

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 10, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0133, **921 Euclid Avenue.**

The applicants, Robin Rosenbaum and Andrew Andras III, are requesting a Certificate of Appropriateness for the partial demolition and restoration of the existing 2-story Contributing structure, and the construction of a new detached 3-story ground level addition including variances to reduce the required rear pedestal setback and to exceed the maximum deck area allowed within the required rear yard.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and variances with conditions

EXISTING STRUCTURES

Local Historic District: Flamingo Park

2-Story Structure

Status: Contributing
Original Construction Date: 1940
Original Architect: L. Murray Dixon

2-Story Rear Addition

Status: Non-Contributing
Original Construction Date: 1951
Original Architect: Leonard H. Glasser

ZONING / SITE DATA

Legal Description: Lot 11, Block 44, 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.

Zoning: RM-1, Residential Multifamily, Low Intensity
Future Land Use Designation: RM-1, Residential Multifamily, Low Intensity
Lot Size: 7,000 S.F. / (1.25 Max FAR)
Existing FAR: 2,937 S.F.
Proposed FAR: 7,127 S.F. / 1.01 FAR, as represented by the architect

Existing Height:	2-stories / ~24'-3"
Proposed Height:	3-stories / 35'-0"
Existing Use/Condition:	Multifamily residential
Proposed Use:	Same

THE PROJECT

The applicant has submitted plans entitled "Home Renovation & New Townhouses for: Robin Rosenbaum & Andrew Andrades" as prepared by SKLARchitecture, dated July 24, 2017.

The applicants are requesting a Certificate of Appropriateness for the partial demolition and restoration of the existing 2-story Contributing structure, and the construction of a new detached 3-story ground level addition including variances to reduce the required rear pedestal setback and to exceed the maximum deck area allowed within the required rear yard.

The applicant is requesting the following variances:

1. A variance to reduce by 9'-0" the minimum required setback of 14'-0" in order to construct a new residential building at 5'-0" 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:

Pedestal, rear, Non-oceanfront lots—Minimum: 10% of lot depth

The applicant is proposing to construct a new 3-story ground level addition at the rear of the lot behind the existing 2-story Contributing building. The proposed FAR for the site is 1.01, well below the maximum permitted FAR of 1.25. The new building is proposed to be setback 5'-0" from the rear property line where 14'-0" is required. Staff has no objection to this variance as the proposed 5'-0" rear setback is consistent with the setback of the neighboring properties. Further, Section 142-155(b) requires that the addition be separated from the Contributing building a minimum of 10'-0", limiting the available area for new construction. This requirement creates a practical difficulty with regard to constructing the addition within the required rear yard setback. Additionally, staff believes that the proposed location of the addition at the rear of the site will have the least impact on the Contributing building and integrity of the surrounding historic district.

2. A variance to exceed by 57.5% (403 s.f.) the maximum area of 30% (210 s.f) allowed for a deck within the required rear yard in order to construct a new building addition and provide 87.5% (613 sf) of deck area.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(j)Hot tubs, showers, saunas, whirlpools, toilet facilities, swimming pool equipment, 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.

The proposed project includes the introduction of a vehicular entrance through the alley, 4 parking spaces and 2 separate walkway entrances for the residential units. This variance is triggered by the building footprint and the amount of impervious surface at the rear. Staff is supportive of the variance due to the retention of the existing Contributing building and because its location dictates the area where the new floor area can be developed. However, staff recommends an increase in landscape in other areas of the site, specifically on the side yards and in the courtyard area to improve water retention on site and mitigate the lack of landscape at the rear.

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 variance is necessary in order to satisfy the Certificate of Appropriateness criteria and not to adversely impact the existing historic buildings.

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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE

The application appears to be consistent with the requirements of 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.

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
See Compliance with Zoning Code section.
 - 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.
Not Satisfied
The rooftop canopies create additional perceived height and bulk to the proposed building.
 - 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.

Not Satisfied

A lighting plan has not been submitted.

- 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 structure is 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 structure 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 structure is one of the last remaining examples of its kind and 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.

Satisfied

The structure is classified as 'Contributing' in the Miami Beach Historic Properties Database.

- 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 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 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 applicant is not proposing total demolition of the 'Contributing' structure.

- h. The 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.

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 provided.

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

Satisfied

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Satisfied
Sea Level Rise projections were taken into account and the new construction has been designed in manner which can be adapted in the event the streets in this area are elevated.
- (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.
Satisfied
The ground floor is proposed to be constructed as Base Flood Elevation + 1
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Satisfied
The applicant has not submitted a feasibility study for the raising of the existing structure.
- (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.
Satisfied
Flood proofing is required by the Florida Building Code.
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Satisfied
A plan for water retention has not been submitted.

ANALYSIS

The existing structure on the subject site was constructed in 1940 as a 2-story, 2 unit apartment building designed by L. Murray Dixon in the Mediterranean Revival/Art Deco Transitional style of architecture. In 1951, a 2-story addition (Permit No. 34961) containing kitchens was constructed at the northeast corner of the structure, as part of a building permit to increase the number of units from 2 to 4. The applicant is now proposing to demolish this addition in order to construct a new 3-story detached building at the rear of the property. Staff has no objection to the

demolition of the later addition as it is classified as Non-Contributing, utilitarian in nature and contains no architectural features. Further, staff would note that the modest addition is not visible from Euclid Avenue.

Existing 2-story Contributing structure

The applicant is proposing to renovate the existing building including the removal of the inappropriate through-the-wall air conditioning units to be replaced with a new central air conditioning system. Additionally, staff would note that applicant is proposing to replace the majority of the existing non-original windows with impact resistant casement windows. While supportive of the overall restoration efforts, staff recommends that all of the windows be replaced in a manner as consistent as possible with the original design, including the introduction of a muntin grid, as seen in microfilm elevations (Permit No. 14345); and shown below.

The applicant is also proposing to introduce new window openings along the north side façade. Staff has no objection to the new windows openings as they will not require the demolition of any significant architectural features and the sizes of the new openings are consent with the existing window opening sizes.



Original elevation plans, Building Permit No. 14345

New 3-story multi-family residential structure

The applicant is proposing to construct a new 3-story, 2-unit multi-family residential structure at the rear of the site. The new detached addition, which will be minimally visible from Euclid Avenue, has been designed in a manner consistent with the scale and mass of the adjacent buildings and will not overwhelm the existing Contributing structure on the site.

While generally supportive of the design, placement and scale of the proposed new structure, staff does have a concern with regard to the proposed rooftop canopy structures. Staff recommends that the canopy structures located at the roof deck be eliminated so as to reduce the perceived height and bulk of the addition.

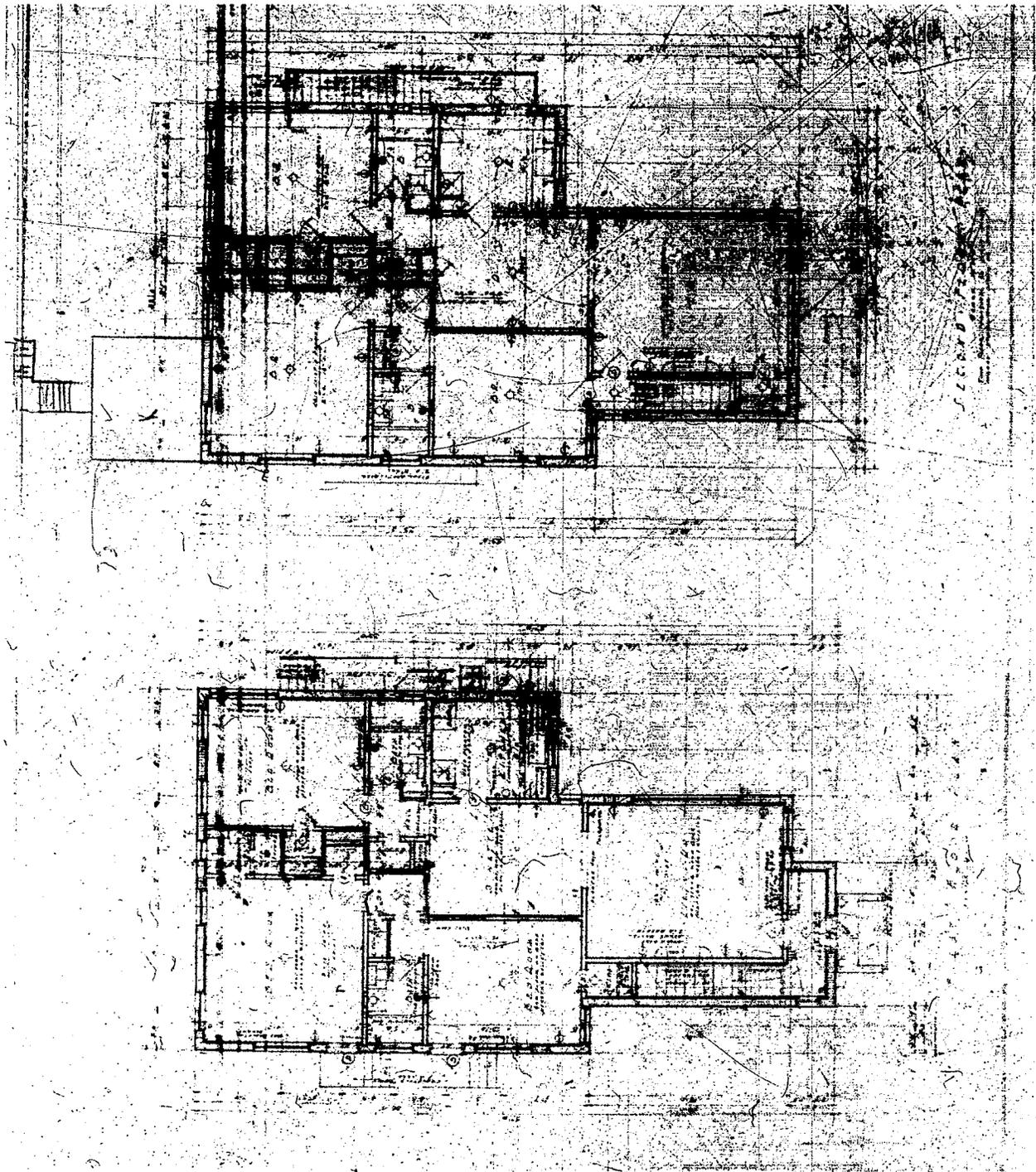
Staff is confident that these issues can be addressed administratively, as indicated in the recommendation for approval below.

