

February 6, 2023

VIA ELECTRONIC DELIVERY

Ms. Deborah Tackett
Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: 1745 Lenox Avenue - Application No. HPB23- 0563 (the "Application")
Amended and Restated Letter of Intent**

Dear Ms. Tackett:

This firm represents Dr. David Roth and Mrs. Isabel Roth (the "Owners"), owners of the single-family home at 1745 Lenox Avenue, Miami Beach, Florida, which is identified by folio number: 02-3234-004-0390 (the "Property" or "Roth Residence"). Please accept this correspondence as the Owners' amended and restated letter of intent for a Certificate of Appropriateness for alteration to a contributing building located within the Palm View Historic District. The Application also seeks approval of variances of the following sections of the Land Development Regulations (LDRs) in order to renovate and construct an addition to the Roth Residence :

1. Variance from Section 142-105(b)(1), to exceed the maximum allowable lot coverage of 30% for a two-story home by 6.4% for a total lot coverage of 36.4%.
2. Variance from Section 142-106(a)(2)c.2, to reduce the required setback of 7'-6" by 2'-11" in order to construct the new addition at a 4'-7" setback from the south side property line.
3. Variance from Section 142-106(a)(2)e.3, to exceed the maximum 20' linear extension located at a non-conforming setback by 21'-7" in order to continue the existing non-conforming side setback for a linear distance of 41'-7".

I. The Property

The Property has a lot size of 8,000 square feet and is located on the east side of Lenox Avenue between 17th Street and 18th Street. It is zoned RS-4, single-family residential. The Property is improved with a +/-1,722 square foot single-family home built in 1951.

Located within the Palm View Historic District, the Roth Residence was designed by architect Jonathan Reiff. According to the 1999 Historic District Designation Report for the Palm View Historic District, the Roth Residence is a contributing structure, and a “good example of the Split-Level style of architecture.” A copy of the report has been included in the submittal package. An article in The Spruce from October 2020 highlighted that the Split-Level style of home design became popular with the rise of tract housing post-World War II. Ranch houses, bungalows, and split-level homes proliferated across the United States. Drawing inspiration from mid-century modern architect Frank Lloyd Wright’s open-concept prairie homes, ranch homes then inspired the development of split-level homes. Split-level homes allowed greater square footage on a smaller lot and became popular with veterans moving into suburbs.

The Owners have owned the Property since 1993, maintaining it to the best of their ability and ensuring at all times that the home is in good condition and faithful to its original architectural style. Like most split-level homes, the Roth Residence has a plain, asymmetrical façade. The enclosed permit records reflect the history of the Property from 1951 to 1975. The records reflect minor enhancements, including the installation of air conditioning, painting of the exterior of the home, and the addition of a fence.

II. Proposed Project

The Owners propose to enhance their home in a manner consistent with the Split-Level design of the Property with an addition of 1,304 square feet, which includes an outdoor deck. Wishing to age in place and preserve their quality of life, the Owners are making tasteful modifications to their home that will better accommodate the demands of modern living while respecting the historic district and architectural heritage of the neighborhood by retaining the split-level facade. In particular, they propose to build an addition to the rear portion of the home. The rear addition allows extra living space from which they can enjoy their backyard and pool without altering the character of the home that distinguishes their home architecturally.

In order to make the desired addition to the Roth Residence, several variances are needed to accommodate the proposed south side setback, lot coverage, and linear extension of the proposed addition. Without approval of the variances, the Owners would not be able to enjoy their home as they desire nor would they be able to preserve the character of this contributing structure.

In total, three (3) variances are required in order to construct the proposed addition to the Roth Residence. These are as follows:

1. Variance from Section 142-105(b)(1), to exceed the maximum allowable lot coverage of 30% for a two-story home by 6.4% for a total lot coverage of 36.4%. The Property is narrow and the allowable expansion of contributing structures in historic districts is overly restrictive. Thus, in order for the new addition to

accommodate adequate space for the Owners it needs to extend further east and cover more of the existing lot.

2. Variance from Section 142-106(a)(2)c.2, to reduce the required setback of 7'-6" by 2'-11" in order to construct the new addition at a 4'-7" setback from the south side property line. While the new addition is proposed to continue the Roth Residence's existing southern line, due to the Property's irregular placement on the lot, it encroaches on the south property line the further east it goes.
3. Variance from Section 142-106(a)(2)e.3, to exceed the maximum 20' linear extension located at a non-conforming setback by 21'-7" in order to continue the existing non-conforming side setback for a linear distance of 41'-7". The new addition will exceed what is allowable due to the irregular shape of the rear portion of the Roth Residence and the Owners' desire to preserve the existing front facade characteristics.

Approval of the Application will allow the Owners to preserve, restore, and enhance the Property while enabling them to remain faithful to the original, distinctive architectural design of the Roth Residence. The rear addition preserves the defining split-level feature that is the definitive style of the Roth Residence and the historic district.

The relevant standards relating to variances listed in 118-353(d) of the LDRs are analyzed below and followed by a brief analysis.

1. Special conditions exist that are peculiar to the Applicant's land;

This is a contributing structure in a historic district. Notwithstanding that fact, the Owners would be able to expand the house with significantly less restriction, in fact, the LDRs incentivize homeowners of contributing structures to expand their homes in order to preserve their historic character in lieu of demolition. The limitations established by the historic district regulations result in an unfair condition restricting the Owners from the floor area that other owners of contributing structures benefit from throughout the City. Additionally, the Property has a narrow lot width, which resulted in the existing nonconforming side setbacks.

2. The special conditions were not created by the applicant;

The Roth Residence is irregularly situated on the Property. Its side portions are not parallel to the property lines. The Owners did not create this or any of the other applicable special circumstances, but rather, have been good stewards of the Property and seek to continue their stewardship by tastefully adding to the home without altering its historic character.

3. Granting the requested variance would not confer upon the applicant special privileges;

The granting of the variance would only allow the Owners to modernize the Roth Residence while preserving the historic architectural character that contributes to the Palm View Historic District.

4. *Literal application of the City's standards would result in unnecessary hardship;*

Given that the variances sought relate exclusively to the reasonable addition to the Roth Residence, denial of the same would create an unnecessary hardship.

5. *The variance would be the minimum necessary for the for a reasonable use of the land, building, or structure;*

The requested variances are the minimum needed to accommodate the modest addition to the home without destroying the original architectural features that distinguish the home as a contributing structure.

6. *The variance would be in harmony with the general intent of the City's regulations; and*

The LDRs are intended to promote compatible development throughout the City. The proposed project is wholly compatible with the surrounding area.

7. *The granting of the variance would be consistent with the City's comprehensive plan and does not reduce the minimum levels of service established in the comprehensive plan.*

The proposed addition is compatible with the City's comprehensive plan and will not intensify the existing use of the Property. Instead, the variance will allow the Owners to remain in their beloved home for many years to come.

The Application is compatible with the Palm View Historic District. From the street, the Roth Residence will appear as it always has, with the same façade. The tasteful addition maintains the character and integrity of the original design.

III. Compliance with Certificate of Appropriateness Criteria

The Application satisfies the Certificate of Appropriateness criteria set for in Section 118-564(a) of the Land Development Regulations, as follows:

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable compliance with the following:
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.

Satisfied.

- b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.

Satisfied.

- 2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
 - a. Exterior architectural features.

Satisfied.

- b. General design, scale, massing and arrangement.

Satisfied.

- c. Texture and material and color.

Satisfied.

- d. The relationship of subsections a., b., c., above, to other structures and features of the district.

Satisfied.

- e. The purpose for which the district was created.

Satisfied.

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Satisfied.

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied.

- h. The original architectural design or any subsequent modifications that have acquired significance.

Satisfied.

- 3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to

determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied.

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied.

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Satisfied.

- d. The proposed structure, and/or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied.

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied.

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these

roads and pedestrian movement into and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied.

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.

Satisfied.

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied.

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied.

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied.

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied.

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied.

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied.

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied.

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied.

- p. In addition to the foregoing criteria, subsection 118-104(6)(t), and the requirements of chapter 104, of the City Code shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not applicable.

- q. 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 133, article II, as applicable.

Satisfied to the extent feasible given the desire to preserve the majority of the original contributing structure.

IV. Sea-Level Rise and Resiliency Criteria

The Applicant has carefully considered sea-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. The proposed Project complies with the criteria set forth in City Code Section 133-50(a), as follows:

1. A recycling or salvage plan for partial or total demolition shall be provided.

Satisfied. While only minor demolition is proposed as part of this application, the detailed plan will be provided at the time of building permit.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied.

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied.

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

Satisfied.

5. 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.

Satisfied as applicable to the new addition to the Roth Residence, as the existing portions of the structure cannot be changed. However, the elevation of the Property is consistent with the surrounding properties.

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

Satisfied.

7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Satisfied to the extent this is feasible.

9. 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.

Not applicable.

10. Where feasible and appropriate, water retention systems shall be provided.

Not applicable.

11. Whether cool pavement materials or porous pavement materials shall be utilized.

Satisfied.

12. The design of each project shall minimize the potential for heat island effects on-site.

Satisfied. The proposed design will provide increased landscaping and shade in the open areas of the Property.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this Application. Thank you in advance for your considerate attention to this request. If you have any questions or require additional information, please feel free to contact me directly.

Respectfully submitted,

LSN Law, P.A.

A handwritten signature in blue ink that reads "Tracy Slavens". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tracy R. Slavens, Esq.

Enclosures