



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, NOVEMBER 6, 2009

9:00 A.M.

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

A. DISCUSSION ITEM

- Variance criteria

THE BOARD DISCUSSED WITH STAFF THE ISSUE OF VARIANCE CRITERIA, AND TYPES OF VARIANCES THAT ARE REGULARLY HEARD BY THE BOARD, AND DISCUSSED THE MOST RECENT LAND USE AND DEVELOPMENT COMMITTEE MEETING, WHERE THE ISSUE WAS DISCUSSED. STAFF INDICATED THAT THE COMMITTEE REQUESTED THAT THEY KEEP WORKING ON DEVELOPING PROPOSALS FOR CHANGES TO THE REGULATIONS THAT WOULD REDUCE THE NUMBER OF VARIANCES NEEDED. THE BOARD ASKED MR. ANNUNZIATO TO KEEP WORKING WITH STAFF AND REPORT BACK AT AN UPCOMING MEETING.

B. PROGRESS REPORTS

1. FILE NO. 2891 1080 ALTON ROAD, LLC.
1050-1080 ALTON ROAD
LOT 7, BLOCK 84,
THIRD COMMERCIAL SUBDIVISION
PLAT BOOK 7, PG 160;
MIAMI-DADE COUNTY, FLORIDA

The applicant will present a progress report associated with the approval of a modification granted on August 7, 2009 regarding the sale/service of alcohol within the minimum required distance separation from an

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educational facility.

**NO FURTHER PROGRESS REPORTS UNLESS VIOLATIONS
RELATED TO THE VARIANCE GRANTED ARE ISSUED.**

2. **FILE NO. 3426** **SASUN INC. D/B/A PIZZA RUSTICA LINCOLN RD.
667 LINCOLN ROAD, MIAMI BEACH
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)**

The applicant will present a progress report associated with the approval of a variance granted on August 7, 2009 to waive the minimum seat requirement for a restaurant to serve beer and wine for consumption on the premises.

**NO FURTHER PROGRESS REPORTS UNLESS VIOLATIONS
RELATED TO THE VARIANCE GRANTED ARE ISSUED.**

C. INTRODUCTION OF NEW OWNER / OPERATOR

3. **FILE NO. 2914** **ENOTECA, LLC. d/b/a DA LEO TRATTORIA
819 LINCOLN ROAD
EAST ½ OF LOT 1; BLOCK 36
AMENDED PLAT OF GOLF COURSE
SUBDIVISION PLAT BOOK 6-26;
MIAMI-DADE COUNTY, FLORIDA**

Enoteca, LLC d/b/a Da Leo Trattoria Restaurant shall introduce itself to the Board as the subsequent owner/operator and advise the Board of their understanding of the conditions listed in the Order regarding a variance to waive the minimum seat requirement for a restaurant to serve beer and wine, and liquor for consumption on the premises, which was originally granted to Leomar Miami, Inc. d/b/a Da Leo Trattoria on January 10, 2003. The new operator shall also describe the current operation.

**THE NEW OWNER/OPERATOR INTRODUCED HIMSELF TO THE
BOARD.**

4. **FILE NO. 3420** **AMBBAR, LLC.
743 WASHINGTON AVENUE
LOT 14, BLOCK 33 OF OCEAN
BEACH ADDITION # 1
PLAT BOOK 3, PG 11;**

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Ambbar, LLC shall introduce itself to the Board as the subsequent tenant/operator and advise the Board of their understanding of the conditions listed in the Order regarding a variance to waive the minimum distance separation required between dance hall/entertainment establishments licensed to sell alcoholic beverages, and not also operating as a restaurant with full kitchen and serving full meals, which was originally granted to Scott Robins as President of 8th Street Washington Holdings, Inc. on June 5, 2009. The new operator shall also describe the current operation.

THIS CASE WAS WITHDRAWN BY THE APPLICANT.

D. EXTENSIONS OF TIME

5. **FILE NO. 3355** **12TH AND COLLINS REAL ESTATE, LLC.**
 1201, 1221 AND 1225 COLLINS AVENUE
 MIAMI BEACH, FLORIDA
 (FOR LEGAL DESCRIPTION PLEASE CONTACT
 THE PLANNING DEPT.)

The applicant is requesting the following modification to a condition of approval for variances associated with the renovation of the existing two and three story buildings, inclusive of some partial demolition and rooftop additions and the construction of a new five-story structure to be part of a hotel complex:

Condition number 5 of the Order dated May 9, 2008, requires that a full building permit for the project be obtained on or before November 9, 2009, 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 November 9, 2010.

APPROVED AS REQUESTED WITH ADDITIONAL CONDITION.

6. **FILE NO.3370** **PLAZA HOTEL, LLC.**
 418-422 & 426 MERIDIAN AVENUE
 LOT 3-4, BLOCK 75 OF 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 new four-story

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structure:

Condition number 7 of the Order dated July 11, 2008, requires that a full building permit for the project be obtained on or before January 11, 2010, 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 January 11, 2011.

