

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: April 13, 2021

PROPERTY/FOLIO: 4101 Collins Avenue / 02-3226-001-1980

FILE NO: HPB20-0447

IN RE: An application has been filed by Lucerne Investments LLC requesting variances from the Dune Preservation Overlay District requirements.

LEGAL: Lots 1, 2 and 7 and south 25 feet of lots 3 and 6 and lot 8, Block 35, of the Oceanfront property of Miami Beach Improvement Company Subdivision, according to the plat thereof, recorded in plat book 5, pages 7 and 8 of the Public Records of Miami-Dade County, Florida, and 16-foot alleyway between lots 1 and 2 and the south one half of lot 3 and the east and lots 7 and 8 and the south one half of lot 6 on the west, block 35 of the aforesaid subdivision, 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. No request for a Certificate of Appropriateness has been filed as a part of this application.

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:

The following variances were denied by the Board:

1. A variance to construct new walkways and ramp with concrete and pavers where only wood materials are allowed for structures located within the Dune Preservation Overlay District.
2. ~~A variance to exceed the maximum number of one (1) dune crossing for a site with less than 300 linear feet of frontage in order to provide two (2) dune crossings in the Dune Preservation Overlay District. (Variance withdrawn by applicant)~~



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- B. The applicant has submitted plans and documents with the application that **DO NOT** 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 **DO NOT** 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 denies the requested variances.

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.

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 recommendation, that the application is DENIED for the above-referenced project.

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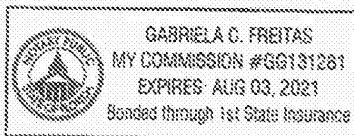
Dated this 22 day of April, 2021

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY [Signature]
 DEBORAH TACKETT
 HISTORIC PRESERVATION AND ARCHITECTURE OFFICER
 FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 22nd day of April, 2021 by Deborah Tackett, Historic Preservation and Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: Aug. 3, 2021

Approved As To Form: _____
 City Attorney's Office: [Signature] (4/22/2021)

Filed with the Clerk of the Historic Preservation Board on [Signature] (4/26/21)

[Signature]