



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

To: Planning and Zoning Board

From: Brandon Schaad, AICP, LEED AP
Director of Planning

Re: **HEARING NUMBER:** VARH2016-0013
APPLICANT: José Nodal
FOLIO: 32-2021-023-0850
LEGAL DESCRIPTION: Lot 2, Block 4, Serenity Point, according to the plat thereof, as recorded in Plat Book 149, at Page 8 of the public records of Miami-Dade County, Florida
LOCATION: 14524 NW 87th Place
Miami Lakes, Florida 33018

Date: August 16, 2016

REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the "LDC"), José Nodal (the "Applicant") is requesting the following variance(s):

1. A variance from Subsection 13-1508(2) to allow a 32 foot wide driveway where the Code allows a maximum driveway width of 20 feet.
2. A variance from Subsection 13-1508(3) to allow a driveway 2 feet from the non-zero side property line where the Code requires a setback of 4 feet for a driveway from the non-zero side property line.
3. A variance from Subsection 13-1507(2) to allow a 13.3 foot wide walkway in the required side yard where the Code allows a 3 foot wide walkway in the required side yard.
4. A variance from Subsection 13-1508(6) to allow 89 percent impervious area in the required side yard where the Code allows a maximum of 60 percent impervious area in the required side yard.
5. A variance from Subsection 13-1503(2) to allow a 90.25 square foot metal shed in the rear yard where the Code allows a shed in the rear yard to be a maximum of 50 square feet and 6 feet in height.

6. A variance from Subsection 13-1507(3) to allow a rear deck to be set back 2 feet from the rear property line where the code requires a setback of 3 feet.
7. A variance from Subsection 13-1507(3) to allow a rear deck to be set back 2 feet from the non-zero side property line where the Code requires a 4 foot side setback from the non-zero side property line.
8. A variance from Subsection 13-1507(5) and Subsection 13-1701(2) to allow 66 percent impervious area on the lot where the Code requires 50 percent impervious area on the lot.

Summary of Proposal
and
Recommendation

Request #1 through #4 and Requests #6 through #8 - The Applicant is requesting to legalize the concrete in the front, side and rear yards that was poured without permits and to legalize the resulting overage of impervious surface on the property.

Request #5 - The Applicant is requesting to legalize a non-permitted 90.25 square foot metal shed in the rear yard.

Staff's research shows that the property was purchased by the current owner in January 2016. There are Miami-Dade County building permits for the residence only on file for this property.

The Serenity Point Homeowner's Association approved the request with the condition that the Applicant submit his petition, along with the HOA's approval, to the Town of Miami Lakes as the petition must comply with the Town's Land Development Code.

Staff Recommendation

Requests #1 through #8: Staff recommends denial.

Background

Zoning District of Property: **RU-1Z – Single-Family Residential District,
Zero Lot Line**

