

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 DRB24-1038			
☐ Board of Adjustment ☐ Variance from a provision of the Land Development Regulations ☐ Appeal of an administrative decision		☒ Design Review Board ☒ Design review approval ☐ Variance	
☐ 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		☐ Historic Preservation Board ☐ Certificate of Appropriateness for design ☐ Certificate of Appropriateness for demolition ☐ Historic district/site designation ☐ Variance	
☐ Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 1265 N Biscayne Point Road			
FOLIO NUMBER(S) 02-3203-001-2400			
Property Owner Information			
PROPERTY OWNER NAME 1265 NBP LLC			
ADDRESS 777 Brickell Avenue, Suite 500-9787		CITY Miami	STATE Florida
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS yannick@ayache.com
Applicant Information (if different than owner)			
APPLICANT NAME Same as Property Owner			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	EMAIL ADDRESS
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Design Review Board approval for a new two (2) story single-family residence with understory and associated waivers replacing an existing 1-story home.			



Project Information			
Is there an existing building(s) on the site?		☒ Yes	☐ No
Does the project include interior or exterior demolition?		☒ Yes	☐ No
Provide the total floor area of the new construction.		5,038	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		5,424.75	SQ. FT.
Party responsible for project design			
NAME Rene Gonzalez		☒ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other _____	
ADDRESS 1035 North Miami Avenue, Suite 406		CITY Miami	STATE Florida
		ZIPCODE 33136	
BUSINESS PHONE (305) 440 - 4314	CELL PHONE (305) 975 - 5597	EMAIL ADDRESS rene@gonzalezarchitecture.com	
Authorized Representative(s) Information (if applicable)			
NAME Matthew Amster		☒ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS 200 S. Biscayne Boulevard, Suite 300		CITY Miami	STATE Florida
		ZIPCODE 33131	
BUSINESS PHONE (305) 377 - 6236	CELL PHONE	EMAIL ADDRESS MAMster@brzoninglaw.com	
NAME Michael Yanopoulos		☒ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS 200 S. Biscayne Boulevard, Suite 300		CITY Miami	STATE Florida
		ZIPCODE 33131	
BUSINESS PHONE (305) 377 - 6237	CELL PHONE	EMAIL ADDRESS MYanopoulos@brzoninglaw.com	
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS		CITY	STATE
		ZIPCODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

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



Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property ☐ Authorized representative

DocuSigned by:
Yannick Ayache
DD373C6722214C6...
SIGNATURE
Yannick Ayache

PRINT NAME
7/1/2024

DATE SIGNED

FA24F007-09F6-4E5E-A23A-19FEF7400A52 --- 2024/07/01 08:07:54 -8:00

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

I, Yannick Ayache, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of 1265 NBP 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:

Yannick Ayache

DD373C6722214C6...

SIGNATURE

Sworn to and subscribed before me this _____ day of 07/01/2024, 20____. The foregoing instrument was acknowledged before me by Y. Ayache, who has _____ 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, Yannick Ayache, 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 Matthew Amster 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.

Yannick Ayache**PRINT NAME (and Title, if applicable)**

DocuSigned by:

Yannick AyacheDD373C6722214C6...
SIGNATURE

Sworn to and subscribed before me this 07/01/2024, 20 2024. The foregoing instrument was acknowledged before me by Y. Ayache, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____

The foregoing instrument was acknowledged before me by Y. Ayache, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY PUBLICDiana 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 contract 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 is 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.

1265 NBP LLC

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 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.

TRUST NAME	
NAME AND ADDRESS	% INTEREST



COMPENSATED LOBBYIST

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

NAME	ADDRESS	PHONE
<u>Matthew Amster</u>	<u>200 S. Biscayne Boulevard, Suite 300</u>	<u>(305) 377 - 6236</u>
<u>Michael Yanopoulos</u>	<u>200 S. Biscayne Boulevard, Suite 300</u>	<u>(305) 377 - 6237</u>
<u>Rene Gonzalez</u>	<u>1035 North Miami Avenue, Suite 406</u>	<u>(305) 440 - 4314</u>

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, Yannick Ayache, 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.

Signed by:
Yannick Ayache
DB373C6722214C6
SIGNATURE

Sworn to and subscribed before me this 07/01/2024 day of July, 2024. The foregoing instrument was acknowledged before me by Y. Ayache, who has produced to me satisfactory 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

Address: 1265 North Biscayne Point Road

Folio: 02-3203-001-2400

LEGAL DESCRIPTION:

LOT 26, BLOCK 10, OF "BISCAYNE POINT",
ACCORDING TO THE PLAT THEREOF, AS RECORDED
IN PLAT BOOK 14, AT PAGE 35, OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PROPERTY ADDRESS:

FOLIO NO. 02-3203-001-2400

1265 NORTH BISCAYNE POINT ROAD,
MIAMI BEACH, FLORIDA 33141-1703

AREA OF PROPERTY: 11,435 SQUARE FEET AND/OR
TO EDGE OF WATER 0.262 ACRES MORE OR LESS.

Exhibit B

1265 NBP, LLC

- Sealy 6, LLC – 100%

Sealy 6, LLC

- Yannick Ayache – 99%
- The Ayache Family Irrevocable Trust – 1%

The Ayache Family Irrevocable Trust

- Yannick and Shira Ayache – 100% Beneficial Owners