74 feet from the side (north) property line instead of 19.20 feet, and 1.88 feet from the rear (east) property line instead of 15 feet; and 2.) A variance from the requirements of Division 4.2 (c) 5.d. of the Land Development Regulations to allow 54% impervious coverage on the subject property and 46% green space instead of 45% impervious coverage and 55% green space as otherwise required.

**LOCATION:** 11175 Killian Park Road, Pinecrest, FL 33156, within the EU-1, Residential Estate zoning district; Folio # 20-5012-012-0080.



All interested parties are urged to attend. Objections or expressions of approval may be made in person at the hearing or filed in writing prior to the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121, via e-mail at [planning@pinecrest-fl.gov](mailto:planning@pinecrest-fl.gov), or writing to the department at 12645 Pinecrest Parkway, Pinecrest, Florida 33156, where a plan is on file.

**OVER**

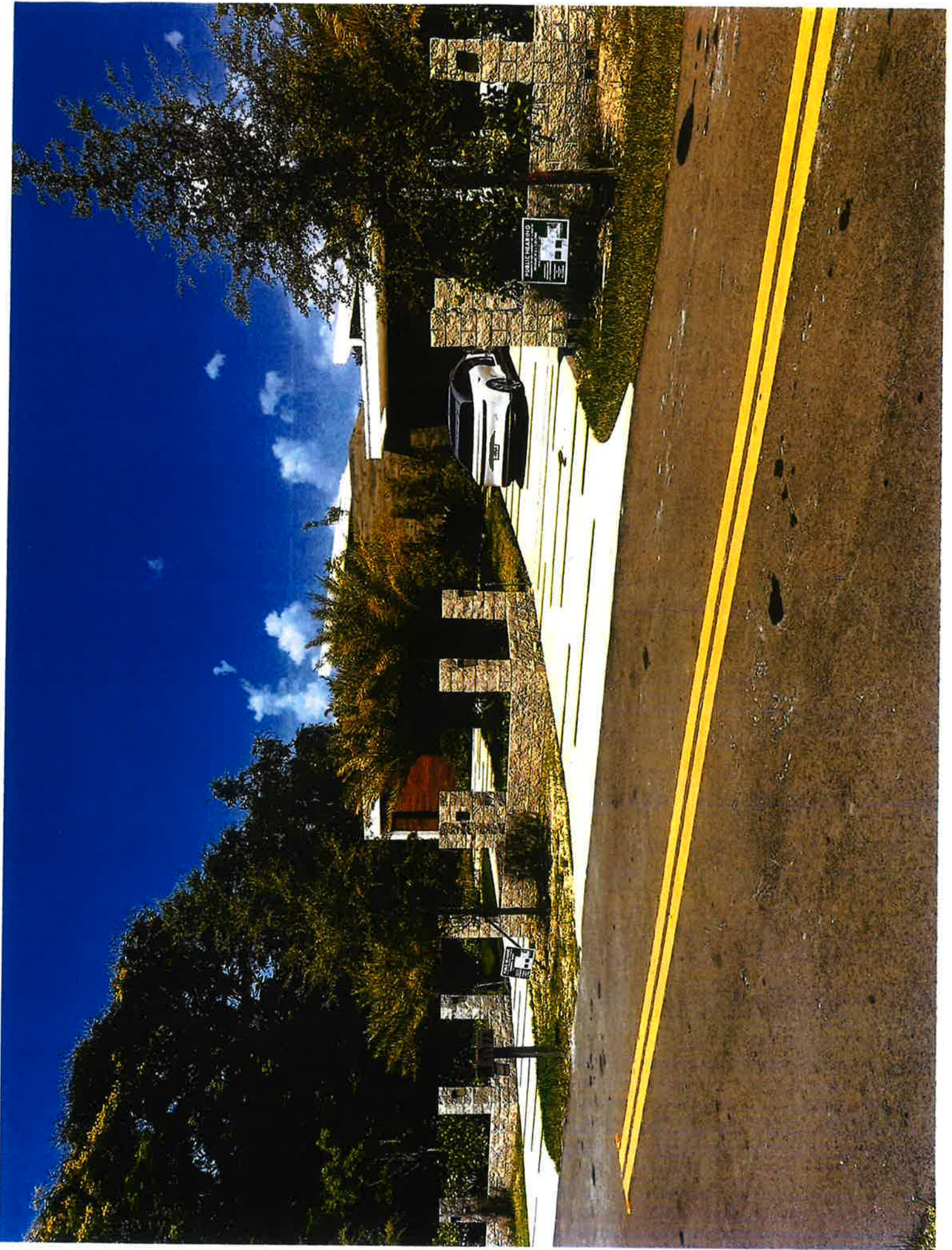
**OVER**



In accordance with the Americans with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 not less than four (4) business days prior to such proceeding.

Should any person decide to appeal any decision of the Village Council with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).





**Stephen Olmsted (BPD)**

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**From:** Ada da Silva <adadasilva01@yahoo.com>  
**Sent:** Thursday, August 17, 2023 2:54 PM  
**To:** Roxana Neira (BPD); Stephen Olmsted (BPD); Priscilla Torres (OVC)  
**Subject:** Support for Variance (VP2307-0002) - 11175 KILLIAN PARK ROAD

**CAUTION: Don't be quick to click! We're counting on you!** This email is from an external sender! Don't click on links or open attachments from unknown sources. If you know this is spam delete the message. If you need further assistance with an unknown message please contact [gwilson@pinecrest-fl.gov](mailto:gwilson@pinecrest-fl.gov)

RE: Support for Variance (VP2307-0002)  
11175 KILLIAN PARK ROAD

Hi Stephen, Planning Office,

My name is Ada Da Silva, residing at 11111 Killian Park Road, which is adjacent to 11175 Killian Park Road. I am writing to express my support for the sport court and impervious coverage that exceeds the Zoning requirements.

While I understand that the sport court and impervious coverage as it stands may not be in line with the zoning code, I would like to emphasize its positive impact to our community.

The Zamora family has been considerate in ensuring that the sport court does not impose any undue disturbances or inconveniences to neighboring properties. I believe that certain exceptions can be made when they align with the larger goal of community building.

**As a direct neighbor, I am not only unopposed to the sport court but truly appreciate its presence.**

I kindly request that the Zoning Board my feedback and support when making a decision during the upcoming hearing on September 27 2023.

Thank you for your time and consideration.

Regards,

Ada Da Silva

Fernando Silva

**Roxana Neira (BPD)**

---

**From:** pellicer@aol.com  
**Sent:** Monday, August 28, 2023 5:04 PM  
**To:** Roxana Neira (BPD)  
**Subject:** 11175 Killian Park Road 2023-0927-3

**CAUTION: Don't be quick to click! We're counting on you!** This email is from an external sender! Don't click on links or open attachments from unknown sources. If you know this is spam delete the message. If you need further assistance with an unknown message please contact [gwilson@pinecrest-fl.gov](mailto:gwilson@pinecrest-fl.gov)

Hello Mr. Olmsted,

Thank you for speaking with me this afternoon. I would like to make our position clear as to our neighbor's request to both increase impervious coverage at his property and to decrease green space. We cannot attend the hearing related to these issues but wanted to make it very clear that we are opposed to this homeowner's request.

