

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

Recording Office Use Only  
HPB 22-0543 2/14/23  
1701 Selters Ave mubny  
"Exhibit B"

IN RE: The application of  
1700 MERIDIAN ASSOCIATES, LLC  
1700-1724 MERIDIAN AVENUE  
a/k/a THE MONTCLAIR  
LOTS 1,2,3 AND S. 37.5 FT. OF LOT 4  
BLOCK 21; GOLF COURSE SUBDIVISION  
AMENDED; PLAT BOOK 6, PAGE 26  
MIAMI-DADE COUNTY, FLORIDA

MEETING DATE: OCTOBER 4, 2002  
FILE NO. 2894

**ORDER**

The applicant, 1700 Meridian Associates, LLC, filed an application with the Planning Department for variances in order to construct a new five story 41 unit apartment building with 41 parking spaces, as follows:

1. A variance to waive 7.5' of the minimum required south side pedestal setback of 15' in order to construct the above building 7.5' from the south side property line facing 17<sup>th</sup> Street.
2. A variance to waive 12' - 0" of the minimum required north side pedestal setback of 15' in order to construct the above building 3' - 0" from the north interior side property line.
3. A variance to waive 19' - 2" of the minimum required front yard pedestal setback of 20' in order to construct the above building 18' - 2" from the front property line facing Meridian Avenue.
4. A variance to waive 10' of the minimum required rear yard pedestal setback of 15' in order to construct the above building 5' from the rear property line.
5. A variance to waive the required loading space for the proposed project.
6. A variance to exceed by 3' - 6" the maximum permitted height of 50' in order to a construct a 53' - 6" high building to the top of the roof slab.
7. A variance to waive 7.5' of the minimum required rear tower setback of 22.5' in order to construct the above building with the tower portion located 15' from the rear property line.

8. A variance to waive 3" of the minimum required interior tower setback of 15' – 3" in order to construct the above building with a south side tower setback of 15'.

Notice of the request for variances 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-2 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 variances 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 applicant;*

*That granting the variances 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 variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;*

*That the granting of the variances will be in harmony with the general intent and purpose of this Ordinance and that such variances 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:

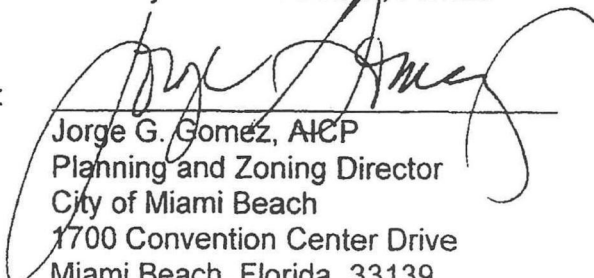
1. The project should be redesigned to provide townhouse type street level entrances for the second floor units facing 17<sup>th</sup> Street and Meridian Avenue. The design shall be approved by staff and if required shall be approved by the Historic Preservation Board.
2. The building shall pay the City of Miami Beach for the use of any metered spaces required to provide a loading space along Meridian Avenue in front of the building. This condition shall be incorporated into the condominium documents for the building.
3. The garage entrances shall be clearly marked as entrance only along Meridian and exit only along 17<sup>th</sup> Street. A "Right Turn Only" sign shall be placed at the exit along 17<sup>th</sup> Street.
4. The project must provide at least one parking space per unit. A parking impact fee of \$15,000 per space shall be paid before a building permit is issued for the remainder of the required parking.
5. A fence or wall shall not be permitted on the property line at the entrance and exit to the parking garage. This will allow a vehicle to wait on private property, as opposed to the street right-of-way, while the gate opens and closes. The property wall or landscaping along 17<sup>th</sup> Street shall not be permitted to obstruct traffic leaving the garage.
6. The shade structures on the roof shall only be permitted with a trellis type roof of open cross rafters as permitted by Code. The total height of all roof projections (trellis, stair and elevator bulkheads, mechanical equipment, etc.), shall not exceed 15 feet. A parapet along the outer edges of the building shall not exceed 3' – 6" above the main roofline.
7. Signed and sealed shaded FAR drawings, showing all areas counted in the floor area calculations shall be included in the final permit set.
8. A landscape plan prepared by a registered landscape architect for the entire site shall be submitted to and approved by staff before a building permit is issued for construction of the addition.
9. The applicant shall comply with all conditions, if applicable, imposed by the Public Works Department.

10. The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If the building permit is not obtained or construction is not completed 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 condition shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
11. 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.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before October 4, 2003 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of  
The City of Miami Beach, Florida

By:

  
Jorge G. Gomez, AICP  
Planning and Zoning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

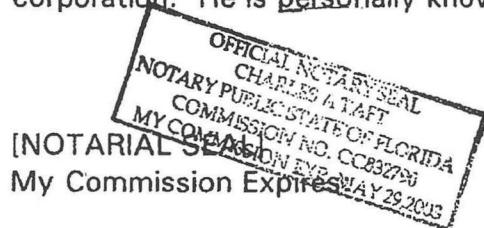
File No. 2894  
1700 Meridian Associates, LLC  
1700-1724 Meridian Avenue

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Recording Office Use Only

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 19th day of NOVEMBER, 2002, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Notary:

Print Name: CHARLES A. TAFT  
Notary Public, State of Florida

Approved As To Form:

Legal Department ( gHelt 11-15-02 )

Filed with the Clerk of the Board of Adjustment on 11/19/2002 ( ABH )

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RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT