



CFN 2015R0338691  
DR BK 29632 Pgs 2597-2601 (5Pgs)  
RECORDED 05/28/2015 10:19:56  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

MEETING DATE: May 05, 2015

FILE NO: 23009

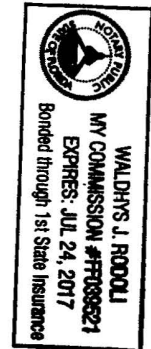
**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.  
CITY OF MIAMI BEACH

(Signature of Planning Director or Designer) 5/11/15 (Date)  
Personally known to me or Produced ID:

Waldens J. Rodoli  
Notary Public, State of Florida at Large  
Printed Name: Waldens J. Rodoli  
My Commission Expires: (Seal)

This document contains 5 pages.



PROPERTY: **27 Star Island – VARIANCE**

APPLICANT: Starboard Florida IV LLC

LEGAL: Star Island, Lot 27 according to Plat thereof as recorded in Plat Book 31,  
Page 60 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval requesting modifications to  
a previously approved Design Review Approval of a new single family  
home and the relocation / renovation of an existing architecturally  
significant pre-1942 (2) two-story residence and carriage house on the  
subject property, including variances to exceed the maximum elevation  
within required yards and to exceed the maximum height for a fence.

**SUPPLEMENTAL ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design  
Review Approval and for one or more variances.

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 Approval**

- A. 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 3, 5 and 11 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if  
the following conditions are met:

- a. The applicant shall comply with all conditions pursuant to Design Review Board original Final Order No. 23009, except where modified therein.
- b. A copy of all pages of the recorded Supplemental 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.
- c. 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):
  1. A variance to exceed by 1.75' the maximum permitted elevation height of +8.25' NGVD within required yards in order to construct portions of two decks in the rear yard and raise portions of the side yards up to +10.0' NGVD.
  2. A variance to exceed by 3'-0" the maximum permitted height of 7'-0" for a wall within the side yards in order to construct a perimeter wall on the north and south sides of the property at a maximum height of 10'-0", as measured from grade (6.51' NGVD).
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, 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:

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

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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.

C. The Board hereby grants approval for the requested variances 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.
2. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. Stair located within the interior side yard shall comply with the required interior side setback.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, 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.

**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. During construction of the new home, 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.



- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. The Supplemental 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Renovation and Addition: 27 Star Island Drive" as prepared by **SAOTA and Choeff + Levy PA**, last revised April 03, 2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 this Order 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.

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 eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review 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 118 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), the Design Review Approval will expire and become null and void.

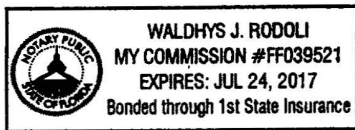
Dated this 11<sup>th</sup> day of May, 20 15.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of May, 20 15, by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Waldhys J. Rodoli  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7/24/2017

Approved As To Form: [Signature]  
City Attorney's Office: [Signature] ( 5/11/2015 )

Filed with the Clerk of the Design Review Board on 5-11-2015 ( WJR )

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CFN 2015R0338593  
DR BK 29632 Pgs 2404-2411 (8Pgs)  
RECORDED 05/28/2015 10:12:37  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

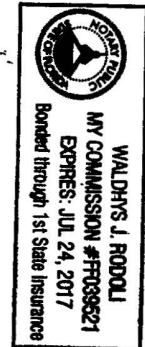
MEETING DATE: May 05, 2015

FILE NO: 23009

**CERTIFICATION**

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FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.  
CITY OF MIAMI BEACH

*[Signature]* 5/11/15  
(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID:  
*Waldhys J. Rodoli*  
Notary Public, State of Florida at Large  
Printed Name: *Waldhys J. Rodoli*  
My Commission Expires: (Seal)  
This document contains 8 pages.



PROPERTY: **27 Star Island – Modification**

APPLICANT: Starboard Florida IV LLC

LEGAL: Star Island, Lot 27 according to Plat thereof as recorded in Plat Book 31,  
Page 60 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval requesting modifications to  
remove two (2) conditions of a previously approved Design Review  
Approval for a new single family home and the relocation / renovation of  
an existing architecturally significant pre-1942 two-story residence and  
carriage house on the subject property. Specifically the applicant is  
requesting the elimination of a condition requiring that the overall siteplan  
shall be redesigned to eliminate the necessity for any variances and the  
elimination of a condition requiring the installation of additional  
landscaping along the north property line.

