

# MIAMI BEACH


## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: July 5, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director 

SUBJECT: DRB0416-0023  
**3100 Pinetree Drive**

The applicants, Conrad and Meagan Jones, are requesting Design Review Approval for the construction of a new two-story addition to an existing pre-1942 architecturally significant two-story home to replace an original one-story garage structure, including a variance to reduce the minimum required rear setback.

#### **RECOMMENDATION:**

Approval with conditions

#### **LEGAL DESCRIPTION:**

Lot 1 of Block 44 of the Orchard Subdivision No.1, according to Plat thereof as recorded in Plat Book 6, Page 11 of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning:	RS-2
Future Land Use:	RS
Lot Size:	20,000 SF
Lot Coverage:	
Existing:	4,311 SF / 21.6%
Proposed:	5,115 SF / 25.6%
Maximum:	8,000 SF / 40%
Unit size:	
Existing:	5,373 SF / 26.9%
Proposed:	7,446 SF / 37.2%
Maximum:	12,000 SF / 60%
2 <sup>nd</sup> Floor Volume to 1 <sup>st</sup> :	45.6%
Height:	
Proposed:	19'-0" flat roof
Maximum:	28'-0" flat roof

Grade:	+6.16' NGVD
Flood:	+8.00' NGVD
Difference:	0.92' NGVD
Adjusted Grade:	+7.08' NGVD
Finish Floor Elevation:	+8.00' NGVD

#### **EXISTING STRUCTURE:**

Year Constructed:	1940
Architect:	Henry Hohauser
Vacant:	No
Demolition Proposed:	Partial

#### **Surrounding Properties:**

East:	Two-story 1936 residence
North:	One-story 1951 residence
South:	Two-story 2003 residence
West:	One-story 1956 residence

#### **THE PROJECT:**

The applicants have submitted plans entitled "3100 Pinetree Drive Addition and Renovation" as prepared by **DN'A Design & Architecture** dated, signed and sealed May 13, 2016.

The applicants are proposing to construct an attached two-story addition to an architecturally significant two-story home.

The applicants are requesting the following variance:

1. A variance to reduce by 20'-0" the minimum required rear setback of 30'-0" for a single-family home in order to construct an attached two-story addition at 10'-0" from the rear (west) 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% of the lot depth, 20'-0" minimum, 50'-0" maximum.**

The applicants are proposing to demolish the existing one-story garage that is currently located below base flood elevation in order to construct a new two-story structure. The design is proposed to comply with the required side setback but not with the required rear setback of 30'-0". The existing home was originally constructed in 1940 by noted architect Henry Hohauser (permit #14792). Aerial photographs from 1941 show the existing two-story home with a detached one-story garage structure configured towards the rear of the lot. City records reveal that two major additions occurred to the principal structure with no modifications or alterations to the detached garage. The first addition in 1956 consisted of a one-story attached master bedroom addition on the south side of the home. The second addition in 1999 also consisted of a one-story attached addition along the north side of the structure. This 1999 addition included an attached breezeway that connected the garage to the principal structure. As it exists today, the garage structure is 9'-6" from the side (north) property line and 8'-5" from the rear (west) property line.

Since the addition is attached to the main structure by a breezeway, the entire structure must comply with the required rear setback for the main structure which in this case is 30'-0" from the rear (west) property line. The proposed addition is located in a manner to inflict the least alteration to the main house. The variance requested would allow the expansion of the home while maintaining its architectural significance and retain its prevailing architectural features. Staff finds that the existing location of the home, the breezeway, the historic character of the home and its original garage structure with a non-conforming rear setback create practical difficulties for the applicants that result in the variance requested.

**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.

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 variance(s):

1. Section 142-1132 (o)(7). The roof overhang on the west side exceeds the maximum 25% projection into the proposed rear setback.
2. Section 142-1133 (7). The pool deck does not comply with the required 10 feet of setback from the street side property line.
3. Section 142-1133 (2). The spa located at the north side does not comply with the required interior side setback.

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 are found to be 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 proposed addition requires a rear setback variance to be approved by 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 proposed addition requires a rear setback variance to be approved by 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 proposed addition requires a rear setback variance to be approved by 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 proposed addition requires a rear setback variance to be approved by 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.  
**Satisfied**
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).  
**Not Satisfied; the proposed addition requires a rear setback variance to be approved by the Board.**
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**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicants are proposing to construct an attached two-story addition to an existing pre-1942 two-story single family home. The existing single-family home was designed by Henry Hohauser in 1940 in the Art Deco style of architecture. The original home was designed as a two-story single-family residence with a detached two car garage in the rear yard accessed from 31<sup>st</sup> Street. Historically, the property underwent two additions. The first occurred in 1956, when a one-story attached addition was constructed along the south side of the property, and then in 1999, a ground floor addition with a covered breezeway was created along the north of side of the property line.

The applicants are proposing to demolish the existing garage structure and construct a new two-story accessory structure in its place. The proposed work also includes modifications to the existing breezeway constructed in 1999, and overall improved landscaping around the property. The proposed addition is designed in a contemporary tropical architectural style. The addition will house a ground level living room and bedroom with an office on the second floor and outdoor terraces. The architect has designed a well-articulated addition that fits in with the existing structure. The addition is compatible with the scale and massing of the existing structure and neighborhood.

Overall, staff is supportive of this application and recommends that the design of the replacement home be approved.

**VARIANCE REVIEW**

The applicants are requesting a rear setback variance in order to construct a new two-story attached addition to an 'architecturally significant' two-story home constructed in 1940 by Henry Hohauser. The existing home has maintained the original architectural character and language through the well-designed additions. The proposed addition will improve the existing conditions of the breezeway and garage. As it exists today, the site contains a two-story portion towards Pine Tree Drive and a one-story semi-detached garage in the rear of the property. Both structures are partially attached via an open breezeway with a pool and pool deck lying between the two structures. The existing garage structure is currently setback 9'-6" from the north property line and 8'-5" from the west property line. Since the addition will be fully attached to the main structure by the modified breezeway, the entire structure must comply with the required rear setback for the main structure—which is 30'-0" in this case from the rear (west) property line. Staff is fully supportive of this variance since the addition is improving the existing conditions on site while still maintaining the architecturally significant single family home.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved** as it pertains to the variances request and the design be **approved** subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable.

TRM/JGM/LC

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: July 5, 2016

FILE NO: DRB0416-0023

PROPERTY: **3100 Pinetree Drive**

APPLICANTS: Conrad and Meagan Jones

LEGAL: Lot 1 of Block 44 of the Orchard Subdivision No.1, according to Plat thereof as recorded in Plat Book 6, Page 11 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 addition to an existing pre-1942 architecturally significant two-story home to replace an original one-story garage structure, including a variance to reduce the minimum required rear setback.

**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 a 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, and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 3100 Pinetree Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. Pool deck shall comply with the side facing a street setback requirements, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. 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.
  - c. 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.
  - d. 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, and corresponding site plan, 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 plan 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. Walkways around the proposed addition shall be limited to the minimum width within the (north) side yard and the rear yard shall be maintained as a landscaped area, in a manner to be reviewed and approved by staff



consistent with the Design Review Criteria and/or the directions from the Board.

- 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/or 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 20'-0" the minimum required rear setback of 30'-0" for a single family home in order to construct an attached two-story addition at 10'-0" from the rear (west) property line.

- B. The applicant has submitted plans and documents with the application that the Board has concluded satisfy Article 1, Section 2 of the Related Special Acts.

The applicant has submitted plans and documents with the application that the Board has concluded 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.

- C. The Board hereby **Approves** the Variance request(s), 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.
  - a. Any future addition of buildings or structures within the required rear yard shall require the applicant to return to the Board for review and approval of the proposed work.

**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. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and the first 5'-0" of the required street side yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the 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.
- B. 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of 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 "3100 Pinetree Drive Addition and Renovation" as prepared by **DN'A Design & Architecture** dated, signed and sealed May 13, 2016, 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\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

