

**BOARD OF ADJUSTMENT AFTER ACTION REPORT
OCTOBER 5, 2012**

- 3. File No. 3579: Yard House USA, Inc.,
 1681 Lenox Avenue, Miami Beach**

The applicant is requesting a modification to the language of a condition of approval for a variance associated with the sale of beer, wine and liquor at a new restaurant:

- ~~7. This approval is granted to Yardhouse USA, Inc. or any of their subsidiaries or locally created subsidiaries only. Any changes in ownership or operator shall require new owner or operator to return to the Board of Adjustment and seek a modification to the final Order transferring approval to the new owner or operator.~~
- ~~8. Any change of operator or ownership, including by fifty (50) percent or more of stock ownership, partnership interest, or the equivalent, shall require review and approval by the Board of Adjustment as a modification to this Order.~~
7. This approval is granted to Yard House USA, Inc. or any of their its "Yard House" subsidiaries or affiliates, as tenant/operator of the property. locally created subsidiaries only. Any changes in ownership or operator shall require new owner or operator to return to the Board of Adjustment and seek a modification to the final Order transferring approval to the new owner or operator. of operator or ownership, or 50% (fifty percent) or more stock ownership in the corporation or the equivalent for other forms of ownership shall require an appearance before the Board of Adjustment. Subsequent owners and operators shall be required to appear before the Board, within 90 days of change of ownership or operator to affirm their understanding of the conditions listed herein. This appearance will not subject the original application to a possible revocation of the Order.

Approved

C. CONTINUED CASES

- 4. File No. 3596 Encotel, LLC
 2216 Park Avenue**

The applicant is requesting the following variance in order to permit a reduction in the number of required parking spaces for a convention hotel:

1. A variance to waive the required number of off-street parking spaces required for the convention hotel and its accessory uses by 10%.

Approved

- 5. File No. 3598 Greystone Terra Firm, LLC
 1920 Collins Avenue**

The applicant is requesting the following variance in order to permit the retention of the existing guest rooms:

1. A variance to waive the required minimum hotel unit size: 15% of the hotel units shall be between 330-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain 44 hotel units at less than 300 s.f (the smallest at 271 s.f., 72.1% of

**BOARD OF ADJUSTMENT AFTER ACTION REPORT
OCTOBER 5, 2012**

units), 15 hotel units between 300 and 335 s.f. (24.6% of units) and 2 units exceeding 335 s.f. (3.3% of units).

Approved

D. NEW CASES

- 6. File No. 3604: Miami Beach Community Development Corporation,
1940 Park Avenue**

The applicant is requesting the following variance in order to retain the existing unit sizes:

1. A variance to waive 95 s.f. of the required minimum unit size of 400 s.f. and to waive 58 s.f. of the average unit size of 400 s.f. in order to retain the existing size of the units with a minimum of 305 s.f. and an average of 342 s.f.

Approved

- 7. File No. 3605: CG Sunny Isles, LLC, CG Sunny Isles I, LLC,
CG Sunny Isles II, LLC,
2000 & 2030 Park Avenue, 2035 Washington Avenue,
425 & 435 20th Street and 430 21st Street**

The applicant is requesting the following variances in order to permit the renovation of the existing hotels:

1. A variance to waive the required minimum hotel unit size: 15% of the hotel units shall be between 330-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain 81 hotel units at less than 300 s.f. (the smallest at 220 s.f., 41% of units), 68 hotel units between 300 and 335 s.f. (35% of units) and 46 units exceeding 335 s.f. (24% of units).
2. A variance to waive 10'-0" of the minimum required drive width of 22'-0" for two-way drive in order to build a 12'-0" wide two-way drive for the all valet underground garage.

Approved

- 8. File No. 3606: Normandy Shores Realty, Inc.,
1000 North Shore Drive, Miami Beach**

The applicant is requesting the following variance in order to permit the construction of a swimming pool and its associated deck within the required side yard facing the street:

1. A variance to waive 6'-0" and 5'-0" of the required 10'-0" minimum side yard facing the street setback for a swimming pool and its associated deck in order to build the deck/coping at 4'-0" and the water's edge at 5'-0" to the side yard facing the street property line, facing east.

Approved

**BOARD OF ADJUSTMENT AFTER ACTION REPORT
OCTOBER 5, 2012**

E. APPEALS

9. **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.)**

This case was continued at the August 3, 2012 meeting and the September 7, 2012 meeting. 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.

Continued to the BOA November 2, 2012 meeting

10. **FILE NO. 3602** **BATH CLUB ENTERTAINMENT, LLC
COLLINS AVENUE ASSOCIATES, LLC
5937 COLLINS AVENUE**

Continued to a later date

Bath Club Entertainment, LLC and Collins Avenue Associates, LLC, are appealing, under Section 118-136 of the City Code, an administrative decision of the Planning Director pertaining to the vested status of the use of an existing pool deck for dining and hall-for-hire activities at the Bath Club site at 5937 Collins Avenue to the Board of Adjustment. The Administrative Determination, dated July 2, 2012, concluded that that the use of the Bath Club pool deck for commercial, hall-for-hire purposes, is not permitted.

F:\PLAN\zba\AFTERAC\After Action BOA OCTOBER 2012.doc



MIAMI BEACH

PLANNING DEPARTMENT

FLOOD PLAIN MANAGEMENT BOARD

**BOARD OF ADJUSTMENT AFTER ACTION REPORT
OCTOBER 5, 2012**

**AFTER ACTION REPORT
FRIDAY, OCTOBER 5, 2012**

City Hall - 1700 Convention Center Drive, Commission Chambers - Third Floor
Miami Beach, Florida 33139

A. NEW CASES

1. **FP12-06: SML 350 Lincoln, Inc.
350 Lincoln Road**

Case has been deferred indefinitely

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

2. **FP12-07: Greystone Terra Firma, LLC,
1920 Collins Avenue**

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

Approved

F:\PLAN\zba\AFTERAC\After Action FPMB OCTOBER 2012.doc