

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 12, 2026

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB25-1147
104 East San Marino Drive

An application has been filed requesting Design Review Approval for the new construction of a two-story residence including a variance of the rear yard setback requirements for the construction of a spiral stair, a variance for the required side yard facing the street for a planter and terrace, a variance for the construction of walkways and stairs to exceed 44" in width located in the required side yard facing the street, and a variance of the required rear yard open space, including one or more waivers, to replace an existing residence.

RECOMMENDATION:

Approval of the design

Approval of variances 1, 3, and 4

Denial of variance 2 (Terrace and Planter Variance)

LEGAL DESCRIPTION:

Lot 1, in Block 5, of San Marino Island, According to the plat thereof, recorded in Plat Book 9, Page 22, of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

The subject application was scheduled for the February 12, 2026 DRB meeting. Due to the lack of quorum, the February 12, 2026 meeting was cancelled and the item was moved to the March 12, 2026 DRB meeting.

SITE DATA:

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	7,066 SF
Lot Coverage:	
Proposed:	2,045 SF / 28.9%
Maximum:	2,119.8 SF / 30%
Unit size:	
Proposed:	3,518 SF / 49.8%
Maximum:	3,533 SF / 50%

Future Grade (C.O.R.):	+6.06' NGVD
Base Flood Elevation:	+9.00' NGVD
Adjusted Grade:	+8.03' NGVD
First Floor Elevation:	+11' NGVD (BFE+ 2' fb)

EXISTING PROPERTY:

Year:	1939
Vacant:	No
Demolition:	Yes

Height:

Proposed:	24'-0" Flat Roof*
Maximum:	24'-0" Flat roof**
From 1 st	

Surrounding Properties:

East:	2-story 2016 residence
South:	Vacant
West:	Two-story 1936 residence
North:	Two-story 2003 residence

THE PROJECT:

The applicant has submitted plans entitled "George Residence" as designed by **Choeff Levy Fischman Architecture + Design** dated December 7, 2025.

The applicant is requesting the following waiver(s):

1. A waiver from the additional setback of a second story along a side elevation facing a street when the lot coverage for a two-story home is 25% or greater in accordance with Section 7.2.2.3.b.2.B.
2. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 7.2.2.3.b.2.A.

The applicant is requesting the following variances:

1. **Spiral Stair Variance:** A variance from Section **7.2.2.3.b.1.** to reduce 3'-6" of the minimum required rear yard setback of 20'-0" in order to construct a spiral staircase 16'-6" from the rear yard lot line.
2. **Terrace and Planter Variance:** A variance from Section **7.2.2.3.b.12.N.** to allow for a front entry planter and step to exceed by 0'-3" for a terrace and 1'-3" for a planter to allow for a maximum projection of 4'-0" and 5'-0" respectively, exciding the maximum allowable projection of 3'-9" or 25% of the required side yard facing a street.
3. **Stairs and Walkways Variance:** A variance from Section **7.2.2.3.b.12.N.XI.** to exceed by 6'-4", or 76" the maximum width of 44" of stairs and walkways located in a yard facing a street to construct stairs and a walkway with a width of 10'-0".
4. **Pervious Area Variance:** A variance from Section **7.2.2.3.b.1.6.** to reduce by 16.6% (281 SF) the minimum required rear yard open space of 70% (840 SF) to be sodded or landscaped pervious open space in order to construct a new single-family residence with 53.4% (641 SF) open space in the rear yard.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application substantiating that variances 1, 3, and 4 satisfy Article 1, Section 2 of the Related Special Acts. Additionally, staff has concluded that variances 1, 3, and 4 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 applicable sections of the City Code, excluding any requests for variance(s). Additionally, the applicant is seeking a design waiver from the following sections of the City Code:

- Two-story homes where lot coverage is 25% or greater shall, at least 50 percent of the second floor along a side elevation of the street shall be set back a minimum of 5 feet from the minimum required.
- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
 - a. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.
 - b. The square footage of the additional open space shall not be less than one percent of the lot area.
 - c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
 - d. At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

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.
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.
Satisfied. However, the applicant is requesting one variance related to lot coverage.
- 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.

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 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.

Not Applicable.

- 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.
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 or salvage plan will be submitted for building permit.
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.

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new two-story residence on East San Marino Drive that will replace an existing residence. The subject site is an interior, corner lot located at the southeast intersection of East San Marino Drive and 1st San Marino Drive. The application includes three requests for design waivers and four variance requests.

The proposed two-story residence is designed in a contemporary style that highlights materiality and textures against modern architectural features. The main entrance of the home is located on the side facing a street elevation (East San Marino Drive), and the pool deck is sited within the south portion of the property, setback twenty feet setback from front property line. As a result of its long side elevation facing the street, the driveway and parking area are located within the rear yard as there is direct access from East San Marino Drive.

