

# 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: HPB17-0173, **819 2nd Street.**

The applicants, Stephen J. Helfman & Gerri Helfman, are requesting a Certificate of Appropriateness for the total demolition of an existing 1-story structure and the construction of a new 3-story single-family residence including variances from the minimum required lot size and lot width.

#### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness and Variances

#### **BACKGROUND**

On January 9, 2018, the Board reviewed and continued the subject application to a date certain of March 12, 2018.

#### **EXISTING STRUCTURE**

Local Historic District:	Ocean Beach
Status:	Contributing
Construction Date:	1923
Architect:	unknown

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

Legal Description:	The west 47.93 feet of Lot 8 and the south 6 feet of the west 47.93 feet of Lot 7, Block 77 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:	RPS-2, Residential performance standard, medium low intensity
Future Land Use Designation:	RPS-2, Residential performance standard, medium low intensity
Lot Size:	2,684 S.F. / 1.50 Max FAR
Existing FAR:	1,449 S.F. / 0.54 FAR, as represented by the architect
Proposed FAR:	3,945 S.F. / 1.47 FAR, as represented by the architect
Existing Height:	12'-1" / 1-story
Proposed Height:	35'-0" / 3-stories

Existing Use/Condition: Multi-family residential  
Proposed Use: Single-family residential

### **THE PROJECT**

**The applicant has submitted plans entitled “New Single Family Residence at 819 2<sup>nd</sup> Street” as prepared by Choeff Levy Fischman, dated February 2, 2018.**

**The applicant is requesting a Certificate of Appropriateness for the total demolition of an existing 1-story building and the construction of a new 3-story structure including variances from the minimum required lot size and lot width.**

The applicant is requesting the following variances:

1. A variance to reduce by 3,066 SF the minimum required lot area of 5,750 SF within the RPS-2 district in order to construct a three-story residential building on a property with a lot area of 2,684 SF.
  2. A variance to reduce by 2'-2" the minimum required lot width of 50'-0" within the RPS-2 district in order to construct a three-story residential building on a property with a lot width of 47'-10".
- Variances requested from:

**Sec. 142-696. Residential performance standard area requirements.**

*The residential performance standard area requirements are as follows:*

*Minimum lot area, RPS2: 5,750 square feet*

*Minimum lot width, RPS2: 50 feet*

It appears that the subject property was originally platted with the two adjacent sites to the east as part of Lot 8, Block 77 and later subdivided as three separate properties, including 6 feet of the northern Lot 7. All three properties fronting 2<sup>nd</sup> Street are non-conforming regarding lot area and lot width in their current configurations. The subject lots size is 2,684 SF, where the minimum required is 5,750 SF within the RPS-2 district. The existing lot width of 47'-10" is also non-conforming, as the minimum required lot width is 50 feet. The applicant is proposing to demolish the existing structure and construct a new 3-story residential building.

Without the granting of these variances, the construction of the proposed residential building, or any new structure for that matter, would not be permitted. Staff finds that the existing size of the lot and existing lot width, establishes the hardship that justifies the variances 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.

Additionally, staff has concluded that the plans and documents with the application satisfy 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.

#### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, with the exception of the variances requested herein, appears to be consistent with the City Code.

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 proposed **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.  
**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**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is now consistent with the scale, character and context of the Ocean Beach Local Historic District.**
  - c. Texture and material and color.  
**Satisfied**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Satisfied**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is now consistent with the scale, character and context of the Ocean Beach Local Historic District.**
  - 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**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is now consistent with the scale, character and context of the Ocean Beach Local Historic District.**
  - 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.  
**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.  
**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**  
**The applicant has requested variances to reduce the minimum required lot size and lot width.**
- 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**  
**The previously proposed podocarpus hedge located at the front property line is currently proposed to be replaced with green island ficus which does not generally have the ability to grow more than 36" in height, which is consistent with the character of the historic district and should not limit transparency into the site from the pedestrian level.**
- 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**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is now consistent with the scale, character and context of the Ocean Beach Local Historic District.**
- 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**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is**

**now consistent with the scale, character and context of the Ocean Beach Local Historic District.**

- 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**  
**The previously proposed podocarpus hedge located at the front property line is currently proposed to be replaced with green island ficus which does not generally have the ability to grow more than 36" in height, which is consistent with the character of the historic district and should not limit transparency into the site from the pedestrian level.**
- 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**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is now consistent with the scale, character and context of the Ocean Beach Local Historic District.**
- 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**  
**As modified from the previously proposed design and as currently proposed, the design and massing of the east elevation of the building is now consistent with the scale, character and context of the Ocean Beach Local Historic District.**
- 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**  
**The previously proposed podocarpus hedge located at the front property line is currently proposed to be replaced with green island ficus which does not generally have the ability to grow more than 36" in height, which is consistent with the character of the historic district and should not limit transparency into the site from the pedestrian level.**
- 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 Ocean Beach 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.

