


# 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. ZBA17-0044  
**1711 Cleveland Road – Single Family Residence**

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The applicants, Elias & Aida Mitrani are requesting a variance to exceed the maximum lot coverage allowed in order to construct a one-story addition to the existing two-story single family home.

#### **STAFF RECOMMENDATION:**

Approval of the variance with conditions.

#### **LEGAL DESCRIPTION:**

Lot 14, Block 6, 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 -     | 11,265 SF                       |
| Lot Coverage   |                                 |
| Existing-      | 3,858 SF / 34.2%                |
| Proposed-      | <b>4,058 SF / 36%*</b>          |
| Maximum-       | 3,379.5 SF / 30%                |
| Unit size      |                                 |
| Existing-      | 4,781.4 SF / 42.4 %             |
| Proposed-      | 4,981.2 SF / 44.2%              |
| Maximum-       | 5,632.5 SF / 50%                |
| Height         |                                 |
| Existing-      | ~24'-0" – two-story sloped roof |
| Proposed-      | same                            |
| Maximum-       | 27'-0"                          |

#### **EXISTING STRUCTURE:**

|                   |                 |
|-------------------|-----------------|
| Year Constructed: | 1952            |
| Architect:        | Gilbert M. Fein |
| Vacant Lot:       | None            |
| Demolition:       | Partial         |

#### **\* Variance Requested**

#### **THE PROJECT:**

The applicant has submitted documents and plans entitled "Mr. Elias Mitrani 1711 Cleveland Road" as prepared by J.C.D. Architect, Inc., signed and sealed July 27, 2017.

The applicant is requesting approval for the construction of a one-story addition to the existing two-story single family home including a variance to exceed the maximum lot coverage allowed.

The applicant is requesting the following variance:

1. A variance to exceed by 6% the maximum allowed lot coverage of 30% for a two story home in order to increase the lot coverage to 36% for the construction of a one-story attached 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-3, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.*

As a two-story structure the house has a maximum lot coverage of 30%. The existing home currently has a lot coverage of 34.2%, based on the current zoning regulations and the manner in which lot coverage is calculated. The original home was constructed in 1952, and the latest addition included an open terrace on the ground floor with an enclosed area on the second floor, constructed in 1981. Portions of the second floor above the terrace and the open courtyard at the front of the home did not count towards the lot coverage until recently. Today the house is considered legal-non-conforming in regards to lot coverage because these areas must be included in the lot coverage calculations and any additions outside the existing footprint would not be allowed unless a variance is granted.

The applicant is proposing a new addition on the east side which increases the lot coverage of the home by an additional 2%. The new area could be added within the covered open terrace on the west side and a variance would not be required, as this area is already considered as part of the existing non-conforming lot coverage. However, the new addition below the second floor area would not function practically with the existing layout of the home that includes the vertical circulation and features an irregular stepped exterior configuration along the rear. In addition, daylight into the common areas of the home would be significantly reduced. Staff would note that additional floor area for development is available at the second floor, as the house has a unit size of 40% and could be increased up to 50%. However, because of the limited ability to access to the second floor, as noted on the letter of intent submitted, the first floor is the most reasonable location for the additional area increase.

Staff finds that the existing configuration of the home, location of the second floor and existing lot coverage, create the practical difficulties that result in the need for the variance requested.

**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 two-story single family home constructed in 1952 and designed as a one-story home by renowned architect Gilbert M Fein. Because the house was altered in 1981 with substantial modifications, it would not qualify as architecturally significant and cannot benefit from the latest incentive regulations that allow architecturally significant homes to have lot coverage up to 40% and unit size up to 60%. The applicant is requesting a variance to exceed the maximum lot coverage of 30% for the two-story home in order to construct a minor addition that results in a lot coverage of 36%.

The original house contains non-conforming setbacks at the front and west side and when the second floor was added over the terrace, the lot coverage became non-conforming, exceeding the current maximum of 30%. If the second floor of the home were developed above other enclosed areas of the home, only a small portion of the existing terrace exceeding 2% of the lot area (approximately 105 sf) would count in the lot coverage and the addition in the proposed location would be allowed without a variance. Absent the courtyard area at the front and the second floor area above the covered terrace, the property would have a lot coverage of approximately 26.4% and with the new addition would have approximately 28.2%.

Although a variance is required for the new floor area, the home as proposed, complies with the single family regulations regarding compatibility with the scale and mass of the surrounding properties. The new addition is located on the side with a larger setback, not visible from the street, and because the existing second floor is placed on one side toward the rear, it is viewed primarily as a low massed structure when seen from the street. In addition, modifications to the existing extensive pavement in the front yard are proposed to improve the property with additional landscaped areas.

Staff finds that the existing layout of the home, with the location of the second floor above the terrace and the existence of an open courtyard at the front, create the practical difficulties that justify the variances requested.

**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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