



BOARD OF ADJUSTMENTS

Monday, March 8, 2024, 6:00 P.M.

City Hall – Council Chambers

201 Westward Drive – Miami Springs



**BOARD OF ADJUSTMENTS
CITY OF MIAMI SPRINGS, FLORIDA**

Chair Bill Tallman

Vice Chair Rogelio Madan

Board Member Orlando Lamas

Alternate Board Member Ralph Kropp

Board Member Juan Molina

Board Member Joe Valencia

**AGENDA
Regular Meeting
Monday, April 8, 2024, 6:00 P.M.
City Hall – Council Chambers
201 Westward Drive – Miami Springs**

- 1. CALL TO ORDER AND ROLL CALL**
- 2. APPROVAL OF MINUTES OF REGULAR MEETING:** September 8, 2022
- 3. SWEARING IN OF ALL WITNESSES**
- 4. PUBLIC COMMENTS** (Each person will have a maximum of two (2) minutes to speak)
- 5. NEW BUSINESS**
 - a. CASE# 01-V-24
APPLICANT: GUILLERMO PORRAS
ADDRESS: 341 DE LEON DRIVE
ZONING: R-1B SINGLE FAMILY RESIDENTIAL
LOT SIZE: 10,650 SQ. FT

The applicant is seeking a dimensional (setback) variance to facilitate an addition to an existing single family residence.

6. ADJOURNMENT

The decisions of the Board of Adjustment may be appealed to the Board of Appeals pursuant to Code Section 150.113. Any person appealing any decision may need to ensure that a verbatim record is made of the proceedings, which record includes the testimony and evidence upon which the appeal is made. (F.S. 286.0105)



City of Miami Springs, Florida

Board of Adjustments

Regular Meeting Minutes

Thursday, September 8, 2022 6:30PM

City Hall Council Chambers, 201 Westward Drive, Miami Springs, FL

1. CALL TO ORDER/ROLL CALL:

The meeting was called to order by Vice Chair Tallman at 6:30 PM

Present: Vice Chair Bill Tallman
Board Member Joe Valencia
Board Member Juan Molina
Board Member Ralph Kropp (Alt)

Absent: Chair Ernie Aloma
Board Member Rogelio Madan

Also Present: City Planner Christopher Heid
City Attorney Haydee Sera
Board Secretary Sandra Duarte

2. APPROVAL OF MINUTES OF REGULAR MEETING: March 07, 2022

Board Member Valencia moved to approve the minutes as written of the March 7, 2022 meeting. Board Member Madan seconded the motion which passed unanimously 4-0 on voice vote.

3. SWEARING IN OF ALL WITNESSES AND PLANNING DIRECTOR:

Board Secretary Duarte swore in everyone giving testimony during the proceedings.

4. NEW BUSINESS:

- a. CASE # 02-V-22
APPLICANT: JUAN A. CALVO
ADDRESS: 400 PARK STREET
ZONING: R-3A MULTIPLE FAMILY LOW DENSITY
LOT SIZE: 15,241 SQ. FT

City Attorney Sera briefly read the current resolution statement that will be given to Council after the Board provides their recommendation. She also summarized the case information and the type of variance the applicant was seeking.

Vice Chair Tallman questioned if the applicant was aware of the option to defer the meeting as the Board was currently missing two members and the case would need a 3-vote majority to pass. Zoning and Planning Director Heid informed that the applicant was made previously aware that the Board would only have 4 members present and that a positive vote in the majority of 3-1 minimum would be required for the approval. Director Heid confirmed that the applicant decided to continue with the meeting despite the possible odds and recalled that applicants are always given the choice ahead of time to defer the meeting when full Board quorum is not reached. Vice Chair Tallman thanked Director Heid for the confirmation.

Director Heid explained in detail the current proposed building layout and elevations. He focused on site plan section which noted the set-backs and explained the requested variance is minimal compared to the full lot size. Director Heid recommended favorably for this project as a welcomed addition to the City. Vice Chair Tallman questioned if there was any correspondence received from the residents. Director Heid confirmed that no correspondence was received.

The applicant, Juan Calvo addressed the Board and answered any questions the Board had while presenting the proposed plans for the project. Mr. Calvo thanked the Board for their time and recommendation.

Board Member Molina moved to approve the variance with the conditions set forth by the City Planner. Board Member Valencia seconded the motion which passed unanimously 4-0 on rollcall vote. The rollcall vote was as follows: Board Member Valencia, Board Member Molina, Board Member Kropp and Vice Chair Tallman voted YES.

5. ADJOURNMENT

There being no further business the meeting was adjourned at 07:01 PM.

Respectfully submitted:

Sandra Duarte
Board Secretary

Adopted by the Board on
this ___ day of _____, 2022.

Bill Tallman, Vice Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council".

