

MINUTES
Planning and Zoning Minutes
December 5, 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 6:35 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:

- November 7, 2023, Planning and Zoning Board Meeting Minutes

Board Member Leoncio motioned to approve the minutes and Board Member De La Sierra 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:	December 5th, 2023

Chairperson Yanes made a motion to take the item out from table to pick up where they left off and Board Member Julia seconded. The motion passed 6-0; Board Member Senra was absent.

Deputy Town Attorney, Lorenzo Cobiella, stated that according to the minutes just approved, there was a motion to have a member of the building department present but due to scheduling Mr. Annese was unable to attend, however, he has presented an affidavit. Deputy Town Attorney Cobiella asked if they can accept the affidavit by motion in lieu of Mr. Annese's testimony.

Board Member De La Sierra made a motion to accept, and Chairperson Yanes seconded. The motion passed 6-0; Board Member Senra was absent.

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

Board Member De La Sierra mentioned that at the last meeting the applicant was going to let the board know about the association. The applicant, Mr. Carlos Perez, Jr. stated that he spoke to the HOA, and they needed engineer drawings and plans for approval, however, he informed her that has none yet because he does not know what he is allowed to do.

Chairperson Yanes asked if there are any citations on the property and Deputy Town Attorney Lorenzo Cobiella stated that as of now there are no open citations that he is aware of. Board Member De La Sierra also asked the applicant about the expired permit and Mr. Perez stated that he will address that. Board Member Julia then asked what the status of the three open permits is, and Mr. Perez explained the situation.

Board Member De La Sierra asked the applicant if he is willing to reduce the pool and make changes to the plan in order to have it approved and Mr. Perez said absolutely, he is open to what they suggest. Chairperson Yanes asked for purposes of clarification, if the applicant is willing to reduce the pool size and deck size and he stated that is correct.

After discussion, Board Member De La Sierra asked the applicant if he is willing to do a 10 x 16 pool and Mr. Perez stated yes.

After further questions to the applicant, Principal Town Planner Susana Alonso clarified that the deck proposed by the applicant is around 900 sq ft, which is over the maximum 225 sq ft allowed beyond the tie line. Board Member Julia then clarified if the pool and deck are two different things and Principal Town Planner Alonso stated that is correct.

While discussing the item, the Zoom was interrupted, and the Planning & Zoning Board took a brief recess to address the issue.

After further discussion, Board Member De La Sierra made a motion to approve a 10 x 16 pool with 400 sq ft of deck. Chairperson Yanes seconded for discussion.

Board Member Julia then made a friendly amendment to allow an encroachment of 14 ft and allow the applicant flexibility and limit it overall to 400 sq ft. Board Member De La Sierra accepted the friendly amendment.

Principal Town Planner Alonso asked Board Member Julia to restate the amendment and Board Member Julia stated the following: instead of saying a specific size pool, to say a variance to

accept a 14 ft encroachment beyond the tie line with a total permitted decking of 400 sq ft where 225 is within the code. Board Member Fernandez seconded for discussion.

Chairperson Yanes clarified that instead of defining how to do the pool, it is defining the encroachment.

The Deputy Town Clerk called the roll on the amendment and the amendment passed 6-0; Board Member Senra was absent.

Board Member De La Sierra stated he would like to see the property brought up to code. Mr. Perez asked if he was referring to the sidewalk on the side of the property, Board Member De La Sierra stated yes, and Mr. Perez said that is not a problem.

After further discussion and questions, Chairperson Yanes clarified that the condition Board Member De La Sierra would like to add is to close or correct all existing permits. Chairperson Yanes seconded that amendment. The Deputy Town Clerk called the roll and the amendment passed 5-1; Board Member Fernandez voted in opposition and Board Member Senra was absent.

The Deputy Town Clerk called the roll on the main motion and the motion passed 5-1; Board Member Fernandez voted in opposition and Board Member Senra was absent.

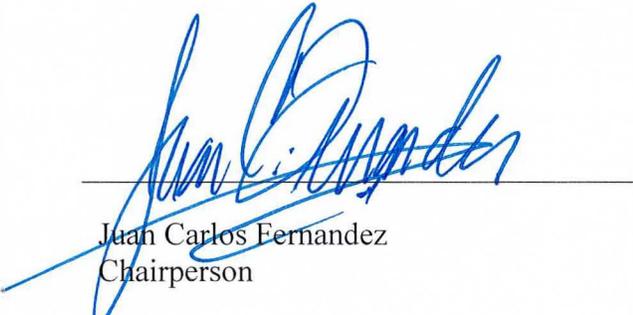
6. Director's Report

None.

7. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:18 p.m.

Approved this 5th day of March 2024.



Juan Carlos Fernandez
Chairperson

Attest:



Victoria Martinez
Deputy Town Clerk