



ZONING, LAND USE AND ENVIRONMENTAL LAW

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

www.brzoninglaw.com

305.377.6231 office

305.377.6222 fax

mlarkin@brzoninglaw.com

May 4, 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: **PB25-0759** – Lot Split Associated with Lots 1 and 24, Block 4,
of the Flamingo Terrace Subdivision, Miami Beach, Florida

Dear Mr. Belush:

This firm represents 3500 Flamingo Drive LLC (the "Applicant"), the owner of the properties located at 3500 Flamingo Drive (collectively the "Property") in the City of Miami Beach (the "City"). The Property is comprised of Lots 1 and 24, Block 4, of the Flamingo Terrace Subdivision, as recorded in the Official Public Records of Miami-Dade County at Book 10, Page 3 (the "Plat"). See Exhibit A, Plat. Please consider this letter the Applicant's letter of intent in support of a Planning Board ("PB") lot split application to subdivide the Property into two (2) building sites.

Property Description. The Property is comprised of two parcels located between Pine Tree Drive and Flamingo Drive, immediately north of West 35 Street. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser identifies the Property with Folio Nos. 02-3226-002-0401 (the "West Parcel") and 02-3226-002-0400 (the "East Parcel"). See Composite Exhibit B, Property Appraiser Summary Reports. There is an existing single-family residence on the East Parcel, built in 1934, and the West Parcel contains a portion of the pool and additional open space. The Property is within the Single-Family Residential land use category and zoned RS-3 Single-Family Residential District.



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 West Parcel.

The proposed lot size of the East Parcel is 16,856 square feet and the proposed lot size for the West Parcel is 14,500 square feet. The Applicant is seeking to split the Property into two lots that will be consistent with the City's land development regulations. The resulting lots will be compatible with the single-family properties in the surrounding area. Based on an analysis of lots along the east side of Pine Tree Drive from All Souls Episcopal Church to Fairgreen Park, the average lot size of properties is 14,448 square feet and the median lot size is 12,690 square feet. See Exhibit C, Pine Tree Drive Analysis. Additionally, based on an analysis of lots along the west side of Flamingo Drive from All Souls Episcopal Church to Fairgreen Park, the average lot size of properties is 11,819 square feet and the median lot size is 10,994 square feet. Therefore, this Lot Split results in lots that are both comparable in size to the existing neighborhood context and

comply with the minimum required lot size of the RS-3, Single-Family Residential District. See Exhibit D, Flamingo Drive Analysis.

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 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 16,856 square feet and 14,500 square feet in size.

(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 existing sites in the surrounding area and will reflect the same character. Dividing the Property will create two lots that are more in line with building sites along Pine Tree Drive and Flamingo Drive. Based on an analysis of lots along the east side of Pine Tree Drive from All Souls Episcopal Church to Fairgreen Park, the average lot size of properties is 14,448 square feet and the median lot size is 12,690 square feet. Additionally, based on an analysis of lots along the west side of Flamingo Drive from All Souls Episcopal Church to Fairgreen Park, the average lot size of properties is 11,819 square feet and the median lot size is 10,994 square feet. Therefore, this Lot Split results in parcels that are both comparable in size to the existing neighborhood context and comply with the minimum required lot size of the RS-3, Single-Family Residential District.

(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 a future home on the West Parcel will be compatible with the surrounding single-family homes along Pinetree Drive and Flamingo Drive. Additionally, the existing residence fronting Flamingo Drive will remain consistent with the neighborhood. The proposed lot split maintains lot sizes that are compatible with the surrounding area, ensuring a new home on the West Parcel will integrate well with the existing character of the area. The Applicant has provided conceptual architectural and massing plans to show a reasonably realistic single-family home that can be developed on the West Parcel.

(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 comply with applicable zoning requirements to the maximum extent practicable. The existing home has a lot coverage of twenty-eight percent (28%) on the proposed East Parcel, where twenty-five percent (25%) would be allowed for a new residence. Furthermore, there is presently an interior side setback of approximately 5'-0" feet for the main structure, when 10'-0" is required and an approximately 4'-4" interior side setback for the accessory structure, when 7'-5" is required. However, the number of deviations are minimal in consideration of the age of the home and dimensional constraints on the irregular-shaped, corner site.