**Satisfied**

**The applicant is requesting approval for a new structure a part of this application.**

- 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. It will be required at the time of building permit.**
- (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.**
- (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.  
**Satisfied**  
**The proposed building will be built above required Base Flood Elevation.**
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Not Applicable**

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

### **STAFF ANALYSIS**

The applicant is proposing to construct a new 3-story, single-family residential structure on the site. In order to construct the new building, the applicant is proposing the total demolition of the existing Contributing 1-story building.

The existing structure was originally constructed in 1923 on the northeast corner of 2<sup>nd</sup> Street and Meridian Court. Although no original plans have been located, examination of early aerial photographs, building permit records and images from the 1950s indicates the structure has had only limited modifications since its construction. City of Miami Beach records appear to indicate the structure was originally built as a 2-unit residential building. The property, which does not appear to have had an active use since approximately 2010, was most recently a 3-unit rental building. On September 24, 2015, the City's Building Department issued an Unsafe Structure's Violation (BV15001355) after a fire damaged the property. The following is a description of the violations:

#### ***NOTICE OF VIOLATION ISSUED***

*Fire occurred at 819 2nd St. Power was disconnected. Need to secure the property immediately. Need to submit engineer report to evaluate extent of the damages together with methods of repairs.*

In 2015, the Bank of New York foreclosed and took possession of the property, which was sold to the applicant in September of 2017. The applicant has submitted reports prepared by Douglas Wood, P.E., entitled "General Assessment Report for the Existing Structural Systems at 819 2<sup>nd</sup> Street Miami Beach, Florida" dated June 28, 2017 and "Supplement to General Assessment Report for the Existing Structural Systems at 819 2<sup>nd</sup> Street Miami Beach, Florida" dated November 9, 2017 outlining the building's current structural condition. In summary, this report concluded that the building is beyond the ability to be repaired due to the extensive amount of structural damage, deterioration and collapse throughout the building. The report dated November 9, 2017 concluded the following:

The "building cannot be repaired and restored. It will only be possible to construct a new building which replicates the appearance of the existing building (but at a significantly higher elevation)."

Staff has visited the subject site, including a comprehensive walk-thru of the entire interior. The physical condition of the building, and overall property, is consistent with the findings of the applicant's structural engineer. As such, staff is supportive of the applicant's proposal to replace the existing structure. If it was possible to retain, restore and preserve substantial, significant portions of the original building, while reconstructing limited portions that required demolition due to severe structural deterioration, staff would be supportive of reconstructing those portions requiring demolition. However, based upon the detailed report of the applicant's structural engineer, it appears that total demolition will be required, leaving no original materials, features or finishes.

Although a possible course of action could be the reconstruction of the building, staff would not recommend this as an option for several reasons. First, an accurate reconstruction of the building would not be possible, as the finish floor elevation would be required to be raised

approximately 1.6 feet. If the building were to be reconstructed in its current location with a 0'-0" front setback, its relationship to the sidewalk would be significantly compromised.

Secondly, Miami Beach has a rich history of evolving architectural styles and staff believes that the replacement of a structure that has exhausted its ability to function as a useful and habitable building should be with a structure of its time, while fully respecting the established scale, context and setting in which it is located. In general the replication of structures is not encouraged; the reconstruction of demolished structures should only be considered when there are very extenuating circumstances. The current structural condition of the building appears to indicate that it has reached the end of its life cycle. Staff believes it would be most appropriate to replace the demolished historic structure with a new structure reflecting its time and place in Miami Beach, just as Mediterranean Revival transitioned into Art Deco and Art Deco transitioned into Mid-Century Modern or MiMo, as buildings aged and needed to be replaced. Particularly within historic districts, it is important to further the design continuum that has been the regulatory practice of the Board and the policy recommended by staff since local historic districts have been designated.

