



ZONING, LAND USE AND ENVIRONMENTAL LAW

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January 5, 2025

VIA ELECTRONIC SUBMITTAL

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

Re: Variances for Proposed New Home at
4521 Pine Tree Drive, Miami Beach

Dear Mr. Madan:

This law firm represents Pine Tree Drive LLC (the "Applicant"), owner of the property located at 4521 Pine Tree Drive (the "Property"). Please allow this letter to serve as the letter of intent in connection with a request to the Board of Adjustment for two (2) feet of additional height of the main home and seven and a half (7.5) foot interior south side setback for a one-story accessory structure. The variances are the minimum necessary for the beautiful new home, on a waterfront lot abutting a public park, and will have minimal impact on the neighbor to the north.

Property Description. The canal-front Property is generally located on eastern side of Pine Tree Road, just north of W 45th Street. See Figure 1, Aerial, below. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-3223-002-0320. See Exhibit A, Property Appraiser Summary Report. The Property contains a one-story home built in built in 1995. According to the Official Zoning Map of the City, the Property is located within the RS-2, Single Family Residential Zoning District. Immediately abutting the Property to the south is Pine Tree Park and the home to the north is being constructed. The remaining surrounding uses are single-family residential

homes. The Property is not located within a local or national historic district, and the exiting home has not been classified as architecturally significant.

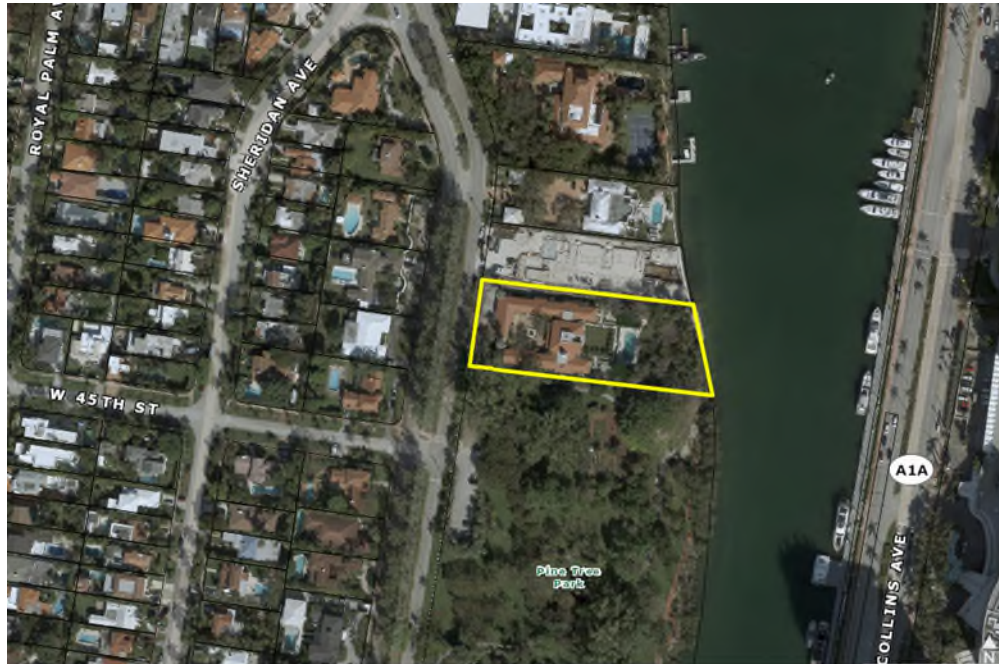


Figure 1, Aerial

Development. The Applicant proposes to construct an exquisitely designed, Modern two-story residence (the "Project"). The Applicant's goal is to improve the sustainability and resiliency conditions of the Property and provide a new home, with high quality materials, that will contribute to the architectural quality on Pine Tree Drive. The approximate cost estimate of the Project is \$21,000,000.00. Each elevation of the new home skillfully mixes a variety of materials to add interest and movement. The main massing is centrally located on this oversized lot and the accessory structure is purposefully on the south side of the Property, furthest away from any abutting neighbors.

The Applicant is not proposing to maximize development potential, but rather provide resilient and efficient living spaces. The Applicant's design is well within the current City of Miami Beach Resiliency Code (the "Resiliency Code") requirements for unit size and lot coverage. The proposed unit size is significantly less than the maximum permitted of fifty percent (50%) at approximately thirty-six percent (36.3%) and the lot coverage is less than the maximum permitted thirty percent (30%) at approximately twenty-seven percent (27.1%).

The first floor on the home is setback thirty-two (32) feet from the front property line and the two-story portion of the home is setback over ninety (90) feet from the front

property line. Additionally, the main home exceeds the required side setbacks. The required sum of the side setbacks is thirty-five and a half (35.5) feet, and over twenty-two (22) feet is provided on the north and over twenty-one (23) feet is provided on the south. Exceeding the minimum required setbacks ensures that the proposed height has a minimal impact on Pine Tree Drive. The Applicant is also not proposing a roof deck on the two-story portion of the main home to ensure the proposed height is not further extended with an elevator or stair bulkhead or guardrails. The Project does not include an understory, which could add three (3) additional feet of freeboard to the overall height.

Variance Requests. The new construction related to the Project substantially complies with the Single-Family Residential District standards provided in the Resiliency Code. The requested variances are necessary to maintain architectural integrity of the design and to provide an efficient massing with minimal impact on neighbors. Due to the Property's existing characteristics, the Applicant requests the following:

1. A variance of the maximum permitted height for a flat roof at twenty-eight (28) feet, to permit a maximum height of thirty (30) feet.
2. A variance of the minimum south side setback of fifteen (15) feet to permit a one-story accessory structure outside of the rear yard at seven and a half (7.5) feet.
3. A variance of the sum of the side setbacks of twenty-five percent (25%) of the lot width, thirty-seven and a half (37.5), to permit a one-story accessory structure outside of the rear yard at seven and a half (7.5) feet and a total sum of the side yard setbacks of thirty-two (32) feet.

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 that are peculiar to this land and structures involved. The Property has dual frontage, on Pine Tree Drive and Indian Creek Canal, and is more than three times the size of a typical RS-2 zoned property. The Property immediately abuts a City park, rather than similarly situated single-family homes. Also, due to the existing lot width, the size of the home requires a larger sum of the side yard setbacks than the surrounding properties.

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

The aforementioned special conditions and circumstances are not the result of the Applicant. Rather, the Applicant's goal is to build an efficient and resilient, undersized home that is centralized on the lot.

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 development when neighbors are not impacted. The proposed height is centrally located on the lot, which is triple the size of lots in the RS-2 zoning district. Additionally, the proposed accessory structure, and the associated variances, are necessary to keep more of the required rear yard as open space. The Project is below the maximum permitted unit size and lot coverage and the main home drastically exceeds the minimum required front, rear, and side setbacks.

These are not special privileges conferred to the Applicant, but rather supplementing certain Resiliency Code limitations for an improved design. The Code permits other similarly situated property owners to make similar requests to accommodate designs that contribute to the context of the neighborhood. For example, a home with an understory could be constructed at the proposed height. Therefore, granting of the variances 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 City's land development regulations deprives the Applicants of rights commonly enjoyed by other properties in the same district. The literal interpretation of the regulations would work unnecessary and undue hardship on the Applicant. Additionally, it would lead to architectural design that is less functional and beautiful.

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

The variances are the minimum necessary to produce a design that is compatible with the surrounding area, sensitive to the abutting neighbor on the north, and addresses sea level rise and resiliency. The Applicant is not taking advantage of an understory or the full feet of Freeboard, which would result in a home that is at least three (3) feet taller. Further the main home front, rear, and side setbacks exceed that required in the Resiliency Code. The related setback variances are the minimum needed to make possible the reasonable construction of accessory structure that is not entirely within the rear yard, which preserves the public's views of the canal from Pine Tree Park.

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;

Granting the variances will advance the general intent and purpose of the land development regulations, to encourage new homes above Base Flood Elevation and the minimum Freeboard, centralized massing, and beautiful architecture from the street and canal frontages. The variances will have no negative impact on the area or the public welfare, in fact, it is likely to have a positive impact, as the neighborhood's attractiveness will be enhanced.

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; and

Granting these variances will further the comprehensive plan and will have no impact on the levels of service set forth in the plan. The Project is sensitive to the abutting park and is intended to minimize the impact of the residents in the area.

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.

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 Project is consistent with this purpose.

Practical Difficulty. The innovative design does the most possible to provide a functional and viable home and maintain its architectural significance. There are multiple

practical difficulties that must be addressed in order to make practical use of the Property with the proposed accessory structures, such as the multiple frontages, oversized lot, and the abutting park. The Project does not include an understory, which would allow the minimum required height plus five (5) feet of Freeboard. This would result in a home that is taller than the proposed height. Additionally, the proposed side setback for the accessory structure would be permitted if entirely within the rear yard. However, in order to enhance views of the canal and provide more architecturally appealing design, the accessory structure is partially within the main building area of the home. Therefore, strict adherence to the Resiliency Code regulations would create an unreasonable hardship due to unique physical characteristics of the Property and its surrounding context.

Sea Level Rise and Resiliency Criteria. The new accessory structures advance the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code, as follows:

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

A recycling and salvage plan for demolition will be provided at permitting.

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

Hurricane proof impact windows will be provided.

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 is proactively addressing sea level rise projections by providing the first floor at a Base Flood Elevation of eight (8) feet NGVD and two (2) feet of Freeboard.

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 new ground floor, driveways, and ramping for the construction of the Project will be adaptable to the raising of public rights-of-ways and adjacent land.

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

All 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 new construction will be located above base flood elevation.

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 is 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 materials or porous pavement materials will be utilized where possible.

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

The proposed design provides large open spaces and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. Granting the variances will permit the development of a resilient single-family home that will add value to the surrounding neighborhood. The Modern-style features a variety of high-quality materiality, unique architectural moments, and lush landscaping. Approval of the variances is in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations. The home satisfies the Resiliency Code development regulations for unit size, and lot coverage, and the main home exceeds the required front, rear, and side setbacks ensuring a minimal impact.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this variance application. If you have any questions or comments regarding the requests, please contact me at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

CC: Emily K. Balter, Esq.



EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 12/15/2024

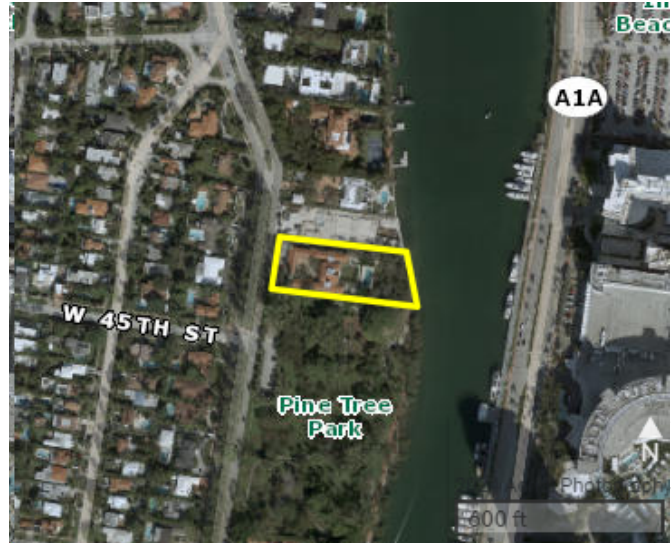
PROPERTY INFORMATION	
Folio	02-3223-002-0320
Property Address	4521 PINE TREE DR MIAMI BEACH, FL 33140-3133
Owner	EGOSITA HOLDINGS INC , C/O ALBERT REICHMANN
Mailing Address	1 FIRST CANADIAN PL STE 3300 TORONTO, ON M5X 1B1 CANADA
Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths /Half	5 / 6 / 1
Floors	1
Living Units	1
Actual Area	12,359 Sq.Ft
Living Area	8,500 Sq.Ft
Adjusted Area	10,446 Sq.Ft
Lot Size	58,650 Sq.Ft
Year Built	1995

ASSESSMENT INFORMATION			
Year	2024	2023	2022
Land Value	\$19,354,500	\$19,354,500	\$12,023,250
Building Value	\$1,940,449	\$1,967,400	\$1,994,350
Extra Feature Value	\$141,334	\$143,276	\$145,218
Market Value	\$21,436,283	\$21,465,176	\$14,162,818
Assessed Value	\$13,496,291	\$12,269,356	\$11,153,960

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
Non-Homestead Cap	Assessment Reduction	\$7,939,992	\$9,195,820	\$3,008,858

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION	
INDIAN BEACH CORP AMD PL	
PB 8-61	
LOT 45	
LOT SIZE 150.000 X 391	
OR 15129-1162 0791 4	



TAXABLE VALUE INFORMATION			
Year	2024	2023	2022
COUNTY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,496,291	\$12,269,356	\$11,153,960
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$21,436,283	\$21,465,176	\$14,162,818
CITY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,496,291	\$12,269,356	\$11,153,960
REGIONAL			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$13,496,291	\$12,269,356	\$11,153,960

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
12/12/2022	\$100	33509-3606	Corrective, tax or QCD; min consideration
07/19/1991	\$750,000	15117-0211	Deeds that include more than one parcel
10/01/1989	\$240,000	14316-3902	Sales which are qualified
01/01/1989	\$0	13979-3273	Sales which are disqualified as a result of examination of the deed

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