

MIAMI BEACH

PLANNING DEPARTMENT

BOARD OF ADJUSTMENT STAFF REPORT

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: September 11, 2015 Meeting

RE: BOA File No. 3793
125 East San Marino Drive – Single Family Home

The applicant, Jeffrey Miller, is requesting a variance to exceed the maximum lot coverage permitted, in order to construct a one story addition to a single family home property.

LEGAL DESCRIPTION:

The North 55 feet of Lot 9, and all of Lots 10 and 11, Block 4, of "San Marino", According to the Plat Thereof, as recorded in Plat Book 9 at Page 22 of the Public Records of Miami-Dade County, Florida.

STAFF RECOMMENDATION:

Denial of the variance for lot coverage.

SITE DATA:

Zoning -	RS-3
Future Zoning-	RS
Lot Size -	30,625 SF
Lot Coverage	
Existing	7,990.8 SF / 26%
Proposed-	11,939 SF / 38.9%
Maximum-	9,187.5 SF / 30%
Unit size	
Existing	13,031 SF / 42.5%
Proposed-	14,201 SF / 46.3%
Maximum	15,312.5 SF / 50%
Height-	
Existing-	2 stories
Proposed-	2 stories

EXISTING STRUCTURES:

Year Constructed:	2007
Architect:	Klein Design Group
Vacant Lot:	No
Demolition:	Partial

THE PROJECT:

The applicant has submitted plans entitled "An Addition and Renovation to the Miller Residence", as prepared by The Webber Studio and Thomas Webber, R. A. signed and sealed July 29, 2015.

The applicant is requesting a variance to exceed the maximum permitted lot coverage in order to construct a one-story addition to the existing residence.

The applicant is requesting the following variance:

1. A variance to exceed by 8.9 % the maximum permitted lot coverage of 30% for a single family home property in order to construct a one-story addition with a total lot coverage of 38.9%.

- Variance requested from:

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

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

(1) Lot area, lot width, lot coverage, unit size, and building height requirements. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Maximum Lot Coverage: 30%

- Supplemental Section:

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

(5) Lot coverage (building footprint).

c. Calculating lot coverage. For purposes of calculating lot coverage, the footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof. Internal courtyards, which are open to the sky, but which are substantially enclosed by the structure on three or more sides, shall be included in the lot coverage calculation. However, outdoor covered areas, such as, but not limited to, loggias, covered patios, pergolas, etc., that are open on at least two sides, and not covered by an enclosed floor above, shall not be included in the lot coverage calculation.

A one-story addition of approximately 1,170 s.f. is proposed in connection with two existing structures on site. The new u-shape building configuration creates an internal courtyard of 2,778.2 s.f. that also must be included in the lot coverage calculation. As such, the courtyard and the new floor area exceed by 8.9% the maximum lot coverage permitted of 30%. The property, with a lot area of 30,600 s.f and a unit size of more than 13,000 sf, is larger than most single family properties in the neighborhood. The existing buildings were constructed in 2007 including variances granted in 2004 for the non-conforming side setbacks while in construction. The additional lot coverage increases the level of non-conformity of the property.

Considering the size of the lot and the existing buildings, staff recommends that the proposed additional space for a bedroom, bathroom, half bathroom, projection room, foyer and cabana room be reconfigured in the existing interior space or added on the existing open space. Staff believes that this is a self-imposed hardship and it is not supportive of the requested variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application **DO NOT** 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;

Not Satisfied; *There are no special circumstances that exist which are particular to this lot.*

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

Not Satisfied; *Any existing conditions on the lot are the result of the applicant who has been the owner of the property since 2002, and constructed a new two-story single family home with a detached two-story guest house in 2007, according to Dade County records and the Miami Beach Building Department records.*

The property contains four (4) bedrooms, eight (8) full bathrooms, three (3) half bathrooms and common areas such as, kitchen, interior dining, exterior dining, two (2) family rooms, living room, media center, a kitchenette, two (2) studies, an office, play room and several storage areas. The applicant is proposing to increase the area of the media room, add a cabana room, a bedroom, one full bathroom and one half bathroom.

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;

Not Satisfied *The granting of this variance would confer on the applicant a special privilege by allowing the additional area and increasing the overall massing of the house with a front building façade of approximately 150 feet in length. Although the addition is only one story and setback more than 60 feet, it creates a courtyard enclosed on three sides that must be included in the lot coverage. The intent of this requirement is to reduce the overall massing of the buildings as seen from the street or from the adjacent properties. In this case, the proposed addition is not consistent with the intent of this regulation applied to all single family properties.*

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;

Not Satisfied *The literal interpretation of the Ordinance would not deprive the applicant of any rights not commonly enjoyed by other properties in the same zoning district. The existing home and detached structure which are*

approximately 13,000 square feet, are comprised of 4 bedrooms, 8 full bathrooms and 3 half bathrooms, and extensive additional communal space were constructed in 2007 for the applicant.

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

Not Satisfied *The existing home, which is approximately 13,000 square feet, and comprised of four (4) bedrooms, eight (8) full bathrooms, three (3) half bathrooms and communal areas such as, kitchen, interior dining, exterior dining, two (2) family rooms, living room, media center, a kitchenette, two (2) studies, an office, play room and several storage areas has been established as a reasonable use of the property.*

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

Not Satisfied; *The granting of this variance would confer on the applicant a special privilege by allowing a 1-story addition that would increase the overall massing of the building in a property that can be easily reconfigured to accommodate a bedroom and bathroom at the ground level.*

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, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. The existing barbeque area located on the north side is not an allowable encroachment into the required side yard and it would have to be relocated or proof of approved building permit for its construction shall be provided.
2. Pavement in the required rear yard of the property appears to exceed the maximum 30% impervious surface allowed by the Code.

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.

STAFF ANALYSIS:

The subject site composed of three parcels is an interior waterfront lot facing East San Marino Drive. The two-story single family home and two-story detached building were constructed in 2007. The project obtained setback variances in 2004 while in construction for the non-conforming side setbacks.

The interior configuration of the buildings have slightly changed from the original floor plans that included a gym/guest room next to the media room as shown on page A-1 of the original building permit plans submitted. The applicant is proposing a one story addition to connect the two existing buildings creating an interior courtyard enclosed on three sides that exceed the maximum 30% of the lot area permissible by the Code. The courtyard increases the lot coverage up to 38.9% with a total of 11,939 sf where 9,187.5 is the maximum.

Staff believes that the existing buildings can be reconfigured internally to create a space for a bedroom and bathroom, or add the additional space without creating a courtyard enclosed on three sides within the existing open space. The site is considerably large in reference to most single family properties and staff has concluded that the application does not satisfy the practical difficulty and hardship criteria section and recommends that the variance request be **denied**.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **denial** of the variance. However, should the Board find that the variance requested 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, staff recommends the following conditions:

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. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
3. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The existing barbeque area located on the north side shall be relocated or evidence of approved building permit for its construction shall be provided.
 - b. Detailed calculations and shaded diagrams shall be submitted to verify that the impervious surface in the rear yard does not exceed 30%.
4. A revised landscape plan and hardscape 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.
5. During construction on site, 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 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.
6. 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.
 7. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 8. The applicant shall comply with all conditions imposed by the Public Works Department.
 9. The conditions on this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
 10. This 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.
 11. 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, except to the extent of the variance granted herein.
 12. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.