

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, DECEMBER 1, 2008 - 5:00 P.M.
CITY HALL FIRST FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 6/2008 through 5/2009	
		<u>Present</u>	<u>Absent</u>
Susan Jordan, Chair	P	6	0
Nolan Haan, Vice Chair	P	5	1
Jay Adams [5:09]	P	3	3
Andy Cole	A	2	4
Beauregard Cummings [5:04]	P	5	1
Joyce Gardner	A	5	1
Mary-Jane Graff	P	5	1
Marie Harrison	P	5	1
Daryl Jolly	P	4	2
Susan McClellan	P	5	1
Robert Prager	P	6	0

City Staff

Assistant City Attorney Carrie Sarver
Michael Ciesielski, Planner II, Planning and Zoning Department
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Jorg Hruschka, Building Inspector
Deanna Bojman, Service Clerk
Curtis Craig, Building Official
B. Chiapetta, ProtoType Recording Secretary

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Purpose: Implement the City's historic preservation regulations, which promote the cultural, economic, educational and general welfare of the people of the City and of the public generally through the preservation and protection of historically or architecturally worthy structures.

Call to Order

Chair Jordan called the meeting of the Historic Preservation Board to order at 5:02 p.m.

Approval of Minutes of November 2008 Meeting

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

Board members disclosed communications they had regarding cases.

All members of the public wishing to address the Board on any item were sworn in.

Mr. Cummings arrived at 5:04.

I. Cases

1) Case No. 19-H-07

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Applicant: Broward Trust for Historic Preservation
Owner: Starwood Asset Management (Building), and Carol, Timothy, and Patrick Alber (Land)
Location: 1140 Sea Breeze Blvd.
Request: Historic Designation of the Yankee Clipper Hotel
Zoned: RMH-25
Legal: Harbor Beach Subdivision, Portion of Unit One, Parcel X, Plat, Book 26, Page 32 B

Deferred from September 15, 2008

Mr. Ciesielski stated this case was deferred from the September 15, 2008 HPB meeting at the request of the applicant, the Broward Trust for Historic Preservation. The applicant had sent another request, dated November 19th, 2008, asking to defer the application to the next meeting of the HPB in January 2009.

Mr. Jolly recused himself, stating he was a member of the Broward Trust for Historic Preservation.

Motion made by Mr. Haan, seconded by Ms. McClellan, to defer this Item to the January 5, 2009 HPB meeting. In a roll call vote, with Mr. Jolly abstaining, motion passed 7 – 0.

2) Case No. 9-H-08-SB

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Applicant: Oliver Danan

Owner: Jean Duaiv

Location: 1528 SW 1st St.

Request: Certificate of Appropriateness for Alteration

- Alterations to existing single family house and construction of 2 story addition

Zoned: RML-25

Legal: Amended Plat of River Highlands, Lot 14, Block 1, P.B.15, P. 69.

[Mr. Adams arrived at 5:09]

Mr. Ciesielski stated this was a request for a Certificate of Appropriateness (COA) for Alteration to a single-family house: a two-story addition.

Mr. Ciesielski advised the Board that in addition to considering the SBHD Material and Design Guidelines as indicated in Section 47-17.7. of the ULDR, they should consider the General criteria for a COA in Section 47-24.11.C.3.c.i. a through f, as well as the Additional criteria for alterations in Section 47-24.11.C.3.c.ii, when deciding whether to grant a COA for the Alterations.

Ms. Rathbun stated this house was located in River Highlands, Amended Plat, part of the SBHD, but she noted that there had been relatively little building in that subdivision prior to 1940. This house was first listed in the Fort Lauderdale City Directory in 1970, but was not considered historic in the district.

Mr. Rathbun reported the applicant had come before the HPB in October 2008 with plans to add a three-story addition to the house, and these plans were not approved by the HPB. The applicant had returned with new plans for a two-story addition in a style compatible to the style of the existing house. Ms. Rathbun stated the applicant had specified the following materials:

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
- b. Configurations
 - i. doors: garage nine (9) feet maximum width. Other;
 - ii. windows square, rectangular,
- c. Operations
 - i. windows; single hung; fixed with frame; awning; sliders

(rear and side only)

3. Roofs and gutters

- a. Roof materials
 - vii. fiberglass and asphalt shingles.
- 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.

Ms. Rathbun said the architect/applicant had proposed a two-story, 22-foot 6-inch addition to the rear of the house. This height was well within the maximum allowed in the neighborhood. She explained that most of the nearby houses in the neighborhood could be described as Modern Minimal Traditional, which included ranch house style.

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.

iii. Additional guidelines; new construction. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. In approving or denying applications for certificates of appropriateness for new construction, the board shall also use the following additional guidelines. Where new construction was required to be visually related to or compatible with adjacent buildings, adjacent buildings shall mean buildings which exhibit the character and features of designated or identified historic structures on the site or in the designated historic district where the site was located.

i) The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it was visually related.

Ms. Rathbun concluded that the new design was compatible with the existing house and other nearby houses.

Mr. Oliver Danan, architect, presented the site plan, new elevation, and a photo of the house and pointed out where the addition would be attached to the house. He also showed photos of adjacent properties.

Mr. Prager stated he had visited the site, and remarked that the design was very compatible.

Mr. Haan had also visited the site, and agreed it was compatible with the surrounding neighborhood.

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

Motion made by Ms. McClellan, seconded by Ms. Graf, to approve Certificate of Appropriateness for Alterations to the existing single-family house and construction of a two-story addition. In a roll call vote, motion passed 9 – 0.

3) Case No. 10-H-08-SB

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Applicant: James Chambers, Floyd Fence

Owner: Mark Kerr

Location: 916 SW 2 Street

Request: Certificate of Appropriateness for Alteration

- Remove existing chain link fence and replace with a six (6') foot high "board-on board" picket-style fence
- Remove existing (driveway) gates and replace with two (2) foot metal roll gates eleven (11') feet in length and one metal wide gate four feet six inches (4'6") in width

Zoned: RMM 25

Legal: Waverly Place, Lots 23 and 24 together with the North 1/2 of a vacated alley lying south of said Lots, P.B. 2, P.19 (Dade Co.).

Mr. Ciesielski stated this was a request for a Certificate of Appropriateness (COA) for Alteration to install a six-foot high board-on-board fence along the north, east, south, and a portion of the west sides of the property. The applicant was also requesting to install two metal roll gates 11 feet in length and a metal gate 4 ½ feet in width.

Mr. Ciesielski explained that pursuant to Section 47-17.4., this application had been forwarded to the HPB and City Commission for 15-day administrative approval on October 8, 2008 and the item was called-up for review on October 9. Per Section 47-17.4.A.2., the application was now before the HPB for approval. Mr. Ciesielski advised the Board to review the application and determine whether the application met the criteria provided in Section 47-24.11.C., Certificate of Appropriateness, including the

General criteria for a COA in Section 47-24.11.C.3.c.i. a through f, as well as the Additional criteria for alterations in Section 47-24.11.C.3.c.ii.

Ms. Rathbun stated the applicant was asking to replace an existing, and damaged, chain link fence with a six-foot board-on-board wood fence. The chain link fence had been damaged during Hurricane Wilma when a ficus tree was uprooted and fell on it. Ms. Rathbun informed the Board that the applicant requested front, rear and side setback reductions.

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.

2. ML-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 asking for a principal structure yard setbacks to: 29' 6" front setback; 56' 3" rear setback; 14' 5" east side setback; 4' 6" west side setback.

Sec. 47-17.7 Material and design guidelines

B. Materials and designs

5. Garden walls and fences.

a. Materials and style

ii. wood picket, lattice, vertical wood board.

Ms. Rathbun remarked that this was an approved fence material in SBHD, but the six-foot height would effectively conceal the front elevation of the house, and in an historic district, it was best practice to have the façades of the houses visible from the street. This could be accomplished by a shorter fence height or a more open fencing material.

Mr. Mark Kerr, owner, reported Mr. Chambers was unable to attend the meeting, but he would make the presentation.

Mr. Kerr said this property had been in his family for 60 years. He confirmed that the fence had been damaged in Hurricane Wilma and he wanted to repair it. He asked the Board to approve the request because he wanted to move forward as soon as possible. Mr. Kerr felt that keeping the home visible from the street was less important than keeping the property secure.

Mr. Kerr confirmed for Mr. Prager that he would maintain the same fence line; the setbacks would not change. Mr. Prager said he understood Mr. Kerr's reasons for wanting this fence instead of a lower fence.

Mr. Haan reminded the Board that they had never approved a six-foot fence in front of a residence, and he intended to call this up. He did not believe this was as much a security issue as it was a privacy issue, and said he would vote in favor of a taller fence along the rear and sides of the property, provided a picket-style or lower fence was used in the front. Mr. Haan said there were also more attractive alternatives to the retractable chain link that he would prefer for the gate.

Mr. Kerr requested a five-foot fence, and Mr. Haan explained that the Board had already set a precedent in the area, and homeowners denied five-foot fences in the past would be understandably upset if the Board approved Mr. Kerr's five-foot fence. Ms. Rathbun explained that the desirable height for a front picket fence was four feet.

Mr. Kerr suggested six-foot fencing along the sides and rear of the property, with four-foot fencing in the front. Mr. Haan thought the fence must step from four feet to six feet where the different heights met. He clarified that the fence should not reach six feet until it passed the front of the house so the house would be visible from the street.

Mr. Ciesielski explained to Mr. Adams that the fence must be installed at least three feet from the front property line, and a continuous hedge or landscaping must be installed between the front property line and the fence. Mr. Kerr pointed out that the façade of the duplex next door was even with the driveway entrance, approximately twenty feet from the property line.

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

Motion made by Mr. Haan, seconded by Mr. Jolly, to approve the Certificate of Appropriateness for Alteration for replacement of the chain link fence with the condition that the front fence, including the gates, be no higher than four feet, and that the side and rear fence could be six feet, and that the rolling fence be board-on-board instead of chain link. In a roll call vote, motion passed 9 – 0.

4) Case No. 11-H-08-SB

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Applicant: City of Fort Lauderdale
Owner: Charles and Donna Jordan
Location: 716 SW 4th Place (Bryan Place)
Request: Certificate of Appropriateness for Demolition

- Demolition of single-family home pursuant to Final Order of the Unsafe Structures Board of the City of Fort Lauderdale on Case # CEO7052165 , issued July 17, 2008)

Zoned: RS-8
Legal: Rio Alta Subdivision, Lot 4 and the West ½ of Lot 5, Block 34, P.B. 7, P. 19.

Mr. Ciesielski stated this was a request for a Certificate of Appropriateness (COA) for Demolition of a single-family home pursuant to a Final Order from the Unsafe Structures Board issued on July 17th, 2008: Case CE07052165. He advised the Board to consider whether the request met one or more of the three criteria for demolition as listed in Section 47-24.11.C.4.c.i.-iii. They should also consider the General criteria for a Certificate of Appropriateness as listed in Section 47-24.11.C.3.c.i.a. thru f. of the ULDR when considering whether to grant a Certificate of Appropriateness for Demolition for this application.

Ms. Rathbun reminded the Board that in August of 2005 the owner of this property had come before the HPB to request a COA for alteration for the restoration of a significant 1930s Art Deco style house. She explained that the C.P. Weidling residence at 718 SW 4th Place was designed by local architect J.M. Peterman in 1939. Peterman was the first locally based architect to open an office in Fort Lauderdale, and during the 1920s “boom” period, he designed six hotels, and a number of apartment and commercial buildings. He was the architect for the South Side School, the West Side School, the Old Dillard School and the 1927 second Broward County Courthouse.

Ms. Rathbun stated C.P. Weidling had co-founded Fort Lauderdale’s first law firm in 1911. He published the Fort Lauderdale Herald, a predecessor of the Sun Sentinel, and served in the state legislature from 1919 to 1921. He also founded the town’s first golf club, the South Side Golf Club.

Ms. Rathbun said the Weidling House was a very fine example of the Art Moderne style, commonly called “Deco” in South Florida. She remarked that the applicant had

provided an interesting discussion of “The Nautical Deco House”, a classification which would include this house. She explained that this was a popular variation of the “Deco” style commonly found on waterfront sites and meant to suggest a ship or ocean liner.

