

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: 914 Marseille Drive, Miami Beach, FL 33141

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

FOLIO NUMBER (S) 02-3210-013-0311

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

NAME EAYC INV E LLC
 ADDRESS 16300 NE 19th Avenue, Suite 211, North Miami Beach, FL 33162
 BUSINESS PHONE 786-431-7704 CELL PHONE N/A
 E-MAIL ADDRESS N/A

OWNER IF DIFFERENT THAN APPLICANT

NAME _____
 ADDRESS _____
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Bilzin Sumberg Baena Price & Axelrod LLP, Carter McDowell
 ADDRESS 1450 Brickell Avenue, Suite 2300, Miami, FL 33131
 BUSINESS PHONE 305-350-2355 CELL PHONE N/A
 E-MAIL ADDRESS cmcdowell@bilzin.com

☒ ATTORNEY:

NAME Bilzin Sumberg Baena Price & Axelrod LLP, Carly Grimm
 ADDRESS 1450 Brickell Avenue, Suite 2300, Miami, FL 33131
 BUSINESS PHONE 305-350-2352 CELL PHONE N/A
 E-MAIL ADDRESS cgrimm@bilzin.com

☒ ATTORNEY:

NAME Bilzin Sumberg Baena Price & Axelrod LLP, Javier Aviñó
 ADDRESS 1450 Brickell Avenue, Suite 2300, Miami, FL 33131
 BUSINESS PHONE 305-350-7202 CELL PHONE N/A
 E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: _____

NAME IDEA, Jean-Francois Gervais
 ADDRESS 20900 NE 30th Avenue, Suite 914, Aventura, FL 33180
 BUSINESS PHONE 305-792-0015 CELL PHONE _____
 E-MAIL ADDRESS jfgervais@absolute-idea.com

FILE NO. _____

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

The Applicant is seeking design approval of the proposed project from the Design Review Board in addition to two variances to 1) allow a lot area of 4,663 square feet where a minimum of 5,600 square feet is required and 2) allow a front setback of 18.5 feet where a setback of 20 feet is required.

-
- 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) 4,962 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: EAYC INV E LLC, a Florida limited liability company, by Yaniv Cohen, Manager

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 LIMITED LIABILITY COMPANY

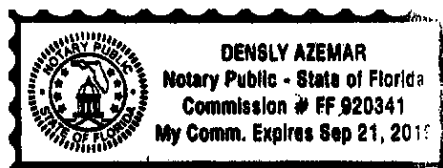
STATE OF
COUNTY OF

I, Yaniv Cohen, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of EAYC INV E LLC, a Florida limited liability company (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 23rd day of February, 2016. The foregoing instrument was acknowledged before me by Yaniv Cohen, Manager of EAYC INV E LLC, on behalf of such entity, who has produced FLDL EX 2-27-21 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, Yaniv Cohen, 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 Carter McDowell, Carly Grimm, and Javier Aviñó of the law firm of Bilzin Sumberg Baena Price & Axelrod LLP to be my representatives before the Design Review 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.

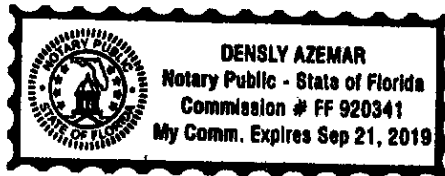
EAYC INV E LLC
A Florida limited liability company

By: [Signature]
Yaniv Cohen
Manager

Sworn to and subscribed before me this 23rd day of February, 2016. The foregoing instrument was acknowledged before me by Yaniv Cohen who has produced FL DL B-2-27-21 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
Densly Azemar
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 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, 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.

EAYC INV E LLC

NAME OF CORPORATE ENTITY

<u>NAME AND ADDRESS</u>	<u>% OF OWNERSHIP</u>
E.A.Y.C. Investments LLC 16300 NE 19th Avenue Suite 211 North Miami Beach, FL 33162	100%
Efrat Arad 845 S. First Street Ronkonkoma, NY 11779	50%
Yaniv Cohen 16300 NE 19th Avenue Suite 211 North Miami Beach, FL 33162	50%

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. <u>Carter McDowell</u> <u>Bilzin Sumberg Baena Price & Axelrod LLP</u>	<u>1450 Brickell Avenue</u> <u>Miami, FL 33131</u>	<u>305-350-2355</u>
b. <u>Carly Grimm</u> <u>Bilzin Sumberg Baena Price & Axelrod LLP</u>	<u>1450 Brickell Avenue</u> <u>Miami, FL 33131</u>	<u>305-350-2352</u>
c. <u>Javier Aviñó</u> <u>Bilzin Sumberg Baena Price & Axelrod LLP</u>	<u>1450 Brickell Avenue</u> <u>Miami, FL 33131</u>	<u>305-350-7202</u>
d. <u>Jean-Francois Gervais</u> <u>IDEA</u>	<u>20900 NE 30th Avenue</u> <u>Aventura, FL 33180</u>	<u>305-792-0015</u>

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

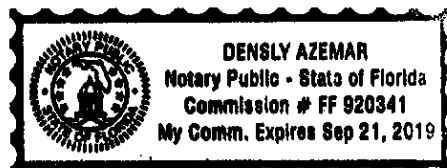
I, Yaniv Cohen, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true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

EAYC INV E LLC
A Florida limited liability company

By: [Signature]
Yaniv Cohen
Manager

Sworn to and subscribed before me this 23rd day of February, 2016. The foregoing instrument was Acknowledged before me by Yaniv Cohen, who has produced FL DL Exp 2-27-21 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
Denzly Azemar
PRINT NAME

FILE NO. _____

Exhibit "A"

Legal Description

The North 75.00 feet of the East 62.18 of Lot 4A, Block 3, of OCEAN SIDE SECTION OF THE ISLE OF NORMANDY, according to the Plat thereof, recorded in Plat Book 25, at Page 60, of the Public Records of Miami-Dade County, Florida.

011136

EAYC INVESTMENTS
RENTAL
16300 NE 19TH AVE STE 211
NORTH MIAMI BEACH, FL 33162

BankUnited
63-9059/2670

02/24/2016

PAY TO THE
ORDER OF

City of Miami Beach

\$ *2743⁰⁰*

Two thousand seven hundred forty three & 00/100

DOLLARS

FOR

914 Marzailles

AUTHORIZED SIGNATURE



⑈011136⑈ ⑆267090594⑆ 9852989733⑈

Details on Back
Security Features Included

011137

**EAYC INVESTMENTS
RENTAL**

16300 NE 19TH AVE STE 211
NORTH MIAMI BEACH, FL 33162

BankUnited
63-9059/2870

02/24/2016

PAY TO THE
ORDER OF

City of Miami Beach
Two hundred forty

\$ 240⁰⁰

DOLLARS

FOR

914 Marseilles

AUTHORIZED SIGNATURE



⑈011137⑈ ⑆267090594⑆ 9852989733⑈

Details on Back

Security Features Included

BILZIN SUMBERG BAENA PRICE & AXELROD LLP
A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS
DISBURSEMENT ACCOUNT

1450 BRICKELL AVENUE, 23RD FLOOR • MIAMI, FL 33131-3456
TELEPHONE (305) 374-7580



Wells Fargo Bank, N.A.
Florida
63751/631

009003

CK # 9003

February 25, 2016

DATE

AMOUNT
\$***39.60

THIRTY-NINE AND 60/100 DOLLARS

PAY
TO
THE
ORDER OF CITY OF MIAMI BEACH


AUTHORIZED SIGNATURE

⑈009003⑈ ⑆063107513⑆ 6072436956⑈

BILZIN SUMBERG BAENA PRICE & AXELROD LLP
F01311 CITY OF MIAMI BEACH

February 25, 2016

009003

Client Matter	Date	Description	
81844.46912	2/25/2016	Application fee - Design Review Board - PAYEE: CITY OF MIAMI BEACH; REQUEST#: 15307;	\$ 39.60

Carter N. McDowell
Tel 305-350-2355
Fax 305-351-2239
cmcdownell@bilzin.com

March 11, 2016

Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

**Re: Letter of Intent for Design Approval and Variances for Residential
Townhome Located at 914 Marseille Drive, Miami Beach, FL**

Dear Mr. Mooney:

This firm represents EAYC INV E LLC, the applicant ("Applicant") and owner of the property located at 914 Marseille Drive (the "Property"). Please accept this correspondence as the Applicant's letter of intent for the attached plans and application seeking design approval and two variances from the Design Review Board ("Board").

Design

The proposed project consists of a three-story, two-unit residential townhome project. With clean architectural lines and elegant glass facades, this project will contribute to the beauty of Marseille Drive. The modern design of the structure echoes the architectural vocabulary of the surrounding Normandy Isles Historic District, which consists of primarily flat-roofed, modern buildings with concrete fins and decorative metal-works. The project is consistent with the scale and character of the surrounding neighborhood and will complement the local architectural identity. The Applicant respectfully requests design approval from the Board.

Variances for Lot Size and Front Setback

The Applicant is also seeking a variance from Section 142-155(b) of the Land Development Regulations ("LDRs") to allow a lot size of 4,663 square feet where a minimum of 5,600 square feet is required, and a variance from Section 142-156(a) to allow a front setback of 18.5 feet where a setback of 20 feet is required. Pursuant to Section 118-353(d), in order to authorize the requested variances, the Board shall find that:

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;*

MIAMI 4920363.3 81844/46912

The Property as it currently exists has been a lot of record for over 60 years, long before the current lot size requirement for properties within the RM-1 zoning designation took effect. The size of the lot is unique to this Property and necessitates a minor deviation from the current setback requirements of the zoning district to allow the development of a reasonable structure on the property.

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

The Applicant took title to the Property as a lot of record consisting of 4,663 square feet that has been in existence since at least 1943 or earlier. The size of the lot and the design constraints the size presents are not the result of an 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;*

Granting the requested variances will not confer a special privilege on the Applicant. On the contrary, it will allow the Applicant to make the same uses of the Property as other property owners within the same zoning district. Granting the setback variance will allow the Applicant to make reasonable use of the small parcel. Denial of the lot size variance will prohibit the Applicant from ever developing the Property.

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;*

Literal interpretation of the lot size requirement would prohibit the Applicant from ever developing the Property, which has been a lot of record since the 1940s, and deprive the Applicant of the same rights commonly enjoyed by other property owners in the same zoning district. Denial of the requested lot size variance would, therefore, work an unnecessary and undue hardship on the Applicant. Requiring the Applicant to design a reasonable structure within the constraints presented by the unique size of the lot while imposing the same setback regulations designed for larger parcels would work the same hardship.

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

The lot size variance requested is the minimum variance necessary to allow the Applicant to make any use of the land. Without this variance, the Applicant may not develop the Property. The proposed design provides roughly 92% of the required front setback. The minor setback variance requested is the minimum variance that will allow for the design and development of a reasonable structure on the Property.

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*




Granting of the lot size variance will simply allow the Applicant to develop the Property rather than being denied any use of this lot of record. As described above, the setback variance requested is a very minor deviation from the RM-1 regulations that will simply allow the development of a reasonable structure on the Property that in every other respect conforms to the RM-1 zoning district regulations. Granting the requested variances will not be injurious to the surrounding area.

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 anytime prior to the board voting on the applicant's request.*

Granting of the requested variances is consistent with the comprehensive plan; see previous responses above.

For the foregoing reasons, the Applicant respectfully requests the Design Review Board grant the requested design approval and variances. Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,


for Carter N. McDowell

CNM
Enclosures



MIAMI DADE - SCHOOL CONCURRENCY LIST

Below is the established process for the Planning Department's review of applications where new residential units are proposed.

Whenever a building permit application or Land Use Board application is reviewed which involves new residential units (not individual single family homes), the below information is transmitted to Miami-Dade County Schools through their online portal system. (including building permits where a school concurrency evaluation was previously done as part of a land use board application).

Please provide the following information:

Applicant Name (owners):	EAYC INV E LLC
Applicant Phone (owners):	786-431-7704
Applicant Email(owners):	N/A
Project Address :	914 Marseille Drive, Miami Beach, FL 33141
Contact Name:	Carly Grimm
Contact Phone:	305-350-2352
Contact Email:	cgrimm@bilzin.com
Local Government Application Number (Board Number or Permit number):	
Master Folio Number:	02-3210-013-0311
Additional Folio Numbers:	
Total Acreage:	0.107 acres
Proposed Use (number of units)*:	2
SFH (Existing/Proposed):	0/0
TH (Existing/Proposed):	0/2
Multyfamily (Existing/Proposed):	0/0

The Planning Department will not approve building permits involving an increase in residential units unless the County School Board has issued a school concurrency determination and concludes that the development satisfies the school concurrency requirements. Without this, a building permit cannot be issued.

*The number of units is the ADDITIONAL number of residential units proposed vs. the number of current existing units on the site. For example, if an existing building contains 8 residential units, and is being replaced with a 20 unit project, the number of units would be 12.

