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VIA ELECTRONIC AND HARD COPY SUBMITTAL

July 11, 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: DRB22-0838 – Design Review Approval for New Single-Family Residence at 621 W 44 Street, Miami Beach

Dear Mr. Belush,

This law firm represents Mary Aileen Murphy and Luis Corrales (collectively the "Applicant"), owners of the property located at 621 W 44 Street (the "Property") in the City of Miami Beach (the "City"). The Applicant intends to build a resilient 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 of a new two-story residence with an understory and a variance for one foot (1') of additional height.

Property Description. The Property is mid-block, irregular shaped lot fronting W 44 Street. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3222-001-2140. See Exhibit A, Property Appraiser Summary Report. The Property is approximately 6,135 square feet in size.

As noted on the survey prepared by Landtec Surveying and dated March 9, 2022, the existing yards and home are at extremely low elevations of 3.45' and 4.97' NGVD, respectively. This places the existing home, and surrounding properties, at risk of flooding when the City's minimum required yard elevations are three to four-feet

higher at 6.56' NGVD and new construction must minimally be at 9' NGVD for this area of the City.

Additionally, the Property is located within the RS-4, Single Family Residential Zoning District, and not located in a local or national historic district. It is important to note that the surrounding area contains varying sizes and styles of single-family homes, the majority of which are two-stories that have been modified over time. The Property is also northeast of North Beach Elementary School and east of Muss Park.

Proposed Development. The Applicant proposes to construct a Modern-style two-story residence. The cost estimate of the new construction is approximately \$750,000.00. The overall design is warm and inviting with a variety of materiality and movement. The center of the home is intricately designed to break the massing into two distinct volumes and the understory is an open and airy area with wood louvers to enhance the flow of air and light. The garage entrance is purposefully placed perpendicularly to the street to minimize visual impacts. The layout of the understory, provides a centrally located first level. Each side elevation is sufficiently distinguished with various materials, doors windows, and additional open space. Glazing is broken up with slat screening elements. A pool is located in the rear yard that is sensitive to the sloped property line.

The Applicant's proposed new home complies with the City of Miami Beach Code of Ordinances (the "Code") requirements for all setbacks, unit size, and lot coverage. This ensures minimal impact on the abutting neighbors. The Applicant proposes first and second level front setbacks of 30' and 40' respectively, and the proposed rear setback is 20'. The size of the proposed home is approximately 3,057 square feet, which complies with the allowable 50% unit size limit. The proposed lot coverage also complies with the 30% maximum permitted at 26.4%.

The overall design sufficiently addresses the intent of the Code with the main massing centrally located and a variety of architectural articulations and materials, along with extensive plantings. The Applicant is not seeking any waivers of the Code.

Variance Request. The Applicant's proposal substantially complies with the single-family home regulations, including setbacks, lot coverage and unit size. In order to fully realize its development and due to the Property's confining characteristics, the Applicant requests a variance of Code Section 142-105(b)(1), to permit 25' of height, when 24' is permitted for a flat roof. The related height variance request is minor and does not contradict the intent of the Code to address sea level rise and resiliency.

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 an irregularly shaped, pie-shaped lot with limited developable area due to all setbacks and drastic elevation rise from the existing to the minimums required. The existing home and yards are located well below base flood elevation and the minimum required elevations. The yards are approximately 3.45' NGVD and the minimum yard elevations required is 6.56' NGVD. Also, the finished floor elevation of the existing home is approximately 4.97' NGVD and to comply with today's minimum standards requires new construction must minimally be at 8' NGVD plus 1' of freeboard. This creates an extreme special condition in planning for the new home. The Applicant is looking to the longevity and resiliency for the newly design home. To accomplish this goal, the Applicant proposes to actively address sea level rise with a functional and beautiful understory. 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 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. As noted, this is an irregular shaped, mid-block lot at an extremely low elevation and at risk of flooding. The minimum required flood regulations require raising the yards and home over three to four feet. This is a special condition and circumstance that does not result from the action of the Applicant. The Applicant is being proactive and proposing finished floor of the new home at base flood elevation, plus the full 5' of permitted freeboard, which is permitted, and the additional 1' of height is a direct result of the site elevation and providing a useable understory. 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 lots at extreme risk of flooding. The proposed home complies with the purpose and intent of the Code as the main living areas are 24' combined. The Project is well within the Code requirements for front and rear setbacks, unit size, and lot coverage. Therefore, granting of this slight height projection 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, and lot coverage. A literal interpretation of the provisions of these land development regulations would severely limit the developable area of this irregular shaped lot. The slight deviations from the land development regulations are necessary to construct a viable home, with certain amenities for its residents, such as a useable understory, and to limit negative impact on the neighbors if the entire home is limited to a confined development area. 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 1' of height does not result in a larger home than would be permitted. It is the minimum additional height necessary for proper raising of the entire site. Additionally, without the additional 1' the understory would be unsafe and unusable.

