

## PLANNING DEPARTMENT

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### BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP  
Planning Director

DATE: September 9, 2016 Meeting

RE: File No. ZBA0516-0012  
**11 Star Island Drive – Single Family Residence**

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The applicant, Brian L. Bilzin is requesting variances to exceed the maximum lot coverage and unit size, to exceed the maximum elevation permitted within required yards, and to exceed the maximum height for an elevator bulkhead, in order to construct a new two-story single family home on a vacant site.

#### **STAFF RECOMMENDATION:**

Approval of the variance(s) with conditions.

#### **LEGAL DESCRIPTION:**

Lots 10, 11 and 12, of "Corrected Plat Star Island", According to the Plat Thereof, as recorded in Plat Book 31 at Page 60 of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning -	RS-1
Future Zoning-	RS
Lot Size -	120,000 SF
Lot Coverage	
Proposed	53,308 SF / <b>44.4%*</b>
Maximum-	36,000 SF / 30%
Unit size	
Proposed-	70,133 SF / <b>58.4%*</b>
Maximum-	60,000 SF / 50%
Height-	
Proposed-	28'-0" – flat roof
Maximum-	28'-0" – flat roof

#### **EXISTING STRUCTURE:**

Vacant Lot:	Yes
Grade:	+5.61' NGVD
Flood:	+10.00' NGVD
Finish Floor Elev.:	+15.00' NGVD
Adjusted Grade:	+7.8' NGVD

#### **\* Variances Requested**

#### **THE PROJECT:**

The applicant has submitted documents and plans entitled "Star 11" as prepared by Domo Architecture + Design, signed and sealed August 12, 2016.

The applicant is requesting variances to exceed the maximum lot coverage and unit size, to exceed the maximum elevation permitted within required yards, and to exceed the maximum height for an elevator bulkhead, in order to construct a new two-story single family home on a vacant site.

The applicant is requesting the following variance(s):

1. A variance to exceed by 14.4% the maximum allowed lot coverage of 30% for a two story home in order to increase the lot coverage to 44.4%.

- 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-1, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.*

- Supplemental Section:

**Sec. 142-105. - Development regulations and area requirements.**

*(5)Lot coverage (building footprint).*

- c. Calculating lot coverage. For purposes of calculating lot coverage, the footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof. Internal courtyards, which are open to the sky, but which are substantially enclosed by the structure on three or more sides, shall be included in the lot coverage calculation. However, outdoor covered areas, such as, but not limited to, loggias, covered patios, pergolas, etc., that are open on at least two sides, and not covered by an enclosed floor above, shall not be included in the lot coverage calculation.*

The subject property, with an unusually large lot area of 120,000 s.f., is comprised of three platted lots. As such, the setback requirements for this site are one of the largest for a single family property, with minimum side setbacks of 30 feet and a sum of the side setback requirement of 75 feet. The applicant is proposing a two-story home that exceeds the maximum lot coverage permitted due to the configuration of the structures along the side and rear property lines. The main buildings are interconnected with a series of pools and open terraces that create an internal courtyard, and other areas substantially enclosed by structures on three sides. The main courtyard area is approximately 12,240 s.f. (10.2%) and is required to be included in the lot coverage calculations, thus triggering the variance requested.

Excluding the courtyard areas, the actual enclosed structures are below the 30% lot coverage permitted with an area of 26,274 s.f. The one-story structures at the front are set back more than 46 feet, where 30 feet is required. Also the rear yard exceeds the setback

requirements with a 68 foot setback from the rear property line where 50 feet is the minimum. The courtyard is surrounded by one-story structures on the sides and by a two-story volume set back more than 200 feet from the front property line, which will be perceived as a lower structure as viewed from the street. Staff would note that an allowable two-story volume along the sides and closer to the front would have a more adverse impact on the neighborhood and on the adjacent properties compared to the proposed project. The intent of the Code regarding lot coverage and courtyard areas, is to avoid the perception of a large building as seen from the street, adjacent properties or the waterway. The project as proposed is in keeping with the intent of this requirement, based on the height and setbacks proposed. In summary, staff finds that the large size of the property and its unusually large setbacks impose practical difficulties that justify the variance requested.

2. A variance to exceed by 8.4% the maximum allowed unit size of 50% for a two-story home in order to increase the unit size to 58.4%.

- 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-1, Maximum Unit Size (% of Lot Area): 50%.**

This variance request is similar to variance number 1, due to the fact that the excess in unit size is associated to large portions of open covered areas that exceed 10 feet from the building walls (7,654 s.f.) and underground parking structure (27,303 s.f.). These areas represent 29% of the lot area. The actual enclosed structures at first and second floor are 29.3% (35,176 s.f.), well below the maximum permitted unit size of 60,000 s.f. In addition, the proposed second floor is 33.5% of the first floor which is allowed to go up to 70%. The total unit size proposed for the proposed project is 58.4% with an area of 70,133 s.f. of which almost 50% is partially below ground parking and open areas. Although a variance is requested to exceed the maximum unit size permitted, staff finds that the massing of the home as seen from the street, the waterway and the adjacent properties does not correspond with the massing that can be perceived from the technical unit size area of the project. The large size of the lot is again the practical difficulty that justifies the granting of the variance.

3. A variance to exceed by 2'-0" the maximum height allowed of 10'-0" feet above the roofline in order to construct an elevator bulkhead up to 12'-0" above the roofline.

- 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:*

**(7) Height exceptions. The height regulation exceptions contained in section 142-1161 shall not apply to the RS-1, RS-2, RS-3 and RS-4 zoning districts. The**

following exceptions shall apply, and unless otherwise specified in terms of height and location, shall not exceed ten feet above the roofline of the structure.

f. Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.

The project include 4 elevators of which only one extends above the roof line. The bulkhead is located more than 200 feet from the streetfront and is visually recessive. The additional 2 feet in height requested is based on the size and type of elevator associated with the project. Staff has no objections to this request as the increase in height is not detrimental to the surrounding properties and will be substantially hidden from view with landscaping. Staff finds that the large area of the lot again, creates the practical difficulties for the variance requested.

4. A. A variance to exceed by 5.54' the maximum elevation allowed of 8.11' NGVD within the interior south side yard in order to construct a driveway and portions of the required yard up to 13.65' NGVD.  
  
B. A variance to exceed by 1.39' the maximum elevation allowed of 8.11' NGVD within the interior north side yard in order to elevate portions of the required yard up to 9.5' NGVD.

- 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:*

- (8) Exterior building and lot standards. The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single family residential districts:*
- 2. Interior Side Yards (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater*

The City recently adopted Ordinance No. 2016-4009 which among other things, established a minimum and maximum freeboard for the City. This Ordinance permits an increase in height from 1 to 5 feet above flood elevation and allows the maximum building height to be measured from flood elevation plus freeboard. The applicant is raising the finish floor of the home to 15.0' NGVD, 5 feet above the base flood elevation, in order to address future sea-level rise concerns. The existing grade elevation of the site is 5.61 NGVD for a difference of 9.39'. The maximum elevation permitted in the side yards is 8.11' NGVD. The project complies with this requirement, except for a driveway leading up to the main building and portions of the finish grade on the north and south yards. The additional height is necessary in order to provide a transition from the side yards to the house and mitigate the effects of raising the residence to address flooding concerns.

The large difference in elevation between the finish floor and the adjacent grade can impact new single family construction projects when adjusting the new structures to the existing site conditions: such projects have required variances to exceed the maximum elevation in required yards or to exceed building height in accessory buildings. Staff finds that the

difference between grade elevation and proposed finish floor elevation, as well as increasing concerns related to sea-level rise, creates the practical difficulties resulting in the request for the variance.

**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 applicant is proposing to construct a new two-story home on a vacant property. The waterfront site, contains three lots and is located on the mid-western side of Star Island. The area of the site is 120,000 s.f. with a lot width of 300' and a lot depth of 400 s.f. The size of this property is uniquely large compared to most single family properties in the City. When

applying the zoning requirements, the property is burdened with unusually large building setbacks from the side property lines that require a minimum side setback of 30 feet and a sum of the sideyard setback of 75 feet. The maximum allowable lot coverage of 36,000 s.f. and unit size of 60,000 s.f. also set this property apart from the majority of single family properties.

The applicant is proposing a very unique, tropical, contemporary single family home with abundant landscape areas that include green roofs and a sophisticated water amenity centrally located with several pool areas extending throughout the building structures. Parking is located underground with two access ramps on the sides of the property. The proposed site plan is configured with one-story auxiliary structures along the side property lines and a two-story volume housing the main living area and centered toward the rear of the property. A continuous flat roof slab interconnects the main residence and the amenities with a series of breezeways that create an interior courtyard. The area of the courtyard results in an excess in the maximum lot coverage permitted which requires a variance. The roofed breezeways exceed more than 10 feet from the building walls in several areas which also increase the unit size of the home above the maximum permitted. Staff would note that the actual air conditioned area proposed is well below the maximum permitted lot coverage and unit size.

The applicant is requesting variances from the maximum lot coverage and unit size permitted, to exceed the maximum elevation within the side yard and to exceed the maximum height permitted for an elevator bulkhead. These variances are all associated with the large size of the property, and due to the unique nature of the proposed design. In single family districts, properties composed of more than two lots are required to provide setbacks that are larger than properties with a single lot, which has caused several variance applications to allow for reduced setbacks that are similar to the typical setbacks for a single lot. In this case, the project exceeds most of the setbacks and open space requirements and does not require other waivers from the Design Review Board. Based on the unique size of the property, staff finds that the variance requested satisfy the practical difficulties and recommends that the Board approve all 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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