MIAMIBEACH

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

◯ **Board of Adjustment**	◯ **Design Review Board**
☐ Variance from a provision of the Land Development Regulations	☐ Design review approval
☐ Appeal of an administrative decision	☐ Variance
◯ **Planning Board**	◯ **Historic Preservation Board**
☐ Conditional use permit	☐ Certificate of Appropriateness for design
☐ Lot split approval	☐ Certificate of Appropriateness for demolition
☐ Amendment to the Land Development Regulations or zoning map	☐ Historic district/site designation
☐ Amendment to the Comprehensive Plan or future land use map	☐ Variance

■ **Other:** Discussion to clarify PB18-0206

Property Information – Please attach Legal Description as "Exhibit A"

ADDRESS OF PROPERTY
5840 North Bay Road

FOLIO NUMBER(S)
02-3215-003-0240

Property Owner Information

PROPERTY OWNER NAME
NBR 5840, LP

ADDRESS	CITY	STATE	ZIPCODE
18 Saville Row	London	United Kingdom	W1S 3PW

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
305-767-4533		kf@savilebay-capital.com

Applicant Information (if different than owner)

APPLICANT NAME
Same

ADDRESS	CITY	STATE	ZIPCODE

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

Summary of Request

PROVIDE A BRIEF SCOPE OF REQUEST
Planning Board discussion to clarify the lot sizes associated with PB18-0206.

Project Information			
Is there an existing building(s) on the site?	☐ Yes	■ No	
Does the project include interior or exterior demolition?	☐ Yes	■ No	
Provide the total floor area of the new construction.		N/A	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		N/A	SQ. FT.

Party responsible for project design				
NAME Jason Adams - STRANG Architecture		■ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other_____		
ADDRESS 2900 SW 28th Terrace, 3rd floor		CITY Miami	STATE Florida	ZIPCODE 33133
BUSINESS PHONE 305-373-4990	CELL PHONE	EMAIL ADDRESS Jason@Strang.design		

Authorized Representative(s) Information (if applicable)				
NAME Monika Entin		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 200 South Biscayne Boulevard, Suite 850		CITY Miami	STATE Florida	ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS MEntin@BRZoningLaw.com		
NAME Greg Fontela		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 200 South Biscayne Boulevard, Suite 850		CITY Miami	STATE Florida	ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS GFontela@BRZoningLaw.com		
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS		CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS		

Please note the following information:

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

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".

- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.

- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.

- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by: ■ Owner of the subject property ■ Authorized representative



SIGNATURE

Kevin Flaherty

PRINT NAME

10/19/18

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

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

_____

SIGNATURE

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

NOTARY SEAL OR STAMP

_____

NOTARY PUBLIC

My Commission Expires: _____

_____

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF Florida

COUNTY OF Miami-Dade

I, Kevin Flaherty, being first duly sworn, depose and certify as follows: (1) I am the Managing Partner (print title) of NBR 5840, LP (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.

KMFh

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC SEAL OF FLORIDA
ARLYN VAZQUEZ
MY COMMISSION # FF203837
EXPIRES March 06, 2019
(407) 398-0153 FloridaNotaryService.com

NOTARY PUBLIC

My Commission Expires: 3.6.19

ARLYN VAZQUEZ.

PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF FL

COUNTY OF MIAMI DADE

I, Kevin Flaherty, 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 Bercow Radell Fernandez & to be my representative before the Planning 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.

Kevin Flaherty, Managing Partner

PRINT NAME (and Title, if applicable)

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC OF FLORIDA
ARLYN VAZQUEZ
MY COMMISSION # FF203837
EXPIRES March 06, 2019
(407) 398-0153 FloridaNotaryService.com

NOTARY PUBLIC

My Commission Expires: 3.6.19

ARLYN VAZQUEZ.

PRINT NAME

CONTRACT FOR PURCHASE

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

N/A

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE	% OF STOCK

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

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.

NBR 5840, LP ,18 Saville Row, London, UK W1S 3PW

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
See Exhibit B	

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
N/A	

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.

N/A

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
Monika Entin	200 S. Biscayne Blvd, # 850, Miami, FL 33131	305-374-5300
Greg Fontela	200 S. Biscayne Blvd, # 850, Miami, FL 33131	305-374-5300
Jason Adams	2900 SW 28th Terrace, 3 FL, Miami, 33133	305-373-4990

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

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

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, Kevin Flaherty, 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

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

NOTARY SEAL OR STAMP

ARLYN VAZQUEZ
MY COMMISSION # FF203837
EXPIRES March 06, 2019
(407) 398-0153 FloridaNotaryService.com

NOTARY PUBLIC

My Commission Expires: 3.6.19

ARLYN VAZQUEZ

PRINT NAME

EXHIBIT A

PROPERTY ADDRESS:

5840 North Bay Road Miami Beach, Florida 33140.

LEGAL DESCRIPTIONS:

(PARENT TRACT)
Lots 28 and 29, and the South 2/3 of Lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

(PARCEL A)
The Northerly 97.5 feet of the following described proprety:
Lots 28 and 29, and the South 2/3 of Lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

(PARCEL B)
Lots 28 and 29, and the South 2/3 of Lot 27, in Block 1A, LESS the Northerly 97.5 feet thereof, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

EXHIBIT B

Disclosure of Interest for Contract Purchaser

NBR 5840 LP

- **Miami Ventures II Corporation (95%)**
  - **465 Holdings Ltd. (100%)**
    - **Jamie Williams (100%)**

- **Kevin Flaherty (5%)**

BERCOW RADELL FERNANDEZ & LARKIN
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6233
E-Mail: GFontela@brzoninglaw.com

VIA HAND DELIVERY

October 22, 2018

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Planning Board Discussion to Clarify Approval of the Lot Split of the Property Located at 5840 North Bay Road in Miami Beach, FL (PB18-0206)

Dear Tom:

This law firm represents NBR 5840, LP (the "Applicant"), the owner of the property located at 5840 North Bay Road (the "Property"). The Property is the subject of Planning Board application number PB18-0206 to split the Property into two (2) equal-sized lots – the "North Lot" and the "South Lot", which was approved by the Planning Board on July 24, 2018 (the "Lot Split Application"). See Exhibit A, PB18-0206. Please consider this letter the Applicant's letter of intent to inform the Planning Board of a clarification as to the accurate lot sizes associated with the lot split.

Background. Following approval of the Lot Split Application, the Applicant proceeded with submittals to Miami Beach Planning staff for two Design Review Board applications for the approvals of the resulting single-family homes to be built on the Property (the "DRB Submittals"). See Exhibit B, DRB Submittal Zoning Legends. The DRB Submittals included an updated survey of the Property, which included the lot size. The zoning data legend which was reviewed as part of the Lot Split Application included numbers for the lot size of the Property taken from the Miami-Dade County Property Appraiser, rather than from a survey. The discrepancy between lot sizes portrayed in the Lot Split Application and the DRB Submittals raised the issue at

hand which calls for a discussion of PB18-0206 before the Planning Board to clarify the record with regards to the actual size of the Property.

Lot Sizes. According to the Miami-Dade County Property Appraiser, the Property has a lot size of 37,895 square feet. See Exhibit C, Property Appraiser Profile. Based on this number, the Lot Split Application provided for the resulting lot splits to have lot sizes of 18,947.5 square feet each. However, the more detailed survey that has been submitted for review as part of the DRB Submittals has confirmed that the lot size of the Property is actually 36,143 square feet. As such, the lot split results in lot sizes of 18,072 and 18,071 square feet. Each of the resulting lots remain consistent the PB18-0206 Final Order and satisfy the criteria for Division of Land/Lot Split laid out in Section 118-321 of the Code.

The survey provided along with this clarification application and the DRB submission measures the Property line as the interior of the seawall. While most properties in Miami Beach use the exterior of the seawall as the correct measure, since the Florida Bureau of Survey and Mapping has not made a determination as to the mean high water line for the area, the surveyor has taken the conservative approach of using the interior of the seawall as the Property line. Through communications with the City Surveyor Manager, we understand that the Property could be measured through the exterior of the seawall. However, the process by which to have that determined could take in excess of a year. Therefore, the Applicant would prefer to proceed with the small lot calculation and proceed with the unit size restrictions based upon the existing survey. While we understand that the State process would increase the area of the resulting lots, making them more compatible with the calculations previously provided for the lot area, the length of time to go through this process would unnecessarily delay the matter and the delivery of the homes to the end users. Therefore, the Applicant seeks to proceed with the reflected calculations which result unit sizes.

Despite the changes in the survey calculation, the lot split application bears no difference. The lot width of 90 feet for the South Lot and 97 feet for the North Lot, remain constant. Also, the resulting sizes of the lots do not bear any change in impact in the neighborhood. Whether the resulting lots were the number previously approved by the Planning Board, or those reflected in the attached survey, their placement within the sizes of the neighborhood lots does not change, as you can see by the attached graph. Refer to Exhibit D, attached hereto.

The provided materials will allow for a clarification of the record associated with PB18-0206. We look forward to the clarification of the record as a discussion item before the Planning Board. If you have any questions or comments in the interim, please give me a call at 305-374-5300

Sincerely,

Greg Fontela

EXHIBIT A

CFN: 20180481658 BOOK 31093 PAGE 3468
DATE:08/08/2018 04:21:19 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 5840 North Bay Road

FILE NO. PB 18-0206

IN RE: The applicant, NBR 5840, LP, requested to divide the existing site comprised of more than two platted lots, into two individual buildable parcels pursuant to Chapter 118, Article VII.

LEGAL DESCRIPTION: Lots 28 and 29, and the south 2/3 of lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida

MEETING DATE: July 24, 2018

DIVISION OF LAND/LOT SPLIT
FINAL ORDER

The applicant, NBR 5840, LP, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into two individual buildable parcels.

The City of Miami Beach Planning 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:

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 consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the Miami Beach Code.

B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:

1. The two (2) lots created pursuant to this lot split application at 5840 North Bay Road, shall comply with the following:

a. The subject lots shall not be subdivided any further.

b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.

c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Gunter Group, INC. Land Surveying, dated 04-30-2018.

d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.

e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.

f. The maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), as may be revised from time to time.

g. The maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b), as may be revised from time to time.

h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106, as may be revised from time to time. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.

i. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be a submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.

2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.

4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.

5. This 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.

6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.

7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.

8. 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 is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

Dated this 3RD day of AUGUST, 2018.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush,
Chief of Planning & Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 3rd day of August, 2018, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

GABRIELA C. FREITAS
MY COMMISSION #GG131281
EXPIRES: AUG 03, 2021
Bonded through 1st State Insurance

_____
Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:
Legal Department (_____ 8/2/18)

Filed with the Clerk of the Planning Board on _____ for _____ (8/3/18)

EXHIBIT B

SINGLE FAMILY RESIDENTIAL ZONING DATA SHEET - NORTH

ITEM #	ZONING INFORMATION			
1	ADDRESS:	5840 N. BAY ROAD MIAMI BEACH, FL		
2	FOLIO NUMBER(S):	02-3215-003-0240		
3	ZONING DISTRICT:	RS-2		
4	BOARD & FILE NUMBERS:			
5	CMB GRADE:	3.32 FT NGVD		
6	BASE FLOOD ELEVATION:	8 FT	GRADE VALUE IN NGVD:	3.32 FT NGVD
7	ADJUSTED GRADE (FLOOD + GRADE/2):	5.66 FT	FREE BOARD:	1 FT
8	LOT AREA:	18,072 SQ FT		
9	LOT WIDTH:	97'	LOT DEPTH:	183'-9"
10	MAX LOT COVERAGE SF AND %:	4,518 SQ FT (25%)	PROPOSED LOT COVERAGE SF AND %:	4,368 SQ FT (24%)
11	FRONT YARD OPEN SPACE SF AND %:	1,683 SQ FT (87%)	REAR YARD OPEN SPACE SF AND %:	1,261 SQ FT (64%)
12	MAX UNIT SIZE SF:	7,228.8 SQ FT (40%)	PROPOSED UNIT SIZE SF AND %:	7,193 SQ FT (39.8%)
13	PROPOSED FIRST FLOOR UNIT SIZE:	3,920 SQ FT (21.6%)	PROPOSED SECOND FLOOR UNIT SIZE:	3,273 SQ FT (18.1%)
14	PROPOSED ROOF FLOOR UNIT SIZE:	60 SQ FT (0.3%)		
15	PROPOSED ROOF DECK AREA SF AND % (NOTE: MAXIMUM IS 25% OF THE ENCLOSED FLOOR AREA IMMEDIATELY BELOW):	936 SQ FT (25%)		

ITEM #		REQUIRED	PROPOSED
16	HEIGHT:	28' FLAT ROOF	28'
17	SETBACKS:		
18	FRONT FIRST LEVEL:	20'	20'*
19	FRONT SECOND LEVEL:	30'	30'*
20	SIDE 1:	10'*	12'-2"
21	SIDE 2:	10'*	12-2"
22	REAR:	MAX 50' MIN 20'	27'
	* THE SUM OF THE REQUIRED SIDE YARD SHALL BE AT LEAST 25% OF THE LOT WIDTH.		

ZONING LEGEND 1

N.T.S.

[STRANG]
ARCHITECTURE

2900 SW 28TH TERRACE, SUITE 301
COCONUT GROVE, FLORIDA 33133
PH: 305-373-4990 | FX: 305-373-4991
FIRM LICENSE # AA26001123
WWW.MAXSTRANGARCHITECTURE.COM

PROJECT NAME & LOCATION:
5840 N Bay Road Miami Beach, FL 33140-2043

PROJECT CLIENT(S) / OWNER(S):
NEPTUNE CAPITOL

ARCHITECT:
MAX WILSON STRANG, RA / AIA
LICENSE # AR0017183
2900 SW 28TH TERRACE, SUITE 301
MIAMI, FL 33133

STRUCTURAL ENGINEERING:

MEP ENGINEERING:

LANDSCAPE ARCHITECT:
CHRISTOPHER CAWLEY LANDSCAPE ARCHITECTURE LLC.
780 NE 69TH STREET, SUITE 1106
MIAMI FL, 33138
PH: 786-534-5327

PROFESSIONAL SEAL(S):

No.	Date	Description

Revision Schedule

CONFIDENTIALITY NOTICE:
The drawing and information contained within is property of Max Strang Architecture, Inc. and is intended only for the parties indentified above or of governmental position(s). This plan may not be reproduced without written permission from the Project Manager assigned to this project.

c ○**2018-MAX STRANG ARCHITECTURE, Inc.**

PROJECT ID: 58th 40 N&S
DRAWN BY: S.S
DATE: 10/05/2018
SCALE:

Sheet Title:
ZONING DATA

Sheet No:
A-6

SINGLE FAMILY RESIDENTIAL ZONING DATA SHEET - SOUTH

ITEM #	ZONING INFORMATION			
1	ADDRESS:	5840 N. BAY ROAD MIAMI BEACH, FL		
2	FOLIO NUMBER(S):	02-3215-003-0240		
3	ZONING DISTRICT:	RS-2		
4	CMB GRADE:	3.46FT NGVD		
5	BASE FLOOD ELEVATION:	8 FT	GRADE VALUE IN NGVD:	3.46 FT NGVD
6	ADJUSTED GRADE (FLOOD + GRADE/2):	5.73 FT NGVD	FREE BOARD:	1 FT
7	LOT AREA:	18,071 SQ FT		
8	LOT WIDTH:	89.70'	LOT DEPTH:	199'-3"
9	MAX LOT COVERAGE SF AND %:	4,517.75 SQ FT (25%)	PROPOSED LOT COVERAGE SF AND %:	4,259 SQ FT (23.5%)
10				
11	FRONT YARD OPEN SPACE SF AND %:	1,217 SQ FT (76%)	REAR YARD OPEN SPACE SF AND %:	1,642 SQ FT (65%)
12	MAX UNIT SIZE SF:	9,035.5 SQ FT (40%)	PROPOSED UNIT SIZE SF AND %:	7,093 SQ FT (39.2%)
13	PROPOSED FIRST FLOOR UNIT SIZE:	3,703 SQ FT (20.4%)	PROPOSED SECOND FLOOR UNIT SIZE:	3,390 SQ FT (18.8%)
14	PROPOSED ROOF FLOOR UNIT SIZE:	70 SQ FT (0.4%)		
15	PROPOSED ROOF DECK AREA SF AND % (NOTE: MAXIMUM IS 25% OF THE ENCLOSED FLOOR AREA IMMEDIATELY BELOW):	1004 SQ FT (25%)		

