

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 06, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0323
4354 Alton Road – SOUTH PARCEL

DRB18-0322, 4354 Alton Road (SOUTH PARCEL). The applicant, 4354 Homes LLC, is requesting Design Review Approval for the construction of a new two-story residence on the south side of a vacant property previously containing an existing pre-1942 architecturally significant two-story residence including one or more waivers and variances from the required interior side and sum of side setbacks. This application is subject to the approval of a lot split application pending before the Planning Board.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

Lot 20 of Block 6, of "PLAT OF NAUTILUS SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.

HISTORY:

The subject parcel is the southern portion of a property that was part of an application for a division of land that was heard and approved by the Planning Board on September 25, 2018 (PB18-0215).

PREVIOUS BUILDING:

The structure previously located at 4354 Alton Road was constructed in 1925, and designed by Borg & Roller for Robert N. Gifford. The Mediterranean-Revival residence consisted of a two-story, 14-room structure that served as the Polo Club House for five years when the Polo fields were moved out of the Spanish Village to the Nautilus subdivision. The Polo Club opened Christmas Day in 1925 on the grounds known as Nautilus 1, 2, 3, and 4. The Polo Club subsequently relocated to Gulf Stream in 1930. In July 2014, an emergency demolition order was issued for the pre-1942 architecturally significant, two-story single family residence on the site.

SITE DATA:

Zoning: ⁴ RS-4
Future Land Use: RS
Lot Size: 6,500 SF
Lot Coverage:
Proposed: 1,815 SF / **28%**
Maximum: 1,950 SF / 30%
Unit size:
Proposed: 3,250 SF / **50%**

Maximum: 3,250 SF / **50%**
2nd Floor to 1st: 100.8%*
***DRB WAIVER**

Height:
Proposed: 24'-0" flat roof
Maximum: 24'-0" flat roof

Grade: +3.90' NGVD
Base Flood Elevation: +8.00' NGVD

Difference: 4.1'
Adjusted Grade: +5.95' NGVD
30" (+2.5') Above Grade: +6.4 NGVD
First Floor Elevation: +9.00' NGVD
(BFE+1'FB)

SURROUNDING PROPERTIES:

East: Two-Story 1938 Residence
North: DRB18-0322 | New Two-Story
Residence
South: Vacant lot
West: Two-Story 1937 Residence

THE PROJECT:

The applicant has submitted plans entitled "Alton Road Residence", as prepared by **MC+G Architecture + Planning**; signed, sealed and dated September 07, 2018.

The applicant is proposing to construct a new two-story single family home on an interior lot slightly wedge-shaped resultant of an approved lot split, and variances from the required interior side setbacks and sum of the side setbacks.

The applicant is requesting the following waiver:

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b) (4) (c).

The applicant is requesting the following variance(s):

1. A variance to reduce 2'-6" of the minimum required 10'-0" interior side (south) setback in order to construct the new single family residence at 7'-6" from the property line.
2. A variance to reduce 2'-6" of the minimum required 10'-0" interior side (north) setback in order to construct the new single family residence at 7'-6" from the property line.

- 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: c. Interior sides. For lots greater than 60'-0" in width any one interior side yard shall have a minimum of 10% of the lot width or 10'-0", whichever is greater. For lots 60'-0" in width or less, any one interior side yard shall have a minimum of 7'-6".

3. A variance to reduce by 5'-0" the minimum required sum of the side yards of 20'-0" in order to provide a sum of the side yards of 15'-0".

- Variance requested from:

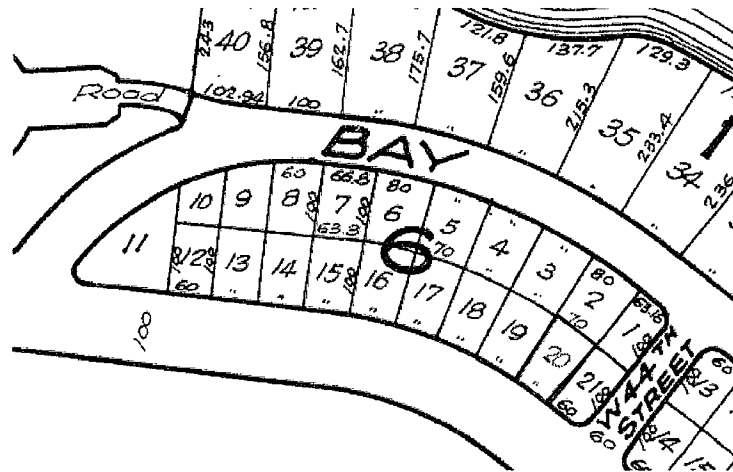
Sec. 142-106. Setback requirements for a single-family detached dwelling.

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:

a. The sum of the required side yards shall be at least 25 % of the lot width.

As a result of the approved lot split, the subject property has been divided along original platted lot lines (lots 20 and 21 of Block 6). The lot has a front property line with a width of 60'-0" and the property line has a width of 70'-0". However, the lot width base for the calculation of side setbacks is measured at the 20' from the front property line, which in this case is approximately 63' in length, larger than 60' and requires a side setback of 10'-0" on both interior sides. The applicant is proposing 7'-6" interior side setbacks as if the property were 60'-0" wide. Staff finds that the irregular shape of the lot, create the practical difficulties that result in the need for the variances requested. As such, staff is supportive of variances #1, #2 and #3 as they are fundamentally linked to one another.



Portion of the March 01, 1923 Plat of Nautilus Subdivision (subject property Lot 20 of Block 6)

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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 of Adjustment 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.

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:

- For two story residences with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main residence, exclusive of any enclosed required parking area and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a 2nd Floor Volume to 1st of 101% with a 28% lot coverage, which will require a waiver from the DRB.**

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.
Not Satisfied; the applicant is requesting one design waiver and three (3) variances to be granted by the Board.
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 applicant is requesting one design waiver and three (3) variances to be granted by the Board.

