

MIAMI BEACH

PLANNING DEPARTMENT

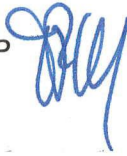
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 02, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0110
8 Farrey Lane

The applicant, Steve Rhodes, is requesting Design Review approval for the construction of a new second floor addition to an existing pre-1942 architecturally significant one-story single family home, including variances from the minimum required lot size, from the pedestal front and both side setbacks, from the front and both sides setback for parking, from the maximum projection allowed for a porch and roof overhang, from the minimum side setback for a deck and from its maximum area allowed and from the minimum side setback required for a deck. (Strikethru denotes variances withdrawn)

RECOMMENDATION:

Approval with conditions

Approval of variances #1, #2, #5, #6, #7, # 11, and #12

Withdrawal of variances #3, #4, #8, #9, #10, and #13

HISTORY:

On October 10, 2016, the Design Review Board reviewed and approved a new three-story single family residence designed in a contemporary style of architecture, pursuant to file DRB16-0052.

On April 04, 2017, the Design Review Board continued the application to May 02, 2017 in order for the applicant to further refine the design and eliminate some of the variances.

LEGAL DESCRIPTION:

Lot 8 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.

SITE DATA:

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size:	4,590* SF VARIANCE REQUIRED
Proposed FAR:	3,800 SF / .82
Maximum FAR:	5,737.5 SF / 1.25
Proposed Height:	21'-9" from Finished Floor / (2) two-story
Maximum Height:	50'-0" from BFE + Freeboard / (5) five-story

*As indicated on submitted survey.

Existing Property:

1941 one-story single-family residence
E. Dean Parmalee

Surrounding Properties:

East: One-story 1941 residence

North: Biscayne Bay

South: One-story 1941 residence (DRB Approval for a second floor addition)

West: Three-story new construction DRB23155/DRB16-0053

THE PROJECT:

The applicant has submitted revised plans entitled "Private Residence", as prepared by **TAI Architecture INC**, dated, signed, and sealed 04/10/17.

Since the last meeting, revised plans have been submitted eliminating several of the variances initially requested. The applicant is proposing the construction of a new second floor addition and modifications to an existing one-story single-family home, including variances from the minimum required lot size, from the pedestal front and both side setbacks, from the front and both sides setback for parking, from the maximum projection allowed for a porch and roof overhang, from the minimum side setback for a deck and from its maximum area allowed and from the minimum side setback required for a dock. (Strikethru denotes variances withdrawn)

The applicant is requesting the following variance(s):

1. A variance to reduce by 1,010 SF from the minimum required lot area of 5,600 SF within the RM-1 district in order to develop with site with a new three-story single family residence on a multifamily property with a total lot area of 4,590 SF.

- Variance requested from:

Sec. 142-155. - Development regulations and area requirements.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows: Minimum Lot Area (Square Feet): 5,600 SF

The subject property is a platted, slightly tapered, irregular shaped lot, containing a total lot area of 4,590 SF. The Code defines lot area as "the total horizontal area within the lot lines of the lot". The minimum lot area required by the Code for an RM-1 lot is 5,600 SF. This portion of the City, along Farrey Lane, is an anomaly within the RM-1 Zoning District as the lots that are part and parcel of 2nd Section of Belle Isle Villas were originally platted along these lines—smaller than typically found in the RM-1 Zoning District. The subject property is a midblock waterfront lot within the Subdivision that was historically platted on December 23, 1941 with the same dimensions and boundaries as today. As such, a variance to establish the site as a development site and construct a single family residence containing a lot area of less than 5,600 SF is required. Without the granting of this variance, the construction of a new residence, or any structure for that matter, would not be permitted. Staff finds that the size of the lot as originally platted establishes the hardship that justifies the variance request.

2. A variance to eliminate all of the required front setback of 20'-0" in order to construct parking area up to the front (south) property line, facing Farrey Lane.

- Variance requested from:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: At-grade parking lot on the same lot except where (c) below is applicable, Front: 20'-0"

The proposed single-family home must comply with the underlying RM-1 zoning regulations, which requires at-grade parking to be setback 20'-0" from the front property line. A front setback variance for the parking would not be required if the house were located in a single-family district as parking is allowed in the front setback of 20'-0"; however, in order to be able to park a vehicle in the front yard, a variance is required for multifamily districts.

