

**HISTORIC PRESERVATION BOARD  
CITY OF FORT LAUDERDALE  
MONDAY, APRIL 7, 2008 - 5:00 P.M.  
CITY HALL FIRST FLOOR CONFERENCE ROOM  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

<b><u>Board Members</u></b>	<b><u>Attendance</u></b>	<b>Cumulative Attendance 6/2007 through 5/2008</b>	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
Nolan Haan, Chair	P	9	0
Daryl Jolly, Vice Chair	P	6	3
Jay Adams	P	7	2
Andy Cole	P	6	2
Carolyn Dandy	P	9	0
Joyce Gardner	P	3	1
Mary-Jane Graff	P	7	2
Marie Harrison	P	5	2
Susan Jordan	P	7	2
Susan Massey McClellan	P	4	0

**City Staff**

Assistant City Attorney Carrie Sarver  
 Assistant City Attorney Sharon Miller  
 Assistant City Attorney Ginger Wald  
 Pat Garbe Morillo, Staff Liaison to the HPB  
 Mike Maloney, Code Enforcement Manager  
 Michael Ciesielski, Planner II, Planning and Zoning Department  
 Merylyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB  
 Valerie Bohlander, Building Department Director  
 Curtis Craig, Building Official  
 Mike Maloney, Code Enforcement Manager  
 Brigitte Chiapetta, ProtoType Recording Secretary

**Guests**

Art Bengochea, Case 15-H-07  
 James Archer, Case 2-H-08  
 Ruth Clarke, Case 2-H-08  
 Steve Tilbrook, Dixie Court Housing Project  
 Scott Strawbridge, Dixie Court Housing Project

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## Call to Order

Chair Haan called the meeting of the Historic Preservation Board to order at 5:00 p.m. All members of the public wishing to address the Board on any item were sworn in.

## Approval of Minutes of March 2008 Meeting

**Motion** made by Ms. Graff, seconded by Mr. Jolly, to approve the minutes of the Board's March 2008 meeting. In a voice vote, Board unanimously approved

Chair Haan stated City Staff had requested that the "For the good of the City" item be moved up on the Board's agenda. Board members did not object and the item was heard next.

## I. Cases

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- 1) **Applicant:** Art Bengochea **Case No. 15-H-07 (SB)**  
**Owner:** John Francavilla  
**Address:** 1009 SW 4 Street  
**Request:** Certificate of Appropriateness for Demolition:
  - 1 houseCertificate of Appropriateness for New Construction:
  - Six, 2-story Townhomes
  - Request for yard modification
    - Front yard reduction from 25 ft. to 15 ft.
    - Rear Yard reduction from 20 ft. to 15 ft.
    - Two Side yard reductions from 10 ft. to 5 ft.**Zoned:** RML-25  
**Legal:** Lots 1, 3, and 5, Block 107, "Waverly Place," P.B. 2, P. 19.

Ms. Morillo stated this was a request for 2 Certificates of Appropriateness (COA). The first was for the demolition of one residence and the second was for new construction of six town homes and a request for a front yard reduction from 25 ' to 15', rear yard reduction from 20' to 15'and side yard reduction from 10' to 5'.

Regarding the request for a Certificate of Appropriateness for Demolition, Ms. Morillo advised the Board to consider the criteria for demolition as listed in Section 47-24.11.C.4.c.i.-iii. Regarding the request for a COA for New Construction, Ms. Morillo advised the Board to consider the SBHD Material and Design Guidelines as indicated in Section 47-17.7. of the ULDR, the General criteria for a COA in Section 47-24.11.C.3.c.i., as well as the additional criteria for alterations in Section 47-24.11.C.3.c.ii, and Section 47-24.11.C.3.c.i.a-f.

Ms. Morillo added that the Board should also consider Section 47-17.5.A.1 through 4, and Section 47-17.5.C.2 regarding the yard setbacks.

The property owner has requested that this project be reviewed by the HPB prior to going to the DRC. He is aware DRC comments might require him to return to the HPB. The project has therefore not been approved by Planning or Landscaping.

Ms. Rathbun reminded the Board that this applicant had previously appeared to request demolition of a lean-to, relocation of historic houses and alterations to historic houses on this property in October of 2007. The applicant was now requesting demolition of another house on the property and approval of six two-story town homes

#### Section 47-24.11.C

##### 4. Demolition

##### c. Criteria—Demolition

- i. The designated property no longer contributes to a Historic District
- ii. The property or building no longer has significance as a historic architectural or archeological landmark; or
- lii The demolition or redevelopment project is of major benefit to a historic district

Ms. Rathbun stated the applicant was requesting demolition of a one-story concrete blockhouse at the northwest corner of the property (Lot 5, Block 107). She noted that the house was shown on the 1960s Sanborn Fire Insurance Map but not on the 1950s Sanborn map. As the house was built out of the period of significance for the SBHD (1913 to 1940) it was not considered a contributing property in the district.

Ms. Rathbun informed the Board that the applicant maintained that the house had no historic value and that the new construction for the site would be of value to the district, but the house was compatible in size and massing with the historic houses of the district, and this should be taken into consideration by the Board when determining if criteria iii (above) applied.

Ms. Rathbun added that in order to accommodate the new construction, the applicant was asking for setback reductions of fifteen (15') feet at the front and rear and five (5")

feet at the right and left sides. The applicant had provided photographs of other properties in the SBHD with similar setbacks.

A. Yards. The historic preservation board may authorize a reduction in yards and minimum distance separation requirements for residences located in RS-8, RML-25 and other residential zoning districts located within the SBHD when the historic preservation board finds a reduction in yards does not interfere with the light, air, and view of adjacent properties and:

1. Reducing the required yard is compatible with the yards or abutting properties and yards across from the yard proposed for reduction.
2. The yards proposed to be reduced are consistent with the yards existing in connection with contributing structures in SBHD; or
3. A reduction in the required yard is necessary to preserve a structural or landscaping feature found by the historic preservation board to contribute to the historical character of the SBHD; or
4. In other residential zoning districts within the SBHD, the board may authorize yard reductions subject to criteria in subsections A.1 through 3 if the proposed use and dimensions of a development are the same as those permitted in the RS-8 and RML-25 zoning districts. Once a yard reduction or minimum distance separation requirement is approved, uses and structures in these zoning districts may not be altered without the issuance of a certificate of appropriateness.

B. Reduction of yards may be permitted as follows:

2. RML-25 zoning district. Principal residential structures: Front yard: fifteen (15) feet, side yard: five (5) feet, rear yard: fifteen (15) feet.

Ms. Rathbun stated the applicant was also requesting a COA for six two-story town homes. Each two-story unit would be separated by an attached one-story garage. The architect had differentiated each unit by the use of differing window arrays, wall cladding, floor plans, chimney placement and roof styles/materials per Section 47-17.7 Material and design guidelines:

B. Materials and designs

1. Exterior building walls
  - a. Materials and finish.
    - i. stucco: float finish, dashed
2. Windows and doors
  - a. Materials
    - i. glass (...non-reflective, tinted
    - iv. aluminum
    - vii. flat skylight in sloped roofs.
  - b. Configurations
    - i. doors: garage nine (9) feet maximum width.
    - ii. windows

- rectangular, circular;
    - c. Operations
      - i. windows; single hung;
    - d. General
      - i. wood shutters
- 3. Roofs and gutters
  - a. Roof materials
    - vii. fiberglass and asphalt shingles.
  - b. Gutters
    - iii. ESP aluminum
  - c. Configurations
    - i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12
- 6. Arcades and porches
  - a. Material and finish
    - i. stucco (at piers and arches only): troweled
    - iv. Metal (at railings):
      - ESP aluminum.

Ms. Rathbun declared the requested materials appropriate. In determining whether the requested demolition and proposed new construction was appropriate in the SBHD and compatible with the two historic structures remaining on the property, Ms. Rathbun advised the Board to consider the following criteria:

Section 47-24.11. Historic designation of landmarks, landmark site or buildings and certificate of appropriateness.

C. Certificate of appropriateness.

3. Alterations, new construction or relocation.

c. Criteria.

i. General. In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:

b) The relationship between such work and other structures on the landmark site or other property in the historic district;

f) Whether the plans comply with the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

Mr. Art Bengochea, project architect, explained he could find no permit record for the house the owner was requesting to demolish. He presented photos of the house and

said because of the structure's age, the owner considered it a non-contributing structure.

