

**From:** [Freitas, Gabriela](#)  
**Cc:** [Tackett, Deborah](#); [Seiberling, James](#); [Kallergis, Nick](#); [Freking, Jessica](#); [Herrera, Miriam](#)  
**Bcc:** [John Stuart](#); [Linsey Lovell](#); [COLLINS PARK](#); [Elizabeth Camargo](#); [haskelhpb01@gmail.com](#); [rp.hollingworth@gmail.com](#); [Mitch Novick](#)  
**Subject:** FW: Partial Opposition to HPB24-0632 ( to be heard at the June 17, 2205 HPB Meeting  
**Date:** Monday, June 16, 2025 5:55:00 PM  
**Attachments:** [image001.png](#)

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Hello bcc'd Board members and Staff,

Please see below public comment. Should you have any questions please contact us.

Thanks so much.

Kind regards,

# MIAMIBEACH

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**From:** Dave Aitel <dave.aitel@gmail.com>

**Sent:** Friday, June 13, 2025 2:02 PM

**To:** john.a.stuart@gmail.com; linseylovell.hpb@gmail.com; COLLINS PARK <Bresaro@aol.com>; brian.cityofmiamibeach@gmail.com; lwb.mbhp@gmail.com; lauralewin2@outlook.com; haskelhpb01@gmail.com; elizc@ecamargodesign.com; Laura Eise <laura.m.eise@gmail.com>

**Cc:** edwin@dgoarchitecture.com; Tackett, Deborah <DeborahTackett@miamibeachfl.gov>; Freking, Jessica <JessicaFreking@miamibeachfl.gov>; Freitas, Gabriela <GabrielaFreitas@miamibeachfl.gov>

**Subject:** Partial Opposition to HPB24-0632 ( to be heard at the June 17, 2205 HPB Meeting

Some people who received this message don't often get email from [dave.aitel@gmail.com](mailto:dave.aitel@gmail.com). [Learn why this is important](#)

**[ THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS ]**

Honorable Chair and Members of the Miami Beach Historic Preservation Board,

I am writing as a neighboring homeowner to submit this letter in **partial opposition** to the revised development application for HPB24-0632 (1730 Jefferson Ave).

While the applicant has changed their design to place a **main second-story wall** at a 15-foot rear setback, we are now even more concerned that the revised plan includes a **habitable, covered balcony** which **projects significantly into the setback area**, reportedly reaching as close as 7.5 feet from the property line.

According to Miami Beach Land Development Regulations:

- A **balcony** is defined as “a platform, accessed from within a unit, that projects from the wall of a building and has a parapet or railing.” (which this one does)
- Although certain **architectural features** (such as overhangs or “eyebrows”) may project up to **25% into a required setback**—in this case, up to 3’-9” into a 15-foot setback—**habitable balconies do not qualify for that exemption.**
- Any **covered, walkable balcony** accessed by sliding glass doors is treated as **usable building space**, and as such, is **required to comply with the full setback**—not just the enclosed room behind it.

Additionally, I would like to raise a concern regarding the way this balcony has been depicted in the submitted plans. On the floor plan, the location where sliding glass doors provide access to the balcony has been **covered with the text “Bathroom 1” and “Bathroom 2.”** This appears to obscure the presence of a major structure in the setback zone and raises concerns about the transparency of the applicant’s representations. I respectfully urge the Board to consider whether this labeling choice obscures material facts, and whether the design has been presented with full and accurate disclosure.

For these reasons, I ask that the Board require the applicant to either:

- **Modify the balcony** to comply fully with the 15-foot setback, or
- **Apply for a proper variance**, with public review and justification for the encroachment.

As previously mentioned, the proposed two-story guest house significantly deviates from the existing one-story structure and would negatively impact our privacy, sunlight, environmental and ecological management, and overall quality of life due to its proximity and height. It will impact our property and surrounding property values and in particular, this modification is a notable breach of privacy.

Thanks,

Dave Aitel

Laura Eise

1733 Michigan Ave, MB FL, 33139

