

# MIAMI BEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

<b>Application Information</b>			
FILE NUMBER DRB19-0426			
<input type="radio"/> <b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input checked="" type="radio"/> <b>Design Review Board</b> <input checked="" type="checkbox"/> Design review approval <input checked="" type="checkbox"/> Variance	
<input type="radio"/> <b>Planning Board</b> <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> <b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> <b>Other:</b>			
<b>Property Information – Please attach Legal Description as “Exhibit A”</b>			
ADDRESS OF PROPERTY 199 N Coconut Lane, Miami Beach, Florida 33139-5159			
FOLIO NUMBER(S) 02-4205-002-0270			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME Alyssa C. D'Amico & Anthony J. D'Amico II			
ADDRESS 199 N Coconut Lane		CITY Miami Beach	STATE FL
ZIP CODE 33139-5159			
BUSINESS PHONE (305) 827-2661 Ext. 103	CELL PHONE	EMAIL ADDRESS alyssa@majesticmirror.com	
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME Same			
ADDRESS		CITY	STATE
ZIP CODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST Demolition of existing pre-1942 single family residence and replacement with new two story single family residence with variances for front setback for decorative wall, unit size and lot coverage, and waiver for second floor to first floor area.			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		4059	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		4597	SQ. FT.
<b>Party responsible for project design</b>			
NAME Timothy DuPont		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 2750 NW 3rd Ave #23		CITY Miami	STATE FL      ZIPCODE 33127
BUSINESS PHONE (305) 531-8688	CELL PHONE	EMAIL ADDRESS tim@bluedesigncompany.com	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME Michael W. Larkin, Esq.		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd., Suite 850		CITY Miami	STATE FL      ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS mlarkin@brzoninglaw.com	
NAME Matthew Amster, Esq.		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd., Suite 850		CITY Miami	STATE FL      ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com	
NAME Emily Balter, Esq.		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd., Suite 850		CITY Miami	STATE FL      ZIPCODE 33131
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS ebalter@brzoninglaw.com	

**Please note the following information:**

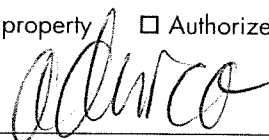
- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

**Please read the following and acknowledge below:**

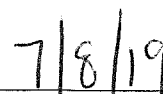
- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property    ☐ Authorized representative


**SIGNATURE**

Alyssa C. D'Amico

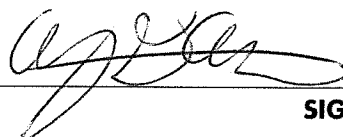
**PRINT NAME**

**DATE SIGNED**

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☒ Owner of the subject property    ☐ Authorized representative



**SIGNATURE**

Anthony J. D'Amico II

**PRINT NAME**

7/8/19

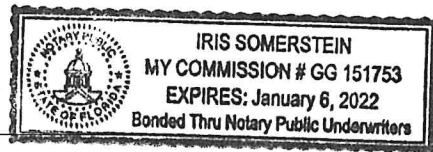
**DATE SIGNED**

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**STATE OF FloridaCOUNTY OF Miami-Dade

I, Alyssa C. D'Amico, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

Sworn to and subscribed before me this 8 day of July, 2019. The foregoing instrument was acknowledged before me by Alyssa C. D'Amico, who has produced personally known as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: \_\_\_\_\_

**SIGNATURE**Alyssa C. D'AmicoIris Somerstein**NOTARY PUBLIC**Iris Somerstein**PRINT NAME****ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, N/A, being first duly sworn, depose and certify as follows: (1) I am the \_\_\_\_\_ (print title) of \_\_\_\_\_ (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

**PRINT NAME**

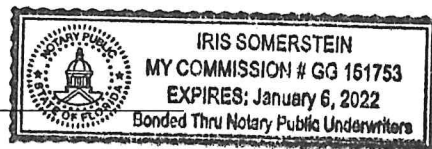


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NOTARY SEAL OR STAMP



My Commission Expires: \_\_\_\_\_

**SIGNATURE****NOTARY PUBLIC****PRINT NAME****ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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**NOTARY PUBLIC**

