



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, JUNE 8, 2007

9:00 A.M.

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

A. PROGRESS REPORT

- 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 will present a progress report regarding the operation of this restaurant which obtained a variance on January 10, 2003 to sell/serve alcoholic beverages within 300 feet of an educational facility (Fisher-Feinberg Elementary School). This variance was modified on July 25, 2003 in order to permit the sale of wine as package goods for consumption off the premises, continue the sale of wine for consumption on the premises during non-school hours; and prohibit the sale of beer and liquor on or off the premises. The applicant was granted a modification on December 8, 2006, in order to enlarge the restaurant space with a coffee bar to the east side of the existing restaurant, to sell/serve beer and wine and liquor at the restaurant and to permit the sale of alcoholic beverages (specifically wine) as package goods for consumption off the premises.

NO FURTHER PROGRESS REPORTS UNLESS NOTICES OF VIOLATION ARE ISSUED.

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B. EXTENSION OF TIME

2. **FILE NO. 3136** **420 LINCOLN ROAD DEVELOPMENT GROUP, INC.
1601 & 1619 DREXEL AVENUE, 425 16TH STREET and
1600 WASHINGTON AVENUE
LOTS 1 THRU 10; BLOCK 53
PINE RIDGE SUBDIVISION
PLAT BOOK 6-34;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a new nine (9) story, mixed use commercial and residential building with 145 residential units and 325 parking spaces:

A condition of the Order dated October 7, 2005 requires that a building permit be obtained by April 7, 2007 and that the project be completed by October 7, 2007. The applicant is requesting a one (1) year extension of time to obtain a full building permit by April 7, 2008 and a modification on the completion date to complete the project by April 7, 2010.

APPROVED.

C. MODIFICATION

3. **FILE NO. 3097** **SOUTH SHORE LANDOWNERS, LC
280-330 SOUTH SHORE DRIVE
LOTS 3,4 & 5; BLOCK 55
NORMANDY GOLF COURSE SUBDIVISION
PLAT BOOK 44 PG 62;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of a new two (2), four-story buildings with twenty-eight (28) residential units and forty-two (42) parking spaces:

The applicant is requesting a modification to a condition of the original Order dated May 6, 2005 to permit a total of 18 months within which to obtain a full building permit and to modify the July 7, 2006 Modification/Extension of Time Order to permit the applicant one year, up to November 6, 2007, in which to obtain a full building permit and a modification to complete the project by November 6, 2009.

APPROVED WITH ADDITIONAL CONDITIONS.

4. **FILE NO. 3104** **CHELSEA, LLC a/k/a CHELSEA LOFTS
1201-1215 WEST AVENUE**

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**LOTS 13 AND 14; BLOCK 82
BAY VIEW SUBDIVISION
PLAT BOOK 9-110;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following modification to a condition of approval for variances associated with the construction of a new six (6) story, 30 unit residential building. The consolidation of two Board of Adjustment Orders, File No. 3104 dated May 6, 2005 and File No. 2983 dated January 9, 2004, will also take effect.

Condition number 4 of the Order dated May 6, 2005, requires that the project be completed by May 6, 2007. The applicant is requesting a modification to complete the project by January 7, 2009.

APPROVED WITH ADDITIONAL CONDITIONS. PROJECT TO BE COMPLETED BY MAY 6, 2008.

5. **FILE NO. 3182** RYDER PROPERTIES, LLC
d/b/a SOVEREIGN HOTEL
4385 COLLINS AVENUE
Parcel 1: Lot 1 less south 75 ft. thereof; Block 39
Miami Beach ImpCo.'s Ocanfront Sub.
Parcel 2: All of the southerly 75 ft. of that certain tract
marked and designated as R.P. Van Camp on the
amended map of the oceanfront property of the
Miami Beach Imp. Co.; Plat Book 5, Pg 7 - 8;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to the approved site plans, associated with the renovation of an existing seven (7) story hotel, including the construction of a one (1) story rooftop addition and a new fifteen (15) story ground level addition at the rear of the property. The description of the project as currently proposed, will consist of the renovation of the existing seven (7) story hotel, including the construction of a one (1) story rooftop addition and a new fifteen (15) story ground level addition with twenty-three (23) residential condominium units at the rear of the property. The modification does not require new variances.

APPROVED.

D. MODIFICATION AND NEW VARIANCES

6. **FILE NO. 3086** LARBRO LC
1020 PENNSYLVANIA AVENUE
LOT 6, BLOCK 43;
OCEAN BEACH ADDITION NO. 3

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**PLAT BOOK 2-81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances and modification in order to permit the renovation of an existing two (2) story historic building and additions of a new two (2) and four (4) story building with a total of eight (8) units.

