

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> 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: 920 W 43rd Court, Miami Beach, FL 33140

LEGAL DESCRIPTION: NAUTILUS EXT 4TH PB 40-68 LOT 2 BLK 24 LOT SIZE 60.000 X 105 OR 14054-566 0389 1  
PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) 02-3222-009-0020

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

NAME Stephen Brough  
 ADDRESS 920 W 43rd Court, Miami Beach, FL 33140  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE 609-933-5513  
 E-MAIL ADDRESS S.Brough@me.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME N/A  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:  
 NAME N/A  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

☐ AGENT:  
 NAME N/A  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

☐ CONTACT:  
 NAME N/A  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: \_\_\_\_\_  
 NAME N/A...Owner are first securing two variances for placement of pool prior to hiring the engineer and contractor  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

FILE NO. \_\_\_\_\_

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

We are requesting for two (2) setback variances regarding the construction of a small 14'x19' swimming pool in our backyard located at 920 W. 43rd Court, Miami Beach, FL 33140. Our backyard is small and slender. We are simply requesting closer setbacks to rear and side yard fences to conform with the current 5' setbacks of our home originally constructed in 1947 and to maximize uninterrupted green space. Ben and Dahlia Miller, our next-door neighbors at 4365 N Michigan Ave, approve and support our variance request, and have provided a signed statement of their support.

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- 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). N/A SQ. FT.
- 

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ \$579

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- 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).
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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: **Stephen Brough** \_\_\_\_\_

FILE NO. \_\_\_\_\_



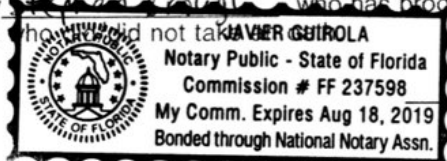

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**STATE OF  
COUNTY OF

I, Stephen Brough, 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 17th day of March, 2016. The foregoing instrument was acknowledged before me by Stephen Brough who has produced FL Drivers identification and/or is personally known to me and who did not take an oath license

NOTARY SEAL OR STAMP


  
NOTARY PUBLIC  
Javier Gutierrez  
PRINT NAME
My Commission Expires: Aug 18, 2019

**ALTERNATE OWNER AFFIDAVIT FOR  
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY**  
(Circle one)

STATE OF  
COUNTY OF

I, \_\_\_\_\_, being duly sworn, depose and certify as follows: (1) I am the \_\_\_\_\_ (print title) of \_\_\_\_\_ (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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_ 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:

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

FILE NO. \_\_\_\_\_

POWER OF ATTORNEY AFFIDAVIT

STATE OF  
COUNTY OF

I, \_\_\_\_\_, 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 \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_ 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**

\_\_\_\_\_  
NOTARY PUBLIC

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

\_\_\_\_\_  
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.\*

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

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.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____

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

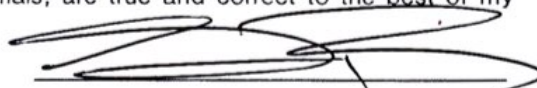
\*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 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**

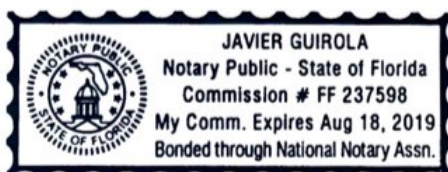
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, Stephen Brough, 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<sup>th</sup> day of March, 2016. 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:  
Aug 18, 2019

  
NOTARY PUBLIC

Javier Guirola  
PRINT NAME

FILE NO. \_\_\_\_\_

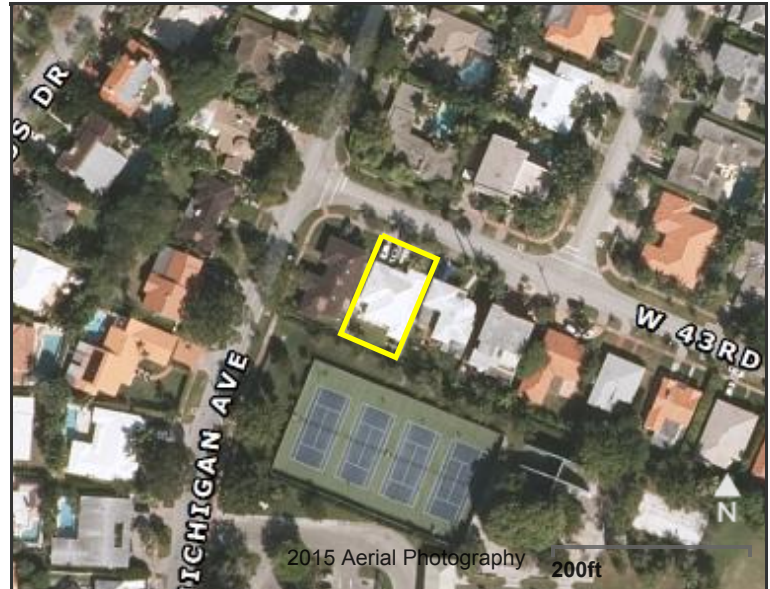


## OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 3/1/2016

Property Information	
Folio:	02-3222-009-0020
Property Address:	920 W 43 CT Miami Beach, FL 33140-2924
Owner	STEPHEN M BROUGH AMANDA BROUGH
Mailing Address	920 W 43 CT MIAMI BEACH, FL 33140 USA
Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 2 / 0
Floors	1
Living Units	1
Actual Area	2,271 Sq.Ft
Living Area	1,962 Sq.Ft
Adjusted Area	2,153 Sq.Ft
Lot Size	6,300 Sq.Ft
Year Built	1947



Assessment Information			
Year	2015	2014	2013
Land Value	\$377,747	\$315,231	\$252,185
Building Value	\$188,204	\$183,136	\$183,260
XF Value	\$0	\$0	\$0
Market Value	\$565,951	\$498,367	\$435,445
Assessed Value	\$412,122	\$408,852	\$402,810

Benefits Information				
Benefit	Type	2015	2014	2013
Save Our Homes Cap	Assessment Reduction	\$153,829	\$89,515	\$32,635
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
NAUTILUS EXT 4TH PB 40-68 LOT 2 BLK 24 LOT SIZE 60.000 X 105 OR 14054-566 0389 1	

Taxable Value Information			
	2015	2014	2013
<b>County</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$362,122	\$358,852	\$352,810
<b>School Board</b>			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$387,122	\$383,852	\$377,810
<b>City</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$362,122	\$358,852	\$352,810
<b>Regional</b>			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$362,122	\$358,852	\$352,810

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/27/2011	\$450,000	27748-3517	Qual by exam of deed
03/01/1989	\$120,000	14054-0566	Sales which are qualified
02/01/1986	\$110,000	12808-1048	Sales which are qualified
05/01/1980	\$80,000	10754-0422	Other disqualified

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:



920 W 43rd Court  
Miami Beach, FL 33140

February 29, 2016

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

RE: Letter of Intent and Description of Hardship in Support of Variance Application

Dear Board of Adjustment,

This letter is submitted in support of our application for two (2) setback variances regarding the construction of a small 14'x19' swimming pool in our backyard located at 920 W. 43rd Court, Miami Beach, FL 33140. The issue is that our backyard is small and slender. We are simply requesting closer setbacks to rear and side yard fences to conform with the current 5' setbacks of our home originally constructed in 1947 and to maximize uninterrupted green space. Ben and Dahlia Miller, our next-door neighbors at 4365 N Michigan Ave, approve and support our variance request, and have provided a signed statement of their support. Specifically, we are requesting the following:

1. A variance to waive 2'6" of the minimum required rear setback of 7'6" from water's edge of pool to the property line.

Current Requirement: Rear - 7'6" to water's edge of pool.

2. A variance to waive 4' of the minimum required interior side setback of 9' from water's edge of pool to the property line.

Current Requirement: Interior side - 9'0" to water's edge of pool.

We live in a beautiful post-war home built in 1947. We'd like to preserve the look classic Miami Beach home while adding a small 14'x19' pool for enjoyment. We have a limited backyard space – especially when considering the current setback requirements for a pool - due to small slender yard. The construction of our 1947 house features a 5' grandfathered setback to the interior property-line fences; we'd like to continue this for our pool so that it has a consistent feel with the rest of the home setback and allows us to place a pool such that uninterrupted greenspace is still preserved in the yard. We do not plan to add decking beyond the 1' wide pool coping, so that again we can maximize green space. As such, that is why we are requesting a variance to place the water's

edge of the pool to be 5' to the rear fence (which faces the park) and 5' to the interior fence (which faces our next-door neighbors at 4365 N MICHIGAN AVE).

As mentioned, Ben and Dahlia Miller, our next-door neighbors at 4365 N Michigan Ave, approve and support our variance request to locate the water's edge within 5' of our shared property line. The City Zoning and Planning Department has also expressed their support and acceptance of our variance request to locate the pool water's edge within 5' of the side, which faces the Millers, and within 5' of the rear property line, which faces a park.

Based on the plans and documents we are submitting with the application; this project satisfies the requirements of section 118 – 353(d) of the Miami Beach code:

- A. That 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.

The position of our single-story home minimizes the space available in our backyard. Our backyard is slenderer and smaller than other homes in the zoning district, and consequently harder for us to build a small pool within the required setbacks.

- B. That special conditions and circumstances do not result from the action of the applicant.

The special conditions and circumstances have not been created by us as property owners. We acquired the home in 2011. The house was built in 1947 and extended in the 1970s. The area of the backyard where the pool is to be built has always been small and slender, especially after the 1970s expansion. The house is had 5' setbacks from the property line since its construction in 1947.

- C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.

All that we are requesting is to place a small 14'x19' pool in conformance with the current, grandfathered 5' property setbacks so as to better maximize uninterrupted greenspace and distance away from the main house structure.

- D. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessarily and undue hardship on the applicant.



There are homes in the zoning district with similar sized lots and home structures with far larger pools than the proposed 14'x19' one. There are homes in the zoning district who have pools with water edges within 5' or less of the rear and side property lines. Following the literal interpretation of the provisions of this Ordinance would deprive us of rights commonly enjoyed by others in the same zoning area.

- E. That the variance granted is the minimum variance that we'll make possible the reasonable use of land building or structure.

All that we are requesting is place a small 14'x19' pool in conformance with the current, grandfathered 5' property setbacks so as to better maximize greenspace and distance away from the main house structure.

- F. That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variants will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting us these variances will in no way alter the appearance of our home or neighborhood. It will have no impact on public welfare.

- G. That the granting of this request is consistent with the comprehensive plan in does not reduce the levels of service as set forth in the plan.

Granting us these variances will not impact the comprehensive plan or reduce the levels of service as set forth in the plan.

Enclosed are pictures and designs of our proposed pool as well as pictures of adjacent properties. We hope to have provided sufficient hardship and rationale, so that you approve our variance application.

Thank you for your time and consideration.

Thank you,



Stephen Brough  
920 W. 43rd Court  
Miami Beach, Florida 33140

# MIAMI BEACH

Page 1 of 3

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

Address: 920 W 43rd Court.

