



**TOWN OF MIAMI LAKES, FLORIDA**

**AGENDA**

**Planning and Zoning Board Meeting**

**October 23, 2019**

**6:30 PM**

**Government Center**

**6601 Main Street Miami Lakes, FL33014**

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1. **Call To Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes**

**a. Approval of Minutes**

**\*July 24, 2019 Planning and Zoning Meeting Minutes**

5. **Business Requiring Board Action**

**QUASI-JUDICIAL PUBLIC HEARINGS -**

Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

**a. Reasonable Accommodation PZAV2019-0509**

**AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-764.3 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A REASONABLE ACCOMMODATION REQUEST FROM SECTION 13-1606 TO PERMIT STORAGE OF A BOAT AND BOAT TRAILER IN THE REAR YARD OF A SINGLE-FAMILY HOME IN A RU-1 DISTRICT, FOR THE PROPERTY LOCATED AT 8944 NW 168TH ST, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**b. Eight Foot Fence Ordinance**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED FENCE HEIGHTS FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS", AT SECTION 13-1509, "FENCES, WALLS AND GATES,"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Manny Cid)**

**6. Director's Report**

**7. Adjournment**

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov) and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting. Anyone wishing to appeal any decision made by the Miami Lakes Planning and Zoning Board with respect to any matter considered at this meeting or hearing 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.



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman of the Planning and Zoning Board & Board Members

**From:** Gina Inguanzo, Town Clerk

**Subject:** Approval of Minutes

**Date:** October 23, 2019

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**Request:**

Please see attached Minutes for your kind review.

**Attachments:**

July 24, 2019 P & Z Board Minutes

**MINUTES**  
**Planning and Zoning Minutes**  
**July 24, 2019**  
**6:30 P.M.**  
**Government Center**  
**6601 Main Street, Miami Lakes, FL 33014**

**1. Call to Order:**

Vice Chairwoman Lynn Matos called the meeting to order at 6:40 p.m.

**2. Roll Call:**

The Deputy Town Clerk, Ashley Shepple, called the roll with the following Board Members being present: Fred Senra, Raul De La Sierra, Juan Carlos Fernandez, Avelino Leoncio, Mariam Yanes, Vice Chairman Lynn Matos. Chairman Robert Julia arrived at 7 PM.

**3. Pledge of Allegiance/Moment of Silence:**

Vice Chairwoman Lynn Matos led the Pledge of Allegiance and the Invocation.

**4. Approval of Minutes:**

- May 22, 2019 Planning and Zoning Meeting minutes

Board Member Senra noted he was missing from the roll call in the minutes. Board Member Juan Carlos Fernandez made a motion to approve the minutes. Board Member De la Sierra seconded the motion and all present were in favor.

Deputy Town Attorney, Lorenzo Cobiella, read the Quasi-Judicial instructions and the title of the ordinance into the record.

The Deputy Town Clerk swore in those wishing to speak.

Hope Reynolds came to speak on the increase in deposits for variance fees.

Alex Ariano came to speak on the increase in deposits for variance fees.

**5. Business Requiring Board Action:**

**B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE XI, "FEES", AT SECTION 13-2102, RELATING TO VARIANCE APPLICATION FEES; INCLUDING ALL NOTIFICATION COSTS INTO THE VARIANCE FEES OF ADMINISTRATIVE VARIANCES AND VARIANCES FOR SINGLE FAMILY PROPERTIES OF LESS THAN HALF (½) ACRE OR 2,500 SQUARE FEET; REQUIRING ALL OTHER VARIANCE APPLICATIONS TO BE COST RECOVERY AND PROVIDING FOR INITIAL DEPOSITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (J. Rodriguez)**

Chairman Julia read the title of the Ordinance into the record.

Susana Alonso, Principal Town Planner, explained the ordinance and the staff report. She answered questions asked by the Board regarding the ordinance.

The Deputy Town Attorney, Lorenzo Cobiella, explained how this new fee schedule is beneficial to the Town and not as detrimental to applicants.

Board Member Leoncio motioned to approve ordinance as written. Board Member De La Sierra seconded. All were in favor.

Board Member Yanes motioned to amend the variance fee schedule for single family homes to a fee of \$750 and deposit of \$1,000. Board Member De La Sierra seconded the motion. The Deputy Clerk, Ashley Shepple, called the roll on the motion as amended and all present were in favor.

**C. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; GRANTING A VARIANCE FROM SECTION 13-426(7) TO PERMIT A SWIMMING POOL TO ENCROACH 17' 7" WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, AND GRANTING A VARIANCE FROM SECTION 13-1605(C)(7) TO PERMIT A SWIMMING POOL WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, FOR THE PROPERTY LOCATED AT 14441 ROSEWOOD RD LAKE, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST WITH CONDITIONS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Susana Alonso, Principal Town Planner, explained and answered questions regarding the granting the variance.

Juan Vazquez and Darlene Vazquez, the owners of the property, came before the Board to ask for permission to grant the variance to permit to build the swimming pool. They brought 11 support letters from neighbors regarding their request. They did not have copies. The Chairman Julia motioned to waive the rules and Board Member De La Sierra seconded the motion, to allow the letters to be submitted into the record. All were in favor.

The Deputy Clerk Ashley Shepple read the letters of support into the record.

Their general contractor came to speak in support of Mr. Vasquez to be granted the variance. The Board asked the contractor questions.

The Board ask questions to the property owners about how their neighbors feel about their swimming pool plans and questions about the renderings. The property owners said they would adjust the concrete patio or walkway plans, but they just want to make sure they can install their swimming pool.

Board Member Yanes motioned for the variance to be approved “as is” with the Town Staff recommendations. Board Member Fernandez seconded the motion. The Deputy Town Clerk, Ashley Shepple, called the roll and the motion passed 4-3, with Board Member De La Sierra, Board Member Senra, and Vice Chairwoman Matos voting in opposition.

