

**RESOLUTION NO. 05-20**

**ZONING APPLICATION 05-3-VPB-1/04-307 (22-55-40)**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF LUCY AND LOUIS PETRILLO FOR ALTERNATIVE NON-USE VARIANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicants made applications for alternative non-use variance, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on March 14, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for alternative non-use variance is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the applications, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present applications was held on March 14, 2005 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicants are Lucy and Louis Petrillo. The property is single family residence located at 7900 SW 143 Street.
2. The applicants request approval to construct a porte-cochere (carport) addition setback 14'8" from the front property line where 25' is permitted. The request is further described in the attached county recommendation.
3. The village council adopts the portions of the cover sheet to, and the county recommendation, entitled Zoning Hearings History, Comprehensive

Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The village council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative non-use variance is consistent with the Miami-Dade County comprehensive plan and complies with the applicable land development regulation, §33-311(A)(4)(b)(NUV).

Section 4. Order.

1. The village council accepts the county recommendation at page 9 and staff recommendation at page 10. The application for alternative non-use variance is granted subject to the condition, as follows:
  - a. The buffering landscaping between the carport and the right-of-way must be maintained to lessen the visual impact.

Section 5. Record.

The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the village clerk.

Section 6. This resolution shall take effect immediately upon approval.

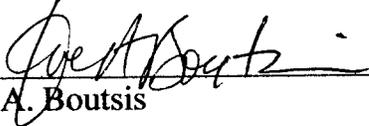
PASSED and ADOPTED this 14<sup>th</sup> day of March, 2005.

Attest:

  
\_\_\_\_\_  
Meighan Pier  
Village Clerk

  
\_\_\_\_\_  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eve A. Boutsis  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>Yes</u> _____
Council Member Paul Neidhart	<u>Yes</u> _____
Council Member John Breder	<u>Yes</u> _____
Vice-Mayor Linda Robinson	<u>Yes</u> _____
Mayor Eugene P. Flinn, Jr.	<u>No</u> _____

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