



BOARD OF ADJUSTMENT

AFTER ACTION

FRIDAY, MARCH 1, 2013

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

A. PROGRESS REPORT

1. **File No. 3587**
Jacob Neiss, Pres. Atlantic View Partners, Ltd.
4218 Collins Avenue

The applicant will present a Progress report for an after-the-fact variance granted August 3, 2012, that allowed the retention of an existing temporary surface parking lot. Specifically, the applicant will update the Board on the status of the Certificate of Use application and the Occupational License.

Not required as applicant complied with conditions prior to deadline

B. MODIFICATION

2. **File No. 2891**
Umami Burger, LLC
1070-1080 Alton Road

The applicant is requesting a modification to a condition of approval for a variance associated with the sale/service of alcohol within the minimum required distance separation from an educational facility.

Condition No. 6 of the August 7, 2009 Modification Order granted the approval of the variance to the previous operator, 1080 Alton Road, LLC only. The applicant requests to modify this condition to permit the transfer of approval to Umami Burger, LLC.

Modified Order: Modified Condition No. 6:

6. This approval is granted to ~~1080 Alton Road~~ Umami Burger, LLC 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.

Approved

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C. NEW CASES

- 3. File No. 3622
Espanola Way Associates, Ltd.
405-419 Espanola Way**

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

1. A variance to waive the required minimum hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain:

Hotel rooms within 405 Espanola Way (28 rooms existing and proposed)

16 hotel units at less than 300 s.f. (the smallest at 244 s.f., 57% of units)
8 hotel units between 300 and 335 s.f. (29% of units)
4 hotel units exceeding 335 s.f. (14% of units)

Hotel rooms within 419A Espanola Way (4 rooms existing, 8 rooms proposed)

8 hotel units at less than 300 s.f. (the smallest at 230 s.f., 100% of units)

Hotel rooms within 419B Espanola Way (4 rooms existing, 8 rooms proposed)

8 hotel units at less than 300 s.f. (the smallest at 230 s.f., 100% of units)

Proposed hotel rooms within the three structures (44 hotel rooms total)

32 hotel units at less than 300 s.f. (the smallest at 230 s.f., 73% of units)
8 hotel units between 300 and 335 s.f. (18% of units)
4 hotel units exceeding 335 s.f. (9% of units)

Approved

- 4. File No. 3623
Stephen N. Zack
6480 Allison Road**

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

1. A variance to waive 11'-5" of the minimum required sum of the side yards of 27'-6" in order to build the addition providing a sum of the side yards of 16'-1"

Approved

- 5. File No. 3625
The Mimosa, LLC
6525 Collins Avenue**

The applicant is requesting the following variances in order to permit the renovation of an existing three (3) story historic hotel and a new nine (9) story addition with a total of 69 hotel and

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condo units:

1. A variance to waive 2' – 6" of the minimum required 7' – 6" south interior pedestal setback in order to permit an addition to follow the existing setback of a historic building 5' – 0" from the south property line.
2. A variance to waive 2' – 6" of the minimum required 7' – 6" north interior pedestal setback in order to permit an addition to follow the existing setback of a historic building 5' – 0" from the north property line.
3. A. A variance to permit the relocation of a permissible business flat sign from the ground floor level facing the Atlantic Ocean (east) to be placed on the building parapet wall of the new tower facing Collins Avenue (west).

B. A variance to exceed by 33.30 square feet from the maximum permitted 10 square feet flat business sign allowed at ground level facing the Atlantic Ocean to be 43.30 square feet.

Continued to April 5, 2013

**6. File No. 3626
Sobe Delicious, LLC
1436 Washington Avenue**

The applicant is requesting the following variances in order to sell beer and wine at a bakery and restaurant:

1. A variance to waive 238 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages and an existing educational facility, Fisher-Feinberg Elementary School in order to sell beer and wine for consumption on the premises with a distance of 62 feet to the school.
2. A variance to waive twenty (20) seats of the minimum requirement of thirty (30) seats for a ten (10) seat bakery and restaurant to serve beer and wine for consumption on the premises.

Approved

D. APPEAL

**7. 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

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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.

Appeal granted; Planning Director's decision reversed

E. NEXT MEETING DATE

April 5, 2013

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.

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