ZBA 20-0116.

MIAMIBEACH

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 802 W. Di Lido **Board:** BOA **Date:** 5/4/20

BOARD APPLICATION CHECK LIST

A Pre-Application meeting must be scheduled via CSS to obtain a plan case number and for board staff review of all submittals, and review by the Development Review Committee, as needed.

Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later that five(5) business days prior to CSS First submittal.

Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer sixty (60) days* prior to First submittal deadline to determine the methodology for the traffic impact study. This meeting is considered the "Pre-Application meeting" and must be scheduled via CSS to obtain a plan case number for review and payment of fees. Thirty (30) days before First submittal, applicant must provide the traffic study via CSS (see Transportation Department's requirements check list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to First submittal. Applicant must address comments and submit revised traffic study/plans for CSS First submittal deadline.

Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.

ITEM #	**FIRST SUBMITTAL** (VIA CSS) **, **To be uploaded online (CSS) by the applicant before 5:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.**	Required
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CSS system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	X
2	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
3	Copy of signed and dated check list issued at Pre-Application meeting or Design Review Committee meeting.	X
4	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	X
5	Signed and dated Letter of Intent. **Letter must outline application details and identify hardships if Variances are requested**. (see also Items # 44, 45 & 46).	X
6	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	X
7	Copies of all current or previously active Business Tax Receipts if applicable.	
8	Copies of previous recorded final Orders if applicable.	
9	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
10	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	X
11	**Architectural Plans and Exhibits (must be 11"x 17")**	X
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date.	X
b	Copy of the original survey included in plan package. See No. 10 above for survey requirements	X
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	X
d	Context Location Plan, Min 8.5"X11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	X
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	X
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable N/A	~~X~~ S
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable. N/A	~~X~~ S

*** 30 day lead time from first submittal for projects requiring traffic studies is necessary to ensure completion of review and required corrections by Final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Indicate N/A If Not Applicable

Initials: B

MIAMIBEACH

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 802 W. DiLido

h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	X
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	X
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	X
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	X
m	Demolition Plans (Floor Plans & Elevations with dimensions)	X
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	X
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X
p	Proposed Section Drawings	X
q	Color Renderings (elevations and three dimensional perspective drawings).	
12	**Landscape Plans and Exhibits (must be 11"x 17")**	X
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	X
b	Hardscape Plan, i.e. paving materials, pattern, etc.	X

13	Copy of original Building Permit Card, & Microfilm, if available.	
14	Copy of previously approved building permits. (provide building permit number).	
15	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data.	
16	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	
17	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
18	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
19	Line of Sight studies.	
20	Structural Analysis of existing building including methodology for shoring and bracing.	
21	Proposed exterior and interior lighting plan, including photometric calculations.	
22	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
23	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
24	Required yards open space calculations and shaded diagrams. *Rear yard.	X
25	Required yards section drawings.	
26	Variance and/or Waiver Diagram.	X
27	Schematic signage program	
28	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
29	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
30	Daytime and nighttime renderings for illuminated signs.	
31	Floor Plan Indicating area where alcoholic beverages will be displayed.	
32	Survey showing width of the canal (Dimension shall be certified by a surveyor)	X
33	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	X
34	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	X

Indicate N/A If Not Applicable

Initials:_____

MIAMIBEACH

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 802 W. Di Lido

35	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	X
36	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the dune within the property. Erosion control line and Bulkhead line shall be indicated if present.	
37	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
38	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
39	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
40	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review. (See Transportation Department check list for requirements.)	
41	Sound Study report (Hard copy) with 1 CD.	
42	**Site Plan (Identify streets and alleys)**	X
a	Identify: setbacks _X_ Height_____ Drive aisle widths_____ Streets and sidewalks widths_____	X
b	# parking spaces & dimensions_____ Loading spaces locations & dimensions_____	
c	# of bicycle parking spaces_____	
d	Interior and loading area location & dimensions_____	
e	Street level trash room location and dimensions_____	
f	Delivery route_____ Sanitation operation_____ Valet drop-off & pick-up_____ Valet route in and out_____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles_____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
43	**Floor Plan (dimensioned)**	
a	Total floor area	
b	Identify # seats indoors_____ outdoors_____ seating in public right of way _____ Total_____	
c	Occupancy load indoors and outdoors per venue_____ Total when applicable_____	
44	**The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.**	X
45	**The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:**	X
a	Section 118-353 (d) of the City Code for each Variance.	X
46	**The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:**	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (5)(a)-(k) & (6)(a)-(g)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see Item # 47	
47	**Lot Splits**	
a	Conceptual masing study to show the ability to comply with all single family zoning requirements for the maximum size home proposed.	
b	A survey showing the existing lot configuration and individual surveys per each proposed lot.	
c	Conceptual Site Plan for each lot showing compliance with zoning regulations.	
d	Submit opinion of title	

Indicate N/A If Not Applicable

Initials:

MIAMIBEACH

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property Address: 802 W. Di Lido

Notes: The applicant is responsible for checking above referenced sections of the Code.

ITEM #	**FINAL SUBMITTAL (via CSS & PAPER)** **Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date.** **Upload documents online (via CSS) before NOON on final submittal deadline. Staff will review and issue a notice to proceed to Paper Final submittal or to continue submittal to a future meeting if the application is found incomplete.**	**Required**
48	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CSS).	
	PAPER FINAL SUBMITTAL:	
49	Original application with all signed and notarized applicable affidavits and disclosures.	X
50	Original of all applicable items.	X
51	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	X
52	14 collated copies of all required documents	X
53	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	X
54	Traffic Study (Hard copy)	
55	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	X

ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

A. **** Other information/documentation required for First submittal will be identified during Pre-Application meeting and Development Review Committee Meeting but may be modified based on further analysis.**

B. **It is the responsibility of the applicant to confirm that documents submitted via CSS, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.**

