

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE \$

RECEIPT #

DATE HEARD: 01/28/03

BY CZAB # 14

RECEIVED
FEB 21 2003

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY (Signature)

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z02-285 (03-1-CZ 14-4)

Filed in the name of (Applicant) Gary & Roxana Sloan

Name of Appellant, if other than applicant Director, Dept. of Planning & Zoning

Address/Location of APPELLANT'S property: 111 NW 1st St., 11th floor, Miami, Fla. 33128

Application, or part of Application being Appealed (Explanation) Entire application

Appellant (name): Director, Dept. of Planning & Zoning

hereby respectfully appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language).

1. The Community Zoning Appeals Board-14 decision is inconsistent with the Miami Dade County Comprehensive Development Master Plan
2. The CZAB - 14's decision does not comply with the site development option standards adopted pursuant to Ordinance No. 02-138.

APPELLANT MUST SIGN THIS PAGE

Date: 21st day of February, year: 2003

Signed *Diane O'Quinn Williams*

Diane O'Quinn Williams

Print Name

111 N.W. First Street, Miami, FL 33128

Mailing Address

305-375-2840

Phone

305-375-2795

Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City State Zip

Telephone Number

Subscribed and Sworn to before me on the _____ day of _____, year _____

Notary Public

(stamp/seal)

Commission expires:

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
ALL FOLIO NUMBERS ARE REQUIRED

RECEIVED
OCT 2 - 2002

30-6821-000-0760

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Date Received Stamp

PLEASE TYPE OR PRINT LEGIBLY, IN INK, ALL INFORMATION ON APPLICATION

1. Name of Applicant GARY L. SLOAN & Roxana Sloan

a. if applicant is owner, give name exactly as recorded on deed.

b. if applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.

c. if applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address 12120 SW 80 ST

City Miami State Fl. Zip 33183

Tel. # (during working hours) (305) 256-5260 Other (305) 785-0698

2. Name of Property Owner GARY L. SLOAN & Roxana Sloan

Mailing Address 12120 SW 80 ST

City Miami State Fl. Zip 33183

Tel. # (during working hours) (305) 256-5260 Other (305) 785-0698

3. Contact Person Gary L. Sloan & Roxana Sloan

Mailing Address 12120 SW 80 ST

City Miami State Fl. Zip 33183

Tel. # (during working hours) (305) 256-5260 Other (305) 785-0698

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION

- a. if subdivided, provide lot, block, complete name of subdivision, plat book and page number.
- b. if metes and bounds description, provide complete description, (including section, township and range).
- c. submit 7 copies of a survey if property is odd-shaped (1" to 300' scale).
- d. if separate requests apply to different areas, provide the legal description of each area covered by a separate request.
- e. attach a separate, typed sheet if necessary. Verify the legal is correct.

The West 181.5 Feet of the 1245.5 Feet of
the North 300 Feet of the South 1943 Feet
of the NE 1/4 of the Section 21, Township
56 South, Range 38 East

5. Address or location of subject property: SW 208 Ave & SW 234 ST.

6. Size of property: 181.5 ft. X 300 ft. Acres 1.25

7. Date subject property acquired or leased 20 day of September, 2002

Term of lease _____ years/months.

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
ALL FOLIO NUMBERS ARE REQUIRED

RECEIVED
OCT 2 2002

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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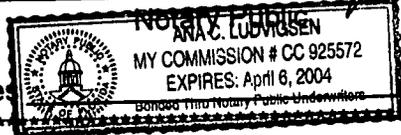
**APPLICANT'S AFFIDAVIT
OWNER OR TENANT AFFIDAVIT**

I, GARY L. SLOAN & Roxanne Sloan being first duly sworn, depose and say that I am the owner tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

FLORIDA DRIVERS LICENSES
S450 292 70 7000 & S450 7 28 74 S130
Sworn to and subscribed to before me
this 1 day of October, 2002

Gary L. Sloan
Roxanne Sloan
Signature

Ana C. Ludvigsen



Commission Expires _____

CORPORATION AFFIDAVIT

We, _____, being first duly sworn, depose and say that we are the President Vice President, and Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

(Corp. Seal)

ATTEST:

President's Signature

Secretary's Signature

Notary Public
Commission Expires _____

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

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner/ tenant of the property described herein which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and hearing advertised.

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 the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

Signature

Notary Public
Commission Expires _____

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

Date: ___ / ___ / ___

Public Hearing No: _____

**RESPONSIBILITIES OF THE APPLICANT
PLEASE READ CAREFULLY BEFORE SIGNING.**

I hereby acknowledge that I am aware that the Department of Environmental Resources Management (DERM), the Public Works Department, and other County agencies review each zoning application and proffer comments that may affect its scheduling and outcome. These comments sometimes include requirements for an additional public hearing before DERM's Environmental Quality Control Board, (the EQCB) or other County boards, and/or the preparation and execution of agreements to run with the land which are recorded, prior to scheduling. I understand that it is my responsibility as the applicant or applicant's representative to promptly follow through with the Compliance of DERM or Public Works requirements or to advise this office in writing if the application will not go forward and may be considered *withdrawn*. Contact with the above mentioned agencies is advised prior to and during the hearing process. You may obtain the telephone numbers and locations of the reviewing departments at the Zoning Hearings Section Counter.

Fees: Further I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly:

1. additional radius fee. Certain requests require that notices be mailed to all property owners within a 1/2 mile and in some instances, a mile of the subject property. The number of actual property owners is determined by computer and you will receive a bill for the additional radius fees approximately one month after filing.
2. revision fee, deferral or readvertising fee (if applicant requests deferral), and/or
3. other fees assessed for changes or additions to the hearing application or plans.

I am aware that applications withdrawn within 60 days of the date of filing are eligible for refund of 50% of the hearing fee. After that time, hearings that are withdrawn or returned for inaction will *not* be eligible for a refund.

Permit Requirements: I also understand that the South Florida Building Code may contain requirements that affect my ability to obtain a required building permit from the Building Department (10th Floor) for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for almost all construction and that I am responsible for obtaining any required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of Use and Occupancy must be obtained for the use of the property, after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

Residential construction within 2 miles of a Blasting Site: Persons applying for a residence or residential development located within two miles of a permitted rock mining operation where blasting is permitted must record in the public records of Miami-Dade County a notice that the proposed development is within two miles of the blasting site, prior to the issuance of the first development permit. The notice must provide the location of the blasting site and state that such blasting is regulated by Chapter 13 of the Code of Miami-Dade County. Notice must be given to and signed by buyers with purchase contracts within the development. Maps showing permitted rock mining operations where blasting is permitted in Miami-Dade County are available in the Department of Planning and Zoning (DP&Z) and in the Public Works Department. Any developer may request a written opinion from the Director of Public Works as to whether a development is located within the two-mile area.

Florida Drivers Licenses
S450292707000 & S450728745130

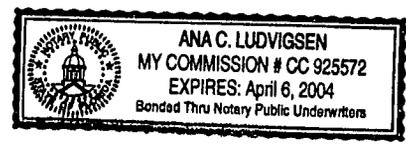
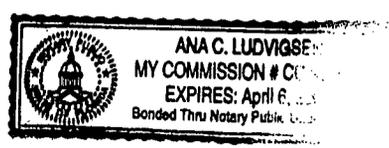
Gary L. Sloan Roxana Sloan
(Signature)

GARY L. SLOAN & Roxana Sloan
(Print Name)

Notary: Sworn to and subscribed before me this
1 day of October, 2002

Ana C. Ludvigsen
Notary Public - State of Florida

My commission expires April 6, 2004



8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property".)

NO

9. Is there an option to purchase or lease the subject property or property contiguous thereto? yes or no

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.) _____

10. Present zoning classification(s): _____

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require a special exception to permit site plan approval except for rezoning to residential of 3 acres or less.

- District Boundary (Zone) Change(s):
Zone classifications requested _____
- Special Exception to permit Site Plan Approval for _____
- Unusual Use _____
- Use Variance _____
- Non-use Variance _____
- Special Exception _____
- Modification of previous resolution/plan _____
- Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year & a half? yes no

If yes, applicant's name _____

Date of hearing _____

Nature of hearing _____

Decision of hearing _____

Resolution # _____

13. Is this hearing being requested as a result of a violation notice? yes no

If yes, give name to whom violation notice was served _____

Nature of violation _____

14. Are there any existing structures on the property? yes no

If yes, briefly describe _____

15. Is there any existing use on the property? yes no

If yes, what is the use and when was it established? Use _____

Established _____

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared GARY L. SLOAN & Roxana Sloan hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:
West 181.5 Feet of East 1245.5 Feet of North 300 Feet
of South 1943 Feet of NE 1/4 of The Section
21, Township 56 South, Range 38 East
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]

Signature

ANTONIO ROSARIO

Print Name

[Signature]

Signature

RITA M GARCIA

Print Name

[Signature]

Affiant's signature

GARY L. SLOAN & Roxana Sloan

Print Name

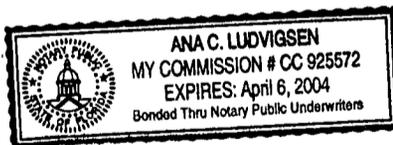
Sworn to and subscribed before me on the 1 day of October, 2002. Affiant is personally known to me or has produced FLORIDA DRIVERS LICENSES as identification.

#5450292703000 &
#5450728745730

[Signature]

Notary Public-State of FLORIDA

My Commission Expires:



PH # _____

Notice to all Applicants

Advisories from the County Attorney's Office

Advisory 1

A recent decision of the Third District Court of Appeal has ruled that zoning applications that are inconsistent with the Comprehensive Development Master Plan **cannot** be approved by a zoning board based upon considerations of fundamental fairness.

Applicants are advised that if their hearing request is inconsistent with the Comprehensive Development Master Plan and they decide to go forward with the public hearing they cannot be approved under considerations of fundamental fairness, but can only be denied or deferred.

Advisory 2

In *Miami-Dade County v. Omnipoint Holdings, Inc.*, Case No. 3D01-2347 (Fla. 3rd DCA 2002), the Third District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearings and modifications of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.

By signing below the applicant acknowledges that they have read and understood this Notice.

Gary L. Sloan Roxana Sloan
Signature

10/01/02
Date

GARY L. SLOAN & ROXANA SLOAN
Print name