

STAFF REPORT

ROY A. MINES AND ANA SCHMELZ

PLT-15-002



VILLAGE OF PALMETTO BAY
FLORIDA
ZONING ANALYSIS

FILE: PLT-15-002

HEARING DATE: September 21, 2015

APPLICANT : Roy A. Mines and Ana Schmelz COUNCIL DIST.: 3

A. GENERAL INFORMATION

REQUEST: The subdivision of 7311 SW 173 Street, creating Del Mar Edge Subdivision consisting of 1 block and 2 lots.

ADDRESS: 7311 SW 173 Street Palmetto Bay, FL 33157

FOLIO: 33-5035-004-0530

SIZE OF LOT: 63,162 square feet

B. BACKGROUND

The property in question was originally platted as Lot 14, Block 3, of the Del-Mar Estates Plat, as recorded at Book 76, Page 23, in the Miami-Dade County Public Records. It is the intention of the applicant to subdivide the property to allow the construction of a single-family home on the newly created lot. On July 13, 1978, the Board of Miami-Dade County Commissioners, via resolution 4-ZAB-265-78, approved a request for a special exception, and a variance. The special exception permits the subdivision of the platted lot. The variance reduced the required lot size for one of the newly authorized lots from 43,560 gross square feet to 35,102 gross square feet. The applicant is now requesting the Mayor and Village Council to approve the re-plat request so that the applicant may finalize the re-plat application with Miami-Dade County. The property configuration complies with the Land Development Code (at Plat Review) consistent with resolution 4-ZAB-265-78 (at History), and has been deemed acceptable by the Village's Public Works Department.

C. ZONING HISTORY

On **January 10, 1974**, the Miami-Dade County Commissioners via **Resolution 4-ZAB-419-74**, denied a special exception (to re-plat the land) and a variance (to continue the use of a single-family home on a lot of 35,102 sq. ft.).

On **July 13, 1978**, the Board of Miami-Dade County Commissioners, via **Resolution 4-ZAB-265-78**, approved a request for a special exception, and a variance. The special exception permits the subdivision of the platted lot. The variance reduced the required lot from 43,560 (1 acre) to 35,102.



D. NEIGHBORHOOD CHARACTERISTICS

ZONING

FUTURE LAND USE DESIGNATION

Subject Property:

E-1; Estate Single Family
Residential District

Low Density Residential (EDR)
2.5 D.U. to 6 D.U. per gross acre

Surrounding Properties

NORTH: E-M; Estate Modified
Single Family District

Low Density Residential (EDR)
2.5 D.U. to 6 D.U. per gross acre

SOUTH: E-1; One Acre Estate
Single Family District

Low Density Residential (EDR)
2.5 D.U. to 6 D.U. per gross acre

EAST: E-2; One Acre Estate
Single Family District

Estate Density Residential (EDR)
Less than 2.5 per gross acre

WEST: E-1; One Acre Estate
Single Family District

Low Density Residential (EDR)
2.5 D.U. to 6 D.U. per gross acre

E. SITE

Site Plan Review:	Acceptable
Scale/Utilization of Site:	Acceptable
Compatibility:	Acceptable
Access:	Acceptable

F. ANALYSIS

The Background Section of this report is hereby incorporated into this analysis by reference. The Department reviewed the application for consistency with plat requirements at Section 30-80.2(b) subsection (1) through (29)(Exhibit A), entitled "Final Plat Application Requirements", found the application to be in compliance as further provided by Resolution No. 4-ZAB-265-78.

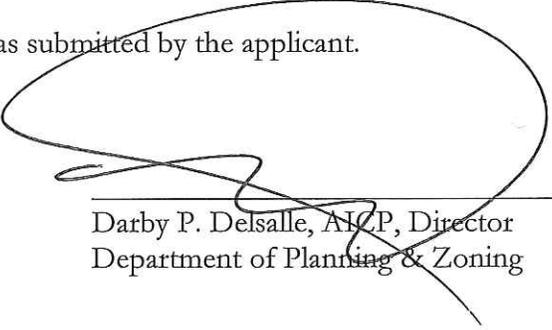
The lot is developed with a single-family detached home. The E-1 zoning designation permits single-family homes. There is no proposed change of use at the property.

G. NEIGHBORHOOD SERVICES

Miami-Dade Water Sewer Dept.	Approved
Miami-Dade Public Works	Approved
Miami-Dade DERM	Approved
Village Public Works Dept.	Approved

H. RECOMMENDATION

Recommendation is to accept the plat as submitted by the applicant.



Darby P. Delsalle, AICP, Director
Department of Planning & Zoning

PLAT REVIEW

ROY A. MINES AND ANA SCHMELZ
PLT-15-002



Village of Palmetto Bay
FLORIDA

PLAT REVIEW

The project was reviewed for compliance with Section 30-80.2 of the Village Code of Ordinances. The following is the findings of that review.

Sec. 30-80.2. Final plat.

- (a) *Format of final plats.* A land surveyor registered in the state shall prepare the final plat. The final plat shall be clearly and legibly drawn to a sheet size of 30 inches by 36 inches and to a scale of sufficient size to be legible, with letters and numbers to be no smaller than one eighth of an inch in height. The final plat, insofar as preparation is concerned, shall comply with all applicable regulations and state laws dealing with the preparation of plats. **Provided**

- (b) *Final plat application requirements.* The final plat and application shall be filed with the public works department on forms provided by the department. The application shall be submitted along with the required number of copies and an application fee as established by the village. The recording costs for legal documents and fees for notification shall be paid prior to and as a condition for the plat to be submitted for public hearing before the village council. The following information shall be part of the final plat unless waived by the public works director:
 - (1) *Name of the subdivision.* The plat shall have a title or name. The title of the plat shall include the name of the village, the section, township and range of which such platted land is a subdivision. The department shall disapprove any name or title, which is similar to the name of any previously, approved plat in the village and which may cause confusion. **Provided**

 - (2) *Deed description.* There shall be printed upon the plat a full and detailed description of the land embraced in the map or plat showing the township and range in which such lands are situated and the section and part of sections platted and a location sketch showing the plat's location in reference to the closest centers of each section embraced within the plat. If a subdivision of a part of a previously recorded plat is made, the previous lots and blocks to be re-subdivided shall be given. If the plat is a re-subdivision of the whole of a previously recorded plat, the fact shall be so stated. Vacation of previously platted lands must be accomplished in the manner provided by law. **Provided**

 - (3) A sealed current topographic survey ("plat survey"). The plat survey shall cover the entire area being platted and extend a minimum of 100 feet beyond the plat limits. The surveyor shall certify that the survey meets the requirements of this section. The plat survey shall contain at a minimum the following information:

- a. Property boundaries; **Provided**
 - b. Existing watercourses, canals and bodies of water within or adjacent to the plat limits; **Provided**
 - c. Existing easements within or adjacent to the plat limits and the purposes for which the easements have been established; **Provided**
 - d. Existing streets and alleys on or adjacent to the tract, including name and right-of-way width; and, **Provided**
 - e. All encumbrances and restrictions specified within the owner and encumbrance report. **Provided**
- (4) Location of property lines, existing easements, buildings, watercourses, elevations, permits and other essential features. **Provided**
 - (5) Names of adjacent subdivisions. **N/A**
 - (6) Location, names and present widths of existing and proposed streets, highways, alleys, parks and other open public spaces as well as similar facts regarding property immediately adjacent. **Provided**
 - (7) The width and location of any street or other public rights-of-way or places shown on the village or county future transportation system plan within or adjacent to the area to be subdivided, and the width and locations of all streets or other public rights-of-way proposed by the petitioner. **Provided**
 - (8) All plat boundaries. **Provided**
 - (9) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments which shall be accurately described on the plat. **Provided**
 - (10) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distance and bearing. **Provided**
 - (11) Accurate location of all monuments. **N/A**
 - (12) Length of all arcs, radii, internal angles, points of curvature and tangent bearings. **Provided**
 - (13) Date of field survey, north point and geographic scale. **Provided**
 - (14) Legal description and plan of proposed layout made and certified by a Florida licensed land surveyor along with a lot parcel analysis, including the

smallest lot size, largest lot size, number of lots, acreage in each parcel, and number of parcels. **Provided**

- (15) Where lots are located on a curve or when side lot lines are at angles less than 87 degrees or more than 93 degrees, the width of the lot at the front building setback line shall be shown. **N/A**
- (16) The name or numbering and right-of-way width of each street or other right-of-way shown on plat. **Provided**
- (17) The numbering of all lots and blocks shown on the plat. All lots shall be numbered either by progressive numbers, or in blocks progressively numbered except that blocks in numbered additions bearing the same name shall be numbered consecutively throughout the several additions. Excepted parcels must be marked "not part of this plat." **Provided**
- (18) A location map at the scale of one inch equals 300 feet showing existing and proposed rights-of-way. **Provided**
- (19) Plat restrictions as to the following items: to restrict the type and use of water supply; type and use of sanitary facilities; type use and benefits of water areas other open spaces and odd-shaped substandard parcels; as needed due to the re-subdivision of parcels as "platted," and other restrictions of similar nature. **Provided**
- (20) Written confirmation from all utilities franchised to operate in the village relative to the adequacy of proposed easements shown on the plat and their ability to coexist with other utilities, which may be placed within the easement. **Provided**
- (21) Schematic subdivision improvement plans for the improvements necessary to bring water, sewer and public access to the project, including all off-site improvements required by the platting process, shall be submitted in conformance with this Code. **Provided**
- (22) Legal documents ensuring perpetual maintenance of any private roads, parking areas, landscaped areas, drainage systems, wetland mitigation areas and other common areas. **Provided**
- (23) An original title certificate or an attorney's opinion of title, and a tax letter or receipt from Miami-Dade County documenting taxes paid in full. **Provided**
- (24) Miami-Dade County DERM environmental review and resulting comments. **Provided**
- (25) All areas reserved or dedicated for public purposes. No strip or parcel of land shall be reserved by the owner, unless the same is sufficient in size and area to be of some practical use or service. **N/A**

- (26) The dimensions of all lots and angles or bearings. **Provided**
- (27) Location, dimension and purpose of any easements. **Provided**
- (28) Certification by a registered surveyor to the effect that the plat represents a survey made by him, and that all monuments shown thereon actually exist, and that their location is correctly shown. **Provided**
- (29) An acknowledgment by the owner of his adoption of the plat, and of the dedication of streets and other public areas and the consent of any mortgage holders to such adoption and dedication. If existing right-of-way is to be closed, purpose of closing must be stated on the plat. **Provided**



To: Travis Kendall
Planning & Zoning Administrator

Date: July 24, 2015

From: Corrice E. Patterson, Public Works Director

Re: Re-Plat 7311 SW 173rd ST
Del Mar Edge Subdivision

The re-plat of a property located at 7311 SW 173rd ST, Palmetto Bay, Florida 33157, more specifically, Lot 14, Block 3 of Del Mar Estates as recorded in Plat Book 76 at Page 23, Lying in the NW $\frac{1}{4}$ of Section 35, Township 55, South, Range 40 East, Village of Palmetto Bay, Miami-Dade County, Florida has been submitted to the Village's Public Works Department for review of site plan and plat restrictions as detailed on site plan.

The Department of Public Works has no objection to request to re-plat the property located at 7311 SW 173rd ST, Palmetto Bay, Florida 33157. Re-plat of the referenced property will have no negative impact on the 25 feet of public right of way directly adjacent to the lands to be subdivided into two (2) lots. All restrictions detailed on the site plan/survey must be complied with for proper execution of all documents required for re-plat recordation.

Cc: Darby Delsalle, Planning & Zoning Director
Danny Casals, Field Operations Supervisor

Travis Kendall

From: Ubieta, Jorge (RER) <joub@miamidade.gov>
Sent: Wednesday, May 06, 2015 12:50 PM
To: Travis Kendall
Cc: Garcia, Carlos (RER); Acevedo, Lilia (RER); 'anna schmelz'
Subject: RE: DEL MAR EDGE SUBDIVISION, T-22611

Importance: High

Good afternoon Mr. Kendall,

It was a pleasure speaking with you this afternoon. Please accept this e-mail communication that the County has reviewed the original final plat mylar package of the project entitled DEL MAR EDGE SUBDIVISION pursuant to applicable State and County regulations. Note that subsequent to the e-mail below sent to Ms. Schmelz, the issues pertaining to Miami-Dade County's Water and Sewer Department and the Florida Department of Health have been resolved. In addition, the County's tentative plat approval of the aforementioned plat has been officially extended, and is valid until December 13th, 2015. If the plat is not recorded prior to the December date, an extension of the tentative plat's approval will be required.

Before the final plat can be considered for recordation in the public records of Miami-Dade County, this office will require the following:

- The return of the same original final plat mylars to our office, after having been fully executed and approved by the Village of Palmetto Bay
- A certified copy of the Village resolution approving said final plat
- An updated opinion of title (can only be held valid for 45 days past the last verification date) submitted by Ms. Schmelz's attorney. The recordation of the plat must occur within the 45-day approval window period of the last opinion of title to be submitted.
- A cashier's check or money order in the amount of \$45.00, payable to the Clerk of the Circuit Court, for the recordation of the plat.

Once the above-mentioned process is complete and our office reviews the above items once returned/received, the plat will be submitted to the Director of the Miami-Dade County Regulatory and Economic Resources Department for his signature, followed by the plat's recordation. Please let me know if you need any further information regarding anything mentioned above, or in my previous e-mail.

Regards,

Jorge Ubieta, Jr., P.S.M., Supervisor, Platting Section
Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street o 11th Floor o Miami, FL 33128-1970
305-375-2141 Phone 305-375-4974 Fax
www.miamidade.gov/pubworks/
"Delivering Excellence Every Day"

Miami Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-Mail messages are covered under such laws and thus subject to disclosure.

From: Ubieta, Jorge (RER)
Sent: Friday, February 27, 2015 4:45 PM
To: 'anna schmelz'
Cc: Garcia, Carlos (RER); Acevedo, Lilia (RER); Capote, Maria T. (WASD); 'Gumbs, Nicole P'

Subject: DEL MAR EDGE SUBDIVISION, T-22611

Importance: High

Good afternoon Ana,

Sorry I missed you yesterday; I hope you're doing well.

Our office's legal/technical review of the final plat entitled **DEL MAR EDGE SUBDIVISION, T-22611**, is complete. Before the plat can be considered for its potential recordation in the public records of Miami-Dade County, and prior to allowing the plat to be picked up and sent to the Village of Palmetto Bay for its commission approval and execution, in accordance with Section 28-6, of Chapter 28, of the Subdivision Code of Miami-Dade County, all changes, erasures, modifications or revisions, as noted on this office's check-prints, must be made to the final plat mylars currently in our office by your surveyor of record, Mr. Ortega. In addition, the following final plat punch list items indicated below must be submitted and/or addressed.

- Miami-Dade County Water and Sewer Department's approval. Please contact Ms. Maria Capote at (786) 268-5329 (copied here)
- Confirmation from the Florida Department of Health regarding their consent to the use of septic tanks in proposed Lot 2 of this plat. Please contact Ms. Nicole Gumbs at (786) 315-2455 (copied here)

Important Note:

The tentative plat approval previously granted by the Miami-Dade County Plat Committee is only valid until **March 13th, 2015**. An extension of time request (and associated fee) to re-approve the tentative plat has been received by our office, and will be scheduled for its hopeful re-approval by the Plat Committee on that same date, to provide the code-mandated approval status of the tentative plat on the date the BCC considers the final plat at its meeting, and allow the BCC to (hopefully) approve said final plat as prescribed by applicable County regulations.

Furthermore, before the plat can be considered for recordation, this office will require the following:

- The return of the same original final plat mylars to our office, executed and approved by the Village of Palmetto Bay
- A certified copy of the Village resolution approving said final plat
- An updated opinion of title (only valid for 45 days from last verification date). The recordation of the plat must occur within the 45 day approval window period of the last opinion of title to be submitted.
- Cashier's check or money order in the amount of \$45.00, payable to the Clerk of the Circuit Court, for the recordation of the plat.

Once the above-mentioned process is complete and our office reviews the above items, the plat will be submitted to the Director of the Miami-Dade County Regulatory and Economic Resources Department for his signature, followed by the plat's recordation.

Please let me know if you need any additional information regarding these matters.

Jorge Ubieta, Jr., P.S.M., Supervisor, Platting Section
Department of Regulatory and Economic Resources
Development Services Division

111 NW 1st Street o 11th Floor o Miami, FL 33128-1970

305-375-2141 Phone 305-375-4974 Fax

www.miamidade.gov/pubworks/

"Delivering Excellence Every Day"

Miami Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-Mail messages are covered under such laws and thus subject to disclosure.

ZONING HISTORY

ROY A. MINES AND ANA SCHMELZ
PLT-15-002

RESOLUTION NO. 4-EAR-419-74

The following resolution was offered by Mr. Joe H. Moffat,
seconded by Mrs. Nancy Brown, and upon call of members present, the
vote was as follows:

Nancy Brown	aye	Carl W. Rhetta	aye
Thomas Bamwood	absent	Miguel Suarez	aye
Aspee Irani	absent	Albert R. Vera	aye
Robert S. Kaufman	absent	Edward G. Coll, Jr.	aye
Joe H. Moffat	aye		

WHEREAS, Hidalgo-Buch & Associates have applied for the following:

SPECIAL EXCEPTION to permit the resubdivision and regrading of a platted lot presently facing Old Cutler Road, into two (2) single family building sites, one conforming site and one non-conforming site, both to face S.W. 173rd Street.

VARIANCE of area requirements to permit the continued use of an existing single family residence on a tract of land with 33,102.8 (43,560 sq. ft. required) square feet.

Plans of the proposed subdivision may be examined and are on file in the Zoning Department entitled, "Residence No. 7, DELMAR ESTATES," as prepared by Hidalgo-Buch & Associates, Inc., and dated 9-20-73.

SUBJECT PROPERTY: Lot 1A, Block 3, DELMAR ESTATES, EB 76, P. 23.

LOCATION: N.W. corner of Old Cutler Road (Ingraham Highway) and S.W. 173rd Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and variance would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception and variance be and the same are hereby denied without prejudice.

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 8th day of August, 1974.

Heard 8/8/74
No. 74-B-29
8/12/74
ng

August 12, 1974

Hidalgo-Ruch & Assocs., Inc.
2550 Douglas Road
Suite 304
Coral Gables, Florida

Re: Request for a Special Exception and a Variance of area requirements.
Section 35-55-40. Hearing No. 74-8-29.

Enclosed herewith is a copy of Resolution No. 4-ZAB-419-74, adopted by the Metropolitan Dade County Zoning Appeals Board, denying your application concerning the above subject matter.

If you are dissatisfied with the decision of the Zoning Appeals Board, the same may be appealed, as has been provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida.

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPARTMENT

Chester C. Czebrinski
Assistant Director

CCC:ng

Enc.

cc: Hearing File ✓
Agnes Pyles

Old Cutler Presby-
terian Church (cont.) No. 74-8-27

applicant ascertains they will be making this improvement.

Mr. Brigham: Our first step is to build the Sunday School building of the three buildings that we have. The plans are already made and the financing is underway. We have all the members growing cuttings with which we intend to landscape.

Chairman Coll: When do you expect to do this, approximately?

Mr. Brigham: As soon as funds allow, which will be as rapidly as possible, sir.

Mr. Moffat: This does not have to be incorporated into the motion, but I would like the assurance of the church that their members and families will not be using this for a go-cart area.

Mr. Brigham: Absolutely not, sir.

Chairman Coll: Let us call the roll on the motion for approval or the denial. The motion is approved and carries by six to zero with Mrs. Damewood, Mr. Irani and Mr. Kaufman being excused.

Hidalgo-Buch
& Associates

No. 74-8-28 and
No. 74-8-29

4-ZAB-418-74
4-ZAB-419-74

Chairman Coll: The Chair is ready for a motion.

Mr. Veri: On application 74-8-28, I move that the application be denied based on the recommendation of the Planning Department. You should realize that putting a house on an undersized lot is going to push it closer to Old Cutler. Old Cutler is a busy street and it is going to be detrimental to the people who are going to be living there.

Chairman Coll: Is there a second?

Mrs. Brown: I will.

Chairman Coll: The motion by Mr. Veri and seconded by Mrs. Brown that the application be denied in its entirety based on the recommendation of the Planning Department. Any discussion on the motion? All opposed to the motion. The motion carries six to zero.

✓CHAIRMAN Coll: ---Chair is ready for a motion on 74-8-29

Mr. Moffat: I move that it be denied without prejudice.

Mrs. Brown: I second it.

Chairman Coll: Application 74-8-29, motion by Mr. Moffat and seconded by Mrs. Brown that the application be denied in its entirety based on the recommendations of the Planning Department. That is without prejudice. Any discussion on the motion?

All opposed? Motion carries six to zero, with Mrs. Damewood and Mr. Kaufman being excused and Mr. Irani being absent.

The vote for 78-8-29 was six to zero, with Mrs. Damewood and Mr. Kaufman being excused and Mr. Irani being absent.

L.B.
Samford & Evelyn
S. Samford.

No. 74-8-31

DEFERRED

Mr. Veri: I move for a deferral for 30 days based on the recommendation of Mr. Frank Richmond of the Zoning Department.

Mr. Moffat: I would second that.

Mrs. Brown: I would like to make this little side remark to Mrs. Cole that perhaps it would be wise for a member of the Association to get up the same courage you did and come up and address to the problems since there is an Association.

RESOLUTION NO. 4-ZAB-265-78

The following resolution was offered by Mrs. Thelma Damewood, seconded by

Mr. Murray Sisselman, and upon poll of members present, the vote was as follows:

Jose A. Losa	absent	Margaret C. Nelson	nay
Thelma Damewood	aye	Betty S. Page	absent
Lillian Dickmon	nay	Murray Sisselman	aye
R. Jollivette Frazier	absent	Edward G. Coll, Jr.	aye
Peter Goldring	aye		

WHEREAS, GEORGE & SARA HIDALGO have applied for the following:

- (1) SPECIAL EXCEPTION to resubdivide an existing platted lot into one non-conforming lot with improvements thereon and one conforming lot as a proposed single family building site.
- (2) VARIANCE OF LOT AREA REQUIREMENTS to permit the improved site with area of 35,102.8 sq. ft. (43,560 sq. ft. required).

SUBJECT PROPERTY: Lot 14, Block 3, DEL-MAR ESTATES, Plat book 76, Page 23.

LOCATION: 7311 S.W. 173 Street, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and variance would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception and variance of lot area requirements be and the same are hereby approved, subject to the following conditions:

1. The conditions and requirements of the Director of Public Works Department.
2. The conditions and requirements of the Department of Environmental Resources Management.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 13th day of July, 1978.

Heard 7/13/78
No. 78-7-39
nc
7/26/78

corrected

July 26, 1978

George & Sara Hidalgo
P. O. Box 416
Coral Gables, Florida 33134

Re: Hearing No. 78-7-39. Section 35-55-40
Requested a Special Exception and a Variance

Dear Mr. & Mrs. Hidalgo:

Enclosed herewith is a copy of Resolution No. 4-ZAB-265-78, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

Since the approval was with conditions, please note same carefully, inasmuch as strict compliance therewith will be required.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days), or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits and/or Certificate of Use and Occupancy should be made with this Department. The deadline for an appeal by the applicant and/or an aggrieved party is July 31, 1978.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC:nc

Enclosure

cc: Hearing File
Tax Assessor
Enforcement
Public Works
DERM

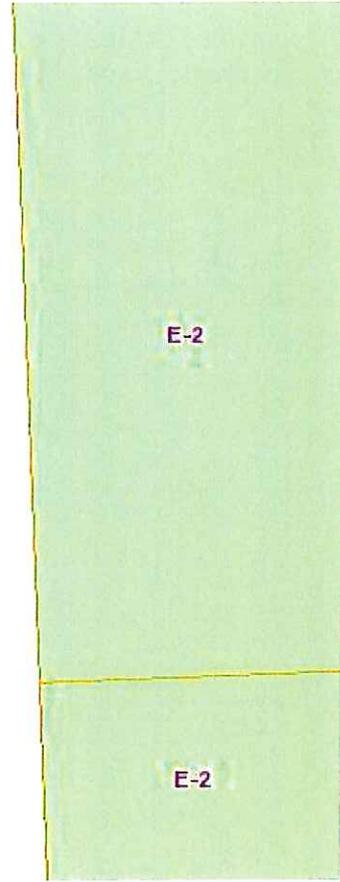
ZONING & LAND USE MAPS

ROY A. MINES AND ANA SCHMELZ
PLT-15-002

[Click to Print This Page](#)



OLD CUTLER RD



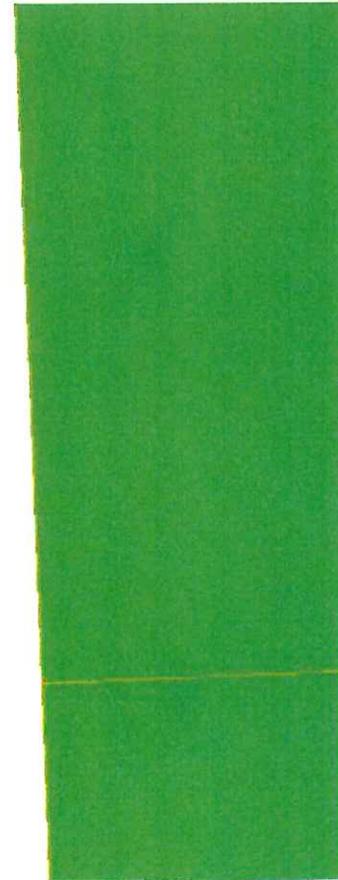
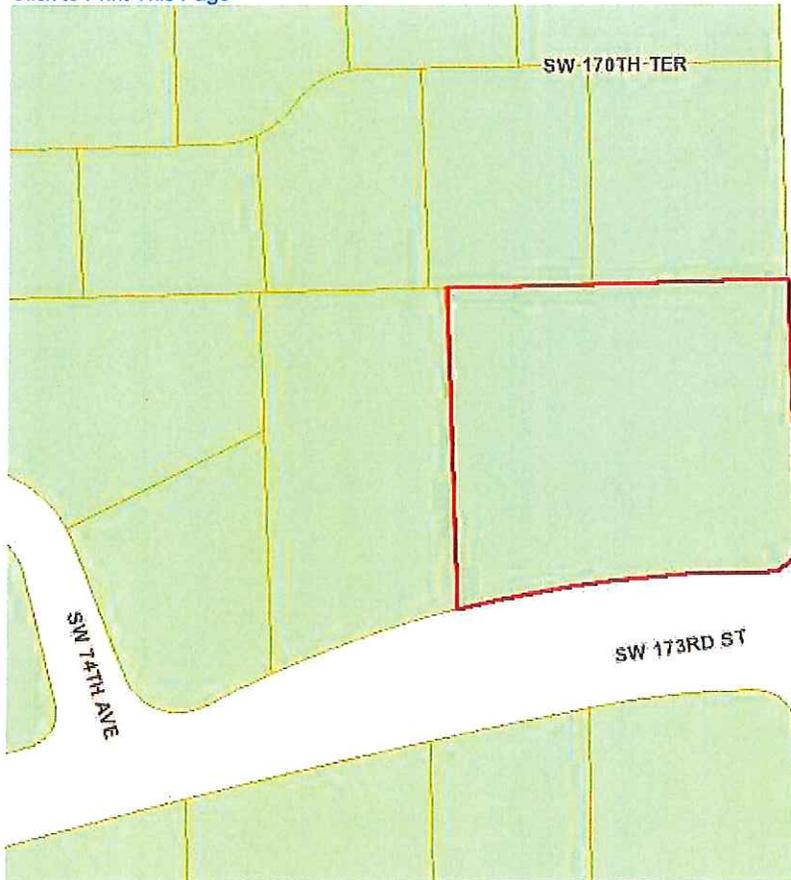
Summary Details:	
Folio:	3350350040530
Site Address:	7311 SW 173 ST Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	ROY A MINES JTRSANA SCHMELZ JTRS 7311 SW 173 ST PALMETTO BAY, FL 33157

Property Information:	
Beds/Baths:	4/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2800
Lot Size:	63162 SQ FT
Year Built:	1973
Legal Description:	35 55 40DEL-MAR ESTATES PB 76-23LOT 14 BLK 3OR 14759-605 1090 4F/A/U 30-5035-004- 0530OR 29232-3673 0714 30 VIEW PLAT 76-23 Deed: 14759-605 Deed: 29232-3673

Sale Information:			
Sale Date:	0/0	0/0	0/0
Sale Amount:	0	0	0
Sale O/R:			

Assessment Information:		
Year:	2015	2014
Land Value:	493589	373527
Building Value:	210377	170179
Market Value:	703966	543706
Assessed Value:	703966	543706
Homestead Exemption:	25000	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

[Click to Print This Page](#)



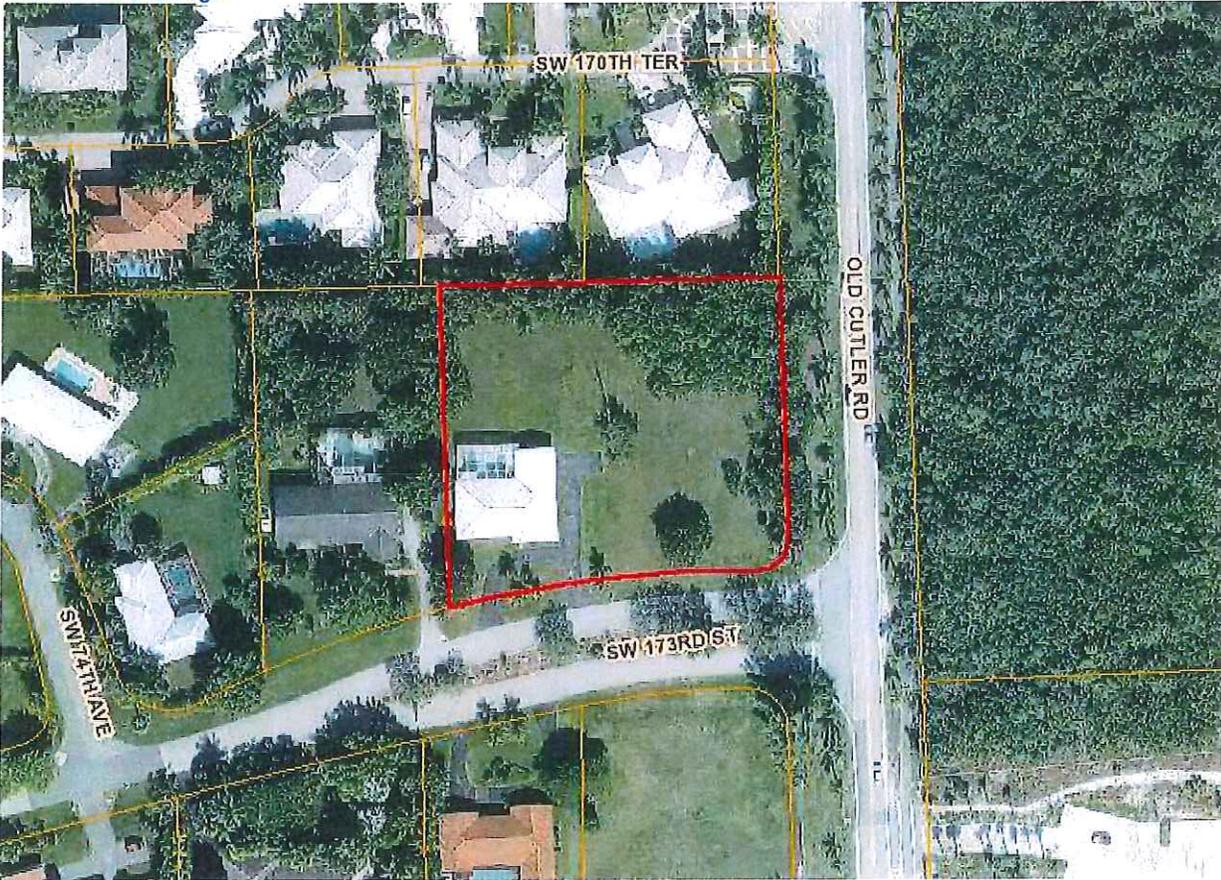
Summary Details:	
Folio:	3350350040530
Site Address:	7311 SW 173 ST Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	ROY A MINES JTRSANA SCHMELZ JTRS 7311 SW 173 ST PALMETTO BAY, FL 33157

Property Information:	
Beds/Baths:	4/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2800
Lot Size:	63162 SQ FT
Year Built:	1973
Legal Description:	35 55 40DEL-MAR ESTATES PB 76-23LOT 14 BLK 3OR 14759-605 1090 4F/A/U 30-5035-004- 0530OR 29232-3673 0714 30 VIEW PLAT 76-23 Deed: 14759-605 Deed: 29232-3673

Sale Information:			
Sale Date:	0/0	0/0	0/0
Sale Amount:	0	0	0
Sale O/R:			

Assessment Information:		
Year:	2015	2014
Land Value:	493589	373527
Building Value:	210377	170179
Market Value:	703966	543706
Assessed Value:	703966	543706
Homestead Exemption:	25000	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

[Click to Print This Page](#)



Summary Details:	
Folio:	3350350040530
Site Address:	7311 SW 173 ST Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	ROY A MINES JTRSANA SCHMELZ JTRS 7311 SW 173 ST PALMETTO BAY, FL 33157

Property Information:	
Beds/Baths:	4/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2800
Lot Size:	63162 SQ FT
Year Built:	1973
Legal Description:	35 55 40DEL-MAR ESTATES PB 76-23LOT 14 BLK 3OR 14759-605 1090 4F/A/U 30-5035-004- 0530OR 29232-3673 0714 30 VIEW PLAT 76-23 Deed: 14759-605 Deed: 29232-3673

Sale Information:			
Sale Date:	0/0	0/0	0/0
Sale Amount:	0	0	0
Sale O/R:			

Assessment Information:		
Year:	2015	2014
Land Value:	493589	373527
Building Value:	210377	170179
Market Value:	703966	543706
Assessed Value:	703966	543706
Homestead Exemption:	25000	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

RESOLUTION

ROY A. MINES AND ANA SCHMELZ
PLT-15-002

1 RESOLUTION NO. _____

2
3 ZONING APPLICATION PLT-15-002

4
5 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
6 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO
7 ZONING; APPROVING THE PLAT OF CERTAIN LANDS WITHIN
8 THE VILLAGE OF PALMETTO BAY LOCATED AT 7311 SW 173
9 STREET, CREATING DEL MAR EDGE SUBDIVISION PLAT
10 CONSISTING OF 1 BLOCK, 2 LOTS; AND PROVIDING AN
11 EFFECTIVE DATE.

12
13 WHEREAS, the Applicants, Roy A. Mines and Ana Schmelz, submitted an application to
14 plat certain lands within the Village of Palmetto Bay. It is the intention of the applicant to
15 subdivide the property to allow the construction of a single-family home on the newly created lot.

16
17 WHEREAS, the property in question was originally platted as Lot 14, Block 3, of the
18 "Del-Mar Estates Plat," found at Book 76, Page 23, as recorded in the Miami-Dade County
19 Public Records; and

20
21 WHEREAS, On July 13, 1978, the Board of Miami-Dade County Commissioners, via
22 Resolution 4-ZAB-265-78, approved a request for a special exception, and a variance. The special
23 exception permits the subdivision of the platted lot. The variance reduced the required lot size
24 for one of the newly authorized lots from 43,560 gross square feet to 35,102 gross square feet.

25
26 WHEREAS, The applicant is now requesting the Mayor and Village Council approve the
27 plat request so that the applicant may have the plat recorded Miami-Dade County.

28
29 WHEREAS, The property configuration complies with the Land Development Code
30 consistent with Resolution 4-ZAB-265-78, and has been deemed acceptable by the Village's
31 Public Works Department; and

32
33 WHEREAS, the Village Council of the Village of Palmetto Bay, Florida conducted a
34 quasi-judicial/public hearing on the application at Village Hall, 9705 East Hibiscus Street on
35 September 21, 2015; and,

36
37 WHEREAS, the Mayor and Village Council finds, based on substantial competent
38 evidence in the record, that the application for the plat is consistent with the Village of Palmetto
39 Bay Comprehensive Plan and the applicable Land Development Regulations; and

40
41 WHEREAS, based on the foregoing finding, the Mayor and Village Council determined
42 to grant the application, as provided in this resolution.

43
44 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
45 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

47 Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
48 being true and correct and are hereby made a part of this Resolution upon adoption hereof.
49

50 Section 2. A public hearing on the present application was held on September 21,
51 2015, in accordance with the Village's "Quasi-judicial hearing procedures." Pursuant to the
52 testimony and evidence presented during the hearing, the Village Council makes the following
53 findings of fact, conclusions of law and final order.
54

55 Section 3. Findings of fact.
56

57 a. The property in question was originally platted as Lot 14, Block 3, of the "Del-
58 Mar Estates Plat," found at Plat Book 76, Page 23, as recorded in the Miami-Dade County Public
59 Records.
60

61 b. On July 13, 1978, the Board of Miami-Dade County Commissioners, via
62 Resolution 4-ZAB-265-78, approved a request for a special exception, and a variance. The special
63 exception permits the subdivision of the platted lot. The variance reduced the required lot size
64 for one of the newly authorized lots from 43,560 gross square feet to 35,102 gross square feet.
65

66 c. The applicant is requesting the Mayor and Village Council to authorize the plat
67 request so that the applicant may finalize the plat application with Miami-Dade County. The
68 applicant seeks to subdivide the property to allow for the construction of a single-family home on
69 the newly created lot.
70

71 d. The Department review of the application for consistency with plat requirements
72 at Section 30-80.2(b), entitled "Final Plat Application Requirements", found the application to be
73 in compliance.
74

75 e. The Village Council had no substantive disclosures regarding ex-parte
76 communications and the applicant raised no objections as to the form or content of any
77 disclosures by the Council.
78

79 Section 4. Conclusions of law.
80

81 The request to plat those lands within the Village of Palmetto Bay located at 7311 SW
82 173 Street, creating Del Mar Edge Subdivision consisting of one block, two lots, is found to be in
83 compliance with Section 30-80.2(b).
84

85 Section 5. Order.
86

87 a. The Village Council approves the request to plat of those lands described at
88 Attachment A, bearing Folio Number 33-5035-004-0530; creating "Del Mar Edge Subdivision",
89 consisting of 1 block, 2 lots.
90

91 b. This is a final order.
92

93 Section 6. Record.

 The record shall consist of the notice of hearing, the applications, documents submitted
by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of

94 Planning and Zoning in connection with the applications, the county recommendation and
95 attached cover sheet and documents, the testimony of sworn witnesses and documents presented
96 at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be
97 maintained by the Village Clerk.
98

99 Section 7. This resolution shall take effect immediately upon approval.
100

101 PASSED and ADOPTED this ____ day of September, 2015.
102

103 Attest: _____
104 Meighan Alexander Eugene Flinn
105 Village Clerk Mayor
106

107 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
108 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
109

110 _____
111 Dexter W. Lehtinen
112 Village Attorney
113

114 FINAL VOTE AT ADOPTION:
115
116 Council Member Karyn Cunningham _____
117
118 Council Member Tim Schaffer _____
119
120 Council Member Larissa Siegel Lara _____
121
122 Vice-Mayor John DuBois _____
123
124 Mayor Eugene Flinn _____
125
126
127

128 This Resolution was filed in the Office of the City Clerk on this ____ day of September, 2015.
129
130

131 _____
132 Meighan Alexander
133 Village Clerk
134
135
136

ATTACHMENT “A” PLAT

ROY A. MINES AND ANA SCHMELZ
PLT-15-002

DEL MAR EDGE SUBDIVISION

A REPLAT OF LOT 14, BLOCK 3 OF DEL-MAR ESTATES AS RECORDED IN
 PLAT BOOK 76 AT PAGE 23, LYING IN THE NW. 1/4 OF
 SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST,
 VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY, FLORIDA.

P.B. _____ PG. _____

SHEET 1 OF 2

PREPARED BY:
 WENCESLAO ORTEGA
 PROFESSIONAL LAND SURVEYOR and MAPPER
 No. 2091 STATE OF FLORIDA
 931 - A S.W. 87th AVENUE, MIAMI, FLORIDA 33174
 OCTOBER, 2014

NOTICE:
 THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION
 OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO
 CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR
 DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS
 THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE
 PUBLIC RECORDS OF THIS COUNTY.

KNOW ALL MEN BY THESE PRESENTS:

Those ROY A. MINES, a single man and ANA SCHMELZ, a single woman, have
 caused to be made the attached Plat entitled "DEL MAR EDGE SUBDIVISION",
 the same being a replat of the following described property:

LEGAL DESCRIPTION:

Lot 14 in Block 3 of "DEL-MAR ESTATES", according to the plat thereof, as
 recorded in Plat Book 76, at Page 23, of the Public Records of Miami-Dade
 County, Florida.

MIAMI-DADE COUNTY PLAT RESTRICTIONS:

That the Road as shown on the attached Plat, together with all existing
 and future planting, trees, shrubbery, and fire hydrants thereon are hereby
 dedicated to the perpetual use of the public for proper purposes,
 reserving to the dedicators, their successors or assigns the reversion or
 reversions thereof, whenever discontinued by law.
 That all new electric and communication lines, except transmission lines,
 within this subdivision, shall be installed underground.
 That individual wells shall not be permitted within this subdivision except for
 swimming pools, sprinkler systems, and/or air conditioners.
 That the use of Septic Tanks will not be permitted on any lot within this
 Subdivision, unless approved for temporary use, in accordance with County
 and State regulations.

VILLAGE OF PALMETTO BAY PLAT RESTRICTION:

That the Street as shown on the attached Plat, together with all existing
 and future planting, trees, shrubbery, and fire hydrants thereon are hereby
 dedicated to the perpetual use of the public for proper purposes,
 reserving to the dedicators, their successors or assigns the reversion or
 reversions thereof, whenever discontinued by law.

