

MIAMI BEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

File No:	_____
Date:	_____
MCR No:	_____
Amount:	_____
Zoning Classification	_____
(For Staff Use Only)	

STANDARD APPLICATION FORM DEVELOPMENT REVIEW BOARD HEARING

1. The below listed applicant wishes to appear before the following City Development Review Board for a scheduled public hearing: NOTE: This application form must be completed separately for each applicable Board hearing a matter.

- | | |
|---|--|
| <input type="checkbox"/> BOARD OF ADJUSTMENT | <input type="checkbox"/> HISTORIC PRESERVATION BOARD |
| <input checked="" type="checkbox"/> DESIGN REVIEW BOARD | <input type="checkbox"/> PLANNING BOARD |
| <input type="checkbox"/> FLOOD PLAIN MANAGEMENT BOARD | |

NOTE: Applications to the Board of Adjustment will not be heard until such time as the Design Review Board, Historic Preservation Board and/or the Planning Board have rendered decisions on the subject project.

2. THIS REQUEST IS FOR:

- a. ☒ A VARIANCE TO A PROVISION(S) OF THE LAND DEVELOPMENT REGULATIONS (ZONING) OF THE CODE
- b. ☐ AN APPEAL FROM AN ADMINISTRATIVE DECISION
- c. ☒ DESIGN REVIEW APPROVAL
- d. ☐ A CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- e. ☐ A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- f. ☐ A CONDITIONAL USE PERMIT
- g. ☐ A LOT SPLIT APPROVAL
- h. ☐ AN HISTORIC DISTRICT/SITE DESIGNATION
- i. ☐ AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- j. ☐ AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- k. ☐ TO REHAB, TO ADD TO AND / OR EXPAND A SINGLE FAMILY HOME
- l. ☐ OTHER: _____

3. NAME & ADDRESS OF PROPERTY: 110 N. Hibiscus Dr. Miami Beach, FL. 33139

LEGAL DESCRIPTION: See "Exhibit A"

4. NAME OF APPLICANT Ross Marchetta and Mary Vaccaro

Note: If applicant is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6-7) must be completed as part of this application.

1455 Ocean Drive Apt 403

Miami Beach

FL

33139

ADDRESS OF APPLICANT

CITY

STATE

ZIP

BUSINESS PHONE # 330.524.2831

CELL PHONE #

330.414.8232

E-mail address: RMarchetta@obgynreserve.com

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") _____
Same

If the owner of the property is not the applicant and will not be present at the hearing, the Owner/Power of Attorney Affidavit (Page 4) must be filled out and signed by the property owner. In addition, if the property owner is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6 - 7) must be completed.

ADDRESS OF PROPERTY OWNER _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # _____ CELL PHONE # _____
E-mail address: _____

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN
Choeff Levy Fischman 8425 Biscayne Blvd. Ste. 201, Miami, Florida 33138
NAME (please circle one of the above) ADDRESS CITY STATE ZIP
BUSINESS PHONE # 305.434.8338 CELL PHONE # _____
E-mail address: rchoeff@clfarchitects.com cthamann@clfarchitects.com

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:

a. _____
NAME ADDRESS CITY STATE ZIP
BUSINESS PHONE # _____ CELL PHONE # _____
E-mail address: _____

b. _____
NAME ADDRESS CITY STATE ZIP
BUSINESS PHONE # _____ CELL PHONE # _____
E-mail address: _____

c. _____
NAME ADDRESS CITY STATE ZIP
BUSINESS PHONE # _____ CELL PHONE # _____
E-mail address: _____

NOTE: ALL ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSONS, WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY, UNLESS SOLELY APPEARING AS AN EXPERT WITNESS, ARE REQUIRED TO REGISTER AS A LOBBYIST WITH THE CLERK, PRIOR TO THE SUBMISSION OF AN APPLICATION.

8. SUMMARY OF PROPOSAL: Request for Design Review Approval & Variances for a new two-story single-family residence located at 110 N. Hibiscus Dr. Miami Beach, FL. 33139.

9. IS THERE AN EXISTING BUILDING(S) ON THE SITE? YES ☒ NO ()

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? ☒ YES [] NO

11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): _____ SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) _____ SQ. FT.

