

**TOWN OF MIAMI LAKES  
PLANNING AND ZONING BOARD  
PZB NO: 2019-\_\_**

**AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-764.3 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A REASONABLE ACCOMMODATION REQUEST FROM SECTION 13-1606 TO PERMIT STORAGE OF A BOAT AND BOAT TRAILER IN THE REAR YARD OF A SINGLE-FAMILY HOME IN A RU-1 DISTRICT, FOR THE PROPERTY LOCATED AT 8944 NW 168TH ST, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Section 1: Applicant**

Applicant: Yamilee Martinez Fernandez  
FOLIO: 32-2016-001-0740  
Legal Description: SEVILLA ESTATES  
PB 153-38 T-18406  
LOT 74 BLK 1  
LOT SIZE 6950 SQ FT  
FAU 30-2016-000-0050  
F/A/U 30-2016-001-0740  
OR 20361-2396 0402 1  
COC 24407-4804 02 2006 5  
LOCATION: 8944 NW 168th St  
Miami Lakes, Florida, 33018  
Hearing No.: PZAV2019-0509

**Section 2. Request:**

The Applicant requested the following reasonable accommodation from the Land Development Code:

An accommodation from Section 13-1606 to allow storage of a boat and boat trailer in the rear yard of a single-family home in a RU-1 district.

**Section 3. Findings:**

1. In accordance with Section 13-764.3 of the Town's Land Development Code (LDC), the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant's request **complies** with the reasonable accommodation criteria at Section 13. 764.3 (d)(1)(a) through (d) of the Town LDC, which are as follows:

- a. The disabled individuals shall establish that they are handicapped or disabled, as defined in the FHA or ADA, and therefore entitled to protection under the FHA or ADA, such that they have a physical or mental impairment which substantially limits one or more major life activities; or that they have a record of having such impairment, or that they are regarded as having such impairment.
- b. If a request for reasonable accommodation is submitted by an operator of a residence that provides housing to disabled individuals, the operator shall be required to establish that the operator is qualified to provide such housing to disabled individuals.
- c. The requesting party shall demonstrate that the requested accommodation is both reasonable and necessary (as interpreted by the courts) to afford the disabled individuals served by the housing an equal opportunity to use and enjoy the housing, including that the proposed accommodation is therapeutically necessary and actually alleviates the effects of a handicap or disability, with a site-specific assessment in regard to the particular property in that regard.
- d. The requesting party shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the Town's zoning scheme or other Town program or policies, and that it does not impose an undue financial or administrative burden on the Town.

#### **Section 4. Grant of Approval with Conditions**

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Wednesday October 23, 2019 at 6:30 PM upon findings outlined herein, the Planning and Zoning Board hereby conditionally grants the request described in Section 2 above, with following conditions:

1. Approval shall be substantially consistent with the attached plan stamped received on October 1, 2019.
2. A five-foot minimum setback shall be maintained from every interior property line.
3. This reasonable accommodation shall cease to exist upon termination of residence at the property of the disabled individual to whom it is granted.
4. This reasonable accommodation shall be reconsidered by the Planning Board two years from the date of issuance.

#### **Section 5. Appeal**

The Applicant, or any affected party, may appeal the decision of the Planning and Zoning Board according to the provisions of Section 13-203 or Section 13-310, of the Land Development Code, as applicable.

#### **Section 6: Order**

This is a Final Order.

#### **Section 7: Effective Date.**

This Order shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Planning and Zoning Board is appealed as provided in the

Town LDC and/or the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Order until said appeal is resolved by a court of competent jurisdiction.

The foregoing Order was approved on initial vote by motion as provided herein by \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ with each Planning and Zoning Board Member voting as follows:

Chairman Fred Senra	_____
Vice Chairman Raul De La Sierra	_____
Board Member Robert Julia	_____
Board Member Juan-Carlos Fernandez	_____
Board Member Lynn Matos	_____
Board Member Avelino Leoncio	_____
Board Member Mariam Yanes	_____

PASSED AND ADOPTED this 17 day of April 2019.

\_\_\_\_\_  
FRED SENRA  
Chairman, Planning and Zoning Board

ATTEST:

\_\_\_\_\_  
GINA INGUANZO  
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

\_\_\_\_\_  
LORENZO COBIELLA  
TOWN ATTORNEY

This Order was filed in the Office of the Town Clerk on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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GINA INGUANZO  
Town Clerk