

February 2, 2025

VIA ELECTRONIC DELIVERY

Mr. Rogelio Madan AICP
Development & Resiliency Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: MICHAEL A SAIGER, 9 CENTURY LANE LLC & 10 CENTURY LN LLC
8, 9, & 10 Century Lane
Design Review Board Application No. DRB24-1030 – Amended Letter of Intent**

Dear Mr. Madan:

Please accept this letter as the Amended Letter of Intent on behalf of MICHAEL A SAIGER, 9 CENTURY LANE LLC, & 10 CENTURY LN LLC (collectively the "Applicants") in support of Application File No. DRB24-1030 (the "Application") to the Design Review Board ("DRB"). The Applicants are requesting DRB approval of the design of a new single-family home on three lots located at 8, 9, and 10 Century Lane, identified by Folio Nos. 02-3233-002-0080, -0090, and -0010 (the "Property"), and as shown below:



I. Property Information and Proposed Residence

The Property is located within the RM-1 District on the northwest portion of Belle Isle and has a Comprehensive Plan Future Land Use Map ("FLUM") land use designation of Low Density Multi-Family Residential (RM-1). On April 4, 2023 the Applicants received DRB approval for separate residences on 8 and 10 Century Lane under file numbers DRB22-0841 and DRB22-0847, respectively. The intent of these approvals was for 8 Century Lane to serve as the

Applicants' primary residence and 10 Century Lane to house extended family and guests. During the construction design phase, the Applicants purchased the property located at 9 Century Lane, which, located in between their current homes, would allow them to have a contiguous 10,229 square foot property assemblage for their residence.

As noted above, the Property consists of three non-conforming lots, all of which are significantly smaller than the minimum lot size permitted in the RM-1 zoning district (8 Century Lane is 4,062 square feet, 9 Century Lane is 3,172 square feet, and 10 Century Lane is 2,995 square feet) and all three lots are irregularly shaped. Moreover, 8 Century Lane is located at the deadend of Century Lane. The Vistas Condominium, a six story multi-family building, and a single-family home are located to the west of the Property and the Standard Hotel, which has plans for a five story addition, is located to the east. All of the Property's lots are currently improved with small one-story single-family bungalow homes.

The new design proposes a four story single-family home with an understory to replace the current homes. This single-family home will be the new residence for the Applicants. The tropical modern design incorporates lush greenery on all levels of the home and a mixture of wood and concrete treatments on the facades. This aesthetic is consistent with the previous DRB approvals for 8 and 10 Century Lane, but the design is more cohesive with the incorporation of the additional lot. The home is compatible with the scale of the neighborhood and consistent with the multi-family, hotel, and institutional buildings on Belle Isle, as well as with the several newly designed homes on Century Lane and Farrey Lane. The estimated cost for the new design is approximately \$15 million.

Due to the non-conforming lot sizes and irregular shape of the Property, the Applicants seek approval of the following two (2) waivers and three (3) variances requests in order to accomplish the proposed design:

Waiver requests:

1. Waiver pursuant to Section 7.2.4.3.a. of the Resiliency Code to waive the requirement of maximum lot coverage for lots equal or greater than 65 feet in width be 45% to allow for a total lot coverage of 50% ("Waiver 1").
2. Waiver pursuant to Section 7.1.2.2.c.2.A. of the Resiliency Code to waive the requirement of a minimum height of 12'-0" to the underside of the first floor slab by 2'-0" to allow for a total of 10'-0" ("Waiver 2").

Variance requests:

1. Variance pursuant to Section 7.5.3.2.j. of the Resiliency Code to reduce the requirement for a 7'-6" rear setback for a pool to permit a 4'-4" rear setback ("Variance 1").
2. Variance pursuant to Section 7.2.4.3.a. of the Resiliency Code to reduce the requirement for street side setback of 10'-0" to permit a 6'-8" street side setback ("Variance 2").
3. Variance pursuant to Section 7.2.4.3.f. of the Resiliency Code to allow for an aggregation of 3 lots where 2 are allowed ("Variance 3").

II. Waiver Requests

The approval of Waiver 1 will allow a total lot coverage of 50%, in accordance with Section 7.2.4.3.a. of the Resiliency Code. Due to the unique configuration of the assemblage of these individually non-conforming lots, the Property has varying widths. The southern portion of the Property has a width of 40'-9.66" and the north portion is over 65'-0", which triggers this waiver request. Prior correspondence with City staff confirms that the unique nature of the Property justify the request for Waiver 1.

The project was designed with special attention made to reduce the overall height of the home. The approval of Waiver 2 will permit a minimum height of the underside of the first floor slab to be reduced by 2'-0", in accordance with Section 7.1.2.2.c.2.A. of the Resiliency Code. A similar waiver was previously approved by the DRB for 10 Century Lane (DRB22-0847) to reduce the underside of the first floor slab requirement by 1'-6". A reduction of the underside of the first floor slab will yield a reduction in the overall height of the home, while still providing a thickened slab to ensure that the first floor is structurally sound.

III. Variance Requests

Variance 1 was previously approved by the DRB for 8 Century Lane (DRB22-0841). No adjustments have been made for this request compared to the prior approval. Due to the irregular shape of the Property and the size of this portion of the lot, this same variance of Section 7.5.3.2.j. of the Resiliency Code will be required in order for the homeowners to enjoy an adequately sized pool. Since the rear setback faces the Applicants' dock, there is no impact to abutting neighbors.

Variance 2 is required to accommodate the irregular shape and size of the Property. Current side setbacks do not meet the City's Code as the sizes of the lots are nowhere near the minimum standard for RM-1. The residence was designed to meet as many requirements as possible of the RM-1 development regulations set forth in Section 7.2.4.3 and 7.2.4.4. Due to the shape of the Property and the bottle neck in the middle, the variance of Section 7.2.4.3.a. of the Resiliency Code requested is the minimum that would be required for any design to be feasible.

Variance 3 will permit Property's three lots to be aggregated where only two lots may be aggregated under the Section 7.2.4.3.f. of the Resiliency Code. The minimum lot size in the RM-1 district is 5,600 square feet. Each of the respective lots is well under this required minimum lot size (8 Century Lane is 4,062 square feet, 9 Century Lane is 3,172 square feet, and 10 Century Lane is 2,995 square feet). The total combined size of the Property is approximately 10,229 square feet, which is still significantly less than the combined size of two conforming 5,600 square foot lots (11,200 square feet). The purpose of Section 7.2.4.3.f. of the Resiliency Code was to ensure that massive assemblages were not created by the combination of multiple lots. However, this regulation did not take small nonconforming lots into account. The lot size sought by Variance 3 is well below the combined size of two conforming lots and many existing RM-1 lots.

The Application satisfies all of the criteria for approval of the variances set forth by Miami Beach Resiliency Code Section 2.8.3:

(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 nonconforming sizes of each of the lots within the Property all well under the minimum required within the zoning district. Additionally, the irregular shape of the Property creates a hardship that is unique to this land, both as individual lots and as assembled.

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

The variances all stem from the irregular size and shape of the Property which is a result of the underlying configuration of each of the lots as platted.

(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;

The variances will not confer any special privilege to the Applicants. Prior applications have sought some of the same variances as are requested within this Application located within Century and Farrey Lane. The variances are necessary for the reasonable use of the Property and are appropriate given the pattern of development on Belle Isle.

(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;

Literal interpretation of the Code would prohibit any development on the Property or, for that matter, the individual lots. This impossibility creates an undue hardship on the Applicants.

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

The Applicants have designed their home with the minimum number variance requests possible and to the minimum extent possible. In fact, the combined lot size of the Property is typical, if not on the smaller side, for a waterfront parcel. The variances will allow the appropriate development of the Property, which is zoned for single-family and multi-family residential, lodging, and related uses.

(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

Granting the variances will have no impact on the surrounding area, which is predominantly developed with or approved for the development of multi-story

single-family, multi-family, and lodging uses. The variances will merely allow the Applicants to develop the Property with their new home.

(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 variances are consistent with the Comprehensive Plan and will have no impact on infrastructure levels of service. In fact, the development of the Property as a single-family home will have a significantly less impact on infrastructure levels of service than a multi-family or lodging use.

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

The design of the residence will comply with the sea level rise and resiliency review criteria.

IV. Compliance with Design Review Criteria

The Project satisfies the design review criteria set forth in Section 2.5.3.1 of the Miami Beach Resiliency Code, as follows:

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

Satisfied. Vegetation and trees will be incorporated throughout the Property and within each level of the design.

(b) 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 waivers and variances requested will not impact the character of the surrounding neighborhood.

(c) 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 compared to the pattern of development on Belle Isle and seeks variances only where necessary.

(d) 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 2.5.3.2.

Satisfied. The structure and landscaping have been designed to enhance the character of the neighborhood.

(e) 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 waivers and variances requested as part of this Application, the proposed site plan satisfies all standards of the City's Resiliency Code.

(f) 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 compatible with the character of Belle Isle.

(g) 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.

(h) 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 proposed residence is at the dead-end of the street and proposes no interference with traffic flow. Reducing the current homes to a single dwelling unit will also reduce the vehicular traffic on Century Lane. As the design also creates ample parking within the Property, this will further enhance the current traffic on the street.

(i) 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 ensure safety and will complement the appearance of the proposed residence.

(j) 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.

(k) 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. Vehicles will be parked within the Property, in the provided garage and driveway.

(l) 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 proposed residence is sensitive to and compatible with the surrounding area.

(m) 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. The proposed residence is a single-family home and will enhance the character of the neighborhood.

(n) 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.

(o) 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.

(p) 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 and with the scale of development in the neighborhood.

(q) 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.

(r) In addition to the foregoing criteria, section 104-6 (t) the General Ordinance 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

(s) The structure and site comply with the sea level and resiliency review criteria in chapter 7, article 1, as applicable.

Satisfied, see below criteria.

V. 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. Further, the Application meets all applicable sea level rise and resiliency criteria set forth in Miami Beach Resiliency Code Section 7.1.2.4(a)(1), 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 providing 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.

(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 and driveways are adaptable to the raising of public rights-of-ways and adjacent land.

(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.

Thank you in advance for your considerate attention to this request and for your favorable review of this Application. If you have any questions or require additional information, please feel free to contact me.

Respectfully submitted,

LSN Law, P.A.

A handwritten signature in blue ink, reading "Tracy Slavens".

Tracy R. Slavens, Esq.