

VIA CAP SUBMISION

January 15, 2018

MIAMI BEACH

Mr. James Murphy
PLANNING DEPARTMENT
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
305.673.7550

Re: Letter of Intent to the Design Review Board for meeting on April, 4, 2018, **DRB File No.18-0223** for the new Single-Family home at 216 Palm Ave, Palm Island, Miami Beach.

Dear Mr. Murphy.

We, 7 Ave Design Studio, acting as the record architecture office for the proposed new 2 story Single Family home to be located at 216 Palm Av, Palm Island, Miami Beach, and on behalf of AG 07 IINVESTMENTS LLC, the owner of the above-referenced parcel, request to consider this as a letter of intent, associated with the DRB Plan N° 18-0223.

Property:

The property, is a waterfront lot, identified by Miami-Dade County Folio N° 02-4205-001-0480, and described on a warranty deed recorded 09/02/2016 in Official Records Book 30217, pages 3152-3153 like a Portion of Lot 37, Block 2, Palm Island, Miami Beach, Florida according to the Plat thereof recorded in original Plat Book 6 at page 54 of the Public Records, is located in RS-1 SINGLE FAMILY district and it has a lot area of approximately 9.700 square feet with a lot depth of 50 feet. There is an existing home constructed in 1955 of approximately 2.994 square feet, which is to be demolished (separate permit) and an existing dock which is to remain (not in scope of work). The home will be replaced by a new 2 story Single-Family home.

Proposal (Project):

We are proposing a new 2 story single-family home. The proposed design is a modern home which will be in scale with the surrounding homes on Palm Island, with a 500 square feet two (2) car garage on grade, new landscaping with courtyards, a new pool and pool deck. The new home will be to meet all current codes and will be constructed +12" above Flood level making the property less prone to damage and flood.

The new home is 4,812 square feet with a front setback of 30' and side setbacks in the North and South of 7.5' and a proposed rear setback of 29' with an existing dock which is to remain (not in scope of work)

Landscape proposed is lush and tropical and will conserve when possible existing trees and palms. New trees, palms and shrubs are also proposed to meet Miami Beach standards. Open space with large grass areas will improve the site's percolation and reduce water retention.

The proposed home is designed with all zoning and building codes, having a new home which will be constructed above the flood level will guarantee the future and reduce the risk of damages to the property, the neighborhood, and the environment.

Hardship considerations :

Whereas, Mr. Nathan Ratner, original owner Lot 37, Block 2, Palm Island, Miami, Florida, dated 08/07/1953 requested before this City a variance to subdivide the lot into three smaller plots and so it was approved by the Board of Adjustment, as recorded in document Registered as of 08/01/1953 in the Official Records Book N ° 3822, pages 104 to 109.

Whereas, at the time of application of said variance, the aforementioned parcel belonged to a district zoned as "RA" according to the current zoning ordinance of the city of Miami Beach as amended as of April 8, 1,953

Whereas, it was the intention of the owner and so it was agreed that this parcel should be adjusted to the requirements of the District zoned as "RC" described under the Sec. III of the regulations for the use of the current zoning Ordinance of the city of Miami Beach as amended on April 8, 1,953, because the physical characteristics of the parcel were more in line with the requirements of this district.

Whereas, it was also the intention of the owner and it was agreed that this parcel would conform to the restrictions and limitations set out in the Sec. XV of that ordinance, except as pertaining to subparagraph 4 therein contained, which allowed a variance for the aforementioned parcel to have

9000 square feet of lot area instead of 10,000 sq. ft. required by family for RC district.

Whereas, this lot and the housing constructed there adopted and fulfilled all the requirements and limitations of that zoned RC district but is currently zoned according to the new ordinance of the city of Miami Beach as RS-1 SINGLE FAMILY District and adhere to that zoning makes it an insufficient and non-conforming lot, not meeting the Lot Area and Lot Width Requirements of said Zoning District (Legally established nonconformities), deriving it into a new unnecessary and undue hardship on the Owner.

Whereas, in the zoning plan of Miami Beach and specifically in Palm Island, other Single Family districts coexist and are more in line with the physical characteristics of the aforementioned plot in terms of lot area and lot depth, such as RS-3 and RS-4.

