

Custom home projects face obstacles from historic preservation



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Lennar Corp. Chairman and CEO Stuart A. Miller bought a prime waterfront site on Miami Beach's Star Island to build his dream home, but there was one problem: The 1.35-acre lot had a home built in 1931 that was protected by the city's historic preservation laws.

Miller found a way around this sticky issue. The city approved his plan to relocate the historic house to the rear of the property and rotate it 180 degrees, making

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way for his 27,000-square-foot mega mansion. It's not clear how much extra this cost him, but Miller took out a \$40.5 million construction loan with Bank of America for his home project.

Few people can wield that kind of financial muscle for a custom home job. The issue of historic preservation can surface for all ranges of property types, from waterfront sites to quaint homes in historic working-class neighborhoods. Homebuyers who plan to demolish or significantly renovate a property should first check with an attorney or an architect to understand whether it has a historic designation, said attorney Wayne Pathman, head of the land use and zoning practice at Pathman Lewis LLP in Miami.

Architecture firm Choeff Levy Fischman helped the owner of 27 Star Island Drive – a company controlled by DenTek Oral Care CEO John Jansheski – win approval to build a mansion and relocate a small home from 1925 away from the water to serve as a guest house. Architect Raphael Levy said it wasn't feasible to renovate the historic home and bring it up to code. If it remained on the water's edge, it would probably be damaged by rising water in the coming decades, he said.

"We demolished all non-historic structures and saved what was historic," Levy said.

To move the house, the construction crew inserted

steel beams and severed it from its foundation. They placed it on a new foundation within the 40,000-square-foot lot.

Architect Paul Fischman worked with another client who wanted to remodel a historic home on a 10,000-square-foot lot in Miami Beach. A mix of Art Deco and Mediterranean styles, the home had significant architecture. Fischman obtained the original architectural drawings and incorporated those designs into the additions. The new impact-resistant front door is nearly identical to the original door, he said.

"It takes a big commitment from the owner to keep the style," Fischman said. "They had the ability to build a 5,000-square-foot house instead of settling for a 3,300-square-foot historic house. It was the character of the home that drew the clients."

It also became a costly endeavor once Fischman's client opened the walls and ceiling to begin renovations. They discovered cracked beams and weak wooden frames that needed to be repaired and brought up to code.

"It always ends up significantly more expensive to renovate it than to scrape it and build from the ground up," Fischman said.

That's why Fischman recommends ordering an especially thorough inspection before purchasing a historic home.

Each county and most municipalities in South Florida have their own rules and boards for historic preservation, and some are more stringent than others. Miami Beach is among the toughest. Pathman said most homes built before

1942 are considered historic and require historic board approval to demolish or renovate the facade. Even if a historic home can be replaced, the board will often require that the new home resemble the original architecture, or even use pieces of the historic structure, Pathman said.

Protecting a property from storm surge and hurricane damage is an effective way to make a case for significant changes, Pathman said. Older homes are often so low that they're vulnerable to storm surge and sea level rise, and their roofs and windows aren't built up to code for powerful winds.

"It does become difficult to hurricane-proof or raise a home," Pathman said. "There are solutions but they can be costly."

Historical boards will usually let developers demolish additions to structures that were built after the 1942 cutoff date, Pathman added.

Coral Gables and Miami also have tough historical preservation rules that require following original architectural guidelines, especially in the MiMo area on Biscayne Boulevard. In other cases, cities have resisted the county's attempt to historically designate properties, such as Bay Harbor Islands' conflicts with the Miami-Dade County Historic Preservation Board.

In Palm Beach County, cities such as Boca Raton, Delray Beach, West Palm Beach, Palm Beach and Jupiter are especially active with historic preservation. Lang Realty broker Dixie Scott said West Palm Beach has 13 historical districts where it's difficult to get permission to tear down a home. Otherwise, homes built in the 1950s or later are probably not protected, she said. In some cases, homeowners have received permission to build additions – as long as they maintain the original homes and match their design character, she said.

On wealthy Palm Beach, the town strongly discourages people from demolishing homes and building "McMansions," Scott said. Most of the choice locations on the island have older homes, so it takes a lot of legal worth to make changes, she said.

"It's important to maintain our history because we are getting so built over," Scott said.

Since Broward County was developed more recently than Miami-Dade and Palm Beach, it has fewer historical neighborhoods. Fort Lauderdale, Hollywood and Dania Beach are the main cities for historical homes, said [Chad S. Friedman, an attorney with Weiss Serota Helfman Cole & Bierman](#). Broward County has jurisdiction over whether properties are historic, unless the municipalities form their own historic boards, he said.

Friedman said Broward homebuyers should check with a city's historic board and see if a property was designated historic. Even if a home is old, significant changes over the years may have diminished its historical significance and made redevelopment permissible, he said.

"There are a lot of activists trying to preserve the character of neighborhoods," Friedman said. "We are in the middle of a significant development boom, and some of these properties are being affected."