

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Board of Adjustment

TO: Chairperson and Board Members

DATE: March 7, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **ZBA24-0171 8-14 Star Island Drive.**
Folios: 02-4204-001-0080; 02-4204-001-0100; 02-4204-001-0110; 02-4204-001-0120; and 02-4204-001-0130

An application has been filed requesting variances to eliminate the lot aggregation requirements to combine the four contiguous lots; to reduce the sum of side setbacks; to increase the allowable height; increase the height of allowable height encroachments for mechanical equipment, skylights, and a chimney; increase the maximum permitted widths of driveways; and to maintain the current maximum allowable yard elevations; in order to allow for the construction of a new two-story home.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lots 8-14, CORRECTED PLAT STAR ISLAND, according to the Plat thereof, as Recorded in Plat Book 31, Page 60, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-1
Lot Size: 280,000 SF/6.43 AC
Lot Width: 700'-0"

Height

Proposed: 31'-0" /2-stories
Max: 28'-0" /2-stories

Unit Size

Proposed: 75,585 SF / 26.99%
Max: 140,000 SF / 50%

SURROUNDING PROPERTIES:

North: 2017 residence
South: 1971 residence
West: Biscayne Bay
East: 6 homes, 1937-2023

Lot Coverage

Proposed: 76,349 SF / 27.26%
Max: 84,000 SF / 30%

THE PROJECT:

The applicant has submitted plans entitled "Private Residence 8-14 Star Island Drive Miami Beach, FL 33139", as designed by **Studio Mc+G Architecture**, signed, sealed, and dated January 5, 2024.

The applicant is proposing to construct a new two-story single-family home with two accessory structures.

The applicant is requesting the following variances from section 7.2.2.3 of the LDRs:

1. A variance of Code Section 7.2.2.3.b.4 to eliminate the lot aggregation requirements to combine the four (4) continuous lots ("**Lot Aggregation Variance**").
2. A variance of Code Section 7.2.2.3.b.1 to allow 140' sum of sides setback, where 175' (25%) is required ("**Sum of Sides Variance**").
3. A variance of Code Section to 7.2.2.3.b.1 to allow a 31' building height, where 28' is the maximum permitted ("**Height Variance**").
4. A variance of Code Section 7.2.2.3.b.9.H to allow mechanical equipment at heights ranging from 7' to 8' above the point at which they emerge from the roof, where 5' is the maximum permitted ("**Height Exception Variance 1**").
5. A variance of Code Section 7.2.2.3.b.9.G to allow three (3) skylights 7' above the point at which they emerge from the roof, where 5' is the maximum permitted ("**Height Exception Variance 2**").
6. A variance of Code Section 7.2.2.3.b.9.A to allow a single chimney at 8' above the point at which it emerges from the roof, where 5' is the maximum permitted ("**Height Exception Variance 3**").
7. A variance of Code Section 7.2.2.3.b.12.G.III to allow width of 25' for two central driveways, where 18' is the maximum permitted ("**Driveway Variance**").
8. A variance of Code Section 7.2.2.3.b.10.B. to maintain maximum yard elevation at 10' NGVD, if/when FEMA Flood Maps are formally adopted and the Base Flood Elevation reduces from 10' to 7.56' NGVD ("**Maximum Yard Elevation Variance**").

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

1. 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;
2. The special conditions and circumstances do not result from the action of the applicant;
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variances.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Satisfied
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied – To be reviewed at time of building permit.

- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- (10) In all new projects, water retention systems shall be provided.

Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied – To be reviewed at time of building permit.

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied – To be reviewed at time of building permit.

ANALYSIS:

The applicant is proposing to construct a new two-story home with two accessory structures on Star Island. The proposal includes the aggregation of four single-family lots; three of the lots are currently vacant and one of the lots contains an existing single-family home that is proposed to be demolished. The proposed home is designed in a modern style and the accessory structures consist of a pool pavilion and a guest house.

The applicant is requesting the following variances:

1. A variance to eliminate the lot aggregation requirements to combine the four (4) continuous lots ("**Lot Aggregation Variance**").

- Variance requested from Section 7.2.2.3.b.4:

Limitation on contiguous lots. No more than two (2) contiguous lots may be aggregated, with the exception of the following:

- A. Lot aggregation for the purpose of expanded yards, or for the construction of accessory pools, cabanas, tennis courts, and similar accessory structures, when detached from the main home with a minimum separation of 15 feet, which may be aggregated to no more than three (3) contiguous lots; or
- B. Lot aggregation for the construction of a new home located in the middle of a site consisting of three (3) lots, provided the sum of the side yard setbacks of the main structure are equivalent to the width of the smallest of the three (3) aggregated lots, and the overall unit size and lot coverage of the main home shall be based upon the combined size of the largest two (2) lots.
- C. For the purpose of this subsection lots aggregated prior September 24th 2013, shall be considered one lot.

