

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 25, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB23-0595. 4230 N. Bay Road. Single Family Home Lot Split/Subdivision of Land.**

An application has been filed requesting a division of land/lot split, to divide the existing site comprised of portions of three platted lots, into three individual buildable parcels pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION:

Approval with conditions.

EXISTING STRUCTURES/SITE:

The subject application consists of one irregularly shaped parcel that contains portions of three (3) platted lots (lots 43, 44, and 45). The existing site is approximately 25,900 square feet in size (per provided survey and Miami-Dade Property Appraiser). The lots were made irregular due to the construction of the Julia Tuttle Causeway westbound on-ramp and the realignment of Alton Road which surround the parcel to the south, west, and north.

There is an existing 3,855 square foot home that was built in 1934 in the center of the site. The applicant is proposing to maintain the home.

ZONING / SITE DATA:

Legal Description: *Lot 44, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof, recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.*

Also, that part of Lot 45, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof, as recorded Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida. Beginning at the Southeast corner of said Lot 45 and runs West 9 feet along the South line thereof to the beginning of a curve concave to the Southwest, having a radius of 239 feet; run thence Northwesterly 156.43 feet along said curve to the Northerly line of said Lot 45 at a point of 16 feet Easterly from the Northwest corner thereof; run thence Easterly 133 feet along the Northerly line of said Lot 45 to the

Northeast corner thereof; run thence Southerly 100 feet along the Easterly line of said Lot 45 to the Point of Beginning.

Also that part of Lot 43, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof, as recorded Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida, described as follows: Beginning at the Southeast corner of said Lot 43 run thence Westerly 108 feet along the Southerly line of said Lot 43 to the beginning of a curve concave to the Southeasterly, having a radius of 768 feet; run thence Northeasterly 144 feet along said curve to the Easterly line of said Lot 43; run thence Southerly 85 feet along said line of the Point of Beginning.

Zoning: *RS-4 Single-Family Residential District*

Future Land Use: *Single Family Residential Category (RS)*

Current Lot Size: *4230 N. Bay Road: 25,900 SF*

Proposed Lot Sizes: *Lot 1: 7,769 SF
Lot 2: 13,311 SF
Lot 3: 6,066 SF*

Existing Lot Width: *285.75 FT*

Proposed Lot Widths: *Lot 1: 102.10 FT
Lot 2: 87.86 FT
Lot 3: 95.76 FT*

REVIEW CRITERIA:

Pursuant to Section 2.5.4.2 of the Resiliency Code, in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

- 1. Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

Consistent – The minimum lot size for the RS-4 district is 6,000 SF and the minimum lot width is 50 feet. The proposed lots will exceed the minimum requirements.

- 2. Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

Consistent – The average lot size is 5,953 SF, which is significantly smaller than the proposed lots. The proposed lots are 7,769 SF, 13,311 SF and 6,066 SF.

- 3. Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development**

regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.

Consistent – Staff has analyzed the average unit sizes and the proposed unit sizes. The existing average unit size of the neighborhood is 55%, which exceeds the maximum allowable unit size permitted by the LDRs. If a 20% allowance is provided for additions, the average would increase to 57%. Since the current average exceeds the maximum allowed by the LDR's the massing for any future homes at the proposed lots will be consistent with the existing and expected development pattern in the surrounding neighborhood.

- 4. Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

Consistent – The applicant is proposing to maintain the existing home in the center parcel. Small portions on the northern portion of the home are proposed to be demolished in order to provide a setback from the new lot that will be created to the north. This will minimize any non-conformances. The existing home complies with the maximum unit size and lot coverage.

- 5. Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

Consistent – There are no encroachments from abutting sites.

- 6. Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 7.2.7.4.a.**

Consistent – There is a pre-1942 home on the site; however, it has not been determined to be architecturally significant. The applicant is proposing to maintain the home. Only small sections on the north of the home are proposed to be demolished in order to provide a setback.

- 7. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.**

Consistent – The new homes will fully comply with the sea level and resiliency review criteria.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the Resiliency Code 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.**

Satisfied – The applicant has indicated that a recycling or salvage plan will be provided at the building permit phase.

- 2. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Satisfied – The applicant has indicated that all windows will be hurricane proof impact windows.

- 3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Partially Satisfied – The applicant has indicated that where feasible, passive cooling systems will be provided. Any new homes require the approval of the Design Review Board (DRB) at which point the resiliency criteria will be addressed in greater detail.