Ms. Rathbun stated in December 2005, the owner of the property came before the HPB to request a COA to move the house some distance on the lot. She explained that at some point in the history of the property the western portion of lot 4 was sold to the owners of the property immediately to the west, and as a consequence the side setback no longer met code and an exterior floating staircase, which provided access to the roof deck, was no longer usable.

Ms. Rathbun said the owner of the western property stated that there was a privacy issue caused by the proximity of the staircase. To correct this problem and to raise the house to meet flood protection requirements, the applicant proposed to relocate the house to the southeast on the same site. The house was raised on blocks and moved to the new position on the site and was now situated next to the eastern setback line so the entire structure, including the floating stair, was within the setback on the lot, thus meeting code requirements.

Ms. Rathbun pointed out that only the front portion of the house had been moved; the east side had been left in place and the owner submitted plans for an extension that would connect the two sections of the house. She explained that when the sections of the house were cut apart for the move, the interior of the house was exposed to the elements and unfortunately the wall may have remained open for some time.

Ms. Rathbun stated the City of Fort Lauderdale now requested a COA for demolition of the house as an unsafe structure and the report included with the application stated that the house was not properly secured. Ms. Rathbun informed the Board that the house did not meet any of the criteria for demolition in the City’s Historic Preservation Ordinance.

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
- iii. The demolition or redevelopment project is of major benefit to a historic district

Ms. Rathbun stated concerning criterion i. (above) the house was built within the period of significance for the SBHD, 1913 to 1940, and the historic character of the house had been maintained. Criterion ii. did not apply as the property was significant for its

association with prominent local architect John Peterman and the original owner, Carl P. Weidling.

Ms. Rathbun pointed out that the house was one of the few remaining Deco buildings in the City, and it was the only Nautical Deco house she knew of in Fort Lauderdale. She felt the house's demolition would be a tremendous loss in the historic fabric of the City. She noted that criterion iii. did not apply.

In summary, Ms. Rathbun stated demolition of this house was not recommended.

Mr. Jorg Hruschka, City Building Inspector, explained that this case was related to a Final Order from the Unsafe Structures Board (USB) issued on July 17th, 2008: Case CE07052165. The USB had ordered the owner to demolish the house within 30 days; if the owner failed to do this, the USB ordered the City to demolish the property. The time for the owner to comply had expired, and the City had engaged Miami Wrecking to demolish the property, pursuant to the USB order. Inspector Hruschka stated the permit application had been submitted on 10/22/08, and the permit process required a COA, which he was requesting from the HPB this evening.

Inspector Hruschka explained that the USB's decision had been based upon the criteria in Florida Building Code 117.1.1 and Florida Building Code 117.2.1.2.1. Inspector Hruschka displayed photos of the property on the Elmo and noted that the house was not connected to a foundation, and it was a windstorm and fire hazard.

Mr. Haan said he was "deeply disturbed by this application." He felt this was an aggressive action by the City to demolish an historic structure, and he felt "betrayed." Inspector Hruschka explained that the Florida Building Code defined an abandoned building a fire and windstorm hazard, regardless of the construction material. He stated the photo showed that the property fit the description in the criteria regarding building parts that were hanging loose or loosening.

Mr. Haan said he had read the minutes from the July 17 USB meeting, and did not believe the City had proven to the USB that the building was unsafe. He said no members of the Board had asked questions about the building's safety. Mr. Haan added that historic buildings were constructed on piers, not on foundations.

Inspector Hruschka informed the Board that the members of the USB had professional qualifications to make the determination that a building was unsafe. He added that the connection between this building and its piers no longer existed, therefore, this was an unsafe structure.

Ms. Sarver reiterated that the USB had determined the building was unsafe, and was in violation of Building Code provisions, and must be demolished within 30 days. She advised Board members that they must consider only the criteria, not outside sources of

information. She advised that the Building Official was present and could answer any questions the Board had.

Mr. Haan said members of the USB had wondered why no member of the HPB was present when the USB heard this case, and noted that the HPB was unaware the USB was hearing it. Mr. Haan felt the USB had been “negative about this Board, and I just wanted to make sure that if they read this, they know that we’re not happy with what that Board did.”