The Owner proposed to build six town houses on the RML-25 zoned property, and Mr. Bengochea said he had designed the Town Houses to evoke small, individual houses separated by garages. He explained that all three houses would have a seven-foot deep front porch to meet the Sailboat Bend architectural guidelines.

Mr. Bengochea said they had tried to build something different from the typical town house project in Sailboat Bend. He believed this was compatible with the Sailboat Bend guidelines, the neighboring house and the two-story carriage house they would relocate.

Mr. Adams was concerned about the loss of green space. Mr. Bengochea said trees had already been removed from the property with a permit, but no more would be removed. He said the plan had not been approved by Landscaping yet. Chair Haan was concerned about the lack of space for trees after the town homes were built.

Chair Haan informed Mr. Bengochea that he must prove a historic precedent to obtain the setback reduction. He asked if there was any historic building in Sailboat Bend that had setback modifications of this scale on all four sides. Mr. Bengochea said they could make the front and rear setbacks comply if the Board wished. Mr. Adams was concerned with the side setbacks, not the front and back setbacks.

Mr. Ciesielski explained that the applicant had requested to come before the HPB prior to obtaining Zoning and Landscaping signoff to get feedback from the Board. If the Board approved the Certificate[s] of appropriateness, it would stand with the building plan. If any changes were made through the DRC that would substantially affect changes to the Certificate of Appropriateness, the applicant would have to return to the HPB to address those changes.

Chair Han felt that the spirit of the setback modification was to allow the building footprint to be moved in order to accommodate trees or rear parking, but he was adamantly opposed to using the modification to allow expansion of the building footprint. Mr. Adams felt this expansion of the footprint was a tradeoff for keeping the building less than three stories.

Mr. Adams did not believe the DRC would approve these setbacks, and Chair Haan said Planning and Zoning would not approve them without HPB approval. Mr. Bengochea said it had been a financial decision to approach the HPB first. Since the DRC required a much higher level of detail in the plans, he did not want to spend the money to create those for a design the HPB would not approve.

Chair Haan informed Mr. Bengochea that he was supposed to prove to the Board that his requests were compatible with other houses on the street, and all of the historic houses on this street had wider side setbacks than five feet.

Chair Haan opened the public hearing.

Mr. Richard Locke remarked that this project had not been shown to the Sailboat Bend Civic Association. He admitted this was not a requirement but a courtesy. Since the neighbors in Sailboat Bend interpreted the character of the neighborhood, their input and approval was very important. Mr. Bengochea had appeared before the Sailboat Bend Executive Board last fall, but agreed to present the plan to the full membership.

Mr. Charles Jordan objected to this being presented to the HPB prior to input from Landscaping and Zoning. He believed this was an incomplete package and should not be voted upon.

There being no other members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Mr. Bengochea requested a continuance to allow him time to appear before the DRC and the full Sailboat Bend membership.

**Motion** made by Mr. Jolly, seconded by Ms. Harrison, to defer the case to the July HPB meeting. In a roll call vote, motion passed 10 - 0.

[Ms. Graff left the meeting at 6:50]

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<b>2)</b>	<b>Applicant:</b>	<b>James Archer</b>	<b><u>Case No. 2-H-08 (SB)</u></b>
	<b>Owner:</b>	<b>Ruth Clarke</b>	
	<b>Address:</b>	<b>1504 Argyle Drive</b>	
	<b>Request:</b>	Certificate of Appropriateness for Demolition. <ul style="list-style-type: none"><li>• 1 carport</li></ul> Certificate of Appropriateness for New Construction <ul style="list-style-type: none"><li>• 2 Car enclosed garage, 1 story</li><li>• 1 den room</li><li>• Request for yard modification</li></ul> Front yard reduction from 25 ft. to 15' 4"	
	<b>Zoned:</b>	<b>RS-8</b>	
	<b>Legal:</b>	<b>Lot 20, Block 1, River Highlands, P.B. 15, P. 53.</b>	

Ms. Morillo stated this was a request for 2 Certificates of Appropriateness (COA). The first was a COA for Demolition of an existing carport and the second was a COA for

