

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: September 5, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director

<sup>DS</sup>  
*MB*

for TRM

SUBJECT: DRB23-0933  
**1855 Cleveland Road**

An application has been filed requesting Design Review Approval for the construction of new single-story additions to an existing 2-story home, including front yard and side yard setback variances and one or more waivers.

#### **RECOMMENDATION:**

Approval of the design and variances.

#### **LEGAL DESCRIPTION:**

Lot 3, of Block 6, of "Biscayne Point", according to the Plat thereof, as recorded in Plat Book 14, at Page 35, of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning:	RS-3
Future Land Use:	RS
Lot Size:	11,250 SF
Lot Coverage:	
Existing:	3,082 SF / 27.4%
Proposed:	3,374 SF / 29.9%
Maximum:	3,375 SF / <b>30%</b>
Unit size:	
Existing:	4,906 SF / 43.6%
Proposed:	5,048 SF / 44.9%
Maximum:	5,625 SF / 50%

Existing:	~20.7' ** (2-story)
Proposed:	7'-8"*** (1-story addition)
Maximum:	24'-0" (2-story)

#### **EXISTING STRUCTURE:**

Year Constructed:	1954
Vacant:	No
Demolition Proposed:	Partial

#### **Surrounding Properties:**

East:	Two-story 1969 home
North:	Biscayne Waterway
South:	One-story 1949 home
West:	Two-story 1956 home

Height:

\*\* Heights measured from BFE + 1'. However, the existing finished floor level of the home is at 6.86' NGVD, which is 2.14' below the minimum required for a new home.

#### **THE PROJECT:**

The applicants have submitted plans entitled "Salanic Residence" as prepared by **Village Architects** dated, July 5, 2023. The applicant is proposing to extend the west side of the first-floor towards the front yard of the existing two-story single family home and construct a new trellis.

The applicant is requesting the following variances:

1. A variance of the minimum required **40'-0"** front setback for the 2-story portion of the home, as per Section 7.2.2.3(b) of the Land Development Regulations, in order to provide a front setback of **35'-9"**.
2. A variance from the minimum required interior side setback of **10'-0"**, as per Section 7.2.2.3(b)(iii)(3) of the Land Development Regulations, in order to follow the existing side setback of **5'-0"** for the construction of a one-story addition and new trellis.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. 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;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. 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; and
- viii. 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 7, article I, as applicable.

#### **COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variances. The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:**

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Satisfied**
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.  
**Satisfied**
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.  
**Satisfied**
- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.  
**Satisfied**
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**

- 
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.  
**Satisfied**
- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.  
**Not Satisfied; a lighting plan has not been submitted.**
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.  
**Satisfied**
- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Satisfied**
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Satisfied**
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Satisfied**

- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Satisfied**

- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.

**Not Applicable**

- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

**Not Satisfied; see below****COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders.

The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Applicable**
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations..  
**Satisfied**
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Satisfied**
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.  
**Satisfied**

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.  
**Not Applicable**
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.  
**Satisfied; It is not reasonably feasible and economically appropriate to raise the existing house.**
9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Not Applicable**
10. In all new projects, water retention systems shall be provided.  
**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**
11. Cool pavement materials or porous pavement materials shall be utilized.  
**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**
12. The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

**STAFF ANALYSIS:**

The applicant is proposing to construct a one-story addition and a new trellis to an existing two-story residence located on Cleveland Road. The existing single-family residence was initially constructed in 1954 and a second floor addition was constructed thereafter. The applicants applied for a building permit in 2021 (BR2206428) to extend the kitchen area to the south and include a foyer area to the entrance to the home. Additionally, the scope of work included the interior renovation of the first and second floors, a new driveway with stone pavers, and new configuration of the windows and fencing that were approved in a contemporary style.

The applicant is now proposing to install a mud room and extend the existing laundry room on the ground floor to the south. A new trellis is also proposed to be installed north of the existing kitchen area. The architect has designed the ground floor addition and trellis with a new overall unit size of 44.9% and a lot coverage of 29.9% which is below the maximum thresholds allowed by the city Code.

The proposed addition will include barrel tile roofs which complement the new decorative aluminum shutters. The design incorporates white stucco walls that provide a modern style and is consistent with the existing two-story residence. Likewise, the clear glazing on the south elevation provides harmonious balance and coordinates with the existing finishes. As

proposed, the new wood trellis will be attached to the kitchen and the pool deck area and will serve as a contrast to the stucco walls of the residence. Staff is supportive of the overall design for the additions.

### **VARIANCE REVIEW**

The applicant is requesting the following variances:

1. A variance of the minimum required 40'-0" front setback for the 2-story portion of the home, as per Section 7.2.2.3(b) of the Land Development Regulations, in order to provide a front setback of 35'-9".

