

Phillips, Cantor & Shalek, P.A.

ATTORNEYS AT LAW

June 7, 2018

Via Federal Express Delivery

Raphael Levy
Choeff, Levy, Fischman LLC
8425 Biscayne Blvd., Ste. 201
Miami, Florida 33138

RE: 122 W. Dilido Drive, Miami Beach, Florida 33139

Dear Mr. Levy:

Enclosed is the original Miami Beach Land Use Board Hearing Application for the above property.

If you have any questions or concerns, please contact me.

Very truly yours,

JERALD C. CANTOR
For the Firm

JCC/ag
Enclosure

Presidential Circle Suite 500-North, 4000 Hollywood Boulevard, Hollywood, FL 33021

P: 954.966.1820 F: 954.414.9309 W: www.phillipslawyers.com E: jcantor@phillipslawyers.com

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER			
<input type="radio"/> Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input checked="" type="radio"/> Design Review Board <input checked="" type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 122 W DILIDO DR.			
FOLIO NUMBER(S) 02-3232-011-0140			
Property Owner Information			
PROPERTY OWNER NAME Travel Charter Business, Ltd.			
ADDRESS 4000 Hollywood Blvd. #500		CITY Hollywood	STATE FL
BUSINESS PHONE (954) 966-1820		CELL PHONE (954) 483-6345	EMAIL ADDRESS jcantor@phillipslawyer.com
Applicant Information (if different than owner)			
APPLICANT NAME			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Modification of DRB file DRB18-0244, requesting a waiver to allow an elevator and spiral stair in side courtyard, thereby reducing courtyard to less than minimum required by code.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Provide the total floor area of the new construction.		4,962	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		7,850	SQ. FT.
Party responsible for project design			
NAME Choeff Levy Fischman PA		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 8425 Biscayne Blvd.		CITY Miami	STATE FL ZIPCODE 33138
BUSINESS PHONE (305) 434-8338	CELL PHONE (347) 291-7058	EMAIL ADDRESS rlevy@clfarchitects.com	
Authorized Representative(s) Information (if applicable)			
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the 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] *agent +*
attorney in fact **SIGNATURE**

TERALD C. CANTOR
PRINT NAME

6/7/2018
DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

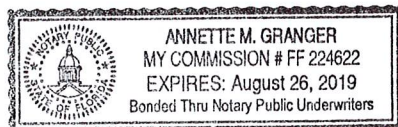
PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Broward

I, TERALD C. CANTOR ^{Att.} being first duly sworn, depose and certify as follows: (1) I am the Agent + Attorney in Fact (print title) of TRAVEL CHARTER BUSINESS (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 7th day of June, 2018. The foregoing instrument was acknowledged before me by TERALD C. CANTOR, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: _____

Annette Granger**PRINT NAME**

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF BROWARD

I, JERALD C. CANTOR, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize RAFAEL LEVY to be my representative before the DESIGN REVIEW Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

JERALD C. CANTOR

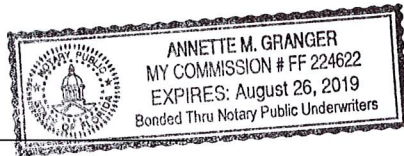
PRINT NAME (and Title, if applicable)

[Signature]

SIGNATURE

Sworn to and subscribed before me this 7th day of JUNE, 2018. The foregoing instrument was acknowledged before me by JERALD C. CANTOR, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____

[Signature]

NOTARY PUBLIC

Annette Granger

PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

TRAVEL CHARTER BUSINESS, Ltd.
NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
<u>JEAN Michel Bordes</u>	<u>100 %</u>
<u>222 Regent St.</u>	
<u>London W1B 5TR</u>	
<u>United Kingdom</u>	

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

TRUST NAME	
NAME AND ADDRESS	% INTEREST

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
Raphael Levy	8425 Biscayne Blvd #201, Miami, FL 33138	(305) 434-8338
_____	_____	_____
_____	_____	_____

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

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF FLORIDA

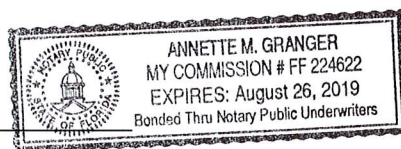
COUNTY OF BROWARD

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

[Signature]
SIGNATURE

Sworn to and subscribed before me this 7th day of June, 20 18. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____

[Signature]
NOTARY PUBLIC
Annette Granger
PRINT NAME

EXHIBIT “A”

LEGAL DESCRIPTION:

LOT 5, BLOCK 2, OF “PLAT OF DILIDO”, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITHAN 8 FOOT STRIP OF LAND CONTIGUOUS TO THE WESTERLY BOUNDARY LINE OF SAID LOT 5, BLOCK 2, PLAT OF DILIDO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 36 LYING BETWEEN THE NORTHERLY AND SOUTHERLY BOUNDARY LINES OF SAID LOT 5 EXTENDED WESTERLY.

