

RESOLUTION NO. 2004-01-52-Z-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY JEAN M. BRASWELL PINKNEY (Z03-042) SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS

WHEREAS, on January 7, 2004, the City Council, of the City of Miami Gardens, held a public hearing on Jean M. Braswell Pinkney's application (Z03-042) for the following zoning request(s):

1. **Permit for an addition to a single family residence setback a minimum of 16.3' from the rear (West) property line. (The underlying zoning district regulation requires 25')**
2. **Permit for a single family residence setback 24.9' from the front (East) property line. (The underlying zoning district regulation requires 25').**

PROPERTY ADDRESS: 17120 NW 17th Court, Miami Gardens, Florida

WHEREAS, notice has been provided to all interested parties and a neighboring jurisdiction regarding the application; and

WHEREAS, the City Council has been advised by Miami-Dade County Department of Planning and Zoning that the subject application has been reviewed for applicable standards under Section 33-311(A)(14)(c) (Alternative Site Development for Single-family and Duplex Dwellings) or under Section 33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) of the Miami-Dade County Code; and

WHEREAS, a public hearing of the City Council was advertised and held as required by law and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, THAT:

II. APPROVAL

Section 1. Approval. Based upon substantial competent evidence provided by Miami-Dade County and staff, the requests for: 1) permit for an addition to a single family residence setback a minimum of 16.3' from the rear (west) property line and (2) to permit a single family residence setback 24.9' from the front (east) property line on the property described hereinabove, are hereby approved subject to the following terms and conditions;

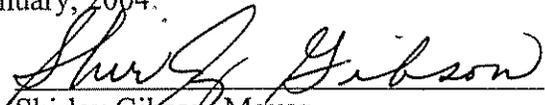
- a. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning upon submittal of an application for a building permit; said plan to include among other things but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
- b. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "As Built Addition (907.4 sq. ft.) for Jean Braswell Pinkney," as prepared by Arcon Engineering Group, Inc., consisting of 2 sheets as follows: Sheet A-1 dated 12/27/01 and Sheet A-2 dated 11/27/01, as it pertains to the alternative site development related construction. Except as may be specified by any zoning resolution applicable to the subject property, and future additions on the property which conform to Zoning Code requirements will not require further hearing action.
- c. That the use be established and maintained in accordance with approved plans.
- d. That the applicant applies for an secure a building permit for the existing non-permitted additions to the single-family residence from the Building Department within 120 days of the expiration of the appeal period for this application, unless a time extension is granted by the City of Miami Gardens.
- f. That a Declaration of Use agreement in recordable form, limiting the property to single-family use be submitted prior to, and meet the approval of the City of Miami Gardens prior to permit issuance.
- g. That the applicant obtains written waivers from the affected utility companies for the portions of the existing non-permitted additions within the easement areas and encroachment of the new addition into the 20' canal maintenance easement prior to building permit issuance.

II. SEVERABILITY AND EFFECTIVE DATE.

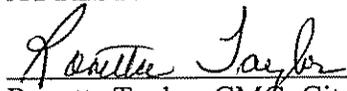
Section 2. Severability. If any section, subsection, clause of provision of this Resolution is held invalid, the remainder shall not be affected by such invalidity. All Resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 3. Effective Date. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this 7th day of January, 2004.

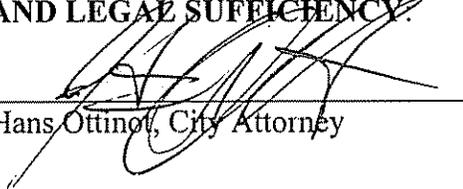

 Shirley Gibson, Mayor

ATTEST:


 Ronetta Taylor, CMC, City Clerk

Pinkney Reso

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.**



Hans Ottino, City Attorney

VOTE: 6-0

Moved by Councilman Braynon

Seconded by Councilwoman King

Mayor Gibson	<u> </u> x <u> </u> yes	<u> </u> no
Vice Mayor Campbell	<u> </u> yes	<u> </u> no (not present)
Councilman Bratton	<u> </u> x <u> </u> yes	<u> </u> no
Councilman Braynon	<u> </u> x <u> </u> yes	<u> </u> no
Councilwoman King	<u> </u> x <u> </u> yes	<u> </u> no
Councilwoman Pritchett	<u> </u> x <u> </u> yes	<u> </u> no
Councilwoman Watson	<u> </u> x <u> </u> yes	<u> </u> no