

ANALYSIS

VPB-12-004 THOMAS & VANESSA CETTA



Village of Palmetto Bay
FLORIDA

ZONING ANALYSIS

APPLICANT: Thomas & Vanessa Cetta **PH:** VPB-12-004
ADDRESS: 17222 SW 88th Avenue **ZIP:** 33157
SECTION: 33-55-40 **HEARING DATE:** December 17, 2012
COUNCIL DISTRICT: 3 **ITEM:** 1

A. GENERAL INFORMATION

REQUEST: Pursuant to Section 30-30.6 of the Village of Palmetto Bay's Land Development Code (LDC), the applicants are requesting a variance of setback requirements to permit a series of structures within the setbacks on a parcel zoned E-M.

ADDRESS: 17222 SW 88th Avenue

FOLIO: 3350330220100

SIZE OF LOT: 18,460 sq. ft.

B. BACKGROUND

On July 7, 2011, a courtesy warning was issued to the property for unpermitted structures located within the setbacks. In seeking to remedy the violation, the property owners are requesting a variance of setback requirements to permit an existing shed/accessory structure (12.10' x 10.05' = 121.60 sq. ft.) to be setback 5.70' from the rear (west) property line where 7.5' is required and 0.75' from the interior side (south) property line where 20' is required for sheds greater than 100 sq. ft., to permit an existing shade structure (boat port) (11.10' x 21.15' = 234 sq. ft.) and existing concrete slab to be setback 0.65' where 20' is required from the interior (south) property line, and to permit a (16' x 16' = 256 sq. ft.) Tiki Hut to be setback 6.70' between the rear (west) façade of the principle structure where 10' is required between buildings. The subject property is an interior lot, consisting of a single-family home located within the Glenwood Estates Subdivision and is of typical size and configuration. The property is located within the Estate Modified Single-Family Residential District (E-M).

C. ZONING HEARING HISTORY

On September 12, 1957 the Board of Dade County Commissioners via resolution 231 approved the applicants' request for a district boundary change from Agriculture (AU) to Estate Modify (EU-M).

In 2010 the Village created its Land Development Code and comprehensive zoning map, and re-designated the property as E-M, Estate Modified

D. NEIGHBORHOOD CHARACTERISTICS

ZONING

FUTURE LAND USE DESIGNATION

Subject Property:

E-M; Estate Modified
Single-Family District

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

Surrounding Properties

NORTH: AU; Agriculture District

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

SOUTH: E-M; Estate Modified
Single-Family District

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

EAST: E-M; Estate Modified
Single-Family District

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

WEST: E-M; Estate Modified
Single-Family District

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

E. SITE AND BUILDINGS

Site Plan Review:	Acceptable
Scale/Utilization of Site:	Not-Acceptable
Location of Building(s):	Not-Acceptable
Compatibility:	Not-Acceptable
Landscape Treatment:	Not-Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Visibility/Visual Screening:	Not-Acceptable

F. ANALYSIS

The following is a review of the request pursuant to variance criteria at Section 30-30.6(e) of the Code of Ordinances. The Background Section of this report is hereby incorporated into this analysis and its corresponding criteria by reference.

Criteria 1 That the variance is in fact a variance allowed in this Division and is within the province of Village Council.

Analysis: Pursuant to Section 30-30.6(b) of the Code, a variance is authorized to be granted by the Village Council, after a quasi-judicial public hearing, only for setback lines; lot width, street frontage, lot depth; lot coverage, landscape or open space requirements, height limitations, yard regulations, fence and wall regulations, signs, parking, and flood regulations approved under Section 30-100.6, of the Code. The three requests are for setbacks, and therefore the Department finds that the applicants may request a variance as allowed under the division.

Finding: Shed: Consistent
Boat Port: Consistent
Tiki Hut: Consistent

Criteria 2 Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Analysis: On February 2, 2009, the Village Council adopted Ordinance Number 09-03 (known as "the Shed Amnesty Ordinance") which provided for an 18 month shed amnesty program that would allow existing nonconforming sheds to be permitted provided certain conditions were met. The ordinance was enacted in response to the many nonconforming sheds that were built without permits after Hurricane Andrew and other hurricane events to be used to secure construction materials and personal property due to damages caused by those events. Because the Village Council could not determine which sheds were built as a result of such events, the program was open to all. Though the program has since concluded, the applicants are seeking to enjoy the same standard granted to the many homeowners who participated in the amnesty. The Village Council has granted these types of requests since the programs conclusion. Village aerial shots from the property as far back as 2001 place the existing sheds and boat port on site. However the existing tiki hut does not appear until 2007 aerial shots, attached hereto as Exhibit 1. As stated in the Background section of this report, the property is of typical size and configuration for the neighborhood. Given the above, only that portion of the request relating to the shed may be considered to possess a special condition that may warrant approval.

Finding: Shed: Consistent
Boat Port: Inconsistent
Tiki Hut: Inconsistent

Criteria 3 That the special conditions and circumstances do not result from the actions of the applicant.

Analysis: Please see the Analysis under Criteria 2.

Finding: Shed: Consistent
Boat Port: Inconsistent
Tiki Hut: Inconsistent

Criteria 4 That granting of the variance requested will not confer on the applicants any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Analysis: Please see the Analysis under Criteria 2. With regard to the shed, the applicants are seeking to enjoy the same development standard granted to other homeowners within the Village. The same condition does not apply to the remaining portions of the request.

Finding: Shed: Consistent
Boat Port: Inconsistent
Tiki Hut: Inconsistent

Criteria 5 Financial difficulties or economic hardship shall not be a factor for determining whether a variance should be granted.

Analysis: Financial or economic hardships may not be considered in reviewing this application.

Finding: Shed: Consistent
Boat Port: Consistent
Tiki Hut: Consistent

Criteria 6 That literal interpretation of the provisions of Chapter 30 would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 30 and would work unnecessary and undue hardship on the applicant. The purchase of property which has an illegal nonconformity with Chapter 30 shall not be considered a hardship for the granting of a variance, nor shall conditions peculiar to the property owner be considered.

Analysis: Please see the Analysis under Criteria 2. With regard to the remaining portion of the request the property meets all zoning requirements as to lot size, depth, frontage etc. There is no evidence that the current use would result in an unnecessary hardship as there is no illegal nonconformity, nor any physical limitations to the land. The applicants are entitled to construct a tiki hut, boat port and shed within the permitted code provisions.

Finding: Shed: Consistent
Boat Port: Inconsistent

Tiki Hut: Inconsistent

Criteria 7 That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Analysis: Please see the Analysis under Criteria 2. Consistent with past requests, approval of the shed could be considered the minimum variance. With regard to the remaining request, the property owner could accommodate on the parcel the tiki hut and boat port. To permit said structures within the setback would be contrary to the setback requirements enjoyed by others in the immediate neighborhood.

Finding: Shed: Consistent
Boat Port: Inconsistent
Tiki Hut: Inconsistent

Criteria 8 That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and Chapter 30, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Analysis: The Comprehensive plan does not address residential accessory structures.

Finding: Not Applicable

Criteria 9 In granting any variance, Village Council may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Plan and Chapter 30 or any other duly enacted ordinance. Violation of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall nullify the variance development approval.

Analysis: The intent of this criterion is to provide the Council with an opportunity to recommend any conditions based on their evaluation and understating of the technical and non-technical aspects of the application. Should the Mayor and Council be inclined to approve the request with conditions they should provide clear guidance to mitigate the potential impacts created by the proposed variances. In addition, the Council can recommend conditions to ensure compliance with the Comprehensive Plan, Chapter 30 of the LDC or any duly enacted ordinance. The Council's are intended to provide conditions that would augment or revise the conditions that may be proposed by the Planning Department.

G. NEIGHBORHOOD SERVICES

Code Compliance
DERM

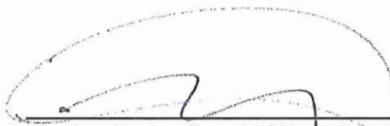
No objection with conditions
Required

Building and Capital Projects	Required
Public Works	Required

H. RECOMMENDATION

Pursuant to Section 30-30.6 of the Code recommends as follows:

1. **Shed: Conditional Approval**, request for a variance of setback requirements to permit an existing shed (12.10' x 10.05' = 121.60 sq. ft.) to setback 5.70' from the rear (west) property line where 7.5' is required and 0.75' from the interior side (south) property line where 20' is required for sheds greater than 100 sq. ft.
 - A. That in the approval of the survey, the same be substantially in accordance for that submitted for the hearing entitled " Thomas Cetta and Vanessa Cetta, 17222 S.W. 88th Avenue, Palmetto Bay, FL 33157" consisting of one sheet dated stamped received June 26th, 2011, as prepared by Alvarez, Aiguesvives and Associates, Inc..
 - B. The applicants are to comply with the requirements of all other applicable departments/agencies as part of the Village of Palmetto Bay building permit submittal process.
 - C. The applicants are to comply with the landscaping requirements screening requirements and all the requirements imposed by the Village of Palmetto Bay via Ordinance Number 09-03 (Shed Amnesty Ordinance).
2. **Shade Structure/Boat Port: Denial**, request for a variance of setback requirements to permit an existing shade structure/boat port (11.10' x 21.15' = 234 sq. ft.) and existing concrete slab to setback 0.65' where 20' from the south interior property line.
3. **Tiki Hut: Denial**, request for a variance of setback requirements to permit an existing (16' x 16' = 256 sq. ft.) tiki hut to setback 6.70' between the rear (west) façade of the principle structure where 10' is required between structures.



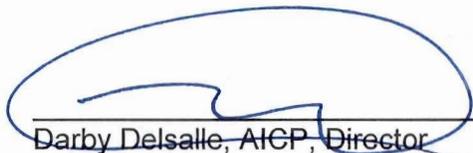
Darby Delsalle, AICP, Director
Department of Planning & Zoning

Building and Capital Projects	Required
Public Works	Required

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Darby Delsalle, AICP, Director
Department of Planning & Zoning

APPLICATION

VPB-12-004 THOMAS & VANESSA CETTA



RECEIVED
Zoning Department

9/25/12

ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning
Village of Palmetto Bay
Planning & Zoning Department
By: *[Signature]*

LIST ALL FOLIO #S: 33-5033-022-0100

Date Received

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).

Thomas & Vanessa Cetta

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 17222 SW 88th Ave

City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-332-6838

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

Owner's Name (Provide name of ALL owners): Thomas & Vanessa Cetta

17222 SW 88th Ave

City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-332-6838

4. CONTACT PERSON'S INFORMATION:

Name: Company: Thomas M. David, P.A. %Thomas M. David 381 N. Krome Ave #200

City: Homestead State: FL Zip: 33030 Cell Phone#:

Phone#: 1-800-449-0851 Fax#: 1-800-449-0851 E-mail: tom@tomdavidlaw.com

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.)

Lot 10, Block 1, Glenwood Estates, according to the Plat thereof, as recorded in Plat Book 90, at Page 24, of the public records of Miami-Dade County, Florida.

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

17222 SW 88th Ave, Palmetto Bay, FL 33157

7. SIZE OF PROPERTY (in acres): .4261 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: 12/92 **9. Lease term:** N/A years
(month & year)

VPB-12-004



RECEIVED
Zoning Department

8/25/12

VPB-12-004

ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

Village of Palmetto Bay
Planning & Zoning Department
By: *[Signature]*

LIST ALL FOLIO #S: 33-5033-022-0100

Date Received:

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Thomas & Vanessa Cetta

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Mailing Address: 17222 SW 88th Ave

City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-332-6838

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

Owner's Name (Provide name of ALL owners): Thomas & Vanessa Cetta

17222 SW 88th Ave

City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-332-6838

4. CONTACT PERSON'S INFORMATION:

Name: Company: Thomas M. David, P.A. %Thomas M. David 381 N. Krome Ave #200

City: Homestead State: FL Zip: 33030 Cell Phone#:

Phone#: 1-800-449-0851 Fax#: 1-800-449-0851 E-mail: tom@tomdavidlaw.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

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7. SIZE OF PROPERTY (in acres): .4261 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: 12/92 **9. Lease term:** N/A years
(month & year)

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

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)
 N/A

12. PRESENT ZONING CLASSIFICATION: E-M

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: to permit a shed, tiki hut and boat port