Future Land Use Designation: **Low Density Residential**

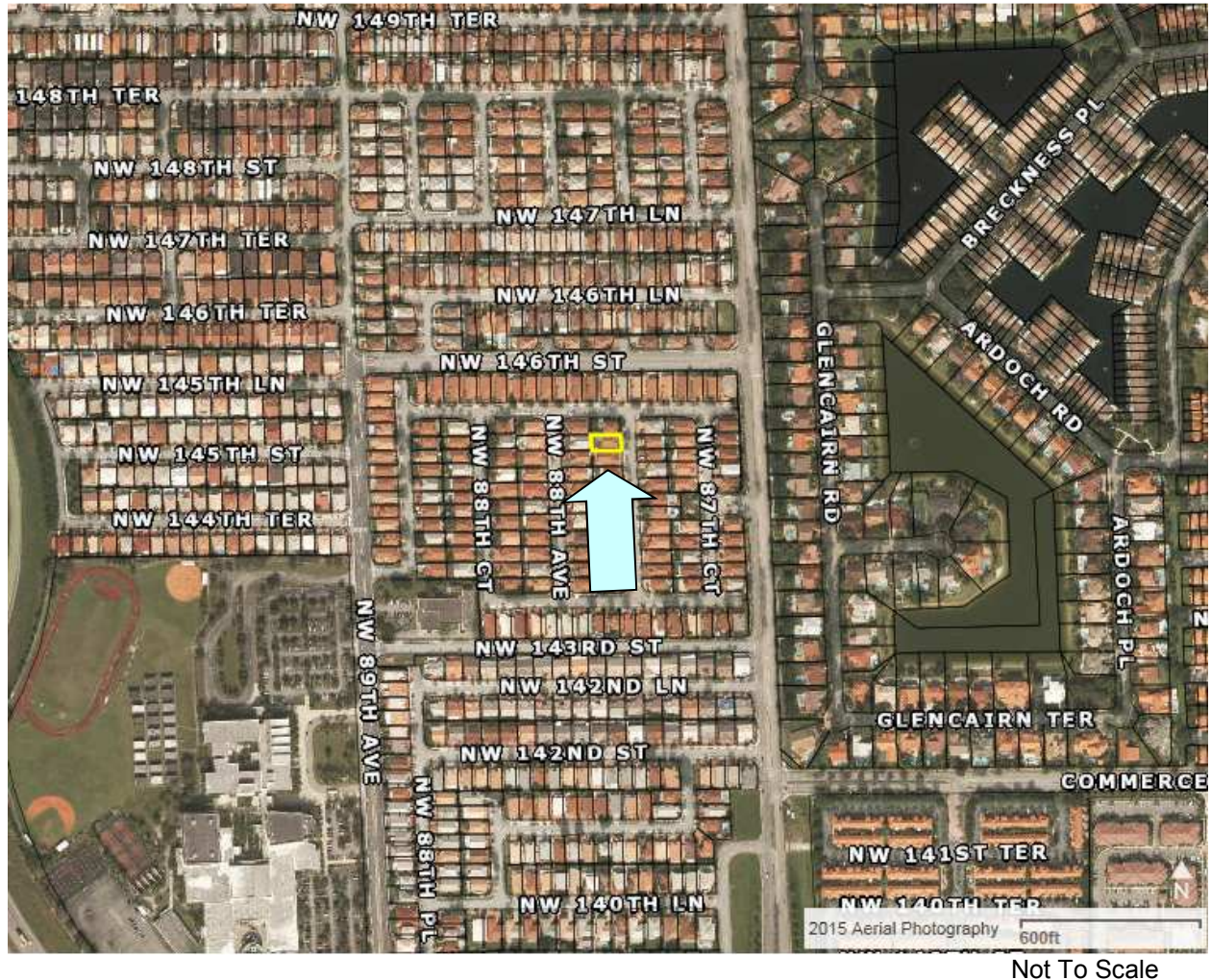
Subject Property:

The site is a single-family property located at 14524 NW 87th Place. According to the Miami-Dade Property Appraiser information, the one-story home was built in 1999, consisting of approximately 1,663 square feet on a 5,009 square foot lot. The property is located within the Low Density Residential Future Land Use Designation and is zoned RU-1Z (Single-Family Residential District, Zero Lot Line).

Surrounding Property:

| | Future Land Use Category | Zoning District |
|---------------|---------------------------------|---|
| North: | Low Density Residential | Single-Family Residential District, Zero Lot Line (RU-1Z) |
| South: | Low Density Residential | Single-Family Residential District, Zero Lot Line (RU-1Z) |
| East: | Low Density Residential | Single-Family Residential District, Zero Lot Line (RU-1Z) |
| West: | Low Density Residential | Single-Family Residential District, Zero Lot Line (RU-1Z) |

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:

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

There is one open code violation associated with this property; case #C2016-0554 for work without permits for the driveway/approach.

There are no open building permits associated with this property.

Variance Criteria

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.

| PRACTICAL DIFFICULTY VARIANCE FACTORS | |
|--|---|
| | FACTOR |
| a. | <p>The Town has received written support of the specifically identified variance requests from adjoining property owners;</p> <p><i>Analysis: The Town has not received written support in response to this request. <u>This criterion is not met.</u></i></p> |
| b. | <p>The Variance would be compatible with development patterns in the Town;</p> <p><i>Analysis: None of these requests are compatible with development patterns in the Town.</i></p> <p><i>Requests #1 and #2 – There is a solid 32 foot wide driveway on the property. By Code the Applicant is allowed a 20' wide driveway (as was originally there) or a circular driveway with a combined width of 30 feet. Also, the driveway encroaches 2 feet into the 4 foot wide drainage easement along the non-zero lot line side of the property.</i></p> <p><i>Request #3 – The 13.3 foot wide walkway in the side yard is excessive as the Code allows only a 3 foot wide walkway. While the walkway does meet the required 2 foot setback, it does encroach 2 feet into the 4 foot wide drainage easement along this side of the property.</i></p> <p><i>Requests #6 and #7 – The requested 2 foot side setback for the rear deck along the non-zero lot line side of the property encroaches into the 4 foot wide drainage easement as does the driveway and walkway, the same as explained above.</i></p> <p><i>Requests #4 and #8 – With regard to the amount of impervious surface (IS) on the lot, the Applicant is requesting 89 percent IS in the side yard and 66 percent IS on the overall lot. This is respectively 29 percent and 16 percent over the limit. It is important to the Town that property owners respect the Code and maintain the appropriate amount of green space in their required yards for drainage and aesthetics.</i></p> <p><i>Request #5 – The shed, at 90.25 square feet, is almost twice the size allowed by the Code, 50 square feet. Additionally, Staff was unable to find a building permit for this shed.</i></p> |

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| | <p><u>This criteria is not net with regard to Requests #1 through #8.</u></p> |
| c. | <p>The essential character of the neighborhood would be preserved;</p> <p><i>Analysis: These requests would not preserve the character of the neighborhood.</i></p> <p><i>Requests #1 and #2 – By Code, the Applicant is allowed a 20' wide driveway (as was originally there) or a circular driveway with a combined width of 30 feet. In this area, there is a mix of oversized and code compliant driveways. Staff's main concern is that the driveway now covers most of the front yard. It is important to the Town that the required amount of green space is preserved on each lot for drainage and aesthetics. Additionally, the driveway encroaches 2 feet into the 4 foot wide drainage easement along the non-zero lot line side of the property. It is important to the Town that the drainage easement remains open/green so that rain can filter into the ground and not so much into stormwater system.</i></p> <p><i>Request #3 – The Code does allow a 3 foot wide walkway in a side yard. The Applicant poured a 13.3 foot wide walkway in the side yard. While the walkway does meet the required 2 foot setback, it does encroach 2 feet into the 4 foot wide drainage easement along the non-zero lot line side of the property. Except for the 2 foot wide strip along the non-zero lot line side of the property, the entire side yard is covered with concrete. This is not consistent with the Code or the character of the neighborhood.</i></p> <p><i>Requests #6 and #7 – The requested 2 foot side setback for the rear deck along the non-zero lot line side of the property encroaches into the 4 foot wide drainage easement, as does the walkway and driveway along this side of the property. This situation is not typical for zero lot line developments. The entire drainage easement must remain open/green.</i></p> <p><i>Requests #4 and #8 –The amount of impervious surface on the lot is 89 percent in the side yard and 66 percent on the overall lot. This is respectively 29 percent and 16 percent over the limit. In this area of Town, excessive amounts of impervious surface are problematic. It is important to the Town that property owners respect the Code and maintain the appropriate amount of green space in their required yards for drainage and aesthetics.</i></p> <p><i>Request #5 – By the Code, sheds are limited to 50 square feet. The shed that is currently on the property is 90.25 square feet. Staff was unable to find a building permit for this shed. It is not typical for such small lots to have oversized structures in the rear yard.</i></p> <p><u>This criteria is not net with regard to Requests #1 through #8.</u></p> |
| d. | <p>The Variance can be approved without causing substantial detriment to adjoining properties;</p> <p><i>Analysis: Requests #1 through #4 and Requests #6 through #8 – It is important to the Town that property owners respect the Code and maintain the appropriate amount of green space and impervious surface in their required yards for drainage and aesthetics. The Applicant has almost covered his entire lot with concrete. This causes drainage problems on the property and surrounding properties.</i></p> <p><i>Request #5 – The oversized, non-permitted shed is located within the drainage</i></p> |

