


MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: December 01, 2017 Meeting

RE: File No. ZBA17-0052
5300 La Gorce Drive – Single Family Residence

The applicants, Matthew D. Shore and Shari Shore, are requesting variances to reduce the required street side setback, to reduce the required open space, and to exceed the maximum allowed lot coverage and unit size for the construction of a new two-story addition, and to reduce the front and side setbacks for mechanical equipment as part of the renovations to the two-story single family home.

STAFF RECOMMENDATION:

Approval of the variances with conditions.

HISTORY:

On November 3, 2017, the Board continued the application to a date certain of December 1, 2017.

LEGAL DESCRIPTION:

Lot 1, Block 11, of "Beach View Subdivision", According to the Plat Thereof, as recorded in Plat Book 9 at Page 158 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	RS-4
Future Zoning-	RS
Lot Size -	7,321 SF
Lot Coverage	
Existing-	2,316 SF / 32%
Proposed	3,445 SF / 47%*
Maximum-	2,928 SF / 40%
Unit size	
Existing-	4,523 SF / 61.7%
Proposed-	5,180 SF / 70.7%*
Maximum-	4,392 SF / 60%
Height-	
Existing-	two-story - sloped roof
Proposed-	same

EXISTING STRUCTURE:

Year Constructed:	1925
Architect:	Unknown
Vacant Lot:	No
Demolition:	Partial

* Variances requested by the applicant.

THE PROJECT:

The applicant has submitted plans entitled "Proposed Additions and Renovations for: The Shore Residence", as prepared by The Weber Studio, signed and sealed September 22, 2017.

The applicant is requesting approval for variances from the required street side setback, from the required open space on a street side yard, from the maximum lot coverage and unit size required from the required front and interior side setbacks for the installation of mechanical equipment in order to construct an attached two-story addition to the existing two-story single family home.

The applicant is requesting the following variance(s):

1. A variance to reduce by 8'-2" the minimum required street side setback of 15'-0" in order to construct a two-story addition at 6'-10" from the side property line facing 53rd Street.
2. A variance to reduce by 1% (15 sf) the minimum required landscaped pervious open space required of 50% (895 sf) within a side yard facing a street in order to provide an open space of 49% (880 sf.) within the street side yard facing 53rd Street.

- Variances requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(2) Side yards:

b. Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater. Also, at least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space.

The applicant is proposing a two-story addition on the street side facing 53rd Street for a two-car garage and living area at the second floor. As proposed, the addition follows the non-conforming street side setback of the house and result in variance request #1. The rear setback of the addition aligning with the existing building line is setback at approximately 30'-0" from the rear property line where 20' is required. The existing driveway and pool deck will be modified and reduced to increase the landscaping on the site. However, the impervious area proposed exceeds by 1% the maximum open space required resulting in variance #2. Staff is supportive of the variances requested and recommends that the driveway be composed of permeable pavers or other materials that allow on-site drainage.

The new floor area, although requiring a setback variance, is proposed in a manner that is compatible with the architecture of the existing home and with minimum impact on the architecturally significant home, originally constructed in 1925. The retained home with non-conforming side setbacks, and the location of the pool at the rear effectively dictate the available area for an addition. Staff finds that these conditions and the retention of the structure create practical difficulties that result in the requested variances.

3. A variance to exceed by 7% the maximum allowed lot coverage of 40% for a property containing a two-story single family home constructed prior to 1942, in order to increase the lot coverage to 47% for the construction of a two-story attached addition to the existing two-story home.

- Variance requested from:

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

(g) New construction requirements for properties containing a single-family home constructed prior to 1942.

(2) Regulations for additions to architecturally significant homes which are substantially retained and preserved. In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:

b. Lot coverage. The total lot coverage may be increased to, but shall not exceed 40 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. In the event the lot coverage of the existing structure exceeds 40 percent, no variance shall be required to retain and preserve the existing lot coverage and a second level addition shall be permitted, provided it does not exceed 60 percent of the footprint of the existing structure; no lot coverage variance shall be required for such addition.

- Supplemental Section:

Sec. 142-105. - Development regulations and area requirements.

(5) Lot coverage (building footprint).

c. Calculating lot coverage. For purposes of calculating lot coverage, the footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof. Internal courtyards, which are open to the sky, but which are substantially enclosed by the structure on three or more sides, shall be included in the lot coverage calculation.

