



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, JULY 13, 2007

9:00 A.M.

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

A. EXTENSIONS OF TIME

- 1. FILE NO. 3155 MITRANI, GRAINER & ASSOCIATES, INC.
1966 BIARRITZ DRIVE
LOT 5; BLOCK 38;
ISLE OF NORMANDY MIAMI VIEW SEC.
PLAT BOOK 34, PG 80;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a new six (6) unit, five (5) story residential complex on a vacant lot:

A condition of the Order dated December 2, 2005 requires that a building permit be obtained by June 2, 2007. The applicant is requesting a one (1) year extension of time to obtain a full building permit by June 2, 2008.

SIX (6) MONTHS EXTENSION OF TIME GRANTED.

- 2. FILE NO. 3160 E.D.Y., INC. d/b/a SURFSTYLE
1155 COLLINS AVENUE
LOTS 13 and 14; BLOCK 16
OCEAN BEACH ADDITION NO. 2
PLAT BOOK 2-56;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for variances associated with the relocation of an allowable

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building identification sign on a three (3) story building from the north parapet facing 12th Street to a vertical architectural feature facing an alley to the east, Ocean Court:

A condition of the Order dated December 2, 2005 requires that a building permit be obtained by June 2, 2007. The applicant is requesting a one (1) year extension of time to obtain a full building permit by June 2, 2008.

APPROVED.

B. MODIFICATION AND NEW VARIANCES

3. **FILE NO. 3104** **CHELSEA, LLC a/k/a CHELSEA LOFTS**
1201-1215 WEST AVENUE
LOTS 13 AND 14; BLOCK 82
BAY VIEW SUBDIVISION
PLAT BOOK 9-110;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a new six (6) story, 29 unit residential building:

1. A variance to waive 2' - 8" of the required pedestal facing the street setback of 9' - 2" in order to build a stairwell at 6' - 6" from the south property line, facing 12th Street.
2. A variance to waive 7' - 8" of the required sum of the side yards of 18' - 4" at the pedestal level in order to provide a sum of the side yards of 10' - 8".
3. A variance to waive a range between 4" and 9" of the minimum required drive width of 22' - 0" for two-way traffic in order to build a drive aisle with a width of 21' - 8" and 21' - 3".
4. A variance to exceed by 1' - 0" the maximum building height of 60' - 0" in order to build with a height of 61' - 0" from grade (+4.3 NGVD) to the top of the roof slab (+65.3' NGVD).
5. A variance to exceed by a range between 8" and 2' - 0" the maximum allowable walkway width of 3' - 0" in order to build walkways with widths of 3' - 8" and 5' - 0" within the required front yard.

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6. A variance to exceed by 8" the maximum allowable walkway width of 3' - 0" in order to build a walkway with a width of 3' - 8" within the required rear yard setback.
7. A variance to waive 6' - 2" of the minimum required interior side yard setback of 9' - 2" in order to locate an FPL transformer at 3' - 0" from the north property line.
8. A variance to waive 9' - 0" of the minimum required rear yard setback of 15' - 0" in order to locate an FPL transformer at 6' - 0" from the rear (east) property line.

VARIANCES NO.1, NO.2 AND NO.4 DENIED. VARIANCE NO.3 CONTINUED TO THE AUGUST 3, 2007 MEETING. VARIANCES NO. 5, NO. 6, NO. 7, AND NO. 8 APPROVED.

C. CONTINUED CASES

4. **FILE NO. 3086** **LARBRO LC**
1020 PENNSYLVANIA AVENUE
LOT 6, BLOCK 43;
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81;
MIAMI-DADE COUNTY, FLORIDA

This case was continued from the June 8, 2007 meeting.

The application has been withdrawn.

5. **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.)

This case was continued from the June 8, 2007 meeting.

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

CONTINUED TO THE AUGUST 3, 2007 MEETING DUE TO A LACK OF QUORUM.

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

This case was continued from the June 8, 2007 meeting.

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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.

APPROVED.

D. NEW CASES

7. **FILE NO. 3308** **JHMB, LLC d/b/a JAMES HOTEL**
100 21ST STREET
LOTS 1, 3 AND 5; BLOCK A, OF AMENDED PLAT
OF THE OCEAN FRONT PROPERTY OF THE
MIAMI BEACH IMPROVEMENT COMPANY
PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the partial demolition, renovation and restoration of the existing 8-story hotel, including the extension of the existing single story cabana structure at the rear of the site and a one-story addition to the southwest area of the

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property:

1. A variance to waive Section 138-172 which prohibits flat wall signs above the ground floor in order to install a flat wall sign with copy reading "The James" on the west side of an existing wall.
2. If the above variance is approved, the applicant then requests a variance to exceed by 205 sq. ft. the maximum allowable size of 30 sq. ft. for flat wall signs in order to install the above sign with a size of 235 sq. ft.
3. A variance to waive 7" of the required interior pedestal setback of 10' - 0" in order to build a one story addition at the southwest side of the property at 9' - 5" from the west property line, following the existing building line.
4. A variance to exceed by 1' - 0" the maximum allowable walkway width of 3' - 0" in order to build a walkway with a width of 4' - 0" within the required south interior side setback.
5. A variance to exceed by 24% the maximum permitted lot coverage of 50% within the Oceanfront Overlay in order to allow a coverage of 74%.

APPLICANT REQUESTED CONTINUANCE TO AUGUST 3, 2007.

8. **FILE NO. 3311** **BRAD MELTZER**
50 NORTH HIBISCUS DRIVE
LOT 5, BLOCK E, OF RE-SUBDIVISION
OF BLOCKS "C" AND "D" OF HIBISCUS ISLAND
PLAT BOOK 34, PG 87;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the two-story ground floor addition to an existing two-story residence:

1. A variance to waive 9' - 7 ¼" of the minimum required rear yard setback of 20' - 0" in order to build a small addition to the existing ground floor and an addition to the existing second story at 10' - 4 ¾" from the east property line.
2. A variance to exceed by a range between 6' - 10" and 3' - 4" of the maximum walkway width of 3' - 0" in order to build walkways with widths of 9' - 10" and 6' - 4" within the required side facing the street setback.

APPROVED WITH MODIFIED CONDITIONS.

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9. **FILE NO. 3312** **MIAMI BEACH COMMUNITY DEVELOPMENT CORP.
530 MERIDIAN AVENUE
LOT 4, BLOCK 74,
OCEAN BEACH FLORIDA ADDITION NO. 3
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the renovation of an existing three (3) story building:

1. A variance to waive a range between 51 s.f. and 76 s.f. of the minimum required unit size of 400 s.f. for rehabilitated buildings in order to create units ranging between 349 s.f. and 324 s.f.
2. A variance to waive 161 s.f. of the required average unit size of 550 s.f. for rehabilitated buildings in order to provide an average unit size of 389 s.f.
3. A variance to exceed by 2' - 0" the maximum walkway width of 3' - 0" in order to build an accessibility ramp with a width of 5' - 0" within the required north interior side yard.

APPROVED.

10. **FILE NO. 3313** **ALAX GITTLER
6101 LA GORCE DRIVE
LOT 9, BLOCK 5, OF BEACH VIEW ADDITION
PLAT BOOK 16, PG 10;
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 13' - 0" of the required 20' - 0" minimum front setback for a swimming pool and its associated deck in order to build the deck at 7' - 0" and the water's edge at 10' - 6" from the front (west) property line, facing La Gorce Drive.

APPROVED.

11. **FILE NO. 3315** **INDIAN CREEK INN, LLC
2727 INDIAN CREEK DRIVE
LOTS 7, 9, 10, 11 AND 12, BLOCK 9,
AMENDED PLAT OF THE OCEAN FRONT
PROPERTY**

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OF THE MIAMI BEACH IMPROVEMENT COMPANY
PLAT BOOK 5, PGS. 7 & 8;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
SEE THE PLANNING DEPT.)

APPLICANT REQUESTED CONTINUANCE TO AUGUST 3, 2007.

12. **FILE NO. 3316** **YALE R. BROWN**
37 STAR ISLAND DRIVE
LOT 37, CORRECTED PLAT OF STAR ISLAND,
PLAT BOOK 31, PG 60;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the placement of an emergency generator on the north side of an existing two story single family residence.

