

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV
305-673-7550

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.

☐ BOARD OF ADJUSTMENT

☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS

☒ APPEAL OF AN ADMINISTRATIVE DECISION

☐ DESIGN REVIEW BOARD

☐ DESIGN REVIEW APPROVAL

☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB

☐ HISTORIC PRESERVATION BOARD

☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN

☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE

☐ HISTORIC DISTRICT / SITE DESIGNATION

☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB

☐ PLANNING BOARD

☐ CONDITIONAL USE PERMIT

☐ LOT SPLIT APPROVAL

☒ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP

☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP

☐ FLOOD PLAIN MANAGEMENT BOARD

☐ FLOOD PLAIN WAIVER

☐ OTHER _____

SUBJECT PROPERTY ADDRESS: _____

865 Collins Avenue, Unit D

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A" _____

FOLIO NUMBER (S) _____

2BA18-0062



Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

ADMINISTRATIVE APPEAL APPLICATION CHECK LIST

Property address: 865 Collins Avenue, Unit D

Date: 2-1-2018

File #: ZBA18-0062

Incomplete, or submittals found to be insufficient will not be placed on a Board of Adjustment agenda.

All fees shall be paid before an item can be scheduled for an agenda. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to the submittal deadline to be invoiced and make payment.

ITEM #	ONLINE SUBMITTAL (VIA CAP) To be uploaded online (CAP) by the applicant before 5:00 pm on the submittal deadline.
1	Application with all signed and notarized applicable affidavits and disclosures.
2	Signed and dated Letter of Intent. Letter must indicate the decision that is being appealed and other information as required by Section 118-9 (b).
3	Full legal description of the property if not Included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).

ITEM #	PHYSICAL SUBMITTAL To be hand delivered to the Planning Department before 5:00 pm on the submittal deadline.
1	Original application with all signed and notarized applicable affidavits and disclosures.
2	Originals of all items provided in the online submittal.
3	One (1) signed, stapled and collated set of all provided documents.
4	14 collated copies of all provided documents
5	One (1) CD/DVD with electronic copy of entire package (plans, application, Letter of Intent, etc.) see CD/DVD formatting attached, for instructions.

It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.

All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.

Applicant's or designee's signature

2-15-2018

Date

1. APPLICANT: ☐ OWNER OF THE SUBJECT PROPERTY ☒ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER _____

NAME Doron Dcar
 ADDRESS 13441 N.W. 3 CT, Plantation, FL 33325
 BUSINESS PHONE _____ CELL PHONE 954.709.2555
 E-MAIL ADDRESS ddcar@bellsouth.net

OWNER IF DIFFERENT THAN APPLICANT:

NAME PMJ Holding Company, LLC
 ADDRESS 2025 Tyler Street
 BUSINESS PHONE _____ CELL PHONE 954-658-2151
 E-MAIL ADDRESS philtsaada@gmail.com

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Phillip M. Hudson, Esq.
 ADDRESS 200 S. Biscayne Blvd #3600, Miami, FL 33131
 BUSINESS PHONE 305-428-4500 CELL PHONE _____
 E-MAIL ADDRESS phil.hudson@saul.com

☐ AGENT: ATTORNEY

NAME Miguel Diaz de la Portilla, Esq.
 ADDRESS 200 S. Biscayne Blvd #3600, Miami, FL 33131
 BUSINESS PHONE 305-428-4500 CELL PHONE _____
 E-MAIL ADDRESS md.portilla@saul.com

☐ CONTACT:

NAME _____
 ADDRESS _____
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN: N/A

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: _____

NAME _____
 ADDRESS _____
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

FILE NO. ZBA18-00602

4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

The applicant is appealing the City's denial of a BTR for its package liquor store at 865 Collins Avenue, Miami Beach, Florida Unit D

- 4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☐ YES ☒ NO
- 4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) 1760 SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). 19,000 sq SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$

- 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 FEE. 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 A PROJECT 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, LANDSCAPE ARCHITECTS, ENGINEERS, 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.

FILE NO. 2BA12-0062

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FROM 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: _____

PRINT NAME: _____

FILE NO. ZBA18-0062

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF
COUNTY OF

I, Philip Saada, 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 removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 19th day of February, 2018. 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



My Commission Expires:

NOTARY PUBLIC

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
(Circle one)

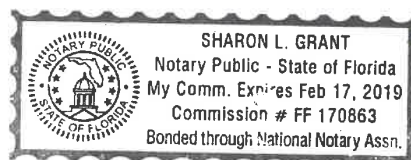
STATE OF
COUNTY OF

I, Phillip SAADA, being duly sworn, depose and certify as follows: (1) I am the MGRM (print title) of PMJ Holding Company 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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 19th day of February, 2018. The foregoing instrument was acknowledged before me by _____, on behalf of such entity, who has produced _____ 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

PRINT NAME

FILE NO. ZBA18-0062

POWER OF ATTORNEY AFFIDAVIT

STATE OF
COUNTY OF

I, Phillip SAADA, being duly sworn and deposed, 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 Philip M. Hudson II to be my representative before the Adjunct Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

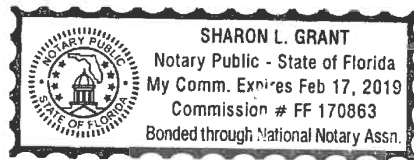
Phil SAADA
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 19th day of February, 2018. The foregoing instrument was acknowledged before me by _____ of _____ who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires



[Signature]

NOTARY PUBLIC

SHARON L. GRANT

PRINT NAME

N/A
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 individual(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.

[Signature]
NAME

2-29-18
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.

FILE NO. ZBA18-0062

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. 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.*

PMT Holding Company, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Philip SAADA 2025 TYLER STREET; Hollywood, FL 33020	33.33333333 %
JAMES SAADA 2025 TYLER ST; Hollywood, FL 33020	33.33333333 %
MARK SAADA 2025 TYLER ST; Hollywood, FL 33020	33.33333333 %
_____	_____
_____	_____
_____	_____
_____	_____

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. ZBA18-0062

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this 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.*

TRUST NAME

NAME AND ADDRESS

% INTEREST

NOTE: Notarized signature required on page 9

FILE NO. 2BA18-0062

3. 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 #
a.	Miguel Diaz de la Parilla	200 S. Biscayne Blvd	305-428-4543
b.		Suite 3400	
c.			

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

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY 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
COUNTY OF

I, Philip SAADA, being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

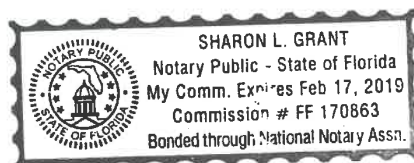

SIGNATURE

Sworn to and subscribed before me this 19th day of February, 2018. 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:



SHARON L. Grant
PRINT NAME

FILE NO. 2BA18-0062



OFFICE OF THE PROPERTY APPRAISER

Generated On : 2/20/2018

Property Information

Folio: 02-4203-258-0040

Property Address: 865 COLLINS AVE D

Full Legal Description

THE SKYLARK CONDO

UNIT D

UNDIV 3.167%

INT IN COMMON ELEMENTS

OFF REC 20580-1711

Sales Information

Previous Sale	Price	OR Book-Page	Qualification Description
12/01/2006	\$100	25257-2411	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



ZBA18-0062