

420 SOUTH HIBISCUS

MIAMI BEACH, FLORIDA

DESIGN REVIEW BOARD FINAL CSS SUBMITTAL 09.08.2020

NOVEMBER 3RD, 2020 DESIGN REVIEW BOARD

NEW RESIDENCE

DESIGN REVIEW BOARD

420 SOUTH HIBISCUS DRIVE

MIAMI BEACH, FLORIDA

CLIENT

420 S HIBISCUS DRIVE
 MIAMI BEACH FLORIDA 33139

ARCHITECT

DOMO ARCHITECTURE + DESIGN
 ARCHITECTURE LANDSCAPE ARCHITECTURE PLANNING

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 MIAMI BEACH, FLORIDA 33139
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LANDSCAPE ARCHITECT

CRISTOPHER CAWLEY LANDSCAPE ARCHITECTURE LLC

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 MIAMI, FLORIDA 33138
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CONSULTANTS

SCOPE OF WORK

DRB20-0585.
 Design Modifications to DRB19-0445 and DRB20-0555 to allow for two bay windows on the east side elevation

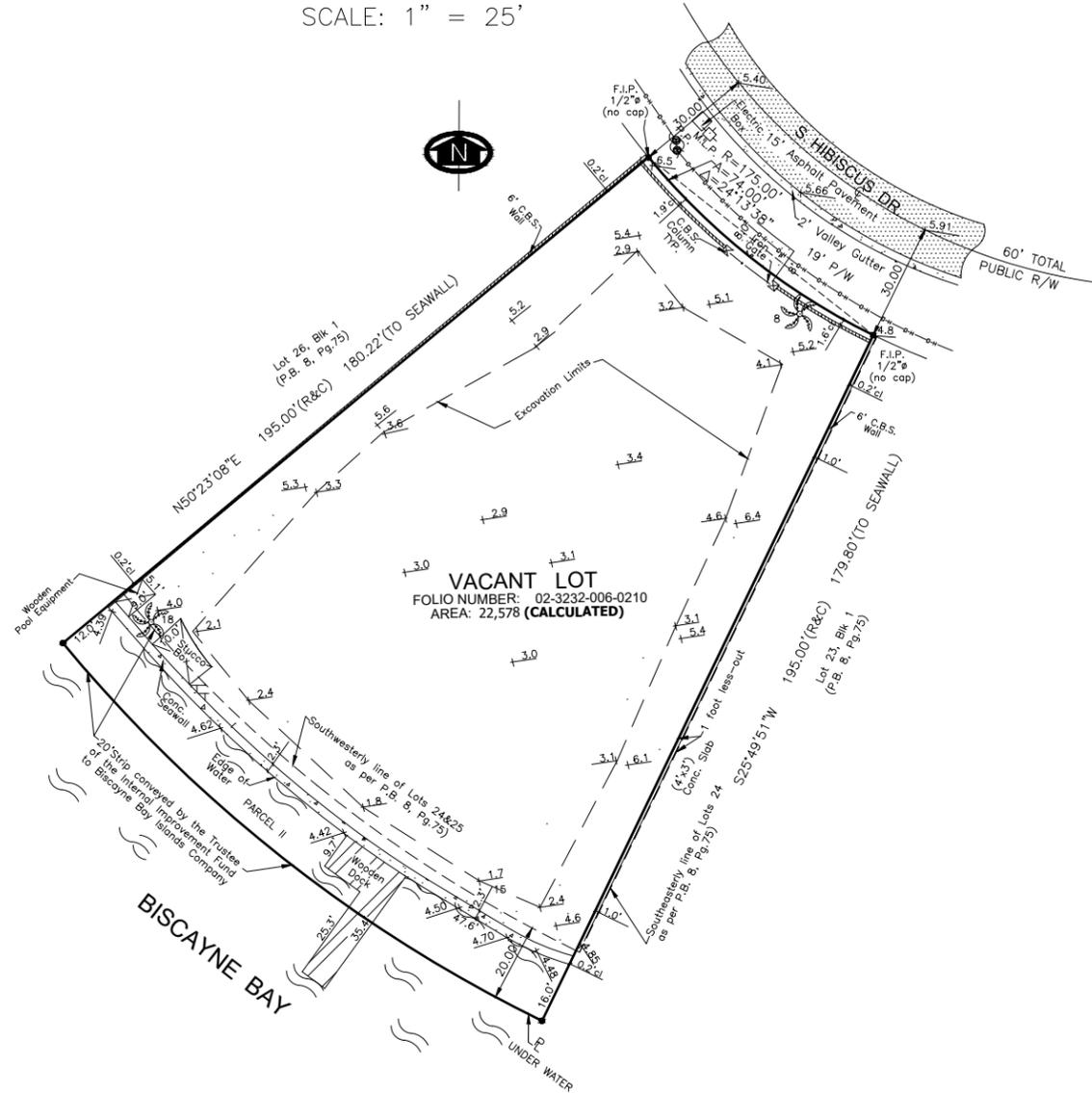
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SKETCH OF BOUNDARY SURVEY

SCALE: 1" = 25'



LEGAL DESCRIPTION:

LOTS 24 AND 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, LESS THE SOUTHEASTERLY 1 FOOT OF SAID LOT 24, BLOCK 1, HIBISCUS ISLAND AND PARCEL II: TOGETHER WITH THAT PORTION OF 20 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 DADE COUNTY, FLORIDA, LYING SOUTHWESTERLY AND CONTIGUOUS TO THE SOUTHWEST BOUNDARY LINES OF SAID LOTS 24 AND 25, BLOCK 1, HIBISCUS ISLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 75 OF THE PUBLIC RECORDS OF RECORDS OF MIAMI- DADE COUNTY FLORIDA, AND LYING BETWEEN THE NORTH-WESTERLY 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.

LOCATION MAP

SCALE: NTS



SITE PICTURE



ABBREVIATION (IF ANY APPLIED)

| | | |
|-----------------------------------|----------------------------|-------------------------------------|
| A/C = AIR CONDITIONING UNIT | D/M = DRIVEWAY | F.B. = POINT OF BEGINNING |
| ASPH = ASPHALT | F.C. = POINT OF CURVATURE | F.O.I. = POINT OF INTERSECTION |
| B.M. = BENCH MARK | F.I.P. = FOUND IRON PIPE | P.L. = PROPERTY LINE |
| B.V.C. = BLOCK CORNER | F.M. = FOUND MANHOLE | P.P. = POWER POLE |
| CALC(C) = CALCULATED | F.N. = FOUND NAIL AND DISC | P.R. = PERMANENT REFERENCE MONUMENT |
| C.B. = CONCRETE BLOCK | F.O.D. = FOUND DRILL HOLE | P.S. = FOUND SPIRE |
| C.S. = CONCRETE STRUCTURE | F.H. = FOUND HYDRANT | R. = RADIAL |
| CL = CLEAR | F.I.P. = FOUND IRON PIPE | REC. (C) = RECORDED |
| CONG = CONCRETE | F.S. = FOUND SPIRE | RES. = RESIDENCE |
| D.M.E. = DRAINAGE MAINT. EASEMENT | L.P. = LIGHT POLE | R.F.W. = RIGHT OF WAY |
| D. = DIAMETER | M. = MEASURED | SEC. = SECTION |
| EASMT. = EASEMENT | M.H. = MANHOLE | S/D = SET DRILL HOLE |
| ENC. = ENCROACHMENT | M.M. = MEASURED | S/N/D = SET NAIL AND DISC |
| F.O.I. = FOUND IRON PIPE | M.O. = MONUMENT | S.R.P. = SET REBAR |
| F.H. = FOUND HYDRANT | N. = NOT TO SCALE | STR. = STRUT |
| F.I.P. = FOUND IRON PIPE | N.T.S. = NOT TO SCALE | SWK. = SIDEWALK |
| F.S. = FOUND SPIRE | | T.O.P. = TOP OF BANK |
| L.P. = LIGHT POLE | | U.E. = UTIL. EASEMENT |
| M. = MEASURED | | W.F. = WOODEN POLE |
| M.H. = MANHOLE | | W.M. = WATER METER |
| M.O. = MONUMENT | | W.W. = WATER W/ METER |
| N. = NOT TO SCALE | | CONC. LIGHT POLE |
| N.T.S. = NOT TO SCALE | | |

