

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

CHECKED BY DS AMOUNT OF FEE \$1,599.94

RECEIPT # T200517815

DATE HEARD: 10,20,05

BY CZAB # 107605

RECEIVED
NOV 03 2005

ZONING DEPARTMENT
MIAMI-DADE COUNTY COMMUNITY ZONING DEPT.
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 and must be made to the Department on or before the Deadline Date prescribed

RE: Hearing No. 04-431

Filed in the name of (Applicant) 6425 Corp., a Florida Corporation

Name of Appellant, if other than applicant N/A

Address/Location of APPELLANT'S property: 6425 SW 24 Street, Miami-Dade County, FL

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

Appellant (name): 6425 Corp., a Florida Corporation

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)

The Community Council's decision to deny the application was not based on substantial competent evidence. On the contrary, the decision was based on undue prejudice and incomplete information, which was exhibited by the fact that the public hearing was cut short and the Applicant was not able to complete its presentation of evidence.

APPELLANT MUST SIGN THIS PAGE

Date: 1 day of November, year 2005

Signed [Signature]

Mercedes Masso'
Print Name

17940 S.W 83 AVE
Mailing Address

305-444-1992
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

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

6425 Corp., a Florida Corporation
Representing

[Signature]
Signature

Felix M. Lasarte, Esq.
Print Name

701 Brickell Avenue, Suite 3000
Address

Miami FL 33131
City State Zip

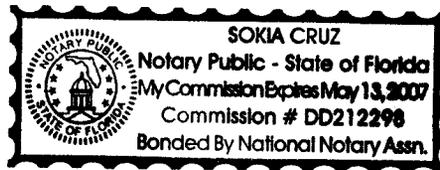
(305) 374-8500
Telephone Number

Subscribed and Sworn to before me on the 1 day of November, year 2005

[Signature]
Notary Public

(stamp/seal)

Commission expires: May 13, 2007



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

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Mercedes Nasso (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal 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

Douglas Carrillo
Print Name

[Signature]
Signature

FRANK LOPEZ-BOY II
Print Name

[Signature]
Appellant's signature

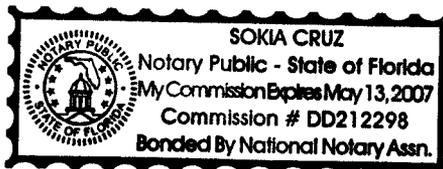
Mercedes Nasso
Print Name

Sworn to and subscribed before me on the 1 day of November, year 2005.

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

[Signature]
Notary
(Stamp/Seal)

Commission Expires: May 13, 2007.



12	54	40
Sec.	Twp.	Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
204-431
NOV 17 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY *[Signature]*

LIST ALL FOLIO #S: 30-40-12-007-0080

Date Received

1. NAME OF APPLICANT (Provide complete name of applicant, exactly as recorded on deed, if applicable. 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).

6425 Corp.

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 11720 SW 97 St.
City: Miami State: FL Zip: 33186 Phone#: _____

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

Owner's Name (Provide name of ALL owners): Mailing Address: 6425 Corp., 11720 SW 97th St.
City: Miami State: FL Zip: 33186 Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Jeovanny Rodriguez, P.E. Company: Codina Consulting Inc.
Mailing Address: 355 Alhambra Circle, Suite 900
City: Coral Gables State: FL Zip: 33134
Phone#: 305-520-2384 Fax#: 305-520-2320 E-mail: JRodriguez@Codina.com

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, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

Lot 14, less the South 10 ft. for Road & the East 30 ft. of Lot 15, less the South 10 ft. for Road, Tamiami Acres Plan 2, According to the Plat thereof, as recorded in Plat Book 5 page 74 of the Public Records of Miami-Dade County, Florida

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

6425 SW 24th St. _____

7. SIZE OF PROPERTY 80 ' x 140 ' (in acres): 0.2571
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: January 2004 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. (See notes related to item 5.)

