

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 04, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0120
6342 North Bay Road – Extension of Time

The applicant, 6342 NBR, LLC, is 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 house to replace an existing pre-1942 architecturally significant two-story home. **(ITEM WAS APPROVED AT THE NOVEMBER 3, 2015 MEETING)**

RECOMMENDATION:

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

LEGAL DESCRIPTION:

Lot 8 and NE 25 feet of Lot 9, Block 1, of LA GORCE GOLF SUBDIVISION, according to Plat thereof, recorded in Plat Book 14, at Page 43, Public Records of Miami-Dade County, Florida.

HISTORY:

The application was approved by the Design Review Board on November 3, 2015 subject to the conditions set forth in the "Final Order". 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: November 3, 2015

Order Expiration Date: May 5, 2017

Proposed Expiration Date: May 5, 2018

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. At the time of this writing, no building permit has been applied for.

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

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

MEETING DATE: April 04, 2017

FILE NO: DRB 23215 (a.k.a. DRB17-0120)

PROPERTY: **6342 North Bay Road**

APPLICANT: 6342 NBR LLC

LEGAL: Lot 8 and NE 25 feet of Lot 9, Block 1, of LA GORCE GOLF SUBDIVISION, according to Plat thereof, recorded in Plat Book 14, at Page 43, Public Records of Miami-Dade County, Florida.

IN RE: The Application for 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 May 5, 2017) 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 May 5, 2018.
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 Code.

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 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.

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 and the Order for the November 03, 2015 approval have been met. The issuance of Design Review 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 and the Final Order for the November 03, 2015 meeting. If the Full Building Permit is not issued by May 05, 2018, the Design Review Approval will expire and become null and void. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Design Review Board on _____ ()