New Construction for a one-story, two-car garage and a den within the main section of the house. A front yard reduction from 25' to 15' 4" was also requested

Regarding the request for demolition, Ms. Morillo advised the Board to consider the criteria for demolition listed in Section 47-24.11.C.4.c.i. through iii. Regarding the COA for New Construction, Ms. Morillo advised the Board to consider the SBHD Material and Design Guidelines in Section 47-17.7. of the ULDR, the General criteria for a COA in Section 47-24.11.C.3.c.i., as well as the Additional criteria for alterations in Section 47-24.11.C.3.c.ii and Section 47-24.11.C.3.c.i.a through f.

Ms. Morillo added that the Board should also consider Section 47-17.5. A.1 through 4 and Section 47-17.5.C.2 regarding the yard setbacks.

Ms. Rathbun explained that the Mid-century Modern house at 1504 Argyle Drive was built in 1953 by the owner, John L. Taliaferro. The applicant proposed to demolish an existing low slope shed roof carport and replace it with a larger attached garage.

#### Section 47-24.11.C

##### 5. Demolition

##### d. Criteria—Demolition

- i. The designated property no longer contributes to a Historic District
- ii. The property or building no longer has significance as an historic architectural or archeological landmark; or
- iii. The demolition or redevelopment project is of major benefit to a historic district

Ms. Rathbun stated the roof of the original carport was raked front to back and the shed roof of the new garage would be raked from side to side. She said this design was compatible with the historic character of the house and Criterion iii. applied in this instance.

Ms. Rathbun informed the Board that the architect had selected compatible Mid-century Modern elements, such as clerestory windows, in the design for the new garage. In addition to the garage construction, the applicant wanted to enclose an open area next to the existing entry porch for a new den. This new room would have a flat roof with overhang and a partial parapet and clerestory windows; other windows would be single hung.

#### Section 47-17.7 Material and design guidelines

##### B. Materials and designs

##### 1. Exterior building walls

##### a. Materials and finish.

- i. stucco: float finish, smooth

##### 2. Windows and doors



- a. Materials
    - i. glass
    - v. aluminum.
    - ix. other-impact resistant glass
  - b. Configurations
    - i. doors: garage nine (9) feet maximum width
    - ii. windows square
    - ix. Other-trapezoid
  - c. Operations
    - i. windows; single hung;
3. Roofs and gutters
- a. Roof materials
    - ix. Other.-non-visible low slope roof with built-up mineral surfaced membrane roofing
  - c. Roof Configurations
    - i. Flat with parapet
    - ii. Other-low slope non-visible flat with overhang to match existing house

Ms. Rathbun declared the materials and design for the alteration were appropriate. To accommodate the new two-car garage, the applicant was requesting principal yard setback reductions of 15' 4" in the front, 28' in the rear, 6' 2½" on the left side and 5' 1" on the right side. The applicant had submitted photographs of nearby properties showing similar setbacks.

Section 47-17.5 Application for yard and minimum distance separation reduction.

A. Yards. The historic preservation board may authorize a reduction in yards and minimum distance separation requirements for residences located in RS-8, RML-25 and other residential zoning districts located within the SBHD when the historic preservation board finds a reduction in yards does not interfere with the light, air, and view of adjacent properties and:

1. Reducing the required yard is compatible with the yards or abutting properties and yards across from the yard proposed for reduction.
2. The yards proposed to be reduced are consistent with the yards existing in connection with contributing structures in SBHD; or
3. A reduction in the required yard is necessary to preserve a structural or landscaping feature found by the historic preservation board to contribute to the historical character of the SBHD; or
4. In other residential zoning districts within the SBHD, the board may authorize yard reductions subject to criteria in subsections A.1 through 3 if the proposed use and dimensions of a development are the same as those permitted in the RS-8 and RML-25 zoning districts. Once a yard reduction or minimum distance separation requirement is approved, uses and structures in these zoning

districts may not be altered without the issuance of a certificate of appropriateness.

B. Reduction of yards may be permitted as follows:

2. RML-25 zoning district. Principal residential structures: Front yard: fifteen (15) feet, side yard: five (5) feet, rear yard: fifteen (15) feet.

