



May 6, 2019

Chairman and Board Members
Design Review Board
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: DRB File # DRB19-0397
5245 N Bay Road
Miami Beach, FL 33140

Sir/Madam:

The applicant is requesting to be allowed to construct a new two-story single-family residence on an existing one-story residence lot that contained a 1951 home, which is to be demolished.

The proposed residence has extensively considered issues such as sea-level rise, storm surges, the raising of future public rights-of-ways, and other 'resiliency' criteria, all while attempting to do so in a thoughtful aesthetic manner. As a result, the proposed residence is elevated to 11.23' NGVD to adequately meet projected flood-levels yet attempts to avoid an architectural vernacular of a "home on stilts" that may be considered contextually inconsistent for the subject property. We believe this to be a subtle, yet more successful interpretation to bridge the gap between the existing neighboring typology and critical matters of sea-level rise.

Moreover, the residence has specified other elements to improve resilience such as impact glass windows for hurricane protection, all mechanical and electrical systems elevated above the base flood elevation, utilizing flood-proofing systems for unconditioned areas below base flood elevation. Additionally, the Applicant intends to utilize ample native and Florida-friendly plantings, which are resilient to salt, yet aesthetically lush as well as improve irrigation.

Further the applicant is requesting four variances (1-4 below) and a waiver (a below), specifically with respect to:

- 1) Reduce the north side setback from 10' to 7'6"
- 2) Reduce the south side setback from 10' to 7'6"
- 3) Reduce the sum of the side setback from 20' to 15'-0"
- 4) Increase the maximum allowable height of an encroachment into a required south side yard to 9.23' NGVD
- a) Waiver: +/- 81% 2nd Floor to 1st Floor volume ratio

The Applicant has taken painstaking efforts to ensure that the subject property meets the requirements of the City of Miami Beach Code of Ordinances, section 118-353(D), for the City to approve the requested variances for the property setbacks. As required by sections 6-4 and 6-41(a) and (b), the existing conditions of the property are unique in such a manner as would warrant the granting of the requested setback variance. In this case, the Applicant is seeking a minimal variance on the setback requirements; one that is less than (or at least equal to) the requirements that were applicable to the other properties in the vicinity of the subject property. The current setback requirements are particularly suited for wider properties and intended to prevent excessively large projects from consuming entire swaths of the City of Miami Beach. Through the history of construction in the area (and not as the result of any action or inaction by the applicant), the subject property is surrounded by similarly situated properties that have been subjected to setbacks equivalent to (or even less than) what is being requested in this instance. As such, the subject property would be in harmony with other properties in its vicinity.

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In this instance, the Applicant is not seeking a special privilege that would differentiate it from other properties in the immediate vicinity. Quite to the contrary, the Applicant is seeking the variance to allow it to construct the home in a manner that would be in keeping with all the other properties in the vicinity (and in some cases, the subject property would still have less beneficial setbacks than other projects in the vicinity). Consequently, the refusal of the requested variance would deprive the Applicant of the same benefits enjoyed by all other property owners in the immediate vicinity of the subject property. This would create an undue hardship on the Applicant relative to all other property owners in the area.

As set forth above, the Applicant's request for the variances is minimal. As such, the granting of the Applicant's request will not reduce the levels of services available to the residents of the area or otherwise create a hardship on the City or any neighboring property owner.

Finally, the applicant is requesting to be allowed to construct a terrace that encroaches/projects 25% into the required side yard setback at a height of 9.23' NGVD. The proposed terrace design appears to be consistent with the intention of Section 142.1132(o)(6) to meet sea level rise, which allows for such terraces within single-family districts to be, 1) elevated up to the first habitable floor elevation; and 2) project up to 25% into the required setback. In this instance, the proposed residence's first floor elevation is 11.23' NGVD.

If granted, none of the requested variances will have a detrimental impact on the adjacent properties or neighborhood. Instead, the subject property, as designed attempts to strike a balance between the requirements of the Zoning Ordinance and the design review guidelines of the City of Miami Beach.

We are available at the Board's convenience to respond to any questions the Board may have. Your kind consideration is greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to be 'JL Gomez', with a vertical line extending downwards from the end of the signature.

Jose L. Gomez, AIA
Beilinson_Gomez Architects P.A.

JLG/mev