

January 30, 2017

Members of the Design Review Board
Mr. Thomas Mooney, Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Application for the construction of a second floor addition to an existing pre-1942 single family home located in RM-1 Residential Multifamily Low Intensity District and to request variances as determined by staff.

Dear Mr. Mooney and Members of the Board:

My name is Steve Rhodes and I reside at 8 Farrey Lane. My family and I fell in love with the charm of the neighborhood and the outstanding architecture of this house built in 1941. We intend to live at this house for many years. We decided to retain most of the original home, expanding it only as far as we needed in order to make it fit our lives. We are proposing to add a second story following the existing footprint of the house, retaining and preserving most elements of the original home.

Farrey Lane is an anomaly within the RM-1 district. Any proposed modification or new construction, even for this existing single family home, would have to comply with RM-1 zoning development regulations. We are respectfully requesting any necessary variances as determined by Planning staff, to build our second story and make slight modifications to the exterior of the existing ground area.

As specified in Sec. 118-353. - Variance applications, it seems likely that the project will qualify for the granting of variances. The following is a list of variances requested as advised and reviewed by City staff:

Home and lot size variances

1. A variance to waive the required lot size of 5,600 s.f. in order to retain and build on the existing plotted lot at 4,590 s.f.

Sec. 142-155. - Development regulations and area requirements.

(b)The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows: Minimum Lot Area: 5,600 s.f.

2. A variance to waive 1'-11" of the required front yard pedestal setback of 20'-0" in order to retain the ground floor and build the 2nd story at 18'-1", following the existing footprint of the house.

Sec. 142-156. - Setback requirements.

(a)The setback requirements for the RM-1 residential multifamily, low density district are as follows: Pedestal, front: 20 feet

3. A variance to waive 2'-6" of the required pedestal setback of 7'-6" in order to retain the ground floor and build a second story at 5'-0" from the east property line, following the exiting footprint of the house.
4. A variance to waive 2'-2 ½ " of the required pedestal setback of 7'-6" in order to retain the ground floor and build a second story at 5'-3 1/2" from the west property line, following the exiting footprint of the house.

Variances 3 and 4

Sec. 142-156. - Setback requirements.

(a)The setback requirements for the RM-1 residential multifamily, low density district are as follows: Pedestal, Interior side: Minimum—7.5 feet or 8% of lot width, whichever is greater

For Variances 1, 2, 3 and 4

Sec. 118-353

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 board of adjustment 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 property contains a home built in 1941 which is being preserved, keeping the existing non-conforming setbacks and the existing lot size

(2)The special conditions and circumstances do not result from the action of the applicant; The house was built in 1941, not resulting as an action of the applicant

(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 granting of the variance will allow the applicant to keep the existing house and add a second story, an element that any other single family homeowner is permitted to enjoy on their property

(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; Literal interpretation of the Code will not permit the location of the second story following the existing footprint of the home

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

This is a minimal variance, providing for reasonable use of our home

(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

This variance will not destroy the harmony of the Code not detrimental to our neighborhood.

(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.

This variance is consistent with the comprehensive plan and does not reduce the levels of service as set forth in that plan.

5. A variance to project a porch and terrace for a maximum of 4'-4" into the rear yard setback when the maximum allowed is 2'-1".

Sec. 142-1132. - Allowable encroachments within required yards.

(o)Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(6)Porches, platforms and terraces (up to 30 inches above the elevation of the lot, as defined in subsection 142-105(a)(1)e.

Sec. 118-353

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 board of adjustment 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 property contains a home built in 1941 which is being preserved, keeping the existing non-conforming setbacks.

(2)The special conditions and circumstances do not result from the action of the applicant; The house was built in 1941, not resulting as an action of the applicant

(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 granting of the variance will allow the applicant to have a rear porch, an element that any other single family homeowner is permitted to enjoy on their property

(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; Literal interpretation of the Code will not permit the location of a porch at the rear of the house

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

This is a minimal variance, providing for reasonable use of our home

(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

This variance will not destroy the harmony of the Code not detrimental to our neighborhood.

(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.

This variance is consistent with the comprehensive plan and does not reduce the levels of service as set forth in that plan.

Driveway variances

6. A variance to waive all of the required 5'-0" interior side setback in order to build a driveway up to the east property line.
7. A variance to waive all of the required 5'-0" interior side setback in order to build a driveway up to the west property line.

Variances 6 and 7

Sec. 142-156. - Setback requirements.

(a)The setback requirements for the RM-1 residential multifamily, low density district are as follows: Interior side: 5 feet, or 5% of lot width, whichever is greater

8. A variance to waive all of the required front yard setback of 20'-0" in order to build a driveway up to the front property line.

Sec. 142-156. - Setback requirements.

(a)The setback requirements for the RM-1 residential multifamily, low density district are as follows: Front: 20 feet

Variances 6, 7, and 8

Sec. 118-353

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 board of adjustment 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 property contains a home built in 1941 which is being preserved, keeping the existing non-conforming setbacks.

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

The house was built in 1941, not resulting as an action of the applicant

(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 granting of the variance will allow the applicant to have a driveway and designated parking spaces

for the residents, an element that any other single family homeowner is permitted to enjoy on their property

(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;

Literal interpretation of the Code will not permit the location of a driveway given the existing location of the home

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

This is a minimal variance, providing for reasonable use of our home

(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

This variance will not destroy the harmony of the Code not detrimental to our neighborhood.

(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.

This variance is consistent with the comprehensive plan and does not reduce the levels of service as set forth in that plan.

Roof variances

9. A variance to exceed the permitted roof overhang in order to provide 3'-0" wide overhangs on the west side

10. A variance to exceed the permitted roof overhang in order to provide 3'-0" wide overhangs on the east side

Variances 9 and 10

Sec. 142-1132. - Allowable encroachments within required yards.

(o)Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(7) Roof overhangs.

Variances 9 and 10

Sec. 118-353

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 board of adjustment 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 property contains a home built in 1941 which is being preserved, keeping the existing non-conforming setbacks.

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

The house was built in 1941, not resulting as an action of the applicant

(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 granting of the variance will allow the applicant to have a roof overhang compatible with the proposed style of architecture, an element that any other single family homeowner is permitted to enjoy on their property

(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;

Literal interpretation of the Code will not permit the location of the overhangs as a design element compatible with the design of the home and following the existing footprint of the home

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

This is a minimal variance, providing for reasonable use of our home

(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

This variance will not destroy the harmony of the Code not detrimental to our neighborhood.

(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.

This variance is consistent with the comprehensive plan and does not reduce the levels of service as set forth in that plan.

Deck and Dock variances

11. A variance to waive all of the required 7'-6" interior side setback to retain a dock at 0'-0" from the east property line.

Sec. 142-1132. - Allowable encroachments within required yards.

(l)Marine structures. In all districts, seaward side yard setbacks for boat slips, decks, wharves, dolphin poles, mooring piles, davits, or structures of any kind shall not be less than seven and one-half feet.

12. A variance to waive 1" of the required side setback to the deck of 7'-6" in order to build the deck at 7'-5" from the west property line, aligned with the existing house.

13. A variance to exceed the permitted 124 s.f. (30%) in order to provide coverage of 340 s.f. of impervious surface.

Sec. 142-1132. - Allowable encroachments within required yards.

(j)In all districts, hot tubs, showers, whirlpools, toilet facilities, decks and cabanas are structures which are not required to be connected to the main building but may be constructed in a required rear yard, provided such structure does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line.

Variances 11, 12 and 13

Sec. 118-353

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 board of adjustment 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 property contains a home built in 1941 which is being preserved, keeping the existing non-conforming setbacks of the dock and requesting a minimum setback of 1" to align the deck to the side of the house. The proposed percentage of decking area is what we would need to be able to enjoy the backyard, which is already small, due to the existing siting of the home on the lot.

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

The house was built in 1941, not resulting as an action of the applicant

(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 granting of the variance will allow the applicant to have a rear deck, and to retain the existing dock, elements that any other single family homeowner is permitted to enjoy on their property

(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;

Literal interpretation of the Code will not permit the location of a deck at the rear of the house or retain the dock as built

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

This is a minimal variance, providing for reasonable use of our home

(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

This variance will not destroy the harmony of the Code not detrimental to our neighborhood.

(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.

This variance is consistent with the comprehensive plan and does not reduce the levels of service as set forth in that plan.

Based on the foregoing, the submitted supporting material, I respectfully request that the Board review and give favorable consideration to this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Rhodes", with a stylized flourish at the end.

Steve Rhodes