

**TOWN OF MIAMI LAKES
PLANNING AND ZONING BOARD
PZB NO: 2024-__**

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; GRANTING A VARIANCE FROM SECTION 13-426(7) TO PERMIT A SWIMMING POOL TO ENCROACH FOURTEEN (14) FEET WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, AND GRANTING A VARIANCE FROM SECTION 13-1605(C)(7) TO PERMIT A SWIMMING POOL WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, FOR THE PROPERTY LOCATED AT 14010 CYPRESS CT, 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

HEARING NUMBER: VARH2024-0084
APPLICANT: A&L Rodriguez Diaz VI, LLC
FOLIO: 32-2023-005-0270
LOCATION: 14010 Cypress Ct
MIAMI LAKES, FLORIDA 33014
ZONING DISTRICT: RU-1
Date: April 2nd, 2024

Section 2. Request:

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

1. A variance from Section 13-426(7) to allow a swimming pool to encroach by 14’-1” 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.

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, April 2nd, 2024 at 6:30 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, and seconded by _____, with each Planning and Zoning Board Member voting as follows:

Chair Juan- Carlos Fernandez _____

Vice Chair Fred Senra _____

Board Member Raul De La Sierra _____

Board Member Robert Julia _____

Board Member Avelino Leoncio _____

PASSED AND ADOPTED this ____ day of _____ 2024.

JUAN-CARLOS FERNANDEZ
Chair, 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
DEPUTY TOWN ATTORNEY

This Order was filed in the Office of the Town Clerk on this ____ day of _____, 2024.

GINA INGUANZO
Town Clerk