

RESOLUTION NO. 03-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AN APPLICATION FOR NON-USE VARIANCES FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN'S CODE OF ORDINANCES FOR PROPERTY ZONED RU-1 AND LOCATED AT 6341 PENT PLACE, MIAMI LAKES FLORIDA, TO PERMIT A 7 FT. ½ INCH SETBACK WHERE A 7 FT. 6 INCH SETBACK IS REQUIRED, AND TO PERMIT A LOT COVERAGE OF 40.58% WHERE A MAXIMUM LOT COVERAGE OF 35% IS PERMITTED; PROVIDING FINDINGS; PROVIDING CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 33-311 of the Town's Code of Ordinances (the "Town Code")¹, Diego and Claudio Alonso (collectively, the "Applicant") has applied to the Town for approval of a non-use variance of lot coverage to permit a lot coverage of 40.58% (35% permitted) ("Request #1") and a non-use variance of setbacks to permit a side setback of 7 ft. ½ inch (7 ft. 6 inches required) ("Request #2") for property located at 6341 Pent Place, Miami Lakes Florida (Application No. ZV 03-01) (collectively, the "Variance"); and

WHEREAS, the Director of Planning and Zoning (the "Director") has reviewed the application and recommends approval of the Variance; and

WHEREAS, a copy of the Director's Memorandum dated December 11, 2003 (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:

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 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by reference.

Section 2. Findings.

The Town Council finds that the Applicant has met the requirements for the Variance. Specifically, the Applicant has complied with the requirements for Request #1 (variance of lot coverage) and Request #2 (variance of setbacks) as set forth in Section 33-311(A)(4)(b) of the Town Code.

Section 3. Approval.

The Town Council approves the Variance to permit a lot coverage of 40.58% where the maximum permitted lot coverage is 35% and a 7 ft. ½ inch side setback where a 7 ft. 6 inch side setback is required subject to the conditions set forth below.

Section 4. Conditions of Approval.

Approval of the Variance is contingent on the Applicant's compliance with the following conditions:

(1) The Applicant shall obtain a building permit within one (1) year of the date of this approval. If a building permit is not obtained within the prescribed time limit then this approval shall become null and void.

(2) The additions shall be constructed substantially in accordance with the plans submitted with the application by Dalima Studio Architecture, signed and sealed by architect Albert I. Rodriguez on 10/24/03. A copy of the final resolution shall be attached to two sets of the building permit plans.

(3) A second story addition shall not be permitted.

(4) The existing asphalt driveway shall be replaced with interlocking pavers set in sand and completed before the addition receives a final certificate of occupancy or certificate of completion.

(5) The proposed pool deck shall maintain a minimum setback of 5 feet from the rear and side property lines and be constructed of pavers set in sand.

(6) A landscape plan prepared by a landscape professional shall be submitted and be made part of the building permit for the addition. The landscape plan shall identify all trees and plants to be removed, replaced, or relocated. The existing black olive tree in front of the circular drive must be retained. At a minimum, any trees removed shall be replaced with trees of equal size and if possible existing trees shall be relocated on site.

Section 5. Recordation.

The decision of the Town Council to approve the Variance shall be recorded on the official zoning maps of the Town.

Section 6. Effective Date.

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 11th day of December, 2003.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

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

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]
WEISS, SEROTA, HELFMAN, PASTORIZA,
GUEDES, COLE & BONISKE
TOWN ATTORNEY

Collins moved/Pizzi Second

Council voted <u>5-1</u> as follows:	
Mayor Wayne Slaton	<u>Absent</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>NO</u>