

**HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, OCTOBER 7, 2013 - 5:00 P.M.
FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>6/2013 through 5/2014</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	P	5	0
Gretchen Thompson, Vice Chair	P	4	1
Brenda Flowers	A	4	1
Marie Harrison	P	2	3
Richard Heidelberger [5:18]	P	3	2
Phillip Morgan	P	5	0
Carol Lee Ortman	A	2	1
Alexandria Scherer	P	4	0
Richard Schulze	P	5	0
Jackie Scott	A	3	2

City Staff

Merrilyn Rathbun, Fort Lauderdale Historical Society, Consultant to HPB
Lynda Crase, Board Liaison
Linda Mia Franco, AICP, Historic Preservation Board Liaison
Carrie Sarver, Assistant City Attorney
Anthony Fajardo, Zoning Administrator
Jamie Opplerlee, Recording Secretary, Prototype Inc.

Communication to the City Commission

None.

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Call to Order

Chair Kyner called the meeting of the Historic Preservation Board to order at 5:07 p.m. Roll was called and it was determined a quorum was present.

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

Board members disclosed communications they had concerning cases on their agenda.

Approval of Minutes of September 2013 Meeting

Motion made by Ms. Thompson, seconded by Mr. Schulze, to approve the minutes of the Board's September 2013 meeting. In a voice vote, motion passed unanimously.

Ms. Thompson related a possible Sunshine violation regarding an email she had sent. Ms. Sarver advised her to speak to her after the meeting.

Cases:

1. Index

Case	20H13	FMSF #	
Applicant	Brian Schmitz		
Owner	Brian Schmitz		
Address	700 Bryan Place		
General Location	SW CORNER OF SW 4 th (BRYAN) Place and SW 7 th (COLLEY) AVENUE		
Legal Description	LOT 9 AND THE EAST 35.25 FEET OF LOT 8, RIO ALTA RESUBDIVISION OF BLOCK 34 FORT LAUDERDALE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE(S) 19, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA		
Existing Use	Residence		
Proposed Use	Residence		
Applicable ULDR Sections	47-24.11.C.3.c.i; 47-17.7.B; 47-24.11.C.3.c.ii		
Request(s)	Certificate of Appropriateness for Alteration 1. Replace 33 Windows and 4 doors with impact windows and doors.		

Ms. Rathbun read from her memo:

Property Background:

The, two story house at 700 Bryan Place was designed by significant local architect Courtney Stewart, Jr. in 1941. It is Spanish eclectic in style and has a front facing U shaped footprint with irregularities. The roof is a combination of hip and gable. An important design feature is an under roof second story porch in the courtyard of the U.

Description of Proposed Site Plan:

The applicant requests a COA to replace 33 windows and 4 doors with impact windows and doors. At the present time most of the windows are metal awning type, which were probably replacements. The applicant wants to replace the single awning windows on the front and side elevations with single hung, 3x1, bungalow style windows. These windows are aluminum frame, walnut brown in color with a simulated wood finish. The muntins (dividers) on the upper sash are ogee shaped and applied to the glass surface. The applicant has included a photograph of a sample window, which shows the color, simulated wood finish and the profiles of the window. The requested window is appropriate.

There are a few other shaped windows on the front and side elevations including a picture window flanked by operable bungalow style single hung windows, smaller single hung windows with 2x1 lights, a small window with 3 lights and a 2x2 single hung window. All of these windows will be aluminum with the requested walnut brown simulated wood finish.

At the rear elevation the applicant has requested sliders, which are approved by the SBHD Materials and Design Guidelines. The applicant's drawing show what appear to be muntins that have been applied to the sliding windows. The sliders would now resemble a window with a large pane or light surrounded by smaller lights. The applicant should state whether he intends to have muntins applied to these sliders.

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: There is no adverse effect on the property. The design of the windows is appropriate

- 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: See below. The applicant is planning to replace windows that were probably replacement windows and were not historically accurate. The new windows are appropriate.

From the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

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. Windows and doors.

- a. Materials.
 - i. Glass (clear, stained, leaded, beveled and non-reflective tinted).
 - ii. Translucent glass (rear and side elevations only).
 - iii. Painted and stained wood.
 - iv. Aluminum and vinyl clad wood.
 - v. Steel and aluminum.
 - vi. Glass block.
 - vii. Flat skylights in sloped roofs.
 - viii. Domed skylights on flat roofs behind parapets.
- b. Configurations.
 - i. Doors: garage nine (9) feet maximum width.
 - ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; limed only to gable ends.
- c. Operations.
 - i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers.
- d. General.
 - i. Wood shutters sized to match openings (preferably operable).
 - ii. Wood and metal jalousies.
 - iii. Interior security grills.
 - iv. Awnings.
 - v. Bahama shutters.
 - vi. Screened windows and doors.

