

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMI BEACHFL.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 _____

SUBJECT PROPERTY ADDRESS: 2801 Lucerne Ave

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

FOLIO NUMBER (S) 02-3203-001-1461

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

NAME Eric & Alexandra Fabrikant
ADDRESS 2801 Lucerne Avenue, Miami Beach, FL 33140
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS eric@fabrikantgroup.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME N/A
ADDRESS _____
BUSINESS PHONE _____ CELL PHONE _____
E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:

NAME Michael Larkin Esq. / Carli Koshal, Esq.
ADDRESS 200 S. Biscayne Blvd, Ste 850, Miami, FL 33131
BUSINESS PHONE 305-374-5300 CELL PHONE _____
E-MAIL ADDRESS mlarkin@brzoninglaw.com / ckoshal@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 Juan C. David
ADDRESS 1385 Coral Way, Ste 207, Miami, FL 33145
BUSINESS PHONE 305-285-4343 CELL PHONE _____
E-MAIL ADDRESS juancdavid@jcdarchitect.com

FILE NO. _____

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

Minor modification to DRB Order 23113 related to single family residence at 2801
Lucerne Avenue.

- 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.

FILE NO. _____

- 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, 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: Eric Fabrikant

PRINT NAME: ERIC FABRIKANT

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF Florida
COUNTY OF Miami-Dade

I, ERIC FABRIKANT, 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.

[Signature]

SIGNATURE

Sworn to and subscribed before me this 23 day of January, 2017. The foregoing instrument was acknowledged before me by Eric Fabrikant, 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

Karen McGee

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
(Circle one)

STATE OF
COUNTY OF

I, _____, being 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 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.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____ of _____, 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.

NOTARY SEAL OR STAMP:

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

I, ERIC FABRIKANT, 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 Michael Larkin/ Carli Koshal to be my representative before the Design Review 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.

PRINT NAME (and Title, if applicable)

Eric Fabrikant
SIGNATURE

Sworn to and subscribed before me this 23 day of January, 2017. The foregoing instrument was acknowledged before me by Eric Fabrikant of Miami, FL 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

Karen McGee
NOTARY PUBLIC

Karen McGee
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.*

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 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.*

N/A

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

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

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.

NOTE: Notarized signature required on page 9

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

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

NOTE: Notarized signature required on page 9

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 Larkin</u>	<u>200 S. Biscayne Blvd, Ste 850</u>	<u>305-374-5300</u>
b.	<u>Carli Koshal</u>	<u>200 S. Biscayne Blvd, Ste 850</u>	<u>305-374-5300</u>
c.	<u>Juan C. David</u>	<u>1385 Coral Way, Ste 207</u>	<u>786-443-6750</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 Florida

COUNTY OF Miami-Dade County

I, ERIC FABRICANT, 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 23 day of January, 2017. 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

[Signature]

NOTARY PUBLIC

My Commission Expires:



Karen McGee

PRINT NAME

FILE NO. _____

EXHIBIT A

Legal Description

Lot 1, the South 10 feet of Lot 2, the West 25 feet of Lot 8, and the West 25 feet of the South ½ of Lot 7, all in Block 1-C, of SUNSET ISLANDS 3RD REVISION, ISLAND NO. 1, according to the plat thereof, recorded in Plat Book 40, Page 8, Public Records of Miami-Dade County, Florida.



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6231
E-Mail: MLarkin@brzoninglaw.com

VIA ONLINE SUBMISSION & HAND DELIVERY

February 9, 2017

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

Re: Modification of DRB Order No. 23113 related to the Single-Family Home Located at 2801 Lucerne Avenue, Miami Beach

Dear Tom:

This law firm represents Eric and Alexandra Fabrikant (the "Applicants"), the owners of the above-referenced property (the "Property"). Please consider this letter the Applicants' letter of intent related to their request to modify DRB Order No. 23113.

The Property. The Property is a non-standard interior lot on Sunset Island I. Miami-Dade County's Office of the Property Appraiser identifies the Property through Folio No. 02-3228-001-0170. In February 2015, the Design Review Board ("DRB") approved a new two-story single family residence for the Property (DRB Order No. 23113). Please find the order enclosed.

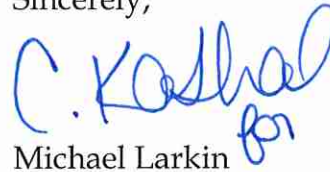
Development Program. The approved home is under construction and the Applicants are excited about their new home. However, during the permit process the Applicants and their team came to the realization that the small balcony, approximately sixty-seven (67) square feet in size, just off the master bedroom could more appropriately be enclosed as an extension of the master bathroom. This area is located at the northeast corner of the approved home and is at the rear of the Property. This increase, though small, does trigger the need for a Waiver of the seventy percent (70%) second floor to first floor ratio, as the additional floor area brings the ratio to approximately seventy-two percent (72%).

Mr. Thomas Mooney
February 9, 2017
Page 2 of 2

The northeast corner of the Property, where the changes will be made, are closest to the east side of the Property, and to the extent that the minor changes will impact anyone, they will impact the neighbor to the east. The Applicants have reached out to this neighbor and obtained a letter of support from him, enclosed.

Conclusion. We believe that the approval of these minor modifications will allow the Applicants and their family greater day to day enjoyment of the home they are spending time and resources to construct. Since the modifications will take place at the rear of the home, the approved appearance of the home will not be altered and will remain compatible with the character of this 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,

A handwritten signature in blue ink that reads "C. Koshal" with a stylized "for" written below it.

Michael Larkin

cc: Carli Koshal, Esq.

Mr. Spencer Kramer

2800 Regatta Drive

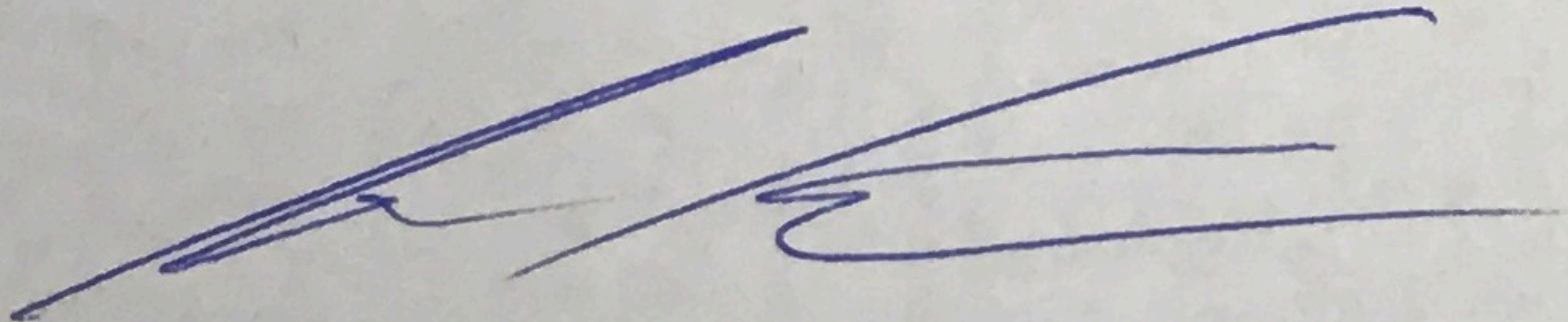
Miami Beach, Florida 33140

January 8, 2017

To whom it may concern:

I have reviewed the revised plans for the Fabrikant Project at 2801 Lucerne Avenue, which clearly depict their desire to enclose the 2nd story NE terrace which faces my property. After reviewing, I support the modifications to the plans. I do not feel the limited incremental enclosed space changes the overall look or feel of the Fabrikant house.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Spencer Kramer', with a stylized, flowing script.

Spencer Kramer



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

January 23, 2017

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

Re: Property Owners List within 375 feet of:

SUBJECT: 2801 Lucerne Avenue, Miami Beach, FL 33140

FOLIO NUMBER: 02-3228-001-0170

LEGAL DESCRIPTION: SUNSET ISLANDS-ISLAND NO 1 PB 40-8 LOT 1 & S10FT LOT 2 & W25FT LOT 8 & W25FT OF S1/2 LOT 7 BLK 1-C

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

Diana B. Rio

Total number of property owners without repetition: **37, including 1 international**

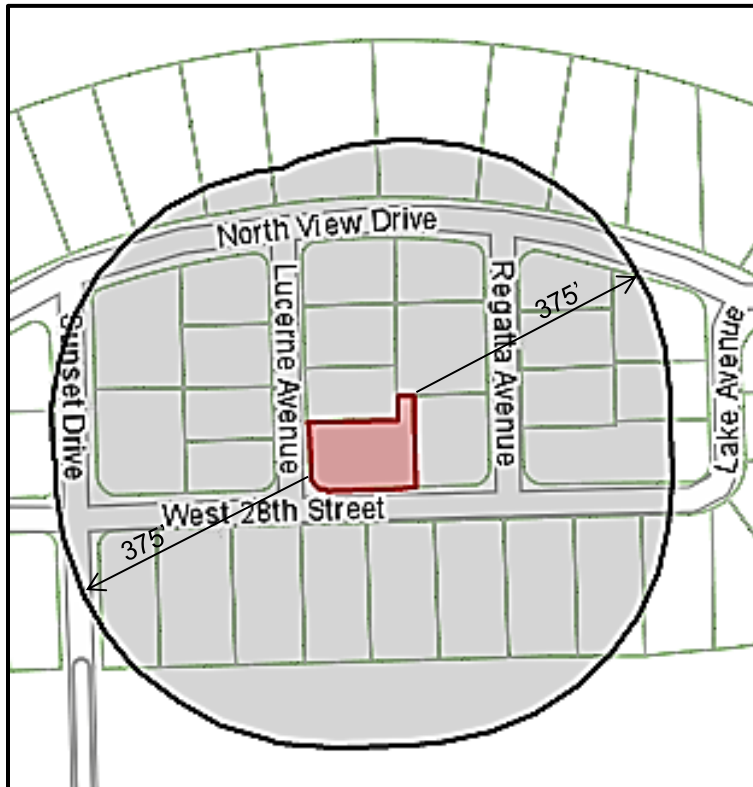
Rio Development Resources, LLC ("RDR") has used its best efforts in collecting the information published in this report and the findings contained in the report are based solely and exclusively on information provided by you and information gathered from public records and that local government. By acceptance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

Name	Address	City	State	Zip	Country
SUNSET ISLE LTD % BIANCA OAKES	PO BOX N 7776-240	NASSAU NP			BAHAMAS
2821 LUCERNE AVE LLC	3681 FLAMINGO DR	MIAMI BEACH	FL	33140	USA
ANDREW L ANSIN	PO BOX 610727	N MIAMI	FL	33261	USA
ANDREW SASSON TRS ANDREW SASSON REVOCABLE TRUST	2767 SUNSET DR	MIAMI BEACH	FL	33140	USA
ANTHONY CAPANO & JOSEPH CAPANO	2820 LUCERNE AVE	MIAMI BEACH	FL	33140-4267	USA
ARTHUR S AGATSTON SARI K AGATSTON	1633 NORTH VIEW DR	MIAMI BEACH	FL	33140	USA
DANIEL H ARONSON JOANNE F ARONSON	1440 N VIEW DR SUNSET ISLAND 1	MIAMI BEACH	FL	33140	USA
DANIEL R MOREL	2830 LUCERNE AVE	MIAMI BEACH	FL	33140	USA
DAVID LOMBARDI &W SHARI	1601 W 28 ST	MIAMI BEACH	FL	33140-4221	USA
DENISE VOHRA LLC	3601 SW 160 ST 250	MIRAMAR	FL	33027	USA
DENISE VOHRA LLC	1520 W 28 ST	MIAMI BEACH	FL	33140	USA
ERIC FABRIKANT ALEXANDRA ELIZABETH FABRIKANT	2801 LUCERNE AVE	MIAMI BEACH	FL	33140	USA
EST OF JACK KATZ	1500 N VIEW DR	MIAMI BEACH	FL	33140-4250	USA
FRED P HOCHBERG	1600 W 28 ST	MIAMI BEACH	FL	33140-4222	USA
ISLAND 1430 INC C/O SAMUEL S BLUM	2666 TIGERTAIL AVE STE 106	COCONUT GROVE	FL	33133	USA
J P MORGAN CHASE BANK N A TRS C/O MATTHEY A THEISEN	205 ROYAL PALM WAY	PALM BEACH	FL	33480	USA
JON E ELIAS ASHA SUE ELIAS	1631 WEST 28 ST	MIAMI BEACH	FL	33140	USA
JOSE R CARABALLO	1615 NORTH VIEW DR	MIAMI BEACH	FL	33140-4251	USA
JP INVESTMENTS I INC	1525 N VIEW DR	MIAMI BEACH	FL	33140	USA
LORENZO C LAMADRID &W ULLA M	1424 W 28 ST	MIAMI BEACH	FL	33140-4218	USA
MARCOS SANTANA	2815 REGATTA AVE	MIAMI BEACH	FL	33140-4236	USA
MARK SANDERS &W LISA	1509 N VIEW DR	MIAMI BEACH	FL	33140-4249	USA
MARSHA RAPPAPORT	1616 W 28 ST	MIAMI BEACH	FL	33140	USA
MICHAEL S BUDWICK SHARON E BUDWICK	1400 N VIEW DR	MIAMI BEACH	FL	33140	USA
PETER M KRAMER &W ELIZABETH E	2834 REGATTA AVE	MIAMI BEACH	FL	33140-4237	USA
PHILIP LEVINE	1425 N VIEW DR	MIAMI BEACH	FL	33140-4247	USA
PHILLIP E WALKER	1601 N VIEW DR	MIAMI BEACH	FL	33140	USA
REINA S LIPKIND TR	4851 SUNKIST WAY	COOPER CITY	FL	33330	USA
REX REAL ESTATE LLC C/O THE WICKOFF GROUP LLC	40 W 57TH ST STE 1620	NEW YORK	NY	10019-4031	USA
RICARDO RIVA	2820 LAKE AVE	MIAMI BEACH	FL	33140	USA
RICHARD P RUSS &W GINA	2800 SUNSET DR	MIAMI BEACH	FL	33140-4244	USA
ROBERT HERTZBERG &W JILL	1620 NORTH VIEW DR	MIAMI BEACH	FL	33140-4252	USA
SANDRA LANDMAN	1435 WEST 28 ST	MIAMI BEACH	FL	33140	USA

SPENCER KRAMER	2800 REGATTA AVE	MIAMI BEACH	FL	33140	USA
STEPHEN SAWITZ	2830 SUNSET DR	MIAMI BEACH	FL	33140	USA
STEVEN A GREENSPAN &W RANDI E	1610 N VIEW DR	MIAMI BEACH	FL	33140-4252	USA
VICKI MILLER	1444 W 28 ST	MIAMI BCH	FL	33140-4218	USA

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

375' RADIUS MAP



SUBJECT: 2801 Lucerne Avenue, Miami Beach, FL 33140

FOLIO NUMBER: 02-3228-001-0170

LEGAL DESCRIPTION: SUNSET ISLANDS-ISLAND NO 1 PB 40-8 LOT 1 & S10FT LOT 2 & W25FT LOT 8 & W25FT OF S1/2 LOT 7 BLK 1-C

SUNSET ISLE LTD % BIANCA OAKES
PO BOX N 7776-240
NASSAU NP
BAHAMAS

2821 LUCERNE AVE LLC
3681 FLAMINGO DR
MIAMI BEACH, FL 33140

ANDREW L ANSIN
PO BOX 610727
N MIAMI, FL 33261

ANDREW SASSON TRS ANDREW SASSON
REVOCABLE TRUST
2767 SUNSET DR
MIAMI BEACH, FL 33140

ANTHONY CAPANO & JOSEPH CAPANO
2820 LUCERNE AVE
MIAMI BEACH, FL 33140-4267

ARTHUR S AGATSTON SARI K AGATSTON
1633 NORTH VIEW DR
MIAMI BEACH, FL 33140

DANIEL H ARONSON JOANNE F ARONSON
1440 N VIEW DR SUNSET ISLAND 1
MIAMI BEACH, FL 33140

DANIEL R MOREL
2830 LUCERNE AVE
MIAMI BEACH, FL 33140

DAVID LOMBARDI &W SHARI
1601 W 28 ST
MIAMI BEACH, FL 33140-4221

DENISE VOHRA LLC
3601 SW 160 ST 250
MIRAMAR, FL 33027

DENISE VOHRA LLC
1520 W 28 ST
MIAMI BEACH, FL 33140

ERIC FABRIKANT ALEXANDRA ELIZABETH
FABRIKANT
2801 LUCERNE AVE
MIAMI BEACH, FL 33140

EST OF JACK KATZ
1500 N VIEW DR
MIAMI BEACH, FL 33140-4250

FRED P HOCHBERG
1600 W 28 ST
MIAMI BEACH, FL 33140-4222

ISLAND 1430 INC C/O SAMUEL S BLUM
2666 TIGERTAIL AVE STE 106
COCONUT GROVE, FL 33133

J P MORGAN CHASE BANK N A TRS C/O
MATTHEY A THEISEN
205 ROYAL PALM WAY
PALM BEACH, FL 33480

JON E ELIAS ASHA SUE ELIAS
1631 WEST 28 ST
MIAMI BEACH, FL 33140

JOSE R CARABALLO
1615 NORTH VIEW DR
MIAMI BEACH, FL 33140-4251

JP INVESTMENTS I INC
1525 N VIEW DR
MIAMI BEACH, FL 33140

LORENZO C LAMADRID &W ULLA M
1424 W 28 ST
MIAMI BEACH, FL 33140-4218

MARCOS SANTANA
2815 REGATTA AVE
MIAMI BEACH, FL 33140-4236

MARK SANDERS &W LISA
1509 N VIEW DR
MIAMI BEACH, FL 33140-4249

MARSHA RAPPAPORT
1616 W 28 ST
MIAMI BEACH, FL 33140

MICHAEL S BUDWICK SHARON E BUDWICK
1400 N VIEW DR
MIAMI BEACH, FL 33140

PETER M KRAMER &W ELIZABETH E
2834 REGATTA AVE
MIAMI BEACH, FL 33140-4237

PHILIP LEVINE
1425 N VIEW DR
MIAMI BEACH, FL 33140-4247

PHILLIP E WALKER
1601 N VIEW DR
MIAMI BEACH, FL 33140

REINA S LIPKIND TR
4851 SUNKIST WAY
COOPER CITY, FL 33330

REX REAL ESTATE LLC C/O THE WICKOFF
GROUP LLC
40 W 57TH ST STE 1620
NEW YORK, NY 10019-4031

RICARDO RIVA
2820 LAKE AVE
MIAMI BEACH, FL 33140

RICHARD P RUSS &W GINA
2800 SUNSET DR
MIAMI BEACH, FL 33140-4244

ROBERT HERTZBERG &W JILL
1620 NORTH VIEW DR
MIAMI BEACH, FL 33140-4252

SANDRA LANDMAN
1435 WEST 28 ST
MIAMI BEACH, FL 33140

SPENCER KRAMER
2800 REGATTA AVE
MIAMI BEACH, FL 33140

STEPHEN SAWITZ
2830 SUNSET DR
MIAMI BEACH, FL 33140

STEVEN A GREENSPAN &W RANDI E
1610 N VIEW DR
MIAMI BEACH, FL 33140-4252

VICKI MILLER
1444 W 28 ST
MIAMI BCH, FL 33140-4218



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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: February 03, 2015

FILE NO: 23113

PROPERTY: 2801 Lucerne Avenue

APPLICANTS: Eric and Alexandra Fabrikant

LEGAL: Lot 1 and the South 10 feet of Lot 2, the West 25 feet of Lot 8 and the West 25 feet of the South ½ of Lot 7, Block 1-C of the Sunset Islands 3rd Revision Island No. 1, According to the Plat Thereof as Recorded in Plat Book 40, Page 8 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family home to replace the existing pre-1942 architecturally significant two-story home, and variances to waive the minimum required rear setback for a one-story accessory structure, and ~~to exceed the maximum permitted height for a required yard.~~

ORDER

The applicants filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

The City of Miami Beach Design Review 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:

I. Design Review Approval

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 inconsistent with Design Review Criteria 3, 6, 9, 11, and 14 in Section 118-251 of the Miami Beach Code.

