

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 10, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB16-0053 (a.k.a. Design Review File No. 23155)
7 Farrey Lane

The applicant, Rene Gonzalez, is requesting modifications to a previously issued Design Review Approval for the construction of a new three-story single-family residence on a vacant parcel including new variances to reduce the required side and sum of the side setbacks in order to construct a new spiral staircase on the east side.

RECOMMENDATION:

Denial of the variances.

LEGAL DESCRIPTION:

Lot 7 of "2nd Section of Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 100 of the Public Records of Dade County, Florida.

HISTORY:

On April 7, 2015, the Design Review Board approved a new three-story single-family home on a vacant parcel including variances to waive the required side setbacks to reconstruct an existing dock, to waive the required front setback for parking, and to waive the minimum lot size to construct a new single family home.

SITE DATA:

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size:	4,278* SF
Proposed FAR:	2,713 SF / 0.63
Maximum FAR:	5,347.5 SF / 1.25
Proposed Height:	39'-11" / (3) three-story
Maximum Height:	50' / (5) five-story

*As indicated on submitted survey.

Surrounding Properties:

East: One-story 1941 residence
North: Biscayne Bay
South: One-story 1941 residence (DRB Approval for a second floor addition)
West: Three and two-story 1953 Hotel

THE PROJECT:

The applicant has submitted plans entitled "7 Farrey Lane", as prepared by **Rene Gonzalez architect** dated, signed and sealed August 12, 2016.

The applicant is proposing to construct a new multi-story exterior spiral staircase.

The applicant is requesting the following variance(s):

1. A variance to reduce by 5'-0" the minimum required interior side pedestal setback of 7'-6" in order to build a multi-story spiral staircase addition to the existing structure at 2'-6" from the side (east) property line.

- *Variance requested from:*

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: Pedestal, side interior — Minimum: 7'-6" or 8% of lot width, whichever is greater.

2. A variance to reduce by 5'-0" the minimum sum of the side pedestal setbacks of 15'-0" in order to construct a multi-story spiral staircase addition to the existing structure and provide a sum of the side setbacks of 10'-0".

- *Variance requested from:*

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: Pedestal, — Sum of the side yards shall equal 16% of lot width.

The applicant is requesting to be granted a 2'-6" side (east) setback where 7'-6" is required. With this variance request, also the project would not comply with the sum of the side setbacks. This reduction in the setbacks is more than 50% of the required setback, exceeding also, the maximum 25% encroachments allow by the Code. The 5'-0" wide exterior spiral staircase has a minimal profile and minimal footprint and has been designed to blend in to the west façade as seamlessly as possible. However, it can also be located within the footprint area of the second floor terrace without significantly altering the previously approved design. It will allow the same secondary means of access from the ground floor to the roof level. Staff finds that this variance requests do not meet the minimum practical difficulties criteria for the granting of a variance. The new stair can be easily accommodated within the designed home, without the need for the variance. As such, staff recommends that the variances be denied.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application **DO NOT** indicate 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 consistent with the following sections of the City Code, aside from 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.

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 project requires two variances.
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 project requires two variances.

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 project requires two variances.
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.
Satisfied
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.
Not Applicable
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.
Not Applicable
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.
Not Applicable

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).
Satisfied
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.
Not Applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
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).
Satisfied
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.
Not Applicable
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 subject property is a substandard sized RM-1 zoned property proposed to be developed with a single-family home. Although the use proposed is a single-family home, it is subject to the underlying RM-1 zoning regulations. On April 7, 2015, the Design Review Board granted variances for a new three-story single-family home.

Staff has no design concerns within, and believes the new exterior stair proposed blends into the design of the previously approved house, is proposed to be finished with many of the similar materials, and successfully addresses the Design Review Criteria. Staff would note that should the Board not authorize the variances, there are numerous alternate locations that would not require any variances.

VARIANCE REVIEW

Staff would note that the proposed single family home has already been granted variances for the side setbacks to reconstruct an existing dock, to reduce the required front setback for parking, and to allow construction of the home in an undersized lot, which were considered

the minimum number of variances. The proposed stair from ground to the roof can be easily accommodated within the area of the second floor terrace. Staff finds that the new variance requests lack of practical difficulties or hardship, therefore staff recommends that the variances be **denied**.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **denial** of the application, However, should the Board find that the variance(s) requested satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property, staff recommends that the project be 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

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 10, 2016

FILE NO: DRB16-0053 (a.k.a. Design Review File No. 23155)

PROPERTY: **7 Farrey Lane**

APPLICANT: Rene Gonzalez

LEGAL: Lot 7 of "2nd Section of Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 100 of the Public Records of Dade County, Florida.

IN RE: The Application modifications to a previously issued Design Review Approval for the construction of a new three-story single-family residence on a vacant parcel including new variances to reduce the required side and sum of the side setbacks in order to construct a new spiral staircase on the east side.

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:

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 1-4, 9, and 10 in Section 118-251 of the Miami Beach Code.

IT IS HEREBY ORDERED, based upon the foregoing finding 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 recommendation, that the Application is **DENIED WITHOUT PREJUDICE** for the above-referenced project.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT

