



February 13, 2023

VIA ELECTRONIC DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: Michael Saiger – 8 Century Lane
Design Review Board Application No. DRB22-0841
Third Amended and Restated Letter of Intent**

Dear Mr. Mooney:

Please accept this Third Amended and Restated Letter of Intent on behalf of Michael Saiger (the "Applicant"), in support of Design Review Board ("DRB") Application No. DRB22-0841 (the "Application"). in connection with that certain $\pm 4,599$ square foot parcel of land located at 8 Century Lane, Miami Beach, Florida, identified by Folio No. 02-3233-002-0080 (the "Property"), and as shown below:



The Property is located within the RM-1 District on the northwest portion of Belle Isle.

The Applicant seeks DRB review and approval of a new single-family home project on the Property, which is a platted non-conforming lot (both size and width) and thus requires the approval of three (3) non-use variances, to wit:

1. Variance to to permit a front setback of 0'-0";
2. Variance to waive maximum grade elevation to provide for access ramp on east side to permit an elevation of 9.42' NGVD; and
3. Variance to permit a rear setback of 4'-4" for a swimming pool.

Given the small size of the Property and its irregular shape, the above described variances are necessary in order to accommodate the footprint of a new home.

I. Property Information

The Property has a City Comprehensive Plan Future Land Use Map ("FLUM") land use designation of Low Density Multi-Family Residential ("RM-1"), and is zoned Residential Multifamily, Low Intensity ("RM-1") on the City's Zoning Map. Single-family detached dwellings, single-family attached dwellings, townhouse dwellings, multiple family dwellings, and more are all permitted uses on properties designated RM-1 on the City's FLUM. Similarly, the main permitted uses in the RM-1 zoning district include, but are not limited to: single-family detached dwellings, townhomes, apartments, apartment hotels, and bed and breakfasts pursuant to City Code Section 142-142(a). Thus, under both the Property's current land use designation and zoning district, the proposed single-family home Project is a permitted use.

The Property is uniquely triangulated at the end of Century Lane. Century lane is a no outlet, alley-like street that serves a mere six (6) single-family homes on its east side and provides access to the service, loading, and parking areas for The Vistas Condominium on its west side. The Standard Hotel abuts the Property to the east.

The Property, which is +/-1,000 square feet smaller than the required minimum lot size in RM-1, is also irregularly shaped with minimal frontage that widens toward the waterfront. The Property is currently improved with a small single-family home that has served as the Applicant's residence since 2015. As his family has grown, so has their need for additional living space with proper amenities. Thus, they are seeking approval of the proposed design described below.

II. Proposed Residence

The Applicant is seeking to construct a new five (5)-story single-family home on the Property to replace the existing single-family home on the Property. This residence will serve as a home for the Applicant and his family.

The design for the residence was prepared by MGA Arquitectura, PGS Architect, and ARCHI Consulting. Project embraces a tropical mid-century modern aesthetic and features an elegant palette of natural materials, including warm tropical wood tones and architectural board-formed concrete. In addition, unique wood design elements on the eastern façade amplify the tropical mid-century modern aesthetic of the home. Together, these elements result in a harmonious and visually enticing architectural design.

The design incorporates green roof decks to enhance residents' private open space areas and amplify the neighborhood's lush tropical feel. A mezzanine-level garden area further integrates the design with the natural environment, and provides a buffer between the Property and adjacent

lots. Lush landscaping enhances the waterfront, public streetscape, and the neighborhood's feel. Due to the limited frontage of the Property, the Applicant will either provide planters for trees on the mezzanine-level garden area or contribute to the City's Tree Trust Fund to meet its street tree requirements.

The cost estimate for the construction of the residence is approximately \$2,140,000 based on a construction budget of \$400 per square foot.

The Applicant strongly believes the proposed waterfront Project will beautify the neighborhood and will not negatively impact neighboring properties. The design of the proposed residence is compatible with numerous other new single-family home designs on Belle Isle on both Century Lane and Farrey Lane and is consistent with the RM-1 regulations.

III. Variance Requests

In connection with this Application, the Applicant respectfully requests DRB approval of the following three (3) non-use variances:

1. Variance to to permit a front setback of 0'-0";
2. Variance to waive maximum grade elevation to provide for access ramp on east side to permit an elevation of 9.42' NGVD; and
3. Variance to permit a rear setback of 4'-4" for swimming pool.

In response to comments issued by the DRB members, the Applicant has revised the design of the home with new elevations, an alternative design for parking within a carport, and modified the rear setback variance request to reduce the variance needed from 3'-0" to 4'-4" by relocating the swimming pool

As described above, the Property is non-conforming in size and dimension, irregularly shaped, and located on the waterfront. Thus, creating a hardship. It is impossible to design a home that complies with the development regulations set forth in the RM-1 District, particularly, the setback requirements in this district, on this small, triangular Property.

The Application meets the criteria for variances set forth in City Code Section 118-353(d) of the Land Development Regulations as follows:

(d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

The Property is platted with lot area +/-1,000 square feet smaller than the minimum lot size required in RM-1. Likewise, the Property's scalene shape poses peculiar challenges. Located at the end of Century Lane and on the waterfront, the Property's sole entrance is at its narrowest point and is sandwiched between two other properties at the street's dead end. Sufficient

width does not exist for the Property to meet all of the applicable setback requirements.

- (2) The special conditions and circumstances do not result from the action of the applicant;

The requested variances all stem from the size and odd triangular shape of the lot. The variances will allow for modernization of the Property, while maintaining its original zoning district and land use designation. The requested variances flow from the special dead-end location of the Property, and the unique geometric constraints posed by the lot. These requests do not result from the action of the Applicant.

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

Approval of the variance requests will not confer any special privilege to the Applicant. The Land Development Regulations permit single family home developments in RM-1, and the proposed setback variances are both appropriate for the neighborhood, necessary for the full use of the Property, and consistent with the approvals sought for other single-family homes on Century Lane and Farrey Lane.

The Applicant has designed the Project in accordance with Staff recommendations. The entrance is positioned to provide adequate access to the home and to complement the existing visual dialogue in the neighborhood. Similarly, the proposed side setbacks will accommodate safe walkways and adequate grading.

- (4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

Without the requested variances, the Property would not be able to be developed with the permitted single family home use nor meet modern home needs in a reasonable manner. Literal application of the setback requirements would foreclose appropriate and feasible development, enhancement, and improvement of the Property. Because of the Property's peculiar scalene shape, a literal application of the regulations would result in undue hardship on the Applicant.

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The Applicant is committed to developing the Property with a modern, environmentally conscious design that is considerate of its neighbors. In fact, letters of support from immediately adjacent neighbors have been obtained and have been submitted for the Board's consideration. The requested variances merely allow for development of the Property according to a

permitted use. Approval of the Application will permit a sophisticated and unique home that enhances the visual experience of the street and the waterfront.

- (6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

The granting of the variances will have no detrimental impact to the area. The dead-end alley character and limited access of Century Lane, along with the waterfront location, ensures that there are no impacts to the area. The Applicant intends to develop the Property in a manner that will benefit and enhance the area.

- (7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or anytime prior to the board voting on the applicant's request.

RM-1 zoning allows for single family home developments, and the proposed front setback allows for development according to the zoning district's permitted uses. Similarly, the variance requests of the front, side, and rear setbacks are consistent with the comprehensive plan and do not reduce levels of service.

Approval of the requested variances will facilitate the appropriate development of the Property. The result will be a sophisticated and contemporary design for a family home featuring interesting visual variations across all façades, internalized parking, and adequate access.

V. Compliance with Design Review Criteria

The Project satisfies the design review criteria set forth in Section 118-251 of the Land Development Regulations, as follows:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

Satisfied. The Applicant is incorporating tropical vegetation and trees throughout the Property, from the entrance to the roof deck to the waterfront.

- (2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied. The Applicant is requesting variances of the front, side, and rear setbacks in a manner which will not impact the character of the surrounding neighborhood and will improve the area's aesthetic.

- (3) The dimensions of all buildings, structures, setbacks, parking spaces, floor area

ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied. The design of the home is reasonable and seeks variances only where necessary to accomplish an appropriate residence for the Applicant's family.

- (4) The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in Section 118-252.

Satisfied. The structure and landscaping have been designed with a tropical mid-century modern aesthetic that will enhance the character of Belle Isle.

- (5) The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

With the exception of the variances requested as part of this Application, the proposed site plan, and the location, appearance and design of the new structure conforms with the standards of the City's Code. Please refer to the enclosed presentation.

- (6) The proposed structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.

Satisfied. The proposed residence is sensitive to and congruent with the character of the neighborhood, including recent approvals for new single-family homes in the area. In addition, the landscape design enhances the lush and tropical appearance of the surrounding community and the waterfront. Please refer to enclosed plans.

- (7) The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied. The design of the home proposes the most efficient use of the Property while providing for the safety and security of its occupants.

- (8) Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

Satisfied. The Property is located at the dead end of Century Lane. The design of the garage and pedestrian access is appropriate for the single-family character of the residence.

- (9) Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Satisfied. The proposed lighting will provide security for the residence, while enhancing its design and respecting the various uses in the immediate vicinity.

- (10) Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied. The landscaping and paving have been designed specifically to enhance the overall site plan.

- (11) Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied. The Applicant's vehicles will be parked in the home's garage.

- (12) The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied. The design of the home is wholly compatible with the pattern of development in the area and consistent with the RM-1 development regulations.

- (13) The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied. This is a single-family home located in an area characterized by a mix of single-family, multi-family, and hotel uses. The architectural treatments and buffering yield an integrated design that enhances both the abutting street and waterfront.

- (14) The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied. All mechanical equipment, stairwells, and elevator bulkheads are properly screened.

- (15) An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable. The existing improvements on the Property will be demolished.

- (16) All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied. The design is appropriate for the single-family character of the structure.

- (17) The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied. All design, screening, and buffering has been designed to ensure that there are no impacts on adjacent properties.

- (18) In addition to the foregoing criteria, subsection 118-104(6)(1) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a, wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable. None proposed.

VI. Sea-Level Rise and Resiliency Criteria

The Applicant has carefully considered sea-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. The proposed Project complies with the criteria set forth in City Code Section 133-50, as follows:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

A recycling or salvage plan for demolition of the existing structure will be provided as and when required.

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

Satisfied. All proposed windows will be hurricane proof impact windows..

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

Satisfied. The Applicant is considering passive cooling systems where feasible and appropriate.

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Satisfied. The Applicant is considering resilient landscaping, where feasible and appropriate, to incorporate into the landscape design. Special attention has been paid to the Property's eastern boundary, and lush landscaping has been provided to create an appropriate buffer ensuring the privacy of the neighbors.

- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied. Adopted Sea level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered and the appropriate principles were incorporated into the Project design.

- (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.

The ground floor, driveways, and garage ramping are adaptable to the raising of public rights-of-ways and adjacent land. The Applicant is planning to slope the grade to match the existing height of the neighboring yards. This requires steps for the home as shown in the enclosed presentation. The ground floor is raised in preparation for the Future Grade Elevations of Miami Beach.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied. All Mechanical and Electrical systems will be above the Design Flood Elevation (+12'NGVD).

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Applicable. The existing structure will be demolished.

- (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 54 of the City Code.

Not Applicable.

- (10) Where feasible and appropriate, water retention systems shall be provided.

All stormwater will be retained on the property as per City of Miami Beach requirements, which will be calculated and designed during the permit process.

- (11) Whether cool pavement materials or porous pavement materials shall be utilized.

The Applicant will utilize cool pavement materials or porous pavement materials where feasible and appropriate.

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

Satisfied. The Applicant has designed the Project to minimize the heat island effects on-site, through the use of cooling massing and design materials, and addition of landscaping to provide further shade.

Based on the above, we respectfully seek your favorable review and recommendation of approval for the Application. Thank you in advance for your considerate attention to this request. If you have any questions or require additional information, please feel free to contact me directly at tslavens@lsnlaw.com or (305) 673-2585.

Respectfully submitted,

LSN LAW, P.A.

A handwritten signature in blue ink that reads "Tracy Slavens". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tracy R. Slavens, Esq.

Enclosures