

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation Historic Preservation Board

TO: Chairperson and Members
 Historic Preservation Board

DATE: March 8, 2022

FROM: Thomas R. Mooney, AICP
 Planning Director



SUBJECT: HPB21-0482, **1300 Lenox Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing single-family home, including the construction of attached and detached additions and variances from the required setbacks, open space, lot coverage and retaining wall regulations.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

Approval of the Variances with conditions.

EXISTING STRUCTURES

Local Historic District:	Flamingo Park
Classification:	Contributing
Construction Date:	1936
Architect:	Lester Avery

ZONING / SITE DATA

Legal Description:	Lot 8, Block 103, of the Ocean Beach Addition No. 3 subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 81, of the public records of Miami-Dade County, Florida.
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Zoning:	RS-4, Residential, single-family
Future Land Use Designation:	RS-4, Residential, single-family

Lot Size:	7,500 S.F. (30% Max Lot Coverage, 50% Max Unit Size)
Existing Lot Coverage:	2,250 S.F. / 30.0% Unit Size
Proposed Lot Coverage:	2,684 S.F. / 35.7% Unit Size
Existing Unit Size:	2,005 S.F. / 26.7% Unit Size
Proposed Unit Size:	2,806 S.F. / 37.4% Unit Size

Existing Height (home):	~14'-4" as measured from grade
Proposed Height (home):	~17'-6" as measured from grade
Proposed Height (accessory):	~19'-6" as measured from B.F.E. + 1'-2" freeboard

THE PROJECT

The applicant has submitted plans entitled “1300 Lenox”, as prepared by Domaine Public Architects, dated January 18, 2022.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be consistent with the City Code with the exception of variances requested herein.

This 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 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **single-family residential** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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

- 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 SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling or salvage plan has not been submitted.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
The windows proposed to be replaced will be impact resistant.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
Operable windows are proposed.
- (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 land elevation of the site is consistent with the surrounding properties. The applicant is proposing to internally raise the first finished floor elevation of the existing home from 6.0' NGVD to 9.2' NGVD. The new rear accessory building is proposed to have a first finished floor elevation of 9.2' 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.
Satisfied
- (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.
Satisfied
The applicant is proposing to internally raise the first finished floor elevation of the existing home from 6.0' NGVD to 9.2' NGVD.
- (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 applicant is proposing to internally raise the first finished floor elevation of the existing home from 6.0' NGVD to 9.2' NGVD.
- (10) In all new projects, water retention systems shall be provided.
Satisfied
Additional information shall be provided at the time of building permit review.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
Additional information shall be provided at the time of building permit review.
- (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.
Satisfied

- b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Satisfied
Several of the proposed modifications to the primary façade are not consistent with historical documentation.
- 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.

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structure is located 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.

Satisfied

The existing structure is 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.

Satisfied

The existing structure is a distinctive example of an architectural or design style which contributes to the character of the district.

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

Satisfied

The existing structure is classified as Contributing 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 existing structure is critical to developing an understanding of an important early Miami Beach architectural style.

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

Not Applicable

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

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

Not Applicable

The applicant is not proposing the total demolition of a Contributing structure.

- 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 single-family home was constructed in 1936 and designed by architect Lester Avery in the Mediterranean Revival/Art Deco Transitional style of architecture. The applicant is requesting approval for the renovation, restoration and elevation of the existing home including the construction of attached additions and the construction of a detached 2-story accessory building at the rear of the site.



1948 Photograph, Miami-Dade Public Library System Digital Collection

Structural modifications and elevation

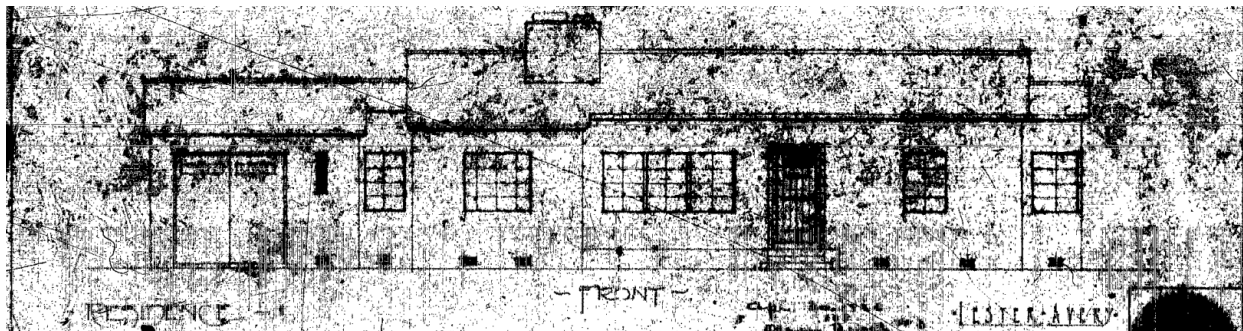
The applicant is proposing a significant renovation of the existing residence, including the elevation of the floor slab and roof structure approximately 3'-2" to make the home more resilient for the future. Structural modifications include the reinforcement of the existing foundation with helical piles, the removal of the existing floor slab (located at 6.00' NGVD) and the construction of a new floor slab within the existing building walls (at an elevation of 9.20' NGVD). Additionally, the exterior walls are proposed to be extended vertically and the window and door openings will be vertically relocated. A new roof structure, matching the design of the existing roof, will be constructed and the grade elevation of the site is proposed to be raised.

Staff would note that this type of "adapt in place" intervention is consistent with the recommended strategies identified for the Flamingo Park Local Historic District in *Buoyant City – Historic District Resiliency and Adaptation Guidelines*. The Board unanimously recommended in favor of these guidelines and were adopted by the City Commission. Staff is supportive of the structural modifications and would note that while the level of intervention is extensive, the modifications will ensure the preservation of the home for the future.

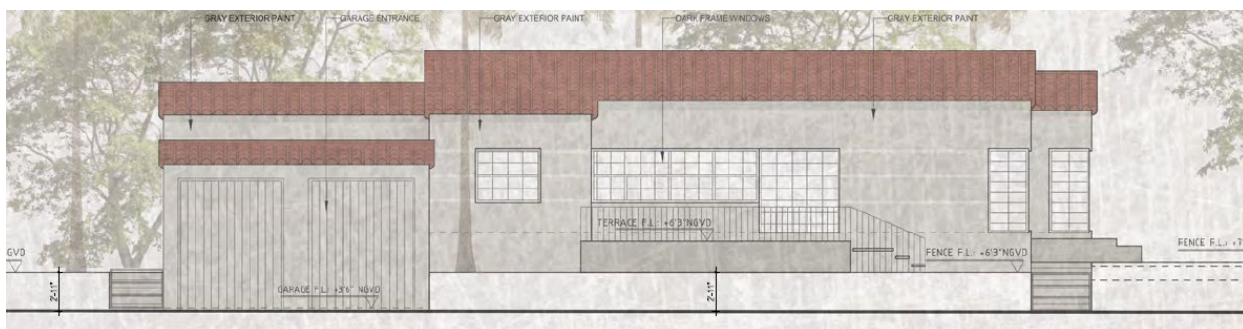
Restoration, design modifications and additions

The applicant is proposing to partially restore the house including the removal of the non-original front porch structure (constructed in 1944). A small addition is proposed to be constructed at the north side of the home and a 2-car garage is proposed to be constructed in front of the existing 1-car garage along 13th Street. Staff has no objection in concept with the proposed additions, staff would however, recommends that the new garage addition be further refined in manner more consistent with the original design. This could include wider areas of masonry on the sides of the addition and a slight reduction in height of the garage doors. In order to implement the additional masonry staff would have no objection to a minimal extension of the garage further to the west.

Additionally, the applicant is proposing modifications to several of the door and window openings. In comparing the original and proposed elevations, staff has identified a number of openings that differ in proportion to the original openings. As such, staff recommends that all window openings be proportionate to original window design. Regarding the front door and windows adjacent to the left, staff recommends that these elements be restored consistent with available historical documentation to the greatest extent possible. Finally, staff recommends that the applicant explore the reintroduction of the chimney.



Originally designed south elevation drawing, permit no. 8214



Proposed south elevation

Rear accessory structure

The applicant is proposing to construct a new 2-story addition containing guest quarters at the rear of the site. Staff is supportive of the contemporary design of the detached addition which is clearly a modern intervention and will not be mistaken as part of the original design. Additionally, staff believes the location of the new addition at the rear of the site is the most appropriate and will not overwhelm the existing Contributing home. In summary, staff is generally supportive of the proposed project and recommends approval.

VARIANCE ANALYSIS

The applicant is requesting the following variances:

1. A variance to exceed by 5.7% (434 sq. ft.) the maximum permitted lot coverage of 30% in order to provide a lot coverage of 35.7% (2,684 sq. ft.). Variance requested from:

Sec. 142-105. – Development regulations and area requirements.

(a) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

Maximum Lot Coverage for a 2-story Home (% of lot area): 30%

2. A variance to reduce by 10'-0" the minimum required side yard facing a street setback of 15'-0" in order to construct an attached addition at a setback of 5'-0" from the south side property line. Variance requested from:

Sec. 142-106. – Setback requirements for a single-family detached dwelling.

(a) 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,

(b) Side, facing a street.

(1) Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.

3. A variance to reduce by 2'-8" the minimum required interior side yard setback of 7'-6" in order to construct an attached addition at a setback of 4'-10" from the north side property line. Variance requested from:

Sec. 142-106. – Setback requirements for a single-family detached dwelling.

(a) 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,

(c) Interior sides.

(2) For lots 65 feet in width or less each interior side yard shall have a minimum of seven and one-half feet.

4. A variance to reduce by 2'-8" the minimum required sum of the side yards of 12'-6" in order to construct attached additions with a sum of side yards of 9'-10". Variance requested from:

Sec. 142-106. – Setback requirements for a single-family detached dwelling.

(a) 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.

5. A variance to exceed by 29.5% (332.75 sq. ft.) the maximum permitted accessory building lot coverage of 25% (281.25 sq. ft.) in order to provide a lot coverage of 54.5% (614 sq. ft.). Variance requested from:

Sec. 142-106. – Setback requirements for a single-family detached dwelling.

(b) Allowable encroachments within required yards.

(1) Accessory buildings. In all single-family districts, the following regulations shall apply to accessory buildings within a required rear yard:

(a) Lot coverage. Accessory buildings that are not a part of the main building, shall be included in the overall lot coverage calculations for the site, and may be constructed in a rear yard, provided such accessory building (or accessory buildings) does not occupy more than 25 percent of the area of the required rear yard. Areas enclosed by screen shall be included in the computation of area occupied in a required rear yard lot, but an open uncovered swimming pool shall not be included.

6. A variance to exceed by 10'-5" the minimum required side facing a street setback of 15'-0" in order construct the accessory building at a setback of 4'-7" from the south property line, to exceed by 5'-5" the minimum required side interior setback for an accessory building of 10'-0" in order construct the accessory building at a setback of 4'-7" from the north property line and to exceed by 11'-2" the minimum required rear setback of 15'-0" in order construct the accessory building at a setback of 3'-10" from the west property line. Variance requested from:

Sec. 142-106. – Setback requirements for a single-family detached dwelling.

(b) Allowable encroachments within required yards.

(1) Accessory buildings. In all single-family districts, the following regulations shall apply to accessory buildings within a required rear yard:

(d) Setbacks:

(2) Two-story. A two-story accessory building shall not be located closer than ten feet to an interior side lot line, or the required side yard setback, whichever is greater; 15 feet when facing a street; or 15 feet from the rear of the property.

7. A variance to reduce by 24.5% (276.5 sq. ft.) the minimum required rear yard open space area of 70% (787.5 sq. ft.) in order to provide a rear yard open space area of 45.5% (511 sq. ft.). Variance requested from:

Sec. 142-106. – Setback requirements for a single-family detached dwelling.

(a) 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:

(3) Rear. At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space.

8. A variance to exceed by 1.26' the maximum permitted height for a retaining wall located within the required front yard and required side yard facing a street of 5.74' NGVD in order to provide a retaining wall at a height of 7.00' NGVD within four feet of the property lines. Variance requested from:

Sec. 142-105. – Development regulations and area requirements.

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(8) Exterior building and lot standards. The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single-family residential districts:

(c) Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

(6) Retaining wall and yard slope requirements. Within the required front yard and within the required side yard facing a street the following shall apply:

(A) Within the first four feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.

Variances 1 through 7 are related to the construction of attached and detached additions to the Contributing home. Staff would note the retention of the existing single-family house, which has a larger front setback than required, reduces the available area for new construction on the site. Staff finds that the variances requested minimize the impact on the existing structure and will not have an adverse impact on the adjacent neighboring properties. However, staff recommends a minimum setback of 5'-0" for the sides of the accessory structure to align with the proposed garage addition on the south and to allow for additional landscaping adjacent to the property to the north. Finally, staff would note that if the existing residence were located outside of a local historic district, the retention of the existing home would allow for a lot coverage up to a maximum of 40% without any variance. Since the property is located within the Flamingo Park Local Historic District, the owner is not eligible for this incentive. Consequently, staff is extremely supportive of the variance requested to increase the allowable lot coverage from 30% to 35.7%.

Variance 8 is related to the elevation of the home and yard. The applicant is proposing to raise the home approximately 3'-2" above its currently elevation. Correspondingly, the elevation of the yard is also proposed be raised. The relationship of the house to the site is critical to the understanding of this historic property and should be maintained. As such staff finds this unique condition justifies the requested variance.

RECOMMENDATION

In view of the foregoing analysis, staff the request for a Certificate of Appropriateness and variances be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness and practical difficulty and hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 8, 2022

PROPERTY/FOLIO: 1300 Lenox Avenue / 02-4203-009-8860

FILE NO: HPB21-0482

IN RE: An application has been filed by Or Gorsky requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing single-family home, including the construction of attached and detached additions and variances from the required setbacks, open space, lot coverage and retaining wall regulations.

LEGAL: Lot 8, Block 103, of the Ocean Beach Addition No. 3 subdivision, 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) 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 consistent with Certificate of Appropriateness Criteria 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' 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 existing single family home shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
 - i. All windows shall be impact resistant casement or fixed in type and shall incorporate a muntin configuration consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The frame shall be clear anodized aluminum and the glass shall be clear with the minimum tint required by energy codes.
 - ii. The applicant shall further refine the design of the windows so that they are proportionate to original window openings, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - iii. The front door opening and the adjacent window to the left shall be reintroduced in a manner consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - iv. The design of the new 2-car garage shall be further refined in manner more consistent with the original design, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - v. The applicant shall explore the reintroduction of the chimney structure, 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. 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.
 - c. 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. All hedge and ground cover plantings within the street facing yards shall not exceed 36" in height at maturity.
- b. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
- c. 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.
- d. The project design shall minimize the potential for a project causing a heat island effect on site.
- e. Cool pavement materials or porous pavement materials shall be utilized.

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

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:
 1. A variance to exceed by 5.7% (434 sq. ft.) the maximum permitted lot coverage of 30% in order to provide a lot coverage of 35.7% (2,684 sq. ft.).
 2. A variance to reduce by 10'-0" the minimum required side yard facing a street setback of 15'-0" in order to construct an attached addition at a setback of 5'-0" from the south side property line.
 3. A variance to reduce by 2'-8" the minimum required interior side yard setback of 7'-6" in order to construct an attached addition at a setback of 4'-10" from the north side property line.
 4. A variance to reduce by 2'-8" the minimum required sum of the side yards of 12'-6" in order to construct attached additions with a sum of side yards of 9'-10".
 5. A variance to exceed by 29.5% (332.75 sq. ft.) the maximum permitted accessory building lot coverage of 25% (281.25 sq. ft.) in order to provide a lot coverage of 54.5% (614 sq. ft.).

6. A variance to exceed by ~~40'-5"~~ 10'-0" the minimum required side facing a street setback of 15'-0" in order construct the accessory building at a setback of ~~4'-7"~~ 5'-0" from the south property line, to exceed by ~~5'-5"~~ 5'-0" the minimum required side interior setback for an accessory building of 10'-0" in order construct the accessory building at a setback of ~~4'-7"~~ 5'-0" from the north property line and to exceed by 11'-2" the minimum required rear setback of 15'-0" in order construct the accessory building at a setback of 3'-10" from the west property line.
 7. A variance to reduce by 24.5% (276.5 sq. ft.) the minimum required rear yard open space area of 70% (787.5 sq. ft.) in order to provide a rear yard open space area of 45.5% (511 sq. ft.).
 8. A variance to exceed by 1.26' the maximum permitted height for a retaining wall located within the required front yard and required side yard facing a street of 5.74' NGVD in order to provide a retaining wall at a height of 7.00' NGVD within four feet of the property lines.
- 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 variances as modified herein, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. 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 issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- 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. 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.

- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.
- L. 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 "**1300 Lenox**", **as prepared by Domaine Public Architects, dated January 18, 2022**, 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
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
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, Historic Preservation & Architecture Officer, 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: _____

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HPB21-0482
Meeting Date: March 8, 2022

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()

DRAFT