



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

**FRIDAY, JANUARY 9, 2004 - 9:00 A.M.**

City Hall - 1700 Convention Center Drive  
Miami Beach, Florida 33139

**A. PROGRESS REPORTS**

1. **FILE NO. 2921      TAPAS & TINTOS, INC. (formerly KIU, LLC)**  
**448 ESPANOLA WAY**  
**LOTS 1 TO 6 LESS N. 3 FT.; BLOCK 3-B**  
**FIRST ADDITION TO 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 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 of the sale of beer and liquor on or off the premises. (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

***NEXT REPORT: APRIL, 2004***

2. **FILE NO. 2877      A LA FOLIE**  
**516 ESPANOLA WAY**  
**LOTS 1 AND 2; BLOCK 43;**  
**ESPANOLA VILLAS 1<sup>ST</sup> ADDITION**  
**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 July 2, 2002 to sell/serve beer and wine within 300 feet of an educational facility (Fisher-Feinberg Elementary School). (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

***NEXT REPORT: JANUARY, 2005***

**B. INTRODUCTION OF NEW TENANT**

3. **FILE NO. 2684      CLAY HOTEL PARTNERSHIP, LTD.  
a/k/a 1436 (LoveLife Corp.)  
506 ESPANOLA WAY (a/k/a 1436 Drexel Avenue)  
LOTS 1 AND 2; BLOCK 4B  
ESPANOLA VILLAS 1st ADDITION  
PB 9 – 147; MIAMI-DADE COUNTY, FLORIDA**

A variance was obtained on January 8, 1999 to sell/serve alcoholic beverages at the above location (506 Espanola Way), as the applicant is within 300 feet of Fisher-Feinberg Elementary School. In accordance with the Order, signed and dated on April 20, 1999, condition no. 6 states:

*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.*

Therefore, the new tenants of this establishment shall introduce themselves to the Board at this time. Note: Future reports shall be at the Board's discretion.

**PROGRESS REPORT DUE FEBRUARY, 2004**

**C. EXTENSION OF TIME**

4. **FILE NO. 2911      NORRY LYNCH, TRUSTEE  
109 – 1<sup>ST</sup> SAN MARINO TERRACE  
LOT 2; BLOCK 5; SAN MARINO ISLAND  
PB 9-22; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a one year extension of time to obtain a building permit to construct an accessory swimming pool for an existing single family residence. The applicant is also requesting a one year extension of time to complete the project. The extension, if granted, will give the applicant until December 6, 2004 to obtain a building permit and until December 6, 2005 to complete the project.

**APPROVED**

**D. CONTINUED CASES**

5. **FILE NO. 2976**      **ANTONIO LORENZO**  
**894 – 80<sup>TH</sup> STREET**  
**LOT 4; BLOCK 3; BISCAYNE BEACH SUB.**  
**PB 44 – 67; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the November 7, 2003 meeting.

The applicant is requesting the following variance in order to construct a new three (3) story, five (5) unit multifamily building:

1. A variance to waive 4'-0" of the minimum required interior parking driveway isle width of 22'-0" in order to permit a driveway width of 18'-0".

**APPROVED**

6. **FILE NO. 2974**      **SHOWTIME THEATRES OF FLORIDA, LLC**  
**429 LENOX AVENUE**  
**LOTS 7 AND 8; BLOCK 99**  
**MUSSETTS RE-SUB OF RE-SUB**  
**PB 38 – 69; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the December 5, 2003 meeting.

The applicant is requesting the following two (2) variances in order to exceed the maximum permitted size for a permanent main business sign and a building identification sign:

1. A variance to exceed the maximum permitted size of 30 square feet for a main business sign by 82.5 square feet in order to allow a 112.5 square feet sign to be placed on the one story parapet wall of the retail space facing north on 5<sup>th</sup> Street.
2. A variance to exceed the maximum permitted size of 70 square feet for a building identification sign by 27 square feet to allow a 97 square feet sign to be placed on the top of the tower located at the northwest corner of the property and facing north on 5<sup>th</sup> Street.

**CONTINUED TO FEBRUARY, 2004**

**E. NEW CASES**

7. **FILE NO. 2983**      **CHELSEA, LLC**  
**1201-1215 WEST AVENUE**  
**LOTS 13 AND 14; BLOCK 82**  
**BAY VIEW SUBDIVISION**  
**PB 9-110; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a six story, 60' high, 30 unit residential building:

1. A variance to waive 10'-0" from the required 30'-0 front tower setback to permit the construction of a one story tower portion of the building 20'-0" from the front property line facing West Avenue.
2. A variance to waive 7'-6" from the required 22'-6" rear tower setback to permit the construction of a one story tower portion of the building 15'-0" from the rear property line facing Alton court.
3. A variance to waive 1'-0" from the required 10'-2" interior tower setback to permit the construction of a one story tower portion of the building 9'-2" from the interior side property line.

