

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
March 18, 2008
6:00 PM
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER:** Mayor Wayne Slaton called the meeting to order at 6:05 p.m.
2. **ROLL CALL:** Town Clerk, Debra Eastman, called the roll with the following Councilmembers present: Robert Meador, Roberto Alonso, Mary Collins, Michael Pizzi, Vice Mayor Nancy Simon and Mayor Wayne Slaton.

Town Manager, Alex Rey stated that Councilmember Richard Pulido is requesting a fifteen minute delay. Councilmember Mary Collins made a motion to delay the start of the meeting by ten minutes. The motion received a second from Councilmember Michael Pizzi. At 6:06 p.m., Councilmember Richard Pulido arrived at the meeting.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Wayne Slaton called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Mayor Wayne Slaton led the Pledge of Allegiance.
5. **APPROVAL OF MINUTES:** None
6. **RESOLUTIONS:**
Vice Mayor Nancy Simon made a motion to hear item 6G after item 6A. The motion received a second from Councilmember Mary Collins. Town Clerk, Debra Eastman, called the roll and the motion failed 5-2 with Councilmember Mary Collins and Vice Mayor Nancy Simon voting in favor and Councilmembers Roberto Alonso, Robert Meador, Michael Pizzi, Richard Pulido and Mayor Wayne Slaton voting in opposition.

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 APPROVING THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY, FLORIDA, BY AND BETWEEN THE MIAMI-DADE COUNTY SCHOOL BOARD AND ALL LOCAL GOVERNMENTS WITHIN MIAMI-DADE COUNTY AS REQUIRED BY SECTION 163.3177(6)(h)2 AND SECTION 163.31777, FLORIDA STATUTES; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

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

Director of Planning and Zoning, Maria Crowley explained the need and requirements of the resolution.

Mr. Ivan Rodriguez, representing the Miami-Dade School Board explained the mitigation option available to the Town Council for proposed projects which may come before them.

Councilmember Mary Collins made a motion to adopt the resolution. The motion received a second from Vice Mayor Nancy Simon. The Mayor called for the vote and all were in favor.

B. A RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE [GRANTING/DENYING] A VARIANCE 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, MIAMI LAKES, FLORIDA IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [GRANTING/DENYING] THE REQUESTS COLLECTIVELY REFERRED TO AS THE “VARIANCE”.
(Rey)**

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

Director of Planning and Zoning, Maria Crowley, explained that staff recommends denial of the resolution.

The applicant, Ivan Rodriguez, explained the request and pointed out certificates of awards received for the beauty of the property and inspection done by a local architect. Mr. Rodriguez presented petitions of support signed by the neighbors and requested approval by the Town Council.

The Mayor opened the public hearing.

Dr. Pedro Carballo spoke in favor of granting the variance.

Ladd Howell spoke in opposition to the variance.

Bob Echols spoke in opposition to the variance.

Cary Jacome spoke in opposition to the variance.

Angela Garrison spoke in opposition to the variance.

Joan Campbell spoke in opposition to the variance.

Mirtha Mendez spoke in favor of the variance.

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

Mayor Wayne Slaton clarified that the conditional approval letter provided by the applicant is dated 1982, and would have been subject to meeting the regulations of Miami-Dade County at that time.

Councilmember Richard Pulido spoke in favor of adopting the resolution. Councilmember Richard Pulido made a motion to grant the variance and that upon the sale of the property, the fence would be removed. The motion received a second from Councilmember Michael Pizzi.

Councilmember Michael Pizzi spoke in favor of the motion.

Councilmember Michael Pizzi questioned whether there are any liens on the property imposed by the Town.

Osdel Larrea, Director of Public Works, informed the Council that the file indicates there was a complaint regarding the property from a neighbor in 2003.

Councilmember Michael Pizzi requested that Councilmember Richard Pulido remove the requirement from the motion to take down the fence upon the sale of the property. Councilmember Richard Pulido stated he would not be willing to amend the motion.

Councilmember Robert Meador questioned the height of the seawall and questioned the applicant about their knowledge of the violations prior to the purchase of the property.

Vice Mayor Nancy Simon asked Councilmember Richard Pulido to amend the motion and clarify that the removal of the fence at the time of sale would result in the removal of the fence to the top of the slope, and not the entire fence. Councilmember Richard Pulido agreed to the amendment.

Mayor Wayne Slaton spoke in opposition to the motion, citing that the applicant was aware of the violation at the time of purchase.

Town Attorney, Nina Boniske, reminded the Town Council that the public hearing had been closed. She requested that the Director of Public Works, Osdel Larrea, introduce the warning of violation notice, dated 1985, from the file as evidence. Director of Public Works, Osdel Larrea, introduced the document as evidence and showed the document to the applicant, Mr. Rodriguez.

Vice Mayor Nancy Simon stated her concern that the applicant was not aware of the warning notice. She asked the applicant, Mr. Rodriguez if he wished to defer the item until the next meeting. Mr. Rodriguez stated he did not want to defer the item.

