

05 LETTER OF INTENT

3/7/22

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RE: 4564 N MICHIGAN AVE
MIAMI BEACH FL, 33140

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OWNERS:
Barry Eisler + Stephanie Klein Eisler

Dear Miami Beach Design Review Board,

I am writing this letter on behalf of the owners of 4564 N Michigan Avenue in Miami Beach. We write to respectfully request the approval for (Two) variances to an architecturally significant home, for which we feel there exists adequate hardship to support their approval.

In summary the scope of the design improvements include the location of a new outdoor swimming pool within the front yard of the property, a relocated driveway, and a new covered outdoor area to be located adjacent to the new swimming pool, and small additions to the home, totaling 202 square feet.

The home was originally constructed in 1939, by architect Robert L. Weed. Based on the historic building card, the original house has been added onto a number of times, first with a new closet in the 40's, then an additional bedroom in 1952, followed by another bedroom and bathroom in 1963. There have been a few more minor changes since then, but this represents in summary the history of the house which has remained intact. The owners love and respect the house and want to preserve it in its current state, while improving the site plan around it.

The first variance is requested to allow the owners of the home to place a pool in the required front yard, where ordinarily a pool is prohibited, by city zoning code. We believe a hardship exists due to the historic sighting of the home, which has very little rear yard. The existing rear yard is not sufficient for locating a pool and as such we request the approval of a variance from the required front yard setbacks, to allow a swimming pool to be located in the front yard.

A second variance is requested to allow the proposed lot coverage to exceed 40%. The subject home is a single story, and with a proposed roof canopy extension to create shaded space in the front of the house, we are seeking a waiver to exceed 40% Lot Coverage, while still remaining below 50%.

Historically single family residences were allowed to have a 50% unit size and 50% Lot Coverage, and as the home is an existing, single story, legally non-conforming structure, we propose to make a very small addition to the home, totaling 202 square feet in order to improve the interior function of the house. This a very small addition to the existing home, and places us at 41.5% lot coverage. We feel a hardship exists due to the existing configuration of the home, and we are asking for a variance to the Lot Coverage requirements to slightly expand the home.

The proposed setbacks are allowed per code for properties determined to be architecturally significant. We have separately and simultaneously, filed an application for the Determination of Architectural Significance for this property.

The scope of work, also includes the relocation of several trees. We have included in our application a tree survey and landscape plan, and are awaiting an arborist report, from arborist Jeff Shimonski, to determine the feasibility of relocating a pigeon plum tree where the proposed driveway will be located.

The estimated cost of the projects, is broken down as follows:

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\$50k pool

\$60k for the 202 square foot addition to existing home

\$30k for exterior sitework and improvements

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The total cost estimate for the proposed renovations equals \$140k.

We have compiled an application with the required documents for your review, and believe that our proposal is consistent with the comprehensive land development regulations and will not only improve the function of the existing home, but will be an improvement to the surrounding area.

We believe that we meet the following review guidelines per the city code for approval of any variance as specified in Section 118-353(d):

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[CONDITION 01]

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;

[RESPONSE 01] - We believe the special circumstances exist as a result of the legally non-conforming historic configuration of the historic home. Had the home not had such a small rear yard, we would place the swimming pool in the rear yard, but in this particular case it is not feasible.

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[CONDITION 02]

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

[RESPONSE 02] - The owners purchased the home in 2014, after the previously existing structure had been constructed, thus the special conditions existed prior to them taking ownership of the property.

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[CONDITION 03]

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;

[RESPONSE 03] - We believe that granting the requested variances will not confer any special privilege, but, rather allow this architecturally significant home to be used consistently with the other neighboring single family residences in the neighborhood.

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[CONDITION 04]

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;

[RESPONSE 04] - As noted above in condition 03, we believe that without the approval of the requested variances, the owners would suffer and undue hardship, simply as a result of owning a home that was previously constructed under different zoning regulations. They simply want to have a swimming pool and outdoor area to enjoy in the front of their house, as the rear yard is not feasible due to the historic configuration of the existing structure.

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[CONDITION 05]

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

[RESPONSE 05] – As mentioned in our summary of scope, we are proposing only a slight increase in unit size, 202 sqft, as well as a standard pool size, along with improvements to the existing front yard that will create a beautiful and more livable outdoor area, traditionally located on the rear side of the lot. We believe these improvements are minimal but significant towards the improvement of the property.

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[CONDITION 06] 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 welfare; and

[RESPONSE 06] – The granting of the requested variances, will allow the existing home to be more in harmony with the existing neighborhood, and through the careful design of front improvements, will contribute towards the character and beauty of the neighborhood.

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[CONDITION 07]

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.

[RESPONSE 07] – The proposed improvements are consistent with the comprehensive plan, and do not request anything not anticipated in the comprehensive plan, or otherwise reduce the level of services set forth in the plan.

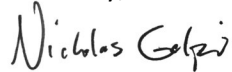
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[CONDITION 08] The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

[RESPONSE 08]

The proposed pool elevation is consistent with what is allowable in the adjacent area, and the elevation of the pool contributes to the open space/permeability requirements for the front yard. The 200 sqft extension of the existing home extends a legally non-conforming condition that is based on the historic configuration of the house, but allows the original home and its site-situation to be better utilized.

Thank you for your time and consideration, I remain available to answer any questions you may have.

Sincerely,



Nick Gelpi
Professional Architect,
Florida License #AR99656