

May 22, 2017

**VIA HAND DELIVERY**

Members of the Historic Preservation Board  
c/o Ms. Debbie Tackett  
City of Miami Beach  
Planning, Design & Historic Preservation Division  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: Application for Variance HPB17-0120 / L'Atelier (formerly, Golden Sands Hotel) / 6901 Collins Avenue, Miami Beach, Florida**

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Dear Chairperson and Members of the Historic Review Board:

This letter accompanies South Florida Condominium Management, Inc., (the "Applicant") application for a public hearing for an approval of setback variances before the City of the Miami Beach Historic Preservation Board (the "Board") in connection with L'Atelier (the "Project").

The Applicant is requesting that the proposed setback variances to permit an actual 5' fence to be installed along the rear property line of the Project. As a result of the elevation shift as the property approaches the dunes and beach, some portions of the rear would only allow a fence of 1 1/2'. The Project has a pool deck on the rear of the Property that had previously been approved by the Board. We are now here requesting a variance, for placing a fence at the rear and side of the property that would not exceed an actual 5' fence. The Fire Department has required a ADA ramp leading from the Pool deck to the Beach, as a result the Project requires the fence in order to meet life safety & security requirements. In addition the abutting property to the North has a solid concrete wall which is at a minimum 18' high, as opposed to the requested fence which will be at least 3' lower than the wall.

### Request for Variances

The applicant is requesting the following two (2) variances, as determined by the interpretation of the Planning Director:

1. A variance for the property under Sections 142-802 & 142-775 (d) for a Rear setback required of fifty (50) feet. The Applicant is proposing the Board to grant a variance for 50' providing a zero rear setback to allow an actual up to 5' fence on rear property line.
2. A variance under Sections 142-802 & 142-775 (d) for Side interior setback requires which are 15'. The Applicant is proposing the Board to grant a variance for 15' providing a zero side interior setback to allow an actual up to 5' fence on rear property line.

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; The grade increase as the Property approaches the beach and dunes creates the issue that would prohibit a standard 5' fence on the property line as in other properties. Further, since there is a required ADA walkway from the Pool deck to the beach along the elevated portion Project needs a safety fence. In this case Project would have a fence of 1' 1/2" in some areas. In the case of the Side setback, the property to the North has a wall on the property line in excess of 18', therefore variance will have no impact and actually lower than neighbors wall.*

- 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; The grade increase as the Property approaches the beach and dunes creates the issue that would prohibit a standard 5' fence on the property line as in other properties. Further, since there is a required ADA walkway from the Pool deck to the beach along the elevated portion Project needs a safety fence. In this case Project would have a fence of 1' 1/2" in some areas. In the case of the Side setback, the property to the North has a wall on the property line in excess of 18',*

*therefore variance will have no impact and actually lower than neighbors wall.*

- 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; The grade increase as the Property approaches the beach and dunes creates the issue that would prohibit a standard 5' fence on the property line as in other properties. Further, since there is a required ADA walkway from the Pool deck to the beach along the elevated portion Project needs a safety fence. In this case Project would have a fence of 1' 1/2" in some areas. In the case of the Side setback, the property to the North has a wall on the property line in excess of 18', therefore variance will have no impact and actually lower than neighbors wall.*

- 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 life safety barrier.*

- 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 granting of the variances would allow an actual 5' fence at the rear and side of property of the Property. On the side interior with fence installed per variance, it will still be lower by at least 3' from neighbors wall.*

- 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.*

**Conclusion**

The Applicant is requesting the approval of the variances to allow for an actual 5' fence along the rear and side of the Property that would provide safety and required ramp railing. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,

Alfredo J. Gonzalez

