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RESOLUTION NO: 2012-43

ZONING APPLICATION VPB-12-002

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING, WITH CONDITIONS, THE APPLICANTS', BERTRAND AND KERRI LEON, REQUEST FOR A VARIANCE PURSUANT TO SECTION 30-30.6 OF THE VILLAGE'S CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Applicants, Bertrand & Kerri M. Leon, pursuant to Section 30-30.6 of the Village of Palmetto Bay's Land Development Code (LDC) filed an application requesting a variance of setback requirements to allow for the construction of a swimming pool behind an existing single-family home to setback 7'-8" from the interior side (north) property line where 20' is required in the Estate-Modified Single-Family Residential District (E-M), on a legally non-conforming parcel; and,

WHEREAS, the Planning and Zoning Department issued a recommendation of approval of the pool variance; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall on May 21, 2012; and,

WHEREAS, the Mayor and Village Council find, based on substantial competent evidence in the record find, that the application pursuant to section 30-30.6, of the Village's Land Development Code, is consistent with the Village's Comprehensive Plan and applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, by the Village Council Action 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. The above WHEREAS clauses are incorporated into the Resolution by reference.

Section 2. Findings of Fact.

Staff submitted its report into the public record and testified that the request was in compliance with the Variance Criteria requirements of Section 30-30.6 of the Village's Land Development Code. The Applicant testified requesting approval of the application. During public hearing, members of the public spoke in favor of the application. The Village Council accepted the recommendation of Staff and approved the application.

1 Section 3. Conclusion of Law. Based upon the Staff Report and recommendation, and
2 the testimony provided at the hearing, the Mayor and Village Council concluded:
3

- 4 1. That the application was in compliance with the adopted 2005 Village of Palmetto Bay
5 Comprehensive Plan, and Future Land Use Map; and,
6
7 2. The Applicants' request for a setback variance was in compliance with Section 30-30.6 of
8 the Land Development Code, subject to the conditions found at Section 4 of this
9 Resolution.
10

11 Section 4. Order.
12

13 The Council, pursuant to Section 30-30.6, of the Village's Land Development Code
14 approves with conditions, the Applicants request for a setback variance to allow for the construction
15 of a pool to setback 7'-8" from the interior side (north) property line where 20' is required on a
16 parcel zoned E-M. The variance request is in keeping with the basic intent and purpose of the
17 zoning and land use regulations. Approval of this application is in character with the existing use of
18 the property and is consistent with the Villages Comprehensive Plan. The Village Council approves
19 the plans entitled "Bertrand Leon, 16371 SW 84th Place, Miami FL, 33157" consisting of five sheets
20 dated stamped received March 26th, 2012, as prepared by Fernando Morales P.E.
21

22 The Council conditioned approval, based upon the recommendation of staff and required
23 the Applicants to comply with the requirements of all other applicable departments/agencies as part
24 of the Village of Palmetto Bay building permit submittal process.
25

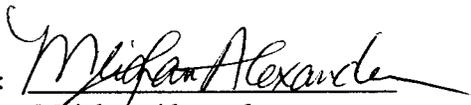
26 Section 5. Record.

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

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

34 PASSED and ADOPTED this 21st day of May, 2012.

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36 Attest:

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38 Meighan Alexander
39 Village Clerk
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Shelley Stanczyk
Mayor

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APPROVED AS TO FORM:



Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore YES
- Council Member Howard Tendrich YES
- Council Member Joan Lindsay YES
- Vice-Mayor Brian W. Pariser YES
- Mayor Shelley Stanczyk YES