

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

MEETING DATE: July 10, 2020

PROPERTY: 607 5th Street

FOLIO: 02-4203-008-0010

FILE NO. ZBA19-0095

IN RE: The application for a variance to reduce the required 1,200-foot distance separation between a proposed medical cannabis treatment center and an approved medical cannabis treatment center.

LEGAL DESCRIPTION: LOT 1 THROUGH 11, INCLUSIVE, OF BLOCK "A" OF TATUM'S RESUBDIVISION OF LOTS 7 AND 8 OF OCEAN BEACH ADDITION, NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 81, OF FLORIDA; SAID RESUBDIVISION BEING RECORDED IN PLAT BOOK 21, AT PAGE 26, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; TOGETHER WITH 3.08 FOOT EASEMENT LYING SOUTH OF LOTS 3 AND 4 AND NORTH OF LOTS 5 TO 11, BLOCK "A" OF TATUM'S RESUBDIVISION OF LOTS 7 AND 8 IN BLOCK 48 OF OCEAN BEACH ADDITION NO. 3, PLAT BOOK 21, AT PAGE 26, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

LOT 6, IN BLOCK 48, OCEAN BEACH ADDITION NO. THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 81 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

ORDER

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

1. A variance to reduce by 775 feet, the minimum distance separation of 1,200 feet between medical cannabis treatment centers, to allow a medical cannabis treatment center to be located within 425 feet of another medical cannabis treatment center.

The City of Miami Beach Board of Adjustment makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

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

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including staff recommendations, as modified by the Board of Adjustment, that the application for Variance Approval is **DENIED** for the above-referenced project.

Dated this 10th day of July, 2020.

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY: Rogelio Madan

Rogelio Madan, AICP

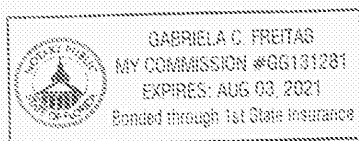
Chief of Community Planning & Sustainability
For the Chair

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 10th day of July, 2020, by Rogelio Madan, Chief of Community Planning and

DS
RM

Sustainability of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Notary:

Print Name: Gabriela Freitas

Notary Public, State of Florida

My Commission Expires: Aug. 3, 2021

Commission Number: gg131281

Approved As To Form:

City Attorney's Office (

DocuSigned by:
[Signature]
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Filed with the Clerk of the Board of Adjustment on

[Signature] 8/25/20