

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: May 24, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **File No. 1182. 3115 and 3125 Pine tree Drive. – Modification to a previously approved Lot Split/subdivision of Land.**

### **REQUEST**

The applicants, Sonia Kashuk and Daniel Kaner, are requesting a modification to a previously issued Lot Split application, pursuant to Section 118, Article IV of the City Code. Specifically, the applicants are requesting to remove a condition limiting the construction of a privacy wall.

### **RECOMMENDATION**

Approval with Conditions

### **ZONING / SITE DATA**

**Legal Description:** See Exhibit A

**Future Land Use:** RS-3 (Single Family Residential Zoning District)

**Zoning:** RS-3 (Single Family Residential Zoning District)

**Lot Size:** 3115 Pine Tree Drive = 29,742 SF (South Lot)  
3125 Pine Tree Drive = 19,223 SF (North Lot)

### **BACKGROUND**

*July 18, 1994* A Conditional Use Permit (CUP) File 1182 was granted for the division of land/lot split. (See Exhibit B)

*April 19, 2016* Continued to May 24, 2016 by applicant request.

### **REVIEW CRITERIA**

Pursuant to Section 118-321(d), in reviewing an application for the division of lot and lot split, the planning board shall apply the following criteria:

- 1. Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

**Consistent**– As previously approved.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

**Consistent**– As previously approved.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

**Consistent**– As previously approved.

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

**Consistent**– As previously approved.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

**Consistent**– As previously approved.

6. **Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The Board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the Planning Director or designee to be architecturally significant under section 142-108 (2).**

**Consistent**– As previously approved

## **ANALYSIS**

The subject property received approval for a lot split in 1994 (File No. 1182). The Properties are located Mid-Block on the east side of Pine Tree Drive, between 30th and 33rd streets.

The properties were once a single parcel, whereby the main residence was located on what is now 3115 Pine Tree Drive parcel and its garage was located on what is now 3125 Pine Tree Drive. However in 1994, The Planning Board approved a lot split, which permitted the properties to be split as they exist today. The aforementioned garage structure was subsequently renovated into a single family residence; thus there are two (2) single family residences on the properties, one (1) on the north parcel and one (1) on the south parcel.

The applicant (3125 Pine Tree Drive) proposes to renovate the existing single family residence located at the front of this property and construct an addition at the rear of the existing single family structure. As part of its intended renovations, the applicant wishes to construct a wall with

landscaping on the south side of the property for privacy and security, which is the subject of this application.

Condition No. 8 from the approved lot split states: “There shall be no wall erected, or hedge planted, between the two properties (Site A and Site B) in order to maintain the visual and historic continuity of the original building site”. This is not a common condition imposed on these types of lot split applications and staff has no objection on the elimination of this condition. After the approval of the lot split in 1994, the properties have since diverged significantly in their appearance and character. Through approved modifications that have occurred throughout the years, the properties have lost their once unified appearance and have become two (2) individual single family residences with distinctive characteristics.

