

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 20, 2025

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB25-1088  
**6945 Abbott Avenue**

An application has been filed requesting Design Review Approval for the construction of a new six-story mixed-use hotel building, including a variance to remove the requirement for a designated loading space, including one or more waivers.

### **RECOMMENDATION:**

Approval with conditions.

### **LEGAL DESCRIPTION:**

Lots 1, Block E, of CORRECTED PLAT OF ATLANTIC HEIGHTS, according to the plat thereof recorded in Plat Book 4, at Page 146, of the Public Records of Miami-Dade County, Florida.

### **BACKGROUND:**

On November 14, 2018, the City Commission adopted the North Beach Town Center - Central Core Development Regulations, which established the TC-C, Town Center – Central Core zoning district to replace the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum.

On October 23, 2025, the DRB discussed the item and continued it to the November 20, 2025 meeting.

### **SITE DATA:**

Zoning:	TC-C Town Center--Central Core
Future Land Use:	TC-C Town Center--Central Core
Parking District:	Tier 3
Lot Size:	6,250 SF
Proposed FAR:	21,409 SF / 3.43
Maximum FAR:	21,875 SF / 3.5
Units:	48 hotel units / min. 300 SF
Commercial:	724 SF
Density:	150 du
Height:	
Proposed:	67'-0" measured from BFE +5', or 13' NGVD   5-story
Maximum:	125'-0"
Highest Projection:	81'-5"
CMB Grade:	3.97' NGVD
Base Flood Elevation:	8' NGVD
CMB Free Board:	13' NGVD
Required Parking:	N/A

**EXISTING Building:**

Two-story, 11-unit apartment-hotel  
Year: 1938  
Architect: B. Kingston Hall  
Vacant: No  
Demolition: Yes

**SURROUNDING PROPERTIES:**

East: Two-story multifamily  
North: Two-story multifamily  
South: Two-story warehouse  
West: Vacant Lot / Future project: 12-Story residential tower

**THE PROJECT:**

The applicant has submitted revised plans entitled "6945 Abbott Avenue," as designed by **M77R**, and signed, sealed, and dated May 13, 2025. The applicant is proposing a new five-story, mixed-use hotel building, replacing an existing 11-room apartment-hotel with a new 48-unit boutique hotel. A breakdown of the project's development plan is delineated hereto:

Ground Floor: 1,106 SF Commercial component  
450 SF Hotel lobby  
293 SF Bike room  
±752 SF BOH / utility and trash rooms.  
Exterior Plaza area  
Mezzanine: ±752 SF BOH / utility rooms  
Levels 2-5: 10 hotel units ranging in size 300 SF – 347 SF  
Janitor closet  
Level 6: 18 hotel units ranging in size 300 SF – 318 SF  
Rooftop: Pool, pool terrace and mechanical.  
Pool, pool terrace deck and pickleball court

The applicant is requesting the following variance(s):

1. A variance from Section 5.2.6 to remove the off-street loading requirement.
2. A variance from Section 7.2.14.6.c.6.E. to allow two (2) on-street loading spaces on a Class B frontage (Abbott Avenue), subject to the review and approval of applicable city departments.

**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.

#### **CONSISTENCY WITH COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **commercial and hotel uses** appear to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

#### **COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, excluding any requests for variance(s).

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**
- 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.  
**Partially satisfied; the applicant is requesting a variance related to off-street loading on a Class A frontage.**
- 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.  
**Partially satisfied; the applicant is requesting a variance related to off-street loading on a Class A frontage.**
- 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.**
- 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.

**Partially satisfied; the applicant is requesting a variance related to off-street loading on a Class A frontage.**

- 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 for building permit.**
- 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.  
**Satisfied.**
- 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.  
**Satisfied.**

- 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.  
**Satisfied.**
- 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.  
**Not Satisfied; see below.**

**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.  
**Not Satisfied; A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**
- (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.

**Satisfied**

- (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; additional information will be required at the time of building permit in order to demonstrate compliance.**

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

**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

### **ANALYSIS:**

#### **DESIGN REVIEW**

The applicant is proposing a new five-story mixed-use hotel within the TC-C district that will replace an existing two-story, 11-unit apartment-hotel. The development site consists of a 6,250 square foot lot that is rectangular in shape and faces Abbott Avenue.

The proposed new 48-unit boutique hotel is comprised of a ground floor lobby with commercial space, six levels of hotel rooms ranging from 300 to 347 square feet in area, and a top floor rooftop pool and terrace. The footprint of the building is sited towards the south side of the property to allow for pedestrian access along the north property line as a 10-foot-wide paseo. The walkway narrows and continues along the rear of the property for utility access.

The hotel lobby and commercial space face Abbott Avenue as a double-height glass enclosure and are separated by an exterior plaza from the back of house spaces that have been distributed within the south and rear of the building envelope on both the ground floor and mezzanine levels. With the circulation core tucked into the interior south side of the building, the hotel units are distributed along the three exposed sides of the building with curving balconies.

The tower portion of the building rises from the second floor as a patterned metal façade with undulating planes that follow the curves of the balcony slab edges. The façade is perforated

and includes openings that filter light to the recessed building walls of gray stucco and glass. The south façade, which is flush with the property line and encases the circulation core, is a solid stucco wall featuring an art mural with the same pattern as the metal facade. The new hotel building terminates with a roof top level that is setback on Abbot Avenue and is highlighted by a curving concrete canopy that floats above the tower.