We have lived on Killian Park Road for 29 years. This road is subject to terrible flooding. We have the lowest property on a very low road. We have flooded inside our home several times. Since we fought for and had installed some underground drains ( to nowhere), things have improved. Yet, even last year our garage flooded. We are very opposed to increasing any impervious ground cover!

Also, Pinecrest is known for its beauty. Part of that beauty is the greenspace which we all have. Any decrease in greenspace should not be allowed.

I hope that you will take our position very seriously and deny Mr. Zamora's request. Thank you very much.

Hilary Pellicer  
Baldo Pellicer  
11010 Killian Park Road  
305-798-2046

Fee \$988 each

VILLAGE OF PINECREST  
Building & Planning Department

**PUBLIC HEARING APPLICATION**  
Administrative Review Application

- Please check one:
- VILLAGE COUNCIL
  - PLANNING BOARD
  - ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY

Application No. VP2307-0002

Date Received: 7/21/2023

**INSTRUCTIONS**

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

**APPLICATION**

Please indicate which type of application you are submitting by checking one category below:

- Change in Zoning District
- Variance
- Appeal of Decision
- Conditional Use
- Plat
- Entry Feature
- Site Plan
- Other

**IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.**

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) <b>Carlos Zamora</b>		
Mailing Address <b>11175 Killian Park Rd</b>	City, State, Zip <b>Pinecrest, FL 33156</b>	Telephone 786-314-6024 Email cmzamora03@gmail.com
Name of Owner <b>Carlos Zamora</b>		
Mailing Address <b>11175 Killian Park Rd</b>	City, State, Zip <b>Pinecrest, FL 33156</b>	Telephone 786-314-6024 Email cmzamora03@gmail.com

**PROPERTY INFORMATION**

A. **LEGAL DESCRIPTION**, (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).  
If metes and bounds description – Complete description, including section, township and range).

Folio Number 20-5012-012-0080

Address 11175 Killian Park Rd. Pinecrest, FL 33156

Lot(s) 8 Block \_\_\_\_\_ Section \_\_\_\_\_ Plat Book No. 56 Page No. 76

FINISHED FLOOR ELEVATION (if applicable) 11.8' FLOOD N/A and 7.00' ZONE X and AH

Revised 8/2016

B. ADDRESS (If number has been assigned) 11175 Killian Park Rd. Pinecrest, FL 33156

C. SIZE OF PROPERTY \_\_\_\_\_ ft X \_\_\_\_\_ ft. = 32,492 sq. ft.; \_\_\_\_\_ acre(s)  
Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

N/A

E. DATE SUBJECT PROPERTY WAS ACQUIRED 11/25/2019

**APPLICANT'S PROPOSAL**

Specify in full the request. (Use a separate sheet of paper if necessary.)

See separate sheet of paper with Letter of Intent

**INTENT**

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

See separate sheet of paper with Letter of Intent

Is this application the result of a Notice of Violation or deviation from approved plans?  Yes  No

Are there any existing structures on the property?  Yes  No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) New SFR already built (permitted under BL2020-0482)

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A.  **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B.  **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C.  **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D.  **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E.  **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F.  **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

**NOTE:** SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 10 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- 35 MM Photo(s) (Mounted 8 1/2 x 11)
- Letters from Area Residents
- Other \_\_\_\_\_

Please check only one of the following options:

**FOR VILLAGE COUNCIL PURPOSES**

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

**FOR ZONING BOARD PURPOSES**

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 14 days of the decision.

7/29/23 \_\_\_\_\_ / Carlos Zamora  
 Date Applicant's Signature Print Name

\_\_\_\_\_/\_\_\_\_\_  
 Date Applicant's Signature (if more than one) Print Name

I/We Carlos Zamora as Owner(s) of Lot(s) 8

Block \_\_\_\_\_ Section \_\_\_\_\_ PB/PG 56-76

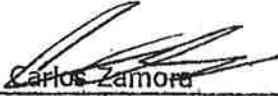
of property which is located at 11175 Killian Park Rd. Pinecrest, FL 33156 desire to file an application for a public hearing before the  Village Council  Planning Board  Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

I/We as the owners of the subject property (check one):

do hereby authorize \_\_\_\_\_ to act on my/our behalf as the applicant.

will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

Owner's Name Carlos Zamora Signature  Date 7/20/23

Owner's Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Notary to Owner:

Applicant's Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Notary to Applicant:

September 27<sup>th</sup>, 2023

Village of Pinecrest  
12645 Pinecrest Parkway  
Pinecrest, Florida 33156

Case No.: CC23-0924 & CC23-0923  
Hearing No. 2023-0927-3  
Applicant: Carlos Zamora  
Location: 11175 Killian Park Road

Re: Variance Request for 11175 Killian Park Road

Village of Pinecrest:

This Letter of Intent provides an overview and a report of facts for the variance request at 11175 Killian Park Road in the Village of Pinecrest. Carlos Zamora ("owner" and "applicant") is requesting approval of a (i) variance from the side and rear yard setback requirements of Division 4.2 (c) 5. g. of the Village's Land Development Regulations to allow an existing pickleball court to remain 8.74 feet from the side (north) property line instead of 19.20 feet, and 1.88 feet from the rear (east) property line instead of 15 feet; and a (ii) variance from the requirements of Division 4.2 (c) 5.d. of the Land Development Regulations to allow 54% impervious coverage on the subject property and 46% green space instead of 45% impervious coverage and 55% green space as otherwise required.

## BACKGROUND

Situated at the intersection of Killian Park Road and 112th Street, the subject property was acquired by the applicant in November 2019. Over the course of two years following the purchase of the property, the applicant oversaw the construction of a new, modern single-family home. The applicant moved into the new residence in December 2022 after obtaining a temporary certificate of occupancy. Once the final occupancy certificate was issued, a few more modifications were made to the estate. This included planting new trees, setting up a sport court, and laying artificial grass on its eastern section. The installation of the sport court and artificial turf were handled by Sport Court South Florida and EasyGrass respectively, both known for their previous work in the Village of Pinecrest. Acting on the advice of these firms, the applicant was under the impression that no permits were required. However, in June 2023, the Village of Pinecrest issued a Code Compliance, citing two violations: (i) construction of an accessory (sport court) and installation of artificial turf without a permit, and (ii) exceeding setbacks and impervious area regulations outlined in the Zoning Code.

