

RESOLUTION NO. 01-26-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 9082 NW 147TH TERRACE, MIAMI LAKES, FLORIDA; TO ALLOW A REAR SETBACK LINE OF 2.5 FEET WHERE 5 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 ¹, Maria De Los Angeles Martinez (the “Applicant”) has applied to the Town for approval of non-use Variance, Application V01-97; 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.

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.

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 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 swimming pool 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 9082 NW 147th Terrace, Miami Lakes, Florida to allow the following:

- (1) a swimming pool with a rear setback line of 2.5 feet where 5 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) No conditions were 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:

Beatrice M. Azjullo
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Nina Boniske
ACTING TOWN ATTORNEY

M. Thomson / s - Collins

Council voted <u>7-0</u> as follows:	
Mayor Wayne Slaton	<u>yes</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>yes</u>



MEMORANDUM

107.07-17A

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

FROM: *Maria De Los Angeles Martinez*
Alberto J. Torres
Acting Assistant Director for Zoning
Department of Planning and Zoning

DATE: June 18, 2001

SUBJECT: Maria De Los Angeles Martinez
(V2001000097)
Administrative Variance
Miami Lakes

REQUEST:

Non-use variance of setback requirements to permit a proposed swimming pool to setback 2.5' from the rear (south) property line where 5' is required.

LOCATION : 9082 N.W. 147 Terrace, Miami Lakes, Florida.

EXISTING ZONING:

RU-1Z, Zero Lot Line Development Single Family Residential District.

SIZE OF PROPERTY: 94.57' x 55.04'

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 swimming pool will provide half of the required rear setback and will be buffered from the abutting residential parcel to the south by an existing 6' high wood fence which runs along the rear (south) property line. The proposed swimming pool will, therefore, enhance the outdoor enjoyment of the residents without being intrusive to the neighboring area.

STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed swimming pool, 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.