ITEM #		REQUIRED	PROPOSED
17	HEIGHT:	28' FLAT ROOF	28'
18	SETBACKS:		
19	FRONT FIRST LEVEL:	20'	20'*
20	FRONT SECOND LEVEL:	30'	30'*
21	SIDE 1:	10'*	12'-41/2"
22	SIDE 2:	10'*	10'
23	REAR:	MAX 50' MIN 20'	30' -4"

*THE SUM OF THE REQUIRED SIDE YARDS SHALL BE AT LEAST 25% OF THE LOT WIDTH:(22.4')

ZONING LEGEND 5

N.T.S.

[STRANG]
ARCHITECTURE

2900 SW 28TH TERRACE, SUITE 301
COCONUT GROVE, FLORIDA 33133
PH: 305-373-4990 | FX: 305-373-4991
FIRM LICENSE # AA26001123
WWW.MAXSTRANG.DESIGN

PROJECT NAME & LOCATION:
5840 N Bay Road Miami Beach, FL 33140-2043

PROJECT CLIENT(S) / OWNER(S):
NEPTUNE CAPITOL

ARCHITECT:
MAX WILSON STRANG, RA / AIA
LICENSE # AR0017183
2900 SW 28TH TERRACE, SUITE 301
MIAMI, FL 33133

STRUCTURAL ENGINEERING:

MEP ENGINEERING:

LANDSCAPE ARCHITECT:
CHRISTOPHER CAWLEY LANDSCAPE ARCHITECTURE LLC.
780 NE 69TH STREET, SUITE 1106
MIAMI, FL 33138
PH: 786-534-5327

PROFESSIONAL SEAL(S):

No.	Date	Description

Revision Schedule

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PROJECT ID: 58th 40 N&S
DRAWN BY: FRC
DATE: 10/05/2018
SCALE:

Sheet Title:
ZONING DATA

Sheet No:
A-6

OFFICE OF THE PROPERTY APPRAISER

Summary Report

EXHIBIT C

Generated On : 10/19/2018

Property Information	
Folio:	02-3215-003-0240
Property Address:	5840 N BAY RD Miami Beach, FL 33140-2043
Owner	EA DEVELOPMENT AND SALES LLC C/O JEFFREY WEISS
Mailing Address	100 SE 2ND STREET 17TH FLOOR MIAMI, FL 33131 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0066 VACANT RESIDENTIAL : EXTRA FEA OTHER THAN PARKING
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	37,895 Sq.Ft
Year Built	0



Assessment Information			
Year	2018	2017	2016
Land Value	$9,385,076	$9,663,225	$16,759,064
Building Value	$0	$0	$0
XF Value	$6,919	$7,015	$7,112
Market Value	$9,391,995	$9,670,240	$16,766,176
Assessed Value	$9,391,995	$9,670,240	$14,753,866

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction			$2,012,310

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description

LA GORCE GOLF SUB PB 14-43
LOTS 28-29 & S 2/3 OF LOT 27
BLK 1-A
LOT SIZE 191.390 X 198
OR 20803-4863 11 2002 4

Taxable Value Information	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$9,391,995	$9,670,240	$14,753,866
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$9,391,995	$9,670,240	$16,766,176
City			
Exemption Value	$0	$0	$0
Taxable Value	$9,391,995	$9,670,240	$14,753,866
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$9,391,995	$9,670,240	$14,753,866

Sales Information

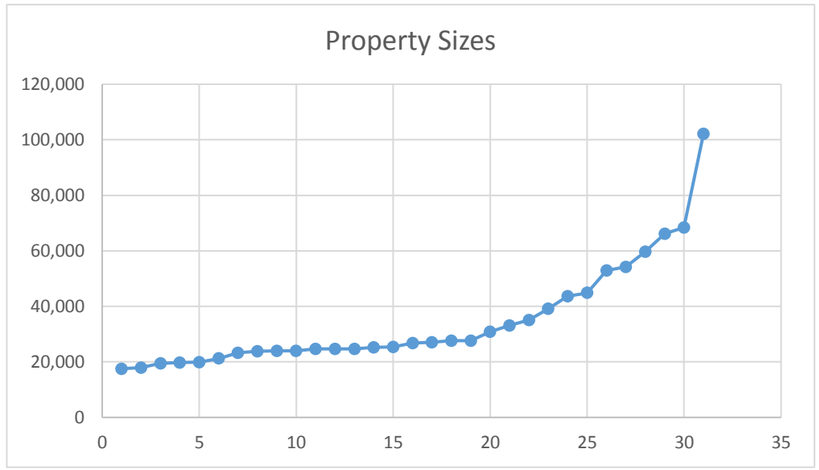
Previous Sale	Price	OR Book-Page	Qualification Description
12/27/2016	$100	30396-3699	Corrective, tax or QCD; min consideration
11/17/2014	$15,250,000	29395-0068	Qual by exam of deed
11/01/2002	$0	20803-4863	Sales which are disqualified as a result of examination of the deed
05/01/1999	$0	00000-00000	Sales which are disqualified as a result of examination of the deed

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

Version:

EXHIBIT D

		Zone	Location	Address	Lot Size
		RS-2	TARGET PROPRTY	5840	37,895
		RS-2	TARGET PROPRTY	5840 NORTH	18,072
		RS-2	TARGET PROPRTY	5840 SOUTH	18,071
		RS-2	25 north	6500	17,532
		RS-2	1 north	5848	17,954
		RS-2	14 north	6100	19,453
		RS-2	12 north	6050	19,685
		RS-2	11 north	6030	19,918
		RS-2	9 north	6010	21,228
		RS-2	24 north	6466	23,258
		RS-2	10 north	6020	23,773
		RS-2	21 north	6410	24,000
		RS-2	20 north	6396	24,000
		RS-2	22 north	6420	24,625
		RS-2	17 north	6342	24,671
		RS-2	16 north	6324	24,703
		RS-2	15 north	6300	25,215
		RS-2	5 south	5750	25,392
		RS-2	4 south	5760	26,830
		RS-2	19 north	6380	27,013
		RS-2	23 north	6440	27,577
Average	23,391	RS-2	18 north	6360	27,608
		RS-2	6 north	5970	30,800
		RS-2	2 north	5860	33,041
		RS-2	8 north	6000	35,100
		RS-2	13 north	6070	39,215
		RS-2	7 north	5980	43,615
Average	37,770	RS-2	6 south	5740	44,846
		RS-2	2 south	5800	52,881
		RS-2	3 south	5790	54,243
		RS-2	3 north	5900	59,652
		RS-2	4 north	5930	66,135
		RS-2	1 south	5820	68,431
Average	61,487	RS-2	5 north	5940	102,090
				Average Lot Size	**33,578**



rdr miami | public hearing notification services
certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

October 16, 2018

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

Re: Property Owners List within 375 feet of:

SUBJECT: 5840 N Bay Road, Miami Beach, FL 33140
FOLIO NUMBER: 02-3215-003-0240
LEGAL DESCRIPTION: LA GORCE GOLF SUB PB 14-43 LOTS 28-29 & S 2/3 OF LOT 27 BLK 1-A

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,

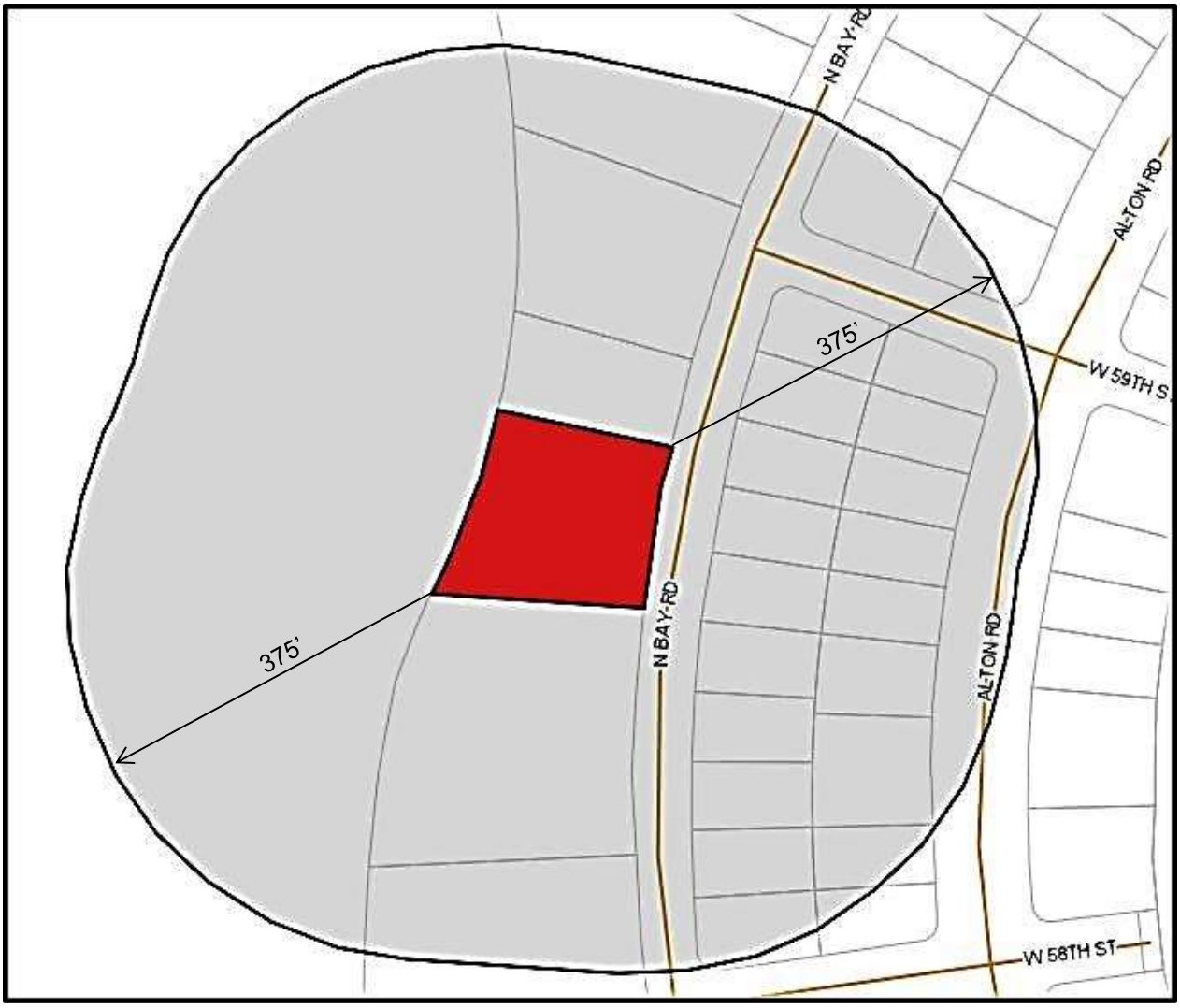
Diana B. Rio

Total number of property owners without repetition: **24, including 0 international**

Rio Development Resources, LLC ("RDR") has used its best efforts in collecting the information published in this report and the findings contained in the report are based solely and exclusively on information provided by you and information gathered from public records and that local government. By acceptance of this report, you agree to hold RDR harmless and indemnify RDR from any and all losses, damages, liabilities and expenses which can be claimed against RDR caused by or related to this report.

