

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 20, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB21-0686  
**2464 Prairie Avenue**

An application has been filed requesting Design Review Approval for the construction of a new two-story residence, including one or more waivers and variances from the maximum lot coverage, maximum unit size and maximum yard elevation, to replace an existing architecturally significant pre-1942 home.

#### **RECOMMENDATION:**

Continuance to a future date.

#### **LEGAL DESCRIPTION:**

Lot 16 of Block 2, of "Mid Golf Subdivision", according to Plat thereof as recorded in Plat Book 4, Page 200, of the Public Records of Miami-Dade County, Florida.

#### **BACKGROUND:**

At the September 10, 2021 meeting the application was continued to a date certain of October 5, 2021 due to the lack of a quorum. On October 5, 2021 the application was continued to a date certain of October 20, 2021 due to the excessive number of applications on the agenda.

#### **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 10,400 SF  
Lot Coverage:  
    Proposed: 3,250 SF / 31%\*  
    Maximum: 3,120 SF / 30%  
Unit Size:  
    Proposed: 5,292 SF / 51%\*  
    Maximum: 5,200 SF / 50%  
    \*As represented by the applicant  
Height:  
    Proposed: 24'-0" / Flat roof  
    Maximum: 24'-0" / Flat roof

Grade: +3.69' NGVD  
Flood: +8.00' NGVD  
Freeboard: +1.0'

Finish Floor Elevation: +9.0' NGVD  
Adjusted Grade: +5.84' NGVD  
30" Above grade: +6.19' NGVD  
Garage Finished Floor Elevation: +7.25' NGVD

#### **EXISTING PROPERTY:**

Year: 1928  
Architect: Lee Wade  
Vacant: No  
Demolition: Total

#### **Surrounding Properties:**

East: Golf Course  
North: 2-story 1926 Single Family Home  
South: 2-story 2018 Single Family Home  
West: 2-story 1926 Single Family Home

### **THE PROJECT:**

The applicant has submitted revised plans entitled "DRB Case File Number DRB21-0686", as prepared by **Neuvio Architects** dated, signed and sealed July 2, 2021. The applicant is proposing to construct a new two-story single family home on a site containing an architecturally significant pre-1942 home.

The applicant is requesting the following waiver(s):

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

The applicant is requesting the following variance(s):

1. A variance to exceed by 1% (130 s.f.) the maximum allowed lot coverage of 30% (3,120 s.f.) for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 31 % (3,250 s.f.).
2. A variance to exceed by 1 % (92 s.f.) the maximum allowed unit size of 50% (5,200 s.f.) for a two-story home in order to construct a new two-story residence with a unit size of 51 % (5,292 s.f.).
3. A variance to exceed by 1.94' the maximum elevation allowed of 6.56' NGVD within the interior side and rear yards in order to construct the south side and rear yards up to 8.5' NGVD for a new single family home.

### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that **DO NOT** 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 **DO NOT** 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.

**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):

- URBAN HEAT ISLAND ORDINANCE Sec. 142- 106(b) (6) d. 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. e. 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.
- 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 additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.
  - The square footage of the additional open space shall not be less than one percent of the lot area.
  - The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
  - At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

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 several variances, including variance to exceed the maximum allowed yard elevation.**
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 several variances, including a variance for unit size and lot coverage.**
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 several variances, including a variance for unit size and lot coverage.**
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.  
**Not Satisfied; staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing, in an effort to mitigate any negative impact on the adjacent property.**
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; s staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing in, an effort to mitigate any negative impact on the adjacent property.**
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; staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing in, an effort to mitigate any negative impact on the adjacent property.**

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.  
**Not Satisfied; the applicant is requesting two design waivers and several variances, including a variance for unit size and lot coverage. Furthermore, staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing in, an effort to mitigate any negative impact on the adjacent property.**
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 was not 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).  
**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.  
**Not Satisfied; the applicant is requesting two design waivers and several variances, including a variance for unit size and lot coverage. Furthermore, staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing, in an effort to mitigate any negative impact on the adjacent property.**
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.  
**Satisfied**
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.  
**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.

**Satisfied**

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

The applicant is requesting Design Review Approval for the construction of a new two-story residence on Prairie Avenue that will replace an existing pre-1942 architecturally significant home. The design floor elevation of the new residence is proposed at base flood elevation (8' NGVD) plus a free board +1', or +9.00' NGVD. The application is also seeking two design waivers.

This unique home is designed in a modern style and is based on full and convenient accessibility of the home and site, relying on ramps as the primary means of access into the site and within the habitable space. Staff finds the design to be inventive and original, but does recommend further development of the north, side elevation, which features a double height space entirely clad in glass and near the adjacent property. The function of this two-story volume is dedicated to circulation and vertical access, specifically for ramps between the first and second floors. Staff recommends that the architect incorporate architectural treatments that can reduce transparency of this volume, either through the incorporation of screening devices or spandrel glass. Furthermore, staff recommends the architect consider pushing this volume further away from the interior property line and increasing the landscape plantings, by shifting the entire home southward.

