



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6236 office

305.377.6222 fax

mamster@brzoninglaw.com

VIA HAND DELIVERY & ELECTRONIC SUBMITTAL

August 30, 2021

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

Re: PB21-0464 – Request for Lot Split of the Property Located at
291 Palm Avenue, Miami Beach, Florida

Dear Tom:

This firm represents Casa de Palm (the "Applicant"), the owner of the above-referenced property (the "Property"). Please consider this letter the Applicant's required letter of intent to request a lot split of the Property to allow the development of two single-family homes.

Property Description. The Property is a highly irregular bean-shaped lot located along the northwest portion of the roundabout at the west end of Palm Avenue on Palm Island. The Property is bounded by three streets – Palm Avenue on the south (abutting the roundabout) and on the west (the connection to North Coconut Lane), and North Coconut Lane on the north. This unique location creates a condition where the Property has dual frontages on Palm Avenue and on North Coconut Lane with an extremely narrow lot depth. To the east there is a single-family home. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-4205-002-0460. See Exhibit A, Property Appraiser Summary Report. The Property is 12,021 square feet in size and located within the RS-4 Zoning District, which has a minimum lot size of 6,000 square feet. The Property consists of Lots 55 and 56 of Block 2B, Riviera 1st and 2nd Additions as recorded in Plat Book 32 at Page 32 of the Public Records of Miami Dade County (the "Plat"). See Exhibit B, Plat.

The Property is currently improved with a pre-1942 2-story single-family home at the center and eastern portions of the Property and a 1-story garage at the western side. The existing structures are substantially pushed into the lot towards North Coconut Lane, with nonconforming setbacks of fewer than 6', and wrapped by a concrete wall that creates an internal covered walkway between the structures. This wall combines with the home and garage for a total of x linear feet along North Coconut Lane, which makes for an unappealing frontage that visually impacts the neighboring properties on North Coconut Lane. A wide swale abuts the property here, used as a parking area for the neighborhood, and a wide green swale also abuts the Property on the south.

Lot Split Request. The Applicant requests approval to split this 12,021 square foot lot into two equally sized 6,011 square foot lots, Lot A to the west and Lot B to the east, which are compatible with the RS-4 Zoning District. The Property was originally platted in 1928, almost 100 years ago. If the Property were to be divided according to the platted lot line, the resulting Lot B would be a substandard 5,267 square foot lot. To avoid creating a substandard Lot B, the Applicant proposes to divide the Property pursuant to a revised lot line that would create two 6,011 square foot lots. Lot A would have a lot width of 93'-6" and Lot B of 85'-10", each of which exceed the minimum 50 feet lot width requirement. As explained later in further detail, the Applicant intends to develop Lot A and B with distinct and uniquely designed single-family homes that befit the neighborhood.

Neighborhood Analysis. Palm Island is a unique neighborhood. The Island is an elongated oval shape with Palm Avenue running through the middle and North and South Coconut Lane on the west side of the Island further dividing the properties into an outer ring of waterfront lots and an inner ring of dry lots. The unique oval of the island and its road network create highly irregular lots, especially along the edges where the Island's ends are rounded and along the bookend roundabouts on Palm Avenue. The inherent irregularity and narrow lot depth of the lots, especially those on the roundabouts creates substantial challenges in accommodating homes that make gainful use of the land while remaining Code compliant. As such, it is commonplace to find nonconformances in these properties. Many similarly situated irregular lots contain homes with a larger unit size and lot coverage and smaller setbacks than what is permitted by the Code.

We analyzed the development of ninety-five (95) similarly situated properties on the west side of Palm Island in the RS-4 Zoning District, which include both waterfront and dry lots. The average and median lot sizes are 8,580 and 7,000 square feet, respectively, which are closer to the proposed lot sizes of 6,011 than to the existing 12,021 lot. Notably, 26 of these lots are 6,000 square feet in size and 2 are smaller, meaning that at 6,011 square feet, the proposed lots will

be compatible with the lots in the neighborhood. The average home sizes are quite large and considering the allowance of 20% for future build-out, the average unit size is 47.2% and the median unit size is 50%.

