

MINUTES
TOWN COUNCIL MEETING - ZONING

January 9, 2003

7:00 p.m.

Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **CALL TO ORDER** – Mayor Wayne Slaton called the meeting to order at 7:07 p.m.
2. **ROLL CALL** – In addition to the Mayor, the following Members were present at roll call: Mary Collins, Robert Meador, Peter Thomson, and Roberto Alonso. Also present were: Town Manager Alex Rey, Town Attorney, Mark Rothenberg of Weiss, Serota, Helfman, Pastoriza & Guedes, P.A., and Town staff Ron Connally, Miami Dade County Planning and Zoning and Henry Iler, Iler Planning group. A Court reporter was also present.
3. **PLEDGE OF ALLEGIANCE** – The Mayor led the pledge.
4. **ZONING ITEMS:**

Town Attorney Mark Rothenberg read the following statement into the record:

In accordance with the Town Code, the item(s) to be heard today has been legally advertised in the newspaper, notices have been mailed, and the property has been posted. Additional copies of the agenda are available here in the chambers. The record of the hearing on the application will include the documents prepared by the Miami-Dade County Department of Planning and Zoning, which serves as the Town planner. All these documents are physically present today, available to all interested parties, and available to the members of the Town Council who may examine them during the hearing.

If you wish to comment upon the application, please inform the Clerk by filling out the available sign-up form. An opportunity for persons to speak on each application will be made available after the applicant and Town planner have made their presentations on the application. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will not be considered. Parties have the right of cross-examination. The general public will not be permitted to cross-examine witnesses, but the public may request the Mayor to ask questions of staff or witnesses on their behalf.

Pursuant to the Town Charter, all persons who represent organizations are required by the Town laws to register as a lobbyist. If a lobbyist is not registered, the registration form may be obtained from the Town Clerk, and the form may be completed and the fee paid during this hearing.

The Town Council members have completed Ex-Parte Communication Disclosure Forms and have filed those forms with the Clerk seven days in advance of this hearing. They disclose communications with the parties that have taken place regarding the application tonight, and are available for public review from the Clerk.

All persons should be advised that in Miami Dade County v. Omnipoint Holdings, Inc., the Florida Third District Court of Appeal held that the County standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants were invalid in that case. At the current time, the Town uses the County Standards. Applicants proceed at their own risk that these standards will be found to be ineffective as to the Town and that therefore any approval by the Town Council today may be nullified by the Court

This statement, along with the fact that all witnesses have been sworn, should be included in any transcript of all or any part of these proceedings

The Court reporter performed the swearing in of witnesses.

The following items were heard:

A. NON-USE VARIANCES:

Z02-252 – HECTOR & MARIA MAESTRI – The Town Attorney read the Resolution by title as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING A NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-311 OF THE TOWN CODE FOR PROPERTY ZONED R U-1 LOCATED AT 8340 NW 159th TERRACE, MIAMI LAKES, FLORIDA; TO PERMIT A SWIMMING POOL SETBACK 5 FEET WHERE 7.5 FEET IS REQUIRED FROM THE REAR (SOUTH) PROPERTY LINE AND 7.5 FEET WHERE 10 FEET IS REQUIRED FROM THE INTERIOR SIDE (REAR) PROPERTY LINE; TO PERMIT A CABANA BATH/STORAGE CLOSET AND GAZEBO SETBACK 5 FEET WHERE 7.5 FEET IS REQUIRED FROM THE INTERIOR SIDE (EAST) PROPERTY LINE; TO PERMIT A RESIDENCE SETBACK 7.03 FEET FROM THE INTERIOR SIDE (EAST) PROPERTY LINE WHERE 7.5 FEET IS REQUIRED AND 7.06 FEET WAS PREVIOUSLY APPROVED; AND TO PERMIT A SINGLE FAMILY RESIDENCE WITH A LOT COVERAGE OF 35.07% WHERE 35% IS PERMITTED; PROVIDING FINDINGS; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR APPEAL AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Maestri addressed the Council and requested approval of his application. A staff report recommending approval was submitted to the Council.

Councilwoman Simon recommended approval of the resolution. Councilwoman Collins seconded the motion which carried unanimously (6-0-1 absent) on a roll call vote.

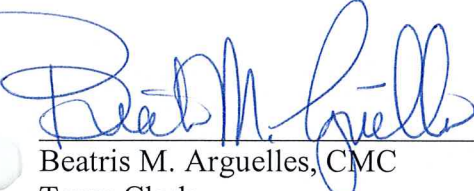
5. **ADJOURNMENT** – The Mayor adjourned the meeting at 7:15 p.m.

Approved this 11th day of February, 2003

Attest:



Wayne Slaton, Mayor



Beatris M. Arguelles, CMC
Town Clerk