

# MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 2, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB20-0615  
**2687 Flamingo Drive**

An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers and a variance to reduce the front yard setback to replace an architecturally significant pre-1942 two-story residence.

## **RECOMMENDATION:**

Approval

Approval of the variance.

## **LEGAL DESCRIPTION:**

Lot 2, Block 2, of Flamingo Terrace Subdivision, according to the Plat thereof, as recorded in Plat Book 10, at Page 3, of the Public Records of Miami-Dade County, Florida.

## **SITE DATA:**

Zoning: RS-2  
Future Land Use: RS  
Lot Size: 22,883 SF  
Lot Coverage:  
Proposed: 6,491 SF / 28.4%  
Maximum: 6,865 SF / 30%  
Unit size:  
Proposed: 11,339 SF / 49.66%  
Maximum: 11,442 SF / 50%  
Height:  
Proposed: 31'-0" midpoint of slope  
Maximum: 30'-10" midpoint of slope

Grade: **+6.40' NGVD**  
Base Flood Elevation: +8.00' NGVD  
Difference: +3.60' NGVD

Adjusted Grade: +7.125' NGVD  
First Floor Elevation: +10' NGVD (BFE+2)  
Interior Side Yard Elevations Min: 6.56'  
Max: 8.90'  
Read Yard Elevations Min: 6.56' Max: 9.00'

## **EXISTING PROPERTY:**

Year: 1924  
Architect: Geo W. Dickens  
Vacant: Yes  
Demolition: Total

## **SURROUNDING PROPERTIES:**

North: Two-story 1946/2019 residence  
South: Vacant Lot  
West: Fairgreen Park  
East: Indian Creek Canal

## **THE PROJECT:**

The applicant has submitted plans entitled "New Residence, Single Family Dwelling ", as designed by **Gonzalez Architects**, signed, sealed, and dated 12/07/2020.

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a vacant site that previously contained an architecturally significant pre-1942 two-story residence.

The applicant is requesting the following design waiver(s):

1. A two-story side (north) elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).
2. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).

The applicant is requesting the following variance:

1. A variance to reduce by 10'-0" the minimum required 30'-0" front setback in order to construct a new two-story single family residence with a height of 20'-8", at its closest point located 20'-0" from the front property line facing Flamingo Drive.

- Variance requested from:

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

*(a) 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:*

*(1) Front yards: The minimum front yard setback requirement for these districts shall be as follows:*

*a. One-story structures: 20 feet, provided that any portion of a 2-story attached structure shall be setback a minimum of 40 feet.*

*b. Two-story structures: 30 feet, provided (a)(1)(a) above does not apply.*

The single-family regulations were recently amended to allow two different options pertaining to required front setbacks for a two-story single family home:

Option 1: A one-story structure shall have a minimum required front setback is 20' and any portion of a second floor must be setback a minimum of 40'-0" from the front property line.

Option 2: A two-story structure shall have a minimum required setback of 30'-0" if a one-story structure is not proposed at the 20'-0" setback line.

The applicant is proposing a detached, two-story structure at the 20'-0" front setback, where 30'-0" is required. Staff would note that the detached front building has a building height of 20'-8", which is below the maximum building height of 21'-0" allowed for a one-story structure with a sloped roof. In this case, based upon the maximum height provided (less than 21'), if the structure were only one story, it could be located at the 20'-0" front setback. However, the applicant has proposed an interior design arrangement resulting in a two-story home and a variance is being requested.

Because the proposed structure does not exceed the maximum building height allowed for a one-story structure, and all areas are included in lot coverage and unit size calculations, staff is supportive of this variance as a similarly massed structure with same building height could be proposed at this location without a variance. In addition, the two-story main home with a height of 31'-0" is located more than 75'-0" from the front property line; significantly much

larger than the minimum 30'-0" front setback required. In addition, the front property line is curved, so much of the front structure is set back beyond 20'-0" from the front property line. Due to the irregularity of the lot dimensions, staff finds that the variance requested satisfies the practical difficulties criteria and the granting of this variance should not result in any negative impacts on the surrounding neighborhood.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has 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 of Adjustment finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also 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.

**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, in addition to the requested variances:

1. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard.

The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

2. URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114- 1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.
3. The maximum area for the accessory building shall not exceed 25% of the area of the rear yard. An enlarged plan of the rear yard shall be provided at the time of the building permit showing compliance.
4. The rear yard must comply with the minimum open space required. An enlarged plan of the rear yard shall be provided at the time of the building permit showing compliance

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 are found to be 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 two design waivers and a variance 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 two design waivers and a variance 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 two design waivers and a variance 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 two design waivers and a variance 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 two design waivers and a variance 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**
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; the applicant is requesting two design waivers and a variance from the Board.**
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; see below**

**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.

**Satisfied**

- (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.

**Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new two-story residence on a vacant waterfront site that once housed a pre-1942 architecturally significant home. The design floor elevation of the new residence is proposed at base flood elevation (8') plus 2' of freeboard, or 10' NGVD.

With a curved frontage along Flamingo Drive, the design features a two-story main residence that is flanked in the front by a two-story coach house and in the rear by a one-story accessory gazebo. The residence is designed in a traditional style, exhibiting sloped roofs with clay barrel tiles, balconies inlaid with stacked clay tiles, Juliet balconies with wrought iron rails, rusticated ground floors, and finished in keystone for the main residential building.

The applicant is requesting two design waivers of the open space requirement for two-story elevations that exceed 60'-0" in length. The requests are for both the south and north interior, side elevation and are due in part to the symmetrical design of the home. Both the north and south elevation, identical in length, exceed the required two-story length by 2'-6". These elevations are nearly identical in articulation, both featuring slightly a recessed central plane that is finished in keystone in order to break-up the façade. Given the minimal extent that these elevations extend beyond 60', as well as the well-articulated elevations, staff is supportive of the waivers.

**VARIANCE REVIEW**

The applicant is requesting a variance to construct a two-story structure at a reduced setback of 20'-0" when 30'-0" is required. As previously noted, staff recommends approval of this variance, based on the irregular shape of the lot and the limited overall height proposed, which is below the maximum allowed for a one-story structure that is permitted at a 20'-0" setback. Additionally a significant setback is proposed for the main two-story home. Staff finds that the



applicant's request satisfies the practical difficulties criteria for approval.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends **approval** of the design and of variance requests, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.