

# MIAMI BEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

<b>Application Information</b>			
FILE NUMBER DRB20-0518		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the Property Appraiser Summary Report)	
<b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<b>Design Review Board</b> <input checked="" type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<b>Planning Board</b> <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
<b>Property Information - Please attach Legal Description as "Exhibit A"</b>			
ADDRESS OF PROPERTY Previously known as 5840 North Bay Road (including 5830-5840 North Bay Road)			
FOLIO NUMBER(S) 02-3215-003-0245			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME 5830 NBR, LLC			
ADDRESS 1111 Kane Concourse, Suite 210		CITY Bay Harbor Island	STATE FL
		ZIP CODE 33154	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME 5830 NBR, LLC			
ADDRESS 1111 Kane Concourse, Suite 210		CITY Bay Harbor Island	STATE FL
		ZIP CODE 33154	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS oxy101@aol.com	
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST The Applicant seeks design review approval for a new single family home including waivers from Section 142-105 (b)(4)(c), limiting second story volumes to 70% of the ground floor and 142-106 (2)(d) of the Code requiring breaks in the architecture along the interior side yards with a minimum depth of at least eight feet (8') every sixty feet (60'), as well as a lot coverage variance. Refer to the plans, surveys, and letter of intent for additional information.			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Provide the total floor area of the new construction.		SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		SQ. FT.	
<b>Party responsible for project design</b>			
NAME Cesar Molina, CMA Design Studio, Inc.		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 232 Andalusia Avenue, Suite 101		CITY Coral Gables	STATE FL
		ZIPCODE 33134	
BUSINESS PHONE 305-448-4200	CELL PHONE 305-632-5699	EMAIL ADDRESS cmolina@CMADSI.com	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME Monika Entin		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Boulevard, Suite 850		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE 305-377-6237	CELL PHONE 305-542-3445	EMAIL ADDRESS MENTIN@BRZoningLaw.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
		ZIPCODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
		ZIPCODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

**Please note the following information:**

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

**Please read the following and acknowledge below:**



- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
  - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property

☐ Authorized representative

  
 \_\_\_\_\_  
**Felix Cohen**

**SIGNATURE**

**PRINT NAME**

02/12/2020

**DATE SIGNED**



**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, N/A, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

**SIGNATURE**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

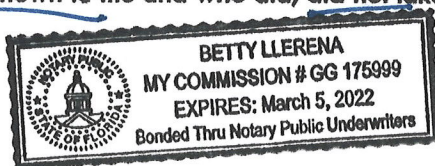
**PRINT NAME****ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

I, Felix Cohen, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of 5830 NBR, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

**SIGNATURE**

Sworn to and subscribed before me this 12 day of February, 2020. The foregoing instrument was acknowledged before me by Felix Cohen, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_



PRINT NAME

**POWER OF ATTORNEY AFFIDAVIT**

STATE OF Florida  
 COUNTY OF Miami-Dade  
 I, Felix Cohen

, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Monika Entin to be my representative before the Design Review Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

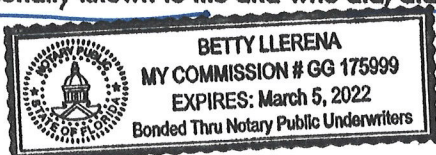
**Felix Cohen**

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 12 day of February, 2020. The foregoing instrument was acknowledged before me by Felix Cohen, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC

Betty Llerena

PRINT NAME

**CONTRACT FOR PURCHASE**

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
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In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if

filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

**DISCLOSURE OF INTEREST**  
**CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

**5830 NBR, LLC**

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS	% OF OWNERSHIP
See attached Exhibit B.	

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS	% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.



**DISCLOSURE OF INTEREST**  
**TRUSTEE**

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

N/A

TRUST NAME	
NAME AND ADDRESS	% INTEREST

**COMPENSATED LOBBYIST**

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
<u>Monika Entin</u>	<u>200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131</u>	<u>305-377-6237</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Additional names can be placed on a separate page attached to this application.

**APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.**

**APPLICANT AFFIDAVIT**

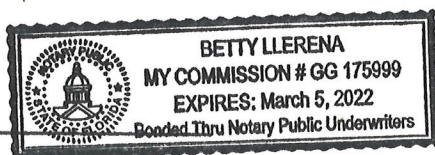
STATE OF Florida  
 COUNTY OF Miami-Dade  
 I, Felix Cohen

, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]  
 SIGNATURE

Sworn to and subscribed before me this 12 day of February, 2020. The foregoing instrument was acknowledged before me by Felix Cohen, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: \_\_\_\_\_

[Signature]  
 NOTARY PUBLIC

Betty Llerena

PRINT NAME



## **EXHIBIT A**

Lot 28 and 29, Block 1-A, of La Gorce Subdivision, according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

## **EXHIBIT B**

### **5830 NBR, LLC**

<i>Name and Address</i>	<i>% of Ownership</i>
<u>French North Bay Road, LLC</u>	<u>50%</u>
<u>1927 NE 118 Road</u>	
<u>North Miami, FL 33181</u>	
<u>Aguacero, LLC</u>	<u>25%</u>
<u>1111 Kane Concourse, Suite 210</u>	
<u>Bay Harbor, FL 33154</u>	
<u>Diluvio, LLC</u>	<u>12.5%</u>
<u>1111 Kane Concourse, Suite 210</u>	
<u>Bay Harbor, FL 33154</u>	
<u>Tormenta, LLC</u>	<u>12.5%</u>
<u>1111 Kane Concourse, Suite 210</u>	
<u>Bay Harbor, FL 33154</u>	

### **Aguacero, LLC**

<i>Name and Address</i>	<i>% of Ownership</i>
<u>Moris Tabacinic</u>	<u>100%</u>
<u>1111 Kane Concourse, Suite 210</u>	
<u>Bay Harbor, FL 33154</u>	