OWNER'S PLAT RESTRICTION:

That the Utility Easement as shown hereon by dashed lines on the
 attached plat, is hereby reserved for the installation and maintenance of
 Public Utilities.

IN WITNESS WHEREOF:

I, ROY A. MINES, have hereunto set my hand and seal this 24
 day of Oct., A.D. 2014.

Witness: [Signature] By: [Signature]
 Print Name: Edwin Vasquez Print Name: ROY A. MINES
 Witness: [Signature] Print Name: ROY A. MINES
 Print Name: Jessica Morales

IN WITNESS WHEREOF:

I, ANA SCHMELZ, have hereunto set my hand and seal this 24
 day of October, A.D. 2014.

Witness: [Signature] By: [Signature]
 Print Name: Edwin Vasquez Print Name: ANA SCHMELZ
 Witness: [Signature] Print Name: ANA SCHMELZ
 Print Name: Jessica Morales

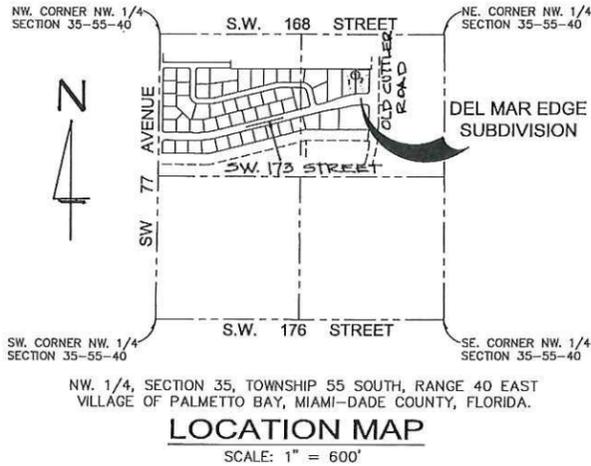
ACKNOWLEDGEMENT:

STATE OF FLORIDA] S.S.
 COUNTY OF MIAMI-DADE]

I HEREBY CERTIFY: That on this day personally appeared before me, an
 officer duly authorized to administer oaths and take acknowledgements,
 who ARE personally known to me
 and who executed the foregoing instrument and acknowledged the
 execution thereof to be free act and deed for the purposes herein
 expressed and who did not take an oath.

Witness: My hand and official seal this 24 day of October
 A.D. 2014.

[Signature]
 (Signature of Person taking Acknowledgement)
 Printed Name of Acknowledgement: Brenda Bl
 Notary Public, State of: Florida
 Commission Number: EE099630
 My Commission Expires: Aug. - 2 - 2015



MORTGAGE:

KNOW ALL MEN BY THESE PRESENTS:

That HOME FINANCING CENTER, INC., A FLORIDA CORPORATION
 the owner and holder of that certain
 Mortgage dated July 7, 2014 and recorded July 17, 2014 in Official Records
 Book 29232, Page 3674 of the Public Records of Miami-Dade County,
 Florida, does hereby consent to this plat and joins in the above dedications.

IN WITNESS WHEREOF:

Witness: [Signature] By: [Signature]
 Print Name: SHARON COSTA Print Name: CLAUDINE CLAU
 and Title: RISK + COMPLIANCE OFFICER and Title: PRESIDENT
 this 6TH day of NOVEMBER, 2014, A.D.

HOME FINANCING CENTER, INC.

Attest: [Signature] By: [Signature]
 Print Name: SHARON COSTA Print Name: CLAUDINE CLAU
 and Title: RISK + COMPLIANCE OFFICER and Title: PRESIDENT

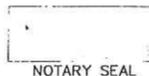
ACKNOWLEDGEMENT:

STATE OF FLORIDA] S.S.
 COUNTY OF MIAMI-DADE]

I HEREBY CERTIFY: That on this day personally appeared before me, an
 officer duly authorized in the State of FLORIDA in the
 aforementioned County to administer oaths and take acknowledgements,
CLAUDINE CLAU and SHARON COSTA
 respectively of HOME FINANCING CENTER, INC., who are personally known to
 me to be the officers described herein and who executed the foregoing
 instrument and acknowledged the execution thereof to be their
 free act and deed as such officers for the purposes therein expressed
 and who did not take an oath.

Witness: My hand and official seal this 6TH day of NOVEMBER
 A.D. 2014.

[Signature]
 (Signature of Person taking Acknowledgement)
 Printed Name of: Kariva Bas
 Notary Public, State of: Florida
 Commission Number: EE 11919
 My Commission Expires: Aug. - 7 - 15



VILLAGE OF PALMETTO BAY APPROVAL:

This Plat will not result in a reduction in the level of services for the
 affected public facilities below the level of services provided in the
 municipality's comprehensive plan; therefore, it was approved and the
 FOREMAN dedications were accepted and approved by Resolution No. _____
 passed and adopted by the City Commission of the VILLAGE OF PALMETTO
 BAY, Florida, this _____ day of _____ A.D. 2015.

Signed: _____ Mayor Attest: _____

MIAMI-DADE COUNTY APPROVALS:

The Department of Regulatory and Economic Resources certifies that this plat
 appears to conform to all of the requirements of Chapter 28 of the
 Miami-Dade County code certified this _____ day of _____
 A.D., 2015.

This Plat has been reviewed by a Professional Surveyor and Mapper employed
 by Miami-Dade County in accordance with Section 177.081(1) of the Florida
 Statutes.

Signed: _____ Director

This Plat was approved by the Miami-Dade County Public Works and Waste
 Management Department this _____ day of _____ A.D., 2015.

Signed: _____ Director

Signed: _____ County Engineer

RECORDING STATEMENT:

Filed for record this _____ day of _____ A.D., 2015,
 at _____ M., in Book _____ of Plats, at Page _____ of the Public
 Records of Miami-Dade County, Florida. This plat complies with the Laws
 of the State of Florida and Miami-Dade County, Florida.

HARVEY RUVIN, CLERK OF THE CIRCUIT COURT

By _____ Deputy Clerk

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: That the attached plat entitled "DEL MAR EDGE SUBDIVISION", is a
 correct representation of the lands above described as recently surveyed and
 platted under my
 direction. The data shown on this
 plat complies with all the applicable requirements of Part I, Chapter 177, Florida Statutes, and
 that the Permanent Control Points and the Permanent Reference Monuments were set in
 accordance with Part I, Chapter 177 of the Laws of the State of Florida.

WENCESLAO ORTEGA

BY: [Signature]
 WENCESLAO ORTEGA, P.S.M.
 Professional Land Surveyor and Mapper
 State of Florida
 Registration No. 2091
 931-A SW. 87th Avenue
 Miami, Florida 33174



HOME FINANCING CENTER, INC.
 Corporate Seal

Reg. Land Surveyor Seal
 WENCESLAO ORTEGA

POSTING & MAILING

ROY A. MINES AND ANA SCHMELZ
PLT-15-002



VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, September 21, 2015, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing items which may be of interest to your immediate neighborhood.

The following item is being considered pursuant to Division 30-80 of the Village's Land Development Code:

Applicant: Roy A. Mines and Ana Schmelz

Folio numbers: 33-5035-004-0530

File #: PLT-15-002

Location: 7311 SW 173 Street Palmetto Bay, FL 33157

Zoned: E-1

Request: A request to re-plat a portion of the Del-Mar Estates plat, specifically Lot 14 of Block 3 (currently one parcel), creating Del Mar Edge Subdivision plat consisting of 1 Block, 2 Lots (two Parcels).

