

August 15, 2025
City of Miami Beach
Planning Department
1700 Convention Center Drive
Second Floor
Miami Beach, FL 33139

Attention: Deborah Tackett, Michael Belush, and HPB staff

Re: 1210 Michigan Ave., Miami Beach, FL 33139
File Number: HPB25-0674

Request for Variance/Waiver for:

- 1. Roof Deck 10' Setback Requirement, as per Section 7.2.2.3(b)8**
- 2. Possible waiver for the 60' max length elevation requirements for the open-space courtyard for the North Elevation, as per Sec. 7.2.2.3(b)2(A)**

Dear Ms. Deborah Tackett, Mr. Michael Belush, and HPB staff

The design of a two story home with an understory was already approved under application # HPB24-0638. Demolition of the existing home was also approved here. The approved design did not incorporate a roof deck, due to the very tight lot that we must work with and the Roof Deck setbacks as dictated by the code. The client would like to add a roof deck to this design, and that is the reason that we are going before the HPB – we would like to waive the 10' setback requirements for the South side only. Please refer to the Architectural plans and presentation for further information. The design complies with all other code requirements:

- Zoning: RS-4
- Base Flood Elevation: +8.00' NGVD
- Lot Size: 7,500 SF
- Lot Coverage: 1,934 SF (25.7%)
- Unit Size: 3,714 SF (49.5%)
- Front Yard Pervious Area: 1,500 SF (100%)
- Rear Yard Pervious Area: 845 SF (75.1%)

Variance/ Waiver Criteria

We are complying with the variance criteria as stated in the LDRs. We are faced with the hardship of having a very tight lot. Furthermore, the HPB has required that we set the house back further from the Front Property Line than required by the Zoning Code, to match the setbacks of the neighboring homes.

1. This is a very tight lot. The setbacks required do not leave us much building area. Setting back an additional 10' on every side and having the roof deck within that area is almost impossible.
2. The property lines have not been determined by the applicant
3. We are allowed by right to request a variance/ waiver. This request, given the circumstances, is more than a reasonable ask.
4. Literal interpretations of the Roof Deck setback lines would render an unbuildable area for a Roof Deck.
5. We are only asking for this variance for the Roof Deck.

6. I do not believe that the granting of this variance will be detrimental to the public welfare. The public has the right to speak out against the design during the hearing if they wish.

7. We do believe that we are consistent with the comprehensive plan and does not reduce the levels of service. If we are not consistent in any way, we would be willing to work with the design.

8. The variance we are asking for does not affect the elevated level of the home. This home has an understory, and the first habitable floor is at +16.00' NGVD, 8' above the Base Flood Elevation.

Regards,
Ralph Choeff, President
Choeff Levy Fischman PA



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by Ralph Choeff
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