13. TOTAL FEE: (to be completed by staff) \$ _____

PLEASE NOTE THE FOLLOWING:

- *Applications for any Board hearing(s) will not be accepted without payment of the required fee. All checks are to be made payable to: "City of Miami Beach."*
- *Public records notice: all documentation, application forms, maps, drawings, photographs, letters and exhibits will become a part of the public record maintained by the City of Miami Beach Planning Department and shall under Florida Statute, be disclosed upon proper request to any person or entity.*
- *In accordance with the requirements of Section 2-482 of the Code of the City of Miami Beach, any individual or group (Lobbyist) that has been, or will be, compensated to either speak in favor or against a project being presented before any of the City's Development Review Boards, shall be fully disclosed prior to the public hearing. All such individuals and/or groups must register with the City Clerk prior to the hearing.*
- *In accordance with Section 118-31 of the Code of the City of Miami Beach, all applicants shall, prior to the public hearing, fully disclose 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 (exclusive of all legal or professional design services). Such disclosure shall:*
 1. *Be in writing.*
 2. *Indicate to whom the consideration has been provided or committed.*
 3. *Generally describe the nature of the consideration.*
 4. *Be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board.*

In the event the applicable development review board determines that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and 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 Boards reach a decision, a Final Order will be issued stating the Board's decision and any conditions imposed therein. The Final Order must be recorded in the Office of the Recorder of Miami-Dade County; the original shall remain on file with the board clerk/secretary. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded Final Order being tendered along with the construction plans.*

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

PLEASE COMPLETE ONE OR MORE OF THE FOLLOWING THREE AFFIDAVITS, AS APPLICABLE. NOTE: THE PROPERTY OWNER MUST FILL OUT AND SIGN THE "POWER OF ATTORNEY" PORTION IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IS HAVING OTHER PERSONS SPEAK ON THEIR BEHALF.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF Florida
COUNTY OF Dade

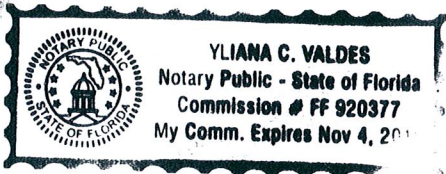
I, Ross Marchetta and Mary Vaccaro, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches data and other supplementary matter attached to and made a part of the application are true and correct to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. 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 and I take the responsibility of removing this notice after the date of hearing.

Ross Marchetta
PRINT NAME Mary Vaccaro

[Signature]
SIGNATURE

Sworn to and subscribed before me this 14 day of December, 2015. The foregoing instrument was acknowledged before me by _____, who has produced FI ID as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

Yliana C. Valdes
NOTARY PUBLIC
Yliana C. Valdes
PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP
(Circle one)

STATE OF _____
COUNTY OF _____

I, _____ being duly sworn, depose and say that I am the _____ of _____ and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. 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 and I take the responsibility of removing this notice after the date of hearing.

PRINT NAME _____

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:

NOTARY PUBLIC

PRINT NAME

My Commission Expires:

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF Dade

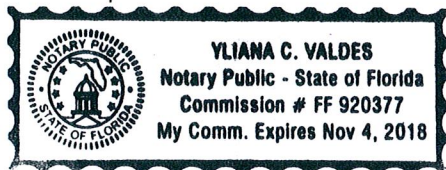
I, Ross Marchetta and Mary Vaccaro, being duly sworn and depose say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for Design Review Approval relative to the subject property, which request is hereby made by me OR I am hereby authorizing Ralph Choeff to be my representative before the Design Review Board. 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 and I take the responsibility of removing this notice after the date of hearing.

Ross Marchetta and Mary Vaccaro
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 14 day of December, 2015. The foregoing instrument was acknowledged before me by Ross Marchetta, Mary Vaccaro of Miami Beach who has produced Fl. ID as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

Yliana C. Valdes
NOTARY PUBLIC
Yliana C. Valdes
PRINT NAME

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses 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 or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

NAME
NAME, ADDRESS, AND OFFICE

DATE OF CONTRACT
% OF STOCK

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the dates of final public hearing, a supplemental disclosure of interest shall be filed.

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL STOCKHOLDER'S NAME, ADDRESS, OFFICE AND PERCENTAGE OF STOCK, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 8

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

2. TRUSTEE

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. Where the beneficiary/beneficiaries consist of corporations(s), another trust(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

TRUST NAME	
NAME AND ADDRESS	% OF STOCK

3. PARTNERSHIP/LIMITED PARTNERSHIP

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

PARTNERSHIP or LIMITED PARTNERSHIP NAME	
NAME AND ADDRESS	% OF STOCK

NOTE: Notarized signature required on page 8

4. COMPENSATED LOBBYIST:

The City of Miami Beach Code sub-section 118-31 requires the disclosure of any individual or group which has been, or will be, compensated to either speak in favor of or against a project being presented before any of the City's Development Review Boards, or not to speak at all. Please list below all persons or entities encompassed by this section.