Clad in travertine stone, concrete paneling and covet aluminum batten paneling, the home's impervious planes are broken up by large panes of windows that juxtapose with floor to ceiling glass walls to encase the common areas on the ground floor and the sleeping quarters above. To provide privacy for the rooms on the second floor, the design includes a layer of steel screening along the portions of the second-floor balcony elevations that face the streets.

The first design waiver that the applicant is requesting relates to the additional 5'-0" setback that is required for the second-floor side elevation facing a street when the lot coverage is 25% or greater. Based on the proposed plans, the second-floor elevation facing East San Marino Drive consists of a linear footage of 61'-6". The current regulations require that at least 50% of the second-floor elevation be set back an additional 5' from the required side facing a street setback. While 52%, or 32'-3", of the second-floor façade is setback 5 feet from the required setback, 21'-3" of that elevation features floor to ceiling screening and does not meet the additional setback. The intent of the code is to safeguard second floor volumes from imposing on the pedestrian/street realm and staff finds that the subject second floor elevation, with the majority of its façade setback, meets the intent of the code. As such, staff is supportive of this design waiver.

The other two design waivers relate to the open space requirements for two-story side elevations that exceed 60'-0" in length. In such instances, the city code includes open space requirements to break up long expanses of side elevations. Both side elevations of the proposed design have lengths exceeding 60'-0". The first of these waivers is the two-story west interior side elevation that has a length of 63'-0' and includes a courtyard that complies with the size, shape and pervious landscape requirements of the code. However, the floor elevation is at the same height of the first floor, exceeding the maximum permitted elevation height of the required side yard. As proposed staff finds that the proposed west courtyard meets the intent of the code and recommends approval of this design waiver.

The east, two-story side elevation facing the street is 61'-6" long and does not include a courtyard to break up the massing. However, this elevation, as designed, exceeds the maximum length of 60' by only 1'-6" on the second floor. The minimal extension coupled with the additional setback of the elevations of both stories further minimize any potential impact the two-story massing may have on the site. As such, staff finds that the two-story east side facing a street elevation meets the intent of the code and recommends approval of this design waiver.

VARIANCE REVIEW

The applicant is requesting the following variances:

1. **Variance 1 - Spiral Stair Variance:** A variance from Section **7.2.2.3.b.1.** to reduce 3'-6" of the minimum required rear yard setback of 20'-0" in order to construct a spiral staircase 16'-6" from the rear yard lot line.

- Variance requested from:

Rear Setback (D)	15 % of the lot depth (6) <u>20 feet minimum</u> 50 feet maximum
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The applicant is proposing a circular staircase in the rear yard of the home to allow access to a roof deck. The corner lots on this block are oriented with the functional front yard on the side facing a street and the applicant seeks to maintain the character of the homes on this block. Due to the orientation of the lot, the functional interior side yard is considered the rear yard and the functional rear yard is considered the interior side yard. As such, the required 20-foot setback for the rear yard represents a practical difficulty and hardship. As the location of the stairs does not result in any negative

impacts to neighboring properties and it will be screened by landscaping, staff is supportive of the granting of this variance.

2. **Variance 2 - Terrace and Planter Variance:** A variance from Section **7.2.2.3.b.12.N.** to allow for a front entry planter and step to exceed by 0'-3" for a terrace and 1'-3" for a planter to allow for a maximum projection of 4'-0" and 5'-0" respectively, exceeding the maximum allowable projection of 3'-9" or 25% of the required side yard facing a street.

- Variance requested from:

N. ***Projections.*** Every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent (25%) of the required yard up to a maximum projection of 6 feet, unless otherwise noted.

VI. Porches, platforms and terraces up to 30 inches above the yard elevation of the lot, as defined in section 1.2.1. Such projections and encroachments may be located up to the first habitable floor elevation and include stairs, steps, ADA-compliant ramps and related walkways, not exceeding 5 feet in width, which provide access to all porches, platforms, terraces and the first floor when elevated to meet minimum flood elevation requirements, including freeboard.

XI. Planters, not to exceed 4 feet in height when measured from the finished floor of any floor of the primary structure.

The applicant is requesting a variance from the allowable yard projections to construct a terrace and planter that exceed the allowable 25% projection. The applicant did not demonstrate a hardship and practical difficulty for this variance. Staff believes that reducing the projection to comply with the allowable yard projection would not significantly impact the architecture, design, or functionality of the home. As such staff recommends denial of this variance.

3. **Variance 3 - Stairs and Walkways Variance:** A variance from Section **7.2.2.3.b.12.N.XI.** to exceed by 6'-4", or 76" the maximum width of 44" of stairs and walkways located in a yard facing a street to construct stairs and a walkway with a width of 10'-0".

- Variance requested from:

XI. Walkways: Maximum 44 inches. May be increased to a maximum of 5 feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA)-required turn-around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or

The applicant is requesting a variance to accommodate a wider walkway and stairs leading to the home's primary entrance. Due to the orientation of corner lots along East San Marino Drive, the functional front yard is located along the longer side facing a street elevation, rather than the narrower zoning front yard. This condition results in

a disproportionately narrow 44-inch walkway that would be out of scale with the home's frontage and architectural proportions. As a result, the lot orientation creates a practical difficulty for the applicant in meeting the strict dimensional requirement while maintaining an appropriately scaled and functional pedestrian entry. For these reasons, staff is supportive of the granting of this variance.

