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March 14, 2025

Mr. Thomas Mooney
Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent In Support of Board of Adjustment Application No. ZBA25-0179 Requesting Variances (the "Application") for the Single Family Home at 3741 Royal Palm Avenue (the "Property")

Dear Tom:

Our firm represents 3741 Royal, LLC, the owner of the RS-4 zoned Property referenced above, and a family company of Mani and Maaiane Aminov (the "Aminovs").

The Aminovs are building their future family home—their homestead—at the Property. In the time since they started construction of their future home (see building permit no. BR2004631), Mr. Aminov's parents' health has declined and they must now reside together so that the Aminovs can assist their parents with daily activities. This is most important for access to their synagogue, Beth Eliyahu Mani Bukharian Congregation, on Shabbat and on other days of religious observance. Given their age and health, the older Aminovs are struggling to complete the approximately 20-minute walk from their current home to their synagogue. The Property, in contrast, is a short distance (about a three- to five-minute walk) from the synagogue.

To accommodate the Aminovs and help them overcome the practical hardship presented by their situation, the applicants now propose a minor change to their existing building permit that will enclose what was originally permitted as a covered terrace in the Property's rear yard. While enclosing the terrace will not modify the building's footprint or reduce any setbacks, it will technically result in an increase in (1) unit size and (2) lot coverage each slightly above maximums permitted under code. Accordingly, the Aminovs hereby submit the enclosed application for variances pursuant to Chapter 2, Article VIII of the Miami Beach Resiliency Code.

I. The Property

The Property is approximately 11,250 square feet. It is zoned RS-4 and is surrounded by RS-4 zoning. As noted above, the Property is improved with a single-family home that is currently under construction pursuant to building permit no. BR2004631. As permitted, the home includes an L-shaped covered terrace in the rear yard.

II. Requests

To accommodate the Aminovs and allow the proposed enclosure of the existing covered terrace, the Aminovs request:

1. A variance pursuant to Resiliency Code Sections 2.8.3(a) and (b) to allow a maximum unit size of 54.13% (6,089 square feet) where 50% (5,625 square feet) is permitted; and
2. A variance pursuant to Resiliency Code Section 2.8.3(a) and (b) to allow a lot coverage of 35.76% (4,023.05 square feet) where 30% (3,375 square feet) is permitted.

III. Analysis

As a matter of law, the variances are justified if they satisfy either one of Section 2.8.3's variance criteria (subparagraph (a) hardship criteria or subparagraph (b)'s practical difficulty standard). As detailed below, the requested variances satisfy both subparagraphs and should therefore be approved.

Practical Difficulty

The proposed variances prompted by the enclosure of the existing terrace are intended to address the practical difficulty faced by many families with aging parents – how to provide a supportive environment for them that gives them autonomy and privacy, while maintaining a close bond, safety, and assistance as they continue to age. The Aminovs intend to include them as part of a multi-generational family unit, with grandparents and kids that can accompany and learn from each other. Because of their health issues, their bedroom must be located on the ground floor, so their new bedroom on the northwest corner of the home replaces a kitchen support area that has been relocated a more robust pantry in the newly enclosed terrace area.

The Aminovs home is ideally situated, a short walk from their synagogue. This is especially important for a strictly observant family like the Aminovs who must walk on

the Sabbath and other days of religious observance. Beyond providing additional space for the extended family, the expanded home provides separate areas for preparation of meals as required during special holidays such as Passover, a necessity for the Aminovs. Denying these reasonable and minimal variances would substantially limit their ability to provide a multi-generational home, separate ritual meal preparation areas, and expanded space for Shabbat meals for members of their congregation – aspects that are favored by their religious beliefs, and critical to their religious observance as a family.

The requested variances are minimal increases over the the lot coverage and unit size permitted under the Resiliency Code. They do not change the home's approved configuration; instead they simply enclosed already roofed space. The home is among the largest lots on the block, but is still 15% smaller than the home immediately east of it. It is therefore compatible with the development pattern on the block and consistent in the ratio of massing to lot size with homes to the north, south, and east. Approval of the variances will not adversely impact the essential character of the neighborhood, and will not cause detriment to adjoining properties since enclosing the first floor terrace does not add footprint or mass to the home.

Hardship Criteria

The application meets the criteria of Section 2.8.3(a) 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;***

Unit Size: The block is the first block south of 41st Street, a commercial corridor. The subject block itself is not entirely residential, as it contains religious uses on the north side that include a surface parking lot. Because of the proximity of other uses, the immediate neighborhood is noisier than a typical residential neighborhood which emphasizes the importance of shielding the residential activities from intrusions of noise. Doing so is more effective in an enclosed space than in open-air space.

Lot Coverage: The increased lot coverage does not alter the footprint of the home as it simply encloses space already improved with a covered terrace. The mixed-use nature of the block presents compatibility challenges uncommon to typical single family residential neighborhoods that can best be addressed by shielding residential activities from intrusion of noises and other impacts of non-residential uses on the block.

