



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Brandon R. Schaad, AICP, LEED AP
Director of Planning
Re: **HEARING NUMBER:** VARH2016-0010
APPLICANT: Ibrahim Remedios
FOLIO: 32-2015-009-0210
LEGAL DESCRIPTION: Lot 6, Block 17 of Fourth Addition to Royal Oaks, Plat Book 131, Page 53 of the Public Records of Miami-Dade County, Florida
LOCATION: 8024 NW 163rd Terrace
Miami Lakes, Florida 33018
Date: April 19, 2016

REQUEST(S)

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

1. A variance from Subsection 13-1605(7) to allow a pool 9.17 feet waterward of the survey tie line where the Code does not allow pools waterward of the survey tie line.
2. A variance from Subsection 13-1605(c)d.2. to allow 570 square feet of pool deck waterward of the survey tie line where the Code allows only 225 square feet of pool deck waterward of the survey tie line.
3. A variance from Subsection 13-1605(c)d.2. to allow the deck area to be set back 5.04 feet from the west interior side property line and 5.17 feet from the east interior side property line where the Code states that decks shall be set back a minimum of 7.5 feet from the interior side property lines.

Summary of Proposal
and
Recommendation

The Applicant is requesting variances to allow a pool and 570 square feet of pool deck waterward of the top of the slope where the Code does not allow pools waterward of the top of the slope and only allows 225 square feet of deck waterward of the top of the slope. The Applicant is also requesting reduced side setbacks for each side of the pool deck in order to be closer than the required 7.5 feet. The property is currently under construction for a new single-family dwelling.

The Royal Oaks Homeowner's Association has denied this request.

Staff Recommendation

Request #1, #2 and #3: Staff recommends denial.

Background

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

Future Land Use Designation: Low Density Residential

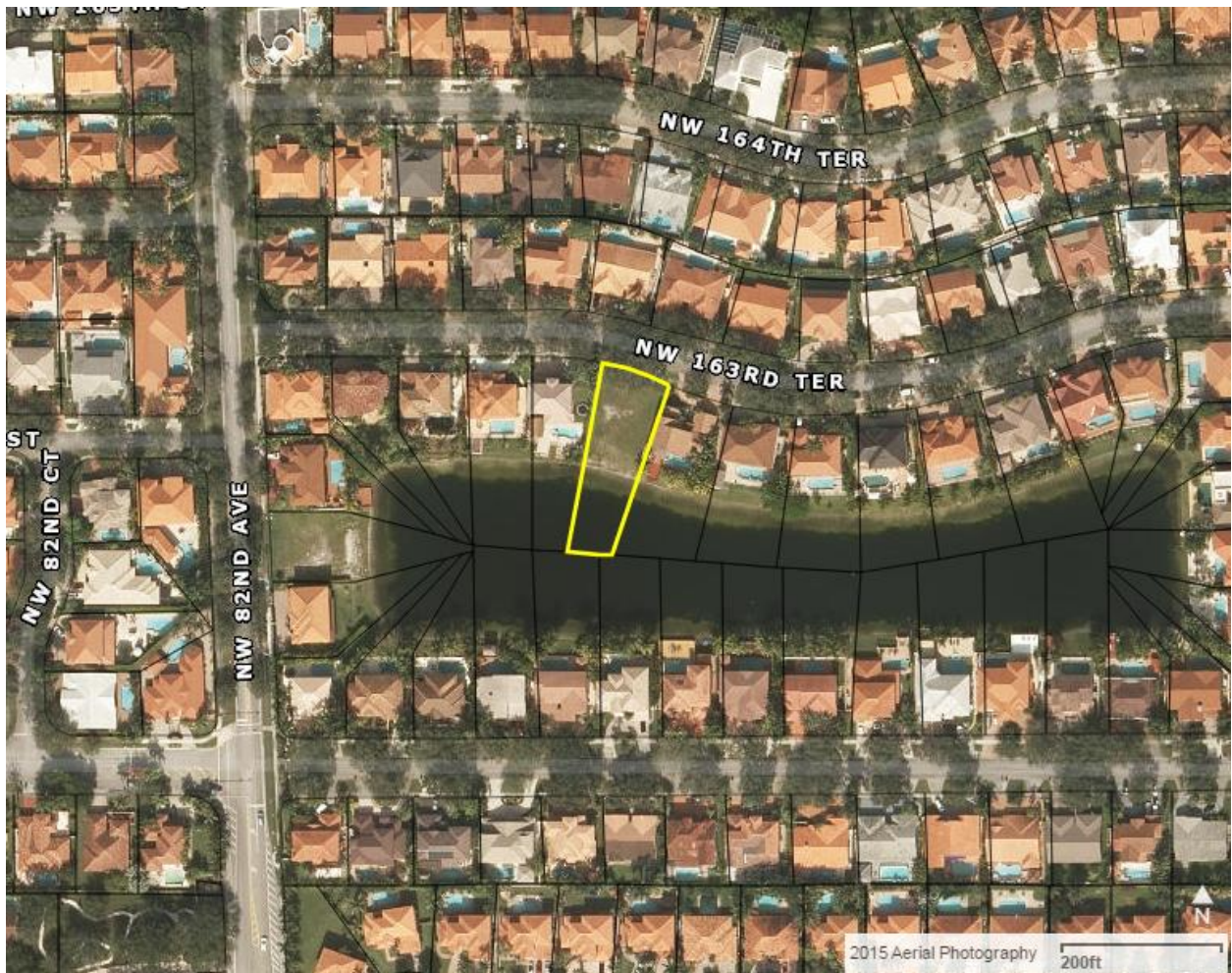
Subject Property:

The subject parcel is a 7,945 square foot lot on Lake Gloria. The site is currently under construction for a single-family residence, BLR2014-2671. It is located at 8024 NW 163rd Terrace. 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 (across Lake Michael):	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



not to scale

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 building permit currently open for this property, BLR2015-3152, for a new pool and spa.

There are no open Code Compliance cases on 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 any written support for 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: The Applicant proposes to build a pool 9.17 feet beyond the top of the slope with 8 feet of pool deck beyond that. By Code, pools are not permitted beyond the top of the slope and the amount of deck allowed beyond the top of the slope is 225 square feet. The Applicant is requesting 570 square feet of pool deck beyond the top of the slope. Also, the Code requires an interior side setback of 7.5 feet for a deck. The Applicant is requesting a 5.17 foot setback on the east side of the property and a 5.04 foot setback on the west side of the property. Staff finds that these proposed improvements are not compatible with development patterns in the Town. Retaining green lake slopes, relatively free from built improvements, is an important part of the character of Miami Lakes, and the proposed improvements would detract from that character. <u>This criterion is not met.</u></i></p>
c.	<p>The essential character of the neighborhood would be preserved;</p> <p><i>Analysis: Like the remainder of Miami Lakes, the maintenance of green lake slopes is an important part of neighborhood character. While some improvements on the lake slope beyond that which is allowed by Code may be justified in certain cases, this proposal would create a large impact for the neighbors. The proposed pool and deck extend waterward of the top of the slope 17.17 feet and also extend into the required setbacks on each side. These requests are not justified given their impact on the lake slope and, thereby, the neighborhood. <u>This criterion is not met.</u></i></p>
d.	<p>The Variance can be approved without causing substantial detriment to adjoining properties;</p> <p><i>Analysis: While it appears that the properties to the east and west of the site have improvements beyond the lake slope, they appear to have respected the limits on improvements past the top of the slope. Allowing an encroachment of 17.17 feet</i></p>

	<i>into the lake slope and the reduced side setbacks on this property would substantially impact the adjoining properties. <u>This criterion is not met.</u></i>
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: Since this is new construction, the property owner had the design flexibility to incorporate the single-family dwelling and pool within the parameters of the Code. No variance would have been needed to do substantial justice to the property owner, as the owner's once vacant lot allowed a great degree of design flexibility without the need for variances. The requested variances also will not do substantial justice to other property owners. Quite the opposite, as they would detract from both the character of the neighborhood, and the character of the Town as a whole. <u>This criterion is not met.</u></i></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: There are no unique circumstances that exist with the property and/or the Applicant that would make conforming to the Code unnecessarily burdensome. <u>This criterion is 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 which exist that are the result of actions beyond the control of the Applicant. <u>This criterion is not met.</u></i></p>

ANALYSIS

The Applicant is requesting variances to allow a pool, pool deck and reduced side setbacks on property that is currently under construction for a new single-family dwelling.

Since this is new construction, the property owner had the design flexibility to incorporate the single-family dwelling and pool within the parameters of the Code. Instead the Applicant proposes a pool 9.17 feet beyond the top of the slope with 8 feet of pool deck beyond that. The Applicant is requesting 570 square feet of pool deck beyond the top of the slope with reduced setbacks on each side.

By Code, pools are not permitted beyond the top of the slope and the amount of deck allowed beyond the top of the slope is 225 square feet. Also, the Code requires an interior side setback of 7.5 feet for a deck. The Applicant is requesting a 5.17 foot setback on the east side of the property and a 5.04 foot setback on the west side of the property.

From the aerial photograph, it appears the slope around the lake is relatively clean of encroachments. Also, it appears that the properties to the east and west of the site have improvements beyond the lake slope but, they appear to have respected the limits on improvements past the top of the slope. Allowing an encroachment of 17.17 feet into the lake slope and the reduced side setbacks on this property would substantially impact the adjoining properties.

Staff finds that these proposed improvements are not compatible with development patterns in the Town or the neighborhood. Retaining green lake slopes, relatively free from built improvements is an important part of the character of Miami Lakes, and the proposed improvements would detract from that character.

Staff's analysis shows that the requested variances meet zero (0) of the seven (7) criteria for a variance.

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

- ***Requests #1, #2 and #3:*** Staff recommends denial.