



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6236 office
305.377.6222 fax

mamster@brzoninglaw.com

February 8, 2021

VIA ELECTRONIC SUBMITTAL

Michael Belush, Chief of Planning & Zoning
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: DRB21-0637 – Design Review Board Approval for Property Located at 121 N Hibiscus Drive, Miami Beach, Florida

Dear Michael:

This firm represents Paul Wallner, (the "Applicant"), the Applicant and owner of the property located at 121 N Hibiscus Drive (the "Property"). Please consider this the Applicant's letter of intent in connection with a request to the Design Review Board ("DRB") for design review and waiver for a new single-family home.

Property. The Property is a rectangular shaped waterfront lot comprised of approximately 21,157 square feet, and is identified by Miami-Dade County Folio No. 02-3232-006-0540. It is within the RS-3 Single-family Residential Zoning District. The Property is located on the north side of Hibiscus Island, just east of Fountain Street. The existing home, with a sloped roof, has an imposing, 2-story presence both at the street (only setback 18'-4") and on the west side (setback 5.7' – 7'). The surrounding neighborhood is comprised of a mix of RS-3 and RS-4 zoning and developed with 1- and 2-story homes.

Description of Proposed Development. The Applicant proposes to construct an elegantly-designed, modern 2-story residence with an attached 1-story garage. The proposed home features light stone cladding, aluminum louvers framing terraces and the numerous large glass windows and doors that comprise the majority of the exterior of the home. The proposed home features a large entrance midway along the south elevation in a spacious courtyard and motor court area. There is an additional entry to the home through the garage.

The proposed flat-roofed home is low-scale, as its design artfully breaks up the mass with the eloquently-designed attached garage, by

incorporating breaks in the elevations with floor to ceiling windows, large balconies, architectural wood features, and utilizing a pool and pool deck. A wide green terrace is nestled above the front entrance foyer and under the roof. The combination of the entrance courtyard, pool and garage locations results in a design that permits visibility through the center of the home.

The proposed new home is modestly-designed, does not seek to maximize the development potential and is substantially less imposing than the existing structure. The new home complies with the City of Miami Beach Code (the "Code") requirements for height, unit size, lot coverage, setbacks, and open space. The maximum height of the home is 26'-4" utilizing a 2'-4" height waiver, which is within the maximum height for a flat roof. The size of the proposed home is approximately 8,886 square feet, which at only 42% of the lot size where 50% is allowed is substantially below the maximum. Also, the lot coverage of 29.3% is well within the maximum allowed.

Notably, the proposed home provides larger than required setbacks. It satisfies the 20' front setback with the one-story garage at 30', and the enclosed 2-story portion of the home setback 69'-9", which is more than double the required 30' front setback. This provides a much more sensitive presence at the front than the existing home, which has both front 2-story wings at only 18'-4". The home also exceeds the minimum rear setback of 26'-6" by approximately 25', which is almost double the requirement. Further, the side yards comply with the Code, and exceed the minimums by approximately 5'-2" on the west side and 1'-2" on the east side, with the rear portion of the house along the east setback 26'-2". In the west, this again significantly improves the existing condition by expanding the narrow setback, which is only 5.7' to 7', to 17'-2". The Applicant does not request any variance.

Architectural significance. The existing home has undergone a significant amount of renovations over the many years and has lost the connection to the original structure. Through File No. DRB20-0630, it has been formally determined *not* to be architecturally significant. See Exhibit A, DRB20-0630. An evaluation of the home in accordance with the criteria in Section 142-108(a) of the Code determined that the home: 1) did not meet a specific architectural style present in 1942; 2) its architectural integrity has been modified; 3) the home does not retain any significant characteristic; and 4) the home does not embody the historic character of the built context in the residential area. Based on the lack of evidence to meet the criteria in the Code, the home is *not* architecturally significant and an application to demolish the home may be approved administratively.

Waiver Request. The Applicant respectfully requests DRB approval of a height waiver pursuant to Code Section 142-105(b)(1), to permit 26'-4" where 24' is required for a flat roof.

Height Waiver. Although the Property is zoned RS-3, which requires a minimum lot area of 10,000 square feet, the Property's size is more analogous to RS-2 zoned properties that have minimum lot areas of 18,000 square feet. In fact, at over 21,000 square feet, its lot area is more comparable to RS-2

zoned properties, which permit a height of 28' for flat roofs without a waiver. As described above, the double lot and siting of the home provides for generous front and side setbacks, greater than the minimums required that are also greater than the existing home. This condition further allows for extensive landscaping that will buffer the new home from the neighboring properties. As such, the Property can accommodate a larger scale than typically-sized RS-3 zoned lots, while remaining sensitive to the neighbors. Specifically, the Property can adequately accommodate the slightly larger scale of 26'-4" in height for the home while being consistent with the surrounding neighborhood.

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 Applicant will provide a recycling or salvage plan during permitting.

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

The windows on the new home will be hurricane-impact.

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

Operable windows will be provided on the new home.

(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 Applicant' proposed landscape plan is resilient as it will be comprised of native and Florida-friendly plants, including trees and shrubs that are compatible with the area.

(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 Applicant proposes the new structure to have a finished floor elevation at 12 feet NGVD, which includes 2 feet of freeboard to address future sea level rise.

(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 Applicant proposes a finished floor elevation of 12 feet NGVD, with appropriate ramping from the street to the parking area and entrance to the home that 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 BFE.

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

Not applicable as the existing building will be demolished and Applicant proposes a new home at BFE +2 feet.

(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 is 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 water retention system will be implemented.

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

The Applicant will select applicable materials at the time of permitting.

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

The Applicant proposes 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 waiver will permit the development of a beautifully-designed single-family home that has less impact than the existing structure and is therefore compatible with the surrounding neighborhood. The design centrally locates the home on the Property, does not maximize the size, and integrates great architectural interest that embraces the intent and purpose of the Code to provide a home that befits the area. We look forward to your favorable review of the application. If you have any questions or comments, please give me a call at 305-377-6236.

Sincerely,



Matthew Amster

Attachment

cc: Michael W. Larkin, Esq.
Robert Behar, Esq.

MIAMI BEACH

PLANNING DEPARTMENT

Determination of Architectural Significance

January 22, 2020

Mr. Paul Wallner
121 North Hibiscus Drive
Miami Beach, FL 33139

**Re: 121 North Hibiscus Drive, Miami Beach
Request for a Determination of Architectural Significance
DRB20-0630**

Field Visit: January 15, 2021

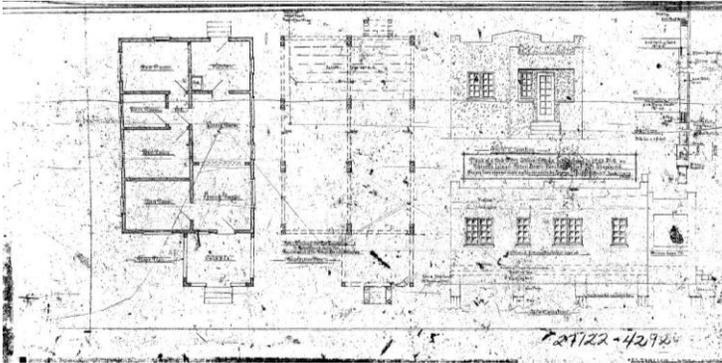
Dear Mr. Paul Wallner,

Pursuant to your letter and receipt of all the required documentation on January 6, 2021, the Planning Department has evaluated the subject property at **121 North Hibiscus Drive** for a determination of 'architectural significance'. This evaluation was done in accordance with the criteria set forth within Section 142-108(a) of the City Code.

A site visit of the subject property was conducted by staff on January 15, 2021. Also, a comprehensive review of all available aerial photographs of the subject residence from 1941 to the present was undertaken to determine the extent of alterations. The following is an analysis of each of the four criteria used to determine if the subject pre-1942 single-family home is 'architecturally significant':

1. The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942 including, but not limited to, Vernacular, Mission Revival Style, Mediterranean Revival, Art Deco, or variations thereof.

Not Satisfied. *The original building card identifies the structure on the property as a residence designed by George L. Pfeiffer in 1931 (Permit no. 4292). The building card also lists another primary permit number of 27122 that is associated with a one bedroom, study, bath and loggia addition by the architect Norman M. Giller and built in 1947. The City's original permit drawings are minimal and reference permit numbers 77122-4292. These permit drawings are of a single-story residence in a Mission Revival style, yet the date of the drawing set is unknown. However, upon review of aerial photographs from 1941, the site appears to be occupied with a small, flat roofed structure that corresponds with the Mission Revival building depicted in the permit drawings. The two-story structure that currently occupies the subject property is of an eclectic style that is not characteristic of a specific architectural style constructed in the city prior to 1942.*



Permit No. 27122 - 4292

2. The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.

Not Satisfied. *The existing two-story residence is of an eclectic style, featuring architectural elements such as Juliet balconies and two-tiered loggias and porches that are not recognizable as an example of the original structure's Mission Revival Style. Its architectural design integrity has been modified in a manner that cannot be reversed without unreasonable expense.*



2021 Street Elevation



2021 Waterfront Elevation

3. Significant exterior architectural characteristics, features, or details of the subject structure remain intact.

Not Satisfied. *The current home has not retained any significant architectural characteristics, features, or details from the original structure.*



Miami Beach Real Estate Listing, 1950
© 2018 Miami-Dade Public Library System

4. The subject structure embodies the scale, character, and massing of the built context of its immediate area.

Not Satisfied. *The Hibiscus Island neighborhood has several single-family homes that were built from the 1920's through to the 1940's that were mostly built on waterfront lots. Although the two-story home is consistent with the scale and massing of the surrounding neighborhood, it does not embody the historic character of the built context in the residential area.*



1941 aerial of subject site



2021 aerial of subject site

Based on the foregoing, the Planning Department has determined that the subject home does not meet the criteria in Section 142-108(a) and, therefore, is not architecturally significant. An application for the demolition of this structure may therefore be approved administratively, subject to the requirements of the Building Department. Please be advised that no demolition permit may be issued within a ten (10) day appeal period of the rendering of this decision.

If you have any further questions or concerns, please do not hesitate to contact either myself or Michael Belush.

Sincerely,

Thomas R. Mooney, AICP
Planning Director

c: Rafael Granado, City Clerk
Michael Belush, Chief of Planning and Zoning
Fernanda Sotelo-Chotel, Principal Planner
DRB20-0627