

STAFF REPORT

EDWARD A. SWAKON

VPB-15-005



**Village of Palmetto Bay
FLORIDA**

ZONING ANALYSIS

APPLICANT: Edward A. Swakon

PH: VPB-15-005

SECTION: 33-55-40

HEARING DATE: May 18, 2015

COUNCIL DISTRICT: 3

ITEM: 1

A. GENERAL INFORMATION

REQUEST: The applicant, Edward A. Swakon, is requesting a variance from Section 30-50.3(e) to reduce the required side yard setback along the east side from 7.5' feet to 0.5' feet for an existing shed.

ADDRESS: 9061 SW 181 Terrace

LOT SIZE: 9,000 square feet, .2 acres approximately

FOLIO #: 33-5033-027-0250

B. BACKGROUND

The property in question is an interior lot located at 9061 SW 181st Terrace and is developed with a 1,697 square foot (gross) single family home. The applicant is seeking to legalize an existing 185 sq. ft. non-conforming shed structure. The structure is to be located along the east side of the property, 0.5 feet from the interior side property line where 7.5' is required.

C. ZONING HEARING HISTORY

On June 18, 1956, the Dade County Board of County Commissioners pursuant to **Resolution No. 10046** approved a rezoning from AU to RU-1 (single family residential) for a portion of the larger parcel.

D. NEIGHBORHOOD CHARACTERISTICS

ZONING

Subject Property:

R-1; Single Family Residential District

Surrounding Properties

NORTH: R-1; Single Family Residential District

SOUTH: R-1; Single Family Residential District

EAST: R-1; Single Family Residential District

WEST: R-1; Single Family Residential District

E. SITE AND BUILDINGS

Site Plan Review:	Not Acceptable
Scale/Utilization of Site:	Not Acceptable
Location of Building(s):	Not Acceptable
Compatibility:	Not Acceptable

F. ANALYSIS

The following is a review of the request pursuant to the Village's variance criteria found at Section 30-30.6(e), of the Land Development Code. The Background Section of this report is hereby incorporated by reference into this analysis.

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 may be requested 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 of Ordinances, and other matters specifically permitted as variances pursuant to this Division. The request is for a reduction of the required side yard setback.

Finding: 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: The dimensional requirements of the R-1 district are intended to provide a development character reflective of appropriate separations of structures and open space. The property is an interior lot that does not appear to have a dimensional configuration that would prevent the construction of a 185 sq. ft. shed in a different location. Sufficient area exists at the rear of the property to accommodate a shed. The proposed location of the shed would legalize a structure six inches from the eastern property line.

Finding: Inconsistent

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

Analysis: Please see Criteria 2. There appears to be other areas within the property that could accommodate the proposed structure.

Finding: Inconsistent

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

Analysis: Granting of the request would provide this homeowner the special privilege of structure 0.5 feet from the property line were all other homes in the area are required to maintain a 7.5 foot setback. If approved, this development would be inconsistent with the other development in the immediate area with similar property/development configurations.

Finding: 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 have not been considered in reviewing this application.

Finding: 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 Criteria 3 and 4. The literal interpretation of Chapter 30 would not deprive the applicant of other rights which have been afforded other homes in the area. The applicant could if they choose, relocate the proposed construction to a different area of the property and still meet all of the setback criteria of the R-1 zoning District.

Finding: 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 Criteria 3, 4 and 6. Given that there are other areas of the property that could accommodate a shed, there appears to be no need for a variance.

Finding: 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: Please see Criteria 3, 4 and 6. Although the Land Development Code permits sheds, the request is in conflict with Policy 3.1.9 of the Comprehensive Plan. The Comprehensive Plan requires the evaluation of the appropriateness of allowing such uses in existing neighborhoods as to adequate setbacks, parking, drainage, septic system, and other similar requirements. Such standards are provided in greater specificity within the Zoning Code, which in this case, seeks to satisfy the intent with a 7.5 foot side yard setback. This application does not meet that setback requirement. Therefore, the proposed shed violates the anticipated development pattern for R-1 zoned properties.

Finding: Inconsistent

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 Land Development Code or any duly enacted ordinance. The Council's suggestions are intended to provide conditions that would augment or revise the conditions that may be proposed by the Planning Department.

Finding: As determined by the Mayor and Council

H. RECOMMENDATION

Staff recommends denial.

Darby Delsalle, AICP
Director of the Department of Planning & Zoning

- 1 c. After hearing testimony from staff, the applicant, the applicant's experts, and the public,
2 the Village Council found the variance request is not consistent with the variance criteria
3 at Section 30-30.6(e), of the Village's Land Development Code.
4
5 d. The Village adopts and incorporates by reference the Planning & Zoning Department
6 staff report, which expert report is considered competent substantial evidence.
7
8 e. The Village Council did not have any substantive disclosures regarding ex-parte
9 communications and the applicant did not raise any objections as to the form or content
10 of any disclosures by the Council.
11

12 Section 3. Conclusions of law.

13
14 The requested variance was reviewed pursuant to Section 30-30.6(e) of the Village's Land
15 Development Regulations and was found to be inconsistent.
16

17 Section 4. Order.

18
19 The Village Council denies the variance request inconsistent with Section 30-30.6(e) of the
20 Village's Land Development Regulations.
21

22 This is a final order.
23

24 Section 5. Record.

25
26 The record shall consist of the notice of hearing, the applications, documents submitted by
27 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
28 Planning and Zoning in connection with the applications, the Village of Palmetto Bay
29 recommendation and attached cover sheet and documents, the testimony of sworn witnesses and
30 documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The
31 record shall be maintained by the Village Clerk.
32

33 Section 6. This resolution shall take effect immediately upon approval.
34

35 PASSED and ADOPTED this _____ day of May, 2015.
36
37
38

39 Attest: _____
40 Meighan Alexander
41 Village Clerk
42
43
44

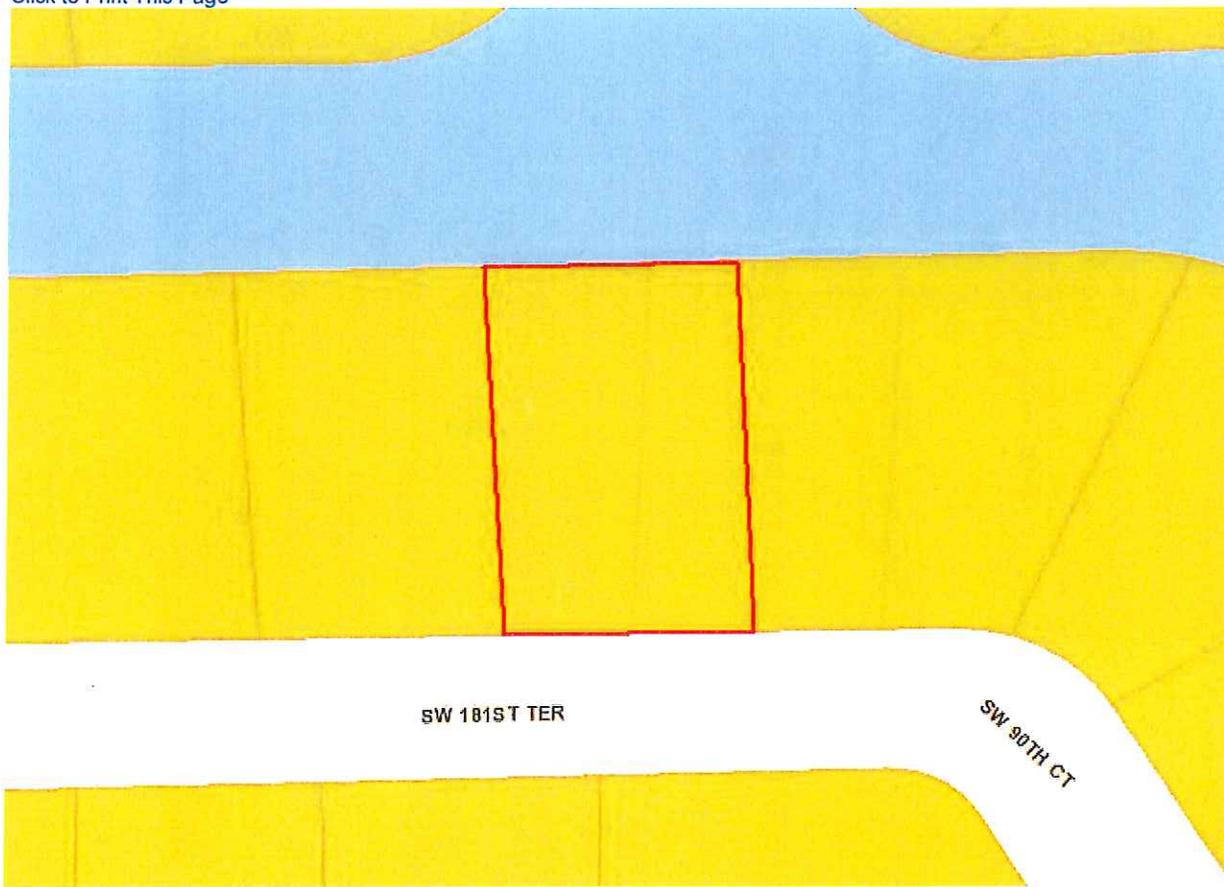
Eugene Flinn
Mayor

ZONING & LAND USE MAPS

EDWARD A. SWAKON

VPB-15-005

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SW 181ST TER

SW 90TH CT

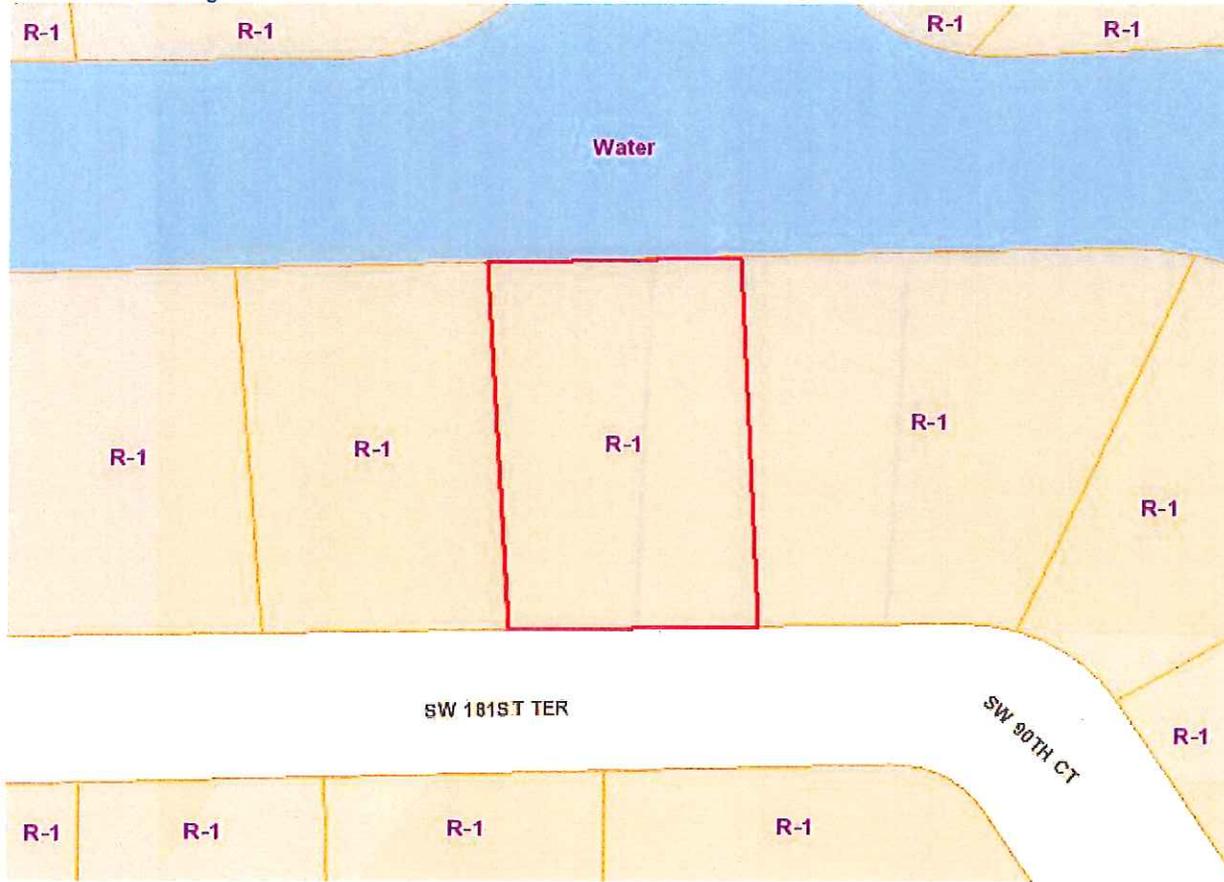
Summary Details:	
Folio:	3350330270250
Site Address:	9061 SW 181 TER Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	EDWARD A SWAKON 7501 SW 174 ST PALMETTO BAY, FL 33157

Property Information:	
Beds/Baths:	3/1
Floors:	1
Living Units:	1
Adj Sq Footage:	1697
Lot Size:	9000 SQ FT
Year Built:	1972
Legal Description:	BEL AIRE SEC 17 PB 92-88LOT 25 BLK 64OR 13082-3025 1186 1F/A/U 30-5033-027-0250COC 24073-0395 11 2005 1OR 28250-3455 0812 01 VIEW PLAT 92-88 Deed: 13082-3025 Deed: 28250-3455

Sale Information:			
Sale Date:	8/2012	11/2005	11/1986
Sale Amount:	174000	400000	79900
Sale O/R:	28250-3455	24073-0395	13082-3025

Assessment Information:		
Year:	2015	2014
Land Value:	0	84563
Building Value:	0	122475
Market Value:	0	207038
Assessed Value:	0	200956
Homestead Exemption:	0	0
Senior Exemption:	0	0
Agricultural Exemption:	0	0
Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

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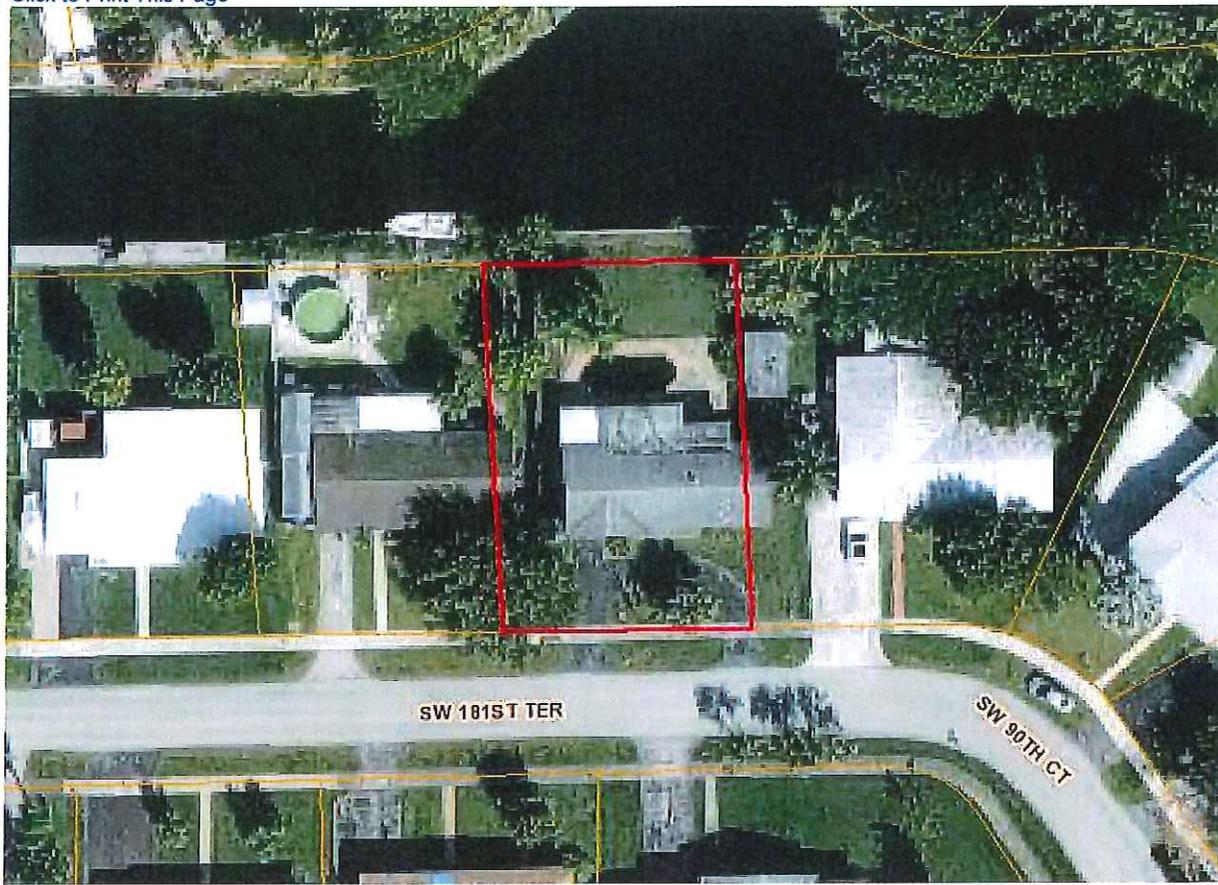
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Widow Exemption:	0	0
Disabled Exemption:	0	0
Veteran Exemption:	0	0

7.5
feet
Req
.5

ZONING HISTORY

EDWARD A. SWAKON

VPB-15-005

8/31/2023/34/35/118/122
[Handwritten signature]

RESOLUTION NO. 10046

The following resolution was offered by Commissioner _____
Hugh Peters, seconded by Commissioner L. D. MacVicar,
and upon vote duly adopted:

WHEREAS, Martin Fine for Dorman Association has applied for a change of zone from AU (Agricultural) 7500 cubic feet minimum, GU (Interim) 3000 cubic feet minimum and RU-2 (Two Family Residential) 3000 cubic feet minimum to RU-1 (Single Family Residential), RU-2 (Two Family Residential), RU-3 (Two Story Apartment House), RU-4A (Bungalow Villa District), LAU (Limited Residential), EU-1 (One Acre Estates), and BU-2 (Special Business) and special permit on that portion of Tracts 13, 20, 21, 28, 37, 38, 42, 43, 55, 56, and 57 of Perrine Grant Subdivision (PB 1, Pgs. 4) in Section 5, Township 56 South, Range 40 East, lying East of the Easterly right-of-way of US #1 and all of Tracts 14 through 19 inclusive, 29 through 36 inclusive, 44 through 47 inclusive, 50 through 54 inclusive, 58 through 62 inclusive, 68 through 72 inclusive, the South 3/4 of Tract 1 and the South 1/2 of Tracts 2, 3, and 4 lying East of Easterly right-of-way of US #1, all in Perrine Grant Subdivision (PB 1, Pgs. 4); in Section 5, Township 56 South, Range 40 East; and all that portion of Tracts 64, 65, and 66 of Perrine Grant Subdivision (PB 1, Pgs. 5); in Section 6, Township 56 South, Range 40 East, lying East of Easterly right-of-way of US #1, and all that portion of the NE 1/4 NE 1/4 NE 1/4 of Section 7, Township 56 South, Range 40 East lying East of Easterly right-of-way of US #1 and the E 3/4 of the NE 1/4 NW 1/4 of Section 8, Township 56 South, Range 40 East, and the West 3/4 of the S 1/2 NE 1/4 NW 1/4 in Section 8, Township 56 South, Range 40 East, and the SW 1/4 of SE 1/4 NE 1/4 NW 1/4 in Section 8, Township 56 South, Range 40 East, and the East 3/4 of the S 1/2 SW 1/4 NW 1/4 in Section 8, Township 56 South, Range 40 East, and the NW 1/4 NE 1/4 SW 1/4 in Section 8, Township 56 South, Range 40 East, and the NE 1/4 NW 1/4 SW 1/4 in Section 8, Township 56 South, Range 40 East, and the E 1/2 of W 1/2 of N 1/2 of SW 1/4 in Section 8, Township 56 South, Range 40 East, and the W 1/2 of E 1/2 SW 1/4 SW 1/4 in Section 8, Township 56 South, Range 40 East, and all of Tracts 1 through 15 inclusive, 20 through 28 inclusive, and Tract 40, Perrine Grant Subdivision (PB 1, Pgs. 11) in Section 4, Township 56 South, Range 40 East; and the South 3/4 of SE 1/4 in Section 33, Township 55 South, Range 40 East, and the S 1/2 SE 1/4 SW 1/4 in Section 33, Township 55 South, Range 40 East, and the NE 1/4 SE 1/4 SW 1/4

of Section 33, Township 55 South, Range 40 East, and the S $\frac{1}{2}$ of SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 34, Township 55 South, Range 40 East, and the S $\frac{1}{2}$ of NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 34, Township 55 South, Range 40 East, and commence at the NW corner of Tract 4, Ferrins Grant Subdivision (PB 4, Pgs. 10), Section 3, Township 56 South, Range 40 East; thence East 674.48'; thence South 620.52'; thence West 674.45' to West line of said Tract 4; thence North 617.28' to Point of Beginning;

To permit drive-in theatre, integrated sewage, water and gas systems including disposal lines, lift stations and pumping stations, and for public schools and park sites;

Entire area to be zoned RU-1 except as follows: Drive-in theatre to be located on the East side of US #1, 500' North of Caribbean Boulevard; RU-2, RU-3 and RU-4A developments to be located on the SE corner of US #1 and Quail Roost Drive and SE corner of US #1 and S.W. 107th Avenue;

Proposed shopping center, sewage plant, water plant and gas distribution center to be located on a site of approximately 90 acres on the East side of US #1 from theoretical S.W. 188th to 194th Streets;

1-acre estate zone of approximately 30 acres to be located at the NE corner and SE corner of Galloway Road and Eureka Drive;

LEU area of approximately 120 acres to be located on the West side of Galloway Road from theoretical S.W. 178th Street to S.W. 190th Street and East side of Galloway Road extending 600' South of Eureka Drive;

School sites to be located as required by Dade County Board of Public Instruction;

Parks to be located as required by Dade County Planning Board;

Approval of integrated canal and drainage plant as provided in preliminary master plan prepared by Harry G. Schaeble & Associates, designated as Order #21003, and on file with this application at the Dade County Planning, Zoning, and Building Department;

Entire area located between US #1 and Caribbean Boulevard extending from theoretical S.W. 178th Street to S.W. 204th Street, and from 103rd Avenue to 107th Avenue from theoretical S.W. 206th to S.W. 216th Streets;

Minimum cubic content on entire area to be 12,000 cubic feet, 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 on the following basis:

1. That the proposed business center be reduced in size to twenty (20) acres to be located between the canal and the proposed 100' street to the South thereof; the area requested for business zoning but not recommended for business, be zoned to correspond with the projection of the zoning on the adjacent properties; said center to be zoned BU-2A (Special Business - Masonry) subject to the following conditions:
 - a. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of structure or structures, landscaping, off-street parking, entrances and exits, type and location of signs, fences, walls, hedges, drainage, etc.
 - b. That the use be established and maintained in accordance with the approved plan.
 - c. That initial permits be issued for at least 50% of the project and that if the project is not at least 50% completed within two (2) years from the date of final action by the Board of County Commissioners, the property shall revert to its original zone classification.
2. That a ten (10) acre utility site for water, sewage, and subdivision gas plant be provided in the vicinity of the business area and to the East thereof; said property to be zoned RU-1 (Single Family Residential) with a special permit to be approved for the utility installations subject to the following conditions:
 - a. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of proposed utility uses, landscaping, off-street parking areas, type and location of signs, fences, etc.
 - b. That the utility sites and area surrounding them be landscaped so that the property has the appearance of a park.
 - c. That the uses be established and maintained in accordance with the approved plan.
 - d. That the special permit be automatically renewable annually upon compliance with all terms and conditions.
 - e. That a trust agreement, providing for the continued and satisfactory operation of the sewage and water plants be submitted to and filed with the Dade County Planning, Zoning, and Building Department; said agreement shall meet with the approval of the Federal Housing Administration and/or Veterans Administration, or the County Attorney; said approval shall be endorsed in writing on the copy filed with the Dade County Planning, Zoning, and Building Department.
 - f. That the installations be subject to approval of the County Health Department.

3. That a special permit be approved for the drive-in theatre subject to the following conditions:
 - a. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things location and proposed height of screen, location of concession building and other buildings, lay-out of theatre, driveways, holding area, walls and landscaping, type and location of signs, etc.; that this plan be subject to the approval of the County Engineer and State Road Department.
 - b. That the use be established and maintained in accordance with the approved plan.
 - c. That the construction of said drive-in theatre be started on or before the expiration of one (1) year from the date of final approval by the Board of County Commissioners.
4. That a ten (10) acre school site be approved, the location to meet with the approval of the Zoning Director and Board of Public Instruction and the master plan be revised accordingly; that a five (5) acre park and playground site be approved; the location to meet with the approval of the Zoning Director; that before any zone change becomes effective, the park and playground sites be dedicated to the County, and the school site be satisfactorily negotiated with the Board of Public Instruction. The developer is to fill the property, if necessary, and improve all roads adjacent to the site.
5. That the balance of the application with the requested changes of zone be approved as applied for.
6. That the canal system and drainage plans for the area meet with the approval of the County Engineer and Zoning Director.
7. That a revised master plat be subject to the approval of the Director of the Dade County Planning, Zoning, and Building Department.
8. That special permits be approved for the water, sewage, and gas systems including disposal lines, lift stations and pumping stations.
9. That the minimum cubic content on the property be established at 15,000 cubic feet for LRH (Limited Residential), 17,500 cubic feet for EU-1 (One Acre Estates) and that the balance of the property be zoned for a minimum cubic content of 12,000 cubic feet, and

WHEREAS, the proponents and opponents to the application have appeared before this Board and after due and proper consideration had been given to the matter, it appears to this Board that the approval of the application, as recommended by the Zoning Commission, should be approved with certain modifications;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the approval of the application, as recommended by the Zoning Commission, be, and the same is hereby approved and said property is hereby zoned accordingly, subject to the following modifications:

1. That the proposed business center be increased to twenty-one (21) acres as indicated on the revised plan submitted to this Board; that the twenty (20) acres immediately to the South and adjacent to the 100' road ((Mackin Road Ext.)) with a frontage of 1100' along US #1 and a depth of 770' along said 100' road remain in its present classification for further consideration by this Board at a future date upon receipt of additional information.

2. That the minimum cubic content on the HU-1 area be established at 10,500 cubic feet minimum.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records (substantially as the same are shown on the overall tentative plat submitted to this Board and identified as Order #21003) of the Dade County Planning, Zoning, and Building Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 19th day of July, 1956.

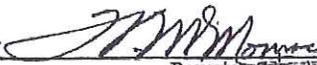
HEARD 6-18-56

STATE OF FLORIDA)
 : SS
COUNTY OF DADE)

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 10046, adopted by the said Board of County Commissioners at its meeting held on July 19, 1956, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF I have hereunto set my hand and official seal on this 26th day of July, A. D. 1956.

E. B. LEATHERMAN
Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By 
Deputy Clerk

SEAL

Board of County Commissioners
Dade County
Florida

August 15, 1956

Dorman Association
c/o Mr. Martin Fine
Biscayne Building
Miami, Florida

Gentlemen:

Enclosed is a copy of Resolution No. 10046, approving, under certain conditions, a change of zone on the Dorman property between U. S. Highway No. 1 and Caribbean Boulevard, extending from SW 178 Street to SW 204 Street; and from 103 Avenue to 107 Avenue between SW 206 and 216 Street.

Please note also that special permits are provided for for certain special uses in lieu of requested zone changes.

Please also note that the business area that has been approved is for 21 acres and that the request for the additional 20 acres of business zoning has been deferred for further study.

Very truly yours,

Chester C. Gzebrinski, Assistant Director
Dade Co. Planning, Zoning, and Bldg. Dept.

CCC:jpa
Enclosure

cc: CCC
Cook
Eastwood
File

POSTING & MAILING

EDWARD A. SWAKON
VPB-15-005



VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, May 18, 2015, at 7:00 p.m. The hearing shall be held at Village Hall, 9705 E. Hibiscus Street, Palmetto Bay, FL. Discussion and public input will be welcome concerning the following items that may be of interest to your immediate neighborhood:

The following item is being considered pursuant to Division 30-50.3(e) of the Village's Land Development Code:

ITEM #1

Applicant: **Edward A Swakon**
Folio: 33-5033-027-0250
File #: VPB-15-005
Location: 9061 SW 181 Terrace, Palmetto Bay, FL 33157
Zoned: R-1
Request: Variance from Section 30-50.3(e) to reduce the required side yard setback along the east side from 7.5 feet to 0.5 feet for a shed.

The following item is being considered pursuant to Division 30-50.21 of the Village's Land Development Code:

ITEM #2

Applicant: **Old Cutler Presbyterian Church, Inc. (Miami-Dade County Fire Rescue)**
Folio: 33-5023-000-0250
File #: VPB-15-004
Location: 7055 SW 144th Street, Palmetto Bay, FL 33158
Zoned: E-1
Request: Pursuant to Section 30-50.21, the establishment of a temporary fire rescue facility and associated site plan.

All persons are invited to appear and be heard. The documents pertaining to this public hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 E. Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Inquiries may be directed to the Clerk at (305) 259-1234. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

3107/11/450



ZONING HEARING
FOR THE
PROPOSED
REVISIONS TO THE
ZONING ORDINANCE
FOR THE
CITY OF
MIAMI BEACH
ON
MAY 14, 2013
AT 7:00 PM
CITY COMMISSION CHAMBER
3000 BAYVIEW BLVD.
MIAMI BEACH, FL 33139

04/17/2015 - 10:07:41

ZONING HEARING
PERTAINING TO THIS PROPERTY TO BE
HELD AT
ADDRESS


PROCESSED BY
VILLAGE OF PALM BEACH
DEPARTMENT OF
PLANNING AND ZONING

[Redacted area]



04/17/2015 10:07:41

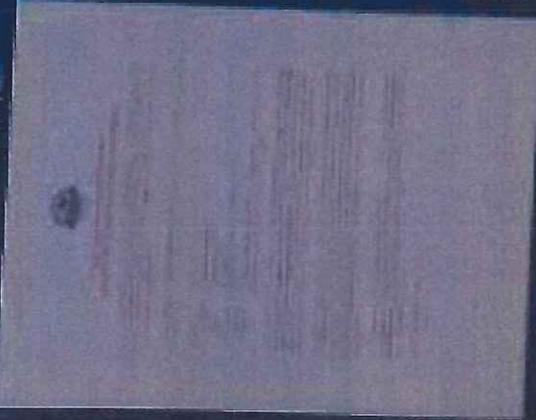
ZONING HEARING

PERTAINING TO THIS PROPERTY TO BE HELD AT ADDRESS

VILLAGE HALL

9705 EAST HARBORS STREET

PURPOSE OF HEARING:



DATE:

MAY 15 2015

TIME:

7:00pm

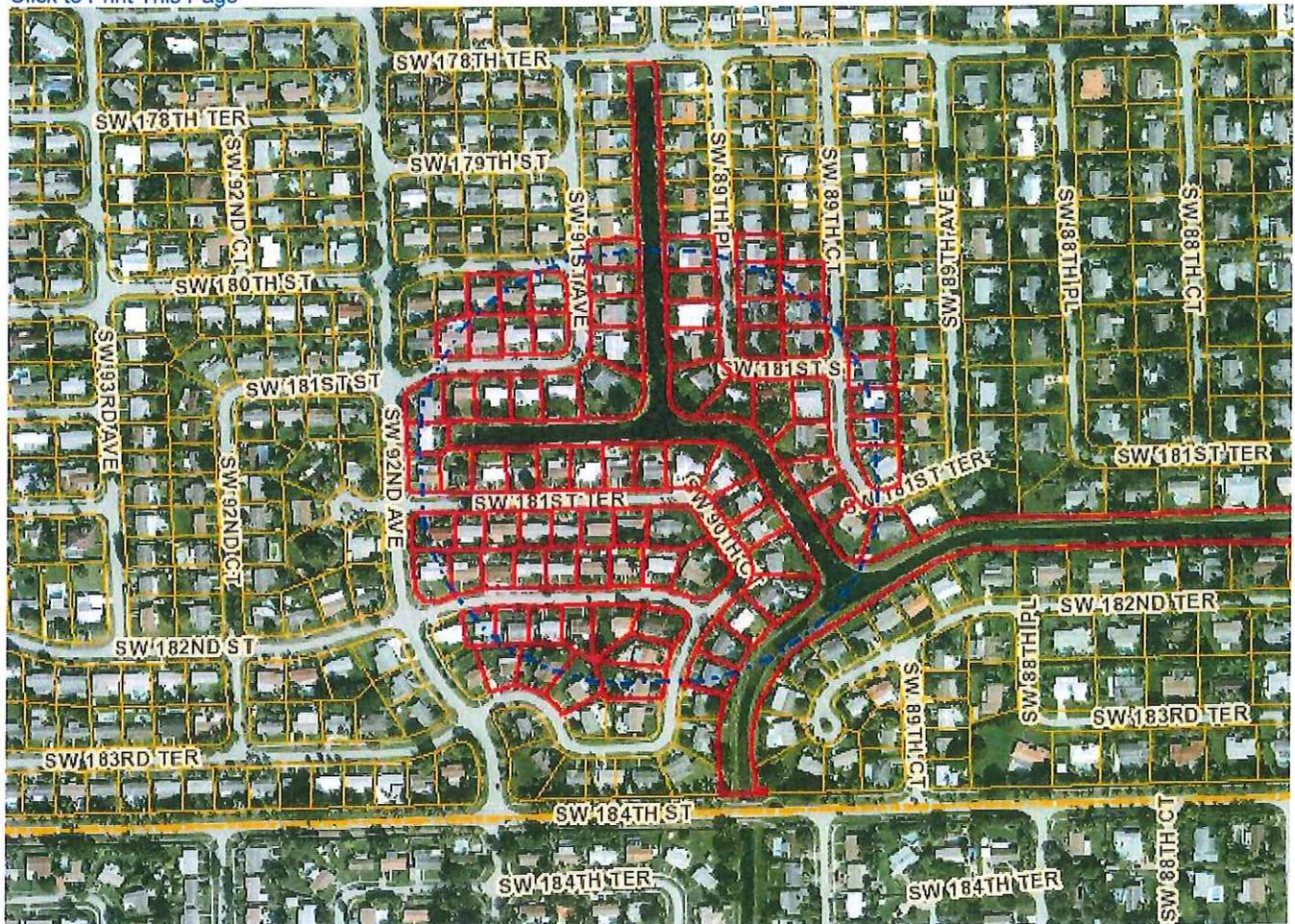
HEARING No.:

VPO 15-085

FOR FURTHER DETAILS CALL
305-259-1271

VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING

[Click to Print This Page](#)



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

HEARING NUMBER: VPB-15-005
APPLICANT NAME: Edward A Swakon
FOLIO: 33-5033-027-0250 ZONED: R-1

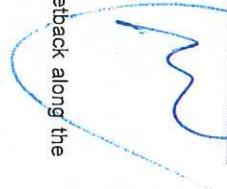
PROJECT LOCATION: 9061 SW 181 Terrace, PALMETTO BAY, FL 33158

REQUEST: Variance from Section 30-50.3(e) to reduce the required side yard setback along the east side from 7.5 feet to 0.5 feet for a shed.

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, May 18, 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.



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NOTICE OF PUBLIC HEARING**

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APPLICANT NAME: Edward A Swakon
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APPLICATION

EDWARD A. SWAKON

VPB-15-005

Edward A. Swakon

7501 SW 174 Street
Palmetto Bay FL 33157
205-218-5177

October 8, 2013

Darby Delsalle, Director
Department of Planning & Zoning
Village Hall
9705 East Hibiscus Street,
Palmetto Bay, FL 33157

RE: Swakon 9061 SW 181 Terr. – Variance for Existing Shed - Letter of Intent

Dear Mr. Delsalle:

Please accept this as my **letter of intent** for the attached variance application for an existing shed. I am seeking a variance to allow a shed, which has been in existence for over 20 years, to remain on the property as is. A review of historic aerial photos (copies of 1994, 2005 & 2011 attached) clearly shows the shed in existence as far back as 1994. The property to the east (side of the property on which the shed is located) is owned by a family member (my son) who has no objection to the shed in its current location. A copy of his letter of no objection is attached.

I acquired the property in August of 2012. Since purchasing the property, I have processed plans for significant interior renovation to the house. All of the plans and surveys for the permits clearly identified the shed as an existing structure and not once was the shed flagged for any reason. Those renovations are now complete. My son now lives at the property.

The existing shed is CBS construction, on an existing foundation and moving it is simple not possible.

For all of the reasons stated above we would request the variance be granted. Please contact me if you have any questions.

Sincerely;



Edward A Swakon. P. E.

Enclosures

RECEIVED
Zoning Department
10/15/13.
Village of Palmetto Bay
Building & Zoning Department
By: 

4/10/2015



SEC: 33 TWP: 55 RGE: 40
~~VPB-13-013~~

Village of Palmetto Bay
Building & Zoning Department

VPB-15-005

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

LIST ALL FOLIO #S: 33-5033-027-0250 Date Received 10/15/13

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).

EDWARD A. SWAKON

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 7501 SW 174 ST
City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-218-5177

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

Owner's Name (Provide name of ALL owners): EDWARD A. SWAKON
7501 SW 174 ST
City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-218-5177

4. CONTACT PERSON'S INFORMATION:

Name: Company: _____ State: _____ Zip: _____ Cell Phone#: _____
City: _____ Fax#: _____ E-mail: _____
Same As Above

sked
IS
10x16.5
185 SQ FT

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.)

Bel Aire Sec 17 PB 92-88
Lot 25 Blk 64
OR 13082-3025 1186 1

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

9061 SW 181 TER 12
Palmetto Bay FL 33157

7. SIZE OF PROPERTY (in acres): 207 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: 8/12 9. Lease term: _____ 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.

However my son owns property to
THE EAST

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: R-1

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: EXISTING SHED

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:

NOTICE ISSUED TO
EDWARD SWAKON BY ALLEN WHITE - NO PERMITTED
STRUCTURE

16. Describe structures on the property: CBS shed

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

Use: Single Family Home Year: 1972

Planning Staff Use Only

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

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF _____
COUNTY OF _____

Public Hearing No. _____

Before me, the undersigned authority, personally appeared EDWARD A. SACKON
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:
Bel Aire Sec 17 PB92-88 9061 SW 181 TER
LOT 25 BLK 64 PALMETTO BAY FL
OR 13082-3025 11861
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:

Priscilla Esteves
Signature

Priscilla Esteves
Print Name

[Signature]
Affiant's signature

EDWARD A. SACKON
Print Name

MAUREEN PINNOCK
Signature

Maureen Pinnock
Print Name

Sworn to and subscribed before me on the 8th day of OCTOBER 20 13.

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

Notary

Stephen P. Langley

(Stamp/Seal)
Commission Expires:



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), Edward A. Swakon, 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

[Signature]
Signature

Sworn to and subscribed to before me this 8th day of OCTOBER, 2013

Notary Public:
Commission Expires:



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

Office Held

(Corp. Seal)

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

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 _____, _____

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

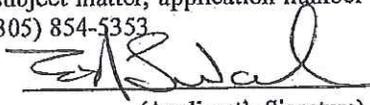
Sworn to and subscribed to before me This _____ day of _____, _____

Notary Public:
Commission Expires:

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.


(Applicant's Signature)

EDWARD A. SWAKON
(Print Name)

Sworn to and subscribed before me this 8th day of OCTOBER, 2013. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)

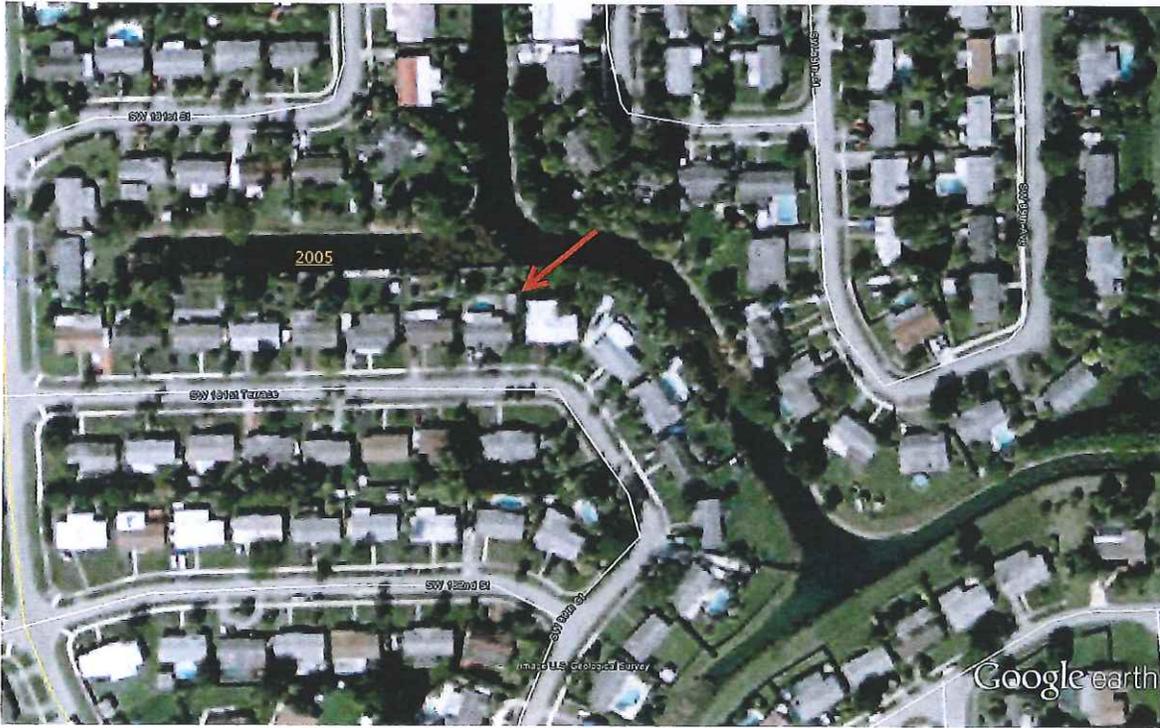
My commission expires _____

FORM ZH-0107-04





Swakon 9061 SW 181 Ter. 1994



Swakon 9061 SW 181 Ter. 2005







Ryan W. Swakon

1056 Snidon Drive
West Linn, OR 97068

October 8, 2013

Darby Delsalle, Director
Department of Planning & Zoning
Village Hall
9705 East Hibiscus Street,
Palmetto Bay, FL 33157

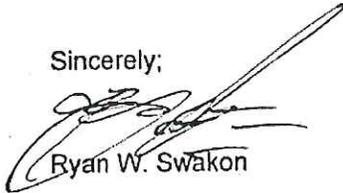
RE: Swakon 9061 SW 181 Terr. – Variance for Existing Shed - Letter of no objection

Dear Mr. Delsalle:

I am the owner of 9051 SW 181 Terr., the abutting property to the east of the above referenced property seeking a shed variance. Please be advised that I have no objection to the requested variance and would request that the variance be issued.

If you have any questions, please contact me.

Sincerely;



Ryan W. Swakon

PLANS & SURVEY

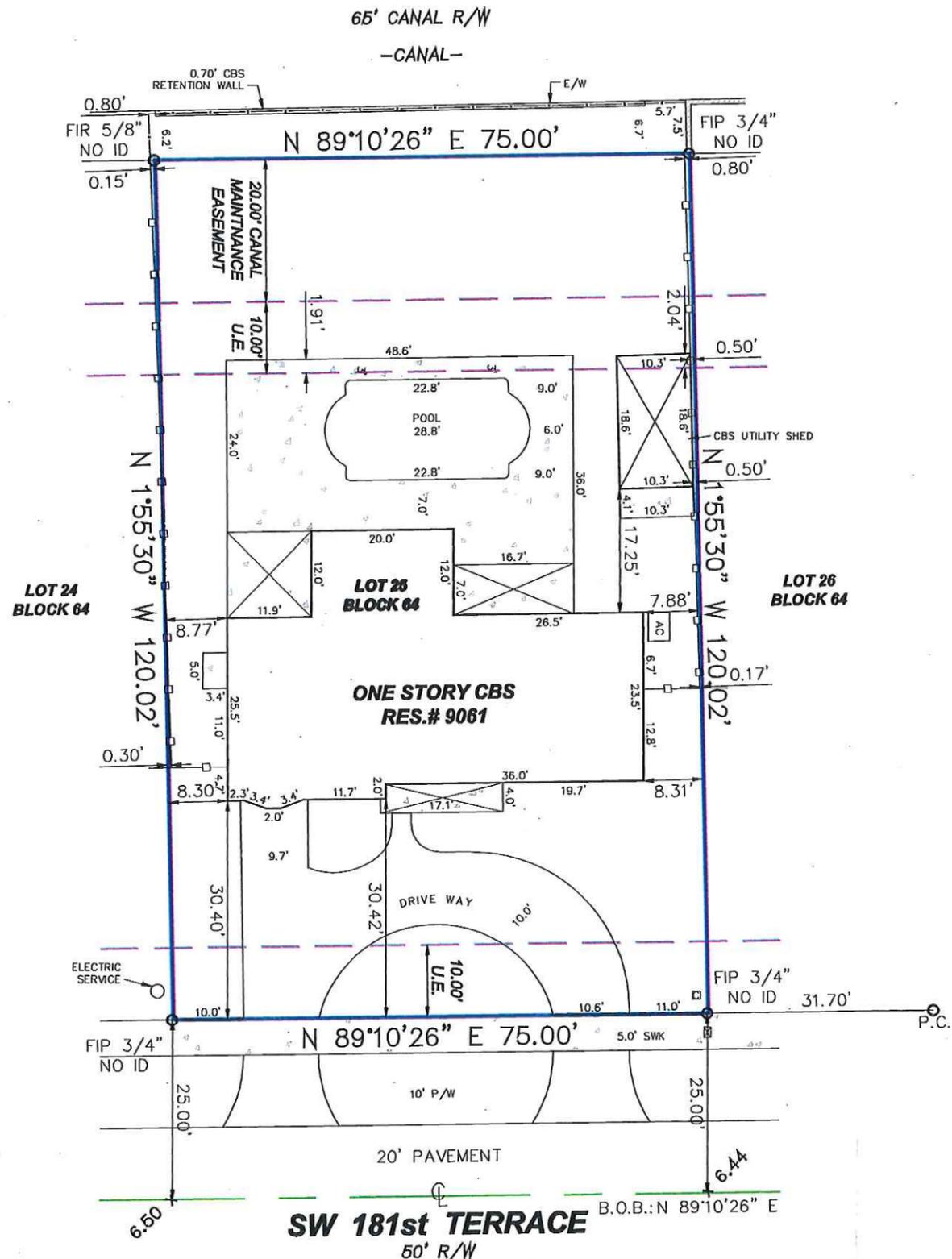
EDWARD A. SWAKON

VPB-15-005

MAP OF BOUNDARY SURVEY



NORTH
SCALE: 1"=20'



BENCHMARK:
NAME: BC-71
ELEV(NGVD29): 8.76
LOCATION1: SW 184 ST - 34' SOUTH OF C/L
LOCATION2: SW 92 AVE - 28' EAST OF C/L
DESCRIPTION1: PK NAIL AND ALUMINUM WASHER IN CONC SIDEWALK.

LEGEND

ABBREVIATIONS:

- A = ARC DISTANCE
- A/C = AIR CONDITIONER PAD
- BCR = BROWARD COUNTY RECORDS
- BLDG = BUILDING
- BM = BENCH MARK
- BOB = BASIS OF BEARINGS
- CBS = CONCRETE BLOCK & STUCCO
- (C) = CALCULATED
- C&G = CURB & GUTTER
- CLF = CHAIN LINK FENCE
- COL = COLUMN
- CONC = CONCRETE
- DE = DRAINAGE EASEMENT
- DME = DRAINAGE & MAINTENANCE EASEMENT
- D/W = DRIVE-WAY
- EB = ELECTRIC BOX
- ENC. = ENCROACHMENT
- EP = EDGE OF PAVEMENT
- EW = EDGE OF WATER
- FDH = FOUND DRILL HOLE
- FF = FINISHED FLOOR
- FIP = FOUND IRON PIPE
- FIR = FOUND IRON ROD
- FN = FOUND NAIL (NO ID)
- FND = FOUND NAIL & DISK
- FPL = FLORIDA POWER & LIGHT TRANSFORMER PAD
- LE = LANDSCAPE EASEMENT
- LME = LAKE MAINTENANCE EASEMENT
- (M) = MEASURED
- MDCR = MIAMI-DADE COUNTY RECORDS
- MH = MAN HOLE
- ML = MONUMENT LINE
- (P) = PLAT
- PB = PLAT BOOK
- PC = POINT OF CURVATURE
- PCP = PERMANENT CONTROL POINT
- PE = POOL EQUIPMENT PAD
- PG = PAGE
- PI = POINT OF INTERSECTION
- PL = PLANTER
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PRC = POINT OF REVERSE CURVATURE
- PRM = PERMANENT REFERENCE MONUMENT
- PT = POINT OF TANGENCY
- R = RADIUS DISTANCE
- (R) = RECORD
- R/W = RIGHT OF WAY
- RES. = RESIDENCE
- SIP = SET IRON PIPE
- SND = SET NAIL & DISK (PK)
- STL = SURVEY TIE LINE
- SWK = SIDEWALK
- (TYP) = TYPICAL
- UB = UTILITY BOX
- UE = UTILITY EASEMENT
- W/F = WOOD FENCE

SYMBOLS:

- = TELEPHONE RISER
- = CABLE TV RISER
- = WATER METER
- = WATER VALVE
- = CURB INLET
- = FIRE HYDRANT
- = LIGHT POLE
- = CATCH BASIN
- = UTILITY POLE
- = DRAINAGE MANHOLE
- = SEWER MANHOLE
- = IRON FENCE
- = WOOD FENCE
- = CHAIN LINK FENCE
- = OVERHEAD UTILITY WIRE
- = ASPHALT
- = CONCRETE
- = PAVERS
- = TILES
- = COVER

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTE.

AUTHENTIC COPIES OF THIS SURVEY SHALL BEAR THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE ATTESTING REGISTERED SURVEYOR AND MAPPER

SEAL

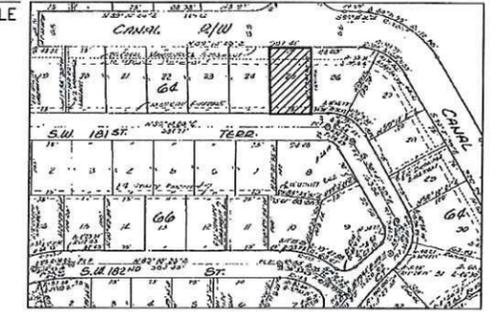
Juan A. Suarez

JUAN A. SUAREZ
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA LIC. # 6220

DATE OF SURVEY:
05/14/2013
JOB #: 130518047
FILE #: C-13687
CAD FILE(P): SWAKON
SHEET 1 OF 1

suarez surveying & mapping, inc.
15190 SW 136th Street, Suite 20, Miami, Florida 33196
Tel: 305.596.1799 Fax: 305.596.1886
www.suarezsurveying.com

PLAT IMAGE:



PROPERTY ADDRESS:

9061 SW 181st TERRACE, PALMETTO BAY, FL 33157

LEGAL DESCRIPTION:

LOT 25, BLOCK 64, OF BEL AIRE SECTION 17, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 92, PAGE 88, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:

BASED ON THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY REVISED ON 09/11/09 AND INDEX MAP REVISED ON 09/11/09 THE GRAPHICALLY DEPICTED BUILDING(S) SHOWN ON THIS MAP OF SURVEY IS WITHIN ZONE AE BASE FLOOD ELEVATION 9 AND 10 COMMUNITY NAME & NUMBER VILLAGE OF PALMETTO BAY 120687 MAP & PANEL NUMBER 12086C0602 SUFFIX L

SURVEYOR'S NOTES:

1. ELEVATIONS WHEN SHOWN REFER TO 1929 NATIONAL GEODETIC VERTICAL DATUM (NGVD 1929). 2. NO ATTEMPT WAS MADE TO LOCATE FOOTINGS/FOUNDATIONS, OR UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED. 3. THE LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED IN REGARDS TO MATTERS OF INTEREST BY OTHER PARTIES, SUCH AS EASEMENTS, RIGHTS OF WAYS, RESERVATIONS, ETC. ONLY PLATTED EASEMENTS ARE SHOWN. 4. THIS SURVEY WAS PREPARED FOR AND CERTIFIED TO THE PARTY(IES) INDICATED HEREON AND IS NOT TRANSFERABLE OR ASSIGNABLE. 5. THE INTENT OF THIS SURVEY AS COMMUNICATED BY THE CERTIFIED PARTIES IS FOR REAL-ESTATE TRANSACTION OR MORTGAGE REFINANCING, THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSE OR PARTY(IES) WITHOUT THE AUTHORIZATION OF THIS FIRM. 6. THIS SURVEY IS NOT INTENDED FOR NEITHER DESIGN NOR CONSTRUCTION PURPOSES, FOR THOSE PURPOSES, A TOPOGRAPHIC SURVEY MAY BE REQUIRED. 7. ALL BOUNDARY LIMIT INDICATORS SET ARE STAMPED LB# 7104. 8. THE BOUNDARY LIMITS ESTABLISHED ON THIS SURVEY ARE BASED ON THE LEGAL DESCRIPTION PROVIDED BY CLIENT OR ITS REPRESENTATIVE. 9. FENCE OWNERSHIP NOT DETERMINED. 10. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. 11. BEARINGS WHEN SHOWN ARE TO AN ASSUMED MERIDIAN AND BASED ON PLAT, THE CENTERLINE OF SW 181st TERRACE BEARS N 89°10'26" E.

CERTIFIED TO:

EDWARD SWAKON

REVISION(S):