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VIA E-MAIL and ELECTRONIC SUBMITTAL

October 2, 2023

Deborah J. Tackett, Chief of Historic Preservation
Planning Department
City of Miami Beach
17000 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Application for Certificate of Appropriateness and Two (2)
Variance Requests for HPB23-0566 (Formally HPB File #7132)

Dear Ms. Tackett:

This law firm represents 2740 North Bay Road LLC (the "Applicant"), the owner of the vacant property located at 2740 North Bay Road, identified by Folio No. 02-3227-008-0750 (the "Property") in the City of Miami Beach (the "City"). This letter serves as the required letter of intent in connection with Application HPB23-0566 for a Certificate of Appropriateness to construct a single-family home and two (2) variance requests.

Property Description. The Property is an irregular wedge-shaped waterfront parcel located south of West 29th Street, on the west side of North Bay Road. The Property consists of Lot 10, Block 12, of Amended Plat of Sunset Lake Subdivision, as recorded in Plat Book 8, at Page 52, of the Public Records of Miami-Dade County, Florida in 1922. The Property is designated as Single Family Residential (RS) in the City's Future Land Use Map and is zoned Single Family Residential (RS-2) in the City's Zoning Map. The Property is currently a vacant lot, which was previously developed with a single-family home built in 1929.

Property History. On May 11, 2010, under HPB File No. 7132, the HPB approved the former owner's request to grant historic designation to the then existing 1929 home. At the same meeting, the HPB reviewed and approved a Certificate of Appropriateness for the partial demolition and renovation of the home, including

construction of new 1 and 2 story additions. On November 17, 2010, the City Commission adopted a resolution authorizing a Historic Ad Valorem Tax Exemption for qualifying improvements to the Property (Resolution No. 2010-27545). The Historic Ad Valorem Tax Exemption expired after 30 months and the former owner never availed themselves of the exemptions. On February 13, 2018, the HPB approved (1) total demolition of the 1929 home and (2) the design of a new home, which included features of the 1929 home, but not a replication.

The Applicant purchased the Property as a vacant lot. No building elements or materials of the 1929 home remained. In neither the approved partial demolition in 2010 nor the total demolition in 2018, did the HPB require replication of the 1929 home. While the HPB Certificate of Appropriateness ordered that a home may be reconstructed in accordance with historical architecture, the Board Order and associated building permits have expired. The request for the 1929 home to be designated historic was made with the purpose of benefiting from the Historic Ad Valorem Tax Exemptions. However, since the historic designation was approved, none of the Property's owners have availed themselves to such benefits and exceptions.

Proposed Development. The Applicant seeks to construct a new 2-story single-family home on the vacant lot (the "Project") under the City's current single-family regulations. The Applicant respectfully requests approval of a Certificate of Appropriateness and two (2) associated variance requests due to the irregular shape of the Property.

Certificate of Appropriateness Request. The Applicant respectfully requests Certificate of Appropriateness approval for the design and construction of a single-family home on the Property. Pursuant to Section 2.13.7 of the Miami Beach Resiliency Code (the "Code"), the Project satisfies the applicable criteria for the issuance of a Certificate of Appropriateness. The design, scale, and massing of the Project remains sensitive to and compatible with the surrounding area. The Code provides that the examination of architectural drawings for consistency with the certificate of appropriateness criteria includes aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. In this case, the aesthetic appearance is consistent with the Certificate of Appropriateness Criteria, as the proposed design is compatible with the style of the surrounding properties.

Variance Requests. The Project substantially complies with the Single Family Residential District standards. The requested variances (the "Variances") are necessary to design a functional and practical home considering the irregular shape and uneven property lines of the lot. Due to the Property's confining characteristics, the Applicant requests the following:

- 1. Variance pursuant to Sec. 7.2.2.3.b.i for the interior side yard setback. Requesting a variance of 5.77' at worst case (ranging from 3' ¼" to 5' 9 ¼") to allow an interior side yard setback of 10.79', where 16.56' is the minimum required (the "Side Yard Interior Setback Variance"); and**
- 2. Variance pursuant to Sec. 7.2.2.3.b.i for the sum of side yard setback. Requesting a variance of 10.60' at worst case (ranging from 3' 4 ½" to 10' 7 ¼"), to allow a sum of side yard setback of 30.79', where 41.39' is the minimum required (the "Sum of Side Yard Setback Variance").**

Satisfaction of Hardship Criteria. The requested Variances satisfy the hardship criteria pursuant to Section 2.8.3.a. of the Code, as follows:

- 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;**

There are special conditions and circumstances that exist which are peculiar to the land. The irregular shape and non-parallel property lines created by the Plat over 100 years ago are caused by the sharp curvature of the abutting Bay and North Bay Road. See Figure 1. Due to the natural geographical features of the Property, the lot has highly asymmetrical and incongruent property lines. The shape is essentially a reverse from the common wedge-shape with the street frontage (200') more than double the length of the water frontage (90'). The site constraints create a hardship for the Applicant in meeting setback requirements and developing a functional home. The preexisting conditions of the Property are unique to the land and not applicable to other lands in the zoning district.

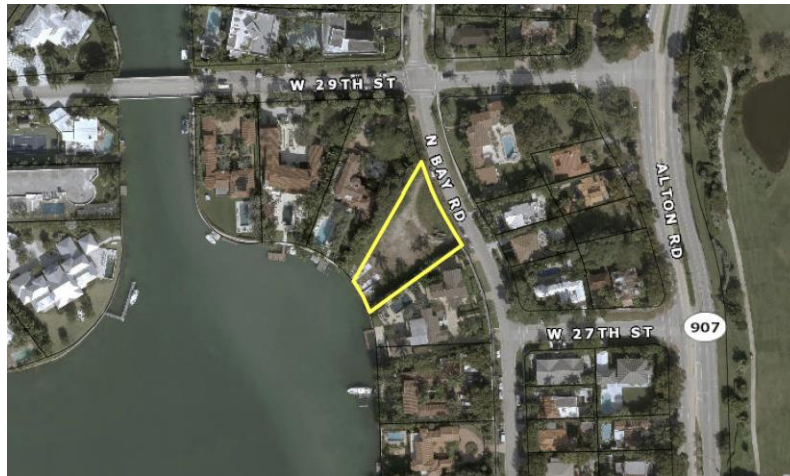


Figure 1

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

The special conditions, in this case, do not result from the actions of the Applicant. The Property's irregular shape and non-parallel property lines are a result of the curvature of the abutting North Bay Road and the Bay. The natural geographical features and platting of the Property created the unique lot dimensions. The Property's configuration has existed since the Property was platted in 1922. As a result, the site constraints are preexisting features of the land and the conditions did not result from the actions 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;

Granting the Variance Requests will confer no special privileges on the Applicant, but rather will provide the Applicant with the necessary reprieve to develop a functional and usable home where the front property line is over double the length of the rear (waterfront) property line. The Property's conditions are unique because the lot's irregular shape is produced by the curvature of the abutting North Bay Road and the Bay. The Code permits other similarly situated property owners to make similar requests to accommodate designs that contribute to the context of the neighborhood. Therefore, granting of the Variances in this case will not confer any special privilege on the Applicant.

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;

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. Denial of the Variance Requests would impose a substantial hardship on the Applicant, as the Applicant would be compelled to adopt a design that inhibits reasonable development of the Property. This impact would extend to the removal of vital living spaces within the residence, including two bathrooms, a bedroom, and a carport. If the Applicant is compelled to conform strictly to the Resiliency Code's literal interpretation, it would result in less efficient utilization of space; making it unduly difficult to allocate space for specific functions such as plumbing, fixtures, ventilation, lighting, electrical outlets, and storage. In the absence of the Variance Requests, the provisions of the land development regulations would work unnecessary and undue hardship by limiting the Applicant's ability to develop a functional, balanced, and efficient single-family home.

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

The Variances relate to the same special conditions that prevents strict compliance with the Code and are the minimum variations of the Code that will make possible the reasonable use of the Property. The site constraints create a hardship for the Applicant in meeting setback requirements and developing a practical and usable home. The proposed design is a result of the Property's irregular lot size and non-parallel property lines.

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;

Granting of the Variances will be in harmony with the general intent and purpose of these land development regulations. The Property complies with all other RS-2 Zoning regulations. The proposed modifications are intended to minimize the impact to the residents in the area and allow for a beautiful and functional home.

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; and

The purpose of the Single Family Residential District is to provide development opportunities to enhance the desirability and quality of existing and new single-family residential developments. The additional single-family home does not reduce the levels of service set forth in the comprehensive plan.

8. The Variance Requests will allow for the redevelopment of the Property consistent with the City Comprehensive Plan and will not reduce levels of service.

Please see the Sea Level Rise and Resiliency criteria information further below.

Practical Difficulty. The innovative design does the most possible to provide a functional and viable home. There are multiple practical difficulties that must be addressed in order to make practical use of the Property for a new single-family home, such as the uneven width distribution and incongruent property lines created by the plat over 100 years ago. The irregular shape of the lot leaves the Applicant with a confined developable area.

The uneven widths of the property lines, more than double at the front than at the rear (waterfront) create challenges in designing regular room layouts. For example, the requested Variances are necessary to design two proportionally sized bathrooms, a bedroom, carport, and gym. The total living space that encroaches into the required side yard interior setback is approximately 181 +/- square feet (constituting 2% of the total house square footage) and extends to 593 +/- square feet (constituting 6% of the total house square footage) into the sum of side yard area. The modest encroachment allows for a functional home with a practical and usable living area.

The related setback reductions are the minimum necessary on the irregular shaped lot. Strict compliance with the land development regulations would contradict the intent of the Code to provide resilient single-family homes that are compatible in size and orientation to the surrounding homes.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code, as follows:

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

The application involves a vacant lot.

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

New windows will be hurricane proof impact windows.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and resilient.

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.

Sea level rise projections have been considered and appropriate flood mitigation will be incorporated into the design where appropriate and feasible. The proposed home will be built at base flood elevation plus 1'.

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.

Not applicable.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

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

Not applicable.

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 of 54 of the City Code.

Not applicable.

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

Where feasible, water retention systems will be provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement or porous pavement materials will be utilized where any new pavement is proposed.

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

The Project increases the landscaping on the facades and introduces various materials that minimize potential for heat island effect.

Conclusion. Approval of the Application for a Certificate of Appropriateness and two (2) variance requests will permit the construction of a beautiful single-family home on an irregularly-shaped vacant lot. The home will be compatible with the character of the residential neighborhood and resilient to sea level rise. Additionally, the variances are the minimum requests necessary to make reasonable use of the site with a single-family home that is compatible with the homes on North Bay Road.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments, please give me a call at (305) 377-6238.

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'MA' with a stylized flourish extending from the 'A'.

Michael J. Marrero

cc: Matthew Amster
Rob Alvarez