



Board of Adjustment Application

City of Coral Gables

Development Services Department

Phone# 305.460.5235

Preamble

Pursuant to the City Charter, and subject to those provisions, a Board of Adjustment is created to provide relief from hardships and errors in the application of the regulations.

Application review request

The undersigned applicant(s)/agent(s)/property owner(s) request(s) a Board of Adjustment hearing for the following application(s) (please check all that apply):

- Appeal See attached Notice of Appeal
- Variance
- Other: _____

Property information

Property/project name: David William Condominium

Street address of the subject property: 700 Biltmore Way C2

Property Legal Description: Lot(s): David William Hotel Condo Unit C2

Block(s): Common Elements Off Rec 14342-0797/14380-2742

Section(s): _____

Plat Book(s)/Page(s): OR 17692-4505 0697 5 (118)

Has there been a Board of Adjustment hearing on the property in the last year? No

Is this request the result of a Notice of Violation? No

Is this request the result of a deviation from an approved set of plans? No

Has the property owner owned the property for at least one (1) year? N/A

Current land use classification(s): "RMFH"

Current zoning classification(s): "MFSA"

Listing of all folio numbers for subject property:

03-4117-034-2100

Board of Adjustment Application

General information

Applicant(s)/Agent(s) Name(s): Andrew W. J. Dickman

Telephone#: 239-434-0840 Fax#: 239-434-0940 Email: andrew @ dickmanlawfirm.org

Mailing Address: P.O. Box 771390, Naples, FL 34107
(City) (State) (ZIP Code)

Property Owner(s) Name(s): David William Condominium Ad Hoc Committee (see attached)

Telephone#: _____ Fax#: _____ Email: _____ @ _____

Mailing Address: 700 Biltmore Way, Coral Gables, FL 33134
(City) (State) (ZIP Code)

Property Owner(s) Name(s): _____

Telephone#: _____ Fax#: _____ Email: _____ @ _____

Mailing Address: _____
(City) (State) (ZIP Code)

Project Architect(s) Name(s): _____

Telephone#: _____ Fax#: _____ Email: _____ @ _____

Mailing Address: _____
(City) (State) (ZIP Code)

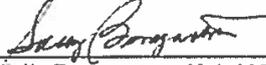
Provide the date(s) and type(s) of application(s) previously filed with the City of Coral Gables and type of reviews, approvals, actions related to this request:

Notice of Appeal - April 20, 2018

Application received by: _____ Date: _____

Attorney Retainer Agreement & Authority to Represent

In connection with the retainer agreement between the Dickman Law Firm and Frances Frazier pertaining to objection/appeal of the Fusion Health Club at the David William Condominium, the undersigned authorize Andrew Dickman and the Dickman Law Firm to represent them in this matter, including the administrative appeal of the Fusion Health Club Certificate of Use and other permits to the City of Coral Gables Board of Adjustment.



Sally Baumgartner, Unit 317

4/19/2018
Date



Alan Bork, Unit 301

4/19/18
Date



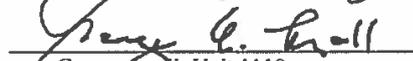
Deborah Brownell, Unit 910

4-04-19/2018
Date



Frances Frazier, Unit 706

4-19-2018
Date



George Lyall, Unit 1110

4.19.2018
Date



Ingrid Lyall, Unit 1110

4-19-2018
Date

Luis Martinez, Unit 702

Date



Adriana Pereda, Unit 811

4/19/18
Date

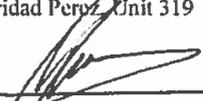


Caridad Perez, Unit 319

4/19/18
Date

Attorney Retainer Agreement & Authority to Represent

In connection with the retainer agreement between the Dickman Law Firm and Frances Frazier pertaining to objection/appeal of the Fusion Health Club at the David William Condominium, the undersigned authorize Andrew Dickman and the Dickman Law Firm to represent them in this matter, including the administrative appeal of the Fusion Health Club Certificate of Use and other permits to the City of Coral Gables Board of Adjustment.

