

**RESOLUTION NO. 2004-32-83-Z-8**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY NERI LOSTAL (Z02-196/04-1-CMG-1) SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**I. RECITALS**

**WHEREAS**, on February 4, 2004, the City Council, of the City of Miami Gardens, held a public hearing on Neri Lostal's application (Z02-196/04-1-CMG-1) for the following zoning request(s):

1. **Permit for a detached exercise room, bathroom and storage structure setback 7.15' (7.5' required) from the interior side (east) property line and spaced 7.65 from the main structure (10' required).**

**PROPERTY ADDRESS:** 4491 NW 198<sup>th</sup> Street, Miami Gardens, Florida;

And;

**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) (Alternative Site Development Option) 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 a permit for a detached exercise room, bathroom and storage structure setback 7.15' (7.5' required) from the interior side (east) property line and spaced 7.65 from the main structure 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 "Existing Conditions at Mr. & Mrs. Lostal Residence," as prepared by Avelino R. Leoncio, Jr. AIA, Architect, dated 11/28/01 and consisting of 2 pages, as further modified at a Public Hearing held on February 4, 2004.
- c. That the use be established and maintained in accordance with approved plans.
- d. That the applicant applies for, and secures a building permit for the existing non-permitted addition 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 provides a landscaping plan to be approved by the Director of Planning and Zoning which shall indicate a landscape buffer to be placed along the east side of the property with a hedge at least three feet in height with a maximum of six feet in height.

**III. SEVERABILITY AND EFFECTIVE DATE.**

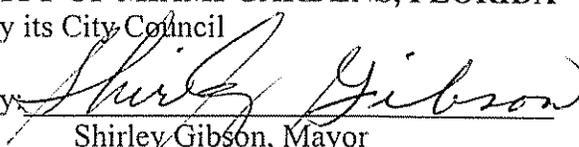
**Section 2. Severability.** If any section, subsection, clause or provision of this Resolution is held invalid, the remainder shall not be affected by such invalidity. All Resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

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

**PASSED and ADOPTED** this 4<sup>th</sup> day of February, 2004.

**CITY OF MIAMI GARDENS, FLORIDA**

By its City Council

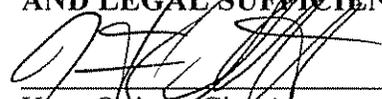
By: 

Shirley Gibson, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ronetta Taylor, CMC, City Clerk

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

  
\_\_\_\_\_  
Hans Ottino, City Attorney

**VOTE:** 6-0 moved, by Councilwoman Pritchett, and seconded by Councilwoman Watson approval of the requested zoning modifications, and upon a roll call the vote was 6 - 0 in favor:

Mayor Gibson	<u>  x  </u> yes	<u>    </u> no	
Vice Mayor Campbell	<u>  x  </u> yes	<u>    </u> no	
Councilman Bratton	<u>  x  </u> yes	<u>    </u> no	
Councilman Braynon	<u>    </u> yes	<u>    </u> no	out of town
Councilwoman King	<u>  x  </u> yes	<u>    </u> no	
Councilwoman Pritchett	<u>  x  </u> yes	<u>    </u> no	
Councilwoman Watson	<u>  x  </u> yes	<u>    </u> no	