

February 10, 2020

City of Miami Beach
Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139

Subject: 4333 Adams Avenue, Beach, Florida
File # BZBA20-0108

To Whom it May Concern:

We are the homeowners of the subject property. The existing house is a one-story home that was constructed in 1953. Our intent is to construct an addition to the home to make the home more livable for our expanding family and to make the house our long-term family home in Miami Beach.

The existing house has an existing front setback of 25.79 feet. A proposed second floor addition, regardless of its proposed setback, would immediately by definition make the house non-conforming since the code requires a 2-story structure to have a 30 feet setback on both the front and second story. The code does permit a one-story house to have a front setback of 20 feet. Any one-story house with a setback of less than 30 feet is not permitted a second-floor addition as of right, and would require a front setback variance.

Therefore, we are requesting a front setback variance to permit the proposed two-story house with the existing front setback of 25.79 feet. The proposed second floor is designed with a front setback meeting the current required 30 feet.

This variance request is being made due to the inherent hardship of the existing front setback that is less than the required setback for a two-story structure. There are two wings of the house that both have less than a 30-foot front setback and as such, would have to be demolished at a significant additional cost to the project.

The proposed project will meet all other zoning regulations.

Please note that a one-story as-of-right addition option was studied as an alternate to a second-floor addition. This one-story option results in a structure that although meeting the requirements of the code, is significantly more impactful on the site and neighborhood, as follows. It would take up significantly more property, increasing footprint, reducing green / landscape area, reducing the site's pervious / percolation area, increasing amount of demolition, and reducing the existing front setback.

Variance Review Guidelines:

(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;

Response: As indicated above the one-story existing house has an existing front setback that is less than required for a two-story structure.

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

Response: The resulting non-compliant front setback for a two-story house is based on the existing homes front setback.

(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;

Response: This variance if approved is specific to the conditions of the subject property.

(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;

Response: An existing two-story house that was non-compliant with the requirement for a 30-foot front setback would be permitted as of right to construct a second-floor addition if that addition was built meeting the 30-foot setback. The proposed project is being designed with the 30-foot setback at the second floor, but because it is an existing one-story, the second-floor addition is not permitted without a variance.

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

Response: The variance requested is based on the existing front setback and would be the minimum variance possible.

(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

Response: The design of the proposed house is in harmony with the intent of the code and the existing neighborhood which includes other two-story homes.

(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 voting on the applicant's request.

Response: The proposed project does not impact the level of service, consistent with the comprehensive plan for this area.

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

Response: Agreed. See response below to this criteria.

Sea Level and Resiliency Criteria

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

Response: There will be partial demolition of the existing structure to allow the construction new project. The general contractor shall be required to recycle or salvage demolition materials when possible.

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

Response: New windows will be hurricane impact rated with Miami-Dade County product approval.

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

Response: Operable windows are being provided where possible.

(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.

Response: As much as possible, existing mature landscaping is being maintained. Native planting is being provided as part of the new landscape material meeting the requirements of the code.

(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.

Response: This criterial is not really applicable. The home is existing. The no addition to the footprint of the first floor. The proposed project is a second floor addition which of course will be well above the flood criteria.

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

Response: Existing driveways are not being replaced or modified. But the front entry porch is several steps above grade.

(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.

Response: All new mechanical and electrical systems shall be located above base flood elevation +1'.

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

Response: This is an existing house and it is not feasible to elevate the home.

(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 54 of the city Code.

Response: Agreed. Propose drawings comply as required.

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

Response: Agreed. Compliance with Public Works requirements for stormwater retention as applicable for this project type shall be met.

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

Response: Agreed, this material shall be provided as applicable.

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

Response: Agreed. Existing landscape areas being maintained.

Based on the above, we respectfully request approval of the requested front setback variance to allow for the permitting and construction of the addition to our home.

Sincerely,


Yechiel Ciment