

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: April 10, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB17-0182, **828 4th Street.**

The applicant, Florida Historic Homes, LLC, (Fabrizio Santoro), is requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structure, the construction of an attached 3-story addition and variances from the required pedestal side setback and from the required setback for air conditioning equipment.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

Approval of variance No. 1 with conditions

Denial of variance No. 2

EXISTING STRUCTURE

Local Historic District:	Ocean Beach
Status:	Contributing
Original Construction Date:	1922
Original Architect:	A. R. Ogle

ZONING / SITE DATA

Legal Description:	East 50 feet of Lot 16, Block 76 of Ocean Beach Addition No. 3, according to the plat thereof 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 density
Future Land Use Designation:	RPS-2, Residential performance standard, medium density
Lot Size:	2,500 S.F. / 1.5 Max FAR
Existing FAR:	1,142 S.F. / 0.45 FAR
Proposed FAR:	3,043 S.F. / 1.21 FAR
Existing Height:	~15'-0" / 1-story
Proposed Height:	~33'-6" / 3-stories
Existing Use/Condition:	Single family residential
Proposed Use:	Single family residential

THE PROJECT

The applicant has submitted plans entitled “Santoro Residence” as prepared by Joseph B. Kaller + Associates P.A., dated September 17, 2017.

The applicant is requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structure, the construction of an attached 3-story addition and variances from the required pedestal side setback and from the required setback for air conditioning equipment.

The applicant is requesting the following variance(s):

1. A variance to reduce by 2'-0" the minimum required interior side setback of 5'-0" within the RPS-2 district in order to construct a three-story addition to the existing one-story residence at 3'-0" from the east property line.

- Variance requested from:

Sec. 142-697. Setback requirements in the R-PS1, 2, 3, 4 districts.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

Pedestal, Side Interior: Lots 50 feet wide or less – 5 feet.

It appears that the subject property was originally platted as part of Lot 16, Block 76 and later subdivided as two separate properties in 1999, as per Dade-County property records. Both subdivided parcels are non-conforming regarding lot area. The parcel to the west was developed as a four-unit apartment building and the structure on the subject property remained as a single family residence. The new addition proposed continues the existing building line on the east side with a setback of 3'-0". The retention of the front and partial side walls create difficulties for the addition of floor area. The most impacted property immediately across the alley has additional setback to the residential units with parking spaces that would also buffer any impact from the new addition. Because the non-conforming setback is adjacent to an alley, and not a neighboring property, the proposed addition should not negatively impact the surrounding neighborhood.

Staff finds that the retention of the front portion of the structure, the existing size of the lot and existing non-conforming interior side setback, establish the practical difficulties that justify the variance requested.

2. A variance to reduce by 3'-8" the minimum required interior side setback of 5'-0" for mechanical equipment in order to install two (2) air conditioning units in the west side yard at 1'-4" from the property line.

- Variance requested from:

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

(f) Central air conditioners, emergency generators and other mechanical equipment. Accessory central air conditioners, generators and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, in single-family, townhome, or in the RM-1 residential multifamily low intensity districts, provided that:

(1) They are not closer than five feet to a rear or interior side lot line or ten feet to a side lot line facing a street.

(2) The maximum height of the equipment including attached screening elements, shall not exceed five feet above current flood elevation, with a maximum height not to exceed ten feet above grade, as defined in subsection 114-1, of the lot at which they are located.

(3) If visible from the right-of-way, physical and/or landscape screening shall be required.

(4) Any required sound buffering equipment is located outside the minimum five-foot yard area specified in subsection (f)(1) of this section.

(5) If the central air conditioning and other mechanical equipment do not conform to subsections (1), (2), (3), and (4) above, then such equipment shall follow the setbacks of the main structure.

