MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

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.

Application Information						
FILE NUMBER					-	
	d of Adjustment			esign Review B	oard	
☐ Variance from a provision	n of the Land Develop	oment Regulations	Design reviewVariance	/ approvai		
☐ Appeal of an administrat				ric Proconvation	Board	
☐ Conditional use permit	anning Board		☐ Historic Preservation Board☐ Certificate of Appropriateness for design			
☐ Lot split approval		•	☐ Certificate of Appropriateness for design			
☐ Amendment to the Land [Development Regulation	ons or zoning map	☐ Historic district/site designation			
☐ Amendment to the Comp			☐ Variance			
□ Other:						
Property Information -	Please attach Leg	al Description as	"Exhibit A"			
ADDRESS OF PROPERTY						
10 STAR ISLAND DRIVE, M	1IAMI BEACH, FL. 33	3139				
FOLIO NUMBER(S)						
02-4204-001-0100			•			
Property Owner Inform	ation					
PROPERTY OWNER NAME						
STAR WEST PROPERTY L	LC					
ADDRESS	ADDRESS CITY STATE ZIPCO			ZIPCODE		
21700 OXNARD ST. STE 20)30	WOODLA	ND HILLS	CA	91367	
BUSINESS PHONE	CELL PHONE	EMAIL AD	DRESS			
B1B-971-7300						
Applicant Information (if different than o	wner)				
APPLICANT NAME						
Same as above						
ADDRESS	Here.	CITY		STATE	ZIPCODE	
				,		
BUSINESS PHONE	CELL PHONE	EMAIL AD	DRESS		L	
Summary of Request						
PROVIDE A BRIEF SCOPE C	F REQUEST	· · · · · · · · · · · · · · · · · · ·				
Request for Design Review		vo-story single-famil	y residence with u	ınderstory on a va	cant lot located at	
10 Star Island Dr. to include	two waivers and a	variance.	,	·		

Project Information					
Is there an existing building(s) on the site?			☐ Yes		
Does the project include interior or exterior demolition?			☐ Yes		
Provide the total floor area					SQ. FT.
Provide the gross floor area	of the new construction (inclu	ding required p	parking and all us	sable area).	SQ. FT.
Party responsible for p	roject design				
NAME		■ Architect	□ Contractor	□ Landscape /	Architect
CHOEFF LEVY FISCHMAN		☐ Engineer	□ Tenant	□ Other	
ADDRESS	544	CITY		STATE	ZIPCODE
8425 BISCAYNE BLVD. ST	E. 201	MIAMI		FL	33138
BUSINESS PHONE	CELL PHONE	EMAIL ADDR	ESS		
305.434.8338		PFISCHMAN@CLFARCHITECTS.COM			
Authorized Representa	tive(s) Information (if app	olicable)			
NAME		☐ Attorney	□ Contact		
RALPH CHOEFF		☐ Agent	■ Other ARCH	HITECT	
ADDRESS		CITY		STATE	ZIPCODE
8425 BISCAYNE BLVD. STE. 201		MIAMI		FL	33138
BUSINESS PHONE	CELL PHONE	EMAIL ADDR	ESS		
305.434.8338		RCHOEFF@CLFARCHITECTS.COM			
NAME		☑ Attorney	□ Contact		
Michael W. Larkin		☐ Agent	□ Other		
ADDRESS		CITY		STATE	ZIPCODE
200 S. Biscayne Blvd, Suite 850		Miami		FL	33131
BUSINESS PHONE	CELL PHONE	EMAIL ADDR	ESS		
305-375-5300		MLarkin@b	rzoninglaw.com		
NAME		☑ Attorney	☐ Contact		
Matthew Amster		☐ Agent	□ Other		
ADDRESS		CITY		STATE	ZIPCODE
200 S. Biscayne Blvd., Suite	850	Miami		FL	33131
BUSINESS PHONE	CELL PHONE	EMAIL ADDR			
305-377-6236		MAmster@	brzoninglaw.com		

Please note the following information:

- 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 fees. 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 an application 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, engineers, landscape architects, 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.
- In accordance with Section 118-31. Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, 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 service 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 forgoing 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 form 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

