

# Holland & Knight

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November 12, 2019

## **VIA HAND DELIVERY**

Mr. James Murphy  
Chief of Urban Design, Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

**Re: 1717 N. View Drive – File No. DRB19-0460 (DRB16-0083)  
Second Amended Letter of Intent**

Dear Mr. Murphy:

This shall constitute our Second Amended Letter of Intent on behalf of Mr. Misha J. Ezratti (the “Applicant”), in support of Application File No. DRB19-0460 (the “Application”) to the Design Review Board (“DRB”) for design review approval of the requests set forth below for the property located at 1717 N. View Drive, Miami Beach, Florida (the “Property”). The Property is an approximately 26,978 square foot waterfront lot located on the north side of Sunset Island 1 and is surrounded by RS-2 and RS-3 zoned properties. The Applicant had previously come before the DRB for approval of the construction of a new, two-story, single-family residence to replace an existing post-1942, two-story residence in an RS-2 zoning district with a Future Land Use Map (FLUM) designation of RS (Single Family Residential) pursuant to File No. DRB16-0083 on the Property. The residence is currently under construction. During the permit and construction process, the Applicant was made aware of certain variances that were required and is now seeking approval of the following variances in connection with the completion of accessory structures and the rear yard for the residence as follows:

1. Variance approval of Section 142-106(b)(1)d. (formerly Section 142-1132(a)(2)d.)<sup>1</sup> of the Land Development Regulations (LDRs) to permit a building separation of 2’-6” between an accessory building and the main home, where 5’-0” is required (the “Setback Variance”);

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<sup>1</sup> On October 30, 2019, the City Commission adopted Ordinance No. 2019-4316 (Item No. R5 D) on second reading, which amended this regulation and it is now applicable as Section 142-106(b)(1)d. of the LDRs.

2. Variance approval of Section 142-106(a)(3) (formerly Section 142-06(3))<sup>2</sup> of the LDRs to permit the rear yard 70% open space requirement, where 66.7% is provided (the "Open Space Variance"); and
3. Variance approval of Section 142-106(b)(1)c. (formerly Section 142-1132(a)(2)c.)<sup>3</sup> of the LDRs for two-story accessory structure floor area, second story greater than 50% (the "Building Variance"; all three requests together are hereinafter referred to as the "Variances").

As noted above, the Applicant has begun construction of the new home in accordance with the approved plans and it was subsequently determined that the Variances were required, in part, because of a revision to the adjusted grade calculation by Staff. As such, the Applicant has filed this application to the Design Review Board in accordance with Section 118-351(a)(3) of the City's Land Development Regulations.

1. The request for a variance of Section 142-106(b)(1)d. (formerly Section 142-1132(a)(2)d.) to permit a building separation of 2'-6" between an accessory building and the main home, where 5'-0" is required, satisfies the applicable review criteria and should be approved:

- (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 accessory structure, which is an Ipe wood paneled storage closet, was permitted and constructed in its current location pursuant to Permit No. BR1700838/RV806132. The reason for the Setback Variance request is that a portion of the storage closet (less than 1/3 of this small structure) is setback 2'-6" when measured from the second story balcony projection (not the main wall of the home) and the balcony projection is well above the top of the storage closet. However, the storage closet is actually setback 13'-6" from the nearest wall of the main home. The City's design review and permit plan review did not yield comments on the setback of this wood clad structure until a subsequent permit modification was submitted for review. It was only when the Applicant submitted a permit modification for the main home to extend the second story balcony an additional foot, that Staff determined that a variance was required. It is important to highlight that the location of the constructed storage closet is exactly where it has always been shown on the approved plans and is 13'-6" from the wall of the main home. It has always been the Applicant's intent to meet, and the Applicant believed that it did comply with, the LDRs applicable to this**

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<sup>2</sup> On October 30, 2019, the City Commission adopted Ordinance No. 2019-4316 (Item No. R5 D) on second reading, which amended this regulation and it is now applicable as Section 142-106(a)(3) of the LDRs.

<sup>3</sup> On October 30, 2019, the City Commission adopted Ordinance No. 2019-4316 (Item No. R5 D) on second reading, which amended this regulation and it is now applicable as Section 142-106(b)(1)c. of the LDRs.

