

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 5, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: Design Review File No. 23253
2300 Lake Avenue – Single Family Home

The applicant, 2300 Lake Avenue LLC, is requesting Design Review approval for the construction of a new two-story single-family home including a variance to reduce the minimum lot size area required.

RECOMMENDATION:

Approval with conditions

Approval of the variance

LEGAL DESCRIPTION:

Southern 65'-0" of Lot 4 of Block 3C, of Sunset Islands - Island No 3, as Recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 8,641 SF (65x135)
Lot Coverage:
 Proposed: 2,180 SF / **25.2%**
 Maximum: 2,592 SF / **30%**
Unit size:
 Proposed: 4,028 SF / **46.6%**
 Maximum: 4,321 SF / **50%**
2nd Floor Volume to 1st: **114.2%**

***DRB WAIVER**

Height:
Proposed: 24'-0" flat roof
Maximum: 24'-0" flat roof

Grade: +5.78' NGVD (approx.)
Flood: +8.00' NGVD
Difference: +2.22' NGVD (approx.)
Adjusted Grade: +6.89' NGVD (approx.)

EXISTING STRUCTURE:

Year Constructed: 1972
Architect: J. Dorta-Duque
Vacant: No
Demolition Proposed: Full

Surrounding Properties:

North: Two-story 1940 residence
South: One-story 1939 residence
West: Two-story 1937 residence
East: Two-story 1941 residence

THE PROJECT:

The applicant has submitted plans entitled "Peristeris Residence", as prepared by **CMA Design Studio, Inc.** dated February 12, 2016.

The applicant is proposing the construction of a new two-story residence.

The applicant is requesting the following design waiver(s):

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c). The proposed second floor is 114.2% of the first floor, an increase of +44.2%.

The applicant is requesting the following variance(s):

1. A variance to reduce by 1,359 SF the minimum required lot area of 10,000 SF for a single family home property located in the RS-3 district in order to construct a new two-story home in a property with a lot area of 8,641 SF.

- Variance requested from:

Sec. 142-105. - Development regulations and area requirements.

(b)The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Zoning District, RS-3, Minimum Lot Area (square feet): 10,000.

The subject property was originally platted with a lot width of 75'. Sometime after, the north 10'-0" of land was transferred to the abutting property to the north (1410 West 24th Street). Building Department records for building permit number 88162 shows that the existing house constructed in 1972 was approved on a lot with 65' in width. Staff could not find records to verify when the transfer of the property occurred. The most recent records are from 1996 in the Miami-Dade County properties information.

As it exists today, the subject property is a substandard-sized lot within the RS-3 district. The new owner of the property is proposing the demolition of the existing home and the construction of a new two story structure. The size of the property and its current corner location are special conditions that require the variance requested. Without the granting of this variance, the construction of the new single family home would not be permitted and the site could not be developed as other lots in the same district.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

Additionally, staff has concluded that the plans and documents with the application comply 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;
- That the special conditions and circumstances do not result from the action of the applicant;

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

COMPLIANCE WITH ZONING CODE:

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

1. **Sec. 144-1.** A determination for grade has not been provided by the public works director, since there is no sidewalk adjacent to the parcel.
2. **Sec. 142-105(b)(4).** For two story homes with an overall lot coverage of 25 percent or greater, the physical volume of the second floor shall not exceed 70 percent of the first floor of the main home, inclusive of any enclosed parking structure. The DRB or HPB may forego this requirement, in accordance with the applicable design review or appropriateness criteria.
3. **Sec. 142-105(b)(6).** Roof decks shall be setback a minimum of ten feet from each side of the exterior outer walls, when located along a front or side elevation, and from the rear elevation for non-waterfront lots.
4. **Sec. 142-105(b)(8).** The spa in the rear of the property may be elevated to adjusted grade, or 30" above grade, whichever is greater.
5. **Sec. 142-1132(f).** Accessory central air conditioners, generators and any other mechanical equipment, may not be closer than five feet to a rear or interior side lot line, and may be elevated a maximum of ten feet above CMB grade, and five feet above the current flood elevation.
6. **Sec. 142-1132(h)(1)(d).** Chain-link fences are prohibited in the required front yard,

and any required yard facing a public right-of-way or waterway.

7. **Sec. 142-1132(o)(6).** The outdoor steps, shower deck, and planters may be elevated to a maximum of 30" above adjusted grade.

