

The Law Offices of
AARON R. RESNICK, P.A.
ATTORNEYS AND COUNSELORS

|100 Biscayne Boulevard | Suite 1607 | Miami, Florida 33132| P: 305.672.7495 | F: 305.672.7496 |

Thursday, February 23, 2023

Sent via Electronic Submittal

Thomas Mooney, Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: **Appeal to Board of Adjustments regarding Certificate of Use and Business Tax Receipt for the property located at 1330 15 Street, Miami Beach, Florida 33139 (the “Property”)**

Dear Mr. Mooney:

This law firm represents 1330 15th Street LLC (the “Applicant”) and submits this amended Letter of Intent (“LOI”) in support of the Applicant’s Land Use Board Hearing Application (the “Application”) seeking a hearing before the City of Miami Beach’s (the “City”) Board of Adjustment (the “BOA”). Specifically, the Applicant requests that the BOA issue an appropriate Business Tax Receipt (“BTR”) and Certificate of Use (“COU”) reflecting the correct use per CO19-1320 and BTR005737-01-2019 as previously authorized and issued by the City, or alternatively, authorize the Applicant to use the Property per Code 95017300, i.e. transient short-term rentals.

The existing structure on the Property was initially authorized for use as a four (4) unit residential building, but in 2018, the City issued building permit number BC1806547 allowing the previous owner to convert the Property to an eight (8) unit suite hotel under which the City permitted transient short-term rentals. A true and correct copy of the Building Permit is attached hereto as **Exhibit “1”**. On February 19, 2019, the City issued a COU and BTR authorizing the use of the Property as an eight (8) unit hotel. A true and correct copy of the 2019 COU and BTR is attached hereto as **Exhibit “2”**. Thereafter, on May 14, 2019, a Certificate of Occupancy (“CO”), Number CO19-1320 was issued, reflecting that the Property may be used as an eight (8) unit suite hotel. A true and correct copy of the May 14, 2019 CO is attached hereto as **Exhibit “3”**. At that time, there were no restrictions on whether the Property could be used for transient short-term rentals.

On October 1, 2019, the City renewed the Property’s BTR, BTR005837-01-2019. A true and correct copy of the October 1, 2019 BTR is attached hereto as **Exhibit “4”**. On or around November 12, 2019, the Property was sold to the Applicant, but, at all times relevant, Applicant

should have been permitted to use the Property as transient short-term rentals pursuant to the COU and BTR issued thereon. Applicant never intended to lose the use that was in existence at the time of its purchase of the Property in November 2019. However, the current BTR and COU does not reflect the Property's use as an eight (8) unit suite hotel. After the Applicant purchased the Property, it never requested, permitted, or authorized any changes or revisions to the COU or BTR to reflect eight (8) residential units, non-transient.

Therefore, the Applicant respectfully requests that the City correct (adjust) the Property's BTR and COU to reflect the COU and BTR previously issued in 2019. Alternatively, the Applicant requests that the City authorize the Applicant to use the Property per Code 95017300 for transient short-term rentals. Applicant reserves the right to supplement its Application with additional materials as may be appropriate or necessary before the issue is brought to a public hearing before the BOA.

Should you have any questions, please feel free to contact me at any time. We can be reached via telephone at 305.672.7495 or via electronic mail at aresnick@thefirmmiami.com.

Please note that nothing in this correspondence should be construed as a waiver of any of the Applicant's legal or equitable rights, remedies, or defenses, all of which are hereby expressly reserved.

Very Truly Yours,
LAW OFFICES OF AARON RESNICK, P.A.

/s/Aaron Resnick
Aaron R. Resnick, Esq.
For the Firm

Enclosures

EXHIBIT “1”

Work Permit BC1806547 Building - Commercial

Status: Issued Date: 8/8/2018

Site Address: 1330 15 ST Applied: 02/01/2018

Parcel #: 0232330160200 Issued: 08/08/2018

Expiration Date: 02/04/2019

Total Job Value: \$134,425.00 PIN: 54395

Contractor: STRUCTURAL HOMES LLC Owner: NOTUS LLC NOTUS LLC
 (CGC1520627) 1300 Pennsylvania 308
 16401 GOLF CLUB RD APT MIAMI BEACH , FL 33139
 213
 WESTON , FL 33326

Description: Replace B1405574/PRIVATE PROVIDER REV. & INSP/(MTCI) Units 101-103, 201-204/
 Interior remodeling of existing building. units 101-103 and 201-204, conversion to suit
 existing 4 units to new 8 units.

Inspector Area: Class Code: R2

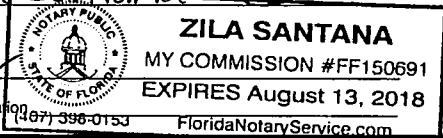
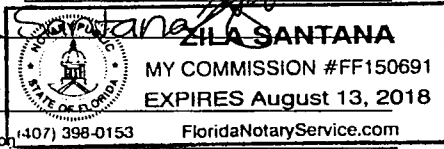
Statement of Work	Quantity	Total Fee
Permit 20% Initial Charge - Fire	940.98	\$188.20
Permit 20% Initial Charge - Building	2,554.08	\$510.82
Permit 20% Initial Charge - Planning	940.98	\$188.20
Overtime Fire Inspection Fee	0.00	\$250.00
Expedited Plans Review - Planning Department	0.00	\$500.00
Expedited Plans Review - Planning Department	0.00	\$500.00
Overtime Fire Inspection Fee	0.00	\$250.00
Sanitation Surcharges	134,425.00	\$403.28
Permit Fee - Fire Department	752.78	\$752.78
Training/Technology Fee - Building	1,532.45	\$91.95
Florida Building Code Admin and Inspector Fund	1,532.45	\$22.99
Permit Fee - Planning Department	752.78	\$752.78
Permit Fee - Building Department	1,021.63	\$1,021.63
MDC Compliance Fee	134,425.00	\$81.00
Training/Technology Fee - Planning	1,532.45	\$91.95
Training/Technology Fee - Fire	1,532.45	\$91.95
Florida Building Code - DBPR Fee	15.32	\$15.32
Expedited Plans Review - Planning Department	0.00	\$500.00
Overtime Fire Inspection Fee	0.00	\$250.00
Total of All Fees:		\$6,462.85
Total of All Payments:		\$6,462.85
Balance Due:		\$0.00

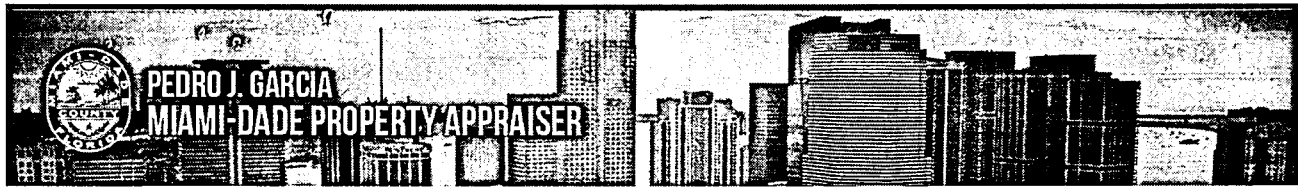
MIAMI BEACH

Permit Application

2/1/18

OK to Proceed
2/1/18

Office Use Only		Applicant Information (Blue or Black Ink Only)		Building Department	
Submittal Date: <u>2/1/18</u> Permit #: <u>BC18060547</u>		Parcel / Folio Number: <u>02.3233.016.0200</u>		1700 Convention Center Drive, 2nd Floor Miami Beach, Florida 33139 Telephone: 305-673-7610; Fax: 305-673-7857 http://www.miamibeachfl.gov/building/	
Property Address: <u>1330 15TH Street</u>		Unit #:	Master Permit Number (If applicable):	Violation # (If applicable):	
Permit Type (select one)		Permit Request (select all that apply)		Property Information (select one)	
<input checked="" type="checkbox"/> Building <input type="checkbox"/> Electrical <input type="checkbox"/> Mechanical <input type="checkbox"/> Plumbing <input type="checkbox"/> Roofing <input type="checkbox"/> Phased Permit <input type="checkbox"/> Demo year built <input type="checkbox"/> Generator <input type="checkbox"/> Temporary Structure <input type="checkbox"/> Fire		<input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Change of Contractor <input type="checkbox"/> Change of Architect/Engineer <input type="checkbox"/> LEED <input type="checkbox"/> Permit Extension <input type="checkbox"/> Permit Renewal <input type="checkbox"/> Permit Revision <input type="checkbox"/> Change of Use <input type="checkbox"/> Private Provider <input type="checkbox"/> City Project <input type="checkbox"/> Relieve Permit		<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Residential: Single-Family Residential or Duplex Occupancy Classification:	
Total Value:		New Construction/Addition		Alteration/Reconfiguration of Space	
		Square Footage: <u>3,817</u>		Value of Work: \$ <u>124,425</u>	
Description of Work: <u>Private Provider Rev. & Insp. (MTCI) Units 101-103, 201-204 Interior remodeling of existing building. Units 101-103, 201-204, conversion to suite hotel, existing 4 units to new 8 units.</u>					
Property Owner			Contractor		
Name: <u>NOTUS LLC</u>			Name: <u>JOSE VELEZ</u>		
Address: <u>435 21st St</u> Suite: <u>CU9</u>			Address: <u>435 21st St</u> Suite:		
City: <u>MIAMI BEACH</u> State: <u>FL</u> Zip Code: <u>33139</u>			City: <u>MIAMI BEACH</u> State: <u>FL</u> Zip Code: <u>33139</u>		
Driver's License/ State Identification Number:			State Identification Number/License: <u>CGC</u>		
E-Mail Address:			E-Mail Address:		
Daytime phone:			Daytime phone:		
Architect			Structural Engineer		
Name:			Name:		
License Number:			License Number:		
E-Mail Address:			E-Mail Address:		
Daytime phone:			Daytime phone:		
Notice & Certification					
This application is hereby made to obtain a permit to do the work and installations as indicated. I certify that all work will be performed to meet the standards of all laws and construction regulations in this jurisdiction. I understand that a separate permit must be secured for Electrical, Elevator, Fire, Mechanical, Plumbing, Signs, Wells, Pools, Furnaces, Boilers, Heaters, Tanks, Air Conditioners, etc. Owner's Affidavit: I certify that all the foregoing information is correct. Owner Certifies that the aforementioned Contractor has the authorization to perform the work as specified above. Lessee's Affidavit: Lessee certifies that he has full consent and authorization from owner of subject property to perform the above-mentioned work and to hire above captioned contractor. In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as: the Environmental Division of Miami-Dade County; Permitting, Environment and Regulatory Affairs, Water & Sewer Department, Department of Environmental Protection, South Florida Water Management District, Miami-Dade County Impact Fee, water management districts, state agencies, and/or federal agencies. Under penalties of perjury, I declare that to the best of my knowledge, the facts stated in this document are true. Any information found to be false may cause the revocation and/or denial of the permit and/or Certificate of Occupancy.					
OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained in this permit application is true and correct.					
<input type="checkbox"/> Owner/Lessee for new permits (Documentation establishing ownership may be requested). <input type="checkbox"/> TEMPORARY STRUCTURE PERMIT PACKAGE MUST BE SUBMITTED TWO (2) WEEKS IN ADVANCE. <input type="checkbox"/> Master Permit Contractor of Record (For sub-permit / change of contractor).					
WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT IS REQUIRED FOR ANY WORK WITH COST EXCEEDING \$2,500.00.					
Signature of Owner/Agent or GC (for Sub-permits): <u>Matteo Soldatini</u> PRINT NAME: <u>Matteo Soldatini</u> STATE OF FLORIDA MIAMI-DADE COUNTY Sworn to and subscribed before me this <u>Aug.</u> day of <u>Aug.</u> , 20 <u>18</u> by <u>Matteo Soldatini</u> Signature of Notary Public: <u>[Signature]</u>			Signature of Qualifier: <u>Jose Velez</u> PRINT NAME: <u>Jose Velez</u> STATE OF FLORIDA MIAMI-DADE COUNTY Sworn to and subscribed before me this <u>2nd</u> day of <u>Aug.</u> , 20 <u>18</u> by <u>Jose Velez</u> Signature of Notary Public: <u>[Signature]</u>		
Print Name: <u>Zila Santana</u> (SEAL) Personally known <input checked="" type="checkbox"/> or Produced Identification <input type="checkbox"/> 			Print Name: <u>Zila Santana</u> (SEAL) Personally known <input checked="" type="checkbox"/> or Produced Identification <input type="checkbox"/> 		



IMPORTANT MESSAGE

When buying real estate property, you should not assume that property taxes will remain the same. Whenever there is a change in ownership, the assessed value of the property may reset to full market value, which could result in higher property taxes. Please use our Tax Estimator to approximate your new property taxes.

