



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

**FRIDAY, DECEMBER 2, 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 the Board's November meeting, it was requested that the applicant appear at this meeting. The Board also requested staff to present a timeline/history of past tenants who have occupied this space, and that both the landlord and tenant (if there is a tenant) appear at is meeting.

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.

***The applicant shall introduce any prospective tenant to the Board. Progress Report due at the January, 2006 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

At the Board's November meeting, they requested that both the landlord and tenant appear at this meeting.

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.

***No further progress reports unless there is a violation.***

**C. EXTENSION OF TIME**

3. FILE NO. 3063 SOUTH BEACH HEIGHTS I, LLC  
650, 710 and 720 ALTON ROAD  
LOTS 20 THROUGH 26; BLOCK 2  
FLEETWOOD SUBDIVISION  
PLAT BOOK 28-34; MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting a modification to a condition of approval for variances associated with the construction of a new five-story medical office building. Condition number 3 of the December 3, 2004 Order requires that a building permit be issued by December 3, 2005 and for the project to be completed by December 3, 2006. The applicant is requesting an eighteen (18) month extension of time to obtain a building permit by June 3, 2007 and to complete the project by December 3, 2008.

***The applicant shall obtain a building permit within 6 months, and shall complete the project within 18 months (of the date of this meeting).***

**D. MODIFICATION AND VARIANCE**

4. FILE NO. 3009 CENTURIAN COLLINS AVENUE, LLC  
a/k/a THE ANKARA currently, The Creek Hotel  
(former applicant: Ken Fields)  
2360 COLLINS AVENUE  
BLOCK 3 OF AMENDED PLAT OF OCEANFRONT  
PROPERTY OF THE MIAMI BEACH IMP. CO. SUB.  
PLAT BOOK 8-7; MIAMI-DADE COUNTY, FLORIDA  
(complete legal description on file in the Planning  
Department)

The applicant is requesting the following modifications of two previously approved variances, and requesting the following additional new variance, in order to permit the revision of previously approved plans for the conversion of an existing hotel to condominium units & townhouses with a new restaurant including a new eight (8) story building addition.

**A. Final Order: Requested Modification to Variance #10:**

10. A variance to exceed the maximum allowable projection into a required side yard of 10' – 0" for balconies by 7' - 6" in order to permit the projections with no setback from the north and west side property lines.

**B. Final Order: Requested Modification to Variance #11:**

11. A variance to exceed the maximum permitted number of two (2) tandem parking spaces by ~~one (1)~~ two (2) parking spaces in order to permit ~~three~~ four tandem parking spaces.

**C. New Variance:**

A variance to waive two (2) feet of the minimum required dimensions for tandem parking space length of sixteen (16) feet, in order to allow 34 proposed tandem parking spaces to measure fourteen (14) feet in length.

***Approved with conditions.***

**E. AMENDMENT**

5. 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, September 2 and November 4, 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 January, 2006.***

**F. CONTINUED CASES**

- 6. FILE NO. 3111 EDUARDO F. BOTTE  
8127 CRESPI BLVD.  
NLY ½ OF LOT 19 DESC BEG NW CORNER LOT 19  
S 27 FT., etc.; BLOCK 9; BISCAYNE BEACH SUB.  
PLAT BOOK 44-67; MIAMI-DADE COUNTY, FLORIDA**

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

The applicant is requesting the following variances in order to construct a new four-story, four (4) unit residential building on a vacant lot:

1. A variance to waive 109 sq. ft. of the minimum required lot size of 5600 sq. ft. in the RM-1 zoning district in order to construct a new residential building on a lot containing only 5,491 sq. ft.
2. A variance to waive 15' – 8" of the minimum required lot width of 50' – 0" in order to construct a new residential building on a lot with a width of 34' - 4".

***Approved with conditions.***

- 7. 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**

This case is continued from the November 4, 2005 meeting.