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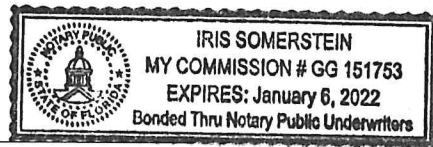
**POWER OF ATTORNEY AFFIDAVIT**STATE OF FloridaCOUNTY OF Miami-Dade

I, Alyssa C. D'Amico, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael W. Larkin, Esq. and Matthew Amster, Esq to be my representative before the Design Review Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Alyssa C. D'Amico**PRINT NAME (and Title, if applicable)****SIGNATURE**

Sworn to and subscribed before me this 8 day of July, 2019. The foregoing instrument was acknowledged before me by Alyssa C. D'Amico, who has produced personally know as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: \_\_\_\_\_

**NOTARY PUBLIC****PRINT NAME****CONTRACT FOR PURCHASE**

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A**NAME****DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
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 \_\_\_\_\_

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

**POWER OF ATTORNEY AFFIDAVIT**STATE OF FloridaCOUNTY OF Miami-Dade

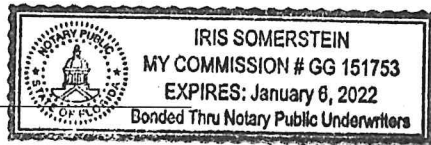
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Anthony J. D'Amico II

**PRINT NAME (and Title, if applicable)****SIGNATURE**

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NOTARY SEAL OR STAMP



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N/A

**NAME****DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
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**DISCLOSURE OF INTEREST**  
**CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

N/A

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP


N/A

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP


If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

**DISCLOSURE OF INTEREST**  
**TRUSTEE**

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

N/A

<b>TRUST NAME</b>	
NAME AND ADDRESS	% INTEREST

**COMPENSATED LOBBYIST**

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
Michael W. Larkin, Esq.	200 S. Biscayne Blvd., Suite 850	305-374-5300
Matthew Amster, Esq.	200 S. Biscayne Blvd., Suite 850	305-374-5300
Timothy DuPont	2750 NW 3rd Ave, Suite 23	305-531-8688
Emily Balter, Esq.	200 S. Biscayne Blvd., Suite 850	305-374-5300

Additional names can be placed on a separate page attached to this application.

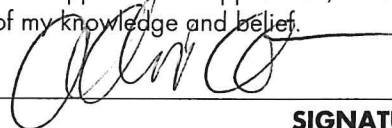
**APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.**

**APPLICANT AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami-Dade

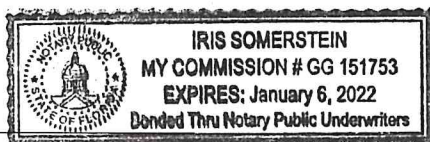
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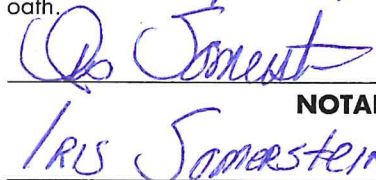
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NOTARY SEAL OR STAMP



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**NOTARY PUBLIC**

**PRINT NAME**

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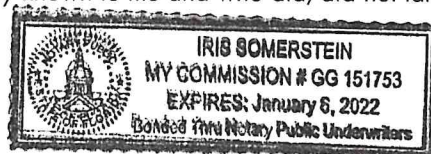
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NOTARY PUBLIC

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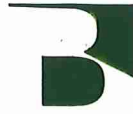

  
PRINT NAME



## Exhibit A

### Legal Description

**Lot 31 and a 20-foot strip adjacent thereto, Block 2A, RIVIERA FIRST AND SECOND ADDITIONS, as AMENDED, according to the map or plat thereof, as recorded in Plat Book 32, Page 37, of the Public Records of Miami-Dade County, Florida.**



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236  
E-Mail: MAMster@BRZoningLaw.com

## VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

August 5, 2019

James G. Murphy, Chief of Urban Design  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: DRB19-0426 - Design Review, Waiver and Variance Approvals for the Property  
Located at 199 N. Coconut Lane, Miami Beach, Florida

Dear James:

This law firm represents Alyssa C. and Anthony J. II D'Amico, (the "Applicants"), the owners of the above-reference property (the "Property"). Please allow this letter to serve as the required letter of intent in connection with a request to the Design Review Board ("DRB") for design review, waivers and variances for a single-family home on the Property.

The Property. The Property is a very narrow, 50 foot wide, waterfront lot located at the top of North Coconut Lane's eastern curve comprised of approximately 7,650 square feet. The Property is in the RS-4, Single Family Residential Zoning District and is identified by Miami-Dade County Folio No. 02-4205-002-0270. The Property is currently developed with a 1-story single-family residence built in 1936.

The area contains a mix of 1- and 2-story single-family homes. Abutting to the east of the Property is a private roadway/easement providing access to the neighboring single-family residences at 195 and 191 N. Coconut Lane. This effectively means that the narrow Property fronts on a T-intersection. When observed from the eastern intersection of Palm Avenue and N. Coconut Lane, the Property is bookended by two large, similarly-sized 2-story single-family residences at 199 and 201 Palm Avenue.

Description of the Proposed Development. The Applicants, who have been long-standing residents of Miami Beach, propose replacing the existing 1-story residence with

a thoughtfully designed 2-story residence of approximately 4,143 square feet that can accommodate the Applicants' growing family. To ensure that the residence is centrally located on the lot, the proposed home includes larger setbacks than required in the rear and at both the front and rear at the second level.

The proposed home contains two garages framing the central, open air entrance way to a recessed front door. A prominent but slender 1-story red decorative wall projects out from front façade, defining the front entrance and breaking up the 2-story volume at the front. In addition to the wall, the design incorporates shifting architectural planes and uses several materials to create interesting architectural features and movement, including projecting framing elements, an open corridor to the home's entrance, glass-lined terraces, Resysta wood, smooth concrete slabs, and stacked stone. These architectural features, which are central to the design, complement the more recent redevelopments in the neighborhood and make the home aesthetically pleasing to significantly reduce the appearance of the home's scale and massing.

The proposed home complies with the City of Miami Beach Code (the "Code") requirements for rear and side setbacks and height. Specifically, the garages are located at the required front setback, but the second floor is further setback 10'-9" and the rear setback, at 45'-4" at ground level and 52'-3" at the second level, is at or over twice the required amount of 23'. As a result, the home's central location is sensitive to the neighbors' privacy. In addition, dense landscaping will be placed along the perimeter of the Property, especially the rear of the home where the pool area is to further protect the neighbors' privacy.

Due to the extreme narrowness of the lot, minor waivers and limited variances that do not contradict the intent of the Code are needed to implement a thoughtful design that fully realizes the Property's development potential without adversely impacting the neighborhood.

Waiver Requests. The Applicants respectfully request DRB approval of the following waivers:

1. Code Section 142-105(b)(4)(c), to permit 80.7% second floor volume where 70% maximum is permissible.

The proposed home will only have a modest increase over the preferred 2-story volume amount. The intent of the second floor volume requirement is to reduce the overall scale and massing of the home, and the Applicants have very effectively addressed this in the design.

The second floor is substantially setback farther at the front 40'-9" when only 30' are required, and at the rear 52'-3" when only 23' feet are required. These liberal setbacks significantly reduce the scale and massing of the home and centrally locate the home to protect the neighbors' privacy. The numerous architectural articulations offered, such as the front red wall, projecting framing elements and variety of materials, will also reduce the impact of the size of the second story portion. Therefore, the entire design significantly reduces the size of the home and compliments the character of the neighborhood. The intent of the Code will be accomplished in the proposed design.

2. Code Section 142-106(2)(d), to permit a second story side elevation of 66'-11" on the west side of the Property when 60' is the maximum allowed.

The proposed home incorporates many interesting architectural features in a conscious effort to reduce the home's scale and massing while realizing a design that is aesthetically pleasing. One of these features is a red spiral staircase located at the rear of the home on the west side of the second floor providing open air access to the roof deck. The terrace on which the staircase sits is 6'-11" long and, with the exception of the staircase and a glass railing, it is an open area. Not counting this open area, the enclosed 2-story portion on the west elevation is 60' long, which otherwise complies with the Code, and is the condition for the east elevation that does not require a waiver. The openness significantly reduces the proposed home's scale and massing. Accordingly, a minimal waiver is needed to permit the second story western side elevation to be 66'-11" long.

