



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, MARCH 5, 2004 – 9:00 A.M.

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

A. PROGRESS REPORTS

1. **FILE NO. 2301** **ARDEN SAVOY PARTNERS, LLC**
formerly M-1 DEVELOPMENT CORP.
425 and 455 OCEAN DRIVE
LOTS 3,4,5 & 6; BLOCK 116
OCEAN BEACH ADDITION NO. 4; PB 3/115&151
MIAMI-DADE COUNTY, FLORIDA

A variance was obtained on May 7, 1993 for variances associated with the substantial rehabilitation of an existing apartment/hotel into 61 apartments and 6 hotel rooms with an accessory restaurant. Since that time, the applicant has modified the variances requested to allow the conversion of the project into a 67-unit suites hotel.

The applicant shall present a progress report in order to address any concerns which impact the neighboring properties in this area. (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

No further progress reports, unless staff is specifically advised that there are documented code violations. Should this occur, the case will be placed on the next available agenda for review.

2. **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

File No. 2921
Tapas & Tintos, Inc.

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 April, 2004. The tenant is required to meet with appropriate City staff within the next 30 days (from 3/5/04) to discuss the requirements for the legal operation of this business. If the tenant fails to meet with staff, the Board shall move to revoke the modification.

- 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
PLAT BOOK 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 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.)

Progress Report due April, 2004. The applicant shall meet with Planning staff for a better understanding of the conditions of the Order and allowable uses for this establishment.

B. INTRODUCTION OF NEW TENANT

- 4. FILE NO. 2293 KATZ DELI SB, INC. d/b/a KATZ DELI
formerly MARSTEV, INC.
1430 WASHINGTON AVENUE**

**NORTHERLY 30 FT. OF BLOCK 20
LESS THE WEST 243.5 FT.
OCEAN BEACH ADDITION NO. 3; PB 2/81
MIAMI-DADE COUNTY, FLORIDA**

The new tenant at this establishment shall introduce himself to the Board and present a performance report regarding the operation of the establishment, which obtained a variance on February 8, 1993 in order to sell/serve alcoholic beverages within the proximity of Feinberg-Fisher Elementary School.

No further progress reports, unless staff is specifically advised that there are documented code violations. Should this occur, the case will be placed on the next available agenda for review.

- 5. FILE NO. 2777 HARPOMVID LLC d/b/a MIGA'S
formerly MAIRELY RODRIGUEZ (Tropical on the Beach)
1413-1415 WASHINGTON AVENUE
LOT 13; BLOCK 26
OCEAN BEACH ADDITION NO. 2
PLAT BOOK 2-56; MIAMI-DADE COUNTY, FLA.**

The new tenant at this establishment shall introduce himself to the Board and present a performance report regarding the operation of the establishment, which obtained a variance on December 1, 2000 in order to sell/serve alcoholic beverages within the proximity of Feinberg-Fisher Elementary School.

No further progress reports, unless staff is specifically advised that there are documented code violations. Should this occur, the case will be placed on the next available agenda for review.

- 6. FILE NO. 2892 KOKOMO JO MIAMI BEACH, INC. d/b/a BOY BAR
formerly NORM & DEE, CORP.
1220 NORMANDY DRIVE
LOTS 7 THRU 11 LESS S. 25 FT.; BLOCK 10
OCEANSIDE SECTION ISLE OF NORMANDY
PLAT BOOK 25-60; MIAMI-DADE COUNTY, FLA.**

The new tenant at this establishment shall introduce herself to the Board and present a performance report regarding the operation of the establishment, which obtained a variance on September 6, 2002 in order to add liquor

service at an existing nonconforming bar located within the proximity of the Sephardic Congregation of Florida Synagogue.

No further progress reports, unless staff is specifically advised that there are documented code violations. Should this occur, the case will be placed on the next available agenda for review.

C. CONTINUED CASES

- 7. 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: *This case shall not be heard today and will be continued to a future meeting.*

Continued to April, 2004.

- 8. 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 February 6, 2004.

NOTE: *The applicant is modifying the application and therefore, this case will not be heard today. Notification requirements shall be met when this case proceeds.*

Continued to April, 2004.

- 9. 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 February 6, 2004 meeting.

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 April, 2004.

D. NEW CASES

**10. FILE NO. 2992 RHP HOTEL ASSOCIATES, LLC
d/b/a THE RITZ PLAZA HOTEL
1701 COLLINS AVENUE**

Lots 1,2, 19 and 20; the 30 ft. unnamed street adjacent to and contiguous with the easterly line of Lots 1 & 2; and that area lying easterly of the 30 ft. unnamed street adjacent to and contiguous with the easterly line of Lots 1 & 2, Block 28 Fishers First Sub. Of Alton Road; PB 2-77; Miami-Dade County, Florida

NOTE: *This case will not be heard today. The applicant has requested a continuance to a future meeting.*

Continued to April, 2004.

**11. FILE NO. 2993 AMERICAN INTERSTATE CORP.
2200-2236 COLLINS AVENUE
LOTS 1 and 2; BLOCK 2
MIAMI BEACH IMPROVEMENT CO.'S OCEANFRONT
PLAT BOOK 5-7; MIAMI-DADE COUNTY, FLORIDA**

NOTE: *This case will not be heard today. The applicant has requested a continuance to a future meeting.*

Continued to April, 2004.

**12. FILE NO. 2994 ALTOS DEL MAR, LTD.
7825 ATLANTIC WAY
LOT 4; BLOCK 5
CORRECTED PLAT ALTOS DEL MAR NO. 1
PLAT BOOK 31-40; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following setback variances in order to construct a new single family with a metal roof.

1. A variance to waive 13' – 8" of the minimum required 130' – 0" rear yard setback for the first 25' – 0" of building height from the Miami Beach Bulkhead to allow stairs, landings and a 2nd floor terrace to be constructed 116' – 4" from the bulkhead line to the rear.
2. A variance to waive the required barrel tile or cement tile to permit a metal roof on a pitched roof of a new single family residence.

Request No. 1: Denied without prejudice.

Request No. 2: Approved with conditions.

- 13. FILE NO. 2995 ALTOS DEL MAR, LTD.
7709 ATLANTIC WAY
LOT 5; BLOCK 6
CORRECTED PLAT ALTOS DEL MAR NO. 1
PLAT BOOK 31-40; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following setback variances in order to construct a new single family with a metal roof.

1. A variance to waive 8' – 3" of the minimum required 130' – 0" rear yard setback for the first 25' – 0" of building height from the Miami Beach Bulkhead to allow stairs and a 2nd floor terrace to be constructed 121' – 9" from the bulkhead line to the rear.
2. A variance to waive 2' – 0" from the minimum required 5' – 0" interior side yard setback in order to construct two separate sets of stairs and allow projections of habitable space from all (3) three floors 3' – 0" from the north property line.
3. A variance to waive 2' – 0" from the minimum required 5' – 0" interior side yard setback in order to construct two separate sets of stairs and allow the projection of habitable space from the 3rd floor only 3' – 0" from the south property line.

Denied without prejudice.

- 14. FILE NO. 3000 PAPAY, INC. d/b/a TAP TAP RESTAURANT
819 FIFTH STREET
WEST 40 FT. OF LOTS 7 and 8; BLOCK 74**

**OCEAN BEACH ADDITION NO. 3
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to exceed the maximum permitted size for a permanent building identification sign:

1. A variance to exceed the maximum permitted size of 10.5 square feet for a building identification sign by 31.3 square feet to allow a 41.8

square feet sign to be placed on top of the building parapet wall facing south on 5th Street.

Approved with conditions.

- 15. FILE NO. 3003 LOFTS AT SOUTH BEACH, INC.
1403 DADE BLVD.
LOTS 1 and 2; BLOCK 16
ISLAND VIEW SUBDIVISION
PLAT BOOK 6-115; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variance in order to retain a non-conforming driveway width and an after-the-fact variance to retain one undersize tandem parking space.

1. An after-the-fact variance to waive 2" (two inches) of the minimum required 8'-0" tandem parking width with adjacent columns in order to retain a width of 7' - 10" for one tandem parking with two spaces.
2. An after-the-fact variance to waive a range of 2' - 0" and 6' - 0" of the minimum required 22' - 0" driveway width in order to retain a width ranging from 20' - 0" to 16' - 0" in order to retain a non-conforming driveway at three different locations.

Approved with conditions.

- 16. FILE NO. 3004 NERY YNCLAN
770 W. 50TH STREET
LOT 3 and the EAST 15 FT. OF LOTS 1 and 2
BLOCK 26; LAKEVIEW HEIGHTS SUBDIVISION
PLAT BOOK 27-5; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to construct a two-story addition to the rear of an existing single family home including a variance for the placement of two (2) A/C units within a required side yard:

1. A variance to waive 1' – 4" of the minimum required 7' – 6" interior side yard setback in order to allow construction of a two-story addition to the rear of the existing single family residence 6' - 2" from the north property line following the existing setback.
2. A variance to waive 2' – 10" of the minimum required 7' – 6" interior side yard setback in order to allow construction of a two-story addition to the rear of the existing single family residence 4' - 8" from the south property line following the existing setback.
3. A variance to waive 2' – 10" of the minimum required 7' – 6" interior side yard setback in order to permit the placement of a two (2) A/C units within the required side yard 4' - 8" from the south property line.

Approved with conditions.

E. NEXT MEETING DATE

April 2, 2004

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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