



## Application - 428 S Hibiscus DR Timo Kipp - Rev1 10-5-2023.pdf

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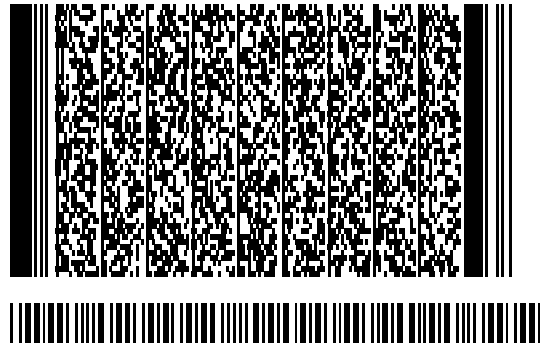
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### E-Signature Summary

**E-Signature Notary: Yeidy Montesino (ymp)**

October 11, 2023 07:23:33 -8:00 [CD88349116E7] [74.220.90.117]  
ymontesino@brzoninglaw.com



# 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 DRB23-0958			
<input type="radio"/> <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 checked="" type="radio"/> <b>Design Review Board</b> <input checked="" type="checkbox"/> Design review approval <input checked="" type="checkbox"/> Variance	
<input type="radio"/> <b>Planning Board</b> <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"/> <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 checked="" type="checkbox"/> <b>Other:</b> Modification of DRB 22964			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 428 S Hibiscus Drive			
FOLIO NUMBER(S) 02-3232-006-0220			
Property Owner Information			
PROPERTY OWNER NAME Casa Alaia LLC			
ADDRESS 3507 Kyoto Gardens Dr, Ste 110	CITY Palm Beach Gardens	STATE FL	ZIPCODE 33410
BUSINESS PHONE (561) 655-3466	CELL PHONE	EMAIL ADDRESS maria@whalou.com	
Applicant Information (if different than owner)			
APPLICANT NAME Same			
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Modification to previously approved (DRB 22964) and built 2-story single-family home to add 128 SF to center of second floor facing waterfront and associated variances for unit size and lot coverage. See letter of intent for additional details.			



Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input 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 Livingston Builders		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Engineer	<input type="checkbox"/> Contractor <input type="checkbox"/> Tenant
		<input type="checkbox"/> Landscape Architect	<input type="checkbox"/> Other _____
ADDRESS 125 Worth Avenue		CITY Palm Beach Gardens	STATE FL
		ZIPCODE 33480	
BUSINESS PHONE (561) 833-3242	CELL PHONE	EMAIL ADDRESS mprincipe@livingstonbuilders.com	
Authorized Representative(s) Information (if applicable)			
NAME Matthew Amster		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Agent	<input type="checkbox"/> Contact <input type="checkbox"/> Other _____
ADDRESS 200 South Biscayne Boulevard, Suite 300		CITY Miami Beach	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE (305) 374-5300	CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Agent	<input type="checkbox"/> Contact <input type="checkbox"/> Other _____
ADDRESS		CITY	STATE
		ZIPCODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Agent	<input type="checkbox"/> Contact <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

DocuSigned by:  
  
 93468F5F9FB04AA...    **SIGNATURE**

Maria F. Vieira, Manager  
 \_\_\_\_\_  
**PRINT NAME**

10-11-2023  
 \_\_\_\_\_  
**DATE SIGNED**

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**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 Florida

COUNTY OF Miami-Dade

I, Maria F. Vieira Manager (print title) of Casa Alaia LLC (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:

Maria F. Vieira

93468F5F9FB04AA...

\_\_\_\_\_  
**SIGNATURE**

Sworn to and subscribed before me this 11 day of October, 2023. The foregoing instrument was acknowledged before me by Maria F. Vieira, who has produced \_\_\_\_\_ identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**Yeidy Montesino Perez**  
**Commission # HH 084273**  
Notary Public - State of Florida  
My Commission Expires Jan 24, 2025

[Signature]

Signed on 2023/10/11 07:23:33 -8:00

\_\_\_\_\_  
**NOTARY PUBLIC**

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

Yeidy Montesino Perez

\_\_\_\_\_  
**PRINT NAME**



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**POWER OF ATTORNEY AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami-Dade

I, Maria F. Vieira , Manager, 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 M. Amster and Livingston Builders to be my representative before the Design Review 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.

Maria F. Vieira , Manager  
**PRINT NAME (and Title, if applicable)**

DocuSigned by:  
Maria F. Vieira  
93468F5F9FB04AA...  
**SIGNATURE**

Sworn to and subscribed before me this 11 day of October, 2023. The foregoing instrument was acknowledged before me by Maria F. Vieira, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



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

YMP  
Signed on 2023/10/11 07:23:33 -8:00  
**NOTARY PUBLIC**

Yeidy Montesino Perez  
**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.



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**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.

Casa Alaia LLC

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

Timo Kipp

50%

3507 Kyoto Gdns Dr Ste 110, Palm Beach Gardens

Ximena Delgado

50%

3507 Kyoto Gdns Dr Ste 110, Palm Beach Gardens

**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.

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**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.

N/A

**TRUST NAME**

NAME AND ADDRESS

% INTEREST


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**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
Matthew Amster	200 South Biscayne Boulevard, Suite 300	(305) 374-5300
Livingston Builders	125 Worth Avenue	(561) 833-3242

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, Maria F. Vieira, Manager, 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.

DocuSigned by:  
Maria F. Vieira  
93468F5F9FB04AA... **SIGNATURE**

Sworn to and subscribed before me this 11 day of October, 2023. The foregoing instrument was acknowledged before me by Maria F. Vieira, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**Yeidy Montesino Perez**  
**Commission # HH 084273**  
Notary Public - State of Florida  
My Commission Expires Jan 24, 2025

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

[Signature]  
Signed on 2023/10/11 07:23:33 -0000  
**NOTARY PUBLIC**

Yeidy Montesino Perez  
**PRINT NAME**

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**Exhibit A "Legal Description"**  
**428 S Hibiscus Drive**

**Lots 26 and 27, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8, Page 75, Public Records of Miami-Dade County, Florida; together with that part of the 20.00 foot strip contiguous and abutting to said lots, as included in Deed dated September 14, 1932, recorded October 8, 1932 in Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida, as included in Deed Book filed August 2, 1932 in Deed Book 1496, Page 305, of the Public Records of Miami-Dade County, Florida. Said 20.00 foot strip lies seaward of the property line and lies contiguous to Biscayne Bay and between the prolongations of the non-common side lot lines extended into Biscayne Bay.**

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