

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: June 06, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB17-0140  
**2032 Alton Road – Single Family Home**

The applicant, 2032 Alton Road LLC, is requesting Design Review Approval for the construction of new two-story additions to an existing two-story architecturally significant pre-1942 single-family home including variances to reduce the required, rear, side and sum of the side setbacks in order to construct a new two-story addition and to reduce the required amount of open space in both the rear and front required yards.

#### **RECOMMENDATION:**

Approval with conditions.

Approval of variances #1, #2, #3 and #4

Denial of variance # 5

#### **LEGAL DESCRIPTION:**

Lot 5, in Block 16, "AMENDED PLAT OF SUNSET LAKE SUBDIVISION OF THE MIAMI BEACH BAY SHORE COMPANY", according to the plat thereof, as recorded in Plat Book 8, at Page 52, of the Public Records of Miami-Dade County Florida.

#### **SITE DATA:**

Zoning: RS-4

Future Land Use: RS

Lot Size: 7,304 SF

Grade: +3.13' NGVD

Flood: +8.00' NGVD

Difference: 4.87'

Adjusted Grade: +5.56' NGVD

First Floor Elevation: +4.49' NGVD

Lot Coverage:

Existing: 1,908 SF / 26%

Proposed: 2,288 SF / 31%

Maximum: 2,922 SF / 40%

Unit size:

Existing: ±2,871 SF / 39%

Proposed: 4,382 SF / 60%

#### **EXISTING STRUCTURE:**

Year Constructed: 1931

Architect: Paist & Stewart

Vacant: N

Demolition Proposed: Partial

Maximum: 4,383 SF / 60%

2<sup>nd</sup> Floor Volume to 1<sup>st</sup>:

Existing 33.5%

Proposed 49.7%

Height:

Existing: 23'-0"

Proposed: 24'-6"

Maximum: 26'-0"

### **SURROUNDING PROPERTIES**

East: Miami Beach Golf Club  
North: One-Story 1951 residence  
South: One-Story 1957 residence  
West: Two-story 1936 residence

### **THE PROJECT:**

The applicant has submitted plans entitled "2032 Alton Road", as prepared by Shulman + Associates, dated, signed and sealed 4/17/2017.

The applicant is proposing to construct ground floor and second floor additions to an existing two-story architecturally significant pre-1942 single-family existing two-story residence and rear single-story garage structure constructed in 1931 including five (5) variances.

The applicant is requesting the following variance(s):

1. A variance to reduce by 11'-4" the minimum required rear setback of 20'-0" for a single-family home property in order to construct an attached two-story addition at 8'-8" setback from the rear property line.
  - Variance 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:*  
**(3) Rear: The rear setback requirement shall be 15% of the lot depth, 20'-0" minimum, 50'-0" maximum.**

A two-story addition is proposed at the rear of the property attached to the existing non-conforming garage building with a minimum setback of 8'-8". The new structure is connected with the main house with an open gallery that enclose an interior courtyard with a new pool. The addition at the rear would minimize the alteration to the existing architecturally significant pre-1942 home, which will be retained on site. The Code allows a two-story addition following the existing side setback to the existing home without variances. However, this would also have a more negative impact on the original home than the shifting of the addition to the rear, as proposed. As the existing architecturally significant home will be retained and renovated, including the retention of the original garage structure, staff finds that practical difficulties exist in order to increase the size of the of the home while retaining the significant buildings on site. Staff recommends that the rear setback variance be approved.

2. A variance to reduce by 2'-6" the minimum required side setback of 7'-6" in order to construct a two-story addition at 5'-0" from the side (north) property line.
  - Variance 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) Sideyards:**

**c. Interior sides. For lots greater than 60 feet in width any one interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater. For lots 60 feet in width or less, any one interior side yard shall have a minimum of seven and one-half feet.**

A two-story addition is allowed to follow the existing non-conforming side setback of 5'-0" at the north side. However, the portion that extends within the required rear yard cannot be approved without a variance as the non-conforming setback is not allowed to be continued within the rear 20'-0" of the property. The massing of the new addition has been placed at the rear, which again, minimizes the alterations to the existing structure. The proposed gallery creates a courtyard that is more consistent with the configuration of single family homes constructed at the same time as the original home. Staff recommends approval of the variance based on the retention of the existing architecturally significant home and accessory building that create practical difficulties and design challenges to add allowed new construction to the site.