BOARD OF ADJUSTMENTS CASE
NO. 01-V-24

Guillermo Porras

341 De Leon Drive

Folio 05-3119-013-1990

Setback Variance

BOARD OF ADJUSTMENTS

Meeting: 04-08-2024



City of Miami Springs

201 Westward Drive Miami Springs, FL 33166

Phone: (305) 805-5034 Fax: (305) 805-5036 Website: www.miamisprings-fl.gov

CITY OF MIAMI SPRINGS PLANNING DEPARTMENT

STAFF REPORT

TO Board of Adjustment / City Council

FROM Silvia Vargas, FAICP, Principal Planner
Calvin, Giordano & Associates, Inc.
Planning Consultant

CC: Antonio Augello, CGA Planner

DATE OF HEARING(S) April 8th, 2024

SUBJECT Variance Application for Rear Yard Setback

Case Number(s)	01-V-24
Applicant(s)	Guillermo Porras ("Applicant")
Address	341 De Leon Drive ("Property")
Folio Number(s)	05-3119-013-1990
Zoning	R-1B Single Family Residential
Lot Size	10,650 sq. ft.

Property

The Property consists of a lot approximately 10,650 square feet, with a 75-foot frontage and 142 feet of length containing a 1,289-square-foot single-family house, most of it built in 1944 (1364 sq. ft. original, 260 sq. ft. added in 1961 (See Attachment 1 – Property Appraiser Record). The lot fronts De Leon Drive to the west and backs onto a service alley to the east. To the north and south, the lot borders similarly sized lots with single-family houses. According to the survey provided as part of the application package, there are four mature live oaks and one mango tree. Three of the oaks are in the front yard, facing De Leon Dr, while the remaining oak and the mango tree are located in the southern portion of the rear yard. Additionally, the survey and aerial photo shows an oblong swimming pool and surrounding concrete deck sited approximately in the center/southeastern portion of the rear yard, oriented along an east-west axis. The Applicant added these amenities to the property in 2022 (Permits #21-1180 and 22-0366, respectively). (See Attachment 2 – Survey.)





Request

The applicant is seeking approval for a dimensional variance to provide an 18-foot 5-inch rear yard setback where Sec. 150-142(F) of the City's Zoning Code requires a minimum rear setback requirement of 25 feet to facilitate the construction of an approximately 1,134 square-foot addition (approximately 20 feet x 56 feet, according to the sketch submitted – See Attachment 3) to the existing single-family home on the northeast portion of the property. The request originates on the necessity to accommodate the changing needs of an expanding family and the desire to maintain the tree-covered character of the lot and the neighborhood.

Analysis

The property is zoned R-1B Single Family Residential. In this zoning district, the minimum required lot size and lot frontage are 7,500 square feet and 75 feet, respectively. The lot complies with these requirements, given a land area of 10,650 square feet and frontage of 75 feet. The existing development meets the applicable setback requirements, is well below the maximum lot coverage (15% versus 40% allowed) and provides more than the minimum landscaped pervious area required for the zoning district (40% versus 30% required). The swimming pool meets the maximum rear yard coverage requirement (as defined currently), although approximately 35% of the rear yard is impervious, between the swimming pool, terrace/pool deck and concrete pads.

If the rear setback variance is granted, the Applicant's proposal will be able to comply with the minimum side setback and will meet the lot coverage (as defined currently in Sec. 150-002 of the Miami Springs Code) and minimum pervious area requirement.

Relevant Zoning Standard	Required	Existing (approx.)	Proposed (approx.)
Lot Coverage (Max)	40%	15%	26%
Rear Yard Coverage (Max)	15%	8%	0%*
Landscaped Pervious Area (Min)	30%	40%	35%
Side Setback (Min)	10% of avg. lot width or min 5 ft	5.85 ft	5.85 ft
Rear Setback (Min)	25 ft	74.4 ft	18.4 ft

*Due to reconfiguration of the setback

Variance Criteria

The City Code provides for property owners' ability to request a variance from certain types of dimensional requirements when practical difficulties may create unnecessary hardships in the process of implementing the strict letter of Chapter 150 of the Code.



Pursuant to Section 150-111, the following criteria shall be considered in the evaluation of a variance request. In its determination of what shall constitute such hardship, the Board shall not be bound by financial considerations affecting the applicant.

Criterion No. 1. The granting of the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of the chapter will result in unnecessary hardship, and the spirit of the chapter shall be observed, and substantial justice done.

Applicant Justification: The requested variance is not contrary to the public interest. The condition created by the granting of the variance is not inconsistent or incompatible with development in the surrounding neighborhood. The addition facilitated by the variance would allow the family to stay in their current home while accommodating their changing needs, rather than having to move to a new, larger home, and would permit the expansion of the home without the need to remove or risk, through relocation, the health and integrity of the mature (80-year old) live oak and mango tree that exist in the opposite side of the rear yard.

Staff Analysis: Staff agrees that the variance is not contrary to the public interest, and that a distance 7 feet less from the rear property line than the minimum requirement will not be excessively conspicuous. An 18-foot setback provides adequate separation from the rear property line, relative to nearby homes that have accessory structures such as sheds and cabanas placed within 5 feet of the rear property line (as allowed by the City Code). Staff also acknowledges that the existing house is smaller (2 bedroom/1 bathroom according to the Property Appraiser's records) than other homes in the vicinity (ranging from 3 bedroom/1 or 2 bathrooms to 6 bedrooms/4 bathrooms).

However, there are no fundamental special conditions or characteristics of the subject lot that would deprive the applicant of the reasonable use of the land if the variance were not granted. The property is of a regular shape, is of comparable depth, frontage, and land area to most properties in the adjacent area. All the properties within this zoning district are required to meet the same setbacks.

The presence of the referenced mature trees is not a special circumstance or condition peculiar to the land, structure or building involved. Keeping these trees is a very desirable goal. However, the Applicant has other alternatives for accomplishing the goal of expanding the home (for example, adding a second story or expanding on a portion of what is now part of the pool deck and reconfiguring the deck). Further, the configuration and placement of the swimming pool, of recent completion, was a design choice, and therefore the current constraint on the Applicant is a self-created condition.

Staff Determination: Criterion not met.

Criterion No. 2. The variance shall not constitute any change in the districts shown on the zoning map.

Applicant Justification: Not provided.

Staff Analysis: The request does not involve a change that would constitute or require a change in the zoning of the property or a change to the zoning map. The single-family residential use would be maintained if the variance is granted.

Staff Determination: Criterion met.

Criterion No. 3. The variance shall not impair an adequate supply of light and air to adjacent property, or materially increase the danger of fire.

Applicant Justification: The granting of the variance would have no effect on adjoining properties.

Staff Analysis: The proposed addition to the existing single-family house must comply with all relevant standards and requirements of the City Code and the Florida Building Code to diminish the risks associated with fires. While the request would decrease the minimum distance of the principal structure (upon expansion) to the rear property line, the resulting distance of 18 feet, combined with the corresponding setback on the adjoining property, would still provide adequate separation between the two structures. Given the orientation (east/west axis), configuration, placement, and design of the proposed addition (as shown on the sketches submitted), the granting of the variance would not impair an adequate supply of light and air to the adjacent single-family dwellings to the north and south. The lots in this area are copiously canopied with mature trees that provide pleasant shade, lower ambient temperatures, and help improve air circulation.

Staff Determination: Criterion met.

Criterion No. 4. The variance shall not materially diminish or impair established property values within the surrounding area.

Applicant Justification: The variance would maintain the aesthetic standard of the neighborhood and align with existing structures.

Staff Analysis: The granting of the variance will not diminish or impair the property values within the surrounding area. In fact, the addition will likely help improve property values in the surrounding area by raising the value of the Applicant's property. However, while the ability to request a variance is open to all, the granting of the variance without a justification of unique conditions or circumstances, and without demonstration of undue hardship, may be seen as conferring a special privilege on the Applicant, since the subject property is not uniquely impacted by the setback requirements. The same requirement applies to every property of the same dimensions and lot area located within the same zoning district.

Staff Determination: Criterion met.

Criterion No. 5. The variance shall not in any other respect impair the public health, safety, morals, and general welfare of the City.

Applicant Justification: The granting of the variance will not cause any detriment to the common good.

Staff Analysis: The granting of the variance would not impair the public health, safety, morals, and general welfare of the City and its residents.

Staff Determination: Criterion met.

Recommendation

The variance request, as presented, does not comply with all the criteria of Section 150-111, but fully meets four of the five criteria. In addition, the granting of the variance would allow the Applicant to preserve the mature trees located in their rear yard, while accomplishing the goal of allowing an expansion of the home to accommodate the evolving needs of their family. Other than the rear setback minimum, the proposed development would, as presented, meet applicable dimensional and other zoning standards if the variance is granted.

If the Board of Adjustment finds in favor of recommending approval of the request to the City Council, Staff proposes incorporating the following conditions into the draft Resolution:

1. The approval shall be limited to reducing the rear setback as presented in Exhibit “[insert exhibit number]” All other applicable setbacks shall be provided in compliance with Section 150-042.
2. The Property to which the variance applies shall be in substantial conformance with all conditions and the survey and plans found attached to the staff report accompanying this resolution.
3. No new development application, and no building permit or certificate of occupancy shall be issued for the Property until all fees, dues, and cost recovery charges, including notice publication and mailings related to the Property have been paid in full.
4. After the City Council has granted a variance, the variance so approved shall expire after one (1) year, measured from the date of final Council action if the Applicant does not obtain a building permit and commence construction in accordance with the plans for which the variance was granted. If unusual circumstances exist, the variance may be extended by the City Council for an additional six-month period. No extensions beyond the time periods specified above are authorized.

Noncompliance with the terms and conditions of this approval will be considered a violation, and penalties may include but are not limited to revocation of the approval granted by resolution.



Attachments

1. Property Appraiser Record for Subject Property
2. Boundary Survey
3. Sketch of Proposed Addition
4. Complete Application Package





City of Miami Springs

201 Westward Drive Miami Springs, FL 33166

Phone: (305) 805-5034 Fax: (305) 805-5036 Website: www.miamisprings-fl.gov

BASIC SUBMITTAL APPLICATION CHECKLIST

Mandatory Submittals – For all applications

- Complete Application Form, including all required forms and affidavits, signed by property owner or owner's representative. Forms may be downloaded from the City website or requested by emailing planning@miamisprings-fl.gov.
- Letter of Authorization from property owner, if different from Applicant. *N/A*
- Letter of Intent signed by owner or owner's representative, which may include a narrative describing the project(s), whether the impact of the proposed development is favorable, adverse, or neutral on the economy, public services, environment, and housing supply of the City, and the relationship of the proposed project to surrounding, existing, and proposed Future Land Uses, and to existing zoning, and the City's Comprehensive Plan. This narrative may be provided as a document separate from the letter.
If variances, special exceptions, appeals, and/or conditional uses are being requested, the extent of these from the requirements shall be noted in the narrative.
If site plans are being requested, please refer to Site Plan Application Guidelines Form.
- Recent Property Survey prepared by a registered land surveyor that is less than one (1) year old accompanied by a written statement from the property owner that the survey accurately depicts the structures, landscaping, incidental furnishings or equipment and topographical features currently on the subject property according to Sec. 150-027.
- Engineering, Infrastructure, and Public Works requirements, if applicable.
- Two (2) full-size sets of paper plan showing the proposed development as described in the Letter of Intent.
- Digital copies of all required documents must be submitted via email or share-file service to planning@miamisprings-fl.gov.
- Application Fee and cost recovery deposit as shown in the Official Fee Schedule on the City's website.



Additional Submittals – Per Zoning Code or as determined by the Office of the City Planner or City Manager.

- Traffic Impact Statement (methodology/analysis), if applicable.
- For Temporary Plat applications. If the property owner is not an individual (e.g., LLC), an Opinion of Title must be submitted with the application.
- For Final Plat applications. Permanent Reference Markers (PRMs) shall be installed prior to the City Surveyor's final inspection.

Street/Alley Vacation requests associated with Plats or Site Plan approval requests may be submitted concurrently with those Plat or Site Plan approval applications. Variances associated with Site Plan approvals may be submitted together with the Site Plan application.

Applications shall be deemed incomplete until all mandatory and necessary additional submittals have been received by the City of Miami Springs Planning and Zoning Department and all fees due have been paid to the City



DEVELOPMENT APPLICATION

Instructions

Please print or type all the fields, except those for "Office Use Only." This application must be filled out accurately and completely; if an item is not applicable to your development, simply write "N/A".

Office Use Only	
Application No.	Date
Escrow No.	

Property Owner – acknowledgement and contact information

Under penalties of perjury, I declare that I have read the foregoing application and all attachments to the application and that the facts stated in it are true to the best of my knowledge and belief.

Name Guillermo Porras	Signature
Email guillermo.porras@yahoo.com	Telephone No. (786) 402- 6639
Address 341 De Leon Drive, Miami Springs, FL 33166	

Application Type – Check the box, or circle, all options that apply

Requested Process(es)			
	Meeting <input type="checkbox"/> Pre-application <input type="checkbox"/> Development review		Amendment(s) <input type="checkbox"/> Comprehensive Plan <input type="checkbox"/> Code <input type="checkbox"/> FLU Map <input type="checkbox"/> Zoning Map
	Site Plan review / Large-Scale Development <input type="checkbox"/> Project type <input type="checkbox"/> _____		Street of Alley Vacation or Abandonment
X	Variance / Special Exception Appeal / Conditional Use <input type="checkbox"/> <u>Rear Yard Setback Variance</u> <input type="checkbox"/> _____		Platting / Subdivision <input type="checkbox"/> Tentative Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Waiver of Plat

Project Description

Name	Property Expansion			
Address	341 De Leon Drive			
Description	addition to dwelling to the property <i>variance to permit</i>			
Folio Number(s)	05-3119-013-1990			
Site Area	Sq. Ft.	10,650 Sq.Ft	Acres	< .25
Existing Use	Existing	1,289 Sq.Ft	Proposed	2,423 Sq.Ft
Residential Use	Sq. Ft.	2,423 Sq.Ft	# units	
Nonresidential Use (Sq. Ft.)	Office		Retail	
	Restaurant		Other	

Team Members, if applicable – contact information

Agent / Planner / Architect / Landscape Architect / Engineer / Land Use Attorney / Surveyor	
Name	Company
Telephone No.	Email
Agent / Planner / Architect / Landscape Architect / Engineer / Land Use Attorney / Surveyor	
Name	Company
Telephone No.	Email
Agent / Planner / Architect / Landscape Architect / Engineer / Land Use Attorney / Surveyor	
Name	Company
Telephone No.	Email

Check here if additional team members are involved. Please attach contact information for the remaining team members as a separate sheet.



AGENT AUTHORIZATION FORM

Development Address	
Folio Number(s)	
Property Owner	

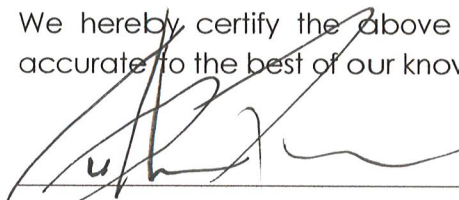
The undersigned, registered property owner(s) of the subject site, do hereby authorize

_____, of _____
Agent Name of Company / Firm

to act on my behalf and take all actions necessary for the processing, issuance, and acceptance of this application and all standard and special conditions associated.

Agent Address	
Telephone No.	
Mobile	
Email	

We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.


Owner signature

Agent signature

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me, by means of physical presence or online notarization, this 29TH day of JANUARY, 2024, by GUILLERMO FORRAS, the owner, who is personally known or produced the following identification _____ and by _____, if multiple, who is personally known or has produced the following identification _____.