The first design waiver relates to the open space requirement for two-story elevations that exceed 60'-0" in length; specifically, for the requirement of such open space be substantially (50%) sodded or landscaped. The north, interior side elevation features an irregular shaped recess with a reflecting pool. The shape of the open space and its infill with water lends to meeting the intent of the code. While staff has reservations as to the transparency of this elevation, the program within the space is dedicated to circulation within the home. Staff finds that this elevation does meet the intent of the code and is supportive of the waiver.

The second design waiver relates to the open space requirement for two-story elevations that exceed 60'-0" in length on the south elevation. The ground floor of this elevation spans 60' while the second floor spans 69'-2", with its easternmost portion cantilevering over a large garden area. As proposed, the expanse of this elevation is broken up with voids that lend to movement and breaks in massing. Furthermore, this elevation is setback an additional 4' from the required setback line, softening any impact it may have due to its length. As such, staff is supportive of this waiver.

**VARIANCE ANALYSIS**

The project includes the following variance requests:

1. A variance to exceed by 1% (130 s.f.) the maximum allowed lot coverage of 30% (3,120 s.f.) for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 31% (3,250 s.f.).



2. A variance to exceed by 1% (92 s.f.) the maximum allowed unit size of 50% (5,200 s.f.) for a two-story home in order to construct a new two-story residence with a unit size of 51% (5,292 s.f.).
  - Variances 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, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.*  
*Maximum Unit Size (% of lot area): 50%.*

The applicant is proposing a new two-story single-family home that exceeds the maximum lot coverage and unit size allowed. The property is an interior lot containing 10,400 sf of area with a lot width of 65'-0". The subject lot exceeds the minimum size of 10,000 sf and minimum lot width of 60'-0" required for the RS-3 district. This property size is consistent and similar to all surrounding properties within Block 2 of the Mid Golf Subdivision, as noted in the original plat map below. The applicant's letter of intent indicates that the "narrow lot and the proximity to adjacent neighbors" present challenges for the design of the home.

However, based on the size and location of the property and the fact that this is new construction, staff finds that there are no special conditions on this property for the variances requested and the approval of these variances would confer a benefit to the applicant denied to other surrounding properties. The variances requested are not the minimum variances required to make a reasonable use of the property.

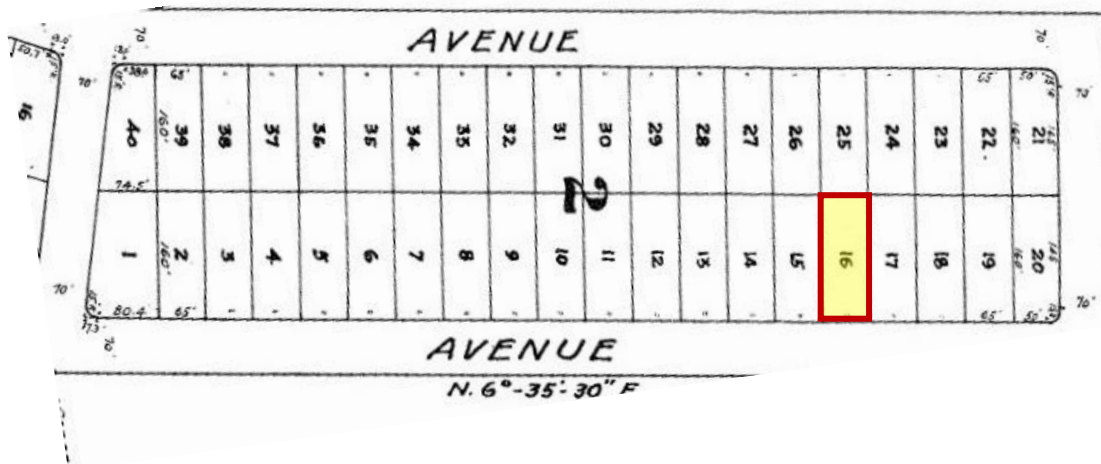
Staff would note that as part of the latest amendments to the single-family regulations last year, the lot coverage and unit size section was modified to remove courtyards enclosed on three (3) sides among other requirements. Terraces and covered areas also changed in the way they are counted and now all covered areas, eyebrows and roof overhangs exceeding 5'-0" from the building walls or columns shall count as part of the lot coverage. In this regard, staff believes that with minor modifications to the design, the lot coverage could be reduced to comply with the Code requirements. Specifically, at the rear terrace, the portion exceeding 5'-0" could be replaced with an open trellis, which removes this area from the total lot coverage. The excess in lot coverage proposed is 130 sf and this area exceeding 5'-0" is approximately 168 sf. With this change the lot coverage would be below the maximum 30% allowed.

In regard to the unit size, staff recommends that the proposed size of the home be reduced to comply with the Code. Although the intent of the program with an interior ramp is to facilitate access to the second-floor space without using a stair, staff believes that exploring other alternatives could reduce the unit size of the home. For example, some of the living area can be located below the ramp to take advantage of the double height space, or the footprint of

the ramp could be reduced to a more concentrated space and reduce the area of the double height space. The foyer appears rather large and could also be reduced in size.

Other options could be to have different levels at ground floor with smaller ramps to help mitigate the overall height of 11'-0" to the second floor and therefore, reduce the footprint of the ramp. The project also includes an elevator as a secondary element that helps with accessibility. The addition of an office and maids' room with private bathroom are also extra rooms more typically found in homes with a larger lot size. Further, a waiver to exceed the maximum length allowed for two-story side elevations is being requested, which in this case is also an indicator of the larger massing of the home.

Although the project proposes a side setback of 13'-2", where 7'-6" is required, and a front setback of 30'-0" where 20'-0" could be proposed, the configuration of the home, as designed, exceeds the maximum area required. Staff finds that the variances requested are related to the design of the home and its size and therefore, they do not satisfy the criteria for approval. Staff does not support the variances for lot coverage and unit size and would recommend continuance of the application to a future date to allow the architect to consider other design options.



Mid-Golf Subdivision of Miami Beach Bay Shore Company. February 1920

3. A variance to exceed by 1.94' the maximum elevation allowed of 6.56' NGVD within the interior side and rear yards in order to construct the south side and rear yards up to 8.5' NGVD for a new single family home.

- 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:*

(8) *Exterior building and lot standards. The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single family residential districts:*

- c. *Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:*

2. Interior side yards (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater, except:

(A) *When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.*

(B) *When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.*

(C) *Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with subsection 142-1132(h). Allowable encroachments within required yards shall be measured from the new average grade of the required side yards.*

4. Rear yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:

(B) Non-waterfront. The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater.

As this property is an interior lot, the maximum elevation allowed on the side and rear yards is 6.56' NGVD. This requirement limits the finished yard elevations in order to maximize water retention within the site and mitigate any negative impact on adjacent properties that have older structures with lower yard elevations. In fact, the rear yard abuts a property with a structure constructed in 1926. The yard elevation requirements apply to all interior surrounding properties in Block 2 where the site is located. The applicant is requesting a variance to exceed the maximum yard elevation on the side and rear yards. Specifically, the side yard is proposed to be elevated from 3.60' NGVD to 8.50' NGVD. Staff would note that the city code allows access stairs and ramps with up to 44" in width to encroach into the required yards from the finished yard elevation to the proposed finished floor of the home. As such, access to the home from multiple outside points could be achieved without the need for a variance or to exceed the yard elevation in the entire width of the side yard.

Staff would also note that the code allows a higher side yard elevation when the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, as noted in variance section above. In this case, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade or 8.34' NGVD, which is slightly

below the 8.50' proposed in the side yard. Since the adjacent property to the south was constructed in 2018, it is possible that the abutting side yard is also elevated and this allowance would allow the subject property to raise the yard up to 8.34' NGVD and eliminate the variance request for the side yard. Based on this, staff cannot find practical difficulties or special conditions to raise the side yard above 6.56' NGVD to 8.50' NGVD.

Regarding the rear yard, staff recommends that home and garage be shifted closer towards the front property line in order to allow more space in the rear and allow the desired elevation of the deck and access to the pool within the buildable area allowed for the home, and not entirely in the rear yard or to have portions of the pool at a lower elevation. The location of the home with a 30'-0" front setback when 20'-0" is the minimum required and having the pool and deck at a higher elevation in the rear yard is the applicant's choice, which results in a variance request that lacks practical difficulties or hardship. With the home located at 20'-0" from the front property line, the pool can be located at the desired elevation with minimum or no encroachment in the rear yard and more room provided to compensate for the difference in yard elevations. As proposed, staff finds that the variance requested does not satisfy the criteria for approval. In summary, staff would recommend that the architect explore other options and eliminate the requested variance.

In summary, while supportive of the overall design concept for the proposed new home, including the requested design waivers, staff believes that significant changes are needed in order to address the yard elevation, lots size and unit size shortcomings, all of which are driving the variance requests. As such, staff recommends that the application be continued to a future date and that the project be modified and the proposed variances eliminated.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the requested variances be eliminated and that the application be **continued to a future date**. In the event that the Board moves to approve the project, it is recommended that such approval be 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.