



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, OCTOBER 7, 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)
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).

APPLICANT SHALL REPORT AGAIN AT NOVEMBER, 2005 MEETING.

B. CONTINUED CASES

2. **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 meetings of July 1, August 5 and September 2, 2005.

File No. 3048: 3101 Collins Avenue

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.

APPROVED.

3. **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**

This case is continued from the July 1, 2005 meeting. It will not be heard today as the applicant has not yet received Design Review Board approval.

NO ACTION NEEDED AT THIS TIME.

4. **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 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.

NO ACTION TAKEN.

5. **FILE NO. 3129 OCEAN DR., INC.**
 400 OCEAN DRIVE
 LOT 9, LESS THE EAST 10 FT.; BLOCK 5
 OCEAN BEACH, FLA.
 PLAT BOOK 2-38; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the September 2, 2005 meeting.

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 1' - 3" the maximum allowable projection into a required yard in order to provide balconies on the east and south sides extending 2' - 6" into the required front and side yard facing the street respectively.

APPROVED WITH CONDITIONS.

6. **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

This case is continued from the September 2, 2005 meeting.

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.**

File #3136 (continued)

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).~~

APPROVED WITH CONDITIONS.

C. NEW CASES

- 7. FILE NO. 3118 NORMANDY SHORES, LLC a/k/a PRIVATA
25-135 N. SHORE DRIVE
LOTS 8 and 9; BLOCK 57
NORMANDY GOLF COURSE SUBDIVISION
PLAT BOOK 40-36; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new four (4) story, forty-three (43) unit apartment complex:

1. A variance to waive to waive 23' – 3" of the required 40' – 3" north side yard interior pedestal setback;
2. A variance to waive 18' – 3" of the required 40' – 3" south side yard interior pedestal setback.
3. A variance to waive to waive 86" – 9" of the required 125' – 9" sum of the side yards interior pedestal setback.
4. A variance to waive to waive 14' – 9" of the required 25' – 2" north side yard interior surface parking lot setback.

APPROVED WITH CONDITIONS.

- 8. FILE NO. 3139 HHJ DEVELOPMENT
a/k/a Tatum Pointe Condominium
7700 TATUM WATERWAY DRIVE
LOT 32; BLOCK 1
TATUM WATERWAY SUBDIVISION
PLAT BOOK 46-2; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new 4-story, 9-unit apartment building.

1. A variance to exceed the maximum walkway width within a required yard of 3' - 0" by a range of 5" to 3' - 7" in order to provide a walkway on the north side of the property with widths ranging from 3' - 5" to 6' - 7".
2. A variance to waive the minimum required drive width of 22' - 0" for two-way traffic by 10' - 0" in order to provide a drive with a width of 12' - 0".

APPROVED WITH CONDITIONS.

9. **FILE NO. 3140 NERO ENTERPRISES GROUP, LLC d/b/a INK
717-721 WASHINGTON AVENUE
LOTS 10, 11 AND 12; BLOCK 33
OCEAN BEACH ADDITION NO. 1
PLAT BOOK 3-11; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to open a 400-person dance hall / entertainment establishment at the subject location:

1. A variance to waive the minimum distance separation required between dance hall/entertainment establishments licensed to sell alcoholic beverages, and not also operating as a restaurant with full kitchen and serving full meals.

CONTINUED TO THE NOVEMBER, 2005 MEETING.

10. **FILE NO. 3141 WILLIAM L. JORGENSON and BRIAN GALLOWAY
830 E. DILIDO DRIVE
LOT 3; BLOCK 15; DILIDO ISLAND
PLAT BOOK 8-36; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to reconstruct a one story portion of a single family home.

1. A variance to waive 3' - 8" of the required 20' - 0" minimum rear setback in order to reconstruct a portion of the home at 16' - 4" from the rear (southwest) property line.

APPROVED WITH CONDITIONS.

11. **FILE NO. 3143 ATLANTIC BEL AIRE, L.C.
6515 COLLINS AVENUE
N. 50 FT. OF LOT 35 & LOT 36 & S. 25.03 FT. LOT 37
BLOCK 1**

**AMENDED PLAT OF 2ND OCEANFRONT SUB.
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting after-the-fact variances to waive a portion of the

minimum required driveway aisle width, and to waive a portion of the minimum required parking space size, inside a recently constructed 247-space parking garage within a new 18-story condominium apartment building.

1. A. An after-the-fact variance to waive a range of 3.4' to 0.01' of the minimum required width of the interior drive aisle of 22' - 0" in order to retain portions of two way drive aisles with clearances in the range of 18.6' to 22.0'.

B. An after-the-fact variance to waive a range of 1.39' to 1.6' of the minimum setback required dimension of 1' - 6" for various structural columns located parallel to the interior drive as measured from the edge of the required interior drive to the face of the column in order to retain the existing columns within the parking garage.

2. A variance to waive a range of 2' - 0" to 3' - 7" of the minimum required 18' - 0" standard off-street parking space dimension in order to provide several parking spaces with a depth ranging from 16' - 0" to 14' - 5".

CONTINUED TO THE NOVEMBER, 2005 MEETING.

D. DISCUSSION ITEM

Historic Preservation Board resolution recommending that the City amend the Code to allow for materials other than tiles (i.e. metal roofs) to be used on new roofs for single family homes.

CONTINUED TO THE NOVEMBER, 2005 MEETING.

E. NEXT MEETING DATE

November 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

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impaired or for sign language interpreters, telephone (305)673-7219 (TDD) five (5) days prior to the proceeding.

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