**MODIFIED ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design  
Review Approval and for one or more variances.

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 Approval**

- A. 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 consistent with Design Review  
Criteria in Section 118-251 of the Miami Beach Code.

B. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

All of the original conditions of approval by this Board shall remain in effect except as modified herein:

- a. This application does not conform to the provisions of the Oversized Single Family Homes Ordinance, which the Planning Board recommended on September 24, 2013 to the City Commission for adoption. Such recommendation established "zoning in progress," which requires the provisions of such ordinance to be immediately applied. However, the Planning Board also recommended some exceptions to applicability, one (1) or more of which the subject application falls within. Insofar as the City Commission may not adopt the exceptions to the ordinance as recommended, the DRB's approval of this application does not create any vested rights, and should the City Commission not adopt the exception to the ordinance that exempts this application from the applicability of the Oversized Single Family Homes Ordinance, the Applicant shall modify its plans to conform to such ordinance, and return to the DRB or staff for a modified approval based on such modified plans. The Applicant shall submit a hold harmless letter to the Department, approved as to form by the City Attorney, that confirms its agreement with this condition.
- b. Second kitchens are subject to the review and discretion of the Planning Director, pursuant to City Code Section 142-905(b)(2), and subject to a restrictive covenant. If a second kitchen is permitted by the Planning Director, a restrictive covenant, subject to the approval of the City Attorney, shall be required, indicating among other things, that the guest cottage will not be rented out separately as an apartment unit.
- c. The Applicant shall submit a restrictive covenant, running with the land, to the Department, approved as to form by the City Attorney, that the property owner will retain, preserve, and maintain to the greatest extent possible the relocated historic portion and protect against violation of minimal maintenance standards and demolition by neglect. Any damage that occurs during the course of relocation of the historic structure shall be repaired to the original condition.
- d. ~~As proffered, the architect shall adjust the overall site plan to eliminate the necessity for any variances being obtained from the Board of Adjustment.~~
- e. Along the north property line, the side yard setback shall be increased to 11'-0", 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 architect shall install a 6'-0" high architectural feature along the north portion of the roof deck and master bedroom deck to block any visibility between the property and its abutting neighbor to the north 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 architect shall increase in area the two (2), two-story volumetric atriums along the northern portion of the of the main residence, on both floor levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The total unit size shall be less than **60%** of the lot area.
- i. The total lot coverage shall be less than **35%** of the lot area.
- j. The stairwell bulkhead located along the edge of the residence at the north setback line of the site, shall be setback an additional 5'-0" from the established setback line.
- k. Only the central portion of the residence, identified with "double volume" first floor spaces, shall extend to the requested 33'-0" height and the entire northern portion of the proposed new residence shall be lowered to 30'-0" height above CMB grade.
- l. The proposed active habitable roof deck shall not exceed a combined deck area of **25%** of the enclosed floor area immediately one floor below.
- m. Parapet walls, only when associated with a habitable roof deck, not to exceed three and one-half feet (3'6") above the finished roof deck height, and set back a minimum of 10' from the perimeter of the enclosed floor below.
- n. The maximum height of the (1) one-story accessory structures shall be limited to 18'-0" measured from CMB grade to the top of the highest projection.
- o. The proposed bar and any other structures not permitted by Code as an allowable height exception shall be eliminated from the active roof deck area.
- p. The architect shall redesign the motor court area to create more of a pedestrian courtyard effect and increase the landscaping in that area with the relocation of the ficus tree into a more central portion of that area and installation of additional low lying landscaping in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board..
- q. The architect shall redesign both of the proposed new (1) one-story accessory structures to minimize the massing in the required rear yard and setback both an additional distance from the rear property line, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- r. The architect shall relocate the proposed new (1) one-story accessory structure containing the gym to the south portion of the required rear yard and shall relocate the proposed new (1) one-story accessory structure containing the cabana to the north portion of the required rear yard in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.



