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RESOLUTION NO. 2016-30

ZONING APPLICATION VPB-16-004

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; APPROVING A VARIANCE FROM SECTION 30-50.4(d)(5), TO INCREASE THE MAXIMUM PERMITTED LOT COVERAGE FROM 32% TO 35%, AND A VARIANCE FROM SECTION 30-50.4(e) TO REDUCE BOTH THE EAST AND WEST SETBACKS FROM 15' TO 6' TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY HOME; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Applicant, Old Cutler Properties LLC, made an application for variances to increase the amount of lot coverage from 32% to 37%, and reduce both the east and west side setbacks from 15' to 6' to allow for the construction of a new single family home; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street, on April 18, 2016; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the variances, as modified by Council, is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as modified by the Village Council, 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 public hearing on the present application was held on April 18, 2016, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 2. Findings of fact.

- a. That the property is located at Roberts Subdivision Lot 5 Block C - 7240 SW 164 Terrace.
- b. The requested variance, as modified by the Village Council to reduce the lot coverage request from 37% to 35%, is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.

- 1 c. After hearing testimony from staff, the applicant, the applicant's experts, and the public,
2 the Village Council found the variance requests, as modified, are consistent with the
3 variance criteria at Section 30-30.6(e), of the Village's Land Development Code.
4
5 d. The Village adopts and incorporates by reference the Planning & Zoning Department
6 staff report, which expert report is considered competent substantial evidence.
7
8 e. The Village Council did not have any substantive disclosures regarding ex-parte
9 communications and the applicant did not raise any objections as to the form or content
10 of any disclosures by the Council.
11

12 Section 3. Conclusions of law.
13

14 The requested variance, as modified, was reviewed pursuant to Section 30-30.6(e) of the
15 Village's Land Development Regulations and was found to be consistent.
16

17 Section 4. Order.
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19 The Village Council approves the variance requests to increase the amount of lot coverage
20 from 32% to 35%, and reduce both the east and west side setbacks from 15' to 6' to allow for the
21 construction of a new single family home for the property located at 7240 SW 164 Terrace.
22

23 This is a final order.
24

25 Section 5. Record.
26

27 The record shall consist of the notice of hearing, the applications, documents submitted by
28 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
29 Planning and Zoning in connection with the applications, the County recommendation and attached
30 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
31 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
32 the Village Clerk.
33

34 Section 6. This resolution shall take effect immediately upon approval.
35

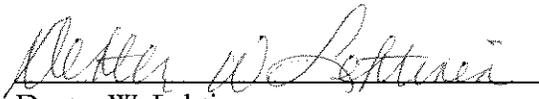
36 PASSED and ADOPTED this 18th day of April, 2016.
37

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40 Attest:


41 Meighan Alexander
42 Village Clerk
43


Eugene Flinn
Mayor

1
2 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
3 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

4
5
6 
7 Dexter W. Lehtinen
8 Village Attorney

9
10 FINAL VOTE AT ADOPTION:
11
12 Council Member Karyn Cunningham NO
13
14 Council Member Tim Schaffer YES
15
16 Council Member Larissa Siegel Lara YES
17
18 Vice-Mayor John DuBois Absent
19
20 Mayor Eugene Flinn YES

21
22
23 This Resolution was filed in the Office of the Village Clerk on this 12th day of May, 2016.

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25 
26 Meighan Alexander
27 Village Clerk
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