



**BOARD OF ADJUSTMENT
MARCH 2, 2007 RE-HEARING
AFTER ACTION REPORT**

**FRIDAY, MAY 4, 2007
9:00 A.M.**

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

THE FOLLOWING APPLICATIONS, ORIGINALLY HEARD AND APPROVED BY THE BOARD OF ADJUSTMENT ON MARCH 2, 2007, WERE HEARD BY THE BOARD AGAIN, DUE TO DEFECTIVE NOTICE.

A. EXTENSIONS OF TIME

- 1. FILE NO. 3072 SIMON STRONG
725 WEST DILIDO DRIVE
LOT 1; BLOCK 14; DILIDO ISLAND
PLAT BOOK 8, PG 36;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for a variance associated with the construction of a new swimming pool within the required front yard (facing 8th Terrace) and the required side-yard facing a street (West Dilido Drive).

Condition number 11 of the Order dated January 7, 2005, requires that the project be completed by January 7, 2007. The applicant is requesting a one (1) year extension of time to complete the project by January 7, 2008.

THREE (3) MONTHS EXTENSION OF TIME GRANTED.

- 2. FILE NO. 3114 738 LINCOLN ROAD, LLC and 730 CORPORATION
726-744 LINCOLN ROAD
LOTS 4,5,6; BLOCK 50
ALTON BEACH REALTY CO.
SECOND COMMERCIAL SUB.
PLAT BOOK 6, PG 33;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of

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approval for variances associated with the renovation and restoration of the existing commercial buildings, and the construction of a new five (5) story mixed-use structure:

A condition of the Order dated August 5, 2005 requires that a building permit be obtained by February 5, 2007. The applicant is requesting a one (1) year extension of time to obtain a full building permit by February 5, 2008.

NINE (9) MONTHS EXTENSION OF TIME GRANTED.

3. **FILE NO. 3182** RYDER PROPERTIES, LLC
d/b/a SOVEREIGN HOTEL
4385 COLLINS AVENUE
Parcel 1: Lot 1 less south 75 ft. thereof; Block 39
Miami Beach IPO's Oceanfront Sub.
Parcel 2: All of the southerly 75 ft. of that certain
tract marked and designated as R.P. Van Camp on
the amended map of the oceanfront property of
the Miami Beach Imp. Co. Plat Book 5, Pg 7 - 8;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following modification to a condition of approval for variances associated with the renovation of an existing 7 story hotel, including the construction of a one story rooftop addition and a new 14 story ground level addition at the rear of the property:

A condition of the Order dated March 3, 2006 requires that a building permit be obtained by September 3, 2007. The applicant is requesting a one (1) year extension of time to obtain a full building permit by September 3, 2008.

SIX (6) MONTHS EXTENSION OF TIME GRANTED.

B. **MODIFICATION**

4. **FILE NO. 3165** KEY EDEN ROC GENERAL PARTNER, INC.
d/b/a EDEN ROC HOTEL
4525 COLLINS AVENUE
N. ½ OF LOT 3 & LOTS 4, 5 & 6 &
RIP RTS & STRIP OPP SAME;
INDIAN BEACH CORP. SUB.
PLAT BOOK 8, PG 61;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to the approved site plans,

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inclusive of the addition of a ballroom space and vehicle elevators. The modification requires a new variance for the total amount of parking spaces required for hotel and related accessory uses, 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.

MODIFICATION APPROVED.

C. NEW CASES

5. **FILE NO. 3286** **MARIA G. MENZEL**
49 PALM AVENUE
LOT 14; BLOCK 1 OF PALM ISLAND,
PLAT BOOK 6, PG 54;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPARTMENT)

The applicant is requesting the following variances in order to permit the construction of two (2), two-story additions to the west side of an existing two-story single family residence:

1. A variance to waive 7' - 0" of the minimum required interior side yard setback of 10' - 0" in order to provide 3' - 0" from the west property line to allow for the addition of a new four-car garage at the ground level, following the existing building line at the front of the home.
2. A variance to waive 3' - 6" of the minimum required interior side yard setback of 10' - 0" in order to provide 6' - 6" from the west property line to allow for the addition of a kitchen and terrace at the ground level, following the existing building line at the rear of the home.

APPROVED.

6. **FILE NO.3287** **MITCHELL AND ETA RUBINSON**
3525 FLAMINGO DRIVE
LOT 17, BLOCK 3,
"FLAMINGO TERRACE SUBDIVISION"
PLAT BOOK 10, PG 3;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a new two story single family residence:

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1. A variance to waive 2' - 10" of the minimum required sum of the side yards of 25' - 0" in order to provide a 22' - 2" sum of the side yards.

APPROVED.

7. **FILE NO.3288** **WAVERLY AT SOUTH BEACH CONDO ASSOC.**
1330 WEST AVENUE
ALL OF THE SUBDIVISION OF THE NORTH 230 FT
OF LOT 1 OF THE SUBDIVISION OF BLOCK 80 OF
THE ALTON BEACH REALTY COMPANY, A PART
OF ALTON BEACH BAY FRONT SUBDIVISION,
PLAT BOOK 34, PG 25;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a fence at the rear of a property with an existing residential building:

1. A variance to exceed by 1' - 0" the maximum permitted fence height of 5' - 0" when facing a waterway in order to build a fence with a height of 6' - 0" at the rear (west side) of the property.

APPROVED WITH MODIFIED CONDITIONS.

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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9:00 A.M.

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

A. PROGRESS REPORT

1. **FILE NO. 3260** **BYHALL, LLC
401 69TH STREET
LOTS 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK H,
“CORRECTED PLAT OF ATLANTIC HEIGHTS”
LESS AND EXCEPT THE EAST 2 FEET OF
LOTS 7, 8, 9, AND 10M IN SAID BLOCK H,
PLAT BOOK 9, PG 14;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report associated with the construction of two (2) egress stairs to an existing seventeen (17) story building, which received variances on January 5, 2007

***PROGRESS REPORT DUE IN 90 DAYS (AUGUST 3, 2007) OR
SOONER, IF FINAL C. O. IS ISSUED PRIOR TO THE 90 DAYS.***

B. EXTENSION OF TIME

2. **FILE NO. 3072** **SIMON STRONG
725 WEST DILIDO DRIVE
LOT 1; BLOCK 14; DILIDO ISLAND
PLAT BOOK 8, PG 36;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for a

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variance associated with the construction of a new swimming pool within the required front yard (facing 8th Terrace) and the required side-yard facing a street (West Dilido Drive). Condition number 11 of the Order dated January 7, 2005, requires that the project be completed by January 7, 2007. The applicant is requesting a one (1) year extension of time to complete the project by January 7, 2008.

APPROVED. EXTENSION OF COMPLETION DATE TO JULY 7, 2007.

C. CONTINUED CASES

3. **FILE NO. 3009** **CENTURIAN COLLINS AVENUE, LLC**
a/k/a THE ANKARA
currently, The Creek Hotel (former applicant: Ken Fields) 2360 COLLINS AVENUE
BLOCK 3 OF AMENDED PLAT OF OCEANFRONT PROPERTY OF THE MIAMI BEACH IMP. CO. SUBDIVISION PLAT BOOK 8-7; MIAMI-DADE COUNTY, FLORIDA (complete legal description on file in the Planning Department)

The applicant will present a progress report on the conditions of the site, associated with a modification to the approved site plans, which resulted from changing the proposed use from apartment to hotel, and reducing the number of stories from eight (8) to seven (7). The modification required a variance to exceed the number of hotel units allowed to be between 300-335 square feet within the existing hotel area. In addition, there will be a discussion regarding the rooftop deck uses, continued from the April 2, 2007 meeting.

AUTOMATIC CONTINUANCE TO THE JUNE 8, 2007 MEETING, DUE TO A LACK OF QUORUM.

4. **FILE NO. 3291** **SOUTH BEACH HEIGHTS I, LLC.**
600 ALTON ROAD
LOTS 1 THROUGH 7, INCLUSIVE
AND LOTS 20 THROUGH 32, INCLUSIVE,
BLOCK 2, "AMENDED PLAT
FLEETWOOD SUBDIVISION"
PLAT BOOK 28, PG 34;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION
PLEASE CONTACT THE PLANNING DEPT.)

The applicant is requesting the following variances in order to exceed the maximum permitted size for directional signs and the maximum height for a detached (monument) sign:

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1. A variance to exceed by 7 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 9 square feet facing 6th Street (labeled 12 on sheet D-02).
2. A variance to exceed by 12 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 14 square feet facing Alton Road (labeled 7 on sheet D-03).
3. A variance to exceed by 2 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 4 square feet facing West Avenue (labeled 8 on sheet D-04).
4. A variance to exceed by 7 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 9 square feet facing West Avenue (labeled 10 on sheet D-04).
5. A variance to exceed by 7 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 9 square feet facing the parking lot (labeled 13 on sheet D-04).
6. A variance to exceed by 1' - 0" of the maximum allowable height of 4' - 0" for a detached sign in order to provide a detached sign with 5' - 0" in height facing West Avenue (labeled 11 on sheet D-04).
7. ~~A variance to waive x' of the minimum setback of 10' - 0" for detached signs in order to provide a detached sign at x' from the west property line (labeled 11 on sheet D-01).~~

Variance number 7 withdrawn by applicant

AUTOMATIC CONTINUANCE TO THE JUNE 8, 2007 MEETING, DUE TO A LACK OF QUORUM.

5. **FILE NO. 3292** **DR. ANTONIO AND VIRGINIA MARQUEZ
220 WEST DILIDO DRIVE
LOT 9 AND 8 FOOT CONTIGUOS STRIP
ON WEST SIDE, BLOCK 2 "DILIDO ISLAND"
PLAT BOOK 8, PG 36;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the

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construction of an exterior stair to the roof deck of an existing two-story residence:

1. A variance to waive 1' - 0" of the minimum required interior side yard setback of 7' - 6" in order to build an exterior stair at 6' - 6" from the north property line.

APPLICATION WITHDRAWN BY THE APPLICANT.

6. **FILE NO. 3296** **WHILHELM A. STEIN AND RINA STEIN**
540 WEST 37TH STREET
LOT 12, BLOCK 49 OF ORCHARD
SUBDIVISION NO. 2 AND 3,
PLAT BOOK 8, PG 116;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following After-the-Fact variances in order to permit the retention of a generator along with its electric switch located within the required front yard, the retention of the existing pool deck and a walkway along the north and south sides of a property with a two-story residence:

1. A variance to waive a range between 2'-0" and 5'-0" of the required front yard setback of 20'-0" in order to retain an existing generator at 18'-0" from the front (west) property line and its electric switch at 15'-0" from the front (west) property line.
2. A variance to waive 4'-6" of the required interior side yard setback of 7'-6" for a pool deck in order to retain the south portion of the pool deck at 3'-0" from the south property line.
3. A variance to waive 3'-4" of the required rear yard setback of 6'-0" for a pool deck in order to retain the east portion of the pool deck at 2'-8" from the east property line.
4. A variance to waive 5'-0" of the required side yard facing the street setback of 10'-0" for a pool deck in order to retain the north portion of the pool deck at 5'-0" from the north property line.
5. A variance to exceed by 8" the maximum walkway width of 3'-0" in order to retain a walkway with a width of 3'-8" along the south side of the property.
6. A variance to exceed by 4'-0" the maximum walkway width of 3'-0" in order to retain a walkway with a width of 7'-0" along the north side of the property.

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CONTINUED FOR 30 DAYS (JUNE 8, 2007).

