

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 03, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB17-0134
11 Century Lane

The applicant, Brigitte Eva Alfred LLC, is requesting Design Review Approval for the construction of a new four-story single-family residence to replace an existing one-story pre-1942 architecturally significant home, including variances from the minimum required lot size, from the required front setback for parking, from the required pedestal front, rear and both side setbacks.

RECOMMENDATION:

Approval with conditions

Approval of the variances #1, #2, and #3

LEGAL DESCRIPTION:

Lot 11 of "Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 92 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size:	2,829* SF VARIANCE REQUIRED
Existing FAR	1,190 / 0.42
Proposed FAR:	3,488 SF / 1.25
Maximum FAR:	3,536 SF / 1.25
Proposed Height:	37'-6" from BFE (4) four-story 46'-6" top of highest projection
Maximum Height:	50'-0" from BFE + Freeboard (5) five-story
CMB Grade:	4' NGVD
Base Floor Elevation:	9' NGVD
Garage Elevation:	5'-6" NGVD
Finished First Floor:	14'-6" NGVD

*As indicated on submitted survey

Surrounding Properties:

East: Two-story hotel "Standard Hotel and Spa"
North: One-story 1941 residence
South: One-story 1940 residence (DRB Approval for a second floor addition)
West: Six-story residential building "The Vistas" condominium (DRB5946 | February 1995)

HISTORY:

On July 07, 2017 the application was continued to the October 03, 2017 DRB meeting in order for the applicant to meet with concerned neighbors.

THE PROJECT:

The applicant has submitted revised plans entitled "CASA EVA 11 CENTURY LN", as prepared by **CONTIN Architecture and Design** dated, signed and sealed September 15, 2017.

The applicant is proposing to construct a new multi-story single family residence to replace an existing one-story home, including variances from the minimum required lot size, from the required front setback for parking, from the required pedestal front, rear and both side setbacks. Since the underlying zoning district is RM-1 those regulations will apply, notwithstanding the proposal for a single-family structure.

The applicant is requesting the following variance(s):

1. A variance to reduce 2,771 SF from the minimum required lot area of 5,600 SF within the RM-1 district in order to construct a new single family residence on a multifamily property with a lot area of 2,829 SF.

- Variance requested from:

Sec. 142-155. - Development regulations and area requirements.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows: Minimum Lot Area (Square Feet): 5,600 SF

The subject property is a platted, tapered shaped lot, slightly irregular in shape, containing a total area of 2,829 SF. The Code defines lot area as "*the total horizontal area within the lot lines of the lot*". The minimum lot area required by the Code for an RM-1 property is 5,600 SF. This portion of the City along Century Lane, much like the residences along Farrey Lane, is an anomaly within the RM-1 Zoning District on Belle Isle as the lots that are part and parcel of Belle Isle Villas were originally platted to this size—much smaller than typically found in the RM-1 Zoning District. The subject property is an interior lot on a block within the Subdivision which was historically platted on October 04, 1941 with the same dimensions and lot area as today. As such, a variance to construct the single family residence containing a lot area of less than 5,600 SF is required. Without the granting of this variance, the construction of a new residence, or any structure for that matter, would not be permitted. Staff finds that the size of the lot as originally platted establishes the hardship that justifies the variance request.

2. A variance to eliminate all of the required front setback of 20'-0" in order to construct parking spaces up to the front property line, facing Century Lane.

- Variance requested from:

Sec. 142-156. - Setback requirements.

(a) *The setback requirements for the RM-1 residential multifamily, low density district are as follows:*

At-grade parking lot on the same lot except where (c) below is applicable, Front: 20'-0"

The proposed single family home shall comply with the RM-1 zoning regulations, on which at-grade parking is required to be at a setback of 20'-0" from the front property line. In order to be able to park a vehicle in the front yard, a standard occurrence with single family residences, a variance is required. A front setback variance for the parking would not be required if the house were located in a single family district as parking is allowed in the front setback of 20'-0". Staff finds that the substandard lot area creates difficulties to construct a single family home, as allowed by the uses permitted in the district.

3. A variance to reduce by 10'-0" the minimum required pedestal front setback of 20'-0" in order to construct a portion of a new residence with a setback of 10'-0" from the front property line facing Century Lane.

