

RESOLUTION NO. 01-49 -AV

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; APPROVING NON-USE VARIANCE FILED IN ACCORDANCE WITH SECTION 33-36.1 OF THE TOWN CODE FOR PROPERTY ZONED RU-1 LOCATED AT 15801 TURNBERRY DRIVE MIAMI LAKES, FLORIDA; TO PERMIT A PROPOSED SINGLE FAMILY RESIDENCE TO SETBACK A MINIMUM OF 15' FROM THE REAR (SOUTHEAST) PROPERTY LINE WHERE 25' IS REQUIRED; PROVIDING FINDINGS; 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 Code <sup>1</sup>, **Rodolfo F. & W Mirna Gonzalez** (the "Applicant") have applied to the Town for approval of non-use variances, Application V01-177, and

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

WHEREAS, the Director of Planning and Zoning (the "Director") has reviewed the application and recommends approval of the variance. A copy of the Director's Memorandum dated June 4, 2001, (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:**

**Section 1. Recitals.**

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

---

<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.

**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 variance will be in harmony with the general appearance and character of the community.
- (2) That the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (3) That the proposed single family residence is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicants reasonable use of this land.

**Section 3. Approval.**

The Town Council grants non-use variances to the Applicant from Section 33-50 (setbacks) of the Town Code for property located at **15801 Turnberry Drive**, Miami Lakes, Florida to allow the following:

- (1) A single family residence to setback a minimum of 15' from the rear (southeast) property line, where 25' is required.

**Section 4. Conditions of Approval.**

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

No conditions are imposed.

**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 10<sup>th</sup> day of Nov., 2001.

  
\_\_\_\_\_  
WAYNE SLATON, MAYOR

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
ACTING TOWN ATTORNEY



# MEMORANDUM

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

FROM: *Alberto J. Torres*  
Alberto J. Torres  
Acting Assistant Director for Zoning  
Department of Planning and Zoning

DATE: October 18, 2001

SUBJECT: Rodolfo F. & Mirna  
Gonzalez  
(V2001000177)  
Administrative  
Variance  
**Miami Lakes**

## REQUEST:

Non-use variance of setback requirements to permit a proposed single family residence to setback a minimum of 15' from the rear (southeast) property line where 25' is required.

## LOCATION

Lot 19, Block 2, of Miami Lakes – Loch Lomond Section Subdivision, according to the Plat thereof as recorded in Plat Book 76 at Page 91 of the Public Records of Miami-Dade County, Florida. A.K.A. 15801 Turnberry Drive, Miami Lakes, Florida.

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

SIZE OF PROPERTY: 13,302 square feet irregular.

## IMPACT ON ADJACENT PROPERTIES:

The property is an irregular shaped corner 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 variance. The proposed single family residence will provide more than half of the required setback from the rear property line of this irregularly shaped parcel and said residence will be adequately spaced from the abutting single family residence to the rear. Said proposed residence will be constructed at an angle to the rear (southeast) property line. It will, therefore, setback a minimum of 15' only at one point, and will also setback a maximum of 22.42' from the rear property line. Additionally, the proposed variance is similar to two (2) other variances which have been approved in this vicinity, permitting rear setbacks of 15.66' and 12.5'.

## STAFF'S ANALYSIS:

Based upon the review of the plans for the proposed single family residence, staff finds the following exists:


201-49

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

Additionally, staff feels that consideration for **approval** should be given of this request for an Administrative Variance.

DIRECTOR'S RECOMMENDATION

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

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

DO'QW:AJT:MTF:DBM

# Miami LKS AV

*Carson*

## Administrative Variance Advertisement

AV No. V01-177

STR: 14-52-40

**Applicant:** Rodolfo F. & Mirna Gonzalez

1. NON USE VARIANCE OF SETBACK REQUIREMENTS to permit a proposed <sup>SF</sup> residence setback 15' (25' required) from the rear (South Easterly) property line. *a minimum of*

**Subject Property:** (legal description)

Lot 19, Block 2, Miami Lakes – Loch Lomond Section, according to the plat thereof as recorded in Plat Book 76, Page 91, of the Public Records of Miami-Dade County, Florida.

**Location:** SE corner of Turnberry Dr. & East Troon Cir.

**Size of property:** ~~416' X 123'~~ 13,302 SF IRR

**Present Zoning:** RU-1

**Contact Person:** Rodolfo F. & Mirna Gonzalez  
7261 West Troon Circle  
Miami Lakes, FL 33014

*Jesus Davila* on September 18, 2001

R01-49

LETTER OF INTENT

LETTER OF INTENT: ALL APPLICATIONS MUST BE ACCOMPANIED BY A LETTER OF INTENT. Please describe in detail, in the Letter of Intent whether and to what extent the requested variance serves a public benefit which would warrant the granting of the request and specific justification for approval of the application, nature of the requests and any other pertinent information. It is important that justification for each and every variance be included in your letter of intent. Insufficient justification may result in the denial of your application.

RECEIVED  
101177  
SEP 17 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

LETTER OF INTENT

WE WOULD LIKE TO BUILD A COURTYARD HOME FOR OURSELVES. WE HAVE LIVED IN THIS NEIGHBORHOOD FOR SIX YEARS AND WE JUST PURCHASED THIS LOT. WE KNOW A LOT OF THE NEIGHBORS AND I HAVE BEEN A PAST VP. OF THE HOME ASSOCIATION.

WE BELIEVE THAT A NEW HOME ON THIS LOT WOULD ENHANCE THE AREA SINCE THIS LOT HAS ALWAYS BEEN VACANT. THE REASON WE WOULD LIKE AN ADMINISTRATIVE VARIANCE IS BECAUSE OF THE ODD ANGLE AT THE SOUTH SIDE WHICH TAPERS INWARD. BY ALLOWING THIS DESIGN IT WOULD AVOID US HAVING TO MAKE THE HOUSE WITH ~~LESS~~ MORE SECOND FLOOR AREA GIVING THE HOUSE A LESS BOXY LOOK.

ALSO AT THE ADJOINING PROPERTY IS A TENNIS COURT WHICH WOULD NOT EFFECT A THREAT TO ANYONE. R01-49

32-20140040780  
TAX FOLIO NUMBER

APPLICATION FOR ADMINISTRATIVE VARIANCE

MIAMI-DADE COUNTY

DEPARTMENT OF PLANNING AND ZONING

ZONING HEARINGS SECTION

**RECEIVED**  
101-177  
SEP 17 2001

Sec. 14 Twp. 52 Rge. 40

Fee \_\_\_\_\_

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

\_\_\_\_\_  
Date Received Stamp

This application, with all required supplemental data and information must be completed in accordance with the attached "INSTRUCTIONS FOR FILING APPLICATION FOR ADMINISTRATIVE ZONING VARIANCE" and returned to the MIAMI-DADE COUNTY DEPARTMENT OF PLANNING, AND ZONING with the required fee.

TYPE OR PRINT LEGIBLY IN INK ALL INFORMATION ON THE APPLICATION.

**NOTE: This application may only be applied for by the current fee owner of the property who either currently resides on the premises that is the subject of this application or owns and intends to reside there after construction is completed.**

1. Owner of Property RODOLFO F. & MIRNA GONZALEZ Phone: 305 761-8200

2. Mailing Address 7261 WEST TROON CIRCLE

City MIAMI LAKES State FL Zip 33014

3. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION:

LOT 19 BLOCK 2 MIAMI LAKES - LOCH LOMAND SECTION PB 76 PAGE 1

SIZE OF PROPERTY: 116.65' x 123.46'

4. Address or location of subject property TURNBERRY DRIVE AND EAST TROON CIRCLE

5. Present Zoning Classification(s) RU1 Present minimum sq. ftg. for building \_\_\_\_\_

Is this hearing being requested as a result of a violation notice or summons? NO

Nature of the violation: N/A

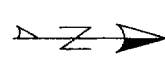
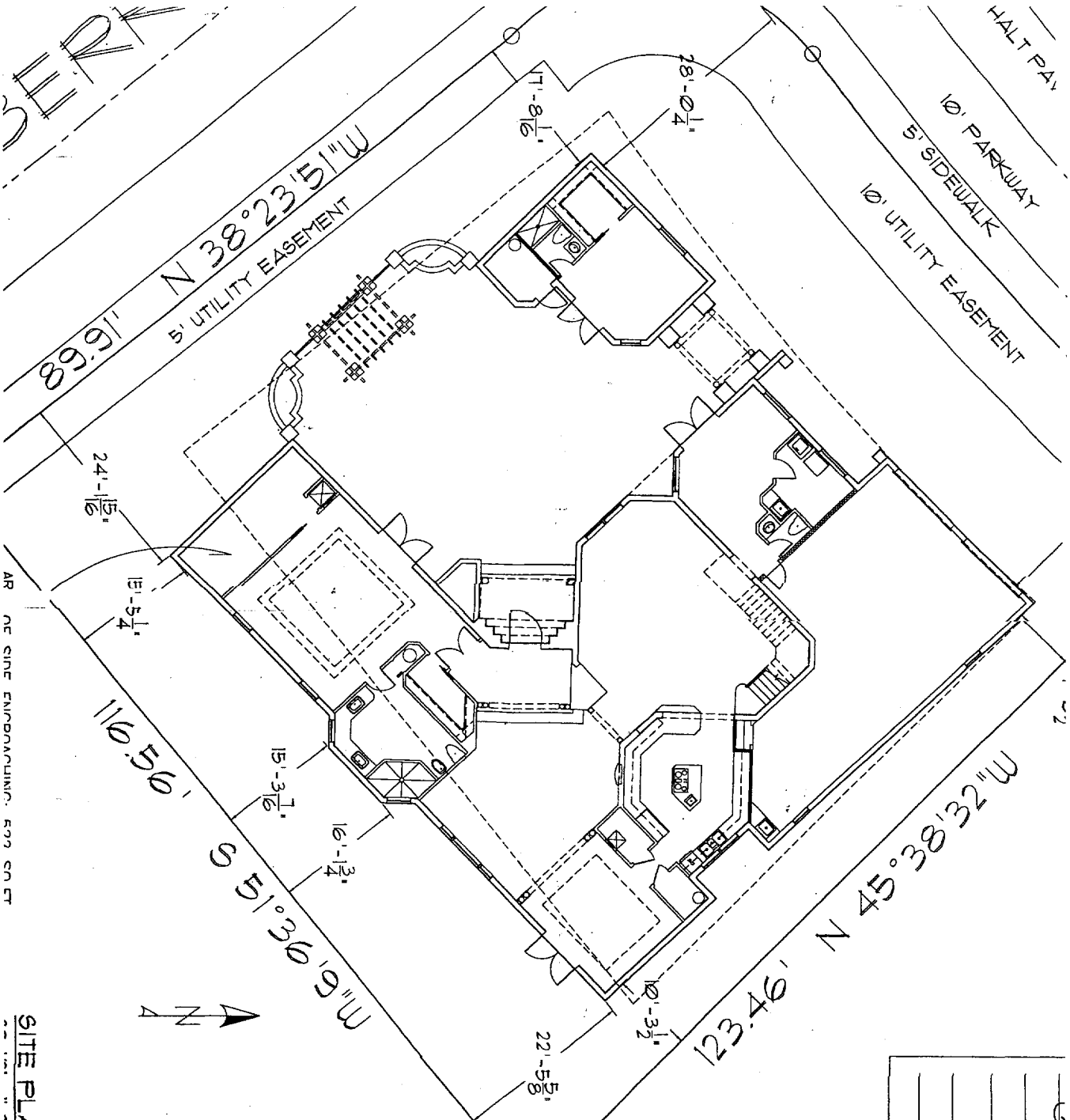
\*\*\*\*\*

OWNER AFFIDAVIT/INTENT TO RESIDE

I have made every attempt to relocate/redesign the structure so as to avoid the variance(s) that are herein requested. I acknowledge that the Director of the Department of Planning and Zoning has the authority to approve, modify, or deny my application and that in granting approval of my application the Director may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

I, RODOLFO F. GONZALEZ being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed variance

RD-49



LEGAL DESCRIPTION:  
 LOT 19, BLOCK 2  
 SUBDIVISION: MIAMI LAKES - LOCH LORONID SECTION  
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN  
 PLAT BOOK 16 PG. 51 PUBLIC RECORDS  
 OF MIAMI DADE COUNTY

Signature for Alberto Crepeo on plan

58-14-2881 12198	DETACHED FLOOR SERVICE	N 08138827580
BE THE PERSONS HAVE CONSENT TO THESE PLANS, WHICH ARE BEING SUBMITTED FOR AN ADMINISTRATIVE VARIANCE APPLICATION.		
NAME	DATE	
Alberto Crepeo	8-9-2001	
Leslie M. Davis	8-10-2001	
Marcelo Crepeo	9-14-2001	

SITE PLAN

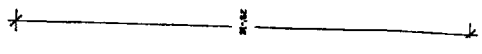
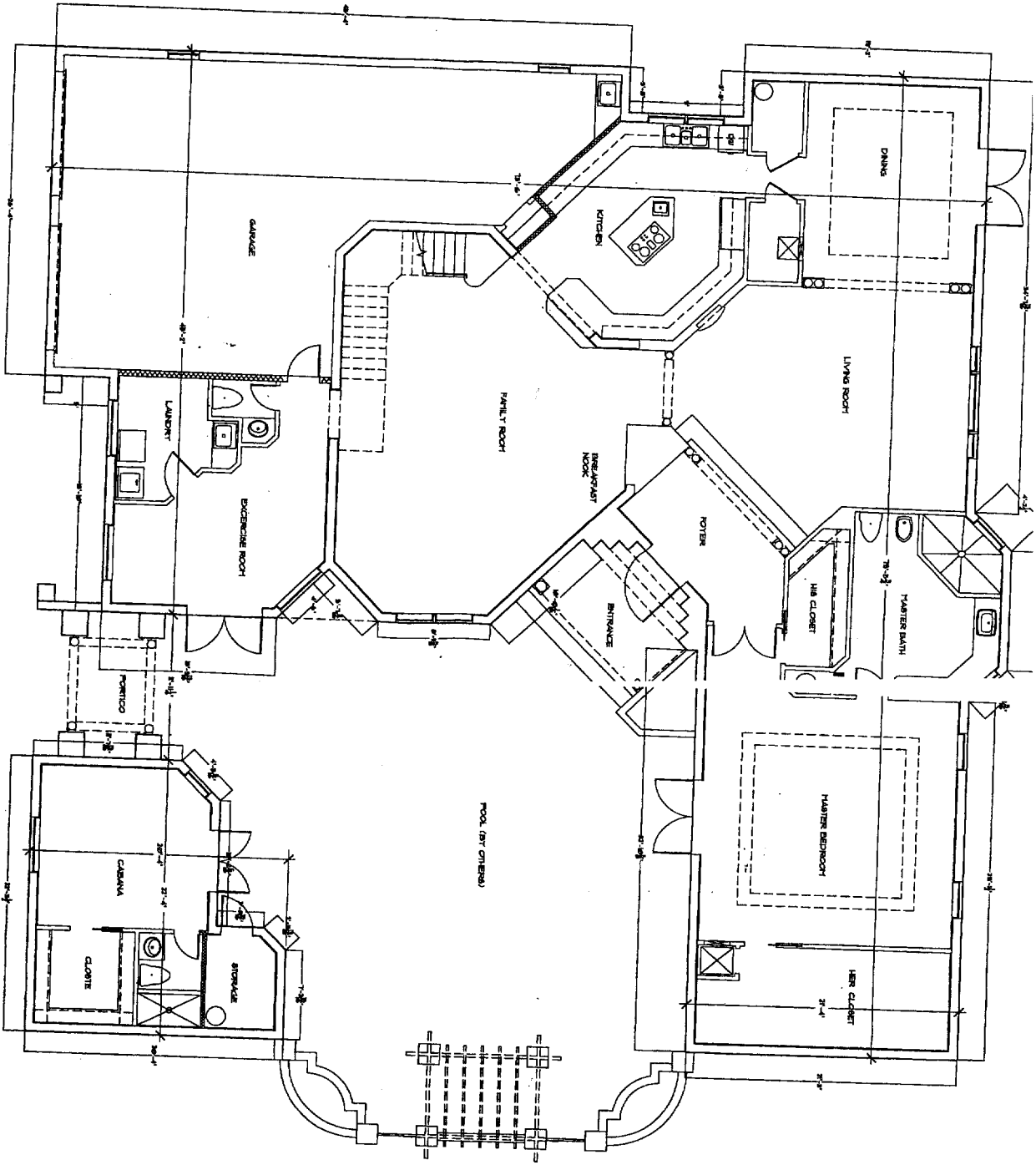
DATE

PROPOSED RESIDENCE FOR:

RO1-49

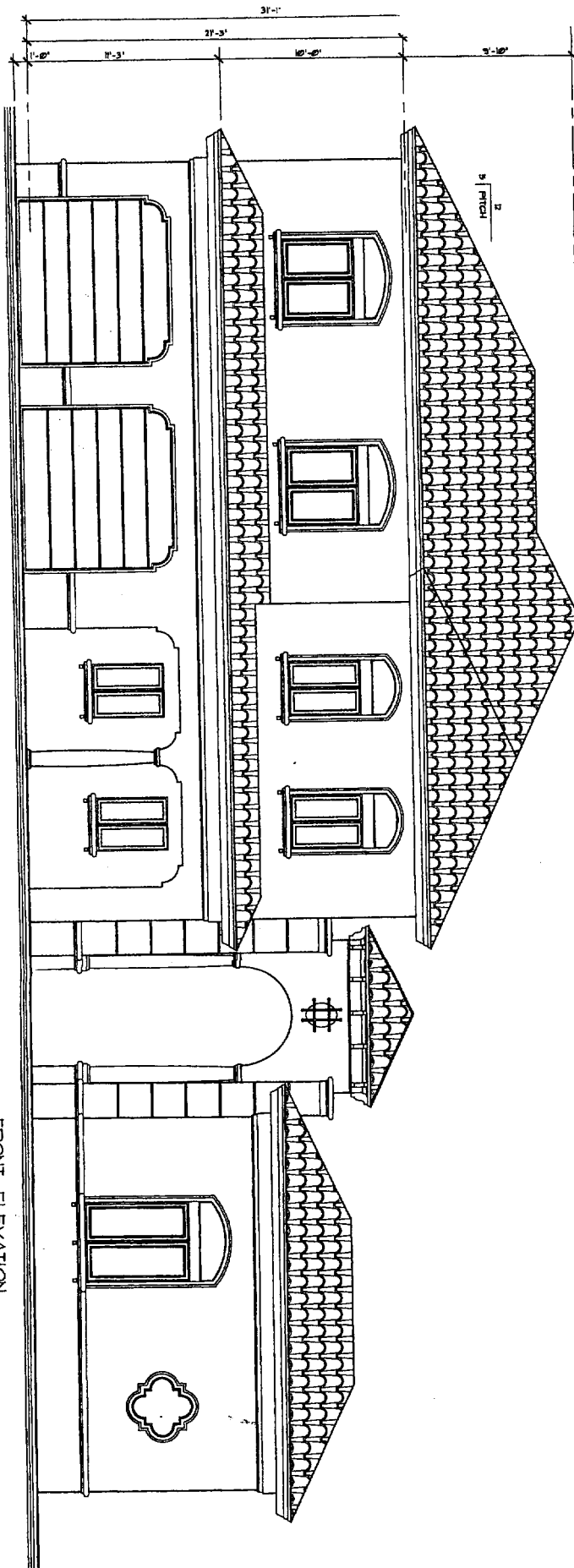
ALBERT O. GONZALEZ

GROUND FLOOR PLAN



R01-49





R01-49