

**THE WEBER STUDIO**  
ARCHITECTURE

September 6, 2022

**RE: DRB22-0875 - Letter of Intent**

**PROJECT:** 800 W 44<sup>th</sup> Court  
Miami Beach, Florida 33140

***The Honorable City of Miami Beach Design Review Board Chairman and distinguished Board Members:***

The owner of the above referenced property is seeking one (1) *Waiver* and one (1) *Variance* to construct a new single-family residence on a corner lot. Due to the shape of the property and its front, extraordinary circumstances exist creating hardships that would otherwise not exist for a typical property within the residential districts [Section 118-353 (d)(1)]. The *Waiver and Variance* requests are as follows:

1. **Waiver:** A request to waive the following requirement: At least 35% of the second floor along the front elevation shall be set back a minimum of five feet from the minimum required setback. **Section 142-105 (a)(4)c**
2. **Variance #1:** A request to increase the Lot Coverage from 30% (3,309.02 SF max.) to 33.3% (3,676 SF); a 366.98 SF total increase. **Section 118-353(d):**

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.

**Due to the shape and size of the property and the configuration of the adjacent properties, the waiver and variances requested do not impact the surrounding neighbors and, in our humble opinion, meet the original intent and purpose of the code**

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

(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;

**Considering that we are not maximizing the lot coverage area in the form of overhangs, we think that our request would confer the applicant the same privileges that any other lot would have.**

(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;

**Yes, please see number (3)**

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

(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

(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

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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.

(8) 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.

**This project will comply with the following Sea Level Rise and Resiliency Criteria as per Sec 133-50 of the City Code:**

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (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.
- (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.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way 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 of up to three 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.
- (8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.
- (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 54 of the city Code.
- (10) As applicable to all new construction, stormwater retention systems shall be provided.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
- (12) The design of each project shall minimize the potential for heat island effects on-site.

Our presentation to the DRB will depict the proposed residence and demonstrate the hardships. Should you have any questions, please do not hesitate to contact our office. Thank you in advance for your time.



Thomas Weber, Architect  
*The Weber Studio, LLC*