**D. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO SOLAR ENERGY SYSTEMS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT ARTICLE VI, “SUPPLEMENTARY REGULATIONS”, AND AT ARTICLE VII, “ENVIRONMENTAL REGULATIONS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Julia read the title of the ordinance into the record.

Susana Alonso, Principal Town Planner, explained the ordinance and the Staff Report. She answered questions asked by the Board regarding the ordinance.

Chairman Julia motioned to approve ordinance as written. Board Member De La Sierra seconded. All were in favor.

Board Member Fernandez motioned to amend the ordinance by removing section b (5) and the definition which includes pole mounted system. Board Member De La Sierra seconded. The Deputy Clerk, Ashley Shepple, called the roll on the motion as amended and all present were in favor.

**6. Director's Report:**

Susana Alonso stated that the ordinance relating to parking of commercial vehicles was approved at the last regular council meeting. Staff will begin disseminating information on this and implementation will be beginning January 1, 2020.

**7. Adjournment:**

There being no further business to come before the Board, the meeting adjourned at 8:30 P.M.

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Robert Julia  
Chairman

Attest:

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Gina M. Inguanzo  
Town Clerk



## Town of Miami Lakes Memorandum

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**To:** Honorable Chairman of the Planning and Zoning Board & Board Members

**From:** Susana Alonso, AICP, Principal Town Planner

**Subject:** Reasonable Accommodation PZAV2019-0509

**Date:** October 23, 2019

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### **Request:**

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Yamilee Martinez Fernandez (the “Applicant”) following reasonable accommodation from the Land Development Code:

An accommodation from Section 13-1606 to allow storage of a boat and boat trailer in the rear yard of a single-family home in a RU-1 district.

### **Recommendation:**

Staff recommends approval with the following conditions:

1. Approval shall be substantially consistent with the attached plan stamped received on October 1, 2019.
2. A five-foot minimum setback shall be maintained from every interior property line.
3. This reasonable accommodation shall cease to exist upon termination of residence at the property of the disabled individual to whom it is granted.
4. This reasonable accommodation shall be reconsidered by the Planning Board two years from the date of issuance.

### **Attachments:**

Order  
Staff Report  
Application  
LOI and Letter from physician  
Site plan



**TOWN OF MIAMI LAKES  
PLANNING AND ZONING BOARD  
PZB NO: 2019-\_\_**

**AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-764.3 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A REASONABLE ACCOMMODATION REQUEST FROM SECTION 13-1606 TO PERMIT STORAGE OF A BOAT AND BOAT TRAILER IN THE REAR YARD OF A SINGLE-FAMILY HOME IN A RU-1 DISTRICT, FOR THE PROPERTY LOCATED AT 8944 NW 168TH ST, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Section 1: Applicant**

Applicant: Yamilee Martinez Fernandez  
FOLIO: 32-2016-001-0740  
Legal Description: SEVILLA ESTATES  
PB 153-38 T-18406  
LOT 74 BLK 1  
LOT SIZE 6950 SQ FT  
FAU 30-2016-000-0050  
F/A/U 30-2016-001-0740  
OR 20361-2396 0402 1  
COC 24407-4804 02 2006 5  
LOCATION: 8944 NW 168th St  
Miami Lakes, Florida, 33018  
Hearing No.: PZAV2019-0509

**Section 2. Request:**

The Applicant requested the following reasonable accommodation from the Land Development Code:

An accommodation from Section 13-1606 to allow storage of a boat and boat trailer in the rear yard of a single-family home in a RU-1 district.

**Section 3. Findings:**

1. In accordance with Section 13-764.3 of the Town's Land Development Code (LDC), the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant's request **complies** with the reasonable accommodation criteria at Section 13. 764.3 (d)(1)(a) through (d) of the Town LDC, which are as follows:

- a. The disabled individuals shall establish that they are handicapped or disabled, as defined in the FHA or ADA, and therefore entitled to protection under the FHA or ADA, such that they have a physical or mental impairment which substantially limits one or more major life activities; or that they have a record of having such impairment, or that they are regarded as having such impairment.
- b. If a request for reasonable accommodation is submitted by an operator of a residence that provides housing to disabled individuals, the operator shall be required to establish that the operator is qualified to provide such housing to disabled individuals.
- c. The requesting party shall demonstrate that the requested accommodation is both reasonable and necessary (as interpreted by the courts) to afford the disabled individuals served by the housing an equal opportunity to use and enjoy the housing, including that the proposed accommodation is therapeutically necessary and actually alleviates the effects of a handicap or disability, with a site-specific assessment in regard to the particular property in that regard.
- d. The requesting party shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the Town's zoning scheme or other Town program or policies, and that it does not impose an undue financial or administrative burden on the Town.

#### **Section 4. Grant of Approval with Conditions**

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Wednesday October 23, 2019 at 6:30 PM upon findings outlined herein, the Planning and Zoning Board hereby conditionally grants the request described in Section 2 above, with following conditions:

1. Approval shall be substantially consistent with the attached plan stamped received on October 1, 2019.
2. A five-foot minimum setback shall be maintained from every interior property line.
3. This reasonable accommodation shall cease to exist upon termination of residence at the property of the disabled individual to whom it is granted.
4. This reasonable accommodation shall be reconsidered by the Planning Board two years from the date of issuance.

#### **Section 5. Appeal**

The Applicant, or any affected party, may appeal the decision of the Planning and Zoning Board according to the provisions of Section 13-203 or Section 13-310, of the Land Development Code, as applicable.

#### **Section 6: Order**

This is a Final Order.

