



**BOARD OF ADJUSTMENT**

**AFTER ACTION REPORT**

**FRIDAY, AUGUST 7, 2009**

**9:00 A.M.**

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

**A. PROGRESS REPORT**

1. **FILE NO. 3402**      **ROLANDO MAYA FOR HOBO, LLC.  
D/B/A MAYA TAPAS & GRILL  
809 LINCOLN ROAD  
THE EAST 1/2 OF LOT 1, BLOCK 36, OF  
AMENDED PLAT OF GOLF COURSE  
SUBDIVISION.  
PLAT BOOK 6, PG 26;  
MIAMI-DADE COUNTY, FLORIDA  
(FOR COMPLETE LEGAL DESCRIPTION PLEASE  
CONTACT THE PLANNING DEPT.)**

The applicant will present a progress report associated with the approval of a variance to waive the minimum seat requirement for a restaurant to serve beer and wine for consumption on the premises.

**NO FURTHER PROGRESS REPORTS UNLESS VIOLATIONS  
RELATED TO THE VARIANCE GRANTED ARE ISSUED OR OTHER  
OPERATIONAL CONCERNS ARE RAISED BY THE NEIGHBORHOOD.**

**B. NEW CASES**

2. **FILE NO. 2891**      **1080 ALTON ROAD, LLC.  
1050-1080 ALTON ROAD  
LOT 7, BLOCK 84,  
THIRD COMMERCIAL SUBDIVISION**

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**AUGUST 7, 2009**

**PLAT BOOK 7, PG 160;  
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for a variance associated with the sale/service of alcohol within the minimum required distance separation from an educational facility:

The Modification Order dated February 6, 2004, required that the sale of beer, wine and liquor be limited to non-school hours (5:00 P.M. to 2:00 A.M.) and non-school days. The applicant is hereby requesting to extend the allowed sale of beer, wine and liquor from 11:30 A.M. to 5:00 A.M. and non-school days.

**APPROVED WITH ADDITIONAL CONDITIONS.**

3. **FILE NO. 3052**      **CHARMS 63 NOBE, LLC.  
103 63<sup>RD</sup> STREET  
LOT 1, EXCEPT THE NORTH 50 FT. OF BLOCK 7,  
LOT 64, IN BLOCK 7 LESS PORTIONS  
DESCRIBED  
IN SURVEY; AMENDED PLAT OF SECOND  
OCEAN FRONT SUBDIVISION, PLAT BOOK 28,  
PG 28; MIAMI-DADE COUNTY, FLORIDA  
[FULL LEGAL DESCRIPTION ON FILE IN THE CITY  
OF MIAMI BEACH PLANNING DEPT.]**

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a six (6) story multifamily building:

The Order dated October 1, 2004, required that the project be completed by October 1, 2006. The applicant is hereby requesting to modify the completion date to February 7, 2011 (18 months from the date of this hearing).

**APPROVED WITH ADDITIONAL CONDITION.**

4. **FILE NO. 3426**      **SASUN INC. D/B/A PIZZA RUSTICA LINCOLN RD.  
667 LINCOLN ROAD, MIAMI BEACH  
MIAMI-DADE COUNTY, FLORIDA  
(FOR LEGAL DESCRIPTION PLEASE CONTACT  
THE PLANNING DEPT.)**

The applicant is requesting the following variance in order to serve beer and wine within a 16 seat restaurant:

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**AUGUST 7, 2009**

1. A variance to waive fourteen (14) seats of the minimum requirement of thirty (30) seats for a sixteen (16) seat restaurant to serve beer and wine for consumption on the premises.

**APPROVED.**

5. **FILE NO. 3427**      **ELAINE FLATTO**  
                                 **1438 JEFFERSON AVENUE**  
                                 **LOT 3, SUBDIVISION ESPANOLA VILLAS**  
                                 **PLAT BOOK 35, PG 52;**  
                                 **MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to build a one-story addition at the rear of the existing two-story single family home:

1. A variance to waive 10'-11" of the minimum required rear yard setback of 20'-0" in order to build a one-story addition at 9'-1" from the west property line.

**APPROVED.**

6. **FILE NO. 3428**      **MB FLORIDA LTD., L.P.**  
                                 **4835 COLLINS AVENUE**  
                                 **MIAMI BEACH, FLORIDA**  
                                 **(FOR LEGAL DESCRIPTION PLEASE CONTACT**  
                                 **THE PLANNING DEPT.)**

The applicant is requesting the following variance in order to place signage on the hotel:

1. A variance to waive the section of the code that does not allow projecting signage within the RM-3 District as a principal use sign in order to place a projecting sign with copy "Grand Beach Hotel" suspended from a porte cochere, facing Collins Avenue instead of the permitted flat sign.
2. If variance no. 1 is granted, then the applicant requests a variance to exceed by 254.2 s.f. the maximum permitted flat sign size of 30 s.f. in order to place the sign of 284.2 s.f. and to locate the sign above the ground floor.

**APPROVED AS RECOMMENDED BY STAFF.**

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7. **FILE NO. 3429**      **ANNETTE AND WILLIAM POSNER**  
**4343 ROYAL PALM AVENUE**  
**LOT 11, BLOCK 6, ORCHARD SUBDIVISION;**  
**PLAT BOOK 25, PG 4;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to enclose an original one-story garage on an existing two-story single family residence:

1. A variance to waive all of the minimum required interior side yard setback of 7'-6" in order to enclose an existing original garage, to be utilized as storage.
2. A variance to waive 7'-9" of the minimum required sum of the side yards of 13'-0" in order to retain the existing sum of the side yards, 5'-3".

**APPROVED.**

**C. NEXT MEETING DATE**

September 4, 2009

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*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**

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**FLOOD PLAIN MANAGEMENT BOARD**  
**AFTER ACTION REPORT**

**FRIDAY, AUGUST 7, 2009**

**HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING**

City Hall - 1700 Convention Center Drive, Commission Chambers - Third Floor

**BOARD OF ADJUSTMENT AFTER ACTION REPORT**  
**AUGUST 7, 2009**

Miami Beach, Florida 33139

1. **FILE NO. FP09-01**                      **FONTAINEBLEAU FLORIDA HOTEL, LLC**  
**4441 COLLINS AVENUE**  
**MIAMI BEACH, FLORIDA**  
**(FOR COMPLETE LEGAL DESCRIPTION,**  
**PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the renovated existing basement level of the Fontainebleau Hotel.

**APPROVED.**

2. **FILE NO. FP09-04**                      **ALTONSTAR, LLC.**  
**521 LINCOLN ROAD**  
**LOT 5, BLOCK 2, OF "LINCOLN ROAD**  
**SUBDIVISION", PLAT BOOK 34, PG 66;**  
**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 structure.

**APPROVED.**

3. **FILE NO. FP09-05**                      **1021 LINCOLN ROAD, LTD.**  
**1021-1025 LINCOLN ROAD**  
**THE NORTH 75 FEET OF LOT 4 AND WEST**  
**11.75 FEET OF THE NORTH 75 FEET OF**  
**LOT 5 IN BLOCK 38 OF "COMMERCIAL**  
**SUBDIVISION OF THE ALTON BEACH**  
**REALTY COMPANY", PLAT BOOK 6, PG 5;**  
**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 structure.

**APPROVED.**

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**AUGUST 7, 2009**

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