

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

PROPERTY: 1620 Daytonia Road

FILE NO. ZBA17-0042

IN RE: The application for a variance to allow storage of a recreational vehicle (RV) within the front yard of the single family property including partial visibility of the vehicle from the street.

LEGAL

DESCRIPTION: Lot 23, Block 3, of "Biscayne Point Subdivision", According to the Plat Thereof, as recorded in Plat Book 14 at Page 35 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: October 6, 2017

ORDER

The applicant, Yohama Lorenzo, filed an application with the Planning Department for the following variance:

1. A variance to allow the storage of a recreational vehicle (RV) at 16'-0" from the front property line including partial visibility of the vehicle from the street.

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 satisfies 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.

B. The Board hereby **Approves** the requested variance and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. The recreational vehicle, when parked on the property, shall be parked in the manner and location as shown on the plans submitted with this application. Modifications to the size or parking configuration of the recreational vehicle, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval, even if the modifications do not affect variances approved by the Board.
2. The conditions of approval herein are binding on the applicant, the property's owners and all successors in interest and assigns.
3. 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.
4. 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, except to the extent of the variance(s) granted herein.
5. The Final Order shall be recorded in the Public Records of Miami-Dade County.

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.

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 staff recommendations, as modified by the Board of Adjustment, that the application for Variance(s) Approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B (Condition Nos. 1-5, inclusive) hereof, to which the applicant has agreed.

Meeting Date: October 6, 2017

ZBA17-0042

PROVIDED, the applicant shall store the recreational vehicle in accordance with the plans approved by the Board of Adjustment, signed and sealed July 5, 2017.

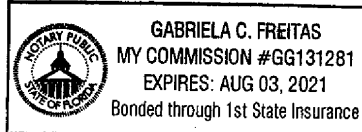
Dated this 6th day of OCTOBER, 2017.

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
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 6 day of October, 2017, 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: Gabriela C. Freitas
Print Name: Gabriela C. Freitas
Notary Public, State of Florida
My Commission Expires: 8-3-21
Commission Number: GG131281

Approved As To Form: Nick Kallegis 10/6/2017
City Attorney's Office

Filed with the Clerk of the Board of Adjustment on Jessalmy (10/6/17)

MB