

BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, OCTOBER 3, 2014
9:00 A.M.

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

Note: Mr. Preira was absent.

A. CONTINUANCES

1. File No. 3646 (Appeal)

The Residences at the Bath Club Condominium Association, Inc., The Residences at the Bath Club Maintenance Association, Inc., and Thomas K. Ireland
5937-5959 Collins Avenue

Case withdrawn by the applicant.

2. File No. 3650

Christian de Berdouare and Jennifer Valoppi
5750 North Bay Road

Continued to the December 5, 2014 meeting -Baron/Tandy 6-0.

3. File No. 3687

Nakash Strand, LLC. c/o Jordache Enterprises
1060 Ocean Drive

No action taken by the Board.

4. File No. 3709

Tara Realty, LLC.
126 West San Marino Drive

Continued to the November 7, 2014 meeting -Tandy/Fox 6-0.

5. File No. 3726

William M. Pizzorni
1220 South Biscayne Point Road

Continued to the December 5, 2014 meeting -Baron/Goldberg 6-0.

6. File No. 3742

1775 James Avenue LLC.
1775 James Avenue

No action taken by the Board.

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B. PROGRESS REPORTS INCLUDING ASSOCIATED MODIFICATIONS

1. **File No. 3530**
Commerce Street Properties, LLC.
850 Commerce Street

The applicant is presenting a progress report and requesting a modification to conditions of approval for previously granted variances associated with the renovation and addition to the existing building for a new restaurant. Specifically, the applicant is requesting to extend the hours of operations.

Approved with modified conditions –Baron/Colin 6-0.

2. **File No. 3579**
Yardhouse USA, Inc.
1681 Lennox Avenue

The applicant is presenting a progress report associated with a variance approved on July 9, 2012 to waive the minimum required 300 foot distance separation between a business that sells alcoholic beverages for consumption and an existing daycare, in order to sell beer, wine and liquor for consumption on the premises in a new restaurant and a modification granted on October 5, 2012.

Discussed -No further progress reports –Goldberg/Tandy 6-0.

C. EXTENSIONS OF TIME

1. **File No. 3617**
Royal Polo Hotel LLC.
2940 Collins Avenue

The applicant is requesting a one (1) year extension of time to obtain a full building permit for a previously approved variance to waive the required minimum hotel unit size in order to permit the retention of the existing guest rooms and the renovation to the historic building.

One (1) year extension of time granted – Baron/Goldberg 6-0.

D. MODIFICATIONS

1. **File No. 3462**
Beach House Owner, LLC.
4385 Collins Avenue

The applicant is requesting a modification to conditions of approval for a previously approved variance to exceed the allowable hours of operation for accessory outdoor bar counters. Specifically the applicant is requesting to change the name of the owner/operator.

Approved –Colin/Goldberg 6-0.

2. **File No. 3649**
Berkeley Shore, LLC.

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1610 Collins Avenue

The applicant is requesting modifications to the following approved variance in order to renovate the existing hotel and construct a new 10-story hotel addition at the rear of the property:

1. A variance to waive 4'-4 1/2" 7'-5" of the minimum required rear pedestal setback of 24'-2" in order to build the car loading platform and steps lift at 19'-9 1/2" 16'-9" from the rear property line.

Approved –Goldberg/Baron 6-0.

E. NEW CASES

1. **File No. 3740**
Nicholas Gelpi and Esther Gelpi
5500 La Gorce Drive

The applicants are requesting the following variances in order to build additions to the front and rear of the existing single family home:

1. A variance to waive 9'-5" of the minimum required street side setback of 15'-0" in order to construct a one story addition to the front of the single family home at 5'-7" from the south property line facing 55th Street.
2. A variance to waive 1'-7" of the minimum required rear setback of 20'-0" in order to construct a one story addition at the rear of the single family home following the existing building line at 18'-5" from the west property line facing the golf course.

Approved with modified condition –Baron/Tandy 6-0.

2. **File No. 3745**
Robert Toll & Jane Toll
2500 Bay Avenue

The applicants are requesting the following variances in order to build a new two (2) story structure on the north side of the single family property:

1. A variance to waive 23'-11" of the minimum required interior side setback of 44'-10" in order to construct a two story detached structure at 20'-11" from the north property line.

Approved –Baron/Tandy 6-0.

3. **File No. 3747**
Mary Carpenter
118 West Dilido Drive

The applicant is requesting the following variance in order to construct a pool and deck in the rear yard of a new two-story single family residence:

1. A variance to exceed by 1'-4" the maximum permitted elevation height of +7'-5" NGVD within the required rear yard in order to build the pool's retaining walls at +8'-9" NGVD.

Approved –Tandy/Goldberg 6-0.

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**4. File No. 3748
1550 Meridian Avenue LLC.
1550 Meridian Avenue**

The applicant is requesting the following variance in order to construct a new 3-story detached ground level addition at the rear of the property:

1. A variance to waive 10'-0" of the minimum required rear pedestal setback of 15'-0" in order to build a detached 3-story addition to the existing building at 5'-0" from the rear property line.

Approved –Goldberg/Fox 6-0.

**5. File No. 3749
Michael Simkins & Nicole Simkins
5869 Pine Tree Drive**

The applicants are requesting the following variances in order to substantially reconstruct the original pre-1942 single family home with accessory structures:

1. A variance to waive 15'-0" of the minimum required interior side setback of 22'-6" in order to construct a new two story single family home at 7'-6" from the side property line.
2. A variance to waive 41'-3" of the minimum required sum of the side yards of 56'-3" in order to provide a sum of the side yards of 15'-0".

Approved –Goldberg/Tandy 6-0

F. DISCUSSION

1. Proposed revisions to Board of Adjustment By-Laws

-Ratification of amendments to the Board of Adjustment By-Laws.

Revised and continued to the November 7, 2014 meeting –Fox/Colin 6-0.

G. NEXT MEETING DATE

Friday, November 7, 2014

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.

All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Board of Adjustment c/o the Planning Department, 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. The applications and all documents related thereto are available for public inspection during normal business hours in the office of the Department. Inquiries may be directed to the Department at (305) 673-7550. Any of the above items may be continued

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to another meeting date and, under such circumstances, further advertised legal notice may not be provided.

Pursuant to Section 286.0105, Fla. Statue, the City hereby advises the public that: If a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or hearing, such person will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony 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 law.

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