



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, FEBRUARY 4, 2005 – 9:00 A.M.

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

A. PROGRESS REPORTS

1. **FILE NO. 2877 A LA FOLIE
516 ESPANOLA WAY
LOTS 1 AND 2; BLOCK 43;
ESPANOLA VILLAS 1ST ADDITION
PLAT BOOK 9-147; MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on July 2, 2002 to sell/serve beer and wine within 300 feet of an educational facility (Fisher-Feinberg Elementary School). (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

CONTINUED TO MARCH 4, 2005

2. **FILE NO. 2301 ARDEN SAVOY PARTNERS, LLC
formerly M-1 DEVELOPMENT CORP.
425 and 455 OCEAN DRIVE
LOTS 3,4,5 & 6; BLOCK 116
OCEAN BEACH ADDITION NO. 4
PB 3-115&151; MIAMI-DADE COUNTY, FLORIDA**

A variance was obtained on May 7, 1993 for variances associated with the substantial rehabilitation of an existing apartment/hotel into 61 apartments and 6 hotel rooms with an accessory restaurant. Since that time, the applicant has modified the variances requested to allow the conversion of the project into a 67-unit suites hotel.

The applicant shall present a progress report in order to address any concerns which impact the neighboring properties in this area. (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

NEXT REPORT IN 90 DAYS, UNLESS THERE IS A VIOLATION.

B. EXTENSION OF TIME

3. **FILE NO. 2997** **NORMANDY HOLDINGS II LLC**
 a/k/a BAY DRIVE VILLAS
 946-960 BAY DRIVE
 LOTS 8 THRU 12; BLOCK 1
 OCEAN SIDE SECTION OF ISLE OF NORMANDY
 PLAT BOOK 25-60; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for a variance associated with the retention of the front portion of 4 (four) existing buildings and the construction of three (3) story additions in the rear for a total of 17 townhouses. Condition No. 3 of the February 6, 2004 Order requires that a building permit be obtained by February 6, 2005 and completion of the project by February 6, 2006. The extension, if granted, will give the applicant until February 6, 2006 to obtain a building permit and until February 6, 2007 to complete the project.

GRANTED.

C. CONTINUED CASES

4. **FILE NO. 3033** **MATTHEW MACDONALD**
 5830 LAGORCE DRIVE
 LOT 4; BLOCK 9; BEACH VIEW ADDITION
 PLAT BOOK 16-10; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the meetings of August 6, October 1 and December 3, 2004.

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

1. A variance to waive 15' – 0" of the minimum required 20' – 0" rear yard setback in order to construct a two-story addition to the rear of an existing single family residence set back 5' – 0" from the rear property line facing the golf course.
2. A variance to waive 2' – 4" of the minimum required 7' – 6" interior side yard setback in order to construct a two-story addition 5' – 2" from the north interior property line.

GRANTED.

5. **FILE NO. 3046** **RITZ PLAZA, LLC a/k/a THE RITZ PLAZA HOTEL**
1701 COLLINS AVENUE
LOTS 1,2,19 & 20; and ADJACENT TO &
CONTIGUOUS WITH THE EASTERLY LINE
OF LOTS 1 & 2
FISHERS FIRST SUB. OF ALTON ROAD
PLAT BOOK 2-77; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the meetings of October 1, November 5 and December 3, 2004.

The applicant is requesting the following interior side yard pedestal setback variance from the north interior property line in order to permit the construction of accessibility ramps and stairs as part of the renovations to an existing historic hotel:

1. A variance to waive all of the minimum 8' – 1" required interior side yard pedestal setback in order to permit the construction of accessibility ramp with no setback from the north property line.

GRANTED.

6. **FILE NO. 3066** **JOSEPH BLOUNT**
2535 LAKE AVENUE, SUNSET ISLAND NO. 2
LOT 6 and SOUTH 50 FT. OF LOT 5; BLOCK 2
SUNSET LAKE EXTENSION
PLAT BOOK 40-23; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the meeting of December 3, 2004.

The applicant is requesting the following variances in order to permit the construction of a one (1) story addition on the south interior side of the property and a two (2) story addition on the north interior side of the property following the existing nonconforming building line.

1. A variance to waive 10' - 0" of the required sum of the side yards of 37' - 6" in order to build a one (1) story addition at 20' – 5 1/4" from the interior south side property line while retaining the existing nonconforming north side setback of 7' – 0 3/4", providing a total sum of the side yards of 27' - 6".
2. A variance to waive 7' – 11 1/4" of the minimum required 15' - 0" interior side yard setback in order to construct a two (2) story addition at 7' -0 3/4" from the north interior property line, following a nonconforming building line.

CONTINUED TO MARCH 4, 2005.

7. **FILE NO. 3074 FIRST OCEAN RESIDENCE REALTY, LLC**
 1475 COLLINS AVENUE
 ALL THAT PART OF LOTS 3 and 4; BLOCK 77
 FISHER'S FIRST SUB. OF ALTON BEACH
 PB 2-77; MIAMI-DADE COUNTY, FLORIDA
 (full legal description on file with the City of Miami
 Beach Planning Dept.)

Note: *The Board granted variance request #2, #3 and #4 at the January 7, 2005 meeting. Variance request #1 was continued to this meeting.*

The applicant is requesting the following variances in order to construct a new four-story, twenty-four (24) unit residential condominium apartment building:

1. A variance to waive all of the minimum required rear pedestal setback of 10' – 0" feet in order to construct a portion of the parking garage at the rear property line.
2. *A variance to waive 7' – 4" of the minimum required side facing a street pedestal setback of 15' – 0" feet in order to construct a portion of the parking garage at 7' – 8" from the side property line. [GRANTED 1/7/05]*
3. *A variance to waive the maximum allowable balcony projection of 25 percent of the required yard, up to six feet, in order to construct balconies which project up to 1' – 6" from the front property line and up to 7' – 0" feet from the side property line facing a street (balconies would be eight feet deep). [GRANTED 1/7/05]*
4. *A variance to waive the maximum permitted roof deck height of 3' – 0" feet in order to construct a pool deck 5' – 0" feet above the main roof line. [GRANTED 1/7/05]*

APPLICANT WITHDREW REQUEST #1. [The other requests were granted on January 7, 2005.]

8. **FILE NO. 3077 340 JEFFERSON LLC**
 340 JEFFERSON AVENUE
 LOT 3; BLOCK 82
 OCEAN BEACH ADDITION NO. 3
 PB 2-81; MIAMI-DADE COUNTY, FLORIDA

Note: *The Board granted variance request #2 and #3 at the January 7, 2005 meeting. Variance request #1 was continued to this meeting.*

The applicant is requesting the following variances in order to permit the construction of a new three (3) unit, three (3) story multifamily condominium:

1. A variance to exceed by 2' – 0" the maximum permitted wall height of 5' – 0" in order to permit the construction of a 7' – 0 " high CBS wall within the required front yard facing Jefferson Avenue.
2. *A variance to waive 1' – 6" of the minimum required 22' – 0" interior driveway isle width in order to permit a width of 18' – 6" providing access to six (6) parking spaces. [GRANTED 1/7/05]*
3. *A variance to waive 8' – 11" of the minimum required rear yard pedestal setback in order to permit the construction of a new three (3) story building 5' – 1" from the rear property line. [GRANTED 1/7/05]*

***REQUEST NO. 1 DENIED WITH PREJUDICE.
[The applicant/representative did not appear at the hearing].
The other requests were granted on January 7, 2005.***

D. NEW CASES

9. **FILE NO. 3076 300 MERIDIAN CORP.
300 MERIDIAN AVENUE
LOT 8; BLOCK 76
OCEAN BEACH FLA. ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to construct an enclosure to house four (4) parking spaces at the rear of the property:

1. A variance to waive 9' – 0" of the minimum required rear pedestal setback of 14' – 0" on order to provide an enclosure for four (4) parking spaces at 5' – 0" from the rear (west) property line.

CONTINUED TO MARCH 4, 2005.

10. **FILE NO. 3078 MIAMI BEACH COMMUNITY DEVELOPMENT CORP.
d/b/a THE WESTCHESTER PLAZA APTS.
516 - 15TH STREET
LOT 2; BLOCK 74; LINCOLN SUBDIVISION
PLAT BOOK 9-69; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to waive the average unit size requirement for rehabilitated buildings in order to remodel

thirty (30) existing apartment units into twenty four (24) units:

1. A variance to waive 107.5 square feet of the required 550 square feet of average unit size in order to provide an average unit size of 442.5 square feet.

GRANTED.

11. **FILE NO. 3079** **TERRANOVA CORPORATION**
801 ARTHUR GODFREY ROAD
LOTS 3 and 4; BLOCK 5
41ST STREET BUSINESS SUBDIVISION
PLAT BOOK 34-92; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to exceed the maximum permitted size for a business sign on an existing building:

1. A variance to exceed the maximum permitted sign area of 25.5 square feet by 42.5 square feet in order to provide business signage on the south side of the building with an area of 68 square feet.

GRANTED.

12. **FILE NO. 3080** **B.R. VILLA LUISA LLC a/k/a SOUTH OF FIFTH**
121, 125 and 135 OCEAN DRIVE
LOTS 4, 5 and 6; BLOCK 113
OCEAN BEACH ADDITION NO. 4
PLAT BOOK 3-151; MIAMI-DADE COUNTY, FLORIDA

Note: This case will not be heard at this time. For further information, please contact the Planning Department.

MUST RECEIVE HISTORIC PRESERVATION BOARD APPROVAL BEFORE PROCEEDING BEFORE THE BOARD OF ADJUSTMENT; THEREFORE, CONTINUED TO A DATE UNCERTAIN.

13. **FILE NO. 3081** **EXCLUSIVACATIONS AT MIAMI BEACH LLC**
a/k/a THE MIMOSA HOTEL
6525 COLLINS AVENUE
N. 50 FT. OF LOT 37; BLOCK 1
AMENDED PLAT OF 2ND OCEANFRONT SUBDIVISION
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to exceed the maximum permitted size for a business sign and to waive its allowable

location:

1. A variance to exceed the maximum permitted sign area of 10 square feet by 49.16 square feet in order to provide business signage with an area of 59.16 square feet.
2. A variance to permit the relocation of a permissible business sign facing Collins Avenue in order to allow its placement on the south façade of the building facing a private property and permit portions of the sign above the ground floor.

GRANTED.

- 14. FILE NO. 3082 JEFFREY BAST
123 W. RIVO ALTO DRIVE
LOT 1; BLOCK 6
PLAT OF RIVO ALTO AMD.
PLAT BOOK 7-74; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to waive the front yard required setback in order to construct a swimming pool in the front yard of an existing single family home, as follows:

1. A variance to waive 15 feet of the required 20 foot front setback requirement in order to construct a swimming pool in the front yard of an existing single family home.

GRANTED.

- INC. 15. FILE NO. 3084 PARK GARDENS CONDOMINIUM ASSOCIATION,
1045 – 10TH STREET
LOTS 7 and 8; BLOCK 119
THE MIAMI OCEAN VIEW CO.'S LENOX MANOR
PLAT BOOK 7-15; MIAMI-DADE COUNTY, FLORIDA**

The applicant requests variances to waive the side yard required setbacks for a swimming pool and Jacuzzi, to waive the rear yard required setback for pool equipment installation, and to waive the maximum permitted height for a masonry wall on the front property line.

The applicant is requesting the following variances in order to renovate an existing apartment building at the subject location.

1. A variance to waive up to 6' – 10" of the maximum required sideyard pool setback of 7- - 6" in order to place a Jacuzzi and swimming pool up to 0' – 8" from the side property line.
2. A variance to waive 2' – 0" of the required rear yard setback for swimming pool equipment in order to place pool equipment at the rear property line.
3. A variance to waive 2' – 0" of the maximum allowable wall height of 5' – 0" in order to construct a wall 7' – 0" in height along a portion of the south property line.

GRANTED.

E. NEXT MEETING DATE

March 4, 2005

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.

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