**APPROVED**

8. **FILE NO. 2985**      **HERMAN ECHEVARRIA**  
**1175 NORTH SHORE DRIVE**  
**A PORTION OF LOT 1; BLOCK 65**  
**NORMANDY GOLF COURSE SUBDIVISION**  
**PB 44 – 62; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to exceed the maximum permitted building height and the maximum permitted fence height within a required yard in order to substantially remodel an existing single family residence:

1. A variance to exceed the maximum permitted building height of 25'-0" from grade by 2'-0" in order to allow a height of 27'-0".
2. A variance to exceed the maximum permitted wall height of 7'-0 from grade by 4'-6" within the required south side yard setback in order to allow for the construction of a wall section with a gate to be 11'-6" in height.

**APPROVED**

9. **FILE NO. 2986 RICHARD ALTER  
1818 W. 23<sup>RD</sup> STREET  
LOT 8; BLOCK 8-H  
THIRD REVISED PLAT OF SUNSET ISLAND  
PB 40-8; MIAMI-DADE COUNTY, FLORIDA**

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

1. 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.
2. A variance to waive 1' - 7" of the minimum required 9' - 0" interior side yard setback in order to retain a non-conforming swimming pool 7' - 5" from the side property line facing west.

**APPROVED**

10. **FILE NO. 2987 MED PROPERTIES d/b/a SURFSTYLE  
421 LINCOLN ROAD  
LOTS 4 AND 5; BLOCK 3; LINCOLN ROAD SUB.  
PB 34-66; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following rear pedestal variance in order to construct an addition on the rear of an existing retail building:

1. A variance to waive all of the minimum required 5'-0" rear pedestal setback to allow for the construction of a two story addition right up to the rear property line facing Lincoln Lane.

**APPROVED**

11. **FILE NO. 2990 WESTSIDE LOFTS, LLC  
1320-1312 14<sup>TH</sup> TERRACE  
LOTS 4, 5 AND 6; BLOCK 79-C  
ALTON BEACH BAYFRONT RE-SUBDIVISION  
PB 16-1; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to construct two (2) two-way drives:

1. A variance to waive 9' - 8" of the minimum required 22 feet for a two-way driveway in order to construct two (2) 12' - 4" wide two-way drives.

**CONTINUED TO FEBRUARY, 2004**

12. **FILE NO. 2991**      **CARLOS YASMIN GARCIA**  
**5860 PINETREE DRIVE**  
**LOT 14; BLOCK 8**  
**BEACH VIEW ADDITION**  
**PB 16-10; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to construct a two story garage and bedroom addition to an existing single family residence and a new swimming pool and deck:

1. A variance to waive 15' - 0" of the minimum required 20' - 0" rear setback in order to construct a two story addition 5' - 0" from the rear property line.
2. A variance to waive 3' - 10" of the minimum required 15' - 0" side yard facing a street setback in order to construct a two-story addition 11' -2" from the side property line facing 59th Street.
3. A variance to waive 6' - 0" of the minimum required 6'-0" rear pool deck setback in order to construct a pool deck with no rear setback.
4. A variance to waive 7'-6" of the minimum required 7'-6" pool deck interior side setback in order to construct a pool deck with no interior setback.
5. A variance to waive 5' - 6" of the minimum required 7'-6" swimming pool rear setback in order to construct a swimming pool 2'-0" from the rear property line.
6. A variance to waive 7'-6" of the minimum required 9'-0" swimming pool side yard setback in order to construct a swimming pool 2'-0" from the side property line.
7. A variance to exceed the maximum permitted lot coverage of 35% by 4.68% in order to allow for the construction of a two-story addition resulting in a total lot coverage of 39.68%.

***CONTINUED TO FEBRUARY, 2004***

13. **FILE NO. 2996**      **MERCATOR INVESTMENT LLC**  
**310 AND 312 JEFFERSON AVENUE**  
**LOT 7; BLOCK 82**  
**OCEAN BEACH ADDITION NO. 1**  
**PB 2-81; MIAMI-DADE COUNTY, FLORIDA**

**File No. 2996 (con't)**

The applicant is requesting the following variances to permit parking at-grade in the front yard and to allow the encroachment of entrance steps in a side yard accessing an existing building that is undergoing renovations:

1. A variance to waive 1' - 10" of the minimum required 5' - 0" interior side yard setback to allow parking at 3' - 2" from the south side interior property line.
2. A variance to waive 1' - 3" of the minimum required 5' - 0" interior side yard setback to allow parking at 3' - 9" from the north side interior property line.
3. A variance to waive 5' - 0" of the minimum required 5' - 0" front yard setback to allow parking with no setback from the front property line facing Jefferson Avenue.
4. A variance to waive 1' - 6" of the minimum required parking space length of 18' - 0" to allow for one parking space to be 16' - 6" in length.
5. A variance to exceed by 2' - 0" the maximum permitted projection of 3'-0" within a required interior side yard to allow the construction of entrance steps and access to the building at no setback from the south property line.

**APPROVED**

**F. NEXT MEETING DATE**

February 6, 2004

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