

# BAYVIEW CONDO

## RESOLUTION NO. 2000-08

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA MAKING THE REQUIRED FINDINGS PURSUANT TO SECTION 152.098(B) OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES AND APPROVING A USE EXCEPTION FROM THE PROVISIONS OF SECTION 152.030(C)(3) OF THE ZONING CODE TO PERMIT A MULTIPLE-FAMILY RESIDENTIAL DWELLING IN THE CG (GENERAL COMMERCIAL) DISTRICT AS WELL AS APPROVING SITE PLAN AT 1625 KENNEDY CAUSEWAY, TREASURE ISLAND, NORTH BAY VILLAGE, FLORIDA AS PER THE APPLICATION OF CAREY PROPERTY, PROPERTY OWNER; SETTING AN EFFECTIVE DATE

WHEREAS, Carey Properties, property owner, has made an application for a Use Exception from the provisions of the Zoning Code for the property located at 1625 Kennedy Causeway, Zoned CG (General Commercial District), Treasure Island, North Bay Village, Florida for the following:

1. A Use Exception pursuant to Section 152.030(C)(3) of the City of North Bay Village Code of Ordinances to permit a Multi-family Residential Use in a CG (General Commercial) District.

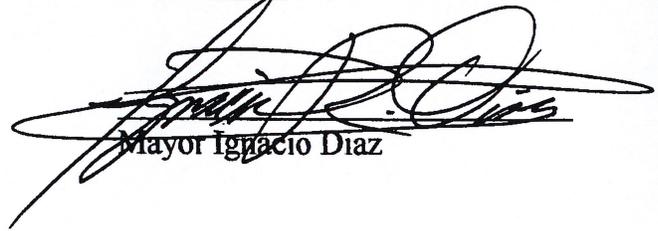
WHEREAS, the Planning & Zoning Board of the City of North Bay Village held a Public Hearing on March 7, 2000 and has considered said application, and has recommended that same be approved with the acceptance of the recommendation of the expert Planning Official who stated that, in his opinion, all of the conditions for a Use Exception have been satisfied. **The Board also recommended approval of the Site Plan with the condition that the following items be provided prior to issuance of the Building Permit: a) public access easements b) Illumination Plans c) Drainage Plans d) Confirmation from the Shoreline Review Board that potential encroachments are not a problem and c) That guest parking be identified; and**

WHEREAS, the City Commission after Public Hearing, held on March 28, 2000 finds and determines that there are clear indications that such exception will not substantially affect adversely the uses permitted in these regulations of adjacent property.

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

- Section 1. That Carey Properties application for a Use Exception pursuant to Section 152.030(C)(3) of the Zoning Code to permit Multi-Family Residential Use in the Commercial District and for Site Plan Approval is hereby approved.
- Section 2. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 28 day of March 2000.

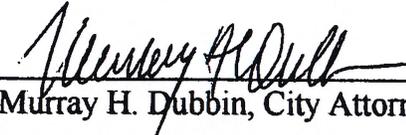


Mayor Ignacio Diaz

Attest:

\_\_\_\_\_  
Meighan J. Pier  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Murray H. Dubbin, City Attorney

FINAL VOTE AT ADOPTION:

Mayor Ignacio R. Diaz	<u>YES</u>
Vice Mayor Eric D. Isicoff	<u>YES</u>
Commissioner Philip Schonberger	<u>YES</u>
Commissioner Jay S. Manne	<u>YES</u>
Commissioner William T. Stafford	<u>NO</u>

RESOLUTION NO. 2000-09

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA MAKING THE REQUIRED FINDINGS PURSUANT TO SECTION 152.097 OF THE CITY OF NORTH BAY VILLAGE CODE OF ORDINANCES; **APPROVING** A VARIANCE FROM THE STRICT INTERPRETATION OF SECTION 152.030(D)(3) TO PERMIT CONSTRUCTION OF A 13 STORY MULTI-FAMILY DWELLING STRUCTURE IN THE CG (GENERAL COMMERCIAL) DISTRICT AT 1625 KENNEDY CAUSEWAY AS PER THE APPLICATION CAREY PROPERTIES, PROPERTY OWNER; SETTING AN EFFECTIVE DATE.

WHEREAS, Carey Properties, property owner, has made an application for a variance from the provisions of Section 152.030(D)(3) of the City of North Bay Village Code of Ordinances for the property located at 1625 Kennedy Causeway, Treasure Island for the following:

1. A Variance from the strict interpretation of the provisions of Section 152.030(D)(3) of the City of North Bay Village Code of Ordinances to construct a 13 story building in the CG (General Commercial) District where the Code permits a maximum of 12 stories.

WHEREAS, the Planning & Zoning Board of the City of North Bay Village held a Public Hearing on March 7, 2000 and considered said application, and has accepted all of the statements made in the Zoning Official's report with regard to the criteria for the granting variances and the findings therein, and has concurred with the Zoning Official that side setback variances are not necessary based on the stair step approach, and have recommended that the variance be granted.

WHEREAS, the City Commission after a Public Hearing on March 28, 2000 finds and determines that there are special circumstances and conditions which are peculiar to the land, structure, or buildings involved and which are not generally applicable to other land, structures, or buildings in the same zoned 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 Section 152.029(D)(3) of the Zoning Code 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; and

WHEREAS, the City Commission after a Public Hearing finds and determines 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.

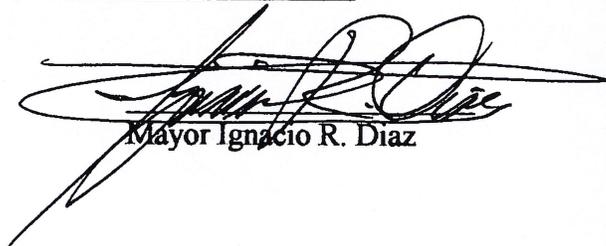
WHEREAS, the City Commission after a Public Hearing finds and determines that granting the variance will be in harmony with the general intent and purpose of the City Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

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

Section 1. That a vote was taken with respect to the findings heretofore stated in the body of this resolution, and the City Commission hereby accepts the recommendation of the Planning & Zoning Board to grant the variance requested by the applicant to construct a 13 story building in the CG (General Commercial District) where the Code permits a maximum of 12 stories.

Section 2. This resolution shall become effective upon its adoption.

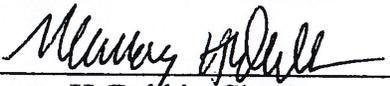
PASSED AND ADOPTED this 28 day of March 2000.



Mayor Ignacio R. Diaz

Attest:  
  
Meighan J. Pier  
City Clerk

APPROVED AS TO FORM:

  
Murray H. Dubbin, City Attorney

FINAL VOTE AT ADOPTION:

Mayor Ignacio R. Diaz	<u>YES</u>
Vice Mayor Eric D. Isicoff	<u>YES</u>
Commissioner Philip Schonberger	<u>YES</u>
Commissioner Jay S. Manne	<u>YES</u>
Commissioner William T. Stafford	<u>NO</u>