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**Via Electronic Mail  
and Hand Delivery**

June 2, 2020

Otniel Rodriguez E.I.  
Right-of-Way Manager  
Public Works Department  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

Re: 544 Lakeview Court, Miami Beach, Florida 33140

Dear Mr. Rodriguez:

This correspondence is transmitted to you on behalf of Robert A. Lazenby and Gwen W. Lazenby, as Trustees of 544 Lakeview Court Irrevocable Trust, under Agreement dated February 24, 2012 (the "Lazenby's or the "Homeowners") regarding their pending application for a revocable permit to reinforce their existing seawall (the "Application") on their property located at 544 Lakeview Court, Miami Beach, Florida, 33140 (the "Property").

Please allow this correspondence to serve as the Letter of Intent for the Application outlining compliance with the requirements of Section 82-94, City of Miami Beach Code as follows:

*Sec. 82-94. - Criteria for granting/denying revocable permits.*

(a) *Revocable permits shall be granted or denied based upon existence of the following criteria:*

(1) *That the applicant's need is substantial.*

**Response:**

**The City implemented new regulations for seawalls to address sea level rising, which required Homeowners to increase the minimum height of their existing seawalls from +4.76 ft NGVD (+3.2 ft NAVD) to a minimum height of +5.56 ft NGVD (+4.0 ft NAVD). In addition, the new regulations require that the applicant demonstrate that the existing seawall can accommodate an additional load to**

increase the height of the seawall in the future up to +7.26 ft NGVD (+5.7 ft NAVD), if the City should require additional protection.

In order for the Homeowners to comply with the City's new regulations, only two options are available: (1) to remove the existing seawall and construct an entirely new seawall which can comply with the new height and load requirements, or add additional support and reinforcement to the existing seawall to increase the height to the new minimum and demonstrate the ability to accommodate the load requirements of the additional height should the City require it in the future.

When reviewing and analyzing these options, the Homeowners identified significant risks if they were to remove and construct a new seawall. These risks are identified below:

- **Significant environmental impacts:** Removal of the existing seawall, and excavation landward of the existing seawall back to the property line, has the potential for environmental impacts. The impacts are caused by the significant turbid water condition that clouds and/or smothers seagrass communities and other marine resources of significance such as corals, sponges, and tunicates within the vicinity of the project footprint during demolition, removal, and reconstruction. This potential for loss of soil and sedimentation of the bay bottom/Surprise Lake is significant and would result in habitat loss. Improvements to the seawall are important and necessary; the seawall is currently at an elevation of +1.88 feet NAVD, and over-topping from high tides and waves is a common occurrence which is currently destabilizing the property shoreline, and creating erosion and sedimentation now.
- **Potential impacts to neighboring properties:** If the existing seawall on the Homeowners' property were to be demolished, the demolition could potentially damage the neighboring seawall, and could de-stabilize the neighboring property and shoreline, creating additional environmental impacts/risk from the potential for seawall failures and/or soil loss through gaps or leaks. The impact to neighboring properties can be mitigated through the use of return walls and shoring to prevent soil loss and sedimentation in to the bay/Surprise Lake, but the risk of damage by removing the existing seawall is significant and should be avoided given the practical alternatives of reinforcement of the existing seawall rather than removal.

In 2019, the City Commission recognized these substantial and significant risks if a homeowner were required to remove their existing seawall and construct a new seawall, and provided all homeowners similarly situated to submit an application for a revocable permit to allow for minor encroachments into City owned property to allow for reinforcement of their existing seawalls to comply with the

**City's new seawall requirements, and therefore eliminating environmental impacts and potential impacts to neighboring property owners. The Lazenby's are requesting a minor encroachment which varies, but is a maximum of 7 feet 3 inches (as measured from the property line the wetface of the proposed new seawall cap) along the curve of their property line into City owned property. The seawall currently encroaches 5 feet 9 inches at its maximum dimension. An additional 18 inches is being requested.**

**As identified above, this need is substantial to eliminate potential environmental and neighboring property impacts.**

- (2) *That the applicant holds title to the abutting property.*

**Response:**

**Please see attached Survey and Title Opinion.**

- (3) *That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.*

**Response:**

**Please see attached comments from the City acknowledging that all applicable codes, ordinances, regulations, neighborhood plans and laws have been complied with.**

- (4) *That the grant of such permit will have no adverse effect on governmental/utility easements and uses on the city property.*

**Response:**

**The encroachment is de minimis and does not impact or interfere with navigability, or the City's use of the property. Moreover, there are no easements in this location.**

- (5) *That the grant of the revocable permit will enhance the neighborhood and/or community with such amenities as, for example, but without limiting the foregoing, enhanced landscaping, improved drainage, improved lighting, improved security, and/or public benefits proffered by the applicant.*

**Response:**

**The City recognized significant impacts as a result of sea level rising and modified the City's seawall requirements to address these concerns. If this improvement is not made, the shoreline will continue to be impacted by higher tide levels, and the damage resulting from wave and water over-topping on to the Homeowners and City-owned property. Without the requested**

**improvements, the existing seawall will fail resulting in significant water quality and environmental impacts. As such, these improvements enhance the community by stabilizing the shoreline, protecting water quality for the enjoyment of the general public in Surprise Lake, and by ensuring safe navigability.**

- (6) *That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.*

**Response:**

**This process is available to all homeowners similarly situated who require reinforcement to their existing seawall in order to comply with the City's new seawall requirements.**

- (7) *That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.*

**Response:**

**As identified in the responses to 1 and 3 above, this request is in harmony with the general intent and purpose of this article, and benefits neighboring properties, the neighborhood and community at large as previously recognized and identified by the City Commission.**

Thank you for your continued attention to this matter. Should you require any additional information, please feel free to contact me.

Sincerely,



Kirk Lofgren

Enc.

cc: Matthew Whitman Lazenby  
Amy E. Huber, Esq.