

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 ZBA22-0142 F/K/A BOA FILE NO. 3562			
<input checked="" type="radio"/> 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="radio"/> Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <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="radio"/> 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"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 1908 COLLINS AVENUE, MIAMI BEACH, FLORIDA 33139			
FOLIO NUMBER(S) 02-3226-001-0110			
Property Owner Information			
PROPERTY OWNER NAME LUIS MANUEL CHIBRAS ROMERO & MIGUEL ANGEL CHIBRAS ROMERO			
ADDRESS 325 S. BISCAYNE BOULEVARD, UNIT 3823	CITY MIAMI	STATE FLORIDA	ZIPCODE 33131
BUSINESS PHONE N/A	CELL PHONE N/A	EMAIL ADDRESS N/A	
Applicant Information (if different than owner)			
APPLICANT NAME TRADEMARK MIAMI, INC.			
ADDRESS 600 BRICKELL AVENUE, SUITE 3600	CITY MIAMI	STATE FLORIDA	ZIPCODE 33131
BUSINESS PHONE N/A	CELL PHONE N/A	EMAIL ADDRESS NA	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST MODIFICATION OF THE BOARD OF ADJUSTMENT ("BOA") ORDER ISSUED UNDER BOA FILE NO. 3562 PURSUANT TO CONDITION NO. 6 WHICH REQUIRES A MODIFICATION FOR ANY CHANGE OF OPERATOR OR OWNERSHIP OF 50% (FIFTY PERCENT) OR MORE STOCK OWNERSHIP, PARTNERSHIP INTEREST, OR THE EQUIVALENT. PLEASE ALSO SEE LETTER OF INTENT.			

*MODIFICATION

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

Project Information			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input 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.		N/A	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		N/A	SQ. FT.
Party responsible for project design			
NAME NOT APPLICABLE		<input 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		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Authorized Representative(s) Information (if applicable)			
NAME JAMES E. RAUH, ESQ.; GREENSPOON MARDER LLP		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 600 BRICKELL AVENUE, SUITE 3600		CITY MIAMI	STATE FLORIDA ZIPCODE 33131
BUSINESS PHONE (305) 789-2732	CELL PHONE NOT APPLICABLE	EMAIL ADDRESS JAMES.RAUH@GMLAW.COM	
NAME ADRIENNE NOTO, ESQ.; GREENSPOON MARDER LLP		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 600 BRICKELL AVENUE, SUITE 3600		CITY MIAMI	STATE FLORIDA ZIPCODE 33131
BUSINESS PHONE (305) 789-2733	CELL PHONE NOT APPLICABLE	EMAIL ADDRESS ADRIENNE.NOTO@GMLAW.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:

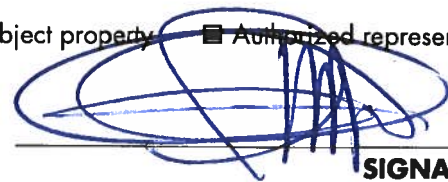
- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the 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".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property ☒ Authorized representative



SIGNATURE

MICHAEL RIDARD, PRESIDENT

PRINT NAME

11-28-22

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF Florida

COUNTY OF Miami Dade

I, MIGUEL ANGEL CHIBRAS ROMERO, 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]

SIGNATURE

Sworn to and subscribed before me this 5 day of NOVEMBER, 2022. The foregoing instrument was acknowledged before me by MIGUEL ANGEL CHIBRAS ROMERO, who has produced FIDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



ALAIN CUETO
Notary Public
State of Florida
Comm# HH217831
Expires 2/5/2026

[Signature]

NOTARY PUBLIC

My Commission Expires: 02/05/26

Alain Cueto

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

I, NOT APPLICABLE, being first duly sworn, depose and certify as follows: (1) I am the _____ (print title) of _____ (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 _____ 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

Owner Affidavit for Individual Owner – Miguel Angel Chibras Romero

STATE OF Florida)
COUNTY OF Miami Dade) ss

The foregoing instrument was sworn to, subscribed to and acknowledged before me this 5 day of November, 2022, by **MIGUEL ANGEL CHIBRAS ROMERO**, who appeared by means of ☒ physical presence or ☐ online notarization, at the time of notarization, and who is _____ personally known to me or who has produced FL DL as identification.


NOTARY PUBLIC, State of Florida at Large



ALAIN CUETO
Notary Public
State of Florida
Comm# HH217831
Expires 2/5/2026

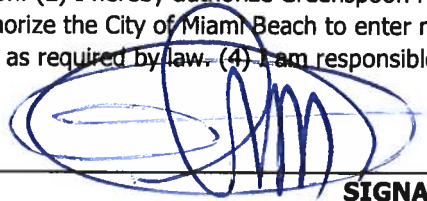
POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
 COUNTY OF Miami-Dade

I, MICHAEL RIDARD, PRESIDENT OF TRADEMARK INC., being first duly sworn, depose and certify as follows: (1) I am the tenant or representative of the tenant of the real property that is the subject of this application. (2) I hereby authorize Greenspoon Marder LLP to be my representative before the Board of Adjustment. (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.

MICHAEL RIDARD, PRESIDENT OF TRADEMARK, INC.

PRINT NAME (and Title, if applicable)


SIGNATURE

Sworn to and subscribed before me this 28th day of NOVEMBER, 20 22. The foregoing instrument was acknowledged before me by MICHAEL RIDARD, PRESIDENT OF TRADEMARK, INC., 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:



Michele Rennert
Comm. #GG907348
Expires: October 20, 2023
Bonded Thru Aaron Notary

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.

NOT APPLICABLE

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 – Michael Ridard

STATE OF Florida
COUNTY OF Miami-Dade) ss

The foregoing instrument was sworn to, subscribed to and acknowledged before me this 25th day of November, 2022, by **MICHAEL RIDARD, PRESIDENT** of **TRADEMARK MIAMI, INC.**, who appeared by means of ☒ physical presence or ☐ online notarization, at the time of notarization, and who is _____ personally known to me or who has produced Florida Driver License as identification.

Michele Rennert

NOTARY PUBLIC, State of _____ at Large



Michele Rennert
Comm. # GG907348
Expires: October 20, 2023
Bonded Thru Aaron Notary

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami Dade

I, MIGUEL ANGEL CHIBRAS ROMERO, 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 TRADEMARK MIAMI, INC. & I 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.

MIGUEL ANGEL CHIBRAS ROMERO**PRINT NAME (and Title, if applicable)****SIGNATURE**

Sworn to and subscribed before me this 5 day of November, 2022. The foregoing instrument was acknowledged before me by MIGUEL ANGEL CHIBRAS ROMERO, who has produced FLDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



ALAIN CUETO
Notary Public
State of Florida
Comm# HH217831
Expires 2/5/2026

My Commission Expires: 02/05/26Alain Cueto**NOTARY PUBLIC**Alain Cueto**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 contract 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.

NOT APPLICABLE

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 – Miguel Angel Chibras Romero

STATE OF Florida)
COUNTY OF Miami Dade) ss

The foregoing instrument was sworn to, subscribed to and acknowledged before me this 5 day of November, 2022, by **MIGUEL ANGEL CHIBRAS ROMERO**, who appeared by means of ☒ physical presence or ☐ online notarization, at the time of notarization, and who is _____ personally known to me or who has produced FLDL as identification.

Alain Cueto
NOTARY PUBLIC, State of Florida at Large



ALAIN CUETO
Notary Public
State of Florida
Comm# HH217831
Expires 2/5/2026

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.

TRADEMARK MIAMI, INC.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
CHRISTOPHE CAUCINO	100%

NOT APPLICABLE

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.

NOT APPLICABLE

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
JAMES E. RAUH, ESQ.	600 Brickell Ave., Ste. 3600, Miami, FL 33131	(305) 789-2732
ADRIENNE NOTO, ESQ.	600 Brickell Ave., Ste. 3600, Miami, FL 33131	(305) 789-2733

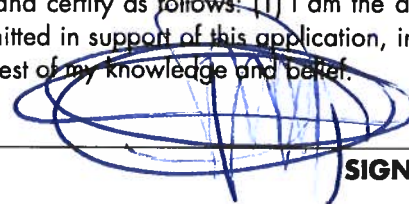
Additional names can be placed on a separate page attached to this application.

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, MICHAEL RIDARD, PRESIDENT, 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 28th day of NOVEMBER, 2022. The foregoing instrument was acknowledged before me by MICHAEL RIDARD, PRESIDENT, who has produced Florida 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:



Michele Rennert
 Comm. # GG907348
 Expires: October 20, 2023
 Bonded Thru Aaron Notary


 NOTARY PUBLIC

PRINT NAME

Applicant Affidavit – Michael Ridard

STATE OF Florida
COUNTY OF Miami-Dade ^{SS}

The foregoing instrument was sworn to, subscribed to and acknowledged before me this 28th day of November, 2022, by **MICHAEL RIDARD, PRESIDENT of TRADEMARK MIAMI, INC.**, who appeared by means of ☒ physical presence or ☐ online notarization, at the time of notarization, and who is _____ personally known to me or who has produced Florida Driver License as identification.

Michelle Rennert

NOTARY PUBLIC, State of _____ at Large



Michelle Rennert
Comm. # GG907348
Expires: October 20, 2023
Bonded Thru Aaron Notary

EXHIBIT "A"

LEGAL DESCRIPTION

THE NORTH 57.5' OF THE SOUTH 62.5' OF LOTS 1, 2, AND 3 OF BLOCK D, OF MIAMI BEACH IMPROVEMENTS CO. OCEAN FRONT PROPERTY AMENDED, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, AT PAGE 7, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.