

BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA

MEETING DATE: OCTOBER 1, 1999
FILE NO. 2404

IN RE: The application of
MICKY BISS/USA EXPRESS, INC.
120, 126, 130 Ocean Drive
Miami Beach, Florida
Lots 4, 5 and 6 LESS EAST 15 FT. FOR R/W
BLOCK 2; OCEAN BEACH FL. SUBDIVISION
PLAT BOOK 2 - PAGE 38

ORDER

The Applicant, Micky Biss/USA Express, Inc. is appealing an administrative decision rendered by the Planning and Zoning Director on November 29, 1994 which appeal hearing has been continued several times. The appeal raises the question of whether the following five areas should be included in the Floor Area Ratio (F.A.R.) of the Biss Tower project at 120, 126 and 130 Ocean Drive: (1) The elevator shaft at every level; (2) the stairwell at every level; (3) the plumbing and mechanical chases at every level; (4) the open common corridors/hallways at the apartment levels; and (5) that portion of the balconies which are not projecting from the main face of the building and which are not open on two sides.

Notice of the request for appeal was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is currently located in the R-PS3 Zoning District.

THE BOARD FURTHER FINDS based upon evidence, testimony, information, and documentation presented to the Board, and upon the staff report and recommendations, which are incorporated herein by reference, that the floor area of all five areas should be included in the calculation of the Floor Area Ratio and that the Planning and Zoning Director's interpretation set forth in that certain letter dated November 29, 1994 is correct and should be affirmed. The Board also finds that the project has been redesigned to comply with the Planning and Zoning Director's decision and is presently in full compliance with the decision being appealed and that the Applicant and the City accept the findings of the Board set forth herein.

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IT IS THEREFORE ORDERED by the Board that the appeal, as requested and set forth above, be and hereby is, denied and the interpretation of the Planning and Zoning Director is hereby affirmed.

BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH, FLORIDA

By: Joy Malakoff
Joy Malakoff, Chairperson

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 1st day of October, 1999, by Joy Malakoff, Chairperson of The Board of Adjustment of the City of Miami Beach, Florida. She personally appeared before me and is personally known to me.

[NOTARIAL SEAL]

Notary: Charles A. Taft

Print Name:

Notary Public, State of Florida

My Commission No. CC832790

Commission Expires May 29, 2003

Filed with the Clerk of the Board of Adjustment on this 1st day of October, 1999. CH

Approved As To Form: DT
Legal Department