



Department of Planning and Transportation
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Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Susana Alonso, AICP
Principal Town Planner
Re:
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

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), A&L Rodriguez Diaz VI, 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.

B. Background

The Applicant is proposing to build a swimming pool in the rear yard of an existing single-family home located on Lake Adele. The home is sited 120 feet from the water’s edge at its furthest point and 90 feet at its nearest. The Applicant’s requests a variance to allow the pool a 14-foot encroachment beyond the top of slope. Said encroachment leaves 20 feet of unencumbered slope area.

C. Staff Recommendation

Staff recommends denial for the proposal as shown in the attached plans, stamped received on February 26th, 2024.

D. Property Information and Permit History

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

Future Land Use Designation: Low Density Residential

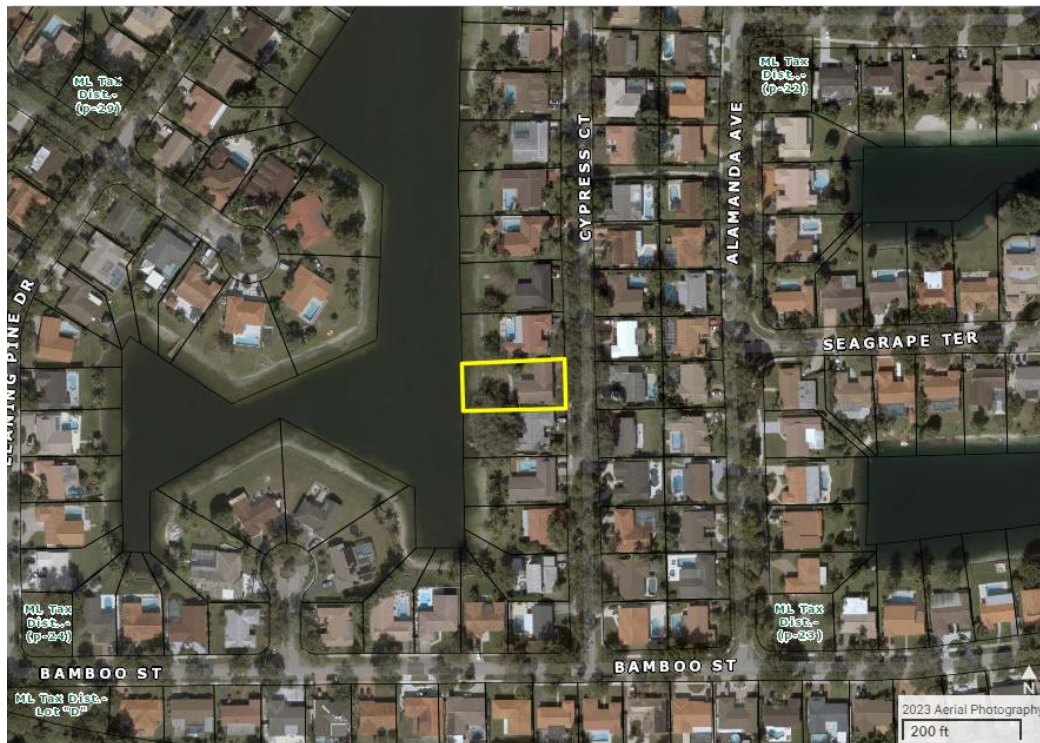
Subject Property:

The subject parcel is a 13,600-square foot lot on Lake Adele. The site is improved with a single-family home constructed in 1967 according to Miami Dade County records and it is currently undergoing an addition and renovation. It is located at 14010 Cypress Ct 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



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

There are currently no open 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 14' feet 1 inch beyond the top of the slope with approximately 150 square feet of decking beyond the tie line. The proposed decking surrounding the pool complies with the requirements of the LDC as it is less than the 225 square feet allowed. 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 20 feet, that is clear of obstructions. This amount of space would be atypical for the neighborhood as larger open spaces are more common. Furthermore, the original development pattern of this neighborhood included L-shaped homes that were sited adjacent to the tie-line but contained pools and amenities within void of the L-shape, in order to maintain the slopes clear of obstructions. The applicant has space within the aforementioned void to build this pool as shown in drawings.

Finding: Does not comply.

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

Analysis: See criteria "b" above. The slope of the property varies between 8.1% and 5.1% over the length of the pool. The 14' encroachment creates the need for a retaining wall approximately 2 feet high, which would be visible from the lake and properties across the lake.

Finding: Does not comply.

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

Analysis: See criteria “b” and “c” The 14’ encroachment leaves 20 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”. Other homes in the neighborhood have pools and at least one variance for four feet of encroachment in an irregular sized lot has been approved in the past. However, 14 feet constitutes a large encroachment, that creates the need for a two-foot-high retaining wall which would be visible from the lake and properties across the lake.

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 criteria “b”, “c” and “d”. Based on the analysis provide in this report, there are not unique circumstances that exist with the property and/or the Applicant that would make conforming to the Code unnecessarily burdensome. The home is consistent with other homes in the neighborhood which had pools within the void of the L-shape as provided by the developer.

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 criteria “b”, “c” and “d”. This is a very regular property and there is no condition that causes the need for an encroachment variance in order to construct a pool.

Finding: Does not comply.