Site A = 3115 Pine Tree Drive

Site B = 3125 Pine Tree Drive

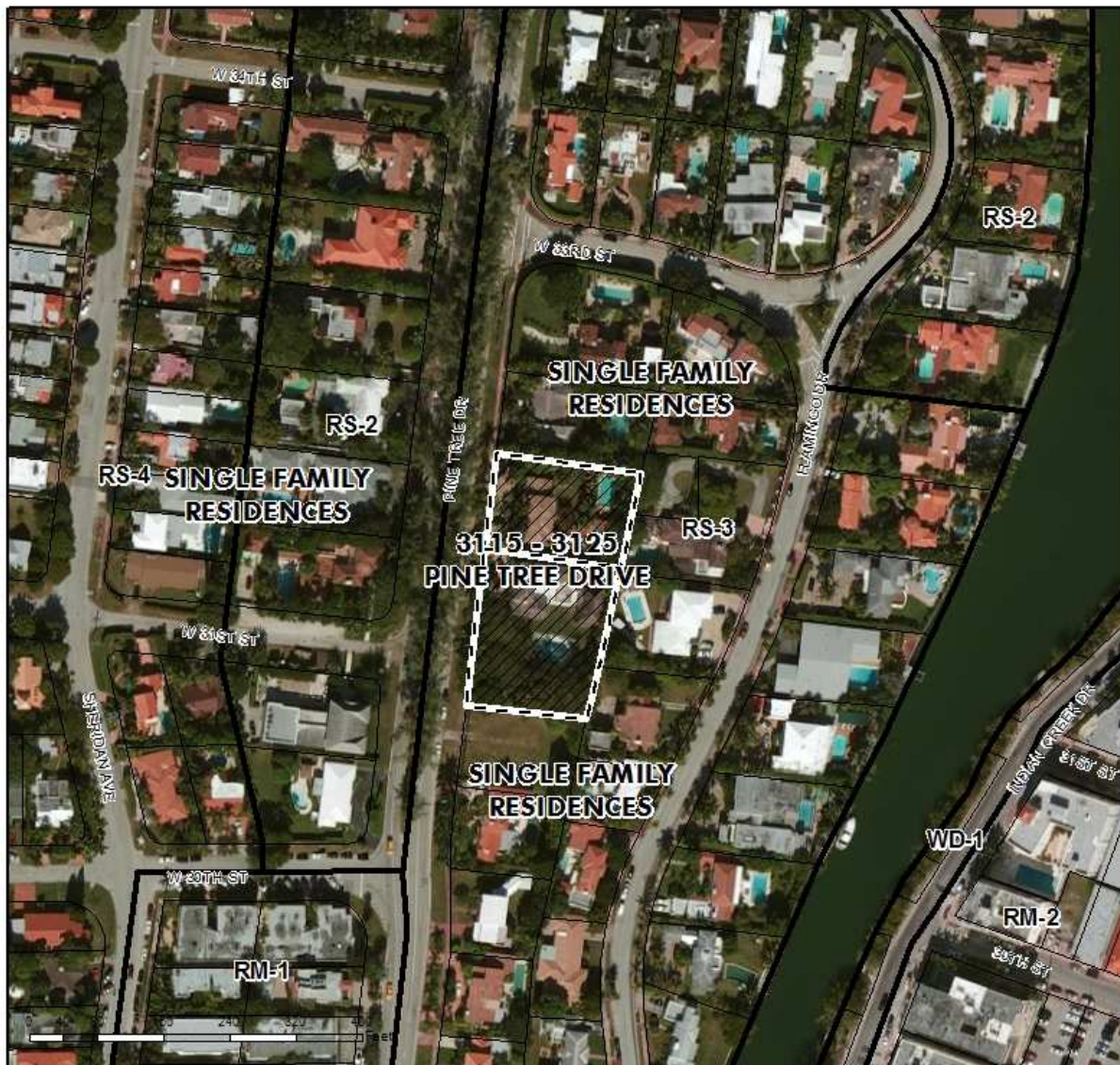
**STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application be approved, subject to the conditions enumerated in the attached draft Order.

TRM/MAB/AG

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## **ZONING SITE MAP**



City of Miami Beach Planning Board  
 File No. 1182  
 3115 - 3125 Pine tree Drive



The applicant, Sonia Kashuk and Daniel Kaner, are requesting a modification to a previously issued Conditional Use Permit, pursuant to Section 118, Article IV of the City Code. Specifically, the applicant is requesting to remove a condition limiting the construction of a privacy wall.

**MIAMI BEACH**  
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## EXHIBIT A

**3. NAME & ADDRESS OF PROPERTY** 3115 Pinetree Drive and 3125 Pinetree Drive

**LEGAL DESCRIPTION:** 3115 Pinetree Drive: FLAMINGO TERRACE SUB, PB 10-3, ALL LOT 9 & LOT 10 LESS NLY13.45FT

BLK 6, LOT SIZE 186.550 X 157, OR 16186-2976 1193 4

3125 Pinetree Drive: FLAMINGO TERRACE SUB, PB 10-3, LOT 11 & NLY13.45FT LOT 10 BLK 6, LOT SIZE 113.45 X  
171, OR 21279-2644 052003 1