

MIAMI SHORES PLANNING AND ZONING BOARD
Planning and Zoning Department Staff Report

Hearing Date	November 14, 2013	Meeting Time	7:00 P.M.
File Number	PZ-10-13-201355	Folio Number	11-3205-018-0390
Owner	Frances Allegra		
Applicant	Frances Allegra, PO Box 530921, Miami, FL 33153		
Agent	Robert Lara AIA, 8450 SW 201 st Street, Cutler Bay, FL 33189		
Property Address	1160 NE 98th Street		
Legal Description	5-6 53 42 PB 43-69 REV PL MIAMI SHORES SEC 8 LOT 22 BLK 180 LOT SIZE IRREGULAR OR 21110-4147 03 2003 1		
Property Sq. Ft.	9,040	Building Sq. Ft.	2,703
		Flood Zone	X
Zoning	R20	Future Land Use Designation	Single Family Residential
Existing Use	One-family dwelling	Comprehensive Plan Consistency	Yes
Existing Structure	1-story; 3 bed/3 bath	Year Built	1948
Subject	Pursuant to Articles IV, V and VI of Appendix A Zoning. Sec. 400 and Sec. 600. Site plan review and approval required. Addition, second story.		
Action Required	Approve, Approve with Conditions, or Deny the Application	Other Required Approvals	Village Building Permits DOH/HRS and DRER/EPRD
Staff Report	David A. Dacquisto, Director, Planning and Zoning	Report Date	October 29, 2013

Background

Construction History of Residence

The rear residence is set back 12 ft. from rear plot line instead of the 15 ft. that is required by code. The 15 ft. rear yard setback was in effect in Miami Shores at least as far back as 1939 and would have applied to this residence at its time of construction in 1948.

Staff reviewed the plans submitted and additional documentation provided by the applicant.

There were a number of issues with the original construction.

The actual depth of the plot is 112 feet. The original plan identified the plot as 125 feet in depth. This is a discrepancy of 13 ft. and creates a problem when designing a residence and then actually constructing it on the plot.

This error was compounded when the residence was constructed with a setback of 35 ft. from the front property line instead of a setback of 25 ft. as shown on the original plans. Note: The site plan provided in the application shows a 31 ft. front setback. This setback is measured from a feature not on the original plan. The main portion of the residence is set back 35 ft. from the front plot line.

The discrepancy in the depth of the plot is an issue however, the required rear setback would still have been provided had the residence been constructed 25 ft. from the front plot line as shown on the original plans and not 35 ft. from the front plot line as actually constructed.

Staff has described the location of the residence on the plot and the issue with the rear setback as background for the Board.

Ultimately, the residence was constructed with permits and final approval was granted by the building official of the village on October 4, 1948.

There are no plans on file and no information was provided by the applicant on the covered patio attached and east of the garage.

The applicant is proposing an elevated concrete deck that would be immediately adjacent the residence and accessible from the family room through the covered patio.

Project

The applicant is proposing a second story addition of 1,246 sq. feet. The second story addition will add 2 bedrooms including a master and 2 bathrooms. The addition will be constructed towards the rear of the residence over the existing garage and a portion of the residence. A ground level covered patio will be removed and reconstructed with the second story addition creating the new cover. The second story addition with covered ground level patio will be set back 15 feet from the rear plot line in compliance with code requirements.

The existing garage will remain at the rear of the residence and maintain the existing 12 ft. setback from the rear plot line. The second story addition over the garage set back 15 ft. in compliance with the code.

The addition will have a clay barrel tile roof to match the existing roof.

The pool and pool deck are ground level and will be reviewed administratively as part of building permit submittal. The pool appears to comply with zoning requirements based on a preliminary review. The location of the pool equipment was not indicated on the plans.

The applicant is proposing to add a second parking space in the front of the residence. Currently there is only one parking space on site. The circular drive in front of the property is located on the swale. The driveway will be reviewed administratively as part of building permit submittal. The driveway appears to comply with zoning requirements based on a preliminary review.

The applicant is proposing a new wood fence. The fence will be reviewed administratively as part of building permit submittal. There are no fence details and no preliminary review was possible. A 40 sq. ft. trash area will be required at the rear of the property along the alley. This trash area may not be part of a driveway.

Analysis

The garage will remain at the rear of the residence approximately 12 ft. from the rear plot line.

The second story addition over the garage is set back 15 feet from the rear plot line meets rear setback requirements and will not increase the element of nonconformity.

The architect to certify to the building official that the site provides storm drainage that detains the first one inch in natural or filtered structural facilities prior to the final inspection by the Building Official. The applicant is responsible for any site modifications that are or may become necessary to provide storm drainage that detains the first one inch in natural or filtered structural facilities and shall make site modifications as necessary to prevent runoff into neighboring properties.

The new A/C in the side yard is set beside an existing unit.

The design is compatible with the neighborhood and community.

The proposal is consistent with the technical provisions of the Zoning Code except as noted.

Recommendation

In acting on a site plan, the Planning Board must make a finding that the proposed improvements comply with the regulations and are harmonious with the community, as required in Articles IV, V and VI of Appendix A Zoning, Sec. 400 and Sec. 600, of the Code of Ordinances, and, in that regard, may add further conditions or delete or modify staff recommended conditions, deny the application, or continue the item for future consideration.

Planning and Zoning staff recommends APPROVAL of the site plan to construct a new 1,246 sq. ft. second story addition with 2 bedrooms and 2 bathrooms, with a finding that it is consistent with the technical provisions of the Code.

Should the board find that the applicant merits approval, staff recommends that the following conditions apply:

- 1) Approval is granted as shown on the plans submitted and made a part of this approval to construct a new 1,246 sq. ft. second story addition with 2 bedrooms and 2 bathrooms.
- 2) Applicant to obtain all required permits and approvals from the Miami-Dade Department of Regulatory and Economic Resources, Environmental Plan Review Division (DRER, EPRD) and/or the Miami-Dade Department of Health (DOH/HRS) as required.
- 3) Applicant to provide an architect or engineer's report to certify to the building official that the site provides storm drainage that detains the first one inch in natural or filtered structural facilities prior to the final inspection by the Building Official. The applicant is responsible for any site modifications that are or may become necessary

to provide storm drainage that detains the first one inch in natural or filtered structural facilities and shall make site modifications as necessary to prevent runoff into neighboring properties.

- 4) Applicant to obtain all required building permits before beginning work.
- 5) Applicant to meet all applicable code provisions at the time of permitting.
- 6) This zoning permit will lapse and become invalid unless the work for which it was approved is started within one (1) year of the signing of the development order by the board chair, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.