

City of Miami Beach,  
Planning & Zoning Dept.,  
1700 Convention Center Dr.  
Miami Beach, Fl.  
Date: 05/19/2025

**REF: Design Review Board / Letter of Intent / Hardship Letter / 7729 Carlyle Ave., Miami Beach, Fl. (DRB: 25-1084). RM-1 North Shore Historic District Overlay.**

**Project Description:** New 4 story (Townhouses) building, with 6 units with 2-bedrooms & 2.5 baths with all units entering at ground level with a total of 6 parking spaces provided undercover. The estimated cost for the project would be \$ 1,500,000.

**Variance # [1] – To provide 4’-0” Stair projection on the front façade of the Building. Required: 2’-6” (max. 25%).**

**Variance # [2] - To provide 8’-4” side yard setback to portions of glass units entrances at Ground Floor and window projection on Second Floor Units.**

**Variance # [3] – To provide 3’-6” side yard balconies and overhangs projections on the south side of the Building. Required: 2’-6” (max. 25%).**

**Variance # [4] – Parking clearance from BFE + 2.56’, according to RM-1 zoning -12’ min. required / 9’-0” provided.**

**Waiver # [1] - To request a waiver for the stairwell bulkhead height within 20’-0” from the front setback.**

**Variance response:** [Based on the following information we feel that we qualify and meet the hardship criteria for the requirements of SECT. 7.1.2.4



## **Proposed Variances Description:**

### **Variance # [1] – To provide 4’-0” Stair projection on the front façade of the Building. Required: 2’-6” (max. 25%).**

Projections: To exceed the 25% of the required front yard (10 FT) which is 2’-6”. The proposed projection is 4’-0” on the front façade of the building. The proposed height for the first portion of the stair landing is 2’-0” and the height of the rest of the proposed stair is 4’-9” above grade, Unit #1 entrance stair total height is 6’-9” (10.56’ N.G.V.D). (Code section is 7.5.3.2).

Stair landing in the front setbacks which are approx. 4’-9” above grade with the railing at 3’-6” above fin. floor. This is due to meeting the flood criteria elevation for the entry foyer at the entrance of the units which is at elev. +10.56 ngvd. above mean sea level. Most properties in the district don’t meet the flood criteria and thus are a lower elevation. The hardship comes from having to meet these new elevations in the front of the units of these very small 50’ lots and at the same time providing 5 on-site parking spaces which none of the existing building in the district comply with.

### **Variance [2] To provide 8’-4” side yard setback to portions of glass units entrances at Ground Floor and window projections at Second Floor Units.**

- We are requesting a variance on the 10’ south side setback.
- The main structure is at 10’ as required, but Unit #1 and all units entrances on the south side at ground floor and windows above units entrances at second floor are at 8’-4” setback. (Code section is 7.3.8.3.e).
- We are providing our first front unit on the Ground Floor and also an access driveway to the new parking spaces under the building. These features add to the Hardship on the required 10’ size setback of the 50’ wide properties in the North Shore Historic District Overlay with RM-1 zoning.
- Also note that on typical neighboring RM-1 Zone lots, the side yard requirements are 5’ and 7’-6” in the worst case.
- We are providing 8’-4” to a minor area of the all glass entrance to the units on the south side at Ground Level.
- Another Hardship comes from having to provide the new regulation finish floor at +10.56’ instead of +9.00’ elev. This creates longer access stairs at Ground Level.

### **Variance [3] To provide 3’-6” side yard balconies and overhangs projections on the south side of the Building. Required: 2’-6” (max. 25%).**

Projections: To exceed the 25% of the required interior side setback (south) (10 FT) which is 2’-6”. The proposed balconies and overhangs projections at second floor and third floor is 3’-6” from the building to the side property line. (Code section: 7.5.3.2.o).

- We are requesting a variance on the 25% encroachment on the 10’ south side interior setback for overhangs which is 7’-6”.
- We are providing a 3’-6” overhangs and balconies projections on the south side of the building.
- We find that it is a hardship on this narrow 50’-0” wide lot and the 25% overhang setback, to be constricting on the ability to enter the Ground floor units and provide cover for sun and rain at Ground floor entrances.



- Please note the standard RM-1 Zoning in the area allows for 25% overhang on 7'-6" setbacks which is a distance of 5'-7" from the overhang to the property line. We are providing a 6'-6" distance from overhang to the property line in our design.

**Variance [4.] To provide 9' clearance from BFE + 2.56' to the underside of the slab above garage:**

-Min. height req. was 12' clearance from BFE+1' to the underside of the slab above. (Code section: 7.1.2.2. d.1A.).

After our DRB pre-application meeting, Mohsen Jarahpour (Flood Plain Manager), told us that a new regulation regarding the BFE + Free Board had changed from 1'-0" to 2.56' (Free Board), and that's why we are providing 9'-0" clearance from the DFE: 10.56'ngvd to the underside of the Second floor slab.

**Waiver [1.] To request a waiver for the stairwell bulkhead height within 20'-0" from the front setback:**

-Unit 2 stairwell bulkhead is within the height limitation of 20' from the front setback and complies for a waiver, according to section 7.3.8.3.c.



The letter of Intent includes and responds to the Design Review Criteria by Section:

**Design Review Criteria Sect. 2.5.3.1**

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Survey, Demolition plans and notes included on Architectural Presentation.**
- b. 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.  
**All the information is provided on the Site Plan, Architectural Presentation and Landscape Plans.**
- c. 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.  
**Noted.**
- d. 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.  
**The information is provided in Architectural Presentation and Landscape Plans.**
- e. 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.  
**Noted.**
- f. 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.  
**Noted.**
- g. 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.  
**Noted.**



- h. 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.

**Addressed on Traffic Study submitted.**

- i. 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.

**Noted.**

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

**Design of landscape areas and paving materials provided on Landscape Plans.**

- k. 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.

**Noted.**

- l. 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).

**Noted.**

- m. 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.

**Noted.**

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

**Noted.**

- o. 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).

**Noted.**

- p. 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.

**Noted.**

- q. 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.

**Noted. Addressed on Ground Floor Plan, Architectural Presentation.**



r. 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.**

s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.  
**Noted. Refer to Elevations and Sections, Architectural Presentation.**

We meet all requirements of Sect. 7.1.2.4 (Sea level rise and Resiliency review criteria.)

A.) A recycling or salvage plan for partial or total demolition shall be provided  
**A recycling or salvage plan will be provided when applying for Demolition Permit.**

B.) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**New construction will provide Hurricane proof impact windows.**

C.) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Operable windows are proposed on the new construction**

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

E.) 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. Please refer to respond sheet submitted.**

F.) 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. Please refer to respond sheet submitted.**

G.) 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.**

H.) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.  
**Noted. Our project DFE is at +10.56' ngvd. Please refer to Architectural plans submitted.**



I.) 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.

**Noted.**

J.) As applicable to all new construction, storm water retention systems shall be provided.

**Noted.**

K.) Cool pavement materials or porous pavement materials shall be utilized.

**Noted.**

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

**Noted.**

We are requesting these variances and showing that **we are complying with hardship requirements of sect. 7.1.2.4 of the City of Miami Beach Planning & Zoning**, and we thank you for consideration in looking at this request.

### **Variance Criteria Sect. 2.8.3.**

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:

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;  
**Noted.**
2. The special conditions and circumstances do not result from the action of the applicant;  
**Noted.**
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;  
**Noted.**
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;  
**Noted.**
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;  
**Noted.**



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;

**Noted.**

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

**Noted.**

8. 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.

**Noted.**

Sincerely,



Gustavo J Ramos

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Gustavo J. Ramos Architect, AR8715

