

**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, PURSANT 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.

Section 1: Applicant

Applicant: Juan and Daryli Vazquez
Folio: 32-2023-010-0220
Location: 14441 Rosewood Rd Lake
Miami Lakes, Florida 33014
Legal Description: Lake Martha Lot 8 & Prop Int In & To Lake Block 34, According To The Plat Thereof, As Recorded In Platbook 86 At Page 76, Of The Public Records Of Miami Dade County Florida
Hearing No.: VARH2019-0364

Section 2. Request:

The Applicant requested the following variances from the Land Development Code:

1. A variance from Section 13-426(7) to allow a swimming pool to encroach by 17' 7" waterward of the top of the slope or tie line.
2. A variance from Section 13-1605(c)(7) to allow a swimming pool waterward of the top of the slope or tie line.

Section 3. Findings:

1. In accordance with Section 13-305(f)(1) 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 conditionally complies the variance criteria at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:
 - a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

- b. Whether approval of the Variance would be compatible with development patterns in the Town;
- c. Whether the essential character of the neighborhood will be preserved;
- d. Whether the Variance can be approved without causing substantial detriment to adjoining properties;
- e. Whether the Variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief;
- f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Section 4. Grant of Approval with Conditions

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, October 24, 2017 at 6:00 P.M. 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 plans prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019.
2. Decking east of the pool shall be limited to 225 square feet.
3. Additional landscaping, as approved by the Planning and Zoning Staff, shall be provided along the side of the pool facing the lake to screen the pool retaining wall.

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

PASSED AND ADOPTED this 24th day of July 2019.

ROBERT JULIA
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
DEPUTY TOWN ATTORNEY

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

GINA INGUANZO
Town Clerk