



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

To: Planning and Zoning Board
From: Susana Alonso, AICP
Principal Town Planner
Re: **HEARING NUMBER:** VARH2024-0106
APPLICANT: Juan C Gonzalez
FOLIO: 32-2015-011-0380
LOCATION: 16453 NW 83rd PL
MIAMI LAKES, FLORIDA 33016
ZONING DISTRICT: RU-1
Date: April 2nd, 2024

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town LDC”), Juan C Gonzalez (the “Applicant”) is requesting the following Variance(s) from the Town LDC:

A variance from Section 13-1506 (2) to allow a canopy to project 18 feet into the rear yard where a maximum of 7 feet are allowed.

B. Background

The Applicant is proposing to build a 16’ by 18’ attached canopy in their rear yard where a maximum of 7 feet long is allowed. The proposed canopy would be 288 square feet which is less than the maximum 350 square feet that is allowed. The proposed canopy would have an 8-foot side setback and an 11 feet 6 inches rear setback. For reference, the requested variances are shown on the “Site Plan”.

C. Staff Recommendation

Staff recommends approval with conditions for the proposal as shown in the attached plans, received on March 11th. The recommended conditions are as follows

1. Approval shall be substantially consistent with the above-mentioned plans.
2. No other accessory structures be permitted on this lot

D. Property Information and Permit History

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

Future Land Use Designation: Low Density Residential

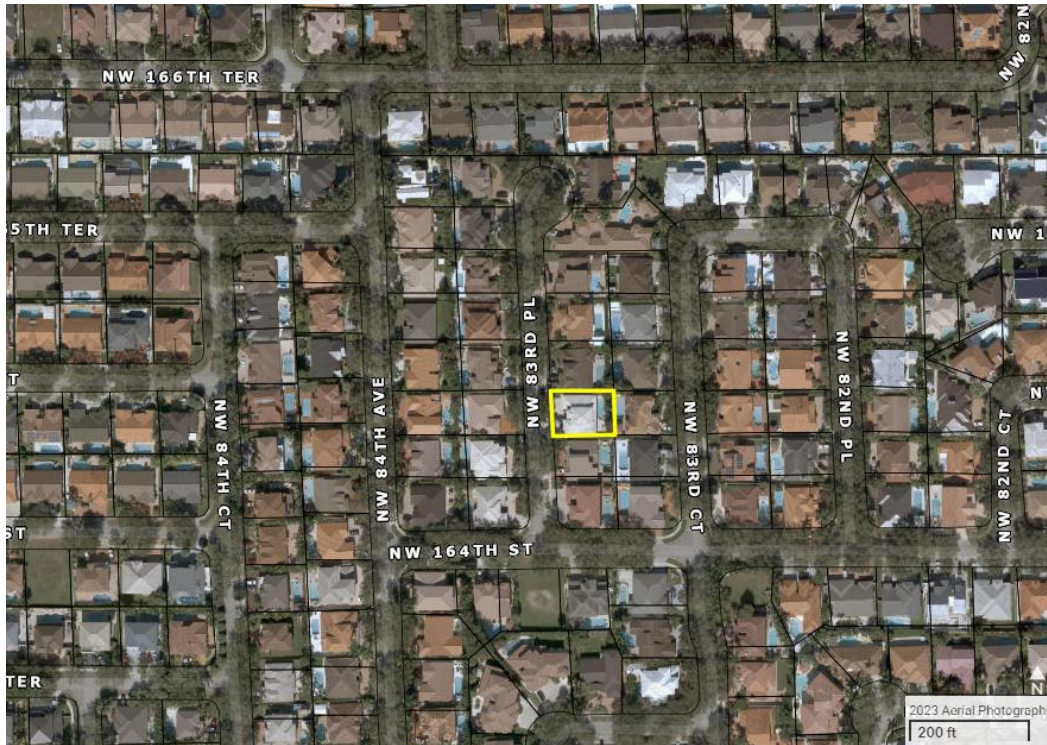
Subject Property:

The site is a single-family residential property in the Royal Oaks 5th Addition Subdivision. It is located on NW 83rd PL. The property is 7,716 square feet according to the Miami-Dade Property Appraiser information, and was improved with a single family home constructed in 1993. The property is located 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



The following information is provided for informational purposes only and shall not be considered by the Planning and Zoning Board in providing its determination:

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

There are no open 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 letters of support from adjoining property owners submitted by the applicant, 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: Complies.

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

Analysis: The proposed canopy is within the size limits for canopies and accessory structures at 288 square feet where 350 square feet is allowed so it would not be inconsistent with development patterns.

Finding: Complies.

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

Analysis: See criteria “b” above. The canopy in question would only be visible from the adjoining neighbors’ rear yards so would not impact the essential character of the neighborhood.

Finding: Complies.

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

Analysis: See criteria “b” and “c”. The adjoining properties that would be able to see this canopy from their properties have consented.

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 that have canopies generally comply with the building code requirements. The applicant property is very standard for the neighborhood and does not have any unique circumstances that necessitate a variance to construct a canopy.

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.

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”, “e” and “f”. The applicant property is very standard for the neighborhood and does not have any unique circumstances that necessitate a variance to construct a canopy.

Finding: Does not comply