

MIAMI BEACH

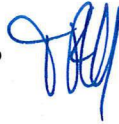
PLANNING DEPARTMENT Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: June 26, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0205, fka File No. 2254-6030 Alton Road-Modification to SFR Lot Split/Subdivision of Land**

The applicant, 6030 Alton Road, LLC, is requesting modifications to a previously issued Conditional Use approval pursuant to Chapter 118, Article VII. Specifically, the applicant is requesting the removal of conditions to allow a setback variance.

RECOMMENDATION:

Approval with conditions

HISTORY:

May 26, 2015 The Planning Board reviewed and approved an application for a lot split on the property containing a pre-1942 single family residence (File No. 2254.)

September 2, 2015 A building permit was applied for and eventually approved for a new pool that did not meet the required setbacks from the new lot lines approved on May 26, 2016 because the applicant used the original site plan as part of the building permit application. In order to finalize this permit, the applicant has applied for a variance with the Design Review Board that is scheduled for July 3, 2018 (DRB 17-0158.)

EXISTING STRUCTURES/SITE:

The original application included one 18,479 square foot parcel which contains an approximately 5,523 square foot single-family home, built in 1941, according to the Miami-Dade County Property Appraiser. The applicant was approved to divide the parcel into two individual single family development sites. The site that contains the 1941 home is 11,086 square feet and the other site has 7,500 square feet. The site was previously platted as two and a half separate lots (lots 14, 15 and ½ of 16).

ZONING / SITE DATA:

Legal Description: Lot 14, 15 & the South ½ of Lot 16, Block 2 'LAGORCE-GOLF SUBDIVISION', according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida, containing 18,479 square feet.

Zoning: RS-4 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Lot Size: 18,479 Square Feet for the Combined Site (per submitted survey)

REVIEW CRITERIA:

Pursuant to Section 118-321(d), in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

1. **Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

Consistent–The size of one of the proposed lots is approximately 11,086 square feet, with approximately 90 feet of lot width, and the other is approximately 7,500 square feet with approximately 60 feet of lot width. These dimensions would be larger in size than the minimum requirements (6,000 square feet) and lot width (50 feet) in the RS-4 zoning district.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

Consistent–The RS-4 zoning district in the surrounding area consists primarily of 50 to 110 foot wide platted lots. The smallest lot is 6,875 square feet while the largest is 27,400 square feet, with a median size of 8,556 square feet, and a mode of 7,178. The two building sites proposed to be created are 11,086 and 7,500 square feet, which falls within the lot size ranges of the area. The smaller of the proposed lots is 322 square feet larger than the most common size of lots in the area.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

Consistent–Assuming that a future home on the newly created lot to the south does not exceed the development thresholds set forth in the City Code, and as recommended by staff, no adverse impacts are expected to be created by the future homes.

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

Not Consistent–The existing home on the site is proposed to be preserved. The home currently encroaches into the side setback on the northern side of the property. It would encroach into the newly created southern boundary, as proposed. The encroachment of the pool would only affect the proposed lot to the south, which is part of the lot split, therefore no negative impacts are anticipated. Any new home proposed in the new lot would need to meet all of the development regulations for the RS-4 district.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

Consistent–The submitted massing study and site plan shows that the building site created would be free of encroachments from abutting buildable sites.

6. **Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The Board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the Planning Director or designee to be architecturally significant under section 142-108 (2).**

Consistent–The proposed lot split should not adversely affect the potentially architecturally significant home that exists on the site, as the applicant proposes to maintain that home.

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 Applicable

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Not Applicable

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Not Applicable

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Not Applicable

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.

Not Applicable

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.

Not Applicable

7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Not Applicable

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Applicable

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 Applicable

ANALYSIS:

The subject site consists of a single owner (the applicant) who proposed to divide the subject property into two (2) separate parcels. The proposed northern parcel contains a potentially architecturally significant pre-1942 home. The applicant proposes to maintain that home.

After the lot split approval, on September 2, 2015, a building permit was processed to construct a new pool on the north property with an associated site plan that included the adjacent south lot, which was not a part of the property anymore. Because of the larger site included on the plans, the pool complied with the required side setback of 9'-0". However, based on the property lines of the new site, the pool was constructed at 6'-3" from the side property line. At the time of the Planning Department's final inspection, it was noticed that the pool was too close the new property line. After a new survey was provided with dimensions of all the setbacks, it was determined that the pool does not comply with the required 9'-0" setback from the side property line.

The applicant has since requested an after-the-fact variance from the Design Review Board (DRB) to retain the pool setback at 6'-3" where 9'-0" is required. But in order for the applicant to request a variance from the DRB, they are requesting modifications to the conditions of the lot split approval which prohibit variances for the property. DRB approval of the pool variance is contingent on the removal of the condition prohibiting variances for the subject property by the Planning Board.