Mr. Haan said he had spoken with an engineer who stated that “gravity alone is enough to hold this building in place.” Ms. Sarver advised the Board that they must consider the input from the City’s Building Inspector and City boards, and not outside opinions.

Ms. Sarver explained that if the HPB denied the COA for Demolition, the item could be called up on appeal to the City Commission, which could agree with the HPB or overrule its decision.

Mr. Hruschka stated the City would cover the \$7,500 cost to demolish the building. Mr. Haan wondered if the City could use this money to “shore up the problems that you’re having with this building.”

Mr. Haan thought the property would have gone through “Special Magistrate and have Code liens put against it, and there’s a whole process here that seems to have been circumvented.... Was this owner given a chance to go in front of a Special Magistrate to talk about this?” Inspector Hruschka explained that in this case, the property was presented to the USB because this was an unsafe structure per the Florida Building Code.

Ms. McClellan said this was a private piece of property and the house was legally situated on the property. Inspector Hruschka drew the Board’s attention to a corner of the building that was cracking under the unsupported weight of the wall and roof structure. Mr. Haan asked if nothing could be done to shore the building up.

Inspector Hruschka noted that the building had already sat through two hurricane seasons and the City did not want it to present a hazard to the neighborhood next hurricane season.

Mr. Curtis Craig, Building Official, explained that this house was situated on “cribbing,” it was not attached to a foundation system. Other homes in the City had been built on pier systems, and their floor joists were anchored to the pier to form a continuous connection. This house was “sitting, unsuspending, up in the air” and was by definition, an unsafe structure.

Mr. Craig informed Mr. Adams that there was no provision in the Florida Building Code under Unsafe Structures that granted an exception for historic structures.

Mr. Haan presented a photo of another property in his neighborhood he had considered unsafe that the City had not torn down. He felt the Jordan house was "not that unattractive; it's not that unsafe, I don't think it's unsafe at all." Mr. Haan felt there was "another agenda that we're not privy to that's going on here." Inspector Hruschka could not discuss another specific case, but stated that in general, inspectors responding to complaints determined the best venue to address the issues at a problem property.

Mr. Mike Maloney, Code Enforcement Manager, said he could not address another specific case, but explained that inspectors could cite a property for anything visible from the right-of-way. If the building was vacant, the privacy requirements were "somewhat lowered" because this could be an unsafe structure. At a single-family, occupied property, inspectors did not go into side or back yards. Mr. Maloney felt it was evident from the photos that this building was unsafe.

Mr. Adams stated, "In this case, a two-hundred ton, all concrete building with no electric in it is not unsafe in my opinion" and he hoped "the City would give a recommendation on something so simple; this is not an unsafe structure." Mr. Maloney said, "If this structure was not in the historical area, it would certainly be brought before the USB and we would want to bring it down. So, that's why we're bringing it to you here; it's the same criteria and that's our job to do that."

Mr. Haan stated, "So it's the normal process though, not to give the owner a chance to shore it up?" Mr. Maloney stated, "We give numerous chances to, for property owners; we don't want to go in and demolish structures."

Chair Jordan said she wanted to find a way to rescue the building. Mr. Maloney said, "We are an enforcement division; we are not in the business of rehabilitating properties...If we did that on all the structures we've had, we would run out of money in a couple months into our fiscal year." Mr. Haan said the HPB was asking the City to do this for historic properties.

Chair Jordan pointed out that she was not related to the property owner, Charles Jordan.

Mr. Charles Jordan, property owner, said he "objected strongly" to this proceeding "as well as the one that was done without my notification at the USB." Mr. Jordan said the testimony given at the USB was "full of innuendo, conjecture" and he did not "see a foundation for the argument in the USB minutes."

Mr. Jordan believed this was "one of the very most historic properties in the City...and even in South Florida." He insisted the building was "extremely unique" in architectural

style, the architect and the home's residents. Mr. Jordan demanded "full right of rebuttal and a full right of cross examination of those parties who made testimony here tonight that ... is totally in error."

