

RESOLUTION NO. R01-54-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 15958 NW 82ND PL MIAMI LAKES, FLORIDA; TO PERMIT A SINGLE FAMILY RESIDENCE TO SETBACK 7.02 FROM THE INTERIOR SIDE (SOUTH) PROPERTY LINE WHERE 7.5' 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, **Mercedes Koerber** (the "Applicant") has applied to the Town for approval of non-use variances, Application V01-206; 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 with conditions. A copy of the Director's Memorandum dated **December 3, 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 single family residence which is under construction 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 **15958 NW 82ND PL**, Miami Lakes, Florida to allow the following:

- (1) A Non-use variance of setback requirements to permit a single family residence, which is under construction, to setback ranging from 7' to 7.02' from the interior side (south) property line where 7.5' 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 applicant apply for and secure a building permit for the single family residence which is under construction, at the approved setbacks approved herein, within 120 days of the expiration of the appeal period for this Administrative Variance, unless a time extension is granted by the Town.

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 11th day of **December**, 2001.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

Alessio S. Biello
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 Meador		<u>yes</u>
Councilmember Michael Pizzi		<u>yes</u>
Councilmember Nancy Simon		<u>yes</u>
Councilmember Peter Thomson		<u>yes</u>