

**RESOLUTION NO. 01-48-Z-AV**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING A NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 16220 NW 91<sup>ST</sup> COURT, MIAMI LAKES, FLORIDA; TO ALLOW THE ADDITION OF A PORTE COCHERE TO BE SETBACK 8.5 FEET FROM THE FRONT PROPERTY LINE; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR APPEAL AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Section 33-311 of the Town Code<sup>1</sup>, **Mauricio Diaz and Mirta Hernandez** (collective the “Applicant”) has applied to the Town for approval of non-use variances, Application Z01-122 (the “Variance”); and

WHEREAS, Section 33-311 of the Town Code sets forth the authority of the Town Council to consider and act upon an application for a non-use variance; and

WHEREAS, in accordance with Section 33-310 (c) & (d), proper notice has been mailed to the appropriate property owners of record; the public hearing on the Variance has been noticed for Tuesday, October 23, 2001 at 7:00 p.m. at Miami Lakes Middle School, 6245 Miami Lakeway North, Miami Lakes, Florida; and all interested parties have had the opportunity to address their comments to the Town Council; and.

WHEREAS, the Miami-Dade County Director of Planning and Zoning (the “Director”), in her capacity as Town Staff, has reviewed the application and recommends approval of the Variance with conditions, as set forth in the Memorandum dated August 24,

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<sup>1</sup> Pursuant to Section 8.3 of the Town Charter and Ordinance 2001-01, the applicable provisions of Chapter 33 of the Miami-Dade County Code of Ordinances serve as the Town’s Zoning Code.

2001, (the "Memorandum"), attached as exhibit "A," and incorporated into this Resolution by this reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.**

The above recitals are true and correct and incorporated into this resolution by this reference.

**Section 2. Findings.**

In accordance with Section 33-311 (A) (4) (b) of the Town Code, The Town Council finds:

- (1) That the Variance does maintain the basic intent and purpose of the zoning, subdivision and other land use regulations to protect the general welfare of the public, particularly as it affects the stability and appearance of the Town.
- (2) That the Variance is compatible with the surrounding land uses.
- (3) That the Variance is not detrimental to the Town.

**Section 3. Approval.**

The Town Council approves the non-use Variance to the Applicant from Section 33.50 (setbacks) of the Town Code for the property located 16220 NW 91<sup>st</sup> Court to allow a porte-cochere to be 8.5 feet from the front (east) property line where 25 feet is required.

**Section 4. Conditions of Approval.**

The non-use Variance is granted and the Applicant shall comply with the following conditions:

- (1) That the site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other

things, but not limited thereto, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

- (2) That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Porte-Cochere", as prepared by E.C. and Associates, Inc., dated // on sheets A-1 and A-2. Also on file is a "Boundary Survey", as prepared by Waldo Paez dated revised 04-03-01. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
- (3) That the use be established and maintained in accordance with the approved plan.
- (4) That the proposed Porte Cochere remains open-sided and not be enclosed in any manner.
- (5) All reference to an ironwork fence shall be deleted from the plan application and the applicant is required to obtain a separate permit for the installation of an ironwork fence.

**Section 5. Recordation.**

The decision of the Town Council to approve the non-use Variance shall be recorded on the official zoning maps of the Town.

**Section 6. Effective Date.**

This resolution shall become effective immediately upon its adoption.

**Section 8. Appeal.**

In accordance with Section 33-312 and 33-316 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

**PASSED AND ADOPTED** this **23rd** day of **October** 2001.

Wayne Slaton  
WAYNE SLATON, MAYOR

ATTEST:

Beatrix M. Lyzulla  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Mark Banile  
ACTING TOWN ATTORNEY

m - Pizzi / s - Collins

Council voted <u>6-1</u> as follows:	
Mayor Wayne Slaton	<u>YES</u>
Vice Mayor Roberto Alonso	<u>YES</u>
Councilmember Mary Collins	<u>YES</u>
Councilmember Robert Meador	<u>YES</u>
Councilmember Michael Pizzi	<u>YES</u>
Councilmember Nancy Simon	<u>YES</u>
Councilmember Peter Thomson	<u>NO</u>

RD-48-2

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE TOWN OF MIAMI LAKES COUNCIL**

**APPLICANT:** Mauricio Diaz and Mirta Hernandez

**PH:** Z01-122 (01-9-MLB-1)

**SECTION:** 16-52-40

**DATE:** September 11, 2001

**COMMISSION DISTRICT:** 13

**ITEM NO.:** 1

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**A. INTRODUCTION**

o **REQUESTS:**

NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit a porte cochere addition to a residence resulting in a setback of 8.5' (25' required) from the front (east) property line.

