

MIAMI BEACH

PLANNING DEPARTMENT

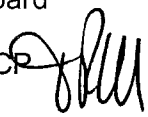
Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: April 10, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0141, **841 19th 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 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.

On January 9, 2007, a re-hearing request for a previously issued Certificate of Appropriateness was granted by the Board. The applicant requested to eliminate a condition of the Final Order which required that the existing hedge height be lowered to 7'-0". The Board eliminated the previous condition and imposed the following condition.

Condition D.2.a.: *The existing front hedge along 19th Street shall be maintained at a height not to exceed the existing height of eleven (11') feet. Such hedge shall be trimmed back from the sidewalk and shall not project into the sidewalk.*

On March 12, 2018, the Board continued the application to a date certain of April 10, 2018 at the request of the applicant.

EXISTING STRUCTURE

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 19th 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 19th 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.

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 Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: April 10, 2018

FILE NO: HPB17-0141

PROPERTY: 841 19th 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

1. A Certificate of Appropriateness is not required.

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 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 19th 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:

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 _____ ()

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