



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, APRIL 2, 2004 – 9:00 A.M.

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.

At its last meeting, the Board specifically requested that the applicant meet with City staff to discuss the proper operation of this business. If the applicant failed to comply with this request, the Board will begin revocation proceedings regarding the modification of this variance.

PROGRESS REPORT DUE MAY, 2004.

2. **FILE NO. 2684 CLAY HOTEL PARTNERSHIP, LTD.**
a/k/a TANGERINE 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).

At its last meeting, the Board specifically requested that the applicant meet with City staff to discuss the proper operation of this business. (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 MAY, 2004.

B. CONTINUED CASES

- 3. FILE NO. 2969 OCEAN BLVD., LLC
1036 – 1052 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 and included additional variances.

The applicant is requesting 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 fourteen (14) units of the twenty-two (22) at 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 36 to 111 sq. ft. of the minimum required unit suite hotel size of 550 square feet to allow for fourteen (14) units to range between 439 sq. ft. and 514 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 1,032 square feet from the permitted 3,000 square feet to allow 4,032 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.

GRANTED WITH CONDITIONS.

- 4. 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.

GRANTED WITH CONDITIONS.

**5. 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 March 5, 2004 meeting.

The applicant is requesting the following variances in order to construct a one-story garage addition with terraces 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 one story addition 5' - 0" from the rear property line.

2. A variance to waive 3' - 6" of the minimum required 15' - 0" side yard facing a street setback in order to construct a one-story addition 11' - 6" 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 2.96% in order to allow for the construction of a one-story addition resulting in a total lot coverage of 37.96%.

CONTINUED TO MAY, 2004.

- 6. 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**

This case is continued from March 5, 2004.

The applicant is requesting the following variances in order to recreate a historic structure including an addition to an existing historic building with retail and residential units.

1. A variance to waive the minimum required front yard pedestal setback for residential use ranging from 20' – 0" to 16' - 0" between the 2nd and 4th floor in order to recreate a historic building and addition with a setback ranging from none to 4' - 0" from the south property line facing 22nd Street.
2. A variance to waive the minimum required interior side yard pedestal setback for residential use ranging from 7' – 6" to 2' – 6" between the 2nd and 4th floor in order to recreate a historic building and addition with a setback ranging from none to 3' - 0" from the interior property line.
3. A) A variance to waive 2' – 6" from the minimum required 7' – 6" side yard pedestal setback facing the street for residential use on the 2nd floor in order to recreate portions of a historic building setback 5' - 0" from the east property line facing Collins Avenue.

B) A variance to waive 3' – 0" from the minimum required 8' – 0" sum of the side yard setback in order to recreate portions of a historic building setback 5' - 0" from the east property line facing Collins Avenue.

CONTINUED TO MAY, 2004.

C. NEW CASES

**7. FILE NO. 3005 THOMAS C. MURPHY
1501 W. 21ST STREET**

The applicant is requesting the following front and interior side yard setback variances in order to construct a swimming pool and deck as part of a new single family residence:

1. A variance to waive 5' – 0" of the minimum 20' – 0" required front yard setback in order to permit the construction of a new swimming pool 15' – 0" from the front property line facing W. 21st Street.
2. A variance to waive 4' – 0" of the minimum 9' – 0" required side yard setback in order to permit the construction of a new swimming pool 5' – 0" from the west side property line.
3. A variance to waive 2' – 6" of the minimum 7' – 6" required side yard setback in order to permit the construction of a pool deck / patio 5' – 0" from the west side property line.

GRANTED WITH CONDITIONS.

**8. FILE NO. 3006 PHILIPS SOUTH BEACH, L.P.
d/b/a SHORE CLUB HOTEL
1901 COLLINS AVENUE
GENERALLY, ALL OF LOTS 5,6,8,9 and 10 and
PART OF LOTS 4 and 7; BLOCK 1
FISHERS FIRST SUB. OF ALTON BEACH; PB 2-77,
and PARTS OF LOTS 1 and 3; BLOCK B
AMENDED MAP OF OCEANFRONT PROPERTY OF
THE MIAMI BEACH IMP. CO.; PB 5/7&8
MIAMI-DADE COUNTY, FLORIDA
(complete legal description available in Planning Dept.)**

The applicant is requesting the following variance in order to permit the modification and restoration of an existing porte cochere to its original historic configuration:

1. A variance to waive all of the required 1' – 6" front yard setback in order to restore an existing porte cochere to its original historic

configuration with no setback from the front property line facing Collins Avenue.

GRANTED WITH CONDITIONS.

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