



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, AUGUST 3, 2012

CITY COMMISSION CHAMBERS, THIRD FLOOR
1700 CONVENTION CENTER DR., MIAMI BEACH, FLORIDA

A. PROGRESS REPORT

1. **FILE NO. 3456** **ADAN BELTRAN
8143 HARDING AVENUE
LOT 6 LESS THE WEST 2.50' FEET
THEREOF, IN BLOCK 1, OF "PLAT OF
HAYNSWORTH BEACH SUBDIVISION,
PLAT BOOK 41, PG 2;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report associated with variances granted on August 6, 2010, in order to build a three-story plus rooftop terrace, six-unit residential building and a one (1) year extension of time to obtain a full building permit by February 6, 2013.

No further progress reports unless there are property maintenance violations.

B. MODIFICATION

2. **FILE NO. 3387** **JACOB NEISS, MID-BEACH MANAGEMENT, INC.
D/B/A FOUR POINTS BY SHERATON
4343 COLLINS AVENUE
THE SOUTH 75 FEET OF LOT 1 AND ALL LOT 2, BLOCK 39,
OCEAN FRONT PROPERTY OF THE MIAMI BEACH
IMPROVEMENT COMPANY SUBDIVISION
PLAT BOOK 5, PG 7 AND 8;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification in order to relocate existing signage with copy reading "Four Points by Sheraton" and its logo on an existing hotel:

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1. A variance to ~~exceed by 18 s.f. the maximum allowable flat sign size of 30 s.f. in order to place a sign of 48 s.f. on the porte-cochere, facing Collins Avenue~~ relocate a previously granted sign from the west side of the porte cochere to the south side of the porte cochere, not facing a street.

Approved.

C. CONTINUED CASES

3. **FILE NO. 3582** **SEVILLE ACQUISITION, LLC.
2912 COLLINS AVENUE
LOTS 1, 2, 6, 9 AND 10 OF BLOCK 12 OF "MIAMI BEACH
IMPROVEMENT CORPORATION SUBDIVISION", PLAT
BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of an all-valet surface parking lot:

1. A variance to waive 5'-0" of the minimum required interior side yard setback of 10'-0" in order provide 5'-0" setback from the north property line to the edge of the parking.

Applicant requested continuance to the September 7, 2012 BOA meeting.

D. NEW CASES

4. **FILE NO. 3586** **JACOB NEISS, AS PRESIDENT OF CHARLES
BERNARD LMT
4300-4332 COLLINS AVENUE, MIAMI BEACH
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT THE
PLANNING DEPARTMENT)**

The applicant is requesting the following variance in order to permit the removal of the partially constructed residential units on the third to the fifth floors of the building facing Indian Creek Drive and replace them with additional parking spaces:

1. A variance to waive the requirements of Section 142-219, which requires residential uses above the first level along every façade facing a waterway, in order to remove the partially constructed residential units on the third to the fifth floors of the building facing Indian Creek Drive and replace them with additional parking spaces.

Approved

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5. **FILE NO. 3587** **ATLANTIC VIEW PARTNERS, LTD., JACOB NEISS,
PRESIDENT / 4218 COLLINS AVENUE
LOTS 11 AND 12, BLOCK 38, OCEAN FRONT PROPERTY OF
THE MIAMI BEACH IMPROVEMENT COMPANY SUBDIVISION
PLAT BOOK 5, PG 7 AND 8;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variance in order to permit the retention of an existing temporary surface parking lot:

1. A variance to waive 10'-6" of the minimum required two-way drive width of 22'-0" in order to retain an 11'-6" wide two-way drive.

Approved, applicant to present a Progress Report in 6 months.

6. **FILE NO. 3589** **SYDELL INDIAN CREEK, LLC
2727 INDIAN CREEK DRIVE
LOTS 7, 9, 10, 11 AND 12, BLOCK 9,
AMENDED PLAT OF THE OCEAN FRONT PROPERTY
OF THE MIAMI BEACH IMPROVEMENT COMPANY
PLAT BOOK 5, PGS. 7 & 8;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE SEE THE
PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the construction of a one-story structure at the south of the property:

1. A variance to waive 4'-2 1/2" of the minimum required interior side yard pedestal setback of 11'-2 1/2" in order to build a one-story structure at 7'-0" from the east property line.
2. A variance to waive 10'-0" of the minimum required front yard setback of 20'-0" in order to build the structure at 10'-0" from the south property line, facing 27th Street.
3. A variance to exceed the permitted encroachment of 25% into the required setback in order to build a stair up to the south property line, facing 27th Street.

Approved.

7. **FILE NO. 3590** **MARTIN S. MELHEM
521 WEST DILIDO DRIVE
LOT 1, BLOCK 12; OF PLAT OF DI LIDO,
SUBDIVISION, PLAT BOOK 8, PG 36;
MIAMI-DADE COUNTY, FLORIDA**

This case has been withdrawn by the applicant.