Whereas there is currently a pier at 0' setback, permitted by a variance process approved by the Board of Adjustment of the city of Miami Beach as of 03/07/1989, by order issued for Case No.1976 (89R079132), as recorded in document Registered in Official records Book N° 14021, page 3264.

Request :

Therefore, we hereby request the following variances from applicable board's jurisdiction to correct the non-compliant batch condition as to its area and width, considering that the granting of this request is consistent with the intent of Subpart B, Chapter 118, Sec. 118-390 (a) to encourage nonconformities to ultimately be brought into compliance with current regulations :

- Variance to reduce minimum lot width requirements for RS-1 of 30,000 SqFt to 10,000 SqFt
- Variance to reduce minimum lot width requirements for RS-1 of 100 Feet to 50 Feet
- Variance to retain the existing dock at 0' setback.

Satisfaction of Hardship Criteria : <Sec.118-353(d)>

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands in the same zoning district : The existing parcel is undersized

and inconsistent with the Code requirements because of the property's physical configuration and these existing conditions and circumstances are peculiar to the lot and are derived from a particular and unique process for it, followed by its original owner before the competent authorities.

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

The need for variances is not the result of any action of the applicant but of the physical conditions of the lot, derived from a particular and unique process for it, followed by its original owner before the competent authorities who conferred and and legally approved varinaces prior the effective date of the actual land development regulations and were remained at the time and after the effective date, although not conform to them.

(3) Granting the variances 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.

The granting of these variances does not confer to the applicant special or different benefits to those that can be granted to other similar properties and that are consistent with the intention and purpose of the Code to encourage nonconformities to ultimately be brought into compliance with current regulations.

(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.

The request of these variances and its main purpose is simply to correct the non-conforming lot condition in order to continue with the development of the project by righth an complying with the other provisions and regulations that apply to the RS-1 district without prejudice, allowing the creation of a house that is fully integrated and takes into account the ever-changing enviroment.

(5) The variances granted are the minimum that will make possible the reasonable use of the land, building or structure.

These requests are the minimum necessary in order to allow the creation of this new two story single family home, considering that the project adopts and complies with all other review criteria and development regulations and does not seek for additional enhancements or benefits as referred to in Sec.142-105(a)(1)b

(6) The granting of these variances will be in harmony with the general intent and purpose of this land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The granting of these variances are only to correct the non-compliant batch condition as to lot area and lot width, and will not be injurious to neighbors or otherwise detrimental to the public welfare, considering too that the rest of the project will be in harmony with the general intent and purpose of this land development regulations and justly 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 granting of these variances are only to correct the non-compliant batch condition as to lot area and lot width and nothing changes the conditions of land development regulations in the RS-1 district, which are consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Sea Level Rise and Resiliency Criteria :

The applicant's proposal and request is compliant with the sea level rise and resiliency review criteria provided in City Code Sec. 133-50(a), and it satisfies them as follow :

- (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 entire project include 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 the 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...
- (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 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 (BFE = 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 new crown of the road and adjusted grade at the maximum height as provided by the City of Miami Beach Planning Department (5.26' NGVD future grade plus 30")
- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation :** The entire project has been designed above base flood elevation plus freeboard and there are no mechanical and/or electrical systems under this level (+10.00' NGVD)
- (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 entirely existing home and the proposal is for a new resilient design for the site. The only structure to remain is the existing dock.
- (9) **When habitable space is located below the base flood elevation plus City of Miami Beach freeboard, wet or dry flood proofing system will be provided in accordance with Chapter 54 of the City Code :**

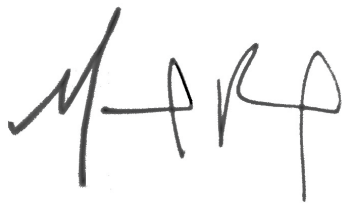
All the habitable spaces has been designed and located above base flood elevation (+9.00' NGVD) plus minimum freeboard (+1.00'). Neither wet, nor dry flood proofing systems will be necessary.

(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.

The proposed home is compatible with the character of the neighborhood and will be a great improvement to the area. The granting of these request will provide the applicant with a reasonable and by right use of the Property.

We hope respectfully that you will grant us approval at your favorable review and we remain available for any question or concern about it.

Sincerely,

A handwritten signature in black ink, appearing to read 'MARP', with a stylized, cursive script.

Manuel E. Rodriguez
SE7ENAVE design studio LLC
848 Brickell Ave unit:305 Miami FL 33131
786.340.7690

Response to Remarks/Comments

PLAN CORRECTIONS REPORT (DRB18-0223)

Job Address: 216 Palm Ave, Miami Beach

VARIANCES

Lot area:_ Required:_30,000 sf Provided:_~9700 sf

Lot width:_ Required:_100' Provided:_50'

Front setback for 2-story: Required: 30' Proposed: 25' **DOES NOT APPLY**

Elevation in required side yard: **DOES NOT APPLY**

Elevation in required side yard: **DOES NOT APPLY**

Variance to retain the dock at zero setback.

ZONING

1. Enlarge all text to be legible when printed in 11x17. **ALL TEXT HAS BEEN ENLARGED**

2. Grade elevation as crown of the road shall be verified and confirmed with the Public Works department, as there may be an approved ongoing plan for raising the street to a higher elevation. **WE HAVE CONFIRMED WITH PUBLIC WORKS, OUR SURVEY SHOWS ELEVATIONS**

3. Existing dock does not comply with the required side setback of 7'-6". Staff has determined that a variance to retain the non-conforming dock is required. **EXISTING DOCK IS TO REMAIN, VARIANCE IS REQ.**

4. Columns of trellis at the rear shall be 14'-6" (1/2 required rear yard setback). Indicate setback from the rear property line (Center of the seawall) on the site plan. **CORRECTED, TRELLIS COLUMNS ARE PLACED AT 14'-6" FROM SEA WALL**

5. Trellis structure shall be separated 5'-0" from the main house from the ground to the sky to be considered an accessory structure. **CORRECTED, TRELLIS IS NOW 9'-6" AWAY FROM PROPOSED HOME**

6. Enlarge and revise zoning table. **HAVE CONFIRMED ZONING LEGEND HAS BEEN ENLARGED AND REVISED**

7. Lot area is incorrect on the zoning table. Lot area shall include portion of parcel 2 up to the center of the seawall. Lot area shall be indicated in survey. **CORRECTED**

8. Lot depth is incorrect in zoning table. **CORRECTED**
9. Lot depth is measured from the front property line to the center of the seawall. As there are 2 different lengths, the lot depth is the average (approximately 194'). Rear setback is approximately 29'-2". **CORRECTED, LOT IS CALCULATED AT 50'x194'= total 9,700 SF**
10. Grade is incorrect in zoning table. **CORRECTED**
11. Courtyard area enclosed on three walls at the front shall count in the lot coverage calculations. **INCLUDED**
12. Clearly indicate lot coverage and unit size diagrams. **INCLUDED**
13. Unit size calculations shall include portions of the balconies that exceed 6'-0" from the building walls. **CORRECTED, NO BALCONY EXCEEDS 6'-0"**
14. Elevator at the roof counts in unit size. **ADDED, SEE CALCS. FOR UNIT SIZE**
15. Balconies as proposed shall be counted in the unit size calculations. They are not considered 'unenclosed'. At least one of the side walls shall be a lower wall in order to not count in the unit size. **CORRECTED, WALLS REMOVED, OPEN MTL. TRELLIS WAS ADDED.**
16. Any area of the stairs at the second floor covered by a tread above count in the unit size. Therefore, the stair at the second floor counts in the unit size. **CORRECTED**
17. Parapets exceeding 1'-0" in height are only allowed in association with an accessible roof deck. **CORRECTED, ALL PARAPETS AT 1'-0" AND 3'-6" WHEN ACCESSIBLE**
18. Provide a roof plan showing roof of the elevator. **ROOF PLAN ADDED TO SET SEE A1.4**
19. Provide height of all parapets at the roof level. **ALL HEIGHTS OF PARAPETS ADDED**
20. Height of parapets on renderings does not match height of parapets on section drawings. **CORRECTED, SEE NEW 3D**
21. Additional longitudinal section details thru the living room area shall be provided. **ADDED, SEE NEW SECTION C-C' IN SHEET A-3.2**
22. Provide additional color photographs, dated, min 4"x 6" of project site and

existing structures.(no Google images). No more than 4 photographs per page. Include a key plan and indicate photo reference. **PHOTOS ADDED W/ DATES**

23. Revise rear yard calculations for open space. Shade areas counting in the calculations. **CORRECTED, NEW CALCULATIONS ADDED**

24. There are no open space requirements for interior side yards. Remove side yard open space diagram. **CORRECTED**

25. Clearly indicate area of existing driveway to remain and area of new driveway. Indicate finish material of driveway. **NEW DRIVEWAY INDICATED, MATERIAL IS BRICK PAVER TO MATCH EXISTING**

26. Based on the grade elevation provided (4.56' NGVD), the maximum elevation in required side yards is 7.06' NGVD. Variances are required for both side yards. Note that side yards extend up to the front and rear property lines. **CORRECTED, MAX SIDE YARDS AT 7'-0" NGVD...VARIANCE FOR SIDE YARDS DOES NOT APPLY**

27. Provide a section detail thru the side property line to show elevation of the yard elevation of the adjacent property. A retaining wall shall be provided at the higher yard elevation to ensure that all water run-off will be contained on site.

28. The minimum elevation within the front and side yards is 6.56' NGVD. Provide elevation of the road on the front driveway in the easement area. **CORRECTED, ELEVATIONS ADDED TO FRONT DRIVEWAY AT EASEMENT**

29. Provide elevation drawings of the trellis structure. Maximum height of the trellis, as an accessory building is 12' from adjusted grade. Indicate height from adjusted grade. **TRELLIS ELEVATIONS AND PLANS ADDED TO SHEET – SP-4**

ARCHITECTURAL

a. Missing neighborhood analysis – **NEIGHBORHOOD ANALYSIS AND PICTURES ADDED**

b. SP4 LOT COVERAGE DIAGRAM. Remove and isolate ONE lot coverage drawing. Add recessed entry foyer area into calculation. Shaded diagram and legend of Sf and % amounts. It is impossible to review application without this information. **LOT COVERAGE DIAGRAMS HAVE BEEN SEPARATED**

c. MISSING UNIT SIZE DIAGRAMS. Create three diagrams showing first floor unit size with shaded diagram and legend of Sf and % amounts and second (and third) floor unit size with shaded diagram and legend of Sf and % amounts. It is impossible to review application without this information. **UNIT SIZE DIAGRAMS HAVE BEEN SEPARATED**

d. SP-1: Separate and enlarge city zoning legend **ZONING LEGEND HAS BEEN SEPARATED AND ENLARGED**

e. SP-2 and SP3: Enlarge areas of analysis only—Front yard and Rear yard, remove side yard diagrams. Graphically differentiate materials (pervious vs impervious) and Sf and % amounts. **REAR AND FRONT YARD DIAGRAMS HAVE BEEN CORRECTED AND ENLARGED**

f. A-3.2: Separate and enlarge. Include property lines, include standard elevation datum marks at a larger legible font size (CMB Grade, Adjusted Grade, BFE, FFE, 30" above Adjusted Grade), include overall height of building measured from FFE to top of slab, include height of roof elements; include projection distances into required yards. Maximum height is 28' to slab of main roofline to flat roof. Maximum height of roof curb is 1'-0" above main roofline. What is FFE (finished floor elevation)? It is impossible to review application without this information. **INFORMATION & UPDATED TO ELEVATIONS & SECTIONS**

g. MISSING Yard diagram sections. Enlarged section of each required yard at legible scale. show all proposed elements, encroachments, projections, slabs and elevations of equipment in required yards to demonstrate compliance with 142-1132; include in yard diagrams/sections property lines, setback lines, and setbacks and height of all elements within, measure from standard elevation datum marks (CMB Grade, Adjusted Grade, BFE, FFE, 30" above Adjusted Grade). **YARD ELEVATIONS ADDED TO SET, SEE SP-5**

h. MISSING open space waiver diagrams **DOES NOT APPLY**

i. MISSING second floor to first floor exploded axonometric diagram **AXONOMETRICS ADDED**

j. Missing four directional axonometric drawings **AXONOMETRICS ADDED**

k. Add "FINAL SUBMITTAL" to front **NOTE ADDED TO FRONT PAGE**