

September 6, 2022

**Michael Belush**

Chief of Planning and Zoning  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

Dear Mr. Belush,

This firm represents Aaron Zielski, the "Applicant" and owner of the property located at 4350 Nautilus Drive - the "Property". Please accept this correspondence as the Applicant's letter of intent for the attached plans and the request for review and approval by the Design Review Board ("DRB") of the proposed design, variances, and waivers submitted in the application package attached.

The project ("Project") consists of a carefully designed modern two-story single-family home within the standards outlined in the code that will serve as the principal residence of the applicant. The project will replace an existing one-story residence, in which we are choosing a design with an understory, we've taken inspiration from several other properties in the nearby beach neighborhoods while adding our design cues to create a truly unique design. We feel that adding the understory element into the design allows us the opportunity to generate a better overall design, as well as provide us an elegant way to have a property positioned in a manner better protected from potential storm surges and/or future sea level rise. The new property's aesthetic allows us to have a more private atmosphere inside the house and doesn't intrude on the neighbor's privacy. The property is approximately 83 feet wide at the street front, and 110 feet long in depth. Due to the uniqueness and distinctive characteristics of this Project, we are requesting the following three (3) code variations from the Design Review Board to provide. We feel that these variations will help us generate a better design and adequate use of the lot that will allow the design to fully meet the criteria that the board issues when reviewing this project to achieve a better product.

VARIANCE REQUESTS:

**1. Setback variance**

Sec. 142-106 (a)(1)(3). – Front Yards and Rear Yards.

Per Section 142-106(a)(1)(3), The minimum front yard setback requirement for these districts shall be as follows:

*(2) b. Two-story structures. Thirty feet, provided subsection (a)(1) a. above does not apply.*

*(3) The rear setback requirement shall be 15 percent of the lot depth, 20 feet minimum, and 50 feet maximum. At least 70 percent of the required rear yard shall be sodded or landscaped previous open space; when located at or below adjusted grade, the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.*

Setbacks encroach because of the irregular shape of the lot. To keep the linear and square approach with respect to the street, we are asking for a very slight encroachment into the setback area on the front corner location to help with the overall design. Although we are asking for this variance concerning setbacks, it's also really a function to allow the property to be positioned better on the lot while maintaining the design. Aside from this slight variance, we are within code in all other building setbacks.

The Applicant is requesting a variance to allow a small portion of the northeast corner and northwest corner of the house to encroach a bit into the established setbacks, adding a small portion of 1'-2 ¾" by 24'-2 ¼" (17sq ft) to the front yard and 1'2 5/8" by 22'-1/8" (13 sq ft) to the rear yard as indicated on Sheet A-16.

**2. Understory Area**

Sec. 142-105. - Development regulations and area requirements.

Pursuant to Section 142-105 (b)(4)d.1.

*(4)d.1. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent on each side.*

The Applicant is calling this section of the code to kindly request the DRB to take all the considerations to approve the use of the understory as part of the parking area and as a functional justification of the design, (indicated on Sheet A-09 – S-03 Cross Section) since we are not only anticipating future floods, we are providing an integrated solution to the design and

structure that will allow us to have an enduring house that can be adapted to the city's new climate conditions in the near future.

We've studied the elevation of the property and adjacent parcels and have proposed a design that is compliant with the current Florida Building Code and addresses the need for improved resiliency to future sea level rise. 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 a proper solution for future floods. The granting of this variance will result in a structure and site that complies with the sea level rise and resiliency review 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 structure will have hurricane-impact windows throughout the home.*

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

*The proposed home provides 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, per Chapter 126 of the City Code.**

*The landscape plan will include many native and Florida-friendly plants. The Applicant's landscape plan is appropriate for the Property and the neighborhood, with native, salt-tolerant, and Florida-friendly plant species. The plantings for the proposed home will be highly water-absorbent to provide for both aesthetics and resilience.*

**(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 and will utilize the full 6' of freeboard and even raise the finished floor 1' higher for the 2-story home.*

**(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.**

*N/A*

**(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. (See Sheet A-05, and Sheet A-11 – E.04 Elevation)*

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

*Not applicable as there will be no existing buildings.*

- (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. Only the garage will be located below BFE.*

- (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 driveway.*

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

*The Applicant will utilize pervious surfaces on pavements and abundant landscaping at ground level.*

**3. Non-Permeable Driveway due to understory**

*Sec. 142-105. - Development regulations and area requirements.*

Pursuant to Section 142-105 (b)(4)d.7.

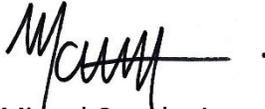
*(4)d.7. At least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be the same as the required front setback of the principal structure. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.*

To prevent possible water retention in the property, we are raising the level of the ground floor (10' 11 1/16" NGVD) to be able to solve this. Given the rather large amount of permeable area in

the rear yard of the property, we are asking for a variance to the permeable requirement of the front yard, specifically to allow the driveway to use a non-permeable material to aid in the overall design. The current permeable area of the front yard is 1,429 ft<sup>2</sup> which shows that we are within the code limits. The Applicant is requesting a variance because the rear yard is mostly landscape as indicated on Sheet A-16.

The Project is consistent with the scale and character of the surrounding residential neighborhood and will complement the local architectural identity. Due to the unique characteristics of the Property, the requested variations are necessary for the proper use and operation of the project and the activities that the applicant will perform within his new residence. We have chosen to raise the house based on the possibility established by the code to generate an understory and also allow us to use it as a parking lot. We consider that these variants obey most of the guidelines of the City Code, which is why we are convinced that it is a solid proposal and that it will adapt very well to the context and the neighborhood. Based on the foregoing reasons, granting this design review application with associated variances will permit the development of a beautifully-designed home for the Applicant's family that will add much more value to the surrounding neighborhood than the existing vacant lot. The main residence and garage comply with the land development regulations and satisfy the intent of the Code to ensure no negative impact on the neighbors. We look forward to your favorable review of the application and the Applicant respectfully submits the proposed Project for review and approval by the Design Review Board to comply that our proposal is feasible and possible to execute.

Sincerely,



Miguel Concha Loyola  
**MCA.**