

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 26, 2024

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **PB24-0715. 1800, 1810, & 1818 Michigan Ave, and 1039 18th Street – Single Family Home Lot Split.**

An application has been filed requesting a division of land/lot split to divide the one existing site which is comprised of four (4) platted lots, into four (4) individual buildable parcels, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION:
Approval with conditions.

EXISTING STRUCTURES/SITE:
The subject application includes four platted lots located at 1800, 1810, & 1818 Michigan Ave, and 1039 18th Street. The request is to reconfigure the lots into four separate buildable sites for four new single-family homes. The combined site is approximately 33,367 square feet.

On May 26, 2023, violations BVC23001129/US2023-04468 (1810 Michigan Avenue) and BVC23001130/US2023-04468 (1818 Michigan Avenue) were issued for work without a permit resulting in unsafe structures.

On May 7, 2024, as a result of an Emergency Demolition Order issued by the City’s Building Official, permits were issued for the total demolition of the homes located at 1810 and 1818 Michigan Avenue, and the residences were subsequently demolished.

ZONING / SITE DATA:
Legal Description: Folio Nos. 02-3234-004-0140, 02-3234-004-0130,
02-3234-004-0120, 02-3234-004-0150

Lots 1, 2, 3, & 4, Block 10, of the Palm View Subdivision, according to the plat thereof, as recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

Zoning: RS-4 Single-Family Residential District

Future Land Use: Single Family Residential Category (RS)

Current Lot Size: 37,605 SF

Proposed Lot Sizes: Lot 1, 1800 Michigan Ave: 7,950 SF
 Lot 2, 1810 Michigan Ave: 7,850 SF
 Lot 3, 1818 Michigan Ave: 9,743 SF
 Lot 4, 1039 18th Street: 12,062 SF

Proposed Lot Width: Lot 1: 50 FT
 Lot 2: 50 FT
 Lot 3: ~100 FT
 Lot 4: ~100'

REVIEW CRITERIA:

Pursuant to Section 2.5.4.2 of the Resiliency Code, 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 minimum lot size for the RS-4 district is 6,000 SF and the minimum lot width is 50 feet. The four proposed lots exceed these standards.

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 average lot size is 8,426 SF and the most common lot size is 7,500 SF within the study area. The proposed lots range from 7,850 SF to 12,062 SF, which are consistent with the development pattern of 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 – The proposed homes on the four resulting lots would not significantly be out of scale with the existing development pattern in the surrounding neighborhood. As the properties are located in the Palm View Historic District each proposed new home will require the review and approval of the Historic Preservation Board.

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 – All previously existing structures have been demolished.

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

Consistent – There will be no encroachments from abutting sites and the new sites will be free from encroachments.

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 subsection 7.2.7.4.a.**

Consistent – The proposed new homes on the site will require review and approval of the Historic Preservation Board.

7. **The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.**

See below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the Resiliency Code establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. **A recycling or salvage plan for partial or total demolition shall be provided.**

Satisfied – The applicant has indicated that a recycling or salvage plan will be provided at the building permit phase.

2. **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Satisfied – The applicant has indicated that all windows will be hurricane proof impact windows.

3. **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Partially Satisfied – The applicant has indicated that where feasible, passive cooling systems will be provided. Any new homes require the approval of HPB at which point the resiliency criteria will be addressed in greater detail.

4. **Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided in accordance with Chapter 4 in Land Development Regulations.**

Satisfied – The applicant has indicated that where resilient, Florida-friendly landscaping will be provided.

5. **The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-**

time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied – The applicant indicated that the adopted sea level rise projections and land elevations of the subject and surrounding properties were taken into account.

- 6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.**

Satisfied – The applicant indicated that proposed designs will be adaptable to the raising of the public right-of-way and adjacent land.

- 7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.**

Satisfied – The applicant indicated that all critical mechanical and electrical systems will be located above the base flood elevation.

- 8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to the base flood elevation, plus City of Miami Beach Freeboard.**

Not Applicable – All existing structures will be demolished.

- 9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in the General Ordinances.**

Satisfied – There will be no habitable space below the design flood elevation.

- 10. As applicable to all new construction, stormwater retention systems shall be provided.**

Partially Satisfied – The applicant indicated that stormwater retention systems will be provided where feasible.

- 11. Cool pavement materials or porous pavement materials shall be utilized.**

Satisfied – The applicant indicated that cool and porous pavements will be utilized. Any new homes require the approval of the DRB at which point the resiliency criteria will be addressed in greater detail.

