

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: 2850 Prairie Avenue

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

FOLIO NUMBER (S) 02-3227-016-0110

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

NAME Namron Miami, LLC

ADDRESS 927 Lincoln Road, Suite 200, Miami Beach, FL 33139

BUSINESS PHONE (305) 778-9837

CELL PHONE _____

E-MAIL ADDRESS ynaman encostagroup.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:

NAME Michael W. Larkin & Matthew Amster, Bercow Radell & Fernandez, PLLC

ADDRESS 200 S. Biscayne Blvd, Suite 850, Miami, FL 33131

BUSINESS PHONE (305) 374-5300

CELL PHONE _____

E-MAIL ADDRESS mlarkin brzoninglaw.com & mamster brzoninglaw.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 Jose Gomez, Beilinson Gomez Architects, PA

ADDRESS 8101 Biscayne Blvd, #309, Miami, FL 33139

BUSINESS PHONE (305) 559-1250

CELL PHONE _____

E-MAIL ADDRESS jg@beilinsonarchitectspa.com

FILE NO. _____

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

Design review approval of a single-family home. Please see letter of intent for more details.

- 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) _____ 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: **Alexandre Ballerini** _____

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
 COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

 SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

 NOTARY PUBLIC

My Commission Expires: _____

 PRINT NAME

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

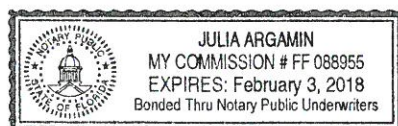
STATE OF _____
 COUNTY OF _____

I, Alexandre Ballerini, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of Namron Miami, LLC (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 1 day of June, 2016. The foregoing instrument was acknowledged before me by Alexandre Ballerini, _____ of Namron Miami, LLC on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



My Commission Expires: _____

 NOTARY PUBLIC

 PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVITSTATE OF
COUNTY OF

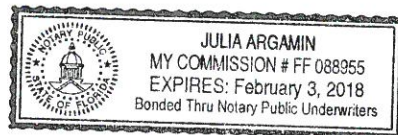
I, Alexandre Ballerini, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael Larkin & Matthew Amster to be my representative before the DRB Board. (3) I also hereby 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.

Alexandre Ballerini
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 1 day of June, 2016. The foregoing instrument was acknowledged before me by Alexandre Ballerini of Miami Beach, Florida 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

[Signature]
NOTARY PUBLIC

Julia Argamin
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.*

N/A

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.*

Namron Miami, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Yves Naman

50%

927 Lincoln Road, Suite 200

Miami Beach, FL 33139

Wendy America Guevara Leyva

50%

927 Lincoln Road, Suite 200

Miami Beach, FL 33139

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.*

N/A

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.	<u>Jose Gomez</u>	<u>8101 Biscayne Blvd, #309, Miami</u>	<u>(305) 559-1250</u>
b.	<u>Michael W. Larkin</u>	<u>200 S. Biscayne Blvd, Suite 850, Miami</u>	<u>(305) 374-5300</u>
c.	<u>Matthew Amster</u>	<u>200 S. Biscayne Blvd, Suite 850, Miami</u>	<u>(305) 374-5300</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 Florida
COUNTY OF Miami-Dade

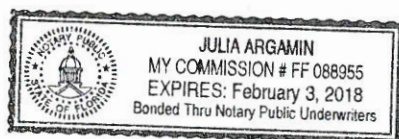
I, Alexandre Ballerini, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are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

[Signature]
SIGNATURE

Sworn to and subscribed before me this 1 day of June, 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:



[Signature]
NOTARY PUBLIC
Julia Argamin
PRINT NAME

FILE NO. _____

Exhibit A

Lot 10, Block 3, First Addition Mid Golf Subdivision, according to the plat thereof as recorded in Plat Book 7, Page 161, Public Records of Miami-Dade County, Florida.



DIRECT LINE: (305) 377-6236
E-Mail: MAmster@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL & HAND-DELIVERY

June 17, 2016

Thomas Mooney, Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent for Design Review Approval for the Property located at 2850
Prairie Avenue, Miami Beach, Florida

Dear Tom:

This law firm represents Namron Miami, LLC (the "Applicant"), the owner of the above-referenced property (the "Property"). Please consider this the Applicant's letter of intent for a Design Review Board ("DRB") application for the construction of a new single-family home on the vacant Property.

The Property. The Property, identified by Miami-Dade County Folio No. 02-3227-016-0110, measures approximately 9,702 square feet and is located at the southwest corner of the intersection of Prairie Avenue and 29th Street. To the west, the Property abuts the eastern edge of the Miami Beach Golf Course. The Property is located in the RS-4, Single-Family Residential Zoning District, where the surrounding area contains a mix of 1- and 2-story single-family homes. The Property is currently vacant and unimproved.

The entire portion of 29th Street abutting the Property to the north is an unimproved street that dead-ends at the Miami Beach Golf Course to the west of the Property. The northern part of the 70' wide street-end contains a narrow gravel road extending from Prairie Avenue to the Golf Course. Extensive landscaping, mostly in the form of trees, lines both sides of the gravel road; however, the southern portion of the street-end is mostly devoid of trees.

Description of Proposed Development.¹ Through the design collaboration of Gustavo Carmona of Materia Q in Mexico and Jose Gomez of Beilinson Gomez Architects in Miami, the Applicant proposes to improve the vacant parcel with a residence of approximately 4,450 square feet in size. The proposed 2-story home will be designed in a contemporary style with stone and wood elements. Lush landscaping will surround and beautify the Property.

As is the case for many single-family homes on street-ends, the Applicant will utilize the street-end to access the Property from the north, but only utilizing a narrow segment at the eastern portion of the street-end in order to preserve the openness of the unimproved area. Once on the Property, a hardscape driveway leads to the garage, the entrance to which is perpendicular to Prairie Avenue and thus will be concealed from view from the improved street. This arrangement improves aesthetic appearance from the street and increases safety for pedestrians and vehicles by aligning the ingress and egress with the established intersection. The east portion of the garage facing Prairie Avenue is only 1-story tall. Furthermore, the Applicant's proposal retains the existing view corridor over the street-end and does not impact the plentiful tree resources in the right-of-way.

Despite the lot's shape and locational challenges, the Applicant proposes a home with unique architecture style, while maintaining compatibility with the existing neighborhood and an unimposing volume. Importantly, the proposed home complies with all of the City of Miami Beach Code ("Code") requirements for unit size, lot coverage, and height. The proposed home contains a unit size of 48.18% and 29.50% lot coverage.

The owner of the home to the south of the Property recently historically designated a portion of the home (see Historic Preservation Board File No. 7337). The Applicant respects this designation with a 10 foot setback on the south side, which effectively results in forcing the developable area of the Property to the north. However, the north side technically fronts a street and requires a much larger setback of 15 feet. As there is no actual improved street or any development close to the north side, the Applicant proposes a 10 foot setback in the north.²

While this results in a shorter north side setback and sum of the sides, that side of the home faces the 70 foot wide unimproved street-end. Moreover, the new home proposed on the north side of the street-end will have a 20 foot south setback (see DRB

¹ Note: Applicant previously obtained approval for a new single-family home through DRB File No. 23237 on March 1, 2016. The Applicant now proposes a new plan with a new design architect.

² Notably, the 10 foot north setback is 2 feet greater than the one approved through DRB File No. 23237.

File No. 23223, approved on December 1, 2015) and, therefore, at the narrowest area, 100 feet will separate these two homes.

Since the street-end is not being utilized as a typical street and will not have any structures, this approximately 100 feet of openness will remain as is and not be developed. Under these circumstances, when treated as an interior lot, the north setback would only be 10 feet, which is the amount the Applicant will provide.

Waiver Request. The Applicant requests DRB approval of one waiver, to permit a 2nd floor exceeding 70% of the volume of the 1st floor (see Section 142-105(4)(c)). The proposed home contains a 2nd floor measuring approximately 97.21% of the 1st floor. The design respects the historic property to the south and maintains a generous setback next to the completely vacant, unimproved and undevelopable right-of-way to the north. The side elevations are highly articulated to break up the massing and the Applicant has kept a majority of the second floor away from the street and the golf course, with abundant landscaping serving to mask the 2nd story from view along the Prairie Avenue frontage. Further, the second floor area at the southwest area of the home is 3'-6" lower in height than the other portions of the second floor, which shifts the massing further away from the historic home to the south of the Property. Given the importance the City attributes to the street-level perceptibility of volumetric massing, we feel that the exceedance in 2nd floor volume is well justified. In addition, the 2nd story does not contain a roof deck, and the only exterior, habitable space above the ground floor are two small terraces on the roof of the front 1-story portions.

Variance Requests. The Applicant seeks the following variances:

- | | |
|--------------|---|
| Variance #1. | Section 142-106(2)(b). Side facing a street setback - proposing 10'-0" (north) side setback where 15'-0" is required. |
| Variance #2. | Section 142-106(2)(a). Sum of the side yards requirement - proposing 20'-0" where 25'-0" is required. |

Pursuant to Section 142-106(2)(b) of the Code, each required side yard facing a street may be no less than 10% of the lot width, or 15 feet, whichever is greater. Although the abutting street-end appears to the naked eye to be an unimproved vacant lot, in fact, it remains a street right-of-way owned by the City. Accordingly, the required setback along the northern side of the Property is 15 feet. This also results in implications for the sum of the side yards requirement. Pursuant to Section 142-106(2)(a), the sum of the side yards provided must be the greater of 25% of lot width or the sum of minimum required setbacks, which is 25'-0" (10'-0" on the south side and 15'-0" on the north side).

If the abutting lot to the north was treated as an interior lot, as the street-end is unimproved and will not be used as a street, the setback would only be 10'-0" and the resulting sum of the sides would only be 20'-0". With 20'-0" provided as the sum of the side yards, the proposed home complies with both of these figures. The 10'-0" setback along the north side facing 29th Street is provided in order to avoid encroachment towards the historically designated home to the south. The Applicant is confident that these variances will allow for the best balance of design without compromising the planning principles underlying the Code's land development regulations.

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria as follows:

- (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;**

The Property is unique because, for practical purposes, it is seemingly an interior lot as it abuts a vacant area that will not be developed with a home. The City has retained it as an unimproved, landscaped right-of-way. This is unfavorable because new construction is required to observe an even larger setback from an actual street than if it were an interior side yard. But the planning policy warranting a larger setback is not well suited because this street-end is not utilized as a typical right-of-way.

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

The Applicant has no control over the platting of the Property and the adjacent street-end, or the City's maintenance of the unimproved street-end and played no part in the historic designation of the building to the south.

- (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;**

The interrelated variances are not excessive in scope and the minor reduction of required setbacks is not uncommon for unique properties such as this corner lot. The proposal minimizes adverse impacts because the Property abuts the street-end to the north and does not crowd the historically designated home to the south. Further, the smaller north side setback would otherwise comply if the Property was treated as an interior lot and due to the unimproved street-end, there will be at least 10 feet separation between this home and the one to the north. This condition preserves the view corridor over the south portion of the right-of-way and retains the tree resources located mostly at the center and

north portion of the street-end. Therefore, the design is compatible with and respects neighboring properties and existing conditions.

- (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;**

Historically, there are numerous property owners in the area that have been granted similar variances, not merely for the preservation of historic structures, but to accommodate new construction and still provide adequate spacing of buildings from right-of-ways and other structures. For instance, in order to construct a new addition, the historic property immediately to the south also received a variance to reduce a required side setback, as well as a variance of more than 5 feet of the required sum of its side yards (see Board of Adjustment File No. 3608). The Applicant addresses this by providing a reasonable setback on that side and the reduced setback on the north and smaller sum of side yards has no negative impact on the surrounding area

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

From conception, the Applicant intended to situate the residence in the center of the lot. He respects the principle of a generous front setback, and he also desires an enlarged rear setback to bolster his family's privacy and protection from the golf course. In recognizing the peculiarities of the Property, the historically designated home to the south, and the unique characteristics of the street-end and spacing to the next home to the north, the Applicant has provided adequate spacing for the south side setback, which results in a quality visual transition from the historic structure to the proposed home.

The variance in spacing between the proposed home and the new home to the north, which will be 100 feet away from each other, will not be perceptible. The north encroachment is on a wide (70 foot) unimproved street-end and the new home proposed to the north of the street-end will be another 20 feet away. This does not risk changing, because the unimproved street-end will not be improved with any home in the future. Thus, a substantial, 100 foot separation will exist between the closest building façades.

- (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**

Ensuring the adequate setback distance on the southern side observes the Code's intent for large view corridors and cohesiveness, without detriment to the home to the north of the street-end, as there is neither an encroachment issue to a typical improved street that supports vehicular traffic nor to another home. The Applicant recognizes that the full setback from the historic structure, rather than the vacant, unimproved street-end, provides a better visual transition between old construction and new construction.

- (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 of adjustment voting on the applicant's request.**

The variance requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. The vacant, unimproved street-end in the north and the historic home in the south create a design challenge for the proposed project and result in practical difficulties that require the modest variance and waiver requests. The home is sensitive to the historic home and will be compatible with the neighborhood.

Conclusion. Approval of the proposed residence will permit development of a well-designed single-family home which will undoubtedly enhance the composition of the neighborhood. The Applicant proposes a contemporary design that demonstrates thoughtful consideration for the existing built context, including an historically designated home to the south and an unimproved, 70 foot wide street-end to the north. As the Applicant has taken careful measures to mitigate any negative impact of the proposed development, we respectfully request that you approve the proposed design with its accompanying waiver and variances. These modest requests capture the spirit of the land development regulations and will not result in negative impacts to the neighborhood. We look forward to your favorable review of the application. If you have any questions or comments, please call me directly at (305) 377-6236.

Sincerely,



Matthew Amster

cc: Yves Naman
Michael W. Larkin



zoning public notification packages | ownership lists + mailing labels + radius maps
diana@rdrmiami.com | 305.498.1614

May 26, 2016

City of Miami Beach
Planning Department
1700 Convention Center Dr.
Miami Beach, FL 33139

Re: Property Owners List within 375 feet of:

SUBJECT: 2850 Prairie Avenue, Miami Beach, FL 33140

FOLIO NUMBER: 02-3227-016-0110

LEGAL DESCRIPTION: MID GOLF SUB 1ST ADDN PB 7-161 LOT 10 BLK 3

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 radius of the external boundaries of the subject property listed above, including the subject property. This reflects the most current records on the file in Miami-Dade County Property Appraisers' Office.

Sincerely,

Rio Development Resources, LLC

Diana B. Rio

Total number of property owners without repetition: **36**

Rio Development Resources, LLC ("RDR") has used its best efforts in collecting the information published in this report and the findings contained in the report are based solely and exclusively on information provided by you and information gathered from public records and that local government. By acceptance of this report, you agree to hold RDR harmless and indemnify RDR from any and all losses, damages, liabilities and expenses which can be claimed against RDR caused by or related to this report.

375' RADIUS MAP



SUBJECT: 2850 Prairie Avenue, Miami Beach, FL 33140

FOLIO NUMBER: 02-3227-016-0110

LEGAL DESCRIPTION: MID GOLF SUB 1ST ADDN PB 7-161 LOT 10 BLK 3

Name	Address	City	State	Zip	Country
ADRIANA BOVE	2828 FAIRGREEN DR	MIAMI BEACH	FL	33140	USA
ALAN ROSENFELD &W KIM	2808 PRAIRIE AVE	MIAMI BEACH	FL	33140-3409	USA
ANDREW PRESCOTT CATHERINE PRESCOTT	2817 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
ANDREW SAKA	2815 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
ARLENE J HELLER	625 W 28 ST	MIAMI BEACH	FL	33140-4309	USA
ARNALDO V LOPEZ &W EMMA J	2812 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
ARON W BERKMAN FERN P BERKMAN	2838 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
CAROLYN DAHAN LE REM MICHAEL ERIC DAHAN	2825 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
CHRISTOPHER P DEMETRIADES JELENA DEMETRIADES	2830 FAIRGREEN DR	MIAMI BEACH	FL	33140	USA
CITY OF MIAMI BEACH	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
DOUGLAS F EATON &W MOLLY A OSENDORF	2840 PRAIRIE AVE	MIAMI BEACH	FL	33140-3409	USA
EYAL WEINSTEIN GABRIELA OLIWKOWICZ WEINSTEIN	400 ALTON RD 1006	MIAMI BEACH	FL	33139	USA
GARY ROSENBERG LINDA ROSENBERG	2845 PRAIRIE AVE	MIAMI BEACH	FL	33140-3408	USA
GOTHAM GENET LLC	200 S BISCAYNE BLVD 3200	MIAMI	FL	33131	USA
HARIKLIA RULA GIOSMAS	4414 NE 2 AVE	MIAMI	FL	33137	USA
IRIS R LEON TR	605 W 29 ST	MIAMI BEACH	FL	33140-4364	USA
IRMA ZELINGER	437 SW 7 ST # 203	MIAMI	FL	33130	USA
JAMES T MULLIN	2835 PRAIRIE AVE	MIAMI BEACH	FL	33140-3408	USA
JANE M GROSS (TRUST)	2862 FAIRGREEN DR	MIAMI	FL	33140-4313	USA
JORGE LAMADRID	2915 PRAIRIE AVE	MIAMI BEACH	FL	33140-3422	USA
KAREL VOLOT	542 W 30 ST	MIAMI BEACH	FL	33140	USA
KEVIN HELLMANN &W ANITA M MOSS	2851 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
MATTHEW L ADLER AMANDA ADLER	2932 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
MILDRED SILVERMAN EST OF	2850 FAIRGREEN DR	MIAMI BEACH	FL	33140	USA
NAMRON MIAMI LLC	927 LINCOLN RD 200	MIAMI BEACH	FL	33139	USA
NOAH LIBERMAN & JANE GROSS	615 W 29 ST	MIAMI	FL	33140-4364	USA
PHYLLIS H FIOCCA	2810 PRAIRIE AVE	MIAMI BEACH	FL	33140-3409	USA
RICHARD DOUGHERTY &W PATRICIA	548 W 30 ST	MIAMI BCH	FL	33140-4338	USA
ROBERT LOPEZ &W LEILANI	3000 PRAIRE AVE	MIAMI BEACH	FL	33140-3425	USA
ROCH NAKAJIMA	2880 FAIRGREEN DR	MIAMI	FL	33140-4313	USA
SEBASTIAN DEBINI MARIA MERCEDES CACHAZA	2931 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
SRIRAM KANNAN POOJA PANJWANI	2848 PRAIRIE AVE	MIAMI BEACH	FL	33140	USA
TETJE MIEDEMA TRS TETJE MIEDEMA (BEN)	2840 FAIRGREEN DR	MIAMI BEACH	FL	33140	USA

TIMOTHY FIELDS BUSH TRS TIMOTHY FIELDS BUSH REV TRUST	20 ISLAND AVE #12 E	MIAMI BEACH	FL	33139	USA
VALERIA T VALLAMUR	535 W 29 ST	MIAMI BEACH	FL	33140-4310	USA
WENDY JACOBUS &H LAWRENCE N ROSEN	2839 PRAIRIE AVE	MIAMI BEACH	FL	33140-3408	USA

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MIAMI BEACH, FL 33140-3408

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

Address: 2850 PRAIRIE AVENUE

Date: 5/20/2016

NEXT AVAILABLE DRB AGENDA: AUGUST 02, 2016

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)		
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)		
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		
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)		
20	Demolition Plans (Floor Plans & Elevations with dimensions)		
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, 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	
	VARIANCE DIAGRAM		

Indicate N/A If Not Applicable

Initials: LC

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		
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		
34	Exploded Axonometric Diagram (showing second floor in relationship to first floor)	X	
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)		
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)		
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

Initials: LC

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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 CHECK LIST:	Required	Provided
53	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	
54	Provide fourteen (14), 11"X17" collated sets, 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

6/17/16