



**BOARD OF ADJUSTMENT**  
**AFTER ACTION**

**FRIDAY, JANUARY 10, 2003 - 9:00 A.M.**

**A. PROGRESS REPORTS**

1. **FILE NO. 2877      A LA FOLIE**  
**516 ESPANOLA WAY**

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on July 2, 2002 to sell/serve beer and wine within 300 feet of an educational facility (Fisher-Feinberg Elementary School). (Note: This Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

***Progress Report in one year.***

**B. INTRODUCTION OF NEW TENANT**

2. **FILE NO. 2684      CLAY HOTEL PARTNERSHIP LTD.**  
**a/k/a CHILL RESTAURANT**  
**506 ESPANOLA WAY (a/k/a 1436 DREXEL AVENUE)**

A variance was obtained on January 8, 1999 to sell/serve beer and wine within 300 feet of an educational facility (Fisher-Feinberg Elementary School). In accordance with the Order signed on April 20, 1999 condition number 6 states the following:

*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.*

***If the administration hears of any complaints regarding disturbances, noise, etc. they are to bring the applicant back to the Board for review. Otherwise, a Progress Report is due in six months.***

**C. EXTENSION OF TIME**

3. **FILE NO. 2831**      **KOMAR INVESTMENTS, INC.**  
   **161 OCEAN DRIVE**

The applicant is requesting a six (6) month extension of time in order to obtain a new Certificate of Occupancy for the conversion of an existing rooftop maintenance/mechanical equipment room into a hotel unit. A variance was granted on May 3, 2002 and a Certificate of Occupancy should have been obtained by November 3, 2002.

***Granted.***

**D. CONTINUED CASE**

4. **FILE NO. 2904**      **STUART & DEBRA SMILOW**  
   **4465 SHERIDAN AVENUE**

This case is continued from the meetings of November 1st and December 6, 2002.

The applicant is requesting the following variances in order to substantially remodel an existing single-family residence, construct a second story addition over said residence and a new swimming pool:

1. A variance to waive 2.5' of the minimum required side setback of 7.5' in order to substantially remodel (in excess of 50% of the replacement value) the existing residence and construct a second story 5' from the north side yard.
2. A variance to waive 4' of the minimum required 9' setback from a side property line to the waters edge of a swimming pool in order to construct a new swimming pool in the rear yard with a setback to the waters edge of 5' on both side property lines.
3. A variance to waive 2.5' of the minimum required 7.5' setback from a rear property line to the waters edge of a swimming pool in order to construct a new swimming pool in the rear yard with a setback to the waters edge of 5' along the rear property line.

***Continued to the March, 2003 meeting.***

**E. NEW CASES**

**5. FILE NO. 2896 945 MICHIGAN ASSOCIATES, INC.  
945 MICHIGAN AVENUE**

The applicant is requesting the following variance in order to construct a new eight (8) unit condominium building.

- 1. A variance to waive 0' -- 4" of the minimum required 7' – 6" side yard setback in order to construct a new condominium building 7' – 2" from the south side property line.

*Continued to the March, 2003 meeting.*

**6. FILE NO. 2912 AARON BAALBERGEN  
235 E. RIVO ALTO DRIVE**

The applicant is requesting the following variances in order to construct a new two story addition on the rear of an existing single-story residence and construct a new swimming pool and deck in the rear of the property.

- 1. A variance to waive 5' – 0" of the minimum required 15' – 0" side yard setback (facing a street) in order to construct a new two story addition 10' – 0" from the side property line.
- 2. A variance to waive 5' – 5" of the minimum required 10' – 0" side yard setback (facing a street) in order to construct a new swimming pool, spa, and deck 4' – 7" from the side property line.

