

## MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, [www.MIAMIBeachFL.GOV](http://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
  - ☐ MENDMENT 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 Modification of DRB File. No. 23089

SUBJECT PROPERTY ADDRESS: 22 Star Island Drive  
\_\_\_\_\_  
\_\_\_\_\_

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

FOLIO NUMBER (S) 02-4204-001-0191  
\_\_\_\_\_

FILE NO. \_\_\_\_\_

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

NAME Twenty-Two Star Island, LLC  
 ADDRESS 700 NW 107<sup>th</sup> Avenue, 4<sup>th</sup> Floor, Miami, FL 33172  
 BUSINESS PHONE 305-229-6554 CELL PHONE 786-208-2113  
 E-MAIL ADDRESS tmgenq64@aol.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Jeffrey Bercow  
 ADDRESS Bercow Radell Fernandez & Larkin, PLLC, 200 South Biscayne Boulevard, Suite 850, Miami, FL 33131  
 BUSINESS PHONE 305-377-6220 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS JBercow@BRZoningLaw.com

☒ ATTORNEY:

NAME Michael W. Larkin  
 ADDRESS Bercow Radell Fernandez & Larkin, PLLC, 200 South Biscayne Boulevard, Suite 850, Miami, FL 33131  
 BUSINESS PHONE 305-377-6231 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS MLarkin@BRZoningLaw.com

☒ ATTORNEY:

NAME Matthew Amster  
 ADDRESS Bercow Radell Fernandez & Larkin, PLLC, 200 South Biscayne Boulevard, Suite 850, Miami, FL 33131  
 BUSINESS PHONE 305-377-6236 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS MAmster@BRZoningLaw.com

☒ ATTORNEY:

NAME Maritza Haro  
 ADDRESS Bercow Radell Fernandez & Larkin, PLLC, 200 South Biscayne Boulevard, Suite 850, Miami, FL 33131  
 BUSINESS PHONE 305-377-6225 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS MHaro@BRZoningLaw.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER \_\_\_\_\_

NAME Robert Moehring  
 ADDRESS Domo Design Studio, 420 Lincoln Road, Suite 506, Miami Beach, FL 33139  
 BUSINESS PHONE 305-674-8031 CELL PHONE 305-984-3624  
 E-MAIL ADDRESS robert@domodesignstudio.com

FILE NO. \_\_\_\_\_

## 4. SUMMARY OF APPLICATION - PROVIDE BRIEF SCOPE OF PROJECT:

Applicant seeks modification of DRB File No. 23089 to request variance to exceed maximum height of elevator bulkhead on previously-approved 2-story house. See letter of intent for more details.

\_\_\_\_\_

\_\_\_\_\_

- 4A IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B DOES THE PROJECT INCLUDE INTERIOR OF EXTERIOR DEMOLITION ☐ YES ☒ NO
- 4C PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICANT) 0 SQ. FT.
- 4D PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USABLE FLOOR SPACE). 0 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. \_\_\_\_\_

- 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: Stuart Miller as Manager of Twenty-Two Star Island, LLC

FILE NO. \_\_\_\_\_



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 removing 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 PUBLIC

NOTARY SEAL OR STAMP

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

My Commission Expires:

ALTERNATE OWNER AFFIDAVIT FOR  
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

(Circle one)

STATE OF FloridaCOUNTY OF Miami-Dade

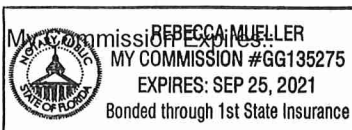
I, Stuart Miller, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of Twenty-Two Star Island, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of 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 15th day of March, 2018. The foregoing instrument was acknowledged before me by Stuart Miller, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

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

NOTARY SEAL OR STAMP

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

FILE NO. \_\_\_\_\_

**POWER OF ATTORNEY AFFIDAVIT**

STATE OF

Florida

COUNTY OF

Miami-Dade

I, Stuart Miller, being 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 Bercow Radell Fernandez & Larkin, PLLC to be my representative before the Design Review 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.

Stuart Miller

Print name (and Title, if applicable)

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 15<sup>th</sup> day of March, 2018. The foregoing instrument was acknowledged before me by Stuart Miller, of Twenty-Two Star Island, LLC who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.



[Signature]  
NOTARY PUBLIC  
Rebecca Mueller

My Commission Expires

9/25/21

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 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.\*

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 is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. \_\_\_\_\_

FILE NO. \_\_\_\_\_

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.\*

N/A

TRUST NAME

NAME AND ADDRESS

% OF INTEREST

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*NOTE: Notarized signature required on page 9*

FILE NO. \_\_\_\_\_



**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. <u>Jeffrey Bercow,</u>	<u>200 S. Biscayne Blvd., # 850, Miami, FL 33131</u>	<u>305-374-5300</u>
b. <u>Michael W. Larkin,</u>	<u>200 S. Biscayne Blvd., # 850, Miami, FL 33131</u>	<u>305-374-5300</u>
c. <u>Matthew Amster,</u>	<u>200 S. Biscayne Blvd., # 850, Miami, FL 33131</u>	<u>305-374-5300</u>
d. <u>Maritza Haro,</u>	<u>200 S. Biscayne Blvd., # 850, Miami, FL 33131</u>	<u>305-374-5300</u>
e. <u>Robert Moehring,</u>	<u>420 Lincoln Road, Suite 506, Miami Beach, FL 33139</u>	<u>305-674-8031</u>

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.