#### **Section 7: Effective Date.**

This Order shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Planning and Zoning Board is appealed as provided in the

Town LDC and/or the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Order until said appeal is resolved by a court of competent jurisdiction.

The foregoing Order was approved on initial vote by motion as provided herein by \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ with each Planning and Zoning Board Member voting as follows:

Chairman Fred Senra	_____
Vice Chairman Raul De La Sierra	_____
Board Member Robert Julia	_____
Board Member Juan-Carlos Fernandez	_____
Board Member Lynn Matos	_____
Board Member Avelino Leoncio	_____
Board Member Mariam Yanes	_____

PASSED AND ADOPTED this 17 day of April 2019.

\_\_\_\_\_  
FRED SENRA  
Chairman, Planning and Zoning Board

ATTEST:

\_\_\_\_\_  
GINA INGUANZO  
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

\_\_\_\_\_  
LORENZO COBIELLA  
TOWN ATTORNEY

This Order was filed in the Office of the Town Clerk on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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GINA INGUANZO  
Town Clerk



Planning Office  
6601 Main Street • Miami Lakes, Florida 33014  
(305) 364-6100 • [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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**To:** Planning and Zoning Board  
**From:** Susana Alonso, AICP  
Principal Town Planner  
**Re:**  
**HEARING NUMBER:** PZAV2019-0509  
**APPLICANT:** Yamilee Martinez Fernandez  
**FOLIO:** 32-2016-001-0740  
**LEGAL DESCRIPTION:** SEVILLA ESTATES  
PB 153-38 T-18406  
LOT 74 BLK 1  
LOT SIZE 6950 SQ FT  
  
**LOCATION:** 8944 NW 168th St  
Miami Lakes, Florida, 33018  
**ZONING DISTRICT:** RU-1  
**Date:** October 23, 2019

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### A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Yamilee Martinez Fernandez (the “Applicant”) following reasonable accommodation from the Land Development Code:

An accommodation from Section 13-1606 to allow storage of a boat and boat trailer in the rear yard of a single-family home in a RU-1 district.

### B. Background

The Applicant is requesting a reasonable accommodation to allow storage of a 25’ boat and trailer in the rear yard of their single-family home in a RU-1 District in order to accommodate the needs of their autistic child who uses the boat as a calming device. The property is a 6,950 square foot lot located on the south side of NW 168<sup>th</sup> Street one lot east of the intersection with NW 89<sup>th</sup> Pl. It is improved with a 2,279 square foot home, which was built in 2002. The home has a rear setback of 29.49 feet at its narrowest side and 31.22 feet at its widest, and interior side setbacks of 6.56 feet to the west and 12.04 feet to the east.

Sec. 13-1060 of the Land Development Code requires that boats and personal watercraft and trailers be stored in garages with the door fully closed. In 2005 the Town Council issued an amnesty program through which all properties that registered a boat by April 18, 2005 would be allowed to store that boat outdoors, as long as the boat met a set of conditions

enumerated under Sec. 17-1, and would be allowed to replace that boat with a new or smaller boat, as long as the new boat was registered within a 180-day time frame after purchase.

### **C. Staff Recommendation**

Staff recommends approval with conditions for the proposal as shown in the attached plan, consisting of one page, stamped received on October 1, 2019. The recommended conditions are as follows:

1. Approval shall be substantially consistent with the attached plan stamped received on October 1, 2019.
2. A five-foot minimum setback shall be maintained from every interior property line.
2. This reasonable accommodation shall cease to exist upon termination of residence at the property of the disabled individual to whom it is granted.
3. This reasonable accommodation shall be reconsidered by the Planning Board two years from the date of issuance.

### **D. Property Information and Permit History**

Zoning District of Property: RU-1 – Single-Family Residential District

Future Land Use Designation: Low Density Residential

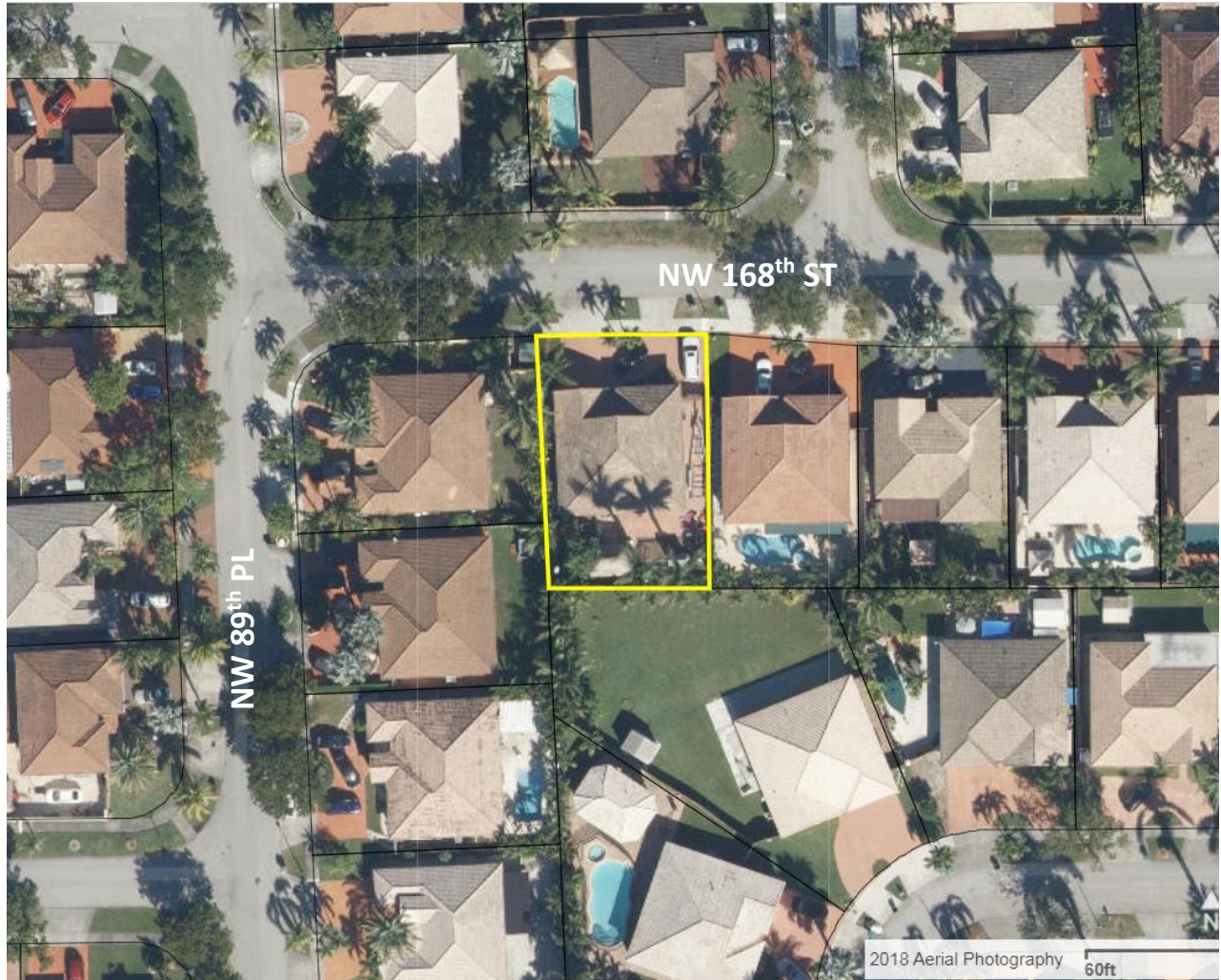
#### Subject Property:

6,950 square foot lot located on the south side of NW 168th Street one lot east of the intersection with NW 89th Pl. The site is improved with a single-family home constructed in 2002 according to Miami Dade County records. It is located at 8944 NW 168th St within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

#### Surrounding Property:

	<b>Future Land Use Category</b>	<b>Zoning District</b>
<b>North:</b>	Low Density Residential	Single-Family Residential District, (RU-1)
<b>South:</b>	Low Density Residential	Single-Family Residential District, (RU-1)
<b>East:</b>	Low Density Residential	Single-Family Residential District, (RU-1)
<b>West:</b>	Low Density Residential	Single-Family Residential District, (RU-1)

## Subject Property Location Map



not to scale

### Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

Case Number C2019-1067 regarding boat and trailer storage is open and scheduled for special master.

### **E. Analysis**

Section 13-764.3 of the Town LDC allows the Planning and Zoning Board to approve reasonable accommodation request(s) as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131, et. seq.) by a majority vote of the members of the Planning and Zoning Board present. In order to authorize any reasonable accommodation request, the Planning and Zoning Board members at the meeting shall establish whether the proposed reasonable accommodations sought are reasonable and necessary to afford the subject individual(s) with disabilities an equal opportunity to use

and enjoy the housing that is the subject of the request. The following factors shall be considered, among other relevant factors including judicial interpretation of disability law:

- a) **The disabled individuals shall establish that they are handicapped or disabled, as defined in the FHA or ADA, and therefore entitled to protection under the FHA or ADA, such that they have a physical or mental impairment which substantially limits one or more major life activities; or that they have a record of having such impairment, or that they are regarded as having such impairment.**

*Analysis:* The applicant has submitted a letter from a physician documenting the child's disability.

*Finding:* complies.

- b) **If a request for reasonable accommodation is submitted by an operator of a residence that provides housing to disabled individuals, the operator shall be required to establish that the operator is qualified to provide such housing to disabled individuals.**

*Analysis:* Not Applicable. The property is a privately-owned single-family home that houses a family as per Sec. 13-764.1.

*Finding:* Not Applicable.

- c) **The requesting party shall demonstrate that the requested accommodation is both reasonable and necessary (as interpreted by the courts) to afford the disabled individuals served by the housing an equal opportunity to use and enjoy the housing, including that the proposed accommodation is therapeutically necessary and actually alleviates the effects of a handicap or disability, with a site-specific assessment in regard to the particular property in that regard.**

*Analysis:* See section B and criteria "a" above. As per the letter submitted by the applicant, the child uses the boat as a therapeutic device. Staff recommend the reasonable accommodation be reconsidered in two years, when the child may have outgrown his need for the boat.

*Finding:* Conditionally Complies.

- d) **The requesting party shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the Town's zoning scheme or other Town program or policies, and that it does not impose an undue financial or administrative burden on the Town.**

*Analysis:* See sections B and C. the boat is under 25' and so meets the general conditions imposed to boats allowed under the 2005 amnesty.

*Finding:* Complies.





Growing Beautifully

6601 Main Street • Miami Lakes, FL 33014  
(305) 364-6100 • [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

Public Hearing (Yes/No):

File Number(s):

PZAV 2019-0509.

Date Received: 10/1/2019

### Planning Application

Folio Number: 32-2016-001-0740

Property Address: 8944 NW 168 St Miami Lakes, FL 33018

Nature of Requests (mark all that apply)	<input type="checkbox"/> Comprehensive Plan Change	<input checked="" type="checkbox"/> REASONABLE ACCOMMODATION	<input type="checkbox"/> Zoning Verification Letter
	<input type="checkbox"/> Zoning Change		<input type="checkbox"/> Expedite fee
	<input type="checkbox"/> Preliminary Plat		<input type="checkbox"/> Waiver of Plat
	<input type="checkbox"/> Site Plan		<input type="checkbox"/> Administrative Site plan
	<input type="checkbox"/> Conditional Use		<input type="checkbox"/> Distance Separation
	<input type="checkbox"/> Variance		<input type="checkbox"/> Administrative Parking Waiver

**NOTE TO APPLICANTS:** A pre-application meeting with the Town's Planning and Zoning Department staff is required prior to official application filing. A checklist of requirements will be provided to the applicant at that time. Please call 305 364-6100 for an appointment.

