



Department of Planning, Zoning and Code Compliance
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Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Darby Delsalle, AICP
Director of Planning

Re:

HEARING NUMBER: VARH2017-0381

APPLICANT: Ruben Arguelles

FOLIO: 32-2024-003-0550

LEGAL DESCRIPTION: LOT 46 IN BLOCK 2
OF MIAMI LAKES SECTION ONE, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN
PLATBOOK 75 AT PAGE 35, OF THE PUBLIC
RECORDS OF MIAMI DADE COUNTY FLORIDA.

LOCATION: 6421 Lake Patricia Dr
Miami Lakes, Florida, 33014

ZONING DISTRICT: RU-1

Date: October 24th 2017

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Ruben Arguelles (the “Applicant”) is requesting the following variance(s):

1. A variance from Section 13-426(7) to allow a swimming pool to encroach by 10’ 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 268-square foot swimming pool in the rear yard of an existing single-family home located on Lake Patricia. The overall size of the pool is typical for a residential property developed with single family home. The home itself is sited seven (7) 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 10-foot variance beyond the top of slope, represents the minimum necessary for any pool to be built on this property. An encroachment of 10 feet beyond the Tie Line of the property in question leaves 41.9 feet of unencumbered slope area.

C. Staff Recommendation

Staff recommends approval for the proposal as shown in the attached plans, consisting of two pages, prepared by Premier Pool and Spa, signed and sealed on July 18, 2017 by Wayne Marham Bennet, PE, and stamped received on July 21st, 2017.

D. Property Information and Permit History

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

Future Land Use Designation: Low Density Residential

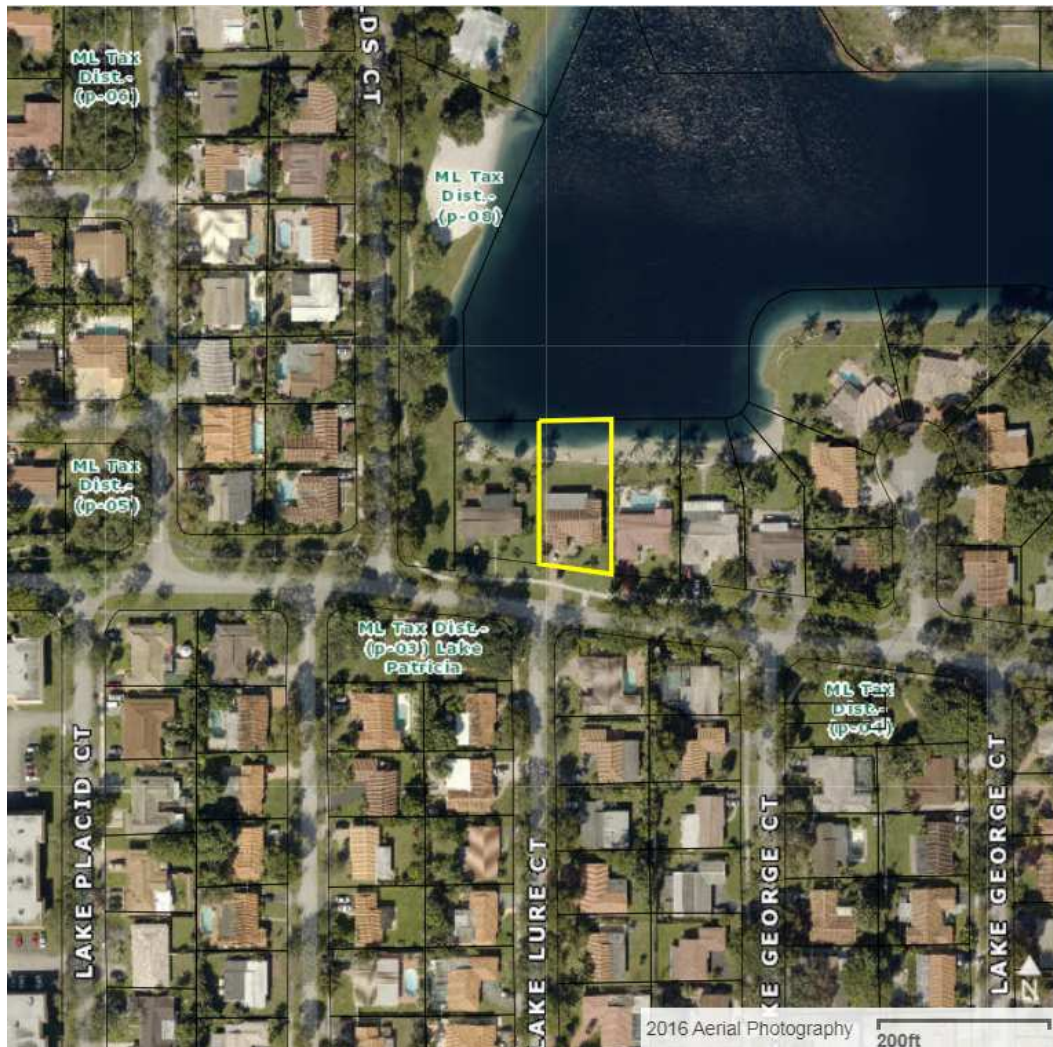
Subject Property:

The subject parcel is a 7,500-square foot lot on Lake Patricia. The site is improved with a single-family home constructed in 1963 according to Miami Dade County records. It is located at 6421 Lake Patricia Drive within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

Surrounding Property:

	Future Land Use Category	Zoning District
North:	Low Density Residential	Single-Family Residential District, (RU-1)
South:	Low Density Residential	Single-Family Residential District, (RU-1)
East:	Low Density Residential	Single-Family Residential District, (RU-1)
West:	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: The Town has received written support for this request from both adjacent neighbors and one neighbor across the lake from the property. The letters have been included as attachments to this staff report.

Finding: Complies.

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

Analysis: The Applicant proposes to build a pool ten (10) feet beyond the top of the slope with one (1) foot of decking around it. The proposed decking complies with Code. 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 41.9 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 ten (10) foot waiver leaves 41.9 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 ten (10) foot waiver leaves 41.9 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 seven (7) feet away 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.