

December 12, 2025

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

Attention: Rogelio Madan and Planning Department Staff

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

**New Residence Proposed at 104 East San Marino Drive, Miami Beach, FL 33139**

Planning Staff and Members of the DRB,

We are requesting the following Variances/ Waivers:

1. **Variance** for Rear yard setback for the Spiral Stair as it is not an allowable encroachment and driveway – Section 7.2.2.3(b)1.
  - a. Required: 20'-0"
  - b. Provided: 16'-6"
  - c. Refer to Sheet A-080 for diagram
2. **Variance** for front entry planter & steps to project more than 25% into the required yard - Section 7.2.2.3(b)12.N
  - a. Allowed: 3'-9"
  - b. Proposed: 4'-0"
  - c. Refer to sheet A-081 for diagram
3. **Variance** for the stairs and walkways located on the required yard facing the street to exceed 44" in width – Section 7.2.2.3(b)12.N.XI
  - a. Allowed: 44"
  - b. Proposed: 10' (120")
  - c. Refer to sheet A-082 for diagram
4. **Variance** for the open space at the rear yard (Section 7.2.2.3(B)1.6
  - a. Required: 70% or 840 SF
  - b. Proposed: 53.4% or 641 SF
  - c. Refer to sheet A-082
5. **Waiver** for 50% of the second floor along a side elevation facing a street shall be setback a minimum of 5' from the minimum setback (7.2.2.3.b.2.B.II)
  - a. Required: 50% of the elevation, or 30'-9"
  - b. Provided 52.4% or 32'-3"
  - c. We comply with this value, as long as the balcony with the screen does not count. This waiver is to exclude the screened balcony from counting.
  - d. Refer to sheet A-090 for diagram
6. **Waiver** for the elevation requirements for the open-space courtyard for the Left West Elevation - Section 7.2.2.3(b)2.A
  - a. Allowed: 60'-0"

- b. Proposed: 63'-0"
  - c. Note that we are providing a courtyard which is larger than 1% of the lot width, it is open to the sky, and is more than 8' deep. However it is at the first floor level, and not at grade.
  - d. Refer to sheet A-091 for diagram
7. **Waiver** for the elevation requirements for the open-space courtyard for the Right East elevation - Section 7.2.2.3(b)2.A
- a. Allowed: 60'-0"
  - b. Proposed: 61'-1"
  - c. Refer to sheet A-092 for diagram

This shall serve as the Architect's Letter of Intent regarding a proposed new residence to be constructed at the above mentioned residence. Here are the site specifics:

- Lot Size: 7,066 SF
- Unit Size: +/- 3,500 SF
- Lot Coverage (Footprint): 1,947 SF (27.5%)
- Front Yard Area: 100% Pervious Area
- Rear Yard Area: 52.2% Pervious Area
- Flood Zone: AE- 9
- All Front, Rear and Side Setbacks meet the code required distances for one story setbacks. The Second floor Rear setback requires a variance.

Construction Estimates:

- Cost this home is \$3,150,000.
- Date of construction commencement is May 2026.
- Existing one story home will be entirely demolished – refer to Demolition plan.

**Design Review Criteria** (As per Section 2.5.3.1 of the Land Development Regulations)

1. Design Review Criteria
  - a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
    - i. We only minimally altering the existing topography. The site's vegetation needs to be altered a bit so that we can build the residence – Refer to Landscape Mitigation plan. We will include a Civil plan for permitting ensuring that we will keep all rain water on our site. There are no water ways on this property.
  - 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 services.
    - i. These items do not apply to this project. We are proposing to demolition the existing home and reconstruct in its place.
  - 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.
    - i. We are complying with the Zoning Code – RS-4.

- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for development requiring a building permit in areas of the city identified in section 2.5.3.2
  - i. The aesthetic of the home is in the style of Tropical Modern Architecture, and follows the color and design of this style.
- 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.
  - i. Yes they conform.
- 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.
  - i. As an architect, I believe that it does.
- 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.
  - i. We are taking these things into consideration in the plans.
- 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 safe and safe ingress and egress to the site.
  - i. This does not apply as this project is a single family residence.
- 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.
  - i. This does not apply to this project.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
  - i. Check the landscape plans. Also we are showing the materiality of pavers and driveway in the site plan.
- 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.
  - i. This does not apply as it is a single family residence. Refer to Landscape plans for vegetation buffers.
- 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).
  - i. The structure complies with code, and is in the Tropical Modern Architecture style.

- 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.
  - i. Yes it does. Also refer to landscape plans.
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
  - i. The mechanical equipment on the roof is screened. Refer to elevations and floor plans.
- 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).
  - i. Our new structure complies with unit size and lot coverage requirements.
- 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.
  - i. Refer to landscape plans. The side facing the street has a buffer made with plants.
- 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.
  - i. Does not apply to this project.
- 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.
  - i. Noted.
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
  - i. Yes it complies.

**Sea Level Rise and Resiliency (As per Section 7.1.2.4)**

- a) A recycling or salvage plan for partial or total demolition shall be provided.
  - a. We have provided a plan for total demolition.
- b) Windows that are proposed to be replaced shall be hurricane proof impact windows.
  - a. Please refer to the elevations drawings where we are calling this out.
- c) Where feasible and appropriate, passive cooling systems, such as operable windows shall be provided.
  - a. We have sliding glass doors throughout the residence which promote air circulation.
- d) Resilient Landscaping (salt tolerant, highly water-absorbent, native, or Florida- friendly plants) shall be provided, in accordance with chapter 4 in the Land Development Regulations.
  - a. Please refer to Landscape plans for the provided resilient landscaping.
- 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.

- a. Noted. The Base flood Elevation here is +9.00' NGVD, and we are going to Freeboard +2', 11.00' NGVD.
- 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.
  - a. The current street level is about +5.75' NGVD. The residence first floor is +11.00' NGVD, 5.5' above.
- 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.
  - a. All of the mechanical equipment will be located on the roof. All the electrical equipment will be at elevation BFE + 1', or 9' NGVD, or higher.
- h) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus city of Miami Beach Freeboard.
  - a. The first floor of the residence is at BFE + 2.00', or 11.00' NGVD.
- 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.
  - a. Does not apply because we do not have any habitable space below the first floor.
- j) As applicable to all new construction, stormwater retention systems shall be provided
  - a. A civil engineer will be retained and will provide a comprehensive storm water retention plan. This will be included in our Permit Submittal.
- k) Cool Pavement materials or porous pavement materials shall be utilized.
  - a. We have added a note to the drive way that the material shall have a high albedo finish.
- l) The design of each project shall minimize the potential for heat island effects on-site.
  - a. The design of the residence is very spread out throughout the property, we are using high albedo surfaces, and promoting natural ventilation. This all helps to reduce or eliminate the heat island effect.

**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. The owner wanted a pool facing the front of the property. As such we need to put a driveway in the rear, and given the small and narrow lot of only 60' wide, the driveway prohibits us from complying with the rear area pervious calcs.
  - b. There is no space on this lot to have a garage, therefore a carport is required.
  - c. This lot is so small, it would be very difficult to meet all required setbacks.
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. We are not doing anything out of the ordinary.

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. In order to appease the client and stay true to our design, this is the driveway width that the design calls for.
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.

I ask for your support and your vote in favor of the design so that we may proceed with the project. We ask that the Board approve our application as submitted. Should you have any questions regarding the application, please do not hesitate to contact our offices at the number listed below.

Sincerely,

Ralph Choeff, President  
Choeff Levy Fischman PA