



BOARD OF ADJUSTMENT
AFTER ACTION

FRIDAY, MAY 5, 2000 - 9:00 A.M.
1700 Convention Center Drive
Commission Chambers - Third Floor
Miami Beach, Florida 33139

A. PROGRESS REPORT

1. **FILE NO. 2301** **M-1 DEVELOPMENT CORP.**
d/b/a SUNTERRA RESORT
425 and 455 OCEAN DRIVE
LOTS 3,4,5 & 6; BLOCK 116
OCEAN BEACH ADDITION NO. 4; PB 3/115&151

The applicant will present a progress report regarding variances initially granted on May 7, 1993 for substantial rehabilitation of an existing apartment/hotel. The presentation of this report is a condition of the Modified Order dated November 14, 1997. (Note: This applicant is presently required to report every six months, except when otherwise requested by the Board.)

Applicant will appear at June 2, 2000 meeting for a modification to the Order.

B. CONTINUED CASE

2. **FILE NO. 2738** **HOTELERAMA ASSOCIATES, LTD.**
4441 COLLINS AVENUE
LOTS A, 1, 2 & SOUTH 1/2 OF LOT 3
INDIAN BEACH CORP. AMENDED PLAT; PB 8/61
PORTIONS OF LOTS 5 & 8 AND THE
SOUTH 1/2 OF J.M. SNOWDEN TRACT; PB 5/7&8

This case was continued from the meeting of March 3, 2000.

The applicant is requesting the following variance in order to construct a new tower addition to the existing Fountainebleau Hotel. The

proposed 354' high, 36 story tower contains 230 hotel units, 231 apartment units and 1096 parking spaces.

File No. 2738
Hotelerama Associates, Ltd.
4441 Collins Avenue

- 1. A variance to waive 71.8' of the minimum required 86.8' pedestal side setback facing a street in order to construct the new tower addition with a south side pedestal setback of 15'.

GRANTED subject to staff recommendations.

C. NEW CASES

**3. FILE NO. 2743 ZEDEK ASSOCIATES
a/k/a VALONA HOTEL
315 OCEAN DRIVE
LOT 7; BLOCK 115
OCEAN BEACH FL ADDITION NO. 4
PLAT BOOK 3 - PAGE 151**

The applicant is requesting the following variances in order to construct a new four (4) story, 77 unit hotel building with 16 parking spaces:

- 1. A variance to exceed by 3' - 2" to maximum permitted height of 35' - 0" in order to construct a new four story hotel with a height of 38' - 2" measured from grade (height of the sidewalk at the front of the property) to the highest point of the top habitable floor.
- 2. A variance to permit a new building with a pedestal setback of 20' - 6 1/2" instead of the required 5' - 0".
- 3. A variance to waive 11' - 0" of the minimum required 22' - 0" width for two way drives in order to construct a new hotel building with a two way entrance and exit drive, for the parking area, of 11' - 0".

GRANTED subject to staff recommendations, and a modification to request No. 3 to make the two-way entrance and exit drive 12'-0".

- 4. FILE NO. 2744 CLAY HOTEL PARTNERSHIP, LTD.
d/b/a LAVA LOUNGE, INC.
512 ESPANOLA WAY
LOTS 1 AND 2 LESS THE N. 3,000 FT. FOR ROAD
BLOCK 4B; ESPANOLA VILLAS 1st ADDITION
PLAT BOOK 9 - PAGE 147

File No. 2744
Clay Hotel Partnership, Ltd.
512 Espanola Way

The applicant is requesting the following variance in order to sell/serve beer and wine at a proposed restaurant:

- 1. A variance to waive 235 feet of the minimum required 300 feet separation between a business that sells/serves alcoholic beverages and an educational facility (Fisher-Feinberg Elementary School) in order to sell/serve beer and wine at a proposed restaurant.

CONTINUED to the June 2, 2000 meeting.

- 5. FILE NO. 2745 ELIAS / LEON ZWICK
301 N. HIBISCUS DRIVE
LOT 21; BLOCK 2
HIBISCUS ISLAND SUBDIVISION
PLAT BOOK 8 - PAGE 75

"After-The-Fact"

The applicant is requesting the following after-the-fact variance in order to retain an accessory swimming pool and deck, for an existing single family residence, which was not constructed according to approved plans:

- 1. A variance to waive 3.95 feet of the minimum required 7.5 feet side yard setback for swimming pool decks in order to retain a swimming pool deck 3.55 feet from the interior side yard.

DENIED

D. CONTINUED APPEALS

- 6. **FILE NO. 2715 TRANSNATIONAL PROPERTIES, INC.
6801 COLLINS AVENUE
(formerly, The Carillon Hotel)
NORTH 25 FT. OF LOT 48 AND ALL OF
LOTS 49 THRU 53; BLOCK 1
AMENDED PLAT OF 2ND OCEANFRONT SUB.
PB 28/28
LOTS 1 TO 6; BLOCK B; ATLANTIC HEIGHTS SUB.
PB 9/14**

File No. 2715
Transnational Properties, Inc.
6801 Collins Avenue

Appeal From Administrative Decision

This case was continued from the meetings of September 3, November 5 and December 3, 1999, and February 4, 2000.

The applicant is appealing a June 16, 1999 administrative decision made by the Planning and Zoning Director. The administrative decision states that a lawsuit filed by the adjoining property, The Sterling House Condominium Inc., does not trigger the stay provisions of the Miami Beach Code Section 118-263(a) and therefore the time frames prescribed by the respective orders of the Design Review Board and Board of Adjustment, for a full building permit, still apply. The applicant contends that the filing of a lawsuit, by the adjoining property, is sufficient to trigger the stay provisions of the Miami Beach City Code.

CONTINUED to the June 2, 2000 meeting.

- 7. **FILE NO. 2733 BBGF LUKE CORPORATION
140-150 OCEAN DRIVE
LOTS 2 AND 3; BLOCK 2
OCEAN BEACH FLA. SUBDIVISION
PLAT BOOK 2 - PAGE 38**

Appeal From Administrative Decision

This case was continued from the meeting of March 3, 2000.

The applicant is appealing a December 21, 2000 administrative decision by the Planning and Zoning Director. The administrative decision generally states that the Code does not provide for the Board of Adjustment to review staff's interpretation of a condition of a

Design Review order. The review procedure for a staff interpretation of a Design Review order is a clarification hearing with staff and the Design Review Board as set forth in Section 118-256 of the Code.

DENIED

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