Councilmember Michael Pizzi suggested that the motion on the floor be adopted under the hardship criteria.

Mayor Wayne Slaton spoke in opposition to the variance meeting the hardship criteria.

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

Councilmember Richard Pulido made a motion to approve the variance on the practical difficulty standard. The motion received a second from Councilmember Michael Pizzi.

Town Clerk, Debra Eastman, called the roll and the motion failed on a 4-3 vote with Councilmembers Mary Collins, Roberto Alonso, Robert Meador and Mayor Slaton voting in opposition and Councilmember Richard Pulido, Michael Pizzi and Vice Mayor Nancy Simon voting in favor.

Councilmember Roberto Alonso made a motion to defer the item until staff is able to obtain additional information and evidence. The motion received a second from Councilmember Mary Collins.

Councilmember Michael Pizzi stated that the staff needs to do additional research into the County files to see if the violation was previously resolved.

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

Mayor Wayne Slaton called for a brief recess at 8:27 p.m. The meeting reconvened at 8:38 p.m. Town Clerk, Debra Eastman, called the roll and all Councilmembers were in attendance.

C. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE [GRANTING/DENYING] A VARIANCE 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 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 FEET 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, MIAMI LAKES, FLORIDA IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [GRANTING/DENYING] THE REQUESTS COLLECTIVELY REFERRED TO AS THE "VARIANCE. (Rey)

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

Director of Planning and Zoning, Maria Crowley, stated that this item was continued from the February 19, 2008 agenda and the applicant is now requesting an additional continuance to the May 20, 2008 agenda.

Councilmember Richard Pulido made a motion to continue this item to the May 20, 2008 agenda. The motion received a second from Councilmember Mary Collins. The Mayor called for the vote and all were in favor.

D. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 12 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (NORTH) SIDE YARD; 2) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 18.5 FEET WIDE PAVED WALKWAY WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (SOUTH) SIDE YARD; 3) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK .1 FOOT FROM THE REAR (EAST) 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 2 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK .2 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 6) DIVISION 5.8.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING DRIVEWAY SETBACK 2 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 7) DIVISION 5.8.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING DRIVEWAY SETBACK 1.6 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 8) DIVISION 5.8.A.5 OF THE TOWN LDC TO PERMIT AN EXISTING IMPERVIOUS AREA OF 95.5% FOR DRIVEWAYS WHERE 60% IS PERMITTED; 9) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED (REAR YARD SHED) WITH 100 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 10) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED (REAR YARD SHED) WITH 10.5 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 11) DIVISIONS 5.3.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY DOG CAGE SETBACK .4 FEET FROM THE

INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; 12) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED (SIDE YARD SHED) WITH 51 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 13) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED (SIDE YARD SHED) WITH 7 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 14) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED (SIDE YARD SHED) SETBACK 1.2 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; AND 15) DIVISION 5.7.A.5, OF THE TOWN LDC TO PERMIT AN EXISTING LOT COVERAGE OF 87.4% FOR IMPERVIOUS AREAS WHERE 50% IS PERMITTED, FOR PROPERTY LOCATED AT 16007 NW 77TH PLACE, MIAMI LAKES, FLORIDA IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [GRANTING/DENYING] THE REQUESTS COLLECTIVELY REFERRED TO AS THE “VARIANCE. (Rey)

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

Director of Planning and Zoning, Maria Crowley explained the multiple requests for variance within the resolution and explained that the applicant has withdrawn requests numbered 9 through 11.

The applicant, Nguyen Van Nguyen, explained that his son has a medical condition making it a hardship to come in contact with dust, grass, and other things. He explained that he eliminated the grass from the yard and was unaware that the contractor did not close the permit with the Town.

Mayor Slaton opened the public hearing.

Martha Ferol spoke in favor of granting the variances.

Dr. Pedro Carballo spoke in favor of granting the variances.

Dr. David Bennett spoke in favor of granting the variances.

Mirtha Mendez spoke in favor of the pavers and in favor of granting due to medical hardship.

Maria McLaughlin spoke in favor of the variances.

There being no one else wishing to speak, Mayor Wayne Slaton closed the Public hearing.

Councilmember Michael Pizzi spoke in favor of granting the variances.

Councilmember Robert Meador suggested that Mr. Nguyen could have relocated the dog cage rather than to remove it completely.

Councilmember Richard Pulido spoke in favor of granting the variances.

Councilmember Roberto Alonso made a motion, on the standard of practical difficulty, to approve the variances, adding the stipulation that the excess pavement be reduced by 50 percent upon the child growing up or the sale of the property. The motion received a second from Councilmember Richard Pulido.

Mayor Wayne Slaton stated he could not support the motion because it would include approval of the shed.

The applicant, Mr. Nguyen, stated he would accept the conditions stated in the motion.

