



P. 305.594.2877  
F. 305.594.2878

The Lasarte Law Firm  
3250 N.E. First Avenue  
Suite 334  
Miami, FL 33137  
[www.lasartelaw.com](http://www.lasartelaw.com)

Felix M. Lasarte, Esq.  
[felix@lasartelaw.com](mailto:felix@lasartelaw.com)

May 3, 2018

**VIA HAND DELIVERY**

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

**Re: Letter of Intent / Property located 1030 15 Street, City of Miami Beach / Folio No. 02-4203-009-6965 (the "Property") / Certificate of Appropriateness and Ancillary Non-use Variance**

Dear Mr. Mooney:

Please accept this as our formal letter of intent regarding a request for approval of a new certificate of appropriateness and a non-use variance, specifically a 20' drive isle rather than the 22' drive isle required pursuant to Section 130-63 of the City of Miami Beach Code of Ordinances, on behalf of Shoma Lincoln Investment, LLC (Shoma").

On May 12, 2015, Shoma obtained an approval of a Certificate of Appropriateness for the construction of a new 3-story multi-family/town house 11-unit residential building on the Property (see HPB File No. 7522) and the Property is currently part of the Flamingo Park Historic District. Shoma would like to modify the approved Certificate of Appropriateness and redevelop the Property into a multi-family apartment building with 43 units and will provide a diversity in housing types and will provide more affordable units in Miami Beach.

Prior to Shoma's ownership, the Property was part of a parking lot for an AT&T parking facility. In 2015, AT&T went through a lot split resulting in two narrow lots. Due to the configuration, and in consideration of the surrounding single-family homes in the immediate area, we are requesting that the drive isle be reduced from 22' to 20'. The variance criteria found in Section 118.353 are met as follows:

**Satisfaction of Variance Criteria**

- 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;**

This Property was the result of a lot split which created two narrow lots within the Flamingo Park Historic District. The subject lot's previous use was that of a utility parking lot and a



residential use is more compatible with the area. The variance is needed to minimize the any impact the access to the proposed building may pose to the single-family neighborhood immediately south of the Property and a wider drive isle will simply move the building closer to the residential units south of the Property and the narrower drive isle can still operate safely.

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

Prior to Shoma's ownership of the Property, the Property was part of a lot used as a parking facility and later subdivided into two lots. This lot split resulted in the Property being a narrow lot. The nature of the Property as a narrow lot was not the result of any actions by Shoma.

**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;**

This variance will not result in any further intensification of the floor area ratio, building height, or any other privilege allowed by the Code. The proposed building will be in scale to other properties in the area and will be compatible.

**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;**

If strictly interpreted, the 22' drive isle requirement would preclude the residential use to have the necessary buffers to be compatible to the single-family homes in the area. Shoma desires to keep the building the furthest away from the existing single family homes and a strict enforcement of the drive isle width will place the building in close proximity to said single family homes. A traffic engineer will testify that a 20' drive isle will allow the traffic to operate safely. It is important to note that this entails self-parking for building residents that over time will become very familiar with the parking layout and access to their parking spaces. This is not a public parking garage, where greater allowances for a drive aisle width may be necessary for users unfamiliar with the garage conditions.

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

Due to the narrowness of the lot, a minimum variance of two (2) feet of the drive isle is the minimum variance we could request.

**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;**

The Project would be compatible and consistent with the City's Comprehensive Plan and a more compatible use than the utility parking use.

**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 voting on the applicant's request; and**

The variance is consistent with the City's Comprehensive Plan and the levels of service remain consistent as demonstrated by the traffic study from Plummer and Associates and the concurrency analysis conducted by Miami-Dade Public Schools.


**8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.**

Our finish floor elevation is eight (8) feet NGVD plus one (1) foot freeboard which equals to 9' NGVD. We are prepared to increase our finish floor elevation to meet any increase in the height of the abutting road to address flooding and sea level rise thus complying with the requirements of Chapter 133.

We respectfully believe that our variance request and new certificate of appropriateness should obtain a positive staff recommendation and an approval from the Historical Preservation Board. As always, should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

THE LASARTE LAW FIRM

  
for Felix M. Lasarte

cc: Carmen Sanchez, Deputy Planning Director