

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: November 10, 2015

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: HPB File No. 7577. **421 Meridian Avenue**

The applicant, Miami Beach Bicycle Center, Inc., is requesting a variance to exceed the maximum allowable size for a flat wall sign.

### STAFF RECOMMENDATION

Approval of the variance with conditions.

### EXISTING STRUCTURE:

Local Historic District:	Ocean Beach
Classification:	Non-Contributing
Date of Construction:	2011
Original Architect:	HVC Architects

### ZONING / SITE DATA

Legal Description:	Lot 9 and 10, Block 56, (Meridian Condo), of Ocean Beach Addition Number Three, according to plat recorded in plat book 2 page 81 of the public records of Miami-Dade County, Florida.
--------------------	--

Zoning:	C-PS2 (Commercial Performance Standard, General Mixed Use)
---------	--

Future Zoning:	C-PS2 (Commercial Performance Standard, General Mixed Use)
----------------	--

Existing Use/Condition:	Residential and Commercial/ Mixed use
-------------------------	---------------------------------------

### THE PROJECT

The applicant has submitted plans entitled "Miami Beach Bicycle Center" as prepared by Navarro Electrical Services, Inc., dated September 21, 2015.

**The applicant is requesting variances to exceed the maximum area for a flat wall sign.**

The applicant is requesting the following variance(s):

1. A variance to exceed by 58.66 s.f. the maximum permitted area of 30 s.f. for a flat wall sign in order to permit a flat wall sign with a total of 88.66 s.f. facing 5<sup>th</sup> Street.

- Variance requested from:

**Section 138-172. Schedule of sign regulations for principal and accessory use signs.**  
**Zoning District, C-PS2 – Flat: 20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage over 25 feet up to a maximum of 30 square feet.**

The proposed flat wall sign is 38'-0" wide and 2'-4" high, consisting of the name of the future tenant, "Miami Beach Bicycle Center", and logo. The sign is proposed to be constructed of painted aluminum, reverse channel letters with aluminum returns.

### **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.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, with the exception of the variance(s) requested herein, appears to be consistent with the City Code.

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

### **VARIANCE ANALYSIS**

The subject site contains a 5-story building, with ground floor commercial space fronting on 5<sup>th</sup> Street and residential units on the upper floors. The applicant will occupy the entire ground level commercial space, with 130 linear feet of frontage.

As noted in the Project section of this report, Section 138-172 of the City Code allows for a commercial space with 130 feet of linear frontage to have a flat wall sign with a maximum area of 30 square feet. Although exceeding the maximum permitted area, staff would note that the proposed sign is constant with the scale and proportions of the building. Given the unique circumstances of the block long frontage for a single tenant located on 5<sup>th</sup> Street; a wide thoroughfare with heavy vehicular traffic, staff has no objection to the requested variance. This constitutes a practical difficulty. Further, staff does not believe that the proposed sign will have any adverse impact to the streetscape, pedestrian experience or surrounding historic district.

In summary, staff recommends approval of the variance requested, as detailed in the variance description.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order as applicable.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: November 10, 2015

FILE NO: 7577

PROPERTY: 421 Meridian Avenue

APPLICANT: Miami Beach Bicycle Center, Inc.

LEGAL: Lot 9 and 10, Block 56, (Meridian Condo), of Ocean Beach Addition Number Three, according to plat recorded in plat book 2 page 81 of the public records of Miami-Dade County, Florida.

IN RE: The applicant, Miami Beach Bicycle Center, Inc., is requesting a variance to exceed the maximum allowable size for a flat wall sign.

**ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness and/or for one or more variances.

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**

1. No Certificate of Appropriateness was filed as part of this application.

**II. Variance(s)**

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to exceed by 58.66 s.f. the maximum permitted area of 30 s.f. for a flat wall sign in order to permit a flat wall sign with a total of 88.66 s.f. facing 5th Street.

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 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.

C. The Board hereby grants the requested variance(s) and imposes the following condition 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.
2. The proposed sign and logo shall be reverse channel aluminum letters.
3. In the event that the existing retail space is subdivided to accommodate an additional tenant(s), the Historic Preservation Board (HPB) or the Planning Director shall retain jurisdiction to call the owners and/or operators back before the HPB, at the expense of the owners and/or operators, to review the changes and modify the size and/or location the sign, pursuant to applicable review criteria.

**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 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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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.

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 Certificate of Appropriateness and Variances are GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Miami Beach Bicycle Center" as prepared by Navarro Electrical Services, Inc., dated September 21, 2015

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 a Certificate of Appropriateness and Variances 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 Certificate of Appropriateness and Variances were granted, the Certificate of Appropriateness will expire and become null and void. 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 Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 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 Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
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, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC

Page 5 of 5  
HPB File No. 7577  
Meeting Date: November 10, 2015

Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

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

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (                    )

F:\PLAN\SHPB\15HPB\11-10-2015\Draft Orders\HPB 7577\_421 Meridian Ave.Nov15.FO.DRAFT.docx