Client No.: 0040020.00001
Writer's Direct Dial Number: (305) 376-6061
Writer's E-Mail Address: mgarcia-serra@gunster.com

March 21, 2016

VIA HAND DELIVERY

Mr. Ramon Trias
Planning and Zoning Director
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134

Re: 728 Navarre Avenue, Coral Gables, Florida / Statement of Use for Request for Conditional Use Approval for Separation of a Building Site

Dear Mr. Trias:

728 Navarre, LLC, (the "Applicant"), is the owner of property located at 728 Navarre Avenue, in Coral Gables, Florida, which has a Folio Number of #03-4108-001-4270. The 18,562.5 square-foot Property consists of three platted lots, Lots 8, 9 and 10, and the east 15 feet of Lot 7 of Block 25 of Coral Gables Section B (the "Property"). Currently, a one-story residence straddles Lots 8 and 9 and a detached garage is situated on Lot 9. Lot 10 does not have any structures on it.

The purpose of this letter is to request a Separation of the Building Site and Conditional Use Site Plan Review in accordance with Zoning Code Article 3, Section 3-206D so that the Applicant can deed the east 15 feet of Lot 7 to the property owner to the west and restore that home site as a fully compliant building site with one fully platted lot, and the property remaining as a result of that transfer (the "Remaining Property) can be split into two separate building sites (the "Proposed Parcels") to create two single-family home sites equal in size. Lot 8 together with the west half of Lot 9 would make up Building Site A, while Lot 10 and the east half of Lot 9 would make up Building Site B. Pursuant to the schematic site plan submitted with this application for illustrative purposes, each of the Proposed Parcels will have a large street frontage of 75 feet and an area of 8,437.5 square feet.

The Property located within Riviera Section #11 has a Comprehensive Plan Future Land Use Map designation of Residential Single-Family Low Density and a zoning designation of

Single Family Residential (SFR). The area consists of single family homes on platted lots mostly 5,650 square feet in size.

PROPERTY HISTORY

Currently, a single family residence originally built in 1947 sits on the west side of the Property, mostly on Lot 8. According to the building permit records, the relevant portions of which are attached at **Exhibit A**, in 1955, the parcels were divided such that Lot 8 and the west half of Lot 9 were a single building site. This is the same configuration in which the Applicant's proposed lot split would result. A detached two-car garage (approximately 625 square feet in size) was added on Lot 9 in 1977, despite the fact that the original home already had a garage. This detached garage does not conform with existing Zoning Code requirements and is proposed to be demolished along with the existing home which is in poor condition. Lot 10 does not have any structures on it. The Applicant's proposed building sites result in two equal parcels, each of which satisfies the dimensional requirements for single-family residential lots similar to and compatible with the lots in the neighborhood.

SEPARATION AND ESTABLISHMENT OF BUILDING SITES

Pursuant to Zoning Code Section 3-206, the Applicant is requesting a separation of the Property into two separate building sites. The separation of the two building sites will require a conditional use for a building site determination which must satisfy four out of the six criteria set forth in Section 3-206(F). The Property satisfies four out of the six criteria set forth therein as follows:

1. **That exceptional or unusual circumstance exist, that are site specific such an unusual site configuration and multiple facings, which would warrant the separation or establishment of a building sites.**

   The Property has an unusual site configuration in that it is composed of three separate platted lots and a fifteen-foot sliver of a fourth lot which renders the neighboring home at 734 Valencia as non-conforming because it does not include at least one full platted lot. The Applicant's proposal includes deeding the fifteen-foot sliver of Lot 7 back to the owner of Lot 7, which also owns the east 25 feet of Lot 6. This step alone brings balance back to the lots in the vicinity. Secondly, the Applicant proposes splitting the Remaining Property (Lots 8, 9 and 10) into two equal Proposed Parcels, which would result in 8,437.5 square feet each. The current Property, at over 18,000 square feet in size, is an anomaly for the neighborhood. The Property is immediately adjacent to smaller lots: the property to the east is 5,650 square feet and the property to west is 8,475 square feet. Most of the neighboring properties (both across the street and on the block) are composed of single platted lots of 5,650 square feet, making this exceptionally large Property, more than three times the size of the standard home sites in the area, unusual and incompatible at this location.

   The Proposed Parcels will return the lots in question to their original historic configuration as demonstrated in the permit history discussed above. The current lot

configuration is not consistent with the original composition of the lots and as such is an exceptional and unusual circumstance that justifies the proposed lot split.

Further, in an effort to sustain the character and feel created by the specimen oak tree located on Lot 10, the Applicant is proposing establishing a building site that enables either preserving the oak tree, or, in the event that the oak tree is in such a condition that it will not survive, as suggested by the Public Services Director's comments during the Development Review Committee hearing, replacing the ailing oak tree with one similar in size, as discussed below in Sections 4 and 5.

