

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: September 9, 2016 Meeting

RE: File No. ZBA0716-0016
46 Star Island Drive – Single Family Residence

The applicant, Marco Iacovelli is requesting a variance to reduce the required interior side setback for the construction of an attached two-story addition to the existing two-story single family home.

STAFF RECOMMENDATION:

Approval of the variance with conditions.

LEGAL DESCRIPTION:

See attached Exhibit 'A'.

SITE DATA:

Zoning -	RS-1
Future Zoning-	RS
Lot Size -	61,351 SF
Lot Coverage	
Proposed-	13,520 SF / 22%*
Maximum-	18,405 SF / 30%
Unit size	
Proposed-	17,140 SF / 40.3%*
Maximum-	30,675 SF / 50%
Height-	
Proposed-	24'-0" – flat roof
Maximum-	24'-0" – flat roof

EXISTING STRUCTURE:

Year Constructed:	1923
Architect:	Unknown
Vacant Lot:	No
Demolition:	Partial

*** As represented by the applicant**

THE PROJECT:

The applicant has submitted documents and plans entitled "Two Story Media/Bath Addition 46 Star Island Dr. Miami Beach FL 33139", dated July 27, 2016.

The applicant is requesting a variance to reduce the required interior side setback for the construction of an attached two-story addition to the existing two-story single family home.

The applicant is requesting the following variance:

1. A variance to reduce by 3'-6" the minimum allowed interior side setback of 11'-9" in order to construct a two-story addition at 8'-3" from the east side property line.
 - Variances requested from:

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

(2) Regulations for additions to architecturally significant homes which are substantially retained and preserved. In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:

i. Two-story ground level additions. The construction of a ground floor addition of more than one story shall be allowed to follow the existing interior building lines, provided a minimum side setback of five feet is met, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

The applicant is proposing an attached two-story addition to the home by extending the building line on the east side. The existing side setback is 11'-9" at this location and as the original structure was constructed prior to 1942, and is architecturally significant, variances are not required for the continuation of the non-conforming side setback. However, the building lines are not parallel to the side property lines and the extension of the building walls results in a reduction of the existing setback from 11'-9" to 8'-3". The existing geometric shape of the house and irregular lot shape create practical difficulties for the applicant to increase the floor area while preserving the existing structure. The property is well below the lot coverage and unit size requirements, and the addition is located in a manner that causes a minimal modification to the front of the house. Staff is supportive of the variance requested, as the significant home will be retained, and its location and severe pie-shape of the lot create the practical difficulties in constructing a small addition to the side of the home, as allowed by the 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:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variances.

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.

STAFF ANALYSIS:

The waterfront site is located on the north tip of Star Island on a pie shaped lot—with a frontage of approximately 60' in width and a rear property measurement of approximately 300'. The site has an overall depth of approximately 407'. The property contains a single family home constructed in 1923 that the applicant wishes to retain and improve with a small two-story addition on the east side. The existing structure is well below the maximum unit size and lot coverage allowed, and as is the case with many 1940's homes, is non-conforming regarding side setbacks. The home was originally constructed with a substantial front setback of approximately 230 feet. The Code has been amended in recent years to incentivize the retention of architecturally significant homes which were constructed prior to 1942. A variance would not be required for the increase in floor area for similar properties that are retained and renovated. However, because the location of the home and shape of the lot, the existing side setback is reduced with this addition and a variance is required.

Staff is in support of the proposed addition, as the existing conditions of the property satisfy the criteria for granting the variance requested, based on the retention of the existing architecturally significant home.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the variance 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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