

BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, DECEMBER 5, 2014

9:00 A.M.

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

Note: Richard Preira was absent, and Heidi Tandy arrived at 9:54 a.m. and left at 11:18 a.m.

A. CONTINUANCES/ WITHDRAWALS

1. File No. 3650
Christian de Berdouare and Jennifer Valoppi
5750 North Bay Road

Continued to the January 9, 2015 meeting -Baron/Goldberg 5-0.

2. File No. 3709
Tara Realty, LLC.
126 West San Marino Drive

This application has been withdrawn.

3. File No. 3766
Adam Greenberg
3185 Royal Palm Avenue

This application has been withdrawn.

4. File No. 3769
418 Meridian LLC.
418-426 Meridian Avenue

Continued to the January 9, 2015 meeting –Colin/Baron 5-0.

5. File No. 3771
MBEACH1, LLLP.
1666 Lenox Avenue

Continued to the January 9, 2015 meeting -Colin/Goldberg 5-0.

6. File No. 3759 (Appeal)
Sunset Parking Systems, Inc.
800-810 Lincoln Road

Continued to the January 9, 2015 meeting –Baron/Colin 5-0.

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B. MODIFICATIONS

1. **File No. 3547**
Tower 3315, LLC. and 3201 Hotel, LLC.
3201-3315 Collins Avenue

The applicant is requesting modifications to conditions of approval for approved variances to permit the renovation of the existing Saxony Hotel and the construction of a new multifamily building. Specifically the applicant is requesting to modify condition 2 of the modified final order.

Approved –Goldberg/Colin 5-0.

2. **File No. 3722**
Justin Toal and Leigh Exposito
5618 La Gorce Drive

The applicants are requesting the following variance in order to build a pool and deck in the rear yard of the existing single family home:

1. A variance to exceed by 0'-11" the maximum permitted elevation height of 6'-5" NGVD within the required rear yard in order to build a pool's retaining walls at 7'-4" NGVD.

Approved –Baron/Fox 6-0.

C. PREVIOUSLY CONTINUED CASES

1. **File No. 3726**
William M. Pizzorni
1220 South Biscayne Point Road

The applicant is requesting the following variance in order to build a new dock for a new two story single family home:

1. A. A variance to exceed by 0.2% (1'-3") the maximum 15% projection into the waterway that exceeds 100'-0" in width in order to permit the construction of an L-shaped dock and one (1) mooring pile with 15.2% projection into a canal with a width of 425'-0".

B. A variance to exceed by 25'-0" the maximum permitted 40'-0" projection into the waterway that exceeds 100'-0" in width in order to permit the construction of an L-shaped dock and one (1) mooring pile with a total projection of 65'-0" into the waterway.

Continued to the January 9, 2015 meeting -Baron/Goldberg 5-0.

D. NEW CASES

7. **File No. 3741**
Tower 3315, LLC. and 3201 Hotel, LLC.
3201-3315 Collins Avenue

The applicant is requesting the following variance in order to construct a perimeter wall

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located in the Dune Overlay District.

1. A. A variance to waive all of the minimum required setback of 11'-0" from the Erosion Control Line in order to construct a perimeter fence in the Dune Preservation Overlay District along the Erosion Control Line at a maximum height of 16.0 NGVD.

B. A variance to waive 9'-0" of the minimum required setback of 13'-0" from the Erosion Control Line in order to construct a gate in the Dune Preservation Overlay District at 4'-0" from the Erosion Control Line at maximum height of 18.0 NGVD.

Approved –Fox/Tandy 6-0.

**8. File No. 3760
3425 Collins, LLC.
3425 Collins Ave**

The applicant is requesting the following variances in order to make renovations to the existing building and to construct a new 16-story residential building:

1. A variance to waive 6'-0" of the minimum required setback of 11'-0" from the Erosion Control Line in order to construct a perimeter fence* in the Dune Preservation Overlay District at 5'-0" from the Erosion Control Line and a height up to 16.50 NGVD.
2. A. A variance to waive 10'-0" of the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence* in the Oceanfront Overlay District at 5'- 0" from the north property line and a height up to 16.50 NGVD.

B. A variance to waive 10'-0" of the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence* in the Oceanfront Overlay District at 5'- 0" from the south property line and a height up to 16.50 NGVD.
3. A. A variance to waive all of the minimum required pedestal street side setback of 16'-0" in order to construct a new stairwell enclosure, elevated terrace and retaining wall up to the north property line facing 35th Street.

