



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, NOVEMBER 5, 2010

9:00 A.M.

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

A. EXTENSIONS OF TIME

1. FILE NO. 3094 **STONE DEVELOPMENT, LLC
EDUARDO DARER
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 April 9, 2010, required that the project be completed by October 3, 2010. The applicant is hereby requesting to modify the completion date to May 5, 2011.

APPROVED.

2. FILE NO. 3421 **PESTANA MIAMI, LLC.
1817, 1831, 1835-37-39 JAMES AVENUE
LOTS 10, 11, 12 and NORTH ½ OF LOT 13 AND
WEST 25 FT. OF LOT 4; BLOCK 2, OF
FISHER'S FIRST ADDITION OF ALTON BEACH
PLAT BOOK 2, PG 77;
MIAMI-DADE COUNTY, FLORIDA**

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The applicant is requesting the following modification to a condition of approval for a variance associated with the rehabilitation of three existing structures (under Unity of Title).

Condition number 6 of the Order dated June 5, 2009, requires that a full building permit for the project be obtained on or before December 5, 2010, within eighteen (18) months of the date of the hearing. The applicant is requesting a six (6) month extension of time to obtain a full building permit by June 5, 2011.

APPROVED.

B. MODIFICATION

3. **FILE NO. 3169** **PROJECT DEVELOPMENT, LLC**
 a/k/a W WINE BOUTIQUE
 1328 ALTON ROAD
 LOTS 3 and 4; BLOCK 81
 THIRD COMMERCIAL SUBDIVISION
 PLAT BOOK 7, PG 160;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for a variance which permitted to sell wine for consumption off the premises in a location less than 300 feet from an educational facility. Condition No. 1 of the January 6, 2006 Order permitted the sale of wine only. The applicant requests to modify this condition to permit the sale of hard liquor.

APPROVED.

C. NEW CASES

4. **FILE NO. 3476** **NELSON FOX**
 500 LAKEVIEW COURT
 LOT 7, SURPRISE POINT;
 PLAT BOOK 43, PG 77;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following after-the-fact variances in order to retain the existing driveway and pool deck on the property:

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1. A variance to waive 2'-0" of the minimum required interior side setback of 4'-0" in order to retain the driveway at 2'-0" from the south property line.
2. A variance to waive 5'-6" of the minimum required interior side yard setback of 7'-6" in order to retain the existing driveway (considered a deck beyond the required front yard) at 2'-0" from the south property line.
3. A variance to waive all of the required interior side yard setback of 7'-6" in order to retain portions the existing pool deck up to the south property line and to waive 2'-6" of the required 7'-6" side yard setback in order to retain a portion of the pool deck at 5'-0" from the south property line.
4. A variance to waive all of the required interior side yard setback of 7'-6" in order to retain portions the existing pool deck up to the north property line.

APPROVED.

5. **FILE NO. 3478** **PENNSYLVANIA MB INVESTMENTS CORP.
1519 PENNSYLVANIA AVENUE
LOT 18, BLOCK 59; OF "LINCOLN SUBDIVISION"
PLAT BOOK 9 PG 69;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a three-story addition at the rear of the property:

1. A variance to waive 10'-11" of the minimum required rear pedestal setback of 16'-0" in order to build a three-story addition at 5'-1" from the rear property line.

APPROVED AS MODIFIED BY STAFF.

6. **FILE NO. 3479** **GARDEN OF EDEN RESTAURANT, LLC.
210 23RD STREET
LOT 3 IN BLOCK 2 OF SW 2 "AMENDED
PLAT OF THE OCEAN FRONT PROPERTY OF
THE MIAMI BEACH IMPROVEMENT COMPANY"
PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

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The applicant is requesting the following variance to exceed the allowable hours of operation of an accessory outdoor bar counter of a restaurant:

1. A variance to exceed the allowable hours of operation of the proposed accessory outdoor bar counter until 1:30 a.m.

APPROVED WITH MODIFIED CONDITION.

7. **FILE NO. 3481** GALILEO ENTERPRISES, LLC. /
CRISTINA ESPEJO HALABI, MANAGER
447 ESPANOLA WAY
LOT 1, 2, 3, 4, 5, AND 6 OF BLOCK3 A,
OF FIRST ADDITION TO WHITMANS SUBDIVISION
OF ESPANOLA VILLAS;
PLAT BOOK 9, PG 147;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to alcoholic beverages at a new restaurant:

1. A variance to waive 178 feet of the minimum required 300 foot separation between a business that sells/serves alcoholic beverages for consumption and an existing educational facility, Fisher-Feinberg Elementary School, in order to sell/serve alcoholic beverages for consumption within a new restaurant with a distance of 122 feet to the school.

APPROVED.

D. APPEAL

8. **FILE NO. 3482** BEACH TOWING SERVICES OF MIAMI, INC.
1747-1759 BAY ROAD
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)

The applicant is appealing an administrative determination concerning an application by 1747 Bay Road Properties, LLC for a Conditional Use Permit.

CONTINUED TO THE DECEMBER 3, 2010 MEETING.

E. NEXT MEETING DATE

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December 3, 2010

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

FLOOD PLAIN MANAGEMENT BOARD
AFTER ACTION REPORT

FRIDAY, NOVEMBER 5, 2010

HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING

City Hall - 1700 Convention Center Drive, Commission Chambers - Third Floor
Miami Beach, Florida 33139

A. EXTENSION OF TIME

1. FILE NO. FP09-03

**PESTANA MIAMI, LLC.
1817, 1831, 1835-37-39 JAMES AVE
LOTS 10, 11, 12 and NORTH ½ OF
LOT 13 AND WEST 25 FT. OF LOT 4;
BLOCK 2, OF FISHER'S FIRST
ADDITION OF ALTON BEACH;
PLAT BOOK 2, PG 77;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting an extension of time for a previously granted variance to waive the minimum required base flood plain elevation for the existing structure.

APPROVED.

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CONTINUED CASE

2. **FILE NO. FP10-13** DELPHINE DRAY
2740 NORTH BAY ROAD
LOT 10, IN BLOCK 12 OF "AMENDED
PLAT OF SUNSET LAKE
SUBDIVISION" PLAT BOOK 8, PG 52;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL
DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)

This case was continued at the October 8, 2010 meeting. The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

APPROVED.

B. NEW CASES

3. **FILE NO. FP10-17** PATRICIA & ROLANDO RODRIGUEZ
2726 ALTON ROAD
LOT 3, IN BLOCK 11 OF "SUNSET
LAKE SUBDIVISION";
PLAT BOOK 8, PG 52;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

APPROVED.

4. **FILE NO. FP10-18** 940 OCEAN DRIVE, LLC.
940- 960 OCEAN DRIVE
LOTS 1 THROUGH 4, BLOCK 14,
"OCEAN BEACH ADDITION UNIT NO.
TWO", PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

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APPROVED.

5. **FILE NO. FP10-19** 3430 ROYAL PALM, LLC.
3430 ROYAL PALM AVENUE
LOT 4, BLOCK 49, OF ORCHARD
SUBDIVISIONS NO. 2 AND 3;
PLAT BOOK 8, PG 116;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

APPROVED.

6. **FILE NO. FP10-20** KIM SCHINNERER
326 MERIDIAN AVENUE
LOT 5, BLOCK 76,
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the existing structure.

APPROVED.

C. APPEAL

7. **FILE NO. FP10-16** DELPHINE DRAY
2740 NORTH BAY ROAD
LOT 10, IN BLOCK 12 OF "AMENDED
PLAT OF SUNSET LAKE
SUBDIVISION", PLAT BOOK 8, PG 52;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL
DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)

The applicant is appealing a decision of the Building Director/Designee, to require the proposed renovation/addition to the residence to attain a Flood Plain Management variance.

CONTINUED TO THE DECEMBER 3, 2010 MEETING.

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