

# BOARD OF ADJUSTIVENT

TUESDAY, AUGUST 9, 2016 6:30 P.M.

CITY HALL - COUNCIL CHAMBERS



# CITY OF MIAMI SPRINGS, FLORIDA

#### **BOARD OF ADJUSTMENT**

Chairman Manuel Pérez-Vichot Vice Chair Ernie Aloma Board member Bob Calvert Board member Martin L. Marquez Board member Juan Molina Alternate Alejandro J. Gonzalez

#### **AGENDA**

Regular Meeting
Tuesday, August 9th, 2016
6:30 p.m.
City Hall - Council Chambers
201 Westward Drive – Miami Springs

- 1. CALL TO ORDER AND ROLL CALL
- 2. APPROVAL OF MINUTES OF REGULAR MEETING
  - A) June 6, 2016
- 3. SWEARING IN OFF ALL WITNESSES
- 4. **NEW BUSINESS** 
  - A) CASE # 06-V-16 ENNA ALCAINE 919 HUNTING LODGE DRIVE R-1A, RESIDENTIAL SINGLE FAMILY

Applicant is seeking a variance in order to construct an addition that continues the existing non-conforming side yard setback of the residence for a new addition to a single family home.

B) CASE # 08-V-16
MELISSA & RICHARD BENNETTI
1171 NIGHTINGALE AVENUE
R1-B, RESIDENTIAL SINGLE FAMILY

Applicant is seeking a variance in order to construct an addition that continues the existing non-conforming side yard setback of the residence for a new addition to a single family home.

## 5. OLD BUSINESS

None.

## 6. ADJOURNMENT

The decisions of the Board of Adjustment may be appealed to the Board of Appeals pursuant to Code Section 150.113. Any person appealing any decision may need to ensure that a verbatim record is made of the proceedings, which record includes the testimony and evidence upon which the appeal is made. (F.S. 286.0105)



# City of Miami Springs, Florida

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Monday, June 6, 2016 in the Council Chambers at City Hall.

# 1) Call to Order/Roll Call

The meeting was called to order at 6:30 p.m.

The following were present: Chairman Manuel Pérez-Vichot

Vice Chair Ernie Aloma

Bob Calvert Juan Molina

Martin L. Marquez Alejandro Gonzalez

Also present: Councilwoman Roslyn Buckner

City Attorney Jan K. Seiden

Zoning and Planning Director Chris Heid

Board Secretary Juan D. Garcia

Chair Pérez-Vichot welcomed new Board member Martin Marquez to the Board. Chair Pérez-Vichot then instructed Board Secretary Garcia to send former Board member Bill Tallman a note of gratitude for his compassion and years of service to the City of Miami Springs Board of Adjustment/ Zoning and Planning Board.

# 2) Approval of Minutes

The minutes for the April 4, 2016 meeting were approved as written.

Board member Molina moved to approve the minutes as written. Vice Chair Aloma seconded the motion, which passed unanimously 4-0 on voice vote. The vote was as follows: Board member Molina, Board Alternate Gonzalez, Vice Chair Aloma, and Chair Pérez-Vichot voting Yes.

# 3) Swearing In of All Witnesses and Zoning and Planning Director:

Board Secretary Garcia swore in the Zoning and Planning Director, the applicants or representatives of the applicants who would testify should the Board have any questions.

## 4) New Business:

A) Case # 04-V-16 SANDRA VITTERI AND FABIAN MALDONADO 914 IBIS AVENUE Zoning: R-1B. RESIDENTIAL SINGLE FAMILY

Lot Size: 9,448 SQ. FT

The applicant is seeking a variance from Section 150-042 (E)(1) in order to construct an addition to an existing single family home that would continue the existing non-conforming side yard setback of the residence.

Zoning and Planning Director Heid read his recommendation to the Board. While reading the recommendation, Zoning and Planning Director Heid noted that the plans did not show a roof on the addition that is being requested. Zoning and Planning Director also added a requirement for the air conditioning unit to be in the rear yard and not the side yard as indicated in the plans submitted. He asked the applicant if this would be reroofed, and if so, for the plans to reflect that before it is brought to Council.

The applicant, Sandra Vitteri of 914 Ibis, responded that the room will be reroofed, the air conditioning unit moved to the rear yard and that the plans would be revised to show the changes.

Zoning and Planning Director Heid stated that due to the addition that is being requested, the house would need to have an additional parking space added for a third car. This is a requirement that will be added to the recommendation.

Board member Marquez asked if the parking space that is being added needed to be paved or if it could be made from other materials. Zoning and Planning Director Heid responded that in this case he would require for it to be pavement so that it is consistent to the parking spaces that are existing.

Chair Pérez-Vichot asked if there were any other comments from members of the Board or the audience. There were no comments at this time.

Board member Molina moved to approve the variance requested with the six conditions listed in the Zoning and Planning Director's recommendation. Board member Calvert seconded the motion, which passed unanimously 5-0 on voice vote. The vote was as follows: Board member Calvert, Board member Molina, Board member Marquez, Vice Chair Aloma, and Chair Pérez-Vichot voting Yes.

City Attorney Seiden advised the applicant of the 10 day appeal period.

B) Case # 05-V-16 AQ GROUP, LLC 650 DE SOTO DRIVE Zoning: NW36, NW 36<sup>TH</sup> STREET DISTRICT Lot Size: 102.352 SQ. FT

Chair Pérez-Vichot abstained from any discussion or voting (attached is Form 8B Memorandum of Voting Conflict). Vice Chair Aloma served as Chairman at this time.

The applicant is requesting a variances in ordered to construct an 80,170 square foot, five story hotel with 122 rooms on an existing surface parking lot at 650 De Soto Drive, in the NW 36 Street Zoning District.

Variances requested are as follows:

- 1. Requests variance from Section 150-016 (E)(6), Parking, to waive 19 of the 121 required vehicular parking spaces. (Provision of 102 parking spaces proposed).
- 2. Requests variance from Section 150-176, Off Street Parking Appendix, to waive one (1) foot of the minimum required aisle width of 23 feet. (Aisle width of 22 feet proposed).
- 3. Requests variance from Section 150-164 (E)(1), Height Limitations, to exceed by one (1) story, the maximum permitted four (4) stories. (A five story building proposed).

Before reading his recommendation, Zoning and Planning Director Heid reminded the Board member that this was a project that was previously recommended favorably by the Board of Adjustment and approved by the City Council. He added that the applicant had one year to obtain a building permit, however prior the expiration of that one year period the applicants came in for a six month extension, which was also approved by the Board and City Council. The applicants are in front of the Board again in order to be reapproved. Zoning and Planning Director Heid also noted that the one year period that is given to applicants to obtain a building permit is extremely short and is something he hopes to discuss changing with the City Council, as well as the Board.

Zoning and Planning Director Heid read his recommendation to the Board.

Discussion ensued as to why to the applicant had to appear in front of the Board for a project that was already approved. Vice Chair Aloma asked if the applicants were to submit an affidavit stating that the variance request that is being submitted is exactly the same as what was requested previously, could the Board vote to approve the variance again. City Attorney Seiden explained that the language of the code states that after the six month extension expires the variance that was granted then becomes null and void.

Board member Molina asked the applicant if the requested variances were the same as the variances that were granted by the Board and approved by Council.

The applicant, Domingo Ansereo of AQ Group, LLC responded that they request is the same as the variances that were previously granted.

Zoning and Planning Director wanted to make it clear that the Board was voting on an entirely new approval, granting the applicant and additional year with the opportunity to request a six-month extension.

Vice Chair Aloma asked if there were any comments from the audience or any Board member. There were no comments at this time.

Board member Molina moved to approve the variances with the four conditions that were listed in the Zoning and Planning Director's recommendation. Board member Calvert seconded the motion, which passed 4-1 on voice vote. The vote

was as follows: Board member Calvert, Board member Molina, Board Alternate Gonzalez and Vice Chair Aloma voting Yes; Board member Marquez voting No. Chair Pérez-Vichot abstained from voting.

City Attorney Seiden advised the applicant of the 10 day appeal period. He added that this item will be brought before council for their review.

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6)	Adjournment
There p.m.	was no further business to be discussed and the meeting was adjourned at 6:52
Respe	ectfully submitted:
Board Adopte	D. Garcia Secretary  ed by the Board on, 2016.
Manny	Perez-Vichot, Chair

"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council".

Words -stricken through- have been deleted. Underscored words represent changes.

5)

Old Business: None.

All other words remain unchanged.

# VARIANCE CASE NO. 06-V-16

# **ENNA ALCANINE**

# 919 HUNTING LODGE DRIVE

BOARD OF ADJUSTMENT MEETING: 08-09-2016

# CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive Miami Springs, FL 33166-5289 Phone: (305) 805-5030 Fax: (305) 805-5036

#### **MEMORANDUM**

**TO:** Board of Adjustment

**FROM:** Christopher Heid, City Planner

**DATE:** August 9, 2016

**SUBJECT:** Application for Variance

**CASE #** 06-V-16

**APPLICANT:** Enna Alcaine

ADDRESS: 919 Hunting Lodge Drive

**ZONING DISTRICT:** R-1A, Single Family Residential

**REQUEST:** The applicant is seeking a variance from Section 150-041 (E)(1) in order to construct an addition to an existing single family home that would continue the existing non-conforming side yard setback of the residence for a new addition, as follows:

1. Requests variance from Section 150-041 (E)(1) to waive 1' 10" (one foot ten inches) of the minimum required side yard setback of 7' 6" (seven feet six inches). (Side yard setback of 5' 8" (five feet eight inches) proposed).

**THE PROPERTY:** The property is rectangular in shape, with 75 feet of frontage on Hunting Lodge Drive and a depth of 190 feet, for a total lot area of 14,250 square feet. The property abuts the golf course at the rear (North).

**THE PROJECT:** The applicant is requesting a side yard setback variance in order to construct a 950 square foot one story addition at the rear of an existing one story single family home. The addition would contain three bedrooms and two bathrooms.

**ANALYSIS:** As noted, the existing single family home has a non-conforming east side yard setback of 5'8". The applicant is proposing to continue that setback for

the addition. Requiring the addition to be set back an additional 1' 10" would look awkward and make construction more difficult and expensive, particularly tying the new roof to the existing.

In addition, this same variance was previously recommended favorably by the Board and approved by the City Council. The first, Case #68-V-93, was granted on December 1, 1993. The second, Case #24-V-02 was granted on August 7, 2002. For variance reasons, plans were never submitted for building permit, and the approvals expired.

This project was then again submitted and received the favorable recommendation of the Board and the approval of the City Council on March 9, 2015 by a vote of 5-0.

Once again, plans were not submitted, nor an extension requested prior to the expiration date, necessitating this new approval request.

Staff believes that the variance request is reasonable and supportable, as it was similarly considered in 1993, 2002 and 2015.

**RECOMMENDATION:** It is recommended that the request for variance be approved subject to the following conditions:

- 1. Plans shall substantially comply with those submitted, as follow:
  - Survey by Roberto R. Brizuela & Associates, dated March 18, 2016.
  - Sheet A-1, Site Plan, by Adrian Alvarez, Architect dated December 11, 2014.
  - Sheet A-2, Floor Plan, by Adrian Alvarez, Architect dated November 15, 2014.
  - Sheet A-3, Elevations, by Adrian Alvarez, Architect dated November 15, 2014

Substantial compliance shall be at the sole determination of the City.

2. Any variances granted by the City Council shall be null and void if the applicant does not obtain a building permit and commence construction within one year of the date of the granting of the variance. If unusual circumstances exist, the variance may be extended by the Board of Adjustment or the City Council, whichever granted the variance, for an additional six-month period. No extensions beyond the time periods specified above are authorized.

3. The final order, including any conditions upon which the approval is granted shall be incorporated on a cover sheet of the plans submitted for building permit.



Official Use Only
Submittal Date:
Case No.:

Building & Planning Department 201 Westward Drive Miami Springs, FL 33166

Phone: 305-805-5034 Fax: 305-805-5036

www.miamisprings-fl.gov

# CITY OF MIAMI SPRINGS

# VARIANCE APPLICATION

APPLICANT II	NFORMATION
APPLICANT NAME & ANO. ALCAINE	PROPERTY ADDRESS 919 Houting Lodge DR.
APPLICANT PHONE NUMBER (BEST NUMBER TO REACH YOU)	CFOX & Caribell group COM
	(∫ 1

Request that a determination be made by the Board of Adjustment of the City of Miami Springs, on the following appeal that was denied by the Building Official for the reason that it is a matter, in which the Building official could not exercise discretion and which, in his opinion, might properly come before the Board.

PROPERTY IN	NFORMATION
Canty Club Est.	LOT SIZE AND ZONING DISTRICT  JOY SIZE ZONING DISTRICT
LOT(5) BLOCK SUBDIVISION  HAVE ANY PREVIOUS APPLICATIONS OR APPEALS BEEN FILED WITHIN THE LAST S  YES NO	EOT SIZE
IF YOU ARE THE OWNER, HOW LONG HAVE YOU OWNED THE PROPERTY?	WHAT IS THE APPROXIMATE MARKET VALUE INVOLVED IN THIS PROJECT?  S. C.C. C.C.

