

RESOLUTION No. 2009-155-1100-Z-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY GUILLERMO DIAZ FOR PROPERTY LOCATED AT 3860 NORTHWEST 175<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR A NON-USE VARIANCE OF SECTION 33-50 OF THE ZONING CODE TO ALLOW THE CONTINUED USE OF AN ACCESSORY STRUCTURE TO BE SET BACK ONE (1) FOOT FROM THE SIDE PROPERTY LINE WHERE A MINIMUM OF SEVEN AND ONE HALF (7 ½) FEET IS REQUIRED; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

WHEREAS, Guillermo Diaz ("Applicant"), owns property located at 3860 Northwest 175 Street, more particularly described in Exhibit A attached hereto ("Property"), and

WHEREAS, the Applicant seeks a non-use variance of set back requirements to permit the continued use of an accessory structure to be set back one (1) foot from the side property line where a minimum of seven and one half (7 ½) feet is required in accordance with Section 33 – 50 of the Zoning Code, and

WHEREAS, the City Council held a Public Hearing on September 2, 2009, and

WHEREAS, the City's Planning and Zoning staff has made a determination that the Application is consistent with the Comprehensive Development Master Plan, and

WHEREAS, the City's Planning and Zoning staff recommends approval of the Application subject to certain conditions, and

WHEREAS, the City Council considered the testimony of the Applicant, if any, the testimony of the City's Planning and Zoning staff and the Staff Report attached hereto as Exhibit "B," incorporated herein by reference,

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

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. APPROVAL: The City Council of the City of Miami Gardens hereby approves the Application submitted by the Applicant for a non-use variance of the setback requirements to permit the continued use of an accessory structure to be set back one (1) foot from the side property line where a minimum of seven and one half (7 ½) feet is required.

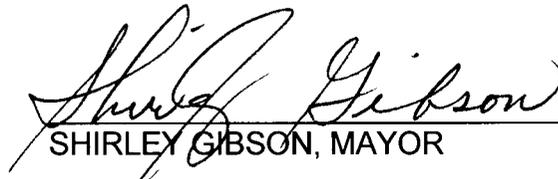
Section 3. CONDITION: This Approval is subject to the following conditions:

a. Within nine (9) months of this approval, and unless an extension is applied for and granted by the Development Services Director, the Applicant secures all necessary building permits for the accessory structure.

b. Within nine (9) months of this approval, and unless an extension is applied for and granted by the Development Services Director, obtain all necessary building permits and erect a six-foot wall or wooden fence, finished on both sides, along the southerly side of this property so as to mitigate the intrusion of the accessory structure on the immediately adjacent property.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON SEPTEMBER 2, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: PLANNING AND ZONING DEPARTMENT

MOVED BY: Vice Mayor Gilbert  
SECOND BY: Councilwoman Watson

**VOTE:** 6-0

Mayor Shirley Gibson	<u>X</u> (Yes)	<u>  </u> (No)
Vice Mayor Oliver Gilbert, III	<u>X</u> (Yes)	<u>  </u> (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	<u>  </u> (No)
Councilman Aaron Campbell	<u>  </u> (Yes)	<u>  </u> (No) (out of town)
Councilwoman Barbara Watson	<u>X</u> (Yes)	<u>  </u> (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	<u>  </u> (No)
Councilman André Williams	<u>X</u> (Yes)	<u>  </u> (No)