



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, MAY 9, 2008

9:00 A.M.

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

A. PROGRESS REPORT

- 1. FILE NO. 3189 SOUTH BEACH RESORT DEVELOPMENT LLC
1458 OCEAN DRIVE and 1437-1465 COLLINS AVE
LOTS 5,6,11,12 and PORTION OF LOT 10
HARRISON & HAYES SUBDIVISION
PLAT BOOK 9-73;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on March 3, 2006 to build an accessory outdoor bar counter with extended hours of operation. The progress report is required to address possible violations of the conditions of the variance order.

CONTINUED TO THE JUNE 6, 2008 MEETING FOR POSSIBLE VARIANCE MODIFICATION OR REVOCATION.

B. EXTENSIONS OF TIME

- 2. FILE NO.3277 ALTON SOBE, LLC
929-939 ALTON ROAD
LOT 9 AND 10, BLOCK 123
OF LENOX MANOR SUBDIVISION,
PLAT BOOK 7, PG 15;
MIAMI-DADE COUNTY, FLORIDA**

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This case was continued at the April 4, 2008 meeting. The applicant is requesting the following modification to a condition of approval for a variance associated with the construction of a mixed use project commercial space fronting Alton Road, required parking located within a subterranean level as well as on the 2nd floor and residential units on the 3rd through 5th floors:

Condition number 6 of the Order dated January 5, 2007, requires that a full building permit for the project be obtained on or before July 5, 2008, 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 July 5, 2009.

APPROVED WITH ADDITIONAL CONDITION.

3. **FILE NO. 3104** **CHELSEA, LLC a/k/a CHELSEA LOFTS**
1201-1215 WEST AVENUE
LOTS 13 AND 14; BLOCK 82
BAY VIEW SUBDIVISION
PLAT BOOK 9-110;
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 six (6) story, 29 unit residential building:

A condition of the Consolidated and Modification Order dated June 8, 2007 required that the project be completed by May 6, 2008. The applicant is hereby requesting to modify the completion date to January 9, 2010.

APPROVED.

4. **FILE NO. 3253** **MIAMI BEACH COMMUNITY KOLLEL, INC**
816 W 40TH STREET
LOT 8, BLOCK 4,
“AMENDED PLAT OF GARDEN SUBDIVISION”
PLAT BOOK 31, PG 9;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following modification to a condition of approval for a variance associated with the construction of a two-story addition to an existing two-story building with four existing residential units:

Condition number 5 of the Order dated November 1, 2006, requires that a full building permit for the project be obtained on or before May 1, 2008, within eighteen (18) months of the date of the hearing. The applicant is

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requesting a one (1) year extension of time to obtain a full building permit by May 1, 2009.

APPROVED.

C. CONTINUED CASE

5. **FILE NO. 3345** **BAYLIGHTS DEVELOPMENT, CO.
1910 BAY DRIVE
LOTS 21 & 22, BLOCK 39 OF “ MIAMI VIEW
SECTION OF THE ISLE OF NORMANDY PART I”
PLAT BOOK 34, PG 80;
MIAMI-DADE COUNTY, FLORIDA**

This case was continued from the May 9, 2008 meeting.

THIS CASE WAS WITHDRAWN BY APPLICANT.

D. NEW CASES

6. **FILE NO. 3346** **TBS REALTY, LLC. AND
TUDOR SOUTH BEACH RESORT/ TUDOR HOTEL
1111 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)**

The applicant is requesting the following variance in order to permit the construction of walkways, water features, sitting areas, electrical and trash rooms and an elevated bridge connector up to the north lot line of a property containing a hotel and proposed rooftop bar/lounge:

1. A variance to waive all of the required interior side pedestal setback of 5' - 0" from the north interior property line in order to build an outdoor area composed of walkways, water features, sitting areas, electrical and trash rooms and an elevated bridge connector at the roof level, up to the north property line.

APPROVED WITH MODIFIED CONDITION.

7. **FILE NO. 3347** **TBS REALTY, LLC. AND
TUDOR SOUTH BEACH RESORT – NORTH**

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**PALMER HOUSE HOTEL
1119 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)**

The applicant is requesting the following variance in order to permit the construction of walkways, water features, sitting areas, electrical and trash rooms and an elevated bridge connector up to the south lot line of a property containing a hotel:

1. A variance to waive all of the required interior side pedestal setback of 5' - 0" from the south interior property line in order to build an outdoor area composed of walkways, water features, sitting areas, electrical and trash rooms and an elevated bridge connector up to the north lot line of a property containing a hotel and proposed rooftop bar/lounge.

