

RESOLUTION NO. 01-41 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 8797 NW 168th LANE; TO ALLOW A REAR SETBACK LINE OF 15.9 FEET AND TO ALLOW A MAXIMUM LOT COVERAGE OF 37.99% OF THE LOT; 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 Code¹, Antonio & Leysi Rodriguez (the "Applicant") has applied to the Town for approval of non-use Variances, Application No. V2001000140 (the "Variances"); 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 Variances, with conditions, as set forth in the Director's Memorandum dated August 23, 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 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 his land.

Section 3. Approval.

The Town Council approves non-use Variances to the Applicant from Section 33-50 (setbacks) and Section 33-49 (lot coverage) of the Town Code for property located at 8797 N.W. 168th Lane and will allow the following:

- (1) a rear setback of 15.9 feet from the rear (north) property line where 25 feet is required; and
- (2) a lot coverage of 37.99% 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 condition:

- (1) That the covered terrace addition remain open-sided and not be enclosed in any manner except for approved insect screen materials.

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 25th day of September, 2001.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beats M. Gzell
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

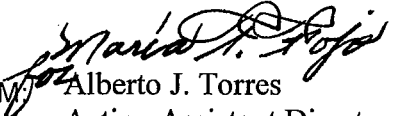
WBO
ACTING TOWN ATTORNEY

m-collins/s-meador

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

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

FROM: 
Alberto J. Torres
Acting Assistant Director for Zoning
Department of Planning and Zoning

DATE: August 23, 2001

SUBJECT: Antonio & Leysi
Rodriguez
(V2001000140)
Administrative
Variance
Miami Lakes

REQUESTS:

1. Non-use variance of setback requirements to permit a proposed addition to a single family residence to setback 15.9' from the rear (north) property line where 25' is required.
2. Non-use variance of lot coverage requirements to permit a single family residence with a total lot coverage of 37.99% where 35% is permitted.

LOCATION : 8797 N.W. 168 Lane, Miami Lakes, Florida.

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

SIZE OF PROPERTY: 61.23' x 98'

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 variances, subject to a condition. The proposed covered terrace addition will add to the outdoor enjoyment of the residents and it will provide more than half of the required rear setback. Said addition will, therefore, be adequately spaced from the abutting residential parcel to the north. The aforementioned addition will be further buffered from the existing single family residence to the north by an existing 6' high wood fence which surrounds the rear yard area of the subject site. The proposed variance of rear setback requirements is similar to a request to permit a covered terrace addition to setback 14.1' from the rear (north) property line where 25' is required which was previously approved for a parcel which is located approximately 315' to the east of the subject property on the same block face. The variance of lot coverage requirements will allow the construction of the terrace and will permit a total lot coverage which will be only 2.99% more than permitted by Code. Said variance will not be intrusive to the surrounding area since it is in connection with the proposed open-sided structure which will not block air or light.

STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed addition, staff finds the following exists:

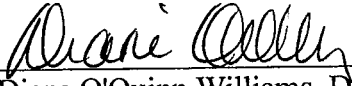
1. That the variances will be in harmony with the general appearance and character of the community.
2. That the variances will not be injurious to the area involved or otherwise detrimental to the public welfare.
3. That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the 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 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.



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