

31 | 55 | 40

Sec. Twp. Range

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

RECEIVED
205285
SEP 7 / 2005

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

LIST ALL FOLIO #S: 30-5031-000-0041

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).
Miguel A. Brizuela

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 9215 sw 78th ct
City: Miami State: Fl Zip: 33156 Phone#: 551-1575

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

Owner's Name (Provide name of ALL owners): Miguel A. Brizuela
Mailing Address: 9215 SW 78th ct
City: Miami State: Fla. Zip: 33156 Phone#: 305 412-9739 *no good #*

4. CONTACT PERSON'S INFORMATION:

Name: Patricia Camps Company: Property Solutions Services
Mailing Address: 11865 SW 26th st Bldg 1 suite 15-11
City: Miami State: Fla. Zip: 33175
Phone#: Fax#: E-mail:

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.)

The west 230 ft of the south 160 ft of the north 1/2 of the southwest 1/4 of the northwest 1/4 of the Northeast 1/4 of sect 31-55-40 less the west 35 feet for road R/W

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

Sw corner of Sw 112 ave & 170 Ter.
17001 sw 112th ave

7. SIZE OF PROPERTY (in acres): 0.72 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: June-2005 9. Lease term: _____ years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes no
If yes, 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: 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]: from Au to R-1
(Provide a separate legal description for each zone requested)
- Unusual Use: _____
- Use Variance: _____
- Non-Use Variance: _____
- 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: vacant

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

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), Miguel A. Brizuela, 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.

Miguel A. Brizuela Signature Brizuela

Onelia M. Duran Signature

Sworn to and subscribed to before me this 19 day of August 2005

Notary Public: ONELIA M. DURAN Commission Expires: My Commission Expires May 20, 2007 Commission # DD211761 Bonded By National Notary Assn.

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.

By % 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

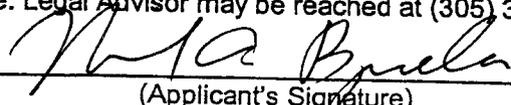
Sworn to and subscribed to before me this ___ day of _____

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 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 paying the 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.

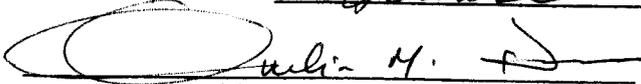


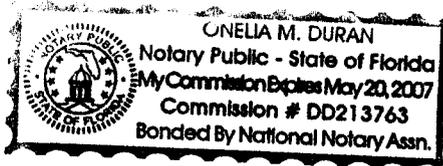
(Applicant's Signature)

Miguel A. Brizuela

(Print Name)

Sworn to and subscribed before me this 19 day of August 2005. Affiant is personally known to me or has produced license as identification.


(Notary Public)
My commission expires _____



OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF Florida Public Hearing No. _____
COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Miguel A. Brizuela hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

- Affiant is the fee owner of the property, which is the subject of the proposed hearing.
- The subject property is legally described as:
The west 230 feet of the south 160 feet of the North 1/2 of the
Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of
sec. 31-55-40 less the west 35 ft for road R/w
- 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.

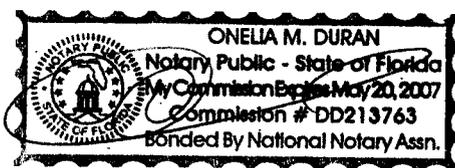
Witnesses:

Onelia M. Duran
Signature
Onelia M. Duran
Print Name

Miguel A. Brizuela
Affiant's signature
Miguel A. Brizuela
Print Name

Patricia Camps
Signature
Patricia Camps
Print Name

Sworn to and subscribed before me on the 19 day of August 2005
Affiant is personally known to me or has produced License as identification.



Onelia M. Duran
Notary Public Signature
Onelia M. Duran
Print Name

State of Fla.
My Commission Expires: Onelia