C. **All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'.**

D. **Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline**

E. **All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.**

F. **Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)**

Emily K. Balter
Applicant's or designee's Name

Emily K. Balter
Applicant's or designee's signature

5/4/2020
Date

Indicate N/A If Not Applicable

Initials: EB

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
ZBA2O-0116

◉ **Board of Adjustment**	◯ **Design Review Board**
■ Variance from a provision of the Land Development Regulations ☐ Appeal of an administrative decision	☐ Design review approval ☐ Variance
◯ **Planning Board**	◯ **Historic Preservation Board**
☐ Conditional use permit ☐ Lot split approval ☐ Amendment to the Land Development Regulations or zoning map ☐ Amendment to the Comprehensive Plan or future land use map	☐ Certificate of Appropriateness for design ☐ Certificate of Appropriateness for demolition ☐ Historic district/site designation ☐ Variance

☐ **Other:**

Property Information – Please attach Legal Description as "Exhibit A"

ADDRESS OF PROPERTY
802 West Dilido Drive

FOLIO NUMBER(S)
02-3232-011-0480

Property Owner Information

PROPERTY OWNER NAME
ILR LLC

ADDRESS	CITY	STATE	ZIPCODE
802 West Dilido Drive	Miami Beach	FL	33139

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
		jamesknall@gmail.com

Applicant Information (if different than owner)

APPLICANT NAME
Same

ADDRESS	CITY	STATE	ZIPCODE

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

Summary of Request

PROVIDE A BRIEF SCOPE OF REQUEST
Variance of minimum seaward side yard setback for mooring pile associated with replacement dock for single-family home. See Letter of Intent for additional details.

Project Information		
Is there an existing building(s) on the site?	☐ Yes	☐ No
Does the project include interior or exterior demolition?	☐ Yes	☐ No
Provide the total floor area of the new construction.		SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		SQ. FT.

Party responsible for project design				
NAME Kirk Lofgren		☐ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ■ Other Design Consultant		
ADDRESS 340 Minorca Ave #5		CITY Coral Gables	STATE FL	ZIPCODE 33134
BUSINESS PHONE 305-921-9344	CELL PHONE	EMAIL ADDRESS kirk@oceanconsultingfl.com		

Authorized Representative(s) Information (if applicable)				
NAME Michael W. Larkin		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 200 S. Biscayne Boulevard, Suite 850		CITY Miami	STATE FL	ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS mlarkin@brzoninglaw.com		
NAME Matthew Amster		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 200 S. Biscayne Boulevard, Suite 850		CITY Miami	STATE FL	ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com		
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS		CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS		

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

James Knall, Manager

PRINT NAME

Jun 10 2020

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, N/A, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (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. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

_____
SIGNATURE

Sworn to and subscribed before me this _____ day of _____ , 20_____. The foregoing instrument was acknowledged before me by _____ , who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

_____
NOTARY PUBLIC

My Commission Expires: _____

_____
PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, James Knall, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of ILR LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) 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. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

_____
SIGNATURE

Sworn to and subscribed before me this 11 day of June , 2020. The foregoing instrument was acknowledged before me by James Knall , who has produced K500-463-78-450-0 as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

Yeidy Montesino Perez
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG065548
Expires 1/24/2021

_____
NOTARY PUBLIC

My Commission Expires: _____

Yeidy Montesino Perez
PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, James Knall, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael Larkin and Matthew Amster to be my representative before the Board of Adjustment Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

James Knall, Manager

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 11 day of June, 2020. The foregoing instrument was acknowledged before me by James Knall, who has produced K540-453-78-450-0 as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

Yeidy Montesino Perez
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG065548
Expires 1/24/2021

My Commission Expires:

NOTARY PUBLIC

Yeidy Montesino Perez

PRINT NAME

Yeidy Montesino Perez
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG065548
Expires 1/24/2021

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A

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.

ILR LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
James Knall	100%
802 West Dilido Drive	
Miami Beach, FL 33139	

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% 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.

N/A

TRUST NAME

NAME AND ADDRESS	% INTEREST

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 S. Biscayne Boulevard, Suite 850	305-374-5300
Matthew Amster	200 S. Biscayne Boulevard, Suite 850	305-374-5300

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.

APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, James Knall, Manager, 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 11 day of June, 2020. The foregoing instrument was acknowledged before me by James Knall, who has produced K540-453-78-450-0 as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: 1/24/2021

Yeidy Montesino Perez

PRINT NAME

Yeidy Montesino Perez
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG065548
Expires 1/24/2021

FLORIDA NOTARY ASSOCIATION SINCE 1978

Exhibit A

Lot 21, Block 3, of DILIDO ISLAND SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 8, at Page 36, of the Public Records of Miami–Dade County, Florida, and also an eight (8) foot strip of land contiguous to the Westerly Boundary line of Lot 21, Block 3, of DILIDO ISLAND SUBDIVISION, as recorded in Plat Book 8, Page 36, lying between the Westerly extensions of the Northerly boundary line and the Southerly boundary line of said Lot 21, Block 3, together with all common law and statutory riparian rights, including water privileges adjacent and belonging thereto.

BERCOW RADELL FERNANDEZ LARKIN & TAPANES
ZONING, LAND USE AND ENVIRONMENTAL LAW

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

VIA ELECTRONIC SUBMITTAL

June 15, 2020

Steven Williams, Chief of Planning Services
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: ZBA20-0116 – Variance Request for the Property Located at 802 W. Dilido Drive

Dear Mr. Williams:

This law firm represents ILR LLC (the "Applicant"), owner of the property located at 802 W. Dilido Drive (the "Property") in the City of Miami Beach (the "City"). The Applicant's goal is to coordinate with the abutting neighbor to the north and construct mirror-image boat docks that allow them better use of their waterfront properties. Please allow this letter to serve as the letter of intent in connection with a Variance request to the Board of Adjustment ("BOA") to exceed the seaward side yard setback in order to construct a dock with mooring piles for an existing single-family home.

Property Description. The Property is a waterfront lot located north of Venetian Way on Di Lido Island. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3232-011-0480. See Exhibit A, Property Appraiser Detailed Report. The Property is approximately 10,500 square feet in size, and contains a modern two-story, single family home built in 2019. Additionally, the Property is within the RS-3, Single Family Residential Zoning District, surrounded with similar single-family homes. This residential island predominately contains two-story homes with pools, decks, and boat docks in the rear yards.

Proposed Development. Development of a boat dock on this narrow, waterfront lot poses a number of serious challenges. Working with the adjacent neighbor to the north the Applicant proposes to construct a more practical boat dock that is better suited for larger vessels and preserving views of Biscayne Bay. The purposeful design of the matching T-shape docks brings together at the adjoining property line the two main

vessels that impact views, thereby ensuring minimal impacts to the other neighbors. The innovative T-shaped design centralizes the finger pier and allows an approximately 47′ vessel perpendicular to the seawall, where a parallel layout would substantially block views of both neighbors and would severely impede boat maneuverability.

The T-shape dock features a central finger pier extending 36′ into Biscayne Bay with a 6′ wide portion adjacent to the seawall extending north 29′-6″. The central pier is setback 19′ from the north, and there are two (2) mooring piles at the north seaward property line. The south seaward side yard setback is 7′-6″, and the central finger pier is 37′ from the south seaward property line. Additionally, on the south, the dock and mooring piles fully comply with the Miami-Dade County required R.E.R. D-5 boundary triangle. The Applicant is not proposing any changes to the upland portion of the Property.

Variance Request. The minor north seaward side yard setback Variance request does not contradict the intent of the City Code. Moreover, the combination of mooring piles and vessels in the adjoining seaward side yards finds support in that the County allows such arrangements via consent between adjacent owners, which exists in this case. Therefore, in order to fully realize its development and due to the Property's confining characteristics, the Applicant requests the following:

1. A Variance of Code Section 142-106(b)(11), to permit a dock with mooring piles into the required seaward side yard setback at 0′ when 7′-6″ is required.

Satisfaction of Hardship Criteria. The Applicant's Variance request satisfies all of the City Code Section 118-353(d) 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;

The narrow, waterfront lot is a special condition peculiar to this unique Property. The 60′ wide Property, with 15′ of required seaward side yard setbacks, limits the design potential of docks and appropriate placement of vessels. A parallel dock hinders views for the Applicant and his neighbors, and inhibits maneuverability. To remedy these conditions, in conjunction with the neighbor, the Applicant proposes a T-shaped dock where only the vessel and associated mooring piles encroach the north seaward side yard setback, and there is full compliance in the south. This is a unique circumstance that complies with the intent of the Code and is sensitive to the abutting neighbors.

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

The special conditions and circumstances of the Property do not result from the action of the Applicant. "Di Lido an Island in Biscayne Bay" was originally platted in 1923 with narrow 60' lots. See Exhibit B, Plat Book 8, Page 36. Larger platted lots or combined lots located on the Venetian Way islands are afford greater maneuverability for vessels. The Applicant wishes to preserve views, and create an innovative dock design that is sensitive to the neighbors.

(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;

The City Code allows other similarly situated property owners to seek similar variances to accommodate development and allow for the construction of certain features, especially on narrow, waterfront lots. The Applicant proposes to comply with the south seaward side yard setback, and limit the encroachment to the north seaward side yard setback in agreement with the abutting owner. This concept is not a special privilege, but rather, would satisfy the intent of the City Code and provide the abutting homeowners a more favorable and efficient condition. Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resource Management ("DERM") permits this condition between agreeable neighbors. Further, there is precedent in the City Code that permits cooperating neighbors certain design changes to adjoining property lines. Specifically, neighbors can agree to modify required side yard elevations pursuant to City Code Section 142-105(b)(8)(c). Therefore, granting of this encroachment into the north seaward side yard setback for a minimal portion does not confer any special privilege on the Applicant and is consistent with the intent of the City Code and Miami-Dade County regulations.

(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;

Literal interpretation of the land development regulations would deprive the Applicant and his neighbor rights commonly enjoyed by other properties. In Miami-Dade County, DERM, which regulates structures on the waterways in the City, permits neighbors to consent to exceed the seaward side yard setback. The slight deviation from the land development regulations is necessary for the Applicant and his neighbor to the north to build companion docks that benefit their neighbors. The intent of the City Code

is to permit safer maneuverability and preserve views. The proposed dock design satisfies this intent. The City Code would deprive the Applicant of the right to build what is enjoyed by other properties and 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;

A zero foot north seaward side yard setback to two morning piles is the minimum necessary to efficiently provide a T-shape dock and maintain a 7′-6″ seaward side yard setback on the south. This will allow the Applicant and his neighbor to the north to position their vessels along the adjoining property line perpendicular to their homes. This condition enhances views of the homes from the waterway for their neighbors and themselves. Additionally, the minor encroachment occurs because of the narrowness of the lots. Larger lots are not as constrained to provide 15′ of seaward side yard setbacks. The Variance is necessary in order to permit larger vessels to safely dock.

(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 proposed dock and mooring piles will be in harmony with the surrounding properties, and aim to further the intent and purpose of the land development regulations. The T-shape design of the dock purposefully considers proper spacing and visibility for the south neighbor. Additionally, in accordance with the Section 66-113 of the City Code, docks or mooring piles from a lot zoned for residential use may extend into any part of Biscayne Bay by up to 125′. Properties on Biscayne Bay are permitted much longer docks because of the larger navigable area. Therefore, the perpendicular T-shaped dock conforms with the general intent of the land development regulations, and will not be injurious to other properties on the Venetian Way islands.

(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 planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.

The Variance request to reduce north the seaward side yard setback is consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

Practical Difficulty. The additional required seaward side yard setbacks for this narrow lot create a challenge in docking and maneuverability of vessels, especially with a dock parallel to the seawall, and also avoiding impacts to views of the waterway. The City Code permits properties on Biscayne Bay significantly longer docks and by working together with the abutting neighbor, which the County allows via consent as exists here, the creative dock design maximizes the utility of the waterway while simultaneously maximizing views for the other neighbors and themselves. Other provisions of the City Code permit neighbors to modify conditions of their shared property line for better design and use of their properties.

Where a parallel dock layout would inhibit views of all neighbors, the Applicant's design does not encroach on the south side, and only encroaches through mutual consent on their shared side. This will permit them both to have larger vessels, provide much safer maneuverability, and preserve views for all owners. Therefore, the Applicant's proposal satisfies the intent and purposes of the Code to provide an amenity that is compatible with the neighborhood.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code, as follows:

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

A recycling and salvage plan for demolition of the existing dock will be provided at permitting.

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

The scope of this application is limited to a seaward side yard setback. New windows are not proposed.

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

The scope of this application is limited to a seaward side yard setback. Passive cooling systems are not incorporated.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

All existing landscaping to remain. The Applicant is not proposing any alterations to the upland conditions.

5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

The proposed design is proactively addressing sea level rise projections with the new sea wall.

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.

The Applicant is not proposing any alterations to the upland conditions. Any existing ground floor, driveways, and garbage ramping are to remain.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The existing home was recently constructed, and the Applicant is not proposing any changes.

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 is located below base floor elevation.

10. Where feasible and appropriate, water retention systems shall be provided.

The proposed work is limited to the water. The Applicant is not proposing any changes to water retention systems related to the upland.

11. Cool pavement materials or porous pavement materials shall be utilized.

The proposed work is limited to the water. The Applicant is not proposing any changes to existing pavement materials.

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

The proposed design of the dock will minimize the potential for heat island effects on-site.

Conclusion. Granting this Variance will permit the development of an amenity that is beautifully-designed and compatible with the surrounding neighborhood. The Applicant's goal is to work with the neighboring property owner, so they can both best utilize their waterfront properties, ensure safe vessel maneuverability and maximize views. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6236.

Sincerely,

Matthew Amster

Attachments

cc: Michael W. Larkin, Esq.
Emily K. Balter, Esq.

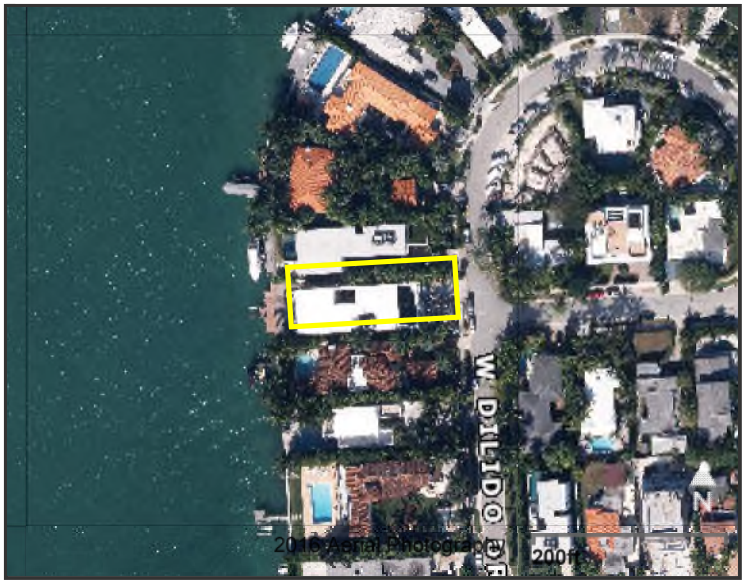
EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 6/14/2020

Property Information	
Folio:	02-3232-011-0480
Property Address:	802 W DI LIDO DR Miami Beach, FL 33139-1154
Owner	ILR LLC
Mailing Address	802 W DILIDO DR MIAMI BEACH, FL 33139 USA
PA Primary Zone	0800 SGL FAMILY - 1701-1900 SQ
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	5 / 5 / 1
Floors	2
Living Units	1
Actual Area	7,036 Sq.Ft
Living Area	5,313 Sq.Ft
Adjusted Area	5,633 Sq.Ft
Lot Size	10,500 Sq.Ft
Year Built	2019



Assessment Information			
Year	2019	2018	2017
Land Value	$3,885,000	$3,570,000	$3,564,435
Building Value	$0	$0	$0
XF Value	$0	$0	$0
Market Value	$3,885,000	$3,570,000	$3,564,435
Assessed Value	$3,885,000	$3,570,000	$3,564,435

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	$0	$0	$0
Taxable Value	$3,885,000	$3,570,000	$3,564,435
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$3,885,000	$3,570,000	$3,564,435
City			
Exemption Value	$0	$0	$0
Taxable Value	$3,885,000	$3,570,000	$3,564,435
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$3,885,000	$3,570,000	$3,564,435

Benefits Information				
Benefit	Type	2019	2018	2017

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description

DI LIDO ISLAND PB 8-36
LOT 21 & 8FT STRIP CONTIG TO SAME
ON BAY BLK 3
LOT SIZE 60.000 X 175
OR 10620-804 1279 1

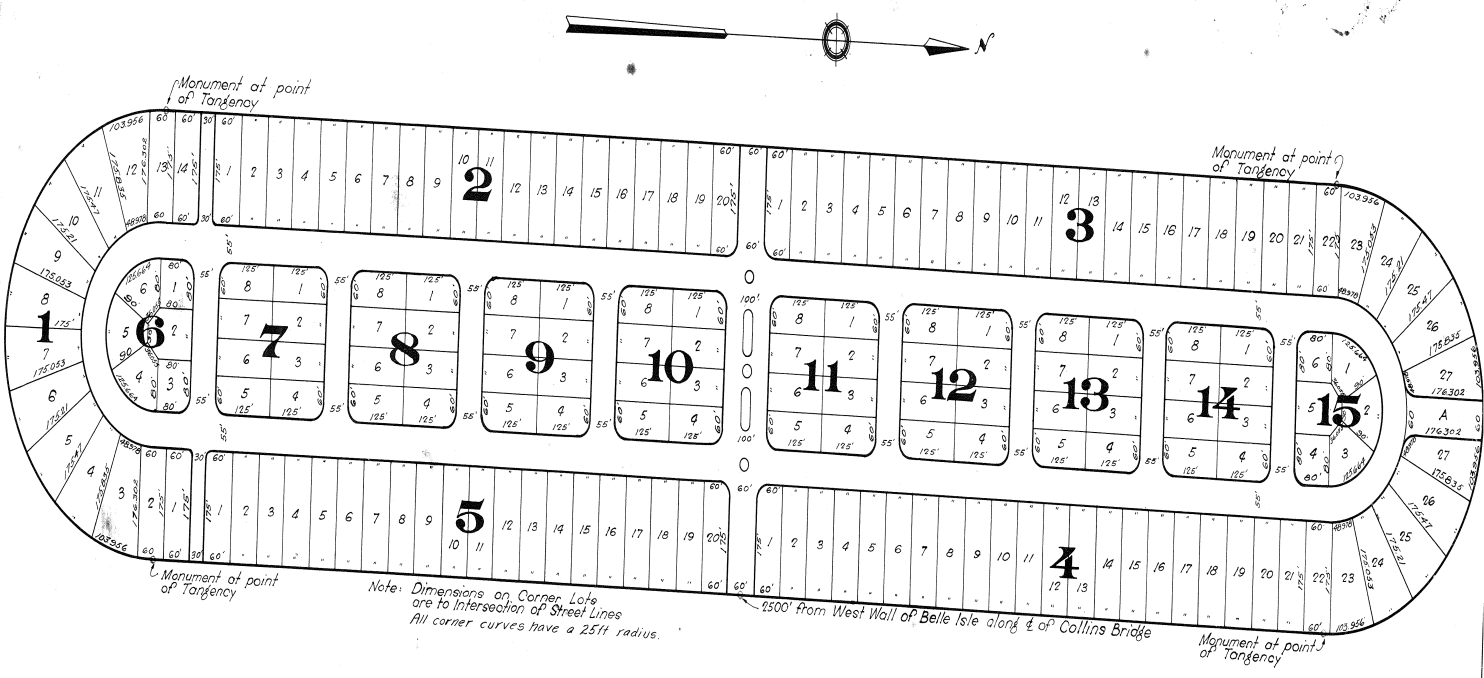
Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/12/2019	$15,550,000	31701-3107	Qual by exam of deed
05/18/2016	$4,100,000	30085-3772	Not exposed to open-market; atypical motivation
12/01/1979	$200,500	10620-0804	Sales which are qualified
01/01/1978	$150,000	09931-2018	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

Version:

EXHIBIT B

8-36



AN ISLAND IN BISCAYNE BAY, SITUATED IN SEC. 33, TWP. 53 S, RANGE 42 E., in Dade County, Florida, and being a subdivision of the following described property: commence at the intersection of the centerline of Collins Bridge and the face of the West Sea Wall of Belle Isle and run Westerly along said center line twenty-five hundred (2500) feet to the point of beginning;

Thence from said point of beginning run Northerly at right angles to the center line of Collins Bridge, 1350 feet;

Thence from said last named point as a tangent point on a semi-circular curve to the left having a radius of three hundred and fifty feet (350) for a distance of 1099½ feet as measured along the curve to a point westerly from and at right angles to said first course at the point of tangency, a distance of 700 feet;

Thence southerly on a line at right angles to the center line of Collins Bridge and parallel to said first course a distance of 2700 feet;

Thence from last named point as a tangent point on a semi-circular curve to the left having a radius of 350 feet for a distance of 1099½ feet, as measured along the curve, to a point easterly from and at right angles to said last named course, at the point of tangency, a distance of 700 feet;

Thence northerly 1350 feet to the point of beginning first above named.

No property hereon is dedicated to the public, the absolute fee simple title therein being reserved in the owner.

KNOW ALL MEN BY THESE PRESENTS: That the Bay Biscayne Improvement Company, a corporation of Florida, has caused the above described tract to be subdivided according to the annexed plat.

WITNESS the hands and seals of the President and Secretary respectively and the corporate seal of said corporation, this day of A.D. 1923.

Sworn to before me this 22nd day of January A.D. 1923.

My Commission Expires 8/17/24 — Notary Public, State of Fla.

The Bay Biscayne Improvement Company

Witness A. G. Stevens — By John Schultz, President

Witness Ellen A. Anderson — attest Hugh Grimes, Secretary

I hereby certify that the attached plat of DI LIDO is a true and correct plat of said property as recently surveyed by me

W. C. Bliss
Lic. Civil Engr. No. 289

This map was approved by the County Engineer of Dade County, Florida.

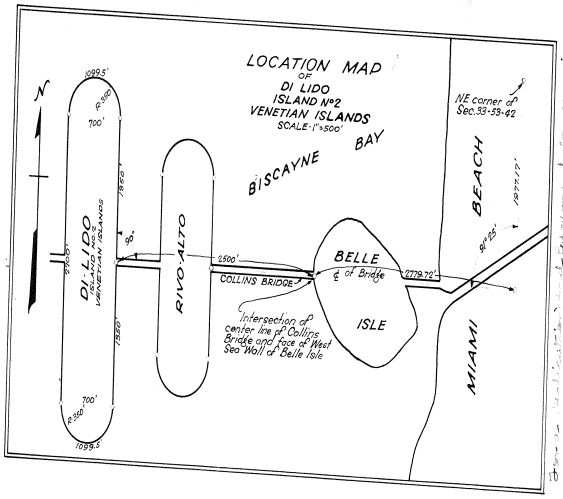
Hobart Crothers
County Engr.

This plat was approved by Resolution No. 302 passed by the Council of the City of Miami Beach, Florida, this 17th day of January A.D. 1923

C. W. Tomlinson
City Clerk

Approved R. H. Davison
City Engr.

John H. Levy
President of City Council



PLAT OF

DI LIDO

AN ISLAND IN BISCAYNE BAY
SITUATED IN SEC. 33-TWP. 53 S-RG. 41 E

W. C. BLISS, ENGR. JANUARY, 1923
SCALE: 1" = 100'

rdr miami | public hearing notification services
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

June 8, 2020

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

Re: Property owners within 375 feet of:
SUBJECT: 802 West Dilido Drive, Miami Beach, FL 33139
FOLIO NUMBER: 02-3232-011-0480
LEGAL DESCRIPTION: DI LIDO ISLAND PB 8-36 LOT 21 & 8FT STRIP CONTIG TO SAME ON BAY BLK 3

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,

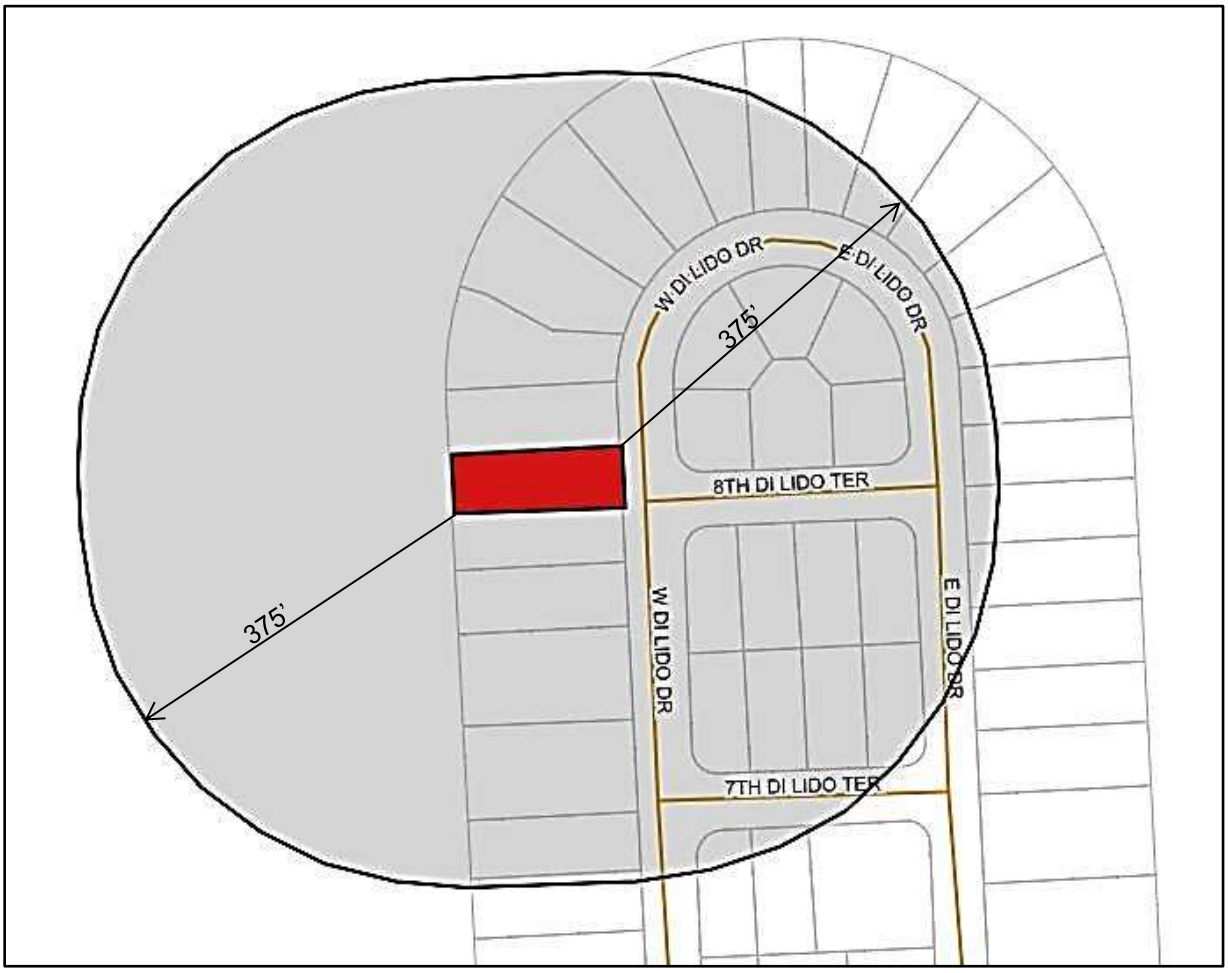
Diana B. Rio

Total number of property owners without repetition: **40, including 0 international**

Rio Development Resources, LLC ("RDR") has used its best efforts in collecting the information published in this report and the findings contained in the report are based solely and exclusively on information provided by you and information gathered from public records and that local government. By acceptance of this report, you agree to hold RDR harmless and indemnify RDR from any and all losses, damages, liabilities and expenses which can be claimed against RDR caused by or related to this report.

rdr miami | public hearing notification services
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: 802 West Dilido Drive, Miami Beach, FL 33139
FOLIO NUMBER: 02-3232-011-0480
LEGAL DESCRIPTION: DI LIDO ISLAND PB 8-36 LOT 21 & 8FT STRIP CONTIG TO SAME ON BAY BLK 3

Name	Address	City	State	Zip	Country
815 DILIDO HOME LLC	815 E DILIDO DR	MIAMI BEACH	FL	33139	USA
AML INVESTMENT IX LLC	430 PARKSON RD	HENDERSON	NV	89011	USA
ANNETTE E CANNON	103 - 7 TERR	MIAMI BEACH	FL	33139-1221	USA
ARBOR HOLDINGS CORP	4835 COLLINS AVE 801	MIAMI BEACH	FL	33140	USA
CHABAD LUBV OF VE CWY & S ISL INC C/O ABRAHAM MANN	114 FARREY LANE	MIAMI BEACH	FL	33139	USA
CHAD BRAVER	801 W DILIDO DR	MIAMI BEACH	FL	33139	USA
CHARLES R LANGSTON &W KIMBERLY	814 W DILIDO DR	MIAMI BEACH	FL	33139-1154	USA
CITY OF MIAMI BEACH CITY HALL	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
CONCORDE INVESTMENTS OF MIA LLC	1691 MICHIGAN AVE #215	MIAMI BEACH	FL	33139-2560	USA
DANIEL R LEWIS TRS DANIEL R LEWIS REVOCABLE TRUST	845 E DILIDO DR	MIAMI BEACH	FL	33139	USA
DANIEL STABILE GINA STABILE	850 E DILIDO DR	MIAMI BEACH	FL	33139	USA
DAVID S MANDEL &W NINA	821 E DILIDO DR	MIAMI BEACH	FL	33139-1241	USA
DIAMOND SEAFRONT GROUP LLC	4322 NAUTILUS DR	MIAMI BEACH	FL	33140	USA
EDNA BEN-ZVI	836 W DILIDO DR	MIAMI BEACH	FL	33139-1154	USA
GABRIEL E SALLOUM	70336 PETIT ROAD	MANDEVILLE	LA	70471	USA
ILR LLC	802 W DILIDO DR	MIAMI BEACH	FL	33139	USA
ISAAC TOPEL ELA BASULTO TOPEL	427 TERRACE AVE	HASBROUCK HEIGHTS	NJ	07604	USA
IVAN P JECKLIN TRS IVAN P JECKLIN 2019 MIAMI HOME TR ALLISON P WEINSTEIN	3951 STILLMAN PARKWAY	GLEN ALLEN	VA	23060	USA
KEVIN OBRIEN ANDREA ROMERO	109 8TH DILIDO TERRACE	MIAMI BEACH	FL	33139	USA
LA MARY LLC	811 E DILIDO DR	MIAMI BEACH	FL	33139-1241	USA
MEYER OLEKSNIANSKI &W ITA	828 W DILIDO DR	MIAMI BEACH	FL	33139-1154	USA
MICHAEL A SAMWAY &W JENNIFER L	114 8 TERR	MIAMI BEACH	FL	33139-1224	USA
MICHAEL J ROSE LUANNE CINDY ROSE	111 7 DILIDO TER	MIAMI BEACH	FL	33139-1213	USA
MICHEL J ZEROLO	620 E DILIDO DR	MIAMI BEACH	FL	33139-1238	USA
MIKE HEZEMANS	720 E DILIDO DR	MIAMI BEACH	FL	33139	USA
MURRAY DESIGN & CONSTRUCTION LLC	4835 COLLINS AVENUE #801	MIAMI BEACH	FL	33140	USA
MYAMY 700 LLC	700 W DILIDO DR	MIAMI BEACH	FL	33134	USA
MYLES A CHEFETZ	714 W DILIDO DR	MIAMI BEACH	FL	33139	USA
PEDRO GONZALEZ &W ISABEL	727 E DILIDO DR	MIAMI BEACH	FL	33139-1239	USA
PETER R KASSABOV TRS PETER R KASSABOV REVOCABLE TR	721 E DILIDO DR	MIAMI BEACH	FL	33139	USA
RAMIN ALEYASIN	726 W DILIDO DR	MIAMI BEACH	FL	33139	USA
ROBERT FRACASSO JR	630 W DILIDO DR	MIAMI BEACH	FL	33139-1158	USA
ROBIN E KATZ	112 - 7 TERR	MIAMI BEACH	FL	33139-1222	USA
ROSA MARIA UGALDE LE HECTOR UGALDE LE REM AILEEN UGALDE	108 8 DILIDO TER	MIAMI BEACH	FL	33139	USA
SIMON A STRONG &W VILMA	725 W DILIDO DR	MIAMI BEACH	FL	33139-1155	USA
SIMON NICHOLLS	815 W DILIDO DR	MIAMI BEACH	FL	33139	USA
SWIMMER LAW ASSOCIATES PA TRS SUS ONE FLORIDA LAND TRUST	1680 MICHIGAN AVE #1014	MIAMI BEACH	FL	33139	USA
SWIMMER LAW ASSOCIATES TRS ISU ONE FLORIDA LAND TRUST	1680 MICHIGAN AVE #1014	MIAMI BEACH	FL	33139	USA
THE HAPPY SUNSET TR EMANUEL D SEBAG	808 W DILIDO DR	MIAMI BEACH	FL	33139	USA
THOMAS G SHERMAN SILMA SHERMAN	715 E DILIDO DR	MIAMI BEACH	FL	33139-1239	USA

815 DILIDO HOME LLC
815 E DILIDO DR
MIAMI BEACH, FL 33139

AML INVESTMENT IX LLC
430 PARKSON RD
HENDERSON, NV 89011

ANNETTE E CANNON
103 - 7 TERR
MIAMI BEACH, FL 33139-1221

ARBOR HOLDINGS CORP
4835 COLLINS AVE 801
MIAMI BEACH, FL 33140

CHABAD LUBV OF VE CWY & S ISL INC
C/O ABRAHAM MANN
114 FARREY LANE
MIAMI BEACH, FL 33139

CHAD BRAVER
801 W DILIDO DR
MIAMI BEACH, FL 33139

CHARLES R LANGSTON &W KIMBERLY
814 W DILIDO DR
MIAMI BEACH, FL 33139-1154

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

CONCORDE INVESTMENTS OF MIA LLC
1691 MICHIGAN AVE #215
MIAMI BEACH, FL 33139-2560

DANIEL R LEWIS TRS
DANIEL R LEWIS REVOCABLE TRUST
845 E DILIDO DR
MIAMI BEACH, FL 33139

DANIEL STABILE
GINA STABILE
850 E DILIDO DR
MIAMI BEACH, FL 33139

DAVID S MANDEL &W NINA
821 E DILIDO DR
MIAMI BEACH, FL 33139-1241

DIAMOND SEAFRONT GROUP LLC
4322 NAUTILUS DR
MIAMI BEACH, FL 33140

EDNA BEN-ZVI
836 W DILIDO DR
MIAMI BEACH, FL 33139-1154

GABRIEL E SALLOUM
70336 PETIT ROAD
MANDEVILLE, LA 70471

ILR LLC
802 W DILIDO DR
MIAMI BEACH, FL 33139

ISAAC TOPEL
ELA BASULTO TOPEL
427 TERRACE AVE
HASBROUCK HEIGHTS, NJ 07604

IVAN P JECKLIN TRS
IVAN P JECKLIN 2019 MIAMI HOME TR
ALLISON P WEINSTEIN
3951 STILLMAN PARKWAY
GLEN ALLEN, VA 23060

KEVIN OBRIEN
ANDREA ROMERO
109 8TH DILIDO TERRACE
MIAMI BEACH, FL 33139

LA MARY LLC
811 E DILIDO DR
MIAMI BEACH, FL 33139-1241

MEYER OLEKSNIANSKI &W ITA
828 W DILIDO DR
MIAMI BEACH, FL 33139-1154

MICHAEL A SAMWAY &W JENNIFER L
114 8 TERR
MIAMI BEACH, FL 33139-1224

MICHAEL J ROSE
LUANNE CINDY ROSE
111 7 DILIDO TER
MIAMI BEACH, FL 33139-1213

MICHEL J ZEROLO
620 E DILIDO DR
MIAMI BEACH, FL 33139-1238

MIKE HEZEMANS
720 E DILIDO DR
MIAMI BEACH, FL 33139

MURRAY DESIGN & CONSTRUCTION LLC
4835 COLLINS AVENUE #801
MIAMI BEACH, FL 33140

MYAMY 700 LLC
700 W DILIDO DR
MIAMI BEACH, FL 33134

MYLES A CHEFETZ
714 W DILIDO DR
MIAMI BEACH, FL 33139

PEDRO GONZALEZ &W ISABEL
727 E DILIDO DR
MIAMI BEACH, FL 33139-1239

PETER R KASSABOV TRS
PETER R KASSABOV REVOCABLE TR
721 E DILIDO DR
MIAMI BEACH, FL 33139

RAMIN ALEYASIN
726 W DILIDO DR
MIAMI BEACH, FL 33139

ROBERT FRACASSO JR
630 W DILIDO DR
MIAMI BEACH, FL 33139-1158

ROBIN E KATZ
112 - 7 TERR
MIAMI BEACH, FL 33139-1222

ROSA MARIA UGALDE LE
HECTOR UGALDE LE
REM AILEEN UGALDE
108 8 DILIDO TER
MIAMI BEACH, FL 33139

SIMON A STRONG &W VILMA
725 W DILIDO DR
MIAMI BEACH, FL 33139-1155

SIMON NICHOLLS
815 W DILIDO DR
MIAMI BEACH, FL 33139

SWIMMER LAW ASSOCIATES PA TRS
SUS ONE FLORIDA LAND TRUST
1680 MICHIGAN AVE #1014
MIAMI BEACH, FL 33139

SWIMMER LAW ASSOCIATES TRS
ISU ONE FLORIDA LAND TRUST
1680 MICHIGAN AVE #1014
MIAMI BEACH, FL 33139

THE HAPPY SUNSET TR
EMANUEL D SEBAG
808 W DILIDO DR
MIAMI BEACH, FL 33139

THOMAS G SHERMAN
SILMA SHERMAN
715 E DILIDO DR
MIAMI BEACH, FL 33139-1239

CFN: 20160710768 BOOK 30340 PAGE 3611
DATE:12/12/2016 12:59:24 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 6, 2016

FILE NO: DRB16-0073

PROPERTY: **802 West Dilido Drive**

APPLICANT: 802 W Dilido LLC

LEGAL: Lot 21, Block 3, of "Dilido Island Subdivision", According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family home to replace an existing pre-1942 architecturally significant two-story home.

ORDER

The City of Miami Beach Design Review 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:

I. Design Review

A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.

B. 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 inconsistent with Design Review Criteria 2, 3, 5, 6, 7, 9, and 12 in Section 118-251 of the Miami Beach Code.

C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 802 West Dilido Drive shall be submitted, at a minimum, such drawings shall incorporate the following:

   a. The 70% limitation for the second floor volume shall be waived as proposed.

   b. The side open space requirement shall be waived as proposed.

c. The stone cladding proposed along the façades of the residence shall consist of a natural keystone or other natural stone, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The color and texture to match what is depicted in the submitted renderings and elevations.

d. The final design and details of the "louver façade" cladding proposed along the façades of the residence shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The color to match what is depicted in the submitted renderings and elevations.

e. Any fence or gate at the front of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

f. The final Design details and color selection of the coral stone cladding finish shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

g. The final Design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

h. 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.

i. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.

c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.

e. The amount of paving within the required front yard shall not be greater than 50% of the required front yard.

f. The architect shall relocate all side walkways to be as close as possible to the proposed residence in order to substantially increase the amount of potential planting landscape areas within the side yards, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

g. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

h. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.

i. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.

j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

k. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

Right-of-way areas shall also be incorporated as part of the irrigation system.

l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

o. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. *Design Review Approval* and II. *Variances*' noted above.

A. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the

contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.

C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy, a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

F. The Final 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.

G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

H. Nothing in this order authorizes a violation of 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 are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "San Marino Island Residence", as prepared by **Choeff Levy Fischman P.A.** dated 10/14/2016, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate

handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 9th day of December, 2016.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 9th day of December 2016 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

MONIQUE FONS
MY COMMISSION #GG031914
EXPIRES, SEP 19, 2020
Bonded through 1st State Insurance

_____
NOTARY PUBLIC
Miami-Dade County, Florida

My commission expires: 9/17/2020

Approved As To Form:
City Attorney's Office: _____ (12/9/16)

Filed with the Clerk of the Design Review Board on _____ (12/9/16)

F:\PLAN\$DRB\DRB16\12-06-2016\DEC 16 Final Orders\DRB16-0073 802 W Dilido Dr.DEC16.FO.docx