

# MIAMI BEACH

## PLANNING DEPARTMENT

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### BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP  
Planning Director

DATE: April 7, 2017 Meeting

RE: File No. ZBA17-0035  
**6001 North Bay Road – Single Family Residence**

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The applicant, Jack Finglass is requesting variances from the required street side and sum of the side setbacks and a variance to exceed the maximum lot coverage allowed in order to construct a one-story addition to the existing two-story single family home.

#### **STAFF RECOMMENDATION:**

Approval of the variance(s) with conditions.

#### **LEGAL DESCRIPTION:**

See attached Exhibit "A"

#### **SITE DATA:**

Zoning -	RS-4
Future Zoning-	RS
Lot Size -	7,704 SF
Lot Coverage	
Existing-	2,104 SF / 27.3%
Proposed-	2,381 SF / <b>30.9%*</b>
Maximum-	2,311.2 SF / 30%
Unit size	
Existing-	2,529 SF / 32.8 %
Proposed-	2,806 SF / 36.4%
Maximum-	3,852 SF / 50%
Height	
Existing-	~20'-0" – two-story pitched roof
Proposed-	same
Maximum-	27'-0"

#### **EXISTING STRUCTURE:**

Year Constructed:	1951
Architect:	Norman M. Giller
Vacant Lot:	None
Demolition:	Partial

#### **\* Variance Requested**

#### **THE PROJECT:**

The applicant has submitted documents and plans entitled "Den Addition to Finglass Residence" as prepared by Giller & Giller, Inc., dated February 14, 2017.

The applicant is requesting variances from the required street side and sum of the side setbacks and a variance to exceed the maximum lot coverage allowed in order to construct a one-story addition within the street side of the existing two-story single family home.

The applicant is requesting the following variance(s):

1. A variance to exceed by 0.9% the maximum allowed lot coverage of 30% for a two story home in order to increase the lot coverage to 30.9% for the construction of a one story addition to the existing two-story home.

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

The existing house on the site has a lot coverage of 27.3% and a unit size of 32.8%. The majority of the structure is single story, with a bedroom, bathroom and closets on the second floor. The applicant is proposing a one-story addition for a den at the ground floor facing 60<sup>th</sup> Street. The addition at the ground level exceeds the maximum allowed lot coverage by 0.9%, (approximately 70 sf). The proposed unit size of 36.4% is still well below the maximum 50% allowed.

The original 1951 footprint of the home has not been significantly altered throughout the years. It was constructed with a non-conforming interior side setback and larger than required street side and rear setbacks. A pool and pool deck was later added to the rear of the home. These restrictions, along with the existing layout of the home limit the reasonable expansion of the home at the ground level.

Staff would note that the code allows the increase in lot coverage up to 40% for two-story homes that have been determined to be architecturally significant. In this case, the house has not been reviewed for this process, but it would qualify as an architecturally significant pre-1966 home, as it appears that most of the structure remains unchanged from its original construction, and it was designed by renowned architect Norman Giller. A variance would not be required for similar single family homes constructed within the same time, provided the homeowner voluntarily requested a determination of architectural significance. Staff finds that the applicant's request satisfies the practical difficulties for the granting of the variance, as the existing structure will be renovated and retained and the unit size proposed is well below the maximum allowed.

2. A variance to reduce by 7'-6" the minimum required street side setback of 15'-0" in order to construct a one story addition at 7'-6" from the street side property line.

3. A variance to reduce by 9'-1" the minimum required sum of the side setbacks of 22'-6" in order to construct a one-story addition to the existing single family home with a sum of the side setbacks of 13'-5".

- Variances 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:*

*(2)Side yards:*

*a. The sum of the required side yards shall be at least 25 percent of the lot width.*

*b. Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.*

The house was originally constructed with a non-conforming interior side setback of 5'-11" and much larger setbacks facing the street and rear. The addition of a pool and deck at the rear create practical difficulties in increasing the area of the home. The addition proposed on the street side reduces the required street setback and also the sum of the side setbacks. Due to the non-parallel street side property line, the setback of the building façade is variable from 7'-6" at its closest point to more than 26'-0" at the corner, where 15' is required. Staff finds that the irregular lot shape, and the retention of the existing home with an irregular footprint, non-conforming side setback, and the location of an existing pool, create practical difficulties that result in the need for the variances requested. Based on the existing conditions of the site and the retention of the existing home, staff recommends approval of both variances.

**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 site is an irregular corner lot containing a two-story residence constructed in 1951 by noted architect Norman Giller. The applicant is proposing renovations to the home including the addition of a single story study on the street side and the removal of paving within the rear to increase the landscaping on the property. Three variances are requested; to exceed the lot coverage allowed, and to reduce the street side and sum of the side yard setbacks. The additional lot coverage is not significant considering the potential area that could be added to the second floor of the home. The proposed unit size of the home will be well below the maximum allowed. The reduction of the setback and sum of the side setbacks is for a portion of approximately 24' along the street side. The remainder of the street façade complies or exceeds the required setback and sum of the side setbacks.

The retention of the existing home with its non-conforming side setback, the irregular lot lines and the area limitation for expansion at the ground floor, versus available area at the second floor and other site conditions, as noted in the project portion of this report, create the practical difficulties that result in the need for the variances requested. As the addition to the single story structure would add 277 SF, it would not have a negative impact on the surrounding properties. There is a continuous tall ficus hedge along the street side that will make the addition minimally visible. The house, as proposed, would be significantly lower in mass than a brand new two-story home, which may have a more detrimental impact in the existing urban context. Staff finds that variances requested are the minimum necessary to upgrade the property to more current living standards and minimize the alteration to the existing single family home, designed by a prominent architect Norman Giller. In summary, staff recommends approval of all variances.

**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.

Exhibit 'A'

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**LEGAL DESCRIPTION FOLIO #02-3215-003-0460**

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LOT 11, BLOCK 2, OF LA GORCE GOLF SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 43 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING PORTION OF THE AFORESAID LOT 11:

COMMENCE AT A POINT ON THE NORTHWESTERLY LINE OF LOT 11, BLOCK 2, LA GORCE GOLF SUBDIVISION, ACCORDING TO THE PLAT THEREOF FILED IN PLAT BOOK 14, PAGE 43 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID POINT BEING 18.40 FEET IN A SOUTHWESTERLY DIRECTION FROM THE NORTHERLY CORNER OF SAID LOT 11; THENCE RUN IN A NORTHEASTERLY DIRECTION ALONG SAID NORTHWESTERLY LINE OF LOT 11 FOR A DISTANCE OF 18.40 FEET TO SAID NORTHERLY CORNER OF LOT 11; THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG THE NORTHEASTERLY LINE OF SAID LOT 11 FOR A DISTANCE OF 125.00 FEET TO THE EASTERLY CORNER OF SAID LOT 11; THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11 FOR A DISTANCE OF 16.70 FEET TO A POINT; THENCE RUN IN A NORTHWESTERLY DIRECTION FOR A DISTANCE OF 125.02 FEET BACK TO THE POINT OF BEGINNING.

TRM:MAB:IV

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