

**RESOLUTION NO. 03-15**

**ZONING APPLICATION 03-2-VPB-1 (02-371)**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF DAVID AND MARY HAMEL FOR ALTERNATIVE SITE DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicants made applications for alternative site development order and for alternative non-use variance, as described in the Miami-Dade Department of Planning and Zoning Recommendation to the Village of Palmetto Bay, which is attached to this resolution; and,

WHEREAS, the village council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on February 25, 2003; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the mayor and village council determined to grant the applications, 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 hearing on the present applications was held on February 25, 2003 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the village council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicants are David and Mary Hamel. The property is single family residence located at 16950 S.W. 90 Avenue.

2. The applicants request approval to permit a residence setback a minimum of 15.79' from the side street (south) property line. The request is further described in the attached county recommendation.
3. The village council adopts the portions of the cover sheet to, and the county recommendation, entitled Zoning Hearings History, Comprehensive Development Master Plan (CDMP), Neighborhood Characteristics, Site and Buildings and Neighborhood Services as its findings of fact.

Section 3. Conclusions of law.

1. The village council adopts the portions of the county recommendation, entitled Pertinent Requirements/Standards-Alternative Site Development Option for Single Family and Duplex Dwellings and Alternative non-use variance standard; and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative site development order is consistent with the Miami-Dade County comprehensive plan and complies with the applicable land development regulation, §33-311(A)(14)(A)(Alternative Site Development Option).

Section 4. Order.

1. The village council accepts the county recommendation at page 8. The application for alternative site development order is granted subject to the conditions contained in the county recommendations at page 8 and the following additional conditions.
2. Additional conditions: The applicant shall convey to the Village of Palmetto Bay the south 25 feet of the applicant's property and that portion of land outside of a 25' radius curve that would join the north line of the south 25' of the applicants' property to the west line of the right of way for 90<sup>th</sup> Avenue prior to applying for a building permit or a certificate of occupancy, but not later than one year from the date of this order.

Section 5. Record.

The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicant's representatives to the Miami-Dade County Department of Planning and Zoning in connection with the applications, the county recommendation and attached cover sheet and documents, the testimony of sworn

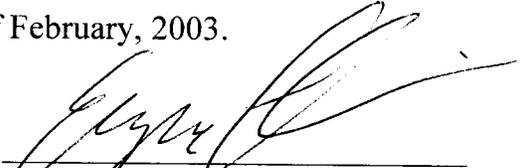
witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the village clerk.

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

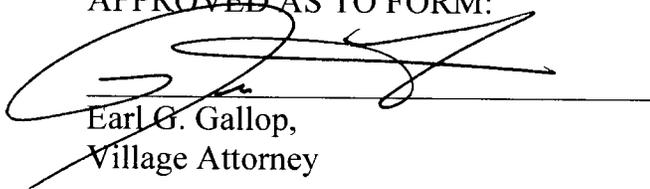
PASSED and ADOPTED this 25<sup>th</sup> day of February, 2003.

Attest:

  
Meighan Pier  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Earl G. Gallop,  
Village Attorney



FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>Aye</u>
Council Member Paul Neidhart	<u>Aye</u>
Council Member John Breder	<u>Aye</u>
Vice-Mayor Linda Robinson	<u>Aye</u>
Mayor Eugene P. Flinn, Jr.	<u>Aye</u>

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