

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: March 12, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: HPB17-0141, **841 19<sup>th</sup> Street.**

The applicant, CJB Buena Vista, LLC, is requesting modifications to a previously issued Certificate of Appropriateness for the renovation of the existing two-story single family home. Specifically, the applicant is requesting modifications to a condition related to the height of hedges and a new variance from the required front setback for gates located along the front of the property.

#### **STAFF RECOMMENDATION**

Denial of the modification to the Certificate of Appropriateness  
Denial of the variance.

#### **BACKGROUND**

On November 14, 2006, The Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 2-story home, including the construction of a new single story ground level addition.

#### **EXISTING STRUCTURES**

Local Historic District:	Palm View
Status:	Contributing
Original Construction Date:	1937
Original Architect:	Robert E. Collins

#### **ZONING / SITE DATA**

Legal Description:	The west ½ of Block 8-A, of "Amended Plat of Golf Course Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.
--------------------	---

Zoning:	RS-4, Residential, Single Family
Future Land Use Designation:	RS, Residential, Single Family

#### **THE PROJECT**

The applicant has submitted plans entitled "Historic Residence" as prepared by DBLEWIS-ARCHITECT, dated January 5, 2018.

**The applicant is requesting modifications to a previously issued Certificate of Appropriateness for the renovation of the existing two-story single family home. Specifically, the applicant is requesting modifications to a condition related to the height of hedges and a new variance from the required front setback for gates located along the front of the property.**

The applicant is requesting the following variance:

1. A variance to eliminate all required front setback of 20'-0" in order to retain three (3) gates up to 8'-4" in height as measured from grade elevation of 3.61' NGVD at the front of the property facing 19<sup>th</sup> Street.
  - Variance requested from:

**Sec. 142-106. Setback requirements for a single-family detached dwelling.**

*The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

*(1)Front yards: The minimum front yard setback requirement for these districts shall be 20 feet.*

Two (2) vehicular access gates and one (1) pedestrian gate have been installed along the front property line facing 19<sup>th</sup> Street. The maximum height allowed by the City code for gates and fences adjacent to the property line is 5'-0". In this case, a setback variance for a structure is required as the gates are up to 8'-4" in height, which exceeds the maximum height the Board can approve for gates and fences. The metal gates have a solid semicircular panel at the top and louvered panels as the main structure. To increase transparency of the gates, removal of louvers is proposed to provide a minimum of 50% visibility. The applicant also indicates in the letter of intent that concerns about safety and privacy for the family that lives in the home create the practical difficulties that result in the need for the variance.

As the variance request is not associated with the preservation of the Contributing home and the surrounding properties are also single family homes and multifamily residential buildings with none or low fences and gates. The variance request does not comply with the practical difficulty criteria. Furthermore, the granting of the variance will provide a benefit to the applicant not permitted to other properties in the historic district and will have a negative impact on the character of the neighborhood. As such, staff recommends denial of the variance request.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded **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.

Additionally, staff has concluded that the plans and documents with the application **DO NOT** comply with the following hardship criteria, 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;

***Not satisfied.***

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

***Not satisfied.***

- 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;

***Not satisfied.***

- 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;

***Not satisfied.***

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

***Not satisfied.***

- 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

***Not satisfied.***

- 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.

***Satisfied***

#### **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 any variances requested herein.

The above noted comments 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 2025 COMPREHENSIVE PLAN**

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

### **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.  
**Not Applicable**
  - 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.  
**Not Applicable**
  - b. General design, scale, massing and arrangement.  
**Not Satisfied**  
**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**
  - c. Texture and material and color.  
**Not Applicable**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Satisfied**  
**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**
  - e. The purpose for which the district was created.  
**Not Satisfied**  
**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

**Not Satisfied**

**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**

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

**Not Applicable**

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

**Not Applicable**

- 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.

**Not Applicable**

- 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 the Zoning Code**

- 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.

