



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 DELIVERY

September 8, 2024

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

Re: Design Review for New Two-Story Home Located at
437 West 31 Street

Dear Mr. Madan,

This law firm represents the owner (the "Owner") of the property located at 437 W 31 Street (the "Property") in the City of Miami Beach (the "City"). The Owner intends to build a new Modern style single-family home. Please allow this letter to serve as the letter of intent in connection with a request to go before the Design Review Board ("DRB") for design review of the proposed new home with an understory, variance relating to the front setback, and waivers related to the two-story side elevation located parallel to a side property line and the second floor front elevation setback.

Property Description. The Property is an irregular shaped lot fronting West 31 Street between Royal Palm Avenue and Sheridan Avenue. See Figure 1. Aerial, below. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3227-001-0661. The Property is approximately 6,125 square feet in size and is currently a vacant lot. The Property is located within the RS-4, Single Family Residential Zoning District.



Figure 1. Aerial.

Proposed Development. The Owner proposes to construct an exquisitely designed, Modern two-story residence with an understory (the "Project") on the Property. The Owner's goal is to activate the Property, which is currently an under-utilized, vacant lot, by providing a sustainable, resilient, and beautiful new home that will contribute to the architectural integrity of the neighborhood. The placement, finishes, hardscape materials, and design elements are all skillfully designed to create a beautiful home and enhance the neighborhood. The Project's design complies with the requirements and goals of the City's Resiliency Code (the "Code"). This ensures minimal impact on the abutting neighbors. The estimated construction cost for the Project is approximately \$1,836,600 based on a \$600 per square foot cost estimate.

The home includes an understory level which contains parking and outdoor, open air space, as well as a small portion of the pool which is primary located in the rear yard of the home. The provided front setback is fifteen feet (15'), which is consistent with the surrounding and nearby homes in the neighborhood. Both sides of the home provide several substantial window features. The overall design sufficiently addresses the intent

of the Code with the main massing centrally located and a variety of architectural articulations and materials, along with significant landscaping.

Understory Request. Pursuant to Section 7.2.2.3.b.1 of the Code, non-airconditioned understory space located below minimum flood elevation, plus freeboard requires Design Review Board approval. As noted, the design of the Project includes an understory. The proposed non-airconditioned, understory area will be used for parking and open-air activities, including a small portion of the pool. Stairs to access the first floor will also be provided in the understory. As required pursuant to Section 7.2.2.3.b.6.E, all parking is provided within the understory area and no parking of vehicle storage is within the required yard. The understory also complies with the unit size requirements provided in the single-family home district land development regulations. This is a necessary design feature to address sea level rise and resiliency.

Side Elevation Request. Pursuant to Section 7.2.2.3.b.2.A, two-story side elevations located parallel to a side property line shall not exceed fifty percent (50%) of the lot depth, or sixty feet (60'), whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The second story side elevation for both the east and west sides of the home located parallel to the side property line is sixty-five feet (65') where sixty feet (60') is required. Due to the unconventional extremely narrow lot configuration, developing a reasonably sized home for this lot in comparison to the surrounding neighborhood requires these waivers. The neighboring properties are sufficiently buffered by existing landscaping, and the home provides several uniquely shaped and designed windows as architectural features along the side of the home to preserve the intent of the Code in maintaining this regulation.

Second Floor Setback Request. Pursuant to Section 7.2.2.3.b.2.B.I, for two (2) story homes with an overall lot coverage of twenty-five percent (25%) or greater, at least thirty-five percent (35%) of the second floor along the front elevation must be setback a minimum of five feet (5') from the minimum required setback. The overall lot coverage for the Project is approximately 27.70%. A waiver is therefore required for the walls framing the recessed balcony and the overhang. The design features requiring this waiver will increase the beauty of the home and improve the atmosphere of the surrounding neighborhood, and allows for the uniquely shaped Property to be developed in a sustainable and appealing manner.

Variance Request. The Project substantially complies with the Single-Family Residential District standards. Due to the Property's irregular shape, consisting of a narrow lot with an even narrower western extension to Royal Palm Avenue, a variance from the

front setback requirement, to allow for a fifteen foot (15') front setback where thirty feet (30') is normally required, is requested as part of this application. The requested variance satisfies the hardship criteria and meets the practical difficulty standard provided in the Code. Further, as shown in Figure 1 above, the front Property line is already setback significantly from West 30 Street and the fifteen-foot (15') setback is consistent with the front setbacks of the surrounding and nearby homes.

Satisfaction of Hardship Criteria. The Variance requested satisfies 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 Property. The configuration and shape of the Property is unique and unlike every other property in the surrounding neighborhood and likely the entire City. The lot is extremely narrow, making developing the Property in conformity with the Code requirements difficult, and the Property contains significant unusable lot area in the narrow western corridor portion of the Property that abuts Royal Palm Ave. The Property's unique location surrounding by lots with homes setback significantly less than thirty feet (30') further supports the special conditions and circumstances existing that are peculiar to the Property.

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 purchased the Property in its current unique lot configuration and is attempting to develop the Project on what is currently a vacant lot, which potentially may be vacant due to the special conditions and circumstances resulting from the unique lot configuration making developing a desirable home on the Property difficult.

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 variance allows for the development of a currently vacant lot at a front setback consistent with the immediately neighboring properties. Further, there is significant buffer space between the front setback area to the gate of the home and W 30 street.

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 allow for a home sized more appropriately in relation to the total lot size. 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 is the minimum variance that will make possible the reasonable use of the land.

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 surrounding neighborhood and is intended to minimize the impact of the residents in the area and allow for a beautiful and functional home on a currently vacant lot that is an eye sore to the neighborhood.

- 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 innovative design 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 for a new single-family home. The extremely narrow lot with significant unusable lot area creates a significant practical difficulty in constructing a functional home that is proportionately sized in comparison to the lot size and surrounding homes. The intent of the Project is to provide a sustainable and resilient home which will exist on the Property for many years to come, which requires a design that is compatible and desirable to current and future potential owners and residents of the home. Constructing a compatible and desirable home on the Property creates a practical difficulty that is alleviated by the requested variance.

Design Review Criteria. The new home satisfies the design review criteria found in Section 2.5.3.1 of the Code, as follows:

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.**

The Project is in compliance.

- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.**

The Project is in compliance.

- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be**

reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

The Project is in compliance.

- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.**

The Project is in compliance.

- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.**

The Project is in compliance.

- f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.**

The Project is in compliance. The Property is currently a vacant lot with limited landscaping. The beautifully designed Project is designed to be both resilient and compatible to the environment and adjacent structures and significantly enhances the appearance of the surrounding properties and neighborhood overall.

- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.**

The Project is in compliance. The Project demonstrates a highly efficient use of a unique lot configuration and pays particular attention to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.**

The Project is in compliance.

- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.**

The Project is in compliance. The project lighting has been designed to limit glare on adjacent properties.

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.**

The Project is in compliance.

- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.**

The Project is in compliance.

- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).**

The Project is in compliance. The Project's orientation and massing consider the building site and surrounding area and are compatible.

- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.**

The Project is in compliance.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.**

The Project is in compliance.

- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).**

This criterion is inapplicable to this application.

- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.**

The Project is in compliance.

- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.**

The Project is in compliance.

- r. **In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.**

This criterion is inapplicable to this application.

- s. **The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

See below analysis.

Sea Level Rise and Resiliency Criteria. The new home advances 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 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 raising the first floor of the home to the base flood elevation of 9' NGVD and 5' 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 elevated first-floor with understory ensures that the home is adaptable to the raising of public rights-of-ways and adjacent land in the future.

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 proposed home is entirely new construction located well-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 Resiliency Code.

No habitable space is located below base floor 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. The Modern design features a variety of beautiful and interesting architectural moments and lush landscaping. The home significantly complies with height, unit size, lot coverage, required setbacks, and understory limitations ensuring a minimal impact on abutting neighbors. The proposed understory also confirms the Owner's commitment to sustainability and resiliency. Lastly, the requested variance meets the hardship criteria and practical difficulty standards provided in the Code.

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 305-377-6238.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MA', with a stylized flourish extending to the right.

Mickey Marrero

Cc: Benjamin Sherry