


# MIAMI BEACH

## PLANNING DEPARTMENT

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### BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP   
Planning Director

DATE: September 8, 2017 Meeting

RE: File No. ZBA17-0041  
**291 Palm Avenue – Single Family Residence**

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The applicant, William Valdes Zuazo is requesting variances from the required front setback for a building structure, from the required front and interior side setbacks for a pool and pool deck, and to reduce the minimum landscaped open space required in the front yard in order to construct one-story additions and a pool to the existing two-story single family home.

#### **STAFF RECOMMENDATION:**

Approval of the variance(s) with conditions.

#### **LEGAL DESCRIPTION:**

Lots 55 and 56, Block 2B, of "Amended Riviera 1<sup>st</sup> and 2<sup>nd</sup> Addition Subdivision", According to the Plat Thereof, as recorded in Plat Book 32 at Page 37 of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning -	RS-4
Future Zoning-	RS
Lot Size -	12,021.1 SF
Lot Coverage	
Existing-	2,818.4 SF / 23.4%
Proposed-	3,061.2 SF / 25.4%
Maximum-	4,808.4 SF / 40%
Unit size	
Existing-	3,547.7 SF / 29.5 %
Proposed-	4,857.3 SF / 40.4%
Maximum-	7,212.6 SF / 60%
Height	
Existing-	~21'-0" – two-story sloped roof
Proposed-	same
Maximum-	27'-0"

#### **EXISTING STRUCTURE:**

Year Constructed:	1935
Architect:	E. A. Ehmann
Vacant Lot:	None
Demolition:	Partial

#### **THE PROJECT:**

The applicant has submitted documents and plans entitled "Remodeling & Addition 291 Palm Ave" as prepared by 3Design Architecture, signed and sealed July 24, 2017.

The applicant is requesting approval for the construction of one-story additions and a pool to the existing two-story single family home, including variances from the required front setback for a building structure, from the required front and interior side setbacks for a pool and pool deck, and to reduce the minimum landscaped open space required in the front yard.

The applicant is requesting the following variance(s):

1. A variance to reduce by a range from 14'-8" to 14'-4" the minimum required front setback of 20'-0" in order to construct one story additions along the front of the property at a setback ranging from 5'-4" to 5'-8" from the front property line facing North Coconut Lane.

- Variance requested from:

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

*The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*(1)Front yards: The minimum front yard setback requirement for these districts shall be 20 feet.*

The property contains a two-story main residence and a one-story detached garage and guest house structure. The buildings are setback 20' to 41' from the front side facing Palm Avenue and setback 5'-0" approximately on the front side facing North Coconut Lane. The site is considered to have two fronts for zoning analysis, with a required 20' setback on both streets, although it was originally constructed with the functional rear along North Coconut Lane with minimal setbacks. The new covered terrace is proposed with a setback of 5'-8" and the garage is proposed at 5'-4" following the existing non-conforming front setbacks along North Coconut Lane. Because there is a solid high wall connecting the structures on this side, the proposed new garage and terrace do not have a significant adverse impact on the existing neighborhood context. The variance requested would allow the expansion of the home while maintaining its architectural significance. Staff finds that the location of the property with two fronts, the existing front setbacks as originally constructed and the retention of the significant buildings, create the practical difficulties that result in the variance requested.

2. A variance to reduce by 5'-3" the minimum required 7'-6" setback from the interior side property line to the pool deck in order to allow a setback of 2'-3" from the east side property line to the pool deck.
3. A variance to reduce by 4'-7" the minimum required 10'-0" setback from the front property line to the pool deck in order to allow a setback of 5'-5" from the front property line to the pool deck facing North Coconut Lane.
4. A variance to reduce by 9'-9" the minimum required 20'-0" setback from the front property line to the pool deck in order to allow a setback of 10'-3" from the front property line to the pool deck facing Palm Avenue.

