

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 04, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB19-0377
2300 Alton Road

DRB19-0377, 2300 Alton Road. An application has been filed requesting Design Review Approval for the construction of a new attached two-story accessory structure ~~residence~~ to an existing pre-1942 architecturally significant two-story residence, including variances to reduce the required rear, side, street side and sum of the side setbacks for a two-story accessory building, to eliminate the required separation between the main home structure and the accessory building, to reduce the minimum open space required within the rear yard, to exceed the maximum area for the second floor of an accessory building, to exceed the maximum area for an accessory structure in the rear yard and to exceed the unit size of the accessory structure in relation to the main house.

RECOMMENDATION:

Continue to a future date.

LEGAL DESCRIPTION:

Lot 1 of Block 13 of the Amended Plat of Sunset Lake Subdivision, according to Plat thereof as recorded in Plat Book 8, Page 52 of the Public Records of Miami-Dade County, Florida.

HISTORY:

On December 16, 2018, the owner requested a formal determination of architectural significance for the subject property according to Section 142-108(a) of the City Code from the Planning Department. On January 16, 2019, the principal residence was found to satisfy all four criteria and therefore determined to be 'architecturally significant', pursuant to DRB18-0361. This formal determination avails the property owner to certain zoning allowances in the land development regulations commonly referred to the incentive ordinance when the principal structure is substantially retained and preserved.

SITE DATA:

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	7,781 SF
Lot Coverage:	
Proposed:	2,625.6 SF / 33.7%
Maximum:	3,112.4 SF / 40%
Unit size:	
Proposed:	4,470.9 SF / 57.4%
Maximum:	4,668.6 SF / 60%
Height:	

Maximum: 24'-0" flat roof
Proposed: ~24'-0" flat roof
2nd Floor Volume to 1st: **NA**

Grade: 3.09' NGVD
Base Flood Elevation: +8.00' NGVD
Adjusted Grade: 5.54' NGVD
First Floor Elevation: 5.50' NGVD

EXISTING STRUCTURE:

Year Constructed: 1925
Contractor: W.F. Byron
Vacant: No
Demolition Proposed: Partial Accessory guesthouse

SURROUNDING PROPERTIES:

East: Alton Road Golf Course
North: Two-story 1925 residence
South: Two-story 1959 residence
West: Two-story 1929 residence

THE PROJECT:

The applicant has submitted plans entitled "Residence 2300 ALTON RD" as designed by **Edward Landers, P. E.**, dated 04/01/19.

The applicant is proposing partial demolition and a new two-story addition to the existing accessory building located in the rear yard including multiple variances.

The applicant is requesting the following variance(s):

1. A variance to reduce by 5'-0" the required interior side setback of 10'-0" for a two-story accessory building in order to construct a two-story addition to the existing one-story structure in the rear yard at 5'-0" from the north side property line.
2. A variance to reduce by 2'-2" the required street side setback of 15'-0" for accessory buildings in order to construct a one-story addition to the existing one-story structure in the rear yard at 12'-10" from the south side property line facing 23rd Street.
3. A variance to reduce by 10'-6" the required rear setback of 15'-0" for accessory buildings in order to construct a two-story addition to the existing one-story structure in the rear yard at 4'-6" from the rear property line.

- Variances requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(a) *Accessory buildings.*

(2) *In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:*

e. Setbacks: 2. Two-story. A two-story accessory building shall not be located closer than ten feet to an interior side lot line, or the required side yard setback, whichever is greater, 15 feet when facing a street, and a rear setback of 15 feet.

The corner parcel contains an architecturally significant two-story home and a one-story accessory structure in the rear yard. Functionally, the accessory structure contains a converted garage storage area and guest quarters. The proposal, to construct a new two story accessory structure in more or less the same footprint, requires substantial demolition of the existing one-story accessory building. The design requires reconfiguration of the structure and the addition of a second story following the existing non-conforming interior, street side and rear setbacks.

The continuation of the non-conforming street side setback and rear setback allows minimal impact on the main home in order to provide a garage on the street side, consistent with the location of the original garage. However, staff has serious concerns with the potential visual and aural impact of the reconstruction following the existing non-conforming side and rear setbacks on the north side and the introduction of a second story addition due to its proximity to the adjacent neighboring properties. The proposal will increase the level of non-conformity of the structure in multiple areas of the City Code. The required setbacks for a two-story structure are significantly larger than the setbacks for a one-story accessory structure. A one-story accessory building can be constructed at 7'-6" from the side and rear property lines whereas a two-story accessory building requires a minimum of 10'-0" from the side property line and 15'-0" from the rear property line. In addition, the second story portion triggers a new variance (#8). Staff is supportive of variance #2 and finds that the variances requested #1 and #3 do not fully satisfy the practical difficulties criteria.