As an architecturally significant two-story structure constructed prior to 1942, the house has a maximum lot coverage of 40%. The existing home currently has a lot coverage of 32% and the new two-story addition increases the lot coverage up to 47% due to the new courtyard created as a result of the new configuration. The courtyard area, enclosed on three sides is required to be included as part of the lot coverage calculations. Excluding the courtyard area, the actual enclosed structure is 2,886 s.f which represents a lot coverage of 39%, below the maximum 40% allowed, as noted on page A0.4 of the plans submitted.

The intent of the Code regarding lot coverage and courtyard areas, is to avoid the perception of a large building as seen from the street, adjacent properties or the waterway. The project as proposed is in keeping with the intent of this requirement, based on the height and massing provided. Staff finds that the retention of the architecturally significant home with non-conforming setbacks and the pool location impose practical difficulties that justify the proposed location of the addition and the variance requested.

4. A variance to exceed by 10.7% the maximum allowed unit size of 60% for a property containing a two-story single family home constructed prior to 1942, in order to increase the unit size to 70.7% for the construction of a one two-story addition to the existing two-story home.

- Variance requested from:

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

(g) New construction requirements for properties containing a single-family home constructed prior to 1942.

(2) Regulations for additions to architecturally significant homes which are substantially retained and preserved. In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:

c. Unit size. The total unit size may be increased to, but shall not exceed 60 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

The existing home is non-conforming regarding the unit size (61.8% of the lot area). The addition of the living area above the garage contribute to the proposed unit size of 70%. Although a variance is required for this addition, the two-story volume creates a symmetry with the two-story volume at the corner that is compatible with the original. The proportions and height of the addition comply with the Design Review Criteria for additions to architecturally significant homes for which staff is supportive of this variance. The new floor area is located adjacent to a street end near the Golf Course and no abutting neighboring property, therefore the impact on the surrounding area is minimum. Further, although the variance is for unit size, because the height of the existing home with the additions is much lower in height compared to what could be constructed for a new 2-story home, the overall massing and volume of the proposed project is lower in overall volume and massing compared to a new home with a unit size of 50%. Staff finds that the retention of the architecturally significant home and its existing configuration, impose significant design implications and creates practical difficulties that result in the variance request.

5. A variance to reduce by 10'-0" the minimum required front setback of 20'-0" for mechanical equipment in order to install a generator at 10'-0" from the front property line.

6. A variance to reduce by 1'-7" the minimum required interior side setback of 5'-0" for mechanical equipment in order to install two air conditioning units at 3'-5" from the north side property line.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(f) Central air conditioners, emergency generators and other mechanical equipment. Accessory central air conditioners, generators and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, in single-family, townhome, or in the RM-1 residential multifamily low intensity districts, provided that:

(1) They are not closer than five feet to a rear or interior side lot line or ten feet to a side lot line facing a street.

Two variances are required for the installment of two(2) air conditioning units to the existing building walls and for the installation of a generator at the front of the property. Variance #5 pertains to the new generator proposed to be located at 10' from the front property line. A solid fence is proposed to limit its visibility from the street. Staff finds that the existing conditions of the site containing a pre-1942 home with non-conforming setbacks on the north and south sides, a 5-foot utility easement at the rear and the pool location with surrounding clearance requirements, create practical difficulties that result in the variance requested, in order to install a new generator as part of reasonable improvements to the site. The additions proposed to this architecturally significant home will allow the preservation and utilization of the property for many years to come.

Variance #6 is related to the installation of two(2) air conditioning units in the north side yard. There are currently four(4) other mechanical units on the side yard. Some of the existing units have been previously replaced in the same location with mechanical building permits. Staff has no objection to the applicant's request as there is evidence that mechanical equipment has been approved at this location and that with the appropriate landscape screening of a minimum height of 8 feet at the time of installation along the mechanical equipment, the new units should not have a negative impact on the adjacent neighboring property.

Staff would also recommend that in the event Code Compliance receives complaints of unreasonably loud noise from the mechanical equipment, and determines the complaints to be valid, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff.

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, 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. **In this case, the requested variances are necessary in order to satisfy the Design Review Criteria and not to adversely impact the existing architecturally significant home.**

Additionally, staff has concluded that the plans and documents with the application comply 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 inconsistent with the following sections of the City Code, aside from the requested variances.

1. Section 142-1132(o)(9). The proposed projection for a bay window at the second floor facing the street can not be part of an extended floor slab. The projection would have to be at a minimum 18" above the finish floor elevation and cannot be extended to the underneath of the roof.

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 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 Applicable.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (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.
Not Applicable
- (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
- (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.
Not Applicable.
- (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
Flood proofing is required by the Florida Building Code.
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Applicable

STAFF ANALYSIS:

The subject site is a corner lot containing a two-story residence constructed in 1925. There are no records of additions or significant work done on the property throughout the years, in the Building Department records, except for the construction of a pool and deck in 2011. The applicant is proposing a two-story addition that would replace a canvas and pipe carport with a two-car garage at the first floor and living area on the second floor. A new air conditioning unit and a generator are also included as part of the project.

The addition is located in a manner that creates the least impact on the existing building and on the neighboring properties, in order to satisfy the Design Review Criteria. The retention of the architecturally significant structure with non-conforming setbacks and unit size, is directly related to the variance requests #1, #2, #3 and #4, as the new layout continues the existing building lines and creates an open courtyard that contribute to the excess in lot coverage. The existing structure, existing setbacks and reduced yard areas with a 5-foot utility easement at the rear also trigger the need for variances #4 and #5 for the installation of needed mechanical equipment. As the addition will be placed on the most reasonable location, while preserving the pre-1942 architecturally significant structure, staff has no objection to the applicant's requests and recommends that all variances be approved conditioned to the removal of the existing hedge and existing chain link fence located in the right of way.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the variance(s) as requested, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, as applicable.

TRM:MAB:IV

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

PROPERTY: 5300 La Gorce Drive

FILE NO. ZBA17-0052

IN RE: The application for variances to reduce the required street side setback, to reduce the required open space, and to exceed the maximum allowed lot coverage and unit size for the construction of a new two-story addition, and to reduce the front and side setbacks for mechanical equipment as part of the renovations to the two-story single family home.

LEGAL

DESCRIPTION: Lot 1, Block 11, of "Beach View Subdivision", According to the Plat Thereof, as recorded in Plat Book 9 at Page 158 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: December 1, 2017.

ORDER

The applicants, Matthew D. Shore and Shari Shore, filed an application with the Planning Department for the following variances:

1. A variance to reduce by 8'-2" the minimum required street side setback of 15'-0" in order to construct a two-story addition at 6'-10" from the side property line facing 53rd Street.
2. A variance to reduce by 1% (15 sf) the minimum required landscaped pervious open space required of 50% (895 sf) within a side yard facing a street in order to provide an open space of 49% (880 sf.) within the street side yard facing 53rd Street.
3. A variance to exceed by 7% the maximum allowed lot coverage of 40% for a property containing a two-story single family home constructed prior to 1942, in order to increase the lot coverage to 47% for the construction of a two-story attached addition to the existing two-story home.
4. A variance to exceed by 10.7% the maximum allowed unit size of 60% for a property containing a two-story single family home constructed prior to 1942, in order to increase the unit size to 70.7% for the construction of a one two-story addition to the existing two-story home.
5. A variance to reduce by 10'-0" the minimum required front setback of 20'-0" for mechanical equipment in order to install a generator at 10'-0" from the front property line.
6. A variance to reduce by 1'-7" the minimum required interior side setback of 5'-0" for mechanical equipment in order to install two air conditioning equipments at 3'-5" from the north side property line.

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 variances 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.
2. The existing chain link fence and hedges located in the public right-of way shall be removed.
3. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident

involving a motor vehicle or other instrumentality due to the proximity of the buildings to the public right-of-way.

4. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from the mechanical equipment or generator, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff
5. A revised landscape plan, 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. Hedge material with a minimum height of 8 feet at the time of installation along the new mechanical equipment and extending toward the west and east side at least 5 feet beyond the units shall be provided, in a manner to be reviewed and approved by staff. The height of the plant material at the time of planting may be modified at the discretion of staff depending upon the type of plant material.
 - c. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - d. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - e. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.

- f. Canopy shade trees as required by code should be provided in the public ROW subject to the review and approval of the Urban Forestry Division and the Planning Department
 - g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor 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.
 - h. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material 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.
 - j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material 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.
 - k. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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.
- 6. 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.
 - 7. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 - 8. The applicant shall comply with all conditions imposed by the Public Works Department.
 - 9. 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.
 - 10. The conditions of approval herein are binding on the applicant, the property's owners and all successors in interest and assigns.

11. 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.
12. 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.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

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. 1-13, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "Proposed Additions and Renovations for: The Shore Residence", as prepared by The Weber Studio, signed and sealed September 22, 2017, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of this Order 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 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 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 Variance Approval was granted, the subject Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in

accordance with the applicable Building Code), and not reinstated by the Building Official or designee, the Variance Approval will expire and become null and void.

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 _____ ()