

# 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.

<b>Application Information</b>			
FILE NUMBER PB19-0257			
<input type="radio"/> <b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input type="radio"/> <b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input checked="" type="radio"/> <b>Planning Board</b> <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> <b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input checked="" type="checkbox"/> <b>Other:</b> Modification of PB18-0220			
<b>Property Information – Please attach Legal Description as “Exhibit A”</b>			
ADDRESS OF PROPERTY 320 South Hibiscus Drive			
FOLIO NUMBER(S) 02-3232-006-0110			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME 320 South Hibiscus Drive, LLC			
ADDRESS 2201 Collins Avenue, Unit UPH-6	CITY Miami Beach	STATE FL	ZIPCODE 33139
BUSINESS PHONE 305-448-5898	CELL PHONE	EMAIL ADDRESS tom@uniontitleservices.com	
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME Same as Owner			
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST Modification of PB18-0220			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.
<b>Party responsible for project design</b>			
NAME Ralph Choeff		<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., Suite 201		CITY Miami	STATE FL      ZIPCODE 33138
BUSINESS PHONE 305-434-8338	CELL PHONE	EMAIL ADDRESS rchoeff@clfarchitects.com	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME Mickey Marrero		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other_____	
ADDRESS 200 South Biscayne Blvd., Suite 850		CITY Miami	STATE FL      ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS MMarrero@brzoninglaw.com	
NAME Greg Fontela		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other_____	
ADDRESS 200 South Biscayne Blvd., Suite 850		CITY Miami	STATE FL      ZIPCODE 33133
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS GFontela@brzoninglaw.com	
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	

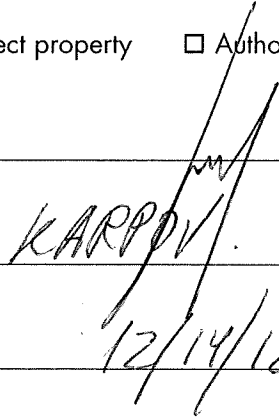
**Please note the following information:**

- 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 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**  
 KARPOV  
 \_\_\_\_\_ **PRINT NAME**  
 12/14/18  
 \_\_\_\_\_ **DATE SIGNED**

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

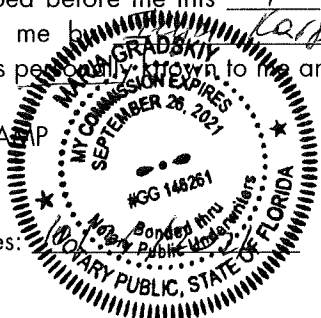
STATE OF Florida

COUNTY OF Miami-Dade

I, Ilya Karpov, 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.

Sworn to and subscribed before me this 14 day of December, 2018. The foregoing instrument was acknowledged before me by Karpov, 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**

Maria Grabskiy  
\_\_\_\_\_  
**PRINT NAME**

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

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, depose and certify as follows: (1) I am the \_\_\_\_\_ (print title) of \_\_\_\_\_ (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.

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

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

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

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

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

**POWER OF ATTORNEY AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami-Dade

I, Ilya Karpov, 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 RALPH CHOEFF to be my representative before the DRB & 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.

PRINT NAME (and Title, if applicable)

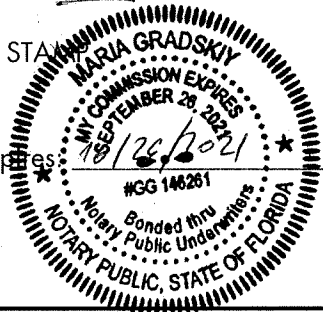
SIGNATURE

Sworn to and subscribed before me this 14 day of December, 2018. The foregoing instrument was acknowledged before me by Ilya Karpov, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STATE

NOTARY PUBLIC

My Commission Expires



Maria Gradskiy

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

\_\_\_\_\_  
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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.

320 South Hibiscus Drive, LLC

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit B

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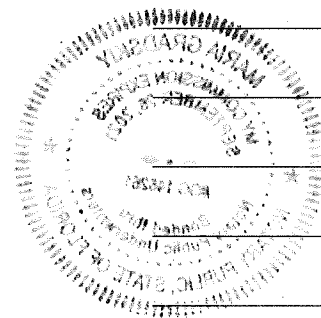
**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

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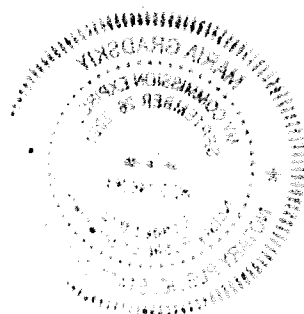


If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

**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.

<b>TRUST NAME</b>	<b>% INTEREST</b>
<b>NAME AND ADDRESS</b>	



**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
Mickey Mammoro, Esq.	200 S. Biscayne Blvd., Ste. 850	305-374-5300
Ralph Choeff	8425 Biscayne Blvd., Ste. 201	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

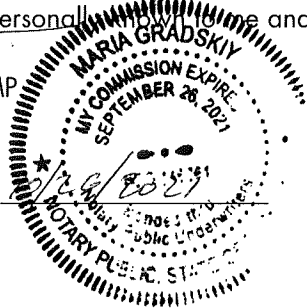
COUNTY OF Miami Dade

I, \_\_\_\_\_, 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 14 day of December, 2018. The foregoing instrument was acknowledged before me by Ilya Karpov, 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: 9/26/2021

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

Maria Gradskiy  
**PRINT NAME**



## **EXHIBIT A**

### **LEGAL DESCRIPTION:**

#### **PROPOSED LOT 1**

*THE EAST HALF OF LOT 12 AND ALL OF LOT 11, IN BLOCK 1, OF HIBISCUS ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 75 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;  
TOGETHER WITH A STRIP OF LAND 20' WIDE, CONTIGUOUS AND ABUTTING THE WATERFRONT END OF LOTS 12 AND 11 OF BLOCK 1, HIBISCUS ISLAND, WHICH SAID 20' STRIP IS A PART OF THE 20' STRIP CONVEYED TO THE BISCAYNE BAY ISLAND COMPANY BY DEED OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND AS RECORDED IN DEED BOOK 1501, PAGE 479 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.*

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## EXHIBIT B

### Resolutions of Unanimous Consent 320 SOUTH HIBISCUS DRIVE, LLC

The undersigned, being the sole Member of 320 SOUTH HIBISCUS DRIVE, LLC, a Florida Limited Liability Company (hereafter "Company"), does hereby consent to and adopt the following resolutions;

BE IT RESOLVED, that the Company authorizes the purchase of the following described property ("Property") for \$11,600,000.00 pursuant to the terms and conditions of that certain "As Is" Residential Contract for Sale and Purchase by and between the Owner of Record ("Seller") and Ilya Karpov and/or assigns or designees ("Buyer"), which was subsequently assigned to the undersigned by the Buyer and then to the Company ("Contract"):

Lots 11, 12 and 13 Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, page 75, of the Public Records of Miami-Dade County, Florida. Together with a strip of land 20' wide contiguous and abutting the waterfront end of Lots 11, 12, and 13 of Block 1, Hibiscus Island, which said strip is a part of the 20' strip conveyed to the Biscayne Bay Island Company by Deed of Trustees of the Internal Improvement Fund, as recorded in Deed Book 1501, page 479, of the Public Records of Miami-Dade County, Florida.

A/K/A

320 S. Hibiscus Drive  
Miami Beach, FL 33139.

FURTHER RESOLVED, that the Company shall, and does hereby appoint, **Daniel Tzinker**, as the designated Manager, who is authorized to execute and deliver on behalf of the Company a Settlement Statement, or the equivalent thereof, and any and all other documents, instruments, certificates, consent, affidavits or other documents required or appropriate to effectuate the transaction contemplated by said Contract; and is otherwise empowered to take such actions as may be necessary to carry out the intents and purposes of the foregoing Resolution.

FURTHER RESOLVED, that for a term of three (3) years that shall commence on the Effective Date of this Resolution as defined hereunder, Ilya Karpov, as authorized signatory, is empowered and authorized to oversee the maintenance and development of the Property, including the rights and powers to draw up and execute any documents on behalf of the Company concerning the following matters:

- (1) To submit applications to any state or municipal bodies, public organizations and other governmental, private or public organizations, state or federal institutions, and/or companies or to any other parties, and also to sign applications and permits issued by the aforesaid bodies or parties;
- (2) to receive licenses and permits and to this effect to sign any applications, documents or forms to make applications for permits or development approvals with the City of

Miami Beach including, but not limited to, the Planning Board and Design Review Board, and to execute any agreements or declarations granting approvals for construction of two (2) single-family homes on the Property; and  
(3) to sign contracts for development and construction with architects, designers, contractors, subcontractors, consultants and independent contractors, to sign notices of commencement, and any other documents necessary for the development of the Property.

The powers and authority granted by the foregoing Resolution are limited to **Ilya Karpov** only and shall not be delegated to any other individual and/or entity.

This Resolution and Incumbency Certificate is made and entered into this 25 day of September, 2018 ("Effective Date").

Signed, Sealed and Delivered in the presence of:

Print Name: Ilya Karpov

By: Andrey Isaev, Member

Print Name: \_\_\_\_\_

STATE OF FLORIDA )

) SS:

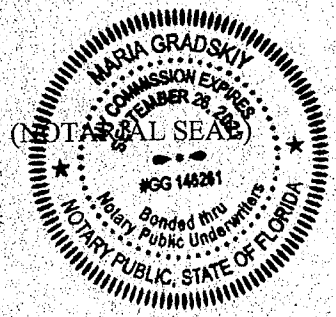
COUNTY OF Miami Dade )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September, 2018, by **Andrey Isaev, as the Member of 320 SOUTH HIBISCUS DRIVE, LLC, a Florida limited liability company.** He is personally known to me or has produced passport # 719361489 as identification.

[Signature]  
NOTARY PUBLIC

Print Name: Maria Gradskiy

Commission Number: 146261



Consented to by:

Signed, Sealed and Delivered  
in the presence of:

*[Signature]*  
\_\_\_\_\_

Print Name: Rami Hakim

*[Signature]*  
Print Name: José Manuel Orozco

By:

*[Signature]*  
\_\_\_\_\_

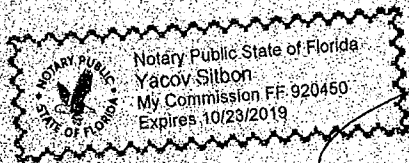
Daniel Tzinker, Manager

STATE OF FLORIDA )

) SS:

COUNTY OF MIAMI DADE )

~~2018~~ The foregoing instrument was acknowledged before me this 04 day of ~~September~~ DECEMBER,  
~~2018~~, by **DANIEL TZINKER**, as the Manager of **320 SOUTH HIBISCUS DRIVE, LLC**, a  
**Florida limited liability company**. He is personally known to me or has produced  
Driver's License as identification.



(NOTARIAL SEAL)

*[Signature]*  
NOTARY PUBLIC

Print Name: Yacov Silbon

Commission Number: \_\_\_\_\_



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6238  
E-Mail: MMarrero@brzoninglaw.com

January 24, 2019

VIA HAND DELIVERY

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

Re: PB19-0257 - Request for Modification of PB18-0220 for the Property Located at 320 South Hibiscus Drive East in Miami Beach, Florida

Dear Tom:

This law firm represents 320 South Hibiscus Drive, LLC (the "Applicant"), the owner of the above-referenced property (the "Property"). The Property was recently split into two (2) lots on November 27, 2018 pursuant to PB18-0220. See Exhibit A, PB18-0220. The lot split resulted in two lots with the eastern lot with a lot area of 16,115 square feet (the "East Lot") and the western lot with a lot area of 16,096 square feet (the "West Lot"). Please consider this letter the Applicant's letter of intent to modify PB18-0220 to allow for waivers to be pursued for the subsequent Design Review Board (DRB) applications for new single family homes on the East Lot and West Lot.

The Property. The Property is situated on Hibiscus Island along South Hibiscus Drive fronting the water. The Property is identified by Miami-Dade County Folio No. 02-3232-006-0110 and is located within the RS-3 Single-Family Residential zoning district. The Property was one of the largest RS-3 zoned lots on Hibiscus Island at approximately 32,212 square feet (0.74 acres) in size. The Property is currently improved with a single-family structure built in 1952. The lot split resulted in lot sizes that are more compatible with the properties within the surrounding area. The majority of the similarly situated, RS-3 zoned waterfront properties along South Hibiscus Drive have a lot size of 10,500 square feet.

Requests. The Applicant respectfully requests a modification of Condition B(1)(h) of PB18-0220, as follows, to allow for the Applicant to pursue design waivers by approval of the DRB:

h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Section 142-105 and 142-106 of the City Code, as may be revised from time to time, unless waived by the Design Review Board. ~~Enhancement of the applicable development regulations through Design Review Board review and approval shall not be permitted, with the exception noted in Conditions B.1.f. and B.1.g. above.~~

DRB Waivers. The requested modification to Planning Board order PB18-0220 will allow for the Applicant to request waivers before the DRB for the design of the two new single-family homes in a manner consistent with the surrounding neighborhood and needed to accommodate a compatible home on each of the two new lots. The Applicant intends to request the following waivers for each of the two resulting lots:

EAST LOT (DRB18-0358)	
Height Waiver	26' where 24' is allowed
Second Floor Unit Size Waiver	85.18% where 70% is allowed

WEST LOT (DRB18-0359)	
Height Waiver	26' where 24' is allowed
Second Floor Unit Size Waiver	78.6% where 70% is allowed

Analysis. The requested modification to PB18-0220 will allow the Applicant to seek approval from the DRB of common design waivers for the two new single family homes that will be compatible and consistent with the homes in the surrounding neighborhood. The surrounding area was found to have an average lot size of 12,590 square feet and an average adjusted unit size percentage of 46%. Both numbers are very much in line with those proposed for with the new DRB applications for the Property. The lot split approved by PB18-0220 resulted in two lots more compatible with the surrounding neighborhood, and the proposed homes on the lots will be more compatible with the surrounding neighborhood than would be homes limited pursuant to the regulations in Section 142-105(b)(9). Additionally, many of the homes in the surrounding neighborhood take advantage of design waivers to facilitate development at the larger unit sizes.

The restrictions of Section 142-105(b)(9) were implemented to protect neighborhoods in instances where a property is overly subdivided resulting in smaller

Mr. Thomas Mooney

January 24, 2019

Page 3 of 3

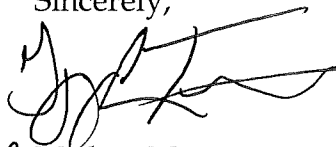
lots with unproportioned homes or where properties are aggregated and seeking to develop homes much larger than its surroundings. In this instance, the literal interpretation of the provisions of the Code would result in homes on the East Lot and the West Lot that are out of character with the surrounding neighborhood. The overwhelming trend in the area is to develop similar-sized lots with homes with lot coverage in excess of 25% and unit size in excess of 40%. We have included the fully developed design plans for the East Lot and the West Lot with this application. These details were not available at the time of the original submission and approval of PB18-0220. We believe review of the proposed plans within the context of the neighborhood will show that the proposed homes will be compatible.

If the Applicant had maintained the previous makeup of the Property with the larger lot, the Applicant would not be subject to the additional restrictions for lot coverage and unit size, and instead would be able to develop a home with a lot coverage of 30% and a unit size of 50% as of right. Similarly, if the Applicant would have sought to create some of the smaller lots in the neighborhood by splitting the Property into three (3) lots, along the original platted lot lines, the Applicant would have been able to develop a home with a lot coverage of 30% and a unit size of 50% as of right.

If the Applicant would have sought to develop the Property as one larger lot, the Applicant would have been able to do so with the desired square footage and lot coverage, as of right, while having full opportunity to seek the desired design waivers from the DRB. The Applicant is simply seeking to be afforded the same allowance in a scenario where such development proves to be compatible and consistent with the neighborhood.

Conclusion. We believe that the approval of the Application will permit the development of two beautiful single-family homes on the Property that will be compatible with the character of the residential neighborhood. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-374-5300

Sincerely,



For Mickey Marrero



**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 320 South Hibiscus Drive

**FILE NO.** PB 18-0220

**IN RE:** The applicant, 320 South Hibiscus Drive, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into two individual buildable parcels.

**LEGAL DESCRIPTION:** Lots 11, 12, and 13, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plat Book 8 Page 75, of the Public Records of Miami-Dade County, Florida. TOGETHER WITH a strip of land 20' wide contiguous and abutting the waterfront end of lots 11, 12 and 13 of Block 1, HIBISCUS ISLAND, which said 20' strip is part of the 20' strip conveyed to the Biscayne Bay Island Company by deed to the Trustees of the Internal Improvement Fund as recorded in Deed Book 1501, Page 479 at the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** November 27, 2018

**DIVISION OF LAND/LOT SPLIT  
DRAFT FINAL ORDER**

The applicant, 320 South Hibiscus Drive, LLC, 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 City Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, 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 320 South Hibiscus Drive, shall comply with the following:
    - a. The subject lots shall not be subdivided any further.

*MBS*

- 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 John Ibarra & Associates, Inc., Land Surveyors, dated 08-06-2018.
  - 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. Unless otherwise approved through the variance process, 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)(9) of the City Code, as may be revised from time to time.
  - g. Unless otherwise approved through the variance process, 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) of the City Code, 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 of the City Code, 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, with the exception noted in Conditions B.1.f. and B.1.g. above.
  - 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 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.
  - j. 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.
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

*MS*

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 Section 118-323 of the City Code.
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.
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 City 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.



PB 18-0206 – 320 South Hibiscus Drive  
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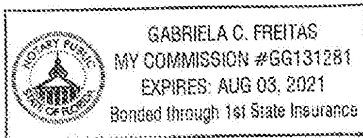
Dated this 24<sup>th</sup> day of DECEMBER, 2018.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA        )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of December, 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.



[NOTARIAL SEAL]

Gabriela Freitas  
Notary:  
Print Name: Gabriela Freitas  
Notary Public, State of Florida  
My Commission Expires: 8-3-21  
Commission Number: 99131281

Approved As To Form:  
Legal Department [Signature], 12/24/18

Filed with the Clerk of the Planning Board on [Signature] (12/24/18)

*MB*



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rdrmiami.com | diana@rdrmiami.com | 305.498.1614

August 1, 2018

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

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

**SUBJECT:** 320 S Hibiscus Drive., Miami Beach, FL 33139

**FOLIO NUMBER:** 02-3232-006-0110

**LEGAL DESCRIPTION:** HIBISCUS ISLAND PB 8-75 LOTS 11 & 12 & 20FT STR IN BAY ADJ  
& LOT 13 BLK 1

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: **38, including 0 international**



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  
rdmiami.com | diana@rdmiami.com | 305.498.1614

## 375' RADIUS MAP



**SUBJECT:** 320 S Hibiscus Drive., Miami Beach, FL 33139

**FOLIO NUMBER:** 02-3232-006-0110

**LEGAL DESCRIPTION:** HIBISCUS ISLAND PB 8-75 LOTS 11 & 12 & 20FT STR IN BAY ADJ & LOT 13 BLK 1

306 HIBISCUS LLC  
306 S HIBISCUS DR  
MIAMI BEACH, FL 33139

AHUVA RETTER TRS  
AHUVA RETTER  
330 N HIBISCUS DR  
MIAMI BEACH, FL 33139

ANATOLY PETUKHOV  
50 S POINTE DR #2902  
MIAMI BEACH, FL 33139

BARBARA TRUSHIN TRS  
BARBARA TRUSHIN REVOCABLE TR  
360 N HIBISCUS DR  
MIAMI BEACH, FL 33139

BEATRICE BRODIE  
HARRY KAISER  
160 N HIBISCUS DR  
MIAMI BEACH, FL 33139

BURTON P LEIBOWITZ &W KAREN S  
115 W 4 CT  
MIAMI BEACH, FL 33139-5115

CHARLES SCOTT FELDMAYER  
EVA YOSEPH  
295 S HIBISCUS DR  
MIAMI BEACH, FL 33139

DEUTSCHE BANK TR  
CO AMERICAS TR  
RESIDENTIAL ACCREDITI LOANS INC  
1001 SEMMES AVE  
RICHMOND, VA 23224

GRATITUDE CAPITAL LLC  
1100 WEST AVE 820  
MIAMI BEACH, FL 33139

GUY H MEURRENS &W EDIT  
340 S HIBISCUS DR  
MIAMI BEACH, FL 33139-5134

HERBERT KERN TRUST  
320 S HIBISCUS DR  
MIAMI BEACH, FL 33139-5134

HIBISCUS WEST 4TH CT LLC  
375 HIBISCUS DR  
MIAMI BEACH, FL 33139

IAN KAPLAN  
305 N HIBISCUS DR  
MIAMI BEACH, FL 33139

JAMES F JORDEN &W JOSEPHINE CICCHETTI  
355 N HIBISCUS DR  
MIAMI BEACH, FL 33139-5123

JASON C GOLDSTEIN  
333 S HIBISCUS DRIVE  
MIAMI BEACH, FL 33139

JOSE A ALBISU M.D.  
614 FOREST AVE  
EVANSTON, IL 60202

LEON ZWICK TRS  
LEON ZWICK REVOCABLE LIV TR  
ELIAS ZWICK  