4. A variance to eliminate the required 5'-0" distance separation from the main home to accessory buildings in order to construct a two-story accessory building connected to the main home by a wall.
 - Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(a) Accessory buildings.

(2) In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:

d. Building separation. Accessory buildings shall be separated from the main home by a minimum of five feet open to the sky with no overhead connections

The existing accessory building is attached to the main home by a wall with an arched access, proposed to be retained. The existing wall minimally connects the two structures and it does not constitute an expansion of the main living area to the accessory building. Both structure envelopes are actually 10'-0" apart which should not create an adverse impact on the existing architecturally significant home or on the neighboring properties. Staff finds that the retention of the existing home and this wall satisfies the practical difficulties criteria for the granting of this variance.

5. A variance to reduce by 7'-2" the required sum of the side setbacks of 25'-0" in order to construct portions of the accessory building within the main building setbacks and provide a sum of the side setbacks of 17'-10".

- Variance requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(2) Side yards:

a. The sum of the required side yards shall be at least 25 percent of the lot width.

A portion of the accessory building is located within the buildable area of the main home and subject to the required setbacks for the principal structure. In this case, the proposed setbacks of 5'-0" on the north side and 12'-10" on the street side beyond the rear 20'-0" do not meet the required 25% of the lot width of the property or 25'-0". The addition of the new garage area does not comply with the required street side yard setback, as noted in variance # 2, for which staff has no objections, as it would allow the construction of the garage. However, the new interior side setback can be modified to comply with the required sum of the side setbacks with an interior side setback of 12'-2". Staff would be supportive of a lesser variance for a one-story structure with a minimum 7'-6" interior setback, as the Code allows additions to an architecturally significant home that continue the existing interior non-conforming side setback of 5'-0" without a variance. Again, staff recommends modifications to the project to reduce the overall impact of the variances requested.

6. A variance to reduce by 43% (552 sf) the required 70% (900 sf) open space within the rear yard in order to construct an accessory building and provide 27% (349 sf) of open space in the rear yard.

- Variance requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(3) Rear: The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50% of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

The existing open space in the rear yard including the accessory building, driveway, other slabs and walkway is already non-conforming with an area of approximately 30.9 % (398 sf) where 70% (900.2 sf) is required. The new accessory building configuration, the driveway and other impervious areas to be retained, further reduce the open space to approximately 27% (348 sf). Staff finds that this variance request can be substantially reduced or removed if the living area is located above the garage or at least substantially reduced with a one-

story structure. As such, staff cannot support this variance request, as proposed. Staff recommends modifications to the project to reduce the overall number of variances required.

7. A variance to exceed by 30.1% (388 sf) the maximum area allowed of 25% (321 sf) within the rear yard in order to construct an accessory building and provide an area of 55.1% (709 sf) within the rear yard.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(a) Accessory buildings.

(2) In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:

a. Lot coverage. Accessory buildings that are not a part of the main building, shall be included in the overall lot coverage calculations for the site, and may be constructed in a rear yard, provided such accessory building (or accessory buildings) does not occupy more than 25 percent of the area of the required rear yard.

This variance is similar to the previous in that the existing footprint of the accessory building in the rear yard is already non-conforming with an area of approximately 48.4% (622.6 SF) where 25% (321.5 SF) is the maximum allowed. The new accessory building configuration further exceeds the footprint in the rear yard with an area of approximately 55.1% (709.3 SF). Staff finds that this variance request can be substantially reduced or removed if the living area is located above the garage or at least reduced with a one-story structure (removing the proposed open terrace below the living area). As such, staff cannot support this variance request, as proposed. As previously noted staff recommends modifications to the project in order to reduce the overall number of variances required and lessen the impact on the neighboring properties.

8. A variance to exceed by 9.3% (67 SF) the maximum permitted 50% (355 SF) of the first floor area (711 SF) for a second story in order to construct the second floor of an accessory building with 59.3% (422 SF) of the first floor area located in the rear yard.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(a) Accessory buildings.

(2) In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:

c. Two-story structures. The second floor of an accessory building shall not exceed 50 percent of the first floor area

As the existing structure contains only one floor, this variance is created by the new second floor addition and its size. This variance is not related to the retention of the architecturally significant home. Staff again recommends modifications to reduce the total number of variances, including the area of the second floor in reference to the first floor. Staff would note that this variance is applicable only to the portions that are located within the rear yard,

which also allows more flexibility when placing the second floor with a larger rear setback into the property. Therefore, staff is not supportive of this variance request, as proposed.

9. A variance to exceed by 11% (494 SF) the maximum unit size permitted of 10% (447 SF) for an accessory building in relation to the unit size of the main house in order to construct a new two-story accessory building at 21% (941 SF) of the size of the main home (4,471 SF).

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(a) Accessory buildings.

(2) In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:

b. Size. The area of accessory buildings shall be included in the overall unit size calculation for the site. In no instance shall the total size of all accessory building(s) exceed ten percent of the size of the main home on the subject site, or 1,500 square feet, whichever is less.

