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August 7, 2017

**CITY OF MIAMI BEACH DESIGN REVIEW BOARD  
PLANNING DEPARTMENT  
1700 CONVENTION CENTER DRIVE  
MIAMI BEACH, FLORIDA 33139**

**Re: LETTER OF INTENT  
DRB17-0150 - 2675 Flamingo Drive, Miami Beach, FL 33140**

Dear Design Review Board Members,

I Juan B. Ordonez as Engineer of Record, in lieu of the owner of the property, Mandarin TRS LLC, wish to present to you the project of a single single family house to be located at 2675 Flamingo Drive in the City of Miami Beach. Let this letter serve as a letter of intent, in support of the owner's request before the Design Review Board (DRB) approval and waiver for the construction of a new, two-story, single-family residence, to replace an existing pre-1942, two-story residence in a RS-2, Zoning District.

The applicant is seeking the Design Review Approval for a new two story single-family home, of a total unit size of 6,318 sq. ft. to be built in a 23,151 sq. ft. lot, which represent a lot coverage of 27%, below the 50% max. unit size allowed. The proposed foot print of the house is 3,522 sq. ft. which represent a 15% of lot coverage and below the 30% allowed for the RS-2, Zoning District.

The residence has been designed in a tropical modern style with lot exterior and interior glazed walls to create spaces full of light and give a floating effect that mingle the interior with the outside vegetation. The residence features terraces and balconies has the intent to bring the outside into the inside of the house. From the street side, an existing mango tree and a Poinciana, will shade the house as well as the existing jasmine along the perimeter of the property. The rear of the residence features tow cantilevered balconies with view to canal beyond.

**DESIGN WAIVER REQUESTED:**

The applicant is requesting a design waiver to provide a graded green area to make a transition at the front and at the back of the big sliding doors of the house leaving the existing asphalt driveway area in place.

## VARIANCES REQUESTED:

The applicant request the four following variances:

- A.- To reduce the minimum side set back: Provided: 8'-0". Required: 10'-0"
- B.- To exceed the minimum allowed projection for roof overhang on the north side. Proposed: 3'-0". Maximum 2'-6"
- C.- To reduce the minimum sum of the side setbacks: Provide 18'-0". Required: 25'-0"
- D.- To maintain the existing concrete deck at the rear at 0'-0" setback from the property line. Provided 0'-0". Required: 6' -0".

The first three variances are requested from the following section of the City of Miami Beach, Florida, Code of Ordinances, Chapter 142, Art. II, Division 2, Sec. 142-106. - Setback requirements for a single-family detached dwelling:

*"The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

**(2) Side yards:**

a.

*The sum of the required side yards shall be at least 25 percent of the lot width.*

b.

*Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater. Also, at least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.*

c.

*Interior sides. For lots greater than 60 feet in width any one interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater. For lots 60 feet in width or less, any one interior side yard shall have a minimum of seven and one-half feet.*

d.

*Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and at least 75 percent of the required interior open space area shall be sodded or landscaped previous open space. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through historic preservation*

board, or design review board approval, as may be applicable, in accordance with the applicable design review or appropriateness criteria.

e.

*Nonconforming yards.*

1.

*If a single-family structure is renovated in excess of 50 percent of the value determination, as determined by the building official pursuant to the standards set forth in the Florida Building Code, any new construction in connection with the renovation shall meet all setback regulations existing at the time, unless otherwise exempted under [chapter 118](#), article IX of these land development regulations.*

2.

*When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and the sum of the side yards is less than 25 percent of the lot width, any new construction, whether attached or detached, including additions, may retain the existing sum of the side yards, provided that the sum of the side yards is not decreased.*

3.

*When an existing single-family structure is being renovated less than 50 percent of the value determination, as prescribed by the building official pursuant to the standards set forth in the Florida Building Code, and has a nonconforming interior side yard setback of at least five feet, the interior side yard setback of new construction in connection with the existing building may be allowed to follow the existing building lines. The maintenance of this nonconforming interior side yard setback shall apply to the construction of a second floor addition to single-family homes constructed prior to September 6, 2006, and to the linear extension of a single story building, as long as the addition does not exceed 18 feet in height for a flat roof structure and 21 feet for a sloped roof structure (measured to the mid-point of the slope), as measured from the minimum flood elevation. If the linear extension is two-stories, the second floor shall meet the minimum required yards and the recessed area created by this setback shall not be accessible or habitable. Notwithstanding the foregoing, if an existing interior side yard is less than five feet, the minimum side yard for any new construction or addition on that side shall be ten percent of the lot width or seven and one-half feet, whichever is greater.*

**A. A variance is requested to exceed the maximum allowed projection for roof overhang on the north side. Proposed: 3'-0". Maximum: 2'-6".**

The equal roof overhang along each side of the building is consistent with the equal roof overhang of all the neighbor of the property. A truncated roof will create an disruption of this harmony.

