



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

AGENDA
SPECIAL COMMISSION MEETING
LOG CABIN - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, February 23, 2016 at 6:30pm



Indicates back up documents are provided.

1 Call to Order

2 Roll Call

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.

5 Public Comments

6 New Business



6.a Application for a variance for a development in the City of North Miami.

7 Announcements

Our next regular commission meeting is Tuesday, March 1, 2016, at 7:00pm.

8 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



12340 NE 8 Avenue, P.O. Box 619085, North Miami, Florida 33161-9085 (305) 895-9820

NOTICE OF PUBLIC HEARING

February 3, 2016

Dear Property Owner:

The City of North Miami has received the following zoning approval request:

V-2-16 5th AVENUE DEVELOPMENT, LLC – 12121 NE 5TH AVENUE & 509 NE 121ST STREET

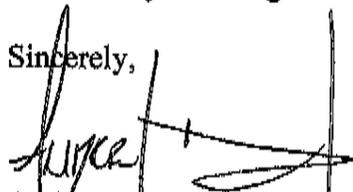
1. A VARIANCE TO ARTICLE 5, DIVISION 20, SECTION 5-2002(B) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO ALLOW A PROPOSED TOWNHOUSE DEVELOPMENT TO SET BACK 13'-3" AND 20'-10" FROM THE EAST AND WEST SIDE PROPERTY LINE, RESPECTIVELY, INSTEAD OF THE MINIMUM 30'-0" REQUIRED IN THE LDRS FOR TOWNHOUSE DEVELOPMENT; AND
2. A VARIANCE TO ARTICLE 5, DIVISION 20, SECTION 5-2001(D) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO ALLOW SAID DEVELOPMENT WITH TWO (2) TOWNHOUSE ROWS WITH A LENGTH OF EIGHT (8) UNITS AND TWELVE (12) UNITS, RESPECTIVELY, INSTEAD OF THE MAXIMUM LENGTH OF SIX (6) UNITS PER TOWNHOUSE ROW AS REQUIRED IN THE LDRS FOR TOWNHOUSE DEVELOPMENT.

ALL VARIANCES TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Board of Adjustment will hear this request on **Wednesday, February 24, 2016 at 6:30 p.m.** You are welcome to attend this meeting where you will be given an opportunity to express your support or concerns, if you so choose. **The meeting will be held in the City Council Chambers on the second floor of the City Hall located at 776 Northeast 125 Street.**

The City is mailing notice of this request as a courtesy **to the surrounding property owners**. No response is necessary on your part. However, if you wish to respond and cannot attend the meeting, you may respond in writing to the Board of Adjustment, c/o Department of Building and Zoning, City of North Miami, 12400 NE 8 Avenue, North Miami, FL 33161. The application documents are available for review upon request in the Community Planning & Development Department.

Sincerely,


Andrew Dixon

Zoning Administrator

Community Planning & Development

RECEIVED

JAN 07 2016

COMMUNITY PLANNING
& DEVELOPMENT



NORTH MIAMI

F L O R I D A

COMMUNITY PLANNING & DEVELOPMENT

DEPARTMENT—Zoning

sl.

BOARD OF ADJUSTMENT (BOA)

SECTION 1: SUBMITTAL REQUIREMENTS & CHECKLIST

**SECTION 2: BOARD OF ADJUSTMENT (BOA) INFORMATION, FEES &
CONTACTS**

APPLICATION

12400 NE 8 Avenue North Miami, FL 33161

305-893-6511, ext. 12148

www.northmiamifl.gov



Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:

- Special Exception, Variance, Appeal by Applicant, Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:

Owner's Name: 5TH AVENUE DEVELOPMENT, LLC
Mailing Address: 20900 NE 30TH AVE, SUITE 318
City: AVENTURA State: FL Zip: 33180
Phone #: 786.357.0219 / 786.443.9214 E-mail Address: PASUAL.KORCZAK@GMAIL.COM BORODOWSKI@GMAIL.COM

APPLICANT/DULY APPOINTED AGENT INFORMATION:

Contact Name: PASUAL KORCZAK
Company Name: 5TH AVENUE DEVELOPMENT LLC
Mailing Address: 20900 NE 30TH AVE, STE 318
City: AVENTURA State: FL Zip: 33180
Phone: 786.357.0219 E-mail Address: PASUAL.KORCZAK@GMAIL.COM

