

[REDACTED]
5985 Alton Road
Miami Beach, Florida 33140
[REDACTED]

February 5, 2022

VIA ELECTRONIC DELIVERY

Mr. Joseph Gomez
Public Works Department
City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139

Re: Revocable Permit Request for 5985 Alton Road

Dear Mr. Gomez:

[REDACTED] ("Applicant") are the owners of the property located at 5985 Alton Road ("Property") in the City of Miami Beach ("City"). The Applicant is seeking approval of a Revocable permit, to allow for a generator to be installed for the Property.

Property Description. The Property is located on the southeast corner of the intersection of Alton Road and 60th Street. The Miami Dade County Property Appraiser identifies the Property with Folio No. 02-3215-003-0730. The lot area is approximately 7,450 square feet (0.17 acres) in size. The Property is zoned Residential - Single Family "0101".

The surrounding uses include single family homes to the north, west and south and by La Gorce Country Club Golf Course to the east.

Approved Development The Property is a 1936 Russell Pancoast design and restored in 2017 preserving the design and all architectural features. The house is deemed to be architecturally significant by the Planning Department. The Applicant strongly believes that retaining this house was a public benefit to the neighborhood and the City, as opposed to demolishing it and building a new structure. The architectural contribution to the neighborhood and City was far greater and preferred by the Planning Department and the Design Review Board.

However, in restoring this home there were, and continue to be, constraints when dealing with structural beams or when adding mechanical, plumbing, and electrical systems which were nonexistent and/or substandard and not complying with the Florida Building Code. Additionally, there are limitations on space in the setbacks of a 1936 home meeting the zoning code requirements of that time. The setbacks are approximately 5' on the side, 20' in the front, and 10' in the back, including a 5' easement for the City's sewer lines. The sides, front and rear setbacks do not allow sufficient area, nor the distance required from home openings (windows/doors) to comply with the Florida Building Code requirement of 10' distance from a generator placement. These 1936 homes were built without air conditioning systems, and as such have many windows which provided cross ventilation. The generator placement would be close to the Property's north boundary line and will have the required distance from the home openings. The generator with pad/slab measures 3 feet x 7 feet. This area will cover 1.75% of the total 1200 feet of the fee simple land. See Exhibit A, Property Appraiser Report.

Satisfaction of the Revocable Permit Criteria. The City Code of Ordinances (the "Code") provides that a revocable permit is required for any proposed encroachment in the city fee simple parcel and right of way.

The area of placement is a fee simple parcel deeded to the City by La Gorce Country Club in January 2009. This conveyance of this land was a result of a settlement of a putative class action lawsuit by two homeowners with lots abutting La Gorce Country Club, seeking various forms of relief including declaration of boundary /title as to twelve (12) City street ends. These twelve properties owned by La Gorce Country Club were being utilized by homeowners for personal use, including but not limited to, driveways to their garages. The twelve properties each measure 20 feet x 60 feet, and today continue to be

enjoyed for various uses by adjacent property owners on Alton Road and La Gorce Drive.

***The Applicant's need is substantial.**

The Applicant respectfully requests the revocable permit in order to place a generator for the home. Given the fact that the existing home does not allow sufficient space in the setbacks to comply with the Florida Building Code and the City's Zoning Code. This generator is a necessity for the well-being of one of the family's son's health issues. The medical condition can be provided by his physician, if necessary. The son requires an electrical machine to sleep at night and keep his breathing and heart from periodically stopping. A battery pack does not last the length of power outages experienced during a storm. The proposed request for the placement of the generator is critical.

*** The Applicant holds title to the abutting property.**

The Applicant for the revocable permit holds title to the Property.

***The proposed improvements will comply with applicable codes, ordinances, regulations, neighborhood plans and laws.**

The proposed improvements will comply with applicable codes, ordinances, regulations, neighborhood plans and laws. Additionally, it complies with the Florida Building Code requirements, including requirements on elevation and distance from Property openings of 10 feet (windows and doors).

***Granting of the application will have no adverse effect on the government utility easements and uses on the property.**

The Applicant and the Public Works Department have worked together to ensure the proposed encroachment will allow for continued use and access to the City's utility easements and existing sewer lines and water lines.

***Granting of the revocable permit will enhance the neighborhood and /or community by such amenities as, for example, enhanced landscape, and public benefits proffered by the applicant.**

The Applicant has gone through great lengths and cost to restore an architecturally significant home designed in 1936 by Russell Pancoast, which had been neglected and severely deteriorated. Applicant strongly believes that retaining this house was a public benefit to the neighborhood and the City, as opposed to demolishing it and building a new structure. The architectural contribution to the neighborhood and City was far greater and preferred by the Planning Department and the Design Review Board.

Restoring the home is in keeping with the City's Mission Statement,

"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

And the City's Vision statement,

"A SAFE CITY with a mosaic of residents enjoying life in iconic and historic NEIGHBORHOODS".

The generator will be surrounded with landscape and not visible by neighbors to the north, west, east and others walking the neighborhood. The fee simple property, proposed for placement of the generator, is currently maintained by the Applicant, and will continue to maintain the fee simple parcel by cutting and fertilizing the grass and landscape.

***Granting the revocable permit requested will not confer on the applicant any special privilege that is denied by the article to other owners of land, structures or building subject to similar conditions located in the same zoning district.**

Granting the revocable permit will not confer any special privilege upon the Applicant. Any property owner within the City can apply and pay for a revocable permit provided the application meets the criteria stated in the Code, does not interfere with the utilization of the public property, and results from an enhancement to the neighborhood.

*** Granting of the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.**

Granting the revocable permit will not devalue any adjacent properties and will not have a detrimental effect on the public welfare. In fact, the restoration of the architecturally significant home was favorable to the neighbors, community and the City. The neighbors have provided letters in support of the applicant's request. See Exhibit B. The generator will be secured with a fence and landscape to provide safety, and to not be visible by neighbors and others walking the neighborhood.

Conclusion. Approval of this revocable permit application is necessary to provide the Applicant with the modern-day amenities and not punish the applicant for restoring an architecturally significant home built in 1936 when the zoning code for setbacks were less than required today and not allow for the required distances for the placement of a generator to property openings.

We look forward to your review and approval of the application. Should you have any questions, do not hesitate to contact us at [REDACTED]

Sincerely,

[REDACTED SIGNATURE]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Enclosure

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

APPLICATION FOR REVOCABLE PERMIT

FILE NO: _____
DATE: 2/1/2022

1. NAME OF APPLICANT: [REDACTED]

2. APPLICANT'S ADDRESS: 5985 Alton Road, Miami Beach, Fl. 33140

3. APPLICANT'S BUSINESS TELEPHONE: [REDACTED]
RESIDENCE TELEPHONE: same as above

4. ADDRESS AND LEGAL DESCRIPTION OF SUBJECT CITY PROPERTY: Folio 02-3214-000-0020, Fee simple parcel abutting La Gorce Golf Course and 60th Street End and Alton Road.

5. ADDRESS AND LEGAL DESCRIPTION OF APPLICANT'S PROPERTY ABUTTING SUBJECT CITY PROPERTY: 5985 Alton Road, Miami Beach, Fl. 33140 La Gorce Golf sub, Lot 1, PB 14-43, Block 5

6. HAS A PUBLIC HEARING BEEN HELD PREVIOUSLY REGARDING THIS REQUEST?
YES _____ NO IF SO, WHEN: _____
FILE NO. OF PREVIOUS REQUEST: _____

7. BRIEFLY STATE REQUEST EXPLAINING THE REASON/NEED FOR THE REVOCABLE PERMIT: see Attached letter.

8. DOES THE REQUEST INVOLVE THE PLACEMENT OF OBJECTS OR STRUCTURES ON THE SUBJECT PROPERTY?

YES NO

IF SO, BRIEFLY DESCRIBE THE OBJECTS/STRUCTURES: Generator with landscape

9. NAME OF CONTRACTOR: Personalized Power Systems

ADDRESS: 159 N.W. 11th Street, Boca Raton, Fl. 33432

BUSINESS TELEPHONE: [REDACTED]

SEE THE ATTACHED LIST FOR ITEMS TO BE SUBMITTED WITH THIS APPLICATION (SECTION 82-92, ITEMS 1 THROUGH 9).

NO WORK SHOULD BE PERFORMED IN THE SUBJECT CITY PROPERTY UNTIL A REVOCABLE PERMIT APPROVED BY THE CITY COMMISSION IS OBTAINED.

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR THE CONTRACTOR TO OBTAIN THE REQUIRED PERMITS AND INSPECTIONS FOR ALL WORK ON THE SUBJECT CITY PROPERTY. ALL WORK MUST COMPLY WITH THE APPLICABLE CODES AND ORDINANCES.

ALL DATA SUBMITTED IN CONNECTION WITH THIS APPLICATION BECOMES A PERMANENT PART OF THE PUBLIC RECORDS OF THE PUBLIC WORKS DEPARTMENT OF THE CITY.

FILE NO. _____

THE SUBJECT PROPERTY IS AT THE FOLLOWING STREET ADDRESS: _____, MIAMI BEACH, FL.

INSTRUCTIONS:

COMPLETE OWNER AFFIDAVIT OR CORPORATION AFFIDAVIT, AS APPLICABLE, ALSO, IF YOU ARE GIVING POWER OF ATTORNEY TO AN INDIVIDUAL TO REPRESENT YOU ON THIS REQUEST, COMPLETE THE LAST AFFIDAVIT.

[Redacted Name and Address]

OWNER AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed hearing: that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.



[Redacted Signature]

Sworn to and subscribed to before me this 15th day of Feb, 20 22.



Patricia E Hopkins
SIGNATURE

NOTARY PUBLIC

Commission Expires: 2-16-2025

CORPORATION AFFIDAVIT

I, _____, being duly sworn, depose and say that we are the President/Vice President, and Secretary/Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief, that said corporation is the owner of the property described herein and which is the subject matter of the proposed hearing.

PRESIDENT'S SIGNATURE (CORP. SEAL)

ATTEST: _____
SECRETARY'S SIGNATURE

Sworn to and subscribed to before me this _____ day of _____, 20 _____.

NOTARY PUBLIC

Commission Expires: _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, _____, being duly sworn, depose and say that I am owner of the described real property and that I am aware of the nature and effect of the request for this revocable permit, relative to my property, which is hereby made by me or I am hereby authorized _____ to be my legal representative before the City Commission.

OWNER'S SIGNATURE

Sworn to and subscribed to before me this _____ day of _____, 20 _____.

NOTARY PUBLIC

Commission Expires: _____