

Nicholas R Gelpi
Digitally signed
by Nicholas R
Gelpi
Date:
2024.07.10
12:28:13 -04'00'



June 16, 2024

LETTER OF INTENT

Application for Variances to the Zoning Code for 5500 Lagorce Drive

RE:
FIRST SUBMITTAL
[ZBA24-0160](#)
5500 LAGORCE DRIVE
MIAMI BEACH FL 33140

Dear Chairperson and Board of Adjustment Members,

I am the owner of the property at 5500 Lagorce Drive, Miami Beach 33140. Please accept this Letter of Intent as part of the enclosed application requesting two separate variances for the property in order to add a partial second story to the existing home where I live with my wife and our four children. I am both the property owner as well as the architect for the project.

01

THE PROJECT:

-

Our home is located at 5500 Lagorce Drive, in the RS-4 single family district. Our street, Lagorce Drive, is a unique stretch of blocks that on the west side borders the Lagorce Country Club Golf Course, and on the east side backs up to homes which front Pine Tree Drive to the east. The neighborhood is a rich mix of homes built in the 1950's + 60's, but has undergone much redevelopment in the past few years.

Approximately 5 years ago, the owner of the home immediately to the south of our property at 5470, demolished their single story home to construct a much larger, and taller home. This new home is significantly taller than our own single story home, and has created a dramatic change of scale and character.

Our project is a proposal to add an additional bedroom and home office as a second floor on the north side of the existing house. The plans propose an additional 1046sqft, 665sqft as a second level, and an additional 381sqft to the ground floor.

This addition will allow us to remain in the house, as we currently have a 3 bedroom home, but have added to our family since moving in, and with 4 children, we have somewhat outgrown the space.

02

PROJECT HISTORY:

-

The original home was constructed in 1963, and designed by Theo Gottfried, as a single story, efficient plan. I have included the original building card in the application.

My family and I have resided at the property since 2015, after completing a small addition and renovation to the home. For that project, PERMIT #B1501571, we added on approximately 400 sqft, and renovated the interior of the home. We received a variance from the Board of Adjustment at the time of that project to extend a non-conforming setback. I have attached the previous final order to this application.

Our previous renovation was conducted with sensitivity to the scale and character of the neighborhood, and to the original home, and was the recipient of the “Excellence in Compatible New Design Award” by the Miami Design Preservation League in 2018.

The renovated home was featured in Dwell Magazine, and the recipient of an AIA Miami design Award of Merit.

03

SUMMARY OF VARIANCES AND HARDSHIPS:

-

We are seeking 3 separate variances to the zoning requirements for our project, due to hardships resulting from the legally non-conforming configuration of the existing home.

- **01 VARIANCE TO EXCEED THE MAX LOT COVERAGE ALLOWABLE FOR TWO STORY HOME**
- ***from section 7.2.2.3.b.1 of the city code.***

The existing home as is currently constructed, is a single story house and detached garage, with an existing lot coverage of 40.8%. The zoning code used to allow lot coverage for a single story home to be up to 50% of the lot. That code has changed to allow only 40% lot coverage for a single story home, and 30% lot coverage for a two-story home. Because we are proposing a second story addition, the home will now be 2 stories with a proposed lot coverage of 41.9%, exceeding the 30% allowable by the code for new 2 story construction.

As a result we are seeking a variance to exceed the maximum lot coverage for a 2-story home.

- **02 VARIANCE TO EXTEND NON-CONFORMING SIDE SETBACK**
- ***from section 7.2.2.3.b.1 of the city code.***

The home was originally constructed in 1963, with legally nonconforming side setbacks. The original home was built with a 5 foot side setback on the north of the property, and an average of a 6.25' side setback on the south.

The current zoning code calls for a minimum of 7.5' on any side setback, and 15' on a side setback at a street corner. Neither of our side setbacks are conforming with the current code.

We are seeking a variance to the required setbacks on the south side of the house, as we are proposing a second story there which in effect extends the nonconforming configuration. We are not proposing any additional length to the existing side elevation, only an increase in height.

- **03 VARIANCE TO EXCEED THE MINIMUM FRONT SETBACK FOR A SECOND STORY**
- *from section 7.2.2.3.b.1 of the city code.*

We had previously attempted to add a partial second floor to the southwest corner of the house. After receiving approval from the Board of Adjustment at last September's meeting, we developed the plans but soon realized that we would need to demolish the first floor of our existing house beneath where the second story addition was to be placed. This drastically increased the overall cost of the project. As a result we are seeking to relocate the addition above where the existing garage sits. The affected area is limited to the unfinished garage and open breezeway on the ground floor. We are hoping to locate the second floor addition where we propose in the plans to reduce the impact on the finished, and conditioned areas of the existing home. In order to minimize disruption to the existing home, we are attempting to push the second story as far over the garage as possible, and are seeking a variance to the requirement for the second floor to be setback 40' from the front property line.

04

SEA LEVEL RISE AND RESILIENCY:

-

The proposed application satisfies all sea level rise and resiliency review criteria per section 133-50 of the city code:

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

CONSISTENT – Very little of any demolition is proposed in the current project.

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

CONSISTENT – All existing windows are hurricane proof impact windows. No windows are proposed to be replaced, all new windows shall be hurricane proof impact windows.

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

CONSISTENT – each of the new bedrooms on the second floor will contain operable windows per egress requirements, and shall function as passive cooling systems.

4. *Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with [chapter 126](#) of the city Code.*

CONSISTENT – No changes to existing landscaping is proposed, existing landscaping meets resilient landscaping requirements.

5. *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.*

CONSISTENT – The yard elevations are existing and no change is proposed.

6. *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 three additional feet in height.*

CONSISTENT – No new construction of garage is proposed. Garage is existing.

7. *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.*

CONSISTENT – All existing mechanical equipment is raised above BFE, any new equipment required will also conform with this requirement.

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

PARTIALLY-CONSISTENT – The existing home is not conforming with base flood elevation requirements as it was constructed in 1962, and it is not economically feasible to lift the existing home. The proposed second story addition will be located higher than BFE and DFE.

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 54](#) of the city Code.*

CONSISTENT – This is an existing home at existing elevation, no new construction is proposed below the lowest habitable floor.

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

CONSISTENT – Footprint remains unchanged, existing footprint to remain and not feasible to provide new stormwater retention.

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

CONSISTENT – All paving meets city code for cool pavement and no change is proposed.

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

CONSISTENT – Existing site has been paved with hi albedo pavers, which mitigate the effects on heat-island. No changes are proposed.

05

VARIANCE REVIEW GUIDELINES

The proposed application satisfies all review guidelines for variances per section 118-353 (d) of the city 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;*

CONSISTENT – The articulated hardships in this application are the result of the particular configuration of the existing building.

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

CONSISTENT – The circumstances are the result of the existing building which is legally non-conforming.

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;*

CONSISTENT – The goal of the variance is to allow the property owners to enjoy the same privileges as our neighbors without having to demolish our existing home.

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;*

CONSISTENT – The property owners want to maintain the existing building and simply adapt the existing building to the add more living space as is consistent throughout the zoning district and neighborhood.

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

CONSISTENT – Only 2 Variances are requested, and they represent the minimum required to execute the simple scope of the project.

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;*

CONSISTENT – The granting of the variances sought in the application, will better serve the neighborhood, allowing a semi-historic home to remain maintaining the character of 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 voting on the applicant's request.*

CONSISTENT – The proposal is consistent with the comprehensive plan, and no changes to the levels of service are proposed.

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 133](#), article II, as applicable.*

CONSISTENT – Please refer to detailed responses to Sea Level Rise and Resiliency criteria in section 04 of this letter of intent.

-

We love our home and have carefully cared for it over the past 10 years. We want to remain in the house and simply add sufficient bedroom space for our growing family. Based on the foregoing, I respectfully request your favorable consideration of this application.

Sincerely,


Nick Gelpi