

**MINUTES**  
**Planning and Zoning Minutes**  
**March 7, 2023**  
**6:30 P.M.**  
**Government Center**  
**6601 Main Street, Miami Lakes, FL 33014**

**1. Call to Order:**

Chairperson Mariam Yanes called the meeting to order at 6:30 p.m.

**2. Roll Call:**

The following Board Members were present: Raul De La Sierra, Robert Julia, Avelino Leoncio, Fred Senra, Vice Chairperson Lynn Matos, and Chairperson Mariam Yanes. Board Member Juan Carlos Fernandez arrived at 6:32 p.m.

**3. Pledge of Allegiance/Moment of Silence:**

Chairperson Mariam Yanes led the Pledge of Allegiance and Moment of Silence.

**4. Approval of Minutes:**

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Board Member De La Sierra motioned to approve the minutes and Board Member Julia seconded the motion. The motion passed 6-0 with Board Member Fernandez absent.

**5. Public Comments:**

None.

**6. Business Requiring Board Action**

**a. VARH2022-0557**

<b>HEARING NUMBER:</b>	<b>VARH2023-0063</b>
<b>APPLICANT:</b>	<b>Nataly Santos</b>
<b>FOLIO:</b>	<b>32-2023-008-0510</b>
<b>LOCATION:</b>	<b>7100 Miami Lakeway S</b> <b>Miami Lakes, Florida 33014</b>
<b>ZONING DISTRICT:</b>	<b>RU-1</b>

Deputy Town Attorney, Lorenzo Cobiella, read the quasi-judicial rules and variance into the record.

No Board Members had any ex-parte communication to disclose.

Deputy Town Clerk, Victoria Martinez, swore in the individuals that would be providing testimony which include Principal Town Planner Susana Alonso, Transportation Coordinator Olivia Shock, the applicant Nataly Santos, and the public wishing to speak.

Chairperson Yanes made a motion to change the presentation order to allow the witnesses to speak first. Board Member De La Sierra seconded, and the motion passed 7-0.

The following individuals provided public comments in-person:

(Phonetic spelling of each speaker's name will be used throughout the minutes unless correct spelling is known)

Mr. Sean Schwinghammer addressed the Planning and Zoning Board in-person and spoke in opposition of the variance allowing a fence to be built ten feet from the sidewalk as it would change the dynamic of the street.

Mr. Gustavo Garbalosa addressed the Planning and Zoning Board in-person and spoke in opposition of the variance allowing a fence to be built ten feet from the sidewalk however, he is happy with it being built 13 feet from the sidewalk.

The Deputy Town Clerk read into the record an email in opposition of the variance submitted by Ms. Marlene Hernandez.

The applicant, Ms. Nataly Santos then presented and submitted copies of photos and signatures from neighbors into the record for the Board to review. The Board posed questions regarding the photos and setback needed for the applicant's fence.

Transportation Coordinator, Ms. Olivia Shock presented the staff report on behalf of the Town and stated Town Staff does not recommend in favor of the variance allowing a fence to be built ten feet from the property line where 15 feet are required.

A few Board Members added their thoughts on the record regarding the fence and Board Member Leoncio stated he does not see a problem with taking the suggestion of the neighbor present which was to build the fence 13 feet from the property line.

Board Member Leoncio then made a motion to let the fence be positioned 13 feet from the property line and Board Member Fernandez seconded for discussion.

The Board Members discussed the possibility of putting the fence at 13 feet as well as general concerns with the fence. Board Member De La Sierra then made a motion to reopen the public hearing for the applicant to speak and Chairperson Yanes seconded. The motion passed 7-0.

After further discussion between the Board Members and the applicant, the public hearing closed.

Board Member De La Sierra proposed starting the fence at the 15 foot mark, curved at a 45 degree angle, and then the rest of the fence be built 12 feet and 6 inches from the property line.

Board Member Leoncio then amended his motion to allow the fence to be built 12 feet and 6 inches away, and at the end of the property line to start at 15 feet away and come in at an angle. Board Member De La Sierra seconded the motion.

Principal Town Planner Susana Alonso asked for clarification on the setback and Chairperson Yanes clarified that it is 15 feet from the back, curved at a 45-degree angle, and then 12 feet and 6 inches along the property line rather than 10 feet.

On the amendment made by Board Member Leoncio, the motion passed 7-0.

Back on the main motion, the Deputy Town Clerk called the roll and the motion passed 7-0.

## **7. Director's Report**

No Director's Report from Town Staff for this month however, Board Member Leoncio mentioned a point that was brought to his attention during the public hearing regarding garages being closed. He asked if this was allowed and Principal Town Planner, Susana Alonso stated that building permits are required to enclose the garage to make it habitable and it is not disallowed by code to do so. She also added that the Town Council has repeatedly decided not to regulate aesthetics in single family homes. Deputy Town Attorney, Lorenzo Cobiella added that part of their role in this Board is also being a Local Planning Agency for the Town, and they can recommend to the Town Council to adopt an aesthetic ordinance. He suggested Board Member Leoncio bring this up at the next Planning and Zoning Board Meeting with more details and to meet with Town Staff to work on it.

**8. Adjournment**

There being no further business to come before the Board, the meeting adjourned at 7:22 p.m.



Mariam Yanes  
Chairperson

Attest:



Victoria Martinez  
Deputy Town Clerk