### **Diluvio, LLC**

<i>Name and Address</i>	<i>% of Ownership</i>
<u>Michael Tabacinic</u>	<u>100%</u>
<u>1111 Kane Concourse, Suite 210</u>	
<u>Bay Harbor, FL 33154</u>	

### **Tormenta, LLC**

<i>Name and Address</i>	<i>% of Ownership</i>
<u>Eli Tabacinic</u>	<u>100%</u>
<u>1111 Kane Concourse, Suite 210</u>	
<u>Bay Harbor, FL 33154</u>	



**French North Bay Road, LLC**

<i>Name and Address</i>	<i>% of Ownership</i>
Felix Cohen Revocable Trust	100%
1927 NE 118 Road	
North Miami, FL 33181	

**Felix Cohen Revocable Trust**

<i>Name and Address</i>	<i>% of Ownership</i>
Shayne Cohen	16.6%
1927 NE 118 Road	
North Miami, FL 33181	
Romain Cohen	16.6%
1927 NE 118 Road	
North Miami, FL 33181	
Jacques Cohen	16.6%
1927 NE 118 Road	
North Miami, FL 33181	
Julian Cohen	16.6%
1927 NE 118 Road	
North Miami, FL 33181	
Stephane Cohen	16.6%
1927 NE 118 Road	
North Miami, FL 33181	
Marlon Cohen	16.6%
1927 NE 118 Road	
North Miami, FL 33181	



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6227  
E-Mail: [MEntin@brzoninglaw.com](mailto:MEntin@brzoninglaw.com)

## VIA ON-LINE SUBMISSION

March 6, 2020

Thomas Mooney, Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Request for Design Review Approval With Accompanying waivers and Variance for the Property Previously known as 5840 North Bay Road (including 5830 and 5840 North Bay Road) in Miami Beach, FL

Dear Tom:

As you know, this law firm represents 5830 NBR, LLC (the "Applicant"), the owner of the above-referenced property (the "Property"). Please consider this letter the Applicant's letter of intent in support of its request for design review approval along with waivers from Sections 142-105 (b)(4)(c), limiting second story volumes to 70% of the ground floor and 142-106 (2)(d) of the Code requiring breaks in the architecture along the interior side yards with a minimum depth of at least eight feet (8') every 60' linear feet of structure, as well as a lot coverage variance.

The Property. The Property is situated along North Bay Road fronting Biscayne Bay. It is located within the RS-2 Single-Family Residential zoning district. In 2018 the Property was subdivided into two equally sized lots. Attached hereto as Exhibit "A" is a copy of the November 27, 2018 Planning Board Lot Split Approval for Planning Board File No.:18-0234 aka 18-0206. The lots are identified by Miami-Dade County Folio No. 02-3215-003-0240 for 5840 North Bay Road and 02-3215-003-0245 for 5830 North Bay Road. Collectively, the Property is approximately 36,143 square feet. It is comprised by Lots 28, 29 and



the southern two-thirds (2/3) of Lot 27 of the La Gorce Golf Subdivision. Currently, the Property is vacant.

The Applicant abandoned the previous lot split approval and on February 25, 2020 obtained a lot split approval, from the Planning Board, consistent with the previously platted lines. This resulted in the retention of lots 28 and 29, in their entirety with the remaining two-thirds (2/3) of Lot 27 being aggregated to the neighboring property at 5848 North Bay Road. As a result of the lot split, the property is now solely comprised of lots 28 and 29 and will have approximately 27,636 square feet in size.

Proposed Development. The Applicant is seeking to build a beautifully designed two-story single-family home on the Property, surrounded by lush landscaping. The proposed home plays homage to Biscayne Bay and the highlights the water views throughout the Property. Water views are visible from the front of the Property.

The houses massing is broken down into two structures separating the garage and carport areas from the single-family home with Zen-style gardens. The massing of both structures is highlighted by wood slats creating a modern, island feel for the home.

The openness of the design emphasizes the bay and landscaping. Semi-open living spaces and covered porches will be located throughout both levels of the home, focusing the views towards Biscayne Bay and the interior garden areas.

This design is not only compatible with the neighborhood, but highlights the water views, for which Miami Beach is famous.

Waivers Request. The Applicant requests two (2) waivers in order to accomplish this uniquely designed home: a waiver from Section 142-106 (2)(d) of the Code requiring breaks in the architecture along the interior side yards with a minimum depth of at least eight feet (8') every 60' and a waiver from Section 142-105 (b)(4)(c), limiting second story volumes to 70% of the ground floor.

As stated in the Commission Memorandum dated February 14, 2014, the intent behind Section 142-106 (d)(2) is to "break up the length of 2-story side elevations." The goal is to form architectural breaks in the design of a home in

order to create interest and not have a blank wall running the stretch of the property. In this instance, the Applicant complies with the general intent of the Code. This unique design not only breaks the massing of the architecture along the sides of the Property, but actually separates the massing of the home into two (2) separate structures, one for the garage and carport area and the other for the actual living space. In between both structures and outdoor garden with water features is created. However, in order to make the living space work while still providing this incredible mid-property garden, the sides of the living structure extend to 68'-6." Therefore, in light of the Applicant's compliance with the intent of the Code, the Applicant seeks a waiver from the requirement that a break, eight feet (8') in depth be created every sixty feet (60') linear feet of structure.

The second waiver for the size of the second-floor volume stems from the same architectural conditions stated above. Breaking-up with massing of the home into two (2) separate structures and creating a beautiful open space in the center of the Property results in limited space for the actual living structure. In order to create the open spaces and break up the architectural features the volume of the second floor exceeds the permissible 70% of the ground floor of the living structure. The smaller footprint of the home creates incredible open spaces but it comes at a design cost. To allow for this smaller footprint, the applicant requests a waiver of the requirement for the second-floor unit size to exceed the allowable 70% of the first-floor unit size, pursuant to Section 142-105(b)(4)(c). Again, when this section of the Code was amended in 2014, it was to "help break-up the mass of 2-story homes." The proposed architecture complies with the intent of the Code inasmuch as it has broken up the mass on the Property into two (2) separate structures, separated by a large garden area, which results in a smaller footprint for the living area. The smaller footprint was the goal of the Code, and it is accomplished through the proposed design.

