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VIA ELECTRONIC SUBMISSION & HAND DELIVERY

May 30, 2023

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **PB23-0599** - Lot Split Request for the Property Located
at 1120 Bay Drive, Miami Beach, Florida

Dear Mr. Madan:

This law firm represents Bay Drive Realty LLC (the "Applicant"), the owner of the property located at 1120 Bay Drive and identified by Miami-Dade County Folio No. 02-3210-013-2170 (the "Property") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of a lot split application to subdivide the existing triple lot into three (3) lots that follow the originally platted lot lines.

The Property. The Property is located on the south side of Bay Drive in the Normandy Isle neighborhood within the City. The Property is an aggregated triple lot that is approximately 26,775 square feet (0.61) acres in size, with approximately 164 feet of frontage on Bay Drive. It is platted as lots 9, 10, and 11, Block 13, of the Ocean Side Section of the Isle of Normandy Subdivision, recorded in Plat Book 25, Page 60 of the Official Public Records of Miami-Dade County at (the "Plat"). See Exhibit A, Plat. The Property contains an existing single-family residence with a finished floor elevation of 6.79' NGVD, which is below Base Flood Elevation. See, Figure 1, Aerial, below.



Figure 1, Aerial

The Property is zoned RS-4, Single-Family Residential District and is not located in a local or national historic district. The Applicant intends to separately submit a request to the Design Review Board ("DRB") for design review approval of the three (3) resulting homes.

Lot Split Request. The Applicant seeks to divide the Property into three (3) lots consistent with the underlying platted lot lines (the "Proposed Lot Split"). Notably, the Property's existing lot size is more than double the average lot size of similarly situated waterfront lots located along Bay Drive. See Exhibit B, Area Analysis. The Proposed Lot Split results in the following lot sizes that are more consistent and compatible with the neighborhood than the Property's existing lot area:

Proposed Lot	Proposed Lot Area
Lot 9	8,904 SF (0.2 acres)
Lot 10	8,904 SF (0.2 acres)
Lot 11	8,904 SF (0.2 acres)

The dimensions of the resulting lots comply with the City's land development regulations, and will result in development of homes that are more compatible with the existing built context of similarly situated waterfront lots along Bay Drive. On the other hand, redevelopment of the Property without the Proposed Lot Split would result in a

single large home that is out of scale with the surrounding built context of the neighborhood.

Area Analysis. According to data collected from the Miami-Dade County Property Appraiser Website, the average lot size of waterfront properties along Bay Drive between Rue Versailles and Rue Grandville is 12,048 square feet, while the median lot area within the same sample is 10,785 square feet (not including the Property).¹ Notably, however, a handful of large aggregated lots skew the average and median lot sizes upwards. An analysis of the number of lots that are less than 10,000 square feet in size reveals that 37% (18/49 lots) of the lots in the neighborhood are less than 10,000 square feet in size, and are similar in size to the Proposed Lot Split. Accordingly, the Proposed Lot Split is consistent with the context of the surrounding neighborhood

Lot Split Review Criteria. The proposed lot split is consistent with the criteria under Section 118-321(B) of the Code, as described further below:

(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 Proposed Lot Split results in lots that exceed the minimum requirements of the applicable land development regulations for RS-4 zoned properties. Section 142-105(b)(1) of the Code provides that the minimum required lot area is 6,000 square feet. The proposed resulting lots will be greater than the minimum required at approximately 8,904 square feet. Section 142-105(b)(1) of the Code also provide that the minimum lot width for waterfront lots is 50 feet in size. The Proposed Lot Split results in lots that are approximately 55 feet wide.

(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 built context of the waterfront lots along Bay Drive. Specifically, 18 of the 49 lots analyzed are less than 10,000 square feet in size. The most common existing lot size is consistent with the lot size of a single underlying platted lot, which is between 8,500 and 8,840 square feet. The Proposed Lot Split results in approximately 8,904 square feet lots, which is consistent with the most common existing lot size in the neighborhood.

¹ The Property is a statistical outlier and therefore excluded. The average lot area with the Property included in the analysis is 12,348 square feet, and the median area is 10,880 square feet.

(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 will be compatible with the as-built character of the surrounding area. The lot sizes are aligned with the surrounding area and the original lot sizes in the subdivision plat, and the proposed development falls well within the development standards provided by the Code. The Applicant has included detailed architectural drawings of the resulting homes in the application materials. The detailed architectural drawings demonstrate that the resulting homes would be permitted under the current land development regulations, and would be compatible with the as-built character of 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 existing home on the Property is nonconforming with respect to flood elevation, as it is located more than one foot below Base Flood Elevation. As a result, the existing home is proposed to be demolished. Thus, the Proposed Lot Split would not result in any nonconformities. To the contrary, the Proposed Lot Split would eliminate a nonconformity and contribute to creating a more resilient neighborhood.

(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 be 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 Proposed Lot Split will result in the replacement of the existing home on the Property, which was developed prior to 1942. The replacement homes will be developed above Base Flood Elevation plus City Freeboard.

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

The Proposed Lot split will result in lots and structures that fully comply with sea level rise and resiliency review as summarized below.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided in Section 133-50(a) of the Code as follows:

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

A recycling or salvage plan for demolition will be provided at permit.

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

All new windows will be hurricane proof impact windows.

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

Where feasible, passive cooling systems will be provided.

(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.

Resilient, Florida-friendly landscaping will be provided.

(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 the land elevations of the subject property and surrounding properties.

(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 proposed designs will be 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.

Critical mechanical and electrical systems are 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.

New construction will be elevated up to base floor elevation, plus Freeboard.

(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.

Habitable space will be located above base flood elevation plus Freeboard.

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

Stormwater retention systems will be provided where feasible.

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

Cool pavement material and porous pavement materials will be utilized.

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

The new home will minimize the potential for heat island effects on site with high albedo roofing materials, ample and lush greenspace and landscaping, and opportunities for non-air-conditioned living spaces.

Conclusion. Approval of the Proposed Lot Split will permit the development of three (3) unique and appropriately scaled single-family homes in the Normandy Isle neighborhood. The Proposed lot sizes and resulting homes are compatible with the existing built context of the neighborhood, while adding high-quality new single family homes during to meet soaring demand for single-family residences in the City. Accordingly, the Applicant respectfully requests your favorable review and recommendation of the Proposed Lot Split. If you have any questions or comments, please give me a call at (305) 377-6236.

Sincerely,

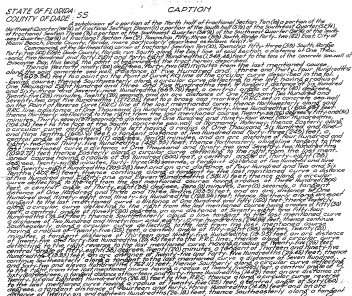


Matthew Amster

Enclosures

cc:

Nicholas J. Rodriguez, Esq.

[illegible]

Executed in the presence of:

Marie J. Gustafson Thomas Henry Levy
Laura M. Reed Laura M. Reed Samuel D. Weissbach
President Secretary

STATE OF FLORIDA
COUNTY OF DADE, SS

I, _____, hereby certify that on this day personally appeared before me _____, duly authorized to take acknowledgments, _____, each of whom acknowledged to me that they were the authors of each foregoing Corporation, to the full extent and effect therein expressed and that he acknowledged before me that he was the author of said _____ as therein expressed and as set forth and as the act of said _____.

Witness my hand and seal of office at Miami, County of Dade and State of Florida, this _____ day of May, A.D. 1956.

[Signature]
Notary Public for Florida

My Commission Expires JUNE 27, 1958

J. E. Rossetti.
CHANCELLER, BUREAU OF THE STATE OF FLORIDA

Examined and approved for record
Robert Bratten & P. S. 11/16
TERRY TOWNE, BREVARD COUNTY, FLORIDA


STATE OF FLORIDA
COUNTY OF DADE, 35
by vote of _____ This is to certify that the attached plot was approved
18th day of June A.D. 1966. adopted by the City Council of Miami Beach, Fla.
 John H. L. [Signature]