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| | <p><i>easement. As stated above, this causes drainage problems on the property and surrounding properties.</i></p> <p><u>This criteria is not met with regard to Requests #1 through #8.</u></p> |
| e. | <p>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;</p> <p><i>Analysis: All of the requests would and do cause substantial detriment to the property and adjoining properties. This amount of concrete affects drainage on the property, adjoining properties and the stormwater system. Also, the aesthetics of the lot have been altered substantially with the addition of the concrete. These requested variances do not justify a relaxation of the Code.</i></p> <p><u>This criteria is not met with regard to Requests #1 through #8.</u></p> |
| f. | <p>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</p> <p><i>Analysis: Requests #1 through #8 - There are no unique circumstances with the property and/or the Applicant that would render conformity with the Code unnecessarily burdensome. <u>These criteria are not met.</u></i></p> |
| g. | <p>The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.</p> <p><i>Analysis: There are no special conditions or circumstances that exist that are the result of actions beyond the control of the Applicant. <u>These criteria are not met.</u></i></p> |

ANALYSIS

Request #1 through #4 and Requests #6 through #8 - The Applicant is requesting to legalize the concrete in the front, side and rear yards that was poured without permits and to legalize the resulting overage of impervious surface on the property.

Request #5 - The Applicant is requesting to legalize a non-permitted 90.25 square foot metal shed in the rear yard.

None of these requests are compatible with development patterns in the Town nor would these requests preserve the character of the neighborhood.

Requests #1 and #2 – There is a solid 32 foot wide driveway on the property. By Code the Applicant is allowed a 20' wide driveway (as was originally there) or a circular driveway with a combined width of 30 feet. Also, the driveway encroaches 2 feet into the 4 foot wide drainage easement along the non-zero lot line side of the property.

Staff's main concern is that the driveway now covers most of the front yard. It is important to the Town that the required amount of green space is preserved on each lot for drainage and aesthetics. It is also important to the Town that the drainage easement remains open/green so that rain can filter into the ground and not so much into stormwater system.

Request #3 – The 13.3 foot wide walkway in the side yard is excessive as the Code allows only a 3 foot wide walkway. While the walkway does meet the required 2 foot setback, it does encroach 2 feet into the 4 foot wide drainage easement along this side of the property. Except for the 2 foot wide strip along the non-zero lot line side of the property, the entire side yard is covered with concrete.

Requests #6 and #7 – The requested 2 foot side setback for the rear deck along the non-zero lot line side of the property encroaches into the 4 foot wide drainage easement, as does the walkway and driveway along this side of the property. This situation is not typical for zero lot line developments. The entire drainage easement must remain open/green.

Requests #4 and #8 – With regard to the amount of impervious surface (IS) on the lot, the Applicant is requesting 89 percent IS in the side yard and 66 percent IS on the overall lot. This is respectively 29 percent and 16 percent over the limit. In this area of Town, excessive amounts of impervious surface are problematic. It is important to the Town that property owners respect the Code and maintain the appropriate amount of green space in their required yards for drainage and aesthetics.

Request #5 – The shed, at 90.25 square feet is almost twice the size allowed by the Code, 50 square feet. Additionally, Staff was unable to find a building permit for this shed. It is not typical for such small lots to have oversized structures in the rear yard. The oversized, non-permitted shed is located within the drainage easement. As stated above, this causes drainage problems on the property and surrounding properties.

All of the requests would and do cause substantial detriment to the property and adjoining properties. This amount of concrete affects drainage on the property, adjoining properties and the stormwater system. Also, the aesthetics of the lot have been altered substantially

with the addition of the concrete. These requested variances do not justify a relaxation of the Code.

Staff's analysis shows that Requests #1 through #8 meet zero (0) of the seven (7) practical difficulty criteria.

Therefore, based on the above analysis and other factors contained in this report, Staff recommends:

- **Requests #1 through #8:** *Denial.*