

August 25, 2016

**VIA HAND DELIVERY**

**City of Miami Beach Design Review Board**

c/o Mr. Thomas Mooney  
City of Miami Beach  
Planning Department  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: Application for Design Review Board Approval and three (3) Non-Use  
Variances (the "Application")  
1435 Bay Road and 1340 Flamingo Way, Miami Beach, Florida 33139  
(collectively, the "Property"):**

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Dear Design Review Board Members:

Our Firm represents TBD BUTTONWOOD LLC, a Florida limited liability company, and TBD HARBOR 265, LLC, a Florida limited liability company (collectively, the "Applicant"), owners of the Property. Please accept this Application, on behalf of the Applicant, requesting design review and variance approval for a new multifamily project on the Property, known as the Bay House (the "Project").

**I. Property**

The Property is zoned RM-1 Residential Multifamily Low Intensity on the City of Miami Beach (the "City") Official Zoning Map and designated RM-1 Residential Multifamily Low Intensity on the City's Future Land Use Map. The Property is also located within the West Avenue Bay Front Overlay District. The RM-1 zoning district permits apartment uses. According to those certain Boundary Surveys prepared by John Ibarra & Associates, Inc., copies of which are enclosed, the Property contains 10,952 +/- square feet or 0.25 +/- acres and is legally described as Lots 1 and 2, Block 79B, a RESUBDIVISION OF BLOCKS 67 and 79 ALTON BEACH REALTY COMPANY'S BAY FRONT SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 16, Page 1, of the Public Records of Miami-Dade County, Florida.

The Property is located on the southeast corner of Bay Road and Flamingo Way and is generally surrounded by residential uses. Notably, immediately West of the Property is the Flamingo apartment complex. The Property currently contains two (2) separate tax identified parcels, but will be tied together for zoning purposes by a Covenant in Lieu of Unity of Title.

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## II. Design Review Approval

Applicant will construct a new five (5) story, eight (8) unit multi-family residential development on the Property. According to the City's Land Development Regulations ("LDR"), the Property may be developed "As of Right" with a maximum floor area of 13,690 square feet. As shown on the enclosed plans, the proposed Project complies with the maximum floor area requirement containing only 13,582 square feet. In addition, the Project complies with all setbacks, lot coverage, landscaping and parking requirements contained in the LDRs.

The Project's ground level includes a discrete lobby entrance on Flamingo Way, and an unassuming parking entrance on Bay Road. The parking spaces will be tucked in the rear of the Property on the ground floor, concealed from Flamingo Way by two (2) private garden terraces, summer kitchens and the building's lobby entrance. A small, passive rooftop will feature a subtle pool deck set on the western portion of the structure, closer to the street and away from neighboring residents to the East.

The Project's design focuses on a strong central core with sleek balcony extensions, shielded by decorative custom made aluminum panels. Moreover, the Project's architectural vocabulary is contemporary in nature, including different materials and shapes to create movement through the structure.

The Project's scale and massing complement the existing architecture of the district. Across Bay Road to the West is the Flamingo Resort Residence complex containing hundreds of residential units inside a thirty-two (32) story structure. Immediately North of the Project across Flamingo Way is a recently approved four (4) story multi-family development with a rooftop deck. On the East end of the block on the corner of West Avenue and Flamingo Way is the Alliage Lofts Condominium containing five (5) stories and a rooftop deck. South of the Project across 14<sup>th</sup> Terrace are multiple high rise developments (existing and under construction). These bookends frame the project context from a height, massing and architectural perspective.

## III. Request for Variances

The Applicant is requesting the following Variances:

1. A variance to waive 4' of the minimum required 22' interior drive aisle for 90° parking in order to provide an interior drive aisle of 18' in a very limited section of the parking area.
  - Variance requested from:

### Sec. 130-63 – Interior Aisles

Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking - 22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

The parking area is at the ground level and provides the maximum number of parking spaces given the minimum footprint of the Property. Note, there is a 22' drive aisle for almost all of the parking area. However, in the center of the garage there is a limited area approximately 5' wide where the driveway narrows to 18' instead of the 22' found throughout the rest of the driveway. This area contains one of the stairwell banks as well as the trash chute. The Applicant requests a minor reduction from 22' feet to 18' for this limited area.

