



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

**FRIDAY, NOVEMBER 5, 2004 – 9:00 A.M.**

### **A. CORRECTION REGARDING PREVIOUSLY APPROVED CASE**

1. **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 was approved by the Board on August 6, 2004. Due to a typographical error in the Final Order, the applicant is required to resubmit his application in order to clarify a discrepancy on variance request #1. The applicant is requesting the following After-the-Fact front yard setback variance and an After-the-Fact variance to retain the metal roof of an accessory structure located within the front required yard facing 4<sup>th</sup> Terrace:

#### **VARIANCE #1: CORRECTED REQUEST**

1. An after-the-fact variance to waive ~~8' – 5"~~ **11' – 7"** of the minimum required 20' – 0" front yard setback in order to retain an existing one-story accessory structure ~~44' – 6"~~ **8' – 5"** from the front property line facing 4<sup>th</sup> Terrace.

#### **VARIANCE #2: APPROVED ON 8 / 6 / 2004:**

2. 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.

***APPROVED.***

### **B. PROGRESS REPORT**

2. **FILE NO. 2921 TAPAS & TINTOS, INC. (formerly KIU, LLC)**  
**448 ESPANOLA WAY**  
**LOTS 1 TO 6 LESS N. 3 FT.; BLOCK 3-B**  
**FIRST ADDITION TO WHITMAN'S SUB. OF**  
**ESPANOLA VILLAS; PB 9-147**  
**MIAMI-DADE COUNTY, FLORIDA**

**File No. 2921: Tapas & Tintos, Inc.**

**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 DUE IN SIX MONTHS.***

**C. EXTENSIONS OF TIME**

3. **FILE NO. 2966 WILLIAM GOLDSMITH  
1820 WEST 25<sup>TH</sup> STREET  
LOT 6 AND THE WESTERLY ½ OF LOT 5; BLOCK 2H  
SUNSET ISLAND NO. 2; PLAT BOOK 40-8  
MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval for a variance associated with a one story detached pool house with a guest quarters, bathroom, recreation room and covered terrace to the southwest of the existing single family residence. Condition No. 4 of the October 3, 2003 Order requires that the building permit be issued by October 3, 2004 and that the project be completed by October 3, 2005. The applicant is requesting an extension of time for the building permit to be obtained by October 3, 2005 and for the project to be completed by October 3, 2006.

**Final Order: Modified Condition #4:**

4. *The applicant shall obtain a building permit within ~~one (1)~~ **two (2)** years of the date of this hearing and complete the project within ~~two (2)~~ **three (3)** 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.*

***APPROVED.***

4. **FILE NO. 2970**      **TEMPLE BETH SHOLOM, INC.**  
**4100 CHASE AVENUE**  
**LOTS 37 AND 38; BLOCK 2**  
**NURSERY SUBDIVISION; PLAT BOOK 23 - PAGE 66**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a modification to a condition of approval with variances associated with the construction of a new twenty (20) space at-grade parking lot. Condition No. 6 of the October 3, 2003 Order requires that the building permit be issued by October 3, 2004 and that the project be completed by October 3, 2005. The applicant is requesting an extension of time for the building permit to be obtained by October 3, 2005 and for the project to be completed by October 3, 2006.

**Final Order: Modified Condition #6:**

6.     *The applicant shall obtain a building permit within ~~one (1)~~ two (2) years of the date of this hearing and complete the project within ~~two (2)~~ three (3) 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.*

***APPROVED.***

**D.     MODIFICATION**

5.     **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 October 1, 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.

***APPROVED.***

**E. CONTINUED CASES**

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 October 1, 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.

**WITHDRAWN.**

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 October 1, 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 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.

**File No. 2993: American Interstate Corp.**  
**2200-2236 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 DEC. 3, 2004.***

8.     **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**

This case is continued from the meeting of October 1, 2004.

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 DEC. 3, 2004.***

9.     **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: THIS CASE HAS NOT YET RECEIVED HISTORIC PRESERVATION BOARD APPROVAL, AND THEREFORE, WILL NOT BE HEARD AT TODAY'S MEETING.***

This case is continued from the meeting of October 1, 2004.