VARIANCE ANALYSIS

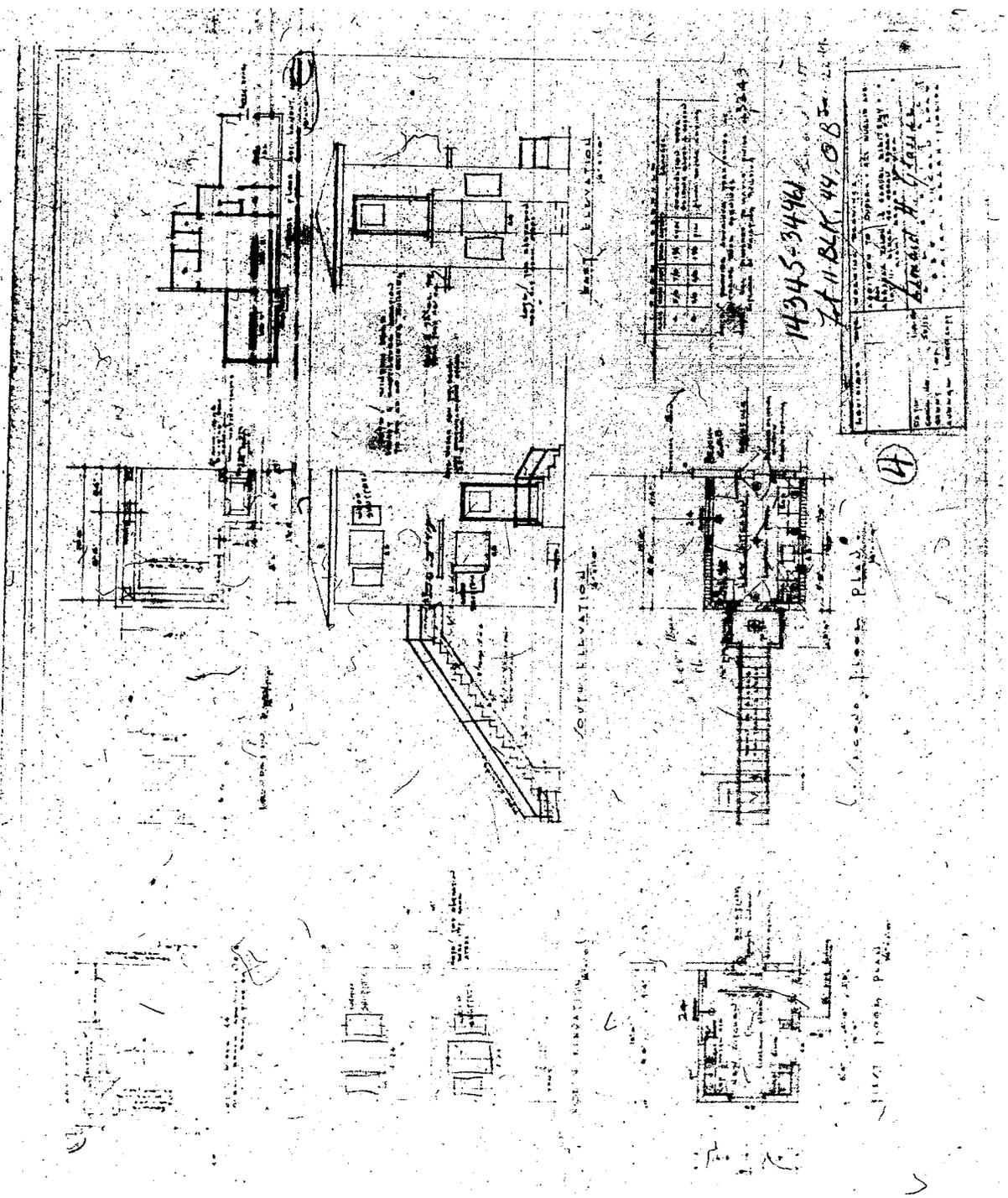
The site, located within the Flamingo Park Historic District, contains a Contributing building with a non-conforming setback at the north side and exceeds the required setbacks at the front, south side and rear. The project proposes a new detached addition with two 3-story apartments and parking at the ground floor. Two variances are requested for the project in order to construct the new addition. Section 142-155(b) requires any new addition to be setback a minimum of 10'-0" from the rear of the Contributing building, limiting the area for new construction on the site. The application is proposing the minimum variance necessary in order to make reasonable use of the land, and retain the historic integrity of the existing Contributing building. Retaining the historic structure is the hardship and practical difficulty requiring the variances. The City's Land Development Regulations and Comprehensive Plan reflect the desire to retain Contributing structures, and to restore said structures.

