

**BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA**

MEETING DATE: September 11, 2020

PROPERTY: 802 West Di Lido Drive

FOLIO: 02-3232-011-0480

FILE NO. ZBA20-0116

IN RE: The application for a variance to reduce the required interior side yard setback, associated with the construction of a dock.

LEGAL

DESCRIPTION: Lot 21, Block 3, of "Di Lido Island", according to the plat thereof as recorded in Plat Book 8 at Page 36, of the Public Records of Miami-Dade County, Florida and an eight foot strip of land contiguous to the westerly boundary line of Lot 21, Block 3 of Dilido Island Subdivision, as recorded in Plat Book 8, Page 36, lying between the westerly extension of the northerly boundary line and the southerly boundary line of said Lot 21, Block 3, together with all common law and statutory riparian rights, including water privileges adjacent to and belonging thereto.

O R D E R

The applicant, ILR, LLC., filed an application with the Planning Department for the following variance:

1. A variance to reduce by 7'-6", the minimum seaward side yard setback for a marine structure of 7'-6", to allow the construction of a dock and boat lift with a northern seaward side yard setback of 0'-0".

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:

- A. Based on the documents submitted with the application, testimony, and information provided by the applicant, and for the reasons stated in the Planning Department Staff Report, the project as submitted does NOT satisfy the practical difficulties or unnecessary hardship standard in Article I, Section 2 of the Related Special Acts, and does NOT satisfy the hardship criteria in City Code Section 118-353(d), as more specifically noted herein.

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.

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 staff recommendations, as modified by the Board of Adjustment, that the application for Variance Approval is **DENIED** for the above-referenced project.

Dated this _____ day of _____, 2020.

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio Madan, AICP
Chief of Community Planning & Sustainability
For the Chair

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio Madan, Chief of Community Planning and Sustainability of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Notary:

[NOTARIAL SEAL]

Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
City Attorney's Office ()

Filed with the Clerk of the Board of Adjustment on _____ ()