

**BOARD OF ADJUSTMENT  
CITY OF MIAMI BEACH, FLORIDA**

MEETING DATE: May 6, 1994  
File No. 2377

**APPLICANT:** USA EXPRESS, INC.  
407 LINCOLN ROAD, SUITE 10-C  
MIAMI BEACH, FL 33139

**PROPERTY AFFECTED:** Street Address: 940 17th Street, Miami Beach,  
FL, 33139

Legal Address: Lots 14 & 15, Block 37; Palm  
View Subdivision; PB 6/29;  
Dade County, Florida.

Zoning Classification: CD-3 (Commercial, High  
Intensity)

**SUBJECT:** Appeal from an Administrative Decision of the Planning  
and Zoning Director.

**ACTION TAKEN BY THE BOARD:** Appeal is denied and the decision of  
the Planning and Zoning Director is upheld.

**O R D E R**

The Applicant submitted to the Planning, Design and Historic Preservation Division preliminary plans for a 44-unit hotel project to be developed on the above property. On March 16, 1994, the Planning and Zoning Director rendered an Administrative Decision finding that the following items should be included in the Floor Area for purposes of calculating the Floor Area Ratio (FAR), thereby further finding that the project exceeded the allowable FAR for the zoning classification:

1. Exterior Corridors/Hallways
2. Open Stairwells in the Tower
3. Stairwells and Elevator Shafts in the Parking Levels.

On March 18, 1994, the Applicant filed a timely appeal of the Administrative Decision. As required by law, due notice was

FILE NO. 2377  
USE EXPRESS, INC.

published and mailed to property owners within 375 feet of the exterior limits of the property on which the application was made.

A public hearing was held on May 6, 1994, before the Board of Adjustment. The Board found in respect to each item, that:

- 1) The Exterior Corridors/Hallways, as rendered by the preliminary plans and the drawings submitted at the hearing, are to be included in the calculation of Floor Area for the building and are not "terraces," "breezeways" or "open porches" to be excluded, as per Zoning Ordinance 89-2665, Subsection 3-2A.80.d. The vote was 0 in favor and 5 against sustaining the appeal as to this item.
- 2) The Open Stairwells in the Tower, as rendered by the preliminary plans and the drawings submitted at the hearing, are to be included in the calculation of Floor Area for the building and are not "uncovered steps" to be excluded as per Zoning Ordinance 89-2665, Subsection 3-2A.80.b. The vote was 1 in favor and 4 against sustaining the appeal as to this item.
- 3) The Stairwells and Elevator Shafts in the Parking Levels, as rendered by the preliminary plans and the drawings submitted at the hearing, are to be included in the calculation of Floor Area and are not "floor space used for required accessory off-street parking spaces" to be excluded as per Zoning Ordinance 89-2665, Subsection 3-2A.80.e. The vote was 1 in favor and 4 against sustaining the appeal as to this item.

The Board concurs with and adopts the Staff Report and findings of the Planning and Zoning Director.





# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



PLANNING, DESIGN & HISTORIC PRESERVATION DIVISION

673-7550

August 10, 1994

Mr. Micky Biss  
USA Express, Inc.  
407 Lincoln Road, Suite 10-C  
Miami Beach, FL 33139

Re: Zoning Board of Adjustment File No. 2377  
USA Express, Inc.  
940-17th Street  
Miami Beach, FL

Dear Mr. Biss:

I am enclosing the original order which has been executed by the Chairman of the Board of Adjustment of the City of Miami Beach denying the appeal which you requested.

Please be advised that it is the responsibility of the applicant to have the original order recorded in the Public Records of Dade County, Florida (44 W. Flagler Street, 8th Floor, Miami) and to furnish the original recorded order to this Department with a copy to the City Attorney's Office.

If you have any questions, please do not hesitate to contact me.

Sincerely,

April Hirsch  
Secretary to the Zoning Board  
of Adjustment

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