

MINUTES
Planning and Zoning Minutes
March 5, 2024
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Deputy Town Attorney, Lorenzo Cobiella, called the meeting to order at 6:30 p.m.

The Deputy Town Clerk, Victoria Martinez, called the roll, and the following Board Members were present: Raul De La Sierra, Juan Carlos Fernandez, Robert Julia, Avelino Leoncio, and Fred Senra.

2. Pledge of Allegiance/Moment of Silence:

Deputy Town Attorney, Lorenzo Cobiella, led the Pledge of Allegiance and Moment of Silence.

3. Approval of Minutes:

- December 5, 2023, Planning and Zoning Board Meeting Minutes

Board Member De La Sierra motioned to approve the minutes with the correction of one scrivener's mistake and Vice Chairperson Senra seconded. The motion passed 5-0.

4. Election of Chair and Vice Chair

Prior to the Approval of Minutes, Item 3, Deputy Town Attorney Lorenzo Cobiella moved the Order of Business to allow for the Election of Chair and Vice Chair to take place prior to any action taking place.

Board Member De La Sierra made a motion to nominate Board Member JC Fernandez as Chair and Board Member Senra seconded. The Deputy Town Clerk called the roll and the motion passed 5-0.

Board Member De La Sierra made a motion to nominate Board Member Fred Senra as Vice Chair and Chairperson Fernandez seconded. The Deputy Town Clerk called the roll and the motion passed 5-0.

Chairperson Fernandez took a moment of personal privilege to recognize two former Board Members that no longer serve on the Board, Ms. Lynn Matos and Ms. Mariam Yanes.

After the Public Comments, Chairperson Fernandez made a motion to move Item 6B before Item 6A and Board Member De La Sierra seconded. The motion passed unanimously.

5. Public Comments:

None.

6. Business Requiring Board Action

The Deputy Town Clerk, Victoria Martinez, swore in all the individuals that would be providing testimony for any of the quasi-judicial items being presented.

The Deputy Town Attorney, Lorenzo Cobiella, read the quasi-judicial rules for all items coming before the Board.

a. VARH2024-0022

HEARING NUMBER: VARH2024-0022
APPLICANT: Lake Patricia Holdings, LLC
FOLIO: 32-2024-003-0490
LOCATION: 6348 Lake Patricia Dr
MIAMI LAKES, FLORIDA 33014
ZONING DISTRICT: RU-1

Chairperson Fernandez read the hearing number into the record and Deputy Town Attorney Lorenzo Cobiella explained that this is a quasi-judicial public hearing so the same disclosure he provided for the last item applies for this one.

The Transportation Coordinator, Olivia Shock, presented the staff report on behalf of the Town and explained that the applicant is seeking two variances. She explained that staff is recommending in favor of this variance as they comply with all the variance criteria except for criteria A which is letters from their neighbors.

Board Member Julia stated that the wording of the variance says to allow a swimming pool and deck to encroach, but in the narrative, it seems that the deck falls within the criteria. Principal Town Planner, Susana Alonso, explained that yes, the deck is not a problem. Board Member De La Sierra then stated that he does not see any dimensions of the size of the pool or how far away from the residence it is. He then asked if the applicant submitted it to them when the plans were submitted, and Transportation Coordinator Shock stated the plans submitted are without dimensions.

The applicant, Mr. Fernando Hernandez, stated that the pool dimensions are on the actual pool drawings from a separate contractor. He stated that the pool is 39ft by 23ft and that it sits 10ft from the house and 9 ½ feet off the gazebo. He explained that he brought three letters from his right neighbor, left neighbor, and backside neighbor stating that they do not have issues with it.

As the applicant did not have 10 copies of each letter, the Deputy Town Attorney, Lorenzo Cobiella, stated if they want him to present them as evidence, they can waive that rule.

Chairperson Fernandez then moved to accept the letters and Board Member De La Sierra seconded. The motion passed unanimously.

