



**BOARD OF ADJUSTMENT
AFTER ACTION REPORT**

FRIDAY, JUNE 6, 2008

9:00 A.M.

CITY COMMISSION CHAMBERS, THIRD FLOOR
1700 CONVENTION CENTER DR., MIAMI BEACH, FLORIDA

A. PROGRESS REPORT

1. **FILE NO. 3291** SOUTH BEACH HEIGHTS I, LLC.
600 ALTON ROAD
LOTS 1 THROUGH 7, INCLUSIVE
AND LOTS 20 THROUGH 32, INCLUSIVE,
BLOCK 2, "AMENDED PLAT
FLEETWOOD SUBDIVISION"
PLAT BOOK 28, PG 34;
MIAMI-DADE COUNTY, FLORIDA

The applicant will present a progress report associated with the approval of variances granted on August 3, 2007, for directional signage.

NO FURTHER PROGRESS REPORTS UNLESS VIOLATIONS OR NOTICES OF VIOLATION ARE ISSUED.

B. INTRODUCTION OF NEW OPERATOR

2. **FILE NO. 3332** HSS HOLDINGS, LLC d/b/a PRIME SUSHI
726 41ST STREET
LOT 5 OF THE PLAT OF "41ST STREET BLOCK"
PLAT BOOK 40, PG 47;
MIAMI-DADE COUNTY, FLORIDA

HSS Holdings, LLC d/b/a Prime Sushi shall introduce itself to the Board as the subsequent operator and advise the Board of their understanding of

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the conditions listed in the Order regarding a variance to waive the minimum required distance separation between a business that sells/serves alcoholic beverages and Beth Israel Congregation, Temple Beth Shalom School and North Beach Elementary School, which was originally granted to HSS Holdings, LLC d/b/a as Fusion 41 on November 2, 2007. The new operator shall also describe the current operation.

SUBSEQUENT OPERATOR WAS INTRODUCED TO THE BOARD.

C. EXTENSIONS OF TIME

3. **FILE NO. 3198** **MIGUEL ANGEL DIEGO**
7 FARREY LANE
LOT 7; BELLE ISLE VILLAS SECOND SEC.
PLAT BOOK 42, PG 100;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a new two (2) story single family residence:

Condition number 7 of the Order dated October 6, 2006, requires that a building permit for the project be obtained on or before April 6, 2008, within eighteen (18) months of the date of the hearing. The applicant is requesting a six (6) months extension of time to obtain a full building permit by October 6, 2008.

APPROVED WITH ADDITIONAL CONDITIONS.

4. **FILE NO. 3231** **RODOLFO QUESADA**
624 86TH STREET
LOTS THE WEST 25.07 FT OF LOT 18, BLOCK 12,
SUBDIVISION BISCAYNE BEACH 2ND ADDITION
PLAT BOOK 46, PG39;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a two story addition to an existing townhouse:

Condition number 5 of the Order dated October 6, 2006, requires that a building permit for the project be obtained on or before April 6, 2008, within eighteen (18) months of the date of the hearing. The applicant is requesting a one (1) year extension of time to obtain a full building permit by April 6, 2009.

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APPROVED.

5. **FILE NO. 3245** **LINX AT NORMANDY, LLC**
165-185 SOUTH SHORE DRIVE
LOT 6, 7, AND 8, BLOCK 56,
NORMANDY GOLF COURSE SUBDIVISION
PLAT BOOK 44, PG 62;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a new four (4) story multifamily building with twenty-four (24) units:

Condition number 6 of the Order dated October 6, 2006, requires that a full building permit for the project be obtained on or before April 6, 2008, within eighteen (18) months of the date of the hearing. The applicant is requesting a one (1) year extension of time to obtain a full building permit by April 6, 2009.

APPROVED.

D. MODIFICATION OR REVOCATION

6. **FILE NO. 3189** **SOUTH BEACH RESORT DEVELOPMENT LLC**
1458 OCEAN DRIVE and 1437-1465 COLLINS AVE
LOTS 5,6,11,12 and PORTION OF LOT 10
HARRISON & HAYES SUBDIVISION
PLAT BOOK 9-73;
MIAMI-DADE COUNTY, FLORIDA

The applicant obtained a variance on March 3, 2006 to build an accessory outdoor bar counter within the Table 8 Restaurant, with extended hours of operation (until 2:00 a.m.; the City Code only permits operation of an accessory outdoor bar counter until 8:00 p.m. when adjacent to a property containing apartment units). A public hearing has been set by the Board of Adjustment, to consider the issue of noncompliance with the conditions of approval, and the possible revocation or modification of the approval. At this hearing, the board may revoke the approval, modify the conditions thereof, or impose additional or supplemental conditions, based on substantial and competent evidence.