**structure. This scenario is rare and would not otherwise apply to other buildings in the same zoning district.**

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

**As detailed above, the storage closet was permitted and constructed in its current location with a 3'-6" setback pursuant to Permit No. BR1700838/RV806132. Subsequently, the extension of the second story balcony projection was approved, which reduced the setback to 2'-6" from the second story balcony projection and the variance then was identified by Staff – after the permits for its construction were issued by the City.**

- (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;

**The approval of the Setback Variance will not confer any special privilege on the Applicant. No additional FAR or other benefits will be realized by reduced setback between the main home and the accessory building.**

- (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;

**The reduced setback condition was not intended. The measurements were originally made at the ground level to the wall of the main house, which is 13'-6" away from the storage closet. A denial of this request would require the Applicant to demolish this newly constructed Ipe wood paneled storage closet, which would result in unnecessary work and undue hardship on the Applicant. The Applicant appropriately included the storage closet in the approved permit plans for their home pursuant to Permit No. BR1700838/RV806132. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant negative impact to the design of the home.**

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

**This variance is being requested to address a condition that was permitted by the City. The Applicant is seeking to complete construction of the accessory building, as would be reasonably expected by any permittee for similar work.**

- (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

**The granting of the setback Variance will be in harmony with the general intent and purpose of the LDRs, which allows for accessory buildings on single-family lots. This variance will not be injurious to the area or otherwise detrimental to the public welfare. The storage closet will be completely screened from view of abutting parcels by lush landscaping and a perimeter masonry wall. Likewise, the condition resulting from the reduced setback between structures, which is located in the rear of the main home, will not be perceptible. Letters of support for the Variances from surrounding property owners are enclosed with this submittal.**

- (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.

**The Setback Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.**

- (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.

**The accessory building was situated in a manner to ensure that the items within it would be safely and securely stored. The storage closet was built at the same elevation as the main home (BFE +3') and removed as far as possible (39 feet) from the Biscayne Bay bulkhead in response to the threat of sea level rise on waterfront parcels. Short of elevating the storage closet to BFE + 5' or connecting the structure to the main home, this design is the most resilient and secure design possible for this waterfront lot.**

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the DRB's approval of this variance request.

2. The request for a variance of Section 142-106(a)(3) (formerly Section 142-106(3)) to permit the rear yard 70% open space requirement, where 66.7% is provided, satisfies the applicable review criteria and should be approved:

- (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 swimming pool deck was intended to be built at Adjusted Grade and the entire water portion was counted toward the rear yard open space. For homes in the single-family districts, the LDRs require:**

**At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space; when located at or below adjusted grade, the water**

portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50% of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

When the Property was designed and reviewed as part of the initial DRB approval, the City provided the Applicant with a determination that the NGVD for the Property was 5.26', based on a future crown of road of 3.7'. The estimated Adjusted Grade was then determined to be 6.62' (equal to a BFE of 8' per Code).

When the construction drawings for the home designed and permitted pursuant to Permit No. BR1700838, the Applicant made the decision to elevate the finished floor of the main home, accessory structures, and pool area to BFE + 3'. This elevation is well within the limits of the maximum allowed by LDRs for waterfront lots, which is up to BFE + 5'. It has always been the Applicant's intent to meet, and the Applicant believed that it did comply with, the LDRs applicable to the design of the rear yard. This scenario is rare and would not otherwise apply to other lands in the same zoning district.

After the permits were issued for construction on the Property, a permit modification was submitted for review. It was at this time, after construction had begun, that the City revised and lowered the NGVD for the Property. This resulted in the calculation for Adjusted Grade being reduced significantly from 6.62' to 6.12'. The new Adjusted Grade impacted the elevation calculations for the pool area and resulted in the area that may count toward rear yard open space being significantly reduced and the rear yard open space calculation falling below 70% even though the same amount of area is provided and the design of the rear yard did not change. Nonetheless, the Open Space Variance is now required.

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

The Applicant was initially provided an Adjusted Grade calculation at permit. However, as detailed above, the Adjusted Grade was subsequently revised by the City and the Open Space Variance was identified by Staff after the permits for the swimming pool were issued by the City and construction is substantially complete.

- (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;

The approval of this variance request will not confer any special privilege on the Applicant. Adjusted Grades are based on the elevation of the adjacent right-of-way and therefore vary throughout the City. New homes are being constructed at a range of grades that exceed the Applicant's. The Applicant's request is based on the



previously approved and permitted 6.62' NGVD. No additional FAR or other benefits will be realized by the reduced open space calculation. The amount of open space is actually the same amount as originally designed but for the change in the elevation calculation of the rear yard. The new Adjusted Grade impacted the elevation calculations for the pool area and resulted in the area that may count toward rear yard open space being significantly reduced. With this change, the rear yard open space calculation was reduced below 70% even though the same amount of area is provided. Despite this variance, it is important to highlight that the same amount of area open to the sky is still provided and the swimming pool has the same configuration as originally designed. Therefore, the Open Space Variance has no impact.

- (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;

The reduced open space condition was not intended. It is only because the City changed its calculation that this variance was triggered. The permitted design has not changed and the amount of actual open space provided remains the same. A denial of this request would require the Applicant to demolish this newly constructed pool deck, which would result in unnecessary work and undue hardship on the Applicant, as this area was originally determined to comply with the LDRs when the permit was issued. The Applicant appropriately included a resilient pool deck design for their home. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant negative impact to the design of the home.

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

The Open Space Variance is being requested to address a condition that was permitted by the City. The Applicant is seeking to complete construction on the pool deck in accordance with the permits and as would be reasonably expected by any permittee for similar work. This variance will not impact the stormwater retention capacity or actual open space provided for the home. The Applicant installed an injection well to capture all the stormwater drainage throughout the Property. In addition to the front, side and rear yards, all stormwater runoff from the roof of the main house will be collected, routed through the house, and then sent underground to tie into the injection well. Therefore, flooding or stormwater runoff is not a concern for this Property. Additionally, this variance request is the result of a mathematical fiction created by the LDRs. There is no reduction in the amount of actual open space provided and, when the Adjusted Grade was calculated at 6.62' NGVD, the Property met the LDR requirements. It is only because the City changed its calculation that the Open Space Variance was triggered. The permitted design has not changed.

- (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

**The rear yard design was originally determined to comply with the LDRs when the permit was issued. The granting of the variance will be in harmony with the general intent and purpose of the LDRs, which establishes open space calculations based on the average elevation of a parcel but do not account for the need to elevate impervious areas given the need to design new waterfront homes in a resilient manner. The variance will not be injurious to the area or otherwise detrimental to the public welfare. The rear yard will be completely screened from view of abutting parcels by lush landscaping and a perimeter masonry wall. Likewise, the condition resulting from the reduced open space, which is located in the rear of the main home, will not be perceptible to any passersby on the street, from the waterfront, or, for that matter, to anyone standing in the rear yard of this home. Letters of support for the Variances from surrounding property owners are enclosed with this submittal.**

**It is of critical importance to mention again that new homes are currently being built at varying Adjusted Grades across the City, including grades that exceed the Applicant's. In addition, all stormwater runoff will be retained onsite. Therefore, this variance has no impact.**

- (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.

**The Open Space Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service. The Applicant installed an injection well to capture all the stormwater drainage throughout the Property. In addition to the front, side and rear yards, all stormwater runoff from the roof of the main house will be collected, routed through the house, and then sent underground to tie into the injection well. Therefore, flooding or stormwater runoff is not a concern for this Property.**

- (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.

**The primary purpose of the LDRs is to implement the goals, objectives, and policies of the City's Comprehensive Plan to create a compatible, resilient, and sustainable community. The LDRs require homes and rear yards on the waterfront in the single-family districts to be built at base flood elevation (BFE) plus freeboard of up to 5 feet. The Property has been built at a design flood elevation of 11'-0" NGVD, which is equivalent to BFE + 3', which meets the stated resiliency criteria set forth in the Code.**

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the DRB's approval of this variance request.

3. The request for a variance Section 142-106(b)(1)c. (formerly Section 142-1132(a)(2)c.) for two-story accessory structure floor area, second story greater than 50%, satisfies the applicable review criteria and should be approved:

- (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 LDRs do not contemplate an open air structure of this height. The provisions in Sec. 142-1132 are intended to apply to enclosed air-conditioned structures, such as accessory offices, guest houses, and gyms, with the intent of limiting floor area that would otherwise allow for a second main home on a property. Regardless, the City has determined that the cabana should be considered a two-story accessory building based on its height. Therefore, the it has likewise been determined that this structure is subject to the 50% second floor to first floor area requirement set forth by 142-1132(a)(2)c. even though it does not include air-conditioned living space. It has always been the Applicant's intent to meet, and the Applicant believed that it did comply with, the LDRs applicable to this structure given that it is well within the allowable maximum 20 foot height for two-story accessory buildings.**

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

**The Building Variance for a two-story accessory structure floor area exceeding 50% of the first floor area is being requested based on the design of the open air shade structure. The subject accessory structure is open to the air and has no interior living space except for a water closet and crawl space. The LDRs do not contemplate an open air structure of this height. Therefore, the cabana has been determined to be a two-story accessory structure that is subject to the 50% second floor to first floor area requirement set forth by 142-1132(a)(2)c. even though it is not air-conditioned living space. This requirement, in turn, has triggered the determination by staff that the Building Variance is required.**

- (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;

**The approval of the Building Variance request will not confer any special privilege on the Applicant. The limitations on two-story accessory structures are intended to apply to enclosed air-conditioned living spaces, such as accessory offices and guest houses, and not to open air shade structures. But for the limitations on the construction of the floor area of stories in a two-story accessory building, the structure is well within the allowable height of a two-story accessory building.**



- (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;

**The additional second floor area was not intended, as this is not the type of accessory building contemplated by the LDRs. A denial of this request would require the Applicant to demolish this newly constructed cabana, which would result in unnecessary work and undue hardship on the Applicant. The Applicant appropriately included a shade structure as part of the pool deck design for their home. A denial would deprive the Applicant of their reasonable enjoyment of their Property with a significant negative impact to the design of the home.**

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

**The allowable height for accessory building is 20 feet. This structure has been designed with a height of 16 feet above adjusted grade, which is well within the maximum allowable height for a two-story accessory building. This open air shade structure has been designed in a wholly reasonable manner to maximize air flow, cross-breeze, and enjoyment for the Applicant, their family, friends, and invited guests.**

- (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

**The allowable height for a two-story accessory building is 20 feet. This structure has been designed with a height of 16 feet above adjusted grade, which is well within the allowable height for a two-story accessory building. A much larger accessory building is permitted under the LDRs. The request for the Building Variance is not unreasonable and does not result in any impacts to the surrounding property owners. Letters of support for the Variances from surrounding property owners are enclosed with this submittal.**

- (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.

**The Building Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.**

- (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.

**The primary purpose of the LDRs is to implement the goals, objectives, and policies of the City's Comprehensive Plan to create a compatible, resilient, and sustainable community. It has been recently noted by Staff in its analysis of its proposed amendments to the single-family district regulations that, "as a result of current limitations, it is difficult for accessory structures to be built with the same resilience of the primary structure, even if a three-foot height variance is granted." The determination made by Staff that the open air cabana shall be considered as a two-story structure is a result of this resiliency challenge and in recognition of the Applicant's desire to design a permanent home for the long-term enjoyment of his family. The LDRs require homes and rear yards on the waterfront in the single-family districts to be built at base flood elevation (BFE) plus freeboard of up to 5 feet. The subject property has been built at a design flood elevation of 11'-0" NGVD, which is equivalent to BFE + 3'. As established above, the proposed two-story accessory structure is in compliance with the elevation criteria in the LDRs created to accomplish the stated resiliency goals.**

Based on the foregoing, we urge the Staff to issue a favorable recommendation and for the DRB's approval of this variance request.

Development Regulations and Area Requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts – Section 142-105:

The Applicant acknowledges that the proposed architectural drawings are subject to the review criteria set forth under Section 142-105(a)(2) of the City's Code. These criteria were met by the Applicant's original DRB approval pursuant to file no. DRB16-0083. The Applicant maintains that it continues to satisfy this criteria with the present application, as applicable to these minor variances, in the following manner:

- a. The existing conditions of the lot, including, but not limited to, topography, vegetation, trees, drainage, and waterways shall be considered in evaluating the proposed site improvements.

**Satisfied. The Property is a waterfront lot which requires extra consideration in the design of a resilient home. In fact, a change in the determination of the topography elevation (NGVD) triggered the Open Space Variance.**

- b. The design and layout of the proposed site plan inclusive of the location of all existing and proposed buildings shall be reviewed with particular attention to the relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, and view corridors. In this regard, additional photographic, and contextual studies that delineate the location of adjacent buildings and structures shall be required in evaluating compliance with this criterion.

**Satisfied. The design and layout has essentially remained unchanged. As the enclosed drawings and photos demonstrate, the variances being requested will not**

**be perceptible to anyone on the Property or in the surrounding neighborhood. All conditions under consideration with this Application exist in the rear of the home and will be buffered from abutting neighbors by lush landscaping and a perimeter wall.**

- c. The selection of landscape materials, landscaping structures and paving materials shall be reviewed to ensure a compatible relationship with and enhancement of the overall site plan design and the surrounding neighborhood.

**Satisfied. Landscaping compliance has already been determined pursuant to file no. DRB16-0083. However, the Applicant has provided drawings to demonstrate how the landscape architecture will complement the design of the home and provided an enhanced buffer along the side property lines.**

- d. The dimensions of all buildings, structures, setbacks, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district.

**Satisfied. Please refer to the plans included with the Application for this information.**

- e. The design and construction of the proposed structure, and/or additions or modifications to an existing structure, indicates sensitivity to and compatibility with the environment and adjacent structures and enhances the appearance of the surrounding neighborhood.

**Satisfied. Please refer to the plans included with the Application and the narratives provided above for this information.**

- f. The proposed structure is located in a manner that is responsive to adjacent structures and the established pattern of volumetric massing along the street with regard to siting, setbacks and the placement of the upper floor and shall take into account the established single family home context within the neighborhood.

**Satisfied. Please refer to the plans included with the Application and the narratives provided above for this information. There is no impact to the volumetric massing along the street created by the requested variances given that all requests apply to conditions within the rear yard.**

- g. The construction of an addition to main existing structure shall be architecturally appropriate to the original design and scale of the main existing structure; the proposed addition may utilize a different architectural language or style than the main existing structure, but in a manner that is compatible with the scale and massing of the main existing structure.

**Not applicable. The Application does not propose any changes to the main existing structure.**

- h. The construction shall be in conformance with the requirements of article IV, division 7 of this chapter with respect to exterior facade paint and material colors.

**Satisfied. Please refer to the plans included with the Application and the narratives provided above for this information.**

Design Review Criteria - Section 118-251:

The enclosed plans detailing the variances requested by the Application meet the criteria set forth under Section 118-251 of the City's Code, as follows:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

**Satisfied. Please refer to the plans included with the Application for this information.**

- (2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

**Satisfied. Please refer to the plans included with the Application for this information.**

- (3) The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

**Satisfied. Please refer to the plans included with the Application for this information.**

- (4) The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in Section 118-252.

**Satisfied. Please refer to the plans included with the Application for this information.**

- (5) The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

**Satisfied. Please refer to the plans included with the Application for this information.**



(6) The proposed structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.

**Satisfied. Please refer to the plans included with the Application for this information.**

(7) The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Satisfied. Please refer to the plans included with the Application for this information.**

(8) Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

**Not applicable. Parking and access are not within the scope of the Application.**

(9) Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Not applicable. Lighting was approved as part of Permit No. BR1700838 and is not within the scope of the Application.**

(10) Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Satisfied. Landscape and paving is not changing. However, for details relating to the relationship of the Variances with surrounding landscaping, please refer to the plans included with the Application for this information.**

(11) Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied. Buffering is not changing. However, for details relating to the relationship of the three requests to the public view, adjacent properties, and pedestrian areas, please refer to the plans included with the Application for this information.**

(12) The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Satisfied. The orientation and massing of the structures is not changing. However, for details relating to the relationship of the three requests with surrounding building site and surrounding area, please refer to the plans included with the Application for this information.**

(13) The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Not applicable. Appearance of the home on the public street is not within the scope of the Application.**

(14) The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not applicable. The design of the main home is not within the scope of the Application.**

(15) An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Satisfied. No additions are being proposed. However, please refer to the plans included with the Application for information relating to the relationships between the Variances and the main home.**

(16) All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Not applicable. Appearance of the home on the public street is not within the scope of the Application.**

(17) The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Not applicable. The design of these items not within the scope of the Application.**

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(18) In addition to the foregoing criteria, subsection 118-104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

**Not applicable.**

The enclosed plans provide all applicable details relating to the Variances. Overall, the aesthetics, appearance, physical attributes, safety, and function of the Variances as they relate to the main residence are adequate in relation to the site, and compatible with adjacent structures and surrounding community.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to this request. If you should have any questions or require additional information, please feel free to call me directly at 305-789-7642.

Respectfully submitted,

HOLLAND & KNIGHT, LLP



Tracy R. Slavens, Esq.

Enclosures