Variance Requests. The Applicants respectfully request DRB approval of the following variances:

1. A variance of Section 142-105(b)(1) to permit lot coverage of 35.5% where a maximum of 30% is allowed ("Variance 1");
2. A variance of Section 142-105(b)(1) to permit a unit size of 54.1% where a maximum of 50% is allowed ("Variance 2");
3. A variance of Section 142-106(1)(b), to permit a front setback of 24'-0" for the red wall where a minimum of 30'-0" is required ("Variance 3").

Satisfaction of Hardship Criteria. The Applicants' requests satisfy all of the 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;**



Variances 1 and 2: The Property is located on a constricted 50 foot wide lot at the crest of the curve of N. Coconut Lane. The narrowness of the lot makes safely maneuvering and parking the family vehicles on the Property difficult and constructing garages perpendicular to the street impractical. Accordingly, to ensure safety, the narrowness of the lot forces the Applicants to build garages facing the right of way. Because the Applicants are forced by the lot's narrowness to build garages facing right of way, they cannot utilize the 500 square foot reduction in lot coverage calculation for garages. If the deduction was applied the proposed design would have a lot coverage of 29.0% which is below the 30% maximum. For similar reasons, a slight variance in unit size to permit an additional 4.1% (only 318 square feet) is needed. The proposed design makes a conscious effort to develop the narrow lot in a way that is both respectful of the adjacent homeowners' privacy and an adequate realization of this lot's potential.

Variance 3: The proposed design strives to incorporate interesting architectural features that complement the recent redevelopments in the neighborhood, make the residence aesthetically pleasing, and reduce the scale and massing of the home. One of the many architectural features is a beautifully-designed 1-story tall red decorative wall that divides the western garage from the front entrance. The warm color and delicate lighting play with the dark wood trimmings and smooth concrete slabs present in the façade. This decorative wall, which is modest in width, minimally encroaches on the front setback, making the front setback 24'-0". Notably, the decorative wall would be allowed if the proposed design was a 1-story home, and at 6' in length, although not an allowed projection, meets the maximum projection that would be permitted in a 30' front yard.

The design compensates for this slight intrusion by providing larger than required setbacks at the second floor, 40'-9" at the front more than double the minimum requirement at the rear. Additionally, the design complies with side setbacks and height requirements to ensure that the residence is centrally-located and moderate in size.

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

The Property's very narrow width located at the crest of the curve of N. Coconut Lane is an existing condition and did not result from the action of the Applicants.

**(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;**

Variance 1 and 2: The Applicants will not derive any special privilege from the approval of these variances. In fact, some of the surrounding residences have a unit size above the 50% maximum. The residences directly to the southwest and southeast of the Property have a unit size of 55% and 53% respectively. Another residence two lots to the southwest of the Property has an approximately 76% unit size. Granting the Applicants modest request of 54.1% when 50% is allowed will enable the Applicant to construct the proposed structure which enhances the overall look of the neighborhood with its unique architectural features without adverse impacts.

Variance 3: Similarly the Applicants will not derive any special privilege from a 6' variance in the front setback which only physically pertains to the slender width of the decorative wall, which does not enclose any space in the front, or have any second floor or covering above. The Code allows other similarly situated property owners to seek similar variances that allow for the construction of these features. The purpose and intent of the Code is to ensure homes are modest in size and do not intrude on the neighbors. Here, granting a variance so that at the decorative wall the setback can be 24'-0" while the main structure remains at the required 30'-0" at the first level is consistent with the intent of the Code and does not confer any special privilege on the Applicant.

**(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 these land development regulations would force the Applicants to construct garages that create a safety issue and also to forego interesting architectural features that are a central part of the proposed design and make this home unique and compatible with the neighborhood. As a result, the Code would deprive the Applicant of the right to build what is enjoyed by other properties. Further, a literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variances are requested in order to effectuate the development of the proposed structure with certain integral design elements, while still maintaining the intent of the Code because overall, the new

home minimizes the scale and massing from impacting the abutting neighbors by centralizing the home with liberal front and rear setbacks.

