

**TOWN OF MIAMI LAKES
PLANNING AND ZONING BOARD
PZB NO: 2020-__**

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, DENYING A VARIANCE REQUEST FROM SECTION 13-426 TO ALLOW A REAR ADDITION WITH A REAR SETBACK OF 21 FEET WHERE 25 FEET ARE REQUIRED, AND DENYING A VARIANCE TO SECTION 13-1502 TO ALLOW AN EXISTING TIKI HUT TO BE RETAINED AT ITS EXISTING LOCATION, 2 FEET FROM THE RESULTING MAIN STRUCTURE, WHERE 10 FEET ARE REQUIRED, FOR PROPERTY LOCATED AT 16390 NW 88 PATH, MIAMI LAKES, FLORIDA IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING TWO REQUESTS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Applicant

Hearing Number: Varh2020-0468
Applicant: Harold Robaina
Folio: 32-2016-002-1620
Location: 16390 NW 88 Path
Miami Lakes, Florida 33018
Zoning District: RU-1

Section 2. Request:

The Applicant requested the following variances from the Land Development Code:

A variance from Section 13-426 to allow a rear addition with a rear setback of 21 feet where 25 feet are required. And,

A variance from Section 13-1502 to allow an existing tiki hut to remain at its current location with a resulting separation from the new addition of rear addition with a rear setback of 2 feet where 10 feet are required.

Section 3. Findings:

1. In accordance with Section 13-305(f)(1) 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 does not comply with the variance criteria at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:
 - a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

- b. Whether approval of the Variance would be compatible with development patterns in the Town;
- c. Whether the essential character of the neighborhood will be preserved;
- d. Whether the Variance can be approved without causing substantial detriment to adjoining properties;
- e. Whether the Variance would 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;
- f. Whether 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
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Section 4. Denial of Request

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, October 27, 2020 at 6:30 P.M upon findings outlined herein, the Planning and Zoning Board hereby denies the request described in Section 2 above.

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

PASSED AND ADOPTED this 27 of October 2020.

ROBERT JULIA

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 _____, 2020.

GINA INGUANZO
Town Clerk