

RESOLUTION NO. 01- 39 AV

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING NON-USE VARIANCES FILED IN ACCORDANCE WITH SECTION 33-36.1 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 8735 NW 168TH STREET; TO ALLOW A REAR SETBACK LINE OF 12.5 FEET AND TO ALLOW A MAXIMUM LOT COVERAGE OF 39.3% OF THE LOT; 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 Code¹, Miguel A. Otero (the "Applicant") has applied to the Town for approval of non-use Variances, Application No. V2001000123 (the "Variances"); and

WHEREAS, Section 33-36.1 of the Town Code provides for an administrative process to review an application for non-use Variances; and

WHEREAS, the Miami-Dade County Director of Planning and Zoning (the "Director") has reviewed the application and recommends approval of the Variances, with conditions, as set forth in the Director's Memorandum dated August 3, 2001, (the "Memorandum"), 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 Variances will be in harmony with the general appearance and character of the community.
- (2) That the Variances will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (3) That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant a reasonable use of his land.

Section 3. Approval.

The Town Council approves non-use Variances to the Applicant from Section 33-50 (setbacks) and Section 33-49 (lot coverage) of the Town Code for property located at 8735 NW 168th Street and will allow the following:

- (1) a rear setback of 12.5 feet from the rear (north) property line where 25 feet is required; and
- (2) a lot coverage of 39.93% where 35% is permitted.

Section 4. Conditions of Approval.

Approval of the non-use Variances is granted subject to the Applicant's compliance with the following condition:

- (1) That the covered terrace addition remain open-sided and not be enclosed in any manner except for approved insect screen materials.

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 25th day of September 2001.



WAYNE SLATON, MAYOR

ATTEST:



TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



ACTING TOWN ATTORNEY



MEMORANDUM

107.07-17A

TO: Diane O'Quinn Williams, Director
Department of Planning and Zoning
Alberto J. Torres
Alberto J. Torres

FROM: Acting Assistant Director for Zoning
Department of Planning and Zoning

DATE: August 3, 2001

SUBJECT: Miguel A. Otero
(V2001000123)
Administrative Variance
Miami Lakes

PURPOSE:

The above named applicant is seeking administrative approval, in accordance with Section 33-36.1 of the Code of Miami-Dade County, for variances of setback and lot coverage requirements to permit a proposed addition in connection with an existing single family residence.

REQUESTS:

1. Non-use variance of setback requirements to permit a covered terrace addition to an existing single family residence to setback 12.5' from the rear (north) property line where 25' is required.
2. Non-use variance of lot coverage requirements to permit a lot coverage of 39.3% where 35% is permitted.

LOCATION : 8735 N.W. 168 Street, Miami Lakes, Florida.

EXISTING ZONING: RU-1, Single-Family Residential District.

SIZE OF PROPERTY: 66.3' x 98'

IMPACT ON ADJACENT PROPERTIES:

The property is an interior lot in this single-family area, and all the surrounding properties are developed. Owners of the surrounding properties have signed the required waiver form.

Staff has no objections to the proposed variances, subject to a condition. The proposed covered terrace addition will provide shelter and shade and enhance the outdoor enjoyment of the residents. The setback variance will be similar to another variance of rear setback requirements which permitted a covered terrace addition on a parcel which is located approximately 150' to the north of the subject property. The total lot coverage which result from the construction of this covered terrace addition will only be 4.3%

EXHIBIT "A"

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more than permitted by Code. The subject proposed addition will be adequately spaced from the rear yard area of the abutting residential parcel to the north and will be buffered from same by an existing 6' high wood fence which runs along the rear (north) property line of the subject property.

STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed covered terrace addition, I find the following exists:


1. That the variances will be in harmony with the general appearance and character of the community.
2. That the variances will not be injurious to the area involved or otherwise detrimental to the public welfare.
3. That the proposed covered terrace addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant reasonable use of this land.

Additionally, staff feels that consideration for **approval** should be given of this request for an Administrative Variance, subject to the following condition:

That the covered terrace addition remain open-sided and not be enclosed in any manner except for approved insect screen materials.

DIRECTOR'S RECOMMENDATION

- Approved as requested.
- Approved subject to a condition stated above.
- Denied.



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

end