



## PLANNING DEPARTMENT

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### BOARD OF ADJUSTMENT

### AFTER ACTION REPORT

FRIDAY, DECEMBER 8, 2006

9:00 A.M.

CITY COMMISSION CHAMBERS, THIRD FLOOR  
1700 CONVENTION CENTER DR., MIAMI BEACH, FLORIDA

#### A. PROGRESS REPORTS

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

The applicant will present a progress report in association with this operation which received a variance on September 6, 2002 in order to waive the required side yard setback facing a street in order to allow the construction of this storage warehouse.

**PROGRESS REPORT DUE IN 60 DAYS (FEBRUARY 2, 2007), UNLESS A C.O. IS ISSUED.**

2. FILE NO. 3247      PARK ISLE ASSOCIATES, LLC  
7251 WAYNE AVENUE  
TRACK "A"  
PARKVIEW ISLAND SUBDIVISION  
PLAT BOOK 60, PG 6;  
MIAMI-DADE COUNTY, FLORIDA

The applicant shall present a progress report in association with the renovation of five (5) two-story residential building, which received variances on September 8, 2006.

The applicant is requesting continuance to the January 5, 2007 meeting.

**CONTINUED TO JANUARY 5, 2007.**

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## **B. CONTINUED CASES**

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

This case was continued from the November 1, 2006 meeting.

The applicant is requesting a modification of a previously approved variance, granted on January 10, 2003. The applicant is proposing to enlarge the restaurant space with a coffee bar to the east side of the existing restaurant.

The applicant is requesting the following variance in order to sell/serve beer and wine and liquor at a restaurant and to permit the sale of alcoholic beverages (specifically wine) as package goods for consumption off the premises:

1. A variance to waive 220 feet of the minimum required 300 foot separation between a business that sells/serves alcoholic beverages for consumption and an existing educational facility, Fisher-Feinberg Elementary School, in order to sell/serve alcoholic beverages for consumption within a new restaurant with a distance of 80 feet to the school.

**APPROVED WITH ADDITIONAL CONDITIONS. PROGRESS REPORT IF THERE ARE ANY VIOLATIONS OR WARNINGS.**

4. **FILE NO. 2892**      **KOKOMOJO MIAMI BEACH, INC.  
formerly KAREN OLIN, d/b/a/ BOY BAR  
1220 NORMANDY DRIVE  
LOTS 7 THRU 11 LESS S. 25 FT.; BLOCK 10  
OCEANSIDE SECTION ISLE OF NORMANDY  
PLAT BOOK 25, PG 60;  
MIAMI-DADE COUNTY, FLORIDA**

This case was continued from the November 1, 2006 meeting.

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. 10 of the September 6, 2002 Final Order prohibited the establishment from becoming a nightclub

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use. The applicant requests to modify this condition to permit live entertainment.

## APPROVED WITH ADDITIONAL CONDITIONS.

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

This case was continued from the November 1, 2006 meeting.

The applicant is requesting a modification to the approved site plans to construct a two-story mixed-use addition to an existing commercial building. The modification does not require any new variance.

## APPROVED WITH ADDITIONAL CONDITIONS.

### C. NEW CASES

6. FILE NO.3251 URU 1, LLC  
8421 CRESPI BOULEVARD  
LOTS 3, BLOCK 9,  
OF BISCAYNE BEACH SUBDIVISION,  
PLAT BOOK 44, PG 67;  
MIAMI-DADE COUNTY, FLORIDA

The applicant is requesting the following variance in order to permit the construction of a new three (3) story multifamily building with four (4) units:

1. A variance to waive 6' – 2" of the minimum required 22' – 0" interior aisle dimension for 90 degree parking in order to provide an interior aisle with 15' - 10" in width.

## APPROVED.

7. FILE NO.3252 DIEGO PINEIRO  
7626 DICKENS AVENUE  
LOT 4, LESS THE EAST 2.5 FEET, BLOCK 29,  
ALTOS DEL MAR NO. 3, PLAT BOOK 8, PG 41;  
MIAMI-DADE COUNTY, FLORIDA

APPLICATION CONTINUED TO THE JANUARY 5, 2007 MEETING, PER STAFF REQUEST.

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8. **FILE NO.3256**      **BARBARA HAGEN**  
**119 EAST 2<sup>ND</sup> COURT, HIBISCUS ISLAND**  
**LOT 3, BLOCK 1,**  
**HIBISCUS ISLAND RESUBDIVISION,**  
**PLAT BOOK 34, PG 87;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a one (1) story garage within the required front yard of an existing single family residence:

1. A variance to waive 7' - 0" of the minimum required front yard setback of 20' - 0" in order to build a one story garage at 13' - 0" from the front property line.

**APPROVED.**

9. **FILE NO.3257**      **FAIRFAX HOTEL PARTNERSHIP, LTD.**  
**1776 COLLINS AVENUE**  
**LOTS 9, 10, 11 & 12, BLOCK 27,**  
**OF FISHER'S SUBDIVISION OF ALTON BEACH,**  
**PLAT BOOK 2, PG 77;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to build an accessory rooftop outdoor bar counter with extended hours of operation in an existing hotel:

1. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 4:00 am.

**APPROVED WITH MODIFIED CONDITIONS AND HOURS OF OPERATION.**

10. **FILE NO.3260**      **BYHALL, LLC**  
**401 69<sup>TH</sup> STREET**  
**LOTS 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK H,**  
**"CORRECTED PLAT OF ATLANTIC HEIGHTS"**  
**LESS AND EXCEPT THE EAST 2 FEET OF LOTS 7,**  
**8, 9, AND 10M IN SAID BLOCK H, PLAT BOOK 9,**  
**PG 14; MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of two (2) egress stairs to an existing seventeen (17) story existing building:

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1. A variance to waive all of the required front pedestal setback of 20'-0" in order to build a required egress stair up to the front property line.
2. A variance to waive all of the required interior pedestal setback of 16' - 0" in order to build a required egress stair up to the north property line.

## CONTINUED FOR 30 DAYS (JANUARY 5, 2007).

11. **FILE NO. 3261**      **FRIEDRICH KOESTERS, MICHAEL JARBOE**  
**841 19<sup>TH</sup> STREET**  
**THE WEST 1/2 OF BLOCK 8 A OF**  
**'AMENDED PLAT OF GOLF COURSE SUBDIVISION'**  
**PLAT BOOK 6, PG. 26;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit the construction of a one (1) story addition to an existing two (2) story single family residence:

1. A variance to waive 7' - 6" of the minimum required interior side yard setback of 15' - 0" in order to build a one story addition at 7' - 6" from the east property line.

## APPROVED.

12. **FILE NO.3262**      **DORY GOMEZ DE ROSAS**  
**555 W 51<sup>ST</sup> STREET**  
**LOT 14, BLOCK 23 OF "LAKEVIEW SUBDIVISION",**  
**PLAT BOOK 14, PG 42;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a swimming pool and its associated deck within the front yard of an existing single family residence and an after-the-fact variance to retain an existing carport:

1. A variance to waive 17' - 0" of the required 20' - 0" minimum front setback for a swimming pool deck in order to build the deck at 3' - 0" from the front (south) property line.
2. A variance to waive 10' - 0" of the required 20' - 0" minimum front setback for a swimming pool and deck in order to build the

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waterline of the swimming pool at 10' - 0" from the front (south) property line.

3. A variance to waive 3' - 6" of the minimum required setback of 7' - 6" from any interior side property line to the edge of the pool deck in order to build the pool deck at 4' - 0" from the east property line.
4. A variance to waive 1' - 4" of the minimum required setback of 9' - 0" from the swimming pool water's edge to any interior side property line in order to build the waterline at 7' - 8" from the east property line.
5. An after-the-fact variance to waive all of the 18" required setback from the edge of the carport to the property line in order to legalize the existing carport.

