

August 17, 2023

VIA HAND DELIVERY

The Chairperson and Members of the
Miami Beach Historic Preservation Board
c/o Ms. Deborah J. Tackett
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: HPB23-0587 (Formerly “HPB File #7132”) Application for Certificate of Appropriateness for the construction of new single-family home on vacant lot which is historically designated and two (2) variance requests | 2740 North Bay Road, Miami Beach, FL (the “Property”)

Dear Chairperson and Members of the Historic Preservation Board:

Our firm represents 2740 North Bay Road LLC (the “Applicant”), in connection with land use and zoning matters relating to the Property before the Historic Preservation Board (“HPB”). Please accept this Letter of Intent as part of the application for a Certificate of Appropriateness (“COA”) for the construction of a new single-family home on a vacant lot that is designated as historic and two (2) variance requests (collectively, the “Application”). On May 11, 2010, the HPB designated the Property as historic under HPB File #7132 (the “Designation Order”). See enclosed Designation Order.

I. The Property

The Property is zoned Single Family Residential (RS-2) on the City of Miami Beach Official Zoning Map and designated Single-Family Residential District (RS) on the City’s Future Land Use Map. The Property previously contained a single-family home, which was constructed in 1929. As stated above, on May 11, 2010, the HPB designated the Property as historic. On February 13, 2018, the HPB approved the complete demolition and reconstruction of the originally constructed home. The originally constructed home was demolished and the approved design was never constructed. Currently, the Property is vacant.

In furtherance of providing historical context, the Property contained what was originally a single-family home. In or around 2010, the former owner requested that the HPB designate the house as historic. Once designated, the former owner obtained from the Miami Beach City Commission approval for a Historic Ad Valorem Tax Exemption for qualifying improvements to the single-family home. The former owner never applied or used any of the exemptions. Since then, the City Commission approval has expired. As stated above, on February 13, 2018, the

HPB approved the total demolition of the single-family house and design approval of a new house that was designed with some of the features of the original house, but not a full replication (the "HPB17-0129 Order"). Please find enclosed the HPB17-0129 Order for your reference. Even though the HPB issued a COA to construct a new structure in the style of the historic architecture, the underlying Board Order expired and so has any building permit associated with it. Please refer to the enclosed Historic Resources Report for an in depth summary of the architectural design and historical approvals and background related to the Property.

The Applicant, who are the current owners, acquired the Property as a vacant lot without any elements of the original house or any original building materials. In the present case, the original house was not of such a caliber that the HPB would consider total replication, since the HPB did not require or recommend it either in 2010 or 2018 hearings. The Applicant nor the former owners did not avail themselves of any Historic Ad Valorem Tax Exemptions, the primary reason the Property had been designated. The Applicant respectfully requests a COA to proceed with the construction of a single-family house, under the current single-family regulations, which is designed with the character and style of the original house as inspiration.

II. Request for Certificate of Appropriateness

The Applicant is hereby requesting COA approval for the design and construction of a new single-family home on the Property.

III. Compliance with COA Criteria

In accordance with Section 2.13.7 of the Miami Beach Resiliency Code, the Application complies with the criteria for issuance of a COA. The proposed new house is designed to be compatible with the surrounding properties and is of the architectural spirit of the original house that previously existed on the Property. The general design, scale and massing of the new house to the Property is appropriate due to the size of the lot and compatible with the surrounding properties.

IV. Variance Requests

The Applicant requests the following variances (collectively, the "Variance Requests"):

- 1. A variance from Sec. 7.2.2.3.b.i for the interior side yard setback. Requesting a variance of 5.77' at worst case (ranging from 3' ¼" to 5' 9 ¼") to allow an interior side yard setback of 10.79', where 16.56' is the minimum required (the "Side Yard Interior Setback Variance"); and**
- 2. A variance from Sec. 7.2.2.3.b.i for the sum of side yard setback. Requesting a variance of 10.60' at worst case (ranging from 3' 4 ½" to 10' 7 ¼"), to allow**

a sum of side yard setback of 30.79', where 41.39' is the minimum required (the "Sum of Side Yard Setback Variance").

Designing a home within allowable setbacks can be challenging when dealing with an irregularly shaped lot that has differing widths and asymmetrical property lines. Here, the Property contains a front property line width of 200' and a rear property line width of 90'. Further, the North and South property lines are not situated in a parallel fashion and are incongruent to each other (collectively, the "Property Constraints"). The Property Constraints create an uneven and irregular shape lot, which in turn introduces several design challenges and considerations that justify the Variance Requests at this Property. Further, since the Property lines are incongruent and contain varying lengths and widths, the buildable area and placement of the home is constrained and significantly limited. This limited flexibility can make it more difficult to create unique and innovative layouts that optimize the use of space.

The uneven width distribution and asymmetrical lot lines make it challenging to achieve a sense of proportion and balance in the design of the house. The Applicant seeks to achieve a design with symmetrical and well-proportioned layouts, which is difficult to achieve on a lot with varying lot line dimensions. Different widths along the property lines can lead to irregular room layouts, making it challenging to efficiently allocate spaces for living, dining, bedrooms, and other essential areas. Here, the Variance Requests are necessary to fit two (2) proportionately sized bathrooms, a gym, a bedroom, and carport into the Project (collectively, the "Living Spaces"). The total amount of living space that encroaches into the required side yard interior setback area is approximately 181 +/- square feet (2% of the total house square footage); and 593 +/- square feet (6% of the total house square footage) into the sum of side yard area. Despite this minimal square footage encroachment, the Variance Requests impact many essential living spaces within the Project.

Further, designing rooms and functional areas without using a traditional rectangular or square layout can lead to less efficient space utilization when designing within asymmetrical property lines, as is the case here. Building a home on a lot with asymmetrical property lines introduce complexities into the design process. Foundations, walls, and other structural elements need to be carefully aligned with the property lines, which impact design construction efficiency.

Overall, the Applicant seeks to create functional and usable space within the Project. This goal becomes challenging due to the irregular shape of the Property. As a result, the Variance Requests are necessary as the differing widths result in the need to adjust the layout of the Project to minimize encroachment into the setback areas. The Variance Requests should be approved as they are in accordance with the standards of review for a Variance application, as provided in Section 2.8.3.a of the Resiliency Code, and support the intent of the RS-2 regulations. Specifically, a Variance shall be approved upon demonstration of the following:

- (i) *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.*

Satisfied; As mentioned above, the Property is an irregularly shaped lot. This condition is peculiar to the land as the uneven dimensions are influenced by the shape of the abutting bay and curvature of North Bay Road. As you can see in Figure 1, below, the Property is located along a portion of the bay that has a sharp curve. This same condition exists on the front property line, as North Bay Road also curves here. As a result, the Property contains a unique configuration, which limits the ability to design a code compliant home and is the driver of the Variance Requests.



Figure 1

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

Satisfied; The special conditions impacting the Property and creating the Property Constraints, such as the curvature of the North Bay Road at the front and the bay at the rear, are a result of natural and pre-existing conditions that were not the result of actions taken by the Applicant. Specifically, the curvature of the bay and North Bay Road is a feature from the result of natural geological formations and historical development patterns during the earlier stages of the City's urban growth. In other words, the Property's existing configuration has been in place since the Property was originally platted in 1922. As a result, these conditions were established before the Applicant's ownership of the Property.

- (iii) *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.*

Satisfied; Approval of the Variance Requests will not confer any special privilege on the Applicant, that would be otherwise denied or detrimental to similarly situated properties within the RS-2 zoning district. The Variance Requests are unique in that the abutting curvature of the bay and North Bay Road are existing site constraints and are the direct causes for the Variance Requests.

- (iv) *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.*

Satisfied; Failure to approve the Variance Requests will create a hardship on the Applicant, as the Applicant would be forced with a disproportionate design and/or eliminate essential living spaces of the home - including two (2) bathrooms, bedroom, and carport. Forcing the Applicant to design the proposed home pursuant to a literal interpretation of the Resiliency Code would lead to less efficient space utilization. In this case, these essential living areas would be designed in an inefficient manner, making it challenging to allocate space for specific uses like proper plumbing, fixtures, ventilation, lighting, electrical outlets, and storage.

Additionally, applying the literal interpretation of the Resiliency Code (in relation to the Variance Requests) would place an undue hardship on the Applicant that are directly caused by the inherent physical constraints and configuration of the Property. Majority of the homes in the surrounding area and located on this block maintain a regular shaped lot, with parallel lot lines.

Overall, without the Variance Requests, the functionality of these living spaces become less efficient. Achieving a sense of balance, proportion, and usability becomes an undue hardship on the Applicant.

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

Satisfied; The Variances are the minimum required to develop the Project in accordance with the intent of the RS-2 zoning district regulations. The current design of the Project is a direct result of the inherent Property Constraints (i.e. irregular lot size and uneven property lines). As stated above and reflected in the Plans, the Variance Requests are limited to minimal portions of the building on the northwestern side property line. For

example, the total area/scope of the requested Variance Requests only consist of approximately 181 +/- square feet for the side yard interior setback (2% of the total house square footage) and 593 +/- square feet for the sum of side yard setback (6% of the total house square footage). When considering the total size of the proposed home and irregular shape of the Property, it is evident that the limited scope and impact of the proposed Variance Requests are de minimis. As a result, the home is thoughtfully designed with the minimum amount of space necessary to ensure the impacted living spaces are designed in a proportional, comfortable, and functional way with little to no impact on the abutting neighbors.

- (vi) *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.*

Satisfied; The Variances do not negatively impact the surrounding neighborhood, as the Property is in compliance with all other RS-2 zoning regulations, including height, lot coverage and setbacks.

- (vii) *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.*

Satisfied; The Variance Requests will allow for the redevelopment of the Property consistent with the City Comprehensive Plan and will not reduce levels of service.

- (viii) *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 7, article I, as applicable*

Satisfied; Please refer to the Sea Level Rise and Resiliency Review provided below.

V. Sea Level Rise and Resiliency Review Waiver

Section 7.1.2.4.a of the Resiliency Code provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

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

N/A

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

Yes, they will.

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

Will be incorporated as part of the single-family house.

- (iv) Whether resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) will be provided.

All new landscaping will consist of Florida friendly plants.

- (v) 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, the new construction is being built at base flood elevation plus 1'.

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

N/A.

- (vii) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Yes.

- (viii) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

N/A.

- (ix) 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.

N/A.

- (x) Where feasible and appropriate, water retention systems shall be provided.

Yes.

VI. Conclusion

The Applicant is requesting a COA for the design and construction of a new single-family home on the Property. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Alfredo J. Gonzalez