

VIA HAND DELIVERY

April 06, 2020

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 Property at 42 Star Island, Miami Beach Florida

Dear Tom:

This architecture firm represents Leonard Hochstein (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 the construction of a new one story Accessory Structure on the Property.

This property property sits on an irregular shaped 400’-0” deep lot. The lot to the north (40 Star Island Drive) contains a two-story, sloped roof home, and the property to the south (43 Star Island Drive) contains a two-story sloped roof home.

THE PROPERTY

The Property, identified by Miami-Dade County Folio No. 02-4202-001-0350, measures approximately 48,266 square feet and is located at the east side of Star Island Drive on Star Island, Miami Beach. To the east, the Property abuts a waterway. The Property is located in the RS-1, Single-Family Residential Zoning District, where the surrounding area contains 2-story single-family homes. The property contains an existing two-story single family home and accessory structures that are not part of this application.

DESCRIPTION OF PROPOSED DEVELOPMENT

The Applicant proposes to improve the parcel with an accessory structure of approximately 1,861.18 square feet in size. The proposed one story structure will be designed in a contemporary sculptural style with a material palette of perforated metal, clear glazing, and wood and bronze finish metallic elements.

The Applicant proposes a sculptural pavilion with unique architectural style. Importantly, the proposed property complies with the City of Miami Beach Code (“Code”) requirements for lot coverage and unit size requirements. The proposed property improvements contain a total unit size of 45.68% and lot coverage of 23.97%.

WAIVER REQUEST

The applicant is not seeking any waivers.

VARIANCE REQUEST

The applicant seeks the following two variances from the code:

1) Variance to reduce the minimum required open space in the rear yard by 15.62%

Sec. 142-106(a)(3) Rear (50' rear yard): 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 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

This variance will allow the applicant to construct a sculptural accessory pavilion partially within the rear yard of the non-conforming property.

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.

The existing property is does not conform to the current code in regards to required rear yard open space, providing 61.04% open space. The property improvements result in an open space area of 54.38% that falls below the required parameters of the code and results in the variances requested.

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

The existing property does not comply with the required parameters of the code for rear yard open space and 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 required to construct the proposed pavilion and is inclusive of the existing non-conforming accessory structure in the scope of the request. The property's unit size and lot coverage fall below the allowable parameters of the code.

- (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 necessary and undue hardship to the applicant.**

The literal interpretation of the provisions of the land development regulations result in an existing rear yard open space that does not comply with current code regulations. The literal provisions of the code regulations would prevent the applicant from constructing the proposed pavilion, using available unit size and lot coverage, and result 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 is not excessive in scope in that it is limited to requesting the minimum amount of reduction required to construct the proposed pavilion and is inclusive of the existing accessory structure in the scope of the request. The property's unit size and lot coverage fall below the allowable parameters of the code.

- (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 reduction in rear yard open space will not be injurious to the area. The existing home is divided into multiple structures in lieu of one large structure and with the addition of the propose pavilion it still falls below the parameters of the code for lot coverage and unit size.

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

2) Variance to exceed the maximum unit size area of the accessory structures in reference to the main home by 21.94%

Sec. 142-106(b)(1)(b) Size. The area of enclosed accessory buildings shall be included in the overall unit size calculation for the site. In no instance shall the total size of all accessory building(s) exceed ten percent of the size of the main home on the subject site, or 1,500 square feet, whichever is less.

This variance will allow the applicant to construct a sculptural accessory pavilion partially within the rear yard of the non-conforming property.

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.**

The existing non-conforming accessory structure exceeds the allowable parameters of the code at a size that is 19.16% of the area of the main home of the property and substantially contributes to the variance requested.

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

The existing property is non-conforming to this applicable section of the code and 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 granting of the variance request would not confer any special privileges as the properties total unit size and lot coverage fall below parameters of the code. The variance request is in part due to the existing properties distribution of this unit size into several structures on the 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 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 utilizing available unit size and lot coverage for the construction of the proposed pavilion and 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 required to construct the proposed accessory pavilion, utilizing available unit size and lot coverage on the property.

- (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 not be injurious to the area involved as it only seeks to make use of available unit size and lot coverage to construct the proposed accessory pavilion on the large RS1 lot.

- (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 are consistent with the City's comprehensive plan and do 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

We respectfully request that you approve the proposed design. The sculptural accessory pavilion 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.

Respectfully Submitted,

ROBERT MOEHRING
Architect, Landscape Architect, LEED AP
PRINCIPAL



This item has been electronically signed and sealed by Robert Moehring using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Robert M
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