Consultant Response: The applicant requests non-reflective tinted glass, and aluminum window frames.

The applicant requests rectangular configurations, single hung windows, fixed with frame, casement and sliders (rear elevation only).

The requested materials meet the SBHD Materials and Design Guidelines.

Request No. 2 - COA for Alterations:

The applicant is requesting a certificate of appropriateness for alterations to one structure.

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 new windows are appropriate to the character of the house.

- 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: The existing windows are probably replacements and are not historically accurate. The new Windows are appropriate the style and character of the house.

Summary Conclusion:

The applicant's request for a COA for 33 impact resistant windows and four sliding glass doors meets the SBHD materials and Design Guidelines and should be approved.

Brian Schmitz, owner, explained he was replacing existing windows and doors with impact resistant models and he had tried to match the color with the balcony: a wood grained finish.

Ms. Franco confirmed that only one Certificate of Appropriateness for Alteration was required for the windows and doors.

At 5:18, Mr. Heidelberger arrived.

Mr. Schmitz showed photos of the existing sliding doors to be replaced and noted these were not original; he thought these had been installed in the late 1970s. He said the replacement would have the same finish and mullions as the windows.

Chair Kyner opened the public hearing portion of the meeting. There being no members of the public wishing to address the Board on this matter, Chair Kyner closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Schulze, seconded by Ms. Harrison, to approve the application as presented. In a voice vote, motion passed unanimously.

Chair Kyner remarked this was one of the most thorough, professional and attractive application he had seen.

4. **Old Business**

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Historic Preservation Ordinance

Mr. Fajardo announced the October 22 City Commission workshop had been postponed. He invited the Board's input on the staff supplemental recommendations he had presented at the previous meeting. He explained that some residents of Sailboat Bend had requested the postponement. Staff had also received additional comments from the working group that they needed time to review, so the City Commission had decided to postpone the workshop.

Chair Kyner recalled that four years ago, the Mayor had asked the HPB to work on the ordinance and three years ago, the Mayor had asked Dave Baber, Broward County Historic Preservation Officer, to collaborate with the working group. Chair Kyner stated he was "quite baffled by their decision at the last minute to throw a monkey wrench into the spokes and to put this thing off the track." The City Manager had told Chair Kyner that it was a single member of the community, not the Sailboat Bend Civic Association, who had requested the postponement. He noted the amount of work that had gone into drafting the ordinance and asked, "How is it going to be any different after the first of the year than what we would have done on the 22nd of October?" Mr. Fajardo could not say, but stated, "Any type of process where you're proposing amendments to an ordinance that are going to affect property rights for a large group of people...a lot of

times you end up with a situation where towards the end, more and more people get more involved as they gain more understanding.”

Chair Kyner pointed out that the purpose of the workshop was to invite input. He felt this did a disservice to many people and feared that the format would change and “the whole thing become something quite different than what we thought it was.” Mr. Fajardo stated the Board had proposed specific language to the City Commission and that would not change unless the Board voted to change their recommendation. Members of the public could provide input and suggest other language.

Mr. Fajardo clarified that one person had made the request for the postponement but he had seen multiple emails about it.

Mr. Schulze said the postponement made him wonder whether the City Commission wanted the ordinance to go through and Ms. Thompson agreed and wanted to send a message to the Commission that the Board was unhappy about this. Mr. Schulze wanted assurance that another postponement would not be “allowed to happen.” Chair Kyner wanted to know when a new date would be set. Mr. Fajardo explained that the Commission was booked up and staff needed to identify a specific date and time for the workshop. He agreed to provide the date to the Board as soon as it was determined.

Chair Kyner wished to invite the Sailboat Bend residents who requested the postponement to attend an HPB meeting to discuss any concerns. Ms. Sarver cautioned that the Board could not direct staff to contact the individuals who requested that the workshop be postponed to ask them to show up to the HPB meeting. However, the Board could request that the City Commission direct the City Manager to direct staff to fulfill such a request, but she did not know how feasible that would be. Chair Kyner felt if there was a “new workgroup” that wanted input, they should present their ideas.

Mr. Morgan said, “I don’t think that we know what influences are being exercised here to have caused this. I don’t think anyone really believes that one person or a small group like what’s being expressed had that kind of influence on the City Commission to override what was obviously been a long and very hard working number of people and staff to undertaking this very large and difficult process to then come to the edge - the brink - and say, ‘well there are some people expressing some displeasure or are now saying they don’t quite understand or agree with what is being proposed’ and just to push it off. So, all that being said, the Board can’t hold some kind of a public forum or discussion on the re-write for any and all people to come, attend?”