- Variance requested from:

Sec. 142-156. Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Pedestal, Front: 20'-0"

The new structure is proposed with a front setback of 10'-0" at the second floor. The first, third and fourth floors, comply with the 20'-0" setback required. The lot area of the property is substantially below the minimum area required, as noted in the variance request #1. This condition restricts the development of the site and imposes practical difficulties when applying the minimum setbacks required for the new single family home in order to provide reasonable living areas. The existing structure has a non-conforming front setback of 10'-5" and the adjacent single family homes on this side of Century Lane also have similar setbacks which do not comply with the 20' of front setback. The minimum setback proposed of 10'-0" is consistent with the front setback of other houses in this area. Staff finds that the area and irregular shape of the property satisfy the practical difficulties criteria for the granting of the front setback variance.

The applicant has removed the following variance(s), previously requested:

- ~~4. A variance to reduce by 0'-6" the minimum required pedestal side setback of 7'-6" in order to construct a new single family home with a setback of 7'-0" from the east side property line. (Variance withdrawn)~~
- ~~5. A variance to reduce by 0'-6" the minimum required pedestal side setback of 7'-6" in order to construct a new single family home with a setback of 7'-0" from the west side property line. (Variance withdrawn)~~
- ~~6. A variance to reduce by 0'-6" the required pedestal rear setback of 5'-6" in order to construct a new residence with a setback of 5'-0" from the rear property line. (Variance withdrawn)~~

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 with the application satisfy compliance with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- 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.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the following sections of the City Code, aside from 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:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. 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.
Not Satisfied; the project requires several variances including a variance of the required front setback for parking and to waive the minimum lot size to construct a new single family home on an undersized RM-1 zoned lot.
3. 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.
Not Satisfied; the project requires several variances including a variance of the required front setback for parking and to waive the minimum lot size to construct a new single family home on an undersized RM-1 zoned lot.
4. 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 118-252.
Satisfied
5. 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 Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the project requires several variances including a variance of the required front setback for parking and to waive the minimum lot size to construct a new single family home on an undersized RM-1 zoned lot.
6. The proposed Structure, and/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
7. 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
8. 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 safely 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

9. 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

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Satisfied

11. 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

12. 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

13. 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

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

15. 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

16. 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

17. 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.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code 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
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development 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 Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied; All windows will be replaced with hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied; All windows will be operable.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.
Satisfied; Plans reflect adopted sea level rise projections in the SE FL Regional Climate Plan by raising yard elevations and building elevations above base flood levels.
- (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.
Satisfied; Design has taken into consideration the projected public right-of-way heights and will not create "bath tub" effect.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

N/A

- (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.

Satisfied; Elevator pits shall be designed with flood proofing

- (10) Where feasible and appropriate, water retention systems shall be provided.

Satisfied; as part of the civil engineering design to be provided at time of permit.

STAFF ANALYSIS:
DESIGN REVIEW

On July 07, 2017 the application was continued to the October 03, 2017 DRB meeting in order for the applicant to have adequate time to meet with concerned neighbors and address issues brought up by the Board. The applicant has submitted revised plans eliminating three of the originally requested six variances. The applicant is proposing to construct a new multi-story single family residence to replace an existing one-story home, including variances from the minimum required lot size, from the required front setback for parking, from the required pedestal front setback. The properties along Century Lane were originally developed with one-story single-family homes all constructed as part of a residential development in 1941. This residential street however, is an anomaly within the encompassing RM-1 multifamily district, which allows for multifamily developments with a maximum height of (5) five-stories and properties to be developed with a maximum FAR of 1.25. As such, any proposed modification or new construction, even that of a single-family residence would have to comply with the RM-1 zoning development regulations. The proposed residence is located on an interior lot, two houses north of Venetian Way, and will replace an existing 1941 home, single-story home.

The subject property is a slightly tapered-shaped lot that contains a total area of 2,829 SF. Given that the minimum lot area required by the Code for an RM-1 property is 5,600 SF, the subject property is both irregular in shape and deficient in lot area, imposing challenges to new construction. The architect for this project proposes a creative and elegant design for a single-family home under the RM-1 zoning regulations.

The residence is composed of varying volumes, each clad in different materials that include coral stone, stucco, and aluminum concrete screens, that appear attached to and stacked atop of one another. This playful use of massing and material is further enhanced with glazing that timidly punctures the stone cladding and brazenly dominates the stucco finished walls.

Four-stories in height, "Casa Eva" fronts Century Lane with a prominent elevated first floor that pulls towards the street to fall in-line, urbanistically, with the non-conforming front

setbacks that occur along the lane, while the predominant volume of the home recedes back into the lot. Recessed below the dominant first floor is a ground floor comprised of a covered parking area and an enclosed entry vestibule that leads to the elevated main living area. The first floor is elevated approximately 14'-6" NGVD from grade and features an open plan for dining, kitchen and parlor. More private arrangements and open terraces occur on the 2nd and 3rd levels and a rooftop amenity deck completes the stacked form.

The applicant has, since the previous submittal, lowered the structure by 3'-0" and eliminated three of the setback variances—thereby constricting the structure to well within the developable building envelope. Staff still has no outstanding design concerns and believes the house successfully addresses the Design Review Criteria. As such, staff recommends the proposal be approved as designed.

VARIANCE REVIEW

As part of the project, several variances are requested for the construction of the single family home on a site that does not conform to the minimum required 5,600 SF lot area for the RM-1 District. The proposed project could not be achieved if the lot size variance (#1) is not approved as the site would be undevelopable. In addition, variances from the front setback for the structure and from the required setback for parking, are also requested (variances #2, and #3). These variances are associated with accommodating a comfortable residence and the lot size. Staff is supportive of these variances, as all of these relate to practical difficulties created by the existing conditions of the historically platted lot. In summary, staff recommends approval of variances #1, #2, and #3 with conditions.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and variances #1, #2, and #3 subject to the following 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.

TRM/JGM/IV/FSC/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 03, 2017

FILE NO: DRB17-0134

PROPERTY: **11 Century Lane**

APPLICANT: Brigitte Eva Alfred LLC

LEGAL: Lot 11 of "Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 92 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new four-story single-family residence to replace an existing one-story pre-1942 architecturally significant home, including variances from the minimum required lot size, from the pedestal front, rear and both side setbacks, and a variance to eliminate all of the required front setback of 20'-0" in order to construct parking area up to the front (southwest) property line, facing Century Lane.

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. 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 2, 3, 5 and 9 in Section 118-251 of the Miami Beach Code.
- 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 Sea Level Rise Criteria 1, 3, 5, and 10 in Section 133-50(a) of the Miami Beach Code
- C. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and reviewed by staff, at a minimum, such drawings shall incorporate the following:
 - a. The final design details of all exterior surface 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. The final design details and color selection of the stone wall finish shall be submitted, in a manner to be reviewed and approved by staff. The stone cladding proposed along the façades of the residence, identified as “coral stone veneer”, shall consist of a natural keystone or other natural stone, in a manner to be reviewed and approved by staff consistent.
 - c. The final design details and color selection of the concrete or aluminium brise soleil screening element shall be submitted, in a manner to be reviewed and approved by staff.
 - d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view on all sides, in a manner to be approved by staff.
 - e. 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.
 - f. 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 site plan, 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 plan shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. The driveway shall be constructed of an erosion resistant material and the paved area shall be kept to the minimum required for a drive aisle width, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required 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.

- d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- e. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by 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 to reduce 2,771 SF from the minimum required lot area of 5,600 SF within the RM-1 district in order to construct a new single family residence on a multifamily property with a lot area of 2,829 SF.
 - 2. A variance to eliminate all of the required front setback of 20'-0" in order to construct parking spaces up to the front property line, facing Century Lane.
 - 3. A variance to reduce by 10'-0" the minimum required pedestal front setback of 20'-0" in order to construct a portion of a new residence with a setback of 10'-0" from the front property line facing Century Lane.

4. ~~A variance to reduce by 0' 6" the minimum required pedestal side setback of 7' 6" in order to construct a new single family home with a setback of 7' 0" from the east side property line. (Variance withdrawn)~~
 5. ~~A variance to reduce by 0' 6" the minimum required pedestal side setback of 7' 6" in order to construct a new single family home with a setback of 7' 0" from the west side property line. (Variance withdrawn)~~
 6. ~~A variance to reduce by 0' 6" the required pedestal rear setback of 5' 6" in order to construct a new residence with a setback of 5' 0" from the rear property line. (Variance withdrawn)~~
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, 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.
- The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:
- 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.
- C. The Board hereby **Approves** the Variance requests and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

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. During Construction work, the Applicant will maintain gravel at the front of the construction site to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 8'-0" high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. 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. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 "CASA EVA 11 CENTURY LN", as prepared by **CONTIN Architecture and Design** dated, signed and sealed September 15, 2017, 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 Chapter 118 of the City Code, 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 118 of the City Code, 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 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY

