



Planning Office
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Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Susana Alonso, AICP
Principal Town Planner
Re:
HEARING NUMBER: VARH2019-0237
APPLICANT: Armando and Yancy Bernal
FOLIO: 32-2023-010-0600
LOCATION: 14850 Dade Pine Ave
Miami Lakes, Florida, 33014
ZONING DISTRICT: RU-1
Date: May 22, 2019

A. Request

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

A variance from Section 13-1508 of the Town’s Zoning Code to exceed by 10 feet the maximum width of a driveway approach where a maximum of 20 feet is allowed.

B. Background

The Applicant had applied for an obtained a building permit to expand and refurbish an existing driveway, BLR2019-0563. The application for the building permit was approved by the zoning official with a width of approach of 20 feet in compliance with the LDC (see exhibit B, page 1). At the time of final inspection, the driveway approach was measured by the zoning official as 30 feet (see exhibit B, page 2). The applicant was advised that the driveway would have to be either modified to comply with LDC or an after-the-fact variance be obtained approving the as-built configuration.

As per the LDC, the maximum allowable width of an individual driveway, or leg of a driveway in the case of a circular driveway, is 20 feet. If two driveways or a circular driveway are proposed for a single property, then the two legs must add up to 30 feet; in other words, the LDC allows either one 20-foot leg and one 10-foot leg, or two 15-foot legs or any combination in between. The reason for this limitation is to minimize the length of sidewalk or right-of-way that the driveway and approach cut through, therefore limiting the length of possible interaction between pedestrians and vehicles entering or exiting the property, as well as between vehicles already on the right-of-way and those exiting the property. In addition, this limitation prevents the creation of continuous curb-cuts from setback to setback and provides for landscaped areas near the sidewalk and right-of-way.

C. Staff Recommendation

Staff recommends denial of the variance request, as it fails to meet the variance criteria at section 13-305(f)(1).

D. Property Information and Permit History

Zoning District of Property: RU-1 – Residential single family

Future Land Use Designation: low-density residential

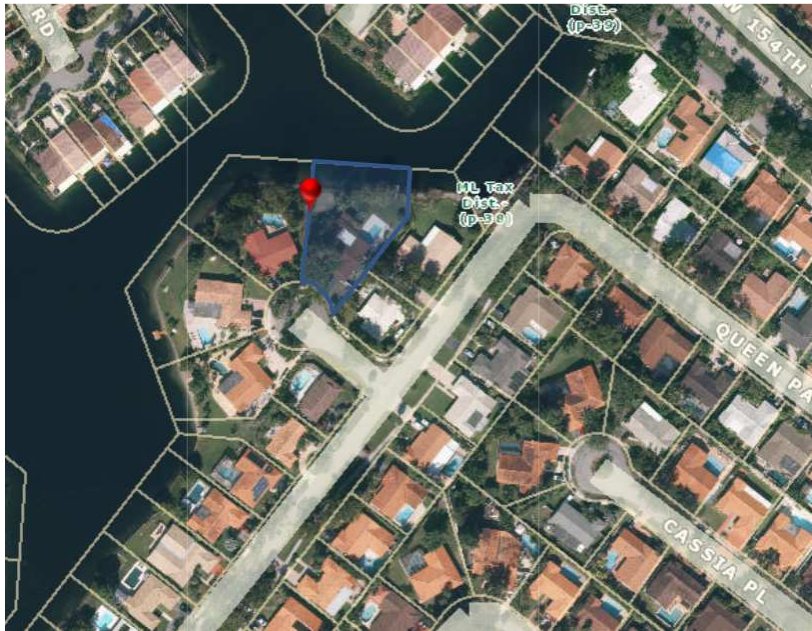
Subject Property:

The subject parcel is an approximately one-acre lot located at the entrance to Dade Pine Ave, a circular cul-de-sac on Lake Martha. The site is improved with a 2,877 square foot single family home constructed in 1971 according to Miami Dade County records. It is located at 14850 Dade Pine Ave within the low-density residential Use Future Land Use Designation and is zoned RU-1 – Residential single family.

Surrounding Property:

	Future Land Use Category	Zoning District
North:	low-density residential	RU-1 – Residential single family
South:	low-density residential	RU-1 – Residential single family
East:	low-density residential	RU-1 – Residential single family
West:	low-density residential	RU-1 – Residential single family

Subject Property Location Map



not to scale

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

There are two open permits on this property at this time, both related to the driveway in question on this variance request. BLR2019-0563 is the building permit for the driveway, and WKR2019-0564 is the associated public works permit for the approach. They have both been denied at inspection. No violations have been issued at this time.

E. Analysis

Subsection 13-305(f)(1) of the Town Land Development Code provides criteria for the consideration of non-use variance request(s) predicated upon a standard of “Practical Difficulty.” The decision of the Town Council 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. All portions of this report are incorporated into this Variance Criteria analysis.

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

Analysis: the applicant has supplied letters of support from four (4) neighbors, including the two adjacent property owners, as well as a letter from Lake Martha Homeowners Association stating that they have no opposition to the wider driveway. 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: See Section B, Background. The development pattern within the town is consistent with the requirements of the LDC.

Finding: Does not comply.

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

Analysis: See Section B, Background, and criteria “b” above. The development pattern within the neighborhood is consistent with the requirements of the LDC. The neighborhood is a walkable neighborhood, with sidewalks and cul-de-sacs, with parking areas recessed from the property lines. Excessively large curb-cuts hinder the continuity of the sidewalks.

Finding: Does not comply.

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

Analysis: See Section B, Background, and criteria “b” and “c”. Approval of this variance does not cause detriment to any adjoining properties, because the proposed driveway is centered on the front property line, and thus leaves generous distances from adjoining properties.

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 Section B, Background, and criteria “b”, and “c”.

Finding: Does not comply.

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 Section B, Background, and criteria “b”, “c” and “d”. The applicant had an approved permit with a driveway configuration that was compliant with the LDC. The existing configuration for which an after-the-fact variance is sought, was not built according to approved plans.

Finding: Does not comply.

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

Analysis: See Section B, Background, and criteria “b”, “c”, “d”, and “f”. Based on the submittals of the Applicant, the analysis provided by this report, there are **no** special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

Finding: Does not comply.