EXHIBIT A

V2001000097

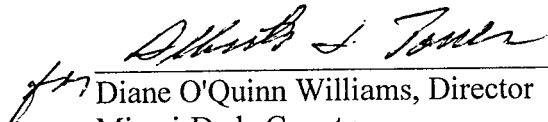
Page Two

3. That the proposed swimming pool 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.

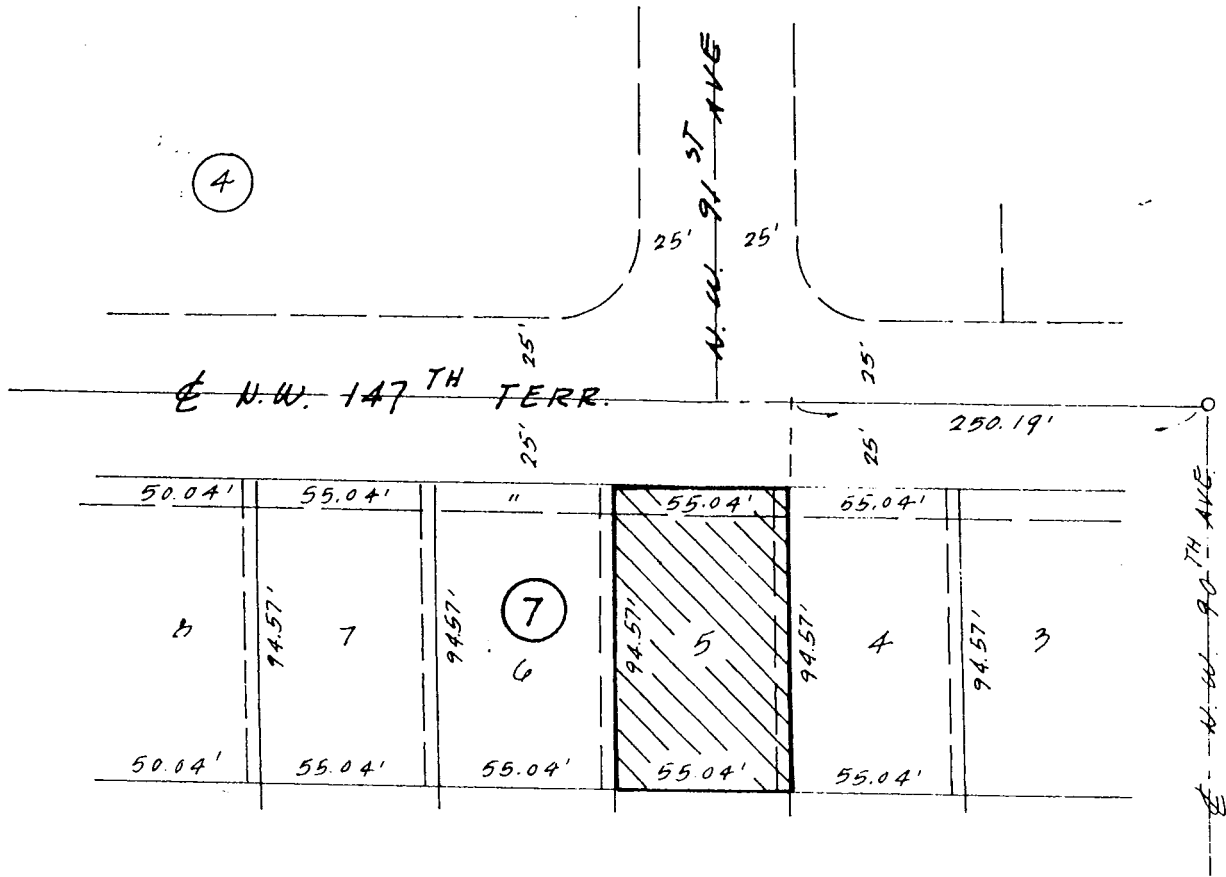


Diane O'Quinn Williams, Director
Miami-Dade County
Department of Planning and Zoning

DO'QW:AJT:MTF:DBM

LOCATION SKETCH

SCALE: 1" = 60'



LEGAL DESCRIPTION

Lot 5 Block 7 of "FLORIDA TROPICAL ESTATES SECTION THREE" according to the plat thereof as recorded in Plat Book 141 at page 24 of the Public Records of Dade County, Florida

For:

**EDUARDO
ENSEÑAT SURVEYING, INC.**

JOB No.: 93-90

L.B. 5031 PL8 4613
175 FONTAINEBLEAU BLVD., SUITE 2A-2
MIAMI, FL 33172
TEL. (305) 885-2870/FAX: 887-5713

DATE: 3-24-93

F.B. No.: EN-EN JR.

REVISION: 7-30-93
10-01-93

I HEREBY CERTIFY: That the attached SKETCH OF SURVEY of the above described property is correct to the best of my knowledge and belief as recently surveyed under my direction, and that there are no encroachments other than those shown, and meets the intent of the Minimum technical Standards set forth by the Florida Board of Land Surveyors pursuant to Section 472.027 of Florida Statutes.

SURVEYOR'S NOTE:

- This is a BOUNDARY survey.
- Legal description was furnished by client.
- Legal description subject to any dedications, limitations, restrictions, reservations or easements of record.
- Underground encroachment and utilities, if any, not located.
- Fence ownership by visual means only, legal ownership not determined.
- This survey has been prepared for the exclusive use of the entities named hereon, and do not extend to any unnamed parties.
- Bearings shown, if any, are based on an assumed meridian, according to Plat Book 141 Page 24 Dade County, Florida.
- ALL ELEVATIONS REFER TO N.G.V.D.
B.M. SQUARE CUT ELEV. = 7.28 FEET
LOCATED AT N.W. 154 ST. AND N.W. 87 AVE.