**Not Satisfied**

**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**

- 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**

**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**

- 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.

**Not Satisfied**

**A 10'-0" tall hedge does not allow transparency into and out of the site adversely impacting public safety and crime prevention.**

- 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.

**Not Applicable**

- 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 Applicable**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Not Satisfied**

**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**

- 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.

**Not Applicable**

- 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).

**Not Applicable**

- 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.

**Not Applicable**

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not Applicable**

- 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).

**Not Applicable**

- 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.

**Not Satisfied**

**A 10'-0" tall hedge will have an adverse impact on the surrounding historic district and the pedestrian experience.**

- 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.

**Not Applicable**

#### **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 Applicable**

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

**Not Applicable**

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

**Not Applicable**

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

**Not Applicable**

- (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.

**Not Applicable**

- (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.

**Not Applicable**

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**Not Applicable**

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

**Not Applicable**

- (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**

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

**Not Applicable**

**STAFF ANALYSIS**

The subject site contains an existing 2-story single family home constructed in 1937 and designed by Robert E. Collins in the Mediterranean Revival/Art Deco Transitional style of architecture. A substantial renovation of the subject property was completed in 2010, which included the restoration of the existing Contributing 2-story home and the construction of a 1-story addition. The property was sold to the current owner in 2015.

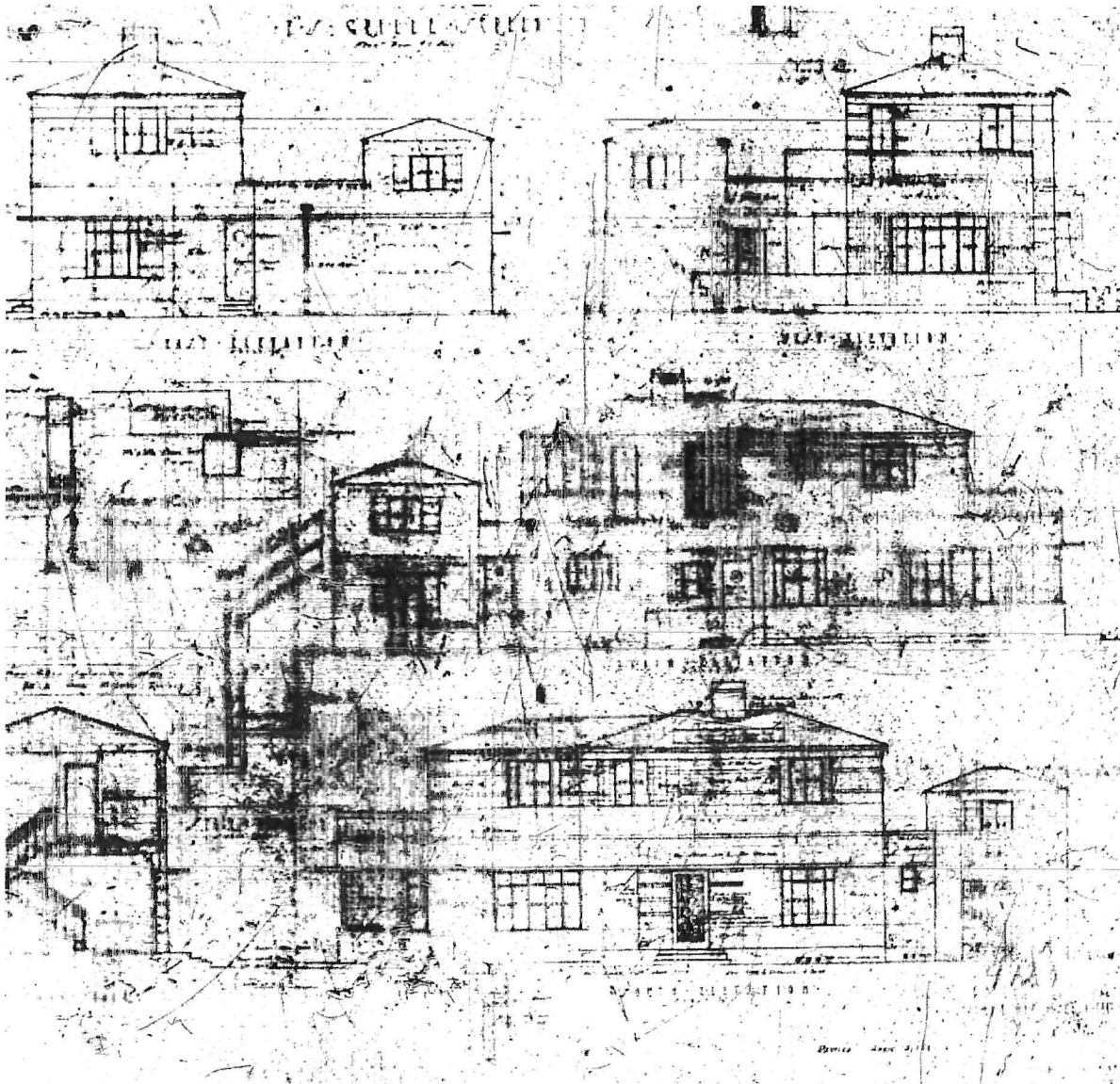
The applicant is currently requesting a modification to following condition contained within the Historic Preservation Board Order dated November 14, 2006:

- C.2.a. The existing front hedge, along 19<sup>th</sup> Street, shall be reduced in height to a maximum of seven (7') feet above grade; such hedge shall be maintained at a height not to exceed seven (7') feet above grade.*

The applicant is requesting that the Board modify the condition to increase the permitted hedge height along 19<sup>th</sup> Street from the current limit of 7'-0" to 10'-0". The existing hedge has been maintained at a height of approximately 15'-0", as represented by the applicant.

Staff generally encourages greater transparency to primary elevations of historic structures and finds that the existing dense hedge, whether at the existing 15'-0' or the proposed 10'-0" height, severely limits views into and out of the site and has an adverse impact on the character of the surrounding historic district and the pedestrian experience. Additionally, staff would note that the currently imposed condition of a maximum 7'-0" tall hedge is consistent with the maximum permitted height of a fence located within a required yard. Consequently, staff recommends denial of the proposed modification.





*Original elevation plans, permit no. 9723, 841 19<sup>th</sup> Street*

### **VARIANCE ANALYSIS**

A variance is requested to retain three (3) 8-foot high gates located at the front of the property installed without building permits. Staff does not support the variance requested as it is not related to the preservation of the Contributing home and would adversely impact the character of the surrounding Palm View historic district.

### **RECOMMENDATION**

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

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

MEETING DATE: March 12, 2018

FILE NO: HPB17-0141

PROPERTY: 841 19<sup>th</sup> Street

APPLICANT: CJB Buena Vista, LLC

LEGAL: The west ½ of Block 8-A, of "Amended Plat of Golf Course Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to a previously issued Certificate of Appropriateness for the renovation of the existing two-story single family home. Specifically, the applicant is requesting modifications to a condition related to the height of hedges and a new variance from the required front setback for gates located along the front of the property.

**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 Palm View 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 not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'e' & 'f' in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd', 'e', 'h' & 'n' in Section 118-564(a)(3) of the Miami Beach Code.
  - 4. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.

**II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to eliminate all required front setback of 20'-0" in order to retain three (3) gates up to 8'-4" in height as measured from grade elevation of 3.61' NGVD at the front of the property facing 19<sup>th</sup> Street. **(Variance DENIED)**
- B. The applicant has submitted plans and documents with the application that the Board has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, the Board has concluded that the plans and documents submitted with the application **DO NOT** comply with the following hardship criteria 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 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.

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 \_\_\_\_\_ (                    )