



**BOARD OF ADJUSTMENT**

**AFTER ACTION REPORT**

**WEDNESDAY, NOVEMBER 1, 2006**

**9:00 A.M.**

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

**A. PROGRESS REPORT**

1. **FILE NO. 3233**      **CALOGERO, INC**  
**D/B/A CAFÉ AVANTI**  
**732 41<sup>ST</sup> STREET**  
**41<sup>ST</sup> STREET BLOCK, LOTS 1 - 4**  
**PLAT BOOK 40, PG 47;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report in association with this operation which received a variance on August 4, 2006 in order to sell/serve beer and wine, and liquor at an existing restaurant.

***PROGRESS REPORT ONLY IF NEEDED, DUE TO VIOLATIONS.***

**B. EXTENSION OF TIME**

2. **FILE NO. 3022**      **801 WASHINGTON, LLC**  
**801-817 WASHINGTON AVENUE**  
**LOTS 9 AND 10; BLOCK 32**  
**OCEAN BEACH FLA. ADDITION NO. 1**  
**PLAT BOOK 3, PG 11;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for variances associated with the addition of a one-story retail space to an existing commercial building. Condition No. 3 of the Order dated July 2, 2004, requires completion of the project by July 2, 2006. The applicant is requesting a sixteen (16) month extension of time to obtain a building

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permit by November 1, 2007.

**APPROVED.**

**C. APPEAL FROM ADMINISTRATIVE DECISION**

3. **FILE NO. 3259**      **COMMERCE BANK, N.A.**  
**835-855 ALTON ROAD**  
**LOTS 9 AND 10, BLOCK 122,**  
**LENOX MANOR,**  
**PLAT BOOK 7, PG 15;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is appealing an administrative decision of the Design and Preservation Manager, stating that the Historic Preservation Board, not the Design Review Board, has jurisdiction over the pending development application.

**DENIED.**

**D. MODIFICATIONS**

4. **FILE NO. 2921**      **TAPAS & TINTOS, INC. (formerly KIU, LLC.)**  
**448 ESPANOLA WAY**  
**LOTS 1 TO 6 LESS N. E FT.; BLOCK 3-B,**  
**FIRST ADDITION TO WHITEMAN'S SUBDIVISION**  
**OF ESPANOLA VILLAS,**  
**PLAT BOOK 9, PG 147;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification of a previously approved variance, granted on January 10, 2003. The applicant is proposing to enlarge the restaurant space with a coffee bar to the east side of the existing restaurant.

The applicant is requesting the following variance in order to sell/serve beer and wine and liquor at a restaurant and to permit the sale of alcoholic beverages (specifically wine) as package goods for consumption off the premises:

1. A variance to waive 220 feet of the minimum required 300 foot separation between a business that sells/serves alcoholic beverages for consumption and an existing educational facility, Fisher-Feinberg Elementary School, in order to sell/serve alcoholic beverages for consumption within a new restaurant with a distance of 80 feet to the school.

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**CONTINUED FOR 30 DAYS (DECEMBER 1, 2006)**

5.     **FILE NO. 2892**     **KOKOMOJO MIAMI BEACH, INC.**  
                                  formerly KAREN OLIN, d/b/a/ BOY BAR  
                                  1220 NORMANDY DRIVE  
                                  LOTS 7 THRU 11 LESS S. 25 FT.; BLOCK 10  
                                  OCEANSIDE SECTION ISLE OF NORMANDY  
                                  PLAT BOOK 25, PG 60;  
                                  MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for a variance which permitted service of liquor in a bar located less than 300 feet from a religious institution. Condition No. 10 of the September 6, 2002 Final Order prohibited the establishment from becoming a nightclub use. The applicant requests to modify this condition to permit live entertainment.

**CONTINUED FOR 30 DAYS (DECEMBER 1, 2006)**

**E.     NEW CASES**

6.     **FILE NO. 3248**     **CASTELVETRO, LLC**  
                                  945 STILLWATER DRIVE  
                                  LOT 55, BLOCK 15 OF  
                                  BISCAYNE BEACH SECOND ADDITION  
                                  PLAT BOOK 46, PG 39  
                                  MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order provide a parking space within the required front yard of an existing one (1) story single family residence:

1.     A variance to waive 3' - 7" of the minimum required distance of 5' - 0" from the edge of the driveway to the main home in order to build a driveway at 1' - 5" from the front façade of the home.
2.     A variance to waive 1' - 1" of the of the minimum required setback of 4' - 0" from any interior side lot line to the edge of the driveway in order to build the driveway at 2' - 11" from the northeast property line.
3.     A variance to waive 3' - 6" of the minimum required setback of 5' - 0" from the edge of the parking space parallel to the street to the front property line, in order to build the driveway and parking space at 1' - 6" from the front property line.

**APPROVED WITH MODIFIED CONDITIONS.**

7.     **FILE NO. 3250**     **ANDREW AND DONA McLACHLAN**

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**5225 LA GORCE DRIVE  
LOT 10, BLOCK 7  
SUBDIVISION BEACH VIEW  
PLAT BOOK 9, PG 158;  
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new swimming pool and spa and their associated deck within the rear of an existing single family residence:

1. A. A variance to waive 4' - 9" of the minimum required interior side yard setback of 9' - 0" in order to provide 4' - 3" from the south property line to the water's edge.  
  
B. A variance to waive 5' - 6" of the minimum interior side yard setback of 7' - 6" in order to provide 2' - 0" from the south property line to the deck.
2. A variance to waive 1' - 10" of the minimum required rear setback of 7' - 6" in order to build a new swimming pool water's edge at 5' - 8" from the rear property line.

**DENIED WITH PREJUDICE.**

8. **FILE NO. 3253** **MIAMI BEACH COMMUNITY KOLLEL, INC  
816 W 40<sup>TH</sup> STREET  
LOT 8, BLOCK 4,  
"AMENDED PLAT OF GARDEN SUBDIVISION"  
PLAT BOOK 31, PG 9;  
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a two (2) story addition to an existing two story building with four existing residential units:

1. A variance to waive 4' - 10" of the minimum required 20' - 0" front yard pedestal setback in order to create a two story addition following the existing building line, located at 15' - 2" from the front property line.

**APPROVED WITH MODIFIED CONDITIONS.**

9. **FILE NO. 3254** **BAYVIEW LINCOLN ROAD, LLC.  
605 LINCOLN ROAD  
LOT 5 & EAST 0.47 FEET OF LOT 4  
& ALL OF LOT 6 IN BLOCK 1,  
LINCOLN ROAD SUBDIVISION**

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**PLAT BOOK 34, PG 66;  
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 proposed rooftop restaurant:

1. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 5:00 a.m.

**APPROVED. HOURS OF OPERATION UNTIL 2:00 A.M., WITH MODIFIED CONDITIONS.**

10. **FILE NO. 3255**      **R2Z INVESTMENTS, INC  
1521-1523 EUCLID AVENUE  
LOT18, BLOCK 60,  
LINCOLN SUBDIVISION.  
PLAT BOOK 9, PG 69;  
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new three (3) story multifamily building with two (2) units at the rear of an existing contributing building:

1. A variance to waive 10' - 0" of the minimum required 15' - 0" rear yard pedestal setback in order to provide a 5' - 0" setback from the east property line.
2. A variance to waive 2' - 6" of the minimum required interior side yard setback of 7' - 6" at the pedestal level in order to build the north exterior wall of the building at 5' - 0" from the north property line.

**APPROVED.**

11. **FILE NO. 3258**      **5625 HOLDINGS, LLC.  
5625 NORTH BAY ROAD  
LOT 5, BLOCK 10,  
LA GORCE – GOLF SUBDIVISION,  
PLAT BOOK 14, PG 43;  
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to renovate and build a two (2) story addition to an existing two (2) story single family residence:

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1. A variance to waive 2' - 6" of the minimum required interior side yard setback of 7' - 6" in order to retain the existing south building wall at 5' - 0" from the south property line.
2. A variance to waive 2' - 7 ¼" of the minimum required interior side yard setback of 7' - 6" in order to retain the existing north building wall at 4' - 10 ¾" from the north property line.
3. A variance to waive a range of 2' - 6" to 2' - 7 ¼" of the minimum required interior side yard setback of 7' - 6" in order to build the new addition at 5' - 0" at the ground level and at 4' - 10 ¾" at both the ground and second level from the north property line.
4. A variance to waive 5' - 1 ¼" of the required sum of the side yards of 15' - 0" in order to retain the existing structure with a sum of the side yards of 9' - 10 ¾".
5. A variance to waive 2' - 7 ¼" of the required sum of the side yards of 15' - 0" in order to build the new addition with the sum of the side yards of 12' - 4 ¾".

**APPROVED WITH MODIFIED CONDITIONS.**

**F. NEXT MEETING DATE**

December 1, 2006.

**NOTE:     ***There were not cases scheduled for the FLOOD PLAIN MANAGEMENT BOARD.*****

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*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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