

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550Property address: 23 Star Island Dr. Board: DOADate: 1-12-2020**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 than 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	X
g	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	X

* 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: 

Property address: 23 Star Island Drive Pre-APP2t-0087

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 permit (provide building permit number).	X
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.	X
25	Required yards section drawings.	X
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)	
33	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
34	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	

Indicate N/A If Not Applicable

Initials: E

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Property address: 23 Star Island Drive - PreApp21-0087

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.	
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)	
a	Identify: setbacks <u>X</u> Height <u>X</u> Drive aisle widths _____ Streets and sidewalks widths <u>X</u>	<u>X</u>
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	<u>X</u>
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.	<u>X</u>
45	The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:	<u>X</u>
a	Section 118-353 (d) of the City Code for each Variance.	<u>X</u>
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: (Signature)

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305.673.7550

Property Address: 23 Star Island Drive - PreApp 21-0087

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

ITEM #	FINAL SUBMITTAL (via CSS & PAPER)	Required
	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.	
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)

Tracy Slavens

Applicant's or designee's Name

Tracy Slavens

Applicant's or designee's signature

1/13/2021

Date

Indicate N/A If Not Applicable

Initials: 

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 ZBA21-0126		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input checked="" type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 23 Star Island Dr., Miami Beach, FL 33139			
FOLIO NUMBER(S) 02-4204-001-0200			
Property Owner Information			
PROPERTY OWNER NAME Florida Property Holdco LLC			
ADDRESS C/o Berntson Porter & Co., PLLC, - 11100 NE 8th St. #400		CITY Bellevue	STATE WA
ZIP CODE 98004			
BUSINESS PHONE 305-814-8007	CELL PHONE	EMAIL ADDRESS floridapropertyholdcollc@rjpc.com	
Applicant Information (if different than owner)			
APPLICANT NAME Same			
ADDRESS Same		CITY	STATE
ZIP CODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Request for Board of Adjustment variance approval for permitted new two-story home located at 23 Star Island. Designed in collaboration between CLF Architecture & Design and Architect Eric Cobb Architects. The variances are: +4'-0" height extension increase for elevator bulkhead; Master Bedroom Balcony; roof structure extension over Master Bedroom balcony (+4'-0"); increase of maximum roof slab height (+4'-0") at basket ball court only; front site wall height increase (+6'-0") for a total of 13'-0" and FPL transformer to be allowed in the side setback			

Project Information			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Provide the total floor area of the new construction.		28,608	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area)		43,609	SQ. FT.
Party responsible for project design			
NAME Choeff Levy Fischman		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 8425 Biscayne Blvd., STE. 201		CITY MIAMI	STATE FL
		ZIPCODE 33138	
BUSINESS PHONE 305-434-8338	CELL PHONE	EMAIL ADDRESS rchoeff@clfarchitects.com	
Authorized Representative(s) Information (if applicable)			
NAME Tracy Slavens		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 701 Brickell Ave		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE 305-789-7642	CELL PHONE	EMAIL ADDRESS tracy.slavens@hklaw.com	
NAME Ralph Choeff		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other Architect	
ADDRESS 8425 Biscayne Blvd., STE. 201		CITY Miami	STATE FL
		ZIPCODE 33138	
BUSINESS PHONE 305-434-8338	CELL PHONE	EMAIL ADDRESS rchoeff@clarchitects.com	
NAME Paul Fischman		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other Architect	
ADDRESS 8425 Biscayne Blvd., STE. 201		CITY Miami	STATE FL
		ZIPCODE 331385	
BUSINESS PHONE 305-434-8338	CELL PHONE	EMAIL ADDRESS pfischman@clfarchitects.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".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- 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 foregoing 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 from 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**

Joseph Abadi

PRINT NAME

1/15/2021

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, 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: _____

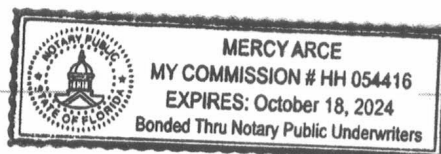
PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

I, Joseph Abadi, being first duly sworn, depose and certify as follows: (1) I am the Authorized Signatory (print title) of Florida Property Holdco 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 15 day of January, 2021. The foregoing instrument was acknowledged before me by Joseph Abadi, who has produced Driver's License as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLICMy Commission Expires: 10/18/2024**PRINT NAME**

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
 COUNTY OF Miami Dade

I, Robert Pera, 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 Joseph Abadi, Tracy Slavens, Ralph Choeff & Paul Fischman 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.

Robert Pera

PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 3rd day of February, 20 21. The foregoing instrument was acknowledged before me by Robert Pera, who has produced USA Passport as identification and/or is personally known to me and who did did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: Feb 26, 2021



[Signature]
NOTARY PUBLIC

Leeana Thompson
PRINT NAME

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.

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 is 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 Florida
 COUNTY OF Miami-Dade

I, Joseph Abadi, 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 cy Slavers, Ralph Choeff & Paul Fischman 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.

