

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

Hearing Date	April 16, 2015	Meeting Time	7:00 P.M.
File Number	PZ-03-15-2015182	Folio Number	11-3206-013-0090
Owner	Jacqueline & Ido Alexander, 29 NE 91st Street, Miami Shores, FL 33138-2807		
Applicant	Same		
Agent	Anne Jackaway, 2630 SW 28 th Street, Suite 62, Coconut Grove, FL 33133		
Property Address	29 NE 91st Street		
Legal Description	MIAMI SHORES SEC 1 AMD PB 10-70 LOT 15 BLK 1 LOT SIZE 50.000 X 129 OR 21226-0283 042003 1	Assessor's Building Value	N/A
Property Sq. Ft.	6,450	Building Sq. Ft.	2,598
		Flood Zone	X
Zoning	R20	Future Land Use Designation	Single Family Residential
Existing Use	One-family dwelling	Comprehensive Plan Consistency	Yes
Existing Structure	2 story; 3 bed/2 bath	Year Built	1925
Subject	Pursuant to Articles IV, V and VI of Appendix A Zoning, Sec. 400 Schedule of Regulations and Sec. 600, Sec. Sec. 702 Hardship variance. Historic landmark. Site plan review and approval required. First and second story addition.		
Action Required	Approve, Approve with Conditions, or Deny the Application	Other Required Approvals	Village Building Permits FDOH/MDEHS and MDDRER/EPRD
Staff Report	David A. Dacquisto, Director, Planning and Zoning	Report Date	March 26, 2015

Background

The applicant is the new owner of a locally designated historic residence.

The applicant has been before the Miami Shores Historic Preservation Board for review of extensive additions and consideration of historic variances.

Historic variances are allowed to historic residences without the requirement to meet the 4 criteria for granting of a variance.

This provision is in place to encourage the preservation of historic properties and in recognition of the special circumstances regarding history properties including such things as location, situation on the plot, building materials, building characteristics and the need to “modernize” to meet current needs while preserving the historic nature of the building.

The applicant is proposing to construct a two story addition to the main residence and convert an accessory structure to a pool cabana and bath.

The Historic Preservation Board approved the following:

1. Granting a historic preservation variance to allow the proposed two story addition with the rear stair landing extending to align with the current west wall of the home,

2. Granting a historic preservation variance to allow for the proposed concrete deck to replace an existing wood deck which is situated in the side setback on the east side of the property,
3. Granting a historic preservation variance to all the existing parking area to the rear of the home to satisfy the current Code's parking requirement,
4. Benjamin Moore #OC 74 as the primary exterior paint color and Benjamin Moore #OC 53 as the exterior trim paint color;

and subject to the following conditions:

1. New impact windows will be clear glass with white frames,
2. Proposed decorative medallions will be stricken/removed from the plans and not installed,
3. West side wall with "perforation" detail will remain as currently constructed.

The first floor 256 sq. ft. addition creates a new laundry room and family at the rear of the residence. The first floor laundry room is located in line with the existing residence approximately 4 ft. from the side plot line. The setback on the opposite side plot line is as little as 4 feet and as great as 10.5 feet.

The second story 217 sq. ft. master suite addition is located over the new first floor family room. It will have a balcony overlooking the rear yard.

The applicant is proposing to turn an accessory structure/garage on the site into a cabana bath. The letter of intent includes plans to utilize the accessory structure as a bedroom.

The applicant is proposing to remove the flat roof from the future cabana and add a peak roof to match the residence.

The proposed laundry room will have a sloped roof.

The second story addition has a peak roof that ties into the existing roof.

There is an existing 180 sq. ft. flat roof on the front of the residence.

The Historic Preservation Board gave approval to the proposed design with the exceptions noted.

The applicant is proposing a new tile in the front yard that ties into a new front driveway. Front circular driveways cannot exceed 12 ft. in width according to the zoning code and all hard surfaces in the front yard cannot exceed 50% of the front yard. The proposed driveway is up to 20 ft. in width and covers approximately 40% of the front yard. The proposed driveway is located between 2 existing trees on the swale. A driveway that meets code requirements may be administratively approved by staff at a future date.

Analysis

The residence is in an R20 district not R17.5 – R18 as indicated on the site plan and as identified by the county appraiser.

The area on the west side of the residence shown as existing tile walk is not accurate. The tile walk is 2.5 ft. in width and not as shown on the plans.

The proposed laundry addition is in line with the house at 4.5 ft. from the side plot line and does not encroach further into the required side yard setback than the existing residence.

The area listed on the plans as a brick paver patio at the rear of the residence is actually the parking area for the residence as indicated by the gate and driveway apron leading to the alley.