- Variances requested from:

**Sec. 142-1133. Swimming pools.**

*This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided:*

*(2) Side yard setback. A seven and one-half-foot minimum required setback from the side property line to a swimming pool deck, or platform, the exterior face of an infinity edge pool catch basin, or screen enclosures associated or not associated with a swimming pool. Nine-foot minimum required setback from side property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool.*

*(8) Homes with two fronts, or thru lots, within single-family districts. Lots with two fronts, as defined by section 114-1 of the City Code, shall be permitted to place a pool and pool deck, with a minimum ten-foot setback from the front property line, at the functional rear of the house.*

A new pool and deck are proposed on the east side of the property parallel to the new covered terrace. Due to the irregular configuration of the site and the location of the existing buildings, this is the most recommended area to construct the pool in order to minimize the impact on the significant structures. However, the available area has a triangular shape that impose challenges when designing a rectangular pool and results in the encroachment of three triangular corners of the pool deck on both fronts and interior side yards, as noted in variances #2, #3 and #4 above. The pool walls are setback additional 4' facing North Coconut Lane and an additional 1'-1" from the interior side setback required which helps mitigate any negative impact of the reduced setbacks. Staff is supportive of these variances as the physical location of the existing significant buildings and the lot shape create the practical difficulties resulting in the need for these variances.

5. A variance to reduce by 4.2% (143.2 s.f.) the minimum required 50% (1,709.5 s.f.) landscaped pervious open space required within the front yard, in order to allow an open space of 45.8% (1,566.3 s.f.) facing North Coconut Lane.

- Variance requested from:

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

*The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

**(1) Front yards:**

*d. At least 50 percent of the required front yard area shall be sodded or landscaped pervious open space.*

The property exceeds the open space requirements at the other front and street side yards which compensates for the lack of open space in the front yard on North Coconut Lane. For this reason, staff is supportive of the variance request. The proposed increase in building area will not substantially alter the architectural integrity of the original home. Staff finds that the physical location of the existing buildings which will be retained and renovated, creates practical difficulties, resulting in the requested variance.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board of Adjustment finds that practical difficulties exist with respect to implementing the proposed project at the subject property. **In this case, the requested variance is necessary in order to satisfy the Certificate of Appropriateness criteria and not to adversely impact the existing significant structures.**

The applicant has submitted plans and documents with the application that also indicate the following, 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:**

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This 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 a corner lot with two fronts containing a two-story architecturally significant residence and a detached structure constructed in 1935. The home was placed with front setbacks of approximately 5'-0" facing North Coconut Lane and front setbacks ranging from 20' to 41' facing Palm Avenue. The applicant is proposing improvements to the site that includes two one-story additions connecting the two structures, a new pool, deck

and driveway. Variances from the required front setback for a building structure, from the required front and interior side setbacks for a pool and pool deck, and to reduce the minimum landscaped open space in the front yard are requested for the proposed work.

As the existing architecturally significant structures will be retained and renovated, the physical location of the buildings dictate the available areas for possible new construction. In this case the additions are proposed following the non-conforming setbacks on the front facing North Coconut Lane and the pool and deck are restricted by the triangular shape available on the east side of the property. The variances requested #1, #2, #3, #4 and #5 are the minimum necessary to upgrade the property to more current living standards and minimize the alteration to the architecturally significant single family home.

The location of the site, with two fronts and its irregular configuration with the rounded shape at the corner, as well as the established buildings on site, reduce the available area for development as compared to other standard rectangular lots. These existing conditions, not created by the applicant, meet the practical difficulty criteria of the City's Charter to grant the variances requested. Staff has no objections to these variances due to the minor impact on the significant buildings and the adjacent properties. The lot coverage and unit size proposed are well under what is allowed for architecturally significant homes, such as this one. The need to add reasonable living area and garage within the site constraints, as noted previously, create the practical difficulties that result in the variances requested. For these reasons, staff recommends approval of the variances as proposed.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends **approval** of the variance(s) as requested, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, as applicable.

TRM:MAB:IV

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