- s. The final design and details including all exterior materials, finishes, and colors shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - t. Manufacturer's drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
  - u. 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.
2. A revised landscape plan, and corresponding site plan, shall be submitted. 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:
- a. A Tree Disposition plan shall be required to be submitted at the time of Building Permit review and a Tree Removal / Relocation Permit from DERM shall be required for any non-invasive trees with a tree trunk size of 18" at DBH or greater and as required by County Code.
  - b. Only canopy shade street trees and sod shall be permitted in the public ROW. The proposed gravel and understory planting in public property shall be replaced with sod and a different large shade tree species shall be selected as a street tree subject to the review and approval of staff. The Spiraling Whitefly is severely impacting Gumbo Limbos trees in our area and their use is discouraged.
  - c. ~~The architect shall install an additional 2'-0" thick, at time of planting, landscape screen along the entire 400' feet of the north property line in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
  - d. The overall areas to be landscaped shall be significantly increased throughout the property by reducing the use of gravel and extent of hardscape (driveway / patios / walkways / decks, etc.) in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The architect shall incorporate additional native species into the landscaping plan throughout the site in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture. And any fence along the front property line shall be transparent and designed to maximize views of the historic relocated home, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. If technically feasible, all overhead utility lines shall be placed underground.



- h. The use of sod within the side yards of the home shall be reduced, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - i. 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 staff consistent with the Design Review Criteria and/or the directions from the Board.
  - j. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
  - k. 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.
  - l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
  - m. 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; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - n. 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.
6. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
7. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
8. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
- a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
  - b. Mill/resurface asphalt in rear alley along property, if applicable.
  - c. Provide underground utility service connections and on-site transformer location, if necessary.



- d. Provide back-flow prevention devices on all water services.
  - e. Provide on-site, self-contained storm water drainage for the proposed development.
  - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - g. Payment of City utility impact fees for water meters/services.
  - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - i. Right-of-way permit must be obtained from Public Works.
  - j. All right-of-way encroachments must be removed.
  - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
9. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy, in a manner to be reviewed and coordinated by staff.
10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
11. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
12. 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.
13. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



14. 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 adopted by the Board, that the Application for **Design Review approval is GRANTED** for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Renovation and Addition: 27 Star Island Drive" as prepared by **SAOTA and Choeff + Levy PA**, last revised April 03, 2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 this Order 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.

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 eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review 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 118 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), the Design Review Approval will expire and become null and void.

Dated this 11<sup>th</sup> day of May, 2015.

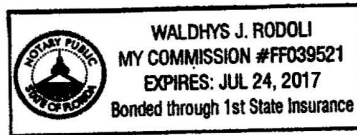
DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY:   
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )



)SS  
 COUNTY OF MIAMI-DADE )  
 The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of  
May 2015, by Deborah J. Tackett, Design and Preservation Manager,  
 Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf  
 of the Corporation. He is personally known to me.



Wallace J. Rodoli  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 7-24-2017

Approved As To Form:  
City Attorney's Office: J. A. Sautz ( 5/11/2015 )  
Filed with the Clerk of the Design Review Board on 5-11-2015 ( WJR )

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CFN 2014R0047263  
DR Bk 28996 Pgs 4346 - 4348; (3pgs)  
RECORDED 01/21/2014 12:51:42  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 27 Star Island Drive

**FILE NO.** 2140

**IN RE:** The application by John Jansheski, Managing Partner of Starboard Florida IV, LLC, requesting Conditional Use approval, pursuant to Article III Section 66, and Article IV Section 142 of the Miami Beach City Code, to install mooring piles with a total projection of 66 linear feet from the seawall

**LEGAL DESCRIPTION:** Lot 27 Corrected Plat of Star Island, according to the plat thereof as recorded in Plat Book 31, page 60, of the Public Records of Miami Dade County, Florida.

**MEETING DATE:** November 19, 2013

**CONDITIONAL USE PERMIT**

The applicant, John Jansheski, Managing Partner of Starboard Florida IV, LLC, filed an application with the Planning Director requesting Conditional Use approval pursuant to Article III Section 66, and Article IV Section 142 of the Miami Beach City Code, to install mooring piles with a total projection of 66 linear feet from the seawall. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the RS-1 Single Family Residential Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

**IT IS THEREFORE 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 is adopted herein, including staff recommendations, as modified by the Planning Board, that a **Conditional Use Permit as requested and set forth above, be GRANTED** subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit shall be subject to the following standards and operational conditions, which shall be submitted to and approved by staff as part of the permitting process:
  - a. All marine vessels shall be required to meet the required side yard setbacks at all times.
  - b. The mooring of any type of vessel or watercraft shall be prohibited along either side of the walkway leading from the seawall to the boat dock.
  - c. Pursuant to Section 66-113 of the City Code, a vessel shall not be docked or moored so that its projection into the waterway would be beyond the maximum permissible linear projection of 66 feet from the seawall approved herein.
  - d. The dockage, mooring, storage, launching, beaching or servicing of personal watercraft (such as Jet-Skis, Wave Runners, and other similar types of personal watercraft) shall be prohibited unless such personal watercraft contains a 4-stroke or smaller engine.
  - e. The only lights permitted shall be those required by Miami Dade County Department of Regulatory and Economic Resources, Environmental Resources Management (RER), the U.S. Coast Guard, and any other permitting agency for navigational safety, including but not limited to navigational reflectors on the mooring piles. One electric light equipped with a motion sensor may be installed at the terminal platform for security purposes. Any required lights and reflectors shall be indicated on the permit plans and shall be subject to the review and approval of staff prior to the issuance of a building permit.
  - f. The design of any required handrails shall be submitted to staff for review and approval prior to the issuance of a building permit.
  - g. All lighting associated with, but not limited to, the deck, vessel or marine structures shall be installed in such a manner so as to minimize glare and reflection on surrounding properties and not to impede navigation. All lighting shall be erected so as to direct light only on the premises on which they are located, and shall be contained within the subject area.
2. The project shall receive final approval by RER, as well as any other county, state or federal permitting agency as may be required.
3. The Planning Board shall maintain jurisdiction on this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify this Conditional Use approval at the time of the progress report in a non-substantive manner, to impose additional conditions to address possible problems, and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

4. Within a reasonable time after the applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. A building permit or certificate of completion shall not be issued until this requirement has been satisfied.
5. This 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.
6. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-7 of said Code and such enforcement procedures as are otherwise available. Failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use permit.
7. 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.

Dated this 18<sup>th</sup> day of December, 2013

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Richard G. Lorber, AICP, LEED AP  
Acting Planning Director  
For Chairman

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2013, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]  **TERESA MARIA**  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Thru Budget Notary Services

[Signature]  
Notary:  
Print Name: TERESA MARIA  
Notary Public, State of Florida  
My Commission Expires: 12-2-17  
Commission Number: FF042188

Approved As To Form:  
Legal Department [Signature] 12-9-13 )

Filed with the Clerk of the Planning Board on (12/19/13) [Signature]





CFN 2014R0521447  
DR Bk 29243 Pgs 0444 - 451; (8pgs)  
RECORDED 07/24/2014 14:32:05  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

MEETING DATE: November 05, 2013

FILE NO: 23009

PROPERTY: 27 Star Island Drive

LEGAL: Star Island, Lot 27 according to Plat thereof as recorded in Plat Book 31,  
Page 60 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new  
(2) two-story residence and the relocation / renovation of an existing  
architecturally significant pre-1942 (2) two-story residence and carriage  
house on the subject property.

**ORDER**

The applicant, Starboard Florida IV LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 3, 6, 7, 12 and 15 in Section 118-251 of the Miami Beach Code.

**CERTIFICATION**  
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.  
CITY OF MIAMI BEACH

(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID:

Notary Public, State of Florida at Large  
Printed Name: TERESA MARIA  
My Commission Expires: (Seal) 8-12-13

This document contains 8 pages.



