

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 11, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB25-1139, FKA DRB23-0925
1600 Cleveland Rd

An application for a modification to a previous design review approval for the construction of a new two-story single-family home that is currently under construction. Specifically, the applicant is requesting a variance of the maximum allowable height for a fence and wall in the front yard and waivers related to the fence in the side yard facing the street.

RECOMMENDATION:

Approval with conditions.
Approval of the variances.

LEGAL DESCRIPTION:

Lot 30, Block 5, Biscayne Point, according to Plat thereof as recorded in Plat Book 14, Page 35 of the Public Records of Miami-Dade County, Florida.

HISTORY:

On September 6, 2022, the DRB approved the construction of a second floor addition to an existing single story home, including one or more waivers, and variances from the maximum lot coverage, front setback, and interior side setback requirements (File No. DRB22-0833).

On July 5, 2025, the DRB approved a modification to the previous design review approval, including variances from the maximum lot coverage (modification from the previously approved variance), from the minimum required setback for pool equipment, and from the minimum required setbacks for the construction of a nonstandard carport on the site (File No. DRB23-0925).

SITE DATA:

Zoning: RS-4
Future Land Use: RS
Lot Size: 8,866 SF
Lot Coverage:
 Approved: 2,989 SF / 34%
Unit size:
 Approved: <4,500 SF 50%
Height:
 Approved: 24'-0" (2-story)

EXISTING STRUCTURE:

Year Constructed: 1952
Vacant: No
Demolition Proposed: Partial

Surrounding Properties:

East: One-story 1963 home
North: Two-story 2010 home
South: One-story 1952 home
West: One-story 1978 home

** Height measured from BFE + 1'.

THE PROJECT:

The applicant previously submitted plans entitled "Cumenal – Diamond Residence" as prepared by **Castellanos Design Studio** dated, July 11, 2022. The applicant previously received approval for the demolition of small portion of the existing single story single family home and the construction of a new second floor addition (DRB22-0833).

The applicant previously received approval for the following design waiver(s):

1. A waiver to reduce the additional 5'-0" set back required for the second-floor front façade when the lot coverage is 25% or greater as per Sec. 142-105(b)(4)(c)(1) of the city code. This is related to Variance #1 below. Should the Board grant the requested variance to allow a front setback of 26'-0" for the second floor addition, then 35% of the façade (a length of 14'-0) would have to be set back an additional 5 feet. As proposed, 9'-4" of the developable lot width is setback the additional 5 feet.
2. A waiver to reduce the additional 5'-0" set back required for the second-floor side facing a street façade when the lot coverage is 25% or greater as per Sec. 142-105(b)(4)(c)(2) of the city code. 50% of the façade (a length of 31.3') would have to be set back an additional 5 feet. As proposed, 28'-5" of the facade is setback the additional 5 feet.
3. A waiver to reduce the minimum square footage of the additional open space of one percent of the lot area for the street side yard. As per sec. 142-106(a)(2)(d), two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard.

As part of that application, the following varainces were granted:

1. A variance from the maximum lot coverage requirement of **30%** for a 2-story home, as per Section 142-105(b)(1), in order to allow a lot coverage of up to **31%**.
2. A variance the minimum required **40'-0"** front setback for the 2-story portion of the home, as per Section 142-106(a)(1) of the City Code, in order to provide a front setback of **26-0"**.
3. A variance from the minimum required interior side setback of **7'-6"**, as per Section 142-106(a)(2)c. of the City Code, in order to follow the existing side setback of **5'-0"** for the construction of a second story.

Subsequently, the applicant has submitted plans entitled "Cumenal – Diamond Residence" as prepared by **Ryan N. Alderman** dated, 5/8/2023 and received approval of the following variances (File No. DRB23-0925):

1. A variance from the maximum lot coverage requirement of **30%** for a 2-story home, as per Section 7.2.3.3.(b)(i). in order to allow a lot coverage of up to **34%**. **[Note: This a modification to the variance previously approved.]**

2. A variance from the minimum required street side setback of **15 feet**, as per Section 7.2.3.3(b)(i) in order to allow the construction of a non-standard carport with a street side setback of **18 inches**.
3. A variance from the minimum required street side setback of **ten (10') feet**, as per Section 7.2.2.3(b)(xii)(5)(I). in order to install pool equipment with a street side setback of **four (4") inches**.

The home is currently close to completion and has been substantially constructed pursuant to the approved plans. However, the oolitic limestone wall at the front and side yard facing the street was constructed at a slightly higher elevation than can be approved administratively. As a result, the applicant has submitted plans entitled "1600 Cleveland Road, Miami Beach, Variance for height of wall in front yard and waiver of height of wall/fence in side yard facing street" as prepared by **Ryan N. Alderman**, dated October 12, 2025.

The applicant is currently requesting the following design waiver:

The applicant is currently requesting the following variance:

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
- viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variances. The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied
- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.
Satisfied
- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended

- periodically by the design review board and historic preservation board and all pertinent master plans.
Satisfied
- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
Satisfied
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.
Satisfied
- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall

- buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.
Not Applicable
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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.
Not Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations..
Satisfied
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
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 three (3) additional feet in height.
Satisfied
7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Satisfied
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 of the City Code.
Not Applicable
10. In all new projects, water retention systems shall be provided.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
11. Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:

On September 6, 2022, the applicant received Design Review Approval for a small ground floor addition, including a solar carport and a second floor addition to an existing single family home that was originally constructed in 1952.

