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RESOLUTION NO. 2013-50

ZONING APPLICATION VPB-13-008

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AUTHORIZING THE RE-PLAT OF A PORTION OF THE KARENERO FALLS PLAT, SPECIFICALLY LOT 10 OF BLOCK 1, CREATING THE BROWNE ESTATES PLAT, CONSISTING OF LOT 1, BLOCK 1 AND REDUCING THE UTILITY EASEMENT ALONG THE WEST PROPERTY LIEN FROM SIX FEET TO FOUR FEET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Browne Real Estate Investment, Inc., made an application to re-plat a portion of the "Karenero Falls Plat," specifically lot 10 of block 1, creating the "Browne Estate Plat" consisting of lot 1, block 1 for the property known as 9046 SW 160 Terrace bearing folio 3350280670600; and,

WHEREAS, the property in question was originally platted as Lot 10, Block 3, of the "Karenero Falls Plat," found at Plat Book 151, Page 18, as recorded in the Miami-Dade County Public Records on September 4, 1997. The plat provided for a six foot utility easement along the west interior property line; and,

WHEREAS, the home built on the property encroaches into the utility easement by one foot; and,

WHEREAS, to clear the cloud on the property title, the applicant is seeking to adjust the utility easement from six to four feet; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on May 20, 2013; and,

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

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

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

Section 1. A public hearing on the present applications was held on May 20, 2013, in accordance with the Village's "Quasi-judicial hearing procedures." Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

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Section 2. Findings of fact.

1. The property in question was originally platted as Lot 10, Block 3, of the Karenero Falls plat, Plat Book 151, Page 18, as recorded in the Miami-Dade County Public Records on September 4, 1997. The plat provided for a six (6) foot utility easement along the west interior property line. However, the home built upon the property was sited five (5) feet from the interior (west) side property line, thus encroaching into the utility easement by one (1) foot.

2. In an effort to clear any cloud on the title, the applicant is seeking to adjust the utility easement from six (6) feet to four (4) feet to remedy the encroachment. The applicant's request is at the tentative plat stage with Miami-Dade County and has received their requisite approvals. All utilities with interest in the easement have submitted letters of no objection regarding the requested modification.

3. The property configuration complies with the Land Development Code and has been deemed acceptable by the Village's Public Works Department. This re-plat would resolve the cloud from the property owner's title.

4. The Department review of the application for consistency with plat requirements at Section 30-80.2(b) subsection (1) through (29), entitled "Final Plat Application Requirements, found the application to be in compliance.

5. All utilities with interest in the easement have submitted letters of no objection regarding the requested modification.

6. The lot is developed with a single-family detached home. The R-1M zoning designation permits single-family homes. There is no proposed change of use at the property. There is no proposed change to the density; as such the request is consistent with the land use element of the comprehensive plan.

7. No one spoke in opposition to the applicants' requests.

8. The Village Council had no substantive disclosures regarding ex parte communications and the applicant raised no objections as to the form or content of any disclosures by the Council.

Section 3. Conclusions of law.

The re-plat request to create the Browne Estate plat, consisting of Lot 1, Block 1, and associated reduction in the utility easement from six feet to four feet is hereby granted.

Section 4. Order.

1. The Village Council authorizes the re-plat of a portion of the "Karenero Falls Plat," specifically Lot 10 of Block 1, recorded at Plat Book 151, Page 18, in the Miami-Dade County Public Records on September 4, 1997, to create the "Browne Estate Plat" consisting of Lot 1, Block 1 for the property known as 9046 SW 160 Terrace bearing folio 3350280670600.

2. This is a final order.