Ms. Rathbun stated the setbacks were appropriate and recommended approval of the project.

Mr. James Archer, architect, explained this was the second addition to the house. He said they were trying to give the house a "little more... personality. Mr. Archer pointed out that this was a one-car garage, not a two-car garage.

Mr. Archer confirmed for Chair Haan that they were requesting a setback modification only in the front.

Ms. McClellan felt this was a very elegant solution; Chair Haan agreed, and thought this a good example for other owners to follow.

Chair Haan opened the public hearing. There being no members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Cole, seconded by Mr. Jolly, to approve the certificate of appropriateness for demolition of the carport. In a roll call vote, the vote was as follows: Mr. Adams – yes; Mr. Cole – yes; Ms. Dandy -- yes; Ms. Gardner -- yes; Ms. Harrison – yes; Mr. Jolly – yes; Ms. Jordan – yes; McClellan – yes; Chair Haan - yes. Motion passed 9 - 0.

**Motion** made by Mr. Cole, seconded by Ms. McClellan, to approve the certificate of appropriateness for new construction of a new one-car garage and one den room, and a front yard setback reduction to 15' 4". In a roll call vote, the vote was as follows: Mr. Adams – yes; Mr. Cole – yes; Ms. Dandy -- yes; Ms. Gardner -- yes; Ms. Harrison – yes; Mr. Jolly – yes; Ms. Jordan – yes; McClellan – yes; Chair Haan - yes. Motion passed 9 - 0.

## **II. Other Business**

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**Review and Comment of the proposed "Dixie Court Housing Project" on the historic Old Dillard High School.**

### **Dixie Court Housing Project/Phase III**

DRC Case No. 148-R-06

Zoned: RMM-25  
Location: 954 NW 4<sup>th</sup> St.

Ms. Morillo advised this was an HPB Review and Comment regarding the proposed one hundred-unit complex in seven buildings, and any potential impacts the development may have on the historic Old Dillard High School and Museum located to the north of the subject site. This Review and Comment was being conducted pursuant to Objective 11, Policy 11.3 of the Historic Preservation Element of the Comprehensive Plan, requiring that all proposed impacts to historic resources shall be reported to the Historic Preservation Board for review and comment.

Ms. Rathbun explained that the developer had come before the Board in June of 2007 with a proposal to build a 154-unit, seven-building apartment complex on the Dixie Court Housing project at 950 Northwest 4<sup>th</sup> Street. Dixie Court was the first of two public housing projects built by the City of Fort Lauderdale in 1938-1940. The new buildings referenced in the proposal would be sited in the central section of the housing project, between West Dixie Court and East Dixie Court.

Ms. Rathbun stated the developer was now before the Board with a proposal to demolish the remaining original buildings and replace them with a one hundred-unit complex in seven buildings, including two two-story twenty-unit apartment buildings on the west and two two-story twenty-unit buildings on the east. To the south, the developer planned two two-story ten-unit buildings and a one-story clubhouse building at the center of the southern parcel. None of the proposed buildings exceeded thirty-five feet in height, although the code allowed a maximum of fifty-five feet.

Ms. Rathbun remarked that the historic resource, Old Dillard School, was located directly north, across Northwest 4<sup>th</sup> Street, from Dixie Court. None of the new buildings, which would be located on the east, west and south perimeter of the site, was directly across from the historic school building. The new buildings should have little or no visual or shadow impact on the resource. She noted that any disruption that might be caused by construction work would be temporary and at a sufficient distance from the resource so as to cause no damage.

Ms. Rathbun stated traffic egress for the completed project would be located on the east and west perimeters of the site and should not impact the resource to the north. There would be some landscaped on-street parking spaces located on the north-south streets, Northwest 9<sup>th</sup> and Northwest 11<sup>th</sup> Avenues, but this should have no impact on the historic school.

Ms. Rathbun concluded that there should be little or no adverse impact on the Old Dillard School and Museum by Phase Three of The Redevelopment of the Dixie Court Housing Project.

Mr. Steve Tilbrook, attorney, explained that Old Dillard School was across from the first two sections of the project that were currently under construction.

Mr. Scott Strawbridge, historic preservation consultant and project manager, displayed and described the site plan and street elevation. He noted that they were only discussing the two buildings on the end today. Mr. Strawbridge pointed out they had not pushed the envelope on density, height, setbacks or open space. They had requested a parking reduction on Dixie 1 and 2, but had not requested it for this portion because they would utilize on-street parking.

Mr. Strawbridge said he had analyzed the project per Federal code and found it met no threshold for adverse impact. He stated they intended to create a historical marker for the site, and the public meeting rooms would be decorated with historical photos from the neighborhood.

Chair Haan opened the public hearing. There being no members of the public wishing to address this item, Chair Haan closed the public hearing and brought the discussion back to the Board.

Ms. Harrison asked about historic designation of the property. Mr. Tilbrook replied that only the Old Dillard School had historic designation. They were presenting the project to the HPB because of its proximity to the Old Dillard School, an historic resource.

Chair Haan agreed there was no adverse effect on the School. He explained to Ms. Harrison that the City Attorney had determined a building date of 1940 or earlier to be considered historic and buildings located in the Sailboat Bend Historic District would be protected. Older buildings elsewhere in the City must be individually considered for designation and protection.

Mr. Jolly stated the Broward Trust for Historic Preservation had sought designation for Dixie Court, as they were now doing for the Dr. Kennedy Homes, but this had fallen through. Ms. Harrison remarked that the "history of the black area is gone" and was concerned about the lack of designated sites. Staff agreed to provide Ms. Harrison with the criteria for designation.

Mr. Ciesielski informed Mr. Adams that currently, Sailboat Bend and Himmarshee were the only neighborhoods in Fort Lauderdale that was designated historic.

### **Board Discussion**

Mr. Cole noted that the HPB was used as leverage to combat development instead of the neighborhood appealing to the City or County to change zoning. Chair Haan said the Sailboat Bend neighborhood had fought very hard to have the zoning changed and density lowered, but this had been denied by the City Commission. He believed it was

a huge mistake that Sailboat Bend was designated historic but was zoned RMM-25. He doubted it would be possible to change this now.

Ms. Harrison believed the Dixie Court area should be considered historic, and said she resented the loss of historical designation in the black area.

### **III. For the Good of the City of Fort Lauderdale**

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[This item was heard out of order]

#### **Presentation/ Question and Answer session with the City's Building Department regarding demolition by neglect and violations**

Chair Haan explained that if their discussion with staff this evening did not adequately address this issue, he would seek a directive from the Board to send a letter to the City Commission asking that the existing code be amended. He agreed to provide language from other municipalities that could be utilized.

Chair Haan stated Demolition by Neglect was often used by the owner of a property wishing to redevelop, and was a problem with historic properties nationwide. He explained that municipalities were addressing the problem using ordinances that empowered towns to take actions to secure the properties and pass the costs on to the owner via a lien on the property.

Chair Haan read Fort Lauderdale Section 47-24.11.C.9.b which stated, "Every owner of a landmark, a landmark site, historic building, or a property in a historic district shall keep in good repair all of the exterior portions of such buildings or structures and all interior portions which, if not so maintained, may cause such buildings or structures to deteriorate or otherwise fall into a state of disrepair."

Chair Haan noted that currently, an owner who hired an engineer to write a letter stating the structure posed a threat could obtain a permit to demolish the building without consulting the Historic Preservation Board.

Chair Haan presented photos of historic properties that had been intentionally allowed to deteriorate for years and explained the situation at each property.

Chair Haan asked that the City's ordinance be amended to include the following:

- Consultation with the HPB whenever a demolition permit for an historic structure was considered
- Continued cooperation between Code Enforcement, the Unsafe Structures Board and the HPB
- A practical timeline for the issuance of violations, the imposition of liens and foreclosure
- More stringent monitoring of required repairs, and more follow-up

- Authority for the City to make repairs and charge the owner via a lien on the property

Ms. Valerie Bohlander, Building Department Director, said she shared Chair Haan's frustration regarding this situation, and said staff had some ideas on how they could help the HPB.

Mr. Adams asked if there were restrictions regarding what could be built once an historic structure was demolished. Ms. Bohlander said this would be determined by the zoning requirements. When building permit applications were submitted, a certificate of appropriateness must be obtained.

