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December 17, 2022

VIA ELECTRONIC SUBMITTAL

Deborah Tackett, Chief of Historic Preservation
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33131

Re: **HPB22-0533** – Variance for the Property Located at
1620 Pennsylvania Avenue

Dear Ms. Tackett:

This law firm represents Les Jardins of South Beach Condominium Association, Inc. (the "Applicant"), owner of the property located at 1620 Pennsylvania Avenue (the "Property"). Please allow this letter to serve as the letter of intent in connection with a request for a non-use variance from Section 142-156(a) of the City of Miami Beach Code of Ordinances (the "Code") to allow an interior side setback of 3.8', where 10' is required, in order to allow the existing A/C units to remain in their current location and preserve the historical integrity of the Property's contributing structure.

Description of Property. The Property is located at the on the western side of Pennsylvania Avenue, on the southwest corner of the intersection of Pennsylvania Avenue and South Lincoln Lane. The Miami-Dade County Property Appraiser's Office identifies the Property with reference Folio No. 02-3234-176-0001. See Exhibit A, Property Appraiser Summary Report. The Property is within the RM-1, Residential multifamily Low Intensity Zoning District.

According to the Miami Beach Historic Properties Database, the Property is classified as contributing within the Flamingo Park Local Historic District. See Figure 1 below, Historic Properties Database Excerpt. The immediate surrounding area consists of mixed-use commercial and retail uses on Lincoln Road to the north, and multifamily residential uses to the south, east, and west.

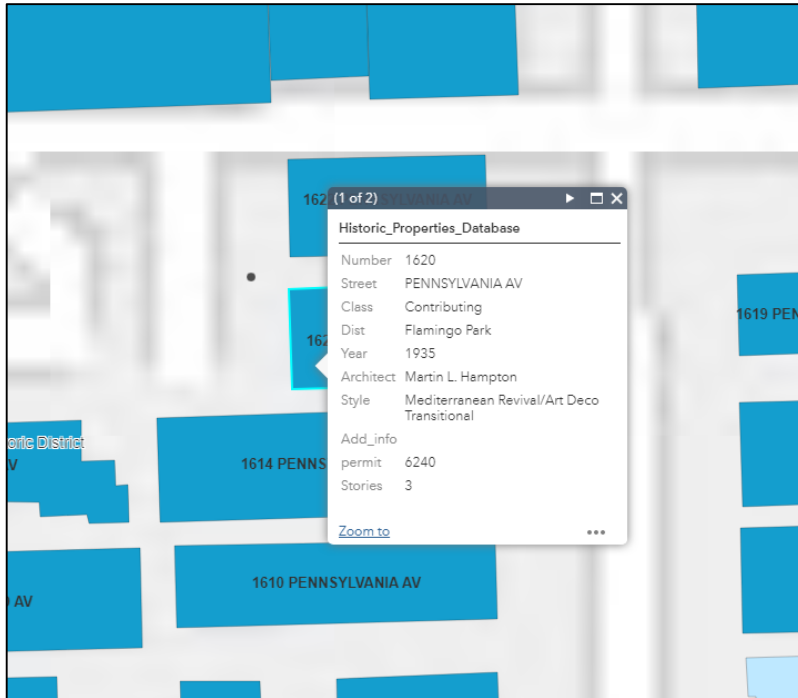


Figure 1, Historic Properties Database Excerpt

Existing Structures. The Property consists of a 3-story condominium building known as "Les Jardins of South Beach." The Property was built in 1935, and designed in the Mediterranean Revival/Art Deco Transitional style by architect Marin L. Hampton. The south side of the Property contains five (5) existing A/C units located within the required 10-foot interior side setback. According to the attached drawings, the five (5) A/C units range between 3.84' to 5.09' in distance to the southern property line. The Property has an existing nonconforming building wall located 6.9' feet to the southern Property line.

Variance Requests. The Property substantially complies with the RM-1 regulations of the Code. The requested variance is necessary to preserve the historic integrity of the contributing structure. Relocating the A/C units internally would threaten the preservation of the historic building and potentially destroy its integrity. In order to fully preserve the Property's historic integrity and Mediterranean Revival/Art Deco Transitional characteristics, the Applicant requests the following variances in order to allow the existing A/C units to remain where they are currently located:

1. A non-use variance from Section 142-156(a) of the Code to reduce the interior side setback by 1.16' to allow an interior side setback of 3.84', where 5' is required, in order to allow the existing A/C units to remain in their current location and preserve the historical integrity of the Property's contributing structure.

Satisfaction of Hardship Criteria. The variance requested satisfies the hardship criteria pursuant to Section 118-353(d) of the City Code, 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;**

There are special conditions and circumstances that exist which are peculiar to the land and uses, such as the historic preservation of the existing contribution structure along the southern property line. The existing A/C units are located along the southern side of the building, which is already located within 6.9' of the southern Property line. The variance requested is due to the existing conditions and location of the A/C units on Property. The layout and frontages are not applicable to other lands and peculiar to these historic buildings.

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

The special circumstances, in this case, do not result from the actions of the Applicant. The existing building is a contributing structure, in a local historic district, with minimal existing setbacks. The Applicant is proposing to keep the historic integrity of the contributing structure intact and allow the A/C units to remain where they are, so as not to threaten the contributing structure by relocating them.

- 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 property owners, renovating historic properties, to seek similar variances to accommodate sensitive development. The variance ensures that the Property can retain and preserve the integrity of the existing structure and courtyard. The variance is necessary for the preservation, functionality of the site, and continued operation of the building's utilities. The encroachment is minimal compared to the already existing nonconforming setback of the building itself and not a special privilege in this

narrow site. These are not special privileges conferred to the Applicant, but rather necessary for the preservation of the Property and resident experiences. Therefore, granting of the variance in this case 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 the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The variance is necessary to preserve the contributing structure and comply with accessibility and life safety requirements. Strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant because the building has an existing 6.9' distance to the southern property line, and moving the A/C units internally would completely threaten the historical structure, which is being preserved.

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

The variances to reduce the minimum required setback relates to the same special conditions that prevents strict compliance with the Code and is the minimum variations of the Code that will make possible the reasonable use of the Property and preservation of the contributing structure. The Applicant is only requesting enough of a reduction in the interior setback as to allow the existing A/C units to remain where they are currently situated, and is not requesting any more space than necessary.

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

Granting of the variance will be in harmony with the general intent and purpose of these land development regulations, and preservation of structures with historical significance in local historic districts. The Property will remain unaltered and preserved within the historic neighborhood, and therefore, benefits the public welfare and historic district.

- 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 of adjustment voting on the applicant's request.**

The variance requested is consistent with the comprehensive plan and will have no impact on the levels of service for the Property. The variance requested does not increase the unit count in the structure, but simply is intended to legalize the existing A/C units in order to preserve the integrity of the contributing structure.

Sea Level Rise and Resiliency Criteria. 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.**

Not applicable. The Applicant is not proposing to demolish the contributing structure.

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

Not applicable. The Applicant is not replacing windows on the Property.

- 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.**

Not applicable. The Applicant is not providing new landscaping.

- 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.**

Not applicable. The Applicant is not proposing to develop the Property.

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. The Applicant is not proposing to develop the Property.

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, where feasible and appropriate.

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

Not applicable. The Applicant is not proposing to develop the Property.

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.

Not applicable. The Applicant is not proposing to develop the Property.

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

Not applicable. The Applicant is not proposing to develop the Property.

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

Not applicable. The Applicant is not proposing to develop the Property.

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

Not applicable. The Applicant is not proposing to develop the Property.

Conclusion. The Applicant respectfully requests the variance granting a reduction in the side setback in order to allow the existing A/C units to remain where they are

currently located. Granting of this variance is in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations and will preserve the Property within the local historic district.

Based on these reasons, the Applicant respectfully request your favorable review and recommendation of this application. If you have any questions or comments with regard to the application, please contact me at (305) 377-6238.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MJM', is centered below the word 'Sincerely,'.

Michael J. Marrero