SURVEYOR'S LEGEND (IF ANY APPLIED)

| | |
|-----------------------|------------------|
| BOUNDARY LINE | CATCH BASIN |
| STRUCTURE (BLDG.) | MANHOLE |
| CONCRETE BLOCK WALL | OVERHEAD ELECT. |
| METAL FENCE | POWER POLE |
| WOODEN FENCE | LIGHT POLE |
| CHAIN LINK FENCE | HANDICAP SPACE |
| WOOD DECK/DOCK | FIRE HYDRANT |
| ASPHALTED AREAS | EASEMENT LINE |
| CONCRETE | WATER VALVE |
| BRICKS OR PAVERS | TV-CABLE BOX |
| ROOFED AREAS | WATER METER |
| WATER (EDGE OF WATER) | CONC. LIGHT POLE |

CERTIFIED TO:
 420 S HIBISCUS DRIVE SFH LLC, A DELAWARE LIMITED LIABILITY COMPANY
 CHICAGO TITLE INSURANCE COMPANY
 BANK OZK, ITS SUCCESSORS AND/OR ASSIGNS, A.T.I.M.A.
 TANGHE LAW, P.A.

- JOB SPECIFIC SURVEYOR NOTES:**
- THE PROPERTY DESCRIBED ON THIS SURVEY DOES LIE WITHIN A SPECIAL HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN A FLOOD ZONE "AE" OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS COMMUNITY PANEL NO. **120651-0316L**, WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2009. **BASE FLOOD ELEVATION OF 10.00 FEET** (NGVD)
 - LAND AREA OF SUBJECT PROPERTY: **19,687 SF (+/-)** AS PER PUBLIC RECORDS/ 22,578 (C)
 - ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929, AS PER MIAMI-DADE COUNTY **BENCH MARK No. E-01**, WITH AN ELEVATION OF **5.35 FEET**.
 - BEARINGS SHOWN HEREON ARE BASED ON AN ASSUME MERIDIAN OF N.00°07'12"W., BEING THE RECORDED BEARING FOR THE CENTERLINE OF WEST PALM MIDWAY., AS SHOWN ON PLAT BOOK 8 AT PAGE 75 OF THE PUBLIC RECORD OF MIAMI DADE COUNTY FLORIDA.

GENERAL SURVEYOR NOTES:
 NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
 THE SHOWN LEGAL DESCRIPTION USED TO PERFORM THIS BOUNDARY SURVEY WAS PROVIDED BY THE CLIENT.
 SURVEY IS BASED ON RECORDED INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY OUR OFFICE.
 UNLESS OTHERWISE NOTED, AN EXAMINATION OF THE ABSTRACT OF TITLE WAS NOT DONE BY THE SIGNING SURVEYOR TO DETERMINE WHICH INSTRUMENTS, IF ANY ARE AFFECTING THE SUBJECT PROPERTY.
 THIS SURVEY IS EXCLUSIVELY FOR THE USE OF THE PARTIES TO WHOM IT WAS CERTIFIED.
 PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE THE EXPECTED USE OF LAND IS SUBURBAN, THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF SURVEY IS 1 FOOT IN 7,500 FEET. THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATIONS OF CLOSED GEOMETRIC FIGURES WAS FOUND TO EXCEED THIS REQUIREMENT.
 THERE ARE NO VISIBLE, ABOVE GROUND ENCROACHMENTS (a) BY THE IMPROVEMENTS OF THE SUBJECT PROPERTY UPON ADJOINING PROPERTIES, STREETS OR ALLEYS, OR (b) BY THE IMPROVEMENTS OF THE ADJOINING PROPERTIES, STREETS OR ALLEYS UPON THE SUBJECT PROPERTY OTHER THAN THOSE SHOWN ON THIS BOUNDARY SURVEY.
 THERE ARE NO VISIBLE EASEMENTS OR RIGHT-OF-WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED OTHER THAN THOSE SHOWN ON THIS SURVEY.
 THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE SHOWN GRAPHIC SCALE IN ENGLISH UNITS OF MEASUREMENT. IN SOME CASES GRAPHIC REPRESENTATION HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE A PARTICULAR AREA WHERE DIMENSIONS SHALL HAVE PREFERENCE OVER GRAPHIC LOCATION.
 THE ELEVATIONS (IF ANY) OF WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/100 FOOT FOR NATURAL GROUND SURFACES AND 1/100 FOOT FOR HARDSCAPE SURFACES, INCLUDING PAVEMENT, CURBS, SIDEWALKS AND OTHER MANMADE STRUCTURES.
 THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.
 ANY FEMA FLOOD ZONE INFORMATION PROVIDED ON THIS SURVEY IS FOR INFORMATIONAL PURPOSE ONLY AND IT WAS OBTAINED AT WWW.FEMA.COM.
 IF YOU ARE READING THIS BOUNDARY SURVEY IN AN ELECTRONIC FORMAT, THE INFORMATION CONTAINED ON THIS DOCUMENT IS ONLY VALID IF THIS DOCUMENT IS ELECTRONICALLY SIGNED AS SPECIFIED IN CHAPTER 5J-17.062 (3) OF THE FLORIDA ADMINISTRATIVE CODE. IF THIS DOCUMENT IS IN PAPER FORMAT, IT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE PROFESSIONAL LAND SURVEYOR AND MAPPER OF RECORD.

