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**RESOLUTION NO. 2022-04**

**ZONING APPLICATION VPB-21-005**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; APPROVING A NON-USE FRONT SETBACK VARIANCE FOR THE EXPANSION OF A SINGLE-FAMILY HOME LOCATED AT 8201 SW 166<sup>TH</sup> TERRACE, PURSUANT TO SECTION 30-30.6, “VARIANCES,” AND SECTION 30-50.4, “ESTATE MODIFIED SINGLE-FAMILY”; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on October 25, 2021 the Village of Palmetto Bay received an application by Andrea Blanco with GFD Group Miami, LLC on the behalf of the owners, Adam and Jennifer Clarin, requesting the approval of application VPB-21-005, for a non-use variance from Section 30-50.4 “Estate Modified Single Family” (“EM”) zoning district - Subsection (e) Minimum Setbacks - Front Yard, to waive nine (9) feet and two (2) inches of the minimum required twenty-five (25) feet of the front yard setback requirement for a minimum front yard setback of fifteen (15) feet and ten (10) inches, and to construct a 10’ x 25’ addition on the front portion of the principal structure, a one-story single-family residence constructed in 1969; and

**WHEREAS**, the subject property is located at 8201 SW 165<sup>th</sup> Terrace, Palmetto Bay, Florida on a legally non-conforming corner lot, identified with folio number 33-5027-017-0110; and

**WHEREAS**, the subject property is designated “Estate Modified Single-Family” (“EM”) on the Village of Palmetto Bay Zoning Map; and

**WHEREAS**, the request would be consistent with the Village of Palmetto Bay’s adopted Comprehensive Plan Future Land Use Map (FLUM), on which the subject property has a FLUM designation of Estate Density Residential (EDR); and

**WHEREAS**, the applicant has made the non-use variance request so the owners can construct a 10’ x 25’ (250 square foot) addition on the front portion of the one-story single-family residence to allow for the

1 expansion of an existing bedroom and the addition of a bathroom  
2 renovating the existing single-family residence, which is consistent with  
3 the intent of the Village of Palmetto Bay Comprehensive Plan and the  
4 applicable Land Development Regulations of the surrounding area; and  
5

6 **WHEREAS**, the non-use variance for a front yard setback  
7 requirement would not cause incompatibilities or any adverse impacts  
8 to the neighborhood; and  
9

10 **WHEREAS**, the subject property is located within the “Estate  
11 Modified Single-Family (EM) Zoning District, as the lot as platted is  
12 legally non-conforming with an existing lot frontage of 104.76 feet along  
13 SW 165<sup>th</sup> Terrace where the minimum lot frontage required is 120 feet  
14 pursuant to Section 30-50.4(d)(3) within the EM zoning district  
15 dimensional regulations, and an existing lot depth of 92.13 feet on the  
16 east side is also legally non-conforming where the minimum lot depth  
17 required is 115 feet pursuant to Section 30-50.4(d)(4); and  
18

19 **WHEREAS**, the Village Council of the Village of Palmetto Bay  
20 conducted a quasi-judicial hearing on the application at Village Hall,  
21 9705 East Hibiscus Street on January 24, 2022; and  
22

23 **WHEREAS**, public comment was heard and read into the record;  
24 and  
25

26 **WHEREAS**, the Mayor and Village Council finds, based on  
27 substantial competent evidence in the record, that the application for  
28 the non-use variance is consistent with the Village of Palmetto Bay  
29 Comprehensive Plan and the applicable Land Development  
30 Regulations, subject to the staff analysis and report; and  
31

32 **WHEREAS**, based on the foregoing finding, the Mayor and  
33 Village Council determined to grant the application, as provided in this  
34 resolution, and subject to the analysis in the staff report.  
35

36 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**  
37 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**  
38 **FLORIDA, AS FOLLOWS:**  
39  
40

1           **Section 1.** A public hearing on the present application was held  
2 on January 24, 2022, in accordance with the Village's "Quasi-judicial  
3 Hearing Procedures". Pursuant to the testimony and evidence  
4 presented during the hearing, the Village Council makes the following  
5 findings of fact, conclusions of law and final order.

6  
7           **Section 2. Findings of fact.**

8  
9           1. The requested non-use variance plan is consistent with the  
10 Village's Comprehensive Plan, as further specified in the analysis  
11 section of the Village's staff report.

12  
13           2. The rules that govern the conditions upon which such uses are  
14 permitted to be are found within at Section 30-50.4, "Estate Modified  
15 Single-Family District" and Section 30-30.6, "Variances"; of the Village's  
16 Land Development Code. After review of the Code, as evidenced in the  
17 analysis of Village planning and zoning staff report, which is  
18 incorporated by reference into this Resolution, and after hearing the  
19 applicant and applicant's experts, the Village Council found the request  
20 to be consistent with those standards.

21  
22           3. The Village Council accepted the findings of Village Staff as it  
23 relates to compliance with the following provisions of the Village's Code:  
24 Section 30-50.4 and Section 30-30.6

25  
26           4. The Village adopts and incorporates by reference the Planning  
27 & Zoning Division staff report, which expert report is considered  
28 competent and substantial evidence.

29  
30           5. The applicant has agreed to all proposed conditions in the  
31 section entitled Order.

32  
33           **Section 3. Conclusions of law.** The documents submitted by  
34 the applicant were reviewed pursuant to Section 30-50.4 and Section  
35 30-30.6 of Palmetto Bay's Code of Ordinances and was found to be  
36 consistent.

37  
38           **Section 4. Order.** The Village Council grants the request for the  
39 approval of application VPB-21-005, for a non-use variance from  
40 Section 30-50.4 Estate Modified Single Family (EM) Zoning District -

1 subsection (e) Minimum Setbacks - Front yard: to waive nine (9) feet  
2 and two (2) inches of the minimum required twenty-five (25) feet of the  
3 front yard setback requirement for a minimum front yard setback of  
4 fifteen (15) feet and ten (10) inches, in order to construct a 10' x 25'  
5 addition on the front portion of the principal structure.

6  
7 **Section 5. Record.** The record shall consist of the notice of  
8 hearing, the Village of Palmetto Bay staff report, the application,  
9 documents submitted by the applicant and owner testimony to the  
10 Village of Palmetto Bay in connection with the application, the testimony  
11 of sworn witnesses and documents presented at the quasi-judicial  
12 hearing, and the tape and minutes of the hearing. The record shall be  
13 maintained by the Village Clerk.

14  
15 **Section 6.** This Resolution shall take effect immediately upon  
16 approval.

17  
18 **PASSED AND RESOLVED this 24<sup>th</sup> day of January 2022.**

19  
20 Attest:

21  
22 DocuSigned by:  
23 *Missy Arocha*  
24 \_\_\_\_\_  
25 **Missy Arocha**  
26 **Village Clerk**

27 DocuSigned by:  
28 *Karyn Cunningham*  
29 \_\_\_\_\_  
30 **Karyn Cunningham**  
31 **Mayor**

32 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**  
33 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**  
34 **FLORIDA ONLY:**

35 DocuSigned by:  
36 *John C. Dellagloria, Esq.*  
37 \_\_\_\_\_  
38 **John C. Dellagloria, Esq.**  
39 **Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

2

3 Council Member Patrick Fiore YES

4

5 Council Member Steve Cody YES

6

7 Council Member Marsha Matson YES

8

9 Vice-Mayor Leanne Tellam YES

10

11 Mayor Karyn Cunningham YES