

# MIAMI BEACH

## PLANNING DEPARTMENT Staff Report & Recommendation

## Board of Adjustment

TO: Chairperson and Board Members

DATE: February 2, 2024

FROM: Thomas R. Mooney, AICP  for TRM  
Planning Director

SUBJECT: **ZBA23-0153**  
**719 W 51<sup>st</sup> Street**  
**Folio: 02-3222-022-0210**

An application has been filed requesting variances from the minimum required side setbacks and from the maximum lot coverage, in order to construct a 2-story addition to an existing single-story home.

### **RECOMMENDATION:**

Approval with conditions.

### **LEGAL DESCRIPTION:**

Lot 16, Block 21, of Lake View Subdivision, according to the Plat Thereof, as Recorded in Plat Book 14, Page 42, of the Public Records of Miami-Dade County, Florida.

### **SITE DATA:**

Zoning: RS-4  
Lot Size: 5,717 SF  
Unit Size Existing: 1,791 SF/31.3%  
Unit Size Proposed: 2,391 SF/41.8%  
Unit Size Max: 2,858 SF/50%  
Lot Coverage Exist: 1,791 SF/31.3%  
Lot Coverage Prop: 2,194 SF/**38.4%**  
Lot Coverage Max: 1,715 SF/30%  
Height Proposed ~21 feet/2-stories

Max Height: 27 feet

Year: 1940  
Architect: M.M. Ungaro

### **SURROUNDING PROPERTIES:**

East: Two-story 1941 Home  
North: One-story 1942 Home  
South: 2-story commercial, 1926  
West: One-story 1949 Home

### **THE PROJECT:**

The applicant has submitted plans entitled "Addition to 719 W 51<sup>st</sup> Street", as prepared by **Anthony Leon (3Design Inc.)**, dated 11/6/2023.

The applicant is proposing to construct a new second floor addition to an existing single-story home. The addition is proposed at the rear of the home and includes an additional 600 SF at the second level. It will be located above the existing family room, and the remainder of the ground floor area below the addition will consist of a covered terrace.

The applicant is requesting the following variances:

1. A variance from the maximum lot coverage of 30% for a 2-story home, in order to construct a new addition with an overall lot coverage of 38.4%
2. A variance from the minimum required side yard setback of 7'-6", in order to construct the new addition with a side setback of 5'-2", consistent with the home's existing side setback.

**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 submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. 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;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. 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; and
- viii. 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 7, article I, as applicable.

**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 SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4(a)(i) of the Land Development Regulations 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 Applicable**
- (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 4 of the Land Development Regulations.  
**Satisfied –** To be reviewed at time of building permit.
- (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.  
**Not Applicable**
- (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.  
**Not Applicable**
- (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 Applicable**

- (11) Cool pavement materials or porous pavement materials shall be utilized.

**Satisfied –** To be reviewed at time of building permit.

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

**Satisfied –** To be reviewed at time of building permit.

**ANALYSIS:**

The subject property includes a 2-story residence, originally constructed in 1940, with later additions to both the front and rear of the house. The applicant is proposing to construct a new second floor addition to an existing single-story home. The addition is proposed at the rear of the home and includes an additional 600 SF at the second level. It will be located above the existing family room, and the remainder of the ground floor area below the addition will consist of a covered terrace.

The applicant is requesting the following variances:

- 1 A variance from the maximum lot coverage of 30% for a 2-story home, in order to construct a new addition with an overall lot coverage of 38.4%

- Variance requested from Section 7.2.2.3(b)(1):

Maximum Lot Coverage for a 2-story Home (% of lot area): **30%**

The existing single-story home has a lot coverage of 1,791 SF / 31.3%. The maximum lot coverage for a single-story home is 40%. However, because the applicant is proposing to add a second floor addition to part of the home, the maximum lot coverage is reduced to 30%. The subject addition, at 600 SF is relatively small, and will increase the total unit size of the home to 2,391 SF, which is still well below the maximum permitted of 2,858 SF / 50%. Further, although it is 2-stories, the proposed height is just under 21 feet, which is well below the maximum height of 27 feet for a sloped roof.

2. A variance from the minimum required side yard setback of 7'-6", in order to construct the new addition with a side setback of 5'-2", consistent with the home's existing side setback Variance requested from:

- Variance requested from Section 7.2.2.3(b)(1):

Side, Interior Setback Lots 65 feet in width or less: **7.5 feet**

The existing lot is slightly irregular in shape, with a width of 50 feet at the front property line and 45 feet at the rear property line. The existing home has non-conforming side setbacks of ~4'-5" on the east side and 5'-2" on the west side. Due to the tapering of the lot, the setbacks vary slightly on each side. As proposed, the addition will be setback approximately 68 feet from the front property line. Because the addition will be placed partially on top of the existing family room, the non-conforming setback on the west side will be extended less than 10 feet. While the city Code does allow the extension on a non-conforming side setback for a single-story addition for up to 20 feet, this exception does not apply to a 2-story addition. However, from the exterior, the proposed height of 21 feet is consistent with the maximum height that would be allowed for a single-story addition in the same location.

Based upon the existing site conditions, including existing setbacks and existing lot coverage, as well as the irregular shape of the lot, and the narrowness of the tapering lot, staff finds that practical difficulties exist for the construction of an addition on the subject site. The requested variances are minor in nature and should not result in any negative impacts on the surrounding neighborhood. For the reasons noted above, staff is supportive of the requested variances.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved, including the requested variances**, subject to the conditions enumerated in the attached Draft Order, which address any inconsistencies with the aforementioned Practical Difficulty and Hardship Criteria and Sea Level Rise criteria.