



CFN 2014R0476150  
 OR Bk 29219 Pgs 1044 - 1049; (6pgs)  
 RECORDED 07/07/2014 15:22:22  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

**HISTORIC PRESERVATION BOARD**  
 City of Miami Beach, Florida

MEETING DATE: June 10, 2014

FILE NO: 7419

PROPERTY: 660 Washington Avenue

LEGAL: Parcel 1  
 Lots 3, 4 and 5, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Parcel 2  
 Lots 6, 7 and 8, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the construction of a new 5-story ground level addition, as part of a new hotel development.

**ORDER**

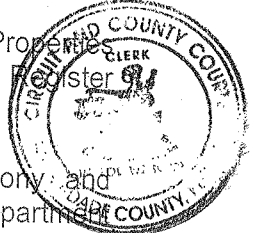
The applicant, Angler's Boutique Resort, LLC., filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board 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. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Flamingo Park Historic District and the National Register Architectural District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness

**CERTIFICATION**  
 THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT, CITY OF MIAMI BEACH  
 \_\_\_\_\_  
 (Signature of Planning Director or Designee) (Date)  
 Personally known to me, or Produced ID:  
 \_\_\_\_\_  
 Notary Public, State of Florida at Large  
 Printed Name: TERESA MARIA  
 My Commission Expires: (Seal)  
 This document contains 6 pages.

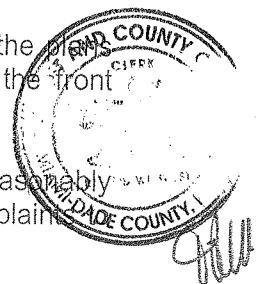
TERESA MARIA  
 MY COMMISSION # FF 042188  
 EXPIRES: December 2, 2017  
 Bonded Thru Budget Notary Services



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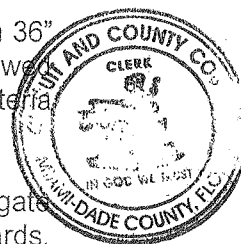
Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a', 'c' & 'd' in Section 118-564(a)(2) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'e', 'h' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.

- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The maximum FAR for one project site shall not exceed 2.0
    - b. The open aluminum frame element located at the corner above the roof level shall be removed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - c. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - e. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district.
    - f. The final design and details of all railings shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - g. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - h. A copy of all pages of the recorded Final Order shall be scanned into the permit submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  2. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complain



be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and in a manner to be reviewed and approved by staff consistent with the directions from the Board and/or the Certificate of Appropriateness Criteria. At a minimum, such plan shall incorporate the following:
  - a. The material pallet for the proposed hardscape plan shall be simplified, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - b. Washingtonian Palms shall be incorporated into the landscape plan and shall be located at the southeast corner of the property, as proposed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - c. The proposed paving within the required front yard along Washington Avenue shall be substantially reduced and replaced with landscape material including the introduction of shade trees, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - d. Hedge material shall not be permitted within the required front yard along Washington Avenue or within the required side yard along 6<sup>th</sup> Street. All understory and accent plan material proposed within the required front yard or side yard along 6<sup>th</sup> Street, shall consist of plant material that does not exceed approximately 24" in height at maturity. The final selection of perimeter landscaping shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - e. The landscape plan for the rear yard shall be further developed and include a variety of native species at varying heights, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - f. Street trees shall be required along Washington Avenue, placed with a minimum 36" clear space between the tree trunk and the back of curb, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - g. Silva Cells in tree pits, with the City Standard black and white bound aggregate system and fertilization trench, irrigation, and two (2) up-lights per City standards, shall be required for all street and shade trees, in a manner to be reviewed and



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approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

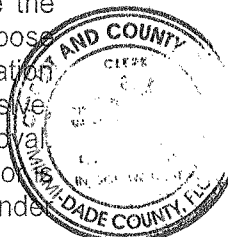
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
  - i. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - j. FPL transformers or vault rooms, backflow preventers and all other related devices and fixtures shall not be permitted within any required yard or any area fronting a street or sidewalk. Their location and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
4. The Applicant agrees to the following operational conditions for any and all permitted main and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational requirements and/or limitations.

a. OUTDOOR CONDITIONS

- i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
- ii. All rooftop facilities shall cease operation at 12:00 am, 7 days a week. Special Events pursuant to the Miami Beach City Code shall not exceed the permitted hours of operation.
- iii. All facilities located within the west courtyard shall cease operation at 10:00 p.m., 7 days a week. Special Events pursuant to the Miami Beach City Code shall not exceed the permitted hours of operation.

b. NOISE CONDITIONS

- i. The Historic Preservation Board (HPB) or the Planning Director shall retain the right to call the owners and/or operators back before the HPB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under



this condition. This condition vests jurisdiction independent of any other condition hereof.

