

# MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 10, 2025

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **DRB25-1095: 6 & 7 Farrey Lane.**

An application has been filed requesting Design Review Approval for the construction of a new three-story residence on two lots, to replace an existing single-family home, including a connection through an air rights easement above a portion of the right-of-way adjacent to Farrey Lane. The application also includes a request for variances from the required front yard setbacks for 6 Farrey Lane and 7 Farrey Lane, and one or more waivers.

## **RECOMMENDATION:**

Approval of the design and requested variances.

## **HISTORY**

On November 20, 2024 the City Commission approved Resolution No. 2024-33401, approving the sale of an air rights easement over an existing alley. This air rights easement allows for the applicant to connect the proposed residences that are being developed on separate lots.

## **LEGAL DESCRIPTION: (See appendix "A")**

### **SITE DATA:**

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size 6 Farrey Ln:	2,837 SF *As indicated on submitted survey
Proposed FAR:	2,717 SF / 0.96
Maximum FAR:	3,546 SF / 1.25
Lot Size 7 Farrey Ln:	4,232 SF *As indicated on submitted survey
Proposed FAR:	5,069 SF / 1.19
Maximum FAR:	5,290 SF / 1.25
Air right easement	
Maximum volume:	36,301 cubic feet
Proposed volume:	18,695
Proposed Height:	47'-9" from DFE (BFE+ Freeboard 5')
Maximum Height:	55'-0" from DFE (BFE+ Freeboard 5')
CMB Grade:	4.00 NGVD
Base Flood Elevation:	9' NGVD
Finished First Floor:	24.1' NGVD

### **SURROUNDING PROPERTIES:**

North	Biscayne Bay
East:	Single Family home
South:	Single Family home
West:	Two-story hotel "Standard Hotel and Spa"

**THE PROJECT:**

The applicant has submitted plans entitled "CASA BELLE", as prepared by Hollmann Architecture; signed, sealed and dated 05/09/25. The applicant is proposing a new three-story single family home with an understory in the RM-1, Residential multifamily low intensity zoning district of Century Lane.

The applicant is requesting the following variance(s)

1. A variance to reduce by 7'-6" the minimum required side facing the street setback of 7'-6" in order to construct a portion of the structure that connects to the air right easement at a setback of 0'-0" from the side yard facing the street abutting 6 Farrey Lane.
2. A Variance to reduce by 20'-0" the minimum required front setback of 20'-0" in order to construct a portion of the structure that connects to the air right easement at a setback of 0'-0" including the ground floor columns within the required front yard at 7 Farrey Lane.

**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 Miami Beach City 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.
- 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.

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 DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:**

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied; however, the applicant is requesting variances**
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied; however, the applicant is requesting variances**
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not satisfied; the applicant is requesting variances**
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.  
**Satisfied**
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other

applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

**Satisfied; however, the applicant is requesting variances.**

- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.

**Satisfied**

- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

**Satisfied**

- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Not Satisfied; a lighting plan has not been submitted.**

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Satisfied**

- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Not Applicable**

- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Satisfied**

- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a

- residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Not Applicable**
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Not Applicable**
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Not Applicable**
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.  
**Not Applicable**
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.  
**Satisfied**

#### **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; additional information will be required at the time of building permit in order to demonstrate compliance.**
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
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**
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; additional information will be required at the time of building permit in order to demonstrate compliance.**
11. Cool pavement materials or porous pavement materials shall be utilized.  
**Satisfied**
12. The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The north side of Belle Isle, including Farrey Lane, is zoned RM-1, Residential Multifamily Low-Intensity, with a maximum F.A.R. of 1.25 and maximum allowable building height of 55 feet when parking and/or non-habitable spaces are provided at the ground level. The properties along Farrey Lane were originally developed with one-story single-family homes

that were constructed as part of a residential development in 1941, and a number of the original bungalows remain intact.

The applicant is proposing to construct a new multi-story single-family residence at the end of Farrey Lane, on a site that has two lots separated by a public alley adjacent to Farrey Lane and connected via an air bridge over this right of way. The new residence is designed in a contemporary style and is organized into two main volumes that are linked by a central two-story bridge.

At the ground floor, the portion of the residence on the south lot consists of an enclosed garage with stairs and an elevator. The north lot has two covered parking spaces and steps that lead to a secondary entrance. Further north, the ground floor features a covered outdoor terrace area with a hot tub and a dock overlooking Biscayne Bay.

The first enclosed habitable floor is elevated to 24'-1" NGVD. On the south side, this level includes the main stair and elevator core, along with a laundry room and mechanical space. Across the bridge to the north, the floor contains guest suites, two kitchens, a great room, and a secondary stair. The second habitable floor features bedrooms, family rooms and a home theater. The third floor is dedicated to the master suite, which is separated by an open terrace with a swimming pool located atop the bridge, connecting to a spa area on the south side. The home features an accessible roof deck located on the north volume offering water views towards Biscayne Bay.

The residence is designed in a contemporary style, defined by rounded projecting edges and framing elements to complement the rectilinear volumes behind them. On the south (front) facade, the bridge area is highlighted by horizontal bands of glazing, framed by a projecting wall and canopy that enhance this central feature. The sides on this facade are more solid and composed of vertical slats that screen the walls and windows. In contrast, the remaining elevations are more open, featuring clear glass railings at balconies and terraces, along with integrated planters positioned in front of the proposed window openings.

Based on the renderings submitted, a variety of exterior materials are proposed. However, material identification and placement, as well as color finish specifications, are not clear on sheet A3-0 of the plans. As such, staff is recommending conditions to clarify these elements and ensure the visual quality of the resident is consistent with the rendering, subject to the review and approval of staff. Items requiring clarification include:

- Painted stucco finish color and location.
- Exterior tile cladding large format color and location.
- Aluminum mullions and column covers color and location.
- Impact glass railing handrail finish (solid handrail on renderings).
- Window horizontal louvers material and color.
- Exterior ceiling, projecting side walls material and color,
- Dark gray walls, columns and planter's material and color.

Beyond materiality, the architecture of the proposed home incorporates changes in planes, draping plants, and voided spaces, which soften the structure and introduce dynamic movement and visual interest.

The applicant did not request any waivers. However, to comply with city code staff is including the following condition:

- A minimum height of 12 feet shall be provided, as measured from Base Flood Elevation plus minimum Freeboard to the underside of the first-floor slab.

**VARIANCE(S) REVIEW**

The applicant is requesting the following variance(s):

1. A variance to reduce by 7'-6" the minimum required side facing the street setback of 7'-6" in order to construct a portion of the structure that connects to the air right easement at a setback of 0'-0" within the side facing the street yard at 6 Farrey Lane.

- Variance requested from:

**7.2.4.3.a. DEVELOPMENT REGULATIONS (RM-1)**

Side, Facing a Street Setback Ⓢ Lots less than 65 feet in width	
Subterranean	7.5 feet
Pedestal	
Tower	10 feet or 8% of lot width, whichever is greater, and Sum of the side yards shall equal 16% of the lot width

The proposed variance is for the portion of area where the project connects to the air right easement (bridge). Given the necessity to connect to the easement of this portion of the lot, the required setback does present a hardship and practical difficulty.

2. A variance to reduce by 20'-0" the minimum required front setback of 20'-0" in order to construct a portion of the structure that connects to the air right easement at a setback of 0'-0" within the required front yard at 7 Farrey Lane.

- Variance requested from:

**7.2.4.3.a. DEVELOPMENT REGULATIONS (RM-1)**

Front Setback Ⓢ	
Subterranean	20 feet 50 feet (For lots A and 1-30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision)
Pedestal	
Tower	20 feet + 1 foot for every 1 foot increase in height above the pedestal, to a maximum of 50 feet, then shall remain constant. 50 feet (For lots A and 1-30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision)

The proposed variance is for the portion of area where the project connects to the air right easement (bridge). Given the necessity to connect to the easement of this portion of the lot, the required setback does present a hardship and practical difficulty.

Due to the hardships and practical difficulties identified, staff has no objection to the granting of the requested variances.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be approved with conditions, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Hardship and Sea Level Rise criteria.

**Appendix A**  
**Legal description**

Lot 6, SECOND SECTION BELLE ISLE VILLAS, according to the Plat thereof, recorded in Plat Book 42, Page 100, of the Public Records of Miami-Dade County, Florida

Folio No. 02-3233-003-0060

Address: 6 Farrey Lane, Miami Beach, Florida 33139 ("**Lot 6**")

Lot 7, SECOND SECTION BELLE ISLE VILLAS, according to the Plat thereof, recorded in Plat Book 42, Page 100, of the Public Records of Miami-Dade County, Florida

Folio No. 02-3233-003-0070

Address: 7 Farrey Lane, Miami Beach, Florida 33139 ("**Lot 7**")

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

MEETING DATE: July 10, 2025

PROPERTY/FOLIO: **6 & 7 FARREY LANE.**  
02-3233-003-0060  
02-3233-003-0070

FILE NO: **DRB25-1095**

IN RE: An application has been filed requesting Design Review Approval for the construction of a new three-story residence on two lots, to replace an existing single-family home, including a connection through an air rights easement above a portion of the right-of-way adjacent to Farrey Lane. The application also includes a request for variances from the required front yard setbacks for 6 Farrey Lane and 7 Farrey Lane, and one or more waivers.

LEGAL: (See appendix "A")

APPLICANT: Joseph I. Pardo, Esq., POA

**ORDER**

The City of Miami Beach Design Review 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. Design Review**

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 inconsistent with Design Review Criteria i. & s. in Section 2.5.3.1 of the Land Development Regulations.
- C. 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 inconsistent with Sea Level Rise Criteria 1 in Section 7.1.2.4(a)(i) of the Land Development Regulations
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed multi-family residential building shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The minimum height to the underside of the first-floor slab, shall be 12 feet, as measured from Based Floor elevation plus minimum freeboard to the underside of the first floor slab.
  - b. Provide a detailed and numbered material legend with images. Provide the corresponding tag number and name on renderings and elevations to clarify material placement, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The final color and location, of the proposed painted stucco shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The final color, material details and location, of the proposed exterior tile cladding large format shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The final color, details and location, of the proposed aluminum mullions and column covers shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. The final color and details, of the proposed Impact glass railing handrail shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. The final color and details, of the proposed window horizontal louvers shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - h. The final color and details, of the proposed exterior ceilings and projecting side walls shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - i. The final color and details, of the proposed exterior planters shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- j. The 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 Design Review Criteria and/or the directions from the Board.
  - k. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans 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 subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
  - b. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
  - c. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
  - d. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
  - e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
  - f. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
  - g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
  - h. 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.
  - i. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance from Sec. 7.2.4.3.a. to reduce by 7'-6" the minimum required side facing the street setback of 7'-6" in order to construct portion of the structure that connects to the air right easement with a setback of 0'-0" from the side facing the street setback at 6 Farrey Lane.
  2. A variance from Sec. 7.2.4.3.a. to reduce by 20'-0" the minimum required front setback of 20'-0" in order to construct portion of the structure that connects to the air right easement at setback of 0'-0" from the side street setback at 7 Farrey Lane.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above 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.

Additionally, the Board 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:

- 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.
- C. The Board hereby **Approves** the variance requests and imposes the following conditions based on its authority in Section 2.8.4 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. Design Review Approval and 'II. Variances' noted above.**

- A. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee or post a bond, pursuant to Section 7.1.3.2 of the Land Development Regulations. This fee is set as a percentage of the cost of construction.
- B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code

Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- C. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- E. All allowable construction signage shall be attached to or situated behind the construction fence and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 6.3.2 of the Land Development Regulations.
- F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- J. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- K. 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.
- L. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- M. 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.
- N. 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.

- O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- P. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled ""CASA BELLE"" as designed by **Hollmann Architecture**, dated May 09, 2025, and as approved by the Design Review 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 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 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 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.



Lot 6, SECOND SECTION BELLE ISLE VILLAS, according to the Plat thereof, recorded in Plat Book 42, Page 100, of the Public Records of Miami-Dade County, Florida

Folio No. 02-3233-003-0060

Address: 6 Farrey Lane, Miami Beach, Florida 33139 ("**Lot 6**")

Lot 7, SECOND SECTION BELLE ISLE VILLAS, according to the Plat thereof, recorded in Plat Book 42, Page 100, of the Public Records of Miami-Dade County, Florida

Folio No. 02-3233-003-0070

Address: 7 Farrey Lane, Miami Beach, Florida 33139 ("**Lot 7**")