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: RU-1

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- District Boundary Changes (DBC) [Zone class requested]: RU-5A
- Unusual Use: _____
- Use Variance: _____
- Non-use Variance: Requesting 10' of interior side setback where 15 are required
- Alternative Site Development: _____
- Special Exception: _____
- Modification of previous resolution/plan: _____
- Modification of Declaration or Covenant: _____
- _____

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

15. Is this application 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: 1,391 SF Residential unit

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

Use: Single family Residence Year: 1950

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APPLICANT'S AFFIDAVIT
(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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

Signature (see notary below) Signature

CORPORATION AFFIDAVIT

(I)(WE), Mercedes Masso, 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: _____
(Corp. Seal)

Authorized Signature
president
Office Held

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 _____ %

ATTORNEY AFFIDAVIT

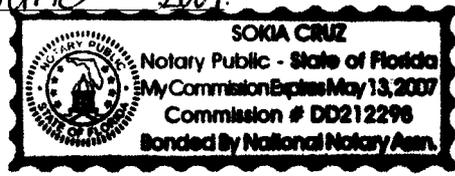
I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to be me
this 23 day of June 2004.

Notary Public: Sokia Cruz
Commission expires: May 13, 2007

{M2027703;1}



RESPONSIBILITIES OF THE APPLICANT

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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. 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. 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 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. 3rd DCA 2002), the 3rd 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 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.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, 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. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

(Applicant's Signature)

Mercedes Masso

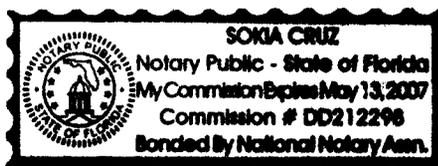
(Print Name)

Sworn to and subscribed before me this 23 day of June, 2004. Affiant is personally known to me or has produced FDL # M200540698440 as identification.

Sokja Cruz
(Notary Public)

My commission expires May 13, 2007

{M2027703;1}



OWNERSHIP AFFIDAVIT
FOR
CORPORATION

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204-431
NOV 17 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

STATE OF Florida

BY Public Hearing No. _____

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Mercedes Masso,
_____, hereinafter the Affiant(s), who being duly sworn by me,
on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the 6425 Corporation,
Corporation, with the following address: 11720 SW 97 St. Miami, FL 33186
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as: Lot 14, less the South 10 feet the reof, and lot 15, less the South 10 feet and the West 20 feet thereof of Tamiami Acres Plan 2, according to the Plat thereof, as recorded in Plat Book 5, Page 74, of the Public Records of Miami-Dade County, Florida
4. Affiant is legally authorized to file this application for public hearing.
5. 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

Robert Lopez

Print Name

Signature

Mercedes Masso

Print Name

Signature

Sokia Cruz

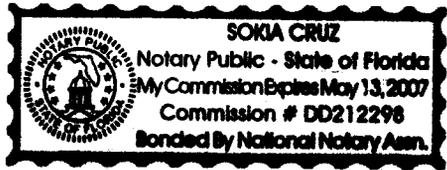
Print Name

Sworn to and subscribed before me on the 23 day of June, 2004. Affiant is personally known to me or has produced FDL# M20054069 as identification.

8440

Sokia Cruz
Notary Public-State of Florida

My Commission Expires: May 13, 2007



DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: 6425 Corporation

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Mercedes Masso 11720 SW 97 St. Miami, FL 33186</u>	<u>50 %</u>
<u>Barbara V. Lopez 3585 SW 129 Ave. Miami, FL. 33175</u>	<u>50%</u>
<u> </u>	<u> </u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>

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BY _____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

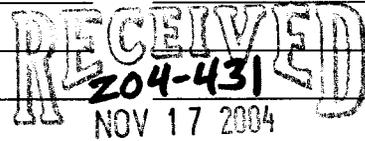
PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<u> </u>	<u> </u>

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: _____

NAME AND ADDRESS (if applicable) _____ Percentage of Interest _____



ZONING HEARINGS SECTION
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Date of contract: _____

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

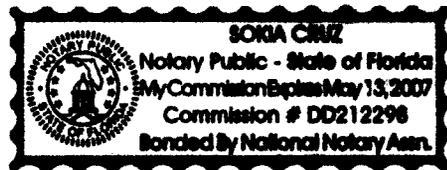
NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____ *M. Cruz*
(Applicant)

Sworn to and subscribed before me this 23 day of June, 2004. Affiant is personally known to me or has produced FDL# M200540698440 as identification.

Sokha Cruz
(Notary Public)



My commission expires May 13, 2007

*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.