

**RESOLUTION NO. 2025-49**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, DENYING THE VARIANCE APPLICATION (APPLICATION NO. PV-25-0001) SUBMITTED BY RYAN J. RUTKIN TO ALLOW THE INSTALLATION OF A HORIZONTAL ALUMINUM FENCE ACROSS THE FRONT OF THE PROPERTY LOCATED AT 823 NE 107 STREET, WHEREIN THE VILLAGE’S LAND DEVELOPMENT CODE PROHIBITS THE INSTALLATION OF FENCES IN THE FRONT YARD OF A PROPERTY WITH SPECIFIED EXCEPTIONS; PROVIDING FOR THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY TO EFFECT THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Ryan J. Rutkin (“Applicant”) submitted a variance application PV-25-0001 (the “Application”), to the Village of Biscayne Park, Florida (“Village”) requesting the following:

To permit the installation of a horizontal aluminum fence across the front of the property, where Section 11.6.1(b) of the Land Development Code of the Village of Biscayne Park prohibits the installation of a fence in the front of a property with the exception of properties described in Section 11.6.1(c), of the Land Development Code.

FOLIO: 17-2231-003-1530

ADDRESS: 823 NE 107 Street, Biscayne Park,

**WHEREAS**, the public hearing of the Village Commission was advertised and held as required by law; and

**WHEREAS**, notice was provided to all interested parties regarding the Application; and

**WHEREAS**, on September 3, 2025, the Village Commission conducted a public hearing on the Application; and

**WHEREAS**, the Village Commission reviewed the Application, considered the testimony of the Applicant, any relevant witness testimony, the oral and written recommendations of the Planning Board, and members of the public and finds that the Application does not meet the grounds for variance approval under the Land Development Code of the Village, and further finds that said request should be denied.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, that:**

**Section 1. Incorporation of Recitals.** The foregoing recital paragraphs are hereby ratified and confirmed as being true and the same are hereby made part of this Resolution.

**Section 2. Findings and Conclusions.** Based upon an analysis of the application and the standards for approval for a variance under the Land Development Code, the Village Commission makes the following findings and conclusions:

1 The application for variance approval to permit the installation of a horizontal aluminum fence  
2 across the front of the subject property, where Section 11.6.1(b) of the Land Development Code  
3 of the Village of Biscayne Park prohibits the installation of a fence in the front of a property with  
4 the exception of properties described in Section 11.6.1(c), of the Land Development Code, does  
5 not meet the grounds for variance approval pursuant to Section 13.4 of the Village's Land  
6 Development Code.

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8 **Section 3. Denial.** The Applicants' request to install a horizontal aluminum fence across the  
9 front of the above-described property is hereby DENIED.

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11 **Section 4. Authorization of Village Manager.** The Village Manager is hereby authorized  
12 to do all things necessary to effectuate this Resolution.

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14 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase, or portion of  
15 this Resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction,  
16 such portion shall be deemed a separate, distinct, and independent provisions and such holding shall not  
17 affect the validity of the remaining potions of this Resolution.

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19 **Section 6. Repealer.** All Resolutions or parts of Resolutions in conflict herewith shall be  
20 and are hereby repealed.

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22 **Section 7. Effective Date.** This Resolution shall become effective upon adoption.


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24 **PASSED AND ADOPTED** this 3<sup>rd</sup> day of September 2025.

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26 The foregoing Resolution was offered by Commissioner Huntington, who moved its adoption. The  
27 motion was seconded by Vice-Mayor Samaria, and upon being put to a vote, the vote was as follows:

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31   
Jonathan Groth, Mayor

Mayor Groth: Yes  
Vice-Mayor Samaria: Yes  
Commissioner Amsler: Yes  
Commissioner Gonzalez: Absent  
Commissioner Huntington: Yes

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34 Attest:  
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38 Pamela L. Latimore, Village Clerk

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40 **Approved as to form:**  
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44 Bradley H. Weissman, Village Attorney  
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Prepared by/Return to:  
Pamela L. Latimore  
Village Clerk  
Village of Biscayne Park  
600 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

**VILLAGE OF BISCAYNE PARK, FLORIDA  
VILLAGE COMMISSION**

Petition for Variance PV-25-001

Petitioner/Property Owner:

Ryan J. Rutkin  
823 NE 107<sup>th</sup> Street  
Biscayne Park, FL 33161

Property Location:

823 NE 107<sup>th</sup> Street  
Biscayne Park, Florida 33161

Legal Description:

Griffing Biscayne Park Estates, PB 14-1, Lot 22, Block 23, according to the Public Records of Miami-Dade County, Florida.

Folio number 17-2231-003-1530

**ORDER**

The Village Commission for the Village of Biscayne Park (the “Village”) considered Petitioner’s variance request at a public hearing held on September 3, 2025. On that date and at a properly noticed public hearing, the Village Commission received evidence and testimony from the Applicant, a representative of the Planning Board, and members of the public.

**Finding of Facts:**

**Findings and Conclusions.** Based upon an analysis of the application and the standards for variance approval under the Land Development Code, the Village Commission makes the following findings and conclusions:

The application seeking to install a horizontal aluminum fence across the front of the above-described property, where Section 11.6.1(b) of the Land Development Code (“LDC”) prohibits the installation of a fence in the front of a property with the exception of properties described in LDC

Section 11.6.1(c), does not meet the grounds for variance approval pursuant to Section 13.4 of the Village's Land Development Code

Commissioner Ryan Huntington called for a vote to DENY variance PV-25-001, which was seconded by Vice-Mayor Samaria.

Commission voted as follows:


Mayor Jonathan E. Groth:	Yes
Vice-Mayor Dan Samaria:	Yes
Commissioner Veronica Amsler:	Yes
Commissioner Art Gonzalez:	Absent
Commissioner: Ryan Huntington	Yes

**Motion passed 4 – 0.**


**Approval:** The Applicant's request for a variance is hereby **DENIED**.

**DONE AND ORDERED** on this 3<sup>rd</sup> day of September 2025, in Biscayne Park, Florida.


VILLAGE OF BISCAYNE PARK, FLORIDA

  
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Jonathan E. Groth  
Mayor

ATTEST:

  
\_\_\_\_\_  
Pamela L. Latimore  
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

  
\_\_\_\_\_  
Bradley H. Weissman  
Village Attorney