



BOARD OF ADJUSTMENT **AFTER ACTION**

FRIDAY, OCTOBER 1, 2004 – 9:00 A.M.

A. PROGRESS REPORT

1. **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 will present a progress report regarding the hours of operation at a bar located less than 300 feet from a religious institution (The Sephardic Congregation of Florida Synagogue). The original variance, which was granted on September 6, 2002, permitted the applicant to serve liquor, with hours of operation from 5:00 p.m. to 2:00 a.m. The applicant was granted a modification to the variance on July 2, 2004 in order to operate this establishment with full liquor service until 5:00 a.m., and also to have outdoor seating on the patio facing Maimonides Street. [Future progress reports shall be determined at this time by the Board.]

NO FURTHER ACTION REQUIRED.

B. EXTENSION OF TIME

2. **FILE NO. 2875** **MONICA and FERNANDO RAUCCI**
1420 STILLWATER DRIVE
LOT 42; BLOCK 16
BISCAYNE BEACH 2ND ADDITION
PB 46-39; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for a variance associated with the construction of an addition to an existing non-conforming single family home. Condition No. 8 of the June 7, 2002 Order requires that the project be completed by June 7, 2004. The applicant is requesting an extension of time for the project to be completed by June 7, 2005.

GRANTED.

C. MODIFICATION

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 & 2; BLOCK 4B
 ESPANOLA VILLAS 1st ADDITION
 PLAT BOOK 9-147; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the meeting of August 6, 2004.
As per City of Miami Beach Code Section 118-356: Revocation or modification of variance, the Board of Adjustment has set a public hearing to modify conditions of a variance which permitted the sale and service of alcohol within the minimum required distance separation from an educational facility.

CONTINUED TO NOVEMBER, 2004.

D. DISCUSSION ITEM

4. **CITY ATTORNEY OPINIONS RE:**

Board of Adjustment Jurisdiction – 2500 Bay Avenue

E. CONTINUED CASES

5. **FILE NO. 3033 MATTHEW MACDONALD**
 5830 LAGORCE DRIVE
 LOT 4; BLOCK 9; BEACH VIEW ADDITION
 PLAT BOOK 16-10; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the meeting of August 6, 2004.

The applicant is requesting the following variances in order to construct a two-story addition to the rear of an existing single family residence:

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

2. A variance to waive 2' – 4" of the minimum required 7' – 6" interior side yard setback in order to construct a two-story addition 5' – 2" from the north interior property line.

CONTINUED TO DECEMBER, 2004.

6. **FILE NO. 3036 LG 94, LLC**
94 LA GORCE CIRCLE
PORTIONS OF LOTS 1 AND 2
SUBDIVISION OF BLOCK 5; LA GORCE ISLAND
PLAT BOOK 44-56; MIAMI-DADE COUNTY, FLORIDA

APPEAL FROM ADMINISTRATIVE DECISION

This case is continued from the meeting of August 6, 2004.

The applicant is appealing an administrative decision with regards to the height determination for a new single family residence issued by the Planning Director and the Public Works Director which shows that the structure as constructed exceeds the maximum permitted height by 6 inches.

CONTINUED TO NOVEMBER, 2004.

7. **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 the meeting of May 7, 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.

File No. 2993 (continued)

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 NOVEMBER, 2004.

F. NEW CASES

8. **FILE NO. 3027 BAYVIEW LINCOLN ROAD, LLC**
 a/k/a SONY BUILDING
 605 LINCOLN ROAD
 LOT 5 AND EAST 0.47 FT. OF LOT 4
 AND ALL OF LOT 6; BLOCK 1
 LINCOLN ROAD SUBDIVISION "A"
 PLAT BOOK 34-66; MIAMI-DADE COUNTY, FLORIDA

APPEAL FROM ADMINISTRATIVE DECISION

The applicant is appealing an Administrative Determination to deny a request to construct a roof-top addition to an existing legal non-conforming six (6) story building. The existing structure is non-conforming with regards to height and Floor Area Ratio.

DENIED. THE PLANNING AND ZONING DIRECTOR'S DECISION SHALL BE UPHELD.

9. **FILE NO. 3038 BRIAN GATES**
 170 S. HIBISCUS DRIVE
 LOT 25 AND 20 FT. STRIP ADJ.; BLOCK 3
 HIBISCUS ISLAND; PLAT BOOK 8-75
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following After-the-Fact variance to retain a walkway that exceeds the maximum permitted width, as an allowable encroachment within the front required yard facing South Hibiscus Drive:

1. An After-the Fact variance to exceed by 2' – 0" the maximum permitted walkway width of 3' – 0" in order to retain a 5' – 0" walkway within the front required yard facing South Hibiscus Drive.

CONTINUED TO NOVEMBER, 2004.

10. **FILE NO. 3039** **MUTUAL HOLDINGS, INC.**
 a/k/a METROPOLITAN 900
 900-904 4TH STREET
 LOTS 1 AND 2; BLOCK 82
 OCEAN BEACH, FLA. SUBDIVISION
 PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following After-the-Fact variance in order to retain one undersized parking space which is part of the required parking for a recently constructed multifamily building:

1. An After-the-Fact variance to waive eight inches (8") of the minimum required parking width in between columns of 8' – 0" in order to retain one (1) parking space with a width of 7' – 4".

GRANTED.

11. **FILE NO. 3040** **GASPAR VAZQUEZ DE MIGUEL**
 2228 PARK AVENUE
 THE SOUTH 10' OF THE NORTH 20' AND THE
 SOUTH 65' OF THE NORTH 85' IN BLOCK 1
 OCEANFRONT PROPERTY OF THE MIAMI BEACH
 IMPROVEMENT CO.; PLAT BOOK 5 – 7 & 8
 MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to construct two new five-story townhouses with four (4) parking spaces:

1. A variance to waive all of the minimum required 20' – 0" front yard pedestal setback in order to permit the construction of a new building with no setback from the front property line facing Park Avenue.
2. A variance to waive 1' – 9" of the minimum required 7' – 6" interior side yard pedestal setback in order to permit construction of portions of the new building at different levels to be set back 5' – 9" from the south interior property line.
3. A variance to waive all of the minimum required 7' - 6" interior side yard pedestal setback in order to permit the construction of a new building with no setback from the north interior property line.
4. A variance to waive 6' – 7" of the minimum required 12' – 4" sum of the side yards setback in order to construct a new building with a sum of the side yard setback of 5' – 9".

5. A variance to waive 1,239 square feet of the minimum required 7,000 square feet lot size for a residential use in order to construct a new building on a lot size with an area of 5,761 square feet.

GRANTED.

- 12. FILE NO. 3041 MAEFIELD HOLDINGS, LLC
1445-1470 16TH STREET; 1491-1492 LINCOLN TERR.
LOTS 6 and 7; LINCOLN TERRACE SUBDIVISION
PLAT BOOK 49-100 and
LOTS 5 THRU 9; BAY LINCOLN SUBDIVISION
PLAT BOOK 58-86; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the renovation of an existing three (3) story building and the new construction of one fifteen (15) story and one six (6) story multifamily buildings:

1. A) A variance to waive all of the minimum required 20' – 0" front yard subterranean setback in order to permit the construction of underground parking with no setback from the front property line facing Lincoln Terrace.

B) A variance to waive all of the minimum required 20' – 0" front yard subterranean setback in order to permit the construction of underground parking with no setback from the front property line facing 16th Street.
2. A variance to waive 6' – 5" of the minimum required 10' – 11" side yard facing the street subterranean setback in order to permit construction of underground parking 4' – 6" from the property line facing 16th Street.
3. A variance to waive a range between eleven inches (11") and 5' – 11" of the minimum required 10' – 11" east and south interior subterranean yards in order to permit the construction of underground parking setback a range of 10' – 0" and 5' – 0" from the east and south interior property lines.
4. A variance to exceed by one the maximum permitted double stacking of vehicles for tandem parking in order to permit the construction of underground parking with a total of thirty-nine (39) vehicles triple stacked in valet parking spaces.
5. A variance to waive 2' – 0" of the minimum required 22' – 0" driveway width for valet parking in order to permit the construction of parking

with 20' – 0" driveway width at specific locations thought-out the parking garage.

6. A variance to exceed by 2' – 3" the maximum permitted balcony projection of 4' - 5" over a required side yard facing the street in order to permit a 6' – 8" balcony projections facing 16th Street.
7. A variance to exceed by 37' – 0" the maximum permitted canopy width of 15' – 0" in order to permit the construction of a concrete canopy 52' – 0" in width at the widest point within the front required yard.
8. A) A variance to exceed by a range between 3' – 0" and 11' – 0" the maximum permitted walkway width of 3' – 0" within a required yard in order to permit walkways that range between 6' – 0" and 14' – 0" in width facing 16th Street.

B) A variance to exceed by 7' – 0" the maximum permitted walkway width of 3' – 0" within a required yard in order to permit a 10' – 0" wide walkway facing Lincoln Terrace.
9. A variance to waive 3' – 0" of the minimum required 20' – 0" front yard pedestal setback in order to permit the construction of a multifamily building (Bldg. C) 17' – 0" from the front property line facing 16th Street.
10. A variance to waive 25' – 0" of the minimum required 50' – 0" front yard tower setback in order to permit the construction of a multifamily building (Bldg. B) 17' – 0" from the front property line facing 16th Street.

GRANTED.