- 4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided in accordance with Chapter 4 in Land Development Regulations.**

Satisfied – The applicant has indicated that where resilient, Florida-friendly landscaping will be provided. Any new homes require the approval of the DRB at which point the resiliency criteria will be addressed in greater detail.

- 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 – The applicant indicated that the adopted sea level rise projections and land elevations of the subject and surrounding properties were taken into account.

- 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 3 additional feet in height.**

Satisfied – The applicant indicated that proposed designs will be adaptable to the raising of the public right-of-way and adjacent land.

- 7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.**

Satisfied – The applicant indicated that all critical mechanical and electrical systems will be located above the base flood elevation.

8. **Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to the base flood elevation, plus City of Miami Beach Freeboard.**

Not Satisfied – The existing home is not proposed to be raised.

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 in the General Ordinances.**

Satisfied – There will be no habitable space below the design flood elevation.

10. **As applicable to all new construction, stormwater retention systems shall be provided.**

Partially Satisfied – The applicant indicated that stormwater retention systems will be provided where feasible.

11. **Cool pavement materials or porous pavement materials shall be utilized.**

Partially Satisfied – The applicant indicated that cool and porous pavements will be utilized; however, new homes require the approval of the Design Review Board (DRB) at which point this criteria must be addressed in detail.

12. **The design of each project shall minimize the potential for heat island effects on-site.**

Partially Satisfied – The applicant indicated that the potential for the heat island effect will be minimized with landscaping and open spaces.

ANALYSIS:

The subject properties are owned by Ernesto and Ashley Taylor Arguello (the applicant) who own 4230 N. Bay Road. The existing parcels span portions of three (3) platted lots (lots 43, 44, and 45). The lots were made irregular in the late 1950s due to the construction of the Julia Tuttle Causeway/I-195, entrance ramps, and the realignment of Alton Road.

The applicant proposes to divide the parcel into three buildable lots by modifying the existing platted lot lines. An Opinion of Title was submitted in conformance with the requirements of the Miami Beach Resiliency Code.

The RS-4 residential single-family zoning district requires a minimum lot area of 6,000 square feet and a minimum lot width of 50 feet. Each of the proposed new parcels would comply with these minimum lot area and lot width requirements.

The tables in the section below summarize the statistical data of similar properties in the surrounding area, (see also analysis parcels aerial). The source of the data is the Miami Dade County Property Appraiser's Office.

As a point of information, the Property Appraiser's Office adjusts the size of structures by increasing or adjusting the stated square footage for outdoor covered areas such as loggias,

covered patios, etc. and for non-air-conditioned garages. As per the City's definitions, these items are generally excluded from unit size calculations. In the Data Analysis below, the adjusted unit size percentage is the percentage unit size of the existing home using the adjusted square footage from the Property Appraiser's office. Staff has included a "20% allowance" column, to take into consideration a reasonable accommodation for future renovations and additions for existing homes.

The applicant is proposing to maintain the existing home on 4230 N. Bay Road; however, small portions on the northern portion of the home are proposed to be demolished in order to provide setbacks from the new parcel that will be created. Per the Property Appraiser, the home was built in 1934, but there has not been a formal determination of architectural significance. Section 7.2.2.3 (xi) of the Resiliency Code provides that new homes on lots resulting from a lot split application are subject to the review and approval of the DRB.

Additionally, this section of the Resiliency Code requires that that when the resulting lot lines of the newly created lots do not follow the originally platted lot lines that the maximum unit size of the new homes cannot exceed 40% of the lot area and that the lot coverage for a two-story home not exceed 25% of the lot area, or such less number determined by the Planning Board. Neither the current parcel nor the proposed parcels follow the originally platted lot lines, therefore the proposal is subject to these limits on unit size and lot coverage.

The applicant has indicated that they will be seeking relief from the 40%-unit size limitation on homes that do not follow the original platted lines for the newly created parcels (parcels 1 and 3). Staff is not opposed to the applicant seeking such a variance given that the existing average unit size of the surrounding area exceeds 50%. Additionally, a variance request will require separate review and analysis as part of the DRB application. However, staff is recommending conditions to ensure that variances are not sought which would provide for a unit size that exceeds 50% of the lot size.