### APPROVED.

13. **FILE NO.3264**      **DR. NOAMAN SANNI**  
**55 PALM AVENUE**  
**LOT 13, BLOCK 1 OF 'PALM ISLAND'**  
**PLAT BOOK 6, PG 54;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit an addition to an existing structure within a historic single family residence:

1. A variance to waive all of the required 20' - 0" front yard setback in order to extend the existing enclosure 3' - 8" to the northwest.

### APPROVED.

14. **FILE NO.3265**      **AMERICAN INTERSTATE CORP.**  
**2200-2236 COLLINS AVENUE**  
**LOT 1 LESS THE NORTH 10 FEET THEREOF**  
**AND ALL OF LOT 2, BLOCK 2,**  
**AMENDED MAP OF THE OCEAN FRONT**  
**PROPERTY OF THE MIAMI BEACH**  
**IMPROVEMENT COMPANY,**  
**PLAT BOOK 5, PGS 7 & 8;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new 2-story and 4-story mixed use building:

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- ~~1. A variance to waive 17' - 6" of the required front pedestal setback of 20' - 0" in order to build a residential egress stair at 2' - 6" from the north property line (facing 23<sup>rd</sup> Street).~~

VARIANCE 1 WITHDRAWN BY STAFF.

2. A variance to waive all of the required interior pedestal setback of 7' - 6" in order to build the residential areas and corridor (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> levels) up to the west property line.
3. A variance to exceed by 2' - 8" the maximum allowable projection of 2' - 0" into the required yard facing the street in order to provide a projection (balconies and architectural features) of 4' - 8" to the east side of the property, facing Collins Avenue.

## APPROVED WITH ADDITIONAL CONDITIONS.

15. FILE NO.3266      **SCOTT & DEBORAH ROBINS**  
**1800 W 24<sup>TH</sup> STREET**  
**LOTS 3 AND 4, BLOCK 3F,**  
**OF 3<sup>RD</sup> REVISED PLAT OF SUNSET ISLANDS,**  
**PLAT BOOK 40, PG 8; MIAMI-DADE COUNTY,**  
**FLORIDA**

The applicant is requesting the following variances in order to permit the construction of an addition to an existing two-story home and to relocate an existing basketball court:

1. A variance to waive a range between 5' - 0" and 7'-6" of the minimum required front yard setback of 20'-0" in order to align with the existing building façade at 12'-6" and to extend the garage to 15'-0" from the front property line, facing West 24<sup>th</sup> Street.
2. A variance to waive a range of between 10'-0" and 17'-6" of the minimum required front yard setback of 30'-0" in order to build a second story at a range between 20'-0" and 12'-6" from the north property line, facing West 24<sup>th</sup> Street.
3. A variance to waive 12'-6" of the minimum required front yard setback of 20'-0" in order to relocate a basketball court at 7'-6" from the front property line, facing West 23<sup>rd</sup> Street.

## APPROVED.

16. FILE NO.3267      **MICHAEL MUSKAT, PHILLIP MUSKAT,**  
**1247 BAYVIEW DEVELOPMENT CORP.**  
**1255 WEST AVENUE**

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**MIAMI BEACH, FLORIDA  
(FOR LEGAL DESCRIPTION,  
PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variances in order to permit the construction of a new six (6) story multifamily building, to replace two existing single story homes and one existing 2-story building, to be demolished:

1. A variance to waive 2'-4" of the minimum required drive width of 22'-0" in order to build a drive with a width of 19'-8".
2. A variance to exceed the maximum allowable projection of 25% into a required yard in order to allow a projection of 100% into the required side facing the street to the north of the property.
3. A variance to exceed by 1'-2" the maximum allowable walkway width of 3'-0" in order to build a walkway with a width of 4'-2" within the required side yard facing the street at the north side of the property.
4. A variance to exceed the maximum allowable projection of 25% into a required yard in order to allow a projection of 100% into the required front yard to the west of the property.
5. A variance to exceed by a range between 2'-0" and 3'-6" the maximum allowable walkway width of 3'-0" in order to build a walkway with a width of 6'-6" and a ramp with a width of 5'-0" within the required front yard at the west side of the property.
6. A variance to waive 5'-0" of the required interior side yard setback of 5'-9" at the parking level in order to build two (2) parking spaces at 9" from the south property line.
7. A variance to waive 1'-4" of the required minimum drive aisle width of 22'-0" in order to provide a drive aisle of 20'-8" at the second level of the parking garage.
8. A variance to waive 7'-6" of the minimum tower front setback requirement of 27'-6" in order to provide a tower setback of 20'-0" from the west property line.
9. A variance to waive 9" of the minimum required interior side tower setback of 10'-0" in order to build the tower portion of the building at 9'-3" from the south property line.



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10. A variance to waive 7'-6" of the minimum required rear tower setback of 22'-6" in order to build the rear of the tower portion of the building at 15'-0" from the east property line.

## CONTINUED FOR 60 DAYS (FEBRUARY 2, 2007).

17. **FILE NO.3268**      **SOUTHPOINTE HEIGHTS, LLC**  
**49-53 COLLINS AVENUE**  
**LOTS 14 AND 15, IN BLOCK 1,**  
**OF 'OCEAN BEACH FLORIDA SUBDIVISION',**  
**PLAT BOOK 2, PG 38; MIAMI-DADE COUNTY,**  
**FLORIDA**

The applicant is requesting the following variances in order to permit the construction of a new seven (7) story mixed-use residential/retail structure, to replace an existing surface parking lot:

1. A variance to waive all of the required 5'-0" rear pedestal setback at the parking levels +7.0' and +21.0' NGVD in order to build those levels up to the east property line and a variance to waive 1'-3" of the 13'-0" required rear pedestal setback at the levels containing residential/hotel units in order to build those levels at 11'-9" from the east property line, facing the alley.
2. A variance to exceed by 5'-0" the maximum and minimum front pedestal required setback of 0'-0" in order to build the lobby entrance and the commercial portions at 5'-0" from the front property line.
3. A variance to waive 26'-0" of the minimum tower front setback requirement of 50'-0" in order to build the tower portion at 24'-0" from the front property line, facing Collins Avenue.

## APPROVED.

18. **FILE NO.3269**      **TRG-BLOCK ONE, LTD.**  
**1-35, 2-30, 36-40, 46-64 OCEAN DRIVE**  
**AND 69 COLLINS AVENUE**  
**MIAMI BEACH, FLORIDA**  
**(FOR LEGAL DESCRIPTION,**  
**PLEASE CONTACT THE PLANNING DEPT.)**

The applicant is requesting the following variance in order to permit the construction of an elevated bridge connector at the rear of the existing Taverna Opa:

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1. A variance to waive all of the required rear pedestal setback of 5' - 0" in order to build an elevated bridge connector at the rear of the existing Taverna Opa.

**APPROVED.**

19. **FILE NO. 3270**      **MOULIN ROUGE AT MERIDIAN, LLC**  
**741-745 6<sup>TH</sup> STREET**  
**THE WEST 72.5 FEET OF LOTS 9 AND 10,**  
**BLOCK 58 OF "OCEAN BEACH,**  
**FLA. ADDITION NO. 3",**  
**PLAT BOOK 2, PG. 81;**  
**MIAMI-DADE COUNTY, FLORIDA**

The applicant is requesting the following variance in order to permit a new fire stair to be built at the north side of an existing multifamily building:

1. A variance to waive 4' - 5" of the minimum required rear yard setback of 10' - 0" in order to build a new fire stair at 5' - 7" from the north property line.

**APPROVED.**

## **D. NEXT MEETING DATE**

January 5, 2007.

**NOTE:**      ***There were no cases scheduled for the Flood Plain Management Board.***

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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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