# Please include the following information in your application letter:

(I)(We) believe that the Board of Adjustment should grant this petition for the following reasons:

(Please include a separate document indicating the grounds for the appeal and reasons with respect to the law and fact for granting the appeal or special exception or variance. SHOWING OF UNNECESSARY HARDSHIP MUST BE MADE BEFORE A VARIANCE CAN BE GRANTED; the grounds must be stated.)

- (I) (We) understand this petition becomes part of the permanent records of the Board of Adjustment.
- (I) (We) hereby certify that the above statements and the statements or showing made in any papers and/or plans submitted are true to the best of my/our knowledge and belief.

Signature of Co-Owner Signature of Owner Printed name of Co-Owner The contents of this petition are The contents of this petition are Sworn to and subscribed before Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, me this 16 day of Tuly 20\_\_\_. 2016. SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA F. GOMFG PRINT NAME OF NOTARY PUBLIC PRINT NAME OF NOTARY PU MICHAEL F GONZALEZ Commission # FF 87030 My Commission Expires January 28, 2018 STAMP SEAL STAMP SEAL

COMMISSION EXPIRES: 1/28/18
PERSONALLY KNOWN: X
PRODUCED IDENTIFICATION:

# Enna Alcaine 919 Hunting Lodge Drive Miami Springs, Floirda 33166 305-984-9343

July 16, 2016

Building and Planning Department 201 Westward Drive Miami Springs, Fl 33166

Re: Petition for Variance

I respectfully request that a variance be granted in order to build an addition to the home at 919 Hunting Lodge Drive, Miami Springs, Fl 33166.

The requested variance is to be able to build an addition to the property that is currently built with a side setback of 5'9". The reason for the request is because it would be architecturally awkward to build the addition in compliance with the existing code. There is an existing pool that is limiting the space available for the addition. This same petition was requested and granted three times before in 1993 by a previous owner and again in 2002 and 2015. In 2002 we were not able to complete the project due to his illness and finally in 2015 we just didn't have enough time after finalizing what we wanted to do and a lot of back and forth on ideas and health restrictions. The addition would not pose any new hardship on the neighbors, as the existing home is already built out to this point and we are just extending it to add more bedrooms in order to accommodate our large family of six.

Sincerely,

Enna Alcaine

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# OFFICE OF THE PROPERTY APPRAISER

# **Summary Report**

Generated On: 8/2/2016

Property Information		
Folio:	05-3024-012-0300	
Property Address:	919 HUNTING LODGE DR Miami Springs, FL 33166-5751	
Owner	ENNA ALCAINE	
Mailing Address	919 HUNTING LODGE DR MIAMI SPRINGS, FL 33166-5751	
Primary Zone	0800 SGL FAMILY - 1701-1900 SQ	
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT	
Beds / Baths / Half	3/1/1	
Floors	1	
Living Units	1	
Actual Area	Sq.Ft	
Living Area	Sq.Ft	
Adjusted Area	1,929 Sq.Ft	
Lot Size	14,250 Sq.Ft	
Year Built	1948	

Assessment Information	ssessment Information		
Year	2016	2015	2014
Land Value	\$270,750	\$215,175	\$195,225
Building Value	\$136,598	\$136,741	\$133,345
XF Value	\$21,860	\$14,766	\$14,802
Market Value	\$429,208	\$366,682	\$343,372
Assessed Value	\$300,626	\$298,537	\$296,168

Benefits Information	Benefits Information			
Benefit	Туре	2016	2015	2014
Save Our Homes Cap	Assessment Reduction	\$128,582	\$68,145	\$47,204
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000
Widow	Exemption	\$500	\$500	\$500
Note: Not all benefits are Board, City, Regional).	e applicable to all Taxable	Values (i.e	. County,	School

Short Legal Description	
REV PL OF REV PL OF PT OF COUNTRY	
CLUB ESTS SEC 4 PB 31-19	
W75FT OF E825FT TR 3-B	
LOT SIZE 75.000 X 190	
OR 20363-1930 04/2002 1	



Taxable Value Informati	ion		
	2016	2015	2014
County	***************************************		
Exemption Value	\$50,500	\$50,500	\$50,500
Taxable Value	\$250,126	\$248,037	\$245,668
School Board			
Exemption Value	\$25,500	\$25,500	\$25,500
Taxable Value	\$275,126	\$273,037	\$270,668
City			
Exemption Value	\$50,500	\$50,500	\$50,500
Taxable Value	\$250,126	\$248,037	\$245,668
Regional			
Exemption Value	\$50,500	\$50,500	\$50,500
Taxable Value	\$250,126	\$248,037	\$245,668

Sales Information			
Previous Sale	Price	OR Book- Page	Qualification Description
04/01/2002	\$306,500	20363- 1930	Sales which are qualified
10/01/1996	\$0	17392- 4388	Sales which are disqualified as a result of examination of the deed
08/01/1993	\$181,000	16076- 4341	Sales which are qualified
06/01/1983	\$108,000	11821- 0544	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

# Address: 919 HUNTING LODGE DRIVE, MIAMI SPRINGS, FLORIDA Mot a part of this p A PORTION OF PLAT BOOK 25-28 1.88 Ac. 1.) EXAMINATION OF ABSTRACT TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, I FAIR, AFTENDOF THE WHOLE SET THE WILL HAVE SET THE THEORDER TO THE SET THE SET THE THEORDER TO THE SET THE 74 ELEVATION Community Number Panel Number Suffix Date of Firm Index Firm Zone Base Flood Elevance 120653 0291 L 09-11-2006 X NONE NOTE: THIS SURVEY HAS BEEN PREPARED FOR EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY. Folio: 05-3024-012-0300 Lot 35, in Block 3, of SECTION 4, COUNTRY CLUB ESTATES, according to the Plat thereof, as recorded in Plat Book 25, Page 28, of the Public Records of Mami-Dade County, Floridat, AND FURTHER DESCRIBED. As: The Poest 5 feet of the East R85 feet of Tact 3B, of REVISED PLAT OF SECTION 4 OF COUNTRY CLUB ESTATES, according the Plat thereof, as recorded in Plat Book 3J, at Page 19, of the Public Records of Miami-Dade County, Florida. SOURCE ELEVATION PROVIDED BY DADE COUNTY SURVEY DEPARMENT SELATIVE TO MARAN SEA LEVEL NATIONAL GEODETIC VERTICAL DATUM OF 1929 I OCATOR INDEX : BENCHMARK USED; EL LODGE ROBERTO R. BRIZUELA & ASSOCIATES FLOOD ZONE INFORMATION 2346.85 Sec. Um SURVEYOR'S NOTES: 4.35 Ac. 1250.45 TRACT 2.64 Ac. 1023.63 0291 SKETCH OF BOUNDARY LEGAL DESCRIPTION 66 "LEGEND" FND.PIPE }\* FND, PIPE }\* PROPERTY LINE 190,00' (RAM) MOOD LENCE ži, 8 8 않 PROPERTY LINE 75.00" (R&M) 엻 19:00 PARCKWAY -PROPERTY LINE 20,0' BRIBLE S 10.39 XXX / X18.05 / X g 10.40 PRO. PPEEY SO 028 190.00° (R&M) FND.PIPE∳

