

**RESOLUTION NO. 01-24-AV**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING NON-USE VARIANCES FILED IN ACCORDANCE WITH SECTION 33-36.1 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 8882 NW 163RD TERRACE, MIAMI LAKES, FLORIDA; TO ALLOW A REAR SETBACK LINE OF 20.61 FEET WHERE 25 FEET IS REQUIRED; 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<sup>1</sup>, Alexis & Lizbeth Escanio (the "Applicant") has applied to the Town for approval of a non-use variance, Application V01-48; 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 variances, a copy of the Director's Memorandum dated May 18, 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.

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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.

**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) That the variances will be in harmony with the general appearance and character of the community.
- (2) That the variances 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 this land.

**Section 3. Approval.**

The Town Council grants non-use variances to the Applicant from Section 33-50 (setbacks) of the Town Code for property located at 8882 NW 163rd Terrace, Miami Lakes, Florida to allow the following:

- (1) a rear setback line of 20.61 feet where 25 feet is required.

**Section 4. Conditions of Approval.**

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

- (1) That the proposed structure be constructed with masonry columns and a flat built up roof to match the design and finish of the house.

**Section 5. Recordation.**

The decision of the Town Council to approve the non-use variances 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 variances until a decision has been made on the appeal.

PASSED AND ADOPTED this 24<sup>th</sup> day of July, 2001.

Wayne Slaton  
WAYNE SLATON, MAYOR

ATTEST:

Roberto M. Alonso  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Mina Baishe  
ACTING TOWN ATTORNEY

M-Thomson / s-Simon

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>NO</u>
Councilmember Robert Meador	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>



# MEMORANDUM

107.07-17A

TO: Diane O'Quinn Williams, Director  
 Department of Planning and Zoning

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

DATE: May 18, 2001

SUBJECT: Alexis & Lizbeth  
 Escanio  
 (V2001000048)  
 Administrative  
 Variance  
**Miami Lakes**

## REQUESTS:

Non-use variance of setback requirements to permit an addition to an existing single family residence to setback 20.61' from the rear (south) property line where 25' is required.

LOCATION : 8882 N.W. 163 Terrace, Miami Lakes, Florida.

EXISTING ZONING: RU-1M (b), Modified Single-Family Residential District.

SIZE OF PROPERTY: 7,200 square feet.

## IMPACT ON ADJACENT PROPERTIES:

The property is a corner 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 proposed covered terrace addition will provide shade and shelter and will increase the outdoor enjoyment of the residents. Said proposed open-sided addition will provide 82% of the required rear setback and it will be well spaced from the abutting residential parcel to the south.

## STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed covered terrace addition, 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


3. That the proposed covered terrace 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 proposed covered terrace addition remain an open-sided structure and not be enclosed in any manner except for approved insect screen materials.

DIRECTOR'S RECOMMENDATION

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

  
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Diane O'Quinn Williams, Director  
Department of Planning and Zoning

DO'QW:AJT:MTF:DBM

FA