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8. **FILE NO. 3592** **SERGIO D. GEORGE AND NATALIA GEORGE**
 4245 NORTH MERIDIAN AVENUE
 LOT 38, BLOCK 8 OF "NAUTILUS ADDITION OF MIAMI
 BEACH BAY SHORE CO"; PLAT BOOK 8, PG 130;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of an addition to an existing single family home:

1. A variance to waive 1'-5" and 2'-1" of the minimum required interior side yard setback of 7'-6" in order to build a 2-story addition at 6'-1" and 1-story gazebo at 5'-5" from the north property line, following the existing building line.
2. A variance to waive 4" of the minimum required sum of the side yards of 16'-1" in order to build an addition providing a sum of the side yards of 15'-9".

Approved

9. **FILE NO. 3593** **MIAMI BEACH JEWISH COMMUNITY CENTER, INC.**
 4221-4229 PINETREE DRIVE
 LOTS 5, 6 & 7; FLAMINGO BAY SUBDIVISION
 PB 6, PG 101; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to place a monument sign located on a perimeter wall:

1. A variance to waive 9'-5" of the minimum required front yard setback of 10'-0" in order to place a monument sign on a perimeter wall located at 7" from the front property line.

Approved

E. APPEALS

10. **FILE NO. 3565** **MAC SH, LLC.**
 1201, 1225, 1237 20TH STREET
 ALL LOTS 22, 23 AND 24 AND THE NORTH 70,000 FEET
 OF LOTS 25 AND 26 IN BLOCK 15A OF "ISLAND VIEW
 ADDITION", PLAT BOOK 9, PG 144; MIAMI-DADE
 COUNTY, FLORIDA
 (FOR COMPLETE LEGAL DESCRIPTION PLEASE
 CONTACT THE PLANNING DEPT.)

(Case continued from May 4, 2012 hearing) File No. 3565 APPEAL: 1201, 1225, 1237 20th Street - MAC SH, LLC, is appealing to the Board of Adjustment under City Code §§ 118-136 & 118-352 administrative determinations by the Planning Director concerning the application by Palau Sunset Harbor, LLC for Conditional Use approval for a 5-story mixed use structure consisting of approximately 50 residential units and 13,056 +/- square feet of commercial space, with mechanical parking lifts, located at 1201, 1225,

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and 1237 20th Street, in the CD-2 Commercial Medium Intensity zoning district. The appeal contends that: 1) The schematic diagrams submitted showing a conventional parking alternative as required by §130-38 do not meet the required setbacks of the Land Development Regulations (LDRs), the proposed off-street loading location is not in compliance with the LDRs, and do not meet the required buffering of parking spaces, pursuant to §142-308, all requiring variances, and therefore the use of mechanical parking systems is not permitted; 2) Required notice was not properly posted on the site 30 days prior to the scheduled February 28, 2012 public hearing; 3) The application was not complete 30 days prior to the January 24, 2012 public hearing, 4) The Planning Board meetings of March 27, 2012 and April 24, 2012 were held without proper notice pursuant to the The Citizen's Bill of Rights, (A)(6) of the City Charter, § 118-193 of the Miami Beach Code, and Article III, § 1. B., Miami Beach Planning Board By-Laws; and 5) The April 24, 2012 Planning Board meeting was held 28 days after the March 27, 2012 Planning Board meeting, when the matter was continued for 30 days.

Denied.

- 11. FILE NO. 3585 SHERBROOKE APTS., INC./ MITCHELL SCOTT
INVESTMENT GROUP, INC.
901 COLLINS AVENUE, 909 COLLINS AVENUE,
919 COLLINS AVENUE, MIAMI BEACH
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTIONS PLEASE CONTACT
THE PLANNING DEPT.)**

Sherbrooke Apts., Inc./Mitchell Scott Investment Group, Inc., is appealing under Section 118-136 of the City Code an administrative decision of the Planning Director which denied the proposed transfer of Floor Area (FAR) for a project at 901, 909, and 919 Collins Avenue to the Board of Adjustment. The Administrative Determination, dated April 10 2012, determined that a proposed unification of three subject properties through the use of the proposed Covenant in Lieu of Unity of Title is not a true "unified development site" as required by Section 118-5, and the proposed construction of a rooftop addition on the Sherbrooke Apartments through the use of a transfer of development rights does not conform with the applicable Charter provision 1.03(c) or the Land Development Regulations.

Applicant requested continuance to the September 7, 2012 BOA meeting.

F. NEXT MEETING DATE

September 7, 2012

In accordance with the Americans With Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, persons with disabilities, or to request material in accessible format, contact the Board's administrator at (305)673-7550 no later than four (4) days prior to the proceeding. If hearing impaired or for sign language interpreters, telephone (305)673-7219 (TDD) five (5) days prior to the proceeding.