Variance Request. The Applicant is seeking approval of a variance to exceed the 30% lot coverage permitted under Section 142-105 (b) of the Code. In Miami Beach certain outdoor areas will be calculated into the lot coverage when surrounded by a physical structure. This results to penalize any architecture that does not produce an L-shaped house or a simple box. In this instance, the Applicant is proposing a much more interestingly designed home, providing porches, central gardens and rear decks. This results in an H-shaped home. This simple design change from an L-shape to an H-shape structure penalizes the Applicant when determining lot coverage area. Everything that falls between the legs of the H, even if completely exposed to the sky, must count as part of the footprint of the structure and is counted toward the overall lot coverage of the



Property. In this instance were the Applicant to not be as creative, and provide the same overall ground space, the lot coverage calculation would be reduced from 10,025 square feet to 8,533 square feet (reducing the spaces within the legs of the H- 1,300 SF of rear landscape area and 192 SF of ground level green areas in the front of the living structure facing the central garden space). While the proposed footprint for the home would fall within the permitted 30% lot coverage, the creative design of the home results in counting exterior areas into the lot coverage that are not habitable. As a result, the Applicant requests to exceed the permissible lot coverage by 6.3%. In the instant case, it is clear that the DRB has discretion to approve a design in excess of 30% lot coverage.

Satisfaction of Hardship Criteria. The Applicants' requests satisfy all of the hardship criteria as follows:

- 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;**

Since the Property is a waterfront lot, it essentially has two (2) frontages. This is a condition that is peculiar to the Property and creates challenges for development. As previously stated, the proposed design seeks to reduce the overall massing of the home while creating interesting architectural features that complement the recent redevelopments in the neighborhood and make the residence aesthetically pleasing. The Code penalizes any design that extends beyond the simple and results in open air spaces counting toward overall lot coverage. The design complies with side setbacks and height requirements, as well as the permissible unit size, which ensures that the residence is moderately sized and complements the fabric of the neighborhood.

- 2. The special conditions and circumstances do not result from the action of the applicant;**

The Property's dual frontages is an existing condition and did not result from the action of the Applicant.

- 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Applicant will not derive any special privilege from the approval of this variance. In fact, some of the surrounding residences lot coverages exceed what is proposed here. Granting the Applicant's modest request of 36.3% when 30% lot coverage is allowed will enable the Applicant to construct the proposed structure which enhances the overall look of the neighborhood with its unique architectural features without adverse impacts.

- 4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of these land development regulations would allow the Applicant to construct a larger home, in a simple L-shape configuration. This would result in a loss of an architecturally different home, which features central gardens and a smaller footprint for the living space, contrary to the intent of the Code. The proposed home is uniquely designed and is compatible with the neighborhood. Therefore, a strict interpretation of the Code would deprive the Applicant of the right to build what is enjoyed by other properties and would result in unnecessary and undue hardship on the Applicant. This variance is requested in order to effectuate the development of the proposed structure with certain integral design elements, while still maintaining the intent of the Code because overall, the new home minimizes the scale and massing from impacting the abutting neighbors.

- 5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The slight increase in lot coverage is the minimum variance that will make reasonable use of the lot and is no greater than that of other nearby homes. The proposed variance is modest and any less would force the Applicant to forego architectural features that are a central part of the design and effectively reduce the scale and massing of the home.

- 6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**



The residence will be in harmony with the surrounding properties, many of which have a lot coverage and unit size above the maximum and unique architectural features. The residence aims to further the intent and purpose of the land development regulation. The architectural design reduces the scale and massing and is sensitive to the neighbors' privacy.

- 7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The variance requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. The location of the Property on the waterfront, which essentially creates a second frontage for the Property as well as the effects of addressing sea-level rise concerns, represent practical difficulties inhibiting the Applicant from meeting all Code requirements. The Property's special conditions and resulting difficulty complying with each of the exacting limitations put on new construction of single-family homes represent practical difficulties inhibiting the Applicant from meeting all Code regulations. However, the Applicants' proposal satisfies the intent and purpose of the Code by ensuring a low-scale, non-intrusive single-family home that is compatible with the neighborhood. Additionally, the design contains multiple architectural features that are aesthetically pleasing and minimize the impact of the building's scale and massing. The Applicants' proposal satisfies the intent and purposes of the Code to provide a modestly sized home on the lot that does not adversely impact the neighborhood. The slight encroachment is minimal and necessary in light of the practical difficulties created by the nature of the lot.

Sea Level Rise and Resiliency Criteria. The proposed single-family homes resulting from the lot split will advance the sea level rise and resiliency criteria in Section 133-50(a) as follows:

- 1. A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicant will provide a recycling or salvage plan during permitting.



- 2. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

The Applicant proposes hurricane impact windows.

- 3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Operable windows will be provided.

- 4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

The Applicant will provide appropriate landscaping at the Property. Proposed species include native and Florida-friendly plants appropriate for the area, including salt tolerant species.

- 5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

The Applicant has considered the elevation of the right-of-way and surrounding properties and plans to grade the front and side yards appropriately to remain compatible with the existing conditions, while slowly sloping-up as you get closer to the home in order to adapt to future raised elevations. The Applicant will work with the Public Works Department to further address sea level rise projections with respect to the right-of-way connections.

- 6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

The Applicant has taken into consideration the raising of public rights-of-ways and has designed the proposed home accordingly.

- 7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

**8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

This is not applicable as the Property is vacant and the lot split application will result in construction of one (1) new single-family home.

**9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

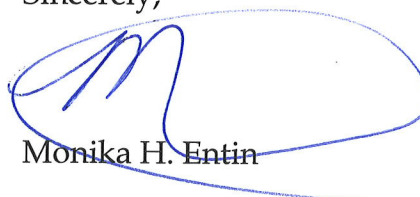
No wet or dry flood proofing will be necessary as all habitable space will be located above base flood elevation.

