

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton
Vice Mayor Nancy Simon
Councilmember Roberto Alonso
Councilmember Mary Collins
Councilmember Robert Meador II
Councilmember Michael Pizzi
Councilmember Richard Pulido

MINUTES
ZONING COUNCIL MEETING
February 19, 2008
6:00 PM
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

- 1. CALL TO ORDER:** Mayor Slaton called the meeting to order at 6:15 p.m.
- 2. ROLL CALL:** Town Clerk, Debra Eastman called the roll with the following Councilmembers in attendance: Robert Meador, Roberto Alonso, Richard Pulido, Mary Collins, Vice Mayor Nancy Simon, and Mayor Wayne Slaton. Councilmember Michael Pizzi was absent at roll call.

Councilmember Richard Pulido raised a point of order regarding the missing Councilmember and whether or not a member of the Council who is not present to hear testimony can vote on an item.

Town Attorney, Nancy Stuparich, opined that if the Councilmember is not present to hear the testimony then they would not be able to vote on the matter.

Councilmember Pulido then requested if Staff had reached out to the missing Councilmember. Councilmember Michael Pizzi entered the room at 6:18 p.m. and the meeting continued.

- 3. INVOCATION/MOMENT OF SILENCE:** Mayor Slaton called for a moment of silence.
- 4. PLEDGE OF ALLEGIANCE:** Mayor Slaton led the Pledge of Allegiance.
- 5. APPROVAL OF MINUTES:** None
- 6. RESOLUTIONS:**

Town Attorney, Nancy Stuparich, read the quasi-judicial statement into the record. Town Clerk, Debra Eastman, gave the oath to those indicating that they will be testifying on items on the agenda.

A. RESOLUTION OF THE TOWN COUNCIL [GRANTING, GRANTING WITH CONDITIONS/DENYING] A VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) A VARIANCE TO DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL, AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISION 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 8 FEET FROM THE REAR (SOUTH) PROPERTY LINE WHERE A 10 FOOT SETBACK IS REQUIRED; 3) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 8 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (WEST) SIDE YARD; 4) DIVISION 5.8.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING DRIVEWAY SETBACK 2 FEET FROM THE INTERIOR (EAST) SIDE PROPERTY LINE WHERE A 4 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.8.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING IMPERVIOUS AREA OF 74.5% FOR DRIVEWAYS WHERE 60% IS PERMITTED; 6) DIVISION 5.7.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING LOT COVERAGE OF 75.5% FOR IMPERVIOUS AREAS WHERE 50% IS PERMITTED FOR PROPERTY LOCATED AT 8740 NW 142ND STREET. (Rey) Pursuant to Division 3.1.(f)1 of the Town of Miami Lakes Land Development Code, ZH 07-42 is a continuance from the January 22, 2008 Town Council Zoning Meeting.

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley, explained that there are six requests.

The applicant, Mirtha De La Torre, spoke in favor of the item through a translator.

Mayor Slaton opened the public hearing. There being no one wishing to speak, the Mayor closed the public hearing.

Councilmember Michael Pizzi made a motion to allow variance requests 1 and 2 as per the 2006 survey, allow request 3, deny request 4 for drainage easement and the remainder of the requests be adjusted per approved paved area. The motion received a second from Vice Mayor Nancy Simon.

Councilmember Richard Pulido stated that he cannot support this motion.

Town Clerk, Debra Eastman, called the roll and the motion failed with Councilmembers Roberto Alonso, Mary Collins, Robert Meador, Richard Pulido and Mayor Slaton voting in opposition and Vice Mayor Nancy Simon and Councilmember Michael Pizzi voting in favor.

Councilmember Mary Collins made a motion for the approval of requests 6 and 3, and denial of requests 1, 4, 2, and 5. The motion received a second from Councilmember Michael Pizzi.

Town Clerk, Debra Eastman, called the roll with Councilmembers Richard Pulido, Mary Collins, Roberto Alonso and Mayor Slaton voting in favor and Councilmembers Michael Pizzi, Robert Meador and Vice Mayor Nancy Simon voting in opposition.

The motion passed by a majority but did not meet the criteria of practical difficulty.

