



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

IN RE: The application of
STANLEY DAVID FERGUSON
700-710 82ND STREET
LOT 13 AND 14, BLOCK 5,
BISCAYNE BEACH SUBDIVISION
PLAT BOOK 44, PG 67;
MIAMI-DADE COUNTY, FLORIDA

**MEETING DATE: SEPTEMBER 8, 2006
FILE NO. 3246**

ORDER

The applicant, Stanley David Ferguson, filed an application with the Planning Department for variances associated with the construction of a new four (4) story, ten (10) unit townhome project, which will replace two (2) single story apartment buildings, to be demolished, as follows:

1. A variance to waive 10' - 0" of the required front yard setback of 20' - 0" in order to build the front façade of the building at 10' - 0" from the north property line.
2. A variance to exceed the maximum allowable projection of 25% (2'-6") into the required front yard by 60% (6'-0") in order to provide terraces at the ground floor with a projection of 85% (8'-6").
3. A variance to waive 10' - 0" of the minimum required drive width of 22' - 0" in order to build a drive with a width of 12' - 0".

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-1 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

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

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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 THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The applicant shall comply with all the conditions imposed by the Design Review Board File No. 19318.
2. The proposed front terrace shall be revised to keep the same configuration and the same right angles but to provide a maximum projection of 6'-0".
3. All proposed walkways within the required yards shall have a maximum width of 3'-0".
4. A landscape plan prepared by a Professional Landscape Architect, for the entire site, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff before a building permit is issued for construction.
5. The applicant shall comply with all conditions imposed by the Public Works Department.
6. The applicant shall obtain a building permit within eighteen months (18) months from the date of this hearing. If the building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.

