

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

CHECKED BY AG AMOUNT OF FEE 1549.47

RECEIPT # I200411352

DATE HEARD: 02/24/04

BY CZAB # 10

RECEIVED  
MAR 01 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY Adriana Cohen

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. 2200300281

Filed in the name of (Applicant) Mayra Moreno  
Name of Appellant, if other than applicant Concerned Citizen of West Dade, Inc  
Subdivision #1

Address/Location of APPELLANT'S property:

Application, or part of Application being Appealed (Explanation):

Appellant (name): Concerned Citizens of West Dade, Inc <sup>Subdivision #1</sup>  
hereby 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) Community ZAB fail to And did not consider  
<sup>infrastructure?</sup> infrastructure in area, 2) Fail to Address compatibility  
as to Item K, A similar item with less  
density <sup>board</sup> member- submitted items not in evidence

APPELLANT MUST SIGN THIS PAGE

Date: 27 day of February, year: 04

Signed X. [Signature]

Lizardo Rodriguez  
Print Name

14180 SW 30 St Miami, FL 33175  
Mailing Address

\_\_\_\_\_  
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

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

Representing

Signature

[Signature] Jorge L. Reyes  
Print Name

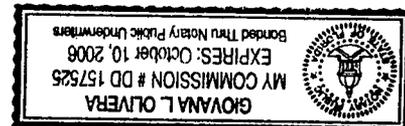
6495 Coral Way  
Address

Miami FL 33155  
City State Zip

(305) 262-9311  
Telephone Number

Subscribed and Sworn to before me on the 27<sup>th</sup> day of February, year 2004

FLDL T0293047056 Giovanna L. Olivera  
Notary Public



(stamp/seal)

Commission expires: 10/10/06

APPELLANT'S AFFIDAVIT OF STANDING  
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared Lisardo Rodriguez of Citizens, Inc <sup>Concerned</sup>  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal Sub # 1  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- 1. Participation at the hearing
- 2. Original Applicant
- 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

[Signature]

Signature

Jorge L. Lopez

Print Name

[Signature]

Appellant's signature

Lisardo Rodriguez, Chairman

Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the 27<sup>th</sup> day of February, year 2004

Appellant is personally know to me or has produced FL06 T0293047056 as identification.

[Signature]

Notary  
(Stamp/Seal)

Commission Expires:



CERTIFICATE OF CORPORATE RESOLUTION

Concerned Citizens of West Dade, Inc, Subdivision # 1

I, Teresa Rodriguez, Secretary of Concerned Citizens of West Dade, Inc. Subdivision #1, (Corporation) do hereby certify that at a duly constituted meeting of the Stockholders and Directors of the Corporation held at the office of the Corporation on February 28, 2004, it was upon motion duly made and seconded, that it be VOTED: there will be an appeal to the board of County Commissioner for Miami-Dade Cty. Regarding item M of the ZAB hearing on February 24, 2004. Lisardo Rodriguez and or Jorge L. Reyes will file the actual appeal and appear before the BCC.

It was upon further motion made and seconded that it be further VOTED: That Jorge L. Reyes, in the capacity as Treasure of the Corporation is empowered, authorized and directed to execute, deliver and accept any and all documents and undertake all acts reasonably required or incidental to accomplish the foregoing vote, all on such terms and conditions as he or she in his or her discretion deems to be in the best interests of the Corporation.

I further certify that the foregoing votes are in full force this date without rescission, modification or amendment.

Signed under seal this 29th day of February, 2004.

A TRUE RECORD

ATTEST



(Corporate Seal)

A handwritten signature in cursive script, appearing to read "Queen Rodriguez", written over a horizontal line.

