

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: January 26, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 2309. (Previously noticed as File No. 2303)**
1301 Bay Drive – SFR Lot Split/Subdivision of Land

The applicant, Carmen Santamarina, is requesting a Division of Land/Lot Split, pursuant to Chapter 118, Article VII, to divide the existing site comprised of two platted lots, into two individual buildable parcels.

RECOMMENDATION:

Approval with conditions

EXISTING STRUCTURES/SITE:

The subject application includes one 17,319 square foot parcel which contains an approximately 2,601 square foot single-family home, built in 1935, according to the Miami-Dade County Property Appraiser. The applicant is proposing to divide the parcel into two individual single family development sites. The site that contains the 1935 home is 10,319 square feet and the other site is proposed to be 7,000 square feet. The site is currently platted as lots 14 and 15.

ZONING / SITE DATA:

Legal Description: Lots 14 & 15 Block 15 "Ocean Side Section of the Isle of Normandy", according to the plat thereof as recorded in Plat Book 25, at Page 60 of the Public Records of Miami-Dade County, Florida.

Zoning: RS-4 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Lot Size: 17,319 Square Feet for the Combined Site

REVIEW CRITERIA:

Pursuant to Section 118-321(d), in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

- 1. Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

Consistent – The size of one of the proposed lots is approximately 10,319.4 square feet, with approximately 70 feet 5 inches of lot width, and the other is approximately 7,000 square feet with approximately 50 feet of lot width. These dimensions would be slightly larger in size than the minimum requirements (6,000 square feet), and meet lot width requirements (50 feet) in the RS-4 zoning district.

2. **Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

Consistent – The RS-4 zoning district in the surrounding area consists primarily of 50 to 55 foot wide platted lots. With only a handful of exceptions, the average size of nearby lots is 7,534 square feet, with a median size of 7,238 square feet, and a mode of 6,875. The two building sites proposed to be created are 10,319 square feet and 7,000 square feet, which brings the existing lot's size more in line with the lot sizes of the area. The smaller of the proposed lots is 125 square feet larger than the most common size of lots in the area.

3. **Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

Consistent – Assuming that a future home on the newly created lot to the east does not exceed the development thresholds set forth in the City Code, and as recommended by staff, no adverse impacts are expected to be created by the future homes.

4. **Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

Consistent – The existing home on the site is proposed to remain. The home currently does not encroach into required setbacks. It would however, encroach into the newly created western interior side lot line, as proposed. The sum of the required side yard setbacks would become non-conforming. This encroachment, would only affect the proposed lot to the east as part of the lot split, therefore no negative impacts are anticipated. Any new home proposed on the new lot would meet all of the development regulations for the RS-4 district.

5. **Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

Consistent – The submitted massing study and site plan shows that the building site created would be free of encroachments from abutting buildable sites.

6. **Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The Board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the Planning Director or designee to be architecturally significant under section 142-108 (2).**

Consistent – The proposed lot split should not adversely affect any architecturally significant homes, as the existing home is not proposed to be demolished.

ANALYSIS:

The subject property consists of a single owner (the applicant) who proposes to divide the subject property into two (2) separate parcels. An Opinion of Title was submitted in conformance with the requirements of the City Code.

The RS-4 residential single-family zoning district requires a minimum lot area of 6,000 square feet and a minimum lot width of 50 feet. The proposed parcels comply with these requirements.

The proposed eastern parcel contains a potentially architecturally significant pre-1942 home. The applicant is proposing to maintain that home.

The table below summarizes the statistical data of similar waterfront properties in the surrounding block. The source of the data is the Miami Dade County Property Appraiser's Office.

As a point of information, the Property Appraiser's Office adjusts the size of structures by increasing or adjusting the stated square footage for outdoor covered areas such as loggias, covered patios, etc. and for non-air-conditioned garages. As per the City's definitions, these items are generally excluded from unit size calculations. In the Data Analysis below, the adjusted unit size percentage is the percentage unit size of the existing home using the adjusted square footage from the Property Appraiser's Office. Staff has included a "20% allowance" column, to take into consideration a reasonable accommodation for future renovations and additions for existing homes, with the exception of homes which are already near or at the maximum square footage allowed as per City Code.

