

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 6, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB16-0046 (a.k.a. DRB FILE No. 23107)
3511 Flamingo Drive

The applicants, Sara and Tzvi Bogomilsky, are requesting a (1) one-year Extension of Time for a previously issued Design Review Approval for the construction of a new two-story single family home.

RECOMMENDATION:

Approval of the (1) one-year Extension of Time

LEGAL DESCRIPTION:

Lot 16 of Block 3 of the Flamingo Terrace Subdivision, according to Plat thereof as recorded in Plat Book 10, Page 3 of the Public Records of Miami-Dade County, Florida.

HISTORY:

The application was approved by the Design Review Board on December 2, 2014 subject to the conditions set forth in the "Final Order". The master permit for the new construction (B1601407) was applied for on December 22, 2015. Since that time, the applicant has not yet obtained the required building permit for the reasons set forth in the submitted letter of intent.

Original Approval Date:	December 2, 2014
Order Expiration Date:	June 2, 2016
90 Days:	August 31, 2016
Proposed Expiration Date:	June 2, 2017

THE PROJECT:

Staff recommends the request for an extension of time be approved to ensure that the permitting process commences.

ANALYSIS:

Since the original approval of the application, significant changes to the Single Family Home Land Development Regulations of the Miami Beach Code have been adopted which would alter the construction of this project if it were proposed today. A building permit (B1601407) was applied for on December 22, 2015 prior to the DRB approval, but has yet to obtain approval from the required disciplines—including Planning. Multiple revisions to the building permit plans has led to the Order's time expiration. In light of the delays encountered in permitting the project, it is suggested that the request for an extension of time to ensure that the permitting process consummates would be appropriate.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the request for an extension of time be approved for a period not to exceed one (1) year from the expiration of the original approval as indicated in the Final Order for the project, subject to the conditions enumerated in the attached Draft Order.

TRM/JGM

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

MEETING DATE: September 6, 2016

FILE NO: 23087

PROPERTY: **3511 Flamingo Drive**

APPLICANTS: Sara and Tzvi Bogomilsky

LEGAL: Lot 16 of Block 3 of the Flamingo Terrace Subdivision, according to Plat thereof as recorded in Plat Book 10, Page 3 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application requesting a (1) one-year Extension of Time for a previously issued Design Review Approval for the construction of a new two-story single family home to replace an existing pre-1942 architecturally significant two-story home.

ORDER

The City of Miami Beach Design Review Board makes the following FINDING 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:

The applicant submitted information establishing, among other things, that delays were encountered in permitting the project. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Design Review Approval.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one [1] year period shall run from the expiration date of the original approval, which was on December 2, 2014) is granted for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by June 2, 2017.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This Extension of Time shall run concurrent with any other Extensions of Time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
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 Co
5. 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