In response to the alleged violations, the applicant firmly believes that the subject property possesses distinct characteristics that merit special consideration, due to "unnecessary hardships" and unique lot conditions, for a variance to the Land Development Regulations. These hardships and unique conditions, which are described below, are not personal to the landowner but are specific to the property itself, encompassing its small size, corner-lot location, and uneven topography. The applicant argues that without the necessary variance to the Zoning Code, which would allow the continuation of the sport court and artificial grass, they would be unfairly deprived of the same level of enjoyment enjoyed by neighboring property owners in the same district. Consequently, they contend that these exceptional circumstances justify granting a variance to the existing regulations. The applicant holds a deep passion and commitment to this issue in question and is prepared to invest both time and resources to further their objective of obtaining this variance approval, be it through the Village of Pinecrest, Miami-Dade Circuit Court, or beyond.

## CRITERIA FOR VARIANCE

In consideration of the after-the-fact Variance from the Zoning Board, the applicant firmly believes that they meet all seven (7) criteria pursuant to Division 3.5(f) of the Village's Land Development Regulations.

- 1) **Variance Consistent with Authorized Powers.** *The proposed variance(s) is in fact a variance as set forth in the Land Development Code and within the province of the Zoning Board or Village Council of the Village of Pinecrest.*
- 2) **Existence of Special Conditions or Circumstances.** *Special conditions and circumstances exist that do not apply to most similar properties in the same zoning district, including, but not limited to, the undersized nature of the lot compared to others in the same zoning district. See below for the other special conditions.*
- 3) **Conditions Not Created by Applicant.** *The special conditions and hardships described below are due to circumstances unique to the property and were not created by the property owner.*
- 4) **Special Conditions not Conferred.** *Granting the variance(s) does not bestow any special privileges upon the applicant that are withheld from other properties, buildings, or structures within the same zoning district under the comprehensive plan and code. There is a significant number of properties in the Village of Pinecrest with sport courts (most larger in size) and artificial grass that exceed the setback and impervious area requirements. Exhibit C features aerial photographs of fourteen (14) properties located in the Village of Pinecrest while Exhibit F features the address to over 120 properties that exceed the impervious area requirements. It is estimated that more than 18% of all EU-1 zoned properties in the Village of Pinecrest exceed the maximum impervious area requirements. Therefore, approving the variance(s) does not introduce any undesirable alterations or deviations from established practices in the community.*
- 5) **Hardship Conditions Exist.** *Under the literal definition of hardship conditions pursuant to the Village's Land Development Regulations, the subject property clearly faces several hardships that are beyond the control of the property owner, placing an unfair burden on the property. It is important to remind the Zoning Board the literal definition of a "Hardship" as it pertains to the Village's Land Development Regulations. A hardship is defined as an unusual irregularity in the property (not created by personal circumstances) that makes it uniquely unjust to comply fully with the zoning regulations. The hardship must be peculiar to the property, not general to the neighborhood or community. Such peculiar characteristics might arise, for example, from location of the property, size or shape of the lot, or topography or water features on the site. The literal interpretation of the provisions of the Village's Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.*
  - a. **Undersized Lot** – *The subject property, with a lot area of 32,492 square feet, is significantly smaller than its neighboring properties in the Zoning District and the Village of Pinecrest. The average lot size of EU-1 zoned properties located in the Village of Pinecrest is roughly 42,000 square feet, which makes the subject lot roughly twenty three percent (23%) smaller compared to the average EU-1 lot in Pinecrest. According to the Code of Ordinances of Miami-Dade County, lots in the EU-1 District are required to have a minimum area of one acre (42,560 sf). The subject property, with a lot area of 32,492 square feet and total lot area (including right of way) of 40,494 square feet, falls below this minimum acreage standard for the Zoning District. If you were to normalize the subject lot area to the average lot size (~40,020 square feet) prevalent in the immediate radius of the applicant's property, the proposed variance(s) would only result in a total impervious area of roughly 44%, which is below the maximum requirement of 45%. The smaller size designation distinguishes it unfavorably from neighboring properties, creating an imbalance and unequal burden if the variance(s) is denied.*
  - b. **Corner Lot** – *Positioned at the corner of Killian Park Road and 112th Street, the subject property faces more stringent setbacks along its perimeter compared to nearby properties in the surrounding area. As a result of the stringent setbacks, including a 30-foot required setback on the south side of the property and a 50-foot required setback on the east side of the property, the applicant is faced with limited usable area compared with the average property in the immediate area and zoning district. The subject lot also lacks a complete rear yard and, as a result, the typical rear yard setback allowance prescribed by the code. This unique feature sets it apart from the majority of properties in the Village, putting it at a disadvantageous position.*
  - c. **Unique Topography** – *The natural grade of the subject property exhibits uneven and sloping elevations, as confirmed by the property survey. Specifically, there are several areas elevated by nearly 25%. These*

*limitations are specific to this property and are not commonly observed in neighboring properties. Furthermore, there are several sections in the backyard where natural sod fails to grow and sustain itself due to the distinctive topography and soil conditions. Despite the applicant's attempts to address this issue by planting natural sod multiple times over the past six months, with professional landscaping, the sod did not survive. For visual reference, please refer to Exhibit C, which provides before and after photos. In summary, the unique topography poses challenges that restrict the utilization of several areas.*

- 6) **Only the Minimum Variance Granted.** *The requested variance(s) specifically pertains to the sport court and artificial grass, situated on the west side of the property. It seeks adjustments for the following: (i) reducing the north-side setback from 20 feet to 9 feet and the east-side setback from 15 feet to 3 feet, and (ii) modifying the maximum impervious area from 45% to 54%. It is important to note that the applicant has complied with the setback and impervious area regulations for the remaining portions of the property, with the exception of the designated sport court and artificial grass. Therefore, the requested variance(s) shall solely pertain to the sport court and artificial grass and will not extend beyond its scope.*
- 7) **Not Injurious Public Welfare or Intent of the Land Development Code.** *Granting the proposed variance(s) aligns with the comprehensive plan, goals, objectives, and policies, ensuring consistency with the overall vision of the community without adversely affecting neighboring properties. The applicant has proactively engaged with its surrounding neighbors, who have expressed their approval and support for the sport court. No concerns or complaints have been raised regarding proximity, noise levels, or the risk of flooding associated with the sport court. The applicant has ensured that proper measures have been taken to address these potential issues. The sport court has been constructed with proper drainage systems in place to mitigate any risk of flooding. Furthermore, the subject property does not feature any light poles which eliminates the bothersome light pollution at night. Importantly, granting the variance(s) will not disrupt the integrity of the zoning scheme as a whole, ensuring its continued harmony with the community.*

#### **OTHER CONSIDERATIONS**

In consideration of the after-the-fact variance request from the Zoning Board, the applicant would also like to the Zoning Board to take into consideration and weigh the following "qualitative" factors:

- 1) **Acted in Good Faith.** *The applicant proceeded with the installation of the sport court and artificial grass in good faith, unaware of the permit requirements. Their collaboration with Sport Court South Florida and EasyGrass, who previously completed similar projects in the Village of Pinecrest without issues, further reinforced their belief that no permit was necessary.*
- 2) **Support from Neighbors.** *Since its completion in April 2023, the sport court has been in use without any complaints from neighbors. There have also been no concerns raised regarding noise or flooding. In fact, the applicant received support from the adjacent neighbors, including the (i) Silva family that owns the bordering property north of the subject lot and the (ii) Castro family that owns the bordering property east of the subject lot.*
- 3) **Complex Skin Condition.** *Understanding the rationale behind the installation of "Permeable Turf" in the lot's backyard holds significant importance. The applicant's son, Maximus Zamora, aged 7, grapples with a complex skin condition encompassing atopic dermatitis, eczema, and various allergies that elicit an immune response within his skin. Since birth, Max has endured this condition without signs of improvement over the past two years. Unfortunately, exposure to natural sod grass and other forms of pollen triggers outbreaks, skin irritations, as well as nasal and ocular symptoms. In light of this, the applicant's family doctor, recommended artificial grass as a viable substitute for natural turf. When the applicant's family moved into the subject property in December 2022, they discovered that the natural sod in the backyard did not alleviate Max's symptoms. Prior to moving in, the applicant had observed that the natural sod on the property struggled to grow well due to the topography, resulting in a combination of triggering conditions in the backyard. Ultimately, the presence of natural sod has deprived both Max and the applicant's family of the joy of fully enjoying their outdoor space.*

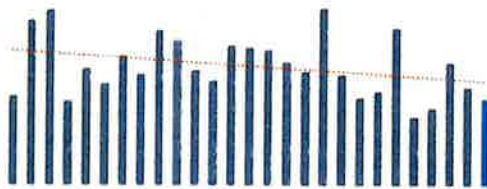
4) **Consistent with Adjacent Properties – Precedent Cases.** *There exists a clear precedent in the Village of Pinecrest for granting variances to the impervious area and green space requirements. Several adjacent properties, a few of which are highlighted below, exceed these requirements due to features such as large tennis courts, concrete pads, or artificial grass. Notably, these variances were granted without clear hardships or justifications on record. Exhibit F lists 125 properties that breach the impervious requirement, further underscoring the established precedent.*

a. *The property located at 6520 SW 114th St was granted a variance for its sport court despite not having any clear hardships – the lot size at 40,410 SF was within average, normal topography, and it was not located on a corner lot. You can reference hearing PZ2018-05-23-1.*

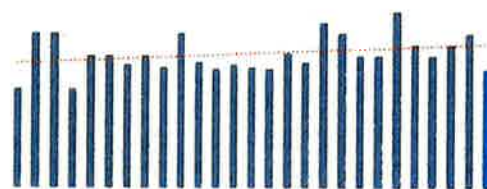
**Select (EU-1) Properties that exceed the impervious and setback requirement in the Village of Pinecrest:**

Property Address	Lot Area	Impervious Area	Impervious Area %	Green Area %	Sport Court?	Artificial Grass?	Exceed Setback?	Exceed Green?
A 6520 SW 114 St	40,510	18,230	45%	55%	Yes	-	Yes	Yes
B 6300 SW 126 St	47,480	33,236	70%	30%	No	Yes	-	Yes
C 8961 SW 62 Ct	50,529	35,370	70%	30%	Yes	Yes	Yes	Yes
D 9101 SW 63 Ct	37,987	17,094	45%	55%	Yes	-	Yes	Yes
E 6485 SW 106 St	39,303	23,582	60%	40%	Yes	-	Yes	Yes
F 9505 SW 60 Ave	34,412	20,647	60%	40%	Yes	Yes	Yes	Yes
G 10390 SW 60 Ave	46,739	26,174	56%	44%	Yes	-	Yes	Yes
H 5941 SW 96 St	37,592	22,555	60%	40%	-	Yes	Yes	Yes
I 9515 SW 60 Ct	57,063	31,385	55%	45%	Yes	Yes	Yes	Yes
J 6600 SW 114 St	41,817	29,272	70%	30%	Yes	Yes	Yes	Yes
K 6784 SW 97 St	40,946	23,339	57%	43%	Yes	-	Yes	Yes
L 9620 SW 67 Ave	39,204	21,170	54%	46%	Yes	-	Yes	Yes
M 9300 SW 62 Ct	50,529	28,296	56%	44%	Yes	-	Yes	Yes
N 9401 SW 63 Ct	50,529	27,791	55%	45%	Yes	-	Yes	Yes
O 9050 SW 62 Ct	50,529	27,286	54%	46%	Yes	-	Yes	Yes
P 5768 SW 94 St	40,946	24,977	61%	39%	Yes	-	Yes	Yes
Q 6130 SW 114 St	40,510	23,091	57%	43%	Yes	-	Yes	Yes
R 9121 SW 62 Ct	47,480	35,610	75%	25%	Yes	Yes	Yes	Yes
S 6505 SW 114 St	32,060	22,442	70%	30%	Yes	Yes	Yes	Yes
T 9490 SW 67th Ave	29,620	17,772	60%	40%	Yes	Yes	Yes	Yes
U 10800 SW 62nd Ave	31,798	19,079	60%	40%	Yes	Yes	Yes	Yes
V 6220 SW 108th St	39,639	31,711	80%	20%	Yes	Yes	Yes	Yes
W 8770 SW 64th Ave	21,344	13,874	65%	35%	-	Yes	-	Yes
X 8761 SW 64 Ct	26,118	15,671	60%	40%	Yes	Yes	Yes	Yes
Y 8870 SW 63rd Ct	38,005	24,703	65%	35%	Yes	Yes	Yes	Yes
Z 13180 Old Cutler Road (Jalen Ramsey)	28,314	19,820	70%	30%	-	Yes	Yes	Yes
Sub <b>Subject Area (11175 Killian Park Road)</b>	<b>32,492</b>	<b>17,585</b>	<b>54%</b>	<b>46%</b>				

Impervious Area by Lot



Impervious Area (%) by Lot



5) **Environmental Benefits of Artificial Grass.** *While reviewing the Code, the applicant noticed that it explicitly excludes "artificial grass" from the definition of green space. However, the Code fails to provide a comprehensive definition of artificial grass which conflicts with that of green space. Artificial grass is beneficial for the environment, since harmful pesticides, fertilizers, and fungicides aren't needed. Other environmental benefits are decreased pollutants and carbon emissions from gas powered tools like lawn mowers, as well as preservation of water! Below are reasons why artificial grass is beneficial for the environment and should be accepted as "Green Space" under the Zoning Code:*

- a. Reduced Water Usage: Artificial turf requires little to no watering outside of the occasional rinsing to get rid of dirt and debris. Turf also reduces excessive water waste from timed sprinkler systems that run whether they need to or not.
- b. Permeability: Generally, it is assumed and understood that Artificial Grass refers to a non-permeable product lacking adequate drainage capabilities. Nevertheless, the artificial grass product offered by EasyGrass surpasses those provided by other "turf" suppliers, as it boasts 100% permeability, efficiently draining water at a rate of over 350 inches per hour, which is faster than natural lawns.
- c. No Chemical Products: Regular maintenance on a natural lawn often means the use of harsh chemicals like pesticides and herbicides to keep that lawn free from invasive pests. These chemicals may also be harmful if they leech into local water sources, an important consideration for those in drought-ridden areas.
- d. Reduced Landfill Waste: Yard trimmings that don't get composted, lawn maintenance equipment that is no longer functioning, and plastic trash bags for lawn care products are just a small sample of items that take up space at the local landfill. Waste reduction is a large piece of the State of Florida's agenda in to combat climate change and address needless waste.
- e. No Air-Polluting Equipment: According to the U.S. EPA, lawnmowers and other lawn maintenance equipment like hedge trimmers and edgers are a major source of air pollutant emissions across the country. The bigger the natural lawn, the more emissions that get released into the air. This causes not only a rise in local air pollutants but puts Village residents at risk for exposure to harmful particles. Installing an artificial lawn reduces exposure to pollutants and keeps unnecessary emissions out of the atmosphere. It's an easy way to reduce your carbon footprint and keep maintenance and fuel costs low.