7. **FILE NO. 3298** **619 MERIDIAN, LLC.**
619 MERIDIAN AVENUE
LOT 11, BLOCK 58,
SUBDIVISION OCEAN BEACH FLA.,
ADDITION NO. 3,
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of two (2) new three-story multifamily buildings on a vacant lot:

1. A variance to waive a range between 6" and 2' - 6" of the required interior side yard pedestal setback of 7' - 6" in order to build the front building at 7' - 0" from the north property line and the rear building at 5' - 0" from the north property line.
2. A variance to waive 2' - 6" of the required interior side yard pedestal setback of 7' - 6" in order to build the two new buildings at 5' - 0" from the south property line.
3. A variance to waive 9' - 0" of the required rear yard setback of 14' - 0" in order to build the pedestal level at 5' - 0" from the rear property line.
4. A variance to exceed by 4' - 0" the maximum walkway width of 3' - 0" in order to build a walkway with a width of 7' - 0" within the required front yard setback.
5. A variance to exceed by 2' - 0" the maximum walkway width of 3' - 0" in order to build a walkway with a width of 5' - 0" within the required north interior side yard.
6. A variance to exceed by 2' - 0" the maximum walkway width of 3' - 0" in order to build a walkway with a width of 5' - 0" within the required south interior side yard.

CONTINUED FOR 30 DAYS (JUNE 8, 2007).

D. NEW CASES

8. **FILE NO. 3239** **JEWISH MUSEUM OF FLORIDA, INC.**

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**301-311 WASHINGTON AVENUE
LOTS 9, 10 AND 11, BLOCK 7
OCEAN BEACH FLORIDA
PLAT BOOK 2, PG38;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new 2-story atrium located between the two existing structures:

1. A variance to exceed by 15' - 7" the maximum and minimum front pedestal setback requirement of 5' - 0" in order to provide a front pedestal setback of 20' - 7" from the front property line, facing Washington Avenue.
2. A variance to waive all of the required rear pedestal setback of 15' - 0" in order to build up to the east property line, facing an alley.
3. A variance to waive 0.43 of the 0.70 required open space ratio in order to provide 0.27 open space ratio.

APPROVED.

9. **FILE NO. 3293** **SAVOY HOTEL PARTNERS, LLC.
425-455 OCEAN DRIVE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the construction of a service corridor within the required north side yard setback:

1. A variance to exceed by ~~5' - 0"~~ 3' - 0" the maximum allowable fence height of 7' - 0" in order to provide a ~~42' - 0"~~ 10' - 0" high fence at the north property line. (Revised at meeting May 4, 2007).
2. A variance to exceed by 6' - 11 1/2" of the maximum permitted walkway width of 3' - 0" in order to build a walkway (service corridor) with a width of 9' - 11 1/2" at the north side of the property.

**VARIANCE NO. 1 WAS DENIED. VARIANCE NO. 2 WAS APPROVED
WITH ADDITIONAL CONDITIONS.**

10. **FILE NO. 3295** **MIMOSA, LLC
f/k/a EXCLUSIVACATIONS AT MIAMI BEACH, LLC.**

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**6525 COLLINS AVENUE
THE NORTH 50 FEET OF LOT 37,
BLOCK 1, "AMENDED PLAT OF SECOND
OCEANFRONT SUBDIVISION"
PLAT BOOK 28, PG 28;
MIAMI-DADE COUNTY, FLORIDA**

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 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.

VARIANCES NO. 1 AND NO. 2 WERE APPROVED. VARIANCE NO. 3 WAS CONTINUED FOR 90 DAYS (AUGUST 3, 2007).

11. **FILE NO. 3299** **PETER C. SMITH, TRUSTEE
4528 PRAIRIE AVENUE
LOT 12, BLOCK 9 OF NAUTILUS ADDS.
PLAT BOOK 8, PG 130
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new ground level two (2) story addition at the front of an existing single family residence:

1. A variance to waive 7 ¼" of the minimum required interior side yard setback of 7'-6" in order to continue the existing building line at 6' -

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10 ¾" from the north property line to build a ground level two-story addition.

2. A variance to waive 7 ½" of the minimum required sum of the side yards of 16' - 3" in order to provide a sum of the side yards of 15' - 7 ½".

DENIED.

12. **FILE NO. 3300** **FRANK S. MILLER/
BLUE DOOR PROPERTIES, INC
7645 CARLYLE AVENUE
LOT 7, BLOCK 22 OF "ALTOS DEL MAR NO. 3"
PLAT BOOK 8, PG 41
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new three (3) story multifamily building with five (5) residential townhouse units on a vacant lot:

1. A variance to waive a range between 6' - 7" and 14' - 1" of the required front yard pedestal setback of 20' - 0" in order to build the front of the structure at 13' - 5" from the west property line and the curved portion of the structure at 5' - 11" from the curved area of the property .
2. A variance to waive 2' - 6" of the required interior side yard pedestal setback of 7' - 6" in order to build the structure at 5' - 0" from the south property line.
3. A variance to waive 3' - 9" of the required rear yard setback of 11' - 3" in order to build the pedestal level at 7' - 6" from the east property line.
4. A variance to waive 6" of the minimum required standard parking space dimension of 8' - 6" in order to provide four (4) parking spaces with a width of 8' - 0".
5. A variance to exceed by 1' - 1 ½" the maximum allowable encroachment of 25% of the required yard in order to provide balconies projecting a total of 3' - 0" (40%) into the required side yard facing the street (north side).

APPROVED.

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13. **FILE NO. 3301** **RAGNHILD GREVE-ISDAHL AND MILOS DJURIC**
4805 CHEROKEE AVENUE
LOT 25, BLOCK 28 OF LAKEVIEW SUBDIVISION,
PLAT BOOK 14, PG 42,
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a swimming pool and its associated deck within the front yard of an existing single family residence:

1. A variance to waive 12' - 6" of the required 20' - 0" minimum front setback for a swimming pool and its associated deck in order to build the deck at 7' - 6" from the front (south) property line.

APPROVED.

14. **FILE NO. 3302** **PROSPEROUS REALTY, LLC /**
HERNAN CHAMMAH
5500 LA GORCE DRIVE
A PORTION OF LAND LYING 15 FEET WESTERLY OF
AND PARALLEL WITH THE WESTERLY LINE OF
LOT 1, BLOCK 13 OF "BEACH VIEW SUBDIVISION"
PLAT BOOK 9, PG 158,
MIAMI-DADE COUNTY, FLORIDA,
EXTENDED NORTHERLY TO THE INTERSECTION
WITH THE NORTHERLY LINE OF SAID LOT 1 AND
EXTENDED SOUTHERLY TO THE INTERSECTION
WITH A LINE THAT LIES 5 FEET SOUTH OF AND
PARALLEL WITH SOUTHERLY LINE OF SAID LOT 1

The applicant is requesting the following variances in order to permit the construction of a swimming pool and its associated deck within the rear yard of an existing single family residence:

1.
 - A. A variance to waive 3' - 4" of the required 6' - 0" minimum rear setback in order to build the swimming pool deck at 2' - 8" from the rear (west) property line.
 - B. A variance to waive 1' - 10" of the required 7' - 6" rear setback to the waterline in order to build the waterline of the swimming pool at 5' - 8" from the rear (west) property line.
2.
 - A. A variance to waive 1' - 6" of the required 7' - 6" side yard setback in order to build the swimming pool deck at 6' - 0" from the north property line.

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~~B. A variance to waive 6" of the required 9' - 0" side yard setback in order to build the waterline of the swimming pool at 8' - 6" from the north property line.~~

Variance no. 2b has been withdrawn by applicant.

APPROVED.

E. DISCUSSION ITEM

Extensions of Time

F. NEXT MEETING DATE

June 8, 2007

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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