- Variance requested from:

### **7.2.2.3 Development Regulations (RS)**

- (b) *The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*
- i. *The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

BUILDING SETBACKS	RS-1	RS-2	RS-3	RS-4
Front Setback <b>A</b>	<b>20 feet -1 Story Structure (5) - provided that any future addition of a two-story attached structure shall be setback a minimum of 40 feet</b> 30 feet - 2 Story Structures - (5)			
Side, facing a street Setback <b>B</b>	10% of the lot width or 15 feet, whichever is greater (5) and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback <b>C</b> Lots 65 feet in width or less	7.5 feet and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback <b>C</b> Lots greater than 65 feet in width	10% of the lot width or 10 feet, whichever is greater and the sum of the required side yards shall be at least 25% of the lot width			
Rear Setback <b>D</b>	15 % of the lot depth (6) 20 feet minimum 50 feet maximum			

As part of the home's renovation, the applicant is proposing to extend the existing laundry room to the south and maintain a minimum 20 foot front setback. A single-story residence is allowed to have a minimum front setback of 20 feet; however, the second floor is required to have a setback of 40' from the front property line. With the existing site conditions, the single-story portion of the residence has a front setback of 29'-5" and the two-story portion of the home has a nonconforming front setback of 35'-9". In order to allow for the proposed attached one-story addition to be at the 20' front setback, the applicant is requesting a variance of 4'-3" from the required 40' front setback, to retain the location of the existing second floor. Due to the practical difficulties associated with modifying the second floor to meet the current setback requirements, staff believes that the granting of the variance for the front setback of the second floor is necessary to allow the one-story addition that would otherwise be permitted by right. For this reason, as well as the practical difficulties involved in adding a single floor to the existing home, staff is supportive of the requested variance.

2. A variance from the minimum required interior side setback of **10'-0"**, as per Section 7.2.2.3(b)(iii)(3) of the Land Development Regulations, in order to follow the existing side setback of **5'-0"** for the construction of a one-story addition and new trellis.

- Variance requested from:

**Section 7.2.2.3(b)(iii)(3)**

*When an existing single-family structure is being renovated less than 50 percent (50%) of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least 5 feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of this nonconforming interior side yard setback shall only apply to the linear extension of a single story building, provided such linear extension does not exceed 20 feet in length and does not exceed 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure (See Height of Building definition in section 1.2.1), as measured from the minimum flood elevation.*

The existing home has an interior side setback of 5'-0", and a new single-story trellis and addition is proposed to follow the existing non-conforming setback. The existing residence was constructed in 1954 and had a minimum setback of 5' along the west elevation. A second-story addition was later constructed in 1981 and maintained the existing building setbacks on the ground floor. A building permit was issued in 2022 to extend the kitchen area on the ground floor approximately 11'-2" to the north.

When the building permit to extend the kitchen was issued in 2022, the proposed addition complied with the minimum requirements to follow the existing building lines. Since the proposed new addition of the laundry room and trellis exceed the maximum linear extension of 20' for a single-story building, the required setback is 10' from the interior side lot line. Staff finds that there are practical difficulties associated with meeting the current minimum setback requirements for the trellis, and that the structure is further setback from the north and is heavily landscaped to avoid any negative impact on the adjacent neighbors. The addition on the south side would have been allowed per Code to follow the existing building line if it was reviewed independently from the trellis as it is less than the maximum linear extension of 20'.

In Summary, the proposed improvements allow for reasonable additions to the existing home, which also presents practical difficulties for the placement of new construction on the site. Staff is supportive of the application and recommends approval of the design and variances as proposed.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, including approval of the variances, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Design Review Criteria and Practical Difficulty and Hardship criteria, as applicable.



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

MEETING DATE: September 5, 2023

PROPERTY/FOLIO: 1855 Cleveland Rd 02-3203-001-0970

FILE NO: DRB23-0933

IN RE: An application for Design Review Approval for the construction of new single-story additions to an existing 2-story home, including front yard and side yard setback variances.

LEGAL: Lot 3, of Block 6, of "Biscayne Point", according to the Plat thereof, as recorded in Plat Book 14, at Page 35, of the Public Records of Miami-Dade County, Florida.

APPLICANTS: Daniel L. Salanic & Alexandra S. Haime Salanic

**ORDER**

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**

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 i. and s. in Section 2.5.3.1 of the Land Development Regulations.
- 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 consistent with the Sea Level Rise Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed additions shall be submitted; at a minimum, such drawings shall incorporate the following:
    - a. The final design details of the exterior materials and finishes 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.

- b. 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, 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 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. 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.
  - b. 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.
  - c. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
  - d. 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.
  - e. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

**In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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 of the minimum required 40'-0" front setback for the 2-story portion of the home, as per Section 7.2.2.3(b) of the Land Development Regulations, in order to provide a front setback of 35'-9".
  - 2. A variance from the minimum required interior side setback of 10'-0", as per Section 7.2.2.3(b)(iii)(3) of the Land Development Regulations, in order to

follow the existing side setback of 5'-0" for the construction of a one-story addition and new trellis.

- 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.

Additionally, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. 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;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. 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; and
- viii. 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 7, article I, as applicable.

- C. The Board hereby **Approves** the variance requests and imposes the following condition based on its authority in Section 2.8.4 of the Land Development Regulations:

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.

**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. 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 contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- C. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 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.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Salanic Residence" as prepared by **Village Architects** dated, July 5, 2023, and as approved by the Design Review Board, as determined by staff.

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.

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.

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 Section 2.2.4.6 of the Land Development Regulations; 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.

In accordance with Chapter 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated \_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Michael Belush, AICP  
Planning & Design Officer  
For Chairman

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Michael Belush, Chief of Planning and Zoning 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  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ ( )

Filed with the Clerk of the  
Design Review Board on \_\_\_\_\_ ( )