Due to the limited lot area of the site and the context of the other homes on Farrey Lane, which have parking within the required front yard, some varying of the code requirements for parking setbacks is warranted. However staff recommends that the overall parking area be reduced to be no greater than the minimum required area for the parking of 2 cars. Staff recommends that the balance of the paved area in the front yard be removed except for any portion associated with a walkway on the west side of the property.

- ~~3. A variance to eliminate the entire required interior side setback of 5'-0" in order to construct parking area up to the east side property line. (Variance withdrawn)~~
- ~~4. A variance to eliminate the entire required interior side setback of 5'-0" in order to construct parking area up to the west side property line. (Variance withdrawn)~~
5. A variance to reduce by 1'-11" the minimum required pedestal front setback of 20'-0" in order to retain the existing structure and to construct a second story addition following the existing front setback of 18'-1".
 - Variance requested from:

Sec. 142-156. Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: Front pedestal: 20 feet

The existing structure has a non-conforming front setback of 18'-1". The applicant is proposing a second story addition following the existing front setback. The reduction of the setback occurs in a portion of the front façade and the rest of the front building line is setback approximately 24'-0" from the front property line. As only a portion of the structure is configured above the first floor at the 18'-1" setback, the variance is not significant. Staff finds that the undersized lot area and the retention of portions of the front facade create practical structural difficulties for the construction of the second floor addition at the required setback location.

6. A variance to reduce by 2'-3" the minimum required pedestal interior side setback of 7'-6" in order to retain the existing structure and to construct a second story addition following the existing west side setback of 5'-3".
7. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" in order to retain the existing structure and to construct a second story addition following the existing east side setback of 5'-0".

- Variances requested from:

Sec. 142-156. Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Pedestal, side interior — Sum of the side yards shall equal 16% of lot width, Minimum: 7.5 feet or 8% of lot width, whichever is greater.

The existing structure also does not comply with the sum of the required side setbacks and the applicant is proposing to construct the second story above the ground floor and utilize the existing setbacks for the second floor portion. The 5'-0" setbacks are consistent with the side setbacks of many other homes constructed at the same time and similar to other existing homes along Farrey Lane. Staff is supportive of the variances requested based on the lot size area, below the minimum required combined with the lower scale of the home, which is more compatible with the neighborhood than a brand new home that could potentially be more out of scale in the area, as well as the practical structural difficulties that would be required in constructing a second floor addition that does not align with the structure of the first floor.

- ~~8. A variance to exceed by 2'-3" (27%) the maximum allowed projection of 2'-1" (25%) for a porch within the rear yard in order to construct a new terrace with 4'-4" (52%) projection into the rear yard facing the waterway. (Variance withdrawn)~~
- ~~9. A variance to exceed by 54.5% (254.6 SF) the maximum of 30% (140 SF) deck area allowed within the required rear yard in order to construct a deck and porch with 84.5% (394.6 SF) of area at the required rear yard. (Variance withdrawn)~~
- ~~10. A variance to reduce by 1" the minimum side setback of 7'-6" for a deck located within the required rear yard in order to construct a new deck at 7'-5" from the west side property line. (Variance withdrawn)~~
11. A variance to exceed by 1'-9" (35%) the maximum allowed projection of 1'-3" (25%) for roof overhangs within the existing side yard in order to construct a new second story addition with a roof overhang projection of 3'-0" (60%) into the east side yard.
12. A variance to exceed by 1'-8" (31%) the maximum allowed projection of 1'-4" (25%) for roof overhangs within the existing side yard in order to construct a new second story addition with a roof overhang projection of 3'-0" (56%) into the west side yard.

- Variances requested from:

Sec. 142-1132. - Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet.

(7) Roof overhangs.

The new structure is proposed with a roof overhang of 3 feet on both sides which exceeds more than 50% of the side yards where the maximum projection is 25%. This condition may

have a negative impact on the adjacent property when providing an effective retention of water run-off on site. As the proposed setbacks are approximately 5'-0" where 7'-6" is required, the additional variances for the increase of roof overhang, creates more non-conformity for the property that would likely qualify as a new structure, based on the costs of the improvements proposed. The roof overhang is part of the overall design of the home and it is not consistent with the original design of the home or with the roof overhang of the other surrounding properties that also have short roof overhangs on the sides.

