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VIA ELECTRONIC SUBMITTAL

January 10, 2023

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

Re: **HPB22-0557** - Application for the Property
located at 251 Washington Avenue, Miami Beach

Dear Ms. Tackett:

This firm represents 251 Washington, LLC (the "Applicant"), the owner of the property located at 251 Washington Avenue (the "Property") in the City of Miami Beach ("City"). Please allow this letter to serve as the Letter of Intent supporting a request to the Historic Preservation Board ("HPB") for six (6) variances relating to a new private school at the Property, previously approved by application HPB22-0513. The requested variances would allow necessary life safety equipment and an FPL transformer to be efficiently located within certain setbacks on the Property, without compromising necessary parking spaces or necessary school features. The requested variances would further allow a Monument Sign and American flagpole to be located in the front of the Property, as is customary for schools in other zoning districts with larger front yards.

Property Description. The Property is currently an undeveloped, vacant lot located on the east side of the Washington Avenue, and south of 3rd Street. The Miami-Dade County Property Appraiser identifies the Property with two Folio Nos. 02-4203-003-1090 and 02-4203-003-1080. See Exhibit A, Property Appraiser Summary

Reports. The total lot area is approximately 13,000 square feet (0.29 acres) in size, and surrounded by a variety of uses. The Property is zoned "Medium-High Density Residential Performance Standard" District ("R-PS3"), and is also located within the Ocean Beach Local Historic District.

Prior Approvals. In 2019, the HPB approved an after the fact Certificate of Appropriateness for demolition of the structures previously located on the Property. See Exhibit B, Final Order Final No. HPB19-0336. The same day, the HPB approved a Certificate of Appropriates for the construction of a temporary structure to be used as a private school and variances to reduce the required school setbacks. See Exhibit C, Final Order Final No. HPB19-0316. On July 12, 2022, the HPB approved a Certificate of Appropriateness for the construction of a new educational facility on the Property, along with variances from the minimum required interior side yard setbacks for a school. See Exhibit D, Final Order File No. HPB22-0513.

Applicant Proposal. It was always the Applicant's intent to develop the Property with a beautiful, state-of-the-art private school south of Fifth Street to complement the school for lower grades at 224 2nd Street. As such, the Applicant is proposing to develop the idle land with a four-story permanent structure to house elementary and middle school grades (the "Project"). The Applicant has secured a Conditional Use Permit from the Planning Board, and a Certificate of Appropriateness for the design of the new building from the Historic Preservation Board. The Applicant now seeks the following variances in order to ensure that the Project can provide necessary life safety equipment, access to an FPL transformer, a Monument sign to establish school pride, and an American flag, without compromising the need for sufficient parking on the site and other important school features.

Variance Requests. The Applicant's proposal substantially complies with the R-PS3 land development regulations. The variances requested are necessary for the use of the Property as a private school to provide necessary parking, open space, and security.

1. A Variance of Code Section 142-697(a), to permit a rear pedestal setback of 2' when 13' is required, in order to allow for life safety equipment and a generator to be located on the first floor within the rear setback; and a rear at-grade parking lot setback at 0', when 5' is required in order to allow an FPL transformer to be located at the southeast corner of the lower-parking level of the Property,
2. A variance of Code Section 142-697(a), to permit an interior side at-grade parking lot setback to at 0', when 5' is required, in order to allow an FPL

transformer to be located at the southeast corner of the lower-parking level of the Property.

3. A Variance of Code Section 138-60, to permit a detached flagpole to be located within 1' of the property line in the front yard, when a setback of 10' is required.
4. A Variance of Code Section 138-19 to permit a Detached Sign ("Monument Sign") to be located within 1' of the property line in the front yard, when a setback of 5' is required.
5. A Variance of Code Section 138-19 to permit a Monument Sign to be 90 square feet in area, where 15 square feet of area is the maximum permitted.
6. A Variance of Code Section 138-19 to permit a Monument Sign to be 16' in height, where 5' in height is the maximum permitted.

Satisfaction of Hardship Criteria. The Applicant's variance request 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 use, and application of land development regulations. The Property is comprised of two (2) separately platted lots, each fifty (50) feet in width. Strict compliance with the Code would make it extremely difficult to locate necessary life safety equipment and the FPL transformer on the Property, while preserving the amount of required parking spaces and important school features necessary for the Project. Additionally, the limited space left in the front yard requires variances in order to place a Monument Sign and flagpole, where other schools typically would have ample opportunity to do so and comply with setbacks in other zoning districts. Additionally, the variance related to the Monument Size height is calculated based on the area of a triangle surrounding the proposed sign, however the sign will be open in much of the space within such a triangle, and therefore will take up much less space than the 90 square feet requested.

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 Applicant chose to invest and use this property as a location for a private school because of its location south of Fifth Street in close proximity to residences, businesses, and City-owned parks. The special conditions and circumstances which are peculiar to the land in this instance stem from the Property's plat, which was recorded in 1912. The Applicant had no control over or input in a process that occurred over a century ago. See Exhibit E, 1912 Property Plat. The plat controls the use and development of the lots within it. A school, while a necessary and integral part of a neighborhood, unfortunately, often cannot fit within its lot and plat design. The Applicant does not have the ability to develop a school and fit perfectly within the shape of the Property's lots. Nevertheless, the Applicant has designed a school that complies with the Code, to the extent that it can, and seeks the minimal number of variances to develop that school.

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;

Schools are a necessary public service that are conditionally permitted in the R-PS3 District. The Code allows other similarly situated property owners to seek similar variances to accommodate development. The requested variances will not confer any special privilege because the Code allows certain encroachments that do not add massing to the buildings and are needed for function and safety purposes. Granting the variances for the encroachment for the life safety equipment and the FPL transformer satisfy the same Code intent and would not confer a special privilege. Similarly, the variances relating to the Monument Sign and flag in the front yard would not confer a special privilege, as these are both permitted for Properties in the area, but the Project's unique composition requires variances in order to place these in the front yard, as is customary for Monument Signs and flags.

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 this particular Applicant rights enjoyed by other properties in the same zoning

district to develop private schools, and would result in an unnecessary and undue hardship. Specifically, strict application of the required setbacks would make it extremely difficult to fit the required life safety equipment and FPL transformer on the Property safely, without compromising the necessary parking spaces or school features. A literal interpretation of the Code would deprive the Applicant of certain safety necessities and encroachments enjoyed by other properties. Similarly, a literal interpretation of the Code would make it difficult to place a Monument Sign and flagpole in the front of the school, as is customary with other schools in other zoning districts.

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

The proposed side setbacks are the minimum necessary to accommodate the necessary life safety equipment, FPL transformer, Monument sign, and flagpole on the Property. Due to the size requirements of the life safety equipment and the FPL transformer, the requested variances will allow strategic placement of each in areas that areas that would not harm the surrounding neighborhood, students, requirements for the Project. The variance related to the Monument Size height is calculated based on the area of a triangle surrounding the proposed sign, however the sign will be open in much of the space within such a triangle, and thus will take up much less space than the 90 square feet requested.

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 Variances will be in harmony with the general intent and purpose of these land development regulations. The encroachments requested are needed for life safety and purposes and FPL service to the Property. The requested variances will not be injurious to the area involved or detrimental to the public welfare, but rather will serve a need in this community for families with young children.

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 requested variances are consistent with the City's Comprehensive Plan, which permits the conditional uses specifically authorized in the land use category R-PS3, such as schools. In fact, strict application of Code would be inconsistent with the Comprehensive Plan because it would make it very difficult to construct a school at this particular Property without compromising on required parking spaces or safe access to life safety and FPL equipment. Additionally, the Project will not reduce the levels of service as set forth in the plan.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

A recycling or salvage plan for demolition, if any, will be provided at permit.

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

All new windows will be hurricane proof impact windows.

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

Where feasible, passive cooling systems will be provided.

(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.

Resilient, Florida-friendly landscaping will be provided.

(5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and surrounding properties.

(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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

The proposed design, including ground floor, driveways, and garage ramping will be adaptable to the raising of public rights-of-ways and adjacent land, and will provide sufficient height and space to ensure that entry ways and exits can be modified.

(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 practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Critical mechanical and electrical systems are located above base flood elevation.

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

Where feasible, new construction will be elevated up to base floor elevation, plus Freeboard. The Applicant is proposing the finish floor at thirteen (13) feet NGVD with the full five (5) feet of freeboard.

(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.

Habitable space will be located above base flood elevation plus Freeboard.

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

Stormwater retention systems will be provided where feasible.

(11) Cool pavement material or porous pavement materials shall be utilized.

Cool pavement material and porous pavement materials will be utilized.

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

The Project design will minimize the potential for heat island effects on site with ample and lush greenspace and landscaping, and opportunities for non-air conditioned educational spaces. The proposed metal fins on the facades also serve to shade some of the glazing throughout the day and keep the internal temperature of the building cooler.

Conclusion. Approval of the requested variances will permit a better use of the Property for future generations of Miami Beach residents, by ensuring that the Project includes all necessary life safety and FPL equipment, without comprising the need for sufficient parking spaces or important school features. The Project is an innovative design that significantly complies with the Land Development Regulations and has inspiration from the Ocean Beach Local Historic District.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

cc: John Marshall