

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.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: 6342 N. Bay Rd.  
Miami Beach, FL 33141

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

FOLIO NUMBER (S) 02-3215-003-0090

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

NAME 6342 NBR, LLC  
 ADDRESS 183 MADISON AVE. SUITE 1601, NEW YORK, NY 10016  
 BUSINESS PHONE 212.382.2575 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS JY@TOBETTERDAYSDEV.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 CHOEFF LEVY FISCHMAN, P.A.  
 ADDRESS 8425 BISCAYNE BLVD. STE. 201, MIAMI, FL 33138  
 BUSINESS PHONE 305.434.8338 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS RCHOEFF@CLFARCHITECTS.COM

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: \_\_\_\_\_

NAME CHOEFF LEVY FISCHMAN, P.A.  
 ADDRESS 8425 BISCAYNE BLVD. STE. 201, MIAMI, FL 33138  
 BUSINESS PHONE 305.434.8338 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS RCHOEFF@CLFARCHITECTS.COM

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



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

Request for Design Review Approval of modifications made to a previously approved new-two story, single-family residence located at 6342 N. Bay Rd. Miami Beach, FL 33141

- 4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☒ YES ☐ NO
- 4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) \_\_\_\_\_ SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). \_\_\_\_\_ 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: PETER FINE

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



OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF  
COUNTY OF

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
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

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_  
PRINT NAME

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

STATE OF NEW YORK  
COUNTY OF NEW YORK

I, PETER FINE, being duly sworn, depose and certify as follows: (1) I am the MANAGER (print title) of 6342 NBR LLC (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 17 day of JANUARY, 2017. The foregoing instrument was acknowledged before me by PETER FINE, MANAGER of 6342 NBR LLC, 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:  
JANUARY 13, 2018



Eileen M. Glass  
NOTARY PUBLIC

EILEEN M. GLASS  
PRINT NAME

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



POWER OF ATTORNEY AFFIDAVITSTATE OF NEW YORK  
COUNTY OF NEW YORK

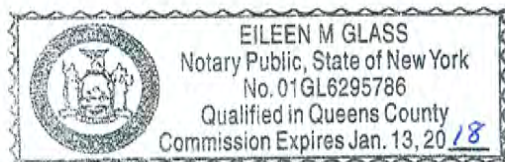
I, PETER FINE, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize RALPH CHOEFF to be my representative before the DRB Board. (3) I also hereby authorize the City of Miami 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.

PETER FINE, MANAGER  
 PRINT NAME (and Title, if applicable)

  
 SIGNATURE

Sworn to and subscribed before me this 20<sup>th</sup> day of JANUARY, 2017. The foregoing instrument was acknowledged before me by PETER FINE, MANAGER of 6342 NBR LLC 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  
JANUARY 13, 2018

Eileen M. Glass  
 NOTARY PUBLIC

EILEEN M. GLASS  
 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

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.\*

6342 NBR, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

PETER FINE

95%

183 MADISON AVE., SUITE 1601

NEW YORK, NY 10016

ANOTHER FINE PRODUCTION, LLC

5%

183 MADISON AVE., SUITE 1601

NEW YORK, NY 10016

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

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.	RALPH CHOEFF	8425 BISCAYNE BLVD	305.434.8338
b.		STE. 201	
c.		MIAMI, FL 33138	

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 AFFIDAVIT

STATE OF NEW YORK  
COUNTY OF NEW YORK

I, PETER FINE, 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

Sworn to and subscribed before me this 17<sup>th</sup> day of JANUARY, 20 17. 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:  
JANUARY 13, 2018



Eileen M. Glass

NOTARY PUBLIC

EILEEN M. GLASS

PRINT NAME

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

# EXHIBIT "A"

## LEGAL DESCRIPTION:

Property Address: 6342 N. Bay Rd., Miami Beach, FL. 33141.

Legal Description: Lot 8, Block 1, of LA GORCE GOLF SUBDIVISION OF THE MIAMI BEACH BAY SHORE COMPANY, as the same is shown marked and designated on a Plat of said Subdivision, recorded in Plat Book 14, at Page 43, in the office of the Clerk of the Circuit Court in and for Miami-Dade County, Florida.