Area Analysis Data:

Subject Site:

Address	Lot Size (SF)	Unit Size (SF)	Proposed Unit Size %
Lot 14 (Existing Home)	10,319	2,601	25%
Lot 15 (Proposed)	7,000	3,500	50%

Surrounding Sites Summary:

	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size +20% Allowance (SF)	Unit Size %	Unit Size +20% Allowance %	Floors
Average	1943	7,534	1,923	2,304	26%	31%	1
Median	1941	7,238	1,906	2,287	25%	29%	1
Max	1966	11,438	3,177	3,620	44%	50%	2
Min	1927	6,565	1,314	1,577	15%	18%	1
First Quartile	1938	6,875	1,505	1,806	21%	25%	1
Third Quartile	1949	7,239	2,172	2,606	29%	35%	1
Mode	1949	6,875	1,428	1,714	21%	25%	1

The following aerial and table describe the make-up of the parcels in the surrounding waterfront lots utilized for the previous analysis:

Analysis Parcels



Analysis Parcels Data

Address	Year Built	Lot Size (SF)	Unit Size (SF)	Unit Size +20% Allowance (SF)	Unit Size %	Unit Size + 20% Allowance %	Floors
1414 BIARRITZ DR	1949	6,869	1,686	2,023	25%	29%	1
6825 RUE NOTRE DAME	1946	9,300	2,307	2,768	25%	30%	1
1154 BIARRITZ DR	1938	6,875	1,505	1,806	22%	26%	1
1366 BIARRITZ DR	1949	6,875	2,376	2,851	35%	41%	2
1345 BAY DR	1966	7,238	2,985	3,582	41%	49%	2
1123 BAY DR	1940	10,038	2,896	3,475	29%	35%	1
1171 BAY DR	1939	7,238	1,314	1,577	18%	22%	1
1179 BAY DR	1949	10,038	1,998	2,398	20%	24%	1
1101 BAY DR	1954	7,200	1,906	2,287	26%	32%	1
1116 BIARRITZ DR	1949	7,125	2,056	2,467	29%	35%	1
1390 BIARRITZ DR	1950	6,869	1,875	2,250	27%	33%	1
1328 BIARRITZ DR	1938	6,875	2,351	2,821	34%	41%	1
1331 BAY DR	1941	7,238	1,659	1,991	23%	28%	1
1375 BAY DR	1950	7,239	2,860	3,432	40%	47%	2
1325 BAY DR	1936	7,238	1,582	1,898	22%	26%	1
1164 BIARRITZ DR	1938	6,875	1,366	1,639	20%	24%	1
1355 BAY DR	1927	7,239	1,551	1,861	21%	26%	1
1420 BIARRITZ DR	1952	9,568	1,445	1,734	15%	18%	1
1199 BAY DR	1938	9,555	2,184	2,621	23%	27%	2
1146 BIARRITZ DR	1939	6,875	1,428	1,714	21%	25%	1
6830 RUE NOTRE DAME	1937	9,819	2,076	2,491	21%	25%	2
1100 BIARRITZ DR	1949	8,338	1,769	2,123	21%	25%	1
1133 BAY DR	1949	7,238	2,093	2,512	29%	35%	1
1134 BIARRITZ DR	1939	6,875	1,378	1,654	20%	24%	1
1155 BAY DR	1936	7,238	1,648	1,978	23%	27%	1
1405 BAY DR	1949	10,002	2,293	2,752	23%	28%	1
1400 BIARRITZ DR	1936	6,869	1,464	1,757	21%	26%	1
1384 BIARRITZ DR	1953	6,875	1,970	2,364	29%	34%	1
1389 BAY DR	1948	7,239	3,177	3,620	44%	50%	2
1346 BIARRITZ DR	1936	6,875	1,368	1,642	20%	24%	1
1145 BAY DR	1950	7,238	2,159	2,591	30%	36%	1
1376 BIARRITZ DR	1927	6,875	1,494	1,793	22%	26%	1
1379 BAY DR	1948	7,239	1,608	1,930	22%	27%	1
1135 BAY DR	1949	7,238	2,172	2,606	30%	36%	1
6820 RUE VERSAILLES	1952	6,565	2,183	2,620	33%	40%	1
1341 BAY DR	1939	7,238	1,596	1,915	22%	26%	1
1320 BIARRITZ DR	1938	6,875	1,441	1,729	21%	25%	1
1200 BIARRITZ DR	1938	6,875	1,448	1,738	21%	25%	1
1161 BAY DR	1940	7,238	1,791	2,149	25%	30%	1
1195 BAY DR	1936	11,438	2,930	3,516	26%	31%	1
1180 BIARRITZ DR	1948	6,875	2,066	2,479	30%	36%	1
1210 BIARRITZ DR	1937	6,875	2,374	2,849	35%	41%	1
1190 BIARRITZ DR	1927	6,875	1,910	2,292	28%	33%	1
1356 BIARRITZ DR	1951	6,875	1,798	2,158	26%	31%	1
1172 BIARRITZ DR	1938	6,875	1,326	1,591	19%	23%	1
1336 BIARRITZ DR	1927	6,875	1,428	1,714	21%	25%	1
1395 BAY DR	1950	7,239	2,031	2,437	28%	34%	1
1365 BAY DR	1948	7,239	1,992	2,390	28%	33%	1
1126 BIARRITZ DR	1953	6,875	1,914	2,297	28%	33%	1