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ROBERTO'R. BRIZUELA PROFESSIONAL LAND SURVEYOR No. 3064 STATE OF FLORIDA

JOB NUMBER. 76-03-41
FIELD BOOK. FIELD WORK DATE. 03-18-2016
REVISIONS 1.
REVISIONS 2.
SCALE. 11-30

Land Surveyors

7319 WEST FLAGLER STREET MIAMI, FLORIDA 33144 PHONE: (305) 551 -4393 (305) 266 -6112

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HUNTING LODGE DRIVE STATISTICS SOFTER CHARTON

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GENERAL NOTES

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C. PROMOK AND MARKANI GUARD LIGHTS AT ALL BARREAGES, RAULINGS, GOSTRUCTIONS IN THE STREETS, ROADS OR SOCKMALKS AND ALL TREDICKES OR PITS AGAINST TO PUBLIC WALKS OF ROADS. PROVIDE ALL SHORMS, BRACHO AND SHEETHO AS REDAKED FOR PROPER EXECUTION OF THE WORK. REMONE WHEN THE WERK IS APPERED.

D. AT ALL THES PROVINC PROTECTION ACAUST VEATURE (AAR), WAG, STORMS, OR NEAT) SO AS TO MANYTAN ALL WORK, NATIONALS, APPARATUS AND EXILIES FREE FROM DANACE. E. THE CONTRACTOR SHALL PAY FOR ALL DAMAGES TO AGAICONT STRUCTURES, SOCKWARE AND TO STREETS OR OTHER PUBLIC PROPERTY OR TO ANY PUBLIC UTILITIES.

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AUDITION

14.260 SF 14.25 SF 14.55 SF 1495.87 SF 950.85 SF 2447.72 SF 3,284.39 SF TOTAL NEW UNDER ROOF. TOTAL NEW A/C AREN NEW A/C AREA

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INTERIOR GENERAL NOTES

10. ALL SHOWER DOORS TO HAVE CAT III SAFETY CLASS 11. ALL FIXED CLASS TO COMPLY W/ FBC 2408

12. PRODUCE COMPATIBILITY OF THE STATE OF TH

ALL BATHROOMS TO HAVE LOCKSETS CAPABLE OF BEING OPENED FROM THE OUTSIDE WITHOUT THE USE OF A KEY

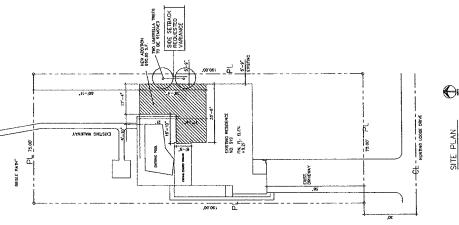
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21. ALL ENT DOORS LODGS SHALL CONFORM W/ PTC (DOM.15.4
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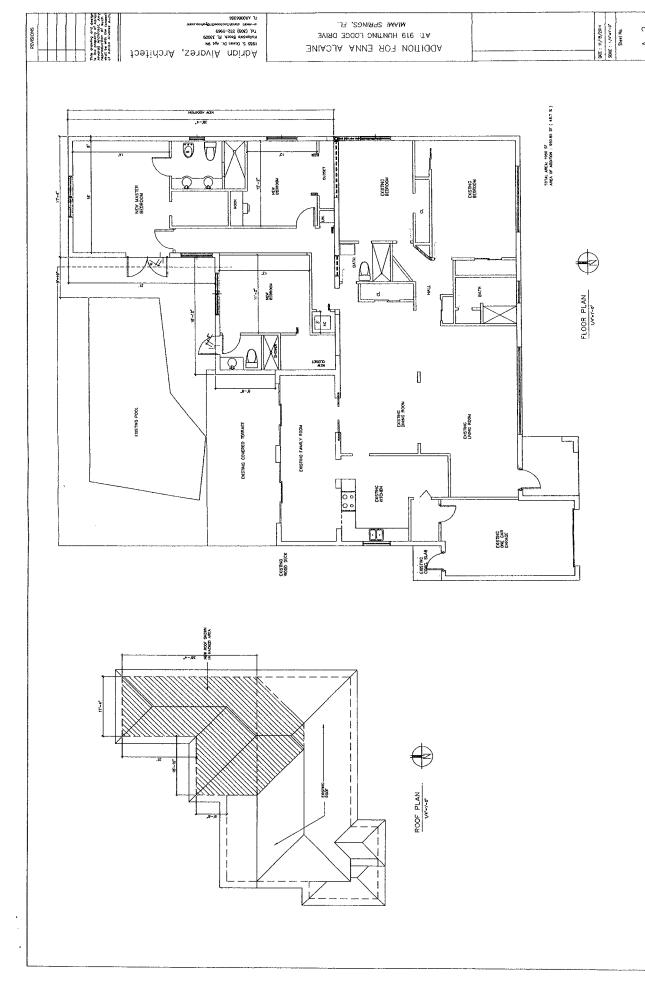


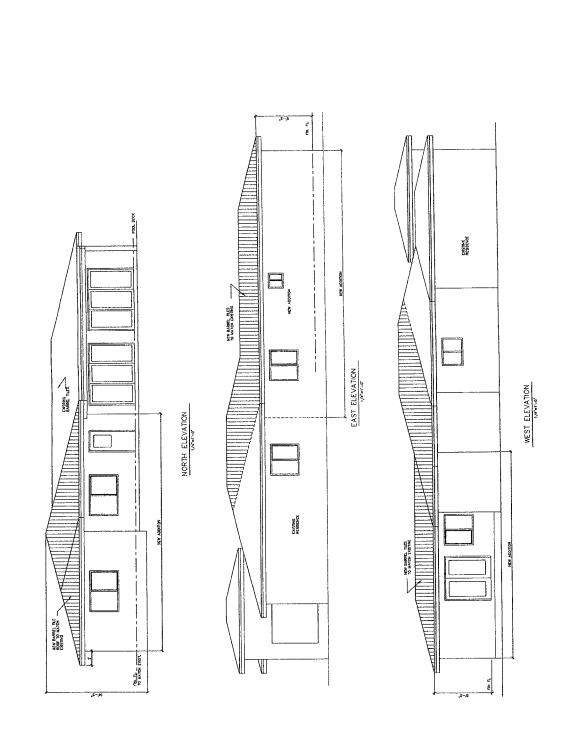
AN ADDITION OF GOS OF CONTAINING THREE BEORDOWS AND THE BATH. SCOPE OF WORK

SITE PLAN

Adrian Alvarez, Architect

MIAMI SPRINGS, FL. AT: 919 HUNTING LODGE DRIVE ADDITION FOR ENNA ALCAINE SOUE: 12/11/2014 SOUE: 1/4\*\*\*>'-0" Sheet No.





MIAMI SPRINGS, FL.

ADDITION FOR ENNA ALCAINE AT: 919 HUNTING LODGE DRIVE

Adrion Alvacez, Architect 1992 associated to the part of the part

SARE: 1/15/2014 SARE: 1/4"=1"-0" Sheet No.

# VARIANCE CASE NO. 08-V-16

# RICHARD & MELISSA BENNETTI

1171 NIGHTINGALE AVENUE

BOARD OF ADJUSTMENT MEETING: 08-09-2016

# CITY OF MIAMI SPRINGS PLANNING DEPARTMENT



201 Westward Drive Miami Springs, FL 33166-5289 Phone: (305) 805-5030 Fax: (305) 805-5036

#### **MEMORANDUM**

**TO:** Board of Adjustment

**FROM:** Christopher Heid, City Planner

**DATE:** August 9, 2016

**SUBJECT:** Application for Variance

**CASE #** 08-V-16

**APPLICANT:** Richard & Melissa Bennetti

**ADDRESS:** 1171 Nightingale Avenue

**ZONING DISTRICT:** R-1B, Single Family Residential

**REQUEST:** The applicant is seeking a variance from Section 150-042 (E)(2) in order to construct a second story addition to an existing single family home that would continue the existing non-conforming side yard setback of the residence, as follows:

1. Requests variance from Section 150-042 (E)(2) to waive 1' 6" (one feet six inches) of the minimum required side yard setback of eight feet. (Side yard setback of 6' 6" (six feet six inches) proposed).

**THE PROPERTY:** The property is rectangular in shape, with 80 feet of frontage on Nightingale Avenue and a depth of 126 feet, for a total lot area of 10,080 square feet. The property abuts a 16 foot wide alley at the rear (North).

**THE PROJECT:** The applicant is requesting a side yard setback variance in order to construct a 1,744 square second story addition at the rear of an existing one story single family home. The addition is a large master suite, with bedroom, sitting room, walk in closets and a bathroom.

**ANALYSIS:** As noted, the existing single family home has a non-conforming east side yard setback of 6'6". The applicant is proposing to continue that setback for

the second floor addition. Requiring the addition to be set back an additional 1' 6" would look awkward and make construction more difficult and expensive.

Also the existing flat roofed addition at the rear would get a full second story and a new metal hip roof to match the hip roofed portion of the front of the house, making the entire structure more cohesive and attractive.

**RECOMMENDATION:** It is recommended that the request for variance be approved subject to the following conditions:

- 1. Plans shall substantially comply with those submitted, as follows:
  - Sheet S.P., Site Plan/ Roof Plan, by Leonardo Liguori Architect, dated June 27, 2016.
  - Sheet A-1, First Floor Plan, by Leonardo Liguori Architect, dated June 27, 2016.
  - Sheet A-2, Second Floor Plan, by Leonardo Liguori Architect, dated June 27, 2016.
  - Sheet A-3, Front (South) Elevation/ West Side Elevation, by Leonardo Liguori Architect, dated June 27, 2016
  - Sheet A-4, Rear (North) Elevation/ East Side Elevation, by Leonardo Liguori Architect, dated June 27, 2016
  - Sheet S.P., Site Plan/ Roof Plan, by Leonardo Liguori Architect, dated July 22, 2016

Substantial compliance shall be at the sole determination of the City.

- 2. Any variances granted either by the Board of Adjustment or by the City Council shall be null and void if the applicant does not obtain a building permit and commence construction within one year of the date of the granting of the variance. If unusual circumstances exist, the variance may be extended by the Board of Adjustment or the City Council, whichever granted the variance, for an additional six-month period. No extensions beyond the time periods specified above are authorized.
- 3. The final order, including any conditions upon which the approval is granted shall be incorporated on a cover sheet of the plans submitted for building permit.



Official Use Only
Submittal Date:
Case No.:

**Building & Planning Department** 201 Westward Drive

Miami Springs, FL 33166 Phone: 305-805-5034 Fax: 305-805-5036

www.miamisprings-fl.gov

## CITY OF MIAMI SPRINGS

## VARIANCE APPLICATION

APPLICAN <sup>-</sup>	T INFORMATION
Melissa & Richard Bennetti	PROPERTY ADDRESS 1171 Nightingale AV
APPLICANT PHONE NUMBER (BEST NUMBER TO REACH YOU)	E-MAIL ADDRESS MAN OF AND VE LIMB. COM

Request that a determination be made by the Board of Adjustment of the City of Miami Springs, on the following appeal that was denied by the Building Official for the reason that it is a matter, in which the Building official could not exercise discretion and which, in his opinion, might properly come before the Board.

PROPERTY INFORMATION			
LEGAL DESCRIPTION  Q 3 Oriola Park 15t ADM	LOT SIZE AND ZONING DISTRICT		
LOT(S)  SUBDIVISION  LOT(S)  L	LOT SIZE LONING DISTRICT		
HAVE ANY PREVIOUS APPLICATIONS OR APPEALS BEEN FILED WITHIN THE LAST SIX (6) MONTHS IN CONNECTION WITH THESE PREMISES?  YES NO			
IF YES, BRIEFLY STATE THE NATURE OF THE PREVIOUS APPLICATION:			
IF YOU ARE THE OWNER, HOW LONG HAVE YOU OWNED THE PROPERTY?	WHAT IS THE APPROXIMATE COST INVOLVED IN THIS CHANGE?  \$ IOOK		

Ne

(I)( believe that the Board of Adjustment should grant this petition for the following reasons:

(Please include a separate document indicating the grounds for the appeal and reasons with respect to the law and fact for granting the appeal or special exception or variance. SHOWING OF UNNECESSARY HARDSHIP MUST BE MADE BEFORE A VARIANCE CAN BE GRANTED; the grounds must be stated.)

(We) understand this petition becomes part of the permanent records of the Board of Adjustment.

(\(\mathbb{\text{\text{\text{\text{We}}}}\) hereby certify that the above statements and the statements or showing made in any papers and/or plans submitted are true to the best of my/our knowledge and belief.

Signature of Owner

Printed name of Owner

The contents of this petition are Sworn to and subscribed before me this 26 day of Jaly, 2016.