Therefore, considering the definition of Green Space and its focus on the environment and permeability, the applicant contends that the product offered by EasyGrass aligns with the Zoning Code.

- 6) **Applicant's Accommodation on Utility Transformer.** The applicant graciously agreed to host the above-ground utility transformer that MasTec installed in early 2023 to supply underground power lines to adjacent properties. As a result, this did further limit the space available on the property. The applicant hopes that this extension of good faith and accommodation can be reciprocated by the Village of Pinecrest.
- 7) **Substantial Investment.** Although the applicant understands that pecuniary loss is not enough to show "unnecessary hardship", it is still worth noting that the construction of the sport court and artificial grass involved a significant investment of approximately \$150,000, encompassing both materials and labor.
- 8) **Discriminatory Incident Involving Public Works / Zoning Department.** On September 2<sup>nd</sup> 2023, the applicant and its landscaping crew was subject to discrimination by one of the representatives (Mr. Charles Carr) from the Public Works and Zoning Department at Pinecrest. Mr. Carr stopped by the property to comment on the tree installation that the landscaping crew was conducting on the right-of-way. However, rather than knocking on the applicant's door or asking to speak with the landscaper's manager, Mr. Carr proceeded to scold me and the landscaping crew in an abrasive and demeaning manner. Mr. Carr made several times, in a laughing manner, to call the "policia on all of you people", insinuating that the workers, who are all from Latin America, might be undocumented. This presumption, made without any basis, was both offensive and unprofessional. The landscaping crew were deeply disturbed when the applicant approached them shortly after that interaction with Mr. Carr. The applicant did overheard the interaction and immediately confronted Mr. Carr afterwards, and repeatedly asked him to "calm down" and "cool it" because he was becoming very temperamental. Mr. Carr dismissed the applicant at one point with his hands and started to walk away. It was not pleasant. Unaware of the permit requirement nor the 811 hotline, the applicant acknowledged the oversight and proceeded to comply with the department's request to remove and relocate the trees that we had planted on the ROW. However, the behavior from Mr. Carr was unacceptable. The applicant reached out to David Mendez and the rest of the Public Works department to inform them of the interaction. David Mendez acknowledged the sequence of events, via email, as I described, and apologized on behalf of the department. This is also not the first time that we have felt attacked by the Village. It is essential to emphasize the importance of treating every individual with respect, irrespective of their role or background.

## SUMMARY & CONCLUSIONS

The purpose of the variance process, as you know, is to provide flexibility and to prevent practical difficulties and "unnecessary hardships" resulting from strict interpretations of zoning ordinances. Considering the extent of the hardships and special conditions, including the size and nature of the lot area, the applicant contends that the requested variance is essential to ensure equitable enjoyment of the property lot, aligning with neighboring properties in the same Zoning District.

The Zoning Board should approve the proposed variance based on the following compelling reasons: (i) conceptual alignment with the Zoning Code, (ii) consideration of special conditions and hardships arising from the property's distinct circumstances, and (iii) consistency with precedent cases in the neighborhood. The variance requested will not serve as a special privilege, but will alleviate some demonstrable and unusual hardship that is the result of the following special conditions and circumstances relating to that land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same zoning district because the lot area is already small and positioned in a unique location.

Given the fulfillment of the seven criteria pursuant to Division 3.5(f) and the weight of precedent cases in the Village of Pinecrest, the applicant looks forward to receiving approval for the variance that would allow the continuation of the existing sport court and artificial grass as installed.

Thank you for your attention to this matter. Should you require any further information or clarification, please do not hesitate to contact me.

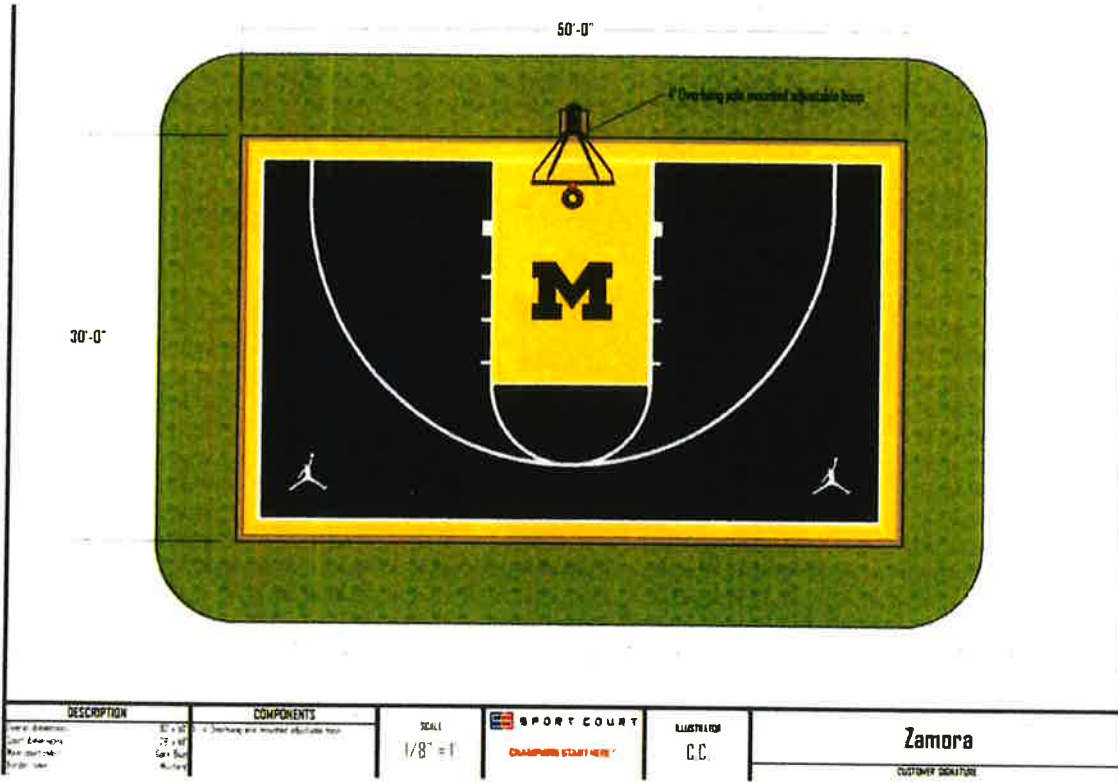
Sincerely,



Carlos Zamora  
Applicant & Owner of 11175 Killian Park Road

(See Below for Supporting Exhibits)