VARIANCE ISSUED ON MARCH 3, 2006 HAS BEEN REVOKED.

E. CONTINUED CASES

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7. **FILE NO. 3357** **2K SOUTH BEACH HOTEL, LLC.
1020 OCEAN DRIVE
LOT 6, 7, AND 8, BLOCK 15,
OF OCEAN BEACH FLORIDA,
PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA**

This case was continued at the May 9, 2008 meeting.

The applicant is requesting the following variance in order to permit the placement of a double-face projecting sign on the south façade facing 10th Street:

1. A variance to exceed by 43.5 s.f. the maximum allowable projecting sign size of 15 s.f. in order to place a 58.5 s.f. projecting double-face vertical sign on the south façade of the building, facing 10th Street.

APPROVED WITH REVISED SIGN DESIGN.

8. **FILE NO. 3358** **FONTAINEBLEAU FLORIDA HOTEL, LLC
4441 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION, PLEASE
CONTACT THE PLANNING DEPT.)**

This case was continued at the May 9, 2008 meeting.

The applicant is requesting the following variances in order to place signage on the site and to build a privacy wall:

1. A variance to exceed by 110 s.f. the maximum allowable flat sign size of 30 s.f. in order to place a sign of 140 s.f. on an existing wall at the corner of Collins Avenue and 44th Street.
2. A variance to allow the flat sign to extend above the ground floor.
3. A variance to exceed by 2 s.f. the maximum allowable monument sign size of 15 s.f. in order to place a monument sign with 17 s.f. facing Collins Avenue facing northbound traffic.
4. A variance to allow the relocation of an allowable sign facing the oceanfront to be relocated facing Collins Avenue.
5. A variance to exceed by 2 s.f. the maximum allowable monument sign size of 15 s.f. in order to place a monument sign with 17 s.f. facing Collins Avenue, facing southbound traffic.

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Variances 1 thru 5 were approved on May 9, 2008

6. A variance to allow an accessory sign to be relocated from a detached location to the face of the building.

If variance 6 is granted, then the applicant requests variance 7:

7. A variance to exceed by 28 s.f. the permitted size of an accessory sign of 20 s.f. in order to place an accessory sign with 48 s.f.
8. A variance to exceed by 2'-0" the maximum allowable fence height of 5'-0" when located on the property line and facing a public right-of-way, in order to build a wall 7'-0" in height.

Variance 8 was approved on May 9, 2008

VARIANCES NO. 6 AND NO. 7 WERE APPROVED ON JUNE 6, 2008.
VARIANCES NOS. 1 – 5, AND VARIANCE NO. 8 WERE APPROVED
ON MAY 9, 2008.

F. NEW CASES

9. **FILE NO. 3349** **ALAN LIEBERMAN**
 318 20TH STREET
 LOTS 1,2 & 3, BLOCK "F" OF
 "MIAMI BEACH IMPROVEMENTCO. SUB."
 PLAT BOOK 5, PG 7;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to renovate the existing 3-story hotel and the construction of a new 4-story hotel structure:

Variance for existing structure:

1. A variance to waive the requirement of minimum hotel unit size: 15% of the hotel units shall be between 330-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to renovate the existing units and to retain the unit size in the range between 210 s.f. and 271 s.f. (their existing size).

Variances for the new structure:

2. A variance to waive 9'-0" of the minimum required driveway width of 22'-0" in order to build a driveway with a width of 13'-0".

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3. A variance to waive the requirement to provide one (1) loading space.
4. A variance to waive a range between 8" and 2'-0" of the minimum required side facing the street pedestal setback of 12'-0" in order to build the new structure at 11'-4" and at 10'-0" from the east property line, facing Liberty Avenue.
5. A variance to exceed the maximum allowable projection of 2'-6" into the required side yard facing the street in order to build balconies projecting 4'-0" into the required side yard, facing Liberty Avenue.
6. A variance to waive 9'-3" of the required sum of the side yards of 24'-0" in order to provide a sum of the side yards of 14'-9".
7. A variance to waive 3'-0" of the minimum required rear yard pedestal setback of 12'-0" in order to build the new structure at 9'-6" from the rear (south) property line.

APPROVED.

10. **FILE NO.3361** **GUSTAVO MARCELO TENENBAUM**
4705 N. MICHIGAN AVENUE
LOT 1, BLOCK 13 OF:
"NAUTILUS ADDITION"
PLAT BOOK 8, PG 130;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a swimming pool and its associated deck within the front yard of an existing single family residence:

1. A variance to waive 10'-9" and 7'-9" of the required 20'-0" minimum front setback for a swimming pool and its associated deck in order to build the deck at 9'-3" and the water's edge at 12'-3" from the front (south) property line, facing 47th Street.

APPROVED.

11. **FILE NO. 3362** **FONTAINEBLEAU FLORIDA HOTEL, LLC**
4441 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION, PLEASE
CONTACT THE PLANNING DEPT.)

The applicant is requesting the following After-the-Fact variances in order to retain the new one-story structure, as the original nonconforming

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structure was completely demolished:

1. A variance to waive the section of the code that limits individual structures to a maximum of 400 s.f., in order to retain the existing structure within the Dune Overlay District of 2,108 s.f. (The total non-permeable area within the Dune Overlay District is 11,469 s.f. , which complies with the maximum permitted coverage)
2. A variance to exceed by 1'-0" the maximum permitted building height of 12'-0" in order to retain the existing building height at 13'-0".
3. A variance to permit the use of non-wood materials within the Dune Overlay District in order to retain the existing concrete structure.
4. A variance to waive all of the required 10'-0" setback from the bulkhead line in order to retain the existing structure up to and beyond the bulkhead line.

APPROVED.

12. **FILE NO.3363** **MICHAEL AND ELISHEVA ROGOFF**
5223 NORTH BAY ROAD
LOT 7, BLOCK 17, LA GORCE
GOLF SUBDIVISION
PLAT BOOK 14, PG 43;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to build a swimming pool in the rear yard of a lot with an existing two-story single family residence:

1. A. A variance to waive 1'-0" of the minimum required rear yard setback of 6'-0" in order to build a swimming pool coping at 5'-0" from the rear property line.

B. A variance to waive 2'-0" of the minimum required rear yard setback of 7'-6" in order to build the waterline of the swimming pool at 5'-6" from the rear property line.

APPROVED.

13. **FILE NO.3364** **ANTHONY SEIJAS**
3040 PRAIRIE AVENUE
LOT 9, BLOCK 4, FIRST ADDITION
TO MID GOLF SUBDIVISION
PLAT BOOK 7, PG 161;

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**MIAMI-DADE COUNTY, FLORIDA
AND A PORTION OF LOT 10, BLOCK 4,
AS THE AFOREDESCRIBED SUBDIVISION
(FOR COMPLETE LEGAL DESCRIPTION
PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variance in order to build a screened pool enclosure at the rear of an existing two-story single family residence:

1. A variance to exceed by 24% (361 s.f.) the maximum allowable rear yard coverage of 30% (442 s.f.) in order to build a screened pool enclosure attached to the rear façade of the existing residence, generating a coverage of 54% (803 s.f.) within the required rear yard.

APPROVED.

14. **FILE NO. 3366** **760 COLLINS ASSOCIATES, LTD.
760 COLLINS AVENUE
LOT 1, BLOCK 33,
OCEAN BEACH FLA., ADDITION NO. 1,
PLAT BOOK 3, PG 11;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance to permit the elimination of four (4) existing parking spaces in order to allow the construction of a new structure:

1. A variance to waive Section 130-35 that requires that no existing required parking space may be eliminated for any use in order to eliminate the four existing required parking spaces to build a new structure.

CONTINUED FOR 30 DAYS (JULY 11, 2008).

15. **FILE NO. 3367** **SEVEN HUNDRED REALTY CORP.
1646 EUCLID AVENUE
LOT 1 AND 2, BLOCK 50,
ALTON BEACH REALTY COMPANY
SECOND COMMERCIAL SUBDIVISION
PLAT BOOK 6, PG 33;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to build a new two-story addition to an existing two-story commercial building:

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1. A variance to waive all of the minimum required rear yard pedestal setback of 5'-0" in order to build a two-story addition up to the rear property line.

APPROVED WITH ADDITIONAL CONDITION.

G. NEXT MEETING DATE

July 11, 2008

**NOTE: **THERE WERE NO CASES SCHEDULED FOR THE FLOOD
PLAIN MANAGEMENT BOARD.****

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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