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

Unit Size: The Applicant is building on the Property as it finds it, has not modified the underlying plat, and has no control over other uses on the block.

Lot Coverage: Same as above.

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;

Unit Size: As stated above, the Property is among the largest on the block. However, even after the enclosure, the home is not the largest. In fact, the property immediately to the east is approximately 15% larger. Thus, no special privilege will be granted to the Applicant.

Lot Coverage: The increased lot coverage does not alter the footprint of the home as it simply encloses space already improved with a covered terrace. The mixed-use nature of the block presents compatibility challenges uncommon to typical single family residential neighborhoods that can best be addressed by shielding residential activities from intrusion of noises and other impacts of non-residential uses on the block.

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;

Unit Size: Peaceful enjoyment is a fundamental property right of all homeowners. The Applicant is simply trying ensure peaceful enjoyment for himself and his family, including his aging parents, by enclosing the covered terrace to ensure privacy and shield more of the property from the noise of commercial and public assembly uses in close proximity. The enclosure provides (a) more common space for the extended family, and for hosting Shabbat gatherings which is a responsibility of the Aminovs as prominent members of their temple; and (b) additional, separate food preparation and consumption areas that are necessary for food preparation for observation of special religious observances such as Passover.

Lot Coverage: Same as above.

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

Unit Size: The requested unit size variance seeks to increase the maximum unit size by less than 5% of the lot. The total house is approximately 15% smaller than the neighboring home to the east. The request does not reduce the approved setbacks of the home. By respecting approved building lines, it is the minimum variance in terms of impact to neighbors. In fact, enclosing the space improves the privacy of both the Applicant and his neighbors.

Lot Coverage: The requested lot coverage is an increase of approximately 5.76% of the lot. The request does not reduce the approved setbacks of the home. By respecting approved building lines, it is the minimum variance in terms of impact to neighbors. In fact, enclosing the space improves the privacy of both the Applicant and his neighbors.

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;*

Unit Size: The proposed variance does not expand the home beyond the confines of approved building lines. Limited to the first story, the enclosed terrace will be approximately three feet above grade, it is resilient with respect to susceptibility to stormwater. Because of its recent construction, the home has more resilient features than most existing homes in the area. The increased resilience improves the public welfare as set forth in Article 7 of the Resiliency Code.

Lot Coverage: Same as above.

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*

Unit Size: The granting of the variances does not change the residential use the Property is designated for in the comprehensive plan, or its single-family nature. Accordingly, existing levels of service are maintained.

Lot Coverage: The enclosure will sit atop an area that was already improved with a covered patio. Enclosing it will have no impact on stormwater drainage. It will have no effect on other levels of service either.

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 home is already under construction. The enclosure will simply make use of the existing footprint and design. The home meets the resiliency standards as follows:

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

The home is already under construction and making the modifications necessary for the enclosure is most efficiently accomplished during the construction phase rather than after. No demolition is proposed.

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

All windows in the home are hurricane impact glass as permitted under the Florida Building Code.

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

The windows that enclose the east side of the enclosure are operable and can be opened on cool days and nights.

D. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.

The home will contain landscaping approved under the building permit.

E. 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.

The home is under construction pursuant to building permit approval which included review of grading, drainage, and elevations.

F. 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 in height.

The home is under construction pursuant to building permit approval which included review of grading, drainage, and elevations.

- G. 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.*

The home is under construction pursuant to building permit approval which included review of the location of critical home infrastructure.

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

Not applicable. The home is new construction.

- I. 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 in General Ordinances.*

Not applicable. The home's elevation was permitted as consistent with modern flooding standards.

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

The home was reviewed for building permit and contains all required stormwater facilities, improvements, and/or site contours. The enclosure will not impact those improvements.

- K. Cool pavement materials or porous pavement materials shall be utilized.*

The home was permitted and presumably reviewed for appropriate materials. The proposed enclosure will not change the pavement materials.

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

The proposed enclosure makes use of the existing roof and will not lead to an appreciable increase in heat island effects.

2. Criteria for ordinances, resolutions, or recommendations:

A. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Sea level rise is a consideration for single family homes. Since it is new construction, the lowest floor has been designed and constructed at design flood elevation plus freeboard, approximately three feet above existing grade. The enclosure is located at the same elevation as the first habitable floor of the home.

B. Whether the proposal will increase the resiliency of the city with respect to sea level rise.

The home is constructed at appropriate elevation, with resilient materials, and modern systems like efficient mechanical, electrical, and plumbing components, and impact glass. Neighboring properties are constructed at lower elevations with less efficient systems and lower rated glass. New construction is more resilient than aging homes built without the benefit of modern building codes. New homes such as the improvements on the Property therefore improve the resiliency of the city.

C. Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts.

The proposal is consistent.

As described above, the Application meets the criteria for approval of the variances. We look forward to your favorable recommendation and respectfully request the Board of Adjustment's approval of the requested variances.

Thank you for your attention to this matter.

Sincerely,



Tony Recio

Mr. Tom Mooney

March 14, 2025

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cc: Mani Aminov
 Manuel Fernandez

TR/ms