

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, MAY 4, 2009 - 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	A	7	1
Nolan Haan, Vice Chair	P	7	1
Jay Adams [until 6:36]	P	5	3
Andy Cole	A	2	6
Beauregard Cummings [arrived 5:11]	P	6	2
Joyce Gardner	P	6	2
Mary-Jane Graff	P	7	1
Marie Harrison	P	7	1
Daryl Jolly	P	5	3
Susan McClellan	P	7	1
Robert Prager	P	8	0

City Staff

Assistant City Attorney Carrie Sarver
Pat Garbe-Morillo, Planning and Zoning Department
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Michael Ciesielski, Planner II, Planning and Zoning Department
J. Opperlee, ProtoType Recording Secretary

Communication to the City Commission

- HPB's requests a moratorium on demolition of historic properties until the City Commission discusses the demolition by neglect problem, and that new language be included in the ULDR to address demolition by neglect.
- HPB requests the City Commission be more assertive in imposing liens against properties presented to the HPB for demolition.
- HPB requests that some monies from fines and liens against historic properties be designated for securing/mitigation of historic properties.

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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

Vice Chair Haan called the meeting of the Historic Preservation Board to order at 5:00 p.m.

Approval of Minutes of January 2009 Meeting

Motion made by Ms. Graff, seconded by Ms. Harrison, to approve the minutes of the Board's January 2009 meeting. 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.

I. Cases

1) Case No. 9-H-05 (SB) [Index](#)

Applicant: Debbie Farmer
Owners: CVM 1 REO, LLC
Address: 215 SW 7th Ave. (Saunders House)
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 #CE081011372 Issued January 15, 2009.

Zoned: RAC-AS

Legal: Bryan's Subdivision. Block 22, Lots 2,4, and East 25 feet of Lot 6, less the north 50 feet of said lots: less the east 10 feet of said Lot 2, and less that part of the south 65 feet of Lot 2. P.B. 1, P 29 (D).

Mr. Haan announced he must recuse himself from this case. He stated he had a potential financial interest in the property.

The Board agreed Mr. Jolly would act as Chair for this case.

Ms. Morillo stated this was a request for a Certificate of Appropriateness for demolition of a single-family home pursuant to a Final Order from the Unsafe Structures Board [USB] of the City of Fort Lauderdale issued on January 15, 2009, Case # CEO 08101372.

Ms. Morillo 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. As well as 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 cited the ULDR section pertinent to demolition of historic structures:
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 explained that the applicant was requesting a COA for demolition of the house at 215 Southwest 7th Avenue in the Sailboat Bend Historic District [SBHD]. She described the house as a side gabled, wood frame structure with a shed roof dormer and hipped roof front porch. She informed the Board that sometime after it was surveyed by the City in 1985 the front porch, which had been enclosed and given an exterior brick veneer, had been opened and restored to its probable original appearance with wood posts and balusters.

Ms. Rathbun reminded the Board that in May of 2005 the former owner had come before the Board with a request for a COA to relocate the building to another lot within the SBHD, which Ms. Rathbun had recommended and the HPB had granted. The house was then raised on blocks in preparation for the move, which never happened. The lot was not properly secured and over time the house suffered damage; the front porch was vandalized and was removed.

Ms. Rathbun stated In spite of the damage that it had suffered, the house still retained much of its historic integrity and the house still contributed to the SBHD. Therefore, criterion i of Section 47-24.11.C.4.c.i did not apply. The house also retained significance within the district, so Section 47-24-11.C.4.c.ii did not apply.

Because the house retained its historic integrity and significance, Ms. Rathbun said it would not be of major benefit to the SBHD to demolish the house, and the house had not been damaged to the extent that it could not be restored. Section 47-24.11.C.4.c.iii therefore did not apply. Ms. Rathbun stated demolition was not recommended.

[Mr. Cummings arrived at 5:11]

Ms. Debbie Farmer, representative of CVM 1 REO, LLC, stated the building had been foreclosed upon. She said Fort Lauderdale had deemed this an unsafe structure and the bank was not willing to put money into the house. Ms. Farmer read from the final Order issued by the Unsafe Structures Board listing the violations for which the property had been cited and found unsafe, and said the bank had been given 30 days to demolish the property, or the City would demolish it and charge the owner.

Ms. Farmer remarked that the house looked nothing like the photo being displayed to Board members. Mr. Jolly stated this was a case of "demolition by neglect" that the Board had identified. Ms. Farmer wondered why the former owner had not maintained the house. Ms. Sarver said the City was struggling with this issue right now. She reminded the Board that the City could use the power of ordinances to encourage owners to comply their properties, but the City could not take over maintenance of properties; owners had property rights the City could not infringe upon.

Ms. Sarver explained that City staff was currently working on modifying the code to address the "demolition by neglect" problem.

Ms. Farmer explained that she was a permit expeditor; she had no interest in the property. She said she had toured the area, and did see a reason to preserve the house, unless someone wanted to invest the significant amount it would take to repair it.

Mr. Adams said the bank, as the owner, should be responsible to maintain the property. Ms. Farmer said the bank wanted to take the house down. She wondered if the bank should be responsible to maintain a property on which it had foreclosed, when the former owner had not maintained it.

Ms. Farmer remarked that the entire structure had been compromised and would have to be completely rebuilt in order to be deemed safe. Mr. Jolly stated there were approximately 30 properties in Sailboat Bend that had required extensive rehabilitation.

Ms. Sarver advised the Board to consider the criteria cited by Ms. Rathbun to make their determination regarding demolition.

Ms. Gardner asked about the porch roof. Ms. Farmer said the porch had become compromised and needed to be removed. Mr. Jolly explained that the color picture showed the home before the porch was removed. Ms. Farmer drew the Board's attention to the black and white photos and remarked that the house was "decrepit...falling apart...broken down" and was a hurricane hazard.

Ms. Farmer reiterated that the City had determined the house must be demolished within 30 days or the City would do it. Ms. Sarver acknowledged that the HPB and the USB had different interests, and that each could not consider the other's judgment or ruling. Since the building was located within Sailboat Bend, any application must be presented to the HPB.

Motion made by Ms. Gardner to recommend demolition of the property. Motion died for lack of a second.

Mr. Jolly opened the public hearing.

Mr. Nolan Haan, resident, presented photos of the property dated 2005 when the front porch was intact. He agreed the property was unsafe and was an eyesore to the neighborhood, but strongly disagreed that demolition was the correct and only remedy. He believed the code violations could be repaired: 1) A new foundation could be poured and the structure strapped to the new foundation; 2) The roof could be replaced; 3) The front porch could be rebuilt; 4) The windows could be replaced.

Because the electric panel box had been removed and service disconnected, Mr. Haan disagreed that the electric situation was dangerous. Proper permits could be pulled and the electric could be brought up to code. He added that the front porch had not fallen off due to rot; the previous owner had removed it as a "systematic way to demolish his own house." Ms. Haan showed photos depicting rope tied to one of the fence posts and said the owner had hooked the rope to the end of a truck and pulled the porch down.

Mr. Haan continued that the floor joists were in perfect condition, and presented a photo taken the previous week depicting this. He stated the core of the house was still in excellent condition, but it was in dire need of a historic restoration. He said many residents, including Board members, had completed major restorations of historic properties instead of demolishing them. .

Mr. Haan stated the bank had a responsibility to maintain the grounds, to fortify the structure from the elements, and to address code concerns. In the full year that the bank had legal possession of the property, it had done none of these. Mr. Haan said he would ask Code Enforcement why there were no code citations in the past year

against the bank. He felt that the threat of significant fines would motivate the bank to do its job.

Mr. Haan explained that in 2005, he had made a legal agreement with the former owner, Williams Saunders, to relocate the house to property he owned one block west of its current location. Mr. Saunders agreed to pay for all relocation costs and for a new foundation, and to deliver the house to Mr. Haan's lot in good condition. Mr. Haan said he would be willing to discuss a similar scenario with the bank.

Mr. Haan continued that Mr. Saunders had never delivered the house, and Mr. Haan had sued him. The day before they were set to appear before a judge, the bank made a motion to intervene and stopped the process. Mr. Haan had backed away from the situation.

