



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

**FRIDAY, JULY 2, 2004 – 9:00 A.M.**

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

### **A. DISCUSSION REGARDING POSSIBLE REVOCATION/MODIFICATION PROCEEDINGS**

- 1. 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 Board will discuss non-compliance of a condition of this variance, and the possible initiation of revocation/modification proceedings. The variance is associated with 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).

***A MODIFICATION HEARING (IN ORDER TO MODIFY A CONDITION(S) OF THE FINAL ORDER) HAS BEEN SET FOR AUGUST 6, 2004.***

- 2. 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**

The Board will discuss non-compliance issues and the possible initiation of proceedings for revocation or modification of variances/conditions originally associated with the substantial rehabilitation of an existing apartment/hotel into 61 apartments and 6 hotel rooms with an accessory restaurant. The original variances were granted on May 7, 1993. Since that time, the applicant modified the variances requested to allow the conversion of the project into a 67-unit suites hotel. This modification was granted on October

10, 1997. Other modifications relating to conditions of the variances have been granted since that time.

***THERE SHALL BE NO REVOCATION/MODIFICATION HEARING. SHOULD A VIOLATION BE ISSUED TO THIS PROPERTY, THIS CASE WILL BE BROUGHT BACK TO THE BOARD FOR A PROGRESS REPORT.***

**B. PROGRESS REPORT**

3. **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 FURTHER PROGRESS REPORTS REQUIRED.***

**C. EXTENSIONS OF TIME**

4. **FILE NO. 2959 FERNANDO HARA LEVY  
6580 INDIAN CREEK DRIVE (d/b/a PELICAN CREEK)  
LOTS 22 and 23; BLOCK 3  
AMENDED PLAT OF 2<sup>ND</sup> OCEANFRONT SUBDIVISION  
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for variances associated with the construction of a new six (6) story multi-family building. Condition No. 5 of the July 25, 2003 Final Order requires that the building permit be issued by July 25, 2004 and the project to be completed by July 25, 2005. The applicant is requesting an extension of time for the building permit to be obtained by July 25, 2005 and for the project to be completed by July 25, 2006.

Condition No. 5 of the July 25, 2003 Final Order required the following:

5. *The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If the building permit is not obtained or construction is not completed 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.*

A building permit (B0402101) has been applied for and is under review by the Building Department.

**GRANTED.**

5. **FILE NO. 2952**      **ITALBUILDING INC.**  
**8021 HARDING AVENUE**  
**LOT 3 LESS W. 2.5 FT.; BLOCK 6**  
**ALTOS DEL MAR NO. 3; PLAT BOOK 8-41**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for variances associated with the construction of a new four (4) story multi-family building. Condition No. 3 of the July 25, 2003 Final Order requires that the building permit be issued by July 25, 2004 and the project to be completed by July 25, 2005. The applicant is requesting an extension of time for the building permit to be obtained by November 1, 2004 and for the project to be completed by July 25, 2006.

Condition No. 3 of the July 25, 2003 Final Order required the following:

3.      *The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If the building permit is not obtained or construction is not completed 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.*

A building permit has been applied for (B0403291) and is currently being reviewed by the Building Department.

**GRANTED.**

**D.      MODIFICATION**

6.      **FILE NO. 2892**      **KAREN OLIN 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 applicant is requesting a modification to a condition of approval for a variance which permitted service of liquor in a bar located less than 300 feet from a religious institution. Condition No. 5 of the September 6, 2002 Final Order restricted business hours of operation from 5:00 p.m. to 2:00 a.m. The applicant is requesting to extend hours of operation with full alcohol service until 5:00 a.m. Additionally, the applicant is requesting outdoor seating to be permitted on the patio facing Maimonides Street.

Condition No. 5 of the September 6, 2003 Final Order required the following:

*5. The establishment shall not open before 5:00 p.m. and close at 2:00 a.m. seven days a week.*

***GRANTED. PROGRESS REPORT DUE IN 60 DAYS (SEPTEMBER, 2004 MEETING).***

**E. CONTINUED CASES**

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

This case is continued from the meeting of June 4, 2004.

The applicant is requesting the following after-the-fact variances in order to retain an accessory structure on the front yard facing 4<sup>th</sup> Terrace:

1. An after-the-fact variance to waive all of the minimum required 20' – 0" front yard setback in order to retain an existing one-story accessory structure with no setback from the front property line facing 4<sup>th</sup> Terrace.
2. An after-the-fact variance to waive 9' – 2" of the minimum required 15' – 0" side yard setback facing the street in order to retain an existing one-story accessory structure 5' – 10" from the side facing West DiLido Drive.
3. An after-the-fact variance to waive 1' – 4" of the minimum required 15' – 0" sum of the side yards setback in order to retain an existing one-story accessory structure with a 13' - 8" sum of the side yards setback.
4. An after-the-fact variance to waive the required barrel tile or cement tile in order to retain a metal roof on a pitched roof of an accessory structure within the required front yard.

***CONTINUED TO THE MEETING OF AUGUST 6, 2004.***

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

This case is continued from the meeting of June 4, 2004.

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 THE AUGUST MEETING. IF APPLICANT DOES NOT RETURN TO THE BOARD AT THAT TIME, ALL PUBLIC NOTICE REQUIREMENTS MUST BE MET.***

9. **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**

This case is continued from the meeting of June 4, 2004.

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.

***APPROVED.***

- 10. 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**

This case is continued from the meeting of June 4, 2004.  
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.

***APPROVED.***

**F. NEW CASES**

- 11. FILE NO. 3019      NAUTICA CONDOMINIUM  
5970 INDIAN CREEK DRIVE  
THE NORTH 50 FT. OF LOT 21 and all of  
LOTS 22, 23, 24 and 25; BLOCK 2  
AMENDED PLAT OF SECOND OCEANFRONT SUB.  
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variances in order to retain three (3) FPL transformers within the required north side and front yards:

1. An after-the fact variance to waive 3' – 6" of the minimum required 7' – 6" north interior side setback for an accessory structure in order to retain three (3) FPL transformers 4' – 0" from the north side property line.

2. An after-the-fact variance to waive 15' – 0" of the minimum required 20' – 0" front yard setback for an accessory structure in order to retain three (3) FPL transformers 5' – 0" from the front property line facing Indian Creek Drive.

***APPROVED.***

12. **FILE NO. 3020      BAYDRIVE PROPERTIES, L.L.C.**  
**6891 BAY DRIVE**  
**LOT 19; BLOCK 1**  
**OCEANSIDE SECTION OF ISLE OF NORMANDY SUB.**  
**PLAT BOOK 25-60; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following pedestal setback variance in order to construct a roof top addition following the existing side setbacks of a two (2) story building, and to permit the construction of a handicap ramp within the required north side yard:

1. a) A variance to waive 2' – 6" of the minimum required 7' – 6" interior side yard pedestal setback in order to permit the construction of a one-story roof top addition following the existing 5' – 0" north side yard setback.
- b) A variance to waive all of the minimum required 7' – 6" interior side yard setback in order to permit the construction of a handicap ramp with no setback from the north property line.

***APPROVED.***

13. **FILE NO. 3022      MCJC, INC.**  
**801-817 WASHINGTON AVENUE**  
**LOTS 9 AND 10; BLOCK 32**  
**OCEAN BEACH FLA. ADDITION NO. 1**  
**PLAT BOOK 3-11; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the addition of a one-story retail space to an existing commercial building:

1. A variance to exceed by one the maximum permitted double stacking of vehicles for tandem parking as part of the reconfiguration of the existing parking in order to permit triple stacking of vehicles.
2. A variance to waive all of the minimum required 5' – 0" rear yard pedestal setback in order to permit the construction of a one-story

addition to an existing commercial building with not setback from the rear property line facing the alley.

