



November 12th, 2012

Ms. Jonda K. Joseph
City Clerk, City of Ft. Lauderdale
100 N. Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301.

Re: Case Number 12-Z-12

Dear Ms. Joseph,

The purpose of this letter is to notify the City of Fort Lauderdale to place on the next available City Commission agenda an appeal in regards to the denial on October 17, 2012, by the Planning and Zoning Board, the rezoning of a parcel of land located at 2740 SW 4t Court, also known as "WESTWOOD HEIGHTS 6-34 B, lot 6 thru 19, 20 less east 14 & less there from ext area of - 25 radius arc lying in SE corner, Block 38".

As per ULDR Section 47-24.4.C.5.: "If the planning and zoning board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the planning and zoning board shall deny the application and an appeal to the city commission may be filed by the applicant in accordance with Section 47-26B, Appeals."

Furthermore, Sec. 47-26B.1. Procedure, states:

A. Appeal. If an application for a development permit is denied or is approved with conditions unacceptable to the applicant by the department, DRC or planning and zoning board and the ULDR provides for an appeal as provided in Table 1 of Section 47-24, Development Permits and Procedures, the applicant may, within thirty (30) days of the decision, appeal to the body provided in the ULDR for review of the decision. The appeal shall be made by letter to the city clerk and a copy filed with the department. If the department, DRC, historic preservation board or planning and zoning board denies an application for development permit filed by the city, which denial may be appealed under the ULDR such denial shall act as a recommendation and the application shall automatically be placed on the agenda of the reviewing body to which an appeal may be made and will be considered in a de novo proceeding.

1. Appeal of planning and zoning board or historic board decision. If an appeal is from a planning and zoning board or historic preservation board decision to the city commission, the record

compiled by the department, DRC, HPB and planning and zoning board shall be forwarded to the city commission for review. The city commission shall hold a public meeting on the record and shall determine if:

- a. There was a departure from the essential requirements of law in the proceedings appealed; or
- b. Competent substantial evidence does not exist to support the decision. If the city commission determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision then the decision will be upheld. If the city commission finds either subsection A.1.a or b, then the city commission shall conduct a de novo hearing which may be immediately held or shall be set by resolution no later than sixty (60) days from the date of adoption of the resolution. At the conclusion of the hearing the city commission may reject, approve or amend the decision of the planning and zoning board.

Respectfully,

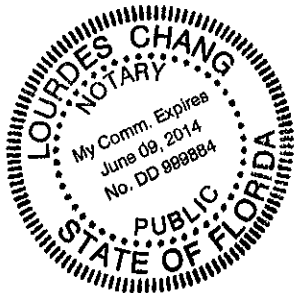
MG3 Developer Group, LLC

By: _____
Gustavo Bogomolni
Managing Member

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was signed before me on this 12 day of November, 2012 by Gustavo Bogomolni who is personally known by me.

Seal



Notary Public