



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, SEPTEMBER 2, 2005 – 9:00 A.M.
City Hall – Commission Chambers, Third Floor
1700 Convention Center Drive, Miami Beach, Florida

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)**

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).

SET HEARING FOR OCTOBER 7, 2005 MEETING FOR REVOCATION OR MODIFICATION OF THE VARIANCE.

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**

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.)

NO ACTION NEEDED.

C. MODIFICATION / EXTENSION OF TIME

**3. FILE NO. 3015 DAVID LAHNER
5925 ALTON ROAD**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a one-story addition encroaching into the required rear yard of an existing single family home. Condition number 3 of the August 6, 2004 Order requires that a building permit be issued by August 6, 2005 and for the project to be completed by August 6, 2006. The applicant is requesting a one year extension of time to obtain a building permit by August 6, 2006 and to complete the project by August 6, 2007.

APPROVED.

**4. FILE NO. 3018 ALTOS DEL MAR, LTD.
7833 ATLANTIC WAY**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new single family home with a metal roof. Condition number 4 of the July 2, 2004 Order requires that a building permit be issued by July 2, 2005 and for the project to be completed by July 2, 2006. The applicant is requesting a one year extension of time to obtain a building permit by July 2, 2006 and to complete the project by July 2, 2007.

APPROVED.

D. AMENDMENT

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

This case is continued from the meetings of July 1 and August 5, 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 THE NOVEMBER MEETING.

6. **FILE NO. 3128 1229 PARTNERS, LLC**
1778-1784 WEST AVENUE

APPEAL FROM ADMINISTRATIVE DECISION

The applicant is appealing an administrative decision of the Planning Director, stating that storage warehouse uses may contain only up to 10% or 150 s.f. of accessory and/or ancillary administrative office space without constituting an office use.

DEFERRED INDEFINITELY.

F. CONTINUED CASES

7. **FILE NO. 3098 MURANO LTD.**
a/k/a MURANO at PORTOFINO
1000 SOUTH POINTE DRIVE

This case is continued from the meetings of June 3, July 1 and August 5, 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'.

REQUEST NO. 1 APPROVED; REQUEST NO. 2 WAS WITHDRAWN.

8. FILE NO. 3048 LUIS RIU d/b/a RIU FLORIDA BEACH HOTEL
3101 COLLINS AVENUE

This case is continued from the meetings of July 1 and August 5, 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 THE OCTOBER 7, 2005 MEETING.

9. FILE NO. 3106 APR PALM PARTNERS, A FLORIDA PARTNERSHIP
70 PALM AVENUE

This case is continued from the meeting of August 5, 2005.

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' – 1" 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 **0' - 6-1/2"** of the maximum permitted 33' – 0" building height in order to retain a three (3) story single family residence with a building height of **33' – 6-1/2"** as measured from grade.

APPROVED.

10. **FILE NO. 3125 HARDING VILLAGE, LTD., A FLORIDA LIMITED PARTNERSHIP**
8540 HARDING AVENUE

This case is to be deferred to the October 7, 2005 meeting at the request of the applicant. The applicant has agreed to seek Conditional Use approval from the Planning Board, as per the Planning Department's initial determination.

G. NEW CASES

11. **FILE NO. 3123 GREGG LUBONTY**
102 SOUTH HIBISCUS DRIVE

This case will not be heard today and will be continued at staff's request.

The applicant is requesting After-the-Fact variances to waive the maximum allowable pool deck coverage of the required rear yard and variances to waive the minimum interior side setbacks at the southeast and southwest portions of the property in order to retain the existing pool deck.

12. **FILE NO. 3129 OCEAN DR., INC.**
400 OCEAN DRIVE

The applicant is requesting the following variances in order construct a new three (3) story, eighteen (18) unit hotel:

1. A variance to waive 6' – 6" of the minimum required rear yard pedestal setback of 11' – 6" in order to construct a new hotel building 5' – 0" from the west property line.
2. A variance to exceed by 2' - 3" (45%) the maximum allowable projection into a required yard in order to provide balconies on the east

and south sides extending 3' - 6" (70%) into the required front and side yard facing the street respectively.

CONTINUED TO OCTOBER 7, 2005.

**13. FILE NO. 3130 MARIO & YOLANDA SILVA
7810 HAWTHORNE AVENUE**

The applicant is requesting the following After-the-Fact variances to waive the minimum required north and south interior side yard setbacks for decks, in order to retain a recently constructed seawall cap/deck:

1. An after-the-fact variance to waive all of the minimum required 7' – 6" interior side setback for a marine structure (deck) in order to retain an exiting deck with no setback form the north property line.
2. An after-the-fact variance to waive all of the minimum required 7' – 6" interior side setback for a marine structure (deck) in order to retain an exiting deck with no setback form the south property line.

CONTINUED TO THE NOVEMBER MEETING.

**14. FILE NO. 3131 CITY CENTER INVESTMENTS BAYLISS, LLC
a/k/a BAYLISS GUEST HOUSE
500 – 14TH STREET**

The applicant is requesting the following variances, in order to renovate an existing historic apartment building located within the RO Residential Office zoning district.

1. A variance to waive the minimum apartment unit size and average apartment unit size for the RO Residential Office zoning district.

APPROVED.

**15. FILE NO. 3132 6000 INDIAN CREEK, LLC
6000 INDIAN CREEK DRIVE**

The applicant is requesting the following after-the-fact variances to waive portions of the minimum required front yard and interior south side yard accessory structure setbacks, in order to retain previously installed Florida Power & Light utility equipment on the property of an apartment building currently under construction:

1. An after-the-fact variance to waive a range between 7" (inches) and 14' – 8" of the minimum required 20' – 0" front yard accessory structure setback in order to retain four (4) FPL transformers set back

between 19' – 5" and 5' – 4" from the front property line facing Collins Avenue.

2. An after-the-fact variance to waive a range between 4' – 0" and 5' – ½" of the minimum required 7' – 6" interior side yard accessory structure setback in order to retain four (4) FPL transformers set back between 3' – 6" and 2' – 5 ½" from the south interior property facing a private property.

APPROVED.

16. FILE NO. 3133 OG DEVELOPMENT GROUP, LLC
formerly known as OCEAN GRANDE HOTEL
100 – 37TH STREET

The applicant is requesting the following variances in order to permit the renovation of an existing historic building and construction of a new six (6) story residential building with retail at ground level for a total of ten (10) units with nine (9) parking spaces.

1. A variance to waive 15' – 0" of the minimum required 20' – 0" front yard pedestal setback in order to permit the construction of a covered porch set back 5' – 0" from the front property line facing **Collins Avenue**.
2. A variance to exceed by 3' – 1" from the maximum permitted 1' – 11" porch projection in order to permit a 5' – 0" porch projection at ground level and a balcony projection from the second floor to encroach within the north required yard facing **37th Street**.
3. A variance to waive 10' – 0" of the minimum required 15 – 0" side facing the street accessory building setback in order to permit the construction of a one-story concrete accessory building with restrooms and two (2) fabric cabanas associated with deck surfaces set back 5' – 0" from the north property line facing **37th Street**.
4. A variance to waive 2' – 6" of the minimum required 7' – 6" interior accessory building side yard setback in order to permit the construction of five (5) one-story concrete cabanas set back 5' – 0" from the **south property line** facing a private property.
5. A variance to waive 10' – 0" from the minimum required 15' – 0" Ocean Overlay side setback in order to permit one (1) fabric cabanas

associated with deck surfaces to be set back 5' – 0" from the **north property line**.

6. A variance to waive 10' – 0" from the minimum required 15' – 0" Ocean Overlay side setback in order to permit two (2) fabric cabanas associated with deck surfaces to be set back 5' – 0" from the **south interior property line**.
7. A variance to waive 10' – 0" from the minimum required 15' – 0" Dunes Preservation Overlay side setback in order to permit a wood trellis and deck to be set back 5' – 0" from the **south interior property line**.
8. ~~Interior side setback variance for deck surface from the north property line. (WITHDRAWN BY STAFF).~~
9. ~~Interior Dunes Preservation Overlay side setback variance to permit paved surfaces from the north property line. (WITHDRAWN BY APPLICANT).~~

APPROVED.

17. **FILE NO. 3134 NELSON GONZALEZ
4283 PRAIRIE AVENUE
LOT 9; BLOCK 12
ORCHARD SUBDIVISION NO. 4
PLAT BOOK 23-30; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to construct a new metal roof system on a newly remodeled single family residence.

1. A variance to waive the requirement of pitched roofs to only be comprised of barrel or cement tile so as to provide a new metal roof on a pitched roof of an existing single family residence.

APPROVED.

