

February 12, 2018

City of Miami Beach  
Design Review Board  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: Architect's Letter of Intent  
6455 Pine Tree Drive Circle. Miami Beach, Florida**

Dear Planning Staff and Design Review Board Members,

This Letter of Intent is regarding a new residence being proposed to be located on a currently vacant lot located at 6455 Pine Tree Drive Circle in Miami Beach. The lot is located on a corner which has an access frontage of 44.0' sandwiched in between its two neighboring lots. The lot itself is quite large at 27,860 square feet, but due to its access frontage of 44.0' will require a variance for this special condition, as the frontage is non-conforming, yet existing. We therefore formally request that a variance be granted to grandfather in this existing condition.

The proposed residence will have 11,692 square feet of countable space. That is air-conditioned space plus the portion of the garage that exceeds 500 square feet, in addition to countable overhangs and accessory structures. The allowable unit size would be 50%, or 13,930 square feet. We are at the acceptable percentage of 42%.

When calculating the footprint, or lot coverage, we included the open court that exists at the entry. The reason it was included in the calculations is that it has three or more walls, thus making this area count. Including this court area, and small rear yard detached cabana, our footprint, or lot coverage, equals 8,358 square feet, or 30% (maximum allowable).

The allowable second floor to first floor ratio allowed before a waiver is required is 70%. This would include all volume spaces. The main entry area, which acts as the main living area of the residence is technically a one-story area and is counted as such. Any structure under 18' in height is considered one story on Miami Beach. Our roof height at this living area is 17'. Thus, this portion of the residence is counted as a one-story volume. Our second floor in this case is 67% of the first floor, thus no waiver is required as we fall under the acceptable level.

We have reviewed all setbacks with the staff and determined that a rear yard setback variance will be necessary for a small portion of a two-story colonnade feature that is encroaching 1'-6" into the required 27'-6" rear yard setback. Otherwise, all the setback requirements of this property are being met substantially.

This property falls within an RS-3 residential district. As such, we are allowed a maximum roof height of 24' without a waiver, and up to 28' with a waiver. The property falls within an AE-8 base flood level, so with the Freeboard applied, we are constructing our first floor at +9.0' NGVD. All heights are taken from this elevation, which is our first habitable floor. The residence



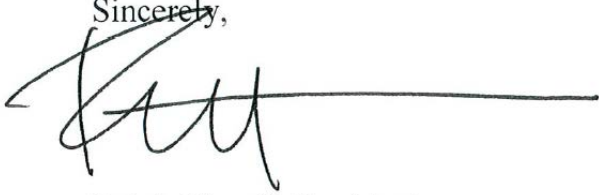
was designed with a roof height at most of the residence at 26', while the bridge at the front of the residence that connects both sides of the residence is at approximately a 25' height at the roof. Only the north portion of the residence is designed at 27' high. This occurs only at the bedroom wing (not master bedroom) and only faces the water on one side of the property. We did this to provide movement to the architecture regarding the height. The lot is totally hidden from the street and the residence will not be seen. As well, it is also well hidden from its neighbors with massive existing landscaping that will remain and will be enhanced. As well, the setbacks that are required on each side are well exceeded, so the new residence will be located further away from any adjacent lot than the minimum allows.

We feel that the additional height in this case is not an egregious request that will disturb any neighbor or will be at all noticeable. The sliding glass doors on the first floor are 11' high with the structure being 2', making the major portion of the residence 13' from floor to floor and floor to roof. Thus the 26' height. Only at the limited 27' high portion will the sliders be 12' high and only on the second floor. The first-floor sliders remain 11' high in this area. Again, this is done to provide architectural interest to the exterior aesthetics of the residence.

We respectfully request that the DRB grant the applicant the waiver for height, and the two variances being requested for this project.

We hope that you like the design of this unique residence, and feel that it will be a great addition to the landscape of Miami Beach.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ralph Choeff', followed by a long horizontal line extending to the right.

Ralph Choeff, President  
Choeff Levy Fischman PA  
Architecture + Design





# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

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## VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

March 2, 2018

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

Re: DRB18-0229 – Supplemental LOI for Design Review & Variance Approvals for the Property Located at 6455 Pine Tree Drive Circle in Miami Beach, Florida

Dear Tom:

This law firm represents PTD Circle, LLC (the “Applicant”), the owner of the property located at 6455 Pine Tree Drive Circle (the “Property”) in the City of Miami Beach, Florida (“City”) with regards to Design Review Board (“DRB”) application for design review and variance approvals identified by application number DRB18-0229 (the “Application”). This letter shall serve as a supplemental letter of intent for the Application to outline the variances requested and address the Sea Level Rise and Resiliency Criteria.

Property. The Property is a currently vacant, waterfront lot that is located on a corner with only one access point via Pine Tree Drive Circle. The Property is an irregular shaped lot with a total lot size of 27,860 square feet but limited street frontage, with an access frontage of only 44 feet along Pine Tree Drive Circle, sandwiched in between the neighboring lots. The Property was platted with this limited street frontage in 1934, pursuant to the Subdivision of Lot 1 Block 1 Beach View Addition, recorded in Plat Book 34, Page 62 of the Miami-Dade County Official Records. The City Code requires a minimum lot width of sixty (60) feet. As such, the Property is a nonconforming lot. The Property abuts waterways, to the north and to the east, which creates dual rear yards that account for the majority of the perimeter of the Property.



Variance Requests. Due to the irregular-shaped and nonconforming lot, the Application requires two variances: (1) a lot width variance and (2) a rear setback variance.

*Lot Width Variance.* The Applicant respectfully requests a variance of Section 142-105(b)(1) of the Code, which requires that lots within the RS-3 district be a minimum of sixty (60) feet wide at the front setback. The Property is certainly greater than sixty feet in width, however, because the lot is irregularly-shaped and was platted in 1934 with only 44 feet fronting the right-of-way, the lot meets the intent of the Code but not the technical requirement.

*Rear Setback Variances.* The Applicant respectfully requests a variance of Section 142-106(3) of the Code, which requires the rear setback of single family residences within the RS-3 district to be a minimum of fifteen percent (15%) of the lot depth.

The requested rear setback variance will allow the proposed home to be situated on the Property in a location that is more compatible with the existing context- both with respect to the front and rear setbacks. The Applicant proposes to locate the rear of the proposed home in line with the standard shaped lots in the surrounding area. Due to the Property's irregular shape, a challenge exists to positioning a rectilinear building on the lot. Additionally, the unique scenario of the lot fronting water to the north and to the east results in both the north and east portions being required to accommodate rear setback requirements, which are greater than the requirements for side yard setbacks. As a result, a significant amount of otherwise developable area is taken up by the dual rear setbacks.

The requested rear setback variance is specific to a small portion of the structure in the northwest corner of the Property. It is important to note that the entire proposed enclosed structure complies with the setback requirements. It is only a portion of the open-air framing extending from the enclosed structure, forming a covered patio area, which requires the rear setback variance for a small portion.

Variance Criteria. In accordance with the requirements of Section 118-353(d), the Applicant's request satisfies 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 Property is an irregularly-shaped corner lot with only a narrow portion of it fronting on the right-of-way, at what is considered the front property line. This narrow frontage is the result of the platting of the Property in 1934. The subsequent lot width regulations and interpretations of the Code created the nonconformity of the lot. Additionally, the Property fronts water to the north and to the east, causing it to require rear setbacks on both sides. These conditions are peculiar to the land and are not applicable to other properties in this area. The majority of parcels within this area are rectangular, with at least 85 feet of frontage along the right-of-way, and only fronting the water on one side. The Property is a total of 27,860 square feet, but since the Property is irregularly-shaped and oriented on the street, development of the Property in a manner that is compatible with the adjacent lots necessitates the requested variances.

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

The irregular shape of the Property does not result from the action of the Applicant. The Property, has been irregularly-shaped with a narrow frontage along the right-of-way and fronting water on two sides since the platting of the Property in 1934.

**(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 variances requested will not confer on the Applicant any special privileges denied to other parcels in the same zoning district. The Property is oddly-shaped relative to the other parcels in this area. Other oddly-shaped parcels also have the opportunity to request relief from the strict requirements of the Code through the variance process.

**(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 as an unnecessary and undue hardship on the Applicants because it would apply regulations developed for rectangular lots with standard frontage along the right-of-way to this irregular parcel. The Property is larger than many of the other parcels in this area, and, due to its odd shape and dual frontage along the water, literal interpretation of the development regulations would disproportionately and negatively impact the development of a new single family home on the Property.

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

The requests are the minimum variances necessary to provide develop a new home on the Property that is compatibly situated relative to the homes in the surrounding area. The Applicant has no other reasonable remedy for the narrow lot frontage, as platted in 1934, of 44 feet along the right-of-way. The rear setback variance is only for a sliver of the proposed structure amounting to an encroachment area of 2.95 square feet. The variance is needed in order to accommodate the proposed rectilinear structure on the irregularly-shaped lot. The variances requested are the minimum requests related to developing a respectful home on an oddly shaped parcel.

- (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**

Granting the requested variances will be in harmony with the general intent and purpose of these land development regulations. The intent of the single family home regulations is to ensure responsible development which is compatible with the existing context. The requested variances will permit development of the Property with a home that is compatibly sized, setback, and accessed. Notably, the setback request does not negatively impact the closer neighbor to the west. The small portion at the northwest corner is all open air and projects into the north rear setback area, which is adjacent to a wide canal and therefore substantially setback from the nearest residence.



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

Practical Difficulty. The requested variances arise from the platting of an irregular lot in 1934 with limited frontage along the right-of-way. The Applicant faces clear practical difficulties associated with developing a single-family home on the Property where the existing lot width fronting the right-of-way is nonconforming with the requirements and the irregular shape of the lot paired with the dual frontage along water calls for greater setbacks than required for other properties in the area. The proposed layout allows for the best positioning of the single-family home on the Property, as the location of the rear setback variance is facing a canal and not intruding upon neighboring homes.

Sea Level Rise and Resiliency Criteria. The proposed single-family home advances the sea level rise and resiliency criteria in Section 133-50(a) 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 proposes hurricane impact windows.

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

Operable windows will be provided.

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

The Applicant will provide appropriate landscaping at the Property. Proposed species include native and Florida-friendly plants appropriate for the area, including salt tolerant species.



- (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 Applicant has considered the elevation of the right-of-way and surrounding properties, and plans to grade the front and side yards appropriately to remain compatible with the existing conditions, which will be adaptable to future raised elevations. The Applicant will work with the Public Works Department to further address sea level rise projections with respect to the right-of-way.

- (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 Applicant has taken into consideration the raising of public rights-of-ways and has designed the proposed home accordingly. The additional 1' of freeboard used to elevate the home will allow raising of the front yard to address the future raising of the right-of-way.

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

Proper precautions will be taken to ensure the critical 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 is not applicable as the application proposes to build a new single-family home on the site. However, the new home will be elevated to 1' above base flood elevation, which is an elevation of 9' NGVD".

- (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.**

No wet or dry flood proofing will be necessary as all habitable space will be located above base flood elevation plus City of Miami Beach Freeboard of 1'.



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

The Applicant has incorporated Shallow Retention Areas ("SRAs") to direct and collect rainwater on the proposed plan. At time of permitting, the Applicant will engage the services of a civil engineer to analyze and provide the subsurface drainage design. Accordingly, a water retention system will be provided.

Conclusion. The proposed redevelopment will be a much-welcomed enhancement to the neighborhood in a manner that is consistent with the area. The Applicant has worked with City staff to ensure the proposal will not adversely affect the immediate neighborhood. If you have any questions or comments with regard to the application, please do not hesitate to contact me at (305) 377-6236.

Sincerely,



Matthew Amster