APPROVED AS REQUESTED WITH ADDITIONAL CONDITIONS.

E. CONTINUED CASE

7. **FILE NO. 3433** **CLAUDE 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 2, 2009 meeting.

The applicant is requesting the following variances in order to build a two-story addition to an existing two-story single family home:

1. ~~A variance to waive 11' - 6 1/2" of the minimum required interior side yard setback of 16' - 6 1/2" in order to build a two-story addition at 5' - 0" from the north property line.~~
2. A variance to waive 19' - 10 1/2" of the minimum required sum of the side yards of 41' - 4 1/2" in order to provide a sum of the side yards of 21' - 6".

APPROVED.

F. NEW CASES

8. **FILE NO. 3431** **MARSHALL COLBURN**
 421 EAST DILIDO DRIVE
 LOT 19, BLOCK 5, "OF DILIDO ISLAND",
 PLAT BOOK 8, PG 36;
 MIAMI-DADE COUNTY, FLORIDA

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THIS CASE HAS BEEN CONTINUED BY STAFF.

9. **FILE NO.3439** **MIAMI BEACH JEWISH COMMUNITY CENTER INC.**
4221-4229 PINETREE DRIVE
LOTS 5, 6 & 7; FLAMINGO BAY SUBDIVISION
PB 6-101; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a new two (2) story educational, cultural and recreational facility:

1. A variance to waive 10'-0" of the minimum required front parking setback of 20' - 0" in order to build a surface parking area at 10'-0" from the front property line.
2. A variance to waive 5'-6" of the minimum required parking/driveway setback of 9'-6" in order to provide a parking/drive area for service/deliveries at 4'-0" from the south property line.

APPROVED.

10. **FILE NO.3440** **OBADIA SCHOCHET**
1035 14TH STREET
LOTS 13, BLOCK 93,
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 build a one-story addition to an existing two-story single family home:

1. A variance to exceed by 9% (697 s.f.) of the maximum permitted lot coverage of 30% (2,250 s.f.) in order to build a one-story addition to the existing residence for a proposed total lot coverage of 39% (2,947 s.f.).
2. A variance to exceed by 23.6% (1,774 s.f.) of the maximum permitted unit size of 50% (3,750 s.f.) in order to build a one-story addition to the existing residence for a proposed total unit size of 73.6% (5,524 s.f.)

APPROVED.

11. **FILE NO. 3441** **ESSENTIAL CIGARS, INC.**

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6750 COLLINS AVENUE
LOT 6, BLOCK 6, AMD PL OF 2
OCEAN FRONT SUBDIVISION,
PLAT BOOK 3, PG 11;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to serve beer and wine within a 16 seat bar/cigar shop:

1. A variance to waive fourteen (14) seats of the minimum requirement of thirty (30) seats for a sixteen (16) seat bar/cigar shop to serve beer and wine for consumption on the premises.

APPROVED.

12. **FILE NO.3443** COMRAS COMPANY OF FLORIDA, INC. AS THE
LEASING AGENT FOR BENTLEY BAY BOYS, LLC.
520 WEST AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPARTMENT)

**THIS CASE HAS BEEN CONTINUED BY STAFF TO THE DECEMBER
4, 2009 MEETING.**

G. NEXT MEETING DATE

December 4, 2009

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

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FRIDAY, NOVEMBER 6, 2009

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. FP09-06** **CITY OF MIAMI BEACH - PUBLIC WORKS DEPT.**
OLD CITY HALL - 1130 WASHINGTON AVENUE
A PORTION OF LAND BOUNDED ON THE NORTH BY THE
SOUTH RIGHT-OF-WAY LINE OF 12 STREET; BOUNDED ON
THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF 11
STREET; BOUNDED ON THE EAST BY THE WEST RIGHT-
OF-WAY LINE OF WASHINGTON AVENUE AND BOUNDED
ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF
LEMON AVENUE (NOW DREXEL AVENUE). ALL IN OCEAN
BEACH, FLA. 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.

2. **FILE NO. FP09-08** **760 COLLINS ASSOCIATES, LTD.**
760 COLLINS AVENUE
LOT 1, BLOCK 33,
OCEAN BEACH FLA., ADDITION NO. 1,
PLAT BOOK 3, PG 11;
MIAMI-DADE COUNTY, FLORIDA

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

THIS CASE HAS BEEN WITHDRAWN WITHOUT PREJUDICE.

3. **FILE NO. FP09-09** **1600 LENOX INVESTORS, LLC.**
1600 LENOX AVENUE
LOT 1, BLOCK 46,
OF "COMMERCIAL SUBDIVISION",

PLAT BOOK 6, PG 5;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a variance to waive the minimum required

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base flood plain elevation for the existing structure.

THE APPLICANT REQUESTED CONTINUANCE TO THE DECEMBER 4, 2009 MEETING.

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