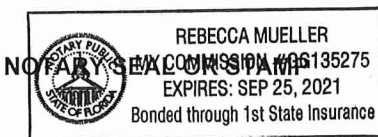
**APPLICANT AFFIDAVIT**

STATE OF Florida  
COUNTY OF miami-dade

I, Stuart Miller, being 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] SIGNATURE

Sworn to and subscribed before me this 15th day of March, 2018. The foregoing instrument was acknowledged before me by Stuart Miller, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.



[Signature]  
NOTARY PUBLIC  
Rebecca Mueller  
PRINT NAME

My Commission Expires:

9/25/21

FILE NO. \_\_\_\_\_



# **Exhibit A**

## **LEGAL DESCRIPTION:**

LOT 22, STAR ISLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND CORRECTED PLAT OF STAR ISLAND RECORDED IN PLAT BOOK 31, PAGE 60, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND THAT PART OF LOT 46, STAR ISLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 52, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND CORRECTED PLAT OF STAR ISLAND RECORDED IN PLAT BOOK 31, PAGE 60, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, WHICH SAID PART OF SAID LOT 46 IS PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 22 AND SAID LOT 46, STAR ISLAND, WITH THE NORTHERLY LINE OF EAST DRIVE (NOW EAST STAR ISLAND DRIVE) THENCE RUN NORTHEASTERLY ALONG THE DIVIDING LINE BETWEEN SAID LOTS 22 AND 46 A DISTANCE OF 400 FEET TO A POINT ON THE NORTH LINE OF SAID LOTS 22 AND 46; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 46, ALONG THE ARC OF A CIRCULAR CURVE DEFLECTION TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  $2^{\circ}26'57.571''$ , A RADIUS OF 500 FEET, A DISTANCE OF 21.374 FEET TO A POINT; THENCE RUN SOUTHWESTERLY ALONG A LINE RADIAL TO THE LASTMENTIONED CURVE, A DISTANCE OF 400 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 46; THENCE RUN SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 46, ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  $2^{\circ}26'57.571''$ , A RADIUS OF 100 FEET, A DISTANCE OF 4.275 FEET TO THE POINT OF BEGINNING.



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236  
E-Mail: MAMster@BRZoningLaw.com

## VIA E-SUBMISSION & HAND-DELIVERY

April 5, 2018

James G. Murphy, Chief of Urban Design  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: DRB File No. 18-0242 - Modification of DRB File No. 23089 To Request  
Variance To Exceed Maximum Height Of Elevator Bulkhead for  
Previously-Approved 2-Story Home at 22 Star Island Drive, Miami Beach,  
Florida

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Dear James:

This firm represents Twenty Two Star Island LLC (the "Applicant"), the owner of the above-referenced property (the "Property"). The Applicant obtained Design Review and Variance approvals from the Design Review Board (DRB) on March 3, 2015, April 7, 2015 and September 1, 2015 (collectively "Prior Approval") for the preservation and relocation of an existing two-story structure, construction of a new two-story main residence on the Property and associated variances. See attached recorded orders. Applicant seeks DRB approval of a variance to exceed the maximum height of the elevator bulkhead for the previously approved two-story home at the Property.

Property and Prior Approvals. The Property is an irregular, pie-shaped lot approximately 58,974 square feet in size and is located in the RS-1, Single Family Residential Zoning District. The Property is identified by Miami-Dade County Folio No. 02-4204-001-019. Through the Prior Approval, the DRB approved the Applicant's plan to demolish a detached garage, relocate a residential structure, constructed in 1928 within the Property, and construct a new two-story single-family home. The residential structure has since been relocated from the northwest area of the Property to the southeast area of the Property. The DRB also granted variances associated with the placement of the relocated structure,

including the height of the elevator bulkhead. Based on proactive efforts to address sea-level rise, the DRB also approved an increase in the finished floor to 3 feet above Base Flood Elevation (BFE) of the relocated structure and the new residence, the latter of which required a variance. The Applicant is currently in the process of constructing the new residence pursuant to Master Permit No. B1506654.

Applicant's Proposal. The Applicant proposes to have the elevator access the roof level, where the Prior Approval and permit plans only had it accessing the interior two floors of the home. The size of the elevator requires mechanical equipment above the elevator shaft and the architects have designed a sleek, tapering exterior design. The equipment and the design at the highest point are 13' above the roof line and the Code only allows a 10' elevator projection. Therefore, the Applicant seeks a 3' height variance. The proposed elevator and vestibule are centrally located and substantially setback 237' from the front and 148'-7.5" from the rear. Additionally, the elevator and vestibule have a very small footprint, only 128.13 square feet, and therefore visibility of this element is minimal from surrounding properties and rights-of-way.

The Applicant also proposes to "weather proof" an interior courtyard with a skylight. The proposed skylight will have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways as required by Section 142-105(7). Additionally, pursuant to Section 142-105(7)(g), the proposed skylight will not exceed five feet above the main roofline and the area of skylight does not exceed 10% of the total roof area. The courtyard was previously included in lot coverage calculations.

While the Applicant's slightly modified plans for the Property result in this variance request and some minor modifications of the Prior Approval, the Applicant's proposal otherwise meets all other land development regulations, including unit size (notably only 39.89%), lot coverage (only 22.42%), 70% second floor volume, front and rear open space and setbacks, among others.

Variance Request. Variance of Section 142-105(b)(7)(f) to permit an elevator bulkhead at a height of 13' above the roofline where a maximum height of 10 feet is allowed. As explained above, the type of elevator requires the higher height and the exterior design helps to mask the scale of the bulkhead. Further, the elevator is substantially setback from the street, the waterway and the adjacent properties. As such, it will not be very visible from the surrounding rights-of-way and properties.

Satisfaction of Hardship Criteria. The Applicant's request satisfies the hardship criteria as follows:

- (1) **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;**

Due to the size of the Property, which permits the proposed home with an allowable roof terrace with access by elevator, a larger elevator is necessary. As a result, the required bulkhead height for an elevator that meets the needs of the proposed home creates the special condition which is peculiar to the Property.

- (2) **The special conditions and circumstances do not result from the action of the applicant;**

The Property's size arises from the plat and the code provides the allowable development regulations neither of which result from any action taken by the Applicant. The Code does not contemplate an adequate elevator for the size of the allowable home. Nevertheless, the Applicant has acted to minimize the effects of the requested variance through design treatment and locating the bulkhead with significant setbacks from all property lines.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

Other properties, including waterfront lots, often face similar development difficulties. In order to seek relief from the strict requirements of the Code, these other property owners often seek variances, including two others on Star Island for the same variance.

- (4) **Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the land development regulations would deprive the Applicant of the ability to redevelop the Property in a way that sufficiently allows for privacy and enjoyment of the land and appropriate access to all levels of the residence. The elevator bulkhead, will be mostly hidden from view from the rights-of-way and adjacent properties. As required, this bulkhead is located as close to the center of the roof as possible and is visually recessive and screened by landscaping along the perimeter of the Property. As such, this request will not negatively affect neighbors. Thus, a literal interpretation of the regulations would work an unnecessary and undue hardship on the Applicant.

- (5) **The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

In order to design a home that is appropriate in size and scale with the existing neighborhood context and Property size, the request is the minimum necessary to accommodate an elevator for a structure of the scope proposed. However, this bulkhead is centrally located and will be mostly hidden from view due to the long depth of the property and with the assistance of the extensive landscaping.

- (6) **The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

The home's elevator bulkhead will not be readily apparent from view on the street or waterway. The requested variance meets the intent of the Code as the elevator bulkhead will be screened from view with the sloped green roofs and landscaping. As required, this bulkhead is located as close to the center of the roof as possible and is visually recessive. As such, this request will not negatively affect neighbors and, thus, meets the intent of the Code.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.**

These variance requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. The required bulkhead height for an elevator that meets the needs of the proposed home to access all levels represents a practical difficulty inhibiting the Applicant from meeting all Code requirements. However,



the Applicant's proposal satisfies the intent and purposes of the Code to provide for an elevator bulkhead that does not adversely impact the neighborhood.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

- (1) **A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicant completed demolition. Please see Permit No. B1506654.

- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

The Applicant proposes hurricane impact windows.

- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Operable windows will be provided. Please see Permit No. B1506654.

- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

The appropriate landscaping is proposed at the Property. Species include native and Florida-friendly plants appropriate for the area, including salt tolerant species. Please see Permit No. B1506654.

- (5) **Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

Construction of the project has already begun in accordance with the Prior Approval and the finished floor exceeds minimum free board. Please see Permit No. B1506654.

- (6) **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

Construction of the project has already begun in accordance with the Prior Approval. Please see Permit No. B1506654.

- (7) **Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

Construction of the project has already begun in accordance with the Prior Approval. Please see Permit No. B1506654.

- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Construction of the project has already begun in accordance with the Prior Approval and the relocated structure is located above BFE. Please see Permit No. B1506654.

- (9) **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

No habitable space is located below BFE. Proper precautions will be taken to protect the Property from potential floods.

- (10) **Where feasible and appropriate, water retention systems shall be provided.**

The Applicant has engaged the services of a civil engineer to analyze and provide the subsurface drainage design. Accordingly, a water retention system will be provided.

James G. Murphy,  
Chief of Urban Design  
April 5, 2018  
Page 7 of 7

Conclusion. The Applicant's proposed changes to the new home are consistent with the character of the neighborhood, as well as the intent of the Code and its design considerations. The variance request is the minimal necessary to address the challenges of development and appropriate access to all levels of the proposed home. On behalf of the Applicant, we look forward to your favorable review. If you have any questions or comments with regard to the application, please do not hesitate to phone me at 305-377-6236.

Sincerely,



Matthew Amster

Attachments

**DESIGN REVIEW BOARD**  
City of Miami Beach, Florida

MEETING DATE: March 03, 2015

FILE NO: 23089

**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH

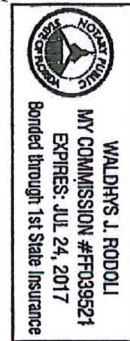
(Signature of Planning Director or Designee)

Personally known to me or Produced ID:

Waldhys J. Rodoli  
Notary Public, State of Florida at Large

Printed Name: Waldhys J. Rodoli  
My Commission Expires: (Seal)

This document contains 6 pages.



PROPERTY: 22 Star Island Drive

APPLICANT: Twenty Two Star Island LLC

LEGAL: Lot 22 of STAR ISLAND, according to Plat thereof, recorded in Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and CORRECTED PLAT OF STAR ISLAND recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida, together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family home and the relocation / renovation of an existing pre-1942 architecturally significant two-story accessory structure, including variances to waive the minimum required interior side yard setbacks and minimum required sum of the side yard setbacks, and a variance to exceed the maximum permitted building height.

**ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review Approval**

A. Based on the plans and documents submitted with the application, testimony and

*Handwritten signature or initials.*

information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 3, 5, 6, 9 and 11 in Section 118-251 of the Miami Beach Code.

B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed new home at 22 Star Island Drive shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The exterior elevations of the 1928 home shall be restored to the original design to the greatest extent possible, in a manner to be reviewed and approved by staff consistent.
  - b. The variances are bifurcated from the design review application and shall be heard on April 07, 2015.
  - c. The interior side open space requirement shall be waived as proposed.
  - d. The architect shall retain, preserve, and maintain to the greatest extent possible the existing architectural features of the home and utilize the projecting balcony and decorative columns of the porte-cochere to be demolished to be used in the redesign of the east façade, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. Second kitchens are subject to the review and discretion of the Planning Director, pursuant to City Code Section 142-905(b)(2), and subject to a restrictive covenant. If a second kitchen is permitted by the Planning Director, a restrictive covenant, subject to the approval of the City Attorney, shall be required, indicating among other things, that the guest cottage will not be rented out separately as an apartment unit.
  - f. The Applicant shall submit a restrictive covenant, running with the land, to the Department, approved as to form by the City Attorney, that the property owner will retain, preserve, and maintain to the greatest extent possible the relocated historic portion and protect against violation of minimal maintenance standards and demolition by neglect. Any damage that occurs during the course of relocation of the historic structure shall be repaired to the original condition.
  - g. The proposed railing for the active portions of the second floor open terrace shall be of clear glass and as frameless as possible so as not to detract from the architecture of the home, in a manner to be reviewed and approved by staff.
  - h. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.





- i. The final design details of all exterior surface materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - j. Hardwired speakers shall not be permitted on the roof deck.
  - k. All roof top lighting shall be located below the parapet level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - l. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - m. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. A Tree Disposition plan shall be required to be submitted at the time of Building Permit review and a Tree Removal / Relocation Permit from DERM shall be required for any non-invasive trees with a tree trunk size of 18" at DBH or greater and as required by County Code.
  - b. Only canopy shade street trees and sod shall be permitted in the public ROW. The proposed gravel and understory planting in public property shall be replaced with sod and a different large shade tree species shall be selected as a street tree subject to the review and approval of staff. The Spiraling Whitefly is severely impacting Gumbo Limbo trees in our area and their use is discouraged.
  - c. Only minimal landscaping shall be installed within the required rear yard that is adjacent to the relocated architecturally significant accessory structure, in order to not obstruct the view of the historic structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board .
  - d. If technically feasible, all overhead utility lines shall be placed underground.
  - e. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by staff.



- f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
- g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

## II. Variance(s)

- A. No variance(s) were filed as part of this application. The variances are bifurcated from the design review application and shall be heard on April 07, 2015.

## III. General Terms and Conditions applying to both 'I. *Design Review Approval* and 'II. *Variances*' noted above.

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.



- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Star Island 22", as prepared by **DOMO Architecture + Design** signed and sealed 01-28-2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.



Meeting Date: March 03, 2015

DRB File No. 23089

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.

Dated this 6<sup>th</sup> day of March, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2015 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Third Budget Notary Services

[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 12-2-17

Approved As To Form: [Signature] ( 3/4/2015 )  
City Attorney's Office:

Filed with the Clerk of the Design Review Board on 3-6-2015 ( WJR )

[Signature]



CFN 20150249821  
OR Bk 29583 Pgs 1528 - 1534; (7pgs)  
RECORDED 04/20/2015 09:03:43  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: April 07, 2015

FILE NO: 23089

**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH

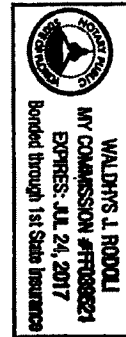
*[Signature]* 4/17/15  
(Signature of Planning Director or Designer) (Date)

Personally known to me or Produced ID: \_\_\_\_\_

*Waldhys J. Rodoli*  
Notary Public, State of Florida at Large

Printed Name: *Waldhys J. Rodoli*  
My Commission Expires: (See)

This document contains 7 pages.



