

CITY OF MIAMI
BEACH BOARD OF
ADJUSTMENT
HEARING MAY 5TH,
2023

1330 15th St
Miami Beach, FL
33139

Case Specifics

Property was purchased on November 15, 2019 by 1330 15th Street LLC

- I am the manager of this LLC, which is 100% owned by Thangavel Family 2006 Irrevocable Trust, which has myself and my brother as sole trustees and beneficiaries

The property was properly licensed as a Hotel by the State of Florida, Miami-Dade County and City of Miami Beach at the time of purchase

In August 2020, an ordinance was passed to make shortterm rentals and hotels not allowed by zoning in the West Avenue Overlay

The Hotel use of the property became nonconforming after this time

Planning Director's Determination

The Planning Director has determined that 1330 15th St. abandoned its nonconforming use, Hotel, by adopting a conforming use of Apartments

Unfortunately, the Planning Director has based his entire determination on a **forged document**

- I submitted the Correct BTR Application to Damian Gallo, The Permit Doctor on November 18, 2019 (Exhibit A of my Response to the Planning Director)
- Somehow, a Forged BTR Application was submitted to the City of Miami Beach some time between November 18, 2019 and December 27, 2019

Forged BTR Application, Staff Report Exhibit CMB-F: Page 1

Exhibit 'CMB-F'
(1 of 2)

BTR 008501-12-2019 / BTR 2019-08005

New Plan Number: _____ Amount of Fee Due: \$45.00 Application Fee
Last City License # for This Address: _____ Make Check Payable to: CITY OF MIAMI BEACH

City of Miami Beach
Certificate of Use (CU), Annual Fire Inspection Fee & Business Tax
Application

This application is NOT your business tax receipt. Do not operate the business until the Certificate of Use and the Business Tax Receipt are issued.
The place of business must be available to all inspectors.

Type of Application:
 New Business Change of Owner Adding Seats Additional Occupation Change of Location

Application Checklist:
 Federal ID No. Fictitious Name Registration Lease/Deed/Closing Statement
 Articles of Inc. (if applicable) State License (if applicable) CU and Annual Fire Fee (non-refundable)
 Bill of Sale Insurance

Does the Application Involve: Change of Use Renovation (Provide Certificate of Occupancy Process Number _____)
A Change of Use may generate additional building and fire code requirements as applied to new construction.
A valid Certificate of Occupancy is required before an occupational license can be issued.

Is the business one or more of the following types:
 Apartment Building Condominium Hotel Restaurant Bakery
 Ice Cream Parlor Delicatessen Nightclub Dancing/Entertainment Real Estate
 Hair Salon Home Based Business Health Club Promoter Valet
 Escort Service Janitorial Service Mail Order Fine Package Food Motor Scooter
 Retail Alcohol Sales Travel (sales) Mobile Caterer Alcoholic Beverage Establishment
 Beach Front Concession Machine Distributor

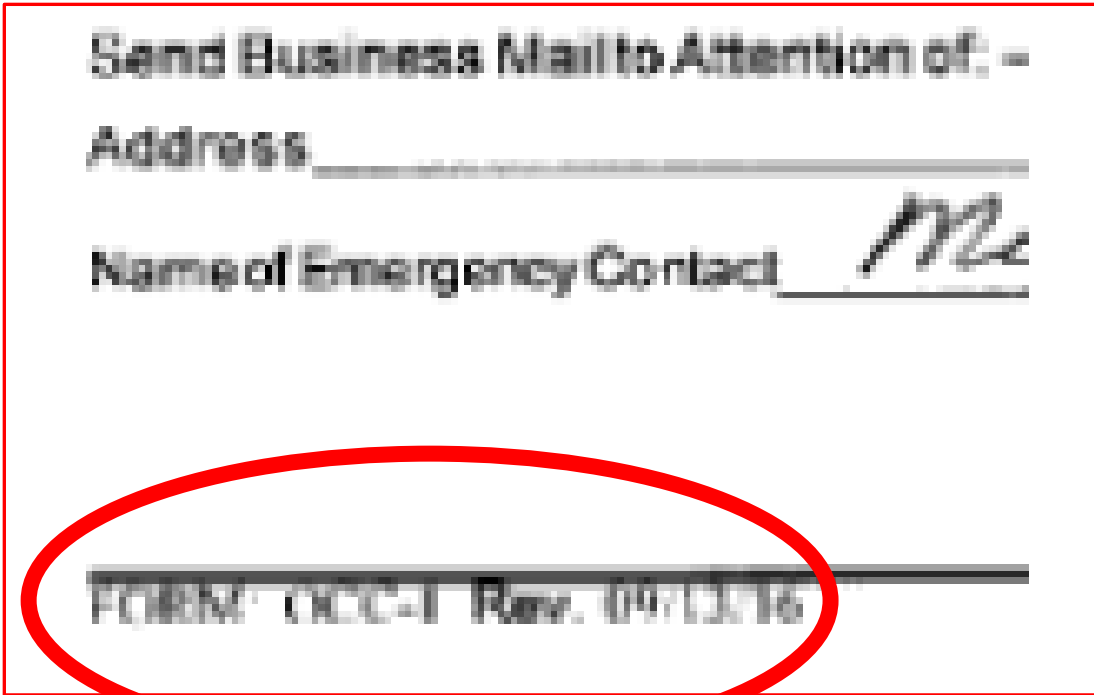
Is the business one of the following types:
 Adult Congreg. Liv. Facility Day Care Nursing Home Religious Institution School
 Parking Lot/Garage Outdoor Entertainment Open Air Entertainment Pawnshop Warehouse
 Video Game Arcade Gasoline Sales Restaurant Alcoholic Beverage Establishment

Business Name: 1330 15th Street LLC Application Date: 11/13/2019
Location: 1330 15th St Miami Beach FL 33139 Lease Own
Type of Business (be very specific): street clean rental Hours of Operation: _____
Hours Serving Alcohol: Apt Bldg.

Name of Owner (President): Anathan Thangavelu Date of Birth: 9/29/1984 D.U. #: TS21-000-84344-0
EIN: 84-8378063 SSN: 564-85-4102
Home Address: 1504 Baird St Miami Beach FL 33139
Home Phone: (818) 667-1875 Business Phone: _____ Cell Phone: _____
Email Address: athangavelu@latsbmi-capital.com

Send Business Mail to Attention of: same as above, owner Business Phone: (818) 667-1875
Address: _____ City: _____ State: _____ Zip: _____
Name of Emergency Contact: Mangesh Thangavelu Phone: (661) 400-6577

FMBM-CMB-F Rev. 09/13/16



Forged BTR Application, Staff Report Exhibit CMB-F: Page 2

Is the Business a:

Hotel or Apartment? If yes, how many units? 8 # of washers/dryers (if owned) 1

Restaurant? How many seats inside? _____ How many seats outside? (private property only) _____
If there will be seats outside on public property (sidewalk), then a Sidewalk Cafe Permit is required.
Hours of Alcohol Sales _____ (Zoning Review for # of chairs)

Office or Retail Establishment? If yes, approximate sq. ft. _____
If Retail, what is the inventory value? General \$ _____ Food \$ _____ Liquor \$ _____

Hair or Nail Salon? If yes, number of seats _____

Motor Scooter Rentals? If yes, number of scooters _____

A Miami-Dade County Business Tax Receipt is also required. See "Miami Dade County Business Tax for more information."
Contact the Planning Department for a Sign Permit which is required for all signage.
Any person who, in applying for a business license in the City of Miami Beach, who shall make a false statement and/or fail to disclose and/or misrepresent the information requested shall be subject to penalties authorized by City Code Section 102-375.

I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO FOLLOW-UP ON THE APPROVAL PROCESS FOR THIS APPLICATION. TO FOLLOW-UP PLEASE CALL 305-673-7420 FOR FURTHER INSTRUCTIONS AND/OR STATUS.
I HAVE READ THIS APPLICATION AND I DO FREELY AND VOLUNTARILY CONFIRM THAT THE STATEMENTS AND INFORMATION CONTAINED THEREIN ARE TRUE AND CORRECT.

Aronson Thayer [Signature] 11/18/2019
Print Name Signature Date

Official Use Only: Review by the following Departments may be required:			
Planning & Zoning	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Concurrency	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Building	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Fire	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Parking	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Risk Management	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Public Works	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Finance	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____
Code	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____

Notes/Comments _____

FORM: OCG-1 Rev. 10/12/04

Pages 1 and 2 are completely different revision numbers, as well as different handwriting. This is a FORGED document.

Notes/Comments _____

FORM: OCG-1 Rev. 10/12/04

Actual BTR Application, Submitted by Ananthan Thangavel on 11/18/19 to Damian Gallo: Page 1

New Business Tax Account # _____ Amount of Fee Due: \$ _____
 Last City License # for This Address _____ Make Check Payable to: CITY OF MIAMI BEACH

City of Miami Beach
Certificate of Use (CU), Annual Fire Inspection Fee & Business Tax Application

This application is NOT your business tax receipt. Do not operate the business until the Certificate of Use and the Business Tax Receipt are issued.
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Application Checklist
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 Escort Service Janitorial Service Mail Order Pre-Package Food Motor Scooter
 Retail Alcohol Sales Travel (sales) Mobile Caterer Alcoholic Beverage Establishment
 Reach Firearm Concession Machine Distributor

