

HOMER BONNER JACOBS

1200 FOUR SEASONS TOWER
1441 BRICKELL AVENUE
MIAMI FLORIDA 33131

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(1956 – 2007)

January 12, 2017

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VIA ELECTRONIC SUBMITTAL

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

**RE: LETTER OF INTENT FOR DESIGN REVIEW BOARD AND VARIANCE
APPROVALS FOR THE PROPERTY LOCATED AT 1001 WEST 46TH STREET,
MIAMI BEACH, FLORIDA**

Dear Mr. Mooney:

This firm represents Mansion, LC, a Florida limited liability company (the "Applicant"), the owner of the property located at 1001 West 46th Street in the City of Miami Beach, Florida (the "City")¹. This letter shall serve as the Applicant's letter of intent in connection with its request for design review and approval of a variance pursuant to Section 142-106 (2)(b) of the Code of the City of Miami Beach (the "Code").

Description of the Property. The Property has folio number 02-3222-014-1570 and operates as a completely restored and updated eighteen (18) unit apartment building².

The Property was built in 1925 as a 36 room hotel commonly known as The Polo Hotel. The Polo Hotel originally offered in the 1920s and 1930s an interesting alternative to beach vacations. It was the center piece of The Polo Club which operated a fancy equestrian facility

¹ For disclosure purposes, the undersigned, George Befeler, is the principal of the Applicant.

² The Applicant completed a two year gut restoration of the Property in 2011. Everything inside the Property was restored including 100% of the flooring, partitions, kitchens, bathrooms, roofing systems, electrical, mechanical and plumbing. However, the exterior was completely respected and was restored to its original design and condition.

before any of the homes in the area were built. See photo in Exhibit A. In fact, Mansion Apartments is the oldest building remaining in the middle beach area. See photo in Exhibit B.

Later, after the war, as people migrated to Miami Beach and land became scarce and expensive, the owners of the equestrian facility sold the land around the Property to homebuilders who developed single family homes. The Property was then converted into an apartment building and over the years fell into a sad state of neglect and disrepair. In the 1980s and 1990s, this building was unquestionably the sore spot in this beautiful neighborhood.

In 2005, the Applicant³ purchased the Property. At that time, the Property was ready for its demise.⁴ However, the Applicant decided to restore the Property and give it a new life. The Applicant invested millions of dollars to restore this unique beautiful Property to its old glory and today it stands as a testament to the rich and unique history of Miami Beach. There are many fascinating stories still being told by old timers of the people who owned and stayed in this Property during the colorful prohibition years and the things that occurred there.

The Property's existing use as an 18 unit apartment house is grandfathered and legally nonconforming. Increased traffic in this area has played a significant role and significantly impacts the need for this request. The Applicant believes that the granting of the variance would significantly mitigate and reduce the dangers associated by the increase in traffic and would consistent with the "promotion of the public safety, health, convenience, comfort, prosperity, or general welfare" of the local residents and the community.

Description of Proposed Program. When the Applicant restored entire interiors and exteriors of the Property in 2011, the only area left untouched was the swale on 46th street and Michigan Avenue. The swale is currently very unattractive and in extremely poor condition as it is made of a combination of mud, water, sand, muck, old chunks of pavement material and other similar materials. When it rains, it floods.

Moreover, the swale is too small for cars to park. Often, the rear section of parked cars protrude into the street and/or sidewalk and endanger both pedestrians and drivers. This has been a problem for a long time but with the increased traffic, the problem has become more acute. After many meetings with the staff of the City and members of the neighbor association, it was mutually determined that the best solution is to move the sidewalk a few feet to the inside of the Property and install grassy turf block in the swale for cars to park (the "Improvements"). See site plan attached hereto as Exhibit C. The implementation of the Improvements would solve the traffic safety issues and significantly improve the aesthetic appeal of this unique historic Property. The

³ The principal of the Applicant grew up in Miami Beach, graduated from Miami Beach Senior High School (Class of 1974), and is dedicated to the preservation of the old relics of Miami Beach's rich past. He has earned many awards for preserving properties in Miami Beach and restoring them to their original glory. Examples of these restorations are The Fontana Condominium, 1601 West Avenue, Miami Beach, Atlantis Condominium, 1671 James Avenue, Miami Beach, the Vanderbilt Condominium, 810 Pennsylvania Avenue, and others.