Taking out the waterfront lots leaves 39 dry lots, of which the same 26 (67%) are 6,000 square feet, again justifying the proposed new lot sizes. The average and median home sizes with the adjustment for future build-out also shows large homes sizes, 50.6% and 51.5%, respectively.

The most similarly situated lots on the Island are those located along Palm Avenue's west end roundabout. Like the Property, these five (5) properties are burdened with double frontages on both Palm Avenue and North or South Coconut Lane, have highly irregular curved lot shapes and very narrow lot depths. Two of them also have substandard lot sizes. Today these homes have an existing average unit size of 46.9% and a median unit size of 41%, however, considering the allowance for future build-out, the average unit size increases to 51.2% and the median to 50%. Further, due to the unique shape of the lots, four (4) of the five (5) homes have at least one non-conforming setback. 312 Palm Ave, which is situated along the southwest portion of the roundabout, is also bounded by three streets and has non-conforming setbacks for both fronts and the side facing the street.

Proposed Development. The Applicant intends to develop the Property with two single-family homes. Although both homes are modern designs with clean lines, the Applicant has taken much care to ensure the designs are distinct and unique. Lot A, which retains the three (3) street frontage condition, meaning only abutting one other home, will be developed with a 2-story home with an understory. The Applicant will retain the quaint pre-1942 1-story garage in its existing location as a pool cabana, which seamlessly transitions into the home's proposed understory to create aesthetically pleasing continuity in the design. The Lot A home features a pool in the side yard, large floor-to-ceiling windows, metal louvers, glass railings on the balconies and a statement staircase connecting the understory to the first floor of the home. The Lot B home will be 2-stories but not have an understory, making it more compatible with the existing home to the east. The Lot B home features a parking court and 1 car garage, a pool, white stucco and exposed concrete walls, more modest windows and metal louvers.

The existing 2-story residence sits on both the original platted and new proposed lot line. Accordingly, there is no feasible way to retain the home on the Property. However, as previously stated, the Applicant's proposed design for the Lot A home retains the 1-story garage, which still preserves its pre-1942 architectural character. Retention of the garage directly contributes to the City's historic preservation goals. Typically, properties that retain pre-1942 structures can enjoy development incentives such as an increased unit size of up to 60% and a lot coverage of up to

40%. The Applicant does not intend to reach the full potential of these development incentives. However, in order to retain the pre-1942 structure and accommodate the new homes, unit sizes of 60.9% and 55.1% and lot coverages of 36.9% and 33.2% are proposed on Lot A and Lot B, respectively. As shown above, the proposed unit sizes and lot coverages are compatible with the surrounding neighborhood, especially with the 5 closest homes on the roundabout that have average unit size of 51.2%.

Irregularly Shaped Lots Require Variances. Due to the highly irregular bean-shaped lot and narrow lot depths, accommodating the Proposed Development will also require variances in relation to setbacks and encroachments and, for Lot A, in relation to the proposed understory. As you know, the Code is written assuming that lots are regularly shaped. The dual curved frontages of the Property makes it so that if development were to conform with the Code, the first story portion of the homes would only be allowed 30 feet of depth and the second story portion of the homes just 10 feet, which is grossly inadequate for an appropriate home for each lot. The dual frontages also make locating a pool challenging, since there is no rear yard and the required setback from pools in the side yards is almost double that of the required rear yard setback for a pool.

Although development is challenging, it can be done with minimal encroachments into the required yards while ensuring compatibility with the neighborhood. Most of the proposed structures comply with the first story 20-foot setback from Palm Avenue and North Coconut Lane, but a 30-foot setback to the second story cannot be reasonably provided and the second floor would be uninhabitable. Only 208 square feet¹ and 199 square feet on Lot A and Lot B, respectively, encroach into the 20-foot setback from North Coconut Lane. Notably, a 10-foot setback from North Coconut Lane is maintained at all times and there is a swale approximately 10' deep, effectively providing a minimum 20' setback from the edge of the street to either structure. The elimination of the existing wall and separation of the new homes greatly reduces the building frontage on North Coconut Lane and provides much needed relief with openness in between the new lots that reduces the proposed massing. Overall, the Proposed Development better centralizes the homes on the lots and decreases the existing setback nonconformance from North Coconut Lane.

Additional variances are needed for the proposed home on Lot A. As previously mentioned, the Applicant intends to retain the pre-1942 1-story garage on the Property. In order, to accommodate development and create continuity in the elevations, the Applicant is proposing an understory for the home on Lot A. However, the irregular shape of the lot makes full compliance with the two (2) of the understory regulations, openness and open space, unfeasible.

¹The majority of the existing 1-story garage encroaches into the required 20' setback from North Coconut Lane.

As such, the Applicant will need to request variances. Notably, the Applicant provides significant openness in the understory and more open space in other yards to meet the intent of the Code.

The Proposed Development is compatible with the neighborhood and the best design to make gainful use of this highly-irregular lot. As such, the Applicant requests that the Planning Board allow variance requests through the required DRB applications for the proposed homes as follows:

Lot A Variances:

1. Non-Use Variance from Sec. 142-105(b)(9)(a) for new construction on newly created lots that do not follow the originally platted lot lines, to permit a lot coverage of 36.9% when 25% is permitted;
2. Non-Use Variance from Sec. 142-105(b)(9)(b) for new construction on newly created lots that do not follow the originally platted lot lines, to permit a unit size of 60.9% when 40% is permitted;
3. Non-Use Setbacks Variances:
 - a. From Sec. 142-106(a)(1)(a) to permit a 10'-0" front setback to the first story from North Coconut Lane when 20'-0" is required;
 - b. From Sec. 142-106(a)(1)(b) to permit a 10'-0" front setback to the second story from North Coconut Lane when 30'-0" is required;
 - c. From Sec. 142-106(a)(1)(b) to permit a 20'-0" front setback to the second story from North Coconut Lane when 30'-0" is required;
 - d. From Sec. 142-106(a)(2)(a) to allow a sum of the side yard setbacks to be 22' when 25' is required;
 - e. From Sec. 142-106(a)(2)(c)(1) to allow an interior side setback of 5'-0" when 10'-0" is required;
 - f. From Sec. 142-1133(3) to allow a pool in the side yard to be setback 5'-0" when 15'-0" required.
4. Non-Use Variance from Sec. 142-1132(o)(4) and 142-1132(o)(6) to allow balcony and terrace to encroach 40% into the front yard (8'-0') when 25% (5'-0') is allowed.
5. Non-Use Variance from Sec. 142-105(b)(6) to allow the habitable roof deck to be set back 7'-4" to the south and 7'-5" to the north feet when 10'-0" is required.
6. Non-Use Understory Regulations Variances:
 - a. From 142-105(b)(4)(d)(1) to allow the understory to be 31% open on the north side, 35% open on the east side when 50% open is required;
 - b. From 142-105(b)(4)(d)(7) to allow 64% of the required front yard on North Coconut Lane to be pervious open space when 70% is required;
 - c. From 142-105(b)(4)(d)(9) to allow an understory elevation of 4.5 NGVD when 5.26 NGVD is required;

Lot B Variances:

1. Non-Use Variance from Sec. 142-105(b)(9)(a) for new construction on newly created lots that do not follow the originally platted lot lines, to permit a lot coverage of 33.2% when 25% is permitted;
2. Non-Use Variance from Sec. 142-105(b)(9)(b) for new construction on newly created lots that do not follow the originally platted lot lines, to permit a unit size of 55.1% when 40% is permitted;
3. Non-Use Setbacks Variances:
 - a. From Sec. 142-106(a)(1)(a) to permit a 10'-0" front setback to the first story from North Coconut Lane when 20'-0" is required;
 - b. From Sec. 142-106(a)(1)(b) to permit a 10'-0" front setback to the second story from North Coconut Lane when 30'-0" is required;
 - c. From Sec. 142-106(a)(1)(b) to permit a 20'-0" front setback to the second story from North Coconut Lane when 30'-0" is required;
 - d. From Sec. 142-106(a)(2)(a) to allow a sum of the side yard setbacks to be 12'-6" when 25' is required;
 - e. From Sec. 142-106(a)(2)(c)(1) to allow an interior side setback of 5'-0" and 7'-6" to the west and east respectively when 10'-0" is required;
4. Non-Use Variance from Sec. 142-1132(o)(6) to allow the terrace to encroach 40% into the front yard (8'-0') when 25% (5'-0') is allowed.
5. Non-Use Swimming Pool Variances:
 - a. From Sec. 142-1133(2)(a) and (b) to allow a pool an interior side yard to be setback 5'-0" when 7'-5" required and the interior setback to the catch basin to be 6'-0" when 9'-0" required
 - b. From Sec. 142-1133(1)(a) and (c) to allow a pool rear yard setback to be 5'-0" when 6'-0" required and the rear setback to the catch basin 4'-5" when 7'-5" required.
6. Non-Use Variance from Sec. 142-105(b)(6) to allow the habitable roof deck to be set back 8'-1" to the north when 10'-0" is required.

Lot Split Criteria. 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 resulting lots will comply with the minimum lot size and lot width for the RS-4 Zoning District, and avoid creating a substandard lot if following the originally platted lot line.

- (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.**

As previously stated the resulting lots will be 6,011 square feet. The Applicant analyzed 95 similarly situated lots on the west end of Palm Island and the average lot size is approximately 8,563 square feet, while the median lot size is 7,000 square feet; however, notably 26 of these are 6,000 square feet, all of which are smaller than the proposed lots. When comparing to the 39 dry lots, the lots will be great than the majority as 26 (67%) are at only 6,000 square feet. Further, the most relevant lots along the western roundabout of Palm Avenue have an average lot size of 7,660 square feet and a median lot size of 7,983, yet two of them are well below 6,000 square feet. Accordingly, the proposed 6,011 square feet lots are more compatible with the character of the surrounding area than the existing 12,021 square foot lot.

- (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 Proposed Development is compatible with the surrounding area. As previously discussed, the Proposed Development creates a more appealing frontage on North Coconut Lane and better centralizes the homes in order to be more respectful to the neighboring properties along North Coconut Lane. Further the proposed unit sizes and lot coverage for the two homes are compatible with the existing neighborhood. The Applicant will request a maximum unit size of 60.9% and a maximum lot coverage of 36.9% when the average in the neighborhood is 47.2% unit size, or 51.2% when evaluating the homes on the western Palm Ave roundabout only. The maximum 60.9% unit size is requested for Lot A, which preserves a pre-1942 structure and under other circumstances would be allowed to develop with a 60% unit size. Further the Applicant will request reasonable setback variances and, for Lot A, understory variances similar to those enjoyed by other irregularly shaped lots on the Island, including the immediate properties. As such, the scale and mass of the Proposed Development is in tune with the surrounding properties.

- (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.**

Due to the highly irregular bean shaped lot, it is not feasible to gainfully develop the Property, while complying with all Code requirements. A fully Code compliant design would be nonfunctional. The overwhelming majority of similarly situated homes on Palm Island have a non-conforming unit size, lot coverage and/or setbacks. This is true even with the more regularly shaped lots away from the Island's ends. Consistent with the pattern in the neighborhood, development of this Property will also require variances that the Applicant will request from the Design Review Board at the appropriate time. The Applicant's design team has worked diligently to minimize the number of variances needed to accommodate the Proposed Development and to create a design that is respectful to the surrounding neighbors and congruent with the area.

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

The proposed building sites would be free of encroachments from abutting buildable sites.

- (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).**

Although the existing structures on the Property are pre-1942, they have not been designated architecturally significant or historic. Retention of the 2-story home is not feasible because it sits on the originally platted and new proposed lot line. However, the Applicant's proposed design retains and incorporates the 1-story garage. The 1-story garage still enjoys its original architectural character and its retention contributes to the City's historic preservation goals.

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

As discussed below, the proposed structures will comply 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 structures will have hurricane impact windows throughout the homes.

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

The proposed homes provide 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 landscape plans for the proposed homes include many native and Florida-friendly plants. The landscaping is appropriate for the proposed homes and the neighborhood and includes salt-tolerant and highly water-absorbent species. The lush landscaping is both resilient and aesthetically pleasing and will serve as a beautiful buffer to surrounding homes.

- (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. The home on Lot A with the understory has a finished floor elevation of 17' NGVD. The home on Lot B will also be elevated with a finish floor elevation of 10' NGVD.

- (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's design is adaptable to the raising of public right-of-ways and adjacent land and provides sufficient height and space to ensure that the entryways and exists can be modified to accommodate a higher street height of up to 3 additional feet in height.

- (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.**

The Applicant cannot reasonably elevate the pre-1942 1-story garage without compromising its architecture. All other new structures proposed to be built are appropriately elevated.

- (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. The pre-1942 1-story garage on Lot A that is located below base flood elevation will be used as a garage and equipped with flood proofing systems 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 driveways and other hardscaped areas.

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

The Applicant utilizes abundant landscaping at ground level to minimize heat island effect on-site.

Conclusion. We believe that approval of this lot split will permit the development of two beautifully but differently designed single-family homes on the Property that will be compatible with the character of the residential neighborhood and more respectful to the neighbors along North Coconut Lane than the existing structures. The Applicant has taken much care to create the best design that requires only the least impactful variance requests for this challenging highly-irregular lot. The two proposed homes will be a welcomed addition to the 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: Ben Fernandez, Esq.
Cecilia Torres-Toledo, Esq.

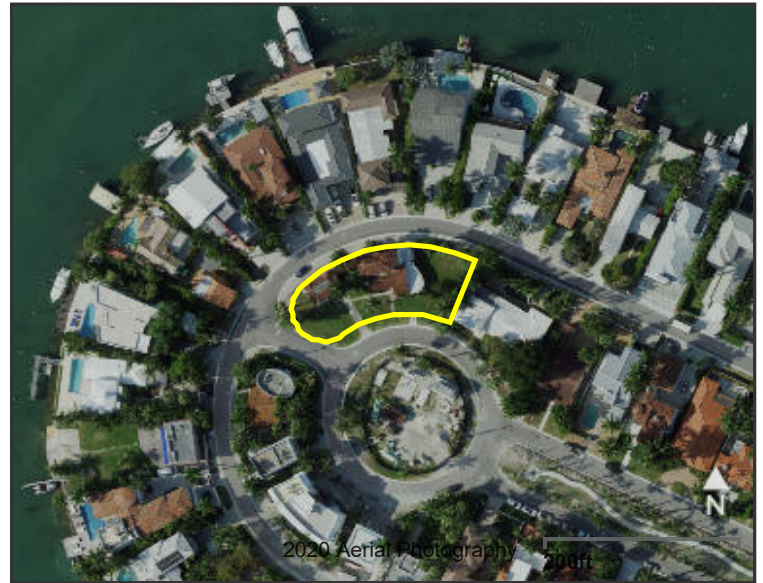


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/8/2021

Property Information	
Folio:	02-4205-002-0460
Property Address:	291 PALM AVE Miami Beach, FL 33139-5141
Owner	CASA DE PALM LLC
Mailing Address	8212 NW 30 TERR DORAL, FL 33122 USA
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	4 / 3 / 0
Floors	2
Living Units	1
Actual Area	3,661 Sq.Ft
Living Area	2,741 Sq.Ft
Adjusted Area	2,961 Sq.Ft
Lot Size	12,021.1 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information				
Year	2021	2020	2019	
Land Value	\$1,983,482	\$1,983,465	\$1,983,465	
Building Value	\$305,353	\$302,807	\$305,209	
XF Value	\$888	\$900	\$912	
Market Value	\$2,289,723	\$2,287,172	\$2,289,586	
Assessed Value	\$2,289,723	\$2,287,172	\$2,099,455	

Benefits Information				
Benefit	Type	2021	2020	2019
Save Our Homes Cap	Assessment Reduction			\$190,131
Homestead	Exemption			\$25,000
Second Homestead	Exemption			\$25,000
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
RIVIERA 1ST & 2ND ADDN AMD PB 32-37 LOTS 55 & 56 BLK 2 B LOT SIZE 12021 SQ FT M/L OR 20306-3335 03 2002 1	

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,049,455
School Board			
Exemption Value	\$0	\$0	\$25,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,074,455
City			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,049,455
Regional			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$2,289,723	\$2,287,172	\$2,049,455

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/13/2021	\$1,575,000	32462-0182	Qual by exam of deed
03/01/2002	\$640,000	20306-3335	Sales which are qualified
06/01/1988	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed

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Version:

