

1 **Section 1.** A public hearing on the present application was held on May 21,
2 2018, in accordance with the Village’s “Quasi-judicial Hearing Procedures”.
3 Pursuant to the testimony and evidence presented during the hearing, the
4 Village Council makes the following findings of fact, conclusions of law, and
5 final order.

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

- 8
9 a. That the property is located at 8380 SW 183RD Terrace.
10
11 b. The requested variance is consistent with the Village’s Comprehensive
12 Plan, as further specified in the Analysis Section of the Village’s Staff
13 Report.
14
15 c. After hearing testimony from staff, the applicant, the applicant’s
16 experts, and the public, the Village Council found the variance
17 requests are consistent with the variance criteria at Section 30-30.6(e),
18 of the Village’s Land Development Code.
19
20 d. The Village adopts and incorporates by reference the Planning and
21 Zoning Department staff report, which expert report is considered
22 competent substantial evidence.
23
24 e. The Village Council did not have any substantive disclosure regarding
25 ex-parte communications and the applicant did not raise any objections
26 as to the form or content of any disclosures by the Council.
27
28 f. The property presents unique aspects of habitat and animal safety,
29 which are facilitated by this variance.
30

31 **Section 3.** Conclusions of law. The requested variance was reviewed
32 pursuant to Section 30-30.6(e) of the Village’s Land Development
33 Regulations and was found to be consistent.
34

35 **Section 4.** Order. The Village Council approves a variance to reduce rear
36 setback from 7 ½ feet to the distance remaining after subtracting 1 ½ feet
37 from the existing distance between the pool water edge and the property
38 line, which is approximately 3 feet to allow for the construction of an
39 attached screened enclosure around an existing swimming pool and deck

1 for the property located at 15450 SW 67th Court. No lighting shall be
2 installed closer than 7 ½ feet from the property line. This is the final order.
3

4 **Section 5.** Record. The record shall consist of the notice of hearing, the
5 applications, documents submitted by the applicant and the applicants'
6 representatives to the Village of Palmetto Bay Department of Planning and
7 Zoning in connection with the applications, the County recommendation
8 and attached cover sheet and documents, the testimony of sworn
9 witnesses and documents presented at the quasi-judicial hearing, and the
10 tape and minutes of the hearing. The record shall be maintained by the
11 Village Clerk.
12

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

15 **PASSED AND ADOPTED** this 21st day of May 2018.
16

17
18 **Attest:**

DocuSigned by:
Missy Arocha
0EDC21E8E8C48C...
Missy Arocha
Village Clerk

DocuSigned by:
Eugene Flinn
3B8854AD569F494...
Eugene Flinn
Mayor

22 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
23 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
24

DocuSigned by:
Dexter W. Lehtinen
1B1D06E71321445...
Dexter Lehtinen, Esq.
Village Attorney

29
30 **FINAL VOTE AT ADOPTION:**

- 31
- 32 Council Member Karyn Cunningham YES
- 33
- 34 Council Member David Singer ABSENT
- 35
- 36 Council Member Larissa Siegel Lara YES
- 37
- 38 Vice-Mayor John DuBois YES
- 39
- 40 Mayor Eugene Flinn YES