



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, MARCH 6, 2009

9:00 A.M.

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

A. PROGRESS REPORT

1. **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 will present a progress report associated with the variances related to the construction of a new two (2) story single family residence.

PROGRESS REPORT WITHIN 30 DAYS OF COMMENCEMENT OF CONSTRUCTION.

B. CONTINUED CASES

2. **FILE NO. 3068** **J. CUBED, LLC .
421 AND 425 MERIDIAN AVENUE
421 MERIDIAN AVE.: LOT 9, BLOCK 56
425 MERIDIAN AVE.: LOT 10, BLOCK 56
OCEAN BEACH ADDITION NO. 3
PB 2-81; MIAMI-DADE COUNTY, FLORIDA**

THIS CASE WAS WITHDRAWN BY THE APPLICANT.

3. **FILE NO. 3328** **ST. PATRICK CHURCH AND SCHOOL**

BOARD OF ADJUSTMENT AFTER ACTION REPORT
MARCH 6, 2009

**3701 NORTH MERIDIAN AVENUE
LOTS 12 THRU 19 INCLUSIVE BLOCK 2 OF
“AMENDED PLAT OF GARDEN SUBDIVISION”
PLAT BOOK 31, PG 9;
MIAMI-DADE COUNTY, FLORIDA;
ALL OF BLOCK 5
OF “AMENDED PLAT OF GARDEN SUBDIVISION”
PLAT BOOK 31, PG 9;
MIAMI-DADE COUNTY, FLORIDA**

Applicant will be requesting continuance at the meeting.

The applicant is requesting the following variances in order to permit the construction of a new single story pre-kindergarten classroom building, along with the re-construction of North Meridian Avenue to include parking and a variance waiving the provisions of Chapter 130, Article III of the City Code, to permit the use of a grass parking system for dual-use playfield / auxiliary parking lot:

1. A variance to waive all of the required front yard setback of 20' - 0" in order to build the new classroom building up to the west property line, facing North Meridian Avenue.
2. A variance to waive the provisions of Chapter 130, Article III of the City Code, to permit the use of a grass parking system (to resurface the existing playing field bounded by the waterway at the east, North Meridian Avenue to the west and the south property line) for dual-use playfield / auxiliary non-marked parking lot.

APPLICANT REQUESTED CONTINUANCE TO THE MAY 8, 2009 MEETING.

4. **FILE NO.3406** **MICHAEL MUSKAT, PHILLIP MUSKAT,
1247 BAYVIEW DEVELOPMENT CORP.
1255 WEST AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION,
PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the construction of a new six (6) story hotel, to replace two existing single story homes and one existing 2-story building, to be demolished:

1. A variance to waive 2' - 0" of the minimum required drive width of 22' - 0" in order to build a drive access from the alley to the underground parking level with a width of 20'-0".

BOARD OF ADJUSTMENT AFTER ACTION REPORT
MARCH 6, 2009

2. A variance to waive 4' - 3" of the required interior side yard setback of 5' - 9" at the parking level in order to build two (2) at-grade parking spaces at 1' - 6" from the south property line.
3. A variance to waive 18'-5" of the minimum required underground parking front setback of 20'-0" in order to build the underground parking at 1'-7" from the front property line, facing West Avenue.
4. A variance to waive all of the minimum required underground parking interior side yard setback of 5'-9" in order to build the subterranean parking up to the south property line.
5. A variance to waive 10'-0" of the minimum tower front setback requirement of 30'-0" in order to provide a tower setback of 20' - 0" from the west property line.
6. A variance to waive 7' - 6" of the minimum required rear tower setback of 22' - 6" in order to build the rear of the tower portion of the building at 15' - 0" from the east property line.

CONTINUED FOR THIRTY (30) DAYS (APRIL 3, 2009).

C. NEW CASES

5. **FILE NO. 3403** **FOXMAN TILTON ASSOCIATES, LLC**
7 CENTURY LANE
LOT 7, "BELLE ISLE VILLAS"
PLAT BOOK 42, PG 92;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the renovation and a one-story addition to the rear of an existing one-story single family home:

1. A variance to waive 1'-6" of the minimum required interior side yard pedestal setback of 7'-6" in order to extend the existing building at 6'-0" from the northeast property line, following the existing building line.
2. A variance to waive 2'-5" of the minimum required interior side yard pedestal setback of 7'-6" in order to extend the existing building at 5'-1" from the southwest property line, following the existing building line.

APPROVED.

BOARD OF ADJUSTMENT AFTER ACTION REPORT
MARCH 6, 2009

6. **FILE NO.3407** **HOME R US DEVELOPMENT III, INC.**
5745 PINETREE DRIVE
LOTS 18 & 19, BLOCK 1A
BEACH VIEW SUBDIVISION; PB 9, PG 158;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to retain an existing single family residence, pool and pool deck and an accessory structure located at the rear of the lot, as the result of a lot split:

1. A variance to all of the required interior side yard setback of 15'-0" in order to retain a loggia up to the south property line.
2. A variance to waive 32'-6" of the minimum required sum of the side yards of 37'-6" in order to provide a sum of the side yards of 5'-0".
3. A variance to waive all of the interior side yard setback of 7'-6" required from a pool deck to an interior property line in order to retain the existing pool deck up to the south property line.
4. A variance to waive 3'-11" of the minimum required interior side yard setback of 9'-0" in order to retain the existing pool waterline at 5.14' from the south property line.
5. A variance to waive 3'-7" of the minimum required interior side yard setback of 7'-6" for an accessory structure to an interior side property line in order to retain a one-story accessory structure at 3'-11" from the south property line.

APPROVED.

7. **FILE NO.3409** **BRETT PALOS & WILLIAM M. WILLIAMS ON**
BEHALF OF THE WILLIAM M. WILLIAMS
REVOCABLE TRUST DATED AUGUST 11, 1999
2 & 4 LA GORCE CIRCLE
LOT 1 & 2, BLOCK 1 OF "LA GORCE ISLAND"
PB 34, PG 83; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the connection of two existing single family residences, to combine them into one single family home residence:

1. A variance to waive 9'-9" of the minimum required interior side yard setback of 19'-10" at the west side of the property in order to retain

BOARD OF ADJUSTMENT AFTER ACTION REPORT
MARCH 6, 2009

the existing west façade of the home (4 La Gorce Circle) at its existing setback of 10'-1".

2. A. A variance to waive 9'-6" of the minimum required side yard facing the street setback of 19'-10" at the east side of the property in order to retain the existing east facade of the home (2 La Gorce Circle) at its existing setback of 10'-4", facing Pine Tree Drive.
- B. A variance to waive 9'-3" of the minimum required side yard facing the street setback of 19'-10" at the east side of the property in order to build two guest bedrooms at 10'-7", following the existing building line (2 La Gorce Circle), facing Pine Tree Drive.
3. A variance to waive 29'-1" of the minimum required sum of the side yards of 49'-6" in order to provide a sum of the side yards of 20'-5", once the two homes have been combined into one home.

APPROVED WITH ADDITIONAL CONDITIONS.

8. **FILE NO. 3411** **PETER J. NEARY/
DECO DISCOUNT & DRUGS, LLC.
1411 WASHINGTON AVENUE
LOT 12 IN BLOCK 26, OCEAN BEACH ADDITION
NO. 2, PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to sell beer and wine for consumption off the premises:

1. A variance to waive 200.21 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption off the premises and an existing educational facility, Fisher-Feinberg Elementary School in order to sell beer and wine for consumption off the premises with a distance of 99.79 feet to the school.

CONTINUED FOR THIRTY (30) DAYS (APRIL 3, 2009).

D. NEXT MEETING DATE

April 3, 2009

BOARD OF ADJUSTMENT AFTER ACTION REPORT
MARCH 6, 2009

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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MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT
WORKSHOP AFTER ACTION REPORT

FRIDAY, MARCH 6, 2009
TO BE HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT
MEETING

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

The purpose for this workshop meeting is to discuss issues related to the Board of Adjustment, including, but not limited to:

1. Definitions of Hardship
2. Minimum Criteria for Variances

WORKSHOP HAS BEEN POSTPONED TO MAY 8, 2009.

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