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 DEC. 3, 2004.***

10. **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**

This case is continued from the meeting of October 1, 2004.

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.

***APPROVED.***

**F. NEW CASES**

11. **FILE NO. 3053      ANTHONY CAPANO  
2820 LUCERNE AVENUE  
LOT 7, BLOCK 1B  
THIRD REVISED PLAT OF SUNSET ISLANDS  
PLAT BOOK 40-8; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a two (2) story addition:

1. A variance to waive 3' - 6" of the minimum required sum of the side yards of 11' - 0" to construct an addition at 7' - 6" from the north interior property line.

2. A variance to waive 0' – 6" of the minimum required side interior setback of 8' – 0", in order to construct an addition at 7' - 6" from the north interior property line.

**APPROVED.**

- 12. FILE NO. 3054 HOLLYWOOD ENTERPRISES, INC.  
a/k/a MIMOSA MARE  
6526 COLLINS AVENUE  
LOT 21; BLOCK 7  
AMENDED PLAT OF SECOND OCEANFRONT SUB.  
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new five (5) story mixed-use building:

1. A variance to waive 9' - 9 1/2" of the required rear pedestal setback of 14' - 9 1/2" in order to build a parking garage for required residential use spaces at 5' - 0" from the rear (west) property line.
2. A variance to waive all of the required interior side pedestal setback of 7' - 6" in order to build the north side of the residential parking garage along the north property line.
3. A variance to waive 11' - 0" of the required drive width of 22' - 0" for two-way traffic in order to provide access to 20 parking spaces with a drive width of 11' - 0".

**APPROVED.**

- 13. FILE NO. 3055 MIAMI BEACH COMMUNITY DEVELOPMENT CORP.  
d/b/a THE WESTCHESTER PLAZA APTS.  
516 - 15<sup>TH</sup> STREET  
LOT 2; BLOCK 74; LINCOLN SUBDIVISION  
PLAT BOOK 9-69; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance to exceed the maximum permitted projection within the required front yard setback and variances to exceed the maximum permitted wall height within the east and west interior side yards in order to reconstruct a historic porch, piers and wing walls original to the building:

1. A variance to exceed by 10' – 6" the maximum permitted projection of 3' – 8" in order to reconstruct a historic porch and piers set back nine (9") inches from the front property line facing 15<sup>th</sup> Street.

2. A variance to exceed by 5' – 0" the maximum permitted wall height of 7' – 0" in order to reconstruct a historic wing wall and gate with a height of 12' – 0" extending within the required east interior side yard setback.
3. A variance to exceed by 5' – 0" the maximum permitted wall height of 7' – 0" in order to reconstruct a historic wing wall and gate with a height of 12' – 0" extending within the required west interior side yard setback.

***APPROVED.***

- 14. FILE NO. 3056      MARILYN BLANCO-REYES  
2125 NORTH BAY ROAD  
LOT 26, BLOCK 14  
SUNSET LAKE SUBDIVISION AMENDED PLAT  
PLAT BOOK 8-52; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a two (2) story addition on the north side of the property:

1. A variance to waive 3' - 0" of the required sum of the side yards of 15' - 0" to build a two (2) story addition at 6' - 0" from the interior north side property line and retain an existing uncovered loggia located at 6' - 0" from the interior south property line.
2. A variance to waive 1' - 6" of the minimum required 7' - 6" interior side yard setback in order to construct a two (2) story addition at 6' - 0" from the north interior property line.

***APPROVED.***

- 15. FILE NO. 3057      WATERSTONE HOMES, INC.  
a/k/a POSITANO TOWNHOMES  
600 – 76<sup>TH</sup> STREET  
LOT 6, BLOCK 24; ALTOS DEL MAR NO. 3  
PLAT BOOK 8-41; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new three (3) story residential development:

1. A variance to waive a range between 5' – 0" and 14' – 8" of the minimum required 20' – 0" front yard pedestal setback in order to construct a new three (3) story multifamily residential building set back



between 15' – 0" and 5' – 4" from the front property line facing the northeast corner of Carlyle Avenue and 76<sup>th</sup> Street.

2. A variance to waive 1' - 3" of the minimum required 11' – 3" rear pedestal setback in order to construct a new three (3) story multifamily residential building set back 10' – 0" from the rear property line.

**File No. 3057: Waterstone Homes, Inc.**  
**600 – 76<sup>th</sup> Street**

3. A variance to waive 2' - 6" of the minimum required 7' – 6" interior side yard pedestal setback in order to construct a new three (3) story multifamily residential building 5' - 0" from the south property line.
4. A variance to exceed by a range between 3' – 9" and 18' – 0" the maximum permitted walkway width of 3' – 0" within a required yard in order to permit walkways that range between 6' – 9" and 21' – 0" in width facing Carlyle Avenue and 76<sup>th</sup> Street.
5. A variance to waive six (6") inches of the minimum required 8' – 6" off-street standard parking space width in order to provide four (4) parking spaces with a width of 8' – 0" each.

***APPROVED.***

16. **FILE NO. 3058**      **GE INVESTMENT GROUP INC.**  
**1411 NORMANDY DRIVE**  
**LOT 34, BLOCK 18**  
**SECOND REVISED PLAT OF PORTIONS OF**  
**OCEAN SIDE SECTION and TROUVILLE SECTION**  
**OF ISLE OF NORMANDY**  
**PLAT BOOK 40-35; MIAMI-DADE COUNTY, FLORIDA**

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

1. A variance to exceed by 2' – 10" the maximum permitted building height of 25' – 0" as measured from grade in order to permit the construction of a new two (2) story single family residence with a 27' – 10" total building height.

***DENIED.***

17. **FILE NO. 3059**      **STEVEN & DONNA POTOLSKY**  
**3330 FLAMINGO DRIVE**

**LOT 6, BLOCK 5  
FLAMINGO TERRACE SUB.  
PLAT BOOK 10-3; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new swimming pool and a pool deck within the required front and side setbacks of the property:

1. A variance to waive a range of 11' – 11" and 17' – 11 ½ of the minimum required 20' – 0" front yard setback in order to permit the construction of a new swimming pool & spa set back 8' – 1" and a pool deck set back 2' – ½" from the front property line facing Flamingo Drive.
2. A variance to waive 2' - 6" of the minimum required 7' – 6" interior side yard setback in order to permit the construction of a new pool deck 5' - 0" from the north interior side property line.
3. A variance to waive 1' – 0" of the minimum required 2' – 0" front yard setback in order permit the construction of a 6' – 0" high privacy wall set back 1' - 0" from the front property line facing Flamingo Drive.

***APPROVED.***

- 18. FILE NO. 3060      JEFFERSON INVESTMENT CORP.  
557 MERIDIAN AVENUE  
LOT 16, BLOCK 57; OCEAN BEACH ADDITION NO. 3  
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a one story addition at the rear of the property:

1. A variance to waive all of the minimum required 5' – 0" rear yard setback in order to construct a one (1) story addition with no set back from the rear (east) property line.

***APPROVED.***

- 19. FILE NO. 3061      JEAN MARIE & GREG KOURI  
2012 NORTH BAY ROAD  
LOT 19, BLOCK 15  
AMENDED SUNSET LAKE SUBDIVISION  
PLAT BOOK 9-145; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a swimming pool at the rear (Northwest corner) of the

property:

1. A variance to waive 4' - 0" of the minimum required 9' - 0" interior side yard setback to the water's edge in order to permit the construction of a new swimming pool set back 5' - 0" from the north interior side property line to the water's edge.

***APPROVED.***

- 20. FILE NO. 3062 REBECCA FARKAS  
5005 LAKEVIEW DRIVE  
LOTS 14 and 15, BLOCK 31  
LAKE VIEW SUBDIVISION  
PLAT BOOK 14-42; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a two (2) story addition at the Northeast side of an existing single family residence:

1. A variance to waive 13' - 11" of the minimum required interior side yard of 25' - 11" to construct a two (2) story addition at 12' - 0" from the interior side property line.

***APPROVED.***

**G. NEXT MEETING DATE**

December 3, 2004

F:\PLAN\zba\AFTERAC\aftNov,2004.doc