



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, JUNE 1, 2012

9:00 A.M.

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

A. PROGRESS REPORT

1. **FILE NO. 3564** **AMAMI, LLC d/b/a AMAMI
224 ESPANOLA WAY
ESPANOLA VILLAS W 12.5 FT, LOT 3,
AND LOTS 4 & 5, BLOCK 2,
PLAT BOOK 7, PG 145;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report associated with the approval of a modification granted on April 9, 2012 regarding a business that sells alcoholic beverages for consumption within the minimum required distance separation from an educational facility.

NO FURTHER PROGRESS REPORTS.

B. EXTENSION OF TIME

2. **FILE NO. 3456** **ADAN BELTRAN
8143 HARDING AVENUE
LOT 6 LESS THE WEST 2.50' FEET
THEREOF, IN BLOCK 1, OF "PLAT OF
HAYNSWORTH BEACH SUBDIVISION,
PLAT BOOK 41, PG 2;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for variances in order to build a three-story plus rooftop terrace,

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six-unit residential building:

Condition number 7 of the Order dated August 6, 2010, requires that a full building permit for the project be obtained on or before February 6, 2012, within eighteen (18) months of the date of the hearing. The applicant is requesting a one (1) year extension of time to obtain a full building permit by February 6, 2013.

APPROVED. PROGRESS REPORT DUE AUGUST 3, 2012.

C. MODIFICATION

3. **FILE NO. 2578** **JABA FOODS, LLC.
1429 WASHINGTON AVENUE
A SOUTHERLY PART OF THAT CERTAIN
UN-NUMBERED LOT LYING IMMEDIATELY
NORTH OF LOT 16; SAID UN-NUMBERED LOT
NOW KNOWN AS LOT 17, BLOCK 26, OCEAN
BEACH ADDITION NO. 2,
PLAT BOOK 2, PG 56; DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPT.)**

The applicant is requesting a modification to a condition of approval for a variance which permitted a restaurant that serves beer and wine and liquor in a location less than 300 feet from an educational facility. Condition No. 9 of the November 7, 2008 Modification Order granted the approval of the variance to the previous operator, Koba Zakariadze/Chill & Grill, Inc. only. The applicant requests to modify this condition to permit the transfer of approval to JABA Foods, LLC.

APPROVED.

D. NEW CASES

4. **FILE NO. 3502** **OCEAN GRANDE PROPERTIES, LLC.
3651 COLLINS AVENUE. MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPARTMENT)**

1. A variance to waive 4'-4" of the minimum required side yard facing the street subterranean setback of 5'-0" in order to provide stair access from grade at sidewalk level to the subterranean parking with stairs located at 8" from the north property line.

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2. A variance to waive 12'-0" of the minimum required 22'-0" two-way drive width in order to provide a 10'-0" wide drive for the valet-only subterranean parking.
3. A variance to waive all of the required interior side yard pedestal setback of 7'-6" in order to build the portion of the south wall of the subterranean garage that extends 3'-6" above grade up to the south property line.
4. A variance to waive all of the minimum required sum of the side yards of 8'-0" at the pedestal level (at the ground floor only) in order to provide a 0' sum of the side yards.
5. A variance to exceed the maximum permitted encroachment of 1'-10 1/2" in order to build entrance steps and a ramp up to the north property line.
6. A variance to waive 5" of the minimum required interior side yard setback of 13'-11" for the tower portion of the building to be located at 13'-6" from the south property line.
7. A variance to exceed by 8% (7 1/2") the maximum allowable projection of 25% (1'-10 1/2") in order to provide ornamental features encroaching 33% (2'-6") into the required side yard facing the street at the north side of the property.
8. A variance to waive 1'-10" of the minimum required interior side yard pedestal setback of 7'-6" in order to place an emergency generator at 5'-8" to the south property line.
9. A variance to waive all of the minimum required side facing the street pedestal setback of 7'-6" in order to place an FPL transformer up to the north property line.

APPLICANT REQUESTED CONTINUANCE TO THE JULY 9, 2012 MEETING (MONDAY).