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certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

375' RADIUS MAP



SUBJECT: 5840 N Bay Road, Miami Beach, FL 33140
FOLIO NUMBER: 02-3215-003-0240
LEGAL DESCRIPTION: LA GORCE GOLF SUB PB 14-43 LOTS 28-29 & S 2/3 OF LOT 27 BLK 1-A

Name	Address	City	State	Zip	Country
5800 NORTH BAY ROAD MIAMI LLC	PO BOX 778	NEW YORK	NY	10013	USA
5812 ALTON RD LLC	5150 N MIAMI AVE	MIAMI	FL	33127	USA
5850 LINCOLN RD LLC	411 19TH AVE	PATERSON	NJ	07504	USA
AMBASSA HOLDINGS INC C/O CHRISTIAN DE BERDOUARE	10800 BISCAYNE BLVD #820	NORTH MIAMI	FL	33161	USA
BARRY GIBB &W LINDA	5820 NORTH BAY ROAD	MIAMI BEACH	FL	33140-2043	USA
CURT DYER & BRUCE BENDER	5900 ALTON RD	MIAMI BEACH	FL	33140-2025	USA
DOS DEVELOPMENT LLC	6000 COLLINS AVE # 334	MIAMI BEACH	FL	33140	USA
EA DEVELOPMENT AND SALES LLC C/O JEFFREY WEISS	100 SE 2ND STREET 17TH FLOOR	MIAMI	FL	33131	USA
ERWIN SREDNI	5848 N BAY ROAD	MIAMI BEACH	FL	33140	USA
FRANCESCO SEMERARO	5839 N BAY RD	MIAMI BEACH	FL	33140-2036	USA
GERMAN M VALENCIA YOLANDA VALENCIA	5835 NORTH BAY ROAD	MIAMI BEACH	FL	33140	USA
GUILLERMO L FONT &W ISELA	5828 ALTON RD	MIAMI BEACH	FL	33140-2023	USA
JAMES W MOORE &W KATHY M KASSNER	5905 NO BAY RD	MIAMI BEACH	FL	33140-2037	USA
JEREMY J BAROUH AMANDA B BAROUH	5801 N BAY RD	MIAMI BEACH	FL	33140	USA
JOEL M ELLISON TRACEY S ELLISON	5832 ALTON RD	MIAMI BEACH	FL	33140	USA
JOSE B ALEMAN & JOHN WORMWOOD	5824 ALTON RD	MIAMI BEACH	FL	33140-2023	USA
MARTIN P LABROSSE &W KAREN LEA	5842 ALTON RD	MIAMI BEACH	FL	33140-2023	USA
MB LEGACY HOLDINGS LLC	7512 DR PHILLIPS BOULEVARD 50 224	ORLANDO	FL	32819	USA
OLIVER BEAUMONT BUCKWELL ADEL HATTEM	5800 ALTON RD	MIAMI BEACH	FL	33140	USA
RODERICK KING SCHERAZADE KING	5808 ALTON RD	MIAMI BEACH	FL	33140	USA
SCOTT BENNETT	5845 N BAY RD	MIAMI BEACH	FL	33140-2036	USA
STEVEN J GREEN TRS KIMBERLY GREEN 2014 TRUST	5855 N BAY RD	MIAMI BEACH	FL	33140	USA
WILLIAM FARKAS &W BETH	5851 N BAY RD	MIAMI BEACH	FL	33140-2036	USA
WILLIAM THOMAS HARRIS III TR & C/O SPIELMAN KOENIGSBERG & PARKER RICHARD L KOENIGSBERG TR	1745 BROADWAY 18 FL	NEW YORK	NY	10019	USA

5800 NORTH BAY ROAD MIAMI LLC
PO BOX 778
NEW YORK, NY 10013

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5905 NO BAY RD
MIAMI BEACH, FL 33140-2037

JEREMY J BAROUH
AMANDA B BAROUH
5801 N BAY RD
MIAMI BEACH, FL 33140

JOEL M ELLISON
TRACEY S ELLISON
5832 ALTON RD
MIAMI BEACH, FL 33140

JOSE B ALEMAN & JOHN WORMWOOD
5824 ALTON RD
MIAMI BEACH, FL 33140-2023

MARTIN P LABROSSE &W KAREN LEA
5842 ALTON RD
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7512 DR PHILLIPS BOULEVARD 50 224
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NEW YORK, NY 10019