



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, AUGUST 3, 2007

9:00 A.M.

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

A. PROGRESS REPORTS

1. **FILE NO. 2684** **CLAY HOTEL PARTNERSHIP, LTD.
CHOCOLATE, INC. (TENANT)
506 ESPANOLA WAY a/k/a 1436 DREXEL AVE.
LOTS 1 and 2; BLOCK 4B
ESPANOLA VILLAS FIRST ADDITION
PLAT BOOK 9-147;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report 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). The progress report is required to address possible violations of the conditions of the variance order.

**CURE LETTER TO BE SENT WITHIN 15 DAYS. PROGRESS REPORT
DUE IN 30 DAYS (SEPTEMBER 7, 2007).**

2. **FILE NO. 3189** **SOUTH BEACH RESORT DEVELOPMENT LLC
1458 OCEAN DRIVE and 1437-1465 COLLINS AVE
LOTS 5,6,11,12 and PORTION OF LOT 10
HARRISON & HAYES SUBDIVISION
PLAT BOOK 9-73;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on March 3, 2006 to build an

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accessory outdoor bar counter with extended hours of operation. The progress report is required to address possible violations of the conditions of the variance order.

PROGRESS REPORT DUE IN 30 DAYS (SEPTEMBER 7, 2007).

3. **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 60 DAYS (OCTOBER 5, 2007).

B. EXTENSION OF TIME

4. **FILE NO. 3111** EDUARDO F. BOTTE
8127 CRESPI BOULEVARD
NLY ½ OF LOT 19 DESC BEG NW COR LOT 19
S. 27 FT. S.E. 122.26 FT. N. 68.5 FT. W. 115 FT.
TO POB BLOCK 9;
BISCAYNE BEACH SUBDIVISION
PLAT BOOK 44-67;
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 four (4) unit, four (4) 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.

90 DAYS EXTENSION OF TIME GRANTED (NOVEMBER 1, 2007).

C. CONTINUED CASES

5. **FILE NO. 3291** SOUTH BEACH HEIGHTS I, LLC.
600 ALTON ROAD

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**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 July 13, 2007 meeting.

The applicant is requesting the following variances in order to exceed the maximum permitted size for directional signs:

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).~~
Withdrawn by applicant
2. 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 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).~~
Withdrawn by applicant
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).~~
Withdrawn by applicant
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).~~
Withdrawn by applicant

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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).~~
Withdrawn by applicant

APPROVED. PROGRESS REPORT DUE IN 90 DAYS (NOVEMBER 2, 2007).

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

This case was continued from the May 4, 2007 meeting.

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.

Variances 1 and 2 were approved on May 4, 2007, variances 3A and 3B were continued to the August 3, 2007 meeting.

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 3A AND 3B WERE APPROVED.

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7. **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

This case was continued from the July 13, 2007 meeting.

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".

VARIANCES NO. 1 AND NO. 2 WERE DENIED AT THE JULY 13, 2007 MEETING.

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".

VARIANCE NO. 3 WAS WITHDRAWN BY APPLICANT.

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)

VARIANCE NO. 4 WAS DENIED AT THE JULY 13, 2007 MEETING.

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.
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.

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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 60 DAYS CONTINUANCE (OCTOBER 5, 2007).

9. **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 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.)

This case was continued from the July 13, 2007 meeting.

The applicant is requesting the following variances in order to permit the construction of a new six (6) story condo hotel and a parking facility, the renovation of the existing three (3) story hotel along with a new rooftop addition, the restoration and relocation of the existing structure located at 2701 Indian Creek drive and the restoration of the single-story building located at 230 28th Street:

Variances required for the existing Indian Creek Hotel:

1. A variance to waive all of the minimum required side yard pedestal setback of 16'-0" in order to build an accessible ramp up to the north property line, facing 28th Street.
2. A variance to waive the minimum allowed hotel size of 300-335 s.f. for 15% of the hotel units and a minimum of 335 s.f. for 85% of the hotel units in order to retain the existing 56 units ranging in size from 215 to 295 s.f.

Variances required for the parking facility

3. A variance to waive 5' - 2" of the minimum required pedestal front setback of 20' - 0" in order to build a new parking garage at 14' - 10" from the front property line (Indian Creek Drive).

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4. A variance to waive 6'-0" of the minimum required side facing the street pedestal setback of 16'-0" in order to build the parking garage at 10'-0" from the south property line, facing 27th Street.
5. A variance to waive 16' - 0" of the minimum required rear pedestal setback of 17' - 0" in order to build the parking garage at 1'-0" from the east property line and 1' - 0" from the south property line (interior property line between 233 27th St and 230 28th St).
6. A variance to waive 10' - 0" of the minimum required two-way drive width of 22' - 0" in order to build the drive into the parking garage with a width of 12' - 0".

Variations required for the Pancoast building:

7. A variance to waive 7'-0" of the minimum required rear pedestal setback of 17'-0" in order to relocate the building currently at 2701 Indian Creek Drive at 10'-0" from the east property line.
8. A variance to waive 6' - 9" of the minimum required side yard facing the street pedestal setback of 16' - 0" in order to build the stairs giving access to the relocated building at 9' - 3" from the south property line, facing 27th Street.
9. A variance to waive 4' - 10" of the minimum required side yard facing the street pedestal setback of 16' - 0" in order to retain the existing porch at 11' - 2" from the south property line, facing 27th Street.
10. A variance to exceed by 1' - 6" the maximum allowable balcony projection of 2' - 6" in order to build a new balcony with a projection of 4' - 0" at the east side of the building.

Variations required for the Hotel addition (new construction):

11. A variance to waive 5' - 6" of the minimum required front yard pedestal setback of 20' - 0" in order to build the front façade of the building at the ground thru 4th levels at 14' - 6" from the front (west) property line.
12. A variance to waive 13' - 9 ½" and 8' - 6" of the minimum required front yard pedestal setback of 20'-0" in order to build entrance stairs at 6' - 2 ½" from the front (west) property line and to build a structural column along with the cantilevered section of the proposed living area of the 2nd thru 4th levels at the southwest corner to be located at 11'-6" from the front (west) property line.

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13. A variance to waive 22' - 7" of the minimum required front tower setback of 37' - 1" in order to build the tower portion (5th and 6th levels) of the new building at 14' -6" from the front property line, facing Indian Creek Drive.
14. A variance to waive 25' - 7" of the minimum required front tower setback of 37' - 1" in order to build a structural column along with the cantilevered section of the proposed living area of the tower portion (5th and 6th levels) at the southwest corner to be located at 11' - 6" from the front property line, facing Indian Creek Drive.
15. A variance to waive all of the minimum required side yard facing a street pedestal setback of 16' - 0" in order to build the pedestal of the new building up to the south property line, facing 27th Street.
16. A variance to waive 11' - 0" of the minimum required pedestal side yard facing the street setback of 16' - 0" in order to build the cantilevered section of the proposed living area (2nd thru 4th levels) at the southwest corner to be located at 5' - 0" from the south property line, facing 27th Street.
17. A variance to waive 6' - 4" of the minimum required side tower setback of 16' - 0" in order to build the façade of the new building at 9' - 8" from the south property line, facing 27th Street.
18. A variance to waive 11' - 0" of the minimum required side yard facing the street tower setback of 16' - 0" in order to build the cantilevered section of the proposed living area (5th and 6th levels) at the southwest corner to be located at 5' - 0" from the south property line, facing 27th Street.
19. A variance to waive all of the required sum of the side yards of 32'- 0" (north and south sides) at the pedestal levels.

APPROVED.

D. NEW CASES

10. **FILE NO. 3297** **88 LA GORCE, LLC.
88 LA GORCE CIRCLE
LOTS 5 AND THE NORTHERLY PORTION OF LOT
6, BLOCK 4 "LA GORCE ISLAND",
PLAT BOOK 40, PG 7;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPT.)**

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The applicant is requesting the following variance in order to permit the retention of an existing two (2) story single family residence:

1. A variance to waive 1' - 3 ¼" of the minimum required interior side yard setback of 11' - 4 ½" in order to retain the north building line at 10' - 1 ¼" from the north property line.

CONTINUED BY STAFF TO THE SEPTEMBER 7, 2007 MEETING.

11. **FILE NO. 3314** **SOUTH STONE, LLC**
 1341 15TH TERRACE
 LOT 12, BLOCK 67-A, OF ALTON BEACH
 BAYFRONT SUBDIVISION,
 PLAT BOOK 16, PG 1;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a new three (3) story multifamily building with four (4) units:

1. A variance to waive 4' - 0" of the minimum required 22' – 0" interior aisle dimension for 90 degree parking in order to provide an interior aisle with 18' - 0" in width.

APPROVED.

12. **FILE NO. 3317** **DAVID AND SUSAN PRISCAL**
 7860 HAWTHORNE AVENUE
 LOT 14, BLOCK 17, BISCAYNE POINT,
 PLAT BOOK 14, PG 35;
 MIAMI-DADE COUNTY, FLORIDA

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

1. A variance to waive 1' - 2" of the minimum required interior side setback of 7' - 6" in order to build the new two-story home at 6' - 4" from the north property line.
2. A variance to waive 1' - 4" of the minimum required interior side setback of 7' - 6" in order to build the new two-story home at 6' - 2" from the south property line.

APPROVED.

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13. **FILE NO. 3319** **PUBLIX SUPERMARKETS, INC.**
551 ALTON ROAD
LOTS 1-4 & 13-16, BLOCK 104,
“OCEAN BEACH ADDITION NO. 3”
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to sell beer and wine for off-premise consumption only in the subject supermarket:

1. A variance to waive 250 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption, and a place of worship, St. Francis de Sales Catholic Church, in order to sell beer and wine for consumption off-premises at the Publix Supermarket (currently under construction) with a distance of 50 feet to the church.

APPROVED WITH MODIFIED CONDITIONS.

14. **FILE NO. 3320** **TEMPLE EMANU-EL**
1701 WASHINGTON AVENUE
LOTS 2, 3 AND THE SOUTH ½ OF LOT 4,
TOGETHER WITH LOTS 16, 17, 18, 19 AND
LOT 20, ALL IN BLOCK 26 OF ALTON BEACH,
PLAT BOOK 2, PG 77;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the placement of a sculpture within the required front yard of a property:

1. A variance to waive 15' - 8" of the minimum required front pedestal setback of 20' - 0", in order to place a sculpture at 4' - 4" from the west property line, facing Washington Avenue.

APPROVED.

15. **FILE NO. 3321** **CYPRESS BAY DEVELOPMENT, LLC.**
1225-1237 20TH STREET
ALL LOTS 23 AND 24 AND THE NORTH 70,000
FEET OF LOTS 25 AND 26 IN BLOCK 15A OF
“ISLAND VIEW ADDITION OF MIAMI BEACH BAY
SHORE COMPANY”,
PLAT BOOK 9, PG 144;
MIAMI-DADE COUNTY, FLORIDA

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

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construction of a new five (5) story mixed-use structure on a vacant lot:

1. A variance to exceed by 2' - 3" the maximum allowable building height of 50' - 0" in order to build a 52' - 3" tall structure, as measured from grade (+3.75' NGVD) to the top of the roof slab.
2. A variance to waive all of the minimum required setback dimension of 1' - 6" from the edge of the required interior drive to the face of a structural column.

CONTINUED FOR 30 DAYS (SEPTEMBER 7, 2007).

16. **FILE NO. 3322** **LIVE NATION WORLWIDE, INC.**
1700 WASHINGTON AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)

The applicant is requesting the following variances in order to permit the relocation of signage and to exceed their maximum permitted size:

1. A variance to exceed by 7.39 square feet the maximum allowable size of a projecting sign of 15 square feet in order to create a projecting blade sign with 22.39 square feet facing east.
2. A variance to relocate a permitted building identification sign from the south parapet to the box office area ground floor, facing south.
3. A variance to exceed by 65.71 square feet the maximum allowable size of a building identification sign of 6.79 square feet in order to provide a building identification sign (3 individual routed aluminum panels) with 72.5 square feet facing south.
4. A variance to relocate a permitted building identification sign from the east parapet to the marquee area, facing east.
5. A variance to exceed by 40.1 square feet the maximum permitted building identification sign of 1% of the wall area 97.89 square feet in order to provide a sign with 137.99 square feet facing west.
6. A variance to exceed by 113.91 square feet the maximum allowable size of a monument sign of 15 square feet in order to replace the copy with a sign of 128.91 square feet, facing south.

APPROVED WITH MODIFIED CONDITIONS.

17. **FILE NO. 3323** **PATRINELY GROUP, LLC.**

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**3201-3315 COLLINSAVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the renovation of the existing Saxony Hotel and the construction of a new 18-story, 67-unit multifamily building:

1. A variance to waive 17' - 11" of the minimum required north side interior pedestal setback of 27' - 11", in order to place the pedestal at 10' - 0" from the north side property line.
2. A variance to waive 17' - 11" of the minimum required north side interior tower setback of 47' - 11", in order to place the tower at 30' - 0" from the north side property line.
3. A variance to waive 40' - 4 ½" of the minimum required sum of the side yards at the pedestal level of 55' - 2" in order to provide a sum of the side yards of 14' - 9 ½".
4. A variance to waive all of the interior side pedestal setback in order to build new stairs from the existing nonconforming building line of 4' - 9 ½" to the south property line.
5. A variance to waive the parking pedestal design requirement that the first level along every façade facing a street, sidewalk or waterway shall incorporate residential use, in order to have a parking garage facing east.
6. A variance to waive 2' - 0" of the minimum required two-way interior drive aisle width of 22' - 0" in order to build drive aisles with a width of 20' - 0".
7. A variance to waive all of the minimum required setback dimension of 1' - 6" from the edge of the required interior drive to the face of a structural column.

APPROVED.

E. APPEAL

18. 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**

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**PLAT BOOK 5-11;
MIAMI-DADE COUNTY, FLORIDA**

This case was continued from the July 13, 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.

**APPLICANT REQUESTED CONTINUANCE FOR 90 DAYS
(NOVEMBER 2, 2007).**

F. NEXT MEETING DATE

September 7, 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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FLOOD PLAIN MANAGEMENT BOARD AFTER ACTION REPORT

FRIDAY, AUGUST 3, 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. FP06-07** **WSG 34TH STREET, LLC**
6901 COLLINS AVENUE
LOTS 5 AND 6, BLOCK A
IN ATLANTIC HEIGHTS CORRECTED PLAT,
PLAT BOOK 9, PG 14;
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

This case was continued from the July 13, 2007 meeting.

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.

APPROVED.

3. **FILE NO. FP07-04** **FRIEDRICH KOESTERS AND**
MICHAEL JARBOE
841 19TH STREET

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THE WEST 1/2 OF BLOCK 8 A OF

**'AMENDED PLAT OF GOLF COURSE
SUBDIVISION' PLAT BOOK 6, PG. 26;
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 2-story structure.

APPROVED.

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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