



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6238 office

305.377.6222 fax

mmarrero@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

September 8, 2024

Rogelio A. Madan, AICP
Development & Resiliency Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **ZBA24-0166** - Variance for the Property
Located at 5473 North Bay Road, Miami Beach, Florida

Dear Mr. Madan:

This law firm represents David and Allison Pullman (the "Applicants"), the owners of the existing single-family home located at 5473 North Bay Road (the "Property") in the City of Miami Beach (the "City"). Please consider this letter the Applicants' request for side setback variance from the Board of Adjustment. The existing home on the Property has been classified as architecturally significant. Due to the narrow lot size and existing architecturally significant home, a variance is needed for a garage addition.

Description of Property. The Property is a mid-block lot fronting North Bay Road. See Figure 1, Aerial, below. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3215-003-1540. The Property is approximately 7,750 square feet in size and comprised of Lot 3, Block 12 of the LaGorce-Golf Subdivision, as recorded in Plat Book 14, Page 43, Public Records of Miami-Dade County, Florida.

The Property is zoned RS-4, Single Family Residential Zoning District and is not located within a national or local designated historic district.



Figure 1, Aerial

The Property is improved with a two-story single-family residence. Based on the Miami Dade Property Appraiser records, the residence was built in 1925. See Figure 2, Annotated Property Appraiser Record, below. The residence is an elegant, attractively designed Spanish Mediterranean Revival Style home. The Applicant is proposing to construct a garage addition that complements the style of the home. The cost estimate for the addition is approximately \$3,000.00. This Spanish Mediterranean Revival style home has sloped, barrel tile roofs, a prominent entrance, multiple arched windows, an ornately detailed front entryway, and a stone driveway. Additionally, the residence features a covered terrace, second floor balcony, and a pool at the rear of the home.

* * * * *				VALUE INQUIRY			* * * * *			PTXM0175
FOLIO	02 3215 003 1540	PROP ADDR	5473 N BAY RD						MCD 0200	
	03/29/2001	LAST INSP	03/2001 ZNG 0100	CLUC	0001	BLDG YR	1925	SLUC	0100	
		NAME AND LEGAL	PREV CHG	03/21/2001		VALUE HISTORY		RES YR		
		GEORGE DE F CROSBY &W	YEAR	1999		2000		03/28/2001		
		REGINA FERNANDEZ-LLANIO	LAND	179800		197780		197780		
		5473 N BAY RD	BLDG	145235		145235		401842		
		MIAMI BEACH FL	MARKET	325035		343015		599622		
			33140							
		LA GORCE GOLF SUB	PB 14-43	ASSESS	325035	333811		599622		
		LOT 3	BLK 12	HEX	25000	25000				
		LOT SIZE	62.000 X 125	WVD						
		OR 19394-3969	12 2000 1	TOT EX						
		19394-3969		TAXABLE	300035	308811		599622		
		MUNICIPAL TAX STATUS:	TAXABLE	STATE EXEMPT:						

Figure 2, Annotated Property Appraiser Record

Variance Request. The garage addition substantially complies with the Single-Family Residential District standards for an architecturally significant home. The requested variance is directly related to the narrow shape of the lot and the Applicant’s goal to provide specific design feature that complements the existing attractive home. Due to the Property’s confining characteristics, the Applicant requests a variance of Section 7.2.2.4.a.4.A.VIII to permit a 3’ interior side setback for a habitable addition when 5’ is permitted.

Satisfaction of Hardship Criteria. The Variances requested satisfy the hardship criteria pursuant to Section 2.8.3.a. of the Code, as follows:

- 1. 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;**

There are special conditions and circumstances that exist which are peculiar to the land and building involved. The Property is a narrow lot with an existing architecturally significant single-family home. These circumstances are not applicable to any other lands or buildings.

- 2. The special conditions and circumstances do not result from the action of the applicant;**

The special circumstances, in this case, do not result from the actions of the Applicant. The Applicant is preserving the existing architecturally significant home and including a garage addition, which is a common amenity for residents to protect their vehicles from the harsh environment.

3. 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;

The Code allows other similarly situated property owners to seek similar variances to accommodate sensitive additions when neighbors are not impacted. The variance is not a special privilege conferred to the Applicants, but is necessary based on the multiple confining conditions of the Property. The Code permits other similarly situated property owners to make similar requests to accommodate designs that contribute to the context of the neighborhood. Therefore, granting of the variance in this case, will not confer any special privilege on the Applicant.

4. 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;

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The requested setback variance will produce an enhanced design that is consistent with the character of the neighborhood and preservation of the existing home. Therefore, strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The variance specifically relates to the special conditions that prevents strict compliance with the Code. The encroachment is the minimum necessary to make reasonable use of the Property with a garage addition.

6. 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; and

Granting of the variance will be in harmony with the general intent and purpose of these land development regulations. The garage addition is adequately addresses the sea level rise and resiliency criteria and is sensitive to the surrounding homes. The variance will not be injurious to the area involved and will not be detrimental to the public welfare.

7. 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. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.

The purpose of the single-family residential district is to provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development. The garage addition is consistent with this purpose.

Practical Difficulty. The design of the garage addition does the most possible to provide a functional and viable home. There are multiple practical difficulties that must be addressed in order to make practical use of the Property with a garage addition, such as the narrowness of the lot, existing front setback, and preservation of the architecturally significant home. With rising temperatures and flooding, it has become extremely difficult to protect vehicles parked in the driveway. The slight setback encroachment applies only to a minimal portion of the Property and will protect the Applicants' vehicle. The garage addresses the balance between authentic style of architecture of the and ensuring the home is consistent with the living standards for the neighborhood.

Sea Level Rise and Resiliency Criteria. The Proposed Project advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Resiliency Code as follows:

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

A recycling and salvage plan will be provided at permitting.

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

Any new windows will be hurricane proof impact windows.

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

The Applicant will provide, where feasible, passive cooling systems.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

All landscaping will be Florida friendly and resilient.

5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

The Applicant will proactively address sea level rise projections.

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.

The garage addition will be adaptable to the raising of the abutting streets and adjacent land in the future.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

Any new mechanical and electrical systems will be located above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The existing single-family home is not being modified and outside the scope of this application.

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.

No habitable space will be located below base flood elevation.

10. Where feasible and appropriate, water retention systems shall be provided.

Where feasible, water retention systems will be provided.

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

Cool pavement or porous pavement materials will be utilized where any new pavement is proposed.

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

The insulated garage addition will minimize the potential for heat island effects on site.

Conclusion. The Applicants value the architectural style and integrity of their neighborhood and wish for their home to continue to contribute to its character. The Applicants' future renovations are sensitive to and will allow for the preservation of the home while more comfortably accommodating their family and vehicle parking. The proposed garage addition will have a minimal impact on the surrounding neighbors and will follow the current Spanish Mediterranean Revival style.

Sincerely,



Michael J. Marrero

cc: Emily K. Balter, Esq.