

# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 10, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB21-0657  
**2145 North Meridian Avenue**

An application has been filed requesting Design Review Approval for the construction of a new two-story single-family home that includes a variance from the minimum required lot size, to replace an existing architecturally significant pre-1942 home.

## **RECOMMENDATION:**

Approval of the design and variance with conditions.

## **LEGAL DESCRIPTION:**

See Exhibit "A"

## **BACKGROUND:**

This application was initially scheduled for July 6, 2021. The July 6, 2021 meeting was cancelled due to the lack of a quorum and the item was moved to the August 3, 2021 meeting. At the August 3, 2021 meeting, the application was heard by the Board and continued to the September 10, 2021 meeting, due to the lack of a quorum for variance applications.

## **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 9,587 SF  
Lot Coverage:  
Proposed: 2,873 SF / 29.9%  
Maximum: 2,876.1 SF / 30%  
Unit size:  
Proposed: 4,616 SF / 48.14%  
Maximum: 4,794 SF / 50%  
Height:  
Proposed: 27'-0" mid-point of sloped  
roof from BFE +1.5' fb  
Maximum: 27'-0" mid-point sloped roof

Grade: +4.35' NGVD  
Base Flood Elevation: +8.00' NGVD  
Difference: +3.65' NGVD

Adjusted Grade: +6.175' NGVD  
First Floor Elevation: +9.5' NGVD  
(BFE+1.5fb)  
Side Yard Elevations Min: 6.56' Max: 6.85'  
Read Yard Elevations Min: 6.56' Max: 6.85'

## **EXISTING PROPERTY:**

Year: 1937  
Architect: William McCarty  
First Floor Elevation: 6.82' NGVD  
Vacant: No  
Demolition: Total

## **SURROUNDING PROPERTIES:**

North: Two-story 1938 residence  
South: Two-story 1928 residence  
West: Biscayne Bay  
East: One-story 1948 residence

**THE PROJECT:**

The applicant has submitted plans entitled "D'Amore Residence", as designed by [Strang] Design, signed, sealed, and dated May 6, 2021.

The applicant is requesting Design Review Approval for the construction of a new two-story residence.

The applicant is requesting the following variance:

1. A variance to reduce 413 SF from the minimum required lot area of 10,000 SF within the RS-3 district in order to construct a new single-family residence on a property with a lot area of 9,587 SF.

**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 variance(s):

1. Sec 142-106(b)(7). Fence at the front pl cannot exceed 5'-0" from grade elevation, unless setback from property line, 2' setback for up to 6'-0" in fence height and 4'-0" setback for up to 7'-0" in fence height.
2. Section 142-105(b)(5). Revise lot coverage calculations. Only the area of the garage with no enclosed floor above can be discounted in lot coverage.
3. Overall building height shall be measure from design floor elevation.
4. 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.

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.

**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 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 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 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.  
**Satisfied; However, the applicant is requesting a variance form the minimum required lot size.**
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.  
**Satisfied**
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.  
**Satisfied**
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.

**Satisfied**

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.

**Satisfied**

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.

**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).

**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; 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; Applicant will provide a recycle/salvage plan for demolition at time of permitting.**
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.  
**Satisfied**
12. The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied; vegetated green roofs are proposed.**

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

The applicant is proposing to construct a new two-story residence that will replace an existing pre-1942 architecturally significant residence. Located on Meridian Avenue, across from the

Miami Beach Golf Course, the design floor elevation of the new residence is proposed at base flood elevation (9') plus 1'-6' of free board, or 10'-6" NGVD.

The proposed residence is designed in a contemporary style that features sloped roofs and stone clad walls that are accented with louvers. The design introduces landscaping and multiple green roofs to the portions of the residence that are flat-roofed, inclusive of the accessory structure in the rear yard. Elegantly designed within the zoning thresholds, staff is supportive of the design as proposed.

### **VARIANCE ANALYSIS.**

As part of the improvements to the property, the applicant is requesting the following variance:

1. A variance to reduce 413 SF from the minimum required lot area of 10,000 SF within the RS-3 district in order to construct a new single-family residence on a property with a lot area of 9,587 SF.

- Variance requested from:

#### **Sec. 142-105. - Development regulations and area requirements.**

*(b)The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*Zoning District: RS-3 - Minimum Lot Area (Square Feet): 10,000 SF*

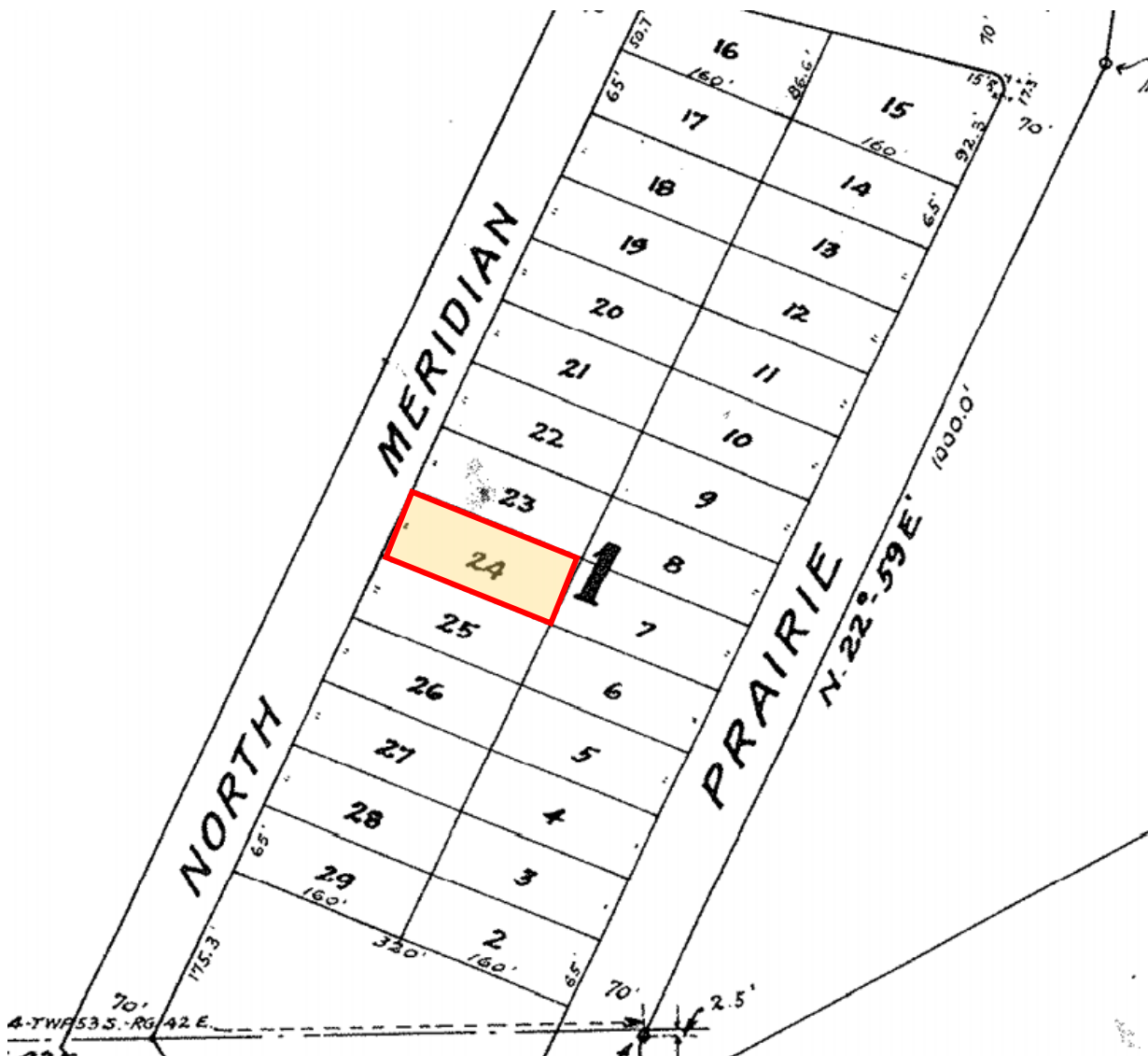
The subject property is a mid-block parcel, adjacent to the Miami beach Golf Course, and originally platted as Lot 24 on Block 1, of the Mid-Golf subdivision of Miami Beach Shore Company which was historically platted on February 6, 1920 with standard lots measuring 65'-0" wide by 160 feet deep. At some time in the past, 5'-0" of the north side of the property was transferred to lot 23 on the north side of the parcel.

Today the lot is 60 feet wide and 160 feet deep and contains a lot area of approximately 9,587 SF. The RS-3 zoning district requires lots to have a minimum lot area of 10,000 SF in order to be a developable parcel and a variance is being requested to develop a site that is less than 10,000 square feet.

Section 118-390 of the City Code, pertaining to nonconformances, provides that "legally established" means a lot that does not meet the lot frontage, lot width, lot depth, and/or lot area requirements of the current zoning district, provided that such lot met the regulations in effect at the time of platting. While this property is part of lot 24 of Block 1 of the original 1920 plat of Mid-Golf subdivision of Miami Beach Shore Company, the site was originally platted with a lot width of 65'-0" and approximately 10,400 sf of area, similar to the adjacent properties.

It is not clear when the property was reduced in width to 60'-0" and that portion was transferred to the adjacent lot 23 on the north side. The applicant has provided a property deed dating from 1972 showing the property width of 60'-0". Staff would also note that current records of Miami-Dade County note this property with a width of 60'-0". Based on the evidence provided and staff research, it appears that the current size of the lot has been established for a very

long time. Without the granting of this variance, the construction of a new residence, or any structure for that matter, would not be permitted on the property and the site could not be developed as other lots in the same district. Staff finds that the size of the lot, as it exists today, creates the hardship that justifies the variance request and recommends approval of the variance.



Lot 24, Block 1 Original Plat of February 6, 1920.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved** including the variance request, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria and Hardship and Practical Difficulties criteria, as applicable.



Exhibit "A"

LEGAL DESCRIPTION:

THE SOUTH 60 FEET OF LOT 24 IN BLOCK ONE (1) OF MID-GOLD SUBDIVISION OF MIAMI BEACH SHORE COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, AT PAGE 200, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID SOUTH OF 60 FEET BEING ALSO KNOWN AND DESCRIBED AS FOLLOWS.

BEGINNING AT THE POINT OF INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 24 AND LOT 25, BLOCK 1 AND THE EASTERLY LINE OF NORTH MERIDIAN AVENUE, AS SAME ARE SHOWN ON A PLAT ENTITLED "MID-GOLF SUBDIVISION OF MIAMI BEACH SHORE COMPANY" RECORDED IN PLAT BOOK 4, PAGE 200, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN IN A NORTHEASTERLY DIRECTION ALONG THE EASTERLY LINE OF NORTH MERIDIAN AVENUE, A DISTANCE OF 60 FEET TO A POINT; THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG A LINE PARALLEL TO AND 5 FEET DISTANT SOUTHERLY FROM THE NORTHERLY LINE OF SAID LOT 24, BLOCK 1, A DISTANCE OF 160 FEET TO A POINT; THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE EASTERLY LINE OF SAID LOT 24, BLOCK 1, A DISTANCE OF 60 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF SAID LOT 24, BLOCK 1; THENCE RUN IN A NORTHWESTERLY DIRECTION ALONG THE DIVIDING LINE BETWEEN SAID LOT 24, BLOCK 1; THENCE RUN IN A NORTHWESTERLY DIRECTION ALONG THE DIVIDING LINE BETWEEN SAID LOT 24 AND LOT 25, BLOCK 1, A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING, CONTAINING 0.22 HUNDREDTHS ACRES MORE OR LESS.