**10. Where feasible and appropriate, water retention systems shall be provided.**

The Applicant will incorporate retention areas to direct and collect rainwater on the site. At the time of permitting, the Applicant will engage the services of a civil engineer to analyze and provide the subsurface drainage design.

Conclusion. Granting this design review application will permit the development of a beautifully designed single-family home that is compatible with the surrounding neighborhood. The Applicant's proposed new home is consistent with the character of the neighborhood, as well as the intent of the Code and its design considerations. We believe that approval of this well-designed residence will be an improvement from the existing vacant lot that has plagued this Property for the last few years. Accordingly, we look forward to your expeditious review and favorable recommendation. If you have any questions or comments with regard to the application, please do not hesitate to phone me at 305-377-6237.

Sincerely,



Monika H. Entin

**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 5840 North Bay Road

**FILE NO.** PB 18-0234 aka PB 18-0206

**IN RE:** Based upon revised surveys, the applicant, NBR 5840, LP, requested a clarification and reaffirmation of approval for a previously approved lot split for the division of the existing site comprised of more than two platted lots, into two individual buildable parcels pursuant to Chapter 118, Article VII of the City Code.

**LEGAL DESCRIPTION:** Lots 28 and 29, and the south 2/3 of lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida

**MEETING DATE:** November 27, 2018

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicant, NBR 5840, LP, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:
  - 1. The two (2) lots created pursuant to this lot split application at 5840 North Bay Road, shall comply with the following:
    - a. The subject lots shall not be subdivided any further.
    - b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.

*MS*



*PB 18-0234 aka PB 18-0206 – 5840 North Bay Road**Page 2 of 4*

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- c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Delta Mapping and Surveying, Inc, dated 10-19-2018. ~~Gunter Group, INC. Land Surveying, dated 04-30-2018.~~
  - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
  - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
  - f. The maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), as may be revised from time to time.
  - g. The maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), as may be revised from time to time.
  - h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106, as may be revised from time to time. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.
  - i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
  3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.

*MB*

*PB 18-0234 aka PB 18-0206 – 5840 North Bay Road**Page 3 of 4*

4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed. The July 24, 2018 order is superseded by this order, as, due to newly discovered evidence (correct square footage) that order could not be finalized. This order shall be the final order as to the lot split application.

Dated this 13<sup>th</sup> day of DECEMBER, 2018.

*MB*

PB 18-0234 aka PB 18-0206 -- 5840 North Bay Road

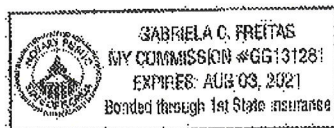
Page 4 of 4

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush,  
Chief of Planning & Zoning  
For Chairman

STATE OF FLORIDA     )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of December, 2018, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Gabriela Freitas  
Notary:  
Print Name: Gabriela Freitas  
Notary Public, State of Florida  
My Commission Expires: 8-3-21  
Commission Number: GG131281

Approved As To Form:  
Legal Department

[Signature] 12/12/18

Filed with the Clerk of the Planning Board on

[Signature] 12/13/18

MB





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certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting  
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

February 11, 2020

City of Miami Beach  
Planning Department  
1700 Convention Center Dr.  
Miami Beach, FL 33139

**Re: Property owners within 375 feet of:**

**SUBJECT:** 5830 North Bay Road, Miami Beach, FL 33140

**FOLIO NUMBER:** 02-3215-003-0245

**LEGAL DESCRIPTION:** LA GORGE GOLF SUB PB 14-43 LOTS 28-29 & S2/3 OF LOT 27  
BLK 1-A LESS N96.87FT

This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 feet radius of the external boundaries of the subject property listed above, including the subject property. This reflects the most current records on file in the Miami-Dade County Property Appraisers' Office.

Sincerely,

---

Diana B. Rio

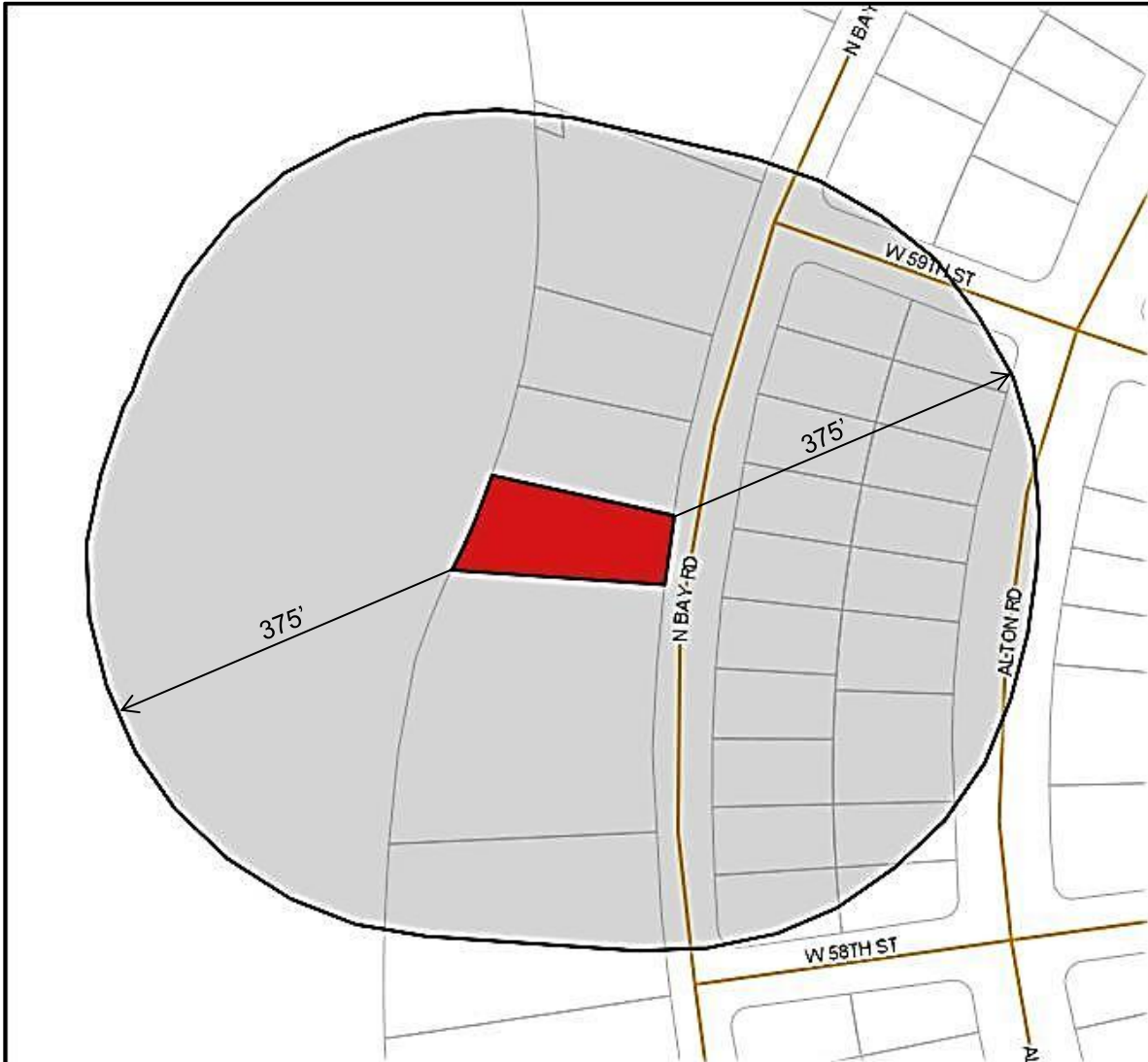
Total number of property owners without repetition: **24, including 0 international**