2. **That the building sites created would be equal to or larger than the majority of the existing building site frontages of the same zoning designation within a minimum of 1,000 foot radius of the perimeter of the subject property or extending no farther than the immediate vicinity, whichever is less.**

   As shown on the Building Lot and Building Site Frontages Analysis Exhibits, attached as **Exhibit B**, the building sites created are equal to or larger than the majority of the existing building site frontages of the same zoning designation within a 1,000 foot radius. Out of the 332 building sites analyzed, the proposed single-family building site frontages are equal to or larger than 247, or nearly 75%, of the existing building sites.

3. **That the building sites separated or established would not result in any existing structures becoming non-conforming as it relates to setbacks, lot area, lot width and depth, ground coverage and other applicable provisions of the Zoning Code, CP and City Code.**

   The main residence on the Property sits within the proposed Building Site A without violating any Zoning Code provisions. The existing detached garage facing Navarre Avenue does straddle the two proposed building sites, but is non-conforming due to the fact that detached garages are only permitted in rear yards under the existing Zoning Code. The demolition and removal of the existing detached garage will actually bring the Property into conformance. Since the garage is already non-conforming, splitting the lots will not result in an increase in non-conformance and thus this criteria is met.

4. **That no restrictive covenants, encroachments, easements, or the like exist which would prevent the separation of the site.**

   A Restrictive Covenant dated May 4, 1987 recorded at Book 13281, Page 2450 of the Public Records of Miami-Dade County, (the "Covenant") attached as **Exhibit C**, encumbers the Property and requires that Lots 9, 8, and the east 15 feet of Lot 7 "not be conveyed, mortgaged, or leased separate or apart from each other" and "will be held together as one tract." As proposed, the lot split would violate this Covenant because the Applicant intends to deed the east 15 feet of Lot 7 to the property to its west and split Lot 9 in half. This Covenant appears to have been entered into for the purposes of permitting the fence for 728 Navarre to encroach 15 feet into Lot 7 which at the time, were under the same ownership. It is important to note that Lot 10 is not encumbered by this Covenant.

If the Applicant had proposed to comply with this Covenant, by establishing Lot 10 as its own building site which would have also complied with the applicable unities, preservation of the specimen oak tree on Lot 10 would be nearly impossible. As such, complying with this Covenant would conflict with the City's efforts to maintain beautiful specimen trees that enhance quality of life and serve as an important part of the City's heritage. The other alternative, to redevelop this Property in compliance with the Covenant and keep the building site as is now, would result in one massive residence, which is not in keeping with the character of the neighborhood. The most practical way to develop this site in a way that is compatible with the rest of the neighborhood and preserves the existing oak tree on Lot 10, is to rescind this Covenant and split the Property as the Applicant proposes. While a Unity of Title encumbers the Property, it was part of an illegal subdivision of the neighboring property and complicates the preservation of the existing specimen size oak tree. This unity of title should not be maintained and because of the reasons mentioned above its preservation should be given any weight in this analysis.

5. **That the proposed building sites maintain and preserve open space, promote neighborhood compatibility, preserve historic character, maintain property values and enhance visual attractiveness of the area.**

   The two proposed building sites are designed to comply with the requirements of the Zoning Code and will maintain and preserve a generous amount of open space. Additionally, the division of the Property into two reasonably sized parcels creates lots and building areas that are more compatible with the lot sizes and building areas of the neighborhood given that the majority of the neighboring properties are single platted lots of 5,650 square feet. The creation of two building sites on the Property results in more historically authentic parcels as the Proposed Parcels are consistent with the other home sites in the area, most of which are located on either 50-foot or 75-foot wide lots.

   Lastly, the current structures on the Property are in poor condition and the proposed split will incentivize redevelopment of the Property in such a way that will enhance property values and the visual attractiveness of the area, and preserve the specimen oak tree located on Lot 10 or replace it with a suitable replacement.

6. **That the building site(s) created was purchased as a separate building by the current owner prior to September 17, 1977.**

   The current owner purchased the Property in 2015.

In summary, this building site separation application to create two building sites is made with the intent of developing two beautifully designed, high quality styled residential homes that are compatible with the surrounding area. We respectfully submit that this request achieves the City goals of maintaining and creating green and open space and compatible neighborhoods, while increasing the variety and quality of housing options available to City residents. Accordingly, we respectfully request your favorable consideration of this submittal and look forward to continuing to work with the City on this request.

If you have any questions, please do not hesitate to contact me at (305) 376-6061.

Sincerely,

Mario Garcia-Serra

Mario Garcia-Serra

Enclosures

MIA_ACTIVE 4409042.1

Exhibit A

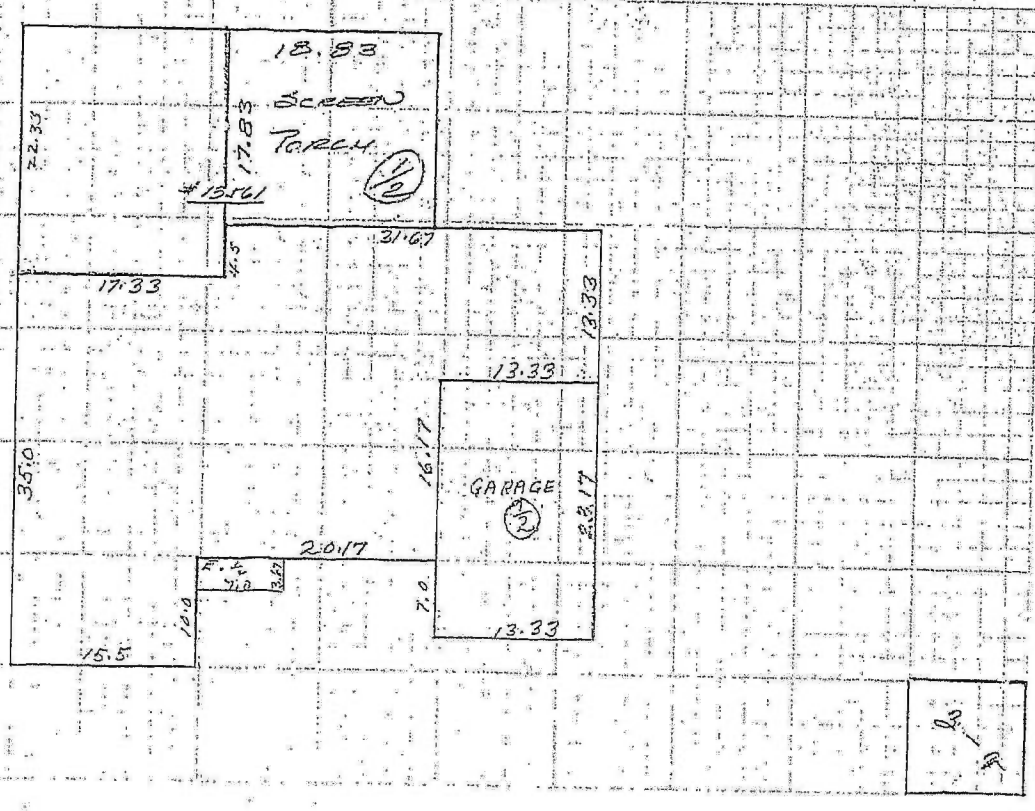
SQUARE FOOTAGE	PERMIT NO.	DATE BUILT	SQ. FT.
ENTRY –	7614	1947	1475
GARAGE –	13561	1956	555
CARPORTS			
BREEZE WAY			
OPEN PORCHES			
SCREEN			
BASEMENT OTHER FULL			
GARAGE			
OTHER –			
TOTAL			

CORAL GABLES SECTION 8 913
LOT 8 & W1/2 LOT 9
BLK 25

5-111

728 AVE NAVARRE

POOL
SC. ENC.
A. C.
ELEV.
SEAWALL



CITY OF CORAL GABLES, FLORIDA

B 13561B

APPLICATION FOR BUILDING PERMIT

Application is hereby made for the approval of the detailed statement of the plans and specifications herewith submitted for the building or other structure herein described. This application is made in compliance and conformity with the Building Ordinance of the City of Coral Gables, Florida. All provisions of the Laws of the State of Florida, all ordinances of the City of Coral Gables, and all rules and regulations of the Building Department of the City of Coral Gables shall be complied with, whether herein specified or not.

Date 8/8 1955

OWNER Bob Beilman

ADDRESS 728 Ave. Navarre

Lot(s) 8, W½ of 9 Block 25 Section B

			SQUARE FOOTAGE
Number of Stories	1	Actual	643
Number of Units	1	Required	
Type of Roof	Tile	Detached Buildings	
Use of Structure	Add'n	Land Coverage	%
Is building within easement area?		Actual cu. ft. per front foot (Commercial Buildings)	
Is water available for this building?			
Size of Lot	x		FEES
Setback F R L R 30'		Building	$ 7.00 (10)
Estimated Cost $2500		Architect	$ 3.00
Architect Wm H. Merriam		Bond No.	$ 2.00
		TOTAL	$

MISCELLANEOUS PERMITS:

Name and Address of Contractor Owner

I hereby submit, in duplicate, all the plans and specifications for said building. All notices with reference to the building and its construction may be sent to 728 Ave. Navarre Phone HI 8-4660

(Signed) _____ (Owner or Contractor)

by _____

STATE OF FLORIDA }
COUNTY OF DADE } SS

Before me, the undersigned authority, this day personally appeared Bob Beilman to me well known, who being by me first duly sworn, did depose and say as follows:

1. That he is making application for a construction permit for the construction, or repair, of a building in The City of Coral Gables on the following described premises:

Lot(s) 8, W½ of 9 Block 25 Section B

Street 728 Ave. Navarre

2. That in connection with the work to be done under such permit no general contractor has been employed or retained, and no person, firm or corporation, acting as a contractor, is receiving any compensation whatever in connection with the work to be done under said permit, except:

To be furnished at or before completion of job. (It is understood and agreed that NO CERTIFICATE of occupancy will be issued until a complete list of all Contractors who worked on the job has been furnished to the City and unless all such Contractors had current occupational licenses in Coral Gables.)

that otherwise each person engaged in said construction work is being paid on the basis of a stipulated sum for his services per day, by the affiant, and that the labor being used in such construction is being done by what is commonly known as "day labor;" that affiant, as owner, will comply with the Workman's Compensation law of the State of Florida, by obtaining a statutory Workmen's Compensation Insurance policy or by qualifying with the Florida Industrial Commission as a self-Insurer; that the affiant will withhold Social Security Taxes, and Federal and State Unemployment Insurance Taxes, and Federal Income Taxes from wages of all such employees working for him on such construction and will make returns thereof to the Collector of Internal Revenue, and to any proper State body.

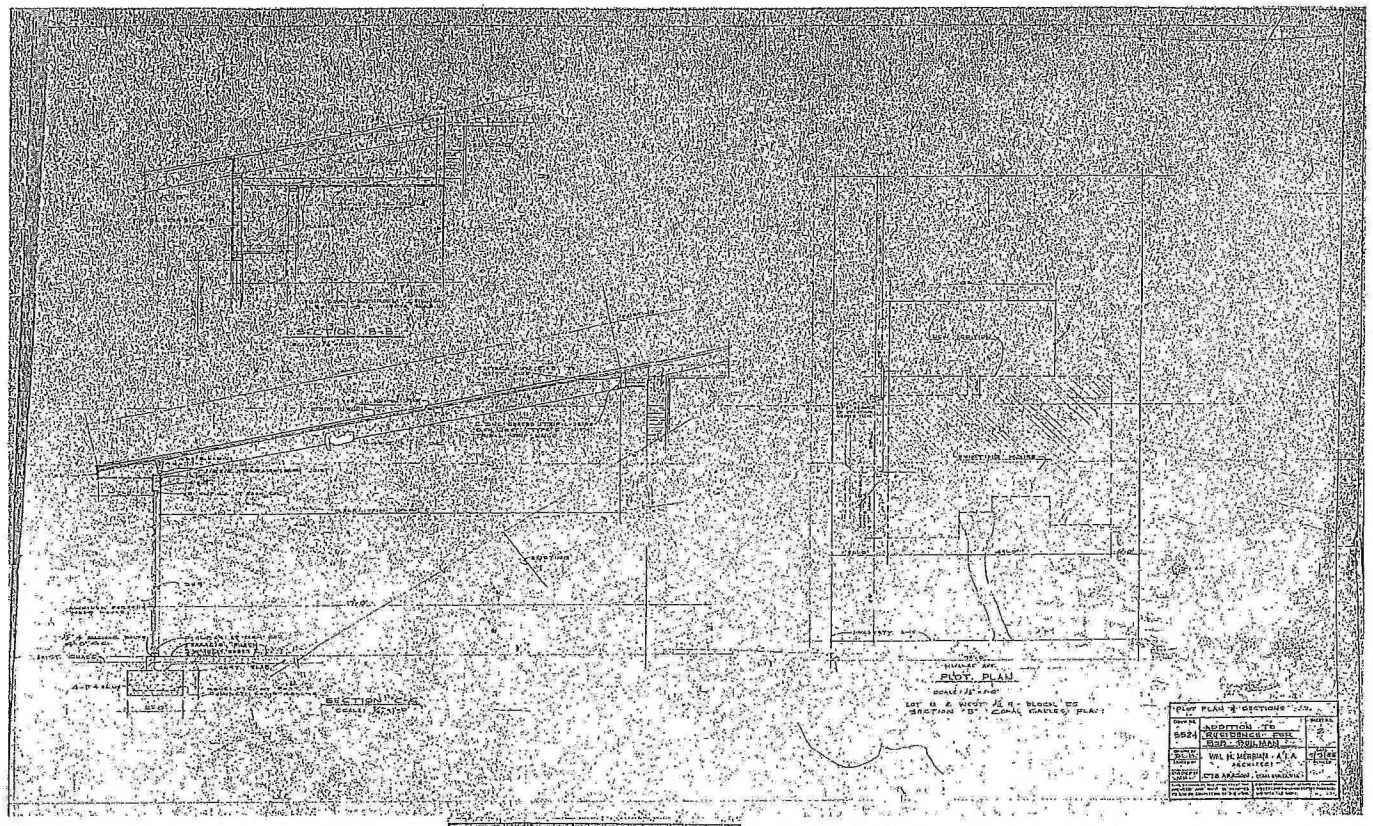
3. That this affidavit is being made by this affiant for the purpose of inducing the City to grant a construction permit and to avoid the payment of the license fee and the deposit of a contractor's bond, as would be required if this affiant were engaged in the business of erecting or repairing buildings in The City of Coral Gables.

Bob Beilman

Sworn to and subscribed before me this 8 day of Aug. A.D. 1955

My commission expires: Notary Public, State of Florida at large
My commission expires Sept. 22, 1958.
Bonded by American Surety Co. of N. Y.

Leonard B. Marshall
NOTARY PUBLIC STATE OF FLORIDA


SECTION B-B
SECTION C-C
PLOT PLAN
PLOT PLAN & SECTIONS
5524
ADDITION TO RESIDENCE FOR B.B. BULMAN
WM. M. MERRIAM - A.I.A.
ARCHITECT
CTB ARAGON, COMMONWEALTH

13561

CITY OF CORAL GABLES, FLORIDA

24496-B

APPLICATION FOR BUILDING PERMIT

Application is hereby made for the approval of the detailed statement of the plans and specifications herewith submitted for the building or other structure herein described. This application is made in compliance and conformity with the Building Ordinance of the City of Coral Gables, Florida. All provisions of the Laws of the State of Florida, all ordinances of the City of Coral Gables, and all rules and regulations of the Building Department of the City of Coral Gables shall be complied with, whether herein specified or not.

Date 1-27-1977

OWNER Mr. Robert D. Beilman

ADDRESS 72 B Ave. Navarre

Lot(s) 8, 9 & 10, Block 25, Section "B" 5/111

Number of Stories	1	SQUARE FOOTAGE Actual	641
Number of Units	—	Required	
Type of Roof	Tile to match exist.	Detached Buildings	
Use of Structure	ADD N. - garage	Land Coverage	%
Is building within easement area?	—	Actual cu. ft. per front foot (Commercial Buildings)	
Is water available for this building?	—		
Size of Lot	150' x 112'	FEES Building	$ 46.00
Setback F. 28' R. 1' L. 57'± R. 58'		Architect	$ 7.00
Estimated Cost (7,000)	$ 4,000.00	Bond No. 18022	$ 300.00
Architect	—	TOTAL	$ 353.00

MISCELLANEOUS PERMITS:

Owner Builder Permit
DOES NOT COVER:
Air Conditioning Permit
Electrical Permit
Plumbing Permit
Roofing Permit

Name and Address of Contractor

I hereby submit, in duplicate, all the plans and specifications for said building. All notices with reference to the building and its construction may be sent to Phone

(Signed) (Owner or Contractor)

by Bob Beilman
Owner's Signature

STATE OF FLORIDA }
COUNTY OF DADE } SS

Before me, the undersigned authority, this day personally appeared to me well known, who being by me first duly sworn, did depose and say as follows:

1. That he is making application for a construction permit for the construction, or repair, of a building in The City of Coral Gables on the following described premises:

Lot(s) Block Section

Street

2. That in connection with the work to be done under such permit no general contractor has been employed or retained, and no person, firm or corporation, acting as a contractor, is receiving any compensation whatever in connection with the work to be done under said permit, except:

To be furnished at or before completion of job. (It is understood and agreed that NO CERTIFICATE of occupancy will be issued until a complete list of all Contractors who worked on the job has been furnished to the City and unless all such Contractors had current occupational licenses in Coral Gables.)

that otherwise each person engaged in said construction work is being paid on the basis of a stipulated sum for his services per day, by the affiant, and that the labor being used in such construction is being done by what is commonly known as "day labor;" that affiant, as owner, will comply with the Workman's Compensation law of the State of Florida, by obtaining a statutory Workmen's Compensation Insurance policy or by qualifying with the Florida Industrial Commission as a self-Insurer; that the affiant will withhold Social Security Taxes, and Federal and State Unemployment Insurance Taxes, and Federal Income Taxes from wages of all such employees working for him on such construction and will make returns thereof to the Collector of Internal Revenue; and to any proper State body.

3. That this affidavit is being made by this affiant for the purpose of inducing the City to grant a construction permit and to avoid the payment of the license fee and the deposit of a contractor's bond, as would be required if this affiant were engaged in the business of erecting or repairing buildings in The City of Coral Gables.

Bob Beilman

Sworn to and subscribed before me this 27 day of JANUARY A.D., 1977

My commission expires:

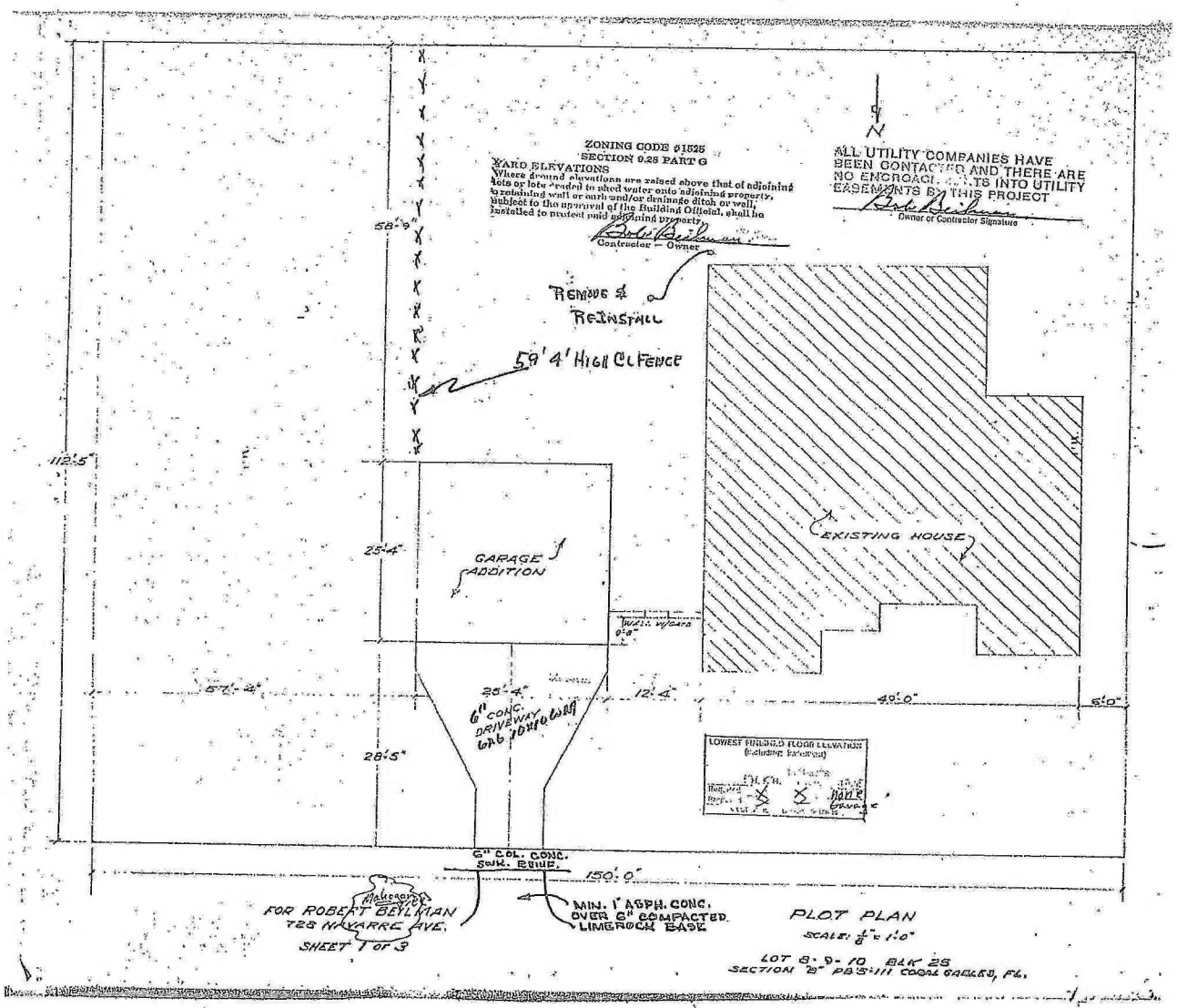
LOWEST FINISHED FLOOR ELEVATION (including basement)

DISTRICTS	H.F.H.	G.F.H.	OTHER
Required	X	X	None
Proposed	X	X	Garage

x-out inappropriate districts

NOTARY PUBLIC STATE OF FLORIDA

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES SEPT. 11 1979
BONDED THRU GENERAL INS. UNDERWRITERS


ZONING CODE #1525
SECTION 9.25 PART G
YARD ELEVATIONS
Where ground elevations are raised above that of adjoining lots or lots graded to shed water onto adjoining property, a retaining wall or curb and/or drainage ditch or well, subject to the approval of the Building Official, shall be installed to protect said adjoining property.
Contractor — Owner
ALL UTILITY COMPANIES HAVE BEEN CONTACTED AND THERE ARE NO ENCROACHMENTS INTO UTILITY EASEMENTS BY THIS PROJECT
Owner or Contractor Signature
N
58'-9"
REMOVE & REINSTALL
59' 4' HIGH CL FENCE
112'-5"
25'-4"
GARAGE ADDITION
EXISTING HOUSE
57'-4"
25'-4"
12'-4"
49'-0"
6'-0"
6" CONC. DRIVEWAY
28'-5"
LOWEST FINISHED FLOOR ELEVATION
6" COL. CONC. SWK. REINF.
150'-0"
FOR ROBERT BEYLMAN
728 NAVARRE AVE.
SHEET 1 OF 3
MIN. 1" ASPH. CONC. OVER 6" COMPACTED LIMEROCK BASE
PLOT PLAN
SCALE: 1/8" = 1'-0"
LOT 8-9-10 BLK 25
SECTION "B" PB 5-111 CORAL GABLES, FL.

Owner Builder Permit
DOES NOT COVER:
Air Conditioning Permit
Electrical Permit
Plumbing Permit
Roofing Permit

Bob Bickman
Owner's Signature

"Exposed piping of any type (Plumbing, Electrical etc.) will not be permitted without prior approval of the Board of Architects."

This design of this structure shall not be altered in any form, without prior approval of the BOARD OF SUPERVISING ARCHITECTS. A complete list of all Contractors who work on the [illegible] must be furnished to the City. All such Contractors must have current occupational licenses in Coral Gables. NO CERTIFICATE OF INSPECTION OR CERTIFICATE OF OCCUPANCY will be issued until the above has been certified with.

I hereby certify that I have read, understand, and agree to abide by this notice and [illegible]

Owner or Contractor Bob Bickman

APPROVED

ARCHITECTURAL DESIGN	
[illegible]	ZONING
[illegible]	1-24-77
S. Glasgow	ELECTRICAL
DATE 1/24/77	PLUMBING
JAN. 27, 1977	MECH. & AIR COND.
DATE ISSUED	STRUCTURAL ENGR.
728 Ave. Navarre	
ADDRESS	FIRE DEPT.
27796-B	
BUILDING PERMIT NUMBER	PUBLIC WORKS
[illegible]	[illegible]
BUILDING OFFICIAL	

No Plg.
no a/c

Notice
Call Public Works Dept. for Inspections Marked (X)
446-0881

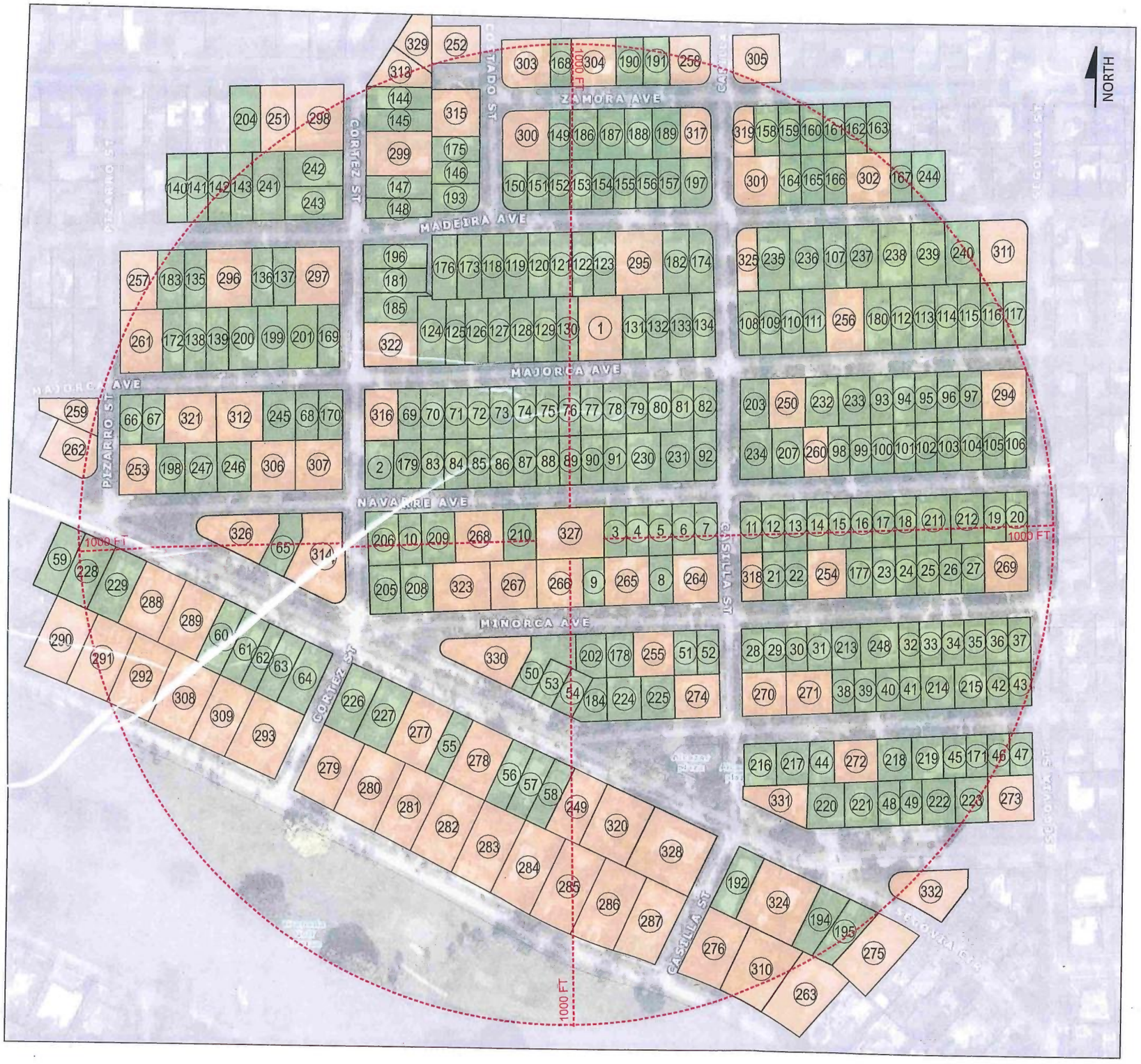
Llame al Public Works Dept. para las Inspecciones marcadas con una (X)
446-0881

Base	X	Pavement	X
Driveway	X	Driveway	X
Street		Street	
Parking		Parking	
Subgrade	X	Excavation	
Driveway	X	Pipe	
Street		Backfill	
Parking			
Sidewalk	X	Parkway	
Propour	X		
Curb		Misc.	

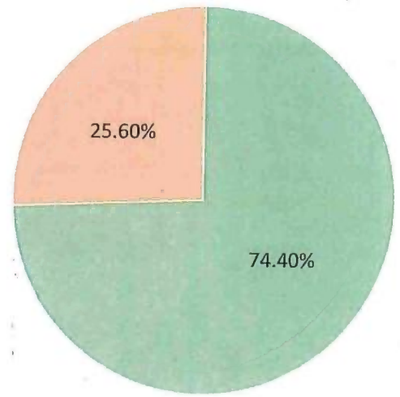
A permit must be obtained from the Public Works Dept. before starting any construction in public right-of-way and/or easements.

Un permiso del Public Works Dept. debe ser obtenido antes de empezar cualquier clase de construcción en [illegible] pub [illegible] o en vías de acceso intermediarias.

Exhibit B



Total Building Site



247 Sites — 0-75 ft. Frontage Lot

85 Sites — 76-167 ft. Frontage Lot

332 Total Sites

BUILDING SITE FRONTAGE ANALYSIS

728 Navarre Avenue
Coral Gables FL. 33134

Bellin & Pratt
architects, LLC

Exhibit C

OFF REC 13281 PG 2450 1987 MAY 18 AM 11:07 87R188064

DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned Robert D. Bellman is/are the fee simple owner(s) of the following described property situate and being in the City of Coral Gables, Florida:

Lot(s) 9, 8 and East 15 feet of Lot 7

Block 25 of CORAL GABLES SECTION B Subdivision, according to the plat thereof, as recorded in Plat Book 5 at Page 111 of the Public Records of Dade County, Florida, and

WHEREAS, the undersigned owner(s) of a single family residence at 728 Navarre Avenue desire to utilize said Lot(s) as a single building site, and the undersigned owner(s) do(es) hereby declare and agree as follows:

1. That the single family residence will not be used in violation of any ordinances of the City of Coral Gables now in effect or hereinafter enacted.

2. That the said Lot(s) above described upon which the single family residence is situated shall not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract.

NOW, THEREFORE, for good and valuable consideration, the undersigned do(es) hereby declare that he will not convey or cause to be conveyed the title to the above property without requiring the successor in title to abide by all of the terms and conditions set forth herein.

FURTHER, the undersigned declare(s) that this covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the above property and shall constitute a covenant running with the land and shall be binding upon the undersigned, his successors and assigns and may only be released by the City of Coral Gables, or its successor, in accordance with the ordinances of said City then in effect.

IN WITNESS WHEREOF, the undersigned has/have caused his hand(s) and seal(s) to be affixed hereto on this 4th day of May 1987.

[signature] (Witness) Robert D. Bellman (SEAL)

[signature] (Witness) _____ (SEAL)

RICHARD P. BRINKER
CLERK CIRCUIT COURT

STATE OF FLORIDA)
COUNTY OF DADE)

I HEREBY CERTIFY that on this day personally appeared before me Robert D. Bellman and he acknowledged that he executed the foregoing, freely and voluntarily, for the purposes therein expressed.

SWORN TO and subscribed before me on this 4th day of May 1987.

[signature]
NOTARY PUBLIC

My commission expires:

PREPARED BY:
Robert D. Zahner, Esquire
405 Biltmore Way
Coral Gables, Florida 33134

APPROVED AS TO FORM:

[signature]
ROBERT D. ZAHNER, CITY ATTORNEY

UNITY OF TITLE

5