



MAG 4570 4580 N Bay Rd - DRB App 12.09.2021 - Executed.pdf

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E-Signature Summary

E-Signature Notary: Diana Ramos (dra)

December 09, 2021 10:51:31 -8:00 [4BDBFCA76AD0] [162.244.152.118]

dramos@brzoninglaw.com



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 DRB21-0771		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input checked="" type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <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="checkbox"/> Modification of existing Board Order		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"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY 4570 N Bay Road and 4580 N Bay Rd			
FOLIO NUMBER(S) 02-3222-011-0170 and 02-3222-011-0160			
Property Owner Information			
PROPERTY OWNER NAME MAG NBR LLC (Howard Komisar, Manager)			
ADDRESS 8 Wright Street		CITY Westport	STATE CT
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS hk@bertralaw.com
Applicant Information (if different than owner)			
APPLICANT NAME Same			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST New 2-story single family home with understory anon double lot, one of which is vacant and the other containing a home built in 2007. See letter of intent for more details.			

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Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" 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.	
Party responsible for project design			
NAME Saota		<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 109 HATFIELD STREET GARDENS 8001		CITY Cape Town	STATE South Africa
BUSINESS PHONE +27 (0)21 468 4400		CELL PHONE	EMAIL ADDRESS info@saota.com
Authorized Representative(s) Information (if applicable)			
NAME Matthew Amster		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd., Suite 300		CITY Miami	STATE FL
BUSINESS PHONE (305) 374-5300		CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com
NAME Nicholas Rodriguez		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd., Suite 300		CITY Miami	STATE FL
BUSINESS PHONE (305) 374-5300		CELL PHONE	EMAIL ADDRESS nrodriguez@brzoninglaw.com
NAME Daniel Ritchie		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other <u>Architect</u>	
ADDRESS 2655 S Lejeune Rd, PH1-E		CITY Coral Gables	STATE FL
BUSINESS PHONE (610)733-4295		CELL PHONE	EMAIL ADDRESS dviceinc@gmail.com

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".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- 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 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

DocuSigned by:

Howard Komisar

A84C8B4863E1475...

SIGNATURE

Howard Komisar, Manager

PRINT NAME

12/9/2021

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 _____, 2021. 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 Miami-Dade

I, Howard Komisar, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of MAG NBR LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner 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.

DocuSigned by:

Howard Komisar

A84C8B4863E1475...

SIGNATURE

Sworn to and subscribed before me this 9 day of December, 2021. The foregoing instrument was acknowledged before me by Howard Komisar, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____

NOTARY PUBLIC

Diana Ramos

PRINT NAME

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami-Dade

I, Howard Komisar, 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 SAOTA, M. Amster, N. Rodriguez, D. Ritchie 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.

Howard Komisar, Manager
PRINT NAME (and Title, if applicable)

DocuSigned by:
Howard Komisar
 A84C8B4863E1475...
SIGNATURE

Sworn to and subscribed before me this 9 day of December, 2021. The foregoing instrument was acknowledged before me by Howard Komisar, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____

**NOTARY PUBLIC**Diana Ramos**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.

MAG NBR LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
Marc Gardner	100%
8 Wright Street	
Westport, CT 06880	

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.

N/A

TRUST NAME	
NAME AND ADDRESS	% INTEREST

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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
SAOTA	109 Hatfield St Gardens 8001	+270214684400
Matthew Amster	200 S. Biscayne Boulevard, Suite 300	(305) 374-5300
Nicholas Rodriguez	200 S. Biscayne Boulevard, Suite 300	(305) 374-5300
Daniel Ritchie	2655 S Lejeune Rd, PH1-E, Coral Gables	(610)733-4295

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, Howard Komisar, Manager, 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.

DocuSigned by:
Howard Komisar
A84C8B4863E1475...

SIGNATURE

Sworn to and subscribed before me this 9 day of December, 2021. The foregoing instrument was acknowledged before me by Howard Komisar, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____



NOTARY PUBLIC

Diana Ramos

PRINT NAME



"Exhibit A"

LEGAL DESCRIPTION:

Lots 19 and 20, in Block 1, of NAUTILUS SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami Dade County, Florida.

A/K/A

4570 and 4580 North Bay Rd., Miami Beach, FL 33141

Parcel Identification Numbers: 02-3222-011-0160 and 02-3222-011-0170

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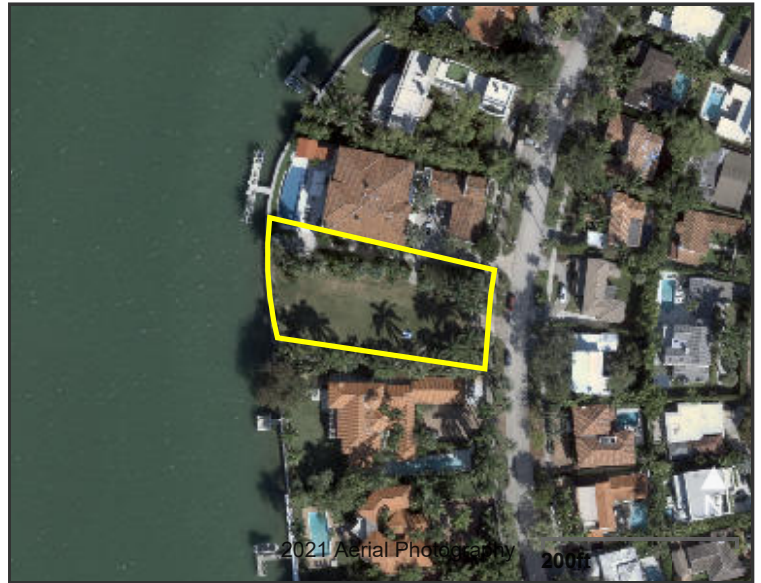


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 12/8/2021

Property Information	
Folio:	02-3222-011-0170
Property Address:	
Owner	MAG NBR LLC C/O HOWARD D KOMISAR ESQ BERKOWITZ TRAGER AND TRAGER LLC
Mailing Address	8 WRIGHT STREET WESTPORT, CT 06880 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	23,981 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$8,633,160	\$7,673,920	\$7,673,920
Building Value	\$0	\$0	\$0
XF Value	\$3,230	\$3,264	\$3,298
Market Value	\$8,636,390	\$7,677,184	\$7,677,218
Assessed Value	\$8,444,902	\$7,677,184	\$7,677,218

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction	\$191,488		
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
NAUTILUS SUB PB 8-95 LOT 20 BLK 1 LOT SIZE 109.500 X 219 COC 23258-2744 04 2005 1	

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$8,444,902	\$7,677,184	\$7,677,218
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$8,636,390	\$7,677,184	\$7,677,218
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$8,444,902	\$7,677,184	\$7,677,218
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$8,444,902	\$7,677,184	\$7,677,218

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/05/2021	\$32,150,000	32448-1812	Qual on DOS, multi-parcel sale
01/07/2021	\$100	32323-1644	Corrective, tax or QCD; min consideration
09/23/2011	\$5,000,000	27837-3932	Qual by exam of deed
04/01/2005	\$4,200,000	23258-2744	Sales which are qualified

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Version:



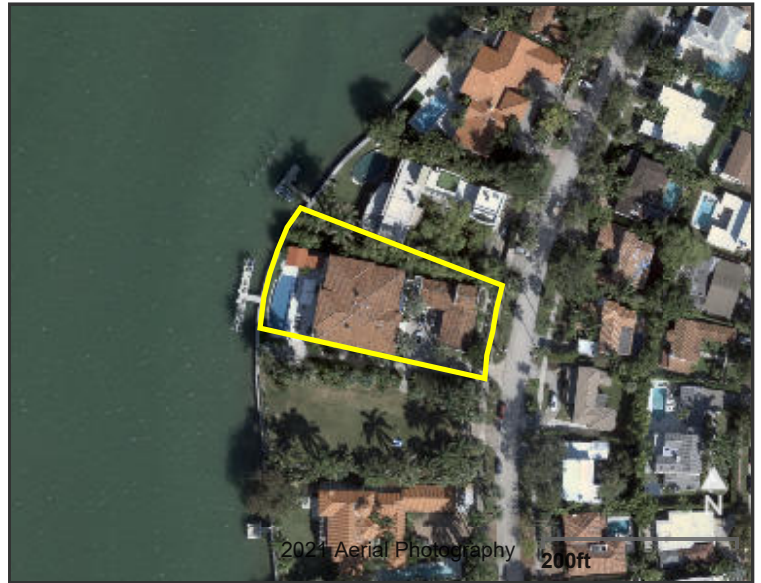


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 12/8/2021

Property Information	
Folio:	02-3222-011-0160
Property Address:	4580 N BAY RD Miami Beach, FL 33140-2859
Owner	MAG NBR LLC C/O HOWARD D KOMISAR ESQ BERKOWITZ TRAGER AND TRAGER LLC
Mailing Address	8 WRIGHT STREET WESTPORT, CT 06880 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	8 / 8 / 2
Floors	2
Living Units	1
Actual Area	15,861 Sq.Ft
Living Area	12,676 Sq.Ft
Adjusted Area	13,186 Sq.Ft
Lot Size	24,805 Sq.Ft
Year Built	2007



Assessment Information			
Year	2021	2020	2019
Land Value	\$8,929,800	\$7,937,600	\$7,937,600
Building Value	\$3,785,701	\$3,829,214	\$3,872,728
XF Value	\$157,780	\$158,676	\$111,272
Market Value	\$12,873,281	\$11,925,490	\$11,921,600
Assessed Value	\$12,873,281	\$11,925,490	\$11,921,600

Benefits Information				
Benefit	Type	2021	2020	2019
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
22-27 53 42 NAUTILUS SUB PB 8-95 LOT 19 BLK 1 LOT SIZE 112.750 X 220 OR 21106-3811 03 2003 1	

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$12,873,281	\$11,925,490	\$11,921,600
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$12,873,281	\$11,925,490	\$11,921,600
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$12,873,281	\$11,925,490	\$11,921,600
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$12,873,281	\$11,925,490	\$11,921,600

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/05/2021	\$32,150,000	32448-1812	Qual on DOS, multi-parcel sale
01/07/2021	\$100	32323-1644	Corrective, tax or QCD; min consideration
09/22/2011	\$13,500,000	27837-3970	Qual by exam of deed
03/01/2003	\$2,650,000	21106-3811	Sales which are qualified

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Version:

