

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 5, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23077-e
1844 West 23rd Street– Extension of Time

The applicant, 1844 W 23rd LLC, is requesting a (1) one-year Extension of Time for a previously issued Design Review Approval for the construction of a new one-story single family home to replace an existing pre-1942 architecturally significant two-story home.

(ITEM WAS APPROVED AT THE SEPTEMBER 2, 2014 MEETING)

RECOMMENDATION:

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

LEGAL DESCRIPTION:

Lot 11, Block 3-H, of Island No. 3 of Sunset Islands, as Recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County, Florida.

HISTORY:

The application was approved by the Design Review Board on September 2, 2014 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: September 2, 2014
Order Expiration Date: March 2, 2016
Proposed Expiration Date: March 2, 2017

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 15,790 SF
Lot Coverage
Existing: ±3,979 SF / 25%
Proposed: 1,943 SF / **12.3%**
Maximum: 7,895 SF / **50%**
Unit size:
Existing: ±7,557 SF / 47.85%
Proposed: 1,943 SF / **12.3%**
Maximum: 7,895 SF / **50%**
Height:
Proposed: **15'-0" flat roof**
Maximum: 24'-0" flat roof

EXISTING STRUCTURE:

Year Constructed: 1936
Architect: Paist & Steward
Vacant: No
Demolition Proposed: Full

Surrounding Properties:

East: Two-story 1937 residence
North: DRB File No. 22911
South: Two-story 1939 residence
West: Biscayne Bay

THE PROJECT:

The applicant had submitted plans entitled "1844 W 23rd Street", as prepared by **Shulman + Associates** dated June 26, 2014. On September 2, 2014, the applicant obtained Design Review Approval for a new one-story single family home. The applicant is proposing to demolish an existing two-story residence and construct a one-story pavillion structure. Additionally, the applicant is retaining the existing detached non-original one-story garage structure.

STAFF ANALYSIS:

A building permit (B1601598) for site work and the construction of the new home and renovation of the existing guesthouse has been applied for on January 1, 2016. Planning has reviewed the plans and has issued comments. Staff recommends the request for an extension of time to ensure that the permitting process consummates be approved.

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

F:\PLAN\DRB\DRB16\04-05-2016\APR16 Staff Reports\DRB 23077-e 1844 West 23rd Street.APR16.doc

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

MEETING DATE: April 5, 2016

FILE NO: 23077

PROPERTY: **1844 West 23rd Street**

APPLICANT: 1844 W 23rd LLC

LEGAL: Lot 11, Block 3-H, of Island No. 3 of Sunset Islands, as Recorded in Plat Book 40, Page 8, of the 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 one-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 March 2, 2016) 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 March 2, 2017.
2. The Applicant shall ensure that parking for guests and service vehicles occurs on private property or in the right-of-way in a manner that does not block the roadway or cause guests and/or service vehicles to park in the right-of-way or in front of other residences.
3. During construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15' 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' 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 off of Sunset Islands 3 & 4 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.
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 September 2, 2014 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 September 2, 2014 meeting. If the

