

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 03, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File # 22980
3401 Chase Avenue

The applicants, Matthew and Natalie Turetsky, are requesting modifications to a previously issued Design Review Approval that included multiple variances. Specifically, the applicants are requesting to increase the height of the accessory structure from the previously granted height variance.

RECOMMENDATION:

Denial without prejudice.

LEGAL DESCRIPTION:

Lot 18, Block 6 of "First Addition to Mid-Golf Subdivision", According to the Plat Thereof, as Recorded in Plat Book 7, at Page 161, of the Public Records of Miami-Dade County, Florida.

HISTORY:

The project was originally approved by the Design Review Board on September 03, 2013. The original project obtained a building permit under B1401954 and the full demolition of the main structure was approved in June 2014 under BD140322.

On July 7, 2015, the DRB approved modifications to the previous Design Review approval to eliminate one condition of the final order that required the lot coverage of the site not to exceed 25% of the lot area. In addition, variances to reduce the minimum rear setback, to exceed the maximum building height, to exceed the maximum area for a second story, to exceed the maximum area for an accessory structure in the rear yard, and to exceed the unit size of the accessory structure in relation to the main house were also approved by the Board.

SITE DATA:

Zoning: RS-4
Future Land Use: RS
Lot Size: ~14,625 SF (65' X 225')*
Lot Coverage
DRB Approved- **3,654 SF / 24.9%**
Proposed- 3,700 SF / 25.3%*

EXISTING STRUCTURES:

Year Constructed: 1930
Architect: Unidentified
Vacant? No
Demolition Proposed- Full

Surrounding Properties

Maximum- Unit size:	4,387.5 SF / 30%	North: Two-story 1951 residence South: Miami Beach Golf Course
DRB Approved:	5,951 SF / 40.7%	East: Two-story 1926 residence
Proposed:	6,653 SF / 45.5%*	West: One-story 1955 residence
Maximum:	7,312.5 SF / 50%	
DRB Approved:		
Height:	32'-0" (Main House)	
Guesthouse:	21'-0" from adj. grade	
Proposed Guesthouse:	21'-11 1/2" from adj. grade	
Maximum:	20'-0" from adj. grade	

***VARIANCE REQUIRED**

* As represented by the applicant

Estimated Grade: +2.89' NGVD (approx.)
Flood: +8.00' NGVD
Difference: 5.11'
Adjusted Grade: +5.44' NGVD (approx.)

THE PROJECT:

The applicant has submitted plans entitled "A PROPOSED RESIDENCE" as prepared by **Trautman Architects**, signed and sealed and dated September 14, 2015.

The applicants are requesting modifications to a previously Design Review Approval for the construction of a new two-story home, to replace an existing pre-1942 architecturally significant two-story home, for the construction of a new two-story accessory structure that will replace an existing pre-1942 architecturally significant two-story accessory structure including variances. Specifically, the applicants are requesting to increase the height of the accessory structure from the previously granted height variance.

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

1. A variance to reduce by 5'-0" the minimum required rear setback of 15'-0" for a two-story accessory building in order to construct a new accessory building at 10'-0" from the rear property line.
2. A variance to exceed by 1'-0" the maximum permitted building height of 20'-0" as measured from adjusted grade in order to construct a new two-story accessory building in the rear yard to measure up to 21'-0" in high measured from Adjusted Grade (5.44' NGVD).
3. A variance to exceed by 50% the maximum permitted 50% of the first floor area for a second story in order to construct the second floor of an accessory building with 100% of the first floor area located in the rear yard.

4. A variance to exceed by 3% (66.7 SF) the maximum 25% (544.3 SF) lot coverage permitted in the required rear yard for an accessory building in order to construct a new two-story accessory building with 28% (611 SF) lot coverage in the required rear yard.
5. A variance to exceed by 16% (845 SF) the maximum unit size permitted of 10% (528 SF) for an accessory building in relation to the unit size of the main house in order to construct a new two-story accessory building at 26% (1,373 SF) of the size of the main home (5,280 SF).

The applicants are requesting to modify the following variance #2:

2. A variance to exceed by 4'-0" 2'-0" the maximum permitted building height of 20'-0" as measured from adjusted grade in order to construct a new two-story accessory building in the rear yard to measure up to 24'-0" 22'-0" in high measured from Adjusted Grade (5.44' NGVD). (Variance granted by the Board on July 07, 2015 and modified as noted herein)
 - 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 applicant is requesting to modify the height variance granted to increase an additional foot for a total of 2'-0" approximately above the maximum allowed 20'-0" from adjusted grade for a sloped roof structure. Staff would note that this project has been presented in different applications not as an entire project since 2013. This request might appear to be a minor request, but it is a project that includes the total demolition of the existing two-story pre-1942 home and carriage house and the construction of a new two-story single family home with a new two-story guest house, basically in a vacant site. Several variances (FIVE in total) were previously approved to construct the two-story guest house with reduced setbacks and an additional 1'-0" in height. The additional increase in height will increase the non-conformity of the building, yet to be constructed, and collectively impact the neighboring property.

Staff does not support this increase in height, as it is not the minimum variance to make a reasonable use of the land. The proposed project with 6,653 sf of unit size is established as a reasonable use of the property. Staff believes that this variance is self-imposed as there

are not special conditions or circumstances that exist on the site, that would merit the granting of this variance for a new structure. The requested variance is the result of the actions of the applicant, who is proposing a new two-story guest house non-conforming with many requirements of the Code and is seeking additional height. The granting of this variance would vest on this applicant a privilege that is denied to other properties in the residential districts. Staff recommends **denial** of this variance due to a lack of hardship.

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:

The application, as submitted, appears to be consistent with the remainder of the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, section 11 (Florida Accessibility Code for Building Construction.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONSISTENCY WITH COMPREHENSIVE PLAN:

The proposed **residential use** is **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

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 is 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 two-story accessory structure will require 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 two-story accessory structure will require 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 two-story accessory structure will require 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 two-story accessory structure will require 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.
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 Satisfied; a lighting plan has not been submitted to staff.
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 two-story accessory structure will require 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).

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.

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.

Satisfied

STAFF ANALYSIS:

VARIANCE REVIEW

The project has been presented several times to the Board since 2013 and has been granted five variances. The applicants are proposing an increase in height of 2'-0" above the permitted height of the accessory building. Considering that the applicant's request does not satisfy the hardship criteria established in the City Code for the granting of a variance as detailed in the variance description, staff recommends **denial** of the request.

RECOMMENDATION:

In view of the foregoing analysis, 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: November 03, 2015

FILE NO: 22980

PROPERTY: **3401 Chase Avenue**

APPLICANTS: Matthew and Natalie Turetsky

LEGAL: Lot 18, Block 6 of "First Addition to Mid-Golf Subdivision", According to the Plat Thereof, as Recorded in Plat Book 7, at Page 161, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for modifications to a previous Design Review Approval for the construction of a new two-story home, approval that included multiple variances. Specifically, the applicants are requesting to increase the height of the accessory structure from the previously granted height variance.

S U P P L E M E N T A L O R D E R

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 1-3, 5-7, 10, and 12 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.