4. **Variance 4 - Pervious Area Variance:** A variance from Section 7.2.2.3.b.1.6. to reduce by 16.6% (281 SF) the minimum required rear yard open space of 70% (840 SF) to be sodded or landscaped pervious open space in order to construct a new single-family residence with 53.4% (641 SF) open space in the rear yard.

- Variances requested from:

(6). At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

The applicant is requesting a variance to reduce the amount of required pervious open space in the rear yard of the home. Due to the orientation of the home, the rear yard functions as a side interior yard. As a result, this area is the only practical location for a driveway and parking area. This area also contains a walkway and stair to access the home from the parking area and a pool equipment pad. The characteristic orientation of homes fronting San Marino Drive presents a practical difficulty and hardship to the applicant. As such, staff is supportive of the granting of the variance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved** with conditions, including variances Nos. 1, 3, and 4, and the **denial** of variance No. 2, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria and Hardship and Practical Difficulties criteria, as applicable.

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

MEETING DATE: March 12, 2026

PROPERTY/FOLIO: **104 East San Marino Drive 02-3232-003-0590**

FILE NO: DRB25-1147

IN RE: An application has been filed requesting Design Review Approval for the new construction of a two-story residence including a variance of the rear yard setback requirements for the construction of a spiral stair, a variance for the required side yard facing the street for a planter and terrace, a variance for the construction of walkways and stairs to exceed 44" in width located in the required side yard facing the street, and a variance of the required rear yard open space, including one or more waivers, to replace an existing residence.

LEGAL: Lot 1, in Block 5, of San Marino Island, According to the plat thereof, recorded in Plat Book 9, Page 22, of the Public Records of Miami-Dade County, Florida.

APPLICANT: HELA VENETIAN 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 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 new home at 104 East San Marino Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The side (east) yard facing a street open space requirement **shall be** waived.
 - b. The side (west) yard open space requirement **shall be** waived.
 - c. The additional 5' setback for 50% of the second-floor elevation facing a side street **shall be** waived.
 - d. The final design, details and color of the cladding proposed on the elevations 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 design and details of the concrete paneling proposed on the elevations 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 design, details and color of the covet aluminum battens proposed on the elevations 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 color, of the stainless-steel screen proposed on the balconies 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 design and details of the glass proposed for the balconies 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 design and details of the dark bronze aluminum break metal proposed for the roof and eyebrow fascia 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 design, details, material and color of the exterior spiral staircase proposed within the rear yard 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. The final design details of the exterior materials and finishes 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. URBAN HEAT ISLAND ORDINANCE Section 7.5.3.2(g)(iv) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in Section 1.2.1 of this Code, and (v) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in Section 1.2.1, shall be prohibited.
- m. 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 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. The plans shall be revised to comply with the line-of-sight visibility triangle requirements, subject to the review and approval of staff.
 - b. 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.
 - c. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - d. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff.
 - e. 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.
 - f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
 - g. 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. Any new street trees shall be of a

consistent canopy tree species as similar to the neighboring trees along the street.

- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- 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. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan. A
- k. 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.

I. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 - 1. **Spiral Stair Variance:** A variance from Section **7.2.2.3.b.1.** to reduce 3'-6" of the minimum required rear yard setback of 20'-0" in order to construct a spiral staircase 16'-6" from the rear yard lot line. **APPROVED**
 - 2. **Terrace and Planter Variance:** A variance from Section **7.2.2.3.b.12.N.** to allow for a front entry planter and step to exceed by 0'-3" for a terrace and 1'-3" for a planter to allow for a maximum projection of 4'-0" and 5'-0" respectively, exciding the maximum allowable projection of 3'-9" or 25% of the required side yard facing a street. **DENIED**
 - 3. **Stairs and Walkways Variance:** A variance from Section **7.2.2.3.b.12.N.XI.** to exceed by 6'-4", or 76" the maximum width of 44" of stairs and walkways located in a yard facing a street to construct stairs and a walkway with a width of 10'-0". **APPROVED**
 - 4. **Pervious Area Variance:** A variance from Section **7.2.2.3.b.1.6.** to reduce by 16.6% (281 SF) the minimum required rear yard open space of 70% (840 SF) to be sodded or landscaped pervious open space in order to construct a new single-family residence with 53.4% (641 SF) open space in the rear yard. **APPROVED**

- 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 1, 3, and 4 and **Denies** variance request 2, 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.

II. 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, 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 "West DiLido Estate", as designed by **Thamann Architecture + Design**, signed, sealed and dated July 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.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio Madan, AICP
Development & Resiliency Officer
For the Chair

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Rogelio Madan, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

{NOTARIAL SEAL}

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

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

Filed with the Clerk of the
Design Review Board on _____ ()

