



BOARD OF ADJUSTMENT
AFTER ACTION

FRIDAY, FEBRUARY 28, 2003 - 9:00 A.M.

A. ELECTION OF OFFICERS

CHAIRPERSON: SCOTT MITCHELL
VICE-CHAIRPERSON: NELI SANTAMARINA

B. PROGRESS REPORTS

1. **FILE NO. 2564** Café NUVO (formerly TENDENZA INC.)
412-414 ESPANOLA WAY
ALL OF BLOCK 3-B, OF FIRST ADDITION TO
W. WHITMAN'S SUB. OF ESPANOLA VILLAS
PB 9/147 ; MIAMI-DADE COUNTY, FLORIDA

The applicant will present a progress report regarding the operation of this restaurant, which obtained a variance on March 7, 1997 to sell/serve alcoholic beverages within the proximity of Fienberg/Fisher Elementary School. The presentation of a one-year progress report was requested by the Board at its meeting on February 1, 2001.

NO MORE PROGRESS REPORTS REQUIRED. MUST COME BACK TO THE BOARD ONLY IF THERE IS A PROBLEM.

C. MODIFICATION

2. **FILE NO. 2826** NAROCA PARTNERS III LTD.
8041 HARDING AVENUE
LOT 1 LESS THE WEST 2.5 FT. THEREOF; BLOCK 6
ALTOS DEL MAR NO. 3 SUB.; PB 8-41
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following modification to an approved front setback variance in order to construct a three (3) story, six (6) unit multifamily building with nine (9) parking spaces.

1. A variance to waive ~~45'~~ **18'** of the minimum required front setback of 20' in order to construct the above building ~~6'~~ **2'** from the front property line facing Harding Avenue.

APPROVED WITH CONDITIONS.

D. CLARIFICATION

3. **FILE NO. 2769 NATHAN RATNER TESTAMENTARY TRUST
a/k/a LINCOLN ROAD SOUTH BEACH, LLC
1026-1036 LINCOLN ROAD
LOTS 10 & 11; BLOCK 47
LINCOLN SUB.; PLAT BOOK 9 - PAGE 69
MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of February 7, 2003.

The applicant is requesting a clarification from the Board of a previous condition of approval for variance file #2769 in which a rear setback variance for an addition was approved. A condition of approval was that if a restaurant space was proposed for the building that the applicant appear before the Board to discuss the restaurant's impact on the adjoining residential uses.

DENIED WITHOUT PREJUDICE.

E. CONTINUED CASES

4. **FILE NO. 2896 945 MICHIGAN ASSOCIATES, INC.
945 MICHIGAN AVENUE
LOT 14; BLOCK 88
OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of January 10, 2003.

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.

WITHDRAWN BY LETTER DATED FEBRUARY 26, 2003.

5. **FILE NO. 2904 STUART & DEBRA SMILOW
 4465 SHERIDAN AVENUE
 LOT 12; BLOCK 1
 ORCHARD SUBDIVISION NO. 4
 PLAT BOOK 25-30; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of January 10, 2003.

Please note that this case will not be heard today, and will be continued to the April 4th meeting, barring any unforeseen difficulties.

CONTINUED TO THE APRIL MEETING.

6. **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**

This case is continued from the meeting of February 7, 2003.

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.

APPROVED WITH CONDITIONS. PROGRESS REPORT DUE IN THREE MONTHS.

7. **FILE NO. 2922 SIAVOSH SEDIGHIM
 5746 LA GORCE DRIVE
 LOT 5; BLOCK 15
 BEACHVIEW SUBDIVISION
 PLAT BOOK 9-158; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of February 7, 2003.

The applicant is requesting the following variances in order to construct a two story ground floor addition and a partial second floor addition above an existing single family residence:

1. A variance to waive 1.15' of the minimum required north side setback of 7.5' in order to construct a two story addition in the front of an existing residence and a second story addition over the existing portions of the residence 6.35' from the north side yard.
2. A variance to waive .4' (5") of the minimum required side setback of 5' in order to construct a second story addition over portions of an existing residence 4.6' from the south side yard.
3. A variance to exceed by 865 sq. ft. (12%) the maximum allowable lot coverage of 2,625 sq. ft. (35%) in order to construct the above additions resulting in a lot coverage of 47% or 3490 sq. ft.

APPROVED WITH CONDITIONS.

8. **FILE NO. 2924 COLLINS AVENUE ASSOCIATES, LLC
a/k/a THE BATH CLUB
5937 COLLINS AVENUE
TRACT 1; PLAT BOOK 40 - PAGE 14
MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the meeting of February 7, 2003.

The applicant is requesting the following variance in order to reconstruct a 10' high property wall along the front property line facing Collins Avenue.

1. A variance to exceed by 5' the maximum allowable height of 5' for walls located along the front property line in order to reconstruct a 10' high cbs wall along Collins Avenue towards the south side of the property.

APPROVED WITH CONDITIONS.

F. NEW CASES

9. **FILE NO. 2928 OSCAR DELGADO – WELWORTH ASSOCIATES, LLC**

**7326 COLLINS AVENUE
LOT 4; BLOCK 9
THE TOWNSITE OF HARDING SUBDIVISION
PLAT BOOK 34 – 4; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to convert an existing 56 unit hotel building into a 28 unit apartment building:

1. A variance to waive 59 sq. ft. of the minimum required average unit size of 550 sq. ft. in order to convert the above 56 unit hotel into a 28 unit apartment building with an average unit size of 491 sq. ft.

CONTINUED TO THE APRIL MEETING. THE APPLICANT WAS DIRECTED TO MEET WITH STAFF IN ORDER TO MINIMIZE THE VARIANCE REQUEST.

- 10. FILE NO. 2929 DORON VALERO
320 SOUTH COCONUT LANE
PALM ISLAND
LOT 1 AND 20 FT. STRIP ADJ.; BLOCK 2D
RIVIERA 1ST AND 2ND ADDITION AMENDED SUB.
PLAT BOOK 32-37; MIAMI-DADE COUNTY,**

FLORIDA

The applicant is requesting the following variances in order to construct a new single family residence and retain an existing accessory structure and swimming pool:

1. A variance to waive 6' of the minimum required front yard setback of 20' in order to retain an existing accessory building 14' from the front property line facing South Coconut Lane.
2. A variance to waive all of the minimum required side yard setback of 7' – 6" in order to retain the above accessory structure.
3. A variance to waive 4' – 10" of the minimum required 9' side yard setback to the waters edge of a swimming pool in order to retain the existing swimming pool with a 4' – 2" south side setback.
4. A variance to waive 1' – 5" and 1' – 8" of the minimum required side yard setback of 7' – 6' for air conditioning equipment in order to locate air conditioning compressors 6' – 1" from the north side property

line and 5' – 10' from the south side property line.

APPROVED WITH CONDITIONS.

- 11. FILE NO. 2930 LEONARD A. ROUDNER
 14 SOUTH HIBISCUS DRIVE
 LOTS 4 AND 5; BLOCK 3 OF HIBISCUS ISLAND SUB.
 PLAT BOOK 8-75; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to allow structural columns to encroach within the required rear yard in order to construct a second story addition and roof-top swimming pool.

1. A variance to waive 17' – 9" of the minimum required 30' – 0" required rear setback in order to construct second floor addition support columns 12' – 3" from the rear bulkhead (seawall) of the subject property. *Note: On April 9, 1973, the Board of Adjustment approved a variance request to build a Florida Room addition within 12' – 0" of the rear property line. The rear setback is measured from the seawall, not the property line, which extends 25' – 0" into Biscayne Bay.*

APPROVED WITH CONDITIONS.

G. NEXT MEETING DATE

April 4, 2003

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.

BOARD OF ADJUSTMENT AFTER ACTION FEBRUARY 28, 2003

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