



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, NOVEMBER 2, 2012

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

A. MODIFICATION

1. **File No. 3446
Majestic Organization, LLC
1020-1050 Washington Avenue**

This case has been withdrawn

B. CONTINUED CASES

2. **File No. 3594
2BRich Investments, LLC D/B/A Montefiore Café & Restaurant
4017 Prairie Avenue**

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

1. 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.
2. A variance to waive 114.58' feet of the minimum required 300 foot separation between a business that sells alcoholic beverages and an existing educational facility, in order to sell beer and wine for consumption within an existing restaurant with a distance of 185.42' feet to the educational facility.

Approved

C. NEW CASES

3. **File No. 3607
Normandy Ventures, LLC
25-135 North Shore Drive**

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The applicant is requesting the following variances in order to permit the completion of the construction of a four (4) story, forty-three (43) unit apartment complex:

1. A variance to waive to waive 23'-3" of the required 40'-3" north side yard interior pedestal setback in order to provide a setback of 17'-0" from the north property line.
2. A variance to waive 18'-3" of the required 40'-3" south side yard pedestal setback in order to provide a setback of 22'-0" from the south property line.
3. A variance to waive to waive 86"-9" of the required 125'-9" sum of the side yards interior pedestal setback in order to provide a 39'-0" sum of the side yards.
4. A variance to waive to waive 17'-3" of the required 25'-2" north side yard interior surface parking setback, in order to build parking spaces at 7'-11" from the north property line.
5. A variance to waive the requirements of Section 142-156(b), which requires residential uses at the first level along every facade facing a street, sidewalk or waterway in order to add required surface parking spaces, visible from the street, for the partially constructed residential units facing North Shore Drive and the Indian Creek Canal.

Approved

4. File No. 3609

**CG Sunny Isles, LLC, CG Sunny Isles I, LLC, CG Sunny Isles II, LLC
2000 & 2030 Park Avenue, 2035 Washington Avenue, 425 & 435 20th Street and 430
21st Street**

The applicant is requesting the following variances in order to permit the renovation of the existing hotels:

6. A variance to waive 12'-8" of the minimum required interior side yard setback of 18'-0" in order to build the rooftop addition to the Sunking 1 at 5'-4" from the west property line, following the existing building line.
7. A. A variance to exceed by 4'-0 1/2" the maximum allowable projection of 3'-1 1/2" into the interior side yard at the south side in order to build balconies and terraces extending 7'-2" into the south required interior south yard of the Gamshire and Lord Charles, following the existing building line.

B. A variance to exceed by 3'-7" the maximum allowable projection of 2'-7" for a terrace into the side yard facing the street in order to provide terraces projecting 6'-2" into the west yard of the Gamshire.

Approved

D. APPEALS

5. FILE NO. 3585

**SHERBROOKE APTS., INC./ MITCHELL SCOTT
INVESTMENT GROUP, INC.
901 COLLINS AVENUE, 909 COLLINS AVENUE,
919 COLLINS AVENUE, MIAMI BEACH**

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NOVEMBER 2, 2012**

**MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTIONS PLEASE CONTACT
THE PLANNING DEPT.)**

This case was continued at the August 3, 2012 meeting and the September 7, 2012 meeting. Sherbrooke Apts., Inc./Mitchell Scott Investment Group, Inc., is appealing under Section 118-136 of the City Code an administrative decision of the Planning Director which denied the proposed transfer of Floor Area (FAR) for a project at 901, 909, and 919 Collins Avenue to the Board of Adjustment. The Administrative Determination, dated April 10 2012, determined that a proposed unification of three subject properties through the use of the proposed Covenant in Lieu of Unity of Title is not a true "unified development site" as required by Section 118-5, and the proposed construction of a rooftop addition on the Sherbrooke Apartments through the use of a transfer of development rights does not conform with the applicable Charter provision 1.03(c) or the Land Development Regulations.

Case continued to the December 7, 2012 meeting

**6. FILE NO. 3602 BATH CLUB ENTERTAINMENT, LLC
 COLLINS AVENUE ASSOCIATES, LLC
 5937 COLLINS AVENUE**

Bath Club Entertainment, LLC and Collins Avenue Associates, LLC, are appealing, under Section 118-136 of the City Code, an administrative decision of the Planning Director pertaining to the vested status of the use of an existing pool deck for dining and hall-for-hire activities at the Bath Club site at 5937 Collins Avenue to the Board of Adjustment. The Administrative Determination, dated July 2, 2012, concluded that that the use of the Bath Club pool deck for commercial, hall-for-hire purposes, is not permitted.

Denied