*[Handwritten signature]*

- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. This application does not conform to the provisions of the Oversized Single Family Homes Ordinance, which the Planning Board recommended on September 24, 2013 to the City Commission for adoption. Such recommendation established "zoning in progress," which requires the provisions of such ordinance to be immediately applied. However, the Planning Board also recommended some exceptions to applicability, one or more of which the subject application falls within. Insofar as the City Commission may not adopt the exceptions to the ordinance as recommended, the DRB's approval of this application does not create any vested rights, and should the City Commission not adopt the exception to the ordinance that exempts this application from the applicability of the Oversized Single Family Homes Ordinance, the Applicant shall modify its plans to conform to such ordinance, and return to the DRB or staff for a modified approval based on such modified plans. The Applicant shall submit a hold harmless letter to the Department, approved as to form by the City Attorney, that confirms its agreement with this condition.
    - b. Second kitchens are subject to the review and discretion of the Planning Director, pursuant to City Code Section 142-905(b)(2), and subject to a restrictive covenant. If a second kitchen is permitted by the Planning Director, a restrictive covenant, subject to the approval of the City Attorney, shall be required, indicating among other things, that the guest cottage will not be rented out separately as an apartment unit.
    - c. The Applicant shall submit a restrictive covenant, running with the land, to the Department, approved as to form by the City Attorney, that the property owner will retain, preserve, and maintain to the greatest extent possible the relocated historic portion and protect against violation of minimal maintenance standards and demolition by neglect. Any damage that occurs during the course of relocation of the historic structure shall be repaired to the original condition.
    - d. As proffered, the architect shall adjust the overall siteplan to eliminate the necessity for any variances being obtained from the Board of Adjustment.
    - e. Along the north property line, the sideyard setback shall be increased to 11'-0", 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 architect shall install a 6'-0" high architectural feature along the north portion of the roof deck and master bedroom deck to block any visibility between the property and its abutting neighbor to the north 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 architect shall increase in area the two (2), two-story volumetric atriums along the northern portion of the of the main residence, on both floor levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The total unit size shall be less than **60%** of the lot area.
- i. The total lot coverage shall be less than **35%** of the lot area.
- j. The stairwell bulkhead located along the edge of the residence at the north setback line of the site, shall be setback an additional 5'-0" from the established setback line.
- k. Only the central portion of the residence, identified with "double volume" first floor spaces, shall extend to the requested 33'-0" height and the entire northern portion of the proposed new residence shall be lowered to 30'-0" height above CMB grade.
- l. The proposed active habitable roof deck shall not exceed a combined deck area of **25%** of the enclosed floor area immediately one floor below.
- m. Parapet walls, only when associated with a habitable roof deck, not to exceed three and one-half feet above the finished roof deck height, and set back a minimum of 10' from the perimeter of the enclosed floor below.
- n. The maximum height of the (1) one-story accessory structures shall be limited to 18'-0" measured from CMB grade to the top of the highest projection.
- o. The proposed bar and any other structures not permitted by Code as an allowable height exception shall be eliminated from the active roof deck area.
- p. The architect shall redesign the motorcourt area to create more of a pedestrian courtyard effect and increase the landscaping in that area with the relocation of the ficus tree into a more central portion of that area and installation of additional low lying landscaping in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board..
- q. The architect shall redesign both of the proposed new (1) one-story accessory structures to minimize the massing in the required rear yard and setback both an additional distance from the rear property line, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- r. The architect shall relocate the proposed new (1) one-story accessory structure containing the gym to the south portion of the required rear yard and shall relocate the proposed new (1) one-story accessory structure containing the cabana to the north portion of the required rear yard in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.



- s. The final design and details including all exterior materials, finishes, and colors shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - t. Manufacturer's drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
  - u. 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.
2. A revised landscape plan, and corresponding site plan, shall be submitted. 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:
- a. A Tree Disposition plan shall be required to be submitted at the time of Building Permit review and a Tree Removal / Relocation Permit from DERM shall be required for any non-invasive trees with a tree trunk size of 18" at DBH or greater and as required by County Code.
  - b. Only canopy shade street trees and sod shall be permitted in the public ROW. The proposed gravel and understory planting in public property shall be replaced with sod and a different large shade tree species shall be selected as a street tree subject to the review and approval of staff. The Spiraling Whitefly is severely impacting Gumbo Limbo trees in our area and their use is discouraged.
  - c. The architect shall install an additional 2'-0" thick, at time of planting, landscape screen along the entire 400' feet of the north property line in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The overall areas to be landscaped shall be significantly increased throughout the property by reducing the use of gravel and extent of hardscape (driveway / patios / walkways / decks, etc) in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The architect shall incorporate additional native species into the landscaping plan throughout the site in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture. And any fence along the front property line shall be transparent and designed to maximize views of the historic relocated home, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.





- g. If technically feasible, all overhead utility lines shall be placed underground.
  - h. The use of sod within the sideyards of the home shall be reduced, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - i. 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 staff consistent with the Design Review Criteria and/or the directions from the Board.
  - j. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
  - k. 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.
  - l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
  - m. 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; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - n. 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.
- 3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
  - 4. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
  - 5. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
    - a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.



- b. Mill/resurface asphalt in rear alley along property, if applicable.
  - c. Provide underground utility service connections and on-site transformer location, if necessary.
  - d. Provide back-flow prevention devices on all water services.
  - e. Provide on-site, self-contained storm water drainage for the proposed development.
  - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - g. Payment of City utility impact fees for water meters/services.
  - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - i. Right-of-way permit must be obtained from Public Works.
  - j. All right-of-way encroachments must be removed.
  - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
6. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy, in a manner to be reviewed and coordinated by staff.
7. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
8. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
9. 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.



10. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
11. 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 adopted by the Board, that the Application for **Design Review approval is GRANTED** for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-11, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "US\_MIA\_STAR 27", as prepared by **SAOTA** and **Choeff + Levy PA** dated 08/02/13, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 this Order 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.

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 eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review 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 118 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), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 15<sup>th</sup> day of NOVEMBER, 2013.



DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_

THOMAS R. MOONEY, AICP  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of  
November 2013 by Thomas R. Mooney, Design and Preservation Manager,  
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf  
of the Corporation. He is personally known to me.



TERESA MARIA  
MY COMMISSION # DD 928148  
EXPIRES: December 2, 2013  
Bonded Thru Budget Notary Services

\_\_\_\_\_  
Teresa Maria

NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 12-1-13

Approved As To Form: \_\_\_\_\_

Legal Department: J. Heed (11-14-2013)

Filed with the Clerk of the Design Review Board on 11-15-2013 (WJR)

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CFN 2011R0170613  
DR Bk 27619 Pgs 3026 - 3028; (3pgs)  
RECORDED 03/16/2011 14:52:52  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 27 and 28 Star Island Drive – Lot split

**FILE NO:** 1995

**IN RE:** The application by Villa Maria Helena Holdings, LLC requesting a lot split/subdivision of land of one buildable parcel consisting of two platted lots, to be divided into two buildable parcels.

**LEGAL DESCRIPTION:** Lots 27 and 28, corrected Plat of Star Island, according to the Plat hereof, as recorded in Plat Book 31, at Page 60 of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** February 22, 2011

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicant, Villa Maria Helena Holdings, LLC, filed an application with the Planning Director pursuant to Article VII, "Division of Land/Lot Split" of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach 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:

That the property in question is located in the RS-1, Residential Single Family zoning district

That the lots that would be created are divided in such a manner that they are in compliance with the regulations of the land development regulations of the City code;

That the building site that would be created would be equal to the most common existing lot size, and of the same character as the surrounding area;

That the scale of any proposed new construction is compatible with the as-built character of the surrounding area;

That the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land



development regulations, but would be conforming when a variance for the resulting nonconformity is obtained from the Board of Adjustment;

That the building site that would be created is free of encroachments from abutting buildable sites;

That the proposed lot split does not adversely affects architecturally significant or historic homes;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

**IT IS THEREFORE 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 is adopted herein, including the staff recommendations which were amended by the Board, that the Lot Split as requested and set forth above be **GRANTED**, subject to the following conditions to which the applicant has agreed:

1. The properties involved in this request for Division of Land/Lot Split shall not be subdivided any further.
2. The necessary variances for the resulting non-conformities shall be obtained from the Board of Adjustment prior to the issuance of a Building Permit for the new construction on the resulting new buildable parcel.
3. The resulting lot approved by this Division of Land/Lot Split shall be as depicted on the surveys signed and sealed by Jose A. Perez, Registered Land Surveyor and Mapper of Continental Land Surveyors, Inc., and dated February 1, 2011.
4. Individual underground utility connections, individual water, sewer, electric, telephone and cable connections, payment of any applicable impact fees and the removal and replacement of necessary sections of the sidewalk, curb and gutter shall be provided. This condition shall apply to the new construction located on the lot created by this subdivision. The applicant shall be in total compliance with this condition prior to the issuance of a Certificate of Occupancy.
5. This final order shall be recorded in the public records of Miami-Dade County at the expense of the applicants. This condition shall be a prerequisite to the issuance of a building permit for any new construction on the parcel resulting from this lot split.
6. This 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.

Dated this 24 day of February, 2011.

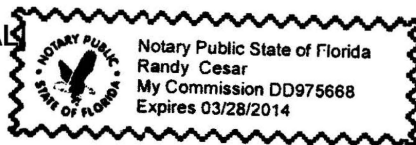
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Richard G. Lorber, AICP, LEED AP  
Acting Planning Director  
FOR THE CHAIRMAN

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 24 day of February, 2011, by Jorge G. Gomez, AICP, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL



[Signature]

Notary:

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

Approved As To Form:  
Legal Department (Held 2-24-2011)

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