

October 3rd, 2017,

To: City of Hallandale Beach

From: Ralph Choeff, Architect
Choeff Levy Fischman Architecture + Design

Re: 641 Palm Drive. Hallandale Beach, Florida 33309
Variance Request
Architect's Cover Letter

To Whom It May Concern,

Please acknowledge this as the Architect's Cover Letter as we request three variances for the above referenced address.

This is a new residence designed by our firm. In the design process, we discovered, due to requests by our client, that we would need to obtain three variances in order to make the design as submitted compliant. The three variances are as follows:

1. Variance to allow the generator within the side yard setback.
2. Height Variance to exceed 30' in small portion of residence.
3. Variance to allow a cabana structure not to exceed 100 square feet within the rear setback.

We have done our due diligence by submitting the plans to the Minor Development Board. After their submission and review, we received some notes and comments from this Board which we proceeded to address. As well, we had a subsequent meeting with the Minor Development Board to review our comment responses. At that time, we received some additional comments and notations that had to be incorporated into the plans, as well as instructions as how to apply for these variances. Also, the owner, David Avan, proceeded to take these plans and design to the neighbors for their input. We believe we have done our due diligence prior to these variance requests and are now ready to discuss and present the variance requests to your Board.

The first variance request is for the location of the generator in the side yard setback. Upon meeting with the Minor Development Board, we were informed that we needed to leave a 4'-0" space between the generator and the side property line. The generator could be located no more than 6' from the residence to the outside edge of the generator. We needed to reflect this on our plans. Our generator is 3' wide and will be located 3' from the residence to meet code requirements. This will meet the 6' maximum allowed from the residence, as well as the 4' separation from the side property line. The aforementioned explains this entire variance request.

The second variance request is for height. The majority of the residence actually sits below the maximum allowed height of 30'-0". The majority of the residence, and most importantly its sides, are 25'-4" from the finished first floor to the top of the roof. This is substantially lower than

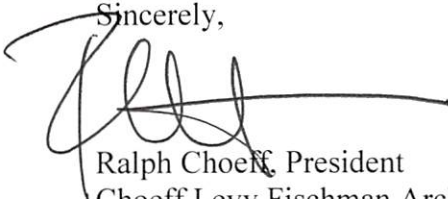
the maximum 30' allowed. It is only the center portion, with a decorative fin wall at the center of the residence that will exceed the maximum height allowed. The top of the centrally located fin wall sits at 35'-6" above the finished floor. The stair tower to the roof is 4' above the allowed height, and sits at 34' above the finished first floor. Again, this is centrally located and will have no shadow casting effect on any of the neighbors. The majority of the roof of this residence was designed much lower than the allowed height for the purpose of having a rooftop use with minimal stair impact to the roof. The heights exceeded are not egregious and very minor. Due to the size of the area of this height variance request, as well as its location, it will not have any shadow casting effect on any of its neighbors, which I believe is the prime concern. The shadows cast by this area will have absolutely no impact on this site nor on any of the neighbor's sites, and it is an integral and necessary part of the design of this residence. Because this will have no effect on any of its neighbors, I respectfully request that this variance be granted.

The third and last variance is to allow a cabana structure of no more than 100 square feet in the rear setback. The owner would like to use this structure as a small cabana bath to be used in conjunction with the pool, as well as a small covering for an outdoor summer kitchen and barbeque. When we presented this proposed cabana to the Minor Development Board it was much larger. At that time, we were informed that a variance of no more than 100 square feet of covered roof area could be approved, thus we reduced this cabana and covered area combined to not exceed 100 square feet of space.

Please see the attached Exhibit A for the sheet that addresses the criteria for variances.

This concludes my cover letter for the variance requests, and hope you find them reasonable enough to grant.

Sincerely,



Ralph Choeff, President
Choeff Levy Fischman Architecture + Design

EXHIBIT A

Criteria for Variances

There are 7 criteria that must be addressed when applying for a variance. Please see the criteria below with the answers addressing the criteria in red.

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or buildings in the same zoning district. (Describe what special conditions and circumstances are different from those of neighboring properties).

Request to exceed 30' height limit: Most of the residence was designed with a roof height that is much lower than the 30' height limit. Since the code allows a rooftop use, a stair and elevator were designed to have rooftop access. This is the main reason that most of the residence roof was designed substantially below the 30' height limit, at 25'-4". Due to the stair tower, we are requesting a height variance for the stair tower, which is centrally located at the residence and is far away from the front and sides of the residence causing absolutely no shadow or other impact to any neighbors. This additional height will allow us to access the roof. As well, we are requesting an additional 1'-6" height above that for a decorative wall, also centrally located and adjacent to the stair tower which we believe is integral with the design. Again, due to the wall's location, there will be absolutely no impact to the neighbors.

The condition that exists is the height limitation that conflicts with the allowable rooftop use. We designed a much lower main residence roof knowing we would need a stair up to the roof, and knowing we needed height for that. We do not believe this additional height request is egregious and is quite minimal. The height variance is only for a very small portion of the residence and occurs in the middle of it, as to not cause any shadows or any impacts on the neighbors.

Request for generator in the side setback:

The owner wants a generator to power the residence in case there is a loss of electricity. After meeting with the Minor Development Board, we placed the generator as per their instructions and that is now reflected on the plans. A generator is allowed in the side setback, but requires a variance.

Rear Cabana Structure:

A rear cabana structure was designed within the rear setback. This cabana has a half bath with the shower provided outdoors, and also has a summer kitchen/BBQ cabinet built in which are under roof. The Minor Development Board stated that the variance request for the rear cabana could not exceed 100 square feet. The cabana designed is 100 square feet and will not exceed that number. The code does allow these cabanas if a variance for

such is obtained, thus the variance request. There are a few existing residences in this neighborhood that have such cabanas constructed within their rear setback.

2. That the special conditions and circumstances do not result from the action of the applicant. (State whether the need for a variance was caused by something you did on the property, or it is a situation caused by the actions of others)

These variance requests are not due to any special conditions or circumstances, and are not a result of any action of the applicant.

3. That granting the variance requested will not confer on the applicant, any special privilege that is denied by the Code to other lands, building, or structures in the same district. (Will the variance allow you to do something that owners of neighboring properties are not allowed to do. If not, explain why).

We do not believe that the granting of any of these variances would confer special privileges to the applicant. These are variances that may be requested under the code and are all located as to have no real impact on the neighbors or the public welfare.

4. The literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code, and would work unnecessary and undue hardship on the applicant. (What are the rights you believe are being taken away from you by your having to comply with the requirements of the zoning district).

Since rooftop uses are allowed by code, it is imperative that the minimal 4' height variance be approved for the stair tower. This would allow for rooftop use. The main portion of the residence roof was designed at 25'-4" in height in order to achieve the minimal stair tower height requested. The additional 1'-6" height variance is needed only for a central decorative wall to enhance the architecture, and will have absolutely no impact on any neighbors due to the central location of both. Because of the wall, the height variance request is for 5'-6".

The use of generators are also allowable. They are allowed within the side setback as long as a variance is obtained, so I don't believe there should be any issue here. All Minor Development Board requirements are met.

There are existing properties that have cabanas built within the rear setback, and this owner would like to be one of them. We believe that since others have been afforded such right that we should be too. The request is for the maximum allowed 100 square feet under roof, which meets the Minor Development Board standards.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. (Describe what alternatives or options you have

considered in order to minimize your variance request and still have reasonable use of your property.

The variances requested are the basic minimum. For an elaboration of this answer, see the responses to item 1 of this exhibit. They are reasonably placed with none or minimal impact to the neighbors. We have lowered the variance requests heights from the very original design in order to make it more compliant to the code and minimize that individual variances themselves.

6. That the granting of the variance will be in harmony with the general intent and purpose of the Code. (State how your request is in harmony with the City regulations to promote, protect and improve the public health, safety, comfort, good order, appearance, etc.

The granting of either of the three variances requested will be in harmony with the general intent and purpose of the code. The code allows for the requesting and granting of such variances as long as they are not egregious or cause danger or be a nuisance to the general public and its welfare, which these variances will cause neither. The requests are minimal and are in keeping with the general intent of the code. As well, the locations where these variances are sought are those that would make no impact on the neighbors.

7. That such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. (describe how the granting of the variance will not adversely affect neighboring properties and the City overall).

None of the variances requested will be injurious to the area or otherwise detrimental to the public welfare. These will have absolutely no impact on either. The main residence roof height is actually lower than many of the existing residences in the area. It is only a small portion of the center of the residence that a minimal height variance is being sought. The generator location is allowed as shown, but does require a variance. The cabana is in keeping with the maximum 100 square feet under roof allowed. These 100 square feet include both enclosed and open spaces that are under roof. There will be no adverse affect on any neighboring property.