

MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: July 08, 2016 Meeting

RE: File No. ZBA0516-0013 f/k/a 3812
6100 Pine Tree Drive – Single Family Residence

The applicant, Chabad of Mid Miami Beach, Inc., is requesting variances to exceed the maximum lot coverage and to reduce the required rear setback for a two-story addition, in order to construct a one and two-story additions to the existing one-story single family home.

STAFF RECOMMENDATION:

Approval of the variance(s) with conditions.

LEGAL DESCRIPTION:

Lot 10, Block 5, of "Beach View Addition", According to the Plat Thereof, as recorded in Plat Book 16 at Page 10 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	RS-4
Future Zoning-	RS
Lot Size -	10,539 SF
Lot Coverage	
Existing-	3,262 SF / 30.9%
Proposed	3,619 SF / 34.4%*
Maximum-	3,161 SF / 30%
Unit size	
Existing-	3,262 SF / 30.9%
Proposed-	4,522 SF / 43.8%
Maximum-	5,265 SF / 50%
Height-	
Existing-	~11'-0" – sloped/flat roof
Proposed-	~20'-0" – sloped roof
Maximum-	27'-0" – sloped roof

EXISTING STRUCTURE:

Year Constructed:	1951
Architect:	Unknown
Vacant Lot:	No
Demolition:	Partial

* Variance Requested

THE PROJECT:

The applicant has submitted documents and plans entitled “Addition/Renovation to Existing Single Family Residence” as prepared by Virtual Design Group, signed and sealed May 25, 2016.

The applicant is requesting variances to exceed the maximum lot coverage and to reduce the required rear setback for a two-story addition, in order to construct one and two-story additions to the existing one-story single family home.

The applicant is requesting the following variance(s):

1. A variance to exceed by 4.4% the maximum allowed lot coverage of 30% for a two-story home in order to increase the lot coverage to 34.4%.
 - 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-4, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.

The existing one-story single family home currently has a lot coverage of 30.9%, which is below the maximum 50% permitted for a single story home. The applicant is proposing a first floor addition of approximately 227 s.f., which would be permitted for a one-story structure without a variance. However, the project also includes a second story addition which changes the maximum lot coverage to 30%. As indicated by the applicant, the additions are imperative due to the need for additional space for the large family of 11, with one child with special needs. The increase in lot coverage is mainly for a larger dining room along the interior side. This proposed addition follows the existing interior side setback of 11 feet, which currently exceeds the minimum setback of 10 feet required for the property.

Due to the layout of the existing home, a more expansive first floor addition, which would be allowed up to a lot coverage of 50%, is not practical or feasible, without substantial alterations to the entire first floor. Four new bedrooms are proposed on the new second floor, which would not be practical to add to the existing first floor without essentially demolishing most of the existing interior first floor layout, and demolishing the pool. While enlarging existing bedrooms may be feasible at the ground level, adding bedrooms is not practical as it would result in bedrooms with no windows for two of the existing bedrooms, thus requiring a complete reconstruction of the existing floor plan. With the applicant's proposal, the only required alteration to the ground floor plan involves placing the new stairwell within an existing study room. Further, the majority of the second floor will be located above the portion of the ground floor containing a flat roof, which minimizes the required structural reconfiguration of the existing sloped tile roof.

Staff recommends approval of the variance as the applicant's request satisfies the practical

difficulties that justify the granting of the variance.

2. A variance to reduce by 6'-1" the minimum required rear setback of 20'-0" in order to construct a second story addition at 13'-11" from the rear 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.

The applicant is proposing a second story addition in order to add 4 bedrooms and 3 bathrooms following the existing rear setback of 13'-11". The applicant states that the increase in area is necessary due to the size of the family and the need for additional space. The second story structure is conveniently located above the existing flat roof, as the majority of the home features a sloped roof. The compliance with the 20 feet rear setback would impose an undue hardship on the applicant as the existing structure would have to be substantially modified, as noted above in the analysis for Variance No. 1. Additionally, placing the second floor addition above the existing ground floor walls is the most logical from a structural feasibility standpoint.

Staff would note that the most affected neighbor, the abutting property to the rear, located at 6101 La Gorce Drive, obtained a variance under BOA file 2636 in 1998 and under BOA file 2466 in 1995 to construct a second story structure at 5.8 feet from the rear property line abutting the subject application. The proposed second story addition would have a minimum impact on the abutting property to the rear. Based on the existing conditions of the site and the existing rear setback of the adjacent property to the rear, staff recommends that the variance be approved as the variance request satisfies the practical difficulties criteria of the City Code.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board of Adjustment finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

COMPLIANCE WITH ZONING CODE:

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

STAFF ANALYSIS:

The subject property is located on a corner lot containing a one-story single family home. The applicant is proposing a one story addition and a second story addition to the house. The project includes the enlargement of the dining room at the first floor and the construction of four (4) bedrooms, three (3) bathrooms and a studio at the second floor. The house with the proposed additions will contain 7 bedrooms, 6 bathrooms, master bedroom, master bathroom, playroom, living, dining and kitchen area. The existing house is below the maximum lot coverage for a one-story home. However, the addition of a second floor changes the maximum lot coverage from 50% for a one-story structure to 30% for a two-story structure.

The existing house, constructed in 1951, has a non-conforming rear setback of 11'-5" in a small portion and 13'-11" along most of the rear. The second story addition will follow the larger setback of 13'-11", as proposed by the applicant. The Code requires a rear setback of 20 feet for the property and based upon the existing conditions of the roof, a larger rear setback would cause an undue hardship on the applicant and substantial modifications to the existing structure. The house exceeds the required side setbacks with 11 feet on the north side, where 10 feet is the minimum and 28 to 29 feet on the south side where 15 is required. As proposed, a variance is requested to construct the second story addition following the existing rear setback and a lot coverage variance for the expansion of the first floor. As part of the improvements, a reduction of the existing pavement within the front and street side is proposed in order to increase the landscape area on the property. Staff would note that on October 3, 2008, the Board granted variances to the applicant (BOA file 3378), to allow the construction of a deck up to the front property line and up to the street side

property line, based on the size and needs of the family. The Board found practical difficulties that resulted in the granting of the variance requests for additional space.

In the current application, the applicant states in the hardship letter that the existing house does not provide enough room for the family to function properly and that the variance requests respond to the needs for additional space, especially with a child who requires physical therapy. Staff finds that the granting of the variances would not confer to the applicant a privilege denied to other single family homes, particularly with an abutting property that obtained a similar variance to reduce the rear setback and that the existing site conditions create the practical difficulties that warrant the granting of the variances requested.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the variance(s) as requested, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, as applicable.

TRM:MAB:IV

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