



## **BOARD OF ADJUSTMENT** **AFTER ACTION**

**FRIDAY, JANUARY 6, 2006 – 9:00 A.M.**

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

### **A. INTRODUCTION OF PROPOSED NEW TENANT**

1. **FILE NO. 2684**      **CLAY HOTEL PARTNERSHIP, LTD.**  
**506 ESPANOLA WAY (a/k/a 1436 Drexel Avenue)**

The applicant will introduce a prospective new tenant to the Board members and will also update the Board regarding the operation of this restaurant which obtained a variance on January 8, 1999 to sell/serve alcoholic beverages within 300 feet of an educational facility (Fisher-Feinberg Elementary School).

***Progress Report due 60 days after obtaining an occupational license.***

### **B. AMENDMENT**

2. **FILE NO. 2881**      **1229 PARTNERS, LLC**  
**1778-1784 WEST AVENUE**

This case is continued from the meetings of July 1, August 5, September 2, November 4 and December 2, 2005.

The applicant is requesting a modification to a previously approved variance associated with the construction of a new storage warehouse. The September 6, 2002 Final Order and associated recorded restrictive covenant limits the building to storage warehouse use only. The applicant is requesting to be allowed to have wholesale sales use, and administrative functions accessory and ancillary to the storage warehouse use.

***Continued to February 3, 2006.***

**C. EXTENSIONS OF TIME**

- 3. FILE NO. 3074      FIRST OCEAN RESIDENCE REALTY, LLC  
1475 COLLINS AVENUE**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new four-story, twenty-four (24) unit residential condominium apartment building:

Condition number 3 of the January 7, 2005 Order requires that a building permit be issued by January 7, 2006 and for the project to be completed by January 7, 2007. The applicant is requesting a one (1) year extension of time to obtain a building permit by January 7, 2007 and to complete the project by January 7, 2008.

**Approved.**

- 4. FILE NO. 3067      ITALBUILDING INC.  
8021 HARDING AVENUE**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new four-story five (5) unit residential building:

Condition number 4 of the January 7, 2005 Order requires that a building permit be issued by January 7, 2006 and for the project to be completed by January 7, 2007. The applicant is requesting a one (1) year extension of time to obtain a building permit by January 7, 2007 and to complete the project by January 7, 2008.

**Approved.**

- 5. FILE NO. 3065      535 WEST AVENUE, LLC  
500-550 ALTON ROAD and  
517-547 WEST AVENUE**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new seven-story mixed use building:

Condition number 8 of the December 3, 2004 Order requires that a building permit be issued by December 3, 2005 and for the project to be completed by December 3, 2006. The applicant is requesting a one (1) year extension of time to obtain a building permit by December 3, 2006 and to complete the project by December 3, 2007.

**Approved.**

**D. CONTINUED CASES**

**6. FILE NO. 3149      **PEDRO and OLGA ADRIAN**  
**198 PALM AVENUE****

This case is continued from the meetings of November 4 and December 2, 2005.

The applicant is requesting the following variances in order to construct a new two story single family residence:

1. A variance to waive 10' - 0" of the minimum required front yard setback of 20' - 0" in order to build a two story accessory structure at 10' - 0" from the front property line.

***Continued to the March, 2006 meeting.***

**7. FILE NO. 3156      **DECO BEACH INNS, LTD.**  
**Re: 1817, 1831 and 1835 JAMES AVENUE****

This case is continued from the meeting of December 2, 2005.

The applicant is appealing an administrative decision of the Planning Director, regarding the applicability of Section 118-398 of the City Code to an approved rooftop addition at the subject address.

***Withdrawn.***

**E. NEW CASES**

**8. FILE NO. 3153      **100 OCEAN DRIVE LAND, LLC d/b/a APPLE HOTEL**  
**100 OCEAN DRIVE****

The applicant is requesting the following variances in order construct a new three (3) story, sixteen (16) unit hotel:

1. A variance to exceed by 9' - 0" the requirement for the pedestal front setback to be a minimum and a maximum of 5' - 0" in order to provide a front pedestal setback of 14' - 0" from the east property line.

2. A variance to waive 1' - 0" of the requirement for the side facing a street pedestal setback to be a minimum and a maximum of 5' - 0" in order to provide a pedestal at 4' - 0" from the south property line.
3. A variance to waive 6' - 6" of the minimum required rear yard pedestal setback of 11' - 6" in order to construct a new hotel building 5' - 0" from the west property line.
4. A variance to exceed the maximum allowable projection into the required yard with balconies and an ornamental feature projecting into the required side yard facing the street (1<sup>st</sup> Street) to the south of the property as follows:
  - A. To exceed by 3' - 0" the maximum allowable projection of 1' - 0" into the required yard with balconies projecting 4' - 0" (100%) into the required side yard facing the street (1<sup>st</sup> Street).
  - B. To exceed by 2' - 3" the maximum allowable projection of 1' - 3" for an ornamental feature to provide a projection of 3' - 6" into the required side yard facing the street (1<sup>st</sup> Street).
5. A variance to exceed by 1' - 9" the maximum allowable projection of 1' - 3" into the required yard with balconies projecting 3' - 0" into the required rear yard on the west side of the property.

**Approved.**

**9. FILE NO. 3164      **MICHAEL J. MIARECKI**  
**5238 ALTON ROAD****

The applicant is requesting the following variance in order to permit the construction of two, one (1) story additions to an existing two story single family residence:

1. A variance to waive 15' - 0" of the minimum required rear yard setback of 20' - 0" in order to provide 5' - 0" from the west property line to the rear wall of the north and south one story additions, following an existing two story building line.

**Approved.**

**10. FILE NO. 3165      **KEY EDEN ROC GENERAL PARTNER, INC.**  
**d/b/a EDEN ROC HOTEL**  
**4525 COLLINS AVENUE****

The applicant is requesting the following variances in order to permit the construction of a new twenty-one (21) story hotel tower on the south portion

of the property and the renovation of the existing 14 story hotel.

1. A variance to waive 16' - 7" of the required rear yard pedestal setback of 123' - 4" in order provide 106' - 10" from the ECL to the edge of the new pool deck and new guestrooms at the pedestal levels and to waive 44' - 4" of the required rear yard pedestal of 123' - 4" in order to provide 79' - 0" from the ECL to the edge of the access stairs of the new pool deck.
2. A variance to waive 12' - 0" of the minimum required rear yard setback of 50' - 0" for oceanfront lots in order to provide a pool deck at 38' - 0" from the bulkhead line.
3. A variance to exceed by 6' - 6" the maximum permitted height of a deck of 2' - 6" above the top of the dune in order to provide a pool deck at 9'-0" above the top of the dune.
4. A variance to waive all of the required 28' - 0" interior side yard setback in order to provide 0' - 0" from the south property line to the south face of the pedestal.
5. A variance to waive all of the required 56' - 0" sum of the pedestal side yards setback in order to build the pedestal at 0' - 0" from the south property line.
6. A variance to waive all of the required tower interior side setback of 43' - 0" in order to build the tower at 0' - 0" from the south property line.
7. A variance to exceed the maximum allowable stacking of two vehicles within a valet parking garage in order to provide triple stacking of vehicles.
8. A variance to waive all the four (4) required off-street loading spaces.

**Approved.**

**11. FILE NO. 3166      RIVO ALTO LLC**  
**310 E. RIVO ALTO DRIVE**

The applicant is requesting the following variances in order to permit the construction of a one (1) story addition at the northeast portion of an existing one story single family residence and a swimming pool and its associated deck on the west side of the property:

1. A variance to waive 1' – 8 1/2" of the minimum required side yard facing the street setback of 15' - 0" in order to provide 13' – 3 1/2" from the east property line to the one story addition.

2. A variance to waive 4' - 9 1/8" of the minimum required rear yard setback of 20' - 0" in order to provide 15' - 2 7/8" from the north property line to the rear wall of the one story addition, following an existing building line.
3. A. A variance to waive 1' - 11" of the minimum required setback of 7' - 6" from the interior west property line to the edge of the pool deck in order to build the pool deck at 5' - 7" from the interior lot line.  
B. A variance to waive 1' - 6" of the minimum required setback of 9' - 0" from the interior west property line to the water's edge in order to build a swimming pool at 7' - 6" from the interior lot line.

**Approved.**

**12. FILE NO. 3167      **FONTAINEBLEAU FLORIDA HOTEL, LLC** a foreign LLC  
**FONTAINEBLEAU FLORIDA TOWER 4, LLC** a Fla. LLC  
**a/k/a THE FONTAINEBLEAU, 4441 COLLINS AVENUE****

The applicant is requesting the following variances in order to permit the complete demolition of the existing north tower and the construction of a new twenty-one (21) story hotel tower on the north portion of the property.

1. A variance to waive 45' - 5" of the required rear yard pedestal setback of 127' - 0" in order provide 81' - 7" from the ECL to the edge of the pedestal.
2. A variance to waive all of the minimum required rear yard setback of 50' - 0" for oceanfront lots in order to provide a pool deck at 0' - 0" from the bulkhead line.
3. A variance to exceed by 17' - 0" the maximum permitted height of 30' - 0" of any habitable space above grade in order to provide meeting room spaces and a pool deck at 50' - 0" above grade.
4. A variance to waive all of the required 86' - 0" interior side yard pedestal setback in order to provide 0' - 0" from the north property line to the north face of the pedestal.
5. A variance to waive all of the required 172' - 0" sum of the pedestal side yards setback in order to build the pedestal at 0' - 0" from the north property line.
6. A variance to waive all of the required tower interior side yard setback of 101' - 0" in order to build the tower at 0' - 0" from the north property line.

7. A variance to exceed the maximum allowable stacking of two vehicles within a valet parking garage in order to provide triple stacking of vehicles.
8. A variance to waive all the four (4) required off-street loading spaces.
9. A variance to waive the requirement of pitched roofs to only be comprised of barrel or cement tile so as to build a metal roof on the dome roof of the proposed Tropigala Theater prior to the approval of this roof finish by the Historic Preservation Board.
10. A variance to exceed by 10' - 0" the maximum permitted height of 200' - 0" in order to build accessory restrooms required for the proposed rooftop pool deck producing a 210' - 0" high building.

***Continued to February 3, 2006.***

**13. FILE NO. 3168      **DARRAH & BRIAN GILDERMAN**  
**1205 N. BISCAYNE POINT ROAD****

The applicant is requesting the following variance in order to permit the construction of a one (1) story addition at the southwest portion of an existing one story single family residence:

1. A variance to waive 5' - 0" of the minimum required front yard setback of 20' - 0" in order to provide 15' - 0" from the south property line to the one story addition.

***Approved.***

**14. FILE NO. 3169      **PROJECT DEVELOPMENT, LLC**  
**a/k/a W WINE BOUTIQUE**  
**1328 ALTON ROAD****

The applicant is requesting the following variance in order to sell alcoholic beverages for consumption off the premises.

1. A variance to waive 178.5' feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption off the premises and an existing educational facility, A to Z for Kids, Inc. in order to sell alcoholic beverages for consumption off the premises with a distance of 121.5' to the school.

***Approved.***

**F. NEXT MEETING DATE**

February 3, 2006

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