- B. RESOLUTION OF THE TOWN COUNCIL [GRANTING, GRANTING WITH CONDITIONS/DENYING] A VARIANCE SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) DIVISION 5.9.B.1.b. OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 37.5 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE WHERE FENCES OR WALLS ARE NOT PERMITTED BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; AND 2) DIVISION 6.5.B.6.b.(2) OF THE TOWN LDC TO PERMIT AN EXISTING BULKHEAD WATERWARD OF THE TOP OF SLOPE TO THE RESIDENCE TO EXTEND 3.25 FEET ABOVE THE EXISTING GRADE WHERE A WATERSIDE BULKHEAD IS NOT PERMITTED TO EXTEND MORE THAN 1 FOOT ABOVE THE EXISTING GRADE, FOR PROPERTY LOCATED AT 6360 LAKE JUNE ROAD. (Rey) Pursuant to Division 3.1.(f)1 of the Town of Miami Lakes Land**

Development Code, ZH 08-01 is a continuance from the January 22, 2008 Town Council Zoning Meeting.
Deferred to the March 18, 2008 Zoning Meeting.

- C. **RESOLUTION OF THE TOWN COUNCIL [*GRANTING, GRANTING WITH CONDITIONS/DENYING*] A VARIANCE SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 3 FEET FROM THE REAR (NORTH) PROPERTY LINE WHERE A 10 FOOT SETBACK IS REQUIRED FOR A ONE STORY BUILDING; 2) DIVISIONS 5.2.A.3 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING SETBACK 4 FEET FROM THE INTERIOR (EAST) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 3) DIVISIONS 5.2.A.3 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING SETBACK 3 FEET FROM THE REAR (NORTH) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 4) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING DETACHED 1 FOOT FROM THE RESIDENCE WHERE ACCESSORY BUILDINGS DETACHED A MINIMUM OF 5 FEET FROM THE RESIDENCE ARE PERMITTED; 5) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING DETACHED FROM THE RESIDENCE 0 FEET FROM ROOF OVERHANGS WHERE ACCESSORY BUILDINGS DETACHED FROM THE RESIDENCE A MINIMUM OF 3 FEET FROM ROOF OVERHANGS ARE PERMITTED; 6) DIVISIONS 5.6.A.1 OF THE TOWN LDC TO PERMIT AN EXISTING DETACHED CANOPY IN THE REQUIRED SIDE YARD WHERE DETACHED CANOPIES IN THE SIDE YARD ARE NOT PERMITTED; 7) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING DETACHED CANOPY SETBACK 1 FOOT FROM THE INTERIOR (EAST) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 8) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING SPACED APART FROM ANOTHER ACCESSORY BUILDING 2 FEET FROM ROOF OVERHANGS WHERE ACCESSORY BUILDINGS ARE REQUIRED TO BE SPACED APART FROM ANOTHER ACCESSORY BUILDING A MINIMUM OF 3 FEET FROM**

ROOF OVERHANGS; 9) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING SPACED APART 4 FEET FROM ANOTHER ACCESSORY BUILDING WHERE ACCESSORY BUILDINGS ARE REQUIRED TO BE SPACED APART A MINIMUM OF 5 FEET FROM ANOTHER ACCESSORY BUILDING; 10) DIVISIONS 5.3.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STRUCTURE SETBACK 1 FOOT FROM THE INTERIOR (EAST) SIDE PROPERTY LINE WHERE 5 FEET IS REQUIRED; 11) DIVISIONS 5.3.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STRUCTURE DETACHED 4 FEET FROM AN ACCESSORY BUILDING WHERE AN ACCESSORY STRUCTURE DETACHED A MINIMUM OF 5 FEET FROM AN ACCESSORY BUILDING IS PERMITTED; 12) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 14 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (EAST) SIDE YARD; 13) DIVISION 5.7.A.3 OF THE TOWN LDC TO AN EXISTING PAVED REAR DECK SETBACK 1.5 FEET FROM THE REAR (NORTH) PROPERTY LINE WHERE A 3 FOOT SETBACK IS REQUIRED; 14) DIVISION 5.8.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING IMPERVIOUS AREA OF 79% FOR DRIVEWAYS WHERE 60% IS PERMITTED; 15) DIVISION 5.7.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING LOT COVERAGE OF 95% FOR IMPERVIOUS AREAS WHERE 50% IS PERMITTED, FOR PROPERTY LOCATED AT 8931 NW 148TH TERRACE. (Rey)

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley explained the staff recommendation providing additional photographs and a survey. She indicated that requests 12 through 15 had been withdrawn.

The applicant, Manuel and Niurka Martinez spoke in favor of the item through a translator in favor of the variance.

Mayor Slaton opened the public hearing.

Ladd Howell spoke in opposition to the variance.

