

**RESOLUTION NO. 2022-18**

**ZONING APPLICATION VPB-21-009**

**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 REQUEST FOR THE EXPANSION OF A DETACHED GUEST HOUSE LOCATED AT 15450 SW 67 COURT, PURSUANT TO SECTION 30-30.6, "VARIANCES," AND SECTION 30-50.4, "ESTATE MODIFIED SINGLE-FAMILY" AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 23, 2021 the Village of Palmetto Bay received an application by Timothy F. Wright, requesting the approval of application VPB-21-009, 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 six (6) feet and ten (10) inches of the minimum required seventy-five (75) feet of the front yard setback requirement for a minimum front yard setback of sixty-eight (68) feet and two (2) inches, to renovate and construct a 133.73 ft<sup>2</sup> addition on the front portion of an accessory structure, a wood-frame detached one-story guest house originally constructed in 1961; and

**WHEREAS**, the subject property is located at 15450 SW 67 Court, Palmetto Bay, Florida on a legally non-conforming lot, identified with folio number 33-5026-005-0010; 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 133.73 ft<sup>2</sup> addition on the front portion of the detached one-story guest house and to line the front of the wood-framed structure with a concrete block wall to reinforce the integrity,

1 enhance the fire resistance and reduce termite damage renovating the  
2 existing guest house, which is consistent with the intent of the Village of  
3 Palmetto Bay Comprehensive Plan and the applicable Land  
4 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 depth of 100’ where the  
13 minimum lot depth required is 115’ pursuant to Section 30-50.4(d)(4)  
14 within the EM zoning district dimensional regulations; and

15  
16 **WHEREAS**, the Village Council of the Village of Palmetto Bay  
17 conducted a quasi-judicial hearing on the application at Village Hall,  
18 9705 East Hibiscus Street on February 28, 2022; and

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20 **WHEREAS**, public comment was heard and read into the record;  
21 and

22  
23 **WHEREAS**, the Mayor and Village Council found, based on  
24 substantial competent evidence in the record, that the application for  
25 the non-use front yard variance is consistent with the Village of  
26 Palmetto Bay Comprehensive Plan and the applicable Land  
27 Development Regulations, subject to the staff analysis and report; and

28  
29 **WHEREAS**, based on the foregoing finding, the Mayor and  
30 Village Council determined to grant the application, as provided in this  
31 resolution, and subject to the analysis in the staff report.

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

36  
37 **Section 1.**

38 A public hearing on the present application was held on February  
39 28, 2022, in accordance with the Village's “Quasi-judicial Hearing  
40 Procedures”. Pursuant to the testimony and evidence presented during

1 the hearing, the Village Council makes the following findings of fact,  
2 conclusions of law and final Order.

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4 **Section 2. Findings of fact.**

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6 1. The requested non-use front yard variance is consistent with  
7 the Village's Comprehensive Plan, as further specified in the analysis  
8 section of the Village's staff report.

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

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

22  
23 4. The Village adopts and incorporates by reference the Planning  
24 & Zoning Division staff report, which expert report is considered  
25 competent and substantial evidence.

26  
27 5. The applicant has agreed to all proposed conditions in the  
28 section entitled Order.

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30 **Section 3. Conclusions of law.**

31 The documents submitted by the applicant were reviewed  
32 pursuant to Section 30-30.6 and Section 30-50.4 of Palmetto Bay's  
33 Code of Ordinances and was found to be consistent.

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35 **Section 4. Order.**

36 The Village Council grants the request for the approval of  
37 application VPB-21-009, for a non-use variance from Section 30-50.4  
38 Estate Modified Single Family (EM) Zoning District - subsection (e)  
39 Minimum Setbacks - Front yard: to waive six (6) feet and ten (10)  
40 inches of the minimum required seventy-five (75) feet of the front yard

1 setback requirement for a minimum front yard setback of sixty-eight (68)  
2 feet and two (2) inches, to renovate and construct a 133.73 ft2 addition  
3 on the front portion of an accessory structure, a wood-frame detached  
4 one-story guest house originally constructed in 1961.

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**Section 5. Record.**

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

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15 **Section 6. Recording** This Resolution shall be recorded on the  
16 public records of Miami-Dade County, Florida at the cost of the  
17 applicant.

18

19 **Section 7.** This Resolution shall take effect immediately upon  
20 approval.

21

22 **PASSED this 28<sup>th</sup> day of February 2022.**

23

24 Attest:

25

26 DocuSigned by:  
27 *Missy Arocha*  
28 **Missy Arocha**  
29 **Village Clerk**

DocuSigned by:  
*Karyn Cunningham*  
**Karyn Cunningham**  
**Mayor**

30

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

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

40

1 **FINAL VOTE AT ADOPTION:**

2

3 Mayor Karyn Cunningham YES

4

5 Council Member Steven Cody YES

6

7 Council Member Marsha Matson YES

8

9 Vice-Mayor Leanne Tellam YES

10

11 Council Member Patrick Fiore YES