**Exhibit A: Dimensions & Photograph of Sport Court**

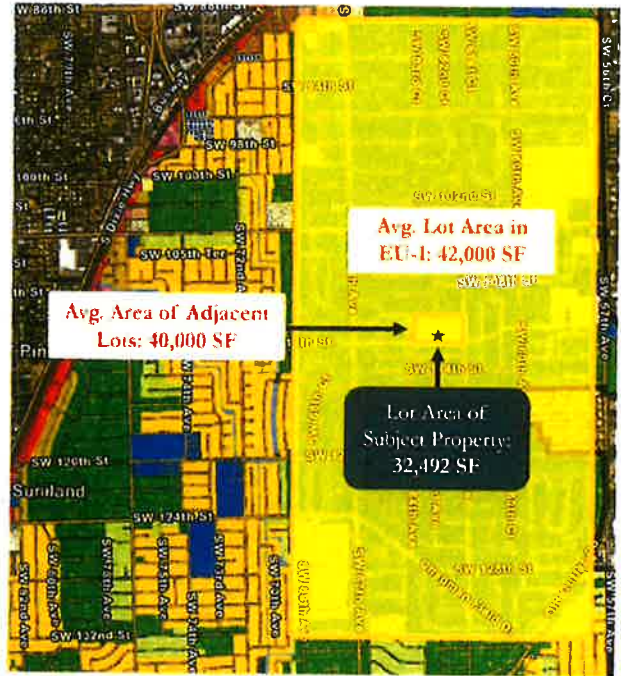


**Exhibit B: Size Comparison & Normalization of Subject Property to EU-1 Lots in Village of Pinecrest**

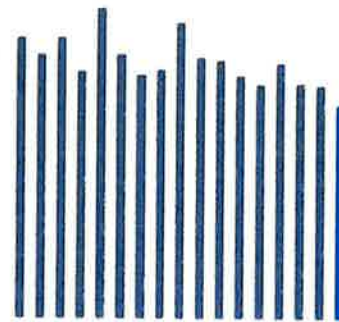
11175 Killian Park Road	Area SF	32,492	40,494	42,560	40,020
		Lot Area	Property Area	EU-1	Normalized <sup>(1)</sup>
Existing Impervious Area	14,641	45%	36%	34%	37%
As-Built Sport Court	1,514	5%	4%	4%	4%
As-Built Artificial Grass	1,430	4%	4%	3%	4%
<b>Total w/ Sports Court &amp; Grass</b>	<b>17,585</b>	<b>54%</b>	<b>43%</b>	<b>41%</b>	<b>44%</b>

(1) Normalized based on if the Subject Property was based in a lot area that was comparable to the property(s) in the nearby area.

Nearby, Adjacent Property(s)	Lot Area
Property A: 11120 Killian Park Rd	42,645
Property B: 6301 Sw 112 St	40,162
Property C: 11100 Killian Park Rd	42,688
Property D: 11040 Killian Park Rd	37,592
Property E: 11010 Killian Park Rd	47,044
Property F: 11035 Killian Park Rd	40,162
Property G: 11100 Sw 62 Ave	37,069
Property H: 6385 Sw 112 St	37,853
Property I: 11101 Sw 64 Ave	44,866
Property J: 6350 Sw 110 St	39,639
Property K: 6320 Sw 110 St	39,247
Property L: 6300 Sw 110 St	36,938
Property M: 11111 Killian Park Rd	35,611
Property O: 11112 Killian Park Rd	38,765
Property P: 6235 Sw 112 St	35,719
Property Q: 11000 Sw 62 Ave	35,501
<b>Subject Area (11175 Killian Park Road)</b>	<b>32,492</b>
High	47,044
<b>Average of Comparables</b>	<b>40,020</b>
Low	35,501



Lot Area - Nearby Properties



**Exhibit C(a): Pictures of Courtyard Area with Natural Sod**



**Exhibit C(b): Pictures of Courtyard Area with Artificial Grass**



**Exhibit D: Site Plan with Green Space**

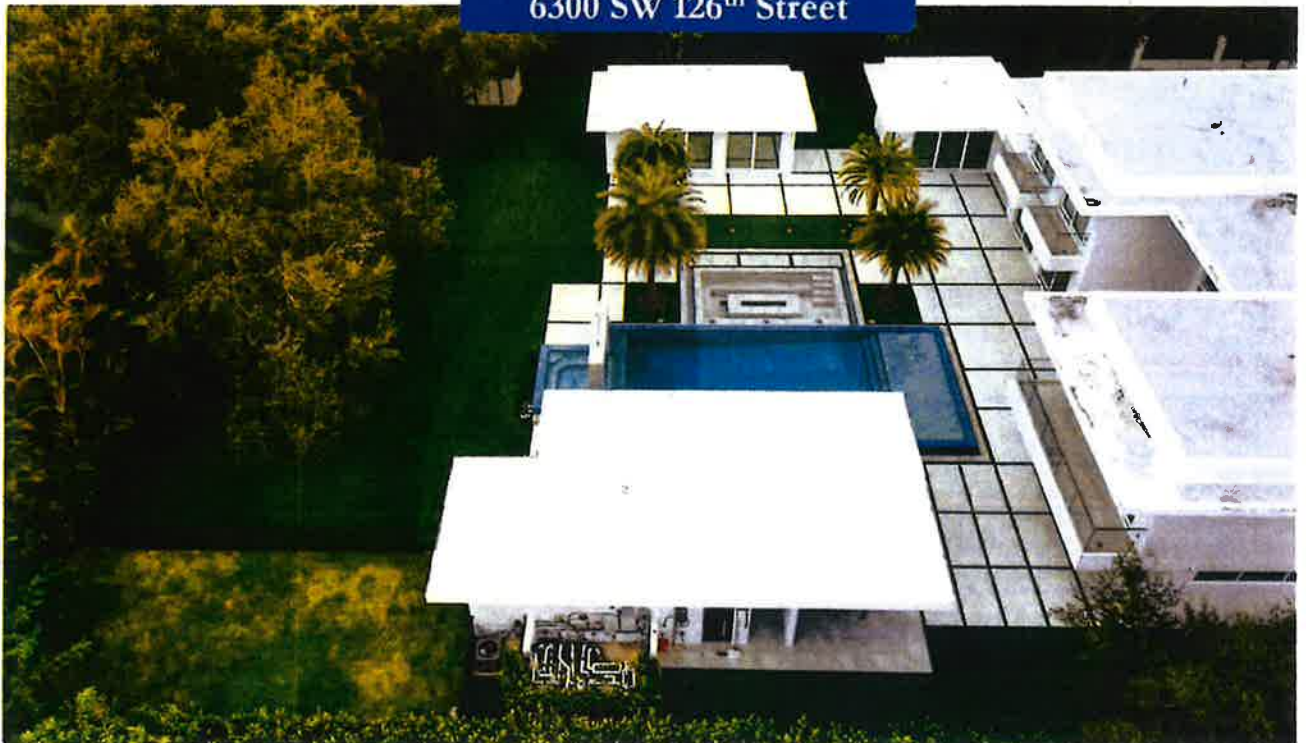
Please note that the areas highlighted in green shading represent all the green space, which is covered with natural sod. On the other hand, the areas shaded in blue indicate the sections covered with artificial grass.



