MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation — Design Review Board

TO: DRB Chairperson and Members — DATE: October 06, 2015

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: Design Review File No. 23089
22 Star Island Drive – Single Family Home

The applicant, Twenty Two Star Island LLC, is requesting modifications to a previously issued Design Review Approval for the construction of a new two-story single family home and the relocation / renovation of an existing pre-1942 architecturally significant two-story accessory structure, including variances. Specifically, the applicant is requesting a variance to exceed the maximum permitted height of two (2) one-story accessory structures located in the rear yard.

RECOMMENDATION:
Denial

LEGAL DESCRIPTION:
Lot 22 of STAR ISLAND, according to Plat thereof, recorded in Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and CORRECTED PLAT OF STAR ISLAND recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida, together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

HISTORY:
- March 03, 2015—The design and relocation of the existing pre-1942 architectural home was approved. At this time the variances were not approved due to lack of quorum.
- April 07, 2015—Modifications to the garage design and the variances were approved by the Board.
- September 01, 2015—Modifications to the relocated pre-1942 architecturally significant two-story accessory structure for greater height were approved.

SITE DATA:

Zoning:	RS-1
Future Land Use:	RS
Lot Size:	58,906 SF
Lot Coverage:	
Existing:	±3,836 SF / 6.5%
Proposed:	14,659 SF / **24.8%**
Maximum:	23,590 SF / 40%*
Unit size:	
Existing:	±7,021 SF / 11.9%
Proposed:	26,760 SF **/ 45.38%**
Maximum:	35,384 SF / 60%*

*Incentive Ordinance

Grade:	+5.51' NGVD
Flood:	+10.00' NGVD
Difference:	4.49'
Adjusted Grade:	+7.76' NGVD
Finish Floor:	+13.00 NGVD
Height:	
Proposed (new):	**32'-0" flat roof***

Proposed (relocated): 30'-6" sloped roof
Maximum: 28'-0" flat roof
Maximum: 31'-0" slopped roof
***VARIANCE GRANTED**

EXISTING STRUCTURE:
Year Constructed: 1928
Architect: Kiehnel + Elliot
Vacant: No

Demolition Proposed: Partial

Surrounding Properties:
East: Two-story 1973 residence
North: Biscayne Bay
South: Star Island Park
West: Two-story 1923 residence

BACKGROUND:
The original structure was constructed on the then-known Star Island Yacht Club site which included parcels 46, 21, and 22 of Star Island. The Yacht Club was purchased by Colonel Edward Howland Robinson Green in the early 1920s.

The original home was constructed in 1924 (lot 46, adjacent site to the west) by prominent Miami Beach architect Martin Hampton. In 1928, Col. Green commissioned the Pittsburgh firm Kiehnel and Elliott to design an accessory structure, which is part of this application, in a Mediterranean-Revival style of architecture. A breezeway addition connected the structure to the main estate in 1931. That addition was removed sometime in the 1950s; yet the accessory structure has retained all of its original and magnificent architectural features such as the original projecting balconies with their decorative columns, the original arched windows and window grills, the cross-hipped roof and decorative friezes.

THE PROJECT:
The applicant has submitted plans entitled "Star Island 22", as prepared by **DOMO Architecture + Design** signed and sealed 09/02/2015.

The following variances were granted on April 07, 2015 by the Design Review Board:

1. A variance to waive ~~20'-3"~~ **17'-11"** of the minimum required interior side setback of 21'-11" in order to construct a new two story single family home at ~~1'-8"~~ **4'-0"** from the side property line.

2. A variance to waive 20'-3" of the minimum required sum of the side yards of 36'-11" in order to provide a sum of the side yards of 16'-8".

3. A variance to exceed by 3'-0" the maximum permitted building height of 28'-0" in order to construct the new two-story single family home at 31'-0" as measured from Base Flood Elevation.

4. A variance to exceed by 2'-6" the maximum permitted height projection of 10'-0" in order to retain the existing elevator bulkhead of the architecturally significant single family home at 12'-6" above the main roofline.

In conjunction with the the raising of the sides and sitework associated to address the applicant's poactive sea-level rise efforts by establsihing the finished floor elevation at +3.0' above the base flood elevation, which is +10.0' on Strar Island, the applciant proposes to raise the height for the two, one-story accessory structures that are located in the rear yard.

The following variances are requested for the project:

1. A variance to exceed by **3'-0"** the maximum permitted building height of 12'-0" as measured from adjusted grade in order to construct a new one-story accessory building in the rear yard to measure up to 15'-0" in height measured from Adjusted Grade (+7.76' NGVD).

