

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV  
305-673-7550

## LAND USE BOARD HEARING APPLICATION

THE FOLLOWING APPLICATION IS SUBMITTED FOR REVIEW AND CONSIDERATION OF THE PROJECT DESCRIBED HEREIN BY THE LAND USE BOARD SELECTED BELOW. A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH BOARD REVIEWING THE PROPOSED PROJECT.

- ☐ BOARD OF ADJUSTMENT
- ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
  - ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☒ DESIGN REVIEW BOARD
- ☒ DESIGN REVIEW APPROVAL
  - ☒ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.
- ☐ HISTORIC PRESERVATION BOARD
- ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
  - ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
  - ☐ HISTORIC DISTRICT / SITE DESIGNATION
  - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.
- ☐ PLANNING BOARD
- ☐ CONDITIONAL USE PERMIT
  - ☐ LOT SPLIT APPROVAL
  - ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
  - ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- ☐ FLOOD PLAIN MANAGEMENT BOARD
- ☐ FLOOD PLAIN WAIVER
- ☐ OTHER \_\_\_\_\_

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SUBJECT PROPERTY ADDRESS: 5712 North Bay Road, Miami Beach, FL 33140

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

FOLIO NUMBER (S) 02-3215-003-0320

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1. APPLICANT: ☐ OWNER OF SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT  
☐ ENGINEER ☐ CONTRACTOR ☒ OTHER Contract Purchaser

NAME 5712 North Bay Road, LLLP

ADDRESS 1800 Sunset Harbour Drive, Marina Suite A Miami Beach, FL 33139

BUSINESS PHONE (305) 534-9099

CELL PHONE (305) 796-5332

E-MAIL ADDRESS bartreines@mac.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Jane Goodman

ADDRESS 5712 North Bay Road, Miami Beach, FL 33140

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Matthew Amster, Esq. & Michael W. Larkin, Esq. - Bercow Radell Fernandez & Larkin

ADDRESS 200 S. Biscayne Blvd. Suite 850 Miami, FL 33131

BUSINESS PHONE (305) 374-5300

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS MAmster@brzoninglaw.com & MLarkin@brzoninglaw.com

☐ AGENT:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

☐ CONTACT:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

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

NAME Kobi Karp

ADDRESS 2915 Biscayne Boulevard, Suite 200 Miami, Florida 33137

BUSINESS PHONE (305) 573-1818

CELL PHONE (305) 992-5892

E-MAIL ADDRESS kobikarp@kobikarp.com

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

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

Design review approval of new 2-story single family home replacing pre-1942 single family home, with waiver of building height and elevation of side courtyard, and variance of interior side setback. See Letter of Intent for more details.

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

## 5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ \_\_\_\_\_

- A SEPARATE DISCLOSURE OF INTEREST FORM MUST BE SUBMITTED WITH THIS APPLICATION IF THE APPLICANT OR OWNER IS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR TRUSTEE.
- ALL APPLICABLE AFFIDAVITS MUST BE COMPLETED AND THE PROPERTY OWNER MUST COMPLETE AND SIGN THE "POWER OF ATTORNEY" PORTION OF THE AFFIDAVIT IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IF OTHER PERSONS ARE SPEAKING ON THEIR BEHALF.
- TO REQUEST THIS MATERIAL IN ALTERNATE FORMAT, SIGN LANGUAGE INTERPRETER (FIVE-DAY NOTICE IS REQUIRED), INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDINGS, CALL 305.604.2489 AND SELECT (1) FOR ENGLISH OR (2) FOR SPANISH, THEN OPTION 6; TTY USERS MAY CALL VIA 711 (FLORIDA RELAY SERVICE).

## PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

- APPLICATIONS FOR ANY BOARD HEARING(S) WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE REQUIRED FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- PUBLIC RECORDS NOTICE – ALL DOCUMENTATION, SUBMITTED FOR THIS APPLICATION IS CONSIDERED A PUBLIC RECORD SUBJECT TO CHAPTER 119 OF THE FLORIDA STATUTES AND SHALL BE DISCLOSED UPON REQUEST.
- IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 2-482 OF THE CODE OF THE CITY OF MIAMI BEACH, ANY INDIVIDUAL OR GROUP THAT WILL BE COMPENSATED TO SPEAK OR REFRAIN FROM SPEAKING IN FAVOR OR AGAINST A PROJECT BEING PRESENTED BEFORE ANY OF THE CITY'S LAND USE BOARDS, SHALL FULLY DISCLOSE, PRIOR TO THE PUBLIC HEARING, THAT THEY HAVE BEEN, OR WILL BE COMPENSATED. SUCH PARTIES INCLUDE: ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS, OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVES ATTORNEYS OR AGENTS AND CONTACT PERSONS WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY; SUCH INDIVIDUALS MUST REGISTER WITH THE CITY CLERK PRIOR TO THE HEARING.
- IN ACCORDANCE WITH SEC.118-31. – DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD,

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

HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT DESIGN REVIEW BOARD/HISTORIC PRESERVATION BOARD), OR THE BOARD OF ADJUSTMENT SHALL DISCLOSE, AT THE COMMENCEMENT (OR CONTINUANCE) OF THE PUBLIC HEARING(S), ANY CONSIDERATION PROVIDED OR COMMITTED, DIRECTLY OR ON ITS BEHALF, FOR AN AGREEMENT TO SUPPORT OR WITHHOLD OBJECTION TO THE REQUESTED APPROVAL, RELIEF OR ACTION, EXCLUDING FROM THIS REQUIREMENT CONSIDERATION FOR LEGAL OR DESIGN PROFESSIONAL SERVICES RENDERED OR TO BE RENDERED. THE DISCLOSURE SHALL: (i) BE IN WRITING, (ii) INDICATE TO WHOM THE CONSIDERATION HAS BEEN PROVIDED OR COMMITTED, (iii) GENERALLY DESCRIBE THE NATURE OF THE CONSIDERATION, AND (iv) BE READ INTO THE RECORD BY THE REQUESTING PERSON OR ENTITY PRIOR TO SUBMISSION TO THE SECRETARY/CLERK OF THE RESPECTIVE BOARD. UPON DETERMINATION BY THE APPLICABLE BOARD THAT THE FOREGOING DISCLOSURE REQUIREMENT WAS NOT TIMELY SATISFIED BY THE PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION AS PROVIDED ABOVE, THEN (i) THE APPLICATION OR ORDER, AS APPLICABLE, SHALL IMMEDIATELY BE DEEMED NULL AND VOID WITHOUT FURTHER FORCE OR EFFECT, AND (ii) NO APPLICATION FROM SAID PERSON OR ENTITY FOR THE SUBJECT PROPERTY SHALL BE REVIEWED OR CONSIDERED BY THE APPLICABLE BOARD(S) UNTIL EXPIRATION OF A PERIOD OF ONE YEAR AFTER THE NULLIFICATION OF THE APPLICATION OR ORDER. IT SHALL BE UNLAWFUL TO EMPLOY ANY DEVICE, SCHEME OR ARTIFICE TO CIRCUMVENT THE DISCLOSURE REQUIREMENTS OF THIS SECTION AND SUCH CIRCUMVENTION SHALL BE DEEMED A VIOLATION OF THE DISCLOSURE REQUIREMENTS OF THIS SECTION.

- WHEN THE APPLICABLE BOARD REACHES A DECISION A FINAL ORDER WILL BE ISSUED STATING THE BOARD'S DECISION AND ANY CONDITIONS IMPOSED THEREIN. THE FINAL ORDER WILL BE RECORDED WITH THE MIAMI-DADE CLERK OF COURTS. THE ORIGINAL BOARD ORDER SHALL REMAIN ON FILE WITH THE CITY OF MIAMI BEACH PLANNING DEPARTMENT. UNDER NO CIRCUMSTANCES WILL A BUILDING PERMIT BE ISSUED BY THE CITY OF MIAMI BEACH WITHOUT A COPY OF THE RECORDED FINAL ORDER BEING INCLUDED AND MADE A PART OF THE PLANS SUBMITTED FOR A BUILDING PERMIT.

THE AFOREMENTIONED IS ACKNOWLEDGED BY: ☒ OWNER OF THE SUBJECT PROPERTY  
☐ AUTHORIZED REPRESENTATIVE

SIGNATURE: \_\_\_\_\_

*Jane Goodman*

**Jane Goodman**

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

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



HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT DESIGN REVIEW BOARD/HISTORIC PRESERVATION BOARD), OR THE BOARD OF ADJUSTMENT SHALL DISCLOSE, AT THE COMMENCEMENT (OR CONTINUANCE) OF THE PUBLIC HEARING(S), ANY CONSIDERATION PROVIDED OR COMMITTED, DIRECTLY OR ON ITS BEHALF, FOR AN AGREEMENT TO SUPPORT OR WITHHOLD OBJECTION TO THE REQUESTED APPROVAL, RELIEF OR ACTION, EXCLUDING FROM THIS REQUIREMENT CONSIDERATION FOR LEGAL OR DESIGN PROFESSIONAL SERVICES RENDERED OR TO BE RENDERED. THE DISCLOSURE SHALL: (i) BE IN WRITING, (ii) INDICATE TO WHOM THE CONSIDERATION HAS BEEN PROVIDED OR COMMITTED, (iii) GENERALLY DESCRIBE THE NATURE OF THE CONSIDERATION, AND (iv) BE READ INTO THE RECORD BY THE REQUESTING PERSON OR ENTITY PRIOR TO SUBMISSION TO THE SECRETARY/CLERK OF THE RESPECTIVE BOARD. UPON DETERMINATION BY THE APPLICABLE BOARD THAT THE FOREGOING DISCLOSURE REQUIREMENT WAS NOT TIMELY SATISFIED BY THE PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION AS PROVIDED ABOVE, THEN (i) THE APPLICATION OR ORDER, AS APPLICABLE, SHALL IMMEDIATELY BE DEEMED NULL AND VOID WITHOUT FURTHER FORCE OR EFFECT, AND (ii) NO APPLICATION FROM SAID PERSON OR ENTITY FOR THE SUBJECT PROPERTY SHALL BE REVIEWED OR CONSIDERED BY THE APPLICABLE BOARD(S) UNTIL EXPIRATION OF A PERIOD OF ONE YEAR AFTER THE NULLIFICATION OF THE APPLICATION OR ORDER. IT SHALL BE UNLAWFUL TO EMPLOY ANY DEVICE, SCHEME OR ARTIFICE TO CIRCUMVENT THE DISCLOSURE REQUIREMENTS OF THIS SECTION AND SUCH CIRCUMVENTION SHALL BE DEEMED A VIOLATION OF THE DISCLOSURE REQUIREMENTS OF THIS SECTION.

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THE AFOREMENTIONED IS ACKNOWLEDGED BY: ☐ OWNER OF THE SUBJECT PROPERTY  
☒ AUTHORIZED REPRESENTATIVE

SIGNATURE: \_\_\_\_\_

**Bart Reines**

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

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

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF  
COUNTY OF

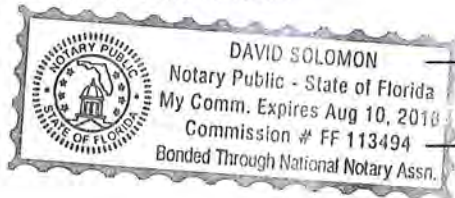
I, Jane Goodman, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true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

Jane Goodman

SIGNATURE

Sworn to and subscribed before me this 16 day of Dec, 2016. The foregoing instrument was acknowledged before me by Jane Goodman, 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

David Solomon

PRINT NAME

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

(Circle one)

STATE OF  
COUNTY OF

I, Bart + Renee, being duly sworn, depose and certify as follows: (1) I am the General Partner (print title) of 5712 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 or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

Manager of 5712 NBR GP, LLC

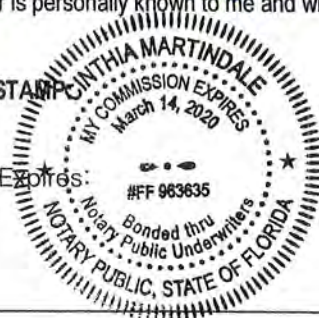
[Signature]

SIGNATURE

Sworn to and subscribed before me this 19th day of Dec, 2016. The foregoing instrument was acknowledged before me by Bart + Renee, Manager of 5712 NBR GP, LLC, on behalf of such entity, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

General Partner of 5712 NBR, LLC

NOTARY SEAL OR STAMP



My Commission Expires:

NOTARY PUBLIC

Cynthia Martindale

PRINT NAME

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



POWER OF ATTORNEY AFFIDAVIT

STATE OF  
COUNTY OF

I, Jane Goodman, being duly sworn and deposed, 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 Matthew Amster, Esq. & Michael W. Larkin, Esq. to be my representative before the DRB Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

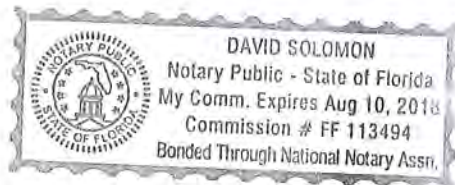
Jane Goodman  
PRINT NAME (and Title, if applicable)

Jane Goodman  
SIGNATURE

Sworn to and subscribed before me this 16 day of Decr, 2016. The foregoing instrument was acknowledged before me by Jane Goodman, Owner of 5712 North Bay Road, Miami Beach, FL 33140 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  
DAVID SOLOMON  
PRINT NAME

CONTRACT FOR PURCHASE

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

5712 North Bay Road, LLLP

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

See Exhibit B

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

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

POWER OF ATTORNEY AFFIDAVIT

STATE OF  
COUNTY OF

I, Bart Reines, being duly sworn and deposed, 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 Matthew Amster, Esq. & Michael W. Larkin, Esq. to be my representative before the DRB Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Bart Reines Manager of 5712 NBR GP, LLC, the General Partner of 5712 NBR, LLLP  
PRINT NAME (and Title, if applicable)

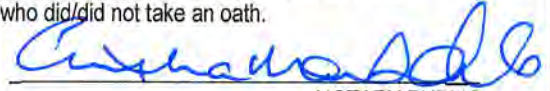
  
SIGNATURE

Sworn to and subscribed before me this 19<sup>th</sup> day of Dec, 2016. The foregoing instrument was acknowledged before me by Bart Reines, Manager of 5712 NBR GP, LLC, the General Partner of 5712 NBR, LLLP who has produced as Manager and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires

  
NOTARY PUBLIC

Cynthia Martindale  
PRINT NAME

CONTRACT FOR PURCHASE

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

5712 North Bay Road, LLLP

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

See Exhibit B

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

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



CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

**1. 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.\*

5712 North Bay Road, LLLP

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit B

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

*IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.*

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

CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION  
DISCLOSURE OF INTEREST

**2. TRUSTEE**

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

N/A

TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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



### 3. COMPENSATED LOBBYIST:

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

	NAME	ADDRESS	PHONE #
a.	<u>Michael W. Larkin</u>	<u>200 S Biscayne Blvd. Suite 850 Miami, FL 33131</u>	<u>(305) 374-5300</u>
b.	<u>Matthew Amster</u>	<u>200 S Biscayne Blvd. Suite 850 Miami, FL 33131</u>	<u>(305) 374-5300</u>
c.	<u>Kopi Karp</u>	<u>2915 Biscayne Boulevard, Suite 200 Miami, Florida 33137</u>	<u>(305) 573-1818</u>

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

\*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

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

### APPLICANT AFFIDAVIT

STATE OF  
COUNTY OF

I, Bart Reines, Manager of 5712 NBR GP, LLC, the General Partner of 5712 NBR, LLLP being first duly sworn, depose and certify as follows: (1) I am the applicant, or the representative of the applicant. (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 19<sup>th</sup> day of Dec, 2016. 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

Cynthia Martindale  
PRINT NAME

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

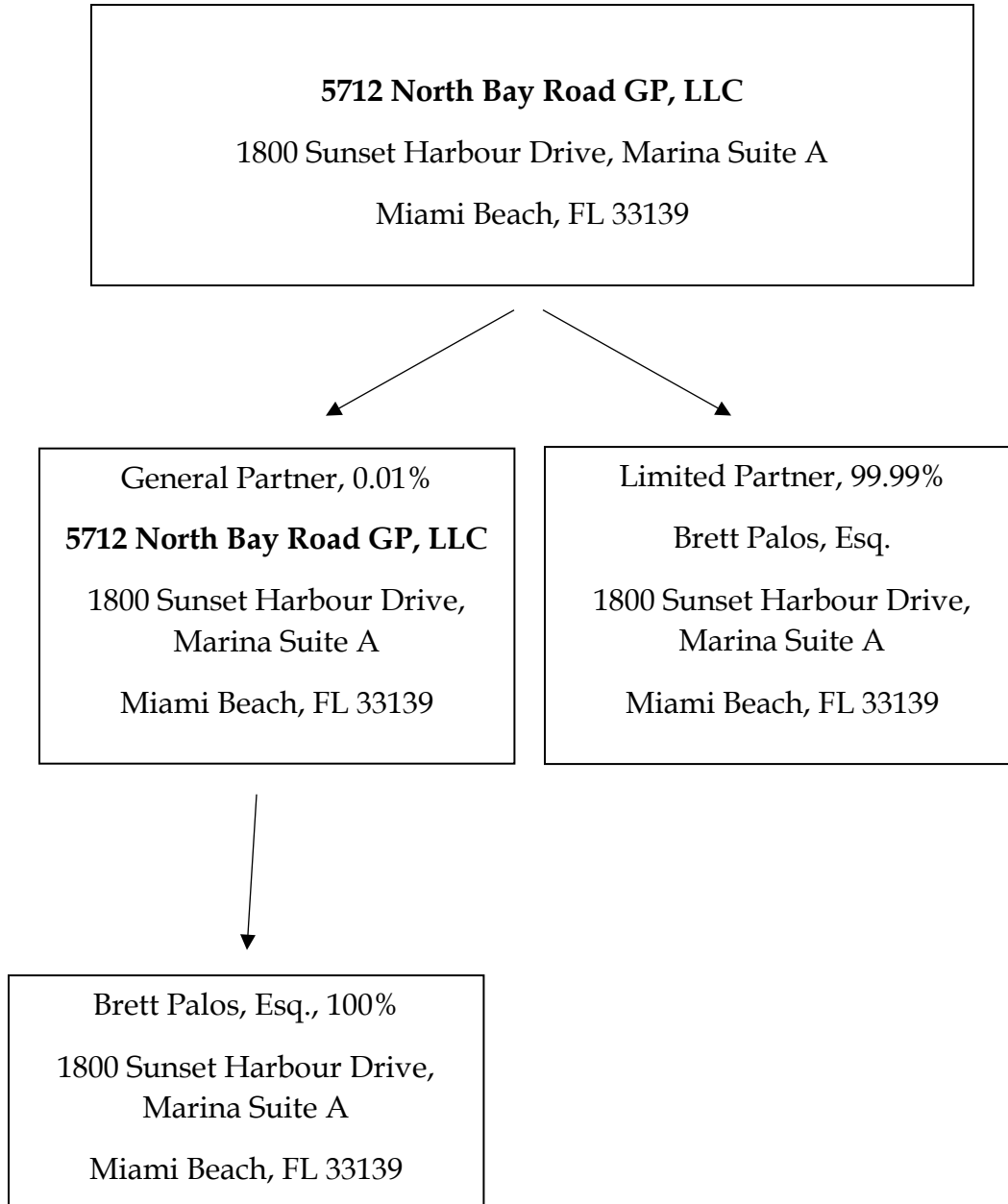
Exhibit A

Legal Description

LA GORCE GOLF SUB PB 14-43 LOT 42 BLK 1 A LOT SIZE 70.50 X 212 OR 9554 2130



**EXHIBIT B**  
**DISCLOSURE OF INTEREST**





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

DIRECT LINE: (305) 377-6236  
E-Mail: MAmster@brzoninglaw.com

**VIA ELECTRONIC SUBMITTAL**

January 5, 2017

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

Re: Design Review and Variance Approvals for the Property Located at 5712  
North Bay Road, Miami Beach, Florida

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Dear Tom:

This law firm 5712 North Bay Road, LLLP (the "Applicant"), the contract purchaser of the above-referenced property (the "Property"). Please consider this letter the Applicant's letter of intent in support of design review and variance approval by the Design Review Board ("DRB") for a single family home on the Property.

The Property. The Property is a 14,895 square foot waterfront lot located midblock on the west side of North Bay Road and is in the RS-3, Single Family Residential Zoning District. The Property is identified by Miami-Dade County Folio No. 02-3215-003-0320. The Property currently contains an approximately 5,032 square foot single family residence that was constructed in 1926. The lot is relatively narrow and was platted in 1925 and remains unchanged. Notably, as platted the Property is wedge-shaped with a width of sixty-six (66) feet at the front property line that increases to approximately seventy-five (75) feet at the rear property line.

The Property is the narrowest waterfront lot in the vicinity. All the nearby properties are larger and many of them are substantially larger, located on multiple platted lots. The property immediately to the south at 5700 North Bay Road, combines 3 lots and contains a tennis court and landscaping at the north end



abutting the Property. This layout means that existing home on this south property is located over eighty (80) feet from the common property line.

Description of Proposed Development. The Applicant proposes to demolish the existing house and construct a new residence, approximately 7,329 square feet in size. The proposed home will be a beautiful, modern two-story structure and the Property will include attractive landscaping. The proposed home contains a mixture of one and two-story volumes which reduces the perception of mass and creates architectural articulation between the sections of the home.

The garage will only be one-story in height and will be at a lower elevation than the main house. The two-story section is significantly setback from the front property line at over fifty-six (56) feet away. As is preferred in the City, the garage door will not face the street.

The proposed new home complies with the City of Miami Beach Code ("Code") requirements for unit size and lot coverage. The size of the proposed home is approximately 7,329 square feet (49.2% of the lot size), which is below the allowable 50% unit size limit. The lot coverage is approximately 24.9%, which is below the 30% permitted. Further, because the home contains less than 25% lot coverage, the home is exempt from the 70% second floor area requirement (See Code Section 142-105(b)(4)c.).

Waiver Requests. The Applicant requests DRB approval of the following waivers – for building height and elevation of the additional open space on the south side of the home:

1. Building Height – Waiver to increase from twenty-four (24) feet, plus freeboard, as of right to twenty-eight (28) feet as permitted by Code Section 142-105(b)(1). As required by the Florida Building Code and the Land Development Regulations, the proposed home's finished floor will be located at Base Floor Elevation ("BFE") plus one (1) foot, which is minimum freeboard. Notably, the Applicant would be permitted to increase the finished floor up to four (4) feet more as a maximum of five (5) feet of freeboard is allowed as of right. This would increase the height of the home by four (4) feet. By utilizing only one foot of available freeboard, the proposed home will be the same overall height as would be permissible if the Applicant had taken advantage of the total available freeboard. In essence, the proposed home has a lower ground floor and yard elevation, which is more compatible with neighborhood, and will have the roof at the

same overall height of twenty-eight (28) feet. It should be noted, as previously indicated, that the two-story portion of the home is setback substantially farther than required from the front property line and concentrated at the center of Property, which is the same location as the existing 2-story home and generally aligned with the 2-story home located to the north. The home to the south will be located approximately eighty-eight (88) feet away.

2. Elevation of Additional Open Space – Waiver of the requirement that additional open space along the south side of the proposed home be no greater than the maximum elevation of the adjacent required side yard. See Section 142-106(2)d. As required to reduce the massing of the 2-story elevation of the new home, the Applicant proposes a significant amount of additional open space along the south side of the home. This area will be open to the sky and landscaped. To better address the elevation of the finished floor of the home, the Applicant proposes to elevate this open space to approximately eight and a half (8.5) feet. This will provide a helpful transition from the side yard to the home while continuing to afford a reduction in the massing of the 2-story portion of the home. Importantly, the open space faces the area of the adjacent property to the south that contains landscaping and a tennis court, so the slightly higher elevation has no adverse impact on the uses or home, which itself is setback over 80 feet further south from the common property line.

Variance Request. In addition to the requested Waiver, the Applicant also seeks the following variances:

1. Section 142-106(2)(c) related to the south side facing interior setback – proposing seven and one half (7.5) feet side setback where ten (10) feet are required.
2. Section 142-106(2)(a) related to the sum of the side yards, to provide a sum the side yards of approximately seventeen and two-thirds (17.6) feet where twenty (20) feet are required.

It should be noted that the requested variances are inextricably linked as it is nearly impossible to comply with sum of the side yard requirements without also complying with side yard setback requirements. Notably, the proposed sum of the side yards is 25% of the lot width; it is the minimum side yard requirement that requires the Applicant to provide more than this amount. Additionally, the reduced setback will not be adjacent to a residence, but rather adjacent to an



existing tennis court on the property to the south of the Property, which also has an extensive landscape buffer. The Applicant has ensured that the required setback will be provided on the north where the adjacent home is closer in proximity than the property to the south.

Satisfaction of Hardship Criteria. The Applicant's requests satisfy all hardship criteria as follows:

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

The original platted lot, which remains unchanged, is an irregular, pie-shaped lot - tapering from rear to front. Therefore the platted shape of this lot is a special condition peculiar to this Property.

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

The original platting of this wedge-shaped Property is not the result of any action taken by the Applicant.

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

Other properties, including pie-shaped waterfront lots, are confined to the platted dimensions that may similarly create difficulties in developing the land and, therefore, other owners may also request variances for development on these tight lots.

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

The relative narrowness of the lot based on the plat poses a challenge in locating the entirety of the home at the required setback and complying with the sum of the side yard requirements. Notably, the existing

residence is setback five feet (5) from both sides, therefore the new home will be further setback from both adjacent properties. Also, the south elevation covers less than 50% of the length of the Property and contains a mix of 1-and 2-story portions with a sizable courtyard in the middle, thus substantially reducing the scale and massing along the south Property line.

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

The requests are the minimum variances necessary to address the narrow width. Notably, the home located to the south, which contains a tennis court adjacent to the Property, is over eighty (80) feet from the common property line. The result is a distance of close to eighty-eight (88) feet between the homes.

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

The as-built characteristics of the existing home and other homes in the area have some side setbacks at five (5) feet. The Applicant has achieved a design that meets the challenges posed by the narrow lot and greatly reduces the scale and massing of the home by having a significant setback of the two-story portion, which is offset in the south with a significant open courtyard.

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

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

Conclusion. We believe that the approval of the proposed home will permit the development of a well-designed single-family home on the Property that will be compatible with the prevailing character of the existing single-family neighborhood. The waivers do not adversely impact the scale and massing of the home and the variances are minimal and stem from the narrow lot width that has existed since 1925. The Applicant's variance requests importantly take a thoughtful and long-term approach to ensuring the longevity of the proposed

Thomas Mooney, Planning Director  
January 5, 2017  
Page 6

home while ensuring compatibility with the surrounding area. We look forward to your favorable review of the application. If you have any questions or comments, please give me a call at (305) 377-6236.

Sincerely,



Matthew Amster

cc: Michael W. Larkin, Esq.





zoning public notification packages | lists of property owners within a specific radius + radius maps + mailing labels  
rdmiami.com | diana@rdmiami.com | 305.498.1614

December 16, 2016

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

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

**SUBJECT:** 5712 North Bay Road, Miami Beach, FL 33140

**FOLIO NUMBER:** 02-3215-003-0320

**LEGAL DESCRIPTION:** LA GORCE GOLF SUB PB 14-43 LOT 42 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,

Rio Development Resources, LLC

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Diana B. Rio

Total number of property owners without repetition: **26**

*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.*

Name	Address	City	State	Zip	Country
AARON FLEISCHMAN LINFORD L LOUGHEED	5646 N BAY RD	MIAMI BEACH	FL	33140	USA
ALEXANDER M TAUBER STEPHANIE FELDENKREIS	5701 N BAY RD	MIAMI BEACH	FL	33140	USA
AMI SHASHOUA	5718 NORTH BAY RD	MIAMI BEACH	FL	33140	USA
ANDREA TARDY ANA CAROLINA PARDELLAS	5735 N BAY RD	MIAMI BEACH	FL	33140	USA
BRYAN & LESLIE ROSENFELD REV TRS BRYAN ROSENFELD LESLIE ROSENFELD	5750 ALTON RD	MIAMI BEACH	FL	33140	USA
CHRISTIAN DE BERDOUARE & W JENNIFER V VALOPPI	5750 N BAY RD	MIAMI BEACH	FL	33140-2035	USA
DANIEL RUBIN & W ESTER	5633 N BAY RD	MIAMI BEACH	FL	33140-2033	USA
DIDO V ORCHARD	5720 ALTON RD	MIAMI BEACH	FL	33140-2021	USA
EDWARD F HARRIS & W GAIL L	5725 N BAY RD	MIAMI BEACH	FL	33140-2034	USA
FUTURE GL PROPERTIES SRL	5763 NORTH BAY ROAD	MIAMI BEACH	FL	33140	USA
GEORGE FELDENKREIS MARIA SREBNICK	3000 NW 107 AVE	MIAMI	FL	33172	USA
HANS J BEIJER & W NORAH DEBEKKER	5730 ALTON ROAD	MIAMI BEACH	FL	33140	USA
JANE GOODMAN	5712 N BAY RD	MIAMI BEACH	FL	33140-2035	USA
JEAN MARIE ECHEMENDIA TRS GREG KOURI TRS JEAN MARIE ECHEMENDIA	4045 SHERIDAN AVE # 240	MIAMI BEACH	FL	33140	USA
JOSE R DIAZ & W MARIA P	5760 ALTON RD	MIAMI BEACH	FL	33140-2021	USA
KATHLEEN KOONS PEIFFER	5700 ALTON RD	MIAMI BEACH	FL	33140	USA
LAWRENCE WELKOVICH MARIA WELKOVICH	5745 N BAY RD	MIAMI BEACH	FL	33140	USA
MARIO ROSENFELD & W SELMA	5740 ALTON RD	MIAMI BEACH	FL	33140-2021	USA
MICHAEL MURR	5760 N BAY RD	MIAMI BEACH	FL	33140	USA
NAOMI W SALL	5715 N BAY ROAD	MIAMI BEACH	FL	33140	USA
ROBERT CHERRY & W MARIA A	5645 N BAY RD	MIAMI BEACH	FL	33140-2033	USA
ROBERT L PATRON & W LYNN	5630 NO BAY DR	MIAMI BEACH	FL	33140-2042	USA
ROBERTO ZARCO	5740 N BAY ROAD	MIAMI BEACH	FL	33140-2035	USA
SIDNEY BEFELER & W ROSABELLA	5712 ALTON RD	MIAMI BEACH	FL	33140-2021	USA
WALTER FERNANDEZ & W CHANNYLE	5666 ALTON RD	MIAMI BEACH	FL	33140-2019	USA
YVES R BARROUKH	5696 ALTON RD	MIAMI BEACH	FL	33140	USA

