



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, APRIL 3, 2009

9:00 A.M.

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

A. EXTENSION OF TIME

1. **FILE NO. 3094** **EDUARDO DARER a/k/a NINE45 JEFFERSON
945 JEFFERSON AVENUE
LOT 14; BLOCK 70;
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a seven (7) unit, four (4) story multifamily building:

The Modification Order dated October 3, 2008, required that the project be completed by April 4, 2009. The applicant is hereby requesting to modify the completion date to April 3, 2010.

**APPROVED. PROGRESS REPORT DUE IN 30 DAYS (MAY 8, 2009)
WITH STAFF EVALUATION OF SITE CONDITIONS AND FENCING
REQUIREMENTS.**

B. MODIFICATION

2. **FILE NO. 3097** **SOUTH SHORE LANDOWNERS, LLC
280-330 SOUTH SHORE DRIVE
LOTS 3,4 & 5; BLOCK 55**

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NORMANDY GOLF COURSE SUBDIVISION
PLAT BOOK 44 PG 62;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new two (2), four-story buildings with twenty-eight (28) residential units and forty-two (42) parking spaces:

The Modification Order dated June 8, 2007, required that the project be completed by November 6, 2009. The applicant is hereby requesting to delete the required completion date timeframe or, alternatively, to modify the condition to complete the project by November 6, 2011.

APPLICANT REQUESTED CONTINUANCE TO THE MAY 8, 2009 MEETING.

C. EXTENSION OF TIME AND MODIFICATION

3. **FILE NO. 3309** **MIAMI BEACH COMMUNITY DEVELOPMENT CORPORATION / 221 28TH STREET
LOTS 1, 2, 6, AND 7, BLOCK 10,
MIAMI BEACH IMPROVEMENT COMPANY
SUBDIVISION, PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting modifications to the approved site plans, in order to permit the construction of a new six (6) story structure for low income elderly housing, to replace an existing parking lot. In addition, the applicant is requesting a modification to a condition of approval for the variances. Condition number 5 of the June 8, 2007 Order requires that a full building permit be issued by December 8, 2008. The applicant is requesting to extend the time to obtain a full building permit to December 8, 2009. The consolidation of Board of Adjustment Orders File No. 3309 dated June 8, 2007 and File No. 3388 dated November 7, 2008, will also take effect.

1. A variance to waive the minimum and average unit size of 550 s.f. for new construction for low and/or moderate income elderly housing in order to provide units ranging between ~~503~~ 504 s.f. and ~~545~~ 531 s.f. and with an average of ~~522~~ 514 s.f.
2. A variance to waive ~~3' - 8"~~ 4' - 6" of the minimum required 8' - 0" interior side pedestal setback at the north side of the property in

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order to build the new construction at ~~4'-4"~~ 3' - 6" from the north property line.

3. A variance to waive ~~11'-0"~~ 11' - 10" of the minimum required sum of the side yards of 16' - 0" at the pedestal level in order to provide a sum of the side yards of ~~5'-0"~~ 4' - 2".
4. A variance to waive ~~5'-4"~~ 6' - 2" of the minimum required 9' - 8" interior side tower setback at the north side of the property in order to build the new construction at ~~4'-4"~~ 3' - 6" from the north property line.
5. A variance to waive ~~11'-0"~~ 11' - 10" of the minimum required sum of the side yards of 16' - 0" at the tower level in order to provide a sum of the side yards of ~~5'-0"~~ 4'-2".

APPROVED.

D. CONTINUED CASES

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.)**

This case was continued at the March 6, 2009 meeting.

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".~~
- ~~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.~~

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- ~~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.

APPROVED.

5. **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**

This case was continued at the March 6, 2009 meeting.

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.

APPROVED.

E. NEW CASES

6. **FILE NO. 3410** **JOHN AND JENNIFER KUNKEL
1398 BAY DRIVE
LOT 1; BLOCK 14 OF "OCEANSIDE
SECTION ISLE OF NORMANDY",
PB 25, PG 60;
MIAMI-DADE COUNTY, FLORIDA**

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The applicant is requesting the following after-the-fact variance in order to retain the existing perimeter masonry fence:

1. An after-the-fact variance to exceed by 1' - 0 1/4" of the permitted fence height of 5' - 0" when located on the property line in order to retain the perimeter fence height at 6' - 0 1/4" from grade within the required front yard, inclusive of the portion of fence on the curved area of the lot.

CONTINUED FOR THIRTY (30) DAYS (MAY 8, 2009).

7. **FILE NO. 3412** **PHANTOM MHI, LLC**
 2216 PARK AVENUE
 THE NORTH 85 FEET OF THE SOUTH 165 FEET
 OF BLOCK 1 OF OCEAN FRONT PROPERTY OF
 THE MIAMI BEACH IMPROVEMENT COMPANY,
 PLAT BOOK 5, PG 7,
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the rehabilitation of an existing structure:

1. A variance to waive the required 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. of larger, in order to provide the largest hotel unit at 272 s.f. and the smallest at 213 s.f., with an average of 237.3 s.f.

APPROVED.

8. **FILE NO. 3413** **2201 COLLINS FEE, LLC. d/b/a W HOTEL**
 2201 COLLINS AVENUE
 MIAMI BEACH, FLORIDA
 (FOR LEGAL DESCRIPTION PLEASE CONTACT
 THE PLANNING DEPT.)

The applicant is requesting the following variances in order to place signage on the existing hotel:

1. A variance to relocate the allowable main use sign facing the Ocean to the south of the building, facing 22nd Street, and to exceed by 70 s.f. its allowable size of 75 s.f. in order to build the sign with 145 s.f. (Sign A).

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2. A variance to locate Sign A above sign above the ground floor.
3. A variance to relocate Sign B from 22nd Street to the parapet of the north elevation, not facing a street.
4. A variance to exceed by 48 s.f. the maximum permitted flat sign size of 30 s.f. in order to provide a sign of 78 s.f. on the north elevation, and to locate it above the ground floor (Sign B).
5. A variance to permit an attached accessory use sign facing 22nd Street with copy "Mr. Chow", for a restaurant, where a detached accessory use directory sign is typically permitted (Sign C).
6. A variance to relocate the accessory use sign permitted on the ocean side with copy "Mr. Chow" to the south elevation, facing 22nd Street (Sign D).
7. A variance to locate Sign D above the ground floor.
8. A variance to relocate the accessory use sign permitted on the ocean side with copy "bliss" to the west elevation, facing Collins Avenue (Sign E).
9. A variance to relocate the accessory use sign permitted on the ocean side with copy to be determined to the west elevation, facing Collins Avenue (Sign F).
10. A variance to allow the permitted main use sign along Collins Avenue to be utilized as an accessory use sign, with copy to be determined (Sign G).

APPROVED.

F. NEXT MEETING DATE

May 8, 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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