Mr. Jordan explained he had purchased the property in July 2004 with the intent to renovate and occupy it. He had discovered that the survey had miscalculated the elevation of the property and the lowest finished floor. The house had mold issues and water under the foundation. They had been forced to go back to the drawing board after discovering the house must be raised up. This also triggered a loss of the grandfathering for the setback requirements, and was the reason the house was cut and partially moved. Mr. Jordan said they had returned with a plan to position the house properly within the setbacks and to extend one wing of the building.

Mr. Jordan said he had returned three times to the HPB for individual changes, and said he had been working with his architect all along to address design issues.

Mr. Jordan said the building was now in jeopardy only from the City. He pointed out that the building was solid concrete, including the roof, and its steel was overlapping. He said the building was in the same condition as any building under construction. Mr. Jordan added, "Here's the kicker: I've got a permit, it's active, right now, to build that property. I've got my foundation permit that's active, ready to build, but these people want me to tear it down."

Ms. Sarver informed Mr. Jordan that he did not have the right to cross-examine the inspector. Mr. Jordan stated he wanted to "protest the procedure which does not allow a property owner to cross-examine those people who have made erroneous testimony against him."

Chair Jordan reiterated her desire to find a way to save the building.

Mr. Jordan referred to the crack in the structure, and stated this occurred when the building was moved, but the point load had been adjusted and the crack had not worsened since then.

Ms. Sarver said Mr. Jordan could pose questions for City Inspectors to answer during their rebuttal instead of cross-examining them. Ms. Sarver stated there had been an opportunity for Mr. Jordan to appear at the USB hearing.

Mr. Prager asked Mr. Jordan's timetable. Mr. Jordan said he could not provide a timetable, blaming this on an inability to obtain financing. He was aware the City wanted action, and said that was why he had renewed the foundation permit and was "proceeding to try to get, at least, the house back on its foundation, complete the envelope and then we can move forward." He admitted he could not provide a definitive timetable, but promised to do "whatever is necessary to protect the structure in the way

that this Board would feel that we should do that.” Mr. Prager wanted Mr. Jordan to be more specific. Mr. Jordan agreed to board the windows, to build a temporary wall over the exposed area, and “proceeding with the foundation in whatever way that I can right now.” Mr. Prager suggested Mr. Jordan hire an engineer to either certify the building as safe, or to recommend steps to take to make the building safe. Mr. Adams felt that was a USB issue. Ms. Sarver agreed, and advised the Board that their role was to determine whether a COA should be granted, based on the criteria.

Mr. Prager thought the Board could condition the issuance of the COA on the failure of the owner to secure the building by the means he had listed. Mr. Adams worried that Mr. Jordan would be unable to obtain the permits required to secure the building.

Mr. Cummings asked if Mr. Jordan had made this same presentation to the USB. Mr. Jordan stated he did not have the opportunity to address the USB. He said the City was aware that the property was vacant and he could not receive mail at this address, but the City continued to send notices there. He said he had no notification of that hearing, and no way to defend himself.

Mr. Haan asked about allegations at the USB hearing that the house was being used for storage, creating additional hazard. Mr. Jordan admitted there were boxes with holiday decorations stored in the house, as well as tools for construction.

Chair Jordan opened the public hearing.

Mr. Charles Gillis, the neighbor living across the street from the Jordan property, noted that the property had been “unsightly, unoccupied and... unsafe” for three-and-a-half years, and said he was dismayed at the prospect of looking at the property for another three years. He feared if the property were foreclosed, no one would buy it in its current condition. Mr. Gillis stated he was here representing fourteen nearby property owners who felt the same way, thirteen of whom had signed a statement in support of demolition. He presented the statement, and a map depicting the signers’ homes, to the Board.

Mr. Jolly said he didn’t blame the neighbors, but wanted to determine the underlying reason for the property’s demolition. Mr. Gillis said for the neighbors, it was the “totality of the problems” that were not being resolved. He reminded the Board that there was ponding of water under the house, causing a mosquito problem, and that unknown persons visited the house every day.

Mr. Prager said he sympathized with the neighbors, not with Mr. Jordan, but the house did not meet the criteria the Board must consider to make their decision.

Mr. Ciesielski informed Mr. Jolly that if the house were demolished, only a single-family home could be constructed on this property.