M. Torres spoke in favor of the variance.

Inez Dequada spoke in favor of the variance.

There being no one else wishing to speak, the Mayor closed the public hearing.

Councilmember Robert Meador asked about permits from the County.

Councilmember Roberto Alonso questioned the tiki hut and the amount of paving. Vice Mayor Nancy Simon asked about the canopy structure and the lack of a permit.

Councilmember Michael Pizzi made a motion to approve requests 1, 2, 3, 4 and 5, allowing the Tiki Hut to remain. All other requests are to be withdrawn. The motion received a second by Vice Mayor Nancy Simon. The Town Clerk called the roll and all were in favor.

The Mayor called for a recess at 8:15 p.m. The meeting reconvened at 8:35 with all of the Councilmembers present upon roll call.

- D. RESOLUTION OF THE TOWN COUNCIL [*GRANTING, GRANTING WITH CONDITIONS/DENYING*] A VARIANCE SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) DIVISION 5.4.A.1 OF THE TOWN LDC TO PERMIT AN EXISTING POOL PUMP MECHANICAL EQUIPMENT AREA SETBACK 0 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE 3 FEET IS REQUIRED; 2) DIVISIONS 5.2.A.3 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING ROOF OVERHANG SETBACK 4 INCHES FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE 4 FEET IS REQUIRED; 3) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING DETACHED 5.5 FEET FROM THE RESIDENCE WHERE ACCESSORY BUILDINGS DETACHED A MINIMUM OF TEN 10 FEET FROM THE RESIDENCE ARE PERMITTED; 4) DIVISION 5.2.A.4 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING DETACHED FROM THE RESIDENCE 2.5 FEET FROM ROOF OVERHANGS WHERE ACCESSORY BUILDINGS DETACHED FROM THE RESIDENCE A MINIMUM OF 6 FEET FROM ROOF OVERHANGS ARE PERMITTED; 5) DIVISION 5.2.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING WITH 182.25 SQUARE FEET OF ROOF AREA WHERE AN**

ACCESSORY BUILDING EXCEEDING 150 SQUARE FEET OF ROOFED AREA, INCLUDING ROOF OVERHANGS, IS NOT PERMITTED; 6) DIVISION 5.8.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING DRIVEWAY SETBACK 2.5 FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 7) DIVISION 5.8.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING IMPERVIOUS AREA OF 72% FOR DRIVEWAYS WHERE 60% IS PERMITTED; 8) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 14.4 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (NORTH) SIDE YARD; 9) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 8.93 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (SOUTH) SIDE YARD; 10) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1 FOOT FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 11) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 2.5 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 12) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 2.5 FEET FROM THE REAR (EAST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 13) DIVISION 5.7.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING LOT COVERAGE OF 76.22% FOR IMPERVIOUS AREAS WHERE 50% IS PERMITTED, FOR PROPERTY LOCATED AT 16331 NW 84TH COURT. (Rey)

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley explained the staff recommendation.

Mr. Joel Armis spoke on behalf of the applicant and presented letters of support from the neighbors.

The Mayor opened the public hearing.

There being no one else wishing to speak, the Mayor closed the Public Hearing.

Councilmember Mary Collins made a motion to follow staff recommendation. There was no second to the motion.

Director of Planning and Zoning, Maria Crowley, explained that there was no final permit for the pool. Councilmember Roberto Alonso made a motion to defer the item to the next meeting and that the original plans from 2004 be made available at that time. The motion received a second from Councilmember Mary Collins. The Mayor called for the vote and all were in favor.

- E. RESOLUTION OF THE TOWN COUNCIL [*GRANTING, GRANTING WITH CONDITIONS/DENYING*] VARIANCES SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 14.40 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE INTERIOR (EAST) SIDE YARD; 2) TO DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 7.32 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE INTERIOR (WEST) SIDE YARD; 3) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1.5 FEET FROM THE INTERIOR (WEST) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 4) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1 FOOT FROM THE REAR PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 5) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 20.66 FEET FROM THE REAR (SOUTH) PROPERTY LINE WHERE 25 FEET IS REQUIRED; 6) DIVISIONS 5.6.A.2 AND 4.2.E. OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY CONSTRUCTED OF ALUMINUM, WHERE CANOPIES MAY ONLY BE CONSTRUCTED OF CANVAS, FABRIC OR VINYL AND PIPE OR CBS CONSTRUCTION TO MATCH THE RESIDENCE, FOR PROPERTY LOCATED AT 8882 NW 163RD TERRACE. (Rey)**

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley explained the staff recommendation.

