

May 10th 2026

Historic Preservation Board
c/o Michael Belush, AICP
City of Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139

**Re: HPB26-0690: Variance Application for the Property at
280-300 S. Shore Drive, Miami Beach FL**

Dear Michael,

We represent Vista Breeze, LTD. (the "Applicant") who, in conjunction with the Housing Authority of Miami Beach, has developed an affordable housing project for the elderly (the "Project") at the property located at 280-300 S. Shore Drive, Miami Beach, FL (the "Property"). Please accept this letter of intent in connection with a request for a front setback variance approval for the Project's FPL vault's location.

Background. The Historic Preservation Board ("HPB") approved the Project via case file HPB22-0509 (the "Approval"). Pursuant to the Approval, the Applicant pursued master building permit BC2219805 (the "Building Permit"). At some point during the permitting process, the FPL vault location had to be modified in order to comply with Florida Building Code, FPL, FEMA and other code requirements. It now encroaches into the required front yard located at a 13' setback when 25' is required by Section 7.3.8.3.e. of the Resiliency Code and a 22' setback was granted in the Approval. The encroachment was not identified until the Project was largely built and weeks away from finalizing construction and obtaining a Temporary Certificate of Occupancy ("TCO"). See Figure 1, below. A redesign to revise the location of the FPL vault is no longer feasible. The Applicant, therefore, respectfully requests a variance to allow the encroachment of the FPL and a corresponding modification to condition III.E. of the Approval, which is related and reads as follows:

"All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street."



Figure 1. The Project

Practical Difficulty. A strict application of the Code's front setback requirements creates a practical difficulty for the Property and Project. As discussed above, the as-built location of the FPL vault was dictated by Florida Building Code ("FBC"), FPL, FEMA and other requirements as applied to this Property. The encroachment was not identified until the structure was substantially completed and weeks away from receiving a TCO. Revising the location now would require substantial demolition of the just constructed structure which will significantly delay delivery of much needed affordable housing for the elderly and potentially jeopardize the Project's financial viability. This constitutes a practical difficulty justifying the need for the requested variance.

Variance Criteria. The Applicant's request complies with the Resiliency Code (the "Code") criteria for variance in Section 2.8.3.a. of the Code 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;*

Special circumstances exists which are peculiar to this building. The as-built location of the FPL vault results from FBC, FPL, FEMA and other regulatory requirements as applied to this specific building. The encroachment into the required yard was not identified until the building was essentially fully constructed and weeks from TCO. A redesign is not possible at this stage without demolition of substantial portions of this recently constructed building, which will unduly delay delivery of approximately seventy (70) senior citizen affordable housing units potentially jeopardize the financial viability of the Project.

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

The location of the FPL vault is a direct result of compliance with FBC, FPL, FEMA and other requirements and not the action of 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;*

Granting this variance does not confer to the Applicant any special privilege. Other built out properties that detect nonconformities with the Code in the course of or after construction are similarly able to seek after the fact variances.

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 literal interpretation of the Code would work an unnecessary and undue hardship on the Applicant as it will require substantial demolition of a just completed project. It would delay delivery of approximately 70 much needed affordable housing units for the elderly.

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

The requested 12' front setback variance for the FPL vault is the minimum necessary to allow reasonable use of the this building. Given FBC, FPL, FEMA and other requirements, there is no other feasible location for the FPL vault and the building cannot operate without electricity.

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;*

Granting the setback variance is in harmony with the general intent and purpose of the Code and will not be detrimental to the public welfare. On the contrary, denying this variance will be detrimental to the public welfare as it will prevent issuance of a Certificate of Occupancy for a public-private partnership project that delivers approximately 70 much needed affordable housing units for the elderly.

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*

Granting this variance is consistent with Goal HE 1 of the City's comprehensive plan: "Provide vulnerable populations with affordable housing options that are proximate to transportation services and basic needs to improve economic mobility within the community." Granting the variance allows this Project to obtain a Certificate of Occupancy and deliver approximately 70 affordable housing units for the elderly. There is no impact to levels of service stemming from this variance request.

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.*

Granting the variance results in a structure and site that complies with all sea level rise and resiliency review criteria. The Project as a whole was evaluated and found compliant with all relevant Code criteria at the time of the Approval. Granting of this variance does not affect compliance.

9. *In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if applicable, shall be mandatory for board of adjustment review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may serve as a basis for the approval or denial of a variance application.*

Not applicable.

We look forward to working with you on this application and obtaining a Certificate of Occupancy for these much needed affordable housing units for our elders.

Sincerely,

Michael Belush
May 10, 2026
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A handwritten signature in blue ink, appearing to read 'Cecilia Torres-Toledo', written over a horizontal line.

Cecilia Torres-Toledo

cc: Neisen Kasdin, Esq.
Isaiah Valcin, AICP