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March 18, 2021

**VIA ELECTRONIC SUBMITTAL**

Michael Belush, Chief of Planning and Zoning  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: **Revised DRB20-0614** – Design Review and Variance  
Requests for the Properties Located 6342 and 6360  
North Bay Road, Miami Beach, Florida

Dear Mr. Belush:

This law firm represents North Bay Palms, LLC (the "Applicant"), the owner of the abutting properties located at 6342 and 6360 North Bay Road (collectively the "Property") in the City of Miami Beach (the "City"). The Applicant intends to preserve the home at 6360 North Bay Road (the "North Parcel"), and replace the home at 6342 North Bay Road (the "South Parcel") with amenity courts, new cabana, a children's playgrounds, lush landscaping, and open space. Please allow this letter to serve as the revised letter of intent in response to the Design Review Board ("DRB") comments and recommendations at the March 2, 2021 DRB hearing. The Applicant is seeking design review approval and associated variances of the south side setback and the sum of the side setbacks for the tennis court light poles on the Property and of the north side setback to allow a new small storage area at the northwest corner of the North Parcel to match the existing side setback.

Property Description. The waterfront Property is located on the west side of North Bay Road, just north of W 63<sup>rd</sup> Street. The Miami-Dade County Property

Appraiser identifies the South Parcel with Folio No. 02-3215-003-0090, and the North Parcel with Folio No. 02-3215-003-0080. See Exhibit A, Property Appraiser Summary Reports. The South Parcel contains three (3) separated structures, two of which are two-stories, as well as a gazebo, pool, and wood deck. The North Parcel contains a two-story guest house and main house, as well as a garage, cabana, tile deck, and pool. The Property is approximately 52,316 square feet in size.

According to the Property Appraiser the home on the South Parcel was originally built in 1935, and modified in 1969 and 1979, and the home on the North Parcel was built in 2018. Pursuant to the legal description, the Property does not follow platted lot lines and is comprised of a portion of four (4) platted lots of the La Gorce Gold Subdivision recorded in the Official Public Records of Miami-Dade County at Plat Book 14, Page 43. See Exhibit B, Plat Book. The Property is located within the RS-2, Single Family Residential Zoning District, and surrounded by varying sized single-family homes with various amenities, such as pools, cabanas, tennis and basketball courts, and docks.

Proposed Development. The Applicant's goal with the aggregated Property is to retain the recent construction on the North Parcel and provide improvements for enjoyment of the outdoors. The Applicant will incorporate a new cabana structure on the south side of the preserved structure and an additional small enclosed storage area at the northwest corner of the preserved structure, as well as provide a tennis court, half-basketball court, and playground amenities on the South Parcel (the "Project").

In response to the DRB's comments and recommendations, the Applicant has updated the Project as follows:

- Added a pedestrian only gate at the northeast corner of the North Parcel.
- Reduced the new driveway width by 50% from twenty-four (24) feet to twelve (12) feet for the entire length.
- Increased the number of plantings and ground coverings around the water line, courts, pool deck, and driveway to increase overall canopy shading.
- Proposed additional street trees.
- Reduced the depth of the new steps on the south side of the new cabana from four (4) feet to three (3) feet.
- Introduced artificial turf on top of the existing accessory structure, new cabana and new storage to keep the non-air-conditioned living spaces cooler.
- Changed the pergola color to white.
- Increased the greenspace between the tennis court and basketball court, and

- Decreased the size of the basketball court, which reduces the overall amount of impervious surfaces.
- Shifted the tennis court angle to match the existing non-parallel south property line, and
- Increased the setback of the court light poles from a minimum of 8 feet to 10 feet and the light fixtures from 9 feet 7 ¾ inches to 13 feet.

As provided, the Project will result in one less driveway onto North Bay Road and new lush landscaping on the south and front. The location of the amenities ensures that there is sufficient driveway distance along the front of the Property; the tennis court and half-basketball court are located on the widest portion of the Property towards the right of way and screened with landscaping; the new cabana structure is at the furthest point possible from the south neighbor; and the playground and lush landscaping is closest to the waterfront preserving views. The new 1,803 square foot cabana and 128 square foot enclosed storage area will carry the same architectural language of the existing home to appear as original to the design. Additionally, all of the large specimen trees on the South Parcel will be relocated on the Property to provide natural shaded areas to enjoy.

The Project complies with required land development regulations of the City Code of Ordinances (the "Code"), except the sum of the side yard setbacks because the lots are aggregated. The Applicant proposes a very low lot coverage of 21.9%, where 30% is permitted, and a unit size of only 26.7%, where 50% is permitted. The Property will have 3,762 square feet (7.2% of the Property) more permeable area than existing conditions.

Pursuant to Section 142-106(a)(1) of the Code, the sum of the required side yards shall be at least twenty-five percent (25%) of the lot width. When the North and South Parcel are aggregated, the lot width increases to approximately 225.88 feet. Twenty-five percent (25%) of the lot width results in the required sum of side yards to be approximately 56'-5 1/2". The legally permitted and previously constructed structure on the North Parcel will remain with a setback of 15'-3", including with the introduction of the small storage area matching the existing setback, and therefore, the south side setback must be approximately 41'-2 1/2".

The main home and cabana addition significantly comply with the sum of the side yard requirement and the tennis court also complies with the side yard setback. However, Section 142-1134(3) of the Code provides that the maximum height of light fixtures shall not exceed ten (10) feet when located in a required yard, otherwise, the maximum height shall not exceed twenty (20) feet. The slim light poles, only 6" diameter, are eighteen (18) feet in height. Due to the double-lot and large sum of side yards on the south side,

despite the compliant tennis court the proposed light poles exceed the 41-foot required south side setback, which necessitates companion variances for south side setback and the sum of the side yards.

Variance Requests. The Applicant's proposal substantially complies with the single-family home regulations, including required screening and setbacks for the proposed new amenities. The side setback variance requested is minor, applies to only three (3) light poles, and does not contradict the intent of the Code. In order to fully realize its development and due to the Property's confining characteristics, the Applicant requests the following variances:

1. A variance of Code Sections 142-106(a)(2)(c) and 142-1134(3), to permit the closest of three (3), eighteen (18) foot light poles at 10'-0" when 41'-3" is the required south side yard setback
2. A variance of Code Section 142-106(a)(2)(a) to permit the sum of the side setbacks at 25'-3" when 56'-5 1/2" is required for the aggregated lots
3. A variance of Code Section 142-106(a)(c) to permit the construction of a small enclosed storage area at the northwest corner of the existing residence at the existing setback of 15'-3"

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;**

Combining the parcels and retaining the existing structure on the North Parcel are existing conditions that are peculiar to this Property and buildings involved that are not applicable to other lands in this area. Additionally, the Property has slightly irregular, non-parallel side property lines, which create difficulty when adding a rectangular tennis court. Notably, the minor encroachment of three (3) very thin poles does not result in a larger home or unpermitted amenities. The tennis court is permitted at the 7'-6" setback, and the Applicant places it at the closest possible point to the right of way where the Property is widest. This is a unique circumstance that complies with the intent of the Code and is sensitive to the abutting neighbor.

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

The special conditions and circumstances of the Property do not result from the action of the Applicant. The dual frontage and irregular, non-parallel property lines are existing special conditions, and the Applicant is proposing to retain the existing home on the North Parcel and fit permitted amenities within the aggregated lot.

**(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;**

The Code allows other similarly situated property owners to seek similar variances to accommodate development and allow for the construction of certain amenities, especially on water front, irregular-shaped lots. The existing home and proposed amenities comply with the purpose and intent of the Code. The design also fits in with the variety of uses and lot sizes in the neighborhood. Therefore, granting of this minor encroachment into the side setback for a minimal portion to allow three (3) slim light poles that will be directed only onto the tennis court does not confer any special privilege on the Applicant.

**(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;**

The proposed amenities substantially comply with the land development regulations for supplementary uses in the RS-2 zoning district. A literal interpretation of the provisions of these land development regulations means the Applicant can only provide appropriate lights on one side, which would force the Applicant to provide brighter lights on the north side of the tennis court that might have a harmful impact on the south neighbor. The slight deviation from the land development regulations is necessary to construct a viable tennis court for its residents. Additionally, the Applicant proposes lush landscaping to screen the tennis court and slim light poles from the public right of way and neighbor, and in response to the DRB's comments has increased the number of plantings throughout the site. As a result, the Code would deprive the

Applicant of the right to build what is enjoyed by other properties and would work an unnecessary and undue hardship on the Applicant.

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

It is only when the two lots are taken together that the proposed lights need to be pushed farther north to comply with the sum of the side setbacks requirement. The Applicant's goal is to introduce certain amenities as enjoyed by others to this dream home. The Applicant ensures privacy to the neighbors through extensive landscape screening. The minor companion setback variances are the minimum necessary to accomplish this goal and will result in a viable tennis court with no unnecessary light spillover to the south neighbor. Notably, the slim poles, only 6" diameter, do not add any massing as a building would. Rather the poles will be as thin if not thinner than the trees to the south and east thus blending in and will not be visible at all from the south neighbor or the street. These lights would be generally in compliance based on the width of the South Parcel by itself, where the south side back is much smaller than the 41'-3" required here due to the existing conditions and double lot. The Applicant proposes an essentially fully landscaped South that is devoid of scale and massing that the prior home or any new home would provide, which is a benefit to the neighborhood.

Further, the small enclosed storage room at the northwest corner of the exiting home will match the existing setback and is only 1-story tall. This specific design and location ensure that it will be completely hidden from view by the existing structures from both the street and the waterway.

**(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**

The residence will be in harmony with the surrounding properties, and aims to further the intent and purpose of the land development regulations. The design of the home purposefully considers the slightly irregular property lines and dual frontage with a reduction of driveway exits, lush landscape, as well as large open space areas.

The Applicant has taken the DRB's comments and suggestions into consideration and has reoriented the tennis court, reduced the size of the basketball court, substantially reduced the width of the drive, and significantly increased the number of plantings to

ensure that granting of the variance will be in harmony with the land development regulations and the proposed amenities will not be injurious to the area.

**(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 of adjustment voting on the applicant's request.**

The companion variance requests are consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

Practical Difficulty. The increased sum of the side yard setbacks, dual-frontages, and slightly irregular property lines are all practical difficulties inhibiting the Applicant from meeting all of the land development regulations to introduce permitted amenities as enjoyed by others. The Applicant is retaining the beautiful modern home on the North Parcel, which has an existing side setback that cannot be increased. The slight deviation from the Code is only for the location of three (3) slim light poles, which themselves are completely devoid of mass as a building would provide, and these lights would otherwise be basically compliant based on the width of the South Parcel by itself. Further, the storage room is small, low-scale and completely hidden. The Applicant's proposal satisfies the intent and purposes of the Code to provide a home with certain amenities that is compatible with the neighborhood.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code, as follows:

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

A recycling and salvage plan for demolition of the existing home will be provided at permitting.

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

All existing windows are newly installed hurricane proof impact windows. The new cabana is open on the all sides.

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

The Applicant will provide, where feasible, passive cooling systems; the proposed cabana is open on all sides.

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

All landscaping will be Florida friendly and resilient.

**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.**

The elevation of the existing structure and proposed amenity uses considers the elevation of the surrounding properties.

**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 raised yard elevations ensure that the existing home and amenities are adaptable to the raising of public rights-of-ways and adjacent land in the future.

**7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

All mechanical and electrical systems will be located above base flood elevation.

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

The existing home is located above base flood elevation and the open-air cabana will also be higher than BFE.

**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 base floor elevation.

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

Where feasible, water retention systems will be provided.

**11. Cool pavement materials or porous pavement materials shall be utilized.**

Cool pavement materials or porous pavement materials will be utilized where possible.

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

The proposed design provides a significant number of plantings and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site. Additionally, the proposed modifications to the Project introduce artificial turf roofs to the non-air-conditioned living spaces to naturally reduce the temperature.

Conclusion. Based on the above reasons, granting this design review application with associated variances will permit the development of beautifully-designed amenities for the Applicant's home that will add much more value to the surrounding neighborhood than the existing vacant home on the South Parcel. The Applicant has directly addressed the DRB's recommendations with the design modifications. The Project significantly complies with the land development regulations and intent of Code and the design ensures no negative impact to the neighbors.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6236.

Sincerely,



Matthew Amster

Attachments

cc: Michael W. Larkin, Esq.  
Emily K. Balter, Esq.



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 9/21/2020

Property Information	
Folio:	02-3215-003-0090
Property Address:	6342 N BAY RD Miami Beach, FL 33141-4514
Owner	6342 NORTH BAY RD LLC C/O JAMIE TARICH ESQ
Mailing Address	1946 TYLER ST HOLLYWOOD, FL 33020 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	4 / 4 / 0
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	7,184 Sq.Ft
Lot Size	24,407 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2020	2019	2018
Land Value	\$6,955,995	\$6,955,995	\$5,732,228
Building Value	\$854,896	\$183,398	\$183,665
XF Value	\$69,946	\$70,616	\$71,286
Market Value	\$7,880,837	\$7,210,009	\$5,987,179
Assessed Value	\$7,880,837	\$6,585,896	\$5,987,179

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction		\$624,113	
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
LA GORCE GOLF SUB PB 14-43 LOT 8 & NE25FT OF LOT 9 BLK 1 LOT SIZE 102.550 X 238 OR 18042-1792 0398 1	

Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$7,880,837	\$6,585,896	\$5,987,179
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$7,880,837	\$7,210,009	\$5,987,179
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$7,880,837	\$6,585,896	\$5,987,179
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$7,880,837	\$6,585,896	\$5,987,179

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/30/2019	\$11,550,000	31555-3274	Qual by exam of deed
05/20/2015	\$9,500,000	29626-1086	Qual by exam of deed
03/01/1998	\$1,450,000	18042-1792	Sales which are qualified
10/01/1985	\$600,000	12687-0866	Sales which are qualified

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Version:

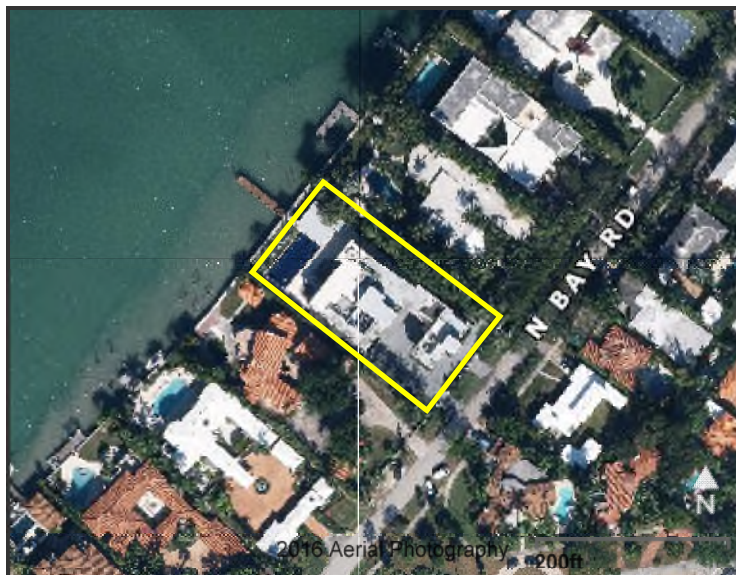


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## Summary Report

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Property Information	
Folio:	02-3215-003-0080
Property Address:	6360 N BAY RD Miami Beach, FL 33141-4514
Owner	6360 NORTH BAY ROAD LLC C/O THE TARICH LAW FIRM PA
Mailing Address	1946 TYLER ST HOLLYWOOD, FL 33020 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	9 / 12 / 4
Floors	3
Living Units	1
Actual Area	17,482 Sq.Ft
Living Area	12,651 Sq.Ft
Adjusted Area	14,001 Sq.Ft
Lot Size	27,608 Sq.Ft
Year Built	2018



Assessment Information			
Year	2020	2019	2018
Land Value	\$7,868,280	\$7,868,280	\$6,484,015
Building Value	\$10,881,263	\$9,354,800	\$0
XF Value	\$225,074	\$225,172	\$1,672
Market Value	\$18,974,617	\$17,448,252	\$6,485,687
Assessed Value	\$18,974,617	\$13,963,278	\$6,485,687

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction		\$3,484,974	
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
LA GORCE GOLF SUB PB 14-43 LOT 7 & S1/2 OF LOT 6 BLK 1 LOT SIZE 116.000 X 238 OR 20764-3131 09 2002 1	

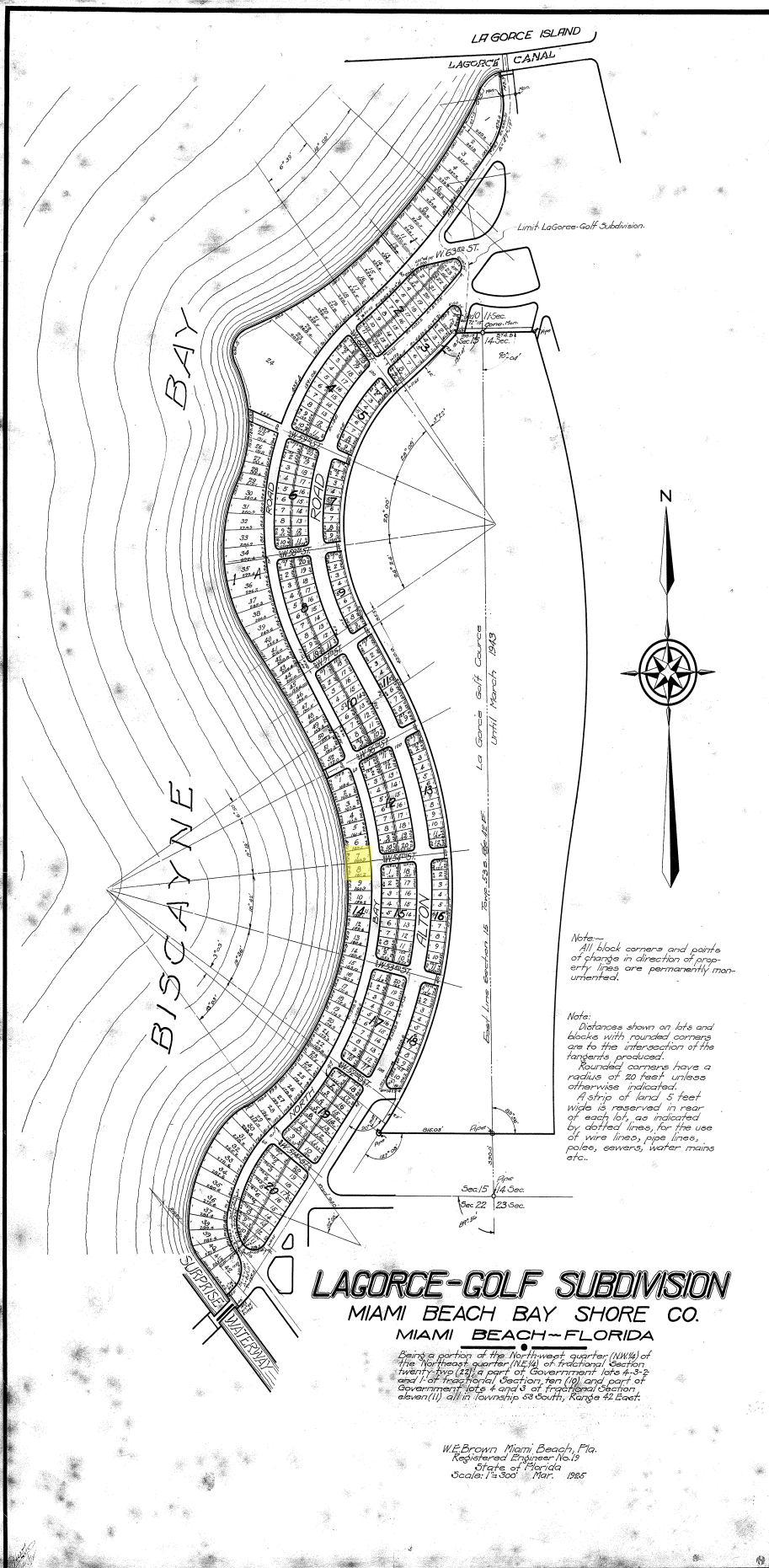
Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$18,974,617	\$13,963,278	\$6,485,687
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$18,974,617	\$17,448,252	\$6,485,687
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$18,974,617	\$13,963,278	\$6,485,687
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$18,974,617	\$13,963,278	\$6,485,687

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/16/2019	\$23,850,000	31565-1087	Qual by exam of deed
01/30/2015	\$100	29504-3040	Corrective, tax or QCD; min consideration
01/28/2013	\$0	28511-1320	Corrective, tax or QCD; min consideration
01/28/2013	\$0	28511-1323	Corrective, tax or QCD; min consideration

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Version:





KNOW ALL MEN BY THESE PRESENTS:

That the Miami Beach Bay Shore Company, a corporation duly organized and existing under the laws of the State of Florida, hereby files this plat of the property to be known as Lagorce-Golf Subdivision, situated in the City of Miami Beach, Dade County, Florida, and more particularly described as follows: to wit:

A portion of the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4) of fractional Section twenty-two (22), a part of Government lots 4-3-2 and 1 of fractional Section ten (10) and part of Govt lots 4 and 3 of fractional Section eleven (11) Township 33 South, Range 42 East. Subject however to the easements granted to the Miami Beach Railway Company by these certain instruments dated April 11, 1935 and April 12, 1935, respectively, and filed of record in the office of the Clerk of the Circuit Court in and for Dade County, Florida.

In Witness Whereof the said Miami Beach Bay Shore Company has caused its name to be affixed by its Vice President and its corporate seal to be affixed by the Secretary this 3rd day of April A.D. 1935.

Executed in the presence of:

*W. E. Brown*  
Vice President

MIAMI BEACH BAY SHORE CO.  
*W. E. Brown*  
Vice President  
*W. E. Brown*  
Secretary

State of Florida  
County of Dade

I hereby certify that on this 3rd day of April A.D. 1935 personally appeared before me W. E. Brown, Vice President and Secretary respectively of the Miami Beach Bay Shore Company a Corporation duly organized and existing under the laws of the State of Florida, to me well known and known to be the persons described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be their free act and deed as such officers, and that they affixed hereto the official seal of said corporation.

Witness my hand and official seal at Miami Beach, Dade County, Florida, the day and year above written.

*W. E. Brown*  
Notary Public State of Florida at large

My Commission expires April 2nd, 1936.

This is to certify that the attached plat conforms with a survey of the property and is accurate and correct to the best of my knowledge and belief.

*W. E. Brown*  
Registered Engineer No. 19  
State of Florida

Examined and approved for record.

*Robert G. Smith*  
County Engineer, Dade County

This plat was approved by a vote passed and adopted by the City Council of Miami Beach, Florida this 6th day of April A.D. 1935.

*John H. P. B.*  
President City Council  
Attest *W. E. Brown*  
City Clerk.

O.K. *W. E. Brown*  
City Engineer

STATE OF FLORIDA  
COUNTY OF DADE  
This plat was filed for record on the 10th day of April A.D. 1935.  
Book 43, Page 100  
RECORDED  
By *W. E. Brown*  
Notary Public

W.E. Brown, Miami Beach, Fla.  
Registered Engineer No. 19  
State of Florida  
Scale: 1/4 inch = 100 feet