

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

MEETING DATE: July 12, 2016

FILE NO: HPB0416-0007

PROPERTY: 925 Lenox Avenue

APPLICANT: 925 Lenox LLC

LEGAL: Lot 9, Block 120, Lenox Manor Re-subdivision, According to the Plat Thereof, as Recorded in Plat Book 7, Page 15, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to a previously issued Certificate of Appropriateness for the total demolition of an accessory structure, the restoration of an existing 2-story building, and the construction of a new, detached 3-story ground level addition, including variances to waive the required width, curb cut width and setback for a two way driveway, to waive the required pedestal rear and side setback, and to waive the required pedestal sum of the side yards. Specifically, the applicant is requesting the Board waive Section 118-564(f)(6) of the City Code in order to demolish the 'Non Contributing' rear accessory structure before the approval of a building permit for the replacement construction.

**SUPPLEMENTAL ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Flamingo Park Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
  - 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
  - 4. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.



Page 2 of 4  
 HPB04016-0007  
 Meeting Date: July 12, 2016

- C. The project would remain consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. In accordance with Section 118-564(f)(6) of the City Code, the requirements set forth in Section 118-564(f)(6)a.-c. are hereby waived.

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. No variances have been requested as part of the application.

## III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. A copy of all pages of the recorded Final Orders shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- C. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. The Supplemental 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.
- F. The previous Order dated May 12, 2015 shall remain in full force and effect, except to the extent modified herein.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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.

Page 3 of 4  
 HPB04016-0007  
 Meeting Date: July 12, 2016

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 "Residence Detached Addition 925 Lenox Avenue" as prepared by 3 Design Architecture, dated February 23, 2015 and April 25, 2016, 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 26<sup>th</sup> day of July, 2016

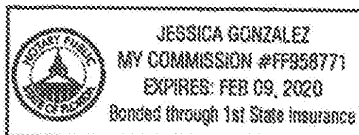
HISTORIC PRESERVATION BOARD  
 THE CITY OF MIAMI BEACH, FLORIDA

BY   
 DEBORAH L. TACKETT  
 PRESERVATION AND DESIGN MANAGER  
 FOR THE CHAIR

Page 4 of 4  
 HPB04016-0007  
 Meeting Date: July 12, 2016

STATE OF FLORIDA           )  
   )SS  
 COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 2nd day of August 2016 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Jessie Gruen  
 NOTARY PUBLIC  
 Miami-Dade County, Florida  
 My commission expires: 2-9-20

Approved As To Form: \_\_\_\_\_  
 City Attorney's Office: Nick Kalligis (7/25/2016)

Filed with the Clerk of the Historic Preservation Board on Jessie Gruen (8-2-16)

Strike-Thru denotes deleted language  
 Underscore denotes new language

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