

MIAMI BEACH

PLANNING DEPARTMENT

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

HOB # 7553	
File No:	5/12/15
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 checked="" type="checkbox"/> HISTORIC PRESERVATION BOARD |
| <input 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: Daniel Marinberg / 1024 Lenox Ave #5

LEGAL DESCRIPTION: Unit 5, Lenox Villas Condominium, Book 16880 Page 4182 Miami Dade County

4. NAME OF APPLICANT Daniel Marinberg

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.

1024 Lenox Avenue

ADDRESS OF APPLICANT

Miami Beach

CITY

FL

STATE

33139

ZIP

BUSINESS PHONE # _____

CELL PHONE # _____

E-mail address: _____

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

NAME (please circle one of the above) ADDRESS CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address:

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

a. Alfredo J. Gonzalez, 333 SE 2nd Avenue, Miami, Florida 33131

NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # 305-579-0588 CELL PHONE #

E-mail address: GonzalezAJ@gtlaw.com

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:

Variance to Approve Vertical Garden

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): -0- SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) -0- 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 Miami-Dade

I, Daniel Marinberg, 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.

DANIEL MARINBERG

PRINT NAME

SIGNATURE

Sworn to and subscribed before me this 17th day of May, 2015. The foregoing instrument was acknowledged before me by Daniel Marinberg, 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:

NOTARY PUBLIC

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:

STATE OF Florida
COUNTY OF Miami-Dade

POWER OF ATTORNEY AFFIDAVIT

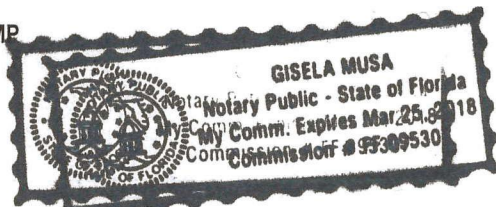
I, Daniel Marinberg, being duly sworn and depose say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for Variance relative to the subject property, which request is hereby made by me OR I am hereby authorizing Alfredo J. Gonzalez / Greenberg Traurig to be my representative before the HPB & BOA 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.

DANIEL MARINBERG
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 10th day of May, 2015. The foregoing instrument was acknowledged before me by Daniel Marinberg of _____ who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



[Signature]
Gisela Musa
NOTARY PUBLIC
PRINT NAME

My Commission Expires:

FR#095307

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.*

<hr/>	
CORPORATION NAME	
NAME AND ADDRESS	% OF STOCK
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

<hr/>	
CORPORATION NAME	
NAME AND ADDRESS	% OF STOCK
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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.*

<hr/> TRUST NAME	
NAME AND ADDRESS	% OF STOCK
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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.*

<hr/> PARTNERSHIP or LIMITED PARTNERSHIP NAME	
NAME AND ADDRESS	% OF STOCK
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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. Alfredo J. Gonzalez, 333 S.E. 2nd Avenue, Miami, FL 33131		(305) 579-0588
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

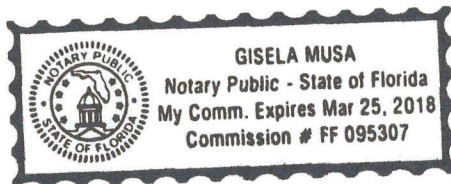
STATE OF Florida
COUNTY OF Miami Dade

I, Daniel Marinberg, (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

Sworn to and subscribed before me this 14th day of May, 2015. The foregoing instrument was acknowledged before me by Daniel Marinberg, 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:

NOTARY PUBLIC

Gisela Musa
PRINT NAME

July 22, 2015

VIA HAND DELIVERY

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

**Re: Application ("Application") for Variance / 1024 Lenox Avenue Apartment
#5, Miami Beach, Florida ("Property")**

Dear Honorable Members of the Historic Preservation Board:

Our firm represents Daniel Marinberg (the "Applicant"), in connection with land use and zoning matters relating to the Property. Please accept this Application, on behalf of the Applicant, for a request for a variance from the Historic Preservation Board ("HPB").

I. Request for Variance

a. The Applicant is requesting the following Variance pursuant to Section 142-156:

i. A variance to waive 10.39 fee of the minium require rear pedestal setback fo 16.0 fee in order to construct a vertical garden on the property line.

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

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

Satisfied;. A Walgreens with multistory garage was built immediately west of property.

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

Satisfied;. The existing configuration of the Walgreens with multistory garage was built immediately west of property is not controlled by Aplicant.

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

Satisfied; The HPB routinely grants similar variances for similar projects. The integrity of the Project's historic preservation is paramount and warrants approval of these variances.

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

Satisfied; Failure to approve the application will pose unnecessary and undue hardship on the Applicant. The existing Condominium has commercial garage facing property. Applicant cannot rearrange the structure to accommodate the lobby, trash room or exterior side walls.

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

Satisfied; The requested variances are the minimum necessary to reasonably use the land.

- f) That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

Satisfied; The variances requested are the minimum required to reasonably use the Property and satisfy the remaining Code requirements applicable to the Project.

- g) That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

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

Honorable Members of the Historical Preservation Board
May 11, 2015
Re: 6901 Collins Avenue

I. CONCLUSION

This Application is being made pursuant to close consultation with City Staff. We believe the requested variance will enhance not create a detriment to the area and allow for buffer from Walgreen parking ramp immediately west. . Accordingly, the Applicant respectfully requests that the Board approve this Application.

Sincerely,



Alfredo J. Gonzalez