Mr. Haan believed the bank should be compelled to do the right thing for the historic district, and to be held to the same standard to which other residents were held. In the short term, the bank should maintain the property, tarp the roof and properly secure the house from vandals. They should proceed immediately to restore the building, either in its original location or on Mr. Haan's lot. If the bank failed to take action, it should be subjected to the highest Code Enforcement fines possible. Mr. Haan stated the demolition should be denied.

Mr. Mitchell Lambert, resident, complained about the lack of maintenance on the property. He stated trash and debris were constantly present on the property. He displayed photos he had taken of trash on the property. Mr. Lambert added there was graffiti on the house. He stated the owners had been bad neighbors and negatively affected surrounding properties.

Mr. Richard Locke, resident, said this was one of several historic buildings in Sailboat Bend that were suffering demolition by neglected because the City would not take on its responsibility to enforce the law. He said the City had lost a dozen historic pre-World War II wooden houses in the past 15 years and five were in the same state as this house. Mr. Locke explained that the ordinance did not contemplate demolition for historic properties; it required the owner to repair the property. If it were permitted to demolish historic buildings for public safety reasons, Mr. Locke believed every historic building would be demolished "because people want to tear down the historic buildings and put in an expensive condo building." Mr. Locke stated the Board had no choice under the law but to vote that the property could not be demolished.

Ms. Alyssa Plummer, resident, explained that before she bought her home it had been presented to the HPB twice for demolition and Board had denied the requests. Ms. Plummer purchased the property and had complied it with historic guidelines and codes. The property was saved and now contributed to the historic fabric of Sailboat Bend. Ms.

Plummer showed photos of her home taken when she purchased it and after she renovated it.

Ms. Plummer was concerned that no code violations had been brought against the bank since it foreclosed on the property. She believed the City must force the bank to comply and to secure the property. Ms. Plummer asked the Board to vote to deny the request for demolition.

Ms. Farmer was certain that “the City did not just let the building sit there and rot without doing anything about it; they either intended for it to be demoed or there was some kind of fines...” Mr. Adams interjected that this was not the HPB’s concern.

Ms. Sarver clarified that the Board must consider whether the building met any the three criteria Ms. Rathbun had read. If the building did not meet one of those criteria, the Board must vote against demolition. If the Board denied the request, their decision could be appealed to the City Commission, who had the final say.

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

Ms. Graff had been involved with the Art Deco district preservation in Miami, and she said the condition of those buildings had been even worse than this building, but they had been saved. This district now contributed greatly to the City of Miami. Ms. Graff did not want to lose Sailboat Bend and the few buildings that were left having historic significance. She believed this building could be repaired.

Motion made by Ms. Graff, seconded by Mr. Prager, to approve the Certificate of Appropriateness for demolition. In a roll call vote, motion failed 7 – 1 with Ms. Haan recusing himself and only Ms. Gardner voting yes.

Mr. Haan returned to the dais.

2) **Case No. 1-H-09**

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Applicant: Cubellis Architects, Inc. (North Side School)

Owner: School Board of Broward County

Address: 120 NE 11 St.

Request: Certificate of Appropriateness for Demolition

- Demolition of two non-contributing courtyard buildings

Certificate of Appropriateness for Alteration

- Re-open former façade window openings and install 2 sets of new windows to match existing ones (Historic School)

Certificate of Appropriateness for New Construction

- Second story addition to non-contributing (#8) building

- Construct a two story classroom building
- Zoned: C.F.
Legal: Parcel "A" and Parcel "B" of "Replat of a Portion of Block 185, Progresso, City of Fort Lauderdale-Florida", PB 41, P. 25.

Ms. Morillo stated this was a request for three Certificates of Appropriateness (COA) for Alteration. The first was to demolish two courtyard buildings on the south side of the school. The second was to install two sets of in-kind windows into the north façade side of the school. The third was a COA for new construction of a second story addition and a new classroom building.

Ms. Morillo advised the Board to consider Section 47-24.11.C.4.c. i-iii of the ULDR with regard to the criteria for demolition. In addition, the Board should consult both the General criteria for a COA in Section 47-24.11.C.3.c.i. a-f and the additional guidelines for alterations in Section 47-24.11.C.3.c.ii.a-h when deciding whether to grant a COA for Alteration.

Ms. Rathbun cited the ULDR section pertinent to demolition of historic structures:
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 a historic architectural or archeological landmark; or
- lii The demolition or redevelopment project is of major benefit to a historic district

Ms. Rathbun explained that the applicant was asking for a COA to demolish two existing buildings: a one-story classroom building and a storage building. According to the updated 1962 Sanborn Fire Insurance Map for the City of Fort Lauderdale, the classroom building (no. 3) was built in 1959, well after the construction of the ca. 1928 historic resource, North Side Elementary School. The storage building (no. 7) was not shown on the updated 1962 Sanborn, so it was built some time after the last update to that map. Ms. Rathbun remarked that neither building was considered historic, so demolition criteria i. and ii. had been met. Demolition of the two buildings was necessary to carry out the applicant's project to upgrade the school facility, so criterion iii. had been met. Ms. Rathbun stated the COA to demolish should be granted.

Ms. Rathbun informed the Board that the applicant was also requesting a COA to reopen façade windows on the north elevation of the historic school and install new windows to match windows in the historic building.

Sec. 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:

a) The effect of the proposed work on the landmark or the property upon which such work is to be done;

Ms. Rathbun stated reopening the windows would return the building to the original design and approval was recommended.

Ms. Rathbun continued that the applicant planned to build a new two-story classroom building and add a second story to an existing one-story non-contributing building. The design of the new construction was Mediterranean Revival style and closely reflected the style of the historic building. Ms. Rathbun reminded the Board that the Secretary of the Interior's Standards recommended that design for new construction should be clearly differentiated from that of the historic resource. She felt there may be enough discrimination in details, such as fenestration, between the original and the new construction, or some further distinction for the new could be made, perhaps through color or other means. She advised the Board to consider this point.

Sec. 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:

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

Mr. Jorge Gutierrez, project architect, said the School Board wished to bring larger classrooms to the existing schools to provide facilities equal to those in newer schools..

Mr. Gutierrez showed floor and site plans for the project, and explained that the existing classrooms were 300 square feet smaller than newer classrooms. The project would also open a large courtyard in the center of the complex to maximize open space. A second story would be added to building 8, which had been constructed in the 1990s.

Mr. Gutierrez explained that the School would now have a single point of entry, by converting the first floor of the historic building that currently housed administration. The administrative offices would be moved to a second story in the historic building. Mr. Gutierrez showed several photos and floor plan designs comparing its current and proposed configurations.

Mr. Gutierrez informed the Board that the additions would be fitted with rain harvesting devices to irrigate the site and flush the toilets. The water would be heated by rooftop solar panels. Mr. Gutierrez said the new addition would incorporate many components to supplement the passive solar design the original building had.

Mr. Gutierrez said they had received permission from the Parks and Recreation Board to use the adjacent park for the temporary classrooms. This would save six to nine months in construction time.

Mr. Cummings asked the impact the project would have on nearby businesses. Mr. Cummings said there were safeguards in place to minimize impact to the nearby properties, and the project was scheduled not to exceed 24 months.

Ms. McClellan remarked that the new construction should complement the old construction, but not match it. Mr. Gutierrez pointed out that the addition windows were completely different from the original, and this differentiated the architecture. The roof would also indicate it was not part of the original structure.

Mr. Haan opened the public hearing.

Mr. Barry Stark, neighbor, said he was in favor of the project. He asked about the impact demolition would have on his nearby business, and noted that there were drainage issues in the rear of his lot. Mr. Ciesielski explained that the applicant's site plan must be reviewed by the Building Department and there must be satisfactory mitigation of debris and parking issues. He invited Mr. Stark to contact him for additional information.

Ms. Rathbun confirmed for Mr. Adams that they had addressed her concerns regarding differentiating the historic and newer portions of the structure.

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

Mr. Frank Alfieri, project manager, informed Mr. Prager that funding was in place. He added the school would occupy roughly one third of Warfield Park during construction, and once the project was complete, they would enhance the park with a new, lighted soccer field.

