

March 21, 2017

**VIA HAND DELIVERY**

The Chairperson and Members of the  
Miami Beach Design Review Board  
City of Miami Beach Planning Department  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

**Re: DRB0616-0082 | Application for an Approval of a Single Family House and a  
Variance for the Maximum Clearance | 2120 Lucerne Avenue, Miami Beach  
(the "Property")**

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Dear Chairperson and Members of the Design Review Board:

This letter accompanies Patrick & Marisa Dwyer's, (the "Applicant") application for a public hearing for an approval of a single family house and a clearance variance before the City of the Miami Beach Design Review Board (the "Board") in connection with the proposed house (the "Project").

The Applicant is requesting that the proposed Project be approved in order to replace the current house with one that addresses the current sea level rise issues as well as addresses the Applicant's desire to downscale their current home in order to adapt to their living needs. The Project has been designed to meet the requirement of the Land Development regulations except for a clearance variance required under the first habitable floor of the house.

**Request for Variance**

The applicant is requesting the following variance, as determined by the interpretation of the Planning Director:

1. A variance under Section 142-105(4) "Unit Size requirements" states in Section 142-105(4)d.1. "The height of the area under the main structure may have a maximum floor to ceiling **clearance** of 7' 6" from the lowest level slab provided". The Applicant is proposing the Board to grant an additional three foot (3') clearance to allow a total of 10'6".

Section 118-353(d) of the Code delineates the standards of review for a variance application. Specifically, a variance shall be approved upon demonstration of the following:

- a) That 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; with the inclusion of freeboard to establish grade the house would have to exceed the clearance of 7'6". This section of the Code has not been updated in order to take into account the current clearance requirements below your first habitable space. In addition an SUV would not fit under the house to create required parking*

- b) That the special conditions and circumstances do not result from the action of the applicant;

*Satisfied; The Applicant did not create or amend the Land Use regulations.*

- c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

*Satisfied; Since it does not impact the overall massing or height of the house there is no Impact. In Addition, no variance is requested from the allowable 24' height of the house.*

- d) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

*Satisfied; By limiting the clearance to the height of 7'6" it creates a clearance problem to allow for a proper entranceway to the house, especially for taller persons. In addition, the desire to have park vehicles under the house would prohibit SUV's from being able to Park.*

- e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

*Satisfied; The variance requested is the minimum variance required to provide the necessary clearance.*

- f) That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

*Satisfied; Granting of the variance will be in harmony with the general intent and purpose of the Code and will not be injurious to the local area. The massing or the overall height of the house will not be increased. Actually granting the variance, would allow garage to be under the house rather an attached structure removing greenspace.*

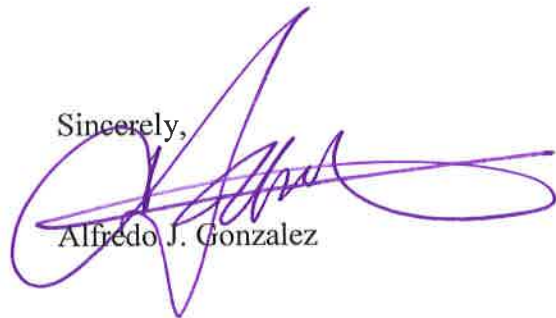
- g) That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

*Satisfied; The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.*

#### **I. Conclusion**

The Applicant is requesting the approval of the house as described in the Project and the variance to allow for additional clearance below the first habitable floor. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Alfredo J. Gonzalez