

City of Miami Beach,  
Planning & Zoning Dept.,  
1700 Convention Center Dr.,  
Miami Beach, Fl.

Date: 7/3/18

**REF: Design Review Board / Letter of Intent / Hardship Letter / 355 – 76 street, Miami Beach, Fl.**

**Project Description:** New 3 story (walk-up flats) building, with 7 units (6)(2-bedrooms & 2.5 baths) &(1)(1- bedroom & 1 bath) w/ all units entering at ground level with 11 parking spaces w/(5-Dual Parking lifts) & 1 single parking spaces provided undercover.

**DRB / We are requesting 1 variance and 2 waivers on the above REF. project for the following issues:**

**Variance #[1]** Front setback according to RM-1 zoning - 10' min. req. / 12'-4" to the building provided and 8'-7" provided to the landing and also maximum ht. of railings at landings facing street is 5' req. above grade / 8'-8" provided. Landing height 5'-2" + 3'-6" to top of railing. (see sheet 13)

**Variance response:** [Based on the following information we feel that we qualify and meet the hardship criteria for the requirements of SECT. 118-353(D)]

**Variance [1.]Front setback:** Special conditions and circumstances exist which are peculiar to a large percentage of properties in this Harding avenue corridor and North Beach community. Note that as an example, within a six block area totaling the majority of properties have setbacks less than 10' from the front property line. We are providing 12' to the building /(10' req.)and 8'-7" to the landing. Note that in order to maintain the continuity in design and urban setting in this area and are thus requesting a front setback variance.

**We meet all requirements of Sect. 118-353**

A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. in the same zoning districts with the same request setbacks.

B.) That the special conditions and circumstances do not result from the action of the applicant.

C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.

D.) That 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.

E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

F.) 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 and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

**Waiver#[1]** Parking provided below first habitable level:

Min. height req. is 12' / Provided 10'-2" / 10' min. allowed by waiver

We meet all requirements of Sect. 118-353

A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. in the same zoning districts with the same request setbacks.

B.) That the special conditions and circumstances do not result from the action of the applicant.

C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.

D.) That 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.

E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

F.) 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 and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

**Waiver #[2] Front setback Building height to depth restriction:**

Required 32' height max. from base flood elevation in first 25' of building depth. Requesting waiver for the 32' height restriction to be on the first 20' of building depth instead of 25' as per allowance for stair enclosure above this limit. (See sheet #21)

We meet all requirements of Sect. 118-353

- A.) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are also applicable to existing other lands, structures, or existing bldgs. in the same zoning districts with the same request setbacks.
- B.) That the special conditions and circumstances do not result from the action of the applicant.
- C.) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, existing buildings, or structures in the same zoning district. Note other properties in the area already enjoy from these setback reductions due to the small size of properties and following smaller urban setbacks.
- D.) That 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.
- E.) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F.) 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 and that granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

We are requesting this variance and waivers showing that **we are complying with hardship requirements of sect. 118-353(d) of the City of Miami Beach Planning & Zoning**, and we thank you for consideration in looking at this request.

Sincerely,

---

Gustavo J. Ramos Architect, AR8715