- 12. The design of each project shall minimize the potential for heat island effects on-site.**

Satisfied – The applicant indicated that the potential for the heat island effect will be minimized with landscaping, and open spaces.

ANALYSIS:

The previously existing buildings were part of a larger assemblage of property with the same ownership, comprised of four platted lots, bounded by Michigan Avenue to the east, 18th Street to the south, Lenox Avenue to the west and Collins Canal to the north. Extensive unpermitted work was performed by the previous owners including numerous additions to the homes and other improvements which crossed property lines.

As noted in the Background section of this report, in 2023, building and unsafe structures violations were issued for the unpermitted work that took place over time. The new property owners retained a structural engineer to evaluate the structural conditions of both buildings. The reports noted that the wood members of both buildings were in very poor conditions and were failing. Further, the reinforcing rebar of the concrete members were observed to be in poor condition as well. The reports concluded that both buildings were in imminent danger of collapse and on May 7, 2024, as a result of an Emergency Demolition Order issued by the City’s Building Official, permits were issued for the total demolition of both homes and the residences were subsequently demolished.

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 minimum lot area and lot width requirements.

The tables in the section below summarize the statistical data of similar properties in the surrounding area. 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. It should be noted that because the property appraiser does include a certain percentage of covered areas and garage area as unit size, the numbers are typically inflated when compared to the city’s permit records. This is especially true for new homes, which generally tend to have more covered outdoor areas.

Area Analysis Data:

Surrounding Sites Summary:

Statistic	Year Built	Unit Size (SF)	Lot Size (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %
Average	1938	2,334	8,321	29%	2,750	34%

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Median	1936	2,168	7,500	27%	2,601	32%
Max	1951	4,430	16,000	59%	4,430	59%
Min	1922	1,115	7,500	15%	1,338	18%
First Quartile	1934	1,929	7,500	24%	2,315	28%
Third Quartile	1940	2,566	8,000	32%	3,079	38%
Mode	1936	N/A	7,500	N/A	N/A	#N/A

Analysis Parcels Data:

ADDRESS	YEAR BUILT	UNIT SIZE (SF)	LOT SIZE (SF)	Unit Size %	Unit Size + 20% Allowance (SF)*	Unit Size + 20% Allowance %
1800 JEFFERSON AVE	1936	2592	7500	35%	3,110	41%
1810 JEFFERSON AVE	1938	2383	7500	32%	2,860	38%
1820 JEFFERSON AVE	1949	2029	7500	27%	2,435	32%
1830 JEFFERSON AVE	1949	1955	7500	26%	2,346	31%
1836 JEFFERSON AVE	1930	2275	7500	30%	2,730	36%
1835 MICHIGAN AVE	1931	3370	14960	23%	4,044	27%
1827 MICHIGAN AVE	1936	1288	7500	17%	1,546	21%
1821 MICHIGAN AVE	1941	2363	7500	32%	2,836	38%
1815 MICHIGAN AVE	1937	2381	7500	32%	2,857	38%
1801 MICHIGAN AVE	1936	1762	7500	23%	2,114	28%
1736 LENOX AVE	1951	1920	7500	26%	2,304	31%
1744 LENOX AVE	1935	1905	7500	25%	2,286	30%
1750 LENOX AVE	1932	1560	7500	21%	1,872	25%
1760 LENOX AVE	1934	2131	7500	28%	2,557	34%
1780 LENOX AVE	1940	2658	10700	25%	3,190	30%

1770 LENOX AVE	1940	1115	7500	15%	1,338	18%
1750 MICHIGAN AVE	1940	3527	16000	22%	4,232	26%
1760 MICHIGAN AVE	1950	1684	8000	21%	2,021	25%
1766 MICHIGAN AVE	1929	2246	8000	28%	2,695	34%
1776 MICHIGAN AVE	1934	2527	8000	32%	3,032	38%
1026 18 ST	1936	2059	8000	26%	2,471	31%
1769 LENOX AVE	1928	2579	8000	32%	3,095	39%
1761 LENOX AVE	1947	2155	8000	27%	2,586	32%
1753 LENOX AVE	1934	2120	8000	27%	2,544	32%
1745 LENOX AVE	1951	2180	8000	27%	2,616	33%
1735 LENOX AVE	1936	2001	8000	25%	2,401	30%
1729 LENOX AVE	1936	2434	8000	30%	2,921	37%
1750 JEFFERSON AVE	1945	4430	7500	59%	4,430	59%
1760 JEFFERSON AVE	1928	1350	7500	18%	1,620	22%
1764 JEFFERSON AVE	1922	3352	7500	45%	3750	50%
1776 JEFFERSON AVE	1938	2989	7500	40%	3,587	48%
1753 MICHIGAN AVE	1938	4056	7500	54%	4,056	54%
1735 MICHIGAN AVE	1936	1815	7500	24%	2,178	29%
1733 MICHIGAN AVE	1940	2153	11250	19%	2,584	23%

*The 20% allowance was added to the adjusted square footage only up to the maximum unit size of 50%.

Summary of Data Analysis:

- The analysis area consists of RS-4 lots within the Palm View Historic District, not including properties that were constructed as apartment building and excluding vacant sites.
- There are 34 parcels in the analysis area, excluding the applicant's parcels.
- All parcels range in size from 7,500 SF to 16,000 SF. The proposed parcels will be larger than the typical lot size of 7,500 SF.

- The average lot size is 8,4321 SF. The median lot size is 7,500 SF. The proposed parcels will be larger than the average and median lot sizes.
- The average adjusted unit size is 2,334 square feet (29% of lot area).
- Current homes range from a unit size of 1,115 SF (15% of lot area) to 4,430 SF (59% of lot area).
- Factoring a reasonable assumption of future additions to existing homes of 20% of the current adjusted size, the average home unit size increases to 2,750 SF (34% of lot area).
- The applicant is proposing maximum unit sizes of 50% and maximum lot coverage of 30% for each lot.

Due to the unique nature of these lots, including the irregular triangular lot lines and the character of the Palm View Historic District, staff does not object to the applicant seeking variances or design waivers from the Historic Preservation Board, provided that the maximum unit size does not exceed 50% and maximum lot coverage does not exceed 30% for each of the lots.

STAFF RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1800, 1810, & 1818 Michigan Ave, and 1039 18th Street

FILE NO. PB24-0715

IN RE: An application for a division of land/lot split to divide the one existing site which is comprised of four (4) platted lots, into four (4) individual buildable parcels, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

LEGAL

DESCRIPTION: Folio Nos. 02-3234-004-0140, 02-3234-004-0130,
02-3234-004-0120, 02-3234-004-0150

Lots 1, 2, 3, & 4, Block 10, of the Palm View Subdivision, according to the plat thereof, as recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: November 26, 2024

DIVISION OF LAND/LOT SPLIT FINAL ORDER

IRRS LOT 1039 18TH LLC, IRRS 1800 MICHIGAN LLC, 1810 IRRS Holdings, LLC and IRRS 1818 Michigan LLC (collectively the applicants) requested a Division of Land/Lot Split, pursuant to Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, divide the one existing site which is comprised of four (4) platted lots, into four (4) individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS 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:

- A. 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 consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.
- B. The project would remain consistent with the criteria and requirements of Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code, subject to the following conditions, to which the Applicant has agreed:
 - 1. The modifications authorized to the four (4) lots located at 1800, 1810, & 1818 Michigan Ave, and 1039 18th Street, by this lot split application, shall comply with the following:
 - a. The subject lots shall not be subdivided any further.

- b. Historic Preservation Board review and approval shall be required for any new home on each of the lots.
 - c. The building parcels created by this lot split shall be as depicted on the original plat map.
 - d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact and mobility fees, shall be the responsibility of the owners of each respective lot.
 - e. 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.
 - f. The maximum unit size for each lot shall be limited to 50% of the lot area and the maximum lot coverage shall be limited to 30% of the lot area, per Section 7.2.2.3 of the Resiliency Code, as may be revised from time to time.
 - g. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.
 - h. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
2. The applicant shall maintain the land clean and free from debris.
3. 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.
4. 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

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revocation under Chapter 2, Article V, Section 2.5.4 of the Miami Beach Resiliency Code.

5. 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.
6. 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.
7. 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.
8. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Miami Beach Resiliency Code, and shall be subject to enforcement procedures set forth in Chapter 1, Article III, Section 1.3.8 of the Miami Beach Resiliency 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.
9. Nothing in this order authorizes a violation of the Miami Beach Resiliency Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the Miami Beach Resiliency Code.

IT IS HEREBY ORDERED, based upon the foregoing findings 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 is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

Dated _____

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PLANNING BOARD OF THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael A. Belush, AICP
Planning and Design Officer
For the Chair

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ ()

Filed with the Clerk of the
Planning Board on _____ ()