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VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

August 19, 2020

Deborah Tackett, Chief of Historic Preservation
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: HPB20-0422 – Revised Letter of Intent for Certificate of Appropriateness for 828 4th Street, Miami Beach, Florida

Dear Tom:

This law firm represents Christopher and Jacquelyn Sankowski (the "Applicant"), in connection with the property located at 828 4th Street (the "Property") within the City of Miami Beach ("City"). Please allow the following to serve as the required revised letter of intent for a Certificate of Appropriateness and related variances for the redevelopment of the Property, including the addition of a new garage and pool.

Description of the Property. The Property, which is identified by Miami-Dade County Property Appraiser Folio No. 02-4203-009-5290, is situated on the south side of 4th Street, located between Jefferson Avenue and Meridian Avenue. The Property is located within the RPS-2, Residential Performance Standard District - Medium Density and is also located within the Ocean Beach Historic District. It is important to note that the lot is 2,500 square feet, significantly below the RPS minimum lot standards of 5,750 square feet.

The Property is developed with a two-story contributing home designed and constructed by A.R. Ogle in 1922. The home is a wood structure, designed in the minimal traditional style featuring overhanging eaves. The original design has been moderately changed with the addition of perm stone in 1952 and enclosure of the front porch. Overall, the general form of the original structure is remains.

Description of the Development Program. The Applicant proposes minor demolition of the rear section of the existing building, from the roof ridge line back, restoring the Historic portion of the home to reintroduce the appropriate architectural details and finishes and adding a garage in the side that will stand in contrast to the existing historic building. The addition will respect, compliment, and celebrate the important architectural characteristics and scale of the home.

The existing lot is 50' x 50', which is significantly less than the minimum required lot size in the RPS-2 district. In order to fit the proposed additions, a variance is being requested to reduce the rear setback from 6' to 5' and to reduce the minimum open space requirement. This will allow the new garage and pool to align with the existing, and thus create a smooth transition between the new additions and the historic home.

Requests. To accomplish the Applicant's goals for the Property requires a Certificate of Appropriateness for partial demolition of the historic structure, and a Certificate of Appropriateness for design and addition of a garage with two (2) variances for setback from a right-of-way and open space.

Pursuant to Section 118-564(f)(4)(b) of the City Code, the Applicant is proposing definite plans for the recreation of the demolished area that is compatible with the historic home structure. The proposed design of the garage and pool area is both consistent and sensitive to the historic structure. The design of the garage purposefully addresses this dynamic while preserving the existing character of the property, which has been well maintained over time.

Design. The design concept for the Project pulls inspiration from the existing home. The Project satisfies many of the criteria of Section 118-564(a) of the City Code. Specifically, the Project directly enhances the appearance of the surrounding properties with a lushly landscaped yard that provides room for a new pool. The design of the new garage ensures that the orientation and massing is sensitive to and compatible with the neighborhood and the existing historic home.

Variance requests. The Project substantially complies with the City Code but given the substandard size of the lot, the requested Variances are necessary to preserve the existing historical character of the Property.

1) A variance of City Code Section 142-697, to permit a front setback of 2'8" where 5' required.
2) A variance of City Code Section 142-1131, to permit a 25% roof overhang in the front yard.

3) A variance of the City Code Section 142—697, to permit a zero setback for a pool.
4) A wavier of the City Code Section, to permit a reconstruction of the main house roof at a non-conforming setback.

Practical Difficulty. Pursuant to Article 1, Section 2 of the Related Special Acts, where there are practical difficulties, the HPB has the power to vary or modify regulations or provisions relating to the use so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Applicant adjusting to the regulations while when the lot area itself does not met the minimum requirements of the regulations represents a practical difficulty.

The Applicant requests a variance to match the existing front setback and provide a greater than 25% roof overhang in the RPS-2 district. A practical difficulty exists as it pertains to the Project and complying with the district regulations. The size of existing historic home and Property is not a result of the action of the Applicant, but rather something that the Applicant is seeking to preserve the existing home while incorporating the construction of the garage and pool. As part of that, the Applicant is seeking to maintain the historical character and similar architecture present throughout the site.

Preserving the characteristics of the existing home and Property is of great importance to the Applicant. The proposed addition is designed with the goal of preserving the existing historical characteristics of the site. The Project utilizes the same historical architecture and style in order to maintain the historical character as the existing home.

By focusing on maintaining the character of the existing structures throughout the Property and minimizing the scope of the new construction, the Applicant faces practical difficulties in trying to meet the overhang and setback requirements of the code. The current lot size is substandard as it is significantly less than the minimum lot size in the district and the proposed additions would be maintained within the lot area. Modifying the home to fit in the developable space without a relaxation of the code requirements creates a great burden on the Applicant. The existing conditions of the site are not designed to accommodate changes. As such, the Applicant requests the three variances.

Satisfaction of Hardship Criteria. Section 118-353(d) of the City's Code 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;

The variances for the garage and roof structure within the setbacks is requested due to the historic size of the Property, which is substandard to the RPS-2 regulations. Due to the Property's historic nature, the requested variance is necessary in order for the Applicant to restore the historic characteristics of the Property while allowing for the development the new garage and pool in a manner that does not interrupt the existing home.

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

The historic nature and size of the Property are not special conditions which result from any action taken by the Applicant. Rather, the conditions on the Property are existing and the Applicant is making every effort to preserve the historic nature of the structure and improve the site with minimum impact to 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;

The Code allows other similarly situated property owners to seek similar variances to accommodate forward-thinking and sensitive development. The Code allows other similarly situated property owners to seek similar variances to accommodate the preservation of historic structures and updating of their facilities. Therefore, granting the variance will 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 result in an unnecessary and undue hardship on the Applicant. The variance is being requested in order to maintain and preserve the historic structure and effectuate the restoration of the Property in a way that maintains the historic character of the Property. The variances enable the Applicant to accommodate and improve the site while not impacting the historical structure. The Applicant seeks to update the Property while not disrupting the historic fabric of the home in any significant way. Without the variance, updating the Property would be impossible as the regulations do not take into account a property half the size of the minimum requirement and present an unnecessary and undue hardship on the Applicant.

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

The various yard setback and overhang projections are the minimum amount that will make use of the new pool area and a small garage while maintaining the historic structure.

(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

These variances will not be injurious to the area or otherwise detrimental to the public welfare. In fact, these variances will facilitate preservation and utilization of a historic structure and the historic character of the Property while responsibly updating the Property.

(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 anytime prior to the board of adjustment voting on the applicant's request.

These variances requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

<u>Sea Level Rise and Resiliency Criteria.</u> The Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code as follows:

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

A recycling and salvage plan for the partial demolition of the home will be provided at permitting.

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

Hurricane proof impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

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.

Yes.

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

Not applicable as the Applicant is not moving the existing historic home.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

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

The Applicant is preserving the historic windows on building.

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

Proper precautions will be taken to protect the Property from potential floods.

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

Not Applicable.

11. Cool pavement materials or porous pavement materials shall be utilized.

Yes.

12. The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes rainwater retention on site, and specific materials and landscaping to minimize any potential for heat island effects on-site.

Conclusion. The Applicant seeks to preserve a prime example of minimal traditional architecture in Miami Beach and tastefully rehabilitate the Property by constructing a garage structure and pool. The proposed development will not have any adverse impact on the surrounding area. 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) 377-6238.

Sincerely,

Michael J. Marrero

cc: Robert Behar