



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

**FRIDAY, NOVEMBER 4, 2005 – 9:00 A.M.**

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

### **A. UPDATE REGARDING POSSIBLE MODIFICATION/REVOCAION**

- 1. FILE NO. 2684 CLAY HOTEL PARTNERSHIP, LTD.  
a/k/a PRADO FASHION VILLAGE  
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**

At this time, the applicant will update the Board 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).

As per City of Miami Beach Code Section 118-356: Revocation or modification of variance, the Board of Adjustment has set a public hearing in order to consider revocation and/or modification of a variance which permits the sale and service of alcohol within the minimum required distance separation from an educational facility.

A cure letter, dated July 6, 2005 and signed by the Planning Director, was sent to both the property owner and tenant. The applicant has been instructed to bring the subject property into compliance with all City codes and statutory requirements, as well as all conditions of the Board.

**APPLICANT SHALL APPEAR AT DECEMBER 2, 2005 MEETING. STAFF WILL PRESENT BOARD WITH A TIMELINE/HISTORY OF PAST TENANTS WHO HAVE OCCUPIED THIS SPACE, AND PROVIDE HAROLD ROSEN, ESQ. WITH THAT REPORT WITHIN THE NEXT 14 DAYS. BOARD WOULD LIKE BOTH THE LANDLORD AND TENANT (IF THERE IS A TENANT) TO APPEAR AT THE DECEMBER MEETING.**

**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

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.

**CONTINUED TO DECEMBER 2, 2005 MEETING. LANDLORD AND TENANT SHALL APPEAR AT MEETING.**

**C. EXTENSION OF TIME**

3. FILE NO. 3041 MAE CAPRI, LLC  
formerly MAEFIELD HOLDINGS, LLC  
1445-1470 16<sup>TH</sup> STREET; 1491-1492 LINCOLN TERR.  
LOTS 6 and 7; LINCOLN TERRACE SUBDIVISION  
PB 49-100 and LOTS 5 THRU 9; BAY LINCOLN SUB.  
PB 58-86; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for variances associated with the with 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. Condition number 3 of the October 1, 2004 Order requires that a building permit be issued by October 1, 2005 and for the project to be completed by October 1, 2006. The applicant is requesting a one year extension of time to obtain a building permit by October 1, 2006 and to complete the project by October 1, 2007.

**APPROVED, WITH AN ADDITIONAL SIX MONTHS TO COMPLETE PROJECT (BY MARCH 1, 2008).**

**D. AMENDMENT**

4. FILE NO. 2881 1229 PARTNERS, LLC  
1778-1784 WEST AVENUE  
LOT 5; BLOCK 16-A  
ISLAND VIEW SUBDIVISION  
PLAT BOOK 6-115; MIAMI-DADE COUNTY, FLORIDA

This case is continued from the meetings of July 1, August 5 and September 2, 2005.

The applicant is requesting a modification to a previously approved variance associated with the construction of a new storage warehouse. The September 6, 2002 Final Order and associated recorded restrictive covenant limits the building to storage warehouse use only. The applicant is requesting to be allowed to have wholesale sales use, and administrative functions accessory and ancillary to the storage warehouse use.

**CONTINUED TO DECEMBER 2, 2005.**

**E. CONTINUED CASES**

- 5. FILE NO. 3130 MARIO & YOLANDA SILVA  
7810 HAWTHORNE AVENUE  
LOT 19; BLOCK 17; BISCAYNE POINT SUB.  
PLAT BOOK 14-35; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the September 2, 2005 meeting.

The applicant is requesting the following After-the-Fact variances to waive the minimum required north and south interior side yard setbacks for decks, in order to retain a recently constructed seawall cap/deck:

1. An after-the-fact variance to waive all of the minimum required 7' – 6" interior side setback for a marine structure (deck) in order to retain an exiting deck with no setback form the north property line.
2. An after-the-fact variance to waive all of the minimum required 7' – 6" interior side setback for a marine structure (deck) in order to retain an exiting deck with no setback form the south property line.

**APPROVED, WITH CONDITIONS.**

- 6. FILE NO. 3140 NERO ENTERPRISES GROUP, LLC d/b/a INK  
717-721 WASHINGTON AVENUE  
LOTS 10, 11 AND 12; BLOCK 33  
OCEAN BEACH ADDITION NO. 1  
PLAT BOOK 3-11; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the October 7, 2005 meeting.

The applicant is requesting the following variance in order to open a 400-person dance hall / entertainment establishment at the subject location:

1. A variance to waive the minimum distance separation required between dance hall/entertainment establishments licensed to sell alcoholic beverages, and not also operating as a restaurant with full kitchen and serving full meals.

**APPROVED, WITH CONDITIONS.**

7. **FILE NO. 3143 ATLANTIC BEL AIRE, L.C.  
6515 COLLINS AVENUE  
N. 50 FT. OF LOT 35 & LOT 36 & S. 25.03 FT. LOT 37  
BLOCK 1  
AMENDED PLAT OF 2<sup>ND</sup> OCEANFRONT SUB.  
PLAT BOOK 28-28; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the October 7, 2005 meeting.

The applicant is requesting after-the-fact variances to waive a portion of the minimum required driveway aisle width, and to waive a portion of the minimum required parking space size, inside a recently constructed 247-space parking garage within a new 18-story condominium apartment building.

1. A. An after-the-fact variance to waive a range of 3.4' to 0.01' of the minimum required width of the interior drive aisle of 22' - 0" in order to retain portions of two way drive aisles with clearances in the range of 18.6' to 22.0'.  
  
B. An after-the-fact variance to waive a range of 1.39' to 1.6' of the minimum setback required dimension of 1' - 6" for various structural columns located parallel to the interior drive as measured from the edge of the required interior drive to the face of the column in order to retain the existing columns within the parking garage.
2. A variance to waive a range of 2' - 0" to 3' - 7" of the minimum required 18' - 0" standard off-street parking space dimension in order to provide several parking spaces with a depth ranging from 16' - 0" to 14' - 5".

**APPROVED, WITH CONDITIONS.**

**F. NEW CASES**

8. **FILE NO. 3142 OASIS-DREXEL, LLC d/b/a RETREAT  
1330 & 1340 DREXEL AVENUE  
LOTS: 4 & 5; BLK 39: OCEAN BCH ADDN NO. 3 SUB.  
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

This case has been WITHDRAWN.

9. **FILE NO. 3144 EST ENTERPRISES, INC.  
6966 BYRON AVENUE  
LOT 9; BLOCK 14  
NORMANDY BEACH SOUTH SUBDIVISION  
PLAT BOOK 21-54; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance to allow four (4) condensing units to be placed along the west side of the property, within the required rear yard of a newly renovated residential complex.

1. A variance to waive 2' – 11" of the existing 5' - 0" rear setback in order to place four condensing units at 2' - 1" from the rear (west) property line.

**APPROVED, WITH CONDITIONS.**

10. **FILE NO. 3146 JOHN L. DIAZ  
4325 MERIDIAN AVENUE  
LOT 31; BLOCK 8  
NAUTILUS ADDITION OF M.B. BAYSHORE CO.  
PLAT BOOK 8-130; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variance in order to retain an existing metal roof system on a single family residence.

1. A variance to waive the requirement of pitched roofs to only be comprised of barrel or cement tile so as to retain a metal roof on a pitched roof of an existing single family residence.

**APPROVED, WITH CONDITIONS.**

11. **FILE NO. 3148 PETER and ANDREA RUSSIN  
5170 LA GORCE DRIVE  
LOT 7; BLOCK 9; BEACH VIEW SUBDIVISION  
PLAT BOOK 9-158; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to allow condensing units to be placed along the south side of the property, and to construct an open gazebo attached to the rear of an existing single family residence.

1. A variance to waive 13' - 6" of the minimum required rear yard setback of 21' - 6" in order to construct a covered gazebo, open on three sides, at 8' - 0" from the west property line, attached to the rear of the existing home.
2. A variance to waive 4' - 0" of the minimum 5' - 0" required setback for central A/C in order to place three condensing units at 1' - 0" from the interior side property line.

**APPROVED, WITH CONDITIONS.**

- 12. FILE NO. 3149 PEDRO and OLGA ADRIAN  
198 PALM AVENUE  
LOT 39 & 20 FT. STRIP CONT TO SLY BDRY LINE  
BLOCK 2; PALM ISLAND  
PLAT BOOK 6-54; 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 10' - 0" of the minimum required front yard setback of 20' - 0" in order to build a two story accessory structure at 10' - 0" from the front property line.
2. A variance to waive 5' - 0" of the sum of the required side yards of 25' - 0" in order to provide a total of 20' - 0" sum of the side yards.

