

Rachel and Joshua Samek
4454 N. Meridian Avenue
Miami Beach, FL 33140

February 21, 2022

City of Miami Beach Planning Department
Att: Land Use Board
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Permit #BR2106185

Dear City of Miami Beach Land Use Board Committee:

Thank you to this Committee and to the City of Miami Beach Building Department for the continued assistance in fixing the situation that occurred with permit #BR2106185 which resulted in us appearing before your board requesting a variance from a provision of the land development regulations.

We are the property owners at 4454 North Meridian Avenue and have been so since 2016. We properly followed the City of Miami Beach code and submitted engineering plans and a permit application for a permit to install an open-air pergola in our front yard on December 7, 2021. The permit was approved and issued on February 7, 2022. As you can see from the log of inspections, the building department came out to the property on July 21, 2022, August 3, 2022, and October 28, 2022 and each time passed inspections and approved the pergola for each step of the process (including the slabs which were poured multiple feet underground, framing, beams and columns). As all inspections throughout the project were approved by the building department, our contractor then called for final inspections. It was quite a surprise to learn, almost a year later from starting the project, that the building department would not pass the project on final inspection because they only now claimed that the pergola was too close to the side yard.

The head of the building department advised us that the City of Miami Beach made a mistake and did not properly route the permit to be initially viewed by the zoning department. As a direct and proximate result of the City of Miami Beach's admitted error, we have experienced delays in completing our pergola project and now are in front of your board requesting your assistance in finalizing this project.

As you can see by the enclosed documents, we followed the City of Miami Beach rules and submitted a permit (unlike many...), had the plans properly engineered and approved by the City, built our pergola exactly to the approved plans, and now have been in limbo for the past six months as a result of the building department's error in failing to route the permit to the zoning department. As long-standing homeowners and taxpayers we greatly appreciate the City now stepping in to assist in finalizing this process and hope this can be completed expeditiously.

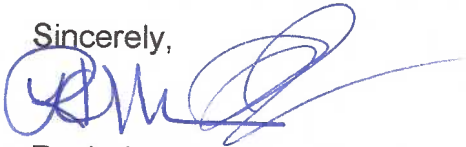
Enclosed please find the following documents for your review:

1. Permit History for Permit #BR2106185
2. Approved plans for Permit #BR2106185, which were followed exactly to build the project.
3. Land survey of 4454 N. Meridian Avenue showing the distances the pergola is from both the front and side set-backs.
4. Photos of the built pergola, including photos showing distances from the side set-back.
5. Letters from neighbors in support of the pergola remaining in the current location.

Again, we greatly appreciate your help in reviewing and finalizing this project. Please do not hesitate to reach out to us if we can assist in answering any follow-up questions or if you need additional information.

Thank you for your consideration.

Sincerely,



Rachel and Joshua Samek

#1 - PERMIT HISTORY

New Inspection	Description	Status	Request Date	Scheduled Date	Inspector	Action
DI-570639-2022	Building - Beams Inspection	Passed	10/28/2022	10/28/2022	Guzman Reinhold	
BDI-549897-2022	Building - Beams Inspection	Partial Pass	08/03/2022	08/03/2022	Guzman Reinhold	
BDI-549895-2022	Building - Columns Inspection	Passed	08/03/2022	08/03/2022	Guzman Reinhold	
BDI-547443-2022	Building - Foundation Inspection	Passed	07/21/2022	07/21/2022	Guzman Reinhold	
BDI-570640-2022	Building - Framing Inspection	Passed	10/28/2022	10/28/2022	Guzman Reinhold	
BDI-549898-2022	Building - Framing Inspection	Partial Pass	08/03/2022	08/03/2022	Guzman Reinhold	
PFI-570641-2022	Building - Planning Final inspection	Canceled	10/28/2022	10/28/2022	Marquez Julissa	
PFI-572717-2022	Building - Planning Final inspection	Reinspection Required	11/07/2022	11/07/2022	Joseph Jean Eddy	
PFI-574103-2022	Building - Planning Final inspection	Reinspection Required	11/14/2022	11/14/2022	Joseph Jean Eddy	
BDI-570638-2022	Building - Slab Inspection	Passed	10/28/2022	10/28/2022	Guzman Reinhold	

SD-0.0

02/01/2022 10:11:32 AM



SUBMITTAL 2 TRELIS

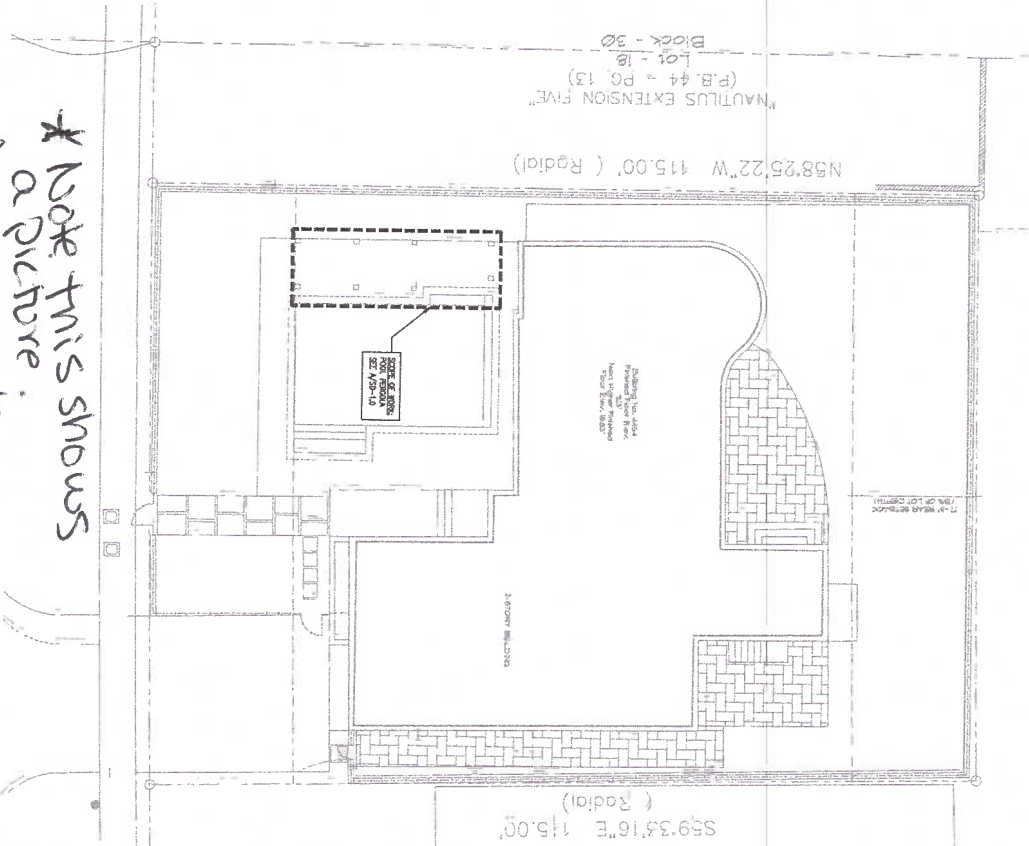
KEY PLAN

TYPE OF PRODUCT	HAZ. WASTE
LOCATION	2044 WESTERN AVENUE, BOULDER, CO, 80501
COORDINATES	3346
CLIENT	D.E. RICH SOURCE, INC.
DATE: 10/27/91	
FM: DRINKING A. PLZ	
DATE: 8/7/91	
DISCLOSED BY: AL	
DISCLOSED BY: DRINKING A. PLZ	
DATE: 21-1005	
WFO	
SCALE: 1: 45 SCALE	
DESCRIPTION	
DATE	
DATE	

DATE	DESCRIPTION	AMOUNT	BALANCE
1997-01-01	OPENING BALANCE		100.00
1997-01-15	PAYROLL	50.00	150.00
1997-02-01	RECEIVED FROM CUSTOMER	200.00	350.00
1997-02-15	PAYROLL	50.00	400.00
1997-03-01	RECEIVED FROM CUSTOMER	200.00	600.00
1997-03-15	PAYROLL	50.00	550.00
1997-04-01	RECEIVED FROM CUSTOMER	200.00	750.00
1997-04-15	PAYROLL	50.00	700.00
1997-05-01	RECEIVED FROM CUSTOMER	200.00	900.00
1997-05-15	PAYROLL	50.00	850.00
1997-06-01	RECEIVED FROM CUSTOMER	200.00	1050.00
1997-06-15	PAYROLL	50.00	1000.00
1997-07-01	RECEIVED FROM CUSTOMER	200.00	1200.00
1997-07-15	PAYROLL	50.00	1150.00
1997-08-01	RECEIVED FROM CUSTOMER	200.00	1350.00
1997-08-15	PAYROLL	50.00	1300.00
1997-09-01	RECEIVED FROM CUSTOMER	200.00	1500.00
1997-09-15	PAYROLL	50.00	1450.00
1997-10-01	RECEIVED FROM CUSTOMER	200.00	1650.00
1997-10-15	PAYROLL	50.00	1600.00
1997-11-01	RECEIVED FROM CUSTOMER	200.00	1800.00
1997-11-15	PAYROLL	50.00	1750.00
1997-12-01	RECEIVED FROM CUSTOMER	200.00	1950.00
1997-12-15	PAYROLL	50.00	1900.00
1998-01-01	CLOSING BALANCE		1900.00

GONZALO A. PAZ, PE. (Lic No-80734)
CERTIFICATE OF AUTHORIZATION NO. 26555
10/21/2021
10/21/2021
PROFESSIONAL ENGINEER

SD-0.1



* Note this shows
a picture
Measurements
to build on
next page *

A KEY PLAN
SCALE: 1/8"=1'-0"
SD-A1

* Measurements below. Pergola was built exactly to plans *

A TRELLIS FOUNDATION LOWER PLAN VIEW
 SCALE: 1/2" = 1'-0"

1
50-1.0
TRELLIS SECTION
SCALE: 1/2" = 1'-0"

B TRELLIS UPPER PLAN VIEW
SCALE: 1/2"=1'-0"

2 FOOTING SECTION
SCALE: 3/4"=1'-0"
SD-1.0

C DETAIL, TYP.
SCALE: 1 1/2"=1'-0"
SD-1.0

D DETAIL TYP.
SCALE: 3"=1'-0"

LEADS:

1 TO 17 NOT USED

18. RITOXAL ALUMINUM COLLOID, ALLOT 6061-16

19. TOP ALUM, BEVA RICH, ALLOT 6061-16

20. 3700 ALUM, ERS RICH, ALLOT 6061-16

21. PAMERS BY ELITE ALUM CORPORATION #7841

22. P13X002 ALUMINUM PLANT, ALLOT 6061-16

23. ⁶⁰ Ni-HF-200 + 1% Ni, BY ELITE W/ ⁶⁰ ENRICHMENT,
60 Ni SHINGO & 5% Ni DCE DISTINCTION

24. P13X001 ALUMINUM STRIPPER, ALLOT 6061-16

25. P13X0017 ALUMINUM PLANT, ALLOT 6061-16

26. ⁶⁰ Ni-HF-200 + 10-12% Ni, BY ELITE W/ ⁶⁰ ENRICHMENT,
60 Ni SHINGO & 5% Ni DCE DISTINCTION

28. RIKX04 ALUMINUM BEVA, ALLOT 6061-16

BUILDING DEPARTMENT
Reviewed For Compliance
BR2106185
02/01/2022 10:11:32 AM

[illegible]

PLAN OF SURVEY

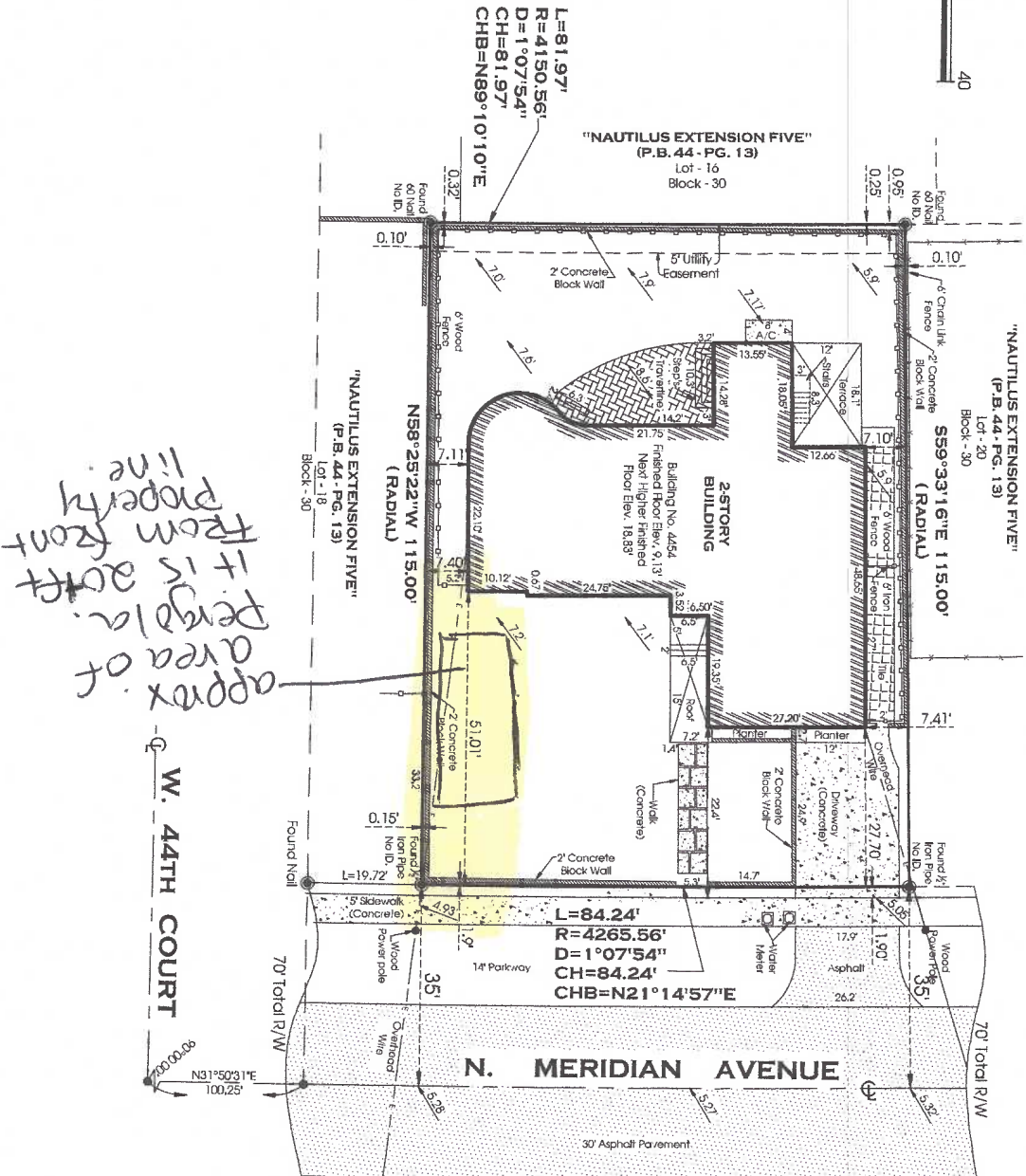
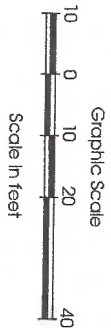
MARIO PRATS JR. & ASSOCIATES, INC.

SURVEYORS - MAPPERS - PLANNERS

52 SW 81st Avenue - Miami, Florida 33144

(305) 551-6000 ~ E-mail: docs@prattsurvey.com

Certificate of Authorization No.:4249

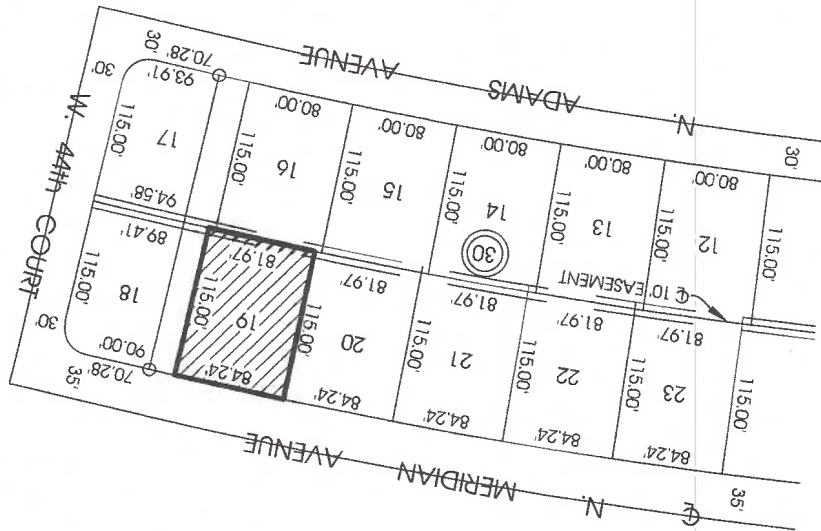


World Profs. Jr.
Professional Surveyor and Mapper No. 3332
State of Florida

CAD: File:
H:\Surveys\27554
Original date:
01/15/2014
Field date:
01/13/2014
(filed by: Steve West REVD:255)
Sheet 2 of 2
Original J.N.:
27554

LOCATION MAP

Scale: N.T.S



LEGAL DESCRIPTION

Lot 19, in Block 30 of "NAUTILUS EXTENSION FIFTH", according to the plat thereof, as recorded in Plot Book 44, at Page 13, of the Public Record of Miami-Dade County, Florida.

Property address: 4454 N. MERIDIAN AVENUE, MIAMI BEACH, FL. 33140

Flood Zone: "AE"
Base Flood Elevation: 7.0'
Community Panel No.: 120651-0309
Map Revised: September 11th, 2009

FOR THE BENEFIT OF: JOSHUA SAMEK AND RACHEL S K SAMEK

MARIO PRATS JR. & ASSOCIATES, INC.

SURVEYORS - MAPPERS - PLANNERS
62 SW 81st Avenue - Miami, Florida 33144
(305) 551-6000 - E-mail: docs@pratsurvey.com
Certificate of Authorization No.: 4249

The above "BOUNDARY SURVEY", represent the herein described property and it was completed under my supervision and or direction, to the best of my knowledge and belief and it also meets the Minimum Technical Standard set forth by the Florida Board of Land Surveyors and Mappers, pursuant to Section 54-17.061, Florida Statutes, and implementing Rules, Florida Board Administrative Code.

1. The above captioned Property was surveyed and described based on the above Legal Description furnished by Client.

2. This Certification is only for the lands as described, it is not as certification of title, zoning, easements, or freedom of Encumbrances, ABSTRACT NOT REVIEWED.

3. There may be additional Restrictions not shown on this survey that may be found in the Public Records of this County. Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.

4. Ownership subject to OPINION OF TITLE.

5. Type of Survey: BOUNDARY SURVEY.

6. Location and Identification of Utilities and or adjacent to the property were not secured as such information was not requested.

7. Unless otherwise noted, this firm has not attempted to locate Footings and/or Foundations (underground).

8. This PLAN OF SURVEY, has been prepared for the exclusive use of the entities named herein. The Certificate does not extend to any unnamed party.

9. If Bearings shown they are based on: Centerline of N. Meridian Avenue being N31°50'31"E

10. Precision of Closure 1:7500 Suburban Class Survey

11. Ownership of fences are not determined

ELEVATIONS NOTES: (IF REQUESTED AND SHOWN)

1. 0.0' indicates existing Elevation

2. Elevation are referred to the National Geodetic Vertical Datum 1929 (NGVD29)

3. BENCHMARK (Used) B.M. No. D-157-12, Elevation 4.93 Feet

Location: 44th Street & Alton Road

THIS NOT A VALID CERTIFICATION
WITHOUT THE SURVEYOR'S ORIGINAL
SIGNATURE AND RAISED EMBOSSED
SEAL PRESENT.

REVISIONS:
J.N.: 3/17/02
Date: 06/18/2020
J.N.:
Date:

Mario Prats Jr
Professional Surveyor and Mapper No. 3332
State of Florida

C.A.D. File:
H:\Surveys\27554
Original date:
01/15/2014
Field date:
01/13/2014
Sheet 2 of 2
Original J.N.:
27554

ABBREVIATIONS
B.M. = Bench Mark
C.C. = Calculated
M.E. = Measured
C/L = Centerline
M/L = Monument Line
N = North
S = South
W = West
E = East
P.R.M. = Permanent Reference Monument
P.C.P. = Permanent Control Point
W.F. = Wood Fence
C.L.F. = Chain Link Fence
A/C = Air Conditioner
C.C. = Concrete
S.W. = Staircase
S.T. = Stair
B.M. = Benchmark
P.M. = Point of Tangency
P.O.B. = Point of Beginning
P.C. = Point of Curvature
P.R.C. = Point of Reverse Curvature
C.B.M. = Concrete Block Structure
R/W = Right-of-Way
S.E. = Section
R.G.E. = Right-of-Way
T.M.P. = Township
E.N.C.R. = Encroachment
F.F. = First Floor
A/C = Air Conditioner
S.W. = Staircase
S.T. = Stair
B.M. = Benchmark

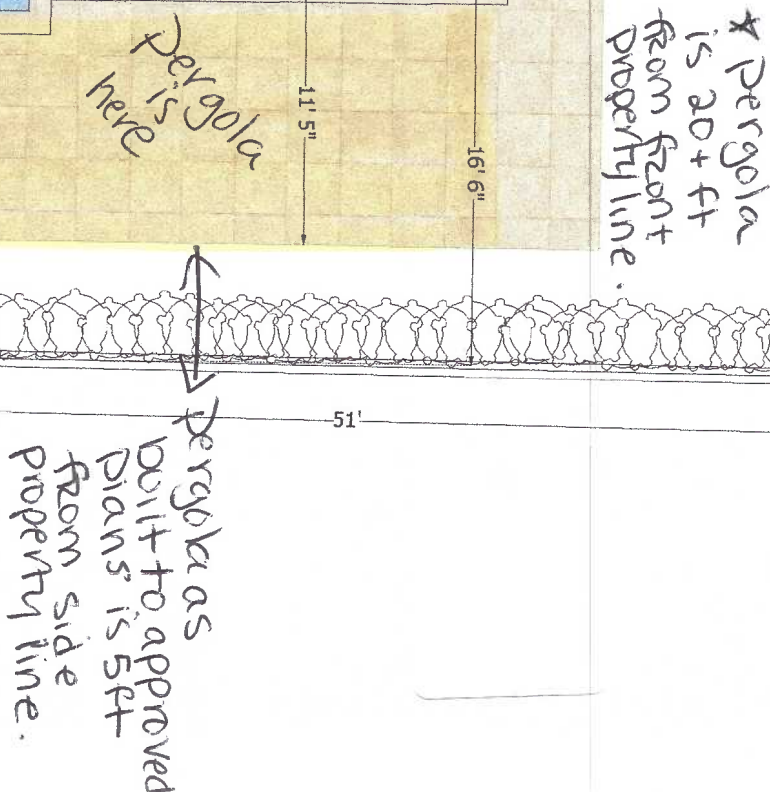


Photo showing
completed Pergola.

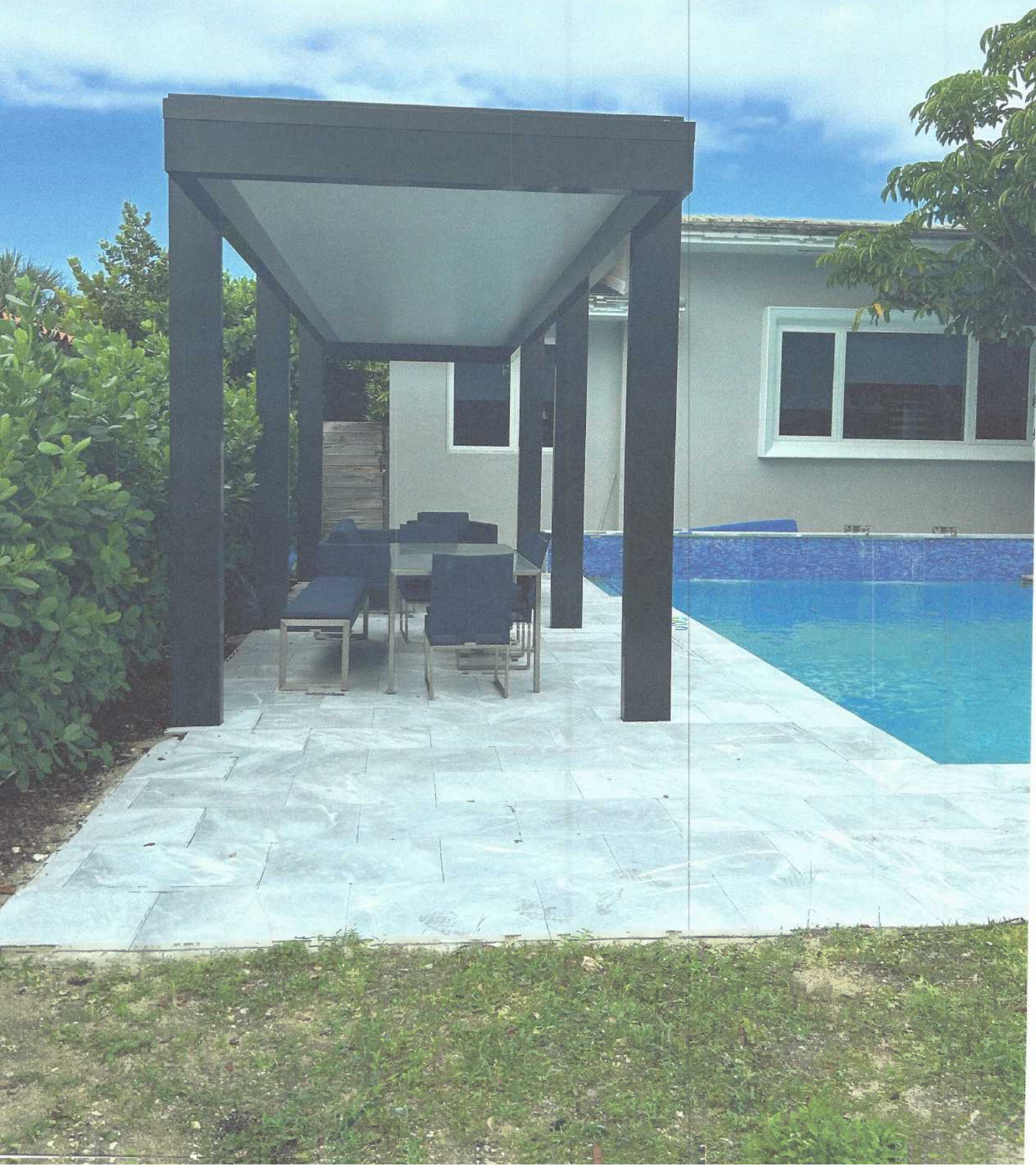


Photo taken inside
property showing
Completed Pergola.

