

MIAMI BEACH

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 DRB22-0877 | | Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report) | |
| Board of Adjustment <input 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 checked="" 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 5446 N. Bay Road, Miami Beach, FL 33140 | | | |
| FOLIO NUMBER(S) 02-3215-003-180 | | | |
| Property Owner Information | | | |
| PROPERTY OWNER NAME XI LLC, a Florida LLC, as Trustee of the Haudenosaunee Trust u/t/d 12/18/2017 (a Florida Land Trust pursuant to F.S. 689.073) | | | |
| ADDRESS ONE SE THIRD AVE. SUITE 2250 | | CITY Miami | STATE FL |
| ZIP CODE 33131 | | | |
| BUSINESS PHONE (305) 372-5924 | CELL PHONE | EMAIL ADDRESS ckalil@aballi.com | |
| Applicant Information (if different than owner) | | | |
| APPLICANT NAME | | | |
| ADDRESS | | CITY | STATE |
| ZIP CODE | | | |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| Summary of Request | | | |
| PROVIDE A BRIEF SCOPE OF REQUEST Design Review Board approval of an elevator bulkhead variance request pursuant to City of Code of Ordinances (the "Code") Section 142-105(b)(7)f. | | | |

| | | | |
|--|------------------------------|--|--|
| Project Information | | | |
| Is there an existing building(s) on the site? | | <input checked="" type="checkbox"/> Yes | <input 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. | | | 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 Charles Riba | | <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 1828 BAY ROAD #301 | | CITY Miami Beach | STATE FL ZIPCODE 33139 |
| BUSINESS PHONE (305)763-8376 | CELL PHONE | EMAIL ADDRESS charles@thirlwalldesign.com | |
| Authorized Representative(s) Information (if applicable) | | | |
| NAME Tracy R. Slavens | | <input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS 3800 NE 1st Avenue, Suite 200 | | CITY Miami | STATE FL ZIPCODE 33137 |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS tslavens@lsnlaw.com | |
| NAME Jessica Browdy | | <input type="checkbox"/> Attorney <input checked="" type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS 2565 Windham Ct | | CITY Delray Beach | STATE FL ZIPCODE 33445 |
| BUSINESS PHONE | CELL PHONE (786) 877-2884 | EMAIL ADDRESS Jessica@JKellyAdvisors.com | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |

Please note the following information:

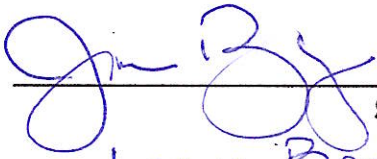
- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the 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".
- 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 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



 JESSICA BROWDY

SIGNATURE**PRINT NAME**

8/15/22

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Palm Beach

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 PALM BEACH

I, Jessica Browdy, being first duly sworn, depose and certify as follows: (1) I am the Authorized Representative under POA (print title) of XI LLC, as trustee of the Haudenosaunee Trust, U/T/D 12/18/2017 (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.

Sworn to and subscribed before me this 10th day of August, 2022. The foregoing instrument was acknowledged before me by Jessica Browdy, who has produced FC DL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

SIGNATURE**NOTARY PUBLIC**My Commission Expires: 10/18/2025**PRINT NAME**

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH

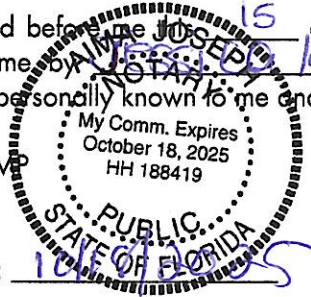
I, Jessica Browdy, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Tracy Slavens to be my representative before the Design Review Board Board. (3) I also hereby 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.

JESSICA BROWDY
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me 15 day of AUGUST, 2022. The foregoing instrument was acknowledged before me by Jessica Browdy, who has produced PC DL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: 10/18/25

[Signature]
NOTARY PUBLIC
Aimea Joseph
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 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.

| NAME OF CORPORATE ENTITY | |
|---------------------------------|----------------|
| NAME AND ADDRESS | % OF OWNERSHIP |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

| NAME OF CORPORATE ENTITY | |
|---------------------------------|----------------|
| NAME AND ADDRESS | % OF OWNERSHIP |
| | |
| | |
| | |
| | |
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| | |
| | |

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.

XI LLC, as Trustee of the Haudenosaunee Trust U/T/D 12/18/2017, a Florida Land Trust pursuant to F.S. 689.073

| TRUST NAME | |
|-----------------------------------|------------|
| NAME AND ADDRESS | % INTEREST |
| See attached organizational chart | |
| | |
| | |
| | |
| | |
| | |
| | |

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 |
|----------------------------|--|---------------------|
| <u>Tracy Slavens, Esq.</u> | <u>3800 NE 1st Ave #200 Miami FL 33137</u> | <u>305-673-2585</u> |
| <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> |

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

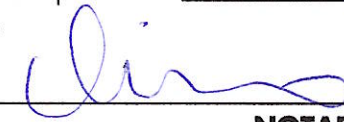
COUNTY OF PALM BEACH

I, Jessica Browdy, 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 15 day of August, 2022. The foregoing instrument was acknowledged before me by Jessica Browdy, who has produced FC DL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

 My Commission Expires 25


NOTARY PUBLIC
Anna Joseph
PRINT NAME

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that CRAIG P. KALIL as the Manager of SOLE ADMIN L.L.C., in its capacity as Manager of XI LLC, as Trustee of the Haudenosaunee Trust u/t/d December 18, 2017 (hereinafter referred to as the "Trustee"), and by these presents does hereby make, constitute and appoint, Jessica K. Browdy, President of J Kelly Advisors, Inc., a Florida corporation, an authorized signatory of the Company for the specific purpose of executing any Land Use Board Applications and associated necessary documents for the purpose of submitting and progressing an application before the Miami Beach Planning Department, under File Number DRB22-0877 seeking a variance for the real property located at 5446 N. Bay Road, Miami Beach, Florida 33140, (the "Property") and in connection specifically therewith appointing her as the true and lawful Authorized Representative of the Company, however this Limited Power of Attorney shall not confer any right to sell, convey, mortgage or otherwise encumber the Property or the assets of the corporation or the Trustee.

This Power of Attorney shall remain in full force and effect until such time as expressly revoked by the Trustee or surrendered by the Attorney-in-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of August, 2022.

Signed, sealed and delivered in
the presence of:

Witnesses

Viviana Portanova
Print Name: Viviana Portanova

Stephanie Diaz
Print Name: Stephanie Diaz

XI LLC, as Trustee of the Haudenosaunee Trust
u/t/d December 18, 2017

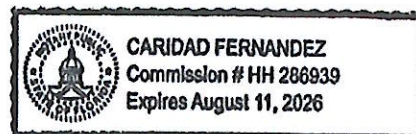
By: SOLE ADMIN L.L.C., Manager

By: Craig P. Kalil
Craig P. Kalil, Manager

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

The foregoing instrument was acknowledged before me by means of physical presence, this 12th day of August, 2022 by CRAIG P. KALIL in his capacity as Manager of SOLE ADMIN L.L.C., Manager of XI LLC, as Trustee of the Haudenosaunee Trust u/t/d December 18, 2017, and who is personally known to me.

Caridad Fernandez
NOTARY PUBLIC, State of Florida



Arturo J. Aballi
Hendrik G. Milne
Craig P. Kalil
Joshua D. Poyer
Renee D. Tischler
Shareholders

Aballi Milne Kalil, P.A.
a Florida Professional
Corporation
Sole Member of Sole Admin
L.L.C.

Sole Admin L.L.C. a Florida
Limited Liability Company -
Manager of South Florida
Consolidated Holdings LLC

SOUTH FLORIDA
CONSOLIDATED
HOLDINGS LLC
a Florida Limited Liability
Company

Sole Admin L.L.C.
Manager of XI LLC

XI LLC
a Florida Limited
Liability Company

**XI LLC, a Florida Limited Liability Company as
Trustee of the HAUDENOSAUNEE TRUST
u/t/d December 18, 2017**

5466 North Bay Rd.,
Miami Beach, FL 33149




Exhibit "A"

Legal Description

Lots 3 and 4, in Block 14, of LA GORCE GOLF SUBDIVISION, according to the plat thereof, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida, less that portion of Lot 4 described as:

Begin at Northeast corner of Lot 5, Block 14, La Gorce Golf Subdivision, as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida; thence West along a line parallel to the South line of said Lot 5 for a distance of 163.60 feet, more or less, to the West line of Lot 4; thence South along the West line of Lot 4, to the Southwest corner of said Lot 4; thence East along the South line of said Lot 4, for a distance of 163.80 feet more or less, to the Point of Beginning.



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/12/2022

| Property Information | |
|----------------------|--|
| Folio: | 02-3215-003-1800 |
| Property Address: | 5446 N BAY RD Miami Beach, FL 33140-2032 |
| Owner | XI LLC TRS C/O ABALLI MILNE KALIL PA HAUDENOSAUNEE TRUST |
| Mailing Address | 1 SE 3 AVE STE 2250 MIAMI, FL 33131 USA |
| PA Primary Zone | 0800 SGL FAMILY - 1701-1900 SQ |
| Primary Land Use | 0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT |
| Beds / Baths / Half | 7 / 8 / 2 |
| Floors | 2 |
| Living Units | 1 |
| Actual Area | 15,125 Sq.Ft |
| Living Area | 11,339 Sq.Ft |
| Adjusted Area | 12,211 Sq.Ft |
| Lot Size | 30,740 Sq.Ft |
| Year Built | 2014 |



| Assessment Information | | | |
|------------------------|--------------|--------------|--------------|
| Year | 2022 | 2021 | 2020 |
| Land Value | \$16,199,980 | \$10,789,740 | \$9,222,000 |
| Building Value | \$10,833,886 | \$10,878,385 | \$10,994,112 |
| XF Value | \$78,836 | \$79,678 | \$80,521 |
| Market Value | \$27,112,702 | \$21,747,803 | \$20,296,633 |
| Assessed Value | \$20,252,698 | \$19,662,814 | \$19,391,336 |

| Benefits Information | | | | |
|--|----------------------|-------------|-------------|-----------|
| Benefit | Type | 2022 | 2021 | 2020 |
| Save Our Homes Cap | Assessment Reduction | \$6,860,004 | \$2,084,989 | \$905,297 |
| Homestead | Exemption | \$25,000 | \$25,000 | \$25,000 |
| Second Homestead | Exemption | \$25,000 | \$25,000 | \$25,000 |
| Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional). | | | | |

| Short Legal Description |
|----------------------------------|
| LA GORCE SUB PB 14-43 |
| LOT 3 & LOT 4 LESS BEG AT NE COR |
| LOT 5 W PAR TO S/L LOT 5 FOR |
| 163.6FT M/L TO W/L LOT 4 S TO SW |
| COR LOT 4 E163.8FT M/L TO POB |

| Taxable Value Information | | | |
|---------------------------|--------------|--------------|--------------|
| | 2022 | 2021 | 2020 |
| County | | | |
| Exemption Value | \$50,000 | \$50,000 | \$50,000 |
| Taxable Value | \$20,202,698 | \$19,612,814 | \$19,341,336 |
| School Board | | | |
| Exemption Value | \$25,000 | \$25,000 | \$25,000 |
| Taxable Value | \$20,227,698 | \$19,637,814 | \$19,366,336 |
| City | | | |
| Exemption Value | \$50,000 | \$50,000 | \$50,000 |
| Taxable Value | \$20,202,698 | \$19,612,814 | \$19,341,336 |
| Regional | | | |
| Exemption Value | \$50,000 | \$50,000 | \$50,000 |
| Taxable Value | \$20,202,698 | \$19,612,814 | \$19,341,336 |

| Sales Information | | | |
|-------------------|--------------|--------------|---------------------------|
| Previous Sale | Price | OR Book-Page | Qualification Description |
| 12/20/2017 | \$21,675,000 | 30807-0291 | Qual by exam of deed |
| 11/30/2012 | \$9,600,000 | 28381-3902 | Qual by exam of deed |
| 09/01/1979 | \$650,000 | 10517-1405 | Sales which are qualified |
| 09/01/1977 | \$395,000 | 09818-0881 | Sales which are qualified |