

REC: 1448076 453

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

IN RE: The application of
OHFEO REALTY CORP.
760 OCEAN DRIVE
LOT 1; BLOCK 12
OCEAN BEACH, FL. ADDITION NO. 1
PB 3/11

FILE NO: 2098

O R D E R

The applicant, OHFEO REALTY CORP., filed an application with the Director of the Planning and Zoning Department for variances to:

1. Applicant wishes to waive 5 ft. of the minimum required 5 ft. north side yard setback (facing a street) in order to construct a two-story addition 5 ft. from the north side property line.
2. Applicant wishes to exceed by 3'-9" the maximum allowed projection of 1'-3" for terraces when they are located within a required 5 ft. side yard setback (as approved under request #1, above) in order to build a second floor Dining Terrace that projects entirely into the 5 ft. north side yard setback area.

Note: Should the Board approve this project, the applicant will be required to obtain approval under the City's Sidewalk Cafe procedures for the proposed seating arrangement on public property.

Notice of the request for variance 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 located in the MXE Zoning District. The Board further finds:

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, to wit:

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.

IT IS THEREFORE ORDERED, by the Board, that a variance as requested and set forth above be APPROVED with the following conditions:

1. Ron Molko is designated as the Board's representative.
2. A building permit shall not be issued until Mr. Molko and the Planning and Zoning Department have approved the plans.
3. Compliance with Federal Hazard Ordinance.
4. Provide proper garbage facilities and on-site drainage.
5. Revocable permit required for landscaping, etc., in right-of-way.
6. Remove and replace necessary sections of sidewalk, curb and gutter.

PROVIDED, the applicant shall take all necessary steps to have permit issued by the Building Department within a period of six (6) months from the date of hearing (March 2, 1990), unless the Board specifies a more restrictive time limitation, otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal to the appropriate court. This Order does not constitute a permit, but upon presentation of this Order to the Planning and Zoning Department, a permit shall be approved and processed in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated 21st day of March, 1990.



BOARD OF ADJUSTMENT OF
THE CITY OF MIAMI BEACH,
FLORIDA

BY: [Signature]
RUSSELL GALBUT
CHAIRMAN

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

RECORDED IN OFFICIAL RECORDS OF
DADE COUNTY, FLORIDA
RECORD NUMBER
RICHARD P. BRINKER
CLERK CIRCUIT COURT

BEFORE ME personally appeared RUSSELL GALBUT to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purpose therein expressed.

WITNESS my hand and official seal, this 21st day of March, A.D. 1990.

[Signature]
NOTARY PUBLIC
STATE OF FLORIDA



My commission expires March 1, 1993
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES MAR 1 1993
BONDED THRU GENERAL JURY

Richard A. Gatti, Public Works Directors
Jud Kurlancheek, Planning & Zoning Director

[Signature]