PROJECT INFORMATION:

Project Name: EAST OF 5TH TOWNHOMES
Address of Property: 12121 NE 5TH AVE AND 509 NE 121 ST
Folio Number(s): 06-2230-031-0150/0160

Size of Property: 40,215 SF Building Square Footage: 24,250 SF

LEGAL DESCRIPTION: SEE EXHIBIT "A" ATTACHED

PREVIOUS APPROVALS:

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

Date Approved:
Date Approved:



OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

- Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:
70900 NE 30TH AVE, SUITE 318 AVENTURA FL 33180
- The Corporation owns the property which is the subject of this request.
- The subject property is legally described as:
12121 NE 5TH AVE, 509 NE 121 ST
- Affiant is legally authorized to file this application or the Affiant has authorized PASWA KORCZAK
as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.
- Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

[Signature]
Signature
Marya Walker
Print Name

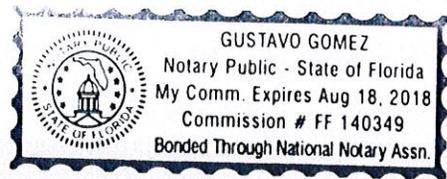
[Signature]
Signature
MARCELO BORCOWSKI
Print Name

[Signature]
Affiant's Signature
MARCELO BORCOWSKI
Print Name

Sworn to and subscribed before me on the 13 day of OCTOBER, 2015.
Affiant is personally known to me or has produced _____ as identification.

Notary [Signature]

Commission Expires:





**OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST
(CORPORATION)**

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of 5TH AVENUE DEVELOPMENT, LLC, a FLORIDA (state) corporation,
MARCELO BORCOWSKI being first duly sworn, deposes and says that as the
President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below
and which is the subject property of the proposed request, does hereby grant limited power of attorney to _____
_____, as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION: SEE EXHIBIT "A" ATTACHED

WITNESSES:

[Signature]

Signature

Meyra Cuellar

Print Name

[Signature]

Signature

MIGUEL RUIZ

Print Name

5TH AVENUE DEVELOPMENT, LLC

Name of Corporation

20900 NE 30TH AVE, STE 318 AVENTURA

Address

[Signature]

Signature

By: President, Vice-President or CEO (circle one)

Sworn to and subscribed before me on the 13 day of OCTOBER, 2015.
Affiant is personally known to me or has produced _____ as identification.

Notary [Signature]

Commission Expires:

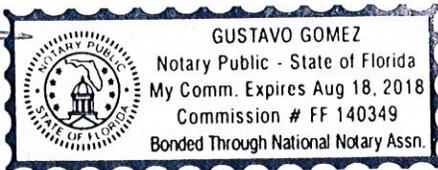


Exhibit A

PARCEL 1:

Lot 14, less the South 108 feet thereof, and Lot 15, less the South 108 feet thereof, and that portion of Lot 16, lying Northeasterly of a line beginning at a point 108 feet North of the Southeast corner of said Lot 16, said line running in a Northwesterly direction at right angles to FICUS COURT, at a distance of 42.34 feet, more or less to a point bordering FICUS COURT at a distance of 188 feet Northeast to Southwest corner of said Lot 16, all in Block 8, of GRIFFING BISCAYNE PARK ESTATES, according to the Plat thereof, recorded in Plat Book 5, Page 107 of the Public Records of Miami-Dade County, Florida.

AND

That part of Lot 17, Block 8 of GRIFFING BISCAYNE PARK ESTATES, described as: Beginning at Southwest corner of Lot 17, run Northeasterly along the Westerly line of said Lot 17, a distance of 68 feet, thence southeasterly to Northeast corner of Lot 14, thence West to Point of beginning according to the Plat thereof recorded in Plat Book 5, at Page 107 of the Public Records of Dade County, Florida.

PARCEL 2: The South 108 feet of Lot 15, Block 8 of GRIFFING BISCAYNE PARK ESTATES, according to the Plat thereof, recorded in Plat Book 5, at Page 107 of the Public Records of Miami-Dade County, Florida.

