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RESOLUTION NO. 2015-42

ZONING APPLICATION VPB-15-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; DENYING A VARIANCE FROM SECTION 30-50.6(e), TO CONSTRUCT A GUEST HOUSE 7.5 FEET FROM THE PROPERTY LINE WHERE 20 FEET IS REQUIRED FOR THE PROPERTY LOCATED AT 7200 SW 146 TERRACE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Applicant, Fernando Lora and W Nereida made an application for a variance to reduce the required side yard setback from 20' feet to 7.5' feet to allow the construction of a guest house for their property located at 7200 SW 146 Terrace, property identification number 3350230230240; 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 20, 2015; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the variance is not 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 not to grant the application, 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 20, 2015, 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 7200 SW 146 Terrace.
- b. The requested variance request is not consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.
- c. After hearing testimony from staff, the applicant, the applicant's experts, and the public, the Village Council found the variance request is not consistent with the variance criteria at Section 30-30.6(e), of the Village's Land Development Code.

- 1 d. The Village adopts and incorporates by reference the Planning & Zoning Department
2 staff report, which expert report is considered competent substantial evidence.
3
4 e. The Village Council did not have any substantive disclosures regarding ex-parte
5 communications and the applicant did not raise any objections as to the form or content
6 of any disclosures by the Council.
7

8 Section 3. Conclusions of law.
9

10 The requested variance was reviewed pursuant to Section 30-30.6(e) of the Village's Land
11 Development Regulations and was found to be inconsistent.
12

13 Section 4. Order.
14

15 The Village Council denies the setback variance request for the property located at 7200 SW
16 176 Terrace, as inconsistent with Section 30-30.6(e) of the Village's Land Development Regulations.
17

18 This is a final order.
19

20 Section 5. Record.
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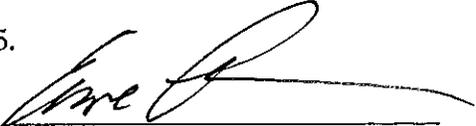
22 The record shall consist of the notice of hearing, the applications, documents submitted by
23 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
24 Planning and Zoning in connection with the applications, the County recommendation and attached
25 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
26 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
27 the Village Clerk.
28

29 Section 6. This resolution shall take effect immediately upon approval.
30

31 PASSED and ADOPTED this 20th day of April, 2015.

32
33 Attest:

34 
35 Meighan Alexander
36 Village Clerk

37 
38 Eugene Flinn
39 Mayor

40 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
41 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
42

43 
44 Dexter W. Lehtinen
45 Village Attorney

1 FINAL VOTE AT ADOPTION:
2
3 Council Member Katryn Cunningham YES
4
5 Council Member Tim Schaffer YES
6
7 Council Member Larissa Siegel Lara YES
8
9 Vice-Mayor John DuBois YES
10
11 Mayor Eugene Flinn YES
12

13
14
15 This Resolution was filed in the Office of the Village Clerk on this 23 day of
16 April, 2015.
17

18 
19 _____
20 Meighan Alexander
21 Village Clerk
22
23