   - Variance requested from:

   Sec. 142-1132. Allowable encroachments within required yards.
   (a) Accessory buildings.
   (2) In single-family districts the following regulations shall apply to accessory buildings within a required rear yard:
   f. Height. Accessory buildings shall be limited to two stories. The maximum height above adjusted grade shall not exceed 12 feet for a one-story structure and 20 feet for a two-story structure. The allowable height exceptions of Section 142-1161 shall not apply to accessory buildings in single-family districts.

   The proposed building exceeds the maximum height of 12'-0" for a one-story accessory structure measured from adjusted grade (average between flood elevation and grade) by 3'-0". The applicant is proposing the finish floor of the cabana bathroom at 13'-0" NGVD and a total height of 9.25' above the finish floor. Staff does not support the additional increase in height since this is a self-imposed hardship. The proposed accessory structure houses a cabana bedroom which is not required to be raised above base flood elevation.

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 submitted 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;

- 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. Chapter 126 of the Land Development Regulations of the City Code, "***permits for demolition require a landscape survey to insure that valuable existing trees are not damaged or destroyed. Trees that have a trunk diameter of eight or more inches shall not be removed without the approval of the Planning and Zoning Director.***

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.
   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

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

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

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.
Not Satisfied

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not applicable

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not applicable

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.

Not applicable

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

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.
Not applicable

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Satisfied

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Applicable

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:
DESIGN REVIEW
The original project was approved by the Board on March 03, 2015 and April 07, 2015 for the construction of a new two-story home on the subject property and to relocate the historic 1928 two-story architecturally significant home.

Currently the new construction for the main residence is proposed with a finished floor elevation of 13.00' NGVD and the relocated structure with a finished floor of 13.00' NGVD—+3'-0" abobe the the minimum Base Flood Elevation.

Additionally, the applicant has elevated the required rear and side yards to comply with the new Adjusted Grade Ordinance which was approved by the City Commission on June 10,

2015. The applicant has elevated the entirerty of the rear yard to 10.00' NGVD and accordingly those accessory structures located therein.

Staff is not supportive of this modification since the increase in height does not benefit the retention of this historic structure.

VARIANCE REVIEW

On June 11, 2014 the regulations for Accessory Structures were amended in an effort to regulate the massing and impact of these structures located in the required rear yard. The proposed project consists of four different structures on the site: the relocated accessory structure, the new single-family residence and two one-story accessory structures in the required rear yard. The Base Flood Elevation in Star Island is +10.00' NGVD, the applicant is proposing to elevate the relocated structure and the new home an additional 3'-0" above the minimum flood elevation. Additionally, they are also proposing a three tier elevation in the rear of the new construction. The exterior terrace and pool outside of the home is proposed at an elevation of 13.00' NGVD, with a lawn area at an elevation of 10.00' NGVD and a landscape area at 5.50' NGVD. The detached accessory structures are located at along the "lawn" elevation and since they are habitable areas they are required to be raised to the minimum Base Flood Elevation. Staff is not supportive of the variance and finds that, in this instance, the applicant's alleged hardship is self-imposed. The accessory structures or additional bedroom can easily be accommodated elsewhere on site or on the main structure, especially since the applicant already received setback variances for the relocated structure.

The granting of this variance would set a negative precedent since the elimination of this required active space is not supported under the Hardship Criteria.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria, staff recommends the application be **DENIED** without prejudice.

TRM/JGM/IV

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 06, 2015

FILE NO: 23089

PROPERTY: **22 Star Island Drive**

APPLICANT: Twenty Two Star Island LLC.

LEGAL: Lot 22 of STAR ISLAND, according to Plat thereof, recorded in Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and CORRECTED PLAT OF STAR ISLAND recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida, together with riparian rights, if any, appurtenant to said land, and that part of Lot 46 of STAR ISLAND, according to Plat Book 5, at Page 52, Public Records of Miami-Dade County, Florida, and Corrected Plat of STAR ISLAND, according to Plat Book 31, Page 60, Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review approval modifications to a previously issued Design Review Approval for the construction of a new two-story single family home and the relocation / renovation of an existing pre-1942 architecturally significant two-story accessory structure, including variances. Specifically, the applicant is requesting a variance to exceed the maximum permitted height of two (2) one-story accessory structures located in the rear yard.

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SUPPLEMENTAL ORDER

The City of Miami Beach Design Review Board makes the following FINDING 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:

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, 5-7, 12, and 15 in Section 118-251 of the Miami Beach Code.

IT IS HEREBY ORDERED, based upon the foregoing finding 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 recommendation, that the Application is **DENIED WITHOUT PREJUDICE** for the above-referenced project.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)
The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Deborah J. Tackett, Design and Preservation Manager, 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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