

MIAMI BEACH

PLANNING DEPARTMENT Staff Report & Recommendation

Board of Adjustment

TO: Chairperson and Board Members

DATE: March 1, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS
MB

for TRM

SUBJECT: **ZBA23-0158**
2835 Lucerne Ave
Folio: 02-3228-010-0190

An application has been filed requesting a variance from the minimum required rear setback, in order to construct a single-story addition to an existing single-story home.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lot 3, Block 1-C, Sunset Islands-Island No.1, according to the Plat Thereof, as Recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-3
Lot Size: 12,150SF
Unit Size:
Existing: ~2,600 SF/21.4%
Proposed: 3,026 SF/24%
Max: 6,075 SF/50%
Lot Coverage:
Existing: 2,375 SF/20%
Proposed: 3,508 SF/29%
Max: 6,075 SF/50%*

Height:

Proposed: ~15' /1-story
Max: 21 feet/Single story

Year: 1951
Architect: Alexander Lewis

SURROUNDING PROPERTIES:

East: Two-story 1938/1996 Home
North: One-story 1951 Home
South: 2-story 2016 Home
West: 2-story 1936 Home

*For a 1-story home constructed prior to 1965

THE PROJECT:

The applicant has submitted plans entitled "Juliano – Oakes Residence", as prepared by **The Weber Studio** dated 11/17/2023.

The applicant is proposing to partially demolish the north wing of the existing single-story home, which has a current rear setback of approximately 29 feet, and replace it with a new single-story wing, with a proposed rear setback of 7'-6". Although the new addition is approximately 1100 SF, this amounts to an increase in the home's unit size by approximately 415 SF.

The applicant is requesting the following variance:

1. A variance from the minimum required rear yard setback of 20'-3", in order to construct the new addition with a rear setback of 7'-6".

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 single-story residence originally constructed in 1951. The applicant is proposing to construct a new ground floor addition at the rear of an existing home, which follows the existing north side yard setback of 9'-10". The proposed addition, including the roof overhangs, is 24 feet in width. The proposed setback to the south property line is approximately 60 feet, which allows for a large pool, and pool deck in the center of the property to remain.

The applicant is requesting the following variance:

- 1.. A variance from the minimum required rear yard setback of 22'-3", in order to construct the new addition with a rear yard setback of 7'-6".

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

Rear Setback: **15% of the lot depth**, 20 feet minimum, 50 feet maximum.

The existing home is relatively small for lot, with a unit size of approximately 21.4%. As proposed, the addition will increase the unit size to 24%, which is less than one-half of the maximum square footage that could be built on the site. The existing home was designed around a large pool and deck in the center of the property with all rooms having direct access to this deck.

The applicant's proposal for an addition along the north side of the property will allow for the slight expansion of the home without negatively impacting the usability of the existing pool deck. The setbacks proposed comply with the setbacks required for a detached accessory structure within the required rear yard; however, because it is an extension of the main home, the required setbacks of the main home apply.

The area of the addition within the required rear yard is minimal, at only 255 SF (14% of the total area of the rear yard). For reference, the maximum area for an accessory structure within a required rear yard is 25%. As the proposed structure would have no more impact on neighboring property owners than an allowable single story accessory structure, no negative

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impacts are expected. Further, the applicant has designed a separate accessory cabana structure that provides much greater side and rear setbacks than would otherwise be required.

Based upon the existing site conditions, including existing setbacks and the existing layout of the home, staff finds that practical difficulties exist for the construction of an addition on the subject site. The requested variance is 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 variance.

RECOMMENDATION:

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