

RESOLUTION NO. 01-22AV

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-36.1 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 14430 TABEBUIA LANE; TO ALLOW A REAR SETBACK LINE OF 24.65 FEET; PROVIDING FINDINGS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR PUBLICATION; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 33-36.1 of the Town Code ¹, Shui Kwan Yang & Jason C. Shen (the "Applicant") has applied to the Town for approval of non-use Variance, Application No. V2000000273; and

WHEREAS, Section 33-36.1 of the Town Code provides for an administrative process to review an application for a non-use variance; and

WHEREAS, the Director of Planning and Zoning (the "Director") has reviewed the application and recommends approval of the Variance, a copy of the Director's Memorandum dated June 5, 2001, (the "Memorandum") is 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 33-36.1(d) of the Town Code, The Town Council makes the following findings as recommended by the Director:

¹ 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.

- (1) That the Variance will be in harmony with the general appearance and character of the community.
- (2) That the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (3) That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant a reasonable use of his land.

Section 3. Approval.

The Town Council grants non-use Variance to the Applicant from Section 33-50 (setbacks) of the Town Code for property located at 14430 Tabebuia Lane to allow the following:

- (1) a rear setback of 24.65 feet where 25 feet is required;

Section 4. Conditions of Approval.

Approval of the non-use Variance is granted subject to the Applicant's compliance with the following conditions:

- (1) That the applicants apply for and secure a building permit for the existing family room, screened terrace and bedroom addition within 120 days of the expiration of the appeal period for this Administrative Variance unless a time extension is granted by the Town of Miami Lakes.

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. Publication.

A copy of the decision of the Town Council shall be published in a newspaper of general circulation. The Town Clerk is directed to forward a fully executed copy of this resolution to the director for publication.

Section 7. Effective Date.

The approvals provided in this Resolution shall become effective fifteen (15) days after the decision of the Town Council is published as provided in Section 6 above.

Section 8. Appeal.

In accordance with Section 33-36.1(h) and 33-311(A)(2) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council within fifteen (15) days after the decision is published. If an appeal is made by an aggrieved property owner in the area, the Director may stop or suspend any construction authorized by the Variance until a decision has been made on the appeal.

PASSED AND ADOPTED this 24th day of July, 2001.

/s/ Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Roberto M. Gzuello
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Nim B. B. B.
ACTING TOWN ATTORNEY

m-collins / s-Alonso
Council voted 7-0 as follows:
Mayor Wayne Slaton yes
Vice Mayor Roberto Alonso yes
Councilmember Mary Collins yes
Councilmember Robert Meador yes
Councilmember Michael Pizzi yes
Councilmember Nancy Simon yes
Councilmember Peter Thomson yes



MEMORANDUM

107.07-17A

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

Alberto J. Torres
 FROM: Alberto J. Torres
 Zoning Services Division Chief
 Department of Planning and Zoning

DATE: June 5, 2001

SUBJECT: Shui Kwan Yang &
 Jason C. Shen
 (V2000000273)
 Administrative
 Variance
Miami Lakes

REQUESTS:

Non-use variance of setback requirements to permit an addition to an existing single family residence to setback a minimum of 24.65' from the rear (south) property line where 25' is required.

LOCATION : 14430 Tabebuia Lane, Miami Lakes, Florida.

EXISTING ZONING: RU-1, Single Family Residential District.

SIZE OF PROPERTY: 15,636 square feet irregular.

IMPACT ON ADJACENT PROPERTIES:

The property is an irregular shaped lot in this single-family area, and all the surrounding properties are developed. Owners of the surrounding properties have signed the required waiver form.

Staff has no objections to the proposed variance, subject to a condition. The existing family room addition provides 99% of the required rear setback. The 0.35' encroachment of this addition into the rear (south) setback area is minor and is, therefore, not intrusive to the surrounding area.

STAFF'S ANALYSIS:

Based upon the review of the plans for the existing family room, screened terrace, and bedroom addition to the existing single family residence, staff finds the following exists:

1. That the variance will be in harmony with the general appearance and character of the community.
2. That the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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EXHIBIT A

JK

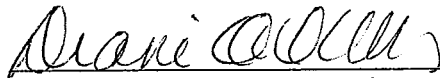
3. That the existing family room addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicants reasonable use of this land.

Additionally, staff feels that consideration for **approval** should be given of this request for an Administrative Variance, subject to the following condition:

That the applicants apply for and secure a building permit for the existing family room, screened terrace and bedroom addition within 120 days of the expiration of the appeal period for this Administrative Variance, unless a time extension is granted by the Town of Miami Lakes.

DIRECTOR'S RECOMMENDATION

- Approved as requested.
- Approved subject to the condition stated above.
- Denied.



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