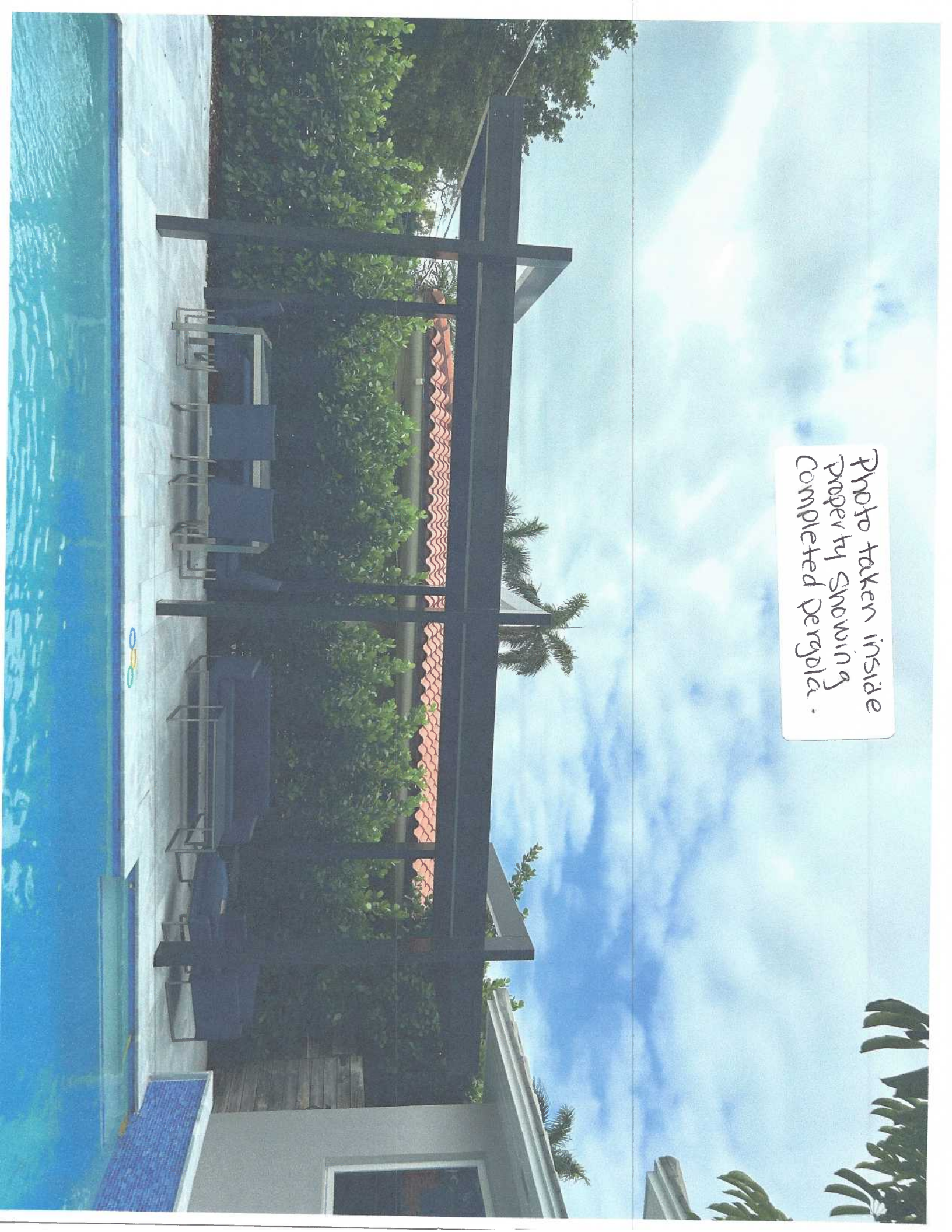


Photo taken from
sidewalk showing
Perapla inside & 4434
N. Mendocino property.





Photo showing
pergola distance
from sidewalk -

photo 1 of 2
Showing measuring
tape at edge of
property wall on side.



Photo 2 of 2
Showing continuation
of measurement of
side to next pergola
column inside yard.

