

**TOWN OF MIAMI LAKES
PLANNING AND ZONING BOARD
PZB NO: 2018-___**

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; DENYING A VARIANCE REQUEST FROM SECTION 13-1509(B) TO PERMIT A FENCE TO ENCROACH NINE (9) FEET INTO THE MINIMUM REQUIRED 15-FOOT STREET SIDE YARD SETBACK, FOR THE PROPERTY LOCATED AT 7201 MIAMI LAKEWAY SOUTH, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Applicant

Applicant: Rudy Martinez
Folio: 32-2023-010-0140
Legal description: lot 14 in block 33
Of Miami Lakes Lake Martha Section, according to the plat thereof, as recorded in Plat Book 86 at page 76, of the public records of Miami Dade County Florida.
LOCATION: 7201 Miami Lakeway South
Miami Lakes, Florida, 33014
Hearing No.: VARH2018-0144

Section 2. Request:

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

A variance from Section 13-1509(b) of the Town's Zoning Code to locate a fence in a street side yard, six (6) feet from the property line where a minimum fifteen (15) feet is permitted.

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 does not comply with 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. Denial of Request

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, February 17, 2018 at 6:00 P.M. upon findings outlined herein, the Planning and Zoning Board hereby denies the request described in Section 2 above.

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 Jeffrey Rodriguez | _____ |
| Vice Chairman Raul De La Sierra | _____ |
| Board Member Homero Cruz | _____ |
| Board Member Robert Julia | _____ |
| Board Member Avelino Leoncio | _____ |
| Board Member Ameli Padron-Fragetta | _____ |
| Board Member Fred Senra | _____ |

PASSED AND ADOPTED this 17th day of April, 2018.

JEFFREY RODRIGUEZ
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 _____, 2018.

GINA INGUANZO
Town Clerk