

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Michael Pizzi

Vice Mayor Richard Pulido

Councilmember Mary Collins

Councilmember Robert Meador II

Councilmember Nicholas Perdomo

Councilmember Nancy Simon

MINUTES
ZONING COUNCIL MEETING
October 21, 2008
6:00 PM
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER:** The meeting was called to order at 6:10 p.m. by Mayor Michael Pizzi.
2. **ROLL CALL:** Town Clerk, Debra Eastman, called the roll with the following Councilmembers in attendance: Robert Meador, Mary Collins, Nancy Simon and Mayor Michael Pizzi. Councilmember Nick Perdomo was absent. Vice Mayor Richard Pulido was absent.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Michael Pizzi called for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Mayor Michael Pizzi led the pledge of allegiance.

Mayor Michael Pizzi explained that any variance coming before the Town Council would require four votes in favor for passage of the variance. He suggested that in light of the Town Council attendance of four members at this meeting, applicants may wish to request a deferral to the November 18, 2008 Town Council Meeting where there may be more members present, which would increase the likelihood of receiving a favorable outcome.

5. ORDINANCES- SECOND READING:

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") ARTICLE 12, FEES. (Roig)

A motion was made by Councilmember Mary Collins to adopt the ordinance on second reading. The motion received a second from Councilmember Robert Meador. Town Clerk, Debra Eastman, called the roll and all were in favor.

B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 4. ZONING DISTRICT REGULATIONS, DIVISION 4.2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS; ARTICLE 5. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6. SUPPLEMENTARY REGULATIONS; AND ARTICLE 9. SIGNS. (Roig)

Councilmember Nancy Simon made a motion to change the ordinance to allow garbage cans to be placed by the roadside at 4 p.m. rather than the existing language of 6 p.m. The motion received a second from Councilmember Robert Meador. Mayor Michael Pizzi called for the vote and all were in favor.

A motion was made by Councilmember Mary Collins to adopt the ordinance on second reading as amended. The motion received a second from Councilmember Nancy Simon. Town Clerk, Debra Eastman, called the roll and all were in favor.

6. RESOLUTIONS:

A. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY IVAN AND JANET RODRIGUEZ 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.c. 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; 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; AND 3) DIVISION 6.5(b)3 OF THE TOWN LDC TO PERMIT AN EXISTING SHORELINE CONTOUR AND ESTABLISHED SLOPE OF A LOT ABOVE WATER TO BE CHANGED OR MODIFIED WHERE THE SHORELINE CONTOUR AND ESTABLISHED SLOPE OF A LOT ABOVE WATER MAY NOT BE CHANGED OR MODIFIED WITH THE EXCEPTION OF INTERLOCKING BLOCK, CONCRETE, WOOD OR SIMILAR MATERIAL BULKHEADS OR DECKS, FOR PROPERTY LOCATED AT 6360 LAKE JUNE ROAD. (Roig)

Mr. Rodriguez requested a deferral to the November 18, 2008 Zoning Meeting. A motion was made by Councilmember Mary Collins for the deferral. The motion

received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

B. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY ORLANDO AND THELMA CANALES IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.6(a)3 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 TO PROJECT INTO THE REQUIRED REAR YARD SETBACK A MAXIMUM OF 11 FEET WHERE A MAXIMUM PROJECTION OF 7 FEET INTO THE REQUIRED REAR YARD 25 FOOT SETBACK IS PERMITTED; 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 50 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 0.7 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 6 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 PAVED SIDE YARD DECK SETBACK 1.8 FEET FROM THE INTERIOR (NORTH) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED; 9) 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; 10) DIVISION 5.7(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 0.1 FEET FROM THE INTERIOR (SOUTH) 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 1.1 FEET FROM THE REAR (WEST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED; AND 12) DIVISION 5.7(a)3 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED REAR DECK SETBACK 0.1 FEET FROM THE INTERIOR (SOUTH) SIDE PROPERTY LINE WHERE A 5

FOOT SETBACK IS REQUIRED.FOR PROPERTY LOCATED AT 16360 NW 91ST COURT. (Roig)

Director of Planning and Development, Maria Crowley, stated the applicants requested deferral of this item to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

C. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED BY FRANCISCA SOTO IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.6(a)3 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 9040 NW 166TH TERRACE. (Roig)

Mr. Soto, the applicant, requested that this item be deferred to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

D. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY PABLO PALACIO IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN ACCESSORY STORAGE SHED WITH 120 SQUARE FEET OF TOTAL AREA WHERE SHEDS LARGER THAN 50 SQ. FT. ARE NOT PERMITTED; AND 2) DIVISION 5.3(a)2 OF THE TOWN LDC TO PERMIT AN ACCESSORY STORAGE SHED WITH 9 FEET IN HEIGHT WHERE SHEDS HIGHER THAN 6 FEET ARE NOT PERMITTED FOR PROPERTY LOCATED AT 15471 DURNFORD DRIVE. (Roig)

Mr. Palacio, the applicant, requested that this item be deferred to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

E. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY LUIS A. LOPEZ AND LUCY B. LOPEZ IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF

MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 5.6(a)3 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 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING 4.10 FEET WIDE PAVED WALKWAY, WHERE 3 FEET IS PERMITTED WITHIN THE REQUIRED (WEST) SIDE YARD; AND 3) DIVISION 5.7(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING PAVED SIDE YARD DECK SETBACK 0.9 FEET FROM THE INTERIOR (WEST) PROPERTY LINE WHERE A 2 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 9100 NW 149TH TERRACE. (Roig)

Mr. Lopez, the applicant, requested that this item be deferred to the November 18, 2008 Zoning Meeting. Councilmember Mary Collins made a motion for deferral. The motion received a second from Councilmember Nancy Simon. Mayor Michael Pizzi called for the vote and all were in favor.

- F. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL VARIANCE REQUESTS FILED BY MAGALY CEPERO, ELENA MIRANDA AND EDUARDO GARCIA IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISIONS 5.2(a)2 AND 4.2(e) OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING SETBACK 4 FEET FROM THE INTERIOR SIDE (EAST) PROPERTY LINE WHERE 5 FEET IS REQUIRED; 2) DIVISION 5.2(a)2 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING ROOF OVERHANG TO PROJECT A MAXIMUM OF THIRTY (30) INCHES INTO THE REQUIRED FIVE (5) FOOT INTERIOR SIDE (EAST) PROPERTY LINE SETBACK, WHERE A MAXIMUM PROJECTION OF TWELVE (12) INCHES INTO THE REQUIRED FIVE (5) FOOT SIDE SETBACK IS PERMITTED; AND 3) DIVISIONS 5.3(a)1 AND 4.2(e) OF THE TOWN LDC TO PERMIT AN EXISTING DECORATIVE POND 40 INCHES DEEP SETBACK 2 FEET FROM THE INTERIOR SIDE (EAST) PROPERTY LINE WHERE A 5 FOOT SETBACK IS REQUIRED, FOR PROPERTY LOCATED AT 8103 NW 163RD TERRACE. (Roig)**

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

G. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO A VARIANCE REQUEST FILED BY LUIS AND IDANIA GARCIA IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 4.3(d)19 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY BUILDING (TIKI HUT) EXTENDING ABOVE THE HEIGHT OF THE PATIO WALLS; FOR PROPERTY LOCATED AT 7375 BIG CYPRESS COURT. (Roig)

A motion was made by Councilmember Nancy Simon to defer the item to the November 18, 2008 Zoning Meeting. The motion received a second from Councilmember Mary Collins. Mayor Michael Pizzi called for the vote and all were in favor.

H. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO REQUESTS FILED BY JOSE E. LEMUS IN ACCORDANCE WITH DIVISIONS 3.4, 4.3(e)2.d AND 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") FOR 1) SITE PLAN APPROVAL FOR AN ENCLOSED AIR-CONDITIONED SPACE AND SEVERAL VARIANCE REQUESTS TO WAIVE: 2) DIVISION 4.3(d)17.a OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY CONSTRUCTED OF CBS CONSTRUCTION TO MATCH THE RESIDENCE; 3) DIVISION 4.3(d)17.c OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY EXTENDING ABOVE THE HEIGHT OF THE PATIO WALLS; 4) DIVISION 6.5(b)6.c(1) OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY WITH A TOTAL OF 594.25 SQUARE FEET IN AREA WATERWARD OF THE TOP OF SLOPE BUT LANDWARD OF THE WATER'S EDGE 5) DIVISION 6.5(b)6.d(2) OF THE TOWN LDC TO PERMIT A TOTAL OF 594.25 SQUARE FEET OF PROPOSED DECK AREA WATERWARD OF THE TOP OF SLOPE; 6) DIVISION 6.5(b)6.b(1) OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 26 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; 7) DIVISION 4.3(d)19 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 60 SQUARE FEET OF TOTAL AREA; 8) DIVISION 4.3(d)19 OF THE TOWN LDC TO PERMIT AN EXISTING ACCESSORY STORAGE SHED WITH 8 FEET IN HEIGHT, FOR PROPERTY LOCATED AT 6789 CROOKED PALM LANE. (Roig)

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

I. RESOLUTION OF THE TOWN COUNCIL PERTAINING TO SEVERAL

VARIANCE REQUESTS FILED BY PLACIDO AND LUISA YZQUIERDO IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") [GRANTING/DENYING] A VARIANCE TO WAIVE: 1) DIVISION 4.3(d)17.a OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY CONSTRUCTED OF CBS CONSTRUCTION TO MATCH THE RESIDENCE; 2) DIVISION 4.3(d)17.c OF THE TOWN LDC TO PERMIT SUPPORTS FOR A PROPOSED ATTACHED CANOPY TO EXTEND ABOVE THE HEIGHT OF THE PRIVACY WALLS; 3) DIVISION 6.5(b)6.c(1) OF THE TOWN LDC TO PERMIT A PROPOSED ATTACHED CANOPY WITH A TOTAL 281.67 SQUARE FEET IN AREA WATERWARD OF THE TOP OF SLOPE BUT LANDWARD OF THE WATER'S EDGE; 4) DIVISION 6.5(b)6.d(2) OF THE TOWN LDC TO PERMIT 281.67 SQUARE FEET OF PROPOSED DECK WATERWARD OF THE TOP OF THE SLOPE; 5) DIVISION 6.5(b)6.b(1) OF THE TOWN LDC TO PERMIT AN EXISTING FENCE 27 FEET BEYOND THE TOP OF THE SLOPE TOWARD THE LAKE, OR WATERSIDE OF THE SURVEY TIE LINE; FOR PROPERTY LOCATED AT 6721 CROOKED PALM LANE. (Roig)

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

7. FUTURE MEETINGS:

November 12, 2008 Regular Meeting, 6425 Miami Lakeway N, Miami Lakes 6:30 PM
November 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 7:35 p.m.

Approved this ____ day of _____, 2008.

Michael Pizzi, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk