

September 23, 2016

VIA HAND DELIVERY

The Chairperson and Members of the
Miami Beach Historic Preservation Board
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: HPB16-0065 | Application for a Modification of a Sign Variance | The Continental Miami Restaurant | 2360 Collins Avenue Miami Beach (the “Property”)

Dear Chairperson and Members of the Historic Preservation Board:

This letter accompanies Miami Weiss, LLC., (the “Applicant”) application for a public hearing for a modification of a sign variance before the City of the Miami Beach Historic Preservation Board (the “Board”) in connection with the Continental Miami Restaurant (a.k.a Restaurant at the Aloft Hotel) (the “Project”).

The Applicant operates the restaurant located within the contributing building of the Aloft Hotel. The Applicant obtained approval under BOA File No. 3763 on December 5, 2014 to locate the “Continental” sign above the historic eyebrow of the contributing building. The then sign obtained a variance to permit a 61.25 square feet where only 15 square feet are permitted by code. Introduction of the signage served as an enhancement to the historic character of the 1950’s hotel nestled at the southern end of Lake Pancoast. When the original variance was requested, in an attempt to minimize the request, the Applicant did not request including the words “restaurant & lounge” as was typical of signage of the 1950’s. As a result of the location of the historic hotel nestled at the end of Lake Pancoast and competing with numerous signs such as Aloft and historic signage the word Continental is being confused as the name of the hotel and not a restaurant. As such we are requesting a modification of the sign variance to allow for an additional 16.94 square feet, adding the copy of “Restaurant & Lounge” on the eyebrow. The historical sign in the hotel prior was larger than the new expanded sign being requested.

I. Request for Variance

The applicant is requesting the following variance, as determined by the interpretation of the Planning Director:

1. A variance under Section 138-172 “Schedule of sign regulations for principal and accessory use signs”.

Section 118-353(d) of the Code delineates the standards of review for a variance application. Specifically, a variance shall be approved upon demonstration of the following:

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

Satisfied; The Project has contributing structure and is located at the point of a double curved on Collins Avenue, with the end of Lake Pancoast and the Roney Plaza project across the Street. In addition since it is located in a contributing hotel, the historic name Ankara plus the current hotel name Aloft leads to confusion.

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

Satisfied; The Project has contributing structure and is located at the point of a double curved on Collins Avenue, with the end of Lake Pancoast and the Roney Plaza project across the Street. In addition since it is located in a contributing hotel, the historic name Ankara plus the current hotel name Aloft leads to confusion.

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

Satisfied; The HPB and formerly Board of Adjustment routinely grant similar variance requests for historic structures.

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

Satisfied; The Project has contributing structure and is located at the point of a double curved on Collins Avenue, with the end of Lake Pancoast and the Roney Plaza project across the Street. In addition since it is located in a contributing hotel, the historic name Ankara plus the current hotel name Aloft leads to confusion.

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

Satisfied; The variance requested is the minimum variance required to provide the necessary visibility without demolishing the historic signage.

- f) 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; and

Satisfied; Granting of the variance will be in harmony with the general intent and purpose of the Code and will not be injurious to the local area. Rather, as stated above, the Applicant intends be in harmony with surrounding areas.

- g) 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.

Satisfied; Granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

II. Conclusion

The Applicant is requesting the approval of the modification of variance to include the additional copy while maintaining the original sign. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Alfredo J. Gonzalez



CFN 2015R0103050
OR Bk 29504 Pgs 2002 - 2005; (4pgs)
RECORDED 02/18/2015 09:29:51
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

**BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 2360 Collins Avenue

FILE NO. 3763

IN RE: The application for a variance to exceed the maximum size for a new projecting sign on the roof as part of the improvements for a new hotel and restaurant development.

LEGAL DESCRIPTION: Block 3 of the "Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company's Subdivision", According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: December 5, 2014

ORDER

The applicant, Miami Weiss, LLC., filed an application with the Planning Department for the following variance as part of the improvements for a new hotel and restaurant development:

1. A variance to exceed by 46.25 s.f. the maximum permitted area of 15 s.f. for a projecting sign in order to permit one sign on the roof fascia facing Collins Avenue with 61.25 s.f.

The City of Miami Beach Board of Adjustment makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the project as submitted satisfies the requirements of Section 118-353(d) of the Miami Beach Code. Accordingly, the Board of Adjustment has determined the following:

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

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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; and

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.

B. The Board imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. A master plan showing details of all signs proposed for the site shall be submitted for staff review and approval prior to the issuance of a building permit for the sign proposed as part of this application.
3. The applicant shall obtain a full building permit within eighteen months (18) months from the date of this hearing. If the full building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
4. The conditions on this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
5. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
6. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code, except to the extent of the variance granted herein.
7. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

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IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including staff recommendations, as modified by the Board of Adjustment, that the application for Variance Approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B (Condition Nos. 1-7, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "2360 Collins Ave. Restaurant", as prepared by STA Architectural Group and Todd Tragash, P.A., dated October 22, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of this Order does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Variance Approval was granted, the subject Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), and not reinstated by the Building Official or designee, the Variance Approval will expire and become null and void.

Dated this 26th day of January, 2015.

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, AICP
Planning and Zoning Manager
For the Chair

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STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 26th day of January, 2015, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Teresa Maria



[NOTARIAL SEAL]

TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded thru Budget Notary Services

Notary: _____
Print Name: TERESA MARIA
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
City Attorney's Office

Jeff But) 1/23/2015

Filed with the Clerk of the Board of Adjustment on

1/29/15 (*MB*)

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