



**City of Miami Beach Zoning**

1700 Convention Center Drive  
Miami Beach, FL 33139  
Phone: (305) 673-7550  
Fax: (305) 673-7559

Date: August 2<sup>nd</sup>, 2019

RE: **Letter of intent-Variance Request**  
**Private Residence**  
**2840 Prairie Ave**  
**Miami Beach, FL 33140**

To Whom It May Concern:

The enclosed application is for construction of a second-floor addition at the aforementioned address. The current building is an existing house with the following criteria:

Uses: **Single Family Home**  
Constructed Date: **1948**  
Height: **1 Story**  
Area of Bldg (Flr): **2,226 SF**

The nature of this application is to request a **variance** according to the Miami Beach zoning code:

1. **REQUEST TO WAIVE 7.58' OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 22'-6" IN ORDER TO BUILD A SECOND FLOOR ADDITION AT 14.92' FROM THE REAR PROPERTY LINE TO FOLLOW THE EXISTING LINE OF STRUCTURE OF THE EXISTING HOME.**
2. **REQUEST TO WAIVE 5' OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 10'-0" AT THE SECOND FLOOR IN ORDER TO BUILD A SECOND FLOOR ADDITION AT 5' FROM THE INTERIOR SIDE PROPERTY LINE TO FOLLOW THE EXISTING LINE OF STRUCTURE OF THE EXISTING HOME. NORTH SIDE OF HOME**
3. **REQUEST TO WAIVE 5' OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 10'-0" AT THE SECOND FLOOR IN ORDER TO BUILD A SECOND FLOOR ADDITION AT 5'-9" FROM THE INTERIOR SIDE PROPERTY LINE TO FOLLOW THE EXISTING LINE OF STRUCTURE OF THE EXISTING HOME. SOUTH SIDE OF HOME**

**Sec. 142-106. - Setback requirements for a single-family detached dwelling.**

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(1) *Front yards:* The minimum front yard setback requirement for these districts shall be 20 feet.

- a. One-story structures may be located at the minimum front yard setback line.
- b. Two-story structures shall be set back a minimum of ten additional feet from the required front yard setback line.
- c. [Reserved.]
- d. At least 50 percent of the required front yard area shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.
- e. In the event that an existing single-family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent of the required front yard area consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space configuration, provided the front yard is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required front yard be sodded or landscaped pervious open space.

(2) *Side yards:*

- a. The sum of the required side yards shall be at least 25 percent of the lot width.
- b. Side, facing a street.
  1. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.



2. At least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.

3. In the event that an existing single family home has an abutting street raised pursuant to an approved city project, and such home was previously permitted with less than 50 percent of the required side yard area facing a street consisting of sodded or landscaped pervious open space, such property may retain the most recent, previously permitted pervious open space if the side yard area facing a street is raised to meet the new street elevation. However, in no instance shall less than 30 percent of the required side yard area facing a street be sodded or landscaped pervious open space.

c. Interior sides.

1. For lots greater than 60 feet in width each interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater.
2. For lots 60 feet in width or less each interior side yard shall have a minimum of seven and one-half feet.

d. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and at least 75 percent of the required interior open space area shall be sodded or landscaped previous open space. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through historic preservation board, or design review board approval, as may be applicable, in accordance with the applicable design review or appropriateness criteria.

e. Nonconforming yards.

1. If a single-family structure is renovated in excess of 50 percent of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet all setback regulations existing at the time, unless otherwise exempted under [chapter 118](#), article IX of these land development regulations.

2. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and the sum of the side yards is less than 25 percent of the lot width, any new construction, whether attached or detached, including additions, may retain the existing sum of the side yards, provided that the sum of the side yards is not decreased.

**3. When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least five feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of this nonconforming interior side yard setback shall apply to the construction of a second floor addition to single-family homes constructed prior to September 6, 2006, and to the linear extension of a single story building, as long as the addition does not exceed 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure (measured to the mid-point of the slope), as measured from the minimum flood elevation. If the linear extension is two-stories, the second floor shall meet the minimum required yards and the recessed area created by this setback shall not be accessible or habitable. Notwithstanding the foregoing, if an existing interior side yard is less than five feet, the minimum side yard for any new construction or addition on that side shall be ten percent of the lot width or seven and one-half feet, whichever is greater.**

(3) Rear:

The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50% of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

**This variance is to allow sufficient area for a second-floor addition allowing the structure to match current walls of the house. Please see the response to meet criteria as laid out in Section 118-353 (d).**



*(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;*

**The current house was built in 1948 and located at the rear of the site and in accordance with standards in place at the time. The home is not contemporaneously functional, and the proposed addition is the minimum to provide this functionality. In order to provide the addition to the home it is necessary to follow the existing structure of the home for structural, architectural as well as other technical aspects.**

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

**This does not result from the action of the applicant.**

*(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;*

**This will not indicate and special privilege.**

*(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;*

**These provisions will not deprive the applicant of rights.**

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

**This variance is the minimum we would need for a car to adequately covered.**

*(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 variance request is not near public access and will not be injurious to the area involved. It will be in harmony with the general intent.**

*(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 anytime prior to the board voting on the applicant's request.*

**The request will remain consistent to the comprehensive plan.**

#### **Sec. 133-50. - Criteria.**

The city's land use boards shall consider the following when making decisions within their jurisdiction, as applicable:

(a) Criteria for development orders:

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

**BOTH RECYCLING AND SALVAGE PLAN FOR THE DEMOLITIONS AND CONSTRUCTION PHASE WILL BE REQUESTED OF THE CONTRACTOR AND HIS SUBCONTRACTORS**

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

**ALL EXTERIOR DOORS AND WINDOWS WILL BE HURRICANE IMPACT**



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

**PASSIVE COOLING VIA OPERABLE DOORS AND WINDOWS AS WELL AS LANDSCAPING IS TO BE PROVIDED**

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

**SALT TOLERANT AND NATIVE LANDSCAPING WILL BE PROVIDED.**

(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.

ADJACENT PROPERTIES AND RIGHT OF WAYS ARE CONSIDERED IN THE CURRENT DESIGN. BOTH ADJACENT PROPERTIES

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land.

**DUE TO THE EXISTING LOCATION OF THE HOME, FAR WESTERN PORTION OF THE LOT, THE POTENTIAL RAMPING, WALKWAYS AND PATHS CAN BE ADJUSTED IN THE FUTURE SHOULD THE RAISING OF THE PUBLIC RIGHT OF WAY BE IMPLEMENTED.**

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

**WE ARE PROPOSING TO RAISE ALL EQUIPMENT ABOVE FLOOD AND WHERE PRACTICAL TO THE ROOF LEVEL OF THE FIRST STORY**

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

**THE PORTION OF THE HOME WHICH IS BELOW 8'-0" NGVD IS BEING PROPOSED TO BE RAISED TO BFE TO MATCH THE REST OF THE HOME**

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry floodproofing systems will be provided in accordance with [chapter 54](#) of the City Code.

**WE ARE NOT PROPOSING HABITABLE SPACE BELOW BFE**

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

**THE SITE SHALL RETAIN ALL STORM WATER RUN OFF**

**Arturo G. Griego, AIA, FGBC, CGC**  
Principal Architect  
AR94011  
email | [nino@g3aec.com](mailto:nino@g3aec.com)  
direct | 305 803 7902

