



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, JUNE 3, 2011

9:00 A.M.

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

A. DISCUSSION ITEMS

- Ex parte communications
- July and August attendance

ITEMS CONTINUED FROM THE MAY 6, 2011 MEETING:

B. MODIFICATION

1. FILE NO. 3420 **JACK FLECHNER AS MEMBER OF
WASHINGTON ENTERTAINMENT, LLC.
743 WASHINGTON AVENUE
LOT 14, BLOCK 33 OF OCEAN
BEACH ADDITION # 1
PLAT BOOK 3, PG 11;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for a variance granted on June 5, 2009, waiving the minimum distance separation of 300 feet required between dance hall/entertainment establishments licensed to sell alcoholic beverages, and not also operating as a restaurant with full kitchen and serving full meals.

Condition number 2 of the Order dated June 5, 2009, requires that if there is any change in use or operation or ownership of the establishment, including but not limited to the establishment attempting to become either

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a bar or nightclub use, or in the event the restaurant use ceases to exist for any reason (except for temporary closure during a season or remodeling, both for a period up to six months), the variance shall automatically become null and void. Condition number 3 of the same Order states that the Order is issued to the previous applicant. The applicant is requesting to allow the transfer of the variance to Washington Entertainment, LLC.

APPROVED.

C. NEW CASES

2. **FILE NO. 3490** **BELLE ISLE APARTMENT CORP. /
D/B/A 3 ISLAND AVENUE
3 ISLAND AVENUE. MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPARTMENT)**

The applicant is requesting the following variance in order to exceed the allowable fence height:

1. A variance to exceed by 1'-0" the maximum permitted fence height of 5'-0" (measured from sidewalk elevation) in order to add pickets to the existing perimeter wall, for a total height of 6'-0" measured from adjacent sidewalk elevation +6'-5" NGVD.

APPROVED.

3. **FILE NO. 3500** **VILLA MARIA HELENA HOLDINGS, LLC.
27 STAR ISLAND DRIVE
LOT 27, CORRECTED PLAT OF STAR ISLAND,
PLAT BOOK 31, PG 60;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the retention of an existing 2-story home, resulting from an approved lot split.

1. A variance to waive 8" of the minimum required interior side yard setback of 10'-0" in order to retain the existing residence at 9.4' from the south property line.
2. A variance to waive 10'-7" of the minimum required sum of the side yards of 25'-0" in order to provide a sum of the side yards of 14'-5".

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APPROVED.

4. **FILE NO. 3501** **AMERICAN RIVIERA REAL ESTATE COMPANY**
340 23RD STREET
LOTS 5, 7, AND 9, LESS THE NORTHERLY 10.0
FEET FOR STREET WIDENING PURPOSES,
BLOCK 1, OF OCEAN FRONT PROPERTY OF THE
MIAMI BEACH IMPROVEMENT COMPANY SUB.,
PLAT BOOK 5, PGS 7 & 8;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the retention of an existing temporary surface parking lot:

1. A variance to waive 5'-0" of the minimum required interior side yard setback of 10'-0" in order to retain the existing 5'-0" setback from the south property line to the edge of the parking.
2. A variance to waive 5'-0" of the minimum required side yard facing the street setback of 10'-0" in order to retain the existing 5'-0" setback from the north property line to the edge of the parking.
3. A variance to waive 334 s.f. (2.4%) of the minimum requirement of 709 s.f. (5%) of additional interior landscape in order to provide 375 s.f. (2.6%) of additional interior landscape.
4. A variance to waive 2" of the minimum required one-way drive width of 11'-0" in order to provide a 10'-10" wide one-way drive.
5. A variance to waive 2" of the minimum required one-way drive width of 11'-0" in order to provide a 10'-10" wide one-way drive.

APPROVED.