The applicant, Jose and Magali Alvarez in favor of the variance.

Mayor Slaton opened the public hearing. There being no one wishing to speak, the Mayor closed the public hearing.

Town Manager, Alex Rey, clarified that there was a permit from the County in 2001. Councilmember Robert Meador stated he was not in favor of allowing the excess concrete to stay and was not in favor of the additional aluminum roof cover.

Councilmember Mary Collins noted there was too much cement coverage. Councilmember Michael Pizzi stated that he was in favor of approval of the aluminum roof, but not in favor of the extra cement coverage.

Councilmember Michael Pizzi made a motion to approve the variance with the exception of requests 3 and 4. The motion received a second by Vice Mayor Nancy Simon.

Mayor Slaton spoke in opposition to the motion. Councilmember Richard Pulido stated he does not support the additional aluminum roof and moved to amend to coincide with staff recommendations. Councilmember Michael Pizzi accepted the amendment.

After explanation of the impact of the motion from Town Manager, Alex Rey, the motion was withdrawn.

Councilmember Richard Pulido made a motion to approve only requests 1 and 2. The motion received a second by Councilmember Michael Pizzi.

Town Clerk, Debra Eastman, called the roll and the motion passed with Councilmembers Roberto Alonso, Robert Meador, Michael Pizzi, Richard Pulido and Vice Mayor Nancy Simon voting in favor and Councilmember Mary Collins and Mayor Slaton voting against.

- F. RESOLUTION OF THE TOWN COUNCIL [*GRANTING, GRANTING WITH CONDITIONS,/DENYING*] A VARIANCE SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) DIVISION 5.4.A.1 OF THE TOWN LDC TO PERMIT AN EXISTING POOL PUMP MECHANICAL EQUIPMENT AREA SETBACK 1 FOOT FROM THE INTERIOR (WEST) SIDE PROPERTY LINE WHERE A 3 FOOT SETBACK IS REQUIRED; 2) DIVISION**

5.3.A.2 OF THE TOWN LDC TO PERMIT AN ACCESSORY STORAGE SHED WITH 49.5 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 3) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN ACCESSORY STORAGE SHED WITH 9 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 4) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 5.05 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (EAST) SIDE YARD; 5) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4.90 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (WEST) SIDE YARD; 6) DIVISION 5.7.A.5 OF THE TOWN LDC TO PERMIT LOT COVERAGE FOR IMPERVIOUS AREAS OF 62.5% WHERE 50% IS PERMITTED; 7) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN ATTACHED CANOPY SETBACK 9 FEET FROM THE REAR (NORTH) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED FOR PROPERTY LOCATED AT 8767 NW 139TH TERRACE. (Rey)

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley explained the staff recommendation.

The applicant, Julio and Janina Rosario, spoke in favor of the variance and presented letters of support from the neighbors.

Mayor Slaton opened the public hearing. There being no one wishing to speak, the Mayor closed the public hearing.

Councilmember Michael Pizzi made a motion to approve the resolution with the staff recommendations. The motion received a second from Councilmember Mary Collins.

Vice Mayor Nancy Simon moved to amend the motion to approve requests 4 and 5 and to allow for a five foot walkway. Councilmember Michael Pizzi accepted the amendment. There was no second to the amendment.

The Town Clerk called the roll on the motion and all were in favor.

G. RESOLUTION OF THE TOWN COUNCIL [*GRANTING, GRANTING WITH CONDITIONS/DENYING*] A VARIANCE SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE: 1) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 65.7 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 2) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 9 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 3) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 10 FOOT WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE INTERIOR (NORTH) SIDE YARD; 4) DIVISION 5.9.B.1.b OF THE TOWN LDC TO PERMIT AN EXISTING FENCE EXTENDING 44 FEET BEYOND THE TOP OF THE SLOPE ALONG THE INTERIOR (NORTH) SIDE PROPERTY LINE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE WHERE FENCES OR WALLS ARE NOT PERMITTED BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; 5) DIVISION 5.9.B.1.b OF THE TOWN LDC TO PERMIT AN EXISTING FENCE EXTENDING 40 FEET BEYOND THE TOP OF THE SLOPE ALONG THE INTERIOR (SOUTH) SIDE PROPERTY LINE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE WHERE FENCES OR WALLS ARE NOT PERMITTED BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; 6) DIVISION 6.5.B.6.d.(2) OF THE TOWN LDC TO PERMIT AN EXISTING 675 SQUARE FOOT PAVED DECK AREA LOCATED WATERWARD OF THE TOP OF THE SLOPE WHERE 225 SQUARE FEET OF DECK AREA IS PERMITTED; 7) DIVISION 6.5.B.6.d.(2) OF THE TOWN LDC TO PERMIT AN EXISTING WATERWARD DECK TO ALTER THE ESTABLISHED SLOPE BY 38 INCHES AT ANY POINT ALONG THE DECK WATERWARD OF THE TOP OF SLOPE WHERE DECKS THAT ALTER THE ESTABLISHED SLOPE BY 18 INCHES ARE PERMITTED, FOR PROPERTY LOCATED AT 14275 SABAL DRIVE. (Rey)

