

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: December 8, 2015

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB File No. 7423, **835 Alton Road.**

The applicant, DIT Global, Inc., is requesting a one (1) year Extension of Time for a previously approved Certificate of Appropriateness for the partial demolition and renovation of the existing 1 and 2-story apartment complex including the new courtyard plan, as part of a new restaurant development.

#### **STAFF RECOMMENDATION**

Approval of the Extension of Time with conditions

#### **BACKGROUND**

The application was approved by the Board on March 11, 2014 subject to conditions set forth in the Final Order. Since that time, the applicant has not yet obtained the required building permit for the reasons set forth in the submitted letter of request.

Original Approval date: April 8, 2014  
Order expiration date: October 8, 2015  
New expiration date: October 8, 2016

#### **PROJECT**

The applicant is proposing to adaptively reuse the existing residential structures on the site as part of a new commercial development including restaurant and retail uses including the following:

- Introduction of new dining terraces and accessible ramping systems at the front yard along Alton Road
- Modification of the existing window opening sizes and the introduction of new openings on the primary and secondary elevations of all three structures
- Reconfiguration of the courtyard to accommodate outdoor dining, including the introduction of new paving, fountain and trellis structures

### **ANALYSIS**

Since the original approval of the application, no changes to the Land Development Regulations of the Miami Beach Code have been recommended or approved which would preclude the construction of this project if it were proposed today. In light of the fact that the applicant has encountered delays in the permitting of the project, it is suggested that the request for an extension of time, to ensure that the permitting process consummates, would be appropriate.

### **RECOMMENDATION**

In view of the foregoing, staff recommends the request for an extension of time be **approved** for a period not to exceed one (1) year from the original approval, which expired on October 8, 2015, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

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

MEETING DATE: December 8, 2015

FILE NO: 7423

PROPERTY: 835 Alton Road

APPLICANT: DIT Global, Inc.

LEGAL: Lots 9 and 10 of Block 122 of the Lenox Manor Subdivision, according to the plat thereof, as recorded in Plat Book 7 at page 15 of the public records of Miami-Dade County, Florida.

IN RE: The applicant, DIT Global, Inc., is requesting a one (1) year Extension of Time for a previously approved Certificate of Appropriateness for the partial demolition and renovation of the existing 1 and 2-story apartment complex including the new courtyard plan, as part of a new restaurant development.

**ORDER**

The City of Miami Beach's Historic Preservation Board makes the following FINDING 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:

The applicant stated, among other things, that there were delays encountered in the permitting process. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Certificate of Appropriateness.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one year period shall run from the expiration date of the original approval, which is October 8, 2015) is GRANTED for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation, shell permit or phased building permit, for the project shall be obtained by October 8, 2016.

2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This extension of time shall run concurrent with any other extensions of time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
4. The subject site and existing site shall be maintained in good, clean, and secure conditions at all times.
5. 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.
6. 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.
7. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

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 and the Order for the April 8, 2014, approval have been met. The issuance of a Certificate of Appropriateness 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 and the Final Order for the April 8, 2014 meeting. If the Full Building Permit is not issued by October 8, 2016, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit 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.

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

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
FOR THE CHAIR

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HPB File No. 7423  
Meeting Date: December 8, 2015

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  
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 \_\_\_\_\_ (                    )

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