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; specific on-site tree resources have been designated to remain and be protected.
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.
Satisfied
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 applicant is seeking a design waiver and a variance from the Design Review Board.
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 applicant is seeking a design waiver and a variance from the Design Review Board. Additionally, the proposed rooftop deck is not compatible with the existing neighborhood context.

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the applicant is seeking a design waiver and a variance from the Design Review Board. Additionally, the proposed rooftop deck is not compatible with the existing neighborhood context.
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; a segregated pedestrian walkway has been provided.
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 applicant is seeking a design waiver and a variance from the Design Review Board. Additionally, the proposed rooftop deck is not compatible with the existing neighborhood context.
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 Applicable

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

STAFF ANALYSIS:

The applicant is proposing to construct a new contemporary, two-story residence on a corner lot along Lake Avenue. Although the proposed home is within the maximum zoning thresholds for lot coverage and unit size, the applicants are seeking a waiver and a variance as part of this application.

The new single family residence has been designed with streamlined architectural features, which include distinct rooflines created by rectilinear overhangs, and coral stone cladding that blends harmoniously with nature. Large windows and doors on the front and side elevations let in natural light, and are further emphasized by bronze aluminum frames and canopies. The open floor plans on both the ground and second floors, transition seamlessly into the outdoor living spaces which include various terraces, balconies, a courtyard pool, and spa. The architect has used these contemporary design features to create a home that is functional, yet stylish, and well balanced in composition. Staff commends the architect on a noteworthy design.

Staff did have an initial concern in the review of this application, as it pertained to the undersized area of the parcel compounded with the requested design waiver, which appeared to visually magnify the massing of the replacement home in comparison. Although the home as proposed has a second to first floor ratio of 114.2%, where the Code permits a

maximum of 70%, Staff supports the requested waiver, and would recommend approval by the Design Review Board.

The lot coverage of the replacement home is slightly over 25%, which is suitable for the site since it is undersized. Most of the two-story massing is situated along the interior and northerly side of the parcel, which is adjacent to a two-story residence, built in 1940. Staff opines that the positioning of the massing will not have an adverse effect, since most of the habitable living area on the adjacent parcel to the north is located away from the interior property line and orientated towards 24th Street. The architect has designed that elevation complying with the regulation requiring that long expanses of uninterrupted two-story volume be broken up, which further alleviates any potentially negative effects on the neighboring parcel sharing a property line. Additional buffering has also been provided since the subject parcel itself is a corner lot which requires additional setbacks when facing a street—15'-0".

Staff is not supportive however, of the proposed active roof deck which may become a nuisance for homes in close proximity. Staff would recommend the removal of the active roof deck, so as to limit any potential impacts on neighboring residences, and to reduce the overall stature of the home so that it is more in line, and contextually appropriate with the neighborhood.

In addition to the high quality design and accomplished style of the proposed residential architecture, staff is confident that the architect has put forth maximum effort, and taken adequate measures to address staff's concerns and produce a unique addition to the neighborhood. Staff recommends approval of the variance for minimum lot area, the 70% volume limitation design waiver, and the design of the replacement home with the modifications suggested herein.

VARIANCE REVIEW

Staff is supportive of this variance since the request satisfies the Practical Difficulty and Hardship Criteria and the development of this lot will not be possible without granting this variance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application 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.

TRM/JGM/DB/IV

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: April 5, 2016

FILE NO.: 23253

PROPERTY: **2300 Lake Avenue**

APPLICANT: 2300 Lake Avenue LLC

LEGAL: Southern 65'-0" of Lot 4 of Block 3C, of Sunset Islands - Island No 3, as Recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review approval for the construction of a new two-story single-family home including a variance to reduce the minimum lot size area requirements.

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 a 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 2, 3, 5, 6, and 12 in Section 118-251 of the Miami Beach Code.
- C. 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 for the proposed new home at 2300 Lake Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The 70% limitation for the second floor volume shall be waived as proposed.
 - b. The habitable roof deck shall not be approved as designed and shall be removed.
 - c. 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.
 - 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, 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. 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.
 - b. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - c. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.
 - d. 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-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- e. 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):
 - 1. A variance to reduce by 1,359 SF the minimum required lot area of 10,000 SF for a single family home property located in the RS-3 district in order to construct a new two-story home in a property with a lot area of 8,641 SF.
- B. 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 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.

C. The Board hereby grants the requested variance(s) 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 of the new home, 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 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** is GRANTED for 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 plans, entitled "Peristeris Residence", as prepared by **CMA Design Studio, Inc.**, dated February 12, 2016, 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.

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