Yebdy Ymng, Manager

PRINT NAME

17/2020

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF <u>California</u>	
COUNTY OF Las angeles	
I,	are true and correct to the best of my knowledge may be publicly noticed and heard by a land submitted in support thereof must be accurate. (4) or the sole purpose of posting a Notice of Public
Sworn to and subscribed before me this day of acknowledged before me by identification and/or is personally known to me and who did/did not take	, 20 The foregoing instrument was , who has produced as an oath.
NOTARY SEAL OR STAMP	NOTARY PUBLIC
My Commission Expires:	PRINT NAME
STATE OF Lord A CALIFORNIA COUNTY OF Lord of Star West Property Lieu authorized to file this application on behalf of such entity. (3) This application application, including sketches, data, and other supplementary materials, and belief. (4) The corporate entity named herein is the owner of the property acknowledge and agree that, before this application may be publicly notice application must be complete and all information submitted in support therefore the City of Miami Beach to enter my property for the sole purpose of postir required by law. (7) I am responsible for remove this notice after the date of	depose and certify as follows: (1) I am the (print name of corporate entity). (2) I am on and all information submitted in support of this are true and correct to the best of my knowledge perty that is the subject of this application. (5) I sed and heard by a land development board, the eof must be accurate. (6) I also hereby authorize and a Notice of Public Hearing on my property, as if the hearing.
Sworn to and subscribed before me this day ofacknowledged before me bymulady	, 20_20 . The foregoing instrument was , who has produced as an oath.
NOTARY SEAL OR STAMP SHERRY YVONNE STAC COMM. #2158470 Notary Public - Californi	
My Commission Expires: 06/28/2020 My Comm. Expires June 28,	

POWER OF ATTORNEY AFFIDAVIT

COUNTY OF Lor angeles	
COUNTY OF Lor Angeles	
representative of the owner of the real property that is the sub RALPH CHOEFF to be my representative before the DI authorize the City of Miami Beach to enter my property for the sole pu property, as required by law. (4) I am responsible for remove this notice	ESIGN REVIEW Board. (3) I also hereby rpose of posting a Notice of Public Hearing on my
Malohy Uning, Managle PRINT NAME (and Title, if applicable)	SIGNATURE
Sworn to and subscribed before me this	STACK 8470 NOTARY PUBLIC
CONTRACT FOR PURCH If the applicant is not the owner of the property, but the applicant is a po	
or not such contract is contingent on this application, the applicant shot including any and all principal officers, stockholders, beneficiaries of corporations, partnerships, limited liability companies, trusts, or other countries the identity of the individuals(s) (natural persons) having the ultimate of clause or contract terms involve additional individuals, corporations, part corporate entities, list all individuals and/or corporate entities.	all list the names of the contract purchasers below, or partners. If any of the contact purchasers are proporate entities, the applicant shall further disclose ownership interest in the entity. If any contingency
NAME	DATE OF CONTRACT
NAME, ADDRESS AND OFFICE	% OF STOCK
NAME, ADDRESS AND OFFICE	% OF STOCK
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 if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

POWER OF ATTORNEY AFFIDAVIT

STATE OF <u>California</u>	
STATE OF <u>California</u> COUNTY OF <u>Los Angeles</u>	
nepresentative of the owner of the real property that is the subject Bercow Radell Fernandez Larkin & Tapanes* to be my representative before the DRB authorize the City of Miami Beach to enter my property for the sole purpose property, as required by law. (4) I am responsible for remove this notice after	Board. (3) I also hereby e of posting a Notice of Public Hearing on my
PRINT NAME (and Title, if applicable)	years
PRINT NAME (and Title, if applicable)	SIGNATURE
Sworn to and subscribed before me this 27 day of 1 day of	who has produced as noath. NOTARY PUBLIC SHERRY YOUNG Stack
My Commission Expires: 4749/1010	PRINT NAME
Michael Larkin and Matthew Amster	
CONTRACT FOR PURCHAS	<u>SE</u>
If the applicant is not the owner of the property, but the applicant is a party or not such contract is contingent on this application, the applicant shall li including any and all principal officers, stockholders, beneficiaries or p corporations, partnerships, limited liability companies, trusts, or other corporate identity of the individuals(s) (natural persons) having the ultimate owner clause or contract terms involve additional individuals, corporations, partnerships, list all individuals and/or corporate entities.	st the names of the contract purchasers below, cartners. If any of the contact purchasers are brate entities, the applicant shall further disclose ership interest in the entity. If any contingency ships, limited liability companies, trusts, or other
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 if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

DISCLOSURE OF INTEREST 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.

