



### BOARD OF ADJUSTMENT

### AFTER ACTION REPORT

FRIDAY, MARCH 18, 2011

9:00 A.M.

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

**A. MODIFICATION**

1. **FILE NO. 3433**      **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 requesting the following modification to a condition of approval for a variance associated with an addition to an existing two-story single family home:

**Final Order: Modified Condition # 4:**

4. The applicant shall be permitted to remove the existing strangler fig located at the north side of the property, directly adjacent to the existing garage, to be replaced by four (4) or five (5) Gumbo Limbo trees.
- ~~4. The applicant shall comply with all the conditions proffered in the Staging, Pruning and Construction Procedures letter dated September 22, 2009, including the following:~~

~~(A) Foundation.~~

- ~~1. The owner will pour a new foundation over the~~

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~~existing foundation. This new foundation will be a pile foundation.~~

~~2. The proposed structure shall be constructed on piles with a grade beam bridging existing roots. There shall not be a continuous footer excavated within the root zone of the subject tree.~~

~~3. There will be grade beams running between the piles designed to bridge any major tree roots.~~

~~4. While the existing slab is damaged based upon the root intrusion, it will remain in place so as not to hurt the roots. Air space shall be maintained between the old and new floors.~~

~~5. The new raised floor slab will be approximately three (3) feet above the existing floor slab, and over the existing tree roots.~~

~~6. The piles or columns shall be located in areas where major roots will not be affected.~~

~~(B) Construction Staging for Northern Portion of Home.~~

~~1. Construction staging shall be done in the front or south of the existing garage.~~

~~2. Any cranes will be operated from the south side of the garage~~

~~where the open driveway provides ample space,~~

~~3. The scaffolding that will be used to construct the block walls and to install the trusses will be erected from within the structure,~~

~~4. During construction, the boom will come from the south side and will not extend over or into the tree,~~

~~5. The area located between the existing garage and the property line shall be kept free of heavy equipment operation, storage of materials, dumping, or other construction activities which could cause damage to the tree, There shall be no grade changes, bulldozing, scarifying or any other type of soil disturbance within this area,~~

~~(C) Pruning (to be observed prior to, during and after construction):~~

~~1. There shall be no damage, wounding, or other types of physical injury made to the tree trunk, buttress roots, surface roots, limbs, branches, or other exposed parts of the tree,~~

~~2. Prior to construction activities, the tree shall be pruned following the guidelines in the most recent edition (2008) of the American National Standards Institute (ANSI) A-300 document, Only the part of the~~

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- tree on Applicant's property shall be pruned,
- ~~3. The pruning method to be performed on the tree shall include crown cleaning and crown raising, as defined in the ANSI A-300 document,~~
- ~~4. The crown shall be cleaned to "remove one or more of the following non-beneficial parts: dead, diseased, and/ or broken branches", Minimum branch size to be removed shall be one (1) inch,~~
- ~~5. The crown shall be raised to "provide vertical clearance", The height to which the crown shall be raised shall be approximately 30 feet from grade, Minimum branch size to be removed shall be one inch, Existing limbs and branches which have previously be pruned shall be removed back to parent limbs or suitable lateral branches. Epicormic shoot growth ("suckers") emanating from behind the old cuts shall be removed.~~
- ~~6. Scaffolding limbs higher than 30 feet above grade shall not be pruned or removed.~~
- ~~7. Not more than 25 % of the tree's live foliage shall be removed during the pruning operation.~~
- ~~8. The live crown ratio (crown height relative to overall plant height) shall not be reduced to less than 50%.~~

**CONTINUED TO THE APRIL 1, 2011 MEETING.**

**B. NEW CASES**

2. **FILE NO. 3490**      **BELLE ISLE APARTMENT CORP. /  
D/B/A 3 ISLAND AVENUE  
3 ISLAND AVENUE. MIAMI BEACH,  
MIAMI-DADE COUNTY, FLORIDA  
(FOR COMPLETE LEGAL DESCRIPTION PLEASE  
CONTACT THE PLANNING DEPARTMENT)**

The applicant is requesting the following variance in order to exceed the allowable fence height:

1. A variance to exceed by 4'-4" the maximum permitted fence height of 5'-0" (measured from grade) in order to add pickets to the existing perimeter wall, for a total height of 9'-4" measured from grade +3.06' NGVD.