2. A variance to permit landscaping along the ground level facade facing Bay Road where residential use is required.

- Variance requested from:

**Sec. 142-156(b)(1) – Setback Requirements**

In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following: Residential uses at the first level along every façade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.

The Property is located on a corner lot with ingress and egress limited to its North and West boundaries; the Property does not have access to an alley. Parking for the building is contained on the ground level. The North façade along Flamingo Way features residential uses including two (2) private garden terraces, summer kitchens and the lobby entrance. The West façade along Bay Road provides the necessary vehicular access to the parking area. Although there is not enough physical space along the west building façade to provide meaningful residential space, the Applicant has instead provided lush landscaping and a privacy wall to completely conceal the parking spaces from public view. The landscaping will therefore fulfill the intent of the Code by blocking the parking area and provide more green space for the community.

3. A variance to permit a driveway entrance width of 12 feet where 22 feet is required.

- Variance requested from:

**Sec. 130-64 - Drives**

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the curb-cut and driveway entrance shall have a minimum width of 12 feet.

The parking garage contains sixteen (16) parking spaces for residents. Given the parking area's small yet sufficient capacity, it does not require a wide access way for residents. At 12' wide, residents will be able to safely enter and exit the parking area. Further, reducing the driveway entrance allows for additional landscape on Bay Road and restricted views of the internal parking area.

Section 118-353(d) of the City's LDRs delineates the standards of review for a Variance application. Specifically, a Variance shall be approved upon demonstration of the following:

- (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.

*Satisfied; One of the individual parcels that comprise the Property is undersized and does not conform to the current LDRs minimum lot size requirements. By combining the Property into a single developable site for zoning purposes, the Applicant is legalizing the size of the Property; the Property will contain 10,952 square feet. Although the Applicant is bringing the Property into conformance, the Property does not have access to an alley. In order to minimize the effect of the driveway on the Public realm, the Applicant requests these variances.*

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

*Satisfied; Applicant did not create the size or shape of the existing lots. Rather, by combining the Property as a single developable site for zoning purposes, Applicant is legalizing the size of the Property in conformance with the LDRs. The location of the trash chute is centrally located to avoid any potential impact on neighboring properties. Relocating the trash chute to allow the 22' driveway aisle will inevitably locate the chute closer to the neighboring uses. Additionally, vehicular access must be located along one of the Property's street frontages as the Property does not abut a rear alley. As mentioned above, the driveway's location on Bay Road prevents residential uses on this side of the Property.*

- (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.

*Satisfied; The requested variances are common among small properties throughout the City. Specifically, the drive aisle variances are routinely granted for similar projects that do not have alley access.*

- (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.

*Satisfied; Failure to approve the requested variances will deprive the Applicant of not only rights commonly enjoyed by other property owners in this district, but would deprive the Applicant of reasonable use of the land and impose unnecessary and undue hardship. Widening the driveway will frustrate the aesthetics of the western elevation facing Bay Road contrary to the intent of the LDRs. In other words, without the requested variances the public experience on Bay Road will be negatively affected.*

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

*Satisfied; Applicant is requesting the minimum variance necessary to provide a functional parking area at the ground leveled concealed from the public realm. Similarly, the drive aisle variance is required to locate the trash chute in its current location, away from neighboring uses.*

- (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.

*Satisfied; Applicant designed the central core, including elevator bulkhead, stairwell and trash chute, to be centrally located and recessed from the public realm. The drive aisle/entrance variances will not have a negative effect on neighboring properties.*

- (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.

*Satisfied; The requested variances will allow redevelopment of the Property consistent with the comprehensive plan and will not reduce levels of service.*

#### **IV. Conclusion**

The Applicant is requesting Design Review Board approval to construct a new eight (8) unit multifamily development, with three (3) minor non-use variances. We respectfully request approval of the Application.

Sincerely,



Ethan Wasserman, Esq.