

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: 02/15/06

BY CZAB # 14

RECEIVED
MAR 07 2006

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Sulla Venchovee

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. Z05-188 (06-1-CZ14-2)

Filed in the name of (Applicant) Three M. Development, Inc.

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).

To allow the Board of County Commissioners to remand the application back to the Community Zoning Appeals Board-14 (The CZAB) with leave to amend in order to correctly readvertise the matter before The CZAB.

APPELLANT MUST SIGN THIS PAGE

Date: 7 day of March, year: 2006

Signed *Diane O'Quinn Williams*

Diane O'Quinn Williams
Print Name

111 NW 1st. Street, Miami, Fl 33128
Mailing Address

(305) 375-2800 (305) 375-2795
Phone Fax

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

Representing

Signature

Print Name

Address

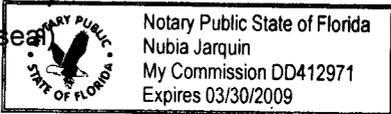
City State Zip

Telephone Number

Subscribed and Sworn to before me on the 7th day of March, year 2006

Nubia Jarquin

Notary Public
Nubia Jarquin

(stamp/seal) 

Commission expires:
03/30/09

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

CORPORATION NAME: JV Investments at Three M, L.L.C.

| <u>NAME, ADDRESS AND OFFICE</u> | <u>Percentage of Stock</u> |
|---------------------------------|----------------------------|
| <u>Antonio Jebian</u> | <u>33%</u> |
| <u>Julian Vazquez</u> | <u>33%</u> |
| <u>Javier L. Vazquez</u> | <u>33%</u> |

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|-------------------------|----------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Ownership</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 the principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

| <u>NAME, ADDRESS AND OFFICE (if applicable)</u> | <u>Percentage of Interest</u> |
|---|-------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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 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: _____
(Applicant)

Sworn to and subscribed before me this 3 day of January, 2006 Affiant is personally known to me or has produced FDL as identification.

Ineabelle C. Larcuente
Notary Public
My commission expires: 3/18/08



INEABELLE C. LARACUENTE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD301768
EXPIRES 3/18/2008
BONDED THRU 1-888-NOTARY1

*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.

**OWNERSHIP AFFIDAVIT
FOR
LIMITED LIABILITY COMPANY**

STATE OF Florida

Public Hearing No. 05-188

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Javier Vazquez, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Manager of JV Investments at Three M, LLC, a Florida limited liability company with the following address: 8061 NW 155th Street, Miami Lakes, Florida 33016.
2. The company is the fee simple owner of the property which is the subject of the proposed hearing.
3. The Subject property is legally described as: see attached Exhibit "A"
4. 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:

Clara Martinez
Signature

CLARA MARTINEZ
Print Name

Jay A. Ito
Signature

INEABELLE C. LARACUENTE
Print Name

[Handwritten Signature]
Affiant's signature
Javier L. Vazquez, Manager
Print Name

Sworn to and subscribed before me on the 3 day of January, 2005⁶
Affiant is personally known to me or has produced FDL as identification.



INEABELLE C. LARACUENTE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD301768
EXPIRES 3/18/2008
BONDED THRU 1-888-NOTARY1

Jay A. Ito
Notary
(Stamp/Seal)

Commission Expires: 3/18/08

EXHIBIT "A"

LEGAL DESCRIPTION

The North $\frac{1}{2}$, of the West $\frac{1}{2}$, of the Southeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, in Section 14, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

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), _____, 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 Signature

Sworn to and subscribed to before me this ____ day of _____, _____
Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (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; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: Clara Martinez
CLARA MARTINEZ



INEABELLE C. LARACUENTE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD301768
Exp. RES 3/18/2008
BONDED THRU 1-888-NOTARY1

[Signature]
Authorized Signature
Manager
Office Held

Sworn to and subscribed to before me this 3 day of January, 2006
Notary Public: [Signature]
Commission Expires: 3/18/08

PARTNERSHIP AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the partners of the hereinafter named partnership, and as such, have been authorized to file this application for public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ % (Name of Partnership)
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.

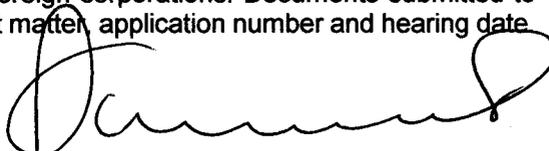
Signature

Sworn to and subscribed to before me this ____ day of _____, _____
Notary Public: _____
Commission Expires: _____

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

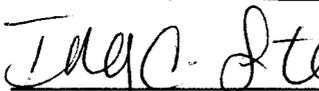
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique the zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), and/or the proffering of agreements to be recorded. I am also aware that I must comply 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 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 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. 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)
Javier L. Varquez

(Print Name)

Sworn and subscribed before me this 3 day of January, 2006. Affiant is personally known to me or has produced FDL as identification.



(Notary Public)
My commission expires 3/18/08



INEABELLE C. LARACUENTE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD301768
EXPIRES 3/18/2008
BONDED THRU 1-888-NOTARY1