



## Application 08052022 - executed.pdf

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Pages: 9  
Electronic Notary: Yes / State: FL

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### E-Signature Summary

**E-Signature Notary: Betty Llerena (BII)**  
August 08, 2022 15:09:19 -8:00 [DCBDFB46FBC3] [162.244.152.118]  
bllerena@brzoninglaw.com



# MIAMIBEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://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 PB22-0554		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)	
<b>Board of Adjustment</b> <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		<b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<b>Planning Board</b> <input checked="" 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		<b>Historic Preservation Board</b> <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 1717-1731 Collins Avenue, Miami Beach, Florida 33139			
FOLIO NUMBER(S) 02-3234-019-0450, 02-3234-019-0480			
Property Owner Information			
PROPERTY OWNER NAME Chisholm Properties So Beach Inc./ Deirdre Mirmelli Revocable Trust			
ADDRESS 1717 Collins Avenue		CITY Miami Beach	STATE FL
ZIPCODE 33139			
BUSINESS PHONE (305) 779-3808	CELL PHONE (305) 609-6774	EMAIL ADDRESS robert@balzebre.com	
Applicant Information (if different than owner)			
APPLICANT NAME Chisholm Properties So Beach Inc			
ADDRESS 1717 Collins Avenue		CITY Miami Beach	STATE Florida
ZIPCODE 33139			
BUSINESS PHONE (305) 779-3808	CELL PHONE	EMAIL ADDRESS robert@balzebre.com	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Conditional Use Permit for limited outdoor entertainment and Neighborhood Impact Establishment in rear yard.			

F684D512-70BD-4E53-917F-7784EB84B2F4 --- 2022/08/08 14:49:01 -8:00



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 <b>Luis Andino</b>		<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 <b>360 NW 27 Street</b>		CITY <b>Miami</b>	STATE <b>FL</b> ZIPCODE <b>33127</b>
BUSINESS PHONE <b>786-589-0246</b>	CELL PHONE	EMAIL ADDRESS <b>myspecializedsolutions@gmail.com</b>	
Authorized Representative(s) Information (if applicable)			
NAME <b>Michael W. Larkin</b>		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS <b>200 S. Biscayne Boulevard, Suite 300</b>		CITY <b>Miami</b>	STATE <b>FL</b> ZIPCODE <b>33131</b>
BUSINESS PHONE <b>305-374-5300</b>	CELL PHONE	EMAIL ADDRESS <b>mlarkin@brzoninglaw.com</b>	
NAME <b>Nicholas Rodriguez-Caballero</b>		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS <b>200 S. Biscayne Boulevard, Suite 300</b>		CITY <b>Miami</b>	STATE <b>FL</b> ZIPCODE <b>33131</b>
BUSINESS PHONE <b>305-374-5300</b>	CELL PHONE	EMAIL ADDRESS <b>nrodriguez@brzoninglaw.com</b>	
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

DocuSigned by:

*Robert Balzebre*

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**SIGNATURE**

Robert Balzebre

**PRINT NAME**

08/08/2022

**DATE SIGNED**

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, N/A, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

**SIGNATURE**

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

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

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

I, Robert Balzebre, being first duly sworn, depose and certify as follows: (1) I am the President (print title) of Chisholm Properties So Beach Inc (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.

DocuSigned by:

Robert Balzebre

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**SIGNATURE**

Sworn to and subscribed before me this \_\_\_\_\_ day of 08/08/2022, 20\_\_\_\_. The foregoing instrument was acknowledged before me by Robert Balzebre, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

Betty Llerena  
Signed on 2022/08/08 15:09:19 -0500

**NOTARY PUBLIC**

My Commission Expires

Betty Llerena

**PRINT NAME**

**POWER OF ATTORNEY AFFIDAVIT**STATE OF FloridaCOUNTY OF Miami-DadeI, Robert Balzabre

, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael W. Larkin, Nicholas Rodriguez-Caballero and Luis Andino to be my representative before the Planning 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.

Robert Balzabre**PRINT NAME (and Title, if applicable)**

DocuSigned by:

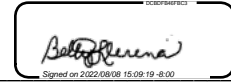
Robert Balzabre8EE3D58B94774C6  
**SIGNATURE**

Sworn to and subscribed before me this 08/08/2022 day of 08/08/2022, 2022. The foregoing instrument was acknowledged before me by Robert Balzabre, who has produced XXXXXX as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

**NOTARY PUBLIC**Betty Llerena**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.

N/A**NAME****DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.



**DISCLOSURE OF INTEREST**  
**CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

Chisholm Properties So Beach Inc

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit B - Disclosure of Interest

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.

Deirdre Mirmelli Irrevocable Trust

TRUST NAME	
NAME AND ADDRESS	% INTEREST
See Exhibit B - Disclosure of Interest	

F684D512-70BD-4E53-917F-7784EB84B2F4 --- 2022/08/08 14:49:01 -8:00



**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>Michael W. Larkin</u>	<u>200 S. Biscayne Boulevard, Suite 300</u>	<u>305-374-5300</u>
<u>Nicholas Rodriguez-Caballero</u>	<u>200 S. Biscayne Boulevard, Suite 300</u>	<u>305-374-5300</u>
<u>Luis Andino</u>	<u>360 NW 27 Street</u>	<u>786-589-0246</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 Miami-Dade

I, Robert Balzebre, 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.

Signed By:  
Robert Balzebre

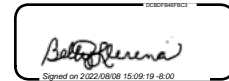
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**SIGNATURE**

Sworn to and subscribed before me this 08/08/2022 day of August, 2022. The foregoing instrument was acknowledged before me by Robert Balzebre, who has produced identification as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires



**NOTARY PUBLIC**

Betty Llerena

**PRINT NAME**



## Exhibit A – Legal Description

### PARCEL I:

LOTS THREE (3) AND EIGHTEEN (18) AND THE SOUTH FORTY (S.40) FEET OF LOTS FOUR (4) AND SEVENTEEN (17) OF BLOCK TWENTY-EIGHT (28), OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

### PARCEL II:

BEGINNING AT THE SOUTHEAST (SE) CORNER OF LOT THREE (3), BLOCK TWENTY-EIGHT (28), AS SHOWN BY A PLAT ENTITLED "FISHER'S FIRST SUBDIVISION OF ALTON BEACH"; SAID PLAT BEING RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, RUN IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF BLOCK TWENTY-EIGHT (28), A DISTANCE OF NINETY-ONE AND TWENTY-SIX ONE-HUNDREDTHS (91.26) FEET TO A POINT, THENCE RUN IN A EASTERLY DIRECTION ALONG A LINE PARALLEL TO AND TEN (10) FEET SOUTH OF THE NORTH LINE OF LOT (4), BLOCK TWENTY-EIGHT (28) PRODUCED, TO THE HIGH WATER OF THE ATLANTIC OCEAN; THENCE RUN IN A SOUTHERLY DIRECTION, MEANDERING SAID HIGH WATER LINE A DISTANCE OF NINETY-ONE AND TWENTY-SIX ONE-HUNDREDTHS (91.26) FEET PLUS OR MINUS TO A POINT, THENCE RUN IN A WESTERLY DIRECTION ALONG THE SOUTH LINE OF LOT THREE (3), BLOCK TWENTY-EIGHT (28) PRODUCED, TO THE POINT OF BEGINNING.

### Parcel III

The South one-half of the following described parcel taken as a whole:

The North 10 Feet of Lots 4 and 17; all of Lots 5 and 16, and the South 40 Feet of Lots 6 and 15, in Block 28, of FISHER'S FIRST SUBDIVISION, according to the Plat thereof, recorded in Plat Book 2, at Page 77, of the Public Records of Miami-Dade County, Florida; together with the land lying to the East thereof, to the mean high water mark of the Atlantic Ocean.

### ALSO KNOWN AS:

### LEGAL DESCRIPTION:

Lots 16 and 5, less the North 10.00 feet thereof, and all of Lots 17, 18, 3 and 4, in Block 28, of FISHER'S FIRST SUBDIVISION OF ALTON BEACH; according to the Plat thereof, as recorded in Plat Book 2, at Page 77, of the Public Records of Miami-Dade County, Florida.

### TOGETHER WITH:

That certain parcel of land lying South of the North line lot of above described parcel, extended Easterly, lying North of the South line of the above described parcel, extended Easterly, lying East of the East line of the above described parcel, and lying West of the Mean High Water Line of Atlantic Ocean.

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## Exhibit B

DISCLOSURE OF OWNERSHIP INTEREST – 1717 Collins Avenue

Robert P. Balzebre only natural individual with more than 5% interest

### Chisholm Properties South Beach Inc. Chart of Ownership

Stock Certificate No.	Holder of Shares	Number of shares	Status	Percentage Ownership
1	Robert P. Balzebre	10	Outstanding	10.00%
5	Balzebre Family Trust	29	Outstanding	29.00%
7	RPB Management Trust	25	Outstanding	25.00%
9	RPB Management Trust	25	Outstanding	25.00%
10	RPB Management Trust	11	Outstanding	11.00%
<b>Total</b>		<b>100</b>		<b>100.00%</b>

DISCLOSURE OF OWNERSHIP INTEREST – 1731 Collins Avenue

Chisholm Properties South Beach Inc. owns 50% interest  
Deirdre Mirmelli Irrevocable Trust owns 50% interest

**Beneficiaries of Deirdre Mirmelli Irrevocable Trust:**

- 1. Sean Mirmelli (50%)**
- 2. Nicole Mirmelli (50%)**