

May 15, 2025  
City of Miami Beach  
Planning Department  
1700 Convention Center Drive  
Second Floor  
Miami Beach, FL 33139

Attention: Planning Staff

**Re: 433 South Hibiscus Drive, Miami Beach, FL. – ZBA25-0182**

**Request for Variances for:**

1. **Variance for pervious area in the rear yard. Section 7.2.2.3.b.1(6)**
2. **Variance for second floor setback. Section 7.2.2.3.b.1**
3. **Variance for NW corner of the pool deck. Section 7.2.2.3(b)(12)(p)**

Mr. Rogelio Madan and Planning staff,

We are proposing a new two-story single-family residence to be located at the above mentioned property address. There currently exists a residence that was constructed in 1947, which is to be completely demolished. This proposed new residence was designed with the finished floor being FEMA Base Flood plus 1'-0". The finished first floor will be at +11' NGVD, as the FEMA Base Flood for this area is +10' NGVD.

From the finished first floor to the top of the roof we are proposing a height of 24'-0", so we comply with the height by right. The lot size is 10,376 square feet, and the unit size is 5,182 square feet. This means that the unit size is 49.9% of the lot size where up to 50% is allowed. We comply with unit size requirements.

The construction cost estimate of this home is \$3,961,600.00

The lot coverage calculated is 2,798 square feet, or 26.9% of the lot size, thus we again comply. The pervious front yard area is 1,325.1 square feet, which comes to 82.2%, and the rear yard pervious area is 1,305.8 square feet, which is 65.7%. **We are seeking a variance for the rear yard pervious area of 4.3%.**

We comply with most setbacks required. Please see sheet A-05 for reference. The Second Floor is setback at 30'-0", while the required setback is 40'-0". **We are seeking a variance for the Second Floor Setback.** Please refer to the Variance Diagram A-010. The enclosed BOA package has all the information and calculations diagrams for your review. **We are also seeking a variance for the NW corner of the pool deck, toward the front of the property.**

We are addressing the Sea Level Rise and Resiliency review criteria as follows:

- A recycling or salvage plan for partial or total demolition shall be provided
  - o **We have provided a plan for total demolition.**
- Windows that are proposed to be replaced shall be hurricane proof impact windows.
  - o **Please refer to the elevations drawings where we are calling this out.**
- Where feasible and appropriate, passive cooling systems, such as operable windows shall be provided.
  - o **We have sliding glass doors throughout the residence which promote air circulation.**
- Resilient Landscaping (salt tolerant, highly water-absorbent, native, or Florida- friendly plants) shall be provided, in accordance with chapter 4 in the Land Development Regulations.
  - o **Please refer to Landscape plans for the provided resilient landscaping.**

- 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.
  - o **Noted. The Base flood Elevation here is +10.00' NGVD, and we are going to Freeboard +1', 11.00' NGVD.**
- 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.
  - o **The current street level is about +5.50' NGVD. The residence first floor is +11.00' NGVD, about 5.5' higher than the street.**
- 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.
  - o **All of the mechanical equipment will be located on the roof. All the electrical equipment will be above the BFE of +10' NGVD.**
- Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus city of Miami Beach Freeboard.
  - o **The first floor of the residence is at BFE + 1.00', or 11.00' NGVD.**
- When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, we or dry flood proofing systems will be provided in accordance with chapter 54 in General Ordinances.
  - o **The garage, which is below BFE + freeboard, will have flood panels.**
- As applicable to all new construction, stormwater retention systems shall be provided
  - o **A civil engineer shall be retained and will provide a comprehensive storm water retention plan. This will be included in our Permit Submittal.**
- Cool Pavement materials or porous pavement materials shall be utilized.
  - o **We have added a note to the drive way that the material shall have a high albedo finish.**
- The design of each project shall minimize the potential for heat island effects on-site.
  - o **The design of the residence is very spread out throughout the property, we are using high albedo surfaces, and promoting natural ventilation. This all helps to reduce or eliminate the heat island effect.**

#### Variance Criteria

We are complying with the variance criteria as stated in the LDRs. We are faced with a hardship of having a very odd shaped lot. As a result, the setbacks that we have to meet take up a lot of the property, and we have very limited space to build. You can see this in the drawings. We have come up with this creative and beautiful design, but we encroach into the front setback with the second floor by 10'-0", refer to sheet A-0.4 in the Architectural Drawings. We request that the BOA grants us this variance so we can continue with the design of this beautiful home.

1. This is an odd shaped lot. The setbacks required do not leave us much building area.
2. The property lines have not been determined by the applicant
3. We are allowed by right to request a variance. This request, given the circumstances, is more than a reasonable ask.
4. Literal interpretations of the setbacks lines would cause our building design to be smaller, and the architecture would not be as pronounced.
5. We are only seeking a variance in the front setback for the second story portion. It is a small ask. Additionally this second story portion will be setback 30' from the front PL, which is already a huge setback.
6. I do not believe that the granting of this variance will be detrimental to the public welfare. The public has the right to speak out against the design during the hearing if they wish.
7. We do believe that we are consistent with the comprehensive plan and does not reduce the levels of service. If we are not consistent in any way, we would be willing to work with the design.
8. The variance we are asking for does not affect the elevated level of the home. The first level is at BFE + 1'.

Regards,

Ralph Choeff, President  
Choeff Levy Fischman PA