

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 18, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



For TRM

SUBJECT: **HPB25-0670, 1835 Michigan Ave – Single Family Home**

An application has been filed requesting a variance from the minimum seawall height requirements in order to repair the existing seawall along the property, which contains an existing 2-story home.

STAFF RECOMMENDATION

Denial of the variance.

EXISTING SITE

Local Historic District: Palm View

BACKGROUND

On May 6, 2023, the subject property was issued a violation (US2023-04466) for a deteriorated seawall. The property owner appealed the violation and on August 18, 2025, the Special Magistrate granted additional time to comply and correct the violation.

On October 7, 2025 the property was issued a separate violation (CC2025-21363) pursuant to Sections 54-62, 54-63, and 54-64 of the City Code for failing to comply with the coastal infrastructure maintenance requirements within tidally-influence areas and failing to maintain a flood mitigation infrastructure (seawall) to prevent tidal waters from flowing overland and leaving the property.

ZONING / SITE DATA

| | |
|------------------------------|--|
| Legal Description: | Lot 7, Block 9 of 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, Residential Single Family |
| Lot Size: | 14,960 SF |
| Existing Use/Condition: | Single Family Home, originally constructed in 1931 in the Med-Revival style and designed by J & C Skinner |

THE PROJECT

The applicant has submitted an engineering report for 1835 Michigan Avenue, prepared by Calc Engineering, dated 7/5/2024.

The applicant has indicated that a contractor has been retained to repair the seawall on the property. When the applicant applied for an after-the-fact permit, the permit was denied because the application did not include raising of the seawall to the minimum height specified in the City Code. The applicant has applied for a variance to address the violations pending before the Special Magistrate. If the variance is approved, a permit can be issued for a lower seawall height and if the variance is not approved, the permit will need to be revised to comply with the minimum height specified in the City Code.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE

The applicant is requesting the following variance:

1. A variance from the minimum seawall height requirement of 5.56' NGVD (4.0' NAVD), in order to repair an existing seawall with the lowest elevation located at 4.48' NGVD (2.92' NAVD). (A difference of 1.08 feet)

(Note that the applicant's letter of intent mistakenly indicates the elevation in NAVD and NOT NGVD, as indicated by the survey provided.)

- Variance requested from:

Sec. 54-62. Minimum elevations and materials for new or substantially rehabilitated coastal infrastructure within tidally-influence areas.

- (a) *All new seawalls or existing seawalls that require substantial repairs; shall have a minimum elevation of 5.7 feet NAVD88. **All existing seawalls that require repairs, but the repairs are considered less than substantial and existing seawalls that fall below an elevation that incurs flooding to adjacent property and/or public right-of-way shall have a minimum elevation of 4.0 feet NAVD88 if designed and constructed to accommodate a minimum elevation of 5.7 feet NAVD88.***
- (b) *To the extent practicable, seawalls shall be designed and constructed to adjoin immediately proximate seawalls to close gaps and prevent trespass of tidal surface water.*
- (c) *Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls with the incorporation of living shoreline features, the use of materials that encourage biodiversity, and the use of biological forms, where practicable.*
- (d) *This section shall not be construed to require the installation of a seawall where other flood protection measures and living shorelines serve as an equally effective tidal flood barrier.*

These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(1) 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.
Not Applicable
- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- 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.
Not Applicable
- 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.
Not Satisfied – The applicant has not taken into consideration the present flooding of the property and impact on 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.
Not Applicable
- H. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- 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.
Not Applicable
- J. In all new projects, water retention systems shall be provided.

Not Applicable

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

Not Applicable

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

Not Applicable

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a certificate of appropriateness shall be based upon the following:

1. 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):

All Criteria - Not Applicable

The Secretary of Interior's Guidelines for Rehabilitation are intended as an aid to assist in applying the Secretary of Interior's Standards but are not binding on their own and are not meant to give case-specific advice or to address exceptions of unusual conditions.

2. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations and stated below, with regard to the aesthetics, appearances, compatibility, 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):

All Criteria - Not Applicable

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:

All Criteria – Not Applicable

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

CONDITIONS FOR GRANTING VARIANCES FROM CHAPTER 54

Based on the plans and documents submitted with the application, staff has concluded that the project as submitted, **DOES NOT** comply with the following conditions for variances, as they relate to the requirements of Section 54-55, of the City's General Ordinances.

- (1) Variances shall only be issued when there is:

- (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this article.