The proposed accessory building exceeds the maximum unit size in relation to the main house. The lot area is 7,781 SF which would allow a maximum of 60% unit size or 4,668 sf and permit an accessory structure with an area of 466 sf, based on the maximum 10% of the main house. As per the submitted drawings, the main house has a unit size of 4,445 SF and the accessory building is 941 SF which substantially exceeds the maximum area permitted not only for the proposed home but for the entire site. The existing structure is also non-conforming regarding this requirement with an area of 17.1% (761 SF). The proposal herein exceeds the threshold for this requirement up to 21%. Staff would be supportive of this variance conditioned to no increase in the the total area of the existing structure. As presently proposed, staff can not be fully supportive of this variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded **PARTIALLY** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents with the application **PARTIALLY** comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

1. Lot coverage shall be revised at the time of the building permit to include the entire area of the second floor of the accessory building and the portion of the second floor above the first floor terrace on the north side of the main home.
2. The unit size of the main home shall be revised to remove the portion of the open deck at the second floor if the area does not exceed 10'-0" in width.
3. The air conditioning equipment located within the rear 5'-0" does not comply with the required 5'-0" setback. As the structure is substantially new, this existing non-conforming air conditioning unit shall be relocated to comply with the required setbacks, unless an approved building permit for its installation can be provided.
4. The setback of the existing deck between the accessory building and the main home at the north side shall be increased to at least comply with the main building setback, unless an approved building permit for its construction can be provided.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria be found satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the applicant is requesting nine (9) variances from the Board.
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the applicant is requesting nine (9) variances from the Board.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the applicant is requesting nine (9) variances from the Board.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the applicant is requesting nine (9) variances from the Board.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the applicant is requesting nine (9) variances from the Board.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and

all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied; a lighting plan has not been submitted.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Satisfied

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Satisfied

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Not Applicable

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

Not Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.

Not Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Satisfied

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide

sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

10. In all new projects, water retention systems shall be provided.

Not Satisfied

11. Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new contemporary, two-story accessory structure that will replace an existing one-story garage structure in the rear of the property, originally constructed in 1925. The proposal includes nine (9) variances requests. The new structure has been designed in a manner to reflect the Mission Revival style of the principal structure. The exterior design features some undulating parapets along the roof line, terracotta roof tiles and arched openings. Staff has no design concerns with the exception of not being supportive of the application as a whole, specifically as it pertains to the existing nonconforming setbacks and other aspects of the Code on the site and the proposed new additions. The approval of the two-story structure may greatly impact the neighboring properties to the west and to the north. Should the Board find merit in the proposal, staff would strongly recommend examining some of the rear (north) façade elements in order to minimize the activation (windows and roof terrace) that is so proximate to the neighbor to the west.

VARIANCE ANALYSIS:

As noted in the 'Project' section of this report, as presently configured staff is not supportive of most of the requested variances as they do not satisfy the Practical Difficulty and

Hardship Criteria. The subject property contains a residence that was formally determined to be 'architecturally significant' on January 16, 2019 and has recently undergone interior and some exterior renovations that are not part of this subject application. While staff acknowledges that there are inherent challenges with retaining and preserving and updating older properties, the extent of variances proposed in this scheme do not meet the criteria in the Code.

However, in light of the challenges associated with the renovation effort, staff is not opposed to some variances, especially related to the construction of the garage and the reconstruction of an accessory guest quarters structure at a more sustainable flood elevation. In order to minimize the non-conforming conditions on the site and any negative impact on the neighboring properties, staff recommends further study of the project to reduce the overall number of variances. The architect should explore the following:

1. Elimination and relocation of the second story above the garage area and the removal of the open terrace to increase the landscape at the rear.
2. Reducing the footprint of the accessory building and eliminating the variances for the interior side setback (#1), the sum of the side setbacks (#5) and maybe others for open space (#6) and building footprint (#7).
3. Maintaining the structure as single-story and complying with the required interior side setback, which if increased may also eliminate the sum of the side setbacks variance (#5) and the variance related to the second floor area (#8).

Therefore, staff finds that the variances requested do not fully satisfy the practical difficulties or hardship criteria, with the exception of variances #2 and #4.

Additionally, although the existing structure is non-conforming, staff would also recommend that the proposed structure not be increased beyond the total area of the existing accessory building. As the accessory building dates back to the original 1925 construction, staff has no objections to the reconstruction of a new, one-story structure with an expanded garage area. However, staff cannot support a two-story structure at the proposed reduced setbacks. In light of the concerns raised herein, staff recommends that the design of the accessory building be further studied and substantilally refined and that the application be continued to a future date.

RECOMMENDATION:

In view of the foregoing analysis, and the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, staff recommends the application be **continued** to a future meeting date.

TRM/JGM