Star West Property LLC NAME OF CORPORATE ENTITY

NAME AND ADDRESS Aaron Rollins 100% 21700 Oxnard St. Ste 2030 Woodland Hills, CA 91367 NAME OF CORPORATE ENTITY NAME AND ADDRESS % OF OWNERSHIP % OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST TRUSTEE

If the property that is the subject of the 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
	_	
	_	
	_	
	_	
	<u> </u>	
	=	

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
RALPH CHOEFF	8425 BISCAYNE BLVD. STE. 201	305.434.8338
(CHOEFF LEVY FISCHMAN)	MIAMI, FL. 33138	
		<u> </u>
Additional names can be placed on a s	separate page attached to this application.	
DEVELOPMENT BOARD OF THE (SUCH BOARD AND BY ANY OT	EDGES AND AGREES THAT (1) AN APPROVICITY SHALL BE SUBJECT TO ANY AND ALL THER BOARD HAVING JURISDICTION, AND OF THE CITY OF MIAMI BEACH AND ALL OTH	(2) APPLICANT'S PROJECT
•	APPLICANT AFFIDAVIT	
STATE OF <u>California</u> COUNTY OF <u>Loe Angeles</u>	· -	
, <u>Uclsdy Yrung</u> or representative of the applicant. (2) To sketches, data, and other supplementary	his application and all information submitted in supp y materials, are true and correct to the best of my kno	s follows: (1) I am the applicant ort of this application, including owledge and belief.
	- Ha-	SIGNATURE
Sworn to and subscribed before me that acknowledged before me by we dentification and/or is personally know	is 10 day of Junuary , 20 20 lody Journa , who has produnt to me and who did/did not take an oath.	. The foregoing instrument was
NOTARY SEAL OR STAMP	Wen	NOTARY PUBLIC
My Commission Expires: <u>4/28/20</u>	20SHERI	NOTARY PUBLIC RY YVUNCE STACK PRINT NAME
	SHERRY YVONNE STACK COMM. #2158470 Notary Public - California Los Angeles County My Comm. Expires June 28, 2020	

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
Michael W Larkin	200 South Biscayne Boulevard, Suite 850	(305) 374-5300
Matthew Amster	200 South Biscayne Boulevard, Suite 850	(305) 377-6236
Paul Fischman and Ralph Choeff	8425 Biscayne Blvd, Suite 201	(305) 434-8338

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN 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.

STATE OF California COUNTY OF Let Chycler I, Melocly Moung , being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (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. Signature Sworn to and subscribed before me this 27 day of Abrusy , vho has produced as identification and/or is personally known to me and who did did not take an oath. NOTARY SEAL OR STAMP SHERRY YVONNE STACK COMM. #2158470 COMM. #21

EXHIBIT A

LEGAL DESCRIPTION

LOT X10, of "CORRECTED PLAT STAR ISLAND", According to the Plat Thereof, as Recorded in PLAT BOOK 31, at PAGE 60, of the Public Records of Miami-Dade County, Florida.

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236 E-Mail: MAmster@BRZoningLaw.com

VIA E-SUBMISSION & HAND-DELIVERY

April 6, 2020

James G. Murphy, Chief of Urban Design Planning Department City of Miami Beach 1700 Convention Center Drive, 2nd Floor Miami Beach, Florida 33139

Re: DRB20-0507 – Requests for Design Review Approval for the Property

Located at 10 Star Island Drive in Miami Beach, Florida

Dear James:

This firm represents Star West Property LLC ("Applicant"), the owner of the above-referenced property ("Property"). Please consider this letter the Applicant's required letter of intent in support of a request for design review approval and related waivers and a variance for the construction of a new single-family home.

<u>Property</u>. The Property is an approximately 40,000 square foot waterfront lot, which is located in the RS-1, Single Family Residential Zoning District. <u>See</u> Exhibit A. The Property is situated on the western side of Star Island and abutted by RS-1 zoned properties. The Property, which is currently vacant, is identified by Miami-Dade County Folio No. 02-4204-001-0100. The surrounding area contains single-family homes on similarly-sized and larger lots.

<u>Prior Lot Split Approval</u>. On June 25, 2019, the Planning Board approved a lot split of one 120,000 square foot lot into three (3) 40,000 square foot lots located at 10, 11, and 12 Star Island Drive ("Lot Split Approval"). <u>See</u> Exhibit B. As part of the Lot Split Approval, the Planning Board reviewed proposed scale and massing plans for the design of new homes, one on each of the lots. The Planning Board

James G. Murphy, Chief of Urban Design April 6, 2020 Page 2 of 9

permitted the maximum unit size and lot coverage on each lot; however, prohibited any variance requests through Condition B(1)h.

Since the Lot Split Approval, a new owner purchased lot 10 and is designing a new home for his family separate from the home included with the plans for the Lot Split Approval.¹ In order to obtain design approval for the new home, the Applicant submitted a Planning Board application to modify the previous development order to allow the Applicant to request a variance on the Property. In the design of the home, the Applicant has been very concerned about sea level rise and has worked to ensure the home is as resilient as possible. As part of these efforts, the Applicant has taken advantage of the full five (5) feet of freeboard above BFE and is providing a partial understory located only under the center portion of the Property.

The home has been designed as three parts, two (2) low front buildings, two (2) middle buildings and a main house significantly setback from the front property line. The buildings feature striking architectural elements at the roof level creating a central spine that is consistent throughout the buildings. In addition to the varying heights of the structures, each building features articulated elements and materials on all facades that help breakup the massing.

A partial understory of 110′-6″ in length under the center of the Property for parking of vehicles is entirely out of sight of the right of way. The partial nature is quite purposeful so that the rear half of the main residence may be raised on fill which will greatly assist with the stormwater management needs of a property of this size for the foreseeable future.

Pursuant to Section 142-105(b)(4)(d) of the Code, where the first habitable floor has been elevated above existing grade in order to meet minimum flood elevation requirements, an understory can be provided below the first elevated habitable level. The proposed understory shall have a maximum floor to ceiling clearance of 7'-6" from the lowest level slab provided. As part of a comprehensive stormwater management system, the Applicant proposes a ceiling clearance of 10'-6" in this partial understory, and therefore seeks a variance from the DRB to exceed the maximum clearance by 3'.

¹ At this time, neither lot 11 nor 12 are moving forward with development approval for a single-family home on either lot.

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<u>Waiver Request</u>. In order to create a modestly-sized home that meets the specific familial needs of the Applicant on this Property, the proposed home requires wavier requests as follows:

- 1. Second floor volume waiver pursuant to Code Section 142-105(b)(4)c to permit 105.3% second floor volume where 70% maximum is preferred.
- 2. Waiver of additional open space for the length of the two-story elevation along the north and south elevations pursuant to Code Section 142-106(2)(d) to permit an elevation longer than 60 feet.

Second floor volume waiver. The intent of the second-floor area volume requirement is to reduce the scale and massing of 2-story homes in the single-family zoning districts. The Applicant's design very effectively addresses the intent of the Code in the unique shape of the design. The massing of the home is reduced through the unique design and development of the home into three (3) sets of buildings that gradually increase in height as you move towards the rear of the Property. The two (2) front buildings are the lowest structures with a gradual increase in height to the middle buildings. The configuration of the buildings was designed to keep low heights near the front of the Property to minimize any impacts from the street view. It is not until you reach the main building, approximately 180 feet from the Property line, that the home is at the highest allowed buildable height.

In addition, the purposeful placement of the lush landscaping at ground level, water features and landscaping on front terraces will screen the home from the neighbors and street frontage. Therefore, the entire design significantly reduces the size of the home and matches the character of the neighborhood, which notably includes a number of other homes that have significantly-sized second floors, including ones designed with large unenclosed areas on the ground with second floors above. The intent of the Code will be accomplished and furthered by the proposed design.

Additional Open Space Waiver for Two-story Elevation. The intent of the Code for additional open space is to reduce the scale and massing of the second story portion of homes to no greater than 60' against the neighboring properties without providing a courtyard. The Applicants propose a slightly longer second story length of 77'-6" on a lot that is 400 feet long and are providing two large Codecompliant courtyards breaking up the north and south elevations of the main house. In addition to the courtyards, the design also adequately addresses the intent of the Code by incorporating many architectural features, including

James G. Murphy, Chief of Urban Design April 6, 2020 Page 4 of 9

windows, balconies, skylights, a roof terrace and extensive greenspace in a conscious effort to reduce the home's scale and massing while realizing a design that is aesthetically pleasing.