Notary Public - Signature

LUIS NUNEZ
Notary Public - Printed Name



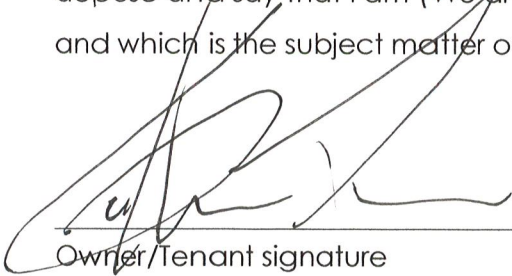


APPLICANT'S AFFIDAVIT FORM

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of my(our) knowledge and belief. I(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

I(We), Guillermo Porras, being first duly sworn, depose and say that I am (We are) the Owner Tenant of the property described, and which is the subject matter of the proposed project and any related public hearing.



Owner/Tenant signature

Owner/Tenant signature

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me, by means of physical presence or online notarization, this 29th day of JANUARY, 2024, by GUILLERMO PORRAS, the owner, who is personally known or produced the following identification _____ and by _____, if multiple, who is personally known or has produced the following identification _____.



Notary Public - Signature

LUIS NUÑEZ

Notary Public – Printed Name





CORPORATION, TRUSTEE, PARTNERSHIP, LIMITED PARTNERSHIP AFFIDAVIT

I(We), _____, being first duly sworn, depose and say that I am (We are) the President Vice-President Secretary Asst. Secretary of the aforesaid Corporation Trustee Partnership Limited Partnership, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the Owner Tenant of the property described herein and which is the subject matter of the proposed hearing.

NOTE: where the principal officers or stockholders consists of another Corporation(s), Trustee(s), Partnership(s), or similar entities, further disclosure shall be required to identify of the natural person(s) having the ultimate ownership interest in said entity.



Name of Entity

By _____

_____ %

By _____

_____ %

By _____

_____ %

By _____

_____ %

Signature



THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me, by means of physical presence or online notarization, this _____ day of _____, 20____, by _____, the owner, who is personally known or produced the following identification _____ and by _____, if multiple, who is personally known or has produced the following identification _____.

Notary Public - Signature

Notary Public – Printed Name

{ Stamp }



ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner Tenant of the property described, and which is the subject matter of the proposed hearing.

Signature

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me, by means of physical presence or online notarization, this _____ day of _____, 20____, by _____, the owner, who is personally known or produced the following identification _____.

Notary Public - Signature

Notary Public – Printed Name

Stamp



COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of all applicable fees involved as part of this application process. These fees include but are not limited to application fees, postage, advertising. Attorney fees and any outside contractors, agents, or consultant regardless of the outcome of the public hearing.

Date 01/15/2024

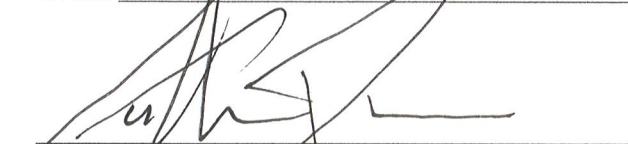
Full name Guillermo Porras

Street address 341 De Leon Drive City Miami Springs

State FL Zip 33166

Telephone 786 402 6639


Email Guillermo.Porras@yahoo.com


Signature

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me, by means of physical presence or online notarization, this 29th day of January, 20 24, by Guillermo Porras, the owner, who is personally known or produced the following identification _____.


Notary Public - Signature

LUIS NUNEZ
Notary Public - Printed Name

 **LUIS NUNEZ**
Commission # HH 064155
Expires November 16, 2024
Bonded Thru Budget Notary Services

Guillermo Porras

341 Deleon Drive, Miami Springs, FL
Phone: 786 402 6639

▶ **City's Board of Adjustments**

201 Westward Drive Miami Springs, FL 33166
Phone: (305) 805-5034

To the Chair of the Board of Adjustments

We are writing this letter to request a variance to our property located on the above address to seek relief of the required rear yard setback, for the reasons described below. After careful consideration and consultations with professionals, I believe granting this variance is crucial due to the unique circumstances associated with the property. The purpose of this request excludes irregular lot shape and topography challenges, but warrant flexibility in the setback requirements while considering historical significances and environmental factors.

The existing setback regulations pose challenges that extent the standard considerations. These factors create a unique situation where adhering strictly to setback regulations with limit the property potential and compromise its overall contribution to the community. We are requesting a reduction in the required rear yard setback of 25ft from the property line to 18 ½ ft. (less than 25% of the requirement), based on:

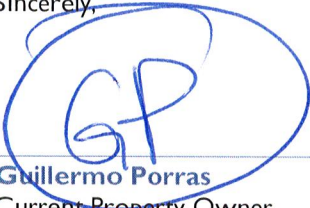
- i. The Property boasts five mature oak trees, a protected and preserved species, within the property lines. The amount of oak trees on the property well exceeds the average in other properties in comparison within section R- IB in Miami Springs. Moreover, one of the most mature trees is over 80 years old, as per a Certified Arborist, and occupies a large portion of the backyard restricting potential expansion of the property in the area where the tree is located. Furthermore, removal of the tree would negative impact Miami Springs designations as "Tree City USA" and "Preserve America" city and violate the city's Tree Protection Program.
 - ii. The granting of the variance would have no effect on any adjoining properties. This Zoning relief requested will not cause any detriment to the common good. Additionally, the variance would maintain the aesthetic standard of the neighborhood while allowing for a more thoughtful and responsible development of the property. The adjustment aligns with existing structures in neighboring properties and such privilege is enjoyed by other property owners in the same municipality.
 - iii. The proposed reduction of the rear yard setback would allow us, the currently property owners, to provide a more suitable home for our family. As the children have grown, so have our need for a space where we can all share time together.
 - iv. The cost of construction materials and labor have considerably increased during the past few years, posing significant considerations in such large financial investment. Therefore, the proposed project would be illogical and intangible if the variance is not granted.
-