rdr miami | public hearing notification services

certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting  
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

## 375' RADIUS MAP



**SUBJECT:** 5830 North Bay Road, Miami Beach, FL 33140

**FOLIO NUMBER:** 02-3215-003-0245

**LEGAL DESCRIPTION:** LA GORGE GOLF SUB PB 14-43 LOTS 28-29 & S2/3 OF LOT 27  
BLK 1-A LESS N96.87FT

Name	Address	City	State	Zip	Country
5800 NORTH BAY ROAD MIAMI LLC	PO BOX 778	NEW YORK	NY	10013	USA
5812 ALTON RD LLC	5150 N MIAMI AVE	MIAMI	FL	33127	USA
5830 NBR LLC	1111 KANE CONCOURSE STE 210	BAY HARBOR ISLANDS	FL	33154	USA
5835 NORTH BAY RD LLC	1395 BRICKELL AVE STE 650	MIAMI	FL	33131	USA
5850 LINCOLN RD LLC	411 19TH AVE	PATERSON	NJ	07504	USA
AMBASSA HOLDINGS INC C/O CHRISTIAN DE BERDOUARE	10800 BISCAYNE BLVD #820	NORTH MIAMI	FL	33161	USA
BARRY GIBB &W LINDA	5820 NORTH BAY ROAD	MIAMI BEACH	FL	33140	USA
BETH FARKAS	5851 N BAY RD	MIAMI BEACH	FL	33140	USA
CITY OF MIAMI BEACH	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
ERWIN SREDNI	5848 N BAY ROAD	MIAMI BEACH	FL	33140	USA
FRANCESCO SEMERARO	5839 N BAY RD	MIAMI BEACH	FL	33140	USA
FUTURA TWO INVESTMENTS LLC	1680 MICHIGAN AVE 910	MIAMI BEACH	FL	33139	USA
GUILLERMO L FONT &W ISELA	5828 ALTON RD	MIAMI BEACH	FL	33140	USA
JAMES W MOORE &W KATHY M KASSNER	5905 NO BAY RD	MIAMI BEACH	FL	33140	USA
JEREMY J BAROUH AMANDA B BAROUH	5801 N BAY RD	MIAMI BEACH	FL	33140	USA
JOEL M ELLISON TRACEY S ELLISON	5832 ALTON RD	MIAMI BEACH	FL	33140	USA
JOSE B ALEMAN & JOHN WORMWOOD	5824 ALTON RD	MIAMI BEACH	FL	33140	USA
MARTIN P LABROSSE &W KAREN LEA	5842 ALTON RD	MIAMI BEACH	FL	33140	USA
MB LEGACY HOLDINGS LLC	7512 DR PHILLIPS BOULEVARD 50 224	ORLANDO	FL	32819	USA
OLIVER BEAUMONT BUCKWELL ADEL HATTEM	5800 ALTON RD	MIAMI BEACH	FL	33140	USA
RODERICK KING SCHERAZADE KING	5808 ALTON RD	MIAMI BEACH	FL	33140	USA
SCOTT BENNETT	5845 N BAY RD	MIAMI BEACH	FL	33140	USA
STEVEN J GREEN TRS KIMBERLY GREEN 2014 TRUST	5855 N BAY RD	MIAMI BEACH	FL	33140	USA
WILLIAM THOMAS HARRIS III TR & C/O SPIELMAN KOENIGSBERG & PARKER	1675 BROADWAY 20 FL	NEW YORK	NY	10019	USA



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PO BOX 778  
NEW YORK, NY 10013

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MIAMI, FL 33127

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AMANDA B BAROUH  
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MIAMI BEACH, FL 33140

WILLIAM THOMAS HARRIS III TR &  
C/O SPIELMAN KOENIGSBERG & PARKER  
1675 BROADWAY 20 FL  
NEW YORK, NY 10019

## BOARD APPLICATION CHECKLIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.

Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five (5) business days prior to CAP First submittal.

Applications requiring a traffic study must meet with the Transportation Department and peer reviewer thirty (30) calendar days prior to the CAP First Submittal deadline to determine the methodology for the traffic impact study and obtain the Transportation Department's checklist. Fifteen (15) days prior to the First submittal the applicant must submit the traffic study via CAP. Seven (7) days prior to First submittal the Transportation Department/Peer Reviewer will provide first round of comments to the applicant. The applicant must address the comments and submit revised traffic study/plans by the CAP First Submittal deadline including a narrative responding to Transportation/Peer Reviewer comments.

**Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.**

Property address: \_\_\_\_\_ Board: DRB Date: \_\_\_\_\_

ITEM #	ITEM DESCRIPTION	REQUIRED
<b>CAP FIRST SUBMITTAL</b> <b>To be uploaded online (CAP) by the applicant before 12:00 pm by First submittal deadline.</b> <b>ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.</b>		
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	
a	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
2	Copy of signed and dated check list issued at Pre-Application meeting.	
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	
4	Signed and dated Letter of Intent. <b>Letter must outline application details and identify hardships if Variances are requested.</b> (see also Items # 42,43 and 44).	
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	
9	<b>Architectural Plans and Exhibits (must be 11"x 17")</b>	
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. <b>Include copies of previous recorded board orders, if applicable.</b>	

Property address: \_\_\_\_\_ Board: DRB Date: \_\_\_\_\_

ITEM #	ITEM DESCRIPTION	REQUIRED
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	
g	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	
m	Demolition Plans (Floor Plans & Elevations with dimensions)	
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	
p	Proposed Section Drawings	
q	Color Renderings (elevations and three dimensional perspective drawings).	
<b>10</b>	<b>Landscape Plans and Exhibits (must be 11"x 17")</b>	
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	
b	Hardscape Plan, i.e. paving materials, pattern, etc.	
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits (provide building permit number) and/or Board Orders.	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. <a href="http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920">http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920</a>	
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	



Property address: \_\_\_\_\_ Board: DRB Date: \_\_\_\_\_

ITEM #	ITEM DESCRIPTION	REQUIRED
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	
23	Required yards section drawings.	
24	Variance and/or Waiver Diagram	
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	
29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the dune within the property. Erosion control line and Bulkhead line shall be indicated if present.	
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version and narrative addressing first round of comments from Transportation Department and peer review, provide a narrative. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
40	<b>Site Plan (Identify streets and alleys)</b>	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	

Property address: \_\_\_\_\_ Board: DRB Date: \_\_\_\_\_

ITEM #	ITEM DESCRIPTION	REQUIRED
b	# parking spaces & dimensions_____ Loading spaces locations & dimensions_____	
c	# of bicycle parking spaces_____	
d	Interior and loading area location & dimensions_____	
e	Street level trash room location and dimensions_____	
f	Delivery route_____ Sanitation operation_____ Valet drop-off & pick-up_____ Valet route in and out_____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles_____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
<b>41</b>	<b>Floor Plan (dimensioned)</b>	
a	Total floor area	
b	Identify # seats indoors_____ outdoors_____ seating in public right of way _____ Total_____	
c	Occupancy load indoors and outdoors per venue_____ Total when applicable_____	
<b>42</b>	<b>The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.</b>	
<b>43</b>	<b>The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:</b>	
a	Section 118-53 (d) of the City Code for each Variance.	
<b>44</b>	<b>The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:</b>	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	
	<b>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</b>	
Other		
Other		
Other		

**\*\*ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING**

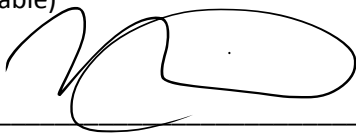
Property address: \_\_\_\_\_ Board: DRB Date: \_\_\_\_\_

ITEM #	ITEM DESCRIPTION	REQUIRED
<b>FINAL SUBMITTAL (CAP &amp; PAPER)</b> <b>Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Final Submittal Documents must be uploaded to the CAP and hard copies must be submitted to the Planning Department prior to 12:00 P.M. on final submittal deadline. Staff will review and issue a notice to proceed or to continue submittal to a future meeting if the application is found incomplete.</b>		
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	
	<b>PAPER FINAL SUBMITTAL:</b>	
46	Original application with all signed and notarized applicable affidavits and disclosures.	
47	Original of all applicable items.	
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	
49	14 collated copies of all required documents	
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	
51	Traffic Study (Hard copy)	
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	

#### ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

- A. Other information/documentation required for First submittal will be identified during Pre-Application meeting but may be modified based on further analysis.
- B. It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)

\_\_\_\_\_  
Applicant or Designee's Name

  
\_\_\_\_\_  
Applicant or Designee's Signature

2/6/20  
\_\_\_\_\_  
Date





**CMA Design Studio, Inc.**  
ARCHITECTURE PLANNING INTERIOR DESIGN  
232 Andalusia Avenue • Suite 101 • Coral Gables, FL 33134

To: City of Miami Beach Building Department

RE: 5840 N. Bay Rd. DRB Final Submission

1. DRB Zoning Review - Fail

1. Provide a narrative responding to staff comments.

**NOTED.**

2. Please note that staff will not recommend approval of any variance for the project.

**NOTED.**

3. Revise survey. Verify site elevations noted. They appear to be very low. However, the survey indicates that the elevations are in NGVD.

**THE SURVEY IS IN NAVD. IT HAS BEEN UPDATED TO NOTE THE CORRECT MEASURING SYSTEM.**

4. Many dimensions and text are illegible on plans. Change font type or size.

**NOTED.**

5. The proposed side setbacks shall be revised. The lot width is measured at 20'-0" from the front property line. In this case, the lot width will be larger than the length of the front property line and the side setbacks will exceed 16'-0" on at least one side in order to comply with the 25% sum of the side setbacks.