The following design waivers were previously approved by the Board:

1. A waiver to reduce the additional 5'-0" set back required for the second-floor front façade when the lot coverage is 25% or greater as per Sec. 142-105(b)(4)(c)(1) of the city code.
2. A waiver to reduce the additional 5'-0" set back required for the second-floor side facing a street façade when the lot coverage is 25% or greater as per Sec. 142-105(b)(4)(c)(2) of the city code. 50% of the façade (a length of 31.3') would have to be set back an additional 5 feet. As proposed, 28'-5" of the facade is setback the additional 5 feet.
3. A waiver to reduce the minimum square footage of the additional open space of one percent of the lot area for the street side yard. As per sec. 142-106(a)(2)(d), two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard.

The applicant previously received approval for the following variances:

1. A variance from the maximum lot coverage requirement of **30%** for a 2-story home, as per Section 142-105(b)(1), in order to allow a lot coverage of up to **31%**.
2. A variance the minimum required **40'-0"** front setback for the 2-story portion of the home, per Section 142-106(a)(1) of the City Code, in order to provide a front setback of **26'-0"**.
3. A variance from the minimum required interior side setback of **7'-6"**, per Section 142-106(a)(2)c.2. of the City Code, in order to follow the existing side setback of **5'-0"** for the construction of a second story.

VARIANCE REVIEW

The applicant is now requesting the following variances:

4. A variance from the maximum lot coverage requirement of **30%** for a 2-story home, as per Section 7.2.3.3.b.i. in order to allow a lot coverage of up to **34%**. **[Note: This a modification to the variance previously approved.]**
 - Variance requested from:

DEVELOPMENT REGULATIONS TABLE (RS)				
	RS-1	RS-2	RS-3	RS-4

Maximum Lot Coverage for a 2story Home (% of lot area)	30%
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As part of the home’s renovation, the applicant previously proposed a carport to shade two vehicles. The portion of the covered area in excess of 5 feet from the building is required to be counted as lot coverage. The previously submitted plans did not include correct calculations for lot coverage. The correct calculation results in a lot coverage of 34% vs the 31% that was previously indicated. Considering the practical difficulties involved in working with the constraints of the existing home, and the difficulty in retrofitting the existing home to provide an enclosed garage, staff is supportive of the expanded variance request for a carport.

5. A variance from the minimum required street side setback of **15 feet**, as per Section 7.2.3.3.b.i. in order to allow the construction of a non-standard carport with a street side setback of **18 inches**.

- Variance requested from:

BUILDING SETBACKS				
	RS-1	RS-2	RS-3	RS-4
Front Setback A	20 feet -1 Story Structure (5) - provided that any future addition of a two-story attached structure shall be setback a minimum of 40 feet 30 feet - 2 Story Structures - (5)			
	RS-1	RS-2	RS-3	RS-4
Side, facing a street Setback B	10% of the lot width or 15 feet, whichever is greater (5)			

The city code allows a typical canvas and pipe carport as an allowable encroachment with a front yard or a side yard facing a street, with a setback of 18 inches. Because the proposed carport is not constructed of the standard canvas and pipe, and a solar carport is no longer proposed, the main home setbacks apply. Due to the configuration of the lot and siting of the existing home, there are practical difficulties with meeting the current setback requirements.

The proposed carport is simple, yet elegant, with a framed retractable canopy, supported by metal posts. The standard carport that is allowed by code often wears poorly and can be an eyesore. Staff is supportive of the requested variance due to the practical difficulties identified, as well as the enhanced design which meets the overall intent of the code, while providing for an improved design.

6. A variance from the minimum required street side setback of **ten (10’) feet**, as per Section 7.2.2.3.b.xii.5.l. in order to install pool equipment with a street side setback of **four (4”) inches**.

- Variance requested from:

7.2.2.3.b.xii.5. **Central air conditioners, emergency generators, swimming pool equipment, gas tanks solar panels, home battery systems and other similar mechanical equipment.** Accessory central air conditioners, generators, swimming pool equipment, solar panels, home battery systems and other similar mechanical equipment, including attached screening elements, may occupy a required side or rear yard, provided that:

- I. They are not closer than 5 feet to a rear or interior side lot line, or **10 feet to a side lot line facing a street.**

The subject property is a corner lot, with the street side located along Hendon Avenue and a bridge over the canal which abuts the rear of the property. This lot configuration, and the location of the existing home, present practical difficulties with regard to the location of required pool equipment. As the top of the guardrail for the bridge is over 6 feet above the elevation of the rear yard, and there is already heavy vegetation located between the bridge and the proposed pool equipment, staff is supportive of the requested variance. The equipment will not be visible from the bridge, and complies with the required rear setback from the water.

In summary, the variances proposed meet the practical difficulty standards, are minor in nature, and should not have a negative impact on neighboring properties or the surrounding neighborhood.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, including the requested waivers, and approval of the variances, subject to the conditions enumerated in the attached Draft Consolidated Order which address the inconsistencies with the aforementioned Design Review Criteria and Practical Difficulty and Hardship criteria, as applicable.