

City of Miami Beach Zoning

1700 Convention Center Drive

Miami Beach, FL 33139

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Date: March 19,2020

RE: Letter of intent-Variance Request**Private Residence**

2034 Alton Road

Miami Beach, FL

33140

To Whom It May Concern:

The enclosed application is for construction of a 339 sq ft. pool (42' x 10'), an attached 49 sq ft spa area (7' x 7') and 694 sq. ft of pavers on sand deck in the rear yard of the aforementioned address. The current building is an existing house with the following criteria:

Uses:	Single Family Home
Constructed Date:	1951
Architect:	Gilbert Fein
Height:	1 Story
Area of Bldg (Flr):	2,800 SF

In order to build a functional pool for our family to enjoy we are requesting the aforementioned variances to the Miami Beach zoning code due to the lot size of the rear yard:

- 1. REQUEST TO WAIVE 3'-6" OF THE MINIMUM REQUIRED POOL REAR SETBACK OF 7'-6"**
- 2. REQUEST TO WAIVE 3' OF THE MINIMUM REQUIRED POOL INTERIOR (N.E.) SIDE SET BACK OF 9'**
- 3. REQUEST TO WAIVE 2'-6" OF THE MINIMUM REQUIRED REAR DECKSETBACK OF 6'**
- 4. REQUEST TO WAIVE 0'-8" OF THE MINIMUM REQUIRED DECK INTERIOR (S.W) SIDE SETBACK OF 7'6"**
- 5. REQUEST TO WAIVE 3'-9" OF THE MINIMUM REQUIRED DECK INTERIOR (N.E) SIDE SET BACK OF 7'-6"**

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

(16) Swimming pools. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or a screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, subject to the following:

a. Rear yard setback.

1. A six-foot minimum setback is required from the rear property line to swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure associated or not associated with a swimming pool.
2. Swimming pool decks may extend to the property line and be connected to a dock and its related decking when abutting upon any bay or canal.
3. There shall be a minimum seven-and-one-half-foot setback from the rear property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool.
4. For oceanfront properties, the setback shall be measured from the old city bulkhead line.
5. For properties containing a pre-1942 architecturally significant home, an individually designated historic home, or a contributing single-family home located in a local historic district, a five-foot setback shall be required from the property line to the swimming pool, deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure.

b. Side yard, interior setback.

1. A seven-and-one-half-foot minimum setback shall be required from the side property line to a swimming pool deck, or platform, the exterior face of an infinity edge pool catch basin, or screen enclosures associated or not associated with a swimming pool.
2. A nine-foot minimum setback shall be required from the side property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool.
3. For properties containing a pre-1942 architecturally significant home, an individually designated historic home, or a contributing single-family home located in a local historic district, a five-foot setback shall be required from the property line to the swimming pool, deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure.

c. Side yard, facing a street.

1. A ten-foot setback shall be required from the property line to the swimming pool, deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure.
2. For properties containing a pre-1942 architecturally significant home, an individually designated historic home, or a contributing single-family home located in a local historic district, a five-foot setback shall be required from the property line to the swimming pool, deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure.

d. Walk space. A walk space at least 18 inches wide shall be provided between swimming pool walls and fences or screen enclosure walls. Every swimming pool shall be protected by a sturdy non-climbable safety barrier and by a self-closing, self-locking gate approved by the building official.

1. The safety barrier shall be not less than four feet in height and shall be erected either around the swimming pool or around the premises or a portion thereof, thereby enclosing the area entirely, and prohibiting unrestrained admittance to the swimming pool area.
2. Where a wooden-type fence is to be provided, the boards, pickets, louvers, or other such members shall be spaced, constructed, and erected so as to make the fence not climbable and impenetrable.

3. The walls, whether of the stone or block type, shall be so erected to make them non-climbable.
4. Where a wire fence is to be used, it shall be composed of two-inch chainlink or diamond weave non-climbable type, or of an approved equal, with a top rail and shall be constructed of heavy galvanized material.
5. Gates, where provided, shall be of the spring-lock type so that they shall automatically be in a closed and fastened position at all times. They shall also be equipped with a gate lock and shall be locked when the swimming pool is not in use.

e. *Visual barriers for swimming pools.* Accessory swimming pools, when located in any yard facing a public street or alley, shall be screened from public view by a hedge, wall or fence not less than five feet in height. The hedge shall be planted and maintained so as to form a continuous dense row of greenery as per the requirements of this division. The maximum height of the visual barrier shall be pursuant to article IV, division 5 of this chapter.

f. *Corner properties.* For corner lots with a home built prior to 2006, a ten-foot setback shall be required from the front property line and from the side lot line facing the street to the swimming pool, deck, platform or screen enclosure. For corner lots with radial corners, the front setback and the side setback facing the street shall be taken from the midpoint of the curve of the corner of the property.

g. *Homes with two fronts, or through lots, within single-family districts.* Lots with two fronts, or through lots (double frontage), as defined by [section 114-1](#) of this Code, shall be permitted to place a pool and pool deck, with a minimum ten-foot setback from the front property line, at the functional rear of the house.

The home was purchased in February of 2017 and as our family has started growing we would like to add a pool to the rear yard given it is a space which is generally unused. A pool would add a great deal of personal value to our home and we kindly request you approve the aforementioned variances.

Kind regards,

Helena and Gustavo Carvajal