**LOT WIDTH SHOWN AT 20'-0" FROM PROPERTY LINE- 132'-0" SO EACH SIDE SETBACK HAS BEEN REVISED TO 16'-6". WE STRETCHED THE HOUSE IN TO MAKE IT NARROWER TO COMPLY WITH THE REVISED SETBACKS.**

6. The lot depth is measured at the center between the front and rear pl. provide length on site plan or survey.

**THE LOT DEPTH IS SHOWN ON A1.0.**

7. Revise zoning information. Revise both side yard setbacks and 25% sum of the side yards.

**A1.0A REVISED- SIDE YARD SETBACKS NOW AT 16'-6".**

8. Crown of the road indicated on page A1.0B is not consistent with survey.

**SURVEY IS IN NAVD- BOTH MEASUREMENTS ARE SHOWN ON A1.0B.**

9. Remove landscape and shaded colors from section drawings.

**BOTH REMOVED FROM WALL SECTIONS.**

10. Building height is measured to the midpoint of the highest roof. Indicate overall building height proposed.

**TOTAL BUILDING HEIGHT AND MIDPOINT SHOWN ON A1.0A AND A5.0S AND A6.0S.**

11. Revise unit size calculations and diagrams. The recessed areas at the main home entry do not count in unit size. The unit size in the covered terrace at the rear includes the area exceeding 10'-0" from all surrounding walls and extends to the edge of the planter and roof above. As such, only a center portion of the terrace will count in unit size. Apply the same criteria for the second-floor unit size at the rear terrace. Covered driveway or port cochere is considered a covered terrace and the area exceeding 10'-0" from the garage walls count in unit size. The covered portions (including planter area beyond the railing) exceeding 10'-0" from the walls at the second-floor terraces count in unit size. Therefore, the project will likely exceed the maximum unit size allowed.

**PLEASE SEE REVISED A1.1 AND A1.1A.**

12. The side screening and trellis between the two structures must be 50% open on the side to not count in lot coverage. Indicate that the structure will be 50% open.

**PLEASE SEE A5.2A.**

13. Indicate that the entry canopy is 50% open to not count the portion that exceeds 10'-0" in unit size.

**PLEASE SEE A2.1.**

14. Parallel parking to the front pl shall be setback 5'-0" from front PL.

**IT IS CURRENTLY 5'-0" FROM PROPERTY LINE- PLEASE SEE A1.0.**

15. Revise open space diagrams and calculations in the front yard to include only the first 20'-0' of front yard. Text partially illegible.

**PLEASE SEE A1.1C.**

16. Revise open space diagrams and calculations in the rear yard. to include only the first 20'-0' of front yard. Text partially illegible.

**PLEASE SEE A1.1C.**

17. Landscape plan is not consistent with floor plans.

**NOTED- HAS BEEN UPDATED TO MATCH.**

18. All required yards shall comply with minimum elevation of 6.56' NGVD. Maximum yard elevation will be determined after clarification of grade elevation in survey.

**SIDE AND REAR YARDS COMPLY- IN THE FUTURE THE SIDEWALK WILL BE AT 5.26' NGVD- FRONT REQUIRED YARD TO FACTOR THIS IN AND REMAIN AROUND 5.5' NGVD.**

#### 1. DEFICIENCIES IN ARCHITECTURAL PRESENTATION

##### a. Survey

i. Grade on survey and grade in zoning chart do not correlate; survey notes that elevations are in NGVD, but provided elevations seem low. Confirm and revise if applicable.

**THE SURVEY IS IN NAVD. IT HAS BEEN UPDATED TO NOTE THE CORRECT MEASURING SYSTEM.**

##### b. A1.0 Site Plan

i. Text is illegible

**NOTED AND FIXED.**

ii. Dimension overall dimensions or building and courts

**DIMENSIONS ADDED.**

iii. Variance(s) required for setbacks and sum of sides. Sum of sides is greater than 32'

**LOT WIDTH SHOWN AT 20'-0" FROM PROPERTY LINE- 132'-0" SO EACH SIDE SETBACK HAS BEEN REVISED TO 16'-6". WE STRETCHED THE HOUSE IN TO MAKE IT NARRORER TO COMPLY WITH THE REVISED SETBACKS.**

##### c. Zoning Legend

i. Confirm Grade is taken from crown of road at centerline of the front property line.

**THE SURVEY IS IN NAVD. THE CROWN OF ROAD IS TAKEN FROM CENTER OF LOT/ROAD.**

ii. Lot width, lot length missing (lot width of pie-shaped lot to be measured at the 20' required front yard setback, will be greater than what survey identifies)

**PLEASE SEE A1.0.**

iii. Side setbacks incorrect and sum of side yards is missing. Sum of side yards is 25% of lot width, with lot width greater than 130', greater than 32' and modifying the required setbacks.



**LOT WIDTH SHOWN AT 20'-0" FROM PROPERTY LINE- 132'-0" SO EACH SIDE SETBACK HAS BEEN REVISED TO 16'-6". WE STRETCHED THE HOUSE IN TO MAKE IT NARROWER TO COMPLY WITH THE REVISED SETBACKS.**

d. A1.0C Waiver #1 - 2nd to 1st Floor Volume

**PLEASE SEE REVISED A1.0D.**

i. Recommend wireframe axo with shaded volumes and corresponding square footage

**PLEASE SEE REVISED A1.0D.**

e. A1.0D Diagram not needed for waiver, the first is suffice

**NOTED.**

f. A1.1 Unit Size First Floor

i. Calculation of areas beyond 10' are to be taken from all exterior building walls. Revise the rear court calcs – include an offset of 10' from the wing walls, which would reduce the SF calc at this area

**PLEASE SEE A1.1**

ii. Covered open area between garage – offset 10 from garage interior walls and add remaining sf to Unit Size calculations

**PLEASE SEE A1.1.**

g. A1.1C Open Space Calculation Clarify pool square footage and have hatch correspondent – 50% of water portion of pool is counted in open space when the pool is located above adjusted grade.

**POOL HAS HATCH FOR AREA IN THE REAR SETBACK.**

i. Lighten hatch colors – hard to read text

**GRASS HATCH TURNED OFF AND HATCH MADE LESS DENSE.**

h. A2.0 First Floor Plan

i. Elevations are illegible – blurry

**PLEASE SEE A2.0- TEXT MADE LARGER**

ii. Setback lines are too light and text difficult to read

**PLEASE SEE A2.0- TEXT MADE LARGER AND SETBACK LINE MADE DARKER**

iii. Include site design for context

**PLEASE SEE A2.0.**

i. A2.1 Second Floor Plan

- i. Elevations are illegible – blurry

**PLEASE SEE A2.1- TEXT MADE LARGER**

- ii. Setback lines are too light and text difficult to read

**PLEASE SEE A2.1- TEXT MADE LARGER AND SETBACK LINE MADE DARKER**

j. A4.0 Roof Plan

- i. Setback lines are too light, and text also difficult to read

**PLEASE SEE A4.0- TEXT AND SETBACK LINE MADE DARKER**

k. Comments for All Elevations

- i. Include non-rendered line drawings of each elevation and call-out materials on rendered elevations.

**PLEASE SEE A5.0A, A5.1A, A5.2A, A6.0A, A6.1A.**

- ii. Increase text size / potentially scale of elevations – text is illegible

**TEXT SIZE INCREASED.**

- iii. Key map not showing correct section cut

**PLEASE SEE REVISED KEY PLANS.**

- iv. Materials not needed in sections

**MATERIALS REMOVED. PLEASE SEE A6.0S.**

- l. A7.0 Yard Sections 1 and 2 – Front and Rear Yard Sections do not represent the front and rear yard. Revise.

**LABELS CHANGED PLEASE SEE A7.0 AND A7.1.**

- m. A7.0 and 7.1 Include key map for clarity of where section is being taken

**KEY PLANS ADDED. PLEASE SEE A7.0 AND A7.1.**

**n. WAIVERS**

- i. 2nd Floor Volume – requesting 99%
- ii. Two-Story elevation along interior side exceed 60' without a break in volume

**PLEASE SEE A5.2A AND A5.3A.**

o. MISSING Waiver diagram for two-story elevation exceeding 60'

**PLEASE SEE A5.2A AND A5.3A.**

p. Add "FINAL SUBMITTAL" to front cover title for heightened clarity of reference for next deadline. Also drawings need to be dated.

**ADDED- PLEASE SEE COVER.**

q. Add narrative response sheet.

**NOTED.**

#### 5. Public Works - LUB Review - Fail

Comments:

DRB20-0518, Denied, (2-27-20)

1. Construction on frontage/rear/side of property lines must not encroach under or above ground into the adjacent property and/or right-of-way (Public Works Manual Part I / Section 4 / B / I). Alter the front gate to not encroach the right of way when it is open.  
(Sheets A1.0, A1.1, A1.1B, A1.1C, L300, L500, L701, & L702)

**GATE FLIPPED TO SWING INTO PROPERTY.**

Notes:

1. All stormwater runoff must be retained within your private property and the any proposed on-site stormwater system must hold a 10-year, 24-hour rainfall event with an intensity of 8.75 inches of rainfall.

**NOTE ADDED TO A1.0B.**

2. The pool will need to have one (1) of the following:

a. If feed by an irrigation line, it must discharge waste into an on-site small pool well or drainage well.

**NOTED.**

b. If feed by a domestic line, the pool must discharge into the sanitary sewer system and an Affidavit must be signed. Affidavit will indicate that you will not alter the pool feed to irrigation in the future without providing an on-site discharge well for a pool or discharge into an on-site drainage well.

**NOTED.**

3. Since your project is consider to be new construction your seawall must have minimum elevation of 5.70 feet NAVD (7.26 FT NGVD); the elevation needs to be verified by a Professional Surveyor and Mapper licensed in the State of Florida (Public Works



Manual Part I / Section 1/ A.2 / 5). This will be required during the permitting process.

**SEAWALL PROPOSED AT 7.5' NGVD.**

4. In the future the City will be raising the elevation of the sidewalk or swale in this area to 3.7 NAVD (5.26 NGVD). Consider this information in your decisions based on your design.

**FRONT REQUIRED YARD TO FACTOR THIS IN AND REMAIN AROUND 5.5' NGVD.**

Nielsen Landscape Architects, LLC  
357 Cypress Drive, Suite 10  
Tequesta, Florida 33469

March 5, 2020

**MEMORANDUM**

**TO:** City of Miami Beach  
Building Department

**FROM:** Tyler Nielsen  
357 Cypress Drive, Suite 10  
Tequesta, Florida 33469  
561.402.9414

**CC:** CMA Design Studio

**RE:** **REVISION 1 Narrative**

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City comments are issued below in **BLUE**. Narrative describing the landscape revisions are provided in **BLACK** below.

1. **Tree Evaluation Required. This needs to be prepared by an ISA Certified Arborist and or an ASCA Registered Consulting Arborist with good standing.**

**Certified arborist report is included with specified information, photographs, and specifications.**

2. **Landscape Plans are not consistent with floor plans.**

**Landscape Plans are updated to coordinate with floor plans. Refer to Sheets L300, L400, L500, L701, L702, L703, L801, & L802. Revision 1.**

3. **Missing Grading Plan.**

**Grading Plan provided. Refer to L400, Revision 1.**

4. **Since your project is considered new construction your seawall must have a minimum elevation of 7.26 FT NGVD. The elevation needs to be verified by a professional Surveyor and Mapper licensed in the State of Florida. This will be required during the permitting process.**

**Top of proposed seawall specified for 7.26 NGVD. Refer to L400, Revision 1.**

5. **Refer to the new Chapter 46 entitled Environmental and Tree Replacement / Mitigation chart based on the total diameter of trees to be removed. Identify and show how the replacement trees are being included in the landscape plans.**

**Mitigation is revised per the DBH removed. Refer to L102, Revision 1. Also, sheet L700 & L701 identify trees for mitigation.**