June 11, 2018

To: Design Review Board Members and Planning Department Staff,

Re: Request for a Modification to a Design Review Board Approval, File #23165, for a New Residence Located at 122 W. Dilido Dr. Miami Beach, FL. 33139

Dear Board Members and Planning Staff,

The applicant is Travel Charter Business, LTD, the owner of the property located at 122 W. Dilido Dr. Let this letter serve as the Letter of Intent in support of the owner's request for a modification to the Design Review Board (DRB) approval for the construction of a new residence. The house is currently under construction, where the structural work is nearly completed.

The applicant is requesting a modification to the Design Review Board Approval, File #23165, to add an elevator with a 10' high bulkhead and a spiral stair. The proposed elevator hoistway and spiral stair will encroach in a required side courtyard and the applicant is requesting a waiver of the minimum courtyard requirements, per Sec. 142-106 (2)(d).

The applicant presented a similar application (DRB18-0244) before the DRB on June 5, 2018, where the DRB approved the addition of an active roof deck, and a spiral stair that encroached in the side courtyard, from 2nd floor to roof level only. The elevator as proposed in the previous application was not included as part of the approval.

The applicant is not satisfied with the outcome, primarily because he has a disabled father that would require an elevator for vertical circulation, and would like the DRB to reconsider the addition of the elevator in the side courtyard. There were a number of reasons why the DRB saw inappropriate to approve an elevator in a required side courtyard at the time they heard the last application, but we believe we have addressed those concerns in this attempt to have the DRB waive the requirement for the required courtyard. I believe that had we had the support from our neighbor, better understood our egress requirements, and presented a more compelling need for the elevator than an aesthetically pleasing convenience, the Board would have been more receptive to our previous attempt at an approval for the elevator.

The neighbor to the south, at 118 W Dilido Drive, had expressed opposition to the proposal, citing privacy issues. We've been communicating with the neighbor on the design so that he would be pleased with the final product and relieved of privacy concerns. As such, we've made the south wall of the elevator enclosure solid, to deny any view from the elevator into the neighbor's property. We've also clad the enclosure with wood, to provide a richer finish than a painted stucco surface, and allowed for ivy to grow over it, so that it blends better with the landscaping. We've sent our proposed changes to the neighbor but are still awaiting feedback. Upon confirming that the changes addressed his concerns to his satisfaction, he said he would also pledge his support for this application. We will follow up with Staff upon securing our neighbor's support.

Another concern with the previous application was that a ship's ladder was shown as a means of egress from the roof deck. The Board felt that it was not a proper means of egress and that another element, like a spiral stair, would be required to provide that means of egress, and that this element would impact the design such that it would need to be considered by DRB as part of the application. Though we argued that the Florida Building Code Residential does not spell out explicit requirements for egress from a roof deck, the Board did not appear convinced that the plan we submitted was compliant.

Since the meeting, we've been clarifying the code requirement for egress on a roof deck for a single-family residence with Miguel Anderson, a plans reviewer for the Building section on the Building Department in the City of Miami Beach. According to Mr. Anderson, a means of egress is required from the roof deck, neither an elevator nor a ship's ladder qualifies as a means of egress, and the minimum the code would allow for a means of egress is a spiral stair. The Board was correct to point out that our egress plan was not sufficient and that other provisions were required. As such, on the south side of the new elevator enclosure, we propose to mount a spiral stair that rises from the intermediate landing of the interior stair to the roof deck level. The spiral stair is designed in accordance with the building codes for

means of egress so that it would comply with egress requirements.

Finally, though not known at the time of the previous application, the applicant, who intends to live at this residence full-time upon completion, has a disabled father who will need an elevator to circulate around the house in his wheelchair. More than just a feature that is being added for its design and convenience value, the elevator will serve to provide access for those with disabilities. We hope the DRB would consider this upon evaluation of this application.

I ask for your support and vote in favor of the modification so that we implement in the field. We ask that the Board approve the application as submitted. Should you have any questions regarding the application, please do not hesitate to contact our office at the number listed below.

Sincerely,



Ralph Choeff

EXHIBIT “A”

LEGAL DESCRIPTION:

LOT 5, BLOCK 2, OF “PLAT OF DILIDO”, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 36 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITHAN 8 FOOT STRIP OF LAND CONTIGUOUS TO THE WESTERLY BOUNDARY LINE OF SAID LOT 5, BLOCK 2, PLAT OF DILIDO, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 36 LYING BETWEEN THE NORTHERLY AND SOUTHERLY BOUNDARY LINES OF SAID LOT 5 EXTENDED WESTERLY.