

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 06, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0214
4815 North Bay Road

The applicant, Sean Posner, is requesting Design Review Approval for a two story addition to an existing two story architecturally significant pre-1942 single family home, including one or more waivers and variances to reduce the required rear setback and reduce the amount of required rear yard open space and to exceed the maximum allowed lot coverage and unit size for the construction of a new two-story addition.

RECOMMENDATION:

Approval with conditions

Approval of variances #1- #4

LEGAL DESCRIPTION:

Lot 1 of Block 2 of Nautilus Subdivision according to the Plat thereof, as recorded in Plat Book 8, at Page 95, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	9,600 SF
Lot Coverage:	
Existing:	3,199 SF / 33.3%
Proposed:	3,545 SF / 36.9%* VARIANCE REQUIRED
Maximum:	2,880 SF / 30%
Unit size:	
Existing:	5,459 SF / 56.8%
Proposed:	5,890 SF / 61.3%* VARIANCE REQUIRED
Maximum:	4,800 SF / 50%
2 nd Floor Volume to 1 st :	Existing: 96% (2781/2678)
	Proposed: 106%* (2864/3026)
	*DRB WAIVER
Height:	
Existing:	24'-10"
Proposed:	19'-3" from BFE for new flat roof addition
Maximum:	24'-0"

Grade: +3.58' NGVD

Flood: +8.00' NGVD

Difference: +4.42' NGVD

Finished Floor Elevation: No change
Adjusted Grade: +5.79' NGVD

EXISTING STRUCTURE:

Year Constructed: 1930
Contractor: F.W. Woods
Vacant: No
Demolition Proposed: Partial

Surrounding Properties:

East: Two-story 1929 residence
North: Surprise Waterway
South: One-story 1930 residence
West: One-story 1926 residence

THE PROJECT:

The applicant has submitted plans entitled "Addition to Existing Single Family Residence", as prepared by **DOMO Architecture + Design**, signed, sealed and dated 01/05/18.

The applicant is proposing to construct a new two-story 16'x 26' addition to an existing pre-1942 architecturally significant two-story home.

The applicant is requesting the following design waiver(s):

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).

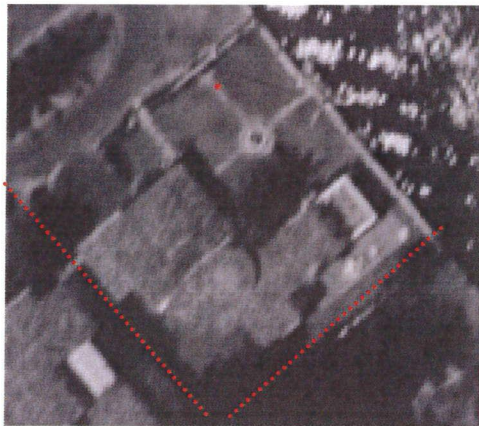
The applicant is requesting the following variance(s):

1. A variance to reduce by 13'-10" the minimum required rear setback of 20'-0" in order to construct a two-story addition at 6'-2" from the rear (east) property line.
 - 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:

(3) Rear: The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum.



1941 aerial



2017 aerial

The new construction will follow the non-conforming building line. However, due to the non-parallel condition of the property line, the setback of the new construction is slightly reduced from the existing 6'-9" to 6'-2". The original home was constructed significantly setback toward the rear and a pool and deck are existing on the front. This condition of the home leaves the rear as the most practical and convenient place for floor addition, in order to minimize the impact on the existing significant home. The new addition, although requiring a setback variance, is proposed in a manner that is compatible with the architecture of the building and with minimum impact on the significant home, originally constructed in 1930. Staff finds that these conditions and the retention of the structure create practical difficulties that result in the requested variances; as such staff supports variance request #1.

2. A variance to reduce by 23.1% (443 s.f.) the required open space of 70% (1,344 s.f.) within the required rear yard in order to construct a two-story addition with a total open space of 46.9% (901 s.f.).

