

**RESOLUTION NO. 2015-24**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY BAY VILLAGE VENTURE, LLC FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE SITE PLAN APPLICATION FOR DEVELOPMENT OF A MIXED USE COMMERCIAL STRUCTURE AT 1725 KENNEDY CAUSEWAY TO ALLOW FIVE STORIES OF PARKING WHERE SECTION 152.029(C) ALLOWS A MAXIMUM OF FOUR STORIES; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Bay Village Venture, LLC has applied to North Bay Village for a Variance pursuant to Section 152.097 of the North Bay Village Code of Ordinances in connection with the site plan application for development of a mixed-use commercial structure at 1725 Kennedy Causeway to allow five (5) stories of parking, where Section 152.029(C) allows a maximum of four (4) stories of parking;

**WHEREAS**, Section 152.097 and Section 152.102 of the Village Code set forth the authority of the Village Commission to consider and act upon an application for a variance.

**WHEREAS**, in accordance with Section 152.096 of the Village Code, a public hearing by the Planning and Zoning Board was noticed for December 2, 2014 at 7:30 P.M. at 1666 Kennedy Causeway, North Bay Village, Florida 33141 and the Planning and Zoning Board reviewed the application, conducted a public hearing and recommended approval of the request; and

**WHEREAS**, in accordance with Section 152.096 of the Village Code, public hearings by

the Village Commission were noticed for February 24, 2015 at 7:30 p.m. at 1666 Kennedy Causeway, #101, North Bay Village, Florida 33141 and all interested parties have had the opportunity to address their comments to the Village Commission; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.**

The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Findings.**

In accordance with Section 152.097(B) of the Village Code, the Village Commission finds that:

- A. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district; that the special circumstances and conditions were not self-created by any person having an interest in the property; and that the strict application of the provisions of the Code of Ordinances would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought and would involve an unnecessary hardship for the applicant.
- B. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same zoning district; and the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
- C. That granting the variance will be in harmony with the general intent and purpose of Chapter 152, Zoning, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Section 3. Grant.**

The Variance requested to allow five stories of parking is hereby granted, in conformance with the Site Plan submitted for hearing on Exhibit "A" entitled "Residential Tower at North Bay Village" as submitted for hearing on November 11, 2014 and consisting of Sheets 02/20, 03/20, 05/20, 06/20, 07/20, 07a/20, 08/20, 09/20, 10/20, 11/20, 12/20, 13/20, 14/20, 15/20, L0/20, 05/20, C1.0, C2.0, C3.0 prepared by International Design Engineer Architecture is hereby approved.

**Section 4. Conditions.**

The Variance is approved subject to the following condition:

1. Pursuant to the Site Plan approval, the Applicant shall obtain a building permit for all requests approved herein within two 2 years of the date of the Site Plan approval. If a building permit is not obtained or an extension granted within the prescribed time limit, then this approval shall become null and void.
2. Pursuant to Section 152.103 of the Village Code, the Variance shall lapse after one year of Commission approval if no substantial construction takes place.

**Section 5. Appeal.**

In accordance with Section 152.104 of the Village Code, the Applicant, or any aggrieved property owner, may appeal the decision of the Village Commission by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

**Section 6. Effective Date.**

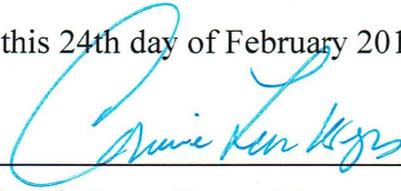
This Resolution shall become effective upon its adoption.

The foregoing Resolution was offered by Commissioner Richard Chervony, who moved for its adoption. This motion was seconded by Commissioner Wendy Duvall, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

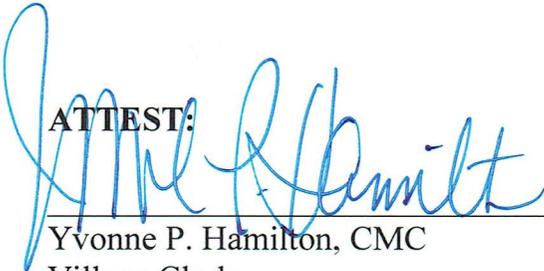
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

**PASSED AND ADOPTED** this 24th day of February 2015.



Connie Leon-Kreps, Mayor

**ATTEST:**



Yvonne P. Hamilton, CMC  
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF  
NORTH BAY VILLAGE:**



Robert L. Switkes & Associates, P.A.  
Village Attorney

North Bay Village Resolution: 1725 Kennedy Causeway Development-Variance to allow five stories of parking.