B. The project would be consistent with the criteria and requirements of section 118-251 if

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH

(Signature of Planning Director or Designee)

(Date)

Personally known to me or Produced ID:

Notary Public, State of Florida at Large

Printed Name: TERESA MARIA

My Commission Expires: (Seal) 12-2-17

This document contains 7 pages.



TERESA MARIA
MY COMMISSION # FF 042128
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Services

the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Revised lot coverage and unit size diagram and calculations, shall be submitted to ensure that the project does not exceed the maximum permitted lot coverage and unit size, subject to the review and approval of staff.
 - b. The building height shall be measured from flood elevation to the midpoint of the highest roof.
 - c. The final design details of the exterior finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - d. 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.
 - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The architect shall provide a five feet landscape separation from the front of the building to the paved parking area(s), with the exception of driveways and paths leading to the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The proposed driveway shall comply with a setback of four feet from the side property line.
 - b. The architect shall install a ficus hedge or similar species at a minimum height of approximately 15' at time of planting, landscape screen along the entire north and east property line in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
 - d. Any existing plant material within the public right-of-way may be required to be removed, at the discretion the Public Works Department.

- e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- f. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 - 1. A variance to waive 2'-6" of the minimum required rear setback of 7'-6" for a single story accessory structure in order to construct an accessory building at 5'-0" from the rear property line.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the project as submitted does not satisfy the requirements of Section 118-353(d) of the Miami Beach Code. Accordingly, the Design Review Board has determined the following:

That 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;

There are no special circumstances that exist which are particular to this lot.

That the special conditions and circumstances do not result from the action of the applicant;

The proposed new single family home with the new accessory structure is the result of the applicant actions. The rear yard of the property is larger in size than those of the adjacent properties which provide more flexibility for the redesign of the accessory structures in a manner to comply with the required setbacks.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

The granting of this variance would confer on the applicant a special privilege by allowing a 1-story accessory building with reduced setbacks in a property that can be easily reconfigured to accommodate the desired space.

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

The literal interpretation of the Ordinance would not deprive the applicant of any rights not commonly enjoyed by other properties in the same zoning district. The new single family home and accessory structures which are approximately 7,000 square feet, are comprised of 5 bedrooms, 6 full bathrooms and 3 half bathrooms, two car garage and pool.

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The proposed single family home, which is approximately 7,000 square feet, and comprised of 5 bedrooms, 6 full bathrooms and 3 half bathrooms has been established as a reasonable use of the property.

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

The granting of this variance would confer on the applicant a special privilege by allowing a 1-story accessory structure with reduced setbacks in a property that can be easily reconfigured to accommodate the additional space.

That 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.

C. The Board imposes the following conditions based on its authority in Section ~~118-354~~ 118-354 of the Miami Beach City Code:

1. The proposed new accessory structure shall meet all required side and rear setback requirements.
2. The existing accessory building located on the north side shall be removed or modified to comply with a setback of 7'-6" from the rear property lines, unless an approved building permit for same be verified.
3. The landscape plan and hardscape plan shall be revised to clearly indicate that the entry deck leading to the new accessory structure will not be higher than 6.93 NGVD.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. The Final 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "New Residence Fabrikant's Residence", as prepared by **J.C.D. Architect Inc.**, signed and sealed November 18, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.

Dated this 6th day of February, 20 15.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

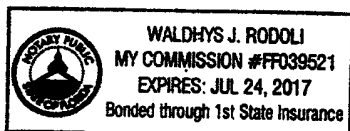
BY: 
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 6th day of February, 20 15 by Deborah J. Tackett, Design and Preservation Manager,

Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Waldhys J. Rodoli
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 7-24-17

Approved As To Form:
City Attorney's Office:

[Signature] (2/6/2015)

Filed with the Clerk of the Design Review Board on 2-6-2015 (WSR)

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