

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: February 11, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: HPB19-0365, **1225 & 1235 Lenox Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the total demolition of the existing single family home located at 1235 Lenox Avenue and the construction of a detached addition, including variances from the required side and sum of the side setbacks.

### STAFF RECOMMENDATION

Continuance of the application to a date certain of April 14, 2020

### EXISTING STRUCTURES

Local Historic District: Flamingo Park

#### **1225 Lenox Avenue**

Status: Contributing  
Construction Date: 1937  
Architect: Henry Hohausser

#### **1235 Lenox Avenue**

Status: Contributing  
Construction Date: 1936  
Architect: Albert Anis

### ZONING / SITE DATA

Legal Description:

#### Parcel 1: 1225 Lenox Avenue

Lot 12, Block 95 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.

#### Parcel 2: 1235 Lenox Avenue

Lot 13 & South 1/2 of lot 14, Block 95 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.

Zoning: RS-4, Residential, single-family  
Future Land Use Designation: RS-4, Residential, single-family  
Lot Size: 18,750 S.F. / 50% Max Unit Size, 30% Max Lot Coverage  
Existing Unit Size: 5,685 S.F. / 30% Unit Size  
Proposed Unit Size: 4,152.4 S.F. / 22% Unit Size  
Existing Lot Coverage: 4,684 S.F. / 24% Unit Size  
Proposed Lot Coverage: 3151.4 S.F. / 16% Unit Size

1235 Lenox Existing Height: 12'-7"  
1235 Lenox Proposed Height: ~9'-2"  
1235 Lenox Existing Use/Condition: Single-family home  
1235 Lenox Proposed Use: Guest house

### **THE PROJECT**

The applicant has submitted plans entitled "1225 Lenox Residence – Guest Cottage Former 1235 Residence", as prepared by Clemens Burns Schaub Architect & Associates, PA, dated December 9, 2019.

The applicant is requesting the following variance(s):

1. A variance to reduce by 18'-2" the minimum required side setback of 25'-8" in order to construct a one-story addition on the north side of the property at 7'-6" setback from the north side property line.
2. A variance to reduce by 18'-2" the minimum required sum of the side yard setbacks of 31'-3" in order to construct a one-story addition on the north side of the property and provide a sum of the side yard setbacks of 13'-1".

- Variances 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:*

##### **(2) Side yards:**

**a. The sum of the required side yards shall be at least 25 percent of the lot width.**

##### **c. Interior sides:**

**1. For lots greater than 60 feet in width each interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater.**

The subject property contains two separate parcels joined by a unity of title. The applicant is proposing a new one-story, detached addition to replace the main one-story home located on the north side. The joined site has a lot width of 125'-0" which requires a minimum interior side yard setback of 12'-6" and a sum of both interior side yard setbacks of 31'-3" for a new single-family home. In this case, the proposed demolition of the north structure and the retention of the south structure, requires a minimum interior north side setback of 25'-8", in order to compensate the difference between the required sum of the side setbacks (31'-3") and the existing non-conforming south side setback of 5'-5". The abutting property to the north is also a residence with a required side setback of 7'-6", as this parcel has a lot width of less than 60'-0". The proposed one-story structure setback of 7'-6" is consistent with the setback of the adjacent property to the north and

with the side setbacks of the majority of the properties in the same block (95) and adjacent block (107), which were all originally platted as 50'-wide lots. Although the retention of the structure on the south side and its non-conforming side setback may create practical difficulties associated with a potential future addition on the north side the Certificate of Appropriateness for the proposed demolition and new construction has not yet been evaluated by the Board.

Staff would also note that the mechanical equipment located in the side yard does not comply with the required setback of 5'-0" including the concrete pad and screening. Staff would recommend that the mechanical equipment be relocated from the side yard to another location to comply with the proposed 7'-6" setback of the new addition. At this point, historic preservation staff does not support the full demolition of the existing structure on the north, and there are design concerns with the proposed new structure. Accordingly, staff would recommend continuance of the application to a future date.

In summary, staff has not yet reached a conclusion as to whether the requested variances meet the practical difficulties and hardship criteria.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded 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 comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. Section 142-1132(f). Mechanical equipment on the side does not comply with the required 5'-0" setback, including concrete pad and screening elements.
2. Section 142-905(b)(2). Second kitchens are subject to the review and discretion of the Planning Director. If a second kitchen is permitted by the Planning Director, a restrictive covenant, subject to the approval of the City Attorney, shall be required, indicating among other things, that the guest cottage will not be rented out separately as an apartment unit.

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 residence** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

### **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**
- (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) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

**Satisfied**

**The first finished floor of the new addition is proposed to be located at 9.00' NGVD.**

- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Not Applicable**

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Satisfied**

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**Not Applicable**

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Not Applicable**

- (10) In all new projects, water retention systems shall be provided.

**Satisfied**

- (11) Cool pavement materials or porous pavement materials shall be utilized.

**Satisfied**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Satisfied**

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.

**Not Satisfied**

**The Art Deco design of the proposed addition creates a false sense of historical development.**

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.  
**Not Satisfied**  
**The Art Deco design of the proposed addition creates a false sense of historical development.**
  - 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.  
**Not Satisfied**  
**The Art Deco design of the proposed addition creates a false sense of historical development within this portion of the Flamingo Park Local Historic District.**
  - e. The purpose for which the district was created.  
**Not Satisfied**  
**The applicant is proposing the demolition of a Contributing that retains original exterior architectural elements. The Flamingo Park Local Historic District was created in part to preserve the character and architectural integrity of the district.**
  - 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.  
**Not Satisfied**  
**The applicant is proposing the demolition of a Contributing that retains original exterior architectural elements.**
- 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 Zoning Code**
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.  
**Not Satisfied**  
**The Art Deco design of the proposed addition creates a false sense of historical development within this portion of the Flamingo Park Local Historic District.**
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.  
**Not Satisfied**  
**The Art Deco design of the proposed addition creates a false sense of historical development within this portion of the Flamingo Park 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.  
**Not Satisfied**  
**The dense landscape material located at the front of the property creates visibility obstructions from a safety standpoint.**
- 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.

