



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, OCTOBER 7, 2011

9:00 A.M.

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

A. DISCUSSION ITEM

- Ex parte communications

B. PROGRESS REPORT

1. **FILE NO. 3436** **THE MIMOSA, LLC.**
6529 INDIAN CREEK DR. AND 6526 COLLINS AVENUE
LOT 44 AND THE SOUTH 8 FEET OF LOT 43,
BLOCK 7 OF "AMENDED PLAT OF SECOND
OCEAN FRONT SUBDIVISION OF THE MIAMI
BEACH BAYSHORE COMPANY", PLAT BOOK 28,
PG 28; MIAMI-DADE COUNTY, FLORIDA
LOT 21, BLOCK 7 OF "AMENDED PLAT OF
SECOND OCEANFRONT SUBDIVISION"
PLAT BOOK 28, PG 28;
MIAMI-DADE COUNTY, FLORIDA

The applicant will present a progress report as required by BOA File 3436, issued on October 2, 2009, in order to address Condition No. 5, regarding the street trees as per the City of Miami Beach Master Street Tree Plan.

PROGRESS REPORT DUE IN 30 (THIRTY) DAYS, NOVEMBER 4, 2011.

C. NEW CASES

2. **FILE NO. 3408** **DONOVAN GOUGON**

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**251 PALM AVENUE
LOT 44, BLOCK 2-B OF ENTITLED AMENDED
RIVIERA AND THE FIRST AND SECOND
ADDITIONS,
PLAT BOOK 32, PG 37;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a swimming pool and its associated coping within the required front yard of an existing single family residence:

1. A variance to waive 9'-0" and 10'-0" of the required 20'-0" minimum front yard setback for a swimming pool and its associated coping in order to build the coping at 10'-0" and the water's edge at 11'-0" to the front property line, facing Palm Avenue.

THIS CASE HAS BEEN CONTINUED BY STAFF TO THE NOVEMBER 4, 2011 MEETING.

3. **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 is requesting the following variances in order to permit the construction of a new one-story addition at the front and four-story addition at the rear of the existing two-story building:

1. A variance to waive 5'-0" of the minimum required front yard setback of 10'-0" in order to build the front façade of the new addition at 5'-0" from the front property line.

If Variance #1 is granted, then the applicant requests Variance #2:

2. A variance to exceed by 1'-3" the maximum permitted roof overhang projection of 1'-3" in order to build a roof overhang projecting 2'-6" into the front yard setback.
3. A variance to waive 2'-0" of the minimum required interior side yard setback of 5'-0" in order to build the front addition at 3'-0" from the north property line, following the existing building line.

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4. A variance to waive 1'-1" of the minimum required interior side yard setback of 5'-0" in order to build the rear addition at 3'-11" from the south property line, following the existing building line.

APPROVED.

4. **FILE NO. 3526** **SHMALTS GROUP, LLC. /
DAVID MALKIN, MEMBER
431 WEST RIVO ALTO DRIVE
LOT 1, BLOCK 10, PLAT OF RIVO ALTO,
PLAT BOOK 7, PG 74;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a swimming pool and its associated deck within the required front and interior side yards of an existing single family residence:

1. A variance to waive 13'-0" and 9'-9 1/2" of the required 20'-0" minimum front yard setback for a swimming pool and its associated deck in order to build the pool deck at 7'-0" and the water's edge at 10'-2 1/2" at its closest point to the front (West) property line, facing West Rivo Alto Drive.
2. A variance to waive 2'-6" of the minimum required interior side yard setback for a pool deck of 7'-6" in order to build the swimming pool deck at 5'-0" from the interior side property line and to waive 1'-6" of the minimum required interior side yard setback for the water's edge of 9'-0" in order to build the waterline at 7'-6" from the South property line.

APPROVED.

5. **FILE NO. 3527** **SFI BR VILLA LUISA, LLC.
121 OCEAN 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 a fence at the rear of the property:

1. A variance to exceed by 2'-11" the maximum allowable fence height of 5'-0" in order to build a 7'-11" high fence at the rear of the property.

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APPROVED.

6. **FILE NO. 3528** **CLAREMONT PARTNERS, LLC.**
1700 COLLINS AVENUE. MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)

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 retain 67 hotel units at less than 300 s.f (the smallest at 220 s.f.) and 2 hotel units between 300 and 335 s.f.

APPLICANT REQUESTED CONTINUANCE TO THE NOVEMBER 4, 2011 MEETING.

7. **FILE NO. 3529** **TD BANK, N.A.**
930-851 ARTHUR GODFREY ROAD
LOT 1, BLOCK 4, "41ST STREET BUSINESS
SUBDIVISION", PLAT BOOK 34, PG 92;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to build a monument sign:

1. A variance to relocate an allowable monument sign fronting Garden Avenue to the northeast corner of the property.
2. A. A variance to waive 2'-2 1/2" of the minimum required setback of 10'-0" in order to build a monument sign at 7'-9 1/2" from the north property line, facing 41st Street.
2. B. A variance to waive 6'-0" of the minimum required setback of 7'-6" at the interior side in order to build the monument sign at 1'-6" from the west property line.

APPROVED.

8. **FILE NO. 3530** **OCEAN ONE AT SOUTH POINTE, LLC.**
850 COMMERCE STREET

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**LOTS 10 THRU 12, BLOCK 51, "OCEAN
BEACH FLORIDA ADDITION NO. 3",
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to allow the construction of parking spaces at the rear of the property:

1. A variance to waive all of the required rear yard pedestal setback of 5'-0" in order to build parking spaces up to the South property line.
2. A variance to waive the required size of a loading space of 10'-0"x20'-0" in order to build one loading space with the dimensions of 10'-0"x19'-2".
3. A variance to waive the required size of a parallel parking space of 8'-6"x21'-0" in order to build two parking spaces with the dimensions of 10'x19'-2".

APPROVED WITH ADDITIONAL CONDITION.

9. **FILE NO. 3531** **730 FIRST STREET ASSOCIATES, LLC.
730-804 1ST STREET
THE WEST 8.00 FEET OF LOT 7 AND ALL OF
LOTS 8, 9, 10 AND 11, BLOCK 52, "OCEAN
BEACH, FLA.", PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to allow the construction of a 4-story robotic parking garage with accessory ground floor commercial uses on a site containing an existing surface parking lot:

1. A variance to waive Section 142-699 that requires that all required setbacks are to be minimum and maximums within the required front yard, in order to place the building at 1'-0" from the front property line, facing 1st Street, when the required front yard setback is 0'-0" and 20'-0" from adjacent streets above the first 40 feet in height, in order to build a portion of the 4th level of parking up to the front property line.
2. A variance to waive 2'-10" of the minimum required front yard tower setback for residential uses of 20'-0" in order to build the residence at 17'-2" from the front property line, facing 1st Street.
3. A variance to waive 6'-10" of the minimum required interior side yard tower setback of 16'-2" in order to build the tower at 9'-4" from the West property line.

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4. A variance to waive all of the maximum permitted allowable projection of 2'-4" in order to build the balcony at the tower level up to the West property line.

APPROVED WITH ADDITIONAL CONDITION.

10. **FILE NO. 3532** **ANTONIO HALABI AS A MANAGING MEMBER
OF GALILEO ENERPRISES, LLC.
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 sell liquor for consumption at a restaurant:

1. A variance to waive fifteen (15) seats of the minimum requirement of sixty (60) seats for a forty-five (45) seat restaurant to serve liquor for consumption on the premises.

APPROVED.

11. **FILE NO. 3533** **RP HOTEL HOLDINGS, LLC.
1545 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 renovate the existing building:

1.
 - A. A variance to waive 71'-5" of the minimum required rear yard setback of 148'-9 1/2" in order to build a terrace and stairs on the south side of the property at 77'-4 1/2" from the rear property line (Erosion Control Line).
 - B. A variance to waive 62'-7" of the minimum required rear yard setback of 148'-9 1/2" in order to build an elevated egress ramp on the north side of the property at 86'-2 1/2" from the rear property line (Erosion Control Line).

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2. A variance to waive all of the minimum required interior side yard pedestal setback of 20'-11" in order to build an elevated egress ramp on the north side of the property up to the north property line.
3. A variance to waive Section 138-71(d) which only permits signs to face a street or waterfront in order to install the permitted building identification sign for Collins Avenue on the north elevation of the hotel.
4. A variance to waive Section 138-71(d) which only permits signs to face a street or waterfront in order to relocate a permitted Ocean front sign as a building identification sign on the south elevation of the hotel.

APPROVED.

12. **FILE NO. 3534** **SCOTT BEATTIE**
 230 E. RIVO ALTO DRIVE
 LOTS 5, 6 AND 7, BLOCK 8, OF
 "PLAT OF RIVO ALTO";
 PLAT BOOK 7, PG 74;
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the retention of an accessory building within the required interior side yard of an existing single family residence:

1. A variance to permit the construction of an accessory building within the required side yard.

If variance 1 is granted, the applicant requests:

- 1.A A variance to waive 10'-3" of the minimum required interior side yard setback of 18'-0" in order to retain the existing accessory structure at 7'-9" from the interior property line (West).

APPROVED WITH MODIFIED CONDITION.

D. NEXT MEETING DATE

December 2, 2011

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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, OCTOBER 7, 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

1. **FILE NO. FP11-08** **NEW NATIONAL, LLC.**
1677 COLLINS AVE, MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR 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.

2. **FILE NO. FP11-11** **LAND TRUST NO. 1**
2301 NORTH BAY ROAD
LOT 28 AND THE SOUTH ½ OF LOT
27, BLOCK 13 OF "AMENDED PLAT
OF SUNSET LAKE
SUBDIVISION", PLAT BOOK 8, PG 52;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum

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required base flood plain elevation for the existing structure.

APPROVED.

APPEAL

3. **FILE NO. FP11-07** **NEW NATIONAL, LLC.**
 1677 COLLINS AVE, MIAMI BEACH,
 MIAMI-DADE COUNTY, FLORIDA
 (FOR LEGAL DESCRIPTION PLEASE
 CONTACT THE PLANNING DEPT.)

New National, LLC (Owner) is appealing to the Floodplain Management Board, the decision of the Building Director or his designee to require the proposed restoration/renovation of the historic structure (the Project) located at 1677 Collins Avenue, to attain a variance from the Floodplain Management ordinance, Chapter 54, "Floods," Article II, 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 forth in the definition of substantial improvement as defined in Section 54-35 of the City Code.

THE APPLICANT REQUESTED CONTINUANCE TO THE
DECEMBER 2, 2011 MEETING.

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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