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley, explained that request 1 and 2 have been withdrawn. She also stated that a written objection has been filed and based upon the property location of the filed objection adoption of the resolution would have to be on hardship criteria.

The applicant, Thais and Oscar Hernandez, spoke in favor of the resolution.

The Mayor opened the public hearing.

James McGrath stated he would like to withdraw the objection.

Ladd Howell spoke against the concretization of lake fronts and fences on the lake.

The applicant explained that he only wants planters to make the deck uniform.

There being no other speakers, the Mayor closed the public hearing.

Councilmember Michael Pizzi made a motion to extend the meeting by 30 minutes. There was a second by Councilmember Richard Pulido. The Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi asked about the visual impact of the request. Councilmember Robert Meador stated he can support the requested planters, but would like to see the fence back to the top of the tie line. Councilmember Richard Pulido stated he understood the applicant's reason for keeping the fence.

Councilmember Richard Pulido made a motion to grant the applicant the variance to keep what is currently there and to permit the applicant put in the planters. The fence is to be removed when the owner sells the property. The motion received a second from Councilmember Michael Pizzi.

Councilmember Michael Pizzi made a motion to extend the meeting by 15 minutes. The motion received a second from Councilmember Robert Meador. The Mayor called for the vote and all were in favor.

Councilmember Michael Pizzi pointed out that it is believed that the fence had been on the property since 1982 and if the applicant had not applied for a variance for the planters it would have stayed.

Town Clerk, Debra Eastman, called the roll and the motion failed on practical difficulty with Councilmembers Roberto Alonso, Michael Pizzi, Richard Pulido and Vice Mayor Nancy Simon voting in favor, where five

affirmative votes are required, and Councilmember Robert Meador, Mary Collins and Mayor Slaton voting against.

Councilmember Richard Pulido made a motion to determine if the resolution would meet the hardship criteria. The motion received a second from Councilmember Michael Pizzi.

Town Clerk, Debra Eastman, called the roll and the motion failed with Councilmember Michael Pizzi, Richard Pulido and Vice Mayor Nancy Simon voting in favor and Councilmember Robert Meador, Roberto Alonso, Mary Collins and Mayor Slaton voting against.

Vice Mayor Nancy Simon made a motion for approval of variance requests 4 and 5 and accept the filling of the planters. The motion received a second from Councilmember Mary Collins. Town Clerk, Debra Eastman, called the roll and all were in favor.

Councilmember Michael Pizzi made a motion to extend the meeting by 10 minutes. There was a second by Vice Mayor Nancy Simon. The Mayor called for the vote and all were in favor.

H. RESOLUTION OF THE TOWN COUNCIL [*GRANTING, GRANTING WITH CONDITIONS/DENYING*] A VARIANCE SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE SECTION 33-274.3 OF THE TOWN LDC TO PERMIT PARKING SETBACK 10 FEET FROM THE FRONT (WEST) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 14100 PALMETTO FRONTAGE ROAD (Rey)

Town Attorney, Nancy Stuparich, read the title of the resolution into the record.

Director of Planning and Zoning, Maria Crowley explained the staff recommendation.

Javier Vasquez spoke on behalf of the owner.

Mayor Slaton opened the public hearing. There being no one wishing to speak, the Mayor closed the public hearing.

Councilmember Richard Pulido made a motion to accept the staff recommendations. The motion received a second from

Councilmember Collins. Town Clerk, Debra Eastman, called the roll and all were in favor.

7. FUTURE MEETINGS:

March 11, 2008 REGULAR MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:30 PM
March 18, 2008 ZONING MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:00 PM

8: ADJOURNMENT: There being no further business to come before the meeting, it adjourned at 11:50 p.m.

Approved this _____ day of _____, 2008.

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk