

July 11, 2025

Mr. Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: DRB22-0825 Letter of Intent for Modification of Design Review Approval and Set Back Variances for the Property Located at 1311 15th Terrace, Miami Beach, Florida 33139

Dear Tom:

As you know, I represent the owner of the above captioned property (the “Property”) in an application seeking Modification of Design Review Board (DRB) Order DRB22-0825 dated December 6, 2022, approving a multi-family residential project. This letter serves as the Applicant’s letter of intent in connection with its request for design review modification and approval of variances associated with the multi-family residential project.

The Property. The Property is located in a commercial area zoned RM-1, Residential Multi-family Low Intensity District. It is located near the northeast corner of 15th Terrace and West Avenue. The lot is approximately 7,500 square feet and contains a two-story structure with seven residential units. It is identified by the Miami-Dade County Property Appraiser by Folio Number: 02-3233-016-0050. The Property is not located within any historic district.

This Property is located in an established multi-family residential corridor of the City. It is surrounded on all sides by multi-family residential uses. Adjacent to the east and west of the Property are two-story multifamily structures. The property directly adjacent to the east contains a structure with eight (8) dwelling units and the one directly to the west has four (4) dwelling units. Along the rear of the property is a 5-story, multi-family structure. Similarly, across 15th Terrace are multi-story, multi-family, structures.

Description of Proposed Development. On December 6, 2022, the Applicant received approval from the Design Review Board for a new four (4) story multi-family residential building. The overall design is contemporary with dominant, continuous, balconies surrounding the building.

The new structure provides for ground level vehicular and bicycle parking, enclosed and unenclosed lobby areas with access to the mailboxes and building elevators while the upper three (3) stories house six (6) residential dwelling units (two per floor). A rooftop pool amenity is also provided for the residents.

Immediately after receiving design review approval the Applicant went to work with the architect to commence building permits. To that end, permits were submitted to the City of Miami Beach in July of 2023. Since that time the Applicant has been working with the City on plan reviews. In January of 2025 the demolition permit was finalized. However, shortly thereafter, a new issue arose, which results in the need for this application.

The previous structure housed seven (7) multi-family residential dwelling units. The proposed construction reduces the overall unit count to six (6). At all times since the commencement of the design of the project more than three (3) years ago, it was anticipated that electrical power to the structure would continue to be provided under the same power pole system. After nearly two (2) years of permitting, FP&L has determined that a new three-phase transformer will be required to service the new structure. The transformer must comply with FP&L requirements, including all platform dimensions and overhead clearance. Despite meetings and discussions, there does not appear to be any resolution to the issue of the transformer. As a result, the Applicant is left with DRB order and permit plans, which cannot come to fruition without the issuance of a setback and projection variances.

Satisfaction of the Variance Criteria. When creating the land development regulations and the recently formed Resiliency Code, the City understood that there are situations when encroachments will result. As such, Section 7.5.3.2. of the Resiliency Code, specifically addresses allowable encroachments within required yards. Section 7.5.3.2. o.6. allows certain projections within the front yards for a distance not to exceed 25% of the required front yard setback. Although platforms, similar to what would be required for the FP&L transformer, are an allowable encroachment the transformer itself is not listed as a permitted exemption. Therefore, the Applicant first requests a variance to allow the electrical transformer and its pad/platform to be located within the front yard setback, as FP&L will not permit inclusion into the parking area, due to the vertical/overhead clearance required for such equipment. The second variance requested specifically addresses the precise encroachment area. Pursuant to Section 7.5.3.2.o.6 of the Code, an encroachment, once permitted would be allowed to project up to twenty-five percent of the front yard, up to a maximum of six feet (6'). In light of the 20' required front yard setback in this case, an allowable projection would be permitted to encroach a total of five feet (5'). The transformer required by FP&L in this case is a three-phase transformer which would encroach a total of six feet-six inches (6'-6") into the front yard setback. However, due to the clearance, along all sides, required by FP&L the transformer will have to be placed at a distance of at least three feet (3') from the structure, resulting in an overall projection of nine feet- six inches (9'-6"). The FP&L requirements result in a request of a four feet – six inches (4'-6") , beyond what is permitted for allowable encroachments.

Therefore, the Applicant requests two (2) variances: (1) a variance from Section 7.5.3.2 o.6 of the Code to permit the FP&L transformer to be an allowable encroachment; and (2) to permit the encroachment to project an additional four feet -six inches (4'-6") for the allowable projection area.

The Applicant's request satisfies the hardship and practical difficulty criteria 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;

CONSISTENT. The lot is 65-feet in width by 100-feet in depth, making it rather shallow. This is a special condition which exists, is peculiar to the land, and is not the making of the Applicant. The proposed transformer needs to be accessible to FP&L and therefore, its placement is restricted to accessible areas on the site. Furthermore, the dimensions of the required transformer and its platform are not the result of the Applicant's design, but those of FP&L. The Applicant has spent over three (3) years in designing and obtaining development approvals for this project. Countless hours and financial expenditures have been effectuated over the last two (2) years through the permitting process. Requiring strict adherence to these regulations would create a practical difficulty and place the Property and the Applicant at a disadvantage.

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

CONSISTENT. The shallowness of the lot creates limited space in which to design a functionable structure that satisfies required parking and all of the required setbacks. The depth of the lot is not a hardship which was not created by the Applicant. Furthermore, the recent requirement by FP&L of a transformer despite the reduction in dwelling units, could not be anticipated by the Applicant and its size and design requirements are not of the Applicant's making, but rather require strict adherence for customers of FP&L. Re-designing the building, obtaining new development approvals, and preparing new constructions plans is not feasible and creates a practical difficulty, that results in inequality toward the Property and 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;

CONSISTENT. To the contrary, the variance process exists in order to vary the specifications of the Miami Beach Resiliency Code when special circumstances necessitate. The City's land use boards regularly grant variances for any number of reasons, including when inequality and partiality will result. Setback variances for projections are frequently granted when not granting them would result disparity.

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;

CONSISTENT. A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variances requested are in order to proceed with the previously approved Design Review Board approved project, which has been in the permitting process for nearly two-years. Other property owners have sought and been approved for setback variances for projections within the front yard setbacks. The Code anticipates the need for projections and provides for allowable encroachments into front yard setbacks. In this instance, the

only accessible location for the transformer is as proposed and the projection beyond the allowable encroachment of 25% does not result from any action of the Applicant, but rather is based upon the requirements of FP&L.

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

CONSISTENT. The requests are the minimum necessary in order to pursue the plans previously approved by DRB and to ensure the project's viability.

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.

CONSISTENT. These variances will not be injurious to the area or otherwise detrimental to the public welfare. The variances facilitate the utilization of the Property. These requests are consistent with the purpose and intent of the Code and promote the public welfare.

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

CONSISTENT. The variances requested are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

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.

CONSISTENT. The granting of the variances will not impact the structures compliance with the sea level rise and resiliency criteria.

Satisfaction of Sea Level Rise and Resiliency Criteria. The proposed restaurant will advance the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code as follows:

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

CONSISTENT. The Applicant will provide a recycling or salvage plan during permitting.

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

CONSISTENT. All new proposed windows will be hurricane rated.

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

CONSISTENT. Passive cooling is incorporated into the design. Refer to the plans.

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

CONSISTENT. The proposed landscaping includes native and Florida-friendly species, which have been previously approved throughout the City.

- 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.**

CONSISTENT. All habitable spaces will be above minimum freeboard (BFE + 1 Ft).

- 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.**

CONSISTENT. An increase in the roadways may be accommodated.

- 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.**

CONSISTENT. Proper precautions have been taken to ensure the any critical mechanical and electrical systems are located above base flood elevation. Refer to the plans.

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

NOT APPLICABLE. This requirement is inapplicable as a new structure is being proposed as part of this application.

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.

NOT APPLICABLE. This requirement is inapplicable as no spaces are proposed below base flood elevation plus Freeboard.

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

CONSISTENT. The Applicant will take reasonable measures for water retention on the site.

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

CONSISTENT. The Applicant has taken reasonable measures to ensure the proposed paving is consistent with this requirement. Refer to the landscape plan for a complete list of all paving materials.

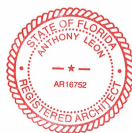
L. The design of each project shall minimize the potential for heat island effects on-site.

CONSISTENT. The proposed design plays on movement and incorporates materials, which reduce the heat footprint of the structure. It also incorporates landscaping, which improves the heat factor and increases air-flow.

Conclusion. The Applicant's proposal is consistent with the character of the neighborhood, as well as the intent of the Code. This Property will greatly benefit from the proposed Project as will the surrounding neighborhood. We respectfully request your recommendation of approval of the Applicant's requests. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Digitally signed by Anthony Leon
DN: CN=Anthony Leon,
dnQualifier=A01410D00000192445B60
3F0001E4F7,O=3DESIGN INC, C=US
Date: 2025.07.10 13:31:20-04'00'



Anthony Leon, Architect

cc: Mr. Rogelio Madan, AICP
Mr. Alejandro Garavito, AICP