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VIA CAP SUBMISSION

December 8, 2017

Mr. Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent for a Modification to the Order Issued by the Design Review Board on October 10, 2016, DRB File No.: 16-0052 for the Single-Family Home located at 8 Farrey Lane, Miami Beach – Letter of Intent

Dear Tom:

As you may be aware, our law firm represents Steve and Jessica Rhodes (the "Applicants"), the owners of the above-referenced parcel, located at 8 Farrey Lane (the "Property"). Please consider this letter the Applicants' letter of intent, associated with a Modification to the Design Review Board (DRB) Order issued on October 10, 2016 for DRB File No.: 16-0052 for the single family home to be located at 8 Farrey Lane.

The Property. The Property is located in RM-1, Residential Multifamily Low Density Zoning District and it is approximately 4,590 square feet. It is identified by Miami-Dade County Folio No. 02-3233-003-0080. The residential structure on the property was constructed in 1941 and is approximately 2,464 square feet.

Applicants' Proposal. The Applicants are both long-time Miami Beach residents. They purchased this Property on February 11, 2011, as their family was just starting to grow. They have lived in this home happily for several years. However, their needs have changed and grown. Last year, the Applicants proposed to construct a new home in the place of their existing house. The DRB issued an order approving the new design and granting certain variances.

The new home is inspired by the Miami skyline and the tropical atmosphere. The architecture allows the exterior to become a focal feature of the interior spaces. It is designed to be contextual and to integrate with its surroundings. The proposed design also maximizes the spectacular surroundings and the Miami Beach skyline. The proposed new home complies with all applicable Miami Beach code requirements for unit size, height, massing and lot coverage. In light of the size of the lot, the proximity to adjacent homes and the street, the Applicant had to obtain several variances in order to allow for the construction of the proposed home, including: (1) a variance to waive 1,132 sq. ft. of the minimum required lot size of 5,600 square foot in the RM-1 zoning district in order to build on a lot containing 4,468 square feet; (2) a variance to waive the required 20'-0" minimum front setback for the purpose of providing parking within the required front yard; (3) a variance to waive the required 20'-0" minimum front setback for the purpose of providing a stair within the required front yard; (4) a variance to waive the required 7'-6" minimum side setback for the purpose of providing an access stair on the east side; (5) a variance to waive the required 7'-6" minimum side setback for the purpose of providing an access stair on the west side; and (6) a variance to waive the required 8'-0" minimum rear setback for the purpose of allocating a portion of the pool on the north side.

Request. The Applicants are happy with their decision to remain on Miami Beach and more specifically to create a home more fitting their growing family. This is an endeavor that they took on with a view toward the future and making this not only their family home, but also a home for their retirement. With parents growing older, and their own view toward the future, the Applicants have determined that this is the time to address future concerns and are planning to construct an elevator along the east side of the home to assist with mobility. However, in order to incorporate the elevator while retaining the design, which was appreciated and approved the DRB, the Applicants are requesting a modest variance of five feet (5') from the east property line. The Code requires a side yard setback of seven feet, six inches (7'-6"). That setback is provided along the length of the house. However, the Applicants are proposing to have the side yard setback jog down to two feet, six inches (2'-6") for the small area comprised by the elevator.

The Applicants are requesting design review approval the aforementioned side yard setback variances. This Board has the authority to approve such forward thinking designs and variances, and has granted these types of variances a number of times for homes on similar lots.

Satisfaction of Hardship Criteria. Section 118-353(d) of the City's Code sets forth the hardship criteria for a variance request. The Applicants' requests satisfy 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;**

The existing parcel is undersized. This is an existing condition, which was not created by the Applicants. Rather, the Applicants are forced to design a functional home for an active family of five (5), on a parcel of land that is inconsistent with the Code requirements. Due to the size of the parcel, an accessible home for five (5) cannot be created under the current setback confines. This area of the City, while quaint and charming, poses real challenges for innovative and functional designs. Not only do the platted lots create hardships to create viable homes under today's Code requirements, but they also create practical difficulties to creating viable resilient designs.

