



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, JULY 1, 2005 – 9:00 A.M.

A. INTRODUCTION OF NEW TENANT **DISCUSSION REGARDING VIOLATIONS**

- 1. FILE NO. 2684 CLAY HOTEL PARTNERSHIP, LTD.
a/k/a TANGERINE 1436
506 ESPANOLA WAY (a/k/a 1436 Drexel Avenue)
LOTS 1 & 2; BLOCK 4B
ESPANOLA VILLAS 1st ADDITION
PLAT BOOK 9-147; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of June 3, 2005.

A variance was obtained on January 8, 1999 to sell/serve alcoholic beverages at the above location (506 Espanola Way), as the applicant is within 300 feet of Fisher-Feinberg Elementary School. In accordance with the Order, signed and dated on April 20, 1999, condition no. 6 states:

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.

Therefore, the new tenants of this establishment shall introduce themselves to the Board at this time. Note: Future reports shall be at the Board's discretion.

Staff was instructed to issue a 15-day cure letter and, pursuant to Sec. 118-356, initiate a modification/revocation hearing.

Within the next 30 days, the tenant shall make a good faith effort to bring the subject property into compliance with all City codes and statutory requirements as well as all of the conditions of the Board provided in the original Order and as modified herein. Additionally, the speakers on the outside of the building shall be removed prior to the next Board meeting (August 5, 2005). The D.J. booth inside the premises shall be removed. All doors in the establishment shall be kept closed at all times.

File #2684 (continued)

The owner/landlord of the property shall provide an affidavit stating that they are monitoring the progress of compliance by the tenant and further attest that the tenant is also in full compliance with the terms of the lease.

The applicant shall appear at the August 5th meeting, and the Board shall determine any further action to be taken.

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 noise complaints and any other 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.)

The applicant shall appear at the August 5, 2005 to introduce the new owners of the property and to provide a progress report.

B. MODIFICATION / EXTENSION OF TIME

3. FILE NO. 3021 ARTECITY HOLDINGS, LTD.
a/k/a GOVERNOR HOTEL
435 W. 21ST STREET, 2135 WASHINGTON COURT,
2130-2140 PARK AVENUE
LOTS 1,2,3 and 6 and 7; OCEAN PARK SUBDIVISION
AND OCEAN PARK RE-SUBDIVISION
PB 41-50 and 45-40; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for variances associated with the restoration of a historic building, four (4) historic buildings and construction of two (2) new high-rise multifamily buildings. Condition number three (3) of the August 6, 2004 Final Order requires that a building permit be issued by August 6, 2005 and for the

File #3021 (continued)

project to be completed by August 6, 2006. The applicant is requesting to extend the time to obtain a building permit to August 6, 2006 and the completion date to August 6, 2007.

APPROVED.

4. **FILE NO. 3011 GAZUL PRODUCCIONES**
 2050 N. BAY ROAD
 LOT 12; BLOCK 15
 AMENDED PLAT OF SUNSET LAKE SUBDIVISION
 PLAT BOOK 8-52; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for variances associated with the construction of a two-story addition to an existing family residence. Condition number three (3) of the May 7th, 2004 Final Order requires that a building permit be issued by May 7, 2005 and for the project to be completed by May 7, 2006. The applicant is requesting to extend the time to obtain a building permit to March 7, 2006 and the completion date to September 7, 2007.

APPROVED AS MODIFIED: The applicant shall obtain a building permit by May 7, 2006 and the project shall be completed by May 7, 2007.

C. AMENDMENT

5. **FILE NO. 2881 1229 PARTNERS, LLC**
 1778-1784 WEST AVENUE
 LOT 5; BLOCK 16-A
 ISLAND VIEW SUBDIVISION
 PLAT BOOK 6-115; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a previously approved variance associated with the construction of a new storage warehouse. The September 6, 2002 Final Order and associated recorded restrictive covenant limits the building to storage warehouse use only. The applicant is requesting to be allowed to have wholesale sales use, and administrative functions accessory and ancillary to the storage warehouse use.

CONTINUED TO AUGUST 5, 2005: At that hearing, the applicant shall provide the board with a description of each use for every tenant on the property.

