

RESOLUTION NO. 2004-02-53-Z-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE ZONING APPLICATION SUBMITTED BY RAMON AND SONIA MARTIN (Z03-186) 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 Ramon and Sonia Martin's application (Z03-186) for the following zoning request(s):

- 1. Permit for a garage addition to a residence setback 5' from the interior side (South) property line (7.5' required).**

PROPERTY ADDRESS: 16050 NW 45th Avenue, 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) (Alternative Site Development Option) or under Section 33-311(A)(4)(b) or (Non-Use Variance) (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. APPROVALS/DENIALS

Section 1. Approvals. Based upon substantial competent evidence provided by Miami-Dade County and staff, the request to permit a garage addition to a residence setback 5' from the interior side (south) property line is 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 and/or Certificate of Use; said plan to include among other things but not limited

thereto, location of structure or structures, exists 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 Plans – Amnesty Addition to Residence for Ramon Martin," as prepared by E.C. & Assoc., Inc., consisting of 2 sheets and dated 3/31/03. Except as specified by any Zoning resolution applicable to the subject property, any future additions on 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 approved plans.

d. That the applicants apply for and obtain a building permit from the Building Department for the detached garage located in the interior side (south) setback area within 120 days of the expiration of the appeal period for this public hearing, unless a time extension is granted by the City of Miami Gardens

e. That the utility shed in the interior side (south) setback area be removed or relocated to conform with zoning requirements within 120 days of the expiration of the appeal period for this public hearing, unless a time extension is granted by the City of Miami Gardens, and prior to further permit issuance for the garage addition; should same be relocated, then the applicants must obtain a building permit for the same from the Building Department prior to its relocation.

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 7th day of January, 2004.



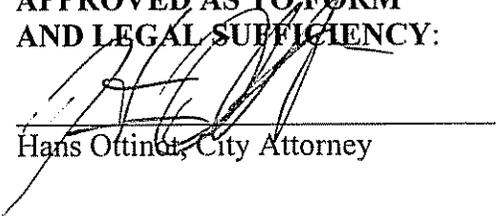
Shirley Gibson, Mayor

ATTEST:



Ronetta Taylor, CMC, City Clerk

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



Hans Ottino, City Attorney

VOTE: 6-0

Moved by Councilman Braynon

Seconded by Councilwoman Pritchett

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|------------------------|---------------------------|----------------------------|
| 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 |