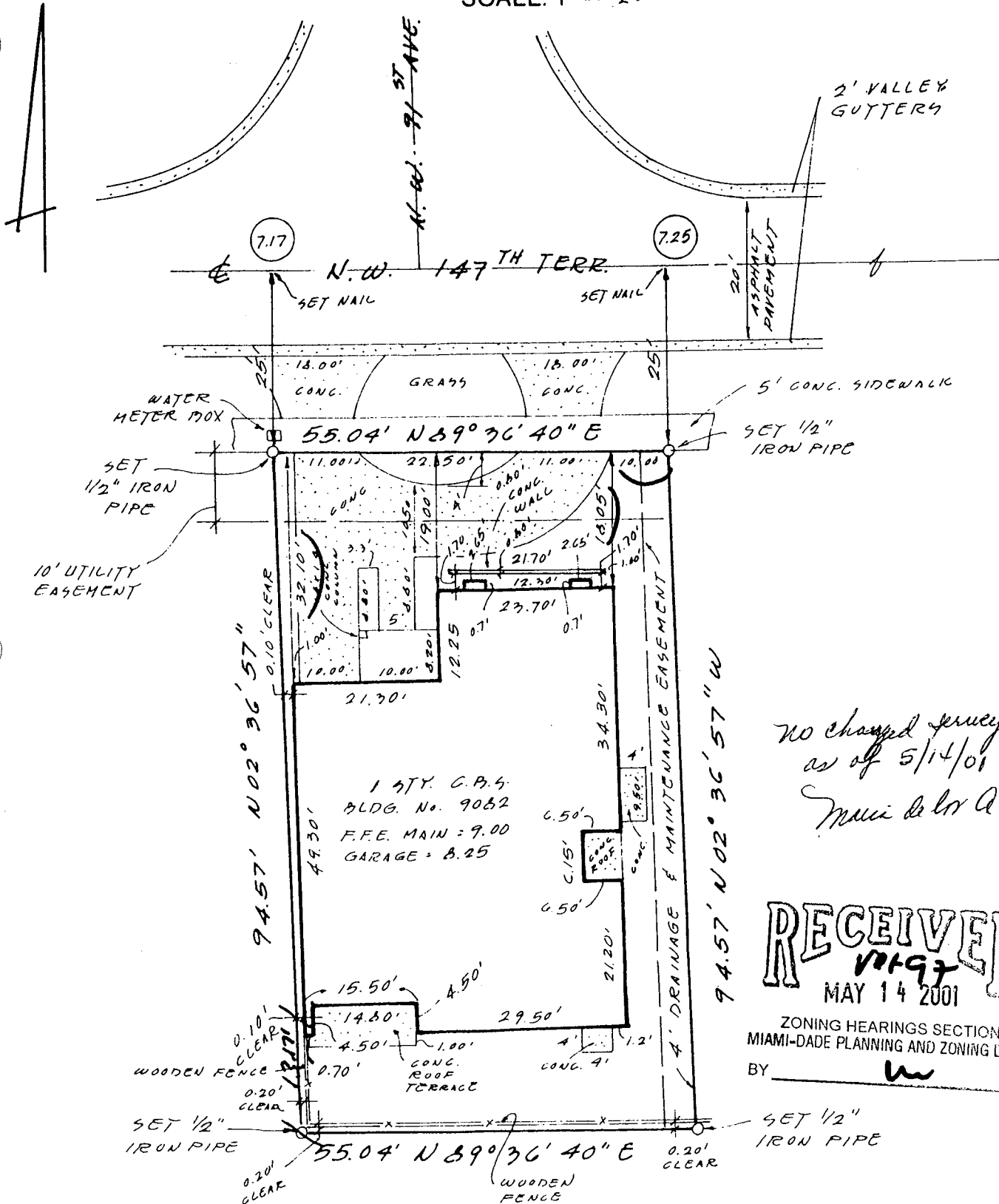
Eduardo M. Enseñat
EDUARDO M. ENSEÑAT
PROFESSIONAL LAND SURVEYOR
No. 4613 STATE OF FLORIDA

Not valid unless sealed with an embossed surveyor's seal.

SKETCH OF SURVEY

SCALE: 1" = 20'