**CONTINUED TO DECEMBER 2, 2005.**

- 13. FILE NO. 3150 LINDA ZABIELINSKY  
d/b/a SAM'S DELI & GRILL  
740 ARTHUR GODFREY ROAD (a/k/a 41st Street)  
LOTS 1 TO 4 INC; 41<sup>st</sup> STREET BLOCK  
PLAT BOOK 40-47; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to sell/serve beer and wine at an existing restaurant:

1. A variance to waive 154.9 feet and to waive 187.6 feet of the minimum required 300 foot separation between a business that sells/serves alcoholic beverages and two existing educational facilities, Temple Beth Shalom School and North Beach Elementary School, respectively, in order to sell/serve beer and wine at an existing restaurant.

**APPROVED, WITH CONDITIONS.**

14. **FILE NO. 3151**      **FONTAINEBLEAU FLORIDA HOTEL, LLC**  
**a/k/a THE FONTAINEBLEAU SOUTH PARKING LOT**  
**4360 and 4370 COLLINS AVENUE**  
**LOTS 1 and 2; BLOCK 40 & S. 4.55 FT. OF**  
**UNNUMBERED TR DESIGNATED AS JH SNOWDEN**  
**LYG N. & ADJ TO LOT 1, BLOCK 40 & TRS OPP**  
**SAME FACING INDIAN CREEK DR.; MIAMI BEACH**  
**IMP. CO. SUBDIVISION**  
**PLAT BOOK 5-8; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to construct a new six-level, 748 space parking garage:

1. A variance to waive 3' - 6" of the minimum required north side yard facing a street setback, in order to place the garage at 13 - 0" from the north property line.
2. A variance to waive all of the minimum required south interior side yard setback of 16' - 5", in order to place the garage at the south property line.
3. A variance to waive 27' - 10" of the minimum required sum of the side yards setback, in order to provide 5' - 0" where 32' - 10" would be required.

**APPROVED, WITH CONDITIONS.**

15. **FILE NO. 3152**      **JAVIER GARCIA**  
**8340 HAWTHORNE AVENUE**  
**LOT 10; BLOCK 21**  
**BISCAYNE BEACH 3<sup>RD</sup> ADDITION**  
**PLAT BOOK 47-103; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following after-the-fact variance in order to retain a chickee hut and its associated deck located within the minimum required interior side setback (southeast) on a lot within a single family residential district.

1. A variance to waive all of the required interior side setback of 7' - 6" in order to retain an accessory structure located on the southeast interior property line of the lot.

**APPROVED, WITH CONDITIONS.**

16. **FILE NO. 3154      836 FIRST STREET, LLC  
834-36 FIRST STREET  
LOTS 13 THRU 16; BLOCK 52  
OCEAN BEACH ADDITION NO. 3  
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the retention of portions of an existing wall along the rear property line and reconstruct a one (1) story building:

1. A variance to waive all of the minimum required 5' – 0" rear yard pedestal setback in order to retain a portion of a rear wall and reconstruct an existing structure with no setback from the rear property line facing the alley (Commerce Court).
2. A variance to waive 183.5 square feet of the minimum required 360 square feet open court area in order to permit 176.5 square feet of court area facing 1<sup>st</sup> Street.

**APPROVED, WITH CONDITIONS.**

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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, NOVEMBER 4, 2005**

**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

1. **FILE NO. FP05-05 1831 JAMES L.L.C. a/k/a MIRABEL  
1817 JAMES AVENUE  
LOTS 10, 11, 12 and NORTH ½ OF LOT 13 and  
WEST 25 FT. OF LOT 4; BLOCK 2  
FISHER'S FIRST ADDITION OF ALTON BEACH  
PLAT BOOK 2-77; MIAMI-DADE COUNTY, FLORIDA**

This case is continued from the October 7, 2005 meeting.

The applicant is requesting a variance to waive the minimum required base flood plain elevation for the renovation of an existing 3-story historic hotel building.

**APPROVED.**

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