

**RESOLUTION NO. 03-111**

**ZONING APPLICATION 03-2-VPB-2 (03-233)**

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

WHEREAS, the applicant 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 December 16, 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 December 16, 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 applicant is David Singer. The property is an exiting legally nonconforming single family residence located at 8360 S.W. 154 Terrace.

2. The applicant requests approval to permit an addition to a single-family residence setback 12.5' from the front (north) property line. (The underlying zoning district regulation requires 25').
3. Applicant is requesting to permit an addition setback 12.5' from the side street (west) property line. (The underlying zoning district regulation requires 25').
4. Applicant is requesting approval to permit a swimming pool setback 66' from the front (north) property line. (The underlying zoning district regulation requires 75').
5. Applicant is requesting approval to permit a fishpond setback 66' from the front (north) property line. (The underlying zoning district regulation requires 75').
6. 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 for Single Family and Duplex Dwellings, Alternative non-use variance standard and Non-Use Variances from other than Airport Regulations; 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)(c)(Alternative Site Development Option).

Section 4. Order.

1. The village council accepts the county recommendation at page 7. The application for alternative site development order is granted subject to the conditions numbered 1, 2 and 3 contained in the county recommendations at page 7 and the following amended condition:
  - a. That the applicant apply for and secure a building permit and all requisite inspections for all non-permitted additions and/or structures on the property, from the Building Department within ~~120 days~~ 5 years after final public hearing approval of this

application, unless a time extension is granted by the Village of Palmetto Bay.

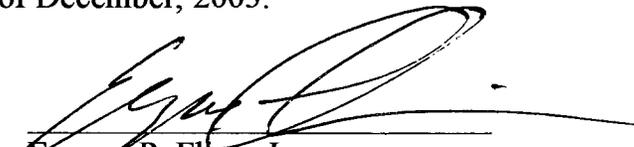
Section 5. Record.

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 16<sup>th</sup> day of December, 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>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>NO</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>NO</u>

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