Two (2) new air conditioning units are proposed with a setback of 1'-4" on the west side yard adjacent to a residential multistory building. The Code requires a minimum of 5'-0" in order to allow for additional buffer and screening solutions. Although the property is a substandard lot, the existing available open space on site and the amount of new construction allows the placement of the air conditioning units to conform with the required 5'-0" setback. As such, this variance request does not meet the practical difficulties criteria and staff recommends that the mechanical equipment be relocated to the roof with appropriate screening or incorporated within the building envelope.

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, with the exception of variance No. 2, as noted above.

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, with the exception of variance No. 2, as noted above:

- 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

The application, as proposed, is inconsistent with the following requirements of the City Code:

1. Section 142-704. Minimum required yards in relation to minimum open space ratio. The proposed project does not comply with the open space required of 0.65.

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
 - 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 the Zoning Code section of this report.
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied

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

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

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
- (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

- (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
- (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
- (10) Where feasible and appropriate, water retention systems shall be provided.
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 designated as part of the Ocean Beach Local Historic District; the building is classified as a 'Contributing' structure in the 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 existing structures would be difficult and inordinately expensive to reproduce.
- 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 subject bungalow structure is one of the last remaining examples of its kind in the City and is a distinctive example of an architectural or design style which contributes to the character of the district.
- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure,

improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The subject structure is classified as a 'Contributing' building 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 this structure is critical to developing an understanding of an important Miami Beach architectural style.

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

Not Applicable

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

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

Not Applicable

The applicant is not proposing total demolition of the 'Contributing' building.

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

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of any part of the subject buildings.

STAFF ANALYSIS

The existing bungalow structure located at 828 4th Street, constructed in 1922, was built concurrently with a second bungalow located at the corner of Jefferson Avenue and 4th Street (361 Jefferson Avenue). The building permit card lists A. R. Ogle as the general contractor and architect for both buildings. The bungalow at 361 Jefferson Avenue was demolished in 1995 prior to the designation of the Ocean Beach Historic District and a new 4-story residential building was approved by the Joint Design Review/Historic Preservation Board in 1999.

The applicant has presented a well-conceived plan for the redevelopment of the subject site, which includes the restoration and renovation of the existing 1-story bungalow structure and the construction of an attached 3-story addition. Staff is highly supportive of the substantial retention of this bungalow as it is one of the last remaining examples of this early architectural typology within the City.

Existing 1-story bungalow

Although no original building permit plans have been located for the home, staff has determined through examination of available historical documentation, that the bungalow structure has remained relatively intact from its original construction. Modifications include the enclosure of the front porch, the replacement of windows and doors and the installation of Perma-Stone cladding on the exterior of the entire structure.



