

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: December 8, 2020

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB20-0418, **826 Meridian Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the renovation and restoration of the existing building on the site, the classification of the existing rear accessory building as Non-Contributing, the total demolition of the rear accessory building and the construction of a new detached rear addition, including variances from the rear setback and open space requirements.

RECOMMENDATION

Classify the rear accessory building as Non-Contributing
Approval of the Certificate of Appropriateness with conditions
Approval of the variances with conditions

BACKGROUND

On October 13, 2020, the Board reviewed and continued the subject application to a date certain of December 8, 2020.

EXISTING STRUCTURES

Local Historic District:	Flamingo Park
Construction Date:	1924
Architect:	Not listed

Classification

Main House:	Contributing
Rear Accessory Building:	Not Classified

ZONING / SITE DATA

Legal Description:	Lot 4, Block 71, of the Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-1, Residential, low intensity
Future Land Use Designation:	RM-1, Residential, low intensity

Lot Size:	7,000 S.F.
Existing FAR:	2,495 S.F. / 0.35
Proposed FAR:	2,965 S.F. / 0.42 (Max FAR: 1.25)
Existing Height:	15'-2" / 1-story
Proposed Height:	25'-6" / 2-stories
Existing Use:	Single family
Proposed Use:	No change

THE PROJECT

The applicant has submitted plans entitled "Single Family Home Renovation 826 Meridian Ave. Residence", prepared by Muve Architecture, undated.

The applicant is requesting the following variance(s):

1. A variance to reduce by 10'-6" the minimum required pedestal rear setback of 14'-0" in order to construct a two (2) story structure at 3'-6" from the rear property line.

- Variance requested from:

Sec. 142-156. Setback requirements.

The setback requirements for the RM-1 residential multifamily, low intensity district are as follows:

Subterranean and Pedestal, Rear: 10% of lot depth.

The applicant is proposing the demolition of the existing one-story accessory building in the rear of the site and the construction of a new two-story detached addition. Additionally the reconfiguration of the exterior pavement within the front and rear of the site is proposed and the existing one-story contributing building will be retained and renovated.

The proposed FAR for the site is 0.42, which is well below the maximum permitted FAR of 1.25. The new building is proposed to be setback 3'-6" from the rear property line where 14'-0" is required. Staff has no objection to this variance as the existing building to be retained has a front setback of 25'-0" (20'-0" is required) and the project complies with Section 142-155(4)b of the Code, which requires a new addition to be separated from a contributing building a minimum of 10'-0". The existing accessory building is currently at the northwest corner of the property with close to a zero setback from the rear and interior side property lines. The reduced setback of the proposed structure is proposed at the center of the property, and the side setbacks are larger than the required 5'-0" for a new residential structure; this provides for an improved condition at the rear of the site.

Additionally, the proposed setback of 3'-6" is not expected to have a negative impact on the adjacent properties to the north and south as it would be consistent with the surrounding properties that have rear setbacks of less than 5'-0" from the alley. Staff believes that the proposed location of the addition will have the least impact on the existing contributing building, as well as the overall integrity of the surrounding historic district. In summary, staff finds that the existing conditions of the property and the retention of the contributing building satisfy the practical difficulties and hardship criteria for the granting of this variance.

2. A variance to exceed by 34% (203 s.f.) the maximum area of 30% (210 s.f.) allowed for

structures within the required rear yard in order to construct a new two-story structure and walkway and occupy up to 59% (413 s.f.) of the rear yard of the property.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards for districts other than single-family districts.

The following regulations shall apply to allowable encroachments in all districts except single-family residential districts, unless otherwise specified in this Code.

(a) Accessory buildings. Accessory buildings which are not a part of the main building may be constructed in a rear yard, provided such accessory building does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line and 15 feet when facing a street. Areas enclosed by screen shall be included in the computation of area occupied in a required rear yard, but an open uncovered swimming pool shall not be included.

(i) Hot tubs, showers, saunas, whirlpools, toilet facilities, decks. In all districts, hot tubs, showers, whirlpools, toilet facilities, decks and cabanas are structures which are not required to be connected to the main building but may be constructed in a required rear yard, provided such structure does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line. Freestanding, unenclosed facilities including surrounding paved or deck areas shall adhere to the same setback requirements as enclosed facilities.

