



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, AUGUST 5, 2005 – 9:00 A.M.

A. CURE LETTER / UPDATE

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

A cure letter, dated July 6, 2005 and signed by the Planning Director, was sent to both the property owner and tenant. The applicant has been instructed to bring the subject property into compliance with all City codes and statutory requirements, as well as all conditions of the Board.

At this time, the applicant will update the Board regarding the operation of this restaurant which obtained a variance on January 8, 1999 to sell/serve alcoholic beverages within 300 feet of an educational facility (Fisher-Feinberg Elementary School).

CONTINUED TO SEPTEMBER 2, 2005 MEETING

B. INTRODUCTION OF NEW OWNER / PROGRESS REPORT

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

The new owner of this property shall introduce himself/herself to the Board.

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.)

CONTINUED TO SEPTEMBER 2, 2005 MEETING

C. AMENDMENT

3. **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**

This case is continued from the meeting of July 1, 2005.

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 SEPTEMBER 2, 2005 MEETING

4. **FILE NO. 2823 CORINNA KELLER
5800 PINETREE DRIVE
LOT 8; BLOCK 8
BEACH VIEW ADDITION SUB.; PB 16-10
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a two car garage and the connection of a detached accessory structure to an existing single family residence. Condition No. 2 of the August 3, 2001 Order requires that the roof of the new garage be designed in such a manner so that it is not accessible or used for any purpose. The variance, if granted, will allow the homeowner to utilize the garage roof as a terrace.

Final Order: Modified Condition #2:

2. ~~The roof of the new garage shall be designed in such a manner so that it is not accessible or used for any purpose.~~ may become accessible and may be utilized by the homeowner.

APPROVED.

D. CONTINUED CASES

5. **FILE NO. 3100 EXCLUSIVACATIONS AT MIAMI BEACH LLC
6525 COLLINS AVENUE
NORTH 40 FT. OF LOT 37; BLOCK 1
AMENDED PLAT OF 2ND OCEANFRONT SUBDIVISION
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meetings of May 6 and June 3, 2005.

The applicant is requesting the following variances in order to permit the renovation of an existing three (3) story historic hotel and a new nine (9) story addition with a total of 60 hotel units:

1. A variance to waive 2' – 6" of the minimum required 7' – 6" south interior pedestal setback in order to permit an addition to follow the existing setback of a historic building 5' – 0" from the south property line.
2. A variance to waive 2' – 6" of the minimum required 7' – 6" north interior pedestal setback in order to permit an addition to follow the existing setback of a historic building 5' – 0" from the north property line.
3. (a) A variance to permit the relocation of a permissible business flat sign from the ground floor level facing the Atlantic Ocean (east) to be placed on the building parapet wall of the new tower facing Collins Avenue (west).

(b) A variance to exceed by 33.30 square feet from the maximum permitted 10 square feet flat business sign allowed at ground level facing the Atlantic Ocean to be 43.30 square feet.

APPROVED.

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 meetings of June 3 and July 1, 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 SEPTEMBER 2, 2005 MEETING

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 meetings of June 3 and July 1, 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 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.

**CASE WILL NOT BE HEARD AT THIS TIME; MAY BE
WITHDRAWN AT A LATER DATE.**

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**

This case is continued from the meeting of July 1, 2005.

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 SEPTEMBER 2, 2005 MEETING

E. NEW CASES

- 9. FILE NO. 3106 APR PALM PARTNERS, A FLORIDA PARTNERSHIP
70 PALM AVENUE
LOT 34; BLOCK 1; PALM ISLAND
PLAT BOOK 6 – 54; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variances for a recently constructed single-family residence, waiving a portion of the required front yard setback, waiving a portion of the required sum of the side yards setback, waiving the minimum side setback for a pool deck from east property line, waiving the minimum side setback for a driveway from the east property line, and waiving the maximum building height:

1. An after-the-fact variance to waive 1' – 11" of minimum required 20' – 0" front yard setback in order to retain a single family residence built 18' – 11" from the front property line facing Palm Avenue.
2. An after-the-fact variance to waive 2' – 11" of minimum required 25' – 0" sum of the side yards in order to retain a single family residence with a sum of the side yards of 22' – 1".
3. ~~An after-the-fact variance to waive 2' – 6" of the minimum required 7' – 6" interior side yard setback in order to retain a swimming pool deck 5' – 0" from the east interior property line. ((WITHDRAWN BY APPLICANT))~~
4. ~~An after-the-fact variance to waive 1' – 1" of the minimum required 4' – 0" interior side driveway setback in order to retain a built driveway 2' –~~

11" from the east interior property line. **((WITHDRAWN BY APPLICANT))**

5. An after-the-fact variance to exceed by 3' – 0" of the maximum permitted 33' – 0" building height in order to retain a three (3) story single family residence with a building height of 36' – 0" as measured from grade.

CONTINUED TO SEPTEMBER 2, 2005 MEETING

10. **FILE NO. 3109 JULIO SOMEILLAN – FRANCESCA BASSAKYROU
7411 CARLYLE AVENUE
LOT 13; BLOCK 4; HARDING TOWNSITE
PLAT BOOK 34-4; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new five (5) story residential building with 8 units and 12 parking spaces:

1. A variance to waive all of the minimum 5' – 0" required rear yard surface parking setback in order to permit the construction of three (3) parking spaces with no setback from the rear property line facing the alley.
2. A variance to waive 2' – 6" of the minimum 7' – 6" required side interior pedestal setback in order to permit construction of a five (5) story building 5' – 0" from the north property line.
3. A variance to waive 2' – 6" of the minimum 7' – 6" required side interior pedestal setback in order to permit construction of a five (5) story building 5' – 0" from the north property line.
4. A variance to waive 1'- 4" of the minimum required 22' – 0" interior driving aisle in order to permit a 20' – 8" aisle servicing nine (9) parking spaces.
5. Sum of the side yard setback variance **((WITHDRAWN BY STAFF - VARIANCE REQUEST WAS ADVERTISED BUT IS NOT REQUIRED))**.

APPROVED.

11. **FILE NO. 3114 738 LINCOLN ROAD, LLC and 730 CORPORATION
726-744 LINCOLN ROAD
LOTS 4,5,6; BLOCK 50
ALTON BEACH REALTY CO. 2nd COMMERCIAL SUB.
PLAT BOOK 6-33; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the

renovation and restoration of the existing commercial buildings, and the construction of a new five (5) story mixed-use structure.

1. A variance to waive 15' – 0" of the minimum required 15' – 0" rear yard pedestal setback.
2. A variance to waive 12' – 0" of the minimum required 12' – 0" residential side interior pedestal setback.
3. A variance to waive 10' – 4" of the minimum required 12' – 0" residential side yard facing a street pedestal setback.
4. A variance to waive 22' – 4" of the minimum required 24' – 0" residential sum of the side yards pedestal setback.
5. A variance to waive all of the maximum permitted balcony projection limitation of 25%, in order to construct balconies projecting to the property line within the required rear, side interior and side yard facing a street.

APPROVED.

12. **FILE NO. 3117 2001 MERIDIAN LTD.
2001 MERIDIAN AVENUE
a/k/a 775 DADE BOULEVARD
LOTS 4 THRU 13; BLOCK 1
AMENDED PLAT OF RESUBDIVISION OF LOT 1
MID GOLF SUBDIVISION
PB 30-19; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variances in order to permit the completion of a new six (6) story multifamily condominium with 111 living units:

1. An after-the-fact variance to exceed by a range of 6' - 0 " and 10' – 0" from the maximum permitted 6' – 0" and 5' – 0" deck projections in order to retain paved patios set back between 12' – 0" and 5' – 0" from the front property lines facing Dade Boulevard and North Meridian Avenue.
2. An after-the-fact variance to exceed by a range of 2' – 0" and 42' – 0" from the maximum permitted 3' – 0" sidewalk width in order to retain sidewalks with a width ranging from 5 – 0" to 45' – 0" within the front required yards facing Dade Boulevard and North Meridian Avenue.
3. An after-the-fact variance to waive 7' – 0" of the minimum 20' – 0" required front yard pedestal setback in order to retain stairs and

landing areas accessing units set back 13' – 0" from the front property line facing North Meridian Avenue.

4. ~~After the fact variance to retain air conditioning units within the required front yard facing North Meridian Avenue. ((WITHDRAWN BY APPLICANT))~~

APPROVED.

13. **FILE NO. 3119 NIPOJEVE, LLC
1025-1037-1045 MICHIGAN AVENUE
LOTS 12, 13 AND 14; BLOCK 89
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order construct a new four unit, three story multifamily building:

1. A variance to waive 1' – 8" of the minimum required interior side yard pedestal setback of 12' – 0" in order to construct a new three story residential building 10' – 4" from the south side yard.
2. A variance to exceed by 6' - 6" (32%) the maximum allowable projection into a required yard in order to provide an uncovered porch/platform that extends 11' - 6" (57%) into the required front yard. **((WITHDRAWN BY STAFF - VARIANCE REQUEST WAS ADVERTISED BUT IS NOT REQUIRED DUE TO CHANGES TO THE DESIGN)).**

APPROVED.

14. **FILE NO. 3120 CARIBBEAN GROUP OWNERS, LLC
d/b/a CARIBBEAN HOTEL
3737 COLLINS AVENUE
LOTS 1 - 8 and 16 FT. ALLEY OPP. LOTS 1 & 8
BLOCK 27; MIAMI BEACH IMPROVEMENT CO. SUB.
PLAT BOOK 5-7&8; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance to waive the maximum allowable balcony projection as part of the renovation of an existing historic building and the construction of a new nineteen (19) story residential building with 105 units and 158 parking spaces.

1. A variance to exceed the maximum permitted balcony projection of 2' – 6", in order to construct balconies projecting 4' – 10" into the required side yard facing a street (facing 38th Street).

APPROVED.

15. **FILE NO. 3121 ARTECITY PLAZA, LLC
2160 PARK AVENUE
LOT 4 LESS SLY 50 FT.
OCEAN PARK SUBDIVISION
PLAT BOOK 41-50; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the rehabilitation and renovation of an existing apartment building and addition of ground floor retail space at the subject address.

1.
 - a. A variance to exceed by 2' – 0" of the maximum permitted 3' – 0" walkway within a required yard in order to permit a 5' – 0" walkway width facing the south side interior property line.
 - b. A variance to exceed by 2' – 0" of the maximum permitted 3' – 0" walkway within a required yard in order to permit a 5' – 0" walkway width facing the rear (west) property line.
 - c. A variance to exceed by 6' – 4" of the maximum permitted 3' – 0" walkway within a required yard in order to permit a 9' – 4" walkway width facing the front property line.
 - d. A variance to exceed by 3' – 0" of the maximum permitted 3' – 0" walkway within a required yard in order to permit a 6' – 0" walkway width facing the side facing a street (north) property line.
2.
 - a. A variance to exceed by 7' – 0" of the maximum permitted 2' – 4" walkway within a required yard in order to permit a 9' – 4" wide deck and patio facing the front property line.
 - b. A variance to exceed by 3' – 9" of the maximum permitted 1' – 3" walkway within a required yard in order to permit a 5' – 0" wide deck and patio facing the side facing a street (north) property line.

APPROVED.

16. **FILE NO. 3122 SAGE ON ALTON, LLC a/k/a THE EVELYN
1600 EUCLID AVENUE**

**LOT 1 and the SOUTH ½ OF LOT 2; BLOCK 50A
LINCOLN SUBDIVISION
PLAT BOOK 9-69; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to substantially renovate an existing multifamily building and construct a new third story addition and stairway:

1. A variance to waive 9' - 10" of the minimum required 15' - 0" rear setback in order to construct a new stair tower 5' - 2" from the rear property line.
2. A variance to waive 1' - 3" of the required 7' - 6" side-yard setback in order to construct a third floor addition 6' - 3" from the north side property line.

APPROVED.

- 17. FILE NO. 3123 GREGG LUBONTY
102 SOUTH HIBISCUS DRIVE
LOT 17 and 20 FT. STRIP ON SEAWARD SIDE ADJ.
HIBISCUS ISLAND; PLAT BOOK 8-75
MIAMI-DADE COUNTY, FLORIDA**

This case will not be heard today. Public notice requirements shall be met when this case is ready to proceed.

CONTINUED TO SEPTEMBER 2, 2005

- 18. FILE NO. 3124 925 BAY DRIVE, LLC
925 BAY DRIVE
LOT 13; BLOCK 6
OCEANSIDE SECTION OF ISLE OF NORMANDY
PLAT BOOK 25-60; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to allow seven (7) condensing units to be placed along the west side of the property, within the required interior side yard.

1. A variance to waive 5' - 0" of the minimum 7' - 6" required setback for central A/C in order to place seven condensing units at 2' - 6" from the interior side property line.

APPROVED.

- 19. FILE NO. 3125 HARDING VILLAGE, LTD., A FLORIDA LIMITED PARTNERSHIP**

**8540 HARDING AVENUE
LOTS 10 THRU 14 LESS ELY 2.5 FT. FOR R/W
BLOCK 4; BEACH BAY SUBDIVISION
PLAT BOOK 44-25; MIAMI-DADE COUNTY, FLORIDA**

This applicant has requested that this case be continued to the September 2, 2005 meeting. All public notice requirements shall again be met.

CONTINUED TO SEPTEMBER 2, 2005

- 20. FILE NO. 3126 MELLON UNITED NATIONAL BANK
1688 MERIDIAN AVENUE
NORTH ½ OF LOT 7 AND ALL OF LOTS 8 AND 9
BLOCK 36; GOLF COURSE SUBDIVISION
PLAT BOOK 6-26; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance in order to relocate an allowable building identification sign on a nine story building from the parapet facing 17th Street (north) to an existing architectural feature at the roof of the building, also facing 17th Street.

1. A variance to waive the requirement of a building identification sign to be located on the parapet of the building in order to provide a building identification sign on an architectural feature.

APPROVED.

- 21. FILE NO. 3127 INDIAN CREEK 6580 LLC a/k/a REGATTA
6580 INDIAN CREEK DRIVE
LOTS 22 AND 23; BLOCK 3
SECOND OCEANFRONT SUBDIVISION
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting an After the Fact variance in order to retain the existing width of parking spaces adjacent to structural columns within an enclosed parking structure.

1. A variance to waive 1 3/4" to 1/2" of the minimum required width of standard off street parking spaces adjacent to structural columns of 8'- 0" in order to provide parking space clearances in the range of 7' - 11 1/2" to 7' - 10 1/4".

APPROVED.

NOTE: *The Flood Plain Management Board meeting shall begin at the conclusion of the Board of Adjustment agenda.*

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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, AUGUST 5, 2005

- 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

This case is continued from the meeting of July 1, 2005

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.

APPROVED.

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.
