05	55	40
Sec.	Twp.	Range

ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES

Z12-156

RECEIVED
DEC 19 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING & ZONING DEPT.
BY Date Received

LIST ALL FOLIO #s: 30-5005-002-0220; 30-5005-000-0120
30-5005-000-0130; 30-5005-000-0150; and 30-5005-000-0252

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).

Lones Family Limited Partnership, a Florida limited partnership, Pinewood Acres School, Inc., and Lee S. and Judy C. Lones

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 9790 SW 97 Avenue

City: Miami State: Florida Zip: 33176-2871 Phone #: Attn: 305-789-7787

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

Owner's Name (Provide name of ALL owners): Lones Family Limited Partnership, a Florida limited partnership, Pinewood Acres School, Inc., and Lee S. and Judy C. Lones

Mailing Address: 9790 SW 97 Avenue

City: Miami State: Florida Zip: 33176-2871 Phone #: Attn: 305-789-7787

4. CONTACT PERSON'S INFORMATION:

Name: Juan J. Mayol, Jr., Esq. Company: Holland & Knight, LLP

Mailing Address: 701 Brickell Avenue, Suite 3000

City: Miami State: Florida Zip: 33131

Phone#: 305-789-7787 Fax#: 305-789-7799 E-mail: juan.mayol@hklaw.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, and range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

See legal descriptions attached as Exhibit "A".

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

9790 SW 97 Avenue, Miami, Florida, 33176-2871.

7. SIZE OF PROPERTY _____ ft x _____ ft (in acres): ±8.00 acres.

8. DATE property ☒ acquired ☐ leased: 1979 (month & year)

9. Lease term: N/A years

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

None.

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)
Lease with Option to Purchase by Somerset Academy, Inc.

12. PRESENT ZONING CLASSIFICATION: EU-1 (One-Acre Estate Single Family Residential District)

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

☐ District Boundary(zone) Changes [Zone(s) requested]: _____
(Provide a separate legal description for each zone requested)

☐ Unusual Use: _____

☐ Use Variance: _____

☒ Non-Use Variance: To permit parking areas closer than 25 feet from right of way and siting of buildings closer than 75 feet from property owned by different owner

☐ Alternative Site Development: Option: _____

☒ Special Exception: to permit a Charter School

☐ Modification of Previous Resolution/Plan: _____

☐ Modification of Declaration or Covenant: _____

☐ Other: _____

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: Private school facilities.

17. Is there any existing use on the property? No ☐ Yes ☒. If yes, what use and when established?

Use: Private school Year: 1952.

18. Do you require a translator for the actual hearing? Yes ☐ **No** ☒
If yes: Spanish ☐ **Haitian Creole** ☐ **Other** ☐ **(Please specify which language)**

_____

19. If you would like a preliminary courtesy review of your application by the technical staff of the Developmental Impact Committee, please check Yes ☒
If yes, the application will be placed on the next available Developmental Impact Committee agenda. There is no additional charge for this service.

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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), Lee S. Lones and Judy C. Lones, being first duly sworn, depose and say that we are the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Lee S. Lones — Lee S. Jones

Judy C. Lones — Judy C. Lones

Sworn to and subscribed to before me this 18 day of Dec, 2012.

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
Bonded Thru Notary Public Underwriters

Notary Public:
Commission Expires:

****

CORPORATION AFFIDAVIT

I, Lee S. Lones, being first duly sworn, depose and say that I am the ☒ President ☐ Vice-President ☐ Manager ☐ 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: _____ Lee S. Lones

(Corp. Seal)

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
Bonded Thru Notary Public Underwriters

Sworn to and subscribed to before me this 18 day of Dec, 2012.

Notary Public:
Commission Expires:

****

PARTNERSHIP AFFIDAVIT

I, Lee S. Lones, being first duly sworn, depose and say that I am the ☐ President ☐ Vice-President ☒ General Partner ☐ 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 partnership is the ☒ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
Bonded Thru Notary Public Underwriters

By: Lee S. Lones

Sworn to and subscribed to before me this 18 day of Dec., 2012.

Notary Public:
Commission Expires:

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BY

****

ATTORNEY AFFIDAVIT

I, Juan J. Mayol, Jr., 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.

Signature

Sworn to and subscribed to before me
this 19 day of December, 2012.

Notary Public:
Commission Expires

HUGO P. ARZA
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BY

ACKNOWLEDGEMENT BY APPLICANT

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. Applicable 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) should not be approved by a zoning board and the recommendation will be for denial or deferral. 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. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.

5. 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

Lee S. Lones
(Applicant's Signature)

Lee S. Lones, General Partner
Lones Family Limited Partnership

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BY

Sworn to and subscribed before me on the 18 Day of Dec, 2012.

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

(Notary Public's Signature)

Hugo Arza
Print Name

My commission expires: 3/27/13

State of: Florida

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
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Lee S. Lones
(Applicant's Signature)

Lee S. Lones, Owner
9790 SW 97 Avenue, Miami, Florida

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FL Drivers Lic. as identification.