PROPERTY: 22 Star Island Drive

APPLICANT: Twenty Two Star Island LLC

LEGAL: Lot 22 of STAR ISLAND, according to Plat thereof, recorded in Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and CORRECTED PLAT OF STAR ISLAND recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida, together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family home and the relocation / renovation of an existing pre-1942 architecturally significant two-story accessory structure, including variances to waive the minimum required interior side yard setbacks and minimum required sum of the side yard setbacks, and a variance to exceed the maximum permitted building height.

**SUPPLEMENTAL ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

*[Handwritten mark]*



**I. Design Review Approval**

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 3, 5, 6, 9 and 11 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
  - 1. Revised elevation, site plan and floor plan drawings for the proposed new home at 22 Star Island Drive shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. All previous conditions shall apply as well as any supplementary recommendations herein as it relates to the modifications to the previously approved plans.
    - b. A copy of all pages of the recorded Supplemental Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
    - c. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
  - 2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
    - a. The understory landscape plan shall be further developed to include a more diverse plant palate, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - b. A Tree Disposition plan shall be required to be submitted at the time of Building Permit review and a Tree Removal / Relocation Permit from DERM shall be required for any non-invasive trees with a tree trunk size of 18" at DBH or greater and as required by County Code.
    - c. Only canopy shade street trees and sod shall be permitted in the public ROW. The proposed gravel and understory planting in public property shall be replaced with sod and a different large shade tree species shall be selected as a street tree subject to the review and approval of staff. The Spiraling Whitefly is severely impacting Gumbo Limbo trees in our area and their use is discouraged.

- d. If technically feasible, all overhead utility lines shall be placed underground.
- e. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by staff.
- f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
- g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):



1. A variance to waive 20'-3" of the minimum required interior side setback of 21'-11" in order to construct a new two story single family home at 1'-8" from the side property line.
  2. A variance to waive 20'-3" of the minimum required sum of the side yards of 36'-11" in order to provide a sum of the side yards of 16'-8".
  3. A variance to exceed by 3'-0" the maximum permitted building height of 28'-0" in order to construct the new two-story single family home at 31'-0" as measured from Base Flood Elevation.
  4. A variance to exceed by 2'-6" the maximum permitted height projection of 10'-0" in order to retain the existing elevator bulkhead of the architecturally significant single family home at 12'-6" above the main roofline.
- B. The applicant has submitted plans and documents with the application that **PARTIALLY** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property. **In this case, the variances requested are the minimum necessary in order to make a reasonable use of the land and satisfy the Certificate of Appropriateness criteria.**

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not



reduce the levels of service as set forth in the plan.

C. The Board imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. The relocated single family home shall have a minimum side setback of 4'-0" from the side property line.
2. Substantial modifications, including but not limited to, the removal of any or all of the approved variances to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, shall require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. During construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- E. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.



- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Star Island 22", as prepared by **DOMO Architecture + Design** signed and sealed March 12, 2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

Dated this 17<sup>th</sup> day of April, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

Page 7 of 7  
Meeting Date: April 07, 2015  
DRB File No. 23089

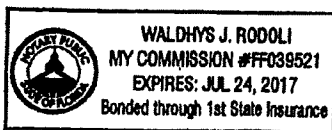
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of April 2015 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Waldhys J. Rodoli  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7-24-2017

Approved As To Form:  
City Attorney's Office:

[Signature] ( 4/17/2015 )

Filed with the Clerk of the Design Review Board on 4-17-2015 ( WJR )

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**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: September 01, 2015

FILE NO.: 23089

PROPERTY: **22 Star Island Drive**

APPLICANTS: Twenty Two Star Island LLC

LEGAL: Lot 22 of Star Island, according to the Plat thereof as recorded in Plat Book 5, Page 52, of the Public Records of Miami-Dade County, Florida and Corrected Plat of Star Island recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for modifications to a previous Design Review Approval for the construction of a new two-story single family home and the relocation / renovation of an existing pre-1942 architecturally significant two-story accessory structure, including variances. Specifically, the applicant is requesting a greater height for the relocated pre-1942 architecturally significant two-story accessory structure.

**SUPPLEMENTAL ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.



The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 6, 9, and 11 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 22 Star Island Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. All previous conditions shall apply as well as any supplementary recommendations herein as it relates to the modifications to the previously approved plans.
    - b. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
    - c. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
  - 2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:



- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. The architect/landscape architect shall explore the retention of trees #231, #290, #291, #308 in their current location as to minimize the need to transplant these trees.
- f. At time of permit, provide a section detail thru the side property line within the elevated yards to demonstrate how the soil and water will be retained on site, including the height of any associated retaining walls, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. The use of sod within the side yards of the home shall be reduced, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.



- h. Alexander Palms are listed as a Category II on the 2013 Florida Exotic Pest Plant Council Invasive Species list. While this is not a regulatory council, Dade County utilizes this list as a guideline for future implementation. Therefore the Alexander Palms shall be replaced with native canopy trees or palms, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- o. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.