**Exhibit E: Aerial View of Select (EU-1) Properties in Pinecrest that Exceed Impervious Requirements**

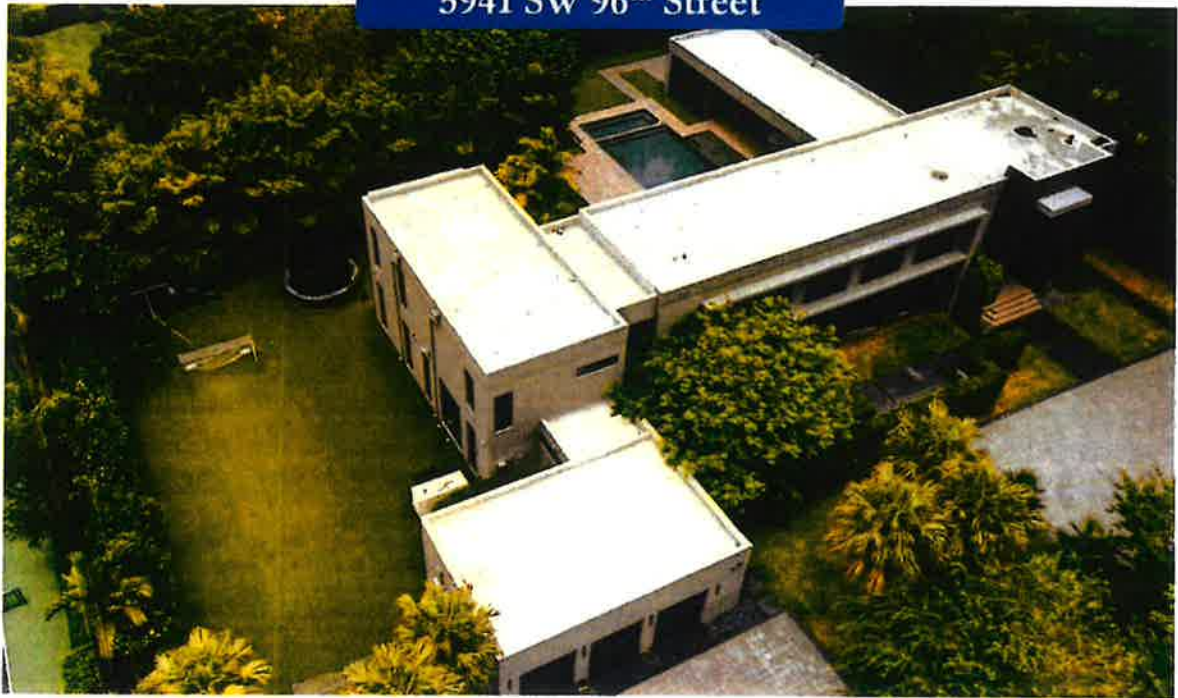


6300 SW 126<sup>th</sup> Street





5941 SW 96<sup>th</sup> Street



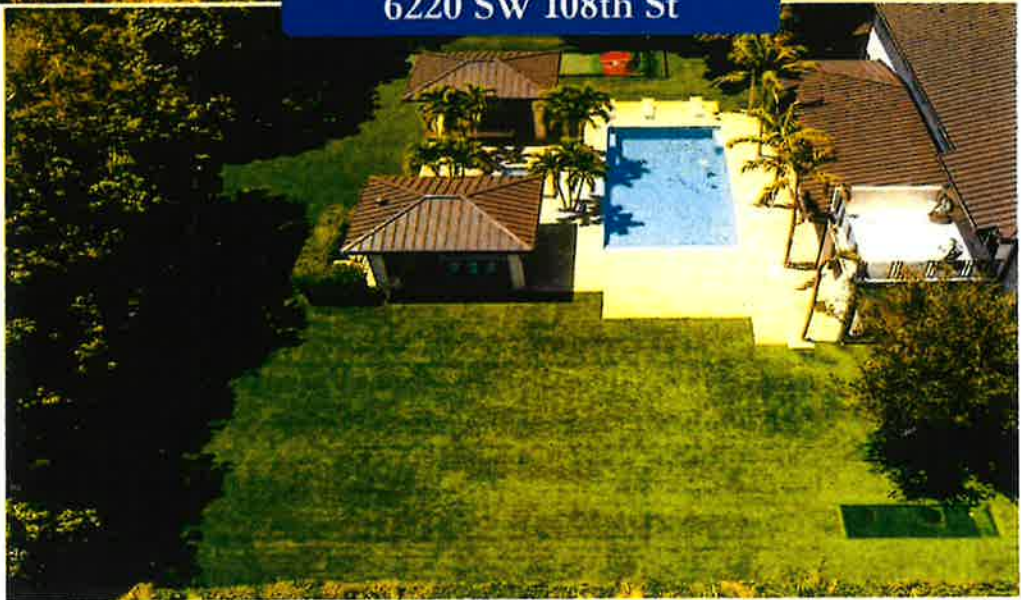


9121 SW 62 CT





6220 SW 108th St



10800 SW 62nd Ave



8870 SW 63rd Ct



6500 SW 114 Street



6485 SW 106 St



6505 SW 114 ST



9490 SW 67 AVE



8770 SW 64th Ave



8761 SW 64 CT

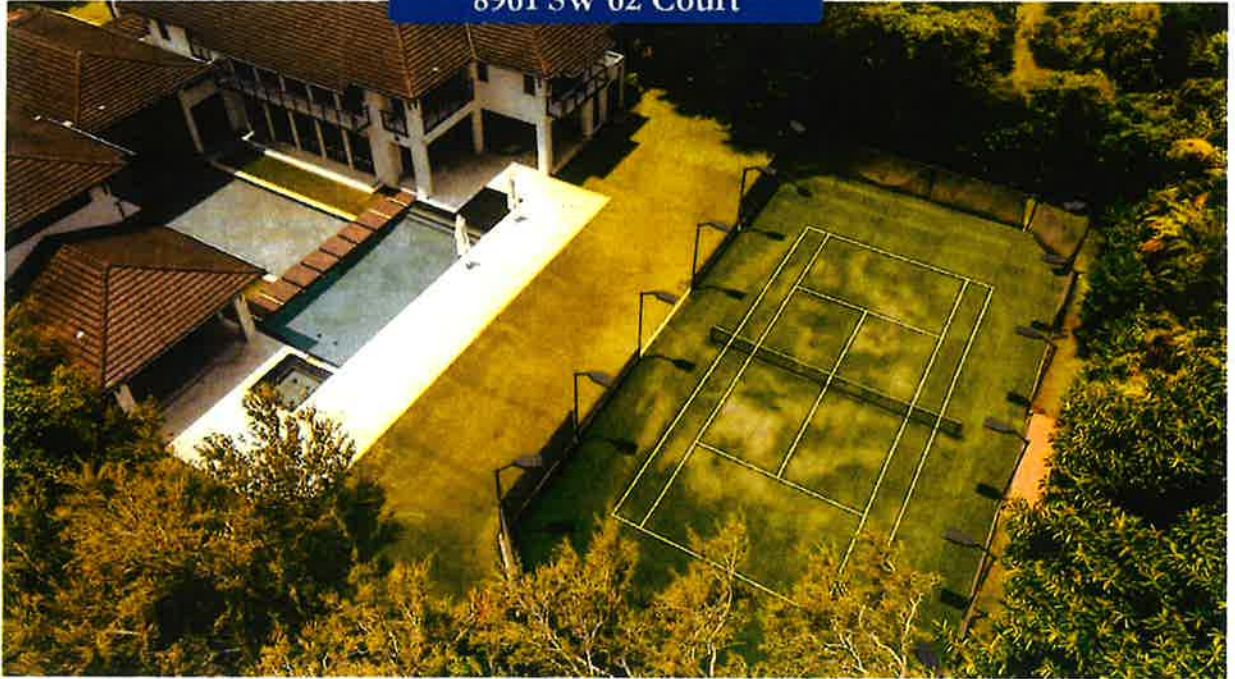


9505 SW 60 AVE





8961 SW 62 Court



**Exhibit F: Select 125 (EU-1) Properties in Pinecrest that Exceed Impervious Area Requirements**

1	6520 SW 114 St	42	9515 SW 60 Ct	83	6130 SW 114 St
2	6300 SW 126 St	43	6600 SW 114 St	84	9121 SW 62 Ct
3	8961 SW 62 Ct	44	6784 SW 97 St	85	6505 SW 114 St
4	9101 SW 63 Ct	45	9620 SW 67 Ave	86	9490 SW 67th Ave
5	8870 SW 63 CT	46	6350 SW 92 ST	87	6045 SW 120 ST
6	8920 SW 61 CT	47	9235 SW 63 CT	88	5860 SW 119 ST
7	6195 SW 92 ST	48	9321 SW 63 CT	89	11841 SW 57 CT
8	6505 SW 92 ST	49	9400 SW 62 CT	90	11600 SW 60 AVE
9	6465 SW 109 ST	50	6445 SW 94 ST	91	6280 SW 116 ST
10	5826 SW 107 ST	51	9601 SW 68 AVE	92	6501 SW 116 ST
11	10300 SW 64 AVE	52	6590 SW 96 ST	93	6350 SW 114 ST
12	5881 SW 105 ST	53	6255 SW 98 ST	94	6105 SW 116 ST
13	5882 SW 105 ST	54	9701 SW 60 CT	95	11425 SW 68 CT
14	5921 SW 105 ST	55	5945 SW 97 ST	96	11401 SW 68 CT
15	5922 SW 105 ST	56	5790 SW 97 ST	97	6455 SW 114 ST
16	5925 SW 107 ST	57	9701 SW 63 CT	98	11275 SW 64 AVE
17	5950 SW 104 ST	58	6915 SW 101 ST	99	6355 SW 113 ST
18	6040 SW 104 ST	59	6875 SW 101 ST	100	11320 SW 61 CT
19	6090 SW 104 ST	60	6855 SW 101 ST	101	5800 SW 111 TER
20	10300 SW 62 AVE	61	6881 SW 133 TER	102	6105 SW 135 TER
21	5781 SW 91 ST	62	6636 SW 96 ST	103	8870 SW 63rd Ct
