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VIA ELECTRONIC SUBMITTAL

February 13, 2023

Michael Belush, Chief of Planning and Zoning
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: DRB22-0905 – Design Review and Variance Requests for the
Property Located at 1420 W 22 Street, Miami Beach, Florida

Dear Michael:

This law firm represents Daniel Hertzberg (the "Applicant"), the owner of the property located at 1420 W 22 Street (the "Property") in the City of Miami Beach (the "City"). The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3226-002-0090. See Exhibit A, Property Appraiser Report.

The Applicant with his family has lived for many years at the existing home and intends to replace it with a modern 2-story 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 with and an associated waiver and variances for the new single-family home on the Property.

Property Description. The Property, a dry lot located at the east side of Sunset Islands No. 4, is extremely unique and has been so since it was originally plat in 1937 as all of Block 4E of the 3rd Revised Plat of Sunset Islands record in Plat Book 40 at Page 8 of the public records of Miami-Dade County (the "Plat"). See Exhibit B, Plat. It is an irregular triangle shape and surrounded by three streets – Sunset Drive, which is the main thorough fair for traffic through the Sunset Islands, on the west, W 22 Street on the north

and Lake Avenue on the east – making it a veritable “island” that has no abutting neighbors. This layout establishes the front of the Property at the north, W 22 Street, with the two sides facing streets, Sunset Drive and Lake Avenue, and there is no rear yard. Additionally, there are no sidewalks and each street frontage has a sizeable swale abutting the Property. As a result, the nearest neighboring homes are a substantial distance away from the Property, with the majority of home-to-home distances over 100 feet away, and the closest at approximately 88 feet. There is a long-standing hedge that traverses parts of the Property and adjacent swale areas.

The Property is located within the RS-4, Single Family Residential Zoning District, but notably at 19,863 SF lot size it is much larger than the typical RS-4 lot, where the minimum is 6,000 SF, and more akin to RS-2 lot size, which has a minimum of 18,000 SF.

Proposed Development. The Applicant proposes to construct an exquisitely designed, modern two-story residence with sloped roof. The highly irregular triangle shape severely limits developable area for a 2-story home so the new home follows the location of the existing home at the front, but has greater setbacks on both sides. The front is 2-stories but with a large portion of the center recessed at the second level. A garage is located at the east end of the frontage. Covered patios for outdoor enjoyment are located at the rear of the home and a trellis is located along the west side of the home. A pool and associated pool deck are proposed behind the home to the south. Extensive landscaping will be planted along the perimeter and behind the home.

The home features a front porch and two rear patios with white columns supporting the terraces above, projecting balconies and large windows. The design appropriately uses various changes in plane and different materials and sloped roofs to artfully break-up the massing of the home. A central portion of the roof will be flat for potential use for future solar panels, and that area is surrounding by taller sloped roofs to be completely screened from view.

The home is purposefully located to the north to make best use of the triangular shape, match existing conditions and also to provide safety and security for the Applicant’s family. With the main vehicular traffic for the Sunset Islands on the west side, the layout keeps eyes off significant portions of the home and locates the rear yard amenities at the center and eastern sides that are more residential in nature.

The Applicant’s design significantly complies with the City of Miami Beach Code of Ordinances (the “Code”) requirements for height, unit size, and lot coverage. In fact, it is quite modestly sized, with height below the maximum, lot coverage of only 26.6% where 30% is allowed and unit size of only 39.25% where 50% is permitted.

Due to the irregular lot shape, the home requires relief for the front setback, the west side setback and associated sum of the sides, yet still provides appropriate setbacks, especially as there are large swales and no immediately abutting neighbors. Also, the design provides great articulation for the east side, but requires a waiver of the 5-foot additional setback for a minimum of 50% of the second floor. Overall, the design sufficiently addresses the challenges of this irregularly-shaped island with three street frontages and no rear yard, and satisfies the intent of the Code with the main massing centrally located, with sizeable setbacks that all limit any negative impact on neighbors, all of who are located across the streets.

Waiver Request. The Applicant respectfully requests Design Review Board approval of the following waiver:

1. Code Section 142-105(b)(4)c.2. to waive the requirement to provide an additional 5 feet setback for at least 50% of the second floor facing east (Lake Avenue).

The intent of this provision is to reduce the scale and massing of the second story portion of homes against the neighboring properties. The proposed design includes great articulation and changes in plane that meet this intent. At the front, the design provides 41.8% additional setback for the second story, which is greater than the 35% minimum. For the east side, there is a further setback for the second floor for more than 50%; however, not at the full 5 feet. A small portion at the north accounting for about 9.3% is more than 5 feet and then a long portion south of that for about 50.8% is pushed back just over 3 feet. Collectively, the pushbacks create the intended effect for 60.1% of the second floor. That, along with extensive plantings and the fact that there is no adjacent neighbor to the east, the closest is over 130 feet away, results in a design that successfully reduces scale and massing of the 2-story volume and provides privacy for the Applicant and neighbors.

Variance Requests. The Applicant's proposal substantially complies with the single-family home regulations, including lot coverage, unit size, and height. The front setback variance request of 10 feet is necessary due to the extremely limited buildable area imposed by this irregular property surrounded by three streets. The home essentially follows the front setback of the existing home, which has been there for many decades, and has even more pronounced articulation and changes in plane to reduce the scale and massing of the home. Similarly, the challenges require relief for the west side setback and corresponding sum of the sides. The design achieves the minimum 15 feet setback for the west side and that is only to the column of the covered patio. The enclosed portion of the home is much further setback. Also, the project achieves a great than required 10% on the east side, where there is almost 21 feet setback where only 17.2 feet required. The design appropriately locates the home at the center of the lot and

due to the adjacent swales and no abutting homes, there are no negative impacts on any neighbors.

In order to fully realize its development and due to the Property's confining characteristics, the Applicant requests the following variances:

1. A variance of Code Section 142-106(a)(1)b. to permit the front setback at 20' when 30' is required for the two-story home
2. A variance of Code Section 142-106(a)(2)b. to permit the west side facing a street at the minimum 15 feet where the sum of the sides dictates that it be approximately 22.3 feet
3. A variance of Code Section 142-106(a)(2)a. to permit the sum of the sides of 35.7 feet when approximately 43 feet required

Satisfaction of 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;

This irregular triangle-shaped lot with three street frontages with no interior side yard or rear yard was created through the Plat in 1937. This is the special condition that is very peculiar to the Property and not application to other properties.

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

This special condition of the Property, due to the original platting in 1937 did 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;

The Code allows other similarly situated property owners to seek similar variances to accommodate development and allow for reasonable, especially on irregular lots. The proposed

home complies with the purpose and intent of the Code. The Project is well within the Code requirements for height, unit size, and lot coverage. The design also fits in with the neighborhood and is significantly setback for all nearby neighbors, much more than it would be if there were any abutting neighbors. Therefore, granting these variances 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 modest home substantially complies with the land development regulations with regards to unit size, lot coverage, and height requirements for homes in the RS-4 zoning district. A literal interpretation of the provisions of these land development regulations would force the Applicant to position squeeze the home into a smaller footprint that is unnecessary due to the three street frontages that have the nearest home approximately 90 feet away, with many over 100 feet away. The slight deviation from the land development regulations is necessary to construct a viable home, with certain amenities for the Applicant's family. Otherwise, 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 goals are to provide a well-designed, centrally located home that does not intrude on any neighbor and provides safety for the family. The minor setback variances are the minimum necessary to accomplish this goal due to the substantially irregular shape. The front setback follows the long-standing setback for the existing residence and the side setbacks are larger than the existing home. Moreover, the west side setback is only to the column of a covered outdoor area so the enclosed portion of the home is further setback to adhere to the intent and purpose of the Code provisions on setbacks. The large adjacent swales and streets locate all neighbors a significant distance from the proposed home to allow for privacy.

(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, located far from any neighbor property, will be in harmony with the surrounding properties, and aims to further the intent and purpose of the land development

regulations. Granting the requested minimal front and side setbacks and sum of the sides variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The home is purposefully centralized and does not have any abutting neighbors.

(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 requests 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 highly irregular-shaped lot surrounded by three streets with no abutting neighbors, which results from the original Plat in 1937, provides a significant practical difficulty in designing an appropriate home for the Property. Taking cues from the existing home, the design has roughly the same front setback, but then improves upon the side setbacks and sum of sides by providing larger setbacks on both sides. Notably in the west, the smallest side setback is only to a column for an outdoor covered area so the enclosed portion of the home is much further setback. Further, the design is below maximum allowed height and lot coverage (26.6%) and substantially below unit size (39.25%). Beautifully designed with great articulation, the modern home is compatible with the neighborhood. Therefore, the Applicant satisfies the intent and purposes of the Code by centralizing the home and ensuring no intrusion on any neighbors.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 133-50(a) of the City 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 Applicant is proactively addressing sea level rise projections by raising the first floor of the home to 9.5' NGVD.

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 proposed design provides large open spaces and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. Granting this design review application with associated waiver and variances will permit the development of a beautifully-designed, modern single-family home. The Applicant effectively centralizes the home with and due to setbacks as well as abutting swale and streets minimizes any impact on the neighboring lots. The home significantly complies with the land development regulations and intent of Code.

We look forward to your favorable review of the application. If you have any questions or comments, please give me a call at (305) 377-6236.

Very truly yours,



Matthew Amster

Attachments

cc: Daniel Hertzberg
Michael W. Larkin, Esq.



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 1/17/2023

Property Information	
Folio:	02-3228-001-2240
Property Address:	1420 W 22 ST Miami Beach, FL 33140-4509
Owner	DANIEL HERTZBERG
Mailing Address	1420 W 22 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 / 4 / 0
Floors	1
Living Units	1
Actual Area	5,085 Sq.Ft
Living Area	3,958 Sq.Ft
Adjusted Area	4,223 Sq.Ft
Lot Size	20,908 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information				
Year	2022	2021	2020	
Land Value	\$3,589,904	\$3,172,266	\$2,399,193	
Building Value	\$356,956	\$271,370	\$246,286	
XF Value	\$19,380	\$19,380	\$17,442	
Market Value	\$3,966,240	\$3,463,016	\$2,662,921	
Assessed Value	\$2,781,207	\$2,700,201	\$2,662,921	

Benefits Information				
Benefit	Type	2022	2021	2020
Save Our Homes Cap	Assessment Reduction	\$1,185,033	\$762,815	
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	
27-28-33-34 53 42 .48 AC	
SUNSET ISL NO 4 PB 40-8	
ALL OF BLK 4-E	
LOT SIZE 20908 SQUARE FEET	
OR 16436-2245 0694 1	

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$2,731,207	\$2,650,201	\$2,612,921
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$2,756,207	\$2,675,201	\$2,637,921
City			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$2,731,207	\$2,650,201	\$2,612,921
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$2,731,207	\$2,650,201	\$2,612,921

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
08/07/2014	\$3,000,000	29278-2948	Qual by exam of deed
10/31/2011	\$100	27880-1221	Corrective, tax or QCD; min consideration
10/26/2011	\$2,000,000	27879-2293	Qual by exam of deed
11/05/2010	\$1,837,500	27492-0682	Qual by exam of deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