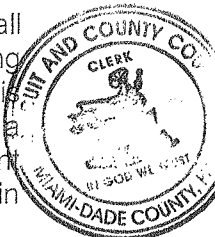
5. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
6. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
7. 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.
8. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
9. 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.

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 the staff recommendations, which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-9 inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "The Angler's Hotel", as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., dated April 25, 2014.

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. 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, have been met.

The issuance of a Certificate of Appropriateness 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, the 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.



*[Handwritten signature]*

Page 6 of 6  
HPB File No. 7419  
Meeting Date: June 10, 2014

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project 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 Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, 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 Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 13<sup>th</sup> day of JUNE, 2014.

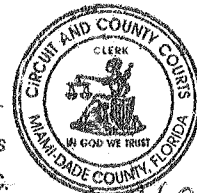
HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
THOMAS R. MOONEY, AICP  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

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

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on JUL 09 2014 day of

WITNESS my hand and Official Seal  
HARVEY RUVIN, CLERK, of Circuit and County Courts  
By [Signature] D.C.



The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June 2014 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Thru Budget Notary Services

[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 12-2-17

Approved As To Form:  
Legal Department: [Signature] ( 6-12-14 )

Filed with the Clerk of the Historic Preservation Board on 6-16-14 ( WJR )

[Handwritten mark]

**HISTORIC PRESERVATION BOARD  
City of Miami Beach, Florida**

MEETING DATE: November 14, 2017

FILE NO: HPB17-0149

PROPERTY: 600-660 Washington Avenue

APPLICANT: Angler's Boutique Resort, LLC a/k/a LBL Development, LLC.

LEGAL: Lots 3, 4, 5, 6, 7 and 8 Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County Florida.

IN RE: The application for modifications of a previously issued Certificate of Appropriateness including an after-the-fact variance to reduce the required width for a two-way driveway, and variances to relocate an allowable wall sign to the parapet of the building and to exceed the maximum area for a wall sign.

**ORDER**

The City of Miami Beach Historic Preservation Board 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:

**I. Certificate of Appropriateness**

A. Certificate of Appropriateness has not been requested as part of this application.

**II. Variance(s)**

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

1. An after-the-fact variance to reduce by 2'-0" the required width of 22'-0" for a two-way driveway in order to retain a two-way driveway with a width of 20'-0".
2. A variance to relocate an allowable wall sign from the ground floor to the top of the building, fronting 6th Street.
3. A variance to exceed by 53.7 s.f. the maximum allowable area of 30 s.f. for flat signs in order to permit one sign with 83.7 s.f., fronting 6th Street.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City

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HPB17-0149  
Meeting Date: November 14, 2017

Code:

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;

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; and

That 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.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
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.

**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.**

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

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Meeting Date: November 14, 2017

- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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.

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 the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "The Angler's Hotel" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., signed and dated August 21, 2017, as amended and approved by the Historic Preservation Board, as determined by staff.

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. 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, have been met.

The issuance of the 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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in



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HPB17-0149  
Meeting Date: November 14, 2017

accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project 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 application will expire and become null and void.

In accordance with Chapter 118 of the City Code, 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 118 of the City Code, for revocation or modification of the application.

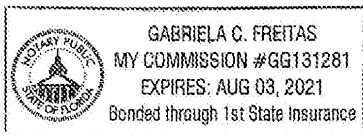
Dated this 21 day of November, 2017.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of November, 2017 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 8-3-21

Approved As To Form: [Signature]  
City Attorney's Office: [Signature] (11/16/17)

Filed with the Clerk of the Historic Preservation Board on [Signature] (11/21/17)



CFN 2015R0231471  
 OR Bk 29573 Pgs 2209 - 2213; (5pgs)  
 RECORDED 04/10/2015 10:21:34  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

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

**PROPERTY:** 600-660 Washington Avenue

**FILE NO.** 3705

**IN RE:** The application for variances to waive the minimum required front subterranean setback, side facing a street subterranean and pedestal setbacks, rear pedestal setback, sum of the side yards setbacks, and to exceed the maximum spaces for tandem parking of vehicles in order to construct a new five (5) story hotel structure, in association with the existing Angler's Hotel.

**LEGAL**

**DESCRIPTION:** Parcel 1: Lots 3, 4 and 5, Block 47 of the "Ocean Beach Addition No. 3", According to the Plat Thereof, as recorded in Plat Book 2, Page 81 of the Public Records of Miami-Dade County, Florida.

Parcel 2: Lots 6, 7 and 8, Block 47 of the "Ocean Beach Addition No. 3", According to the Plat Thereof, as recorded in Plat Book 2, Page 81 of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** December 5, 2014

**ORDER**

The applicant, Angler's Boutique Resort, LLC., filed an application with the Planning Department for the following variances in order to construct a new five (5) story hotel structure, in association with the existing Angler's Hotel:

1. A variance to waive a range from 2'-2" to 12'-5" the minimum required subterranean front setback of 20'-0" in order to construct parking spaces at a range from 17'-10" to 7'-6" from the front property line facing Washington Avenue.
2. A variance to waive 7'-6" of the minimum required subterranean side facing a street setback of 15'-0" in order to construct parking spaces at 7'-6" from the side property line facing 6<sup>th</sup> Street.
3. A. A variance to waive 16'-6" of the minimum required pedestal side facing a street setback of 24'-0" in order to construct a column for a new five (5) story hotel addition at 7'-6" from the side property line facing 6<sup>th</sup> Street.  
 B. A variance to waive 11'-0" of the minimum required pedestal side facing a street setback of 24'-0" in order to construct the building envelope for a new five (5) story hotel addition at 13'-0" from the side property line facing 6<sup>th</sup> Street.
4. A variance to waive 35'-4" of the minimum required pedestal sum of the side yards of 48'-0" in order to construct a new five (5) story hotel addition associated with the existing hotel with a sum of the side yards of 12'-8".



5. A variance to waive all of the minimum required pedestal rear setback of 14'-0" in order to construct a stair and portions of the first floor up to the rear property line facing the Alley.
6. Revised plans for the triple stacking of vehicles shall be submitted, subject to the review and approval of staff.

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 118-353(d) of the Miami Beach Code. Accordingly, the Board of Adjustment has determined the following:

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;

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; and

That 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.

- B. The Board imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

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. Revised plans including the triple stacking of vehicles shall be submitted, subject to the review and approval of staff.
3. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. Revised FAR diagrams and calculations shall be required, to verify that the project does not exceed the maximum permitted, subject to the review and approval of staff. Revised plans shall be submitted for review and verification of the Planning Department within 60 days of the December 5, 2014 meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board to revoke approval of the variances granted herein.
4. The applicant shall obtain a full building permit within eighteen months (18) months from the date of this hearing. If the full building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
5. The conditions on this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
6. This 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.
7. 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 granted herein.
8. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

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 (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "The Angler's Hotel", as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., dated March 3, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.



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 have been met. 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 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.

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 Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. 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), and not reinstated by the Building Official or designee, the Variance Approval will expire and become null and void.

Dated this 2<sup>nd</sup> day of APRIL, 2015.

BOARD OF ADJUSTMENT  
CITY OF MIAMI BEACH, FLORIDA

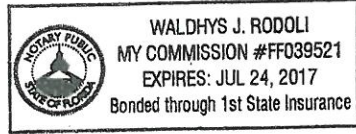
BY: Michael Belush  
Michael Belush, AICP  
Planning and Zoning Manager  
For the Chair

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of April, 2015, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



*Waldhys J. Rodoli*



[NOTARIAL SEAL]

Notary:  
Print Name:  
Notary Public, State of Florida  
My Commission Expires: 7-24-2017  
Commission Number: FF039521

Approved As To Form:  
City Attorney's Office

*(Jett/Bark)* 4/2/2015

Filed with the Clerk of the Board of Adjustment on

4/2/15 *(Signature)*

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STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 10/21 day of  
April, A.D. 2015  
WITNESS my hand and Official Seal  
HARVEY FLAHERTY, CLERK, of Circuit and County Courts  
Harvey Flaherty D.C.



*MBS*