

BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, FEBRUARY 5, 2016

9:00 A.M.

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

Note: Mr. Fox was absent.

A. ADMINISTRATION

1. Selection of Chair: Barton Goldberg.

Motion: Tandy –Approved by acclamation.

2. After Action Report – January 15, 2016

Approved –Segal/Orlowsky 6-0.

B. MODIFICATIONS

1. File No. 3641
Clay Hotel Partnership, LTD. /AR Espanola, LLC.
432 Espanola Way.

The applicant is requesting modifications to conditions of approval for previously approved variances for the reduction from the minimum required 300 foot distance separation between a business that sells alcoholic beverages and an existing educational facility and to reduce the minimum required number of seats for a restaurant serving beer and wine. Specifically, the applicant is requesting to sell beer, wine and liquor for consumption on the premises.

Approved – Baron/Tandy 6-0.

C. NEW CASES

1. File No. 3796
Neil M. & Elizabeth S. Rosen
5642 La Gorce Drive

The applicant is requesting the following variances in order to construct a two story addition in the rear yard of the existing two-story single family home:

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1. A variance to reduce by 14'-8" the minimum required rear setback of 20'-0" in order to construct a cabana structure and a two-story addition to the existing building at 5'-4" from the rear property line, facing the Golf Course.
2. A variance to reduce by 35.9% the required open space of 70% within the required rear yard in order to construct a two-story addition and a cabana building with a total open space of 34.1%.

Approved –Tandy/Segal 6-0.

**2. File No. 3797
Spit Fire, LLC.
405 - 407 15th Street**

The applicant is requesting the following variance in order to serve beer and wine for consumption on the premises:

1. A variance to reduce by fifteen (15) seats the minimum required thirty (30) seats for a restaurant selling beer and wine in order to operate a fifteen (15) seat restaurant serving beer and wine for consumption on the premises.

Approved –Segal/Orlowsky 6-0.

**3. File No. 3798
Gary A. Friedman
117 Palm Avenue**

The applicant is requesting the following variances in order to construct a two story accessory buildings in the rear yard of the existing single family home:

1. A variance to exceed by 8.1% (529.4 SF) the maximum unit size permitted of 10% (650.6 SF) for an accessory building in relation to the unit size of the main house in order to construct a new two-story accessory building at 18.1% (1,180 SF) of the size of the main home (6,506 SF).
2. A variance to exceed by 8.4% the maximum permitted 50% of the first floor area for a second story in order to construct the second floor of an accessory building with 58.4% of the first floor area located within the rear yard.

Approved –Tandy/Baron 6-0.

**4. File No. 3799
Blush Nail Lounge Boutique, LLC.
1433 Alton Road**

The applicant is requesting the following variance in order to retain a residential unit at the rear of the building:

1. A variance to reduce by 92 s.f. the minimum required average unit size of 800 s.f. for an apartment in order to retain an existing residential unit at the rear of the building with 708 s.f.

Approved –Tandy/Baron 6-0.

**5. File No. 3800
The Kugel Factory**

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540 West 41st Street

The applicant is requesting the following variance in order to sell beer and wine for consumption off the premises:

1. A variance to reduce 120 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages and an educational facility in order to sell alcoholic beverages at a food store for consumption off-the premises at a distance of 180 feet from North Beach Elementary School, located at 4100 Prairie Avenue.

Approved – Baron/Segal 6-0.

6. File No. 3802 Nadia Di Donato 5501 Pine Tree Drive

The applicant is requesting the following after-the-fact variance in order to retain wall fences within required yards of the new two-story single family home:

1. A. A variance to exceed by a range from 1.2' to 2.85' the maximum height of 5'-0" for a fence located within the first two feet of front yard adjacent to the front property line in order to retain a fence ranging from 6.2' to 7.85' in height as measured from grade (6.53 NGVD).

B. A variance to exceed by 1.0' the maximum height of 7'-0" for a fence located within the interior side yards in order to retain a fence along the north and south side yards with a height of 8.0' as measured from grade (6.53 NGVD).

C. A variance to exceed by 0.75' the maximum height of 5'-0" for a fence located within the rear yard facing a waterway in order to retain a fence on the north and south side yards with a maximum height of 5.75' as measured from grade (6.53 NGVD).

Continued to the March 4, 2016 meeting –Segal/Tandy 6-0.

7. File No. 3803 Claudia and Samuel Grossman 501 North Shore Drive

The applicant is requesting the following variance in order to construct a new one story single family home:

1. A variance to reduce by 5'-0" the minimum required street side setback of 15'-0" in order to construct a new one-story single family residence at 10'-0" from the north side property line facing Vardon Street.
2. A variance to reduce by 2'-5" the minimum required sum of the side setbacks of 22'-6" in order to construct a new one-story single family home with a sum of the side setbacks of 20'-1".

Approved – Baron/Tandy 6-0.

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D.NEXT MEETING DATE

Friday, March 4, 2016

All persons are invited to appear or be represented by an agent at the public hearing and provide testimony before the Board. The applications and all documents related thereto are available for public inspection during normal business hours in the office of the Planning Department located at 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. Inquiries may be directed to the Department at (305) 673-7550. Any of the above items may be continued to another meeting date and, under such circumstances, further advertised legal notice may not be provided.

Pursuant to Florida Statutes Section 286.0105, any person wishing to appeal Board decisions must ensure a verbatim record of the proceedings including testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by the law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Board's administrator at (305) 673-7550 no later than four (4) days prior to the proceeding. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

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