

# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 4<sup>th</sup>, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director *MB For TRM*

SUBJECT: DRB22-0859  
**4-6 Star Island**

An application for Design Review Approval for the construction of a new two-story residence with an understory, including a variance to exceed the maximum height allowed for an elevator bulkhead the maximum fence height allowed, and from the understory requirements, to replace all existing structures.

**RECOMMENDATION:**

Approval of the design.  
Approval of Variances # 1, #2, and #3.  
Denial of Variance #4.

**LEGAL DESCRIPTION:**

LOTS 4, 5 & 6, CORRECTED PLAT OF STAR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, CONTAINING 121,500 (40, 500 PER LOT) SQUARE FEET/2.78 ACRES.

**BACKGROUND:**

On November 2, 2021, the Board approved the construction of a new 2-story home with an understory on the subject site. Since that time the applicant has changed the design of the home and is requesting approval for a completely new application.

**SITE DATA:**

Zoning: RS-1  
Future Land Use: RS  
Lot Size: 121,500 SF  
Lot Coverage:  
Proposed: 35,884 SF / 29.9%  
Maximum: 36,300 SF / 30%  
Unit size:  
Proposed: 41,124 SF / 34.2%  
Maximum: 60,750 SF / 50%  
Height:  
Proposed: 28'-0" flat roof  
Maximum: 28'-0" flat roof  
Grade: +5.75' NGVD  
Base Flood Elevation: +10.00' NGVD  
Adjusted Grade: +7.875' NGVD

First Floor Elevation: +15.00' NGVD (BFE+ 5'fb)

**EXISTING PROPERTY:**

Year: 4 Star Island-1947  
5 Star Island-1923  
6 Star Island: -Unknown  
Architect: 4 Star Island-Carlos B. Schoepl  
5 Star Island-Harry La Pointe  
6 Star Island: Unknown  
Vacant: No  
Demolition: Full

**Surrounding Properties:**

East: 2-story 1959 home  
South: 1-story 1938 home  
West: Biscayne Bay  
North: Two-story 1971 residence

**THE PROJECT:**

The applicant has submitted plans entitled "4, 5, 6 Star Island Drive, Miami Beach, Florida", as designed by **Domo Architecture + Design**, dated August 8<sup>th</sup>, 2022.

The applicant is requesting review for an understory area:

1. Understory area shall be subject to the review and approval of the Design Review Board in accordance with Section 142-105(b)(4)(d).

The applicant is requesting the following variance(s):

1. A variance from Sec. 142-105(b)(4)(d)(1) to allow the understory to be substantially enclosed on the east side when 50% is required to be open.
2. A variance from Sec. 142-105(b)(4)(d)(10) to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0' 0" setback on each side.
3. A variance to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.
4. A variance to exceed by 2'-1" the maximum allowed height of 7'-0" for a fence in order to construct a fence along the interior side yard up to 9'-1" above an adjusted grade elevation of 7.88' NGVD.

**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, **only as it relates to variances #1, #2, #3**

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, **only as it relates to variances #1, #2, and #3:**

- 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:

- The roof overhang shall be setback 25' from the rear property line.
- Additional information is required to demonstrate compliance with the minimum and maximum yard elevations.

The preliminary review shall not be considered final zoning review or approval. 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 several 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 several 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**

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 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**

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**  
**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; 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.  
**Satisfied**

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

**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

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

The applicant is proposing to construct a new two-story residential home, consisting of multiple, detached structures, on the western side of Star Island that will replace two existing residences. The applicant is requesting review of the understory in addition to several variance requests.

The proposed home features an understory with the first fully enclosed, habitable floor of the residence designed at an elevation of +15'-0" NGVD, or BFE plus 5'-0" of freeboard. The vision for the design of the home is to develop lustrous lines that would typically be found in nature by creating an organic shape. In this design, the project architect has incorporated an understory that features parking, koi pond equipment, waterfront pool equipment, as well as storages, entry vestibule, stairs and an elevator. The main residence is connected to the gym pavilion, staff bedrooms, security gate, as well as the mechanical and electrical pavilion. The structure is united by a green roof with a central open courtyard.

The new two-story residence is designed in a modern architectural style. The exterior of the wall planes consist of lime stucco, stone cladding, clear glazing, and aluminum cladding details along portions of the covered terraces, and dark metal railings.

**VARIANCE REVIEW**

The applicant is requesting the following variances:

1. A variance from Sec. 142-105(b)(4)(d)(1) to allow the understory to be substantially enclosed on the east side when 50% s required to be open.
2. A variance from Sec. 142-105(b)(4)(d)(10) to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0' 0" setback on each side.

- 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:*

*(4) Unit size requirements.*

- d. Non-airconditioned understory space located below minimum flood elevation, plus freeboard. Notwithstanding the above, for those properties located in the RS-1, RS-2, RS-3, RS-4 single-family residential districts, where the first habitable floor has been elevated above existing grade in order to meet minimum flood elevation requirements, including freeboard, the following shall apply to the understory area(s). For purposes of this subsection, 'understory'*

*means the air-conditioned and/or non-air-conditioned space(s) located below the first elevated habitable floor.*

1. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions, and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent on each side.

10. Understory edge. All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be set back a minimum of five feet from each side of the underneath of the slab of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards.

According to Sec. 142-105(b)(d)(1) of the Land Development Regulations, understory area(s) shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, except for limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent on each side. Based on the understory floor plans, the linear sides of the west and east elevations are approximately 215' each.

Staff is supportive of this variance request, as the east side of the property has been elevated with a landscaped garden and large lagoon pools. Based on the large size of the property and the large size of the pool, staff finds that the variance request satisfies the practical difficulties criteria for approval. The elevated central yard will also not have any impact on the neighboring properties. However, the yard adjacent to the building on the east side may have to be lowered if required by the Building Code, so that the understory area is not classified as a basement.

The applicant is also proposing a variance to reduce the required 5'-0" setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments to a 0' 0" setback on each side. As per Sec. 142-105(b)(d)(10), the intent of this regulation is for the front and side understory edge to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards. In this particular instance, the proposed home includes a very large arrangement of pervious landscape. Due to the practical difficulty associated with setting back the pavement 5' from where the storage and amenities will be placed, staff is supportive of the variance request.

3. A variance to exceed by 3'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline.



- 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:*

*(7) Height exceptions. The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed 10'-0" above the roofline of the structure.*

*f. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.*

The applicant is proposing a variance to exceed by 3'-0" of the maximum allowable height of 10'-0" from the main roof line so that the elevator can be at a maximum height of 13'-0".

The property has a total unit size of approximately 41,124 SF and the elevator is located as close to the center of the roof as possible so that it is visually recessive and does not become vertical extensions of exterior building elevations. Staff would also note that this variance request has been previously granted for other properties of similar size on Star Island. These include 22 Star Island Drive, approved in June, 2018 (DRB18-2-0242), 6 Star Island Drive approved in June, 2017 (DRB17-0142) and most recently 4-6 Star Island Drive, approved in November, 2021 (DRB21-0675).

Given the expansive nature of the site, which is typical for estate lots on Star Island, the proposed modest increase in height for the elevator is not expected to be detrimental to the surrounding properties. In summary, staff has no objection to the variance request and finds that there are practical difficulties related to the height of the elevator serving homes of this size, which are typically best serviced with a commercial type of elevator.

4. A variance to exceed by 2'-1" the maximum allowed height of 7'-0" for a fence in order to construct a fence along the interior side yard up to 9'-1" above an adjusted grade elevation of 7.88' NGVD.

- Variance requested from:

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

*(b)Allowable encroachments within required yards.*

*(7) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:*

*b. Within the required rear or side yard, **fences, walls and gates shall not exceed seven feet**, as measured from grade, except when such yard abuts a public right-of-way, waterway, or golf course, the maximum height shall not exceed five feet. **In the event that a property has approval to be improved at adjusted grade, the overall height of fences, walls and gates may be measured from adjusted grade, provided that the portion of such fences, walls or gates above four feet in height consists of open pickets with a minimum spacing of three inches**, unless otherwise approved by the design review board or historic preservation board, as applicable.*

Variance #4 is related to a fence along the interior north side yard proposed at 9'-1" from the adjusted grade elevation of 7.88' NGVD where the maximum height allowed is 7'-0". In the past, the height of the fence, measured from grade elevation has been associated with variances when the grade of the property is very low. The Code has been modified to allow the interior side fence to be measured from adjusted grade, which is a higher elevation than grade, as noted in the Code section above. Additionally, landscaping can be utilized to more fully screen the property. Based on this analysis, staff recommends denial of variance #4.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved** with conditions, including variances #1, #2, and #3, and that variance #4 be **denied** 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.