

September 19th, 2022

City of Miami Beach
Planning Department, second floor
1700 Convention Center Way
Miami Beach, FL 33139

Attention: Tom Mooney, Michael Belush, Planning Staff and DRB

**Re: 110 N. Hibiscus Drive. Miami Beach, FL.
Architect's Letter of Intent**

Planning Staff and DRB,

On April 5th, 2016, a Design Review Board hearing was held as it regards the above referenced proposed residence. At that time, we asked for and received a waiver as it regards the 70% limitation of second floor volume. This ordinance does not exist anymore, so it is off the table for this submission. We also asked for and received a waiver for the side open space requirement on the side facing the longer side street and the location of the proposed elevator. A copy of the Final Order is included in this submission.

The owners at that time decided not to go ahead with the construction and put the property up for sale. The property was purchased by the current owners who want to construct the residence as designed. Since the previous owner was a quadriplegic, the residence was designed with ramps which have now been removed from the design. The balance of the residence remains the same as approved by the DRB at that time. The original design sets back the side street elevation 17' from the property line when only 15' was required, thus adding an additional 2' to the setback.

During the time when the original residence was first designed, the Final Order was written, and the time when the new owners purchased the site, the zoning code had undergone some modifications. The modification that really affects this design is the requirement that one must set back 50% of the elevation facing the side street an additional 5'-0". We will be requesting a waiver from this requirement. As well, we will be requesting a waiver for the location of the elevator, as the elevator goes up to the roof. The reason the elevator was designed at that location was because the original owner was a quadriplegic, and it was the transition point from the garage to the kitchen and main residence without having to use any steps.

Since this residence has already been designed, we request that the DRB grant a waiver for its location, as there really isn't another place to locate it on the plans. The elevator is actually set behind the rooms facing the side street and set back quite a large distance from the shorter street which constitutes the front, We do not feel that this is an egregious location and is sufficiently set back to create a minimal if any impact on the height.

So now we are left with a waiver request to allow the residence to be constructed as originally designed and approved. The new requirement would make us set back 50% of the side street elevation an additional 5' from the minimum required setback. As designed, the entire residence on that side street already sets back 2' from the minimum required setback, this the setback is now 17' in lieu of the required 15'. Please remember that this was not a requirement when this residence was originally designed and approved.

Now we find ourselves in a precarious situation. The structural plans were approved as originally designed and construction has already commenced on the residence. This means that although we set back the additional 2' along that entire side, we do not set back the second floor an additional 5' for 50% of the length of the side street facing elevation. The construction would need to be demolished and we would have to start over. All structural inspections have passed to date. As the architects, we were the ones that noticed this condition and alerted the city to it, as we felt it was the right thing to do instead of continuing on. We have obtained no objections from our neighbors and respectfully request that the DRB grant us this waiver and allows us to proceed with the construction of the residence as originally designed and approved.

We will gladly answer any questions you may have.

Regards,

Ralph Choeff, President
Choeff Levy Fischman PA