



MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT

AFTER ACTION REPORT

MONDAY, JULY 9, 2012

9:00 A.M.

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

A. PROGRESS REPORT

1. FILE NO. 3467 **BACCHUS LIQUORS, INC.
1445 ALTON ROAD
LOT 23 AND LOT 24 OF THE PLAT OF
"OCEAN BEACH ADDN NO. 3",
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report associated with a modification to a variance granted on April 2012, waiving the minimum required 300 foot separation between a business that sells alcoholic beverages and an existing religious institution, in order to sell alcoholic beverages for off-premise consumption within a liquor store.

NO FURTHER PROGRESS REPORTS UNLESS A VIOLATION IS ISSUED.

B. EXTENSION OF TIME

2. FILE NO. 3474 **GREENVIEW HOTEL, LLC.
1671 WASHINGTON AVENUE
LOT 18, IN BLOCK 31, OF "FISHER'S
FIRST SUBDIVISION 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 variances in order to permit the construction of a rooftop addition:

Condition number 7 of the Order dated September 1, 2010, requires that a full building permit for the project be obtained on or before March 1, 2012, within eighteen (18)

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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 March 1, 2013.

APPROVED.

C. MODIFICATION

3. **FILE NO. 3442** **WINE ROAD, LLC. / PHILIPPE BUCHBINDER**
555 JEFFERSON AVENUE
LOTS 15 & 16; BLOCK 74;
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for a variance to waive the minimum required 300 foot separation between a business that sells/serves alcoholic beverages for consumption and an existing educational facility, Rainbow Child Care and a religious institution, The Living Church, in order to sell/serve alcoholic beverages for consumption within the market and café. Condition No. 1 of the January 15, 2010 Order restricted the maximum number of seats to 59. The applicant requests to modify this condition to permit a total of 108 seats, including the interior of the building and the existing outdoor deck on the south side of the property.

1. The restaurant shall maintain a minimum of thirty (30) seats at all times within the building and a maximum of 59 108 seats, including the interior of the building and the existing outdoor deck on the south side of the property. No full liquor license shall be approved, unless a modification of this Order is sought. The establishment shall not operate later than 12:00 midnight.

APPROVED WITH MODIFIED CONDITION.

4. **FILE NO. 3530** **COMMERCE RESTAURANT PARTNERS, LLC.**
850 COMMERCE STREET
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 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.

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1. 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.

- 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.

THIS CASE WAS CONTINUED AT THE DRB MEETING, THEREFORE IT WILL BE HEARD AT THE SEPTEMBER 7, 2012 BOA MEETING.

D. NEW CASES

5. FILE NO. 3502 **OCEAN GRANDE PROPERTIES, LLC.
3651 COLLINS AVENUE. MIAMI BEACH, MIAMI-DADE
COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPARTMENT)**

The applicant is requesting the following variances in order to permit the construction of a new ten-story residential building:

1. A variance to waive 4'-4" of the minimum required side yard facing the street subterranean setback of 5'-0" in order to provide stair access from grade at

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sidewalk level to the subterranean parking with stairs located at 8" from the north property line.

2. A variance to waive 12'-0" of the minimum required 22'-0" two-way drive width in order to provide a 10'-0" wide drive for the valet-only subterranean parking.
3. A variance to waive all of the required interior side yard pedestal setback of 7'-6" in order to build the portion of the south wall of the subterranean garage that extends 3'-6" above grade up to the south property line.
4. A variance to waive all of the minimum required sum of the side yards of 8'-0" at the pedestal level (at the ground floor only) in order to provide a 0' sum of the side yards.
5. A variance to exceed the maximum permitted encroachment of 1'-10 1/2" in order to build entrance steps and a ramp up to the north property line.
6. A variance to waive 5" of the minimum required interior side yard setback of 13'-11" for the tower portion of the building to be located at 13'-6" from the south property line.
7. A variance to exceed by 8% (7 1/2") the maximum allowable projection of 25% (1'-10 1/2") in order to provide ornamental features encroaching 33% (2'-6") into the required side yard facing the street at the north side of the property.
8. A variance to waive 1'-10" of the minimum required interior side yard pedestal setback of 7'-6" in order to place an emergency generator at 5'-8" to the south property line.
9. A variance to waive all of the minimum required side facing the street pedestal setback of 7'-6" in order to place an FPL transformer up to the north property line.

APPROVED WITH MODIFIED CONDITION.

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. or 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.

APPROVED.

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7. **FILE NO. 3562** **1906 COLLINS, LLC.
1908 COLLINS AVENUE
THE NORTH 57-1/2 FEET OF THE SOUTH
62-1/2 FEET OF LOTS 1, 2 & 3, BLOCK D
OF AMENDED MAP OF THE OCEAN FRONT
PROPERTY OF THE MIAMI BEACH IMPROVEMENT
COMPANY SUBDIVISION, PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

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

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

APPROVED WITH MODIFIED CONDITIONS.

8. **FILE NO. 3569** **InSITE MIAMI BEACH, LLC.
1825 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 6'-3" of the minimum required north side yard pedestal setback of 7'-6" in order to construct an addition at the northeast side of the property at 1'-3" from the north property line.
2. A variance to waive 13'-9" 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 at 1'-3" from the north property line and the pool deck at 43'-0" to the Bulkhead line, and the addition at 58'-0" from the Bulkhead line.
3. A variance to waive 71'-7" of the required rear yard pedestal setback of 129'-7" in order to build at 58'-0" from the Bulkhead line to the façade of the rear addition.