B. A variance to waive 5'-7" of the minimum required pedestal street side setback of 16'-0" in order to construct a column in the elevated terrace at 10'-5" from the north property line facing 35th Street.
4. A. A variance to waive 8'-1" of the minimum required pedestal street side setback of 16'-0" in order to construct columns at 7'-11" from the south property line facing 34th Street.

B. A variance to waive 8'-10" of the minimum required pedestal street side setback of 16'-0" in order to construct the generator room at 7'-2" from the south property line facing 34th Street.

C. A variance to waive 13'-6" of the minimum required pedestal street side setback of 16'-0" in order to construct the lobby at 2'-6" from the south property line facing 34th Street.

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- D. A variance to waive a range from 15'-6 1/2" to 7" the minimum required pedestal street side setback of 16'-0" in order to construct the second, third and fourth floors of the new 16 story addition at a range from 5 1/2" to 15'-5" from the south property line facing 34th Street.
- E. A variance to waive 11'-0" of the minimum required pedestal street side setback of 16'-0" in order to construct a perimeter fence* at 5'-0" from the south property line facing 34th Street and a maximum height of 16.50 NGVD.
5. A variance to waive 31'-6 1/2" of the minimum required pedestal sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 5 1/2".
6. A. A variance to waive 8'-2" of the minimum required subterranean street side setback of 10'-0" in order to construct a portion of the retaining walls at 1'-10" from the south property line facing 34th Street.
- B. A variance to waive 2'-1" of the minimum required subterranean street side setback of 10'-0" in order to construct columns at 7'-11" from the south property line facing 34th Street.
7. A. A variance to waive a range from 15'-6 1/2" to 7" the minimum required tower street side setback of 16'-0" in order to construct the fourth through sixteen floors of the new 16 story addition at a range from 5 1/2" to 15'-5" from the south property line facing 34th Street.
- B. A variance to waive 7'-1" of the minimum required tower street side setback of 16'-0" in order to construct the pool and pool deck at 8'-11" from the south property line facing 34th Street.
8. A variance to waive 26'-0 1/8" of the minimum required tower sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 5'-11 7/8".
9. A variance to exceed by a range from 21% to 72% (4'-7" to 11'-7") the maximum allowable projection of 25% (4'-0") into the required street side setback of 16'-0" in order to construct balconies and roof overhangs with encroachments ranging from 46% to 97% (8'-7" to 15'-7") into the required street setback facing 34th Street.
10. A variance to exceed by 3'-0" the maximum permitted building height of 200'-0" in order to construct a new 16 story residential addition on the southwest side of the property with a maximum height of 203'-0" measured from base flood elevation to the top of the roof kitchen counter.
11. A variance to exceed by 1'-11" the maximum permitted fence height of 5'-0" when facing a street in order to construct a perimeter wall** up to the south property line facing 34th Street at 6'-11" high and a top elevation of 10.50 NGVD.

Approved with modified and additional conditions –Goldberg/Fox 6-0.

- 9. File No. 3761
Indian Creek II, LLC.
4777 Pine Tree Drive**

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The applicant is requesting the following variance in order to build a new dock for the existing two story single family home:

1. A variance to exceed by 23.1' the maximum permitted 40'-0" projection into the waterway that exceeds 100'-0" in width in order to permit the construction of a new dock and five (5) mooring piles with a total projection of 63.1' into the waterway.

Continued to the January 9, 2015 meeting -Baron/Fox 5-0.

10. File No. 3762

**All In One Enterprises, LLC.
413 Espanola Way**

The applicant is requesting the following variances in order to serve beer and wine for consumption on the premises:

1. A variance to waive twenty-two (22) seats of the minimum required thirty (30) seats for a restaurant to serve beer and wine in order to operate a restaurant with eight (8) seats and serve beer and wine for consumption on the premises.
2. A variance to waive 182 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption and an existing educational facility, Fisher-Feinberg Elementary School in order to sell beer and wine for on-site consumption with a distance of 118 feet to the school.

Approved –Baron/Goldberg 5-0.

11. File No. 3763

**Miami Weiss, LLC.
2360 Collins Avenue**

The applicant is requesting the following variance in order to install a new projecting sign for a restaurant:

1. A variance to exceed by 46.25 s.f. the maximum permitted area of 15 s.f. for a projecting sign in order to permit one sign on the roof fascia facing Collins Avenue with 61.25 s.f.

Approved –Baron/Fox 5-0.

