

6030 ALTON LLC  
Miami, Florida

Board of Adjustment  
Planning Department  
City of Miami Beach  
1700 Convention Center  
Miami Beach, Florida

Letter of Intent in Support of Request for Variance For Side setbacks pool for the property located at  
6030 Alton Road, Miami Beach

This Letter of Intent is in support of our request for a variance for the pool, built with permit number B1506312, located at 6030 Alton Road.

Originally this lot constituted a singular lot with the current 6020, created from the division of the original 6030 lot after DRB File No. 23166 on 06/02/2016. As owner, 6030 Alton llc, proposed to maintain the old house, as potentially architecturally significant pre-1942 home. In the original lot There was also a pool that was demolished, with regular building permit.

When submitting the project of the pool in 2015, the Engineer designed and placed the pool considering the whole lot space, since at that time the lot was yet to be divided. Because of that, the pool had been built ignoring the future division of the lot area.

Furthermore, we pray that this present request of the variance of pool' side setback will be approved as it is, because the current pool' side setback of 6.3' instead of 9' depends from a project made in good faith and upon approvals from the City considering the whole lot.

The pool has been built following all he required procedures instructed by the city's inspectors and the project submitted to the city. Nonetheless, the last inspection (zoning) could not pass due to the excessive vicinity of the pool to the lot borders.

Additional we gone remove the wood deck around the pool, to increase the landscape area.

Related to the criteria included in section 118-353 (d) of the City Code

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 variance is originating from the specific plan of the pool built in the rear yard of the lot 6030 and the subsequent division of the original lot.

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

At the time of plan of the pool it wasn't sure the division of the original lot should be approved, and the engineer planned the pool considering the whole lot, leaving an insufficient side setback in the new configuration of the lot.

3. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.*

The actual position of the pool didn't confer on the applicant any privilege because the variance didn't allow to build a larger pool, or in a more comfortable position or any others privilege.

4. *Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The respect of the provisions of this ordinance would involve the demolition of the pool, a new project and the construction of a new pool, with 2 feet more of distance from the set back side .

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

The division of the original lot and, consequently, the new side line are subsequent to the construction of the pool; the position of this line has been determined so the width of the new lot 6020 originating from the division was 60'.

6. *That the granting of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The variance concerns only the pool, located in the rear yard, and the distances from the pool to the boundary of the lot; it doesn't reduce the use of the rear yard and it doesn't concern 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 variance doesn't reduce the possibilities to use the lot, the pool and the building that insist on the lot, nor the full use of neighbor's lots, in the present or in the future, for the intended uses on those lots. Particularly, it won't preclude the construction of a similar building and a pool in the new lot 6020, currently empty.

For these reasons we hope to reconsider your decision, and proceed with the approval of the construction variant.

Thank you for your time and consideration.

Respectfully submitted,

Massimo Nicastro