

RESOLUTION NO. 2004-35-86-Z-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY HERMAN PONCE (Z03-091/04-2-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 Herman Ponce's application (Z03-091/04-2-CMG-1) for the following zoning request(s):

- 1. Permit for a residential structure to setback a minimum of 14.2' (15' required) from the side street (east) property line.**
- 2. Permit for a porch addition setback 11.56' (25' required) from the front (north) property line.**
- 3. Permit for a storage building setback 16' (20' required) from the side street (east) property line.**
- 4. Permit for a utility building setback 3' (5' required) from the rear (south) property line and setback 4.87' (5' required) from the interior side (west) property line and spaced 2.6' (10' spacing required) from a storage building.**

PROPERTY ADDRESS: 2300 N.W. 172nd Terrace, 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)(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/DENIAL

Section 1. Approval/Denial. Based upon substantial competent evidence provided by Miami-Dade County and staff, Request 4 described hereinabove are hereby denied. Requests #1-3, as 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 "Legalization for Mr. Herman Ponce 2300 N.W. 172 Terrace, Miami, FL," as prepared by Ramms Engineering, Inc., dated 1/21/02 and consisting of 4 sheets, and as further modified at Public Hearing.
- 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 aluminum canopy attached to the rear (south) of the existing 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.

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 4th day of February, 2004.

CITY OF MIAMI GARDENS, FLORIDA

By its City Council

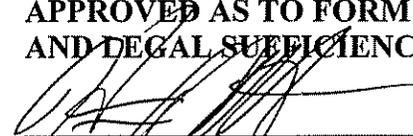
By:


Shirley Gibson, Mayor

ATTEST:


Ronetta Taylor, CMC City Clerk

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



Hans Othnot, City Attorney

VOTE: 6-0 Moved Councilwoman Pritchett, seconded by Councilman Bratton to approve 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