12. File No. 3764

**Royal Polo Hotel, LLC.
2940 Collins Avenue**

The applicant is requesting the following variance in order to place an FPL transformer facing 30th Street as part of the renovations to the existing building:

2. A variance to waive all minimum required street side pedestal setback of 7'-6" in order to construct the FPL transformers up to the north property line facing 30th Street.

Continued to the January 9, 2015 meeting -Baron/Goldberg 5-0.

13. File No. 3765

**First Stone Reunion, LLC.
1930 Bay Drive**

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The applicant is requesting the following variance in order to build a new five (5) story multifamily building:

1. A variance to waive 5'-2" of the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide eight (8) parking spaces at 90° with an interior drive aisle of 16'-10.

Approved –Baron/Colin 5-0.

**14. File No. 3767
M.C.M., Corp.
1741 Collins Avenue**

The applicant is requesting the following variance in order to build a wall on both sides of the pool deck:

1. A variance to waive all minimum required interior side pedestal setback of 7'-6" in order to construct an extension of the existing perimeter walls on the north and south sides of the property along the pool area at a height of 12'-0" from grade and a top elevation of 17.64 NGVD.

Approved with additional condition –Baron/Goldberg 5-0.

**15. File No. 3770
PDF 723 Lincoln Lane, LLC.
723 North Lincoln Lane**

The applicant is requesting the following variance in order to construct a new three story commercial building:

1. A variance to waive two (2) of the minimum required off street loading spaces of four (4) in order to construct a commercial building with more than 40,000 s.f. of area providing two (2) loading spaces on the premises.

Approved with modified and additional conditions –Baron/Goldberg 5-0.

**16. File No. 3772
S+C 421 Hibiscus, LLC.
421 North Hibiscus Drive**

The applicant is requesting the following variance in order to construct a pool and deck in the rear yard of a new two story single family residence:

1. A variance to exceed by a range from 1'-9 ¼" to 2'-9 ¼" the maximum permitted elevation height of 6'-10 ¾" NGVD within required yards in order to raise the required sides and rear yards up to 8'-8" NGVD and to construct the pool's retaining walls and pool deck at 9'-8" NGVD.

Approved –Goldberg/Baron 5-0.

**17. File No. 3773
4821 Pinetree Dr., LLC.
4821 Pine Tree Drive**

The applicant is requesting the following variance in order to construct a new dock for the existing single family home:

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1. A variance to exceed by 24'-3" the maximum permitted 40'-0" projection into the waterway that exceeds 100'-0" in width, in order to permit the construction of a new dock with a total projection of 64'-3" into the waterway.

Continued to the January 9, 2015 meeting -Baron/Goldberg 5-0.

18. File No. 3705

**Angler's Boutique Resort, LLC.
600-660 Washington Avenue**

The applicant is requesting the following variances in order to construct a new 5 story hotel addition in association with the existing Angler's Hotel:

1. A variance to waive a range from 2'-2" to 12'-5" the minimum required subterranean front setback of 20'-0" in order to construct parking spaces at a range from 17'-10" to 7'-7" from the front property line facing Washington Avenue.
2. A variance to waive 7'-6" of the minimum required subterranean side facing a street setback of 15'-0" in order to construct parking spaces at 7'-6" from the side property line facing 6th Street.
3. A. A variance to waive 16'-6" of the minimum required pedestal side facing a street setback of 24'-0" in order to construct a column for a new five (5) story hotel addition at 7'-6" from the side property line facing 6th Street.

B. A variance to waive 11'-0" of the minimum required pedestal side facing a street setback of 24'-0" in order to construct the building envelope for a new five (5) story hotel addition at 13'-0" from the side property line facing 6th Street.
4. A variance to waive 35'-4" of the minimum required pedestal sum of the side yards of 48'-0" in order to construct a new five (5) story hotel addition associated with the existing hotel with a sum of the side yards of 12'-8".

**Approved to include variance for triple stacking of vehicles and modified variances-
Baron/Goldberg 5-0.**

E. NEXT MEETING DATE

Friday, January 9, 2014

All persons are invited to appear or be represented by an agent at the public hearing and provide testimony before the Board. The applications and all documents related thereto are available for public inspection during normal business hours in the office of the Planning Department located at 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. Inquiries may be directed to the Department at (305) 673-7550. Any of the above items may be continued to another meeting date and, under such circumstances, further advertised legal notice may not be provided.

Pursuant to Florida Statutes Section 286.0105, any person wishing to appeal Board decisions must ensure a verbatim record of the proceedings including testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by the law.

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In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Board's administrator at (305) 673-7550 no later than four (4) days prior to the proceeding. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

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