



BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES

ZONING, LAND USE AND ENVIRONMENTAL LAW

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

www.brzoninglaw.com

305.377.6238 office

305.377.6222 fax

mmarrero@brzoninglaw.com

April 6, 2025

VIA ELECTRONIC DELIVERY

Michael Belush, Planning & Design Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **PB25-0754** – Lot Split Associated with Lots 4-5, Block 3D, of
the Sunset Island No. 3 Subdivision, Miami Beach, Florida

Dear Mr. Belush:

This firm represents Bergar Enterprises LLC (the "Applicant"), the contract purchaser of the West 69' of Lot 5, Block 3D (the "Lot Split Parcel"), of the Sunset Islands No. 3 Subdivision. The Lot Split Parcel is currently included within the property located at 1601 West 24 Street, which consists of Lot 4 and the West 69' of Lot 5, Block 3D (the "Property"). Please consider this letter the Applicant's letter of intent in support of a lot split application to subdivide the Property into two (2) building sites. The existing single-family residence on the Property will remain and a new residence is proposed to be developed on the Lot Split Parcel.

Property Description. The Property is comprised of one parcel located on West 24 Street in Sunset Island No. 3. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-3228-001-1420. See Exhibit A, Property Appraiser Summary Report. The Property is in the RS-3 Single Family Residential District and is platted as part of the Sunset Islands No. 3 Subdivision, recorded in Plat Book 40, Page 8, of the Public Records of Miami-Dade County. See Exhibit B, Plat. The Applicant is concurrently processing design review application File No. DRB25-1089 with the City's Planning Department.

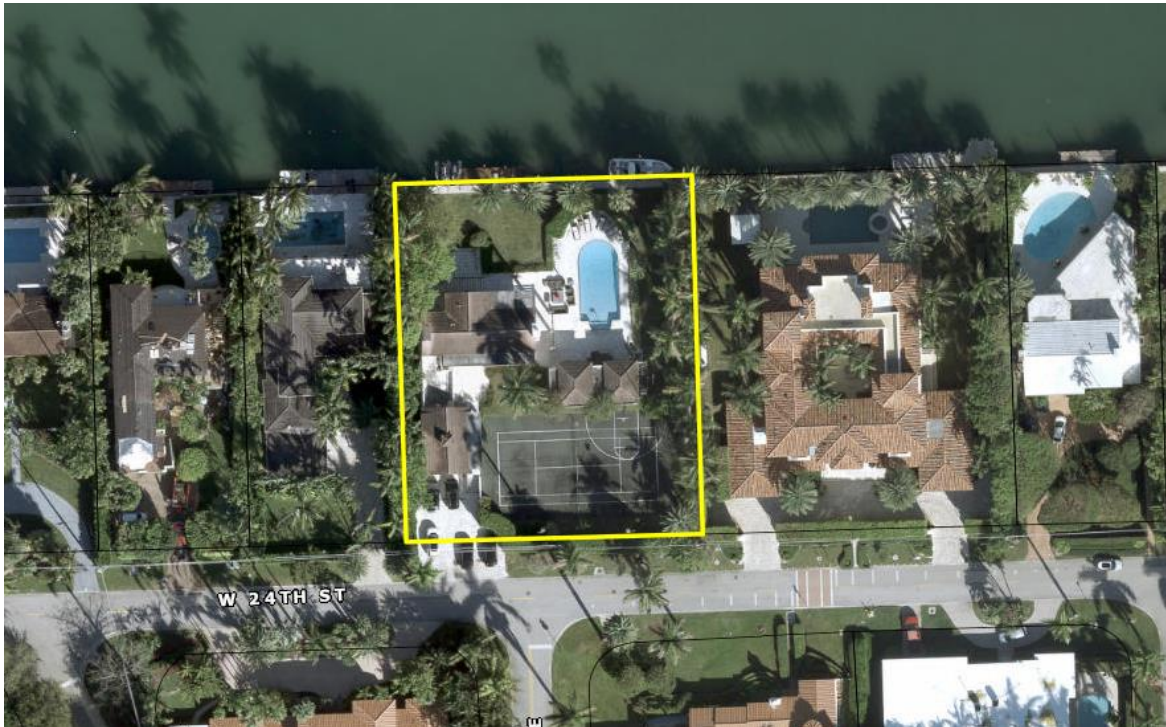


Figure 1, Aerial

Lot Split Request. Section 2.5.4.1 of the Resiliency Code provides that wherever there may exist a main permitted structure and any accessory/auxiliary building or structure, or any other improvement on one or more platted lots or portions thereof, such lots thereafter constitute only one building site. A permit cannot be issued for the construction of more than one main permitted structure on the site unless the site is approved for the division or lot split by the Planning Board. Therefore, a Lot Split approval from the Planning Board is required prior to the development of a new home on the Lot Split Parcel.

The Applicant is seeking to develop the portion of Lot 5, Block 3D, that is currently part of the Property. The proposed Lot Split Parcel is approximately 12,076 square feet in size. Lot 4, Block 3D, is approximately 13,126 square feet in size ("Remainder Parcel"). The dimensions of the resulting lots will be consistent with the City's land development regulations, resulting in lots that will be compatible with the properties in the surrounding area. In Sunset Island No. 3, there are more than ten (10) parcels that have a lot area of 10,500 square feet or less in size and both of the post-split lots will exceed this threshold. Therefore, this Lot Split results in lots that are comparable in size to the existing neighborhood context and comply with the minimum required lot size of the RS-3, Single-Family Residential District.

Proposed Home. On the Lot Split Parcel, the Applicant proposes an attractive one-story residence that complements the Sunset Island No. 3 neighborhood and has a minimal impact on the surrounding community. The Applicant's design complies with the current Resiliency Code requirements for height, unit size, and lot coverage. The proposed home features a resilient design and ground floor elevation of 10' NGVD. The design utilizes attractive and high-quality materials such as hurricane rated terracotta roof tiles, impact rated steel windows, and smooth stucco finishes within a compact structure that responds to the Property's street-facing and waterfront-facing frontages. The proposed home design will be accentuated by lush native and Florida-friendly landscaping throughout the property. Overall, the proposed home complements the character of the neighborhood with a modern resilient style appropriate for waterfront homes in the City. The estimated cost of construction is \$2,500,000.00.

Review Criteria. According to Section 2.5.4.2 of the Resiliency Code, the Planning Board shall apply the following criteria to the review of any lot split application:

(a) 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 Property will be divided in such a manner that is consistent with the minimum requirements of the applicable land development regulations for RS-3 zoned properties. Section 7.2.2.3 of the Resiliency Code provides that the minimum required lot area is 10,000 square feet. The proposed resulting lots will be greater than the minimum required at approximately 12,076 square feet and 13,126 square feet in size. Section 7.2.2.3 of the Resiliency Code also provides that the minimum lot width is fifty (50) feet for oceanfront lots, which the proposed lots will exceed.

(b) 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 on the Island and of the same character as the surrounding area. Dividing the Property will create two lots that are more in line with buildings sites on the Island.

(c) 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 new residence on the Lot Split Parcel will be compatible with the surrounding single-family homes on the Island. Additionally, the existing residence will remain consistent with the neighborhood. The proposed lot split maintains lot sizes that are compatible with the Island, ensuring the new home integrates well with the existing character of the area.

(d) 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 single-family residence will remain and will align with the applicable zoning requirements to the maximum extent practicable. Once the existing pergola structure is removed, the existing home will have a side setback of approximately 9'8", where 10' is required. However, the nonconforming setback is de minimis and the proposed buffering along the shared property line will mitigate any adverse impacts. Additionally, the proposed new home on the Lot Split parcel will be centrally located and was designed to meet all setback and zoning regulations.

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

The building site that will be created is free of encroachments from the abutting buildable sites.

(f) 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 Property is not within a historic district. The existing home includes various features and amenities such as a tennis court, patio, trellis structure, and paving that will need to be removed. However, the structural integrity of the existing home will remain and there will be no demolition of the actual residence.

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

The proposed home on the Lot Split Parcel will fully comply with sea level rise and resiliency review as summarized below. The finish flood elevation is proposed at 10' NGVD.

Sea Level Rise and Resiliency Criteria. The new home will advance the sea level rise and resiliency criteria in Section 7.1.2.4 of the Resiliency Code as follows:

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

A recycling and salvage plan will be provided at permitting.

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

New windows will be hurricane proof impact windows.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and resilient.

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.

The Applicant will proactively address sea level rise projections.

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 new single-family home will be adaptable to the raising of the abutting public right-of-way in the future.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

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

Future development of the Lot Split Parcel will be entirely new construction located well-above base flood elevation.

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.

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

Where feasible, water retention systems will be provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement or porous pavement materials will be utilized where any new pavement is proposed.

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

The new residence will strategically minimize the potential for heat island effects on site. The new home will incorporate passive design strategies, such as shading devices and natural ventilation, and significantly increases the vegetation on the Property.

Conclusion. Granting this Lot Split application will allow the development of a beautifully designed, single-family home that will add much more value and safety to the surrounding neighborhood. The new home will address the balance between the Island's authentic style of architecture and the neighborhood's current living standards.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MJM', with a long horizontal stroke extending to the right.

