



Department of Planning, Zoning and Code Compliance  
6601 Main Street • Miami Lakes, Florida 33014  
(305) 364-6100 • [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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

<b>HEARING NUMBER:</b>	<b>VARH2020-0470</b>
<b>APPLICANT:</b>	<b>ANGEL L ALOMA</b>
<b>FOLIO:</b>	<b>32-2015-035-0160</b>
<b>LOCATION:</b>	<b>7759 NW 162 TER</b>
	<b>MIAMI LAKES, FLORIDA 33016</b>
<b>ZONING DISTRICT:</b>	<b>RU-1</b>

**Date:** October 27, 2020

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### A. Request

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

A variance from Section 13-1606 to allow storage of a boat on the side yard.

### B. Background

The Applicant is proposing to store his personal 22.5-foot boat on the street facing side yard of his corner property. The property is surrounded by a six-foot fence at the property line, and the boat is proposed to be stored behind it. Property appraiser’s data indicates that Mr. Aloma purchased the property in 2018.

The Town’s LDC has prohibited boat storage in residential properties since January 2005. At that time, a registration program for all existing properties with boats was conducted in order to grant them existing nonconforming status; the deadline for registration was April 2005, and no additional properties could register after that. The properties that originally registered a boat, are allowed to register new boats to replace the original boat within 90 days of the purchase of the new vessel. The existing nonconforming status ceases when the property is sold or transferred to a new owner.

### C. Staff Recommendation

Staff recommends denial for the proposal as shown in the attached plans, consisting of one page, and stamped received on September, 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

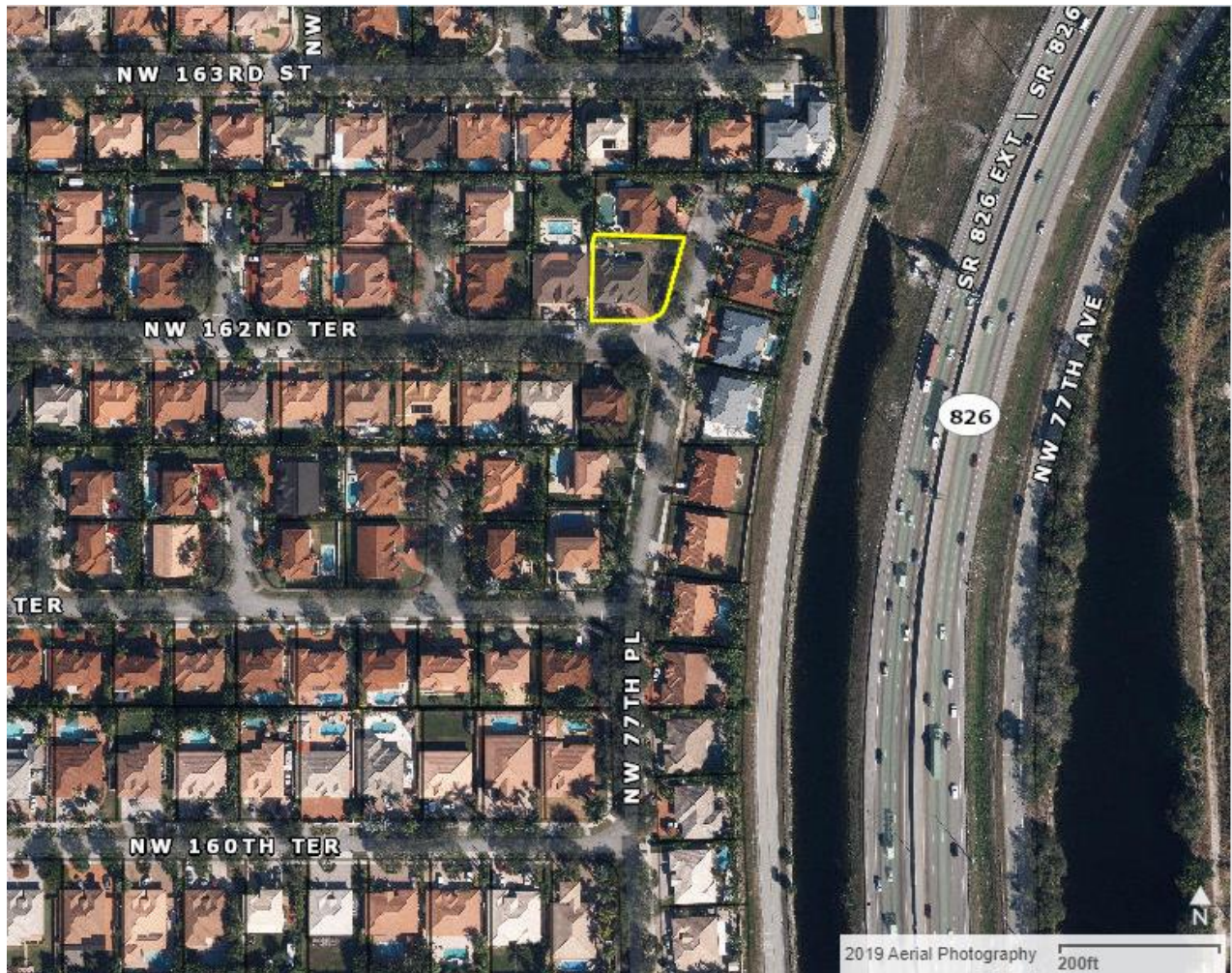
#### Subject Property:

The subject parcel is a 10,045-square foot lot corner of NW 162<sup>nd</sup> Ter and NW 77<sup>th</sup> Place. The site is improved with a 2,642-square foot single-family home constructed in 2001 according to Miami Dade County records. It is located at 7759 NW 162 Ter within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

#### Surrounding Property:

	<b>Future Land Use Category</b>	<b>Zoning District</b>
<b>North:</b>	Low Density Residential	Single-Family Residential District, (RU-1)
<b>South:</b>	Low Density Residential	Single-Family Residential District, (RU-1)
<b>East:</b>	Low Density Residential	Single-Family Residential District, (RU-1)
<b>West:</b>	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 of 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 prohibition for boat storage has been uniformly enforced since 2005.

*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”. The location that the applicant proposes for the boat is on the side facing the street, where there is sufficient room for the boat, as well as an opaque fence. The boat would be barely visible from the street and there is sufficient room in the area to be unobtrusive to neighbors.

*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”.

*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”.

*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.