

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 06, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **DRB20-0566 (aka DRB18-0266)**  
**865 North Shore Drive**

An application has been filed requesting a one (1) year Extension of Time for a previously issued Design Review Approval for the construction of a new two-story residence to replace an existing one-story residence including one or more waivers and one or more variances. (ITEM WAS APPROVED AT THE September 04, 2018 DRB MEETING).

#### **RECOMMENDATION:**

Approval of the Extension of Time (9-month)

#### **LEGAL DESCRIPTION:**

Lot 7 of Block 62 of Normandy Golf Course Subdivision, according to Plat thereof as recorded in Plat Book 44, Page 62 of the Public Records of Miami-Dade County, Florida.

#### **HISTORY/REQUEST:**

The application was approved by the Design Review Board on September 04, 2018 subject to the conditions set forth in the "Final Order", pursuant to DRB18-0266. Since that time, the applicant has not yet obtained the required building permit for the reasons set forth in the submitted letter of intent.

An original permit application, BR1600630 was applied for on October 20, 2016. Subsequent to a comprehensive zoning review of the permit set of plans by the Planning Department, it was determined that the new two-story residence required DRB approval. An application was submitted to the Design Review Board for new construction that included multiple waivers and several variances on April 2, 2018 (DRB18-0266).

The original 2016 construction permit plans have been extended by the Building Department and resubmitted to the City. The permit plans have been approved by all appropriate disciplines, except for the Planning Department, with the Final Order expiration being the lone comment.

The following is a summary of the DRB application:

- DRB approval: September 04, 2018
- Order Expiration Date: March 04, 2020
- 90 day threshold: June 04, 2020
- Proposed (9-month) Extension: December 04, 2020

If the requested extension is granted, the permit will be able to be approved by Planning. Staff has no objection to this request for a nine-month extension of time and recommends approval to ensure that the permitting process concludes.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the request for an extension of time be approved.

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

MEETING DATE: October 06, 2020

PROPERTY/FOLIO: **865 North Shore Drive**      **02-3203-007-2870**

FILE NO: DRB20-0566 (DRB18-0266)

IN RE: An application has been filed requesting a One (1) year Extension of Time for a previously approved Design Review Approval for the construction of a new two-story single family residence. (ITEM WAS APPROVED AT THE September 04, 2018 DRB MEETING)

LEGAL: Lot 7 of Block 62 of "Normandy Golf Course Subdivision", according to Plat thereof as recorded in Plat Book 44, Page 62 of the Public Records of Miami-Dade County, Florida.

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDING 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:

The applicant submitted information establishing, among other things, that delays were encountered in permitting the project. The foregoing constitutes good cause for granting a nine (9) month extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Design Review Approval.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a nine-month extension of time to obtain a full building permit is granted for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by December 04, 2020.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This Extension of Time shall run concurrent with any other Extensions of Time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
4. 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.
5. 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.

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 the original Final Order dated September 04, 2018 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.

If the Full Building Permit is not issued by December 04, 2020, the Design Review Approval will expire and become null and void. 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.

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

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

STATE OF FLORIDA                    )  
  )SS  
COUNTY OF MIAMI-DADE        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

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

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( \_\_\_\_\_ )