Exhibit B

Area Analysis 1120 Bay Drive								
Notes	Property Address	Year Built	Lot Size (sq. ft.)	Adjusted Area (sq. ft.)	Adj. Area + 20% (sq. ft.)	Adj. Area (%)	Adj. Area + 20% (%)	Unit size for new developments (%)
Subject property	1120 Bay Drive	1939	26,775	4,169	5,002.80	16	19	
	1100 Bay Drive	1947	9,800.50	2,724	3,268.80	28	33	
	1150 Bay Drive	1958	17,799	3,724	4,468.80	21	25	
	1166 Bay Drive	1949	13,149.50	2,669	3,202.80	20	24	
	1180 Bay Drive	1956	13,950.20	2,820	3,384.00	20	24	
	1190 Bay Drive	1955	12,384.50	3,193	3,831.60	26	31	
	1200 Bay Drive	1956	14,450	3,407	4,088.40	24	28	
	1310 Bay Drive	1950	21,845	4,003	4,803.60	18	22	
	1330 Bay Drive	1959	11,900	2,717	3,260.40	23	27	
	1340 Bay Drive	1950	14,450	2,561	3,073.20	18	21	
	1354 Bay Drive	1950	18,601.40	2,286	2,743.20	12	15	
	1370 Bay Drive	1952	12,020.70	2,399	2,878.80	20	24	
	1390 Bay Drive	1952	8,840	2,221	2,665.20	25	30	
	1396 Bay Drive	2018	8,840	2,528*	3,033.60	29	34	34.1
	1398 Bay Drive	1939/2008	10,880	5,264	6,316.80	48	58	
	1500 Bay Drive	1940	10,670.90	3,771.00	4,525.20	35	42	
		1941/201						
	1510 Bay Drive	7	8,770.30	4,935.00	5,922.00	56	67	54.1
	1520 Bay Drive	1950	13,154.60	2,333.00	2,799.60	18	21	
	1530 Bay Drive	1951	17,540.60	2,707.00	3,248.40	15	18	
	1550 Bay Drive	1941	13,154.60	4,025.00	4,830.00	31	37	
	1560 Bay Drive	1940	8,770.30	1,840.00	2,208.00	21	25	
	1570 Bay Drive	1949	15,685.90	4,199.00	5,038.80	27	32	
	1580 Bay Drive	1949	9,010.00	2,121.00	2,545.20	23	28	
	1590 Bay Drive	1948	10,690.75	1,917.00	2,300.40	18	21	49.1
	1600 Bay Drive	1950	13,543.25	3,404.00	4,084.80	25	30	
	1610 Bay Drive	vacant	13,543.25					
	1620 Bay Drive*	no info on Property Appraiser						
	1630 Bay Drive	1951	9,014.25	2,629.00	3,154.80	29	35	
	1640 Bay Drive	1950	9,028.25	2,377.00	2,852.40	26	32	
	1650 Bay Drive	1978	8,787.30	3,280.00	3,936.00	37	45	
	1660 Bay Drive	1947	8,787.30	2,209.00	2,650.80	25	30	
	1666 Bay Drive	1950	8,770.30	3,010.00	3,612.00	34	41	
	1670 Bay Drive	1955	8,770.30	2,892.00	3,470.40	33	40	
	1690 Bay Drive	1956	10,647.10	2,704.00	3,244.80	25	30	
	1700 Bay Drive	1950	12,348.00	3,185.00	3,822.00	26	31	
	1710 Bay Drive	1951/2008	8,840.00	4,720.00	5,664.00	53	64	
	1720 Bay Drive	1950	8,840.00	2,382.00	2,858.40	27	32	
	1730 Bay Drive	1957/1990	17,340.00	4,604.00	5,524.80	27	32	
	1750 Bay Drive	1959	17,340.00	4,514.00	5,416.80	26	31	
	1760 Bay Drive	1936	17,340.00	4,730.00	5,676.00	27	33	
	1776 Bay Drive	2015	13,940.00	6,166.00	7,399.20	44	53	40.1
	1790 Bay Drive	1954	10,200.00	3,413.00	4,095.60	33	40	
	1800 Bay Drive	2006	10,200.00	5,222.00	6,266.40	51	61	
	1814 Bay Drive	1937	17,680.00	3,418.00	4,101.60	19	23	
	1820 Bay Drive	1956	8,500.00	3,540.00	4,248.00	42	50	
	1830 Bay Drive	1956	8,846.80	3,072.00	3,686.40	35	42	
	1840 Bay Drive	1949	8,846.80	2,444.00	2,932.80	28	33	
	1850 Bay Drive	1948	8,846.80	2,688.00	3,225.60	30	36	
		1951/198						
	1860 Bay Drive	8/2017	10,540.00	4,035.00	4,842.00	38	46	
	1870 Bay Drive	1951/2016	11,390.00	4,817.00	5,780.40	42	51	
	Average without 1120 Bay Drive		12,047.68	3,332.41	3,978	28.89	35	46.077
	Median without 1120 Bay Drive		10,785.38	3,129	3,686.40	27.00	32	40.1
	Average with 1120 Bay Drive		12,348	3,350	3,999.70	28.63	34.31	
	Median with 1120 Bay Drive		10,880	3,185	3,754.20	26.50	32.00	

*Adjusted area not listed on property appraiser, this number is Zillow square footage
Plat Information: PB 25-60.

Highlighted properties are less than 10K square feet