The applicant is proposing to unify four contiguous lots, while the code provides that no more than two contiguous lots be unified, with certain exceptions that allow up to three contiguous lots to be unified. Star Island has an established context and character that consists of very large, multi-lot parcels. To the north of the subject parcel there is an aggregation that consists of 6 platted lots, and there are other similar large aggregations on Star Island. The lot aggregation limit does create a practical difficulty with regard to the proposed development of the property. As the proposal to aggregate four lots is compatible with the existing context and character of the surrounding neighborhood, staff is supportive of the variance request.

2. A variance to allow 140' sum of side yard setbacks, where 175' (25%) is required ("**Sum of Sides Variance**").

- Variance requested from Section 7.2.2.3.b.1:

Side, Interior Setback © Lots greater than 65 feet in width	10% of the lot width or 10 feet, whichever is greater and <u>the sum of the required side yards shall be at least 25% of the lot width</u>
---	---

The applicant is proposing to construct two accessory buildings to the south of the primary building. While the structures comply with the individual side yard setbacks of 70 feet, the overall home would not comply with the sum of side yard setbacks. Given the length of the property, a sum of side yard setbacks of 175' would be required. This requirement presents a hardship and practical difficulty, as it renders a large area of the property as unbuildable. As the minimum side yard setbacks are being met, any potential impacts on neighboring properties have been adequately mitigated.

Additionally, the applicant will be providing significant landscaping to ensure that privacy for neighbors is maintained. Given that no impacts are anticipated on neighboring properties, staff is supportive of the granting of this variance.

3. A variance to allow a 31' building height, where 28' is the maximum permitted ("**Height Variance**").

- Variance requested from Section to 7.2.2.3.b.1:

<i>BUILDING HEIGHT</i>	<i>RS-1</i>	<i>RS-2</i>
	<u>28 ft - flat roofs</u> (3) (8)	
<i>Maximum Height (feet)</i> Ⓔ	31 ft – <i>sloped roofs</i> (3) (8)	

The applicant is proposing to construct the home with an additional 3' of height from what is otherwise permitted for a conventional home. The design flood elevation of the home is at the base flood elevation (BFE) plus a freeboard of 2'. This is lower than the maximum freeboard of 5'. As a result, the variance does not result in an overall height limit that could not be permitted. Additionally, given the size of the lot and large setback requirements, the height will not impact surrounding properties.

The applicant is requesting the variance to allow for an interstitial space between the roof slab and ceiling that allows for the running of mechanical and electrical equipment, ductwork, insulation, and other needs. Given the size of the home, the mechanical needs are increased, creating a hardship and practical difficulty. The proposed variance allows the home to maintain appropriate interior floor-to-ceiling heights while meeting its mechanical needs. As such, staff is supportive of the variance.

4. A variance to allow mechanical equipment at heights ranging from 7' to 8' above the point at which they emerge from the roof, where 5' is the maximum permitted ("**Height Exception Variance 1**").

- Variance requested from Section 7.2.2.3.b.9.H:

Height exceptions. *The height regulation exceptions contained in section 7.5.2 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10 feet above the highest point of the proposed roof. In general, height exceptions that have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.*

*

*

*

H. Air conditioning and mechanical equipment not to exceed 5 feet above the point at which they emerge from the roof and shall be required to be

screened in order to ensure minimal visual impact as identified in the general section description above.

Given the dimensions of the proposed home, larger mechanical equipment is required, including air conditioning, generators, and a mechanical retracting window. All the equipment is completely screened from exterior view by a sloped, ultra-high performance concrete screen and a horizontal decorative screen. Given the mechanical needs of the home, this presents a practical difficulty and a hardship, and staff is supportive of the issuance of the variance.

5. A variance to allow three (3) skylights 7' above the point at which they emerge from the roof, where 5' is the maximum permitted ("**Height Exception Variance 2**").

- Variance requested from Section 7.2.2.3.b.9.G:

Height exceptions. *The height regulation exceptions contained in section 7.5.2 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10 feet above the highest point of the proposed roof. In general, height exceptions that have not been developed integral to the design intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.*

*

*

*

G. Skylights, not to exceed 5 feet above the point at which they emerge from the roof, and provided that the area of skylight(s) does not exceed 10 percent (10%) of the total roof area of the roof in which it is placed.

