

**Sean Smith and Stephanie Denault Smith**  
6 LAGORCE CIRCLE  
MIAMI BEACH FL 33141

August 14, 2024

Land Use Board of Adjustment  
City of Miami Beach

Dear Members of the Board of Adjustment,

We are requesting a variance of the rear setback code requirement for a new auxiliary structure.

**Subject Property Legal Description:** Single-Family Home at 6 LaGorce Circle, Miami Beach, FL 33141; LaGorce Island Subdivision PB 34-83 ; Folio No. 02-3210-003-0030

**Background:** The home was constructed in 2013 which included a 2 story main house with attached one story garage and rear yard including a pool. We did not build an auxiliary structure in the rear yard, i.e. cabana / pool house, at that time. Currently in 2024, we wish to renovate our rear yard, including building the auxiliary structure which will meet the current building codes which differ from those in 2013.

**Hardship:** A new rear yard plan (including an auxiliary structure and new pool ) was designed to meet all current building codes, i.e. side and rear setbacks, 9'-0" design flood elevation and 30% impervious area. A building permit was issued in Dec 2023, permit number BR2307923. Prior to commencement of the project we received updated pricing and encountered a practical difficulty in the cost and construction feasibility of the project, specifically the new pool. The cost to demolish an existing pool and construct a new one as well as build all the related ground and paved areas to transition to the new auxiliary structure was astronomical. The pool construction required costly specialty equipment that could gain access to the rear yard with our current building side setbacks. Additionally, as we intend to live in the house with our three children during construction, the work related to demo and the construction of a new pool would be too disruptive.

**Cost Estimate:** We estimate the cost of the project to be \$ 250,000.

**Variance Request:** Due to the hardship outline above, we decided the only way forward with this project would be to try to incorporate the new auxiliary structure into a rear plan utilizing our current pool. To do so the center of the auxiliary structure needs to align with the center line of the existing pool and would require the building's rear setback to be 12'-8 1/2" vs the required 15'-3". We are requesting for variance only in

this rear setback requirement subject to approval of the Land Use Board of Adjustment in accordance with Section 7.2.2.3.b.1.

**Response to Resiliency Code 7.1.2.4 - Sea Level Rise and Resiliency Criteria:**

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

- Yes, the plan was provided at the time of building permit application and building permit was issued.

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

- Yes

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

- Yes

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

- Yes

*E. 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.*

- Yes

*F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way 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.*

- N/A - we will comply with FDOTs planned elevation of the road, but this is a rear renovation and new construction that does not interact with the public right of way.

*G. 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.*

- Yes

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

●N/A

*I. 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 54 in General Ordinances.*

●No habitable space will be below base flood elevation

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

●Yes

*K. Cool pavement materials or porous pavement materials shall be utilized.*

●Yes

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

●Yes

#### **Response to Resiliency Code 2.8.3.1 - Variance Criteria:**

*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;*

●Yes

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

●Yes

*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;*

●Yes

*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;*

●Yes

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

●Yes

*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;*

●Yes

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;*

●Yes

8. *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.*

●Yes

**Conclusion:** The construction of the auxiliary building and related rear yard renovation will improve our family's quality of life and enhance the overall value and sustainability of the property. We kindly request the Board's approval for the variance so that we can proceed with the project. Thank you for considering our request. We are committed to working closely with the city to ensure our project aligns with community standards and environmental sustainability goals.

Sincerely,



08.14.24

Sean B. Smith



08.14.24

Stephanie Denault Smith

561.702.7593

**PHONE**

6 LAGORCE CIRCLE MIAMI BEACH FL 33141

**ADDRESS**