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VIA ELECTRONIC AND HARD COPY SUBMITTAL

November 8, 2021

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

RE: DRB21-0747 – Design Review Approval for a New
Single-Family Home at 317 N. Coconut Lane, Miami Beach

Dear Michael,

This law firm represents Lucia Penrod (the “Applicant”), owner of the property located at 317 N. Coconut Lane (the “Property”) in the City of Miami Beach (the “City”). The Applicant intends to build a new, Modern Mediterranean style single-family home. Please allow this letter to serve as the letter of intent in connection with a request to the Design Review Board (“DRB”) for design review to replace an existing pre-1942 two-story residence, with waivers of the north side yard open space and portion of the front two-story elevation, and variances related to the south side setback.

Property Description. The Property is a very narrow pie-shaped, waterfront lot with nonparallel property lines that is located on the westernmost side of Palm Island. The Miami-Dade County Property Appraiser’s Office identifies the Property with Folio No. 02-4205-002-0010. See Exhibit A, Property Appraiser Detailed Report. Additionally, the Property is zoned RS-4, which is a more common zoning designation for interior lots on the City’s various residential islands with only 6,000 square foot lots. Here the lot is approximately 8,492 square feet in size. On the south, the lot abuts a 19.66’ platted but unimproved street end. As such, the lot effectively has three frontages, a condition that creates significant development challenges.

The existing home has a large 1-story garage at the front southeast corner, which notably is approximately 8 inches from the front property line and right on the south property line, making it substantially conforming. The 2-story residence is centrally located but does not conform with the sum of the sides. The home is at an extremely low elevation of only 5.85' NGVD, which puts it at grave risk of flooding, especially when the City's minimum required yard elevations are almost a foot higher at 6.56' NGVD and new construction must minimally be at 9' NGVD for this area, which is over 3' higher.

According to the Building Card on file with the City Building Department, the home was built in 1924. See Exhibit B, Building Card. The permit history for the Property includes a number of modifications and additions to the home from 1929 to 2019. The notable changes include:

- Added a garage and dock;
- Added pergola to west, removal of western wall, added columns, trellis and perimeter wall at the northeast patio, added Bahama shutters to the façade, added storage loft to garage interior;
- Obtained a waiver to build a carport;
- Removed and replaced tile with same Altusa clay;
- Installed swimming pool and spa;
- Added twelve (12) window awnings;
- Installed eighteen (18) impact windows;
- Installed BBQ pergola, including minor permitting for resurfacing, electrical, plumbing, and boiled;
- Installed seven (7) aluminum panel shitted, five (5) impact windows, three (3) impact sliding glass doors, one (1) impact swing door, and one (1) accordion;
- Re-roof of title and flat roofs.

Proposed Development. The Applicant proposes to construct a modern two-story residence. The estimated cost of construction, including demolition of the existing structure, is approximately \$3,87,320.00. The overall design has specific Mediterranean inspired moments, including chimneys, concrete columns, wood shutters, arched walkways, and a decorative parapet along a portion of the front elevations, as well as significant fenestrations of square and rounded windows. The entrance of the home is intricately designed to minimize the massing at the narrowest portion of the lot. The purposeful layout of the home facilitates an ease and natural flow of the living spaces, while simultaneously moving the massing towards the widest portion of the lot. The overhangs and balconies create shading, which continue to the side elevations interior

courtyard, and rear of the home. The rear of the home continues the variety of balconies and covered, non-a/c living spaces. There is a pool and pool deck in the rear yard.

The Applicant's design complies with the City of Miami Beach Code of Ordinances (the "Code") requirements for height, unit size, and lot coverage. This ensures minimal impact on the abutting neighbors. The height is 26'-10 3/4" for the sloped roof. The Applicant proposes a front setback for the two-story structure at 30'-4", with an additional portion of the second story setback further with a balcony. Also, the proposed rear setback is 24'-5" which is greater than the minimum required 21'-9" rear setback. The size of the proposed home is approximately 4,219 square feet, which complies with the allowable fifty percent (50%) unit size limit. The proposed lot coverage also complies with the thirty percent (30%) maximum permitted.

The overall design sufficiently addresses the intent of the Code with the main massing centrally located and a variety of highly-designed, architectural articulations and materials, along with extensive plantings.

Waiver Requests. The Applicant respectfully requests Design Review Board approval of the following waivers:

1. Code Section 142-106(2)(d), to waive the additional required open space of the two-story north side elevation located parallel to the north side property line exceeding 50% of the lot depth or 60 feet.
2. Code Section 142-105(b)(4)(c)(1), to waive a portion of the additional required five (5) foot setback for thirty-five percent (35%) of the two-story front elevation.

Additional Open Space. The intent of the Code is to reduce the scale and massing of the second story portion of homes against the neighboring properties. The proposed design provides substantial movement and interest along the north elevation. Due to the non-parallel property lines, the rear of the home is setback further from north. This results in approximately 153 square feet of additional space that is open to the sky. Additionally, there are three (3) substantial recesses in the north elevation that are 6'-11", 5'-9", and 23'-4" wide, portions of which are shaded with the roof eave.

Moreover, to minimize massing, there is a 26'-10" by 23'- 3 1/4" private courtyard within the south elevation. This area contains a wrapping veranda connecting the living spaces, a pergola, and large shade tree. Therefore, the intent of the Code is satisfied and

the centrally located main home, with varying architectural interest in design and materials, has a minimal impact on the abutting neighbors.

Additional Front Setback. The intent of the Code is to minimize flat elevations and massing towards the street and require two-story homes to provide significant interest. The proposed home is substantially setback at 30'. The Application provides an additional setback for 35% of the frontage, but not quite the full depth required. Of the approximately 31'-3" façade length, a 10'-11" is setback approximately 4'-5" at the narrowest expanding to 4'-11". This purposeful recess allows for front steps leading to the entrance and a terrace above. Above the portion of the front façade at the 30' setback is a decorative parapet. These details ensure the design has no negative impacts and result in a beautiful new home.

Variance Request. The Applicant's proposal substantially complies with the single-family home regulations, including lot coverage, unit size, and height. The related setback variances are minor and do not contradict the intent of the Code or result in a larger home than permitted. 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 Section 142-106(a)(2)(b)(1), to permit the south side, facing a street, setback at 7'-10" when 15' is required.
2. A Variance of Code Section 142-106(a)(2)(a), to permit the sum of the side setbacks are 15'-8" when 22'-5" is required.

The south side of the Property abuts an unimproved street end that dead-ends at the waterway and provides no access to either the neighboring property of this Property. The narrow width, 19.66', cannot effectively accommodate a street and therefore it is extremely unlikely that this will ever become a true street. As such, it functions more like an interior lot condition and the Applicant provides more than the required side interior setback and also complies with the associated sum of sides. In essence, it is simply an open space that will remain unimproved and effectively functions as a significant additional setback between the two properties. Taking this condition into account, the Applicant provides close to double the required south side setback, approximately 27.5' when only 15' required. Notably the 27.5' is also more than the required sum of the sides for the Property, and the Property has this on just one side.

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;

The lot is irregularly shaped, a very narrow, pie-shaped lot with limited developable area due to all setbacks. Property abuts an unimproved, platted portion of Palm Avenue, approximately 19.66' wide. See Exhibit C, Plat Book 32-37. Therefore, for setback purposes, the south side is considered a side facing a street, which requires a 15' setback and a sum of the side setbacks of 22.5'. The Applicant is only proposing a 7'-10" setback, which is slightly greater than the minimum required for an interior side setback. This is an extremely narrow, pie-shaped lot and the street end will likely never be improved for vehicles. In effect, even with a setback of 7'-10", the home will be approximately 27.49' from the neighboring home's property line. This will give the appearance of providing more than the required setback. Notably, the minor encroachment into the side setback does not occur for the entire length of the home and does not result in a larger home. The proposed design is a "U" shape with a large 23' by 26' open courtyard abutting this side, significantly limits the mass of the home at the south side.

This is a unique circumstance that complies with the intent of the Code and is sensitive to the abutting neighbor within the beautifully designed modern-Mediterranean style home.

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 an action of the Applicant. The western half of Palm Island was platted in 1928, creating the narrow pie-shaped lot and the street end. The portion of Palm Avenue extended to the island's edge was provided on the Plat, but never improved and will likely never be improved for vehicles. The Applicant wishes to create a new home that is sensitive to the neighbors, and complies with the intent of the Code.

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 on irregular, waterfront lots. The proposed home complies with the purpose

and intent of the Code. The Project is well within the Code requirements for height, front and rear setbacks, unit size, and lot coverage. Therefore, granting of this encroachment into the south side setback for a minimal portion of the narrow, pie-shaped lot does not confer any special privilege on the Applicant, nor does it result in a larger home than allowed.

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 with regards to front and rear setbacks, unit size, lot coverage, and height requirements for homes in the RS-4 zoning district. A literal interpretation of the provisions of these land development regulations would severely limit the developable area of this narrow, pie-shaped lot. The slight deviations from the land development regulations are necessary to construct a viable home, with certain amenities for its residents, and to limit negative impact on the north neighbor if the entire home is limited to extremely confined development area, when development adhering to the south side interior setback does not adversely impact the south neighbor. 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;

The Applicant's goal is to comply with RS-4 land development regulations to the greatest extent possible. The proposed 7'-10" is greater than the minimum required for an interior side setback. A setback of 15' and a combined setback of 22'-6", would render almost half of this average 58'-4" lot undevelopable. Also, even with a setback of 7'-10", the home will be approximately 27.49' from the neighboring home's property line, which is almost double the 15' required.

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. Granting the

requested variances for a side facing a street and sum of the side setbacks will not be injurious to the area involved or otherwise detrimental to the public welfare. It is unlikely that Palm Avenue will be improved for vehicles or parking. If ever improved, the home will still be 7'-10" from the property line and the approximately 27.49' from the neighboring home's property line. The design of the home purposefully considers the narrow width and pie-shape with a variety of recesses and projections, windows, steps and overhangs on each elevation, as well as significant open courtyard along the south.

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 and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. The platted narrow, pie-shaped lot, and abutting unimproved right of way are practical difficulties inhibiting the Applicant from meeting all of the land development regulations. It is unlikely that the Palm Avenue street end will ever be improved for vehicles. This results in the proposed home with a 7'-10" side setback, which exceeds the interior side setback, and located approximately 27.49' from the neighboring home's property line. Designing the home with a 15' setback on the south would push more massing to the north, front, and rear, and eliminate the ability to provide a 26' wide courtyard. The Applicant's proposal satisfies the intent and purposes of the Code to provide a beautifully designed new home 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 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.

Hurricane proof 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 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 Applicant is proactively addressing seal level rise projections by raising the first floor of the home to the base flood elevation of 9' NGVD plus 3' of freeboard.

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, ramping, and side yards 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 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 proposed home is entirely new construction located well-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.

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 large courtyard, and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. Granting this design review application, with associated waivers and variances, will permit the development of a compatible and resilient single-family home that will add value to the surrounding neighborhood. The home complies with height, unit size, lot coverage, and required front and rear setbacks, and is centrally located with significant recesses and architectural details. The Mediterranean-inspired design features a variety of beautifully articulated moments and lush landscaping.

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: Emily K. Balter, Esq.



EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/15/2021

Property Information	
Folio:	02-4205-002-0010
Property Address:	317 N COCONUT LN Miami Beach, FL 33139-5163
Owner	LUCIA R PENROD
Mailing Address	317 N COCONUT LANE MIAMI BEACH, FL 33139-5163
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0102 RESIDENTIAL - SINGLE FAMILY : ADDITIONAL LIVING QUARTERS
Beds / Baths / Half	4 / 3 / 0
Floors	1
Living Units	2
Actual Area	3,448 Sq.Ft
Living Area	2,590 Sq.Ft
Adjusted Area	2,752 Sq.Ft
Lot Size	7,924 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2021	2020	2019
Land Value	\$2,852,640	\$2,852,640	\$2,852,640
Building Value	\$264,265	\$266,054	\$267,843
XF Value	\$56,177	\$56,697	\$57,215
Market Value	\$3,173,082	\$3,175,391	\$3,177,698
Assessed Value	\$952,523	\$939,372	\$918,253

Benefits Information				
Benefit	Type	2021	2020	2019
Save Our Homes Cap	Assessment Reduction	\$2,220,559	\$2,236,019	\$2,259,445
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description				
RIVIERA 1ST & 2ND ADDN AMD PB 32-37 LOT 1 BLK 2 A LOT SIZE 7924 SQ FT OR 20948-3342 12 2002 4				

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$902,523	\$889,372	\$868,253
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$927,523	\$914,372	\$893,253
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$902,523	\$889,372	\$868,253
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$902,523	\$889,372	\$868,253

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/01/1998	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
10/01/1998	\$710,000	18329-2736	Sales which are qualified
11/01/1994	\$610,000	16588-1468	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Helen S. Jones
 Owner BISCAYNE BAY ISLAND CO Mailing Address EXHIBIT B
 Riveria sec
 Lot 1 Block 2-A Subdivision PALM ISLAND

General Contractor Biscayne Bay Island Company
 Architect August Geiger

Front 38' Depth 44'6" Height 24'
 Type of construction cem blks. Cost \$ 10,000.00

Address 317 North Coconut Lane
 Address 4205-02-0010
 Address
 Stories 2 Use Residence- 8 rms andn garage
 Foundation Piling & Reinf. conc Roof -----Tile

Plumbing Contractor Harry Sanborn Address Date July 1- 1924

Plumbing Fixtures 8 Rough approved by H. Scheibli Date

Gas Stoves

Gas Heaters Address Date

Final approved by Date

Sewer connection Septic tank Make Date

Electrical Contractor V.S. DeKalands Address Date June 13-1924

OUTLETS	Switch Light 20	Range 1 HEATERS	Motors Water Space	Fans	Temporary service
	Receptacles				Centers of Distribution

Electrical Contractor Address Date

No. fixtures set Final approved by Date

Date of service

Alterations or repairs # 3452: Boat Dock and garage addition: John C. Gaffney, contractor:
 L.G. Schreffler, architect: \$ 9,400.00----- Date Nov. 13- 1929

BUILDING PERMIT # 13982- Remodeling:(removing old wooden part and replacing with cement blocks)
 Marvin J. Scoville, contractor- \$ 2,750.00 - May 3-1940

Electrical permit # 14892- Gross Electric- 3 switch, 4 light outlets- 8 receptacles- 5 fixtures-
 5-13-1940

Over

ALTERATIONS & ADDITIONS

* Building Permits: #67392 Dock and Marine Const. Co.: Sea wall repairs - \$222. - 6/6/62

#00986-Lancris Builders- Re-roof garage and new tile 8 squares-\$3500-5-4-72

#01179-Carruth Roofing- Re-roof ,story residential-\$1000-6-5-72

#01714-Marine Construction-Dock as per plan-\$3000-9-7-72

#02024-Tomco Roofing- Re-roof 27 sqs-\$3290-11-8-72

#88966-Wm.Erskine Ernest-Remodel and additions as per plans-\$4000-12-15-75
#3464-Airguide Sales- 2 2½ton central a/c-1-20-76

#08749-Gunite Construction-Gunite repairs to boathouse columns and beams-\$3600-3-15-76

FILE NO: 1074 ARTHUR C. STIFFEL, owner Applicant requests waiving of 6 ft. of the required 7'6" northeast side yard setback, in order to construct a carport. Applicant also requests waiving of 5'2" of the required 5'8" side yard setback in order to project the roof overhang and beams of the subject carport into said setback area. BOARD OF ADJUSTMENT SEPTEMBER 9, 1976, DEFERRED-Applicant did not appear.

BOARD OF ADJUSTMENT OCTOBER 8, 1976, GRANTED

11105-Owner-Walkways-\$1200-4-6-77

#12000-Owner-Erect open beam car port, fence, paint, repair driveway-\$3950-8-31-77
Plumbing Permits# 13402- McGuire Plumbing Co.- 1 water closet - 1 lavatory - 1 bar sink -
1 shower - - - - - 5/8/1940

#42597 Economy Plbg: 1 - 4" Sewer - Oct. 4, 1960 OK 10/24/60 Cox

#49054-People Gas System-1 Gas Outlet and conn. with heater-3-28-72

#53212-Horne Plumbing- 1 dishwasher; 1 disposal; 3 lavatory; 1 laundry tray; 1 clothes washer; 1 sink;

1 water closet-12-16-76

#61969 2/15/85 Nationwide Power Corp - solar water heater

Electrical Permits: #55857 Astor Elec:replace 1 service-equip., 10/3/60

#60635 Astor Elec: 3 receptacles--2/3/64

#69620-F & D Electrical Contractors, INC.- 3 Receptacles; 4 Motors 2-5- H.P- 1 400 AMP; 2 100 AMP Panel
1 200 AMP Panels;4-26-72

#72894-Young Electric- 5 switch outlets; 5 light outlets; 5 receptacles; 1 range top; 1 oven-2-2-76

BUILDING PERMITS contd.

17759 Pierce, Inc. Reroof 20 squares \$1600.

3-24-80

ELECTRICAL PERMITS: #E8801008 - Brink's Home Security - 1 Burglar alarm, 10 devices - 6-2-88