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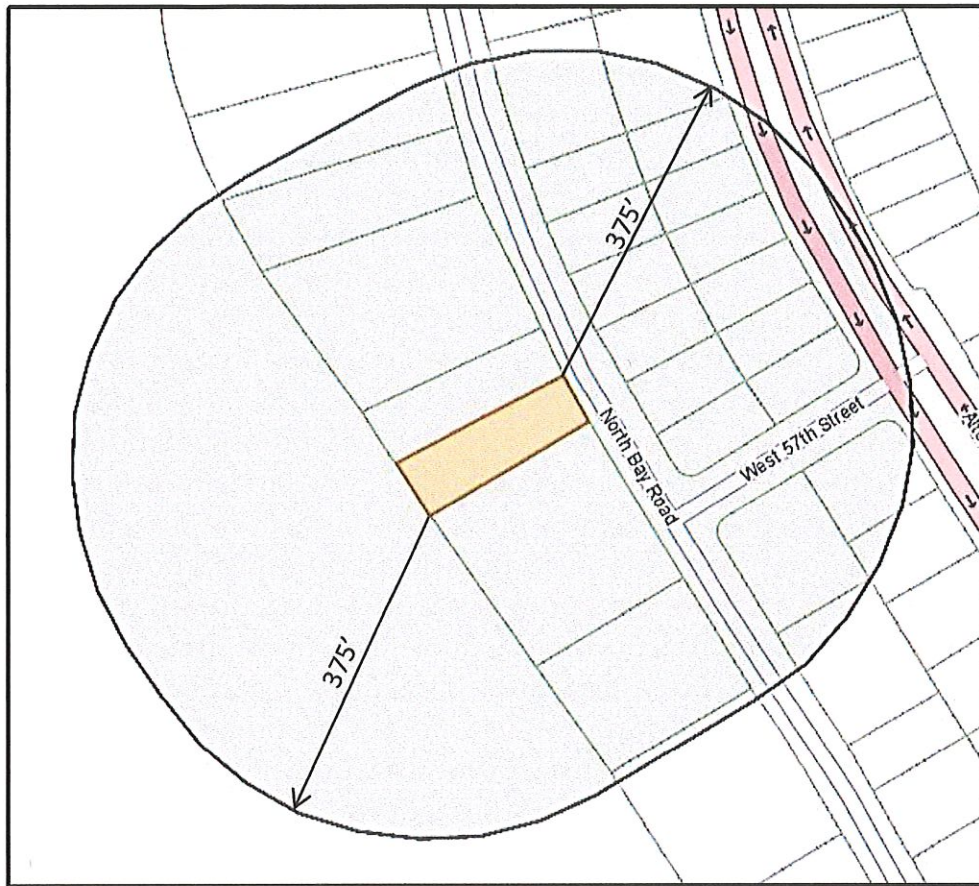
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## 375' RADIUS MAP



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**FOLIO NUMBER:** 02-3215-003-0320

**LEGAL DESCRIPTION:** LA GORCE GOLF SUB PB 14-43 LOT 42 BLK 1 A