



# MEMORANDUM Department of Building and Planning

DATE:

October 7, 2019

TO:

Yocelyn Galiano, ICMA-CM, LEED-GA

Village Manager

FROM:

Stephen R. Olmsted, AICP

Planning Director

RE:

8870 SW 63 Court – Modification of Development Order

# PETITION REQUEST/BACKGROUND

Santiago Eljaiek III, Esq. and Patricia Eljaiek (Owners/Applicants) are requesting modification of condition of approval 6 (c) (7th condition) of the Stritter Estates Subdivision Final Plat Development Order approved by the Village Council on June 8, 2004 for the "Stritter Estates" Subdivision requiring that "The applicant shall preserve and maintain two rows of mango trees along the rear property line of each lot as a buffer with the applicant having the option to replace said trees, if necessary, with another type of canopy tree". The property owners propose to remove four (4) trees from the buffer, to relocate them to the east adjacent to the north and south property lines, and to construct an in-ground trampoline, golf green, and sandstone tiled deck within the established buffer. A copy of the Village Council's Development Order is attached.

On June 18, 2003, the Village of Pinecrest Zoning Board approved a variance from the lot dimension requirements for the Stritter Estates Subdivision, allowing the smallest lot to be approximately 41,781 square feet in area where 43,560 square feet would have otherwise been required. In approval of the variance, the Zoning Board accepted the applicant's proffer of a condition of approval requiring maintenance of a double row of mango trees or other canopy trees on all lots within the subdivision. The Zoning Board's condition of approval 6 (c) (5th condition) also requires the preservation of two rows of mango or other canopy trees adjacent to the rear of each lot as follows:

"Two rows of mango trees shall be preserved and maintained along the rear property line of each parcel as a buffer with the developer having the option to replace the trees, if necessary, with other type of canopy tree".



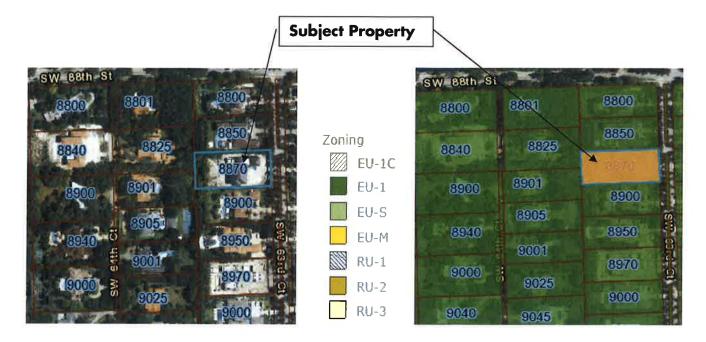


The Zoning Board's condition of approval is consistent with the Board's authority to mitigate the approved lot size variance and to ensure safeguards in conformity with the Comprehensive Development Master Plan and the Land Development Regulations. A copy of the Zoning Board's 2003 Development Order is attached.

In order to permit the applicants' development as proposed, modification of both the Village Council's Development Order and the Zoning Board's condition of approval are required. Additionally, approval of two variances from the requirements of the Land Development Regulations will also be required. The Zoning Board conducted a public hearing on September 25, 2019 to consider the applicants' request for an amendment of the Zoning Board's 2003 condition of approval, and to consider the applicants' request for two (2) variances including 1) a Variance from the setback requirements of Division 4.2 (c) 5. g. of the Land Development Regulations to allow construction of an in-ground trampoline, tiled sun and play deck, and recreational area 7 feet from the rear lot line instead of 15 feet as otherwise required; and 2) a variance from the requirements of Division 4.2 (c) 5. d. of the Land Development Regulations to permit a reduction in the amount of required green space, to allow 51% green space on the property where a minimum of 55% is otherwise required. Following consideration of the applicants' requests in a public hearing, the Zoning Board denied the applicants' request for modification, request for a setback variance, and request for a green space variance. The applicants have since submitted appeals of the aforementioned Zoning Board decisions that are scheduled to be considered by the Village Council in a public hearing on November 12, 2019.

# SITE LOCATION

The subject property is located at 8870 SW 63 Court, Pinecrest, Florida 33156 within the EU-1, Residential Estate zoning district. In 2009, the Village Council passed a resolution designating that portion of SW 63 Court between Southwest 88 Street and Southwest 92 Street as "Stritter Court".



# OWNER/APPLICANT

Santiago Eljaiek III, Esq. and Patricia Eljaiek

## **EXISTING CONDITIONS**

The subject property consists of a new single-family residence within the Stritter Estates Subdivision. The subdivision contains 20 lots. Approximately 18 of the lots are developed and two remain undeveloped. The property is zoned EU-1, Residential Estate.

The applicants were recently granted permits to remove mango trees within the required buffer and to replace them with other approved canopy trees, to move the eastern row of trees in the buffer farther back toward the rear lot line, and to install 2,660 square feet of artificial turf outside of the buffer, consistent with the minimum greenspace requirements of 55%. While the permits already issued to the applicants will allow for some of the proposed development including installation of the proposed "short synthetic grass" play area, modification of the development order and setback and greenspace variances would be required for installation of the proposed "sandstone tiled deck" and "in-ground trampoline".

Stritter Estates Subdivision is named after Mr. John Murray Stritter and is located on SW 63 Court, subsequently designated as "Stritter Court" by the Village Council in 2009. The Stritter Estates Subdivision is the site of a former commercial mango grove that was established by Mr. Stritter and his wife on farmland they purchased in 1945. According to the resolution approved by the Village Council in 2009 designating SW 63 Court as Stritter Court, the mango farm was "for decades the largest commercial grove in the area shipping

fruit all over the United States and Canada". A copy of the resolution and accompanying information relative to Mr. Stritter are attached.

# **Modification of Development Order**

On June 8, 2004, the Village Council approved the final plat for the Stritter Estates Subdivision. One of the conditions of approval imposed by the Village Council in conjunction with approval of the subdivision plat is similar to the condition of approval required by the Zoning Board at the time the Board approved the lot size variance. Village Council's condition of approval 6 (c) (7<sup>th</sup> condition) of the Stritter Estates Subdivision Final Plat Development Order provides:

"The applicant shall preserve and maintain two rows of mango trees along the rear property line of each lot as a buffer with the applicant having the option to replace said trees, if necessary, with another type of canopy tree".

The applicants are requesting modification of the Development Order to allow encroachment of their proposed development into the required buffer. In 2012, the Village Council and Zoning Board allowed construction of a turf block driveway between the established row of mango trees at the rear of another property in Stritter Estates located at 9130 SW 63 Court. The approved modification allowed for movement of two mango trees within the established double row to either side of their existing location to allow for extension of the driveway to the garage.

#### PINECREST LAND DEVELOPMENT REGULATIONS

The Stritter Estates Subdivision was approved by the Village Council in compliance with all requirements of the Village's Land Development Regulations, and in compliance with a variance approved by the Zoning Board relative to lot dimension requirements on June 18, 2003.

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 two rows of mango trees is consistent with the purpose and intent of the Village's Land Development Regulations.

Article 8, Division 8.1, Applicability, of the Pinecrest Land Development Regulations addresses requirements relative to the platting of subdivisions. The purpose of the requirements, stated in Section a) *Purpose* "is to assist in implementation of the

Comprehensive Development Master Plan by establishing procedures and standards for the development and subdivision of land within the village, in an effort to, among other things...". Specified objectives include:

- 12. Require development in keeping with the topography and other site conditions
- 13. Encourage aesthetically acceptable development
- 14. Protect privacy

Article 8, Division 8.1, Section (b) *Conformance required*, requires that all subdivisions be developed in conformance with the Comprehensive Development Master Plan and the Land Development Regulations.

Division 8.2 (f) Buffers, including berms, fences, and landscaping, requires visual screening between adjacent incompatible or potentially incompatible land uses and requires suitable screening between lots and adjacent incompatible or potentially incompatible land uses.

The requirement that a double row of mango or other canopy trees be preserved and maintained as imposed by both the Village Council and Zoning Board and as agreed by the developer at the time of plat approval is consistent with the requirements of Article 8 of the Pinecrest Code of Ordinances. It is staff's opinion that placement of the proposed play area within the required buffer will decrease the buffer approved by the Zoning Board and Village Council.

#### COMPREHENSIVE DEVELOPMENT MASTER PLAN

Preservation of two rows of mango trees 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 two rows of trees is consistent with the policy's intent to protect the quality of the residential neighborhood, particularly the homes that abut the subject property directly to the west of the Stritter Estates Subdivision. Preservation of the mango trees is consistent with the policy's intent to "promote compatibility with natural features of the land", the remaining portion of a mango farm that was established by Mr. Stritter after purchase of the property in 1945.

Preservation of two rows of mango trees 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.

#### RELATIONSHIP TO ADJOINING PROPERTIES

The Stritter Estates Subdivision is located adjacent to existing single-family residential homes, located to the east and west of the subject property that are also zoned EU-1, Residential Estate. Preservation of two rows of mango trees provides an effective buffer between the Stritter Estates Development and adjoining low density single-family residential uses immediately adjacent to the lots of the Stritter Estates Subdivision while preserving and promoting compatibility with natural features of the land, the remaining portion of a mango farm that was established by Mr. Stritter after purchase of the property in 1945.

## **PUBLIC COMMENT**

Abutting neighbors to the south of the subject property, residing at 8900 SW 63 Court, have submitted correspondence in opposition to the proposed request. The correspondence was submitted for the Zoning Board's consideration on September 25, 2019 and is also relevant to the applicants' current request before the Village Council. A copy of the correspondence is attached.

# STAFF RECOMMENDATION

The Building and Planning Department recommends that the Village Council deny the applicant's request for modification of the Stritter Estates Development Order for the following reasons:

- 1. Construction of a play area within the required buffer will impact the quality of the existing buffer. Staff interprets the Zoning Board and Village Council's condition of approval to "preserve and maintain two rows of mango trees" to mean that the existing two-row mango or other canopy tree buffer shall be preserved and maintained in its natural state, as it currently exists, without alteration. Staff has already allowed the rear row of trees within the buffer to be moved to the west, closer to the rear lot line.
- 2. Moving four mango trees or other approved canopy trees to make room for a play area would alter the buffer that the Zoning Board and Village Council intended to be "preserved and maintained".
- 3. Construction of a play area within the required double row of trees at the rear of the subject property would be incompatible with the natural features of the land, and therefore inconsistent with Policy 1-2.2.1 of the Comprehensive Development Master Plan; would be inconsistent with the purpose of the Land Development Regulations to preserve the unique village character; and would be contrary to the purpose and requirements of Article 8, platting requirements of the Land Development Regulations

which requires development to be in keeping with the topography and other site conditions, aesthetically acceptable, and protective of privacy.

In the event the Village Council considers granting the requested modification, staff recommends the following conditions of approval:

1. Remaining trees within the buffer as proposed by the applicant shall include Paradise Trees, Pigeon Plum Trees, or other canopy trees as approved by the Administrative Official. All trees shall be a minimum of 14 feet high, 3 inches diameter (dbh) at the time of planting. A continuous row of Spanish Stoppers shall be planted and maintained as shown on submitted plans and as required by the Village Council's June 8, 2004 Development Order to provide a visual landscape buffer from adjoining properties to the west.



# VILLAGE OF PINECREST, FLORIDA VILLAGE COUNCIL

# FINAL PLAT APPROVAL

HEARING NUMBER:	2004-0608-3
APPLICANT:	BF STRITTER ESTATES, LLC
HEARING DATE:	JUNE 8, 2004
REQUEST SOUGHT:	FINAL PLAT APPROVAL FOR THE STRITTER ESTATES SUBDIVISION
LOCATION:	BETWEEN SOUTHWEST 88 STREET/SOUTHWEST 92 STREET AND SOUTHWEST 62 COURT/SOUTHWEST 64 COURT
came to be heard before the nearing held on June 8, 2004 Applicant and having the ben he Applicant and their represent affected persons, heard a herefore, find that:	an application filed by BF Stritter Estates, LLC (the "Applicant") Village Council of the Village of Pinecrest, Florida at a public. The Village Council having considered the request sought of the refit of receiving testimony and evidence related to the appeal from entative, the administrative staff of the Village of Pinecrest, Florida reguments and observed the candor and demeanor of witnesses and or the request sought was made in a manner consistent with the
requirements of the Pinecrest, Florida.	he Land Development Regulations adopted by the Village of
2. The Applicant	
	HAS HAS NOT
established by subst	antial competent evidence a basis for the request sought.
3. The Applicant's req	uest is hereby
X G	RANTED subject to the conditions included in Paragraph 6 of this approval.
D	ENIED
4. This approval shall to	ake effect immediately upon issuance by the Village Clerk.

- 5. All further development on the property shall be made in accordance with the terms and conditions of this approval and that the property shall be developed substantially in accordance with the plans previously submitted and on file in the Building and Planning Department.
- 6. The Village Council of the Village of Pinecrest, Florida hereby determines that the Applicant shall satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:
  - a) The Applicant shall comply will all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;
  - b) The Applicant shall comply with all terms, conditions and provisions imposed by the Village Council of the Village of Pinecrest, Florida, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits:
  - c) The approval set forth in this approval is subject to the following conditions:
    - Recording of the final plat by Miami-Dade County;
    - No walls, fences or structures shall be permitted to encroach into the 10.0' easement along Southwest 63 Court:
    - The applicant shall establish a homeowners association, in a form approved by the Village Attorney, which shall be responsible for street lighting and landscape maintenance along the Southwest 63 Court right-of-way in the event that Miami-Dade County does not approve the creation of a special taxing district for this purpose;
    - The applicant shall install landscaping in the proposed median at the time of the median's construction;
    - The applicant shall cooperate with neighbors interested in connecting to the project's new water line;
    - The applicant shall install fences and hedges along the project's rear property line at the time of construction;
    - The applicant shall preserve and maintain two rows of Mango trees along the rear property line of each lot as a buffer with the applicant having the option to replace said trees, if necessary, with another type of canopy tree; and
    - The applicant shall submit to Village staff a "Movement of Traffic" Plan.
- d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.
- 7. The public record, including but not limited to the Village Council of the Village of Pinecrest, Florida 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.





PASSED AND ADOPTED this 8th day of June, 2004 by the Village Council of the Village of Pinecrest, Florida as follows:

Councilmember Blanck
Councilmember Blaxberg
Councilmember Hingston
Vice Mayor Bowe
Mayor Greer
Aye
Aye

ORDERED this 9th day of June, 2004.

VILLAGE OF PINECREST, FLORIDA

Guido H. Inguanzo, Jr., CMC

Village Clerk



# VILLAGE OF PINECREST, FLORIDA PLANNING BOARD

# VARIANCE APPROVAL

HEARING NUMBER:	PZ2003-0618-1
APPLICANT:	BF STRITTER ESTATES, LLC
HEARING DATE:	JUNE 18, 2003
REQUEST SOUGHT:	REQUESTED A BLANKET NON-USE VARIANCE FROM DIVISION 4.2(C) OF THE LAND DEVELOPMENT CODE, RELATING TO LOT DIMENSION REQUIREMENTS, TO PERMIT DEVELOPMENT OF THE PROPOSED STRITTER ESTATES SUBDIVISION
LOCATION:	GENERALLY LOCATED SOUTH OF NORTH KENDALL DRIVE, NORTH OF SOUTHWEST 92 STREET AND WEST OF SOUTHWEST 62 COURT
hearing held on June 18, 2. Applicant and having the the Applicant and their repr	of an application filed by BF Stritter Estates, LLC (the "Applicant") the Planning Board of the Village of Pinecrest, Florida at a public 203. The Planning Board having considered the request sought of the enefit of receiving testimony and evidence related to the appeal from resentative, the administrative staff of the Village of Pinecrest, Florida arguments and observed the candor and demeanor of witnesses and
1. The application requirements of Pinecrest, Florida	for the request sought was made in a manner consistent with the the Land Development Regulations adopted by the Village of a.
2. The Applicant	
X	HAS NOT
established by sub	stantial competent evidence a basis for the request sought.
3. The Applicant's re	equest is hereby
X	GRANTED subject to the conditions included in Paragraph 6 of this approval.
	ממותאם

4. This approval shall take effect immediately upon issuance by the Village Clerk.

- 5. All further development on the property shall be made in accordance with the terms and conditions of this approval and that the property shall be developed substantially in accordance with the plans previously submitted and on file in the Building and Planning Department.
- 6. The Planning Board of the Village of Pinecrest, Florida hereby determines that the Applicant shall satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:
  - a) The Applicant shall comply will all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;
  - b) The Applicant shall comply with all terms, conditions and provisions imposed by the Planning Board of the Village of Pinecrest, Florida, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits;
  - c) The approval set forth in this approval is subject to the following conditions:
    - No walls, fences or structures shall be permitted to encroach into the ten foot (10.0') easement located along Southwest 63 Court;
    - The developer shall create a homeowners association, in a form approved by the Village
      Attorney, to ensure the continued maintenance of street lights and maintenance within the
      right-of-way area in the event that Miami-Dade County disapproves the creation of
      special taxing district for such purpose;
    - Proposed new median shall be landscaped at the time it is constructed;
    - Fences and hedges shall be installed at time of construction along rear property lines;
    - Two rows of mango trees shall be preserved and maintained along the rear property line
      of each parcel as a buffer with the developer having the option to replace the trees, if
      necessary, with other type of canopy tree;
    - The developer shall prepare and submit a Movement of Traffic plan to staff.
- d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.
- 7. The public record, including but not limited to the Planning Board of the Village of Pinecrest, Florida 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.



PASSED AND ADOPTED this 18th day of June, 2003 by the Planning Board of the Village of Pinecrest, Florida as follows:

Member Blazejack	Aye
Member Cohen	Aye
Member Sasso	Aye
Member Serota	Aye
Member Wilner	Aye
Vice Chairperson Castro	Aye
Chairperson Corradino	Aye

ORDERED this 1st day of July, 2003.

VILLAGE OF PINECREST, FLORIDA

Guido H. Inguanzo, Jr., CMC

Village Clerk/



## **PUBLIC HEARING NOTICE**

# **PUBLIC HEARING NOTICE**

MEMORANDUM

Department of Building and Planning

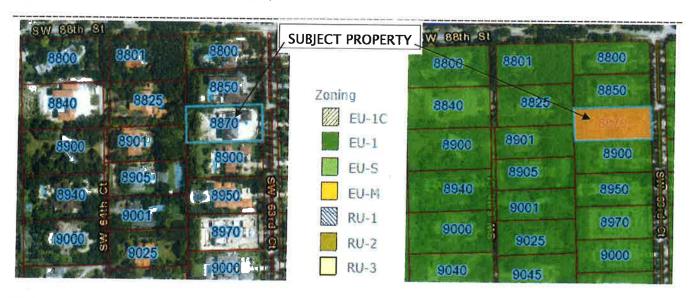
On <u>Tuesday</u>, <u>October 15</u>, <u>2019</u> at <u>8:00 p.m.</u>, the Village of Pinecrest Village Council will conduct public hearings at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida for consideration of applications for the following:

APPLICANT(S): Santiago Eljaiek III and Patricia Eljaiek (Owners/Applicants)

**ITEMS:** Modification of a condition of approval of a Development Order approved by the Village Council for the Stritter Estates Subdivision.

**LOCATION:** The subject property is located at 8870 SW 63 Court, Pinecrest, Florida 33156 within the EU-1, Residential Estate zoning district.

**REQUEST:** Consideration of an application to modify condition of approval 6 (c) (7<sup>th</sup> condition) of the Stritter Estates Subdivision Final Plat Development Order, passed and adopted by the Village Council on June 8, 2004, that provides: "The applicant shall preserve and maintain two rows of mango trees along the rear property line of each lot as a buffer with the applicant having the option to replace said trees, if necessary, with another type of canopy tree". The property owners propose to remove four (4) trees from the buffer, to relocate them to the east adjacent to the north and south property lines, and to construct a trampoline, tiled sun and play deck, and recreational area within the buffer.



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 or at the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121 or writing to the address indicated below, where a plan is on file.

**OVER** 







# Stephen Olmsted (BPD)

From:

Randye Karmin < drkarmin@miamiwomencare.com>

Sent:

Monday, September 23, 2019 8:30 PM

To: Subject: Stephen Olmsted (BPD) 8870 SW 63rd Ct hearing

Dear Mr. Olmsted.

We reside at 8900 SW 63rd Ct in Pinecrest adjacent to the property referenced above. As I conveyed to you when I called the village hall last week, we object to approval of any request for a variance to allow removal of any of the tree canopy along the back of the property as well as object to use of such area for installation of a sport court or trampoline, or any other structure that would encroach on the set back currently required by the village ordinances.

We purchased land on Stritter Court in 2010 with the full knowledge and understanding that the ordinance required maintenance of 2 rows of mango trees along the back of the property line. The trees not only maintain much needed canopy for cooling from the intense south florida sun, but also create privacy along the rear end of the property. It preserves a "quiet space" in the rear that would be lost if trees are removed and the area is used for recreational activities. When Stritter Court was approved to be rezoned for residential use, there were specific reasons that the village voted to require that those two rows of mango trees be maintained. Making an exception to allow for a variance would result in many more property owners on Stritter Court requesting to remove trees as well.

Unfortunately, we will not be able to make it to the zoning meeting this week, but please forward our objections to the board so that they are aware that the applicant's neighbor, immediately adjacent to the South of the property in question, is opposed to the application.

Respectfully,

Drs. Randye and Ira Karmin 8900 SW 63rd Ct Pinecrest, FL 33156 305-815-0995



VILLAGE OF PINECREST
Building & Planning Department



# PUBLIC HEARING APPLICATION

Administrative Review Application

Please check one:  VILLAGE COUNC  PLANNING BOAR  ADMINISTRATIVE	Application No	
INSTRUCTIONS	A SERVICE RELATIONS	A. S. St. J. L. St. St. W. T. W. T. W.
This application, with all supplemental data in this application. Applications and all suppublic hearing date.  APPLICATION  Please indicate which type of applicate the conditional Use  Appeal of Decision  Conditional Use	ion you are submitting by checking one  Plat  Entry Feature  Site Plan	ter than <u>60 days prior to the regular</u>
IMPORTANT: THE APPLICANT, OR REPRES	SENTATIVE, MUST BE PRESENT AT THE HEA	and green ratio
Please print or type	The Head of the Head of the Head of the Head	MITO TO TRESERVE THE TROPOSAL.
Name of Applicant, agent or tenant (with Santiago Eljaiek III	h owner's affidavit)	
Mailing Address	City, State, Zip	Telephone (305) 772-8751
8870 SW 63rd Court	Pinecrest, FL 33156	Email se@mellawyers.com
Name of Owner Santiago Eljaiek III		
Mailing Address	City, State, Zip	Telephone (305) 772-8751
8870 SW 63rd Court	Pinecrest, FL 33156	Email se@mellawyers.com
PROPERTY INFORMATION		The Company of the Co
A. <u>LEGAL DESCRIPTION</u> . (If subdivided	– lot, block, complete name of subdivision, omplete description, including section, town	plat book and page numbers). ship and range).
Address 8870 SW 63rd Court, Pinecrest, Flor	ido 22156	
Lot(s) 3 Block 1 Sec		Page No. 97
FINISHED FLOOR ELEVATION (If applicable):	FLOOD n/a	ZONE X

B.	ADDRESS (If number has been assigned) 8870 SW 63rd Court, Pinecrest, Florida 33156
C.	SIZE OF PROPERTY126.47 ft. X300.51 ft. =38005.4997 sq. ft.;0.87 acre(s
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.
_	
	K.
E.	DATE SUBJECT PROPERTY WAS ACQUIRED 03/28/2019
AP	PLICANT'S PROPOSAL
Speci	ify in full the request. (Use a separate sheet of paper if necessary.)
along within appropriate trees child	der to comply with Development Order, modification thereof to allow 1 row of 8 canopy trees (buttonwoods of 12') gethe rear line of the Property, a second row of 4 canopy trees (paradise trees) with 2 such trees in the rear and both in 25 feet of the south border and another 2 such trees in the rear and both towards the north border with a gap of eximately 70 feet in between and lastly a third row of 4 canopy trees that mirrors the second row - total of 16 canopy is being added to replace prior 9 mango trees (that have been/are to be removed due to allergies of two of my ren) and 6 other canopy trees that have been relocated to other areas of the Property.  Since to allow for a 30' x 40' tiled sun and play deck within the 7' feet of the rear property line (thus 8 feet onto the rear setback to extent same would need to be outside rear setback) and to allow in ground trampoline within 12' of rear property line (thus 3 feet)
onto	the rear setback to the extent same would need to be outside rear setback). Lastly, allow for additional 1,200 of non-green evious surface for artificial grass - ratio would then be 51% green 49% non-green (as opposed to 55% / 45%).
Expla exact	in purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use arate sheet of paper if necessary.)
sport	use of my son's environmental allergies, we have found that he does best in artificial grass areas. Currently, his s and activities include those which are primarily played indoors or on turf (i.e. basketball, lacrosse, flag football and er) - note, he even had to give up baseball as the clay was causing sinus and skin irritations. As such, in our prior omes, one in Coral Gables and the other in South Miami, we have installed artificual turf for him to play and enjoy.
	*CONTINUED ON SEPARATE PAGE
ls this	application the result of a Notice of Violation or deviation from approved plans? 🛚 🗷 Yes 🗘 No
Are the	ere any existing structures on the property? 🛮 Yes 🗀 No
If so, v	vhat type? (CBS, Frame, Frame-Stucco, Wood, Other) fully permitted CBS home
buildin	oplications (except plat applications) which involve new building construction or exterior improvements to an existing an automatical must submit the plans with this application. Plans that are not filed with this application will not be considered by the 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. <u>SURVEY OF PROPERTY:</u> 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. <u>EITTER OF INTENT:</u> A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. <u>OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:</u> All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. <u>OWNER'S AFFIDAVIT</u>: 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. <u>TRAFFIC STUDY:</u> 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 12 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 requ	juest, I submit the	following o	additional	items,	which (	are	attached	hereto	and	made (	n part	of this
application:											•	

□ 35 MM Photo(s) (Mounted 8 ½ x 11)

M Other Existing Landscaping Plan

☐ Letters from Area Residents

Please check only one of the following options:

# M 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 10 days of the decision.

08/15/2019	1	/Santiago Eljaiek III	
Date	Applicant's Signature	Print Name	
08/15/2019	(002	/Patricia Eljaiek	
Date	Applicant's Signature (if more than one)	Print Name	

Block 1	Section PB/PG 162/97	
application for	which is located at 8870 SW 63rd Court, Pinecrest, Florida 33156 desire to or a public hearing before the Village Council Planning Board Administrative Review, 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, time the Village staff will remove the sign.	at which
3.	That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Co other government agencies may affect the scheduling and ability to obtain/issue a permit for the pro-	ode, and oposal.
4.	That the only exceptions to the zoning code are those that have been specified in the written application any other code or plan issues will be corrected by modifying the plans to comply with the respective and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.	tion and ve codes
5.	That the applicant will be responsible for complying with all the conditions and restrictions imposed Village Council or Zoning Board in connection with the request and will take the necessary steps to request effective if approved by the Village Council or Zoning Board.	d by the nake the
6.	That it is the responsibility of the applicant to submit a complete application with all of the document of the Village Council or Zoning Board to hear the applicant's request.	cuments
7.	That the applicant is responsible for timely submission and accuracy of all items requested application.	on the
8.	That the applicant is responsible for an additional fee for mailing notice to surrounding property own recording of the Development Order as specified by the LDRs.	ers and
/We as the owr	ners 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 reque public hearing before the Village Council or Zoning Board.	est for a
Owner's Name	Santiago Eljaiek III Signature Date 08/15/2019	
Owner's Name	Patricia Eljaiek Signature Date 08/15/2019	
lotary to Owne	er:	
pplicant's Nam	ne Signature Date	
otary to Applic	cant:	

#### \*CONTINUATION OF "INTENT" SECTION ON PAGE 2:

To that end, we are hoping and proposing to install a 70'x70' play area in our backyard that would include a 40'x30' tiled play deck (same tile as used on our pool deck) area, with the remaining area being all artificial grass, which will be excavated, prepped and compacted for superior drainage. This 4,900 sf play area will provide a clean, safe and healthy environment for my son and his sisters to play and enjoy our yard, which is the primary reason why we, and so many others, move to the Village of Pinecrest instead of a home on the water or any other area in Miami-Dade County. That being said, in designing and implementing our proposed plan for this play area, we also want to respect the existing Development Order, while conserving a beautiful and viable landscaping plan and maintaining a reasonable buffer between our Property and that of our neighbors. Yes, as part of this application, we must remove 9 very poorly cared for and maintained (over a period of at least 12 years) mango trees given that both my son and my eldest daughter suffer from distinct allergies relating to mangos and mango trees, as documented by their well-known and respected allergist, Dr. Piniella. However, in their place and stead, our plan proposes the installation of 16 new canopy trees, comprised of 8 silver buttonwoods at or about 12' in height and 8 paradise palms at or about 14' in height, as well as 63 new Spanish stoppers trees. All this will add on to the current very lush and green existing landscaping comprised of 13 live oak trees, 20 green buttonwoods, 35 clusias, 3 gumbo limbos, 2 simpson stoppers and 47 palm trees of varied species and size – that results in a total of 34 canopy trees on the Property. Ultimately, I truly believe our Property will be one of the most varied, plentiful and lavish landscaped Properties in all of the Village of Pinecrest, most definitely upholding the "Tree City USA" designation.

#### **SEVEN CRITERIA FOR VARIANCE**

- 1. Variance Consistent with Authorized Powers. The proposed Plan requires a variance due to (1) the sandstone play deck that will encroach by 8 feet onto the rear setback, (2) the in-ground trampoline will encroach by 3 feet onto the rear setback, and (3) the artificial grass, that although green, highly pervious and safe for the environment, is deemed impervious and not natural green space, and as such, the Plan would exceed the maximum impervious surface ration by 4% (impervious surface ratio under proposed Plan would be 41% as opposed to 45%).
- 2. Existence of Special Condition or Circumstances. As previously noted and documented by our children's Allergist, Dr. Piniella, my son suffers from environmental allergies, and as such we have found that he does best and experiences less congestions, inflammation and other symptoms when playing on artificial turf. As such, we are hoping to create a clean, safe and healthy environment for him and his sisters to play and the whole family to enjoy our Property, as we have done with our prior two homes in South Miami and Coral Gables, with the installation of an artificial grass play area. The variance for the deck is needed as there is a need to separate said play deck from the pool for safety concerns, and the variance for the trampoline is also needed as the hole for the trampoline has been located and made where it

- will be safe for the kids to enjoy, while not harming or interfering with the required landscaping and other surroundings.
- 3. Conditions not Created by Applicant. My children's allergies are not created by me or anyone else; allergies are simply a natural occurrence that more and more children and individuals from all areas and walks of life are developing each day. As has been well documented, there is no one thing that is said to cause or result in allergies. Thus, said allergies restrict the lives of our children to a great degree, and any further restrictions or impediments to their recreation and enjoyment would be unfair.
- 4. Special Conditions not Conferred. There are 9 out of 18 developed homes within the Stritter Estates Subdivision that have received a variance, exemption or other waiver of enforcement from the subject Development Order. In regards to the setbacks, within a mere radius of 1,500 feet from our home (and solely looking at homes in the Village), there are over 40 driveways (side or rear, excluding front), tennis courts, basketball courts and/or other paved decks, all within with the applicable rear or side setbacks. Lastly, just a cursory view of the homes within the Stritter Estates Subdivision, it is evident that again 9 out of the 18 developed homes appear to exceed the maximum 45% impervious surface ratio.
- 5. <u>Hardship Conditions Exist</u>. The Development Code, if enforced to the degree being interpreted, would then deprive our family of the use of approximately 25% of our Property.
- 6. Only the Minimum Variance Granted. We are only seeking (1) a variance as to 8 feet of the 15 foot setback for a reasonable 30 foot wide deck, (2) a variance of only 3 feet of the 15 foot setback for a trampoline, and (3) a mere additional 4% to the maximum impervious surface ratio (even with that accommodation, the natural green space would sill exceed the impervious area).
- 7. Not Injurious Public Welfare or Intent of the Land Development Code. The variances will allow our family to fully enjoy our home and land in a clean, safe and healthy environment, which is the primary reason why we, as countless others, have moved to the Village of Pinecrest to enjoy playing outside instead of having our children inside, playing on their devices or watching television. This is truly why the Village of Pinecrest prides itself as a community for families and has been recognized as a "Playful City USA" and one of the top 5 Communities in South Florida for families what other community offers its residents and homeowners the ample lots and yards for families to play and enjoy that the Village of Pinecrest provides. Additionally, no part of our Plan will cause any harm, injury or disturbance to any other resident. In fact, again we are creating a fun, healthy and safe environment that our family, as well as our friends and neighbors can all enjoy.

# For reference, I have attached:

- 1. Original Landscaping Plan approved by the Village at the time of CO;
- 2. Landscaping Plan reflecting 5 removed mango trees, 4 additional mango trees to be removed and relocation of 1 oak tree, 3 gumbo limbos and 2 simpson stoppers; and
- 3. New Landscaping Plan including 8 new pigeon plums or silver buttonwoods, 8 new paradise palms, 63 new Spanish stoppers and all prior/existing landscaping other than mango trees.

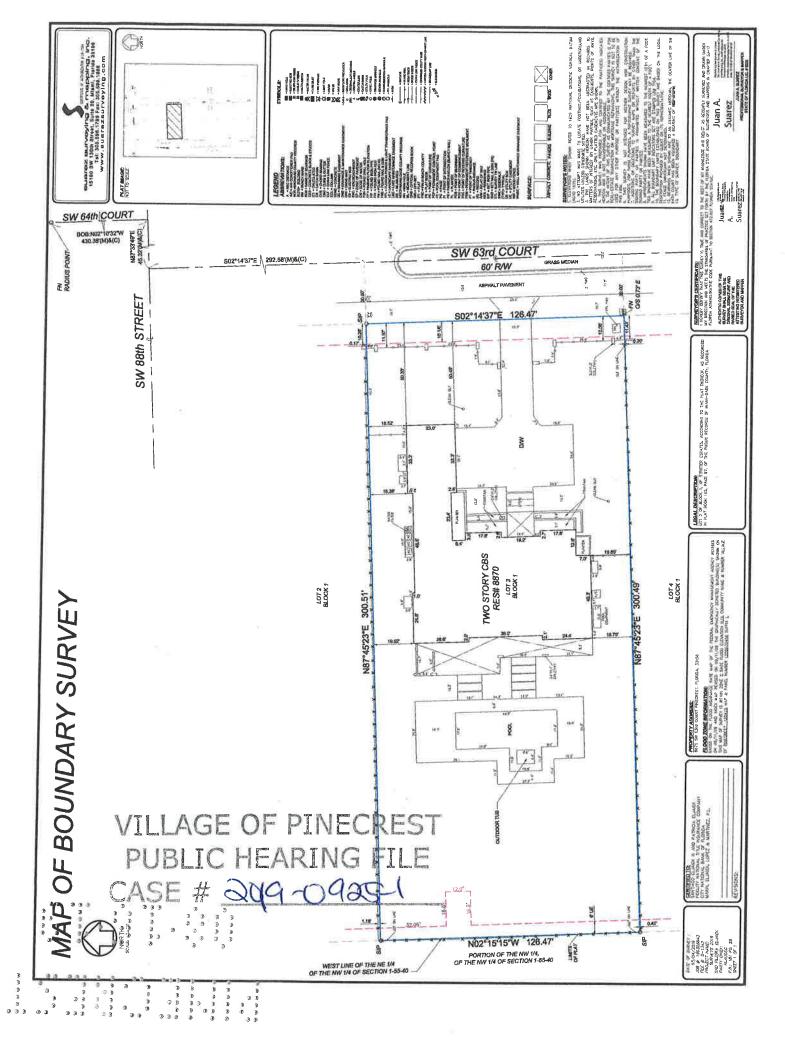
**HOMEOWNERS:** 

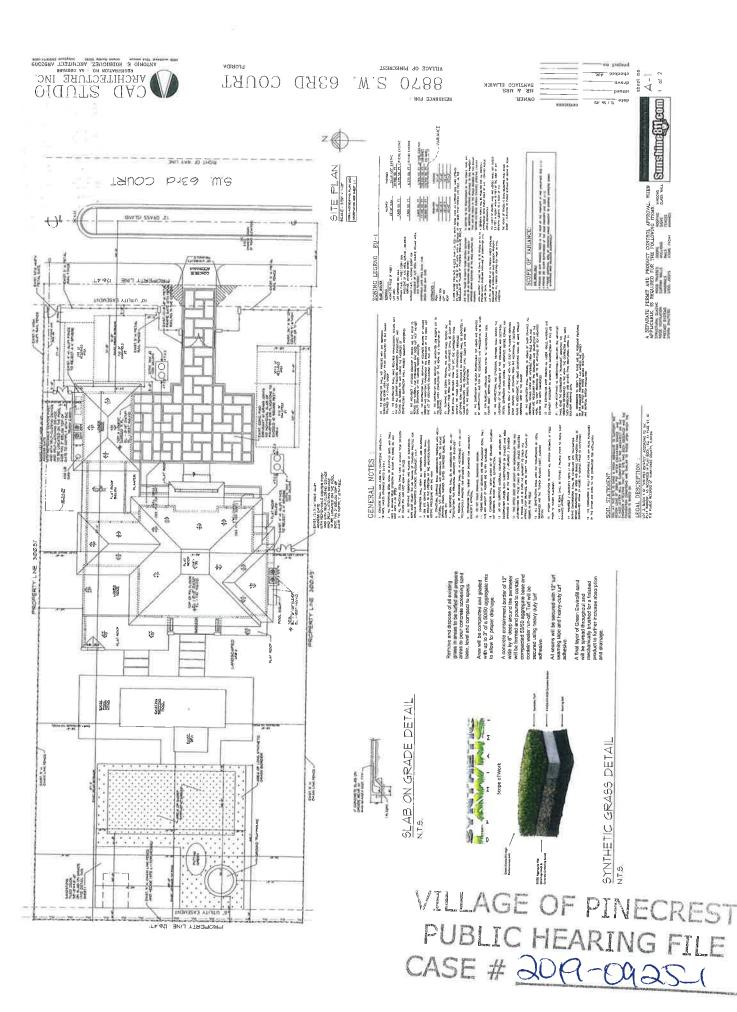
Santiago Eljaiek III

8870 SW 63rd Court

Pinecrest, Florida 33156

Patricia Eljaiek



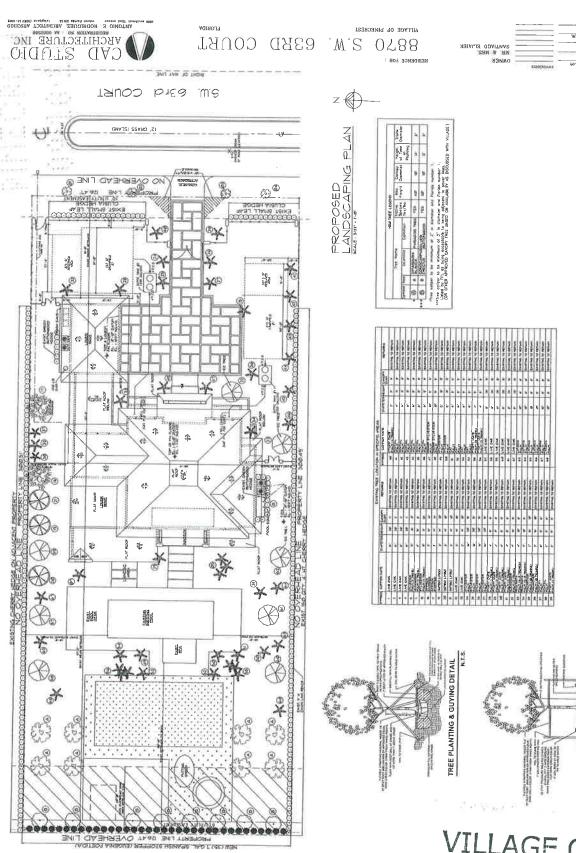


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8870 S.W. 63RD COURT

SITE PLAN AREA CALCULATION

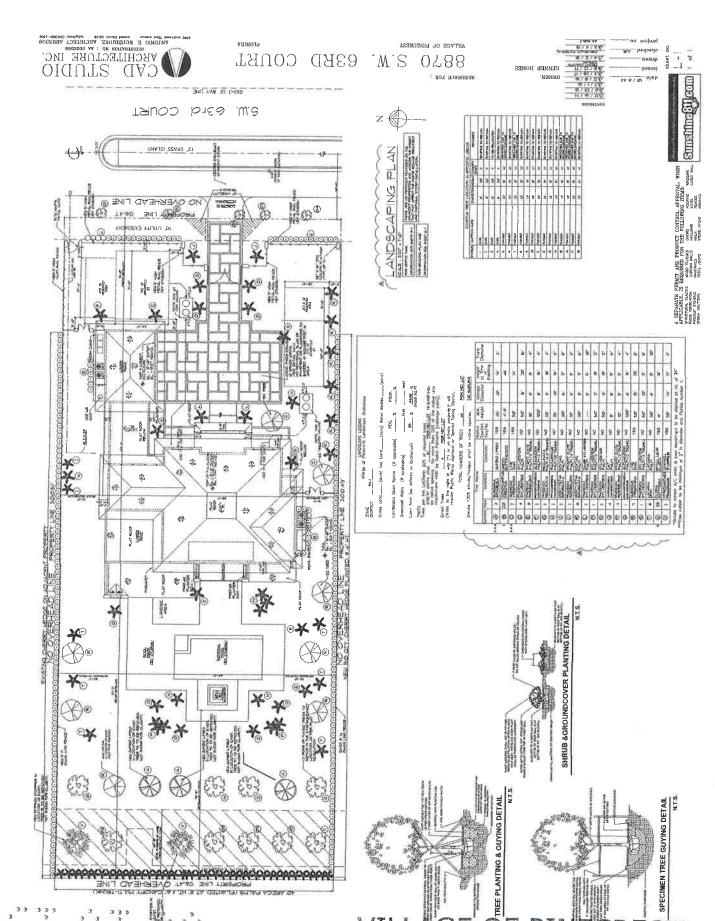
