

City of Miami Beach,
Planning & Zoning Dept.,
1700 Convention Center Dr.,
Miami Beach, Fl.
Date: 05/07/21

REF: Design Review Board / Letter of Intent / Hardship Letter / 330 – 76th ST street, Miami Beach, Fl. / DRB21-0674

Project Description: New 4 story (walk-up flats) building, with 7 units as follows: (6)(2-bedrooms & 2.5 baths) &(1)(1- bedroom & 1 bath) w/ all units entering at ground level from Abbott Ave. and 76th ST, with a total of 11 parking spaces, w/(5-Dual Parking lifts) & 1 single parking space provided undercover.

Board of Adjustment / As per pre-meeting with the Zoning board, we are requesting the following variances on the above REF. project for the following issues:

Variance #[1] Front Setback Variance to construct building structure, entrance stairs and wheelchair lift at front yard.

Waiver #[1] Min. required height of 12' as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab (Provided 10'-6").

Variance & Waiver Responses: [Based on the following information we feel that we qualify and meet the hardship criteria for the requirements of SECT. 118-353(D)

- 1.) Variance to allow a reduction of the front setback for the building structure at the corner radius (7'), entrance stairs edge of steps (4'-6") and wheelchair lift wall (5'-4") from property line, instead of the required 10'.**

This variance is in reference to the projection of the stair landing/railings, the corner radius of the building structure, and the wheelchair lift in the front setback from Abbott Ave., which is 4'-6" from the property line on the closest point at the entrance stair steps.

Special conditions and circumstances exist which are peculiar to a large percentage of properties in this Harding avenue corridor and North Beach community. Note that as an example, within a six block area totaling the majority of properties have setbacks less than 10' from the front property line.

We are providing a 10'-6" front street setback which complies with the 10'-0" minimum requirements for the district. However, at the 25' radius corner we are not complying due to the angle of the lot. Over 90% of properties in the district have this deficiency. Note that in order to maintain the continuity in design and urban setting in this area and are thus requesting a front setback variance to the corner radius of 7'. As such, we are requesting to maintain this 7' setback to the 25' radius at the corner, as this is typical for most properties in the area.



Similarly, we are requesting this same front setback variance to allow for the entrance stair projection as well as the wheelchair lift located on the front setback. The hardship comes from having to meet the setback requirements while providing entrance to the units of these very small 50' lots and at the same time providing 11 on-site parking spaces which none of the existing buildings in the district comply with.

We meet all requirements of Sect. 118-353

- A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. in the same zoning districts with the same request setbacks.
- B.) That the special conditions and circumstances do not result from the action of the applicant.
- C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.
- D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
- E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F.) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

2.) Waiver #[1]: Parking height below first habitable level at 10'-6" to the underside of the slab above, (Min. height req. is 12' , but the min. approved by waiver is 10').

We meet all requirements of Sect. 118-353

- A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. in the same zoning districts with the same request setbacks.
- B.) That the special conditions and circumstances do not result from the action of the applicant.
- C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.
- D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
- E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.



F.) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

We are requesting these variances and showing that **we are complying with hardship requirements of sect. 118-353(d) of the City of Miami Beach Planning & Zoning**, and we thank you for consideration in looking at this request.

Sincerely,

Gustavo J. Ramos Architect, AR8715