3. A variance to reduce by 5'-5" the minimum required sum of side yards setback of 15'-0" for a single-family home in order to construct additions with a sum of the side setbacks of 9'-9".

- Variance 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) Sideyards: a. The sum of the required side yards shall be at least 25 percent of the lot width.**

The retention of the garage building, increase of floor area and connection with the principal home requires that these be considered as one main structure for purposes of setback analysis. The existing main house has a sum of the side setbacks of 17'-10", which does not consider the garage, as it is an accessory building with different setback regulations. With the attached addition to the garage the side setback of the garage is included into the calculations for the sum of the side setbacks resulting in the variance request. Staff finds that the variance requested is the result of the retention of the two structures on site and the need to expand the home add while substantially retaining and preserving the original architecturally significant structures. Based on the reduced setbacks of the existing structures, staff recommends that the variance be approved.

4. A variance to reduce by 17.5%(210 s.f.) the required open space of 70% (840 s.f.) within the required rear yard in order to construct a two-story addition with a total open space of 52.5% (630 s.f.).

- Variance 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:*

(3)Rear: The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50% of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

The retention of the significant structures with non-conforming setbacks and the addition of new construction on the site create practical difficulties to create a variance-free renovation project. Additions directly abutting to the main home may have resulted in a fewer number of variances, however, in order to preserve the architectural integrity of the original home, the detached addition to the rear building is preferred for a more open floor plan and less impact upon the architecture of the architecturally significant pre-1942 home. Although supportive of this project, staff is concerned that the overall landscape on site will be substantially reduced, which may also create problems with storm water retention on site. As the landscape proposed is very limited, staff recommends approval of the variance conditioned to the compliance with the required open space at the front of the property.

5. A variance to reduce by 15.6%(187 s.f.) the required 50% (600 s.f.) front yard open space area required in order to provide an open space of 34.4% (413 s.f.)
  - Variance 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:*

(1)Front yards: d. At least 50 percent of the required front yard area shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.

As proposed, the original non-conforming garage structure at the rear of the property will be retained, onto with a second floor addition and converted it into a storage room. The paving in the front yard will be increased to provide parking area for the property resulting in a variance to reduce the required open space in the front yard. As there are no other areas with landscape in the property to compensate for the lack of open space, staff recommends denial of this variance. Subsequently, another variance for the open space within the rear yard is required as a result of the improvements. The proposed additions and renovation to the home make a reasonable use of the property and only parking area for two cars is required. Staff recommends that the paving in the front yard be reduced to accommodate a minimal amount necessary for 2 parking spaces. Staff finds that there are no practical difficulties or hardship for the applicant to comply with the open space required at the front and recommends that the variance be denied. The front yard of the property has remained with substantial open space throughout the years as noted in the aerial pictures below.



2032 Alton Road, 1941 Aerial



2032 Alton Road, 2017 Google Maps

### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that **PARTIALLY** 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 **PARTIALLY** 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;

**Satisfied for variance requests #1, #2, #3 and #4;**  
**Not Satisfied for variance request #5.**

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

**Satisfied for variance requests #1, #2, #3 and #4;**  
**Not Satisfied for variance request #5.**

- 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 variance requests #1, #2, #3 and #4;**  
**Not Satisfied for variance request #5.**

- 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 variance requests #1, #2, #3 and #4;**  
**Not Satisfied for variance request #5.**

- That the variance granted is the minimum variance that will make possible the

reasonable use of the land, building or structure;

**Satisfied for variance requests #1, #2, #3 and #4;**  
**Not Satisfied for variance request #5.**

- 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 variance requests #1, #2, #3 and #4;**  
**Not Satisfied for variance request #5.**

- 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:**

A preliminary review of the project indicates that the application, as proposed, may be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. Sections 142-1133 (2). The pavement proposed along the north and south side of the building shall be setback 7'-6" from the property lines. A maximum of 44" wide walkway is allowed, except for those areas necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates.

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 proposed design requires multiple 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 proposed design requires multiple 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 proposed design requires multiple 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.

**Not Satisfied; the proposed design requires multiple variances**

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.

**Not Satisfied; the proposed design requires multiple variances**

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.

**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).

**Not Satisfied; the proposed design requires multiple variances**

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; the proposed design requires multiple variances**

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 proposing to renovate a pre-1942 architecturally significant single family residence and detached rear garage structure with two-story additions. Built in 1931 by the architectural team of Paist and Stewart, the two-story home on Alton Road was designed in a Mediterranean style typical of the early Miami Beach homes. The existing residence is composed of one-and-a-half-story entrance and living room that is wrapped on the rear and side by a two-story volume. An original single-story Florida room/porch is attached to the



home at the south rear end. City records do not reveal any major renovations to the residence or the garage.

The architect is proposing a contemporary intervention to the seamlessly traditional residence. Sited on a 60'-0" wide and 121'-0" long site, the 2,160 SF home is placed approximately 24'-0" away from the front property line. Along the southern portion of the site, a long driveway leads towards the back of the lot to a single-story ±400 square foot garage building in a flat-roof Spanish style. The project proposes additions to both existing structures; a one-story addition atop of the one-story garage building that runs along the entire rear of the site and a two-story addition attached to the southwest end of the main house. To the north end of the project site, a covered open loggia connects the main house to the garage addition.

The two-story addition to the existing main house will require partial demolition. Clad in a pre-cast concrete rain screen, the upper-story volume, planned to contain a master bedroom suite, floats atop a glazed ground floor that will house a new Florida room. To integrate the existing house with the new addition, modifications to the existing rear elevation are proposed that include the relocation of a back door to connect to a proposed trellis that runs along the north side yard, and three glass swinging doors that match the glazing of the ground floor addition.

The rear yard addition has the same language as the main house addition. Comprised mostly of a second floor volume, the addition sits atop of the existing garage and bridges over the rear yard and terminated at the ground with a small entry volume that contains storage and a spiral staircase. Beneath the second story volume, an outdoor covered dining area with kitchen is proposed.

Staff is supportive of the proposed additions and finds the juxtaposition of the existing Mediterranean Style with new contemporary design is alluring. However, staff finds that the garage addition overwhelms the existing building and recommends that the massing decrease in height and vertical volume. Moreover, given the proximity of the garage addition to the two-story neighbor to the back, staff recommends the replacement of the rear elevation windows with clerestory windows to allow for day lighting into the new addition while maintaining privacy between properties. All of which staff is confident can be achieved through staff level review and approval.

#### **VARIANCE REVIEW**

The proposed additions to the home require several variances, mostly triggered by the retention and building onto the two architecturally significant structures constructed in 1931. The applicant is taking advantage of the City Code incentives for the retention and renovation of a pre-1942 home that allows the lot coverage up to 40% and the unit size up to 60%. The addition proposed to the rear garage structure requires four variances. Although having no objection to the variances #1, #2, and #3 associated with the rear addition, staff recommends that the overall height does not exceed the height of the structure at the front and that the area of the fenestration facing the abutting property at the rear be minimized in a manner to be reviewed and approved by staff.

Regarding variance requests #4 and #5 for the open space required at the rear and front, staff is partially supportive of these variances. The site is currently substantially open and landscaped. However, the project significantly reduces the overall landscape areas. Staff

would not be opposed to the rear open space variance conditioned to the increase in landscape in the front to the minimum allowed. In summary we recommend that variances #1, #2, #3 and #4 be approved and variance #5 be denied.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the design of the home be **approved** with conditions, variances #1, #2, #3 and #4 be **approved**, and variance number #5 be **DENIED**, subject to the conditions enumerated in the draft Final Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable.

TRM/JGM/FSC/IV

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: June 06, 2017

FILE NO: DRB17-0140

PROPERTY: **2032 Alton Road**

APPLICANTS: 2032 Alton Road LLC.

LEGAL: Lot 5, in Block 16, "AMENDED PLAT OF SUNSET LAKE SUBDIVISION OF THE MIAMI BEACH BAY SHORE COMPANY", according to the plat thereof, as recorded in Plat Book 8, at Page 52 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of new two-story additions to an existing two-story architecturally significant pre-1942 single-family home including variances to reduce the required, rear, side and sum of the side setbacks in order to construct a new two-story addition and to reduce the required amount of open space in both the rear and front required yards.

**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. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. 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 3, 5, 6, and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would remain 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 for the proposed new home at 2032 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. The interstitial space between the first and second floor of the rear addition shall be removed, in order to decrease the overall main roofline height of the (rear) portion of the structure by a minimum of 3'-0", 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 proposed windows on the second floor addition located on the rear elevations shall be eliminated or replaced with ribbon windows located a minimum of 6'-0" from the floor slab in order to allow for day lighting into the new addition while maintaining privacy between properties. The final design, location, and dimensions of the windows shall be submitted, reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The roofing materials for the existing and proposed structure(s) and additions shall be permitted as proposed.
  - d. All exterior walkways and driveways located in the required yards shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. Any fence or gate at the front and street side of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
  - g. The final design details of the exterior 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.
  - h. 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.
  - i. 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, 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. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- f. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor 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.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material 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.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the

site and landscape plans and shall be subject to the review and approval of staff.

- I. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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), which were either approved by the Board with modifications, or denied:

The following variances were approved by the Board:

1. A variance to reduce by 11'-4" the minimum required rear setback of 20'-0" for a single-family home property in order to construct an attached two-story addition at 8'-8" setback from the rear property line.
2. A variance to reduce by 2'-6" the minimum required side setback of 7'-6" in order to construct a two-story addition at 5'-0" from the side (north) property line.
3. A variance to reduce by 5'-5" the minimum required sum of side yards setback of 15'-0" for a single-family home in order to construct additions with a sum of the side setbacks of 9'-9".
4. A variance to reduce by 17.5%(210 s.f.) the required open space of 70% (840 s.f.) within the required rear yard in order to construct a two-story addition with a total open space of 52.5% (630 s.f.).

The following variance was denied by the Board:

5. A variance to reduce by 15.6%(187 s.f.) the required 50% (600 s.f.) front yard open space area required in order to provide an open space of 34.4% (413 s.f.).
- A. The applicants have submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variance(s) II.A.1, II.A.2, II.A.3 and II.A.4, 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 applicants have submitted plans and documents with the application that also indicate the following, only as they relate to the requirements of Section 118-353(d), Miami Beach City Code, only as it relates to Variance(s) II.A.1, II.A.2, II.A.3 and II.A.4, 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 applicants 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.

B. The Board hereby **Approves** the requested variance(s) #1, #2, #3 and #4, as noted and **Denies** the requested variances #5, 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.
2. The amount of paving and driveways in the required front yard (20'-0") shall be substantially reduced and the amount of open space shall be at least 50% of the total area, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from 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. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- B. During construction of the new home, the Applicants 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 exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Supplemental 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 Supplemental 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "2032 Alton Road", as prepared by **Shulman + Associates**, dated, signed and sealed 4/17/2017, and as approved by the Design Review Board, as determined by staff.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review 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 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 should 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.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida

My commission expires: \_\_\_\_\_

Approved As To Form:

City Attorney's Office: \_\_\_\_\_ ( )

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )

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