

VIA HAND DELIVERY

March 11th, 2019

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 Design Review Approval for the Modifications to  
Previously Approved Property at 4747 North Bay Road, Miami Beach Florida

Dear Tom:

This architecture firm represents Adriana Davis (the “APPLICANT”), the owner of the above-referenced property (the “Property”). Please consider this the Applicant’s letter of intent in support of Design Review Board (“DRB”) approval for modifications to a previously approved design for the construction of a new two story single-family home on the Property.

This property property sits on a rectangular shaped lot 90’-0” wide by 100’-0” deep lot. The lot to the south (4737 N Bay Road) contains a two-story, sloped roof home, and the property to the north (4751 N Bay Road) contains a two-story sloped roof property.

#### THE PROPERTY

The Property, identified by Miami-Dade County Folio No. 02-3222-011-0560, measures approximately 9,000 square feet and is located at the west side of North Bay Road, Miami Beach. The Property is located in the RS-4, Single-Family Residential Zoning District, where the surrounding area contains a mix of 1- and 2-story single-family homes. The property contains a two-story Pre-1942 single family home that will be demolished.

#### DESCRIPTION OF PROPOSED DEVELOPMENT

The Applicant seeks to obtain approvals for modifications to the rear yard to include an elevated pool and pool terrace. Lush landscaping will surround and beautify the Property, while providing privacy to the Homeowner and neighboring Properties.

The previously approved home has a unique architectural style, while maintaining compatibility with the existing neighborhood. Importantly, the proposed home complies with all of the City of Miami Beach Code (“Code”) requirements for setbacks, open space, lot coverage, and unit size requirements.

WAIVER REQUEST

The applicant will not require waivers for this application.

VARIANCE REQUEST

The applicant seeks the following three variances from the code:

- 1) Variance to increase the maximum height/elevation allowed by 3'-0" in order to construct an elevated pool and terrace at higher NGVD elevation:**

Section 142-105 (b)(8)c.4(B) Non-waterfront: The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater

This variance will allow the applicant to construct an elevated pool and pool terrace at +9.56 NGVD, approximately 3'-6" below the level of the first floor of the home (+13.00 NGVD). The first floor of the home contains the primary living spaces and therefore the pool and terrace are requested to be set half way between the first habitable floor of the home and the rear yard for accessibility purposes.

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria 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.**

Single family residential districts in Miami Beach allow for the construction of single family residences at Base Flood Elevation + Freeboard to address future sea level rise. This allowed additional height results in accessibility and reasonable transition issues to the rear yard. By elevating the pool and terrace of the rear yard to +9.56' NGVD it exceeds the allowable parameters of the code. The requested increase in elevation at 3'-0" requires the setback variance requested.

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

The Finish Floor Elevation (FFE) of the first floor of the home is within allowable parameters of the code at BFE(+8 NGVD) +5' freeboard setting the FFE at +13.0 NGVD. Current zoning only allows for +30" above grade for projection elevations resulting in a disparity of 6.0' in height difference. This allowed additional height of the FFE of the home results in the variances requested.

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development regulations to other lands, buildings, or structures the same zoning district.**

The variance is not excessive in scope in that it is limited to requesting a height variance for the pool and adjacent terrace, in order to allow reasonable access the permitted first floor elevation of the home from these spaces and from the rear yard.

- (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 and of these land development regulations and work work necessary and undue hardship to the applicant.**

The literal interpretation of the provisions of the land development regulations would prevent the applicant from being able to access the first floor of the home from the rear yard pool and adjacent terrace in a reasonable manner, and creates safety issues as a direct result of the disparity between the first level of the home, pool and terrace, and the rear yard. This results in a hardship.

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

The variance request is the minimum request that would allow reasonable access and transitions to the first floor of the home.

- (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.**

The requested elevated pool and adjacent terrace in the rear yard will not be injurious to the area involved as it only seeks to reach an intermediate elevation between the permitted first floor elevation of the home and the rear yard elevation. It also meets required setback and rear yard open space criteria for such elements by code.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set fourth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

The variance requests is consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

- 2) Variance to increase the maximum height/elevation allowed for guardrails by 3'-0" in order to construct guardrails at the elevated pool terrace and access stairs in the required rear yard:**

Section 142-1132 (h)(1)b: Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade.

This variance will allow the applicant to construct a guardrail at the edge of an elevated pool terrace at (elevation +9.56 NGVD). The guardrail will need to exceed allowable parameters as set for by the code by 3'-0" in order to meet the requirements of the Florida Building Code (3' height requirement for guardrails).

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria 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.**

Single family residential districts in Miami Beach allow for the construction of single family residences at Base Flood Elevation + Freeboard to address future sea level rise. This allowed additional height results in accessibility and reasonable transition issues to the rear yard. By elevating the pool and terrace of the rear yard to +9.56' NGVD it exceeds the allowable parameters of the code and results in the first variance request. Local and State Building Codes require a guardrail for transitions with more than 4 risers requiring a handrail at this location. The resulting disparity between the maximum height for such an element by the zoning code and the heights required for guardrails by the Florida Building Code result in this variance request.

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

Local and State Building Codes require guardrails of a minimum of 36" for transitions of more than 4 risers (approximately 24"). The low grade elevation and high minimum yard elevation in comparison result in a disparity between the allowed height for a guardrail and the requirements as set forth by the Florida Building Code.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development regulations to other lands, buildings, or structures the same zoning district.**

The variance is not excessive in scope in that it is limited to requesting a height variance for a guardrail to be constructed at the pool terrace in the rear yard, as required by local and state building codes.

- (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 and of these land development regulations and work work necessary and undue hardship to the applicant.**

The literal interpretation of the provisions of the land development regulations would prevent the applicant from being able to construct a guardrail at the pool terrace in the rear yard, resulting in a hardship.

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

The variance request is the minimum request that would allow for the construction of the handrail.

- (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.**

The requested variance will be in harmony with the general intent and purpose as it is the minimum height allowed by local and state building codes. It also meets required setback criteria for such elements by code.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set fourth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

The variance request is consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

**3) Variance Request to allow access stairs to exceed the maximum height allowed for projections into the rear yard by an additional 2'-3".**

Section 142-1132 (o)(6) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(6) Porches, platforms and terraces up to 30 inches above the grade elevation of the lot, as defined in [chapter 114](#). Within single-family districts, such projections and encroachments may be located up to the first habitable floor elevation and include stairs, steps, ADA-compliant ramps and related walkways, not exceeding five feet in width, which provide access to all porches, platforms, terraces and the first floor when elevated to meet minimum flood elevation requirements, including freeboard.

This variances will allow the applicant to construct access stairs necessary to access the proposed elevated pool terrace (+9.56' NGVD) and the level of the first floor of the home (+13.00 NGVD). The requested additional height (2'-3") is required in order to allow for reasonable access to the permitted first floor elevation of the home from these spaces and from the required yards.

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria 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.**

Single family residential districts in Miami Beach allow for the construction of single family residences at Base Flood Elevation + Freeboard to address future sea level rise. This allowed additional height results in accessibility and reasonable transition issues to the rear yard. The increased elevation of the home resulted in the necessity for stairs to transition to the pool terrace and first floor of the home, resulting in the setback variance requested.

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

The Finish Floor Elevation (FFE) of the first floor of the home is within allowable parameters of the code at BFE(+8 NGVD) +5' freeboard setting the FFE at +13.0 NGVD. In order to reasonably transition between the two elevations access stairs are required. This allowed additional height of the FFE of the home results in the variances requested.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development regulations to other lands, buildings, or structures the same zoning district.**

The variance is not excessive in scope in that it is limited to requesting additional height of 2'-3" beyond what is allowed by code, in order to allow reasonable access to the permitted first floor elevation of the home from these spaces and from the rear yard.

- (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 and of these land development regulations and work work necessary and undue hardship to the applicant.**

The literal interpretation of the provisions of the land development regulations would prevent the applicant from being able to access the first floor of the home from the rear yard pool and adjacent terrace in a reasonable manner. This results in a hardship.

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

The variance request is the minimum request that would allow reasonable access and transitions to the first floor of the home.

- (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.**

The requested additional height will not be injurious to the area involved as it only seeks to reach an intermediate elevation between the permitted first floor elevation of the home and the rear yard elevation for the pool terrace (not visible from adjacent properties), as well as to allow reasonable access to the first floor of the home from the required yard.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set fourth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

The variance requests is consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

SEAL LEVEL RISE AND RESILIENCY CRITERIA – Section 133-50(a):

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

**A recycling or salvage plan for partial or total demolition will be provided under separate cover at the appropriate time in the development process.**

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

**All proposed windows will be hurricane proof impact windows.**

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

**Passive Cooling systems, including, but not limited to, operable windows, overhangs, and elevated structure, will be provided.**

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

**Resilient and native landscaping has been incorporated into landscape design.**

(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.

**Adopted Sea level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered.**

(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 ground floor, driveways, and garage ramping are adaptable to the raising of public rights-of-ways and adjacent land.**

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**All critical mechanical and electrical systems are located above base flood elevation.**

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

**Not applicable.**

(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.

**Wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the City Code for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.**

(10) Where feasible and appropriate, water retention systems shall be provided.

**As noted above, wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the City Code for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.**

#### CONCLUSION

Approval of the proposed modification to the rear yard of the previously approved residence will permit development of a well-designed elevated pool and terrace that seek reasonable access and transition between the rear yard and First Floor of the home. As the Applicant has taken careful measures to mitigate any negative impact of the proposed development, we respectfully request that you approve the proposed design with its accompanying variances. These modest requests capture the spirit of the land development regulations and will not result in negative impacts to the neighborhood. We look forward to your favorable review of the application. If you have any questions or comments, please contact me directly at (305) 674-8031.

Sincerely



ROBERT MOEHRING  
Architect, Landscape Architect, LEED AP  
PRINCIPAL

