



Department of Community Development  
6601 Main Street • Miami Lakes, Florida 33014  
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## Staff Analysis and Recommendation

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

**Re:**

**HEARING NUMBER:**

**VARH2019-0163**

**APPLICANT:**

**Tutor Me; C/O Jenny Espinosa**

**FOLIO:**

**32-2014-027-0012**

**LEGAL DESCRIPTION:**

**MIAMI LAKES TOWN CENTER SEC 12 PB 129-66 PORT OF TR V DESC BEG 75.20FTW & 35FTS AT THE X OF C/L OF NW 67 AVE & C/L OF BULL RUN RD TH ELY-SELY & SLY AD 39.61FT SLY212.74FT SLY-SWLY & WLY AD 39.95FT WLY & SWLY AD 203FT N 44 DEG W307.83FT NELY & ELY AD 233.37FT E200.65FT TO POB LOT SIZE 94225 SQ FT F/A/U 30-2014-027-0012**

**LOCATION:**

**15600 NW 67th Ave  
Miami Lakes, Florida, 33014**

**ZONING DISTRICT:**

**TC - Town Center**

**Date:**

**April 17, 2019**

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### **A. Request**

In accordance with the Town of Miami Lakes Land Development Code (the "Town's LDC"), Tutor Me, C/O Jenny Espinosa (the "Applicant") is requesting the following variance:

A variance from Section 13-785 (g) of the Town's Zoning Code to allow a non-public educational facility with no outdoor recreation/play area.

### **B. Background**

The Applicant currently operates a tutoring and therapy facility for children with special needs, learning difficulties or learning differences, including autism spectrum and other related disorders. The Applicant would like to move the current operation to 15600 NW 67<sup>th</sup> Ave professional office building and expand its services to offer schooling for children for whom regular schooling is not recommended. The school is proposed for 40 students. As per the Letter of Intent submitted by the applicant, outdoor playground constitutes an overstimulating environment for the intended pupils of the school, and it is therefore

counterproductive to have them spend time in such a space during the school day. Because of the special needs of the students, outdoor play-space is neither needed, nor advisable. The Applicant proposes, instead, to provide a safe indoor playground within the facility that is adequate to the needs of the students.

### **C. Staff Recommendation**

Staff recommends approval for the proposal as shown in the attached letter of intent and plans, consisting of three pages, and stamped received on March 23<sup>rd</sup>, 2019, as it meets the variance criteria at section 13-305(f)(1).

### **D. Property Information and Permit History**

Zoning District of Property: TC - Town Center

Future Land Use Designation: Town Center Mixed Use

Subject Property:

The subject parcel is a 94,225-square foot lot between the intersections of 67<sup>th</sup> Ave and Bull Run and New Barn Roads. The site is improved with a three story office building constructed in 1989 according to Miami Dade County records. It is located at 15600 NW 67<sup>th</sup> Ave within the Town Center Mixed Use Future Land Use Designation and is zoned TC - Town Center District.

Surrounding Property:

	<b>Future Land Use Category</b>	<b>Zoning District</b>
<b>North:</b>	Town Center Mixed Use	TC - Town Center
<b>South:</b>	Town Center Mixed Use	TC - Town Center
<b>East:</b>	Town Center Mixed Use	TC - Town Center
<b>West:</b>	Town Center Mixed Use	TC - Town Center

## Subject Property Location Map



not to scale

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

There are currently no open permits or code violations on this property.

### **E. Analysis**

Subsection 13-305(f)(1) of the Town Land Development Code provides criteria for the consideration of non-use variance request(s) predicated upon a standard of "Practical Difficulty." The decision of the Town Council 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. All portions of this report are incorporated into this Variance Criteria analysis.

**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:* See Section B, Background. Approval of this variance does not affect development patterns of the town.

*Finding:* complies.

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

*Analysis:* See Section B, Background, and criteria "b" above. Approval of this variance does not affect the existing development pattern of the neighborhood.

*Finding:* complies.

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

*Analysis:* See Section B, Background, and criteria "b" and "c". Approval of this variance does not cause detriment to any adjoining properties.

*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 Section B, Background, and criteria "b", "c" and "d". This variance would permit the school for special needs children to exist at this location without providing an outdoor space that is inapt for children with this type of disabilities and conditions, and so it provides substantial justice to the applicant.

*Finding:* complies.

**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 Section B, Background, and criteria "b", "c" and "d". Providing outdoor space at this location would be technically possible by removing parking areas, but is not practical, because the students the school intends to serve

become easily overwhelmed and overstimulated in an open outdoor playground.

*Finding:* complies.

**g) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.**

*Analysis:* See Section B, Background, and criteria “b”, “c”, “d”, and “f”. Based on the submittals of the Applicant, the analysis provided by this report, there are special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

*Finding:* complies.