22	6485 SW 106 St	63	9300 SW 62 Ct	104	10800 SW 62nd Ave
23	9505 SW 60 Ave	64	9401 SW 63 Ct	105	6220 SW 108th St
24	10390 SW 60 Ave	65	9050 SW 62 Ct	106	8770 SW 64th Ave
25	5941 SW 96 St	66	5768 SW 94 St	107	8761 SW 64 CT
26	10711 SW 61 AVE	67	10305 SW 64 AVE	108	11100 SW 62 AVE
27	10751 SW 61 AVE	68	6501 SW 129 TER	109	6235 SW 112 ST
28	5940 SW 108 ST	69	12861 SW 64 CT	110	11100 SW 64 AVE
29	10912 SW 59 CT	70	12950 SW 61 AVE	111	6695 SW 112 ST
30	11001 SW 60 CT	71	12900 SW 61 AVE	112	6600 SW 111 ST
31	6745 SW 94 ST	72	12375 SW 63 AVE	113	11101 SW 67 AVE
32	8925 SW 67 AVE	73	6190 SW 123 TER	114	6725 SW 110 ST
33	8800 SW 63 CT	74	6130 SW 123 TER	115	6425 SW 110 ST
34	9111 SW 64 CT	75	12360 SW 60 CT	116	6255 SW 110 ST
35	9170 SW 63 CT	76	12535 Tropical Way	117	6220 SW 108 ST
36	8891 SW 62 CT	77	5901 Moss Ranch Rd	118	6347 SW 109 ST
37	9075 SW 59 CT	78	6140 SW 121 ST	119	6400 SW 107 ST
38	5701 SW 94 ST	79	12145 SW 62 AVE	120	10650 SW 65 AVE
39	9375 SW 60 AVE	80	12245 SW 64 AVE	121	6363 SW 107 ST
40	6300 SW 92 ST	81	6105 SW 120 ST	122	6500 SW 104 ST
41	10325 SW 62 AVE	82	6201 SW 135 ST	123	13521 SW 62 AVE
42	9301 SW 62 CT	83	9780 SW 60 CT	124	13180 Old Cutler Road

Upon examination of the real estate parcels situated within the Village of Pinecrest, it has been determined that approximately 18% of all properties zoned as EU-1 in Pinecrest possess impervious surfaces that surpass the allowable limits stipulated in the Land Development Regulations. Given the current trend and anticipated new developments, this percentage is projected to rise.

Zoning District	No. of Properties	Exceed the Code	% of Prop Exceeding
EU-1 & EU-1C	1,950	351	18%
EU-M & EU-S	1,800	270	15%
RU-1 & RU-2	600	84	14%
RU-3	500	TBD	TBD
RU-3M & RU4L	500	TBD	TBD
RU4M & RU4	400	TBD	TBD
<b>Total</b>	<b>5,750</b>		



