

# **ZONING APPLICATION**

**PARADISE POINT DRIVE, LLC  
VPB-12-005**

MATEU ARCHITECTURE INCORPORATED

18001 OLD CUTLER ROAD, SUITE 550, PALMETTO BAY, FLORIDA 33157  
TEL 305.233.3304 FAX 305.233.3326 design@mateuarchitecture.com

July 27, 2012

AA26000522

**LETTER OF INTENT**

Village Council  
Village of Palmetto Bay  
9705 East Hibiscus Street  
Palmetto Bay, Florida 33157

**Re: Request for Non-Use Variance: Height Limit  
5863 Paradise Point Drive  
Palmetto Bay, Florida 33157  
Folio No. 33-5025-009-0080**

Dear Members of The Village Council:

Please accept this letter on behalf of the applicants, Paradise Point Dr., LLC, for a Non-Use Variance: Height Variance. The City of Palmetto Bay Zoning Code Classification, R-1M, allows a maximum of 40 ft. to the top of any roof ridge, through Resolution No. 5-ZAB-243-97 and we are requesting a 5 ft. variance to 45 ft. height.

We respectfully submit that this request should be approved, based on the following facts:

- Paradise Point is a community of 13 existing homes, all built under Miami-Dade County Zoning classification RU-1M, prior to the incorporation of Palmetto Bay, and this site is the last site available for construction.
- Other structures existing in Paradise Point enjoy the ability to have the height we seek in our Non-Use Variance Request and greater.
- Design of this structure has been created to complement and blend within the context of its site, and has been carefully designed to incorporate elements, not only of materials and colors, but also of scale and proportions, including heights, to be a good neighbor in the Paradise Point community.
- The design of this project has been approved by the Paradise Point Homeowners Association (see approval e-mail attached).
- In all other municipalities in Miami-Dade County (including the Miami-Dade County zoning classification that had jurisdiction at Paradise Point (RU-1M) prior to the incorporation of Palmetto Bay), there existed a chapter for "exclusions" or "exceptions" to the Height Limits of the code, where construction elements, such as cupolas, fireplace flues, elevator overrides, decorative or equipment enclosures, etc., were exempted from the height limits, and if the City of Palmetto Bay had such a chapter on exceptions, our Non-Use Variance request would not be necessary.
- The granting of this Non-Use Variance for Height Limit will not give Applicant any benefit or undue advantage that is not already enjoyed by all the neighbors of the Paradise Point community.

We respectfully request that the Village Council approve this Non-Use Variance request, and at the same time, ask Palmetto Bay City staff to consider amending the Zoning Code to include language similar to that which exists in other municipalities, that addresses exceptions to height limits, as it pertains to certain building and design elements that will not increase or otherwise change area or square foot limits already established by the existing zoning code.

Respectfully submitted,

Roney J. Mateu, FAIA  
RJM/rm

**RECEIVED**  
**Zoning Department**

7/31/12

**Village of Palmetto Bay**  
**Building & Zoning Department**  
By:

*Vanesha Bencomo*

Miami - Dade County, Florida, Code of Ordinances >> PART III - CODE OF ORDINANCES >>  
 Chapter 33 - ZONING >> ARTICLE III. - HEIGHT OF BUILDINGS >>

**ARTICLE III. - HEIGHT OF BUILDINGS**

[297]

Sec. 33-52. - Maximum height in all districts; exceptions.

Sec. 33-53. - Cornice height in specific districts.

Sec. 33-54. - Reserved.

Sec. 33-55. - Certain structures exempt.

Sec. 33-56. - Compliance with FAA rules.

Sec. 33-57. - Setback when height exceeds limit.

Sec. 33-58. - Height of building limited to width of street in certain districts.

Sec. 33-59. - Reserved.

**Sec. 33-52. - Maximum height in all districts; exceptions.**

Except where a greater height may be approved as a result of a public hearing, the maximum height of a building shall be thirty-five (35) feet, two (2) stories, except as specified in each district and as specified elsewhere in the Code. No accessory building, garage or servants' quarter in RU and EU-M Districts shall exceed one (1) story in height unless the principal residence on the lot is two (2) stories in height and there are two (2) or more two-story residences on other lots in the block.

(Ord. No. 57-19, § 29(A), 10-22-57; Ord. No. 64-19, § 2, 5-5-64; Ord. No. 69-50, § 2, 9-3-69; Ord. No. 74-20, § 1, 4-16-74; Ord. No. 82-13, § 1, 3-2-82; Ord. No. 95-135, § 7, 7-25-95)

*Cross reference— Height of buildings for public assemblage, § 33-17(6).*

**Sec. 33-53. - Cornice height in specific districts.**

The minimum cornice height of buildings in EU-M and RU-1 Districts shall be fifteen (15) feet above the sidewalk or, in lieu of a sidewalk, the average elevation of the plot covered by the structure elevation adjacent to the lot on which said building is placed, in the following Districts: EU-M, RU-1, RU-2 and RU-3.

(Ord. No. 57-19, § 29(B), 10-2-57)

**Sec. 33-54. - Reserved.**

**Sec. 33-55. - Certain structures exempt.**

- (a) The provisions of this article regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of Antennas.
- (b) The provisions of this article III regarding building height shall not apply to active and passive recreational facilities which may be provided on the roof of a building, provided that the enclosed portion of such facilities shall not exceed sixty (60) percent of the total area of such roof, and provided that the same does not exceed one (1) story or twenty (20) feet in height.

(Ord. No. 57-19, § 29(D), 10-22-57; Ord. No. 69-28, § 1, 4-15-69; Ord. No. 73-5, § 1, 1-9-73; Ord. No. 87-8, § 3, 3-3-87; Ord. No. 01-02, § 4, 1-23-01)



VPP-12-005

ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: 33-5025-009-0080 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).

MICHAEL CALDERON, AGENT FOR:
PARADISE POINT DR. LLC.

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 235 ALTARA AVENUE
City: CORAL GABLES State: FL Zip: 33146 Phone#: 305-567-2869

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

Owner's Name (Provide name of ALL owners): PARADISE POINT DR., LLC
235 ALTARA AVENUE
City: CORAL GABLES State: FL Zip: 33146 Phone#: 305-567-2869

4. CONTACT PERSON'S INFORMATION:

Name: Company: RONEY J. MATEU, MATEU ARCHITECTURE, INC.
City: PALMETTO BAY State: FL Zip: 33157 Cell Phone#:
Phone#: 305-233-3304 Fax#: 305-233-3326 E-mail: RJM@MATEUARCHITECTURE.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, 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.)

LOT 2, BLOCK 2, OF "PARADISE POINT FIRST AMENDMENT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 156, AT PAGE 33, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

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

5803 PARADISE POINT DRIVE, PALMETTO BAY, FL 33157

7. SIZE OF PROPERTY (in acres): .17 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property [X] acquired [ ] leased: 01/12 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.

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: R-1M

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: HEIGHT LIMIT

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 eighteen (18) months?  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 LAND

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

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete By	Date

OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

STATE OF FLORIDA  
COUNTY OF MIAMI DADE

Public Hearing No. VPP-12-005

Before me, the undersigned authority, personally appeared CORALEE PENABAD  
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes  
and says:

1. Affiant is the president vice-president or CEO of the Corporation, with the following address:  
235 Altava Ave, Coral Gables, FL 33148
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:  
\_\_\_\_\_  
\_\_\_\_\_
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

Emma Maehlin  
Print Name

[Signature]  
Signature

Judith Gonzalez  
Print Name

[Signature]  
Affiant's signature

CORALEE PENABAD  
Print Name

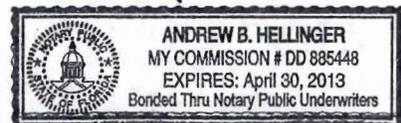
Sworn to and subscribed before me on the 27 day of July 2012.