The applicant then submitted the letters into the record with the Deputy Town Clerk and she handed them out to the Board to review.

Board Member De La Sierra then asked the applicant what the size of the pool is, and Mr. Hernandez stated it's 23ft by 39ft, it sits 10ft off the house, it's an infinity edge pool, and the deck doesn't go beyond the 18 inches of tolerance from the deck to the ground beyond the tie line.

Board Member Leoncio made a motion to approve, and Board Member De La Sierra seconded.

Board Member De La Sierra explained that his reservation is the size of the pool, and he does not see why it has to be such a huge pool and so far out that it goes past the tie line.

Board Member De La Sierra made a motion to open the hearing and Chairperson Fernandez seconded. The motion passed unanimously.

After discussion with the applicant, Board Member Julia asked where the survey tie line is, and Board Member De La Sierra stated that it is the dotted line that says survey baseline. Principal Town Planner Alonso stated that the encroachment is a diagonal or triangular portion into the tie line.

Seeing no further questions for the applicant, the public hearing closed.

After further discussion amongst the Board Members, the Deputy Town Clerk called the roll and the motion passed unanimously.

b. VARH2024-0029

HEARING NUMBER: VARH2024-0029
APPLICANT: VICTOR LUBIN
FOLIO: 32-2015-043-0060
LOCATION: 8521 NW 162 ST
MIAMI LAKES, FLORIDA 33016
ZONING DISTRICT: RU-1

Deputy Town Attorney Lorenzo Cobiella read the hearing number into the record.

The Transportation Coordinator, Olivia Shock, presented the staff report on behalf of the Town and explained that the applicant is requesting five (5) variances to make a pergola legal on this property. She explained that staff recommends denial for the variance due to it not complying with any of the items in the staff report except for item D, which variances 1, 3, 4, and 5 comply with, variance 2 does not comply.

Transportation Coordinator Shock answered questions posed by the Board Members. Board Member Julia then stated that on the survey it looks like there is a 10ft utility easement that the

pergola would be encroaching on and asked wouldn't the applicant need approval from someone to encroach on a utility easement. Principal Town Planner, Susana Alonso, stated that if the Board grants the variances, the applicant's next step would be to go to all the utilities that could possibly wish to use that easement and bring letters from all possible utilities that may want to utilize it saying that they don't plan to do so in the future and that they would be able to go in there should they need to. She added that they are not removing the easement.

The applicant, Dr. Victor Lubin addressed the Board and explained his situation which was that he built the pergola without asking his contractor about permits, then he got certified letter from the town regarding irregularities with the pergola, and now he would like to get the permits to legalize the pergola. Dr. Lubin also stated that his neighbors do not have a problem with the pergola.

After questions and discussion amongst the Board and the applicant regarding the variances and easement, Chairperson Fernandez stated that it is to his understanding that they need to approve all of them or none of them. Principal Town Planner Alonso stated that is correct, if any of these variances do not get approved, the applicant can no longer have the pergola.

After discussion on what to do with the application and different variances, Deputy Town Attorney, Lorenzo Cobiella, explained that he recommends the Board give the applicant clear direction as to what items are and are not palatable. Once they make that decision, then they can ask him to come back with those corrections.

Board Member De La Sierra expressed that the rear setback and the utility setback would be the ones that are most difficult to approve. Principal Town Planner Alonso stated that her suggestion would be, so that he can utilize the same materials, to grant the size and maybe distance from the main structure so that he can then relocate the structure to the proper setbacks. She added that looking at the survey, she thinks it could fit closer to the pool. Board Member De La Sierra asked the applicant how far away it is from the pool now and Dr. Lubin stated about 10ft. Board Member De La Sierra asked if he could move 5ft closer to the pool and Dr. Lubin stated yes, he can and maybe it can take him out of the utility easement. Chairperson Fernandez then asked if the applicant is open to making the structure smaller and Dr. Lubin stated yes.

Board Member De La Sierra then asked Deputy Town Attorney Cobiella is the following motion can be made: to move the pergola 5ft off the easement towards the East and reduce the North end, which is the rear setback, to take it back to the setback and leave it as is from the home, to just relocate it over. Deputy Town Attorney Cobiella stated that a motion like that could be made.

Board Member Julia then looked at each of the five different variances and explained which he is inclined to approve or deny. After discussion, Board Member De La Sierra proposed a 15ft by 23ft or 15ft by 22ft pergola to be below 350sqft and no longer need that variance, and that way it would be off from the rear property line and away from utilities, and the only thing would be the 4ft away from the residence.

After all questions to the applicant, questions were closed and Board Member De La Sierra made a motion to allow the applicant to move the pergola 5ft to the East, maintain the distance away from the home, and reduce the size to 15ft by 22ft so that he can meet the rear setback and meet the utility setback. Chairperson Fernandez seconded the motion. The Deputy Town Clerk called the roll and the motion passed unanimously.

- c. **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PUBLICATION REQUIREMENTS; AMENDING CHAPTER 2, “ADMINISTRATION”, ARTICLE III “OFFICERS AND EMPLOYEES”, SECTION 2-55, “TOWN MANAGER” AND SECTION 2-56, “TOWN ATTORNEY SELECTION AND APPOINTMENT”, AND ARTICLE V, “CONTRACTS AND PURCHASING”, DIVISION 2, “PROCUREMENT PROCEDURES”,SECTION 2-155 “PROCUREMENT METHODOLOGY”; AMMENDING CHAPTER 8, “CODE ENFORCEMENT”, SECTION 8-3, “ENFORCEMENT PROCEDURES”; AMMENDING CHAPTER 10, “ELECTIONS”, ARTICLE II, “CANDIDATE QUALIFICATION”, SECTION 10-21, “SPECIAL ELECTIONS”; AMMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, ARTICLE III, “DEVELOPMENT APPROVAL PROCEDURES”, SECTION 13-309, “PUBLIC HEARING AND NOTICE”, AND ARTICLE IV, “ ZONING DISTRICT REGULATIONS”, DIVISION 13-11, “HURRICANE RELIEF REGARDING EXISTING AND NONCONFORMING RESIDENTIAL STRUCTURES IN THE RU AND RU-TH DISTRICTS”, SECTION 13-602 “REPAIR AND REPLACEMENT OF LEGAL AND ILLEGAL NONCONFORMING FENCES AFTER HURRICANE DAMAGE”, AND DIVISION 24, “GF-GOVERNMENTAL FACILITIES”, SECTION 13-843, “EXCLUSIVE SITE PLAN REVIEW PROCEDURE”, AND ARTICLE IX “SIGNS”, SECTION 13-1904 “ADDITIONAL REQUIREMENTS FOR SIGNS”, AND ARTICLE XI “FEES”, TO ALLOW THE USE OF ONLINE PUBLICATION TO FULFILL THE TOWN’S NOTICE REQUIREMENTS IN ACCORDANCE WITH FLORIDA STATUTES § 50.0311; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS OF FACT, ; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Town Attorney Lorenzo Cobiella explained that part of their role as the Planning and Zoning Board is to be the Local Planning Authority and as the LPA their requirement is to review any ordinances that affect the Land Development Code. He then explained the background information and need for the ordinance. Principal Town Planner, Susana Alonso, explained that this is only to change our code and the county is still figuring out what they are going to do. She added that they want to have their code ready to take advantage of whatever the county provides.

Chairperson Fernandez then moved to accept the recommendation from Town Staff that we move in the direction to make it less cumbersome to comply with the law. Board Member De La Sierra seconded the motion. The motion passed unanimously.

7. Director’s Report

None.

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:34 p.m.

Approved this 2nd day of April 2024.

Juan Carlos Fernandez
Chairperson

Attest:

Victoria Martinez
Deputy Town Clerk