



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

**FRIDAY, MAY 7, 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 IN SIX MONTHS UNLESS VIOLATIONS.***

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

***PROGRESS REPORT IN 90 DAYS UNLESS VIOLATIONS.***

3. **FILE NO. 2891 1080 ALTON ROAD, LLC d/b/a NOVECENTO**  
**1050-1080 ALTON ROAD**

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on September 6, 2002 to sell/serve alcoholic beverages (beer and wine) at an existing restaurant that is within 300 feet of an educational facility (Beis Hamedrash Levi Yitzchok School). This variance was modified on February 6, 2004 in order to permit the service of liquor. (Note: The Board shall determine whether subsequent progress reports are needed, and if so, shall establish a time frame for future reports.)

***DISCONTINUE PROGRESS REPORTS UNLESS THERE IS A VIOLATION.***

4. **FILE NO. 2953 SEVEN HUNDRED REALTY CORP. a/k/a NEXXT  
700-714 LINCOLN ROAD/1630-1640 EUCLID AVENUE**

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.

***DISCONTINUE PROGRESS REPORTS UNLESS THERE IS A VIOLATION.***

**B. EXTENSION OF TIME**

5. **FILE NO. 2932 JUST AROUND THE CORNER, LLC;  
TGNC DEVELOPMENT, LLC;  
POP DEVELOPMENT, LLC  
205-237 20<sup>TH</sup> ST.; 2000-2038 COLLINS AVENUE;  
220-21<sup>ST</sup> STREET**

The applicant is requesting a modification to a condition of approval for variances associated with the construction of a six (6) story mixed use building with ground floor commercial uses, 53 residential units and parking garage which will connect to the existing five (5) story valet garage. Condition No. 10 of the April 4, 2003 Order requires that the building permit be issued by April 4, 2004 and that the project to be completed by April 4, 2005. The applicant is requesting an extension of time for the building permit to be obtained by April 4, 2005 and for the project to be completed by April 4, 2006.

***GRANTED.***

**C. CONTINUED CASES**

6. **FILE NO. 2991 CARLOS YASMIN GARCIA  
5860 PINETREE DRIVE**

This case is continued from the April 2, 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%.

**GRANTED.**

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

**File No. 2992 (continued)**  
**RHP Hotel Assoc., LLC**  
**1701 Collins Avenue**

This case is continued from the March 5, 2004 meeting.

The applicant is requesting the following side yard setback variances in order

to permit construction of entrance steps, accessibility ramp, walkways and portions of an accessory structure/pool bar as part of the renovations of an existing hotel:

1. A variance to waive all of the total minimum 8' – 1" required side yard pedestal setback facing the street in order to permit the construction of access stairs, accessibility ramps and walks with no setback from the south property line facing 17<sup>th</sup> Street.
2. A variance to waive all of the minimum 8' – 1" required interior side yard pedestal setback in order to permit the construction of access stairs and accessibility ramp with no setback from the north property line.
3. A variance to waive 3' – 10" of the minimum 7' – 6" required interior side yard setback for a paved surface on a rear yard 3' – 8" from the north property line.
4. A variance to waive 11' – 4" of the minimum 15' – 0" required interior side yard setback within the ocean front overlay to allow portions of an accessory structure/pool bar and paved surfaces 3' – 8" from the north property line.

**CONTINUED TO JULY, 2004.**

**8. FILE NO. 2993 AMERICAN INTERSTATE CORP.  
2200-2236 COLLINS AVENUE**

This case is continued from the meeting of April 2, 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, as follows:

**File No. 2993**  
**American Interstate Corp.**  
**2200-2236 Collins Avenue**

1. A variance to waive the minimum required front yard pedestal setback for residential use ranging from 20' – 0" to 16' - 0" between the 2<sup>nd</sup> and 4<sup>th</sup> 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 22<sup>nd</sup> 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 2<sup>nd</sup> and 4<sup>th</sup> 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 2<sup>nd</sup> 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 JULY, 2004.***

**D. NEW CASES**

9. **FILE NO. 3007      JEFFREY MILLER and 115 E. SAN MARINO, LLC  
125 E. SAN MARINO DR. and 115 E. SAN MARINO DR.**

The applicant is requesting the following variances in order to retain an existing single family home currently under construction, and to construct a two-story detached guest quarters:

1. A variance to waive 3' – 0" of the minimum required 17' – 6" north side yard setback in order to retain an existing single family residence, currently under construction and setback 14' – 6" from the north property line.
2. A variance to waive 4' – 6" of the minimum required 17' – 6" south side yard setback in order to construct a two-story detached guest quarters set back 13' – 0" from the south property line.