1. A variance to waive the provision of Section 118-355(a) which requires a request for an extension of time to be submitted to the Planning Department in advance of the expiration of the original variance(s).
2. A variance to waive the provision of Section 118-355(a) which limits extensions of time to obtain a full building permit to a total of one year for all extensions. The applicant seeks an extension of time to obtain a full building permit of approximately one year and four months, until September 1, 2007.
3. A modification to Condition number 6 of the Order dated May 6, 2005, which requires that the project be completed by May 6, 2007. The applicant is requesting to complete the project by May 6, 2009.

CONTINUED TO JULY 13, 2007.

E. CONTINUED CASES

7. **FILE NO. 3009** **CENTURIAN COLLINS AVENUE, LLC
a/k/a THE ANKARA
currently, The Creek Hotel (former applicant: Ken
Fields) 2360 COLLINS AVENUE
BLOCK 3 OF AMENDED PLAT OF OCEANFRONT
PROPERTY OF THE MIAMI BEACH IMP. CO.
SUBDIVISION PLAT BOOK 8-7; MIAMI-DADE
COUNTY, FLORIDA (complete legal description on
file in the Planning Department)**

This case was continued from the May 4, 2007 meeting.

The applicant will present a progress report on the conditions of the site, associated with a modification to the approved site plans, which resulted from changing the proposed use from apartment to hotel, and reducing the number of stories from eight (8) to seven (7). The modification required a variance to exceed the number of hotel units allowed to be between 300-335 square feet within the existing hotel area. In addition, there will be a discussion regarding the rooftop deck uses, continued from the April 2, 2007 meeting.

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APPROVED WITH MODIFIED CONDITIONS.

8. **FILE NO. 3291** **SOUTH BEACH HEIGHTS I, LLC.
600 ALTON ROAD
LOTS 1 THROUGH 7, INCLUSIVE
AND LOTS 20 THROUGH 32, INCLUSIVE,
BLOCK 2, "AMENDED PLAT
FLEETWOOD SUBDIVISION"
PLAT BOOK 28, PG 34;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION
PLEASE CONTACT THE PLANNING DEPT.)**

This case was continued from the May 4, 2007 meeting.

The applicant is requesting the following variances in order to exceed the maximum permitted size for directional signs and the maximum height for a detached (monument) sign:

1. A variance to exceed by 7 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 9 square feet facing 6th Street (labeled 12 on sheet D-02).
2. A variance to exceed by 12 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 14 square feet facing Alton Road (labeled 7 on sheet D-03).
3. A variance to exceed by 2 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 4 square feet facing West Avenue (labeled 8 on sheet D-04).
4. A variance to exceed by 7 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 9 square feet facing West Avenue (labeled 10 on sheet D-04).
5. A variance to exceed by 7 square feet the maximum allowable directional sign size of 2 square feet in order to provide a directional sign with 9 square feet facing the parking lot (labeled 13 on sheet D-04).
6. A variance to exceed by 1' - 0" of the maximum allowable height of 4' - 0" for a detached sign in order to provide a detached sign with 5' - 0" in height facing West Avenue (labeled 11 on sheet D-04).

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7. ~~A variance to waive x' of the minimum setback of 10'-0" for detached signs in order to provide a detached sign at x' from the west property line (labeled 11 on sheet D-01).~~

Variance number 7 withdrawn by applicant

APPLICANT REQUESTED CONTINUANCE TO JULY 13, 2007.

9. **FILE NO. 3296** **WHILHELM A. STEIN AND RINA STEIN**
540 WEST 37TH STREET
LOT 12, BLOCK 49 OF ORCHARD
SUBDIVISION NO. 2 AND 3,
PLAT BOOK 8, PG 116;
MIAMI-DADE COUNTY, FLORIDA

The applicant requested continuance to the July, 2007 meeting.

APPLICANT REQUESTED CONTINUANCE TO JULY 13, 2007.

10. **FILE NO. 3298** **619 MERIDIAN, LLC.**
619 MERIDIAN AVENUE
LOT 11, BLOCK 58,
SUBDIVISION OCEAN BEACH FLA.,
ADDITION NO. 3,
PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA

This case was continued from the May 4, 2007 meeting.