Alternative Site Development: Option: _____

Special Exception: _____

Modification of previous resolution/plan: _____

Modification of Declaration or 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: Served on the owner; violation setback requirements for the existing ancillary structures

16. Describe structures on the property: single family home; sheds; carport; boat port; tiki hut

17. Is there any existing use on the property? no yes. If yes, what use and when established?

Use: Residential Year: 1973

Planning Staff Use Only

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

PHOTOGRAPHS

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

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

(X)(WE), Thomas & Vanessa Cetta, 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

Signature

Sworn to and subscribed to before me this 4 day of June, 2012

Notary Public: NAVIV RODRIGUEZ
Commission Expires: MAR 07, 2016
Bonds through SA State Insurance

CORPORATION AFFIDAVIT N/A

(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

Office Held

(Corp. Seal)

Sworn to and subscribed to before me This _____ day of _____, _____

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT N/A

(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 _____, _____

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

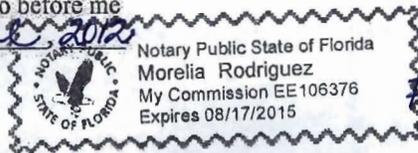
I, Thomas M. David, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me This 25 day of June, 2012

Notary Public: Morelia Rodriguez
Commission Expires: August 17, 2015
FDL D 130-833-63.414.0.

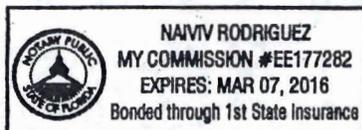
FORM ZH-0107-03



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. Applications 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 applications 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 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.



(Handwritten Signature)

(Applicant's Signature)

Thomas Cetta

(Print Name)

Sworn to and subscribed before me this 4 day of June 2012 Affiant is personally known to me or has produced FL Driv Lic ID as identification.

(Notary Public)
My commission expires March 7, 2016

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. VPB-12-004

Before me, the undersigned authority, personally appeared Thomas Cetta
hereinafter the Affiant, who being first duly sworn by me, on 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:
Lot 10, Block 1, Glenwood Estates, according to the Plat thereof, as
recorded in Plat Book 90, at Page 24, of the public records of Miami-
Dade County, Florida.
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:

Marlise Castillo
Signature

Marlise Castillo
Print Name

[Signature]
Signature

Naiviv Rodriguez
Print Name

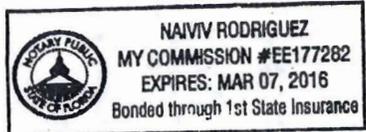
[Signature]
Affiant's signature

Thomas Cetta
Print Name

Sworn to and subscribed before me on the 4 day of June 2012.

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

Notary



(Stamp/Seal)

Commission Expires: March 7, 2016

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Vanessa Cetta
_____ hereinafter the Affiant, who being first duly sworn by me, on 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:
Lot 10, Block 1, Glenwood Estates, according to the Plat thereof, as
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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:

NR
Signature

Naiivir Rodriguez
Print Name

Manise Astu
Signature

Marlise Castillo
Print Name

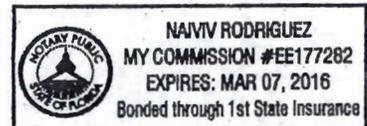
Vanessa Cetta
Affiant's signature

Vanessa Cetta
Print Name

Sworn to and subscribed before me on the 4 day of June 2012

Affiant is personally known to me or has produced A Driver License as identification.

Notary *NR*



(Stamp/Seal)
Commission Expires: March 7, 2016

CONSENT FORM

I, Thomas & Vanessa Cetta, have applied for a Non-Use Variance to the Director of Community Development, to permit: a tiki hut, shed and a boat port, all of which currently exist on the property. _____

We, the undersigned property owners, have read (or have had read to us) the information applicable to this request for a Non-Use Variance from the Zoning Code as applied to the Village of Palmetto Bay and fully understand that by subscribing my name to this consent form, I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant to this form and to the plans accompanying this application.

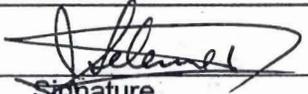
Name (Type or Print) Mark or Jennifer Dylewski Date 6/10/12
Address 17221 SW 88th Ct, Palmetto Bay, FL 33157


Signature

Name (Type or Print) Wojciech or Renata Cymer Date _____
Address 17241 SW 88th Ct, Palmetto Bay, FL 33157

Signature

Name (Type or Print) Ernesto or Jaqueline Sanz Date 6/10/12
Address 17242 SW 88th Ave, Palmetto Bay, FL 33157


Signature

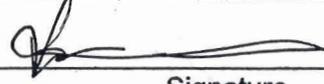
Name (Type or Print) Carlos or Monica Alvarez Date 6/10/12
Address 17225 SW 88th Ave, Palmetto Bay, FL 33157


Signature

Name (Type or Print) Miami-Dade County GSA Date N/A
Address N/A

N/A
Signature

Name (Type or Print) Fabrice or Susan Manns Date 6-15-12
Address 17205 SW 88th Ct, Palmetto Bay, FL 33157


Signature

Name (Type or Print) RYAN DECKER Date 6-9-12
Address 17245 SW 88 AVE, Palmetto Bay, FL 33157


Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

LETTER OF INTENT

LETTER OF INTENT: ALL APPLICATIONS MUST BE ACCOMPANIED BY A LETTER OF INTENT. Please describe in detail in the Letter of Intent whether and to what extent the requested variance serves a public benefit which would warrant the granting of the request and specific justification for approval of the application, nature of the requests and other pertinent information. It is important that justification for each and every adjustment be included in your letter of intent. Insufficient justification may result in the denial of your application. The applicant must affix their signature on the Letter of Intent. **This page may be used to write the Letter of Intent.**

Letter of intent:

Owners Thomas & Vanessa Cetta seek approval of non-use variances of setbacks to permit: (1) One support column of an existing accessory structure (tiki hut) located 6.7 feet from the main structure where 10 feet are required, (moving the tiki hut to 10 feet would violate the rear setback and is therefore impossible); (2) an existing accessory structure (shed) located less than 1 foot from the property line where 7.5 feet are required (requesting consideration under the shed amnesty); and (3) permitting an accessory structure (boat port and concrete slab) located less than one foot from the property line where 7.5 feet is required. The three structures allegedly do not currently comply with Palmetto Bay's code; therefore, granting the non-use variances will serve the public interest by legalizing the structures after public notice and a hearing.

Sincerely,

Thomas & Vanessa Cetta, Owners

By: _____

Thomas Cetta

Date

06-04-12

By: _____

Vanessa Cetta

Date

06-04-12



AFFIDAVIT OF SURVEY

STATE OF FLORIDA }
COUNTY OF MIAMI-DADE }

The undersigned Affiant Thomas Cetta (Property Owner), does hereby attest that the attached survey, prepared by Alvarez, Aiquesvives & Associates, Inc. (Surveyor's Company), performed on the 9th day, of February, 2012 (Date of Survey), is an accurate representation of the existing conditions and locations of all structures on the property as of this date.

The purpose of this Affidavit of Survey is to induce the Village of Palmetto Bay to issue a building permit for the property without first providing a survey less than (1) year old. The Affiant, as property owner, further agrees to remove or obtain permits for any structures which now may exist on the property which are not permitted or which may violate building or zoning code regulations. The Affiant further understands that the existence of any such structures will affect final inspections as applicable to this or other permits.

Further, Affiant sayeth naught.

Naiviv Rodriguez *NR*
Witness (Sign and Print Name)

Affiant (Sign and Print Name)
Thomas Cetta

Marlise Castillo
Witness (Sign and Print Name)

SWORN TO AND SUBSCRIBED before me this 4 day of June
2012. Affiant is personally known to me, FL DWI 123 produced
as identification.

By Naiviv Rodriguez

Seal
Print/Type or Stamp Name of Notary

Village of Palmetto Bay
Department of Building & Capital Projects
9705 E. Hibiscus Street
Palmetto Bay, FL 33157
Ph:(305)259-1250 Fax(866)927-5576



Index
Cetta Property

#1
#3
#2

© 2012 Google

Google earth

Google earth



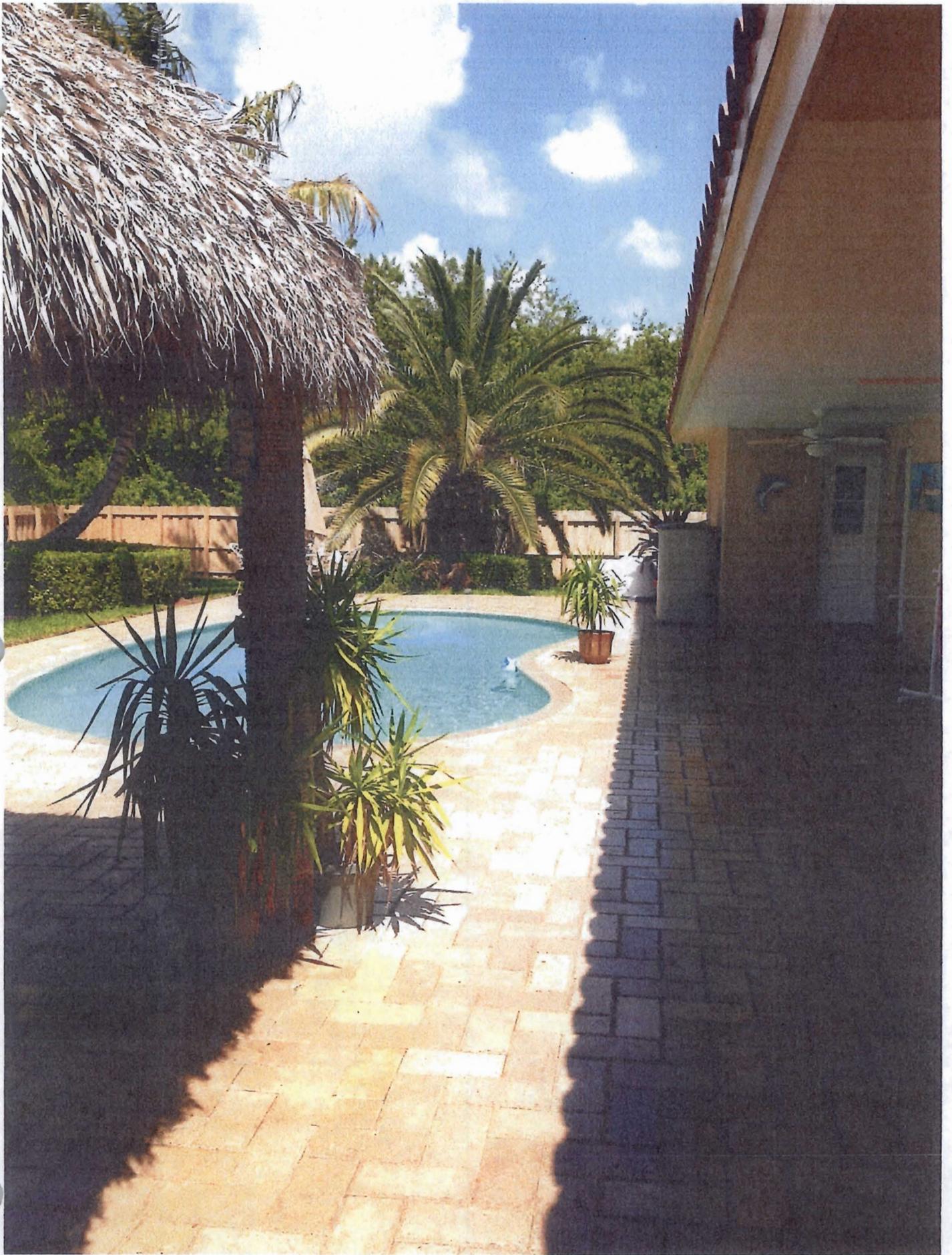


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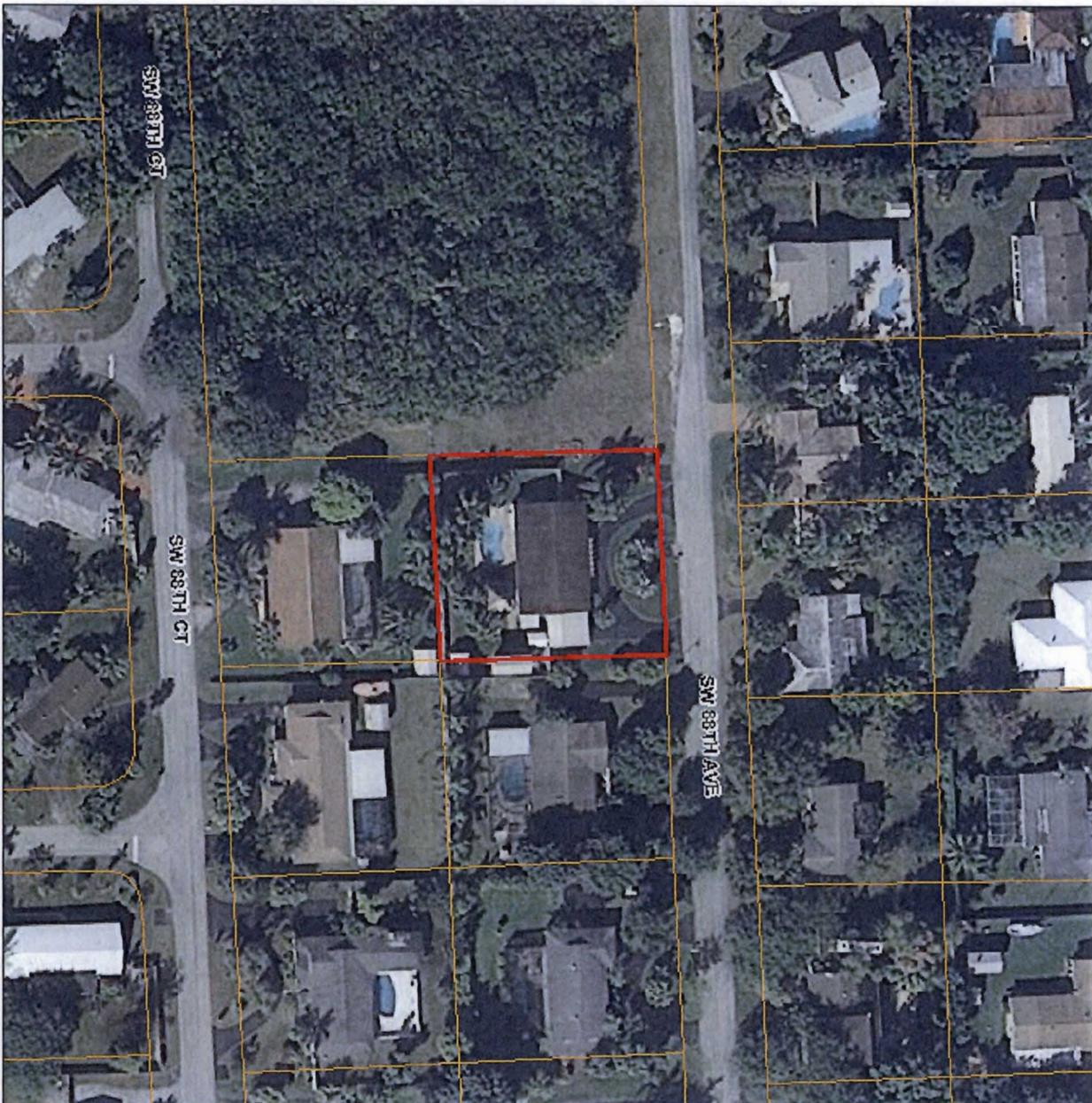




#1







Summary Details:

Folio:	3350330220100
Site Address:	17222 SW 88 AVE Bing Maps Street View County Permits by Folio County Permits by Address Property Appraiser Zillow
Mailing Address:	THOMAS CETTA & W VANESSA 17222 SW 88 AVE MIAMI FL 331574535

Property Information:

Beds/Baths:	4 /2
Floors:	1
Living Units:	1
Adj Sq Footage:	2,421
Lot Size:	18,460 SQ FT
Year Built:	1973
Legal Description:	GLENWOOD ESTS PB 90-24 LOT 10 BLK 1 OR 15768-0770 1292 1 F/A/U 30-5033-022-0100 OR 15768-0770 1292 00 VIEW PLAT 90-24 Deed:15768-0770 Deed:15768-0770

Sale Information:

Sale Date:	12 /1992	2 /1975	10 /1973
Sale Amount:	\$87,500	\$76,000	\$72,900
Sale O/R:	15768-0770	00000-0000	00000-0000

Assessment Information:

Year:	2012	2011
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ZONING HISTORY

VPB-12-004 THOMAS & VANESSA CETTA

RESOLUTION NO. 231

The following resolution was offered by Commissioner

Ralph A. Fossey, seconded by Commissioner

John B. McLeod, and upon poll of members

present, the vote was as follows:

Ralph A. Fossey	Yes	Faris N. Cowart	Absent
Edwin L. Mason	Yes	Charles F. Hall	Yes
John B. McLeod	Yes		

WHEREAS, Vernon B. Stewart has applied for a change of zone from AU (agricultural), 7,500 cubic feet, to EU-M (estate use modified), 12,500 cubic feet minimum, to permit single family residential use on the E $\frac{1}{2}$ NW $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$ in Section 33, Township 55 South, Range 40 East; West side of South West 88 Avenue, between 172 and 174 Streets, Dade County, Florida, and,

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held, as required by law, and, after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the application be approved with a minimum cubic content requirement of 17,500 cubic feet, and,

WHEREAS, a public hearing of this Board was advertised and held, at which time the recommendations of the Zoning Commission were presented, and interested parties present and concerned in the same were heard, and upon due and proper consideration having been given to the matter, it appears to this Board that the requested change of zone and minimum cubic content requirement, as recommended by the Zoning Commission, would be in accord with the overall, comprehensive zoning plan for Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Dade County, Florida that the requested change of zone and minimum cubic content requirement be, and the same are hereby approved, as recommended by the Zoning Commission, and said property is hereby zoned accordingly;

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

PASSED AND ADOPTED this 12th day of September, 1957.

HEARD 8/19/57

September 19, 1957

Mr. Vernon B. Stewart
728 Perrine Avenue
Perrine, Florida

Re: Change of zone to EU-M, to pmt.
single fam. res. use on prop.
located on W/s of S. W. 88 Ave.,
bet. 172 and 174 Sts.

Dear Mr. Stewart:

Your application on the aforescribed property has been approved by the Board of County Commissioners, Dade County, Florida, as recommended by the Zoning Commission. I am enclosing herewith a copy of Resolution No. 231 adopted by the Board of County Commissioners in reference to this matter.

Very truly yours,

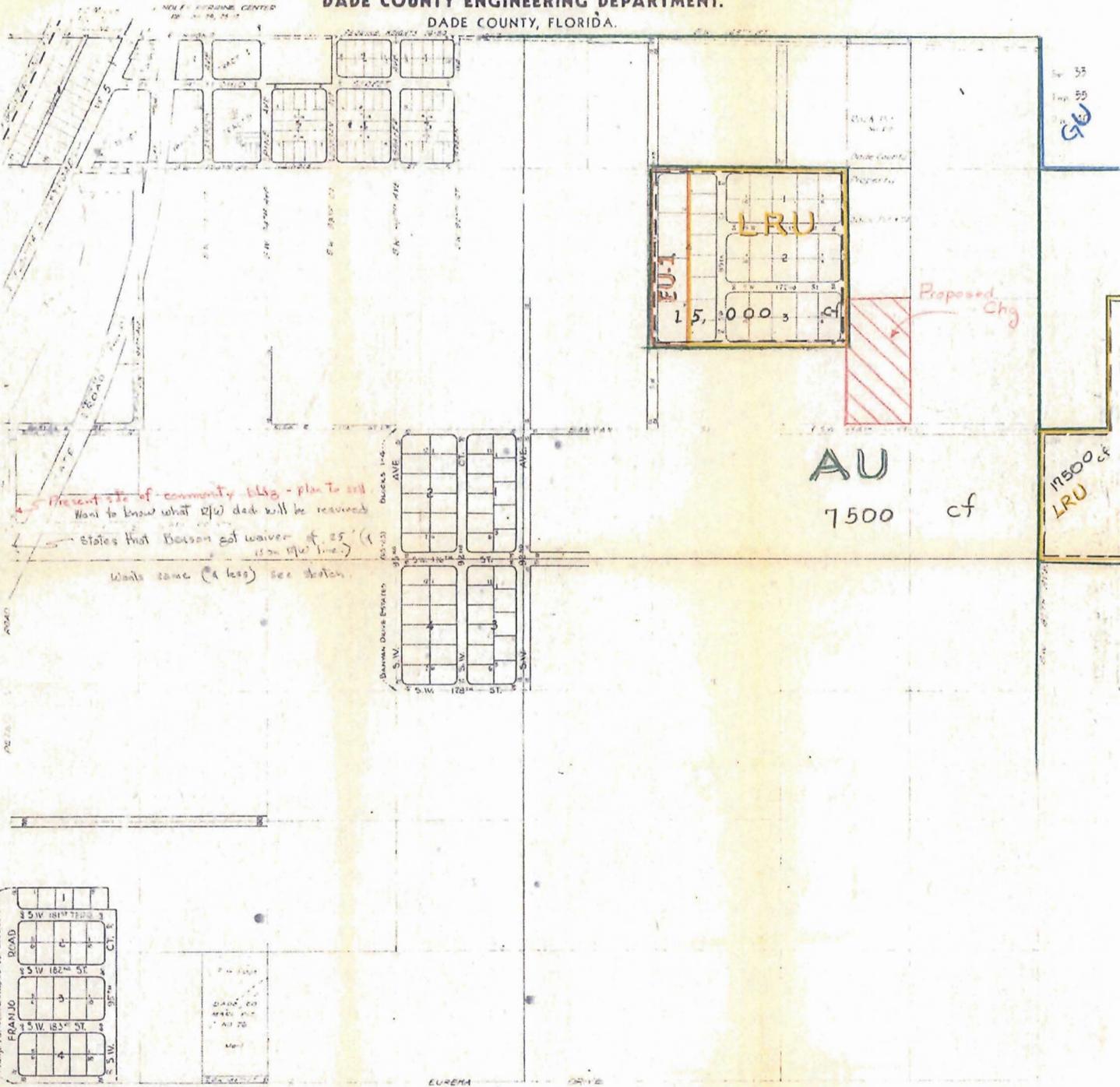
Chester C. Czebrinski, Deputy Director
Dade Co. Planning, Zoning, and Eng. Dept.

CCC/ert/jm
Encl.

Please note that the minimum cubic content requirement has been established at 17,500 cubic feet.

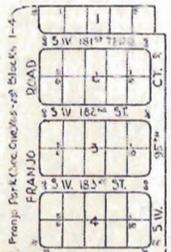
cc: R. F. Cook
Personal File
Hrg. File ✓

DADE COUNTY ENGINEERING DEPARTMENT.
DADE COUNTY, FLORIDA.



Sec 55
Tap 55
GU

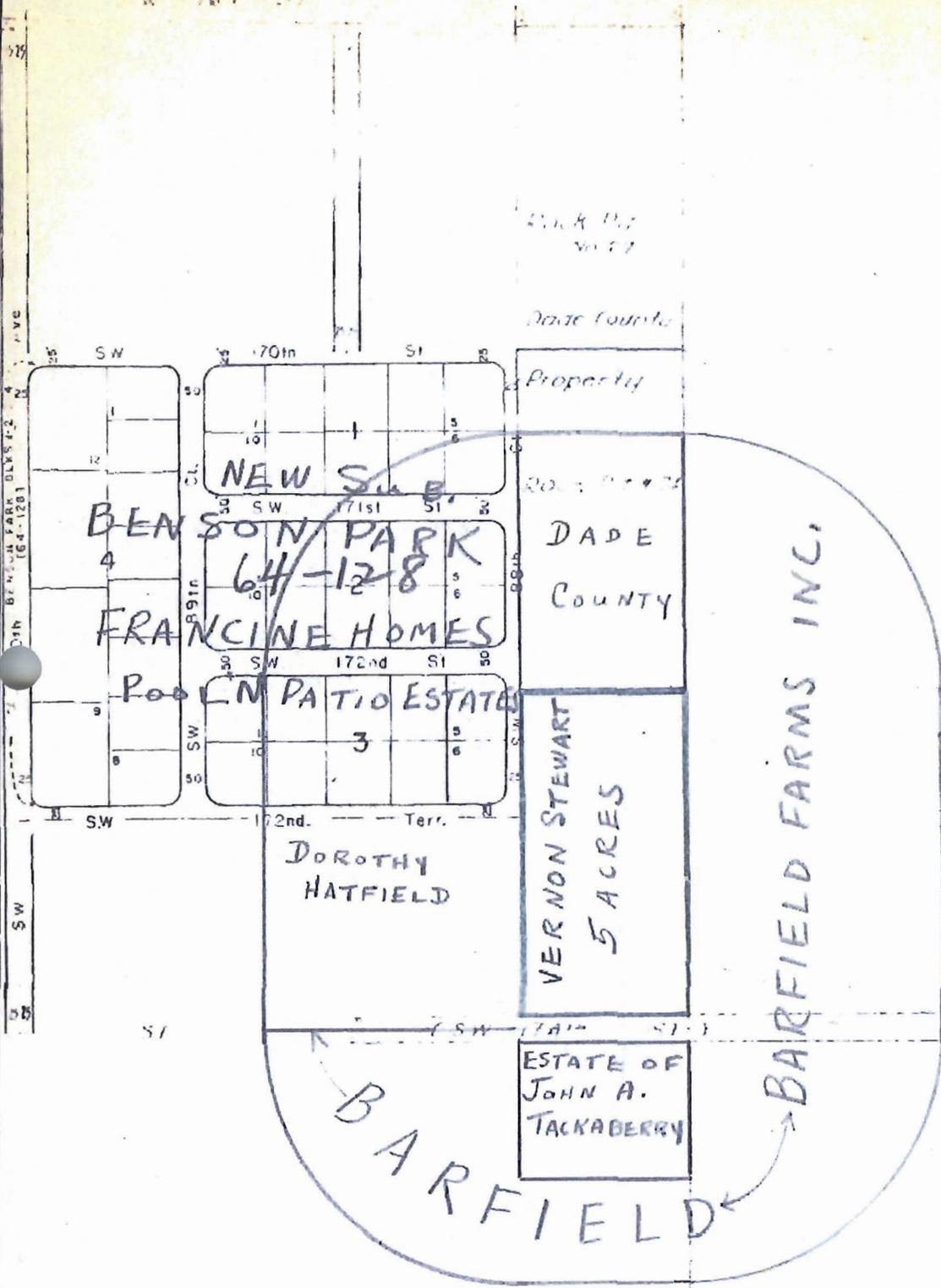
Present site of community 114g - plan to sell.
Want to know what RFLU deal will be required.
States that Besson got waiver of 25' (1500 sq. ft. line).
Wants same (A less) see sketch.



EUREKA DRIVE

RTMENT.

33
55
40



PLAT 117
VOL 17

Dade County

Property

Roll 117

DADE
COUNTY

VERNON STEWART
5 ACRES

ESTATE OF
JOHN A.
TACKABERRY

BARFIELD FARMS INC.

BARFIELD

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BENSON PARK
64-128
FRANCINE HOMES

POOL PATIO ESTATES
3

RECEIVED

JUL 29 1957

DADE CO. PLANNING, ZONING
& BLDG. DEPT.

BY _____



Summary Details:

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Veteran Exemption:	\$0	\$0

33,55,40

CODE HISTORY

VPB-12-004 THOMAS & VANESSA CETTA

Actions

Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Courtesy Warning Comment: CW issued on 7/22/2011 for failure to obtain permit for fence, flag pole, two sheds, boat port, carport and gazebo.	awhite		8/8/2011 8:38:41AM	Y 8/8/2011 8:38:41AM
Follow Up Inspection Comment: Property owner has requested a 60 day extension.	awhite		8/12/2011 1:55:53PM	Y 8/12/2011 1:55:53PM
Extension Request Comment: Citation 3162 issued on 10/13/2011 for unpermitted shed, boat port, car port, gazebo, fence and fag pole.	awhite		10/18/2011 11:01:55AM	Y 10/18/2011 11:01:55AM
Citation Issued Comment: Property owner has appeal citation	awhite		10/28/2011 11:11:45AM	Y 10/28/2011 11:11:45AM
Comments Comment: Certified mail came back unclaimed for citation 3162.	vbencomo		11/28/2011 11:44:08AM	Y 11/28/2011 11:44:08AM
Comments Comment: Certified mail came back signed for NOH.	vbencomo		2/8/2012 3:11:48PM	Y 2/8/2012 3:11:48PM
Citation Appeal Comment: Special Master Continued Case.	awhite		3/2/2012 10:27:54AM	Y 3/2/2012 10:27:54AM
Follow Up Inspection Comment: SPECIAL MASTER CONTINUED.	awhite		3/30/2012 11:23:24AM	Y 3/30/2012 11:23:24AM
Comments Comment: Certified mail came back signed for CONTINUANCE.	vbencomo		4/6/2012 1:15:10PM	Y 4/6/2012 1:15:10PM
Comments Comment: Certified mail came back unclaimed for CONTINUANCE.	vbencomo		4/12/2012 9:27:36AM	Y 4/12/2012 9:27:36AM
Follow Up Inspection Comment: SPECIAL MASTER CONTINUANCE Special Master Order Continued case to 7/17/2012.	awhite		4/30/2012 9:57:59AM	Y 4/30/2012 9:57:59AM
Follow Up Inspection Comment: SPECIAL MASTER CONTINUED. to 10/16	awhite		7/19/2012 1:54:59PM	Y 7/19/2012 1:54:59PM
Comments Comment: Certified mail came back signed for CONTINUANCE.	vbencomo		8/21/2012 1:37:50PM	Y 8/21/2012 1:37:50PM
Citation Appeal Comment:	awhite			N
Officer Prepares Case Brief Comment:				N
Notice of Lien Comment:				N
Claim of Lien Comment:				N
Assign to Special Master or Payoff Comment:				N
Release Lien Comment:				N
Close Case Comment:				N

Custom Fields

Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	
Daily Fine Amount	Money		250
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		
Record Lien	Boolean		N
Sp. Mst. Settlement	Boolean		N

