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RESOLUTION NO. 2007-16

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING FINDINGS OF FACT AND GRANTING A NON-USE VARIANCE TO THE PROPERTY OWNER OF 11500 NE 11 PLACE, BISCAYNE PARK, FLORIDA, ALLOWING A VARIANCE FROM THE VILLAGE OF BISCAYNE PARK CODE OF ORDINANCES TO ALLOW AN ENCROACHMENT OF A PORCH 8'2" INTO THE FRONT SETBACK OR THE ACTUAL ENCROACHMENT OF THE CURRENT PORCH, WHICHEVER IS LESS; PROVIDING FOR AN EFFECTIVE DATE

15 WHEREAS, the owner of the property located at 11500 NE 11 Place, Biscayne Park, Florida
16 ("Petitioner") has requested a variance from the Code to allow an encroachment of a porch 8'2" into
17 the front setback or the actual encroachment of the current porch, whichever is less; and

18 WHEREAS, the Planning and Zoning Board met to review this request and recommended
19 approval of the property owner's request; and

20 WHEREAS, the Village Commission has heard the request, evidence and testimony and
21 hereby finds the following to be true:

22 1. There are special circumstances or conditions affecting the property which are such
23 that the strict application of the provisions of the Village Code would deprive the Applicant from the
24 reasonable use of his land;

25 2. The non-use variance is necessary for the preservation and enjoyment of a substantial
26 property right of the Applicant;

27 3. The granting of the non-use variance would not be detrimental to the public welfare
28 or injurious to other property in the territory in which the property is situated; and

29 4. The non-use variance proposed is the minimum variance which makes possible the
30 reasonable use of the property;

31 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE**
32 **VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

1 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being
2 true and correct and hereby made a specific part of this Resolution upon adoption hereof.

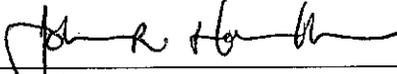
3 **Section 2.** The non-use variance to allow a variance from the Village of Biscayne Park
4 Code of Ordinances to allow an encroachment of a porch 8'2" into the front setback or the actual
5 encroachment of the current porch, whichever is less, is hereby approved.

6 **Section 3.** The Applicant is responsible for recording this Resolution in the Public
7 Records of Miami-Dade County, Florida and shall bear the costs thereof.

8 **Section 4.** This Resolution shall become effective upon adoption.
9

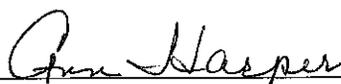
10 PASSED AND ADOPTED this ___ 4th ___ day of ___ September ___, 2007.

**The foregoing resolution upon being
Put to a vote, the vote was as follows:**

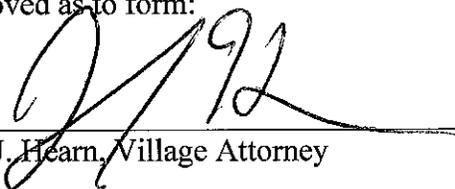
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15 _____
16 John Hornbuckle, Mayor

Mayor Hornbuckle yes
Vice Mayor Anderson yes
Commissioner Bernard yes
Commission Mallette yes
Commissioner Morris yes

17 Attest:

18
19 
20 _____
21 Ann Harper, Village Clerk

22
23 Approved as to form:

24
25 
26 _____
27 John J. Hearn, Village Attorney