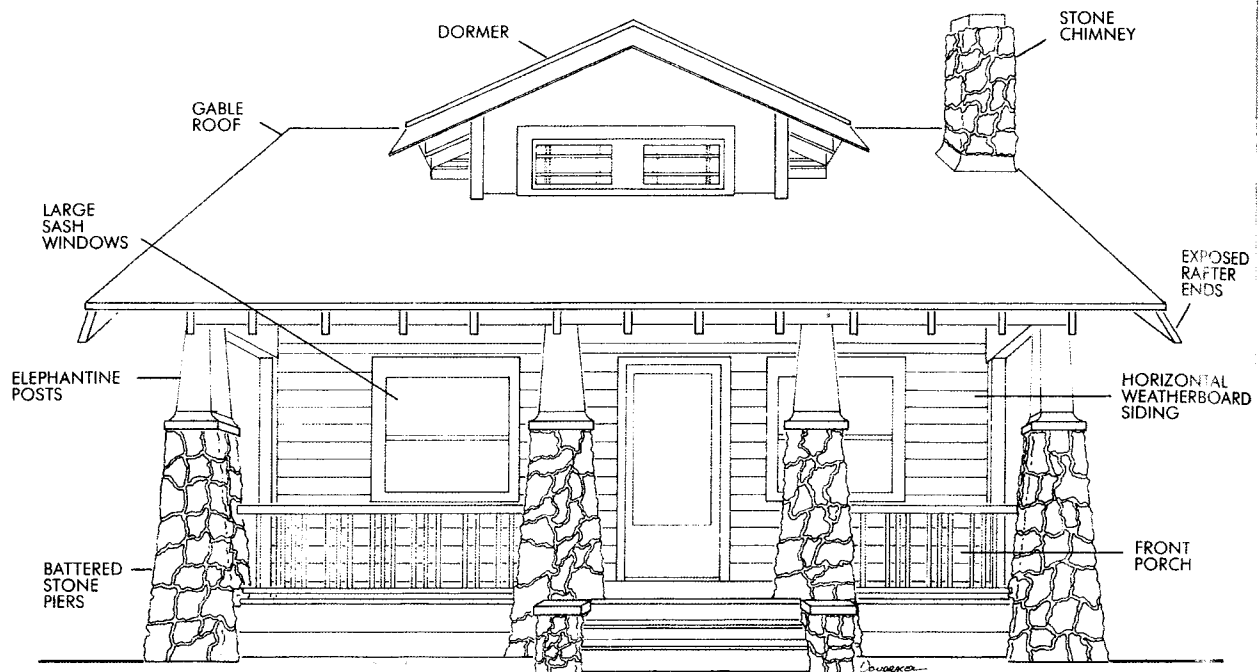
1995 photograph of the previously existing bungalow structure located at 361 Jefferson Avenue

Staff is supportive of the restoration plans presented by the architect and would note that they are generally consistent with the bungalow typology. However, staff has identified an inconsistency within the as-built elevation drawings submitted by the applicant. The location and number of brackets and the distance between the roof and porch window openings have not been accurately depicted. Staff is confident that this minor discrepancy can be resolved at the time of building permit.

New 3-story attached addition

The applicant is proposing to construct an attached 3-story addition at the rear of the site which will require the demolition of the rear portion of the existing bungalow located beyond the ridge line of the roof. Staff is supportive of the general design and massing of the new addition and commends the architect for presenting a highly developed plan on this tight urban site. Staff has only two minor concerns regarding the proposed addition. First, staff believes that introduction of a contrasting material on the exterior of the elevator core adds unnecessary vertical emphasis which detracts from the special historic character of the low scale bungalow. As such, staff would recommend that the Resysta composite siding be removed from the elevator core and be replaced with a smooth stucco finish in a color to match the remainder of the addition.

Second, although staff appreciates the introduction of the vertically oriented composite siding on the east side of the addition to demarcate the extent of the original bungalow, staff finds that the change in color creates an awkward transition. Consequently, staff recommends that the vertical orientation remain in order to differentiate the new and historic construction, but that the color be consistent with the siding proposed for the existing structure.



BUNGALOWS (1910s – 1930s)

Bungalows are one of the most popular middle-class residential styles in Dade County and across the nation during the first three decades of the twentieth century. These houses were built primarily from mail-order, house plan catalogues published in southern California, where the style originated. Full sets of building plans could be purchased for as low as five dollars.

Typical bungalows are one or one and a half story houses, modest in size and luxury, but comfortable, simple and economic to build. Bungalows in South Florida are of wood frame construction, with porch railing walls and vertical supports, foundations and chimneys generally built of oolitic limestone. The building form is well suited to the local climate, with features such as broadly pitched gable roofs with wide, overhanging eaves, deep porches, large sash windows arranged in cross ventilation patterns and dormer windows or louvered vents in the attic space to facilitate upward air circulation. Exposed structural members and unfinished surfaces are part of the building's vocabulary. Horizontal weatherboards and wood shingles are the most commonly used materials for exterior surfaces. Porch supports are one of the major distinguishing features of a bungalow.

Broad masonry piers, generally tapering up, rise to about half the height of the porch. A wood post or a combination of smaller posts reach to support the roof beams. The most popular variety of these posts are called elephantine columns because of their broad, squat appearance, reminiscent of elephant's feet. The variety of expression on these posts is as individual as the builders who created them.

There are several types of bungalows in the Miami area. The most commonly found has a gable roof, its ridge perpendicular to the street, and a front porch with separate gable, slightly off-center. Others have the broadside of the gable parallel to the street and a dormer piercing the roof plane. The largest, most elaborate models are the Airplane or Belvedere bungalows, built with a central two story mass, smaller in area than the first floor plan.

Bungalows still contribute significantly to the cohesive urban fabric in the areas of Edgewater and what is now known as Little Havana, especially the Lawrence Estates Park and Riverview subdivisions.

Finally, the amount of demolition proposed exceeds the thresholds for the repair and/or rehabilitation of non-conforming buildings and the structure would not be permitted to retain the existing non-conformances. However, if the Board finds that the project satisfies the criteria for the retention and restoration of Contributing building, as outlined in Section 118-395 of the City Code below, a waiver can be granted without the need for variances.

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

- * * *
- (b) *Nonconforming buildings.*
- * * *
- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:
- * * *
- d. Development regulations for buildings located within a designated historic district or for an historic site:
1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side walls, exclusive of window openings;
 - ii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls, exclusive of window openings; and
 - iii. All architecturally significant public interiors.
 2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - v. The structure has yielded or is likely to yield information important in prehistory or history; or
 - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria (b)(2)i. & ii., above are satisfied.

VARIANCE ANALYSIS

The project proposes the retention of the front and portions of the side walls of the existing home and the construction of a three (3) story addition with an accessible roof deck. A variance to continue the non-conforming setback on the alley side is requested as part of variance No. 1.

Staff has no objection to this variance, as portions of the existing building will be retained, including portions of the front facade that extends into the required side yard. Although the alley is not considered a street for zoning setbacks, it provides sufficient buffer to the adjacent residential building to mitigate any negative impact of the addition. Staff is supportive of this variance and recommends approval.

Staff is not supportive of variance No. 2 for the installation of air conditioning equipment on the west side yard at 1'-4" from the adjacent residential building. As the property will be substantially renovated, this variance does not satisfy the practical difficulties criteria. There is available open space at the ground level and at the roof level to relocate the units. Therefore, staff recommends that this variance be denied.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application for variance No.1 be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, and that variance No. 2 be **denied**. Staff also recommends the application for a Certificate of Appropriateness be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

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

MEETING DATE: April 10, 2018

FILE NO: HPB17-0182

PROPERTY: 828 4th Street

APPLICANT: Florida Historic Homes, LLC, (Fabrizio Santoro)

LEGAL: East 50 feet of Lot 16, Block 76 of Ocean Beach Addition No. 3, according to the plat thereof 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, renovation and restoration of the existing structure, the construction of an attached 3-story addition and variances from the required pedestal side setback and from the required setback for air conditioning equipment

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 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' 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. Final details of the restoration of the front porch shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The composite siding located on the primary elevation on the second and third level of the addition 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. The bungalow and the addition shall have the same composite siding color. The bungalow shall have horizontally oriented siding and the addition shall have vertically oriented siding, 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. 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.
 - 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.
2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived.
3. 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. The A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

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

II. Variance(s)

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

The following variance was approved by the Board:

1. A variance to reduce by 2'-0" the minimum required interior side setback of 5'-0" within the RPS-2 district in order to construct a three-story addition to the existing one-story residence at 3'-0" from the east property line.

The following variance was denied by the Board:

2. A variance to reduce by 3'-8" the minimum required interior side setback of 5'-0" for mechanical equipment in order to install two (2) air conditioning units in the west side yard at 1'-4" from the property line.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) II.A.1, 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, only as it relates to variance(s) II.A.1:

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 **Approves** the requested variance(s) no. 1 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 "Santoro Residence" as prepared by Joseph B. Kaller + Associates P.A., dated September 17, 2017, 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 _____ ()