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## **VIA ELECTRONIC SUBMITTAL**

October 13, 2024

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

Re: **Letter of Intent** – DRB23-0975 – Design Review  
Approval for the Property Located at 2344 North Bay  
Road, Miami Beach, Florida

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Dear Mr. Madan,

This law firm represents 2344 NBR Irrevocable Trust (the "Applicant"), the owner of the property located at 2344 North Bay Road (the "Property") in the City of Miami Beach (the "City"). The Applicant intends to construct (i) a two-story addition (the "Two-Story Addition") and (ii) a second floor addition (the "Second Floor Addition") to an existing single-family residence. Please allow this letter to serve as the letter of intent in connection with a request to the Design Review Board ("DRB") for the approval of the Two-Story Addition and Second Floor Addition, including an associated waiver and variance.

Property Description. The Property is a waterfront lot located just north of West 23 Street. See Figure 1, below. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3227-008-0690. The Property is approximately 30,000 square feet (0.6887 acres) in size. The Property is located within the RS-2, Single Family Residential Zoning District, and is not located in a local or national historic district.



**Figure 1, Aerial.**

Proposed Additions. The Applicant proposes two modest additions to the existing residence that fit within the neighborhood context: a Two-Story Addition and a Second Floor Addition (the "Project"). The estimated cost of the Project is \$500,000.00. The Applicant's goal is to remodel and retrofit an existing home to meet the needs of the family and further contribute to the architectural integrity of this residential community. The Two-Story Addition, with 809 SF on each floor, is proposed for the central portion of the front façade of the residence, substantially setback from the street by 63'-6". The addition maintains the general character of the existing façade and due to its location at the center of the U-shaped home, it will not be visible from either adjacent neighbor.

The Second Floor Addition of 479 SF is proposed above the 1-story area at the southeastern portion of the front façade, which is setback 38'-7" from the street. The Second Floor Addition is at a lower height than the rest of the second floor of the residence. The overall south elevation features great variation in heights, including two existing areas at different heights and a recessed taller tower structure that collectively will visually minimize the impact of the Second Floor Addition. Additionally, existing multi-layered landscaping along both sides of the southern property line effectively screen and soften the appearance of the south elevation. Overall, the Project does the most possible to provide relief from the existing south elevation and the proposed Second Floor Addition by maintaining the extremely large front setback and only adding a modest, squat addition.

The Applicant's design complies with the current City of Miami Beach Resiliency Code (the "Code") requirements for height, unit size, and lot coverage. This ensures the home and additions are compatible with the neighborhood and have a minimal impact on the abutting neighbors. The Applicant proposes the smallest principal front setback of 38'-7", which matches the existing condition. The size of the home with the additions is approximately 14,981 square feet (49.9% of the lot size), which is within the allowable fifty percent (50%) unit size limit. The proposed lot coverage at 24.7% is also within the thirty percent (30%) maximum permitted. The overall design and massing sufficiently address the intent of the Code.

Waiver Request. The Applicant respectfully requests Design Review Board approval of a waiver pursuant to Code Section 7.2.2.3 to waive the additional required open space of the two-story south side elevation located parallel to the south side property line exceeding sixty feet (60'). Rather than add to the front or rear to elongate the home, the Applicant proposes placing a modest addition on the existing footprint and at a lower overall height than the rest of 2-story elevation to reduce the impact.

The intent of the Code is to reduce the scale and massing of the second story portion of homes against the neighboring properties. The requested waiver is for the south elevation, at which the ground floor currently extends 74'-5"; the 2-story portion is 49'-4". The Second Floor Addition will be coextensive with the ground floor, but at lower overall height. The intent of the Code is to minimize the scale of the second story portion of homes against the neighboring properties. The south elevation complies with the intent of the Code by utilizing architectural features and varying heights to break up the mass of the elevation. Additionally, there is plentiful existing landscaping serving as a buffer along both sides of the southern property line. The landscaping creates a layered effect, with hedges at the base, followed by a row of shade trees, and then a row of taller palm trees. This layering softens the visual impact of the south elevation, effectively screening the home and Second Floor Addition from the neighboring property and minimizing its perceived scale. The architectural design, landscaping, and varying heights result in a minimal impact on the abutting neighbor and, therefore, the intent of the Code is satisfied.

Variance Request. The Applicant only proposes 2 small additions. The Two-Story Addition is centrally located and substantially setback from all sides, especially the front. Notably the Second Floor Addition is compact and maintains the existing side setback of 7'-5". Due to the Property's existing characteristics, the Applicant requests a variance of Section 7.2.2.3.b.1. to permit a side setback of 7'-5" when 15'-0" is required.

*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 nonconforming existing structure. Based on the Property Appraiser's Office, the principal structure was built in 2000, and the Applicant proposes to maintain and retrofit the residence with thoughtful and low-scale additions to meet the family's needs.

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

The special circumstances result from the lawful construction of the existing home.

- 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 to existing homes when neighbors are not impacted. The variance allows for the continuation of the setback condition and allow retrofitting of the residence rather than demolition. This does not impart special privileges to the Applicant, but rather maintains a setback condition that could otherwise remain. 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 a more functional, compact and aesthetically pleasing design that is consistent with the character of the neighborhood and directly related to the existing nonconforming structure. 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 relates to the same special conditions that prevents strict compliance with the Code. The variance relates to the existing location of the south elevation and the Project proposes to maintain the same setback in a volume of lower height than adjacent second floor.

**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 proposed Project is sensitive to the existing south setback and is intended to minimize the impact of the residents in the area and allow for a beautiful and functional home. The south elevation has existed without any detrimental impact. The Second Floor Addition and keeping the nonconforming setback will be in harmony with the regulations and not be injurious to the area nor 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 Project is consistent with this purpose.

*Practical Difficulty.* The preservation and retrofitting of the existing structure, rather than complete demolition thereof, create unique practical difficulties that necessitate the requested variance. There are multiple practical difficulties that must be

addressed in order to make practical use of the Property for an existing single-family home, such as the multiple frontages and existing nonconformities, as well as keeping the large expanses of open space at the front and rear. The design does the most possible to streamline and minimize the impact of the additions while providing a functional and viable home. The proposed additions are aesthetically pleasing, modest in scale, and maintain the home within the City's allowable unit size. Given the constraints posed by preserving the existing structure, the requested variance is reasonable and necessary to allow modest renovations to the single-family residence.

Sea Level Rise and Resiliency Criteria. The additions to the existing home 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 the minimal demolition of limited portions of the existing home 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 maintaining all existing open space.

**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 proposed construction ensures that the home is adaptable, especially with no change to the front setback.

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

All new mechanical and electrical systems are or will be located above base flood elevation.

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

The lawful existing structures cannot feasibility be elevated. They are relatively new and thus elevated much higher than many older homes.

**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.**

Flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**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 maintains existing large open spaces and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. The thoughtful architectural design, layers of landscaping, and varying heights of the south elevation minimize the effect of the requested waiver and variance. Granting this design review application will permit the development of sensitive additions to a compatible and resilient single-family home that will add value to the surrounding neighborhood. The Project does the most possible to comply with the intent and requirements of the Code while still providing the family a viable and functional home.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6236.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Amster', with a long horizontal line extending to the right.

Matthew Amster

cc: Roberto A. Alvarez, Esq.