



BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6223
E-Mail: CKoshal@BRZoningLaw.com

VIA HAND-DELIVERY

December 15, 2017

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

Re: Modification to Certificate of Appropriateness for 841 19 Street, Miami Beach
(HPB File No. 4079)

Dear Tom:

This law firm represents CJB Buena Vista, LLC, LLC (the "Applicant") with regard to 841 19 Street (the "Property"). Please let the following serve as the required letter of intent in connection with a request for a Modification to the Certificate of Appropriateness approved through HPB Order No. 4079 and an accompanying Variance.

Description of Property. The Property is approximately 13,500 square feet in size, located on the north side of 19 Street. Miami-Dade County's Office of the Property Appraiser identifies the Property by Folio No. 02-3234-007-0140. The Property contains a Contributing single family residence that was constructed in approximately 1937 and designed by Robert Collins. In 2006, the Miami Beach Historic Preservation Board "HPB" reviewed and approved plans for the partial demolition, renovation and restoration of the historic home, which included a single story ground level addition ("2006 Approval").

Description of Development Program. The Applicant is not proposing any modification to the existing, approved home at this time. Instead, the Applicant's request are based on concerns for the safety of his home and family. Visitors pass by the Property on a regular basis, and frequently the Applicant has found it necessary to physically remove trespassers from his property. In order to safeguard his family, the Applicant is respectfully requesting minor changes to increase the height of the hedge and gates located along his property-line.

At this time, the Applicant respectfully requests two modifications to the approved design:

- 1) Modification to Condition C.2.a. of the HPB Approval related to the height of hedges surrounding the Property to permit the hedges to reach ten feet (10'), and
- 2) A Variance of Section 142-106 related to front yard setbacks to permit three (3) gates at the front property-line of the Property.

Gate A is located on the west side of the front Property-line, and will permit vehicular access to the Property. Gate B is located approximately in the middle of the front Property-line, and will permit pedestrian access to the Property. Gate C is located on the east side of the front Property-line, and will permit a second vehicular access point for the Property. Gate A is approximately 8.4 feet above grade, Gate B is approximately 7.9 feet above grade, and Gate C is approximately 8.2 feet above grade. Each of these gates is inset into the privacy hedge for the Property. The gates are designed in the Art Deco style, similar to gates which existing on the Property in approximately 1937. The gates will provide a minimum of fifty percent (50%) visibility. The requested variance addresses practical difficulties associated with providing privacy and safety for the family that lives in the historic home.

Satisfaction of Hardship Criteria. The Applicant's request satisfies the 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 historic nature of the existing home is peculiar to the Property and creates challenges for a young family that seeks safety and privacy.

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

The Property's historic nature and the resulting safety concerns do not result from the action of the Applicant.

- (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 not confer any special privilege that is denied to other lands, buildings, or structures in the same zoning district. Other homes with similar conditions and concerns have the opportunity to request this variance.

- (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 land development regulations would deprive the Applicant of the ability to safeguard his home and his family. As a result, the strict enforcement of the land development regulations would produce an unnecessary and undue hardship on the Applicant.

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

In order to allow the Applicant to make reasonable use of the Property, the requested a relatively minor increase in the height of the hedges and gates surrounding his home. These minor increase to the permissible height of the hedges and gates will afford the Applicant the security and privacy enjoyed by most other homeowners in the City.

- (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**

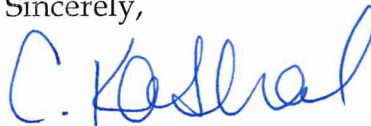
The requested variance is in harmony with the general intent of protecting its residents from known and avoidable safety concerns within the community. The requested variance will not be injurious to the area involved nor otherwise detrimental to the public welfare

- (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 requested variance is consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

Conclusion. As previously indicated, these requests are made to protect the Applicant's home and family. The Applicant has young children and wants to ensure his family's privacy and safety. The proposed modifications will not have any adverse impact on the surrounding area. We respectfully request your recommendation of approval of the Applicant's request. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6223.

Sincerely,



Carli Koshal

MWL/CK