



BOARD OF ADJUSTMENT
AFTER ACTION

FRIDAY, DECEMBER 1, 2000 - 9:00 A.M.

A. PROGRESS REPORTS

1. FILE NO. 2301 M-1 DEVELOPMENT CORP.
d/b/a SUNTERRA RESORT
425 and 455 OCEAN DRIVE

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 June 2, 2000. (Note: This applicant is presently required to present bi-monthly reports until a final Certificate of Occupancy is received. After the issuance of such Certificate, the applicant shall present yearly status reports).

FINAL CERTIFICATE OF OCCUPANCY ISSUED - NEXT PROGRESS REPORT IN DECEMBER 2001

2. FILE NO. 2366 DAGAM OIL CO., INC.
331 - 23rd STREET

The applicant will present a progress report regarding conditions associated with modifications to the approval of a variance to change copy on a detached sign from AFINA@to ACITGO@. The Modified Order is dated June 2, 2000.

ALL CONDITIONS SATISFIED - NO MORE PROGRESS REPORTS

B. CONTINUED CASES

3. FILE NO. 2769 NATHAN RATNER TESTAMENTARY TRUST
1026-1036 LINCOLN ROAD

This case was continued from the meetings of October 6, and October 27, 2000.

The applicant is requesting the following variance in order to construct a one story addition at the rear of the existing building:

1. A variance to waive all of the required rear yard setback of 5 feet in order to construct an addition to an existing building along the rear property line facing the alley (Lincoln Lane South).

APPROVED WITH THE FOLLOWING CONDITIONS:

1. *The applicant shall comply with all the conditions imposed by the Joint Design Review/Historic Preservation Board.*
2. *The building shall always maintain two garbage rooms as shown on the plans and enclosed by opaque roll-up doors.*
3. *There shall not be any exterior vents, pipes, meters, equipment, etc. on the rear elevation which encroaches into the right-of-way.*
4. *Should the proposed space be leased or otherwise made available for the operation of a restaurant or other similar eating and drinking establishment, such modification shall be brought back to the Board of Adjustment to address operational issues in order to mitigate any negative impact on the adjoining residential uses.*
5. *The applicant shall comply with all conditions imposed by the Public Works Department.*
6. *The applicant shall resolve any outstanding City Liens prior to obtaining a Building Permit.*
7. *The project, inclusive of compliance with the conditions imposed, herein, shall receive a full building permit within one year of the date of the approval and be completed as per the South Florida Building Code.*

4. **FILE NO. 2770 NATHAN RATNER TESTAMENTARY TRUST
1026-1036 LINCOLN ROAD**

APPEAL FROM ADMINISTRATIVE DECISION

This case was continued from the meetings of October 6 and October 27, 2000.

The applicant is appealing an August 8, 2000 administrative decision made by the Planning and Zoning Director. The administrative decision states that Lincoln Lane is an alley and not a street and therefore the rear setback for the subject property should be 5 feet. The applicant contends that Lincoln Lane South is a street, which enables the subject property to have two fronts for zoning purposes and therefore, no setback is required along the alley.

WITHDRAWN BY APPLICANT

C. NEW CASES

**5. FILE NO. 2766 EMILIO MANTERO-ATIENZA
278 PALM AVENUE**

The applicant is requesting the following variances in order to construct an accessory swimming pool, deck and spa for an existing single family residence:

1. A variance to waive 14 feet of the minimum required front yard setback of 20 feet in order to construct a deck 6 feet from the front property line and a swimming pool 7.5 feet from the front property line facing South Coconut Lane.
2. A variance to waive 5.5 feet of the minimum required interior side yard setback of 7.5 feet in order to construct a deck 2 feet from the west interior side yard and a swimming pool 5 feet from the west interior side yard.

APPROVED WITH THE FOLLOWING CONDITIONS:

1. *A landscape plan for the entire site shall be submitted to and approved by staff before a building permit is issued for construction of the swimming pool and deck. The landscape plan shall pay particular attention to the pool deck along the west side yard.*
2. *If the driveway gates can not be made to satisfy the requirements of the pool safety barrier as determined by the Building Official, then an additional fence shall be installed between the pool deck and driveway.*

3. *The applicant shall comply with all conditions imposed by the Public Works Department.*
4. *The project, inclusive of compliance with the conditions imposed, herein, shall receive a full building permit within one year of the date of the approval and be completed as per the South Florida Building Code.*
5. *Staff shall provide a status report in one year. Unless there is a problem, the applicant shall not have to be present.*

6. **FILE NO. 2758 GARY DAVENPORT
1775 JEFFERSON AVENUE**

The applicant is requesting the following variance in order to install a canvas and pipe carport in the front yard of an existing single family residence:

1. A variance to exceed the maximum permitted size for a canvas and pipe carport, located in the front yard of a single family residence, of 20 feet by 20 feet by 10' high in order to install a 29.6' by 20' by 12' high canvas and pipe carport.