Mr. Jolly said what they were asking was if a property owner could be assessed larger penalty or some other punishment other than the \$500 currently in the ordinance for illegally demolishing an historic structure. Ms. Bohlander said a case such as this could be presented to the Code Enforcement Board.

Mr. Mike Maloney, Code Enforcement Manager, believed that if this type of case were brought to the Code Enforcement Board, a larger fine could be assessed for such a violation.

Chair Haan noted that the Department of Interior guidelines required that a demolished structure must be replaced by "in kind" construction, and he wanted to investigate enforcing this.

Ms. Bohlander advised the Board that as an advisory Board, the HPB could recommend policy changes to the City Commission in the form of a motion at their meeting, or they could request amending an ordinance.

Chair Haan asked what the procedure was when an owner presented a letter from an engineer declaring a building unsafe and recommending demolition. Mr. Curtis Craig, Building Official, stated the ordinance required only that the Chair of the HPB be notified, not that approval from the Board be sought. There was nothing in the ordinance concerning remediation, or "shoring up" an at-risk property.

Assistant City Attorney Ginger Wald explained there were constitutional issues regarding entering a private property. Building inspectors were permitted to enter the properties pursuant to Florida Building Code. Per City ordinance, there must be a health and safety issue on the property to have the authority to enter a property. Ms. Wald believed the Florida Supreme Court would need to make a specific exception via due process to allow the City to enter a property and/or remediate a structure.

Chair Haan said other municipalities had amended ordinances to address the demolition by neglect problem, and these amendments had held up in court. He asked

if the City was willing to consider this. Assistant City Attorney Carrie Sarver agreed to look into this.

Ms. Wald explained the Code Enforcement/Special Magistrate process that could result in liens being recorded against a property and ultimately foreclosure to satisfy those liens. She noted that foreclosure was a lengthy, complicated process.

Chair Haan opened the discussion to the public.

Mr. Paul Boggess, Sailboat Bend resident, said the neighbors had been fighting the owners of the Clark property for 30 years to save it. Mr. Boggess discussed several historic properties that owners wanted to demolish or had abandoned. Mr. Boggess was concerned about preserving the City's historic structures for future generations.

Mr. Charles Jordan, Sailboat Bend resident and former HPB member, reminded everyone that the Board had discussed this problem in 2002 and issued a report. He recommended the Board review this report. Mr. Jordan was frustrated that this problem had still not been adequately addressed.

Mr. Richard Locke, Sailboat Bend resident, asked the City to "reconsider the bases for *not* acting on demolition by neglect." Mr. Locke read the resolution for City Ordinance 47-16.3 regarding Sailboat Bend. He said the ordinance called for preservation of these properties, but the City did not do it. He noted that fines were higher to cut down a Live Oak tree than to demolish an historic building.

Ms. Alyssa Plummer, Sailboat Bend resident, stated she had presented a paper last year regarding Demolition by Neglect in the Historic district, and offered the Board copies of this paper. She agreed there must be an independent review process to safeguard the integrity of the historic district. Ms. Plummer stated the neglect of the historic structures was a strategy used to "grind the buildings into the ground." She urged the Board to work to fill the gap in the ordinance language to help save these properties.

Mr. Dave Parker, President of the Sailboat Bend Civic Association, discussed the neighborhood's actions regarding the property at 11 Southwest 11 Avenue and their frustration that they could make no progress with this owner. He asked the City to "step up, help us do this."

Chair Haan agreed to draft a motion for their next meeting asking the City Commission to amend the language of the ordinance.

**Motion** made by Ms. Jordan, seconded by Ms. Graff, to authorize Chair Haan to draft a memo to the City Commission on behalf of the Board. Board unanimously approved.

Mr. Jordan advised Chair Haan to personally present the memo to the City Commission at a conference meeting as soon as possible, given the exigent circumstances of several properties in the historic district.

There being no further business to come before the Board, the meeting was adjourned at **7:36** p.m.

Chairman,

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Nolan Haan, Chair

Attest:

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ProtoTYPE Inc, Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results: <http://ci.ftlaud.fl.us/documents/hpb/hpbagenda.htm>

Minutes prepared by: J. Opperlee, ProtoType Services