


MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: September 8, 2017 Meeting

RE: File No. ZBA17-0045
6300 Pine Tree Drive – Single Family Residence

The applicant, Solon Pereira is requesting variances from the minimum required front setback for a building structure and a variance to reduce the required side setback for a pool in order to construct a new pool and a one-story addition to the existing one-story single family home.

STAFF RECOMMENDATION:

Approval of the variance(s) with conditions.

LEGAL DESCRIPTION:

The East ½ of Lot 9 , all of Lot 10, and the South ½ of Lot 11 less the West 50 feet, Block 4, of "Beachview Addition Subdivision", According to the Plat Thereof, as recorded in Plat Book 16 at Page 10 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	RS-4
Future Zoning-	RS
Lot Size -	10,016 SF
Lot Coverage	
Existing-	3,155 SF / 31.4%*
Proposed-	3,199 SF / 31.9%*
Maximum-	5,008 SF / 50% (as a one-story)
Unit size	
Existing-	2,303 SF / 22.9 %*
Proposed-	2,347 SF / 23.4%*
Maximum-	5,008 SF / 50% (as a one-story)
Height	
Existing-	~9'-0" – one story
Proposed-	same

EXISTING STRUCTURE:

Year Constructed:	1934
Architect:	Harold D. Steward
Vacant Lot:	None
Demolition:	Partial

* Area as provided on plans

THE PROJECT:

The applicant has submitted documents and plans entitled “Pereira Residence” as prepared by OA Architecture, signed and sealed July 26, 2017.

The applicant is requesting approval for the construction of one-story addition and a pool and pool deck including variances from the required front setback for a building structure, and from the required interior side setbacks for a pool.

The applicant is requesting the following variance(s):

1. A variance to reduce by 4'-9" the minimum required front setback of 20'-0" in order to construct a one story addition at 15'-3" from the front property line facing 63rd Street.
 - 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 house was originally constructed with non-conforming front and street side setbacks in 1934. Original building permit and city aerals show that the footprint of the structure has not substantially changed throughout the years. A small one-story bathroom addition of 44 sf is proposed at the existing entry steps on the southwest corner and requires a variance. The new walls extend the existing building lines reducing the non-conforming front setback due to the non-parallel angled front property line and the exterior walls of the main house. The addition is proposed in a corner toward the interior side minimizing any impact on the architecturally significant home. As a one story structure, the house could have larger additions, as the unit size proposed is well below the maximum allowed. Staff is supportive of the requested variance as the project proposes the retention and improvements to an architecturally significant single family home. Staff finds that the shape of the lot and the current location of the main home create the practical difficulties that justify the variance requested.

2. A variance to reduce by 4'-0" the minimum required 9'-0" setback from the interior side property line to the water's edge of a pool in order to allow a setback of 5'-0" from the west side property line to the water's edge of the pool.
 - Variance 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.

A new pool and deck are proposed on the west side of the property. The house was constructed closer to the street side on Pine Tree Drive and with a larger setback on the west side which serves as the functional rear of the home. There are other structures such as a carport, driveway and a utility building in the rear yard, in addition to 10-foot and 5-foot utility easements within this area that make it impractical to construct a new pool in the rear yard. The existing conditions in the rear results in the interior side yard as the most convenient area to place a new pool.

The existing location of the home, with non-conforming front and street side setbacks, as well as the irregular, non-parallel property lines, create practical difficulties when improving an architecturally significant home with additional construction and amenities in the required yards. Staff is supportive of the variance requested for the pool setback as it is the minimum necessary to provide a reasonably sized pool, and is located in the functional rear yard of the property.

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 variances are necessary in order to satisfy the Certificate of Appropriateness criteria and not to adversely impact the existing significant structure**

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:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

1. Section 142-106(2)b. At least 50% of the street side yard shall be sodded or landscaped pervious open space. In order to retain the existing paving on the street side yard, evidence of a building permit for its construction shall be provided; otherwise the deck shall be removed to comply with the minimum open space required, unless a variance is obtained.
2. Section 142-1132(f). New air conditioning equipment located within the front yard is not allowed.

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 a corner lot containing a one-story residence constructed in 1934. Although the front of the property is on 63rd Street, the main access to the home as originally designed remains on the side facing Pine Tree Drive. Both front and street side yards have non-conforming setbacks. As per available building department information, there are no records of any significant construction work done on the building structure, except for the replacement of windows and doors in 1998 and 2014. The applicant is proposing to retain the single story home and the addition of a new bathroom at the front and a pool and deck on the interior side yard. Two variances are requested for the renovations of the existing one-story home.

The granting of the variances would allow the retention and improvement of an architecturally significant home. Staff finds that practical difficulties exist based on the reduced front and street side yards, the geometrical relation of the footprint of the house to the irregular lot shape and the two utility easements at the rear. The proposed addition and pool are not detrimental to the adjacent properties and the variances requested are the minimum necessary to upgrade the property to more current living standards.

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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