5. **FILE NO. 3562** **1906 COLLINS, LLC.
1908 COLLINS AVENUE
THE NORTH 57-1/2 FEET OF THE SOUTH
62-1/2 FEET OF LOTS 1, 2 & 3, BLOCK D
OF AMENDED MAP OF THE OCEAN FRONT
PROPERTY OF THE MIAMI BEACH
IMPROVEMENT COMPANY SUBDIVISION, PLAT
BOOK 5, PG 7; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance to exceed the allowable hours of operation of an accessory outdoor bar counter of a restaurant:

1. A variance to exceed the allowable hours of operation of the proposed accessory outdoor bar counter until 2:00 a.m.

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APPLICANT REQUESTED CONTINUANCE TO THE JULY 9, 2012 MEETING (MONDAY).

6. **FILE NO. 3569** InSITE MIAMI BEACH, LLC.
1825 COLLINS AVENUE. MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)

APPLICANT REQUESTED CONTINUANCE TO THE JULY 9, 2012 MEETING (MONDAY).

7. **FILE NO. 3573** PRIME ON EUCLID, LLC.
1410 EUCLID AVENUE
LOT 3 AND N ½ LOT 2, BLOCK 118 OF,
“MIAMI OCEAN VIEW COMPANY AMENDMENT”
PLAT BOOK 9, PG 70;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a 3-story addition at the south of the property:

1. A variance to waive 2'-6" of the minimum required interior side yard pedestal setback of 7'-6" in order to build a 3-story addition at 5'-0" from the south property line.
2. A variance to waive 5'-0" of the minimum required sum of the side yards of 15'-0" in order to provide a sum of the side yards of 10'-0".
3. A variance to waive all of the required 5'-0" rear parking setback of 5'-0" in order to build parking up to the west property line.

APPROVED.

8. **FILE NO. 3574** ROFRA, LLC. (MATTEO SOLDATINI, MANAGER)
1680 MICHIGAN AVENUE
LOTS 10 THROUGH 12, BLOCK 38,
“PALM VIEW SUBDIVISION”,
PLAT BOOK 6, PG 29;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to sell beer, wine and liquor at a new restaurant and wine bar:

1. A variance to waive 122 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption and

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an existing educational facility, the daycare of the Cuban-Hebrew Congregation of Miami-Temple Beth Shmuel Montessori School in order to sell beer, wine and liquor for consumption on the premises with a distance of 178 feet to the school.

APPROVED WITH MODIFIED CONDITION AND ADDITIONAL CONDITION.

9. **FILE NO. 3575** **1409 WASHINGTON/WILMSLOW, LLC.
(PETER NEARY, PRESIDENT)
1409 WASHINGTON AVENUE
LOT 12; BLOCK 26 OF "OCEAN BEACH,
FLA. ADDITION NO 2", PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to sell beer and wine for off-premise consumption at a new 7-Eleven:

1. A variance to waive 200' of the minimum required 300 foot separation between a business that sells alcoholic beverages and an existing educational facility, Fisher-Feinberg Elementary School, in order to sell beer and wine for off-premise consumption within a 7-Eleven with a distance of 100' to the school.

DENIED WITHOUT PREJUDICE.

10. **FILE NO.3576** **MICHAEL LIPSCOMB
280 SOUTH COCONUT LANE
LOT 11 IN BLOCK D-2 , OF AMENDED RIVIERA,
AND THE FIRST AND SECOND ADDITIONS
THERE TO, BEING A RESUBDIVION OF LOTS 6 TO
35 INCLUSIVE, BLOCK 2, OF PALM ISLAND, A
SUBDIVISION IN THE NORTH HALF OF SECTION
5, TOWNSHIP 54 SOUH, RANGE 42 EAST, PLAT
BOOK 32, PG 37; MIAMI-DADE COUNTY,
FLORIDA, TOGETHER WITH THAT PART OF THE
20 FOOT STRIP CONTIGUOUS AND ABUTTING
TO SAID LOT WHICH WAS CONVEYED TO THE
BISCAYNE BAY ISLANDS COMPANY IN DEED
RECORDED IN DEED BOOK 1501, PG 479, MIAMI-
DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new two-story single family residence:

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1. A variance to exceed by 3'-0" the maximum building height of 25'-0" as measured from grade to the highest roof in order to build the addition at 28'-0" from grade.
2. A variance to exceed by 1'-5" the maximum permitted elevation height of +6'-1" NGVD within the required rear yard in order to build portions of the pool's retaining walls at +7'-6" NGVD.

