BOA APPROVED ORDER - ZBA17-

CFN: 20170279952 BOOK 30537 PAGE 4206 DATE:08/17/2017 03:17:27 PM HARVEY RUVIN, CLERK OF COURT, MIA-DADE

BOARD OF ADJUSTMENT CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 6001 North Bay Road

IN RE: The application for variances from the required street side and sum of the side setbacks and a variance to exceed the maximum lot coverage allowed in order to construct a one-story addition to the existing two-story

DESCRIPTION: See attached Exhibit 'A"

MEETING DATE: April 7, 2017.

FILE NO.

ORDER

The applicant, Jack Finglass, filed an application with the Planning Department for the following

- A variance to exceed by 0.9% the maximum allowed lot coverage of 30% for a two story home in order to increase the lot coverage to 30.9% for the construction of a one story addition to the existing two-story home.
- A variance to reduce by 7'-6" the minimum required street side setback of 15'-0" in order to construct a one story addition at 7'-6" from the street side property line.
- ---A-variance-to-reduce-by-9'-1'-the-minimum-required-sum-of-the-side-setbacks-of-22'-8'-in-order to construct a one-story addition to the existing single family home with a sum of the side setbacks of 13'-5'.

The City of Miami Beach Board of Adjustment 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:

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 satisfies the requirements of Section 118-35(d) of the Miami Beach Code. Accordingly, the Board of Adjustment 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;

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

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

A copy of all pages of the recorded Final Order shall be scanned into the plans aubmitted for building permit, and shall be located immediately after the front cover page of the permit plans. The final building plans shall meet all other requirements of the Land Development

The applicant shall comply with all conditions imposed by the Public Works

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 Parilal Certificate of Occupancy may also be conditionally granted Planning

The-conditions-of-approval-herein-are-binding-on-the-applicant;-the-property's-owners and all successors in interest and assigns.

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, except to the extent of the variance(s) granted herein. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

10. 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.

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

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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;

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;

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

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

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.

- The Board hereby <u>Approves</u> the requested variances and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
 - Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 - During construction work, the Applicant will maintain gravel at the front of the construction site within the first 15'-0' of the required front yard to mitigate disturbance of soil and muc by related personal vehicles exiting and entering the sette-and-with-an-5'-0'-high-fence-with-a-wind-resistant-green-mesh-material-stong-the front and street side of the property. All construction materials, including dumpsters and portable tollets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at sitemate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction procritics and research construction materials and debut from mercines. construction practices and prevent construction materials and debris from impacting
 - If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the Issuance of a Building Permit.
 - 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:

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- Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any
- The growth of the existing ficus hedge along 50th Street shall be appropriately trimmed at all times as to not encreach in the adjacent sidewalk. Such hedge shall be maintained on the property, substantially in the same location as shown on the plans submitted.
- In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on eite, if determined feasible, subject to the review and approval of staff. A tree care and watering plan sisc prepared by a Certified Arborist shall be submitted prior to the issuance of a Suilding Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- Canopy shade trees as required by code should be provided in the public ROW subject to the review and approval of the Urban Forestry Division and the Planning Department
- 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
- The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- 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 futures. The location of backflow preventors, Siamsee plose or other related devices and fixtures, if any, and how they are screened with landscape



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The foregoing instrument was acknowledged before me this 1/2/h day of MPY Sulfy by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is

[NOTARIAL SEAL]



Notary:
Print Name: MONIQUE Folio
Spess 69*18, 2000
South College House House
Spess 69*18, 2000
South College House
Spess 69*18, 2000
My Commission Expires: 9/19/20

Exhibit 'A'

LEGAL DESCRIPTION FOLIO #02-3215-003-0460

LOT 11, BLOCK 2, OF LA BIOROIS GOLF BUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 15 OF THIS BUBLIC RECORDS DE MISMI JADS COUNTY, BUSTIDA, LIESS THE FOLLOWING FORT -BODYCL, RANGE A DIZTHE MUNIC PROGRODIOS CEMMINICANS ANAMAZA-A

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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. IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information the transfer of the control of the transfer of 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 incloated on the site and landscape plans and shall be subject to the review and approval of

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, nutried "Den Addition to Finglass Residence" as prepared by Giller & Giller, Inc., dated February 14, 2017, modified in accordance with the

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

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 alghteen (18) months of the meeting date at which the original Variance Approval was granted, the subject 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 18 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), and not reinstated by the Building Official or designee, the Variance Approval will expire and become null and void.

Dated this ______ day of ______ MAY____

BOARD OF ADJUSTMENT CITY OF MIAMI BEACH, FLOBIDA BY: Michael Belush, AICP

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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ZBA20-010. **BOA DESIGN REVISION** CAP FINAL SUBMITTAL

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