Also that part of Lot 9, Block 1, of said LA GORCE GOLF SUBDIVISION, described as follows: Commencing at the Southernmost corner of Lot 8, Block 1, of LA GORCE GOLF SUBDIVISION as said Lot 8, Block 1, is shown on a Plat entitled LA GORCE GOLF SUBDIVISION, and recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida, said point being the Point of Beginning of the tract of land herein described; from said Point of Beginning, run in a Southwesterly direction along the Westerly line of North Bay Road, a distance of 26.58 feet to a point; thence run in a Northwesterly direction along a line passing through the last mentioned point and a point 25 feet Southwest of the Southwesterly corner of said Lot 8, Block 1, measured along the face of a concrete bulkhead situated on the Easterly shore of Biscayne Bay a distance of 240 feet plus or minus; thence run in a Northeasterly direction along the face of the concrete bulkhead situated on the Easterly shore of Biscayne Bay, a distance of 25 feet to the Southwesterly corner of said Lot 8, Block 1; thence run in a Southeasterly direction along the Southerly line of said Lot 8, Block 1, a distance of 239.4 feet plus or minus to the Point of beginning of the tract of land herein described.



March 9, 2017

To: Design Review Board Members and Planning Department Staff,

Re: Request for Design Review Approval, Waivers, and a Variance for New Residence located at 6342 North Bay Road, Miami Beach, FL.

Dear Board Members and Planning Staff,

The applicant is 6342 NBR LLC, the owner of the property located at 6342 North Bay Road. Let this letter serve as the letter of intent of the owner's request for Design Review Board (DRB) approval of modifications made to a previously approved design, and newly sought waivers and variance requests for the construction of a new two-story residence to replace an existing pre-1942 home.

Miami Beach Design Review Board had previously granted approval for the construction of a new two-story residence to replace an existing pre-1942 home at 6342 N Bay Rd during the November 03, 2015 hearing (Final Order #23215). Included in this approval were the following waivers:

1. The 70% limitation for the second floor volume shall be waived as proposed. The waiver was granted at 87.7%
2. The interior side open space requirement shall be waived as proposed.

As was the intent with the originally approved design, the modified residence will feature large spans of corner-opening sliding glass doors, a roof terrace with roof-top planters, a pool, and pool deck. The residence will be unique in that the exterior façade will be constructed with a fiberglass structure, allowing forms to be created that would otherwise be unachievable. Additionally, the home features warm stone cladding, bronze aluminum, clear frameless glass, and blonde hardwood finishes, as well as a feature Banyan tree that has been relocated on site. As designed, the house's lot coverage is 7,004 sq. ft. (28.4%), a 96 sq. ft. reduction from the previously approved design. The unit size is 12,303 sq. ft. (49.9%), a 10 sq. ft. reduction to the previously approved design. In the front of the house, the design modifications are as follows:

1. The wood wall featured on the side of the garage has been removed and replaced with full glass wrapping to the front of the garage.
2. A 3'-0" high clerestory feature has been added to the top of the two-story main stair. Additionally, a storefront glazing system has been incorporated to match the remainder of the residence.

3. The shape/profile of the angled "pictureframe" moldings has been slightly modified to take on a curved shape.
4. The elevation of the southern front façade was modified, as the frame detail was changed from the second floor only. The frame now follows the southern wall vertically for the entirety of both floors and the top frame remains as previously designed. Storefront glass with a spandrel central panel as been added to the design of this façade.
5. An entry portal at the front door has been added.

In the rear of the house, the design modifications are as follows:

1. The profile used in the front elevation overhangs and roof is now incorporated into the rear elevation so that the design element is continuous throughout.
2. The pool deck has been modified in order to create the potential for infinity edges on 3 sides of the pool.
3. A pool cabana bath has been added to the rear pool deck.
4. All glass railings have been modified to incorporate a decorative picket rail.

The applicant had previously sought and been given approval for a waiver from the 70% second floor to first floor ratio. During the November 03, 2015 hearing, the applicant had requested an 87.7% second floor to first floor ratio. The applicant has reduced the square footage of the second floor by 16 sq ft, which generates a new second to first floor ratio of 87.5% (.2% less than what was previously approved). This provision of the Code is intended to control the volumetric architectural design of a residence. As you'll notice in the drawings and renderings submitted as part of this application, the home is articulated with extrusions that break-up the facade and give the home movement. The transparency of the large spans of glass gives the home a sense of lightness. Also, the second story structure of the residence is set back significantly from the front property line (55'-2"), making the residence disappear behind the landscaping and large, relocated Banyan tree. The adjacent home to the north has a second to first floor ratio of 84%, henceforth our home is in keeping with the surrounding context.

The second waiver is regarding the 1% courtyard space required for a two-story elevation exceeding 60'-0" in length. The intent of this code is to break up long two-story expanses of uninterrupted facade and make the facades more dynamic. We have achieved the minimum required open space on each side of the residence, but in order to make the spaces architecturally significant and usable, we have raised the grade in the courtyards to an elevation that is traversable from the interior of the home. This serves to bring the outside of the home to the inside and vice versa. We request to waive the elevation requirement pertaining to the side open courtyard spaces. This waiver was previously granted at the November 03, 2015 hearing. Additionally, the previously approved design featured a square, open-well staircase in the



North courtyard that spanned from the ground level to the roof. The design of this stair has been modified, and now spans only from the second floor to the roof. This not only reduces the overall massing within the courtyard itself, but also opens the entire ground level to become usable and landscapable space.

Included in the modification of the previously approved design is the addition of a clerestory element above the main stair. The applicant is requesting a variance for a 3' height exception for the addition of this architectural element. The elevation height of the main roof is 28'-0", therefore the applicant is requesting a height of 31'-0" to the top of the clerestory roof. This additional height adds vertical movement to the exterior aesthetic of the residence. It should be noted that this element occurs centrally on the site, away from all sides and centered in the architectural façade of the residence. The area of clerestory roof does not exceed 10% of the total roof area of the roof in which it is placed. The applicant feels as though utilizing a clerestory would be an exceptional way of allowing natural light into the multi-story space as well.

Please refer to the attached table which references calculations for the previously approved design, and how they compare to the design that is now being proposed.

I ask for your support and your vote in favor of the design and requested waivers 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,

Paul Fischman, AIA, LEED AP  
Principal, Choeff Levy Fischman  
Architecture + Design

**6342 N Bay Rd  
Miami Beach, FL 33141**

	Previously Approved Design Nov. 3, 2015	Modified Design March 9, 2017	
<b>BUILDING DATA</b>			
Main House			
First Floor (AC)	5,904	5,900	-4 sq. ft. REDUCTION
Second Floor (AC)	5,712	5,655	-57 sq. ft. REDUCTION
<b>Total (AC):</b>	<b>11,616</b>	<b>11,555</b>	<b>-61 sq. ft. REDUCTION</b>
Garage	269	270	1 sq. ft. INCREASE
Cabana	N/A	44	44 sq. ft. INCREASE
Balconies and Terrace O.H.	428	434	6 sq. ft. INCREASE
<b>Total (Non-AC)</b>	<b>697</b>	<b>748</b>	<b>51 sq. ft. INCREASE</b>
<b>Total Unit Size (AC+Non-AC)</b>	<b>12,313</b>	<b>12,303</b>	<b>-10 sq. ft. INCREASE</b>
	<b>49.90%</b>	<b>49.90%</b>	
<b>FLOOR RATIO PERCENTAGE</b>			
<b>Total First Floor</b>	<b>6,673</b>	<b>6,670</b>	<b>-3 sq. ft. REDUCTION</b>
<b>Total Second Floor</b>	<b>5,851</b>	<b>5,835</b>	<b>-16 sq. ft. REDUCTION</b>
	<b>87.70%</b>	<b>87.50%</b>	<b>-0.2% REDUCTION</b>
<b>SITE DATA</b>			
Existing Lot Size	24,671 s.f (100%)	24,671 s.f (100%)	
<b>Building Lot Coverage</b>			
Main House	6,831	6,690	-141 sq. ft. REDUCTION
Garage	269	270	1 sq. ft. INCREASE
Cabana	0	44	44 sq. ft. INCREASE
<b>Total Building Lot Coverage</b>	<b>7,100</b>	<b>7,004</b>	<b>-96 sq. ft. REDUCTION</b>
	<b>28.80%</b>	<b>28.40%</b>	<b>-0.4% REDUCTION</b>
<b>ROOF DECK</b>			
Area of Floor Below	5,864	5,835	-29 sq. ft. REDUCTION
Area of Roof Deck	1,394	1,397	3 sq. ft. INCREASE
<b>Total</b>	<b>23.80%</b>	<b>23.90%</b>	<b>0.1% INCREASE</b>
<b>Front Setback Calculations</b>			
Area	±2,127 s.f.	±2,127 s.f.	
Impervious Area	536	523	-13 sq. ft. REDUCTION
<b>Landscape Area</b>	<b>1,591</b>	<b>1,603</b>	<b>12 sq. ft. INCREASE</b>
	<b>74.80%</b>	<b>75.40%</b>	<b>0.6% INCREASE</b>
<b>Rear Setback Calculations</b>			
Area	±3,594	±3,594	
Impervious Area	653	732	79 sq. ft. INCREASE
<b>Landscape Area</b>	<b>2,941</b>	<b>2,860</b>	<b>-81 sq. ft. REDUCTION</b>
	<b>81.80%</b>	<b>79.60%</b>	<b>-2.2% REDUCTION</b>



**DESIGN REVIEW BOARD  
City of Miami Beach, Florida**

MEETING DATE: November 03, 2015

FILE NO.: 23215

PROPERTY: **6342 North Bay Road**

APPLICANTS: 6342 NBR LLC

LEGAL: Lot 8 and NE 25 feet of Lot 9, Block 1 of La Gorce Golf Subdivision, according to the Plat thereof as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family house to replace an existing architecturally significant two-story home.

**ORDER**

The City of Miami Beach Design Review Board 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:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 3, 5-7 and 12 in Section 118-251 of the Miami Beach Code.

- C. The project would be consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 6342 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. The 70% limitation for the second floor volume shall be waived as proposed.
    - b. The interior side open space requirement shall be waived as proposed.
    - c. The final Design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - d. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
    - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
  2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
    - a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
    - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
    - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree



performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. A comprehensive detailed plan for the relocation of the existing ficus tree—Tree #1 in the Tree Disposition Plan, near the front of the property, along with all proposed landscaping and hardscaping within the newly created garden along the south side of the site, where the existing tree is proposed to be relocated, shall be provided, in a manner to be reviewed and approved by the Planning Department and the City's Urban Forester. Any redesign of the garden area, including reduction of hardscaping shall be at the sole discretion of the Planning Department and the City's Urban Forester. In addition, a monthly condition report from a Certified Arborist with updates on the condition of the tree will be required during the relocation establishment period—during construction and up to a year after final CO or as determined by staff.
- f. If for any reason the relocated tree dies within 2 years of its relocation, the applicant shall return to the Board for the review and approval of any replacement mitigation plan.
- g. The proposed planting materials along the side property lines shall comprise of planting materials that will adequately screen the massing of the proposed structures in order to mitigate the impact of the proposed home on the neighbor's property, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

- 
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
  - m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - n. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

**II. Variance(s)**

- A. No variance(s) were filed as part of this application.

**III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.**

- A. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 8'-0" high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.



- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy, a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. The Final 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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 the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "6342 North Bay Road", as prepared by **Choeff Levy Fischman P.A.** signed, sealed and dated September 14, 2015, and as approved by the Design Review Board, as determined by staff.

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 of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval 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 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in

Page 6 of 6

Meeting Date: November 03, 2015

DRB File No. 23215

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. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 12<sup>th</sup> day of November, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )  
 )SS  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2015 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 07-26-2015

Approved As To Form: Nick Kelleys (11/9/2015 )  
City Attorney's Office:

Filed with the Clerk of the Design Review Board on [Signature] (11/12/15 )