[Mr. Adams left the meeting at 6:36]

Motion made by Mr. Cummings, seconded by Ms. Harrison, to approve Certificate of Appropriateness for Demolition. In a roll call vote, motion passed 8 – 0.

Motion made by Ms. McClellan, seconded by Mr. Jolly, to approve Certificates of Appropriateness for Alteration and New Construction. In a roll call vote, motion passed 8 – 0.

3) **Case No. 14-H-07 H-1**

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Applicant: Orlando Carillo Assoc.

Owner: East Lauderdale Properties, LLC

Address: 300 SW 2nd St.

Request: Certificate of Appropriateness for Alteration

- Installation of exterior 2 story kitchen exhaust

Certificate of Appropriateness for Alteration

- In-kind sign replacement

Zoned: H-1

Legal: Lots 12, 13 and 14, Block 25, Plat Book B, P. 40

Ms. Morillo stated this was a request for a Certificate of Appropriateness to install an exterior kitchen vent and in-kind sign replacement.

Ms. Morillo advised the Board to 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 explained that the building at 300 Southwest 2nd Avenue was shown on the 1928 Sanborn Fire Insurance map. She described the building as a two-story vernacular commercial building of the period with a two-story porch on the rear elevation. The front elevation had a canopy supported by posts that ran the length of the building and sheltered the sidewalk. She informed the Board that the applicant was installing a kitchen at his business and needed to install a two-story kitchen exhaust which would be placed at the southeast corner of the east side elevation. Ms. Rathbun remarked that the position chosen was inconspicuous and the exhaust was necessary for the adaptive reuse of the building. She recommended approval of the exhaust.

Ms. Rathbun continued that the Applicant was changing the name of his business and was requesting a COA for a "canopy" sign to be hung from the canopy at the front of the building. A similar sign had been approved by the HPB in December of 2002. Ms. Rathbun said a 1937 photograph showed the building with a canopy sign such as the one requested by the applicant.

Section 47-16.21 Sign Regulations

A. Sign definitions. The definition of signs are those listed under Section 47-22, Sign Requirements

Section 47-22.2 Definitions (signs)

A. 29. Under-canopy sign: A sign attached to the cantilevered portion of a building whether it be on the same plane as the roof line or not.

Section 47-16.21 Sign Regulations

B. Sign Regulations

1. The location, type, size, material, text, visual impact, shape, character, height and orientation of all signs in addition to the number and total area of signs on a given structure or at a given location shall be approved by the board. However, no more than two signs, exclusive of owner identification sign, temporary real estate sign and directional, informational and safety signs shall be permitted at each place of business or premises.
2. Except for temporary real estate and builders' signs permitted under Section 47-22, Sign Regulations, signs may be lighted but only by external, incandescent light bulbs illuminating the text of the sign from the exterior. The intent of this subsection is to prohibit light box signs and the use of tube light lighting.

D. The following signs are prohibited within the historic district; Pole signs, marquee signs, banner signs, horizontal projecting signs, outdoor advertising display signs, pylon signs, sidewalk signs, sandwich signs, snipe signs (except where such signs are attached in any way to motor vehicles, trailers or water borne craft and sign does not exceed one hundred eight (108) square inches), balloons which are used for advertising and are anchored either temporarily or permanently to any structure or premises, outdoor advertising display signs or billboards and all other signs prohibited by Section 47-22, Sign Regulations.

Ms. Rathbun stated canopy signs were allowed in the H-1 district and this request should be approved.

Mr. Orlando Carillo, architect, said the biggest change would be the sign out front. He presented photos of the existing and proposed signs.

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

Mr. Prager remarked that the changes would be undetectable.

Motion made by Mr. Cummings, seconded by Mr. Prager, to approve the Certificates of Appropriateness for Alteration. In a roll call vote, motion passed 8 – 0.

III. For the Good of the City

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Ms. Morillo and Ms. Sarver explained the new section of the minutes titled Communications to the City Commission and the Board discussed items to include under that heading.

There being no further business to come before the Board, the meeting was adjourned at 7:01 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