

July 7<sup>th</sup>, 2025

City of Miami Beach  
Planning Department  
1700 Convention Center Drive  
Second floor  
Miami Beach, Florida 33139

Attention: Rogelio Madan and Planning Department

**Re: Architect's Letter of Intent**

**ATF Variance for New Residence Proposed at 290 S. Coconut Lane Miami Beach, FL**

Planning Staff and Members of the DRB,

This home was previously approved under the file no. DRB23-0927. The current file number is **DRB25-1111**.

We are seeking two variance:

1. After-the-Fact Variance for the setback on the NorthWest side. The conditions are as follow:

Required Setback: 7'-6"

Proposed Setback: 6'-7"

Requested variance of 11"

Refer to sheet A-0.6a for Variance Diagram

2. After-the-Fact Variance for the setback on the NW side equipment pad. The conditions are as follow:

Required Setback: 5'-0"

Proposed Setback: 3'-10"

Requested variance of 1'-2"

Refer to sheet A-0.6a for Variance Diagram

(Note that the pool equipment slab is in the location specified for a reason. It is in close proximity to the front water feature)

This home was originally designed by CLF, had an approved permit, and began construction back in 2013. Construction was halted shortly after, and the lot was sold. Then CLF designed a new home for the new client, utilizing the existing foundations in order to minimize construction costs, but re-construction never restarted. Then that owner sold the property, and now construction has commenced. An as-built survey revealed that the original home (back in 2013) was constructed with the incorrect setbacks, probably due to differences in the survey.

The current owner, GC, and our team is now stuck with this unfortunate situation. The design of the home approved by the DRB in 2022 has not changed:

- Lot Size: 7,316 square feet
- Unit Size: 3,655 square feet (49.9%) no waiver required.
- Front Yard Area: 1,500 square feet. Pervious Area Provided: 892 sqft (60%) no waiver required.
- Rear Yard Area: 1,002 sqft. Pervious Area Provided: 770 sqft (77%) no waiver required.
- Lot Coverage (Footprint): 2,185 sqft (29.8%) no waiver required.
- Flood Zone: AE-10. Finished First Floor: +14.0' NGVD. no waiver required.
- Residence Height: Finished First Floor to Top of Roof: 24'-0" no waiver required
- All Front, Rear and Side Setbacks meet the code required distances for one story and two-story construction. No waiver required.
- The project meets the criteria of the Seal Level Rise and Resiliency Code per sec. 7.1.2.4.
- The Construction cost estimate is \$1,300,250.

**Variance Hardship Criteria** (As per Section 2.8.3 of the Land Development Regulations)

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.
  - a. As described above, the existing home is constructed encroaching into the side setback, at no fault of the Architect. We are seeking two variances to mitigate this, and to keep the original design intent.
2. The special conditions and circumstances do not result from the action of the applicant.
  - a. Refer to comment #1.
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.
  - a. Refer to comment #1.
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.
  - a. Refer to comment #1.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - a. We want to keep the design as originally intended. In order to do this, we need to have the setbacks requested.

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.
  - a. **We do not believe that this will be detrimental to the area.**
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.
  - a. **We believe that it is consistent.**
8. The granting of this variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article 1, as applicable.
  - a. **It is consistent.**

It is very unfortunate that our client has run into this situation. We ask for your cooperation in getting this application approved so that our client can move forward with construction of this beautiful home.

Sincerely,

Ralph Choeff, President  
Choeff Levy Fischman PA



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by Ralph Choeff  
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