Overall, staff is supportive of the architectural design, but recommends that the architect incorporate additional architectural interest to the gray stucco wall on the north ground floor elevation, which faces the pedestrian paseo. Staff also recommends the incorporation of a higher quality material or a more natural solution such as a landscape wall or integrated landscape planters, in an effort to soften the monolithic wall.

**VARIANCE REVIEW**

The applicant is requesting the following variance(s):

- 1. A variance from **Section 5.2.6** to remove the off-street loading requirement.
  - Variances requested from:

<b>LOADING REQUIREMENTS</b>		
<b>Residential building or hotel building</b>	<b>Over 36 units but not more than 50 units</b>	<b>One space</b>
	Over 50 units but not more than 100 units	Two spaces
	Over 100 units but not more than 200 units	Three spaces
	For each additional 100 units or fraction thereof over 200 units	One space

- 2. A variance from **Section 7.2.14.6.c.6.E.** to allow for two (2) on-street loading spaces on a Class B frontage (Abbott Avenue) , subject to the review and approval of applicable city departments.
  - Variances requested from:

**Section 7.2.14.6 Town Center-Central Core (TC-C) District**

**c. Development Regulations (TC-C)**

The development regulations for the Town Center Central Core District are as follows:

- 6. *Class B.* In addition to other requirements in the City Code, Class B frontages shall be developed as follows:
  - E. On-street loading shall be prohibited on Class B frontages.

In the TC-C District, roadways are classified by a hierarchy, where Class A streets are the most prominent and Class C streets are the least prominent. The district prohibits off-street loading on the more prominent Class A and Class B streets. The proposed project only has a frontage on a Class B Street. Given the narrow width of the property and the requirement to provide a pedestrian paseo along the north side of the lot, there is no opportunity to provide a driveway

for off-street loading. As a result, the loading requirement and the off-street loading prohibition on Class B streets presents a practical difficulty and hardship for the applicant.

The granting of the variances would remove the loading requirement and permit the applicant to place two on-street loading spacing subject to the review and approval of applicable city departments. Given that a driveway along Abbott Avenue would create a more detrimental impact to the surrounding streetscape than on-street loading, staff is supportive of the granting of the requested variances.

#### **UPDATE**

As mentioned above, on October 23, 2025, the DRB discussed the item and continued it to the November 20, 2025 meeting. The DRB recommended that the applicant provide samples of the metal panels and texture, as well as updated operational plans to address concerns related to parking and loading. The applicant has provided updated plans which include the following:

- Updated renderings with larger photos
- Updated photos with current conditions
- Details on the location of café furniture
- Updated color elevations
- Additional façade perspectives

The applicant indicated that they will be taking samples of the façade materials to the meeting. Additionally, the applicant has provided a driveway memorandum that is being reviewed by the Transportation Department. Additional recommendations will be provided in the Transportation Department's memorandum.

#### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the overall design inclusive of the variances be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.

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

MEETING DATE: November 20, 2025

PROPERTY/FOLIO: **6945 Abbott Avenue**      **02-3211-001-0290**

FILE NO: DRB25-1088

IN RE: An application has been filed requesting Design Review Approval for the construction of a new five-story mixed-use hotel building, including a variance to remove the requirement for a designated loading space, including one or more waivers.

LEGAL: Lots 1, Block E, of CORRECTED PLAT OF ATLANTIC HEIGHTS, according to the plat thereof recorded in Plat Book 4, at Page 146, of the Public Records of Miami-Dade County, Florida.

APPLICANT(S): Abott M 6945 LLC

**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 Land Development Regulations. 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 b, c, h, i, and 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-use hotel building shall be submitted to and approved by staff, or the Board, as noted; at a minimum, such drawings shall incorporate the following:
  - a. The proposed gray stucco cladding on the north elevation of the ground shall incorporate additional architectural interest, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review 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 area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
  - c. The final design, color and details of the proposed metal perforated façade, 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.
  - d. 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.
  - e. All rooftop lighting shall consist of a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, 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 design, details and pattern of the art mural proposed on the south side wall 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 design details and pattern of the hardscape and exterior walkways 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. 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 the Board. At a minimum, such plans shall comply with Chapter 46 Tree Preservation and Protection Ordinance of the City Code and Chapter 4-Landscape Requirements of the Resiliency Code and shall incorporate the following:
  - a. The revised plans shall comply with the requirements of section 4.2.3 of the Resiliency Code.
  - b. All existing overhead utility lines abutting the alley shall be relocated underground and all utility poles shall be removed.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. The proposed and existing trees located within the right of way shall be subject to the review and approval of Green Space and CIP.
  - h. 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.
  - i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
  - j. 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.

- k. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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.
- m. 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.
- n. 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 Section 5.2.6 to remove the off-street loading requirement.
  - 2. A variance from Section 7.2.14.6.c.6.E. to allow two (2) on-street loading spaces on a Class B frontage (Abbott Avenue), subject to the review and approval of applicable city departments.
- 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;  
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- 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 request(s), 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.

**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 and Waivers' noted above.**

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

- B. All new construction over 7,000 square feet shall comply with the “Green Building” requirements in section 7.1.3.2 of the Resiliency Code.
- C. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- D. 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.
- E. All allowable construction signage shall be 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 alley 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 alley 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 "6945 Abbott Avenue," as designed by **M77R**, signed, sealed, and dated May 13, 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.

