

# MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 07, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB20-0555  
**420 South Hibiscus Drive**

An application has been filed requesting modifications to a previously issued Design Review Approval, specifically for the construction of a new pool and associated deck in the rear yard including a variance to exceed the maximum elevation in the required rear yard.

**RECOMMENDATION:**

Approval with conditions  
Approval of variance #1

**LEGAL DESCRIPTION:**

Lots 24 & 25, Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, at Page 75, of the Public Records of Miami-Dade County, Florida.

Parcel II:

Together with that portion of 29 foot strip of land conveyed by the Trustees of the Internal Improvement Fund to Biscayne Bay Islands Company, by deed dated September 14, 1932, recorded in Deed Book 1501, page 479, of the Public Records of Miami-Dade County, Florida, lying southwesterly and contiguous to the southwest boundary lines of said Lots 24 & 25, Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, at Page 75, of the Public Records of Miami-Dade County, Florida, and lying between the northwesterly line of Lot 25, Block 1, extended southwesterly into Biscayne Bay and a line running parallel to and 1 foot northwesterly from the southeasterly line of Lot 24, Block 1, Hibiscus Island, extended southwesterly into Biscayne Bay.

**BACKGROUND:**

On December 13, 2019, the Design Review Board reviewed and approved after several continuances the design for a new two-story single-family residence including one or more waivers, and an understory area, and variances, pursuant to DRB19-0445.

**SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 19,687 SF  
Lot Coverage:  
    Approved: 5,829.73 SF / 29.6%  
    Maximum: 5,906.1 SF / 30%  
Unit size:

Approved: 9,805.74 SF / 49.8%  
Maximum: 9,843.5 SF / 50%  
**2<sup>nd</sup> Floor to 1<sup>st</sup>: 4638/5564 | 83%**  
**\* WAIVER GRANTED**  
Height:  
    Approved: 27'-0" flat roof from BFE +5\*  
    Maximum: 24'-0" flat roof  
**\* WAIVER GRANTED**

Grade: **+5.66' NGVD**  
Base Flood Elevation: +10.00' NGVD  
Difference: +4.34' NGVD  
Adjusted Grade: +7.83' NGVD  
First Floor Elevation: +15.50' NGVD  
(BFE+5'fb+0.6')  
Side Yard Elevations Min: 6.56' Max: 8.16'  
Read Yard Elevations Min: 6.56'

Max: 15' Proposed: **16' VARIANCE  
REQUD**

**SURROUNDING PROPERTIES:**

North: One-story 1947 residence  
South: Biscayne Waterway  
West: Two-story 2016 residence  
East: Two-story 1924/2007 residence

**THE PROJECT:**

The applicant has submitted plans entitled "420 South Hibiscus Design Review Board CSS Submittal", as designed by **DOMO Architecture + Design**, signed, sealed, and dated May 11, 2012.

On December 13, 2019, the following waivers were approved:

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c): 83.2%.
2. The height of the proposed structure is 27'-0" in accordance with Section 142-105(b) 2'; 27' as measured from BFE +5, or 15' NGVD.
3. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d)
4. Understory area shall be subject to the review and approval of the Design Review Board in accordance with Section 142-105(b)(4)(e).

On December 13, 2019, the following variance was approved:

1. A variance to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.

The applicant is requesting the following variance(s):

1. A variance to exceed by 1'-0" the maximum elevation for a rear yard of 15' NGVD in order to construct pool and pook deck at 16'-0" NGVD in portions of the rear yard.
  - Variance requested from:

**Sec. 142-105. - Development regulations and area requirements.**

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

*(8) Exterior building and lot standards: c. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:*

4. *Rear yard.* The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:

(A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard. Permitted: 15' NGVD Proposed: 16' NGVD

Pools and associated decks are commonly located in the required rear yards of single-family residences at a setback distance of 6'-0" to the rear property line for the deck and 7'-6" to the water's edge. The maximum elevation of these elements in the rear yard varies when the rear property line abuts another property or faces the waterway. When the property is waterfront, the rear yard (not including the side yards) can be elevated to match the first floor of the home with a minimum 1 foot above flood elevation up to 5 feet above flood elevation. In this case, the maximum rear yard elevation for the waterfront property is 15' NGVD (BFE 10' + max fb of 5').

The first fully-enclosed, habitable floor of the residence has been redesigned at an elevation of 16'-6" NGVD, approximately 5'-6" above the minimum building standard requirement of +11'-0" NGVD (BFE + 1' Fb), and 1'-6" higher than the maximum freeboard allowance of +5.00' over Base Flood (+15.00'). The design intent of this was to create a more inviting and spacious understory level. This non-air-conditioned space below the main level serves as a usable outdoor recreational amenity and program feature for the residents.

This design element was a major focus on discussions and revisions at the numerous public hearings. The item was previously presented at the October 02, 2019 and the November 05, 2019 Design Review Board meetings and approved by the Board on December 13, 2019. The approved version of the project successfully addressed specific concerns with the design of the understory and the structure's overall massing on the site, as well as several of the requested waivers.

After several design revisions, the Board approved a reconfigured rear yard that showed the pool and pool deck higher to accommodate two large areas of the understory beneath to open up towards the waterway, making the understory open from front to back and offering clear views and breezes through portions of the site. The approved DRB Plans show portions of the required rear yard elevated at 16' NGVD.

The subject variance was not requested by the applicant at the time of the DRB approval and had not been identified and properly noticed. Plans have been submitted to the Building Department for Permit Number BR1903799 to construct the residence in accordance with the DRB Order and the approved DRB plans. The applicant is seeking a variance to increase the rear yard by 1'-0", to 16' NGVD to allow the rear yard to appear "flush" with the interior design floor elevation. It is important to note that there are no proposed one- or two-story accessory structures proposed in the rear yard—structures that can be up to 20'-0" in height and occupy up to 25% of the rear yard. Staff supports the minor variance request.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, as noted above:

- 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 applicant;
- 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 granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the following sections of the City Code, with the exception of the requested variance. The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Not Satisfied; the applicant is requesting one variance from the Board.**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Satisfied; the applicant is requesting one variance from the Board.**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Satisfied; the applicant is requesting one variance from the Board.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Not Satisfied; the applicant is requesting one variance from the Board.**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; the applicant is requesting one variance from the Board.**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Not Satisfied; the applicant is requesting one variance from the Board.**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

**Satisfied**

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.  
**Not Satisfied; a lighting plan has not been submitted.**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Not Satisfied; the applicant is requesting one variance from the Board.**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Not Applicable**
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Satisfied**

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Not Applicable**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Satisfied**  
**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Satisfied**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Satisfied**

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Satisfied**

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**Not Applicable**

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Not Applicable**

- (10) In all new projects, water retention systems shall be provided.

**Not Satisfied**

- (11) Cool pavement materials or porous pavement materials shall be utilized.

**Not Satisfied**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Not Satisfied**

**ANALYSIS:**

**DESIGN REVIEW**

On December 13, 2019, the Design Review Board reviewed and approved after several continuances the design for a new two-story single-family residence including one or more waivers, and an understory area, and variances, pursuant to DRB19-0445. The applicant is proposing no changes to the previously approved plans. As such, staff is supportive of the design.

**VARIANCE REVIEW**

As identified under the 'Project' description of the analysis, staff is supportive of the rear yard height variance.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: July 07, 2020

PROPERTY/FOLIO: 420 South Hibiscus Drive 02-3232-006-0210

FILE NO: DRB20-0555

IN RE: An application has been filed requesting modifications to a previously issued Design Review Approval, specifically for the construction of a new pool and associated deck in the rear yard including a variance to exceed the maximum elevation in the required rear yard.

LEGAL: See attached Exhibit A

**ORDER**

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**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. 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 1, 2, 3, 4, 5, 6, 9, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. 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 Sea Level Rise Criteria 1, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
  1. The property shall comply with all of the conditions of the original approval enumerated in the Final Order for DRB19-0445, dated December 13, 2019 except as modified herein.
  2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 420 South Hibiscus Drive shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. 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.
- b. 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.

**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) which were either approved by the Board with modifications, or denied:

The following variance was approved by the Board:

1. A variance to exceed by 1'-0" the maximum elevation for a rear yard of 15' NGVD in order to construct pool and pook deck at 16'-0" NGVD in portions of the rear yard.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code as noted above:

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 applicant;

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 granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- C. The Board hereby **Approves** the variance request #1 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. 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.

**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. 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.
- 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 amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "420 South Hibiscus Design Review Board CSS Submittal", as designed by **DOMO Architecture + Design**, signed, sealed, and dated May 11, 2012, and as approved by the Design Review Board, as determined by staff.

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 of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the 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 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 approval was granted, the application will expire and become null and void, unless the applicant makes an 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. If the Full Building Permit for the project shall 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 application will expire and become null and void.

In accordance with Chapter 118 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. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA



Exhibit A

Lots 24 & 25, Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, at Page 75, of the Public Records of Miami-Dade County, Florida.

Parcel II:

Together with that portion of 29 foot strip of land conveyed by the Trustees of the Internal Improvement Fund to Biscayne Bay Islands Company, by deed dated September 14, 1932, recorded in Deed Book 1501, page 479, of the Public Records of Miami-Dade County, Florida, lying southwesterly and contiguous to the southwest boundary lines of said Lots 24 & 25, Block 1, of Hibiscus Island, according to the Plat thereof, as recorded in Plat Book 8, at Page 75, of the Public Records of Miami-Dade County, Florida, and lying between the northwesterly line of Lot 25, Block 1, extended southwesterly into Biscayne Bay and a line running parallel to and 1 foot northwesterly from the southeasterly line of Lot 24, Block 1, Hibiscus Island, extended southwesterly into Biscayne Bay