



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

**FRIDAY, JUNE 4, 2004 – 9:00 A.M.**

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

### **A. PROGRESS REPORTS**

- 1. FILE NO. 2832      16<sup>TH</sup> STREET CORP. a/k/a LOUNGE 16  
(formerly Bubbles, L.L.C.)  
423 – 16<sup>TH</sup> STREET  
LOT 1; BLOCK 53; PINE RIDGE SUBDIVISION  
PLAT BOOK 6-34; MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report regarding the operation of this bar which obtained a variance on December 7, 2001 to sell/serve beer, wine and champagne within 300 feet of a religious institution (The United Methodist Church a/k/a Iglesia Metodista Unida Mision); and also received a modification to that variance on June 7, 2002 in order to include the sale of liquor. The presentation of this report is a condition of the Modified Final Order signed on July 18, 2002.

***FUTURE REPORTS ON AN "AS NEEDED" BASIS ONLY.***

- 2. FILE NO. 2920      DRAGO FOOD COMPANY INC .  
d/b/a ROCKY'S CHEESESTEAKS & CHEESEBURGERS  
7401 COLLINS AVENUE  
LOT 14; BLOCK 1; HARDING TOWNSITE  
PLAT BOOK 34-4; MIAMI-DADE COUNTY, FLORIDA**

The applicant will present a progress report regarding the operation of this restaurant which obtained a variance on February 28, 2003 to sell/serve beer and wine in a ten seat restaurant.

***NO SHOW. REPORT IN JULY, 2004.***

- 3. FILE NO. 2684      CLAY HOTEL PARTNERSHIP, LTD.**

**a/k/a TANGERINE 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).

***REPORT DUE JULY, 2004. STAFF WILL SEND 'CURE' LETTER TO APPLICANT AND PROPERTY OWNER.***

- 4. 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.

***REPORT DUE JULY, 2004. STAFF WILL SEND 'CURE' LETTER TO APPLICANT AND PROPERTY OWNER.***

**B. EXTENSION OF TIME**

- 5. FILE NO. 2939 NIPOJEVE, LLC  
1025-1037-1045 MICHIGAN AVENUE  
LOTS 12, 13 AND 14; BLOCK 89  
OCEAN BEACH ADDITION NO. 3  
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for variances associated with the construction of a three (3) story multifamily

building with four (4) units. Condition No. 7 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 August 4, 2004 and for the project to be completed by August 4, 2005.

***EXTENSION FOR ONE ADDITIONAL YEAR WAS GRANTED (pull permits by April 4, 2005, complete project by April 4, 2006). APPLICANT SHALL SHOW STAFF PROOF OF PROGRESS.***

6. **FILE NO. 2973 HOA NGOC and MAI NGUYEN  
369 N. HIBISCUS DRIVE  
LOT 14 AND THE SOUTHEASTERLY ½ OF LOT 13  
BLOCK 2; HIBISCUS ISLAND  
PLAT BOOK 8 – 75; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for variances associated with the after-the-fact retention of two (2) one-story accessory structures. Condition No. 3 of the November 7, 2003 Order requires that the building permit be issued by May 7, 2004. The applicant is requesting an extension of time for the building permit to be obtained by November 7, 2004.

***GRANTED.***

**C. CONTINUED CASES**

7. **FILE NO. 3007 JEFFREY MILLER and 115 E. SAN MARINO, LLC  
125 E. SAN MARINO DR. and 115 E. SAN MARINO DR.  
The North 55 ft. of Lot 9 and the South 5 ft. of Lot 10,  
and the North 55' of Lot 10 and also all of Lot 11;  
Block 4; San Marino Island; Plat Book 9 – Page 22  
Miami-Dade County, Florida**

This case is continued from the May 7, 2004 meeting. Variance Request No. 1 was approved at that meeting.

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 7' – 6" of the minimum required 17' – 6" south side yard setback in order to construct a two-story detached guest quarters set back 10'–0" from the south property line.
3. A variance to waive 19' – 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 with a 24' – 6" sum of the side yards setback.

