



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, FEBRUARY 6, 2009

9:00 A.M.

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

A. PROGRESS REPORT

1. **FILE NO. 3381** **LINCOLN TOBACCO, INC.
D/B/A DECO DRIVE CIGARS
414 LINCOLN ROAD
LOTS 2, 3, AND 4, BLOCK 53 OF "PINE RIDGE
SUBDIVISION", PLAT BOOK 6, PG 34;
MIAMI-DADE COUNTY, FLORIDA
LESS 5.0" OF LOTS 2 AND 3 ,
AND ALSO LESS THE WEST 59.42" OF THE
NORTH 20' OF LOT 3, BEING DESCRIBED IN DEED
BOOK 2075, PG 191;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report associated with the approval of a variance to waive the minimum required number of seats in order to serve alcoholic beverages for consumption on the premises of a bar/lounge and cigar shop.

**NO FURTHER PROGRESS REPORTS UNLESS VIOLATIONS
RELATED TO THE VARIANCE GRANTED ARE ISSUED.**

B. EXTENSION OF TIME

2. **FILE NO. 3198** **MIGUEL ANGEL DIEGO
7 FARREY LANE**

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**LOT 7; BELLE ISLE VILLAS SECOND SEC.
PLAT BOOK 42, PG 100;
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 two (2) story single family residence:

Condition number 7 of the Order dated October 6, 2006, requires that a building permit for the project be obtained on or before April 6, 2008, within eighteen (18) months of the date of the hearing. The applicant is requesting an extension of time to obtain a full building permit by April 6, 2009.

**THIRTY (30) DAYS EXTENSION OF TIME GRANTED (MARCH 6, 2009)
TO OBTAIN A FULL BUILDING PERMIT CONTINGENT UPON THE
DEMOLITION OF THE PROPERTY, WITH ADDITIONAL CONDITIONS.
PROGRESS REPORT DUE IN THIRTY (30) DAYS (MARCH 6, 2009).**

C. CONTINUED CASE

3. **FILE NO. 3399** **NINA KAKIASHVILI FOR
BUDDHA LOUNGE, LLC. D/B/A THE GATES
743 WASHINGTON AVENUE
LOT 14, BLOCK 33 OF OCEAN
BEACH ADDITION # 1
PLAT BOOK 3, PG 11;
MIAMI-DADE COUNTY, FLORIDA**

The applicant requested continuance at the January 9, 2009 meeting.

The applicant is requesting the following variance in order to dance hall / entertainment establishment not also operating as a restaurant at the subject location:

1. A variance to waive 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.

APPLICANT REQUESTED DEFERREMENT. NEIGHBORS WILL BE RE-NOTICED.

D. NEW CASES

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4. **FILE NO. 3401** **NATHAN KATZ AND ELLEN GOLDBERG**
4545 ROYAL PALM AVENUE
LOT 19, BLOCK "E" OF SURPRISE LAKE
SUBDIVISION; PLAT BOOK 9, PG 114;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following after-the-fact variance in order to retain an existing generator within the required front yard, facing West 46th Street:

1. A variance to waive 6'-0" of the minimum required front yard setback of 20' -0" in order to retain the existing generator at 14'-0" (at the closest point) from the front property line, facing West 46th Street.

APPROVED.

5. **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 is requesting the following variance in order to serve beer and wine within a 16 seat restaurant:

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.

6. **FILE NO. 3403** **FOXMAN TILTON ASSOCIATES, LLC**
7 CENTURY LANE
LOT 7, "BELLE ISLE VILLAS"
PLAT BOOK 42, PG 92;
MIAMI-DADE COUNTY, FLORIDA

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APPLICANT REQUESTED CONTINUANCE TO THE MARCH 6, 2009 MEETING.

7. **FILE NO. 3405** **5790 NORTH BAY ROAD TRUST
5790 NORTH BAY ROAD
LOT 35 AND 36, BLOCK 1-A OF
LA GORCE GOLF SUBDIVISION,
PLAT BOOK 14, PG 43;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit a two-story addition to an existing single family residence:

1. A variance to exceed by 1'-2" the maximum building height of 33'-0" as measured from grade to the midpoint of the highest roof in order to build the addition at 34'-2" from grade.

APPROVED WITH ADDITIONAL CONDITIONS.

8. **FILE NO.3406** **MICHAEL MUSKAT, PHILLIP MUSKAT,
1247 BAYVIEW DEVELOPMENT CORP.
1255 WEST AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION,
PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the construction of a new six (6) story hotel, to replace two existing single story homes and one existing 2-story building, to be demolished:

1. A variance to waive 2' - 0" of the minimum required drive width of 22' - 0" in order to build a drive access from the alley to the underground parking level with a width of 20'-0".
2. A variance to waive 4' - 3" of the required interior side yard setback of 5' - 9" at the parking level in order to build two (2) at-grade parking spaces at 1' - 6" from the south property line.
3. A variance to waive 18'-5" of the minimum required underground parking front setback of 20'-0" in order to build the underground parking at 1'-7" from the front property line, facing West Avenue.
4. A variance to waive all of the minimum required underground parking interior side yard setback of 5'-9" in order to build the subterranean parking up to the south property line.

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5. A variance to waive 10'-0" of the minimum tower front setback requirement of 30'-0" in order to provide a tower setback of 20' - 0" from the west property line.
6. A variance to waive 7' - 6" of the minimum required rear tower setback of 22' - 6" in order to build the rear of the tower portion of the building at 15' - 0" from the east property line.

CONTINUED FOR THIRTY (30) DAYS (MARCH 6, 2009)

E. NEXT MEETING DATE

March 6, 2009

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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MIAMIBEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT
WORKSHOP AFTER ACTION REPORT

FRIDAY, FEBRUARY 6, 2009 –12:00 P.M.
City Hall – Commission Chambers, Third Floor
1700 Convention Center Drive, Miami Beach, Florida

The purpose for this workshop meeting is to discuss issues related to the Board of Adjustment, including, but not limited to:

1. Definitions of Hardship
2. Minimum Criteria for Variances

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DISCUSSED. WORKSHOP WILL CONTINUE ON MARCH 6, 2009 AT THE CONCLUSION OF THE BOA/FPMB REGULAR AGENDA(S).

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