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.~~  
**WITHDRAWN BY STAFF PER CHANGES TO THE DESIGN**

**Continued to January, 2006.**

**G. NEW CASES**

8. **FILE NO. 3147 YURI GOMEZ and SARA SILVA  
2121 LUCERNE AVENUE  
LOT 7; BLOCK 4C; SUNSET ISLANDS NO. 4  
PLAT BOOK 40-80; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to remodel and construct an addition to an existing single family residence:

1. A variance to waive a range of 10' - 0" to 4' - 3" of the minimum required rear yard setback of 20' - 0" in order to construct a one story addition at 10' - 0" and 15' - 9" from the south property line.
2. A variance to waive 4' - 1 1/4" of the minimum side yard facing the street setback requirement of 15' - 0" in order to construct a two story addition at 10' - 10 3/4" (10.9') from the west property line.
3. A variance to waive the range of 5' - 0" to 9' - 5" of the minimum required front yard setback for swimming pools and decks of 20' - 0" from the front property line in order to construct a pool with a range of 15' - 0" to 10' - 7" (10.58') from the exterior side of the coping of the pool to the front property line and its associated curve.

**Approved with conditions.**

9. **FILE NO. 3155 MITRANI, GRAINER & ASSOCIATES, INC.  
1966 BIARRITZ DRIVE  
LOT 5; BLOCK 38  
ISLE OF NORMANDY MIAMI VIEW SEC.  
PLAT BOOK 34-80; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new six (6) unit, five (5) story residential complex on a vacant lot.

1. A variance to waive 2' – 6" of the minimum required interior two-way drive aisle width of 22' – 0" in order to build the drive aisle with a width of 19' – 6".
  
2. A variance to waive all of the minimum required setback dimension of 1' - 6" from the edge of the required interior drive to the face of the structural column.

**Approved with conditions.**

- 10. FILE NO. 3156 DECO BEACH INNS, LTD.  
Re: 1817, 1831 and 1835 JAMES AVENUE  
W. 25 FT. OF LOT 4 & LOTS 10 THRU 12 &  
N ½ OF LOT 13; BLOCK 2  
ALTON BEACH 1<sup>ST</sup> SUBDIVISION  
PLAT BOOK 2-77; MIAMI-DADE COUNTY, FLORIDA**

The applicant is appealing an administrative decision of the Planning Director, regarding the applicability of Section 118-398 of the City Code to an approved rooftop addition at the subject address.

**Continued to January, 2006.**

- 11. FILE NO. 3157 MICHAEL S. BURRELLE and DANIEL E. CABRERA  
4240 ROYAL PALM AVENUE  
LOT 5; BLOCK 10; ORCHARD SUBDIVISION NO. 4  
PLAT BOOK 25-30; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new swimming pool and its associated deck within the required front, interior side and side facing the street yard setbacks of an existing single family residence:

1. A. A variance to waive 12' - 6" of the minimum required front yard setback of 20' - 0" in order to provide 7' - 6" from the east property line to the water's edge, facing Royal Palm Avenue.
  
- B. A variance to waive 15' - 6" of the minimum required front yard setback of 20' - 0" in order to provide 4' - 6" from the east property line to the pool deck, facing Royal Palm Avenue.

2. A. A variance to waive 2' - 6" of the minimum required interior side yard setback of 9' - 0" in order to provide 6' - 6" from the south property line to the water's edge.  
  
B. A variance to waive 4' - 3" of the minimum required interior side yard setback of 7' - 6" in order to provide 3' - 3" from the south property line to the pool deck.
3. A variance to waive 5' - 6" of the minimum required side yard facing a street setback of 10' - 0" in order to provide a pool deck at 4' - 6" from the north property line, facing West 43<sup>rd</sup> Street.

**Approved with conditions.**

- 12. FILE NO. 3158      AMY & GARY BRECKA  
720 E. DILIDO DRIVE  
LOT 4; BLOCK 14; DILIDO ISLAND  
PLAT BOOK 8-36; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new swimming pool and its associated deck within the required front and side facing the street yard setbacks of an existing single family residence:

1. A. A variance to waive 10' - 0" of the minimum required front yard setback of 20' - 0" in order to provide 10' - 0" from the north property line to the water's edge, facing 8<sup>th</sup> Terrace.  
  