5. **FILE NO. 3503** **PETER AND ANDREA RUSSIN**
5170 LA GORCE DRIVE
LOT 7, BLOCK 9 OF
"BEACH VIEW SUBDIVISION"
PLAT BOOK 9, PG 158;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a terrace at the rear of the property:

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1. A variance to waive 13'-6" of the minimum required rear yard setback of 21'-6" in order to build the terrace at 8'-0" from the rear property line.
2. A variance to waive 175 s.f. of the maximum permitted lot coverage within the required rear yard of 903 s.f. in order to provide 728 s.f. as a result of the terrace addition.

APPROVED.

6. **FILE NO.3504** **S & S PROPERTIES**
919 COLLINS AVENUE
LOT 11, BLOCK 14, OF OCEAN BEACH
ADDITION NO. 2, PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a new two-story addition to the existing one and three-story buildings:

1. A variance to waive 1'-8½" of the minimum required interior side yard setback of 5'-0" in order to build the addition at 3'-3½" from the north property line, following the existing building line.
2. A variance to waive 2'-5½" of the minimum required interior side yard setback of 5'-0" in order to build the addition at 2'-6½" from the south property line, following the existing building line.

APPROVED.

7. **FILE NO. 3506** **FREDRIC NICHOLAS KARLTON AS TRUSTEE OF**
THE FREDRIC NICHOLAS KARLTON REVOCABLE
TRUST UTA DATED APRIL 9, 1999
2344 NORTH BAY ROAD
LOT 3 AND THE SOUTH ½ OF LOT 4, BLOCK 12,
"AMENDED PLAT OF SUNSET LAKE
SUBDIVISION"; PLAT BOOK 8, PG 52;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a 2-story cabana at the rear of the property and a 2-story addition to the existing residence:

1. A variance to waive 5'-0" of the minimum required interior side yard setback of 15'-0" in order to build a 2-story cabana at the rear of the property at 10'-0" from the interior north property line.

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2. A variance to waive 7'-6" of the minimum required interior side yard setback of 15'-0" in order to build a 2-story addition at 7'-6" from the south property line, following the existing building line.

APPROVED.

JUNE CASES

D. PROGRESS REPORT

8. **FILE NO. 3494** **MIAMI CUBANO, LLC.**
1446 WASHINGTON AVENUE
(A/K/A 405 ESPANOLA WAY)
LOTS 1-2-3-4-5 & 6 LESS THE SOUTH 3 FEET
FOR STREET, BLOCK 3-A OF FIRST
ADDITION TO WHITMAN'S SUBDIVISION OF
ESPANOLA VILLAS; PLAT BOOK 9, PG 147;
MIAMI-DADE COUNTY, FLORIDA

The applicant will present a progress report associated with the approval of variances granted on March 18, 2011 regarding a business that sells alcoholic beverages for consumption and an existing educational facility within the minimum required distance separation, and a variance to waive twenty-six (26) seats of the minimum requirement of sixty (60) seats for a thirty-four (34) seat cafe to serve liquor for consumption on the premises.

NO FURTHER PROGRESS REPORTS.

E. NEW CASES

9. **FILE NO. 3509** **ALMA MEXICANA, LLC.**
1344 WASHINGTON AVENUE A/K/A
1345 DREXEL AVENUE
LOTS 6, 7 AND 11; BLOCK 21 OF "AMENDED
PLAT RE-SUBDIVISION OF BLOCK 21, MIAMI
BEACH, FLORIDA OCEAN BEACH ADDITION NO
3"; PLAT BOOK 6, PG 17;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to sell beer and wine at a restaurant:

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1. A variance to waive 114 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption and an existing educational facility, Fisher-Feinberg Elementary School in order to sell beer and wine for consumption on the premises with a distance of 186 feet to the school.
2. A variance to waive twenty (20) seats of the minimum requirement of thirty (30) seats for a ten (10) seat restaurant to serve beer and wine for consumption on the premises.

APPROVED WITH ADDITIONAL CONDITION.

10. **FILE NO.3510** **THE FLORIDIAN OF MIAMI BEACH
CONDOMINIUM ASSOCIATION, INC.
650 WEST AVENUE
LOTS 3 THRU 8 IN BLOCK 1 OF AMENDED PLAT
FLEETWOOD SUBDIVISION, ACCORDING TO THE
PLAT THEREOF; PLAT BOOK 28, PG 34,
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to expansion of the existing at-grade parking area:

1. A variance to waive 3'-6" of the minimum required interior side yard setback of 22'-6" in order to enlarge the paved at-grade parking area to 19'-0" to the south property line.

APPROVED WITH MODIFIED CONDITION.

11. **FILE NO.3511** **KAINE PARKING 125, LLC.
125-151 COLLINS AVENUE
LOTS 12, 13, 14 AND THE SOUTH ½ OF LOT 15,
IN BLOCK 2, OF OCEAN BEACH FLORIDA,
PLAT BOOK 2, PG 38;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to expand and redesign the existing at-grade permanent parking lot:

1. A variance to waive 3'-0" of the minimum required interior side yard of 10'-0" in order to provide 7'-0" from the edge of the parking to the north and south interior property lines.
2. A variance to waive 2'-0" of the minimum required two-way drive width of 22'-0" in order to provide a 20'-0" two-way drive.

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3. A variance to waive 2'-0" of the minimum required two-way interior drive aisle width of 22'-0" in order to provide a 20'-0" wide interior drive aisle.
4. A variance to waive 2'-0" of the required parking space length of 18'-0" in order to provide parking spaces at 16'-0".
5. A variance to waive a range between 3" and 5" of the required parking space width of 8'-6" in order to provide parking spaces with a width between 8'-3" and 8'-1".

APPROVED.

12. **FILE NO. 3480** **MIAMI BEACH OWNER, LLC**
4833 COLLINS AVENUE
LOTS 20 THRU 22 & RIP RTS & STRIP BETWEEN
COLLINS AVE. & INDIAN CREEK OPP. SAME.
INDIAN BEACH CORP. AMD. PLAT SUBDIVISION
PLAT BOOK 8-61;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of four new 2-story structures along the north and south sides and at the rear of the existing hotel:

1. A. A variance to allow dwelling units within the Oceanfront Overlay District.
1. B. A variance to waive a range between 50'-0" and 45'-2" of the minimum required setback of 50 feet, providing dwelling units and bar between 4'-7" and 4'-10" to the Bulkhead line and the planters up to the bulkhead line.
2. A variance to waive 47'-7" of the required sum of the side yards of 48'-0" in order to provide a sum of the side yards of 5".
3. A variance to waive a range between 94'-6" and 89'-8" of the required rear yard pedestal setback of 94'-6" in order to provide a range between 4'-7" and 4'-10" from the Bulkhead line to the edge of the open air bar and cabanas/units at the pedestal level and to build the planters up to the Bulkhead line.
4. A variance to waive 23'-9" of the required 24'-0" interior side yard setback in order to build the south façade of the cabanas/units at 3" to the south property line and to waive a range between 2'-7" and 20'-7" to build new stairs at 16'-7", 10'-8" and 3'-5" from the south property line.
5. A variance to waive 23'-10" of the required 24'-0" interior side yard setback in order to build the north façade of the cabanas/units at 2" to the

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north property line and to waive 19'-11" to build new stairs at 4'-1" to the north property line.

6. A variance to waive 14'-10" at the north and 14'-9" at the south of the minimum required interior side yard setback at the north and south sides of 15 feet from a side lot line in order to build cabana/units and stairs at 2" from the north property line and 3" from the south property line and to waive all of the minimum required 10 foot setback from the bulkhead line in order to build the sloped walkways beyond the bulkhead line.
7. A variance to waive 32.4% of the minimum lot coverage of 50% of the required rear yard to be landscaped and open to the sky in order to provide 17.6% lot coverage. (From erosion control line to rear setback line which is 91'-8 1/4")
8. A variance to waive the material permitted within the dune overlay, which is wood, in order to build the sloped walkways of concrete and to exceed by 18'-9" of the maximum permitted walkway width of 6'-0" in order to build sloped walkways with a width of 24'-9".
9. A variance to waive 6'-7" of the minimum required setback of 10 feet west of the erosion control line to build the sloped walkways at 3'-5" from the ECL (at its closest point).

CONTINUED TO THE JULY 8, 2011 MEETING.

13. **FILE NO. 3496** **PETER & MICHELLE ORAVITZ**
 833 WEST 46TH STREET
 LOT 10, BLOCK 14 OF "NAUTILUS ADDITION",
 PLAT BOOK 8, PG 130;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances ~~in order to build a one-story addition on the front of the property and~~ to permit the extension of a driveway:

1. ~~A variance to waive 4'-6" of the minimum required 20'-0" front yard setback in order to build a one-story addition at 15'-6" from the front property line.~~
2. A variance to waive 3'-6" of the maximum permitted deck setback of 7'-6" in order to continue the length of the driveway 42'-6" measured from the front property line along the East side of the property at 4'-0" from the East property line (driveway is considered a deck beyond the required front yard).

APPROVED.

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14. **FILE NO. 3507** **1701 COLLINS (MIAMI) OWNER, LLC.**
1701 COLLINS AVENUE
LOTS 1, 2, 19 AND 20, BLOCK 28 OF "FISHER'S FIRST SUBDIVISION OF ALTON BEACH", PLAT BOOK 2, P 77; MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH THAT AREA LYING EASTERLY OF LOTS 1 AND 2, BLOCK 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BOUNDED ON THE NORTH BY THE EXTENSION EASTERLY OF THE NORTHERLY LINE OF LOT 2 TO THE ESTABLISHED EROSION CONTROL LINE OR THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN WHICHEVER IS MORE WESTERLY. BOUNDED ON THE SOUTH BY THE EXTENSION EASTERLY OF THE SOUTHERLY LINE OF LOT 1 TO THE SAID EROSION CONTROL LINE OR THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY. BOUNDED ON THE WEST BY THE EASTERLY LINE OF SAID LOTS 1, AND 2; BOUNDED ON THE EAST BY THE ESTABLISHED EROSION CONTROL LINE, OR MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY.

The applicant is requesting the following variance in order to permit the rehabilitation of an existing structure:

1. A variance to waive the required minimum hotel unit size: 15% of the hotel units shall be between 330-335 s.f. and 85% of units shall be 335 s.f. of larger, in order to provide 97% of the rooms at less than 300 s.f. (the largest units (2) at 283 s.f. and the smallest (18) at 164 s.f.)

APPROVED.

15. **FILE NO. 3508** **JEANNETTE VARELA**
27 STAR ISLAND DRIVE
LOT 27, 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 retention of an existing driveway:

1. A variance to waive 5'-7" of the minimum required interior side yard setback of 7'-6" in order to retain the existing driveway at 1'-11" from the south property line.

APPROVED.

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F. APPEALS CONTINUED FROM THE MAY 6, 2011 MEETING

16. **FILE NO. 3486** **BEACH TOWING SERVICES OF MIAMI, INC.**
1747-1759 BAY ROAD
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)

This item is a rehearing of a case heard by the Board on March 18, 2011. The rehearing is due to the absence of a required jurisdictional memo as specified by Section 118-351 of the City Code.

Beach Towing is appealing an administrative determination concerning a Design Review Board application by 1747 Bay Road Properties, LLC., proposing the adaptive reuse of a warehouse for valet parking using mechanical parking and adaptive reuse of an existing structure for a restaurant, regarding whether the Planning Director's Staff Report followed the standards for determining consistency with Design Review Criteria mandated by Section 118-251(a) and 118-253(a) of the City of Miami Beach Code (Code). The Appeal contends that the Planning Director did not comply with Code Section 118-253(a) by not including in the Staff Report recommendation to the Design Review Board a zoning analysis and determination required under Code Sections 118-251(a) and 118-251(a)(3); and by failing to determine whether the "function of any new or existing structure" were consistent with the Design Review Criteria, specifically Section 118-251(a)(3)(Criterion 3), as required under Code Section 118-251(a)(Criterion 3 requires the Planning Director "...to determine compliance with the requirements of the underlying zoning district...for a particular application or project."); and that if certain emails are determined by the Board of Adjustment to be an administrative determination, then the appellant contends that the Planning Director's determination in such emails that the proposed mechanical parking as a conditional use is not consistent with the zoning in the I-1, Light Industrial District.