 Sally Baumgartner, Unit 317	<u>4/19/2018</u> Date
Alan Bork, Unit 301	Date
Deborah Brownell, Unit 910	Date
Frances Frazier, Unit 706	Date
George Lyall, Unit 1110	Date
Ingrid Lyall, Unit 1110, R4	Date
Luis Martinez, Unit 702	Date
Heidi Ober, Unit 401	Date
Adriana Pereda, Unit 811	Date
Caridad Perez, Unit 319	Date
 RAFAEL DAVID POLEO UNIT # 311 502 601 602 711 1104	<u>04/20/18</u> DATE

P.O. Box 771390 • Naples, FL 34107-1390 • www.dickmanlawfirm.org

Dickman Law Firm

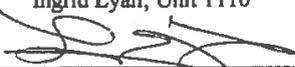
Miami
T: (305) 758-3621
F: (305) 758-0508

Naples
T: (239) 434-0840
F: (239) 434-0940

St. Petersburg
T: (727) 527-7150
F: (727) 527-7180

Attorney Retainer Agreement & Authority to Represent

In connection with the retainer agreement between the Dickman Law Firm and Frances Frazier pertaining to objection/appeal of the Fusion Health Club at the David William Condominium, the undersigned authorize Andrew Dickman and the Dickman Law Firm to represent them in this matter, including the administrative appeal of the Fusion Health Club Certificate of Use and other permits to the City of Coral Gables Board of Adjustment.

 _____ Sally Baumgartner, Unit 317	_____ 4/19/2018 Date
_____ Alan Bork, Unit 301	_____ Date
_____ Deborah Brownell, Unit 910	_____ Date
_____ Frances Frazier, Unit 706	_____ Date
_____ George Lyall, Unit 1110	_____ Date
_____ Ingrid Lyall, Unit 1110	_____ Date
 _____ Luis Martínez, Unit 702	_____ 04/19/2018 Date
_____ Heidi Ober, Unit 401	_____ Date
_____ Adriana Pereda, Unit 811	_____ Date
_____ Caridad Perez, Unit 319	_____ Date

P.O. Box 771390 • Naples, FL 34107-1390 • www.dickmanlawfirm.org

Board of Adjustment Application

Application requirements and supporting information

The Development Services Department cannot accept applications that are not complete for any hearing before the Board of Adjustment. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.

Pre-application Meeting Requirements. A pre-application meeting is required to be held in advance of an application submittal to determine the information necessary to be filed with the application(s). The City reserves the right to request additional information as necessary.

Application submittal (order of documents). The order of the documents for the application submittal shall be as follows (required documents will be determined at pre-application meeting):

- Table of Contents with page numbers identifying all below documents.
- Completed Application.
- Applicant's proposal.
- Letter of intent.
- Standards for Variances #1 through #8.
- Owner's Affidavit.
- Proof of ownership if ownership of the property has changed in the last year.
- Full size set of plans (stamped by the Board of Architects).
- Plans in 11" x 17" size format (13 sets).
- Color photographs (35mm or digital photographs), must be labeled (13 sets).
- One (1) compact disc (CD) containing required plans and color photographs.
- Signed and sealed survey (indicate any tree disposition necessary if affected by proposed work).
- Aerial.
- Other (letter of support, rescheduling letter, etc.) Copy of Notice of Appeal.

Application supporting materials. The following application supporting materials shall be provided separately from the application submittal and are as follows:

- Application fees.
- One (1) original certified mailing list.
- Three (3) sets of mailing labels.
- City of Coral Gables Annual Registration Application and Issue Application Lobbyist forms.

Posting of the property. The City shall post the subject property with a City approved sign advising of the Board of Adjustment meeting date. The public notice posting shall be in accordance with the Zoning Code. The sign shall be installed ten (10) days prior to the meeting and shall not be removed until after the meeting, at which time it is the applicant's responsibility to remove the sign.

Board of Adjustment Application

Applicant/agent/property owner/architect affirmation and consent

(I) (We) affirm and certify to all of the following:

1. The application will not be heard unless the Applicant/Agent is present at the Board of Adjustment hearing.
2. The subject property will be posted with a City approved public notice sign. The sign shall be installed a minimum of ten (10) days prior to the meeting and shall not be removed until after the meeting, at which time it is the applicant's responsibility to remove the sign.
3. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:
 - a. Conditional uses and variances: six (6) months.
 - b. Comprehensive Plan Map Amendment, Comprehensive Plan Text Amendment, Zoning Code Map Amendment, Zoning Code Text Amendment, amendments and applications for abandonment and vacation of non-fee interests: twelve (12) months (Section 3-210. Resubmission of application affecting same property).
4. That the only variance or items being requested are those that have been specified in the written application for a variance, and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Coral Gables.
5. That the applicant will be responsible for complying with all of the conditions and restrictions imposed by the Board of Adjustment in connection with the requested variance, and will take the necessary steps to make the variance effective if approved by the Board of Adjustment.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Board of Adjustment to hear the applicant's request.
7. That the applicant is responsible for the submission and accuracy of a certified mailing list and three (3) sets of mailing labels according to the latest ad valorem tax record of all property owners within one-thousand (1,000) feet of the property for which a public hearing before the Board of Adjustment is being requested.
8. Any variance granted by the Board of Adjustment or the City Commission shall be in effect for twelve (12) months from the date of approval. If a permit is not issued within the twelve (12) months, and work commenced, then the variance shall become null and void. One (1) twelve (12) month extension of a variance may be granted by the Development Review Official.
9. That the application fee is not refundable or any portion thereof regardless of final resolution, deferment, or non-presentation to the Board of Adjustment.
10. That all the information contained in this application and all documentation submitted herewith is true to the best of (my) (our) knowledge and belief.
11. Understand that the application, all attachments and fees become a part of the official records of the City of Coral Gables and are not returnable.
12. Failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
13. Applicant has read and understands all of the information in the City of Coral Gables Board of Adjustment Information brochure.
14. All representatives of the application have registered with and completed lobbyist forms for the City of Coral Gables City Clerk's office.

Board of Adjustment Application

- 15. Understand that under Florida Law, all the information submitted as part of the application are public records.
- 16. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of Coral Gables entitlements in effect during the entire review process.

Applicant(s)/Agent(s) Signature: 	Applicant(s)/Agent(s) Print Name: Andrew Dickman, Esq
Address: P.O. Box 771390 Naples, FL 34107	
Telephone: 239-434-0840	Fax: 239-434-0940
Email: andrew@dickmanlawfirm.org	
NOTARIZATION	
STATE OF FLORIDA/COUNTY OF <u>Collier</u> The foregoing instrument was acknowledged before me this <u>23rd</u> day of <u>April, 2016</u> by <u>Andrew Dickman</u> (Signature of Notary Public - State of Florida)	
 Heather L. Desanto	
(Print, Type or Stamp Commissioned Name of Notary Public)	
<input checked="" type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____	

Dickman Law Firm

Miami

T: (305) 758-3621

F: (305) 758-0508

Naples

T: (239) 434-0840

F: (239) 434-0940

St. Petersburg

T: (727) 527-7150

F: (727) 527-7180

April 20, 2018

VIA EMAIL

Cathy Swanson-Rivenbark, City Manager

cswanson@coralgables.com

Miriam Soler Ramos, City Attorney

mramos@coralgables.com

William Foeman, City Clerk

cityclerk@coralgables.com

Charles Wu, Interim Director

Development Services

cwu@coralgables.com

City of Coral Gables
Coral Gables City Hall
405 Biltmore Way
Coral Gables, FL 33134

RE: Notice of Appeal of City Staff Administrative Decision

Dear Sirs/Madams:

Our firm represents the David William Condominium Ad Hoc Committee (Sally Baumgartner, Alan Bork, Deborah Brownell, Frances Frazier, George & Ingrid Lyall, Luis Martinez, Rafael David Poleo, Adriana Pereda and Caridad Perez) who own and reside at 700 Biltmore Way. Pursuant to Article 3, Section 3-606(A) of the City of Coral Gables Land Development Code, this letter serves as their Notice of Appeal of the attached Certificate of Use No. CU-0000019335, and any and all permits issued based on it, issued on February 20, 2018 to DJS Image Plus, Inc. d/b/a Fusion Fitness Management Group at the address of 700 Biltmore Way, Coral Gables, FL 33146. The use that the City approved is not permissible in the zoning district where the subject property is located. Therefore, the City's determination to approve the Certificate of Use and subsequent permits is incorrect. We reserve the right to supplement this Notice of Appeal as needed.

Thank you for your attention to this matter.

Sincerely,

/s/ Andrew W. J. Dickman

Andrew W. J. Dickman

P.O. Box 771390 • Naples, FL 34107-1390 • www.dickmanlawfirm.org



The City of Coral Gables
Certificate of Use

COPY

CERTIFICATE NO: CU-0000019335

DATE ISSUED: 02/20/18

INVOICE NO: 00200306

When approved, this "Certificate of Use" shall serve as a formal verification that the proposed use specified on this certificate is a permitted use at the property specified on this certificate and has been found to meet all of the parking requirements of The City of Coral Gables "Zoning Code", and has also been determined to meet "Concurrency". This "Approval" is based upon the permitted plans on file with The City of Coral Gables and the information provided by the applicant. If the information provided in connection with the application for this "Certificate of Use" is incorrect, or if any work has commenced at the property without the proper approvals and permits, this "Certificate of Use" shall be NULL and VOID.

This "Certificate of Use" is being issued for the following described property:

Street Address: 700 BILTMORE WAY
 Suite #: C2
 City: CORAL GABLES
 State: FL
 ZIP Code: 33134

Legal Desc: DAVID WILLIAM HOTEL CONDO UNIT C2 UNDIV 4.6203 % INT IN COMMON ELEMENTS OFF REC 14342-0797/14380-2742 OR 17692-4505 0697 5 (118)

Folio Number: 03-4117-034-2100
 Square Footage: 1650
 Proposed Use: PRESALE - GYM MEMBERSHIP - SALES DEMO OFFICE (SHOWROOM)

Use District: MULTI-FAMILY SPECIAL AREA DSTR
 Land Use Designation: OFFICES
 Complies with Use: Y
 Complies with Concurrency: Y
 Complies with Parking: Y

Action: APPROVED

Comments: DERM: (1,650 SF) SALES DEMO/SHOWROOM OFFICE - CONCURRENCY: OK FOR GYM SALES OFFICE FOR THE FUTURE GYM. *FUTURE GYM REQUIRES A SEPARATE REVIEW/PERMIT*

This "Certificate of Use" applies only to the above specified proposed use and the above specified property within 180 days from the issuance of this "Certificate of Use". This "Certificate of Use" is valid for a period of one year from the date of issuance and must be renewed on a yearly basis. A Business Tax Application and any permits for any construction, renovation or remodeling work must be obtained prior to the commencement of the use specified in this "Certificate of Use".

DJS IMAGE PLUS INC
 FUSION
 700 BILTMORE WAY
 C2
 CORAL GABLES, FL 33134

Expiration Date: 02/19/19

Sebrina Brown
 Concurrency Administrator

CU # 19335

FUTURE BLD OUT PERMIT WILL CLOSE (RATED) TO THE END



CITY OF CORAL GABLES

AID CERTIFICATE OF USE APPLICATION

2/22/18

(PLEASE PRINT)

*File

REMIT TO: DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
CERTIFICATE OF USE
P.O. BOX 141549
CORAL GABLES, FL 33114-1549

FOR INFORMATION PLEASE CALL (305) 460-5236

THERE IS A ONE HUNDRED FOURTEEN DOLLAR AND NINETEEN CENT (\$114.19) FEE FOR THE PROCESSING OF THE APPLICATION FOR A CERTIFICATE OF USE. (REMIT CHECK PAYABLE TO "CITY OF CORAL GABLES")

NAME OF BUSINESS: DSS image Plus Inc dba Fusion

NATURE OF BUSINESS: (GIVE BRIEF DESCRIPTION OF TYPE OF BUSINESS BEING CONDUCTED OR PROPOSED; TYPE OF MERCHANDISE TO BE CARRIED OR NATURE OF SERVICES TO BE RENDERED).

Pre-sell gym membership - sales demo offices
Showroom

PROPOSED LOCATION: 700 Biltmore way

SUITE NO.: C2 ZIP CODE: 33134

PLEASE CHECK BOX IF MAILING ADDRESS DIFFERS FROM ABOVE LOCATION.
PRINT MAILING ADDRESS BELOW:

SQUARE FOOTAGE OF SUITE/SPACE: 1650

PRIOR TENANT OF SUITE/SPACE: office/admin

CONTACT PERSON: Damian Stephens PHONE NO.: 305 724 3805

Waldo Hechavarria (786) 261-6806

I SWEAR THE INFORMATION GIVEN HEREIN IS TRUE AND CORRECT

x 2/22/18
DATE

[Signature]
APPLICANT SIGNATURE



MIAMI-DADE

DEPARTMENT OF REGULATORY AND
11805 SW 26 STREET
MIAMI, FL 33175-2474
(786) 315 2000

MISCELLANEOUS RECEIPT

03/29/2018

PROCESS NO: X2018107436

JS IMAGE PLUS, INC
100 BILTMORE WAY C2
CORAL GABLES, FL

REVIEW TYPE	FEE CODE	DESCRIPTION	UNITS	UNIT DESC	FEE AMOUNT
DERM	D014	CERTIFICATE OF OCCUPANCY REV	000000001		75.00
RSUR	SR01	RER 7.5% SURCHARGE	000000001		5.63
TOTAL:					80.63

3/29/2018 15:44 E318558 291803290071 TCPM939M CENTRAL 80.63

TO BE COMPLETED BY ZONING DIVISION ONLY

LEGAL DESCRIPTION:

FOLIO NUMBER(S): 4117 034 2100
DAVID WILLIAMS HOTEL CONDO UNIT C2
LOT(S): _____ BLOCK(S): _____ SECTION: _____
CLASSIFICATION: OFFICE (Sales Office)
EXISTING ZONING: MF SA REQUIRED ZONING: MF SA

COMPLIES WITH PARKING REQUIREMENTS OF THE "ZONING CODE": YES NO

NUMBER OF PARKING SPACES REQUIRED: _____

NUMBER OF PARKING SPACES PROVIDED: _____

COMPLIES WITH CONCURRENCY: YES NO

RESTRICTIONS: DELM Approved (1650.0) sf. Sales Demo. / Show Room Office

Concurrency: OK for Gym Showroom sales office for future gym. NOTE: Future gym requires separate Review/Permit.

CHECKED BY: [Signature] DATE: 3/30/18

APPROVED FOR CERTIFICATE:

DENIED/REJECTED FOR CERTIFICATE: _____

PRIOR USE: Office

PROPOSED USE: Sales Office

2018-01-02001

DERM

D.E.R.M. USE ONLY:

W/S, NO LOT

PLAN REVIEW

FINAL

APPROVAL

DIVISION OF ENVIRONMENTAL
RESOURCE MANAGEMENT

NAME (PRINT): 2018-01-02001

SIGNATURE: [Signature] DATE: 3/29/18