Secretary/Clerk



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

Approx. The Northwest corner of sw 20 street and sw 144 Avenue

7. SIZE OF PROPERTY (in acres): 4.80 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property  acquired  leased: June 1978 9. Lease term: \_\_\_\_\_ years  
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), 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)

12. PRESENT ZONING CLASSIFICATION: AU

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)  
(DBC requires special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

- District Boundary Changes (DBC) [Zone class requested]: RU-IMA
- Unusual Use: \_\_\_\_\_
- Use Variance: \_\_\_\_\_
- Alternative Site Development: \_\_\_\_\_
- Special Exception: \_\_\_\_\_
- Modification of previous resolution/plan: \_\_\_\_\_
- Modification of Declaration or Covenant: \_\_\_\_\_

14. Has a public hearing been held on this property within the last year & a half?  no  yes.  
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing is as a result of a violation notice?  no  yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation:

16. Describe structures on the property: none

17. Is there any existing use on the property?  no  yes. If yes, what use and when established?  
Use: \_\_\_\_\_ Year: \_\_\_\_\_

## RESPONSIBILITIES OF THE APPLICANT

### I AM AWARE THAT:

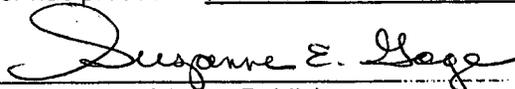
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental 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. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. 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. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And 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 of Use and Occupancy 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 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) 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 CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, 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. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

  
(Applicant's Signature)

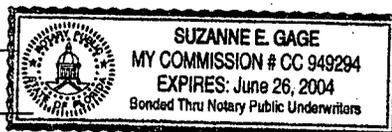
Mayra Moreno

(Print Name)

Sworn to and subscribed before me this 1st day of JULY, 2003. Affiant is personally known to me or has produced A DRIVERS LICENSE as identification.

  
(Notary Public)

My 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

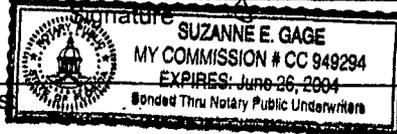
(I)(WE), Mayra Moreno, being first duly sworn, depose and say that (I am)(we are) the [X] owner [ ] tenant of the property described and which is the subject matter of the proposed hearing.

Signature of Mayra Moreno

Signature of Suzanne E. Gage

Sworn to and subscribed to before me this 1st day of July, 2003.

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.

(Name of Partnership)

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.

Signature

Sworn to and subscribed to before me this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: Commission Expires:

OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL

STATE OF Florida

Public Hearing No. \_\_\_\_\_

COUNTY OF Dade

Before me, the undersigned authority, personally appeared Mayra Moreno, 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:  
Tract 27 of J.G Heads Farms Subdivision in section 10 Township 54 range 39 as recorded in plat book 46 page 44 in 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:

Signature

Print Name

Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 1st day of JULY, 2003. Affiant is personally known to me or has produced DRIVERS LICENSE as identification.

Notary Public-State of FLORIDA

My Commission Expires:



If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Gil at Coral Way, Inc.

| <u>NAME, ADDRESS AND OFFICE (if applicable)</u>                  | <u>Percentage of Interest</u> |
|--|-------------------------------|
| <u>Augusto J. Gil 9360 Sunset Dr. # 291. Miami, Fl President</u> | <u>33%</u>                    |
| <u>Alejandro Gil 9360 Sunset Dr. # 291. Miami, Fl Treasurer</u>  | <u>33%</u>                    |
| <u>Julia Gil 9360 Sunset Dr. # 291. Miami, Fl Secretary</u>      | <u>34%</u>                    |
|  |                               |
|  |                               |

Date of contract: May 21, 2003

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

N/A

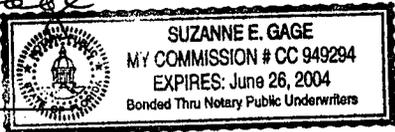
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: *Suzanne E. Gage*  
(Applicant)

Sworn to and subscribed before me this 1st day of July, 2003. Affiant is personally known to me or has produced A DRIVERS LICENSE as identification.

*Suzanne E. Gage*  
(Notary Public)



My commission expires \_\_\_\_\_

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.