The applicant is proposing three skylights on the roof of the home, and the code allows for up to a 5-foot height exception for skylights. Since the mechanical equipment and related screening material will exceed 5 feet in height, the applicant is requesting a variance on the height exception for skylights so that they are not blocked by the equipment and screening. The skylight will be completely screened from exterior view by the same screening system. The mechanical equipment and screening needs presents a practical difficulty and hardship that justifies the granting of a variance for the skylight. Staff is supportive of the granting of the variance.

6. A variance to allow a single chimney at 8' above the point at which it emerges from the roof, where 5' is the maximum permitted ("**Height Exception Variance 3**").

- Variance requested from Section 7.2.2.3.b.9.A:

Height exceptions. *The height regulation exceptions contained in section 7.5.2 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10 feet above the highest point of the proposed roof. In general, height exceptions that have not been developed integral to the design*

intent of a structure shall be located in a manner to have a minimal visual impact on predominant neighborhood view corridors as viewed from public rights-of-way and waterways.

A. Chimneys and air vents, not to exceed 5 feet in height measured from the point at which they emerge from the roof.

The applicant is proposing a single chimney on the roof of the home, and the code allows for up to a 5-foot height exception for chimneys. Since the mechanical equipment and related screening material will exceed 5 feet in height, the applicant is requesting a variance on the height exception for a chimney. Without the granting of this variance, the chimney would be below the height of the mechanical equipment screening, which creates safety hazards. The chimney will be completely screened from the exterior by the same screening system. The mechanical equipment and screening needs presents a practical difficulty and hardship that justifies the granting of a variance for the chimney. Staff is supportive of the issuance of the variance.

7. A variance to allow width of 25' for two central driveways, where 18' is the maximum permitted (the "**Driveway Variance**").

- Variance requested from Section 7.2.2.3.b.12.G.III:

Driveways. *Driveways and parking spaces leading into a property are subject to the following requirements:*

*

*

*

III. The maximum width of all driveways at the front or side facing a street property line including access driveways from the Right of Way shall not exceed 30 percent (30%) of the lot width, and in no instance shall be less than 9 feet in width and greater than 18 feet in width.

The applicant is proposing four driveways for the home that have significant spacing between them. Two of the driveways comply with the maximum allowable width of 18'. However, the two central driveways are proposed at a width of 25'. The driveways would comply with all other regulations, including a requirement that the combined driveway widths not exceed 30% of the lot width. In this case, the combined driveway widths would comprise approximately 12.27% of the lot width, which is significantly below the maximum allowance.

Because of the scale of the property, the applicant requires the ability to accommodate larger vehicles than what is typically required. This presents a practical difficulty in relation to the maximum driveway width requirements of the code. Given the dimensions of the home, the proposed driveways would be proportionately designed and fit to the context of the home and staff is supportive of the granting of the variance.

8. A variance to maintain maximum yard elevation at 10' NGVD, if/when FEMA Flood Maps are formally adopted, and the Base Flood Elevation reduces from 10' to 7.56' NGVD ("**Maximum Yard Elevation Variance**").

- Variance requested from Section 7.2.2.3.b.10.B:

Minimum and maximum yard elevation requirements.

MINIMUM AND MAXIMUM YARD ELEVATION REQUIREMENTS (RS)		
	Minimum	Maximum
Front Yard	Future Adjusted Grade (1) (2) (4)	Base Flood Elevation (BFE) (1) (3) (4)
Side, Facing a street Yard		
Side, Interior Yard		Base Flood Elevation (BFE) (1) (3) (5) (6)
Rear Yard - Non Waterfront		
Rear Yard - Waterfront		Base Flood Elevation (BFE) plus maximum freeboard (1) (3)

For resiliency purposes, the land development regulations provide that required yards can be raised to the baseflood elevation (BFE). The BFE is set in flood maps that are released by the Federal Emergency Management Agency (FEMA). Currently, the BFE for the site is 10' NGVD. It is expected that FEMA will be releasing new flood maps later this year. While it is expected that the flood maps will raise the BFE in much of the City, for some of the smaller islands on Biscayne Bay the BFE is expected to be reduced; in this case to 7.56' NGVD. If this were to happen, it would reduce the maximum height for yard elevations on Star Island by 2.44'. This would present a hardship and practical difficulty that would significantly impact the design and engineering of the proposed home. As such, staff is supportive of the granting of this variance, as it ensures that the home would not be negatively impacted by potential reductions to the base flood elevation and ensuring the long-term resiliency of the home.

