

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: April 22, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB24-0632, **1730 Jefferson Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of the existing home and accessory buildings including the construction of attached additions and variances from the required setbacks, lot coverage, unit size and open space requirements.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

Approval of variances 1-7 with conditions.

Denial of variances 8 & 9.

EXISTING STRUCTURES

Local Historic District: Palm View

Main home

Classification: Contributing
Construction Date: 1938
Architect: Alexander Lewis

Rear accessory building

Classification: Non-Contributing
Construction Date: 1994

ZONING / SITE DATA

Folio: 02-3234-004-0470

Legal Description: Lot 4, Block 20, of the Palm View Subdivision, according to the plat thereof, as recorded in Plat Book 6, Page 29, 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: 7,500 sq. ft. (30% Max Lot Coverage, 50% Max Unit Size)
Existing Lot Coverage: 1,942 sq. ft. / 25.8%

Proposed Lot Coverage: **2,625 sq. ft. / 35.0%**
Existing Unit Size: 2,997 sq. ft. / 39.9%
Proposed Unit Size: **3,970 sq. ft. / 52.9%**

Existing Height (rear): ~10'-6" measured from finished floor elev. (5.75' NGVD)
Proposed Height (rear): ~19'-0" measured from B.F.E. plus 1' freeboard per Section 7.2.2.3(b)(12)(B)(2) (9.00' NGVD)

THE PROJECT

The applicant has submitted plans entitled "Hill & Gamboa Family Residence", as prepared by DGO Architecture, dated February 2, 2025.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be inconsistent with the Land Development Regulations, in addition to the variances requested herein.

1. Section **7.2.2.3(b)(12)**: The walkway along the south side of the pool deck shall be separated from the pool deck.

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

VARIANCE CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts with respect to variances 1-7 and **do not satisfy Article 1, Section 2 of the Related Special Acts with respect to variances 8-9**, 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 with respect to variances 1-7 and **do not indicate the following with respect to variances 8-9**, as they relate to the requirements of Section 2.8.3(a) of the Land Development Regulations:

1. 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;
2. The special conditions and circumstances do not result from the action of the applicant;
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
7. 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; and
8. 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 7, article I, as applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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:

- A. A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- E. 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.
- F. 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

- G. 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 shall be provided at the time of building permit review.

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

Satisfied

It would not be reasonably feasible to raise the finish floor elevation to base flood plus freeboard.

- I. 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 in General Ordinances.

Satisfied

Additional information shall be provided at the time of building permit review.

- J. In all new projects, water retention systems shall be provided.

Satisfied

Additional information shall be provided at the time of building permit review.

- K. Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

Additional information shall be provided at the time of building permit review.

- L. 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 2.13.7(d)(ii)(1) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

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

Not Satisfied

Standard 2: The applicant is proposing modifications to the primary façade of the home that are inconsistent with the original design.

- b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.
Not Applicable
 - c. 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 historic preservation board shall consider the following criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations (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 applicant is proposing modifications to the primary façade of the home that are inappropriate and inconsistent with the original design.
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of subsections 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
The applicant is proposing modifications to the primary façade of the home that are inappropriate and inconsistent with the original design.
- III. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(3) of the Land Development Regulations 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 the Variance Analysis section of this report.
- 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 2.13.1(c).
Not Satisfied
The applicant is proposing modifications to the primary façade of the home that are inappropriate and inconsistent with the original design.
- d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance 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.
Not Applicable
- 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

- p. In addition to the foregoing criteria, the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
- q. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 2.13.7(d)(vi)(4) of the Land Development Regulations 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 part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 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 primary structure is designated as Contributing within the Palm View 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 or expense.
Satisfied
The existing primary 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 county, 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 primary structure is a distinctive example of the Art Deco style of architecture 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 chapter 1 of these land development regulations or is an architecturally significant feature of a public area of the interior of a historic or contributing building.
Satisfied
The existing primary structure is classified as a Contributing building 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 primary structure 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, or the design review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use, then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.

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

Total demolition of a contributing building is not proposed.

- h. The county unsafe structures board has ordered the demolition of a structure without option.