NAME	ADDRESS	PHONE #
a. <u>Ralph Choeff</u>	<u>8425 Biscayne Blvd. Ste. 201, Miami, FL. 33138</u>	<u>305.434.8338</u>
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 interest 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 and where no one person or entity holds more than a total of 5% of the ownership interests in the limited partnership or other entity.

APPLICANT HEREBY ACKNOWLEDGES THAT ANY APPROVAL GRANTED BY THE BOARD SO APPLIED TO, SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND THAT THE PROJECT MUST ALSO COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE LAW.

APPLICANT AFFIDAVIT

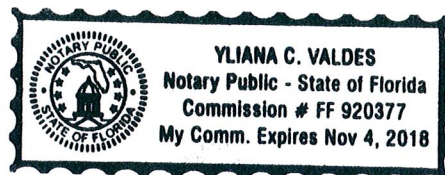
STATE OF Florida
COUNTY OF Dade

I, Ross Marchetta and Mary Vaccaro, (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 14 day of December, 2015. The foregoing instrument was acknowledged before me by Ross Marchetta, who has produced FL ID as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

Yliana C. Valdes
NOTARY PUBLIC
Yliana C. Valdes
PRINT NAME

EXHIBIT “A”

LEGAL DESCRIPTION:

LOT 6, IN BLOCK 1, OF “RE-SUBDIVISION OF BLOCKS “C” AND “D” OF HIBISCUS ISLAND” ACCORDING TO THE PLAT HEREOF RECORDED AT PLAT BOOK 34, PAGE 87, OF THE PUBLIC RECORDS RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

February 12, 2016

To: Design Review Board Members and Planning Department Staff,

Re: Request for Design Review Approval, Waiver, and Variances for New Residence Located at 110 N. Hibiscus Dr. Miami Beach, FL. 33139

Dear Board Members and Planning Staff,

The applicant is Ross Marchetta and Mary Vaccaro, the owners of the property located at 110 N. Hibiscus Dr. Let this letter serve as the letter of intent in support of the owner's request for Design Review Board (DRB) approval, waiver, and variances for the construction of a new, two-story, single-family residence to replace an existing post-1942, one-story residence in an RS-4 zoning district. Due to the applicant's condition, the proposed residence was designed to full ADA standards to accommodate unencumbered use of the entire interior and exterior of the house.

The applicant is seeking Design Review approval for the new home. The proposed residence is a 4,674 sq. ft. single-family home built in tropical modern style. The total unit size for the property will be 4,674 sq. ft., 49.9% of the 9,371 sq. ft. lot. The lot coverage will be 2,618 sq. ft. or 28.0% of the total lot size, which is below the lot coverage allowable for the property (30%, 2,810 sq. ft.). The residence will feature a pool, ample rear deck space, and accessibility ramps for the users. The project uses smooth painted white stucco, warm ipe wood, board-formed concrete, and large spans of glass.

The applicant is requesting one waiver for the property. This waiver is to request that the second to first floor ratio be granted at 80.6%. The residence, as designed, exceeds the required side setbacks for the property. The side facing the street is setback 16'-4" when only 15'-0" is required. Additionally, the other side setback is designed at 10'-0" when only 7'-8" is required. The design of the residence centralized on the lot was done so as not to impede on the neighbors. The small additional second to first floor will not be detrimental to the neighbors, and has already been mitigated by the large setbacks.

This application is also requesting five variances from the board. The variances are as follows:

1. Variance #1: Variance to exceed the maximum projection within the street side yard to construct a ramp and railings.
2. Variance #2: Variance to exceed the maximum projection within the rear yard to construct a ramp and railings.
3. Variance #3: Variance to exceed the maximum elevation permitted within the rear yard for pool and pool deck.
4. Variance #4: Variance to reduce the required setback for a roof deck.
5. Variance #5: Variance to exceed the maximum 25% of area permitted for a roof deck.