Is the Business one of the following types:
 Adult Congreg. Liv. Facility Day Care Nursing Home Religious Institution School
 Parking Lot/Garage Outdoor Entertainment Open Air Entertainment Pawnshop Warehouse
 Video Game Arcade Gasoline Sales Restaurant Alcoholic Beverage Establishment

Business Name 1320 15th Street LLC Application Date: 11/18/2019
 Location 1320 15th St., Miami Beach, FL 33139 Lease Own
 Type of Business (be very specific) _____ Hours of Operation _____
 Hours Serving Alcohol _____

Name of Owner / President Ananthan Thangavel Date of Birth 9/29/1984 DL # 2A1-000-21-2190-05 FL
 Federal ID # 84-3278063 SSN 564-85-1107
 Home Address 1501 Bay Road Apt. 720 City Miami Beach State FL Zip 33139
 Home Phone (305) 667-1975 Business Phone _____ Call Phone _____
 Email Address anangavel@thangavelmi-capital.com

Send Business Mail to Attention of Sandya, Owner Business Phone (305) 667-1975
 Address _____ City _____ State _____ Zip _____
 Name of Emergency Contact Murugesan Thangavel Phone (661) 400-6577

Send Business Mail to Attention of: Sandya
 Address _____
 Name of Emergency Contact Murugesan

FORM: OCC-1 Rev. 10/12/04

Actual BTR Application: Page 2

Is the Business a:
Hotel or Apartment? If yes, how many units? 8 # of washers/dryers (if owned) 1
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If there will be seats outside on public property (sidewalk), then a Sidewalk Cafe Permit is required.
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I HAVE READ THIS APPLICATION AND I DO FREELY AND VOLUNTARILY CONFIRM THAT THE STATEMENTS AND INFORMATION CONTAINED THEREIN ARE TRUE AND CORRECT.

Anthony Thayer [Signature] 11/18/2019
Print Name Signature Date

Official Use Only: Review by the following Departments may be required:

Planning & Zoning	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Concurrency	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Building	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Fire	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Parking	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Risk Management	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Public Works	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Finance	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Code	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____

Notes/Comments _____

Revision numbers of pages 1 and 2 are the same, and handwriting is the same; document is legitimate

Notes/Comments _____

FORM: OCC-1 Rev. 10/12/04



Forged BTR Application

Whoever forged this document took my legitimate signature page, hand wrote a new page 1, and slipped my signature page as page 2 to create a new, false document

I believe this person to be Damian Gallo

I reported this crime to the Miami Beach Police Department on December 5, 2022

- I am continuing to work with the Police to bring this man to justice

It is not possible for this document to suffice as my voluntary intention to abandon the Hotel use of my property

- Intent cannot be proven by the result of a crime

The Planning Director was made aware of the illegitimacy of this document by both his attorney Nick Kallergis and the City Attorney Office at least three months ago, yet decided to completely ignore it

Exhibit I of Aaron
Resnick Letter
Dated 4/17/23:
Email
Communications
with City of
Miami Beach
Employees
Clearly Show
Intent to Retain
Hotel Use

On May 19, 2020, Taneya Williams and Jeannie Castor of the City of Miami Beach emailed me back and forth multiple times, requesting signed versions of a Resort Tax Application (Exhibit J of Aaron Resnick Letter) and Smoke Detector Form (Exhibit L of same letter) as final items to issue my BTR

Both documents were provided to them nearly instantly, **clearly marking either Hotel or Short-Term Rental as Use**

Direct email communication with the City shows I always intended to retain a Hotel use of the property

The Planning Director openly admits that the City received this Resort Tax Application that showed Hotel as Use dated April 12, 2020

Somehow, despite multiple documents showing that I requested Hotel as Use, the City incorrectly issued me a BTR as Apartment

This was an obvious mistake by the City

1330 15th St
was Properly
Licensed by
State of Florida
and Miami-
Dade County as
Hotel since
December 18,
2019

1330 15th Street maintained a Transient Apartment license from the State of Florida from 12/18/19 to the present (Exhibit H in my Response to Planning Director)

- State definition: A transient apartment is any apartment building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy
- In fact, the Transient Apartment license is issued by the Division of **Hotels** and Restaurants by the State of Florida

The Planning Director and Ricardo Guzman initially tried to argue that the Resort Tax Account for 1330 15th St had been created in accordance with the state license (Exhibits F and G of my Response to Planning Director) before the Planning Director changed his argument in the Staff Report, and claimed that the state license has no relevance

- The Planning Director has changed his explanation of the Resort Tax Account at least 3 separate times

1330 15th St
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December 18,
2019

The Planning Department claimed that the BTR and Resort Tax accounts were created based on my Florida State License

- From Ricardo Guzman's email (Exhibit G of my Response to Planning Director): "Also, on May 19, 2020: A new Resort Tax (RTX) account was setup by the Finance Department. Both BTR and RTX accounts were created based on the Florida State License (#TAP2330379), which is for an Apartment Building"
- As we know, this license is NOT for an Apartment Building, it is for Transient Apartment
- **The city issued the wrong BTR based on an obvious error**

1330 15th St's
Use Was
Changed
Without
Building Official
Approval

The Planning Director has asserted that “the change in use for the Property approved by the City in December 2019 was considered a change from a more intense use (hotel) to a less intense use (apartment)”.