⁴ When the Applicant purchased the Property, it was subject to seven pages of code citations and the structure was rendered unsafe. No renovations had been done to it in seventy years.

Applicant has agreed to pay for 100% of the Improvements. Moreover, the turf block will provide significantly more green areas than what the Property currently has. This will enhance the curb appeal of the Property and the neighborhood in general.

The Applicant applied for an easement from the City to perform the Improvements and on November 9, 2016, the City commission unanimously approved and members of the commission even complimented the beautiful restoration of this building. The last remaining approval to obtain the permit is the approval by the Design and Review Board. The owners association of the neighboring properties has expressed its full support of the proposed Improvements.

Variance Request. The Applicant requests a variance from the minimum space of 50% within the street side yard required under Section 142-106b of the Code. While the side of the Property fronting 46th Street will still comply with the requirements of the Code, the side facing Michigan Avenue will become non-conforming. The following chart indicates the sidewalk and green areas before and after the construction of the Improvements:

	Existing Condition	After Improvement
Total Area	685 SF	685 SF
Sidewalk area	78 SF	657 SF
Green area	607 SF	28 SF ⁵

The loss of green area after the Improvements will be significantly mitigated by the following:

1. The expanded swale⁶ on both side streets will have grassy turf block which will add substantially more green areas than currently exist. Areas currently covered by a combination of mud, muck, dirt, sand, asphalt and rocks will be covered with more attractive grassy turf blocks.
2. The corner of the Property will be beautifully landscaped and maintained. This area will be significantly more green than it has ever been.
3. In addition to the corner and the turf blocks, the Property will continue to exhibit open green areas along the west and south sides of the Property.
4. The main front of the Property facing 46th Street will continue to be lusciously landscaped with green brush and palm trees.

⁵ About 4% of the total area in question.

⁶ The swale will take the place of where the sidewalk used to be thus adding green areas to the Property.

5. The overall front exterior look of the entire Property, when viewed together with the grassy turf blocks and the green areas will look much better and greener than it currently looks with the mucky swale.

Enforcement of the requirements of minimum space of 50% within the street side yard required under Section 142-106b of the Code would impose an extreme hardship upon the Applicant for the following reasons:

1. Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other lands, structures, or buildings in the same zoning district. This is the first and oldest building built in this zoning district, many years before the zoning code was enacted. Therefore, special conditions exist.

2. The special conditions and circumstances do not result from the action of the Applicant as these conditions were created when the building was built in 1925, many years before the current zoning code.

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 as this is the only building of its kind in this zoning district. All the other buildings are single family homes that do not require nor desire these changes.

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. All or mostly all of the other properties were developed under the present zoning code and have no need for the changes requested by the Applicant as they have their own garages or off-street parking areas. Literal interpretation of the land development regulations would deprive the Applicant of any adequate parking areas.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building and structure as the Applicant has carefully designed the changes to be the minimum changes to make visibility for vehicles approaching the corner safer and clearer.

6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations as the intent and purpose is for the "promotion of the public safety, health, convenience, comfort, prosperity, or general welfare." Improving the vehicular visibility of the street corner of 46th Street and Michigan Avenue and providing safe and flood-free parking to the residents of the Property would amply meet all these intents and purposes.

7. The granting of the variance will not be injurious to the area involved or otherwise detrimental to public welfare. The granting of the variance will significantly improve the area

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involved as it will provide a safer environment to the pedestrians and vehicular traffic approaching this critical corner.

