

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: January 9, 2018

FILE NO: HPB17-0147

PROPERTY: 3201 Collins Avenue

APPLICANT: 3201 Hotel, LLC.

LEGAL: All of Block 17 of Ocean Front Property on the Miami Beach Improvement Company's Subdivision according to the plat recorded in plat book 5, pages 7 & 8 of the Official Records of Miami-Dade County, and also all of that part of a strip of land formerly a public alley, which lies between lots 1, 2, 3, & 4 of Block 17 on the east side thereof and lots 5, 6, 7, & 8 on the west side thereof, together with all of lots 1, 2, 5, and 6 in block 19 of Ocean Front Property on the Miami Beach Improvement Company's Subdivision according to the plat recorded in plat book 5, pages 7 & 8 of the public records of Miami Dade County, Florida.

IN RE: The application for after-the-fact variances to reduce the required rear setback, to exceed the maximum width for a walkway and to exceed the maximum area for structures within the Dune Preservation Overlay District, to reduce the required setback from the Bulkhead Line, to reduce the minimum required lot coverage and minimum view corridor within the Oceanfront Overlay District in order to retain miscellaneous structures within the rear of the property facing the Ocean.

ORDER

The City of Miami Beach Historic Preservation 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. Certificate of Appropriateness

A. Certificate of Appropriateness has not been requested as part of this application.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. An after-the-fact variance to exceed by 312 square feet the maximum 400 square feet of area allowed for structures in order to retain a wood deck with an area of 721 square feet located within the Dune Preservation Overlay District.
 2. An after-the-fact variance to reduce by 7'-2" the minimum required setback of 10'-0" from the Erosion Control Line in order to retain a wood deck and canopy

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structures at a minimum of 2'-10" from the Erosion Control Line on the Dune Preservation Overlay District.

3. An after-the-fact variance to exceed by 3'-0" the maximum width of 6'-0" for walkways located within the Dune Preservation Overlay District in order to retain a walkway with a width of 9'-0".
 4. An after-the-fact variance to eliminate all required setback of 10'-0" from the Bulkhead Line in order to retain the pool deck up to the Bulkhead Line within the Oceanfront Overlay District.
 5. An after-the-fact variance to reduce by 5% (955 square feet) the minimum required lot coverage of 50% (10,335 square feet) in order to retain the pool deck, walkways and other miscellaneous structures and provide an open space of 45% (9,380 square feet) within the Oceanfront Preservation Overlay District.
 6. An after-the-fact variance to reduce by 8.6% (36.5 feet) the minimum required view corridors of 50% (213.2 feet) in order to retain miscellaneous structures and provide a view corridor of 41.4% (176.5 feet)
- B. 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

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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 requested variance(s) and imposes the following condition 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. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. 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.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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

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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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans "Faena Hotel and Faena House - after-the-fact variances for improvements in the Dune Preservation and Oceanfront Overlay Zones" as prepared by Geomantic Designs, Inc., dated November 9, 2017, and as approved by the Historic Preservation 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 set forth in this Order. 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 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 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 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 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), 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 16 day of January, 2018.

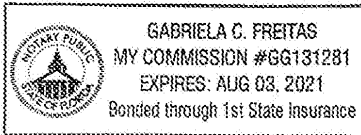
HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: 
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

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STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 16th day of January 2018 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 8-3-21

Approved As To Form:
City Attorney's Office: Nick Stalleris (1/11/2018)

Filed with the Clerk of the Historic Preservation Board on Jessie Gully (1/16/18)

[Handwritten mark]