

RESOLUTION NO. 2007-19R

**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 11410
GRIFFING BOULEVARD, BISCAYNE PARK, FLORIDA,
ALLOWING VARIANCES FROM THE VILLAGE OF
BISCAYNE PARK CODE OF ORDINANCES TO ALLOW A
12'6" ENCROACHMENT INTO THE FRONT SETBACK AND
AN 8" ENCROACHMENT INTO THE FRONT SETBACK;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the owner of the property located at 11410 Griffing Boulevard, Biscayne Park, Florida ("Petitioner") has requested variances from the Code to allow a 12'6" encroachment into the front setback to construct a garage and an 8" encroachment into the front setback to install a new roofed, covered entry; and

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
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 a 12'6" encroachment into the front setback to construct a garage and an
5 8" encroachment into the front setback to install a new, roofed, covered entry, is hereby approved.

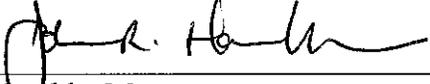
6 **Section 3.** The non-use variance which was previously granted for this property by the
7 Village Commission on January 25, 2005 is hereby repealed and is null and void.

8 **Section 4.** The Applicant is responsible for recording this Resolution in the Public
9 Records of Miami-Dade County, Florida and shall bear the costs thereof.

10 **Section 5.** This Resolution shall become effective upon adoption.
11

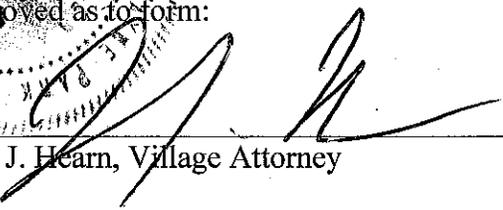
12 PASSED AND ADOPTED this 6th day of November , 2007.

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

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16 _____
17 John Hornbuckle, Mayor

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

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19 Attest:
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21 
22 _____
23 Ann Harper, Village Clerk

24
25 Approved as to form:
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27 
28 _____
29 John J. Hearn, Village Attorney

