

October 11, 2024

City of Miami Beach  
Planning Department, second floor  
1700 Convention Center Way  
Miami Beach, FL 33139

Attention: Tom Mooney, Michael Belush, Planning Staff and DRB

**Re: 110 N. Hibiscus Drive. Miami Beach, FL.  
Architect's Letter of Intent**

Planning Staff and DRB,

On December 6<sup>th</sup>, 2022, a Design Review Board hearing was held as it regards the above referenced proposed residence. At that time, we asked for and received a waiver regarding the side open space requirement, the required 5' setback for the second-floor story along a side facing street elevation, and elevator location at the rooftop. A copy of the Final Order is included in this submission.

These waivers also affected the total unit size which was not addressed in the previous DRB hearing. The current approved design with the approved waivers puts total Unit Size at 4,851 sqft / 51.7% or 168 sqft over. This breaks down to 110 sqft on the second floor and 58 sqft for the elevator on the roof.

As we believed this design was fully approved and the issue of unit size was not raised until the permit revision, construction has continued onsite. Currently the house is nearing substantial completion per the previously approved design. Pictures of the current state are provided in the application. We Request the DRB grant a variance of unit size per the previously approved design as any changes would disproportionately affect the owner and extend construction time onsite negatively affecting the neighbors.

The estimated cost of construction is \$1,500,000  
We will gladly answer any questions you may have.

Regards,

Ralph Choeff, President  
Choeff Levy Fischman PA

The following are responses to Design Review Criteria, as requested.

The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

Has been provided, see Architectural/ Landscape Site Plan, and Survey.

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.

Has been provided, see Architectural/ Landscape Site Plan, and Survey.

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.

See architectural plans and calculations on sheet A-0.5

The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.

See landscape drawings and architectural renderings on Sheet C-1.1&C-1.2

The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

See architectural site plan on Sheet A-0.4

The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.

The project achieves this.

The design and layout of the proposed site plan, as well as all new and existing buildings 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 contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

This has been considered in the design of the project.

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 all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

This has been considered in the design of the project.

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. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

This has been considered in the design of the project.

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

This has been considered in the design of the project.

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.

This has been considered in the design of the project.

The proposed structure has 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).

yes, see context and massing study on sheets C-3.1 – C-3.3

The building has, where feasible, space in that part of the ground floor fronting a 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 street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

N/A, Residential project.

The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

All rooftop equipment is screened, see Sheet A-1.3.

An 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).

N/A, no addition.

All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Provided, see elevations sheets A-3.1&A-3.2**

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.

**N/A, Residential project.**

In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review 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.

**Noted.**

The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

**The design does comply with resiliency criteria.**

The following are responses to Section 2.8.3, as requested.

Hardship criteria. Unless permitted as listed in subsection 2.8.3(b) as a practical difficulty variance, the following findings must be made by the land use board in order to authorize any variance from the terms of these land development regulations and section 6-4 and 6-41(a) and (b) of the General Ordinances:

**The applicant does believe this is a practical difficulty variance. Per the pervious DRB Approval "DRB22-0890" granting a waiver for 2<sup>nd</sup> floor side setback and location of elevator at the rooftop. Construction has continued implementing those approvals. During permit review it was noticed that the Unit Size was not updated per the approved waivers. At this time construction is nearing substantial completion and it would cause undue hardship to the owner to increase the side setback again and impact the neighborhood by prolonging construction.**

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;

**Yes.**

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

**Yes.**

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;

**no, any visual impacts of this Variance was already approved by the pervious DRB application.**

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;

**N/A**

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

**yes, just trying to continue with the previously approved design from DRB.**

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;

**The design and any visual impact to the surrounding areas were previously approved by DRB.**

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 granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

**Yes.**

The following are responses to Section 7.1.2.4, as requested.

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

No demolition is part of the scope.

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

no windows proposed to be replaced, all existing windows are hurricane impact proof.

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

The house is provided with many large operable openings to take advantage of cross breezes for passive cooling.

Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.

Landscape has been designed in accordance with these regulations, see provided landscape drawings.

The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Noted, these items were addressed in the original design.

The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Noted, original design can accommodate.

As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Noted, original design is in compliance.

Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

The house is providing one foot of Freeboard.

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 in General Ordinances.

N/A

As applicable to all new construction, stormwater retention systems shall be provided.

has been provided thru civil engineer on the project.

Cool pavement materials or porous pavement materials shall be utilized.

Noted.

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

project is specified with low albedo roof membrane.

Criteria for ordinances, resolutions, or recommendations:

Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

No.

Whether the proposal will increase the resiliency of the city with respect to sea level rise.

Yes.

Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts.

Yes.

Regards,

Ralph Choeff, President  
Choeff Levy Fischman PA