MIAMI BEACH

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

Address: **914 MARSEILLE DRIVE**
File Number:

Date: **2/18/16**

BOARD APPLICATION CHECK LIST

A pre-application meeting must be scheduled with Board 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 DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE		
1	Make an appointment with Board Liaison at least 2 days in advance of the submittal deadline	X	
2	Completed Board Application, Affidavits & Disclosures of Interest (original signatures)	X	
3	Copies of all current or previously active Business Tax Receipts		
4	Letter of Intent with details of application request, hardship, etc.	X	
5	Application Fee	X	
6	Mailing Labels - 2 sets and a CD including: Property owner's list and Original certified letter from provider.	X	
7	School Concurrency Application, for projects with a net increase in residential units (no SFH)	X	
8	Provide four (4), 11"x17" collated sets, two (2) of which are signed & sealed, to include the following:	X	
9	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date	X	
10	All Applicable Zoning Information (see Zoning Data requirements)	X	
11	Location Plan, Min 4"x 6" Aerial 1/2 mile radius, colored with streets and project site identified	X	
12	Survey (original signed & sealed) dated less than 6 months old at the time of application (lot area shall be provided by surveyor), Identifying grade (If no sidewalk, provide a letter from Public Works, establishing grade), spot elevations and Elevation Certificate	X	
13	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
14	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
15	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths)	X	
15a	Indicate any backflow preventer and FPL vault if applicable	X	
16	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google Images)	X	
17	Current, dated color photographs, min 4"x6" of interior space (no Google Images)		
18	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)	X	
19	Existing Conditions Drawings (Floor Plans & Elevations with dimensions)	X	
20	Demolition Plans (Floor Plans & Elevations with dimensions)	X	
21	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks	X	
22	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X	
23	Proposed Section Drawings	X	
24	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.	X	
25	Hardscape Plan, i.e. paving materials, pattern, etc.	X	
26	Color Renderings (elevations and three dimensional perspective drawings)	X	
	Identify Any VARIANCES.	X	

Indicate N/A If Not Applicable

Initials: _____

MIAMI BEACH

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

Address: .

File Number:

ITEM #	FIRST SUBMITTAL ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE APPLICATION MEETING	Required	Provided
27	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	X	
28	Copy of original Building Permit Card, & Microfilm, if available	X	
29	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)		
30	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated)	X	
31	Line of Sight studies		
32	Structural Analysis of existing building including methodology for shoring and bracing		
33	Proposed exterior and interior lighting plan, including photometric calculations	X	
34	Exploded Axonometric Diagram (showing second floor in relationship to first floor)	N/A	
35	Neighborhood Context Study	X	
36	Open Space calculations and shaded diagrams	X	
37	Proposed Operational Plan		
38	Traffic Study (Hard copy), Site plan(s) and AutoCAD in 3 CDs, including calculations for peer review. Send digital version as an attachment via e mail to: Xfalconi@miamibeachfl.gov		
39	Sound Study report (Hard copy) with 1 CD		
40	Set of plans 24"x 36" (when requested by staff)		
41	Copies of previous Recorded Final Orders		
42	Location Plan, Aerial or survey indicating width of canals (Dimension shall be certified by a surveyor)		
43	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation)		
44	Site Plan (Identify streets and alleys)	X	
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 _____		
45	Floor Plan (dimensioned)	X	
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 _____		

Indicate N/A if Not Applicable

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46	In the Letter of Intent for Planning Board include and respond to all review guidelines in the code as follows:		
47	For Conditional Use -Section 118-192 (a)(1)-(7) + (b)(1)-(11)		
48	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)		
49	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)		
50	CU - Structures over 50,000 SQ.FT. - Section 118-192(b) (1)-(11)		
51	CU - Religious Institutions - Section 118-192 (c) (1)-(11)		
52	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 SUBMITTAL CHECKLIST	Required	Provided
53	One (1) signed and sealed 11"x17" bound 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. With a CD of this document 11"x17" as a PDF compatible with Adobe 8.0 or higher at 300 DPI resolution.	X	
54	14 collated copies of all the above documents	X	
55	One (1) CD/DVD with electronic copy of entire final application package	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

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

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, as applicable.

APPLICANT'S OR DESIGNEE'S SIGNATURE

Date

Tentative Agenda: MAY DRB