Conclusion. The Applicant has worked for many months with City staff and the neighbors to resolve the sidewalk, swale and parking issue at the Property. The proposed Improvements would be a much welcomed enhancement to the neighborhood and the Property. Moreover, it would much improve the safety of the residents, pedestrians and vehicular traffic in and around the Property. The Applicant meets all the requirement for the granting of the requested variance.

For the foregoing reasons, the Applicant respectfully requests your favorable recommendation of the proposed Improvements and for the approval of the requested variance.

If you have any questions or comments, please feel free to contact me at (786) 256-1103.

Respectfully Submitted,

HOMER BONNER JACOBS, P.A.

A handwritten signature in blue ink, appearing to read "G. Befeler", is written over a horizontal line.

GEORGE BEFELER, ESQ.

Partner

GB/cw

HOMER BONNER JACOBS

EXHIBIT A

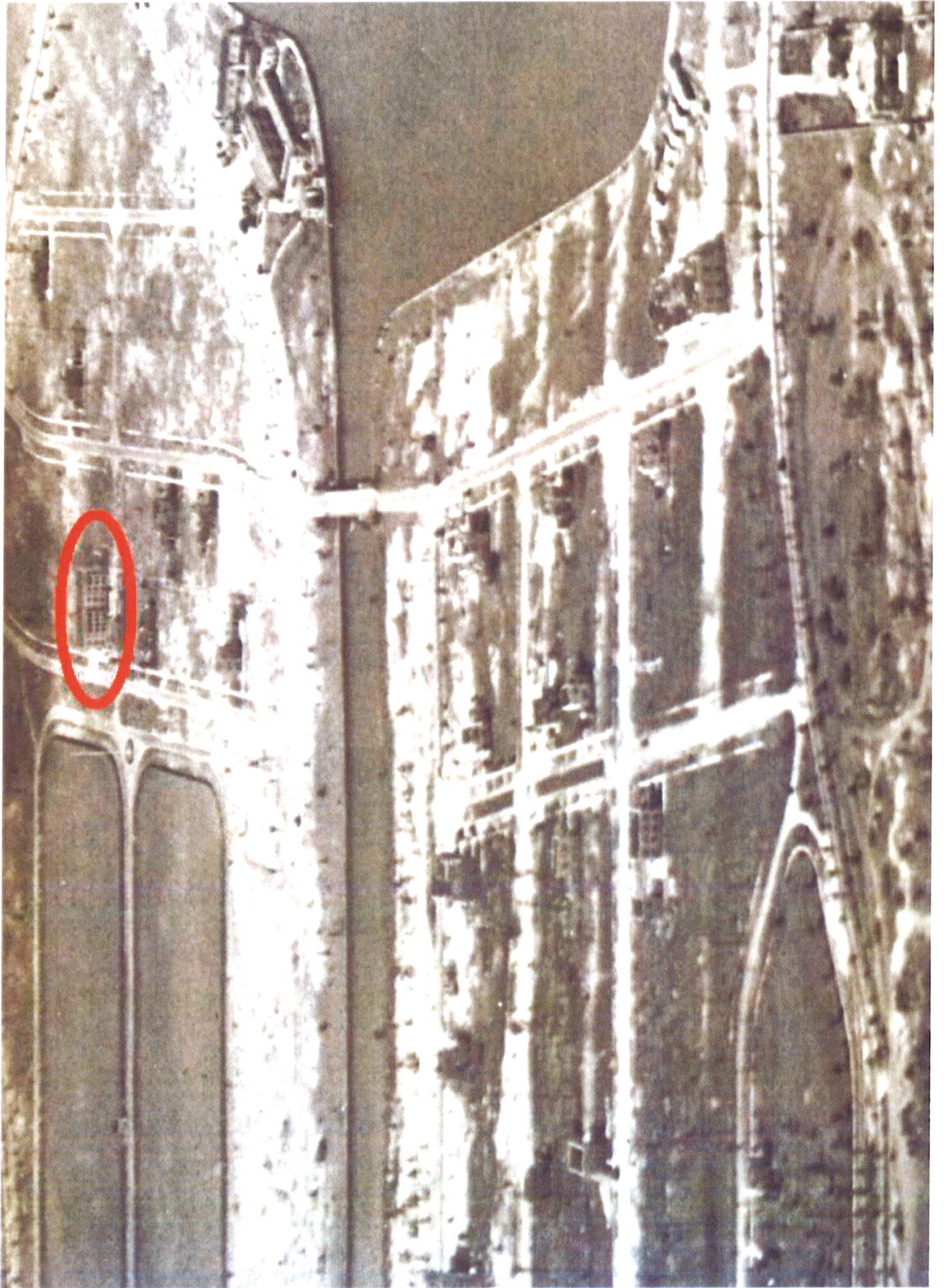


EXHIBIT B

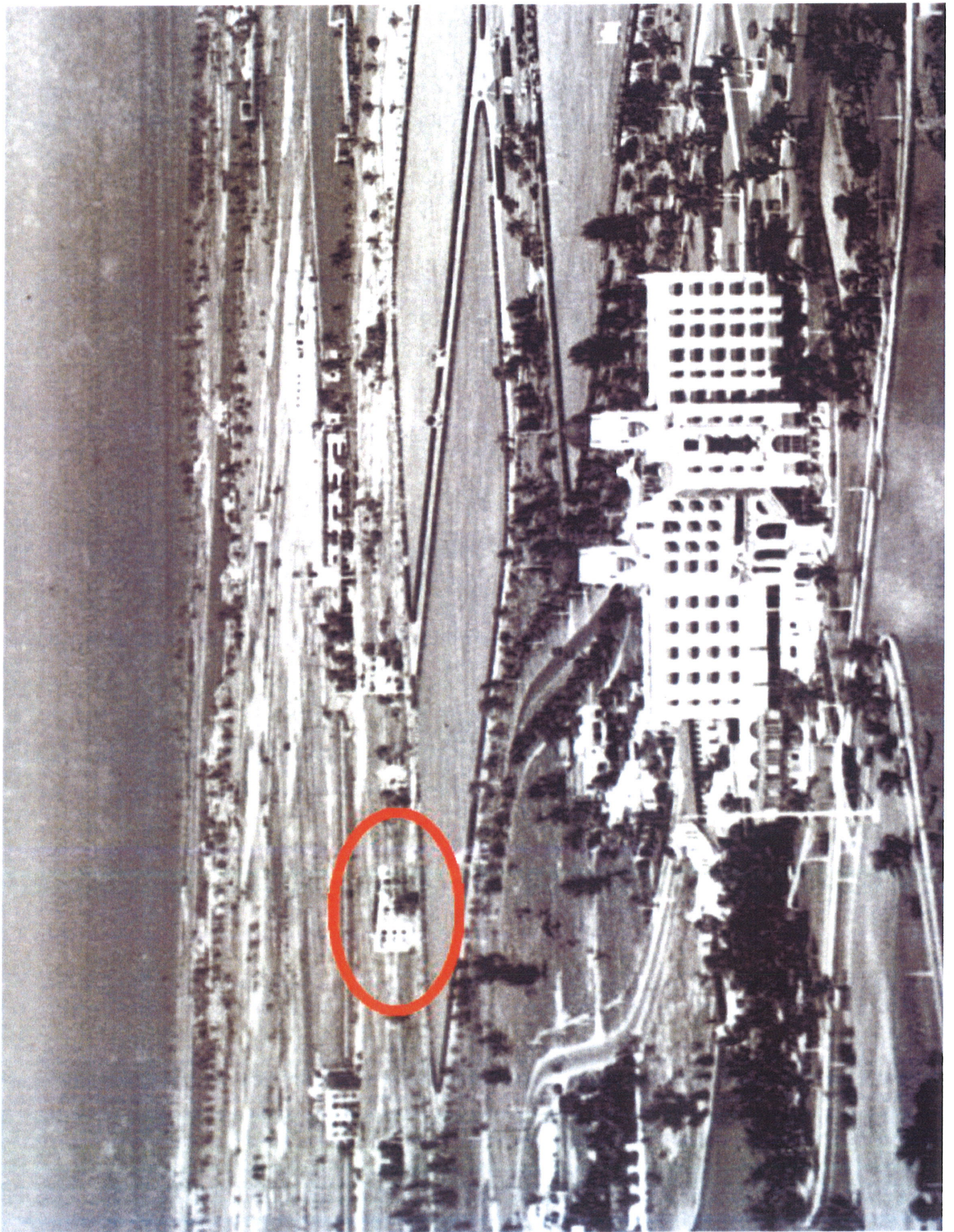


EXHIBIT C

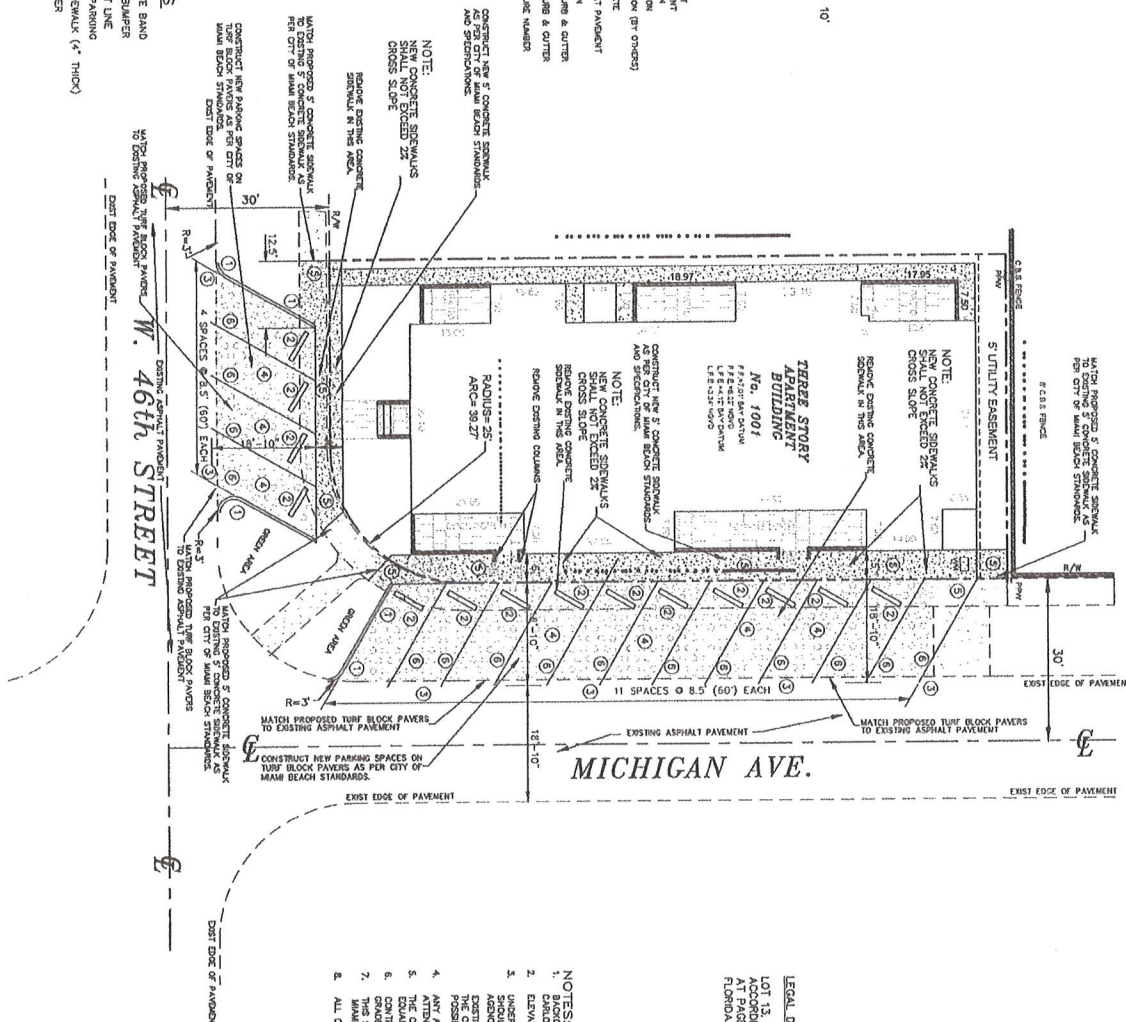


SITE PLAN

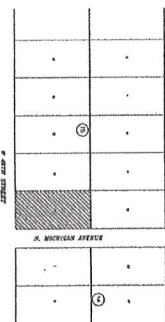
SCALE 1" = 10'

- LEGEND**
- EXISTING PAVEMENT
 - PROPOSED PAVEMENT
 - EXISTING ELEVATION
 - PROPOSED ELEVATION
 - PROPOSED ELEVATION (BY OTHERS)
 - PROPOSED ASPHALT PAVEMENT
 - PROPOSED CONCRETE
 - BUY OFF PRECISION
 - EXIST. TYPE "P" CURB & GUTTER
 - PROP. TYPE "P" CURB & GUTTER
 - PROPOSED STRUCTURE NUMBER

- SCHEDULE NOTES**
1. NEW 12" CONCRETE BAY
 2. NEW WHEEL STOP/BUMPER
 3. EXISTING PAVEMENT LINE
 4. NEW TURF BLOCK PAVING
 5. NEW CONCRETE SIDEWALK (4" THICK)
 6. NEW 4" WHITE PAVES



LOCATION SKETCH
SCALE: 1"=1/8"



LEGAL DESCRIPTION:
LOT 13, BLOCK 15, MANULUS ADDITION OF MIAMI BAY SHORE COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, AT PAGE 130, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

- NOTES:**
1. BACKGROUND INFORMATION OBTAINED FROM BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY DATES SLIM P.S.M. JUNE 3, 2014.
 2. ELEVATIONS ARE BASED UPON M.S.L. DATA AND AS SHOWN ON SURVEY.
 3. SHOULD BE VERIFIED BY THE CONTRACTOR IN THE FIELD WITH THE APPROPRIATE UTILITY BUREAU.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MIAMI BEACH.
 5. THE CONTRACTOR SHALL RESTORE ALL AREAS DISTURBED BY THIS CONSTRUCTION TO A CONDITION EQUAL TO, OR BETTER THAN, THAT NOW EXISTING.
 6. CONTRACTOR SHALL ADJUST ANY UTILITY LINES AND/OR CONDUITS IN PROJECT AREA TO THE FINISHED GRADE.
 7. THIS SITE LIES IN SECTION 23, TOWNSHIP 35 SOUTH, RANGE 42 EAST IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY FLORIDA.
 8. ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST BUILDING CODE IN EFFECT.

MANSIONS APARTMENTS
MICHIGAN AVE. & 46TH STREET
MIAMI BEACH, FLORIDA
HOMER, BONNER & JACOBS, P.A.
1441 BRICKELL AVENUE
MIAMI, FLORIDA 33131

SITE PLAN

ZAMORA & ASSOCIATES, INC.
ENGINEERING LAND PLANNING

11410 N. KENDALL DRIVE SUITE 302 MIAMI, FLORIDA 33176
(305) 273-7801 FAX (305) 273-9514

APPROVED: ZAMORA P.E.
DATE: 06/07/14
STATE OF FLORIDA
SCALE: 1" = 10'
DATE: 06/07/14
PROJECT NO.: 12-12-2013
SHEET NO.: 22
2015-46

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