Mr. Richard Winer, neighbor, said he agreed with the City that the property was an eyesore, but disagreed that it was a fire hazard because there was nothing on the property that could burn. He also agreed with Mr. Jordan that the building cracks had not worsened in 18 months. Mr. Winer claimed there were no alligators on the property; he said someone was confusing the sounds of frogs for the sounds of alligators. Mr. Winer said he had watched the property during "full gale winds" and had not seen "one iota of movement in that structure during gale force winds" though he could not say what would happen in a Category 4 or 5 hurricane. Mr. Winer suggested that the City should pay to anchor the building to the ground instead of demolishing it.

Diane Smart, President of the Broward Trust for Historic Preservation, said this was one of the most significant houses in the County, and it must be preserved. She felt "one should recognize that Mr. Jordan was not properly noticed for the USB." Ms. Smart point out that the Fort Lauderdale Building Code did not give special attention to historic structures, as some cities did, and they would raise this issue at an appeal. She urged the Board to deny the COA.

Mr. Dave Parker, resident and President of the Sailboat Bend Civic Association, said they had worked to save historic properties. Mr. Parker said he had no notification that Mr. Jordan's property was being demolished. Mr. Jolly said he had not received a copy of the notice in the Civic Association's mailbox.

Mr. Maloney said the City satisfied State statutes, local ordinance, and sometimes the Building Code regarding notice. For the USB hearing, this property was posted, and the notice was published twice in the Broward Daily Business Review. Mr. Maloney explained that the City was required to send notices to the address listed with the Property Appraiser. Ms. Sarver was not certain if a civic association must receive such notice.

Inspector Hruschka described notice of the hearing that was included in the USB's July 17 minutes: The property was posted 6/30/08, advertised in the Broward Daily Business Review on 6/27/08 and 7/3/08. Certified mail to the owner was returned. Certified mail sent to Donna Jordan was returned. Certified mail to ARC Equity Funding, LLC, was accepted on 5/27/08, signature illegible. Certified mail to Eduardo J. Garcia, registered agent for ARC Equity Funding, was accepted on 5/27/08, signature illegible, and certified mail to the tenant in possession was returned unclaimed.

Mr. Ciesielski stated Section 47-27.8.A.i.a. specified mail notice for demolitions was required for all property owners within 300 feet of the property to be demolished. It also specified "sign notice shall be given prior to the date set for public hearing on an application for COA for demolition and an economic hardship exception." Mr. Ciesielski stated notice of this demolition addressed to the Jordans was sent to PO Box 1723, Fort Lauderdale, Florida, 33302. A letter was sent to the Tarpon River Club Homeowners Association, which was 300 feet across the river, but not to the Sailboat Bend Civic

Association. He said the code did not specify that civic association notice was required, but this had been the City's practice.

Ms. Sarver confirmed that notice requirements for the USB hearing were met. Mr. Jordan said notice for the USB was not proper because the computer indicated the notice had been sent to 716 Bryan Place; the notice should have been sent to the PO Box to which Mr. Ciesielski had sent notice of the HPB hearing.

Ms. Alysa Plummer, member of the Sailboat Bend Civic Association Board and Chair of the Sailboat Bend Historic Ordinance Committee and Preservation Committee, reminded the Board of a paper she had presented to the HPB 18 months ago regarding use of demolition in an historic district. She said the historic guidelines for Sailboat Bend included proper remedies for properties that were severely deteriorated; demolition was the remedy of last resort when there was a danger to the residents or the neighborhood.

Ms. Plummer wanted to know how many code violations had been brought against this property before it was brought to the USB. She said the first priority should be ensuring public safety through such measures as fencing the property, putting a tarp on the roof and boarding the windows. Ms. Plummer stated guidelines for Sailboat Bend specified, "If the owner cannot or will not make repairs, the City has authority to make such repairs and place a lien on the property." Ms. Plummer was upset that the City was willing to spend \$8,000 to demolish the property, rather than trying to secure the building and protect it with tarps. She asked the Board to save this property.

Ms. Molly Hughes, neighbor, referred to questions raised regarding notice of the USB hearing, and said there was a signed receipt from the mortgage company, and she believed the mortgage company would have been motivated to contact the Jordans after receiving the notice.