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 applicant is requesting one design waiver and three (3) variances to be granted by the Board.
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.
Not Satisfied; the applicant is requesting one design waiver and three (3) variances to be granted by the Board.
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 applicant is requesting one design waiver and three (3) variances to be granted by the Board.
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.
Not Satisfied; the applicant is requesting one design waiver and three (3) variances to be granted by the Board.
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; a lighting plan has not been submitted.

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).
Not Satisfied; the applicant is requesting one design waiver and three (3) variances to be granted by the Board.
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).
Not Applicable
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
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Satisfied
- (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.
Not Satisfied
Sea Level Rise projections were not taken into account.
- (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

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

Not Satisfied; as part of the civil engineering design to be provided at time of permit.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing to construct a new two-story residence on a vacant site. The subject parcel is the southern portion of a property that was part of an application for a division of land that was heard and approved by the Planning Board on September 25, 2018 (PB18-0215). A design waiver and three variances are being sought as part of this application.

The proposed new two-story residence is located on an interior, dry lot on Alton Road. With a lot coverage of 28%, the home has not been designed with a garage, but has provided two (2) on-site parking spacing within the front yard, along with sufficient space for a car to maneuver onto Alton Road head first.

The proposed residence is designed in a contemporary architectural style. Predominantly rectilinear in form, the home is accented by horizontal concrete bands that run the perimeter of the structure as eyebrows above the first and second stories, and as a cantilevered concrete deck on the ground floor. Finished in white stucco, the residence is detailed with vertical wood elements and tall, black anodized aluminum window and openings; and projecting glass balconies at the front and rear facades. The front (east) façade is clad along the majority of the ground floor with vertical wood siding, within which is set a camouflaged front entry door; and detailed at its southern corner with wood slats screens. The rear (west) elevation is largely composed of glazing, symmetrically aligned, and surrounded by vertical wood siding. The materiality dominant along the principal elevations wraps around and bookends the associated side elevations. The wood finishes and projecting planes of the balconies add richness and movement to the modestly designed home.

The applicant is requesting one design waiver that pertains to the second floor to first floor volume ratio. Since the proposal has a lot coverage of over 25%, any second floor massing is restricted to 70% of the first floor unless a waiver is approved by the DRB. At 100.8% of the first floor volume, the second floor, as designed, exceeds the restricted percentage by 30%. The rectilinear massing of the two-story home sits uncomfortably on the interior parcel. The proposed design, with a coterminous second floor volume, would be more appropriate on a larger parcel or with a reduced footprint. Accordingly; staff does not support the waiver, and recommends that the lot coverage be reduced to less than 25% of the site.

VARIANCE REVIEW

As previously mentioned under 'Project' section of the report, this block of Alton Road is within the plat for Nautilus Subdivision which was originally platted in the early 1920s along the existing property lines. The subject property is the southern half of a division of land approval that divided lots 20 and 21 along the platted lot lines. Staff finds that the requests for variance #1, #2, and #3 meet the criteria for practical difficulties as noted in the variance description part of this report; as such staff recommends approval of the variance requests.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

TRM/JGM/FSC

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: November 06, 2018

FILE NO: DRB18-0323

PROPERTY: **4354 Alton Road—SOUTH PARCEL**

APPLICANT: 4354 Residences LLC

LEGAL: Lot 20 of Block 6, of "PLAT OF NAUTILUS SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story residence on the south side of a vacant property previously containing an existing pre-1942 architecturally significant two-story residence including one or more waivers and variances from the required interior side and sum of side setbacks.

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 1, 2, 3, 4, 5, 6, 12, and 19 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 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. The property shall comply with all of the conditions of the lot split approval enumerated in the Final Order for PB18-0215 dated September 25, 2018 for the division of land application.

- a. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Longitude Survey, dated 07-26-2018.
2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 4354 Alton Road_SOUTH shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. With the exception of the interior side and sum of the side setback variances for the principal structure, the residence shall be designed to comply with all of the underlying zoning regulations.
 - b. The 70% limitation for the second floor volume **shall not** be waived as proposed; the architect shall either reduce the massing of the second floor to comply with the percentage allowance or reduce the footprint to less than 25% lot coverage.
 - c. The proposed driveway layout on the south lot (Lot 20) shall be designed in such a manner to accommodate the maneuvering of vehicles inside the property, subject to the review and approval of staff. Backing into or backing out of the site (from Alton Road) shall not be permitted.
 - d. The stone cladding proposed along the façades of the residence shall consist of a natural keystone or other natural stone, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The final design details and color selection of the vertical and horizontal “ornamental aluminum” cladding proposed finish 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.
 - f. The final design details of the exterior 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.
 - g. 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.
 - h. 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.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans 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 plans shall

comply with Chapter 26-Landscape Requirements of the Miami Beach Code and 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. 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.
- c. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
- d. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- e. 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.
- f. 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.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

- j. 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.
- k. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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.
- m. 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.
- n. 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.

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'-6" of the minimum required 10'-0" interior side (south) setback in order to construct the new single family residence at 7'-6" from the property line.
 - 2. A variance to reduce 2'-6" of the minimum required 10'-0" interior side (north) setback in order to construct the new single family residence at 7'-6" from the property line.
 - 3. A variance to reduce by 5'-0" the minimum required sum of the side yards of 20'-0" in order to provide a sum of the side yards of 15'-0".

- 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 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.

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. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front 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.
- C. If applicable, 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.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- 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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "Alton Road Residence", as prepared by **MC+G Architecture + Planning**; signed, sealed and dated September 07, 2018, 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_____.

