

RESOLUTION NO. 05-109

ZONING APPLICATION 05-11-VPB-1/05-162 (33-55-40)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF DAVID E. SODERHOLM FOR ALTERNATIVE NON-USE VARIANCE (8925 SW 172 STREET); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicants made applications 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 12, 2005; and,

WHEREAS, the mayor and village council finds, based on substantial competent evidence in the record, that the application for alternative non-use variance 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 12, 2005 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 E. Soderholm. The property is single family residence located at 8925 SW 172 Street.
2. The applicant requests approval to permit an addition to a single family residence setback 19'7" (25' required) from the rear (north) property line and setback a minimum of 19' (25' required) from the side street (west) property line.

3. Applicant is requesting to permit a single family residence setback 23'11" from the front (south) property line (25' required).
4. 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 and Analysis as its conclusions of law.
2. The village council further concludes that the application for alternative non-use variance is consistent with the Miami-Dade County comprehensive plan and complies with the applicable land development regulations, §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non Use Variance) or (c) (Alternative Non-use variance.)

Section 4. Order.

1. The village council accepts the county recommendation at page 10 and 11 and staff recommendation at page 11. The application for alternative non-use variance is granted subject to the conditions, as follows:
 - a. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Completion said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
 - b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Floor Plan for David E. Soderholm," as prepared by the applicant and dated 6/6/05 and consisting of 3 sheets. Except as may be specified by any zoning resolution applicable to the subject property, any future additions of the property which conform to Zoning Code requirements will not require further public hearing action.
 - c. That the use be established and maintained in accordance with the approved plan.
 - d. That the applicant submit to the Department of Community Development for its review and approval a landscaping plan which indicates the type and size or plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.

- e. That buffering be provided along the rear (north) property line in the form of a hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6', consisting of silver or green buttonwood, golden dew drop, potocarpus, or equivalent, or a 6' high wall or wood fence. Said buffering shall be installed prior to final zoning inspection for the proposed garage and storage room addition.
- f. That the existing shed be removed or relocated to conform with zoning requirements within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the Director of the Department of Community Development; should same be relocated, then the applicants must obtain a building permit for the same from the Building Department prior to its relocation.
- g. In addition to the applicant providing buffering along the rear (north) property line, that the applicant provide buffering along the side street (west) property line with a hedge, not less than 3' at time of planting, to be maintained at a height of 6', or a 6' high wall or wood fence, and maintaining the vision clearance from the driveway onto SW 89th Court.
- h. That the existing shed be removed before final zoning inspection.

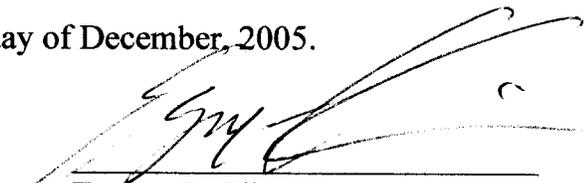
Section 5. Record.

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.

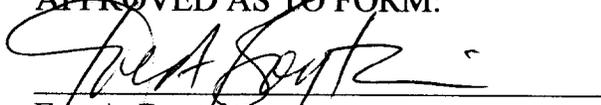
Section 6. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 15th day of December, 2005.

Attest: 
Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller Yes

Council Member Paul Neidhart Yes

Council Member John Breder Yes

Vice-Mayor Linda Robinson Yes

Mayor Eugene P. Flinn, Jr. Yes

K:\Users\mpier\Resolutions\Zoning Res-Soderholm.doc