Any new residence on the West Parcel will be designed to meet all setback and zoning regulations, ensuring no new nonconformities are created. Additionally, any proposed new home on the West Parcel will comply with the frontages explained in Zoning Verification Letter ("ZVL") File No. ZONE0425-1457. See Exhibit E, ZVL.

(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 site.

(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 proposed lot split does not adversely affect any architectural significant resources or homes. The Property is not within a historic district and the residence is not designated architecturally significant.

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

Any new home built on the West Parcel will comply with the sea level rise and resiliency review criteria.

Sea Level Rise and Resiliency Criteria. Any future home on the resulting lots 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.

Any new home 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 future home 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.

Any 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 resulting lots will be located 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 in new homes 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.

Any new residence will seek to minimize the potential for heat island effects on site. The new home will incorporate passive design strategies, such as shading devises and natural ventilation, and significantly increased vegetation.

Conclusion. Granting this Lot Split application will create two lots that maintain sizes compatible with the surrounding area and integrate harmoniously with the existing character of the neighborhood. The Property will be divided in a manner consistent with the minimum lot size and configuration requirements set forth in the land development regulations for RS-3 zoned properties. Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application.

Sincerely,



Michael W. Larkin

Cc: Todd Glaser
Emily K. Balter, Esq.
Roberto A. Alvarez, Esq.

(Signature)

Exhibit B



PROPERTY APPRAISER OF MIAMI-DADE COUNTY

Summary Report

Generated On: 03/28/2025

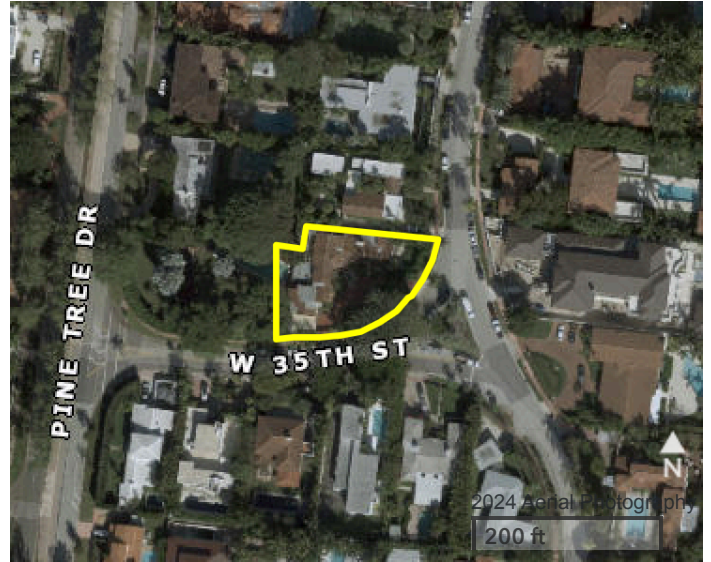
PROPERTY INFORMATION	
Folio	02-3226-002-0400
Property Address	3500 FLAMINGO DR MIAMI BEACH, FL 33140-3923
Owner	3500 FLAMINGO DRIVE LLC
Mailing Address	125 VIA DEL LAGO PALM BEACH, FL 33480
Primary Zone	0800 SGL FAMILY - 1701-1900 SQ
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths /Half	5 / 4 / 0
Floors	2
Living Units	1
Actual Area	6,755 Sq.Ft
Living Area	6,132 Sq.Ft
Adjusted Area	6,113 Sq.Ft
Lot Size	19,685 Sq.Ft
Year Built	Multiple (See Building Info.)

ASSESSMENT INFORMATION				
Year	2024	2023	2022	
Land Value	\$5,118,100	\$4,921,250	\$3,100,388	
Building Value	\$747,068	\$747,754	\$748,440	
Extra Feature Value	\$40,569	\$40,690	\$40,811	
Market Value	\$5,905,737	\$5,709,694	\$3,889,639	
Assessed Value	\$1,404,306	\$1,363,404	\$1,323,694	

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
Save Our Homes Cap	Assessment Reduction	\$4,501,431	\$4,346,290	\$2,565,945
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	
FLAMINGO TERRACE SUB PB 10-3	
LOT 24 & ELY PORT LOT 1 - BEG	
SELY COR LOT 1 N100FT W107.86FT	
SELY137.30FT NELY16.18FT TO POB	
BLK 4	



TAXABLE VALUE INFORMATION				
Year	2024	2023	2022	
COUNTY				
Exemption Value	\$50,000	\$50,000	\$50,000	
Taxable Value	\$1,354,306	\$1,313,404	\$1,273,694	
SCHOOL BOARD				
Exemption Value	\$25,000	\$25,000	\$25,000	
Taxable Value	\$1,379,306	\$1,338,404	\$1,298,694	
CITY				
Exemption Value	\$50,000	\$50,000	\$50,000	
Taxable Value	\$1,354,306	\$1,313,404	\$1,273,694	
REGIONAL				
Exemption Value	\$50,000	\$50,000	\$50,000	
Taxable Value	\$1,354,306	\$1,313,404	\$1,273,694	

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
01/03/2025	\$7,750,000	34570-0404	Qual on DOS, multi-parcel sale
08/01/1999	\$1,225,000	18746-3476	Deeds that include more than one parcel

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.miamidadade.gov/info/disclaimer.asp>



PROPERTY APPRAISER OF MIAMI-DADE COUNTY

Summary Report

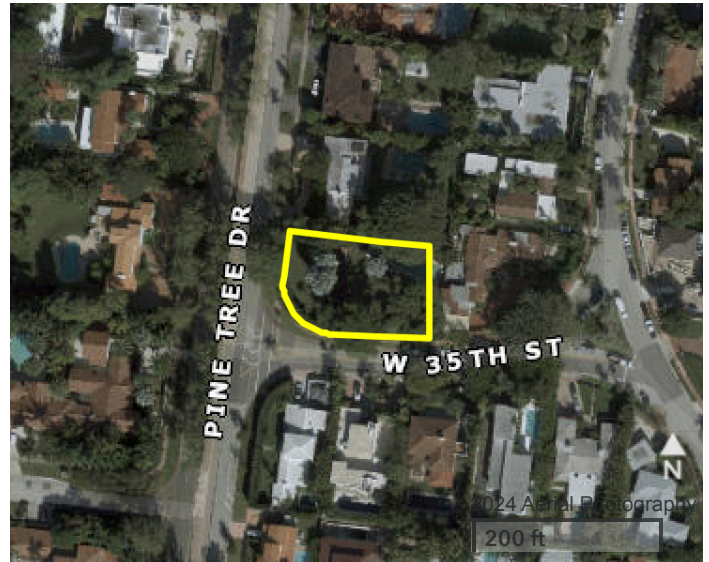
Generated On: 03/28/2025

PROPERTY INFORMATION	
Folio	02-3226-002-0401
Property Address	0 , FL
Owner	3500 FLAMINGO DRIVE LLC
Mailing Address	125 VIA DEL LAGO PALM BEACH, FL 33480
Primary Zone	0800 SGL FAMILY - 1701-1900 SQ
Primary Land Use	0081 VACANT RESIDENTIAL : VACANT LAND
Beds / Baths /Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	11,635 Sq.Ft
Year Built	0

ASSESSMENT INFORMATION			
Year	2024	2023	2022
Land Value	\$1,803,425	\$1,582,360	\$1,338,025
Building Value	\$0	\$0	\$0
Extra Feature Value	\$0	\$0	\$0
Market Value	\$1,803,425	\$1,582,360	\$1,338,025
Assessed Value	\$883,670	\$803,337	\$730,307

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
Non-Homestead Cap	Assessment Reduction	\$919,755	\$779,023	\$607,718
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

SHORT LEGAL DESCRIPTION	
FLAMINGO TERRACE SUB PB 10-3	
PORT OF LOT 1 - BEG NWLY COR LOT	
1 E67.14FT SELY137.30FT	
SWLY109.32FT NWLY AD 78.54FT	
N58.2FT TO POB BLK 4	



TAXABLE VALUE INFORMATION			
Year	2024	2023	2022
COUNTY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$883,670	\$803,337	\$730,307
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,803,425	\$1,582,360	\$1,338,025
CITY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$883,670	\$803,337	\$730,307
REGIONAL			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$883,670	\$803,337	\$730,307

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
01/03/2025	\$7,750,000	34570-0404	Qual on DOS, multi-parcel sale
08/01/1999	\$1,225,000	18746-3476	Deeds that include more than one parcel

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.miamidade.gov/info/disclaimer.asp>

Exhibit C

Pine Tree Drive Analysis

Address/Folio	Lot Size (Sq. Ft)	Adjusted Area (Sq. Ft)	Unit Size	Unit Size+20% (SF)	Unit Size+20% (%)	Floors
3795 PINE TREE DR	18,113	5,356	29.57%	6,427	35.48%	2
3773 PINE TREE DR	9,000	2,874	31.93%	3,449	38.32%	1
3759 PINE TREE DR	12,281	4,626	37.67%	5,551	45.20%	2
3745 PINE TREE DR	13,700	3,450	25.18%	4,140	30.22%	1
3725 PINE TREE DR	16,600	4,218	25.41%	5,062	30.49%	2
3711 PINE TREE DR	17,500	4,577	26.15%	5,492	31.39%	1
3701 PINE TREE DR	17,500	4,608	26.33%	5,530	31.60%	1
3559 PINE TREE DR	17,500	8,242	47.10%	9,890	56.52%	2
3545 PINE TREE DR	17,500	4,963	28.36%	5,956	34.03%	2
3529 PINE TREE DR	17,500	4,122	23.55%	4,946	28.27%	2
3325 PINE TREE DR	10,500	3,560	33.90%	4,272	40.69%	2
270 W 35 ST	10,650	2,406	22.59%	2,887	27.11%	2
266 W 35 ST	11,250	2,826	25.12%	3,391	30.14%	2
3301 PINE TREE DR	10,500	3,560	33.90%	4,272	40.69%	2
275 W 33 ST	10,650	2,406	22.59%	2,887	27.11%	1
265 W 33 ST	11,250	2,826	25.12%	3,391	30.14%	2
3165 PINE TREE DR	24,004	3,800	15.83%	4,560	19.00%	2
3145 PINE TREE DR	18,000	8,844	49.13%	10,613	58.96%	2
3125 PINE TREE DR	19,400	6,026	31.06%	7,231	37.27%	2
3115 PINE TREE DR	29,742	7,583	25.50%	9,100	30.59%	2
3009 PINE TREE DR	14,300	5,386	37.66%	6,463	45.20%	2
3001 PINE TREE DR	13,100	4,597	35.09%	5,516	42.11%	2
2887 PINE TREE DR	11,100	4,497	40.51%	5,396	48.62%	2
2875 PINE TREE DR	10,200	3,642	35.71%	4,370	42.85%	2
2861 PINE TREE DR	10,500	3,874	36.90%	4,649	44.27%	2
2837 PINE TREE DR	11,772	3,874	32.91%	4,649	39.49%	2
2815 PINE TREE DR	10,915	4,276	39.18%	5,131	47.01%	2
2801 PINE TREE DR	9,525	3,342	35.09%	4,010	42.10%	2

3500 FLAMINGO DR (02-3226-002-0400)	1934	19,685	6,113	31.05%	7,336	37.26%
3500 FLAMINGO DR (02-3226-002-0401)		11,635				

Surrounding Sites Summary					
Statistic	Lot Size	Unit Size (%)	Unit Size+20% (SF)	Unit Size+20% (%)	Floors
Average	14,448	31.39%	5,330	37.67%	2
Median	12,690	31.50%	5,004	37.80%	2
Maximum	29,742	49.13%	10,613	58.96%	2
Minimum	9,000	15.83%	2,887	19.00%	1
Mode	17,500	33.90%	4,272	40.69%	2

Exhibit D

Flamingo Drive Analysis

Address/Folio	Lot Size (Sq. Ft)	Adjusted Area (Sq. Ft)	Unit Size	Unit Size+20% (SF)	Unit Size+20% (%)	Floors
3650 FLAMINGO DR	15,150	4,283	28.27%	5,140	33.92%	2
3644 FLAMINGO DR	8,400	4,327	51.51%	5,192	61.81%	2
3630 FLAMINGO DR	12,209	5,389	44.14%	6,467	52.97%	2
3616 FLAMINGO DR	10,000	3,563	35.63%	4,276	42.76%	2
3606 FLAMINGO DR	10,054	4,117	40.95%	4,940	49.14%	2
3586 FLAMINGO DR	9,877	3,800	38.47%	4,560	46.17%	2
3580 FLAMINGO DR	9,920	3,519	35.47%	4,223	42.57%	2
3570 FLAMINGO DR	10,125	3,835	37.88%	4,602	45.45%	1
3556 FLAMINGO DR	9,900	3,767	38.05%	4,520	45.66%	2
3550 FLAMINGO DR	6,350					
3542 FLAMINGO DR	12,500	4,309	34.47%	5,171	41.37%	2
3538 FLAMINGO DR	9,877	3,762	38.09%	4,514	45.70%	2
260 W 35 ST	12,225	3,610	29.53%	4,332	35.44%	2
254 W 35 ST	12,150	3,265	26.87%	3,918	32.25%	1
3350 FLAMINGO DR	10,000	2,566	25.66%	3,079	30.79%	1
259 W 33 ST	12,225	4,043	33.07%	4,852	39.69%	2
255 W 33 ST	12,150	3,507	28.86%	4,208	34.64%	2
3330 FLAMINGO DR	10,000	4,379	43.79%	5,255	52.55%	2
3026 FLAMINGO DR	15,725	4,698	29.88%	5,638	35.85%	2
3012 FLAMINGO DR	12,825	4,150	32.36%	4,980	38.83%	2
2990 FLAMINGO DR	25,050	4,832	19.29%	5,798	23.15%	2
2970 FLAMINGO DR	17,655	4,046	22.92%	4,855	27.50%	2
2956 FLAMINGO DR	14,513	4,768	32.85%	5,722	39.43%	2
2940 FLAMINGO DR	8,014	3,311	41.31%	3,973	49.58%	2
2922 FLAMINGO DR	10,492	3,927	37.43%	4,712	44.91%	2
2912 FLAMINGO DR	10,139	3,231	31.87%	3,877	38.24%	1
2908 FLAMINGO DR	11,023	4,107	37.26%	4,928	44.71%	2
2900 FLAMINGO DR	11,800	3,506	29.71%	4,207	35.65%	2
2850 FLAMINGO DR	13,263	3,340	25.18%	4,008	30.22%	2
2840 FLAMINGO DR	10,964	2,163	19.73%	2,596	23.67%	1

3500 FLAMINGO DR (02-3226-002-0400)	1934	19,685	6,113	31.05%	7,336	37.26%
3500 FLAMINGO DR (02-3226-002-0401)		11,635				

Surrounding Sites Summary					
Statistic	Lot Size	Unit Size (%)	Unit Size+20% (SF)	Unit Size+20% (%)	Floors
Average	11,819	33.47%	4,639	40.16%	2
Median	10,994	33.07%	4,602	39.69%	2
Maximum	25,050	51.51%	6,467	61.81%	2
Minimum	6,350	19.29%	2,596	23.15%	1
Mode	10,000	N/A	N/A	N/A	2

Exhibit E

MIAMIBEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

Tel: (305) 673-7550

May 1, 2025

ZONE0425-1457

Emily Balter

EBalter@BRZoningLaw.com

Subject: **Request for Zoning Verification**
3500 Flamingo Dr.
Miami Beach, Florida
Folio Nos. 02-3226-002-0400 (Parcel 2) &
02-3226-002-0401 (Parcel 1)

Dear Emily Balter,

This letter is in response to a request for zoning confirmation for the subject property. Please be advised that the subject property is currently zoned **RS-3, Single Family Residential**, and has a future land use designation of **RS, Single Family Residential, under the City's 2040 Comprehensive Plan**.

