

MINUTES
Planning and Zoning Minutes
November 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 6:37 p.m.

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

2. Pledge of Allegiance/Moment of Silence:

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

3. Approval of Minutes:

- May 2, 2023, Planning and Zoning Board Meeting Minutes

Vice Chairperson Matos motioned to approve the minutes and Chairperson Yanes seconded. The motion passed 6-0; Board Member Senra was absent.

4. Public Comments:

None.

5. Business Requiring Board Action

a. VARH2023-0427

HEARING NUMBER:	VARH2023-0427
APPLICANT:	Carlos Perez Jr.
FOLIO:	32-2023-010-0410
LOCATION:	14412 Rosewood Rd Miami Lakes, Florida, 33014
ZONING DISTRICT:	RU-1
Date:	November 7th, 2023

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

Deputy Town Clerk, Victoria Martinez, swore in the individuals that would be providing testimony for this item.

Transportation Coordinator, Oliva Shock, presented on behalf of the Planning Department and stated that the applicant is requesting two variances for a swimming pool and deck to encroach beyond the tideline. She stated that staff recommends denial of the variance application.

Board Member De La Sierra asked if the Lake Martha association has approved this request and Ms. Shock stated that as of right now, no.

The applicant, Mr. Carlos Perez submitted documents into the record for the Board Members' review which include letters of support from neighbors, photos of his neighbor's house, photos of his house, a Planning and Zoning agenda packet from 2014, and a survey of his house. He stated that he is only asking for an 18ft encroachment from the slope which is minimal. He also added that there was a variance approved in 2014 for a 16ft encroachment with his same conditions.

Chairperson Yanes asked Mr. Perez to speak on the lien he has on his home, and he stated that it is an open building permit for an addition he did on the back of the property. He added that he was waiting to see the outcome of this variance request to close the permit. Board Member De La Sierra then asked if the permit was pulled after he had done the work or before and Mr. Perez stated there is a case on the issue but that it was pulled after the work.

Board Member Julia stated that in one of the pictures of his backyard there is a tree in the middle, and he asked if that is about where the pool would be up to. Mr. Perez responded yes, that is almost up to where he is asking.

Board Member De La Sierra then asked if the open area or porch in the picture of the backyard is the area done without a permit and Mr. Perez stated yes. Board Member Julia then asked if the applicant had redone the roof and Mr. Perez stated that the whole roof is new, and he got a permit for it.

Chairperson Yanes asked if he had reached out to the Lake Martha association and Mr. Perez responded no, because he was under the impression that it had to be approved by the Planning and Zoning Board first and then ask the association. Board Member Fernandez then asked if he could build some sort of pool without asking for a variance and Mr. Perez stated that no because the tie line is only 3 feet from his backdoor. Board Member Julia asked if the applicant is open to a scale back and Mr. Perez responded yes.

Board Member De La Sierra asked what is on the North-East side of the house, is it paved? Mr. Perez stated yes, it is paved. Board Member De La Sierra then asked staff isn't there supposed to be a setback there and not all concrete and Principal Town Planner Susana Alonso stated there should be a setback there. Board Member De La Sierra added that also needs a variance. Mr. Perez stated that staff approved and inspected the new ac installed for the addition on that slab of concrete.

The Board Members then asked staff questions regarding the permits, however Principal Town Planner Alonso stated that she can not testify to these questions because she is not a building

official. Deputy Town Attorney Lorenzo Cobiella then stated that if the board wants more time to think about it, they can table the item. Board Member De La Sierra asked if a building official can come in to be able to discuss and Deputy Town Attorney Cobiella stated that they can ask for anything if they'd like building staff to come, table the item, or request the applicant to get approval from the Lake Martha association.

Board Member De La Sierra made a motion to table the item and have the building official come in to testify. Chairperson Yanes seconded the motion and added that the applicant reach out to the Lake Martha association.

Board Member Julia then asked when does the board meet again and Deputy Town Clerk Victoria Martinez stated February 6th. Principal Town Planner Alonso added that they can hold a December meeting if they would like. Deputy Town Clerk Martinez stated that the December meeting would be December 5th.

Vice Chairperson Matos then asked if this board has ever approved a variance of 18ft and Principal Town Planner Susana stated no, not within her tenure, the past seven years. She added that four feet is the largest they've ever approved.

Deputy Town Clerk Martinez then restated the motion for the record which is to table the item for the building official to come and testify on this case, for the applicant to reach out to the Lake Martha association, and for this item to come back at a meeting on December 5th.

Vice Chairperson Matos asked for clarification purposes does reaching out to the association mean to obtain approval or will they be asked to come in and testify. Chairperson Yanes stated she would ask for him to reach out to the association and get a response because they may not approve it and that is also relevant.

The Deputy Town Clerk Victoria Martinez called the roll and the motion passed 6-0; Board Member Senra was absent.

6. Director's Report

Principal Town Planner Susana Alonso stated that the Director's Report is about next year's meeting dates. She stated that if there is an applicant or issue to be dealt with, they will have a hearing, if not she will skip that month and go to the next.

Vice Chairperson Matos made a motion to accept the meeting dates as presented and Board Member De La Sierra seconded. The motion passed 6-0; Board Member Senra was absent.

7. Adjournment

There being no further business to come before the Board, the meeting adjourned at 7:16 p.m.

Approved this 5th day of December 2023.



Mariam Yanes
Chairperson

Attest:



Victoria Martinez
Deputy Town Clerk