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Sec. Twp. Range

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

LIST ALL FOLIO #S: 30-3121-054-0010

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).

Sherman Development, LLC

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

Mailing Address: c/o Bercow & Radell, PA, 200 S. Biscayne Blvd., # 850

City: Miami State: FL Zip: 33131 Phone#: 305-377-6238

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

Owner's Name (Provide name of ALL owners): Sherman Development Company, LLC

Mailing Address: c/o Bercow & Radell, PA, 200 S. Biscayne Blvd., # 850

City: Miami State: FL Zip: 33131 Phone#: 305-377-6238

- 4. CONTACT PERSON'S INFORMATION:**

Name: Michael J. Marrero, Esq. Company: Bercow & Radell, PA,

Mailing Address: 200 South Biscayne Boulevard, Suite 850

City: Miami State: FL Zip: 33131

Phone#: 305-377-6238 Fax#: 305-377-6222 E-mail: mmarrero@brzoninglaw.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 Exhibit A

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MIAMI-DADE PLANNING AND ZONING DEPT.

Handwritten signature/initials

6. **ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)
3755 NW 30 Avenue, Miami, Florida 33142

7. **SIZE OF PROPERTY** (in acres): 3.718 ± (divide total sq. ft. by 43,560 to obtain acreage)

8. **DATE** property ☒ acquired ☐ leased: 3/31/2005 9. **Lease term:** _____ years
(month & year)

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

Yes, in the City of Miami

Tract B of "Norantonio Acres" according to the plat thereof as recorded in Plat Book 57 of the Public Records of Miami-Dade County.

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)
Orlando Horta

12. **PRESENT ZONING CLASSIFICATION:** IU-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)

- ☐ District Boundary Changes (DBC) [Zone class requested]: BU-2
- ☒ Unusual Use: outdoor flea market
- ☐ Use Variance: _____
- ☐ Alternative Site Development: _____
- ☐ Special Exception: _____
- ☒ Modification of previous resolution/plan: modification of Resolution CZAB 8-35-01 and accompanying site plan to include a flea market
- ☐ 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, and date, purpose, and results of hearing, and resolution number:

15. **Is this hearing is as 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:** 8,075 sq. ft. auto repair facility

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

Use: Automotive repair facility

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BY _____

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. (1)(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), Sherman Development, LLC, 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: _____

(Corp. Seal)



Ana Hernandez
My Commission DD195837
Expires April 12, 2007

Sworn to and subscribed to before me
this 2 day of, November, 2006.

Notary Public: _____
Commission Expires: 4/12/2007

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: _____

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MIAMI-DADE PLANNING AND ZONING DEPT.

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OWNERSHIP AFFIDAVIT
FOR
LIMITED LIABILITY COMPANY

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JUN 05 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
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STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Public Hearing No. _____

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

1. Affiant is the President of Sherman Development, L.L.C.
2. Sherman Development, L.L.C. is an owner of the property that is the subject of the proposed hearing.
3. The subject property is legally described as:
See attached.
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:

[Signature]

Signature

Michael Marrero

Print Name

[Signature]

Signature

Gabriel Bern

Print Name

[Signature]

Affiant's signature

Jeff Sherman

Print Name

Sworn to and subscribed before me on the 5 day of June, 2007. Affiant is personally known to me or has produced personally known as _____ identification.

[Signature]
Notary

(Stamp/Seal)

Commission Expires: 11/13/2009

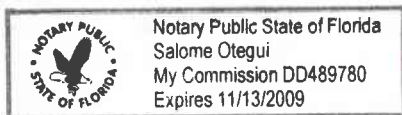


Exhibit "A"

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SUBJECT PROPERTY: All of Tract "A", NORANTONIO ACRES, Plat book 127, Page 57.

LOCATION: 3755 N.W. 30 Avenue, Miami-Dade County, Florida,

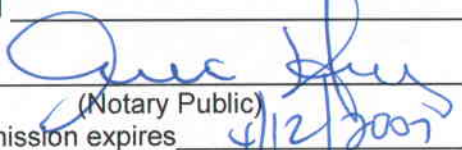
RESPONSIBILITIES OF THE APPLICANT


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 Work 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. 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.


(Applicant's Signature)
Jeff Sherman
(Print Name)

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


(Notary Public)
My commission expires 4/12/2007

 Ana Hernandez
My Commission DD195837
Expires April 12, 2007

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204-029
NOV 07 2006
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING
BY AT

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: Sherman Development

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Jeff Sherman</u>	<u>see attached</u>
<u>17 E. Flagler Street, Suite 219, Miami, Florida 33131</u>	<u>breakdown</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
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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: N/A

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
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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: N/A

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
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BY *XH*

Sherman Development, LLC

JEFF & THELMA SHERMAN	17.70%
SUSANA BAGUEAR	12.50%
MARTIN POMBO	12.50%
BERTA SHERMAN	3.65%
THELMA PATARO	3.65%
GOLDMINE ENTERPRISES-PROFIT SHARING PLAN	19.50%
BRILLIANTS INTERNATIONAL INC.-PROFIT SHARING PLAN	19.50%
RIVKA ELIANI	5.50%
FANNY HAIM	5.50%

**Brilliants International Profit Sharing Plan is 100% owned by
Brilliants International, Inc.**

Brilliants International, Inc. is 100% owned by David Haim

**Goldmine Enterprises Profit Sharing Plan is 100% owned by
Goldmine Enterprises, Inc.**

Goldmine Enterprises, Inc is 100% owned by Jacki Eliani

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