APPROVED WITH MODIFIED SETBACK DIMENSION REQUESTS ON VARIANCES 1 AND 2.

9. **FILE NO. 3572** **2601 COLLINS, LLC.
2601 COLLINS AVENUE
LOT 12, BLOCK 6 OF "AMENDED MAP OF THE OCEAN
FRONT PROPERTY OF THE MIAMI BEACH
IMPROVEMENT COMPANY SUBDIVN",**

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**PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the retention of the existing 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 29 hotel units at less than 300 s.f. (the smallest at 224 s.f., 69% of units) and 9 hotel units between 300 and 335 s.f. (21.5% of units) and 4 units exceeding 335 s.f. (9.5% of units).

APPROVED.

- 10. FILE NO. 3579 SCOTT DUFFNER
1681 LENOX AVENUE
LOTS 16 AND 17, BLOCK 38, OF "PALM VIEW
SUBDIVISION", PLAT BOOK 6, PG 29;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to sell beer, wine and liquor at a new restaurant:

1. A variance to waive 114.15' feet of the minimum required 300 foot separation between a business that sells alcoholic beverages for consumption and an existing daycare in order to sell beer, wine and liquor for consumption on the premises with a distance of 185.85' feet to the daycare.

APPROVED WITH MODIFIED CONDITION AND ADDITIONAL CONDITION.

- 11. FILE NO. 3580 IC, LLC.
1826 COLLINS AVENUE
LOT 4, LESS THE WEST 25 FEET, BLOCK 2, "FISHER'S
FIRST SUBDIVISION OF ALTON BEACH", PB 2, PG 77;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance in order to place directional signage:

1. A variance to waive 8'-6" of the minimum required front yard setback of 10'-0" in order to place a monument sign at 1'-6" from the front property line.
2. A variance to exceed by 8.44 s.f. the maximum allowable directional sign size of 2 s.f. in order to place the directional signage on a monument sign with 10.44 s.f.

APPROVED WITH MODIFIED CONDITIONS

- 12. FILE NO. 3581 COCOMARE, LLC.**

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**441 NORTH HIBISCUS DRIVE
LOT 1, BLOCK 2 OF SUBDIVISION HIBISCUS ISLAND,
PLAT BOOK 8, PG 75;
MIAMI-DADE COUNTY, FLORIDA.**

The applicant is requesting the following variance in order to permit the construction of a new two-story single family residence:

1. A variance to exceed by 3'-0" the maximum building height of 25'-0" as measured from grade to the highest roof in order to build the addition at 28'-0" from grade.

APPROVED.

- 13. FILE NO. 3582 SEVILLE ACQUISITION, LLC.
2912 COLLINS AVENUE
LOTS 1, 2, 6, 9 AND 10 OF BLOCK 12 OF "MIAMI BEACH
IMPROVEMENT CORPORATION SUBDIVISION",
PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

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

1. A variance to waive 5'-0" of the minimum required interior side yard setback of 10'-0" in order provide 5'-0" setback from the north property line to the edge of the parking.

CONTINUED BY APPLICANT TO THE AUGUST 3, 2012 MEETING.

- 14. FILE NO. 3583 M.C.M. CORP. / HOTEL MARSEILLES
1741 COLLINS AVENUE, MIAMI BEACH
(FOR LEGAL DESCRIPTION PLEASE CONTACT THE
PLANNING DEPT.)**

The applicant is requesting the following variances in order to rebuild the existing deck and accessibility ramp at the south side of the property:

1. A variance to waive all of the minimum required interior side yard pedestal setback of 7'-6" in order to rebuild an elevated egress ramp and deck up to the south property line.
2. A variance to waive 2.62' of the minimum required sum of the side yards of 8'-0" in order to retain a sum of the side yards of 5.38' in order to rebuild the existing deck and accessibility ramp up to the south side of the property.

APPROVED.

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- 15. FILE NO. 3584 REA 619, LLC.
619 MERIDIAN AVENUE
LOT 11, BLOCK 58,
SUBDIVISION OCEAN BEACH FLA., ADDTN NO. 3,
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of two, 3-story buildings on a vacant lot:

1. A variance to waive 9'-0" and 12'-0" of the minimum required rear pedestal setback of 14'-0" in order to build the building at 5'-0" from the rear property line and stairs at 2'-0" from the rear property line.
2. A variance to waive 9'-6" of the minimum required front yard setback of 20'-0" in order to build entrance steps and terrace at 10'-6" from the front property line.
3. A variance to waive 1'-6" of the minimum required rear yard setback of 5'-0" in order to build the parking at 3'-6" to the rear property line.

APPROVED.

E. APPEAL

- 16. FILE NO. 3565 MAC SH, LLC.
1201, 1225, 1237 20TH STREET
ALL LOTS 22, 23 AND 24 AND THE NORTH 70,000 FEET
OF LOTS 25 AND 26 IN BLOCK 15A OF "ISLAND VIEW
ADDITION", PLAT BOOK 9, PG 144; MIAMI-DADE
COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPT.)**

**THIS CASE HAS BEEN RE-NOTICED AND WILL BE HEARD AT THE AUGUST 3,
2012 MEETING.**

F. NEXT MEETING DATE

August 3, 2012

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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