CHAPTER 54 – FLOODS, VARIANCE PROCEDURES AND CONDITIONS

In reviewing variance applications, the Historic Preservation Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and the following:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
N/A
- (4) The importance of the services provided by the proposed facility to the community;
N/A
- (5) The necessity to the facility of a waterfront location, where applicable;
N/A
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
N/A
- (7) The compatibility of the proposed use with existing and anticipated development;
N/A
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
N/A
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
N/A

ANALYSIS

The subject property contains a 2-story residence constructed in 1931 and designed by J & C Skinner. The home was constructed with the first finished floor level located at 6.63' NGVD, and the seawall along the Collins Canal was constructed with at an elevation that currently varies from 4.48' – 4.77' NGVD. The lowest elevation of the property is near the driveway entrance from Michigan Avenue, with an elevation of 2.77' NGVD.

The applicant is requesting the following variance:

1. A variance from the minimum seawall height requirement of 5.56' NGVD (4.0' NAVD), in order to repair an existing seawall with the lowest elevation located at 4.48' NGVD (2.92' NAVD). (A difference of 1.08 feet)
 - Variance requested from:

Sec. 54-62. Minimum elevations and materials for new or substantially rehabilitated coastal infrastructure within tidally-influence areas.

- (a) *All new seawalls or existing seawalls that require substantial repairs; shall have a minimum elevation of 5.7 feet NAVD88. **All existing seawalls that require repairs, but the repairs are considered less than substantial and existing seawalls that fall below an elevation that incurs flooding to adjacent property and/or public right-of-way shall have a minimum elevation of 4.0 feet NAVD88 if designed and constructed to accommodate a minimum elevation of 5.7 feet NAVD88.***
- (b) *To the extent practicable, seawalls shall be designed and constructed to adjoin immediately proximate seawalls to close gaps and prevent trespass of tidal surface water.*
- (c) *Property owners are encouraged to consider approaches and materials that enhance the biological value of traditional (flat surface) seawalls with the incorporation of living shoreline features, the use of materials that encourage biodiversity, and the use of biological forms, where practicable.*
- (d) *This section shall not be construed to require the installation of a seawall where other flood protection measures and living shorelines serve as an equally effective tidal flood barrier.*

For the repair of an existing seawall that is considered non-substantial, the minimum elevation required is 5.56' NGVD with the structure designed to accommodate a future raising to a minimum elevation of 7.26' NGVD.

Subsequent to the submittal of this variance application was submitted, an additional citation was issued for failing to maintain a flood mitigation infrastructure (seawall) to prevent tidal waters from flowing overland and leaving the property. The photos below are from the code case file, showing the flooding that occurred, along with sandbags along a neighboring property.



In light of the flood waters entering into and through the applicant's property, and impacts on the public and neighboring properties, staff does not believe that the standards for the granting of a variance in this case have been satisfied and recommends that the application be denied. Should the variance be denied, the applicant will, at a minimum, be required to repair the seawall with an increase in height by a little over one (1) foot. If the repairs are considered substantial, as determined by the Building and Public Works Departments, the minimum required height for the seawall would be 7.26 feet, which is an increase of 2.78 feet.

RECOMMENDATION

In view of the foregoing analysis, and the inconsistencies with the aforementioned review criteria, staff recommends that the variance request be **denied**.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: November 18, 2025

PROPERTY/FOLIO: 1835 Michigan Ave / 02-3234-004-0070

FILE NO: HPB25-0670

IN RE: An application for a variance from the minimum seawall height requirements in order to repair the existing seawall along the property, which contains an existing 2-story home.

LEGAL: Lot 7, Block 9 of 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, serving in its capacity as the Floodplain Management 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. Certificate of Appropriateness was not requested as part of this application.

II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance, which was denied by the Board:

1. A variance from the minimum seawall height requirement of 5.56' NGVD (4.0' NAVD), in order to repair an existing seawall with the lowest elevation located at 4.48' NGVD (2.92' NAVD).

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the Planning Department Staff Report, the Board in its capacity as the Floodplain Management Board, has concluded that the project as submitted, **DOES NOT** comply with the following conditions for variances, as they relate to the requirements of Section 54-55, of the City's General Ordinances.

(1) Variances shall only be issued when there is:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance,

cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this article.

C. The Board hereby **DENIES** the requested variance based on its authority outlined in Section 54-52, of the city's General Ordinances.

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.

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** for the above-referenced project.

Dated _____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael A. Belush, AICP
Planning & Design Officer
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael A. Belush, Planning & Design Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

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HPB25-0670
Meeting Date: November 18, 2025

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

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