

MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: May 5, 2017 Meeting

RE: File No. ZBA17-0034
3465 North Meridian Avenue – Single Family Residence

The applicant, Bali 33, LLC. c/o Mr. Oliver Farrat is requesting a variance to exceed the maximum allowable projection into the waterway for the construction of a new dock and boatlift for the single family property.

STAFF RECOMMENDATION:

Approval of the variance ~~(s) with modifications.~~

LEGAL DESCRIPTION:

~~See attached Exhibit 'A' Lot 4, Block 13, of "Biscayne Point Subdivision", According to the Plat Thereof, as recorded in Plat Book 14 at Page 35 of the Public Records of Miami-Dade County, Florida.~~

SITE DATA:

Zoning- RS-4

Future Zoning- RS

Lot Size- ~~913,258~~ 000 SF

Lot Coverage- ~~~3,251~~ 4,078 SF / ~~45~~ 24.5-3%

Unit Size- ~~~6,574~~ 44,419 SF / 49.51%

Height- ~~Two-stories~~ One-story (24'-0")

EXISTING STRUCTURE:

~~Under construction~~ Year Constructed: ~~1958~~

Architect: ~~E. F. Houser~~

Vacant Lot: ~~No~~

Demolition: ~~Partial~~

THE PROJECT:

The applicant has submitted documents and plans entitled "~~3465 N MERIDIAN DOCK PROJECT~~ ~~tuwuhudjon to Finglass Residence~~" as prepared by Dynamic Engineering Solutions, Inc. ~~Giller & Giller, Inc.~~, dated December 1, February 14, 2016 ~~7~~.

The applicant is requesting a variances to exceed the maximum allowable projection into the waterway for the construction of a new dock and boatlift for the single family property ~~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 ~~9~~¹⁵'-~~4~~⁷" the maximum allowed ~~25~~¹'-~~45~~⁴" projection into the waterway of ~~5~~¹⁴~~29~~'-~~0~~⁹" in width in order to permit the construction of a boat lift and dock with a total projection of ~~43~~⁷~~5~~'-0" into the waterway.

- Variance requested from:

Sec. 66-113. Limitation on projection of structures; public hearing.

Boat slips, docks, wharves, dolphin poles, mooring piles or structures of any kind shall not be constructed or erected that extend into any canal or waterway in the city more than ten percent of the width of such canal or waterway at a specific location measured from the seawall or property as shown by recorded plat line if no seawall exists; but if a canal or waterway is more than 100 feet in width, the structure may extend into such canal or waterway a distance not greater than 15 percent of the width of such canal or waterway at that specific location, but not to exceed a distance greater than 40 feet.

The maximum projection for structures into the waterway is based on the width of the canal adjacent to the property. The waterway abutting the ~~site~~^{property} has a width of ~~59~~¹⁴²'-~~9~~" at the location of the proposed structures, which allows a maximum projection of ~~5~~²¹'-11" into the waterway ~~for~~^{of} any marine structure including the dockage of a boat. ~~Due Pursuant to the requirements of the the Miami-Dade County Regulatory and Economic Resources ("RER") Department~~^{KN1} ~~requirements associated with water depth (minimum 4 feet) to install a boat lift, the mooring of a boat at this location structure shall be at a minimum of 255 feet from the seawall in order to reach the minimum necessary water depth of 4 feet, as noted in the Biological Assessment Explanantion submitted by the applicant. Therefore, a variance is required for any marine structure constructed on the property. Staff has been communicating with the Environmental Resources Project Supervisor that reviewed the project and she has confirmed the minimum required projection of 25' into the waterway for the proposed dock, applicant's letter of intent and correspondence with RER professionals submitted as part of the application. In addition, the existing seawall has a two-step footer, that extends up to 3.6' into the water, placing the location of any structure further into the water. The proposed structure, including a boatlift, has been preliminarily approved by RER and, based upon~~^{on} the existing ~~reduced~~ width of the canal and the water depth requirement^{ment}d that places the structure further away from the seawall, staff has concluded that these conditions create practical difficulties that meet the criteria for the granting of the variance as requested.

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 waterfront site contains a two-story new~~one-story~~ single family home under construction~~constructed in 1958. The applicant obtained a building permit for the extensive renovation of the home, currently under construction.~~ The applicant is proposing a new dock and boat lift that exceeds the maximum permitted projection into the water which requires a variance~~and extends up to the adjacent property to the north, for which two variances are required.~~

Based on the RER- Natural Resources Division, the mooring of a boat is prohibited within the first 25' from the seawall as noted in the "Project" portion of this report. Because this requirement exceeds the maximum projection allowed by the Code, a boat cannot be docked at this location unless a variance is granted. There are other docks installed along the canal, but none with a similar projection. Staff was unable to find permits or approval for other similar marine structures exceeding the maximum projection. The applicant has provided a letter of no objection from the adjacent neighbor to the south. As the requested variance is triggered by the existing conditions of the waterway, and minimum water depth requirements, staff has no objections to the approval of the variance.

~~Based on the City Code, any marine structure cannot extend more than 10% of the canal width. The width of the canal abutting the property is 59', which would only allow the structures within 5'-11" into the waterway. Based on this regulation and PER requirements, noted in the "Project" portion of this report, staff has concluded that the existing conditions of the properties' seawall and width and depth of the waterway create the practical difficulties that justify the variances requested.~~

~~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'

Legal Description

Lot 9, Block 2, Of Garden subdivision, according to the plat thereof as recorded in Plat Book 31, Page(s) 9, public records of Miami- Dade County, Florida.

Also: The northerly one-half of Lot 8, Block 2, of garden subdivision, of the Miami Beach Bay Shore Company, being more particularly described as follows: beginning at the southwesterly corner of Lot 9, Block 2, garden subdivision, as recorded in Plat Book 31, Page 9, of the public records of Miami Dade County, Florida, run in an easterly direction along the southerly line of said Lot 9, Block 2, as shown on the above mentioned plat at a distance of 160.7 feet plus or minus, to the face of the concrete bulkhead on the westerly shore of Biscayne waterway; thence meander the east face of said concrete bulkhead in a southerly direction a distance of 30.84 feet, plus or minus; said point being the midpoint of Lot 8, Block 2, said 25 feet being measured southerly along the easterly line of North Meridian Avenue as shown on the above mentioned plat; a distance of 162.4 feet, plus or minus; thence run in a northerly direction along the arc of a circular curve deflection to the left, and having for its elements a radius of 694.77 feet, a central angle of 2 degrees, 3 minutes, 42 seconds; along the easterly line of North Meridian Avenue, a distance of 25 feet to the point of beginning, containing .09 acres more or less.

TRM:MAB:IV

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r.docx](#)~~[F:\PLAN\Zba\RECOMM\ZBA17-0034 - May 5 2017 - 3465 N Meridian Ave dock and boatlift
projection.docx](#)~~~~[F:\PLAN\Zba\RECOMM\ZBA17-0035 - April 7 2017 - 6001 North Bay Road_ side-front-sum-of-sides-lot
coverage.docx](#)~~