SIGNATURE OF NOTABY PUBLIC - STATE OF FLORIDA

PRINT NAME OF NOTARY PUBLIC

PRINT NAME OF NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

STAMPS SEA OF NOTARY PUBLIC

COMMISSION EXPIRES: 4-17-2020

PRODUCED IDENTIFICATION: FLOL# 8530-540-85-550-0

PERSONALLY KNOWN:

Roberto R Quintero
My Commission FF 982658

Expires 04/17/2020

COMMISSION EXPIRES: 4 - 17 - 202 O

PERSONALLY KNOWN: \_\_\_\_\_\_
PRODUCED IDENTIFICATION: FLOL# 3530 - 74550-096

OF NOTARY PUBLIC - STATE OF FLORIDA

Notary Public State of Florida

RELIGIO BENNE

PRINT NAME OF NOTARY PUBLIC

20[6

Printed name of Co-Owner

The contents of this petition are

Sworn to and subscribed before

me this 26 day of July

## LETTER OF INTENT

## RE: APPLICATION FOR VARIANCE BY MR. & MRS. BENNETTI

This is to provide an explicit statement as to the nature and intent of the variance being requested for our family home located at 1171 Nightingale Avenue.

#### PURPOSE OF THE REQUEST

We are planning a 1,744 sq. ft. second floor addition to the 3,554 sq. ft. residence. Under those circumstances, the zoning code requires that the second floor side setbacks match those required for the first floor. Said minimum side setback width shall be 10% of the width of the lot (8.0' in our particular case.) The existing residence, although largely surpasses this requirement on its west side, has a grandfathered-in, variable-width abutment into the east side setback of 1.45' at its widest end. In that scenario, the strict application of the code would result in a rather awkward, structurally-complex design with the second floor offset from the first floor, and a narrow roof to cover a strip left uncovered on the first floor.

# VARIANCE REQUEST

We respectfully request that our second floor be allowed to vertically match the existing first floor, as is, per our honest opinion, the true spirit of the code. To accomplish that, we need a variance allowing the east side setback to be reduced to 6.55' at its narrowest point.

Survey, architectural plans and pictures in support of the requested variance are attached hereto.

Respectfully submitted,

Mr. & Mrs. Bennetti



# **OFFICE OF THE PROPERTY APPRAISER**

# **Summary Report**

Generated On: 8/2/2016

Property Information			
Folio:	05-3024-012-0300		
Property Address:	919 HUNTING LODGE DR Miami Springs, FL 33166-5751		
Owner	ENNA ALCAINE		
Mailing Address	919 HUNTING LODGE DR MIAMI SPRINGS, FL 33166-5751		
Primary Zone	0800 SGL FAMILY - 1701-1900 SQ		
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT		
Beds / Baths / Half	3/1/1		
Floors	1		
Living Units	1		
Actual Area	Sq.Ft		
Living Area	Sq.Ft		
Adjusted Area	1,929 Sq.Ft		
Lot Size	14,250 Sq.Ft		
Year Built	1948		

Assessment Information			
Year	2016	2015	2014
Land Value	\$270,750	\$215,175	\$195,225
Building Value	\$136,598	\$136,741	\$133,345
XF Value	\$21,860	\$14,766	\$14,802
Market Value	\$429,208	\$366,682	\$343,372
Assessed Value	\$300,626	\$298,537	\$296,168

Benefits Information				
Benefit	Туре	2014		
Save Our Homes Cap	Assessment Reduction	\$128,582	\$68,145	\$47,204
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000
Widow	idow Exemption		\$500	\$500
Note: Not all henefits are applicable to all Tayable Values (i.e. County School				

Trote. Not all beliefits are applicable to all Taxable values (i.e. Coul	ity, Scriooi
Board, City, Regional).	

Short Legal Description
REV PL OF REV PL OF PT OF COUNTRY
CLUB ESTS SEC 4 PB 31-19
W75FT OF E825FT TR 3-B
LOT SIZE 75.000 X 190
OR 20363-1930 04/2002 1



Taxable Value Information			
	2016	2015	2014
County			
Exemption Value	\$50,500	\$50,500	\$50,500
Taxable Value	\$250,126	\$248,037	\$245,668
School Board			
Exemption Value	\$25,500	\$25,500	\$25,500
Taxable Value	\$275,126	\$273,037	\$270,668
City			
Exemption Value	\$50,500	\$50,500	\$50,500
Taxable Value	\$250,126	\$248,037	\$245,668
Regional			
Exemption Value	\$50,500	\$50,500	\$50,500
Taxable Value	\$250,126	\$248,037	\$245,668

Sales Information			
Previous Sale	Price	OR Book- Page	Qualification Description
04/01/2002	\$306,500	20363- 1930	Sales which are qualified
10/01/1996	\$0	17392- 4388	Sales which are disqualified as a result of examination of the deed
08/01/1993	\$181,000	16076- 4341	Sales which are qualified
06/01/1983	\$108,000	11821- 0544	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

# **BOUNDARY SURVEY**

**SCALE = 1:20** 

CLIENT: RICHARD BENNETTI & W MELISSA PROPERTY ADDRESS: 1171 NIGHTINGALE AVE, MIAMI SPRINGS FL 33166

*LEGAL DESCRIPTION:* LOT 8, BLOCK 3, FIRST ADDITION TO ORIOLE PARK , ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.

THE PUBLIC RECORDS OF MIAM DADE COUNTY, FLORIDA.

ELEVATION INFORMATION:

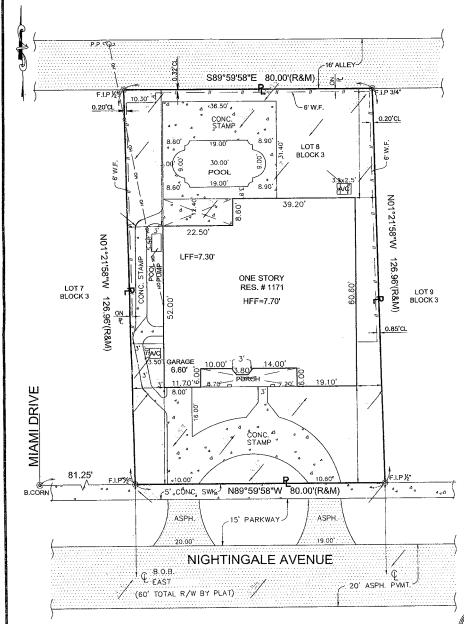
B.M. USED H-325 ELEVATIONS 8.03' (NGVD 1929) LOCATED N ROYAL POINCIANA DRIVE — 34' SW OF C/L

BASED ON THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY DATED OR REVISED ON 09-11-2009

THE HEREIN DESCRIBED PROPERTY IS SITUATED WITHIN ZONE AH BASE FLOOD ELEVATION 7.00 COMMUNITY 120653 PANEL NUMBER

0283 SUFFIX L EFFECTIVE PANEL DATE 09-11-2009

CERTIFIED TO: RICHARD BENNETTI & W MELISSA



# Know what's **below. Call** before you dig.



THIS SUMPLY IS SUBJECT TO DEDICATIONS, MERITATIONS, RESTRICTIONS, RESERVATIONS OF EASILABLES OF RECORD.

