



**BOARD OF ADJUSTMENT**

**AFTER ACTION REPORT**

**FRIDAY, JULY 10, 2009**

**9:00 A.M.**

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

**A. PROGRESS REPORT**

1. **FILE NO. 3411**      **PETER J. NEARY/  
DECO DISCOUNT & DRUGS, LLC.  
1411 WASHINGTON AVENUE  
LOT 12 IN BLOCK 26, OCEAN BEACH ADDITION  
NO. 2, PLAT BOOK 2, PG 56;  
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report associated with the approval of a variance to waive the minimum required distance separation between a business that sells beer and wine for consumption off the premises and an existing educational facility.

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

**B. CONTINUED CASES**

2. **FILE NO. 3097**      **SOUTH SHORE LANDOWNERS, LLC  
280-330 SOUTH SHORE DRIVE  
LOTS 3, 4 & 5; BLOCK 55  
NORMANDY GOLF COURSE SUBDIVISION  
PLAT BOOK 44, PG 62;  
MIAMI-DADE COUNTY, FLORIDA**

This case was continued at the May 8, 2009 meeting.

**BOARD OF ADJUSTMENT AFTER ACTION REPORT**  
**JULY 10, 2009**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new two (2), four-story buildings with twenty-eight (28) residential units and forty-two (42) parking spaces:

The Modification Order dated June 8, 2007, required that the project be completed by November 6, 2009. The applicant is hereby requesting to delete the required completion date timeframe or, alternatively, to modify the condition to complete the project by November 6, 2011.

**MODIFIED TO COMPLETE PROJECT BY NOVEMBER 6, 2011 WITH ADDITIONAL CONDITIONS.**

3. **FILE NO. 3328**      **ST. PATRICK CHURCH AND SCHOOL**  
**3701 NORTH MERIDIAN AVENUE**  
**LOTS 12 THRU 19 INCLUSIVE BLOCK 2 OF**  
**“AMENDED PLAT OF GARDEN SUBDIVISION”**  
**PLAT BOOK 31, PG 9;**  
**MIAMI-DADE COUNTY, FLORIDA;**  
**ALL OF BLOCK 5**  
**OF “AMENDED PLAT OF GARDEN SUBDIVISION”**  
**PLAT BOOK 31, PG 9;**  
**MIAMI-DADE COUNTY, FLORIDA**

This case was continued at the May 8, 2009 meeting.

The applicant is requesting the following variances in order to permit the construction of a new single story pre-kindergarten classroom building, along with the re-construction of North Meridian Avenue to include parking and a variance waiving the provisions of Chapter 130, Article III of the City Code, to permit the use of a grass parking system for dual-use playfield / auxiliary parking lot:

1. A variance to waive all of the required front yard setback of 20' - 0" in order to build the new classroom building up to the west property line, facing North Meridian Avenue.
2. A variance to waive the provisions of Chapter 130, Article III of the City Code, to permit the use of a grass parking system (to resurface the existing playing field bounded by the waterway at the east, North Meridian Avenue to the west and the south property line) for dual-use playfield / auxiliary non-marked parking lot.

**THIS CASE WAS WITHDRAWN BY THE APPLICANT.**

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4. **FILE NO. 3417**      **SOUTH BEACH RESORT DEVELOPMENT, LLC.  
1458 OCEAN DRIVE AND 1437 COLLINS AVENUE  
LOTS 5 AND 6, HARRISON &  
HAYES SUBDIVISION,  
PLAT BOOK 9, PG 73;  
MIAMI-DADE COUNTY, FLORIDA**

This case has been continued by staff to the July 10, 2009 meeting.

The applicant is requesting the following variance in order to operate an accessory outdoor bar counter with extended hours of operation:

1. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 2:00 am.

**THIS CASE WAS WITHDRAWN WITHOUT PREJUDICE.**

5. **FILE NO. 3418**      **HOSPITALITY VENTURES, INC.  
1413-1415 WASHINGTON AVENUE  
LOT 13; BLOCK 26 OF  
OCEAN BEACH ADDITION NO 2,  
PLAT BOOK 2 PG 56;  
MIAMI-DADE COUNTY, FLORIDA**

This case was continued at the June 5, 2009 meeting.

The applicant is requesting the following variance in order to sell alcoholic beverages at a proposed restaurant:

1. A variance to waive 196 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 alcoholic beverages for consumption on the premises with a distance of 104 feet to the school.

**APPROVED WITH ADDITIONAL CONDITION.**

6. **FILE NO. 3419**      **CREA CAFÉ, LLC.  
D/B/A MATTARELLO BAKERY CAFE  
1450 WASHINGTON AVENUE  
ESPANOLA VILLAS 1<sup>ST</sup> ADDITION  
LOTS 1-2-3-4-5-6 EACH LESS S3FT FOR ST  
BLOCK 3A  
PLAT BOOK 9 PG 147;  
MIAMI-DADE COUNTY, FLORIDA**

**BOARD OF ADJUSTMENT AFTER ACTION REPORT**  
**JULY 10, 2009**

This case was continued at the June 5, 2009 meeting.

The applicant is requesting the following variances in order to sell beer and wine at an existing café:

1. A variance to waive 143 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 157 feet to the school.
2. A variance to waive twenty-two (22) seats of the minimum requirement of thirty (30) seats for an eight (8) seat cafe to serve beer and wine for consumption on the premises.

**APPROVED WITH ADDITIONAL CONDITION.**

**C. NEW CASE**

7. **FILE NO. 3424**      **927 EUCLID, LLC**  
                                 **927 EUCLID AVENUE**  
                                 **LOT 12, BLOCK 44,**  
                                 **OCEAN BEACH FLA ADDITION NO. 3,**  
                                 **PLAT BOOK 2, PG 81;**  
                                 **MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the placement of two parallel parking spaces within the rear yard of an existing residential building:

1. A variance to waive all of the minimum required rear yard of 5'-0" in order to place two parallel parking spaces up to the rear property line, facing an alley.
2. A variance to waive 2'-0" of the minimum required interior side yard setback of 5'-0" in order to place one of the parallel parking spaces (Space No. 1) at 3'-0" from the north property line.
3. A variance to waive 2'-0" of the minimum required interior side yard setback of 5'-0" in order to place one of the parallel parking spaces (Space No. 2) at 3'-0" from the south property line.
4. A variance to waive 1'-0" of the minimum required length of a standard parallel parking space of 21'-0" in order to build the south parking space with a length of 20'-0".

**BOARD OF ADJUSTMENT AFTER ACTION REPORT**  
**JULY 10, 2009**

**APPROVED.**

**D. APPEAL**

8. **FILE NO. 3415**      **THE RONEY PALACE CONDOMINIUM ASSOC.**  
**2301-2399 COLLINS AVENUE**  
**MIAMI BEACH, FLORIDA**  
**(FOR LEGAL DESCRIPTION PLEASE CONTACT**  
**THE PLANNING DEPT.)**

This case was continued at the June 5, 2009 meeting.

The applicant, The Roney Palace Condominium Association, Inc., is appealing the January 26, 2009 administrative decision of the City of Miami Beach Planning Director concerning the operating hours of the outdoor bar counter on the rooftop of the north tower containing the Gansevoort Hotel at the above referenced address. The appeal challenges the Director's determination as to the applicability of certain regulations on the hours of the subject outdoor bar counter, specifically how City Code Section 142-244, which contains certain locational criteria, applies to the hours of operation of the outdoor bar counter.

**APPEAL DISMISSED BY THE BOARD OF ADJUSTMENT.**

**E. NEXT MEETING DATE**

August 7, 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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**MIAMIBEACH**

**PLANNING DEPARTMENT**

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**FLOOD PLAIN MANAGEMENT BOARD**

**BOARD OF ADJUSTMENT AFTER ACTION REPORT**  
**JULY 10, 2009**

**AFTER ACTION REPORT**

**FRIDAY, JULY 10, 2009**

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

**CONTINUED TO THE AUGUST 7, 2009 MEETING.**

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