



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

To: Honorable Mayor and Members of the Town Council

From: Alex Rey, Town Manager

Subject: **HEARING NUMBER:** VARH2016-0004 and PHSP2016-0001
APPLICANT: Lissy Martinez
FOLIO: 32-2014-009-0370
LOCATION: 6723 Kingsmoor Way
Miami Lakes, Florida 33014
ZONING DISTRICT: RU-TH
FUTURE LAND USE: Low Density Residential

Date: May 3, 2016

REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the "Code"), Lissy Martinez (the "Applicant") is requesting the following:

1. A Site Plan amendment to allow the addition of enclosed air-conditioned space in the RU-TH Zoning District [Subsection 13-445(2)d.].
2. A variance from Subsection 13-444(9) of the Code to allow an addition to the rear of the townhouse to be set back nine (9) feet from the rear property line where the Code states that the minimum rear building setback shall be 15 feet in the RU-TH Zoning District.
3. A variance from Subsection 13-444(10)a. of the Code to allow 270 square feet of patio living area where the Code requires that there shall be provided on each townhouse site at least 400 square feet of patio living area exclusive of parking and service areas for each townhouse.

Background

Zoning District of Property: RU-TH

Future Land Use Designation: Low Density Residential

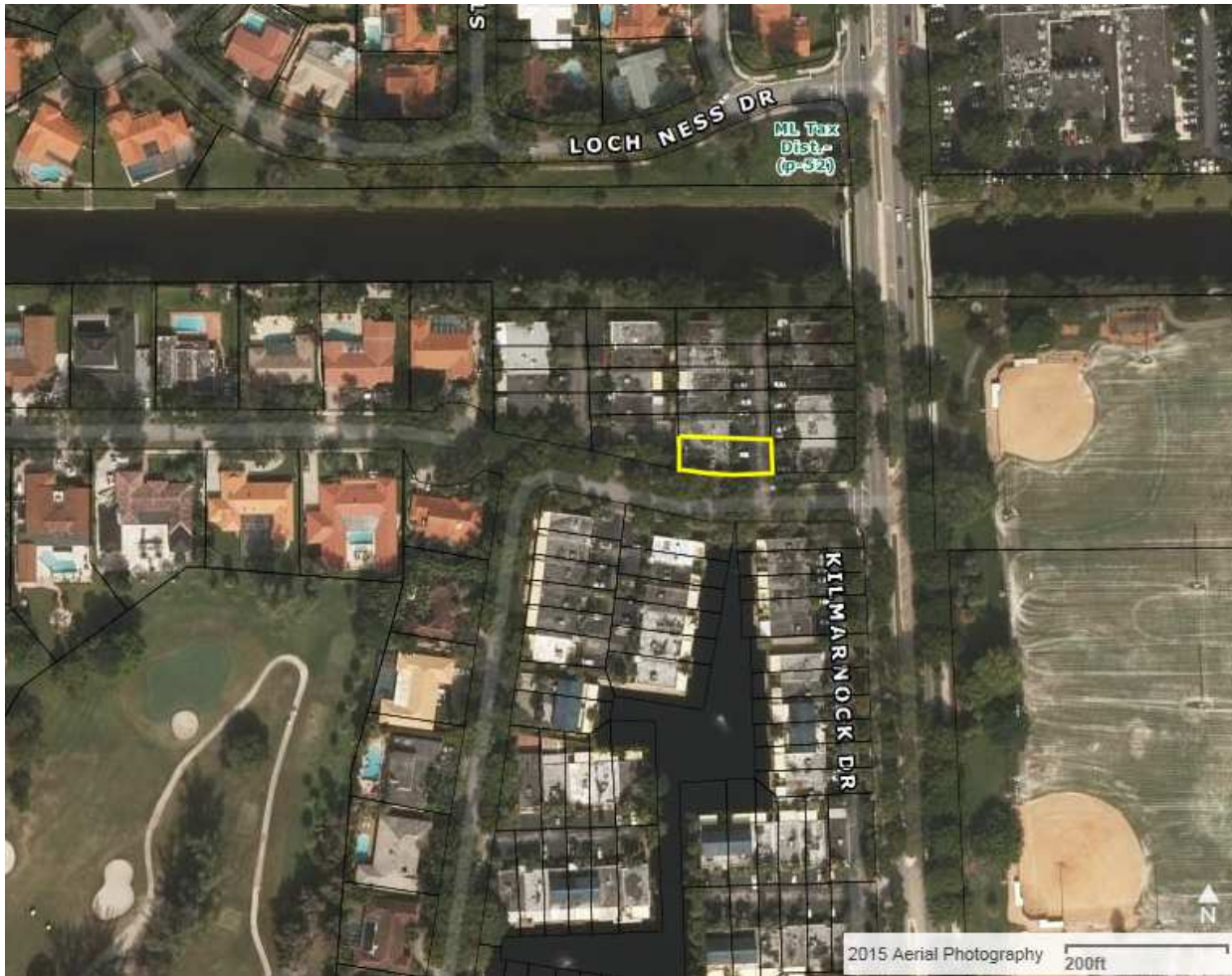
Subject Property:

The subject property is located at 6723 Kingsmoor Way and consists of 5,154 square feet. The area is characterized by a mix of uses including townhomes, single-family homes, a park and retail/commercial uses.

Surrounding Property:

	Land Use Designation	Zoning District
North:	Low Density Residential	Townhouse District (RU-TH)
South:	Low Density Residential	Townhouse District (RU-TH)
East:	Low-Density Residential	Townhouse District (RU-TH)
West:	Low-Density Residential	Townhouse District (RU-TH)

Subject Property Location Map:



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

Open Building Permits: There are no open building permits associated with the subject property.

Open Code Compliance Violations: None.

Zoning History: The townhouse was built in 1972. The property is zoned RU-TH (Townhouse District) with an underlying Future Land Use Designation of Low Density Residential. The area is characterized by a mix of uses including townhomes, single-family homes, a park and retail/commercial uses.

SUMMARY OF PROPOSAL AND STAFF ANALYSIS

Summary

The Applicant is requesting site plan approval to allow an addition of enclosed air-conditioned space in the RU-TH Zoning District.

The Applicant is proposing a site plan amendment that consists of a 12 foot by 30 foot (360 square foot) addition to the rear of the townhouse, creating additional enclosed air-conditioned/living space.

Per Subsection 13-445(2)d. of the Code, additions of enclosed air-conditioned space are not permitted through the minor site plan amendment process and requires site plan approval through a public hearing and approval by the Town Council.

Included with the proposed site plan amendment are two variances. The Applicant is requesting: 1) to allow a 9 foot rear setback and 2) to allow 270 square feet of outdoor patio living area. Per Subsection 13-304(e)(4)r, where a public hearing site plan requires one or more variances in order to be approved, the variance requests are heard concurrently with the site plan application.

Analysis

The Land Development Code (LDC) contains specific criteria for approval of a site plan. Subsection 13-304(h) provides specific criteria for review of a site plan. These criteria are listed below, with Staff Comments for each:

- (1) In what respects the plan is or is not consistent with the Comprehensive Plan, the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by the Town Council that include recommendations applicable to the design of the site under review.

Staff Comment: Staff has not identified any provisions of the Comprehensive Plan with which the proposed site plan amendment is not consistent.

Section 13-441 of the Town LDC states the purpose and intent of the RU-TH Zoning District as follows:

It is the purpose and intent of this division to provide a townhouse zoning district in order to permit separate ownership of one-family dwelling units upon compliance with certain rules, regulations and standards, and to authorize the grouping of separately owned one-family dwelling units into a group of townhouses in such a manner as to make efficient, economical and aesthetically pleasing use of land, so restricted that the same will be continually well-maintained in order to preserve the health, welfare, safety, morals and convenience of the neighborhood and surrounding area. The provisions of this division apply to the RU-TH Townhouse District.

Staff finds that the proposed addition to the existing townhouse is not inconsistent with the purpose and intent of the RU-TH Zoning District as stated above. The purpose and intent of the RU-TH Zoning District is to maintain a uniform and consistent design among the individual units and the development as a whole.

- (2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

Staff Comment: The development regulations for the RU-TH Zoning District contained in Section 13-444 addresses densities, common open space, grouping length, minimum unit size, height, development site size, lot area of each unit, front yard requirements and parking, rear yard requirements, side yards requirements, street frontage, utilities and services, parking areas, street right-of-way width and improvements, fences and walls, patio walls, awnings and patio coverings, patios and service areas, accessory buildings and structures, building and roof colors and air conditioning units. Of these requirements, the ones that are affected by the subject proposal are the rear building set back, rear yard requirements and parking areas. The Applicant is requesting a rear set back of 9 feet where 15 feet is required, a request of 6 feet also affecting the open patio living area requirement of 400 square feet to be reduced to 270 square feet.

- (3) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.

Staff Comment: The proposed addition will have no impact on the design and construction of streets, utility facilities or other essential services.

- (4) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:
- a. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.
 - b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impacts on residential development.
 - c. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
 - d. Landscaping that enhances architectural features, strengthens vista and important axes, provides shade, blocks noise generated by major roadways

and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.

- e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.
- f. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
- g. Service areas which may be provided shall be screened and so located as not to be visible from the public right-of-way and other properties.
- h. Design of the site shall ensure adequate access for emergency vehicles and personnel.
- i. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.

Staff Comment: With respect to “a.” and “e.” above, Staff finds that the proposed addition is in harmony with the remainder of the development in terms of scale. As stated above, the proposed addition would have a rear set back of 9 feet where 15 feet is required, which will also affect the outdoor patio living area requirement of 400 square feet to be reduced to 270 square feet. The proposed addition would be within the area of the existing “wing walls” where townhouses in this development typically have roofed and screened. Thus, the proposed addition will not differ noticeably from other end units in the development. Additionally, while adding bedrooms to existing townhouse units that were not originally intended is likely to increase parking demand, Staff has reviewed the LDC parking requirements in comparison to parking available at this site, and found that there is existing parking beyond the Code requirement. Specifically, the twelve townhouse units (including the subject site) sharing a driveway/parking area have a combined parking requirement of 27 space (two spaces per townhouse, plus 0.25 spaces per unit for guest parking). Existing parking is 36 spaces, and thus more than ample capacity to absorb an additional bedroom.

- (5) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

Staff Comment: The application conforms with the Town’s requirements concerning sufficiency of ownership. The proposed private improvements would be guaranteed through the building permit process. The nature of the proposed improvements does not require any public improvements on the part of the Applicant.

Variance Criteria

Subsection 13-305(f)1 of the Town LDC allows the Town Council to approve variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members present. In order to authorize any variance on the basis of practical difficulty, the Council 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 any written support regarding these requests.</i></p> <p><u>This criterion is not met.</u></p>
b.	<p>The Variance would be compatible with development patterns in the Town;</p> <p><i>Analysis: With respect to Request #2, the required minimum rear setback for a townhouse is 15 feet. The requested rear setback of 9 feet is compatible with development patterns in the Town, as the proposed addition is within the existing "wing wall" and thus will not be visibly different than the other townhouse units.</i></p> <p><i>With respect to Request #3, the required minimum outdoor patio living area is 400 square feet. The Applicant is requesting to reduce the amount of outdoor patio living area to 270 square feet. Providing only 270 square feet of outdoor patio living area is not compatible with other townhouse developments in the Town.</i></p> <p><u>This criterion is met for request #2, and not met for request #3.</u></p>
c.	<p>The essential character of the neighborhood would be preserved;</p> <p><i>Analysis: Regarding Request #2, the intent of the RU-TH Zoning District is that that townhouse developments are meant to maintain consistency throughout the development. The character of the neighborhood would be preserved, as the addition would not be visibly and noticeably different than the other end units in the same development.</i></p> <p><i>Regarding Request #3, providing only 270 square feet would not in itself be noticeable outside the subject property and so would not impact the character of the neighborhood.</i></p> <p><u>This criterion is met for request #2 and request #3.</u></p>
d.	<p>The Variance can be approved without causing substantial detriment to adjoining properties;</p> <p><i>Analysis: The requested variance for the proposed 12 foot by 30 foot addition to the</i></p>

	<p><i>rear of the townhouse, leaving 9 feet to the rear property line would not affect the adjoining property owners, as the addition would not be visibly and noticeably different than other units in the development.</i></p> <p><i>While a reduction in outdoor patio living area does not in itself affect adjoining properties and so can be approved without causing substantial detriment to adjoining properties.</i></p> <p><u>This criterion is met for request #2 and request #3.</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: As stated in the letter of intent, the proposed addition is a bedroom for the Applicant's aging mother. However, as stated above, the requested variance for the proposed 12 foot by 30 foot addition to the rear of the townhouse leaves 9 feet to the rear property line and reduces the outdoor patio living area and open space. Other property owners are not expected to be affected, as the addition would be visually consistent with other units, including other end units in the townhouse development.</i></p> <p><i>Additionally, while adding bedrooms to existing townhouse units that were not originally intended is likely to increase parking demand beyond that which was provided for when the townhouse development was planned and constructed, the twelve townhouse units (including the subject property) sharing a parking lot would continue to supply more parking than required by the LDC.</i></p> <p><u>This criterion is met for request #2 and request #3.</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: The plight of the Applicant is due to the circumstance of her aging mother. However, this situation is not unique.</i></p> <p><u>This criterion is not met for request #2 or request #3.</u></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: As addressed in f. above, no special conditions or circumstances have been shown.</i></p> <p><u>This criterion is not met for request #2 or request #3.</u></p>

CONCLUSIONS AND RECOMMENDATION

The Applicant is requesting site plan approval to allow a 12 foot by 30 foot (360 square feet) addition of enclosed air-conditioned space to the rear of the townhouse in the RU-TH Zoning District. The proposed addition prompts two variance requests: 1) to allow a 9 foot rear setback and 2) to allow 270 square feet of outdoor patio living area.

With respect to the two variance requests, the requested rear setback of 9 feet and the request to reduce the amount of outdoor patio living area to 270 square feet will be consistent with the neighborhood. It is the intent of the RU-TH Zoning District that townhouse developments maintain consistency throughout the development and preserve the character of the neighborhood. The proposed addition would not extend past the existing "wing wall" and thus will not be visibly and noticeably different than other townhouse units in the area, including other end units. The reduction in patio area is relatively small, and primarily only impacts the occupants of the unit itself.

Additionally, adding bedrooms to existing townhouse units that were not originally intended is likely to increase parking demand, as shown herein, the twelve townhouse units (including the subject property) sharing a driveway/parking area will still supply more parking than required by Code, even assuming that the addition of one bedroom will increase parking demand by one space.

Therefore, based on the above analysis and other factors contained in this report, Staff recommends ***approval, with conditions*** of all three requests.

CONDITIONS

1. The Application's approval is only for improvements specifically indicated on submitted plans as follows: Sheet A-1 entitled "Proposed Addition for Lissy Martinez", signed and sealed by Albert O. Gonzalez on 4/6/16. Indicated improvements shall be completed in substantial compliance with these plans.
2. The Applicant shall obtain a building permit for construction of improvements as approved herein within one (1) year of the date of issuance of a final development order, unless an extension is properly granted by the Building Department. If a building permit is not obtained, or an extension granted with the prescribed time limit, this approval shall become null and void.
3. In accordance with Subsection 13-444(20), the exterior of the townhouse, including paint colors and roofing materials/colors, shall be consistent with the remainder of the townhouse development, as approved by the Official Authorized Body.
4. The hours of construction and associated noise shall comply with the Town of Miami Lakes Noise Ordinance No. 04-50.