AND

Lot 16, LESS: Beginning at a point 108 feet North of the Southeast corner of said Lot, run Northwesterly at an angle 42.34 feet to a point on the West line of said Lot 188 feet Northeasterly from the Southwest corner of said lot, thence Northeasterly 46.3 feet more or less to the Northeast corner of said Lot, thence South 62.45 feet more or less to the point of beginning of Block 8 of GRIFFING BISCAYNE PARK ESTATES, according to the Plat thereof, recorded in Plat Book 5, at Page 107 of the Public Records of Miami-Dade County, Florida.



Detail by Entity Name

Florida Limited Liability Company

5TH AVENUE DEVELOPMENT, LLC

Filing Information

Document Number	L15000089713
FE/EIN Number	NONE
Date Filed	05/20/2015
Effective Date	05/15/2015
State	FL
Status	ACTIVE

Principal Address

20900 NE 30 AVENUE
318
AVENTURA, FL 33180

Mailing Address

20900 NE 30 AVENUE
318
AVENTURA, FL 33180

Registered Agent Name & Address

BORODOWSKI, MARCELO
20900 NE 30 AVENUE
318
AVENTURA, FL 33180

Authorized Person(s) Detail

Name & Address

Title MGR

BORODOWSKI, MARCELO
20900 NE 30 AVENUE
AVENTURA, FL 33180

Title MGR

RUIZ, MIGUEL
20900 NE 30 AVENUE
AVENTURA, FL 33180

Annual Reports

No Annual Reports Filed

THIS DOCUMENT PREPARED BY:
ROBERT WAYNE, ESQUIRE
1225 S.W. 87TH AVENUE
MIAMI, FLORIDA 33174

RETURNED TO:
EXPERT TITLE COMPANY
STEVE H. NATURMAN, ESQUIRE
1761 WEST HILLSBORO BLVD. SUITE 205
DEERFIELD BEACH, FLORIDA 33442

Folio: 06-2230-031-0150 AND
06-2230-031-0160

(space above this line for recording data)

WARRANTY DEED

THIS WARRANTY DEED, made this 2nd day of July, 2015, by ALFREDO BILD, INDIVIDUALLY AND AS TRUSTEE OF THE ALFREDO BILD REVOCABLE TRUST DATED OCTOBER 23, 1998 whose address is: 11636 North Kendall Drive, Miami, Florida 33176

HEREINAFTER CALLED THE GRANTOR to: 5TH AVENUE DEVELOPMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY WHOSE POST OFFICE ADDRESS IS: 20900 NE 30TH AVENUE, SUITE 318, AVENTURA, FLORIDA 33180

GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the Heirs, Legal Representatives, and Assigns of Individuals and the Successors and Assigns of Corporations.)

W I T N E S S E T H: That the Grantor for and in consideration of the sum of \$10.00 and other valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee all that certain land situated in Miami-Dade County, Florida, wit:

SEE EXHIBIT "A" ATTACHED HERETO.

Subject to: taxes for the year 2015 and subsequent years, conditions, restrictions, limitations, and zoning ordinances of record, if any. This provision shall not operate to reimpose the same.

Grantor warrants that at the time of this conveyance, the subject properties are not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property or the homestead property of any of Grantor's family. Grantor resides at: 11636 North Kendall Drive Miami, Florida 33176.

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.
TO HAVE AND TO HOLD the same in fee simple forever.
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land, that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2014

IN WITNESS WHEREOF, the said Grantors has signed and sealed these presents the day and year first written above.

SIGNED AND SEALED AND DELIVERED IN OUR PRESENCE:

WITNESSES:

Emily Martinez
Signed name of witness

Emily Martinez
Printed name of witness

Alfredo Bild
ALFREDO BILD, INDIVIDUALLY
AND AS TRUSTEE OF THE ALFREDO
BILD REVOCABLE TRUST DATED
OCTOBER 23, 1998

Roman Flores
Signed name of witness

Roman Flores
Printed name of witness

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

SWORN TO AND SUBSCRIBED before me this 2nd day of July, 2015, by ALFREDO BILD, INDIVIDUALLY AND AS TRUSTEE OF THE ALFREDO BILD REVOCABLE TRUST DATED OCTOBER 23, 1998, who is personally known to me or who has produced: a Florida Driver's License as identification and who did take an oath.



Emily Martinez
NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: MAY 14, 2017

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L15000089713
FILED 8:00 AM
May 20, 2015
Sec. Of State
wapainter

Article I

The name of the Limited Liability Company is:

5TH AVENUE DEVELOPMENT, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

20900 NE 30 AVENUE
318
AVENTURA, FL. 33180

The mailing address of the Limited Liability Company is:

20900 NE 30 AVENUE
318
AVENTURA, FL. 33180

Article III

The name and Florida street address of the registered agent is:

MARCELO BORODOWSKI
20900 NE 30 AVENUE
318
AVENTURA, FL. 33180

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: MARCELO BORODOWSKI

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
MARCELO BORODOWSKI
20900 NE 30 AVENUE
AVENTURA, FL. 33180

Title: MGR
MIGUEL RUIZ
20900 NE 30 AVENUE
AVENTURA, FL. 33180

L15000089713
FILED 8:00 AM
May 20, 2015
Sec. Of State
wapainter

Article V

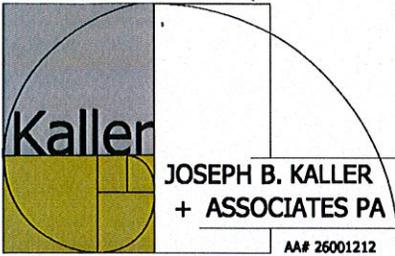
The effective date for this Limited Liability Company shall be:

05/15/2015

Signature of member or an authorized representative

Electronic Signature: MARCELO BORODOWSKI

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



architecture - interiors - planning

January 6, 2016

City of North Miami
12340 Northeast 8th Avenue
North Miami, Florida 33162

Reference: East of 5th Townhomes
12121 Northeast 5th Avenue
509 Northeast 121st Street
North Miami, Florida
Architect's Project #15100

BOARD OF ADJUSTMENTS
LETTER OF INTENT/VARAINCE

The proposed townhome style apartments development contains twenty (20) 2-story townhomes located on 0.922 acre triangular site located at 12121 Northeast 5th Avenue and 509 Northeast 121 Street. The Townhome style apartments are clustered in two buildings, of which, the south building fronting along N.E. 121 Street contains 8 units and the north building fronting along N.E. 5th Avenue contains 12 units.

As per the proposed Site Plan the following Variances would be required:

South Building

1. Variance for the east side setback from 30'-0" to 13'-3"
2. Variance for the west side setback from 30'-0" to 20'-10"

North Building

3. Variance for the north side setback from 30'-0" to 11'-3"

Townhouse Cluster

4. Variance for the maximum of 6 units per cluster to 8 units in the south building and 12 units in the north building.

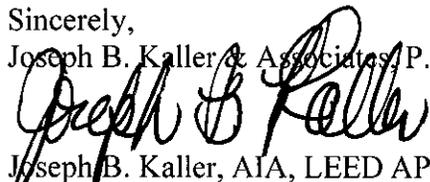
The hardship which necessitates the above referenced variances complies with the following four of the six standards as per the City of North Miami Section 3-606 as follows:

January 6, 2016
East of 5th Townhomes
Variance Criteria
Page Two

1. The irregular triangular Site configuration with an acute angled corner creates special conditions and circumstances which are specific to this specific site. The proposed Site Plan integrated the unusual lot configuration, and provided the maximum visual surveillance of the street and yet providing a secured private green amenity area along the rear of the site.
2. The side setback requirements from the side property lines contrast with the code required side setbacks which are required as a minimum separation between building clusters within the site.
3. One of the requested variances which is the side setback from the south building is the only significant variance being requested. All other requested variances are marginal in nature and it is the minimum variance that makes possible the reasonable use of the land.
4. The proposed requested variances are in harmony with the general intent of the neighborhood, and maintains the basic intent and purpose of the subject regulations particularly as it affects the stability and appearance of the City. The townhome units are frontally facing the two streets, creating a pedestrian friendly project.

Should you have any question on any of the above discussed items, please feel free to call me at my office.

Sincerely,
Joseph B. Kaller & Associates, P.A.



Joseph B. Kaller, AIA, LEED AP BD+C
President