



NORTH MIAMI BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, May 17, 2023, 6:30 P.M.

The meeting was called to order at 6:45p.m. After the pledge of allegiance, a roll call of the members was taken.

Table with 5 columns: Name, Present, Excused, Absent. Rows include Roseline Philippe (Chair), Michael McDearmaid (Vice Chair), Marline Monestime, Blythe Pierre-Louis, Evan Shields, Jeff M, and VACANT.

Staff was represented by:

- Cameron Palmer, Planner
Cyncia Raymond, Assistant to the Director
Gary Held, Esq., Consulting Land Use Attorney

I. Assembly and Organization:

Attorney Held read the procedures for public comment. Participants were sworn-in to provide testimony for their respective requests.

II. Amendments to the Agenda:

III. Approval of Minutes:

N/A

IV. Communications: None

IV. CONTINUED PETITIONS:

SE-02-21 – NIGHT CLUB SPECIAL EXCEPTION FOR NUVO CAFÉ – 14135 NW 7TH AVENUE

A SPECIAL EXCEPTION USE PURSUANT TO ARTICLE 4, DIVISION 2, SECTION 4-202 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO ALLOW A PROPOSED NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7 AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID SPECIAL EXCEPTION IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 5, SECTION 3-504 OF THE LDRS.

V-08-21 – MINIMUM DISTANCE VARIANCE FOR NUVO CAFÉ– 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-908 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: ALLOW A DEVIATION OF THE MINIMUM REQUIRED SPACING FROM OTHER SIMILAR USES, RELIGIOUS INSTITUTION, SCHOOLS, PARKS AND RESIDENTIAL USE FROM A NIGHTCLUB AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

V-09-21 – HOURS DURING WHICH SALES ARE ALLOWED; CONSUMPTION VARIANCE FOR NUVO CAFÉ – 14135 NW 7TH AVENUE

A VARIANCE TO ARTICLE 5, DIVISION 9, SECTION 5-913 OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: ALLOW A DEVIATION OF THE HOURS DURING WHICH SALES ARE ALLOWED AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE PROPERTY LOCATED AT 14135 NW 7TH AVENUE WITHIN THE C-1 COMMERCIAL/OFFICE DISTRICT; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

The items (SE-02-21, V-08-21, V-09-21) were summarized by the City’s Zoning Planner, Cameron Palmer. Staff provided findings related to violations, citations, and findings provided by the City of North Miami Police Department (NMPD) – staff provided no recommendation to the Board. The Board requested the applicant and a member of the NMPD be present prior to making a decision. A motion to continue the item was made by Michael McDermid and seconded by Marline Monestime with a 6-0 vote.

V. New Petitions:

V-04-23 – A VARIANCE TO THE REQUIRED SETBACKS FOR A DOCK OR PIER IN THE R-4 MULTI-FAMILY ZONING DISTRICT – 2179 NE 123 ST

A VARIANCE TO ARTICLE 4, DIVISION 2, SECTION 4-203(F) AND ARTICLE 5, DIVISION 6, SECTION 5-602(C) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: ALLOW A DOCK OR PIER TO ENCROACH WITHIN THE ENTIRE REQUIRED SIDE SETBACK AREAS WHERE A MAXIMUM OF 20 PERCENT MAY BE ALLOWED AT THE PROPERTY LOCATED AT 2179 NE 123 ST WITHIN THE R-4 MULTI-FAMILY ZONING DISTRICT; SAID VARIANCES ARE TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

This item was presented by the City’s Zoning Planner, Cameron Palmer. Staff recommended approval with conditions in accordance with the criteria being met for the granting of variances per the LDRs, Section 3-606. Public hearing was opened, no public comments were received. The applicant, Robert Rossi, spoke briefly to the request affirming the recommendation of staff. A motion to approve the item with the conditions outlined by staff was made by Board Member McDermid; and seconded by Board Member Shields. The item was approved with conditions by a 5-0 vote.

V-06-23 – A VARIANCE TO THE REQUIRED SETBACKS FOR A MIXED-USED DEVELOPMENT IN THE C-3 COMMERCIAL ZONING DISTRICT – 12315 NE 4 AVE

A VARIANCE TO ARTICLE 4, DIVISION 3, SECTION 4-306(E) OF CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS (“LDRS”) TO: ALLOW A MIXED-USE DEVELOPMENT GREATER THAN THIRTY-FIVE FEET (35’) IN HEIGHT,

ADJACENT TO EXISTING SINGLE-FAMILY DWELLINGS, TO HAVE A SETBACK OF 10 FEET (10'); WHERE A MINIMUM OF 25 FEET (25') IS REQUIRED; SAID VARIANCE IS TO BE REVIEWED UNDER THE CRITERIA SET FORTH IN ARTICLE 3, DIVISION 6, SECTION 3-606 OF THE LDRS.

This item was presented by the City's Zoning Planner, Cameron Palmer. Staff rendered no recommendation in accordance with 3 of the 6 criteria being met for the granting of variances per the LDRs, Section 3-606. Public hearing was opened, no public comments were received. The applicant, Federico Zapata, provided an overview of the request and affirmed the recommendations of staff. Board discussion ensued and the Board members determined 2 additional criteria can be considered to be met. A motion to approve the item with the conditions outlined by staff was made by Board Member McDearmaid; and seconded by Board Member Shields. The item was approved with conditions by a 5-0 vote.

VI. COMMITTEE REPORTS: None

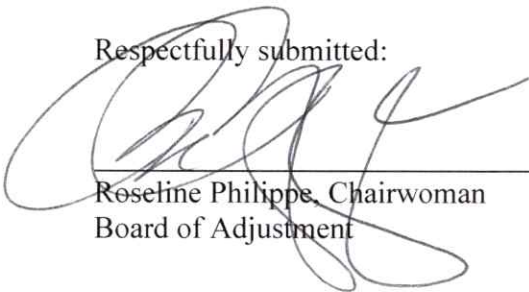
VII. OLD BUSINESS: None

VIII. NEW BUSINESS: None

IX. ADJOURNMENT

Meeting adjourned at 7:40PM

Respectfully submitted:



Roseline Philippe, Chairwoman
Board of Adjustment

Attest:



Derrick Cook, MBA, AICP, Director
Community Planning & Development

Prepared by:



Cameron Palmer, AICP-MCIP-I, Planner
Community Planning & Development