



BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, SEPTEMBER 7, 2007

9:00 A.M.

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

A. PROGRESS REPORTS

1. **FILE NO. 2684** **CLAY HOTEL PARTNERSHIP, LTD.
CHOCOLATE, INC. (TENANT)
506 ESPANOLA WAY a/k/a 1436 DREXEL AVE.
LOTS 1 and 2; BLOCK 4B
ESPANOLA VILLAS FIRST ADDITION
PLAT BOOK 9-147;
MIAMI-DADE COUNTY, FLORIDA**

This item was continued from the August 3, 2007 meeting.

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on January 8, 1999 to sell/serve alcoholic beverages within 300 feet of an educational facility (Fisher-Feinberg Elementary School). The progress report is required to address a cure letter, dated August 20, 2007, referencing possible violations of the conditions of the variance order.

PROGRESS REPORT DUE IN 30 DAYS (OCTOBER 5, 2007).

2. **FILE NO. 3189** **SOUTH BEACH RESORT DEVELOPMENT LLC
1458 OCEAN DRIVE and 1437-1465 COLLINS AVE
LOTS 5,6,11,12 and PORTION OF LOT 10
HARRISON & HAYES SUBDIVISION
PLAT BOOK 9-73;
MIAMI-DADE COUNTY, FLORIDA**

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This item was continued from the August 3, 2007 meeting.

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on March 3, 2006 to build an accessory outdoor bar counter with extended hours of operation. The progress report is required to address possible violations of the conditions of the variance order.

NO FURTHER PROGRESS REPORTS UNLESS NOTICES OF VIOLATION ARE ISSUED.

3. **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

The applicant shall present a progress report in association with a new restaurant/bar, which received a variance on June 8, 2007 to allow sales of alcoholic beverages within a distance of 125 feet to an educational facility.

ESTABLISHMENT HAS NOT OPENED YET FOR BUSINESS.
PROGRESS REPORT ONLY IF WARNINGS OR VIOLATIONS ARE ISSUED.

B. EXTENSION OF TIME

4. **FILE NO. 3186** **NEW WORLD DEVELOPERS, LLC**
a/k/a REGATTA II
6610-6640 INDIAN CREEK DRIVE
LOTS 24 THRU 27; BLOCK 3
AMENDED PLAT OF SECOND OCEANFRONT SUB.
PLAT BOOK 28-28; 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 seven (7) story residential multifamily complex over one level of subterranean parking, which will replace two and four story buildings and one two story building to be substantially demolished:

A condition of the Order dated April 7, 2006 requires that a building permit be obtained by October 7, 2007. The applicant is requesting a one (1) year extension of time to obtain a full building permit by October 7, 2008.

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APPROVED.

C. MODIFICATION

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. 5 of the July 2, 2004 Modification Order restricted business hours of operation from 5:00 p.m. to 5:00 a.m. The applicant is requesting to extend hours of operation with full alcohol service from 11:00 am to 5:00 a.m.

APPROVED.

D. CONTINUED CASES

6. **FILE NO. 3321** **CYPRESS BAY DEVELOPMENT, LLC.**
1225-1237 20TH STREET
ALL LOTS 23 AND 24 AND THE NORTH 70,000
FEET OF LOTS 25 AND 26 IN BLOCK 15A OF
"ISLAND VIEW ADDITION OF MIAMI BEACH BAY
SHORE COMPANY",
PLAT BOOK 9, PG 144;
MIAMI-DADE COUNTY, FLORIDA

This case was continued from the August 3, 2007 meeting.

The applicant is requesting the following variances in order to permit the construction of a new five (5) story mixed-use structure on a vacant lot:

1. A variance to exceed by 2' - 3" the maximum allowable building height of 50' - 0" in order to build a 52' - 3" tall structure, as measured from grade (+3.75' NGVD) to the top of the roof slab.
2. A variance to waive all of the minimum required setback dimension of 1' - 6" from the edge of the required interior drive to the face of a structural column.

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APPLICANT REQUESTED 30 DAYS CONTINUANCE (OCTOBER 5, 2007).

7. **FILE NO. 3297** 88 LA GORCE, LLC.
88 LA GORCE CIRCLE
LOTS 5 AND THE NORTHERLY PORTION OF LOT
6, BLOCK 4 "LA GORCE ISLAND",
PLAT BOOK 40, PG 7;
MIAMI-DADE COUNTY, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION PLEASE
CONTACT THE PLANNING DEPT.)

This case has been continued by the Planning Board; therefore, it will not be heard today.

CONTINUED FOR 30 DAYS (OCTOBER 5, 2007).

E. NEW CASES

8. **FILE NO. 3324** TBS REALTY, LLC. AND
TUDOR SOUTH BEACH RESORT/ TUDOR HOTEL
1111 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)

The applicant is requesting the following variance in order to permit the construction of a walkway, sitting area and a trash room up to the north lot line of a property containing a hotel:

1. A variance to waive all of the required interior side pedestal setback of 5' - 0" from the north interior property line in order to build an outdoor area composed of steps, a walkway and a seating area, and a trash room up to the north property line.

APPROVED.

9. **FILE NO. 3325** TBS REALTY, LLC. AND
TUDOR SOUTH BEACH RESORT – NORTH
PALMER HOUSE HOTEL
1119 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE CONTACT
THE PLANNING DEPT.)

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The applicant is requesting the following variance in order to permit the construction of a walkway, sitting area and a trash room up to the south lot line of a property containing a hotel:

1. A variance to waive all of the required interior side pedestal setback of 5' - 0" from the south interior property line in order to build an outdoor area composed of steps, a walkway and a seating area, and a trash room up to the south property line.

APPROVED.

10. **FILE NO. 3326** **ERIC LEJEUNE**
140 NORTH HIBISCUS DRIVE
THE EAST 125 FEET OF THE NORTH 76 FEET
OF TRACT K-2, REVISED PLAT OF A PORTION OF
THE RE-SUBDIVISION OF BLOCKS "C" AND "C" OF
HIBISCUS ISLAND, AN ISLAND IN BISCAYNE BAY,
PLAT BOOK 39, PG 66;
MIAMI-DADE COUNTY, FLORIDA.
FORMERLY KNOWN AS LOT 6, BLOCK "K" OF RE-
SUBDIVISION OF BLOCKS "C" AND "D" OF HIBISCUS
ISLAND, AN ISLAND IN BISCAYNE BAY,
PLAT BOOK 34, PG 87;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a swimming pool and its associated coping within the required front yard and side yard facing the street of an existing single family residence:

1. A. A variance to waive 15' - 0" of the required 20' - 0" minimum front setback for a swimming pool and its associated coping in order to build the waterline at 5' - 0" from the front (east) property line, facing E 2nd Court.
B. A variance to waive 16' - 0" of the required 20' - 0" minimum front setback for a swimming pool and its associated coping in order to build the coping at 4' - 0" from the front (east) property line, facing E 2nd Court.
2. A. A variance to waive 5' - 0" of the required 10' - 0" minimum side yard facing the street setback of 10' - 0" for a swimming pool and its associated coping in order to build the waterline at 5' - 0" from the north property line, facing North Hibiscus Drive.

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- B. A variance to waive 6' - 0" of the required 10' - 0" minimum side yard facing the street setback of 10' - 0" for a swimming pool and its associated coping in order to build the coping at 4' - 0" from the north property line, facing North Hibiscus Drive.

APPROVED.

11. **FILE NO. 3327** **81 WASHINGTON ASSOCIATES, LTD.**
81 WASHINGTON AVENUE, 230 1ST STREET
LOTS 20 AND 21, BLOCK 10, OCEAN BEACH
PLATBOOK 2, PG. 38;
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances to permit the elimination of five (5) existing parking spaces in order to allow the renovation of the existing structure, incorporating a new restaurant at ground level, commercial space at the second level and two hotel units, with kitchenettes at the 3rd level, along with a rooftop deck and the addition of a new spiral stair at the rear of the existing building:

1. A variance to waive Section 130-35 that requires that no existing required parking space may be eliminated for any use in order to eliminate the five existing required parking spaces to create outdoor dining areas and entry canopies.
2. A variance to waive 2' - 9" of the minimum required 5' - 0" rear setback in order to construct a spiral stair at 2' - 3" from the east property line, facing the alley.

CONTINUED FOR 30 DAYS (OCTOBER 5, 2007).

12. **FILE NO. 3328** **ST. PATRICK CHURCH AND SCHOOL**
3701 NORTH MERIDIAN AVENUE
LOTS 12 THRU 19 INCLUSIVE BLOCK 2 OF
"AMENDED PLAT OF GARDEN SUBDIVISION"
PLAT BOOK 31, PG 9; MIAMI-DADE COUNTY,
FLORIDA; ALL OF BLOCK 5
OF "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 new single story pre-kindergarten classroom building and a dumpster enclosure, along with the re-construction of North Meridian Avenue to include angled, perpendicular, and parallel parking and a

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variance waiving the provisions of Chapter 130, Article III of the City Code, to permit the use of a grass parking system for dual-use playfield / auxiliary parking lot:

1. A variance to waive all of the required front yard setback of 20' - 0" in order to build the new classroom building and a dumpster enclosure up to the west property line, facing North Meridian Avenue.
2. A variance to waive the provisions of Chapter 130, Article III of the City Code, to permit the use of a grass parking system for dual-use playfield / auxiliary parking lot.

APPLICANT REQUESTED 60 DAYS CONTINUANCE (NOVEMBER 2, 2007).

F. NEXT MEETING DATE

October 5, 2007

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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