

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 6, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB22-0834
3100 Pine Tree Drive

An application has been filed requesting Design Review Approval for the construction of a new 2-story accessory structure in the rear yard of an existing pre-1942 architecturally significant single-family home that includes a rear setback variance and a variance from the previous open space requirements.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lot 1 of Block 44 of the Orchard Subdivision No.1, according to Plat thereof as recorded in Plat Book 6, Page 11 of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

On July 5, 2016 the Board approved the construction of a new two-story addition to the existing pre-1942 architecturally significant two-story home including a variance to reduce the minimum required rear setback. This construction was never undertaken.

On September 6, 2016, the Board approved a variance for the street side setback of a new pool deck.

On July 5, 2022, this application was continued to a date certain of September 6, 2022, due to the lack of quorum for variances.

SITE DATA:

Zoning: RS-2
Future Land Use: RS
Lot Size: 20,000 SF
Lot Coverage:
Existing: 4,311 SF / **21.6%**
Proposed: 5,682 SF / 28.6%
Maximum: 8,000 SF / 40%
Unit size:
Existing: 5,373 SF / 26.9%
Proposed: 7,439 SF / 37.4%
Maximum: 12,000 SF / **60%**
Height:
Proposed: 20'-0"

(2-story accessory structure)

Maximum: 20'-0"

EXISTING STRUCTURE:

Year Constructed: 1940
Architect: Henry Hohausser
Vacant: No
Demolition Proposed: Partial

Surrounding Properties:

East: Two-story 1936 home
North: One-story 1951 home
South: Two-story 2003 home
West: (2) One-story 1956 homes

THE PROJECT:

The applicants have submitted plans entitled "Woodward Residence Pool House" as prepared by **DN'A Design & Architecture** dated, May 9, 2022.

The applicant is proposing to demolish an addition constructed in the late 1990's and construct an accessory pool house and garage addition to the existing two-story architecturally significant home.

The applicants are requesting the following variances:

1. A variance from the minimum requirement of **70%** of the rear yard as landscaped pervious open space, in order to provide a landscaped open space of **65.6%**.
2. A variance from the minimum required rear setback of **15'-0"** for a 2-story accessory building, in order to construct the structure with a rear setback of **7'-6"** (A variance of 7'-6").

- Variances 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:

- * * *
- (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 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

(b) *Allowable encroachments within required yards.*

(1) *Accessory buildings.* In all single-family districts, the following regulations shall apply to accessory buildings within a required rear yard:

* * *

d. *Setbacks:*

1. *Single story.* A single story accessory building shall not be located closer than seven and one-half feet to an interior rear or interior side lot line, and 15 feet when facing a street. When facing a waterway, the minimum rear setback shall not be less than one-half of the required rear setback.
2. *Two-story.* **A two-story accessory building shall not be located closer than** ten feet to an interior side lot line, or the required side yard setback, whichever is greater; 15 feet when facing a street; or **15 feet from the rear of the property**. When facing a waterway, the minimum rear setback

shall not be less than one half of the required rear setback, or 15 feet, whichever is greater.

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.

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.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variances. 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.
Satisfied
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.

Not Applicable

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 Applicable

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

Not Applicable

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.

Not Applicable

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

STAFF ANALYSIS:

The applicant is proposing to demolish an existing one-story garage, as well as an addition constructed in 1999, in order to construct a new two-story detached accessory structure in the rear yard. The existing home was originally constructed in 1940 (permit #14792) and designed by noted period Architect Henry Hohauser. Aerial photographs from 1941 show the existing two-story home with a detached one-story garage structure configured towards the rear of the lot. City records also reveal that two major additions occurred to the principal structure with no modifications or alterations to the detached garage. The first addition in 1956 consisted of a one-story attached master bedroom addition on the south side of the home. The second addition in 1999 also consisted of a one-story attached addition along the north side of the structure. This 1999 addition included an attached breezeway that connected the garage to the principal structure. As it exists today, the garage structure is 9'-6" from the side (north) property line and 8'-5" from the rear (west) property line.

The proposed addition is located in a manner that will have the least impact to the main house. With the demolition of the 1999 addition, the new structure will be separated from the main home by almost 34 feet. Absent the requested variances, the application could be approved administratively.

The single-family regulations allow a single-story structure (up to 12 feet in height) with a minimum rear setback of 7'-6" and a two-story structure (up to 20 feet in height) requires a rear setback of 15 feet. The applicant is proposing an accessory structure that steps from one-story at the rear (with a setback of 7'-6") to a two-story portion (with a rear setback of 15'-0"). However, once any portion of the structure exceeds 12 feet in height, then the entire structure, including the lower portion, is required to comply with the greater setbacks. Staff finds that the location of the existing home in relation to the proposed accessory structure presents practical difficulties unique to the property. Additionally, the requested variance is mitigated by the stepped setback proposed, as well as the fact that the majority of the pool house exceeds the minimum required rear setback of 22'-6" for the main home.

Regarding the second variance, the applicant is proposing a rear yard pervious open space of 65.6% where 70% is required. In addition to the practical difficulty noted above, this variance is mitigated by an increase in the percentage of pervious open space from what exists currently. With the removal of the existing garage structure at the northwest corner of the site, and the construction of the new garage closer to the street, the extent of the driveway will be reduced.

The proposed improvements allow for the retention and preservation of the existing home, which also presents practical difficulties for the placement of new construction on the site. In summary, staff is supportive of the applicant's request and recommends approval of the variances as proposed.

RECOMMENDATION:

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