

RESOLUTION NO. R01-25-AV

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 LOT 5, BLOCK 2 "ROYAL PALM", PB 138-61, PUBLIC RECORDS, MIAMI DADE COUNTY; TO ALLOW A PROPOSED SINGLE FAMILY RESIDENCE WITH A LOT COVERAGE OF 42% WHERE 35% IS PERMITTED; 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, Gail Properties (the "Applicant") has applied to the Town for approval non-use Variance, Application V01-90; 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 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.

Section 2. Findings.

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.

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 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 single family residence 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 Variance to the Applicant from Section 33-50 (setbacks) of the Town Code for property located at Lot 5, Block 2 "Royal Palm", PB 138-61, Public Records, Miami Dade County to allow the following:

- (1) a proposed single family residence with a lot coverage of 42% where 35% is permitted.

Section 4. Conditions of Approval.

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

- (1) No conditions have been imposed.

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.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Roberto M. Guallo
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Ann Barishe
ACTING TOWN ATTORNEY

m-collins / s- Alonso

Council voted <u>5-2</u> as follows:	
Mayor Wayne Slaton	<u>NO</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>



MEMORANDUM

107.07-17A

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

DATE: June 18, 2001

FROM: *for* *Maria Teresa Lopez*
Alberto J. Torres
Acting Assistant Director for Zoning
Department of Planning and Zoning

SUBJECT: Gail Properties
(V2001000090)
Administrative
Variance
Miami Lakes

REQUEST:

Non-use variance of lot area requirements to permit a proposed single family residence with a lot coverage of 42% where 35% is permitted.

LOCATION:

Lot 5 in Block 2 "Royal Point" according to the Plat thereof as recorded in Plat Book 138 at Page 61 of the Public Records of Miami-Dade County, Florida.

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

SIZE OF PROPERTY: 86' x 118.12'

IMPACT ON ADJACENT PROPERTIES:

The property is an interior 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. The proposed residence will provide all required setbacks and will, therefore, be well spaced from all neighboring residential parcels. Numerous variances of lot coverage requirements have been approved in this area, including lot coverages ranging from 37% to 42%.

STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed 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

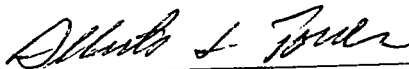
5/17/01

3. That the proposed single family residence is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant reasonable use of this land.

Additionally, staff feels that consideration for **approval** should be given of this request for an Administrative Variance.

DIRECTOR'S RECOMMENDATION

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

for 

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

DO'QW:AJT:MTF:DBM