APPROVED WITH MODIFIED CONDITION.

8. **FILE NO. 3351** **ITAMAR MAKMAL
738 W 41ST STREET
LOTS 1 TO 4, 41ST STREET
PLAT BOOK 40, PG 47;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to operate a liquor store:

1. A variance to waive a range between 11.54 feet and 162.8 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption off the premises and Beth Israel Congregation, Temple Beth Shalom School and North Beach Elementary School, in order to operate a liquor store.

THIS CASE WAS WITHDRAWN BY APPLICANT.

9. **FILE NO. 3352** **MERIL ROTHMAN
6655 ROXBURY LANE
LOT 4, BLOCK 7,
"SUBDIVISION OF BLOCK 7,
LAGORCE ISLAND"
PLAT BOOK 40, PG 46;
MIAMI-DADE COUNTY, FLORIDA**

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The applicant is requesting the following after-the-fact variances in order to retain an existing generator within the required front and interior side yards:

1. A variance to waive 16' - 3 1/2" of the minimum required front yard setback of 20' - 0" in order to retain the existing generator at 3' - 8 1/2" from the front property line.
2. A variance to waive 3' - 7 1/4" of the minimum required interior side setback of 10' - 0" in order to retain a generator at 6' - 4 3/4" from the north property line.

APPROVED.

10. **FILE NO. 3353** **CRYSTAL BEACH CLUB CONDOMINIUM ASSOC.
6985 COLLINS AVENUE
LOTS 1 AND 2, BLOCK 10, NORMANDY
BEACH SOUTH, A SUBDIVISION,
PLAT BOOK 21, PG 54;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the placement of a projecting sign on the northwest corner of an existing building and a flat sign not facing a street:

1. A variance to waive Section 138-172 of the City of Miami Beach Code that does not permit the placement of a projecting sign on the RM-3 district.
2. A variance to exceed by 3 s.f. the maximum allowable projecting sign size of 15 s.f. in order to place an 18 s.f. projecting sign on the northwest corner of the building, facing Collins Avenue and 71st Street.
3. A variance to permit the relocation of an allowable flat business sign from the ground floor facing Collins Avenue to the south parapet, not facing any street or waterway.

VARIANCES NO. 1 AND NO. 3 WERE APPROVED. VARIANCE NO. 2 WAS DENIED.

11. **FILE NO. 3354** **MICHAEL AND NICOLE SIMKINS
4880 PINETREE DRIVE
LOT 24 AND 25, LESS THE SOUTHERLY
1/2 OF LOT 24, BLOCK 32,
OF LAKE VIEW SUBDIVISION,
PLAT BOOK 14, PG 42;**

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MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to build a two-story detached three-car garage and storage at the ground floor and guest/maid quarters on the second floor at the south side of a property with an existing single family residence:

1. A variance to waive 10' - 10 1/4" of the required sum of the side yards of 26' - 3" in order to build a two-story detached structure with a three-car garage and storage at the ground floor and guest/maid quarters on the second floor, to provide a sum of the side yards of 15' - 4 3/4".

APPROVED.

12. **FILE NO. 3355** **COLLINS CORNER, LLC.**
1201, 1221 AND 1225 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)

The applicant is requesting the following variances in order to renovate the existing two and three story buildings, inclusive of some partial demolition and rooftop additions and the construction of a new five-story structure to be part of a hotel complex:

- ~~1. A variance to waive 1'-0" of the required 5'-0" minimum front pedestal setback in order to build the columns at 4'-0" from the front property line, facing Collins Avenue.~~

Variance No. 1 withdrawn by staff

2. A variance to waive the section of the code that requires a ten-foot-deep covered front porch running substantially the full width of the building front, in order to provide a covered porch, with a width of 10' - 0" that does not run substantially the full width of the building front.
- ~~3. A variance to waive 4" of the minimum required interior side pedestal setback of 5'-0" in order to build a five-story structure at 4'-8" from the north property line.~~

Variance No. 3 withdrawn by applicant

4. A. A variance to waive 1' - 6" of the minimum floor to ceiling height of 12' - 0" in order to provide a floor to ceiling height of 10' - 6" along the required porch.

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- B. A variance to waive the requirement to provide a courtyard, open to the sky, with a minimum of 2,000 square feet, with the long edge of the courtyard along the side property line and a minimum average depth of 20 feet in order to provide a courtyard with an area of 216 s.f. and a minimum average depth of 17' - 3" and the long edge not facing the side property line. (The area of the courtyard shall be increased by an additional 50 square feet for every one foot of building height above 30 feet as measured from grade, for a total required area of 2,000 s.f.)
- ~~5. A variance to exceed by 5,063 square feet the maximum permitted retail space of 6,000 square feet in order to provide a total of 11,063 square feet of retail on the site.~~

Variance No. 5 withdrawn by staff

APPROVED.

