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## **VIA E-SUBMISSION & HAND-DELIVERY**

December 28, 2020

Thomas Mooney, Planning Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: PB20-0415 – Request for Modification of PB Order 2075 for  
the Property Located at 520 Lakeview Court in Miami Beach

Dear Tom:

This firm represents Deep Pockets LLC ("Applicant"), the owner of the above-referenced property ("Property"). Please consider this letter the Applicant's required letter of intent to request modification to one condition of PB Order 2075 ("Prior Approval") concerning unit size limitation to permit a new single-family home on the Property.

Property. The Property is an approximately 16,372.49 square foot waterfront lot, which is located in the RS-3, Single Family Residential Zoning District. See Exhibit A. The waterfront Property is situated on the southern curve of Lakeview Court at the eastern edge of Surprise Lake. The Property is identified by Miami-Dade County Folio No. 02-3223-012-0030.

Prior Approval. On July 24, 2012, the Planning Board approved a lot split of one 34,750 square foot lot into two (2) lots. See Exhibit B. The lot split restored a double-lot development site to the originally platted condition of two lots; the Property, identified as Lot 4,<sup>1</sup> and the abutting parcel at 528 Lakeview Court, identified as Lot 3. As part of the Prior Approval, the Planning Board reviewed proposed scale and massing plans for the design of new homes, one on each of the lots. Through Condition No. 3, the Planning Board permitted a maximum of 5,445 gross square

<sup>1</sup> According to the Plat of Surprise Point as recorded in Plat Book 43, at Page 77 of the Public Records of Miami-Dade County.

feet for the home on the Property and prohibited any variance requests. After the Prior Approval, each of the then-owners of Lots 3 and 4 permitted and constructed a new home.

Property Damage. While the existing home was constructed in 2016 by the prior owner, it has been plagued with numerous construction and design issues that affect the quality and safety of the home. Black mold is prevalent in multiple areas of the home, including the master bedroom, master bathroom, garage, cabana area and throughout the flooring. In addition to mold, water damage is visible throughout the home, including most of the double-paned glass windows, which have water vapor inside the cavity. Similarly, many of the walls, including wall boards and steel column bases connecting the floor slab have moisture and are rusting due to water damage. As a result, the Applicant cannot live in the home and to make it habitable requires such extensive work that replacement is the best and safest option.

Proposal. The Applicant, as the new owner of Lot 4 proposes a replacement home to meet his own family's needs and has included a potential design of a new home to illustrate how the lot can accommodate a larger home. Notably today's regulations significantly reduce the massing for new homes along the front, which means any new home will be setback more than the existing home at both first and second levels. The Applicant will also ensure that the new home design differs significantly from the home on Lot 3<sup>2</sup>. In the design of the home, the Applicant has been very concerned about sea level rise and endeavors to make the home is as resilient as possible. As part of these efforts, the Applicant will take advantage of the full five (5) feet of freeboard above BFE.

The proposed home, with massing pushed away from the street, will meet the current Code requirements in lot coverage, 29.8% where 30% maximum allowed, and in unit size, 49.2% where 50% maximum allowed. The new design will likely require one (1) waiver for additional open space along the north side, but no variances. The design illustrates how larger than required setbacks, including 51'-8" for the front where 30' is required can be achieved and still provide a home compatible with the surrounding area. The Applicant will include the waiver, if necessary, in a future DRB application.

Neighborhood Context. A thorough analysis of the similarly situated waterfront lots on Surprise Lake in the same zoning district, RS-3, as the Property indicates that the proposed home will be compatible with the neighborhood. The average lot size is 18,892 square feet, and with allowance for future build out the average home size is 6,703 square feet, 37.2%, with six (6) larger than the Applicant's proposal. See Exhibit C. The home to the north has an approximate unit size of 44.5%. As a result of the as-built conditions and the recent changes in the Code

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<sup>2</sup> At this time, we are not aware of any proposed redevelopment by the owner of Lot 3.

requirements, the prior limitation is not needed to ensure that a new home on the Property will be compatible with the neighborhood.

Request. In order to permit a, appropriately-sized new home, the Applicant requests the Planning Board to make the following modification to Condition No. 3 of the Prior Approval:

Modification of PB Order 2075 Condition No.3.

FROM:

"As proposed, the new structure for Lot 3, shall not exceed 5,521 gross square feet and the new structure for Lot 4, shall not exceed 5,445 gross square feet. No Variances shall be permitted for either parcel."

TO:

As proposed, the new structure for Lot 3, shall not exceed 5,521 gross square feet ~~and the new structure for Lot 4, shall not exceed 5,445 gross square feet.~~ No Variances shall be permitted for either parcel.

*The requested modification will allow the new owner to design and construct a new home free from the size restriction and of substantially better quality than the existing home as requested by Planning Staff; the Applicant is only including the lot under its ownership, in this case Lot 4. Should the owner of Lot 3 desire any modification in unit size limitation and/ or a variance, then they will be required to request a separate modification to the Prior Approval from the Planning Board.*

In reviewing an application for the division of lot and lot split, the planning board shall apply the following criteria:

- (1) Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.**

The lots were already created pursuant to PB No. 2075 and in full compliance with the LDRs. The proposal does not seek to modify the existing lot size.

- (2) Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.**

The lots were already created pursuant to PB No. 2075. The proposal does not seek to modify the existing building site. Further, a thorough analysis of the similarly situated waterfront lots on Surprise Lake in the same zoning district as the Property indicates that the existing lot size of 16,372 SF is compatible with the neighborhood average of 18,892 SF and median of 16,960 SF. See again Exhibit C.

- (3) Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.**

The lots were already created pursuant to PB No. 2075 and did not result in any adverse impact on the surrounding area. The proposal does not seek to modify the existing building site. Further, a thorough analysis of the similarly situated waterfront lots on Surprise Lake in the same zoning district as the Property indicates that the proposed home, following the current Code requirements, will be compatible with the neighborhood.

- (4) Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.**

The lots were already created pursuant to PB No. 2075 and did not create any nonconformances. The proposal does not seek to modify the existing building site and the Applicant does not propose any variance for the new development.

- (5) Whether the building site that would be created would be free of encroachments from abutting buildable sites.**

The lots were already created pursuant to PB No. 2075 and did not create any encroachments over the new adjoining property line. The proposal does not seek to modify the existing building site.

- (6) Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the**

**authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 142-108(a).**

The lots were already created pursuant to PB No. 2075 and follow the originally platted layout. New homes were built on each. The proposal does not seek to modify the existing building site nor does it propose a lot split. There are no architecturally significant or historic homes on the lots.

**(7) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, article II, as applicable.**

The proposed structure and existing site comply with sea level rise and resiliency review criteria.

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 Applicant will provide a recycling or salvage plan during permitting.

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

The structure will have hurricane impact windows throughout the home.

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

The proposed home provides abundant windows and doors such that passive cooling is feasible.

**(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 plan will include many native and Florida-friendly plants. The Applicant's landscape architect will work with the Planning Department to provide landscaping that is appropriate for the Property and the neighborhood, with native, salt-tolerant, and Florida-

friendly plant species. The plantings for the proposed home will be highly water-absorbent to provide for both aesthetics and resilience.

- (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 Applicant has considered the adopted sea level rise projections and will utilize the full 5' of freeboard.

- (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 Applicant intends to construct the proposed home to the maximum elevation permitted by the Code such that it is adaptable to the raising of public rights-of-ways and adjacent land.

- (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.**

Mechanical and electrical systems will be 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.**

Not applicable as the Applicant proposes the demolish the existing building, which has numerous defects, and the proposed home will be elevated up to base flood elevation plus the 5' of freeboard as permitted by the Code.

- (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.**

No habitable space will be located below base flood elevation. Should any portion of the garage be located below BFE, flood proofing systems will be provided in accordance with Chapter 54 of the City Code to ensure proper drainage.

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

The Property will utilize appropriate stormwater retention systems and the Applicant will ensure appropriate drainage is provided.

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

The Applicant proposes appropriate materials for the driveway and other hardscaped areas.

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

The Applicant proposes abundant landscaping at ground level.

Conclusion. We believe that the approval of the proposed modification request will provide a marked improvement over the previously-proposed and deficient home and enhance the future viability of the Property and surrounding area. The proposed home has been designed following today's restrictive Code criteria that effectively pushes massing away from the front, which shows that a new home free of the prior size restriction will be compatible with the surrounding neighborhood. On behalf of the Applicant, we look forward to your favorable review. If you have any questions or comments with regard to the application, please do not hesitate to phone me at 305-377-6236.