LEGAL DESCRIPTIONS PROVIDED BY CLEHT OR ATTESTING TITLE COMPAINT.

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- RESPON, THE CERTIFICATE
- DOES NOT EXCEND TO ANY WIRMANED PARTY.
- ELEMATON DATAW WISED REVO 1929

ELEVATION DATUM USED 1690 1929
 SURVEYOR'S NOTES:
 CERTIFICATE OF AUTHORIZATION LB # 7538. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

# **LEGEND & ABBREVIATIONS** STV - STORY SWM - SIDEWALK SLF - SET IRON PIPE SLF - SET IRON PIPE SLF - SET IRON ROD SLF - SECRETOR SLF - SECRETOR TO SEVER YALVE - SECONDS TO SEVER YALVE - SECONDS TO SEVER YALVE - SECONDS TO SEVER YALVE - UTILITY POLE M - WATER METE - WATER YALVE - WOOD ROCH 1 - WOOD ROCH 1 - WOOD ROCH 1 - WOOD ROCH 1 - WOOD ROCH COMPRET VALVE - MONUMENT UNE - MONUMENT UNE - COMPRET VALVE - CO

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ASEMENT
L.P.= LIGHT POLE
L.F.E.= LOWEST FLOOR ELEVATION
L.M.E.= LAKE MAINTENANCE
PASEMENT

L.M.E. - LIME HAINTENANCE

AREAGEMENT

- MANURES

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P. O. - POINT OF REVENSE

CURNATURE

P. D. - POINT OF REVENSE

CURNATURE

P. R. M. - PERMANIENT REFERE

CONVATURE
PHY = PARKWAY
P.R.M. = PERMANENT REFERENCE
MONUMENT
P.L.S. = PROFESSIONAL LAND
SURVEYOR
P.P. = POWER POLE
P.U.E. = PUBLIC UTILITY EASEMENT

(R)= RECORD DISTANCE
R.R.= RAIL ROAD
RES= RESIDENCE
RAY= RIGHT OFWAY
RAD—RADIUS OR RADIAL
RGE= RANGE
R.O.E.= ROOF OVERHANG EASEMENT
SEC= SEC= SECON

#### CONTACT YOUR PROCESSOR



'AVILA sociates Services, Inc. Land Surveyors & Engineers

CERTIFICATE OF AUTHORIZATION NO. 29056 CERTIFICATE OF AUTHORIZATION NO. 7538 14750 NW 77 CT SUITE 204 MIAMI LAKES, FL 33016 PHONE:(305) 953-2600

EFRAIN C. LOPEZ., P.L.S. (06-29-2016)

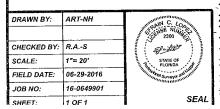
PROFESSIONAL LAND SURVEYOR NO.: 2300 STATE OF FLORIDA (VALID COPIES OF THIS SURVEY WILL BEAR THE EMBOSSED SEAL OF THE ATTESTING LAND SURVEYOR).

#### SURVEYOR'S CERTIFICATION:

LHEREBY CERTIFY TO:

HEREBY CERTIFY TO:

THAT THE ATTACHED BOUNDARY-SURVEY OF THE ABOVE DESCRIBED PROPERTY, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS RECENTLY SURVEYED AND POINTED UNDER MY RESPONSIBLE DIRECTION, AND THAT THERE ARE NO ABOVEGROUND ENCROACHMENTS UNLESS SHOWN THEREBON, IFURTHER CERTIFY THIS SURVEY MEETS THE STANDARDS-OF-PRACTICE FOR BOUNDARY-SURVEYS, PURSUANT TO SECTION 472.07. FLORIDA STATULE, AND ADPITED IN CHAPTER 3-1-T-305, FLORIDA STRATULE, CAND ADPITED IN CHAPTER 3-1-T-305, FLORIDA STRATUS, CANDER EFFECTIVE DATE JANUARY 1. 2019; AS AMENDED FEBRUARY 22, 2005.



