

VILLAGE ARCHITECTS

OF KEY BISCAYNE, INC

ARCHITECTS, PLANNERS, INTERIOR DESIGN & PURCHASING

7 March 2022

City of Miami Beach Planning Director
Preservation Officer and Staff
1700 Convention Center Drive
Miami Beach, FL 33139

Re: 239 1st Street
Two Story Apartment / Commercial at Grade Building

This 8,579 sqft two story concrete and stucco art deco- Stream lined and stylized building was built in 1936 and it sits on a 5,000 sqft lot at the corner of Washington Avenue and 1st Street in the C-PS1 Zoning District. Pursuant to Section 142-108, this is not a single family home and not applicable.

This building features a Corner entry at grade level. The storefront configuration will remain at 1st Street and Washington Avenue. Existing Grade level restaurant space not part of this permit. No changes are proposed for the existing fluted column details or horizontal bands and eyebrows. Washington Avenue modification includes relocating Lobby Entry door to side of recess nook for new accessible lobby. All apartment units to be renovated with new bathroom fixtures and finishes and kitchen millwork and appliances and to include air conditioning.

Compliance with the Zoning Code:

The City of Miami Beach Sec 142-699 provides for building setbacks in the -PS1,2,3,4 districts

Side Setback abutting CPS-1 – Zero
Residential Use Required for 50'-0" wide lots- 5'-0"

Projection of Approximately 32 sqft stair landing 3'-8" into 5'-0" north interior side setback requires Variance.

Consistency with 2040 Comprehensive Plan:

The Existing Residential/ Commercial Use is consistent with the Future Land Use Map of the Comprehensive plan.

Guidelines in the Code: (Not Applicable)

Section 118-192(a)(1)-(7)	Conditional Use
Section 142-1362(a)(1)-(9)	Outdoor Entertainment Est.
Section 130-38(3)(c)(i)(1)-(2) & (4)(a)(1)-(9)	Mechanical Parking
Section 118-192 (b)(1)-(11)	Structures over 50,000 sqft
Section 118-192 (c)(1)-(11)	Religious Institution
Section 118-321(B)(1)-(16)	Lot Splits

Practical Difficulty and Hardship Criteria:

AA2600208

104 CRANDON BLVD. SUITE 424 KEY BISCAYNE, FLORIDA 33149

PHONE: 305-361-5335 • FAX: 305-361-5329

Article 1 Section 2 of Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to Implementing the proposed project at the subject property. Work performed in this section is located on the North Interior Side. To retain continuity with existing conditions, our upgrading of the stair to meet minimum width and landing projection requires expanding the staircase enclosure. If we are required to provide a 5'-0" setback, the stair would prohibit access to the Northwest corner Apartment units on the first and second floors. Reconfiguration would be required for Northeast Apartment units. These units would need closet relocation to allow relocated entry door vestibule. Our proposal is to allow a cantilevered encroachment that would be similar to the existing fake balcony projection that exists over the grade level landing opening. The Proposed cantilevered 3'-8" landing approximately 32 sqft would have a metal railing and concrete finish and the staircase would have a new opening in the wall for the landing to project from. This will allow the stairs to be in compliance with the current stair standards. Our intent is to improve the building as much as possible, while maintaining the existing units as much as possible. This variance does not allow the residential use any closer to the property line. No new living space will encroach into the side setback.

Per Section 118-353(d) Miami Beach Code

In order to Authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

- (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

This building was built in 1936 and the upper floor appears very similar to any original configuration that would have been built. We are trying to maintain this character of the building of small studio apartments which the tax role lists as 17 living units and only 13 are proposed. The existing restaurant at grade level will remain- no work in this permit/ variance.

This building due to its age is unique and by allowing us to encroach with the stair landing, our plans will allow the entrance into the corner units following the original configuration.

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

This building has existed since 1936 and the staircase does not meet the current code with stair width, tread depth and rise and landing areas. Our intent is to improve the stair with safer conditions meeting today's code.

- (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

Commercial Use may provide a 0'-0" setback and the granting of the encroachment would not confer and special privilege. The residential use will not encroach into this setback.

- (4) Literal Interpretation of the provisions of these land development regulations would deprive the applicant 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.

This is an adaptation to upgrade the exit stairs. We are bound by certain obstacles and are doing the best to fit within the setbacks. It is similar to a balcony encroachment which are common throughout the district and one exists in the same general location. We are updating this cantilever feature with the stair configuration for a safer exit stair condition meeting today's code.

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

The minimum modification to the façade of a historic building is preferred. We are modifying the window and stair opening on the North interior side elevation. We minimally affect the street elevations and are keeping within the character of the original design and are updating for safety reasons.

- (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 Existing Residential/ Commercial Use is consistent with the Future Land Use Map of the Comprehensive plan.

The granting of this variance will be in harmony with the general intent. The variance is not use related, but rather egress / fire safety related and will allow this building to better serve the public welfare. No Residential use will be closer to the neighboring property if this variance is granted.

- (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 Existing Residential/ Commercial Use is consistent with the Future Land Use Map of the Comprehensive plan.

- (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

Compliance with Sea Level Rise and Resiliency Review Criteria:

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these Criteria:

- (1) A recycling or salvage plan for partial demolition shall be provided.

All existing interior finishes and fixtures to be removed in bathrooms and kitchens. Appliances and plumbing fixtures shall be salvaged where possible.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows

All windows to be replaced will be impact resistant type of windows.

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

Operable windows will be provided similar to the original configurations.

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the city code.

This is an existing building and footprint. There are no green areas on the site, the interior side yards are paved. Street trees will remain.

- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Climate Action Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of the surrounding properties.

The lobby for the Living Units is being lowered to make it accessible from the city sidewalk and an elevator will be added for first and second floor access. All Living units are elevated 5'-0" above grade. Floor plan modification will also be made for trash room at grade level.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adoptable to the raising of public right of way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

Not Applicable

- (7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practical and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Electrical Equipment mounted above base flood elevation. Mechanical equipment shall be mounted on the roof.

- (8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

We are lowering the lobby for access from sidewalk and are providing elevator to elevated first and second floors to living units. Existing service area below to remain. Trash room at grade level will be provided.

- (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 54 of the city code.

No habitable living space shall be below flood plain. Utility spaces only.

- (10) As applicable to all new construction, stormwater retention systems shall be provided.

Not applicable

- (11) Cool pavement materials or porous pavement materials shall be utilized

Not applicable

- (12) The design of each project shall minimize the potential for head island effects on-site

New roof shall be installed.

Variance Analysis:

This application is requesting the following variance:

- 1. To allow a 3'-8" encroachment to the North interior side setback to allow for a cantilevered stair landing at the new side stair stairwell.

Variance Requested from:

Sec 142-699 - setbacks in the C-PS1,2,3,4 districts

7.5 feet when abutting a residential district, otherwise none. Residential uses shall follow the R-PS1, 2, 3, 4 setbacks (See section 142-697)

Sec 142-697- setbacks in the R-PS1, 2,3,4

7.5 feet, except when section (e) below applies.
Lots 50 feet wide or less—5 feet,

This variance request is to allow a 3'-8" encroachment for an egress stair landing of the two floors of apartment living units. No residential use will be in this encroachment. This is only for egress stairs. The landing will be cantilevered above the ground, and it will not interfere with any grade access. The landing will allow for a larger staircase, meeting today's standards yet keeping the interior location of the stair well and doors to the corner apartments. The building is being upgraded and will be provided with an accessible lobby and elevator to the residential floors. These modifications will have minimal impact on street facades. The new accessible lobby will require changes to walls inside an existing nook facing Washington Avenue. The stair encroachment is on the interior north side.

We have met the Secretary of the Interior standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City of Miami Beach Design Guidelines and request approval of our Variance. The property is continued to be used for its historic purpose of Residential units of Commercial space. The new work will be a product of its time and shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity.

Sincerely,

Robert John Graboski