<u>Variance Request.</u> Variance of Section 142-105(b)(4)(d) of the Code, to exceed the floor to ceiling height of the understory by 3' where the first habitable floor has been elevated above existing grade in order to meet minimum flood elevation requirements.

<u>Satisfaction of Hardship Criteria</u>. The Applicant's request satisfies the hardship criteria as follows:

(1) 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;

Due to the size and waterfront location of the Property, which permits the proposed home with an allowable understory under the elevated first floor and the corresponding needs to provide appropriate stormwater management, a larger understory is required, but only under part of the home. A significant portion of the home will be raised over fill to assist with the stormwater management.

(2) The special conditions and circumstances do not result from the action of the applicant;

The Property's size and location arises from the plat and the Code provides the allowable development regulations neither of which result from any action taken by the Applicant. The Code does not contemplate an adequate understory elevation when taken into consideration with the stormwater management needs.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

Other properties, including waterfront lots, often face similar development difficulties. In order to seek relief from the strict requirements of the Code, these other property owners often seek variances. Further, the added height in the understory will not add any perceptible height to the structures above. Those are designed within the allowable heights in the RS-1 Zoning District.

James G. Murphy, Chief of Urban Design April 6, 2020 Page 5 of 9

(4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

A literal interpretation of the land development regulations would deprive the Applicant of the ability to develop the Property in a way that sufficiently allows for appropriate stormwater management at the same time as enjoyment of the land and proper access to all levels of the residence. The understory will be hidden from view from the rights-of-way and adjacent properties and will act as a garage as well as, and more importantly, the filled portion will assist with the required stormwater management facility for the home. As such, this request will not negatively affect neighbors. Thus, a literal interpretation of the regulations would work an unnecessary and undue hardship on the Applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

In order to design a home that is appropriate in size and scale with the existing neighborhood context and Property size and meets its own needs for stormwater management, the request is the minimum necessary to accommodate a partial understory area and filled area designed to support the stormwater management system. This understory is centrally located, approximately 180 feet from the front property line and beyond 2 sets of buildings, and therefore, will be mostly hidden from view due to the long depth of the Property and with the assistance of the extensive landscaping. Further, the added height in no way increases the height of the buildings above, and notably, the front sets of buildings are not at the maximum height allowed in this zoning district.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

The home's understory will not be apparent from the view on the street or waterway. The requested variance meets the intent of the code as the understory is being provided as a result of the elevated home and is part of the Applicant's response to address stormwater management and resiliency.

(7) 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.

The variance request is consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

<u>Practical Difficulty</u>. Pursuant to Article 1, Section 2 of the Related Special Acts, where there are practical difficulties, the DRB has the power to vary or modify regulations or provisions relating the use so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The need to meet the flood elevation requirements while providing the necessary stormwater management system represents a practical difficulty.

Due to the size and waterfront location of the Property, which permits the proposed home with an allowable understory under the elevated first floor and the corresponding needs to provide appropriate stormwater management, a larger understory is appropriate, but only under part of the home. The understory will be hidden from view from the rights-of-way and adjacent properties and will act as a garage as well as, and more importantly, the filled portion under the main residence will assist with the required stormwater management facility for the home.

By creating an understory that will not be visible from the street or waterway, and will not in any way increase the height of the buildings above, the Applicant is providing an understory that addresses the comprehensive stormwater management needs of the Property. As such, the Applicant's proposal satisfies the intent and purpose of the Code to provide an understory for the home.

<u>Sea Level Rise and Resiliency Criteria</u>. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

The Applicant will provide a recycling or salvage plan during permitting. Notably, the Property is vacant and there are no structures to remove.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

James G. Murphy, Chief of Urban Design April 6, 2020 Page 7 of 9

The structures will have hurricane impact windows throughout.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

The proposed home provides abundant windows and doors such that passive cooling is feasible.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

The plan includes many native and Florida-friendly plants. The Applicant's landscape architect will work with the Planning Department to provide landscaping that is appropriate for the Property and the neighborhood, with native, salt-tolerant, and Florida-friendly plant species. The plantings for the proposed home will be highly water-absorbent to provide for both aesthetics and resilience.

(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.

The Applicant has considered the adopted sea level rise projections and will utilize 5' of freeboard as well as fill under a significant portion of the main home to provide adequate stormwater management.

(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 up to three (3) additional feet in height.

The Applicant intends to construct the proposed home to the maximum elevation permitted by the Code such that it is adaptable to the raising of public rights-of-ways and adjacent land.

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All

James G. Murphy, Chief of Urban Design April 6, 2020 Page 8 of 9

redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Mechanical and electrical systems will be located above base flood elevation, or properly flood-proofed where by necessity for the design they need to be lower.

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not applicable as there are no existing buildings, and the proposed home will be elevated up to base flood elevation plus the 5' of freeboard as permitted by the Code.

(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.

No habitable space will be located below base flood elevation. The understory will only provide space for parking and access to the home above. However, flood proofing systems will be provided in accordance with Chapter 54 of the City Code to ensure proper drainage of the understory area.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

The Property will utilize appropriate stormwater retention systems, which includes significant fill under the back half of the main residence, and the Applicant will ensure appropriate drainage is provided.

(11) Cool pavement material or porous pavement materials shall be utilized.

The Applicant proposes appropriate materials for the driveway, carport and walkways in the side yards.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes abundant landscaping at ground level.

James G. Murphy, Chief of Urban Design April 6, 2020 Page 9 of 9

<u>Conclusion.</u> We believe that the approval of the proposed, beautifully-designed residence will provide an improvement over the previously-proposed home that accompanied the Lot Split Approval and enhance the future viability of the Property and surrounding area. The planning for the home design both meets the needs of the Applicant's family and the stormwater management that is crucial for a waterfront home in Miami Beach. The requests are minimal and will have no negative effect on the surrounding neighborhood. On behalf of the Applicant, we look forward to your favorable review. If you have any questions or comments with regard to the application, please do not hesitate to phone me at 305-377-6236.

Sincerely,

Matthew Amster

Attachments

cc: Michael W. Larkin, Esq. Robert Behar, Esq.

PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY:

10, 11, and 12 Star Island Drive

FILE NO.

PB 18-0222

IN RE:

An application for a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three

platted lots, into three individual buildable parcels.

LEGAL

DESCRIPTION:

LOTS 10, 11, AND 12 OF CORRECTED PLAT STAR ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31 AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE

COUNTY, FLORIDA.

MEETING DATE:

June 25, 2019

DIVISION OF LAND/LOT SPLIT FINAL ORDER

The applicant, Brian Bilzin as trustee of the 11 Star Island Residence Land Trust Agreement, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into three individual buildable parcels.

The City of Miami Beach Planning 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:

- A. 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 consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the City Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The three (3) lots created pursuant to this lot split application at 10,11 and 12 Star Island Drive, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.
 - b. Design Review Board review and approval shall be required for any new home on each lot.



- c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by American Services of Miami, CORP., dated 04-11-2019.
- d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
- e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
- f. The maximum unit size for each lot shall be limited to the lesser of 50% or the maximum permitted at the administrative level at the time of building permit.
- g. The maximum lot coverage for each lot shall be limited to the lesser of 30% or the maximum permitted at the administrative level at the time of building permit.
- h. Variances shall be prohibited for any construction on each of the lots.
- i. Prior to the issuance of a Building Permit the existing Docks shall be removed or modified to comply with setbacks and projection requirements for each lot, per Section 66-113 and 142-1132 of the City Code.
- j. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be a submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
- k. 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.
- 2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
- 3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify



the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Section 118-323 of the City Code.

- The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
- 5. This 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.
- 6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
- 7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
- 8. Nothing in this order authorizes a violation of the 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 is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

Dated this	9 h	day of	July	, 2019.
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PLANNING BOARD OF THE CITY OF MIAMI BEACH, FLORIDA

Michael Belush,

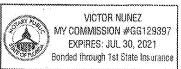
Chief of Planning & Zoning For Chairman

STATE OF FLORIDA COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this Tv), 2019, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]



Notary:

Print Name:

Notary Public, State of Florida

My Commission Expires: 66129397 Commission Number: Jvij 30, 2021

Approved As To Form: Legal Department

Filed with the Clerk of the Planning Board on

certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting rdrmiami.com | diana@rdrmiami.com | 305.498.1614

January 8, 2020

City of Miami Beach Planning Department 1700 Convention Center Dr. Miami Beach, FL 33139

Re: Property owners within 375 feet of:

SUBJECT: 10 Star Island Drive, Miami Beach, FL 33139

FOLIO NUMBER: 02-4204-001-0100

LEGAL DESCRIPTION: CORRECTED PL OF STAR ISLAND PB 31-60 LOT 10

This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 feet radius of the external boundaries of the subject property listed above, including the subject property. This reflects the most current records on file in the Miami-Dade County Property Appraisers' Office.

Sincerely,

Diana B. Rio

Total number of property owners without repetition: 16, including 0 international

certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting rdrmiami.com | diana@rdrmiami.com | 305.498.1614

375' RADIUS MAP





SUBJECT: 10 Star Island Drive, Miami Beach, FL 33139

FOLIO NUMBER: 02-4204-001-0100

LEGAL DESCRIPTION: CORRECTED PL OF STAR ISLAND PB 31-60 LOT 10

36 STAR ISLAND HOLDINGS LLC C/O LOURDES C CAMBO 999 BRICKELL AVE PH 1101 MIAMI, FL 33131 BRIAN L BILZIN TR C/O BILZIN SUMBERG ETALS 200 SO BISCAYNE BLVD STE 2500 MIAMI, FL 33131-5340

BRIAN L BILZIN TRS 200 S BISCAYNE BLVD # 2500 MIAMI, FL 33131-5340

CITY OF MIAMI BEACH CITY HALL 1700 CONVENTION CENTER DR MIAMI BEACH, FL 33139

E & A ESTATES LLC 13 STAR ISLAND DR MIAMI BEACH, FL 33139 ELISA VERASTEGUI DE GOSSELIN TRS 14 STAR ISLAND DR MIAMI BEACH, FL 33139

FCC PROPERTIES INC 1395 BRICKELL AVE #720 MIAMI, FL 33131 GERALD ROBINS &W JOAN 33 STAR ISLAND DR MIAMI BEACH, FL 33139-5146 IDA KIRSNER TRS HARRY M KIRSNER TRS STEVEN A KIRSNER TRS 34 STAR ISLAND DR MIAMI BEACH, FL 33139

LOURDES R SANJENIS 9 STAR ISLAND DR MIAMI BEACH, FL 33139 PAUL L CEJAS TRS PAUL L CEJAS 29 STAR ISLAND DR MIAMI BEACH, FL 33139 STAR WEST PROPERTY LLC C/O PRAGER METIS CPAS LLC 21700 OXNARD ST STE 2030 WOODLAND HILLS, CA 91367

STUART A MILLER 7 STAR ISLAND DR MIAMI BEACH, FL 33139-5147 WAYNE HOLMAN WENDY HOLMAN 30 STAR ISLAND DR MIAMI BEACH, FL 33139

WAYNE HOLMAN 30 STAR ISLAND DR MIAMI BEACH, FL 33139

YALE R BROWN 37 E STAR ISLAND DR MIAMI BEACH, FL 33139

Name	Address	City	State	Zip	Country
36 STAR ISLAND HOLDINGS LLC C/O LOURDES C CAMBO	999 BRICKELL AVE PH 1101	MIAMI	FL	33131	USA
BRIAN L BILZIN TR C/O BILZIN SUMBERG ETALS	200 SO BISCAYNE BLVD STE 2500	MIAMI	FL	33131-5340	USA
BRIAN L BILZIN TRS	200 S BISCAYNE BLVD # 2500	MIAMI	FL	33131-5340	USA
CITY OF MIAMI BEACH CITY HALL	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
E & A ESTATES LLC	13 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
ELISA VERASTEGUI DE GOSSELIN TRS	14 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
FCC PROPERTIES INC	1395 BRICKELL AVE #720	MIAMI	FL	33131	USA
GERALD ROBINS &W JOAN	33 STAR ISLAND DR	MIAMI BEACH	FL	33139-5146	USA
IDA KIRSNER TRS HARRY M KIRSNER TRS STEVEN A KIRSNER TRS	34 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
LOURDES R SANJENIS	9 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
PAUL L CEJAS TRS PAUL L CEJAS	29 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
STAR WEST PROPERTY LLC C/O PRAGER METIS CPAS LLC	21700 OXNARD ST STE 2030	WOODLAND HILLS	CA	91367	USA
STUART A MILLER	7 STAR ISLAND DR	MIAMI BEACH	FL	33139-5147	USA
WAYNE HOLMAN WENDY HOLMAN	30 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
WAYNE HOLMAN	30 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
YALE R BROWN	37 E STAR ISLAND DR	MIAMI BEACH	FL	33139	USA