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August 9, 2021

VIA ELECTRONIC SUBMITTAL AND HAND DELIVERY

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

Re: **PB21-0420** - Request for a Lot Split of the Property Located at 1415
Marseille Drive in Miami Beach, Florida

Dear Mr. Mooney:

This law firm represents Maria Caiola (the "Applicant"), the owner of the above-referenced property (the "Property"). Please consider this letter the Applicant's letter of intent in support of a lot split application to divide the existing building site into three individual building sites.

The Property. The Property is situated along Marseille Drive fronting Normandy Waterway. Due to the shape of the waterfront property line, the site is irregularly shaped. The Property is identified by Miami-Dade County Folio No. 02-3210-010-0050 and is located within the RS-4 Single-Family Residential zoning district. The Property is platted as Lots 9, 10, and 11 of the Plat of the Normandy Waterways Subdivision, recorded in Plat Book 40, Page 60 of the Public Records of Miami-Dade County, and is currently developed with one pre-1942 single-family home that is approximately 2,334 square feet in size. According to a survey prepared by Blanco Surveyors Inc. dated March 16, 2021, the size of the overall Property and the underlying lots are as follows:

Lot	Size (square feet)
Property (Lots 9, 10, 11)	24,176.17 SF
Lot 9	8,389.97 SF
Lo 10	7,974.57 SF
Lot 11	7,811.63 SF

Lot Split Request. The Applicant is seeking to split the Property into three lots that are roughly equal in size, consistent with the originally platted lot lines. The dimensions of the resulting lots will be consistent with the City's land development regulations and the lots will follow the existing platted lines on the Property, resulting in lots that will be more compatible with the properties within the surrounding area. The winding coast line paired with the winding Marseille Drive create a condition such that the Property has less depth than many of the neighboring lots to the north and the south. Nonetheless, the proposed lots are still sufficient in size and consistent with or larger than many of the surrounding lots.

The average lot size for the area, including the existing 24,176 square foot lot, which is an outlier for the area, is approximately 12,419 square feet. If you remove the Property from the analysis, typical lots in the area are an average of 8,980 square feet. The proposed lots will be approximately 8,389 square feet (Lot 9), 7,974 square feet (Lot 10), and 7,811 (Lot 11) square feet respectively, larger than the minimum 6,000 square foot lot size for the zoning district, and consistent with the average lot sizes in the area. Therefore, the requested lot split results in lots that are significantly more compatible with the existing neighborhood context than then current 24,176 square foot aggregated lot.

The Applicant intends to demolish the existing pre-1942 home on the Property because of its deteriorated and unsafe condition. According to a structural engineering report dated May 28, 2021 prepared by Youssef Hachem Consulting Engineering, the foundation of the existing home is experiencing settlement, leading to cracks and delamination throughout the home. Further, tie beams over opening and corner columns are experiencing rebar corrosion and concrete spalling a moderate to severe levels, and there is substantial mold, termite damage, and wet rot to wood members of the existing home. Consequently, it is infeasible to preserve the existing pre-1942 home, particularly in light of the fact that repairs to the existing home would likely require elevation of the structure, which would cause further damage. See Exhibit A, Structural Engineering Report.

It should be noted that Section 142-105(9) provides:

(9)*Lot split.* All new construction for homes on lots resulting from a lot split application approved by the planning board shall be subject to the review and approval of the design review board (DRB) or historic preservation board (HPB), as

applicable. The following shall apply to all newly created lots, *when the new lots created do not follow the lines of the original platted lots and/or the lots being divided contain an architecturally significant, pre-1942 home that is proposed to be demolished.*

- a. The maximum lot coverage for a new one-story home shall not exceed 40 percent of the lot area, and the maximum lot coverage for a new two-story home shall not exceed 25 percent of the lot area, or such lesser number, as determined by the planning board.
- b. The maximum unit size shall not exceed 40 percent of the lot area for both one story, and two-story structures, or such less numbers, as determined by the planning board.

(emphasis added).

With respect to this application, the proposed lots follow the original platted lot lines. The Applicant proposes demolition of the existing pre-1942 home, and seeks lot coverage of 25% of the lot area, and a maximum unit size of 40% of the lot area, consistent with the requirements of the Code.

The sizes of each of the proposed homes on the resulting lots will be appropriately sized for the lot on which it sits. The proposed unit size of 40% and lot coverage of 25% are below the requirements of the Code for new construction, and ensure the resulting homes will be consistent and compatible with the neighborhood.

Lot Split Review Criteria. According to Section 118-321(B) of the City of Miami Beach's Code of Ordinances (the "Code"), the Planning Board shall apply the following criteria to the review of any lot split application:

(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.

According to Section 142-105(b), the minimum lot size in the RS-4 zoning district is 6,000 square feet. The proposed resulting lots will be approximately 8,389 square feet, 7,974 square feet and 7,811 square feet respectively, which satisfy the minimum requirements required in the Code.

(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 resulting building sites will be consistent with the existing building sites and of the same character as the surrounding area. The inversion of the coast line along the Property creates a scenario where the lot is shorter than many of the neighboring lots, yet the proposed lot split will still result in adequately sized lots.

(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 scale of the proposed homes are compatible with the as-built character of the surrounding area. In fact, if the Property were to be redeveloped as a single site, a significantly larger home could be constructed; this hypothetical single-site home would be incompatible with the surrounding area.

(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 Property is currently developed with a single-family home which is expected to be demolished. Thus, the resulting homes will fully conform to the requirements of the Code. .

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

The building sites created by the lot split will free of encroachments from abutting buildable lots. There are no existing or proposed encroachments.

(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 Applicant proposes demolition of the pre-1942 home because of its deteriorated state, and not as a result of the lot split. Therefore, the lot split does not adversely affect the existing pre-1942 home.

Conclusion. The approval of the application will permit the development of three appropriately scaled single-family homes on the Property that will be compatible with the character of the residential neighborhood. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please feel free to contact me at 305-377-6238 or by e-mail at mmarrero@brzoninglaw.com.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MA' with a stylized flourish extending from the 'A'.

Michael J. Marrero

CC: Nicholas Rodriguez, Esq.

Exhibit A

STRUCTURAL CONDITION ASSESSMENT
1415 Marseille Dr.
Miami Beach, Florida 33141

May 28, 2021
H210920

PREPARED BY



Youssef Hachem Consulting Engineering

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STRUCTURAL CONDITION ASSESSMENT for
1415 Marseille Dr.
Miami Beach, Florida

I. INTRODUCTION

General

Per the request of ownership, we have conducted a visual structural condition assessment on the existing structure located at 1415 Marseille Drive in Miami Beach, Florida (the "Structure").

The purpose of the inspection is to assess the structural condition of the existing structure to determine the feasibility of preservation or reuse.

Structural System

The Structure is a two-story masonry building constructed in 1941. The existing Structural System is as follows:

- First Floor:
 - o Elevated wood floor framing, with wood planking
 - o Exterior masonry bearing walls,
 - o Interior wood load bearing stud walls
 - o Walls are supported by concrete stem wall on shallow foundations.
- Second Floor:
 - o Wood floor framing, with wood planking
 - o Exterior masonry bearing walls
 - o Interior wood load bearing stud walls

The components and cladding of the building, such as doors, windows and roof waterproofing are not addressed in this report. Moreover, it is recommended that Ownership perform termite and asbestos testing on the building. The electrical and electrical systems are not part of this report.

II. METHODOLOGY

This inspection was visual in nature from the exterior and interior of the building. Our office did not perform any destructive or non-destructive testing.

No structural analysis was performed on the building to determine the capacity of the structural systems. It is our opinion that the current structural system of the building does not comply Florida Building Code 2020 (7th edition), HVHZ (High Velocity Hurricane Zone) edition.

III. STRUCTURAL SYSTEMS

Based on Miami Dade County tax records, the structure was originally built in 1941 with an area of 2,334 square feet.

The building has a crawl space under the building. The building's structural members are as follows:

Foundations: The building is built on shallow foundations and stem walls. The foundations support the concrete stem walls (interior and exterior). The interior stem walls support the interior wood stud walls, and the exterior stem walls support the exterior masonry walls.

Exterior Walls: The exterior walls of the building are concrete masonry unit (CMU) block bearing walls. The CMU block is the three cell block, which is typical for a building constructed in 1941.

Interior Walls: There are two types of interior walls, load bearing and non-load bearing. Both types are wood 2"x4" stud walls. The load bearing walls support the floor joists system extending from the exterior walls. These stud walls are in turn supported by the concrete stem walls and foundations.

Floors: The flooring system is typical on all floors. The wood floor joists are 2"x10" spaced at 16" on center. The joists system is supporting 1"x6" wood planks making up the floor system. All wood joists are "Fire Cut" into the CMU wall, meaning the wood joists are resting in openings in the CMU wall and are not connected to the walls via strapping or any other mechanism.

Roof: The roof of the building is a gabled end on the second floor and partial hip on the first floor. The garage (detached) is flat roof.

IV. SITE OBSERVATIONS

We have inspected the structure on May 21, 2021, and our summary of the evaluation of the existing conditions of the structural components are as follows:

Concrete members observed; including the tie beams over openings and corner columns, have variable levels of deterioration. It is evident that there is rebar corrosion and concrete spalling in these members at varying levels from severe to moderate. Moreover, previous repairs have been performed on the concrete members.

There are substantial cracks in walls, beams, and columns indicating settlement of the structure at different locations throughout the building.

Stucco cracking and delamination is evident on all elevations of the building.

Wood members, including the roof wood members and the 2nd floor wood members, have evidence of heavy termite and wet rot damage.

Masonry members, which comprise the exterior walls of the building, have joint cracks in many locations. There are several stucco cracks in the masonry on all elevations of the structure that are attributed to age, exposure to the elements, and settlement of the foundations.

Moisture intrusion into the structure is evident in several locations. Moreover, heavy mold presence is evident on the ceiling of the first floor.

V. STRUCTURAL EVALUATION

There are several factors to be considered in the structural evaluation of this building:

Initial Construction:

Building construction and standards of the 1940's are considered deficient by today's building standards. This applies to this structure and other structures built in the 1940's. Under the current building code, the Structure would be deemed deficient. The structure's roof connections to protect against wind uplift forces, and for wind lateral resistance are non-existent. Moreover, openings protection, and CMU reinforcing is also non-existent. Preservation or reuse of this building would require level III alteration of the Florida Building Code 2020 (7th edition) for existing structures. This means that the building has to be strengthened to comply with the current Florida Building Code. This would require that the roof connection tie downs be implemented to strengthen the roof, and lateral load structural systems be installed, such as shear walls, if needed, based on structural analysis. Wall openings such as doors and windows and the exterior CMU walls

have to reinforced. All corners of the building would need concrete columns. Hence, the foundations would also have to be strengthened to resist such lateral loads. Lastly, foundations would need to be augmented to stop settlement of the structure.

VI. RECOMMENDATIONS

Based on the site observations of the conditions of structural members of the building, and level III alteration required by the Florida Building Code, the structural members of this building need to undergo extensive rehabilitation, including CMU reinforcement, lateral systems construction, and strengthening of the foundations. Moreover, repairs to the roof and spalled concrete has to be done, and foundations augmentation has to be done to remedy the settlement.

Pursuant to FEMA, if the cost of the renovations exceeds 50% of the value of the structure without the land, the structure has to be elevated to meet current flood requirements, hence the structure has to be elevated up to Base Flood elevation +1'. Current Base Flood Elevation is 8.00' NGVD. Then the structure has to be raised so the first floor would be at elevation 9.00' NGVD. Current elevation of first floor now is at 6.05' NGVD. Hence, the structure has to be raised at least 3 feet.

There is high probability that the structure will sustain further damage in the process of elevating the structure. The existing foundations have settled, and its unknown how damaged they are, but more likely than not they are damaged to the point that they cannot be used to elevate the structure, as the foundations cannot be depend upon to support the structure during the elevation process, which will lead to more damage to the structure.

APPENDIX A

PHOTOS



Photo 1- Front Elevation



Photo 2- Concrete beam cracking in back of garage



Photo 3 - Wall cracking on East elevation



Photo 4 - Beam cracking over window on East elevation



Photo 5- wall / roof separation on East elevation foundation settlement



Photo 6 - Drop in office (South west corner) due to foundation settlement



Photo 7 - North East Elevation wall and beam cracking



Photo 8 - NW corner beam cracking over eyebrow



Photo 9 - Concrete Cracking SW elevation



Photo 10 - Concrete spalling on SW elevation

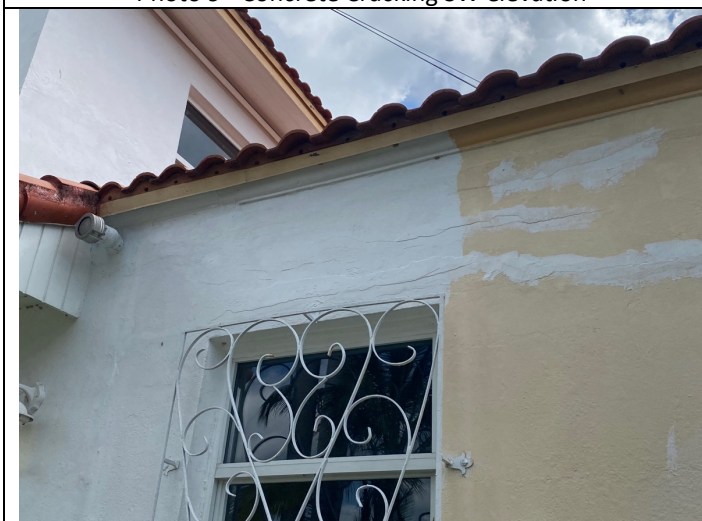


Photo 11 - West Elevation, concrete spalling



Photo 12 - Roof eave termite damage



Photo 13 – SE Elevation, roof Eave damage



Photo 14 – Mold on ceiling of first floor



Photo 15 – SE Elevation cracking over window



Photo 16 – Plaster cracking over door indicative of settlement



Photo 17 – Plaster cracking over door indicative of settlement



Photo 18 – Wood Damage of 2nd floor



Photo 19 – 2nd floor wall plaster cracking due to settlement



Photo 20 – 2nd floor wall plaster cracking due to settlement

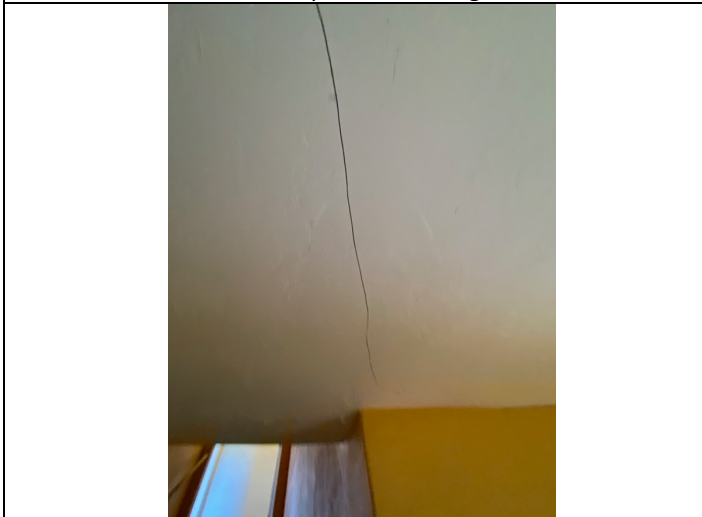


Photo 21 - 2nd floor ceiling plaster cracking due to settlement



Photo 22 – mold presence in the second floor



Photo 23 – bedroom on NE corner

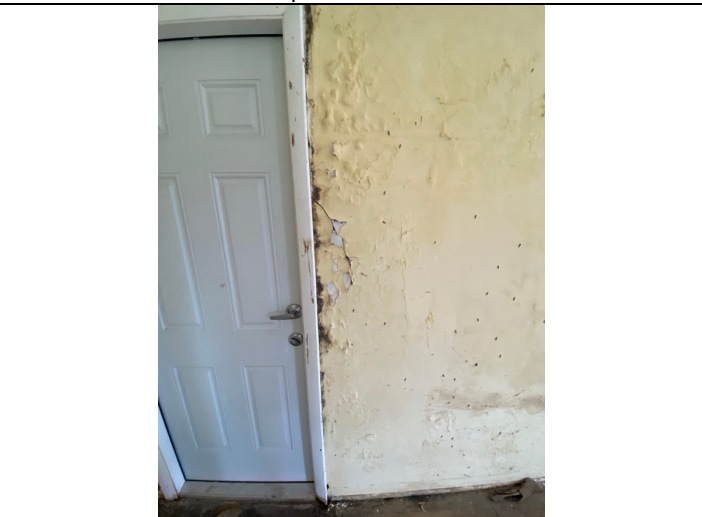


Photo 24 – Moisture damage on walls



Photo 25 – Roof Membrane damage



Photo 26 – North corner living room ceiling damage

