

MINUTES
Planning and Zoning Minutes
June 4, 2024
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairperson Juan Carlos Fernandez called the meeting to order at 7:01 p.m.

The Deputy Town Clerk, Victoria Martinez, called the roll with following Board Members being present: Raul De La Sierra, Robert Julia, Vice Chairperson Fred Senra, and Chairperson Juan Carlos Fernandez. Board Member Avelino Leoncio was absent.

2. Pledge of Allegiance/Moment of Silence:

Chairperson Fernandez led the Pledge of Allegiance and Moment of Silence.

3. Approval of Minutes:

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Board Member Julia motioned to approve the minutes and Vice Chairperson Senra seconded. The motion passed 4-0; Board Member Leoncio was absent.

4. Public Comments:

None.

5. Business Requiring Board Action

The Deputy Town Attorney, Lorenzo Cobiella, read the quasi-judicial rules for all items coming before the Board.

The Deputy Town Clerk, Victoria Martinez, swore in all the individuals that would be providing testimony for any of the quasi-judicial items being presented.

a. **VARH2024-0176**

HEARING NUMBER: VARH2024-0176
APPLICANT: Lauren Romero
FOLIO: 32-2023-004-0520
LOCATION: 6931 Bamboo St
MIAMI LAKES, FLORIDA 33014
ZONING DISTRICT: RU-1

Deputy Town Attorney Lorenzo Cobiella read the hearing number into the record.

All Board Members disclosed that they had no communications with the applicant.

Transportation Coordinator, Oliva Shock, presented the staff report on behalf of the Town and explained that the applicant is seeking six variances to build a pool and pergola in their rear yard. She explained that staff recommends denial for this application because they only comply with criteria D in the staff report, the other criteria they do not comply with. She then answered questions posed by the Board Members.

The applicant, Jonathan Cruz, addressed the Board and asked them to consider approving the variances. Mr. Cruz then submitted ten copies of three letters of support into the record through the Deputy Town Clerk and she handed them out to the Board Members and Town Staff for their review.

Board Member Julia asked the applicant if the pool they are proposing is 18ft wide by 40ft because they're incorporating a jacuzzi within that area and Mr. Cruz stated correct. Board Member Julia then stated in the plans it states future attached terrace so he asked if they're proposing a canopy and Mr. Cruz stated yes, they will do the project in two phases. The pool will be now and eventually they will do a canopy which will be a covered terrace and outdoor kitchen area.

After clarification from Town Staff regarding the definition of a canopy, Vice Chairperson Senra asked the applicant if there is any room for compromise and Mr. Cruz stated absolutely. Board Member De La Sierra then stated there is about a 10ft setback from the house and asked if the applicant would be willing to make that less of a setback from the house and Mr. Cruz stated he'd be willing to make it a little closer.

The father of the applicant, Mr. Homero Cruz, then spoke about the application. After discussion amongst the Board Members and the applicant, Mr. Cruz, the Deputy Town Clerk, Victoria Martinez, swore in Ms. Lauren Romero, the applicant's wife, to provide testimony to the Board Members and discuss what is needed. Board Member Julia explained to the applicants that the Board may be inclined to provide a variance with flexibility to build however, he is not comfortable with 13ft, perhaps in between 6ft and 13ft.

After questions to the applicant and discussion, the Board Members closed the hearing for discussion amongst themselves.

Board Member De La Sierra stated if they reduce the setback to about 5ft or 6ft, they'd have one less variance and Board Member Julia added he is more inclined to an 8ft setback.

After discussion, Board Member Julia made a motion as follows: to approve the first variance to encroach by 8ft waterward of the top of the slope or tie line; the second variance to allow a

swimming pool waterward of the top of the slope or tie line; the third variance to allow an attached canopy to project 20 feet and 11 inches into the rear yard; he's not sure if the variance with the slope would still be required if they moved it back 5ft but since they will be doing an infinity edge he's okay with a 6 inch differential and wouldn't touch the fourth variance; for the fifth variance perhaps the decking would be irrelevant because it would be dropped if moved 5ft; and he's okay with the sixth variance as is, doing a variance of 5ft where 7.5ft are required. As a recap, Board Member Julia stated that the main different is going from 13ft to 8ft and adjusting everything back. Board Member De La Sierra seconded the motion.

Mr. Cruz then presented the Board and Board Member De La Sierra reopened the hearing back up for the applicant to speak and Board Member Julia seconded. The motion passed 4-0; Board Member Leoncio was absent.

Board Member Julia explained to Mr. Cruz his proposal which was instead of 13ft, it'll be 8ft which means the area between where the house ends, and pool starts is 10ft, so the applicant has to figure out where to take out 5ft.

There being no further discussion with the applicant, Chairperson Fernandez made a motion to close the hearing and Vice Chairperson Senra seconded. The motion passed 4-0; Board Member Leoncio was absent.

On the main motion by Board Member Julia, the Deputy Town Clerk called the roll and the motion passed 4-0; Board Member Leoncio was absent.

b. VARH2024-0184

HEARING NUMBER: VARH2024-0184
APPLICANT: Juan Carlos Rivero
FOLIO: 32-2015-019-0230
LOCATION: 8255 NW 158 Terrace
MIAMI LAKES, FLORIDA 33016
ZONING DISTRICT: RU-1

Deputy Town Attorney Lorenzo Cobiella read the hearing number into the record.

All Board Members disclosed that they had no communications with the applicant.

Transportation Coordinator, Oliva Shock, presented the staff report on behalf of the Town and explained this is a request to allow a detached pergola to have a 5.5ft setback from the residence where 10ft are required. She explained that originally staff recommended in favor with conditions. However, that was on the condition that they provided the letters from adjoining property owners, and they weren't able to bring them in tonight, therefore, at this time they'd have to technically recommend in denial. She added that they do comply with criteria B, C, and D in the staff report.

Board Member Julia stated the rear setback is met, and asked if the only difference is basically the distance between his home and where he's proposing to start the pergola. Transportation Coordinator Ms. Shock stated yes, the rear and side setbacks are met as well as the square footage requirements. The only variance he has is the distance between the home and the pergola.

The applicant, Mr. Juan Carlos Rivero, came before the Board and explained he'd like a variance for a detached pergola from the house and the reason being is he'd like to center it with the pool.

Board Member De La Sierra asked the applicant if he has fences on either side of the property and Mr. Rivero stated yes, concrete on all three sides and a fence in the front. Board Member Julia then asked what is the size of the pergola, and Mr. Rivero stated he believes it is 12ft by 12ft.

There being no further questions for the applicant, the hearing closed for discussion amongst the Board Members.

Board Member De La Sierra answered Board Member Julia's question to the applicant and stated that he thinks the pergola is 12ft by 15ft.

Board Member Julia then made a motion for discussion purposed to approve the variance. Chairperson Fernandez and Board Member De La Sierra seconded simultaneously.

After further discussion, the Deputy Town Clerk called the roll and the motion passed 4-0; Board Member Leoncio was absent.


6. Director's Report

The Deputy Town Clerk, Victoria Martinez, stated that there will not be a Board Meeting in July due to the holiday and the next Board Meeting will be held on August 6th.

7. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:39 p.m.

Approved this 6th day of August 2024.



Juan Carlos Fernandez
Chairperson

Attest:



Victoria Martinez
Deputy Town Clerk