18. **FILE NO. 3136 420 LINCOLN ROAD DEVELOPMENT GROUP, INC.
1601 & 1619 DREXEL AVENUE, 425 16TH STREET and
1600 WASHINGTON AVENUE
LOTS 1 THRU 10; BLOCK 53
PINE RIDGE SUBDIVISION
PLAT BOOK 6-34; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances for the front pedestal and tower setback facing Washington Avenue and Drexel Avenue, variances to exceed the maximum permitted walkway width facing Drexel and 16th Street,

sum of the side yards and interior side yard pedestal setback variances facing 16th Street, interior side yard pedestal and tower setback variances facing the north property line and a height variance in order to permit the construction of a new 9 story mix-use commercial and residential building with 145 condominium units and 325 parking spaces:

1. A variance to waive all of the minimum required 50' – 0' front yard tower setback in order to permit the construction of a new mix-use residential building with no setback from the east property line facing **Washington Avenue**.
2. A variance to waive all of the minimum required 20' – 0" front yard pedestal setback in order to permit the construction of a new mix-use residential building with no setback from the west property line facing **Drexel Avenue**.
3. A variance to waive 16' – 0' of the minimum required 50' – 0' front yard tower setback in order to permit the construction of a new mix-use residential building set back 34' – 0" from the west property line facing **Drexel Avenue**.
4. A variance to waive all of the minimum required 24' – 0" and 8' – 0" side facing the street pedestal setback in order to permit the construction of a new mix-use residential building with no setback from the south property line facing **16th Street**.
5. A variance to waive all of the minimum required 48' – 0" and 16' – 0" interior sum of the side yards pedestal setback in order to permit the construction of a new mix-use residential building with no **sum of the side yards** setback.
6. A variance to waive all of the minimum required 24' – 0" and 8' – 0" interior side yard pedestal setback in order to permit the construction of a new mix-use residential building with no setback from the **north interior property line**.
7. A variance to waive all of the minimum required 29' -6" and 12' – 6" interior side yard tower setback in order to permit the construction of a new mix-use residential building with no setback from the **north interior property line**.
8. A variance to exceed by 5' – 0" from the maximum permitted 100' – 0" building height in order to permit the construction of a new mix-use residential building with a **building height** of 105' – 0" as measure from grade.
9. ~~A variance to waive all of the minimum required 20' – 0" front yard pedestal setback in order to permit the construction of a new mix-use~~

~~residential building with no setback from the east property line facing Washington Avenue. (WITHDRAWN BY STAFF).~~

10. ~~A variance to exceed by a range of 1' - 4" and 24' - 0" from the maximum permitted 3' - 0" walkway width in order to permit walkways that range between 4' - 4" and 27' - 0" in width within the front required yard facing Drexel Avenue. (WITHDRAWN BY STAFF).~~
11. ~~A variance to exceed by a range of 1' - 4" from the maximum permitted 3' - 0" walkway width in order to permit walkways to be 4' - 4" in width within the front required yard facing 16th Street. (WITHDRAWN BY STAFF).~~

CONTINUED TO OCTOBER 7, 2005.

19. **FILE NO. 3137 934 LINCOLN ROAD RESTAURANT, INC.
941-943 LINCOLN ROAD
LOT 1; BLOCK 37; COMMERCIAL SUBDIVISION
PLAT BOOK 6-5; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to obtain a full liquor license for an existing forty-five (45) seat restaurant.

1. A variance to waive fifteen (15) of the minimum requirement of sixty (60) seats for a forty-five (45) seat restaurant to sell alcoholic beverages (full liquor) for consumption on the premises.

APPROVED.

20. **FILE NO. 3138 PABLO RENE RUIZ
835 MICHIGAN AVENUE
LOT 12; BLOCK 87
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to waive a portion of the minimum required rear yard pedestal setback, in order to construct a new three (3) story, three (3) unit apartment building and renovate an existing apartment building.

1. A variance to waive 9' - 0" feet of the minimum required rear yard pedestal setback of 14' - 0" in order to build a new three story building at 5' - 0" from the east (rear) property line.

APPROVED.

H. NEXT MEETING DATE

October 7, 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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FLOOD PLAIN MANAGEMENT BOARD AGENDA

FRIDAY, SEPTEMBER 2, 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. FP05-03 MIAMI BEACH COMMUNITY DEVELOPMENT CORP.
2800 COLLINS AVENUE
LOTS 1,2,6 and 7; BLOCK 10
MIAMI BEACH IMPROVEMENT CO. SUBDIVISION
PLAT BOOK 5-7; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the renovation of an existing historic apartment building.

APPROVED.

2. **FILE NO. FP05-04 PABLO RENE RUIZ
835 MICHIGAN AVENUE
LOT 12; BLOCK 87
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the construction of a new 3-unit apartment building and renovation of an existing 4-unit apartment building

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.