Ms. Hughes said the owner was in bankruptcy, and this and another of his properties were in foreclosure. She noted that denial of the demolition permit would not make it possible to save the home; it could only be saved with money. Chair Jordan interrupted Ms. Hughes and said she was not interested in hearing financial issues. She said the Board had criteria to consider, and she was interested in the history of the house and how she and Board could rescue it. Ms. Hughes asked to be able to finish her statement, since this was a public hearing. Ms. Hughes wondered where the money would come from to repair the house. She feared the HPB would only delay the demolition and the neighbors would have to put up with the property a while longer until the City determined no one was available to take care of it. Mr. Adams remarked that until the property was foreclosed upon, the owner could still sell the property.

Ms. Mary Hughes, neighbor, said she had hoped Mr. Jordan would do "something wonderful" with the home, but this had not happened. She was "just appalled by the

fact that he and this Board also, I charge you as being responsible for the fact that this house had been let go. Where were you three or four years ago?" Ms. Hughes pointed out that the house was habitable when Mr. Jordan purchased it, but he had made it uninhabitable, abandoned it and left it to decay. She added that she could identify an alligator, and she and a man working in her yard had both witnessed alligators in the Jordan yard. Ms. Hughes described problems on the property with vagrants and others who visited and tried to live on the property, whom she and Molly chased away, and remarked, "It's very scary to be the next-door neighbor." Ms. Hughes suggested a performance bond should be required whenever an owner gutted a house.

Mr. Jolly said a performance bond would be desirable, but there must be a code change to require this.

Mr. Jordan stated it was "really disconcerting to see conjecture turned into perjury." He admitted he was having financial difficulties and two of his properties were in foreclosure, but he had not declared bankruptcy. He felt these issues were not germane, and the question at hand was whether the building was historic and whether it met the criteria for demolition. He did not believe the City had made a case that the property met the demolition criteria. Mr. Jordan said the building should be saved.

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

Mr. Cummings was not satisfied that Mr. Jordan had been given the opportunity to present his case to the USB. If he were provided that opportunity, Mr. Cummings felt the HPB might not be required to make a decision regarding the demolition.

Mr. Prager said he understood the neighbors' feelings, but felt that "unfortunately, what you're asking for is capital punishment for the house because of the crimes of the owner" and Code Enforcement should have a different way to deal with a case such as this. Mr. Prager believed that "destroying one of the most historically important homes in the City is just not the punishment that you give the owner for violating whatever he might have violated."

Ms. McClellan agreed that the HPB shared responsibility for this issue. She asked what code violations had been brought against the property that would encourage the USB to approve the demolition. Ms. McClellan added that once the property was demolished, it would be gone forever, and it was a piece of the City's history they should protect.

Mr. Adams agreed with Ms. Smart that the City should make it easier to save and rehab these structures.

Ms. Graff asked why the City could not spend the money to save the building instead of to demolish it.

Mr. Haan felt everyone would like to see the house saved and repaired. He felt there were measures that could be taken to appease the neighbors, and the USB could work with the owner. Mr. Haan felt if the City Commission did not back the HPB in denying the demolition, "our City has taken a big step backwards."

Chair Jordan reminded the Board to consider the criteria before them. She felt the house's demolition would be tremendous loss to the City's historic fabric.

Motion made by Mr. Adams, seconded by Ms. Graff, to approve Certificate of Appropriateness for Demolition. In a roll call vote, motion **failed** 0 - 9.

III. For the Good of the City

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Mr. Ciesielski noted the Board had been provided a flyer regarding a holiday party given by the American Society of Landscape Architects.

Mr. Ciesielski said he and staff had compiled a list of incentives for historic properties available from the City, the County and the State. Ms. Sarver agreed to make a presentation to the Board regarding this next month.

Mr. Ciesielski informed the Board that Ms. Morillo was stranded in Thailand. The Board wished her a safe return.

There being no further business to come before the Board, the meeting was adjourned at 7:48 p.m.

Chairman,

Susan Jordan, Chair

Attest:

ProtoTYPE Inc, Recording Secretary

The City of Fort Lauderdale maintains a [Website](http://ci.ftlaud.fl.us/documents/hpb/hpbagenda.htm) 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