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In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

**II. Variance(s)**

- A. No new variance(s) were filed as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

**III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.**

- A. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 8'-0" high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy, a Temporary Certificate of Occupancy or

Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

- F. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Star Island 22", as prepared by **DOMO Architecture + Design** signed, sealed and dated July 13, 2015, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in



Page 7 of 7

Meeting Date: September 01, 2015  
DRB File No. 23089

accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

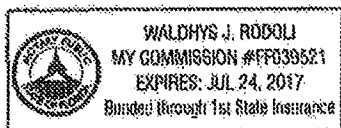
Dated this 3<sup>rd</sup> day of September, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )  
 )SS  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of September, 2015, by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Waldhys J. Rodoli  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7/24/2017

Approved As To Form:  
City Attorney's Office: [Signature]

Filed with the Clerk of the Design Review Board on [Signature] (9/2/2015),  
(9-3-15)



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public hearing notification packages: lists of property owners within a specific radius + radius maps + mailing labels  
mailouts + site posting

**rdrmiami.com | diana@rdrmiami.com | 305.498.1614**

March 12, 2018

City of Miami Beach  
Planning Department  
1700 Convention Center Dr.  
Miami Beach, FL 33139

**Re: Property Owners List within 375 feet of:**

**SUBJECT:** 22 Star Island Dr, Miami Beach, FL 33139

**FOLIO NUMBER:** 02-4204-001-0191

**LEGAL DESCRIPTION:** STAR ISLAND CORR PL PB 31-60 LOT 22 & PORTION LOT 46 DES  
IN DB 3752-331

This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 feet radius of the external boundaries of the subject property listed above, including the subject property. This reflects the most current records on the file in Miami-Dade County Property Appraisers' Office.

Sincerely,

---

Diana B. Rio

Total number of property owners without repetition: **7, including 0 international**

