



Planning Section
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Susana Alonso, AICP
Principal Planner
Re:
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
Date: October 27, 2020

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Harold Robaina (the “Applicant”) is requesting the following variances:

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.

B. Background

The Applicant is proposing to build a 352 square foot addition at the rear of an existing 1,523 square foot single-family home located on 16390 NW 88 Path. The residence is setback 32 feet 7 inches from the front property line and 37 feet from the rear property line. The new addition is proposed to contain a new kitchen. The resulting setback of the residence with the proposed addition is 21 feet where 25 feet are required by the LDC. The rear yard contains, in addition to a pool, a tiki hut measuring 14 feet by 20 feet and setback 5 feet from the rear property line that the Applicant would like to retain in its current location. Should the variance for the addition be granted by the Board, the tiki hut would require an additional variance to remain at its current location because the resulting separation of the accessory building to the main residence is 2 feet where 10 feet minimum are required.

C. Staff Recommendation

Staff recommends denial for the proposal as shown in the attached plans, consisting of nine pages, and stamped received on September 4, 2020, as it does not meet the variance criteria at section 13-305(f)(1).

D. Property Information and Permit History

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

Future Land Use Designation: Low Density Residential

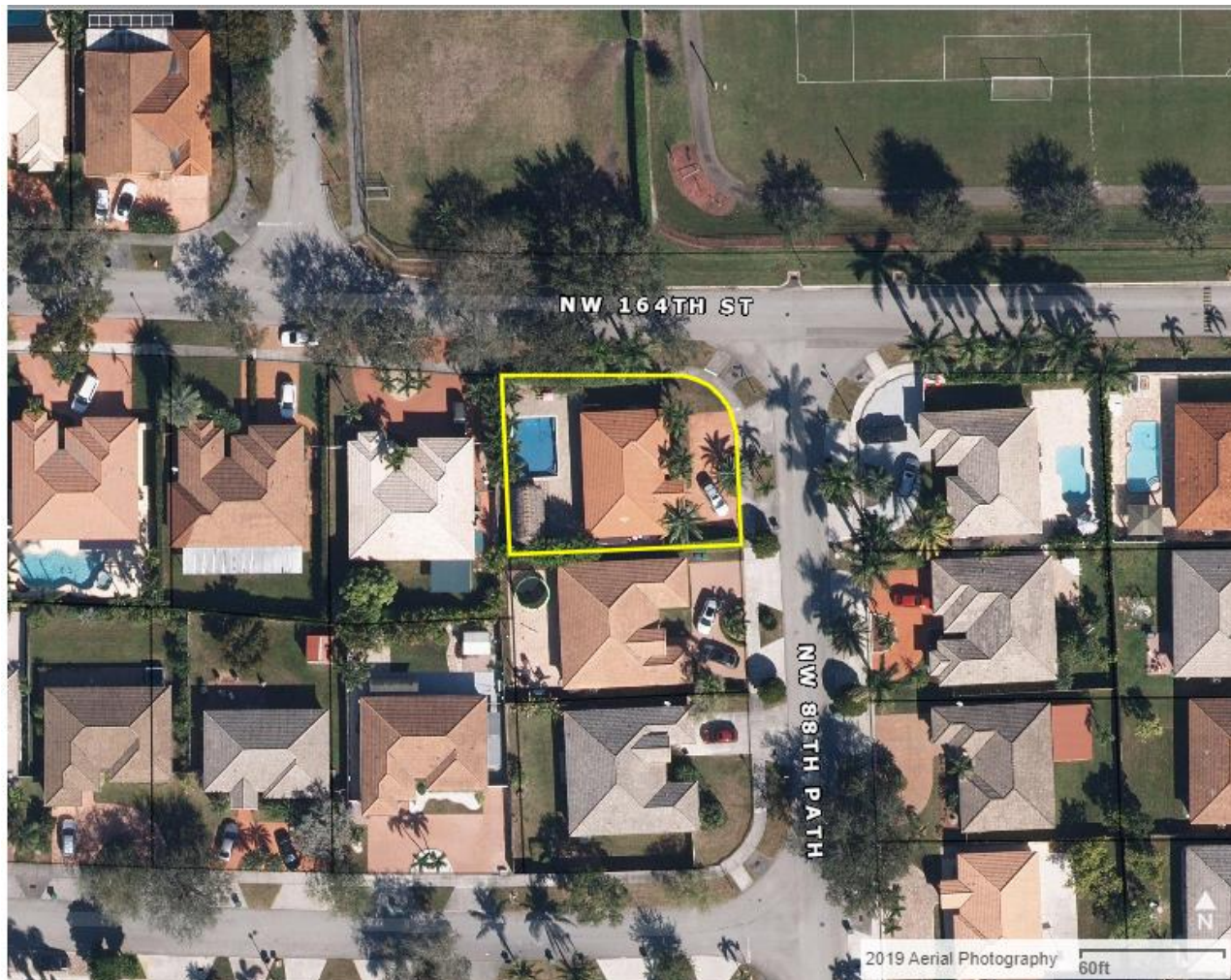
Subject Property:

The subject parcel is a 6,986-square foot lot corner of NW 164th Street and NW 88th Path, across the street from Royal Oaks Park. The site is improved with a single-family home constructed in 2001 according to Miami Dade County records, as well as a pool and a tiki hut. It is located at 16390 NW 88 Path 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:	Parks and Recreation	Single-Family Residential District, (RU-1)
South:	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

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 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 the factors should be considered and given their due weight; however, no single factor is dispositive.

a) The Town has received written support of the specifically identified variance requests from adjoining property owners.

Analysis: The Town has received written support for this request from both adjacent neighbors and other neighbors on the same block. All the letters have been included as an attachment to this staff report.

Finding: Complies.

b) The Variance would be compatible with development patterns in the Town.

Analysis: See Section B, Background. The surrounding neighborhood was developed with consistent 25-foot rear setbacks for main structures and 10-foot separation to accessory buildings.

Finding: Does not comply.

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

Analysis: See Section B, Background, and criteria “b” above. This configuration would be a departure from the existing development pattern of the neighborhood.

Finding: Does not comply.

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

Analysis: See Section B, Background, and criteria “b” and “c”. Since the subject property is located in a corner, its rear neighbor, the property that shares its rear property line, is oriented perpendicular to the subject property, making the rear property line an interior side property line for the adjacent property. Typical interior side setbacks range between 7 and 5 feet. For this reason, the reduced setback does not negatively affect the adjacent property.

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”. The proposed addition projects 16 feet from the existing residence. A slightly smaller 12-foot-deep addition would comply with the LDC without the need for a variance. The applicant would still need a variance to retain the tiki-hut but for a 6-foot separation instead of 2 feet.

Finding: Does not comply.

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”. The lot is of typical size and configuration for the neighborhood. Based on the submittals of the applicant, the configuration of the property, and the analysis provided in this report, no unique circumstances that exist with regard to the property and/or

the Applicant that would make conformance with Code provisions unnecessarily burdensome.

Finding: Does not comply.

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 no special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

Finding: Does not comply.