Sincerely,



Matthew Amster

Attachments

cc: Michael W. Larkin, Esq.  
Robert Behar, Esq.



RS-4

GU

DELAWARE AVE

CHEROKEE AVE

W 50TH ST

W 49TH ST

LAKEVIEW DR

LAKEVIEW

RS-3

RM-1

RS-3

LAKEVIEW CT

47TH CT

RM-1

Surprise  
Lake

RM-1

RS-1

47TH ST

RS-3

CD-1 GU

46TH ST





CFN 2012R0553270  
DR Bk 28218 Pgs 3917 - 3920; (4pgs)  
RECORDED 08/07/2012 12:53:07  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 520 Lakeview Court

**FILE NO:** 2075

**IN RE:** The application by Joseph Porrello, as Trustee of the 520 Lakeview Ct. Land Trust requesting approval for a lot split/subdivision of land of the existing building site comprising of two platted lots, to be divided into two buildable parcels.

**LEGAL**

**DESCRIPTION:** Lots 3 and 4, "Surprise Point," according to the Plat Thereof, as Recorded in Plat Book 43, Page 77, of the Public Records of Miami-Dade County, Florida.

**MEETING DATE:** July 24, 2012

**DIVISION OF LAND/LOT SPLIT  
FINAL ORDER**

The applicant, Joseph Porrello, as Trustee of the 520 Lakeview Ct. Land Trust, filed an application with the Planning Director pursuant to Article VII, "Division of Land/Lot Split" of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

That the property in question is located in the RS-3, Residential Single Family zoning district

That the lots that would be created are divided in such a manner that they are in compliance with the regulations of the land development regulations of the City code;

That the building site that would be created would be equal to the most common existing lot size, and of the same character as the surrounding area;

That the scale of any proposed new construction is compatible with the as-built character of the surrounding area;

That the building site that would be created is free of encroachments from abutting buildable sites;

That the proposed lot split does not adversely affects architecturally significant or historic homes;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations which were amended by the Board, that the Lot Split as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. The properties involved in this request for Division of Land/Lot Split shall not be subdivided any further.
2. The building parcels created by this lot split, as depicted on the surveys signed and sealed by Francisco F. Fajardo, Professional Land Surveyor and Mapper of Lannes & Garcia, Inc, and dated May 10, 2012, shall comply with the development regulations for the RS-3 single family zoning district existing at the time of applying for a building permit.
3. As proposed, the new structure for Lot 3, shall not exceed 5,521 gross square feet and the new structure for Lot 4, shall not exceed 5,445 gross square feet. No variances shall be permitted for either parcel.
4. Individual underground utility connections, individual water, sewer, electric, telephone and cable connections, payment of any applicable impact fees and the removal and replacement of necessary sections of the sidewalk, curb and gutter shall be provided. This condition shall apply to the new construction located on the lot created by this subdivision. The applicant shall be in total compliance with this condition prior to the issuance of a Certificate of Occupancy.
5. Within a reasonable time after applicant's receipt of the Final Order, as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit shall be issued until this requirement has been satisfied.
6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
7. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
8. The applicant shall abide by the "Construction Management Conditions," attached as Exhibit "A" proffered and entered into evidence at the time of the public hearing.

Dated this 2nd day of August, 2012.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Richard G. Lorber, AICP, LEED AP  
Acting Planning Director  
FOR THE CHAIRMAN

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 2nd day of August, 2012, by Richard G. Lorber, AICP, LEED AP Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL}

[Signature]

Notary:

Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:

Legal Department (Gheld 8-1-12)

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**520 LAKEVIEW COURT  
PLANNING BOARD**

**PROPOSED CONSTRUCTION MANAGEMENT CONDITIONS**

1. Applicant agrees that all work associated with demolition, foundation pours, and construction of concrete shell shall be limited to Mondays – Fridays, during permitted hours. None of the foregoing will take place during weekend hours.
2. During exaction, concrete pouring and building of the concrete shell, the Applicant agrees to maintain a designated person to assist with street clean-up and site maintenance. Applicant will ensure that any debris associated with the foregoing will not be placed in any public right-of-way or neighboring properties.
3. Waste receptacles will be maintained on-site and daily clean-ups and walk-throughs of the property will be performed to ensure the job-site is maintained in a safe and sanitary condition.
4. Construction screen will be maintained around the property, as necessary, to prevent residual effects on neighboring properties. Although unlikely, any residual effects of construction (dust, splatter) on to neighboring properties will be immediately cleaned-up by the Applicant's designated individual.
5. All vehicles associated with the construction will be maintained within the property line. Applicant agrees that no vehicle associated with the construction will be parked on public right-of-ways.
6. A full-time superintendent will be assigned to the project, who's contact information will be provide to the neighbors and who can be contacted to resolve any questions and address any concerns related to the construction project.

**EXHIBIT A**

**Lot Analysis 520 Lakeview Ct**  
**Property Appraiser New Approvals**

Number	Zoning	Property Address	Year Built	Lot Size	Adjusted Area	Unit Size	ASF+ 20%	Unit Size
		520 Lakeview Court (proposed)		16,372			7,832	47.84
		520 Lakeview (existing)	2016	16,064	6,360	39.59	7,632	47.51
1	RS-3	880 Lakeview Dr	1958	17,440	3,506	20.10	4,207	24.12
2	RS-3	870 Lakeview Dr	1969	18,480	4,469	24.18	5,363	29.02
3	RS-3	860 Lakeview Dr	1941	18,629	2,175	11.68	2,610	14.01
4	RS-3	850 Lakeview Dr	1953	18,526	4,016	21.68	4,819	26.01
5	RS-3	830 Lakeview Dr	1954	18,285	5,010	27.40	6,012	32.88
6	RS-3	820 Lakeview Dr	2017	17,702	8,293	46.85	9,952	56.22
7	RS-3	810 Lakeview Dr	2015	15,441	6,829	44.23	8,195	53.07
8	RS-3	800 Lakeview Dr	2002	18,264	4,551	24.92	5,461	29.90
9	RS-3	790 Lakeview Dr		23,151		0.00		
10	RS-3	770 Lakeview Dr	1965	21,105	4,860	23.03	5,832	27.63
11	RS-3	758 Lakeview Dr	2015	14,140	7,477	52.88	8,972	63.45
12	RS-3	744 Lakeview Dr	1950	14,140	3,117	22.04	3,740	26.45
13	RS-3	736 Lakeview Dr	1936	14,140	5,018	35.49	6,022	42.59
14	RS-3	714 Lakeview Dr	2007	14,140	8,254	58.37	9,905	70.05
15	RS-3	710 Lakeview Dr	1940	14,140	4,453	31.49	5,344	37.79
16	RS-3	700 Lakeview Dr	2016	14,140	6,067	42.91	7,280	51.49
17	RS-3	590 Lakeview Dr	1938	15,225	5,951	39.09	7,141	46.90
18	RS-3	588 Lakeview Dr	2015	15,225	4,419	29.02	5,303	34.83
19	RS-3	580 Lakeview Dr	1945	15,600	4,946	31.71	5,935	38.05
20	RS-3	560 Lakeview Dr	1956	17,250	6,072	35.20	7,286	42.24
21	RS-3	554 Lakeview Dr	1939	28,442	5,915	20.80	7,098	24.96
22	RS-3	544 Lakeview Court	1957	39,496	8,437	21.36	10,124	25.63
23	RS-3	528 Lakeview Court	2014	17,676	6,864	38.83	8,237	46.60
24	RS-3	520 Lakeview Court	2016	16,064				
25	RS-3	510 Lakeview Court	2015	32,475	12,035	37.06	14,442	44.47
26	RS-3	500 Lakeview Court	1949	16,439	3,955	24.06	4,746	28.87
27	RS-3	4801 Lakeview Dr	1949	16,960	4,320	25.47	5,184	30.57
28	RS-3	4825 Lakeview Dr	1941	33,300	5,890	17.69	7,068	21.23
29	RS-3	4835 Lakeview Dr	1950	16,200	6,705	41.39	8,046	49.67
30	RS-3	4901 Lakeview Dr	1961	16,650	4,321	25.95	5,185	31.14
31	RS-3	4955 Lakeview Dr	1936	16,800	4,058	24.15	4,870	28.99
<b>Average</b>				<b>18,892</b>	<b>5,586</b>	<b>29.97</b>	6,703	37.20
<b>Median</b>				<b>16,960</b>	<b>5,010</b>	<b>26.68</b>	6,012	32.88