

# Miami Shores Village

10050 N.E. SECOND AVE.  
MIAMI SHORES, FLORIDA 33138-2382  
Telephone: (305) 795-2207  
Fax: (305) 756-8972  
DACQUISTOD@MIAMISHORESVILLAGE.COM

DAVID A. DACQUISTO, AICP  
PLANNING & ZONING DIRECTOR

## DEVELOPMENT ORDER

**File Number:** PZ-5-11-2011244  
**Property Address:** 9165 Park Drive

**Applicant:** Devinella LLC (Owner)  
**Address:** 6644 Windsor Lane, Miami Beach FL 33141

**Agent:** Mark Campbell  
**Address:** 373 NE 92<sup>nd</sup> Street, Miami Shores FL 33138

Whereas, the applicant Devinella LLC (Owner) has filed an application for a variance before the Planning Board on the above property. The applicant sought approval as follows: Article VII. Errors and Variances; Sec. 702 Hardship variances: Sec 521. Required off-street parking. Variance to reduce parking requirement for doctor's office.

Whereas, a public hearing was held on July 28, 2011 and the Board, after having considered the application and after hearing testimony and reviewing the evidence entered, finds:

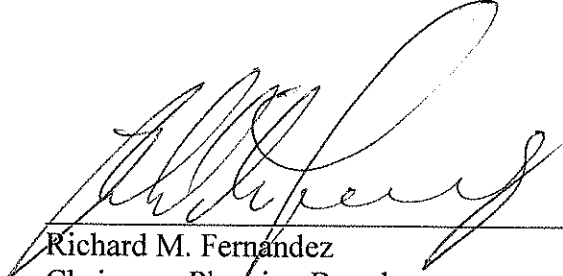
1. The application was made in a manner consistent with the requirements of the Land Development Code of Miami Shores Village.
2. The applicant has **not** established substantial competent evidence as a basis for the relief sought.
  - a. The applicant has not provided evidence to support a finding by the Planning Board that the four (4) criteria for granting of a variance have been met.
  - b. Granting of the variance requested would confer on the property owner an advantage that is not enjoyed by the owners of similarly situated property.
  - c. The variance if granted could be considered the equivalent of spot zoning.
  - d. The variance requested would run with the land even when similar future land uses have greater parking demand.

Therefore the variance request is denied.

Passed and adopted this 28<sup>th</sup> day of July, 2011, upon a **Motion to Deny** the variance with the vote as follows:

Mr. Abramitis	<u>Yes</u>
Mr. Busta	<u>Absent</u>
Mr. Reese	<u>Yes</u>
Mr. Madsen	<u>Yes</u>
Chairman Fernandez	<u>Yes</u>

8/10/2011  
Date



Richard M. Fernandez  
Chairman, Planning Board