

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: DRB22-0833
301 W. San Marino Drive

An application has been filed requesting Design Review Approval for the construction of a new two-story single-family home including one or more waivers and variances to reduce the required setbacks for a roof deck, to replace an existing home.

RECOMMENDATION:

Approval of design.
Approval of the variance.

LEGAL DESCRIPTION:

THE WEST 50 FEET OF LOT 4, BLOCK 8, SAN MARINO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SITE DATA:

Zoning: RS-4
Future Land Use: RS
Lot Size: 5,886 SF* (as per applicant)
Lot Coverage:
 Proposed: 1,757 SF / 29.9%
 Maximum: 1,765.8 SF / 30%
Unit size:
 Proposed: 2,933 SF / 49.8%
 Maximum: 2,943 SF / 50%
Height:
 Proposed: 24'-0" flat roof
 Maximum: 24'-0" flat roof
Grade: +4.13' NGVD

Base Flood Elevation: +9.00' NGVD
Adjusted Grade: +6.56' NGVD
First Floor Elevation: +10.00' NGVD (BFE+ 1' fb)

EXISTING PROPERTY:

Year: 1937
Architect: Frank T. Andrews
Vacant: No
Demolition: Total

SURROUNDING PROPERTIES:

East: One-story 1937 residence
North: Two-story 1939 residence
South: Two-story 1937 residence
West: Two-story 1935 residence

THE PROJECT:

The applicant has submitted plans entitled "New Residence", as designed by **Imagination Design Group, P.A.**, signed, sealed, and dated July 7th, 2022.

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

1. A waiver to reduce the additional 5'-0" set back required for the second-floor façade when the lot coverage is 25% or greater as per Sec. 142-105(b)(4)(c)(2) of the city code. 50% of the second floor is required to be setback an additional 5 feet, and 2.14' is proposed. However, 33% of the second level is setback 17.14' from the minimum 15'-0" setback requirement.
2. A waiver to reduce the minimum square footage of the additional open space of one percent of the lot area to allow the placement of a spiral staircase in the interior side yard.
3. A waiver to reduce the minimum square footage of the additional open space of one percent of the lot area for the street side yard.

The applicant is requesting the following variance(s):

1. A Variance from Sec. 142-105(b)(6) to allow the habitable roof deck to be set back 2.77' and 3.1' to the west and east respectively when 10'-0" is required.

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, as related to variance #1:

- 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 requirements of the City Code:

- The balcony that is located on the north side shall not exceed 25% of the required yard.
- Provide further information for the carport to show that it complies with the requirements for a solar carport, otherwise such structure would not be permitted.
- 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.
- Planters, not to exceed four feet in height when measured from the finished floor of the primary structure and cannot exceed 25% of the required yard.
- The reflective pool that is located east elevation cannot exceed 25% of the required yard.
- Walkways cannot exceed 44" in width within the required yard.

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; however, the applicant is requesting design waivers and variances.
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; however, the applicant is requesting design waivers and variances.

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; however, the applicant is requesting design waivers and variances.
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; however, the applicant is requesting design waivers and variances.
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).
Satisfied; however, the applicant is requesting design waivers and variances.
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
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; additional information will be required at the time of building permit in order to demonstrate compliance.
11. Cool pavement materials or porous pavement materials shall be utilized.
Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

12. The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

ANALYSIS:
DESIGN REVIEW

The applicant is proposing to construct a new two-story residence in a modern style of architecture to replace an existing 1937 residence on a corner parcel that is sited at the eastern edge of West San Marino Island. It must be noted that this lot is atypical for corner lots, as the lot width is only 50 feet, whereas the typical corner lot has a lot width of 60 feet. This lot configuration has existed since the original home was constructed on the site in 1937, and is largely the reason for the requested waivers and variances, as described below.

The finished first floor elevation of the new residence is proposed at base flood elevation (9') plus 1' of free board, or 10' NGVD. The applicant is requesting three design waiver and variances for the setback of the roof deck as part of this application.

The first design waiver requested is for the additional 5'-0" setback that is required for the second-floor façade of a side yard facing-a-street when the lot coverage is 25% or greater as per Sec. 142-105(b)(4)(c)(2) of the city code. Based on the final submitted set, the second-floor plan consists of a linear footage of 68'-11 1/4" feet along the second-floor façade of West San Marino Drive. With regards to the current regulations, 50% of the second-floor façade is required to be setback at an additional 5' from the required side yard facing-a-street 15' setback line, or in this case, a linear footage of 34'-5 5/8" is required to be set back the additional five (5') feet. As proposed, 22'-10 1/2" feet or 33% of the linear second-floor façade is setback at an additional 2.14' from the required 15' setback line as opposed to the required additional setback of 5 feet for 50% of the second-floor façade.

Staff is not opposed to this requested waiver based upon the existing lot size that is relatively smaller than the surrounding developed properties at approximately 5,886 sf, whereas the minimum lot size in the RS-4 District is 6,000 S.F. The additional 5' setback from the required 15' side yard setback line would create a practical difficulty to design the home and relocate the stairs on the second floor. Additionally, the atypical corner lot width of only 50 feet, results in a developable building width of only 27.5 feet, where the typical 60 foot wide corner lot has a developable building width of 37.5 feet.

The second design waiver relates to the reduction of the minimum square footage of one percent of the lot area for the additional open space required along the interior sideyard, to allow the placement of a spiral staircase. Within the east elevation, the applicant is proposing a reflecting pool that is open to the sky and serves as an interior courtyard. As per sec. 142-106(a)(2)(d), 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. One of the design criteria for the additional open space is that the square footage shall not be less than one percent of the lot area. A spiral staircase is proposed on the reflective water feature and as a result, the courtyard does not comply with the minimum requirements. However, as the design of this elevation is quite dynamic, and due to the limited developable lot width, staff is supportive of this waiver.

Similar to the second design waiver, the third waiver is for the length of the 2-story street side elevation that exceeds 60 feet without incorporating the required open space. The street side elevation incorporates a variety of materials and finishes and changes in plane, resulting in a striking composition. Because this elevation has been well designed, and due to the limited developable building width for this corner property, staff is supportive of the requested waiver.

VARIANCE REVIEW

The project includes the following variance requests:

1. A Variance from Sec. 142-105(b)(6) to allow the habitable roof deck to be set back 2.77' and 3.1' to the west and east respectively when 10'-0" is required.
 - Variance requested from:

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

(6) Roof decks. Roof decks shall not exceed six inches above the main roofline and shall not exceed a combined deck area of 25 percent of the enclosed floor area immediately one floor below, regardless of deck height. Roof decks shall be setback a minimum of ten feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots.

The applicant is requesting a variance to allow the habitable roof deck to be set back 2.77' and 3.1' to the west and east respectively when 10'-0" is required. The lot width is approximately 50' as per the survey provided. This would require the applicant to design the home with a 15'-0" side yard setback and a 7'-6" interior side setback, respectively. The maximum linear building frontage that can be constructed is 27'-6". If the applicant were to design the 10' setback from the building edge to the rooftop deck as per code, the roof deck would only have a width of 7'-6". Due to the narrow width of the building, which is a result of the lot width, staff recommends approval of this variance due to the practical difficulties presented based on the lot size.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, including the requested waivers, and approval of the variance, 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.