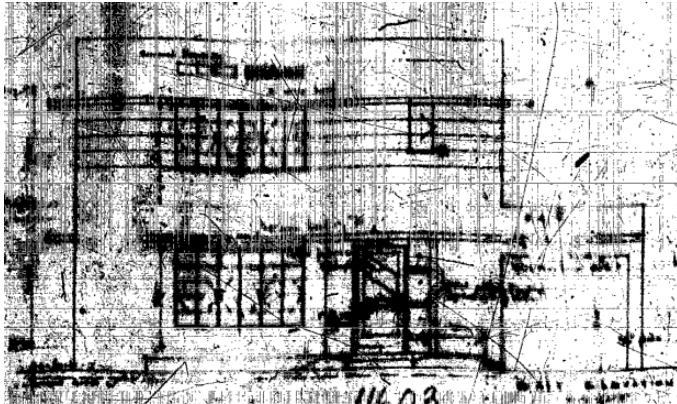
Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

ANALYSIS

The subject single-family home was constructed in 1938 and designed by architect Alexander Lewis in the Art Deco style of architecture. The applicant is requesting approval for the construction of an attached 1-story addition to the existing home and the construction of a 1-story rooftop addition to the existing rear accessory building and related variances as part of the renovation of the existing home.

Staff has no objection to the proposed additions which will not be visible from Jefferson Avenue and will not have any adverse impact on the surrounding historic district. Staff has only one concern relative to the proposed modifications to the primary façade of the main home. Staff would note that the primary façade appears to be relatively intact with little modification except for window and door replacement. The applicant is proposing several alterations including the elimination of the horizontal racing stripes at the second level, modifications to the projecting eyebrows, and the introduction of a new overhang at the second level wrapping around the corner to the north elevation. Staff strongly recommends that the primary façade be retained and restored consistent with available historic documentation.



Microfilm east elevation, permit #11603



Current photograph



Proposed rendering

In summary, staff is highly supportive of the proposed design of the project, which includes the retention and renovation of the Contributing single-family home.

VARIANCE ANALYSIS

The applicant is requesting the following variances:

1. A variance to exceed by 5.0% (375 sq. ft.) the maximum permitted lot coverage of 30% (2,250 sq. ft.) in order to provide a lot coverage of 35.0% (2,625 sq. ft.). Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

(1) The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

DEVELOPMENT REGULATIONS TABLE (RS)

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

2. A variance to exceed by 2.9% (220 sq. ft.) the maximum permitted unit size of 30% (3,750 sq. ft.) in order to provide a unit size of 52.9% (3,970 sq. ft.). Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

(1) The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

DEVELOPMENT REGULATIONS TABLE (RS)

Maximum Unit Size (% of Lot Area): 50%

3. A variance to reduce by 2.67' (approximately 2'-8") the minimum required side interior setback of 7'-6" in order to construct an attached 1-story addition, an attached covered terrace and deck at a setback of 4.83' (approximately 4'-10") from the north property line. Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

(1) The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

DEVELOPMENT REGULATIONS TABLE (RS)

Side, Interior Setback: 7.5 feet

4. A variance to reduce by 2.65' (approximately 2'-8") the minimum required side interior setback of 7'-6" in order to construct an attached covered terrace and deck at a setback of 4.85' (approximately 4'-10") from the south property line. Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

(1) The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

DEVELOPMENT REGULATIONS TABLE (RS)

Side, Interior Setback: 7.5 feet

5. A variance to reduce by 2.97' (approximately 2'-11 5/8") the minimum required side interior setback of 10'-0" for a 2-story accessory building in order to construct a 1-story rooftop addition at a setback of 7.03' from the north property line. Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

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

(B) ACCESSORY BUILDING STANDARDS TABLE (RS)

Side, Interior Setback; 2 Story Structures: 10 feet

6. A variance to reduce by 3.66' (approximately 3'-8") the minimum required rear setback of 15'-0" for a 2-story accessory building in order to a 1-story rooftop addition at a setback of 11.34' (approximately 11'-4") from the west property line. Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

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

(B) ACCESSORY BUILDING STANDARDS TABLE (RS)

Rear Setback; 2 Story Structures: 15 feet

7. A variance to reduce by 5.16' (approximately 5'-2") the minimum required side interior setback of 10'-0" for a 2-story accessory building in order to construct stairs and a 1-story rooftop addition at a setback of 4.83' (approximately 4'-10") from the south property line. Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

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

(B) ACCESSORY BUILDING STANDARDS TABLE (RS)

Side, Interior Setback; 2 Story Structures: 10 feet

8. A variance to reduce by 8.7% (97.5 sq. ft.) the minimum required rear yard open space of 70% (787.5 sq. ft.) in order to provide a rear yard open space of 61.3% (690 sq. ft.). Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

(1) The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

DEVELOPMENT REGULATIONS TABLE (RS)

(7) At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50 percent of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

9. A variance to exceed by 36.3% (408.75 sq. ft.) the maximum lot coverage of an accessory building within the required rear yard of 25% (281.25 sq. ft.) in order to provide a lot

coverage of 61.3% (690 sq. ft.). Variance requested from:

Section 7.2.2.3 Development regulations (RS)

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

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

(B) ACCESSORY BUILDING STANDARDS TABLE (RS)

Maximum Lot Coverage (%): 25% of the area of the required rear yard

Variances 1 and 2 are related to the proposed lot coverage and unit size. The Land Development Regulations provide a maximum lot coverage of 30% and a maximum unit size of 50% of the lot area. 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% and a unit size of up to a maximum of 60% as incentives to retain the home. Since the property is located within the Palm View Local Historic District, the owner is not eligible for these incentives. Considering the minimal requests for additional lot coverage (3.3%) and unit size (2.0%), and the practical difficulties associated with this renovation project, staff is supportive of variances 1 and 2, as requested.

Variances 3 & 4 are related to the construction of attached additions to the existing contributing home within both required side yard setbacks. The existing setback on the north side is 4.83' and the applicant is proposing to extend this non-conforming setback in order to construct a small addition, covered terrace and pool deck. Along the south side, the existing home setback is 4.85' and the applicant is proposing to extend this non-conforming setback in order to construct a covered terrace and pool deck. The single-family development regulations provide for the linear extension of the existing home for a 1-story addition provided the existing side setback is at least 5.0'. The existing setbacks are however, less than 5.0' and must comply with the required 7.5' side yard setbacks. Finally, staff would note that existing home was constructed slightly askew and is not parallel to the side property lines. Considering the practical difficulties associated with the location of the existing home, staff is supportive of variances 3 and 4, as requested.

Variances 5, 6 & 7 are related to the construction of a 1-story rooftop addition on the existing 1-story accessory building within the required rear yard. A 1-story accessory building located within a required rear yard has minimum setbacks of 7.5' on the interior sides and rear. However, a 2-story accessory building has greater required setbacks (a minimum of 10.0' on the interior sides and 15.0' on the rear). The existing building has setbacks of 7.03' (non-conforming) on the north side, 7.97' on the south side and 11.34' on the rear. Since all of the existing setbacks do not meet the minimum requirements for a 2-story structure, the applicant is requesting variances to construct the rooftop addition following the existing setbacks. Further, along the south side of the accessory building, the applicant is proposing to construct a new open stair that accesses the second level, increasing the south side setback variance request.

Staff is supportive of variances 5 and 6, as requested, due to the practical difficulties associated with the retention of the existing accessory building, and the existing non-conforming setbacks. As it pertains to variance 7, staff would support a modified request to allow for the construction of the rooftop addition, without the stair along the south side of the accessory building. Staff believes that the proposed stair could be easily relocated to the east side of the building within the existing setback and is not supportive of the increase of the non-conforming south side setback.

Variances 8 & 9 are related to the location of the existing accessory building within the required rear yard, which permits a maximum lot coverage of 25% for a building and a minimum of 70% landscaped open space. The existing building is non-conforming with respect to both requirements. The introduction of the stair along the south side of the building results in the increase of the existing non-conformities. However, if the stair was relocated to the east side of the building, the existing non-conformances could remain, and these two variance requests would not be required. As such, with respect to variances 8 & 9, staff finds that there are no practical difficulties, as the proposed stair along the south side of the accessory building could easily be relocated to the east side of the building consistent with the existing setbacks.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the request for a Certificate of Appropriateness and variances 1-6 be **approved**, variance 7 be **approved with modifications** and variances 8 & 9 **be denied**, 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: April 22, 2025

PROPERTY/FOLIO: 1730 Jefferson Avenue / 02-3234-004-0470

FILE NO: HPB24-0632

APPLICANTS: Thomas Hill & Ricardo Gamboa

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of the existing home and accessory buildings including the construction of attached additions and variances from the required setbacks, lot coverage, unit size and open space requirements.