II

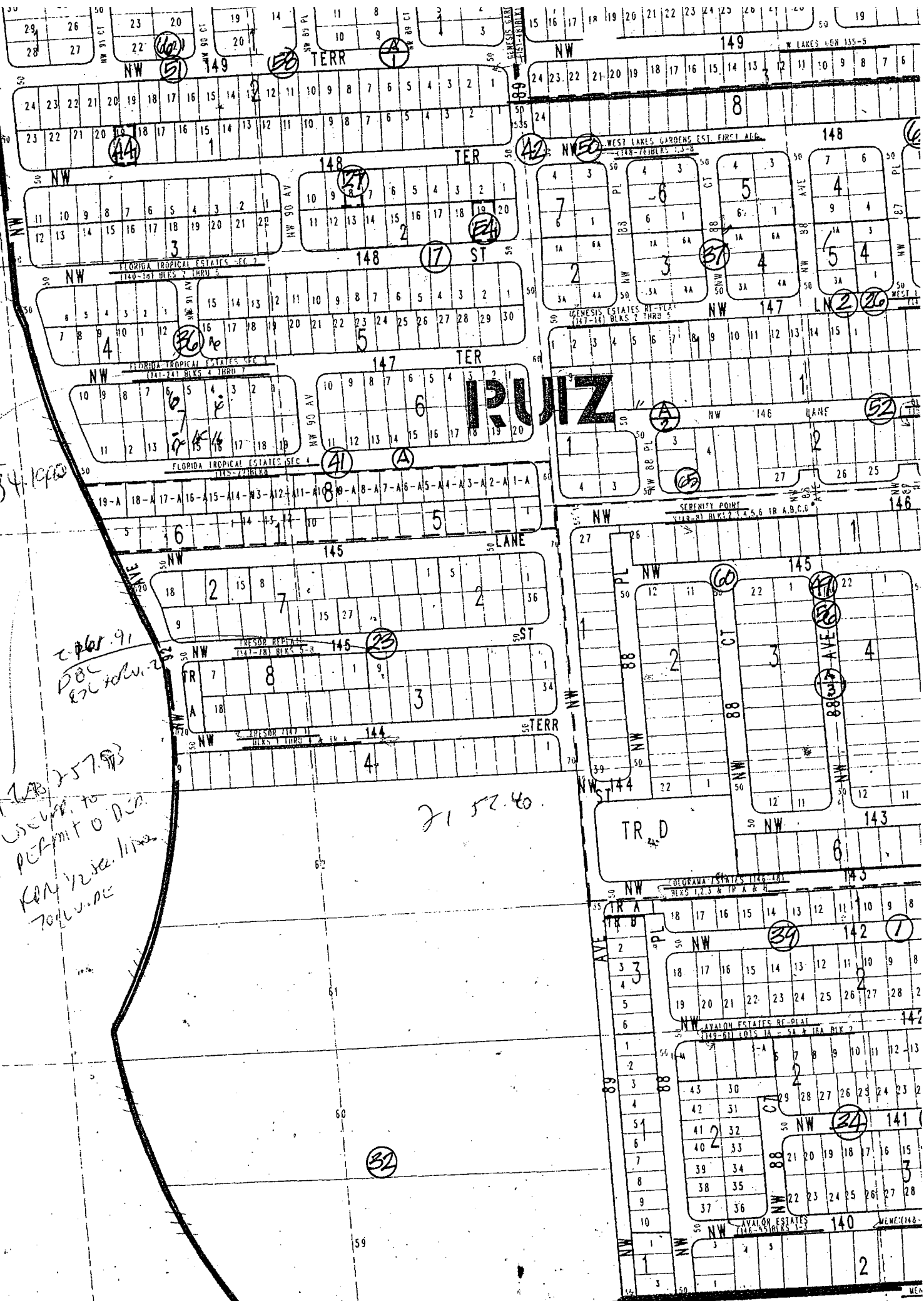


*No changed survey
as of 5/14/01
Maria de los A. Martinez*

RECEIVED
MAY 14 2001

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY W

CERTIFIED TO: JEFFERSON NATIONAL BANK
CITATION TITLE COMPANY
FIRST AMERICAN TITLE INSURANCE
MARIA DE LOS ANGELES MARTINEZ



A. VON
334.1000

266.91
P.O.C.
870 702.2

427.93
USE V.P. TO
PERMIT O.D.C.
K.M. 1/2 sec. line
702.0000

21 52.40

32

PUTZ

TR D

34

2

06/14/2001

* * *

PUBLIC VALUE INQUIRY

* * *

PTXM0186

FOLIO 32 2021 009 0460

PROP ADDR

9082

NW

147

TERR

MCD 3200

NAME AND LEGAL

MARIA DE LOS ANGELES MARTINEZ
82 NW 147 TERR
MIAMI FL

YEAR
LAND
BLDG
MARKET

VALUE HISTORY

0000

0000

06/06/2001

330187301

FLORIDA TROPICAL ESTATES SEC 3
PB 141-24
LOT 5 BLK 7
LOT SIZE 5205 SQ FT
F/A/U 30-2021-001-0093
OR 16102-0947 1093 1
F/A/U 30-2021-009-0460

ASSESS
HEX
WVD
TOT EX
TAXABLE

STATE EXEMPT:

SALE DATE 10/1993
SALE TYPE 1 I/V V

SALE AMT 136900
SALE O/R 16102-0947

PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MENU
PF13-OCCUP LIC

FOLIO 32 2021 009 0460 PROPERTY ADDRESS 9082 NW 147 TERR

CLUC RESIDENTIAL - SINGLE FAMILY

SLUC RESIDENTIAL - SINGLE FAMILY

I ZONE SINGLE FAMILY - GENERAL

SEC ZONE

LOT SIZE 5205.00 SQ FT

YEAR BLT 1993

EXTRA FEA NO XF

LIVING UNITS 1

BEDROOM 4

BATH 2 1/2 BATH

ADJ SQFTG 2426

NO FLOORS 1

ZONING RESOLUTION

LEASE AREA SQFTG

LOC CODE

SD FL.TROP.EST.S.L.I.D.

ENTER - VALUE INQUIRY

PF8 - MENU