B. A variance to waive 14' - 0" of the minimum required front yard setback of 20' - 0" in order to provide 6' - 0" from the north property line to the pool deck, facing 8<sup>th</sup> Terrace.
2. A variance to waive 4' - 0" of the minimum required side yard facing a street setback of 10' - 0" in order to provide a pool deck at 6' - 0" from the east property line, facing E. Dilido Drive.
3. A variance to waive 1' - 6" of the minimum required interior side yard setback of 7' - 6" in order to build a pool deck at 6' - 0" from the west property line.

**Approved with conditions.**

- 13. FILE NO. 3160      E.D.Y., INC. d/b/a SURFSTYLE  
1155 COLLINS AVENUE**

**LOTS 13 and 14; BLOCK 16  
OCEAN BEACH ADDITION NO. 2  
PLAT BOOK 2-56; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting a variance in order to relocate an allowable building identification sign on a three (3) story building from the north parapet facing 12<sup>th</sup> Street to a vertical architectural feature facing an alley to the east, Ocean Court.

1. A variance to waive the requirement of a building identification sign to be located on the parapet of the building in order to provide a building identification sign on an architectural feature facing an alley to the east, Ocean Court.

**Approved with conditions.**

- 14. FILE NO. 3161      PARK WEST PARKING LLC  
1732 JAMES AVENUE  
N. ½ OF LOT 4 and LOT 5; BLOCK 26  
ALTON BEACH 1<sup>ST</sup> SUBDIVISION  
PLAT BOOK 2-77; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance to waive the minimum required parking space dimensions for two parking spaces, in order to renovate and operate a surface parking lot at the subject address.

1. A variance to waive 1 ft. of the minimum required parallel parking space of 21 ft. in order to have two parallel parking spaces of only 20 ft. in width.

**Approved with conditions.**

- 15. FILE NO. 3162      JACOBSON 6<sup>TH</sup> STREET LLC  
600 WASHINGTON AVENUE  
LOTS 7 and 8; BLOCK 47  
OCEAN BEACH ADDITION NO. 3  
PLAT BOOK 2-81; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to renovate and operate a surface parking lot at the subject address.

1. A variance to waive ten (10) to sixteen (16) feet of the minimum required front parking lot setback of twenty (20) feet, in order to allow



the parking lot at from four (4) feet to ten (10) feet from the front property line..

2. A variance to waive two and one-half (2 1/2) feet of the minimum required side interior parking lot setback of seven and one-half (7 1/2), in order to allow the parking lot at from five (5) feet from the north side property line.
3. A variance to waive two and one-half (2 1/2) feet of the minimum required side facing a street parking lot setback of seven and one-half (7 1/2), in order to allow the parking lot at from five (5) feet from the south side property line.

**Approved with conditions.**

16. **FILE NO. 3163      LUCKY STRIKE MIAMI, L.L.C. a/k/a THE LINCOLN  
1691 MICHIGAN AVENUE  
LOTS 7 THRU 10 & LOTS 14 THRU 20; BLOCK 37  
PALM VIEW SUBDIVISION  
PLAT BOOK 6-29; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to relocate a projecting business sign on a multistory commercial building, facing Michigan Avenue, and to exceed its maximum permitted size.

1. A variance permit the relocation of a projecting business sign from the permissible ground floor location in order to allow its placement on the 2<sup>nd</sup> and 3<sup>rd</sup> levels of a multistory commercial building, facing Michigan Avenue.
2. A variance to exceed the maximum permitted projecting sign area of 15 square feet by 65 square feet in order to provide signage with an area of 80 square feet.

**Approved with conditions.**

**H. NEXT MEETING DATE**

January 6, 2006

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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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