

4541 North Adams Ave
Miami Beach, Florida 33140

10-24-17

Board of Adjustments
Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Letter of Intent and Description of Hardship in Support of Variance Application

Dear Board of Adjustments:

This letter is submitted in support of our application for a variance regarding construction of a residential swimming pool on the side of our home located at 4541 North Adams Ave, Miami Beach, Florida 33140.

The Property:

The property is a one story single family home approximately 9,331 square feet in size. The property is identified by the Miami-Dade County Folio No. 02-3222-010-0550. The residential structure on the property was constructed in 1949.

Homeowner Proposal:

I would like to incorporate a swimming pool into my modest side yard and, request a variance for a 5 foot side setback where a 9' setback is required. Due to the overall limitations of my backyard and opposite side yard, I have no other place to construct a pool. With the current required side setback of 7'6" and, the required setback of 5 feet from my home, I would not be able to build a swimming pool at a reasonable width. In order for the pool to have the required distance from my home, meter and A/C it would need to be at least 6 to 7 feet away. This would leave me a side setback of 5' which is my request to you the board.

Satisfaction of Hardship Criteria:

- (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.**

Our home is deeply set on our property, making our backyard smaller than other homes in our zoning district, and consequently harder for us to build a reasonable sized swimming pool that meet rear yard set backs. The only possible space for construction is located on the west side of our home.

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

The special conditions and circumstances have not been created by us as property owners. The house was built in 1949. The backyard has always been on the south side and the house has always been set further back on the property compared to other homes in the area.

- (3) Granting a 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;**

All that we are requesting is permission to build a swimming pool on the side of our home due to the limited space in our backyard. The granting of this variance is in line with the purpose and intent of the code and does not confer any special privilege on the applicant.

- (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 the land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on us. Requiring us to build a swimming pool at a unreasonably short width would severely limit the pleasure and value of said pool.

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

Granting us the variance would allow us to build a swimming pool with a reasonable width of 10 feet and a 5 foot side setback. This is a modest request being as we do not have the room in our backyard.

(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

This variance will not be injurious to the area or otherwise detrimental to the public welfare. The swimming pool will be modest. The variance facilitates the preservation and utilization of the property. The request is also consistent with the purpose, intent and welfare of the code.

(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 variance requested is consistent with the City's comprehensive plan.

Conclusion:

Our proposed addition of a swimming pool is consistent with the character of the neighborhood, as well as the intent of the Code and its design consideration. This request is for a modest variance of a 5 foot side setback where a 9' setback is required for our residential swimming pool.

Sincerely,



Marc Rovner

Homeowner