D. CONTINUED CASES

- 6. FILE NO. 3098 MURANO LTD.
a/k/a MURANO at PORTOFINO
1000 SOUTH POINTE DRIVE
LOTS 1 THROUGH 7, INCLUSIVE, AND EAST 30 FT. OF LOT 8;
BLOCK 111; OCEAN BEACH FLA. ADDN. NO. 3
PLAT BOOK 2-81; and, THAT PART OF BISCAYNE STREET AS
SHOWN ON SAID PLAT OF OCEAN BEACH FLA. ADDN NO. 3,
LYING WESTERLY OF THE SOUTHERLY PROJECTION OF THE
WEST RIGHT-OF-WAY LINE OF JEFFERSON AVE. AS SHOWN
ON SAID PLAT AND BEING BOUNDED ON THE WEST BY
BISCAYNE BAY. MIAMI-DADE COUNTY, FLORIDA
(FULL LEGAL DESCRIPTION ON FILE IN THE CITY OF MIAMI
BEACH PLANNING DEPARTMENT)**

This case is continued from the meeting of June 3, 2005.

The applicant is requesting the following after-the-fact variances in order to retain and legalize a monument sign with copy 'Murano at Portofino' and 'La Piaggia':

1. An after-the-fact variance to waive 9' – 0" of the minimum required 10' – 0" front yard setback in order to retain a monument sign built 1' – 0" from the front property line facing South Pointe Drive.
2. An after-the-fact variance to retain a sign that exceed by 5.8 SF of the maximum permitted 15 SF monument sign area in order to permit the retention of a 20.8 SF sign with copy 'Murano at Portofino La Piaggia'.

CONTINUED TO AUGUST 5, 2005: Prior to the next meeting, the applicant shall meet with staff to address concerns regarding the public access way, in order to present a solution to the board.

- 7. FILE NO. 3013 HSDC, LLC
304 OCEAN DRIVE
LOT 8; BLOCK 4
OCEAN BEACH FLORIDA SUBDIVISION
PLAT BOOK 2-38; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of June 3, 2005.

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a one-story roof top addition over the two-story portion of the existing multi-family building, including a

new stairway within the required rear yard. Condition number three (3) of

File #3013 (continued)

the May 7, 2004 Final Order requires that a building permit be issued by May 7, 2005 and for the project to be completed by May 7, 2006. The applicant is requesting to extend the time to obtain a building permit to May 7, 2006 and the completion date to May 7, 2007.

CONTINUED TO AUGUST 5, 2005: Prior to the next hearing, staff will issue a 15-day cure letter. The Board shall discuss initiating revocation of the variance.

E. NEW CASES

- 8. FILE NO. 3048 LUIS RIU d/b/a RIU FLORIDA BEACH HOTEL
3101 COLLINS AVENUE
LOTS 1 THRU 8; BLOCK 15
MIAMI BEACH IMPROVEMENT CO. SUBDIVISION
PLAT BOOK 5-7&8; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the relocation of an allowed ground level flat main permitted use sign facing the ocean, to the south parapet wall of the building (serving as a building identification sign) visible from Collins Avenue, and to exceed its maximum permitted size:

1. A variance to permit the relocation of an allowed ground level main permitted use flat sign facing the Atlantic Ocean to the south parapet wall of the building (serving as a building identification sign and with copy reading 'RIU') visible from Collins Avenue.
2. A variance to exceed by 40.70 square feet from the maximum permitted 30 square feet main permitted use flat sign at ground level and facing the Atlantic Ocean and copy reading 'RIU' in order to permit a flat sign with 70.7 square feet.

CONTINUED TO AUGUST 5, 2005

- 9. FILE NO. 3110 MARK and MICHELLE STEIN
1035 WEST 46th STREET
LOT 16; BLOCK 15; NAUTILUS ADDITION SUB.
PLAT BOOK 8-130; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances:

File #3110 (continued)

1. A variance to waive 1' - 0" of the required 6' - 0" east interior side setback requirement in order to construct a two story addition at 5' - 0" from the east property line, following the existing building line.
2. A variance to waive 2.8% of the maximum permitted lot coverage of 35% in order to construct the proposed two-story addition generating a total lot coverage of 37.8%.

APPROVED WITH CONDITIONS.

10. **FILE NO. 3111** **EDUARDO F. BOTTE**
8127 CRESPI BOULEVARD
NLY ½ OF LOT 19 DESC BEG NW COR LOT 19
S. 27 FT. S.E. 122.26 FT. N. 68.5 FT. W. 115 FT. TO
POB; BLOCK 9; BISCAYNE BEACH SUBDIVISION
PLAT BOOK 44-67; MIAMI-DADE COUNTY, FLORIDA

Note: This case was denied by the Design Review Board and therefore can not be heard at this time.

11. **FILE NO. 3112** **EL AD EDGEWATER, LLC**
d/b/a EDGEWATER BEACH HOTEL
1410 OCEAN DRIVE
LOTS 8 and 9; BLOCK 19
OCEAN BEACH, FLA ADDITION NO. 2
PLAT BOOK 2-56; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order convert an existing hotel into an apartment building:

1. A variance allow an accessory commercial use of 46% of the ground floor where 25% is allowed.

2. A variance to allow apartment units on the same floor as an accessory commercial use (restaurant), where none is permitted pursuant to Section 142-902(2)g of the City Code.

APPROVED WITH CONDITIONS.

12. **FILE NO. 3113 FRU MANAGEMENT, INC.
a/k/a CHARLES GARAGE BUILDING
4300-4332 COLLINS AVENUE
AMENDED MAP OF THE OCEANFRONT PROPERTY
OF THE MIAMI BEACH IMP. CO. SUBDIVISION
PLAT BOOK 5-7&8; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new parking garage for the Charles Group of hotels:

1. A variance to allow walkways along Collins Avenue, 43rd Street, Indian Creek Drive, and the north interior side property line of from 4 to 8 feet in width; the City Code limits walkways to 3 feet in width.
2. A variance to allow a deck and patio to project 20 feet into the required yard along Collins Avenue and 43rd Street; the City Code permits a maximum projection of 25 percent of the required yard (20'x 25% = 5') or 5 feet.
3. A variance to allow interior drive aisles within the west side of the garage structure of 20 feet in width; the City Code requires aisles to be 22 feet in width.

APPROVED WITH CONDITIONS.

13. **FILE NO. 3115 ATLANTIC INDIAN CREEK, L.C.,
A FLA. LIMITED LIABILITY CO.
6529 INDIAN CREEK DRIVE
LOT 44 and the SOUTH 8 FT. OF LOT 43; BLOCK 7
AMENDED PLAT OF SECOND OCEAN FRONT SUB.
OF THE MIAMI BEACH BAYSHORE COMPANY
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

Note: The applicant has requested that this case be continued to a later date.

The applicant is requesting a variance to waive the minimum required front yard pedestal setback variance facing Indian Creek, a variance to

waive the minimum required side facing 65th Street pedestal setback, a variance to waive the minimum required rear yard parking setback and a variance to waive the minimum required drive aisle width for ninety degree parking in order to permit the construction of a four (4) story residential building with nineteen (19) units and five (5) parking spaces.

CONTINUED FOR 90 DAYS.

14. **FILE NO. 3116** **FR. ENRIQUE ESTRADA, PASTOR**
ST. JOSEPH CATHOLIC SCHOOL
8625 BYRON AVENUE
LOT 1 LESS N. 67 FT. OF E. 42.24 FT. and
ALL OF LOTS 2 THRU 7 and W. 7.76 FT. OF
LOTS 8 and 9; BLOCK 3
BEACH BAY SUBDIVISION
PLAT BOOK 44-25; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances to exceed the maximum permitted height of a fence within the required front, side facing the street and rear yards:

1. A) A variance to exceed by 3' - 0" from the maximum permitted 6' - 0" high fence within a required front yard when set back 2' - 0" from property line in order to permit a 9' - 0" high fence facing Byron Avenue.

- B) A variance to exceed by 3' - 0" from the maximum permitted 6' - 0" high fence within a required side yard facing the street when set back 2' - 0" from property line in order to permit a 9' - 0" high fence facing 86th Street.

- C) A variance to exceed by 2' - 0" from the maximum permitted 7' - 0" high fence within a required rear yard in order to permit a 9' - 0" high fence along the east property line.

APPROVED WITH CONDITIONS.

F. NEXT MEETING DATE

August 5, 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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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



PLANNING DEPARTMENT

Telephone 305-673-7550
Facsimile 305-673-7559

FLOOD PLAIN MANAGEMENT BOARD AFTER ACTION

FRIDAY, JULY 1, 2005

TO BE HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING

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

1. FILE NO. FP05-02 **ARTECITY HOLDINGS, LTD.**
 a/k/a GOVERNOR HOTEL
 435 W. 21ST STREET, 2135 WASHINGTON COURT,
 2130-2140 PARK AVENUE
 LOTS 1,2,3 and 6 and 7; OCEAN PARK SUBDIVISION
 AND OCEAN PARK RE-SUBDIVISION
 PB 41-50 and 45-40; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation for multiple historic buildings on the site including two (2) new six-story multifamily buildings.

Continued to August 5, 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.