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

Variances 1 and 2: The slight increase in lot coverage and unit size are the minimum variance that will make reasonable use of the lot and are no greater than those of other nearby homes. The narrowness of the lot forces a design with garages facing the right-of-way, which disqualifies Applicants from a 500 square foot discount when calculating lot coverage. The proposed variances are modest and any less would force the Applicants to forego architectural features that are a central part of the design and effectively reduce the scale and massing.

Variance 3: Allowing the front setback to be 24'-0" for a 1-story wall is the minimum variance that will make reasonable use of the front yard. The wall does not intrude on the uses and openness of the front yard. To the contrary, its design complies with the intent of the Code to reduce the scale and massing of the 2-story home, and from some views helps to screen the street facing garages that cannot be avoided on this narrow lot. This beautifully-designed red textured stucco decorative wall that divides the western garage from the front entrance readily distracts the eye. The slight encroachment into the front setback at the decorative wall is the minimum variance that will make reasonable use of the proposed building and produce the intended effect.

**(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**

The residence will be in harmony with the surrounding properties, many of which have a lot coverage and unit size above the maximum and unique architectural features. The residence aims to further the intent and purpose of the land development regulations. The home will be centrally-located and the architectural design reduces the scale and massing, and is sensitive to the neighbors' privacy.

**(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 variance requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. The constrictive 50-foot wide waterfront lot represents a practical difficulty inhibiting the Applicant from meeting all Code requirements. The Applicants could not safely maneuver their family vehicles into parking spaces that are perpendicular to the right of way. Accordingly, they were forced to design their garages facing the right-of-way and cannot take advantage of the 500 square feet lot coverage discount. However, the design compensates for the minor inconsistencies with the Code by providing liberal front and rear setbacks that increase significantly at the second floor. This centrally locates the residence and respects the neighbors' privacy. Additionally, the design contains multiple architectural features that are aesthetically pleasing and minimize the impact of the building's scale and massing. The Applicants' proposal satisfies the intent and purposes of the Code to provide a modestly-sized home centrally located on the lot that does not adversely impact the neighborhood. The slight encroachments are minimal and necessary in light of the practical difficulties created by the nature of the lot's narrowness.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

The Applicants will provide a recycling or salvage plan during permitting.

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

The proposed structure will have hurricane impact windows throughout the residence.

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

The proposed structure includes passive cooling systems such as operable windows and sliding doors.

**(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.**



The Applicants have worked with a landscape architect to provide landscaping that is appropriate for the Property, with plant species that are native and Florida-friendly. The proposed plantings are appropriate for the area and are salt tolerant species.

**(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.**

The Applicants propose the new structure to have a finished floor elevation at 10' NGVD, one foot above the Base Floor Elevation (BFE).

**(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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.**

The Applicants propose the new structure to have a finished floor elevation at 10' NGVD with the garage at adjusted grade of 6.83'. The interior of the garage is approximately 12' and can accommodate raising if needed. Further, the driveway at 30' long can also accommodate appropriate ramping from the street to the garages and entrance to the home so that the project will be compatible to future raising of public right-of-ways and adjacent land.

**(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.**

All critical mechanical and electrical systems will be located above the BFE.

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

The Applicants propose a new replacement home at BFE + 1' of City of Miami Beach Freeboard.

**(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.**

No habitable space will be located below BFE.

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

The Applicants have engaged the services of an engineer to analyze and provide an appropriate drainage plan for the Property. Accordingly, a stormwater retention system will be implemented.

**(11) Cool pavement material or porous pavement materials shall be utilized.**

The Applicants propose a porous wood pool deck and a pervious "Hydro Pavers" driveway.

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

The Applicants propose cool pavement, a light-colored roof and extensive landscaping that will minimize the potential for heat island effects.

Conclusion. Granting this design review application and associated waivers and variances will permit the development of a beautifully-designed modern single-family home that meets the intent and purposes of the Code and is compatible with the surrounding neighborhood. We look forward to your favorable review of the application. Please call me at 305-377-6236 with any questions or comments.

Sincerely,



Matthew Amster

cc: Alyssa C. and Anthony J. II D'Amico  
Michael W. Larkin, Esq.

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

**JAMES MURPHY**

Staff First Submittal Review Comments Design Review Board

SUBJECT: DRB19-0426 | 199 North Coconut Lane

Comments Issued: 07/26/19 | 07/17 JGM

Final CAP/PAPER Submittal: 1:00 PM on 08/05/19

Notice to Proceed: 08/12/19

Tentative Board Meeting Date: 10/01/19

**PERTINENT INFO**

The CAP and Paper Final submittal deadline is 1:00 PM on 08/05/19 for the October 01, 2019 meeting.

- o Fifteen (15) 11x17 drawing sets (in color) labeled Final Submittal, including one (1) original set of 11x17 architectural plans dated, signed and sealed.
- o A cd/dvd containing a digital version of the documents and plans submitted. The CD must be in the proper format specified by the Planning Department.
- All other associated fees due 08/14/2019

**DRAFT NOTICE:**

DRB19-0426, 199 North Coconut Lane. An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence including one or more waivers and variances to exceed the maximum allowed lot coverage and unit size and a variance to reduce the required front setback.

**Response: Existing home is only 1-story, please revise notice.**

**1. APPLICATION COMMENTS**

a.

**2. DEFICENCIES IN ARCHITECTURAL PRESENTATION**

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

a. A.02 ZONING LEGEND Survey indicates CMB Grade @ 3.55 NGVD (centerline of sidewalk at property). Correct. Concrete area of pool and deck do not count towards open space. Correct rear open space, not 100%.

**Response: There is no sidewalk so grade is the crown of the road at 4.66' NGVD as shown on survey, no need to correct. Rear yard open space corrected and adjusted on sheets A-05 and A-09.**

b. A.04 Enlarge site plan. Enlarge measurements

**Response: Plan has been enlarged to be clear and easy to read**

c. A.07 Correct and redo legend.

Unit Size First Floor:  $1957+344+253=2554$  – 500 garage = 2054 SF.

Unit Size Second floor: 2059.

Unit Size Third floor: 30 SF.

4143 SF = 54.1%

d. A.08  $2059/2554 = 80.1\%$

**Response: Legend and plan has been updated to read as mentioned above**

e. A.13, A.14, A.15 and A.16 Add/ move height measurement to top of rooftop encroachments to align with elevation marks

**Response: Top of roof height has been aligned with other dimension marks on all mentioned sheets**

f. A.18 Add/ move height measurement to top of rooftop encroachments to align with elevation marks. Modify back yard section to include new height of new cap (7.26' NGVD-confirm with PWD)

**Response: Plan has been updated and dimensions aligned**

g. Add "FINAL SUBMITTAL" to front cover title for heightened clarity of reference for next deadline. Also drawings need to be dated

**Response: The cover sheet now reads FINAL SUBMITAL and has the submittal date**

h. Add narrative response sheet.

**3. ZONING/VARIANCE COMMENTS.**

a. Variance #1 to exceed lot coverage 30% \_ 35% proposed: Staff not supportive



**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

- b. Variance #2 to exceed unit size 50% \_ 54% proposed: Staff not supportive
- c. Variance #3 to reduce the required front setback 30'-0" \_ 24'-0" proposed: Staff not supportive

**4. DESIGN/APPROPRIATENESS COMMENTS**

- a. Waiver #1 70% second floor limitation: 82% proposed Staff not supportive

These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.

**FERNANDA SOTELO-CHOTEL**

Staff First Submittal Review Comments Design Review Board

SUBJECT: DRB19-0426 | 199 North Coconut Lane

Comments Issued: 07/26/19 | JGM, FSC, IV

Final CAP/PAPER Submittal: 1:00 PM on 08/05/19

Notice to Proceed: 08/12/19

Tentative Board Meeting Date: 10/01/19

**PERTINENT INFO**

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- o Fifteen (15) 11x17 drawing sets (in color) labeled Final Submittal, including one (1) original set of 11x17 architectural plans dated, signed and sealed.

- o A cd/dvd containing a digital version of the documents and plans submitted. The CD must be in the proper format specified by the Planning Department.

- All other associated fees due 08/14/2019

**DRAFT NOTICE:**

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

DRB19-0426, 199 North Coconut Lane. An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence including one or more waivers and variances to exceed the maximum allowed lot coverage and unit size and a variance to reduce the required front setback.

**Response: existing home is 1-story, please revise notice**

**1. APPLICATION COMMENTS**

a. Refer to comments posted by Monique Fons

**2. GENERAL**

a. Provide a narrative responding to staff comments.

b. Add "FINAL SUBMITTAL" to front cover title for heightened clarity of reference for next deadline.

**Response: The cover sheet now reads FINAL SUBMITAL and has the submittal date**

c. All drawings to be dated – ensure final submittal date is on the cover sheet.

**Response: All Drawings have been updated with submittal date.**

**3. DEFICIENCIES IN ARCHITECTURAL PRESENTATION**

a. A.02 ZONING LEGEND CMB Grade 4.66' NGVD (crown of road at centerline of property)

b. Concrete area of pool and deck do not count towards open space. Correct rear open space, not 100%.

**Response: Zoning legend has been updated**

c. A.04 Enlarge site plan. Enlarge measurements

**Response: Plan has been enlarged to be clear and easy to read**

d. A.07 Correct and redo legend.

Unit Size First Floor:  $1957+344+253=2554$  – 500 garage = 2054 SF.

Unit Size Second floor: 2059 SF

Unit Size Roof Plan: 30 SF

4143 SF = 54.1%

e. A.08  $2059/2554 = 80.1\%$

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

**Response: Legend and plan has been updated to read as mentioned above**

f. A.13, A.14, A.15 and A.16 Add / move height measurement to top of rooftop encroachments to align with elevation marks

**Response: Top of roof height has been aligned with other dimension marks on all mentioned sheets**

g. A16 – Mechanical equipment, as depicted, does not comply with Building Department elevation (height) requirements. To be confirmed with Building Department.

**Response: Elevation will be updated to comply with code**

h. A.18 Add/ move height measurement to top of rooftop encroachments to align with elevation marks. Modify back yard section to include new height of new cap (7.26' NGVD- confirm with PWD)

**Response: Plan has been updated and dimensions aligned**

**4. ZONING/VARIANCE COMMENTS.**

**a. Variances:**

1. Variance #1 to exceed lot coverage 30% \_ 35% proposed: Staff not supportive
2. Variance #2 to exceed unit size 50% \_ 54% proposed: Staff not supportive
3. Variance #3 to reduce the required front setback 30'-0" \_ 24'-0" proposed: Staff not supportive.

b. Page A-06. Lot coverage diagram and calculations shall be revised. Area of ac equipment covered by the second floor counts in lot coverage. The entry area up to the edge of the floor above does not count in the lot coverage calculations.

**Response: Lot coverage and drawings have been revised and updated**

c. The variance page A-06 is misleading. The garages as designed count in lot coverage regardless of having a floor above or not, as they are facing a street. Portion of the entry area counts in lot coverage as it is covered by a floor above.

**Response: Drawing has been revised and made clearer. The yellow area is all counted towards lot coverage and is a graphical representation of the scope of the variance. It includes the outdoor area of the entry way, which is counted.**

d. Indicate line of second floor on first floor plan.

**Response: Dotted line indicating second floor has been added to drawing on sheet A-10**

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

e. The façade on the west side exceed he maximum length of 60'-0" for two-story side elevation. The spiral stair counts as part of the second floor for this requirement.

Response: The spiral stair has been taken into consideration and now included in the full façade dimension. Applicant requests a waiver to not provide additional open space due to the spiral stair being significantly open and the length of the enclosed portion of the second floor is 60', which otherwise would not require a variance.

f. The railing on top of the pool and pool deck located within the rear yard cannot exceed 5'-0" from grade elevation.

Response: Our glass railing is not a wall or fence but rather is the 48" required safety barrier for the swimming pool as required by code. Specifically, Section 142-1133 (4) requires safety barriers no less than 4 feet in height. It is our assumption this was the required safety barrier around the swimming pool and not a wall with railing. We further note that due to addressing sea level rise and resiliency issues as strongly encouraged in the City, if this safety barrier were treated as a wall it would be impossible to comply with the minimum yard elevations, provide the 4' safety barrier and provide appropriate resiliency for the property. In essence, the code requirements are in conflict and if treated as a wall we cannot comply with them. We certainly don't want to create a safety hazard.

**5. DESIGN/APPROPRIATENESS COMMENTS**

a. Waiver #1 70% second floor limitation: 82% proposed Staff not supportive

b. Waiver # 2: The façade on the west side exceed he maximum length of 60'-0" for two-story side elevation. The spiral stair counts as part of the second floor for this requirement.

Response: As stated above, the spiral stair has been taken into consideration and now included in the full façade dimension; the house itself is 60' and is a waiver is requested.

c. Fences within interior yards can have a max. height of 7', as measured from CMB Grade (Sec. 142-1132)

Response: the heights of the walls along the side yards and front yard comply with the Code.

d. Consider further design of the required yards per Sec. 142-105(b)(8) Exterior building and lot standards.

e. Interior West and East façade elevations – align window headers.

Response: All Window headers have been aligned

**6. LANDSCAPE COMMENTS**

a. Refer to comments posted by Ricardo Guzman

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.

**IRINA VILLEGAS**

The following variances are requested for the project:

1) A variance to exceed the maximum lot coverage.

2) A variance to exceed the maximum unit size.

3) A variance to reduce the required front setback.

1. Provide a narrative responding to staff comments.

2. Page A-06. Lot coverage diagram and calculations shall be revised. Area of ac equipment covered by the second floor counts in lot coverage. The entry area up to the edge of the floor above does not count in the lot coverage calculations.

**Response: Lot coverage and drawings have been revised and updated**

3. The variance page A-06 is misleading. The garages as designed count in lot coverage regardless of having a floor above or not, as they are facing a street. Portion of the entry area counts in lot coverage as it is covered by a floor above.

**Response: As stated above, the drawing has been revised and made clearer.**

4. Indicate line of second floor on first floor plan.

**Response: Dotted line indicating second floor has been added to drawing on sheet A-10**

5. The façade on the west side exceed he maximum length of 60'-0" for two-story side elevation. The spiral stair counts as part of the second floor for this requirement.

**Response: See response above to same question**

6. The railing on top of the pool and pool deck located within the rear yard cannot exceed 5'-0" from grade elevation.

**Response: See response above for same question**

7. Note that staff is not supportive of any variance for the site.

**DRB19-0426**  
**199 N. Coconut Lane**  
**Narrative Responses to Staff Comments**

**RICARDO GUZMAN**

**General Correction #1**

1- Provide a written response to comments.

**Response: Provided as requested.**

2- Redesign driveway system to provide one curb-cut and increase greenspace within the front yard.

**Response: Minimum lot width for a two car garage with doors not facing the street is 60 feet and that is extremely tight. This lot width is 50 feet, less 15 feet for setbacks = 35 feet, less 23 feet for overall garage depth = 12 feet to make a three point turn and/or simply back out without hitting adjacent vehicle in garage and is not possible.**

3- Provide a Tree Survey prepared by a Professional Land Surveyor listing common names, size, and location of existing trees and palms with a DBH of 6" or greater in private property and 3" DBH or greater in the public ROW.

**Response: This information is shown on the Landscape set of plans sheet LE-1 which is a Tree Disposition of all existing trees and palms on site.**

4- Are there any utility easement on the site? If so, please identify and note that only sod may be permitted within the easement as per CMB PW Department. Add note on plans in reference to the existence or absence of any easement.

**Response: There are no easements on this property. A note stating this has been added to the Landscape Plan LP-1 as requested.**

5- As per CMB Code Chapter 126, only canopy shade tree may be counted towards satisfying minimum tree requirements. Existing tree #1 and #2 do not satisfy minimum tree code requirements.

**Response: 2 trees have been added in place of the existing palms as shown on the revised Landscape Plan LP-1. All other sheets have been revised as well to show renderings, etc.**