

RESOLUTION NO. 04- 198 Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PARTIALLY APPROVING A NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN CODE TO PERMIT A 3 FT. REAR YARD SETBACK (2 FT. REAR YARD SETBACK REQUESTED) (5 FT. REQUIRED), IN ORDER TO PERMIT THE CONSTRUCTION OF A SWIMMING POOL ON PROPERTY ZONED RU-1Z AND LOCATED AT 14463 NW 87TH PLACE, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR APPEAL

WHEREAS, pursuant to Section 33-311 of the Town Code ¹, Victor Manuel Corvo (the “Applicant”) has applied to the Town for approval of a non-use variance as set forth in Application Z04-01 (the “Variance”); 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 a non-use variance; and

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 Variance has been noticed for Thursday, January 15, 2004 at 7:00 p.m. at Miami Lakes Town Hall, 6853 Main Street, Miami Lakes, Florida; and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town Staff has reviewed the application and recommends partial approval of the Variance with conditions, as set forth in the Memorandum dated January 8, 2004 (the “Memorandum”), attached as exhibit “A” 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.

**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 the Variance maintains 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 the Variance is compatible with the surrounding land uses.
- (3) That the Variance is not detrimental to the Town.

Section 3. Approval.

The Town Council partially approves the Variance to the Applicant from Section 33-284.43 (c) of the Town Code for the property located at 14463 NW 87th Place to allow a 3 ft. rear yard setback for a swimming pool (2 ft. rear yard setback requested) (5 ft. required).

Section 4. Conditions of Approval.

The Variance is granted and the Applicant shall comply with the following conditions:

1. The rear setback to the water's edge of the swimming pool or Jacuzzi shall be a minimum of 3 feet.
2. A landscape plan prepared by a landscape professional shall be submitted and be made part of the Building Permit for the swimming pool. The landscape plan shall identify all trees/plants to be removed replaced or relocated. At a minimum any trees removed shall be replaced with trees of equal size and if possible, existing trees shall be relocated on site. Final Building and Zoning Inspections shall not be issued until the approved landscaping is in place.

3. A screen enclosure shall not be permitted around the swimming pool.
4. No slides or similar structures which are visible from surrounding properties shall be permitted
5. The deck shall be construction of pavers set in sand. A minimum setback of five feet (5') shall be maintained from both side property lines and three feet (3') from the rear property line.
6. The swimming pool and deck shall be constructed in substantial compliance with the plans drawn by Jose R. Figueroa of R. Hidalgo Architects and dated July 6, 2003. Two revised sets of plans, which incorporate the above conditions of approval, shall be submitted for building permit.
7. The applicant shall obtain a building permit within one 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.

Section 5. Effective Date.

This resolution shall become effective immediately upon its adoption.

Section 6. Appeal.

In accordance with Section 33-312 and 33-316 of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing of a notice of appeal in accordance with the Florida Rules of Appellate Procedure.

The foregoing Resolution was moved by Pizzi and seconded by Thomson, and upon being put to a vote the motion carried 7-0 with each Council Member voting as follows:

Mayor Wayne Slaton yes
 Vice Mayor Roberto Alonso yes
 Councilmember Mary Collins yes
 Councilmember Robert Meador yes
 Councilmember Michael Pizzi yes
 Councilmember Nancy Simon yes
 Councilmember Peter Thomson yes

PASSED AND ADOPTED this 15th day of January 2004.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatriz Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR USE ONLY BY THE TOWN OF MIAMI LAKES:

Weiss Serota Helfman Pastoriza
WEISS SEROTA HELFMAN PASTORIZA
GUEDES COLE & BONISKE, P.A.
TOWN ATTORNEY