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 Practical Difficulty and Hardship criteria.



Original floor plans, Building Permit No. 14345



1951 2-story rear addition plans, Building Permit No. 34961

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: October 10, 2017

FILE NO: HPB17-0133

PROPERTY: 921 Euclid Avenue

APPLICANTS: Robin Rosenbaum and Andrew Andras III

LEGAL: Lot 11, Block 44, 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.

IN RE: The application for a Certificate of Appropriateness for the partial demolition and restoration of the existing 2-story Contributing structure, and the construction of a new detached 3-story ground level addition including variances to reduce the required rear pedestal setback and to exceed the maximum deck area allowed within the required rear yard.

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, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.

- C. 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 elevations, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The existing structure on site shall be renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
 - i. All through-the-wall air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - ii. All existing windows shall be removed. New impact casement windows shall be provided on the Contributing structure and shall incorporate a muntin configuration that is consistent with the available historical documentation.
 - b. The rooftop canopies shall be eliminated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. 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.
 - d. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. 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.
 - f. A recycling/salvage plan shall be provided, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria.
 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. Additional Florida native landscape material shall be introduced within the side yards and courtyard portions of the property, 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. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- c. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.

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):
 1. A variance to reduce by reduce by 9'-0" the minimum required setback of 14'-0" in order to construct a new residential building at 5'-0" from the rear property line.
 2. A variance to exceed by 57.5% (403 s.f.) the maximum area of 30% (210 s.f) allowed for a deck within the required rear yard in order to construct a new building addition and provide 87.5% (613 sf) of deck area.
- 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 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.

- C. The Board hereby grants the requested variance(s) and imposes the following condition 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. A fully enclosed trash room shall be provided on site, in a manner to be reviewed and approved by staff.

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 shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the building structure to the public right-of-way.
- B. The applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools, prior to the issuance of a Building Permit. 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 prior to the issuance of a Building Permit.

- C. 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.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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.

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 "Home Renovation & New Townhouses for: Robin Rosenbaum & Andrew Andrades" as prepared by SKLARchitecture, dated July 24, 2017, and 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 _____ ()

F:\PLAN\HPB\17HPB\10-10-2017\Draft Orders\HPB17-0133_921 Euclid Av.Oct17.FO.DRAFT.docx

DRAFT