Property Information	Lot size (Acres/Square Feet):	6,695 sq ft	Current Zoning:	
	Current Use:	Residential	Existing Structure Square Footage:	2,286 sq ft
	Existing Number of Parking Spaces:		Existing Number of Units:	1
	Is request the result of a violation?	yes	If yes, case number:	C2019-1067

Please describe nature of request : Requesting reasonable accommodation to allow storage of a boat on the property to accommodate needs of my son on the autism spectrum

Please submit two sets of signed and sealed 24x36 and one set of reduced 11x17 plans.

Property Owner Information	NAME:	Yamilee Martinez Fernandez		
	Mailing Address:	8944 NW 168 St	City, State, Zip	Miami Lakes, FL 33018
	Phone Number:	305 827-4275	Cell Number:	305-218-6989
	Email Address:	Fernandezy3@aol.com		

If property is leased, separate affidavits for property owner and tenant must be provided.

Operator/Lessee Information	NAME:		
	Mailing Address:		City, State, Zip
	Phone Number:		Cell Number:
	Email Address:		

a. If subdivided, provide lot, block, complete name of subdivision, plat book and page number.

LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION :

b. If metes and bounds description, provide complete description (including section, township, and range).

Lot 74, Block 4, Sevilla Estates as recorded in plat book 153 at page 38 of the Public Records of Dade County, Florida

c. Attach a separate typed sheet, if necessary. Please verify the accuracy of your legal description



**OWNER OR TENANT AFFIDAVIT  
FOR  
INDIVIDUAL**

STATE OF FLORIDA

Public Hearing No. \_\_\_\_\_

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiants are the fee owners of the property which is the subject of the proposed hearing.
2. The subject property is legally described as: Lot 74, Block 1, Sevilla Estates  
as recorded in Plat book 153 at page 38 of the  
Public Records of Dade County, Florida
3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.
4. I, Yamilee Martinez Fernandez, being first duly sworn, depose and say that I am the owner tenant (circle one) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

\_\_\_\_\_ will represent me at the hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant:

Affiant's Signature

Print Name

Sworn to and subscribed before me on the 26<sup>th</sup> day of September, 2019. Affiant is personally known  
to me or has produced \_\_\_\_\_ as identification.

Notary  
(Stamp/Seal)



My Commission Expires: 09-29-22

Yamilee M. Fernandez  
8944 NW 168<sup>th</sup> Street  
Miami Lakes, FL 33018  
305-218-6989

September 26, 2019

Re: Folio# 3220160010740  
Case #C2019-1067

Dear Sir or Madam:

I received a second Notice of Hearing dated September 20, 2019, for maintaining a boat at the above mentioned property. I have owned and lived on the property for 17 years, and I am aware of the restrictions the town of Miami Lakes has regarding boats. Unfortunately I did not qualify to be grandfathered in regarding the boating requirement when it was implemented. I have a 5 year old son that was diagnosed in April 2016, with being on the Autism Spectrum. The boat was purchased with the intention of helping him with his sensory issues. He enjoys riding the boat and while at home, spends time on it walking around. There have been occasions where the boat has been taken to the mechanic and is not on the property, and it has had a negative impact on our son. Even though it is explained to him that the boat will return, his comprehension level does not allow him to understand. We have had to drive him to the mechanic so he sees the boat, to help him with the situation. We have seen improvement in his behavior since we purchased the boat.

Enclosed find the initial, the most recent diagnosis letter, and street view photos of the property, while the boat is in it's storage location, as supporting documentation. I am requesting there be an exception in our case given our circumstance, and allowing us to keep the boat on the property since it has been such a positive experience for our son.

Thanking you in advance for you attention to this matter. If you need any further information, please do not hesitate to contact me.

Sincerely,

  
Yamilee M. Fernandez



Pediatric Neurology

Israel Alfonso, MD  
Mercedes Bello, MD  
Kenneth Butler, MD  
Enme Corrales-Reyes, MD  
Marcel Deray, MD  
Michael Duchowny, MD  
Mark Epstein, MD  
Carlos Gadia, MD  
Suzanne Hagler, MD  
Ann E. Hyslop, MD  
Anuj Jayakar, MD  
Ian Miller, MD  
Natanya Mishal, MD  
Migvis Monduy, MD  
Sayed Naqvi, MD  
Trevor J. Resnick, MD  
Paula Schleifer, MD  
Roberto Tuchman, MD  
Pavielle Briggs, ARNP  
Daneb Gonzalez, ARNP  
Opal Hamilton, ARNP  
Lee Ann Kunkle, ARNP  
Vanessa Manzie, ARNP  
Leah Medina, ARNP  
Damaris Monzon-Aguirre, ARNP  
Valerie Prentiss, ARNP  
Cathy Remy, ARNP  
Linda Suarez, ARNP  
Jaqueline Bomhoff, PA-C  
Silvia Marroquin, PA-C  
Monique Stewart, PA-C  
Nike Sitzman, PA-C  
Veronica Trevilla, PA-C  
Christina Valdes, PA-C

**08/01/2019**

**Re: Julian Fernandez**

**DOB: 02/17/2014**

To Whom It May Concern:

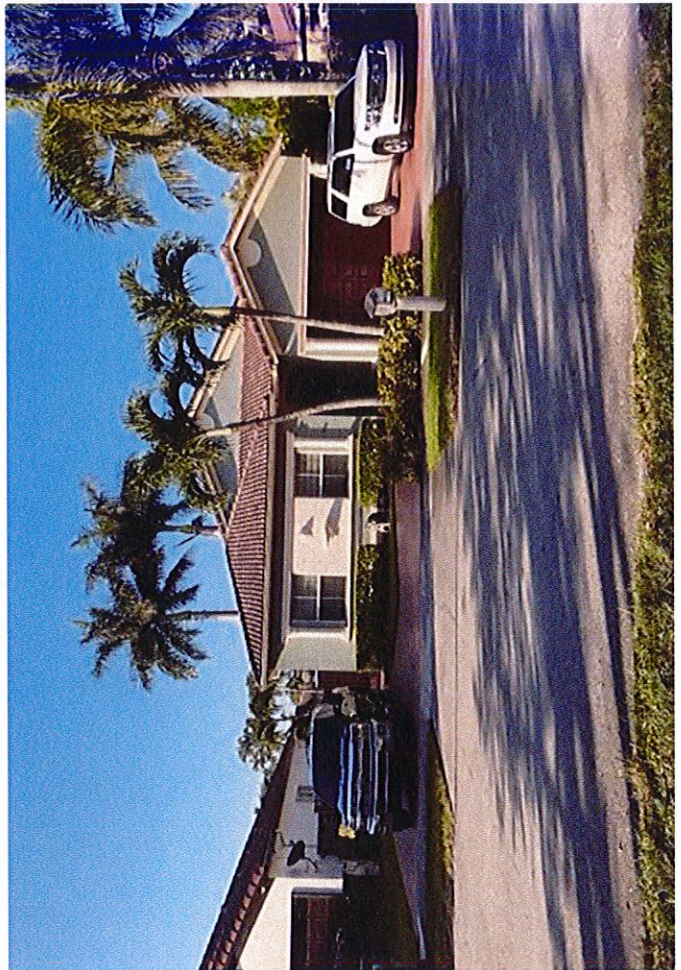
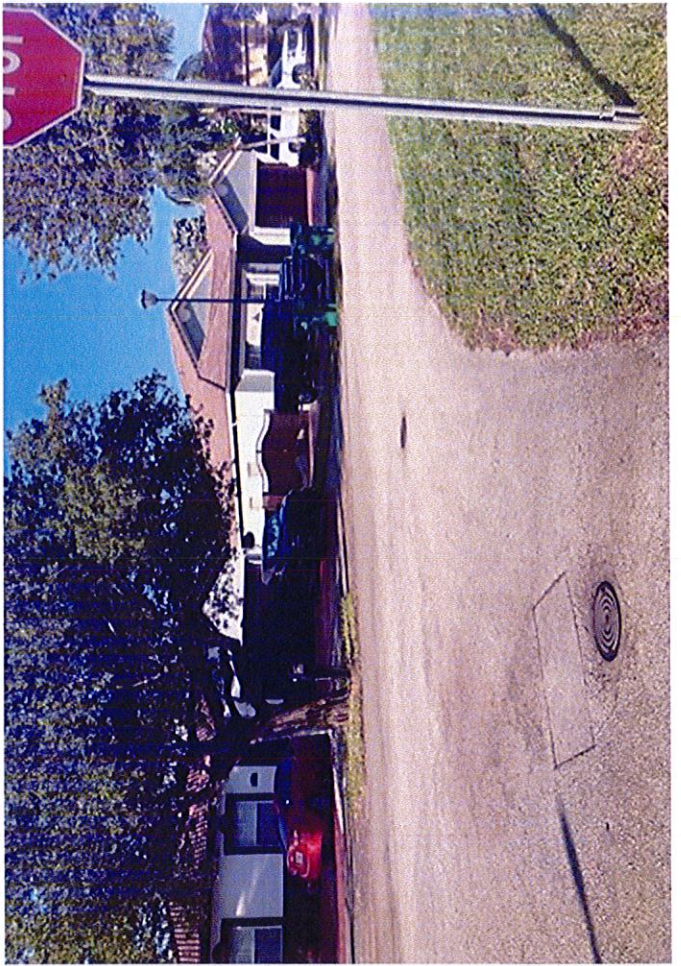
We are the neurology team for the above named patient. We believe that **Julian** meets the criteria for Autism Spectrum disorder (ICD-10 Code F840.0).

Please feel free to contact our office should you have any questions.

