

RESOLUTION NO. 01-47 -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 8728 NW 169th TERRACE MIAMI LAKES, FLORIDA; TO PERMIT A 17' REAR (SOUTH) SETBACK WHERE 25' 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 Code¹, **Luis & Celida Rodriguez** (the "Applicant") have applied to the Town for approval of non-use variances, Application V01-165; 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 4, 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 covered terrace 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.

Section 3. Approval.

The Town Council grants non-use variances to the Applicant from Section 33-50 (setbacks) of the Town Code for property located at **8728 NW 169th TERR**, Miami Lakes, Florida to allow the following:

- (1) A covered terrace addition to an existing single family residence to setback 17' from the rear (south) property line where 25' is required.

Section 4. Conditions of Approval.

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

- (1) that the proposed covered terrace addition remain an open-sided structure 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 23rd day of October 2001.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatrix M. Gzulla
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

W. Bauler
ACTING TOWN ATTORNEY

m-collins / s-Thomson

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 Ivedor		<u>yes</u>
Councilmember Michael Pizzi		<u>yes</u>
Councilmember Nancy Simon		<u>yes</u>
Councilmember Peter Thomson		<u>yes</u>