


MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: September 8, 2017 Meeting

RE: File No. ZBA17-0036
3040 Prairie Avenue – Single Family Residence

The applicants, Matan Ben Aviv & Michelle Ben Aviv are requesting variances to exceed the maximum lot coverage and unit size allowed for a two-story single family home in order to construct a one-story addition to the existing two-story single family home.

STAFF RECOMMENDATION:

Denial of the variances.

LEGAL DESCRIPTION:

See attached Exhibit "A".

SITE DATA:

Zoning -	RS-4
Future Zoning-	RS
Lot Size -	10,205 SF
Lot Coverage	
Existing-	3,323 SF / 32.5%
Proposed-	3,579 SF / 35.0%*
Maximum-	3,061.5 SF / 30%
Unit size	
Existing-	5,674 SF / 55.6 %
Proposed-	5,930 SF / 58.1%*
Maximum-	5,102.5 SF / 50%
Height	
Existing-	2 stories - sloped roof
Proposed-	same

EXISTING STRUCTURE:

Year Constructed:	2004
Architect:	Corwill Architects
Vacant Lot:	None
Demolition:	Partial

*** Variances Requested**

THE PROJECT:

The applicant has submitted documents and plans entitled "Proposed Courtyard Conversion to Babysitting Room" as prepared by Pablo A. Gonzalez, P.E., signed and sealed June 5, 2017.

The applicants are requesting variances to exceed the maximum lot coverage and unit size allowed for a two-story single family home in order to construct a one-story addition to the existing two-story single family home.

The applicants are requesting the following variance(s):

1. A variance to exceed by 5% the maximum allowed lot coverage of 30% for a two story home in order to increase the lot coverage to 35% for the construction of a one story addition to the existing two-story home.

- 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:

(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District: RS-4, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.

2. A variance to exceed by 8.1% the maximum allowed unit size of 50% for a two story home in order to increase the lot coverage to 58.1% for the construction of a one story addition to the existing two-story home.

- 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:

(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District: RS-4, Maximum Unit Size (% of lot area): 50%.

The existing single family home, constructed in 2004 is a legal non-conforming structure, as it exceeds both lot coverage and unit size from the current maximum allowed. An additional area of approximately 596 sf is proposed with the enclosure of a courtyard on the North side. The proposed addition results in an increase in non-conformity of the structure with regard to lot coverage and unit size to which staff is strongly opposed, as the requested variances would not meet the hardship standard.

The current configuration of the house, with a unit size of 5,674 square feet, is a reasonable use of the property. Based on the letter of intent and hardship provided, staff has concluded that the addition of the new area is a self-imposed condition that does not meet the practical difficulties criteria for the granting of the two (2) variances.

The property obtained a variance on June 6, 2008 (ZBA File No. 3364) to exceed the maximum open space required at the rear that included the substantial pavement of the rear

yard. This condition is still existing on the property and provides an additional benefit to the applicant that would not be allowed to other single family homes unless a variance is granted.

In summary, staff recommends that the variances to increase the lot coverage and unit size on the property be denied.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicants have submitted plans and documents with the application that staff has concluded **DO NOT** 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 submitted with the application **DO NOT** satisfy compliance with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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.

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.

STAFF ANALYSIS:

The subject site is an interior lot facing Prairie Avenue and abutting the Miami Beach Golf Course at the rear. The existing two story single family home was constructed in 2004. The main structure is considered legal non-conforming regarding lot coverage and unit size as it exceeds the maximum area allowed under today's Code. The applicant is proposing a one story addition on the north side of the property and is requesting to increase further the lot coverage and unit size of the single family home.

The neighborhood context within 30th and 31st Street along Prairie Ave is composed of houses from 1926 to 1982. The subject property is the most recent home constructed in the area. The immediately adjacent properties are a one story 1955 home on the North side, where the addition is proposed, and a two-story 1982 home on the South side. The majority of the other surrounding homes on this block are one-story structures with a small number of two-story structures. The subject property is the largest lot, and also has the largest living area compared to the living area of the other properties, as noted in the Dade County properties information. Staff finds that the variances requested are self-imposed and do not satisfy the criteria for approval. Further, the granting of the requested variances would contradict the direction of the City in the last several years, which has been to reduce the size and massing of two-story single family homes in order to be more compatible with existing neighborhood context. The City has also reduced the lot coverage and unit size for resiliency purposes.

Staff recommends that the variances requested be denied due to a lack of hardship or practical difficulties.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **denial** of the variances requested.

Exhibit "A".

LEGAL DESCRIPTION:

Lot 9, Block 4, FIRST ADDITION TO MID GOLF SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 161, of the Public Records of Miami-Dade County, Florida, and a portion of Lot 10, Block 4, as the aforescribed subdivision, more particularly described as follows:

From a Point of Beginning at the Northeast corner of Lot 9, run Northerly along the East Line of Lot 10, for a distance of 6 feet to a point, thence run Westerly for a distance of 150.95 feet to the Southwest corner of Lot 10, thence run Easterly along the dividing line between Lot 9 and Lot 10 for a distance of 151.70 feet to the Point of Beginning.