The applicant is requesting the following variances in order to permit the construction of two (2) new three-story multifamily buildings on a vacant lot:

1. A variance to waive ~~a range between 6" and 2'-6"~~ of the required interior side yard pedestal setback of 7' - 6" in order to build ~~the front building~~ both buildings at 7' - 0" from the north property line ~~and the rear building at 5' - 0" from the north property line.~~
2. A variance to waive ~~2'-6"~~ 8" of the required interior side yard pedestal setback of 7' - 6" in order to build both buildings at ~~5'-0"~~ 6' - 10" from the south property line.
3. A variance to waive 9' - 0" of the required rear yard setback of 14' - 0" in order to build the pedestal level at 5' - 0" from the rear property line.

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4. A variance to exceed by 4' - 0" the maximum walkway width of 3' - 0" in order to build a walkway with a width of 7' - 0" within the required front yard setback.
5. A variance to exceed by 2' - 0" the maximum walkway width of 3' - 0" in order to build a walkway with a width of 5' - 0" within the required north interior side yard.
6. A variance to exceed by 2' - 0" the maximum walkway width of 3' - 0" in order to build a walkway with a width of 5' - 0" within the required south interior side yard.

APPROVED WITH ADDITIONAL CONDITIONS.

F. NEW CASES

11. **FILE NO. 3304** **ADAM MOPSICK**
127 SOUTH HIBISCUS DRIVE
LOT 1, BLOCK 1 OF "HIBISCUS ISLAND"
PLAT BOOK 34, PG 87;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a two-car garage within the required front yard and a swimming pool and its associated deck within the required interior side yard of an existing single family residence:

1. A variance to waive 5' - 0" of the required 20' - 0" front yard setback in order to build a two-car garage and storage area at 15' - 0" from the front property line, facing E 2nd Court.
2. A. A variance to waive 5' - 3" of the required 7' - 6" minimum interior side setback in order to build the swimming pool deck at 2' - 3" from the north property line.

B. A variance to waive 5' - 9" of the required 9' - 0" interior side setback to the waterline in order to build the waterline of the swimming pool at 3' - 3" from the north property line.

APPROVED.

12. **FILE NO. 3305** **GUSTAVO GUTIERREZ /**
THE ALTON ROAD NURSERY
1239 ALTON ROAD
LOT 14, BLOCK 107 OF OCEAN
BEACH FLA. ADDITION NO. 3

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**PLAT BOOK 2, PG 81;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to place a pin-mounted sign on top of an existing perimeter wall:

1. A variance to waive 6' - 0" of the required front yard detached sign setback of 10' - 0" in order to locate a pin-mounted detached (monument) business sign on top of an existing perimeter wall located 4' - 0" from the front property line, facing Alton Road.

APPROVED.

13. **FILE NO. 3306** **SURI SOUTH BEACH, INC./
D/B/A D'VINE HOOKAH LOUNGE
445 LINCOLN ROAD
LOT 2 AND LOT 3, BLOCK 3 OF THE
OF "LINCOLN ROAD SUBDIVISION
PLAT BOOK 34, PG 66;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to obtain a full liquor license for an existing forty-nine (49) seat restaurant.

1. A variance to waive eleven (11) of the minimum requirement of sixty (60) seats for a forty-nine (49) seat restaurant to sell alcoholic beverages (full liquor) for consumption on the premises.

APPROVED.

14. **FILE NO. 3307** **LONGKEY, LLC./
100 37TH STREET
LOT 4 AND 5, BLOCK 25, OF OCEAN BEACH
PROPERTY OF MIAMI BEACH IMPROVEMENT
COMPANY
PLAT BOOK 5, PG 7 AND 8;
MIAMI-DADE COUNTY, FLORIDA
(FOR A COMPLETE LEGAL DESCRIPTION
PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the renovation of an existing historic building and construction of a new six (6) story residential building with retail at ground level for a total of ten (10) units with nine (9) parking spaces.

1. A variance to waive 15' - 0" of the minimum required 20' - 0" front yard pedestal setback in order to permit the construction of a

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covered porch and balcony set back 5' – 0" from the front property line facing Collins Avenue.

2. A variance to exceed by 3' – 1" from the maximum permitted 1' – 11" porch projection in order to permit a 5' – 0" porch projection at ground level and a balcony projection from the second floor to encroach within the north required yard facing 37th Street.
3. A variance to waive 10' – 0" of the minimum required 15 – 0" side facing the street accessory building setback in order to permit the construction of a one-story concrete accessory building with restrooms and two (2) fabric cabanas associated with deck surfaces set back 5' – 0" from the north property line facing 37th Street.
4. A variance to waive 2' – 6" of the minimum required 7' – 6" interior accessory building side yard setback in order to permit the construction of five (5) one-story concrete cabanas set back 5' – 0" from the south property line facing a private property.
5. A variance to waive 10' – 0" from the minimum required 15' – 0" Ocean Overlay side setback in order to permit one (1) fabric cabana associated with deck surfaces to be set back 5' – 0" from the north property line.
6. A variance to waive 10' – 0" from the minimum required 15' – 0" Ocean Overlay side setback in order to permit two (2) fabric cabanas associated with deck surfaces to be set back 5' – 0" from the south interior property line.
7. A variance to waive 10' – 0" from the minimum required 15' – 0" Dunes Preservation Overlay side setback in order to permit a wood trellis and deck to be set back 5' – 0" from the south interior property line.

APPROVED WITH ADDITIONAL CONDITIONS.

15. **FILE NO. 3309** **MIAMI BEACH COMMUNITY DEVELOPMENT CORP.
221 28TH STREET
LOTS 1, 2, 6, AND 7, BLOCK 10,
MIAMI BEACH IMPROVEMENT COMPANY
SUBDIVISION
PLAT BOOK 5, PG 7;
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new six (6) story structure for low income elderly

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housing, to replace an existing parking lot:

1. A variance to waive the minimum and average unit size of 550 s.f. for new construction for low and/or moderate income elderly housing in order to provide units ranging between 503 s.f. and 545 s.f. and with an average of 522 s.f.
2. A variance to waive 2' - 0" of the minimum required two-way interior drive aisle width of 22' - 0" in order to build a drive aisle at the north side of the property with a width of 20' - 0".
3. A variance to waive 3' - 8" of the minimum required 8' - 0" interior side pedestal setback at the north side of the property in order to build the new construction at 4' - 4" from the north property line.
4. A variance to waive 7' - 4" of the minimum required side yard facing the street pedestal setback of 8' - 0" in order to build at 8" from the south property line, facing 28th Street.
5. A variance to waive 11' - 0" of the minimum required sum of the side yards of 16' - 0" at the pedestal level in order to provide a sum of the side yards of 5' - 0".
6. A variance to waive 5' - 7" of the minimum required rear pedestal setback of 22' - 6" in order to build the pedestal levels at 16' - 11" from the west property line.
7. A variance to waive 5' - 4" of the minimum required 9' - 8" interior side tower setback at the north side of the property in order to build the new construction at 4' - 4" from the north property line.
8. A variance to waive 7' - 4" of the minimum required side yard facing the street tower setback of 8' - 0" in order to build at 8" from the south property line, facing 28th Street.
9. A variance to waive 11' - 0" of the minimum required sum of the side yards of 16' - 0" at the tower level in order to provide a sum of the side yards of 5' - 0".
10. A variance to waive 16' - 10" of the minimum required rear tower setback of 33' - 9" in order to build the tower level at 16' - 11" from the west property line.
11. A variance to waive the parking pedestal design requirement that the first level along every façade facing a street, sidewalk or waterway shall incorporate residential use.

APPROVED.

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16. **FILE NO. 3310** **CAVAS AT SOUTH BEACH, LLC**
437-439 ESPANOLA WAY
ESPANOLA VILLAS 1ST ADDITION
LOTS 1,2,3,4,5,6, EACH LESS S3FT
FOR ST BLK 3
PLAT BOOK 9, PG 147;
MIAMI-DADE COUNTY, FLORIDA

1. A variance to waive 181 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 serving light fare with a distance of 119 feet to the school.

~~2. A variance to waive xxx feet of the minimum required 300 foot separation between retail stores primarily selling alcoholic beverages for consumption off the premises as a main permitted use.~~

Variance No. 2 withdrawn by staff

~~3. A variance to exceed the allowable hours of operation on Fridays and Saturday nights until 2 am.~~

VARIANCE NO. 1 APPROVED. VARIANCE NO. 3 WITHDRAWN BY APPLICANT AT THE MEETING.

G. APPEAL

17. **FILE NO. 3191** **AB GREEN LIDO LLC**
d/b/a THE STANDARD / LIDO SPA
40 ISLAND AVENUE
LOTS 39, 40, 41 & 42 & PROPERTY INTEREST IN
& TO COMMON ELEMENTS NOT DEDICATED TO
PUBLIC; BELL ISLE SUBDIVISION
PLAT BOOK 5-11;
MIAMI-DADE COUNTY, FLORIDA

The applicant is appealing an Administrative Decision of the Director of the Planning Department pertaining to the hours of sale of alcohol and the outdoor bar counter service within a legal nonconforming use (hotel) within the RM-1 zoning district.

APPLICANT REQUESTED CONTINUANCE TO JULY 13, 2007.

H. NEXT MEETING DATE

July 13, 2007

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NOTE: ***There were no cases scheduled for the Flood Plain Management Board.***

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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