

**VILLAGE OF EL PORTAL, FLORIDA**

**RESOLUTION NO. 2023-04**

**A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA GRANTING SITE PLAN APPROVAL FOR NEW CONSTRUCTION OF A TWO-STORY RESIDENCE AT 400 NW 87 STREET IN ZONE 3, SUB-URBAN RESIDENCE, IN THE VILLAGE OF EL PORTAL, AN APPLICATION BY DAN AHARON: PROVIDING FOR FINDINGS, PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an application was submitted by Dan Aharon (“Applicant”) for a Site Plan Review for the construction of a two-story residence at 400 NW 87<sup>th</sup> Street pursuant of Section 17.53 of the Village of El Portal Code of Ordinances; and

**WHEREAS**, the proposed two-story residence is located in Transect Zone 3 – Sub-Urban Residence of the Village of El Portal, which consists of low-density residential areas; and

**WHEREAS**, the application proposes a development comprising of the construction of a 5,308 square foot two-story single-family residence on an 13,950 square foot lot; and

**WHEREAS**, on February 8, 2023, the Planning and Zoning Committee conducted a Public Hearing to consider the application and input from interested parties; and

**WHEREAS**, the Planning and Zoning consultants provided a report and presentation related to the site plan review of the new construction and outlined considerations associated with the property; and

**WHEREAS**, the Planning and Zoning consultants recommended approval of the site plan based on findings and the request being consistent with zoning requirements; and

**WHEREAS**, the Planning and Zoning Committee considered the recommendation of the Planning and Zoning consultants and upon conclusion of the Public Hearing voted to recommend the approval of the new construction to the Village Council; and

**WHEREAS**, on March 28, 2023, a second Public Hearing was held before the Mayor and Village Council to consider the application and interested parties were allowed to comment; and

**WHEREAS**, the Village Council of the Village of El Portal desires to approve the requested Site Plan for new construction at 400 NW 87<sup>th</sup> Street.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA THAT:**

**Section 1. Recitals.**

The recitals to the preamble herein are incorporated by reference.

**Section 2. Grant.**

The Village Council hereby approves the new construction of Dan Aharon, owner of the property located at 400 NW 87<sup>th</sup> Street, El Portal, and grants the approval for the construction of a two-story single-family residence.

**Section 3. Appeal.**

The Applicant or any aggrieved property owner may appeal the decision of the Village Council by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 4. Effective Date.**

This resolution shall take effect immediately upon adoption.



**VILLAGE OF EL PORTAL  
PLANNING AND ZONING**

500 NE 87th Street  
El Portal, FL 33138  
PHONE 305-795-7880 FAX 305-795-7884

**APPLICANT:** Dan Aharon, DIAL Florida Opportunity LLC  
**SUBJECT ADDRESS:** **400 NW 87<sup>th</sup> Street – Zone 3**  
**APPLICATION:** 2023-PZ-02 – *Zoning Site Plan Review – New Construction*

**PUBLIC HEARING(s):** 1. Planning and Zoning Committee Meeting  
2. Regular Council Meeting

**DATE AND TIME:** February 8, 2023 at 6:00 pm  
March 28, 2023 at 7:00 pm

**1. APPLICATION:**

THE APPLICANT IS REQUESTING SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A NEW RESIDENCE, WHICH, PURSUANT TO SECTION 17-57 OF THE VILLAGE OF EL PORTAL CODE OF ORDINANCES, REQUIRES VILLAGE COUNCIL APPROVAL AT A PUBLIC HEARING AS ESTABLISHED BY THE PROCESS OF SITE PLAN REVIEW.

A SITE PLAN REVIEW IS PURSUANT OF SECTION 17-53 – *REQUIREMENTS AND PROCEDURES FOR SITE PLAN REVIEW*, WHICH REQUIRES COUNCIL APPROVAL WITHIN THE ZONE 3 (Z3) SUB-URBAN RESIDENCE.

**2. BACKGROUND INFORMATION:**

Owner of property: DIAL Florida Opportunity LLC  
Address: 400 NW 87<sup>th</sup> Street, El Portal, FL 33138  
Folio number: 18-3112-071-0100  
Subdivision: SOARS RIVER ESTATES  
Transect Zone: Zone 3 (Z3) – Sub-Urban Zone

Site: The 13,950 square foot lot (75 ft x 186 ft) currently contains a 1,813 square-foot, one-story house built in 1948. The residential use is permitted under Chapter 24, Appendix B, Article III Uses, Zone 3, of the Village of El Portal Code of Ordinances. The property has a Principal Frontage (east façade) facing N Miami Ave.

Project: Demolition of the existing 1,813 square-foot house and construction of a new 5,307.9 square-foot, two-story house, with a footprint of 3,246.0 square feet.

**A. Uses Permitted**

Permitted	Proposed	Recommendation
Residential: Single Family Residence, Outbuilding, Home Office	Residential: Single Family Residence, Outbuilding	Complies

**E. Article VI. Sec. 24-B.15 (f) Landscape Standards (Z3)**

Required	Proposed	Recommendation
Minimum <u>two shade trees</u> planted within the first Layer for each 50 feet of Frontage Line	Two Royal Poinciana Trees proposed in front yard	Complies

**F. Article VI. Sec. 24-B.15 (g) Walls, Fences and Hedges Standards (Z3)**

Required	Proposed	Recommendation
Location: not permitted in Principal or Secondary Front Setback. Height: six feet	6-ft wood fence along the side property lines in Layers 2 and 3	Complies

**G. Findings**

Standards	Recommendation
The plan is consistent with the comprehensive plan and the purpose and intent of the use district in which it is located.	Yes
The plan is in conformance with property development regulations of the zoning district in which it is located.	Yes
The site plan has an adverse impact on the environmental and natural resources of the Village.	No
The approval of the site plan has an adverse impact on the necessary public facilities of the Village.	No

**3. ANALYSIS:**

**Resilience:** The property is within Zone AH as designated by FEMA, with a Base Flood Elevation (BFE) of 6 feet. *Sec. 7.5-32* of the Village of El Portal Code of Ordinances requires new construction and substantial improvement of any residential building to have the lowest floor elevated no lower than one foot above the base flood elevation. Therefore, the ground elevation is 3 feet high and was elevated 4 feet so that the house’s finished floor could have the required 7-foot elevation. The proposal for the new residence include on-site drainage and stormwater management, ensuring there is no runoff toward the neighbors’ properties or the street.

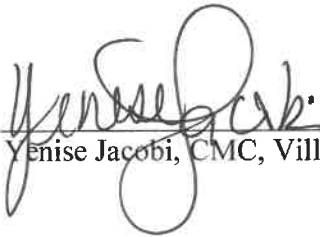
**Consistency and Compatibility:** The proposed design for the new residence is consistent and compatible with the surrounding El Portal neighborhood in its composition and materials. The house may seem out-of-scale due to the higher ground elevation to comply with FEMA requirements, but the height and coverage of the house is within the requirements of the Village’s Zoning Code.

**Landscape:** This proposal for the construction of a new residence includes a significant investment in the Village’s landscape, adding hundreds of trees and

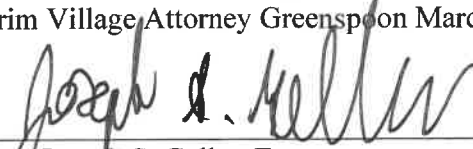
**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this 28 day of March, 2023.



Omarr C. Nickerson, Mayor

ATTEST:   
Yenise Jacobi, CMC, Village Clerk

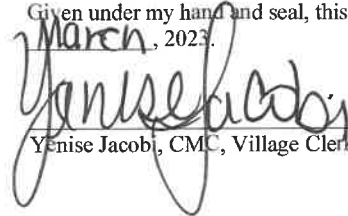
Approved as to form and legal sufficiency:  
Interim Village Attorney Greenspoon Marder, LLP

By:   
Joseph S. Geller, Esq.

Vote: 1st: Pirela 2nd: Martin  
*Vice Mayor*

Councilperson Lightfoot-Ward:  (Yes)  (No)  
Councilperson Martin:  (Yes)  (No)  
Councilperson Urbom:  (Yes)  (No)  
Vice Mayor Pirela:  (Yes)  (No)  
Mayor Nickerson:  (Yes)  (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2023-04 adopted on March 28, 2023, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 28 day of March, 2023.

  
Yenise Jacobi, CMC, Village Clerk