

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY DB AMOUNT OF FEE 1,555.62

RECEIPT # _____

DATE HEARD: 11.8.05

BY CZAB # 108505

RECEIVED
NOV 28 2005

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY DB
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. CZAB108505 05-067

Filed in the name of (Applicant) CAP Investments, LLC

Name of Appellant, if other than applicant Rodolfo J. Dominguez, Ricardo Won, Felix Quevedo, and Margarita Quevedo

Address/Location of APPELLANT'S property:

11941 S.W. 43rd Street, Miami (Dominguez), 11955 S.W. 43rd Street, Miami (Won), 11947 S.W. 43rd Street, Miami (Quevedo).

Application, or part of Application being Appealed (Explanation):

Entire appealable application

Appellant (name): Rodolfo J. Dominguez, Ricardo Won, Felix Quevedo, and Margarita Quevedo, hereby 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)

See attached pages 1 and 2.

APPELLANT MUST SIGN THIS PAGE

Date: 28th day of November, year: 2005

Signed

CHARLES M. BARON, ESQ., Attorney for
Print Name

Appellants Fla. Bar No. 509825

Mailing Address
1380 N.E. Miami Gardens Dr., Suite 206
North Miami Beach, FL 33179

(305) 944-5656 (305) 944-5756
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 _____ day of _____, year _____

Notary Public

(stamp/seal)

Commission expires:

APPELLANT'S AFFIDAVIT OF STANDING

(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Rodolfo Dominguez (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Eric Feinblatt

Signature

Eric Feinblatt

Print Name

Glenda Balmaceda

Signature

Glenda Balmaceda

Print Name

Rodolfo J. Dominguez

Appellant's signature

Rodolfo J. Dominguez

Print Name

Sworn to and subscribed before me on the 18th day of November, year 2005.

Appellant is personally know to me or has produced FLDL # 0552-720-63-365-0 as identification.

Laura J. Valdes

Notary

(Stamp/Seal)

Commission Expires: May 14, 2006

APPELLANT'S AFFIDAVIT OF STANDING

(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Ricardo Won
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Eric Fent

Signature

Eric Fent

Print Name

Glenda Balmaeda

Signature

Glenda Balmaeda

Print Name

Ricardo Won

Appellant's signature

Print Name

Sworn to and subscribed before me on the 18th day of November, year 2005.

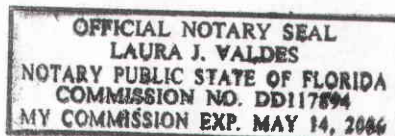
Appellant is personally know to me or has produced FL DO # W500-724-62-390-0 as
identification.

Laura J. Valdes

Notary

(Stamp/Seal)

Commission Expires: May 14, 2006



APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)STATE OF FloridaCOUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Felix P. Quevedo
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

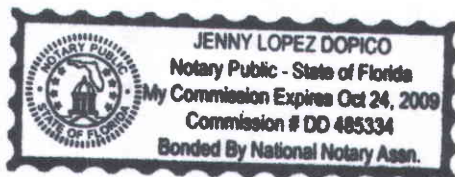
Fernando Rodriguez
SignatureFernando Rodriguez
Print NamePedro Hernandez
SignaturePedro Hernandez
Print Name

Appellant's signature

Felix P. Quevedo
Print Name

Sworn to and subscribed before me on the 28 day of November, year 2005

Appellant is personally know to me or has produced _____ as
identification.

J Lopez Dopico
Notary
(Stamp/Seal)Commission Expires: 10-24-09

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)STATE OF FloridaCOUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared MARGARITA H. QUEVEDO
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply):

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Fernando E. Rodriguez
Signature

Fernando Rodriguez
Print Name

[Signature]
Signature

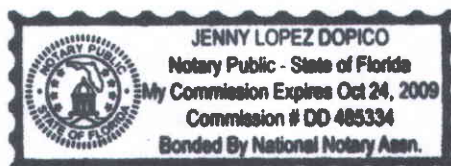
Pedro Hernandez
Print Name

[Signature]
Appellant's signature

MARGARITA H. QUEVEDO
Print Name

Sworn to and subscribed before me on the 28 day of November, year 2005

Appellant is personally know to me or has produced _____ as
identification.



[Signature]
Notary
(Stamp/Seal)

Commission Expires: 10-24-09

GROUND AND REASONS SUPPORTING THE REVERSAL OF THE RULING OF THE
COMMUNITY ZONING APPEALS BOARD

(Hearing No. CZAB108505/Hearing Date 11/8/05/Applicant Cap Investments, LLC):

The zone change from RU-5A to OPD:

1. is incompatible and inconsistent with the adjacent surrounding areas and with the actual development of the area - with regard both to Appellants' properties and to other adjacent areas;
2. would not serve a public benefit;
3. would have an unfavorable impact on the environmental and natural resources of Miami-Dade County;
4. would unduly burden water, sewer, solid waste disposal, recreation, or other necessary public facilities which have been constructed or planned and budgeted for construction;
5. would unduly burden or affect public transportation facilities, including mass transit, roads, streets, and highways which have been constructed or planned and budgeted for construction;
6. would harmfully increase traffic congestion, unduly and adversely impacting the lives of homeowners in the adjacent areas;
7. would impair/reduce safety from fire, panic and other dangers;
8. would harm health, safety, morals, convenience and the general welfare and would otherwise be adverse to the public interest;
9. would fail to provide adequate light and air;
10. would cause overcrowding of land and water;
11. is not suitable for the particular uses sought by the applicant;
13. would cause a substantial decrease in value of nearby buildings and private property;
14. is a totally inappropriate use of the land and water;
15. would have an unfavorable impact on the economy;
16. is in conflict with the principle and plan/CDMP for the development of Miami-Dade County;

17. would constitute spot zoning;
18. would constitute an unconstitutional taking of private property without just compensation;
19. does not comply with the concurrency requirements for levels of service;
20. would detrimentally affect appellants' and other adjacent properties due to the height of the buildings to be constructed by applicant;
21. would invade the privacy of appellants and otherwise detrimentally affect the use and enjoyment of appellants' and other adjacent properties due to the views from the buildings to be constructed by applicant overlooking the homes and yards of said properties;
22. would totally destroy the aesthetic beauty of appellants' and other adjacent properties;
23. would cause excessive flooding of appellants' and other adjacent properties because the project to be constructed by applicant would cause the canal between applicant's and adjacent properties to overflow;
24. would otherwise violate the Miami-Dade County Zoning Code, Miami-Dade County Ordinances, the Florida Statutes, the Florida common law, and the United States and Florida Constitutions;
25. should also be reversed because there is no competent substantial evidence in support of the application, and there is competent substantial evidence in support of denial of the application;
26. should also be reversed because the applicant/developer made material misrepresentations in the application and/or presentation to the Community Council;
27. should also be reversed because the Community Council deprived objectors of procedural due process and otherwise failed to lawfully conduct a public hearing on the application;
28. should also be reversed because one or more Community Council members voting in favor of the application is/are unqualified to sit on the Community Council for the subject area, and a one-vote change in the voting would have caused the application to fail.