*Variance Request No. 1 granted.  
Variance Request No. 2 denied.*

**7. FILE NO. 2914 LEOMAR MIAMI INC. d/b/a DA LEO TRATTORIA  
819 LINCOLN ROAD**

The applicant is requesting the following variance in order to allow beer, wine, and liquor to be served within a forty-nine (49) seat restaurant:

- 1. A variance to waive eleven (11) seats of the minimum requirement of sixty (60) seats in order to permit a forty-nine (49) seat restaurant to serve beer, wine, and liquor.

*Progress report in three months.*

8. **FILE NO. 2920 DRAGO FOOD COMPANY INC.  
d/b/a ROCKY'S CHEESESTEAKS & CHEESEBURGERS  
7401 COLLINS AVENUE  
LOT 14; BLOCK 1; HARDING TOWNSITE  
PLAT BOOK 34-4; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to allow beer and wine to be served within a ten (10) seat restaurant:

1. A variance to waive twenty (20) of the minimum requirement of thirty (30) seats in order to permit a ten (10) seat restaurant to serve beer and wine.

*Continued to the February 7, 2003 meeting.*

9. **FILE NO. 2915 CLARK C. & ROWENA ROCO MITCHELL  
205 MICHIGAN AVENUE**

The applicant is requesting the following variance in order to construct a new carport within the required interior side yard setback.

1. A variance to waive 3' – 6" of the minimum required 5' – 0" side yard setback in order to construct a new carport and driveway 1' – 6" from the north side property line.

*Granted.*

10. **FILE NO. 2916 JOSHUA & SAMANTHA BRATTER  
2931 PRAIRIE AVENUE**

The applicant is requesting the following variance in order to construct a new swimming pool within the required front yard of an existing single-family residence:

1. A variance to waive 11' – 6" of the minimum required 20' – 0" front yard setback in order to construct a new swimming pool 8' – 6" from the front property line.

*Granted.*

**11. FILE NO. 2917 MR. & MRS. RICHARD ALTER  
1818 W. 23<sup>RD</sup> STREET**

The applicant is requesting the following after-the-fact variances in order to retain a swimming pool and deck for a new single-family residence that were not constructed according to the approval plans:

1. A variance to waive 1' – 7" of the minimum required 9' – 0" side yard setback in order to retain a non-conforming a swimming pool 7' – 5" from the property line to the water's edge.
2. A variance to waive 2' – 8" of the minimum required 7' – 6" side yard setback in order to retain a non-conforming pool deck 4' – 10" from the side property line
3. A variance to waive 1' – 1" of the minimum required 7' – 6" rear yard setback in order to retain a non-conforming swimming pool 6' – 5" from the rear property line to the water's edge.

***Denied without prejudice.***

**12. FILE NO. 2918 THE 221, INC. (CAROLYN FREVELETTI, PRESIDENT)  
221 COLLINS AVENUE**

The applicant is requesting the following variance in order to construct two tandem parking spaces along the south side yard of an existing apartment building.

1. A variance to waive all of the required 5' – 0" minimum required side yard setback for at-grade parking in order to construct two tandem parking spaces.

***Granted.***

**13. FILE NO. 2919 KATHRYN & JOSEPH HERMAN  
111 SOUTH HIBISCUS DRIVE**

The applicant is requesting the following variance in order to construct an awning style carport on the front of an existing single-family residence.

1. A variance to waive all of the required 1' – 6" setback for canvass and pipe carports when attached to single-family residences in order to construct an awning that projects 6' – 0" into the public right-of-way.

***Granted.***

**14. FILE NO. 2921 KIU, LLC d/b/a VELA CAFÉ  
448 ESPANOLA WAY**

The applicant is requesting the following variance in order to sell/serve alcoholic beverages at a restaurant:

1. A variance to waive 216 feet of the minimum required 300 foot separation between a business that sells/serves alcoholic beverages and an educational facility (Fisher-Feinberg Elementary School) in order to sell/serve alcoholic beverages at a restaurant.

***Granted.***

F:\PLAN\zba\AFTERAC\aftJan03.doc