**CONTINUED TO THE MAY 6, 2011 MEETING.**

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3. **FILE NO. 3491**      **DR. JOSE E. ESCALANTE**  
**625 WEST 47TH STREET**  
**LOT 3 AND THE WEST 2 INCHES OF LOT 4,**  
**IN BLOCK 32 , OF “LAKE VIEW SUBDIVISION”,**  
**PLAT BOOK 14, PG 42;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to build a two-story addition on the East side of the property, following the existing building line:

1. A variance to waive 2'-6" of the minimum required 7'-6" interior side setback in order to build a two-story addition at 5'-0" from the East property line, following the existing building line.

**CONTINUED TO THE APRIL 1, 2011 MEETING.**

4. **FILE NO. 3492**      **COMCO, LLC.**  
**701 LINCOLN ROAD, MIAMI BEACH,**  
**MIAMI-DADE COUNTY, FLORIDA**  
**(FOR COMPLETE LEGAL DESCRIPTION PLEASE**  
**CONTACT THE PLANNING DEPARTMENT)**

The applicant is requesting variances in order to relocate allowable building signage:

1. A variance to relocate the permitted flat business sign from the ground floor to the lower portion of the 2<sup>nd</sup> floor, facing Lincoln Lane.
2. A variance to relocate an allowable building identification flat sign from its permitted location on the parapet facing Lincoln Road to the 2<sup>nd</sup> floor.

**APPROVED.**

5. **FILE NO. 3494**      **MIAMI CUBANO, LLC.**  
**1446 WASHINGTON AVENUE**  
**(A/K/A 405 ESPANOLA WAY)**  
**LOTS 1-2-3-4-5 & 6 LESS THE SOUTH 3 FEET**  
**FOR STREET, BLOCK 3-A OF FIRST**  
**ADDITION TO WHITMAN'S SUBDIVISION OF**  
**ESPANOLA VILLAS; PLAT BOOK 9, PG 147;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to sell liquor at a restaurant:

1. A variance to waive 165 feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for

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consumption and an existing educational facility, Fisher-Feinberg Elementary School in order to sell liquor for consumption on the premises with a distance of 135 feet to the school.

2. A variance to waive twenty-six (26) seats of the minimum requirement of sixty (60) seats for a thirty-four (34) seat cafe to serve liquor for consumption on the premises.

**APPROVED WITH AMMENDED CONDITION.**

**C. APPEAL**

6. **FILE NO. 3486**      **BEACH TOWING SERVICES OF MIAMI, INC.**  
**1747-1759 BAY ROAD**  
**MIAMI BEACH, FLORIDA**  
**(FOR LEGAL DESCRIPTION PLEASE CONTACT**  
**THE PLANNING DEPARTMENT)**

Beach Towing is appealing an administrative determination concerning a Design Review Board application by 1747 Bay Road Properties, LLC., proposing the adaptive reuse of a warehouse for valet parking using mechanical parking and adaptive reuse of an existing structure for a restaurant, regarding whether the Planning Director's Staff Report followed the standards for determining consistency with Design Review Criteria mandated by Section 118-251(a) and 118-253(a) of the City of Miami Beach Code (Code). The Appeal contends that the Planning Director did not comply with Code Section 118-253(a) by not including in the Staff Report recommendation to the Design Review Board a zoning analysis and determination required under Code Sections 118-251(a) and 118-251(a)(3); and by failing to determine whether the "function of any new or existing structure" were consistent with the Design Review Criteria, specifically Section 118-251(a)(3)(Criterion 3), as required under Code Section 118-251(a)(Criterion 3 requires the Planning Director "...to determine compliance with the requirements of the underlying zoning district...for a particular application or project."); and that if certain emails are determined by the Board of Adjustment to be an administrative determination, then the appellant contends that the Planning Director's determination in such emails that the proposed mechanical parking as a conditional use is not consistent with the zoning in the I-1, Light Industrial District.

**APPEAL DENIED.**

**D. NEXT MEETING DATE**

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April 1, 2011

*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, MARCH 18, 2011**

**HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING**

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

- FILE NO. FP11-01**      **TIGA OF SOUTH FLORIDA, LLC.**  
**1769 LENOX AVENUE**  
**LOT 12, BLOCK 19 OF PALM VIEW**  
**SUBDIVISION", PLAT BOOK 6, PG**  
**29;**  
**MIAMI-DADE COUNTY, FLORIDA**

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

**APPROVED.**

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