1. A variance to exceed by 2 ½" the maximum permitted height of +13.55' NGVD for mechanical equipment located within the interior required side yard, in order to provide an emergency generator with a height of +13.75' (to the top of the enclosure) to be located 6' - 3 ½" from the north property line.

APPROVED WITH MODIFIED CONDITIONS.

13. **FILE NO. 3318** **HANS KRAUSE/ THE PALMS HOTEL**
3025 COLLINS AVENUE
ALL OF BLOCK 13, OF "OCEAN FRONT PROPERTY"
OF THE MIAMI BEACH IMPROVEMENT COMPANY
ACCORDING WITH THE AMENDED MAP THEREOF,
PLAT BOOK 5, PG 7 & 8; MIAMI-DADE COUNTY, FLORIDA; AND
ALSO THAT CERTAIN 16 FOOT STRIP OF LAND IN BLOCK 13, OF
OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT
COMPANY, AS SHOWN ON THE AMENDED MAP THEREOF, PLOT
BOOK 5, PG 7 & 8,
MIAMI-DADE COUNTY, FLORIDA, WHICH IS BOUNDED ON THE
EASTERLY SIDE BY THE WESTERLY BOUNDARY LINES OF LOTS
1 TO 4, INCLUSIVE, IN BLOCK 13, OF AFORESAID SUBDIVISION,
AND ON THE NORTHERLY SIDE BY THE SOUTHERLY LINE
THIRTY-FIRST STREET (SEVEN STREET) AND ON THE
SOUTHERLY SIDE BY NORTHERLY LINE OF THE THIRTIETH
STREET (SIXTH STREET)

The applicant is requesting the following variances in order to permit the expansion of an existing terrace and build a new standing seam metal roof at the rear of an existing hotel:

1. A variance to waive 12' - 8" of the minimum required interior side setback of 16' - 0" in order to expand an existing terrace and build a

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new standing seam metal roof at 3' - 4" from the south property line, following the existing building line.

2. A variance to waive 11'-0" of the minimum required interior side setback of 16' -0" in order to expand an existing terrace and a new standing seam metal roof at 5' - 0" from the north property line, following the existing building line.

APPROVED.

E. APPEAL

14. **FILE NO. 3191** **AB GREEN LIDO LLC
d/b/a THE STANDARD / LIDO SPA
40 ISLAND AVENUE
LOTS 39, 40, 41 & 42 & PROPERTY INTEREST IN
& TO COMMON ELEMENTS NOT DEDICATED TO
PUBLIC; BELL ISLE SUBDIVISION
PLAT BOOK 5-11;
MIAMI-DADE COUNTY, FLORIDA**

This case was continued from the June 8, 2007 meeting.

The applicant is appealing an Administrative Decision of the Director of the Planning Department pertaining to the hours of sale of alcohol and the outdoor bar counter service within a legal nonconforming use (hotel) within the RM-1 zoning district.

**STAFF AND APPLICANT REQUESTED CONTINUANCE TO THE
AUGUST 3, 2007.**

F. NEXT MEETING DATE

August 3, 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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MIAMI BEACH

PLANNING DEPARTMENT

FLOOD PLAIN MANAGEMENT BOARD
AFTER ACTION REPORT

FRIDAY, JULY 13, 2007

HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING

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

1. **FILE NO. FP06-06** **NEPTUNE PREMIER HOLDINGS, LLC**
1632 MERIDIAN AVENUE
LOT 5, BLOCK 49
LINCOLN SUBDIVISION
PLAT BOOK 9, PG 69;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation to allow the renovation and restoration of an existing 3-story structure.

APPROVED.

2. **FILE NO. FP07-03** **OCEAN-FAIRWIND, LLC**
1000 & 1020 COLLINS AVENUE
LOTS 5, 6, 7 AND 8, IN BLOCK 30,
OF OCEAN BEACH, FLA., ADDITION NO. 2,
PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation to allow the partial demolition, renovation and restoration of an existing three-story structure and the renovation and substantial demolition of an existing two-story structure.

CONTINUED TO THE AUGUST 3, 2007 MEETING DUE TO A LACK OF QUORUM.

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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