The roof overhang proposed is not associated with the retention of the existing 1940's roof structure as noted on the photographs provided as part of the submittal. In summary, staff recommends that the Board **denies** the variances requested and that the roof overhangs comply with the maximum projection allowed.

- ~~13. An after the fact variance to reduce all minimum required seaward side yard setback of 7' 6" in order to retain the existing dock at 0' 0" from the east side property line. (Variance withdrawn)~~

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded only partially (as noted) satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application partially satisfy compliance 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;

Satisfied for variances #1, #2, #5, #6, #7, # 11, and #12;

- That the special conditions and circumstances do not result from the action of the applicant;

Satisfied for variances #1, #2, #5, #6, #7, # 11, and #12;

- 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;

Satisfied for variances #1, #2, #5, #6, #7, # 11, and #12;

- 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;

Satisfied for variances #1, #2, #5, #6, #7, # 11, and #12;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied for variances #1, #2, #5, #6, #7, # 11, and #12;

- 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

Satisfied for variances #1, #2, #5, #6, #7, # 11, and #12;

- 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.

Satisfied

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.

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.
Not Satisfied; the amount of paving is excessive and does not provide for landscape opportunities.
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 several variances including a variance of the required front setback for parking and to waive the minimum lot size to construct a new single family home on an undersized RM-1 zoned lot.
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 several variances see Criteria #2.
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.
Not Satisfied; the amount of paving is excessive and does not provide for landscape opportunities.

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 several variances see Criteria #2.
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.
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.
Not 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).
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.

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 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.

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

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is requesting Design Review Approval for the substantial alterations and second floor addition to an existing (1) one-story single-family home. All of the one-story single-family homes along Farrey Lane were originally developed as part of a residential development in 1941 by the Acme Building Corporation, designed by noted architect E. Dean Parmalee. Now, all of the individual substandard-sized lots that contain single-family homes on this street are an anomaly within the encompassing RM-1 multifamily zoning district, which allows for a maximum height of (5) five-stories and a maximum FAR of 1.25. As such, any proposed improvements to structures or any new construction must comply with the RM-1 zoning development regulations.

The existing house is a modest, one-story home designed in the bungalow style of architecture, sited with non-conforming setbacks. The applicant is proposing substantial improvements to the existing one-story residence, including the "retention" of the existing first floor shell and the creation of a second floor addition and second floor open terrace. The proposed addition is configured to be coterminous with the ground floor footprint, following the structure's non-conforming setbacks. Primarily due to the size of the lot, multiple variances are required.

The proposed design is an eclectic mix of Mediterranean influences; bluntly dissimilar to the existing 1941 house. The proposed design takes advantage of the existing structure's non-conforming setbacks by retaining portions of its exterior walls, and transforms the modest proportions and details inherent to the structure into a larger traditional Mediterranean structure.

VARIANCE REVIEW

As part of the project, several variances are requested for the construction of the single-family home on a site that does not conform to the minimum required 5,600 SF lot area for the RM-1 District. The proposed project could not be achieved if the lot size variance (#1) is not approved as the site would be undevelopable. In addition, variances from the side and front setbacks are also requested (variances #1, #2, #5, #6 and #7). These variances are associated with the lot size, and the retention of portions of the existing home. Further, in order to provide a sufficient and well-proportioned roof overhang system that extends over the walls granted by above, the overhang variances are needed (variances #11 and #12). Staff is supportive of these variances, as all of these relate to practical difficulties created by the existing conditions of the property.

All of the variances previously not supported by staff have been eliminated in the redesigned siteplan (variances #3, #4, #8, #9, #10, and #13). As such, the revised siteplan offers a substantial increase of the landscape area in the entire property and will have a positive impact on the adjacent properties when controlling water run-off on site.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the variance application be **approved** as it pertains to variances #1, #2, #5, #6, #7, #11, and #12, 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

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 02, 2017

FILE NO: DRB17-0110

PROPERTY: **8 Farrey Lane**

APPLICANT: Steve Rhodes

LEGAL: Lot 8 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 for Design Review Approval for the construction of a new second floor addition to an existing pre-1942 architecturally significant one-story single family home, including variances from the minimum required lot size, from the pedestal front and both side setbacks, from the front and both sides setback for parking, from the maximum projection allowed for a porch and roof overhang, from the minimum side setback for a deck and from its maximum area allowed and from the minimum side setback required for a dock.

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. 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 1-5, 9, and 15 in Section 118-251 of the Miami Beach Code.
- B. ~~The project would be 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 shall be submitted to and reviewed by staff, at a minimum, such drawings shall incorporate the following:
 - a. The final design details of all exterior surface 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.
 - b. The final design and details including material sample and color and finish for the proposed rib metal roof shall be provided in a manner to be

- reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view on all sides, in a manner to be approved by staff.
 - d. 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.
 - e. 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, prepared by a Professional Landscape Architect, registered in the State of Florida, 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. The driveway shall be constructed of an erosion resistant material and the paved area shall be kept to the minimum required for a drive aisle width, 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 fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required 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.
 - d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator

valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.

- f. ~~Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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), the following variance(s) which were either approved by the Board with modifications, or denied:

The following variances were approved by the Board:

1. A variance to reduce 1,010 SF from the minimum required lot area of 5,600 SF within the RM-1 district in order to construct a new three-story single family residence on a multifamily property with a lot area of 4,590 SF.
2. A variance to eliminate all of the required front setback of 20'-0" in order to construct parking area up to the front property line, facing Farrey Lane.
5. A variance to reduce by 1'-11" the minimum required pedestal front setback of 20'-0" in order to retain the existing structure and to construct a second story addition following the existing front setback of 18'-1".
6. A variance to reduce by 2'-3" the minimum required pedestal interior side setback of 7'-6" in order to retain the existing structure and to construct a second story addition following the existing west side setback of 5'-3".
7. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" in order to retain the existing structure and to construct a second story addition following the existing east side setback of 5'-0".
11. A variance to exceed by 1'-9" (35%) the maximum allowed projection of 1'-3" (25%) for roof overhangs within the existing side yard in order to construct a new second story addition with a roof overhang projection of 3'-0" (60%) into the east side yard.
12. A variance to exceed by 1'-8" (31%) the maximum allowed projection of 1'-4" (25%) for roof overhangs within the existing side yard in order to construct a new

second story addition with a roof overhang projection of 3'-0" (56%) into the west side yard.

The following variances were withdrawn by the applicant:

3. A variance to eliminate the entire required interior side setback of 5'-0" in order to construct parking area up to the east side property line.
 4. A variance to eliminate the entire required interior side setback of 5'-0" in order to construct parking area up to the west side property line.
 8. A variance to exceed by 2'-3" (27%) the maximum allowed projection of 2'-1" (25%) for a porch within the rear yard in order to construct a new terrace with 4'-4" (52%) projection into the rear yard facing the waterway.
 9. A variance to exceed by 54.5% (254.6 SF) the maximum of 30% (140 SF) deck area allowed within the required rear yard in order to construct a deck and porch with 84.5% (394.6 SF) of area at the required rear yard.
 10. A variance to reduce by 1" the minimum side setback of 7'-6" for a deck located within the required rear yard in order to construct a new deck at 7'-5" from the west side property line.
 13. An after the fact variance to reduce all minimum required seaward side yard setback of 7'-6" in order to retain the existing dock at 0'-0" from the east side property line.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variances II.A.1, II.A.2, II.A.5, II.A.6, II.A.7, II.A.11, and II.A.12, as noted above, 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.

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, only as it relates to Variances II.A.1, II.A.2, II.A.5, II.A.6, II.A.7, II.A.11, and II.A.12 as noted above:

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 requested variance(s) #1, #2, #5, #6 and #7, #11, and #12 as noted 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.

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 work, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 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 the 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 for Design Review approval and Variances II.A.1, II.A.2, II.A.5, II.A.6, II.A.7, II.A.11, and II.A.12 as noted above, is GRANTED and 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 revised plans entitled "Private Residence", as prepared by **TAI Architecture INC**, dated, signed, and sealed 04/10/17, 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.

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