**File No. 3007**  
**J. Miller & 115 E. San Marino, LLC**  
**125 and 115 E. San Marino Drive**

3. A variance to waive 16' – 3" of the minimum required 43' – 9" sum of the side yards setback in order to retain an existing single family home currently under construction and allow construction of a detached two-story guest quarters 13' – 0" from the south property line.

***REQUEST NO. 1 APPROVED. REQUEST NOS. 2 AND 3 CONTINUED***

**TO JUNE 4, 2004 MEETING.**

**10. FILE NO. 3008 PETER and NANCY LASH  
123 W. DILIDO DRIVE**

The applicant is requesting the following variances in order to construct a second story addition to an existing single family home:

1. A variance to waive 5' – 2" of the minimum required 15' – 0" side yard facing the street setback in order to construct a second story addition 9' – 10" from the side facing West Dilido Drive.
2. A variance to waive 15' – 0" of the minimum required 20' – 0" rear yard setback in order to construct a second story addition 5' – 0" from the rear property line.
3. A variance to exceed by 4% the maximum permitted 35% lot coverage for a two-story single family residence in order to permit a second story addition resulting in 39% lot coverage.

**GRANTED.**

**11. FILE NO. 3009 KEN FIELDS a/k/a THE ANKARA  
(formerly The Creek Hotel)  
2360 COLLINS AVENUE**

The applicant is requesting the following variances in order to permit the conversion of an existing hotel to condominium units & townhouses with a new restaurant including a new eight (8) story building addition to the existing historic structure:

**File No. 3009  
Ken Fields a/k/a The Ankara  
2360 Collins Avenue**

1. A variance to exceed the maximum permitted number of seven (7) stories by one (1) story in order to allow construction of an eight (8) story condominium.
2. A variance to waive 5' - 0" of the minimum required 10'- 0" south side yard pedestal setback in order to allow construction of an eight (8) story condominium 5' – 0" from the south property line.

3. A variance to waive 5' – 6" of the minimum required 10' - 0" north side yard pedestal setback in order to retain portions of an existing historic hotel including a new four story addition and a one story roof top addition 4' – 6" from the north property line.
4. A variance to waive 10' - 0" of the minimum required 20' - 0" sum of the side yards setback in order to allow construction of an eight (8) story condominium, retention of portions of an existing historic hotel including a new four story addition and a one story roof top addition with a 10' - 0" sum of the side yards setback.
5. A variance to waive 14' - 0" of the minimum required 20' - 0" front yard pedestal setback in order to permit the construction of an eight (8) story condominium 6' - 0" from the west property line facing Liberty Avenue.
6. A variance to waive 39' – 0" of the minimum required 45' - 0" front yard tower setback in order to permit the construction of an eight (8) story condominium 6' - 0" from the west property line facing Liberty Avenue.
7. A variance to waive 7' – 6" of the minimum required 12' – 6" south side yard tower setback in order to allow construction of an eight (8) story condominium 5' – 0" from the south property line.
8. A variance to waive 7' – 6" of the minimum required 20' – 0" front yard at-grade parking setback in order to permit a one-way drop-off circular drive 12' - 7" from the front property line facing Liberty Avenue.
9. A variance to exceed the maximum allowable projection into a required front yard of 20' – 0" for an outdoor patio / deck by 15' – 0" in order to permit the projection with no setback from the front property line facing Collins Avenue.

**File No. 3009****Ken Fields a/k/a The Ankara****2360 Collins Avenue**

10. A variance to exceed the maximum allowable projection into a required side yard of 10' – 0" for balconies by 7' - 6" in order to permit the projections with no setback from the north side property line.
11. A variance to exceed the maximum permitted number of two (2) tandem parking spaces by one (1) parking space in order to permit three tandem parking spaces.

12. 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 26 automobiles on mechanical lift stations.

**REQUEST NOS. 1 THRU 11 APPROVED. REQUEST NO. 12 DENIED.**

**12. FILE NO. 3010 5700 INC.  
5700 PINETREE DRIVE**

The applicant is requesting side setback variances to permit the construction of a new swimming pool and pool deck within the required north interior side yard setback as follows:

1. A variance to waive 4' – 8" of the minimum required 9' – 0" side yard setback to the swimming pools water's edge in order to construct a pool 4' – 4" from the north side property line.
2. A variance to waive 10' – 0" of the minimum 20' – 0" required front yard setback for swimming pool equipment in order to permit the placement of the pool equipment 10' – 0" from the front property line facing Pinetree Drive.

**GRANTED.**

**13. FILE NO. 3011 GAZUL PRODUCCIONES  
2050 N. BAY ROAD**

The applicant is requesting a rear yard and southwest side yard setback variances in order to construct a two-story addition to an existing single family home as follows:

**File No. 3011  
Gazul Producciones  
2050 N. Bay Road**

1. A variance to waive 2' – 6" from the minimum 10' – 0" required side yard setback for a two-story single family residence to permit a two story addition to an existing residence 7' – 6" from the southwest property line.
2. A variance to waive 19' – 8" of the minimum 49' – 2" required rear yard setback for a second story addition to an existing single family residence following the existing setback 29' – 6" from the rear property line facing Sunset Lake.



**GRANTED.****14. FILE NO. 3012 BENY BERY  
3300 CHASE AVENUE**

The applicant is requesting after-the-fact variances from the east and west interior side yard setbacks, and rear yard setback variances in order to retain two accessory structures (a two-story to the northeast corner of the property and a one-story to the northwest corner of the property) within the rear yard of an existing single family home as follows:

1. A variance to waive 2' – 4" of the minimum required 7' – 6" rear yard setback in order to retain an existing one-story accessory building within the rear yard 5' – 2" from the rear property line facing Biscayne Waterway.
2. A variance to waive 5' – 11" of the minimum required 7' – 6" interior side yard setback in order to retain an existing one-story accessory building within the rear yard 1' – 7" from the west side property line.
3. A variance to waive 13' – 2" of the minimum required 15' – 0" rear yard setback in order to retain an existing two-story accessory building within the rear yard 1' – 10" from the rear property line facing Biscayne Waterway.
4. A variance to waive 2' – 0" of the minimum required 7' – 6" interior side yard setback in order to retain an existing two-story accessory building within the rear yard 5' - 6" from the east side property line.

**DENIED.****15. FILE NO. 3013 HSDC, LLC  
304 OCEAN DRIVE**

The applicant is requesting the following variance in order to permit the construction of a one-story roof-top addition over the two-story portion of the existing historic multi-family building, including a new stairway within the required rear yard:

1. A variance to waive 16' - 2" of the minimum required 17' – 3" rear yard pedestal setback in order to permit the construction of a one-story roof top addition over the two-story portion of the existing historic multi-family building, including concrete steps and metal staircases set back 1' – 1" from the rear property line facing the alley.

**GRANTED.**

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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



PLANNING DEPARTMENT

Telephone 305-673-7550  
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## **FLOOD PLAIN MANAGEMENT BOARD** **AFTER ACTION**

**FRIDAY, MAY 7, 2004**

**TO BE HEARD AT THE CONCLUSION OF THE BOARD OF ADJUSTMENT**  
**MEETING**

City Hall - 1700 Convention Center Drive, Commission Chambers - Third Floor  
Miami Beach, Florida 33139

**FILE NO. FP04-02**

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

The applicant is requesting a variance to waive the flood proof requirements for the existing non-conforming historic hotel located within the Architectural Historic District.

***WITHDRAWN BY APPLICANT.***