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VIA ELECTRONIC SUBMITTAL AND HAND DELIVERY

June 13, 2022

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

Re: DRB21-0739 – Revised Request for Design Review and
Variance Approvals for New Single-Family Home on **Lot B** of the
Property Located at 291 Palm Avenue, Miami Beach, Florida

Dear Michael:

This firm represents Casa de Palm LLC (the "Applicant"), the owner of the above-referenced property (the "Property"). Please consider this letter the Applicant's required letter of intent to request design review and associated variances and waiver to construct a new two-story single-family home on Lot B of the Property.

Since the June 7, 2022 Design Review Board hearing, the Applicant has made the following changes to the project:

- Revised ground floor plan to lower all of the pool deck;
- Revised north elevation to further soften the second floor;
- Withdrew Variance Request 9, a Non-Use Variance from Sec. 142-106(b)(16)b.1 to allow a pool's deck in side yard setback to be 5'-0" where 7'-6" is required;
- Withdrew Variance Request 11a, a Non-Use Variance from Sec. 142-105(b)(8)b.1 to exceed maximum elevation of side yard to construct a portion of pool deck at 10' NGVD; and
- Withdrew Variance Request 11b, a Non-Use Variance from Sec. 142-105(b)(8)b.1 to exceed maximum elevation of front yard to construct a portion of pool deck at 10' NGVD.

Property Description. The Property is a highly irregular bean-shaped lot located along the northwest portion of the roundabout at the west end of Palm Avenue on Palm Island. The Property is bounded by three streets – Palm Avenue on the south (abutting the roundabout) and on the west (the connection to North Coconut Lane), and North Coconut Lane on the north. This unique location creates a condition where the Property has dual frontages on Palm Avenue and on North Coconut Lane with an extremely narrow lot depth. To the east there is a single-family home. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-4205-002-0460. See Exhibit A, Property Appraiser Summary Report. The Property is 12,035 square feet in size and located within the RS-4 Zoning District, which has a minimum lot size of 6,000 square feet. The Property consists of Lots 55 and 56 of Block 2B, Riviera 1st and 2nd Additions as recorded in Plat Book 32 at Page 32 of the Public Records of Miami Dade County (the "Plat"). See Exhibit B, Plat.

The Property is currently improved with a pre-1942 2-story single-family home at the center and eastern portions of the Property and a 1-story garage at the western side. The existing structures are substantially pushed into the lot towards North Coconut Lane, with nonconforming setbacks of approximately 5', and wrapped by a concrete wall that creates an internal covered walkway between the structures. This wall combines with the home and garage for a total of over 127 linear feet along North Coconut Lane, which makes for an unappealing frontage that visually impacts the neighboring properties on North Coconut Lane. A wide swale abuts the property here, used as a parking area for the neighborhood, and a wide green swale also abuts the Property on the south. The 2-story home sits on the pre-lot split lot lines and the newly approved lot lines, discussed below, making preservation of the home unfeasible.

Lot Split Approval. On October 26, 2021, through file PB21-0464, the City of Miami Beach's (the "City") Planning Board ("PB") approved the Applicant's lot split request (the "Lot Split Approval"). The new lot line splits the Property into two equally sized 6,011 square foot lots, Lot A to the west and Lot B to the east, to avoid a nonconformance because following the platted lot line would result in Lot B being below the minimum lot size of 6,000 square feet. The resulting lots are compatible with the minimum for RS-4 Zoning District and there are over two dozen existing 6,000 square foot lots. In recognition of the highly-irregular bean shape of the lot and its narrowness, and the context of the surrounding neighborhood, the PB granted the Applicant the opportunity to request variances before this Board, including maximum lot coverage of 33.2% and maximum unit size of 50%, in order to construct functional homes on the lot.

Development Approval for Lot A. On April 5, 2022, the DRB approved a new 2-story home with understory and associated variances on Lot A.

Proposed Development on Lot B. Lot B will be developed with a 2-story home and beautiful infinity pool. The design features clean lines and is geometric. Floor-to-ceiling windows, metal louvre screening, glass railings, exposed concrete and smooth white stucco adorn the elevations and effectively break up the home's scale and massing. Lush landscaping is provided to bring a sense of freshness to the modern design of the home. Overall, the design has an understated simplicity that makes for an elegant home.

As a reminder, after the April 5, 2022 Design Review Board hearing, the Applicant made the following changes to the project, including (1) further reducing the unit size to 45% (previously 50%); (2) further reducing lot coverage to 29.6% (previously 31.2%); (3) increasing the majority of north front setback to 20', with only porch at 12'-4" (previously porch and enclosed area on east at 12'); (4) reducing the length of north and south elevations, which increases west side setback; and (5) reconfiguring the pool deck to lower majority of the Property. With the further proposed changes to the pool deck and north elevation, the project is beautifully designed and compatible with the neighborhood.

Irregularly Shaped Lots Require Variances. Palm Island is a unique neighborhood. The Island is an elongated oval shape with Palm Avenue running through the middle and North and South Coconut Lane on the west side of the Island further dividing the properties into an outer ring of waterfront lots and an inner ring of dry lots. The unique oval shape of the island and its road network create highly irregular lots, especially along the edges where the Island's ends are rounded and along the bookend roundabouts. The inherent irregularity and narrow lot depth of the lots, especially those on the roundabouts creates substantial challenges in accommodating homes that make gainful use of the land while remaining Code compliant. As such, it is commonplace to find nonconformances in these properties. Many similarly situated irregular lots contain homes with a larger unit size and lot coverage and smaller setbacks than what is permitted by the Code.

The most similarly situated lots on the Island are those located along Palm Avenue's west end roundabout. Like the Property, these five (5) properties are burdened with double frontages on both Palm Avenue and North or South Coconut Lane, have highly irregular curved lot shapes and very narrow lot depths. Two of them also have substandard lot sizes. Today these homes have an existing average unit size of 53% and a median unit size of 47%, however, considering the allowance for future build-out, the average unit size increases to 58% and the median to 55%. Further, due to the unique shape of the lots, four (4) of the five (5) homes have at least one non-conforming setback. 312 Palm Ave, which is situated along the southwest portion of the roundabout, is also bounded by three streets and has non-conforming setbacks for both fronts and the side facing the street.

The Code is written assuming that lots are regularly shaped. Like on the neighboring homes on Palm Island, due to the highly irregular bean-shaped lot and narrow lot depths, accommodating the Proposed Development on Lot B will require variances in relation to setbacks and encroachments. The dual curved frontages of the Property makes it so that if development were to conform with the Code, the first story portion of the homes would only be allowed 30 feet of depth and the second story portion of the home just 10 feet, which is grossly inadequate for an appropriate home. The dual frontages also make locating a pool challenging, since there is no rear yard and the required setback from pools in the side yards is almost double that of the required rear yard setback for a pool.

Although development is challenging, it can be done with minimal encroachments into the required yards while ensuring compatibility with the neighborhood. Most of the proposed structure complies with the first story 20-foot setback from Palm Avenue and North Coconut Lane, but a 30-foot setback to the second story cannot be reasonably provided because the second floor would be uninhabitable. Only the non-air-conditioned porch of the proposed 2-story home encroaches into the 20-foot setback from North Coconut Lane. Notably, a 12'-4"-setback from North Coconut Lane is maintained at all times, which is to the porch, and there is a swale approximately 10' deep, effectively providing a minimum 22' setback from the edge of the street to the porch structure and 30' to the enclosed home. The elimination of the existing wall and separation of the new homes greatly reduces the building frontage on North Coconut Lane and provides much needed relief with openness in between the new lots that reduces the proposed massing. Overall, the Proposed Development better centralizes the home on the lots and decreases the existing setback nonconformance from North Coconut Lane and creates more appealing frontages on all three roads. The Proposed Development is compatible with the neighborhood and the best design to make gainful use of this highly-irregular lot.

Variance Requests. In order to accommodate the Proposed Development, the Applicant respectfully requests the following variances as allowed through the Lot Split Approval:

1. Non-Use Variance from Sec. 142-105(b)(9)(a) for new construction on newly created lots that do not follow the originally platted lot lines, to permit a lot coverage of 29.6% when 25% is permitted;
2. Non-Use Variance from Sec. 142-105(b)(9)(b) for new construction on newly created lots that do not follow the originally platted lot lines, to permit a unit size of 45% when 40% is permitted;
3. Non-Use Setback Variance from Sec. 142-106(a)(1)(b) to permit a 12'-2" front setback to 2-story home from North Coconut Lane when 30'-0" is required (note: only non-air conditioned porch is at 12'-4", the enclosed 2-story home is at 20');

4. Non-Use Setback Variance from Sec. 142-106(a)(1)(b) to permit a 20'-0" front setback to 2-story home from Palm Avenue when 30'-0" is required;
5. Non-Use Setback Variance from Sec. 142-106(a)(2)(c)(1) to allow an interior side setback of 7'-7" to the west when 10'-0" is required;
6. Non-Use Setback Variance from Sec. 142-106(a)(2)(a) to allow a sum of the side yard setbacks to be 17'-7" when 21'-6" is required;

7. Withdrawn by Applicant

- a. Non-Use Variance from Sec. 142-106(b)(16)b.2 to allow a pool's water edge setback to be 6'-0" when 9'-0" is required;
 - b. Non-Use Variance from Sec. 142-1133(2)(a) and (b) to allow a pool deck, including catch basin, an interior side yard to be setback 5'-0" when 7'-5" required;
8. Non-Use Variance from Sec. 142-106(b)(16)g to allow a pool's deck in front yard to be setback 5'-0" where 10'-0" is required;
9. **Withdrawn by Applicant** - Non-Use Variance from Sec. 142-106(b)(16)b.1 to allow a pool's deck in side yard setback to be 5'-0" where 7'-6" is required;
10. Non-Use Variance from Sec. 142-105(b)(6) to allow the habitable roof deck to be set back 8'-6" and 4'-2" to the north and south respectively when 10'-0" is required; and

11. Withdrawn by Applicant

- a. Non-Use Variance from Sec. 142-105(b)(8)b.1 to exceed maximum elevation of side yard to construct a portion of pool deck at 10' NGVD;
- b. Non-Use Variance from Sec. 142-105(b)(8)b.1 to exceed maximum elevation of front yard to construct a portion of pool deck at 10'.

Satisfaction of Hardship Criteria. The above reference requests meet the hardship criteria for variances outlined in section 118-353(d) 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 highly irregular bean-shaped lot and the triple frontage created by the bookend roundabout on Palm Avenue is a special condition and circumstance peculiar to the land. With the exception of the property at 312 Palm Ave, perhaps no other lot is more affected by the unique by the elongated oval shape of the island and its existing street network. Given the unique shape of Palm Island, even the more regularly shaped lots towards the center of the island enjoy variances to accommodate development. Any reasonable and functional development on this lot cannot comply with all Code regulations, which are written for rectangular shaped lot. The Applicant has complied with Code whenever feasible and has mitigated the impact of the

requested variances to ensure that the end product is compatible with the intent of the Code and the surrounding neighborhood.

(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 the action of the Applicant as the highly irregular bean-shaped lot shape and the triple frontage existed before the Applicant had legal interest in the Property.

(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 that is not fully compliant with the Code, especially on the more irregularly shaped lots towards the ends of the island. In fact, as shown on our neighborhood analysis, a majority of the homes on Palm Island are nonconforming in regards to unit size, lot coverage, setbacks or a combination of the preceding. Again, if the Applicant were to conform with the existing setback and encroachment regulations, the home would be non-functional and the second floor would be uninhabitable. Further, due to the dual frontage condition of the lot, full compliance with setback regulations would not allow the Applicant to accommodate a pool, an amenity enjoyed by many other homeowners on Palm Island. As a whole, the development complies with the purpose and intent of the Code and the Applicant has mitigated any potential impact by complying with the Code when feasible, providing lush landscaping and using design techniques that effectively break up massing of the home. Therefore, granting these variances does not confer any special privilege on the Applicant.

(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 discussed, a literal interpretation of the Code would not allow reasonable development of the Property and would make the second-story uninhabitable. The Code is written for regular rectangular shaped lots and the Property is far from that. A literal interpretation of the Code would require the applicant to forgo the ability to accommodate a second story on the home, balconies and terraces and a pool—all basic features enjoyed by other property owners on Palm Island. Requiring strict compliance with 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 design team has worked extensively to minimize the number of requested variances and their impact. Whenever possible the Applicant has complied with Code. The proposed design creates better frontages on North Coconut Drive and Palm Avenue, with the enclosed home at 20' from each property line, and the accompanying landscaping further enhance the Property's curb appeal and protect adjoining neighbors from the home's scale and massing

(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. The design of the home purposefully considers the irregular shape of the lot to centrally locate the home. Articulated elevations and lush landscaping break up the home's scale and massing and mitigate any potential impacts on the neighbors. Granting the variances will be in harmony with the land development regulations and the proposed tennis court will not be injurious to the area.

(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 variance requests are consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

Practical Difficulty. The highly irregular narrow bean-shaped lot and the dual frontage condition are practical difficulties inhibiting the Applicant from meeting all of the land development regulations in constructing a single-family home. Considering these difficulties, the Applicant has proposed the best development plan for the Property accommodating the 2-story home centrally on the lot, with enclosed portions 20' setback from both frontages. Further, the Applicant has employed mitigative techniques such as articulated elevations and lush

landscaping in order to curtail any potential impact the development will have on adjoining neighbors. The deviations are necessary as reasonable development of the lot with a functional single-family home and pool cannot be achieved on this irregular lot if all land development regulations are complied with. Granting the requested variances will allow the Applicant to effectuate an appropriate design and use for this Property. The Applicant's proposal satisfies the intent and purposes of the Code to provide a home that is compatible with the neighborhood.

Waiver Request – Additional Setback for 2-story Front Elevation. The Applicant requests a waiver from Sec. 142-105(b)(4)c.1 to provide fewer than 5' additional setback for 35% of the physical volume of the second floor along the Palm Avenue front elevations. The North Coconut Avenue frontage complies with this requirement. The narrow lot depth and substantially curved property lines severely confine development meaning that an additional 5' setback will substantially preclude well-designed interior spaces. The proposed design provides setbacks on the east and west ends. Importantly these and other articulations, changes in plane and materials successfully reduce the scale and massing of the second floor along the front and therefore the project complies with the intent of the Code.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(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.

The structures will have hurricane impact windows throughout the homes.

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

The proposed homes provide abundant windows and doors such that passive cooling is feasible.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

The landscape plans for the proposed homes include many native and Florida-friendly plants. The landscaping is appropriate for the proposed homes and the neighborhood

and includes salt-tolerant and highly water-absorbent species. The lush landscaping is both resilient and aesthetically pleasing and will serve as a beautiful buffer to surrounding homes.

- (5) **The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**

The Applicant has considered the adopted sea level rise projections. The home on Lot B will also be elevated with a finish floor elevation of 10' 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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.**

The Applicant's design is adaptable to the raising of public right-of-ways and adjacent land and provides sufficient height and space to ensure that the entryways and exists can be modified to accommodate a higher street height of up to 3 additional feet in height.

- (7) **As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.**

Mechanical and electrical systems will be located above base flood elevation.

- (8) **Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.**

All new structures proposed to be built are appropriately elevated.

- (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 will be located below base flood elevation.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

The Property will utilize appropriate stormwater retention systems and the Applicant will ensure appropriate drainage is provided.

(11) Cool pavement material or porous pavement materials shall be utilized.

The Applicant proposes appropriate materials for the driveways and other hardscaped areas.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Applicant utilizes abundant landscaping at ground level to minimize heat island effect on-site.

Conclusion. We believe that approval of the design and requested variances and waiver will permit the development a beautifully designed single-family home on the Property that will be compatible with the character of the residential neighborhood and more respectful to the neighbors along North Coconut Lane than the existing structure. The Applicant has substantially reduced the scale of the home and taken much care to create the best design that requires only the least impactful variance requests for this challenging highly-irregular lot. The proposed home will be a welcomed addition to the neighborhood. On behalf of the Applicant, we look forward to your favorable review. If you have any questions or comments with regard to the application, please do not hesitate to phone me at 305-377-6236.

Sincerely,



Matthew Amster

Attachments

cc: Ben Fernandez, Esq.
David Butter, Esq.

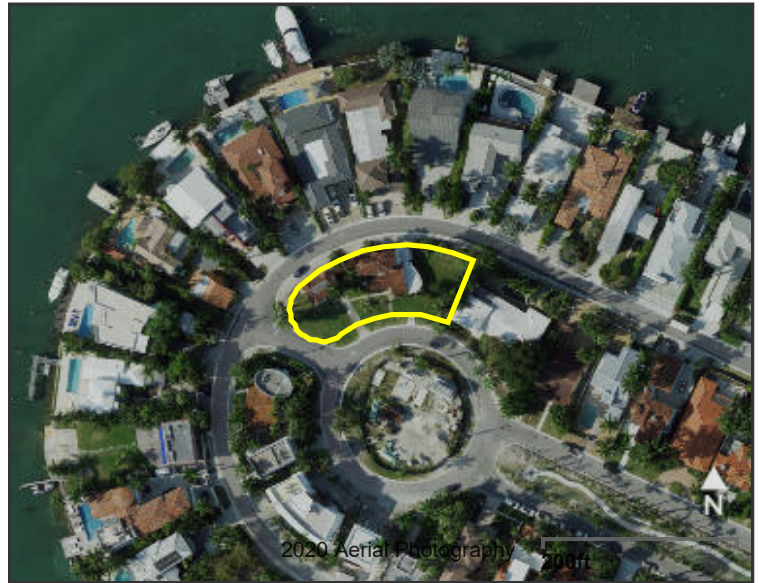


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/8/2021

Property Information	
Folio:	02-4205-002-0460
Property Address:	291 PALM AVE Miami Beach, FL 33139-5141
Owner	CASA DE PALM LLC
Mailing Address	8212 NW 30 TERR DORAL, FL 33122 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	4 / 3 / 0
Floors	2
Living Units	1
Actual Area	3,661 Sq.Ft
Living Area	2,741 Sq.Ft
Adjusted Area	2,961 Sq.Ft
Lot Size	12,021.1 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information				
Year	2021	2020	2019	
Land Value	\$1,983,482	\$1,983,465	\$1,983,465	
Building Value	\$305,353	\$302,807	\$305,209	
XF Value	\$888	\$900	\$912	
Market Value	\$2,289,723	\$2,287,172	\$2,289,586	
Assessed Value	\$2,289,723	\$2,287,172	\$2,099,455	

Benefits Information				
Benefit	Type	2021	2020	2019
Save Our Homes Cap	Assessment Reduction			\$190,131
Homestead	Exemption			\$25,000
Second Homestead	Exemption			\$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 LOTS 55 & 56 BLK 2 B LOT SIZE 12021 SQ FT M/L OR 20306-3335 03 2002 1	

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,049,455
School Board			
Exemption Value	\$0	\$0	\$25,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,074,455
City			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,049,455
Regional			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,049,455

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/13/2021	\$1,575,000	32462-0182	Qual by exam of deed
03/01/2002	\$640,000	20306-3335	Sales which are qualified
06/01/1988	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed

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