VILLAGE OF PINECREST PUBLIC HEARING FILE CASE # 2019-0925-1



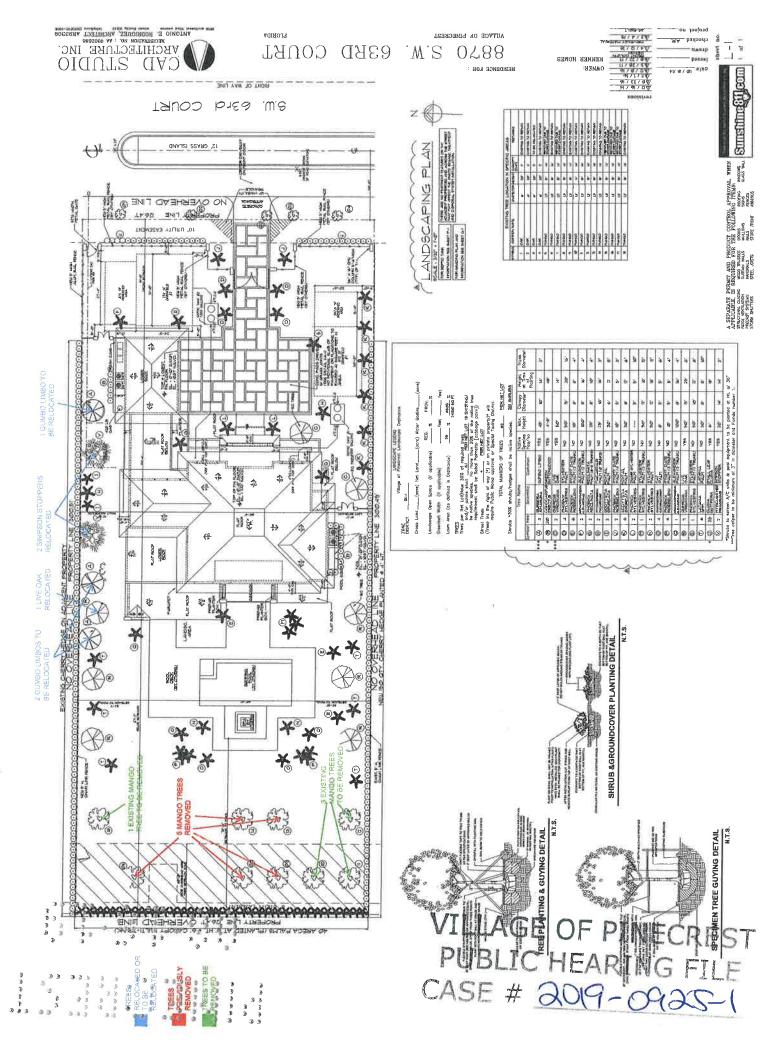
VILLAGE OF PINECREST PUBLIC HEARING FILE CASE # 2019-0925-1

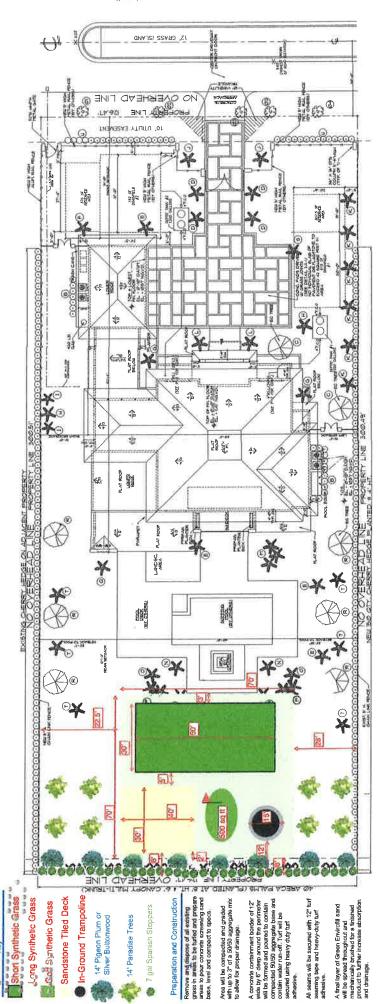
SPECIMEN TREE GUYING DETAIL.

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VILLAGE OF PINECREST PUBLIC HEARING FILE CASE # 2019-0925-(





# VILLAGE OF PINECREST PUBLIC HEARING FILE CASE # DRACASS-1