In support of this request, I have attached aerial pictures of the neighborhood and studies of the benefits of large trees to the environment and the communities to provide a comprehensive understanding of the unique circumstances surrounding the property.

I am open to discussion and collaboration to address any concern that may arise during the review process.

Thank you for your time and consideration of this matter.

Sincerely,



Guillermo Porras

Current Property Owner

[Type the sender company name]

BOUNDARY SURVEY

Scale: 1"=20'



Graphic Scale

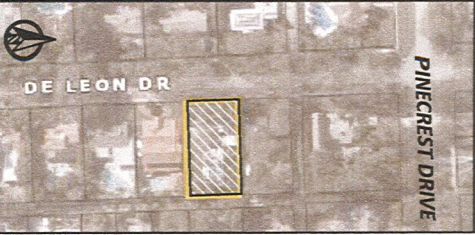
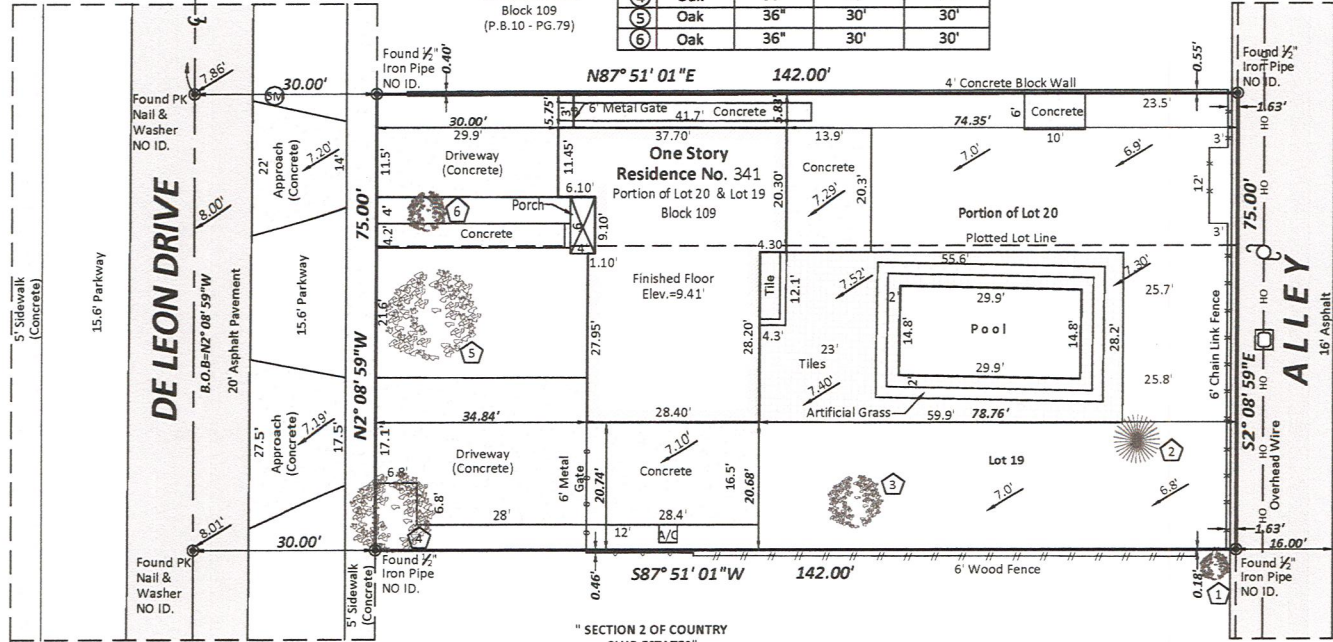


Scale in feet

PINECREST DRIVE

TREE TABULATION				
No.	NAME	TRUNK (Diameter)	HEIGHT	CANOPY (Diameter)
①	Oak	36"	30'	20'
②	Mango	24"	30'	20'
③	Oak	48"	50'	25'
④	Oak	36"	25'	25'
⑤	Oak	36"	30'	30'
⑥	Oak	36"	30'	30'

"SECTION 2 OF COUNTRY CLUB ESTATES"
Portion of Lot 20
Block 109
(P.B.10 - PG.79)



LEGAL DESCRIPTION:

THE SOUTH 75 FEET OF THE NORTH 150 FEET OF TRACT D, BLOCK D, BLOCK 109, REVISED PLAT OF SECTION 2 OF COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA

CERTIFIED TO:

• GUILLERMO PORRAS

SURVEYOR'S NOTES:

- The above captioned property was surveyed and described based on the above legal description furnished by client.
- This certification is only for the lands as described, it is not a certification of Title, Zoning, Easements, or Freedom of Encumbrances, ABSTRACT NOT REVIEWED.
- There may be additional restrictions not shown on this survey that may be found in the Public Records of this County. Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
- Ownership subject to OPINION OF TITLE.
- Type of Survey: BOUNDARY SURVEY.
- Location and identification of utilities on or adjacent to the property were not secured as such information was not requested.
- Unless otherwise noted, this Firm has not attempted to locate Footings and/or Foundations (underground).
- This BOUNDARY SURVEY, has been prepared for the exclusive use of the entities named hereon. The Certificate does not extend to any unnamed party.
- Precision of Closure 1:7500 Suburban Class Survey.
- Bearings shown are assumed and are based on the Centerline of DE LEON DRIVE, Being N2° 8' 59" W.
- Record and Measurement calls are in substantial agreement, unless noted otherwise.

PROPERTY ADDRESS: 341 DE LEON DRIVE MIAMI SPRINGS, FL 33166	BENCHMARK INFORMATION
FLOOD ZONE INFORMATION:	BENCHMARK: N-3108 DESCRIPTION: PK NAIL BRASS WASHER IN CONC SIDEWALK
COMMUNITY NAME: MIAMI SPRINGS, CITY OF 120653	ELEVATION: 8.71' LOCATION: NW 36 ST - 6' N OF N EDGE OF PAVEMENT & NW 52 AVE - 44' W OF C/L (PALMETTO DRIVE)

THIS IS NOT A VALID CERTIFICATION WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL PRESENT

The above "BOUNDARY SURVEY", represent the herein described property and it was completed under my supervision and or direction, to the best of my knowledge and belief and it also meets the Minimum Technical Standard set forth by The Florida Board of Land Surveyors and Mappers, pursuant to Section SJ-17.051, Florida Statutes and implementing Rules, Florida Board Administrative Code.

COMMUNITY MAP: 12086C	PANEL NUMBER: 0284	SUFFIX: L
MAP REVISED: 09-11-2009	FLOOD ZONE: X	BASE FLOOD ELEVATION: N/A
SHEET: 1 OF 1 SHEET(S)	DRAWN BY: Y. Fernandez	ORIGINAL I.N. 240032
	SCALE: 1" = 20'	DATE: 02/06/2024

B, A, & K GROUP, INC.

