

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

PROPERTY: 3040 Prairie Avenue

FILE NO. ZBA17-0036

IN RE: The application for variances to exceed the maximum lot coverage and unit size allowed for a two-story single family home in order to construct a one-story addition to the existing two-story single family home.

LEGAL DESCRIPTION: See attached Exhibit "A".

MEETING DATE: September 8, 2017.

ORDER

The applicants, Matan Ben Aviv & Michelle Ben Aviv, filed an application with the Planning Department for the following variances:

1. ~~A variance to exceed by 5% the maximum allowed lot coverage of 30% for a two story home in order to increase the lot coverage to 35% for the construction of a one story addition to the existing two-story home. (Variance denied).~~
2. ~~A variance to exceed by 8.1% the maximum allowed unit size of 50% for a two story home in order to increase the lot coverage to 58.1% for the construction of a one story addition to the existing two-story home. (Variance denied).~~

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 plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the project as submitted **DO NOT** satisfy the requirements of Section 118-353(d) of the Miami Beach Code. Accordingly, the Board of Adjustment has determined the following:

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 finding 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 recommendation, that the Application is **DENIED WITHOUT PREJUDICE** for the above-referenced project.

Dated this _____ day of _____, 2017.

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For the Chair

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, 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 Board of Adjustment on _____ ()

Exhibit "A"

LEGAL DESCRIPTION:

Lot 9, Block 4, FIRST ADDITION TO MID GOLF SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 161, of the Public Records of Miami-Dade County, Florida, and a portion of Lot 10, Block 4, as the aforescribed subdivision, more particularly described as follows:

From a Point of Beginning at the Northeast corner of Lot 9, run Northerly along the East Line of Lot 10, for a distance of 6 feet to a point, thence run Westerly for a distance of 150.95 feet to the Southwest corner of Lot 10, thence run Easterly along the dividing line between Lot 9 and Lot 10 for a distance of 151.70 feet to the Point of Beginning.