



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, FEBRUARY 6, 2004 – 9:00 A.M.

City Hall – Commission Chambers, Third Floor
1700 Convention Center Drive, Miami Beach, Florida

A. PROGRESS REPORTS

**1. FILE NO. 2921 TAPAS & TINTOS, INC. (formerly KIU, LLC)
448 ESPANOLA WAY**

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.)

Progress Report due March, 2004.

**2. FILE NO. 2684 CLAY HOTEL PARTNERSHIP, LTD.
a/k/a 1436 (LoveLife Corp.)
506 ESPANOLA WAY (a/k/a 1436 Drexel Avenue)**

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). (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

Continued to March, 2004.

- 3. **FILE NO. 2953 SEVEN HUNDRED REALTY CORP.
700-714 LINCOLN ROAD/1630-1640 EUCLID AVENUE
LOTS 1 and 2; BLOCK 50
ALTON BEACH REALTY CO. 2ND COMMERCIAL SUB.
PLAT BOOK 6-33; MIAMI-DADE COUNTY, FLORIDA**

The applicant received a variance on July 25, 2003 to construct a one-story addition at the rear of the property within the required setback. The Board has requested that this applicant present progress reports every 90 days until further notice, or more often if the City receives complaints relating to this project.

Progress Report in 90 days.

- 4. **FILE NO. 2548 SOUTH CARILLON JOINT VENTURE, LLC
6801 COLLINS AVENUE
(formerly, Transnational Properties, Inc. a/k/a Carillon Hotel)
NORTH 25 FT. OF LOT 48 AND
ALL OF LOTS 49 THRU 53; BLK. 1
AMENDED PLAT OF 2ND OCEANFRONT SUB.
PLAT BOOK 28 - 28
LOTS 1 TO 6; BLOCK B; ATLANTIC HEIGHTS SUB.
PLAT BOOK 9-14; MIAMI-DADE COUNTY, FLORIDA**

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The applicant shall present a progress report relating to variances associated with the renovation of the existing Carillon Hotel and the construction of a unit, 22-story condominium tower and a 327 unit, 35-story condominium tower. Variances were originally granted in January and March, 1997 and were subsequently extended and modified over the years.

At the hearing of November 7, 2003, the Board established the following time frames:

- 1. The existing Carillon Hotel shall be completed by July 1, 2005.
- 2. The south building shall be completed by October 1, 2006.
- 3. The north building shall be completed by December 1, 2008.

monitor
properties.
necessary.

The applicant is presenting this progress report so that the Board can issues regarding construction and its affect on the surrounding properties. The Board shall establish a time frame for subsequent reports, if necessary.

Progress Report in six months.

B. MODIFICATION

- 5. FILE NO. 2891 1080 ALTON ROAD, LLC
1050-1080 ALTON ROAD**

the The applicant is requesting a modification to 4 (four) conditions of a previously approved variance, granted on September 6, 2002 that allowed sale/service of alcohol within the minimum required distance separation from an educational facility to include the sale/service of liquor:

Condition #1 shall be modified to read:

- 1- The variance approval shall be for beer, ~~and wine~~ **and liquor** only.

Condition #2 shall be modified to read:

- 2- The applicant shall maintain a minimum of ~~30~~ **60** indoor seats at all times.

Condition #3 shall be modified to read:

- 3- During school hours, alcoholic beverages shall only be served with meals. Otherwise, the sale of beer, ~~and wine~~ **and liquor** shall be school limited to non-school hours (5:00 P.M. to 5:00 A.M.) and non-days. There shall be no sale of package goods.

Condition #9 shall be modified to read:

- 9- The applicant shall obtain a ~~beer and wine~~ **liquor** license within six (6) months of the date of this hearing. If a ~~beer and wine~~ **liquor** license not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this condition shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.

The Board of Adjustment granted the original variance for a 30 seat establishment serving beer and wine, within the minimum required distance separation from an educational facility, in this case 192 feet from Beis Hamedrash Levi Yitzchok School.

At this time the applicant wishes to increase the capacity of the restaurant to 60 seats, and apply for a liquor license allowing liquor sales as well as beer and wine. As this is a new license, the applicant is required to apply for a modification of the previously existing variance.

