

BOARD OF ADJUSTMENT APPLICATION GUIDE 2023

Please note that only complete applications are scheduled for consideration by Land Use Boards and the number of applications placed on an agenda **may not exceed 15** in order to allow sufficient time for the applicants to present, and the board to duly consider each item during the scheduled meeting.

STEPS 1 & 2		STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
DRC PLAN SUBMITTAL (For larger projects)	PRE-APP MEETING NO LATER THAN	NEW FILE FEE PAY- BY DATE	FIRST SUBMITTAL 5:00P.M.	COMMENTS ISSUED BY ALL DISCIPLINES	FINAL SUBMITTAL 12:00P.M.	NOTICE TO PROCEED ISSUED BY PLANNING	AGENDA FINALIZED & ALL FEES MUST BE PAID BY	BOA MEETING DATE
09/27/22	10/07/22	10/14/22	10/17/22	10/31/22	11/07/22	11/14/22	11/16/22	01/06
11/04/22	11/14/22	11/18/22	11/21/22	12/05/22	12/12/22	12/19/22	12/21/22	02/03
12/03/22	12/13/22	12/17/22	12/20/22	01/03/23	01/10/23	01/17/23	01/18/23	03/03
12/31/22	01/10/23	01/14/23	01/17/23	01/30/23	02/06/23	02/13/23	02/15/23	04/14
01/27/23	02/06/23	02/10/23	02/13/23	02/27/23	03/06/23	03/13/23	03/15/23	05/09
03/03/23	03/13/23	03/17/23	03/20/23	04/03/23	04/10/23	04/17/23	04/19/23	06/02
03/31/23	04/10/23	04/14/23	04/17/23	05/01/23	05/08/23	05/15/23	05/17/23	07/07
AUGUST RECESS								
05/20/23	06/13/23	06/17/23	06/20/23	07/03/23	07/10/23	07/17/23	07/19/23	09/08
06/16/23	07/10/23	07/14/23	07/17/23	07/31/23	08/07/23	08/14/23	08/16/23	10/13
07/22/23	08/15/23	08/19/23	08/22/23	09/05/23	09/11/23	09/18/23	09/20/23	11/07
08/18/23	09/11/23	09/15/23	09/18/23	10/02/23	10/09/23	10/16/23	10/18/23	TBD

BOARD OF ADJUSTMENT STAFF

Michael Belush, Planning & Design Officer	MichaelBelush@miamibeachfl.gov	(305) 673-7000 x26258
Ricardo Guzman, Principal Planner	RicardoGuzman@miamibeachfl.gov	(305) 673-7000 x26655
Gabriela Freitas, Office Associate V	GabrielaFreitas@miamibeachfl.gov	(305) 673-7000 x26302

The Land Use Board Hearing Application form is available on the Planning Department website:
[Land Use Boards - City of Miami Beach \(miamibeachfl.gov\)](http://Land Use Boards - City of Miami Beach (miamibeachfl.gov))

STEP 1 – PRE-APPLICATION SUBMISSION

Applicants must apply for a Design Review Board hearing through the Miami Beach Citizen Self Service (CSS): <https://www.miamibeachfl.gov/business/css/>

If you do not have a CSS account, you may also register for a new account on the same webpage.

1. After clicking on the above link, Click on “Apply, Application Assistant for Permits, Plans & Business Receipts”
2. In the Search bar of the “Application Assistant”, type “pre-application” and “Board of Adjustment Pre-Application” will populate.
3. Click on “Board of Adjustment Pre-Application” after it populates.
4. Click Apply on the next screen.
5. Complete the application steps.
6. For the pre-application meeting, at a minimum, preliminary design documents are required, as well as a site survey. These documents are submitted as “Attachments”. All design drawings must be formatted for printing at 11”x17”, with all text legible at that size. With the exception of surveys for larger properties, documents larger than 11”x17” will not be accepted.

Note: As of 6/1/2023 all submissions (after the initial uploading of files by the applicant for the pre-application meeting) are required to be submitted by email, and Planning Staff will upload the submitted documents to the application file.

7. After filing the pre-application submission, email Michael Belush (michaelbelush@miamibeachfl.gov) to arrange the pre-application meeting.

STEP 2 – PRE-APPLICATION MEETING

Upon the creation of a ZBA pre-application case file, a pre-application meeting with Planning Department staff is required at least five (5) business days in advance of the First Submittal deadline. During the pre-application meeting, the applicant will receive a checklist of all required documentation necessary to submit a complete application.

STEP 3 - NEW FILE FEE PAY-BY DATE

The Application for a Public Hearing fee must be paid by the end of the day on the new file fee pay by date. If the application is for an after-the-fact approval, the fee is three (3) times the original fee.

STEP 4 - FIRST SUBMITTAL DEADLINE

All specific documentation identified in the pre-application checklist, as well as the required documents noted below, must be submitted by email to the following addresses:

MichaelBelush@miamibeachfl.gov

RicardoGuzman@miamibeachfl.gov

GabrielaFreitas@miamibeachfl.gov

Links to documents may be emailed, provided no log-in is required to access the linked documents. Please include your ZBA file number in the subject of all email submissions.

Reviews may be assigned to other applicable City departments and may include Transportation, Public Works, Environmental, Urban Forestry, Fire, etc.

REQUIRED DOCUMENTS (submitted as part of the first submittal)

Listed below are **required** documents for a ZBA submittal. Additional documentation will be identified in the checklist provided at the pre-application meeting.

- Pre-Application Checklist
- Land Use Board Application (available on the Planning Department website)
- Letter of Intent
- Records of Existing Structure/Site: Permit card, permit drawings, etc.

- Mailing Labels: List of Property Owners, Certified Letter and Map (Refer to **Mailing Labels** page 5)
- Recent Signed and Sealed Survey
- Architectural Drawings - **11"x17"**
- Landscape Drawings (RLA FL) - **11"x17" (when required)**

All files are to be provided per required naming convention. Refer to **Document Naming** on page 5.

STEP 5 - COMMENTS ISSUED BY ALL DISCIPLINES

City staff has ten (10) business days to review and issue corrections and recommendations. Comments will be sent via e-mail to the CSS account holder on the date listed in the schedule and are also viewable on the CSS.

STEP 6 - FINAL SUBMITTAL DEADLINE

The complete submittal package must be emailed to the Board of Adjustment staff noted above by **12:00 pm** on the Final Submittal deadline. For document naming convention, refer to **Document Naming** on page 4.

A complete package, identified by the ZBA File Number, must be dropped off at Central Services in City Hall on the Final Submittal deadline date.

Central Services, 1700 Convention Center Drive, 1st Floor
 Attn: Planning Department – Gabriela Freitas

The Final Submittal package shall include:

- ✓ One (1) original application (Proper signed and notarized affidavits and disclosures must be provided).
- ✓ One (1) original Letter of Intent.
- ✓ One (1) original set of architectural plans signed, sealed and dated.
- ✓ One (1) original signed, sealed and dated Survey.
- ✓ Twelve (12) collated and bound copies of the above items.
- ✓ Two (2) sets of Mailing labels must be provided including Letter certifying the labels, radius map, gummed labels, and Labels CD done with the proper Excel format specified by the Planning Department.
- ✓ Any additional information/documents provided (i.e. traffic studies, concurrency, etc., etc.).
- ✓ A CD/DVD containing a digital version of the documents and plans submitted. The CD must be in the proper format specified by the Planning Department (Each document must be less than 15MB). C.Ds will be checked at time of drop off -anything larger than 15MB will not be accepted. **Flash drives are not accepted for security reasons.**

STEP 7 - NOTICE TO PROCEED ISSUED

City staff has five (5) business days to review the resubmitted documents. Comments will be sent via e- mail to the CSS account holder and are also viewable on the CSS. **If all reviews have been passed, the application has been accepted** and an invoice will be generated for the remaining fees. **If one or more reviews have been failed, the application has not been accepted** and may be resubmitted to be considered on the next available meeting date.

Listed below are general application fees. Please refer to Appendix A of the City Code for a complete list of fees.

Application for a Public Hearing (Invoiced and paid in Step 2)	\$2,834.00
Advertisement:.....	\$1,707.00
Mailing (per property owner within a 375’ radius):	\$5.53
Posting (per site):.....	\$116.00
Courier (per package):	\$17.00
Order Recording (up to 10 pages):.....	\$116.00
Variance (per variance requested).....	\$854.00

STEP 8 - AGENDA FINALIZED AND ALL FEES PAID

City staff will place all accepted applications on the scheduled meeting date and will send mail notices to all

property owners within 375' of the project site, place an advertisement in the Miami Herald and post the subject site with a notice.

At least 30 days before the BOA meeting application documents will be posted online at the following location: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>

Applicants should review the final uploaded documents and notify Board of Adjustment staff if anything is incomplete.

STEP 9 – BOARD OF ADJUSTMENT MEETING DATE AND PRESENTATION

Once the meeting agenda has been finalized, staff will prepare a Staff Report and Draft Order for each item. The Staff Report and Draft Order will be posted to the City's website approximately one (1) week prior to the meeting date at the following location:

<https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>

Use of City Audio Visual Equipment

The City's AV equipment may be used in order to make a digital presentation, provided that materials are emailed to PlanningAudioVisual@miamibeachfl.gov and GabrielaFreitas@miamibeachfl.gov by 8:30 A.M., three (3) business days prior to the meeting. Presentations, or links must include a label noting the name or group, contact person, daytime telephone number, email address, description/title of the presentation and Agenda Item Title as well as the Agenda Item number. All documents submitted need to be in PDF format and less than 25MB in size. The City also provides two (2) easels for foam board presentations.

The Board of Adjustment meeting is held in the City Commission Chambers on the 3rd Floor of City Hall located at 1700 Convention Center Drive. The meeting starts promptly at 9:00 A.M.

STEP 10 – POST BOARD OF ADJUSTMENT REVIEW

After the Design Review Board has reviewed and approved, approved with conditions, or denied an application, planning staff prepares the Final Order documenting the conditions of approval, and records this document in the public records of Miami-Dade County.

BOARD OF ADJUSTMENT GENERAL INFORMATION

DOCUMENT NAMING

All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for the first submittal is September 20, 2021 the file name would be '09-20-2020 Application'. Use this naming format for all submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed, and the file cannot be deleted once it is uploaded.

Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file. **All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document. If plans exceed 25 MB in size, they may be broken up into multiple files and a description of the file must be included in the file name, such as "Architectural Plans - Elevations", and "Architectural Plans – Renderings". DO NOT repeat the same description for multiple files. Multiple files must contain a more detailed description of the file, as noted.**

<u>Document Name</u>	<u>Description</u>
Application	Completed Land Use Board Application form
LOI	Letter of Intent (describes the application in detail)
Checklist	Pre-application Checklist
Labels	Mailing Labels, List of Property Owners, Certified Letter and Map
Survey	Recent Signed and Sealed Survey
Plans	Architectural Plans and Exhibits
Landscape	Landscaping Plans and Exhibits
Microfilm	Building Card and Microfilm

MAILING LABELS

In accordance with the Land Development Regulations, all property owners within 375' of the outside boundaries of the subject site must be notified. Listed below are the names of several companies which provide mailing labels used to notice the surrounding property owners. The City of Miami Beach does not claim responsibility for the accuracy or timely acquisition of the information provided by these companies.

Carlos J. Maradiaga	(305) 262-8965
Consuelo Quintana.....	(305) 858-2287
Rio Development Resources.....	(305) 498-1614
Spider International Real Estate Services.....	(305) 866-4950
The Zoning Specialists Group, Inc.....	(305) 828-1210

LOBBYIST REGISTRATION

Lobbyist means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the City Manager or any City board or committee; or any action, decision or recommendation of any City personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the City Commission, or a City board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities. The term "Lobbyists" has specific exclusions. Please refer to City Code Chapter 2, Article VII, Division 3, entitled "Lobbyists," for additional information.

More information regarding Lobbyist Registration, including the registration form, can be found at: <https://www.miamibeachfl.gov/city-hall/city-clerk/lobbyist-information>

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations..
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
10. In all new projects, water retention systems shall be provided.
11. Cool pavement materials or porous pavement materials shall be utilized.
12. The project design shall minimize the potential for a project causing a heat island effect on site.