The following criteria stated in section 118-353 (d) of Miami Beach Municode for the granting of a variance is outlined below:

(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;

1. This is true for Variance #1. Being that the lot is a corner lot with two street-facing elevations, the setbacks required for the property are larger than most at this lot size. This, combined with the owner's condition, creates a hardship that allows for a smaller area of the lot to be developed, when actually, more area is needed for the owner's condition to maneuver spaces and the site. This situation is particularly prevalent at the north side property line where the setback required is 15'-0".
2. This is true for Variance #2. Being that the lot is a corner lot with two street-facing elevations, the setbacks required for the property are larger than most at this lot size. This, combined with the owner's condition, creates a hardship that allows for a smaller area of the lot to be developed, when actually, more area is needed for the owner's condition to maneuver spaces and the site.
3. This is true for Variance #3. Due to the small developable area of the site; the pool and pool deck area must protrude into the required rear yard. This creates a condition where the height of the pool and pool deck must be reduced to 30" above grade in this area. In this condition, the deck would have to take additional, unnecessary steps down in order to fulfill the code requirement, which would take away usable deck area and deprive the applicant of the design they desire.
4. This is true for Variance #4. The residence is compact and centralized on the site due to stringent setbacks. With this condition, the roof deck will have to be setback 10'-0" from the edge of the roofs. This only gives a very small allowable deck area for the applicant. If you can see on sheet V-03, the roof habitable area of the roof deck is setback 26'-8" from the property line as proposed, providing plenty of privacy to surrounding neighbors.
5. This is true for Variance #5. The residence is compact and centralized on the site due to stringent setbacks. With this condition, the developable roof deck area is quite small. The allowable roof deck area does not accommodate the applicant's condition and allow for accessibility to the main portion of the proposed roof deck.

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

1. This is true for Variance #1. The special conditions and circumstances are a result of the code's stringent setback requirements on corner lots.
2. This is true for Variance #2. The special conditions and circumstances are a result of the code's stringent setback requirements on corner lots.
3. This is true for Variance #3. With such a compact developable lot area, the rear portion of the yard must be developed in order to provide habitable pool deck for the applicant. This enforces a portion of the code that would reduce the amount of usable deck space.
4. This is true for Variance #4. Due to the stringent setbacks on corner lots, the building area had to be reduced to a compact, centralized location. This creates a domino affect, shortening the lengths and widths of the residences, thus creating much smaller developable roof deck areas.
5. This is true for Variance #5. Due to the stringent setbacks on corner lots, the building area had to be reduced to a compact, centralized location. This causes the developable roof deck area to be rather small, not allowing the applicant to develop a roof deck area that can accommodate the applicant's condition.

(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;

1. This is true for Variance #1. The granting of this variance would allow for accessible spaces for the homeowner. This would not give the applicant special privileges.
2. This is true for Variance #2. The granting of this variance would allow for accessible spaces for the homeowner. This would not give the applicant special privileges.
3. This is true for Variance #3. The ability of the applicant to raise the pool and pool deck to 10.00' NGVD allows them to create a more continuous, usable surface for the rear deck, as well as appeal to the future of Miami Beach as seawalls and roads continue to rise to prevent flooding.
4. This is true for Variance #4. The granting of this variance would allow for the applicant to overlook their pool deck, as many, many other residences in this neighborhood and zoning district do. This variance would be in keeping with the development of the district.
5. This is true for Variance #5. The granting of this variance would allow for the applicant to access their roof deck. The majority of the requested roof deck space is to allow the applicant to access the habitable roof deck and will only be used for traversing. The area that is actually habitable for leisure will be smaller than the 25% allowable.

(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;

1. This is true for Variance #1. The large setback requirements would create a hardship for the applicant. The accessibility ramps required for the applicant's condition would have to be totally contained within the developable site area, which, as discussed, is very small and compacted. This would take away from living space that the applicant rightfully deserves.
2. This is true for Variance #2. The large setback requirements would create a hardship for the applicant. The accessibility ramps required for the applicant's condition would have to be totally contained within the developable site area, which, as discussed, is very small and compacted. This would take away from living space that the applicant rightfully deserves.
3. This is true for Variance #3. The base flood elevation on the parcel is 10.00' NGVD, with established grade being 6.16' NGVD, and adjusted grade at 8.08' NGVD. Per code, the rear deck would have to have substantial elevation change to move from the interior of the house at 10.00' NGVD down to 8.67' NGVD (30" above est. grade). This creates an undue hardship for the property, as the elevation change would deduct from usable deck space.
4. This is true for Variance #4. The roof deck typically enjoyed by other single-family residences allows for the homeowner to develop up to the rear façade of the residence, overlooking the pool. The 10'-0" setback required in this condition would deprive the applicant of this asset customarily enjoyed by single-family homeowners. Additionally, a 10'-0" setback from each building façade would not allow for a usable roof deck at all.
5. This is true for Variance #5. The roof deck typically enjoyed by other single-family residences allows for the homeowner to develop an area that can be used for recreation by the homeowner and guests. Failure to take into consideration the square footage used for accessible circulation would deprive the applicant of usable roof deck area. The applicant would be deprived of a significant amount of usable deck space due to the square footage used for accessibility.

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

1. This is true for Variance #1. We have done great diligence in designing a plan that allowed for the smallest encroachment possible at the side setback, all the while creating a plan that was useful and enjoyable for the applicant. The encroachment required for this variance is only 4'-3". Furthermore, we have worked closely with the landscape architect to further mitigate the appearance of the ramps.
2. This is true for Variance #2. We have done great diligence in designing a plan that allowed for the smallest encroachment possible at the rear setback, all the while creating a plan that was useful and enjoyable for the applicant. The encroachment required for this variance is only 1'-6". Furthermore, we have worked closely with the landscape architect to further mitigate the appearance of the ramps.
3. This is true for Variance #3. The rear deck area that is proposed above the 30" above grade is only 3.4% of the entire required rear yard.
4. This is true for Variance #4. We have located the area to exceed the required roof setback along one portion of the residence opposite of the streets. This area will be set back significantly from the N. Hibiscus Rd. and East 3rd Ct. and will also be setback significantly from the adjacent neighbors.
5. This is true for Variance #5. The usable deck space depicted on sheet V-03 shows the small area that is meant for lounging at the roof deck. This area is only 443 sf, or 19% of the floor below. The additional space requested is simply for accessible means of circulation for the applicant and will only be occupied when traversing from stair/elevator to the usable deck space.

(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

1. This is true for Variance #1. The provided side setback for the residence will remain at 16'-4" when only 15'-0" is required. The variance to exceed the side setback is only for a small portion pertaining to the accessibility ramp. This area was also designed so that the setback would be as large as possible, continuing the general intent and purpose of the code.
2. This is true for Variance #2. The provided rear setback for the residence will remain at 21'-6" when only 20'-0" is required. The variance to exceed the rear setback is only for a small portion pertaining to the accessibility ramp. This area was also designed so that the setback would be as large as possible, continuing the general intent and purpose of the code.
3. This is true for Variance #3. Raising the pool deck considers future conditions on Hibiscus Island. The raising of seawalls to prevent flooding will become a substantial change across Miami Beach in the coming years. By designing the rear deck at a higher elevation, the applicant has decided to be wary of the changing conditions, saving innumerable amounts of time, money, and construction down the road.
4. This is true for Variance #4. The roof deck area will meet all setback requirements other than the portion depicted on sheet V-03. Even with the variance, the roof deck is significantly setback from the rear property line (31'-6"), the side property lines (26'-8" and 27'-0"), and the front property line (71'-0"). The conscientious decision to locate the roof deck away from adjacent neighbors and public right-of-ways is in keeping with the general intent and purpose of the code.
5. This is true for Variance #5. Exceeding the allowable roof deck area is a project-specific decision in order to provide accessible circulation for the applicant. The usable deck space portion is well below the roof deck square footage allowable, and the only

reason the deck space requires a variance is for the circulation space. The minimal size of the “usable deck space” depicted in exhibit B on sheet V-03 was designed to meet the general intent and purpose of the code.

(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.

1. This is true for Variance #1. The accessibility ramp will be constructed in a manner consistent with the rest of the residence and will be maintained the same. The construction of the ramp in the required side setback will have no negative impacts, and is in keeping with the comprehensive plan.
2. This is true for Variance #2. The accessibility ramp will be constructed in a manner consistent with the rest of the residence and will be maintained the same. The construction of the ramp in the required rear setback will have no negative impacts, and is in keeping with the comprehensive plan.
3. This is true for Variance #3. The raised deck elevation will be a more integral feature to the design than if the deck were at a separate height from the rest of the home. This way, the deck will be more easily manageable & aesthetically pleasing.
4. This is true for Variance #4. The roof deck will be constructed in a manner consistent with the rest of the residence, and will have no detrimental affects on the neighbors or public right-of-way.
5. This is true for Variance #5. The roof deck will be constructed in a manner consistent with the rest of the residence, and will have no detrimental affects on the neighbors or public right-of-way.

I ask for your support and your vote in favor of the design, waiver, and variances described in this letter of intent so that we may proceed with the project. We ask that the Board approve our application as submitted. Should you have any questions regarding the application, please do not hesitate to contact our offices at the number listed below.

Sincerely,
Ralph Choeff

MIAMI BEACH

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

SINGLE FAMILY RESIDENTIAL - ZONING DATA SHEET

ITEM #	Zoning Information		
1	Address:	110 N Hibiscus Dr, Miami Beach, FL. 33139	
2	Folio number(s):	02-3232-005-0160	
3	Board and file numbers :	DRB #23245	
4	Year built:	1946	Zoning District: RS-4
5	Based Flood Elevation:	10.00' NGVD	Grade value in NGVD: 6.16' NGVD
6	Adjusted grade (Flood+Grade/2):	8.08' NGVD	Free board:
7	Lot Area:	9,371 SF	
8	Lot width:	76'-0"	Lot Depth: 125'-0"
9	Max Lot Coverage SF and %:	2,810 SF (30%)	Proposed Lot Coverage SF and %: 2,618 SF (28.0%)
10	Existing Lot Coverage SF and %:	3,472 SF (36.5%)	Lot coverage deducted (garage-storage) SF: 498 SF
11	Front Yard Open Space SF and %:	1,026 SF (74%)	Rear Yard Open Space SF and %: 1,218 SF (80.4%)
12	Max Unit Size SF and %:	4,682 SF (50%)	Proposed Unit Size SF and %: 4,674 SF (49.9%)
13	Existing First Floor Unit Size:	2,884 SF	Proposed First Floor Unit Size: 2,365 SF
			Proposed First Floor Unit Size (Volumetric): 2,863 SF
14			Proposed Second Floor volumetric Unit Size SF and % (Note: to exceed 70% of the first floor of the main home require DRB Approval) 2,309 SF (80.6%)
15			Proposed Second Floor Unit Size SF and % : 2,309 SF
16			Proposed Roof Deck Area SF and % (Note: Maximum is 25% of the enclosed floor area immediately below): 813 SF (35.2%)

		Required	Existing	Proposed	Deficiencies
17	Height:	24'-0"	15'-0"	24'-0"	
18	Setbacks:				
19	Front First level:	20'-0"	42'-6"	20'-0"	
20	Front Second level:	30'-0"	42'-6"	20'-0"	<50% DEV. WIDTH
21	Side 1:	7'-8"	20'-0"	10'-0"	
22	Side 2 or (facing street):	15'-0"	10'-0"	16'-4"	
23	Rear:	20'-0"	5.40'	21'-6"	
	Accessory Structure Side 1:	N/A	N/A	N/A	
24	Accessory Structure Side 2 or (facing street) :	N/A	N/A	N/A	
25	Accessory Structure Rear:	N/A	N/A	N/A	
26	Sum of Side yard :	22'-8"	30'-0"	26'-4"	
27	Located within a Local Historic District?	Yes or no			
28	Designated as an individual Historic Single Family Residence Site?	Yes or no			
29	Determined to be Architecturally Significant?	Yes or no			

Notes:

If not applicable write N/A

All other data information should be presented like the above format

MIAMIBEACH

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

PUBLIC WORKS DEPARTMENT
Tel: 305-673-7080, Fax: 305-673-7028

December 22, 2015

Choeff Levy Fischman
8425 Biscayne Boulevard, Suite 201
Miami, Florida 33138

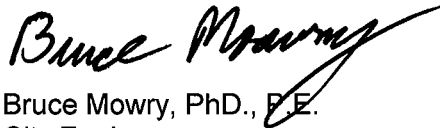
Re: Sidewalk Elevation
110 N. Hibiscus Drive
Miami Beach, Florida

Dear CHOEFF LEVY FISCHMAN,

Pursuant to Section 114-1 of the City Code, and in the absence of a sidewalk, the grade at the above referenced property is calculated to be 4.60ft. **N.A.V.D. 1988**. However, in the near future the proposed grade elevation is intended to increase significantly.

Please call (305) 673-7080 if you should have any further questions or need additional information.

Sincerely,



Bruce Mowry, PhD., P.E.
City Engineer

cc: Tom Mooney

BB/dc

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