


MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

FROM: Thomas R. Mooney, AICP
Planning Director 

SUBJECT: DRB18-0211
4700 Alton Road – Single Family Home

DATE: May 01, 2018

The applicant, Jerome Dori, is requesting Design Review Approval for the construction of a new two-story single family residence including one or more waivers and variances to reduce the required front, street side and sum of the side setbacks, to exceed the maximum allowable projection into required yards, to exceed the maximum lot coverage and unit size allowed to replace an existing one-story architecturally significant pre-1942 single family residence.

RECOMMENDATION:

Continue to a future meeting date

Denial of variance requests #2-#7

LEGAL DESCRIPTION:

Lot 16 of Block 3 of the Nautilus Subdivision, according to Plat thereof as recorded in Plat Book 8, Page 95 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	5,952 SF
Lot Coverage:	
Existing:	2,066 SF / 34.7%
Proposed:	1,965 SF / 33%* Variance required
Maximum:	1,785 SF / 30%
Unit size:	
Existing:	2,066 SF / 34.7%
Proposed:	3,000 SF / 50.4%* Variance required
Maximum:	2,976 SF / 50%
2 nd Floor Volume to 1 st :	105% 1700/1800 *DRB waiver
Height:	
Proposed:	27'-0" sloped roof
Maximum:	27'-0" sloped roof

Grade: +3.71' NGVD

Flood: +8.00' NGVD

Difference: +4.29' NGVD

Finished Floor: +9.00' NGVD (BFE +1'-0" freeboard)

Adjusted Grade: +5.855' NGVD

EXISTING STRUCTURE:

Year Constructed: 1927
Contractor: C.P. Neider and E.E. Seiler
Vacant: No
Demolition Proposed: Full

Surrounding Properties:

East: Two-story 1934 residence
North: One-story 1954 residence
South: One-story 1939 residence
West: One-story 1940 residence

THE PROJECT:

The applicant has submitted plans entitled "4700 Alton Residence", as prepared by **Nader Goubbran Architect**, signed, sealed and dated February 27, 2018.

The applicant is proposing to construct a new two-story home including variances from the front, both sides and sum of the side setbacks to replace an existing architecturally significant one-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 following variances (#1-#7) pertain to the new two-story home, including variances from the front, side and sum of the side setbacks for the principal structure:

1. A variance to reduce by 10'-0" the minimum required front setback of 30'-0" for a two-story single-family home in order to construct a new two-story residence at 20'-0" from the front (east) property line facing Alton Road.

- 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'-0".

(b) Two-story structures shall be setback a minimum of an additional 10'-0" from the required front yard setback line.

One-story, detached structures have a minimum front setback requirement of 20'-0" but any portion of a two-story home must be setback an additional 10'-0". In this design, both floors are setback 20'-10" from the front property line.

The subject property is a corner property. As identified in a letter from the Florida

Department of Transportation (FDOT), dated January 12, 2018, a direct driveway off of Alton Road would not be readily feasible without a variance request since it does not meet FDOT's minimum spacing requirements for intersections. Therefore, FDOT recommends vehicular access from West 47th Street. Further, a mature mahogany tree exists in the northern portion of the swale along Alton Road. The retention of this specimen-sized tree, which appears to be in healthy condition, creates an additional conflict for driveway access off of Alton Road. As such, the applicant is proposing to access the site in the same manner and dimensions as the existing driveway that currently extends from West 47th Street. This design decision will relegate the on-site vehicle storage program into the rear yard setback, where it is typically configured in the front yard of single family districts. To accommodate the dual nature of the rear/front yard program, the architect has increased the required rear setback from 20'-0" an additional 10'-0" to 30'-0" setback for the two-story residence. Further, to counterbalance the front setback reduction and minimize the impact on the street and pedestrian level, the applicant has designed the entirety of the front yard of the property with 100% landscaped ground covering. Staff has concluded that the difficulties in providing a vehicular access from Alton Road by FDOT and the existing mature tree at the front create practical difficulties that justify the granting of this variance. For these reasons, staff recommends **approval** of variance #1.

2. A variance to reduce by 5'-1" the minimum required side facing street setback of 15'-0" for a two-story single-family home in order to construct a new two-story residence at 9'-11" from the side street (south) property line.
3. A variance to reduce by 5'-1" the minimum required sum of the side setbacks of 22'-6" in order to construct a new two-story single family home with a sum of the side setbacks of 17'-5".

- Variances 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: (2) Side yards:

- (a). *The sum of the required side yards shall be at least 25 % of the lot width.*
- (b). *Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15'-0", whichever is greater.*

Variances #2 and #3 are intrinsically linked to one another as they pertain to the configuration of the two-story residence as it is sited with relation to both side (north and south) property lines. The primary design of the home relies on a slanted glass wall facing West 47th Street and two sloped roofs that contrast in angled direction in the north-south axis. The proposed design has created significant zoning conflicts. The code requires a minimum side facing a street setback of 15'-0". The base of the tilted wall is setback 16'-6" at the ground level and extends upwards to reach a setback of 9'-11" at its intersection with the roof eave. Generally, the code requires side facing street setbacks to be greater than what is required for interior side setbacks since the structure is visible from the street and more significantly impacts the public realm, similar to a front setback. The slanted walls of the home encroach into the side yard as they extend upwards toward the roofline. Additionally, two extensive roof overhangs, both with members of sizeable girth, project out

from the slanted wall in different directions, further encroaching into the side yard. As designed, the massing of the home is exacerbated by these architectural elements and results in a heavy presence along West 47th Street.

Staff finds that there are no practical difficulties or hardships associated with these variances and finds that the applicant's requests are triggered by the specific design of the home, and therefore, they do not satisfy the criteria for the granting of a variance. Based on of the foregoing, staff recommends **denial** of variances #2 and #3.

4. A variance to exceed by 3% (180 SF) the maximum allowed lot coverage of 30% (1,785 SF) in order to increase the lot coverage to 33% (1,965 SF) for the construction of a new two-story residence.
5. A variance to exceed by 0.4% (24 SF) the maximum allowed unit size of 50% (2,976 SF) in order to increase the unit size to 50.4% (3,000 SF) for the construction of a new two-story residence.

- Variances 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-4, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.

Zoning District: RS-4, Maximum Unit Size (% of lot area): 50%.

The subject property is a corner lot on Alton which was platted on March 01, 1923 with standard lots measuring 60 feet in width and 100 feet of depth. The property contains the same geometry as it did in 1923. The subject property contains 5,952 SF. The applicant contends that the Miami Dade Property Appraiser lists the property at 6,000 SF and the rectilinear bounds of the parcel are 60'x100' notwithstanding the arc of the corner radius of the right-of-way. Therefore, the applicant maintains that **if** the lot contained 6,000 SF of lot area, the variances would not be required since the residence's square footages would comport with the allowances. This is not a defensible hardship, as the architect erroneously undercalculated the lot coverage.

The City of Miami Beach does not recognize 'gross' square footage in the calculation of lot area, and therefore the applicant cannot utilize areas not within the property lines of a lot or parcel. Therefore, when the curvature of the arc for the right-of-way intersection of West 47th Street and Alton Road was dedicated and subtracted from the rectangular parcel, a lot area of less than 6,000 SF resulted. In this instance the lot size is 5,952 SF. Since this parcel is a legal lot in a block that was historically platted in 1923 with the same geometry as today, it does not require a variance for lot area (RS4 lots require a minimum lot area of 6,000 SF). Pursuant to Section 118-390, "legally established" applies to a lot that does not meet the lot frontage,

lot width, lot depth, and/or lot area requirements of the current zoning district, provided that such lot met the regulations in effect at the time of platting.

However, staff cannot support the variance for lot coverage (#4) and unit size (#5) and strongly recommends denial to ensure that the precedent of using dedicated land area towards lot areas are not further considered and evaluated. Furthermore, part of the increase in lot coverage is the area of the projection of the slanted walls that needs to be included as part of the calculations, as well as the projection of the second floor on the northwest portion of the building. Both are related to the proposed design of the home. Staff finds that there are no practical difficulties or hardships associated with these variances and that the applicant's requests are triggered by the specific design of the home, and therefore, they do not satisfy the criteria for the granting of a variance. For this reason, staff recommends denial of variances #4 and #5.

6. (A) A variance to exceed by 1'-10" (18%) the maximum allowed projection of 2'-5" (25%) for roof overhangs within the proposed street side (south) yard of 9'-11" in order to construct a new two-story residence with a roof overhang projection of 4'-3" (43%) into the street side (south) yard.

(B) A variance to exceed by 0'-8" (6%) the maximum allowed projection of 2'-5" (25%) for ornamental features within proposed street side (south) yard of 9'-11" in order to construct a new two-story residence with an ornamental feature projection of 3'-1" (31%) into the street side (south) yard.

7. A variance to exceed by 2'-5" (31.6%) the maximum allowable projection of 1'-10" (25%) for roof overhangs within the interior side (north) yard of 7'-6" in order to construct a new second story addition with a roof overhang projection of 4'-3" (56.6%) into the interior side (north) yard.

- Variances requested from:

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

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet.

(5) Ornamental features.

(7) Roof overhangs.

The new two story residence is designed with two roofs configured in a non-traditional manner for sloped roofs. Each roof tops off a portion of the massing of the structure joined by a middle portion of the home that contains a flat roof with an active roof deck. Further, the base of the south wall is tilted towards the street with a further setback at the ground level and extends upwards reaching a reduced setback at the intersection with the roof eave. Two extensive roof overhangs, both with members of sizeable girth, jut out from the slanted wall in differing directions, further encroaching into the side yard. At times, the roof overhangs project more than 50% of the side yards where the maximum projection for roof overhangs is 25% of the required setback. This condition may have a negative impact on the adjacent

property when providing an effective retention of water run-off on site. The overall design, along the side street elevation, creates a massing and a vocabulary for the architecture that is exacerbated by these architectural elements and results in a heavy presence along West 47th Street.

Staff finds that the variances requested are self-imposed and related to the proposed design which do not satisfy the criteria for the granting of a variance. In summary, staff recommends that the Board **denies** variances #6 and #7 and that the roof overhangs and ornamental features comply with the maximum projection allowed.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicants have submitted plans and documents with the application that **partially** 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.

Additionally, staff has concluded that the plans and documents submitted with the application **partially** satisfy compliance 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 City Code, with the exception of the requested variance(s):

1. Open space calculations in the rear yard need to be revised; as proposed, the project does not comply. The driveway pavement is 300 SF yet the submitted plans indicate 281 SF, plus the other additional impervious area.
2. Open space calculations in the street side yard need to be revised. The driveway pavement is 300 SF yet the submitted plans indicate 225 SF, plus the other additional impervious area.
3. Cantilevered area of second floor on the north side must be included towards the lot coverage calculations.
4. Roof deck must be setback 10'-0" from exterior walls below.
5. The maximum projection of the porch and steps is 6'-0" into the required setback—for the portion of the steps that are higher than 30" above adjusted grade.
6. The minimum yard elevation is 6.56' NGVD with the exception of driveways, walkways, transition areas, green infrastructure.

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 seven (7) variances and one (1) design waiver 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 seven (7) variances and one (1) design waiver 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 seven (7) variances and one (1) design waiver 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.

Not Satisfied; the applicant is requesting seven (7) variances and one (1) design waiver from the Board.

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.
Not Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing to construct a new contemporary, two-story residence that will replace an existing one-story home, originally constructed in 1927. The proposal includes a request for one (1) design waiver and seven (7) variances. The residence is located on a corner lot at the intersection of Alton Road and West 47th Street. While the front yard of the lot is technically on Alton Road, circumstances with the driveway location, and FDOT spacing requirements for intersections, have rendered the design of the residence's front entrance to be situated along West 47th Street.

The residence is designed in a bold, contemporary style that relies on the juxtaposition of architectural elements of two primary volumes. The prominent elevation faces West 47th Street and is articulated with angled glass volumes topped with contrasting slanted roofs, in the north-south axis. Between the dominant volumes is a recessed entrance set within a double-height stone clad wall.

Staff acknowledges the team's bold direction and determined approach to a unique contemporary design. However, in addition to the substantial variances being requested, as well as the design waiver, staff finds that the architectural detailing of the home renders its' massing excessive for the size, configuration on the site, and location of the corner lot. Staff recommends that the architect revisit the slope of the angled glass wall, or redesign it so that it does not encroach into the side yard. Additionally, the roof overhangs should be refined so that they do not exceed the maximum allowable encroachment within the required yard. Staff would also suggest the girth of the soffit be reduced, the contrasting articulation of mullions within the glazed walls be re-thought, and further that the recessed front entrance be further studied.

The only design waiver pertains to the second floor to first floor ratio. Since the proposal 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. As designed, the second floor ratio exceeds the first floor by about 35%. The rectilinear massing of the two-story home, along with its tilted wall, sits uncomfortably on the corner parcel, creating a chamfered form that requires numerous variance requests in order to conform with required setbacks. The proposed design with a coterminous second floor volume would be more appropriate on a larger parcel or with a reduced footprint. Accordingly; staff does not support the waiver, and recommends that the lot coverage be reduced to less than 25% of the site.

Staff would further recommend removing the vertical elements of the roof framing overhangs, reducing the footprint of the building to less than 25% and complying with all of the setback regulations. Additionally, the two street facing elevations should be reexamined as they pertain to proportion, mullion configuration and scale. Also, open space calculations need to be revised; as proposed, the project does not comply. The driveway pavement is 300 SF yet the submitted plans indicate 280 SF, plus an additional 80.7 SF for the pool deck. The architect has not addressed the minimum yard elevations requirements, either.

Lastly, the roof deck must be setback 10'-0" from the exterior walls below and the required yards need to meet the required minimum elevation, as well as capture water and drainage on site.

VARIANCE ANALYSIS:

As identified under the 'Project' section of the recommendation, the proposed home can be redesigned to comply with all the setback requirements pertaining to the proposed two-story single-family home as this is new construction. Therefore staff has concluded variance requests #2-#7 do not satisfy the Practical Difficulty and Hardship Criteria, and recommends that the proposed new residence be redesigned to eliminate variances #2-7.

In light of the concerns raised herein, staff recommends that the design of the replacement home be further studied and substantially refined and that the application be continued to a future meeting date.

RECOMMENDATION:

In view of the foregoing analysis, and the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, staff recommends the application be **continued** to a future meeting date. However, should the Board grant approval of the project, staff recommends that the approval be subject to the conditions enumerated in the attached draft Final Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable, and that variance requests #2-#7 be **denied**.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 01, 2018

FILE NO: DRB18-0211

PROPERTY: **4700 Alton Road**

APPLICANT: Jerome Dori

LEGAL: Lot 16 of Block 3 of the Nautilus Subdivision, according to Plat thereof as recorded in Plat Book 8, Page 95 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family residence including one or more waivers and variances to reduce the required front, street side and sum of the side setbacks, to exceed the maximum allowable projection into required yards, to exceed the maximum lot coverage and unit size allowed to replace an existing one-story architecturally significant pre-1942 single family residence.

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, 6, 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 and 10 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 4700 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The 70% limitation for the second floor volume shall not be waived as proposed. The lot coverage shall be limited to less than 25% of the site.
 - b. The proposed increase in height shall be permitted as proposed; the maximum height of the structure shall be 28'-0" for flat roofs and 31'-0" for sloped roofs when measured from BFE + freeboard (1'-0").
 - c. The architect shall refine and revise the two new sloping roofs for the proposed two story structure in order to reduce the encroachments into the required yards and eliminate the 2'-0" girth of the members, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The architect shall refine the contrasting articulation of mullions within the glazed walls in order to create a more cohesive appearance of the fenestration.
 - e. The final design details and color selection of the decorative stone cladding proposed finish shall consist of a natural keystone or other natural stone and be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - g. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - h. 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.
 - i. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
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. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
- d. Any necessary root and tree branch pruning with a DBH of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- e. 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.
- f. 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.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. 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.
- i. The tree located in the city swale identified on sheet as #1 shall be designated to remain in the existing location and be protected.
- j. The required front yard shall remain at 100% permeability.
- k. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- l. 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.

- m. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- n. 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.
- o. 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.
- p. 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) which were either approved by the Board with modifications, or denied

The following variance was **approved** by the Board:

- 1. A variance to reduce by 10'-0" the minimum required front setback of 30'-0" for a two-story single-family home in order to construct a new two-story residence at 20'-0" from the front (east) property line facing Alton Road.

The following variances were **denied** by the Board:

- ~~2. A variance to reduce by 5'-1" the minimum required side facing street setback of 15'-0" for a two-story single-family home in order to construct a new two-story residence at 9'-11" from the side street (south) property line.~~
- ~~3. A variance to reduce by 5'-1" the minimum required sum of the side setbacks of 22'-6" in order to construct a new two-story single family home with a sum of the side setbacks of 17'-5".~~
- ~~4. A variance to exceed by 3% (180 SF) the maximum allowed lot coverage of 30%~~

~~(1,785 SF) in order to increase the lot coverage to 33% (1,965 SF) for the construction of a new two-story residence.~~

~~5. A variance to exceed by 0.4% (24 SF) the maximum allowed unit size of 50% (2,976 SF) in order to increase the unit size to 50.4% (3,000 SF) for the construction of a new two-story residence.~~

~~6. (A) A variance to exceed by 1' 10" (18%) the maximum allowed projection of 2' 5" (25%) for roof overhangs within the proposed street side (south) yard of 9' 11" in order to construct a new two-story residence with a roof overhang projection of 4' 3" (43%) into the street side (south) yard.~~

~~(B) A variance to exceed by 0' 8" (6%) the maximum allowed projection of 2' 5" (25%) for ornamental features within proposed street side (south) yard of 9' 11" in order to construct a new two-story residence with an ornamental feature projection of 3' 1" (31%) into the street side (south) yard.~~

~~7. A variance to exceed by 2' 5" (31.6%) the maximum allowable projection of 1' 10" (25%) for roof overhangs within the interior side (north) yard of 7' 6" in order to construct a new second-story addition with a roof overhang projection of 4' 3" (56.6%) into the interior side (north) yard.~~

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) II.A.1 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 only as it relates to variance(s) II.A.1:

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 requested variance(s) No. 1, as noted and imposes the following condition 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 and 10' of the required street side 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 "4700 Alton Residence", as prepared by **Nader Goubbran Architect**, signed, sealed and dated February 27, 2018, 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.

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