940 LINCOLN RD # 301  
MIAMI BEACH, FL 33139

LOURDES RODRIGUEZ  
PO BOX 1246  
DANIA BEACH, FL 33004

MAICAR REALTY LLC  
407 LINCOLN RD # 9D  
MIAMI BEACH, FL 33139

MAICAR REALTY LLC  
C/O ERIC J GRABOIS PL  
1666 79TH STREET CSWY STE 500  
NORTH BAY VILLAGE, FL 33141-4178

MARIANA FERNANDES VIEIRA  
320 N HIBISCUS DR  
MIAMI BEACH, FL 33139

MARK E WILLIAMSON &W MARIA A  
WILLIAMSON  
290 S HIBISCUS ISLAND  
MIAMI BEACH, FL 33139

MARK GARRITY  
333 N HIBISCUS DR  
MIAMI BEACH, FL 33139-5123

MARY ANN MCILRAITH TRS  
MARY ANN MCILRAITH REVO LIVING TR  
294 S HIBISCUS DR  
MIAMI BEACH, FL 33139

MARY J SIMCOX TRS  
MARY J SIMCOX REV TR  
345 N HIBISCUS DR  
MIAMI BEACH, FL 33139

MATTHEW S BALCH  
290 N HIBISCUS DR  
MIAMI BEACH, FL 33139-5172

MICHAEL ROSEN &W STEPHANIE  
550 MAMARONECK AVE STE 505  
HARRISON, NY 10528

NICHOLAS NAMIAS &W BETH  
1075 W 46 ST  
MIAMI BEACH, FL 33140

QUANTUM EQUITY ONE LLC  
17749 COLLINS AVE #2501  
SUNNY ISLES, FL 33160

RACHEL ROCHSTEIN  
115 W 2 CT HIBISCUS ISLE  
MIAMI BEACH, FL 33139-5108

RANDY J SLAGER &W SYBIL K BAIRD JTRS  
PO BOX 190479  
MIAMI BEACH, FL 33119

ROGER BLUM &W MARIE  
363 S HIBISCUS DR  
MIAMI BEACH, FL 33139-5177

SARA CHIZ (TRUST)  
118 W 3 CT  
MIAMI BEACH, FL 33139-5113

STEVEN A SCHNUR  
297 N HIBISCUS DR  
MIAMI BEACH, FL 33139-5121

SUSAN MACHADO  
375 S HIBISCUS DR  
MIAMI BEACH, FL 33139-5177

THIERRY TASTIEL TRS  
TASTIEL DOMBARD REVOCABLE TR  
ANNE DOMBARD TRS  
285 S HIBISCUS DR  
MIAMI BEACH, FL 33139

TINA MARIE SIMCOX  
289 N HIBISCUS DR  
MIAMI BEACH, FL 33139-5121

TOP BRIDGE LLC  
370 S HIBISCUS DR  
MIAMI BEACH, FL 33139



Name	Address	City	State	Zip	Country
306 HIBISCUS LLC	306 S HIBISCUS DR	MIAMI BEACH	FL	33139	USA
AHUVA RETTER TRS AHUVA RETTER	330 N HIBISCUS DR	MIAMI BEACH	FL	33139	USA
ANATOLY PETUKHOV	50 S POINTE DR #2902	MIAMI BEACH	FL	33139	USA
BARBARA TRUSHIN TRS BARBARA TRUSHIN REVOCABLE TR	360 N HIBISCUS DR	MIAMI BEACH	FL	33139	USA
BEATRICE BRODIE HARRY KAISER	160 N HIBISCUS DR	MIAMI BEACH	FL	33139	USA
BURTON P LEIBOWITZ &W KAREN S	115 W 4 CT	MIAMI BEACH	FL	33139-5115	USA
CHARLES SCOTT FELDMAYER EVA YOSEPH	295 S HIBISCUS DR	MIAMI BEACH	FL	33139	USA
DEUTSCHE BANK TR CO AMERICAS TR RESIDENTIAL ACCREDITI LOANS INC	1001 SEMMES AVE	RICHMOND	VA	23224	USA
GRATITUDE CAPITAL LLC	1100 WEST AVE 820	MIAMI BEACH	FL	33139	USA
GUY H MEURRENS &W EDIT	340 S HIBISCUS DR	MIAMI BEACH	FL	33139-5134	USA
HERBERT KERN TRUST	320 S HIBISCUS DR	MIAMI BEACH	FL	33139-5134	USA
HIBISCUS WEST 4TH CT LLC	375 HIBISCUS DR	MIAMI BEACH	FL	33139	USA
IAN KAPLAN	305 N HIBISCUS DR	MIAMI BEACH	FL	33139	USA
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NICHOLAS NAMIAS &W BETH	1075 W 46 ST	MIAMI BEACH	FL	33140	USA
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