Plans are on file and may be examined in the Zoning Department entitled "Proposed Porte-Cochere," as prepared by E. C. and Associates, Inc., dated 10-28-00 on Sheets A-1 and A-2. Also on file is a "Boundary Survey," as prepared by Waldo Paez, dated revised 4/3/01. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The request will allow the proposed porte cochere addition to an existing single-family residence to setback closer than permitted to the front property line.

o **LOCATION:**

16220 N.W. 91 Court, Miami-Dade County, Florida.

o **SIZE:** 7,890 sq. ft.

o **IMPACT:**

The approval of this request will allow the applicant to provide protection from the elements for the residents and their vehicles. However, the reduced front setback area could visually impact the surrounding properties.

**B. ZONING HEARINGS HISTORY:**

In 1996 the subject property was a part of a larger parcel of land which was rezoned from AU (Agricultural District) to RU-1 (Single Family Residential District) and RU-1M(b) (Modified Single Family Residential District).

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use plan designates the subject property as being within the Urban Development Boundary for **low density residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

**D. NEIGHBORHOOD CHARACTERISTICS:**

<u>ZONING</u>	<u>LAND USE PLAN DESIGNATION</u>
<u>Subject Property:</u>	
RU-1, single family residence	Residential, 2.5 to 6.0 dua
<u>Surrounding Properties:</u>	
NORTH: RU-1; single family residence	Residential, 2.5 to 6 dua
SOUTH: RU-1; single family residence	Residential, 2.5 to 6 dua
EAST: RU-1; single family residence	Residential, 2.5 to 6 dua
WEST: GU; Florida Turnpike	Expressway

The subject lot is located within a recently constructed single-family subdivision. This particular lot abuts the turnpike immediately west of the subject site.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Visibility/Visual Screening:	<b>N/A</b>
Energy Considerations:	<b>N/A</b>
Roof Installations:	<b>N/A</b>

Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

**H. ANALYSIS:**

The applicant is seeking the addition of a porte cochere to an existing single-family residence. A non-use variance is being sought to permit the proposed porte cochere addition to be setback 8.5' (25' required) from the front (east) property line.

The Department of Environmental Resources Management (DERM) has no objections to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. The Public Works Department also has no objections to this application and also indicates that this application meets traffic concurrency criteria for an Initial Development Order.

The approval of this request would allow the applicant to provide protection from the elements for the residents and their vehicles. Staff notes that the subject property is an irregularly shaped lot adjacent to an Interstate Highway (I-75) and lying at the end of a public street (NW 162<sup>nd</sup> terrace). Staff is supportive of this request and is of the opinion that the approval of same, will not negatively impact the surrounding properties since the

subject residence is situated at the far end of the subdivision and the proposed encroachment will abut the right-of-way in a manner, which will not be visually intrusive to the area or block light or air. In staff's opinion, this application will be **consistent** with the CDMP and **compatible** with the surrounding area. As such, staff recommends approval with conditions of this application.

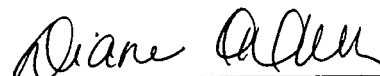
**I. RECOMMENDATION:**

Approval with conditions.

**J. CONDITIONS:**

1. That the site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed Porte-Cochere", as prepared by E. C. and Associates, Inc., dated 10/28/00 on Sheets A-1 and A-2. Also on file is a "Boundary Survey", as prepared by Waldo Paez, dated revised 4/3/01. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.
3. That the use be established and maintained in accordance with the approved plan
4. That the proposed porte cochere remain open-sided and not be enclosed in any manner.

**DATE INSPECTED:** 8/21/01  
**DATE TYPED:** 8/21/01  
**DATE REVISED:** 8/24/01  
**DATE FINALIZED:** 8/24/01  
DO'QW:AJT:MTF:TA



\_\_\_\_\_  
Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning



# MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE; HOWEVER, OBJECTIONS WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER ON CORRESPONDENCE AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128. FOR FURTHER INFORMATION, PLEASE CALL (305) 271-1242 AND DIRECT DIAL: 1-4-1-6 OR SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS. IF YOU ARE IN NEED OF A TRANSLATOR, THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE. PLEASE CALL (305) 375 AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

HEARING NUMBER: 01-122  
APPLICANT NAME: MAURICIO DIAZ & MIRTA HERNANDEZ

THE APPLICANTS ARE REQUESTING A NON-USE VARIANCE TO PERMIT A PORTE COCHERE ADDITION TO A RESIDENCE TO SET BACK LESS THAN REQUIRED FROM THE PROPERTY LINE. PLANS ARE ON FILE AND MAY BE EXAMINED IN THE ZONING DEPARTMENT. PLANS MAY BE MODIFIED AT PUBLIC HEARING.

LOCATION: 16220 N.W. 91 COURT, MIAMI LAKES, FLORIDA.

SIZE OF PROPERTY: 7,890 SQ. FT.  
THIS MEETING WAS DEFERRED FROM A PREVIOUS MEETING OF THIS BOARD.

HEARING WILL BE HELD AT THE AUDITORIUM  
MIAMI LAKES MIDDLE SCHOOL  
6425 MIAMI LAKEWAY NORTH  
MIAMI, FLORIDA

TOWN OF MIAMI LAKES COUNCIL  
DATE 10/23/2001  
TUESDAY 7:00 PM

22001000122 MLB MAYOR 46  
OFFICE OF MIAMI LAKES  
8004 NW 154 STREET PMB #378  
MIAMI LAKES, FL 33016-5814

# KITS

9-20-01

TOWN OF MIAMI LAKES COUNCIL MEETING  
MIAMI LAKES MIDDLE SCHOOL AUDITORIUM  
6425 MIAMI LAKEWAY NORTH, MIAMI LAKES  
TUESDAY, OCTOBER 23, 2001 AT 7:00 P.M.

## DEFERRED

A.	01-9-MLB-1	MAURICIO DIAZ AND W. MIRTA HERNANDEZ	01-122	16-52-40	N
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R-01-48-2

**A. MAURICIO DIAZ AND MIRTA HERNANDEZ**  
**(Applicant)**

**01-9-MLB-1 (01-122)**  
**MLB/District 13**  
**Hearing Date: 10/23/01**

Property Owner (if different from applicant) **Same**

Is there an option to purchase  / lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1996	R.O. d Ruth Love II	AU to RU1-Mb	BCC	Approved

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions.

201482

HEARING NO. 01-9-MLB-1 (01-122)

16-52-40  
Town of Miami Lakes  
Comm. Dist. 13

APPLICANTS: MAURICIO DIAZ & MIRTA HERNANDEZ

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SUBJECT PROPERTY: Lot 52, Block 1, ROYAL GARDEN ESTATES, Plat book 155, Page 4.

LOCATION: 16220 N.W. 91 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7,890 sq. ft.

PRESENT ZONING: RU-1M(b) (Modified Single Family Residential 6,000 sq. ft. net)

ROI-482

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2005 and 2015 Land Use plan designates the subject property as being within the Urban Development Boundary for **low density residential**. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

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The subject lot is located within a recently constructed single-family subdivision. This particular lot abuts the turnpike immediately west of the subject site.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	
Scale/Utilization of Site:	<b>Acceptable</b>
Location of Buildings:	<b>Acceptable</b>
Compatibility:	<b>Acceptable</b>
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Energy Considerations:	<b>N/A</b>
Roof Installations:	<b>N/A</b>

R01-482

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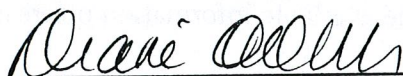
I. **RECOMMENDATION:**

Approval with conditions.

J. **CONDITIONS:**

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DATE INSPECTED: 8/21/01  
DATE TYPED: 8/21/01  
DATE REVISED: 8/24/01, 10/03/01, 10/04/01  
DATE FINALIZED: 10/04/01  
DO'QW:AJT:MTF:TA



Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning

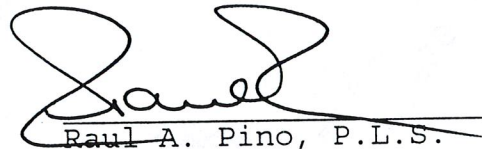
PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Mauricio Diaz & Mirta Hernandez

This Department has no objections to this application.

Applicant must obtain a letter from all utility companies concerned approving the encroachment of porte cochere into the utility easement.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A. Pino, P.L.S.

**AUG 28 2001**

Date

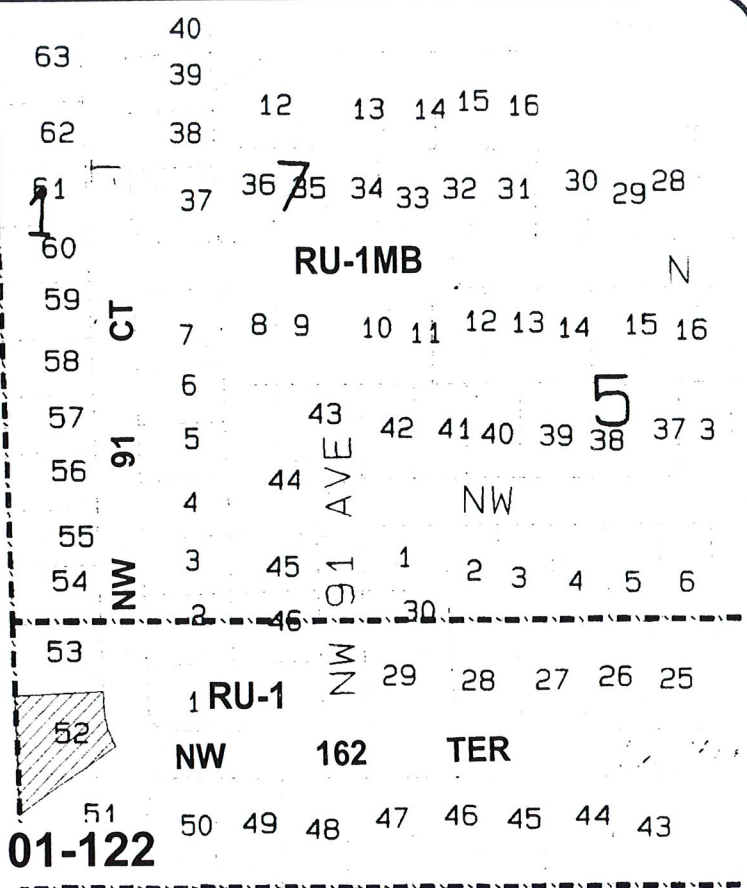
RO1-48-2

AU

I-75

NONE

01-122



MIAMI-DADE COUNTY  
HEARING MAP

Section: 16 Township: 52 Range: 40  
Process Number: 01000122  
Applicant: MAURICIO DIAZ & MIRTA HERNANDEZ  
District Number: 13  
Zoning Board: C00  
Drafter ID: DIONNE  
Scale: 1:200'



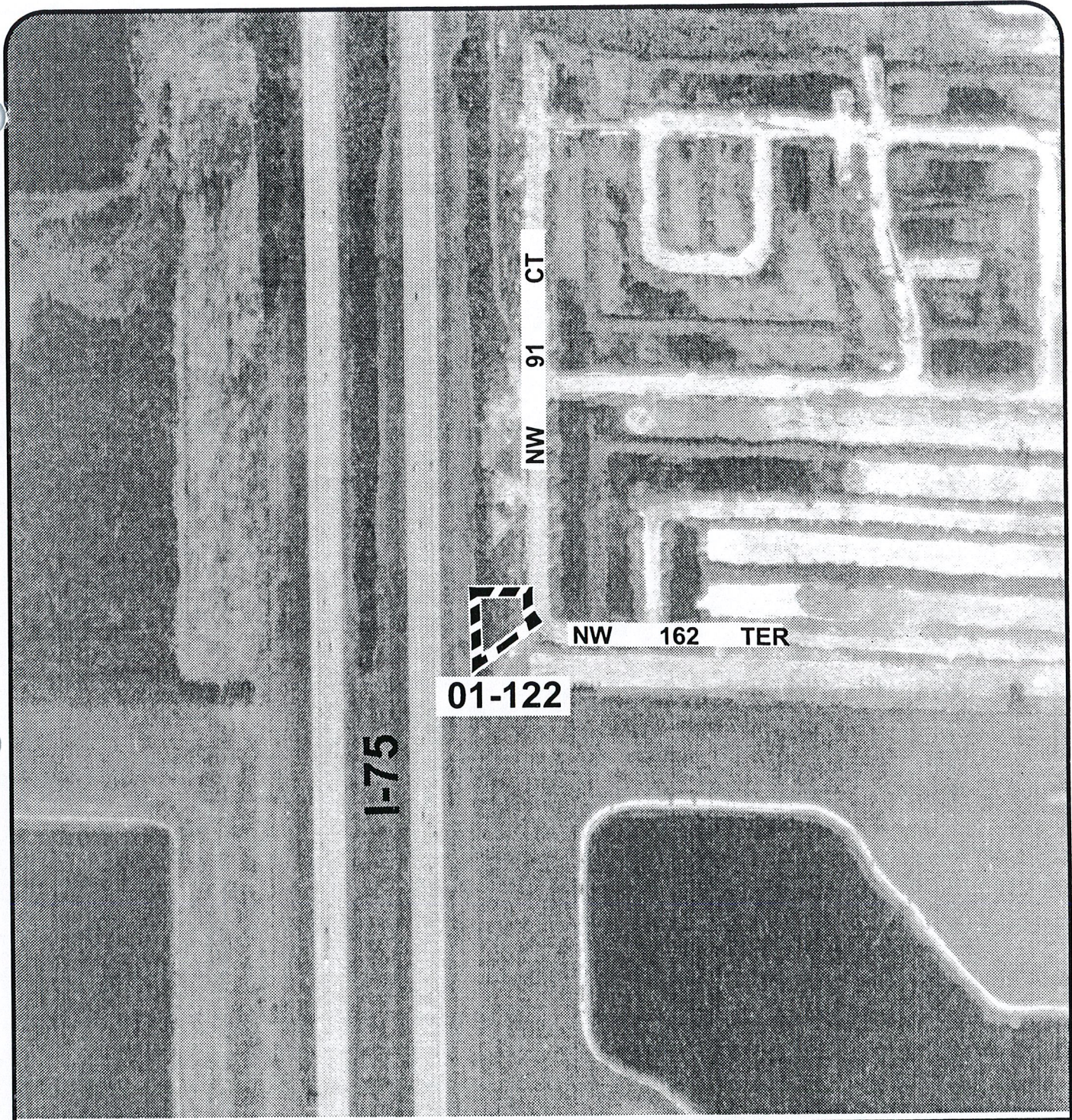
SUBJECT PROPERTY



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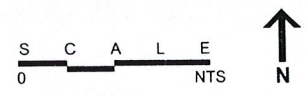
201-48-2





MIAMI-DADE COUNTY  
**AERIAL**

Section: 16 Township: 52 Range: 40  
Process Number: 01000122  
Applicant: MAURICIO DIAZ & MIRTA HERNANDEZ  
District Number: 13  
Zoning Board: C00  
Drafter ID: DIONNE  
Scale: NTS



 SUBJECT PROPERTY



R-01-48-2

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HEARING NUMBER: 01-122  
APPLICANT NAME: MAURICIO DIAZ & MIRTA HERNANDEZ

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HEARING WILL BE HELD AT THE  
MIAMI LAKES MIDDLE SCHOOL AUDITORIUM  
6425 MIAMI LAKEWAY NORTH  
MIAMI, FLORIDA

TOWN OF MIAMI LAKES COUNCIL  
DATE 10/23/2001  
TUESDAY 7:00 PM  
TIME

Z2001000122 MLB MAYOR 46  
OFFICE OF THE TOWN OF MIAMI LAKES  
8004 NW 154 STREET PMB #378  
MIAMI LAKES, FL 33016-5814

201-48-2

**TOWN OF MIAMI LAKES**

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**From:** "Alison S. Bieler" <ABieler@wsh-flalaw.com>  
**To:** "Beatris M. Arguelles (E-mail)" <miamilakesclerk@aol.com>; "Beatris M. Arguelles (E-mail 2)" <mltwnhal@bellsouth.net>; "Merrett Stierheim (E-mail)" <mrstierheim@msn.com>; "Wayne Slaton (E-mail)" <cwslaton@aol.com>  
**Cc:** "Nina L. Boniske" <NBoniske@wsh-flalaw.com>  
**Sent:** Wednesday, September 05, 2001 8:17 PM  
**Attach:** Resolution approving non-use variance for porte cochere.doc  
**Subject:** Agenda item -Resolution approving variance

Wayne, Merrett, and Betty:

Attached is a resolution that we have prepared for the public hearing on the variance scheduled for next Tuesday's Council meeting. The staff report from the County was not received by our office until 5:00 p.m. today and we were unable to prepare the resolution until we received the County staff report detailing the information that must be included in the resolution. As soon as we received the staff report, we prepared the attached resolution in accordance with the requirements set forth in the Code. It is being emailed to each of you tonight so that it may promptly be delivered to the Council to meet the requirements of the Council's Agenda Procedures since Betty has advised me that the agenda books were already delivered to the Council at 5:00 p.m. today - - the same that our office received the County staff's report. Betty, also advised me that the agenda cover sheet referenced the public hearing since the hearing was advertised.

Should you have any further questions, please do not hesitate to call either Nina or me.

Alison S. Bieler, Esquire  
Weiss Serota Helfman Pastoriza & Guedes, P.A.  
2665 Bayshore Drive, Suite 420  
Miami, Florida 33133  
Telephone (305) 854-0800  
Facsimile (305) 854-2323  
[abieler@wsh-flalaw.com](mailto:abieler@wsh-flalaw.com)

<<Resolution approving non-use variance for porte cochere.doc>>