Date: 12/9/15.  
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
	<b>ALL PLANS MUST BE LEGIBLE AND DIMENSIONED.</b>		
1	Make an appointment with Board Liaison at least 2 days in advance of the submittal deadline	X	X
2	One original and one copy of the completed Board Application, Affidavits & Disclosures of Interest (original signatures)	X	X
3	Copies of all current or previously active Business Tax Receipts		
4	One original and one copy letter of Intent with details explaining how the request relates to each variance criteria on Section 118-353 (d) of the City Code. Letter shall be dated and signed.	X	X
5	DERM recommendation/approval		
6	Application Fees	X	X
7	Mailing Labels - 2 sets and a GD including: Property owner's list and Original certified letter from provider.	X	X
8	School Concurrency Application, for projects with a net increase in residential units (no SFH)		
9	Provide three (3), 11"x17" collated sets, one (1) of which to be dated, signed & sealed, to include the following: 2	X	X
10	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date	X	
11	All Applicable Zoning Information (see Zoning Data requirements)	X	
12	Location Plan, Min 4"x6" colored aerial with streets and project site identified	X	X
13	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	X
14	Full legal Description of the property if not included in survey (For lengthy legal descriptions, attached as a separate document if necessary)	X	
15	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
16	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
17	Site Plan (fully dimensioned with setbacks, existing and proposed) Indicate location of the area included in the application if applicable.	X	X
18	Current color photographs, dated, Min 4"x6" of project site and existing structures (no Google images)	X	X
19	Current, dated color photographs, min 4"x6" of interior space (no Google images)		
20	Current color photographs, dated, Min 4"x6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	X	X
21	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture and shelves if applicable.	X	X
22	Demolition Plans (Floor Plans & Elevations with dimensions)		
23	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks		
24	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable). Building height to be measured from flood elevation.		X

Indicate N/A If Not Applicable



# MIAMI BEACH

Planning Department, 1700 Convention Center Drive  
Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)  
305.673.7550

25	Proposed Section Drawings		
26	Landscape Plan - street and on-site - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan	X	
26	Hardscape Plan, i.e. paving materials, pattern, etc.		
27	Required yards open space calculations and shaded diagrams		
ITEM #	FIRST SUBMITTAL ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE APPLICATION MEETING	Required	Provided
28	Copy of original Building Permit Card, & Microfilm, if available		
29	Copy of previously approved building permits. (Provide Building Permit Number.)		
30	Copy of previous Recorded Final Orders		
31	Floor Plan shall indicate area where alcoholic beverages will be displayed.		
32	Color Renderings (elevations and three dimensional perspective drawings).		
33	Detailed sign(s) with dimensions and elevation drawings showing exact location.		
34	Elevation drawings showing area of building façade for sign calculation (Building ID signs)		
35	Daytime and Nighttime renderings for illuminated signs		
36	Proposed lighting plan, including photometric calculations		
37	Plans shall show total projection from seawall inclusive of dock, mooring piles, boat lift and boat dimensions and location.		
38	Business hours of Operations & Restaurant menu if applicable		
39	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.		
40	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		
41	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.		
42	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		
43	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)		
44	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated)		
45	Line of Sight studies		
46	Structural Analysis of existing building including methodology for shoring and bracing		
47	Exploded Axonometric Diagram (showing second floor in relationship to first floor)		
48	Neighborhood Context Study		
49	Traffic Study (Hard copy) with 3 CDs, including calculations for peer review. Send digital version as an attachment via e mail to: <a href="mailto:Xfalconi@miamibeachfl.gov">Xfalconi@miamibeachfl.gov</a>		
50	Sound Study report (Hard copy) with 1 CD		

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51	Set of plans 24"x 36"		
52	<b>Site Plan (Identify streets and alleys)</b>		
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 _____		
53	<b>Floor Plan (dimensioned)</b>		
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 _____		
	<b>In the Letter of Intent for Planning Board include and respond to all review guidelines in the code as follows:</b>		
54	For Conditional Use -Section 118-192 (a)(1)-(7) + (b)(1)-(11)		
55	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)		
56	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)		
57	CU - Structures over 50,000 SQ.FT. - Section 118-192(b) (1)-(11)		
58	CU - Religious Institutions - Section 118-192 (c) (1)-(11)		
	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions		
	<b>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</b>		
	<b>Other information/documentation required for first submittal (to be identified during pre application meeting).</b>		

ITEM #	FINAL SUBMITTAL CHECK LIST:	Required	Provided
59	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. With a CD of this document 11"x17" as a PDF compatible with Adobe 8.0 or higher at 300 DPI resolution.	X	X
60	14 collated copies of all the above documents	X	X
61	One (1) CD/DVD with electronic copy of entire final application package. Every document to be recorded as a separate file( Photographs, Application, survey, exhibits, plans)	X	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**



APPLICANT'S OR DESIGNEE'S SIGNATURE

March 17, 2016

DATE