

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 ORB.
- ☐ 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: 901 W 43 Ct, Miami Beach, Florida 33140-2953

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

FOLIO NUMBER(S): 02-3222-009-0180

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

NAME RICARDO A. NEVAREZ

ADDRESS 901 W 43 Ct., Miami Beach, Florida 33140-2953

BUSINESS PHONE (305) 299-4488 CELL PHONE _____

E-MAIL ADDRESS rnevarez@rimmonmanagement.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____ CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S) :

☐ ATTORNEY:

NAME Wayne M. Pathman, Esq., Pathman Lewis, LLP

ADDRESS One Biscayne Tower, Suite 2400, 2 South Biscayne Boulevard, Miami, FL 33131

BUSINESS PHONE (305) 379-2425 CELL PHONE _____

E-MAIL ADDRESS wpathman@pathmanlewis.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____ CELL PHONE _____

E-MAIL ADDRESS _____

☐ CONTACT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____ CELL PHONE _____

E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER' _____

NAME REINES & STRAZ, LLC

ADDRESS 975 41st Street, Suite 407, Miami Beach, FL 33140

BUSINESS PHONE (305) 397-8779 CELL PHONE _____

E-MAIL ADDRESS j.straz@reines-straz.com

FILE NO. BOA 2287

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

The applicant is requesting a variance in order for him to move all A/C condensing units and to put a new generator to the east side of the Property (facing N. Jefferson Avenue). The Property is a corner house located at the corner of W 43rd Court and N. Jefferson Avenue. The variance will consist in allowing the applicant to move his A/C units and install a new generator on the east side of the Property, which would only fit due to allowable setback encroachments. Additionally, the applicant is requesting a variance to remove the CBS wall that was required as part of the Board of Adjustment Final Order dated March 4, 1993 (Condition #2). The applicant plans to install a new fence in place of the wall, closer to the Property line, as allowed by the City of Miami Beach Code.

4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE	<input checked="" type="checkbox"/> YES	D NO
48. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION	D YES	<input checked="" type="checkbox"/> NO
4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF A P P L I C A B L E) _____	SQ. FT.	
40.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. BOA 2287

- 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
 D AUTHORIZED REPRESENTATIVE

SIGNATURE: _____

Ricardo A. Nevarez

PRINT NAME: _____

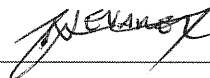
Ricardo A. NEVAREZ

FILE NO. BOA 2287

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF
COUNTY OF

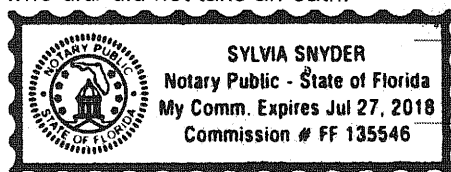
I, Ricardo A. Nevarez, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are 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.



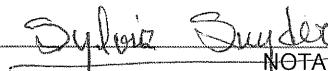
SIGNATURE

Sworn to and subscribed before me this 9th day of May, 2016. The foregoing instrument was acknowledged before me by Ricardo A. Nevarez, who has produced N/A as identification and/or is personally known to me and who did/ did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:
07/27/18



NOTARY PUBLIC



PRINT NAME

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 _____, 2016 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. BOA 2287

POWER OF ATTORNEY AFFIDAVIT

STATE OF

COUNTY OF

I, Ricardo A. Nevarez, being duly sworn and depose, 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 Wayne M. Pathman, Esq. to be my representative before the Board of Adjustment. (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.

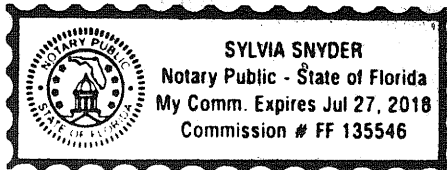
RICARDO A. NEVAREZ

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 9th day of May, 2016. The foregoing instrument was acknowledged before me by Ricardo A. Nevarez of Miami Beach, FL 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

07/27/18

NOTARY PUBLIC

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. BOA 2287

**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.*

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> 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.

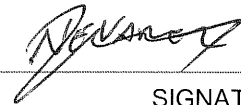
*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than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

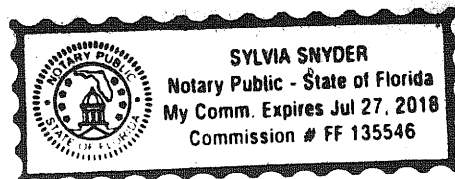
I, Ricardo A. Nevarez, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are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



SIGNATURE

Sworn to and subscribed before me this 9th day of May, 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:

07/27/18



NOTARY PUBLIC



PRINT NAME

FILE NO. BOA 2287

PATHMAN LEWIS, LLP

ATTORNEYS AT LAW

WAYNE M. PATHMAN, P.A.
HAROLD L. LEWIS, P.A.
DAVID E. SACKS
LOUIS P. ARCHAMBAULT*
JOHN A. MOORE**
RICHARD N. SCHERMER
AARON W. TANDY***
PETER L. MELTZER

* Board Certified Specialist in Real Estate Law
** also admitted to practice in Texas
*** also admitted to practice in New York

June 3, 2016

ONE BISCAYNE TOWER - SUITE 2400
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131-1803

TELEPHONE (305) 379-2425
FACSIMILE (305) 379-2420
www.pathmanlewis.com

DAVID E. SACKS
dsacks@pathmanlewis.com

VIA HAND DELIVERY

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

**Re: Application for Board of Adjustment Hearing – Applicant
Ricardo Nevarez**
Property: 901 W 43rd Ct, Miami Beach, Florida 33140

Dear Sir or Madam:

Enclosed are thirteen (13) sets of supporting architectural plans, surveys, and drawings for the project being requested by Miami Beach resident Ricardo Nevarez (the "Applicant"), for the above referenced Property. These previously submitted plans, surveys and drawings clearly describe the variance request.

We respectfully submit this application and request the following: (1) variance of the front yard setback of 10' in order to place the air conditioning condensing units and new generator (collectively, the "Equipment") in the only available location at the Property due to the practical difficulties inherent at the Property, as shown on the plans submitted (variance requested from Section 142-106 of the Code of the City of Miami Beach, Florida (the "Code")) and (2) modification of Condition #2 of the Board of Adjustment Final Order dated March 4, 1993 requesting the construction of a new fence located closer to the Property line as permitted by the Code.

The need for the subject request is not self-created, nor is it the result of mere disregard for or ignorance of the City of Miami Beach Land Development Regulations. Not granting the subject requests will deprive the Property owner from the rights commonly enjoyed by other properties in the same zoning district and create an undue hardship upon the Applicant. The requests are minimal and will provide for the reasonable use of the Property. As evidenced by the plans submitted, there are special conditions and circumstances¹ which are peculiar to this Property that only allow for the

¹ As depicted in the submitted plans, Staff has concluded that the actual front of the Property is

Equipment to be placed in the front yard. It should be noted that existing equipment is already placed at the proposed location at the Property.

More specifically, and in view of the plans submitted, the Equipment cannot be located at other areas of the Property due to the following practical difficulties and/or hardships:

i. Five-Foot Clearance Requirement. The generator itself requires a minimum five (5) foot clearance from any doors, windows or any type of openings. The house has windows and doors on almost all facades which reduce the area available to locate the Equipment.

ii. South Side of the Property. The south side yard is not a viable location for the Equipment as this would result in significantly reducing the Applicant's driveway, parking and main entrance.

iii. North Side of the Property. The north side of the Property is not available for the location of the Equipment as the area is already occupied by a swimming pool and pool deck. Further, the north side is not a viable option as the air conditioning condensing units' would create significant noise disturbing the neighboring property owners.

iv. West and Northwest Sides of the Property. Placing the Equipment on the west side creates a practical difficulty because of the location of the existing gas line on the Property.² Locating the Equipment on the west side of the Property would further be impractical because the placement of Equipment in the west or northwest locations of the Property would result in the virtual elimination of the only open landscaped space and play area at the Property. Additionally, the noise created by the air conditioning condensing units would disturb the neighboring property owners.

v. Southeast Corner of the Property. A practical difficulty will be created by locating the Equipment at the southeast corner of the Property because the Equipment would be situated immediately in front of a fully glazed wall facing the residence's dining/living room. Further, the vegetation placed on the southeast corner of the Property is extremely dense which would render the installation of the Equipment impracticable and difficult. By locating the Equipment here, the Applicant's plans for the installation of a handicapped access ramp would be impossible if the Equipment is located at the southeast corner of the Property.

designated as the side and the actual side of the Property is designated as the front of the Property. This situation is unique and constitutes special circumstances.

² As per the generator manufacturer's recommendations, the shorter the gas supply line, the more efficient the generator will run. Since the gas line servicing the Property is located on the east side of the Property, locating the generator on the west side would undermine the new generator's performance.

The proposed location for placement of the Equipment is the logical and optimal location to keep the existing feel for the house "as is" because the existing swimming pool and electrical equipment with landscaped screening is currently present here. It will also be most efficient to keep all the equipment on site together for ease of maintenance and serviceability and to keep the Equipment separate from the only landscaped space (play area). Further, the Applicant will install a more permanent screening of the Equipment, in addition to the landscape screening. For these reasons, the proposed location is the least impactful for all parties in view of the aforementioned difficulties for locating the Equipment anywhere else at the Property.

It should also be noted that the 10-foot variance request should be granted pursuant to Section 142-1132(f) of the Code. This section provides that "[a]ccessory central air conditioners, generators and any other mechanical equipment . . . may occupy a required side or rear yard . . . [as long as] [t]hey are not closer than five feet to a rear or interior side lot line or ten feet to a side lot line facing a street." As shown on the submitted plans, the proposed location (which is considered as the front yard by Staff), is actually the side of the Property, and therefore, and based on the unique characteristics of the Property, the 10-foot setback is further justification for the requested variance.

The subject requests have addressed City Staff's concerns related to aesthetic integrity and keeps with the harmony of this district and the neighboring residential properties and would not be detrimental to the public welfare. It is our opinion that the granting of these requests will not have a negative impact to the neighborhood and are consistent with the basic intent and purpose of the City's Land Development Regulations and Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

For the reasons stated above, we respectfully request your favorable review and approval of the application submitted.

Thank you for your consideration of this matter.

Very truly yours,

PATHMAN LEWIS, LLP



David E. Sacks

Encl.
DES/II

g:\client files\nevarez ricardo\nevarez ricardo - variance\ltrs\letter of intent v3.docx

Florida Real Estate Decisions, Inc.

INVOICE
#16107

May 6, 2016

Remit to:
12161 Ken Adams Way
Suite 110-SS
W.P.B., Fl. 33414
(561)798-4423
(800)643-7334

Laura Lefebvre, Esq.
PATHMAN LEWIS, LLP
One Biscayne Tower, Ste 2400
2 South Biscayne Blvd
Miami, Florida 33131
305.379.2425

05/06/16 OWNERSHIP LIST/MAILING LABELS

22 53 42
NAUTILUS EXT 4TH PB 40-68
LOT 5 BLK 25
901 W 43 CT
FOLIO # 02-3222-009-0180

TOTAL AMOUNT DUE \$335.00

DUE AFTER 30 DAYS \$385.00

**MAKE CHECKS PAYABLE TO: FLORIDA REAL ESTATE DECISIONS, INC.
FED. ID# 65-0225914**

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE TO:

**FLORIDA REAL ESTATE DECISIONS, INC.
12161 KEN ADAMS WAY, Suite 110-SS
WEST PALM BEACH, FLORIDA 33414**

FLORIDA REAL ESTATE DECISIONS, INC.
12161 KEN ADAMS WAY, SUITE 110-SS
WEST PALM BEACH, FLORIDA 33414

INVOICE# 16107

PATHMAN LEWIS, LLP

TOTAL AMOUNT DUE \$335.00

Master Card ☐ Visa ☐ AmEx ☐ DUE AFTER 30 DAYS \$385.00

Print Last Name _____

Expiration Date ____/____ E-mail for Receipt _____

Credit Card # _____

Signature: _____



Florida Real Estate Decisions, Inc.



16375 N.E. 18th Avenue
Suite 300
Miami, FL 33162
(305) 757-6884

1500 West Cypress Creek Rd.
Suite 409
Ft. Lauderdale, FL 33309
(954) 761-9003

12230 Forest Hill Blvd.
Suite 110-SS
Wellington, FL 33414
(561) 798-4423

WWW.FREDIFL.COM

May 6, 2016

City of Miami Beach
Planning and Zoning Department
1700 Commercial Center Drive
Miami Beach, Florida 33139

Re: Property Owners List
Within 375 feet of:

22 53 42
NAUTILUS EXT 4TH PB 40-68
LOT 5 BLK 25
901 W 43 CT

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

Sincerely,

Maureen E. Hudson

Maureen E. Hudson

MEH/ms

cc: Laura Lefebvre, Esq.
PATHMAN LEWIS, LLP
One Biscayne Tower, Ste 2400
2 South Biscayne Blvd
Miami, Florida 33131

Number of Labels: 52

*Duplicates removed.



0232220000020
4301 MICHIGAN AVE N
22 53 42 5.11 AC PARC DESC IN DB 1976-39
ALSO EXC OF 1.3 AC OF ADJ LAND
WITH BPI AS PER DB 3165-399
LOT SIZE 222591 SQ FT

BOARD OF PUBLIC INSTRUCTION
1450 NE 2ND AVE
MIAMI, FL 33132-1308

0232220000030
4301 MICHIGAN AVE
22 53 42 5. AC BEG X OF S/L OF W43 ST ELY
WITH E/L OF N MICH AVE RUN ELY ALG S/L AS
PER DB 2007/455 & EXCH 1.3 AC WITH CMB
DB 3165/399
LOT SIZE 217800 SQUARE FEET

CITY OF MIAMI BEACH
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139-1819

0232220080280
4435 NAUTILUS DR
22 53 42 NAUTILUS EXT 3RD PB 34-98
LOT 1 BLK 22
LOT SIZE IRREGULAR

CHARLES PETER WALLACE
4435 NAUTILUS DR
MIAMI BEACH, FL 33140-2825

0232220080290
4431 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 2 BLK 22
LOT SIZE 60.000 X 149

GARY MANHEIMER
CHELSEA MANHEIMER
4431 NAUTILUS DR
MIAMI BEACH, FL 33140-2825

0232220080300
4427 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 3 BLK 22
LOT SIZE 60.000 X 161

STEVEN B CHANELES &W MARGARET C CHANELES
4427 NAUTILUS DR
MIAMI BEACH, FL 33140-2825

0232220080310
4421 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 4 LESS SLY10FT BLK 22
LOT SIZE 75.000 X 88

ERON COWN &W RUTH
4421 NAUTILUS DR
MIAMI BEACH, FL 33140-2825

0232220080320
4411 NAUTILUS DR
22 53 42 NAUTILUS EXT 3RD PB 34-98
LOT 5 & SLY10FT LOT 4 BLK 22
LOT SIZE 90.310 X 97

ROBERT J JAFFE &W ONDENE H
4411 NAUTILUS DR
MIAMI BEACH, FL 33140-2825

0232220080330
4375 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 6 BLK 22
LOT SIZE 80.310 X 105

LAURA FERREIRA DE MELO
4375 NAUTILUS DR
MIAMI BEACH, FL 33140-2823

0232220080340
4363 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 7 BLK 22
LOT SIZE 80.310 X 110

EMILY SAMUEL
4363 NAUTILUS DR
MIAMI BEACH, FL 33140-2823

0232220080350
4357 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 8 BLK 22
LOT SIZE 71.040 X 118

4357 NAUTILUS LLC
4705 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2921

0232220080360
4347 NAUTILUS DR
NAUTILUS EXT 3RD PB 34-98
LOT 9 BLK 22
LOT SIZE 70.550 X 118

GORDON A HAW
RAQUEL AIETA
4347 NAUTILUS DR
MIAMI BEACH, FL 33140-2823

0232220080430
4330 MICHIGAN AVE
NAUTILUS EXT 3RD PB 34-98
LOT 16 BLK 22
LOT SIZE 82.440 X 115

IRA NUSBAUM
4330 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2915

0232220080440
4340 MICHIGAN AVE N
NAUTILUS EXT 3RD PB 34-98
LOT 17 BLK 22
LOT SIZE 92.420 X 122

ABRAHAM ASKENAZI
RICARDO NEVAREZ
PO BOX 5916
SURFSIDE, FL 33154

0232220080450
4354 MICHIGAN AVE
NAUTILUS EXT 3RD PB 34-98
LOT 18 BLK 22
LOT SIZE IRREGULAR

PETER LIPSICK &W DESIREE D
4354 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2915

0232220080460
4366 MICHIGAN AVE N
22 53 42 NAUTILUS EXT 3RD PB 34-98
LOT 19 BLK 22
LOT SIZE 80.000 X 115

EVA KRANTZ
ESTHER PERCAL
TESSA KRANTZ
JOELLE KRANTZ
4366 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2915

0232220080470
4376 MICHIGAN AVE N
22 53 42 NAUTILUS EXT 3RD PB 34-98
LOT 20 BLK 22
LOT SIZE 80.000 X 107

CHARLES J NETHERSOLE & TIMOTHY M HOGLER
4376 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2915

0232220080480
4386 MICHIGAN AVE N
NAUTILUS EXT 3RD PB 34-98
LOT 21 BLK 22
LOT SIZE 80.000 X 97

YAAKOV ROTH &W SHELLEY A
4386 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2915

0232220080490
4390 MICHIGAN AVE N
22 53 42 NAUTILUS EXT 3RD PB 34-98
LOT 22 BLK 22
LOT SIZE 86.040 X 88

NORBERT K BAUMANN &W ROBIN
4390 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2915

0232220090010
4365 MICHIGAN AVE N
NAUTILUS EXT 4TH PB 40-68
LOT 1 BLK 24
LOT SIZE 65.000 X 105

DAHLIA MINGEL MILLER
4365 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2914

0232220090020
920 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 2 BLK 24
LOT SIZE 60.000 X 105

STEPHEN M BROUGH
AMANDA BROUGH
920 W 43RD CT
MIAMI BEACH, FL 33140-2924

0232220090030
910 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 3 BLK 24
LOT SIZE 60.000 X 105

EMILIO MARGARIT & ZULIMA MARGARIT
& FERNANDO MARGARIT
910 W 43RD CT
MIAMI BEACH, FL 33140-2924

0232220090040
900 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 4 BLK 24
LOT SIZE 60.000 X 105

ELI I WEBERMAN &W GRACY
900 W 43RD CT
MIAMI BEACH, FL 33140-2924

0232220090050
890 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 5 BLK 24
LOT SIZE 60.000 X 105

RUTH JACOBS EST OF
890 W 43RD CT
MIAMI BEACH, FL 33140-2923

0232220090060
870 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 6 BLK 24
LOT SIZE 60.000 X 105

SUSAN VAMOS TR
16445 COLLINS AVE APT 1921
NORTH MIAMI BEACH, FL 33160-4559

0232220090070
860 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 7 BLK 24
LOT SIZE 60.000 X 105

TRISHA D SINDLER
860 W 43RD CT
MIAMI BEACH, FL 33140-2923

0232220090080
850 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 8 BLK 24
LOT SIZE 60.000 X 105

LAWRENCE WEINBERG &W PHOEBE M
850 W 43RD CT
MIAMI BEACH, FL 33140-2923

0232220090090
840 43 CT W
NAUTILUS EXT 4TH PB 40-68
LOT 9 BLK 24
LOT SIZE 60.000 X 105

PINCHAS D SCHECHTER &W MYRA
840 W 43RD CT
MIAMI BEACH, FL 33140-2923

0232220090100
830 43 CT W
22 53 42 NAUTILUS EXT 4TH PB 40-68
LOT 10 BLK 24
LOT SIZE 60.000 X 105

ROSA RODRIGUEZ
PO BOX 402966
MIAMI BEACH, FL 33140-0966

0232220090140
4425 MICHIGAN AVE N
NAUTILUS EXT 4TH PB 40-68
LOT 1 BLK 25
LOT SIZE 96.660 X 110

STEVEN BERKOWITZ
RISA BERKOWITZ
4425 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2916

0232220090150
4411 MICHIGAN AVE
NAUTILUS EXT 4TH PB 40-68
LOT 2 BLK 25
LOT SIZE 80.000 X 110

IRWIN BLOCK
4411 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2916

0232220090160
4397 MICHIGAN AVE
22 53 42 NAUTILUS EXT 4TH PB 40-68
LOT 3 BLK 25
LOT SIZE 80.000 X 110

ZTAK LLC
10626 YORK RD STE H
COCKEYSVILLE, MD 21030-2393

0232220090170
4383 MICHIGAN AVE N
NAUTILUS EXT 4TH PB 40-68
LOT 4 BLK 25
LOT SIZE 96.660 X 110

ARLENE RAIJMAN
4383 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2957

0232220090180
901 43 CT W
22 53 42 NAUTILUS EXT 4TH PB 40-68
LOT 5 BLK 25
LOT SIZE 96.660 X 110

RICARDO A NEVAREZ
PO BOX 5916
SURFSIDE, FL 33154

0232220090190
4320 JEFFERSON AVE N
NAUTILUS EXT 4TH PB 40-68
LOT 6 BLK 25
LOT SIZE 80.000 X 110

DIANA FERNANDEZ
JOHAN JOST HANS BOS
4320 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2934

0232220090200
4330 JEFFERSON AVE
22 53 42 NAUTILUS EXT 4TH PB 40-68
LOT 7 BLK 25
LOT SIZE 80.000 X 110

JEROME KAHAN TRS
HENRIETTA ZUCKER TRS
OSCAR KAHAN
4330 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2934

0232220090210
4350 JEFFERSON AVE
22 53 42 NAUTILUS EXT 4TH PB 40-68
LOT 8 BLK 25
LOT SIZE 96.660 X 110

TERENCE PEPPARD &W RANDI
4350 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2934

0232220090360
4445 MICHIGAN AVE
NAUTILUS EXT 4TH PB 40-68
LOT 15 BLK 26
LOT SIZE 106.580 X 110

MIGUEL MARI &W CARIDAD
4445 N MICHIGAN AVE
MIAMI BEACH, FL 33140-2958

0232220090370
4440 JEFFERSON AVE N
NAUTILUS EXT 4TH PB 40-68
LOT 16 BLK 26
LOT SIZE 93.000 X 110

MIGUEL MARI &W CARIDAD
& ISIDRO VERDUGO &W MAYDA
4440 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2936

0232220100160
4445 JEFFERSON AVE N
22 53 42 NAUTILUS EX 5TH PB 44-13
LOT 16 BLK 27
LOT SIZE 101.000 X 110

ELIAS OBADIA &W FLORA SERRUYA
4445 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2935

0232220100170
4444 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 17 BLK 27
LOT SIZE 87.250 X 110

JOSEPH B WIESEL TRS
4444 ADAMS AVE
MIAMI BEACH, FL 33140-2959

0232220100330
4345 JEFFERSON AVE
NAUTILUS EX 5TH PB 44-13
LOT 1 BLK 28
LOT SIZE 96.660 X 110

MARK HERSKOWITZ &W BARBARA
4345 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2933

0232220100340
4333 JEFFERSON AVE
NAUTILUS EX 5TH PB 44-13
LOT 2 BLK 28
LOT SIZE 80.000 X 110

BENJAMIN BERMAN
ELIZABETH BERMAN
4333 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2933

0232220100350
4315 JEFFERSON AVE N
NAUTILUS EX 5TH PB 44-13
LOT 3 BLK 28
LOT SIZE 80.000 X 110

RALPH CHOEFF &W SONYA
4315 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2933

0232220100360
4305 JEFFERSON AVE
NAUTILUS EX 5TH PB 44-13
LOT 4 BLK 28
LOT SIZE 96.660 X 110

EDWARD GOLOGORSKY &W ANGELA
4305 N JEFFERSON AVE
MIAMI BEACH, FL 33140-2933

0232220100370
4300 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 5 BLK 28
LOT SIZE 96.660 X 110

STEVEN KAFIN &W KAREN
4300 ADAMS AVE
MIAMI BEACH, FL 33140-2928

0232220100380
4320 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 6 BLK 28
LOT SIZE 80.000 X 110

ABRAM AMINOV &W BARNO AMINOV
4320 N ADAMS AVE
MIAMI BEACH, FL 33140

0232220100390
4410 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 7 BLK 28
LOT SIZE 80.000 X 110

JACOB COHEN &W VANESSA
4410 ADAMS AVE
MIAMI BEACH, FL 33140-2930

0232220100400
4420 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 8 BLK 28
LOT SIZE 96.660 X 110

AVI M BOSSEWITCH
SHULAMIT C GERTEL BOSSEWITCH
4420 ADAMS AVE
MIAMI BEACH, FL 33140-2930

0232220100410
4425 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 1 BLK 29
LOT SIZE 96.660 X 115

JEFFREY M EISNER &W BRENDA
4425 ADAMS AVE
MIAMI BEACH, FL 33140-2929

0232220100420
4333 ADAMS AVE
NAUTILUS EX 5TH PB 44-13
LOT 2 BLK 29
LOT SIZE 80.000 X 115

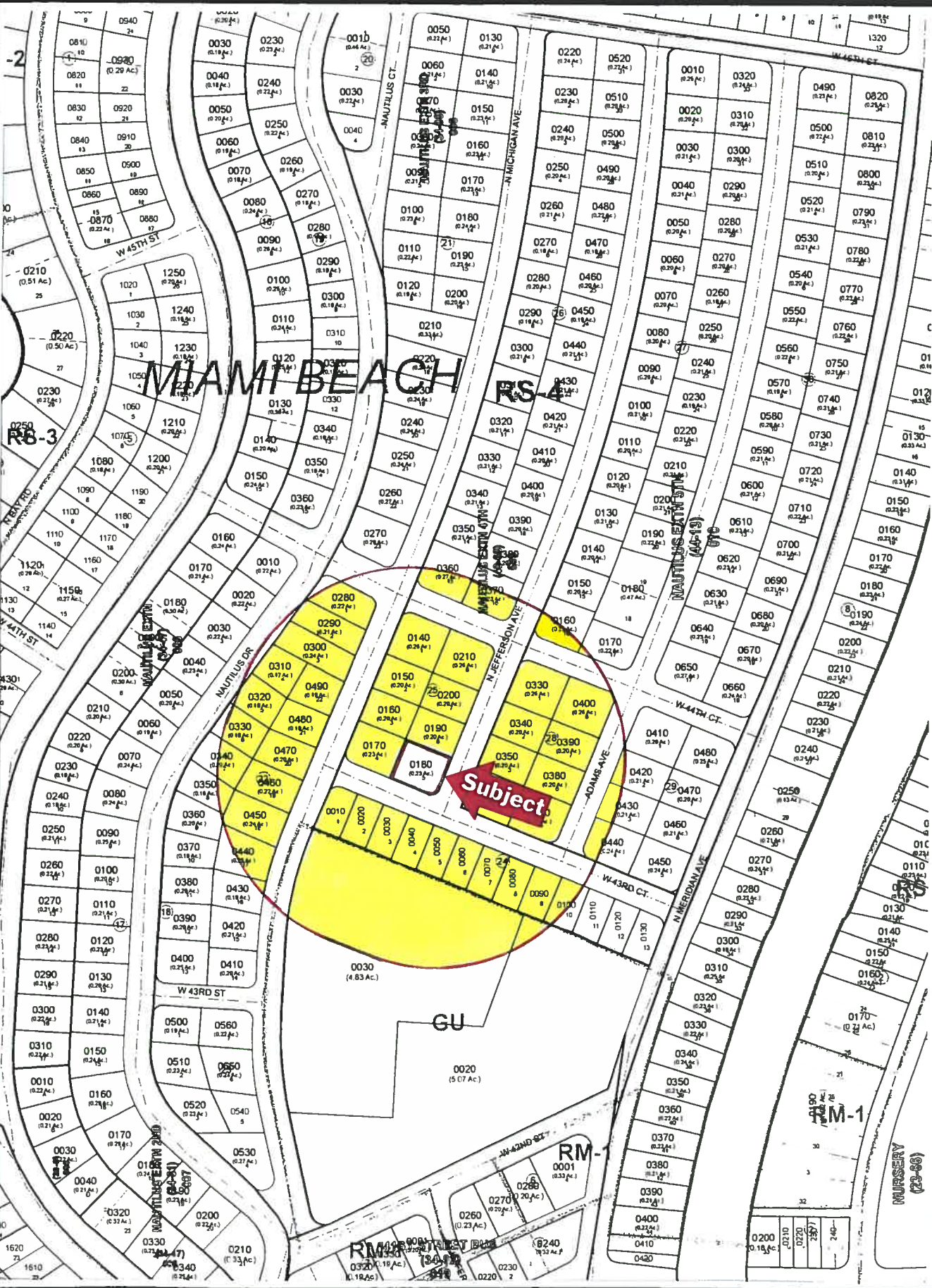
WILLIAM I GANZ &W SUSAN
4333 ADAMS AVE
MIAMI BEACH, FL 33140-2927

0232220100430
4325 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 3 BLK 29
LOT SIZE 80.000 X 115

SALOMON REINES &W REBECA
4325 ADAMS AVE
MIAMI BEACH, FL 33140-2927

0232220100440
4301 ADAMS AVE N
NAUTILUS EX 5TH PB 44-13
LOT 4 BLK 29
LOT SIZE 96.660 X 115

PETER LAURENCE &W CLAUDIA
4301 ADAMS AVE
MIAMI BEACH, FL 33140-2927



MAR 15 1993
DATE MICROFILMEDCOURTHOUSE TOWER
LOCATIONCreste Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 15843PG3043

93R129284 1993 MAR 15 10:51

BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

IN RE: The application of
MR. & MRS. BARRY APPEL
4380 N. JEFFERSON AVENUE
LOT 5; BLOCK 25
NAUTILUS EXT. 4TH; PB 40/68

MEETING DATE: FEBRUARY 8, 1993
FILE NO. 2287

O R D E R

The applicants, Mr. & Mrs. Barry Appel, filed an application with the Planning and Zoning Department for variances to construct a swimming pool and deck at an existing single family residence, as follows:

1. Applicant wishes to waive 13 ft. of the minimum required front yard setback of 20 ft. in order to construct a swimming pool and deck 7 ft. from the front property line (N. Jefferson Avenue).
2. Applicant wishes to waive 4'-6" of the minimum required 7'-6" side yard setback in order to construct a pool deck 3 ft. from the north side property line.
3. Applicant wishes to waive 2'-6" of the minimum required 9'-0" side yard setback in order to construct a swimming pool 6'-6" from the north side property line.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made. The Board finds that the property in question is located in the RS-4 Zoning District.

The Board finds that with regard to Variance Request No. 1 and No. 2 that they be modified, to which the applicant has agreed, as follows:

1. Applicant wishes to waive 9 ft. of the minimum required front yard setback of 20 ft. in order to construct a swimming pool and deck 11 ft. from the front property line (N. Jefferson Avenue).
2. Applicant wishes to waive 2 ft. of the minimum required 7'-6" side yard setback in order to construct a pool deck 5'-6" ft. from the north side property line.

continued . . .

120/5

MAY 15, 1973
DATE MICROFILMEDCOURTHOUSE TOWER
LOCATIONCreste Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURTOFF.
REC. 15843PG3044

File No. 2287 (continued)
Mr. & Mrs. Barry Appel
4380 N. Jefferson Avenue

The Board further finds with regard to all of the requests, as modified, that:

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;

That the special conditions and circumstances do not result from the action of the applicant;

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;

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 unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

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

IT IS THEREFORE ORDERED, by the Board, that the variances requests, as modified above, be APPROVED subject to the following conditions to which the applicant has also agreed:

1. The applicant shall amend the plans for the swimming pool and deck to reflect the relocation of said improvements four ft. (4') to the west and the reduction of the deck on the north side to one foot (1') in width.

continued . . .

MAY 15, 1993
DATE MICROFILMEDCOURTHOUSE TOWER
LOCATIONPreston Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 15843PG3045

File No. 2287 (continued)
Mr. & Mrs. Barry Appel
4380 N. Jefferson Avenue

2. The pool deck and pool shall be screened from view from N. Jefferson Avenue by a six foot (6') high CBS wall located eight (8') feet to the west of the property line. Said wall shall be stuccoed to match the finish on the house and shall be extended to the west so that it meets the northeast corner of the house. Any gate within said wall shall be of a metal picket variety.
3. The applicant shall landscape the area around the pool equipment, presently shown fronting on N. Jefferson Avenue so that it is not visible from the street.
4. A screen enclosure shall not be constructed at this time or any other time, which encroaches into the twenty (20') required front yard setbacks.
5. A landscape plan shall be submitted for review and approval to the Planning, Design and Historic Preservation Division for the entire property; emphasis shall be given to the area between the pool deck and the north property line, as well as to the area in front of the new privacy wall parallel to N. Jefferson Avenue.
6. Six (6) street trees (three on N. Jefferson Avenue and three on 43rd Court) shall be planted in the swale area; said trees shall be no less than 10 feet in height when planted and be of a type and species acceptable to the Public Works Department.
7. On-site drainage shall be provided.
8. There shall be no encroachments in the five foot (5') utility easement.
9. All necessary sections of sidewalks shall be removed and replaced.
10. All utility service connections shall be placed underground.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Zoning Board of Adjustment with any applicable modifications. The applicant shall take all necessary steps to have a permit issued by the Building Department within a period of six (6) months from the date of hearing (February 8, 1993), unless the Board specifies a more restrictive time limitation, otherwise this Order shall become null

continued . . .

REPRODUCTIONS.

March 15, 1993
DATE MICROFILMED

COURTHOUSE TOWER
LOCATION

Christie Charles
CAMERA OPERATOR
DEPUTY CLERK, CIRCUIT COURT

OFF. REC. 15843PG3046

File No. 2287 (continued)
Mr. & Mrs. Barry Appel
4380 N. Jefferson Avenue

and void, unless the issuance of such permit is stayed by an appeal to the appropriate court. This Order does not constitute a permit, but upon presentation of this Order to the Planning, Design and Historic Preservation Division, a permit shall be approved and processed in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 4th day of March, 1993.

BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH,
FLORIDA

BY: Jeffrey Bercow
JEFFREY BERCOW
CHAIRMAN

STATE OF FLORIDA)
) SS
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 4th day of March, 1993 by Jeffrey Bercow, who is personally known to me, or who has produced as identification and who did not take an oath.

Joseph J. Villafuerte
NOTARY PUBLIC (signature)
NOTARY PUBLIC, STATE OF FLORIDA
JOSEPH J. VILLAFUERTE
COMMISSION NO. CC219988
EXPIRES AUG 5, 1998

My commission expires 8/5/98

NOTARY PUBLIC
STATE OF FLORIDA
(type, print or stamp name)

Approved As To Form:
Public Works Department
Planning, Design and Historic Preservation Division
Legal Department

(124)
(2)
(329)

zba\finalord\2287.ord

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

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

Address: 901 W 43rd Court

Date: 4/12/16
File: BOA
2287

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	Make an appointment with Board Liaison at least 2 days in advance of the submittal deadline	X	
2	One original and one copy of the completed Board Application, Affidavits & Disclosures of Interest (original signatures)	X	
3	Check-list provided by staff indicating documents provided and signed by the applicant or representative.	X	
4	Copies of all current or previously active Business Tax Receipts	X	
5	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	
6	DERM recommendation/approval		
7	Application Fees	X	
8	Mailing Labels - 2 sets and a CD including: Property owner's list and Original certified letter from provider.	X	
9	School Concurrency Application, for projects with a net increase in residential units (no SFH)		
10	Provide three (3), 11"x17" collated sets, one (1) of which to be dated, signed & sealed, to include the following:	X	
11	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date	X	
12	All Applicable Zoning Information	X	
13	Location Plan-- Colored aerial with streets and project site identified.	X	
14	Survey (minimum 11x17) , signed & sealed and 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	
15	Full legal Description of the property if not included in survey (For lengthy legal descriptions, attached as a separate document if necessary)		
16	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)		
17	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)		
18	Site Plan (fully dimensioned with setbacks, existing and proposed) Indicate location of the area included in the application if applicable.	X	
19	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X	
20	Current, dated color photographs, min 4"x6" of interior space (no Google images)		
21	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	
22	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture and shelves if applicable.		
23	Demolition Plans (Floor Plans & Elevations with dimensions)		
24	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks		

Indicate N/A If Not Applicable

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

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

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50	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		
51	Sound Study report (Hard copy) with 1 CD		
52	Set of plans 24"x 36"		
52	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 _____		
53	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:		
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		
	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 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	
60	14 collated copies of all the above documents	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	

NOTES:

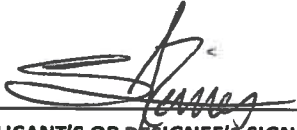
Is the responsibility of the applicant to make sure that the sets, 14 copies and electronic version on CD are consistent.

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

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APPLICANT'S OR DESIGNEE'S SIGNATURE

SALOMON REINES.

4/12/16
DATE