



**City of Coral Gables
CITY COMMISSION MEETING
August 24, 2010**

ITEM TITLE:

Case File LHD 2003-18 REVISED

Lowell J. Kuvin, applicant, has filed an appeal to the Coral Gables City Commission from a decision of the Historic Preservation Board at its regular meeting of May 20, 2010.

SUMMARY OF APPEAL:

The Historic Preservation Board at its regular hearing on May 20, 2010 made a motion to deny the designation of the historic designation of the property at 1044 Coral Way, legally described as Lot 1 and the west 32 feet of Lot 2, Block 11, Coral Gables Section "A", PB 5-102. (*Passed unanimously 8-0*). The applicant is appealing the decision of the Historic Preservation Board to deny the removal of local historic landmark status from the property.

BACKGROUND:

The following is a brief timeline of events that eventually resulted in the demolition of the historic structure at 1044 Coral Way.

The property was designated by the Historic Preservation Board as a Local Historic Landmark on April 15, 2004 (Resolution number HPB22-LHD2003-18). A Certificate of Appropriateness application was received for the construction of an addition, the rehabilitation of the historic residence, and the installation of at-grade improvements in July, 2004. A variance was requested at that time to exceed the maximum allowable floor area. Case File COA (SP) 2004-17 was reviewed by the Historic Preservation Board and on January 20, 2005 a motion to approve the design and the requested variances failed; however, the Board passed a motion to waive the one-year limitation related to the determination of the variances as specified in Section 24-10 of the "Zoning Code". The Owners did not resubmit plans to the Board.

At the beginning of May 2006, the home at 1044 Coral Way collapsed and was cited as an unsafe structure by City of Coral Gables Code Enforcement. The Historical Resources Department signed a permit for an emergency chain link fence for the perimeter of the property. A letter was then issued by the Building Official on May 10, 2006 deeming the structure unsafe. A request for a Certificate of Appropriateness [Case File COA (SP) 2006-13] for demolition was reviewed by the Historic Preservation Board on August 17, 2006. A motion was passed to approve the application with staff's recommendations pending receipt of more information: additional supporting architectural drawings, photographs, structural report and forensic report so that the Board can be more certain that what the Board are going to get with the new structure is what the Board is looking for and to be brought back next month at next meeting.

On October 19, 2006, the matter was continued and presented to the Historic Preservation Board. The Board passed a motion to allow the demolition of the property with the understanding that as much as possible be salvaged from the ruins, saved and secured to be used in the future home and allowed the demolition with the understanding that the original historic building would be re-created unless the Board agrees to a lesser solution when they see the specific plans with additions.

In December 2006, a special meeting of the Historic Preservation Board was held to revisit the application regarding the demolition of 1044 Coral Way. The meeting was held to determine whether the conditions imposed at the August 2006 meeting had been satisfied. After discussion about reviewing future plans and designs, the Board accepted that the requirements set forth in the August Board motion were met. In February 2007, the demolition of the structure was complete.

On June 21, 2007, the Historic Preservation Board reviewed Case File COA (SP) 2007-13, a Special

Certificate of Appropriateness for the construction of a new residence and the installation of at-grade improvements. The Board approved the design of the new residence with conditions and noted that the requested revisions could be brought to the Historical Resources Department staff for administrative approval. On August 2, 2007, staff issued a letter granting administrative approval of the requested revisions.

At the same June 21, 2007 meeting the Historic Board also denied a request from the owner to remove the local historic landmark designation of the property.

On December 20, 2007, the Historic Preservation Board revisited Case File COA (SP) 2007-13 when it was discovered that a variance from the Coral Gables Zoning Code was needed to implement the previously approved design. The Board granted a variance to allow the proposed residence to exceed the maximum allowable square foot floor area. The Board also granted an extension for the expiration of the approved variance to be three years, rather than the usual two-year expiration date for variances.

On May 20, 2010, the Historic Preservation Board considered a request for the removal of the local historic designation of the property. The Board's responsibility was to determine whether the property meets the criteria for designation as a Local Historic Landmark in its current state, without the original structures. The Historic Preservation Board discussed the criteria for designation and determined that the property still had historical significance due to its associations with the Merrick family. The Board made a motion denying the de-designation of the property, and to allow the owners to come back to the Historic Preservation Board, knowing that the Board has to approve the design of the new house (one that is sympathetic to the historic character of the street) because that was the agreement previously made at the time of demolition, with latitude to change the size of the house from that which was previously approved.

ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Recommendation
04/15/2004	Historic Preservation Board	LHD 2003-18 – The Board made a motion to designate the property as a local historic landmark.
01/20/2005	Historic Preservation Board	COA (SP) 2004-17 - A motion to approve the design and related variances failed. The Board passed a second motion to waive the one-year limitation on variances.
08/17/2006	Historic Preservation Board	COA (SP) 2006-13 – The Board made a motion to approve demolition of the structure pending receipt of more information.
10/19/2006	Historic Preservation Board	COA (SP) 2006-13 – Continuation of the case. The Board made a motion to allow demolition with conditions regarding re-creation of the structure and salvaging materials.
12/1/2006	Historic Preservation Board	COA (SP) 2006-13 – Continuation of the case. The Board determined that the requirements from the August 2006 meeting were met and demolition could proceed.
06/21/2007	Historic Preservation Board	COA (SP) 2007-13 – The Board made a motion to approve design of new residence and at-grade improvements and allowing staff to administratively approve requested revisions.
06/21/2007	Historic Preservation Board	COA (SP) 2007-14 – The Board made a motion to deny the de-designation of the property as a local historic landmark.
12/20/2007	Historic Preservation Board	COA (SP) 2007-13 REVISED – The Board made a motion to approve a variance needed to implement the previously approved design.
05/20/2010	Historic Preservation Board	LHD 2003-18 REVISED – The Board made a motion to deny the de-designation of the property as a local historic landmark.

PUBLIC NOTIFICATION(S):

Date	
08/12/2010	Notice of Public Hearing mailed to 1,000 foot radius of property.
08/13/2010	Daily Business Review

APPROVED BY:

City Clerk	Department Director	City Manager

ATTACHMENTS:

1. Application for Appeal from Historic Preservation Board and supporting documents filed by Lowell J. Kuvin, Esquire on May 28, 2010.
2. Verbatim Transcript of May 20, 2010 minutes of Historic Preservation Board meeting.
3. May 20, 2010 minutes of Historic Preservation Board meeting.
4. Power Point Presentation from May 20, 2010 Historic Preservation Board meeting.
5. Historic Designation Report for 1044 Coral Way (LHD 2003-18 REVISED) dated May 20, 2010.
6. Letter to Historic Preservation Board from neighbors Paul Martin and Maria Abreu dated Feb. 16, 2010.
7. Letter to Historic Preservation Board from former Board member Joyce Meyers dated April 15, 2010.
8. Memo and attachments from Historic Preservation Officer to Historic Preservation Board dated April 9, 2010.
9. Letter and exhibits from Lowell J. Kuvin, Esquire to Historic Preservation Board dated April 8, 2010.
10. Supplemental material requested by Historic Preservation Board distributed at May 20, 2010 Historic Preservation Board meeting: five sets of excerpts of minutes from previous Historic Preservation Board meeting addressing 1044 Coral Way, Preservation Law Reporter “Assessing Economic Hardship Claims Under Historic Preservation Ordinances”, Preservation Law Reporter “Providing for Economic Hardship Relief in the Regulation of Historic Properties” by Julia H. Miller.