



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131
www.brzoninglaw.com
305.377.6236 office
305.377.6222 fax
mmarrero@brzoninglaw.com

VIA ELECTRONIC & HARD COPY SUBMITTAL

May 10, 2026

Rogelio Madan
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **DRB26-1169** – Letter of Intent – Application for Variances from Setback Requirement and Walkway Width Requirement for 2444 Prairie Avenue (DRB Order No. DRB21-0760)

Dear Mr. Belush:

This law firm represents John Enright and Renee Manganaro-Enright (the "Applicants"), owners of the property located at 2444 Prairie Avenue in the City of Miami Beach (the "Property"), identified by Miami-Dade County Folio No. 02-3227-006-0390. The Applicants seek two variances: (1) a variance from the required sum-of-the-side-yards setback pursuant to Section 7.2.2.3.b.1 of the Code; and (2) a variance from the maximum front yard steps width requirement pursuant to Section 7.2.2.3.b.12.N.XI of the Code.

Property Description. The Property is located on the east side of Prairie Avenue, across the street from Bayshore Park, within the RS-3 zoning district. The Property consists of a single parcel approximately 10,400 square feet (0.23 acres) in size, with a lot width of 65 feet. The Property was previously improved with a two-story home constructed in 1925, which has since been demolished and replaced with a new single-family residence approved by the Design Review Board under Order No. DRB21-0760 (the "Project"). Construction of the Project was authorized under Building Permit No. BR2307664 (the "Permit").

Background and Basis for Variance Request. The Project was constructed pursuant to Permit which reflects compliant side setbacks and a sum-of-the-side-yards of 16.25 feet, equal to 25% of the 65-foot lot width as required under Section 7.2.2.3.b.1 of the Code. The Permit superseded and corrected dimensional issues present in the originally approved DRB plans under Order No. DRB21-0760, and constitutes the governing approved condition

against which the as-built deviation is measured. During construction, the structure was shifted to the south, resulting in changes to both the north and south side setbacks relative to the Permit plans. The as-built sum-of-the-side-yards is 16.1 feet, a shortfall of 0.15 feet (1 13/16 inches) from the required 16.25 feet. The Applicants seek a variance in the amount of 0.15 feet to address this as-built condition.

Additionally, Section 7.2.2.3.b.12.N.XI of the Code limits the width of steps located within the required front yard to a maximum of 44 inches. As constructed, the steps shown within the required front yard of the Project exceed this maximum width and has a maximum width of 13 feet and 4 inches, as shown on the original DRB21-0760 plans. The steps were constructed as shown on the plans approved under prior DRB Order and the Permit and are integral to the design and access configuration of the Project as approved by the DRB under Order No. DRB21-0760.

The Applicants are not seeking to alter the design or footprint of the Project in any material respect. The variance request is necessitated solely by this minor as-built deviation and is limited to the difference between the approved condition and the as-built condition, an encroachment of approximately three inches.

The requested variances satisfy the applicable criteria under Section 2.8.3(a) of the Code. The sum-of-the-side-yards deviation of 0.15 feet (1 13/16 inches) resulted from a minor bilateral lateral shift of the structure during construction, not from any deliberate design choice, and has no perceptible impact on light, air, or privacy conditions on any adjoining lot. The front yard steps width condition was reviewed, approved by the DRB under Order No. DRB21-0760, and constructed in strict conformance with the permitted plans; the variance is required solely because the approved and constructed condition exceeds the 44-inch maximum under Section 7.2.2.3.b.12.N.XI.

Neither variance confers a special privilege, as the sum-of-the-side-yards relief addresses an inadvertent construction condition and the steps width relief recognizes a condition expressly sanctioned through the City's own review and permitting process. Each variance is the minimum necessary: the sum-of-the-side-yards relief is limited to the precise difference between the as-built total of 16.1 feet and the required 16.25 feet, and the steps width relief is limited to the difference between the as-built condition and the 44-inch maximum. Requiring demolition or reconstruction to remedy a 1 13/16-inch bilateral deviation, or alteration of a condition approved through the City's full design review process, would impose a hardship entirely disproportionate to any benefit achieved. Neither variance undermines the intent or purpose of the standards from which relief is sought.

Variance Criteria. Section 7.7.2 of the Code authorizes the Design Review Board to approve variances upon a finding that the applicable criteria are satisfied. Section 2.8.3(a) of the Code requires the following findings in order to authorize a variance. The Applicants submit that each criterion is satisfied 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.

The as-built condition results from a minor lateral shift of the structure during construction, totaling 1 13/16 inches in the aggregate across both side yards, relative to the dimensions reflected in the Permit. This circumstance is unique to the Project and does not reflect a condition common to other properties in the RS-3 zoning district.

The steps configuration was specifically designed for and approved as part of the Project under DRB Order No. DRB21-0760 and constructed in accordance with the plans authorized under Building Permit No. BR2307664.

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

The bilateral deviation arose during the construction process and was not the product of any intentional design decision by the Applicants. The Permit reflected a fully compliant sum-of-the-side-yards of 16.25 feet, and the Applicants did not seek or direct any departure from those approved dimensions.

For the steps, the Applicants did not deviate from the approved design; the variance is required solely because the approved and constructed condition exceeds the 44-inch maximum under Section 7.2.2.3.b.12.N.XI.

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.

With respect to the sum-of-the-side-yards variance, the variance addresses an inadvertent as-built condition rather than a request to exceed the Code's dimensional standards as a matter of preference. Any property owner in the RS-3 zoning district confronting the same circumstance would be entitled to seek the same relief.

With respect to the front yard steps width variance, the variance recognizes a condition that was reviewed and approved through the City's full design review and building permit process. Any property owner in the RS-3 zoning district whose steps configuration was similarly approved through those processes would be entitled to seek the same relief.

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 and would work unnecessary and undue hardship on the applicant.

With respect to the sum-of-the-side-yards variance, strict enforcement of the sum-of-the-side-yards requirement as applied to this as-built condition would require demolition or reconstruction of portions of an otherwise Code-compliant structure to remedy a total deviation of 1 13/16 inches across both side yards, a result entirely disproportionate to the nature of the deviation and any benefit achieved.

With respect to the front yard steps width variance, the steps were reviewed, approved by the DRB, permitted, and constructed in full conformance with the approved plans. Requiring the Applicants to alter a condition that passed through the City's own review and approval process would impose an undue hardship inconsistent with the reasonable reliance the Applicants placed on those approvals.

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

With respect to the sum-of-the-side-yards variance, the variance is limited to 0.15 feet (1 13/16 inches), representing the precise difference between the as-built sum-of-the-side-yards of 16.1 feet and the required 16.25 feet. No additional relief is requested.

With respect to the front yard steps width variance, the variance is limited to the difference between the as-built steps width, as approved and constructed pursuant to DRB Order No. DRB21-0760 and Building Permit No. BR2307664, and the 44-inch maximum permitted under the Code. No additional relief is requested.

6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare.

With respect to the sum-of-the-side-yards variance, the side setback standards in the RS-3 district are intended to ensure adequate separation between structures and to preserve light, air, and privacy for adjacent properties. The as-built condition continues to satisfy each of those purposes, and the deviation of 1 13/16 inches has no perceptible impact on adjacent properties or the surrounding neighborhood.

With respect to the front yard steps width variance, the steps configuration was reviewed and found consistent with the design standards applicable to the Project by the DRB. The front yard otherwise provides 51% open space, well in excess of the 50% minimum required, and the steps as constructed do not alter the character of the streetscape or adversely affect adjacent properties.

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.

Both variances involve dimensional conditions on a single-family residential lot designated Single Family Residential on the Future Land Use Map of the City's Comprehensive Plan. Neither variance affects any level of service standard established in the Comprehensive Plan. The front yard steps width condition was additionally reviewed and approved through the City's design review process prior to construction.

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.

The Project was designed and constructed to satisfy the sea level rise and resiliency criteria of the Code, including a finished floor elevation of 9 feet NGVD, hurricane impact windows, permeable driveway materials, on-site stormwater retention, and resilient native landscaping. Neither requested variance affects any of these features.

9. Housing impact statement.

The Property is a single-family home. Accordingly, a housing impact statement is not required under Section 2.8.3(a)(9).

Design Review Criteria. Section 2.5.3.1 of the Code sets forth the criteria applicable to design review. The Applicants submit that each criterion is satisfied as follows.

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

The Project is centrally located on the 10,400 square foot lot with ample open space at the front and rear. Landscaping features native, salt-tolerant, and Florida-friendly plantings selected to improve stormwater drainage and flood resilience on the 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 devices.

The location of all site elements is consistent with the plans reviewed and approved by the DRB under Order No. DRB21-0760 and authorized under Building Permit No. BR2307664.

(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.

The Project complies with the dimensional requirements of the RS-3 zoning district, including lot coverage of 29% where 30% is permitted, unit size of 4,440 square feet where 5,200 square feet is permitted, and front and rear yard open space meeting or exceeding the required minimums. The two variances requested herein address the only deviations from the otherwise compliant approved condition.

(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 design, color, and material selections were reviewed and approved by the DRB under Order No. DRB21-0760.

(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.

The Project was designed and approved in conformance with the applicable standards and design guidelines of the Code. The variances requested herein do not alter the design or character of the approved Project.

(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.

The Project was found compatible with the environment and adjacent structures by the DRB under Order No. DRB21-0760. The as-built deviations giving rise to the requested variances do not affect the appearance of the Project or surrounding properties.

(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.

The site layout was reviewed and approved by the DRB under Order No. DRB21-0760 and constructed in accordance with Building Permit No. BR2307664.

(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.

Pedestrian and vehicular access was reviewed and approved by the DRB under Order No. DRB21-0760 and is consistent with the approved plans.

(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.

Site lighting was reviewed and approved by the DRB under Order No. DRB21-0760 and is consistent with the approved plans.

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

Landscape and paving materials were reviewed and approved by the DRB under Order No. DRB21-0760 and are consistent with the approved 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.

Buffering materials were reviewed and approved by the DRB under Order No. DRB21-0760 and are consistent with the approved plans.

(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).

The orientation and massing of the Project were reviewed and approved by the DRB under Order No. DRB21-0760. The as-built deviations do not affect the orientation or massing of the structure.

(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.

The Project is a single-family residence. The ground floor fronting Prairie Avenue is residential in use and appearance, consistent with the RS-3 zoning district.

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

Rooftop treatment and mechanical equipment screening were reviewed and approved by the DRB under Order No. DRB21-0760 and are consistent with the approved 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).

This criterion is not applicable. The Project is new construction.

(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.

Ground floor transparency and visual interest were reviewed and approved by the DRB under Order No. DRB21-0760 and are consistent with the approved plans.

(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.

The location and screening of service and refuse elements were reviewed and approved by the DRB under Order No. DRB21-0760 and are consistent with the approved plans.

(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.

This criterion is not applicable. The Project does not involve a wireless communications facility.

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

The Project was designed and constructed to satisfy the sea level rise and resiliency criteria of the Code, including a finished floor elevation of 9 feet NGVD, hurricane impact windows, a 100% permeable front yard driveway, on-site stormwater retention, and resilient native landscaping. Neither requested variance affects any of these features.

(t) Housing Impact Statement

The Property is a single-family home. Accordingly, a housing impact statement is not required under Section 2.5.3.1.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

The Applicants will provide a recycling or salvage plan during permitting.

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

The Proposed Home will feature hurricane impact windows.

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

The design of the Proposed Home features multiple courtyards, and outdoor covered living area, and proposes to include operable windows where appropriate. Further, the abundant landscaping and permeable materials contribute to passive cooling, which represents a significant improvement from the existing condition.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

The Applicants have worked with a landscape architect to provide landscaping that is appropriate for the Property, with plant species that are native, salt-tolerant, and Florida-friendly. The proposed plantings are appropriate for the area and specifically selected to increase flood resilience and improve stormwater drainage on the Property.

(5) 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.

The Proposed Home features no residentially habitable space below base flood elevation. The finished floor elevation of 9' NGVD is 1' higher than BFE to provide even greater flood and sea level rise protection.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways 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 up to three (3) additional feet in height.

The driveways and garage are designed with future roadway elevation projects in mind. In addition, the increased Finished Floor Elevation of the Proposed Home from the existing condition makes the Property more adaptable to future road raising projects.

(7) 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.

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

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

There are no existing buildings.

(9) 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 of 54 of the City Code.

The design of the Proposed Home does not feature any habitable space below base flood elevation plus Freeboard.

(10) As applicable to all new construction, water retention systems shall be provided.

The Proposed Home will retain all stormwater on-site. Notably, the Proposed Home features permeable pavement in the front yard, which serves to allow natural percolation and reduce stormwater runoff.

(11) Cool pavement material or porous pavement materials shall be utilized.

The Applicants propose a substantial increase in cool and/or porous pavement materials, including a 100% permeable driveway in the front yard.

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

The Applicants propose a roof terrace with abundant landscaping and an extensive lawn at the rear of the home. These features serve to minimize heat island effect.

Conclusion. The Project was designed, approved by the DRB, and constructed in accordance with the requirements of the RS-3 zoning district and the applicable design standards. The sum-of-the-side-yards variance addresses a minor bilateral construction deviation of 1 13/16 inches that was unintentional and without meaningful impact on adjacent properties or the surrounding neighborhood. The front yard steps width variance addresses a condition that was expressly reviewed and approved through the City's full design review and building permit process and constructed in strict conformance with those approvals. Both requested variances satisfy the applicable criteria under Section 2.8.3(a) of the Code and represent the minimum relief necessary to address each as-built condition. The Applicants respectfully request the Board's favorable review and approval, if you have any questions or comments, please call me at 305-374-5300.

Sincerely,



Michael J. Marrero

CC: Carlos A. Markovich