Joseph Abadi, Authorized Signatory

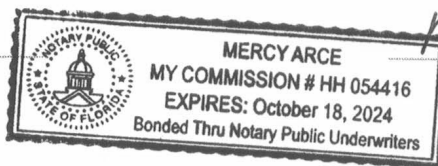
PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 15 day of January, 2021. The foregoing instrument was acknowledged before me by Joseph Abadi, who has produced Driver's License as identification and/or is personally known to me and who did did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 10/18/2024



Mx Arce

NOTARY PUBLIC

Mercy Arce

PRINT NAME

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.

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 is 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.

Florida Property Holdco LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Robert Pera

100%

C/O Berntson Porter

11100 NE 8th Street, 400

Bellevue, WA 98004

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.

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
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Ralph Choeff	Choeff Levy Fischman Architecture and Design 8425 Biscayne Blvd., Suite 201, Miami, FL, 33138	305-434-8338
Paul Fischman	Choeff Levy Fischman Architecture and Design 8425 Biscayne Blvd., Suite 201, Miami, FL, 33138	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.

APPLICANT AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

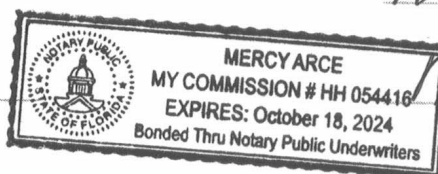
I, Joseph Abadi, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 15 day of January, 2021. The foregoing instrument was acknowledged before me by Joseph Abadi, who has produced Driver's License as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 10/18/2024



Mercy Arce
NOTARY PUBLIC
Mercy Arce
PRINT NAME

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, 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 means of _____ physical presence or _____ online notarization 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

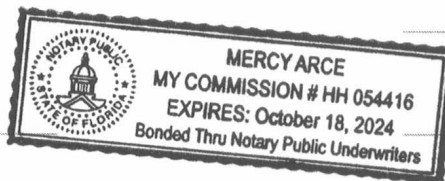
I, Joseph Abadi, being first duly sworn, depose and certify as follows: (1) I am the Authorized Signatory (print title) of Florida Property Holdco LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted 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

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NOTARY SEAL OR STAMP

My Commission Expires: 10/18/2024



NOTARY PUBLIC

Mercy Arce
PRINT NAME

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami Dade

I, Robert Pera, 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 Joseph Abadi, Tracy Slavens, Ralph Choeff & Paul Fischman 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.

Robert Pera**PRINT NAME (and Title, if applicable)**RP**SIGNATURE**

Sworn to and subscribed before me this 3rd day of February, 2021. The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization by Robert Pera, who has produced VSA passport as identification and/or is personally known to me and who did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: Feb 26, 2021Leeana Thompson**NOTARY PUBLIC**Leeana Thompson**PRINT NAME****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.

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 is 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 Florida
 COUNTY OF Miami-Dade

I, Joseph Abadi, 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 Tracy Slavens, Ralph Choeff & Paul Fischman 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.

Joseph Abadi, Authorized Signatory

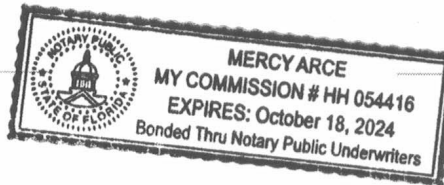
PRINT NAME (and Title, if applicable)

SIGNATURE

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NOTARY SEAL OR STAMP

My Commission Expires: 10/18/2024



M. Arce

NOTARY PUBLIC

Mercy Arce

PRINT NAME

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.

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

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**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.

Florida Property Holdco LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Robert Pera

100%

C/O Berntson Porter

11100 NE 8th Street, 400

Bellevue, WA 98004

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.

TRUST NAME	
NAME AND ADDRESS	% INTEREST

COMPENSATED LOBBYIST

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APPLICANT AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

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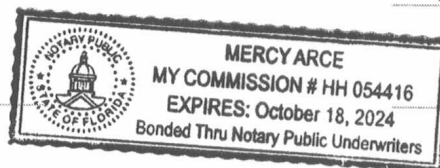
[Signature]
SIGNATURE

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NOTARY SEAL OR STAMP

[Signature]
NOTARY PUBLIC

My Commission Expires: 10/18/2024



Mercy Arce
PRINT NAME

Exhibit "A"

Property Address: 23 Star Island Dr. Miami Beach, Florida 33139

Legal Description:

LOT 23, AND THE NORTHERLY HALF OF LOT 24, STAR ISLAND CORRECTED PLAT, AS RECORDED
IN PLAT BOOK 31, AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.789.7642 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens, Esq.
305 789 7642
tracy.slavens@hklaw.com

January 19, 2021

VIA HAND DELIVERY

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

**Re: 23 Star Island Drive – File No. ZBA21-0126
Letter of Intent**

Dear Mr. Williams:

This shall constitute our Letter of Intent on behalf of Florida Property Holdco, LLC (the “Applicant”), in support of Application File No. ZBA21-0126 (the “Application”) to the Board of Adjustment (“BOA”) for approval of the variance requests set forth below for the property located at 23 Star Island Drive, Miami Beach, Florida (the “Property”). The Property is an approximately 1.85 acre pie-shaped waterfront lot, located on the northeast side of Star Island, and zoned RS-1. The Property is located on a cul-du-sac. Thus, does not meet the minimum 100 foot frontage requirement required for a typical RS-1 lot nor are its side lot lines parallel. The Property’s new, two-story, single-family residence is currently under construction. During the permit and construction process, the Applicant was made aware of certain variances that were required and is now seeking approval of the following variances in connection with the design of the residence as follows:

1. Variance approval of Section 142-105(b)(1) of the Land Development Regulations (LDRs) to permit a building height of 31’-0”, where 28’-0” is permitted (the “Roof Variance”); and
2. Variance approval of Section 142-105(b)(7) of the LDRs to permit the elevator bulkhead to exceed 14’-0” above the roofline, where 10’-0” is permitted (the “Elevator Variance”); and
3. Variance approval of Section 142-106(b)(13)d. of the LDRs to permit an exterior unenclosed balcony encroachment to exceed 25 percent of the required yard up to a

maximum projection of six feet, second story greater than 50% (the “Balcony Variance”); and

4. Variance approval of Section 142-106(b)(7) of the LDRs to permit a front perimeter wall of 10’-0”, where 7’-0” is permitted (the “Wall Variance”); and
5. Variance approval of Section 142-106(b)(13)m. of the LDRs to permit the encroachment of the electrical transformer and associated concrete pad, as required by Florida Power and Light (“FPL”), within the interior side setback (the “FPL Variance”); all five requests together are hereinafter referred to as the “Variances”).

As noted above, the Applicant has begun construction of the new home in accordance with the approved plans and it was subsequently determined that the Variances were required. As such, the Applicant has filed this application to the Board of Adjustment in accordance with Section 118-136(a)(2) of the City’s Land Development Regulations.

1. The Roof Variance: The variance of Section 142-105(b)(1) of the LDRs to permit a building height of 31’-0”, where 28’-0” is permitted, satisfies the applicable review criteria and should be approved:

The design for the residence contemplates a full-sized indoor basketball court. This is a private recreational amenity for the Applicant that will enhance the enjoyment of this extraordinary home. In the Covid and post-Covid eras, ensuring that a homeowner can achieve the maximum utility and enjoyment from their residence is of utmost importance. In order to do so, a variance from the maximum permitted height of a portion of the home is proposed. Without the variance, the structure will not meet its intended purpose.

(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 RS-1 district regulations provide for exceptions from the maximum height regulations and other encroachments, including recreational amenities. However, indoor basketball court structures were not taken into consideration by the LDRs. An indoor basketball court requires certain design considerations that are not typical of other components of a residence or its typical amenities. The design requires additional height to accommodate ball trajectories and hoops. This request is specific to this type of structure and is not applicable to other structures contemplated by the LDRs in this district.

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

The standard design for an indoor basketball structure was not created by the Applicant.

- (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 approval of the Roof Variance will not confer any special privilege on the Applicant. The Applicant is seeking to realize maximum utility and enjoyment from the residence, which is the same for every homeowner. No additional FAR or other benefits will be realized by the variance.

- (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;*

The LDRs contemplate a number of exceptions to the standard regulations for the required components of outdoor court games. However, as noted above, the LDRs do not provide exceptions relating to indoor court games even though it is reasonable that a homeowner with adequate land would desire to have their amenities indoors given the unpredictable, sometimes dangerous, and extremely hot South Florida weather. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant, negative impact to the design of the home.

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

The Roof Variance is being sought is for the minimum amount of additional height required to accommodate the indoor court only and will not apply to the remainder of the residence. The additional height is less than many of the other allowable height exceptions listed in the RS-1 district regulations.

- (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 granting of the Roof Variance will be in harmony with the general intent and purpose of the LDRs, which allows for private recreational amenities on single-family lots. This variance will not be injurious to the area or otherwise detrimental to the public welfare. The indoor court will be completely screened from view of abutting parcels by lush landscaping and a perimeter wall.

- (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 voting on the applicant's request.*

The Roof Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.*

The building is designed to meet or exceed all applicable sea level rise and resiliency review criteria.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Roof Variance.

2. The Elevator Variance: The variance of Section 142-105(b)(7) of the LDRs to permit the elevator bulkhead to exceed 14'-0" above the roofline, where 10'-0" is permitted, satisfies the applicable review criteria and should be approved:

The Elevator Variance is being sought as a result of the requirements for state-of-the-art elevator design, which requires minimal additional bulkhead height, and was determined to be necessary during the construction process. Without the variance, elevator will not meet its intended purpose.

- (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 design of the elevator requires additional height to accommodate the mechanical and electrical equipment necessary for this type of elevator being installed in the residence. This request is specific to this type of structure and is not applicable to other structures contemplated by the LDRs in this district.

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

The elevator infrastructure has been permitted and is already under construction. Technology for residential elevators is constantly evolving. It was only during the construction process that the need for the Elevator Variance was determined to accommodate the required mechanical and electrical equipment.

- (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 approval of the Elevator Variance will not confer any special privilege on the Applicant. It is necessary and typical for multi-story residences to include elevators in order to provide accessibility to the different levels of the home.

- (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;

As noted above, it is typical for multi-story residences to include elevators in order to provide accessibility to the different levels of the home. A denial would deprive the Applicant of their reasonable enjoyment of their Property and result in a significant, negative impact to the design, accessibility, and utility of the home.

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

The Elevator Variance is being sought is for the minimum amount of additional height required to accommodate the mechanical and electrical equipment in the elevator bulkhead. The bulkhead will not be visible to the neighboring properties.

- (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 granting of the Elevator Variance will be in harmony with the general intent and purpose of the LDRs, which provides height exceptions for elevator bulkheads. This variance will not be injurious to the area or otherwise detrimental to the public welfare. In accordance with Section 142-105(b)(6)f. of the LDRs, the elevator bulkhead will be located as close to the center of the roof as possible and be visually recessive such that it is not a vertical extension of the exterior building elevation.

- (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 voting on the applicant's request.*

The Elevator Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.*

The elevator is a necessary component of the single-family residence, which has been designed to meet or exceed all applicable sea level rise and resiliency review criteria.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Elevator Variance.

3. The Balcony Variance: The variance of Section 142-106(b)(13)d. of the LDRs to permit an exterior unenclosed balcony encroachment to exceed 25 percent of the required yard up to a

maximum projection of six feet, second story greater than 50%, satisfies the applicable review criteria and should be approved:

- (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 Property is a pie shaped lot, measuring approximately 66 feet wide in the front and 330 feet wide along the waterfront. It does not contain the standard 100 feet of frontage required for typical RS-1 lots and its side lot lines are not parallel. Similarly, the front and rear property lines are arced. The encroachment is triangular, which is indicative of the Property's irregular shape, and measures 4'-8" at its widest point and 11'-11" in length. The irregular width and shape of the lot are peculiar to this Property and have resulted in the encroachment of one balcony beyond the allowable 6 feet in the rear yard.

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

The Property's irregular shape results in special conditions and the need for unique design considerations that are not typical for an RS-1 lot. These conditions were not created by the Applicant and the architecture team has done its utmost to comply with the LDRs to the greatest extent possible.

- (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 approval of the Balcony Variance request will not confer any special privilege on the Applicant. All waterfront residences enjoy balconies and terraces that enhance the unique experience of their very special location. It is wholly appropriate to grant this variance based on the irregular shape of the Property.

- (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;*

The design of the residence was squeezed to the rear of the Property because of the irregular pie shape of the lot. As noted above, it is typical for a residence to be designed with balconies and terraces to embrace the tropical beauty of the waterfront, this is especially so on Star Island. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant negative impact to the design of the home.

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

The allowable encroachment is 6 feet. The Balcony Variance seeks a mere 4'-8" of additional encroachment. The balcony has been designed in a wholly reasonable manner to maximize views, cross-breezes, and enjoyment for the Applicant's home.

- (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 balcony is part of a stunning architectural design that was permitted as of right. The encroachment extends only an additional 4'-8" into the rear yard and will not be visible to the neighboring property owners. The request for the Balcony Variance is not unreasonable and does not result in any impacts to the surrounding property owners.

- (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 voting on the applicant's request.*

The Balcony Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.*

The balcony, which is part of an otherwise approved single-family residence is in compliance with the sea level rise and resiliency criteria set forth by the LDRs.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Balcony Variance.

4. The Wall Variance: The variance of Section 142-106(b)(7) of the LDRs to permit a front perimeter wall of 10'-0", where 7'-0" is permitted, satisfies the applicable review criteria and should be approved:

- (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 gates for the Property have been designed to provide safety, security, and privacy for the Applicant. Typically, a residence will have a hedge or accessory building along the front property line in addition to a gate. However, because the front property line is only 66 feet wide and a driveway, pedestrian access, FPL transformer box, and mailbox must be accommodated in that small space, neither a hedge or carriage house are feasible options.

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

As noted above, the Property's irregular shape, narrow frontage, and need for standard access and infrastructure components establish a special circumstance that did not result from the action of the Applicant.

- (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 approval of the Wall Variance request will not confer any special privilege on the Applicant. In fact, the approval of the requested variance will not result in the character of the neighborhood. As shown on Sheet G-4 of the enclosed plans, each of the surrounding properties have gates and hedges that well exceed the allowable 6 foot wall height.

- (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;*

The literal interpretation of the Land Development Regulations and denial of this request would deprive the Applicant of the expectation that they would be permitted to have an entrance design similar to what is existing in the surrounding area. The Applicant should be afforded their right to privacy, safety, and security, which is enjoyed by all of the surrounding properties as shown on Sheet G-4 of the enclosed plans.

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

The Wall Variance will allow the wall to be an additional 4 feet tall for a total height of 10 feet. This is the typical height of the accessory carriage houses, ficus hedges, and entrance features of the surrounding homes. This height will not have a negative effect on the character of the street or on the Property. The height of the wall is compatible with the scale of the Applicant's new home and of their neighbors' homes and entrances.

- (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*

As described above and as shown on Sheet G-4 of the enclosed plans, the Balcony Variance request is reasonable and appropriate for the scale and design of the residence. Additionally, it will not be injurious to the area given its compatibility with the scale of the surrounding homes and their respective entrances.

- (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 voting on the applicant's request.

The granting of the Wall Variance is consistent with the comprehensive plan and does not reduce any levels of service for infrastructure set forth in the plan. The Applicant acknowledges that the Director may request additional documentation and will comply with any such requests.

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

The wall is a necessary component of the main residence, which has been designed to meet or exceed all applicable sea level rise and resiliency review criteria.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Wall Variance.

5. The FPL Variance: The variance of Section 142-106(b)(13)m. of the LDRs to permit the encroachment of the electrical transformer and associated concrete pad, as required by FPL, within the interior side setback, satisfies the applicable review criteria and should be approved:

(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 Applicant intended to comply with all applicable regulations and did not realize that it had encroached into the required side yard when the FPL box and associated pad (the "FPL Box") were approved by FPL, which was in accordance with the utility's instructions and state regulations. Given the Property's extremely narrow frontage, the FPL Box is situated in the least obtrusive location within the Property and closest to the FPL facilities in the abutting right of way and utility easement. The location of the utility infrastructure in the right of way and utility easement are determined by FPL and may vary from one parcel to the next.

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

The location of the utility infrastructure in the right of way and utility easement were approved by FPL. The location of the FPL Box on the Property was determined by FPL to be the appropriate site for an efficient connection to the abutting utility infrastructure. Rule 25-6.0341, F.A.C., allows the location of the transformer facilities where ever is determined appropriate by FPL. This provision grants FPL the authority and flexibility it needs to ensure proper electrical service is provided to a single-family home as efficiently as possible.

- (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 approval of the FPL Variance will not confer any special privilege on the Applicant. In fact, the approval will ensure that the Applicant remains in compliance with FPL requirements, that the FPL Box will remain concealed in a discreet location, and that it will not create any visual impacts from the street or for neighboring property owners.

- (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;*

FPL Variance is needed to ensure that the Applicant is not deprived of the right to conceal the FPL Box and to relocate it would create a hardship. FPL confirmed the location of FPL Box and specifically located it adjacent to its utility infrastructure and the electrical transformers on the abutting parcel. The Applicant complied with FPL's requirements. To require the relocation of the FPL Box would result in a complete redesign of the entrance to the home and may eliminate the pedestrian access. This would create a significant hardship for the Applicant.

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

The FPL Variance is a minimal encroachment and will not impact access to the side yard or have a negative effect on the adjacent property or the remainder of the Property.

- (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 FPL Variance will ensure that the Applicant remains in compliance with FPL requirements, that the FPL Box will be concealed in a discreet location, and that it will not create any visual impacts from the street or for neighboring property owners. The Applicant is seeking to accommodate the FPL Box as installed and approved by FPL. This request is appropriate and will have no negative impacts on the community.

- (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 voting on the applicant's request.*

The granting of this request is consistent with the comprehensive plan and does not reduce any levels of service for infrastructure set forth in the plan. The Applicant notes that

additional documentation may be required by the Director and will comply with any such requests.

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

The FPL Box is designed to meet or exceed all applicable sea level rise and resiliency review criteria in accordance with the LDRs.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the FPL Variance.

The enclosed plans provide all applicable details relating to the Variances. Overall, the aesthetics, appearance, physical attributes, safety, and function of the Variances as they relate to the main residence are adequate in relation to the site, and compatible with adjacent structures and surrounding community.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to these requests. If you should have any questions or require additional information, please feel free to call me directly at 305-789-7642.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

A handwritten signature in blue ink, reading "Tracy Slavens".

Tracy R. Slavens, Esq.

Enclosures

ZBAA21-0126 – 23 Star Island Drive :: BOA - Comment Response Narrative

2021 0205

Planning Department Review - Fail

Steven Williams - email: StevenWilliams2@miamibeachfl.gov

Comments:

- Foundation plans are not needed, please omit them from the final submittal.
Response: Noted – they have been eliminated from the final submission package
- Please combine all architectural sheets into one document, with the sheets in order.
Response: Noted – unfortunately, the City's portal will not accept file uploads of more than 15MB, this is the reason the package has been separated
- According to sheet A-11, Sheet A-32 is supposed to have a section through the elevator and lobby. However, sheet A-32 does not show the elevator or lobby on the roof.
Response: Noted – section mentioned is now on page A-34 and section markers throughout have been coordinated
- Does the proposed elevator lobby match the size of the elevator lobby shown on the building permit?
Response: We did not propose the elevator and corresponding vestibule/lobby during the building permit process – this would provide another means to access the Roof Terrace
- Do you have documentation to support the explanation for the elevator height variance?
Response: Please see attached letter and schematic engineering drawing provided by Jenkins + Huntington, our elevator consultant for this project indicating the 14'-0" elevator over run

Ideally we would like to not depress the lobby/vestibule slab below the roof terrace/slab from a waterproofing perspective – that was the reason we requested 4'-0" originally for the proposed elevator bulkhead
- Sheet A-23, please clarify if there is a parapet that extends beyond the elevator bulkhead.
Response: Yes, there's an 8" parapet for the bulkhead and the vestibule/lobby to accommodate roof slab sloping to drain and to accommodate the aluminum composite wall cladding wrapping up and over the parapet, much in the same manner throughout the project.
- On sheet A-8, provide the overall projection of the balcony.
Response: Noted – please refer to revised sheet A-8 for overall dimensions in both directions
- Please combine all landscape sheets into one document, with the sheets in order.
Response: Noted – unfortunately, the city's portal will not accept file uploads of more than 15MB, this is the reason the package has been separated
- The title block on the plans state "DRB Submission". This application is or the BOA.
Response: Noted – the titleblock for all sheets has been revised to indicate BOA – Final Submittal
- A survey has not been provided.
Response: Noted – a copy of the updated survey has been provided within the submittal and an individual S+S document is provided separately
- On sheet A-8, provide the overall projection of the balcony.
Response: Noted – please refer to revised sheet A-8 for overall dimensions in both directions
- Per section 118-353(a) of the LDRs, height variances may not exceed 3'-0". The requested Variance no. 2 is a 4'-0" variances.
Response: Noted – variance request has been revised to 3'-0"

- Variance No2, is it only for the elevator bulkhead or is it also for the elevator lobby?
Response: We would like to have the elevator slab and vestibule/lobby slab at the same height for roof drainage purposes, since plumbing and drainage lines are not permitted within the elevator shaft – that's the reason we offset the roof drains towards the lobby/vestibule; refer to 2/A-11 for elevator bulkhead roof plan
- Do you have any independent documentation that recommends a minimum floor to ceiling height for an indoor basketball court?
Response: Please see attached guide - Gymnasium Equipment Court Design and Rules – pg.3 number 2 (highlighted); recommendation is for a minimum clear height of 25'-0"



February 8th, 2021

RESPONSE TO RECOMMENDATIONS, CITY OF MIAMI BEACH

Job address: 23 Star Island Dr, Miami Beach-FL, 33139

LANDSCAPE RECOMMENDATIONS (Ricardo Guzman):

1. Provide a monthly Tree Report inclusive of maintenance plan to monitor the health of the relocated tree prepared by a Certified Arborist for the native specimen size *Ficus aurea* identified as tree #90 on the Tree Disposition Plan for the review and approval of Planning staff in close consultation with Urban Forestry.

Response:

Monthly Tree Reports are being issued monthly since relocation and the first three reports are included in this submission.

2. Any proposed fencing and/or driveway construction proposed within the rootzone adjacent to the native specimen size Gumbo Limbo Tree identified as tree #10 on the Tree Disposition Plan shall be reviewed by Planning staff in close consultation with Urban Forestry.

Response:

The tree protection fence has been installed, review and approved by Urban Forestry.

If you have questions or concerns regarding the landscape plans, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Carolina Monteiro".

Carolina Monteiro, RLA

CLAD, LLC

(786) 253-7017

carolina@cladlandscape.com

Office: +1 (786) 536-6076
Cell: +1 (786) 253-7017

@cladlandscape
www.cladlandscape.com
info@cladlandscape.com

8020 NE 4th Ave.
Studio 113
Miami, FL 33138



January 15, 2021

**City of Miami Beach
Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139**

RE: Property Owners List within 375 feet of:

LEGAL DESCRIPTION:

Lot 23 and the Northerly half of Lot 24, of **PLAT OF STAR ISLAND IN BISCAYNE BAY**, as recorded in Plat Book 5, at Page 52, as affected by **CORRECTED PLAT STAR ISLAND IN BISCAYNE BAY**, according to the Plat thereof, as recorded in Plat Book 31, Page 60 of the Public Records of Miami-Dade County, Florida.

LOCATION: 23 Star Island Drive, Miami Beach FL 33139

FOLIO: 02-4204-001-0200

PREPARED FOR: HOLLAND & KNIGHT LLP

ORDER: 210107

Total number of property owners without repetition: 8

This is to certify that the attached ownership list, map and mailing matrix is a complete and accurate representation of the real estate property and property owners within 375 feet of the subject property listed above. This reflects the most current records on the file in Miami-Dade County Tax Assessor's Office.

Sincerely,

THE ZONING SPECIALISTS GROUP, INC.

Omara R. Lopez
For the Firm

7729 NW 146th Street • Miami Lakes, FL 33016

Phone: 305 828-1210

www.thezoningspecialistsgroup.com

OWNERS LIST

THE FOLLOWING ARE PROPERTY OWNERS WITHIN A 375-FOOT RADIUS OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY

LEGAL DESCRIPTION:

Lot 23 and the Northerly half of Lot 24, of **PLAT OF STAR ISLAND IN BISCAYNE BAY**, as recorded in Plat Book 5, at Page 52 , as affected by **CORRECTED PLAT STAR ISLAND IN BISCAYNE BAY**, according to the Plat thereof, as recorded in Plat Book 31, Page 60 of the Public Records of Miami-Dade County, Florida.

LOCATION: 23 Star Island Drive, Miami Beach FL 33139

FOLIO: 02-4204-001-0200

PREPARED FOR: HOLLAND & KNIGHT LLP

ORDER: 210107

Star Island Corrected Pl PB 31-60 Lots 16 Thru 20 & Lot 21 Less Parcel ON
Ely Port Having 52.66Ft On Bay & 10.53Ft On Star Island
Property address: 21 Star Island Dr
Folio number: 0242040010190

Phillip Frost & W Patricia
21 Star Island Dr
Miami Beach, FL 33139-5147

Star Island Corr Pl PB 31-60 Lot 22 & Portion Lot 46 Des In Db 3752-331
Property address: 22 Star Island Dr
Folio number: 0242040010191

Donna Forlizzi Trs Hopadrepo Trust
22 Star Island Dr
Miami Beach, FL 33139-5146

Star Island Corr Pl PB 31-60 Lot 23 & N1/2 Lot 24

Property address: 23 Star Island Dr
Folio number: 0242040010200

Florida Property Holdco LLC Co
Berntson Porter And Company
11100 NE 8th St., #400
Bellevue, WA 98004-4469

Star Island Corr Pl PB 31-60 S1/2 Of Lot 24 & All Of Lot 25 & 26
Property address: 26 Star Island Dr
Folio number: 0242040010210

Garden Islands International LLC
2525 Ponce De Leon Blvd., Fl 4
Coral Gables, FL 33134-6044

4 54 42 Star Island Corr Pl PB 31-60 Lot 27
Property address: 27 Star Island Dr
Folio number: 0242040010230

Starboard Florida IV LLC
118 N Peters Rd # 132
Knoxville, TN 37923-4927

Star Island Carr Pl PB 31-60 Lot 28

Property address: 28 Star Island Dr
Folio number: 0242040010235

Mip 28 Star Island LLC
C/O Rodrigo V Moscoso
5 E 59th St., Fl 4th
New York, NY 10022-7163

Star Island Corr Pl PB 31-60 Unnumbered Tract Lying Between East
& WestDr
Property address:
Folio number: 0242040010390

City Of Miami Beach City Hall
1700 Convention Center Dr
Miami Beach, FL 33139-1819

Star Island Corr Pl PB 31-60 Portion Of Lots 46 & 21 Des In Db 3781-511

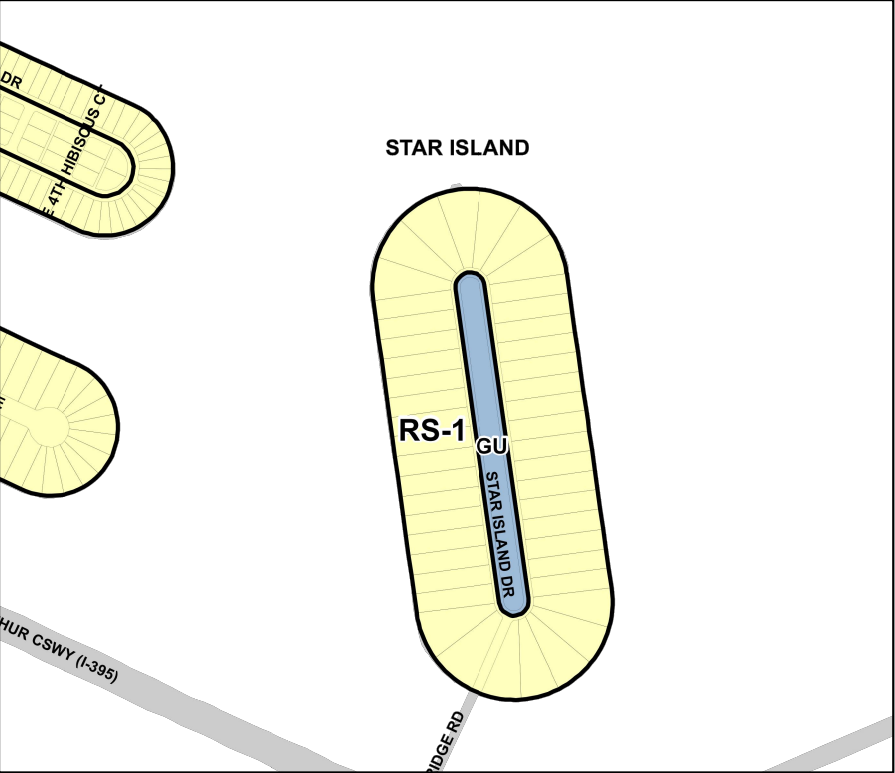
Property address: 46 Star Island Dr

Folio number: 0242040010410

Marco R Iacovelli

46 Star Island Dr

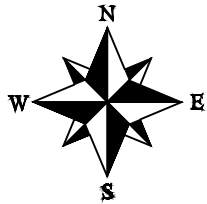
Miami Beach, FL 33139-5146



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LOCATION: 23 Star Island Drive, Miami Beach FL 33139
FOLIO: 02-4204-001-0200
PREPARED FOR: HOLLAND & KNIGHT LLP

ORDER: 210107
DATE: January 14, 2021



SCALE: 1"= 150'

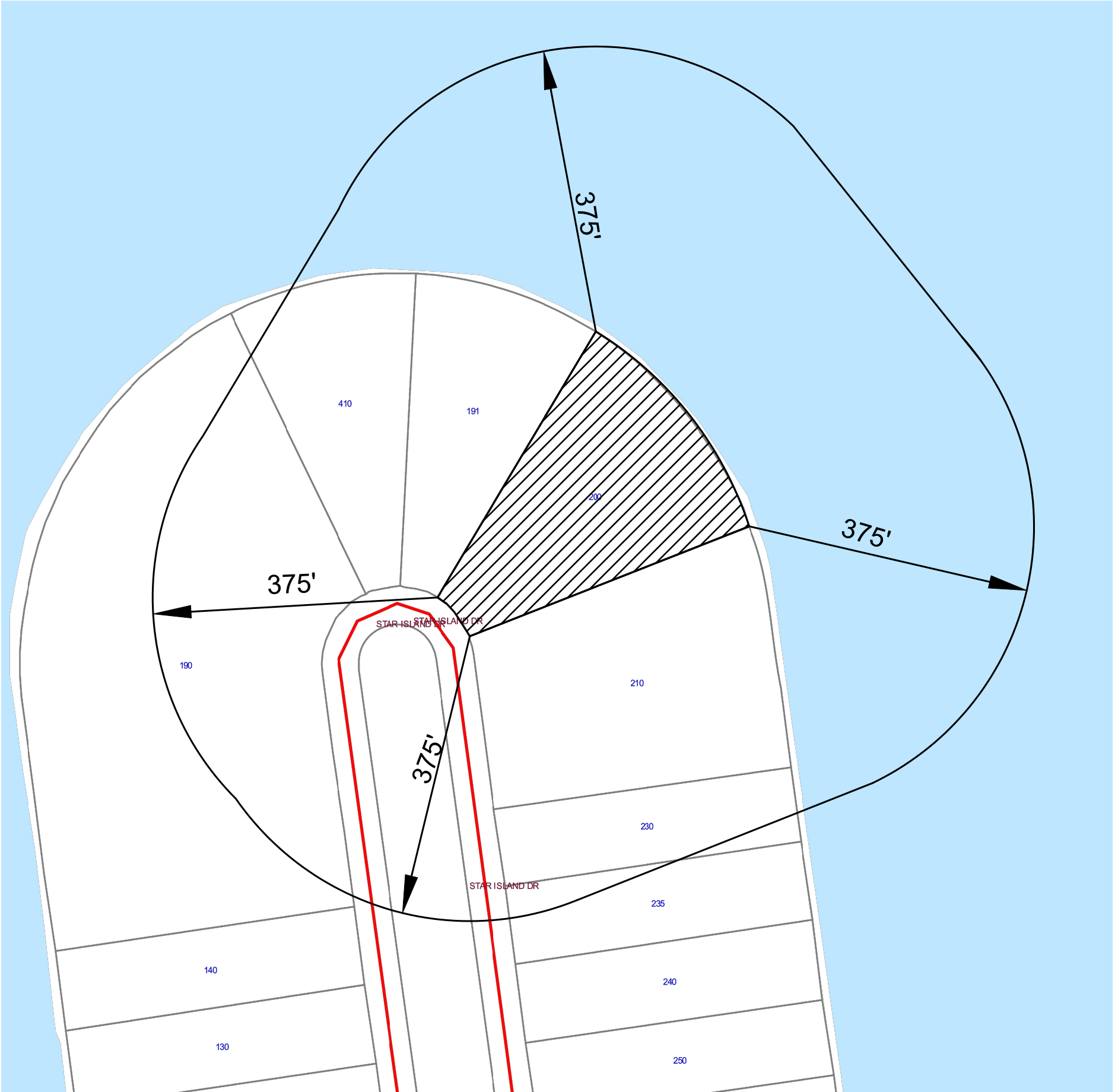


The Zoning Specialists Group, Inc.

7729 NW 146th Street
Miami Lakes FL 33016
Ph: (305) 828-1210

www.thezoningspecialistsgroup.com

375-FOOT RADIUS MAP:



Phillip Frost & W Patricia
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Miami Beach, FL 33139-5147

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Order number: 210107
Total non-repetitive labels: 8