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

The need for the requested variance directly results from the Property's physical configuration, which is not the result of any action by the Applicants.

- (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;**

Granting the requested variance will enable the Applicants to have a home that works for their growing family that intends to grow old in this home, along with their loved one. The Code allows other similarly situated property owners to seek similar a variance. 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 Applicants.

- (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;**

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicants. This variance is

being requested to create a functional home that will grow with this young family. They will also allow for the creation of a home, which is fully integrated into its surroundings and takes into consideration the ever-changing environment.

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

This request is the minimum necessary in order to allow for the creation of this new family home.

(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. This request is consistent with the purpose and intent of the Code and promote the public welfare in the promotion of the restoration and rehabilitation of existing structures.

(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 requested are consistent with the City's comprehensive plan.

Sea Level Rise and Resiliency Criteria. The Applicant's proposal is compliant with the sea level rise and resiliency review criteria provided in City Code Section 133-50(a).

The Applicants' requests satisfy all sea level rise and resiliency criteria as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

The Applicant will provide a recycling or salvage plan during permitting.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

The Applicant's project will include entirely hurricane impact windows

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided. - majority of windows open predominantly.**

The majority of the windows proposed are operable windows, which will allow passive cooling of the space. In addition, open balconies are passive cooling systems which have been incorporated into this design.

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

The Applicant has proposed resilient landscaping for the site, which will have a higher salt tolerance, will be more water-absorbent and which is native to Florida. A complete list of the proposed resilient landscaping can be found on page L3.00 of the CAP Final Submission Plans dated December 8, 2017.

- (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 Southeast Florida Regional Climate Action Plan was considered. The proposal has set the first habitable floor above base flood elevation (B.F.E. 9' NGVD +1) and set adjusted grade at the maximum height as provided by the City of Miami Beach Planning Department (5.26' NGVD (future grade) plus 30") in order to combat United States Army Corps of Engineers (USACE) high mean sea level rise projections.

- (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 entire project has been designed considering the future crown of the road and as a principal calculation for design. The proposed condition can be seen on the site plan located on sheet A 1.0 of the CAP Final Submission Plans dated December 8, 2017.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

This entire project has been designed above base flood elevation plus freeboard. All mechanical and electrical systems are located above base flood elevation.

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

This condition is not applicable as the Applicant is seeking to demolish the existing structure and is proposing a new, resilient design for the site.

- (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.**

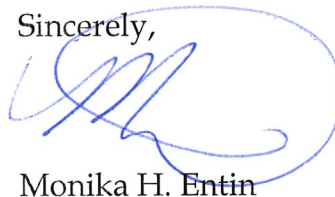
This entire project has been designed above base flood elevation plus freeboard and as such there is no habitable space located below. Neither wet, nor dry flood proofing systems will be necessary.

- (10) Where feasible and appropriate, water retention systems shall be provided.**

At the time of preparation of the building permit plans, the civil engineer will determine whether a swale and/or catch basin are feasible for this project. If determined to be feasible, said plans will be reviewed for approval by Planning and Building Departments staff.

Conclusion. For a number of years the topic of sea level rise has been a point of discussion for the City. In recent times, the City has commenced taking active measures to minimize the effects from the environment on the community. This is an instance where the Applicants and their architects are actively designing with all of those changes in mind. They are also building a home that is not frivolous or excessive, but rather suits the needs of an active family of five (5), which has lived in this community most of their lives. This proposed home is compatible with the character of the neighborhood and will be a great improvement to the area and will grow with this family as they head toward retirement. The granting of the requested variance will be in harmony with the intent and purpose of the Code, will not be injurious to the area involved or otherwise detrimental to the public welfare. Furthermore, the granting of the request will provide the Applicants with a reasonable use of the Property. Based on these reasons, the Applicants respectfully request your favorable review and recommendation of this application.

Sincerely,



Monika H. Entin

MHE

cc: Mr. James Murphy
Mr. Michael Belush
Mrs. Irina Villegas