APPEAL DENIED.

17. **FILE NO. 3499** **BEACH TOWING SERVICES OF MIAMI, INC.**
1747-1759 BAY ROAD
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)

Beach Towing is appealing an administrative determination concerning a Planning Board Conditional Use application by 1747 Bay Road Properties,

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LLC, proposing to redevelop an existing warehouse at the subject site into restaurant/retail use with approximately 18 valet parking spaces, and a towing operation service, to include parking lifts for vehicle storage, with approximately 54 spaces. The Appeal contends that the Planning Director erroneously determined that the proposed use of mechanical parking by the towing service within the proposed garage is permitted by the applicable land development regulations, and that the staff report for that public hearing did not contain specific mandatory conditions for mechanical parking.

APPEAL DENIED.

G. NEXT MEETING DATE

July 8, 2011

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, JUNE 3, 2011

HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING

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

- FILE NO. FP11-04** **1701 COLLINS (MIAMI) OWNER, LLC.**
1701 COLLINS AVENUE
LOTS 1, 2, 19 AND 20, BLOCK 28 OF "FISHER'S FIRST
SUBDIVISION OF ALTON BEACH", PLAT BOOK 2, P 77; MIAMI-
DADE COUNTY, FLORIDA. TOGETHER WITH THAT AREA LYING
EASTERLY OF LOTS 1 AND 2, BLOCK 28, MORE
PARTICULARLY DESCRIBED AS FOLLOWS: BOUNDED ON THE

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NORTH BY THE EXTENSION EASTERLY OF THE NORTHERLY LINE OF LOT 2 TO THE ESTABLISHED EROSION CONTROL LINE OR THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN WHICHEVER IS MORE WESTERLY. BOUNDED ON THE SOUTH BY THE EXTENSION EASTERLY OF THE SOUTHERLY LINE OF LOT 1 TO THE SAID EROSION CONTROL LINE OR THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY. BOUNDED ON THE WEST BY THE EASTERLY LINE OF SAID LOTS 1, AND 2; BOUNDED ON THE EAST BY THE ESTABLISHED EROSION CONTROL LINE, OR MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY.

1701 Collins (Miami) Owner, LLC is appealing to the Floodplain Management Board the decision of the Building Director/designee to require the Project (the proposed restoration/renovation of the historic structure located at 1701 Collins Avenue) to attain a variance from the Floodplain Management ordinance, Chapter 54, "Floods," Article II, "Floodplain Management," City Code, if, at any time during the Project's duration, the Building Department makes a determination that the Project cost exceeds the cost basis set forth in the definition of substantial improvement as defined in Section 54-35 of the City Code.

CONTINUED TO THE JULY 8, 2011 MEETING.

2. **FILE NO. FP11-03** **1701 COLLINS (MIAMI) OWNER, LLC.**
1701 COLLINS AVENUE

LOTS 1, 2, 19 AND 20, BLOCK 28 OF "FISHER'S FIRST SUBDIVISION OF ALTON BEACH", PLAT BOOK 2, P 77; MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH THAT AREA LYING EASTERLY OF LOTS 1 AND 2, BLOCK 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BOUNDED ON THE NORTH BY THE EXTENSION EASTERLY OF THE NORTHERLY LINE OF LOT 2 TO THE ESTABLISHED EROSION CONTROL LINE OR THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN WHICHEVER IS MORE WESTERLY. BOUNDED ON THE SOUTH BY THE EXTENSION EASTERLY OF THE SOUTHERLY LINE OF LOT 1 TO THE SAID EROSION CONTROL LINE OR THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY. BOUNDED ON THE WEST BY THE EASTERLY LINE OF SAID LOTS 1, AND 2; BOUNDED ON THE EAST BY THE ESTABLISHED EROSION CONTROL LINE, OR MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY.

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

APPROVED WITH MODIFIED CONDITION.

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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