- 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:

(3)Rear: The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50% of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

The retention of the home in the original location toward the rear and the need for additional floor area located where less impact on the existing structure occurs, contribute to the reduction of the required open space at the rear and create the practical difficulties resulting in the variance request. The existing open space in the rear yard is already non-conforming and due to the loss of submerge land the open space available is reduced. Based on the

is reduced. Based on the existing conditions of the property containing an architecturally significant home and the reduction in buildable area due to submerge land, staff recommends that the variance be approved.

3. A variance to exceed by 6.9% (665 SF) the maximum allowed lot coverage of 30% (2,880 SF) for a two story single family home in order to increase the lot coverage to 36.9% (3,545 SF) for the construction of a two-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-3, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.

4. A variance to exceed by 11.3% (1,090 SF) the maximum allowed unit size of 50% (4,800 SF) for a two-story home in order to increase the unit size to 61.3% (5,890 SF) for the construction of a two-story addition.

- 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 Unit Size (% of lot area): 50%.

When architecturally significant homes constructed prior to 1942 are substantially retained and restored, the City code provides for certain zoning incentives that allows for increases in the maximum allowable lot coverage to 40% and unit size to 60%, among other benefits. In order to utilize such incentives, applicants must proceed through a streamlined formal determination process with associated fees. In this instance, the home has not gone through this process and currently has a legal nonconforming lot coverage of 33.3% and unit size of 56.8% for a new single family home. While the lot coverage proposed falls within the parameters afforded to those homes that are formally determined to be "architecturally significant", the unit size exceeds the maximum allowed. Staff would note that the original platted lot is 10,000 sf. However, 400 sf of land currently submerged cannot be used for zoning analysis and cannot be included in the calculation for lot coverage and unit size. Based on the lot area of 10,000 sf, the unit size proposed would be 58.9 %, below the maximum 60% allowed for architecturally significant homes.

Staff finds that this condition of the property, the retention of the architecturally significant home with non-conforming setbacks, lot coverage and unit size in a partially substandard

lot, impose practical difficulties that justify the proposed location of the addition and the variances pertaining to the lot coverage and unit size requests (#3 and #4).

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded 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. **In this case, the requested variances are necessary in order to satisfy the Design Review Criteria and not to adversely impact the existing architecturally significant pre-1942 home.**

Additionally, staff has concluded that the plans and documents with the application comply 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 inconsistent with the following sections of the City Code in addition to the requested variances:

1. For two story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area and exception from this provision

may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a 2nd Floor Volume to 1st of 93% with a 45% lot coverage which will require a waiver from the DRB.**

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.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria be found satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the applicant is requesting three (3) variances and one (1) design waivers from the Board.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the applicant is requesting three (3) variances and one (1) design waivers from the Board.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the applicant is requesting three (3) variances and one (1) design waivers from the Board.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
Not satisfied; a recycling plan will be provided for permitting
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Satisfied

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Satisfied
7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Satisfied
9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
10. Where feasible and appropriate, water retention systems shall be provided.
Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing a new two-story addition to an existing architecturally significant two-story residence originally constructed in 1930. The home has many nonconforming zoning attributes, including setbacks, unit size and lot coverage allowances. The proposal includes a request for 1 design waiver and 3 variances. The new addition will decrease the amount of legal nonconformity in regards to the rear setback distance, and lot coverage and unit size allowances.

The only design waiver pertains to the second floor to first floor ratio. Since the home has a lot coverage of over 25%, any second floor massing is restricted to 70% of the first floor unless a waiver is sought by the DRB. The second floor ratio already exceeds the first floor by about 26%. The applicant is proposing to build an elevated second floor addition to the second level of the residence with an unenclosed covered terrace at the ground level. This waiver too can be waived at staff level though the streamlined formal determination process in order to capitalize on the zoning incentives. Given that the overage is only 10% over the existing conditions of the architecturally significant house and that the addition is for the second floor and that it is an existing nonconforming second floor ratio condition that has stood for nearly 90 years, staff is supportive of the requested waiver.

The sole window proposed along that rear elevation is a small window opening in the restroom, which should not detrimentally affect the privacy of the abutting property. Staff recommends that the design of the addition be approved along with the requested design waiver.

VARIANCE ANALYSIS:

As identified under the 'Project' description of the analysis, the variances being requested pertain primarily to a new addition to the rear of an existing nonconforming portion of an existing architecturally significant pre-1942 single-family home.

The subject site is located on a dead end waterfront lot abutting the Surprise Lake Waterway to the northeast and contains a two-story residence constructed in 1930. There are records of additions of varying significance done on the property throughout the years, including a 17'x35' swimming pool installed in 1953 in the northeast portion of the site, partially within the required front yard (#42664). In 1973 an addition was approved by the Zoning Board of Adjustment with a variance to encroach within the required side yard setback, pursuant to ZBA File No. 884 according to the Building Department records.

The applicant is proposing a 348 SF elevated addition to the second floor level with a covered terrace at the ground level in the southwest portion/corner of the site. Staff would note that due to the loss of land currently submerged, the current lot area of 9,600 sf is below the minimum 10,000 sf lot area required for the RS-3 zoning District, which impose difficulties for the addition of floor area as the submerged land cannot be used for zoning analysis.

The code allows the increase in lot coverage up to 40% for two-story homes that have been determined to be architecturally significant. In this case, the house has not been reviewed for this process, but it would qualify as an architecturally significant pre-1942 home, as it appears that most of the structure remains unchanged from its original construction. Lot coverage and unit size variances would not be required for similar single family homes constructed within the same time and determined to be of architectural significance. Staff finds that the applicant's request satisfy the practical difficulties for the granting of the variances, as the existing structure will be renovated and retained and that approximately 400 sf of the originally platted lot is currently submerged land that cannot be used for zoning analysis and development. The proposed addition is not visible from the street and should not have any negative impact on the surrounding properties.

As the two-story addition will be placed in the most reasonable location while preserving the majority of the pre-1942 architecturally significant structure in a substandard lot, staff has no objection to the applicant's requests and recommends approval of variances #1, #2, #3 and #4.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and variances #1—#4 subject to the following conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria, and Practical Difficulty and Hardship criteria, as applicable.

TRM/JGM/IV

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 06, 2018

FILE NO: DRB17-0214

PROPERTY: **4815 North Bay Road**

APPLICANT: Sean Posner

LEGAL: Lot 1 of Block 2 of Nautilus Subdivision according to the Plat thereof, as recorded in Plat Book 8, at Page 95, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for a two story addition to an existing two story architecturally significant pre-1942 single family home, including one or more waivers and variances to reduce the required rear setback and reduce the amount of required rear yard open space and to exceed the maximum allowed lot coverage and unit size for the construction of a new two-story addition.

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 9, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 4815 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. If applicable, the 70% limitation for the second floor volume shall be waived as proposed.
 - b. The width of the walkway in the required side facing street yard shall be approved as proposed.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
 - f. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
 - g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- i. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 - 1. A variance to reduce by 13'-10" the minimum required rear setback of 20'-0" in order to construct a two-story addition at 6'-2" from the rear (east) property line.
 - 2. A variance to reduce by 23.1% (443 s.f.) the required open space of 70% (1,344 s.f.) within the required rear yard in order to construct a two-story addition with a total open space of 46.9% (901 s.f.).
 - 3. A variance to exceed by 6.9% (665 SF) the maximum allowed lot coverage of 30% (2,880 SF) for a two story single family home in order to increase the lot coverage to 36.9% (3,545 SF) for the construction of a two-story addition to the existing two-story home.

4. A variance to exceed by 11.3% (1,090 SF) the maximum allowed unit size of 50% (4,800 SF) for a two-story home in order to increase the unit size to 61.3% (5,890 SF) for the construction of a two-story addition
- B. 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 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.

- C. The Board hereby **Approves** the Variance requests #1, #2, #3, and #4 as noted and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Addition to Existing Single Family Residence", as prepared by **DOMO Architecture + Design**, signed, sealed and dated 01/05/18, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

