

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV
305-673-7550

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.

- ☒ BOARD OF ADJUSTMENT
- ☒ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
- ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☐ DESIGN REVIEW BOARD
- ☐ DESIGN REVIEW APPROVAL
- ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.
- ☐ HISTORIC PRESERVATION BOARD
- ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- ☐ HISTORIC DISTRICT / SITE DESIGNATION
- ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.
- ☐ PLANNING BOARD
- ☐ CONDITIONAL USE PERMIT
- ☐ LOT SPLIT APPROVAL
- ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- ☐ FLOOD PLAIN MANAGEMENT BOARD
- ☐ FLOOD PLAIN WAIVER
- ☐ OTHER _____

SUBJECT PROPERTY ADDRESS: 42 La Gorce Circle , Miami Beach FL 33141-4520

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (s) 02-3210-003-0170

1. APPLICANT: ☒ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER _____

NAME Mash Miami, Inc.

ADDRESS C/o Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131

BUSINESS PHONE 305.789.7642

CELL PHONE _____

E-MAIL ADDRESS tracy.slavens@hklaw.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Tracy R. Slavens, Esq.

ADDRESS Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131

BUSINESS PHONE 305.789.7642

CELL PHONE _____

E-MAIL ADDRESS tracy.slavens@hklaw.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

☒ CONTACT:

NAME Tracy R. Slavens, Esq.

ADDRESS Holland & Knight, LLC - 701 Brickell Avenue, Suite 3300, Miami, FL 33131

BUSINESS PHONE 305.789.7642

CELL PHONE _____

E-MAIL ADDRESS tracy.slavens@hklaw.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT

☐ LANDSCAPE ARCHITECT

☐ ENGINEER

☐ CONTRACTOR

☐ OTHER:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

FILE NO. _____

4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

Variance of the maximum allowable height applicable to front yard gates pursuant to Section 142-1132(h)(1)(a) of the Land Development Regulations. For further details relating to the specifics of this request, refer to the associated Letter of Intent.

4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE

☒ YES

☐ NO

4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION

☐ YES

☒ NO

4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) N/A SQ. FT.

4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE) _____ SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ _____

- 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 FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- 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 A PROJECT 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, LANDSCAPE ARCHITECTS, ENGINEERS, 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.

FILE NO. _____

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FROM 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

SIGNATURE: _____

PRINT NAME: Tracy R. Slavens

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
 COUNTY OF _____

I, _____, 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 removing 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
 (Circle one)

STATE OF _____
 COUNTY OF _____

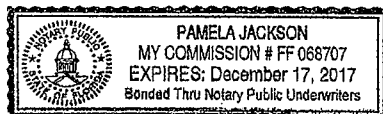
I, Kenneth Richie, being duly sworn, depose and certify as follows: (1) I am the Agent (print title) of Mash Miami, Inc. (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, 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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property as required by law. (7) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 17 day of July, 2017. The foregoing instrument was acknowledged before me by Kenneth R. Richie of _____, on behalf of such entity, 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

PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF
COUNTY OF

I, Kenneth Richie, being duly sworn and deposed, 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 Tracy R. Slavens, Esq. to be my representative before the _____ Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

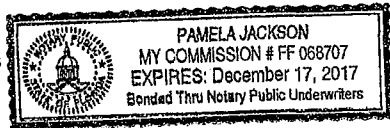
PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 17 day of July, 2017. The foregoing instrument was acknowledged before me by Kenneth R. Richie of _____ 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



Pamela Jackson
NOTARY PUBLIC

PAMELA JACKSON
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 contract purchasers are corporations, partnerships, limited liability companies, trusts, 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. 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.*

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. 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.*

Mash Miami, Inc.

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP
Michael Patrick Murray	100 %

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this 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.*

TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 9

FILE NO. _____

3. 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 #
a.	Tracy R. Slavens, Esq.	Holland & Knight 701 Brickell Ave, Miami, FL 33131	305-789-7642
b.	Vanessa Madrid, Esq.	Holland & Knight 701 Brickell Ave, Miami, FL 33131	305-789-7453
c.			

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

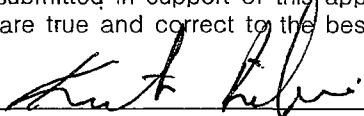
*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY 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
COUNTY OF

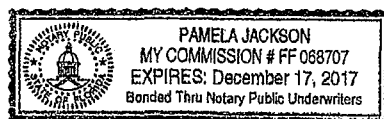
I, Kenneth Richie, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true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

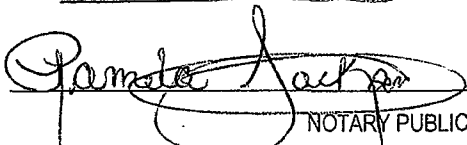

SIGNATURE

Sworn to and subscribed before me this 17 day of July, 2017. 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

My Commission Expires:




NOTARY PUBLIC
PAMELA JACKSON
PRINT NAME

FILE NO. _____

EXHIBIT A

Parcel 1:

Lot 21, Block 1, of LA GORCE ISLAND, according to the Plat thereof, as recorded in Plat Book 34, at Page 83, of the Public Records of Miami-Dade County, Florida.

Parcel 2:

Lots 22, 23 and the Southwesterly half of Lot 24, Block 1, of LA GORCE ISLAND, according to the Plat thereof, as recorded in Plat Book 34, at Page 83, of the Public Records of Miami-Dade County, Florida. The said Southwesterly half of aforesaid Lot 24 being particularly described as follows:

For line beginning commence on the point on waterfront boundary line of said Block 1 where the boundary line between said Lots 23 and 24 intersects said water front boundary line of said Block 1; thence run in a Northeasterly direction along the water front boundary line of said Lot 24 for a distance of 50 feet, more or less, to a point, said point being half way between the said Point of Beginning and the point on the said water front boundary line of said Block 1 where the boundary line between Lots 24 and 25 of said Block 1 intersects said water front boundary line; thence run in a Southeasterly direction along a straight line to a point on the boundary line between said Lot 24 and La Gorce Circle, said point being 42.5 feet Northeasterly from the point where the boundary line between said Lots 23 and 24 intersects the boundary line between said Block 1 and said La Gorce Circle and being half way between the last described point and the point where the boundary line between said Lots 24 and 25 intersects said boundary line between said Block 1 and said La Gorce Circle; thence run in a Southwesterly direction along said boundary line between said Lot 24 and La Gorce Circle to the point where the boundary line between said Lots 23 and 24 intersects the boundary line between said Block 1 and said La Gorce Circle; thence in a Northwesterly direction along the boundary line between said Lots 23 and 24 for a distance of 200.7 feet, more or less, to the Point of Beginning.

**WRITTEN CONSENT OF THE SOLE SHAREHOLDER
OF
MASH MIAMI INC.**

The undersigned, being the sole shareholder (the "*Sole Shareholder*") of **MASH MIAMI INC.**, a Florida corporation (the "*Corporation*"), hereby waives all requirements of notice and consents to the adoption of the following resolutions by written consent, without a meeting:

WHEREAS, the Corporation desires to purchase that certain property located at 42 La Gorce Circle, Miami Beach, Florida 33141 (Tax Folio no. 02-3210-003-0170) (the "*Property*"), and the Sole Shareholder wishes to (i) authorize Michael Patrick Murray, in his capacity as Director President of the Corporation ("Mr. Murray"), to perform certain acts and execute all related documents required or contemplated by the purchase of the Property; and (ii) grant Ilana Strickon ("Ms. Strickon"), Kenneth R. Richie ("Mr. Richie") and/or Alan Krischer ("Mr. Krischer") of Holland Knight, full power to execute and deliver any and all permit applications, utility applications and supporting documents to the City of Miami Beach or any service and maintenance company, as they become necessary or required, in connection to the Property.

NOW, THEREFORE IT IS

RESOLVED, that Mr. Murray is hereby authorized to perform all obligations under that certain purchase agreement for the Property, and to execute and deliver any and all transactional documents that may be necessary or required to consummate the purchase of the Property.

FURTHER RESOLVED, that the Corporation hereby grants Ms. Strickon, Mr. Richie and/or Mr. Krischer of Holland Knight, full power, for and on behalf of the Corporation, to execute and deliver any and all permit applications, utility applications and related and supporting documents to the City of Miami Beach, including but not limited to enter into, execute and deliver service contracts such as cable, internet, phone, power, water, television, gas service for LP tanks, maintenance contracts such as lawn and garden maintenance, pool maintenance and similar maintenance contracts and other related, supporting and ancillary documents, leases and contracts such as parking lot leases and agreements, homeowner association applications and agreements and related and supporting documents, and any and all consultant contracts, and supporting documents, such as geotechnical services, project consultants, construction consultants; water consultants in connection with the Property, and to perform any and all acts necessary, required and appropriate in conjunction with such contracts, agreements, documents and other above actions.

FURTHER RESOLVED, that without limiting the foregoing, Mr. Murray, in his capacity as President and Director of the Corporation, acting alone without the joinder of another, is hereby authorized, empowered and directed, in the name of

and on behalf of the Corporation, to do and perform any and all actions necessary, desirable, required or convenient, and to execute and deliver or cause to be delivered, for and on behalf of the Corporation, as may be necessary, desirable, required or convenient in order to effectuate the purposes and intents of the foregoing resolutions and the transaction contemplated thereby.

FURTHER RESOLVED, that any and all actions taken or written instruments executed by Mr. Perkins, Ms. Strickon, Mr. Richie and/or Mr. Krischer for and on behalf of the Corporation, in connection with the foregoing resolutions prior to the date hereof and in connection with the foregoing matters, including, without limitation, to the execution and delivery of the sale documents and related agreements, be and hereby are, approved, ratified and confirmed in all respects.

FURTHER RESOLVED, that this written consent shall be placed in the corporate book of the Corporation.

[Signature on the following page]

IN WITNESS WHEREOF, the undersigned has executed this written consent effective as of the 11th day of March, 2016.

SOLE SHAREHOLDER:

Mash Holdings Ltd., a U.K. company

By: 

Name: Michael Murray

Title: President

#40116130_v1



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 7/17/2017

Property Information	
Folio:	02-3210-003-0170
Property Address:	42 LA GORCE CIR Miami Beach, FL 33141-4520
Owner	MASH MIAMI INC
Mailing Address	515 E LAS OLAS BLVD 1200 FORT LAUDERDALE, FL 33301 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	8 / 10 / 2
Floors	2
Living Units	1
Actual Area	15,074 Sq.Ft
Living Area	10,874 Sq.Ft
Adjusted Area	11,795 Sq.Ft
Lot Size	70,913.99 Sq.Ft
Year Built	1998



Assessment Information			
Year	2017	2016	2015
Land Value	\$25,352,569	\$25,352,569	\$19,501,976
Building Value	\$1,450,958	\$0	\$0
XF Value	\$126,820	\$0	\$0
Market Value	\$26,930,347	\$25,352,569	\$19,501,976
Assessed Value	\$26,930,347	\$12,422,850	\$11,293,500

Benefits Information				
Benefit	Type	2017	2016	2015
Non-Homestead Cap	Assessment Reduction		\$12,929,719	\$8,208,476
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
LA GORCE ISLAND	
PB 34-83	
LOT 21 THRU 23 & SW1/2 OF LOT 24	
BLK 1	
LOT SIZE 349.330 X 203	

Taxable Value Information			
	2017	2016	2015
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$26,930,347	\$12,422,850	\$11,293,500
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$26,930,347	\$25,352,569	\$19,501,976
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$26,930,347	\$12,422,850	\$11,293,500
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$26,930,347	\$12,422,850	\$11,293,500

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/01/2016	\$45,000,000	30034-1086	Affiliated parties
06/24/2013	\$30,000,000	28695-4974	Qual by exam of deed
03/01/2001	\$12,450,000	19535-0382	Sales which are qualified
01/01/1995	\$2,950,000	16663-0021	Deeds that include more than one parcel

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

Version:

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens, Esq.
305 789 7642
tracy.slavens@hklaw.com

August 21, 2017

VIA HAND DELIVERY

Mr. Michael Belush
Planning and Zoning Manager
Planning Department, City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: Mash Miami, Inc. / 42 La Gorce Circle (ZBA17-0047) – Application to
Board of Adjustment for Variance of Section 142-1132(h)(1)
Second Amended Letter of Intent and Response to Comments**

Dear Mr. Belush:

Please accept this second amended letter of intent and response to resubmittal comments on behalf of Mash Miami, Inc. (the "Applicant") in connection with Application No. ZBA17-0047 (the "Application"). The Applicant received notice and acknowledges that the Application was transferred to the Board of Adjustment for consideration of its requests for approval of a variance of the maximum allowable height applicable to front yard gates pursuant to Section 142-1132(h)(1)(a) of the Land Development Regulations. Subsequently, resubmittal comments were issued on August 7, 2017 for the Application. As provided in the original letter of intent, the subject property is located at 42 La Gorce Circle in Miami Beach, Florida (the "Property"), and is located in the RS-1, Single Family Residential Zoning District. The Property consists of ±1.63 acres and is being redeveloped with an approximately 28,703 SF single-family residence. The project was approved under Building Permit Number BREV161164 (the "Building Permit") and Temporary Certificate of Completion Number TCO1700131 (the "TCO"). The Applicant is respectfully seeking the approval of an after-the-fact variance for the retention of the front vehicular gates for the southeast gate (the "Main House Gate") and northeast gate (the "Guest House Gate" and, together, the "Gates") exceeding the maximum height permitted within the front yard. The Gates in question mirror the scale and dimension of the original northeast gate that was installed for the prior residence on the Property.

I. Amendment to Letter of Intent

The Applicant seeks to amend its variance request to allow a waiver of the City's front yard gate height requirement by 1'-9 ½" on the Main House Gate, which is set back 7'-8", and 2'-6' on the

Guest House Gate, which is set back 9'-4". Subsection 142-1132(h)(1)(a) of the Land Development Regulations states that:

"... front yard, fences, walls and gates shall not exceed five feet, as measured from grade. The height may be increased up to a maximum total height of seven feet if the fence, wall or gate is set back from the front property line. Height may be increased one foot for every two feet of setback."

Thus, the calculations below serve to show that the Gates' are set back from the front Property line in a manner generally consistent with Land Development Regulations and said setbacks are also consistent with the dimensions of the Gates.

MAIN HOUSE GATE (SOUTHEAST GATE):

SETBACK FROM PROPERTY LINE = 7'-8"

DIVIDE THIS BY TWO – $7'-8''/2 = 3'-10''$

HEIGHT ALLOWED = 5'-0"

MAXIMUM HEIGHT W/ ADDITIONAL SETBACK = 7'-0"

EXISTING HEIGHT = 8'-9 1/2"

HEIGHT OVER ALLOWED MAXIMUM = 1'-9 1/2"

GUEST HOUSE GATE (NORTHEAST GATE):

SETBACK FROM PROPERTY LINE = 9'-4"

DIVIDE THIS BY TWO – $9'-4''/2 = 4'-8''$

HEIGHT ALLOWED = 5'-0"

MAXIMUM HEIGHT W/ ADDITIONAL SETBACK = 7'-0"

EXISTING HEIGHT = 9'-11"

HEIGHT OVER ALLOWED MAXIMUM = 2'-11"

II. Responses to Resubmittal Comments

The Applicants' responses to the resubmittal comments issued on August 7, 2017 are as follows:

1. Text shall be enlarged on detailed drawings as they are illegible.

Response: The text has been enlarged on detailed drawings and is now legible. Please see enclosed revised plans.

2. The gates appear to be located on the northeast side of the property. Drawings indicate southwest location. Please clarify.

Response: To clarify, both Gates are located on the east side of the Property and the drawings have been revised to indicate the location of the Main House Gate and the Guest House Gate on the southeast and northeast portion of the Property, respectively.

3. Update survey to show Grade as the elevation of the crown of the road at the center of the property.

Response: Survey has been revised to show grade as the elevation of the crown of the road at the center of the property. In addition, the average grade of 4.85 is indicated in the enclosed updated survey.

4. Revise height of the gates in elevation drawings to be measured from grade indicated in a new survey.

Response: Please refer to Sheet A2.01, which has been updated to reflect actual as-built conditions, and Sheet A0.00, which shows the as-built gate heights. In addition, Sheet A2.01 has been updated to indicate average dimensions from grade per updated survey.

5. Indicate setback of the gates from front property line. Provide width of the fence wall, and dimensions of pilasters.

Response: The Main House Gate is set back seven feet and eight inches (7'-8"), and the Guest House Gate is set back nine feet and four inches (9'-4") from the front Property line. The plans have been revised to reflect these setbacks.

6. It appears that the southeast gate was not original to the property only the northeast side. Please clarify letter of intent.

Response: Correct. The prior residence on the Property did not have a vehicular gate on the southeastern portion of the Property. However, there was a pedestrian gate in the same location as the current pedestrian gate which is just east of the garage at the southerly end of the Property. Although only the Guest House Gate (on the northeast) was original to the Property, both Gates are generally of the same size, and scale as the gate original to the Property.

7. Provide copy of previously approved permit for the gates if possible.

Response: After recent conversations with City Staff, Applicant learned that there are no permit records on file in connection with the original gate. Therefore, Applicant is unable to provide a copy of the previously approved permit for the original gate.

8. Revise letter of intent to indicate that the variance request is to the Board of Adjustment.

Response: This letter has been revised to indicate that the variance request is to the Board of Adjustment for consideration.

9. Letter of intent notes that the gates were approved on page D9 of the landscape drawings. Provide copy of the permit drawings if possible.

Response: A copy of the permit drawings, including sheet D9 of the landscape drawings has been enclosed with this resubmittal package.

10. Staff would be supported of the variances requested conditioned to the replacement of the solid gates with others of more open design.

Response: The Applicant is seeking the retention of the Gates as permitted and installed as the change to any design at this time would be unjust. This request is justifiable based upon the legal doctrine of equitable estoppel.¹ Equitable estoppel bars a local government from retracting previously issued approvals to the detriment of the party who relied on them.

Equitable estoppel is appropriate where (1) a property owner's good faith reliance (2) on some act or omission of the government and (3) a substantial change in position or the incurring of excessive obligations and expenses so that it would be highly inequitable and unjust to destroy the right acquired.²

Applicant's good faith reliance:

To satisfy the reliance prong of equitable estoppel, the party asserting the defense must prove that he or she made a detrimental change of position based on a belief in the misrepresented fact. Here, the Applicant intended to comply with all applicable regulations; as exemplified in the approved site plan and building permit plans. The Gates were made to match the scale of the original gate on the northeast portion of the Property, which was existing prior to the construction of the new residence. The Gates' contemporary design was included on sheet D9 of the Landscape drawings, which were permitted and approved on September 6, 2016 (the "Approved Permitted Plan").³ Therefore, Applicant acted in good faith reliance on an act by the zoning authority; to wit the issuance of the Building Permit.

City's act or omission:

The zoning authority's approval of the Approved Permitted Plan and its failure to provide comments or require revisions thereto amount to conduct giving rise to the situation of which complaint is made. The instant variance proceeding arises directly from the Applicant's reliance on the City's conduct. The Applicant obtained the Building Permit approval for, installed, and was issued a TCO for the Gates, which are now under dispute. The Gates and their respective designs were brought to the City's attention for approval and were specifically included in the building permit plans (see Exhibit "A" attached hereto). The Gates illustrated in the Approved Permitted Plan clearly show a contemporary design composed of solid materials that provide limited visibility to ensure the privacy and security of the Property. Therefore, the City had actual

¹ The doctrine of estoppel is a part of the common law which has been adopted by statute in Florida. See § 2.01, Fla. Stat.

² See *Equity Res. v. County of Leon*, 643 So.2d 1112, 1117 (Fla. 1st DCA 1994) (quoting *Franklin County v. Leisure Props., Ltd.*, 430 So.2d 475, 479 (Fla. 1st DCA 1983)):

One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances or commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds....

Id. at 1120 (quoting *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 573 (Fla. 2d DCA 1975)).

³ The Approved Permitted Plan was reviewed and approved by MTCI, a City authorized private provider.

knowledge that these Gates were being constructed in their current design and configuration, as this was readily apparent from the Approved Permitted Plan. Despite the City's review of the Approved Permitted Plan, no comments were issued by the City requesting additional information or a change in design. Said plans were approved, and a TCO was subsequently issued. This represents a clear failure to act or an omission on the part of the City, having had notice of the design of the Gates.

Detrimental change in position:

The Applicant has changed its position by installing the Gates pursuant to the Approved Permitted Plan and in reliance on the Building Permit. The Gates were custom built based on the Approved Permitted Plan and took months for artisans to complete. Not only would the replacement of the Gates create a hardship and result in a significant expense, but it would also be highly inequitable and unjust.

In conclusion, the doctrine of equitable estoppel precludes a party from asserting rights he or she otherwise would have had against another when his or her own conduct renders assertion of those rights contrary to equity.⁴ As such, when a property owner substantially changes its position in reliance on a building permit that is validly issued by a municipality, that municipality cannot later repudiate the permit, even when the underlying approvals were issued in apparent violation of applicable law.⁵ Because the Applicant installed the Gates to its detriment based on the City's approval of the Approved Permitted Plan, the issuance of the Building Permit, and the subsequent issuance of the TCO, and its reliance thereon, the City is essentially precluded from asserting rights it otherwise would have had against the Applicant when its own conduct renders assertion of those rights contrary to equity. Thus, it would be inequitable and unjust for the City to repudiate its prior conduct, and find that the Gates need to be replaced with others of more open design.

11. Provide a narrative responding to staff comments.

Response: This resubmittal constitutes the Applicant's narrative responding to staff comments issued on August 7, 2017.

12. Revised drawings and documents addressing staff comments must be received thru CAP on or before August 15 in order to be placed on the October 6 agenda.

Response: All revised drawings and application-related documents addressing staff comments have been submitted on or before August 15 and Applicant anticipates being placed on the October 6 agenda.

⁴ 22 Fla. Jur 2d Estoppel and Waiver § 23. *See e.g., Sakolsky v. City of Coral Gables*, 151 So. 2d 433 (Fla. 1963) (holding that holder of permit acted in good faith, and municipality was precluded under doctrine of equitable estoppel from rescinding permit).

⁵ *See Castro v. Miami-Dade County Code Enforcement*, 967 So.2d 230 (Fla. 3d DCA 2007) (finding that that equitable estoppel applied even where the underlying building permit at issue had been issued in contravention of the zoning code),

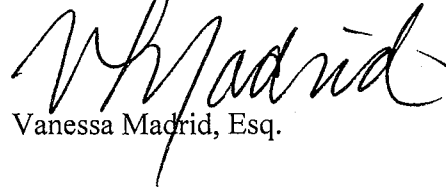
13. Staff will advise the applicant on August 21 if the application can move forward for the October 6 agenda.

Response: Applicant was notified that the Application will be placed on the October 6 agenda.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to this request. If you should have any questions or require additional information, please feel free to call me directly at 305-789-7642.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

A handwritten signature in black ink, appearing to read "V. Madrid", is written over the typed name.

Vanessa Madrid, Esq.

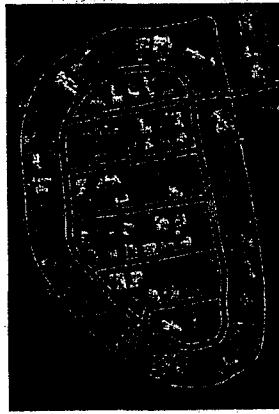
Enclosures

Exhibit "A"

Approved Permitted Plan

42 LA GORCE

ADDITION AND RENOVATION



SITE LOCATION

42 LA GORCE CIRCLE
MIAMI BEACH, FL 33141

FOLIO : 02-3210-003-0170
PERMIT REVISION SUBMITTAL
MARCH 30, 2016

CIVIL ENGINEER
OCEAN ENGINEERING
333 NE 24th Street, Suite 408
Miami, Florida 33137
Tel: (786) 253-5252
Fax: (786) 755-8250

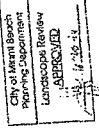
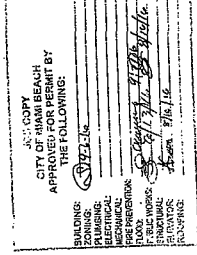
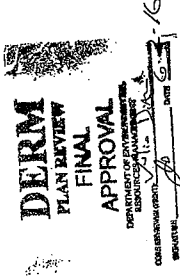
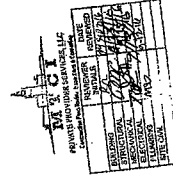
MEP ENGINEER
WOJCIESZAK & ASSOCIATES
833 E. 5th Street
Sunnyvale, Florida 34995
Tel: (772) 286-8696
Fax: (772) 286-4521

INTERIOR DESIGN
ARGENT DESIGN LIMITED
100 George Street, London W1U 8NU
United Kingdom
Tel: +44 20 7563 4250

ARCHITECT
KOBICARP ARCHITECTURE,
& INTERIOR DESIGN, INC.
2915 Biscayne Blvd, Suite 200
Miami, Florida 33137
Tel: (305) 573-1918
Fax: (305) 573-9786

STRUCTURAL ENGINEER
OPTIMUS STRUCTURAL DESIGN
7850 NW 146 Street, Suite 305
Miami Lakes, Florida 33016
Tel: (305) 572-5560
Fax: (305) 572-5561

LANDSCAPE ARCHITECT
NIEVERA WILLIAMS DESIGN
223 Sunset Ave, Suite 150
Palm Beach, Florida 33480
Tel: (561) 659-2620
Fax: (561) 659-2113



REVISIONS / SUBMISSIONS

NO.	DATE	DESCRIPTION
1	03/30/16	PERMIT REVISION SUBMITTAL

1350

42 LA GORCE 42 LA GORCE CIRCLE MIAMI BEACH, FLORIDA COVER	L.C. # A00012578 APR 6 8 2016	WWW.KOBICARP.COM 2016 KOBICARP ARCHITECTURE KOBICARP ARCHITECTURE, INC. 2915 BISCAYNE BLVD, SUITE 200 MIAMI, FLORIDA 33137 TEL: (305) 573-1918 FAX: (305) 573-9786	KOBICARP ARCHITECTURE PLANNING AIA ASID NCARB	DRAWN BY: CHECKED BY: DATE: MAY 11, 2016 A0.00
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July 17, 2017

**City of Miami Beach
Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139**

RE: Property Owners List within 375 feet of:

LEGAL DESCRIPTION:

Lots 21, 22, 23 and Southwesterly 1/2 of Lot 24, in Block 1 of "LA GORCE ISLAND", according to the Plat thereof, s recorded in Plat Book 34, at Page 83 of the Public Records of Miami-Dade County, Florida.

LOCATION: 42 La Gorce Circle, Miami Beach FL 33141

FOLIO NO. 02-3210-003-0170

PREPARED FOR: HOLLAND & KNIGHT LLP

ORDER: 170718

Total number of property owners without repetition: 19

This is to certify that the attached ownership list, map and mailing matrix is a complete and accurate representation of the real estate property and property owners within 375 feet of the subject property listed above. This reflects the most current records on the file in Miami-Dade County Tax Assessor's Office.

Sincerely,
THE ZONING SPECIALISTS GROUP, INC.

Jose F. Lopez, P.S.M. #3086

OWNERS LIST

THE FOLLOWING ARE PROPERTY OWNERS WITHIN A 375-FOOT RADIUS OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

Lots 21, 22, 23 and Southwesterly 1/2 of Lot 24, in Block 1 of "LA GORCE ISLAND", according to the Plat thereof, as recorded in Plat Book 34, at Page 83 of the Public Records of Miami-Dade County, Florida.

LOCATION: 42 La Gorce Circle, Miami Beach FL 33141

FOLIO NO. 02-3210-003-0170

PREPARED FOR: HOLLAND & KNIGHT LLP

ORDER: 170718

La Gorce Island PB 34 83 Wly1/2 Of Lot 14 & Lots 15 & 16 Blk 1

Property address: 30 La Gorce Cir

Folio number: 0232100030130

George Sherman & W Betsy

30 Lagorce Cir

Miami Beach, FL 33141-4520

La Gorce Island PB 34 83 Lot 17 Blk 1

Property address: 34 La Gorce Cir

Folio number: 0232100030140

34 La Gorce Circle Partners LLC

1666 Kennedy Causeway #503

North Bay Village, FL 33141

10-11 53 42 La Gorce Island PB 34 83 Lots 18 & 19 Blk 1

Property address: 36 La Gorce Cir

Folio number: 0232100030150

Steven J Green & W Dorothea

C/O Greenstreet Partners

36 Lagorce Cir

Miami Beach, FL 33141-4520

La Gorce Island PB 34 83 Lot 20 Blk 1

Property address: 40 La Gorce Cir

Folio number: 0232100030160

Douglas S Cramer Trs Hubert S Bush III

Trs Douglas S Cramer Fl Revoc Tru

40 Lagorce Cir

Miami Beach, FL 33141-4520

La Gorce Island PB 34 83 Lot 21 Thru 23 & Sw1/2 Of Lot 24 Blk 1

Property address: 42 La Gorce Cir

Folio number: 0232100030170

Mash Miami Inc

515 E Las Olas Blvd Ste 1200

Fort Lauderdale, FL 33301-4249

La Gorce Island PB 34 83 Ne1/2 Of Lot 24 & Lot 25 Blk 1

Property address: 50 La Gorce Cir

Folio number: 0232100030190

Sunshine Equities Corp

%Lopez & Romero

551 5th Ave Rm 616

New York, NY 10176-0699

La Gorce Island PB 34 83 Lot 1 Blk 10

Property address: 6655 Brevity Ln

Folio number: 0232100030210

Steven Budin & W Melisse

6655 Brevity Ln

Miami Beach, FL 33141-4518

La Gorce Island PB 34 83 N85ft Of Lot 2 Blk 10

Property address: 6645 Brevity Ln

Folio number: 0232100030211

Dennis Kainen & W Deborah

6645 Brevity Ln

Miami Beach, FL 33141-4518

La Gorce Island PB 34 83 S20ft Of Lot 2 & Lot 3 Blk 10
Property address: 6641 Brevity Ln
Folio number: 0232100030220

