

MIAMIBEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

Tel: (305) 673-7550, Fax: (305) 673-7559

February 21, 2018

George Lindemann
2300 Bay Avenue
Miami Beach, FL 33140

Re: **DRB File No. 22911 - 2300 Bay Avenue
Enforcement of Conditions of Final Order**

Dear Mr. Lindemann:

This letter is in reference to the above noted matter. On September 2, 2014, the Design Review Board (DRB) approved an application for revisions to a previously issued Design Review approval for the construction of a new two-story single family home ("Final Order"). The Final Order authorizing these revisions included the following condition:

4. This Order, and the prior Order adopted September 4, 2012 for DRB file number 22911, and any construction authorized by or permits issued pursuant to either order, are subject to the adjudication of the boundary dispute between the applicant and its neighbor by courts of competent jurisdiction or other resolution of such dispute.

As you are aware, on February 7, 2018, the Third District Court of Appeals, under case number 3D17-169, affirmed the Circuit Court decision pertaining to the boundary dispute, which found in favor of your immediate neighbor at 2324 Bay Avenue. As a result of the Court Order the single family home at 2300 Bay Avenue violates the maximum unit size and minimum setback requirements of the Land Development Regulations of the City of Miami Beach.

In light of the apparent finality of this court decision, the City must now enforce the aforementioned condition of the Final Order.

As such, if the illegal attributes at 2300 Bay Avenue are not remedied by March 30, 2018, the City shall commence enforcement proceedings to compel compliance with the conditions of DRB Final Order 22911. Additionally, the subject property has an active Temporary Certificate of Occupancy (TCO), which is set to expire on April 5th, 2018. Such TCO shall not be renewed without compliance actions.

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If you have any questions regarding this matter, or if you need any further information or clarifications, please feel free to contact me, or Eve Boutsis in the City Attorneys Office.

Sincerely,



Thomas R. Mooney, AICP
Planning Director

C: Jimmy L. Morales, City Manager
Susanne M. Torriente, Assistant City Manager
Ana Salgueiro, Building Official
Raul Aguila, City Attorney
Eve Boutsis, Chief Deputy City Attorney

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