Michael J. Marrero

CC: Roberto A. Alvarez, Esq.

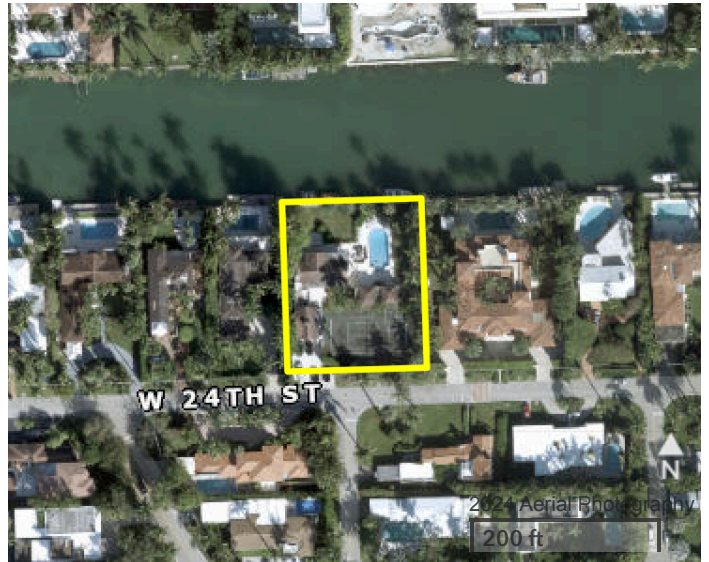


PROPERTY APPRAISER OF MIAMI-DADE COUNTY

Summary Report

Generated On: 03/03/2025

PROPERTY INFORMATION	
Folio	02-3228-001-1420
Property Address	1601 W 24 ST MIAMI BEACH, FL 33140-4526
Owner	FRANCK COHEN , AGNES COHEN
Mailing Address	1601 W 24 ST MIAMI, FL 33140
Primary Zone	0800 SGL FAMILY - 1701-1900 SQ
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths /Half	5 / 5 / 1
Floors	2
Living Units	1
Actual Area	6,236 Sq.Ft
Living Area	4,498 Sq.Ft
Adjusted Area	5,073 Sq.Ft
Lot Size	25,200 Sq.Ft
Year Built	Multiple (See Building Info.)



ASSESSMENT INFORMATION			
Year	2024	2023	2022
Land Value	\$17,640,000	\$16,632,000	\$10,584,000
Building Value	\$915,036	\$926,089	\$937,140
Extra Feature Value	\$81,013	\$81,977	\$82,941
Market Value	\$18,636,049	\$17,640,066	\$11,604,081
Assessed Value	\$6,135,420	\$5,956,719	\$5,783,223

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
Save Our Homes Cap	Assessment Reduction	\$12,500,629	\$11,683,347	\$5,820,858
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000

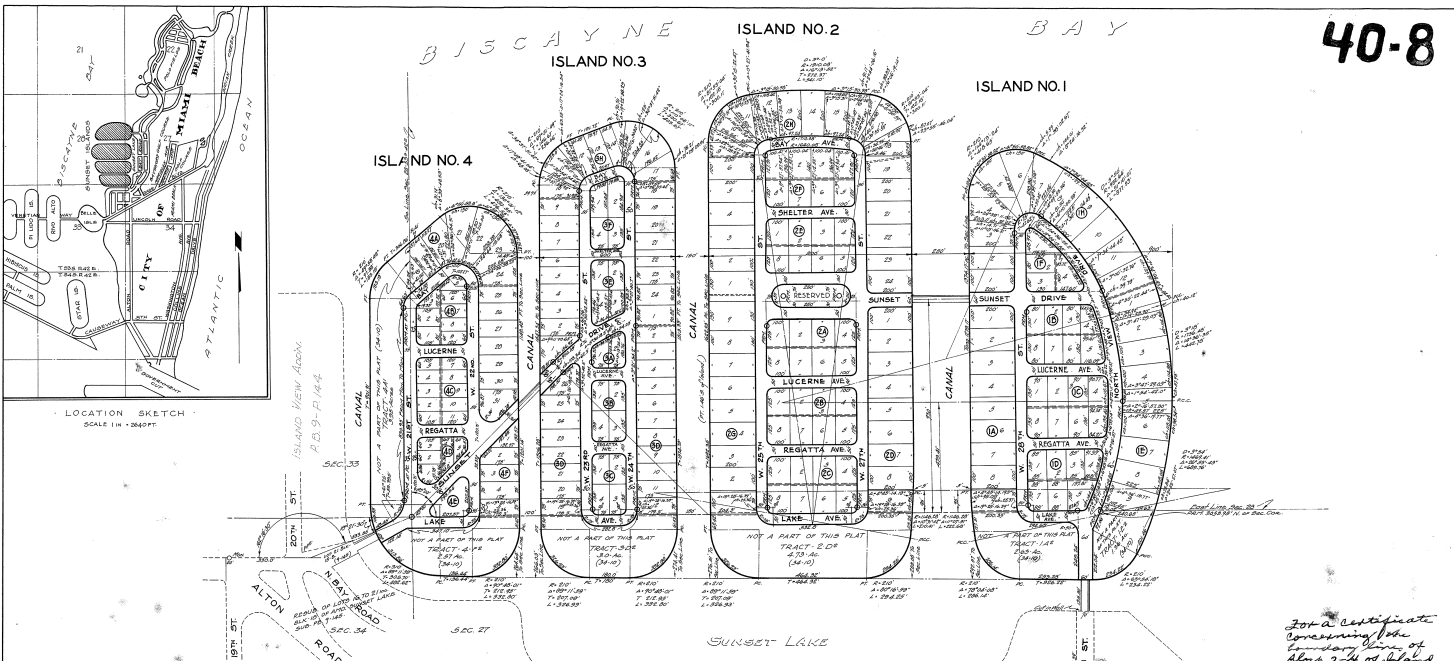
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
SUNSET ISLAND-ISLAND NO 3
PB 40-8
LOT 4 & W69FT OF LOT 5 BLK 3-D
LOT SIZE 144.000 X 175
OR 20462-0912 06 2002 5

TAXABLE VALUE INFORMATION			
Year	2024	2023	2022
COUNTY			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$6,085,420	\$5,906,719	\$5,733,223
SCHOOL BOARD			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$6,110,420	\$5,931,719	\$5,758,223
CITY			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$6,085,420	\$5,906,719	\$5,733,223
REGIONAL			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$6,085,420	\$5,906,719	\$5,733,223

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
06/03/2011	\$4,250,000	27727-0386	Qual by exam of deed

The Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidadecounty.com/info/disclaimer.asp>



KNOW ALL MEN BY THESE PRESENTS That The Sunset Islands Company a Florida corporation, has caused to be made the attached

3rd Revised Plat of Sunset Islands. The same being a subdivision of certain tracts of land hereinafter shown on previous plats of Sunset Islands recorded in P.O. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

AND PLAT OF SUNSET LAKE SUB. R.B. & P.52

3RD REVISED PLAT OF SUNSET ISLANDS.

MIAMI BEACH. DADE COUNTY, FLA. SCALE: 1"=200' H.C. BUSS, ENGR. MAY 1937.

STATE OF FLORIDA COUNTY OF DADE

This is to certify that the foregoing plat was duly and regularly approved by the City Council of the City of Miami Beach, Fla. in the meeting duly assembled on the 16th day of June, A.D. 1937.

Approved: Edward J. Brennan, Mayor of Miami Beach, Fla.

This Plat approved by the Board of County Commissioners of Dade County, Florida, this 1st day of June, A.D. 1937.

Approved: Edward J. Brennan, Mayor of Miami Beach, Fla.

ENGINEER'S CERTIFICATE: I hereby certify that the attached 3rd Revised Plat Sunset Islands is true and correct according to recent surveys made by me.

Filed for record this 1st day of June, A.D. 1937, at 3:00 P.M. in book 40 of this page 8. Public Records of Dade County, Fla. This plat complies with the provisions of Chapter 10275 (No. 22) Laws of the State of Florida.

Know all men by these presents that the Sunset Islands Company, hereby restricts the use of all lots shown on the attached Plat and located on Island No. 2, to be used as a residential use only, and to be used for no other purpose whatsoever for the term of 20 years from March 18, 1938.

In Witness Whereof, The Sunset Islands Company, has hereunto caused its corporate hand and seal to be set and affixed by its duly authorized officers this 1st day of May, A.D. 1937.

Accepted in the presence of: J. A. Spink, Jr., Secretary of The Sunset Islands Company.

STATE OF FLORIDA COUNTY OF DADE, S.S. I, C. F. Helms, Notary Public, do hereby certify that on this 1st day of May, A.D. 1937, before me personally appeared J. A. Spink, Jr., of the Corporation described in and who executed the foregoing instrument and he acknowledged to me that he was the Secretary of said Corporation and that he was duly authorized to execute the same.

In Witness Whereof, I have hereunto set my hand and the notarial seal of this Office this 1st day of May, A.D. 1937. C. F. Helms, Notary Public, State of Florida.

2nd Certificate Concerning Plat of Block 2-N of Island No. 2, see also Book 214, Page 933. E. A. Larkman - Clerk By W. P. Zork, s.c.