

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

MEETING DATE: September 8, 2023

PROPERTY: 1330 15th Street

FOLIO: 02-3233-016-0200

FILE NO. ZBA23-0146

IN RE: An appeal of a decision of the Planning Director regarding the re-instatement of a non-conforming suite hotel use on a property located in a multifamily residential district (the "Appeal").

LEGAL

DESCRIPTION: The east 30 ft of Lot 2 & west 1/2 of Lot 3, Block 79, of Alton Beach Bay Front Re-Subdivision, according to the Plat thereof, as recorded in Plat Book 16, Page 1 of the Public Records of Miami-Dade County, Florida.

O R D E R

The applicant, 1330 15th Street, LLC ("Appellant") filed an appeal of the Planning Director's determination in connection with a request to reinstate a non-conforming suite hotel use on the property at 1330 15th Street ("Property"), which is located in a multifamily residential district (altogether, the "Determination"). This Appeal was filed pursuant to Sections 118-9 and 118-397 of the City's Land Development Regulations.¹

Notice of this Appeal 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.

THE BOARD FINDS that the Property in question is located in the RM-1, residential multifamily, low intensity zoning district.

On February 22, 2023, the Appellant, which is the owner of the Property, appealed the denial of a Business Tax Receipt on the basis that, pursuant to the Land Development Regulations, short-term rentals are not permitted on the subject property.

On May 5, 2023, following argument and testimony from the property owner, Planning Director, and nearby residents, the Board of Adjustment denied the Appeal and affirmed the Determination of the Planning Director (by a vote of 5-1).

On June 2, 2023, at the request of the Appellant, the Board of Adjustment adopted a motion to reconsider its May 5, 2023 decision to deny the Appeal and affirm the Determination of the Planning Director, based upon newly discovered evidence (by a vote of 5-1). Pursuant

¹ NOTE: On February 1, 2023, the City Commission adopted new Land Development Regulations as part of the Miami Beach Resiliency Code, which became effective on June 1, 2023. The Planning Director's Determination pursuant to this matter was issued prior to the effective date of the Resiliency Code and, therefore, all references contained within this Order cite to the prior Land Development Regulations, which were in effect through May 31, 2023.

DS


Meeting Date: September 8, 2023

Page 2 of 3
ZBA23-0146, 1330 15th Street

to that motion, the Appeal was re-noticed for the September 8, 2023 Board of Adjustment meeting.

On August 18, 2023, the City's Office of Inspector General ("OIG") issued a Final Report relating to the Review of Complaint and Process Regarding Issuance of Certificate of Use and Business Tax Receipt at 1330 15th Street ("OIG Report").

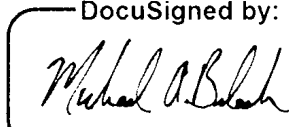
On September 8, 2023, pursuant to the Board of Adjustment's approval of the June 2, 2023 motion to reconsider its decision to deny the Appeal, and after the Board considered newly discovered evidence (namely the OIG report, dated August 18, 2023), and took additional testimony, including from the property owner, Planning Director, and public comment, the Board of Adjustment denied the appeal and affirmed the decision of the Planning Director (by a vote of 6-0).

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and upon the staff report and recommendations, which are incorporated herein by this reference, that the Planning Director's decision should be upheld.

IT IS THEREFORE ORDERED, by the Board, that the above referenced Appeal of an administrative determination of the Planning Director as summarized above be **DENIED**, and the Determination is hereby **AFFIRMED**.

Dated 9/29/2023 | 9:51 AM EDT

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY: DEC3ECF2EB68404...
Michael Belush, AICP
Planning & Design Officer
For the Chair

DS


Meeting Date: September 8, 2023

Page 3 of 3
ZBA23-0146, 1330 15th StreetSTATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 29 day of September, 2023, by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Miriam Herrera
Notary:
Print Name: *Miriam Herrera*
Notary Public, State of Florida
My Commission Expires: *12-16-23*
Commission Number: *66940469*

Approved As To Form:
City Attorney's Office

DocuSigned by:

Steven Rothstein

E8B54D6BB7D409

(9/29/2023 | 9:43 AM EDT)

Filed with the Clerk of the
Board of Adjustment on

DocuSigned by:

Jessica Gonzalez

10FC3F3E9D654A5

(9/29/2023 | 10:25 AM EDT)

DS
JK