Town Clerk, Debra Eastman, called the roll and the motion passed 6-1 with Councilmembers Robert Meador, Richard Pulido, Mary Collins, Roberto Alonso, Michael Pizzi and Vice Mayor Nancy Simon voting in favor and Mayor Wayne Slaton voting in opposition.

E. RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) 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) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 14 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED; 3) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 110.78 SQUARE FEET OF TOTAL AREA WHERE 30 SQUARE FEET OF AREA PER STRUCTURE IS PERMITTED; 4) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED SETBACK 1.9 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 5) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY

STORAGE SHED SETBACK .7 FEET FROM THE INTERIOR (NORTH) SIDE PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 6) DIVISION 5.3.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 7.5 FEET IN HEIGHT WHERE 5 FEET OF HEIGHT IS PERMITTED; 7) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (NORTH) SIDE YARD; 8) DIVISION 5.7.A.2 OF THE TOWN LDC TO PERMIT AN EXISTING 4 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (SOUTH) SIDE YARD; 9) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 1.1 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; AND 10) DIVISION 5.7.A.3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK .1 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 16360 NW 91ST COURT, MIAMI LAKES, FLORIDA IN THE RU-1B ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [GRANTING/DENYING] THE REQUESTS COLLECTIVELY REFERRED TO AS THE “VARIANCE. (Rey)

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

Director of Planning and Zoning, Maria Crowley explained the variance and gave staff recommendations.

The applicant, Orlando Canales, stated he was not aware that the permit had not been closed and spoke in favor of granting the variances.

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

Councilmember Roberto Alonso spoke about the oversized shed.

Councilmember Richard Pulido asked the applicant, Mr. Canales, about the aluminum roof and whether he had any paperwork from the installation. Mr. Canales requested that he be given the opportunity to look again for any paperwork.

Councilmember Michael Pizzi made a motion to defer this item to the

April 15, 2008 Zoning Meeting. The motion received a second from Councilmember Richard Pulido. The Mayor called for the vote and all were in favor.

F. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) 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) DIVISIONS 5.6.A.2 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ATTACHED CANOPY SETBACK 17.2 FEET FROM THE REAR (SOUTH) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED; 3) DIVISION 5.2.A.1 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING WITH 169 SQUARE FEET OF ROOF AREA WHERE AN ACCESSORY BUILDING EXCEEDING 150 SQUARE FEET OF ROOFED AREA, INCLUDING ROOF OVERHANGS, IS NOT PERMITTED; AND 4) DIVISIONS 5.2.A.3 AND 4.2.E OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING ROOF OVERHANG SETBACK 3.5 FEET FROM THE INTERIOR (WEST) SIDE PROPERTY LINE WHERE 4 FEET IS REQUIRED, FOR PROPERTY LOCATED AT 8794 NW 163RD TERRACE, MIAMI LAKES, FLORIDA IN THE RU-1B ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [GRANTING/DENYING] THE REQUESTS COLLECTIVELY REFERRED TO AS THE “VARIANCE. (Rey)

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

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

Daughter of the applicant, Allan Avila, read a statement in favor of granting the variances.

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

Councilmember Roberto Alonso spoke in favor of the variance for the gazebo and not for the aluminum roof.

Vice Mayor Nancy Simon explained that if the resolution was adopted the applicant would have to take off the roof, but not remove the slab floor and that the applicant could come back to the Council, at a later time, with a request for a different type of roof.

A motion was made by Councilmember Mary Collins to adopt the resolution with staff recommendations. The motion received a second from Councilmember Roberto Alonso. Town Clerk, Debra Eastman, called the roll and all were in favor.

G. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (“TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE DIVISION 4.2.E OF THE TOWN LDC TO PERMIT AN ADDITION TO THE RESIDENCE SETBACK 21.4 FEET FROM THE FRONT (WEST) PROPERTY LINE WHERE A 25 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 16215 WEST PRESTWICK PLACE, MIAMI LAKES, FLORIDA IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR [GRANTING/DENYING] THE REQUESTS COLLECTIVELY REFERRED TO AS THE “VARIANCE. (Rey)

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

Director of Planning and Zoning, Maria Crowley, stated that staff supports the request of the applicant.

Applicant, Leslie Langbein, spoke in support of the variance request.

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

Councilmember Richard Pulido made a motion to adopt the resolution with staff recommendations. The motion received a second from Councilmember Michael Pizzi. Town Clerk, Debra Eastman, called the roll and all were in favor.

8. FUTURE MEETINGS:

April 8, 2008 REGULAR MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:30 PM
April 10, 2008 WORKSHOP, 15700 NW 67th AVE., MIAMI LAKES TOWN HALL, 5 PM
April 15, 2008 ZONING MEETING, 6425 MIAMI LAKEWAY N, MIAMI LAKES 6:00 PM

9. ADJOURNMENT: There being no further business to come before the meeting, it adjourned at 10:35 p.m.

Approved this _____ day of _____, 2008

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk