ASSEMBLY AND ORGANIZATION:

A. Call to Order
B. Pledge of Allegiance
C. Roll Call of Board Members
D. Announcement to Audience of the Public Hearing Process

QUASI-JUDICIAL ITEMS: THESE ITEMS MAY EITHER BE APPROVED, DENIED, OR APPROVED WITH CONDITIONS.

PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. THE APPLICANT OR DULY AUTHORIZED AGENT FOR THE APPLICANT MUST BE PRESENT. IF NO REPRESENTATIVE IS PRESENT, THE APPLICATION WILL BE TABLED TO THE NEXT BOARD OF ADJUSTMENT MEETING. WHEN THE PETITION IS ANNOUNCED, THE APPLICANT OR HIS/HER AGENT SHALL STATE HIS/HER NAME AND ADDRESS FOR THE RECORD.

ANY INTERESTED PARTY WISHING TO SPEAK ON ANY ITEM MAY PROVIDE ORAL OR WRITTEN COMMENTS ON THE MATTER. PLEASE NOTE THAT YOU WILL JOIN THE MEETING IN LISTEN-ONLY MODE, IF YOU HAVE COMMENTS YOU CAN TYPE YOUR COMMENT AS A QUESTION DURING THE MEETING, OR RAISE YOUR HAND IN THE APPLICATION TO BE ALLOWED TO SPEAK. EACH PARTY SHALL STATE HIS/HER NAME AND ADDRESS FOR THE RECORD, AND SHALL ADDRESS HIS/HER COMMENTS TO THE BOARD. EACH PARTY SHALL SPEAK FOR NOT MORE THAN 3 (THREE) MINUTES IN ORDER TO PROVIDE FOR ORDER AND TIME FOR OTHER INTERESTED PARTIES TO ADDRESS THEIR CONCERNS/COMMENTS TO THE BOARD.

E. Quasi-Judicial Oath
F. Amendments to the Agenda

II. APPROVAL OF MINUTES:  September 29, 2021 and January 19, 2022

III. COMMUNICATIONS

IV. CONTINUED PETITIONS:

V. NEW PETITIONS:

V-03-22 – FENCE HEIGHT VARIANCE WITHIN FRONT YARD – 1460 NE 123 ROAD

A VARIANCE TO ARTICLE 5, DIVISION 12, SECTION 5-1209(K)3 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A TWENTY-FIVE (25) PERCENT OPAQUE 5-FOOT TALL FENCE WITHIN TEN (10) FEET OF THE EDGE OF DRIVEWAY LEADING TO THE A PUBLIC RIGHT-OF-WAY AT THE PROPERTY LOCATED AT 1460 NE 132ND ROAD WITHIN THE R-4 MULTIFAMILY RESIDENTIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.
SE-04-22 – TATTOO PARLOR SPECIAL EXCEPTION – 1675 NE 123RD STREET

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED TATTOO PARLOR AT THE PROPERTY LOCATED AT 1675 NE 123RD STREET WITHIN THE C-2BW COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

VI. OLD BUSINESS

VII. NEW BUSINESS

DISCUSSION ON CITY-INITIATED LAND USE MAP AMENDMENT & REZONING OF APPROXIMATELY 27 ACRES

VIII. ADJOURNMENT

A copy of the full package containing staff reports and recommendations for all items is available online at https://www.northmiamifl.gov/AgendaCenter/Board-of-Adjustment-2, and will be available for public review from Monday to Friday between the hours of 8:15 a.m. and 12:30 p.m. in the Community Planning & Development Office located at 12400 NE 8th Avenue, North Miami, Florida 33161.

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person wishing to appeal the recommendations of the Board of Adjustment will need a verbatim record of the meeting's proceedings, which record includes the testimony and evidence upon, which the appeal is to be based (Chapter 286.0105 F.S.).

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE ZONING DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 1904 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE OUR TDD LINE AT (305) 893-7936 FOR ASSISTANCE.
The meeting was called to order at 6:35 p.m. After the pledge of allegiance, a roll call of the members was taken.

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<th>Name</th>
<th>Present</th>
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<td>1. Roseline Philippe</td>
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<td>6. Evan Shields</td>
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<td>7. Nikisha Williams</td>
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Staff was represented by:
Derrick Cook, MBA, Zoning Manager
Marline Monestime, Senior Planning Technician
Gary Held, Consulting Land Use Attorney
Jennifer Warren, Deputy City Attorney

I. Assembly and Organization:
Attorney Held read the procedures for public comment. Participants were sworn-in to provide testimony for their respective requests.

II. Amendments to the Agenda:
A motion to move petition V-05-21 to be heard after all other items was made by Board member Shields. The motion was seconded by Vice Chair McDearmaid. The motion passed with a 5-0 vote.

III. Approval of Minutes:
Approval of minutes from the May 19, 2021 meeting did not take place.

IV. Communications:
Vice Chair McDearmaid disclosed that he was contacted about item V-04-21. Board member Shields also shared that he had been in communication with the applicant for item V-02-21.

V. Continued Petitions:
V-02-21 – FENCE OPACITY VARIANCE WITHIN FRONT YARD – 1070 NW 131 STREET

A VARIANCE TO ARTICLE 5, DIVISION 12, SECTION 5-1209(K)3 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A FENCE LOCATED IN THE FRONT YARD SETBACK TO EXCEED THE MAXIMUM TWENTY-FIVE (25) PERCENT OPACITY PROVIDING SEVENTY-FIVE (75) PERCENT OF UNOBSTRUCTED VISIBILITY THROUGHOUT THE FENCE AT THE PROPERTY LOCATED AT 1070 NW 131 STREET WITHIN THE R-2 SINGLE-FAMILY DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicants, Joanna & Aleada Torres, speaking in regards to their request. A comment in favor of the item was received via email and was read into the record. A motion to approve the item was presented by Board member Shields and seconded by Board member Pierre-Louis. The item passed with a 5-0 vote.

VI. New Petitions:

V-04-21 – DOCK VARIANCE – 2100 NE 121 ROAD

A VARIANCE TO ARTICLE 5, DIVISION 6, SECTION 5-602(B) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: (1) ALLOW A DOCK TO PROJECT 50 FEET 6 INCHES FROM THE FACE OF THE SEAWALL CAP INTO BISCAYNE BAY WHERE 15 FEET IS THE MAXIMUM PROJECTION PERMITTED, AND (2) EXTEND A BOATLIFT 69 FEET FROM THE PROPERTY LINE INTO BISCAYNE BAY WHERE 35 FEET IS THE MAXIMUM EXTENSION PERMITTED AT THE PROPERTY LOCATED AT 2100 NE 121 ROAD WITHIN THE R-1 RESIDENTIAL ESTATE DISTRICT; SAID VARIANCES ARE TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by representatives for the applicant, speaking in regards to their request. Public comments were heard and a comment against the item was received via email and was read into the record. A motion to approve the item was presented by Board member Shields and seconded by Vice Chair McDearmaid. The item passed with a 5-0 vote.

V-06-21 – SETBACK VARIANCE– 655 NW 128 STREET

A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW FOR EXPANSION OF AN EXISTING COMMERCIAL BUILDING TO ENCROACH APPROXIMATELY TEN (10) FEET INTO
THE MINIMUM REQUIRED SIDE SETBACK OF TEN (10) FEET FROM THE WEST SIDE PROPERTY LINE AT THE PROPERTY LOCATED AT 655 NW 128 STREET WITHIN THE C-1 COMMERCIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the representative for the applicant, speaking in regards to their request. Public comments were heard and a comment against the item was received via email and was read into the record. A motion to approve the item was presented by Vice Chair McDearmaid and seconded by Board member Shields. The item passed with a 5-0 vote.

**V-07-21 – MINIMUM DISTANCE FROM VARIANCE – 711 NE 125 STREET**

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”), TO ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING BETWEEN RELIGIOUS INSTITUTIONS, SCHOOLS, PARKS, AND RESIDENTIAL USES FROM A LOUNGE LICENSED TO SELL ALCOHOLIC BEVERAGES AT THE PROPERTY LOCATED AT 711 NE 125 STREET WITHIN THE CENTRAL BUSINESS COMMERCIAL (C-3) DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant, speaking in regards to the request. There were no previously submitted comments and no comments were made. A motion to approve the item was presented by Vice Chair McDearmaid and seconded by Board member Shields with the condition that there would only be consumption on the premises and the business would not operate as a packaging store. The item passed with a 5-0 vote.

**V-05-21 – VARIANCE TO THE EDUCATIONAL FACILITY MINIMUM PARKING REQUIREMENT – 1701 NE 127 STREET, 12900 NE 17 AVENUE, & 13015 EMERALD DRIVE**

A VARIANCE TO ARTICLE 5, DIVISION 14, SECTION 5-1402 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW 439 PARKING SPACES WHERE 1,120 ARE REQUIRED FOR AN EDUCATIONAL FACILITY USE WITHIN THE PUBLIC USE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant, speaking in regards to the request. There were no previously submitted comments and live public comments were heard in favor of the item. A motion to approve the item was presented by Vice Chair McDearmaid and seconded by Board member Shields with two conditions: (1) that the
applicant make the best effort to obtain additional parking, (2) that the applicant updates staff on
the effort to obtain additional parking within 90 days. The item passed with a 5-0 vote.

VII. COMMITTEE REPORTS: None

VIII. OLD BUSINESS: None

IX. NEW BUSINESS: None

X. ADJOURNMENT

A motion for adjournment was made by Vice Chair McDearmaid and seconded by Board
member Shields. The meeting adjourned at 8:02 p.m.

Respectfully submitted: Attest:

Roseline Philippe, Chairperson Derrick Cook, MBA, Zoning Manager
Board of Adjustment Community Planning & Development

Prepared by:

Marline Monestime, Senior Planning Technician
Community Planning & Development
The meeting was called to order at 6:48 p.m. After the pledge of allegiance, a roll call of the members was taken.

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Staff was represented by:
Derrick Cook, MBA, Zoning Manager
Marline Monestime, Senior Planning Technician
Gary Held, Consulting Land Use Attorney
Jennifer Warren, Deputy City Attorney

I. Assembly and Organization:
Attorney Held read the procedures for public comment. Participants were sworn-in to provide testimony for their respective requests.

II. Amendments to the Agenda:
Corrections to item numbers on staff reports were stated on the record.

III. Approval of Minutes:
Approval of minutes from the September 29, 2021 meeting will be held at the next meeting.

IV. Communications: None

V. Petitions:

SE-02-21 – NIGHT CLUB SPECIAL EXCEPTION FOR NUVO CAFÉ, 14135 NW 7TH AVENUE

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES,
LAND DEVELOPMENT REGULATIONS ("LDRS") TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7 AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Vice-Chair McDearmaid and seconded by Board member Williams. The item passed with a 6-0 vote.

V-08-21 – MINIMUM DISTANCE VARIANCE FOR NUVO CAFÉ – 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO: ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING FROM OTHER SIMILAR USES, RELIGIOUS INSTITUTION, SCHOOLS, PARKS AND RESIDENTIAL USE FROM A NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Vice-Chair McDearmaid and seconded by Board member Shields. The item passed with a 6-0 vote.

V-09-21 – HOURS DURING WHICH SALES ARE ALLOWED; CONSUMPTION VARIANCE FOR NUVO CAFÉ – 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-913 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS ("LDRS") TO: ALLOW A DEVIATION OF THE HOURS DURING WHICH SALES ARE ALLOWED AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Vice-Chair McDearmaid and seconded by Board member Shields. The item passed with a 6-0 vote with the inclusion of a 6-month administrative review of the operations as it pertains to the request.
SE-01-22 – NIGHT CLUB SPECIAL EXCEPTION FOR NOMI BAR AND GRILL– 738 NE 125 STREET

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 738 NE 125 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

Vice Chair McDearmaid, and Board members Shields and Williams disclosed they had communicated with the applicant for items SE-01-22 and V-01-22. The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Vice-Chair McDearmaid and seconded by Board member Shields. The item passed with a 6-0 vote with the inclusion of a 6 month administrative review of the operations and mandatory staffing of an off-duty City of North Miami officer, as it pertains to the request.

V-01-22 – MINIMUM DISTANCE VARIANCE FOR NOMI BAR ANDGRILL– 738 NE 125 STREET

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING FROM OTHER SIMILAR USES, RELIGIOUS INSTITUTION, SCHOOLS, PARKS AND RESIDENTIAL USE FROM A NIGHTCLUB AT THE PROPERTY LOCATED AT 738 NE 125 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Vice-Chair McDearmaid and seconded by Board member Shields. The item passed with a 6-0 vote.

V-02-22 – SINGLE FAMILY RESIDENCE REQUEST FOR VARIANCE TO ALLOW FOR SETBACK DEVIATION – 1115 NE 121 STREET

A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203 (A) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW AN ADDITION TO A SINGLE FAMILY RESIDENCE TO ENCROACH INTO THE REAR YARD SETBACK AT THE PROPERTY LOCATED AT 1115 NE 121 STREET WITHIN THE R-2 SINGLE-FAMILY
DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDTRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Board member Alina Medina and seconded by Vice-Chair McDearmaid. The item passed with a 6-0 vote.

SE-02-22 – TECHNICAL VOCATIONAL SPECIALTY SCHOOL SPECIAL EXCEPTION FOR ALWAYS PROFESSIONAL INSTITUTE – 13992 NE 12 AVENUE

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED TECHNICAL VOCATIONAL SPECIALTY SCHOOL AT THE PROPERTY LOCATED AT 13992 NE 12 AVENUE WITHIN THE C-1 COMMERCIAL DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Board member Williams and seconded by Board member Shields. The item passed with a 6-0 vote.

SE-03-22 – TECHNICAL VOCATIONAL SPECIALTY SCHOOL SPECIAL EXCEPTION FOR SYLVESTER SECURITY SCHOOL & MULTI SERVICE LLC – 607 NE 123 STREET

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A TECHNICAL VOCATIONAL SPECIALTY SCHOOL AT THE PROPERTY LOCATED AT 607 NE 123 STREET WITHIN THE C-3 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

The Zoning Manager, Derrick Cook presented the item to the board followed by the applicant(s), speaking to the request. A motion to approve the item was presented by Board member Shields and seconded by Board member Williams. The item passed with a 6-0 vote.

VI. COMMITTEE REPORTS: None

VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None
IX. ADJOURNMENT

A motion for adjournment was made by Vice Chair McDearmaid and seconded by Board member Shields. The meeting adjourned at 9:11 p.m.

Respectfully submitted: Attest:

Roseline Philippe, Chairperson Derrick Cook, MBA, Zoning Manager
Board of Adjustment Community Planning & Development

Prepared by:

Marline Monestime, Senior Planning Technician
Community Planning & Development
NOTICE OF PUBLIC HEARING

April 7, 2022

Dear Property Owner:

Notice is hereby given that the City of North Miami has received and will consider the following requests:

**V-03-22 – FENCE HEIGHT VARIANCE WITHIN FRONT YARD – 1460 NE 123 ROAD**

A VARIANCE TO ARTICLE 5, DIVISION 12, SECTION 5-1209(K)3 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A TWENTY-FIVE (25) PERCENT OPAQUE 5-FOOT TALL FENCE WITHIN TEN (10) FEET OF THE EDGE OF DRIVEWAY LEADING TO THE A PUBLIC RIGHT-OF-WAY AT THE PROPERTY LOCATED AT 1460 NE 132ND ROAD WITHIN THE R-4 MULTIFAMILY RESIDENTIAL DISTRICT; SAID VARIANCE IS 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, April 20, 2022 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, North Miami, FL 33161.

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 Community Planning & Development Department, 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,

Derrick L. Cook, MBA
Zoning Manager
Community Planning & Development
To: The Board of Adjustment

From: Cameron Palmer, BURPl
Planner, Community Planning & Development Department

Through: Derrick Cook, MBA – Acting Director ___________ DATE: 04/20/2022

Date: April 1, 2022

V-03-22: FENCE HEIGHT VARIANCE WITHIN FRONT YARD – 1460 NE 132nd ROAD

APPLICATION SUMMARY

Applicant: Yinney Andrade (Property Owners)
Location: 1460 NE 132nd Road, North Miami FL 33161
Land Area: 9,480 square feet
Folio Number: 06-2229-022-0800

Petition: A VARIANCE TO ARTICLE 5, DIVISION 12, SECTION 5-1209(K)3 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A TWENTY-FIVE (25) PERCENT OPAQUE 5-FOOT TALL FENCE WITHIN TEN (10) FEET OF THE EDGE OF DRIVEWAY LEADING TO THE A PUBLIC RIGHT-OF-WAY AT THE PROPERTY LOCATED AT 1460 NE 132ND ROAD WITHIN THE R-4 MULTIFAMILY RESIDENTIAL DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

PROJECT SUMMARY

The applicant and property owner, Yinney Andrade, is requesting hardship relief from Article 5, Division 12, Section 5-1209(K) 3: Height Limitation, of the Land Development Regulations (LDRs), for the property located at 1460 NE 132nd Road (east of NE 14th Ave and south of 132nd Road). The applicant intends to install an aluminum fence that is a maximum of twenty-five (25) percent opaque not exceeding five (5) feet in height within the front yard of an existing single-family residence. The proposed fence requires a variance to of the LDRs to permit the fence
placement against the property lines of the front yard, whereas the fence shall be setback ten (10) feet from the edge of the driveway for properties within the R-4, Multifamily Residential zoning district.

**BACKGROUND**

The property is approximately 9,480 square feet and, according to the Miami-Dade County’s Property Appraiser, contains a single-story residential building that totals approximately 1,186 square feet constructed in 1948.

The applicant underwent a permit (BFE00-2021-00263) to install a five-foot aluminum fence with one (1) swing gate to provide the homeowners a barrier intended to mark a boundary, provide security and provide a decorative function. The intent was to place the fence against the front property line where a previous fence once was located. Upon further review, the permit was denied by staff according to Section 5-1209(K)3 of the LDRs, as the height of the fence shall not exceed two and one half (2½) feet in height within ten (10) feet of the edge of the driveway leading to a public right-of-way, except that in the R-1 or R-2 District.

The applicant is seeking a variance to deviate from the required maximum height of two and one half (2½) feet to the proposed height of five (5), providing the fence is a maximum twenty-five (25) percent opaque, and to deviate from the setback of ten (10) feet to locate the fence against/on the front yard’s property lines. Each deviation requiring Board of Adjustment (BOA) approval.

**PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY**

1. **BFE00-2021-00263**: Installing aluminum fence approximately 12.1 feet in length with one (1) swinging gate, applied on October 28, 2021.
2. The subject property has no open code violations.

**SURROUNDING LAND USE CHARACTERISTICS**

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<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning</th>
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<td>R-4 Multifamily District</td>
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<tr>
<td>North</td>
<td>Low-Medium Density Residential (35 ft., 12.0 du/ac)</td>
<td>R-4 Multifamily District</td>
<td>Single-Family Home</td>
</tr>
<tr>
<td>South</td>
<td>Low-Medium Density Residential (35 ft., 12.0 du/ac)</td>
<td>R-4 Multifamily District</td>
<td>Single-Family Home</td>
</tr>
<tr>
<td>East</td>
<td>Low-Medium Density Residential (35 ft., 12.0 du/ac)</td>
<td>R-4 Multifamily District</td>
<td>Single-Family Home</td>
</tr>
<tr>
<td>West</td>
<td>Low-Medium Density Residential (35 ft., 12.0 du/ac)</td>
<td>R-4 Multifamily District</td>
<td>Single-Family Home</td>
</tr>
</tbody>
</table>
The subject property together with most of the surrounding properties is zoned R-4 Multifamily District. Many of the surrounding properties to the north, east, and west consist of single-family homes constructed in the 1950s.

The area is classified as Low-Medium Residential on the Future Land Use Map and is intended primarily for residential dwellings. Figure 1 and 2 illustrates the zoning map, and an aerial image of the subject property and its surroundings, respectively.

**Figure 1: North Miami Zoning Map**

![Zoning Map](image)
OVERVIEW OF REQUEST

At this time, the applicant is requesting a variance to allow a five (5) foot tall fence that is approximately 12 feet in length and is twenty-five (25) percent opaque to be located against/on the front property line.

ANALYSIS

Article 3, Division 6, Section 3-606 of the City’s LDRs authorizes the Board of Adjustment (BOA) to hear and grant or deny applications for variances from the terms of these LDRs. In evaluating an application for variances, the BOA shall find that the applicant demonstrates compliance with four (4) of the six (6) items as listed below:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

   No. The property contains a legally nonconforming single-family residence that exists within the R-4 multifamily zoning district. As such, the R-4 development standards govern
the site. The R-4 district expands the development-capacity of the legally nonconforming single-family site with increased density to 12.0 units per acre, which exceeds what the R-1 and R-2 districts offer. However, the R-4 development standards prevents certain benefits allotted single-family residence located in the single-family district of R-1 and R-2 with regards to fences along property lines. The R-4 development standards causes partiality to the existing nonconforming single-family use that constrains fence placement and heights that represents a signature aesthetic of a single-family residence site.

2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.

Yes. As shared, the single-family home exists within the R-4 multi-family zoned district. The neighborhood contains several single-family residences. Staff conducted an unofficial survey within an approximate 400-feet radius of the applicant’s property. Within the 400-feet radius are ninety-six (96) lots of which eighty-three (83) lots house single-family homes with several single-family lots situated with fences along the front property line. The neighborhood’s disposition exposes the applicant’s request represents a prevalent characteristic of the neighborhood. In that, the application of a fence along the front yard’s edge denotes an intrinsic element of a single-family residence that would not constitute a unique circumstance of the subject property within the neighborhood.

3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.

Yes. The basic intent and purpose of the fence is to mark a boundary, provide security and provide a decorative function. Further, the LDRs states, “fences and walls shall be solely for the demarcation and separation of properties for privacy and use purposes”. The proposed fence matches the standard requirements for fences located within R-1 and R-2 districts. Whereas, single-family residential districts permit fences along the front property lines, no taller than five feet providing such fence is a maximum of twenty-five percent opaque, and no other structures or portions of the fence interferes with the safe distance visibility triangle. Additionally, the applicant’s fence location corresponds with the prevailing aesthetics of fences installed on single-family lots in the city and the immediate area. Therefore, as proposed, the installation of the fence will not adversely affect the stability and appearance of the neighborhood or the city. As such, the propose fence will maintain the basic intent and propose of a fence installed within a single-family zoned district and the LDRs deviation will maintain the single-family lot aesthetic attributes. In that, the fence shall comply with building permit procedures, be located against/on the property lines and shall not encroach into the right-of-way.

4. The literal interpretation of the provisions of these LDRs would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.

No. These LDRs allow the installation of fences within the R-4 multi-family residential district. However, the literal interpretation of these LDRs prevents any fences, walls,
hedges of a height that exceeds two and one half (2½) feet within ten feet of the edge of the driveways leading to a public right-of-way. As such, the single-family use is subject to the R-4 development standards that governs the fence placement at a setback 10 feet from the front property line that will bifurcate the existing driveway and the front yard of the single-family residence. Under the current LDRs criteria, the fence installation could occur as prescribed by the regulations and/or possible other fence installation variations could transpire that meet the setback requirement, or even proposing no fence at all.

That said, the literal interpretation of these LDRs provisions do not accomplish the same purpose and intent of a fence located on a single-family residence in the R-1 and R-2 zoning districts. The fence regulations outside of the R-1 and R-2 districts presents the fence composition awkwardly in the middle of the front yard of a typical single-family property in the City of North Miami.

The literal interpretation of the LDRs contemplate multifamily projects in R-4 Multifamily Residential District with developments that provide medium density use, i.e. townhomes and multi-family uses, not a single-family residence. Therefore, the prescribed fence height intended for multi-family, commercial and industrial zoned are oriented to accommodate higher volume trip generate developments as not to impede ingress and egress of the site traffic the site.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.

Yes. In that, the fence will meet the minimum standards for fences in residential districts subject to R-1 Residential Estate District and R-2 Single-Family District. Whereas, in all single-family residential districts, no fence or wall shall exceed five (5) feet in height within the required front yard; provided, however, that the fence is a maximum twenty-five (25) percent opaque, and no other structures or portions of the fence shall interfere with the safe distance visibility triangle.

6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

Yes. The variance request will allow the placement of the fence on or near the front yard’s property line and an increase of the maximum allowed height of two and one-half (2.5) feet to five (5) feet. The proposed fence location and height represents the maximum permitted fence height (5 feet) within the front yard area of R-1 and R-1 district for fences that meet the minimum twenty-five (25) percent opacity. Further, as earlier stated, ninety-six (96) properties exists in the immediate area of the subject property and several of the single-family lots have fences located along the front property line. Therefore, the granting of the variance would not be injurious to the area because the proposed fence design and location is consistent with the single-family residences of the neighborhood and the City of North Miami at-large.
Additionally, the fence will be harmonious with the intent and purpose of the LDRs. In that, the proposed fence will comply with each of the LDRs standard that allows the installment of a fence within the front yard area of the single-family districts. Thus, the fence placement and height will be in harmony with existing fences located in the neighborhood and on R-1 or R-2 lot that comply with LDRs criteria.

STAFF RECOMMENDATION

In light of these findings, staff recommends approval with conditions of the requested variance to the Land development Regulations (LDRs), Article 5, Division 12, Section 5-1209(K)3, Height Limitation, to allow a five (5) foot tall fence, that is twenty-five (25) percent opaque to be located against/on the front property line and located along the eastern side property line running north thirty-five feet leading to the existing six-foot wood fence within the subject property with the following conditions:

1. That there are no spikes, spear or any exposed sharp projections part of the fence; and
2. That the applicant obtain a building permit and all necessary licenses prior to the erection of the fence.

PUBLIC NOTIFICATION/COMMENTS

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the LDRs, notification of the applicant’s request was published in the Daily Business Review, posted on the property, and mailed to property owners within a 500-foot radius of the subject property.

Mailed Written Notification: on or before April 7, 2022
Published Newspaper Notification: on or before April 7, 2022
Posted Property Notice: on or before April 7, 2022

To date, no comments were received from neighboring property owners within a 500-foot radius.

APPLICABLE LDR SECTIONS

Article 3, Division 3, Section 3-302 (A), (B) and (C): Notice;
Article 3, Division 6, Section 3-606 (A) and (B): Standards for Variances;
Article 4, Division 2, Section 4-201: Purpose of Districts;
Article 5, Division 12, Section 5-1209: Fences, walls and hedges;
Article 5, Division 12, Section 5-1210: General standards for residential and residential office districts, nonresidential districts, safety barriers for swimming pools, and barbed wire;
Article 6, Division 1: Nonconforming uses and structures; and
Article 7, Section 7-101: Definitions.

ATTACHMENTS

Exhibit A: Application
Exhibit B: Letters of Intent
Exhibit C: Survey
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  ☐ Appeal by Applicant
☐ Variance        ☐ Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:
Owner's Name: Yinney Andrade
Mailing Address: 1460 NE 132 rd.
City: North Miami  State: Florida  Zip: 33161
Phone #: 786-262-2059  E-mail Address: Yinney74@hotmail.com

APPLICANT/DUALLY APPOINTED AGENT INFORMATION:
Contact Name: Same as above
Company Name:
Mailing Address:
City:  State:  Zip:
Phone:  E-mail Address:

PROJECT INFORMATION:
Project Name: Standard Open Aluminum Fence
Address of Property: 1460 NE 132rd, North Miami, FL 33161
Folio Number(s): 406-2229-022-0800

SEX OF PROPERTY:  Building Square Footage:

LEGAL DESCRIPTION: Lot 14, block 4, "Green Oak," according to the plat thereof, recorded in plat book 46, at page 78, of the Public Records of Miami, Dade County, Florida.

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):
N/A  Date Approved:

RCVD 2/22/22
2/22/22 - O6
OWNERS LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST

(INDIVIDUAL)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Yonney Andrade, the fee owner, which is the fee owner of the property legally described below and which is the subject of the proposed request, do hereby grant limited power of attorney to Yonney Andrade to file this application for the proposed request.

LEGAL DESCRIPTION:
Lot 14, Block 4, "Green Oaks," according to the Plat thereof recorded in Plat book 46, at page 78, of the public records of Miami-Dade County, Florida.

WITNESSES:

Signature: Isaiah Valcin
Print Name: Isaiah Valcin

Signature: Yonney Andrade
Print Name: Yonney Andrade

Address: 1460 NE 132 RD N Miami FL

Sworn to and subscribed before me on the 22 day of February 2022. Affiant is personally known to me or has produced DL# A536-976-14 for identification.

Notary

Commission Expires:

Notary Public State of Florida
Isaiah C. Valcin
My Commission No 099283
Expires 03/01/2025
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

1. Affiant is the fee owner of the property that is the subject of this request.
2. The subject property is legally described as:
   Lot 14, Block 4, "Green Oaks," recorded in Plat Book 46, Page 78, of Public Records of Miami-Dade County, F.
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized ________________________________ as the applicant duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

Signature
Isaiah Valcin
Print Name

Signature
Print Name

Sworn to and subscribed before me on the ____________ day of February__________, 20____.
Affiant is personally known to me or has produced ___________________________ as identification.

Notary

Commission Expires:

Notary Public State of Florida
Isaiah C. Valcin
My Commission HH 099283
Expires 03/01/2025
Letter of Intent

Board of Adjustment (BOA)
12400 NE 8 Ave
North Miami, Florida 33161

Re: Permit for aluminum picket fence at the front gate of a residential home.

To whom it may concern,

My name is Yinney Andrade and I live at 1460 N.E. 132nd rd., North Miami, FL. In October 2021, I submitted paperwork for a permit in order to build a front gate in my home. The gate was to be an aluminum picket fence with a gate and sliding gate, with specifications of 5 feet in height and 135 feet in length. The area where the gate is to go has already been surveyed and all the specifications were submitted. There is an existing driveway where we previously had a fence that was also 5 inches tall and expanded across the front yard. Further details of this project include: (1) total fence equals to 30’ + 86’ + 30’ (2) the gate includes a swing gate that opens into the property and not the sidewalk, and (3) it is a sliding gate, it is not electric. Attached are concrete and drawn-out maps with details for your review.

This action was denied because of “Land Development Regulations, Sec- 5-1209” which states that hedges shall not exceed two and one half (2 ½) feet in height within ten (10) feet of the edge of the driveway. When I purchased this home, there was a chain-link fence in place, 5 feet tall, encompassing the same length and height as the project I am now proposing. The original chain-link fence was old, rusting, and dangerous to the touch, as well as bending in certain areas, and slowly started falling until completely detaching itself. I am asking this board to please reconsider my request to build a fence in my home so that I can have a proper fence back up and have peace of mind while living in my home.

If there is anything else I can provide to the board at this time, please do not hesitate to ask. Attached is my statement of hardship and the rest of the required paperwork.

Sincerely,

Yinney Andrade

Encls.
NOTICE OF PUBLIC HEARING

April 7, 2022

Dear Property Owner:

Notice is hereby given that the City of North Miami has received and will consider the following requests:

**SE-04-22 – TATOO PARLOR SPECIAL EXCEPTION – 1675 NE 123RD STREET**

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED TATTOO PARLOR AT THE PROPERTY LOCATED AT 1675 NE 123RD STREET WITHIN THE C-2BW COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

The Board of Adjustment will hear this request on **Wednesday, April 20, 2022 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, North Miami, FL 33161.**

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 Community Planning & Development Department, 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,

Derrick L. Cook, MBA  
Zoning Manager  
Community Planning & Development
To: The Board of Adjustment

From: Cameron Palmer, BURPL
Planner, Community Planning & Development Department

Through: Derrick Cook, MBA – Acting Director DATE: 04/20/2022

Date: March 18, 2022

SE-04-22: TATOO PARLOR SPECIAL EXCEPTION – 1675 NE 123RD STREET

APPLICATION SUMMARY

Applicant/Agent: Carlos Stiven Hernandez
Location: 1675 NE 123rd Street, North Miami, FL 33161
Land Area: 1,375 square feet
Folio Numbers: 06-2229-008-0580

Petition: A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED TATTOO PARLOR AT THE PROPERTY LOCATED AT 1675 NE 123RD STREET WITHIN THE C-2BW COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

PROJECT SUMMARY

According to Land Development Regulations (LDRs), Article 4, Division 2, Section 4-202: Types of Uses, the applicant, Carlos Stiven Hernandez, is requesting a special exception review to allow a “tattoo parlor” in an existing commercial/retail plaza. The proposed use will be located on the north side of NE 123rd Street (west of NE 123rd Street and Biscayne Blvd), within the C-2BW, Commercial zoning designation. Per Miami-Dade Property Appraiser’s record, the property area is 1,375 square feet and is being used for sale and service uses. The applicant intends to occupy 1,000 square feet of the building in its existing condition and will repurpose the space to be used as a tattoo parlor. According the Applicant’s Letter of Intent, the tattoo parlor will be open by appointment only and will have 1 employee (the applicant).
Pursuant to Article 4, Division 2, Section 4-202 of the Land Development Regulations (LDRs), tattoo parlors may be permitted within the C-2BW, Commercial District, with special exception approval by the Board of Adjustment (BOA). As such, the Applicant has filed this special exception request to the BOA in order to bring the above-described service to the City.

**BACKGROUND**

The proposed use will utilize an existing building and occupy 1,000 square feet of floor area within a commercial strip plaza along NE 123rd Street. The proposed tattoo parlor will be serviced by the existing parking spaces to the rear (north) of the building and by the parking spaces within the City’s right-of-way on 123rd Terrace.

**PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY**

None | No open code violations

**SURROUNDING LAND USE CHARACTERISTICS**

<table>
<thead>
<tr>
<th>Property</th>
<th>Future Land Use</th>
<th>Existing Zoning District</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Commercial (55 ft.)</td>
<td>C-2BW -Planned Corridor Development Overlay -North Miami Transit Station Overlay District</td>
<td>Service and Retail uses</td>
</tr>
<tr>
<td>North</td>
<td>Community Facility University (110 ft)</td>
<td>Public Use District</td>
<td>Surface parking lot</td>
</tr>
<tr>
<td>South</td>
<td>Commercial (55 ft.)</td>
<td>C-2BW -Planned Corridor Development Overlay -North Miami Transit Station Overlay District</td>
<td>NE 123rd Street</td>
</tr>
<tr>
<td>East</td>
<td>Commercial (55 ft.)</td>
<td>C-2BW -Planned Corridor Development Overlay -North Miami Transit Station Overlay District</td>
<td>Service and Retail uses</td>
</tr>
<tr>
<td>West</td>
<td>Commercial (55 ft.)</td>
<td>C-2BW -Planned Corridor Development Overlay -North Miami Transit Station Overlay District</td>
<td>Open space, Service and Retail uses, restaurant uses</td>
</tr>
</tbody>
</table>

The subject property is located on the north side of NE 123rd Street, bordered by NE 123rd Terrace and a surface parking lot and open space area to the north. Immediately east of the subject property are existing retail, service, and commercial uses, to the west is an open space parcel that is part of the adjacent animal hospital with further retail and restaurant uses to the west, to the south is NE 123rd Street automotive service, retail, and service uses.
The subject property is zoned C-2BW, Commercial District. The purpose of C-2BW district is to designate areas appropriate for business, office, retail, service uses, light industrial and other commercial enterprises. Figures 1 and Figure 2 illustrate the zoning map and an aerial image of the subject property and its surroundings, respectively.