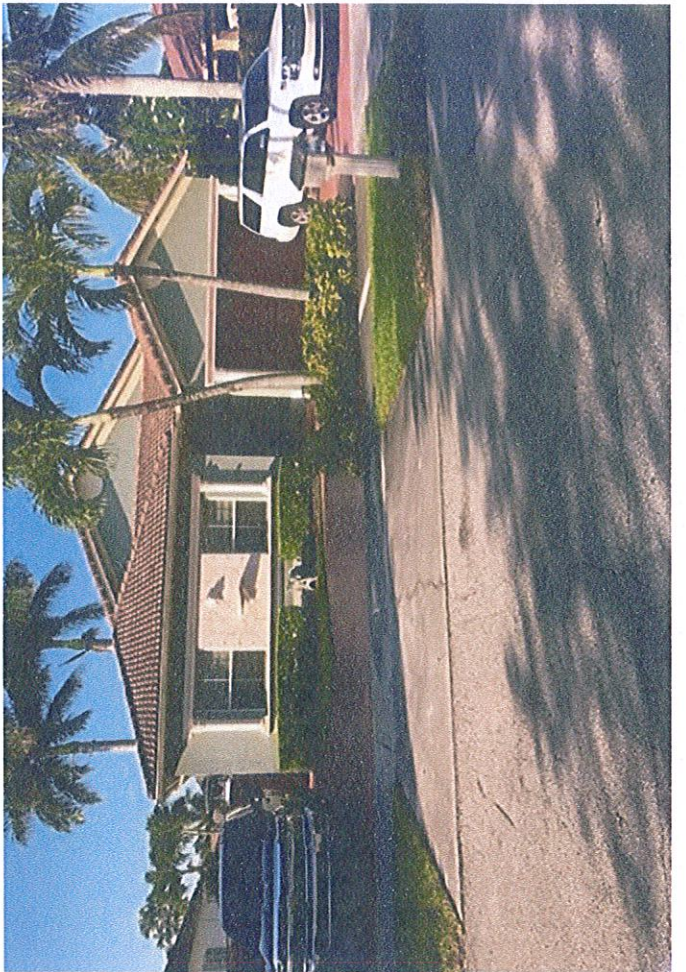
Sincerely,

Roberto Tuchman, M.D.  
Neuro Network Partners  
Miami Children's Hospital









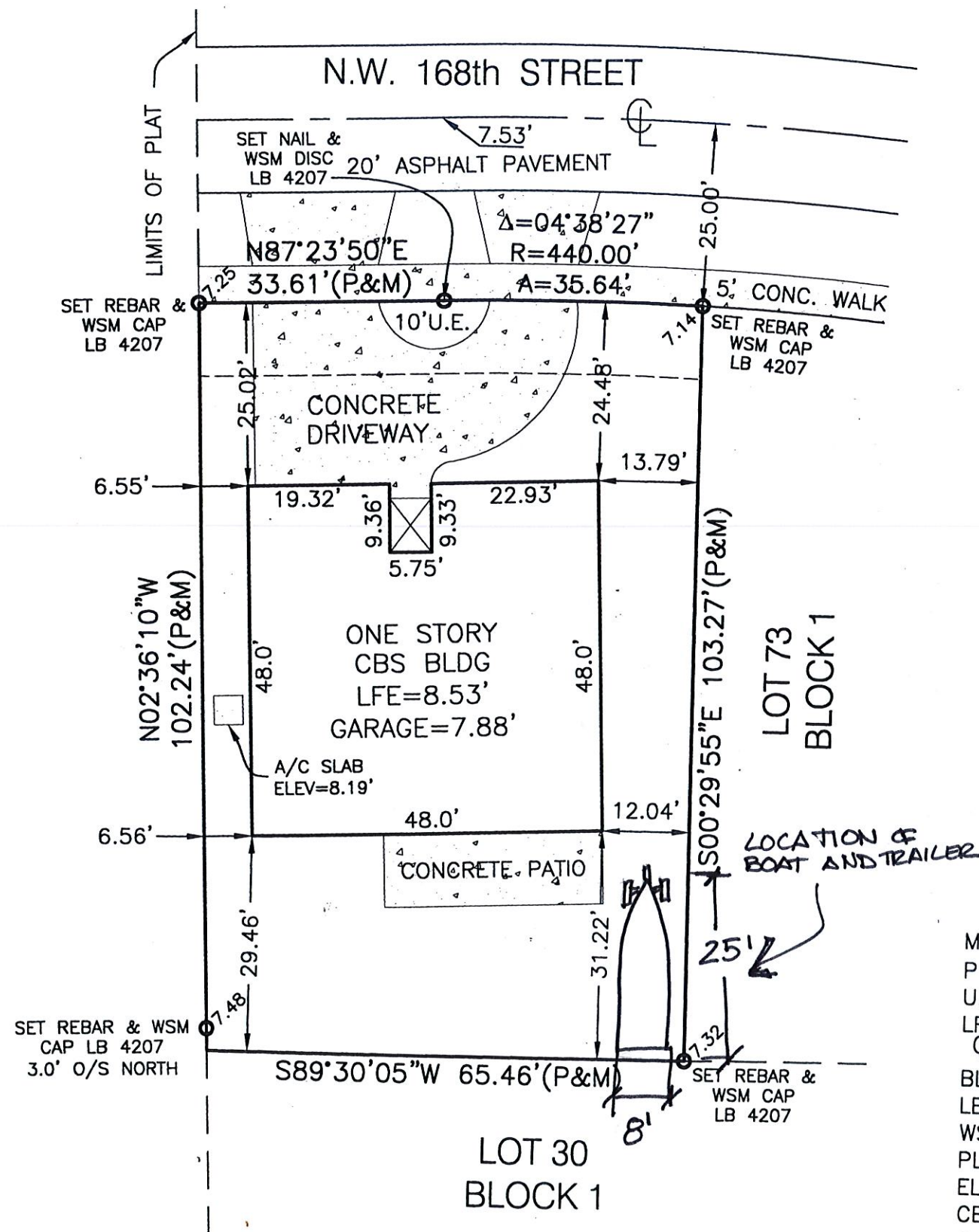


PROPERTY ADDRESS:

8944 N.W. 168th STREET  
MIAMI LAKES, FLORIDA 33018

# BOUNDARY SURVEY

74/1



CERTIFIED TO:

MANUEL R. FLEITES AND YAMILEE MARTINEZ  
ATTORNEY'S TITLE INSURANCE FUND, INC.  
BRENNER & DIENSTAG, P.A.  
CHASE MANHATTAN MORTGAGE CORPORATION

## LEGAL DESCRIPTION:

LOT 74, BLOCK 1, SEVILLA ESTATES AS RECORDED IN  
PLAT BOOK 153 AT PAGE 38 OF THE PUBLIC RECORDS  
OF DADE COUNTY, FLORIDA.

