


MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: September 8, 2017 Meeting

RE: File No. ZBA17-0042
1620 Daytonia Road – Single Family Residence

The applicant, Yohama Lorenzo is requesting a variance to allow storage of a recreational vehicle (RV) within the front yard of the single family property including partial visibility of the vehicle from the street.

STAFF RECOMMENDATION:

Approval of the variance with conditions.

LEGAL DESCRIPTION:

Lot 23, Block 3, of "Biscayne Point Subdivision", According to the Plat Thereof, as recorded in Plat Book 14 at Page 35 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	RS-3
Future Zoning-	RS
Lot Size -	11,250 SF
Existing U. size-	~3,407 SF / 30.2%
Height	one-story structure

EXISTING STRUCTURE:

Year Constructed:	1955
Architect:	Gilbert M. Fein
Vacant Lot:	None
Demolition:	None

THE PROJECT:

The applicant has submitted documents and survey, signed and sealed July 5, 2017.

The applicant is requesting a variance to allow storage of a recreational vehicle (RV) within the front yard of the single family property including partial visibility of the vehicle from the street

The applicant is requesting the following variance(s):

1. A variance to allow the storage of a recreational vehicle (RV) at 16'-0" from the front property line including partial visibility of the vehicle from the street.
 - Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(c) Boat, boat trailer, camper trailer or recreational vehicle storage. In all districts, accessory storage of such vehicles shall be limited to a paved, permanent surface area within the side or rear yards, no such vehicle shall be utilized as a dwelling and such vehicles shall be screened from view from any right-of-way or adjoining property when viewed from five feet six inches above grade.

The applicant is requesting a variance to store a recreational vehicle at 16'-0" from the front property line and that the vehicle be partially visible from the street. As indicated in the letter of intent provided, in 2011, before the RV vehicle was purchased, the applicant contacted the Planning Department and was informed that an RV could be stored at the side or rear of the property and that screening from view of the vehicle was required. The applicant planted hedges along the sides and bought the vehicle when the hedges were approximately 6 feet tall. Some time afterwards, a violation was issued on 1/27/2016 under CE16001191 when an officer noted the vehicle visible from the street. Copy of the notice given to the owner was submitted as part of the documents. The applicant then placed several planters in front of the vehicle to mitigate visibility from the street. Photographs of the planters in front of the vehicle are included in the file of the violation as part of the records in the Building Department.

Because the planters were only partially screening the vehicle and it was difficult to keep them at a height that would cover the entire vehicle, the applicant decided to obtain a building permit for the construction of gates and a fence up to the maximum height permitted and to plant additional tall landscaping at the front of the property for a more permanent vehicle barrier.

In February 2017, the applicant received a notice to appear before the Special Master regarding the still open violation. At that time, she contacted the Code enforcement officer who agreed to reinspect the property once the permit for the gates was finalized to close the violation. The officer inspected the property and the applicant was led to believe that the violation would be closed. However, later in April 2017 she was informed that the case could not be closed, and that she had to appear before the Special Master. At that time she was notified that the location of the vehicle at the front of the property would require a variance, because it was located within the front yard, and an extension of time to file for the variance request was granted.

As noted in the photographs submitted, the vehicle is substantially screened from view with the gates and hedges along the front and sides, except for the two vehicle entrances at the front. With the existing screening of the vehicle, there is not a significant adverse impact on the adjacent properties and a letter of no objection from a neighbor has been submitted as part of the documentation provided.

Staff would also note that the existing home was constructed in 1955 by noted Miami Beach architect Gilbert Fein. It is configured in an L shape, with an attached garage setback 25.5 feet from the front property line and the main home setback approximately 50 feet, opposite the garage structure. The main recessed central entrance to the home is setback approximately 60 feet from the front property line. The RV is parked on the side of the home with the greatest setback, however it still encroaches into the required front yard by four (4') feet.

Based on the facts delineated in the letter of intent, as well as the siting and layout of the existing home, which could be considered architecturally significant, as well as the fence and landscaping that has already been installed to minimize the visibility of the RV, staff finds that practical difficulties exist in this case that warrant the granting of the 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.

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 an interior lot containing a one story single family home constructed in 1955. A variance has been requested to store a recreational vehicle within the front yard of

the single family property and allow partial visibility from the street. The City Code allows boats, trailers and recreational vehicles to be stored over a permanent paved surface on the sides or rear yard of a property only.

As noted in the letter of intent, the applicant has endured some hardship and additional costs as she relied on the information and instructions provided by the City. Staff would note that the description of the violation CE16001191 as entered in the Building Department system reads "Violation issued 7 days to comply, RV can be either removed or screened". A copy of this notice is submitted as part of the documents provided. In addition, photographs of the planters placed in front of the vehicle to provide screening from the street are included in the file of the violation as part of the records in the Building Department.

Based on the facts delineated in the letter of intent, as well as the siting and layout of the existing home, which could be considered architecturally significant, as well as the fence and landscaping that has already been installed to minimize the visibility of the RV, staff finds that practical difficulties exist in this case that warrant the granting of the variance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the variance 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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