

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

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| Hearing Date | February 25, 2016 | Meeting Time | 7:00 P.M. |
| File Number | PZ-02-16-201623 | Folio Number | 11-3205-031-0060 |
| Owner | Christopher & Monica Savits | | |
| Applicant | Same | | |
| Agent | Isabella Rosete | | |
| Property Address | 1460 NE 103rd Street | | |
| Legal Description | RE-PLAT OF TR C MIAMI SHORES BAY PARK ESTS PB 64-97 LOT 15 BLK 5 LOT SIZE IRREGULAR OR 13702-870 0688 1 COC 25631-2753 05 2007 1 | Assessor's Building Value | \$393,782 |
| Property Sq. Ft. | 17,945 | Building Sq. Ft. | 3,750 |
| | | Flood Zone | AE9 |
| Zoning | R22.5 | Future Land Use Designation | Single Family Residential |
| Existing Use | One-family dwelling | Comprehensive Plan Consistency | Yes |
| Existing Structure | 2 story; 4 bed/5 bath | Year Built | 1958 |
| Subject | Pursuant to Articles IV, V and VI of Appendix A Zoning, Sec. 400 Schedule of Regulations, Sec. 534 and Sec. 600. | | |
| Action Required | Approve, Approve with Conditions, or Deny the Application | Other Required Approvals | Village Building Permits MDDRER/EPRD |
| Staff Report | David A. Dacquisto, Director, Planning and Zoning | Report Date | February 1, 2016 |

Background

The property is located near the mouth of the 103rd Street canal close to Biscayne Bay.

The residence currently has 959 sf of flat roof including what is listed as a 654 sf flat roof and a 305 sf deck. The flat roof and deck are original to the building.

The applicant is proposing to add a 608 sf lanai with a 608 sf flat roof identified as a balcony above. This balcony connects to the existing 305 sf deck. The 654 sf flat roof remains. The roof of the lanai is only accessible from a spiral staircase proposed for the east side of the lanai.

The total sf of all flat roof areas including decks is 1,567 sf.

The applicant is proposing a 380 sf peak roof gazebo. There is an enclosed 30 sf storage area under the gazebo roof. The storage area is located 15 ft. from the residence measured to the building wall and not from the open lanai.

The applicant is also proposing to raise the ground level to increase the size of the pool deck that will then step down to a lower level with pavers on sand.

Analysis

The first question the board has to determine is whether or not the flat roof on a lanai may be called a balcony or sun deck even if it is not accessible from the house and if a flat deck balcony then does not count towards the limit of 300 sf for all flat roof additions to a residence.

The second question is to determine if the storage building under the lanai qualifies as an accessory structure and if so is it appropriate to measure the 15 ft. separation distance from the residence.

The Property is located within the AE 9 Flood Zone.

The current building value according to the county assessor is \$393,782. The total value of all construction related to this project may not exceed approximately \$196,000 or the project will become a substantial improvement. The applicable FEMA and Florida Building Code regulations will apply should the improvements become a substantial improvement.

Substantial improvement does not apply if the residence and addition are already at or above NGVD 9. The existing first floor is at NGVD 8.9 and technically is below flood. The elevation of the improvements is not given on the plans.

The applicant may seek an independent appraisal of the building value subject to acceptance by the building official.

Drainage must be accommodated on site.

The residence is a 1950's ranch.

The proposed addition is compatible with the design of the residence, neighborhood and community.

The proposal is consistent with the technical provisions of the Zoning Code except as noted for compliance with FEMA and the Florida Building 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 asks direction from the Planning and Zoning, based on the foregoing analysis and review.

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 608 sf lanai with flat deck balcony on top and a 380 sf peak roof gazebo.
- 2) The applicant to comply with all requirements for development in an AE9 flood zone.

- 3) The applicant shall provide an architect or engineer's drainage plan and 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 issuance of a building permit by the Building Official.
- 4) The applicant is responsible for the installation and maintenance of drainage structures and any site modifications shown on the drainage plan that are necessary to provide storm drainage that detains the first one inch in natural or filtered structural facilities.. Minor 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 including the construction of drainage improvements such as but not limited to mounds and walls, shall require a new site plan review application and review and approval by the Planning and Zoning Board.
- 5) All drainage improvements shall be installed in accordance with the approved drainage plan before final inspection by the Building Official.
- 6) The applicant shall repair and maintain the onsite drainage system in accordance with the approved drainage plan except that major changes shall require Planning and Zoning Board approval as stated in Condition #3.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) Applicant to meet all applicable code provisions at the time of permitting.
- 11) 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.