

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

MEETING DATE: SEPTEMBER 8 2000

FILE NO. 2760

IN RE: The application of

**JAZID, INC.
1342 WASHINGTON AVENUE
LOTS 6, 7 AND 11; BLOCK 21
H. PRATTS RESUB. OCEAN BEACH NO. 3
PB 6/17; MIAMI-DADE COUNTY, FLORIDA**

ORDER

The applicant, Jazid, Inc., filed an application with the Planning Department for a variance in order to sell/serve beer, wine and liquor at a proposed jazz club/restaurant:

1. A variance to waive 156 feet of the minimum required 300 feet separation between a business that sells/serves alcoholic beverages and an educational facility in order to sell/serve beer and wine and liquor at a proposed jazz club/restaurant 144 feet from Fisher-Feinberg Elementary School.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the CD-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS THEREFORE ORDERED, by the Board, that the variance as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. Any signs and exterior renovations of the building in which the establishment is to be located shall be approved by the Historic Preservation Board.
2. The obscuring or blocking of windows with restaurant equipment shall not be permitted, unless otherwise approved by the Historic Preservation Board.
3. During school days (Monday through Friday), the establishment shall not open before 5:00 p.m. There shall be no sale of package goods.
4. The applicant shall satisfy any City Liens before a Certificate of Use and Occupational License is issued.
5. The Board shall retain jurisdiction of this file. The applicant must present a progress report in three months to the Board; the Board shall then determine the necessity and timing of subsequent reports. The Miami Beach Police Department and the Dade County School Board shall be notified of these progress reports.
6. The property owner shall be responsible for compliance with all of the conditions of this variance. The current operator and any subsequent operators of the business shall be specifically apprised of all conditions. Subsequent operators shall be required to appear before the Board to affirm their understanding of the conditions listed, herein.
7. If the jazz club/bar use ceases to exist for any reason (except for temporary closure during a season or remodeling, both for a period up to six months), the variance shall automatically become null and void.
8. Debris, on the sidewalk and in the gutter in front of the establishment, including that which has been deposited by non-patrons, shall be picked up every day before school opens and before noon on non-school days.

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9. The rear terrace shall not have table service or outdoor entertainment. Only passive use by patrons with noise not exceeding normal conversation is permitted in this area.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before March 8, 2001 (within six (6) months of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By: _____

Jorge Gomez
Planning and Zoning Director
City of Miami Beach
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