Unfortunately, this argument has no legal validity

Florida Building Code § 111.1 Use and Occupancy:

A building or structure shall not be used or occupied, and **a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein.** Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

There are no caveats made for “less intense” or “more intense” uses. Any change in use whatsoever requires Building Official approval.

The Building Official never approved a Change of Use for 1330 15th St.

Building Official Approval is Necessary for Change of Use for Good Reason

If the Planning Director's fabrication of law were to actually be true, it would mean that all an applicant would need to do in order to change the use of a property without inspection or code review would be to argue that his intended use is "less intense"

This would mean that an Office could turn into a Nightclub with no input or review from the Building Official, so long as they could prove it is a "less intense" use

Obviously, this is an absurd outcome, and is completely contrary to the public good, much less explicit Florida state law

Exhibit CMG-G of Staff Report

'BLPL Approvals'

Manage Plan BLPL2019-08006 Address 1330 15 ST

Read Only Record Type

Menu

Plan Details

Department Review v.

STR/Planning Queue

Workflow Details

Name: STR/Planning Queue Description: STR/Planning Queue

Status: Pass Action Priority Order: 0 Sort Order: 0

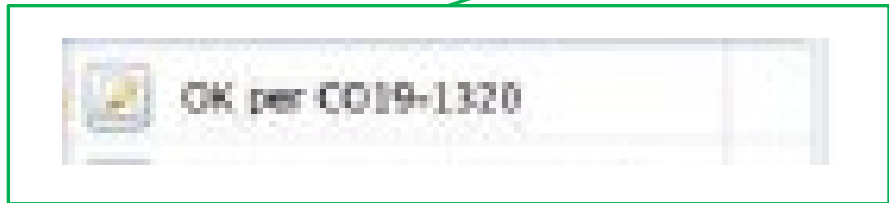
Received Date: 12/27/2019 Due Date: 12/27/2019 Complete Date: 12/30/2019

Needs Re-submit Completed Auto Receive

Item Review / Note

Drag a column header and drop it here to group by that column

Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
Code Enforcement Review	Code Enforcement	Escobar, Silvia	Pass	12/27/2019	12/27/2019	12/30/2019	0	<input type="checkbox"/>	Approved. This posted by
Building Review	Building - Plans Examiners	Chamoun, Gabi	Pass	12/27/2019	01/17/2020	12/30/2019	0	<input type="checkbox"/>	OK per CO19-1320
Planning Department Review	Planning	Williams, Stevor	Pass	12/27/2019	01/03/2020	12/30/2019	0	<input type="checkbox"/>	
Finance Review	Finance	Roman, Poble	Pass	12/27/2019	01/06/2020	12/30/2019	1	<input type="checkbox"/>	



The City Made a Series of Errors on BTR Application Processing

While the BTR Application was for Apartment, the Building Review was passed only on the basis of it being an 8 unit suite hotel, specifically referenced by the Certificate of Occupancy CO19-1320 in the notes

An application for Change of Use to Apartment should have been automatically Failed, at which point someone would have realized the disconnect, and that the property had not been reviewed or inspected for its new use to ensure its compliance with fire code and other safety regulations

In fact, even on the Forged BTR Application for Apartments, a Change of Use is not ticked, meaning the application was purporting to be processed as its existing use (which was Hotel); this also should have produced a Fail from the very beginning

The net result of this series of errors cannot be the permanent loss of use of my property, through no fault of my own

Precedent: 865 Collins

In a February 2018 case that came before this Board, a package liquor retailer had not paid his BTR renewal fees despite doing so properly for its prior years in existence

While the BTR fees had been unpaid, an ordinance was passed that made it illegal for a package liquor retailer to exist in the location in which it existed

The Planning Director held that the retailer was not acting lawfully at the time that the zoning had changed because the BTR fees had not been paid, and therefore it was not considered a legal nonconforming use at the time of the change in law

The BOA held that the nominal BTR fees not being paid did not constitute a basis for permanently stripping a business owner of their livelihood

Comparison of 865 Collins Case to 1330 15th St

In the matter of 1330 15th St, the Planning Director is basing his entire argument of voluntary abandonment of use of a property based on a single fraudulent document

The Planning Director has also deemed it unimportant that Florida law was violated in the Change of Use that occurred with no Building Official approval

The permanent loss of use of 1330 15th St based on the fraud of a 3rd party would be an unconscionable outcome

Thank You For Your
Consideration