Ms. Sarver said the City Commission wanted the workshop to be that forum once those individuals reviewed the proposed ordinance. She remarked, “It was not somebody who had political influence.” She reiterated Mr. Fajardo’s comment that when considering ordinances affecting property rights, it was not uncommon for people to

become aware toward the end of the process and be given an opportunity to properly vet the changes.

Chair Kyner felt this was a dysfunctional way to run a workshop, "to have people hit you cold with what their changes or objections are." He thought the other workgroup should present their ideas in writing prior to the workshop. Ms. Sarver hoped that comments would be received prior to the workshop, but it would be a public hearing and any individual could attend and speak. Input could not be controlled by staff. Chair Kyner wanted to request that the Board receive any new recommendations in writing to review prior to the workshop. The Board members were contemplating how to word a communication to properly communicate their concerns regarding the postponement of the workshop. Ms. Sarver suggested sending a Communication to the City Commission that the Commission read through these minutes.

Mr. Schulze said this seemed to be an "indefinite postponement." Mr. Fajardo stated the Commission had just requested the postponement the previous week and staff fully intended to schedule it, per the Commission's availability. Chair Kyner remarked that there were "some emotions that are involved here: there's some frustration, there's a bit of disbelief and there's also some suspicion, I think, that this just may never get accomplished" and "the disquiet, I think, is that the reasons for postponing it were so shallow and there wasn't a groundswell of people that showed up to demand that the changes be made."

Staff Recommendations for the Historic Preservation Ordinance

Chair Kyner reminded the Board of the additional recommendations from staff:

1. To allow for administrative approval of some COA requests.
2. Allow the Historic Consultant to approve some COA requests, like replacing windows and doors.
3. To require a bond for relocation or alteration requests.

Mr. Fajardo said staff referred the design guidelines and this gave them the ability to streamline the process using staff or consultant approval for minor things. Requests that fell outside certain thresholds would automatically be brought to the Board. Mr. Fajardo stressed that this was not about removing the Board's authority, and explained that they felt this was a way to encourage people to come in and discuss their plans with staff rather than acting without supervision or approval.

Regarding the bond requirement, Mr. Fajardo said the bond must be crafted in such a way that a project abandoned by the owner could be put back together, put back on the ground and made secure against the elements.

Mr. Fajardo remarked that these were concepts for which staff had not yet considered specific language; the recommendations were meant to alert the Commission that staff felt these concepts should be included in the amended ordinance. If the Commission

agreed, they would direct staff to create more detailed responses that would be reviewed by the Board, the working group and the public.

Chair Kyner asked how staff would defend themselves against accusations of being "arbitrary" regarding which applications were reviewed by staff, the consultant and the Board. Mr. Fajardo stated there would be clear thresholds set for review. At the staff level, he anticipated they could review things like driveway placement, fencing and mechanical equipment, but nothing that touched the structure. The consultant could review such things as minor changes to windows, taking into consideration the Secretary of the Interior standards. If an owner were "putting in something completely different, or if they're putting a second story on the house or expanding a wing or doing any type alterations that would fundamentally alter the structure...those would go before the HPB."

Mr. Fajardo recalled that Pat Morillo, the prior Board liaison who had extensive preservation experience, had indicated that this was the way municipalities typically handled smaller requests. He added that one of the negative effects of requiring everyone to appear before the Board was that the process could be "too onerous for some items."

Ms. Sarver stated once staff and the City Attorney's office had drafted the language, it would be presented to the Board for input. She added that staff did not want to make decisions that "politically could cause concern or that could bring any type of controversy" and they would err on the side of caution with staff approvals and if there were any questions as to whether the applicant met the design guidelines, then staff would bring the application to the Board.

Mr. Fajardo described the "call-up" process that allowed the Board a 15-day period to call up any application that staff recommended for approval to be put on the Board's agenda. Chair Kyner felt this was a safer way to proceed. Mr. Fajardo reiterated that their intent was not to usurp the Board's authority; their goal was discourage people from circumventing the process because it was too onerous. Mr. Fajardo pointed out that a call-up could result in a lengthy delay for an applicant.

5. New Business

No discussion.

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6. Good of the City

No discussion.

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7. Communication to the City Commission

None.

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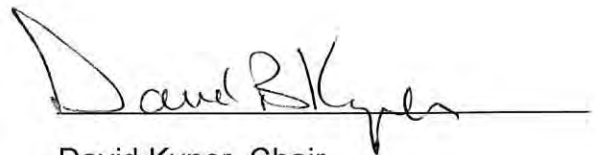
Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:21.

Next Meeting

The Board's next regular meeting was scheduled for November 4, 2013.

Chairman,

A handwritten signature in blue ink that reads "David R. Kyner". The signature is written over a horizontal line.

David Kyner, Chair

Attest:

A handwritten signature in blue ink that reads "Edmondson". The signature is written over a horizontal line.

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>