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February 12, 2021

VIA HAND DELIVERY

Mr. Steven Williams
Chief of Planning Services, Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: 23 Star Island Drive – File No. ZBA21-0126
Amended and Restated Letter of Intent**

Dear Mr. Williams:

This shall constitute our Amended and Restated Letter of Intent on behalf of Florida Property Holdco, LLC (the “Applicant”), in support of Application File No. ZBA21-0126 (the “Application”) to the Board of Adjustment (“BOA”) for approval of the variance requests set forth below for the property located at 23 Star Island Drive, Miami Beach, Florida (the “Property”). The Property is an approximately 1.85 acre pie-shaped waterfront lot, located on the northeast side of Star Island, and zoned RS-1. The Property is located on a cul-du-sac. Thus, does not meet the minimum 100 foot frontage requirement required for a typical RS-1 lot nor are its side lot lines parallel. The Property’s new, two-story, single-family residence is currently under construction. During the permit and construction process, the Applicant was made aware of certain variances that were required and is now seeking approval of the following variances in connection with the design of the residence as follows:

1. Variance approval of Section 142-105(b)(1) of the Land Development Regulations (LDRs) to permit a building height of 31’-0”, where 28’-0” is permitted (the “Roof Variance”); and
2. Variance approval of Section 142-105(b)(7) of the LDRs to permit the elevator bulkhead to exceed 13’-0” above the roofline, where 10’-0” is permitted (the “Elevator Variance”); and
3. Variance approval of Section 142-106(b)(13)d. of the LDRs to permit an exterior unenclosed balcony encroachment to exceed 25 percent of the required yard up to a maximum projection of six feet, second story greater than 50% (the “Balcony Variance”); and

4. Variance approval of Section 142-106(b)(7) of the LDRs to permit a front perimeter wall of 10'-0", where 7'-0" is permitted (the "Wall Variance");
5. Variance approval of Section 142-106(b)(13)m. of the LDRs to permit the encroachment of the electrical transformer and associated concrete pad, as required by Florida Power and Light ("FPL"), within the interior side setback (the "FPL Variance"; and
6. Variance approval of Section 142-105(b)(6) of the LDRs to permit the roof deck setback to be less than 10'-0" from each side of the exterior outer walls, when located along a side elevation (the "Deck Variance"); all six requests together are hereinafter referred to as the "Variances").

As noted above, the Applicant has begun construction of the new home in accordance with Permit No. BR2004173 and the approved plans. It was subsequently determined that the Variances were required. As such, the Applicant has filed this application to the Board of Adjustment in accordance with Section 118-136(a)(2) of the City's Land Development Regulations.

1. The Roof Variance: The variance of Section 142-105(b)(1) of the LDRs to permit a building height of 31'-0", where 28'-0" is permitted, satisfies the applicable review criteria and should be approved:

The design for the residence contemplates a full-sized professional grade indoor basketball court, which has a typical ceiling height of 35'-0". This is a private recreational amenity for the Applicant that will enhance the enjoyment of this extraordinary home. In the Covid and post-Covid eras, ensuring that a homeowner can achieve the maximum utility and enjoyment from their residence is of utmost importance. In order to do so, a variance from the maximum permitted height of a portion of the home is proposed. Without the variance, the structure will not meet its intended purpose.

(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 RS-1 district regulations provide for exceptions from the maximum height regulations and other encroachments, including recreational amenities. However, full-sized professional grade indoor basketball court structures were not taken into consideration by the LDRs. An indoor basketball court requires certain design considerations that are not typical of other components of a residence or its typical amenities and one designed to professional regulations requires a very specific design. The design requires additional height to accommodate ball trajectories and hoops to the greatest extent possible. A minimum of 35'-0" is needed but clearly not permitted by the LDRs. This request is specific to this type of specialized structure and is not applicable to other structures contemplated by the LDRs in this district.

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

The standard design for an full-sized professional grade indoor basketball structure was not created by the Applicant. It is important to highlight that an amateur grade indoor basketball court may be built with an interior height of 25'-0". However, this minimum height does not meet the design requirements for the professional level.

- (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 approval of the Roof Variance will not confer any special privilege on the Applicant. The Applicant is seeking to realize maximum utility and enjoyment from the residence, which is the same for every homeowner. No additional FAR or other benefits will be realized by the variance.

- (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 LDRs contemplate a number of exceptions to the standard regulations for the required components of outdoor court games. However, as noted above, the LDRs do not provide exceptions relating to indoor court games even though it is reasonable that a homeowner with adequate land would desire to have their amenities indoors given the unpredictable, sometimes dangerous, and extremely hot South Florida weather. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant, negative impact to the design of the home.

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

The Roof Variance is being sought is for the minimum amount of additional height required to accommodate the indoor court only and will not apply to the remainder of the residence. The additional height is less than many of the other allowable height exceptions listed in the RS-1 district regulations.

- (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 granting of the Roof Variance will be in harmony with the general intent and purpose of the LDRs, which allows for private recreational amenities on single-family lots. This variance will not be injurious to the area or otherwise detrimental to the public welfare. The indoor court will be completely screened from view of abutting parcels by lush landscaping and a perimeter wall.

- (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.*

The Roof Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (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.*

The building is designed to meet or exceed all applicable sea level rise and resiliency review criteria.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Roof Variance.

2. The Elevator Variance: The variance of Section 142-105(b)(7) of the LDRs to permit the elevator bulkhead to exceed 13'-0" above the roofline, where 10'-0" is permitted, satisfies the applicable review criteria and should be approved:

The Elevator Variance is being sought as a result of the requirements for state-of-the-art elevator design, which requires minimal additional bulkhead height, and was determined to be necessary during the construction process. Without the variance, elevator will not meet its intended purpose of providing accessibility to the roof deck of the home. It should be noted, the location of the elevator within the home has been approved pursuant to Permit No. BR2004173 and has been deemed to comply with Section 142-105(b)(7)f. of the LDRs. This section requires that elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The location of the elevator is not changing with this request. The purpose of this request is simply to ensure that the roof will have full accessibility for residents and guests.

- (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 design of the elevator requires additional height to accommodate the mechanical and electrical equipment necessary for this type of elevator being installed in the residence and to ensure rooftop accessibility. This request is specific to this type of structure and is not applicable to other structures contemplated by the LDRs in this district.

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

The elevator infrastructure has been permitted and is already under construction. Technology for residential elevators is constantly evolving. It was only during the construction process that the need for the Elevator Variance was determined to

accommodate the required mechanical and electrical equipment in order to provide elevator access to the roof deck.

- (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 approval of the Elevator Variance will not confer any special privilege on the Applicant. It is necessary and typical for multi-story residences to include elevators in order to provide accessibility to the different levels of the home, including the roof.

- (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;*

As noted above, it is typical for multi-story residences to include elevators in order to provide accessibility to all levels of a home. A denial would deprive the Applicant of their reasonable enjoyment of their Property and result in a significant, negative impact to the design, accessibility, and utility of the home.

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

The Elevator Variance is being sought is for the minimum amount of additional height required to accommodate the mechanical and electrical equipment in the elevator bulkhead while ensuring that the roof is fully accessible. The bulkhead will not be visible to the neighboring properties.

- (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 granting of the Elevator Variance will be in harmony with the general intent and purpose of the LDRs, which provides height exceptions for elevator bulkheads. This variance will not be injurious to the area or otherwise detrimental to the public welfare. In accordance with Section 142-105(b)(6)f. of the LDRs, the elevator bulkhead has been located as close to the center of the roof as possible and be visually recessive such that it is not a vertical extension of the exterior building elevation.

- (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.*

The Elevator Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (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.*

The elevator is a necessary component of the single-family residence, which has been designed to meet or exceed all applicable sea level rise and resiliency review criteria.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Elevator Variance.

3. The Balcony Variance: The variance of Section 142-106(b)(13)d. of the LDRs to permit an exterior unenclosed balcony encroachment to exceed 25 percent of the required yard up to a maximum projection of six feet, second story greater than 50%, satisfies the applicable review criteria and should be approved:

- (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 Property is a pie shaped lot, measuring approximately 66 feet wide in the front and 330 feet wide along the waterfront. It does not contain the standard 100 feet of frontage required for typical RS-1 lots and its side lot lines are not parallel. Similarly, the front and rear property lines are arced. The encroachment is triangular, which is indicative of the Property's irregular shape, and measures 4'-8" at its widest point and 11'-11" in length. The irregular width and shape of the lot are peculiar to this Property and have resulted in the encroachment of one balcony beyond the allowable 6 feet in the rear yard.

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

The Property's irregular shape results in special conditions and the need for unique design considerations that are not typical for an RS-1 lot. These conditions were not created by the Applicant and the architecture team has done its utmost to comply with the LDRs to the greatest extent possible.

- (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 approval of the Balcony Variance request will not confer any special privilege on the Applicant. All waterfront residences enjoy balconies and terraces that enhance the unique experience of their very special location. It is wholly appropriate to grant this variance based on the irregular shape of 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 of these land development regulations and would work unnecessary and undue hardship on the applicant;

The design of the residence was squeezed to the rear of the Property because of the irregular pie shape of the lot. As noted above, it is typical for a residence to be designed with balconies and terraces to embrace the tropical beauty of the waterfront, this is especially so on Star Island. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant negative impact to the design of the home.

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

The allowable encroachment is 6 feet. The Balcony Variance seeks a mere 4'-8" of additional encroachment. The balcony has been designed in a wholly reasonable manner to maximize views, cross-breezes, and enjoyment for the Applicant's home.

- (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 balcony is part of a stunning architectural design that was permitted as of right. The encroachment extends only an additional 4'-8" into the rear yard and will not be visible to the neighboring property owners. The request for the Balcony Variance is not unreasonable and does not result in any impacts to the surrounding property owners.

- (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.*

The Balcony Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (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.*

The balcony, which is part of an otherwise approved single-family residence is in compliance with the sea level rise and resiliency criteria set forth by the LDRs.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Balcony Variance.

4. The Wall Variance: The variance of Section 142-106(b)(7) of the LDRs to permit a front perimeter wall of 10'-0", where 7'-0" is permitted, satisfies the applicable review criteria and should be approved:

- (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 gates for the Property have been designed to provide safety, security, and privacy for the Applicant. Typically, a residence will have a hedge or accessory building along the front property line in addition to a gate. However, because the front property line is only 66 feet wide and a driveway, pedestrian access, FPL transformer box, and mailbox must be accommodated in that small space, neither a hedge or carriage house are feasible options.

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

As noted above, the Property's irregular shape, narrow frontage, and need for standard access and infrastructure components establish a special circumstance that did not result from the action of the Applicant.

- (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 approval of the Wall Variance request will not confer any special privilege on the Applicant. In fact, the approval of the requested variance will not result in the character of the neighborhood. As shown on Sheet G-4 of the enclosed plans, each of the surrounding properties have gates and hedges that well exceed the allowable 6 foot wall height.

- (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 literal interpretation of the Land Development Regulations and denial of this request would deprive the Applicant of the expectation that they would be permitted to have an entrance design similar to what is existing in the surrounding area. The Applicant should be afforded their right to privacy, safety, and security, which is enjoyed by all of the surrounding properties as shown on Sheet G-4 of the enclosed plans.

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

The Wall Variance will allow the wall to be an additional 4 feet tall for a total height of 10 feet. This is the typical height of the accessory carriage houses, ficus hedges, and entrance features of the surrounding homes. This height will not have a negative effect on the character of the street or on the Property. The height of the wall is compatible with the scale of the Applicant's new home and of their neighbors' homes and entrances.

- (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*

As described above and as shown on Sheet G-4 of the enclosed plans, the Balcony Variance request is reasonable and appropriate for the scale and design of the residence. Additionally, it will not be injurious to the area given its compatibility with the scale of the surrounding homes and their respective entrances.

- (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.*

The granting of the Wall Variance is consistent with the comprehensive plan and does not reduce any levels of service for infrastructure set forth in the plan. The Applicant acknowledges that the Director may request additional documentation and will comply with any such requests.

- (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.*

The wall is a necessary component of the main residence, which has been designed to meet or exceed all applicable sea level rise and resiliency review criteria.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Wall Variance.

5. The FPL Variance: The variance of Section 142-106(b)(13)m. of the LDRs to permit the encroachment of the electrical transformer and associated concrete pad, as required by FPL, within the interior side setback, satisfies the applicable review criteria and should be approved:

- (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 Applicant intended to comply with all applicable regulations and did not realize that it had encroached into the required side yard when the FPL box and associated pad (the "FPL Box") were approved by FPL, which was in accordance with the utility's instructions and state regulations. Given the Property's extremely narrow frontage, the FPL Box is situated in the least obtrusive location within the Property and closest to the FPL facilities in the abutting right of way and utility easement. The location of the utility infrastructure in the right of way and utility easement are determined by FPL and may vary from one parcel to the next.

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

The location of the utility infrastructure in the right of way and utility easement were approved by FPL. The location of the FPL Box on the Property was determined by FPL to be the appropriate site for an efficient connection to the abutting utility infrastructure. Rule 25-6.0341, F.A.C., allows the location of the transformer facilities where ever is determined appropriate by FPL. This provision grants FPL the authority and flexibility it needs to ensure proper electrical service is provided to a single-family home as efficiently as possible.

- (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 approval of the FPL Variance will not confer any special privilege on the Applicant. In fact, the approval will ensure that the Applicant remains in compliance with FPL requirements, that the FPL Box will remain concealed in a discreet location, and that it will not create any visual impacts from the street or for neighboring property owners.

- (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;*

FPL Variance is needed to ensure that the Applicant is not deprived of the right to conceal the FPL Box and to relocate it would create a hardship. FPL confirmed the location of FPL Box and specifically located it adjacent to its utility infrastructure and the electrical transformers on the abutting parcel. The Applicant complied with FPL's requirements. To require the relocation of the FPL Box would result in a complete redesign of the entrance to the home and may eliminate the pedestrian access. This would create a significant hardship for the Applicant.

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

The FPL Variance is a minimal encroachment and will not impact access to the side yard or have a negative effect on the adjacent property or the remainder of 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; and*

The FPL Variance will ensure that the Applicant remains in compliance with FPL requirements, that the FPL Box will be concealed in a discreet location, and that it will not create any visual impacts from the street or for neighboring property owners. The Applicant is seeking to accommodate the FPL Box as installed and approved by FPL. This request is appropriate and will have no negative impacts on the community.

- (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.*

The granting of this request is consistent with the comprehensive plan and does not reduce any levels of service for infrastructure set forth in the plan. The Applicant notes that additional documentation may be required by the Director and will comply with any such requests.

- (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.*

The FPL Box is designed to meet or exceed all applicable sea level rise and resiliency review criteria in accordance with the LDRs.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the FPL Variance.

6. The Deck Variance: The variance of Section 142-105(b)(6) of the LDRs to permit a roof deck setback of less than 10'-0" from each side of the exterior outer walls, when located along a side elevation, satisfies the applicable review criteria and should be approved:

The roof deck design has been reviewed, approved, permitted, and is currently under construction in accordance with Permit No. BR2004173. However, during the course of Staff's review of this application, Staff recommended that, in an abundance of caution, the Deck Variance be included as a request. The reason for this is an interpretation of Section 142-105(b)(6) that would require the roof deck setback to be calculated from the roof level exterior outer wall of the side elevation and not the first level exterior outer wall. If calculated from the first level, the roof deck has a setback of 14'-0" (see sheet A-5) and complies with the LDRs. The roof deck design details are provided on sheets A-10 and A-11 of the enclosed plans.

- (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;*

As noted above, the Property is a pie shaped lot, measuring approximately 66 feet wide in the front and 330 feet wide along the waterfront. It does not contain the standard 100 feet of frontage required for typical RS-1 lots and its side lot lines are not parallel. Similarly, the front and rear property lines are arced. Yet, the overall design of this unique home was accomplished in accordance with all provisions of the LDRs. It was wholly appropriate for Staff to interpret that Section 142-105(b)(6) should be measured from the outermost exterior wall along the side property line and that the design complies with this regulation. However, an alternative interpretation of this LDR would measure the roof deck setback from the roof level exterior outer wall even though this level is stepped back 14'-0" from the ground level. Given the irregular shape of the lot and the special circumstance resulting

from the desire to maintain privacy for both this home and the property to the south, the ability to meet both setback and design goals can be rendered an impossibility.

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

The Property's irregular shape results in special conditions and the need for unique design considerations that are not typical for an RS-1 lot. These conditions were not created by the Applicant and the architecture team has done its utmost to comply with the LDRs to the greatest extent possible.

- (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 approval of the Deck Variance request will not confer any special privilege on the Applicant. If interpreted as permitted, the deck complies with the LDRs. The overwhelming majority of new residences in the City enjoy roof decks that enhance the unique experience of their very special location. It is wholly appropriate to grant this variance based on the irregular shape of the Property and the overall setback of the roof deck from the ground level exterior outer wall.

- (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 design of the residence was squeezed to the rear of the Property because of the irregular pie shape of the lot. As noted above and similar to balconies and terraces, it is typical for a residence to be designed with a roof deck to embrace the tropical beauty of the waterfront, this is especially so on Star Island. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant negative impact to the design of the home.

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

The roof deck was initially interpreted to comply with the setback regulation and a permit was issued accordingly. Thus, the Deck Variance, which proposes a setback of 14'-0" from the outermost exterior wall of the home along the side property line, is essentially in compliance with the intent of the regulation.

- (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 roof deck is part of a design that was permitted as of right. It is well beyond the required setback if measured from the outermost exterior wall on the south side of the home and will not be visible to the neighboring property owners. The request for the Deck Variance is not unreasonable, does not result in any impacts to the surrounding property owners, and was deemed unnecessary pursuant to the alternative interpretation of the regulation under which the permit was issued.

(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.

The Deck Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

(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.

The roof deck, which is part of an otherwise approved single-family residence is in compliance with the sea level rise and resiliency criteria set forth by the LDRs.

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the BOA's approval of the Deck Variance.

The enclosed plans provide all applicable details relating to the Variances. Overall, the aesthetics, appearance, physical attributes, safety, and function of the Variances as they relate to the main residence are adequate in relation to the site, and compatible with adjacent structures and surrounding community.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to these requests. If you should have any questions or require additional information, please feel free to call me directly at 305-789-7642.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

A handwritten signature in blue ink, reading "Tracy Slavens".

Tracy R. Slavens, Esq.

Enclosures