As noted in the 'Background' section of this report, on January 9, 2018, the Board reviewed and continued the subject application to the March 2018 meeting, in order to give the applicant additional time to further develop the design.

Since the January meeting, the applicant has submitted revised plans which include the following changes:

- The amount of solid architectural concrete at the ground level has been reduced along the south and west elevations and additional glazing has been introduced.
- The entire east elevation has been further developed in a manner more consistent with the design of the south and west elevations.
- The previously proposed podocarpus hedge landscape material located within the front yard has been removed and is proposed to be replaced with a landscape material that will not exceed 36" in height at maturity.
- The color pallet for the exterior of the building has been further developed in a manner more consistent with the surrounding historic district.
- The solid concrete parapet wall along the east and north sides of the roof deck has been replaced with a teak wood and glass railing.
- The design for the property fence along 2<sup>nd</sup> Street has been further developed in a manner which references the existing Contributing structure. The currently proposed property fence includes an impression of the parapet profile of the Contributing building, the original crest feature and an informational plaque describing the historic significance of the site.

These modifications serve to increase transparency into the site and help to subtly recall the architecture of the existing Contributing building. Staff remains highly supportive of the massing and contemporary design language, and believes that the currently proposed design

successfully addresses the concerns of the Board and staff expressed at the January 9, 2018 meeting.

### **VARIANCE ANALYSIS**

The proposed new structure requires two variances in order to establish the lot as a developable parcel because the site does not comply with the underlying RPS-2 requirements for lot area and lot width. RSPS-2 lots are required to have a minimum lot area of 5,750 SF and a minimum lot width of 50'-0". As explained under the 'Project' section of the report, the subject lot is substandard regarding lot area and lot width. Therefore, it is a non-conforming property regarding these factors. These existing conditions of the lot impose a true hardship, whereby unless the variances are approved; it will not be possible to make a reasonable use of the land. The two variances requested are the absolute minimum variances required to develop the site. No variances related to the design or siting of the structure are required. Staff is supportive of these variances since the request satisfies the Practical Difficulty and Hardship Criteria and the development of this lot will not be possible without granting both variances.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application for variances be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria.

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

MEETING DATE: March 12, 2018

FILE NO: HPB17-0173

PROPERTY: 819 2nd Street

APPLICANT: Stephen J. Helfman & Gerri Helfman

LEGAL: The west 47.93 feet of Lot 8 and the south 6 feet of the west 47.93 feet of Lot 7, Block 77 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.

IN RE: The application for a Certificate of Appropriateness for the total demolition of an existing 1-story structure and the construction of a new 3-story single-family residence including variances from the minimum required lot size and lot width.

**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 Ocean Beach 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' in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is consistent with Certificate of Appropriateness Criteria 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 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 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. Any fence or wall proposed along the south side of the property shall not exceed five (5') feet in height, as measured from sidewalk elevation.
    - b. The final design for a plaque describing the history and evolution of the original building on the site to be located on the southwest corner of the property facing 2<sup>nd</sup> Street, shall be submitted, prior to the issuance of a Building Permit 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. 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. In the event the City's Building Official issues an Emergency Demolition Order for the structure, following demolition the entire site shall be thoroughly cleaned, evenly leveled, and landscaped in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. An aluminum picket fence shall be required surrounding the entire property. Such fence shall be black or dark green, and shall contain a vehicular access gate adjacent to the alley, in a manner to be reviewed and approved by staff. The grass and landscape materials shall remain properly maintained, irrigated, and trimmed at all times, subject to periodic staff review, until such time as the entire site is redeveloped.
    - b. 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):
1. A variance to reduce 3,066 SF from the minimum required lot area of 5,750 SF within the RPS-2 district in order to construct a three-story residential building on a property with a lot area of 2,684 SF.
  2. A variance to reduce by 2'-2" the minimum required lot width of 50'-0" within the RPS-2 district in order to construct a three-story residential building on a property with a lot width of 47'-10".
- 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.

**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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- B. 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.
- 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.
- J. 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 "New Single Family Residence at 819 2nd Street" as prepared by Choeff Levy Fischman, dated February 2, 2018, 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

