

## MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, WWW.MIAMI BEACHFL.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: 1060 w 47th St. Miami Beach, Fl. 33140

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

FOLIO NUMBER (S) 02-3222-014-1500

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

NAME Jorge Fernandez

ADDRESS 1060 w 47th St. Miami Beach, Fl. 33140

BUSINESS PHONE \_\_\_\_\_ CELL PHONE 305-970-7169

E-MAIL ADDRESS Gempaversjf@aol.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

☐ 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 Chisholm Architects

ADDRESS 4921 sw 74th Ct. Miami, Fl. 33155

BUSINESS PHONE 305-661-2070

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS Jbussola@ChisholmArchitects.com

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



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

Demolition of single family home and construction of new two story residence.

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

☒ YES☐ NO

4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION

☒ YES☐ NO4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) 3,281 SQ. FT.4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). 4,181 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: \_\_\_\_\_

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



## OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF  
COUNTY OF

I, Jorge Fernandez, 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.

Sworn to and subscribed before me this 26 day of JULY, 2014. The foregoing instrument was acknowledged before me by Jorge Fernandez 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:



MAGBIS H. BOLANOS  
MY COMMISSION # FF 963093  
EXPIRES: February 21, 2020  
Bonded Thru Budget Notary Services

SIGNATURE

NOTARY PUBLIC

PRINT NAME

Magbis Bolanos

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

STATE OF  
COUNTY OF

I, \_\_\_\_\_, being duly sworn, depose and certify as follows: (1) I am the \_\_\_\_\_ (print title) of \_\_\_\_\_ (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

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

NOTARY SEAL OR STAMP:

My Commission Expires:

NOTARY PUBLIC

PRINT NAME

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

POWER OF ATTORNEY AFFIDAVITSTATE OF  
COUNTY OF

I, Jorge Fernandez, 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 Chisolm Architects to be my representative before the \_\_\_\_\_ Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Jorge Fernandez  
PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 26 day of July, 2014. The foregoing instrument was acknowledged before me by Jorge Fernandez of \_\_\_\_\_ who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires



MAGBIS H. BOLANOS  
MY COMMISSION # FF 963093  
EXPIRES: February 21, 2020  
Bonded Thru Budget Notary Services

Magbis Bolanos  
PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries, or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.\*

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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



CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

N/A

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership, or limited liability company, list ALL of the owners, shareholders, partners, managers, and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.\*

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

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

NOTE: Notarized signature required on page 9

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

CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION  
DISCLOSURE OF INTEREST

**2. TRUSTEE**

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.\*

TRUST NAME

N/A

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 AFFIDAVITSTATE OF FloridaCOUNTY OF Miami-Dade

I, Jorge Fernandez, 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 \_\_\_\_\_ 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

My Commission Expires:



MAGBIS H. BOLANOS  
MY COMMISSION # FF 963093  
EXPIRES: February 21, 2020  
Bonded Thru Budget Notary Services

[Signature]  
NOTARY PUBLIC

Magbis Bolanos  
PRINT NAME

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

September 2, 2016

Ms. Laura Camayd  
City of Miami Beach Senior Planner  
1700 Convention Center Drive  
Miami Beach, FL 33139

**RE: Letter of Intent for JF South Beach Residence. (REVISED)**  
**1060 W 47<sup>th</sup> St.**  
**Miami Beach, Florida 33140**

Dear Ms. Camayd:

On behalf of the applicant, Mr. Jorge Fernandez, we respectfully request to demolish the existing 2,639 sq.ft. two-story residence and to construct a new 3,281 sq.ft. two-story single family residence. An existing accessory building is to remain and is not part of this scope of work.

As part of our application, and per Staff comments we request the following variances to the existing Accessory Building which is not in the proposed scope of work:

1. To allow existing side setback of 5.5 feet to remain. 7.5 feet required for existing accessory building.
2. To allow existing rear setback of 5.5 feet to remain. 7.5 feet required for existing accessory building.
3. To exceed the maximum allowed roof overhang of the accessory building into the side setback. 25% (5.6' from property line) allowed, 47% (3.5' from property line) requested.
4. To allow 69.8% of rear yard pervious area. 70% minimum required.
5. To exceed the unit size of an accessory structure in relation to the main house. 10% maximum required, 15.5% requested.
6. To exceed the maximum area of an accessory structure in the rear yard. 30% (415 SF) maximum required, 36.9% (511.83 SF) requested.

In addition we are also requesting the following variances based on the City of Miami Beach Planning Department staff's interpretation regarding **allowable encroachments by the ornamental awning feature into the setback**

7. To allow at the east side setbacks ornamental awning features to encroach 1.8 feet (18%) in lieu of a 10 foot setback as interpreted and requested by city staff. This is consistent with 25% (2.5 feet) allowable encroachment per city code section 142-1132.
8. To allow at the front setback ornamental awning features to encroach 2.5 feet (8.3%) in lieu of a 30 foot setback as interpreted and requested by city staff. This is consistent with 25% (6 feet) allowable encroachment per city code section 142-1132.
9. To allow at the west side setbacks ornamental awning features to encroach 1.8 feet (18%) in lieu of a 10 foot setback as interpreted and requested by city staff. This is consistent with 25% (2.5 feet) allowable encroachment per city code section 142-1132.



10. To allow a cumulative side setback of 16'-4" in lieu of 20' required setback. This is consistent with 25% (6 feet) allowable encroachment per city code section 142-1132.

Please refer to sheet A017 of the drawing submission for additional information on variances.

**Variance requests (1-6) for the existing accessory building:**

**Hardship criteria**

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

*The existing accessory building was in compliance at the time that it was originally constructed in 1929. Since that time the adopted zoning code currently in effect has caused this structure to be in non compliance in relation to the variances now be requested. No improvements are planned for this building as part of the proposed scope of work.*

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

*The existing accessory building was in compliance at the time that it was originally constructed in 1929 and prior to the purchase of the property by the current owner.*

- 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;

*The existing accessory building was in compliance at the time that it was originally constructed in 1929 and was allowed at the time that it was constructed. This condition is applicable to other properties or buildings in the same zoning district originally constructed at the same time. Granting this variance will not confer any special privilege to the applicant that is denied by this ordinance to others within this 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;

*As an existing accessory building which was in conformance at the time it was constructed in 1929. the literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the term of this ordinance and would work unnecessary and undue hardship on the applicant by requiring full or partial demolition to an existing accessory structure that was in compliance at time of original construction and is not part of the scope of work.*

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

*The variance requested for the existing accessory building are the minimum required and the result of subsequent adopted zoning ordinances enacted after the existing accessory building was constructed.*

- 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.

*The existing accessory building is consistent with similar properties in the neighborhood constructed at the time this property was developed and will not be injurious to the area involved or otherwise detrimental to the public welfare.*

- That 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 granting of this request does not change the use of the property. The accessory building when constructed was and is consistent with the comprehensive plan adopted. The levels of service are not reduced by the granting of the variance requests.*

#### **Variance Request (7-8) to allow sun and privacy screen shading devices at windows**

*The request for variances 7 and 8 are based on the City of Miami Beach Planning Department staff's interpretation regarding allowable encroachments into the setback.*

*The screen is acting as an ornamental awning feature and provides protection as follows;*

1. *The ornamental awning features have been carefully designed to provide protection from the sun throughout the day. This is consistent with awning type elements.*
2. *The ornamental awning features provide energy savings by diffusing direct sunlight reducing the heat gain on exterior perimeter building walls and glazing systems.*
3. *The ornamental awning features provide energy savings by allowing for additional glazing on the interior sides of lots. Diffused natural sunlight reduces the need for artificial lighting. Quality of space is improved.*
4. *Privacy between adjacent properties is maintained, while allowing visual connection and the public right of way to the exterior environment.*

*Both ornamental features and awnings are permitted to project into the required setback per City of Miami Beach Land Development Code sec. 142-1132, excerpted below;*

#### **Sec. 142-1132. - Allowable encroachments within required yards.**

**(b) Awnings.** In all districts, awnings attached to and supported by a building wall may be placed over doors or windows in any required yard, but such awnings shall not project closer than three feet to any lot line except:

- (1) An awning associated with a commercial use shall be permitted to extend from the entrance door to the street line of any building except those in a single-family or townhome district;
- (2) The setbacks for awnings in a locally designated historic district or in the National Register of Historic Places shall be determined under the design review procedures pursuant to [chapter 118](#), article VI, and shall be based upon the architecture of the building.

**(c) Projections.** In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

- (1) Belt courses.
- (2) Chimneys.
- (3) Cornices.



(4) Exterior unenclosed private balconies.

**(5) Ornamental features.**

(6) Porches, platforms and terraces (up to 30 inches above the elevation of the lot, as defined in subsection [142-105\(a\)\(1\)e](#)).

(7) Roof overhangs.

(8) Sills.

(9) Window or wall air conditioning units.

(10) Bay windows (not extending floor slab).

(11) Walkways:

(12) Electrical transformers and associated concrete pads

**Hardship Criteria**

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

*The City of Miami Beach Land Development Regulations have been interpreted by staff in a manner that has created a special condition and circumstance for the proposed building. Section 142-1132, specifically allows encroachments for both ornamental features and awnings.*

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

*The City of Miami Beach Land Development Regulations have been interpreted by staff in a manner that has created a special condition and circumstance for the proposed building. Section 142-1132, specifically allows encroachments for both ornamental features and awnings.*

- 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;

*Section 142-1132, specifically allows encroachments for both ornamental features and awnings. By granting this variance, the Board will be re-affirming Section 142-1132 and not conferring any special privilege.*

- 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;

*Staff's literal interpretation would work unnecessary and undue hardship and deprives the applicant of the rights commonly enjoyed by other properties in the same zoning district. Section 142-1132, specifically allows encroachments for both ornamental features and awnings.*

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

*The proposed design of the ornamental awning features are in accordance with the allowable encroachments permitted under Section 142-1132 of the City's Land Development Code.*

- 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.

*The proposed design of the ornamental awning features are in harmony with the general intent and purpose of Section 142-1132 of the City of Miami Beach Land development Code as follows;*

- 1 *The ornamental awning features have been carefully designed to provide protection from the sun throughout the day and is consistent with awning type elements.*
- 2 *The ornamental awning features provide energy savings by diffusing direct sunlight reducing the heat gain on exterior perimeter building walls and glazing systems.*
- 3 *The ornamental awning features provide energy savings by allowing for additional glazing on the interior sides of lots. Diffused natural sunlight reduces the need for artificial lighting. Quality of space is improved.*
- 4 *Privacy between adjacent properties is maintained.*

- That 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 project is consistent with the comprehensive plan and does not reduce levels of service.*

On behalf of the applicant, Mr. Fernandez, we look forward to presenting our application to the Design Review Board. Should you have any questions or require additional information please do not hesitate to contact our office.

Sincerely,  
R.E. Chisholm Architects, Incorporated.



Mr. Matthew Polak AIA, LEED AP  
President

CC: Mr. Jorge Fernandez – Applicant/Property Owner  
Mr. Robert E. Chisholm, FAIA - Chairman



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

Address: 1060 W 47<sup>th</sup> St  
File Number:

Date: 7/18/16

## BOARD APPLICATION CHECK LIST

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

ITEM #	FIRST SUBMITTAL CHECK LIST	Required	Provided
	<b>ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE</b>		
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 <del>four (4)</del> , 11"X17" collated sets, <del>two (2)</del> of which are signed & sealed, to include the following: 2 sets →	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	X	
16	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X	
17	Current, dated color photographs, min 4"x 6" of interior space (no Google images)		
18	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	X	
19	Existing Conditions Drawings (Floor Plans & Elevations with dimensions)	X	
20	Demolition Plans (Floor Plans & Elevations with dimensions)	X	
21	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks	X	
22	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X	
23	Proposed Section Drawings	X	
24	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	X	
25	Hardscape Plan, i.e. paving materials, pattern, etc.	X	
26	Color Renderings (elevations and three dimensional perspective drawings)	X	
	Variance diagram	X	

Indicate N/A If Not Applicable

Initials:



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		
28	Copy of original Building Permit Card, & Microfilm, if available	X	
29	Historic Resources Report (This report shall include, but shall not be limited to, copy of the original Building Permit Card and any subsequent evolution, Microfilm, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure)		
30	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated)	X	
31	Line of Sight studies		
32	Structural Analysis of existing building including methodology for shoring and bracing		
33	Proposed exterior and interior lighting plan, including photometric calculations		
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	<b>Site Plan (Identify streets and alleys)</b>		
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____		
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____		
c	# of bicycle parking spaces _____		
d	Interior and loading area location & dimensions _____		
e	Street level trash room location and dimensions _____		
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____		
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____		
45	<b>Floor Plan (dimensioned)</b>		
a	Total floor area _____		
a	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____		
b	Occupancy load indoors and outdoors per venue _____ Total when applicable _____		

Indicate N/A If Not Applicable

Initials:



## MIAMI BEACH

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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			

ITEM #	FINAL SUBMITTAL CHECK LIST:	Required	Provided
53	One (1) signed and sealed 11"X17" bound collated set of all the required documents , as revised and/or supplemented to address Staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. With a CD of this document 11"X17" as a PDF compatible with Adobe 8.0 or higher at 300 DPI resolution.	X	
54	14 collated copies of all the above documents	X	
55	One (1) CD/DVD with electronic copy of entire final application package	X	

**NOTES:**

- A. Other information/documentation required for first submittal will be identified during pre-application meeting.
- B. Is the responsibility of the applicant to make sure that the sets, 14 copies and electronic version on CD are consistent.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. 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
- E. 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

Indicate N/A If Not Applicable

Initials: 