**APPROVED.**

14. **FILE NO. 3023 THE LOFTS OF LINX, LLC a/k/a LINX  
165-185 SOUTH SHORE DRIVE  
LOTS 6, 7 & 8; BLOCK 56  
NORMANDY GOLF COURSE SUBDIVISION  
PLAT BOOK 44-62; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new four (4) story multifamily building with twenty-four (24) units:

1. A variance to waive 14' – 1" of the minimum required 29' -1" sum of the side yards pedestal setback in order to permit the construction of a new multifamily building with a 15' – 0" sum of the side yards pedestal setback.
2. A variance to waive 7' - 0" of the minimum required 14' – 6" northeast interior side yard pedestal setback in order to permit the construction of a new multifamily building 7' – 6" from the northeast property line.
3. A variance to waive 4' – 1" of the minimum required 9' – 1" northeast interior side yard parking setback in order to permit the construction of a new multifamily building with a 5' – 0" side yard setback from the northeast property line.
4. A variance to waive 7' - 0" of the minimum required 14' – 6" southwest interior side yard pedestal setback in order to permit the construction of a new multifamily building 7' – 6" from the southwest property line.
5. A variance to waive 4' – 1" of the minimum required 9' – 1" southwest interior side yard parking setback in order to permit the construction of a new multifamily building with a 5' – 0" side yard setback from the southwest property line.

**APPROVED.**



15. **FILE NO. 3024**      **PIERLUIGI GAZZOLO**  
**275 SOUTH HIBISCUS DRIVE**  
**LOT 1; BLOCK N. OF HIBISCUS ISLAND RESUB.**  
**PLAT BOOK 34-87; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following front yard setback variances in order to permit the construction of a new swimming pool and deck within the required front yard setback of an existing single family home facing West 1<sup>st</sup> Court:

1. A variance to waive 11' – 9" of the minimum required 20' – 0" front yard setback in order to permit the construction of a new swimming pool and deck 8' – 3" from the front property line facing West 1<sup>st</sup> Court.

***APPROVED.***

16. **FILE NO. 3025**      **LUIS HERNANDEZ**  
**1150 N. BISCAYNE POINT ROAD**  
**LOT 1; BLOCK 13**  
**BISCAYNE POINT SUBDIVISION**  
**PLAT BOOK 14-35; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following side facing the street setback variances in order to permit the construction of a new swimming pool, spa and gazebo within the required side yard facing North Biscayne Point Road as part of the renovation of an existing single family residence:

1. A variance to waive 4' – 0" of the minimum required 10' – 0" side yard facing the street setback in order to permit the construction of a new swimming pool 6' – 0" from the side facing North Biscayne Point Road.
2. A variance to waive 1' – 6" of the minimum required 15' – 0" side yard facing the street setback in order to permit the construction of a one-story accessory structure 13' – 6" from the side facing North Biscayne Road.

***APPROVED.***

**G. NEXT MEETING DATE**

August 6, 2004

**Note: THE FLOOD PLAIN MANAGEMENT BOARD CASE SHALL BE HEARD AT**

**THE CONCLUSION OF THE BOARD OF ADJUSTMENT MEETING.**

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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, JULY 2, 2004**

**FILE NO. FP03-02**

**BETA EPSILON CADILLAC, LLC**  
**d/b/a THE CADILLAC HOTEL**  
**3925 COLLINS AVENUE**

Lots 1 thru 8 inclusive and the 16' alley bounded on the west by the easterly lines of Lots 5 thru 8; bounded on the east by the westerly lines of Lots 1 thru 4; bounded on the north by the southerly line of 40<sup>th</sup> St., and bounded on the south by the northerly line of 39<sup>th</sup> St.; Block 31; amended plat of Oceanfront Property of Miami Beach Imp. Co. Sub.; Plat Book 5-7 and 8  
Miami-Dade County, Florida

The applicant is requesting an additional six (6) month extension of time from the previous extension granted on February 6, 2004, in order to obtain a building permit to substantially rehabilitate the ground floor lobby area to include a new restaurant in the historic structure. The extension, if granted, will give the applicant until January 2, 2005 to obtain a building permit.

**APPROVED.**

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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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