## SURVEYORS NOTES:

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED  
SEAL OF A FLORIDA PROFESSIONAL SURVEYOR & MAPPER.  
DATE OF FIELD SURVEY: 11-29-01.  
BEARINGS ARE BASED UPON THE CENTER LINE OF NW 168 ST  
ELEVATIONS REFER TO THE NATIONAL GEODETIC VERTICAL  
DATUM OF 1929.  
SOURCE OF ELEVATIONS: MIAMI-DADE COUNTY BENCHMARK  
N-680.  
NO ATTEMPT HAS BEEN MADE TO LOCATE ANY UNDERGROUND  
ENCROACHMENTS.  
FINAL SURVEY: FEBRUARY 11, 2002.

## LEGEND:

M MEASURED  
P PLAT  
U.E. UTILITY EASEMENT  
LFE LOWEST FLOOR ELEVATION  
CL CENTER LINE  
BLDG BUILDING  
LB LICENSED BUSINESS  
WSM WEIDENER SURVEYING & MAPPING  
PLS PROFESSIONAL LAND SURVEYOR  
ELEV ELEVATION  
CBS CONCRETE BLOCK & STUCCO  
O/S OFFSET

## FEDERAL FLOOD ZONE INFORMATION:

COMMUNITY NUMBER: 120635  
PANEL NUMBER: 0075  
SUFFIX: J - FIRM ZONE: AE  
BASE FLOOD ELEVATIONS: 6.00 FEET  
DATE OF MAP: 07-17-95

*Sam F*

Weidener Surveying & Mapping, P.A.  
LB No.4207  
SAMUEL M. FISCHBEIN, PLS No.3587

WEIDENER SURVEYING AND MAPPING P.A.  
Jacksonville - Miami - Orlando - Tampa - Pensacola  
10418 N.W. 31st Terrace  
Miami, Florida 33172  
(305) 599-6381

CADD FILE NO.  
F\_BLK1.DWG  
PROJECT NO.  
1634  
SHEET  
1 OF 1

BOUNDARY SURVEY  
for  
ALMENDARES HOMES  
MIAMI, FLORIDA

DRAWN BY: ROMAN  
DATE: FEBRUARY 11, 2002  
CHECKED BY: FISCHBEIN  
DATE: FEBRUARY 11, 2002  
SCALE: 1" = 20'  
TOWNSHIP(S): 16  
RANGE(S): 52 SOUTH  
MIAMI-DADE COUNTY

REVISIONS  
DATE  
DRAWN APPROVED



## Town of Miami Lakes Memorandum

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**To:** Honorable Chairman of the Planning and Zoning Board & Board Members

**From:** Susana Alonso, AICP, Principal Town Planner

**Subject:** Eight-Foot Fences

**Date:** October 23, 2019

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### **Recommendation:**

Staff recommends approval of the attached ordinance.

### **Background:**

On September 10, 2019, Mayor Cid introduced a new business item instructing staff to prepare an ordinance for consideration by the Town Council allowing for fences eight feet in height wherever a single family home abuts a different use.

### **Attachments:**

Ordinance



ORDINANCE NO. 19-\_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED FENCE HEIGHTS FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT SECTION 13-1509, “FENCES, WALLS AND GATES,”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Manny Cid)**

**WHEREAS**, on \_\_\_\_\_, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

**WHEREAS**, on \_\_\_\_\_, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

**WHEREAS**, on \_\_\_\_\_, the Town Council considered the ordinance at a duly advertised public hearing; and

**WHEREAS**, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:**

**Section 1.**     **Recitals.** Each of the above stated recitals is true and correct and is incorporated herein by this reference.

**Section 2. Amendment.** Section 13-1608, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**FIRST READING**

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this \_\_\_\_\_ day of October, 2018.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**SECOND READING**

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Frank Mingo	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

\_\_\_\_\_  
Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

EXHIBIT A

ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

\* \* \*

ARTICLE V. - ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND  
EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

\* \* \*

Sec. 13-1509. - Fences, walls and gates.

\* \* \*

(b) This Subsection (b) applies to single-family and two-family residences.

\* \* \*

(2) *Height.*

a. Where permitted, the maximum height of all fences, walls or decorative columns located within a required yard shall be six feet. Decorative open see-through type gates and decorative columns that are not more than 16 inches wide and spaced a minimum of eight feet apart, shall be permitted to exceed the maximum permitted height of the wall by 18 inches.

b. Height between different districts. Where an RU District abuts another district, a fence or wall on the RU property may be erected or maintained on the common property line at the height permitted in the abutting district.

(c ) *Height where residential use abuts a differing use.* Wherever any portion of a residential use rear or interior side property line abuts either a commercial, office, industrial use or multifamily residential use, a masonry wall, opaque fence or hedge of up to eight feet in height shall be permitted.

(d) *Height in AU and GU Districts.* In AU and GU Districts, the height of any fence, wall or hedge shall not exceed six feet when located within the required front or side street setback areas; at other points in such districts, fences, walls or hedges shall not exceed eight feet in height. The Director may authorize hedges of a greater height for windbreaks for groves when necessary to protect same.

(e) *Height in BU and IU Districts.* In the BU and IU Districts, the height of any wire fence shall not exceed eight feet when located within the required front or side street setback areas; when

located between the building line and other property lines, not to exceed eight feet in height. Walls and hedges, when located within the required front and side street setback areas shall not exceed four feet in height; when located between the building line and other property lines, walls and hedges shall not exceed eight feet in height.

(f) *IU Districts, fence in lieu of wall.* In IU Districts, a wire fence shall be permitted in lieu of a masonry wall as required in the Industrial Districts under the following conditions:

- (1) That the property concerned is zoned industrial and the adjacent property, either abutting on or across the street from where the fence is to be erected is zoned industrial.
- (2) The storage within such fences be limited to vehicles, equipment and new materials.
- (3) That all required parking be excluded from the fenced-in area, unless otherwise approved by the Director.
- (4) Where abutting property is other than industrial, or where the property on the street opposite the industrial site concerned is zoned other than industrial, a concrete wall will be erected as otherwise provided for in this chapter.