



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:** VARH2019-0364  
**APPLICANT:** Juan and Daryli Vazquez  
**FOLIO:** 32-2023-010-0220  
**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.  
**LOCATION:** 14441 Rosewood Rd  
Miami Lakes, Florida, 33014  
**ZONING DISTRICT:** RU-1  
**Date:** July 24 2019

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### A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Juan and Daryli Vazquez (the “Applicants”) are requesting the following variance(s):

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.

### B. Background

The Applicant is proposing to build a 383-square foot swimming pool in the rear yard of an existing single-family home located on Lake Martha. The overall size of the pool is typical for a residential property developed with single family home. The home itself is sited 9.6 feet from the top of the slope (the “Tie Line”) that leads to lake. The Land Development Code does not permit pools and decks waterward of the Tie Line. The effect is the inability to construct a pool on the property without the benefit of a variance. The applicant has considered alternative locations and orientations for the pool, but all the options necessitated a variance of some sort. The proposal presented, requesting the 17’-7” variance beyond the top of slope, represents the minimum necessary for any pool to be built on this property. An encroachment of 17’-7” feet beyond the Tie Line of the property in question leaves 21 feet of unencumbered slope area at its narrowest point and 27 feet at its widest.

### C. Staff Recommendation

Staff recommends approval with conditions for the proposal as shown in the attached plans, consisting of two pages, prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019. The recommended conditions are as follows:

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.

### D. Property Information and Permit History

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

Future Land Use Designation: Low Density Residential

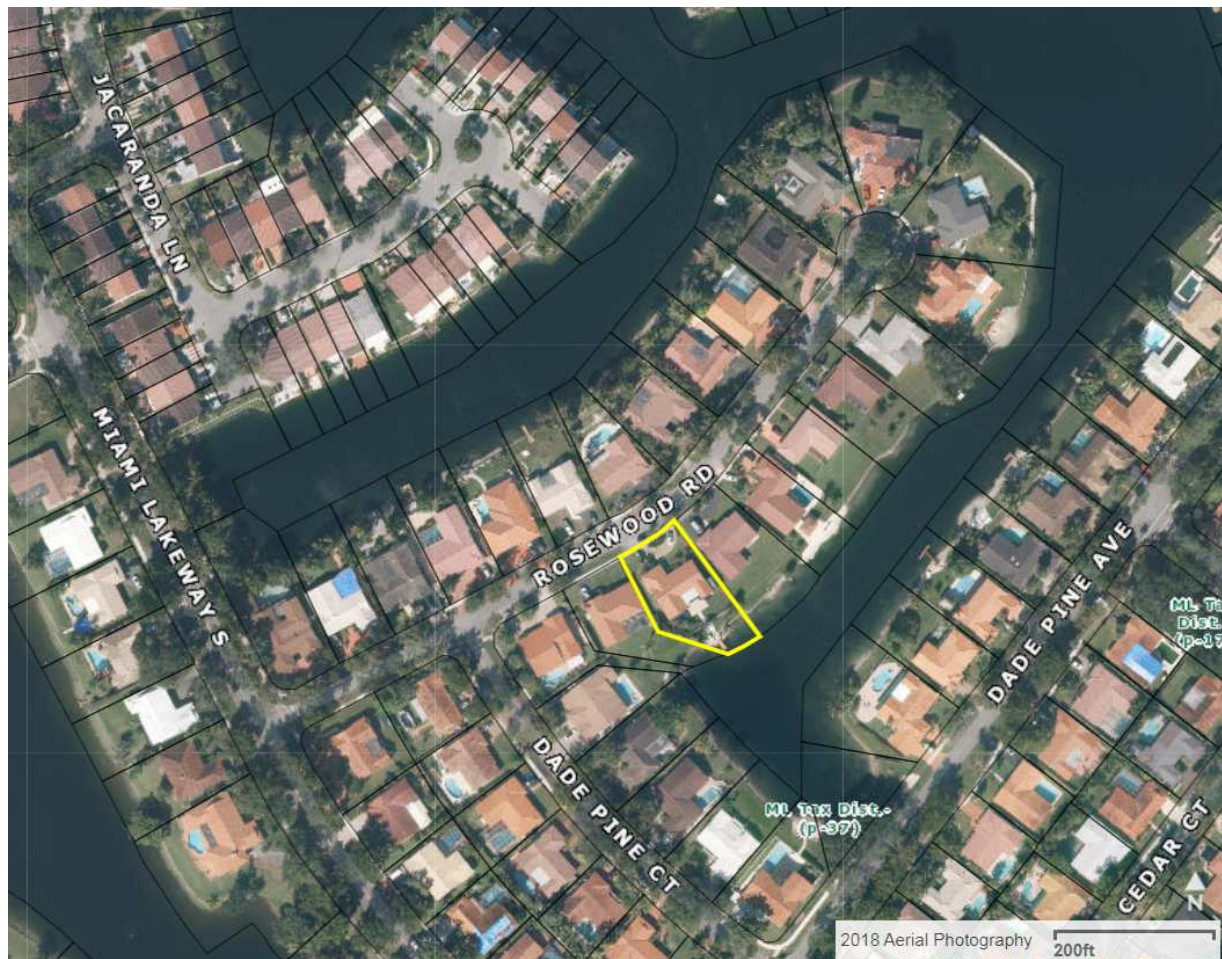
Subject Property:

The subject parcel is a 12,425-square foot lot on Lake Martha. The site is improved with a single-family home constructed in 1970 according to Miami Dade County records. It is located at 14441 Rosewood Rd 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:

There are currently no open permits or code violations on this property.

## **E. Analysis**

Subsection 13-305(f)1 of the Town LDC allows the Planning and Zoning Board to approve non-use variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members of the Planning and Zoning Board present. In order to authorize any variance on the basis of practical difficulty, the Planning and Zoning Board members at the meeting shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is dispositive.

**a) The Town has received written support of the specifically identified variance requests from adjoining property owners.**

*Analysis:* At the time of this writing the project did not receive letters of support or objection. Should the Town receive letters of support/objection subsequent to the issuance of this report, they shall be objectively evaluated against the criteria provided in the Town's LDC, and if appropriate, shall be addressed at the scheduled public hearing.

*Finding:* Does not comply.

**b) The Variance would be compatible with development patterns in the Town.**

*Analysis:* The Applicant proposes to build a pool 17'-7" feet beyond the top of the slope with one (1) foot of decking around it and an infinity edge facing the lake. The proposed decking to the east of the pool would comply with Code if it was limited to 225 square feet. As proposed and reflected on the applicant's survey, the pool and surrounding deck leaves an approximate open space area to the water line of 21 feet, that is clear of obstructions. Such a broad open space is typical for the neighborhood. Pools are typical ancillary uses to single family homes. Denial of the variance request would deprive the applicant of a use enjoyed by other properties within the neighborhood.

*Finding:* Complies.

**c) The essential character of the neighborhood would be preserved.**

*Analysis:* See criteria "b" above. The slope of the property is broad. The 17'-7" waiver leaves 21 feet of area to accommodate drainage and maintenance of the lake area. Other homes in the neighborhood have pools.

*Finding:* Complies.

**d) The Variance can be approved without causing substantial detriment to adjoining properties.**

*Analysis:* See criteria "b" and "c". The general location of the pool to the house is consistent with other properties in the neighborhood. It is the location of the slope that creates the deficiency. The 17'-7" waiver leaves 21 feet of area to accommodate drainage and maintenance of the lake area. Other homes in the neighborhood have pools.

*Finding:* Complies.

**e) The Variance will 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.**

*Analysis:* See criteria "b", "c" and "d". As presented at criterion d above, the home is sited closer to the water than others in the neighborhood. Therefore, the Tie Line is reduced to 9.6 feet from the rear face of the residence. This leaves no practical room for a pool. To deny the variance, would be to deny an amenity enjoyed by other properties in the neighborhood.

*Finding:* Complies.

- f) 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.**

*Analysis:* See criteria “b”, “c” and “d”. Based on the analysis provide in this report, there are unique circumstances that exist with the property and/or the Applicant that would make conforming to the Code unnecessarily burdensome.

*Finding:* Complies.

- g) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.**

*Analysis:* See criteria “b”, “c” and “d”. There are special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

*Finding:* Complies.