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 variance for 1' of additional height, when 27' would be permitted for a sloped roof, will not be injurious to the area involved or otherwise detrimental to the public

welfare. The design of the home purposefully considers the irregular property lines and with a variety of recesses and projections, windows, and overhangs on each elevation.

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 variance 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 narrow, irregular shaped lot with extremely low existing elevations are practical difficulties inhibiting the Applicant from meeting all of the land development regulations. The 1' of height is the minimum necessary to accommodate the appropriate site elevations and a useable understory. Designing the home with a 1' of additional height makes the understory useable area and addresses sea level rise and resiliency concerns. It is likely that roads in the City will continue to raise and single family homes will be rendered nonconforming and eventually unlivable. 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 design is proactively addressing sea level rise projections with an understory for parking. Additionally, incorporating an understory, allows the first floor of the home to be at the base flood elevation of 8' NGVD plus the full 5' 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 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 design provides grassed open spaces and non-air-conditioned understory with louvers to regulate direct sunlight, which do not currently exist on the site, to strategically minimize the potential for heat island effects.

Conclusion. Granting this design review application, with associated variance for a minimal 1' of additional height, will permit the development of a home that proactively addresses sea-level rise, reduces potential for heat island effects, and complies with the intent of the Code. The innovative design provides a well-protected first floor above max freeboard and utilizes the understory below for parking, without additional massing. The compatible and resilient single-family home will add value to the surrounding neighborhood well into the future. Additionally, the Modern-style features a variety of beautiful textures, materials, and lush landscaping. The home complies with unit size, lot coverage, and required setbacks, ensuring a minimal impact on abutting neighbors. 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 305-377-6232.

Sincerely,



Emily K. Balter

Attachment

cc: Marry Aileen Murphy
Ben Fernandez, Esq.

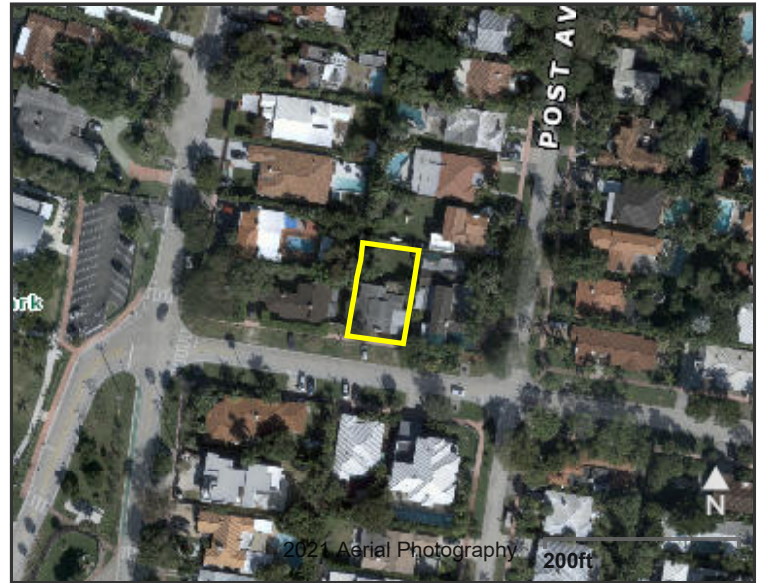


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 6/13/2022

Property Information	
Folio:	02-3222-001-2140
Property Address:	621 W 44 ST Miami Beach, FL 33140-3020
Owner	LUIS CORRALES MARY AILEEN C MURPHY
Mailing Address	621 W 44 ST MIAMI BEACH, FL 33140 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	4 / 2 / 0
Floors	1
Living Units	1
Actual Area	2,034 Sq.Ft
Living Area	1,989 Sq.Ft
Adjusted Area	1,794 Sq.Ft
Lot Size	6,070 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2021	2020	2019
Land Value	\$425,109	\$455,104	\$455,104
Building Value	\$156,078	\$156,078	\$156,078
XF Value	\$1,080	\$1,080	\$1,080
Market Value	\$582,267	\$612,262	\$612,262
Assessed Value	\$239,643	\$236,335	\$231,022

Benefits Information				
Benefit	Type	2021	2020	2019
Save Our Homes Cap	Assessment Reduction	\$342,624	\$375,927	\$381,240
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	
ORCHARD SUB NO 4 PB 25-30	
BEG SW COR LOT 22 E66.20FT TH N	
TO N/L OF LOT 21 W55.199FT TO	
NW COR LOT 21 S TO POB	
LOT SIZE 60.700 X 100	

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$189,643	\$186,335	\$181,022
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$214,643	\$211,335	\$206,022
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$189,643	\$186,335	\$181,022
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$189,643	\$186,335	\$181,022

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/14/2022	\$1,325,000	33149-1703	Qual by exam of deed
12/14/2021	\$820,000	32919-4122	Qual by exam of deed
02/01/1989	\$113,000	14010-4385	Sales which are qualified
04/01/1976	\$51,500	00000-00000	Sales which are qualified