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RESOLUTION NO. 2007-17

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**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 1100 NE 121
STREET, BISCAYNE PARK, FLORIDA, ALLOWING A
VARIANCE FROM THE VILLAGE OF BISCAYNE PARK
CODE OF ORDINANCES TO ALLOW THE EXISTING
FENCE TO REMAIN ON THE PROPERTY LINE;
PROVIDING FOR AN EFFECTIVE DATE**

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WHEREAS, the owner of the property located at 1100 NE 121 Street, Biscayne Park, Florida (Sebastian Laschera) (hereinafter "Petitioner") has requested a variance from the Code to allow an existing fence to remain on the property line; and

WHEREAS, the Planning and Zoning Board met to review this request and recommended denial 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:**

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

1 **Section 2.** The non-use variance to allow a variance from the Village of Biscayne Park
2 Code of Ordinances to allow an existing fence to remain on the property line is hereby approved,
3 with the following conditions:

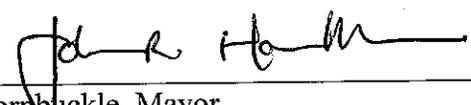
- 4 1. The side wood and metal fences shall be brought up to Code standards;
5 2. The front gate shall be removed; and
6 3. The permit application must be completed by the Applicant within thirty (30) days of
7 the date of approval of this Resolution.

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

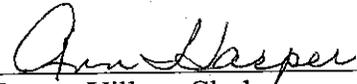
10 **Section 4.** This Resolution shall become effective upon adoption.
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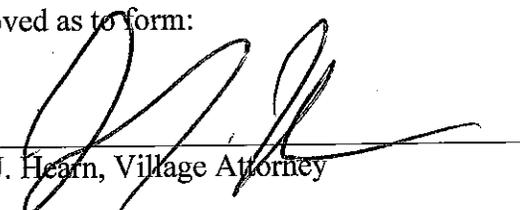
12 PASSED AND ADOPTED this 4th day of September , 2007.

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

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18 John Hornbuckle, Mayor

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

19 Attest:
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23 Ann Harper, Village Clerk

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25 Approved as to form:
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29 John J. Hearn, Village Attorney