

RESOLUTION NO. 02- 22 Z

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; DENYING A NON-USE VARIANCE OF SETBACK REQUIREMENTS TO PERMIT A CANVAS AWNING SETBACK 3.18' (15' REQUIRED) FROM THE SIDE STREET (SOUTH) PROPERTY LINE FOR PROPERTY LOCATED AT 14333 NW 87TH PLACE, MIAMI LAKES, FLORIDA ("THE PROPERTY"); APPROVING A NON-USE VARIANCE OF HEIGHT REQUIREMENTS TO PERMIT A METAL GATE WITH A MAXIMUM HEIGHT OF 7' (6' PERMITTED); APPROVING A NON-USE VARIANCE OF ZONING REGULATIONS PROHIBITING OPENINGS ON THE ZERO LOT LINE SIDE-TO WAIVE SAME TO PERMIT AN 8' WIDE CANVAS AWNING OPEN ON THE ZERO LOT LINE SIDE; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR APPEAL AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Section 33-311 of the Town Code,<sup>1</sup> Emilio Miranda (the "Applicant") has applied to the Town for approval of the following: (1) a non-use variance of setback requirements to permit a canvas awning setback 3.18' (15' required) from the side street (south property line); (2) a non-use variance of height requirements to permit a metal gate with a maximum height of 7' (6' permitted); and (3) a non-use variance of zoning regulations prohibiting openings on the zero lot line side; to waive same to permit an 8' wide canvas awning open on the zero lot line side; and

WHEREAS, Section 33-311 of the Town Code sets forth the authority of the Town Council to consider and act upon an application for non-use variances; and

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<sup>1</sup> 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.

WHEREAS, in accordance with Section 33-310 (c) & (d), proper notice has been mailed to the appropriate property owners of record; the public hearing on the application for the variances has been noticed for Tuesday, August 13, 2002 at 7:00 p.m. at Miami Lakes Middle School, 6245 Miami Lakeway North, Miami Lakes, Florida; and all interested parties have had the opportunity to address their comments to the Town Council; and.

WHEREAS, the Miami-Dade County Director of Planning and Zoning (the "Director"), in her capacity as Town Staff, has reviewed the application and recommends approval of request #2 with one condition, as set forth in the Memorandum from the Miami-Dade County Department of Planning and Zoning dated July 9, 2002, (the "Memorandum"), attached hereto 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.**

In accordance with Section 33-311 (A) (4) (b) of the Town Code, The Town Council finds:

- (1) That request #2 for a non-use variance of the Town Code's height requirements to permit a metal gate with a maximum height of 7' (6' permitted) and request #3 for a non-use variance of zoning regulations prohibiting openings on the zero lot line side-to waive same to permit an 8' wide canvas awning open on the zero lot line side; maintain the basic intent and purpose of the zoning, subdivision and other land use regulations to protect the general welfare of the public, particularly as it affects the stability and appearance of the Town.
- (2) That requests #2 and #3 are compatible with the surrounding land uses.

- (3) That requests #2 and #3 are not detrimental to the Town.

**Section 3. Approval.**

The Town Council approves request # 2--a non-use variance from Section 33-11(h) of the Town Code for property located 14333 NW 87<sup>th</sup> PLACE (the "Property") to permit a metal gate with a maximum height of 7' where 6' is permitted subject to the conditions enumerated in Section 4 below. The Town Council approves request #3--a non-use variance of Section 33-284.43 (J) of the Town Code for the Property--prohibiting openings on the zero lot line side-to waive same to permit an 8' wide canvas open on the zero lot line side subject to the conditions enumerated in Section 4 below. The Town Council hereby denies without prejudice the balance of the application.

**Section 4. Conditions of Approval.**

Request #2 and #3 are granted and the Applicant shall comply with the following conditions:

1. That the applicant apply for and secure a building permit and all requisite inspections for the existing metal gate within 120 days after final public hearing approval of this application, unless a time extension is granted by the Town of Miami Lakes.
2. That the applicant close the opening on the zero lot line side utilizing either a wooden fence or concrete C.B.S. wall to be designed, erected and maintained in conformance with all applicable provisions of the Town Code.

**Section 5. Recordation.**

The decision of the Town Council to approve the non-use variance requests shall be recorded on the official zoning maps of the Town.

**Section 6. Effective Date.**

This resolution shall become effective immediately upon its adoption.

**Section 7. Appeal.**

The Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council to the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida pursuant to the requirements set forth by state statute and the Florida Rules of Appellate Procedure where applicable.

PASSED AND ADOPTED this 14 day of August 2002.

Wayne Slaton  
WAYNE SLATON, MAYOR

ATTEST:

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Nancy E. Friend  
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
TOWN ATTORNEY

Collins / Simon

Council voted _____ as follows:	
Mayor Wayne Slaton	<u>Abs</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>