Approved. Progress Report in 90 days.

C. CONTINUED CASES

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

This case is continued from the January 9, 2004 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 space facing north on 5th 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 5th Street.

retail

Approved with conditions.

7. **FILE NO. 2990 WESTSIDE LOFTS, LLC
1320-1312 14TH TERRACE
LOTS 4, 5 AND 6; BLOCK 79-C
ALTON BEACH BAYFRONT RE-SUBDIVISION
PLAT BOOK 16-1; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the January 9, 2004 meeting.

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

Approved with conditions.

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

This case is continued from the January 9, 2004 meeting.

NOTE: The applicant is preparing revised plans; therefore, this matter will not be heard today.

9. **FILE NO. 2969 OCEAN BLVD., LLC -- 1036 OCEAN DRIVE
LOT 4; BLOCK 15; OCEAN BEACH ADDITION NO. 2
PLAT BOOK 2-56; MIAMI-DADE COUNTY, FLORIDA**

This case was continued from the December 5th 2003 meeting and since then the applicant has modified the application to include additional variances. The applicant is requesting the following variances to waive the minimum unit size for a suites hotel for sixteen (16) units out of a total of eighteen (18) at the existing 1036 Ocean Drive building and eight (8) of the twelve units (12) at the proposed 1052 Ocean Drive building. In addition, the applicant is requesting a variance to exceed the amount of accessory retail space permitted in a hotel building and a variance to exceed the allowable height of rooftop swimming pools. (Note: 1036 Ocean Drive and 1052 Ocean Drive are joined by a unity of title and for zoning purposes are considered one parcel.)

1. A variance to waive a range of 85 to 244 sq. ft. of the minimum required unit suite hotel size of 550 square feet to allow for sixteen (8) units to range between 306 sq. ft. and 465 sq. ft. in size at the existing 1036 Ocean Drive building.
2. A variance to waive a range of 39 to 111 sq. ft. of the minimum required unit suite hotel size of 550 square feet to allow for sixteen (16) units to range between 439 sq. ft. and 511 sq. ft. in size at the new 1052 Ocean Drive building.
3. A variance to exceed the maximum permitted retail space on the ground floor as an accessory use of a hotel by 824 square feet from the permitted 2,250 square feet to allow 3,092 square feet of retail

area located within the existing 1036 Ocean Drive building.

- 4. A) A variance to exceed the maximum permitted roof top swimming pool and deck height of 3' – 0" by 9" (nine inches) in order to permit the construction 3' - 9" above the maximum permitted building roof line.

Continued to March, 2004.

- 10. **FILE NO. 2980 OCEAN BLVD., LLC
1060 OCEAN DRIVE
LOT 1; BLOCK 15
OCEAN BEACH ADDITION NO. 2
PLAT BOOK 2-56; MIAMI-DADE COUNTY, FLORIDA**

This case was continued from the December 5th 2003 meeting and since then the applicant has modified the application to include an additional variance. The applicant is requesting the following variances in order to waive the minimum unit size for a suites hotel for fourteen (14) units out of a total of eighteen (18) and a variance for a fence height located within a required

yard:

- 1. A variance to waive a range of 22 to 68 square feet of the minimum required unit suite hotel size of 550 square feet to allow for fourteen (14) units to range between 482 sq. ft. and 528 sq. ft. in size.
- 2. A variance to exceed the maximum permitted fence height of 7' – 0" following the existing building front setback by 8' – 9" in order to recreate a 15' – 9" in height original archway / gate located to the southeast corner of the historic building.

Continued to March, 2004.

