Sec.	Twp.	Range

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

RECEIVED 2005 184
JUL 5 2005
ZONING HEARING SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

LIST ALL FOLIO #S: 30-5006-000-0911

Date Received

1. **NAME OF APPLICANT** (Owner(s) of record of the property or lessee. 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).

Marcos Centurion

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 730 NW 107th Avenue Suite 115

City: Miami State: FL Zip: 33172 Phone#: (305) 553-3464

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

Owner's Name (Provide name of ALL owners): Marcos Centurion

Mailing Address: 730 NW 107th Avenue Suite 115

City: Miami State: FL Zip: 33172 Phone#: (305) 553-3464

4. **CONTACT PERSON'S INFORMATION:**

Name: Alfredo Garcia-Menocal, Esq. Company: Alfredo Garcia-Menocal

Mailing Address: 730 NW 107th Avenue Suite 115

City: Miami State: FL Zip: 33172

Phone#: Fax#: (305) 553-3031 E-mail: agmlaw@bellsouth.net

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.)

See Attached Exhibit "A"

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

11605 SW 95th Street, Miami, FL 33176

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2005-184
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Exhibit A

Legal Description

The Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 6, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS the West 35 feet thereof and LESS the South 25 feet thereof, and bounded by a 25 foot radius arc concave to the Northeast said arc being tangent to both of the last described portions, being excepted herefrom, as set forth in Right of Way Deed to Dade County, filed for record in Official Records Book 14641 at page 1873 of the Public Records of Miami-Dade County, Florida, being described as follows:

The area bounded by the East line of the West 35.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 6, Township 55 South, Range 40 East, Miami-Dade County, Florida, and bounded by the North line of the South 25.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 6, and bounded by a 25.00 foot radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

7. **SIZE OF PROPERTY** (in acres): 2.11 (divide total sq. ft. by 43,560 to obtain acreage)

8. **DATE** property ☒ acquired ☐ leased: 5/13/2005 (month & year) **9. Lease term:** _____ years

10. **IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes ☒ no ☒**
If yes, provide complete legal description of said contiguous property.

LOT 3 BLK 2 J. MIAMI GARDENS HGHT.
49-26

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:** 9000 Agricultural

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

☒ District Boundary(zone) Changes (DBC) [Zone (s) requested]: EUM
(Provide a separate legal description for each zone requested)

☐ Unusual Use: _____

☐ Use Variance: _____

☒ Non-Use Variance: Reduction of required frontage from 120 to 113ft for the 2 south lots.

☐ Alternative Site Development: Option: _____

☐ 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, date, purpose and result of hearing, and resolution number:

15. **Is this application 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:** Single Family Dwelling

17. **Is there any existing use on the property?** ☐ no ☒ yes. If yes, what use and when established?
Use: Single Family Dwelling Year: ~~2005~~ 1960

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), Marcos Centurion, 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

EILEEN JIMENEZ
MY COMMISSION # DD 210430
EXPIRES: May 6, 2007
Bonded Thru Notary Public Underwriters

Signature

Sworn to and subscribed to before me this 22 day of June, 2005.

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

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 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 and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. 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. Refunds must be requested in writing.

3. The South Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. 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

Marcos Centurion
(Applicant's Signature)

Marcos Centurion
(Print Name)

Sworn to and subscribed before me this 22 day of June, 2005. Affiant is personally known to me or has produced _____ as identification.

EILEEN JIMENEZ
MY COMMISSION # DD 210430
EXPIRES: May 6, 2007
Bonded Thru Notary Public Underwriters

(Notary Public)
My commission expires _____

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida

Public Hearing No. 05-184

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Alfredo Garica-Menocal, 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:

See attached exhibit "A"

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		Affiant's signature
Eileen Jimenez.		Alfredo Garcia-Menocal
Print Name		Print Name
Signature		
KETTY TURINO		
Print Name		

Sworn to and subscribed before me on the 3rd day of April, 2006. Affiant is personally known to me or has produced _____ as identification.

Notary Public, State of FLORIDA

My Commission Expires: _____

EILEEN JIMENEZ
MY COMMISSION # DD 210430
EXPIRES: May 6, 2007
Bonded Thru Notary Public Underwriters

(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida Public Hearing No. _____

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Marcos Centurion 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:
See Attached Ehxhibit "A"

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

Eileen Jimenez
Print Name

Signature

Ketty Turino
Print Name

Marcos Centurion
Affiant's signature

Marcos Centurion
Print Name

Sworn to and subscribed before me on the 22 day of June, 2005.

Affiant is ~~personally known to me~~ or has produced _____ as identification.

Notary Public Signature

Print Name

State of Florida.

My Commission Expires: _____

EILEEN JIMENEZ
MY COMMISSION # DD 210430
EXPIRES: May 6, 2007
Bonded Thru Notary Public Underwriters