The standards of review for a Variance, dictated by section 118-353(d) of the City's LDRs, determine that a Variance shall be approved upon demonstration of the following:

*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:*

THESE CONDITIONS IS SATISFIED, the neighbor of the property have all the same overhang on each side of the building. A truncated roof will disrupt this harmony.

*2. The special conditions and circumstances do not result from the action of the applicant.*

THIS CONDITION IS SATISFIED, as the conformity with the property neighboring, the applicant seeks only to keep the visual balance with the neighbors.

*3. Granting the variance 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.*

THIS CONDITION IS SATISFIED, the variance requests consistency with the neighboring property. This denotes that the roof overhang is not in itself a special privilege.

*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.*

THIS CONDITION IS SATISFIED, the hierarchy and status conveyed upon a symmetric design in terms of substantial real estate value would create a disadvantage of the applicant's standing in relation to its neighbors. The variance requested would provide due compensation to an alternative asymmetric and truncated design.

*5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.*

THIS CONDITION IS SATISFIED, the requested roof overhung is only for the one side of the building, the north side, The 8" thick slab is only 3' deep and along the shortest side of the building.

*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.*

THIS CONDITION IS SATISFIED, the granting of the variance will allow for a more harmonious design consistent with the ones of the neighboring property. It will in fact allow for a better contextualization of the design compared to what the original regulations suggest, by allowing the roof overhung of the building to come closer to the neighbor in terms of design and layout.

*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 scheduling of a public hearing or anytime prior to the board voting on the applicant's request.*

THIS CONDITION IS SATISFIED, the requested variances will allow redevelopment of the Property consistent with the comprehensive plan and will not reduce the levels of service.

**B. A variance is requested to reduce the minimum side setback: Provided: 8'-0", Required: 10'-0".**

This variance will allow to maintain the existing garage in the existing location, to raise the roof of the garage and to connect the garage to the main house. Maintaining the existing garage and attaching its roof to the main building through a floating balcony (called "air breeze" in this project) is consistent with the layout and design of all the neighbor of the property. A detached garage building will create an disruption of this harmony and consistency. Reducing the size of the garage will make impossible to be used as a garage.

The standards of review for a Variance, dictated by section 118-353(d) of the City's LDRs, determine that a Variance shall be approved upon demonstration of the following:

*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 CONDITIONS IS SATISFIED, the neighbor of the property have all the same kind of connection between any separate building to the main house. A detached building will disrupt this harmony and a smaller building could not be used as a garage.

*2. The special conditions and circumstances do not result from the action of the applicant.*

THIS CONDITION IS SATISFIED, as the conformity with property neighboring is the sole cause for the maintenance of the garage in its size and attaching it to the main house through the air breeze balcony. The applicant seeks only to follow said conformity.

*3. Granting the variance 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.*

THIS CONDITION IS SATISFIED, the variance requests consistency with the neighboring property. This denotes that maintaining the same size of the existing garage and attaching it to the main house through the air breeze balcony are not in themselves a special privilege.

*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.*

THIS CONDITION IS SATISFIED, the hierarchy and status conveyed upon a design encompassing a building unusable as a garage for its decreased size and detached buildings very close one to the other inside the same lot in terms of substantial real estate value would create a disadvantage of the applicant's standing in relation to its neighbors. The variance requested would provide due compensation to an unusable garage per se space and an unrelated and separate layout of detached close buildings.

*5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.*

THIS CONDITION IS SATISFIED, the request of maintaining the garage in its current location and not reducing its size allows to use it as a garage and the requested raising of the garage roof to allow its attachment to the main house through the air breeze balcony is 12" high and concerns a small area since the garage is less than 500SQ FT.

*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.*

THIS CONDITION IS SATISFIED, the granting of the variance will allow for a more harmonious design consistent with the ones of the neighboring property. It will in fact allow for a better contextualization of the design compared to what the original regulations suggest, by allowing the existing garage to maintain its size needed to be used as a garage and attaching its new roof to the main building through the air breeze balcony.

*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 scheduling of a public hearing or anytime prior to the board voting on the applicant's request.*

THIS CONDITION IS SATISFIED, the requested variances will allow redevelopment of the Property consistent with the comprehensive plan and will not reduce the levels of service.

**C. A variance is requested to reduce the minimum sum of the side setbacks: Provided: 18'-0", Required: 25'-0"..**

This variance will allow to maintain the existing garage in the existing location, to raise the roof of the garage and to connect the garage to the main house. Maintaining the existing garage and attaching its roof to the main building through a floating balcony (called "air breeze" in this project) is consistent with the layout and design of all the neighbor of the property. A detached garage building will create an disruption of this harmony and consistency. Reducing the size of the garage will make impossible to be used as a garage. Also, the north side of the residence has a 15'-0" setback.

The standards of review for a Variance, dictated by section 118-353(d) of the City's LDRs, determine that a Variance shall be approved upon demonstration of the following:

*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 CONDITIONS IS SATISFIED, the neighbor of the property have all the same kind of connection between any separate building to the main house and therefore they had to reduce the sum of the side setback to allow that connection.

*2. The special conditions and circumstances do not result from the action of the applicant.*

THIS CONDITION IS SATISFIED, as the conformity with property neighboring is the sole cause for the maintenance of the garage in its size and attaching it to the main house through the air breeze balcony, that can be achieved. The applicant seeks only to follow said conformity.

*3. Granting the variance 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.*

THIS CONDITION IS SATISFIED, the variance requests consistency with the neighboring property. This denotes that reducing the sum of the side setbacks is not in itself a special privilege.

*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.*

THIS CONDITION IS SATISFIED, the hierarchy and status conveyed upon a design encompassing a building unusable as a garage for its decreased size and detached buildings very close one to the other inside the same lot in terms of substantial real estate value would create a disadvantage of the applicant's standing in relation to its neighbors. The variance requested would provide due compensation to an unusable garage per se space and an unrelated and separate layout of detached close buildings.

*5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.*

THIS CONDITION IS SATISFIED, the request of maintaining the garage in its current location and not reducing its size allows to use it as a garage and the requested raising of the garage roof to allow its attachment to the main house through the air breeze balcony is 12" high and concerns a small area since the garage is less than 500SQ FT.

*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.*

THIS CONDITION IS SATISFIED, the granting of the variance will allow for a more harmonious design consistent with the ones of the neighboring property. It will in fact allow for a better contextualization of the design compared to what the original regulations suggest, by allowing the existing garage to maintain its size needed to be used as a garage and attaching its new roof to the main building through the air breeze balcony.

*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 scheduling of a public hearing or anytime prior to the board voting on the applicant's request.*

THIS CONDITION IS SATISFIED, the requested variances will allow redevelopment of the Property consistent with the comprehensive plan and will not reduce the levels of service.

The fourth variance is requested from the following section of the City of Miami Beach, Florida, Code of Ordinances, Chapter 142, Art. IV, Division 4, Sec. 142-1133. - Swimming pools:

*"This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided:*

**(1) Rear yard setback.** *A six-foot minimum setback from rear property line to swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosure associated or not associated with a swimming pool, provided, however, that swimming pool decks may extend to the property line and be connected to a dock and its related decking when abutting upon any bay or canal. There shall be a minimum seven and one-half-foot setback from the rear property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool. For oceanfront properties, the setback shall be measured from the old city bulkhead line.*

**D. A variance is requested to maintain the existing concrete deck at the rear at 0'-0" setback from the property line. Provided: 0'-0", Required: 6'-0".**

This variance will allow to use the existing deck as a pool deck. A setback deck won't allow to use it as a pool deck.

The standards of review for a Variance, dictated by section 118-353(d) of the City's LDRs, determine that a Variance shall be approved upon demonstration of the following:

*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 CONDITIONS IS SATISFIED, the neighbors of the property have the rear desk at zero from the property line. A setback deck will disrupt this harmony and I couldn't be use as future pool deck.

*2. The special conditions and circumstances do not result from the action of the applicant.*

THIS CONDITION IS SATISFIED, as the deck is existing, conformity with property neighboring is the sole cause for the maintenance of the rear deck, that otherwise won't be able to be used as a pool deck. The applicant seeks only to follow said conformity.

*3. Granting the variance 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.*

THIS CONDITION IS SATISFIED, the variance requests consistency with the neighboring property. This denotes that maintaining the rear deck at zero setback from the property line is not in itself a special privilege.

*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.*

THIS CONDITION IS SATISFIED, the hierarchy and status conveyed upon a design encompassing a rear pool deck with 7'-6" setback from the property line in terms of substantial real estate value would create a disadvantage of the applicant's standing in relation to its neighbors. The variance requested would provide due compensation to an unusable pool deck.

*5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.*

THIS CONDITION IS SATISFIED, the request of maintaining the existing rear deck at zero setback from the property line and not reducing its size allows to use it as a pool deck.

*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.*

THIS CONDITION IS SATISFIED, the granting of the variance will allow for a more harmonious design consistent with the ones of the neighboring property. It will in fact allow for a better contextualization of the design compared to what the original regulations suggest, by alining with the neighbors property lines allowing it to be used as pool deck.

*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 scheduling of a public hearing or anytime prior to the board voting on the applicant's request.*

THIS CONDITION IS SATISFIED, the requested variances will allow redevelopment of the Property consistent with the comprehensive plan and will not reduce the levels of service.

I, respectfully ask for your support and favorable vote for the design and variances described in this letter of intent so that we may proceed with the project. We also ask the Board to approve our application as submitted.

Should you have any question regarding the application, please contact me at the provided phone number or to the Email [jbo26@bellsouth.net](mailto:jbo26@bellsouth.net).

Sincerely,

Juan B Ordonez,

C.c.: file