WITHDRAWN BY APPLICANT

7. **FILE NO. 2773 63rd STREET ASSOCIATES, LTD.
250 W. 63rd STREET (a/k/a AQUA)**

The applicant is requesting the following variances in order to construct twelve (12) units to be used as guest suites which do not meet the minimum unit size and parallel parking spaces narrower than permitted by code:

1. A variance to waive 563 sq. ft. of the minimum required apartment unit size of 1000 sq. ft. in order to construct 12 units with sizes ranging from 437 sq. ft. to 743 sq. ft.
2. A variance to waive 1.5' of the minimum required parking space width of 8.5' in order to provide parallel parking spaces with a width of 7'.

VARIANCE #1 - CONTINUED TO NEXT MEETING - APPLICANT MUST MEET WITH LA GORCE ISLAND, ALLISON ISLAND AND PINETREE HOMEOWNERS ASSOCIATIONS.

VARIANCE #2 - APPROVED WITH THE FOLLOWING CONDITIONS:

1. *The Public Works, Fire Department, Police, Sanitation and any other applicable City Department shall approve the layout of the parking and the width of the streets located within this development.*

8. **FILE NO. 2777 MAIRELY RODRIGUEZ
d/b/a TROPICAL ON THE BEACH
1415 WASHINGTON AVENUE**

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

1. A variance to waive 200 feet of the minimum required 300 feet separation between a business that sells/serves alcoholic beverages and an educational facility in order to sell/serve beer and wine and liquor at a proposed restaurant 100 feet from Fisher-Feinberg Elementary School.

APPROVED WITH THE FOLLOWING CONDITIONS:

1. *The establishment shall be permitted to install one business identification sign with a maximum size of 28 sq. ft. No other signage shall be permitted on the windows of the establishment with the exception of the a sign showing address, phone number and hours of operation. A menu board may be affixed to a window with a maximum area of 3 sq. ft. All signs require a building permit and staff Design Review approval.*
2. *The obscuring or blocking of windows with restaurant equipment shall not be permitted, unless otherwise approved by the Historic Preservation Board.*
3. *Alcoholic beverages shall only be served with meals and consumed on the premises. There shall be no sale of package goods.*
4. *The applicant shall repair or replace the alley portion directly behind the establishment as may be required by public works.*
5. *The applicant shall satisfy any City Liens before a Certificate of Use and Occupational License is issued.*
6. *The Board shall retain jurisdiction of this file. The applicant must present a progress report in three months to the Board; the Board shall then determine the necessity and timing of subsequent reports. The Miami Beach Police Department and the Dade County School Board shall be notified of these progress reports.*

7. *The property owner shall be responsible for compliance with all of the conditions of this variance. The current operator and any subsequent operators of the business shall be specifically apprised of all conditions. Subsequent operators shall be required to appear before the Board to affirm their understanding of the conditions listed, herein.*
 8. *If there is any change in use or operation of the establishment, including but not limited to the establishment attempting to become either a bar or dance hall use, or in the event the restaurant use ceases to exist for any reason (except for temporary closure during a season or remodeling, both for a period up to six months), the variance shall automatically become null and void.*
 9. *Debris, on the sidewalk and in the gutter in front of the establishment, including that which has been deposited by non-patrons, shall be picked up every day before school opens and before noon on non-school days.*
9. **FILE NO. 2778 PHILIPS SOUTH BEACH, L.P.
1901 COLLINS AVENUE**

The applicant is requesting the following variances in order to construct a swimming pool, decks, a jacuzzi and three pergolas in the rear yard of an oceanfront hotel currently under construction:

1. An after the fact variance to waive 9.7' of the minimum required 15' side setback facing a street for accessory structures located within the AOceanfront Overlay District (50' west of the bulkhead line) in order to complete the construction a jacuzzi 5.3' from the side property line facing 20th Street.
2. An after the fact variance to waive 4' of the minimum required 15' side setback facing a street in order to continue constructing a pool pergola 11' from the side yard facing 20th Street.
3. A variance to waive all of the minimum required 15' side setback for decks in order to construct a pool deck up to the north side property line facing 20th street.
4. An after the fact variance to waive 4' - 5" of the minimum required side setback for structures located within the AOceanfront Overlay District (50' west of the bulkhead line) in order to retain and continue construction on a swimming pool and cabana pergola 10' - 7" from the south property line.
5. A variance to waive 10' - 1" of the minimum required 15' side setback for decks located within the AOceanfront Overlay District (50' west of

the bulkhead line) in order to construct a pool deck 4' - 11" from the south interior lot line.

6. A variance to waive 1' of the minimum required 15' side setback for structures located within the Dune Preservation Overlay District in order to retain a massage pergola 14' from the south interior lot line.
7. An ~~After the fact~~ variance to waive all of the minimum required 10' rear setback for structures and decks from the bulkhead line in order to retain a swimming pool and deck which projects past the bulkhead line into the Dune Preservation Overlay District

VARIANCES 1 THRU 7 APPROVED WITH THE FOLLOWING CONDITIONS:

1. *The applicant shall redesign the rear layout within the oceanfront overlay area to comply with the required 50% open space.*
2. *The cabana pool deck shall be reduced in width along the south side yard to provide a 6' - 7" setback and to allow a 4' deck on the south side of the pool.*
3. *The applicant has agreed to allow the proposed beach walk, as currently designed, along the rear of the property.*
4. *The applicant shall comply with any conditions required by the public works department.*

Note: The following variances were discovered upon staff's review of the plans submitted for the above variances. These subsequent variances have not been noticed and are mentioned here only for informational purposes. The Board may not render a decision on these variances at the December 1, 2000 meeting.

8. A variance to exceed by the maximum permitted lot coverage of 50% within the Oceanfront Overlay district. (At this time the actual percent being waived cannot be determined)
9. A variance to waive Section 142-774(2) which only permitted decks and structures located within the Dune Preservation Overlay District to be constructed of wood materials, in order to retain a concrete pool and deck and to construct additional concrete and tile decks and benches.
10. An ~~After the fact~~ variance to exceed by approximately 1.5' the maximum permitted height of 5' for walls and fences along a side property line facing a street in order to retain a 6.5' high wall along the north property line facing 20th street.

VARIANCE #8 WILL NO LONGER BE NECESSARY AND VARIANCE #9 & 10 WILL BE HEARD ON JANUARY 5, 2000.

**10. FILE NO. 2779 WILLIAM GOLDSMITH
1820 W. 25th STREET**

The applicant is requesting the following variance in order to construct a detached pool house adjacent to an existing single family residence:

- 1. A variance to waive 16.1' of the minimum required west side yard of 23.6' in order to construct a pool house 7.5' from the east side yard. The applicant is proposing a sum of the side yards of 21.4' and the code requires a side yard sum of 37.5'.

CONTINUED TO THE JANUARY 5TH MEETING

**11. FILE NO. 2780 MORTON TOWERS APARTMENT, L.P.
1500 AND 1536 BAY ROAD**

The applicant is requesting the following variance in order to allow commercial accessory uses on the third floor of an apartment building currently under construction:

- 1. A variance to waive Section 142-902,(2) which only permits accessory commercial uses in apartment buildings to be located on the subterranean, ground or top floor of the building and prohibits accessory commercial uses on any floor containing residential units, in order to provide accessory commercial uses on the third floor.

APPROVED WITH THE FOLLOWING CONDITIONS:

- 1. *The accessory uses shall have no signs visible from the building's exterior or the City's Right of Way.*
- 2. *The commercial accessory uses shall be limited to those allowed in the RM-3 district as outlined in the City of Miami Beach's Comprehensive Plan relevant to residential apartment buildings.*
- 3. *The accessory uses shall be used only by residents and their guests.*

4. *The applicant shall comply with all conditions imposed by the Public Works Department.*
5. *The project, inclusive of compliance with the conditions imposed, herein, shall receive a Building Permit within one year of the date of this meeting.*

**12. FILE NO. 2781 SOUTH BEACH RESORT DEVELOPMENT, LLC
1458 OCEAN DRIVE**

The applicant is requesting the following variances in order to construct a new 50' high, 80 unit hotel with retail and restaurant accessory uses:

1. A variance to waive 15' of the minimum required front yard setback of 20' in order to construct the above building with a setback of 5' from the front property line facing Collins Avenue.
2. A variance to waive 248 sq. ft. of the minimum required open courtyard of 441 sq. ft. in order to construct the above building with a courtyard facing Collins Avenue of 193 sq. ft.
3. A parking variance to waive 19% of the total required parking. The proposed building requires 111 parking spaces and the applicant would like to provide only 90 parking spaces.

CONTINUED TO THE JANUARY 5TH MEETING

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