

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 8, 2022

PROPERTY/FOLIO: 550 Washington Avenue / 02-4203-009-1900

FILE NO: HPB20-0440

IN RE: An application by Big Time Productions, Inc. for a Certificate of Appropriateness for the partial demolition and renovation of the existing building including the construction of attached additions and modifications to original public interior spaces and a variance to exceed the maximum permitted building height.

LEGAL: ALL OF LOT 2, BLOCK 48, OF OCEAN BEACH, FLORIDA, ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 87, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID LOT 2; THENCE RUN SOUTHWESTERLY ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 31.22 FEET MORE OR LESS TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH FACE OF A C.B.S. BUILDING; THENCE RUN WESTWARDLY ALONG THE NORTH FACE OF SAID C.B.S. BUILDING AND ITS WESTERLY EXTENSION, A DISTANCE OF 21.75 FEET, MORE OR LESS TO A BREAK IN SAID C.B.S. BUILDING; THENCE RUN SOUTH ALONG A FACE OF SAID C.B.S. BUILDING A DISTANCE OF 0.2 FEET, MORE OR LESS TO THE FACE OF A NORTH WALL OF SAID C.B.S. BUILDING; THENCE RUN WESTWARDLY ALONG THE FACE OF THE NORTH WALL OF SAID C.B.S. BUILDING, A DISTANCE OF 86.75 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWARDLY ALONG AN EAST FACE OF SAID C.B.S. BUILDING AND ITS NORTHERLY EXTENSION A DISTANCE OF 23.68 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 2, FOR A DISTANCE OF 5.0 FEET TO A POINT; THENCE RUN NORTHWARDLY ALONG A LINE PARALLEL TO THE NORTHERLY EXTENSION OF SAID EAST FACE OF SAID C.B.S. BUILDING FOR A DISTANCE OF 7.0 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE RUN EASTWARDLY ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 119.66 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

AND

THE WEST 735 FEET OF LOT 3 AND THE EAST 9.0 FEET OF THE WEST 744.0 FEET OF THE NORTH 8.0 FEET OF LOT 3, BLOCK 48, OF OCEAN BEACH, FLORIDA, ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 81, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



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S U P P L E M E N T A L O R D E R

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 Ocean Beach 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 is not consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1)-(3), and Section 118-564(f)(4) of the Miami Beach Code, as determined by the Historic Preservation Board.

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):

The following variance was **denied** by the Board:

1. A variance to exceed by up to 57.4 sq. ft. the maximum sign area allowed of 15.1 sq. ft. for wall signs in order to install two (2) signs facing Washington Avenue with a total aggregate area of 72.5 sq. ft..
1. The applicant has submitted plans and documents with the application that the Board has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, 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, the Board has concluded that the plans and documents submitted with the application **DO NOT** comply with the following hardship criteria as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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;



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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.

2. The Board hereby **Denies** the requested variance.

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. A copy of all pages of the recorded Supplemental 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.
- B. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- D. The previous Final Order dated September 8, 2020 (HPB20-0380 shall remain in full force and effect except to the extent modified herein.



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- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- I. 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 recommendation, that the application is **DENIED** with prejudice as it relates specifically to the request to modify the signage located on the vertical fin element on the Washington Avenue façade, and without prejudice as to any other future application for the subject property.

Dated this 11 day of March, 2022

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 
DEBORAH TACKETT
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
FOR THE CHAIR

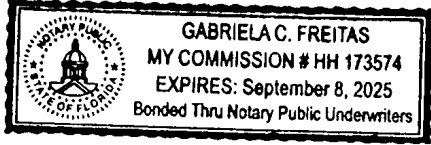
STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 11th day of



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March 2022 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.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: sept. 8, 2025

Approved As To Form:
City Attorney's Office: Nick Kelley

3/11/22
DocuSigned by:
Jessica Gonzalez

Filed with the Clerk of the Historic Preservation Board on 3/11/2022 | 2:57 PM EST
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