

RESOLUTION NO. 01- 40 AV

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING A NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-36.1 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 7774 NW 165th STREET; TO ALLOW A REAR SETBACK LINE OF 17.5 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, Mario & Rachel Zamora (the "Applicant") has applied to the Town for approval of a non-use Variance, Application No. V2001000135 (the "Variance"); 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 recommends approval of the Variance, with conditions, as set forth in the Director's Memorandum dated August 3, 2001, (the "Memorandum"), 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 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 approves a non-use Variance to the Applicant from Section 33-50 (setbacks) of the Town Code for property located at 7774 NW 165th Street and will allow the following:

- (1) a rear setback of 17.5 feet from the rear (south) property line 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 condition:

- (1) That the proposed second floor open terrace addition remain open-sided and not be enclosed in any manner.

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 25th day of September 2001.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Patricia M. Guelb
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

WBO
ACTING TOWN ATTORNEY

m-Meador / s-Alonso

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

DATE: August 23, 2001

SUBJECT: Mario & Rachel
 Zamora
 (V2001000135)
 Administrative
 Variance
 Miami Lakes

REQUEST:

Non-use variance of setback requirements to permit a proposed addition to an existing single family residence to setback 17.5' from the rear (south) property line where 25' is required.

LOCATION: 7774 N.W. 165 Street, Miami Lakes, Florida.

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

SIZE OF PROPERTY: 75' x 100'

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, subject to a condition. The proposed first floor Florida Room addition will increase the indoor living space for the residents. The proposed second floor open terrace addition, which will be located above the aforementioned Florida Room addition, will increase the outdoor enjoyment of the residents. The design of the proposed additions will be complimentary to the design of the existing single family residence and the variance of setback requirements will be the same as a variance to permit a single family residence to setback 17.5' from the rear property line which was previously approved on the residential parcel which abuts the southeast corner of the subject property.

STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed Florida Room and open terrace addition, staff finds the following exists:

1. That the variance will be in harmony with the general appearance and character of the community.

EXHIBIT "A"

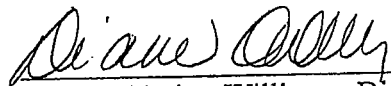
2. That the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
3. That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicants reasonable use 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 second floor open terrace addition remain open-sided and not be enclosed in any manner.

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