

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 03, 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 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:

Approval with conditions
Approval of the variances

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, in accordance with section 142-108(a) of the City Code. On January 16, 2019, the principal residence was determined to be 'architecturally significant', pursuant to DRB18-0361. This formal determination allows the property owner certain zoning allowances in the land development regulations, commonly referred to as the incentive ordinance when the principal structure is substantially retained and preserved.

At the June 04, 2019 DRB meeting, the Board reviewed and continued the item to the September 03, 2019 meeting in order for the applicant to refine the design and reduce the intensity of the variance requests.

SITE DATA:

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	7,781 SF
Lot Coverage:	
Existing:	2,241 SF / 29%
Proposed:	2,536.4 SF / 32%

Maximum: 3,112.4 SF / 40%
Unit size:
Proposed: 3,530 SF / 45.3%
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.**, signed sealed and dated July 18, 2019.

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 structure in order to construct an addition to the existing accessory structure in the rear yard at 5'-0" from the north side property line.

- 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

c. Interior sides. For lots greater than 60 feet in width any one interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater. For

lots 60 feet in width or less, any one interior side yard shall have a minimum of seven and one-half 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 applicant has lessened the original request which was to construct a two-story addition to the non-conforming accessory structure and is now proposing to construct a one-story addition to the existing one-story structure. This was at the recommendation of both staff and the overall direction given by the Board at the June 04, 2019 meeting. Overall, the amount of demolition has been decreased and the intensity of the additions reduced. This variance request pertains to a 1-foot extension of the accessory building along the north side yard. As the expansion occurs within the main building setbacks and not within the rear yard, the required setback of 10'-0" for the principal structure is required. The impact of the new addition along the north side is minimal, for which staff is supportive of this variance request. Staff would note that the continuation of a non-conforming side setback, with a minimum of 5'-0" is allowed by the city code for the main home. This regulation does not apply to accessory buildings, as in this case, a variance is required.

2. A variance to eliminate the required 5'-0" distance separation from the main home to accessory buildings in order to construct a single-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. The envelopes of both structures are 9'-0" apart which will 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.

3. A variance to reduce by 45% (574 sf) the required 70% (900 sf) open space within the rear yard in order to construct an accessory building and provide 25% (326 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 addition of the garage, the driveway and other impervious areas to be retained, further reduce the open space to approximately 25% (326 sf). Although, the open area in the rear is reduced, a substantially large open area that exceeds the minimum required at the front and street side remain, which compensate for the lack of green area at the rear the property. Because the architecturally significant home will be retained, and the front and street side yards are minimally altered for the garage addition, staff is supportive of this variance.

4. A variance to exceed by 30.2% (390 sf) the maximum area allowed of 25% (321 sf) within the rear yard in order to construct an addition to the existing accessory building and provide an area of 55.2% (711 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 regard to an existing non-conforming condition within the rear yard. The area of the existing structure is 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 55.2% (711 sf). Staff finds that this variance request satisfies the practical difficulties criteria, as the main home will be retained, and the addition will provide a garage structure that will not impact the architecturally significant home. Staff is supportive of this variance request, as the addition will not have a negative impact on the architecturally significant home and the massing of the existing structure is not significantly increased, as was the case with the previous proposal.

5. A variance to exceed by 50% (355 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 100% (711 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

The maximum height of accessory buildings is measured from adjusted grade to the highest element with no allowance for parapets, which is permitted for the main home. As the existing exterior walls will be increased in height to meet flood elevation plus freeboard, and the decorative roof elements exceed the maximum 12'-0" in height allowed for a one-story accessory building, the additional height of 3'-6" is considered as a 'second story'. Although the structure is conceived as a one story structure with an overall height of 15'-6", as measured from adjusted grade of 5.54' NGVD, it will also exceed the maximum 3'-0" in height allowed for the granting of a height variance. Therefore, this variance request is basically a technicality to allow the height increase, but the structure will function as a single story structure. This variance request does not have any adverse impact on the character of the main home or on the adjacent properties due to its minor scope and the proposed parapets are compatible with the architecture of the main home. As such, staff recommends approval of this variance request.

6. A variance to exceed by 8% (283 SF) the maximum unit size permitted of 10% (353 SF) for an accessory building in relation to the unit size of the main house in order to construct an addition to the existing accessory building at 18% (636 SF) of the size of the main home (3,530 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 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 3,530 sf and the proposed accessory building has a unit size of 636.4 sf which exceeds the maximum area permitted not only for the existing 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 18%. Based on the existing conditions of the property containing an architecturally significant home, the existing location of the accessory building with non-conforming conditions, as previously noted above, and the original location of the garage, staff finds that the variance request to increase the size of the structure, meets the practical difficulties criteria for the approval of the variance. The existing home is below the maximum unit size available for architecturally significant homes and the proposed one-story addition retains the character of the originally single family home. As such, staff recommends approval of this variance request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded 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 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. 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.
2. Second kitchens are subject to the review and discretion of the Planning Director. If a second kitchen is permitted by the Planning Director, a restrictive covenant, subject to the approval of the City Attorney, shall be required, indicating among other things, that the guest cottage will not be rented out separately as an apartment unit.

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 six (6) 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 six (6) 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 six (6) 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 six (6) 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 six (6) 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 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 revised proposal has lessened the original request from the prior proposal for a two-story addition to a single story structure. This was at the recommendation of both staff and the direction given by the Board at the June 4, 2019 meeting. The amount of demolition has been decreased. The design requires reconfiguration of the structure and the expansion of the footprint in order to accommodate a 2-car garage following the existing non-conforming interior, street side and rear setbacks.

The applicant is proposing to construct a new addition to expand an existing accessory structure in the rear of the property, originally constructed in 1925. The proposal originally included nine (9) variance requests. The revised accessory structure has been designed as a one story addition 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 and recommends approval as proposed.

VARIANCE ANALYSIS:

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. The proposal now includes the retention of most of the exterior walls, the increase in building height to meet flood elevation requirements and the addition of a garage and living area. Staff finds that the inherent challenges with retaining, preserving and expanding an architecturally significant home with non-conforming conditions, and specifically in this case, where the home has unusually large front and street side yards, create the practical difficulties that result in the need for the variances requested. In summary, staff recommends approval of all variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the requested variances #1, #2, #3, #4, #5 and #6 be approved, and the design be **approved** subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 03, 2019

FILE NO: DRB19-0377

PROPERTY: **2300 Alton Road**

APPLICANT: Joseph Ballarini

LEGAL: 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.

IN RE: The application has been filed requesting Design Review Approval for the construction of a new attached two-story accessory structure to an existing pre-1942 architecturally significant two-story residence, including variances to reduce the required side setback 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.

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed addition at 2300 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 - b. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
 - d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
 - f. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
 - g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- i. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 - 1. A variance to reduce by 5'-0" the required interior side setback of 10'-0" for a structure in order to construct an addition to the existing accessory structure in the rear yard at 5'-0" from the north side property line.
 - 2. 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.
 - 3. A variance to reduce by 45% (574 sf) the required 70% (900 sf) open space within the rear yard in order to construct an accessory building and provide 25% (326 sf) of open space in the rear yard.

4. A variance to exceed by 30.2% (390 sf) the maximum area allowed of 25% (321 sf) within the rear yard in order to construct an addition to the existing accessory building and provide an area of 55.2% (711 sf) within the rear yard.
 5. A variance to exceed by 50% (355 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 100% (711 SF) of the first floor area located in the rear yard.
 6. A variance to exceed by 8% (283 SF) the maximum unit size permitted of 10% (353 SF) for an accessory building in relation to the unit size of the main house in order to construct an addition to the existing accessory building at 18% (636 SF) of the size of the main home (3,530 SF).
- B. The applicants have submitted plans and documents with the application that 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.

The applicants have submitted plans and documents with the application that indicate the following, 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.

C. The Board hereby **Approves** variance requests #1, #2, #3, #4, #5 and #6 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. Second kitchens are subject to the review and discretion of the Planning Director, pursuant to City Code Section 142-905(b)(2), and subject to a restrictive covenant. If a second kitchen is permitted by the Planning Director, a restrictive covenant, subject to the approval of the City Attorney, shall be required, indicating among other things, that the guest cottage will not be rented out separately as an apartment unit.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. As applicable, during construction work, at a minimum, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and 10' of the required street side yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the property lines. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

- C. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Residence 2300 ALTON RD" as designed by **Edward Landers, P. E.**, signed sealed and dated July 18, 2019, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the

conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Design Review Board on _____ ()