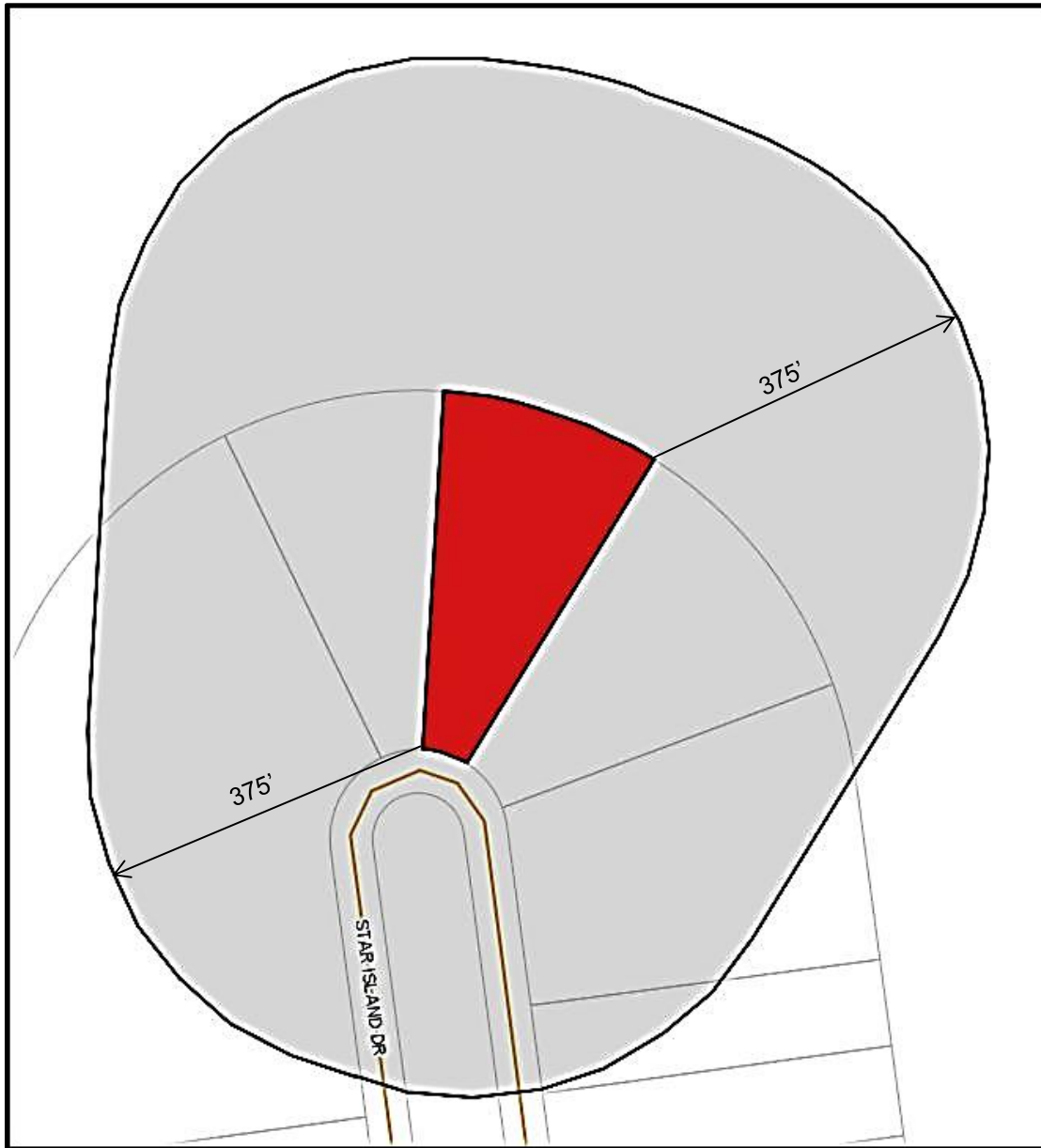


**rdr miami** | rio development resources

public hearing notification packages: lists of property owners within a specific radius + radius maps + mailing labels  
mailouts + site posting

**rdrmiami.com** | **diana@rdrmiami.com** | **305.498.1614**

## 375' RADIUS MAP



**SUBJECT:** 22 Star Island Dr, Miami Beach, FL 33139

**FOLIO NUMBER:** 02-4204-001-0191

**LEGAL DESCRIPTION:** STAR ISLAND CORR PL PB 31-60 LOT 22 & PORTION LOT 46 DES  
IN DB 3752-331

Name	Address	City	State	Zip	Country
BRIAN L BILZIN TRS SUSAN MILLER REVOCABLE TRUST STUART A MILLER TRS	23 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA
CITY OF MIAMI BEACH CITY HALL	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
GARDEN ISLANDS INTL LLC C/O STEVEN CARLYLE CRONIG ESQ	2525 PONCE DE LEON BLVD 4 FLR	MIAMI	FL	33134	USA
MARCO R IACOVELLI	46 STAR ISLAND DR	MIAMI BEACH	FL	33139-5146	USA
PHILLIP FROST &W PATRICIA	21 STAR ISLAND DR	MIAMI BEACH	FL	33139-5147	USA
STARBOARD FLORIDA IV LLC	27 STAR ISLAND DR	MIAMI	FL	33134	USA
TWENTY TWO STAR ISLAND LLC	22 STAR ISLAND DR	MIAMI BEACH	FL	33139	USA

BRIAN L BILZIN TRS  
SUSAN MILLER REVOCABLE TRUST  
STUART A MILLER TRS  
23 STAR ISLAND DR  
MIAMI BEACH, FL 33139

CITY OF MIAMI BEACH CITY HALL  
1700 CONVENTION CENTER DR  
MIAMI BEACH, FL 33139

GARDEN ISLANDS INTL LLC  
C/O STEVEN CARLYLE CRONIG ESQ  
2525 PONCE DE LEON BLVD 4 FLR  
MIAMI, FL 33134

MARCO R IACOVELLI  
46 STAR ISLAND DR  
MIAMI BEACH, FL 33139-5146

PHILLIP FROST & W PATRICIA  
21 STAR ISLAND DR  
MIAMI BEACH, FL 33139-5147

STARBOARD FLORIDA IV LLC  
27 STAR ISLAND DR  
MIAMI, FL 33134

TWENTY TWO STAR ISLAND LLC  
22 STAR ISLAND DR  
MIAMI BEACH, FL 33139



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

Property address: 22 star island Board: DRB Date: 3/12/18

## BOARD APPLICATION CHECK LIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.

Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five(5) business days prior to CAP First submittal.

Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer sixty (60) days\* prior to First submittal deadline to determine the methodology for the traffic impact study. This meeting is considered the "Pre-Application meeting" and must be scheduled via CAP to obtain a plan case number for review and payment of fees. Thirty (30) days before First submittal, applicant must provide the traffic study via CAP (see Transportation Department's requirements check list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to First submittal. Applicant must address comments and submit revised traffic study/plans for CAP First submittal deadline.

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

ITEM #	FIRST SUBMITTAL (VIA CAP) ** To be uploaded online (CAP) by the applicant before 5:00 pm by First submittal deadline. <b>ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.</b>	Required
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. 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 first submittal to be invoiced and make payment.	✓
2	Copy of signed and dated check list issued at Pre-Application meeting.	✓
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	✓
4	Signed and dated Letter of Intent. <b>Letter must outline application details and identify hardships if Variances are requested.</b> (see also Items # 42,43 and 44).	✓
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	✓
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	✓
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	✓
9	<b>Architectural Plans and Exhibits (must be 11"x 17")</b>	✓
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline. <b>Include copies of previous recorded board orders, if applicable.</b>	✓
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	✓
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	✓
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	✓
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	✓
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	✓
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	✓
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	✓

**\* 60 day lead time for projects including traffic studies is necessary to ensure completion of review and required corrections by Final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Indicate N/A If Not Applicable

