

Sec. Twp. Range

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

RECEIVED  
205-305  
SEP 21 2005

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT

By: R

LIST ALL FOLIO #S: 30-4012-007-0110

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).

Norman Strydio and Noeli Sanchez

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

Mailing Address: c/o Tony Recio, Esq. 2665 S. Bayshore Drive, Suite 420  
City: Miami State: FL Zip: 33133 Phone#: (305)854-0800

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

Owner's Name (Provide name of ALL owners): c/o Tony Recio, Esq. 2665 S. Bayshore Drive, Suite 420  
Mailing Address: \_\_\_\_\_  
City: Miami State: FL Zip: 33133 Phone#: (305)854-0800

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

Name: Tony Recio, Esq. Company: Weiss Serota Helfman, et al.  
Mailing Address: 2665 S. Bayshore Drive, Suite 420  
City: Miami State: FL Zip: 33133  
Phone#: (305)854-0800 Fax#: (305)854-2323 E-mail: trecio@wsh-law.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).

See attached Exhibit "A"

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

6435 Coral Way

7. SIZE OF PROPERTY (in acres): 0.24 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property [x] acquired [ ] leased: Feb. 2003 (month & year) 9. Lease term: \_\_\_\_\_ years

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

11. Is there an option to purchase [ ] or lease [ ] the subject property or property contiguous thereto? [x] 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) (DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

[x] District Boundary Changes (DB C) [Zone class requested]: RU-5A

[ ] Unusual Use: \_\_\_\_\_

[ ] Use Variance: \_\_\_\_\_

[x] Alternative Site Development: for interior side setbacks pursuant to Section 33-311(A)(20)(c)

[ ] Special Exception: \_\_\_\_\_

[ ] Modification of previous resolution/plan: \_\_\_\_\_

[ ] Modification of Declaration or Covenant: \_\_\_\_\_

Variance: to permit 1 parking space within 25' of right-of-way; to vary width of landscaped strip

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? [x] no [ ] yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation: \_\_\_\_\_

16. Describe structures on the property: existing single family residence

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

Use: residential Year: 1949

Exhibit "A"

The west ½ of Lot 18 and Lot 19 of the Plat of Tamiami Acres Plan 2, as depicted in Plat Book 5, Page 74 of the Public Records of Miami-Dade County.

205-305  
RECEIVED  
SEP 28 2005

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT

BY \_\_\_\_\_  
f

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 [ ] 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 \_\_\_\_\_ % (Name of Partnership) By \_\_\_\_\_ %

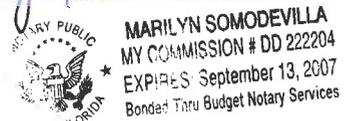
Sworn to and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

ATTORNEY AFFIDAVIT

I, Tony Recio, Esq., 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.

Sworn to and subscribed to before me this 21 day of Sept, 2005

Signature \_\_\_\_\_ Notary Public: \_\_\_\_\_ Commission Expires: \_\_\_\_\_



## RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

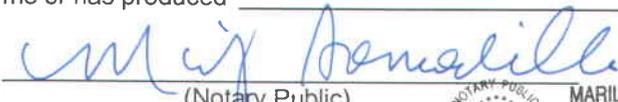
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental 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

  
\_\_\_\_\_  
Attorney for (Applicant's Signature)

Tony Recio

\_\_\_\_\_  
(Print Name)

Sworn to and subscribed before me this 21 day of Sept., 2005 Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Notary Public)

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



MARILYN SOMODEVILLA  
MY COMMISSION # DD 222204  
EXPIRES September 13, 2007  
Bonded Thru Budget Notary Services

(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 Noeli Sanchez, 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.

(Space reserved for Clerk)

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 16<sup>th</sup> day of August, 2005.

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



Notary Public Signature

Print Name

State of FLORIDA

My Commission Expires: MAY 1, 2008

(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 Norma Strydio, 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.

(Space reserved for Clerk)

Witnesses: [Signature]  
 Signature URBANO GONZALEZ  
 Print Name  
[Signature]  
 Signature Maria Corrales  
 Print Name

[Signature]  
 Affiant's signature  
Norma Steydia  
 Print Name

Sworn to and subscribed before me on the 16<sup>th</sup> day of August, 2005.

Affiant is personally known to me on has produced as identification.



[Signature]  
 Notary Public Signature  
JORGE CARRIEDO  
 Print Name

State of Florida  
 My Commission Expires: MAY 1, 2008