

**HISTORIC PRESERVATION BOARD  
CITY OF FORT LAUDERDALE  
THURSDAY, DECEMBER 15, 2011 - 5:00 P.M.  
CITY HALL EIGHTH FLOOR CONFERENCE ROOM  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>
Susan McClellan, Chair	P
Matthew DeFelice, Vice Chair	A
Brenda Flowers	P
Mary Jane Graff	P
Marie Harrison	P
Richard Heidelberg [arr. 5:20]	P
David Kyner	P
Phillip Morgan [arr. 5:11]	P
Gretchen Thompson	P

**City Staff**

Assistant City Attorney Carrie Sarver  
Anthony Fajardo, Historic Preservation Board Liaison  
Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB  
Amanda Lebofski, Prototype Inc.

**Communication to the City Commission**

None

**Index**

<u>Case number</u>	<u>Applicant</u>	<u>Page</u>
1.	Proposed Amendments to the Historic Ordinance	<a href="#">2</a>
2. 18-H-11	Erlich Investments of South Florida, LLC Good of the City Communication to the City Commission	<a href="#">4</a> <a href="#">9</a> <a href="#">9</a>

**Call to Order**

Chair McClellan called the meeting of the Historic Preservation Board to order at 5:35 p.m. and determined a quorum was present.

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

[Index](#)

---

<b>1. Proposed Amendments to the Historic Preservation Ordinance</b>	<b>6T10</b>
<b>Sections under review:</b>	47-24.11., Historic Designation of Landmarks, Landmark Site or Buildings and Certificate of Appropriateness; 47-32.3., Powers and Duties ; 47-32.4., Membership; 47-32.5., Qualifications ; 47-32.6., Meetings and Procedures;47-32.7., Quorum;
* NOTE:	This item is not quasi-judicial
District:	All Districts

---

Dave Baber, workgroup member, referred to page 17, and remarked there had been some changes to the Certificates of Appropriateness section. Mr. Fajardo said Mr. DeFelice had sent some additional language via email regarding the archeological portion. He said most of the language concerned parks, and this might be more appropriate in the Parks section.

Mr. Baber said the section on the Historic Preservation Officer position was new, and this person would function mostly as Ms. Morillo did now.

Under the Additional Criteria for New Construction, Mr. Baber said there had been concern about the existing ordinance, so the workgroup had clarified the standards. They had defined the term “viewshed” as the view to or from an historic resource and included that language throughout the ordinance. Mr. Jordan said “mass” and “scale” were also more mathematically defined, instead of being subjective.

Ms. Flowers asked about yard reductions in Sailboat Bend. Mr. Jordan noted that reductions were permitted in Sailboat Bend in Section 47-40.8.B.3.a, but this could be expanded to areas other than Sailboat Bend. The Workgroup agreed to look into this.

Mr. Heidelberger asked about real estate disclosures, and whether being located in an historic area ultimately added to or detracted from the value and salability of a building. Ms. Sarver said there were arguments on both sides of this issue. Mr. Jordan said failure of a realtor to disclose the fact that a property was located in an historic district was negligence. He said they were working to add the historic designation to zoning districts. Mr. Fajardo said the City’s GIS system alerted staff regarding property that was designated or located in an historic district whenever they pulled up a property. He stated they were also considering holding a discussion with the realtors’ association regarding the boundaries of the historic districts and what impact this had on a property. Mr. Heidelberger suggested appending the property tax ID number to include a flag for

historic properties.

Ms. Graff pointed out that they were lacking in making prospective buyers aware of “what they’re getting into” when buying these properties. Mr. Jordan explained that the Broward Trust for Historic Preservation had held workshops for realtors.

Jim Stump noted that lead-based paint required disclosure since April 2010. The fine for a first-time violation was \$37,500. Mr. Stump said the law stated that in a housing unit or child-occupied facility, no one may disturb more than six square feet of painted material without being certified by the Environmental Protection Agency. He noted that more than 50% of Broward County contractors were certified. Mr. Stump said 70-90% of applications the Board heard were for houses that probably had lead based paint. He agreed to send materials to Mr. Fajardo regarding this.

Ms. Thompson asked if the City Commission was aware of the proposed incentive program. Mr. Fajardo said they were not, but they must approve this and the City Manager would budget for it. Mr. Jordan suggested that Code Enforcement settlements should go into a trust fund to be put back into the district.

Ms. Graff said it was important to make the public aware of the tax exemption available to owners of historic properties. Mr. Jordan said the key addition was the tax exemption that mirrored the County’s for historic properties used for certain commercial purposes.

Mr. Baber said the Transfer of Development Rights was completely new in the City but was used in other cities. He said it was a great concept that would require education.

Mr. Baber stated changes had been made to Section 47-40.8.B, The H-2 Zoning Overlay for the Sailboat Bend Historic District, that the neighborhood had desired for a long time. Mr. Jordan said the biggest difference was the removal of the materials checklist; this would be addressed by the new design guidelines.

Mr. Baber said they had added adopting the Architectural Resources Survey – Sailboat Bend Historic District, dated May 2009, as the document that identified contributing and non-contributing resources. Mr. Jordan said they had also strengthened the language to indicate that the overlay zoning always governed.

Mr. Baber said Mr. Jordan had looked at other ULDR sections that referenced the Historic Ordinance. The last two pages of the draft addressed these.

Ms. Sarver said her office would work with staff to make sure the format was appropriate before it was presented to the City Commission.

Ms. Sarver anticipated the draft would be ready to present to the City Commission in May. Mr. Fajardo reminded the Board that they would hold public input meetings; the

Commission would be updated with a conference item; the Planning and Zoning Board would review the ordinance for recommendations and then the item would be presented at two Commission meetings.

The Board agreed to discuss Mr. DeFelice's suggestions when he was present at their January or February meeting.

---

<b>2. <u>Applicant:</u></b>	<b>Erlich Investments of South Florida, LLC</b>	<b>18H11</b>
<b><u>Owner:</u></b>	<b>Eyal Halni</b>	
<b><u>Request:</u></b>	<b>Certificate of Appropriateness for Alteration:</b>	
	<ul style="list-style-type: none"><li>• <b>Replace existing concrete tile roof with 3 tab asphalt shingle roof</b></li></ul>	
Legal Description	WAVERLY PLACE 2-19 D, LOT 2 BLOCK 107	
Address:	1000 West Las Olas Boulevard	
General Location:	Southwest corner of West Las Olas Boulevard and SW 10 <sup>th</sup> Avenue	
District:	4	

---

This item was heard out of order.

Mr. Fajardo explained this item had been deferred from the Board's regular meeting on December 5. He noted the applicant had not been properly noticed about the December 5 meeting.

At 5:11, Mr. Morgan arrived.

**Property Background:**

Ms. Rathbun stated there were two structures on this lot in the SBHD. The northernmost was a one-story residence with a rectangular footprint and a centered curved projection facing SW 10 Avenue. The house was designed by architect Courtney Stewart, Jr. in 1946 for Mr. and Mrs. Simon Kopfhammer. In 1971, the Kopfhammers commissioned architect Joseph Phillips, Jr. to design a one-story duplex apartment, which was built just south of their residence facing SW 10 Avenue. Both buildings had flat, white, concrete tile roofs.

**Description of Proposed Site Plan:**

Ms. Rathbun said the applicant was requesting a COA to replace the original concrete tile roofing material with asphalt shingles. The applicant had included drawings for both buildings on the lot, indicating presumably that both buildings would be reroofed.

**Criteria for Certificate of Appropriateness:**

Pursuant to ULDR Section 47-24.11.C.3.c.i, in approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the HPB shall use the following general criteria:

ULDR Section 47-24.11.C.3.c.i

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

Consultant Response: Replacing the original cement tiles with fiberglass/asphalt shingles will have affect the original character of the buildings

c) The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;

Consultant Response: Cement tiles were a significant element in the design of these post war buildings

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

Consultant Response:

Recommended

Identifying, retaining, and preserving roofs--and their functional and decorative features--that are important in defining the overall historic character of the building.

This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features, such as cupolas, cresting chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

Not Recommended

Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material in order to create a uniform, or "improved" appearance.

Changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.

Stripping the roof of sound historic material such as slate, clay tile, wood, and architectural metal.

Applying paint or other coatings to roofing material which has been historically uncoated.

Recommended

Ms. Rathbun stated if using the same kind of material was not technically or economically feasible, then a compatible substitute material may be considered.

Comment

Ms. Rathbun said the applicant should consider using a material that is as "like" as possible to the original material, i.e. white flat cement tile.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

**ULDR Section 47-17.7.B**

1. Roofs and gutters.
  - a. Roof--materials.
    - i. Terra cotta.
    - ii. Cement tiles.
    - iii. Cedar shingles.
    - iv. Steel standing seam.
    - v. 5-V crimp.
    - vi. Galvanized metal or copper shingles (Victorian or diamond pattern).
    - vii. Fiberglass/asphalt shingles.
    - viii. Built up roof behind parapets.
  - b. Gutters.
    - i. Exposed half-round.
    - ii. Copper.
    - iii. ESP aluminum.
    - iv. Galvanized steel.
    - v. Wood lined with metal.
  - 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. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.

Consultant Response:

- vi. Fiberglass/asphalt shingles is an appropriate material under Sec. 47-17.7.B

Comment

Fiberglass/asphalt shingle is unlike the original roofing material and in this case does not meet ULDR Section 47-24.11.C.3.c.i (f) with the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

**Request No. 1 - COA for Alterations:**

Ms. Rathbun said the applicant was requesting a certificate of appropriateness for alterations to two structures. In addition to the General Criteria for obtaining a COA and the Material and Design Guidelines, as previously outlined, pursuant to ULDR Section 47-24.11.C.3.c.ii, the Board must consider the following additional criteria specific to alterations, taking into account the analysis of the materials and design guidelines above:

“Additional guidelines; alterations. In approving or denying applications for certificates of appropriateness for alterations, the board shall also consider whether and the extent to which the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Rehabilitation, will be met.”

ULDR Section 47-24.11.C.3.c.ii

b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;

Consultant Response: The white cement tile roofing material is a distinguishing Historic material for houses of this period (i.e. post WW II construction)

f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability or different architectural elements from other buildings or structures;

Consultant Response: If the original material cannot, for some reason be replaced, the new material should closely match in color and design the old material.

**Summary Conclusion:**

Ms. Rathbun said the applicant should state why it was necessary to replace the original material with this new and unlike material. Although fiberglass/asphalt shingles were an approved material for use in the SBHD, in this case their use did not meet the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" to replace “like” with “like” or a close substitute.

Frank Dickinson, Erlich Investments, said they had hired a contractor to re-roof the structure without knowing this request needed to be presented to the Board. He said the roof had many leaks and they wanted to replace the flat roof with a shingle roof.

Chair McClellan opened the public hearing portion of the meeting.

Dave Baber, Sailboat Bend Civic Association and Sailboat Bend Historic Preservation Subcommittee, asked if just one building was being re-roofed. Mr. Dickenson said only the duplex was being re-roofed.

Mr. Baber noted that the other building on the site had been designed by Courtney Stewart, renowned local architect, and he assumed the architect for the duplex had put the same tile roof on that building. Mr. Baber said he would be particularly concerned if the Courtney Stewart building was being re-roofed with material that did not replicate the original material. He referred to ULDR Section 47-24.11.C.3.c.ii.f which stated that architectural features should be repaired rather than replaced and said he supported Ms. Rathbun's conclusion.

At 5:20, Mr. Heidelberger arrived.

Alysa Plummer, Sailboat Bend Civic Association, said she also agreed with Ms. Rathbun's report. She stated this was located in the Historic District and was adjacent to the Courtney Stewart building and they should be sensitive to this.

Charles Jordan, President of the Trust for Historic Sailboat Bend, agreed with Mr. Baber and Ms. Plummer, and felt the roof should honor the Courtney Stewart building.

There being no other members of the public wished to address the Board on this matter, Chair McClellan closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Morgan, seconded by Ms. Harrison, to approve the application as presented. In a roll call vote, the vote was tied 4-4 with Ms. Flowers, Mr. Kyner, Ms. Graff, and Chair McClellan opposed.

Ms. Sarver explained that the motion did not fail because the Board must take action.

Chair McClellan said as an architect, she found it troubling that the roof would change from a concrete tile roof to an asphalt shingle roof because it destroyed the character of the architecture. Ms. Harrison agreed, and said this could set a precedent for the neighborhood.

Ms. Thompson pointed out that this building was constructed in 1972 so it was not an historic building like the one next door.

Mr. Heidelberger said he had not looked at the building, but he thought the building was "not particularly significant from an architectural perspective..." He suspected the owner had decided on the asphalt roof because of the financial implications.

Mr. Dickenson said there was an economic component to the decision; the tile roof would be twice the cost of the asphalt shingle roof.

**Motion** made by Ms. Flowers, seconded by Ms. Graff, to deny the application. In a roll call vote, motion passed 5-3 with Ms. Harrison, Mr. Morgan and Mr. Heidelberger opposed.

**3. For the Good of the City**

[Index](#)

Ms. Plummer thanked the Board for their help with the Shippey House.

**4. Communication to the City Commission**

[Index](#)

None.

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

Chairman,

---

Susan McClellan, Vice 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 Inc.