

**CITY OF MIAMI SPRINGS, FLORIDA
MIAMI SPRINGS CITY COUNCIL**

IN RE 200 N. ESPLANADE DRIVE
RESOLUTION NO. 2025 – 4280

MICHELLE FERREIRA,

Appellant,

vs.

CITY OF MIAMI SPRINGS,
a Florida municipal corporation,

and

JOVANY JIMENEZ and AMBAR
SARA PREVAL,

Appellees.

NOTICE OF APPEAL

NOTICE IS GIVEN THAT Appellant, Michelle Ferreira, hereby appeals to the Miami Springs City Council, sitting as a Board of Appeals, the City Council's Final Order affirming the case recommendation of the Board of Adjustment, memorialized in Resolution No. 2025 – 4280, rendered on May 1, 2025. This Notice of Appeal is filed pursuant to Section 150-113(B)(1)(b)(ii) of the City of Miami Springs Code of Ordinances. A copy of the Final Order is attached to this Notice as **Exhibit A**.

This Notice of Appeal has been filed today with the City Clerk of the City of Miami Springs, Florida.

Dated: May 5, 2025

Respectfully submitted,

AKERMAN LLP

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Attorneys for Appellant, Michelle Ferreira

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing document was served on May 5, 2025, electronically via email to the following:

Erika Gonzalez-Santamaria, MMC
City Clerk
City of Miami Springs
Office of the City Clerk
201 Westward Drive
Miami Springs, FL 33166
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By: /s/ Kristofer D. Machado
Kristofer D. Machado, Esq.

EXHIBIT A

RESOLUTION NO. 2025 – 4280

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AFFIRMING A RECOMMENDATION OF THE CITY'S BOARD OF ADJUSTMENT TO DENY AN APPEAL BY MICHELLE FERREIRA, THE OWNER OF THE REAL PROPERTY LOCATED AT 300 FALCON AVENUE, MIAMI SPRINGS, FLORIDA 33166, AND AFFIRM THE CITY ADMINISTRATIVE OFFICIAL'S DETERMINATION RELATING TO A SETBACK AT 200 NORTH ESPLANADE DRIVE; PROVIDING FOR FINAL ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 25, 2024, Michelle Ferreira, (the "Applicant") the owner of the real property located at 300 Falcon Avenue, Miami Springs, Florida 33166, filed an appeal (the "Appeal") pursuant to Section 150-111 of the City of Miami Springs (the "City") Code of Ordinances (the "Code") challenging an administrative determination relating to setbacks at a neighboring property located at 200 North Esplanade Drive, as legally described in Exhibit "A" attached hereto and incorporated herein by reference (the "Esplanade Property") and requesting that the City revoke building permit number RES21-1143 and issue a stop work order to enjoin the improvements proposed by the owners of the Esplanade Property; and

WHEREAS, Section 150-111(B)(1) of the City Code provides that the City's Board of Adjustment has, among other duties and powers, "the ability to hear and decide appeals where it is alleged there is any order, requirement, decision, or determination made by the administrative official in the enforcement of [Chapter 150 of the City Code]"; and

WHEREAS, Section 150-113 of the City Code provides that all case recommendations of the Board of Adjustment shall be reviewed at the next regular City Council meeting following the rendering of the Board's case recommendation, at which time the City Council shall either affirm the Board's recommendation or request a further meeting to be conducted on the recommendation with the City Council sitting as a Board of Appeals; and

WHEREAS, Section 150-113 of the City Code further provides that a motion to affirm the case recommendation of the Board of Adjustment shall constitute final City Council action on each case unless an Appellant, as defined therein, files a written "notice of appeal" with the City Clerk within 10 business days following the rendering of any case decision by the City Council; and

WHEREAS, the City initially scheduled the Appeal for a hearing before the City's Board of Adjustment on February 19, 2025 and the City Council on February 24, 2025 and provided notice of the hearings to the Applicant, the owners of the Esplanade Property (Ambar Sara Preval and Jovany Jimenez), and the public; and

WHEREAS, the City’s Planning Director reviewed the Appeal and prepared a Staff Report (the “Staff Report”); and

WHEREAS, on February 19, 2025, the City’s Board of Adjustment was scheduled to hold a hearing on the Appeal, however only 3 of the 5 Board members were present and the Applicant requested a postponement of the hearing to a date certain of February 26, 2025 in order to have a full Board present; and

WHEREAS, the City re-noticed the Appeal for a hearing before the City’s Board of Adjustment on February 26, 2025 and the City Council on March 10, 2025 and provided notice of the hearings to the Applicant, the owners of the Esplanade Property (Ambar Sara Preval and Jovany Jimenez), and the public; and

WHEREAS, on February 26, 2025, the City’s Board of Adjustment held a duly noticed public hearing on the Appeal, considered argument from the Applicant and the City, considered the record including the Appeal and the Staff Report, and based upon competent substantial evidence in the record¹, recommended that the Appeal be denied and that the administrative official’s decision from which the Appeal was taken be affirmed for the reasons presented in the Staff Report and in the hearing; and

WHEREAS, on March 10, 2025, the Applicant and the City Staff requested and the City Council approved a joint continuance of the City Council’s consideration of the Board of Adjustment’s recommendation to April 28, 2025; and

WHEREAS, on April 28, 2025, the City Council considered the Board of Adjustment’s recommendation and affirmed the case recommendation of the Board; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Affirming Board of Adjustment’s Recommendation. That the City Council hereby affirms the Board of Adjustment’s recommendation that the Appeal be denied and that the City’s Administrative Official’s decision from which the Appeal was taken be affirmed. The City’s Administrative Official’s decision provides that:

- a. The location of the front yard of the Esplanade Property is on Falcon Avenue; and
- b. The yard of the Esplanade Property adjacent to the Applicant’s Property is a side yard.

¹ Copies of the Appeal, Staff Report, the transcript from the February 26, 2025 Board of Adjustment hearing, and the exhibits received at the Board of Adjustment hearing from the Applicant and the City are all on record with the Office of the City Clerk.

Section 3. Final Order. The City Council's motion to affirm the case recommendation of the Board of Adjustment constitutes final City Council action on the Appeal unless a written notice of appeal is filed with the City Clerk within 10 business days following the rendering of any case decision by the City Council in accordance with Section 150-113(B)(1)(b) of the City Code. Further appeals from any final decisions of the City Council in regard to any case recommendation of the Board of Adjustment shall be maintained in accordance with the applicable appellate rules and procedures established by the laws of the State of Florida.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Jorge Santin who moved its adoption. The motion was seconded by Councilman Fabian Perez-Crespo and upon being put to a vote, the vote was as follows:

Vice Mayor Jorge Santin	<u>Yes</u>
Councilman Joseph Dion	<u>Yes</u>
Councilman Orlando Lamas	<u>Abstained</u>
Councilman Fabian Perez-Crespo	<u>Yes</u>
Mayor Dr. Walter Fajet, Ph.D.	<u>Yes</u>

PASSED AND ADOPTED this 28th day of April, 2025.



DR. WALTER FAJET, PH.D.
MAYOR

ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



This Resolution has been rendered in the Office of the City Clerk this 1st day of May, 2025.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.
CITY ATTORNEY

EXHIBIT A

Southeasterly ½ of Lots 1 and 2, Block 58, CINEMA PARK ADDITION TO THE COUNTRY CLUB ESTATES, according to the Plat thereof as recorded in Plat Book 17, Page 2, of the Public Records of Miami-Dade County, Florida

Property Address: 200 N. Esplanade Drive, Miami Springs, Florida 33166