

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: April 14, 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.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions
Approval of the variances with conditions

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 ½ 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.

The proposed side setback of 7'-6" for the new construction is consistent with the established setbacks of other homes in this historic district, and is more in character with the neighborhood compared to the required side set back of 25'-8', which would be completely out of character with the historic district. As such, staff is supportive of the side setback and sum of the sideyard setback requirements. However, it is also important to note that although the code required front setback for a single story structure is only 20 feet, the established character of the district is one of substantial front setbacks. The existing home, which is proposed to be demolished has a front setback of 50 feet, and what will be the main home on the combined lot has a front setback of approximately 47 feet. The character of this historic single family neighborhood is one of larger front setbacks, and as such, staff recommends the proposed new structure be setback 50 feet from the front property line.

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.

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
To be addressed at the time of building permit review.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
Window replacement is not part of project scope.
- (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
There are no driveways or garage ramping systems in the scope of work for the project.
- (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
Additional information will be required at the time of building permit review.
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Satisfied
While the applicant submitted information with regard to the existing structural condition of the building located at 1235 Lenox Avenue, stating the building structure would be required to be replaced, information with regard to elevating the structure has not been submitted.
- (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
The first finish floor of the proposed new building to be located 1'-0" above base flood elevation.
- (10) In all new projects, water retention systems shall be provided.
Satisfied
Additional information will be required at the time of building permit review.
- (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.

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.

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.

- b. General design, scale, massing and arrangement.

Not Satisfied

The location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.

- 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.

The location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.

- 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.
Not Satisfied
The location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.
 - 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.
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.
Not Satisfied
The location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.
- 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 location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.
- 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
To be addressed at the time of building permit review.
- 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).
Not Satisfied
The location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.

- 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).
Not Satisfied
The location of the guest house should does not reinforce this highly successful neighborhood context by establishing a dialogue with the street and sidewalk.

- 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

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.

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.

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

On February 11, 2020, the Board reviewed and continued the subject application in order to give the applicant additional time to address concerns expressed by staff and the Board. Since the February meeting, the applicant has submitted following documents in response.

- A structural condition assessment report from Youssef Hachem Consulting Engineering, dated March 13, 2020
- A letter from Preservation Architect Arthur Marcus, dated March 16, 2020
- A letter from Robert John Graboski of Village Architects of Key Biscayne Inc., dated March 11, 2020
- An analysis of the architecture of Albert Anis, undated

The structural assessment report includes a narrative and photographic evidence outlining the building's current structural condition. The engineer has indicated that the exterior walls appear to be load bearing CMU and there are no concrete columns. Additionally, the concrete beams exhibit spalling, cracking, deterioration and exposed rebar. In the recommendations section of the

report, the engineering concludes that the structural members (load bearing walls) of the home need to be replaced rather than repaired, which would require their demolition.

After review of the engineer's assessment, staff believes that it is unlikely the existing residence could be renovated and brought into compliance with the current Florida Building Code without a near total demolition and reconstruction. However, staff would not recommend this option for several reasons. First, sufficient documentation to reconstruct the home in accordance with its original design has not been located. No original plans for the subject house have been found and only one photograph from 1989 is available.

Further, the Secretary of Interior's Standards for the *Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstruction of Historic Buildings* published by the U.S. Department of Interior, National Park Service 2017, only recommends reconstruction be considered as a treatment "when a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction. Additionally, the reconstruction of the building in its existing condition would not be possible, as the finish floor would be required to be raised approximately 3.2 feet to meet current base flood elevation requirements. Further, the previously existing structure did not comply with current setback requirements.



1235 Lenox Avenue, 1989 Photograph, Historic Properties Database Card



1235 Lenox Avenue, 2011 Photograph

New guest house construction

The proposed new 1-story guest house has been designed in a manner that closely recalls the Art Deco style of architecture prevalent throughout the City's historic districts. At the February 11, 2020 meeting, staff noted that this stylistic choice may result in the new home being perceived as an original Art Deco era structure, creating a false sense of historical development. The Board discussed staff's recommendation and expressed general support for the currently proposed architectural vocabulary. In order to satisfy the Certificate of Appropriateness Criteria, staff would recommend the applicant further develop the design in order to subtly differentiate it from the Contributing architecture found in the district. At a minimum, staff would recommend the removal of the divided lite pattern within the doors and windows. Staff is confident that the final details can be reviewed administratively.

Staff has one remaining concern with regard to the siting and location of the proposed guest house. 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. As such, staff recommends that the new guest house be set back 50'-0" from the front property line, which is consistent with the front setback of the existing home, and in keeping with the established neighborhood context.

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.

The proposed side setback of 7'-6" for the new construction is consistent with the established

setbacks of other homes in this historic district, and is more in character with the neighborhood compared to the required side set back of 25'-8', which would be completely out of character with the historic district. As such, staff is supportive of the side setback and sum of the sideyard setback requirements. However, it is also important to note that although the code required front setback for a single story structure is only 20 feet, the established character of the district is one of substantial front setbacks. The existing home, which is proposed to be demolished has a front setback of 50 feet, and what will be the main home on the combined lot has a front setback of approximately 47 feet. The character of this historic single family neighborhood is one of larger front setbacks, and as such, staff recommends the proposed new structure be setback 50 feet from the front property line.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerate 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 14, 2020

PROPERTY: 1225 Lenox Avenue / 02-4203-009-7450
1235 Lenox Avenue / 02-4203-009-7460

FILE NO: HPB19-0365

IN RE: The application for 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.

LEGAL: 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 ½ 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.

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 not consistent with Sea Level Rise and Resiliency Review Criteria '1' & '8' in Section 133-50(a) of the Miami Beach Code.
 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'e', 'j' & 'm' in Section 118-564(a)(3) 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 and 133-50(a) 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. The new guest house be set back 50'-0" from the front property line, 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 design of the guest house shall be further developed in a manner that further distinguishes itself from historical architectural styles. At a minimum, the divided lite pattern shall be removed from the doors and windows, 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. A pedestrian entrance shall be provided from the sidewalk to the guest house, 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. 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 approved by the Board with modifications:
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".
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

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.

- C. The Board hereby **approves** the requested variance, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
 - 1. The proposed new structure shall be set back fifty (50') feet from the front property line.

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. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- 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. 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.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.

- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**1225 Lenox Residence – Guest Cottage Former 1235 Residence**", as prepared by **Clemens Burns Schaub Architect & Associates, PA, dated December 9, 2019**, 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 _____ ()