

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

MEETING DATE: October 03, 2017

FILE NO: DRB17-0166

PROPERTY: **4000 Alton Road: Talmudic University School Fence**

APPLICANT: M-4000 Alton Owner, LLC and Talmudic Coll 4000 Alton Rd, Inc.

LEGAL: See Attachment "A"

IN RE: The Application for Design Review Approval for the replacement of the existing fence and installation of a new fence along portions of the perimeter of the property including a variance to exceed the maximum allowed height for a fence within required yards.

**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 118-252(a) of the Miami Beach Code. 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 2, 3, and 5 in Section 118-251 of the Miami Beach Code.
- 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 inconsistent with Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. 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 for the proposed fencing at 4000 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The final finished color of the fence shall be limited to natural aluminum or silver or grey.



- b. Final details of all fencing shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The proposed 'curly' detailing at the top of the fence shall be removed and substituted with a standard picket detail, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. No 'points' or 'spearheads' shall be permitted on top of the vertical pickets.
- e. Any new exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- f. 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.
- g. 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.

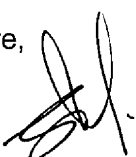
**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

**I. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  - 1. A variance to exceed by 3'-11" the maximum allowed height of 5'-0" for a fence located adjacent to the front property line in order to construct a fence and gates up to 8'-11" (12.73' NGVD) in height measured from grade of 3.83' NGVD facing a street.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as it relates to Variances II.A.1A and II.A1B allowing the granting of the variances 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, as it relates to the variances as noted above:

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 request(s), 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. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.



- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "Talmudic University property located at 4100 Alton Road", as prepared by **Cesar I. Castillo, P. E.** dated, signed, and sealed August 4, 2017, and as approved by the Design Review Board, as determined by staff.

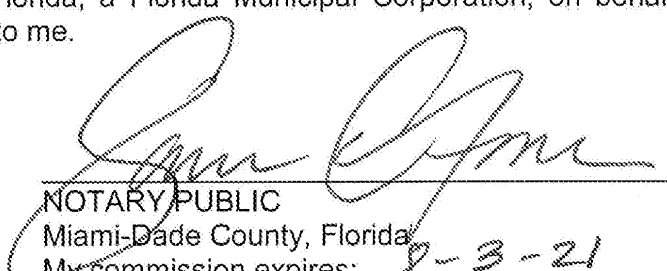
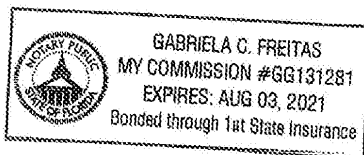

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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 06 day of October, 2017.DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDABY: JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIRSTATE OF FLORIDA           )  
  )SS  
COUNTY OF MIAMI-DADE   )The foregoing instrument was acknowledged before me this 6 day of October, 2017 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 8-3-21Approved As To Form:  
City Attorney's Office: Filed with the Clerk of the Design Review Board on 10/6/17 

(10/6/17)



**Attachment A:****Full Legal Description for 4000 Alton Road:**

NAUTILUS SUB PB 8-95  
LOTS 52-53-54 LESS R/W BLK 1 &  
LOT E PER PB 35-46  
& PORT OF LOT 55 BLK 1 DESC AS  
BEG 26FTW IN SE COR OF LOT 54  
BLK 1 CONT N 80 DEG W 149.93FT  
SELY AD 62.62FT S 76 DEG E  
72.65FT N 41 DEG E 48FT TO POB &  
COMM SE COR OF LOT 54 BLK 1 TH  
N 80 DEG W 175.93FT NWLY AD  
41.77FT N 54 DEG W 34.06FT FOR  
POB CONT N 54 DEG W 128.73FT N  
23 DEG E 161.81FT N 05 DEG W  
62.09FT N 55 DEG E 45.03FT S 05  
DEG E 146.08FT S 00 DEG W  
101.19FT S 04 DEG W 64.92FT TO  
POB & COMM SE COR OF LOT 54  
BLK 1 TH N 80 DEG W 175.93FT  
NWLY AD 41.77FT N 54 DEG W  
34.06FT N 04 DEG E 64.92FT N 00  
DEG E 101.19FT N 05 DEG W  
103.61FT FOR POB TH N 05 DEG W  
42.47FT N 55 DEG E 69.95FT S 25  
DEG E 78.82FT N 67 DEG E 95.22FT  
S 09 DEG W 74.16FT N 80 DEG W  
165.54FT TO POB & LESS BEG SE  
COR OF LOT 54 TH N 09 DEG E  
228.03FT N 80 DEG W 269.11FT N  
09 DEG E 144.42FT S 55 DEG W  
90.82FT S 05 DEG E 62.09FT S 23  
DEG W 161.81FT S 54 DEG E  
162.79FT SELY AD 104.39FT S 76  
DEG E 72.65FT N 41 DEG E 48FT  
S 80 DEG E 26FT TO POB  
LOT SIZE 49085 SQ FT M/L

**Full Legal Description for 3900 Alton Road:****OVERALL PARCEL - SOUTH SITE:**

All of Lot 53 and a portion of Lots 52, 54 and 55, Block 1 of NAUTILUS SUBDIVISION, according to the Plat thereof as recorded in Plat Book 8 at Page 95, and a portion of Lot D of RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, according to the Plat thereof as recorded in Plat Book 35 at Page 46 of the Public Records of Miami - Dade County, Florida, and a portion of Sections 22 and 27 in Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida, and being more particularly described as follows:

Begin at the Southeast corner of said Lot 54 of Block 1 of NAUTILUS SUBDIVISION; thence North 09° 11' 22" East along the Easterly line of said Lots 52, 53 and 54, also being the Westerly Right-of-Way line of Alton Road (State Road 907) as shown on the Florida Department of Transportation Right-of-Way Map Section 87090-2402 dated 12-2009, Sheet 16 of 18, for 228.03 feet; thence North 80° 48' 38" West for 269.11 feet; thence North 09° 11' 22" East for 144.42 feet; thence South 55° 48' 22" West along the Southeasterly Right-of-Way line of the Julia Tuttle Causeway per State Road 112/1-195 of said Florida Department of Transportation Right-of-Way Map Section No. 87090-2402, Sheet 16 of 18, for 90.82 feet; thence South 05° 59' 58" East for 62.09 feet; thence South 23° 11' 59" West for 161.81 feet; the following two (2) courses being along the Northerly boundary of Alton Road (State Road No. 25), as shown on said Florida Department of Transportation Right-of-Way Map; (1) South 54° 07' 39" East for 162.79 feet to a point on a circular curve; (2) thence Southeasterly along a 600.92 foot radius curve leading to the right, through a central angle of 09° 57' 10" for an arc distance of 104.39 feet; thence South 76° 03' 16" East for 72.65 feet; thence North 41° 11' 22" East along the existing Limited Access Right-of-Way line of the Westerly Right-of-Way line of said Alton Road (State Road 907) as shown on said Right-of-Way Map Section 87090-2402 for 48.00 feet; thence South 80° 48' 38" East along the Southerly line of said Lot 54 for 26.00 feet to the Point of Beginning.