



MIAMI SHORES VILLAGE
DEPARTMENT OF PLANNING & ZONING
10050 NE 2nd Avenue
Miami Shores FL 33138-2304
www.miamishoresvillage.com
David A. Dacquisto AICP, Director

Main Number: 305-795-2207

Fax Number: 305-756-8972

MIAMI SHORES VILLAGE

APPEAL TO VILLAGE COUNCIL APPLICATION AND GUIDELINES

Applications for appeals to village council shall be submitted to the Village Clerk.

Please print or type all required information and ensure that the application is complete and accurate. In order to be accepted for processing, the application must be accompanied by all required information and submittals.

State statute language for reference during review not for final application

286.0105 Notices of meetings and hearings must advise that a record is required to appeal.--Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may 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. The requirements of this section do not apply to the notice provided in s. 200.065(3).

**VILLAGE OF MIAMI SHORES
CODE OF ORDINANCES**

ARTICLE VIII. APPEALS

Sec. 800. [Appeals to council.]

Any person aggrieved by any decision of the planning board under the provisions of Article VI or Article VII, whether negative, affirmative or conditional, may appeal therefrom to the village council. Such appeal shall be in such form as the village manager may specify for all such appeals, and shall state fully the grounds of the appeal, including a statement of why the applicant believes that the decision appealed from is unreasonable or is not in accord with the purposes of this ordinance. The village council may not consider any such appeal unless it includes the aforesaid statement. The council, if it decides, for stated reasons, that the decision of the planning board was unreasonable or was not in accord with the purposes of this ordinance, may overrule or modify such decision.

Sec. 19-26. Appeals.

Any adverse decision of the planning board as aforesaid may be appealed to the village council within ten days after written notice of such decision has been served upon the interested party or parties by the board, including the building inspector, through the mail or otherwise; such appeal to be in written form, a copy of which shall be furnished to and served upon the board at least five days prior to the time for consideration thereof by the council. Such decision or construction by the board, including any decision or construction subject to, or appealed under, Section 800 of the Zoning Appendix of the Code of Ordinances, may only be reversed, modified or overruled by the council by not less than a 70 percent affirmative vote thereof. All such matters so appealed to the council shall have precedence and priority over other business coming before the council. Failure of the council to act upon any such appeal within 20 days after the same has been submitted to it shall be and constitute an affirmance of the decision of the board, and the subject matter of the appeal shall thereupon forthwith revert to the exclusive jurisdiction of the board. All papers and documents in connection therewith shall be immediately transmitted to the board. The village clerk shall thereupon note the disposition of the same upon the records of the village, and the final action of the board thereon shall be conclusive and binding upon every person interested therein and all property affected thereby.

A. ADDRESS OF PROPERTY AND PROPERTY INFORMATION

To be filled out by applicant, information available: www.miamidade.gov/pa/property_search.asp

Property Address:	
Folio Number:	

B. APPLICANT INFORMATION SHEET

Contact Information

Please Print or Type

Property Owner's Name			
Address, City, State, Zip			
E-mail Address			
Phone Number Day		Cell Number	
Fax Number			
Name of Applicant/Tenant: If different from owner. (indicate if not applicable)			
Address, City, State, Zip			
E-mail Address			
Phone Number Day		Cell Number	
Fax Number			
Name of Agent: If different from owner and applicant. (indicate if not applicable)			
Address, City, State, Zip			
E-mail Address			
Phone Number Day		Cell Number	
Fax Number			

IMPORTANT: THE APPLICANT OR AUTHORIZED REPRESENTATIVE MUST ATTEND THE HEARING TO PRESENT THE PROPOSAL. FAILURE TO APPEAR MAY RESULT IN DENIAL OF THE APPEAL.

C. EXHIBITS AND DATA TO BE SUBMITTED WITH THE APPLICATION

The village will not process applications if the required exhibits and information are not included in the application submittal. All exhibits (data submitted in connection with application) become a permanent part of the records of Miami Shores Village and will not be returned to the applicant.

The village Council has established certain guidelines as to the type of evidence the Council would require from any applicant in conjunction with such an appeal.

Required Documentation for a Complete Application:

(The original documents and seven (7) copies of each document are required as part of the submittal for a total of eight (8) complete collated and banded sets)

- a) An appeal to the village council of any adverse decision of the planning board must be filed with the village clerk **within ten days** after written notice of such decision has been served upon the interested party or parties by the planning board.
- b) A complete application with all required information submitted.
- c) Pursuant to Chapter 286.0105, Florida Statutes, if person decides to appeal any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.
- d) Proof of ownership. A copy of the most recent tax bill, property appraiser's office record or a copy of the most recent recorded warranty deed is required.
- e) Applicant must provide an "Owners Affidavit of Consent and Designation of Agency" form **Signed** by the property owner and applicant or agent if applicable, and **Notarized**. When an application is executed on behalf of a corporation or business entity, documentation must be provided which demonstrates the signatory's authority to represent the corporation.
- f) Applicant must provide a "Consent for Inspection of Property" form **Signed** by the property owner, authorized applicant or agent if applicable, and **Notarized**. When an application is executed on behalf of a corporation or business entity, documentation must be provided which demonstrates the signatory's authority to represent the corporation.
- g) Applicant to provide a letter describing the proposal and stating fully the grounds for the appeal, including a statement of why the applicant believes that the decision appealed from is unreasonable or is not in accord with the purposes of this ordinance.
- h) Applicant to provide such additional evidence, as they believe will support their appeal.
- i) Other data as required.

CONSENT FOR INSPECTION OF PROPERTY

I, _____, the owner or authorized agent for the owner of the premises located at _____ do hereby consent to the inspection of said premises by an employee of Miami Shores Village, Florida, in conjunction with an application for _____, without further notice.

Dated this _____ day of _____.

OATH OR AFFIRMATION

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by.

Signature of Owner or Authorized Agent

Telephone Number

Print Name

NOTARY SEAL:

Signature of Notary Public – State of Florida

Name of Notary Typed, Printed, or Stamped

(Please check one)

- Personally known to me; or
- Produced identification.

Type of Identification Produced: _____.

OWNER'S AFFIDAVIT OF CONSENT AND DESIGNATION OF AGENCY

I/We _____ as Owner(s) of Lot(s) _____, Block _____, Sections _____, Plat Book and Page Located at _____ desire to file an application for an appeal of a decision of the Planning Board before the Village Council and I/WE understand and agree with the following:

- 1) That the Village Council will act upon the request at the scheduled hearing and may affirm the decision of the planning board if the applicant is not present at the hearing.
- 2) That it is the responsibility of the applicant to submit a complete true and correct application before a hearing will be scheduled before the Village Council.
- 3) That the submittal of inaccurate or false information will result in an incomplete application, tabling or denial of the appeal.
- 4) The undersigned owner(s) and applicant(s) certifies under penalties of perjury that all the statements contained in this application, including any statement attached to the application or any papers or plans submitted herewith are true and correct.

I/We as the owners of the subject property: (Please check one)

- Do hereby authorize _____ to act on my/our behalf as the applicant.
- Will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before Village Council.

OATH OR AFFIRMATION

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by.

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by.

Signature of Owner(s)

Signature of Authorized Applicant(s) or Agent(s)

Print Name

Print Name

Signature of Notary Public-State of Florida

Signature of Notary Public-State of Florida

Name of Notary Typed, printed or stamped

Name of Notary Typed, printed or stamped

NOTARY SEAL :

NOTARY SEAL :

(Please check one)

Personally known to me; or Produced identification.

(Please check one)

Personally known to me; or Produced identification.

Type of Identification Produced: _____.

Type of Identification Produced: _____.