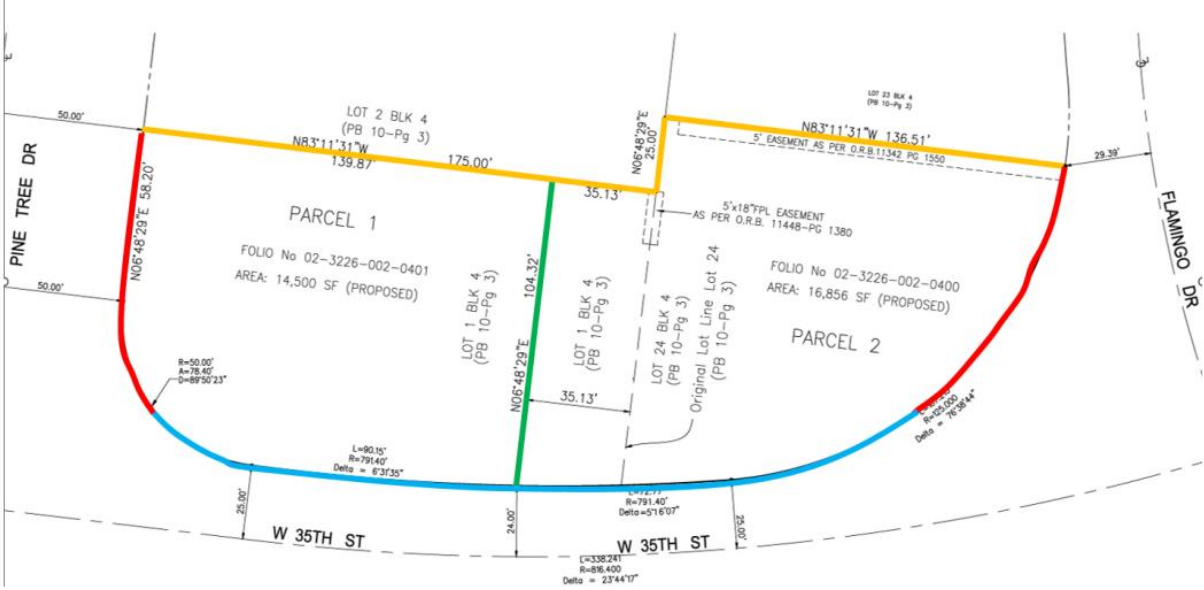
An application has been filed with the Planning Board to divide the current lot, which is comprised of two platted lots, into two (2) building sites (PB25-0759). Due to the irregular shape of the lots, this letter has been requested to confirm the frontage for each separate parcel.

In accordance with Figure 2 on the following page, the frontage for each lot is as follows:

Parcel 1: Due to the shape and orientation of Parcel 1, as well as the orientation of the other lots on the same block, the western boundary up to the midpoint of the curved frontage is considered the front. Accordingly, the southern boundary along West 35th Street is treated as a street-facing side setback, the boundary separating Parcel 1 and Parcel 2 is applied as the rear setback, and the northern boundary is considered an interior side setback.

Parcel 2: Due to the shape and orientation of Parcel 2, as well as the orientation of the other lots on the same block, the northern portion of Parcel 2's curved eastern boundary is considered the front. Accordingly, the remainder of the curved frontage along West 35th Street is treated as a street-facing side setback, the boundary shared with Parcel 1 is applied as the rear setback, and the northern boundary is considered an interior side setback.

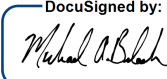
ZONE0425-1457



Setback Type	Color
Rear	
Side (Street Facing)	
Side (Interior)	
Front	

Figure 2, Frontage Diagram

If we may be of further assistance, please do not hesitate to contact this department again.

Sincerely,
DocuSigned by: For TRM

DEC3ECF2EB68404...
Thomas R. Mooney, AICP
Planning Director