SITE ADDRESS: 420 S. HIBISCUS DR, MIAMI BEACH, FL. 33139
 JOB NUMBER: 19-502
 DATE OF SURVEY: MAY 13, 2019 / NOV 15, 2019 (UPDATE) / JULY 17, 2020 UPDATE
 FOLIO NUMBER: 02-3232-006-0210

ENCROACHMENTS AND OTHER POINTS OF INTEREST:
 -THERE ARE NO VISIBLE ENCROACHMENT OF THE SUBJECT PROPERTY
 -THE SUBJECT PROPERTY IS WITHIN A FLOOD ZONE AE (SEE NOTE 1)
 -THERE NO PLATTED UTIL. EASEMENT ON THE SUBJECT PROPERTY

WE HEREBY CERTIFY THAT THIS BOUNDARY AND TOPOGRAPHICAL SURVEY AND THE SURVEY MAP RESULTING THEREFROM WAS PERFORMED UNDER MY SUPERVISION AND/OR DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER, THAT SAID "BOUNDARY AND TOPOGRAPHICAL SURVEY" MEETS THE INTENT OF THE APPLICABLE PROVISIONS OF THE "STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA", PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING LAW, CHAPTER 472.027 FO THE FLORIDA STATUTES.

American Services of Miami, Corp.
 Consulting Engineers . Planners . Surveyors
 3195 PONCE DE LEON BLVD, SUITE 200
 CORAL GABLES, FL. 33134
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DATE: JULY 29, 2020

Robert M Moehring
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RECORDED BOARD ORDERS

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| <p>CFN: 2020021053 BOOK 31767 PAGE 4507 DATE: 01/09/2020 02:55:35 PM HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY</p> <p>DESIGN REVIEW BOARD City of Miami Beach, Florida</p> <p>MEETING DATE: December 13, 2019 FILE NO.: DRB19-0445 PROPERTY: 420 South Hibiscus Drive APPLICANT: 420 S Hibiscus Drive SFH LLC LEGAL: See attached Exhibit A IN RE: The Application for Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence including one or more wavers, and an understorey area, and variances to exceed the maximum area-for-a-skylight and to exceed the maximum height allowed for an elevator.</p> <p style="text-align: center;">ORDER</p> <p>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:</p> <p>I. Design Review</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none">1. 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:<ol style="list-style-type: none">a. The proposed (north and south) side open space requirements shall be waived as proposed. | <p>CFN: 2020021053 BOOK 31767 PAGE 4508 Page 2 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <ol style="list-style-type: none">a. The proposed 3'-0" increase in height shall be permitted as proposed; the maximum height of the two story structure shall be 27'-0" when measured from BFE + 5'-0" freeboard.b. The required 70% limitation for the second floor volume shall be waived as proposed and shall not be increased at time of permitting, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.c. The understorey area must comply with section 142-105(4), as noted in the compliance with zoning portion of the staff report.d. The proposed future driveway shall be approved provided the driveway complies with underlying zoning regulations.e. The final design details and color selection of the "stone cladding" proposed at both portions of the facades shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.f. The final design details and color selection of the "aluminum decorative wood cladding" proposed at both portions of the facades shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.g. The final design details and color selection of the "aluminum decorative screen" proposed at portions of the facades shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.h. 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.i. 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. <p>2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans 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 plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:</p> <ol style="list-style-type: none">a. The architect shall revise the proposed landscaping within the required rear yard and install all coconut palms or other species or small plantings selected to screen the relocated architectural elements on both sides and small plantings at the southwest and northwest corners to allow for light | <p>CFN: 2020021053 BOOK 31767 PAGE 4509 Page 3 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <p>infiltration, in order for the view corridor from adjacent properties to the north and the south to remain unobscured, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.</p> <ol style="list-style-type: none">a. The architect shall revise the proposed landscaping along the proposed motorcourt and raised garden plane and install tropical palms with evergreen brazilian beauty leaf trees or similar species in order to provide total screening to block views from autocourt and raised garden plane into adjacent properties to the north and south, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.b. The architect shall include butterfly friendly plantings, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.c. 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 construction.d. 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.e. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.f. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.g. 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 site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building 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.h. 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. | <p>CFN: 2020021053 BOOK 31767 PAGE 4510 Page 4 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <ol style="list-style-type: none">i. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.j. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.k. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.l. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.m. 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 system.n. The utilization of root barriers and Silver Cells, as applicable, shall be clearly delineated on the revised landscape plan.o. 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 fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape 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.p. 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 indicated on the site and landscape plans and shall be subject to the review and approval of staff.q. 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 Building Permit. <p>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.</p> <p>II. Variance(s)</p> |
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| <p>CFN: 2020021053 BOOK 31767 PAGE 4511 Page 5 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <p>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:</p> <p>The following variance was approved by the Board:</p> <ol style="list-style-type: none">1. A variance to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the routine in order to construct an elevator bulkhead up to 13'-0" above the routine. <p>The following variance was withdrawn by the applicant:</p> <ol style="list-style-type: none">2. A variance to exceed by 1.28% (775F) the maximum allowable area for a skylight/atrium of 10% (595 SF) of the roof area (5,950 SF) in order to construct an glass atrium at 672 SF. <p>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.</p> <p>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:</p> <p>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;</p> <p>That the special conditions and circumstances do not result from the action of the applicant;</p> <p>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;</p> <p>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;</p> <p>That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;</p> <p>That the granting of the variance will be in harmony with the general intent and purpose of the Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and</p> <p>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.</p> | <p>CFN: 2020021053 BOOK 31767 PAGE 4512 Page 6 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none">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. <p>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.</p> <p>III. General Terms and Conditions applying to both 1. Design Review Approval and II. Variances noted above.</p> <ol style="list-style-type: none">A. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.C. 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 mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, 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 alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.D. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 108, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.E. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street. | <p>CFN: 2020021053 BOOK 31767 PAGE 4513 Page 7 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <p>G. 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.</p> <p>H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.</p> <p>I. 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 Department approval.</p> <p>J. 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.</p> <p>K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.</p> <p>L. 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.</p> <p>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.</p> <p>PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "420 South Hibiscus Design Review Board Final Submittal", as designed by DOMO Architecture + Design, signed, sealed, and dated November 12, 2019, and as approved by the Design Review Board, as determined by staff.</p> <p>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.</p> <p>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.</p> | <p>CFN: 2020021053 BOOK 31767 PAGE 4514 Page 8 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <p>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.</p> <p>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.</p> <p>Dated this <u>23</u> day of <u>December</u>, 2019.</p> <p style="text-align: center;">DESIGN REVIEW BOARD THE CITY OF MIAMI BEACH, FLORIDA</p> <p style="text-align: center;"> BY: JAMES G. MURPHY CHIEF OF URBAN DESIGN FOR THE CHAIR</p> <p>STATE OF FLORIDA)))) COUNTY OF MIAMI-DADE))</p> <p>The foregoing instrument was acknowledged before me this <u>24th</u> day of <u>December</u>, 2019, 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.</p> <p> WILLIAM BLACHAR NOTARY PUBLIC MIAMI-DADE COUNTY, FLORIDA My commission expires <u>March 14, 2023</u></p> <p>Approved As To Form: <u>Wickallego</u> (12/20/2019) City Attorney's Office: <u>Jessie Gully</u> (12/24/19)</p> <p>Filed with the Clerk of the Design Review Board on <u>12/24/19</u></p> | <p>CFN: 2020021053 BOOK 31767 PAGE 4515 Page 9 of 9 DRB19-0445—420 South Hibiscus Drive December 13, 2019</p> <p>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.</p> <p>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 478, 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 southwesterly line of Lot 24, Block 1, Hibiscus Island, extended southwesterly into Biscayne Bay</p> |
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