

DOMO ARCHITECTURE + DESIGN

October 14, 2016

City of Miami Beach
Planning Department, Second Floor
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Design Review Board approval for a new cabana in rear yard and stair within the north side yard setback to be located at 503 E Di Lido Drive, Miami Beach, Florida.

Dear Members of the City of Miami Beach Design Review Board (DRB),

I am submitting this proposed accessory cabana structure and two exterior staircases on behalf of the owner, to be located at 503 E Di Lido Drive, Miami Beach, for approval from the DRB. There is an existing pre-1942 structure on the site which is currently encroaching on the north side yard setback as set forth by the City of Miami Beach. The existing structure is also currently below the minimum flood heights set forth by FEMA. In addition, there have been additions & modifications made to the existing pre-1942 structure. The owner has proposed a new residence which has been approved by the design Design Review Board on October 10th, 2016, DRB#16-0050.

Please consider this a letter of intent to to construct a new cabana in the rear yard and two exterior stairs within the north side yard. The new open-air cabana shall be approximately 204 sf of covered area, including 42 sf of enclosed, non-air conditioned area. The two new exterior stairs shall be used to access an outdoor bathroom and guest room from the side yard.

We respectfully request that the DRB consider the following three (3) variances for approval.

VARIANCE REQUEST ONE

1- Construction of a two story accessory structure that does not conform to the 50% first floor to second floor area ratio.

Section 142-1132(a)(2)(c). Allowable encroachments within required yards

(a) Accessory Structures

(2) in single-family districts the following regulations shall apply to accessory buildings within a required rear yard.

(c) Two-story structures. the second floor of an accessory building shall not exceed 50% of the first floor area.

Satisfaction of Hardship Criteria. 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 primary structure has been placed at the maximum allowable freeboard height for this lot at 14' NGVD. As a result the usable area within the cabana is primarily within the second story of the cabana structure.

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

The applicant has not control The required elevation of the building and its relation to

adjusted grade.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development regulations to other lands, buildings, or structures the same zoning district.**

The variance is not excessive in scope in that it is limited only to the construction of an open air cabana, which is permissible to all residents. The proposal minimizes adverse impacts because it only allows the applicant to construct a cabana that is at a similar elevation to his home and pool deck.

- (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 and of these land development regulations and work work necessary and undue hardship to the applicant.**

The land development regulations allow all property owners to construct covered cabanas at the level of their pool decks. These cabanas are required to be built at or above base flood elevation plus 1'-0" and aligned with the main living space of the ground floor. In response the the elevated ground floor due to freeboard, the cabana must be raised to the elevation of the primary living space in order for the applicant to enjoy a similar outdoor experience and as other property owners in the same zoning district. A ground floor area would become unusable for the applicant, hence the design of the cabana has maximized the the second floor area to allow for the us area at the pool deck level.

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

From conception, it was the intention of the Applicant to a light unobtrusive useable covered open-air cabana. The Applicant respects the principle of a generous rear setback and adheres to the side setback requirements for a two story cabana while building what will appear to be a one-story cabana. In recognition of the peculiarities of the elevation of the home, the Applicant has created a with minimal massing.

- (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.**

The cabana will in in no way be injurious to the area involved as it will b e within the pool deck and comfort to all area and setback requirements.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set fourth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

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

VARIANCE REQUEST TWO

2- Construction of exterior stairs within the north setback.

Section 142-106 Setback requirements for a single-family detached dwelling.

The setback requirements for a single family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single family residential districts are as follows:

(2) Side Yards:

Interior sides. For lots 60 feet in width or less, any one interior side shall have a minimum of seven and one half feet.

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria as follows:

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- (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 primary structure has been placed at the maximum allowable freeboard height for this lot at 14' NGVD. As a result any access from the side yard of the property, with an elevation of 6.56' NGVD, to the residence at 14'-0" NGVD, will required stairs.

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

The applicant has not control the required elevation of the building and its side yard elevation.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development regulations to other lands, buildings, or structures the same zoning district.**

The variance is not excessive in scope in that it is limited only to the construction of of two stairs to access the property from the side yard. Access to the residence from the side yard is allowable to all residents. The proposal minimizes adverse impacts because it only allows the applicant to construct the two stairs at the minimum dimensions required by code for an exterior stair.

- (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 and of these land development regulations and work work necessary and undue hardship to the applicant.**

The land development regulations allow all property owners to access the ground floor of their residence from the side yard. Due to the elevation of the of the home versus the elevation of the side yard, the stair would be required to grant to the applicant access to the property.

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

From conception, the Applicant respects the principle of a generous side setback and adheres to the side setback requirements primary structure of the home. In recognition of the peculiarities of the elevation of the home, the Applicant has requested to created exterior access stairs that are minimal and unobtrusive in scale.

- (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.**

The stairs will in no way be injurious to the area involved as close to the house and provide enough area for landscape buffering along the property line.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set fourth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

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

VARIANCE REQUEST THREE

3- Construction of exterior stairs within the north setback.

Section 142-106 Setback requirements for a single-family detached dwelling.

The setback requirements for a single family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single family residential districts are as follows:

(2) Side Yards:

The sum of the side yards shall be at least 25 percent of the lot width.

Satisfaction of Hardship Criteria. 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 primary structure has been placed at the maximum allowable freeboard height for this lot at 14' NGVD. As a result any access from the side yard of the property, with an elevation of 6.56' NGVD, to the residence at 14'-0" NGVD, will require stairs.

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

The applicant has not controlled the required elevation of the building and its side yard elevation.

(3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development regulations to other lands, buildings, or structures in the same zoning district.**

The variance is not excessive in scope in that it is limited only to the construction of two stairs to access the property from the side yard. Access to the residence from the side yard is allowable to all residents. The proposal minimizes adverse impacts because it only allows the applicant to construct the two stairs at the minimum dimensions required by code for an exterior stair.

(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 and of these land development regulations and work necessary and undue hardship to the applicant.**

The land development regulations allow all property owners to access the ground floor of their residence from the side yard. Due to the elevation of the home versus the elevation of the side yard, the stair would be required to grant the applicant access to the property.

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

From conception, the Applicant respects the principle of a generous side setback and adheres to the side setback requirements of the primary structure of the home. In recognition of the peculiarities of the elevation of the home, the Applicant has requested to create exterior access stairs that are minimal and unobtrusive in scale.

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- (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.**

The stairs will in no way be injurious to the area involved as close to the house and provide enough area for landscape buffering along the property line.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set fourth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

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

We are not requesting any additional variances as the proposed new residence's lot coverage and unit size are all within the allowed parameters set forth by the city.

We truly hope that you all like the design.

Sincerely,


Robert Moehring
RA, RLA, LEED AP