**GRANTED.**

**D. NEW CASES**

8. **FILE NO. 3014      DOUGLAS W. SWALINA  
405 W. DILIDO DRIVE  
LOT 8; BLOCK 10; DILIDO ISLAND  
PLAT BOOK 8 – 36; MIAMI-DADE COUNTY, FLORIDA**

***NOTE; This case will not be heard today. An amended request will be heard at the July 2, 2004 meeting. Surrounding property owners shall receive notification. [Please check with staff to confirm meeting date.]***

The applicant is requesting after-the-fact variances to retain an accessory structure within the required front and side facing the street yards.

**CONTINUED TO JULY, 2004.**

9. **FILE NO. 3015      DAVID LAHNER  
5925 ALTON ROAD  
LOT 7; BLOCK 5; LA GORCE GOLF SUBDIVISION  
PLAT BOOK 14-43; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following rear required yard setback variance in order to permit the construction of a one-story addition to an existing single family home:

1. A variance to waive 5' – 0" of the minimum required 20' – 0" rear required yard setback in order to construct a one-story addition to the rear of the existing single family residence and set back 15' – 0' from the rear property line.

**CONTINUED TO JULY, 2004. STAFF WILL RESEARCH PERMITS.**

10. **FILE NO. 3016**      **OFER MIZRAHI**  
                                 **3110 SHERIDAN AVENUE**  
                                 **LOT 3; BLOCK 45**  
                                 **PLAT OF ORCHARD SUBDIVISION NO. 1**  
                                 **PLAT BOOK 6-111; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to retain and join an existing one-story detached accessory structure to the main house with a new addition:

1. A variance to waive 6' – 3" of the minimum required interior side setback of 7' – 6" in order to retain an existing one-story detached accessory structure set back 1' – 3" from the south side property line.

***DENIED.***

11. **FILE NO. 3017**      **ROBERT K. GRAY**  
                                 **235 RIVO ALTO DRIVE**  
                                 **LOT 1 and 8 FT. STRIP ADJ. ON BAY; BLOCK 3**  
                                 **RIVO ALTO AMD.**  
                                 **PLAT BOOK 7-74; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new two (2) story single family residence:

1. A variance to waive 13' – 0" of the minimum 20' – 0" required front yard setback in order to permit the construction of a new two-story single family residence 7" – 0" from the front property line facing East Rivo Alto Drive.
2. A variance to waive 7' – 6" of the minimum 15' – 0" required interior yard facing the street setback in order to permit the construction of a two-story single family residence 7' - 6" from the south property line facing Venetian Way.
3. A variance to waive 3' – 6" of the minimum 26' – 6" required rear yard setback in order to permit the construction of a two-story single family residence 23' – 0" from the centerline of the sea wall.
4. A variance to exceed by 8' – 0" the maximum permitted building height of 30' – 0" in order to permit the construction of an exhaust structure and an open air structure with a cantilever shade projection on the roof of a new two (2) story single family residence with a building height of 38' – 0" from grade.

**CONTINUED TO JULY, 2004.**

12. FILE NO. 3018 ALTOS DEL MAR, LTD.  
7833 ATLANTIC WAY  
LOT 2; BLOCK 5  
CORRECTED PLAT OF ALTOS DEL MAR NO. 1  
PLAT BOOK 31-40; MIAMI-DADE COUNTY, FLORIDA

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

1. 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.

**CONTINUED TO JULY, 2004.**

**E. NEXT MEETING DATE**

July 2, 2004

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*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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# CITY OF MIAMI BEACH

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



PLANNING DEPARTMENT

Telephone 305-673-7550  
Facsimile 305-673-7559

## **FLOOD PLAIN MANAGEMENT BOARD** **AFTER ACTION**

**FRIDAY, JUNE 4, 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. FP04-03**

**MR. & MRS. ROBERT CHERRY**  
**5645 NORTH BAY ROAD**  
**LOT 1 and NORTH ½ OF LOT 2; BLOCK 10**  
**LA GORCE GOLF SUBDIVISION**  
**PLAT BOOK 14-43; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to waive the base flood elevation requirements for a historic single family home.

**APPROVED.**

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