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VIA ELECTRONIC & HAND-DELIVERY

July 06, 2021

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

Re: DRB 21-0686 – Letter of Intent for Certificate of Appropriateness for the Demolition of the Existing Structure and Proposed New Construction for the Property located at 2464 Prairie

Dear Mr. Belush,

Neuvio Architects represents Stephanie Oka Freed, TRUSTEE (the “Applicant”) with regard to the above referenced property (the “Property”) within the City of Miami Beach (the “City”). Please let the following serve as the required letter of Intent for a Certificate of Appropriateness (“COA”) for the Demolition of the Existing Structure and Proposed New Construction for the property mentioned above.

Description of the Property: **The Property lot is 10,400 square feet in size, and it is located at 2464 Prairie Avenue, between the W 28th Street and W 23rd Street, across the street from the new Bayshore Park. The Property is identified by Miami-Dade County Property Appraiser folio number 02-3227-006-0410 and is located within the RS-3 Single Family Residential District. The Property contains an existing two-story single-family home originally built in 1927, with different additions and renovations over time. There are numerous specimen size palms the Applicant would like to donate to the new park development across the street.**

Description of the Proposed Development: **The Applicant proposes to build a new beautifully designed, simple, modern and unique two-story single-family residence. The design is distinctively developed based on the vision of aging in place. The homeowners are active individuals in their seventies and want this new residence to serve them during the next chapter of their lives. They want to travel safely in an accessible home from every part of the residence. Approachable from the driveway into the garage directly into the house, from the street to the front door. There is also access from the first level into the back yard, and the first level to the second level all through ramps. The house does not have stairs. The front of the house proposes a varying architectural setback and in height. The circulation ramp is situated on the north side of the house by the main entrance connecting the two levels to an elevator and the living spaces. The first-floor social areas are connected to the garden. The approach to the patio is designed with an accessible and leveled plane for owners’ safe access to the backyard. The second level is designed to house the bedrooms and offices placed towards the south side of the structure spreading from east to west for maximum south exposure.**

The narrow lot and the proximity of the adjacent neighbors' homes presented some challenges. The new home is pushed towards the rear of the property and exceeds side setback requirements to maximize privacy. The design complies with the City of Miami Beach Code of Ordinances (The Code) requirements. The height of the proposed home is at 24'. Incorporating ramps instead of stairs has challenged the new home to be under or at 50%-unit size limit. The size of the proposed home is 5,292 square feet (51% of the lot size), which is slightly higher than the allowable 50%-unit size limit resulting for a waiver request. The length of the extension of the backyard overhang to give more sun protection to the owners has led to the home exceeding the allowable lot coverage by 1% for which we are requesting a variance. The lot coverage is at 31%.

Variance Requests: The Applicant's proposal substantially complies with the single-family home code regulations, including setbacks, unit size, and height. In order to realize the development, the Applicant respectfully requests the following variances:

1. A variance of the Code Section 142-105(b)8(c)4(B) to permit the side and rear yard elevation is expected to be at 6.560 feet above grade, when the maximum elevation shall not exceed adjusted grade, or 30" above grade, whichever is greater is the required.
 - a. The house is design for aging in place. This is a small lot and there is a small backyard. The access to the backyard shall be level and accessible for the owners for safety approach and therefore a justified variance is requested. The backyard deck is at 9.0 NGVD. To make the entry to the garden and to the pool accessible we are proposing to provide a front portion of the garden at 8.5 Adjusted Grade elevation that projects 14'-2"; which includes the pool. The South side elevation is also altered in order to make the driveway and garage accessible to the house. The elevation of the driveway at 30'-0" setback is at maximum 7.125' NGVD. The side elevation continues ramping up from the driveway to meet a portion of the accessible back yard at 8.5.
2. A variance of the Code Section 142-105(b)1 to permit 31% of Lot Coverage, when the required Lot Coverage is 30%.
 - a. We are proposing to extend the backyard overhang from the residence back structure to 8'-11" to allow for more sun protection to the owners. The allowable rear setback is 24'-0". We are proposing to exceed the rear set back to 30'-7". Although we are surpassing the setback limitations this overhang extension makes the lot coverage exceed by 1% therefore requesting a for a minor variance.

Waiver Request: The Applicant's proposal substantially complies with the single-family home code regulations. In order to realize the development, the Applicant respectfully requests the following waiver:

1. A waiver of the Code Section 142-106(a)2(d) to permit a two-story side elevation parallel to a side property line.
 - a. **The South Elevation:**
 - i. The first floor is at 60' extension and does not require an open space.
 - ii. The Second Floor does stack on top of the first floor and shifts towards the east and extends 69'-2". The second level is designed to house the bedrooms and an office placed towards the south side of the structure. The north side of the residence houses the ramp structure forcing the 2nd level to spread narrow.

- iii. Although the home exceeds the allowable by code side elevation length on the second floor, we are greatly exceeding the minimum side setback requirement on the side of the home: 13'-2" in the side back side of the house and 25'-0" set back in the side front of the house. The required side set back is 7'-6".
2. A waiver of the Code Section 142-105 (b) 1 Maximum Unit Size (% of lot area) – 50%.
 - a. To make this home fully approachable the new home is designed based on the vision of aging in place. This residence is an accessible home from every part of the residence, therefore is designed incorporating ramps instead of stairs, which has challenged the new home to be under or at 50%-unit size limit. The allowable unit size permissible is 5,200 SF for this lot size (10,400 SF). The total unit size without the ramp is 4,697 SF. The ramp only is 595 SF. Total unit size including the ramp is 5,292 SF exceeding the maximum lot area by 1%.

Satisfaction of Hardship Criteria. Section 118-353(d) of the City's Code sets forth the hardship criteria for a variance request. 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;

There are no special conditions or circumstances we can identify that exists peculiar to the site that are not applicable to other sites in the same district. The special condition is in reference to the new home vision development of aging in place in a small lot to accommodate ramps for circulation and accessibility.

2. The special conditions and circumstances do not result from the action of the applicant.

The special conditions and circumstances of the new home do not result from actions 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 Code allows other similarly situated property owners to seek similar variances to accommodate development and allow for the construction of certain features, especially in small lots. The applicant is proposing the suggested design of the new home complies with the purpose and intent of the Code. Therefore, granting of the minor variances and waivers requested to accommodate an accessible home specially when the proposed design has exceeded the allowable setbacks to the sides, front and back, in a small lot.

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 home substantially complies with the land development regulations regards to setbacks, height requirements for homes in the RS-3 zoning district. In fact, the design is well below the maximums permitted. The slight deviation from the land development regulations is necessary to construct an accessible home for aging in place in such a small lot to accommodate certain amenities for its residents, and a safe access to circulate the home safely from every part of the residence. Approachable from the driveway into the garage directly into the house, from the street to the front door; First level into the back yard, and first level to the second level all through access ramps. 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;

Although we have exceeded setbacks to the sides, front and back, are under the allowable building height; and the size of the proposed home is 5,292 square feet (51% of the lot size), which is slightly above the allowable 50%-unit size limit; the proposed home has faced a few challenges to accommodate ease and comfort to the owners for the accessible house and aging in place in such long and narrow small lot.

The backyard overhang extension under the deck, which allows the owners to enjoy morning and evening relaxing time protected from the sun, is causing the lot coverage to a minimum increase. Although we are surpassing the setback limitations this overhang extension makes the lot coverage exceed by 1%

The access from the house to the patio is designed with an accessible leveled plane for owners' safe entrance to the backyard. The backyard is small. The house is complying with the flood elevations. In order to accommodate the approach to the garden accessible and to the pool, we are proposing to raise a portion of the backyard adjacent to the deck to 8.5 adjusted grade. The deck is at 9.0 NGVD. The expected elevation is at 6.5, which is in place for the rest of the backyard. In addition, the south side elevation is also altered in order to make the driveway and garage accessible to the house. The elevation of the driveway at 30'-0" setback is maximum at 7.125' NGVD. The south side elevation continues ramping up from the driveway to meet a portion of the accessible back yard at 8.5.

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 publicwelfare; 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 considered the privacy of the neighbors, the curved frontages with variety of heights and depths, windows, and the uniqueness of ramps. Due to the nature of the ramp house and the small lot the existing vegetation is to be donated to the park development across the street. New landscape is proposed with regional species at the perimeter of the property to provide an attractive setting for privacy with adjacent neighbors. The new home provides consistency with the existing neighborhood and ensures that the home will not be injurious to the area involved.

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 variances requested are consistent with the City's comprehensive plan.

Sea Level Rise and Resiliency Criteria: The proposed Development will make for a more resilient building. The proposed project advances the sea level rise and resiliency criteria in Section 133-50 as follows:

(a)

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.

Hurricane impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All of the plants that we select come from the nurseries of homestead with a heavy emphasis on native plant material with accents of non-native subtropical plant material. The plants that we use are very effective plant species for this neighborhood and have proven to grow in very successfully over time.

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 Applicant is proactively addressing sea level rise projections by raising the first floor of the home to 9' NGVD

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 first floor ensures that the home is 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 shall be located above base flood elevation.

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

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

The proposed Development is new entirely new construction and it is located above base flood elevation

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.

The garage is below the base flood elevation and the Applicant will provide wet or dry flood proofing systems in accordance with Chapter of 54 of the City Code.

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

Where feasible, water retention system 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 heat island effects on-site.

The proposed design provides grassed open spaces, non-air-conditioned shade living spaces, and mature shade trees, to minimize the potential for heat island effects on-site.

(b)

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Not applicable

2. Whether the proposal will increase the resiliency of the city with respect to sea level rise.

Will increase the resiliency of the city's sea level rise.

3. Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts.

The proposal is compatible with the city sea level rise mitigation and resiliency efforts.

Conclusion: The Applicant is proposing to build a new, modern two-story single-family home surrounded by an exquisitely designed landscape that combined with the numerous existing specimen size tree the Applicant wishes to keep will enhance the Property and contribute to the overall enhancement and betterment of the adjacent neighborhood.

The proposed Development will not have any adverse impact on the surrounding area. We respectfully request your recommendation of approval of the Applicant's request. If you have any questions or comments regarding the application, please give me a call at (786) 201-0351.

Sincerely,

A handwritten signature in black ink that reads "Janiecoka". The signature is written in a cursive, flowing style.

Janie Coka, RID
Neuvio Architects