LOCATION SKETCH

6 LOT 1013 012 67.1

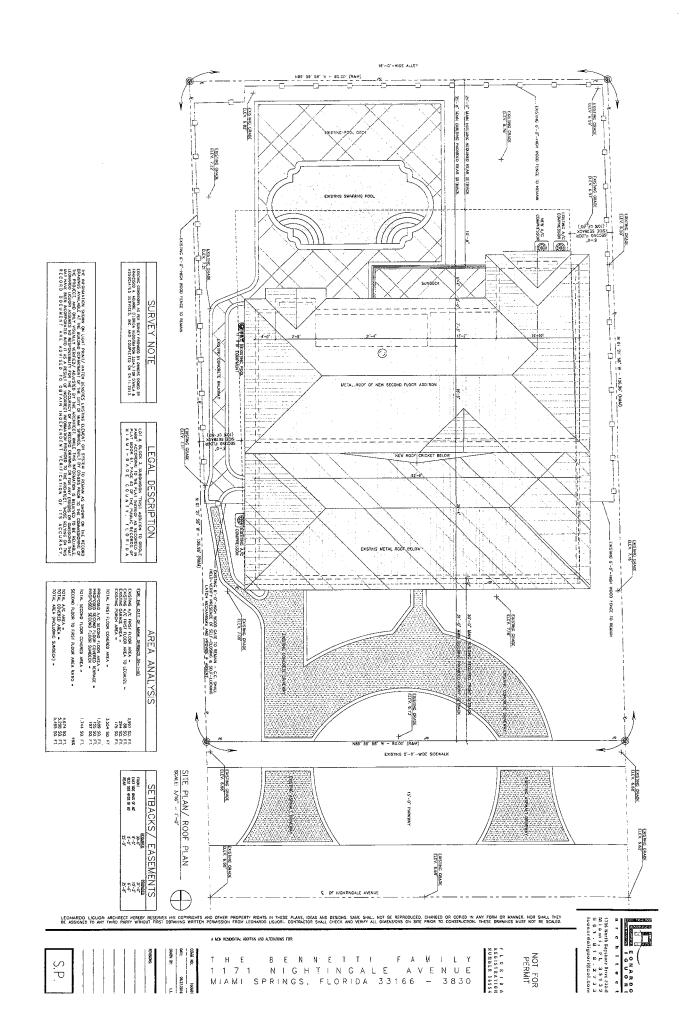
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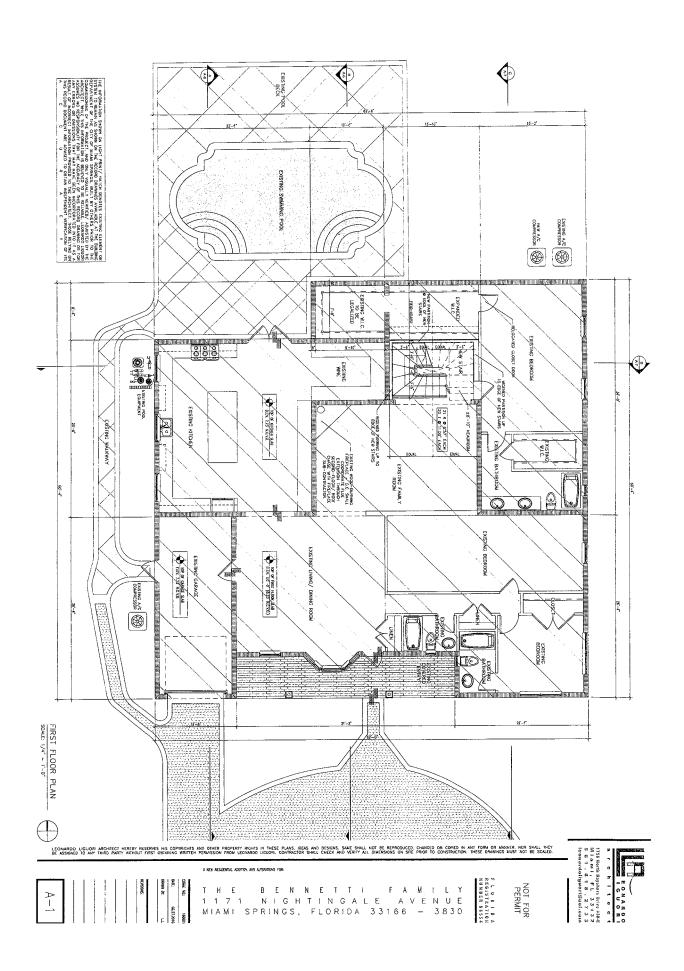
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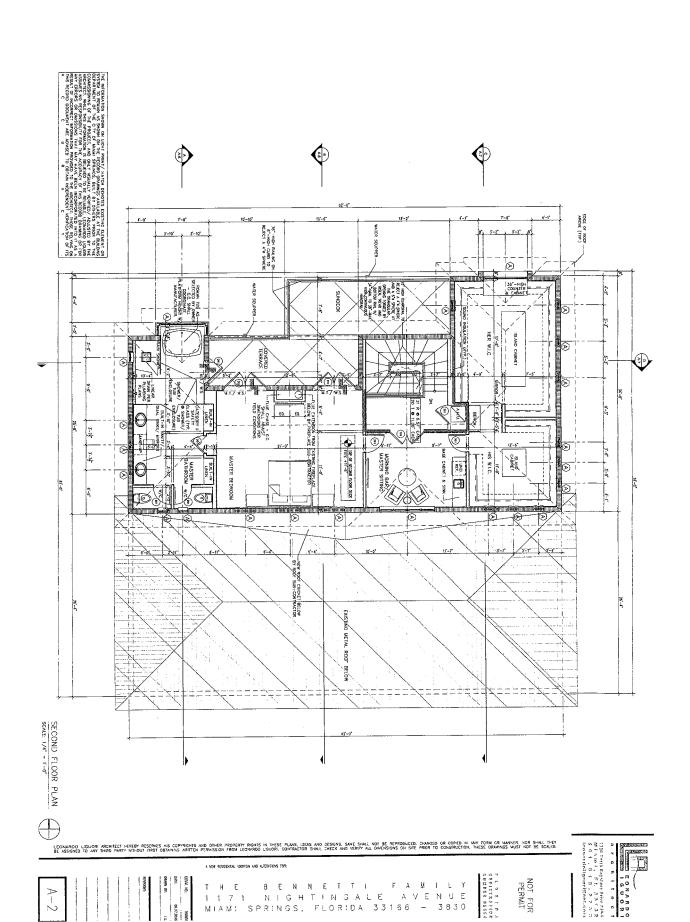
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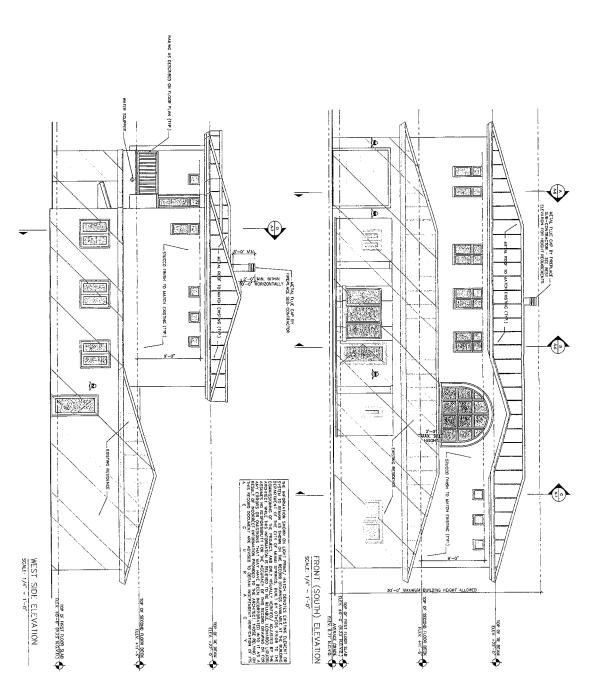
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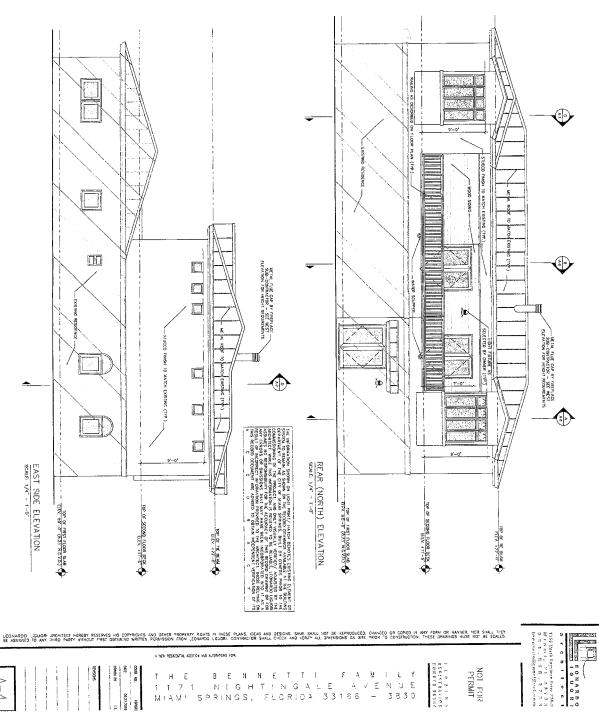


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THE BENNETTI FAMILY
THE BENNETTI FAMILY
1171 NIGHTINGALE AVENUE
MHAMI SPRINGS, FLORIDA 33166 - 3830

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