Although staff is supportive of the location of the new detached structure, including the increased open space and landscape areas within the property compared the existing conditions, the calculations provided are not consistent with the open space requirements. The wood decks and walkways are structures that do not count as open space. Also, the gravel areas proposed should be substantially reduced to provide green landscape in the rear yard. Staff would also recommend that the proposed air conditioning equipment and concrete slab be relocated from the rear yard to increase the landscape area and to comply with the required setback of 5'-0". The air conditioning equipment could also be located at the roof level. With the relocation of the air conditioning equipment, the variance request could be modified as follows: "A variance to exceed by 26.4% (185 s.f.) the maximum area of 30% (210 s.f.) allowed for structures within the required rear yard of 14'-0" in order to construct a new two-story structure and walkway and occupy up to 56.4% (395 s.f.) within the rear yard of the property". With these modifications staff is supportive of the variance requested.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property. **In this case, the requested variances are necessary in order to satisfy the Certificate of Appropriateness criteria and not to adversely impact the existing historic structure.**

The applicant has submitted plans and documents with the application that also indicate the

following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That 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;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That 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 granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application as proposed, appears to be consistent with the City Code with the exception of the variances requested herein. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the existing **single-family** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

Not Satisfied

A recycling or salvage plan has not been submitted. Additional information shall be provided at the time of building permit review.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
The windows proposed to be replaced will be impact resistant.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (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.
Satisfied
- (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.
Satisfied
The land elevation of the site is consistent with the 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 of up to three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Satisfied
The existing one-story single family home has a first finish floor of 7.55'. It would not be reasonably feasible or economically appropriate to require the elevation of the existing home given the current scope of work.
- (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.
Not Applicable
Habitable space is not proposed below base flood elevation plus freeboard within the proposed rear addition.
- (10) In all new projects, water retention systems shall be provided.
Satisfied
Additional information shall be provided at the time of building permit review.

- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
Additional information shall be provided at the time of building permit review.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Satisfied
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied

- h. The original architectural design or any subsequent modifications that have acquired significance.

Satisfied

III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. 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

- b. 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.

Not Satisfied

Variances have been requested.

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Satisfied

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces 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 preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

- f. 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 any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. 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 and consistent with a City master plan, where applicable.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- i. 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
- j. Any proposed new structure shall have 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
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, 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 sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any 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).
Satisfied

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. 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

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.
Satisfied
The existing structures are located within the Flamingo Park Local Historic District.
- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
Satisfied
The Contributing structure proposed to be retained is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.
Satisfied
The Contributing building proposed to be retained is a distinctive example of an architectural or design style which contributes to the character of the district.
- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.
Partially Satisfied
The existing home is classified as Contributing in the Miami Beach Historic Properties Database. The 1-story rear accessory structure is not classified.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the Contributing structure is critical to developing an understanding of an important early Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed in the subject application is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

The total demolition of a contributing building is not proposed.

- h. The Miami-Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

ANALYSIS

The applicant is proposing to construct a new 2-story addition at the rear of the site. In order to construct the new building, the applicant is proposing the total demolition of the existing 1-story rear accessory structure.

On October 13, 2020, the Board reviewed and continued the subject application. Since the October meeting, the applicant has submitted the following documentation and revised plans in response to the Board's concerns:

- A supplemental letter of intent with background information regarding the property owner and additional information about the original garage structure.
- The rear façade of the proposed addition has been refined and simplified.

Classification request

The existing rear accessory structure is not classified within the Miami Beach Historic Properties Database. Per City of Miami Beach code section 142-155(a)(3)(g):

Only those portions of a contributing building that were not part of the original structure on site, or that have not acquired any type of architectural significance, as determined by staff or the historic preservation board, may be proposed to be demolished.”

As such, the applicant is requesting that the Board classify the accessory structure as Non-Contributing as a part of this application.

On May 14, 1994, Section 19 of Miami Beach Zoning Ordinance No. 89-2665, entitled "HISTORIC PRESERVATION BOARD AND HISTORIC DISTRICT REGULATIONS", was amended to require that non-individually designated historic sites in historic districts be listed in the Miami Beach Historic Properties Database are classified as either Contributing or Non-Contributing only. The definition of a "Contributing Building, Structure, Improvement, Site, or Landscape Feature", in said Ordinance reads as follows:

One which by location, scale, design, setting, materials, workmanship, feeling or association adds to a local historic district's sense of time and place and historical development. A Building, Structure, Improvement, Site or Landscape Feature may be Contributing even if it has been altered if the alterations are reversible and the most significant architectural elements are intact and repairable.

Pursuant to Subsection 118-534 (b) of the Land Development Regulations of the Miami Beach Code, the Historic Properties Database may be revised from time to time by the Historic Preservation Board, in accordance with procedures set forth in said Subsection.

The subject single-family home was constructed in 1924 and designed in Mission style of architecture. Concurrently, a garage was constructed at the rear of the site. No architect is listed on the Building Card and no original permit plans for the home or garage have been located. Regarding the requested classification of the 1-story rear structure, staff would note that this building was constructed for utilitarian purposes and was most likely originally designed with a lack of architectural details. Further, the structure has been altered over time including the conversion of the garage into a separate residential unit. Additionally, the Perma-Stone cladding was mostly likely introduced in 1950's as part of a permitted renovation of the structure. As such, staff has no objection to the applicant's request to classify this structure as Non-Contributing in the Historic Properties Database.

Request for total demolition of the 1-story rear accessory structure

As noted above, staff does not believe this structure contributes to the character of the historic district and continues to have no objection to the applicant's request for the total demolition of the building.

Existing Contributing 1-story single family home

The applicant is proposing to renovate the existing house including the restoration of the front façade, replacement of the existing winnows with new impact resistant windows consistent with the original lite pattern. Additionally, the application is proposing to reconfigure several window and door openings along the rear of the building and a new deck is proposed to be introduced between the existing home and the proposed rear addition. Staff would note that these modifications are internal to the property and will not be visible from the public realm. As such staff has not objection to the alterations proposed.

New 2-story detached rear addition

The applicant is proposing to construct a new 2-story addition at the rear of the site that contains additional bedrooms for the single family home. Staff is supportive of the application and would commend the applicant for proposing to construct a high-quality structure on the site. The new addition, which will be minimally if at all visible from Meridian Avenue, has been designed in a manner that is compatible with the neighboring buildings and the surrounding historic district and will not overwhelm the existing Contributing home on the site. Finally, staff would note that even with the construction of the modest, 970 sq. ft. addition, the proposed FAR for the site (0.42 FAR) remains significantly below the maximum 1.25 FAR permitted.

VARIANCE ANALYSIS

The site, located within the Flamingo Park Local Historic District, contains a one-story contributing building that is proposed to be renovated and a one-story accessory building at the rear of the property. A new two-story structure will replace the one-story building at the rear, which is proposed to be demolished. Staff Two (2) variances are being requested in order to construct the new addition as proposed. As noted in the project section of this report, staff has concluded that the requested variances are the minimum necessary in order to satisfy the certificate of appropriateness criteria and make a reasonable use of the property.

In this regard, the retention of the existing contributing building, which has a larger front setback than required, reduces the available area for new construction on the site. Staff finds that the variances requested minimize the impact on the existing structure and would not have an adverse impact on the adjacent neighboring properties. In addition, the project improves the existing landscape conditions of the site. In summary, staff has is supportive of the variance requests with minor modifications to variance #2 as noted in the project section of this report.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Hardship and Practical Difficulties criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 8, 2020

PROPERTY: 826 Meridian Avenue / 02-4203-009-4520

FILE NO: HPB20-0418

IN RE: An application by Richard S. Wiley Trs for a Certificate of Appropriateness for the renovation and restoration of the existing building on the site, the classification of the existing rear accessory building as Non-Contributing, the total demolition of the rear accessory building and the construction of a new detached rear addition, including variances from the rear setback and open space requirements.

LEGAL: Lot 4, Block 71, of the Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject site is located within the Flamingo Park Local Historic District.
- B. Based on the plans and documents submitted with the application, the documentation in the file, the testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the existing rear accessory building located at 826 Meridian Avenue, originally constructed in 1924, is not consistent with the definition of Contributing in Section 114-1 of the City Code as shall be classified as Non-Contributing within the Miami Beach Historic Properties Database.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.

4. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. All hedge and ground cover plantings within the front yard shall not exceed 36" in height at maturity.
 - b. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
 - c. The A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:

1. A variance to reduce by 10'-6" the minimum required pedestal rear setback of 14'-0" in order to construct a two (2) story structure at 3'-6" from the rear property line.
2. A variance to exceed by 26.4% (185 s.f.) the maximum area of 30% (210 s.f.) allowed for structures within the required rear yard of 14'-0" in order to construct a new two-story structure and walkway and occupy up to 56.4% (395 s.f.) within the rear yard of the property.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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 granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- C. The Board hereby **Approves** the requested variances and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The air conditioning equipment and slab shall be removed from the rear yard.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- E. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

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- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- L. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**Single Family Home Renovation 826 Meridian Ave. Residence**", prepared by Muve Architecture, undated, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in

accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
CHIEF OF HISTORIC PRESERVATION
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ())

Filed with the Clerk of the Historic Preservation Board on _____ ())