

**DATE:** January 4, 2018

**TO:** James G. Murphy  
*Chief of Urban Design*  
PLANNING DEPARTMENT  
1700 Convention Center Drive  
Miami Beach, FL 33139

**FROM:** Christopher J. Luce  
Luce Architects, Inc.

**RE:** Letter of Intent for  
5465 Pine Tree Drive  
Miami Beach, FL 33139

This application to the Design Review Board is for the demolition and new construction of a two story detached dwelling with a roof deck, pool area, terrace and gardens. The proposed design will create an estate which embodies the architectural detail and elegance of the Mediterranean Revival style.

The existing property was built in 1929 and was most recently renovated in 2000. It's comprised of a two story detached dwelling, tennis court, pavilion, pool and a three car, detached garage/guest house. The existing garage structure is currently non-conforming due to its proximity in the front yard however, it is intended to remain in place and receive a minor facade renovation to match the new home.

The existing home and detached garage are currently below the base flood elevation. Where the home can't be saved, the garage can with a few alterations. A variance is requested to keep the existing, non-conforming garage in its current location.

**Variance Requested:**

**1) Section 142-106- setback requirements for a single-family detached dwelling.**

A variance is requested to allow an encroachment of an existing non-conforming 2 story, detached garage/guest house, to maintain the existing 11.05' front yard setback and 5.50' side yard setback. The new proposed house will meet all current required setbacks.

The garage is part of the original estate built in 1929 and it is currently below the base flood elevation. The guest quarters on the second floor however, is out the flood zone. The existing garage will be retrofitted with flood vents as required as part of its renovation. It's a well-constructed building which offers the home owners additional parking and it does not impact the surrounding properties any differently than when it was originally built.

By granting this variance, it would allow us to maintain a valuable component of the property while maintaining some historic reference.

**2) Section 142-1132-allowable encroachments within required yards.**

A variance is requested to allow an encroachment of an existing non-conforming 2 story, detached garage/guest house overhangs, to maintain the existing 1'-6" overhang when only 1'-4 ½" is allowed. The new proposed house will meet all current required setbacks.

**3) Section 142-1132-allowable encroachments within required yards.**

A variance is requested to maintain the existing front fence, light piers and entry gate heights. Any new walls and gates constructed on the property will meet all current zoning requirements.

The existing walls, gates and piers are part of the original estate. They will be repaired to a like new appearance. The front walls and piers, in particular the right gate, has an existing estimated 90 year old Bayan tree growing within the walls and piers. The existing wall at its highest point is 1'-11" above the allowable 5'-0". The existing ornamental piers fall within the additional 2'-0" allowed for ornamental projections. The existing lights exceed the allowed 2'-0" additional ornamental projection by 2'-4" at their highest point. The existing gates exceed the allowable 5'-0" in height by 6'-6 ½" at their highest point.

Please reference the Specimen Tree Report prepared by Alexis Leavy, ISA certified arborist. If we were to remove the existing walls, piers and gates and set them back from the property line per the current zoning, it would be severely detrimental to the tree. We would like to preserve the current walls, piers and gates as they currently are so we can save the tree which has been deemed to be in good condition.

By granting this variance, it would allow is to maintain the existing tree, walls, light piers and gates which have been an asset to the street scape for the last 90 years.

**4) Section 142-1132-allowable encroachments within required yards.**

A variance is requested to maintain the existing south fence and piers. Any new walls and gates constructed on the property will meet all current zoning requirements.

The existing walls, and piers are part of the original estate. They will be repaired to a like new appearance. The existing south wall exceeds the allowable 6'-0" height by 3'-6" at its highest point. The existing ornamental piers fall within the additional 2'-0" allowed for ornamental projections. The existing light closest to Pine Tree Drive exceeds the allowed 2'-0" additional ornamental projection by 9" at its highest point. The light that is on the second pier from Pine Tree drive on the South fence is broken and will be removed in its entirety.

If we were to remove the existing walls, piers and gates and set them back from the property line per the current zoning, it would be severely detrimental to the existing landscaping on 5451 Pine Tree Drive . We would like to preserve the current walls and piers as they currently are so we can as minimal of an impact on the adjacent property.

By granting this variance, it would allow is to maintain the existing walls and light piers and gates which have been an asset to this property and the adjacent property for the last 90 years.

**5) Section 142-1132 (g.) allowable encroachments within required yards.**

A variance is requested to maintain the existing driveway access through the existing south gates. The existing driveway is 2'-6" from the south property line.

The existing drive way access points, walls, gates and piers are part of the original estate. They will be repaired to a like new appearance. The front walls and piers, in particular the right gate, has an existing estimated 90 year old Bayan tree growing within the walls and piers. If we were to move the south gate to keep the driveway access the min 4'-0" from the southern property line would cause us to have to remove the existing banyan tree,

Please reference the Specimen Tree Report prepared by Alexis Leavy, ISA certified arborist. If we were to remove the existing walls, piers and gates and set them back from the property line per the current zoning, it would be severely detrimental to the tree. We would like to preserve the current walls, piers and gates as they currently are so we can save the tree which has been deemed to be in good condition.

By granting this variance, it would allow is to maintain the existing tree, driveway access, walls, light piers and gates which have been an asset to the street scape for the last 90 years

**6) Section 142-105 (7) Height exceptions.**

A variance is requested to allow the elevator bulkhead and decorative belfry to allow a height of 11'-6" above the roofline in lieu of the allowable 10'-0".

The elevator manufacturer we are planning to use, Custom Elevator Manufacturing Company, Inc, recommends a clear overhead from the floor to the ceiling of 9'-6" (see attached hoist way elevation). They require a minimum of 8'-0" and we are proposing a clear overhead of 8'-6". In providing this additional clearance and keeping the roof as a hip roof to compliment the architectural style of the proposed building we are exceeding the maximum 10'-0" height by 1'-6".

By granting this variance, it would allow is to compliment the proposed style of the house. We reduced the clear overhead for the elevator as well as reduced the roof pitch for the proposed hip roof to keep the amount of the overall height that we are exceeding to a minimum. The elevator and decorative belfry will meet all other requirements for the current zoning and will have a minimal visual impact as viewed from the public rights-of-ways due to the fact we are saving the large existing banyan tree which will screen the proposed house. We are also keeping the front of the proposed house an additional 9.89' back from the required 2 story setback.

**Waivers Requested:**

**1) Waiver to allow an increase of 28' for flat roofs and 31' for sloped roofs.**

A waiver is requested to permit an increase to building height which will complement the new home design. The new home includes high ceilings to introduce natural light, views and space for interior detailing. The additional height also adds to the overall prominence of the façade and provides a screen for mechanical equipment behind the slope of the roof.

**2) Waiver to allow a 6% SF increase on the second floor, 76% total, than the permitted 70% of the first floor of the main home.**

A waiver to allow the second floor SF to exceed the 70% limit of the first floor is requested. Given its sprawling design, second floor hallways tend to be longer to access bedrooms. The 6% SF increase will be allocated toward these hallways. Per section R202 Definitions a hallway is not considered a habitable space. If the size of the second floor was reviewed for habitable space we would be far under the 70% limit.

**Sea Level Rise Criteria:**

**Section 133-50(a) the Land Development regulation for sea level rise and resiliency will be reviewed for the following items:**

- 1) A recycling or salvage plan for the demolition of the existing structure shall be provided.
- 2) The new building will have windows that are hurricane proof impact windows
- 3) The existing detached garage/guest house will have any existing windows replaced or new windows will be hurricane proof impact windows
- 4) Where feasible and appropriate, passive cooling systems, such as operable windows will be provided
- 5) Weather resilient landscaping consisting of salt tolerant, highly water-absorbent, native or Florida friendly plants will be used on the site
- 6) Weather adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised periodically by the Southeast Florida Regional Climate Change Compact, including a study of land elevations and elevations of surrounding properties were considered.
- 7) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public right-of-ways and adjacent land

- 8) The existing garage, where feasible and appropriate will be retrofitted with flood vents and additional flood proofing measures.
- 9) All new mechanical and electrical systems will be located above the base flood elevation.
- 10) 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 54 of the City Code.
- 11) Where feasible and appropriate, water retention systems shall be provided.