Based on the scale of the lot and existing site conditions, staff finds that practical difficulties and hardships exist for the construction of a new home at the subject site. The requested variances should not result in any negative impacts on the surrounding neighborhood. For these reasons, staff is supportive of the requested variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved, including the requested variance**, subject to the conditions enumerated in the attached Draft Order, which address any inconsistencies with the aforementioned Practical Difficulty, Hardship Criteria, and Sea Level Rise criteria.

**BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA**

MEETING DATE: March 7, 2025

FILE NO. ZBA24-0171

PROPERTY: 8-14 Star Island Drive

FOLIO: 02-4204-001-0080; 02-4204-001-0100; 02-4204-001-0110; 02-4204-001-0120; and 02-4204-001-0130

APPLICANTS: Whitecaps Holdings LLC, 11 Star Island LLC, Fleetwood Star Holdings LLC, and 14 West Star LLC

LEGAL

DESCRIPTION: Lots 8-14, CORRECTED PLAT STAR ISLAND, according to the Plat thereof, as Recorded in Plat Book 31, Page 60, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting variances to eliminate the lot aggregation requirements to combine the four contiguous lots; to reduce the sum of side setbacks; to increase the allowable height; increase the height of allowable height encroachments for mechanical equipment, skylights, and a chimney; increase the maximum permitted widths of driveways; and to maintain the current maximum allowable yard elevations; in order to allow for the construction of a new two-story home.

FINAL ORDER

The applicant filed an application with the Planning Department for the following variances:

1. A variance of Code Section 7.2.2.3.b.4 to eliminate the lot aggregation requirements to combine the four (4) continuous lots ("Lot Aggregation Variance").
2. A variance of Code Section 7.2.2.3.b.1 to allow 140' sum of sides setback, where 175' (25%) is required ("Sum of Sides Variance").
3. A variance of Code Section to 7.2.2.3.b.1 to allow a 31' building height, where 28' is the maximum permitted ("Height Variance").
4. A variance of Code Section 7.2.2.3.b.9.H to allow mechanical equipment at heights ranging from 7'to 8' above the point at which they emerge from the roof, where 5' is the maximum permitted ("Height Exception Variance 1").
5. A variance of Code Section 7.2.2.3.b.9.G to allow three (3) skylights 7' above the point at which they emerge from the roof, where 5' is the maximum permitted ("Height Exception Variance 2").

6. A variance of Code Section 7.2.2.3.b.9.A to allow a single chimney at 8' above the point at which it emerges from the roof, where 5' is the maximum permitted ("Height Exception Variance 3").
7. A variance of Code Section 7.2.2.3.b.12.G.III to allow width of 25' for two central driveways, where 18' is the maximum permitted ("Driveway Variance").
8. A variance of Code Section 7.2.2.3.b.10.B. to maintain maximum yard elevation at 10' NGVD, if/when FEMA Flood Maps are formally adopted and the Base Flood Elevation reduces from 10' to 7.56' NGVD ("Maximum Yard Elevation Variance").

The City of Miami Beach Board of Adjustment makes the following FINDINGS 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:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the project as submitted satisfies the requirements of Section 2.8.3 of the Land Development Regulations. Accordingly, the Board of Adjustment has determined the following:
- i. 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;
 - ii. The special conditions and circumstances do not result from the action of the applicant;
 - iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
 - iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
 - v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
 - vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
 - viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

- B. The Board hereby **Approves** the requested variances and imposes the following conditions based on its authority in Section 2.8.4 of the Land Development Regulations:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for planning permit and shall be located immediately after the front cover page of the permit plans.
 3. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 4. The conditions of approval herein are binding on the applicant, the property's owners and all successors in interest and assigns.
 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.
 6. 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, except to the extent of the variance(s) granted herein.
 7. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit, Certificate of Use or Miami Beach Business Tax Receipt.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including staff recommendations, as modified by the Board of Adjustment, that the application for variance approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans submitted to the Board of Adjustment in accordance with the conditions set forth in this Order, as applicable, with staff review and approval.

The issuance of this Order does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting

date at which the original Variance Approval was granted, the subject Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall 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 application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

BOARD OF ADJUSTMENT
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, AICP
Development and Resiliency Officer
for Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio A. Madan, Development & Resilience Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:
Print Name:
Notary Public, State of Florida

My Commission Expires:
Commission Number:

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

Filed with the Clerk of the
Board of Adjustment on _____ ()