Figure 1: North Miami Zoning Map
Figure 2: Aerial Image
CONSISTENCY WITH THE NORTH MIAMI 2036 COMPREHENSIVE PLAN

Commercial – The areas designated as Commercial on the City’s adopted Future Land Use Map (FLUM) are intended to promote economic activity, but other land uses such as community facilities, including school and places of worship, schools, and light industrial uses may also be appropriate. Uses permitted in areas classified Residential are as follows:

1. Retail uses, including restaurants.
2. Office and business uses.
3. Professional offices and businesses.
4. Community facilities such as schools, museums, places of worship, child and adult day care centers, nursing homes, governmental administration, police and fire protection facilities, and libraries.
5. Passive parks and open space.
6. Nonprofit neighborhood social and recreational facilities.
7. Light industrial uses.

The applicant’s proposed tattoo parlor is a permitted use in the Commercial land use designation through a special exception review and approval by the Board of Adjustment (BOA). The proposed tattoo parlor will contribute to the existing commercial uses along NE 123rd Street and does not seek to increase the existing height or intensity of the site. The proposed use is not anticipated to create adverse parking and transportation effects. As such, the proposed use contributes to the healthy and diverse economic activity encouraged in this designation while focusing new uses along a transit supportive major roadway corridor.

The applicant’s special exception request conforms to the goals, objectives, and policies of the Comprehensive Plan that supports a variety of commercial uses within the designation.

COMPLIANCE WITH THE CITY OF NORTH MIAMI LDRs

Criteria for granting special exceptions according to Article 3, Division 5, Section 3-504 of the LDRs provide authority to the BOA to hear and grant or deny applications for special exceptions. In evaluating an application for such a request, the BOA shall find that the application demonstrates compliance with the following standards:

A. The use is a listed special exception in the district where the property is located.
B. There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks to assure the public safety and to avoid traffic congestion.
C. There are adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.
D. There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.
E. The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.
F. The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.

G. No open code violations or unpaid code enforcement fines exist.

ANALYSIS

A review of the applicant’s request was performed using a six-prong test based on the standards noted above, as outlined in Section 3-504 of the LDRs. The request is found to comply with all such applicable standards, as demonstrated below.

✔ Is the use a listed special exception in the district where the property is located?

Yes. The Type of Uses chart provided in Article 4, Division 2, Section 4-202 of the LDRs lists, “Tattoo Parlor/Body Piercing” as a use that is permitted through special exception review and approval by the BOA in the C-2BW, Commercial District.

✔ Is there appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion?

Yes. There is full frontal access to the existing development along NE 123rd Street. The existing spacing has been suitable for two-way circulation. The applicant has not proposed any redevelopment works to the exterior areas. Accordingly, the existing sidewalk, parking areas, and entrance will maintain its current condition.

✔ Are there adequate parking areas and off-street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation?

Yes. Pursuant to LDRs, Article 5, Division 14, Section 5-1402: Schedule of Required Parking, the minimum required parking spaces for, “Retail sales and Services” shall be 1 space for each 300 square feet of floor area. Accordingly the proposed tattoo parlor at 1,000 square feet necessitates 3 parking spaces. There are approximately 34 parking spaces on-site shared with other commercial, retail, and service uses (to the rear of the building) and 26 parking spaces off-site (within the 123rd right-of-way parking area).

The proposed tattoo parlor will be located in an existing commercial/retail building with parking to the rear of the building on-site and off-site parking within dedicated parking areas within the City’s right-of-way along 123rd Terrace. The tattoo parlor, as per the Applicant’s letter of intent, will have 1 employee and operate by appointment. Accordingly, the new use is not anticipated to create an increased demand on the existing parking and transportation network due to the size and nature of the proposed use. The existing parking
spaces that were allocated for the commercial uses of the plaza will be used to accommodate the patrons of tattoo parlor.

- Is there suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.

  The adjacent land uses are similar non-residential and public uses and therefore no landscaping buffering is required.

- Is the proposed special exception reasonable in terms of logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation?

  Yes. All basic public services, such public water, sewers, police and fire protection are readily available and currently serve the property at the appropriate level-of-service. The proposed use will not require an extension of the public water and sewer lines and will not negatively impact the transportation system.

- Will the proposed special exception constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood?

  Yes. Tattoo parlors are an allowable use in the LDRs and are deemed to be generally suitable for location in the C-2BW District. Such uses may be permitted on a case-by-case basis after review and possible attachment of conditions by the BOA, pursuant to the procedures and criteria of Article 3, Division 5, Section 3-504 of the LDRs. The requested special exception clearly constitutes an appropriate use for this commercial section of the City and is harmonious with the existing and planned context for the area. This development is not anticipated to adversely impact or detract from the use of the surrounding properties or diminish the character of the areas.

- No open code violations or unpaid code enforcement fines exist.

  No open code violations or unpaid fines exist for the subject property.

**STAFF RECOMMENDATION**

In light of these findings, staff recommends **approval** of the requested special exception use in accordance to Article 3, Division 5, Section 3-504: Standards of Approval of the Land Development Regulations (LDRs), to allow a tattoo parlor on the subject property with the following conditions:

1. That the applicant obtain the appropriate building permits for any remodel of the interior space, where applicable;
2. That the applicant obtain a Certificate of Use (CU) and Business Tax Receipt (BTR) prior to opening the proposed business; and
3. That the applicant comply with all local, state, and federal regulations.

PUBLIC NOTIFICATION/COMMENTS

In accordance with Subsections (A), (B) and (C) of Article 3, Division 3, Section 3-302 of the LDRs, notification of the applicant’s request was published in the Daily Business Review, posted on the property, and mailed to property owners within a 500-foot radius of the subject property.

Mailed Written Notification: on or before April 7, 2022
Published Newspaper Notification: on or before April 7, 2022
Posted Property Notice: on or before April 7, 2022

To date, no comments were received from neighboring property owners within a 500-foot radius.

APPLICABLE LDR SECTIONS

Article 3, Division 2: General Development Review Procedures
Article 3, Division 3, Section 3-302 (A), (B) and (C): Notice;
Article 3, Division 5, Section 3-504: Standards for Approval;
Article 4, Division 2, Section 4-201, 4-202 & 4-203: Zoning Districts;
Article 5, Division 14: Parking and Loading; and
Article 7, Section 7-101: Definitions.

ATTACHMENTS

Exhibit A: Application
Exhibit B: Letter of Intent
Exhibit C: Floorplan
NORTH MIAMI
FLORIDA

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: Lazaro Amoral
Mailing Address: 501 SW 3rd Ave
City: Miami State: FL Zip: 33135
Phone #: 786-216-6859 E-mail Address: lazaro@lazaroamoralart.com

APPLICANT/DUTY APPOINTED AGENT INFORMATION:
Contact Name: Carlos Steven Hernandez
Company Name: Hernandez Tattoo Corp
Mailing Address: 1435 NE 171st St North Miami
City: North Miami State: FL Zip: 33161
Phone: 305 249 6187 E-mail Address: HernandezTattooBooking@Gmail.com

PROJECT INFORMATION:
Project Name: Tattoo Shop
Address of Property: 1435 NE 123 St
Folio Number(s): 22-0070 - 008 - 0580

Size of Property: 1,375 sq ft Building Square Footage: 535 sq ft for space

LEGAL DESCRIPTION: 22596-0460 08 2004

PREVIOUS APPROVALS:
Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):
☐ N/A
☐ N/A
Date Approved: __________
Date Approved: __________

RWD 2/18/22
By Zoning Clerk
OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST
(INDIVIDUAL)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

1. LABARO AMARAR, the fee owner, which is the fee owner of the property legally described below and which is the subject of the proposed request, do hereby grant limited power of attorney to CARLOS HERNANDEZ, to file this application for the proposed request.

LEGAL DESCRIPTION:


WITNESSES:

Signature

Print Name

Signature

Print Name

Sworn to and subscribed before me on the 18th day of February 2022. Affiant is personally known to me or has produced FL DL # AS1234520 as identification.

Notary

Commission Expires:

Notary Public State of Florida
Isaiah C. Valcin
My Commission HH 099263
Expires 03/01/2025
OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

1. Affiant is the fee owner of the property that is the subject of this request.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized ___Lazaro Amaral___ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

Signature
Isaac Valon
Print Name

Signature
Print Name

Sworn to and subscribed before me on the __18__ day of __February__ 2022__ as identification.

Notary

Commission Expires:

Notary Public State of Florida
Isaac C. Valcin
My Commission HH 099283
Expires 03/01/2025
LEASE

THIS LEASE ("Lease") is made as of the 22nd day of December, 2021 ("Date of Lease"), by and between Lazaro Amaral and The Amaral Revocable Living Trust (collectively "Landlord"), and Hernandez Tattoo, Corp ("Tenant").

I. BASIC LEASE PROVISIONS AND DEFINITIONS

1.1 Premises. A commercial space described as 1675 NE 123rd St., North Miami, Florida 33181, consisting of approximately 535 interior square feet under air, as outlined on Exhibit A attached hereto and made a part hereof.

1.2 Building. The building in which the Premises is located.

1.3 Intentionally Omitted.

1.4 Intentionally Omitted.

1.5 Common Area. All areas from time to time designated by Landlord for the general and nonexclusive common use or benefit of Tenant, other tenants of the Building, and Landlord, including, without limitation, roadways, entrances and exits, loading areas, landscaped areas, open areas, park areas, service drives, walkways, atriums, courtyards, concourses, ramps, hallways, stairs, washrooms, lobbies, elevators, common trash areas, vending or mail areas, common pipes, conduits, wires and appurtenant equipment within the Building, maintenance and utility rooms and closets, exterior lighting, exterior utility lines, and Parking Facilities.

1.6 Parking Facilities. There is one parking space for the Premises behind the Premises.

1.7 Size of Premises. The size of the Premises, including the Building, are deemed to be the amounts set forth in this Article I and described in Exhibit A. Landlord and Tenant stipulate and agree that the size of the Premises and, Building are correct and shall not be remeasured.

1.8 Permitted Use. Tenant may use the Premises subject to and in accordance with the terms, covenants and conditions set forth in this Lease, and applicable governmental regulations, restrictions and permitting (without the necessity of obtaining any zoning changes, conditional use permits or other special permits), solely for a tattoo studio.

1.9 Delivery Date and Commencement Date. The Premises is to be delivered to Tenant ("Delivery Date") by January 3rd, 2022. The commencement date of this Lease, which includes the commencement of Tenant’s obligation to pay rent ("Commencement Date") is January 3rd, 2022.

1.10 Expiration Date. The date that is twenty-four (24) months following the Commencement Date.
Date of this notice: 05-20-2021
Employer Identification Number: 86-3979232
Form: SS-4
Number of this notice: CP 575 A
For assistance you may call us at: 1-800-829-4933
IF YOU WRITE, ATTACH THE STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-3979232. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1120 04/15/2022

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, Accounting Periods and Methods.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, Entity Classification Election. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, Election by a Small Business Corporation.
If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, Electronic Choices to Pay All Your Federal Taxes. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents (payroll service providers) are available to assist you. Visit the IRS Web site at www.irs.gov for a list of companies that offer IRS e-file for business products and services. The list provides addresses, telephone numbers, and links to their Web sites.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

* Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.

* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.

* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is HERN. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.
Keep this part for your records.

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 A

9999999999

DATE OF THIS NOTICE: 05-20-2021
EMPLOYER IDENTIFICATION NUMBER: 86-3979232
FORM: SS-4
NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

HERNANDEZ TATTOO CORP
1485 NE 121 STREET APT D112
NORTH MIAMI, FL 33181
STATE OF FLORIDA
DEPARTMENT OF HEALTH
Tattooing Artist License

13-44-1856690

Issued To: Hernandez Nieves, Carlos Stiven
1485 NE 121 Street
North Miami, FL 33161

Mail To: Carlos Stiven Hernandez Nieves
1485 NE 121 Street
North Miami, FL 33161

Owner: Hernandez Nieves, Carlos Stiven

Tattooing - Artist

County: Dade
Amount Paid: $60.00
Date Paid: 10/14/2021
Issued Date: 12/01/2021
Expires On: 11/30/2022

Issued By:
Department of Health in Dade County

(305) 623-3500

Original Customer: Hernandez Nieves, Carlos Stiven (NON-TRANSFERABLE)
DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE

STATE OF FLORIDA
DEPARTMENT OF HEALTH
Tattooing Artist License

13-44-1856690

Issued To: Hernandez Nieves, Carlos Stiven
1485 NE 121 Street
North Miami, FL 33161

Mail To: Carlos Stiven Hernandez Nieves
1485 NE 121 Street
North Miami, FL 33161

Owner: Hernandez Nieves, Carlos Stiven

Tattoos - Artist

County: Dade
Amount Paid: $60.00
Date Paid: 10/14/2021
Issued Date: 12/01/2021
Expires On: 11/30/2022

Issued By:
Department of Health in Dade County

(305) 623-3500
Body Art Training Group

Awards this
Certificate of Completion

to

Carlos Stiven Hernandez Nieves

Bloodborne Pathogens and Communicable Diseases

This training is approved by the Florida Department of Health for tattoo artist licensure under section 381.0775, F.S. and Chapter 61J2-28, F.A.C

Who has successfully completed the above training and has achieved a minimum of seventy percent (70%) on the final exam.

No. 4057 13 13 08 2021

Cruise Completed: 13 Aug 2021

Validate at:

Kathryn laughter, D.S., BSN, RN,
OSHA-Approved General Industry
Tuitner No. 31-4079188
Lucy Hartman, RN, PHN

Course Completed: 13 Aug 2021
Local Business Tax Receipt
Miami–Dade County, State of Florida

7334115

BIZN CEE NAME/L.OCAUTION
HERNANDEZ TATTOO CORP
1875 NE 123RD ST
NORTH MIAMI, FL 33181-2702

RECEIPT NO.
NEW BUSINESS
7626325

EXPIRES
SEPTEMBER 30, 2022

Must be displayed at place of business
Pursuant to County Code
Chapter 8A – Art. 9 & 10

OWNER
HERNANDEZ TATTOO CORP
C/O CARLOS STEVEN HERNANDEZ
PRFR
Employee(s) 1

SEC. TYPE OF BUSINESS
213 TATTOO STUDIO

PAYMENT RECEIVED
BY TAX COLLECTOR
45.00 01/18/2022
0202-22-001621

This Local Business Tax Receipt only confirms payment of the Local Business Tax. The Receipt is not a license, permit, or a certification of the holder’s qualifications, to do business. Holder must comply with any governmental or non-governmental regulatory laws and requirements which apply to the business.

The RECEIPT NO. above must be displayed on all commercial vehicles – Miami–Dade Code Sec 8a-276.

For more information, visit www.miamidade.gov/taxcollector
MIAMI-DADE FIRE RESCUE DEPARTMENT
FIRE PREVENTION DIVISION
9300 NW 41ST STREET, DORAL, FLORIDA 33178-2424
(786) 331-4800

ANNUAL OPERATING PERMIT

No. 22126-00125
Expires: February 28, 2023

Permit Use
Business Offices

Issued To
HERNANDEZ TATTOO CORP

Located At
1675 NE 123 RD
NORTH MIAMI, FL 33161

This Permit is issued in accordance with Section 14-39 of the Miami-Dade County code under conditions set forth therein. Violations of the aforementioned will be grounds for immediate revocation.

Chief Darren A. Williams, Fire Marshal
Miami-Dade Fire Rescue Department

Printed: 1/20/2022
STATE OF FLORIDA
DEPARTMENT OF HEALTH
Tattooing Establishment License

13-44-2446837

Tattooing - Fixed Location

Issued To: Hernandez Tattoo Corp
1675 NE 123 Road
Miami, FL 33161

Mail To: Carlos Stiven Hernandez
1485 NE 121 Street
Miami, FL 33161

Owner: Hernandez, Carlos Stiven

County: Dade
Amount Paid: $200.00
Date Paid: 01/13/2022
Issued Date: 01/21/2022
Expires On: 01/20/2023

Issued By:
Department of Health in Dade County

(305) 623-3500

Original Customer: Hernandez Tattoo Corp (NON-TRANSFERABLE)
DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE

STATE OF FLORIDA
DEPARTMENT OF HEALTH
Tattooing Establishment License

13-44-2446837

Tattoos - Fixed Location

Issued To: Hernandez Tattoo Corp
1675 NE 123 Road
Miami, FL 33161

Mail To: Carlos Stiven Hernandez
1485 NE 121 Street
Miami, FL 33161

Owner: Hernandez, Carlos Stiven

County: Dade
Amount Paid: $200.00
Date Paid: 01/13/2022
Issued Date: 01/21/2022
Expires On: 01/20/2023

Issued By:
Department of Health in Dade County

(305) 623-3500
SERVICE AGREEMENT

Effective Date: 01/11/2022

Customer name: Hernandez Tattoo Corp

Service locations: 1675 NE 123 Rd, North Miami FL 33161

Phone number: 210-969-5842

Email/Fax: hernandeztattoo.booking@gmail.com

Contact: Carlos Hernandez

For and in consideration of the mutual promises herein contained, MEDICAL WASTE MANAGEMENT CORP., hereafter referred to as Contractor and Hernandez Tattoo Corp., hereafter referred to as Customer, agree as follow:

DISPOSAL SERVICE: Contractor will collect all Customer generated biohazardous waste in approved containers supplied by Contractor. Customer is responsible for sealing red bags securely within box provided and complying with all federal, state and local regulations. Contractor has the right to refuse any package not sealed, improperly packaged, overweight, leaking, damaged or known to contain corrosive, reactive or radioactive substances.

CUSTOMER RESPONSIBILITY AND LIABILITIES: Customer warrants that waste delivered or surrendered to MEDICAL WASTE MANAGEMENT CORP. will not contain any hazardous or toxic waste as defined by federal, state or local regulations and assumes for the same.

CONTRACTOR RESPONSIBILITIES AND LIABILITIES: Medical Waste Management Corp. shall indemnify and hold Customer harmless from any liabilities arising from the gross negligence of the Contractor. Responsibilities for transportation of Regulated Medical Waste collected from Customer shall transfer to Contractor at the time it is loaded on Contractor’s vehicle. Contractor will provide Customer a copy of pick-up manifest and upon transporting and incinerations, a copy of Certificate of Destruction. Contractor is covered in its operations with complete insurance coverage, and all permits and licenses as required by local, state and federal regulations. Copies are available upon request.

BINDING EFFECT: This agreement shall be legally binding on the part of both Medical Waste Management Corp. and the Customer in accordance with the terms and conditions set out herein.

TERM: The term of this agreement shall be twelve months. Fees are due at the end of the billing cycle. Contractor and Customer shall have the right to terminate this agreement at the end of the initial term or any successive term, with 90 days’ written notice. After the initial term and any successive term, if notice is not given, contract is automatically renewed for additional successive term. If Customer breaches this agreement Contractor has the right to, and Customer agrees to pay liquidated damages of 50% of the Customer’s average monthly charge multiplied by the number of months remaining on this agreement plus legal fees.

EXCUSED PERFORMANCE: Neither party shall be liable for failure to perform due to contingencies beyond its reasonable control, such as strikes, riots, fires or acts of God.

ASSIGNMENTS: This agreement shall be binding on the parties and their successors and assigns.

SERVICE SCHEDULE: Weekly, Biweekly, Every 28 days. Additional pickups at standard rate available upon request.

RATES: $35 per 15/30 gal box.
$9 per 2 gal sharp (as needed)
$10 per month for compliance training (optional)

Contractor: Medical Waste Management Corp.
Print Authorized Name: Daniel Fernandez
Authorized signature

Customer: Stiven Hernández
Print Authorized Name: Hernandez tattoo
Carlos stiven Hernández 01/12/22
Authorized signature, Title & Date
February 17, 2022

To whom it may concern,

I, Carlos Stiven Hernandez Nieves, owner of Hernandez Tattoo Corp., hereby certify that I am requesting approval for a tattoo shop at the location 1675 NE 123rd St North Miami, FL 33181, which I have already signed the lease for 2 years. I have worked as a tattoo artist for the past 10 years in other tattoo shops. In the past 4 years I have traveled to many states for competitions and I have won numerous international awards. I have gained experience from all of my traveling. I am now ready to open my own tattoo shop and my shop would be an asset to the city of North Miami. My tattoo shop will have the best equipment and sanitation available to make sure that clients have the safest experience. As an artist I take pride in what I do and offer the most professional service to all of my clients. There will be no other services offered at my shop, I will only be performing tattoo's on my clients.

Sincerely,

[Signature]