Anna K Rentz Trs Anna K Rentz
6641 Brevity Ln
Miami Beach, FL 33141-4518

La Gorce Island PB 34 83 Lots 4 & 7 Blk 10
Property address: 6625 Brevity Ln
Folio number: 0232100030230

Lawrence Kogan & W Diana
6625 Brevity Ln
Miami Beach, FL 33141-4518

La Gorce Island PB 34 83 Lot 5 Blk 10
Property address: 25 La Gorce Cir
Folio number: 0232100030240

Alan Scott Dansky John H Dawson
25 Lagorce Cir
Miami Beach, FL 33141-4519

La Gorce Island PB 34 83 Lot 8 Blk 10
Property address: 6630 Sheffield Ln
Folio number: 0232100030260

Janice Moscoso
6630 Sheffield Ln
Miami Beach, FL 33141-4535

La Gorce Island PB 34 83 Lot 9 Blk 10

Property address: 6650 Sheffield Ln
Folio number: 0232100030270

Hyman Turken Trs
Est Of Paula Turken Trs
6650 Sheffield Ln
Miami Beach, FL 33141-4535

La Gorce Island PB 34 83 Lot 10 Blk 10
Property address: 6652 Sheffield Ln
Folio number: 0232100030280

Wendy M Smith David B Smith
6652 Sheffield Ln
Miami Beach, FL 33141-4535

La Gorce Island PB 34 83 Lot 11 Blk 10
Property address: 55 La Gorce Cir
Folio number: 0232100030290

Steven Tallent
55 Lagorce Cir
Miami Beach, FL 33141-4519

La Gorce Island PB 34 83 Lot 1 Blk 11

Property address: 41 La Gorce Cir
Folio number: 0232100030300

Aimee Van De Maele
& Heidi V Jimenez Trs
41 Lagorce Cir
Miami Beach, FL 33141-4519

La Gorce Island PB 34 83 Lot 2 Blk 11
Property address: 39 La Gorce Cir
Folio number: 0232100030310

Ianna Raim Sterenfeld
9881 E Broadview Dr
Miami Beach, FL 33154-1116

10-11 53 42 La Gorce Island PB 34 83 Lot 3 Blk 11
Property address: 31 La Gorce Cir
Folio number: 0232100030320

Hulet Properties Nv
31 Lagorce Cir
Miami Beach, FL 33141-4519

Sub Of La Gorce Island PB 40 64 Lots 1 Thru 3 Blk 2 And Prop Int In & To
Common Elements Not Dedicated To Public
Property address: 54 La Gorce Cir
Folio number: 0232100060010

Wayne E Chaplin & W Arlene
54 Lagorce Cir
Miami Beach, FL 33141-4520

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Address: 42 La Gorce Circle

Date:

File:

VARIANCE APPLICATION CHECK LIST

A pre-application meeting must be scheduled with staff to review all submittals. Pre-application meetings are scheduled on a first come first serve basis and must occur no later than five (5) business days PRIOR to the First Submittal deadline. Incomplete or submittals found to be insufficient will not be placed on a Board agenda.

ITEM #	FIRST SUBMITTAL CHECK LIST	Required	Provided
	ALL PLANS MUST BE LEGIBLE AND DIMENSIONED.		
1	Plans and documents required below shall be provided by online submittal (thru CAP) no later than the first submittal deadline.	X	
2	Final information submitted thru CAP shall match final paper submittal.	X	
3	Completed Board Application form with Affidavits & Disclosures of interests	X	
4	Check-list provided by staff provided and signed by the applicant or representative.	X	
5	School Concurrency Application, for projects with a net increase in residential units (no SFH)		
6	Copies of all current or previously active Business Tax Receipts		
7	DERM recommendation/preliminary approval		
8	Mailing Labels - 2 sets and a CD including: Property owner's list and Original certified letter from provider.	X	
9	Dated and signed letter of intent explaining in detail how the variance request(s) satisfy each variance criteria on Section 118-353 (d) of the City Code.	X	
10	Application Fee (\$2,500) or \$(7,500 if After the fact) shall be paid after the pre-app meeting before the first submittal deadline.	X	
11	One original, dated, signed and sealed survey (dated no less than 6 months old at the time of application) including lot area and grade (if no sidewalk exists, provide the elevation of the crown of the road).	X	
12	Plans shall be in 11"x17" including the following:	X	
13	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date.	X	
14	Copy of the original survey (min 11x17)	X	
15	All Applicable Zoning Information in the Planning Department format		
16	Location Plan-- Colored aerial showing name of streets and project site identified.	X	
17	Full legal Description of the property if not included in survey (For lengthy legal descriptions, attached as a separate document if necessary)	X	
18	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)		
19	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)		
20	Site Plan (fully dimensioned with setbacks, existing and proposed) Indicate location of the area included in the application if applicable.	X	
21	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X	
22	Current, dated color photographs, min 4"x6" of interior space (no Google images)		
23	Current color photographs, dated, Min 4"x 6" of context including adjacent properties and, across the street and with a key directional plan (no Google images)	X	
24	Existing Conditions Drawings (Floor Plans & Elevations with dimensions).	X	
25	Demolition Plans (Floor Plans & Elevations with dimensions)		

Indicate N/A If Not Applicable

MIAMI BEACH

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

26	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.		
27	Proposed Elevations of fence, pilasters and gates, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values) .	X	
28	Proposed Section Drawings		
29	Landscape Plan - identifying existing, proposed landscape material.	X	
30	Hardscape Plan, i.e. paving materials, pattern, etc.		
31	Required yards open space calculations and shaded diagrams		
ITEM #	FIRST SUBMITTAL ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE APPLICATION MEETING	Required	Provided
32	Copy of original Building Permit Card, & Microfilm, if available		
33	Copy of previously approved building permits. (Provide Building Permit Number.)		
34	Copy of previous Recorded Final Orders		
35	Floor Plan shall indicate area where alcoholic beverages will be displayed.		
36	Color Renderings (elevations and three dimensional perspective drawings).		
37	Detailed sign(s) with dimensions and elevation drawings showing exact location.		
38	Elevation drawings showing area of building façade for sign calculation (Building ID signs)		
39	Daytime and Nighttime renderings for illuminated signs		
40	Proposed lighting plan, including photometric calculations		
41	Survey showing width of the canal (if applicable), Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.		
42	Proposed plans for a dock, or any marine structure shall have approval stamp from DERM or other applicable regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.		
43	Technical specifications of the boat lift and/or boat, ship or vessel to be docked or moored.		
44	Business hours of Operations & Restaurant menu if applicable		
45	Provide a complete operational plan for the building, including delivery and trash pickup times, sizes of delivery trucks (length & width), scheduling of various tenants and deliveries, garbage truck (length & width) information, store hours, number of employees. Provide maneuvering plan for loading within the existing/proposed conditions if applicable.		
46	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		
47	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.		
48	Vacant or 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 Department		
49	Historic Resources Report (This report shall include, but shall not be limited to, copy of the original Building Permit Card and any subsequent evolution, Microfilm, 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)		
50	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated)		
51	Line of Sight studies		
52	Structural Analysis of existing building including methodology for shoring and bracing		

Indicate N/A If Not Applicable

MIAMI BEACH

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

53	Exploded Axonometric Diagram (showing second floor in relationship to first floor)		
54	Neighborhood Context Study		
55	Traffic Study (Hard copy) with 3 CDs, including calculations for peer review. Send digital version as an attachment via e mail to: Xfalconi@miamibeachfl.gov		
56	Sound Study report (Hard copy) with 1 CD		
57	Set of plans 24"x 36"		
55	Site Plan (Identify streets and alleys)		
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____		
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 _____		
56	Floor Plan (dimensioned)		
a	Total floor area		
a	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____		
b	Occupancy load indoors and outdoors per venue _____ Total when applicable _____		
	In the Letter of Intent for Planning Board include and respond to all review guidelines in the code as follows:		
57	For Conditional Use -Section 118-192 (a)(1)-(7) + (b)(1)-(11)		
58	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)		
59	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)		
60	CU - Structures over 50,000 SQ.FT. - Section 118-192(b) (1)-(11)		
61	CU - Religious Institutions - Section 118-192 (c) (1)-(11)		
	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions		
	Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A		
	Other information/documentation required for first submittal (to be identified during pre application meeting).		

ITEM #	FINAL PAPER SUBMITTAL CHECK LIST	Required	Provided
62	One (1) signed and sealed 11"X17" unbound collated set of all the required documents , as revised and/or supplemented to address Staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. A CD with proper format of all documents and plans 11"X17" as a PDF compatible with Adobe 8.0 or higher at 300 DPI resolution.	X	
63	14 collated copies of all the above documents	X	
64	One (1) CD/DVD with electronic copy of all documents and final application package (plans, application, letter, etc.) . See details for CD/DVD formatting.	X	

NOTES:

Is the responsibility of the applicant to make sure that the sets, 14 copies and electronic version on CD are consistent.

Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline

Indicate N/A If Not Applicable

MIAMI BEACH

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

ALL DOCUMENTS ARE TO BE PDF'D ON TO A MASTER DISK, WHICH DISK SHALL BE CONSIDERED THE OFFICIAL FILE COPY TO BE USED AT HEARING. ALL MODIFICATIONS, CORRECTIONS, OR ALTERATIONS MUST BE REFLECTED ON THE MASTER DISK. APPLICANT CERTIFIES COMPLIANCE WITH THE FOREGOING. FAILURE TO COMPLY MAY RESULT IN A REHEARING BEFORE THE APPLICABLE BOARD.



APPLICANT'S OR DESIGNEE'S SIGNATURE

7.17.17
DATE