**Not Satisfied**

**The dense landscape material located at the front of the property creates visibility obstructions from a safety standpoint.**

- 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.  
**Not Satisfied**  
**The dense landscape material located at the front of the property creates visibility obstructions from a safety standpoint.**
  
- 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 buildings are designated as Contributing within the Flamingo Park 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.  
**Partially Satisfied**  
**The existing building located at 1225 Lenox Avenue is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.**  
  
**If the existing building located at 1235 Lenox Avenue is restored, it would be of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.**  
  
**The detached garage structure located at 1235 Lenox Avenue is not 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.  
**Partially Satisfied**  
**The existing building located at 1225 Lenox Avenue is a distinctive example of an architectural style which contributes to the district.**

**If the existing building located at 1235 Lenox Avenue is restored, it would be a distinctive example of an architectural style which contributes to the district.**

**The detached garage structure located at 1235 Lenox Avenue is not a distinctive example of an architectural style which contributes to 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 buildings are classified as Contributing buildings 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 the buildings 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.

**Satisfied**

**The applicant had presented plans for a replacement structure as a part of this application.**

- 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 the structure.**

### **STAFF ANALYSIS**

The subject site is comprised of two Contributing single-family homes that are located at 1225 and 1235 Lenox Avenue. The applicant is proposing to unify the properties and is requesting a Certificate of Appropriateness for the total demolition of the home located at 1235 Lenox Avenue in order to construct a detached guest house.

#### **1225 Lenox Avenue**

The existing 2-story single family home located at 1225 Lenox Avenue was constructed in 1937 and designed by architect Henry Hohausser in the Mediterranean Revival/Art Deco Transitional style of architecture. The applicant is currently in the process of the renovation and restoration of this structure.

#### **1235 Lenox Avenue**

The existing 1-story single family home located at 1235 Lenox Avenue was constructed in 1936 and designed by architect Albert Anis in the Mediterranean Revival/Art Deco Transitional style of architecture. A garage was built at the rear of the site concurrently with the home. In 1990, the house was renovated including the replacement of the entire roof structure as well as a rear addition. Although not evident in the available permit records, staff believes that the alterations to the front façade were completed during this renovation. Modifications to the front façade appear to include the introduction of rough-hewn stone cladding and the removal of the chimney structure. A number of original architectural elements remain including the pointed arch window opening, ornamented surround at the front door and a decorative bracket feature at the front porch. A photograph from 1989 is provided which mostly likely depicts the 1936 Albert Anis façade design.



*1235 Lenox Avenue, 1989 Photograph, Historic Properties Database Card*

#### **Request for total demolition of the structures located at 1235 Lenox Avenue**

The applicant is proposing the total demolition of the single-family home and detached garage located at 1235 Lenox Avenue in order to construct a detached guest house. The architect's letter of intent indicates that the home has "structural and water infiltration issues" and has submitted

several interior photographs that appear to show water damage to the ceiling of the family room. Staff is concerned with the lack evidence submitted in support of the applicant's request for total demolition. No specific information has been provided regarding the structural integrity of the building with the exception of photographs of the roof structure. In order to fully evaluate this request, staff recommends that the applicant submit a preliminary engineering assessment by a Licensed Structural Engineer of the existing conditions of the home including a feasibility study of raising a portion or all the structure. Staff believes the most appropriate option would be to restore and potentially elevate the home to at least one foot above Base Flood Elevation (9.00' NGVD), as the current floor elevation is located at 5.78' NGVD. Regarding the accessory garage structure located at the rear of the site, staff has no objection to its demolition as it is utilitarian in nature and currently contains little to no significant architectural details.



*1235 Lenox Avenue, 2011 Photograph*

### **New guest house construction**

The applicant is proposing to construct a detached addition at the northwest corner of the combined site. The 986.4 sq. ft. structure is proposed to be used as a guest house for the home at 1225 Lenox Avenue. The scale and massing of the guest house is in keeping with the character of the single-family portion of the Flamingo Park Local Historic District. However, staff does have some concern with regard to the design of the building which could be perceived as an original Art Deco era structure, creating a false sense of time. If total demolition is determined to be warranted, staff would recommend that the design of the new structure be further developed in a contemporary manner that contains references to the original Anis design. This may include the reinterpretation of the pitched roof, side entry porch and/or a pointed arch window. Additionally, the siting and location of the proposed guest house should be further studied. In this regard, the predominant scale of the immediate area is defined by more narrow, single lots. To this end, the location of the guest house should reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk, just like the main home does, and all the other homes along the block do.

Finally, staff has some concern with regard to the dense landscaping plan proposed at the front property line that creates visibility obstructions from a safety standpoint. As such, staff recommends that the landscape plan be further refined so that visibility into and out of the entire site is substantially maintained.

**VARIANCE ANALYSIS:**

As identified under the 'Project' description of the staff recommendation, the variances being requested pertain primarily to the construction of a new one-story structure, subject to the setback requirements of a property with a lot width of 125'-0" and containing a contributing structure with a non-conforming side setback. A full analysis of the potential practical difficulties that may satisfy the criteria for approval of the variances is premature at this point. Until the Board reaches a conclusion on the request for the full demolition of the existing structure to the north of the property. As staff is not able to fully evaluate the proposed demolition of the structures, it is recommended that the application be continued to a future date.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **continued to a date certain of April 14, 2020.**