D. NEW CASES

- 11. **FILE NO. 2988 BSG DEVELOPMENT CORPORATION a/k/a CABANA
6261 COLLINS AVENUE
LOTS 21-L AND 21-J; BLOCK 1
AMENDED PLAT OF SECOND OCEANFRONT SUB.
(MIAMI BEACH BAYSHORE COMPANY)
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to retain portions an existing non-conforming historic hotel and permit the construction of a penthouse addition and rear addition:

1. A variance to waive 9' - 9" of the minimum required 22' - 0" driveway width for a two-way traffic in order to allow a 12' - 3" wide driveway.
2. A) A variance to waive 22'-0" of the minimum required 22'-0" interior driveway width for 90 (ninety) degree parking to allow the placement of 20 automobile on mechanical lift stations.
B) A variance to waive 3' - 11" of the minimum required 22'-0" interior driveway width to allow 1 (one) 90 (ninety) degree handicap parking space with a 18'-1" interior driveway width.
3. A variance to waive 9' - 6" of the minimum required 9' - 6" side yard setback in order to retain an existing non-conforming pedestal structure including a new vehicular ramp extension with no setback from the north property line.
4. A variance to waive 4' - 6" of the minimum 9' - 6" required side yard setback in order to retain an existing non-conforming pedestal structure 5' - 0" from the south property line.
5. A variance to waive 50' - 0" of the minimum required 50' - 0" front tower setback in order to retain an existing tower with a penthouse rooftop addition and a tower addition.
6. A) A variance to waive 7' - 4" of the minimum required 14' - 7" north tower side setback in order to retain an existing tower with a penthouse rooftop addition 7' - 3" from the north side property line.
B) A variance to waive 5' - 1" of the minimum required 14' - 7" north tower side setback in order to construct a tower addition 9' - 6" from the north side property line.
7. A variance to waive 9' - 7" of the minimum required 14' - 7" south tower side setback in order to retain an existing tower with a penthouse rooftop addition.

Approved with conditions.

12. **FILE NO. 2989 BSG DEVELOPMENT CORPORATION
a/k/a TERRA II BEACHSIDE VILLAS
6064 COLLINS AVENUE and 6000 COLLINS AVENUE**

**6064 COLLINS AVE.: LOTS 2,3,4 AND 5
6000 COLLINS AVE.; LOTS 6 THRU 13, INCLUSIVE
AND LOTS 15 THROUGH 21, INCLUSIVE
LYLE G. HALL SUB.; PLAT BOOK 40-5
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to construct an additional 32 unit addition with 76 parking spaces (40 situated within mechanical lift mechanisms stacked two high) to the north of the previously approved 117 unit Terra project.

1. A variance to waive 10' of the minimum required 30' front tower setback in order to construct the above building with a front tower setback of 20' from Collins Avenue.
2. A variance to waive 5' of the minimum required rear pedestal setback of 10' in order to construct the above building with a rear setback of 5'.
3. A variance to waive 46' - 4" of the minimum required interior north side yard setback of 62' - 4" in order to construct the above building 16' from the north interior side yard.
4. A variance to exceed the maximum permitted 3' - 9" projection within the rear required yard by 6' - 3" to allow construction of a roof overhang setback 5' - 0" from the rear property line.
5. A variance to waive to waive 22' of the minimum required 22' interior driveway width for 90 (ninety) degree parking to allow the placement of 20 automobiles on mechanical lift stations.

Approved with conditions.

13. **FILE NO. 2997 NORMANDY HOLDINGS II LLC
a/k/a BAY DRIVE VILLAS
946-960 BAY DRIVE
LOTS 8 THRU 12; BLOCK 1
OCEAN SIDE SECTION OF
ISLE OF NORMANDY SUBDIVISION
PLAT BOOK 25-60; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following pedestal setback variances, yard at-grade parking setback variances and a variance to exceed the allowable projection for decks within a required yard in order to retain the side

front portion of 4 (four) existing buildings and construct three (3) story additions in the rear for a total of 17 townhouses:

1. A variance to waive 5' – 0" of the minimum required 20' – 0" front pedestal setback in order to retain portions of 4 (four) existing non-conforming buildings 15' – 0" from the front property line facing Bay Drive.
2. A variance to waive 30' – 0" of the minimum required 40' - 0" sum of the side yard pedestal setback in order to retain portions of 4(four) existing non-conforming buildings and construct 5 (five) new separate buildings 5' – 0" from the east and west side interior property lines.
3. A) A variance to waive 15' – 0" of the minimum required 20'- 0" side yard pedestal setback in order to retain portions of 1 (one) existing non-conforming building and construct one (one) new separate building 5' – 0" from the east side interior property line.
B) A variance to waive 15' – 0" of the minimum required 20'- 0" side yard pedestal setback in order to retain portions of 1 (one) existing non-conforming building 8'-1 ½" from the west side interior property line and construct 1 (one) new separate building 5'- 0" from the west side interior property line.
4. A) A variance to waive 5' – 6" of the minimum required 12' – 6" from the side interior at-grade parking setback in order to allow construction of at-grade parking & garage access 7' – 0" from the east side property line.
B) A variance to waive 5' -6" of the minimum required 12' – 6" from the side interior at-grade parking setback in order to allow construction of at-grade parking & garage access 7' – 0" from the west side property line.
5. A variance to exceed the maximum allowable projection of 3' – 9" into the required front yard setback by 11' – 3" to permit a deck encroachment with no setback from the front property line facing Bay Drive.

Approved with conditions.

14. FILE NO. 2999 GERSHWIN APARTMENTS, INC.

**1561 LENOX AVENUE
LOT 13; BLOCK 64
LINCOLN SUBDIVISION; PLAT BOOK 9-69
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following side setback variance in order to install six (6) A/C compressors within the north side yard:

1. A variance to waive 2' - 6" of the minimum required interior side setback requirement of 5' - 0" in order to install six (6) a/c compressor units 2' - 6" from the north interior side yard.

Approved with conditions.

**15. FILE NO. 3001 EDUARDO DARER a/k/a NINE45 JEFFERSON
945 JEFFERSON AVENUE
LOT 14; BLOCK 70; OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following required yard setback variances, an interior drive isle minimum width variance and a variance to exceed the allowable projection for decks in the front yard, in order to construct a (7) four story multifamily building:

1. A variance to waive 3' - 10" of the minimum required 20' - 0" front yard pedestal setback in order to construct and project a living space 16' - 2" from the front property line facing Jefferson Avenue.
2. A variance to waive 3' - 10" of the minimum required 14' - 0" rear yard pedestal setback in order to construct and project a living space 10' - 2" from the rear property line facing the alley.
3. A variance to waive 1' - 11" of the minimum required 7' - 6" side yard pedestal setback in order to construct the building 5' - 7" from the north side property line.
4. A variance to waive 4' - 0" of the minimum required 22'-0" interior drive aisles width to allow for an 18' - 0" aisle servicing 10 spaces.
5. A variance to exceed the maximum allowable projection of 5' - 0" into the required front yard setback by 9' - 10" to permit a deck encroachment setback 5' - 2" from the front property line facing

Jefferson Avenue.

Approved with conditions.

- 16. FILE NO. 3002 CHERYL MODEL
3156 ROYAL PALM AVENUE
LOT 8; BLOCK 46
MIAMI BEACH IMP. CO'S PLAT OF
ORCHARD SUBDIVISION
PLAT BOOK 6-111; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to retain an existing non-conforming one story single family historic residence and allow a two story addition to the rear of the structure:

- non-
1. A) A variance to waive 2' – 6 ½" of the minimum required 7' - 6" south interior side yard setback in order retain portions of a conforming residence 4' – 11 ½" side setback.
 - B) A variance to waive 2' – 2 ½" of the minimum required 7' - 6" north interior side yard setback in order to construct a two story addition to the rear of the existing structure following the existing 5' - 3 ½" side setback.
 2. A variance to exceed to maximum permitted building height of 25' – 0" by 1' – 0" in order to construct a two story addition with a 26' – 0" building height.
 3. A variance to waive 1' – 6" of the minimum required interior side setback requirement of 7' – 6" in order to install three (3) a/c compressor units 6' – 0" from the south interior side yard.
 4. A) A variance to exceed to maximum permitted projection of 1' - 2" within the required north side yard setback by 10" (ten inches) order to retain an existing roof overhang and construct a new overhang as part of a two story addition to the rear of the existing structure following the existing side setback of 3' – 3 ½" from the north side property line.
 - B) A variance to exceed to maximum permitted projection of 1' - 4" within the required south side yard setback by 8" (eight inches) in order to retain an existing overhang 2' – 11 ½" from the south side property line.
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Approved with conditions.

E. NEXT MEETING DATE

March 5, 2004

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