

**RESOLUTION NO. 2025-R-175**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ACTING AS THE ZONING APPEALS BOARD PURSUANT TO ARTICLE 2, DIVISION 5, SECTION 2-501 OF THE LAND DEVELOPMENT REGULATIONS (LDRS), CONSIDERING AN APPEAL OF AN ADMINISTRATIVE VARIANCE ALLOWING THE PLACEMENT OF ONE (1) RECREATIONAL VEHICLE IN THE SIDE YARD AT THE REAL PROPERTY LOCATED AT 1510 NW 131<sup>ST</sup> STREET, IN ACCORDANCE WITH ARTICLE 3, DIVISION 7, ENTITLED “APPEALS” OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, on February 28, 2025, Arsene and Marie Chery (collectively, the “Applicant”) submitted a complete application for an administrative variance to allow one (1) recreational vehicle (“RV”) to be parked in the side yard of the property located at 1510 NW 131st Street; and

**WHEREAS**, City staff reviewed the application pursuant to Article 3, Division 6, Section 3-606 and Article 5, Division 14, Section 5-1405 of the City’s Land Development Regulations (LDRs”), which authorize the placement of an RV through an administrative variance, subject to certain qualifying standards; and

**WHEREAS**, after review and analysis, staff determined that the application satisfied all applicable standards and, on March 12, 2025, issued a letter approving the administrative variance, subject to a thirty (30) day appeal period; and

**WHEREAS**, on April 11, 2025, the Appellant, Robert Burden, through the Law Office of Ray Garcia, P.A., timely filed an appeal of the administrative variance decision with the Director of the Development Services Department, in accordance with the requirements of the LDRs; and

**WHEREAS**, the Appellant objected to the variance on the grounds that the property owner was allegedly permitting individuals to reside in the RV, in violation of Article 5, Division 14, Section 5-1406, which prohibits RVs from being used for overnight human habitation; and

**WHEREAS**, prior to the issuance of the administrative variance, the City’s Neighborhood Services Department performed an investigation into these allegations and in accordance with their inspection report, they did not find any evidence of the RV being occupied; and

**WHEREAS**, notice of the public hearing on the appeal was provided in accordance with Section 3-302 of the City's Land Development Regulations; and

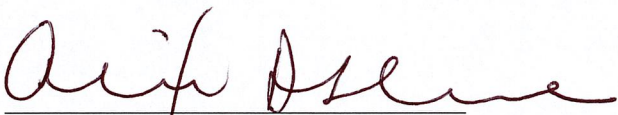
**WHEREAS**, on August 26, 2025, the Mayor and City Council of the City of North Miami, sitting as the Zoning Appeals Board, held a duly noticed public hearing to consider the appeal, at which time they received written and oral testimony, staff reports, and other competent, substantial evidence in the record.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AS FOLLOWS:**

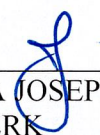
**Section 1.**     **Affirm the Administrative Variance Approval.** The Mayor and City Council of the City of North Miami, Florida, hereby **affirms** the administrative approval of an administrative variance permitting the placement of one (1) recreational vehicle in the side yard of the property located at 1510 NW 131st Street, North Miami, Florida and adds the following condition of approval: The Administrative Variance is subject to revocation by City Staff if evidence is shown that the recreational vehicle is being used for human habitation in violation of Section 5-1406 of the Land Development Regulations.

**Section 2.**     **Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 4 - 1 vote of the City Council of the City of North Miami, Florida, this 26th day of August, 2025.

  
ALIX DESULME, ED.D.  
MAYOR

ATTEST :

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Charles

Seconded by: Estime-Irvin

**Vote:**

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	<u></u>	(No)
Vice Mayor Kassandra Timothe, MPA	<u>X</u>	(Yes)	<u></u>	(No)
Councilman Kevin A. Burns	<u></u>	(Yes)	<u>X</u>	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	<u></u>	(No)
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u>	(Yes)	<u></u>	(No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH  
MIAMI CITY COUNCIL ON THIS 8th DAY OF september, 2025.