

*Appeal of the Denial of a
Special Certificate of
Appropriateness for
Demolition of 1258 Obispo*

October 25, 2025

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1. Due Process
 2. Essential Requirements
of Law
 3. Competent Substantial
Evidence.
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History of the Property

- May 2008 – Obispo Avenue Historic District contributing structure
- 2014– Special Certificate of Appropriateness for a large one-story addition
- November 2019– Special COA for addition and alteration approved
- July 2021 Request for revision to COA, deferred, did not return
- October 2021– Property owners purchased property
- December 2022–Request for demolition– Denied by HDP

COA (SP) 2024-027

- Application for special certificate of Appropriateness for demolition based on undue economic hardship, Section 8-106 and 8-115 of the Zoning Code.
- Hearing before the HPB September 18, 2025.
- Full presentation by Property Owner's attorneys and property owner.
- HPB denied issuance of COA.

Essential Requirements of Law

- Section 8-107 of the City's Zoning Code.
- "An exceptional financial burden that would amount to the taking of property without just compensation, or failure to achieve a feasible economic return in the case of income producing properties".
- Constitutional takings jurisprudence.
- Economic impact of the regulation, extent to which the regulation has interfered with distinct investment-backed expectations, character of the government action.

Essential Requirements of Law

- 8-107 (D) :
 - Degree to which contributes to the district
 - Last remaining example of its kind
 - Loss would adversely affect the integrity of the district
 - Retention would promote the general welfare of the City
 - Plans presented for reuse if demolished
 - Imminent threat to public health or safety
 - Retention would create an unreasonable or undue economic hardship
 - Compelling public interest requiring demolition

Essential Requirements of Law/ Substantial Competent Evidence

- Section 8-115: Undue Economic Hardship
 - Amount paid for property
 - Assessed value of land and improvements
 - Real Estate Taxes
 - Annual Debt Service (Not provided)
 - All appraisals within the previous two years (Not provided)
 - Listings of property for sale (Not of current condition)
 - Consideration of profitable adaptive uses (Not provided)
 - Appraisals within 6 months

HPB Finding

- "Rejection of claim of undue economic hardship because it's not been established that the owner has been denied all reasonable beneficial use or return on the property and adopting staff's findings".
- "Deny the issuance of the special certificate of appropriateness for demolition ".