



June 15, 2018

By Miami Beach Citizens Access Portal Submission

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

Re: Letter of Intent for a Variance to Permit a Covered Porch Structure on the Property
Located at 230 West Rivo Alto Drive, Miami Beach, Florida.

Dear Mr. Mooney:

This law firm represents Sali Property, LLC (the "Applicant"), 230 West Rivo Alto Drive, Miami Beach, Florida (the "Property"). See Exhibit A attached hereto. Please allow this correspondence to serve as the required letter of intent in connection with a request to the Zoning Board of Adjustment ("BOA") for one (1) variance to allow for the construction of a covered porch with a glass barrier in the side yard facing a street (the Venetian Causeway).

Description of the Property. The Property is identified by the Miami-Dade County Property Appraiser's Office by Folio Number 02-3233-001-0180 and is approximately 10,846 square feet in size. See Exhibit A. The Property is located on the north side of the Venetian Causeway. The Property fronts two (2) public rights-of-way, the Venetian Causeway and West Rivo Alto Drive. It also fronts the waterway between Rivo Alto Island and DiLido Island. The Property includes an existing single-family home structure that is approximately 5,196 square feet and a guest house that is approximately 506 square feet. The Property is located in the RS-3, Single Family District.

To the south of the Property is the Venetian Causeway which is adjacent to the side yard where the proposed setback variance is located. To the north of the Property is a single-family home at 240 W. Rivo Alto Drive. To the west of the Property is the waterway between Rivo Alto Island and DiLido Island. To the east of the Property is a single-family home across the street at 241 West Rivo Alto Drive. The Property's only directly adjacent neighbor is the property to the north. The abutting property is similarly zoned RS-3, Single Family District.

Description of the Development Program. The Applicant seeks to demolish an existing two-story guest house and replace it with a covered porch projecting from the rear of an existing single-family home to shield the residents from the sun and traffic noise from the

busy Venetian Causeway. Where the existing wall's foundation is currently located, a deck to ceiling glass barrier will be incorporated into the south side of the porch to serve as a sound barrier. The proposed location is the only location where the structure may be placed to remain in the footprint of the existing structure and wall. Hence, the Applicant seeks one (1) variance to construct the porch, within the 15 foot side yard setback from the street facing side property line. The Applicant is also proposing to further enhance the existing lush landscape, further buffering public views of the encroaching structure from the adjacent right-of-way. The replacement structure will not be readily visible from the right-of-way given the single-story height of the structure and the existing landscaping already on site.

Request. The Applicant seeks a variance from City Code Section 142-106(2)(b) to permit a covered porch structure in the side yard of the Property facing a street with an 11'5.5" setback where the Code requires a setback of 15 feet from the property line.

Satisfaction of Hardship Criteria. City Code Section 118-353(d) sets forth the hardship criteria for a variance request. 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;**

Only four single-family homes of residential Rivo Alto Island have side yards facing the Venetian Causeway and expose their longer dimensions to that heavily traveled causeway. The proposed location of the porch is the only location whereby the covered porch can be located utilizing the existing footprint of the existing guest house and wall, and providing a glass sound barrier protecting the residents using the pool and deck from the noise of the traffic on the Venetian Causeway. Because of the peculiar conditions and circumstances of the Property as well as the footprint of the existing structure, the requested variance is necessary.

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

The need for the requested variance directly results from the Property's existing conditions and characteristics and are not the result of any action by 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;**

Including the Applicant's, there are only four existing single-family homes on Rivo Alto Island whose side yards front the Venetian Causeway, a heavily trafficked right-of-way. Granting the requested variance will enable the Applicant to create a sound barrier to reduce the noise impacts from the Venetian Causeway. The other single-family homes

on Rivo Alto Island are not exposed to the direct impact of traffic from the Venetian Causeway on their side yards. The granting of this variance to create a glass barrier to limit impact from noise along the Venetian Causeway is in line with the purpose and intent of the Code and does not confer any special privilege on the Applicant.

- 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 an unnecessary and undue hardship on the Applicant. The single variance is requested in order to construct a sound barrier against the noise emanating from the intense traffic traversing the Venetian Causeway.

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

The Applicant's single request is the minimum necessary in order to allow for the construction of a modest sound barrier attached to the covered porch for the deck and pool at the rear of the existing single-family home on the Property and on the footprint of the foundation of the existing wall.

- 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**

This single variance will not be injurious to the area or otherwise detrimental to the public welfare. This variance will facilitate the preservation and utilization of the Property. The proposal reduces the intensity of the existing development on the site by removing 506 square feet of air-conditioned space in the two-story guest structure and by replacing it with the lower height of a single-story porch to accommodate residential use of the pool and deck. The proposal also includes the maintenance of the existing heavy foliage that buffers the existing structure from the street and the planting of additional resilient landscaping and furthers visual buffering from the right-of-way. As such, this variance is consistent with the purpose and intent of the Code.

- 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 of adjustment voting on the applicant's request.**

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

The Applicant requests a favorable recommendation for the abovementioned variance for the Property.

Satisfaction of Resiliency Criteria. City Code Section 133-50(a) sets forth the resiliency criteria for development orders. The Applicant's request satisfies all resiliency criteria as follows:

1) A recycling or salvage plan for partial or total demolition shall be provided.

A recycling plan will be provided at time of permitting.

2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Not applicable as no windows are being replaced. The glass barrier being added will be impact resistant.

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

The proposal will remove 506 square feet of air-conditioned space and the new structure will be cooled passively.

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

Resilient landscaping will be provided.

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.

Not applicable because existing habitable space is being removed and minimal non-habitable space is being added.

6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land.

Not applicable as the proposed porch does not interface with rights-of-way and adjacent land.

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

All mechanical and electrical systems are above base flood elevation.

- 8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

The existing building to remain is elevated above base flood elevation.

- 9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry floodproofing systems will be provided in accordance with chapter 54 of the City Code.**

Not applicable as the new covered porch does not constitute habitable space.

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

Not applicable.

Conclusion. This Property will suffer a hardship without the proposed variance, which is compatible and in harmony with the surrounding area and will better preserve the single-family residential character of the neighborhood by providing its residents peace and quiet when using their deck and pool amenities. 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) 532-0500.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kent H. Robbins", with a stylized flourish at the end.

Kent Harrison Robbins
Attorney for Sali Property, LLC

Enclosure

cc: Steven Williams, City of Miami Beach Principal Planner
By Miami Beach Citizens Access Portal Submission

Rogelio Madan, City of Miami Beach Principal Planner
By Miami Beach Citizens Access Portal Submission

EXHIBIT A

Lot 1, Block 2, of RIVO ALTO, AN ISLAND IN BISCAYNE BAY, according to the Plat thereof, as recorded in Plat Book 7, Page 74, of the Public Records of Miami-Dade County, Florida.

ALSO

An 8 foot strip of land contiguous to the Westerly boundary line of Lot 1, Block 2, of RIVO ALTO, AN ISLAND IN BISCAYNE BAY, according to the Plat thereof, as recorded in Plat Book 7, Page 74, lying between the Westerly extension of the Northerly and Southerly lines of Lot 1, Block 2, together with all common law and statutory riparian rights, including water privileges appurtenant, adjacent and belonging thereto.