

RESOLUTION NO. 01-35-AV

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; DENYING APPLICATION NO. #V2000000270 REQUESTING NON-USE VARIANCES IN ACCORDANCE WITH SECTION 33-36.1 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 7861 N.W. 160TH TERRACE TO ALLOW A REAR SETBACK LINE OF 16.75 FEET AND TO ALLOW A MAXIMUM LOT COVERAGE OF 37.09% OF THE LOT; PROVIDING FINDINGS; 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 Code¹, Miladys R. Gonzalez-Yazbek (the "Applicant") has applied to the Town for approval of non-use variances, Application No. V2000000270 (the "Application"); 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 Miami-Dade County Director of Planning and Zoning (the "Director") has reviewed the Application and recommended approval of the variances as set forth in the Director's Memorandum dated May 21, 2001, (the "Memorandum") is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, on July 24, 2001, the Town Council considered the Application submitted together with the Director's recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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 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 finds that based upon the Application package as submitted:

- (1) The variances are not in harmony with the general appearance and character of the community.
- (2) The variances will be injurious to the area involved or otherwise detrimental to the public welfare.
- (3) The proposed addition is not 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. Denial.

The Applicant's requested non-use variances from Section 33-50 (setbacks) and Section 33-49 (lot coverage) of the Town Code for the property located at 7861 N.W. 160th Terrace is denied.

Section 4. Recordation.

The decision of the Town Council denying the non-use variances shall be recorded on the official zoning maps of the Town.

Section 5. 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 6. 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.

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

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Reatha M. Gault
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Kim Bink
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>	