Staff finds that the proposed setback of the pool, although non-conforming is compatible with the setback of the main home, constructed in 1941. Most single family properties constructed at that time featured structures and accessory building constructed at a setback of five (5) feet. The side setback of the house on the north east side is approximately 6'-0" as originally constructed. As such, staff finds that the pool should not have any negative impact on the abutting property, considering that the home is setback 6'-0" on that side, which constitutes a greater impact than the pool. In summary, staff recommends approval of the modification of the final order to remove the requirement that there shall not be any variances, but only for the north lot. The staff recommendation is that the stipulation remains in place for the new southern lot (lot 14.)

STAFF RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

TRM/MAB/TUI

ZONING/SITE PLAN



**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 6030 Alton Road

FILE NO. PB 18-0205 fka 2254

IN RE: The applicant, 6030 Alton Road, LLC, is requesting modifications to a previously issued conditional use approval pursuant to Chapter 118, Article VII. Specifically, the applicant is requesting the removal of conditions to allow a setback variance

LEGAL

DESCRIPTION: Lot 14, 15 & the South ½ of Lot 16, Block 2 'LAGORCE-GOLF SUBDIVISION', according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida, containing 18,479 square feet.

MEETING DATE: ~~May 26, 2015~~ June 26, 2018

**DIVISION OF LAND/LOT SPLIT
FINAL ORDER**

The applicant, 6030 Alton, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII, to divide the existing site comprised of more than two platted lots, into two individual buildable parcels.

The City of Miami Beach Planning 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:

- A. 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 consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The two (2) lots created pursuant to this lot split application at 6030 Alton Road, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.
 - b. Design Review Board review and approval shall be required for the proposed home on lot 14. Enhancements of the applicable development

regulations through Design Review Board review and approval shall not be permitted.

- c. The applicant shall request a determination of architectural significance from the Planning Department for the existing home on lot 15 and the southern ½ of lot 16, pursuant to Section 142-108 of the Land Development Regulations, within 90 days of the approval of the lot split. The home shall be substantially retained and preserved whether or not the home is determined to be architecturally significant. Any future demolition of an architecturally significant home shall require a revision to the lot split approved by the Planning Board.
 - d. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Campanile & Associates, Inc., dated 2/20/2015.
 - e. Variances from the regulations of Chapter 142, Article II, Division 2, of the City Code, shall not be permitted for the proposed home on lot 14.
 - f. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
 - g. If required, the removal and replacement of all or portions of the sidewalk, curb and gutter along all portions of each lot shall be the responsibility of the applicant.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
 3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.
 4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.

5. This 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.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. 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 is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

Dated this _____ day of _____, 2018

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush,
Chief of Planning and Zoning,
For Chairman

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 6030 Alton Road

FILE NO. 2254

IN RE: The applicant, 6030 Alton, LLC, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII, to divide the existing site comprised of more than two platted lots, into two individual buildable parcels.

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MEETING DATE: May 26, 2015

**DIVISION OF LAND/LOT SPLIT
FINAL ORDER**

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The City of Miami Beach Planning 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:

- A. 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 consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Section 118-321.B subject to the subject to the following conditions, to which the Applicant has agreed:
 - 1. The two (2) lots created pursuant to this lot split application at 6030 Alton Road, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.
 - b. Design Review Board review and approval shall be required for the proposed home on lot 14. Enhancements of the applicable development

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regulations through Design Review Board review and approval shall not be permitted.

- c. The applicant shall request a determination of architectural significance from the Planning Department for the existing home on lot 15 and the southern ½ of lot 16, pursuant to Section 142-108 of the Land Development Regulations, within 90 days of the approval of the lot split. The home shall be substantially retained and preserved whether or not the home is determined to be architecturally significant. Any future demolition of an architecturally significant home shall require a revision to the lot split approved by the Planning Board.
 - d. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Campanile & Associates, Inc., dated 2/20/2015.
 - e. Variances from the regulations of Chapter 142, Article II, Division 2, of the City Code, shall not be permitted.
 - f. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.
 - g. If required, the removal and replacement of all or portions of the sidewalk, curb and gutter along all portions of each lot shall be the responsibility of the applicant.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
 3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.
 4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.



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5. This 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.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. 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 is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

Dated this 21st day of DECEMBER, 2015

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, Planning and Zoning
Manager
For Chairman

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STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 21st day of December, 2015, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



[Signature]
Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number: 07-26-2017

Approved As To Form:
Legal Department

[Signature] 12/16/15

MB