Initials: FSC



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305.673.7550

**Property address:** 22 star island

i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	✓
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	✓
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	✓
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	✓
m	Demolition Plans (Floor Plans & Elevations with dimensions)	
n	<del>Proposed</del> Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks. Previously approved and proposed	✓
o	<del>Proposed</del> Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable) Previously approved and proposed	✓
p	<del>Proposed</del> Section Drawings Previously approved and proposed, if applicable	✓
q	Color Renderings (elevations and three dimensional perspective drawings).	✓
10	<b>Landscape Plans and Exhibits (must be 11"x 17")</b>	✓
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	✓
b	Hardscape Plan, i.e. paving materials, pattern, etc.	✓
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits. (provide building permit number).	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. <a href="http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920">http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920</a>	
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	
23	Required yards section drawings.	
24	Variance and/or Waiver Diagram	✓
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	

Indicate N/A If Not Applicable

Initials: FSC



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Property address: 22 star island

29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the due within the property. Erosion control line and Bulkhead line shall be indicated if present.	
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
40	<b>Site Plan (Identify streets and alleys)</b>	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	
c	# of bicycle parking spaces _____	
d	Interior and loading area location & dimensions _____	
e	Street level trash room location and dimensions _____	
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
41	<b>Floor Plan (dimensioned)</b>	
a	Total floor area	
b	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	
c	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	
42	<b>The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.</b>	✓
43	<b>The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:</b>	✓
a	Section 118-353 (d) of the City Code for each Variance.	✓
44	<b>The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:</b>	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c )(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	

Indicate N/A If Not Applicable

Initials: FSC



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Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

Property Address: 22 star island

f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	
	<i>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</i>	

**\*\*ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING**

<b>ITEM #</b>	<b>FINAL SUBMITTAL (via CAP)</b> Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Upload documents online (via CAP) before 5:00 pm on final submittal deadline. Staff will review and issue a notice to proceed to <b>Paper Final submittal or to continue submittal to a future meeting if the application is found incomplete.</b>	
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	

ITEM #	PAPER FINAL SUBMITTAL:	Required
46	Original application with all signed and notarized applicable affidavits and disclosures.	✓
47	Original of all applicable items.	✓
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	✓
49	14 collated copies of all required documents	✓
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	✓
51	Traffic Study (Hard copy)	✓
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	✓

**ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS**

- A. Other information/documentation required for First submittal will be identified during Pre-Application meeting but may be modified based on further analysis.
- B. 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.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. 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.
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)



Applicant's or designee's signature

3/12/18

Date

Indicate N/A If Not Applicable

Initials: FSC

April 6th, 2018

**VIA HAND DELIVERY**

Mr. Thomas Mooney, AICP  
Director, Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, FL 33139

**Re: Application to Design Review Board (DRB18-0242) – Response to Staff  
Final Submittal Review Comments Dated March 30, 2018**

Dear Mr. Mooney:

Please accept this letter in response to Staff's final submittal review comments dated March 30, 2018 for Application DRB18-0242 in connection with approval of a modification to a previously permitted two-story single family residence (DRB file number 23089 and Permit number B1506654); enclosure of an interior courtyard with skylight; and a variance request for an additional 3' height for the rooftop elevator bulkhead and vestibule.

The Applicants responses to the comments are as follows:

**2. DEFICIENCIES IN ARCHITECTURAL PRESENTATION:**

b. Letter of Intent to identify hardship criteria

**Please refer to submitted Letter of Intent**

c. EX-1.0: Remove

**Page removed. Survey Page renumbered**

d. EX-1.1: Remove

**Page removed.**

e. EX-2.0: Remove

**Page removed. Existing Contextual Study and Neighborhood Analysis Pages (aerial photos) renumbered.**

f. A-1.5: Remove

**Page removed.**

g. A-2.0A: Highlight two first floor changes- courtyard and location of elevator

**Modified areas highlighted. Please refer to sheet A-2.0A.**

h. A-2.1A: Highlight one second floor changes- location of elevator

**Modified areas highlighted (Elevator per request, opening in floor at former courtyard highlighted due to removal of glazing to be replaced with railing. Please refer to sheet A-2.1A.**

i. A-3.0: Remove

**Page removed.**

j. A-3.0A: Remove

**Page removed.**

k. A-3.1: Remove

**Page removed.**

l. A-3.1A: Remove

**Page removed.**

m. A-3.2: Remove

**See comment o: page relabeled. Page renumbered, please refer to sheet A-3.0.**

n. A-3.2A: Remove

**See comment p: page relabeled. Page renumbered, please refer to sheet A-3.1A.**

o. A-3.2: Relabel ENLARGED

**Page relabeled and renumbered. Please refer to sheet A-3.0.**

p. A-3.2A: Relabel ENLARGED

**Page relabeled and renumbered. Please refer to sheet A-3.1A.**

q. A-3.2B: Relabel ENLARGED

**Page relabeled and renumbered. Please refer to sheet A-3.1B.**

r. A-4.0-A-5.0: Remove

**Pages removed.**



s. A-8.0-A-8.1A: Remove

**Pages removed.**

t. Add Variance Diagram

**Variance diagram added. Please refer to sheet A-7.1.**

u. Add 'FINAL SUBMITTAL' to front cover title for heightened clarity of reference for next deadline. Also drawings need to be dated.

**'Final Submittal' and date added. Please refer to Cover Sheet.**

v. Add narrative response sheet.

Narrative response included herein.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to this request.