- 13. FILE NO. 3042 SCORPIO INVESTMENT
237 N. COCONUT LANE
LOT 21 AND 20 FT. STRIP ADJ.; BLOCK 2A
RIVIERA 1ST & 2ND AMENDED SUBDIVISION
PLAT BOOK 32-37; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to construct a new two-story single family residence:

1. A variance to waive 3' – 0" of the minimum required 7' – 6" interior side yard setback in order to permit the construction of a pool deck 4' – 6" from the east property line.

2. A variance to waive 3' – 0" of the minimum required 7' – 6" interior side yard setback in order to permit the construction of a pool deck 4' – 6" from the west property line.
3. A variance to waive 3' – 0" of the minimum required 7' – 6" interior side yard setback in order to permit the construction of a raised retaining wall, a walkway and steps set back 4' – 6" from the east property line.
4. A variance to waive 3' – 0" of the minimum required 7' – 6" interior side yard setback in order to permit construction of a raised retaining wall, walkways and steps set back 4' – 6" from the west property line.
5. A variance to exceed by 4' – 3" the maximum permitted building height of 25' – 0" in order to allow the construction of a two (2) story building with a building height of 29' – 3" as measured from grade.

GRANTED.

- 14. FILE NO. 3043 GREENVIEW COURTYARD INC.
2021-2031 MERIDIAN AVENUE
LOTS 1, 2, and 3; AMENDED PLAT OF
RESUBDIVISION OF LOT 1 BLOCK 1 OF
MID-GOLF SUBDIVISION
PLAT BOOK 30-19; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to add a new four (4) story building with six (6) units and seventeen (17) parking spaces to two (2) existing two story buildings:

1. A variance to waive 5' – 7" of the minimum required 16' – 0" rear yard pedestal setback in order to permit the construction of a new four (4) story building 10' – 5" from the rear property line.
2. A variance to waive 1' – 2" of the minimum required 22' – 0" two-way driveway width in order to permit a 20' – 10" driveway width for the seven (7) parking spaces located within the first floor of the new four (4) story building.
3. A variance to allow the replacement of the required wheel stops or continues curb with bollards in order to define the end of each parking space.
4. A variance to waive eleven inches (11") of the minimum required 18' – 0" parking length in order to permit seven (7) parking spaces 17' – 1" in length and located within the first floor of the new four (4) story building.

GRANTED.

15. **FILE NO. 3044** **928 PENNSYLVANIA, LLC**
 928 PENNSYLVANIA AVENUE
 LOT 5; BLOCK 44
 OCEAN BEACH FLA. ADDITION NO. 3
 PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to permit the construction of a new three (3) story multifamily building with seven (7) units and eleven (11) parking spaces:

1. A variance to waive 9' – 0" of the minimum required 14' – 0" rear yard pedestal setback in order to construct a three (3) story building 5' – 0" from the rear property line facing the alley.
2. A variance to waive 1' – 6" of the minimum required 5' – 0" rear yard surface parking setback in order to permit parking to be set back 3' – 6" from the rear property line facing the alley.
3. A variance to waive 3' – 6" of the minimum required 22' – 0" interior driveway width for a two-way traffic in order to permit a drive 18' – 6" in width.

GRANTED.

16. **FILE NO. 3045** **GEOFFREY C. DOYLE**
 620 S. SHORE DRIVE
 LOT 25; BLOCK 50
 NORMANDY GOLF COURSE SUBDIVISION
 PLAT BOOK 44-62; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following After-the-Fact interior side yard and sum of the side yards setback variances in order to retain an existing storage shed located within the required interior setbacks facing the west property line:

1. An After-the-Fact variance to waive 3' – 9" of the minimum required 7' – 6" southwest interior property line in order to retain a storage shed attached to the main house 3' – 9" from the west interior property line.
2. An After-the-Fact variance to waive nine inches (9") of the minimum required 15' – 0" interior sum of the side yards setback in order to

retain a storage shed attached to the main house with a 14' – 3" sum of the side yards setback.

GRANTED.

17. FILE NO. 3046 RITZ PLAZA, LLC a/k/a THE RITZ PLAZA HOTEL
1701 COLLINS AVENUE
LOTS 1,2,19 & 20; and ADJACENT TO &
CONTIGUOUS WITH THE EASTERLY LINE
OF LOTS 1 & 2
FISHERS FIRST SUB. OF ALTON ROAD
PLAT BOOK 2-77; MIAMI-DADE COUNTY, FLORIDA

Note: The applicant has requested that this case be continued to the November 5, 2004 meeting.

The applicant is requesting an interior side yard pedestal setback variance from the north interior property line in order to permit the construction of accessibility ramps and stairwells as part of the renovation and addition to an existing historic hotel.

CONTINUED TO NOVEMBER, 2004.

18. FILE NO. 3047 DAVID'S CAFÉ, INC.
1058 COLLINS AVENUE
LOT 1; BLOCK 30
OCEAN BEACH ADDITION NO. 2
PLAT BOOK 2-56; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variances in order to construct a two-story addition and renovate the existing historic buildings in the property:

1. A variance to waive 2' – 2" of the minimum required 10' – 0" front yard pedestal setback in order to permit the construction of a two - story addition to an existing historic building set back 7' – 10" from the front property line facing Collins Avenue.
2. A variance to waive all of the required 5' – 0" north side yard setback facing a street in order to construct the above addition up to the property line along 11th Street.

3. A variance to waive all of the required 5' – 0" south side yard setback facing a street in order to construct the above addition up to the south interior property line.

GRANTED.

19. **FILE NO. 3049 SEASIDE WATERFRONT VILLAS LLC
d/b/a OCEANBLUE CONDOMINIUM OF MIAMI BEACH
7600 COLLINS AVENUE
LOTS 1 THRU 6 INC.; BLOCK 23
ALTOS DEL MAR NO. 1 SUBDIVISION
PLAT BOOK 31-40; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following After-the-Fact variances in order to retain an existing CBS wall that exceeds the maximum permitted height within a required yard facing 76th Street, Collins Avenue and 77th Street:

1. An after-the-fact variance in order to retain an existing 8' – 2" CBS wall that exceeds the maximum permitted height of 5' – 0" by 3' – 2" within the required yard facing 76th Street.
2. An after-the-fact variance in order to retain an existing 8' – 2" CBS wall that exceeds the maximum permitted height of 7' – 0" by 1' – 2" within the required front yard facing Collins Avenue.
3. An after-the-fact variance in order to retain an existing 8' – 2" CBS wall that exceeds the maximum permitted height of 5' – 0" by 3' – 2" within the required yard facing 77th Street.

GRANTED.

20. **FILE NO. 3050 SARA SILVA
1530 WEST AVENUE
LOT 6; BLOCK 67B
RESUBDIVISION OF BLOCKS 67 & 79
PLAT BOOK 16-1; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of two parking spaces within the front yard facing 15th Terrace:

1. A variance to waive 5' – 1" of the minimum required 20' – 0" building front setback in order to permit the construction of two (2) parking spaces within the front yard of a non-conforming building with a front setback of 14' – 11" facing 15th Terrace.

GRANTED.

21. FILE NO. 3051 GUMENICK FAMILY INVESTMENTS #2, LTD.
a/k/a THE SHOPPES AT WEST AVENUE
959 WEST AVENUE
LOTS 8 THRU 15 INCLUSIVE; BLOCK 3
AMENDED PLAT OF FLEETWOOD SUBDIVISION
PLAT BOOK 28-34; MIAMI-DADE COUNTY, FLORIDA

Note: This case will be continued to the November 5, 2004 meeting due to a typographical error in the required newspaper Notice of Public Hearing which appeared in The Miami Herald on 9/16/04.

The applicant is requesting the following variance to illuminate and exceed the maximum permitted size of non-illuminated signs for each of the allowed accessory uses of an existing parking garage:

1. A variance to exceed the maximum permitted accessory use non-illuminated sign area of 10 square feet by 10 square feet in order to permit a maximum of 20 square feet illuminated signs (backlit only) for each of the permitted accessory uses in the garage.

CONTINUED TO NOVEMBER, 2004.

22. FILE NO. 3052 LEONARD EDELMAN
103 63RD STREET
LOT 1 LESS N. 50 FT. OF BLOCK 7; LOT 64, BLOCK 7
LESS PORTIONS DESCRIBED IN SURVEY;
AMENDED PLAT OF SECOND OCEANFRONT
SUBDIVISION; PLAT BOOK 28-28
MIAMI-DADE COUNTY, FLORIDA
[Full legal description on file in the City of Miami Beach
Planning Dept.]

The applicant is requesting the following front yard tower setback variance and variances to exceed the maximum permitted projection width of

walkways within required yards facing Indian Creek and 63rd Street, in order to construct a new 6-story apartment building:

1. A variance to waive 10' – 0" of the minimum required 30' – 0" front yard tower setback in order to permit the construction of a six (6) story multifamily building with a tower set back 20' – 0" from the front property line facing Indian Creek Drive.
2. A variance to exceed by a range between 2' – 0" and 5' – 0" the maximum permitted walkway width of 3' – 0" within a required yard in order to permit walkways that range between 5' – 0" and 8' – 0" in width facing 63rd Street.
3. A variance to exceed by 11' – 4" the maximum permitted walkway width of 3' – 0" within the required front yard in order to permit a walkway that is 14' – 4" in width facing Indian Creek Drive.

GRANTED.

G. NEXT MEETING DATE

November 5, 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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