

June 12, 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: REVISED SUBMITTAL 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")**

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.

At the Board on June 6, 2017 the Applicant and team made their presentation on the Project, but after listening to the Board members and public comments the Applicant is proposing the following revisions to the request for variances discussed below.

Proposed modifications in order to achieve approval for the Project would be to lower the overall permitted height of 24' by 1'6" down to **22'6"** which is achieved by removing the request for 1'6" clearance over the entire footprint under the 1st floor. With the proposed reduction, in order to still have enough clearance for all the pipes typically under the first floor the Applicant is shifting up to 9" currently in the floor to ceiling heights of the first and second floor for a drop ceiling to accommodate pipes under the 1st floor of the house and still maintain 7'6" clearance for parked cars, entrance way into the house and pedestrian access.

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". In order to address concerns raised by Board the Applicant would be willing to reduce the request to two feet (2') clearance, and only on the rear patio area by digging into ground to create the 9'6" clearance in that area.

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. This is amended to actually benefit other properties by reducing the permitted height to 22'6", lower than permitted in other structures in the same zoning district.

- 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. Modified request provides the basic clearance at the cost of the permitted height of the house.

- 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. As a result of the Board meeting on June 6, 2017, the Applicant has reduced their house by 1'6" in overall height to the structure. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,

Alfredo J. Gonzalez