There is an approval on file for a garage conversion in 1957 to a cabana. There are no floor plans on file for the garage. The floor plan submitted by the applicant shows 2 individual rooms that would coincide with a 2 stall divided garage. The garage conversion may never have actually taken place. There is an engineering report on file from 1995 attesting to the structural state of the garage. A survey on file shows the garage in 2000. From this we may determine that although approved, no garage conversion actually took place until sometime after 2000. There are no building permits on file for the removal of the garage door. The garage door opened to the yard and has been walled up. The work may not comply with building code requirements.

The proposed cabana is located on the side plot line and approximately 1.5 ft. from the rear plot line. The required setbacks are 10 side and 5 rear. The building footprint will not be altered.

The Historic Preservation Board did not grant an historic variance to allow a bedroom in an accessory building. The zoning code prohibits bedrooms in accessory structures.

Under an historic variance the board does have the authority to override the zoning code.

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 first floor addition of 256 sq. ft. including a laundry room and family room, and, a second floor addition of 217 sq. ft. to construct a master suite, based on the foregoing analysis with a finding that it is consistent with the technical provisions of the Code subject to the following conditions.

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 first floor addition of 256 sq. ft. including a laundry room and family room, and, a second floor addition of 217 sq. ft. to construct a master suite.
- 2) An historic property variance is approved to all setbacks for the residence and accessory cabana structure.
- 3) The Historic Preservation Board approved the following with conditions made a part of this approval:
 - a. Granting a historic preservation variance to allow the proposed two story addition with the rear stair landing extending to align with the current west wall of the home,
 - b. Granting a historic preservation variance to allow for the proposed concrete deck to replace an existing wood deck which is situated in the side setback on the east side of the property,
 - c. Granting a historic preservation variance to all the existing parking area to the rear of the home to satisfy the current Code's parking requirement,
 - d. Benjamin Moore #OC 74 as the primary exterior paint color and Benjamin Moore #OC 53 as the exterior trim paint color;

and subject to the following conditions:

- e. New impact windows will be clear glass with white frames,
 - f. Proposed decorative medallions will be stricken/removed from the plans and not installed,
 - g. West side wall with "perforation" detail will remain as currently constructed.
- 4) Approval is granted as shown on the plans submitted and made a part of this approval to convert an accessory structure/garage to a cabana bath with sloped Spanish barrel tile roof to match the existing residence.
 - 5) No bedroom to be permitted in the accessory structure.
 - 6) The tile walkway in west side yard not to exceed 2.5 ft. in width.
 - 7) Circular driveway in front yard is not approved as part of this site plan approval.
 - 8) Applicant to obtain all required building permits before beginning work.

- 9) The site shall not drain onto neighboring properties or any rights-of-way. The plot shall provide storm drainage that detains the first one inch in natural or filtered structural facilities. The applicant is responsible for any site modifications that become necessary to maintain storm drainage on-site that detains the first one inch in natural or filtered structural facilities. The Building Official may require an architect or engineer's drainage plan and report to certify to the building official that the site will provide storm drainage that will detain the first one inch in natural or filtered structural facilities prior to the drainage work commencing on site. The installation of structures on site to control drainage shall require Planning and Zoning Board review and approval. Modifications to the drainage plan approved by the building official shall require a signed architect or engineer's drainage plan that shall be subject to review and approval of the Building Official and the Planning Director. Changes to drainage structures approved by the Planning and Zoning Board shall require a new site plan review application and review and approval by the Planning and Zoning Board.
- 10) All drainage improvements shall be installed in accordance with the approved drainage plan before final inspection by the Building Official.
- 11) The applicant shall repair and maintain the onsite drainage system in accordance with the approved drainage plan.
- 12) An erosion and sedimentation plan subject to review and approval by the building official is required if ground cover is removed or as required by the building official. Properly installed soil erosion measures (silt fences, straw barriers, etc.) and anti-tracking area at all construction entrances are required to be put in place and maintained if ground cover is removed or as required by the building official. Required erosion control measures must be in place prior to footings inspection.
- 13) The applicant is responsible for any site modifications that become necessary to maintain storm drainage on-site that detains the first one inch in natural or filtered structural facilities. Modifications to the approved drainage plan shall require a new signed architect or engineer's drainage plan that shall be subject to review and approval of the Building Official and the Planning Director. Major changes to the approved drainage plan shall require a new site plan review application and review and approval by the Planning and Zoning Board.
- 14) 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 the Miami-Dade Department of Health (DOH/HRS) as required.
- 15) Ground cover shall comply with the provisions Division 17 of Appendix A, Village of Miami Shores Code of Ordinances, artificial turf and rock of any kind is specifically prohibited.

- 16) Applicant to complete a covenant in the form of a "Declaration of Use" assuring the property is used only for a single family purpose, record the covenant with the Miami-Dade County Recorder and provide the planning director with a copy of the recorded document prior to the final inspection by the Building Official.
- 17) Applicant to meet all applicable code provisions at the time of permitting.
- 18) 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.