

City of Miami Beach,  
Planning & Zoning Dept.,  
1700 Convention Center Dr.,  
Miami Beach, Fl.  
Date: 7/3/17

**REF: Design Review Board / Letter of Intent / Hardship Letter / 330 – 76 street, Miami Beach, Fl.**

Project Description: New 3 story (walk-up flats) building, with 7 units (6)(2-bedrooms & 2.5 baths) & (1)(1- bedroom & 1 bath) w/ all units entering at ground level with 11 parking spaces w/(5-Dual Parking lifts) & 1 single parking spaces provided undercover.

Board of Adjustment / We are requesting variances on the above REF. project for the following issues:

Variance #[1] Front setback according to RM-1 zoning - 20' req. / 10'-6" to 7' to corner radius

Variance #[2] Rear setback-according to RM-1 zoning - 11.25' required / 7.5' provided.

Variance #[3] Total s.f. of lot- 5,600 s.f. req. / 5,497 s.f. (actual plat.)

Variance #[4] Side Facing street, 7' provided at corner radius.

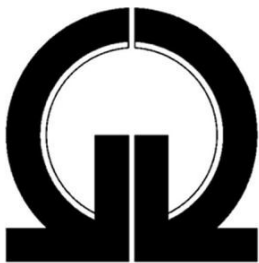
Variance #[5] Exceed the max. allowed projection in front yard, max.25% of 20.' We are providing 5'-5""to landing slab 30" above grade. Also exceeding max. height of railings facing street 5' from grade.

Variance #[6] Exceed the max. allowed projection in side street yard 25% of 7'-6".We are providing 30" above grade. 6'2" to landing slab. Also exceeding max. height of railings facing street 5' from grade.

Variance #[7] Variance to reduce Req. 22' entry drive to 12'

**Variance responses:** [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.]Front setback:** Special conditions and circumstances exist which are peculiar to a large percentage of properties in this Harding avenue corridor and North Beach community. Note that as an example, within a six block area totaling the majority of properties have setbacks less than 10' from the front property line. We are providing 10'-6" to 7' to the corner radius. Note that in order to maintain the continuity in design and urban setting in this area and are thus requesting a front setback variance to the corner radius of 7'.



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.]Rear setback:** We are providing a 7.5' rear setback. The required setback is 11,25', Note also that as an example, within a six block area of properties in this area, again the majority of properties have building setbacks less than 7.5'. We are thus following the same setback criteria as these buildings 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 [3.] Total S.F. of lot:** All the corner lots in this area of North Beach have been platted as undersized lots according to the minimum lot size criteria for RM-1 zoning(5,600 s.f.). This lot is platted as 5,497 s.f. Thus we are requesting a variance for lot size. Also the fact that the corner lot with a 25' radius corner reduces the size of the lot.

We meet all requirements of Sect. 118-353

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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.

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#### **4.) Side facing street setback:**

We are providing a 10'-2" side street setback which complies with the 7'-6" minimum requirements for the district. Only at the 25' radius corner that we are not complying. Over 90% of properties in the district have this deficiency. We are requesting to maintain this 7' setback to the 25' radius at the corner. This is typical for most properties in the area.

#### **We meet all requirements of Sect. 118-353**

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

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**5.) Variance to allow maximum projections in front yard, 5'-5" landing slab to front property line max. at 30" above grade. Also included Variance to allow maximum height for railings facing the street Max. 5' above grade**

**6.) Variance to allow maximum projections in front yard, 6'-2" landing slab to side street property line max. 30" above grade. Also, variance to allow maximum height for railings facing the street Max. 5' above grade**

Both variances are in reference to the projection of the stair landing in the front and street side setbacks which are approx. 4'-6" above grade with the railing at 3'-6" above fin. floor. This is due to meeting the flood criteria elevation for the entry foyer at the entrance of the unit, which is at elev. +9' above mean sea level. Most properties in the district don't meet the flood criteria and thus are a lower elevation. The hardship comes from having to meet these new elevations in the front of the units of these very small 50' lots and at the same time providing 11 on site parking spaces which none of the existing buildings in the district comply with.

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.

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## 7.) Variance to reduce the required width of 22' entry drive to 12'

The zoning code requires the entrance to private multifamily parking structure under a building be allowed to be reduced from 22' to 12' provided that there is less than 10 parking spaces. In this case we have 11 parking spaces thus we require a variance to obtain the 12' width that we are requesting. The hardship comes from the fact most properties in the district don't provide on site parking due to the small size of the lots and we are also providing entrances to each individual unit at ground level. We are providing an urban type design showing continuity with the scale of the area and therefore minimizing the view to the parking area below the building by reducing the entrance width to 12'.

### We meet all requirements of Sect. 118-353

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

We are requesting these variances and 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

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Gustavo J. Ramos Architect, AR8715

ARCHITECTS/PLANNERS/INTERIORS 10305 NW 41ST ST., # 113, MIAMI, FL 33178 305.599.4947/F. 305.477.5879