PLANS ARE ON FILE FOR THE ABOVE APPLICATIONS AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING.

The hearing shall be held at the Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Any meeting may be opened and/or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: PLT-15-002
APPLICANT NAME: Roy A. Mines and Ana Schmelz
FOLIO: 33-5035-004-0530
PROJECT LOCATION: 7311 SW 173 Street
PALMETTO BAY, FL 33157

REQUEST: The subdivision of 7311 SW 173 Street, creating Del Mar Edge Subdivision consisting of 1 Block 2 Lots

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, SEPTEMBER 21, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: PLT-15-002
APPLICANT NAME: Roy A. Mines and Ana Schmelz
FOLIO: 33-5035-004-0530
PROJECT LOCATION: 7311 SW 173 Street
PALMETTO BAY, FL 33157

REQUEST: The subdivision of 7311 SW 173 Street, creating Del Mar Edge Subdivision consisting of 1 Block 2 Lots

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, SEPTEMBER 21, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

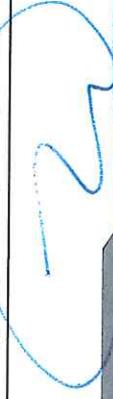
HEARING NUMBER: PLT-15-002
APPLICANT NAME: Roy A. Mines and Ana Schmelz
FOLIO: 33-5035-004-0530
PROJECT LOCATION: 7311 SW 173 Street
PALMETTO BAY, FL 33157

REQUEST: The subdivision of 7311 SW 173 Street, creating Del Mar Edge Subdivision consisting of 1 Block 2 Lots

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, SEPTEMBER 21, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.



**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: PLT-15-002
APPLICANT NAME: Roy A. Mines and Ana Schmelz
FOLIO: 33-5035-004-0530
PROJECT LOCATION: 7311 SW 173 Street
PALMETTO BAY, FL 33157

REQUEST: The subdivision of 7311 SW 173 Street, creating Del Mar Edge Subdivision consisting of 1 Block 2 Lots

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, SEPTEMBER 21, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.



5W1 173 ST



Old Cutler Rd

APPLICATION

ROY A. MINES AND ANA SCHMELZ
PLT-15-002

RECEIVED
Zoning Department



PLT-2015-002

5/18/2015

Village of Palmetto Bay
Building & Zoning Department

ZONING HEARING (ZH) APPLICATION

Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 3350350040530

Date Received 5/18/15

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a "Disclosure of Interest" is required).

Roy A. MINES AND ANA Schmelz

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 7311 SW 173 ST
City: PALMETTO BAY State: FL Zip: 33157 Phone#: 304 261-6700

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Roy A MINES, ANA Schmelz
City: PALMETTO BAY State: FL Zip: 33157 Phone#: 304 261-6700
305-766-7615

4. CONTACT PERSON'S INFORMATION:

Name: _____ Company: _____
City: _____ State: _____ Zip: _____ Cell Phone#: _____
Phone: _____ Fax #: _____ Email: _____

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

7311 SW 173 ST PALMETTO BAY FL 33157

7. SIZE OF PROPERTY (in acres): _____ (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: _____ 9. Lease term: _____ years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? NO YES
If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase or lease the subject property or property contiguous thereto?
 NO YES (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: _____

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- District Boundary (zone) Changes [Zone(s) requested]: _____
(Provide a separate legal description for each zone requested)
- Unusual Use: _____
- Use Variance: _____
- Non-Use Variance: _____
- Alternative Site Development: Option: _____
- Special Exception: _____
- Modification of previous resolution/plan: _____
- Modification of Declaration of Covenant: _____

14. Has a public hearing been held on this property within the eighteen (18) months? NO YES
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? NO YES (If yes, give name to whom the violation notice was served: and describe the violation: _____

16. Describe structures on the property: NONE

17. Is there any existing use on the property? NO YES (If yes, what use and when established?)

Use: _____ Year: _____

Planning Staff Use Only

Base Fee	Reviewed and Accepted By	Date
Receipt No.	Deemed Complete By	Date

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), Roy A. Mines & Ana Schmelz being first duly sworn, depose and say that (I am) (we are) owner tenant of the property described and which is the subject matter of the proposed hearing:

Signature Roy A. Mines

FLDL: M520721-54-094-0

Sworn to and subscribed to before me this 18 day of May, 2015.

Signature Amanda N Wheeler
FLDL: 582-012-57-746-0

Notary Public: Amanda N Wheeler
Commission Expires: 02/24/2018



CORPORATION AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature _____

(Corporate Seal)

Office Held _____

Sworn to and subscribed to before me this ___ day of _____, 20__.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me this ___ day of _____, 20__.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature _____

Sworn to and subscribed to before me this ___ day of _____, 20__.

Notary Public: _____
Commission Expires: _____

PHOTOGRAPHS

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION



OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida
COUNTY OF Miami Dade

Public Hearing No. PLT-15-002

Before me, the undersigned authority, personally appeared Roy A Mines & Ana Schmelz
hereinafter the Affiant(s), who being first duly sworn by me, an oath,
deposes and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature

Tina K...
Print Name

Signature

Print Name

Roy A. Mines / Ana Schmelz
Affiant's Signature

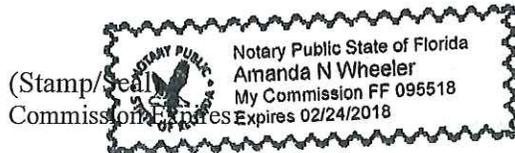
ROY A. MINES / ANA SCHMELZ
Print Name

Sworn to and subscribed before me on the 18 day of May, 2015.

Affiant is personally known to me or has produced FLDL as identification.

FLDL: M 520-721-54-094-0
FLDL: S542-012-59-766-0

Notary



DISCLOSURE OF INTEREST

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applicants withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning application inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to the additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

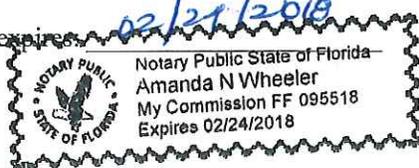
Roy A. Mines / Anna Schmetz
(Applicant's Signature)

Roy A. MINES Anna Schmetz
(Print Name)

Sworn to and subscribed to before me this 18 day of May, 2015. Affiant is personally known to me or has produced FLDL as identification.

(Notary Public)

My commission expires 02/24/2018



FLDL: M520-721-54-094-0
FLDL: 5542-012-59-706-0

**OWNERSHIP AFFIDAVIT
FOR
CORPORATION**

STATE OF _____
COUNTY OF _____

Public Hearing No. _____

Before me, the undersigned authority, personally appeared _____
_____ hereinafter the Affiant(s), who being first duly sworn by me, an oath,
deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, with the following address: _____
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Affiant's Signature

Print Name

Print Name

Signature

Print Name

Sworn to and subscribed before me on the _____ day of _____, 20____.

Affiant is personally known to me or has produced _____ as identification.

Notary

(Stamp/Seal)
Commission Expires: