



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, SEPTEMBER 7, 2012

9:00 A.M.

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

A. EXTENSION OF TIME

1. **File No. 3475** **Pennsylvania MB Investments, Corp.**
1509 Pennsylvania Avenue

The applicant is requesting the following modification to a condition of approval for a variance in order to permit the construction of a two-story addition at the rear of the property:

Condition number 6 of the Order dated October 8, 2010, requires that a full building permit for the project be obtained on or before April 8, 2012, within eighteen (18) months of the date of the hearing. The applicant is requesting a one (1) year extension of time to obtain a full building permit by April 8, 2013.

Approved

2. **File No. 3478** **Pennsylvania MB Investments, Corp.**
1519 Pennsylvania Avenue

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

Condition number 6 of the Order dated November 5, 2010, requires that a full building permit for the project be obtained on or before May 5, 2012, within eighteen (18) months of the date of the hearing. The applicant is requesting a one (1) year extension of time to obtain a full building permit by May 5, 2013.

Approved

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B. MODIFICATION

3. **File No. 3411** **Peter Neary, as Pres. of 1409 Washington Winslow, LLC, and
7-Eleven
1409 Washington Avenue**

The applicant is requesting a modification to a condition of approval for a variance which permitted the sale of beer and wine for consumption off the premises. Condition No. 8 of the April 3, 2009 Order granted the approval of the variance to the previous operator, Deco Discount & Drugs, LLC only. The applicant requests to modify this condition to permit the transfer of approval to Peter Neary, as Pres. of Washington Winslow, LLC, and 7-Eleven.

Approved with modified conditions

4. **File No. 3530** **Commerce Restaurant Partners, LLC
850 Commerce Street**

The applicant is requesting a modification to conditions of approval for a variance which permitted the construction of parking spaces at the rear of the property, inclusive of a revised seating layout and count. Condition No. 2.a of the October 7, 2011 Order granted the approval of the variance to the previous applicant and operator. The applicant requests to modify this condition to permit the transfer of approval to Commerce Restaurant Partners, LLC. In addition, the applicant requests to modify the hours of operation established on Condition 2.a.iii, of the same Order.

2. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

a. OPERATIONAL CONDITIONS

- i. The Noise and Operational Conditions below are issued to ~~the Applicant and South Beach Ice Management Group, LLC (“Operator”) as tenant and operator of the proposed restaurant on the property~~ Commerce Restaurant Partners, LLC. Any change of the operator shall require review and approval by the Board of Adjustment as a modification of this approval. Subsequent operators shall be required to appear before the Board, within ninety (90) days of change of operator to affirm their understanding of the conditions listed herein. The Board reserves the right to determine the timing and need for future progress reports for the new operator.

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- iii. The hours of operations shall be as follows:
Sunday – Thursday:
Inside – 11:30 a.m. – ~~4:00 a.m.~~ 2:00 a.m.
Outside – 11:30 a.m. – ~~11:00 p.m.~~ 2:00 a.m.

Friday – Saturday:
Inside – 11:30 a.m. – 2:00 a.m.
Outside – 11:30 a.m. – ~~12:00 a.m.~~ 2:00 a.m.

Modification of operator approved, modification of hours of operation denied

C. CONTINUED CASES

5. File No. 3480 **Miami Beach Owner, LLC
4833 Collins Avenue**

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 variance to waive a range between 50'-0" and 45'-2 1/2" of the minimum required setback of 50 feet, providing cabanas and a bar between 4'-7" and 4'-9 1/2" 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 1/2" of the required rear yard pedestal setback of 94'-6" in order to provide a range between 4'-7" and 4'-9 1/2" 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.

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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 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).

Approved with additional conditions

- 6. File No. 3582 Seville Acquisition, LLC
2912 Collins Avenue**

The applicant is requesting the following variance in order to permit the construction of an all-valet surface parking lot:

1. A variance to waive 7'-6" of the minimum required interior side yard setback of 10'-0" in order provide 2'-6" setback from the north property line to the edge of the parking at the northwest side of the lot.

Approved

D. NEW CASES

- 7. File No. 3567 HOB0, LLC D/B/A Maya Tapas & Grill
809 Lincoln Road**

The applicant is requesting the following variance in order to sell liquor for consumption at an existing restaurant:

1. A variance to waive forty-six (46) seats of the minimum requirement of sixty (60) seats for a fourteen (14) seat restaurant to serve liquor for consumption on the premises.

Approved with modified conditions

- 8. File No. 3591 Monty's Sunset, LLC
300-340 Alton Road**

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

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1. A variance to exceed the allowable hours of operation of the proposed accessory outdoor bar counter until 2:00 a.m.

Approved to exceed hours of operation until 12:30 am and additional conditions

- 9. File No. 3594 2BRich Investments, LLC D/B/A Montefiore Café & Restaurant
4017 Prairie Avenue**

The applicant is requesting the following variance in order to sell beer and wine for consumption at an existing restaurant:

1. A variance to waive twenty (20) seats of the minimum requirement of thirty (30) seats for a ten (10) seat restaurant to serve beer and wine for consumption on the premises.

Continued to the November 2, 2012 hearing

- 10. File No. 3595 Bay Road Partners, LLC
1900 Bay Road**

The applicant is requesting the following variance in order to place two projecting signs, one facing Purdy Avenue and the other facing Bay Road:

1. A variance to exceed by 15 s.f. the maximum permitted size of a projecting sign of 15 s.f. in order to provide a 30 s.f. projecting sign facing Purdy Avenue.
2. A variance to exceed by 15 s.f. the maximum permitted size of a projecting sign of 15 s.f. in order to provide a 30 s.f. projecting sign facing Bay Road.

Approved

- 11. File No. 3596 Encotel, LLC
2216 Park Avenue**

Applicant requested continuance to the October 5, 2012 BOA meeting.

The applicant is requesting the following variance in order to permit a reduction in the number of required parking spaces for a hotel:

1. A variance to waive the required number of off-street parking spaces required for the hotel and its accessory uses by 10%.

- 12. File No. 3597 6 Star Island Residence Land Trust Agreement
6 Star Island Drive**

The applicant is requesting the following variances in order to permit the construction of a new two-story accessory structure at the northeast side of the property:

1. A variance to waive 1'-6" of the minimum required sum of the side yards of 25'-0" in order to provide a sum of the side yards of 23'-6".

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2. A variance to exceed the maximum permitted elevation height of +7'-8" NGVD within the required rear yard in order to build portions of the pool deck at +8'-6", +9'-0" and +10'-6" NGVD.
3. A variance to exceed by 3'-0" the maximum permitted fence height of 7'-0" (measured from crown of road elevation) in order to build a perimeter wall with a total height of 10'-0" measured from crown of road at +5.35' NGVD.

Approved

**13. File No. 3598 Greystone Terra Firm, LLC
1920 Collins Avenue**

Applicant requested continuance to the October 5, 2012 BOA meeting.

The applicant is requesting the following variance in order to permit the retention of the existing guest rooms:

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 retain 44 hotel units at less than 300 s.f. (the smallest at 271 s.f., 72.1% of units), 15 hotel units between 300 and 335 s.f. (24.6% of units) and 2 units exceeding 335 s.f. (3.3% of units).

**14. File No. 3599 Alton Pointe, LLC
1965 Alton Road**

The applicant is requesting the following variance in order to permit the construction of a perimeter wall and gates:

1. A variance to waive 2'-0" and 4'-0" of the minimum required front yard setback in order to build a perimeter wall and gates at 2'-0" and up to the front property lines facing 19th Street, North Michigan Avenue and Alton Road.
2. A variance to waive all of the required front yard setback of 20'-0" in order to provide gate-entry features at distances ranging from 4'-0", 2'-0" and up to the front property lines.

Approved

**15. File No. 3600 Palms South Beach, Inc.
232 30th Street**

Applicant requested continuance to the October 5, 2012 BOA meeting.

The applicant is requesting the following variance in order to permit the construction of a new parking garage:

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1. A variance to waive 10'-0" of the minimum required front yard pedestal setback of 20'-0" in order to build the parking garage at 10'-0" from the north property line, facing 30th Street.
2. A variance to waive 4'-4" of the minimum required interior side yard pedestal setback of 12'-0" in order to build at 7'-8" from the east property line.
3. A variance to waive 4'-4" of the minimum required sum of the side yards of 24'-0" in order to provide a sum of the side yards of 19'-8".
4. A variance to waive 7'-0" of the minimum required rear yard pedestal setback of 15'-0" in order to build at 8'-0" from the rear property line.

**16. File No. 3601 1701 Collins (Miami) Owner, LLC
 1701 Collins Avenue**

The applicant is requesting the following variances in order to permit the retention of a wall and an egress stair at the north side of the property:

1. A. A variance to waive all of the required interior side yard setback of 8'-1" in order to retain the existing wall located at the north property line.
 B. A variance to waive all of the required interior side yard setback of 8'-1" in order to retain the existing egress stairs located at the north property line.
2. A variance to waive all of the required sum of the side yards of 16'-2" in order to provide a sum of the side yards of 5'-8 ½".

Approved

**17. FILE NO. 3585 SHERBROOKE APTS., INC./ MITCHELL SCOTT
 INVESTMENT GROUP, INC.
 901 COLLINS AVENUE, 909 COLLINS AVENUE,
 919 COLLINS AVENUE, MIAMI BEACH
 MIAMI-DADE COUNTY, FLORIDA
 (FOR LEGAL DESCRIPTIONS PLEASE CONTACT
 THE PLANNING DEPT.)**

This case was continued at the August 3, 2012 meeting. Sherbrooke Apts., Inc./Mitchell Scott Investment Group, Inc., is appealing under Section 118-136 of the City Code an administrative decision of the Planning Director which denied the proposed transfer of Floor Area (FAR) for a project at 901, 909, and 919 Collins Avenue to the Board of Adjustment. The Administrative Determination, dated April 10 2012, determined that a proposed unification of three subject properties through the use of the proposed Covenant in Lieu of Unity of Title is not a true "unified development site" as required by Section 118-5, and the proposed construction of a rooftop addition on the Sherbrooke Apartments through the use of a transfer of development rights does not conform with the applicable Charter provision 1.03(c) or the Land Development Regulations.

Continued to the October 5, 2012 hearing

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E. NEXT MEETING DATE

October 5, 2012



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MIAMI BEACH

PLANNING DEPARTMENT

FLOOD PLAIN MANAGEMENT BOARD

AFTER ACTION REPORT

FRIDAY, SEPTEMBER 7, 2012

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

A. NEW CASES

1. **FP12-04** **Michigan 551 & 557, LLC,
551 & 557 Michigan Avenue**

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

Approved

2. **FP12-05** **1510 Drexel, LLC,
1510 Drexel Avenue**

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

Approved

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