



BOARD OF ADJUSTMENT

AFTER ACTION REPORT FRIDAY, JULY 8, 2011

9:00 A.M.

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

A. DISCUSSION ITEM

- Ex parte communications

B. EXTENSION OF TIME

1. **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

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 1 of the Modification/Extension of Time Order dated November 5, 2010, requires that a full building permit for the project be obtained by June 5, 2011. The applicant is requesting a six (6) month extension of time to obtain a full building permit by December 5, 2011.

APPROVED.

C. NEW CASES

2. **FILE NO. 3480** **MIAMI BEACH OWNER, LLC**

BOARD OF ADJUSTMENT AFTER ACTION REPORT JULY 8, 2011

**4833 COLLINS AVENUE
LOTS 20 THRU 22 & RIP RTS & STRIP BETWEEN
COLLINS AVE. & INDIAN CREEK OPP. SAME.
INDIAN BEACH CORP. AMD. PLAT SUBDIVISION
PLAT BOOK 8-61;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of four new 2-story structures along the north and south sides and at the rear of the existing hotel:

1. A. A variance to allow dwelling units within the Oceanfront Overlay District.
1. B. A variance to waive a range between 50'-0" and 45'-2" of the minimum required setback of 50 feet, providing dwelling units and bar between 4'-7" and 4'-10" to the Bulkhead line and the planters up to the bulkhead line.
2. A variance to waive 47'-7" of the required sum of the side yards of 48'-0" in order to provide a sum of the side yards of 5".
3. A variance to waive a range between 94'-6" and 89'-8" of the required rear yard pedestal setback of 94'-6" in order to provide a range between 4'-7" and 4'-10" from the Bulkhead line to the edge of the open air bar and cabanas/units at the pedestal level and to build the planters up to the Bulkhead line.
4. A variance to waive 23'-9" of the required 24'-0" interior side yard setback in order to build the south façade of the cabanas/units at 3" to the south property line and to waive a range between 2'-7" and 20'-7" to build new stairs at 16'-7", 10'-8" and 3'-5" from the south property line.
5. A variance to waive 23'-10" of the required 24'-0" interior side yard setback in order to build the north façade of the cabanas/units at 2" to the north property line and to waive 19'-11" to build new stairs at 4'-1" to the north property line.
6. A variance to waive 14'-10" at the north and 14'-9" at the south of the minimum required interior side yard setback at the north and south sides of 15 feet from a side lot line in order to build cabana/units and stairs at 2" from the north property line and 3" from the south property line and to waive all of the minimum required 10 foot setback from the bulkhead line in order to build the sloped walkways beyond the bulkhead line.
7. A variance to waive 32.4% of the minimum lot coverage of 50% of the required rear yard to be landscaped and open to the sky in order to provide 17.6% lot coverage. (From erosion control line to rear setback line which is 91'-8 1/4")
8. A variance to waive the material permitted within the dune overlay, which is wood, in order to build the sloped walkways of concrete and to exceed

BOARD OF ADJUSTMENT AFTER ACTION REPORT JULY 8, 2011

by 18'-9" of the maximum permitted walkway width of 6'-0" in order to build sloped walkways with a width of 24'-9".

9. A variance to waive 6'-7" of the minimum required setback of 10 feet west of the erosion control line to build the sloped walkways at 3'-5" from the ECL (at its closest point).

CONTINUED TO THE AUGUST 5, 2011 MEETING.

3. **FILE NO. 3512** **SANDY LANE RESIDENTIAL, LLC, SANDY LANE RETAIL, LLC. & SANDY LANE BEACH FRONT, LLC.
2301 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT THE PLANNING DEPT.)**

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

1. A variance to exceed by 3'-0" the maximum permitted gate height of 5'-0" in order to build a gate with a total height of 8'-0" at the north side of the property.

APPROVED.

4. **FILE NO. 3513** **MARK MAMOLEN
1758 W. 28TH STREET
LOT 6, BLOCK 1H, 3RD REVISED PLAT
OF SUNSET ISLANDS,
PLAT BOOK 40, PG 8;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variance in order to retain the existing jetski lift on the northwest end of the property:

1. A variance to waive 4'-4" of the minimum required interior side yard setback of 7'-6" in order to retain the existing jetski lift at 3'-2" from the north property line.

APPROVED.

5. **FILE NO. 3514** **NEW NATIONAL, LLC.
1677 COLLINS AVENUE. MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT THE PLANNING DEPARTMENT)**

BOARD OF ADJUSTMENT AFTER ACTION REPORT JULY 8, 2011

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. or larger, in order to provide retain (within the historic building) 48 hotel units at less than 300 s.f (the smallest at 260 s.f.) and 17 hotel units between 300 and 335 s.f.

CONTINUED TO THE AUGUST 5, 2011 MEETING.

6. **FILE NO. 3515** **SEVILLE ACQUISITION, LLC.
2901 COLLINS AVENUE. MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)**

The applicant is requesting the following variances in order to permit the construction of new structures and the renovation of the existing hotel:

1. A variance to waive all of the minimum required north side yard pedestal setback of 27'-6 1/2" in order to construct an addition at the northeast side of the property, located to the north property line facing 30th Street.
2. A variance to waive all of the minimum required north side yard pedestal setback of 15'-0" and a minimum of 10'-0" rear setback from the Bulkhead line in order to construct an addition at the northeast side of the property, located up to the north property line facing 30th Street and the pool deck up to the Bulkhead line, and the addition at 4'-0" from the Bulkhead line.
3. A variance to waive 76'-10" of the required rear yard pedestal setback of 80'-10" in order to build at 4'-0" from the Bulkhead line to the façade of the rear addition.
4. A variance to waive all of the minimum required south side yard pedestal setback of 27'-6 1/2" in order to construct the 5-story building to the south property line.
5. A variance to waive all of the minimum required sum of the side yards of 55'-1" in order to provide 0'-0" as the sum of the side yards.
6. A variance to waive 6'-6" of the minimum required front tower setback of 50'-0" in order to construct a tower addition at 43'-6" from the front property line facing Collins Avenue.

BOARD OF ADJUSTMENT AFTER ACTION REPORT JULY 8, 2011

7. A variance to waive 9'-6 1/2" of the minimum required side setback facing 30th Street for the tower portion of 27'-6" in order to build the tower at 18'-0" from the north property line.
8. A variance to waive 26% of the minimum 50% view corridor required within the rear yard in order to provide 24%.
9. A variance to waive 27% of the minimum lot coverage of 50% of the required rear yard to be landscaped and open to the sky in order to provide 23% lot coverage. (From erosion control line to rear setback line which is 80'-10")

CONTINUED TO THE AUGUST 5, 2011 MEETING.

7. **FILE NO. 3516** **ROSHTOV 909, LLC.
909 COLLINS AVENUE
SURVEY OF LOT 10, BLOCK 14,
OF OCEAN BEACH ADDITION NO. 2,
PLAT BOOK 2, PG 56;
MIAMI-DADE COUNTY, FLORIDA**

THE APPLICANT REQUESTED CONTINUANCE TO THE AUGUST 5, 2011 MEETING.

8. **FILE NO. 3517** **CYNTHIA RODRIGUEZ
224 S. HIBISCUS DRIVE, MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)**

The applicant is requesting the following variance in order to build the pool deck and pool retaining walls within the required rear yard:

1. A variance to exceed by 2'-0" the maximum permitted elevation height +7'-8" NGVD within the required rear yard in order to build portions of a pool deck and the infinity pool's retaining walls at +9'-8" NGVD.

APPROVED.

D. NEXT MEETING DATE

August 5, 2011

BOARD OF ADJUSTMENT AFTER ACTION REPORT JULY 8, 2011

B. NEW CASES

2. **FILE NO. FP11-05** **IVAN SCHNEIDER
5240 NORTH BAY ROAD
LOT 17, BLOCK 14, "LA GORCE
GOLF SUBDIVISION
PLAT BOOK 14, PG 43;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL
DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)**

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

APPROVED.

3. **FILE NO. FP11-06** **SRA/LINCOLN THEATER, LLC.
541-551 LINCOLN ROAD
LOTS 1, 2 AND 3, BLOCK 2**
- ACCORDING**
- TO THE PLAT OF LINCOLN ROAD
SUBDIVISION "A", PLAT BOOK 34,
PG 66;
MIAMI-DADE COUNTY, FLORIDA**

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

APPROVED WITH MODIFIED CONDITION.

4. **FILE NO. FP11-08** **NEW NATIONAL, LLC.
1677 COLLINS AVENUE. MIAMI
BEACH,**
- MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING
DEPARTMENT)**

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

BOARD OF ADJUSTMENT AFTER ACTION REPORT JULY 8, 2011

THIS CASE HAS BEEN CONTINUED BY STAFF TO THE AUGUST 5, 2011 MEETING.

5. **FILE NO. FP11-09** **MARIA G. MENZEL TRUST
49 PALM AVENUE
LOT 14; BLOCK 1 OF PALM ISLAND,
PLAT BOOK 6, PG 54;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL
DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)**

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

APPROVED.

C. APPEALS

6. **FILE NO. FP11-04** **1701 COLLINS (MIAMI) OWNER, LLC.
1701 COLLINS AVENUE
LOTS 1, 2, 19 AND 20, BLOCK 28 OF "FISHER'S FIRST
SUBDIVISION OF ALTON BEACH", PLAT BOOK 2, P 77;
MIAMI-DADE COUNTY,
FLORIDA. TOGETHER WITH THAT AREA LYING
EASTERLY OF LOTS 1 AND 2, BLOCK 28, MORE
PARTICULARLY DESCRIBED AS FOLLOWS: BOUNDED
ON THE NORTH BY THE EXTENSION EASTERLY OF
THE NORTHERLY LINE OF LOT 2 TO THE
ESTABLISHED EROSION CONTROL LINE OR THE
MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN
WHICHEVER IS MORE WESTERLY. BOUNDED ON THE
SOUTH BY THE EXTENSION EASTERLY OF THE
SOUTHERLY LINE OF LOT 1 TO THE SAID EROSION
CONTROL LINE OR THE MEAN HIGH WATER MARK OF
THE ATLANTIC OCEAN, WHICHEVER IS MORE
WESTERLY. BOUNDED ON THE WEST BY THE
EASTERLY LINE OF SAID LOTS 1, AND 2; BOUNDED
ON THE EAST BY THE ESTABLISHED EROSION
CONTROL LINE, OR MEAN HIGH WATER MARK OF THE
ATLANTIC OCEAN, WHICHEVER IS MORE WESTERLY.**

This case was continued at the June 3, 2011 meeting.

1701 Collins (Miami) Owner, LLC is appealing to the Floodplain Management Board the decision of the Building Director/designee to require the Project (the proposed restoration/renovation of the historic structure located at 1701 Collins Avenue) to attain a variance from the Floodplain Management ordinance, Chapter 54, "Floods," Article II, "Floodplain Management," City Code, if, at any time during the Project's duration, the Building Department makes a determination that the Project cost exceeds the cost basis set