The 20% allowance was added to the adjusted square footage only if the increase remained within permissible limits pursuant to the Land Development Regulations.

Summary of Data Analysis:

- The analysis area consists of non-waterfront RS-4 lots on the Isle of Normandy.
- There are 49 parcels in the analysis area, excluding the applicant's site (Lots 14 & 15).
- All parcels range in size from 6,565 to 11,438 square feet.
- The average lot size is 7,534 square feet. The median lot size is 7,238 square feet and the most common lot size (mode) is 6,875 square feet.
- The average adjusted unit size is 1,923 square feet (26% of lot area), and the median unit size is 1,906 square feet (25% of lot area). Currently none of the homes exceed the maximum unit size.
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home size increases to 2,304 SF (26% of lot area), the median increases to 2,287,753 SF (25% of lot area).
- The existing 2,601 SF home would have a unit size of 25% of the proposed 10,319 SF lot.
- The proposed maximum 50% unit size on the proposed 7,000 SF lot would allow for a 3,500 SF home.

STAFF RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved subject to the following conditions, which shall be applicable to each newly created building site:

1. The two (2) lots created pursuant to this lot split application at 1301 Bay Drive, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.
 - b. The maximum unit size for homes built on the lots shall be limited to 40%.
 - c. Design Review Board review and approval shall be required for the proposed home on lot 15. Enhancements of the applicable development regulations through Design Review Board review and approval shall not be permitted.
 - d. The pre-1942 home on Lot 14 shall be substantially retained and preserved. Any future demolition of the home shall require a revision to the lot split approved by the Planning Board.
 - e. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Campanile & Associates, Inc., dated 10/20/2014.
 - f. Variances from the regulations of Chapter 142, Article II, Division 2, of the City Code, shall not be permitted for Lot 15.
 - g. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact fees, shall be the responsibility of the owners of each respective lot.

- h. If required, the removal and replacement of all or portions of the sidewalk, curb and gutter along all portions of each lot shall be the responsibility of the applicant.
2. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.
3. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under City Code Sec. 118-323.
4. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.
5. 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.
6. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. A building permit, certificate of occupancy, or certificate of completion shall not be issued until this requirement has been satisfied.
7. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.
8. 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.

TRM/MAB/RAM/CAM

ZONING/SITE PLAN



City of Miami Beach Planning Board
File No. 2303
1301 Bay Drive



The applicant, The applicant, Carmen Santamarina, is requesting a Division of Land/Lot Split, pursuant to Chapter 118, Article VII, to divide the existing site comprised of two platted lots, into two individual buildable parcels.

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