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

Notary

(Stamp/Seal)  
Commission Expires:

[Signature]



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)  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: \_\_\_\_\_

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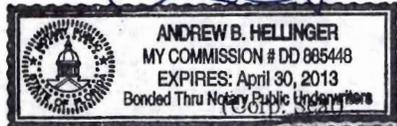
CORPORATION AFFIDAVIT

(I)(WE), Corette Penabad, 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 \_\_\_\_\_

President  
Office Held



Sworn to and subscribed to before me This 27 day of July, 2012.

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 \_\_\_\_\_ %

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 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: \_\_\_\_\_

**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 other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Paradise Point Drive, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Pit's Investment Group, LLC</u>	<u>100%</u>
<u>235 Altara Ave</u>	
<u>Coral Gables, FL 33146</u>	

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the 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: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

## Efren Nunez

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**From:** Michael Garcia-Carrillo <mgc@gc3development.com>  
**Sent:** Monday, July 30, 2012 11:31 AM  
**To:** Efren Nunez  
**Subject:** Fw: Casa @ Paradise POint

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**From:** Frank A [<mailto:phazor@ymail.com>]  
**Sent:** Sunday, July 15, 2012 07:03 PM  
**To:** Michael Garcia-Carrillo  
**Subject:** Re: Casa @ Paradise POint

Hi Michael,  
These renderings appear to be in line with the revisions discussed and agreed upon by the ARB. Please remember the other reviews the ARB must do during this process as we discussed and documented in previous correspondence. As usual you can reach me at 305-310-0952. Thank you.

-Frank

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**From:** Michael Garcia-Carrillo <mgc@gc3development.com>  
**To:** "[phazor@ymail.com](mailto:phazor@ymail.com)" <[phazor@ymail.com](mailto:phazor@ymail.com)>  
**Sent:** Monday, July 2, 2012 3:38 PM  
**Subject:** FW: Casa @ Paradise POint

Here are the plans

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**From:** Ramon Arbesu <[ra@mateuarchitecture.com](mailto:ra@mateuarchitecture.com)>  
**Date:** Monday, July 2, 2012 1:28 PM  
**To:** Microsoft Office User <[mgc@gc3development.com](mailto:mgc@gc3development.com)>  
**Subject:** Casa @ Paradise POint

Mike,

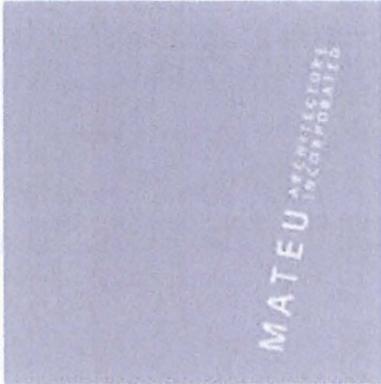
As requested, attached please find the updated plans and elevations in PDF format. Please let me know if you need anything else.

**RAMON ARBESU**

E: RA@MATEUARCHITECTURE.COM

P: 305 233 3304

F: 305 233 3326



WWW.MATEUARCHITECTURE.COM

# PARADISE POINT HOMEOWNERS ASSOCIATION, INC.

Date: July 15, 2012  
To: Michael Garcia  
From: Paradise Point Architectural Review Board (ARB)  
Subject: 5863 Paradise Point Drive Architectural Plans

Mr. Garcia,

The latest renderings submitted on behalf of the property proposed at 5863 Paradise Point Drive appear to be in line with the revisions discussed and agreed upon by the ARB.

Please remember the other reviews the ARB must do during this process as we discussed and documented in previous correspondence.

As usual you can reach me at 305-310-0952 with any questions.

Thank you

//Frank Azor//

Frank Azor  
President  
Paradise Point Architectural Review Board

6111 PARADISE POINT DRIVE PALMETTO BAY, FLORIDA 33157  
TEL. 305-232-6526 FAX. 305-232-4895