

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FROM THE PROVISIONS OF SEC. 3-168 (1) AND (2) OF THE TOWN CODE OF ORDINANCES RELATING TO FENCES FOR PROPERTY LOCATED AT 9600 DOMINICAN DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, consistent with the requirements set forth in Section 3-36 of the Town of Cutler Bay's (the "Town") Code of Ordinances (the "Code"), John M. Brannon (the "Applicant") has submitted a variance application (the "Application") to a) permit an existing 6 foot high fence where Section 3-168(1) of the Code allows 4 feet in the front yard area and b) permit the unfinished side outward where Section 3-168(2) of the Code requires the finished side outward; and

WHEREAS, the Applicant's property is located at 9600 Dominican Drive (Folio No. 36-6004-002-0240) as further legally described on Exhibit "A" (the "Property"); and

WHEREAS, Town staff has reviewed the Application and recommends denial; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, finds that the Application meets the requirements of the Town Code and finds that the Application is consistent with the Town's Land Development Regulations and Comprehensive Plan; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recital. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval. The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application to a) permit an existing 6 foot high fence where Section 3-168(1) of the Code allows 4 feet in the front yard area and b) permit the unfinished side outward where Section 3-168(2) of the Code requires the finished side outward, and finds that it meets the approval criteria set forth in Section 3-36 of the Town Code.

Section 3. **Violation.** Failure to adhere to the terms of this approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this _____ day of March, 2020.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____