Area Analysis Data:

Subject Site:

Address	Lot Size	Year Built	Unit Size	Unit Size %
4230 N BAY RD	25,900	1934	3,855	15%

Surrounding Sites Summary:

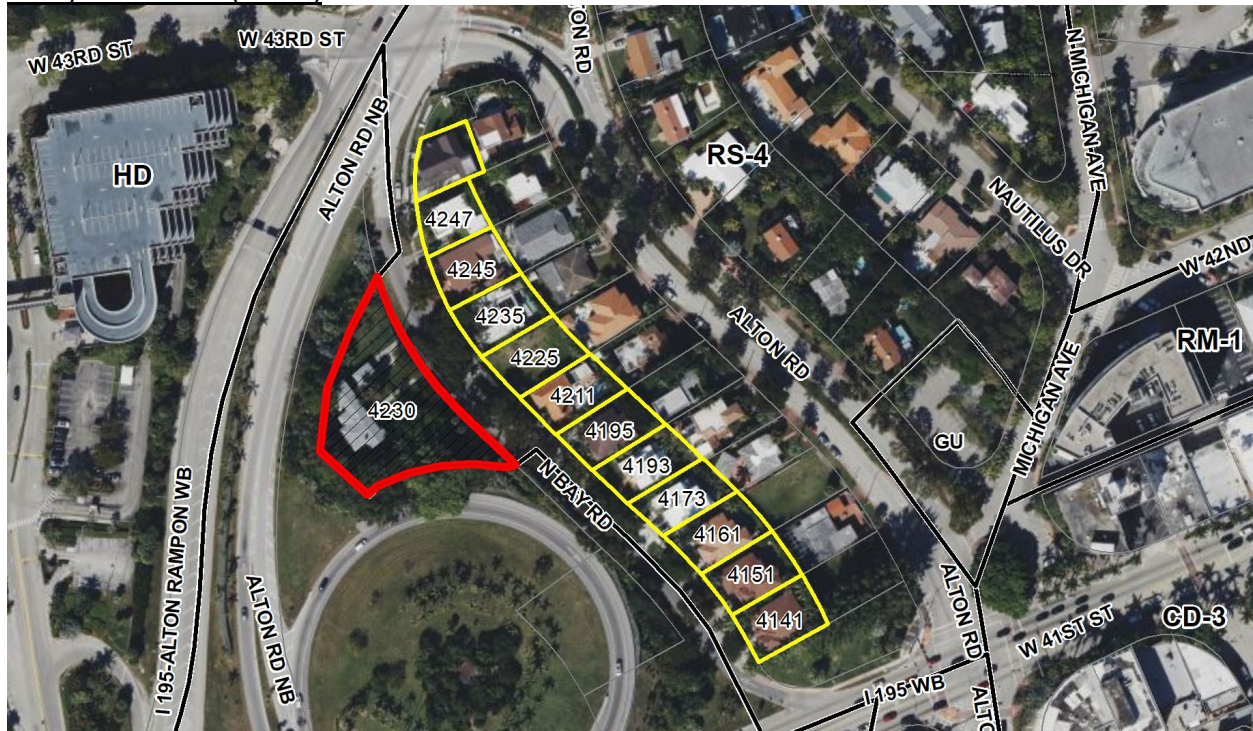
Statistic	Lot Size	Year Built	Unit Size	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
Average	5,953	1972	3,234	55%	3,363	57%	2
Median	6,000	1978	3,178	59%	3,242	59%	2
Max	6,500	2019	4,663	78%	4,663	78%	2
Min	4,636	1923	1,903	29%	2,284	35%	1
First Quartile	6,000	1932	2,660	45%	2,878	50%	2
Third Quartile	6,000	2007	3,652	62%	3,652	62%	2
Mode	6,000	1925	N/A	N/A	N/A	N/A	2

Analysis Parcels Data

Address	Lot Size	Year Built	Unit Size	Unit Size %	Unit Size +20% Allowance (SF)*	Unit Size +20% Allowance %	Floors
4247 N BAY RD	4,636	1925	2,862	62%	2,862	62%	2
4245 N BAY RD	5,850	1961	2,872	49%	2,925	50%	1
4235 N BAY RD	6,500	1951	1,903	29%	2,284	35%	1
4211 N BAY RD	6,000	1925	2,250	38%	2,700	45%	2
4195 N BAY RD	6,000	1994	3,642	61%	3,642	61%	2
4193 N BAY RD	6,000	1923	2,592	43%	3,000	50%	2
4173 N BAY RD	6,000	2019	3,655	61%	3,655	61%	2
4161 N BAY RD	6,000	2007	3,483	58%	3,483	58%	2
4151 N BAY RD	6,000	2006	4,663	78%	4,663	78%	2
4141 N BAY RD	6,000	2007	4,413	74%	4,413	74%	2
4225 N BAY RD	6,500	N/A	N/A	N/A	N/A	N/A	N/A

*The 20% allowance was added to the adjusted square footage only if the increase remained within permissible limits pursuant to the Land Development Regulations.

Analysis Parcels (aerial)



Summary of Data Analysis:

- The analysis area consists of RS-4 lots to the west of the subject parcel located on the eastern segment of Alton Road between West 41st Street and the western segment of Alton Road.
- There are 11 parcels in the analysis area, excluding the applicant's parcels.
- All parcels range in size from 4,636 to 6,500 square feet. The proposed parcels will be the largest parcels in the area.
- The average lot size is 5,953 square feet. The median lot size is 6,000 square feet. The smallest proposed parcel will be 113 SF larger than the average square footage. The parcel will be 66 SF larger than the median square footage.
- The average adjusted unit size is 3,234 square feet (55% of lot area), the median unit size is 3,178 square feet (59% of lot area). There are seven (7) homes that exceed the current maximum unit size of 50%.
- Current homes range from a unit size of 1,903 SF (29% of lot area) to 4,663 SF (62% of lot area).
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home unit size increases to 3,363 SF (57% of lot area) and a median size of 3,242 (59% of lot area).
- The applicant is proposing a unit size of 50% for lots 1 and 3, which amounts to 3,884 and 3,033 SF respectively.
- There is one (1) vacant lots in the study area.

Staff would note that the existing homes in the study area with a reasonable allowance for additions would have an average unit size of 57% and a median of unit size of 59%. The applicant has indicated that they will be requesting a variance from the 40%-unit size limitation on homes

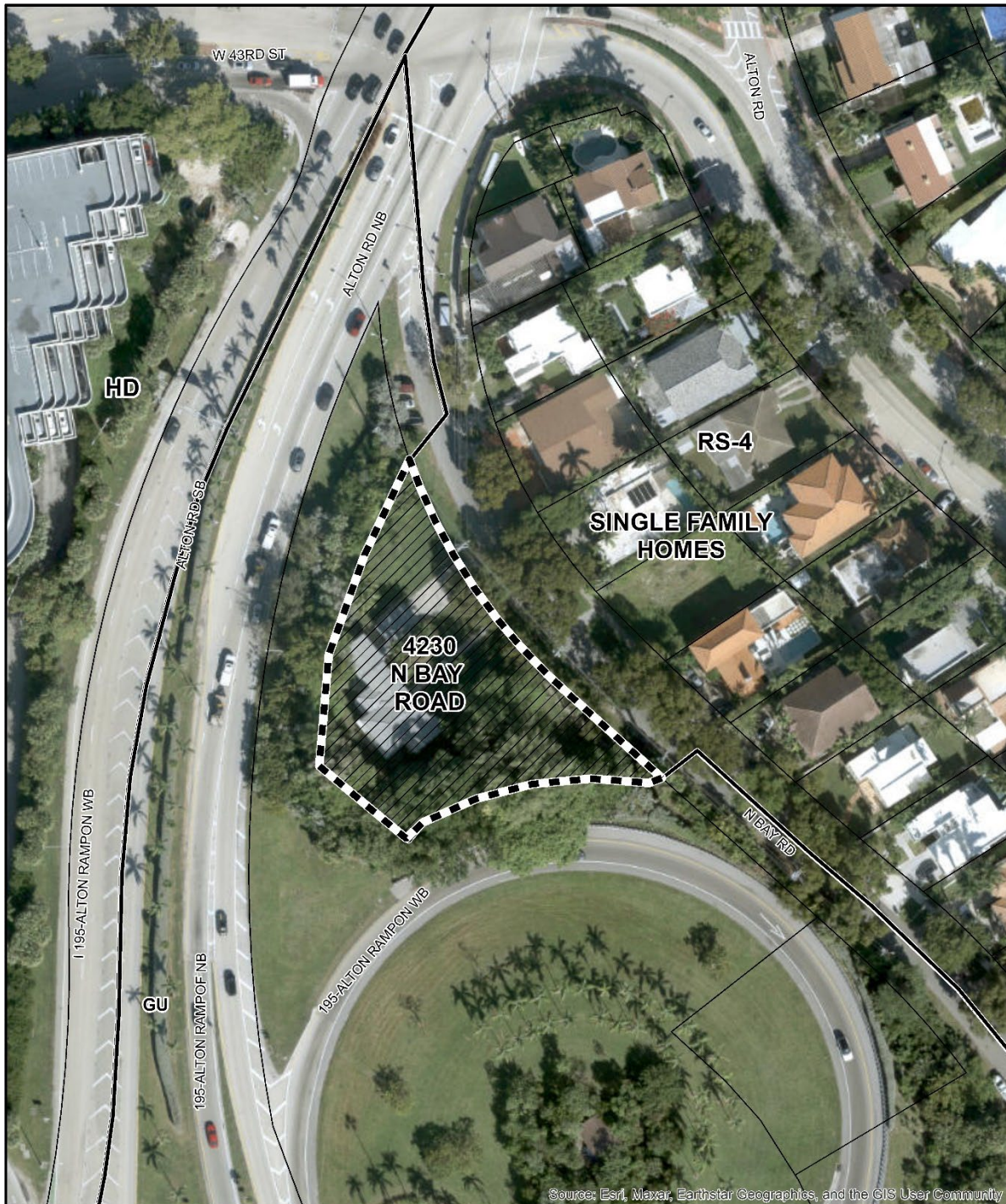
subject to a lot split where the proposed lines do not follow the originally platted lines in order to authorize the maximum unit size of 50%, as permitted by the Resiliency Code.

Given that the existing average unit size and an expected average unit size exceed 50%, the unit size of 50% requested by the applicant should not create a major impact to the surrounding community. However, those impacts will be analyzed as part of a DRB application. As result, staff is not opposed to the applicant's requested maximum unit size. However, staff recommends conditions to ensure that variances are not sought which would allow the applicant to exceed the maximum allowable unit size of 50% that is permitted for homes not subject to a lot split.

STAFF RECOMMENDATION:


In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

MIAMI BEACH
PLANNING DEPARTMENT
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

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**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 4230 N. Bay Road

FILE NO. PB23-0595

IN RE: An application has been filed requesting a division of land/lot split, to divide the existing site comprised of portions of three platted lots, into three individual buildable parcels pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: *Lot 44, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof, recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.*

Also, that part of Lot 45, Block 1 of NAUTILUS SUBDIVISION, according to the plat thereof, as recorded Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida. Beginning at the Southeast corner of said Lot 45 and runs West 9 feet along the South line thereof to the beginning of a curve concave to the Southwest, having a radius of 239 feet; run thence Northwesterly 156.43 feet along said curve to the Northerly line of said Lot 45 at a point of 16 feet Easterly from the Northwest corner thereof; run thence Easterly 133 feet along the Northerly line of said Lot 45 to the Northeast corner thereof; run thence Southerly 100 feet along the Easterly line of said Lot 45 to the Point of Beginning.

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MEETING DATE: July 25, 2023

**DIVISION OF LAND/LOT SPLIT
FINAL ORDER**

The applicant, Ernesto and Ashley Taylor Arguello who own 4230 N. Bay Road requested a Division of Land/Lot Split, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, to modify the existing property lines of the site comprised of two individual lots.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.
- B. The project would remain consistent with the criteria and requirements of Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, subject to the following conditions, to which the Applicant has agreed:
 - 1. The modifications authorized to the three (3) lots at 4230 N. Bay Drive by this lot split application, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.
 - b. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by LANNES AND GARCIA, INC Land Surveyors, Inc., dated JUNE 13, 2022.
 - c. Design Review Board review and approval shall be required for the new proposed homes on lots 1 and 3 as detailed in the provided surveys.
 - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact and mobility fees, shall be the responsibility of the owners of each respective lot.
 - e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.
 - f. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Chapter 7, Article II Section 7.2.2.3 of the Miami Beach Resiliency Code, as may be revised from time to time.
 - g. Request and approval of variances related to maximum unit size above 50 percent shall not be permitted.
 - h. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
 - i. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

2. The applicant shall maintain the land clean and free from debris.
3. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
4. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.
5. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
7. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.
8. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Miami Beach Resiliency Code, and shall be subject to enforcement procedures set forth in Chapter 1, Article III, Section 1.3.8 of the Miami Beach Resiliency Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
9. Nothing in this order authorizes a violation of the Miami Beach Resiliency Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the Miami Beach Resiliency Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff

recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, AICP
Development and Resiliency Officer
for Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio A. Madan, Development and Resiliency Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ ()

Filed with the Clerk of the Planning Board on _____()