APPROVED.

11. **FILE NO. 3577** **DYLAN'S CANDY BAR, LLC.
801 LINCOLN ROAD
THE EAST ½ OF LOT 1, BLOCK 36, AMENDED
PLAT OF GOLF COURSE SUBDIVISION,
PLAT BOOK 6, PG 26;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to sell beer, wine and liquor for consumption at a restaurant and candy store:

1. A variance to waive fifty-three (53) seats of the minimum requirement of sixty (60) seats for a seven (7) seat restaurant and candy store to serve beer, wine and liquor for consumption on the premises.

APPROVED.

12. **FILE NO. 3578** **CLAY HOTEL PARTNERSHIP, LTD.
516 ESPANOLA WAY
ALL OF OF BLOCK 3-B, OF FIRST ADDITION TO
WHITMANS SUBDIVISION OF ESPANOLA VILLAS,
PLAT BOOK 9, PG 147; MIAMI-DADE COUNTY,
FLORIDA, INCLUDING THE PERPETUAL FIRE
ACCESS EASEMENT RECORDED MAY 1, 2012,
UNDER O.R. BOOK 20366, PG 1733, PUBLIC
RECORDS OF MIAMI-DADE COUNTY, AND A
RECTANGULAR STRIP OF LAND IN THE NW
CORNER OF THE NORTHERLY 30 FEET IN
BLOCK 20, OF OCEAN BEACH ADDITION NO. 3,
ACCORDING TO THE PLAT THEREOF, PLAT
BOOK 2, PAGE 81, MIAMI-DADE COUNTY,
HAVING A WIDTH OF 0.75 FEET AND LENGTH OF
36.25 FEET HAVING A FRONTAGE OF 0.75 FEET
ON DREXEL AVE, AND EXTENDING EASTERLY
36.25 FEET.**

The applicant is requesting the following variance in order to sell beer,

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wine and liquor at a restaurant:

1. A variance to waive 220 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, wine and liquor for consumption on the premises with a distance of 80 feet to the school.

APPROVED.

E. APPEAL

13. **FILE NO. 3565** **MAC SH, LLC.**
1201, 1225, 1237 20TH STREET
ALL LOTS 22, 23 AND 24 AND THE NORTH 70,000
FEET OF LOTS 25 AND 26 IN BLOCK 15A OF
“ISLAND VIEW ADDITION”, PLAT BOOK 9, PG
144; MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPT.)

MAC SH, LLC, is appealing to the Board of Adjustment under City Code §§ 118-136 & 118-352 administrative determinations by the Planning Director concerning the application by Palau Sunset Harbor, LLC for Conditional Use approval for a 5-story mixed use structure consisting of approximately 50 residential units and 13,056 +/- square feet of commercial space, with mechanical parking lifts, located at 1201, 1225, and 1237 20th Street, in the CD-2 Commercial Medium Intensity zoning district. The appeal contends that: 1) The schematic diagrams submitted showing a conventional parking alternative as required by §130-38 do not meet the required setbacks of the Land Development Regulations (LDRs), and the proposed off-street loading location is not in compliance with the LDRs, both requiring variances, and therefore the use of mechanical parking systems is not permitted; 2) Required notice was not properly posted on the site 30 days prior to the scheduled February 28, 2012 public hearing; and 3) The application was not complete 30 days prior to the January 24, 2012 public hearing.

THIS CASE WAS CONTINUED BY STAFF TO THE JULY 9, 2012 (MONDAY) MEETING.

F. NEXT MEETING DATE

July 9, 2012 (Monday)

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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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