

City of Miami Beach,
Planning & Zoning Dept.,
1700 Convention Center Dr.
Miami Beach, FL.
Date: 08/08/2022

REF: Design Review Board / Letter of Intent / Hardship Letter / 2130 Verdun Dr., Miami Beach, FL.

Project Description: New 4 story (walk-up flats) building, with 6 units (2-bedrooms & 2.5 baths w/ all units entering at ground level with a total of 6 parking spaces provided undercover.

Board of Adjustment / as per pre-meeting with the Planning Department, we are requesting the following variances on the above REF. project for the following issues:

Variance # [1] - Rear setback according to RM-1 zoning – 10% of depth (13') req. / 10' provided.

Variance # [2] - Side setback for parking (North), according to RM-1 zoning – 5' min. req. / 3'-2" provided. (For back up area)

Variance # [3] - Rear setback for parking (West), according to RM-1 zoning – 10% of depth (13') req. / 5' provided.

Variance # [4] – Driveway width, according to RM-1 zoning – 18' min. req. / 17' provided.

Waiver # [1] – Parking clearance from BFE + 1', according to RM-1 zoning -12' min. required / 10' provided.

Variance response: [Based on the following information we feel that we qualify and meet the hardship criteria for the requirements of SECT. 118-353(D)]

Variance [1.] Rear setback:

Special conditions and circumstances exist which are peculiar to a large percentage of properties in this Normandy Isle area of North Beach. Note that as an example, within a six block area the majority of properties have rear setbacks less than the required 10% and less than 10' that we are providing. (See sheet 9 of 2130 Verdun Dr. DRB Presentation). Also the diagonal shape of the property based on the Verdun Dr. angular condition creates a hardship on the properties in this area. We are thus following the same rear setback criteria as a large majority of these multifamily projects in this area and are requesting a variance for the rear setback.



We meet all requirements of Sect. 118-353

A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. In the same zoning districts with the same request setbacks.

B.) That the special conditions and circumstances do not result from the action of the applicant.

C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.

D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

F.) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Variance [2.] Parking Side Setback for back up area:

The lot size creates a hardship on the parking area for cars to maneuver thus its necessary to create an area for back up. 5' required – 3'-2" provided with pavers and landscaping. Please note that a 7' high perimeter retaining wall, will be located at the perimeter of this area to provide visual privacy and sound attenuation.

We meet all requirements of Sect. 118-353

A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. In the same zoning districts with the same request setbacks.

B.) That the special conditions and circumstances do not result from the action of the applicant.

C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.

D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

F.) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.



Variance [3.] Parking Rear Setback:

Special conditions and circumstances exist which are peculiar to a large percentage of properties in this Normandy Isle area of North Beach. Note that as an example, within a six block area the majority of properties have rear setbacks less than the required 10% and less than 5' that we are providing. (See sheet 9 of 2130 Verdun Dr. DRB Presentation). Also the diagonal shape of the property based on the Verdun Dr. angular condition creates a hardship on the properties in this area. We are thus following the same rear setback criteria as a large majority of these multifamily projects in this area and are requesting a variance for the rear setback to parking.

We meet all requirements of Sect. 118-353

- A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. in the same zoning districts with the same request setbacks.
- B.) That the special conditions and circumstances do not result from the action of the applicant.
- C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.
- D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
- E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F.) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Variance [4.] Driveway width:

The lot size creates a hardship on the parking area, driveway width required 18' provided 17'. Please note that the preferred required access driveway by planning is 12', and also in areas where there is back up area to parking, we are providing 22'.

We meet all requirements of Sect. 118-353

- A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. In the same zoning districts with the same request setbacks.
- B.) That the special conditions and circumstances do not result from the action of the applicant.
- C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.
- D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.



- E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F.) That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Waiver [1.] To provide 10' clearance from BFE + 1' to the underside of the slab above garage:

Min. height req. is 12' clearance from BFE+1' to the underside of the slab above BFE+1', and we are providing 10' to the underside of slab.

We meet all requirements of Sect. 118-353

- A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. In the same zoning districts.
- B.) That the special conditions and circumstances do not result from the action of the applicant.
- C.) That granting the waiver requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these reductions due to the small size of properties.
- D.) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
- E.) That the waiver granted is the minimum waiver that will make possible the reasonable use of the land, building or structure.
- F.) That the granting of the waiver will be in harmony with the general intent and purpose of this ordinance and that such waiver will not be injurious to the area involved or otherwise detrimental to the public welfare and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Sec. 133-50. – Sea level rise and Resiliency review criteria.

Our project is compatible with the city's sea level rise mitigation and resiliency efforts.

- 1.) A recycling or salvage plan for total demolition will be provided at the time of demolition.
- 2&3.) Windows are proposed to be operable hurricane proved impact windows.
- 4.) Resilient landscaping should be provided according to chapter 126.
- 5.) Adjusted grade elevations are at +6.56 NGVD.
- 6.) Ground floor, driveways, and garage ramping for new construction will be adaptable to the raising of public rights-of-way and adjacent land.
- 7.) All mechanical and electrical systems should be located above base flood elevation.
- 8.) N/A.
- 9.) Habitable space base flood elevation plus City of Miami Beach Freeboard. Shall be vented or wet & dry flood proofed.
- 10.) Storm water retentions system shall be provided.
- 11.) Cool pavement material shall be utilized.
- 12.) The design of the project.



We are requesting these variances and waiver, showing that **we are complying with hardship requirements of sect. 118-353(d) of the City of Miami Beach Planning & Zoning**, and we thank you for consideration in looking at this request.

Sincerely,

Gustavo J. Ramos Architect, AR8715