(Notary Public's Signature)

Hugo Arza
Print Name

My commission expires: 3/27/13

State of: FL

HUGO P. ARZA
MY COMMISSION # DD 869189
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ACKNOWLEDGEMENT BY APPLICANT

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Lee A. Lones
(Applicant's Signature)

Lee S. Lones, President
Pinewood Acres School, Inc.

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BY

Sworn to and subscribed before me on the

18 Day of Dec, 2012.

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

(Notary Public's Signature)

My commission expires: 3/27/13

State of: Florida

Hugo Arza
Print Name

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
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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: Pinewood Acres School, Inc.

NAME AND ADDRESS	Percentage of stock
Lee S. Lones, 9500 SW 97 Avenue, Miami, Florida 33176-2871	100%

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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: _____

NAME AND ADDRESS	Percentage of Interest

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: Lones Family Limited Partnership, a Florida limited partnership

NAME AND ADDRESS	Percentage of Ownership
Lee S. Lones, 9500 SW 97 Avenue, Miami, Florida 33176-2871	1%
Judy Lones, 9500 SW 97 Avenue, Miami, Florida 33176-2871	1%
Lee Scott Lones, Jr., 9500 SW 97 Avenue, Miami, Florida 33176-2871	49%
Jennifer L. Lones, 9500 SW 97 Avenue, Miami, Florida 33176-2871	49%

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

Date of contract: _____

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

See attached disclosure for Somerset Academy, Inc.

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: Lee S. Lones

Mr. Lee S. Lones

Sworn to and subscribed before me this 18 day of Dec, 2012. Affiant is personally known to me or has produced FL Driver License as identification.

(Notary Public)

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
Bonded Thru Notary Public Underwriters

My commission expires 3/27/13

*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.

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Contract Lessee/Purchaser

Somerset Academy, Inc., a Florida Not for Profit Corporation

Board Members:

- Andreina Figueroa, President and Director
- Lourdes Marrero, Secretary and Director
- Daniel Diaz, Treasurer and Director
- David Concepcion, Director
- Angie Hui Fang Su, Director

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BY

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF **FLORIDA** Public Hearing No. _____

COUNTY OF **MIAMI-DADE**

Before me, the undersigned authority, personally appeared Lee S. Lones hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the President of the Pinewood Acres School, Inc., with the following address: 9500 SW 97 Avenue, Miami, Florida 33176-2871.

2. The Corporation owns the below described property, which is the subject of the proposed hearing.

3. The subject property is legally described as: See legal description attached as Exhibit "B".

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: Judy C. Lones		Lee S. Lones
Signature Judy Lones		Affiant's signature
		Lee S. Lones, President
Print Name Hugo Arza		Print Name
Signature		
Print Name		

Sworn to and subscribed before me on the 18 day of December, 2012. Affiant is personally known to me or has produced FL Driver Licen as identification.

Notary Public-State of Florida

My Commission Expires: 3/27/13

HUGO P. ARZA
MY COMMISSION # DD 869189
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BY_____

OWNERSHIP AFFIDAVIT
FOR
PARTNERSHIP

STATE OF **FLORIDA** Public Hearing No. _____

COUNTY OF **MIAMI-DADE**

Before me, the undersigned authority, personally appeared Lee S. Lones hereinafter the Affiant(s), who being duly sworn by me, on oath, deposes and says:

1. Affiant is the General Partner in the Lones Family Limited Partnership, a Florida limited partnership, with the following address: 9500 SW 97 Avenue, Miami, Florida 33176-2871.

2. The partnership owns the below described property, which is the subject of the proposed hearing.

3. The subject property is legally described as: See legal description attached as Exhibit "C".

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: Judy C. Lones		Lee S. Lones
Signature Judy Lones		Affiant's signature
		Lee S. Lones, General Partner
Print Name HUGO ARZA		Print Name
Signature		
Print Name		

Sworn to and subscribed before me on the 18 day of December, 2012. Affiant is personally known to me or has produced FL Driver's License as identification.

Notary Public-State of Florida

My Commission Expires: 3/27/13

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BY

HUGO P. ARZA
MY COMMISSION # DD 869189
EXPIRES: March 27, 2013
Bonded Thru Notary Public Underwriters

OWNERSHIP AFFIDAVIT
FOR INDIVIDUAL

STATE OF **FLORIDA** Public Hearing No. _____
COUNTY OF **MIAMI-DADE**

Before me, the undersigned authority, personally appeared Mr. Lee S. Lones, 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 legal description attached as Exhibit "D".

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:		Lee S. Lones
Signature Judy Lones		Affiant's signature
		Lee S. Lones, President
Print Name Hugo Arza		Print Name
Signature		
Print Name		

Sworn to and subscribed before me on the 18 day of December, 2012. Affiant is personally known to me or has produced FL Driver License as identification.

Notary Public-State of Florida

My Commission Expires: 3/27/13

HUGO P. ARZA
MY COMMISSION # DD 869189
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