LEGAL: Lot 4, Block 20, of the Palm View Subdivision, according to the plat thereof, as recorded in Plat Book 6, Page 29, 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 Palm View Park Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in section 7.1.2.4(a)(1) of the Land Development Regulations.
 - 2. Is not consistent with Certificate of Appropriateness Criteria 'a' in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'a' & 'h' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'c' in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
 - 5. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(vi)(4) of the Land Development Regulations.

C. The project would be consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations 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 primary (east) façade of the home shall be restored to the greatest extent possible, 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.
 - b. Final details of all exterior surface finishes and materials 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. 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.
 - b. The project design shall minimize the potential for a project causing a heat island effect on site.
 - c. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, 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 magistrate appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variances which were either approved, approved with modifications or denied by the Board:

The following variances were approved by the Board:

1. A variance to exceed by 5.0% (375 sq. ft.) the maximum permitted lot coverage of 30% (2,250 sq. ft.) in order to provide a lot coverage of 35.0% (2,625 sq. ft.).
2. A variance to exceed by 2.9% (220 sq. ft.) the maximum permitted unit size of 30% (3,750 sq. ft.) in order to provide a unit size of 52.9% (3,970 sq. ft.).
3. A variance to reduce by 2.67' (approximately 2'-8") the minimum required side interior setback of 7'-6" in order to construct an attached 1-story addition at a setback of 4.83' (approximately 4'-10") from the north property line.
4. A variance to reduce by 2.65' (approximately 2'-8") the minimum required side interior setback of 7'-6" in order to construct an attached covered terrace and deck at a setback of 4.85' (approximately 4'-10") from the south property line.
5. A variance to reduce by 2.97' (approximately 2'-11 5/8") the minimum required side interior setback of 10'-0" for a 2-story accessory building in order to construct a 1-story rooftop addition at a setback of 7.03' from the north property line.
6. A variance to reduce by 3.66' (approximately 3'-8") the minimum required rear setback of 15'-0" for a 2-story accessory building in order to a 1-story rooftop addition at a setback of 11.34' (approximately 11'-4") from the west property line.

The following variances were approved with modifications by the Board:

7. A variance to reduce by ~~5.46'~~ 2.03' (approximately ~~5'-2" 2'-0 3/8"~~) the minimum required side interior setback of 10'-0" for a 2-story accessory building in order to construct ~~stairs~~ and a 1-story rooftop addition at a setback of ~~4.83'~~ 7.97' (approximately ~~4'-10" 7'-11 5/8"~~) from the south property line.

The following variances were denied by the Board:

8. A variance to reduce by 8.7% (97.5 sq. ft.) the minimum required rear yard open space of 70% (787.5 sq. ft.) in order to provide a rear yard open space of 61.3% (690 sq. ft.).
 9. A variance to exceed by 36.3% (408.75 sq. ft.) the maximum lot coverage of an accessory building within the required rear yard of 25% (281.25 sq. ft.) in order to provide a lot coverage of 61.3% (690 sq. ft.).
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts with respect to variances 1-7, 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 2.8.3(a) of the Land Development Regulations:

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 these land development regulations to other lands, buildings, or structures in the same zoning district.

That literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations 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 these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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 7, article I, as applicable.

C. The Board finds that the application satisfies Article 1, Section 2 of the Related Special Acts and the requirements of section 2.8.3(a) of the Land Development Regulations, and hereby **approves** variances 1-7 and **denies** variances 8 & 9; and imposes the following conditions based on its authority in section 2.8.4 of the Land Development Regulations:

1. The walkway along the south side of the pool deck shall be separated from the pool deck, in a manner to be reviewed and approved by staff.
2. The stair proposed to be located within the south setback of the rear accessory building shall not be approved.
3. 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. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.2.12 of the land development regulations, as applicable.
- 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. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the main building setbacks with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.

- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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.
- M. 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 **"Hill & Gamboa Family Residence", as prepared by DGO Architecture, dated February 2, 2025**, 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 section 2.13.7 of the Land Development Regulations; 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 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development

