



## BOARD OF ADJUSTMENT AFTER ACTION

**TUESDAY, JULY 2, 2002 - 9:00 A.M.**

City Hall - 1700 Convention Center Drive  
Commission Chambers - Third Floor  
Miami Beach, Florida 33139

### **A. CONTINUED CASE**

**1. FILE NO. 2870 SEVILLE BEACH HOTEL CORP.  
2901 COLLINS AVENUE**

The applicant is requesting the following variances in order to construct a one story parking structure in the rear of the property, reconstruct the pool deck and two levels of cabana type hotel suites over the new parking structure, a two story rooftop addition and substantially remodel the existing hotel:

1. The applicant is requesting a variance to waive Section 118-398 that does not permit a nonconforming building to be altered or extended unless the alteration or extension decreases the degree of nonconformity.
2. A variance to waive 46' of the minimum required 50' rear pedestal setback from the bulkhead line, in order to construct the above improvements 4' from the bulkhead line at the southern end of the property and 14' from the bulkhead line along the northern end of the property.
3. A variance to waive 16.7' of the minimum required north side yard pedestal setback of 18' in order to construct the above improvements 1.3' from the north property line facing 30th Street.
4. A variance to waive 15.4' of the minimum required south side yard pedestal setback of 18' in order to construct the above improvements 2.6' from the south property line.
5. A variance to waive 9.5' of the minimum required front tower setback of 50' in order to construct a two story penthouse addition 40.5' from the front property line facing Collins Avenue.

6. A variance to waive all of the required 10' rear yard setback from the bulkhead line for structures located within the oceanfront overlay zone.
7. A variance to waive 3,375 sq. ft. of the minimum required open space of 8,608 sq. ft. (50%) within the rear 50 feet of oceanfront properties in order to provide 5,233 sq. ft. of open space.
8. A variance to exceed by 4.8' the maximum allowable deck height of 12.7' (2.5' above the height of the dune) in order to construct a pool deck, with parking underneath, 17.5' high.
9. A variance to waive Section 142-802 that does not permit structures within the Oceanfront Overlay area to be used for dwelling purposes in order to construct four hotel units within the rear 50' of the property.

***APPROVED WITH CONDITIONS.***

**B. NEW CASES**

**2. FILE NO. 2877      A LA FOLIE  
516 ESPANOLA WAY**

The applicant is requesting the following variance in order to sell/serve alcoholic beverages at an existing restaurant:

1. A variance to waive 279 feet of the minimum required 300 foot separation between a business that sells/serves alcoholic beverages and an educational facility in order to sell/serve alcoholic beverages at an existing restaurant 21 feet from Fisher-Feinberg Elementary School.

***APPROVED WITH CONDITIONS.***

**3. FILE NO. 2878      MIAMI BEACH HOTEL INVESTORS, LLC  
d/b/a MIAMI BEACH COURTYARD  
4385 COLLINS AVENUE**

The applicant is requesting the following variance in order to install a monument sign with copy reading "Miami Beach Courtyard – Marriott" along Collins Avenue.

1. A variance to waive 8.38 feet of the required 10 foot front yard setback in order to construct a monument sign 1.62 feet from the front property line facing Collins Avenue.

***APPROVED SUBJECT TO THE APPLICANT MEETING WITH STAFF FOR REVIEW AND APPROVAL OF THE DESIGN OF THE SIGN, WITH BOARD'S DIRECTIVE THAT THE SIGN STAY AS CLOSE AS POSSIBLE TO WHAT WAS PRESENTED AT THE MEETING.***

- 4. FILE NO. 2879      AARON BAALBERGEN  
235 E. RIVO ALTO DRIVE**

The applicant is requesting the following variance in order to construct a two-car garage in the front of an existing single family residence:

1. A variance to waive 5 feet of the minimum required street side setback of 15 feet in order to construct a garage 10 feet from the side property line facing the Venetian Causeway.

***APPROVED SUBJECT TO STAFF CONDITIONS.***

- 5. FILE NO. 2880      63rd STREET ASSOCIATES, LTD.  
250 W. 63rd STREET (a/k/a AQUA)**

The applicant is requesting the following variance in order to construct a 12 story residential tower:

1. A variance to exceed by 17 feet the maximum permitted height of 120 feet in order to construct a new residential tower with a height of 137 feet (average height of sloped roof).

***CONTINUED TO LATE AUGUST OR SEPTEMBER MEETING (DATE TO BE FINALIZED BY STAFF).***

- 6. FILE NO. 2881      1229 PARTNERS, LLC  
1778-1784 WEST AVENUE**

The applicant is requesting the following variance in order to construct a new storage warehouse:

1. A variance to waive all of the required side yard setback facing a street of 10 feet in order to construct a new storage warehouse.

***CONTINUED TO AUGUST 2<sup>ND</sup> MEETING, PROVIDED THE APPLICANT RECEIVES DESIGN REVIEW BOARD APPROVAL BEFORE THAT DATE.***

- 7. FILE NO. 2882      KINNERT REALTY, LLC  
2925 INDIAN CREEK DRIVE a/k/a ALDEN HOTEL**

The applicant is requesting the following variances in order to substantially

remodel an existing hotel building:

1. A variance to waive the minimum required hotel unit size of 300 square feet in order to retain existing hotel units that range in size between 223 s.f. and 300 s.f and construct new units that are 255 s.f. and 266 s.f.
2. A variance to waive the regulation that prohibits an increase in the total number of units within a nonconforming building that is repaired or renovated in order to add 10 additional hotel units.

***APPROVED, SUBJECT TO CONDITIONS.***

**C. DISCUSSION ITEMS**

1. The Board will discuss the hardship criteria as applied to distance separation cases in relation to the sale of alcoholic beverages, and whether such approval can withstand judicial review upon appeal.

***CONTINUED TO AUGUST 2<sup>ND</sup> MEETING.***

2. The Board will hear a presentation by Joseph Johnson, Transportation/Concurrency Management Director, regarding concurrency determination and traffic studies in the vicinity of the 63<sup>rd</sup> Street flyover.

***PROOF OF 'PRELIMINARY CONCURRENCY DETERMINATION' MUST BE PROVIDED BY APPLICANT WITH SUBMITTAL OF VARIANCE APPLICATION PACKAGE.***

***THE BOARD DIRECTED STAFF TO PRESENT A REPORT ON FUTURE TRAFFIC PROPOSALS FOR THE NORTH BEACH AREA.***