The Property Appraiser does not send tax bills and does not set or collect taxes. Please visit the Tax Collector's website directly for additional information.



Address Owner Name Subdivision Name Folio

SEARCH:

PROPERTY INFORMATION ⓘ

Folio: 02-3233-016-0200

Sub-Division:
ALTON BEACH BAY FRONT RE-SUB

Property Address
1330 15 ST
Miami Beach, FL 33139-2249

Owner
NOTUS LLC

Mailing Address
1300 PENNSYLVANIA AVE #308
MIAMI BEACH, FL 33139

PA Primary Zone
3900 MULTI-FAMILY - 38-62 U/A

Primary Land Use
0803 MULTIFAMILY 2-9 UNITS : MULTIFAMILY 3 OR MORE UNITS

Beds / Baths / Half 8 / 4 / 0

Floors 2

Living Units 8

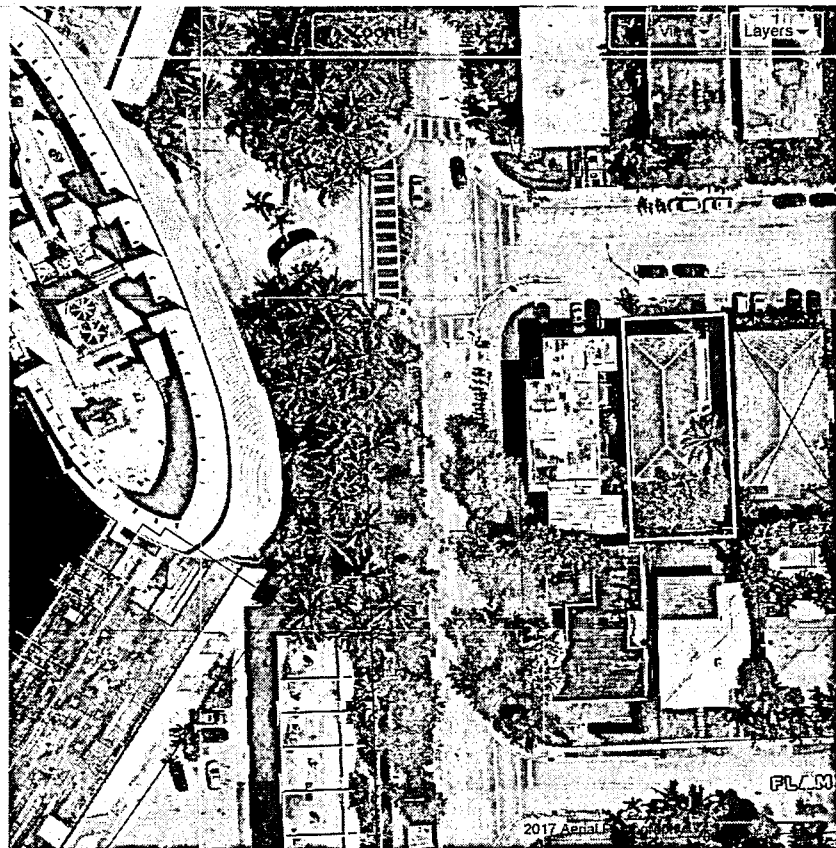
Actual Area

Living Area

Adjusted Area 3,817 Sq.Ft

Lot Size 5,600 Sq.Ft

Year Built 1946



Featured Online Tools

- | | | | | | |
|------------------|---------------|----------------------------|----------------------------|-----------------------|------------------------|
| Comparable Sales | Glossary | Non-Ad Valorem Assessments | PA Additional Online Tools | Property Record Cards | Property Search Help |
| Tax Comparison | Tax Estimator | TRIM Notice | Property Taxes | Report Discrepancies | Report Homestead Fraud |
| | | | Value Adjustment Board | | |

ASSESSMENT INFORMATION ⓘ

Year	2017	2016	2015
Land Value	\$1,232,000	\$1,232,000	\$756,000
Building Value	\$170,879	\$162,741	\$0

BENEFITS INFORMATION ⓘ

Benefit	Type	2017	2016	2015
Non-Homestead Cap	Assessment Reduction	\$724,069	\$777,641	\$195,000



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company

NOTUS LLC

Filing Information

Document Number L13000117317
FEI/EIN Number 46-3475873
Date Filed 08/20/2013
Effective Date 08/19/2013
State FL
Status ACTIVE
Last Event LC AMENDMENT
Event Date Filed 12/09/2013
Event Effective Date NONE

Principal Address

435 21 st
Suite CU4
MIAMI BEACH, FL 33139

Changed: 04/26/2017

Mailing Address

po box 191862
MIAMI BEACH, FL 33119

Changed: 04/28/2015

Registered Agent Name & Address

Investor Two LLC
435 21 st
Suite CU4
MIAMI BEACH, FL 33139

Name Changed: 09/26/2016

Address Changed: 04/26/2017

Authorized Person(s) Detail

Name & Address

Title MGR

Investor Two LLC



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
INVESTOR TWO LLC

Filing Information

Document Number L15000095738
FEI/EIN Number 47-4634884
Date Filed 06/01/2015
Effective Date 06/01/2015
State FL
Status ACTIVE

Principal Address

435 21 stT
Suite CU4
MIAMI BEACH, FL 33139

Changed: 04/25/2017

Mailing Address

P.O. BOX 191862
MIAMI BEACH, FL 33119

Registered Agent Name & Address

Braha, Gabriele
435 21 st
CU4
MIAMI BEACH, FL 33139

Name Changed: 04/25/2017

Address Changed: 04/25/2017

Authorized Person(s) Detail

Name & Address

Title MGR

soldatini, matteo
P.O. BOX 191862
MIAMI BEACH, FL 33119

Title Manager

EXHIBIT “2”

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: NOTUS LLC

LICENSE NUMBER: BTR005837-01-2019

DBA:

Beginning: 02/19/2019

IN CARE OF:

Expires: 09/30/2019

ADDRESS:

1330 15 St
MIAMI BEACH, FL 331392249

Parcel No: 0232330160200

TRADE ADDRESS: 1330 15 St

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

Code	Business Type
95009500	HOTELS (SMOKE DETECTOR)

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

Hotel: #Rooms	8
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This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Additional Information

Storage Locations

MIAMI BEACH

2159811

RESORT TAX REGISTRATION CERTIFICATE

Issued Pursuant to City Of Miami Beach Ordinance No. 1619

This certifies that

*NOTUS LLC
1330 15TH ST
MIAMI BEACH, FL 33139*

Refer to this certificate number when reporting tax



This Certificate is non-transferable or assignable

is hereby authorized and empowered to collect Resort Tax for the City of Miami Beach, Florida

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

Finance Director

THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS PLACE

FORM CMB RT-2 3-98



EXHIBIT “3”

MIAMI BEACH

Building Department
City of Miami Beach

1700 Convention Center Drive, 2nd floor, Miami Beach, Florida 33139, (305) 673-7610, www.miamibeachfl.gov

CERTIFICATE OF OCCUPANCY

Certificate Number: CO19-1320

Status: Issued

Applied Date: 05/14/2019

Issued Date: 05/14/2019

Site Address: 1330 15 ST

Unit Number:

Parcel Number: 0232330160200

Tenant:

Property Owner: NOTUS LLC NOTUS LLC

Occupancy Classification Code: R1

Number of Building Floor:

Total Number of Units of the Building: 8

Residential/Commercial/Mixed Use: Commercial

New or Substantial Improvement (Y/N): No

Base Flood Elevation:

Florida Building Code Edition:

Occupant Load:

Certificate description and specific conditions:

CO – BC1806547 -- Units 101-103, 201-204/ Interior remodeling of existing building. units 101-103 and 201-204, conversion to suite hotel. existing 4 units to new 8 units.

General terms and conditions of this certificate:

1. This is to certify that the above noted structure or portion of the structure has been inspected for compliance of Florida Building Code and the provision of the zoning ordinance 89-2665 of City of Miami Beach for the proposed occupancy and use.
2. As-built elevation certificate shall be provided by the applicant for new construction, addition or substantial improvement, and is retained in the records of the Building Department. If the structure is designed for dry-flood proofing, the tenant shall comply with procedures and guidelines of the Flood Emergency Operation Plan and install watertight shields over openings prior to a flood warning.
3. Any unauthorized additions, alterations or change in use of this property will void Certificate of Occupancy.

A Certificate of Occupancy is hereby granted to use said building for the purpose described above, subject to any condition(s) detailed in this document.



5/14/2019

Ana M. Salgueiro
Building Official

Date

This Certificate of Completion is valid only if there is an ISSUED status and a Building Official Signature.

2019 MAY -9 AM 11:42

Request for Certificate of Occupancy or Completion

(Master and Sub Permits must be in final status before submitting this request; otherwise we will not accept your application)

Date: 05/09/19	Permit Number: BC 1806547
Job Address: 1330 15TH ST	Parcel Number:
Unit/Suite #:	Occupancy/Use: HOTEL
Total square feet for this CO request:	Number of Units for this CO request: 8
Applicant/Contractor Name: MOTUS LLC	Owner/Business Name: MOTUS LLC
Applicant/Contractor Mailing address: 435 21 ST UNIT C04 MB, 33139	Owner/Business Mailing address: 435 21 ST ST UNIT C04 MB, 33139
Telephone Number: 786 536 2106	Telephone Number: 786 536 2106
E-Mail Address: INFO@REDGROUP.ESTATE	E-Mail Address: INFO@REDGROUP.ESTATE
Contact Name: MAITEO SOLDATINI	Contact Telephone Number:
Contact E-Mail Address:	
Your CAP Account Email Address for Billing Purpose :	

Office Use Only	
Description: INTERIOR REMODELING	Approved by: _____ Ana M. Salgueiro, P.E. Building Official
Pending Inspection(s): P F F W	Occupancy Group: R1 Violations #: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Pending/Open Permit(s): NO	Substantial Improvements: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
TCO NO: TCO 1900421 EXPIRATION DATE: 4-3-19	Certificate Number: 1019-1320
Master Permit Status: Final	Invoice No: 0.00 Amount Due: UNDER TCO
Notification to customer (date):	Payment(s): <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PAID Under TCO
Notes:	Pending BTR: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A Under TCO

ADA Information

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact+ 305.604.2489 (voice), 305.673.7524 (fax) or 305.673.7218 (TTY) five (5) days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

City of Miami Beach Mission

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

Form Name	CO/CC - Request form
Form Purpose	The purpose of obtaining a certificate of occupancy or completion is to certify that, according to the law, the house or building is in fit-to-live condition.
Requirements	Master and Sub permits must be in final status. Permit Holder or Owner must submit form to request Certificate of Occupancy or Completion.
Online Forms	http://www.miamibeachfl.gov/building/scroll.aspx?id=37842
Associated Fees	Fee Schedule section 14: http://www.miamibeachfl.gov/building/
Form Process	Form must be submitted via email or in person at Building Administration.
For Assistance	Please contact: <ol style="list-style-type: none">In – person: Building Department, Miami Beach City Hall, 1700 Convention Center Drive, 2nd FL, Administration Miami Beach, Florida 33139Via Telephone: 305-673-7610 Jacqueline (Jackie) Perez Ext: 6675 or Milagros (Milly) Robayna Ext: 6130Via E-mail: Jacqueline (Jackie) Perez: JacquelinePerez2@miamibeachfl.gov Or Milagros (Milly) Robayna: milagrosrobayna@miamibeachfl.gov

Building Department Mission

We are dedicated to serving the public by the efficient and effective supervision of construction, business, professional and personal activities to safeguard the public health, safety and general welfare of the City's residents and visitors by enforcing the Florida Building Code and the City Code of Ordinances.

EXHIBIT “4”

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: NOTUS LLC

DBA:

IN CARE OF:

ADDRESS: 1330 15 St
MIAMI BEACH, FL -331392249

LICENSE NUMBER: BTR005837-01-2019

Beginning: 09/27/2019

Expires: 09/30/2020

Parcel No: 0232330160200

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

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A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Additional Information

Storage Locations

TRADE ADDRESS: 1330 15 St

Code	Business Type
95009500	HOTELS (SMOKE DETECTOR)

Hotel: #Rooms	8
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FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

NOTUS LLC
435 21 St, 4
MIAMI BEACH, FL -331391704

