

Zachariah Cohen
ZCLL IX LLC
1835 Michigan Avenue
Miami Beach, FL 33139

Date: August 24, 2025

Letter of Intent – Request for Variance (HPB25-0670)

Subject: Variance for Existing Seawall Height at 1835 Michigan Avenue

To the Members of the Historic Preservation Board,

On behalf of ZCLL IX LLC, I respectfully request a variance from Section 54-62 of the Miami Beach Land Development Regulations, which requires seawalls to be constructed or repaired to a minimum height of 5.7 feet NAVD.

The existing seawall at 1835 Michigan Avenue currently measures between 4.5 and 4.7 feet NAVD, as confirmed by the sealed Elevation Certificate prepared by Survey Pros, Inc., dated December 9, 2022. This variance request seeks approval for the existing seawall height to remain as is.

Background and Compliance Efforts

In response to Violation Notice US2023-04466, I engaged a licensed contractor to complete all required repairs, including sealing cracks with hydraulic concrete and repainting the seawall. An after-the-fact permit application (#BR2409353) was submitted.

On July 5, 2024, a licensed structural engineer (Masood Hajali, P.E.) inspected the seawall and confirmed in a sealed report that the wall is structurally sound and safe following repairs. Together with the sealed Elevation Certificate, this demonstrates that the seawall is both structurally adequate and professionally documented.

Color photographs of the seawall, taken from both the property and across the canal, are attached as Exhibit B.

Variance Criteria (Section 2.8.3, Land Development Regulations)

The following addresses each of the eight variance criteria as required:

1. Special conditions and circumstances

The seawall was originally constructed at a lower elevation than today's standards. Its historic condition and integration with the surrounding environment are unique circumstances not common to other properties in the zoning district.

2. Not the result of applicant's actions

These conditions predate the current owner's involvement. The reduced height is the result of regulations evolving over time, not any action by the applicant.

3. No special privilege

Approval of this variance would not confer a special privilege. Similar allowances have been granted for historically constructed seawalls within the city.

4. Undue hardship from literal interpretation

Literal application of Section 54-62 would require full demolition and reconstruction, which is financially burdensome and unnecessary given the wall has been certified as structurally sound and safe.

5. Minimum variance necessary

The request is limited to maintaining the seawall at its current elevation (4.5–4.7 ft NAVD), the narrowest relief possible without unnecessary reconstruction.

6. Harmony with intent and public welfare

The ordinance's intent is resiliency and flood protection. The repaired seawall has been deemed safe, poses no hazard to navigation or neighbors, and therefore aligns with public safety and welfare.

7. Consistency with Comprehensive Plan

This request is consistent with the Comprehensive Plan, allowing continued use of existing infrastructure while avoiding wasteful demolition. It does not reduce levels of service for utilities, stormwater, or public systems.

8. Resiliency and sea level rise review criteria

The seawall complies with structural safety standards and incorporates reinforced repairs and concrete sealing, extending its service life and contributing to shoreline resiliency until future upgrades are necessary.

Conclusion

For these reasons, I respectfully request that the Historic Preservation Board grant a variance to allow the seawall at 1835 Michigan Avenue to remain at its current elevation of 4.5–4.7 feet NAVD.

Thank you for your time, consideration, and the opportunity to resolve this matter. I am happy to provide any additional documents needed before the hearing.

Sincerely,

Zachariah Cohen
ZCLL IX LLC