

MINUTES
Planning and Zoning Minutes
February 11, 2025
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Deputy Town Clerk Alexis P. Martinez called the meeting to order at 6:34pm.

The following Planning & Board Members were present: Homero Cruz, Robert Julia, Raul de la Sierra, Chairman Avelino Leoncio. Fred Senra was absent.

The following Town Staff members were present: Deputy Town Clerk Alexis P. Martinez and Principal Town Planner Susana Alonso, Deputy Town Attorney Lorenzo Cobiella and Transportation Coordinator Justin Telleria.

2. Pledge of Allegiance/Moment of Silence:

Chairman Avelino Leoncio led the pledge of allegiance.

3. Approval of Minutes:

- January 14, 2025, Planning and Zoning Board Meeting Minutes

Board Member De La Sierra motioned to approve the minutes and Chairman Avelino Leoncio seconded the motion. The motion passed 4-0.

4. Public Comments:

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

Deputy Town Attorney Lorenzo Cobiella welcomed any public comments on items that are not before the board.

There being no public comments, public comments were closed.

5. Business Requiring Board Action

The Deputy Town Attorney, Lorenzo Cobiella read the Quasi-Judicial Public Hearings Instructions into the record for cases 5A, 5B & 5C. Mr. Cobiella asked Board Members to disclose their Ex-Parte Communications. All Board Members stated that no communication was had with the applicants.

Deputy Town Clerk Alexis P. Martinez swore in all the individuals that were to provide testimony.

A. VARH2024-0517, Folio 32-2015-043-0130, Zoning District: RU-1: Variance from Section 13-1502 (3)

HEARING NUMBER: VARH2024-0517

APPLICANT: Rolando Chirino

FOLIO: 32-2015-043-0130

LOCATION: 8601 NW 162nd St.

MIAMI LAKES, FLORIDA 33016

ZONING DISTRICT: RU-1

Transportation Coordinator Mr. Justin Telleria presented item 5A before the board.

Board Member Robert Julia asked if the property would not have been in a corner lot, the side setback would be 15ft. Transportation Coordinator Justin Telleria confirmed.

Mr. Johan Cardozo came before the board to speak and translate on behalf of his father-in-law, applicant Mr. Rolando Chirino, for approval of their item. Board Member Raul De La Sierra asked if any of this work had been done? Mr. Johan Cardozo replied no, and Board Member Raul De La Sierra confirmed that the applicant would have to apply for a permit. Board Member Robert Julia provided remarks concerning the 10ft utility easement. Chairman Avelino Leoncio added concerns about the foundation not encroaching into the easement.

Board Member Homero Cruz asked if there is a reason the Gazebo needs to be 288 sq ft and provided recommendations. Deputy Town Attorney Lorenzo Cobiella stated to the Board that they cannot consider what regulations HOA has, HOA has no bearings on their decision. Board Member Robert Julia provided the applicant with recommendations, Board Member Homero Cruz referenced the Town permit and gazebo. Chairman Avelino Leoncio asked when we figure out the square footage of the gazebo, does that include the

overhang? Principal Town Planner Susana Alonso provided feedback on additional conditions.

After further discussion and closing of public hearing Board Member Robert Julia made a motion to approve the variance subject to 12ft 6-inch setback from the side, which prompted additional discussion on the motion between all board members present. Board Member Robert Julia amended the motion to allow the gazebo to have 12ft 6-inch setback from the side street, allow for the gazebo to be 6ft, 6-inch from the residence, with the conditions stipulated by Town Staff, Board Member De La Sierra seconded the motion. The motion passed unanimously 4-0.

B. VARH2025-0033; Folio 32-2023-005-0260, Location: 14020 Cypress Ct., Miami Lakes, FL 33014

HEARING NUMBER: VARH2025-0033

APPLICANT: YOICEL MIRANDA

FOLIO: 32-2023-005-0260

LOCATION: 14020 CYPRESS CT.

MIAMI LAKES, FLORIDA 33014

Deputy Town Attorney Lorenzo Cobiella read the second item 5B into the record.

Transportation Coordinator Justin Telleria presented item 5B before the board and provided the staff with recommendations which were requested by Board Member Raul De La Sierra.

Questions were made post Town Staff recommendations by Board Member Robert Julia, Board Member Raul De La Sierra and Chairman Avelino Leoncio where further discussion and feedback was provided by Principal Town Planner Susana Alonso who clarified the variance's request.

Applicant Yoicel Miranda came before the board to present his item and provided Board Members with a folder of documents. Further discussion occurred between Board Member Raul De La Sierra and applicant Mr. Yoicel Miranda. Chairman Avelino Leoncio closed public hearing thereafter.

Board Member Robert Julia and Board Member Homero Cruz asked the applicant questions regarding the current state of the pool, and applicant Mr. Miranda responded.

Chairman Avelino Leoncio and Board Member Robert Julia discussed the driveway measurements with the applicant. Chairman Avelino Leoncio opened public comments to those wishing to speak on item 5B. Mr. Robert Madden, neighbor of the applicant came before the board to present his case against the applicant and provided the board with documents he put together.

Second public comments participant Mr. Christopher Crowley who neighbors the applicant diagonally across the lake came before the board to speak on the reasons why him and his family live in Miami Lakes, protecting the tie line and concerns with the fence the applicant has built beyond his tide line. Chairman Avelino Leoncio closed public hearings and started deliberating his issues with the driveway and the encroachment of the pool which led to further discussion with Board Member Raul De La Sierra. Board Member Homero Cruz added further remarks on the tide line and its integrity of the whole intent.

Board Member Raul De La Sierra made additional comments on approved encroachments into the tie line for swimming pools and when purchasing a house to look into the zoning. Board Member Robert Julia asked Principal Town Planner Susana Alonso does the current code allow for you to go above the survey tie line and if there is anything with the pools that also extend the survey tie line? Principal Town Planner Susana Alonso provided feedback and confirmed no survey of the property was provided, the only thing in lieu of a survey is the original plans of the driveway. After further discussion, Board Member Raul De La Sierra asked Principal Town Planner Susana Alonso what the Town recommendations are, which Mrs. Alonso replied at this time the Town is recommending denial.

Board Member Raul De La Sierra makes a motion per the Town's recommendation and Chairman Avelino Leoncio seconded the motion. After further discussion Deputy Town Attorney Lorenzo Cobiella spoke about variance approval or denial criteria and putting the board in the right posture. Board Member Robert Julia asked does staff know how much the pool deck goes beyond the property. Principal Town Planner Susana provided feedback and further discussion occurred with all board members regarding the pool deck.

Board Member Homero Cruz makes an amendment to allow an encroachment of 3ft, give a setback between the house and the pool, and reducing the pool from 16ft to 14ft. Board Member Raul De La Sierra would accept the amendment if all the concrete that has been poured without permits and all the encroachments of concrete on the side yards is removed. Board Member Homero Cruz restated his amendment with Board Member De La Sierra's recommendation. Board Member Robert Julia seconded the amendment. The amendment is approved 4-0. The original motion was amended and passed unanimously 4-0.

Discussion occurred offline between Board Member Raul De La Sierra and Principal Town Planner Susana Alonso clarifying bringing the pool deck back to code.

C. Short Term Rentals – Ordinance in First Reading

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA;
AMENDING CHAPTER 13, ARTICLE IV, DIVISION 3, TITLED “SHORT
TERM RENTALS”; PROVIDING FOR INCLUSION INTO THE CODE;
PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING
FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(Councilmember Garcia)**

Deputy Town Attorney Lorenzo Cobiella made a recommendation to defer item 5C to the next meeting to have more time to read through these changes and have a more robust conversation. Board Member Raul De La Sierra made a motion to defer, and Board Member Homero Cruz seconded. The motion passed unanimously 4-0.

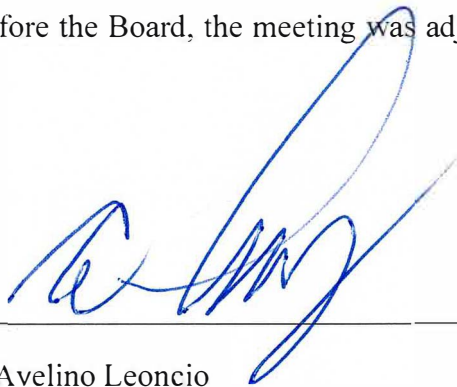
6. Director’s Report

N/A

7. Adjournment

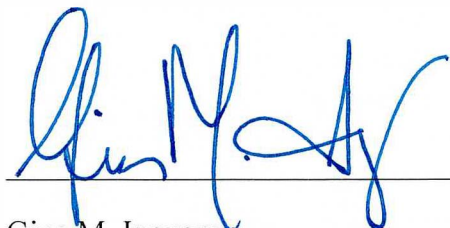
There being no further business to come before the Board, the meeting was adjourned at 7:25PM.

Approved on March 11, 2025.



Avelino Leoncio
Chairperson

Attest:



Gina M. Inguanzo
Town Clerk