12000 SW 92 ST. MIAMI, FL 33186-2018
T: 786 488 1000
E: ENGINEERCONTRACTOR@GMAIL.COM
C.A. #26913 LB #7887

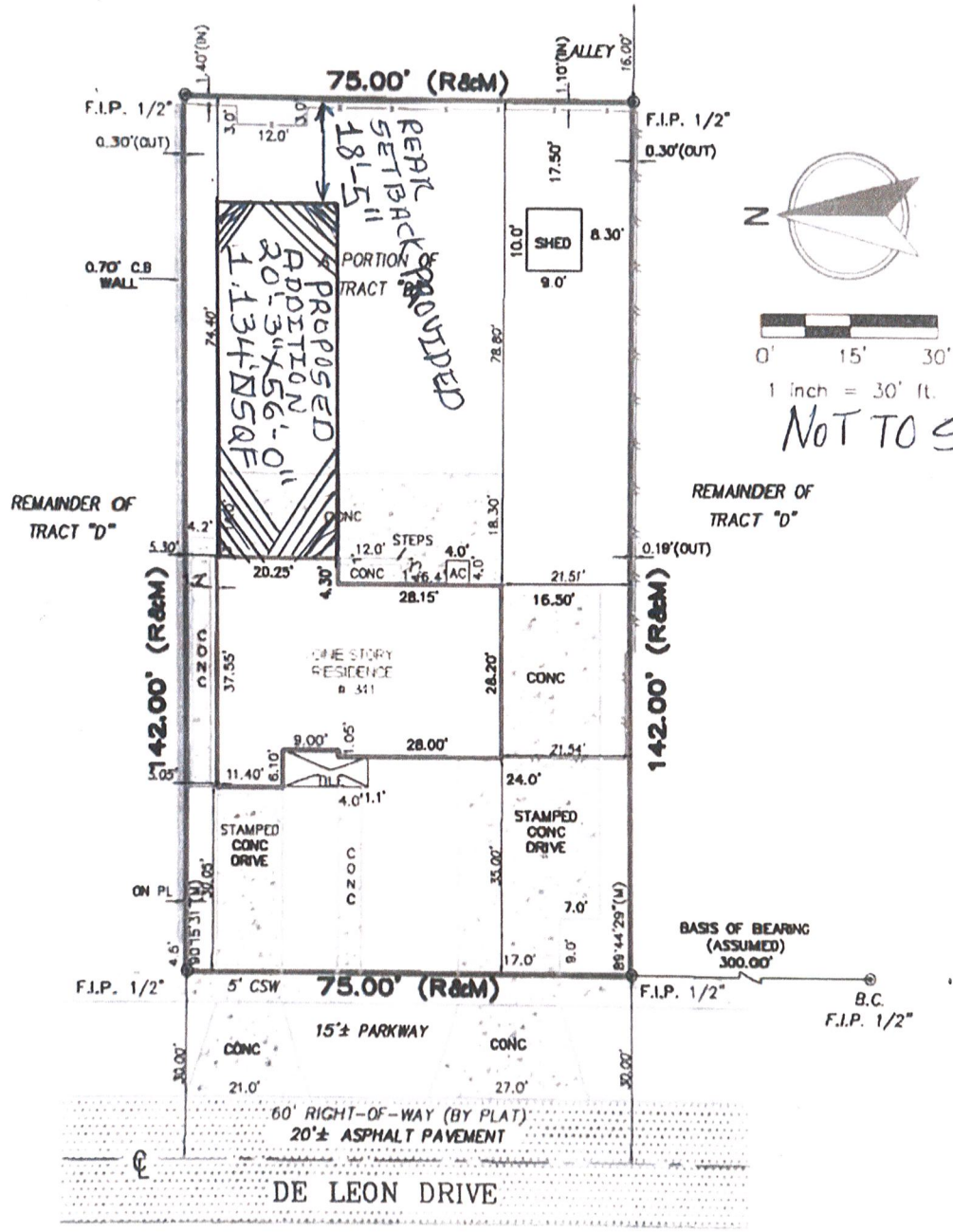


BY: **JOSEPH CHOIPIU CHAN**
Professional Surveyor & Mapper
Certificate No. 8821
STATE OF FLORIDA

REVISIONS:	PROJECT No.:	DATE:																																																			
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REAR SETBACK REQUIRED - 25'-0"
 REAR SETBACK PROVIDED - 18'-5"

LOT 4 BLOCK 109 LOT 6 BLOCK 109 LOT 7 BLOCK 109



RESOLUTION NO. 2022 - _____

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, [APPROVING/APPROVING WITH CONDITIONS/DENYING] AN APPLICATION BY GUILLERMO PORRAS FOR PROPERTY LOCATED AT 341 DE LEON DRIVE, MIAMI SPRINGS, FLORIDA, FOR A VARIANCE TO PROVIDE AN 18 FOOT-5 INCH REAR YARD SETBACK WHERE SECTION 150-142(F) OF THE MIAMI SPRINGS CODE REQUIRES A MINIMUM OF 25 FEET; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, consistent with the requirements set forth in Section 150-111 of the City of Miami Springs' (the "City") Code of Ordinances (the "Code"), Guillermo Porras (the "Applicant") has submitted a variance application (the "Application") to provide a rear yard setback of 18 feet, 5 inches, where Section 150-042 of the Code requires a minimum rear yard of 25 feet, for the purpose of facilitating an addition to an existing single family structure; and

WHEREAS, the Applicant's property is identified by Folio No. 05-3119-013-1990 and located at 341 De Leon with a legal description as shown on Exhibit "A" (the "Property"); and

WHEREAS, City staff has reviewed the Application and recommends approval; and

WHEREAS, after a duly noticed public hearing held on _____, 2024 the Board of Adjustment voted to recommend [approval/approval with conditions/denial] of the variance to reduce the minimum rear yard setback requirement [subject to the conditions set forth and included below in Section 3]; and

WHEREAS, the City Council conducted a duly noticed public hearing on _____, 2024 in accordance with the law to hear the application and [approved/approved with conditions/denied] the Variance; and

WHEREAS, the Mayor and City Council find the proposed Variance [is/is not] consistent with the City's Comprehensive Plan and Zoning Code; furthers the purpose, goals, objectives, and policies of same; and is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Findings. The City Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby finds that the Application **[does/does not]** meet the approval criteria set forth in Section 150-111 of the City Code and hereby **[approves/approves with condition/denies]** the Application to allow an 18 foot-5 inch rear yard setback where Section 150-142(f) of the Miami Springs Code requires a minimum of 25 feet.

Section 3. Decision; Conditions. That the approval granted by this Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

1. The approval shall be limited to reducing the rear setback as presented in Exhibit "B." All other applicable setbacks shall be provided in compliance with Section 150-042.
2. The Property to which the variance applies shall be in substantial conformance with all conditions and the survey and plans found attached to the staff report accompanying this resolution.
3. No new development application, and no building permit or certificate of occupancy shall be issued for the Property until all fees, dues, and cost recovery charges, including notice publication and mailings related to the Property have been paid in full.
4. After the City Council has granted a variance, the variance so approved shall expire after one (1) year, measured from the date of final Council action, if the Applicant does not obtain a building permit and commence construction in accordance with the plans for which the variance was granted. If unusual circumstances exist, the variance may be extended by the City Council for an additional six-month period. No extensions beyond the time periods specified above are authorized.

Section 4. Violation of Conditions, Limitations of Approval. Noncompliance with the terms and conditions of this approval will be considered a violation, and penalties may include but are not limited to revocation of the approval granted by this resolution. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 5. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor Maria Puente Mitchell _____
Vice Mayor Dr. Walter Fajet _____
Councilmember Jacky Bravo _____
Councilmember Jorge Santin _____
Councilmember Dr. Victor Vazquez _____

PASSED AND ADOPTED this _____ day of _____, 2024.

MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

Legal Description

THE SOUTH 75 FEET OF THE NORTH 150 FEET OF TRACT D, BLOCK 0, BLOCK 109, REVISED PLAT OF SECTION 2 OF COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 40 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA

EXHIBIT B

Proposed Addition Plan