13. **FILE NO. 3356** **PIOTR KRASUSKI AND ANNA PONIECKA**
2630 FLAMINGO DRIVE
LOT 6, BLOCK 1,
FLAMINGO TERRACE SUBDIVISION,
PLAT BOOK 10, PG 3;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to build a swimming pool and its associated deck, a vehicle shelter attached to the main house and a driveway on an irregular lot with an existing two-story single family residence:

1. A. A variance to waive 7' - 0" of the required 20' - 0" minimum front setback for a swimming pool in order to build the waterline at 13' - 0" from the front property line.

B. A variance to waive 10' - 0" of the required 20' - 0" minimum front setback for a swimming pool and its associated deck in order to build the deck at 10' - 0" from the front property line.
2. A variance to waive 7'-0" of the minimum required interior side yard setback of 11'-3" in order to build the structural supports of a vehicle shelter at 4'-3" from the west property line.
3. A variance to waive 3'-0" of the minimum required separation of 5'-0" between the front of the house and the edge of the driveway in order to build the driveway at 2'-0" from the front of the house.

APPROVED.

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14. **FILE NO. 3357** **2K SOUTH BEACH HOTEL, LLC.
1020 OCEAN DRIVE
LOT 6, 7, AND 8, BLOCK 15,
OF OCEAN BEACH FLORIDA,
PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the placement of a double-face projecting sign on the south façade facing 10th Street:

1. A variance to exceed by 43.5 s.f. the maximum allowable projecting sign size of 15 s.f. in order to place a 58.5 s.f. projecting double-face vertical sign on the south façade of the building, facing 10th Street.

CONTINUED FOR 30 DAYS (JUNE 6, 2008).

15. **FILE NO. 3358** **FONTAINEBLEAU FLORIDA HOTEL, LLC
4441 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION, PLEASE
CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to place signage on the site and to build a privacy wall:

1. A variance to exceed by 110 s.f. the maximum allowable flat sign size of 30 s.f. in order to place a sign of 140 s.f. on an existing wall at the corner of Collins Avenue and 44th Street.
2. A variance to allow the flat sign to extend above the ground floor.
3. A variance to exceed by 2 s.f. the maximum allowable monument sign size of 15 s.f. in order to place a monument sign with 17 s.f. facing Collins Avenue facing northbound traffic.
4. A variance to allow the relocation of an allowable sign facing the oceanfront to be relocated facing Collins Avenue

If variance 4 is granted, then the applicant requests variance 5:

5. A variance to exceed by 2 s.f. the maximum allowable monument sign size of 15 s.f. in order to place a monument sign with 17 s.f. facing Collins Avenue, facing southbound traffic.
6. A variance to allow an accessory sign to be relocated from a detached location to the face of the building.

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If variance 6 is granted, then the applicant requests variance 7:

7. A variance to exceed by 28 s.f. the permitted size of an accessory sign of 20 s.f. in order to place an accessory sign with 48 s.f.
8. A variance to exceed by 2'-0" the maximum allowable fence height of 5'-0" when located on the property line and facing a public right-of-way, in order to build a wall 7'-0" in height.

VARIANCES NOS. 1-5 AND VARIANCE NO. 8 WERE APPROVED WITH MODIFIED CONDITION. VARIANCES NOS. 6 AND 7 WERE CONTINUED TO THE JUNE 6, 2008 MEETING.

16. **FILE NO.3359** **MICHAEL ROGOFF**
5223 NORTH BAY ROAD
LOT 7, BLOCK 17, LA GORCE
GOLF SUBDIVISION
PLAT BOOK 14, PG 43;
MIAMI-DADE COUNTY, FLORIDA

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

1. A variance to waive 2" of the minimum permitted interior side yard setback of 5'-4" in order to build a one story addition at 5'-2" from the south interior property line.
2. A variance to waive 2" of the existing nonconforming sum of the side yards of 11'-3" in order to build a one-story addition that provides a sum of the side yards of 11'-1".

APPROVED.

E. NEXT MEETING DATE

June 6, 2008

NOTE: **THERE WERE NO CASES SCHEDULED FOR THE FLOOD PLAIN MANAGEMENT BOARD.**

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.

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If hearing impaired or for sign language interpreters, telephone (305)673-7219 (TDD) five (5) days prior to the proceeding.

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