POSTING NOTICE

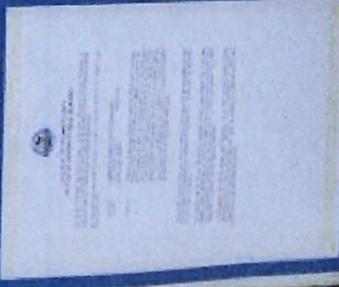
VPB-12-004 THOMAS & VANESSA CETTA



ZONING HEARING

PERTAINING TO THIS PROPERTY TO BE
HELD AT
ADDRESS

PURPOSE OF HEARING:



FOR FURTHER DETAILS CALL:

305-259-1271

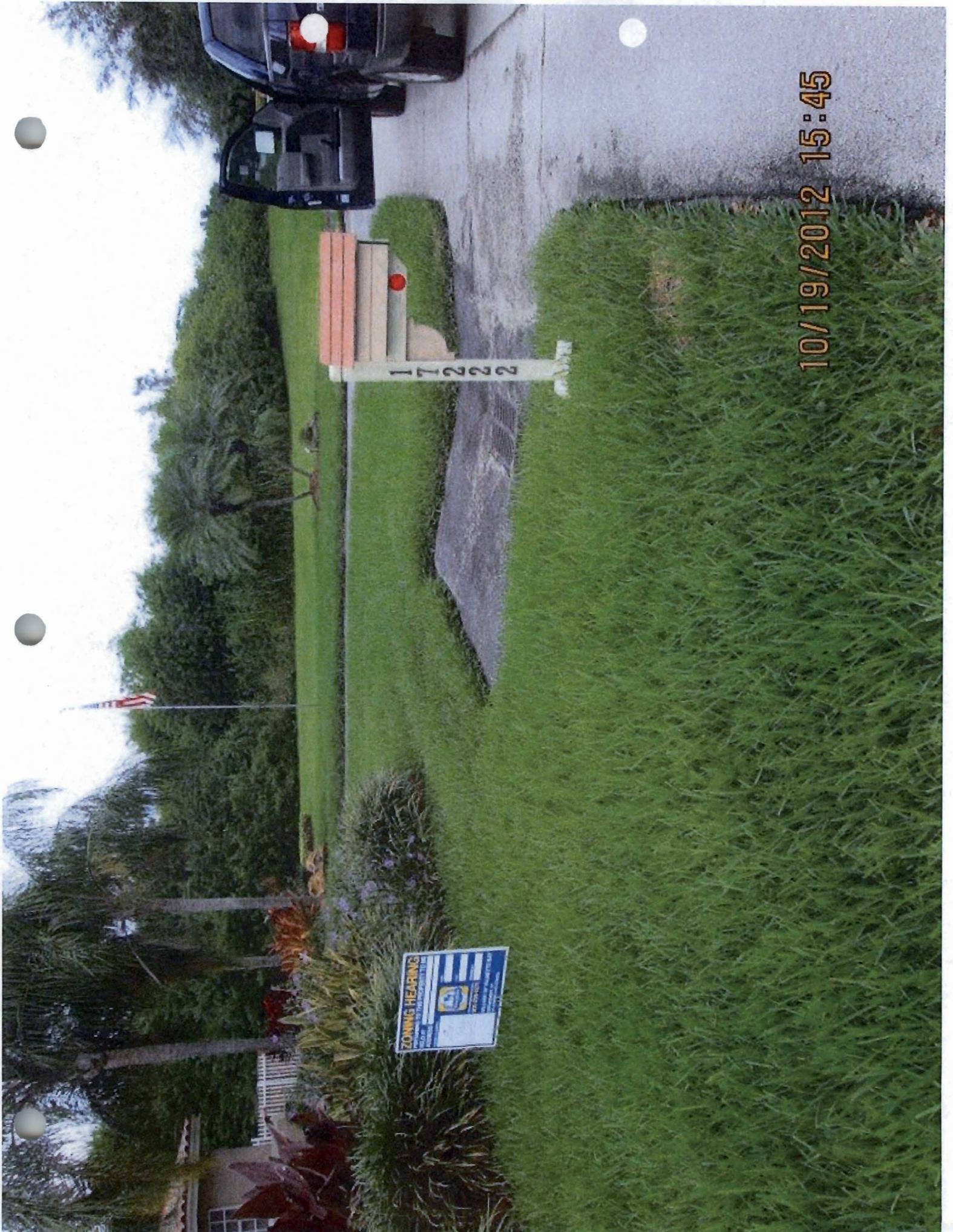
VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING

DATE:

TIME:

HEARING No:

10/19/2012 15:45



10/19/2012 15:45



Village of Palmetto Bay
Department of Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay, FL 33157



DEPARTMENT OF PLANNING & ZONING
9705 EAST HIBISCUS ST
PALMETTO BAY, FL 33157

11/15 [Barcode]

VILLAGE OF PALMETTO BAY
Re-NOTICE OF PUBLIC HEARING

RESCHEDULING NOTICE

HEARING NUMBER: VPB-12-004

APPLICANT NAME: THOMAS & VANESSA CETTA

PROJECT LOCATION: 17222 SW 88TH AVE, PALMETTO BAY, FL 33157

FOLIO: 33-5033-022-0100

REQUEST: Variance of setback requirements to permit an existing shed / accessory structure (12.10' x 10.05' = 121.60 sq. ft.) to setback 5.70' from the rear (west) property line where 7.5' is required and 0.75' from the interior side (south) property line where 20' is required for sheds greater than 100 sq. ft. and to permit an existing boat port (11.10' x 21.15' = 234 sq. ft.) and existing concrete slab to setback 0.65' where 20' is required in addition to a (16' x 16' = 256 sq. ft.) Tiki Hut to setback 6.70' between the rear (west) facade of the principle structure where 10' is required in the Estate Modified Single-Family Residential District (E-M).

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.

THE RESCHEDULED PUBLIC HEARING WILL BE HELD MONDAY, DECEMBER 17TH, 2012 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.

EXHIBIT 1

VPB-12-004 THOMAS & VANESSA CETA

2001 Aerial Photo of subject property



2007 Aerial Photo of subject property

