



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE-
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

**EMERGENCY OPERATIONS CENTER (EOC)
THIRD FLOOR, CENTRAL FIRE-RESCUE STATION
355 SOUTH COUNTY ROAD**

AGENDA

Wednesday, May 12, 2010

9:30 A.M.

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Live Meeting Audio" under the "Your Government" tab. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

III. COMMENTS OF MAYOR JACK McDONALD

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(**Another opportunity for communications from citizens will be offered immediately after the lunch break.**)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 48-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **290 South County Road** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building] Page 10
- B. RESOLUTION NO. 51-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as **977 North Ocean Boulevard** Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building] Page 35

VIII. DEVELOPMENT REVIEWS

- A. Appeals
1. Appeal of Landmarks Preservation Commission Approval, Certificate of Appropriateness #7-10, 780 South Ocean Boulevard. Page 78
2. Ratification of Side Yard Setback "Dimensional Waiver" at 780 South Ocean Boulevard. Page 90
[John S. Page, Director of Planning, Zoning, and Building]

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction, at 1170 South Ocean Boulevard (Bath and Tennis Club) (Per Letter Dated April 27, 2010, From Kast Construction III, LLC).

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C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes

None

2. New Business- Less Than 15 Minutes

- a. SPECIAL EXCEPTION #5-2010 WITH SITE PLAN REVIEW AND VARIANCE The application of Society of the Four Arts, Inc., relative to property commonly known as **1-2 Four Arts Plaza**; described as lengthy legal description on file; located in the R-B Zoning District. Request for Special Exception and Site Plan Review to modify the Four Arts cultural center by demolishing a 1,262 square foot one story building and constructing a 1,561 square foot one story addition onto the existing Garden House. The addition will contain bathrooms (including handicap stalls), food preparation area, storage and a loading dock area. A Variance request to allow a rear yard setback of 6.75 feet in lieu of the 15-foot minimum required for the addition. [Attorney: Maura A. Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the landmark property. Carried 7-0.]

- b. SPECIAL EXCEPTION #6-2010 The application of Diane Wren, relative to property commonly known as **3000 S. Ocean Blvd., Unit PH6**; described as Bellaria Condominium Unit PH6, Phase South; located in the R-D(2) Zoning District. Request for Special Exception to add a 532 square foot roofed portion on the existing 5th floor patio. The height exception is required above three stories. [Attorney: James R. Brindell, Esq.] [ARCOM Recommendation: Defer to the May 26, 2010 ARCOM meeting. Carried 7-0.]
Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated May 3, 2010, From James R. Brindell (Special Circumstances).

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- c. SITE PLAN REVIEW #2-2010 WITH VARIANCES The application of Cathedral Estates LTD., relative to property commonly known as **417 Peruvian Avenue (a/k/a 2 Major Alley)**; described as lengthy legal description on file; located in the R-C Zoning District. Request for Site Plan Review with Variance requests to construct a free standing glass rooftop of 200 square feet over an existing terrace that will be open on all four sides and would result in a west side yard setback of 2.45 feet in lieu of the 20 foot minimum required, lot coverage of 44.4% in lieu of the 43.4% existing and the 30% maximum allowed and landscaped open space of 7.35% in lieu of the 7.5% existing and the 35% minimum required.
[Attorney: Maura A. Ziska, Esq.]
[Landmarks Commission Recommendation: Implementation of the proposed variance does not cause negative architectural impact on the landmark property with conditions the applicant reduce the size; add landscaping on the west side after removal of existing landscape material; and meet drainage and lighting requirements of the Town. Carried 7-0.]
- d. VARIANCE #4-2010 The application of Robert T. Tomsich, relative to property commonly known as **151 Via Bellaria**; described as lengthy legal description on file; located in the R-A Zoning District. Request a variance to permit the construction of a new larger two-story open loggia to replace the existing two-story loggia, which will result in a lot coverage of 25.8% in lieu of the 24.9% existing and 25% maximum allowed.
[Attorney: M. Timothy Hanlon]
[ARCOM Recommendation: Defer to the May 26, 2010, Architectural Commission meeting. Carried 7-0.]
Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated May 4, 2010, From M. Timothy Hanlon (Special Circumstances).
- e. VARIANCE #5-2010 The application of Fairfax, Sammons & Partners Limited Co. Architectural Firm, relative to property commonly known as **214 Brazilian Avenue, Suite 100**; described as Royal Park Addition, Lot 32, Block G; located in the C-TS Zoning District. Request for variance approval to allow an office use (architectural firm) of approximately 550 square feet on the first floor, which is in contradiction to the Code which does not allow an office on the first floor in this circumstance.
[Attorney: Jason Evans, Esq.]

3. Old Business- More Than 15 Minutes

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- a. SPECIAL EXCEPTION #3-2010 WITH SITE PLAN REVIEW AND VARIANCE The application of Roy Reeves, Restaurant Operator, relative to property commonly known as **219 Worth Avenue**; described as Lots 20, 21, 34 and 35, ROYAL PARK ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book, Page 1; located in the C-WA Zoning District. Request for Special Exception for a 4,075 square foot upscale American cuisine restaurant which includes site plan review to allow a new entry door and 36 outdoor seats on the proposed second floor patio within the proposed expansion area. The applicant is requesting umbrellas to cover the outdoor seating. The applicant also proposes to meet all conditions of approval which were granted to the previous restaurant applicant for this tenant space. The variance being requested is to eliminate the four additional off-street parking spaces required for the 74 proposed seats. [Attorney: Maura A. Ziska, Esq.]
Deferred from the April 14, 2010, Town Council Meeting.
Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated April 26, 2010, From Maura A. Ziska (SECOND REQUEST).
- b. SPECIAL EXCEPTION #4-2010 The application of M. Timothy Hanlon; relative to property commonly known as **710 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. Request for Special Exception approval to permit construction of a 72-foot long tunnel for pedestrian access under South Ocean Blvd. to and from the beach parcel for this landmarked property. The applicant proposes to close one lane of traffic at a time during construction.
[Attorney: M. Timothy Hanlon]
Deferred from the April 14, 2010, Town Council Meeting.

4. New Business- More Than 15 Minutes

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- a. SPECIAL EXCEPTION #7-2010 The application of Island Hotel, Inc., relative to property commonly known as **235 Sunrise Avenue C-22**; described as Palm Beach Hotel Condominium Commercial Unit C-22 per Condominium Declaration of 2/12/81; located in the C-TS Zoning District. Request for Special Exception to modify

condition of approval within the Declaration of Use Agreement. In 2007 Unit C-22 of the Palm Beach Hotel was approved for use as a synagogue. A Declaration of Use Agreement was approved in 2008 which outlined certain restrictions and limitations on the use of the unit. One of those restrictions (Article IV#9) was that the Synagogue shall not be allowed to prepare food in the kitchen which requires the use of cooking equipment. The kitchen cooking equipment shall only be used for keeping warm pre-prepared or catered food. The Synagogue is requesting that this restriction be eliminated in order to cook and prepare food in the kitchen. The range hood was updated with a new fire suppression system in 2007.
[Attorney: James R. Brindell, Esq.]

- b. SITE PLAN REVIEW #3-2010 WITH VARIANCE The application of Mr. & Mrs. Adler, relative to property commonly known as **7 Sloan's Curve Drive**; described as lengthy legal description on file; located in the PUD-B Zoning District. Request for Site Plan Review to construct a 135 square foot infill addition on the front entry of an existing townhouse and a 49 square foot infill addition to the breakfast atrium and a 49 square foot infill addition to an upstairs bedroom. A Variance is requested to allow two small additions that will enclose the entry feature and an interior atrium thereby increasing the lot coverage to 35.9% in lieu of the 33.7% existing and the 35% maximum allowed in the PUD-B district. The proposed additions will modify a previously approved site plan in a PUD complying with Section 134-688 (b) of the Town's Zoning Code. [Attorney: Maura A. Ziska, Esq.]
[ARCOM Recommendation: Defer to the May 26, 2010, Architectural Commission meeting. Carried 7-0.]
Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated April 26, 2010, From Maura A. Ziska (Special Circumstances).

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- c. SITE PLAN REVIEW #4-2010 WITH SPECIAL EXCEPTION AND VARIANCES The application of Publix Super Markets, Inc., relative to property commonly known as **265, 255, 235, 231 Sunset Avenue and 240 Sunrise Avenue**; described as lengthy legal description on file; located in the C-TS Zoning District. Request for a Site Plan Review and Special Exception to construct a 50,870 (43,360 gross leasable) square foot one story grocery store on 4.36 acres. The new store will provide 218 off street

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parking spaces. There is proposed to be an outdoor ATM and the grocery cart storage within the building. All of the proposed mechanical equipment will be contained within portions of the building and will not be seen on the roof. Part of the proposed design is to have two generators located within the southeast corner of the proposed store that will contain a 100 KW standby generator and a 500 KW main generator. There is proposed to be two loading areas within the loading dock on the east side of the building that will be screened. The proposed store will have a pharmacy, deli, bakery and a larger selection of food items and other products. Since the proposed grocery store is in excess of 2,000 square feet, the applicant is required to obtain Town Council approval of a special exception and a finding that the proposed use is Town serving. A Special Exception is being requested to have two illuminated monument signs at the northwest and southwest entrances to the west parking lot and one illuminated business identification sign on the west entrance of the building. The following variances are being requested to construct the proposed one story grocery store: (a) to allow a building length of 245 feet in lieu of the 150-foot maximum allowed; (b) to allow a front yard setback at the northwest corner of the proposed building of 10 feet in lieu of the 14 foot minimum required based on building height; (c) to allow a side yard setback for the proposed towers to be 10 feet in lieu of the 19-foot minimum required; (d) to allow two loading spaces in lieu of the three spaces required by code; (e) to allow the proposed building to be a total square footage of 50,870 square feet in lieu of the 15,000 square foot maximum allowed; (f) to allow 8 towers in lieu of the two maximum allowed; (g) to allow the area of the 8 towers to be 12.2% of the gross floor area of the building in lieu of the 2% maximum allowed (h) to allow the parking lot light poles to be 23 feet in height in lieu of the 15-foot maximum allowed; (I) to allow the height of the proposed one story grocery store to be 22.66 feet in lieu of the 15-foot maximum allowed; (j) to allow the overall height of the proposed one story grocery store to be 37 feet in lieu of the 20-foot maximum allowed; (k) to allow a monument sign at the northwest entrance where no sign is allowed; (l) to allow a monument sign at the southwest entrance where no sign is allowed.

[Attorney: Maura A. Ziska, Esq.]

[ARCOM Recommendation: Defer to the May 26, 2010, Architectural Commission meeting. Carried 7-0.]

**Request for Deferral to the June 22, 2010, Town
Council Meeting Per Letter Dated April 26, 2010, From
Maura A. Ziska (Special Circumstances).**

D. Other

1. Vacant Storefronts: Possible Ordinance/Policy Change.
[Robert N. Wildrick, Town Council Member]
2. Town Serving Regulations: Study Update Recommendations from
Planning and Zoning Commission.
[John S. Page, Director of Planning, Zoning, and Building]

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IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 2:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 3:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 4:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

- PUBLIC HEARINGS:** Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.
- COMMUNICATIONS FROM CITIZENS:** Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.
- OTHER AGENDA ITEMS:** Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 48-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 290 South County Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 30, 2010 from John S. Page, Director of Planning, Zoning and Building
- Resolution No. 48-10
- Designation Report for 290 South County Road
- Excerpt from the April 21, 2010, LPC Minutes
- Applicable Code Section
- Undated letter from Thomas Campaniello

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Landmark Designation of 290 South County Road
Resolution No. 48-10

Date: April 30, 2010

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 290 South County Road as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the April 21, 2010 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

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Landmark Designation of 290 South County Road
Resolution No. 48-10
April 30, 2010
Page 2

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 48-10 relating to 290 South County Road, and has approved it as to legal form and sufficiency.

SPECIAL CONSIDERATIONS

Please note that the property owner is objecting to the designation of their property as a Town historical landmark. Correspondence from the property owner is attached with the back-up materials for this item.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 48-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 290 SOUTH COUNTY ROAD MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance 2-84, and the provisions of the Town Code described herein, is known as 290 South County Road and the property to be landmarked is legally described as follows:

**ROYAL PARK ADDITION, NORTH 125 FT OF LOT 35 & EAST 13 FT OF
NORTH 125 FEET OF LOT 36, BLOCK E**

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of May, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

290 SOUTH COUNTY ROAD



DESIGNATION REPORT

Wednesday, April 21, 2010

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

290 South County Road

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location: 290 South County Road
Palm Beach, Florida

Date of Construction: 1924

Principal Architect: Unknown

Present Owner: Thomas Campaniello

Present Use: Retail/Restaurant/ Residential

Present Zoning: CTS

**Palm Beach County
Tax Folio Number:** 50-43-43-23-05-025-0351

**Current Legal
Description:** Royal Park Addition N 125 FT OF LT 35 & E13 FT
OF N 125 FT OF LT 36 BLK E

Evaluation in the "Historic Building Survey of Palm Beach, 2004": This Mediterranean Revival style building is situated at a major intersection. Its elaborate cast stone architectural features and multi-level roof line gives it character. It is worthy of local designation.

III. ARCHITECTURAL INFORMATION

The commercial building at 290 South County Road is a Mediterranean Revival style structure that was constructed in 1924 for the Palm Way Finance Company. Wilcox Brothers was listed as the contractor for the \$46,500 project which was built of hollow clay tile. No architect is listed on the original permit.¹ The Mediterranean Revival style was popularized in Palm Beach in 1919 with the design and building of the Everglades Club by Addison Mizner. Based on details and forms that are derived from the countries that surround the Mediterranean Sea, during the 1920s Mediterranean Revival became the most popular architectural type in Palm Beach.

The Palm Way Building is a good example of this style in a commercial form. Situated at an important location on the southwest corner of Royal Palm Way and South County Road, the structure is two stories in height and covered with stucco. This two-part commercial block, which is characterized by a horizontal division between two distinct zones, was the most common type of small commercial building in the country during the early twentieth century. In this example, the zones are clearly differentiated by a belt course between the first and second floor. The top portion of the building is covered with rusticated stucco, the lower portion is smooth stucco scored to look like block. A repetitious motif of vertical cast stone details has been placed between store fronts on the first floor, giving the building a regular rhythm along the sidewalk.

Although the roof of the building is flat, barrel tiles line the roof's edge with exposed rafters below the tiles. This adds to the Mediterranean style. The varying height of this roof detail also adds interest to the design. Windows on the first floor vary between casement and fixed plate glass commercial windows. Windows on the second floor are shuttered and were not visible for this architectural description.

Besides the entrances into the individual restaurant and storefronts which are utilitarian, there are two other entrances worthy of mention. On the Royal Palm Way facade on the north side of the building, a small arched opening leads into a recessed space. Above this entrance the original name "Palm Way Building" is incised into the block. On the east facade along South County Road, a beautifully elaborated entrance leads into a stair hall that rises to apartments and spaces above the store fronts. This entrance has wide double doors with twisted columns on either side. Above is a cast stone scroll and cartouche design that pulls together the vertical elements lining the street. The roof line in this section of the building is a front facing gable emphasizing its importance to the design.

One of the most important design elements of the building anchors its placement within its urban setting. The usual rectangular footprint of the building is skewed in the northeast corner of the mass so that the corner faces the intersection of Royal Palm Way and South County Road. This

¹Building Permit #309, July 20, 1924. On file with the Town of Palm Beach. Please note that this building is also listed under the addresses 288-294 South County Road.

frontispiece of the structure is oriented outward toward the public and passing vehicles. Slightly higher than the rest of the building, the roof is punctuated with an elaborate scrolled parapet. Just below the parapet, a niche (now empty) is placed above the cast stone letters "Palm Way Bldg." A cantilevered balcony with a wrought iron railing is below the name. Although it is not certain, this may have been the original entrance to 290 South County Road.

Finally the west facade of the building has been recently exposed because of the demolition of the neighboring structure to the west. This facade is strictly utilitarian in function with no design details.

IV. HISTORICAL INFORMATION

The Palm Way Building at 290 South County Road is representative of the commercial development that took place along Royal Palm Way during the Boom Times of the 1920s. Built in 1924, it was originally home to a financing company and the J.B. McGinley Realty Organization which advertised in the Palm Beach Post.²

Originally swap land, this area of town was owned by pioneer "Cap" Dimick. It was not until the Royal Park Bridge was built, however, that business and other development began to spring up along the new road. In September of 1925 the headlines read, "Great Business Center Planned for Palm Beach."³ The article outlined plans for the area around Royal Palm Way and called it a "vast commercial artery."⁴ Specifically they described a new building called the Singer Building, designed by Addison Mizner that would house the Mizner Development Corporation. This building is now the Rovensky Building of the Society of the Four Arts. Interestingly, the article also anticipated a parking problem along the street and noted that "Property owners along the entire way have petitioned Mayor Cooper C. Lightbown to remove the center beautification of the street to make room for a parking lot."⁵ This plan, however, was not approved.

The building files for 290 South County Road indicate that the property has undergone numerous maintenance projects over the years. Tenants have come and gone, repairs have been made, and the building had been reroofed. No major design changes to the exterior, however, have taken place and the structure retains its architectural integrity.

²"J.B. McGinley Realty Organization," Palm Beach Post, January 4, 1925.

³"Great Business Center Planned for Palm Beach," Palm Beach Post, September 23, 1925.

⁴Ibid.

⁵Ibid.

V. STATEMENT OF SIGNIFICANCE

The building at 290 South County Road is an excellent example of a Mediterranean Revival style two-part commercial building constructed during the Boom years of the 1920s. It's location on a prominent corner at Royal Palm Way and South County Road makes it an important entrance way to the Town and the Town Hall Square Historic District. It is worthy of local designation and protection.

VI. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

With the opening of the Royal Park Bridge, and the success of both the "Royal Park" and "Poinciana Park" Subdivisions during the 1920s, commerce and government moved south in Palm Beach away from the Flagler Hotels and Royal Poinciana Way. The Palm Way Building at 290 South County Road is representative of this Boom Times development, as well as being a good example of the Mediterranean Revival style.

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

The Palm Way Building is a good example of the Mediterranean Revival style of architecture as it was interpreted in a commercial building from the 1920s. Although the architect is not known at this time, the building has many details that represent a high caliber of thought and design making it worthy of local designation.

VII. ARCHITECT'S BIOGRAPHY

The architect of this building is not known at this time.

IX. SELECTED BIBLIOGRAPHY

"Great Business Center Planned for Palm Beach," Palm Beach Post. September 23, 1925.

"J.B. McGinley Realty Organization," Palm Beach Post. January 24, 1935.

Longstreth, Richard. The Building of Main Street: A Guide to American Commercial Architecture, Washington, D.C.: The National Trust for Historic Preservation, 1987.

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McAlester, Virginia and Lee McAlester. A Field Guide to American Houses. New York: Alfred A. Knopf, 1984.

Oldfather, Susan. "Elisha Newton Dimick and His Influence on the Development of Palm Beach." Boca Raton, Florida: Florida Atlantic University, Master's Thesis, 1989.

Palm Beach County Property Appraiser

Town of Palm Beach Building and Zoning Department.



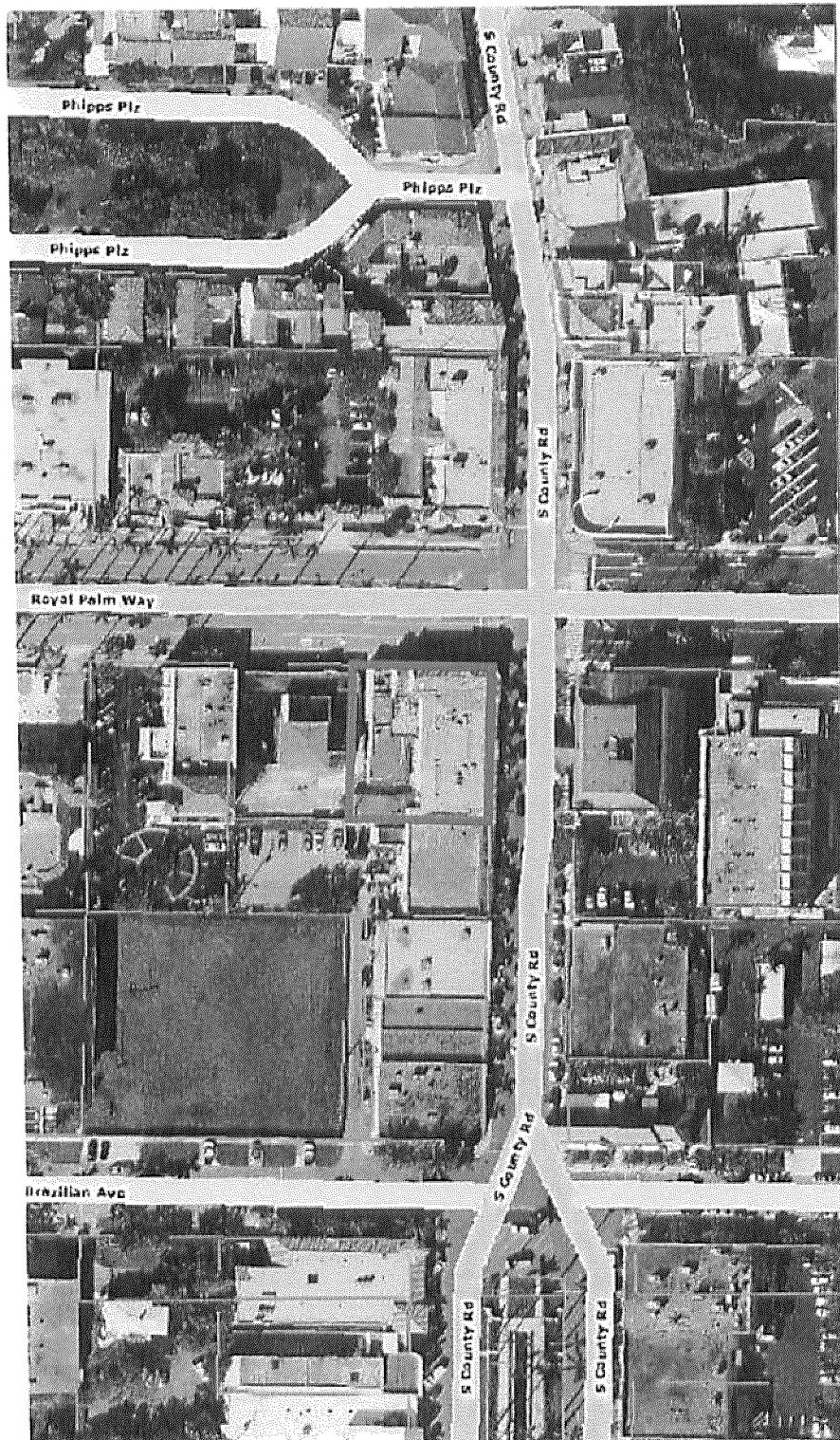
South County Road Entrance on the east facade.



The West facade



The entrance on the North facade



Location Map : 290 South County Road

290 South County Road
Palm Beach, Florida

PALM BEACH QUADRANGLE
FLORIDA-PALM BEACH CO.

7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

95 2°30'

96

97

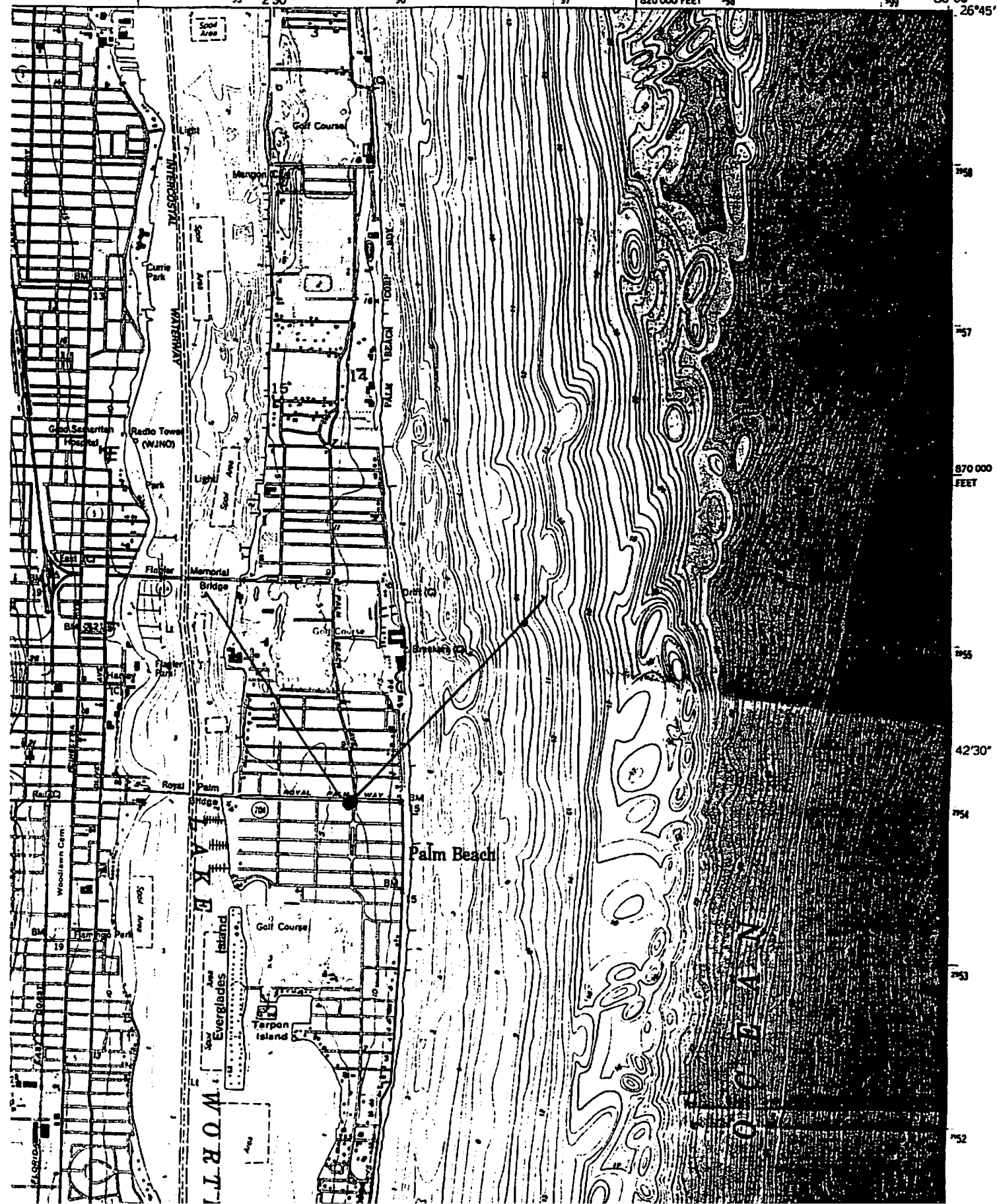
820 000 FEET

98

99

80°00'

26°45'





HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB06474
Recorder # Jane S. Day
Field Date 11/26/2004
Form Date 11/26/2004
FormNo 200411
FormNo = Field Date (YYYYMM)

Is Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Palm Way Building Multiple Listing (DHR only)
Other Names Campello, Thomas >> 290 So County Rd, Building (legal)
Survey or Project Name Palm Beach Historic Sites Survey, Phase IV Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address
Street No. 288-294 Direction South Street Name County Street Type Road Direction Suffix
Cross Streets (nearest) between: Royal Palm Way & Brazilian Ave

City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
County Palm Beach Tax Parcel #(s) 50-43-43-23-05-025-0351
Subdivision Name Royal Park Block E Lot 35, 36
Ownership Private Individual
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the southwest corner of Royal Palm Way & South County Rd

MAPPING

SGS 7.5' Map Name PALM BEACH Publication Date >> PALM BEACH; 1983
Township: 43S Range: 43E Section: 23 1/4 section: UNSP >> 43S ; 43E ; 23 ; UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Mediterranean Revival Other Style
Exterior Plan Irregular Other Exterior Plan
Number of Stories 2
Structural System(s) >> Hollow clay tile
Other Structural System(s)
Foundation Type(s) >> Continuous
Other Foundation Types
Foundation Material(s) >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) >> Stucco
Other Exterior Fabric(s)
Roof Type(s) >> Hip
Other Roof Type(s)
Roof Material(s) >> Barrel tile
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >> Gable extension
Other Roof Secondary Structure(s)
Number of Chimneys 1
Chimney Material Brick
Other Chimney Material(s) stucco on exterior
Chimney Location(s) nw exterior

HISTORICAL STRUCTURE FORM

8PB06474

DESCRIPTION (continued)

Window Descriptions fixed, casement

Main Entrance Description (stylistic details) multiple

Porches: #open 4 #closed #incised Location(s) (4) 2nd floor balconies - n, sw, w

Porch Roof Types(s)

Exterior Ornament cast stone, parapet, pilasters, decorative metal railings, exposed rafters, attic vents

Interior Plan Irregular

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: ALL this category Residential: NONE of this category

Institutional: NONE of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1924

Architect (last name first): unknown

Builder (last name first): Wilcox Brothers

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
<u>Altered-not to standards</u>	<u> </u>	<u> </u>	<u> </u>
>> <u>Altered-not to standards; 1946; Gustav Maass</u>			

Structure Use History

Use Commercial unspecified Year Use Started Year Use Ended >> Commercial unspecified; 1924;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register If Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? NO

Area(s) of historical significance

>> Commerce

Other Historical Associations

Explanation of Evaluation (required) This Mediterranean Revival style building is situated at a major intersection. Its elaborate cast stone architectural features and multi-level roof line give it characters. It is worthy of local designation.

HISTORICAL STRUCTURE FORM

8PB06474

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, including Field Notes, Plans, other Important Documents.

Document type: _____

Maintaining Organization: _____

File or Accession #: _____

Descriptive Information: _____

>> Photographs (archived); Research Atlantica;; Roll 32 # 30

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.

Recorder Address / Phone 728 Granada Drive, Boca Raton, Fl. 33432 561-362-4473

Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: 00

Electronic Form Used: 0000

Form Type Code: 0000

Form Quality Ranking: 0000

Form Status Code: 0000

Supplement Information Status: 00

Supplement File Status: 00

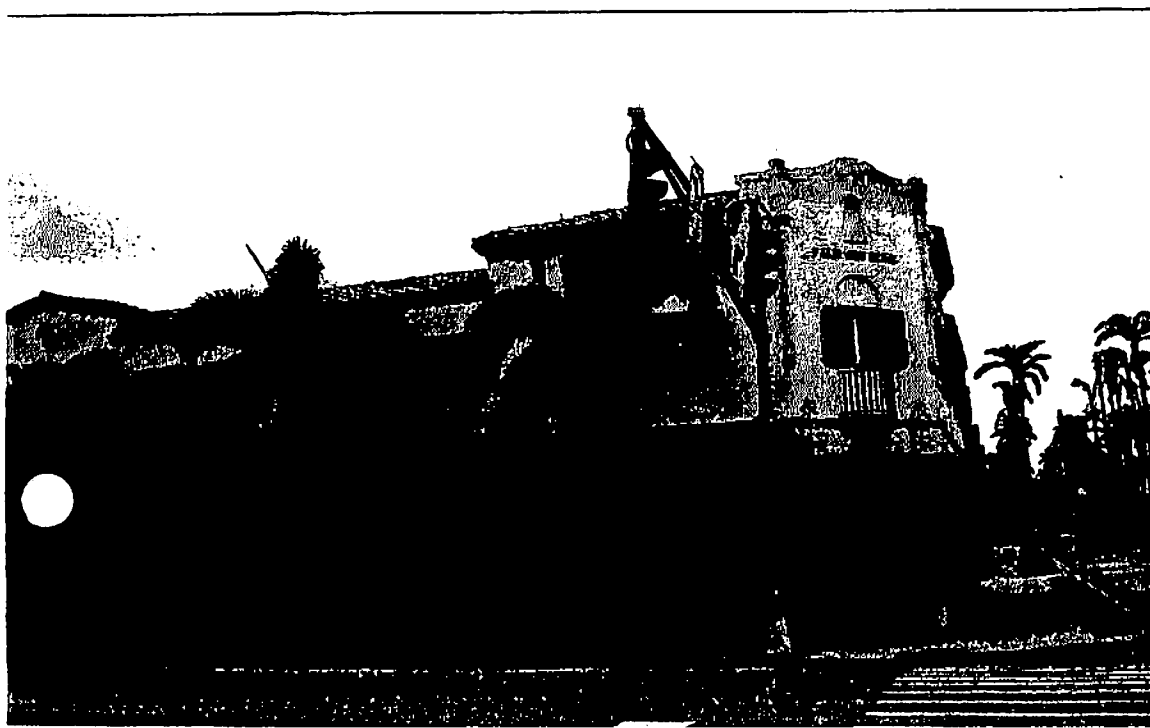
Form Comments: _____

SHPO's Evaluation of Resource

Date

FMSF Staffer: _____

Computer Entry Date: 11/22/2001



PRINTED IN RED

T 3"X5"

**EXCERPT FROM THE APRIL 21, 2010 MINUTES OF THE
LANDMARKS PRESERVATION COMMISSION**

X. DESIGNATION HEARINGS:(10:28:21 a.m.)

Item 1: 290 South County Road

Owner: Thomas Campaniello

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Dr. Day submitted her resume for the record. She noted that her resume has been updated to reflect that she is now a Ph.D. for which she received a round of applause. Dr. Day testified to the architecture and history of this Mediterranean Revival building from the 1920's known as the Palm Way Building, and the fact that the architect is unknown. She noted that the west facade of the building is unattractive and needs to be cleaned up. Dr. Day testified that this property meets the following criteria for designation as a landmark of the Town of Palm Beach:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

MOTION BY MR. ROBERTS THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

Mr. Lindgren read a letter into the record from Thomas Campaniello, the property owner, wherein he objected to the designation.

Though there was some discussion as to whether this might be a designation of just the north and east facades, Dr. Day advocated for landmarking the entire building, and the commission agreed.

MOTION BY MR. ROBERTS THAT THE ENTIRE BUILDING AT 290 SOUTH COUNTY ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. WILLIS.

MOTION CARRIED UNANIMOUSLY.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section **54-163(1)**, the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the **office** of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

THOMAS CAMPANIELLO REAL ESTATE
225 EAST 57TH STREET
NEW YORK, NY 10022
P 212.371.3700 F 212.688.6527

RECEIVED

APR 14 2010

TOWN OF PALM BEACH
PZB DEPT

Landmarks Preservation Commission
360 South County Road
Palm Beach, FL 33480

Via Federal Express

RE: 290 South County Road, Palm Beach, FL

Dear Commissioners:

I am the owner of the above referenced property that you will be considering for Landmark status at your meeting on April 12, 2010. Although I do support the historic preservation in the Town, I believe that landmarking this particular property is a mistake and I object the designation.

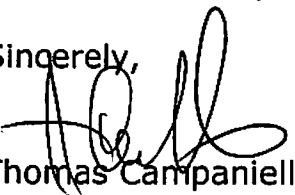
Contrary to a residence that is designated a landmark and will always be a residence whether it is a landmarked or not, a commercial building may or may not always be a office, or a restaurant, or a retail store etc. If you landmark my property, you are in essence preventing any other business but a restaurant. I would not be able to demolish or partially demolish to convert this space into an office or a store, which severely limits a tenant's options. I do not feel a restaurant in perpetuity is the best option for this space.

Further, I feel the criteria for landmarking has not been met. The architect is unknown and although it purports to be a Mediterranean revival style, it is not a very good example in my opinion and there are other, better options, in the Town.

If you feel that you must landmark this building, I would suggest that you only landmark the front façade, so if there is a prospective tenant other then a restaurant, they can do in and demolish the kitchen and turn it into a more functional use.

Please call me if you have any questions.

Sincerely,



Thomas Campaniello

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 51-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 977 North Ocean Boulevard Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 30, 2010 from John S. Page, Director of Planning, Zoning and Building
- Resolution No. 51-10
- Designation Report for 977 North Ocean Boulevard
- Excerpt from the April 21, 2010, LPC Minutes
- Applicable Code Section
- Letter dated April 4, 2010, from Thomas P. Sweeney
- Affidavit from Nicole duPont Limbocker
- Response to the Designation Report

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Landmark Designation of 977 North Ocean Boulevard
Resolution No. 51-10

Date: April 30, 2010

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 977 North Ocean Boulevard as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the April 21, 2010 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

.

Landmark Designation of 977 North Ocean Boulevard
Resolution No. 51-10
April 30, 2010
Page 2

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 51-10 relating to 977 North Ocean Boulevard, and has approved it as to legal form and sufficiency.

SPECIAL CONSIDERATIONS

Please note that the property owner is objecting to the designation of their property as a Town historical landmark. Correspondence from the property owner is attached with the back-up materials for this item.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 51-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 977 NORTH OCEAN BOULEVARD MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance 2-84, and the provisions of the Town Code described herein, is known as 977 North Ocean Boulevard and the property to be landmarked is legally described as follows:

10/11-43-43, NORTH 125 FEET OF SUB A GOVERNMENT LOT 1, SECTION 10 & 11, LYING EAST OF OCEAN BOULEVARD

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of May, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

977 NORTH OCEAN BOULEVARD



DESIGNATION REPORT

Wednesday, April 21, 2010

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT
977 North Ocean Boulevard

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location:	977 North Ocean Boulevard Palm Beach, Florida
Date of Construction:	1963
Principal Designer:	John L. Volk
Present Owner:	Genevieve du Pont
Present Use:	Private Residence
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50-43-43-10-00-001-0021
Current Legal Description:	10/11-43-43, N125FT OF SUB A GOV LT 1, SEC 10& 11, LYG E OCEAN BLVD.

Evaluation in the "Historic Building Survey of Palm Beach, 2004": Because this building was constructed in 1963, it was not included in the 2004 Historic Building Survey of Palm Beach.

III. ARCHITECTURAL INFORMATION

The Nicholas R. du Pont house at 977 North Ocean Boulevard was built in 1963. Four separate permits for the structure were issued that year. The first, in June, was to build the foundation of a single family dwelling. Next came the permit for the house itself in July. Finally an air conditioning permit, and a pool permit were issued in September. All of the paperwork listed John L. Volk as the architect of record and Mack Ritchie as the engineer. The builder was Vivian J. Watts and the cost of the 8272 square foot home was estimated at \$100,000.¹

Called “a light hearted pavilion,” by Valentine Lawford of *Vogue Magazine*, “that aptly illustrated the trend between the past and present fashions of Palm Beach,” the “barefoot house” (as it was called) was one of John Volk’s three most noteworthy residential designs from the 1960s.² The house is even more important because this was a decade which historians have called “the pinnacle of Volk’s career and the period whereby Volk left his most enduring legacy.”³

During the 1960s, lifestyles in Palm Beach had become more casual and the house at 977 North Ocean Boulevard exemplifies this trend. Built on the beach ridge with a sharp drop to the street, Volk developed a parking courtyard in front the house and a series of steps and terraces that lead to the front door. The door itself is a louvered Georgian Revival style opening centered on the west facade, with an elliptical transom above. The symmetrical window placement on both sides of the door, with keystones above each window and shutters, is also reminiscent of Georgian Revival style architecture. John Volk tells us in his writings that the windows:

*...are in pairs, glazed with solid sheets of plate glass. They slide into pockets, thereby a clear opening is possible with none swinging in or out. The enclosure of the openings is possible by motorized louvered shutters, the push button control is on the inside of the rooms. They serve three purposes; ornamental, shade control, and as storm shutters during the summer.*⁴

The roof is a white hipped roof. Quoins decorate the corners of the central block of the house.

But while the exterior of this house is understated and traditional in a style sometimes called “Volk

¹Building permits #25863, June 10, 1962; #36363, July 31, 1963; #45463, September 23, 1963 and # 46363, September 26, 1963. On file at the Town of Palm Beach.

² Lillian Jane Volk, Lory Armstrong Volk and William Dale Waters, John L. Volk, Palm Beach Architect. (Palm Beach: John L. Volk Foundation, Inc., 2001), 138. The others were the Alvan Fuller House on South Ocean Boulevard, and the James and Zuta Akston residence called La Ronda on North Lake Way. Both have been demolished.

³Ibid. 131.

⁴Ibid. 138-139.

Georgian," the interior was innovative for the time it was built and ties the house directly to its beach front environment. Upon entering the house the visitor walks beyond a perpendicular passageway that leads to guests suites and staff rooms, and steps into a lanai, a living room "which is entirely, or in part, open to the outdoors."⁵ To the south of this space is the pool, sheltered from the ocean but positioned to take advantage of the southern exposure. To the north of the lanai, is another outside courtyard that Volk said at times was used as a dance floor. The openings to this lanai have twenty-foot wide sliding glass doors that slide into pockets opening the entire space to the outdoors.⁶ Beyond the central lanai, the living room, dining room and master suite all front the Atlantic Ocean. Mrs. du Pont's rose garden was placed by the front door at the south end of the property so that it could be out of the ocean breezes.

A review of building permits indicates that 977 North Ocean Way is much as it was when John Volk finished the project in 1963. A retaining wall and stairs were added in the north private easement. A chain link fence was added, and air conditioners and the roof have been replaced over time.⁷

IV. HISTORICAL INFORMATION

Built in 1963, the house at 977 North Ocean Boulevard was a trendsetter from its conception. Although it was named "Casuarina," by Mrs. du Pont for the Australian pines that were planted as a windbreak, well known social reporter Eugenia Shepard quickly called it "the barefoot house," because of the blending of interior and exterior spaces, and the specially made tile floor throughout.⁸ That designation in the press caused Alice Regensburg, the Director of the National Shoe Institute, to write John Volk a letter on June 2, 1965. Ms. Regensburg stated:

If it is true that (a) Palm Beach girls "Have yen to go barefoot"; and (b) "The barefoot girl has led to the barefoot house, the most chic thing anyone can own in Palm Beach these days," then there is indeed the danger of a tidal wave of fashion that might sweep the slippers off American women from Winnepesaukee to San Juan

⁵Cyril M. Harris, editor, Dictionary of Architecture and Construction, (New York: McGraw-Hill, Inc. 1975), 284.

⁶Lillian Jane Volk, *et. al.* 139.

⁷Building Permits # 71468, #13474, #4305, #11738 and # 13231. One file with the Town of Palm Beach.

⁸Lillian Jane Volk *et al.*, 139. Although Australian pines are now considered an invasive species, they were the State of Florida's recommended tree of choice during the first half of the twentieth century to avoid beach erosion.

*Obispo.*⁹

Volk wrote back, assuring the writer that despite the “barefoot house,” Palm Beach women were still “elegantly gowned and shoed.”¹⁰

977 North Ocean Boulevard received more notoriety in 1997 when as the result of the demolition of the house John Volk designed for Alvan Fuller in 1967, the Town Council asked staff to prepare a list of properties worthy of designation that were less than fifty years old. Staff presented 444 North Lake Way (La Ronda), 1969 by John Volk; 756 North Lake Way, 1958 by Howard Major; 958 North Lake Way, 1977 by Richard Meir; 144 Wells Road, 1960 by Alfred Browning Parker; and 977 North Ocean Boulevard, 1963 by John Volk. The Landmarks Commission decided to move forward with the designation of La Ronda but in 2001, after many delays, the designation was denied and the house was demolished. 144 Wells Road and 756 North Lake Way have also been demolished. 958 North Lake Way was proposed for designation, recommended by the Landmarks Commission but denied by Town Council. Now it is time to evaluate 977 North Ocean Boulevard, the last of the five that were presented in 1997. Research shows that the building has its architectural integrity and fulfills the criteria as outlined in Chapter 54 of the Town of Palm Beach Code of Ordinances.

V. STATEMENT OF SIGNIFICANCE

The house at 977 North Ocean Boulevard is one of John L. Volk’s most successful residential projects from the 1960s. Called the “barefoot house,” it opened up interiors to the ocean breezes of its beach front lot and celebrated the casual living that was the style of the era. Its association with the prominent Du Pont family adds to its importance and makes it a property worthy of designation under Chapter 54 of the Town of Palm Beach Code of Ordinances.

VI. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

⁹ Correspondence from Alice Regensburg to John L. Volk, February 2, 1965. Copy in the collection of the author.

¹⁰Lillian Jane Volk, *et. al.* 139.

There is only one “barefoot house” in the Town of Palm Beach. Designed by John L. Volk in 1963 the house combines a traditional Georgian Revival style exterior with a new concept of indoor and outdoor space. Built specifically on the beach ridge, facing the Atlantic Ocean, the house is a valuable of Volk attention to the environment as well as the casual lifestyle of the owners.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

There is no questions that John L. Volk was one of the most important architects to work in Palm Beach during the twentieth century. In a career that lasted from 1924 until his death in 1984, Volk completed over one thousand projects that included residences, commercial properties, and municipal buildings, changing the built environment of Palm Beach forever. Taking inventory of this vast amount of work and determining which projects are most important is a difficult task. Toward the end of his life, however, John Volk himself compiled notes on his most important works, leaving behind a valuable tool for the architectural historian. The Nicholas du Pont house at 977 North Ocean Boulevard is included in Volk’s list of forty-seven residences and fifteen commercial properties that the architect singled out for reflection.¹¹ As such, this house was chosen by John Volk as one of his most important works and one he wanted to be remembered as a notable work in his long career. It is also listed in his major monograph, John L. Volk, Palm Beach Architect as one of his three most important residential commissions of the 1960s.

VII. ARCHITECT’S BIOGRAPHY

John L. Volk

John Volk has been called the last of the "original" Palm Beach architects. He was one of an elite group of early 1920s architects which included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth who developed the architectural styles of the island that came to be known as the "Palm Beach Style". His designs included the Royal Poinciana Playhouse and Plaza, the conversion of the Four Arts Gallery, the Florida Capital Building on Royal Palm Way and several shops on Worth Avenue including the Everglades Colonnade.

Volk was born in Graz, Austria in 1901. He came to the United States with his parents at the age of nine and grew up in New York. He was a graduate of the Columbia University School of Architecture and the Ecole des Beaux Arts. Volk opened his office in Palm Beach in 1925.

Volk designed more than 1000 houses, theaters, clubs, shops, and other buildings and lived in Palm Beach from 1925 to his death in 1984. He designed homes for some of the wealthiest and most

¹¹John L. Volk, “Notes on His Career,” unpublished notes, On file at the John L. Volk Foundation, Phipps Plaza, Palm Beach.

powerful people in America over his 58 year career in Palm Beach including Colonel Robert McCormack, William Paley, George Vanderbilt, Nicholas DuPont, Henry Ford II, Herbert Pulitzer, Matthew Mellon, George Storer, Horace Dodge II, and John S. Phipps

Included in the designs of John Volk are some of the most prominent buildings in the Palm Beach area including the First National Bank, the Royal Poinciana Plaza, the center section of the Town Hall, the Beach Club, Good Samaritan Hospital, and the golf terrace and orange gardens of the Everglades Club. He also extensively modified and rebuilt the Bath and Tennis Club after a major hurricane.

Numerous other buildings are the result of Mr. Volk's labor and it must be noted that no particular style can be exclusively associated with Mr. Volk. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from the popular Mediterranean Revival to Contemporary Design.

IX. SELECTED BIBLIOGRAPHY

Harris, Cyril M. editor, Dictionary of Architecture and Construction, New York: McGraw-Hill, Inc. 1975.

McAlester, Virginia and Lee McAlester, A Field Guide to American Houses. New York: Alfred A. Knopf, 1984.

Palm Beach County Property Appraiser

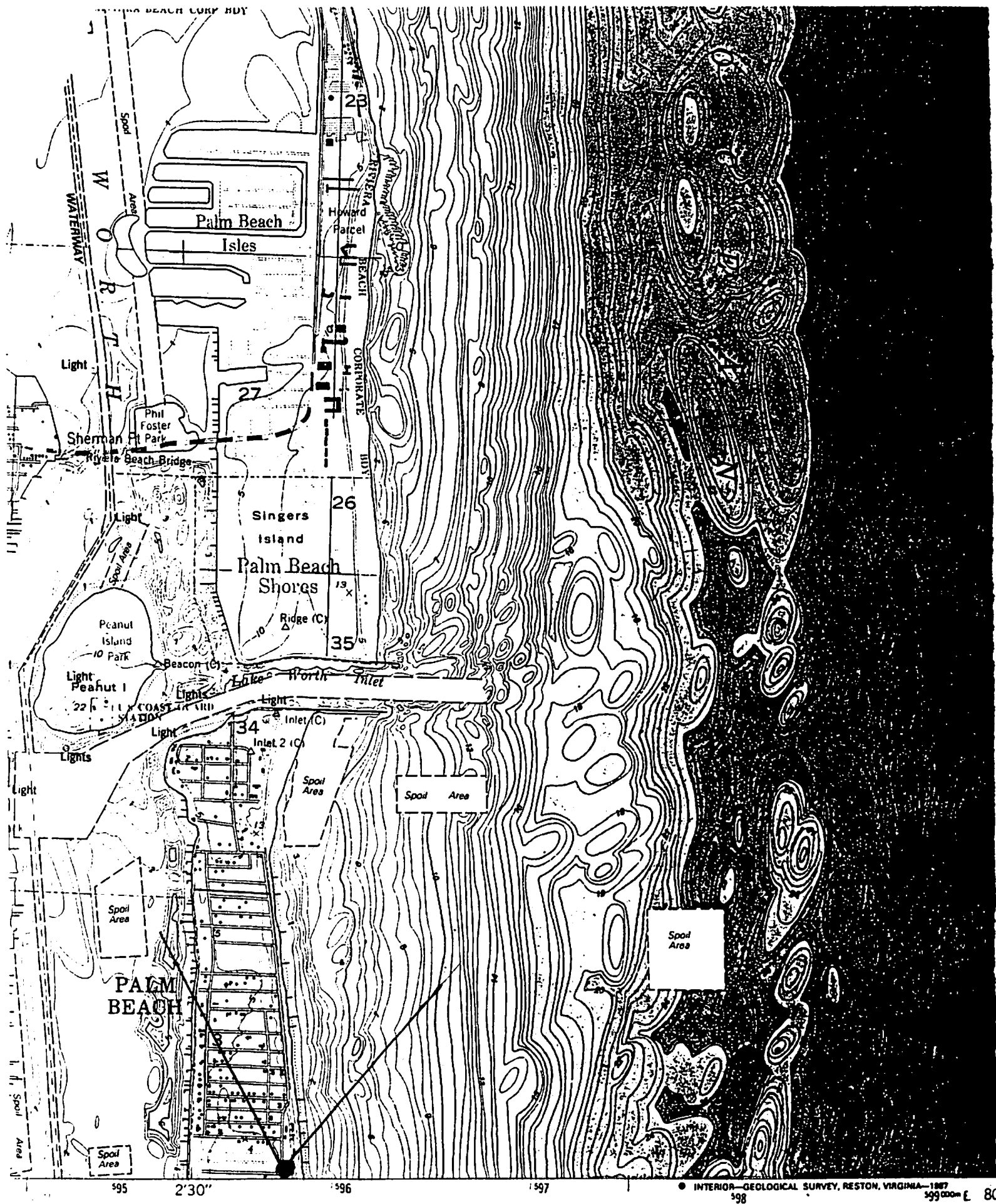
Town of Palm Beach Building and Zoning Department.

Volk, John L. "Notes on His Career," unpublished notes, On file at the John L. Volk Foundation, Phipps Plaza, Palm Beach.

Volk, Lillian Jane, Lory Armstrong Volk and William Dale Waters, John L. Volk, Palm Beach Architect. Palm Beach: John L. Volk Foundation, Inc., 2001.



Location Map : 977 North Ocean Boulevard



977 North Ocean Boulevard
Palm Beach, Florida

ROAD CLASSIFICATION

Heavy duty ——— Light duty
Medium duty ———
Unimproved ———

1 MILE
7000 FEET

EXCERPT FROM THE APRIL 21, 2010 MINUTES OF THE
LANDMARKS PRESERVATION COMMISSION

Item 3: 977 North Ocean Boulevard

Owner: Genevieve Du Pont

Let the record show that proof of publication and proper legal service were achieved with regard to this hearing.

Mrs. Day testified to the history, architect, and architectural history associated with 977 North Ocean Boulevard, a residence built in 1963 which was designed by John Volk in association with Mack Ritchie, Engineer and former Mayor of the Town of Palm Beach. The home, known as the "Barefoot House", is the only one of Volk's 1960's residences yet standing. Mrs. Day testified that this property meets the following criteria for designation as a landmark:

- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MOTION BY MR. COOLEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. GOLINO.

MOTION CARRIED UNANIMOUSLY.

Mr. Lindgren read a letter dated April 4, 2010 into the record from Thomas P. Sweeney, the attorney-in-fact for Genevieve Estes du Pont, the property owner, wherein he notes her objection to the landmark designation of this property.

Attorney James Brindell, accompanied by his associate, Josh Long, objected to the designation on behalf of the property owner. Mr. Brindell submitted an affidavit into the record from Nicole du Pont Limbocker, daughter of the property owner, wherein she makes eleven (11) points relative to the house at 977 North Ocean Boulevard. Mr. Brindell also submitted a notebook of documents into the record, those documents which are: (A) Letter from Thomas P. Sweeney; (B) Nicole duPont Limbocker's Affidavit; (C) Nine (9) du Pont Letters from 1963 regarding design and construction; (D) Robert J. Sully, Architect, letters and invoice to Nicholas du Pont, and concept plans; (E) Typical Georgian Revival and Volk Example; (F) House photos; (G) Response to Designation Report: Dr. Garner's Vita and Dr. Garner's Report; (H) Landmarks Ordinance Provisions: Certificate of Appropriateness, Demolition, Designation Criteria; (I) Designation Report; and, (J) Volk Education: John L. Volk Palm Beach Architect, excerpt, e-mail from Columbia University, Beaux Arts Institute of New York, and Ecole des Beaux Arts (Paris). Mr. Brindell offered testimony relative to the aforementioned record submissions, and regarding the house in general. Mr. Brindell asserted that this home is not representative of the notable work of John Volk, and questioned whether this home exemplifies a particular architectural style.

Mr. Brindell introduced his expert witness, John S. Garner, Ph.D. preservation consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, and

testified to his vita. Dr. Garner presented his testimony and arguments against designation of this property. He maintained that neither of the two designation criteria listed in the Designation Report have been met, and testified at length in support of his position.

Mrs. Lory Volk, Vice Chairman of the John L. Volk Foundation, testified in support of the designation. She urged the LPC to designate saying, "Let's not lose another one."

Dr. Day presented additional testimony in direct response to Dr. Garner's testimony. Mr. Brindell offered a few additional comments.

Several LPC members made ex parte declarations.

At this point, the LPC members offered their comments, a sampling of which follows: This was not meant to be a copy of a classic Georgian...it was a re-thinking in the 1960's; why would Volk have included this on a list of his notable work if he didn't regard it as so; this building reflects a move away from a specific architectural style to include the lifestyle of that time; the heavy involvement of the clients, the du Ponts, with their architect, Volk, is a "strong reason" to landmark it; concerned about reliance on the name of an architectural style to characterize the merits of the building as opposed to looking at it for what it contributes to the continuum of architecture in the Town of Palm Beach over the last 80 or 90 years; Mrs. du Pont loved the house...it is not grandiose...it is charming; concerned about how the LPC picks its battles...this isn't a great example of Volk architecture; this is not Volk's best work...look at the architecture...this doesn't meet our high level of standards; landmarking this property would diminish the other great Volk designs which have already been landmarked; the 60's were a tough time for society architects...future generations will find this as an example of Volk's transitional architecture and as such, it is worthy of saving; "notable" doesn't necessarily mean the best; as in criteria #3, this is "a specimen inherently valuable for the study of a period", the 60's, a transitional period in architecture.

Let the record show that during the LPC member comments, there were some exchanges with Dr. Garner as he responded to questions from members and elaborated on his responses. Let the record also show that Dr. Garner testified that he had served as an expert in a previous designation hearing. (Note: It was actually an undesignation hearing for 1695 North Ocean Way where he spoke in favor of undesignation, and argued against the existence of "ranch" as an architectural style.)

MOTION BY MR. ROBERTS TO DENY 977 NORTH OCEAN BOULEVARD AS A LANDMARK.

MOTION SECONDED BY MR. HANLEY.

MOTION FAILED 3-4, WITH MR. COONEY, MRS. GOLINO, MR. COOLEY AND MR. PANDULA OPPOSING.

MOTION BY MR. COONEY THAT 977 NORTH OCEAN BOULEVARD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. GOLINO.

MOTION CARRIED 4-3, WITH MR. HANLEY, MR. ROBERTS, AND MS. WILLIS OPPOSING.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section **54-163(1)**, the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the **office** of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

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APR 21 2010

TOWN OF PALM BEACH
PZB DEPT

Thomas P. Sweeney
TPS Consulting LLC
920 N. King Street, 8th Floor
P. O. Box 26284
Wilmington, DE 19899
(302) 651-7770
TPSConsultingLLC@Comcast.net

April 4, 2010

Landmarks Preservation Commission
Mr. Eugene Pandula, Chair
The Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Genevieve Estes du Pont
977 North Ocean Boulevard

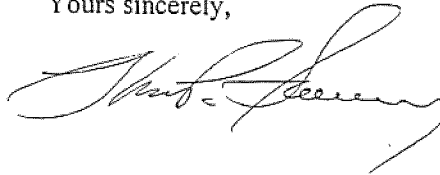
Dear Chairman Pandula and Commissioners:

I am the attorney-in-fact for Genevieve Estes du Pont under Durable Power of Attorney dated March 24, 1995. Mrs. du Pont no longer has the capacity to manage her real and personal property. Consequently, I am obligated to manage that property in her best interests. The Town of Palm Beach is considering the landmarking of property owned by Mrs. du Pont located at 977 North Ocean Boulevard in the Town.

I have read the Designation Report on 977 North Ocean Boulevard dated Wednesday, April 21, 2010, as well as the Town's landmarking ordinance. It is my opinion that landmarking Mrs. du Pont's house would not be in her best interest. The requirement to maintain a landmarked house and the limitations on the right to demolish it would create severe restrictions on the property. This is especially the case since Mrs. du Pont's house is on the ocean and, thereby subject to the harsh elements of wind and salt air, making repair and maintenance more costly than normal.

Mrs. du Pont's house is quite an ordinary one and is hardly of landmark quality. It is certainly not designed with the reasonable expectations of today's buyers in mind. Being located on the ocean, the value of the property is in the land and not in the house. Burdening the land in perpetuity with the house would result in a loss in value to Mrs. du Pont. Therefore, this letter constitutes her objection to any landmarking of her house located at 977 North Ocean Boulevard in the Town of Palm Beach.

Yours sincerely,



TPS/pjw

cc: Mrs. Nicole du Pont Limbocker
James R. Brindell, Esquire

RD 1461v.1

Submitted into record
by Atty. James Brindell
4/21/10 at meeting.

APR 21 2010

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TOWN OF PALM BEACH
PZB DEPT

Before me, the undersigned notary, GAIL A. VANTASSEL (name of notary), on this 20TH day of APRIL, 2010, personally appeared NICOLE dUPONT LIMBOCKER, known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and says:

1. I am the daughter of Nicholas R. and Genevieve E. duPont. On many occasions during the planning and construction of the house at 977 North Ocean Boulevard in the Town of Palm Beach, Florida, I discussed the house plans with my parents, and accompanied my father to the site to give him my thoughts on the project.
2. My parents looked at a number of homes in the Bahamas, California, and Hobe Sound, Florida before deciding on a design for their house. In fact, they even employed Robert Sully, a Beverly Hills architect, to provide house plans.
3. It was clear that my parents wanted a simple vacation house, and wanted to keep costs down. At one point, my mother complained that the plan for the house had become too large. With the help of my father and Valerian Rybar, a highly regarded New York City interior designer, the house size was reduced and the interior layout revised. Mr. Rybar had considerable influence on room configurations, in addition to the design of the interiors.
4. The front door to the house and the semi-elliptical transom light above it were copies of a door my mother found in Delaware. The interior and exterior lattice work doors were designed by my father based upon similar doors he had seen during a visit to the Bahamas.
5. The lanterns on either side of the front door, the door knocker, the door hardware, and all of the urns were obtained by my mother.
6. The gates on the south stairwell leading to the garden are copies of gates that were at the house in Palm Beach of my godmother, Elisabeth Fleitas.
7. The original shutters on the house have all been replaced.
8. The landscaping was designed by my mother in consultation with Thomas Church of San Francisco, California.
9. The atrium on the north side of the house often suffered from severe wind turbulence even when the doors to that atrium were closed. The problem was made worse when those doors were open. In an effort to correct the problem, my parents hired

several aeronautical engineers, including Grover Loerning, but the problem could not be solved.

10. The motors used to open and close the windows on the west façade of the house rusted out within the first two years and were not replaced.

11. My father was very interested generally in house designs and materials and got deeply involved in all of his pursuits. He built their house in Wilmington, Delaware, and was also involved in building other structures such as a country club, shopping center, and raceway. There is an extensive amount of correspondence which shows my father's detailed involvement in all sorts of design issues with the Palm Beach house such as floor color, material, and manufacturing technique, electrical, plumbing, kitchen equipment, and room locations and configurations.

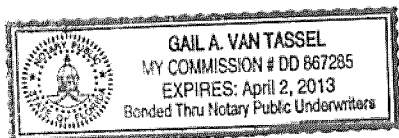
Nicole duPont Limbocker
Signature of Affiant

Nicole duPont Limbocker

977 N. Ocean Blvd
Palm Beach, FL 33480
Address

The foregoing Affidavit was sworn to and subscribed before me this 20th day of APRIL, 2010, by NICOLE dUPONT LIMBOCKER, who [☒] is personally known to me or [] has produced _____ as identification.

(Notary Seal)



Gail A. Van Tassel
NOTARY PUBLIC
Print Name: GAIL A. VANTASSEL
State of Florida
My Commission No: DD 867285
My Commission expires: 4-2-2013

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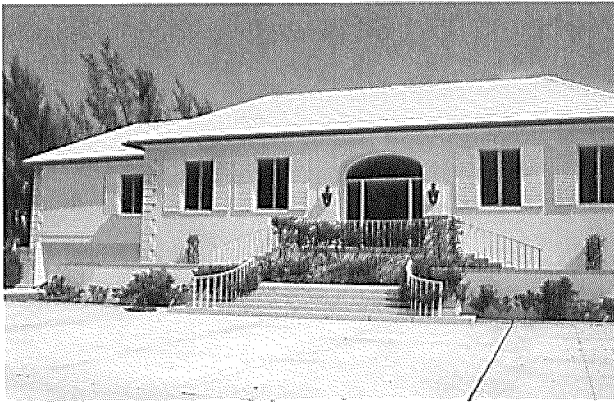
APR 21 2010

TOWN OF PALM BEACH
PZB DEPT

977 North Ocean Blvd.

The du Pont House,

A Response to the Designation Report



Wednesday, April 21, 2010

Landmarks Preservation Commission

Palm Beach, Florida

APR 21 2010

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977 N. Ocean Blvd. Palm Beach, Florida, The du Pont House
Response to the Designation Report

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TOWN OF PALM BEACH
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John S. Garner, Ph.D.
Preservation Consultant
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Urbana, IL 61801
217-328-2397, 217-778-3662

977 N. Ocean Blvd. Palm Beach, Florida, The du Pont House: A Response to the Designation Report

The question before the Landmarks Preservation Commission is whether the property should be protected by ordinance. This question is not answered within the text of the designation report. No justification is given under the criteria cited.

Failure to Meet Landmark Criteria as defined by the Town of Palm Beach in the Landmark Preservation Ordinance, Palm Beach Code, Chapter 54

In a designation report produced by Research Atlantica, Inc., two criteria are listed:

- 3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."
- 4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Criterion 3 asserts two qualifications, either of which could be applied. The first requires that the property embodies distinguishing characteristics of an architectural type. The designation report offers no factual evidence of this. It states:

There is only one "barefoot house" in the Town of Palm Beach. . .the house combines a traditional Georgian Revival style exterior with a new concept of indoor and outdoor space. . .

Apparently, there was more than one "barefoot house" in Palm Beach. The architectural historian Donald Curl attributed the demise of Mizner's reputation in part to "Palm Beach's 'barefoot' era following World War II" (Curl, *Mizner's Florida*, p. 203). Setting aside the "barefoot house" label, attributed to Eugenia Sheppard, the fashion writer, which could be applied to any beach house, the stronger argument—were it shown to be true—is whether the house embodies the Georgian Revival style with a new concept of indoor and outdoor space. The use here and there of classical features such as quoins, urns, and a fanlight over the front door can hardly be shown to "embody" an architectural type. There must also be some evidence of symmetry, scale, and unity shown in the application of these features as well as harmony in proportion as

APR 21 2010

TOWN OF PALM BEACH
PZB DEPT

regards building block, window and wall. In the second part of the criterion, nothing is said in the report to indicate why the property is inherently valuable for study because of its period, style, construction, use of materials, and craftsmanship. In fact, there is nothing exceptional exhibited in the architecture of the exterior to merit the property an example worthy of study.

Description

The Nicholas du Pont House at 977 N. Ocean Blvd. in Palm Beach, Florida, was designed in 1963 on Ocean front property acquired the preceding year. Construction began in 1963 and continued into early 1964. The residence is a one-and-a-half story structure that incorporates design features both modern and historic.

The Site

Originally a part of the Dodge estate, the parcel on which the structure at 977 N. Ocean Blvd. is located was previously undeveloped. It lies between Ocean Blvd. and the Atlantic Ocean and covers an area of approximately 1.2 acres and measuring 125 Ft. along Ocean Blvd. on the west, 334 Ft. on the north, 135 Ft. along the beach to the east, and returning 387 Ft. along the south. A single drive opens onto 977 N. Ocean Blvd. There is a small floral garden in the southwest corner of the lot adjoined by paved parking. A grass lawn extends from the east side of the house to an escarpment overlooking the beach. Trees and shrubs border the site. Mrs. Nicholas du Pont with some assistance from the Landscape Architect, Thomas Church, of San Francisco, CA, designed the landscape and oversaw the planting.

The Structure

Occupying the site is a residence largely constructed of concrete, glass, and tile. On the west, the principal façade facing Ocean Blvd., the structure extends in height one-and-a-half stories to accommodate a basement garage, caretaker's quarters, and mechanical equipment. The family's living quarters are above. The grade of the basement inclines toward the east to crawl space, so that the east façade facing the ocean becomes only one-story in height. Reinforced concrete footings and columns carry a one-way reinforced concrete floor above grade with a poured concrete floor in the basement below. Exterior load-bearing walls are composed of structural tile and concrete block, finished on the exterior with stucco. The interior walls and ceilings are drywall. The finish floors are textured concrete and tile. The concrete is treated to appear like Travertine, a porous limestone. This was accomplished by laying the treated concrete squares on a slab subgrade. The two-foot squares are one to 1 and 5/8-ins. deep and scoured with rock salt or soda to create the false effect. The living and dining room floors are finished in white tile on concrete. Windows and sliding glass

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doors are aluminum sash. The hipped roof is timber frame and sheathed, and covered in white concrete shingles. The mechanical system is forced air heating and cooling.

Designers and Contractors

John L. Volk (1901-84) of Palm Beach was the architect of record, though the work can be considered a collaboration with the interior designer Valerian Rybar of New York. Mr. and Mrs. Nicholas du Pont of Delaware and Palm Beach, owners of the property, were involved substantially from the outset in the design as well, as correspondence between them and the designers indicates. Prior to acquiring the services of Volk, the du Ponts had obtained schematic site plans from Sully and Oppenheim of Los Angeles, CA, who conceived the idea of a plan arranged around a south facing patio and atrium. Mack Ritchie was the structural engineer for the concrete work. The general contractor was Vivian J. Watts of West Palm Beach.

Volk was among a formative generation of architects who located to South Florida and Palm Beach during the land boom of the 1920s. His legacy survives in many of the more than one thousand commissions received during his long professional career. While he designed a variety of building types, he is best known for his residences, especially those constructed before World War II in the Mediterranean Renaissance Revival, Spanish Colonial, Georgian, and Regency styles. The Florida Site Survey listed some 108 properties in Palm Beach by Volk and Volk and Maass, constructed prior to WWII, seventeen of which have been designated by the Town. Another property of the postwar period, a commercial venture, has also been designated. In the single academic study of Volk's architecture, a master's thesis submitted to the University of Georgia in 1998 by Amy M. Groover, Volk's reputation was secured in his early residences of Palm Beach where his best work was seen. She concludes "His early work represents his most important and influential designs" (Groover, *John L. Volk, Architect*, p. 196).

Assessment

In plan, the du Pont House was designed to take advantage of natural ventilation and to be open and accessible in terms of circulation. Sully-Oppenheim, Assocs., Architects, of Los Angeles, CA, had provided a series of site development proposals to the du Ponts prior to the final subdivision of the parcel on which the property sits.

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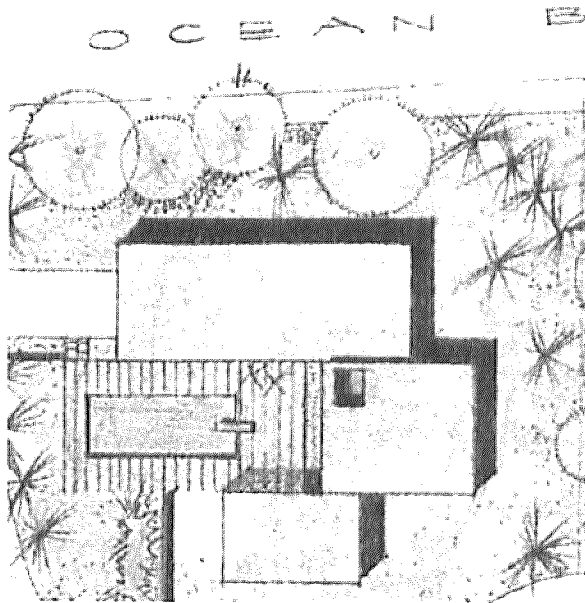
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Fig. 1

One of several schematic plans showing a site development for 977 N. Ocean Blvd. presented to du Pont by Sully and Openheim, Assocs., Architects, Los Angeles, CA, Jan. 23, 1963. Notice south facing terrace with pool and atrium, used in the Volk plan.

In one scheme with Ocean Blvd. at top or to the west, the bedrooms and living quarters are arranged around a pool and terrace with a small atrium in an enclosed block adjacent. Similar in plan but on a larger scale was an arrangement worked out by Volk in consultation with Valerian Rybar and the du Ponts (letter of July 3, 1963 to Volk from du Pont). Rybar was a well-known interior decorator with offices in New York and Paris. Previously employed by the du Ponts in Delaware, he took a hands-on approach regarding room layout and interior walls in addition to furnishings. He met with Volk and suggested changes in floor plan during the schematic design phase (letters between du Pont and Volk, March 5, March 25, July 3, 1963). At the very outset, the du Ponts took exception to the initial scale and layout proposed by Volk, instructing him "that we are placing the master bedroom next to the den, with the bath area and dressing room between the master bedroom and the relocation of the guest room on the ocean. . .also make a study of the possibilities of placing the servants bedroom in the basement, thus shortening the over-all depth of the house approximately 12' which would lead to compactness. This would reduce the size of the patio which seem[s] rather on the large side" (letter of February 11, 1963). These changes were made. The du Ponts daughter, Nicole Limbocker, who witnessed the construction, recalled her father's disappointment that the project had become much larger in scale than he and his wife had wished. It is not unusual for clients to suggest changes, but it should be noted that the du Ponts were very much involved with both the plans and elevations of their house.

Despite the attempt to use the natural environment for light and ventilation, with sliding glass doors pocketed into walls, the result was a colossal disappointment. The wind velocity negated the features. According to Ms. Limbocker, the doors between the lanai and the terrace to the pool on one side and the atrium on the other could not be fully

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opened because of the turbulence it caused. A motorized shutter system to protect the doors and windows was rendered inoperable because of its exposure to the salt air (interview with Ms. Limbocker 18 Feb. 2010). While the use of patios and terraces off entries and gardens were often employed in Palm Beach houses of the prewar period, the adjacent indoor spaces were better sheltered or protected, sometimes with the use of garden walls.



Fig. 2

View looking north from terrace and pool to the lanai and through to the atrium on the other side. Sliding doors open the lanai to both outdoor spaces.

Unfortunately, the atrium created a venturi effect with the wind.

On the exterior, the architectural treatment largely contrasted the more casual and open arrangement expressed in plan. While Volk was capable of rendering a modern design, more in keeping with the plan, he chose a traditional expression with classical design features, such as Tuscan columns, quoins, keystones, shutters, urns atop half-walls, and a Regency inspired frontispiece. But the contrast was contradictory to the life-style projected by a beach house of the 1960s, and awkward in its application. This awkwardness or lack of convention can be seen in the elevations, beginning on the north, the east, south, and in the entrance elevation on the west.

Georgian Revival Defined

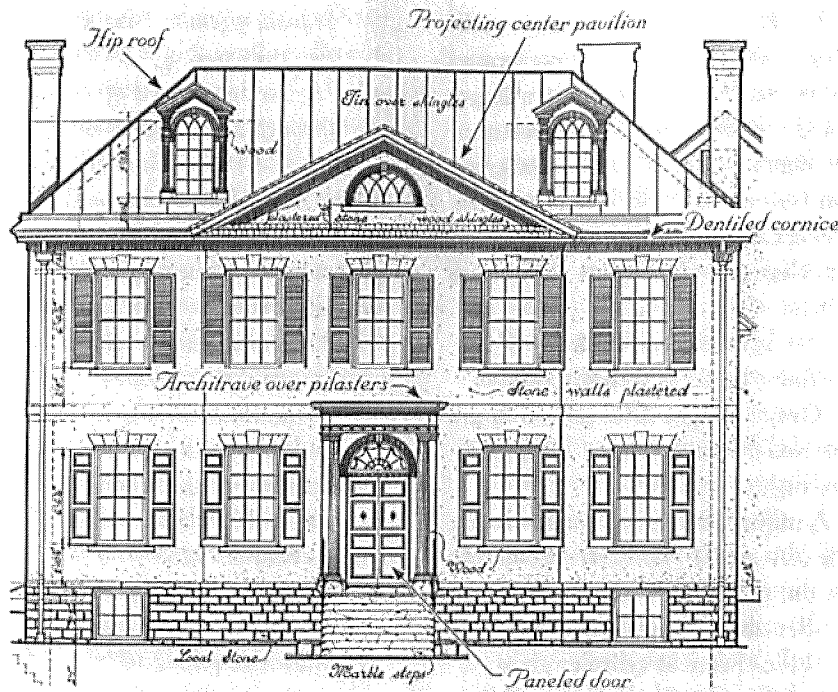
The Georgian Revival style of the early 20th century, popular throughout the U.S. for both domestic and institutional buildings, follows on the earlier Colonial Revival and embodies design features of the Georgian period (1720-1830), largely corresponding to architectural design during the rule of the Hanovers. Double pile or two story buildings, symmetric in design, with a projecting center façade or pavilion front set between dependencies or wings and surmounted by a hipped roof prevailed. Door and window openings were rectangular, and they were taller than they were wide. Andrea Palladio, the 16th c. Italian architect, greatly influenced the architecture of the Georgian period and the later Georgian Revival style. The example below from an 18th c. house in

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Philadelphia, the fashion capital of the American colonies, well illustrates the features of the style.

Georgian Revival



Georgian
"Vernon"
Philadelphia, Pennsylvania, ca. 1741

Fig. 3

An illustration of the Georgian Revival style as based on a Georgian period house in Philadelphia. Note the overall proportions, the scale of the features such as windows and doors, and the attention to detail. This illustration is taken from Ward Bucher's *Dictionary of Building Preservation*, p. 209. Note also the definition for Georgian Revival in the Landmark Manual, 2009, for Palm Beach.

North Facade

On the north, the change in grade, offered a blank wall to the service quarters. The windows above are the Jalousie type with projecting sash, a modern window. There is also a projecting bay window off the dining room, a feature not employed in the Georgian style but rather the Queen Anne of the Victorian age. The stair wall was not original to the project, but constructed a few years later in 1969. It also served as a retention wall.

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Fig. 4 and 5

North wall showing stair and retaining wall.
Bay window is not a Georgian period design
feature, but Victorian.



East Facade

On the east, there is little utility in applying the Georgian Revival. It accomplishes nothing. To open the house to views of the ocean from the dining room, living room, and master bedroom, a curtain wall of sliding doors and Jalousie windows was used. The single story wall made the proportions of window to wall appear awkward. The shutters appear as an afterthought. Apparently, there was insufficient wall space to complete the pair. The original shutters were replaced in 2007. Apart from the shutters, the only reference to the Georgian Revival is in the use of quoins. Here again is a contradiction. Quoins, revived from the Renaissance age and used in some examples of the Georgian Revival, are a form of buttress or wall reinforcement. They appear out of place in a wall opened floor to ceiling with sliding windows and doors. The hipped roof appears weighty and suppresses the wall below. The size of the window openings and the sequence or order in which they are used are more in keeping with a commercial shop front than the private quarters of a residence. In an attempt to combine new and old ideas, a poor compromise was made. Simply put, the curtain wall was better suited to a modern design, such as seen in the West Coast residences of Richard Neutra and Craig Elwood of the period.

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Fig. 6

East façade as viewed from the northeast. Note the proportions of the windows to walls and the overly prominent hipped roof. The windows and sliding doors are not Georgian Revival in style. The corner quoins, meant to convey strength and solidity, appear contradictory.

South Facade

Continuing to the south wall, the fenestration is even more curious. A corner window of Jalousies is used within one of the guest bedrooms, which makes a strange juxtaposition with the corner quoins used elsewhere. No doubt, the window was an attempt to capture a view to the ocean, but the Georgian Revival style would have called for a solid wall, pilaster, or quoin. It is simply a very strange combination of window and wall elements. The best feature is not the wall but the walkway with its gates, half wall piers, and urns leading from the pool area and terrace to the east yard and beach.

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Fig. 7 and 8

View of the south wall looking west. Note the corner window, especially the detail image on the right with the use of Jalousie sash. This was done to capture a view to the east, to the ocean, as well as for ventilation. The corner window and Jalousie sash is a 20th century type, not Georgian Revival in style.

West Facade

Turning next to the entry façade on the west, there is an attempt to convey a classical theme, but without the use of harmony and proportion in the application of the Georgian Revival. The façade is presented without the benefit of the usual unifying elements. The frontispiece (entry door and side lights) and windows would seem to stand alone. The proportions are not what one would expect to see in the Georgian Revival. The projecting panel of the frontispiece is overly square and the adjoining windows are positioned well above a blank wall enclosing the basement. In a raised cottage of the Georgian period, there would have been basement windows or window wells. The door itself is a handsome two-leaf feature with shuttered side panels in place of side lights. The semi-elliptical transom light is plate glass with decorative wrought-iron set in front. The wrought-iron design was intended to emulate the glazing bars of a traditional fan light. The keystone above the door extends into the cornice, instead of stopping below it. The two windows to either side are aluminum sash which slide horizontally, as

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opposed to double-hung with multiple lites, which would be seen in the Georgian Revival style. By far the best feature of the principal façade are the steps and iron balustrade. The lower balustrade is a more recent addition.

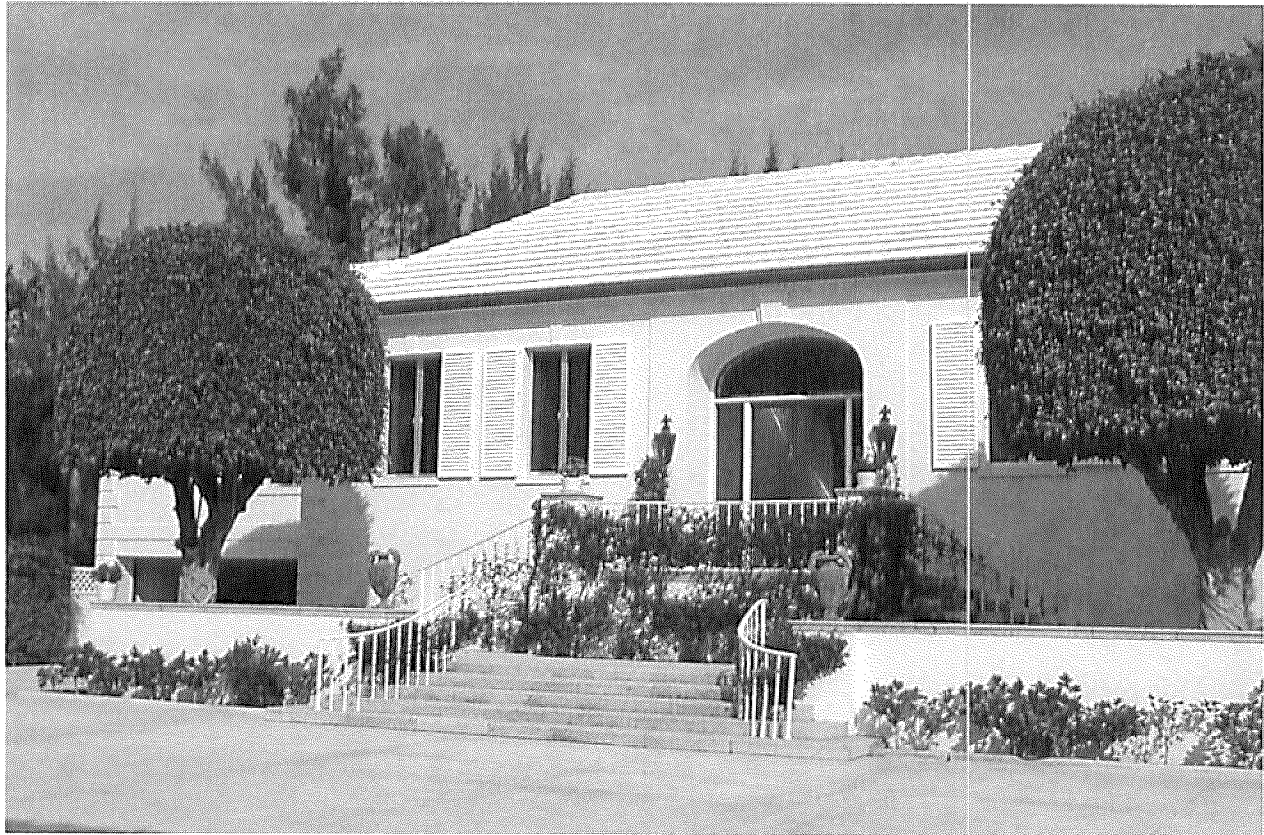


Fig. 9

West entry façade viewed from driveway from the southwest. There is a projecting central block with stairs, flanked by two wings, garage door to left, guest rooms to the right. The 1 ½ story block contains a partial basement and mechanical space.

A Better Volk Example of Georgian Revival

To better illustrate the proper use of the Georgian Revival style, which the property is supposed to embody, it may be instructive to compare 977 N. Ocean Blvd. with 3 Pelican Way, another Palm Beach house designed by Volk and built in 1938. In the Chester Kroger House, the use of the Georgian Revival is better represented. The central block is two-stories with dependencies or wings. Emphasis is placed on the vertical, not the horizontal, as in the case with 977 N. Ocean Blvd. The three-bay central pavilion is symmetrically placed and well proportioned. There is a unity and harmony expressed in the central door and windows. The semi-elliptical fan light rises

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above the height of the adjacent windows. The window sash is double-hung, with six over six lites. The fanlight is divided by radial glazing bars as in keeping with the style. The hipped roof is well proportioned to the wall below. There is a refinement in detail not seen in 977 N. Ocean Blvd.



Fig. 10

3 Pelican Way, Palm Beach, FL, the Kroger House, designed in 1937 by Volk and built in 1938. A designated landmark, it is a good example of the Georgian Revival style. Note the symmetry and proportions, especially seen in the central pavilion. The door and windows divide it into three equal bays. The windows and shutters are wood, not aluminum. The style is clearly expressed.

Construction Methods and Materials

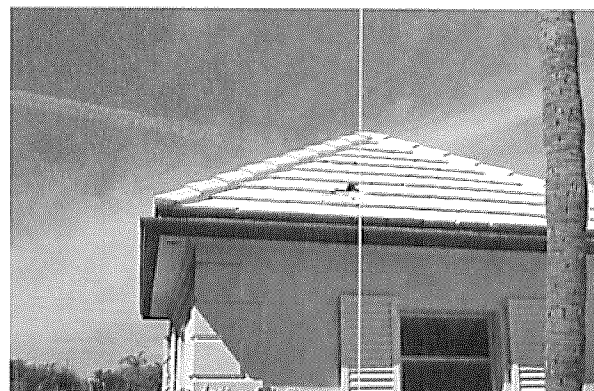
To the second part of criterion 3, regarding method of construction, there is little exhibited in 977 N. Ocean Blvd. which indicates the use of indigenous materials or craftsmanship. A very nice detail is the use of faux travertine, leading from the entry walk to the foyer, to the lanai, and continuing out to the pool apron and terrace. Precast concrete squares, poured in a slip form over rock salt, give the appearance of travertine when turned over and scoured. Those and the use of white concrete tiles for the roof,

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however, are not indigenous materials, at least not in the way that Las Manos tiles or cypress paneling was used by Volk and others in prewar homes for example.

Cost containment and the lack of craftsmanship in the postwar era compromised the attempt to create a Georgian Revival style within a contemporary residence. The use of reinforced concrete for the foundation footings and columns made perfect sense for the unstable soil conditions of the site, but the use of concrete block and structural tile for the walls would not have been used in a building of the Georgian period. The walls would have been brick and the stucco keyed to the mortar joints. The modern modular block and tile create laser perfect, uniform walls. The use of light, dimensioned lumber for the roof framing did not offer sufficient strength for the weight of a tile roof, and the damage to the tile can be seen. In 1997 the roof tiles were removed, a new underlayment applied, and the tiles re-laid. Textured concrete is a poor substitute for Travertine. What applies to the treatment of the exterior can also be said of the interior, where modular wall board and trim substitute for hand applied plaster and custom cabinetry. As a recreational residence, a beach house, it was understandable that the family sought to curb costs, which is why the style was inappropriate and out of place for the time and location.



Figs. 11 and 12

Left is a detail view of the concrete pavers, treated to appear as travertine. At right, note the failure of the roofing tile. These failures are caused by live loads or wind and an under designed roof structure.

The double-leaf entry door with fluted panels in louvered and sunburst patterns is a handsome feature. It was procured by the du Ponts, copied from a door in Odessa, Delaware, and shipped to the site. The hardware for the door was a replica of colonial

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locks and knockers manufactured by Ball and Ball (e-mail from N. Limbocker, March 31, 2010).



Fig. 13

The handsome entry door with side panels forms a square, creating an especially large fanlight, proportions in door and window, which would never be seen in the Georgian Revival or its late phase known as the Regency.

In response to criterion 4 the property at 977 N. Ocean Blvd. is not "representative of the notable work of a . . . architect whose individual ability has been recognized or who influenced his age." It is not representative of Volk's work because it is an exception. It does not compare to his prewar residences or, for that matter, other residences of the 1960s that Volk designed. Unquestionably, Volk was a good architect who had a significant impact or influence on the architecture of Palm Beach. Many of his projects have been recognized and designated landmarks. His legacy is further enhanced by the monograph of his work published by the John L. Volk Foundation in 2001.

Conclusion

977 Ocean Blvd. is something of an architectural anomaly in that it is neither modern nor historic in design. In construction, it would be considered modern in that it followed the conventions of the day, and in materials it is a compromise between contemporary requirements and attempts to reference the past.

In plan it combines both indoor and outdoor spaces to create accessibility and transparency of view for family and guests, while offering privacy from the street and side yards. Unlike the more enclosed and conservative residential layouts of the prewar period, it incorporates openness with views to the ocean from the living room, dining room, study, and master bedroom, as well as views between the lanai or central hall, and the outdoor pool on the one side and the patio on the other. Such openness in plan was featured in houses in Southern California and coastal Florida in architectural magazines of the postwar era, and does not represent the introduction by Volk of "a new concept of indoor and outdoor space," as stated in the Designation Report. With the exception of the foyer, the family's spaces are all on one level. Volk addressed the need for modern informality in living arrangement, recreation, and climate. The du Ponts had stressed the need for informality and openness, with large sliding glass doors that when opened provided for natural breezes. In practice, however, the breezes were too strong and the doors between the pool terrace, lanai, and atrium were rarely opened fully according to Nicole Limbocker who said this was much to the disappointment of her father who ultimately went to the length of hiring an aeronautical engineer to try to solve the problem. It could not be solved (Limbocker affidavit).

In elevation, the large doors and windows contrast with the traditional features of a hipped roof and exterior masonry walls, a kind of unhappy compromise. The windows which were large to offer views and to provide ventilation were not proportionate to the walls and roof. Only the smaller windows were given shutters, a feature of the style, although these were replaced in 2006. Rybar's interior wall treatments attempted to complement the Georgian theme, but appear out of place with the contemporary curtain wall and aluminum sash. The entrance or frontispiece is usually the signature feature of a traditional style of architecture, such as Georgian. But here it appears contrived. The proportions are wrong. They are overly square. The fan light above the entry door is plate glass with a wrought iron screen in front as opposed to individual glass lites separated by wooden muntins or lead bars. It was an attempt to place an historic feature in a contemporary house. The hipped roof is better proportioned to the west façade, which is one-and-a-half stories, as opposed to the east façade where the roof is overly prominent. Stucco quoins are employed at the corners but there is nothing between them to create rhythm in the detail and fenestration of the wall. The Tuscan

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Order columns of the atria adjacent the patio and pool are left to stand alone without other elements in design to complement them.

Although there are several nice features to the property, largely to be seen on the interior, they are not subject to designation. Taken as a whole, 977 N. Ocean Blvd. does not merit designation based on the required criteria of the ordinance.

References

Jane S. Day, *Landmark Manual: A Manual for Owners and Residents*. Palm Beach: Town of Palm Beach, 2009, pp. "Architectural Styles" and "Landmark Preservation Ordinance."

Jane S. Day, Atlantica Incorporated, "Designation Report, 977 N. Ocean Blvd.," 2010, pp. 2-10.

Barbara D. Hoffstot. *Landmark Architecture of Palm Beach*, Pittsburgh: Pittsburgh History and Landmarks Foundation, 1974, 1991., p. 179.

Lillian Jane Volk, et al. *John L. Volk: Palm Beach Architect*. Palm Beach: privately printed, 2001, pp. 138-39.

Amy M. Groover, "John L. Volk, Architect: A Study of His Work in the Palm Beaches," master's thesis, University of Georgia, 1998, pp. 3-4, 196.

Donald W. Curl, *Mizner's Florida: American Resort Architecture*. Cambridge: MIT Press, 1984, p. 203.

Ward Bucher, ed., *Dictionary of Building Preservation*. New York: John Wiley, 1996, p. 209.

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Valentine Lawford, "*Lighthearted Pavilion*," *Vogue* (June, 1965), pp. 140-46, 170.

Interview between Nicole Limbocker, daughter of Nicholas R. du Pont, and John Garner, 18 February 2010.

Jane S. Day, Recommendations or Future Designation, Town of Palm Beach, Landmarks Preservation Commission, Nov. 19, 1997.

Correspondence of Nicholas R. du Pont from 1963, regarding 977 N. Ocean Blvd., between John L. Volk, et al.

Letter from James D. Sturrock, Boynton Landscape Company, to Robert Sully, Sully-Oppenheim, Architects, January 14, 1963.

Building Permits, regarding the property at 977 N. Ocean Blvd., Town of Palm Beach, 1963.

Plans, elevations, and details of the Nicholas R. du Pont Residence, 977 N. Ocean Blvd., Palm Beach, FL.

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

Appeals

Agenda Title

1. Appeal of Landmarks Preservation Commission Approval, Certificate of Appropriateness #7-10, 780 South Ocean Boulevard.
2. Ratification of Side Yard Setback "Dimensional Waiver" at 780 South Ocean Boulevard.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 27, 2010, from John Page
- Letter dated April 27, 2010, from Maura Ziska
- 780 South Ocean Boulevard Site Plan
- Memorandum dated April 27, 2010, from John Page
- Zoning Section 134
- Minutes of the Landmarks Preservation Commission dated April 21, 2010

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Director, Planning, Zoning & Building Department

Re: Appeal of Landmarks Preservation Commission Approval
Certificate of Appropriateness #7-10, and Dimensional Waiver
780 South Ocean Boulevard

Date: April 27, 2010

STAFF RECOMMENDATION

It is recommended that the Town Council consider and act upon the appeal filed by Mr. and Mrs. Alan Curtis, adjacent northerly property owners, objecting to the Certificate of Appropriateness and Dimension Waiver that was authorized by the Landmarks Preservation Commission (on April 21, 2010) for property alterations at 780 South Ocean Boulevard.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Preservation Commission met on April 21, 2010, and considered the Application for Certificate of Appropriateness #7-10 filed by owner/applicant Terry Taylor for property at 780 South Ocean Boulevard. The existing home at this site is landmarked. Owner sought approval for an addition to the historic property described as such:

“The project consists of a proposed 1,038 sq. ft., one story addition to the northeast corner of the existing historic, two-story residence. The addition shall consist of a summer kitchen, patio, fireplace, and wine room accessed from the existing kitchen vestibule via covered loggia. Existing fabric awnings located at the northeast corner of the existing residence will be replaced with the new covered loggia with detailing similar to the existing loggia on the north side of the existing residence. The plate height of a small structure housing an exterior stair shall be raised to match the new loggia. Existing landscaping and hardscaping shall be removed to accommodate. The project will require a dimensional waiver for the side yard setback of the landmarked property located at 780 South Ocean Boulevard. Code Section 134-237(2)(a) allows for a reduced setback for expansion of a landmark building. The side yard setback reduction can be up to 65% of the underlying zoning district requirement; provided, however, that the side yard setback shall not be less than 5 feet; and,

in our case, we are encroaching 4 ft. 9 in. into the 30 ft. 0 in. side yard setback as specified in Code Section 134-843 (a)(8) for the R-A Estate Residential District. This equates to reducing the 30 ft. 0 in. Side yard setback to 25 ft.-3 in., a 15% decrease.”

Following all testimony and deliberation, the Landmarks Preservation Commission approved both the dimensional waiver for the side yard setback and the Certificate of Appropriateness (authorizing the structure).

GENERAL INFORMATION

The Landmarks Preservation Commission first heard and considered the application in March of this year. Commissioners expressed several concerns with structure’s initial design, size and second floor sundeck. The project was deferred for one month thereby allowing the owner/architect to address such concerns. During the April meeting, the owner’s architect Jason Drobot presented the project anew, including all changes. The addition, as revised, will have a hip roof (the open-air sundeck was eliminated). Window surrounds have been made simpler. Mr. Drobot reviewed each of the requirements for a side yard dimensional waiver, and addressed how this project meets those requirements. Daryl McCann, Landscape Architect, reviewed the landscape plan which provides a buffer for the north side of the property described as another tier of small leaf clusia (in addition to existing landscaping).

Jane Day, Town consultant, was pleased with the changes to the design since last month. She noted that the building was scaled down; that its placement on the property does not negatively impact the historic structure, and that the addition can always be removed. She regarded the project as a good solution to allow for the owner’s needs while still protecting the original landmark. The only other speaker that addressed the Commission was Mrs. Curtis, the adjacent, northerly neighbor. She objected to the proximity of the proposed structure, specifically citing concerns about the open-air design of the proposed structure and noise.

Commissioners briefly discussed the dimensional waiver, with most expressing favorable comments about the resulting setback and revised plans. Upon motion from Commissioner Cooley, seconded by Cooney, the dimensional waiver was approved 6-1 (Roberts dissenting).

A subsequent vote approving the Certificate of Appropriateness as requested was approved unanimously.

The attached appeal letter from the legal office of Kockman & Ziska (attorneys for Mr. and Mrs. Curtis) outlines their objections to the project.

Attachments

cc: Landmarks Preservation Commission

KOCHMAN & ZISKA PLC

RECEIVED

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

APR 29 2010
Esperanto
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
TOWN OF PALM BEACH
PZB DEPT
Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA FACSIMILE AND HAND DELIVERY

April 27, 2010

Joanna Cunningham, Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Notice of Appeal
Property Owner: Terry Taylor
Interested Party: Mr. and Mrs. Alan Curtis
Landmarks Certificate of Appropriateness #7-10
Property Address: 780 South Ocean Boulevard, Palm Beach, FL

Dear Ms. Cunningham:

On behalf of Mr. and Mrs. Alan Curtis, who reside at 720 South Ocean Boulevard ("El Solano"), this notice of appeal is filed requesting the Town Council to reverse the decision of the Landmarks Preservation Commission ("LPC") at their meeting on April 21, 2010, which granted Mr. Taylor's approval for an outdoor summer kitchen within 25 feet of the Curtis' property line.

The basis for the appeal is that LPC deviated from the criteria set forth in Section 54-122 of the Town of Palm Beach Code by allowing a massive addition that is not visually compatible with the main house and environment, specifically, the height and gross volume. As the abutting neighbor that is most impacted by the proposed addition, Mr. and Mrs. Curtis voiced their objection at the LPC meeting to having a structure next to their property, the sole purpose of which is to provide the Taylors with an open air "party room". The proposed addition is too close to the property line, vents its barbecue directly towards it, and is unenclosed on three sides and would interfere with the quiet enjoyment of their own property by causing excessive noise. Further, the LPC should not have granted the dimensional waiver pursuant to Section 134-237(2) of the Town of Palm Beach Code to allow the proposed addition within the required setback as all of the criteria for granting the waiver were not met. Specifically, the addition **does** compromise the historic character of the landmark building. The dimensional waiver process is new to the LPC. In fact, Mr. Taylor's request is the first time a dimensional waiver request has been presented to the LPC. As a result, the LPC has not yet had the opportunity to study and completely understand the rules applicable to the dimensional waiver and should have that opportunity before making such an important decision.

Joanna Cunningham, Town Clerk
April 27, 2010
Page 2

Based on the foregoing, Mr. and Mrs. Curtis respectfully request the Town Council to reverse the LPC decision allowing the proposed addition. Please place this matter on the next Town Council agenda. Please call me if you have any questions with the foregoing. Thank you.

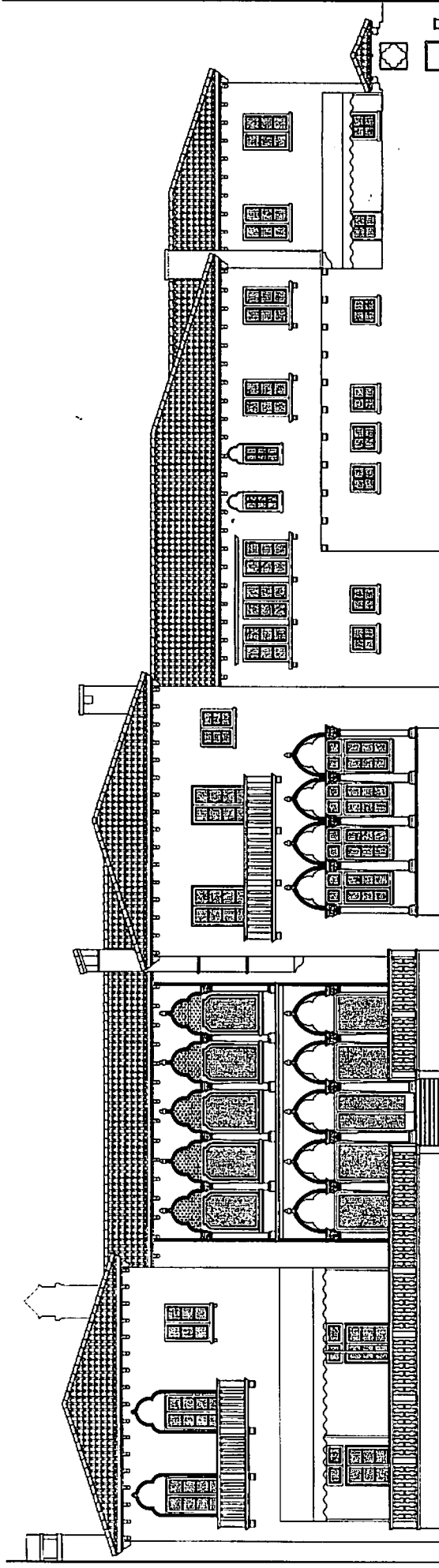
Sincerely yours,

A handwritten signature in black ink, appearing to read "Maura Ziska". The signature is fluid and cursive, with the first name "Maura" written in a larger, more prominent script than the last name "Ziska".

Maura Ziska, Esq.

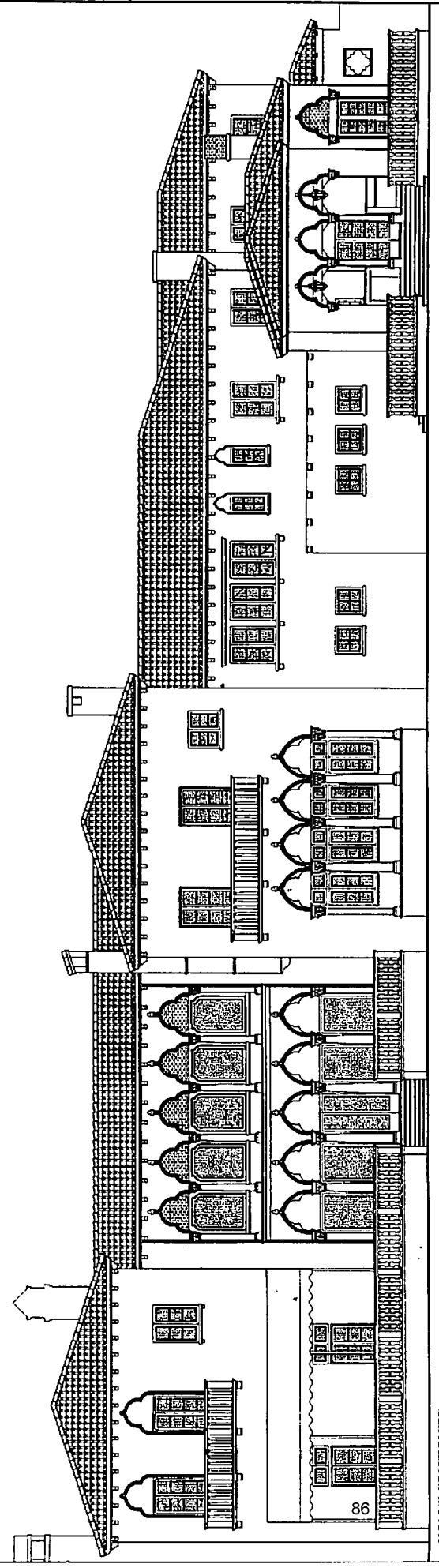
cc: Mr. and Mrs. Curtis
Peter Elwell, Town Manager
John C. Randolph, Esq., Town Attorney
John Page, Director, Planning Zoning & Building





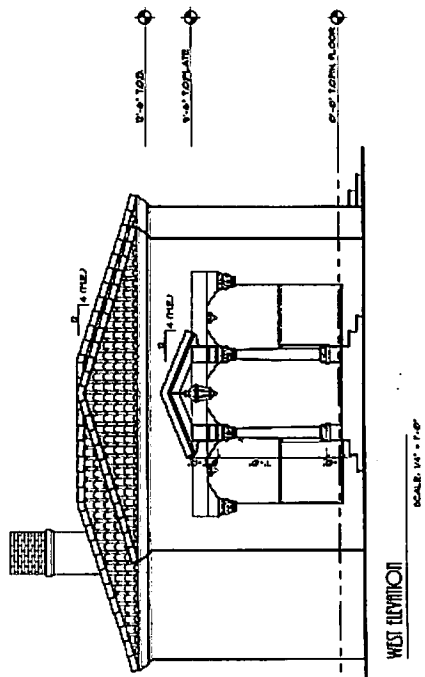
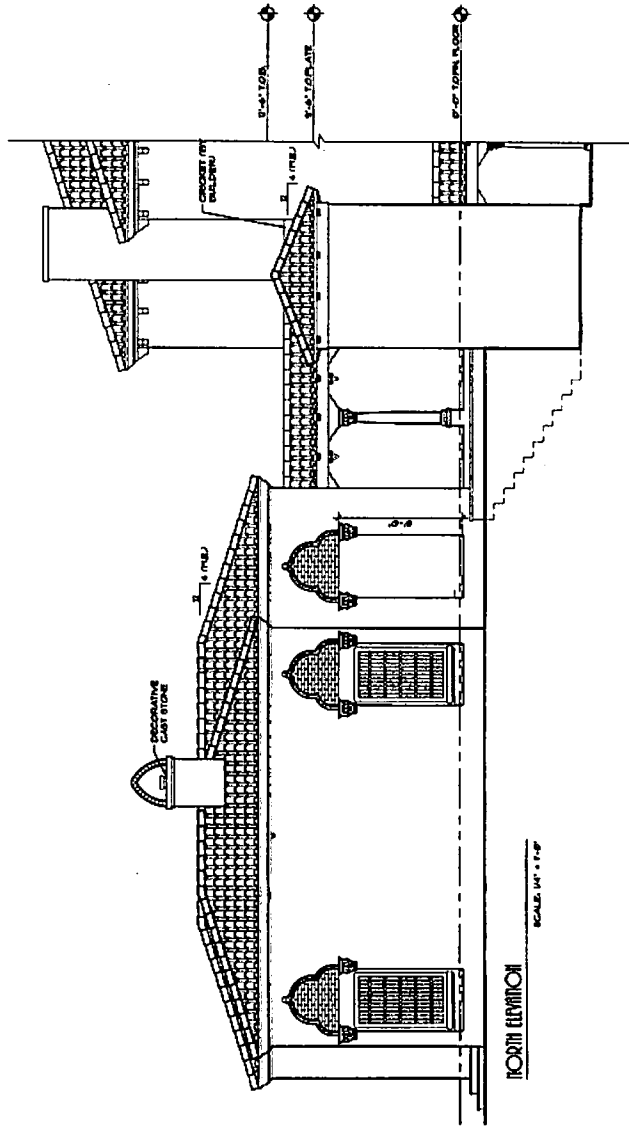
EXISTING FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"



PROPOSED FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"





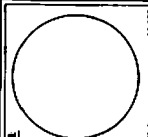
BRASSEUR

PROBOT

PROJECT D3

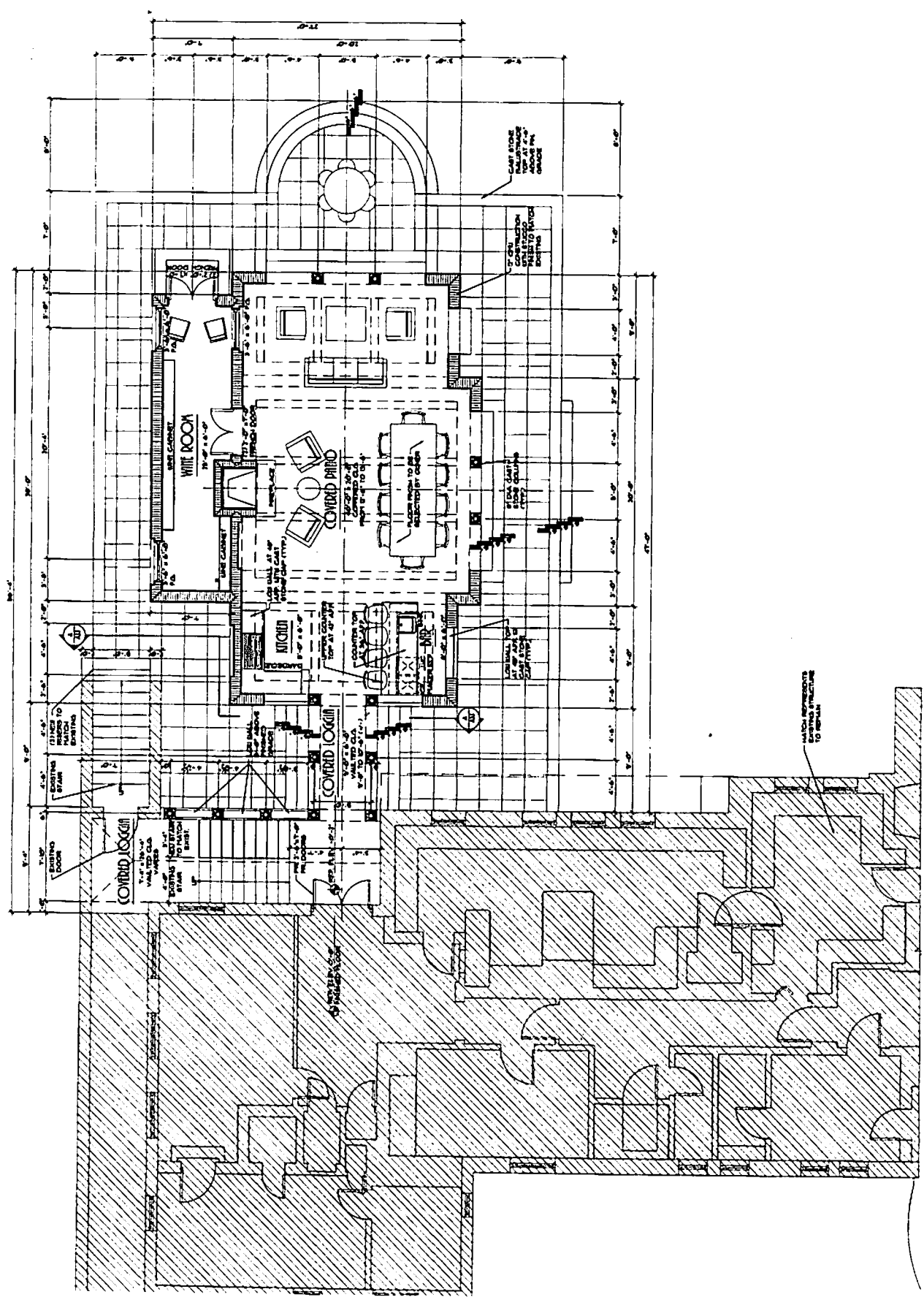
780 SOUTH OGDEN AVE
DENVER, CO 80202
TEL: 303.733.8888
WWW.BRASSEURPROBOT.COM

A NEW ONE STORY ADDITION FOR:
TERRY TAYLOR
780 SOUTH OGDEN AVE
DENVER, CO 80202



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TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Director, Planning, Zoning & Building Department

Re: 780 South Ocean Boulevard: Side Yard Dimensional Waiver

Date: April 27, 2010

STAFF RECOMMENDATION

It is recommended that the Town Council review the side yard setback dimensional waiver approved by the Landmarks Preservation Commission at 780 South Ocean Boulevard, and if said dimensional waiver meets with approval, ratify such as required by the Town's Zoning Ordinance (Section 134-234(2)).

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Preservation Commission, during its regular monthly meeting on April 21, 2010, approved both a 1) Certificate of Appropriateness and a 2) side yard setback dimensional waiver for an addition to a historic home at 780 South Ocean Boulevard. Though seldom utilized, Sections 134-234, 134-235, and 134-237 (adopted in 2007) of the Zoning Code specifically allow the Landmarks Preservation Commission to issue certain dimensional waivers subject to stated conditions. In this instance, a 1,038 sq. ft. one-story addition was allowed at the northeast corner of an existing historic, two-story residence. Per Code, the side yard setback reduction can be up to 65% of the underlying zoning district requirement; provided, however, that the side yard setback shall not be less than 5 feet. The structure encroaches 4 ft. 9 in. into the 30 ft. required side yard setback within the R-A Estate Residential District. This equates to reducing the 30 ft. side yard setback to 25 ft. 3 in., a 15% decrease.

GENERAL INFORMATION

The attached Minutes reflect the discussion that occurred at the Landmarks Preservation Commission meeting. Architect Jason Drobot, representing his client, Terry Taylor at 780 South Ocean Boulevard, presented the request for a building addition described as a covered patio with bar, summer, kitchen, fireplace, wine room and outdoor uncovered patio space. Landscape Architect Daryl McCann presented accompanying landscaping plans. Ms. Christine Curtis, abutting northerly neighbor at 720 South Ocean Boulevard, did voice her objection to the project.

Commissioners generally favored the entire project, including design, siting, landscaping, and dimensional waiver request. Mr. Roberts, however, indicated that the site was large enough to be able to design the project without a waiver and commented that the project will negatively impact the most important room, the ballroom, in the house of the neighbor to the north.

The dimensional waiver carried with a vote of 6 aye, 1 nay (Roberts).

SPECIAL CONSIDERATIONS

Town Code requires that any dimensional waiver(s) granted by the Landmarks Preservation Commission be ratified by the Town Council. Please note that the abutting owners, Mr. and Mrs. Alan Curtis, have appealed the Landmarks Preservation Commission approval. Said appeal appears as a separate item on the May 12, 2010 Town Council Agenda.

Attachments

cc: Landmarks Preservation Commission

Subdivision IV. Dimensional Waivers

Sec. 134-234. Dimensional waiver described.

Waivers providing for relief from the strict application of certain of the dimensional requirements of the zoning code are available for the following situations:

- (1) Additions to, or renovation of existing single-family development constructed prior to 1980. These waivers will be reviewed and approved or denied administratively by the director of the planning, zoning and building department.
- (2) Modifications to landmarked structures or properties. These waivers will be reviewed and approved or denied by the landmarks preservation commission and ratified by the town council.

(Ord. No. 8-07, § 2, 5-8-07)

Sec. 134-235. General conditions applicable to all dimensional waivers.

(a) Approval of the waiver will not compromise traffic safety.

(b) Approval of the waiver will not compromise fire safety.

(Ord. No. 8-07, § 2, 5-8-07)

Editor's note—Ord. No. 8-07, § 2, adopted May 8, 2007, enacted provisions intended for use as subsections 1. and 2. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (a) and (b).

Sec. 134-236. Dimensional waivers for existing single-family development constructed prior to 1980, and which have not been landmarked.

(a) *Specific conditions for approval of a waiver of required minimum side yard setback.*

- (1) For a single-story structure, the resulting side yard setback is not less than any existing nonconforming side yard setback of the principal structure located on property immediately abutting the side yard for which the waiver is requested.

- (2) For a two-story structure, the resulting side yard setback is not less than:

- a. Any existing nonconforming side yard setback of the single-story principal structure located on property immediately abutting the side yard for which the waiver is requested, plus two and one-half feet; or
- b. Any existing nonconforming side yard setback of any two-story principal structure located on property immediately abutting the side yard for which the waiver is requested.

- (3) In no event shall the side yard be less than seven and one-half feet in the R-B district and not less than ten feet in any other residential district.

(b) *Specific conditions for approval of a waiver of required minimum rear yard setback.*

- (1) For a single-story structure, the resulting rear yard setback is not less than any existing nonconforming rear yard setback of the principal structure located on property immediately abutting the rear yard for which the waiver is requested.

- (2) For a two-story structure, the resulting rear yard setback is not less than:

- a. Any existing nonconforming rear yard setback of any single-story principal structure located on property immediately abutting the rear yard for which the waiver is requested, plus five feet; or
- b. Any existing nonconforming rear yard setback of any two-story principal structure located on property immediately abutting the rear yard for which the waiver is requested.

- (3) In no event shall the rear yard be less than seven and one-half feet in the R-B district and not less than ten feet in any other residential district.

(c) *Specific conditions for approval of a waiver of minimum front yard setback for entry features.*

- (1) The waiver shall be only for a single-story entry feature which meets the following conditions:
 - a. Such feature shall not exceed 25 percent of the total dimension of the building wall from which such entry feature projects (measured parallel to said building wall) but shall not be required to be less than ten feet wide.
 - b. The measurement of the projection from the building wall shall not be more than the width of the entry feature.
- (2) The resulting front yard setback is not less than the lesser of any existing non-conforming front yard setback of the principal structures located on property immediately abutting either side of the property for which the waiver is requested. In no case, however, shall the front yard setback be less than 20 feet.
- (d) *Notice to abutting property owners; review by director.*
 - (1) Abutting property owners shall be notified by certified mail to their respective addresses, as shown on the county property appraiser's tax records, not less than 15 calendar days prior to a decision by the director to approve or deny an application for a dimensional waiver.
 - (2) Said notification shall describe the nature and extent of the requested waiver, the location of the property for which the waiver is requested, and the date by which the application will be acted upon by the director.
 - (3) The director or his/her designee shall approve, approve with modifications or deny the application for a waiver within 30 days of receipt of the application and shall notify the applicant and abutting property owner(s) in writing by certified mail within seven days of the decision.
 - (4) The applicant or abutting property owner(s) shall have 30 days, from the date of the issuance of the certified letter notify-

ing the applicant of the director's decision, to file an appeal with the town council as set forth under sections 134-141—134-145.

- (5) Effective date of approval of a waiver. The approval of a waiver by the director or his/her designee shall become effective upon the expiration of the appeal period as outlined in section 134-145.

(Ord. No. 8-07, § 2, 5-8-07)

Editor's note—Ord. No. 8-07, § 2, adopted May 8, 2007, enacted provisions intended for use as subsections 1.—4. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (a)—(d).

Sec. 134-237. Dimensional waivers for landmark properties.

The purpose and intent of this section is to provide owners of landmark properties and structures with flexibility in the rehabilitation, expansion, and redevelopment of buildings and structures within the town. This Code establishes general standards for the location, design, scale, and massing of buildings and structures which do not always fit the unique conditions and circumstances of a built-out community that includes many buildings of distinctive individual and cumulative design and character. This section establishes substantive criteria for the review and approval of development on landmarked properties when the property owner desires to use conditional dimensional waivers to the strict application of the underlying zoning district regulations.

- (1) *Application of dimensional waivers for landmark properties.* The dimensional waivers of this section may be applied to applications that seek to deviate from the strict application of the underlying zoning district regulations, except that these standards shall not be applied in commercial zoning districts. The dimensional waivers of this section shall be applied in addition to the standards for approval of certificates of appropriateness that are set out in chapter 54. It is not the intent of this

section that the consideration of a dimensional waiver supercedes the criteria for granting a certificate of appropriateness.

- (2) *Description of conditional dimensional waivers available for landmark structures.* The landmark preservation commission may apply the following conditional dimensional waivers in the alternative to the strict application of the underlying zoning district regulations:

- a. *Reduced setbacks for expansion of landmark buildings.* Reduced side and rear yard setbacks may be approved for the expansion of landmark buildings, or the addition of permissible new buildings, on a lot which contains a landmark building if all of the following are demonstrated:

1. The setback does not violate any of the following conditions:

Front: Reduction can be up to 90 percent of underlying zoning district requirement; provided, however that the front yard setback shall not be less than the lesser of the existing front yard setbacks of the principal structures on the lots immediately abutting the side property lines of the lot for which the waiver is being requested.

Side: Reduction can be up to 65 percent of underlying zoning district requirement; provided, however, that the side yard setback shall not be less than five feet.

Side street: Reduction can be up to 65 percent of underlying zoning district requirement.

Rear: Reduction does not result in a rear yard setback of less than seven and one-half feet.

Rear street: Reduction does not result in a rear street yard setback of less than 20 feet.

2. The proposed portion of building or structure between the required setback and the reduced setback does not compromise the historic character of the landmark building, due to one or more of the following:

- A. The architecture and design of the additional building or structure between the required setback and the reduced setback:

- i. Is complimentary to the architecture of the landmark building, while neither replicating the architecture nor fundamentally departing from it;
- ii. Is such that the additional building or structure appears subordinate to those parts of the landmark building that materially contribute to its landmark status;
- iii. Does not block public views of those parts of the landmarked building that materially contribute to its landmark status; and
- iv. Allows for future removal of the additional building or structure and restoration of the landmark building to its existing design.

- B. The volume and footprint of the portion of the building or structure between the required setback and the reduced setback is de minimus, and the character of the proposed build-

ing or structure does not tend to distract the eye from the principal landmark building.

- C. The portion of the additional building or structure between the required setback and the reduced setback is completely screened from view from public rights-of-way by existing topography, existing walls, and/or existing landscaping that do not interfere with the historic character of the landmark building.
- D. Reasonable alternative designs that are permitted by the strict requirements of the underlying zoning district and result in the same cubic content ratio would detract from the landmark character of the building.
- b. *Reduced setbacks for restoration/replacement of documented portion of a landmark building that has been destroyed.* A reduction of up to 100 percent of any required setback may be approved if it is demonstrated that the proposed development between the required setback and the reduced setback area enhances the historic character of the landmark building by restoring or replacing a portion of the original building or structure that had been destroyed or demolished.
- c. *Increasing maximum height of driveway gates.* An increase in the maximum height of driveway gates may be approved if it is demonstrated that:
 - 1. The proposed driveway gates will restore or replace gates that contribute to the character of landmark building;
 - 2. The proposed driveway gates are located no closer to the street than the original driveway gates; and
 - 3. The proposed driveway gates will not compromise traffic safety.
- d. *Decreasing minimum setback of driveway gates.* A decrease in the minimum setback of driveway gates may be approved if it is demonstrated that:
 - 1. The proposed driveway gates will restore or replace gates that contribute to the character of landmark building;
 - 2. The proposed driveway gates are located no closer to the street than the original driveway gates; and
 - 3. The proposed driveway gates are designed and located in such a manner that they will not compromise traffic safety.
- e. *Decreasing landscaped open space for restoration or renovation of non-conforming landmark buildings.* A decrease in the minimum landscaped open space may be approved in order to permit landmark buildings that do not conform to the minimum landscaped open space requirements to be renovated, reconstructed, or restored, in order to either preserve the building as it existed when it was landmark; or in conjunction with restoration that involves the application of subsection b.
- f. *Decreasing landscaped open space for expansion of landmarked buildings which are used for an important public purpose.* A decrease of up to 15 percent of the minimum required landscaped open space may be approved if it is demonstrated that:
 - 1. The reduction is necessary to permit the necessary expansion

- sion of a landmark building which serves an important public purpose; and
2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, and which would result in the same cubic content ratio, would detract from the landmark character of the building.
- (3) *Landmarks preservation commission action; town council ratification of commission action on applications involving dimensional waivers.*
- a. *Decisions to be placed on town council consent agenda.* Decisions of the landmark preservation commission to approve, approve with conditions, or deny applications for development approval involving dimensional waivers shall be placed on the consent agenda of the first available meeting of the town council after the decision.
 - b. *Removal of decisions from consent agenda.* Decisions that are placed on the town council consent agenda pursuant to subsection a., may be removed from the consent agenda and placed on the regular agenda at the request of a member of the town council.

(Ord. No. 8-07, § 2, 5-8-07)

Secs. 134-238—134-260. Reserved.

sion of a landmark building which serves an important public purpose; and

2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, and which would result in the same cubic content ratio, would detract from the landmark character of the building.

(3) *Landmarks preservation commission action; town council ratification of commission action on applications involving dimensional waivers.*

- a. *Decisions to be placed on town council consent agenda.* Decisions of the landmark preservation commission to approve, approve with conditions, or deny applications for development approval involving dimensional waivers shall be placed on the consent agenda of the first available meeting of the town council after the decision.
- b. *Removal of decisions from consent agenda.* Decisions that are placed on the town council consent agenda pursuant to subsection a., may be removed from the consent agenda and placed on the regular agenda at the request of a member of the town council.

(Ord. No. 8-07, § 2, 5-8-07)

Secs. 134-238—134-260. Reserved.

DIVISION 5. AMENDMENTS

Subdivision I. In General

Sec. 134-261. Town council actions; submission to planning and zoning commission for recommendations and report; hearings.

- (a) The town council may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or

authorized designee, agent or representative of the owner by power of attorney filed with the building official, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries established in this chapter.

(b) Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the building official or his designee, who shall submit it to the planning and zoning commission for its recommendations and report. Upon the filing of the recommendations and report by the planning and zoning commission, the town council shall proceed to hold a public hearing in relation thereto, giving at least 15 days' notice of the time and place of such hearing in a newspaper having a general circulation in the town, and by posting the notice on the official bulletin board of the town hall.

(c) If an adverse report is given by the planning and zoning commission or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the town clerk duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the area thereof extending 500 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the town council. In the event of a tie vote, the mayor shall cast the deciding vote, which shall constitute the three fifth's requirement of the town council stated herein.

(d) The planning and zoning commission shall hear applications to rezone property and/or to amend, supplement, change, modify or repeal any article, division or section of this chapter within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. Any proposed amendment to change property from one zoning district to another zoning district shall require the favorable vote of at least four members of the town council. A public hearing on the application shall then be held by the town council after public notice of the hearing is given in accordance with law.

(Ord. No. 2-74, § 11.10, 3-26-74; Ord. No. 7-82, §9(a), 3-31-82; Ord. No. 2-83, § 8(c), 2-23-83; Ord.

MOTION BY MR. ROBERTS TO APPROVE THEIR REQUEST AS SUBMITTED.

**MOTION SECONDED BY MS. WILLIS.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #7-10

Owner/Applicant: Terry Taylor

Address: 780 South Ocean Boulevard

Architect: Brasseur & Drobot Architects, P.A.

Project Description: Request approval for addition to historic structure which is further described as: The project consists of a proposed 1,038 sq. ft., one story addition to the northeast corner of the existing historic, two-story residence. The addition shall consist of a summer kitchen, patio, fireplace, and wine room accessed from the existing kitchen vestibule via covered loggia. Existing fabric awnings located at the northeast corner of the existing residence will be replaced with the new covered loggia with detailing similar to the existing loggia on the north side of the existing residence. The plate height of a small structure housing an exterior stair shall be raised to match the new loggia. Existing landscaping and hardscaping shall be removed to accommodate. The project will require a dimensional waiver for the side yard setback of the landmarked property located at 780 South Ocean Boulevard. Code Section 134-237(2)a allows for a reduced setback for expansion of a landmark building. The side yard setback reduction can be up to 65% of the underlying zoning district requirement; provided, however, that the sideyard setback shall not be less than 5 feet; and, in our case, we are encroaching 4 ft. 9 in. into the 30 ft.-0 in. side yard setback as specified in Code Section 134-843 (a) (8) for the R-A Estate Residential District. This equates to reducing the 30 ft.-0 in. side yard setback to 25 ft-3 in., a 15% decrease.

Please note that this project was deferred from the March meeting so it could be re-advertised including the request for dimensional waiver.

Call for disclosure of ex parte communication: All members made ex parte declarations.

Jason Drobot, Brasseur and Drobot Architects, presented the request for the addition (covered patio with bar, summer kitchen, fireplace, wine room, and outdoor uncovered patio space) and the associated request for a dimensional waiver of 4'9" for sideyard setback. The project includes removal of an existing pathway and an existing covered awning. Due to the comments heard at last month's meeting, the project has been reduced in size, and the second floor sundeck has been removed. The addition, as revised, will have a hip roof, and window surrounds have been made simpler. Mr. Drobot reviewed each of the requirements for dimensional waiver, and addressed how this project meets those requirements. Daryl McCann, Landscape Architect, with Gregory Lombardi Design, reviewed the landscape plan which provides a buffer for the north side of the property with another tier of small leaf clusia.

Dr. Day was pleased with the changes to the design since last month. She noted that the building was scaled down; that its placement on the property does not negatively impact the historic structure, and the addition can always be removed.

She regarded the project as a good solution to allow for the owner's program while still protecting the original landmark.

Christine Curtis, 720 South Ocean Boulevard (neighbor to the north), though appreciative of the revisions to the project, still objected to the height of the addition and the fact that there are no doors on the addition, which she called "a party room". Mr. Drobot responded that he has closed in an opening on the north side, so the entire wall on the north side will block sound. Responding to a question about venting the outdoor kitchen, Mr. Drobot pledged that the kitchen will be vented to the north, and will have a charcoal filter.

Each of the commissioners weighed in relative to the dimensional waiver request. Though most members supported the waiver request, Mr. Roberts commented that the site was large enough to be able to design the project without a waiver, and also commented that the project will negatively impact the most important room, the ballroom, in the house of the neighbor to the north.

Several members complimented Mr. Drobot on a very fine presentation and for responding to the comments made last month.

MOTION BY MR. COOLEY FOR APPROVAL OF THE DIMENSIONAL WAIVER.

MOTION SECONDED BY MR. COONEY.

MOTION CARRIED 6-1, WITH MR. ROBERTS OPPOSING.

MOTION AMENDED BY MR. COOLEY APPROVING THE DIMENSIONAL WAIVER AND NOTING THAT THE IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL OR HISTORICAL IMPACTS TO THE SUBJECT PROPERTY.

AMENDED MOTION ACCEPTED BY MR. COONEY.

MOTION CARRIED 6-1, WITH MR. ROBERTS OPPOSING.

MOTION BY MR. COOLEY FOR APPROVAL OF THE ARCHITECTURE AS SUBMITTED.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

X. DESIGNATION HEARINGS:(10:28:21 a.m.)

Item 1: 290 South County Road

Owner: Thomas Campaniello

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Dr. Day submitted her resume for the record. She noted that her resume has been updated to reflect that she is now a Ph.D. for which she received a round of applause. Dr. Day testified to the architecture and history of this Mediterranean Revival building from the

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction, at 1170 South Ocean Boulevard (Bath and Tennis Club) (Per Letter Dated April 27, 2010, From Kast Construction III, LLC).

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 30, 2010, from John Page
- Letter dated April 27, 2010, from Kast Construction III, LLC

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Director, Planning, Zoning & Building

Re: 1170 South Ocean Boulevard

Date: April 30, 2010

STAFF RECOMMENDATION

Staff recommends approval of an extension of the hours for construction work for 1170 South Ocean Boulevard, the Bath and Tennis Club, with the following conditions:

- All parking, material delivery and staging will be in the parking lots owned by the building.
- A building permit shall be obtained before starting any work.
- Extended hours are valid from June 1, 2010 until October 31, 2010.
- No exterior work will be performed during this extension of working hours.
- All removal of concrete involving cutting, chipping, hammering or other noise producing means shall be completed no later than 6:00 PM.
- Any verified complaints from neighbors will revoke this extension of hours.
- Subject to an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request prior to 10 days of the scheduled hearing date.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

GENERAL INFORMATION

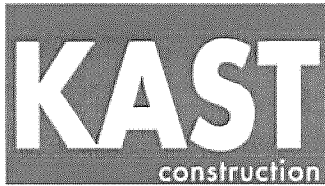
The Town received a letter on April 27, 2010 from Kast Construction requesting an extension of the allowable hours for construction work at the Bath and Tennis Club to complete Phase III of their clubhouse renovation. This is the next phase in the planned overall refurbishing of the clubhouse. As explained to staff, the Bath and Tennis Club has traditionally performed this work during the club's off season and has kept to a very tight construction schedule to assure work is completed before the club re-opens. The contractor feels this waiver is necessary to ensure the work can be completed within the scheduled time frame.

Staff believes granting extended construction hours under the conditions listed will not be overly offensive to the residents or inhabitants of the town and qualifies for an exception as provided in Town Code 42-199(c).

Attachment

JP/jlt

cc: Jeff Taylor, Building Official
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Robert Walton, Lead Code Enforcement Officer
Kast Construction



April 27, 2010

RECEIVED
APR 28 2010 *G. Zilane*
TOWN OF PALM BEACH
PZB DEPT

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Bath and Tennis Club
1170 South Ocean Blvd.
Palm Beach, FL 33480
Hours of Construction Ordinance Waiver

Dear Sir or Madam,

Please accept this as our written request to waive Town Ordinance 42-199, Hours of Construction, as indicated below:

Monday – Saturday: 8:00 AM through 9:00 PM.

The construction work being proposed includes interior renovation of existing Bath and Tennis Club, entry level, portions of upper level, and roofing repairs (please see attached floor plan).

The work is to be completed from June 1, 2010 to October 31, 2010.

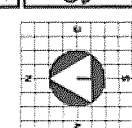
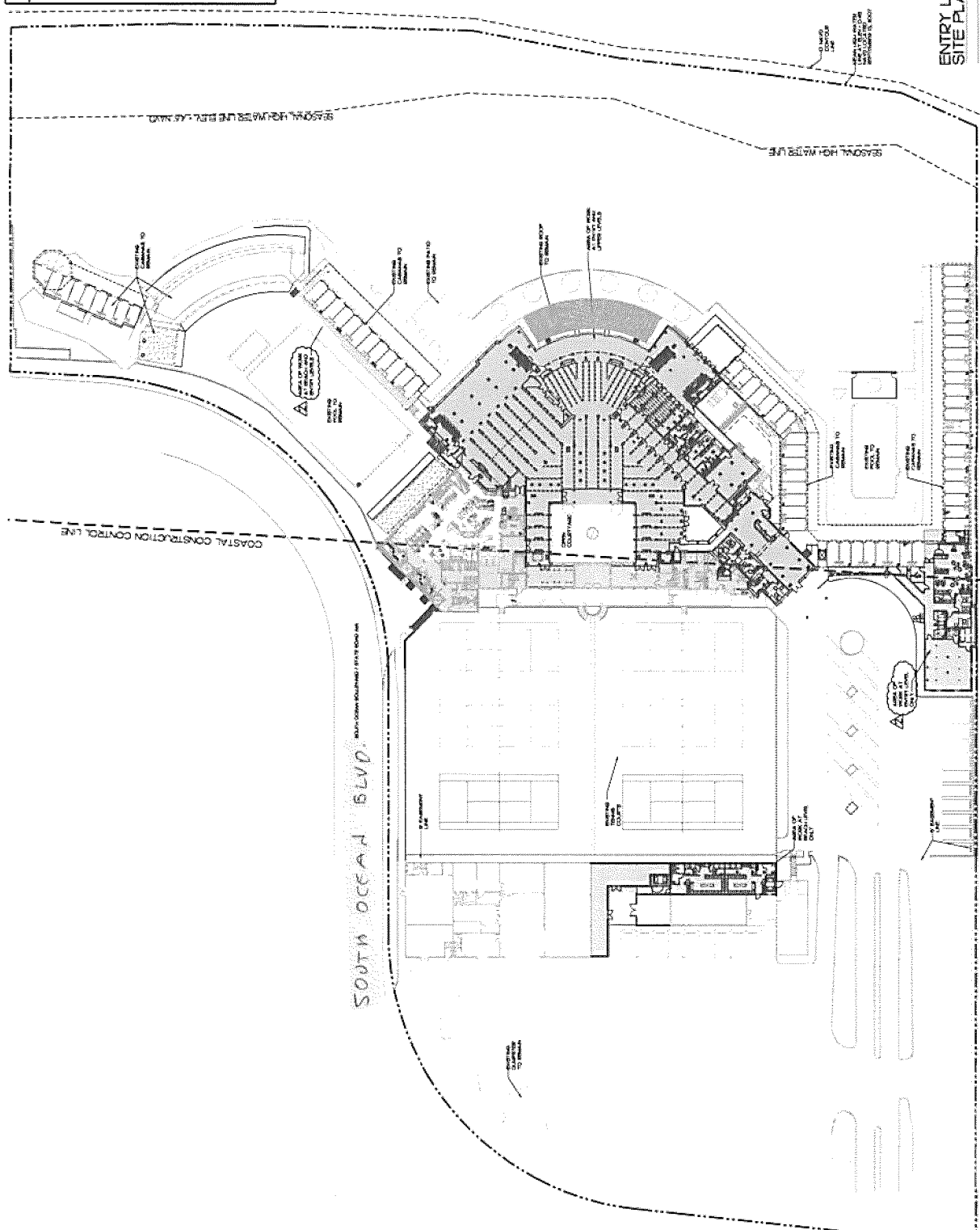
This waiver is necessary in order to be able to complete the renovation work within the allocated time for the project.

Should you need any additional information, please let us know. Your cooperation with this matter is greatly appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to be "Kast Construction III, LLC.", written over a horizontal line.

Kast Construction III, LLC.

[illegible]

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

New Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #6-2010 The application of Diane Wren, relative to property commonly known as **3000 So. Ocean Blvd., Unit PH6**; described as Bellaria Condominium Unit PH6, Phase South; located in the R-D(2) Zoning District. Request for Special Exception to add a 532 square foot roofed portion on the existing 5th floor patio. The height exception is required above three stories. [Attorney: James R. Brindell, Esq.] [ARCOM Recommendation: Defer to the May 26, 2010 ARCOM meeting. Carried 7-0.] **Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated May 3, 2010, From James R. Brindell (Special Circumstances).**

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated May 3, 2010, from James R. Brindell



GUNSTER

ATTORNEYS AT LAW

Writer's Reference Number 00032377.00001
Writer's Direct Dial Number: (561) 650-0511
Writer's E-Mail Address: jbrindell@gunster.com

May 3, 2010

Via E-Mail and U.S. Mail

Paul Castro, Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Special Exception Application #6-2010 (Wren)

Dear Paul:

This letter constitutes our request for the deferral of the above referenced matter from the May 12, 2010 Town Council Agenda to the June 9, 2010 Town Council Agenda. This request is necessitated by ARCOM's deferral of this project from its May agenda to its June, 2010 agenda.

Sincerely,



James R. Brindell

JRB/gvt

cc: Peter Elwell

John Page

Diane Wren

Eugene Lawrence

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #4-2010 The application of Robert T. Tomsich, relative to property commonly known as **151 Via Bellaria**; described as lengthy legal description on file; located in the R-A Zoning District. Request a variance to permit the construction of a new larger two-story open loggia to replace the existing two-story loggia, which will result in a lot coverage of 25.8% in lieu of the 24.9% existing and 25% maximum allowed. [Attorney: M. Timothy Hanlon] [ARCOM Recommendation: Defer to the May 26, 2010, Architectural Commission meeting. Carried 7-0.] **Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated May 4, 2010, From M. Timothy Hanlon (Special Circumstances).**

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated May 4, 2010, from M. Timothy Hanlon

LAW OFFICES

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M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
DWIGHT A. MILLER
BRUCE A. McALLISTER

May 4, 2010

VIA FACSIMILE - 835-4621 &

U.S. MAIL

Paul Castro, AICP

Zoning Administrator

Town of Palm Beach

360 So. County Road

Palm Beach, FL 33480

Re: Variance #4-2010
151 Via Bellaria

Dear Paul:

On behalf of the property owner and due to a deferral at the April ARCOM meeting, we hereby request deferral of Variance #4-2010, until the June 22, 2010 Town Council meeting.

If you have any questions, do not hesitate to contact me.

Sincerely,



M. Timothy Hanlon

MTH/cac

cc: Robert J. Tomsich

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

Old Business - > 15 Minutes

Agenda Title

SPECIAL EXCEPTION #3-2010 WITH SITE PLAN REVIEW AND VARIANCE The application of Roy Reeves, Restaurant Operator, relative to property commonly known as **219 Worth Avenue**; described as Lots 20, 21, 34 and 35, ROYAL PARK ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book, Page 1; located in the C-WA Zoning District. Request for Special Exception for a 4,075 square foot upscale American cuisine restaurant which includes site plan review to allow a new entry door and 36 outdoor seats on the proposed second floor patio within the proposed expansion area. The applicant is requesting umbrellas to cover the outdoor seating. The applicant also proposes to meet all conditions of approval which were granted to the previous restaurant applicant for this tenant space. The variance being requested is to eliminate the four additional off-street parking spaces required for the 74 proposed seats. [Attorney: Maura A. Ziska, Esq.] *Deferred from the April 14, 2010, Town Council Meeting.* **Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated April 26, 2010, From Maura A. Ziska (SECOND REQUEST).**

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 26, 2010, from Maura A. Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

April 26, 2010

VIA FACSIMILE: 561-835-4621

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Site Plan Review #3-2010 w/Variance/7 Sloans Curve, Palm Beach

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the **May 12, 2010** until the **June 22, 2010** Town Council meeting.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,


Maura A. Ziska

MAZ/mr
cc: Paul Castro
Harold Smith

1009

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

New Business - > 15 Minutes

Agenda Title

SPECIAL EXCEPTION #7-2010 The application of Island Hotel, Inc., relative to property commonly known as **235 Sunrise Avenue C-22**; described as Palm Beach Hotel Condominium Commercial Unit C-22 per Condominium Declaration of 2/12/81; located in the C-TS Zoning District. Request for Special Exception to modify condition of approval within the Declaration of Use Agreement. In 2007 Unit C-22 of the Palm Beach Hotel was approved for use as a synagogue. A Declaration of Use Agreement was approved in 2008 which outlined certain restrictions and limitations on the use of the unit. One of those restrictions (Article IV#9) was that the Synagogue shall not be allowed to prepare food in the kitchen which requires the use of cooking equipment. The kitchen cooking equipment shall only be used for keeping warm pre-prepared or catered food. The Synagogue is requesting that this restriction be eliminated in order to cook and prepare food in the kitchen. The range hood was updated with a new fire suppression system in 2007. [Attorney: James R. Brindell, Esq.]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 5, 2010, from Randolph A. Inman

TOWN OF PALM BEACH

APR 30 2010

Town Manager's Office



Condominium Association, Inc.

RECEIVED

APR 15 2010

TOWN OF PALM BEACH
PZB DEPT

CC: PBE
JSD
JCR
JL
PF
ZF

April 5, 2010

Mr. Paul Castro, Zoning Administrator
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Kitchen facilities in unit C-22, Special Exception #7-2010

Dear Mr. Castro:

This letter is to clarify the approval given by the Association to the New Palm Beach Synagogue for expanding the use of their kitchen facilities, which will be heard on May 12, 2010.

The Association does not have an objection to the expanded use of the facilities by the Synagogue, but does object to any "blanket" approval for future use should the use or ownership of unit C-22 change or be sold. We do not want a night club or restaurant with kitchen facilities on the top of our building and would not approve of this change!

If the Town cannot grant this variance with these exceptions for future use as stipulated by the Association, then the Association is opposed to any changes for kitchen use in unit C-22.

I hope this clarifies our position regarding the current and future use of the kitchen facilities in unit C-22.

Sincerely yours,

Randolph A. Inman
General Manager

Cc: Board of Directors

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

New Business - > 15 Minutes

Agenda Title

SITE PLAN REVIEW #3-2010 WITH VARIANCE The application of Mr. & Mrs. Adler, relative to property commonly known as **7 Sloan's Curve Drive**; described as lengthy legal description on file; located in the PUD-B Zoning District. Request for Site Plan Review to construct a 135 square foot infill addition on the front entry of an existing townhouse and a 49 square foot infill addition to the breakfast atrium and a 49 square foot infill addition to an upstairs bedroom. A Variance is requested to allow two small additions that will enclose the entry feature and an interior atrium thereby increasing the lot coverage to 35.9% in lieu of the 33.7% existing and the 35% maximum allowed in the PUD-B district. The proposed additions will modify a previously approved site plan in a PUD complying with Section 134-688 (b) of the Town's Zoning Code. [Attorney: Maura A. Ziska, Esq.] [ARCOM Recommendation: Defer to the May 26, 2010, Architectural Commission meeting. Carried 7-0.] **Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated April 26, 2010, From Maura A. Ziska (Special Circumstances).**

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 26, 2010, from Maura A. Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

April 26, 2010

VIA FACSIMILE: 561-835-4621

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Site Plan Review #3-2010 w/Variance/7 Sloans Curve, Palm Beach

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the **May 12, 2010** until the **June 22, 2010** Town Council meeting.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,


Maura A. Ziska

MAZ/mr
cc: Paul Castro
Harold Smith

1009

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

New Business - > 15 Minutes

Agenda Title

SITE PLAN REVIEW #4-2010 WITH SPECIAL EXCEPTION AND VARIANCES The application of Publix Super Markets, Inc., relative to property commonly known as **265, 255, 235, 231 Sunset Avenue and 240 Sunrise Avenue**; described as lengthy legal description on file; located in the C-TS Zoning District. Request for a Site Plan Review and Special Exception to construct a 50,870 (43,360 gross leasable) square foot one story grocery store on 4.36 acres. The new store will provide 218 off street parking spaces. There is proposed to be an outdoor ATM and the grocery cart storage within the building. All of the proposed mechanical equipment will be contained within portions of the building and will not be seen on the roof. Part of the proposed design is to have two generators located within the southeast corner of the proposed store that will contain a 100 KW standby generator and a 500 KW main generator. There is proposed to be two loading areas within the loading dock on the east side of the building that will be screened. The proposed store will have a pharmacy, deli, bakery and a larger selection of food items and other products. Since the propose grocery store is in excess of 2,000 square feet, the applicant is required to obtain Town Council approval of a special exception and a finding that the proposed use is Town serving. A Special Exception is being requested to have two illuminated monument signs at the northwest and southwest entrances to the west parking lot and one illuminated business identification sign on the west entrance of the building. The following variances are being requested to construct the proposed one story grocery store: (a) to allow a building length of 245 feet in lieu of the 150 foot maximum allowed; (b) to allow a front yard setback at the northwest corner of the proposed building of 10 feet in lieu of the 14 foot minimum required based on building height; (c) to allow a side yard setback for the proposed towers to be 10 feet in lieu of the 19 foot minimum required; (d) to allow two loading spaces in lieu of the three spaces required by code; (e) to allow the proposed building to be a total square footage of 50,870 square feet in lieu of the 15,000 square foot maximum allowed; (f) to allow 8 towers in lieu of the two maximum allowed; (g) to allow the area of the 8 towers to be 12.2% of the gross floor area of the building in lieu of the 2% maximum allowed (h) to allow the parking lot light poles to be 23 feet in height in lieu of the 15 foot maximum allowed; (I) to allow the height of the proposed one story grocery store to be 22.66 feet in lieu of the 15 foot maximum allowed; (j) to allow the overall height of the proposed one story grocery store to be 37 feet in lieu of the 20 foot maximum allowed; (k) to allow a monument sign at the northwest entrance where no sign is allowed; (l) to allow a monument sign at the southwest entrance where no sign is allowed. [Attorney: Maura A. Ziska, Esq.] [ARCOM Recommendation: Defer to the May 26, 2010, Architectural Commission meeting. Carried 7-0.] **Request for Deferral to the June 22, 2010, Town Council Meeting Per Letter Dated April 26, 2010, From Maura A. Ziska (Special Circumstances).**

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 29, 2010, from Maura A. Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

April 29, 2010

VIA FACSIMILE: 561-835-4621

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Site Plan Review #4-2010 w/Special Exception and Variances

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the May 12, 2010 until the June 22, 2010 Town Council meeting. The reason for the deferral is because the project was deferred at ARCOM.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,



Maura A. Ziska

MAZ/mr

cc: Paul Castro
Harold Smith
Hank Porcher

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2010

Section of Agenda

Any Other Matters

Agenda Title

Town Serving Regulations: Study Update Recommendations from Planning and Zoning Commission.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 22, 2010, from John Page
- Letter dated March 23, 2010, from James G. LaRue
- Undated Memorandum from C. Tanner Rose, Jr. to Planning and Zoning Commission
- Memorandum dated December 9, 2009, from Martin I. Klein

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning, and Building

Re: Town Serving Study Recommendation

Date: April 22, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council retain Mr. Bill Brisson, LaRue Planning & Management Services, Inc., as a single-source provider, to conduct a Town-serving study as outlined in the attached proposal at a fee not to exceed \$18,000.

Notes:

This issue appeared before the Town Council on March 10, 2010. Per Council direction at that time:

1. The Scope of Services has been broadened to answer very specific questions about the local Town-serving regulation and administration.
2. The consultant has reaffirmed the not-to-exceed cost of \$18,000.
3. Additional public feedback from both commercial and residential interests was heard by the Planning & Zoning Commission during its March and April meetings.

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission, at its February meeting this year, met and recommended that LaRue (Bill Brisson) complete an updated Town-serving study. Acting upon direction from the Council in March, the Commission solicited additional input from commercial stakeholders and residents alike. Following additional discussion and public input during monthly meetings in March and April, the Planning & Zoning Commission, by a vote of 6-1 (Mr. Golboro dissenting) continues to recommend that the Town retain Mr. Brisson to complete such study in accordance with an expanded Scope of Services (attached).

GENERAL INFORMATION

Staff contacted Mr. Brisson at the direction of the Town Council in March. Mr. Brisson agreed to broaden his submitted Scope of Services. In addition to his analysis and conclusions, his report will address the following questions:

- Is the concept of Town-serving still relevant after thirty years and is there a need for a Town-serving provision?
- What would be the ramifications of eliminating the Town-serving provision?
- If the Town-serving concept/regulation is relevant and needed, is a limit on the square footage of the building or use still necessary, or useful? Is there a better alternative criteria or standard?
- If the square foot limitation is needed or useful, what would be the most appropriate square footage limitation? Also, is it necessary for the business to prove it qualifies as Town-serving, either initially or periodically thereafter? In what zoning districts should it be applied?

Funding concerns were discussed by the Council in March. Mr. Brisson's Scope of Work, as now expanded, remains priced at a not-to-exceed amount of \$18,000. Please note that the consultant has limited his attendance to only one Planning & Zoning Commission and one Town Council meeting in order to contain expenses at the original \$18,000 quote. No additional costs will be incurred by the Town unless mutually agreed to by both parties.

Staff reached out to the business community encouraging them to attend and speak to the issue of Town-serving following initial Town Council discussion. At the Commission's March 16 meeting, thirteen persons provided input. Five speakers (Laurel Baker, Dr. Gregory Boyajian, Patti Sans, Richard Rampell, and Leslie Evans) advocated for outright elimination of the provision. Collectively, they noted that Town-serving regulations were arbitrary, easy to manipulate, cumbersome, and generally ineffective. Others who spoke (Jim Brindell, William Cummings, Maurizio Ciminella, John Maas, Sherry Frankel, Ned Barnes, Henry McIntosh and Bob Moore) provided feedback of many different sorts including support of an updated study, taking a close look at specific uses that should be subject to regulations, review of past experiences, possible square footage adjustments, and a general desire to maintain the local unique mix and composition of businesses.

Discussion continued in the month of April. Five speakers provided feedback to the Council (Patrick Flynn, Allen Wyett, Kenneth Beall, Alexander Ives and Anita Seltzer). Mr. Wyett spoke favorably about retaining Town-serving, noting examples from years past when the Council was able to place operational limitations on new businesses due to the Town-serving. Mr. Beall noted that the requirements added unnecessary burden to tracking the demographics of his client-base. He argued that the requirements were outdated and lacked practicality. Other speakers asked for clarification of Ordinance particulars, including parking. Mr. Ives welcomed the study and cautioned against elimination.

Commissioners themselves voiced various sentiments. There were no calls for its elimination, but it was their consensus that the 30-year old ordinance was in need of updating. There was broad recognition that the updated study should be completed by Mr. Brisson due to his history with the original Town-serving ordinance in Palm Beach and his assistance with successful defense during past legal challenges.

The proposed cost of \$18,000 was also addressed. Staff noted that the cost would likely be even higher if personnel in Planning, Zoning & Building were not “built-into” the task of data collection. Staff will be collecting and providing data to the consultant regarding past special exception approvals that will then be further analyzed by LaRue. It was generally agreed that the Town-Serving Ordinance is unique, and that any future legal defense would be significantly bolstered if the original consultant plays a vital part in any changes.

FUNDING/FISCAL IMPACT

The projected study cost of \$18,000 will be funded from the FY10 operating budget of the Planning, Zoning & Building Department.

Attachments

cc: Planning & Zoning Commissioners
John C. Randolph, Town Attorney
Lynda Venne, Purchasing Agent
Joanna Cunningham, Town Clerk
Veronica Close, AICP, Asst. Director, Planning, Zoning & Building
Paul Castro, AICP, Zoning Administrator



LaRue Planning & Management Services, Inc.

March 23, 2010

Mr. Paul Castro, Zoning Administrator
Town of Palm Beach
P.O. Box 2029
Palm Beach, Florida 33480-2029

Dear Mr. Castro:

As a result of our recent telephone conversations, and having listened to the recording of the Town Council's discussion, we have modified our scope of work to study the "Town-serving" provision associated with commercial uses in the Town of Palm Beach.

STATEMENT OF THE TASK

Since its adoption in 1980, the Town-serving provision has been successfully upheld in the face of two legal challenges. The Town of Palm Beach now wishes to determine whether or not the "Town-serving" provision is still viable and helpful to the Town and, if so, is it time to modernize it to reflect changed conditions over the last 30 years?

SUGGESTED APPROACH

We believe the most appropriate course is to ascertain the pattern of commercial uses by type throughout the Town and the approximate square footage of each. This will allow determination of the character of commercial uses in terms of their location and size.

The initial investigations conducted by Mr. Brisson during the Town's 1979/80 "Zoning Season" involved the physical inventory of each business in the Town, the nature of the business, and the approximate square footage of each use. We believe this can now be accomplished using the Town's database of Business Tax records (formerly the Occupational License) and perhaps the Town's GIS database which we believe still uses the County Property Appraiser's database as its foundation. Mr. Brisson will be the Project Director and the primary participant in the conduct of the study and in presenting our findings and recommendations to the Planning & Zoning Commission and City Council.

Providing Planning and Management Solutions for Local Governments Since 1988

1375 Jackson Street, Suite 206 Fort Myers, FL 33901 239-334-3366 info@larueplanning.com

We believe it would be prudent to review the patterns and trends associated with the Town's history of approval of Special Exceptions to the 2,000 square foot limitation, preferably by zoning district. This will add additional credence to any decision to modify the Town-serving provision. If conducted prior to enacting any changes, this analysis will further support any decision made by the Town in the event that a challenge to the Town's action is ever filed.

The combination of the inventory of businesses and the Special Exception approval data will provide a sound basis for determining how the Town should address the issue. It should also be noted that elimination of the "Town-serving" provision, or any change to the square foot limitation on gross leasable area, will require an amendment to the Comprehensive Plan.

Inventory of the Location and Size of Commercial Uses

It appears to us that the most effective and cost-efficient approach would be for us to work with Town Staff so that the Town Staff could adapt the Town's computer records of its Business Tax files (and GIS property data files if needed) for analysis. Once the Town Staff has compiled the data from the computer records into a spreadsheet or database format, we will be able to determine and undertake the types of queries or analyses needed to arrive at credible conclusions and recommendations.

History of Special Exception Approvals

As a cost saving measure, we suggest that the Town Staff identify the number of Special Exceptions to the 2,000 square foot limitation that have been approved since 1980; review these documents and provide us with the relevant data for analysis. We will provide guidance to the Town Staff as to the particular information needed from each approved Special Exception. Upon receipt of the information from the Town Staff, we will analyze the data and combine the results with the analysis of the "1979/80 commercial inventory" to develop our findings and recommendations.

Work Product

We will provide the Town with a Technical Memorandum: (1) summarizing the purpose and intent of the "Town-serving" provision when initially adopted; (2) outlining the methodology employed; (3) including a tabular summary of the current mix of businesses in the Town by type and size in the various commercial zoning districts; and compared to that identified during the 1979-80 commercial study; and (4) including an analysis of the pattern of Special Exception approvals since the "Town-serving" provision was enacted.



These data along with other input received during the investigation, discussions with staff and other interested and knowledgeable parties, and recognition of significant changes within or directly affecting the Town will serve as the basis for conclusions and recommendations we will provide to the Town addressing the following questions:

- Is the concept of Town-Serving still relevant after thirty years and is there a need for a “Town-Serving” provision?
- What would be the ramifications of eliminating the T-S provision?
- If the T-S concept/regulation is relevant and needed, is a limit on the square footage of the building or use still necessary, or useful? Is there a better alternative criteria or standard?
- If the square foot limitation is needed or useful, what would be the most appropriate square footage limitation? Also, is it necessary for the business to prove it qualifies as “Town-serving”, either initially or periodically thereafter? In what zoning districts should it be applied?

Attendance at Meetings

We will be prepared to attend one meeting each with the Planning and Zoning Board and Town Council to explain our findings and recommendations.

Cost Estimate

Based on the level of Town Staff involvement in the collection and compiling of the computer – based data and information gathered from the previously approved Special Exceptions, we agree to a maximum price of \$18,000 for the foregoing scope of services. There will be no additional charges for travel, lodging, or subsistence expense associated with up to two meetings to meet with the Town Staff and/or conduct field research, and up to one meeting each with the Planning and Zoning Commission and Town Council.

No additional costs will be incurred by the Town for our performance under this Scope of Services unless mutually agreed to by both the Town and LaRue Planning & Management Services, Inc. If the Town requires and authorizes our attendance at additional meetings with the Planning and Zoning Commission and/or Town Council, our standard professional billing rates will apply to time associated with preparing for and attending such meetings, including travel time.

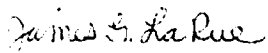


A schedule of our professional hourly rates follows:

James G. LaRue, AICP, Principal	\$135.00
Wm. F. Brisson, AICP, Sr. Planner	\$125.00
Planner	\$ 95.00
Planning Technician	\$ 50.00

Should you have any questions about this scope and cost, please call us at 239-334-3366. We look forward to working with the Town again and are prepared to begin immediately upon authorization.

Sincerely,



James G. LaRue, AICP
Principal
gp



Memorandum

To: Alan S. Golboro, Chairman
Planning and Zoning Commission
of the Town of Palm Beach

From: C. Tanner Rose, Jr., Member

Re: Review of Article VI, Divisions 8-12, of Chapter 134, Zoning, from the Code of Ordinances, of the Town of Palm Beach, Relating to Town Servicing

You have asked me to examine the above-referenced provisions of Chapter 134, Zoning, of the Code of Ordinances, of the Town of Palm Beach (the "Zoning Code") with specific reference to the provisions that relate to "town-serving" as defined in Sec. 134-2 and as applied to Article VI, Division 8-12. There are distinctions in each of the applicable Divisions that are worth noting, but I have not summarized the provisions in their entirety.

Part I. The Applicable Provisions of the Zoning Code.

1. Article I, Sec. 134-2 Definition and Rules of Construction.

"Town-serving" is defined as "establishments principally oriented to serving the needs of townspersons which would not substantially rely upon the patronage of persons not defined as townspersons. Town-serving establishments, by definition, would typically contain 2,000 or less square feet of interior gross leasable area ("GLA") and would not engage in advertising designed to attract other than townspersons."

2. Division 8-C-TS Town-Serving Commercial District ("C-TS District").

Sec. 134-1106 states that the purpose of the "C-TS District" is to "create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services... providing for the frequently recurring needs of townspersons."

Sec. 134-1107 sets forth permitted uses, all of which are limited to a maximum of 2,000 square feet of GLA. Excluded from the list of permitted uses are formula restaurants, as defined in Sec. 134-2. In fact, whenever restaurants are permitted as of right or by special exception, formula restaurants are excluded. Provision is made for non-conforming uses.

Sec. 134-1109 lists the special exception uses, which includes as item (11) "any commercial establishment with greater than 2,000 square feet of GLA provided the town council has found, as a fact, that the proposed use is town serving". Note that as item (11) is a special exception use it would in any event be subject to Sec. 134-229(12) which prohibits a special exception use from attracting the principal portions of its customers/clients from off-island locations and embodies the provisions for making and reporting such determinations.

3. Division 9. C-WA Worth Avenue District ("C-WA District").

Sec. 134-1156 states that the purpose of the C-WA District is to "preserve and enhance an area of unique quality and character... providing a wide range of retail and service establishments... serving the short-term and long-term needs of townspersons." (Note the distinction from the purpose of the C-TS District described above.)

Sec. 134-1157 provides a list of twenty-nine service and retail uses each which are limited to a maximum of 2,000 square feet of GLA. Provision is made for non-conforming uses.

Sec. 134-1159 lists the special exception uses, which includes, among others, item (6) restaurants, other than formula restaurants, and item (8) retail and service activities permitted under Sec. 134-1157 which contains greater than 2,000 square feet of GLA. Again, as these are special exceptions uses they are subject to the provisions of Sec. 134-229(12).

4. Division 10. C-OPI Office, Professional and Institutional District ("C-OPI District").

Sec. 134-1206 states that the purpose of the C-OPI District is to "provide locations for the administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by town citizens".

Sec. 134-1207 sets forth permitted uses, without reference to a maximum GLA of 2,000 square feet.

Sec. 134-1209 lists the special exception uses which most notable allow item (6) restaurants, other than formula restaurants, item (8) banks and financial institutions, excluding brokerage and trust companies and item (9) institutions. Thus all of the above special exception uses are subject to Sec. 134-229 (12).

5. Division 11. C-PC Planned Center District ("C-PC District").

Sec. 134-1256 states that the purpose of the C-PC District is to "preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses.... Further, it is the intent of this district to enhance the town-servicing character of the area through limitation on maximum GLA."

Sec. 134-1257(a)(1) sets forth twenty-nine uses that are not subject to the 2,000 square foot GLA maximum. Sec. 134-1257(a)(2) places the 2,000 square foot GLA maximum on all other uses not specified in subsection (a)(1). The provision also provides for non-conforming uses.

Sec. 134-1259 list the special exception uses, which includes item (5) restaurants, other than formula restaurants and item (11) which is all retail and personal service activities exceeding 2,000 square feet of GLA not specifically cited under permitted uses in Sec. 134-1257(a)(1). As special exception uses they are subject to Sec. 134-229(12), as previously described.

6. Division 12. C-B Commercial District ("C-B District").

Sec. 134-1301 states that the purpose of the C-B District is to "create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing."

Sec. 134-1302 sets forth permitted uses all of which require a site plan and are limited to a maximum of 2,000 square feet of GLA. The provision also provides for non-conforming uses.

Sec. 134-1304 lists the special exception uses all of which require site plan review. In addition, item (8) allows any permitted establishment with greater than 2,000 square feet of GLA, "provided the town counsel has found, as a fact, that the proposed use is town serving. As special exception uses they are subject to Sec. 134-229(12) as previously described.

The purpose of these provisions is two fold: (i) to create a commercial environment that will nurture office uses, retail establishments and restaurants that cater to and meet the needs of predominately residents of Palm Beach, (ii) without attracting the "principal portion of its customers/clients from off-island locations thus creating less traffic and parking problems for the Town." The mechanics to do this are the maximum limit of 2,000 square feet of GLA that run through all of above-described divisions of Article VI combined with the restriction on attracting customers/clients from off-island locations and the related reporting requirements set forth in Sec. 134-229(12).

The question is whether these provisions have applicability and are fulfilling their intended purpose almost thirty years after their adoption; if not should they be removed or modified.

Part II. Results of Research and Investigation.

In preparing this memorandum I reviewed the materials listed on Schedule A attached and had conversations with the individual listed on the schedule. I also undertook to try to determine what other similarly situated municipalities were or are doing. I did not undertake any type of poll or survey. The material below should be viewed for what it is: conversations with a few individuals and an attempt to find applicable precedent on the web. This is not in-depth research (which I do not believe was part of the assignment) nor is it reflective of first hand experience with the provisions. I have not been in Palm Beach that long.

1. Approaches to the Issue by Other Municipalities.

- (a) The town of Port Townsend, a community of some 8,500 residents in the State of Washington, bars all formula retail stores and restaurants over 3,000 square feet; formula businesses under 3,000 square feet are allowed only in a single commercial zone and banned entirely from all other parts of town. Formula restaurants are subject to additional scrutiny and require a conditional use permit, are not allowed on corners and must share a building with at least one non-formula business.

- (b) Bristol, Rhode Island, bars businesses larger than 2,500 square feet or that have more than 65 feet of frontage from locating in the historic district. Formula businesses smaller than 2,500 square feet must apply for a special use permit. To be approved the applicant must demonstrate that the business will not detract from the district's uniqueness or contribute to the "nationwide trend of standardized downtown offerings" and will "complement those businesses already in the Historic District and foster the local economic base."
- (c) An ordinance restricts in the Brookside business district of Kansas City retail uses to a maximum of 10,000 square feet, except grocery stores that may be as large as 25,000 square feet. This along with other restrictions is intended to protect and maintain Brookside's small-scale, neighborhood-servicing businesses and pedestrian nature.
- (d) Portland, Maine limits formula business to no more than 23 (the current number), not greater than 2,000 square feet in size and not less than 200 feet from another formula business. Certain types of formula business are exempt such as gas stations, movie theaters and drug stores.

These are just a few examples, but legislation against "big boxes" is prevalent throughout the United States and cities large and small (Chicago, San Francisco, Bozeman, Cape Cod) are all addressing the size of retail stores.

2. Administration of Town Servicing Requirement. Sec. 134-229 (12) requires that if a special exception use (which would usually relate to a commercial establishment of greater than 2,000 square feet of GLA) is being requested, "the applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be townsperson". The provision goes on to describe what constitutes satisfactory evidence.

In my conversation with staff I was advised that to date no applicant has been turned down. This applies to initial applications as well as those that have been required by Town Council to be provided on an annual basis. This of course has no relationship to the number of potential businesses that did not apply knowing that they could not meet the requirement.

3. Perceptions from Conversations. As noted above, I did no survey of owners or tenants. However, I did have several conversations with those people noted on Schedule A and one cannot live in Palm Beach, even for a relatively short period of time, without being engaged on the issue of "town serving". Here is a summary of these conversations and anecdotal comments:

- (a) The system does not work, no one gets turned down.

- (b) Town serving is no longer necessary as a means to keep people from coming across the bridge to shop as they have City Place, Gardens Mall, Wellington Green, etc.
- (c) The 2,000 square foot maximum is too small.
- (d) The system does nothing to create tenant mix; there are 31 jewelry stores on Worth Avenue.
- (e) The true town serving tenants (card store, shoe repair, etc.) cannot afford the rent. It is hard to survive in a seasonal community, particularly in this economic climate.
- (f) There has been an erosion of retailers over the years and they have not been replaced. The "entry fee" is too high due to cost of permitting, etc.
- (g) Many Worth Avenue stores could not survive without a high percentage of off-island customers.

Part III. Recommendation.

I am aware that there is little appetite to engage more consultants and take on additional surveys, but this is what I think is needed. I believe the Planning & Zoning Commission should recommend to Town Council that an RFP be developed and put out for a consultant with expertise in this area. I believe strong consideration should be given to Adley Associates, Inc. as they performed the prior surveys and analyses. I see little use in doing a survey of owners and tenants until we have hired a consultant who would properly orchestrate the survey. Given our fragile economy and the gloomy outlook for retail and commercial real estate generally, I believe the cost is justified.

Some questions that might be considered in preparing the RFP or further along in the process:

- (a) Is the main issue with town serving just retail and restaurants or are there issues that relate to other commercial areas?
- (b) Should there be a different set of standards for the C-TS District which addresses "frequently recurring needs of townspersons" and the C-WA District which addresses "the shortterm and longterm needs of townspeople"? How frequently do townspersons purchase "longterm needs" and wouldn't a retailer need more off-island customers to support that type of inventory?
- (c) As noted in one of the interview comments, is Palm Beach still a destination for certain types of retail stores? Will people come across the bridge to shop in the C-TS District? Will formula business of moderate size attract off-island

shoppers; are there synergies with these retailers that will benefit our existing town-serving retailers?

- (d) To maintain the viability of the C-WA District do the town serving provisions need to be different from some of the other districts?
- (e) What tools are available to the Town to create tenant mix (as previously noted there are 31 jewelry stores on Worth Avenue).
- (f) What can the Town do to create an environment and rent structure that will preserve the retail tenants in all Districts?

Materials Reviewed

1. Applicable provisions of the Chapter 134, Zoning, of the Code of Ordinances, of the Town of Palm Beach and Ordinance No. 4-80.
2. Minutes of the Town Council meeting of March 31, 1980.
3. Report of Adley Associates, Inc. (marked "Draft"), received by the Town on December 5, 1979.
4. Summary of Comments and suggestions by Interested Citizens/Property Owners at Meetings of 1/23, 1/30, 2/6 and 2/13/80.
5. Market Potential Analysis (marked "Discussion Draft") by Adley Associates, Inc., date stamped November 12, 1979. Note, one of its conclusions is that "over 60% of the sales of apparel and accessory stores located in the Town are made to customers from an external market."
6. Summary Date: Estimated Retail and Commercial Floor Space Worth Avenue and Royal Poinciana Commercial Districts. September, 1979.
7. Materials Received from John C. Randolph, Town Attorney, relating to Litigation.
8. Retail Findings Report by the Gibbs Planning Group.

Individuals Spoken to or Met With

1. Paul Castro, Zoning Administrator, Town of Palm Beach
2. John Maus, Owner of Maus & Hoffman and member of the Worth Avenue Association
3. Laurel Baker, Executive Director of the Palm Beach Chamber of Commerce

**Martin I. Klein, P.C.
205 Worth Avenue
Palm Beach, Florida 33480
Telephone: (561) 881-8000
Facsimile: (561) 881-8080**

To: Town of Palm Beach Planning and Zoning Commission
From: Martin I. Klein
Date: 9 December 2009
Re: Town Serving Issues

In 1980, the Town of Palm Beach adopted Ordinance No. 4¹ which amended its zoning code and introduced the concept of "town serving" to its commercial zoning districts.² Essentially the concept, designed to preserve the small town character of Palm Beach, requires many commercial users to meet a test (and obtain a special exception) if they want to occupy more than 2,000 square feet of interior gross leasable space. Now, almost thirty years after its introduction, questions have been raised as to its current usefulness. This memorandum will discuss the concept, its application, and the questions but the ultimate answer is properly left to the town council.

Before March 1980, most of the Town's commercial property, including Worth Avenue, was zoned (C-A) and permitted general commercial uses without regard to any square foot limitations. Residents became concerned about an increase in traffic, parking problems, displacement of small, neighborhood businesses by larger, region-serving retail establishments, and what they perceived to be a rapid change in the Town's character.

In 1979 the Town commissioned a Commercial District Study of the problems and to recommend solutions. A summary of the Study's findings was published December 3, 1979. The goals and objectives of the study were, in part, to "achieve a balance of commercial uses in the Town...to reduce the region serving nature of the Town's commercial sector, thereby alleviating traffic and parking congestion".³ The study included a summary of floor space inventory for both Worth Avenue and Royal Poinciana Way. It also included a market potential analysis and a discussion of certain

¹ See Ordinance No. 4-80 adopted March 31, 1980, as amended by Ordinance 7-82, December 1984.

² Section 134-751 establishes 16 zoning districts of which 5 are considered commercial: C-TS (Commercial-Town Serving); C-WA (Commercial-Worth Avenue); C-OPI (Commercial-Offices, professional and institutional); C-PC (Commercial-Planned center); and C-B (Commercial-Offices).

³ See Summary of Research and Findings Commercial District Study Town of Palm Beach 12/3/79 by Adley Associates, Inc.

parking requirements. It concluded that more than 80 percent of the commercial uses in Town occupied less than 2,000 square feet of space.

Following publication of the Study, interested citizens and property owners had an opportunity to meet with Bill Brisson of Adley Associates, Inc., the Town's planning consultant. Over 55 persons met with him over a period of four days. He then published a summary of what he believed were the most pertinent comments and concerns."⁴ The Summary of Comments noted the concern of limiting permitted commercial district uses to 2,000 square feet but seemed to emphasize not the limitation so much as how it would apply to existing establishments of greater size. The suggestion was that these establishments be "grandfathered" in some way.

Ordinance No. 4-80 was promulgated and passed by second reading on March 31, 1980. It divided the existing C-A Commercial District into three separate districts, the C-WA, Worth Avenue District, the C-TS Town-Serving Commercial District, and the C-OPI Office, Professional and Institutional District.

The Ordinance implements the Town Serving concept by making establishments⁵ with a maximum of 2,000 square feet of gross leasable area a permitted use while making larger establishments a special exception use. Each commercial zoning district lists uses that are allowed by right, and those that may be permitted by Town Council Special Exception.⁶ For example, in the C-TS District, a restaurant or clothing store (less than 2000 square feet) is a permitted use but in the C-WA District, a restaurant of less than 2000 square feet is a special exception use while a clothing store of less than 2000 square feet is a permitted use.

The Ordinance allows for special exception uses in excess of the 2,000 square foot limitation provided that the Town Council finds, as fact, that the proposed use is Town Serving.⁷ "Town Serving" is defined as "Establishments principally oriented to serving the needs of Town Persons which would not substantially rely upon the patronage of persons not defined as Town Persons. Town serving establishments, by definition, would typically contain 2,000 or less square feet of interior Gross Leasable Area (GLA) and would not engage in advertising designed to attract other than Town Persons." The Ordinance goes on to define "Town Persons" as "All full-time and seasonal residents as

⁴ See Summary of Comments and Suggestions by Interested Citizens/Property Owners at meetings of 1/23, 1/30, 2/6 and 2/13/80 published February 18, 1980 by Mr. Bill Brisson of Adley Associates, Inc.

⁵ Differences not relevant for this discussion exist in the use regulations and wording among the various districts. For example, in the C-TS district, the special exception language is "any commercial establishment with greater than 2,000...", while in the C-WA district, the special exception language is "retail and service activities...which contain greater than 2,000 square feet..."

⁶ Note there is a significant difference between a variance and a special exception-a difference which is beyond the scope of this memo but essentially the standard for a special exception is somewhat lower but requires the Town Council to specifically find that certain enumerated criteria have been met-if so, the special exception is granted; a variance confers more discretionary authority on the Town Council.

⁷ It appears to the author that there are slight variances in the language and methodology but these are irrelevant to the concepts discussed in this memorandum. Compare the Special Exception Uses in the C-TS Town-Serving District with the Special Exception Uses in the C-WA Worth Avenue District.

well as visitors staying at accommodations and employees working in establishments located within the Town.”⁸

Shortly after enactment, in a broad-based attack, City Federal Savings and Loan challenged the constitutionality of the ordinance.⁹ The 5 day trial occurred over two years. By decision dated March 20, 1984, Circuit Judge Thomas Sholts rejected each and every aspect of the challenge, noting:

“Clearly, the object of preserving small neighborhood shopping and personal service businesses to accommodate the needs of the residents located in close proximity to the area, the avoidance of additional traffic congestion, the esthetic considerations relating to the preservations of such businesses, and the preservation of the existing character, not only of the commercial area itself, but also of the adjacent residential area, are legitimate objectives of zoning and bear a rational relationship to a municipality’s police power.”¹⁰

Four years after Judge Sholts’ strong validity of the Town Serving concept, Ordinance 4-80, as amended, came under attack again when a significant Worth Avenue landlord filed another legal challenge to the Ordinance after being denied a special exception in connection with a proposed lease involving a 7,000 square foot retail store.¹¹ The landlord challenged the constitutionality of the Ordinance and as it was applied to him and also claimed a violation of his Civil Rights under 42 U.S.C Section 1983 based upon alleged violations of procedural and substantive due process and equal protection.

In a well-reasoned, 20 page opinion dated December 12, 1989, Circuit Judge Mary Lupo dismissed all of the landlord’s claims. She held that the landlord had no right to a permit other than by seeking a special exception, that the provision of the Ordinance was constitutional on its face and as applied, and that the Town’s denial of the landlord’s application was not arbitrary and capricious and did not violate the landlord’s civil rights

⁸ Section 134-229 of the Town’s Code of Ordinances dealing with Special Exceptions provides(12) The proposed use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be townpersons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine its credibility and the appropriateness of the applicant’s conclusions. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. Once in operation, similar documentation must be provided the Town annually when renewing the business tax receipt license.
⁹ City Federal Savings and Loan Association v. Town of Palm Beach, Case No. 80-2550 CA (L).

¹⁰ See, Final Judgment of Dismissal with Alternative Findings of Fact and Conclusions of Law dated March 20, 1984 at p.11.

¹¹ Burton Handelsman, et al. v. Town of Palm Beach, Case Co. CL 88-4773 AJ. The Town’s Building Official had determined a special exception was required; the Town Council affirmed the decision, and subsequently denied the Special Exception. The tenant canceled its lease which was conditioned upon either overturning the Building Official’s determination that a Special Exception was necessary or upon the issuance of a Special Exception by the Town Council.

as a taking without due process. She noted that the landlord purchased the particular property after enactment of the Ordinance and also considerable additional property in the C-WA District after the Ordinance's constitutionality was upheld in the prior case. She also found that his property had doubled in value.

Judge Lupo concluded: "The town-serving ordinance bears a substantial relationship to the public health, safety and welfare of the Town of Palm Beach."¹² After noting the Adley survey that approximately 80% of the retail and service businesses occupied less than 2,000 square feet, Judge Lupo stated: "The court finds that the retention and preservation of Worth Avenue's existing character of small businesses is a proper goal of zoning"¹³ (emphasis added).

Apparently not content with the decision, the landlord appealed and in an opinion dated September 14, 1991, the Fourth District Court of Appeal affirmed.¹⁴ The 4th District Court of Appeal upheld the trial court's interpretation of the Ordinance's Schedule of Use Regulations, found it consistent with the overall purpose of the Ordinance, concluded the landlord had not demonstrated he was deprived of property without due process or equal protection of the law and that the town's conduct was not arbitrary or capricious.

Eleven years after enactment and following two unsuccessful constitutional challenges, Ordinance 4-80, as amended was finally free to operate as envisioned by its advocates to help preserve and enhance the small town character of Palm Beach's commercial districts.

With the current economic climate and the overall decline in appearance of some of the Town's commercial districts, some in the business community are claiming that the Town Serving concept is an anachronism and ought to be abolished. Those who do so usually cite that Palm Beach is an inconvenient place for customers to get to, especially during the winter season and there are many other larger malls throughout Palm Beach County that are more accessible. They claim that most of the national stores on Worth Avenue can be found in one or more of the regional malls. Finally they also argue that Palm Beach rents are higher and there are now many Internet options for shopping and accordingly, Palm Beach is not as enticing a location for business as it was when the Ordinance was enacted.

Those in favor of strict zoning and preservation argue that the Town Serving concept is but one tool available to planners. They point out that "use regulations" alone were deemed insufficient to preserve the small town character of Palm Beach and some size limitation was considered necessary.

Resolving the competing arguments is a policy decision that is committed to the discretion of the Town Council just as the enactment of the Town Serving concept in

¹² See Final Judgment for Defendant dated December 12, 1989 at p.5.

¹³ *Id.* at p.6

¹⁴ Handelsman v. Town of Palm Beach, Fla. App. 4 Dist., 1991, September 4, 1994, Rehearing Denied October 16, 1991.

Ordinance 4-80 was then committed to the discretion of the Town Council. Some points however are worth noting.

Prior to enactment, a comprehensive market study was done and it concluded that the overwhelming majority of Town businesses operated within less than 2000 square feet. It also concluded that the residents wanted to preserve the small town character of the commercial districts. Responsive to some concerns voiced prior to enactment, the Town included a grandfather provision in the Ordinance for existing businesses over 2,000 square feet.

Although some argue the Town Serving provision ought to be abolished, there is no empirical evidence to show that it is not doing exactly what its framers sought to do—preserve the existing character of our Town. The concept operated to prevent a 7,000 square foot retail store on Worth Avenue. If 7,000 square feet had become the Worth Avenue norm, who knows what would have become of the many small Town Serving businesses? The arguments advanced for abolition of the Town Serving provision, namely the high cost of doing business in Palm Beach (and they have yet to be quantified/substantiated) can just as easily be attributed to overall economic conditions.

No one has shown that the current 2,000 square foot limitation is either unworkable or undesirable. If there is strong sentiment for change, perhaps it might be advisable to update the original market analysis to see if the 2,000 square foot limitation is really impacting our Town businesses in a negative way. If so, perhaps a middle ground such as slightly increasing the 2,000 square foot limitation or loosening a bit, the definition of town serving (perhaps decreasing the island customers from 50% to 40%) might be a better approach. Another alternative would be to provide that once approved, Town Serving data would be provided every other year instead of every year.

The Town spent considerable time and effort in designing a constitutional approach that would enable it to preserve its small town character. It commissioned a study, had public input, enacted an ordinance, amended it, and spent a large amount of public funds defending two constitutional challenges. Zoning is a key land planning tool and the Town Serving concept is a building block of a well-conceived foundation that has helped preserve our heritage. To jettison the Town Serving concept entirely without adequate basis in fact would not seem to be in the best interests of our residents. To obtain more data on whether and how it is working, or even to loosen the requirements somewhat, may, depending upon the wishes of the Town Council, be prudent.

**duPont House
977 No. Ocean Boulevard**

Owner's Exhibits

Landmark Ratification Hearing

**Town Council
May 12, 2010**

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Thomas P. Sweeney
TPS Consulting LLC
920 N. King Street, 8th Floor
P. O. Box 26284
Wilmington, DE 19899
(302) 651-7770
TPSConsultingLLC@Comcast.net

April 4, 2010

Landmarks Preservation Commission
Mr. Eugene Pandula, Chair
The Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Genevieve Estes du Pont
977 North Ocean Boulevard

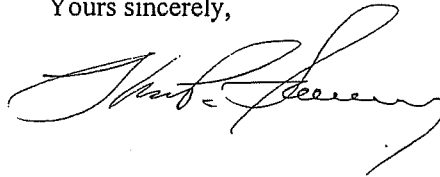
Dear Chairman Pandula and Commissioners:

I am the attorney-in-fact for Genevieve Estes du Pont under Durable Power of Attorney dated March 24, 1995. Mrs. du Pont no longer has the capacity to manage her real and personal property. Consequently, I am obligated to manage that property in her best interests. The Town of Palm Beach is considering the landmarking of property owned by Mrs. du Pont located at 977 North Ocean Boulevard in the Town.

I have read the Designation Report on 977 North Ocean Boulevard dated Wednesday, April 21, 2010, as well as the Town's landmarking ordinance. It is my opinion that landmarking Mrs. du Pont's house would not be in her best interest. The requirement to maintain a landmarked house and the limitations on the right to demolish it would create severe restrictions on the property. This is especially the case since Mrs. du Pont's house is on the ocean and, thereby subject to the harsh elements of wind and salt air, making repair and maintenance more costly than normal.

Mrs. du Pont's house is quite an ordinary one and is hardly of landmark quality. It is certainly not designed with the reasonable expectations of today's buyers in mind. Being located on the ocean, the value of the property is in the land and not in the house. Burdening the land in perpetuity with the house would result in a loss in value to Mrs. du Pont. Therefore, this letter constitutes her objection to any landmarking of her house located at 977 North Ocean Boulevard in the Town of Palm Beach.

Yours sincerely,



TPS/pjw

cc: Mrs. Nicole du Pont Limbocker
James R. Brindell, Esquire

James R. Brindell - Re: 977

From: <tpsconsultingllc@comcast.net>
To: "James R. Brindell" <JBrindell@gunster.com>
Date: 5/3/2010 10:33 AM
Subject: Re: 977

Jim: I represented the du Ponts from the mid 1970s when I was practicing Law at Richards ,Layton and Finger. I retired from Richards, Layton and Finger on June 30, 2007. I have stayed at the house or visited at the house probably over a dozen times from when I started to represent the du Ponts until the present time. Tom

Thomas P. Sweeney
TPS Consulting LLC
920 N. King Street, 8th Floor
Wilmington, DE 19801
(302) 651-7770
TPSConsultingllc@comcast.net

Mailing address:
P.O. Box 26284
Wilmington, DE 19899

----- Original Message -----

From: "James R. Brindell" <JBrindell@gunster.com>
To: tpsconsultingllc@comcast.net
Sent: Monday, May 3, 2010 10:19:27 AM GMT -05:00 US/Canada Eastern
Subject: 977

Tom, How many times and over what period of time have you visited the duPont house at 977 North Ocean Boulevard in the Town of Palm Beach?

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. Click the following hyperlink to view the complete Gunster IRS Disclosure & Confidentiality note.

<http://www.gunster.com/misc/Disclaimer>

AFFIDAVIT

STATE OF FLORIDA)
) ss
COUNTY OF PALM BEACH)

Before me, the undersigned notary, GAIL A. VANTASSEL (name of notary), on this 20TH day of APRIL, 2010, personally appeared NICOLE dUPONT LIMBOCKER, known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and says:

1. I am the daughter of Nicholas R. and Genevieve E. duPont. On many occasions during the planning and construction of the house at 977 North Ocean Boulevard in the Town of Palm Beach, Florida, I discussed the house plans with my parents, and accompanied my father to the site to give him my thoughts on the project.
2. My parents looked at a number of homes in the Bahamas, California, and Hobe Sound, Florida before deciding on a design for their house. In fact, they even employed Robert Sully, a Beverly Hills architect, to provide house plans.
3. It was clear that my parents wanted a simple vacation house, and wanted to keep costs down. At one point, my mother complained that the plan for the house had become too large. With the help of my father and Valerian Rybar, a highly regarded New York City interior designer, the house size was reduced and the interior layout revised. Mr. Rybar had considerable influence on room configurations, in addition to the design of the interiors.
4. The front door to the house and the semi-elliptical transom light above it were copies of a door my mother found in Delaware. The interior and exterior lattice work doors were designed by my father based upon similar doors he had seen during a visit to the Bahamas.
5. The lanterns on either side of the front door, the door knocker, the door hardware, and all of the urns were obtained by my mother.
6. The gates on the south stairwell leading to the garden are copies of gates that were at the house in Palm Beach of my godmother, Elisabeth Fleitas.
7. The original shutters on the house have all been replaced.
8. The landscaping was designed by my mother in consultation with Thomas Church of San Francisco, California.
9. The atrium on the north side of the house often suffered from severe wind turbulence even when the doors to that atrium were closed. The problem was made worse when those doors were open. In an effort to correct the problem, my parents hired

several aeronautical engineers, including Grover Loerning, but the problem could not be solved.

10. The motors used to open and close the windows on the west façade of the house rusted out within the first two years and were not replaced.

11. My father was very interested generally in house designs and materials and got deeply involved in all of his pursuits. He built their house in Wilmington, Delaware, and was also involved in building other structures such as a country club, shopping center, and raceway. There is an extensive amount of correspondence which shows my father's detailed involvement in all sorts of design issues with the Palm Beach house such as floor color, material, and manufacturing technique, electrical, plumbing, kitchen equipment, and room locations and configurations.

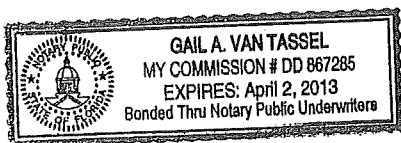
Nicole duPont Limbocker
Signature of Affiant

Nicole duPont Limbocker

977 N. Ocean Blvd
Palm Beach, FL 33480
Address

The foregoing Affidavit was sworn to and subscribed before me this 20th day of APRIL, 2010, by NICOLE DUPONT LIMBOCKER, who ☒ is personally known to me or ☐ has produced _____ as identification.

(Notary Seal)



Gail A. Van Tassel
NOTARY PUBLIC
Print Name: GAIL A. VANTASSEL
State of Florida
My Commission No: DD 867285
My Commission expires: 4-2-2013

February 11, 1963

Mr. John L. Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

Bunnie returned from Arizona Maine Chance Sunday evening and we immediately went over your floor plan. This is enclosed with a great amount of writing showing the changes. Since you did so well with my scratching, hope that you will be able to figure this one out.

One word of explanation is that we are placing the master bedroom next to the den, with the bath area and dressing room between the master bedroom and the relocation of the guest room on the ocean. The thought being that there should be a door between the guest room and the master bedroom and the master dressing room so that this guest room would be connected in case Bunnie has a lady staying, or should one of us get sick with old age and have to have a nurse present; the last thought very unpleasant.

Would you also make a study of the possibilities of placing the servants bedroom in the basement, thus shortening the over-all depth of the house approximately 12' which would lead to compactness. This would reduce the size of the and the patio which seem rather on the large side.

Bunnie and I are flying down late Monday night, February 18, and will spend the night at the Maimi Airport Hotel and be in your office around 10:30 in the morning.

With kind regards, I am,

Very truly yours,

Nicholas R. du Pont

NRduP:r
Enc.

March 25, 1963

Mr. Valerian S. Rybar
54 East 57th Street
New York, New York

Dear Valerian:

I advised John that I would send further plans of the Palm Beach house. Enclosed you will find the layout of the basement area, the east elevation and west elevation.

I have advised John Volk to proceed with the mechanical and structural drawings of the house minus the roof so that this can get behind us while we are in Europe. Would you send to Mr. Volk your suggested changes in the floor plan so that they can be incorporated in the drawings at Palm Beach and be available for us to inspect upon our return. If you prefer, this can be held and sent to the house to be there upon our return April 20.

Everything concerning Vivi's party seems to be in good shape and you will be getting a letter from Edward G. West who is making certain items to be incorporated in the tent.

With kind regards,

Very truly yours,

Nicholas R. du Pont

NRduP:r
Enc.

May 2, 1963

Mr. John Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

As you will see from the enclosed plans we have done a little work and would appreciate your seeing if you can interpret and put on the tracing and send prints to us and Valerian Rybar. As a word of explanation, the room sizes in pencil above or below your dimensions are those of rooms in our house in Delaware.

Our plans for coming to Florida have been changed and we will be flying in the late evening of May 15 and will be in your office on May 16. It is hoped at that time we can finalize the entire building plan.

With kind regards, I am,

Very truly yours,

Nicholas R. du Pont

NRduP:r
Enc.

June 20, 1963

Mr. John Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

I have gone over the detail plans you have furnished and have talked with Vivian J. Watts concerning construction materials and other masonry contractors in this area.

Watts advises me that he has obtained a contract for 8" block in place at 31¢ and tile block in place for 71¢. This being the case, I am suggesting that 8" block be used throughout the house and that the concrete block above grade have a rough finish and then nail galvanized plaster mesh on the block and apply the stucco. This should eliminate all cracking of the stucco, not to mention the great saving in expense by the use of 8" concrete block in place of tile block.

Please let me hear from you in regard to this matter.

Regards,

Very truly yours,

Nicholas R. du Pont

NRduP:r

cc: Mr. Vivian J. Watts

August 12, 1963

Mr. John L. Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

I enclose herewith the plan you submitted dealing with the electrical. You will note a considerable amount of additions and deletions which should be incorporated in a new set of plans.

The specifications call for the use of conduit. The specifications should be changed to read that conduit is to be used in exposed areas and Romex in concealed areas. In addition, a load center type of panel similar to square D type QO should be specified. These changes will save a considerable amount of money. It is not necessary to have the electrical contractor prepare working drawings as he will be able to wire this house from the plans you submitted.

With regard to windows, we wish to substitute aluminum awning sash for every window on the north wall of the house except in the dining room. All shutters are to be eliminated on the north wall. There should be a double track assembly on the inside, one track being used for screen and the other for metal panel which will be used for closing up the house. All stock millwork should be utilized in the caretaker's quarters.

We are hereby approving the following sliding doors; 14 and 18, 15 and 17, 16 and 03. These doors should have the extra track so that a metal closure can be installed. In connection with doors 35 and 36, there should be a metal closure for door No. 35. Doors 37 and 38 are satisfactory, and there is no need for a metal closure. Door 34 is satisfactory, but will require a metal closure. We are approving door No. 8, and don't seem to be able to find 40A.

We will finish up the other windows and doors Wednesday of this week and you will hear from the writer.

With kind regards,

Very truly yours,

Nicholas R. du Pont

NRduP:r

cc: Mr. Vivian J. Watts

August 14, 1963

Mr. John Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

I am dictating this from New York so that you will have further information.

Doors 24 and 33 - Hold for design. Size o.k.

Doors 28, 30, 31, 32, 41, 42, 43, 44 and 46 - Hold for design. Size o.k.

Door No. 1 - Hold for design.

Door No. 20 - With a bulkhead 1 ft. 11 in. high.

Doors 19 and 20 - Glass Jalousies.

Window No. 22 - Aluminum awning type, if possible, 4 ft. 6 in.

Window No. 23 - Aluminum awning.

All aluminum awning type windows should have the metal for use when closing the house.

Failed to place on the electrical plan the spots over master bedroom beds.

A slop sink should be placed in the air conditioning room opposite the den. This will be used for a general broom closet, etc.

Could you send us a more specific detail of the coins over windows.

Over the bathtub and the sink in the master bathroom, we wish to use the so-called aluminum lighting ceiling. A detail will be furnished.

Would you advise Underwriters requirements as to the height of wall sockets from the floor.

I tentatively plan to arrive in Palm Beach sometime Thursday, August 22, and hope at that time the revised electrical plan will be available, and that I will have an opportunity to see you.

With kind regards,

Very truly yours,

Nicholas R. du Pont

NRduP:r

September 27, 1963

Mr. John Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

You will receive from Valerian S. Rybar, Inc. prior to the end of this day or Monday, a design for interior doors and the front door. Attached is a schedule giving details for each of the doors in the main section of the house. The doors in the servants area and caretaker's apartment will be stock items of your choice.

A representative of the manufacturer who will furnish the tile for the house visited the job in my presence and was shocked to see the sample of tile you gave to the writer and thus took it back to the factory. The representative gave a sample to me. It was pointed out that your sample, as well as the one sent to Mr. Rybar, had not had the sealing material applied or polish. This is the reason for being able to mark the tile, and for the absorbing of cleaning fluid.

I did some further research on the Chambers equipment and I am suggesting that we use an Executive 500 under the cabinet in the pantry. The primary reason for refrigeration in this area is for juices, etc. The Executive 500 will handle that operation as well as functioning as an ice maker. You might include this on the changes you are making in the kitchen layout to conform to that which you received from the writer. As you will recall, we want incorporated in the plan we furnished tray holders and the other gadgets shown on your plan.

In regard to the lighting in the main entrance hall, we will keep the two lanterns on the upper level prior to reaching the lanai, and there will be no ceiling lighting in the entrance hall, but this will be taken care of by sconces.

As we discussed, the only rooms with a cornice molding will be dining room, living room and lanai. You will be furnished a drawing of these cornices from Mr. Rybar.

It was a pleasure seeing you, and with kind regards, I am,

Very truly yours,

NRduP:r

Nicholas R. du Pont

cc: Mr. Valerian Rybar
Mr. Vivian J. Watts

No. 24	Solid - glass above
No. 31	Solid
No. 30	Solid
No. 28]	Solid - glass above
No. 32	Solid
No. 33	Solid - Same as No. 85
No. 40A	Solid
No. 41	Solid
No. 42	Solid
No. 43	Solid
No. 44	Solid
No. 46	Solid - glass above
No. 80	Solid - design on side facing Lanai
No. 83	Solid - design on side facing living room
No. 85	Solid - plain surface inside closet
No. 89	Solid
No. 86	Solid
No. 52	Solid
No. 74	Solid - plain surface on dining room side
No. 75	Solid - plain surface on pantry side
No. 73	Standard swinging door - flat surface
No. 54	Solid
No. 55	Solid
No. 1	Separate detail being furnished
No. 107	Solid
No. 97	Lattice door of Volk design
No. 94	Solid door to match No. 97 design
No. 88	Same as No. 85

September 27, 1963

Mr. John L. Volk
206 Plaza Circle
Palm Beach, Florida

Dear John:

With furtherance to my letter of September 27, the window in the dining room remains as shown on the detail for the window. There will be a detail on the curtain arrangement which will not interfere with the present plan for the window.

The entrance hall and the upper hall prior to the lanai and extending down the west loggia, we will use form concrete squares with the indentation by the use of rock salt. The powder room and lavatory will have white tile.

The ceiling of the loggias will be wood.

The service drive will be asphalt and the main entrance drive and parking will be poured concrete with the use of rock salt and be cut in 4 foot squares. The area around the pool will be similar to the front entrance drive and parking.

I believe this is all for now.

Very truly yours,

Nicholas R. du Pont

NRduP:r

cc: Mr. Valerian S. Rybar
Mr. Vivian J. Watts

September 30, 1963

Mr. Vivian J. Watts
5512 Broadway
West Palm Beach, Florida

Dear Wattsie:

Now that the plumbing is almost complete at the house in Palm Beach, I would like Mrs. Watts to send a breakdown of the plumbing as to labor and materials. The materials should be quoted as to cost to the job. I believe that this is necessary since we are disappointed in Morris Bennett and this data will be of use when we come to finaling out the plumbing operation.'

The design for the doors in the main part of the house, as well as the entrance, was mailed to John Volk on Saturday, September 28. This is a Plantation design and it might well be that a mill house in the area has a similar type door and the jigs available so that a saving could be realized. Please check into this matter.

The pool dressing room will have the flooring which is accomplished with cement and use of rock salt. You should be getting a quotation on the material for the pool dressing area according to John Volk's specifications and start the material in work. This same material will be used in both the loggias as well as the entrance hall.

In Bunnie's bath, she wants a European spray gadget installed and I have talked to Jake in regard to this item.

Keep everything rolling, and with regards, I am,

Very truly yours,

Nicholas R. du Pont

NRduP:r

Sully-Oppenheim & Associates
Architecture - Planning

January 23, 1963

Mr. Nicholas DuPont
4335 Governor Printz Boulevard
Wilmington 2, Delaware

Dear Nick:

Here is an outfit that you may want to contact - or have your new architect talk to. No doubt he would know them.

Naturally I received other letters from local people but don't feel they are essential to the job now.

The word on a new project always gets out and most of the word starts with the surveyor who passes the hot news on to favored pals. In any case the Boynton people at least sound good.

I'll run a cost check and bill you for the hours spent but will eliminate my time as this was done for free for a pal.

The costs would include:

1. Site plan for 5 and 6 houses and civil engineering study on drives, widths, codes, etc.
2. Your house plan, revised and changed from time to time during last 6 weeks.
3. Blueprinting and photocopying.
4. Phone calls to your surveyor, city planning, city engineering and such - as well as normal correspondence with such people.

Would you like us to bill Niront Corp. as perhaps part of the Nord house project? This might be better as an expense item for you.

Mr. Nicholas DuPont
January 23, 1963
Page two

I hope your new man does a bang-up job for you. It's an exciting site and should be a wonderful house.

Do you fee that we might enjoy a talk with Jim Knott one day. There could be some interesting and exciting things done in the motel field.

You may recall that Steve did the Dorado Beach hotel for Rockefeller and won a mess of prizes for it.

When you head West again Jeanne and I hope that we can get the girls together after Main Chance.

I shall also send on price comparisons on the Norwegian wood as soon as I get a new quotation from Hansen & Whist which I asked for last week.

Best regards.

A handwritten signature in dark ink, appearing to read 'RJS', with a long horizontal flourish extending to the right.

Robert J. Sully
Partner

RJS/br

Enclosure

BOYNTON LANDSCAPE COMPANY

INCORPORATED

LANDSCAPE DESIGNERS AND CONTRACTORS

MAINTENANCE AND SUPERVISION OF ESTATES

FLORISTS

NURSERYMEN

400-408 S. COUNTY ROAD

PALM BEACH, FLORIDA

January 14, 1963

Mr. Robert Sully
Sully-Oppenheim, Architects
949 Dayton Way
Beverly Hills, California

Dear Mr. Sully:

In a conversation with Mr. Robert G. Hutcheon, Engineer for the Town of Palm Beach, several days ago, he advised me that you were the architect for the proposed residence for Mr. Nicholas Dupont on North Ocean Boulevard in Palm Beach and that you were inquiring from him regarding local climatic conditions, and he suggested that I get in touch with you.

We are an old, established firm in this area, and we would be pleased to have the opportunity to assist you in any way that we can.

Landscaping on the ocean front in the Palm Beach area is somewhat difficult in that there are very few plants that will survive the conditions caused by the very deep water off shore and the heavy winds that prevail here at certain times of the year.

It so happens that we have landscaped the two homes immediately north of Mr. Dupont's property, those of Mrs. Philip Armour of Chicago and Mr. Earl E. T. Smith of Washington, D. C.

I hope we may have the opportunity to work with you on this project and look forward to hearing from you.

Very truly yours,

BOYNTON LANDSCAPE COMPANY

James D. Sturrock
James D. Sturrock

JDS/ic

Sully-Oppenheim & Associates
Architecture - Planning

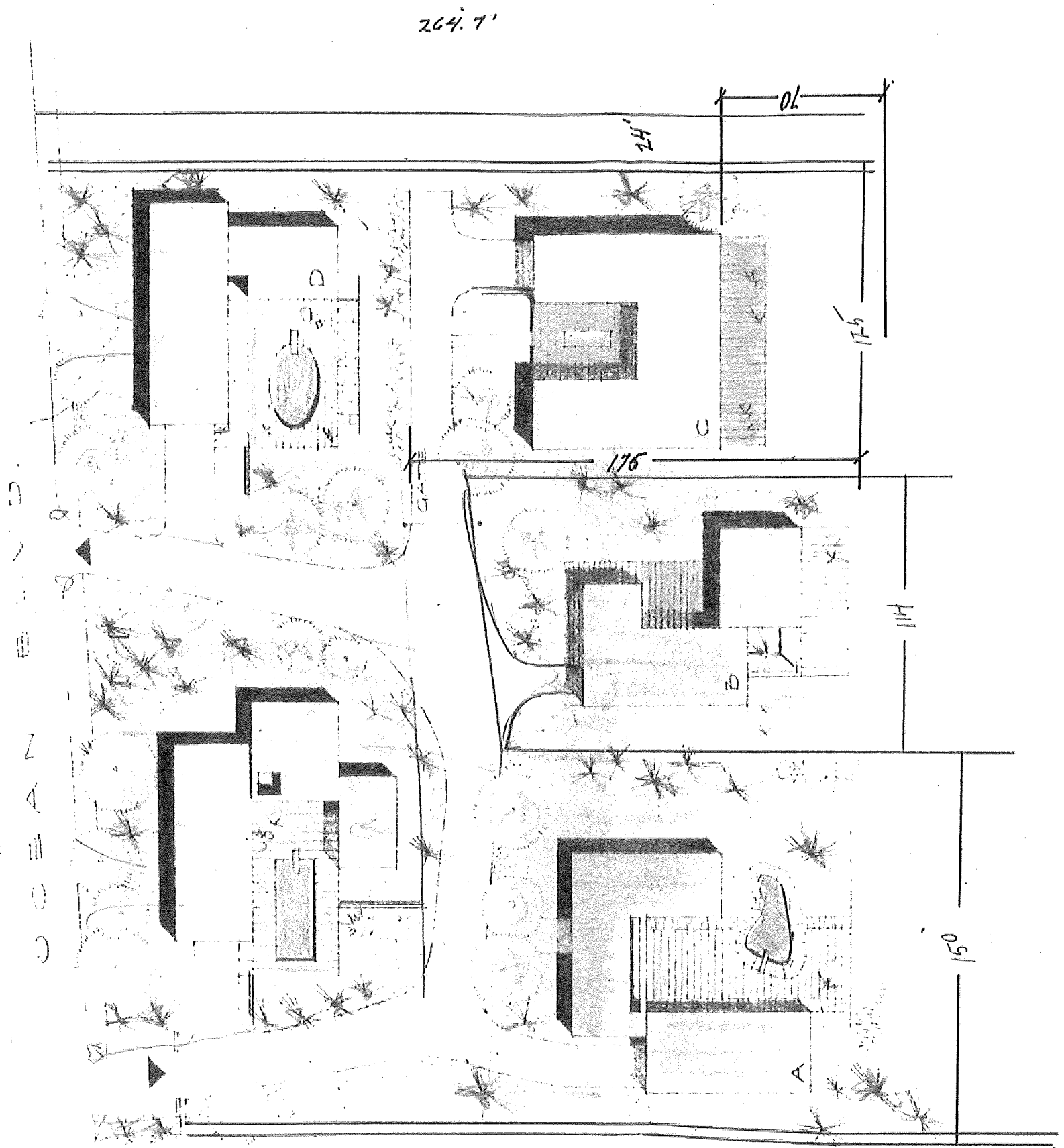
January 29, 1963

Mr. Nicholas R. du Pont
4335 Governor Printz Boulevard
Wilmington 2, Delaware

Invoice:

\$1,019.00

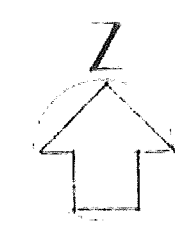
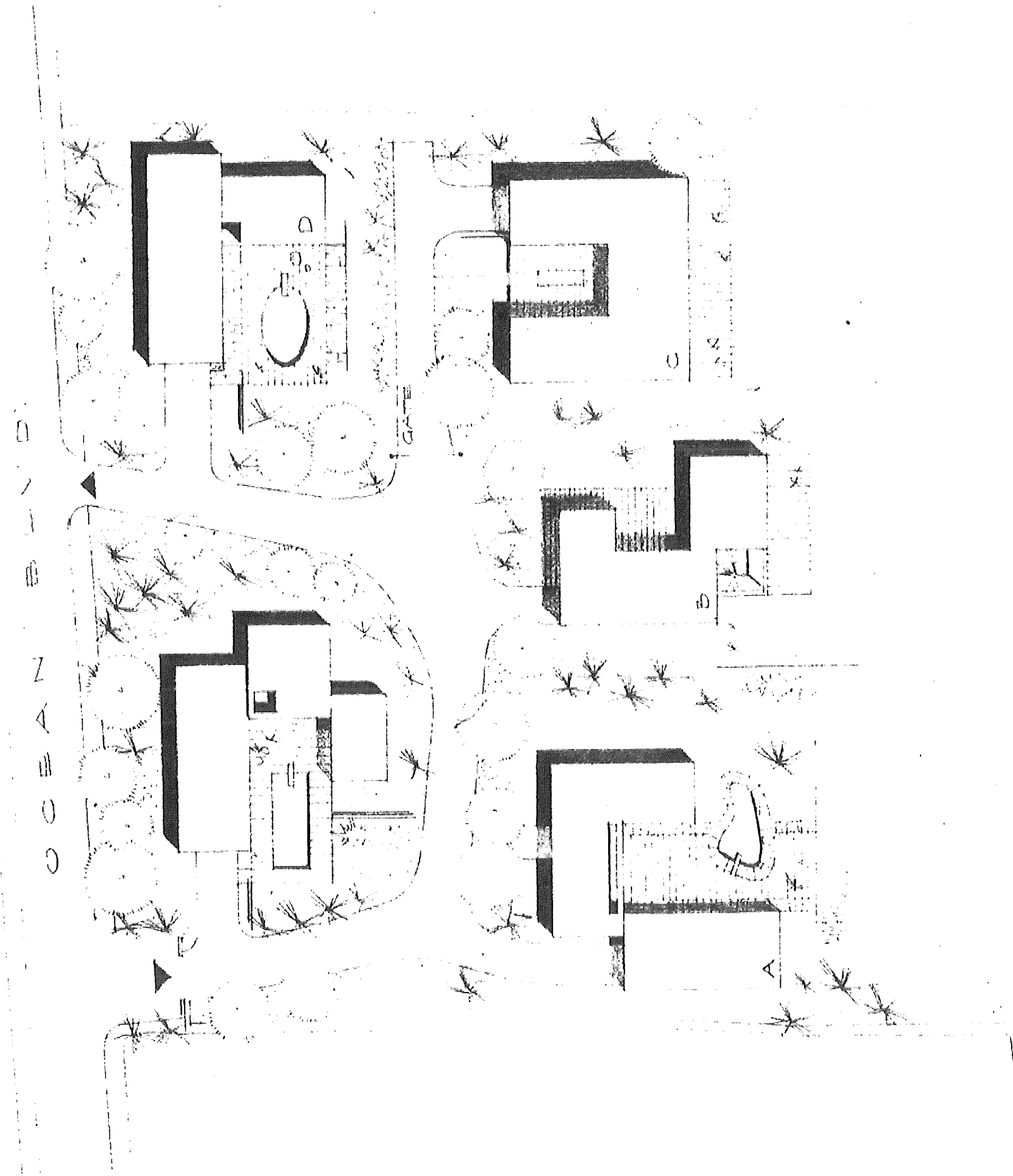
For Architectural services and costs incurred in development of plans for DuPont house, as well as site planning on Dodge property, as per my letter of January 23rd.



SCALE 1" = 30'

Scheme I

PROPOSED RESIDENTIAL DEVELOPMENT
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SCALE : 1" = 50'

Sch I

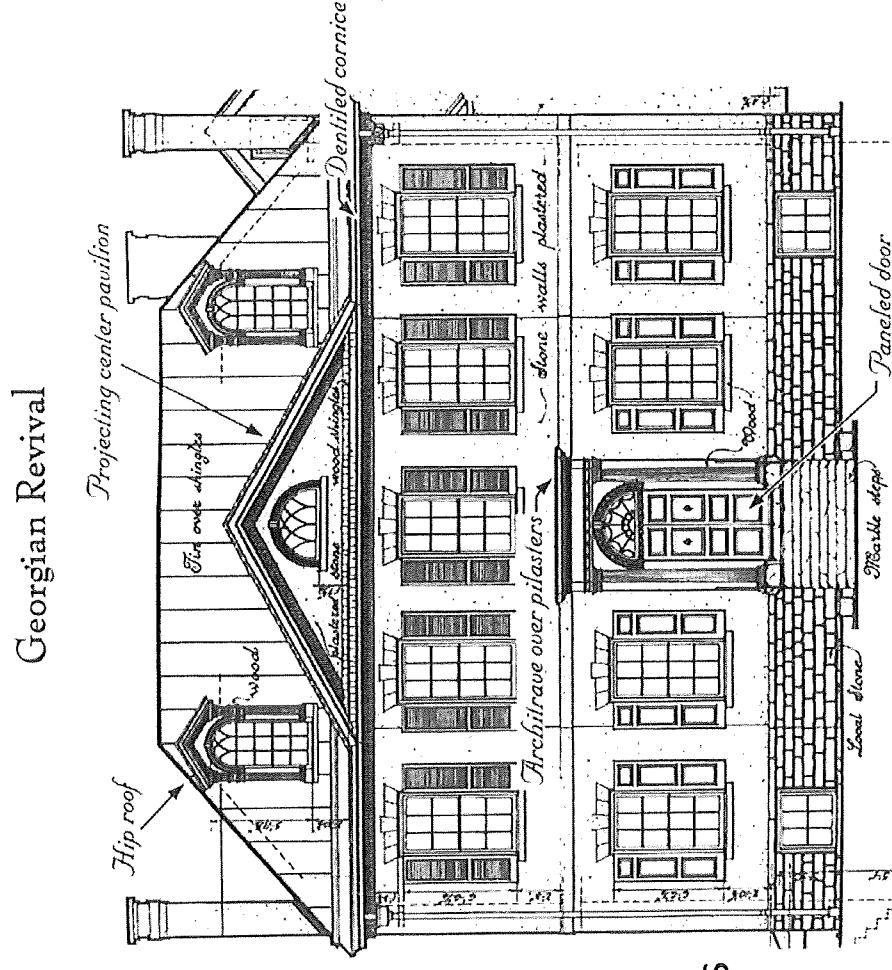
Handwritten notes in a vertical column on the right side of the page, likely providing additional details or specifications for the site plan.

Aerial – 977 N. Ocean Blvd



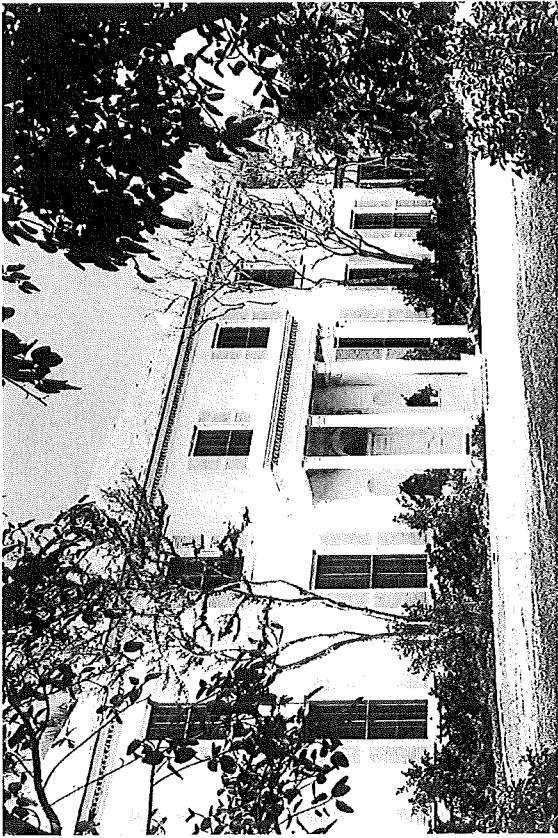
Basic Characteristics of Georgian Revival

1. Two-story house with raised basement
2. Symmetric façade with central pavilion
3. Hip roof above classical cornice
4. Palladian frontispiece with tabernacle porch
5. Double hung windows and shutters



Georgian
"Vernon"
Philadelphia, Pennsylvania, ca. 1741

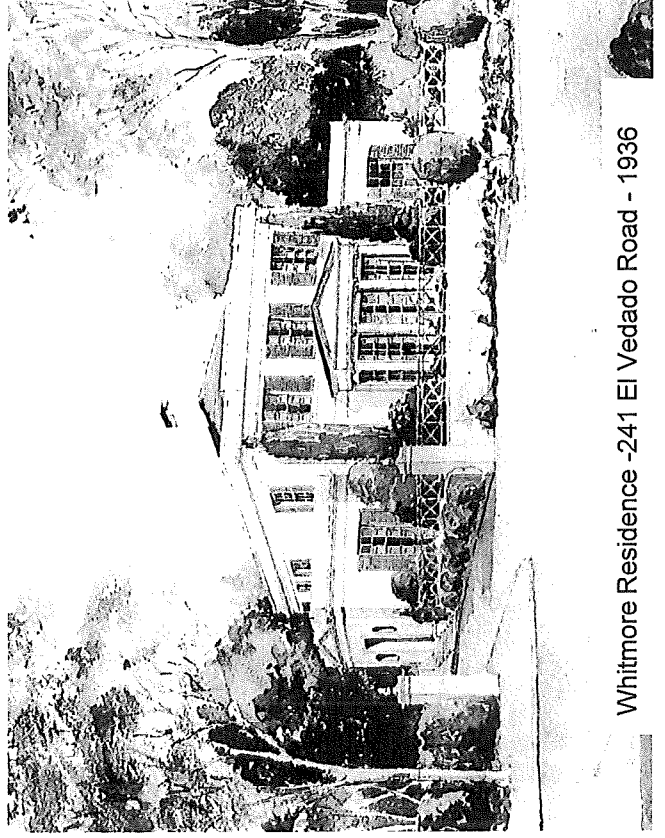
Other Examples of Landmarked Georgian Revival by John Volk



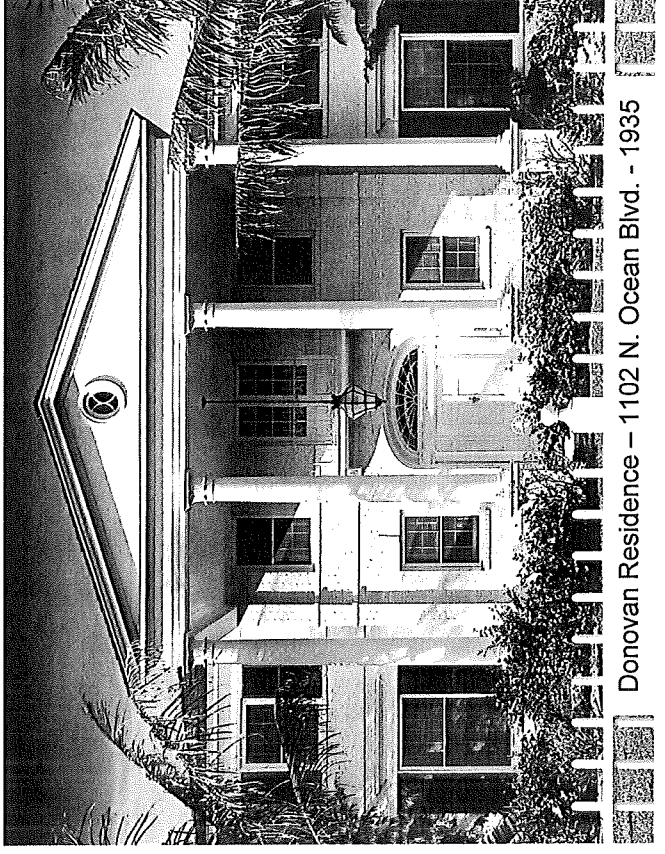
Warner Residence – 328 El Vedado Road – 1939



Davis Residence – 8 South Lake Trail – 1937



Whitmore Residence – 241 El Vedado Road – 1936

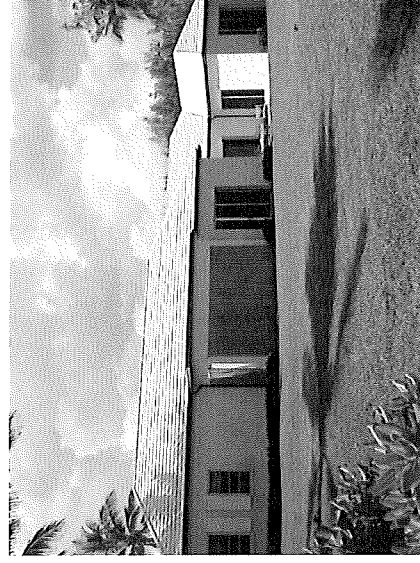


Donovan Residence – 1102 N. Ocean Blvd. – 1935

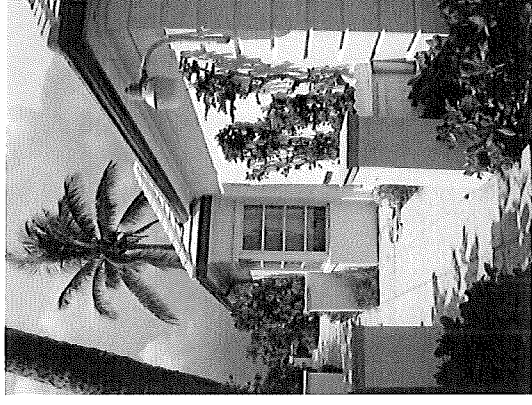
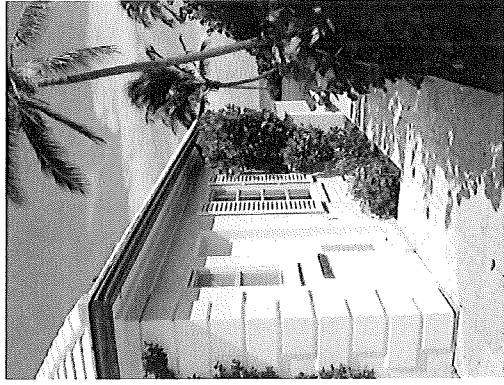
duPont – North Facade



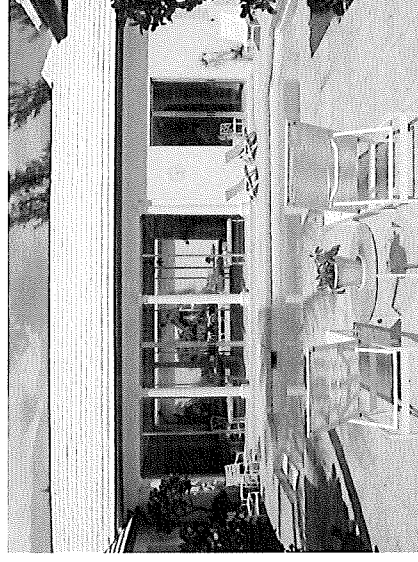
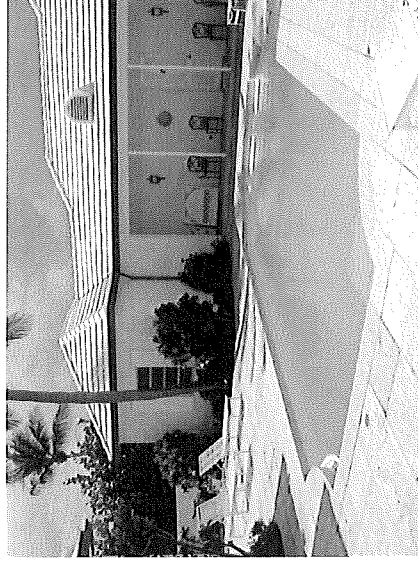
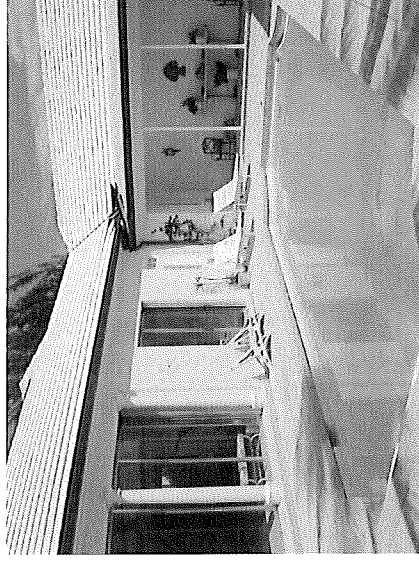
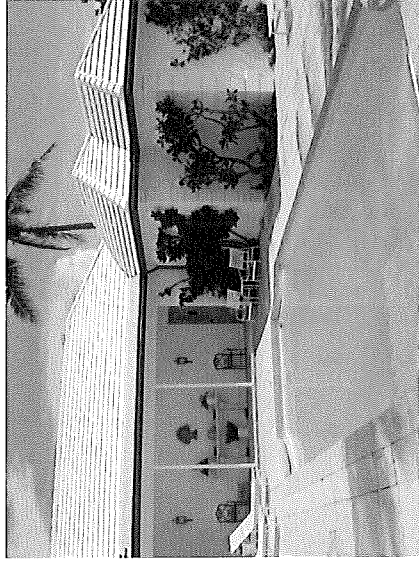
duPont – East Facade



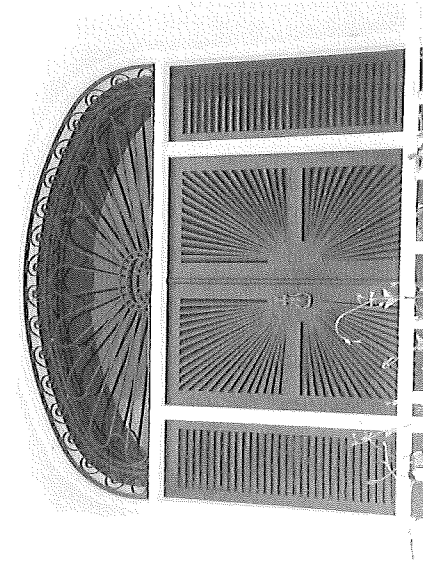
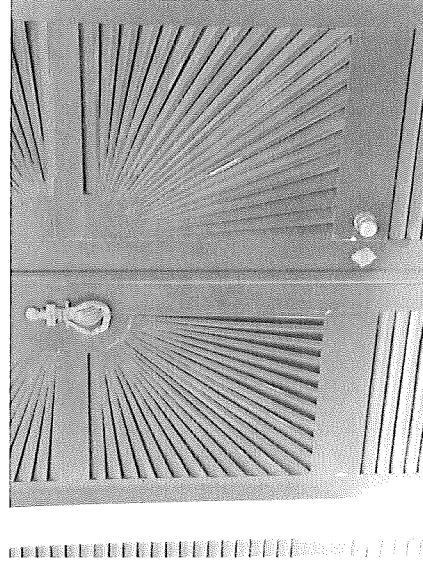
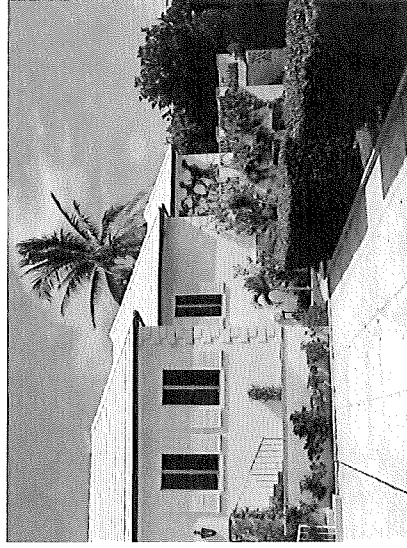
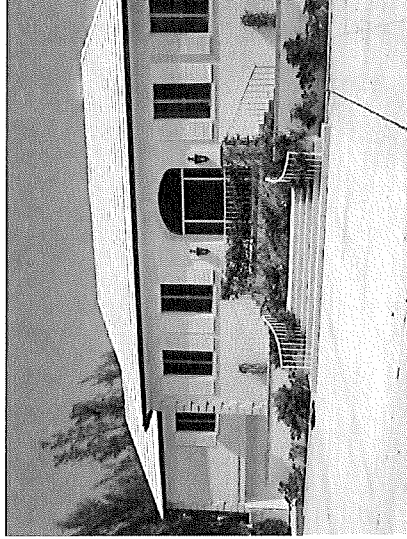
duPont – South Facade



duPont – Internal Courtyard



duPont – West Facade



John S. Garner, Ph.D.
Preservation Consultant
502 E. Sunnycrest Ct.
Urbana, IL 61801
jsgarner@illinois.edu
217-328-2397 or 217-778-3662

John S. Garner is a preservation consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, where he chaired the division of architectural history and preservation before retiring in 2007. He is the chief investigator and author of several reports on historic buildings and districts in Illinois and is the author/editor of several articles, chapters, and books on architectural history and preservation, including The Midwest in American Architecture, (University of Illinois Press, 1991). He has appeared before numerous building preservation commissions, planning commissions, and city councils and county supervisors to testify concerning the historic and architectural significance of historic structures (in the state of Illinois in Chicago, Lake Forest, Pontiac, Effingham, Champaign, Peoria, and Springfield). He has also appeared before the Illinois Historic Preservation Agency's Advisory Council to testify concerning National Register listings. With a professional degree in architecture and doctorate in history and more than thirty years of experience, the author is an expert in investigating and documenting historic buildings and is a qualified witness.

CV

I. Personal History and Professional Experience

Educational Background

Oklahoma State University, B.Arch., Architecture, 1969
University of Illinois, M.Arch., Architectural History, 1970
Boston University, Ph.D., Urban History, 1974

Academic Positions

1970-71, Instructor in Architecture, University of Illinois
1973-74, Lecturer in Urban Affairs, Boston University
1974-77, Assistant Professor of Architecture, Texas A&M University
1977-81, Associate Professor of Architecture, Texas A&M University
1981-87, Associate Professor of Architecture, University of Illinois
1987- , Professor of Architecture, University of Illinois
2002-07, Chair, Architectural History and Preservation, Univ. of Illinois
2007- Professor Emeritus, Univ. of Illinois

Other Professional Employment

1967-69, Architectural Intern, Hudgins, Thompson, Ball, Tulsa, OK
1971-73, Preservationist, Society for the Preservation of New England Antiquities, Boston, MA
1977-, Preservation Consultant

Honors, Recognition, Etc.

1973-74, National Endowment for the Humanities Fellowship
1979-80, Fulbright-Hays Senior Research Award to France
1997, Magister Profesor, Universidad de Tucuman, Argentina
1998- , Who's Who Among America's Teachers

Invited Lectures since 1985

1986, "Hopedale: A Centenary," keynote lecture on occasion of the 100th anniversary of the incorporation of Hopedale, MA
1988, "Architectural Preservation: An Outlook," Diamond Jubilee of the School of Architecture, Oklahoma State University
1991, "Early Chinese Temples and Tombs," Department of Landscape Architecture, UIUC
1992, "The Nature of Building Preservation," Department of Art History, UIUC
1997, "Direcciones Actuales en La Arquitectura Norteamericana," public lecture
at Civic Auditorium, Tucuman, Argentina
1998, "An International Perspective of Model Workers' Housing, 1880- WWI," in a symposium, Change at the Millenium, University of North Carolina at Charlotte
1999, "Keynote Address on dedication of the J.H. Hawes Grain Elevator Museum," Atlanta, IL
2003, "The Pullman State Historic Site, Chicago, IL, USA," Congreso Internacional de Ciudades Historicas, Camaguey, Cuba

2004, "Keynote Address in Sao Paolo, Brazil, "Understanding the Single-Enterprise Town."

Offices Held in Professional Societies

1978-79, President, Texas Society of Architectural Historians

Grants Received since last promotion

1987, Illinois Historic Preservation Agency to prepare a study of the Fitzpatrick Homestead, Lockport, IL, \$10,000

1988, Illinois Historic Preservation Agency to prepare drawings of the Sandburg Birthplace, Galesburg, IL, and the Biesmann and Nolan houses at the U.S. Grant Historic Park, Galena, IL, \$5,000

1991, University of Illinois Research Board, for study of ancient timber buildings in China and Japan, \$5,000; Macoupin County to prepare a study of the Macoupin County Courthouse, \$2,500

1993, City of LeRoy, IL to prepare a study of commercial buildings along its Main Street, \$2,500

1994, City of Bloomington, IL to prepare a study of the public square, \$5,000

1996, University of Illinois Research Board, for Photocad Documentation of historic sites in Cartagena, Colombia, \$7,500

1997, Illinois Historic Preservation Agency to prepare a study of the J.H. Hawes Elevator in Atlanta, IL, \$2,500

1999, Livingston County to prepare a study of the Livingston County Courthouse, \$5,000

2001, University of Illinois Office of Facilities Planning, for a study of the University's Round Barns, \$2,500

2002, University of Illinois Office of Conferences and Continuing Education, for a study of the Allerton House, \$2,500

Review Panels

1996- , Member of Board of Directors, Historic American Buildings Survey Foundation, National Park Service

II. Publications and Creative Works

Books

The Model Company Town: Urban Design through Private Enterprise in 19th –century New England (Amherst: University of Massachusetts Press, 1984).

The Midwest in American Architecture (Champaign: University of Illinois Press, 1991).

The Company Town: Architecture and Society in the Early Industrial Age (New York: Oxford University Press, 1992, 2002).

Chapters in Books

"Preserving the Prosaic," in Adaptive Re-use (New York: Van Nostrand Reinhold Co., 1988).

"Tanks and Towers: Waterworks in America," American Public Architecture (College Park: Pennsylvania State University Press, 1990).

"The Garden City and Planned Industrial Suburbs: Housing and Planning on the Eve of World War I," in From Tenement to Taylor Homes: American Urban Housing Policy (College Park: Pennsylvania State University Press, 1999).

Monographs

"East Texas Architecture: A Select Study," College Station, TX: Texas Society of Architects, 1979.

"Washington Park: Quincy, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1982.

"Public Square: Oakland, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1983.

"Main and Market Streets: Mt. Carroll, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1986.

"The Fitzpatrick Homestead, Lockport, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1987.

"World War II Temporary Military Buildings," Champaign, IL: USACERL, 1993.

Articles in Quarterly Journals

* "Leclaire, Illinois: A Model Company Town, 1890-1934," Journal of the Society of Architectural Historians (October, 1971).

* "Nathaniel Hawthorne's Legends of the Province House, His Use of Architecture, Artifact, and History," Old-Time New England (Fall, 1972).

** "Preface to Special Issue on Gravestone Carving," Old-Time New England (Spring, 1973).

* "Architecture at Texas A&M: The Past Hundred Years," Texas Architect (Spring, 1977).

* "The Saga of a Railroad Town: Calvert, Texas, 1868-1918," Southwestern Historical Quarterly (October, 1981).

** "How Fare Thee Fair Camelot," Reflections (Spring, 1983).

* (with Richard Mattson), "Quincy's Grand Past: Recapturing the Architectural Heritage of a River Town," Gateway Heritage (Spring, 1984).

* "Architecture and Philanthropy in a Model Company Town," Places (Spring, 1988).

* "La Company Town. Industria e Territorio nel XIX Secolo," Rassegna (Fall, 1997).

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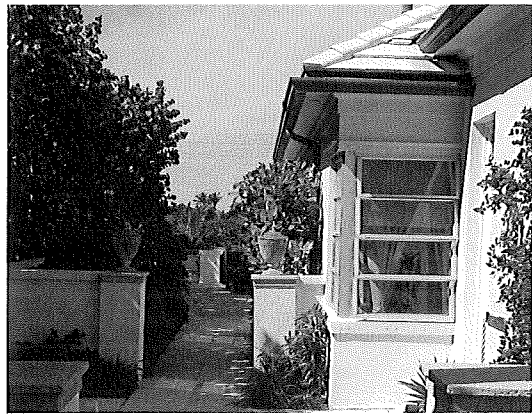
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977 North Ocean Blvd.

**The du Pont House,
A Response to the Designation Report**



Wednesday, April 21, 2010

Landmarks Preservation Commission

Palm Beach, Florida

977 N. Ocean Blvd. Palm Beach, Florida, The du Pont House: A Response to the Designation Report

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977 N. Ocean Blvd. Palm Beach, Florida, The du Pont House: A Response to the Designation Report

The question before the Landmarks Preservation Commission is whether the property should be protected by ordinance. This question is not answered within the text of the designation report. No justification is given under the criteria cited.

Failure to Meet Landmark Criteria as defined by the Town of Palm Beach in the Landmark Preservation Ordinance, Palm Beach Code, Chapter 54

In a designation report produced by Research Atlantica, Inc., two criteria are listed:

- 3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."
- 4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Criterion 3 asserts two qualifications, either of which could be applied. The first requires that the property embodies distinguishing characteristics of an architectural type. The designation report offers no factual evidence of this. It states:

There is only one "barefoot house" in the Town of Palm Beach. . .the house combines a traditional Georgian Revival style exterior with a new concept of indoor and outdoor space. . .

Apparently, there was more than one "barefoot house" in Palm Beach. The architectural historian Donald Curl attributed the demise of Mizner's reputation in part to "Palm Beach's 'barefoot' era following World War II" (Curl, *Mizner's Florida*, p. 203). Setting aside the "barefoot house" label, attributed to Eugenia Sheppard, the fashion writer, which could be applied to any beach house, the stronger argument—were it shown to be true—is whether the house embodies the Georgian Revival style with a new concept of indoor and outdoor space. The use here and there of classical features such as quoins, urns, and a fanlight over the front door can hardly be shown to "embody" an architectural type. There must also be some evidence of symmetry, scale, and unity shown in the application of these features as well as harmony in proportion as

regards building block, window and wall. In the second part of the criterion, nothing is said in the report to indicate why the property is inherently valuable for study because of its period, style, construction, use of materials, and craftsmanship. In fact, there is nothing exceptional exhibited in the architecture of the exterior to merit the property an example worthy of study.

Description

The Nicholas du Pont House at 977 N. Ocean Blvd. in Palm Beach, Florida, was designed in 1963 on Ocean front property acquired the preceding year. Construction began in 1963 and continued into early 1964. The residence is a one-and-a-half story structure that incorporates design features both modern and historic.

The Site

Originally a part of the Dodge estate, the parcel on which the structure at 977 N. Ocean Blvd. is located was previously undeveloped. It lies between Ocean Blvd. and the Atlantic Ocean and covers an area of approximately 1.2 acres and measuring 125 Ft. along Ocean Blvd. on the west, 334 Ft. on the north, 135 Ft. along the beach to the east, and returning 387 Ft. along the south. A single drive opens onto 977 N. Ocean Blvd. There is a small floral garden in the southwest corner of the lot adjoined by paved parking. A grass lawn extends from the east side of the house to an escarpment overlooking the beach. Trees and shrubs border the site. Mrs. Nicholas du Pont with some assistance from the Landscape Architect, Thomas Church, of San Francisco, CA, designed the landscape and oversaw the planting.

The Structure

Occupying the site is a residence largely constructed of concrete, glass, and tile. On the west, the principal façade facing Ocean Blvd., the structure extends in height one-and-a-half stories to accommodate a basement garage, caretaker's quarters, and mechanical equipment. The family's living quarters are above. The grade of the basement inclines toward the east to crawl space, so that the east façade facing the ocean becomes only one-story in height. Reinforced concrete footings and columns carry a one-way reinforced concrete floor above grade with a poured concrete floor in the basement below. Exterior load-bearing walls are composed of structural tile and concrete block, finished on the exterior with stucco. The interior walls and ceilings are drywall. The finish floors are textured concrete and tile. The concrete is treated to appear like Travertine, a porous limestone. This was accomplished by laying the treated concrete squares on a slab subgrade. The squares are one to 1 and 5/8-ins. deep and scoured with rock salt or soda to create the false effect. The living and dining room floors are finished in white tile on concrete. Windows and sliding glass doors are

aluminum sash. The hipped roof is timber frame and sheathed, and covered in white concrete shingles. The mechanical system is forced air heating and cooling.

Designers and Contractors

John L. Volk (1901-84) of Palm Beach was the architect of record, though the work can be considered a collaboration with the interior designer Valerian Rybar of New York. Mr. and Mrs. Nicholas du Pont of Delaware and Palm Beach, owners of the property, were involved substantially from the outset in the design as well, as correspondence between them and the designers indicates. Prior to acquiring the services of Volk, the du Ponts had obtained schematic site plans from Sully and Oppenheim of Los Angeles, CA, who conceived the idea of a plan arranged around a south facing patio and atrium. Mack Ritchie was the structural engineer for the concrete work. The general contractor was Vivian J. Watts of West Palm Beach.

Volk was among a formative generation of architects who located to South Florida and Palm Beach during the land boom of the 1920s. His legacy survives in many of the more than one thousand commissions received during his long professional career. While he designed a variety of building types, he is best known for his residences, especially those constructed before World War II in the Mediterranean Renaissance Revival, Spanish Colonial, Georgian, and Regency styles. The Florida Site Survey listed some 108 properties in Palm Beach by Volk and Volk and Maass, constructed prior to WWII, seventeen of which have been designated by the Town. Another property of the postwar period, a commercial venture, has also been designated. In the single academic study of Volk's architecture, a master's thesis submitted to the University of Georgia in 1998 by Amy M. Groover, Volk's reputation was secured in his early residences of Palm Beach where his best work was seen. She concludes "His early work represents his most important and influential designs" (Groover, *John L. Volk, Architect*, p. 196).

Assessment

In plan, the du Pont House was designed to take advantage of natural ventilation and to be open and accessible in terms of circulation. Sully-Oppenheim, Assocs., Architects, of Los Angeles, CA, had provided a series of site development proposals to the du Ponts prior to the final subdivision of the parcel on which the property sits.

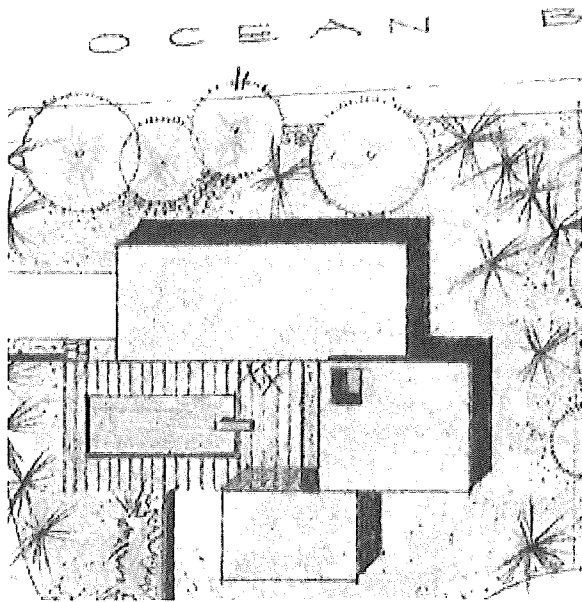


Fig. 1

One of several schematic plans showing a site development for 977 N. Ocean Blvd. presented to du Pont by Sully and Openheim, Assocs., Architects, Los Angeles, CA, Jan. 23, 1963. Notice south facing terrace with pool and atrium, used in the Volk plan.

In one scheme with Ocean Blvd. at top or to the west, the bedrooms and living quarters are arranged around a pool and terrace with a small atrium in an enclosed block adjacent. Similar in plan but on a larger scale was an arrangement worked out by Volk in consultation with Valerian Rybar and the du Ponts (letter of July 3, 1963 to Volk from du Pont). Rybar was a well-known interior decorator with offices in New York and Paris. Previously employed by the du Ponts in Delaware, he took a hands-on approach regarding room layout and interior walls in addition to furnishings. He met with Volk and suggested changes in floor plan during the schematic design phase (letters between du Pont and Volk, March 5, March 25, July 3, 1963). At the very outset, the du Ponts took exception to the initial scale and layout proposed by Volk, instructing him "that we are placing the master bedroom next to the den, with the bath area and dressing room between the master bedroom and the relocation of the guest room on the ocean. . .also make a study of the possibilities of placing the servants bedroom in the basement, thus shortening the over-all depth of the house approximately 12' which would lead to compactness. This would reduce the size of the patio which seem[s] rather on the large side" (letter of February 11, 1963). These changes were made. The du Ponts daughter, Nicole Limbocker, who witnessed the construction, recalled her father's disappointment that the project had become much larger in scale than he and his wife had wished. It is not unusual for clients to suggest changes, but it should be noted that the du Ponts were very much involved with both the plans and elevations of their house.

Despite the attempt to use the natural environment for light and ventilation, with sliding glass doors pocketed into walls, the result was a colossal disappointment. The wind velocity negated the features. According to Ms. Limbocker, the doors between the lanai and the terrace to the pool on one side and the atrium on the other could not be fully

opened because of the turbulence it caused. A motorized shutter system to protect the doors and windows was rendered inoperable because of its exposure to the salt air (interview with Ms. Limbocker 18 Feb. 2010). While the use of patios and terraces off entries and gardens were often employed in Palm Beach houses of the prewar period, the adjacent indoor spaces were better sheltered or protected, sometimes with the use of garden walls.

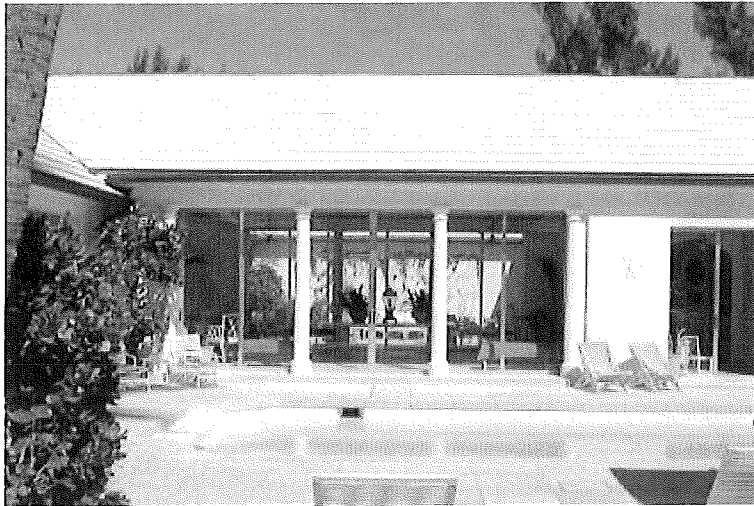


Fig. 2

View looking north from terrace and pool to the lanai and through to the atrium on the other side. Sliding doors open the lanai to both outdoor spaces.

Unfortunately, the atrium created a venturi effect with the wind.

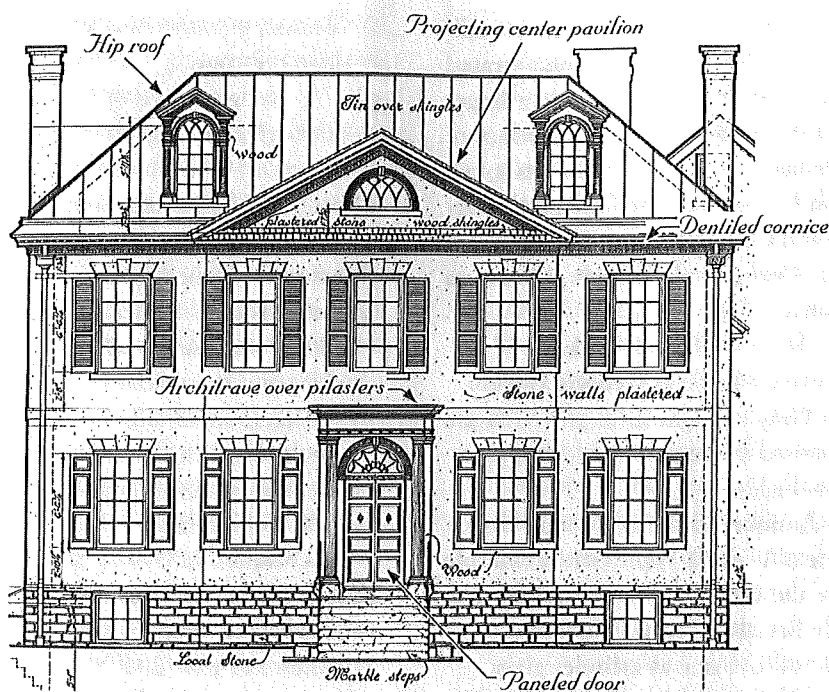
On the exterior, the architectural treatment largely contrasted the more casual and open arrangement expressed in plan. While Volk was capable of rendering a modern design, more in keeping with the plan, he chose a traditional expression with classical design features, such as Tuscan columns, quoins, keystones, shutters, urns atop half-walls, and a Regency inspired frontispiece. But the contrast was contradictory to the life-style projected by a beach house of the 1960s, and awkward in its application. This awkwardness or lack of convention can be seen in the elevations, beginning on the north, the east, south, and in the entrance elevation on the west.

Georgian Revival Defined

The Georgian Revival style of the early 20th century, popular throughout the U.S. for both domestic and institutional buildings, follows on the earlier Colonial Revival and embodies design features of the Georgian period (1720-1830), largely corresponding to architectural design during the rule of the Hanovers. Double pile or two story buildings, symmetric in design, with a projecting center façade or pavilion front set between dependencies or wings and surmounted by a hipped roof prevailed. Door and window openings were rectangular, and they were taller than they were wide. Andrea Palladio, the 16th c. Italian architect, greatly influenced the architecture of the Georgian period and the later Georgian Revival style. The example below from an 18th c. house in

Philadelphia, the fashion capital of the American colonies, well illustrates the features of the style.

Georgian Revival



Georgian
"Vernon"
Philadelphia, Pennsylvania, ca. 1741

Fig. 3

An illustration of the Georgian Revival style as based on a Georgian period house in Philadelphia. Note the overall proportions, the scale of the features such as windows and doors, and the attention to detail. This illustration is taken from Ward Bucher's *Dictionary of Building Preservation*, p. 209. Note also the definition for Georgian Revival in the Landmark Manual, 2009, for Palm Beach.

North Facade

On the north, the change in grade, offered a blank wall to the service quarters. The windows above are the Jalousie type with projecting sash, a modern window. There is also a projecting bay window off the dining room, a feature not employed in the Georgian style but rather the Queen Anne of the Victorian age. The stair wall was not original to the project, but constructed a few years later in 1969. It also served as a retention wall.

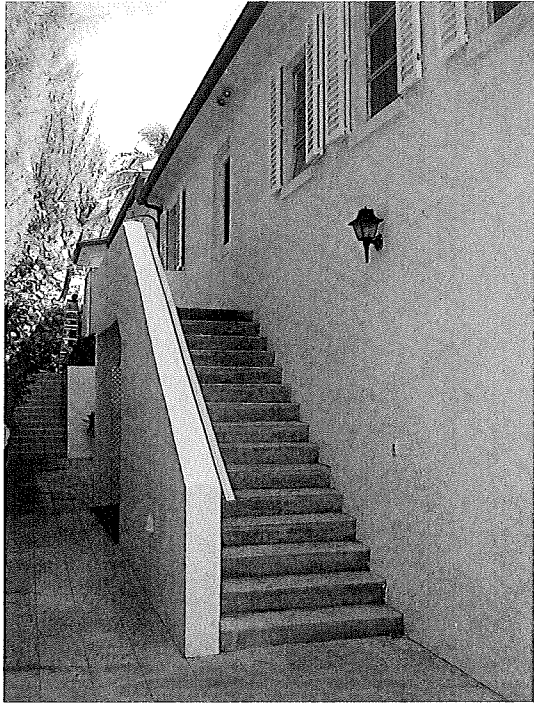
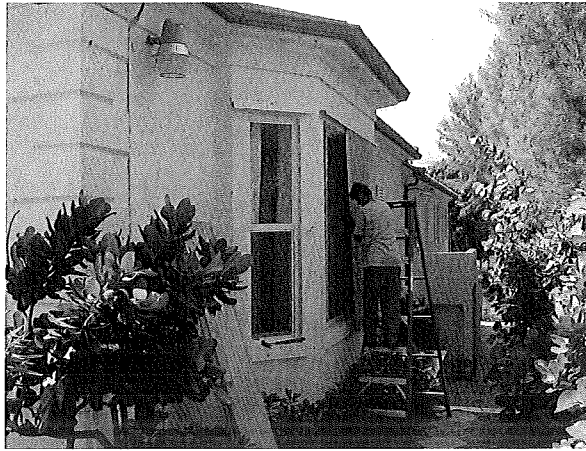


Fig. 4 and 5

North wall showing stair and retaining wall.
Bay window is not a Georgian period design
feature, but Victorian.



East Facade

On the east, there is little utility in applying the Georgian Revival. It accomplishes nothing. To open the house to views of the ocean from the dining room, living room, and master bedroom, a curtain wall of sliding doors and Jalousie windows was used. The single story wall made the proportions of window to wall appear awkward. The shutters appear as an afterthought. Apparently, there was insufficient wall space to complete the pair. The original shutters were replaced in 2007. Apart from the shutters, the only reference to the Georgian Revival is in the use of quoins. Here again is a contradiction. Quoins, revived from the Renaissance age and used in some examples of the Georgian Revival, are a form of buttress or wall reinforcement. They appear out of place in a wall opened floor to ceiling with sliding windows and doors. The hipped roof appears weighty and suppresses the wall below. The size of the window openings and the sequence or order in which they are used are more in keeping with a commercial shop front than the private quarters of a residence. In an attempt to combine new and old ideas, a poor compromise was made. Simply put, the curtain wall was better suited to a modern design, such as seen in the West Coast residences of Richard Neutra and Craig Elwood of the period.



Fig. 6

East façade as viewed from the northeast. Note the proportions of the windows to walls and the overly prominent hipped roof. The windows and sliding doors are not Georgian Revival in style. The corner quoins, meant to convey strength and solidity, appear contradictory.

South Facade

Continuing to the south wall, the fenestration is even more curious. A corner window of Jalousies is used within one of the guest bedrooms, which makes a strange juxtaposition with the corner quoins used elsewhere. No doubt, the window was an attempt to capture a view to the ocean, but the Georgian Revival style would have called for a solid wall, pilaster, or quoin. It is simply a very strange combination of window and wall elements. The best feature is not the wall but the walkway with its gates, half wall piers, and urns leading from the pool area and terrace to the east yard and beach.



Fig. 7 and 8

View of the south wall looking west. Note the corner window, especially the detail image on the right with the use of Jalousie sash. This was done to capture a view to the east, to the ocean, as well as for ventilation. The corner window and Jalousie sash is a 20th century type, not Georgian Revival in style.

West Façade

Turning next to the entry façade on the west, there is an attempt to convey a classical theme, but without the use of harmony and proportion in the application of the Georgian Revival. The façade is presented without the benefit of the usual unifying elements. The frontispiece (entry door and side lights) and windows would seem to stand alone. The proportions are not what one would expect to see in the Georgian Revival. The projecting panel of the frontispiece is overly square and the adjoining windows are positioned well above a blank wall enclosing the basement. In a raised cottage of the Georgian period, there would have been basement windows or window wells. The door itself is a handsome two-leaf feature with shuttered side panels in place of side lights. The semi-elliptical transom light is plate glass with decorative wrought-iron set in front. The wrought-iron design was intended to emulate the glazing bars of a traditional fan light. The keystone above the door extends into the cornice, instead of stopping below it. The two windows to either side are aluminum sash which slide horizontally, as

opposed to double-hung with multiple lites, which would be seen in the Georgian Revival style. By far the best feature of the principal façade are the steps and iron balustrade. The lower balustrade is a more recent addition.



Fig. 9

West entry façade viewed from driveway from the southwest. There is a projecting central block with stairs, flanked by two wings, garage door to left, guest rooms to the right. The 1 ½ story block contains a partial basement and mechanical space.

A Better Volk Example of Georgian Revival

To better illustrate the proper use of the Georgian Revival style, which the property is supposed to embody, it may be instructive to compare 977 N. Ocean Blvd. with 3 Pelican Way, another Palm Beach house designed by Volk and built in 1938. In the Chester Kroger House, the use of the Georgian Revival is better represented. The central block is two-stories with dependencies or wings. Emphasis is placed on the vertical, not the horizontal, as in the case with 977 N. Ocean Blvd. The three-bay central pavilion is symmetrically placed and well proportioned. There is a unity and harmony expressed in the central door and windows. The semi-elliptical fan light rises

above the height of the adjacent windows. The window sash is double-hung, with six over six lites. The fanlight is divided by radial glazing bars as in keeping with the style. The hipped roof is well proportioned to the wall below. There is a refinement in detail not seen in 977 N. Ocean Blvd.



Fig. 10

3 Pelican Way, Palm Beach, FL, the Kroger House, designed in 1937 by Volk and built in 1938. A designated landmark, it is a good example of the Georgian Revival style. Note the symmetry and proportions, especially seen in the central pavilion. The door and windows divide it into three equal bays. The windows and shutters are wood, not aluminum. The style is clearly expressed.

Construction Methods and Materials

To the second part of criterion 3, regarding method of construction, there is little exhibited in 977 N. Ocean Blvd. which indicates the use of indigenous materials or craftsmanship. A very nice detail is the use of faux travertine, leading from the entry walk to the foyer, to the lanai, and continuing out to the pool apron and terrace. Precast concrete squares, poured in a slip form over rock salt, give the appearance of travertine when turned over and scoured. Those and the use of white concrete tiles for the roof,

however, are not indigenous materials, at least not in the way that Las Manos tiles or cypress paneling was used by Volk and others in prewar homes for example.

Cost containment and the lack of craftsmanship in the postwar era compromised the attempt to create a Georgian Revival style within a contemporary residence. The use of reinforced concrete for the foundation footings and columns made perfect sense for the unstable soil conditions of the site, but the use of concrete block and structural tile for the walls would not have been used in a building of the Georgian period. The walls would have been brick and the stucco keyed to the mortar joints. The modern modular block and tile create laser perfect, uniform walls. The use of light, dimensioned lumber for the roof framing did not offer sufficient strength for the weight of a tile roof, and the damage to the tile can be seen. In 1997 the roof tiles were removed, a new underlayment applied, and the tiles re-laid. Textured concrete is a poor substitute for Travertine. What applies to the treatment of the exterior can also be said of the interior, where modular wall board and trim substitute for hand applied plaster and custom cabinetry. As a recreational residence, a beach house, it was understandable that the family sought to curb costs, which is why the style was inappropriate and out of place for the time and location.



Figs. 11 and 12

Left is a detail view of the concrete pavers, treated to appear as travertine. At right, note the failure of the roofing tile. These failures are caused by live loads or wind and an under designed roof structure.

The double-leaf entry door with fluted panels in louvered and sunburst patterns is a handsome feature. It was procured by the du Ponts, copied from a door in Odessa, Delaware, and shipped to the site. The hardware for the door was a replica of colonial

locks and knockers manufactured by Ball and Ball (e-mail from N. Limbocker, March 31, 2010).



Fig. 13

The handsome entry door with side panels forms a square, creating an especially large fanlight, proportions in door and window, which would never be seen in the Georgian Revival or its late phase known as the Regency.

In response to criterion 4 the property at 977 N. Ocean Blvd. is not “representative of the notable work of a . . . architect whose individual ability has been recognized or who influenced his age.” It is not representative of Volk’s work because it is an exception. It does not compare to his prewar residences or, for that matter, other residences of the 1960s that Volk designed. Unquestionably, Volk was a good architect who had a significant impact or influence on the architecture of Palm Beach. Many of his projects have been recognized and designated landmarks. His legacy is further enhanced by the monograph of his work published by the John L. Volk Foundation in 2001.

Conclusion

977 Ocean Blvd. is something of an architectural anomaly in that it is neither modern nor historic in design. In construction, it would be considered modern in that it followed the conventions of the day, and in materials it is a compromise between contemporary requirements and attempts to reference the past.

In plan it combines both indoor and outdoor spaces to create accessibility and transparency of view for family and guests, while offering privacy from the street and side yards. Unlike the more enclosed and conservative residential layouts of the prewar period, it incorporates openness with views to the ocean from the living room, dining room, study, and master bedroom, as well as views between the lanai or central hall, and the outdoor pool on the one side and the patio on the other. Such openness in plan was featured in houses in Southern California and coastal Florida in architectural magazines of the postwar era, and does not represent the introduction by Volk of "a new concept of indoor and outdoor space," as stated in the Designation Report. With the exception of the foyer, the family's spaces are all on one level. Volk addressed the need for modern informality in living arrangement, recreation, and climate. The du Ponts had stressed the need for informality and openness, with large sliding glass doors that when opened provided for natural breezes. In practice, however, the breezes were too strong and the doors between the pool terrace, lanai, and atrium were rarely opened fully according to Nicole Limbocker who said this was much to the disappointment of her father who ultimately went to the length of hiring an aeronautical engineer to try to solve the problem. It could not be solved (Limbocker affidavit).

In elevation, the large doors and windows contrast with the traditional features of a hipped roof and exterior masonry walls, a kind of unhappy compromise. The windows which were large to offer views and to provide ventilation were not proportionate to the walls and roof. Only the smaller windows were given shutters, a feature of the style, although these were replaced in 2006. Rybar's interior wall treatments attempted to complement the Georgian theme, but appear out of place with the contemporary curtain wall and aluminum sash. The entrance or frontispiece is usually the signature feature of a traditional style of architecture, such as Georgian. But here it appears contrived. The proportions are wrong. They are overly square. The fan light above the entry door is plate glass with a wrought iron screen in front as opposed to individual glass lites separated by wooden muntins or lead bars. It was an attempt to place an historic feature in a contemporary house. The hipped roof is better proportioned to the west façade, which is one-and-a-half stories, as opposed to the east façade where the roof is overly prominent. Stucco quoins are employed at the corners but there is nothing between them to create rhythm in the detail and fenestration of the wall. The Tuscan

Order columns of the atria adjacent the patio and pool are left to stand alone without other elements in design to complement them.

Although there are several nice features to the property, largely to be seen on the interior, they are not subject to designation. Taken as a whole, 977 N. Ocean Blvd. does not merit designation based on the required criteria of the ordinance.

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Addendum to: 977 N. Ocean Blvd., the du Pont House

A response to the Designation Report, May 12, 2010

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During the public hearing before the Landmarks Preservation Commission, April 21, 2010, several commissioners discussed whether 977 N. Ocean Blvd. could be considered "**transitional**" in terms of its architecture. There are two ways of addressing the term, transitional.

Transitional Design

Was the property in some way transitional in style? For example, was the period of the 1960s one of transition? Is there evidence of a mutation in architectural style? If this was the case, then 977 N. Ocean Blvd. should clearly exhibit features differing from the immediate past and transitioning to the immediate future, or differing from both the past and future. In the 1930s, the Moderne was a transitional style away from the historicism then so prevalent to functionalism and the International style that came to dominate the postwar era.

There is no signal feature or underlying scheme in 977 N. Ocean Blvd. that appears transitional. A reading of the architectural literature of the period, from journal articles to books on the history of contemporary architecture*, indicates that the prevailing style of the 1960s was modern, a carryover of the International style that came to dominate building in the post-WWII era. Volk was no different from other architects of this age who addressed the need for modern buildings constructed of modern construction materials with modern mechanical systems, but who continued to use traditional features in the outward appearance of their buildings. Such compromise did not win them design awards but did earn them commissions.

The second way to address transitional is whether the architect, himself, underwent a transition during this period as evidenced by his work. 977 N. Ocean Blvd. does not appear to be transitional when viewed as part of the architect's portfolio in the post-WWII era. In fact, it was a continuation in design of what Volk had been building since the 1950s.. Both in plan and elevation there are similarities between 977 N. Ocean Blvd. and other residences that he designed both before and after 1963.

The floor plan of 977 N. Ocean Blvd. features an informal arrangement of rooms that is unified by an enclosed porch or breezeway called a lanai. This connecting room is bordered on either side by open-air spaces separated by sliding glass doors. To one side is a terrace with a pool and to the other is an atrium. A covered and colonnaded porch or loggia also borders the lanai. But this arrangement was not introduced first in 977 N. Ocean Blvd. but was used by Volk in the Lawrence Tibbet House of 1950 in Naples, FL. It was used again in the Robert Tarrant House of 1952 at 1129 North Ocean Blvd. Although a larger, two-story house, the use of the loggia leading onto the terrace and pool are prominently featured. This arrangement in plan is again used in the Carlton Dodge House of 1955 at 760 South County Road and later in the Griffis House, 231 El Vedado, built in 1964 just after the construction of 977 N. Ocean Blvd. In fact, Griffis requested a residence that looked like the du Ponts' House. In the John B. Ford House in Hobe Sound of 1965 there is a similar arrangement of lanai to loggia to terrace. In the following decade, the Reginald N. Webster House of 1971, at 111 Chateau Dr., later owned by M. L. Tarnople, there again appears to be a similarity of plan.

In outward appearance or elevation, these houses, with the exception of the Tibbet House, are Georgian Revival in style. However, in each house, the Georgian Revival style is better rendered. In the Edward F. Swenson House, also designed by Volk and built in the same year, 1963, in Coral Gables, the Georgian Revival style is executed accurately as seen in the frontispiece and fenestration, and the overall proportions of window to wall and roof to wall are more in keeping with the spirit of the style. So the argument that the 1963 design of 977 N. Ocean Blvd. was transitional is not borne out by the architect's own work. Moreover, page 107 of the Volk monograph quotes the architect as saying in the March 1952 issue of *Palm Beach Life* that commissions for **"small houses are more popular today than the baronial estates of yesteryear. . . a freedom of living has promoted comfortable and functional homes. . . a feeling of being out-of-doors, for the inside of the house "** (*PBL*, March 25, 1952, p. 35) This is written eleven years prior to the du Pont House commission.

Another opinion expressed by a member of the Landmarks Commission, suggested that 977 N. Ocean Blvd. was an **"idiosyncratic solution . . .based on a Georgian design."**

Idiosyncratic Solution

By idiosyncratic solution, the implication is that the architect supposedly created a unique and peculiarly original solution to the client's needs. While there are architects whose work is easily recognized, the best known being Frank Lloyd Wright, such cannot be said for John L. Volk who chose to work with conventional styles such as the Georgian Revival, which had been introduced decades earlier. His clients neither

wanted nor received uniqueness in design. They wanted a proven formula in both plan and elevation. Volk preferred to use the Georgian Revival style, but his use of that style differed little if any from that of his contemporaries. In his use of Georgian Revival, there is no personal expression that he used to somehow differentiate his work from his contemporaries, such as Wyeth, Major, and Fatio. There is no published reference to "Volk Georgian," an expression used in the Designation Report. When Volk does employ a Georgian Revival feature, such as a frontispiece (front door) or a window, he usually follows convention. However, in the case of 977 N. Ocean Blvd., the nearly square proportion of the frontispiece is not in keeping with the Georgian Revival style. The windows are not consistent with the typical Georgian Revival double-hung windows with 6 over 6 lites. The house also lacks the fundamental symmetry of the Georgian Revival style.

There was a suggestion that 977 N. Ocean Blvd. should be designated because of **"the tension between what the client wanted and the architect wanted possibly."**

Tension Between Client and Architect

The fact that the architect was forced to compromise on the project, to accept the changes in layout and choice of materials wanted by the owner, and to work with the interior designer, Valerian Ryber, did not produce a notable work. Compromise usually results in mediocrity. In trying to please many, the integrity of the work is lost. The great architects of the 20th century, such as Wright or Le Corbusier, refused to compromise. But few architects are held in such high esteem that they can dictate to the client or walk away from a commission. Obviously, Volk wanted the project and was willing to compromise on materials costs and stylistic treatments. A shutter that opens onto a quoin at the corner of a wall is an unfortunate compromise in design by any standard. An atrium that is so drafty that it cannot be used is an unwanted compromise.

Economy of the 1960s

Finally, it was suggested that Volk may have had to compromise based on the economy of the time, that **the 1960s were difficult years in which architects struggled to win commissions.**

In fact, the 1960s were good to architects. Building starts, nationwide, for the decade, exceeded the 1950s; and only in 1959 were housing starts on a yearly basis better than those of the 1960s (U.S. Housing Starts**). The real slowdown did not occur until the recession of 1974-75 brought on by the OPEC oil embargo. In fact, the 1960s was Volk's most prolific in terms of commissions, more than any other decade, in that he had 533 projects.

The underlying point, however, is that none of the Landmark Commissions' suggestions or opinions discussed can be found in the language of the designation criteria. Clearly 977 N. Ocean Blvd. did not create a new type in terms of residential layout, nor did it use the Georgian Revival style in a new or creative way.

*None of the principal surveys of the history of architecture cite the period of the 1960s as being transitional: Spiro Kostof, *A History of Architecture—Settings and Rituals*; Marvin Trachtenberg, *Architecture—From Prehistory to Postmodernity*; Marian Moffett, et al, *Buildings Across Time: An Introduction to World Architecture*. Nor does Dennis Doordan in *Twentieth-Century Architecture* refer to the 1960s as transitional.

**Statistics on housing starts in the U.S. are kept by the Department of Commerce and monitored in serial publications such as *Building Design and Construction*. See "Housing Starts," *Los Angeles Times*, Aug. 19, 1966.

PALM BEACH LIFE

VOLUME XLV - - - - - NUMBER 6

TUESDAY, MARCH 25, 1952

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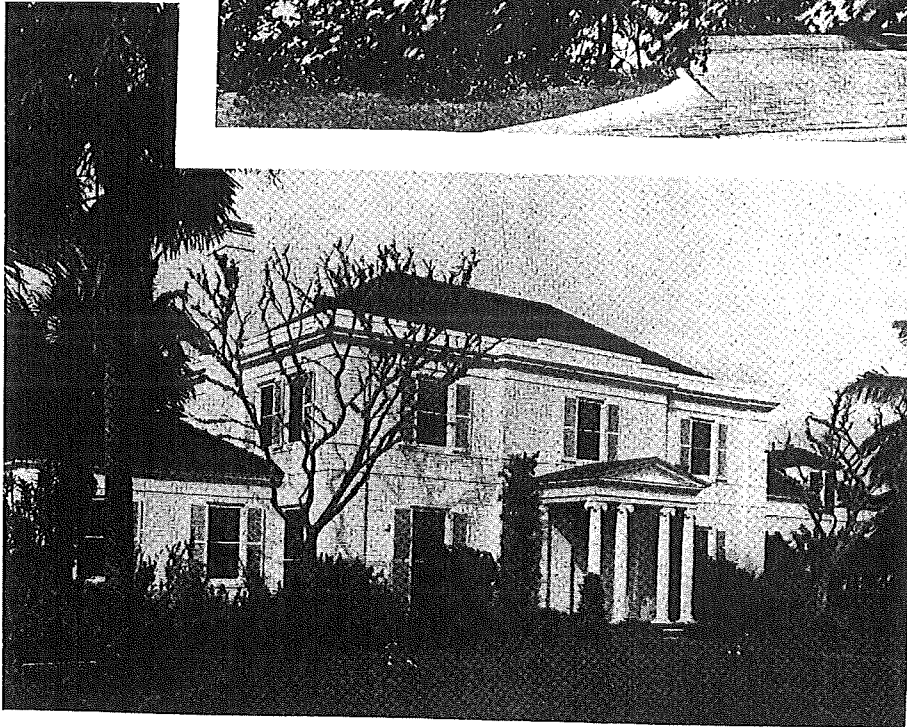
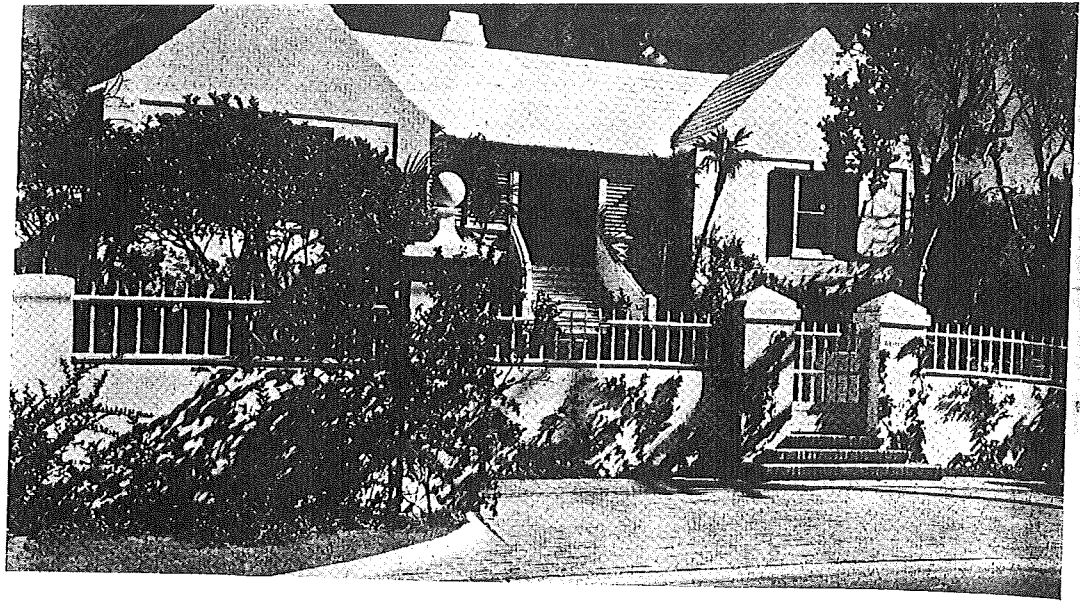
John H. Perry, Jr.

President



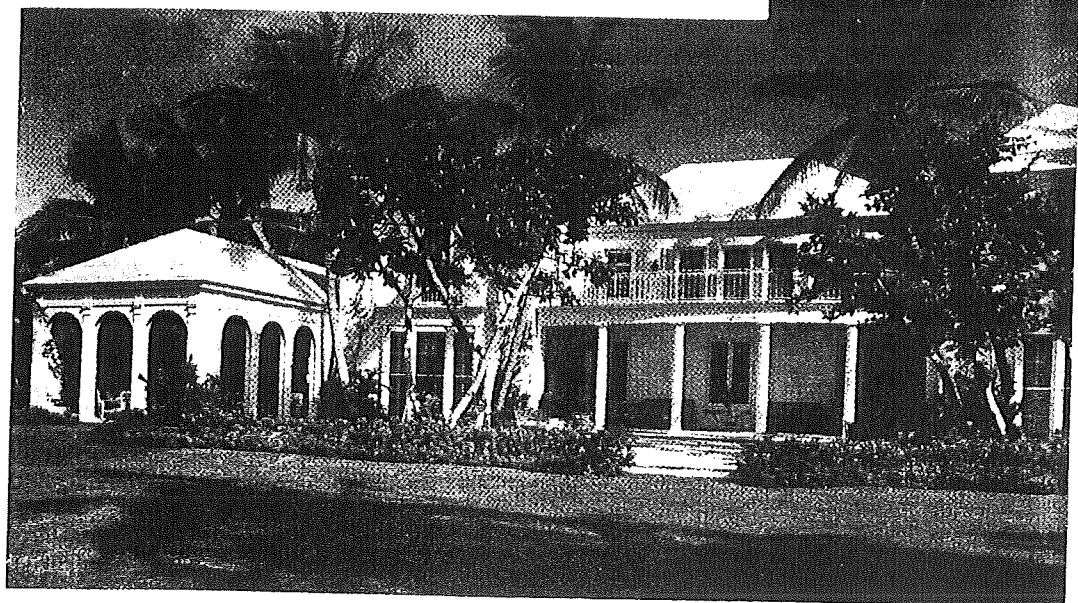
Ruby Edna Pierce

Editor and Manager

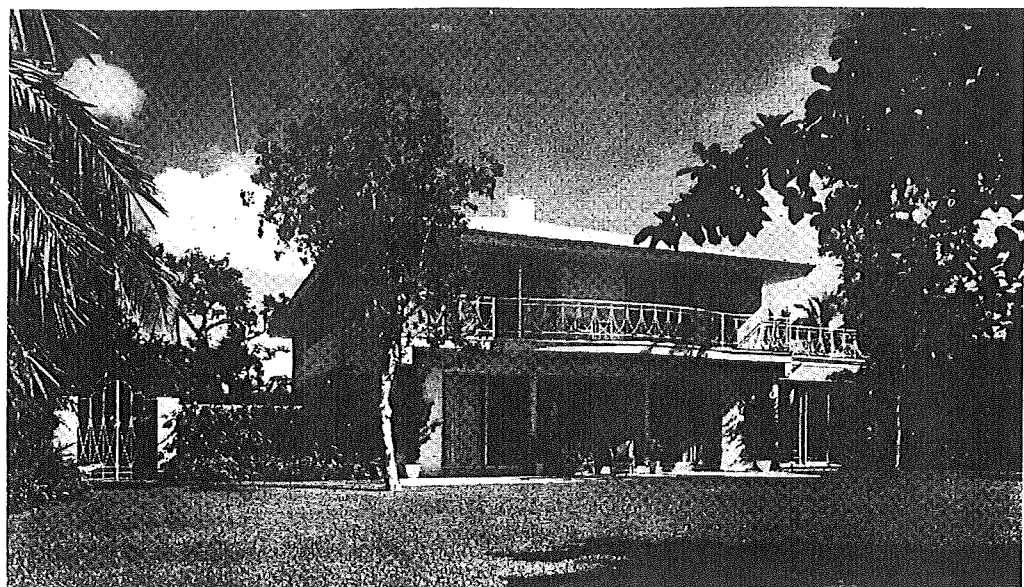


1940

Left: Late Georgian, 1940. Residence
of Mrs. Jay J. O'Brien.



old Balcom
ate Georgian
th a modern



AN INTERNATIONAL AUTHORITY on architecture recently remarked, "we cling too blindly to the past, though we build for tomorrow". Palm Beach, featuring a subtle style of architecture and interior decorating, embodying an air of gracious southern hospitality and smart living that is typical of Florida, certainly can not be included in that survey. A delightful merger of the old and new, borrowing the best from each; blending yesterday and today!

Talking over the evolution of architecture in Palm Beach with John Volk, a pioneer in the field, he said, "the interesting saga of architecture in the resort, goes something like this... Spanish to Georgian to modified modern. With accent on simplicity!"

"Small houses are more popular today than the baronial estates of yesteryear. The cost of building has influenced the history of architecture... the average expenditure now being around fifty thousand dollars." Aside from the economic trend, Mr. Volk commented, "a freedom of living has promoted comfortable and functional homes... a feeling of being out-of-doors, for the inside of the house."

Although modern-tropical in character, Mr. Volk's designs are not too modern, he explained. "Not conscious of being a house at all, by 'bringing the outdoors in' and eliminating rooms that are 'not lived in'. Certain rooms included in the homes of the past, aren't needed in present architectural plans."

As an example of contemporary living in the Southland, Mr. Volk cited the idea of combining the living room and oggia... making one large room, which is the focal point of interest for the entire home. And, planning the rest of the house, so that every room, terrace and alcove, will have a practical use."

"The massive houses in Spanish and Italian architecture of the 1920's, with iron grille work, period furniture, Oriental rugs and huge formal gardens, were not typical of Florida," he stated. When the trend to change this type of 'villa' to the English plantation style, influenced by nearby Jamaica occurred, Mr. Volk designed the first white-roofed,

green-shuttered and balconied house in that category in Palm Beach.

"That set the pace for a new style of architecture in the resort and the idea caught on very rapidly. The second trend was the popular Bermudian, which was developed from 18th Century Georgian... and very expensive."

West Indian-modern, which is said by authorities to be the epitome of modernity and convenience... with huge window openings, eliminating the need of air-conditioning... is the "architect's dream". This is the type of architecture Mr. Volk's latest project exploits. The new "Buccaneer Bay" resort in Nassau, designed for yachting and fishing enthusiasts... which will take about three years to complete; at a cost of ten million dollars. It includes forty miles of ocean frontage and ten miles inland. There are 1800 persons working on the island now, Mr. Volk noted.

The houses will be 'native' in character with overhanging roofs, inspired by the native huts of Hawaii and the Philippines... a tropical idea, in which the roof acts as a shade for the house. Mr. Volk is so enthusiastic about the houses of this type and, feeling they are ideal for Palm Beach, plans to build one for himself in the near future.

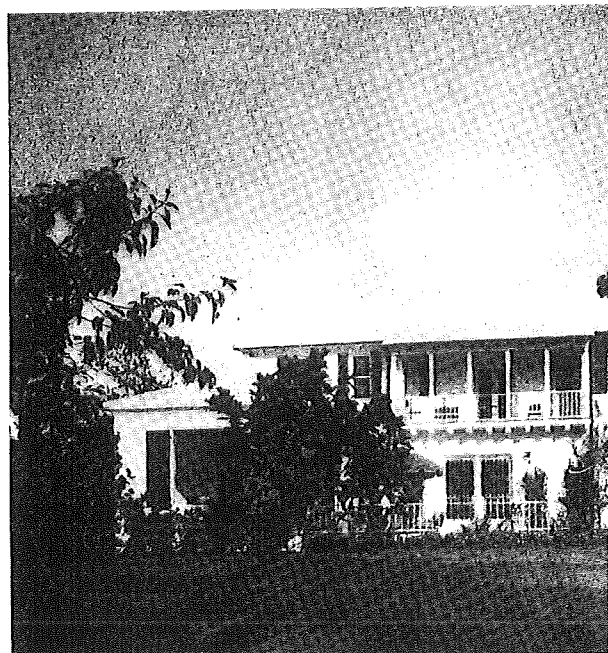
John Volk came to Florida during the boom in 1925 from Larchmont, N.Y. promoting land development in Key West... a million dollar project which by the way didn't materialize. He hadn't intended to stay, but through land speculation and building in Palm Beach, developed a business and has been in the resort ever since.

"The first architectural splurge in Palm Beach was Spanish and Italian," Mr. Volk commented. "What is now the Marquis de Cuevas home, on El Bravo Way at the lake, was the first big house in the Spanish manner; built in 1929.

Contemporary, which is a broad term for present architecture, in the Palm Beach scheme of things, is usually a merging of traditional ideas with modern trends. Mr. Volk's designs in this category are conservative... no odd angles and contours... no "exotic touches". Comfortable, restful and functional and at the same time, distinctive!

Evolution of Architecture in T

From Spanish to Contemporar



1 9 3 0

Mr. and Mrs. Robert H. Whitehead's
house, "The Plantation" British
Colonial, built in 1930.

Evolution of Architecture in Palm Beach

From Spanish to Contemporary Modern



1 9 2 9

In the Spanish manner, built in 1929
for the Marques and Marquesa George
de Cuevas.



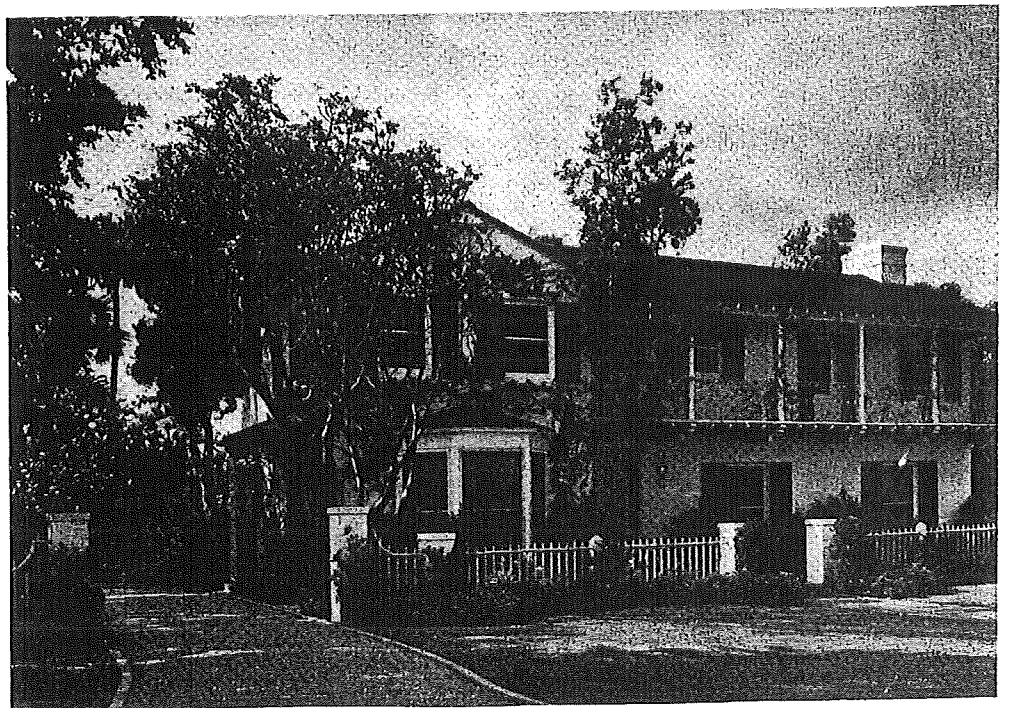
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Mr. and Mrs. Robert H. Whitehead's
house, "The Plantation" British



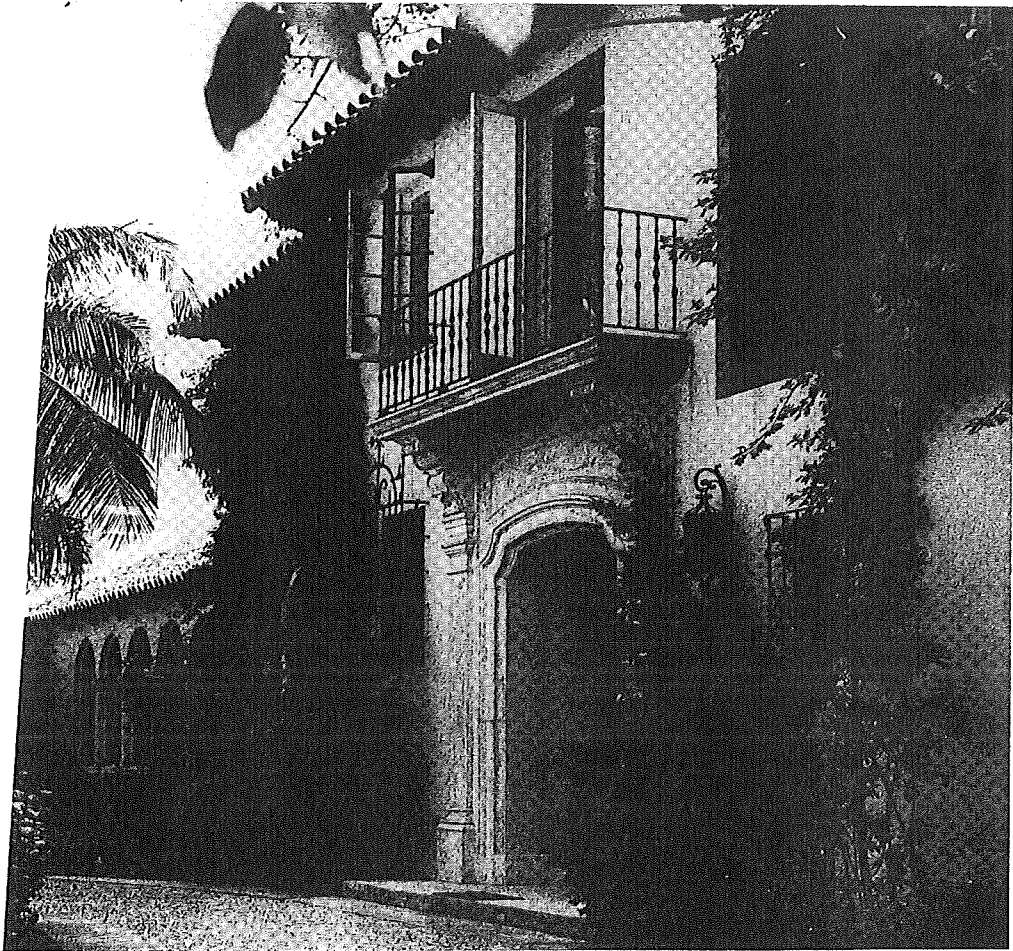
The Barton Avenue home of Mr. and Mrs. Olaf Nelson Tevander; Spanish

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"Scott", residence of Mr. and Mrs. Rufus W. Scott; Monterey Spanish, 1934.



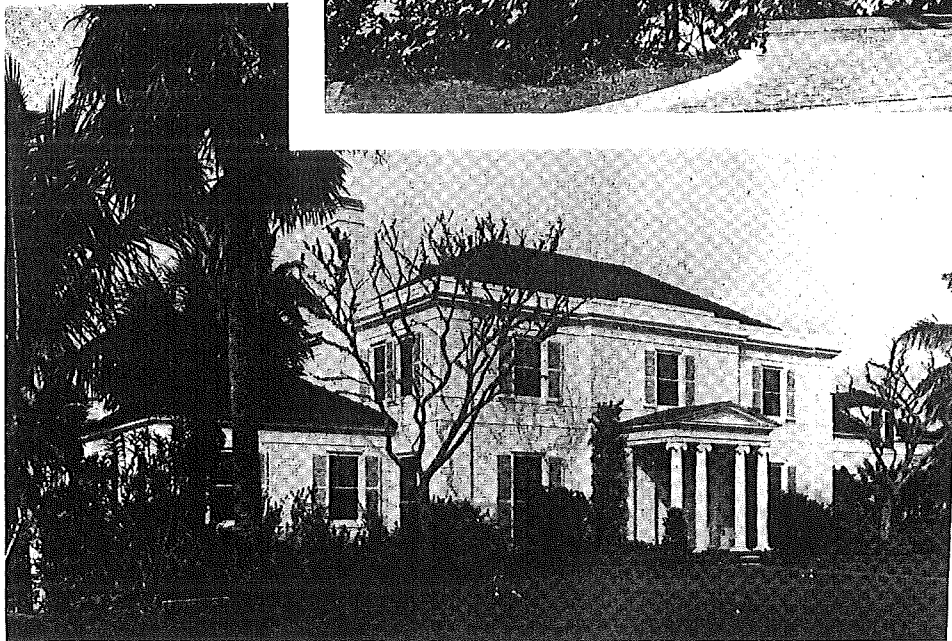
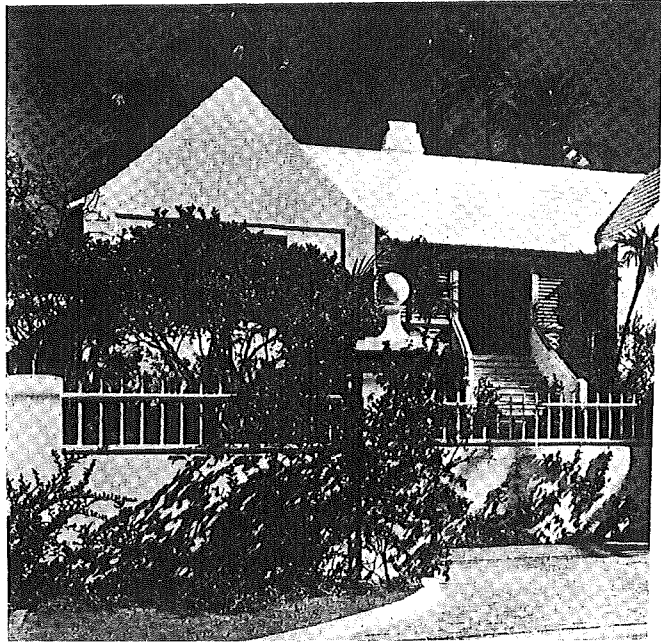
The Barton Avenue home of Mr. and Mrs. Olaf Nelson Tevander; Spanish 1933



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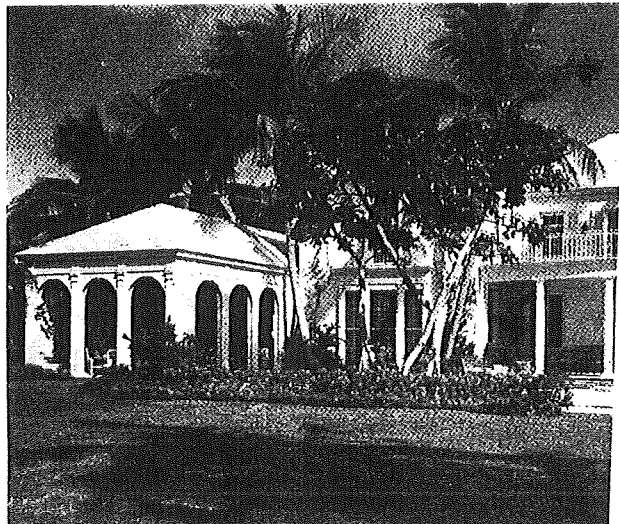
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The Bermuda-type house, built in 1936. "White Gables", the home of Mr. and Mrs. Robert Sweeney.



1 9 4 0

"Windsong", the Ronald Balcom home, built in 1940. Late Georgian of the 19th Century, with a modern accent.



Volk's use of similar design elements from 1950's and 1970's



Dodge Residence - 1955



Griffis Residence - 1964



Webster Residence - 1971

977 NORTH OCEAN BOULEVARD



DESIGNATION REPORT

Wednesday, April 21, 2010

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

977 North Ocean Boulevard

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location:	977 North Ocean Boulevard Palm Beach, Florida
Date of Construction:	1963
Principal Designer:	John L. Volk
Present Owner:	Genevieve du Pont
Present Use:	Private Residence
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50-43-43-10-00-001-0021
Current Legal Description:	10/11-43-43, N125FT OF SUB A GOV LT 1, SEC 10& 11, LYG E OCEAN BLVD.

Evaluation in the "Historic Building Survey of Palm Beach, 2004": Because this building was constructed in 1963, it was not included in the 2004 Historic Building Survey of Palm Beach.

III. ARCHITECTURAL INFORMATION

The Nicholas R. du Pont house at 977 North Ocean Boulevard was built in 1963. Four separate permits for the structure were issued that year. The first, in June, was to build the foundation of a single family dwelling. Next came the permit for the house itself in July. Finally an air conditioning permit, and a pool permit were issued in September. All of the paperwork listed John L. Volk as the architect of record and Mack Ritchie as the engineer. The builder was Vivian J. Watts and the cost of the 8272 square foot home was estimated at \$100,000.¹

Called "a light hearted pavilion," by Valentine Lawford of *Vogue Magazine*, "that aptly illustrated the trend between the past and present fashions of Palm Beach," the "barefoot house" (as it was called) was one of John Volk's three most noteworthy residential designs from the 1960s.² The house is even more important because this was a decade which historians have called "the pinnacle of Volk's career and the period whereby Volk left his most enduring legacy."³

During the 1960s, lifestyles in Palm Beach had become more casual and the house at 977 North Ocean Boulevard exemplifies this trend. Built on the beach ridge with a sharp drop to the street, Volk developed a parking courtyard in front the house and a series of steps and terraces that lead to the front door. The door itself is a louvered Georgian Revival style opening centered on the west facade, with an elliptical transom above. The symmetrical window placement on both sides of the door, with keystones above each window and shutters, is also reminiscent of Georgian Revival style architecture. John Volk tells us in his writings that the windows:

...are in pairs, glazed with solid sheets of plate glass. They slide into pockets, thereby a clear opening is possible with none swinging in or out. The enclosure of the openings is possible by motorized louvered shutters, the push button control is on the inside of the rooms. They serve three purposes; ornamental, shade control, and as storm shutters during the summer.⁴

The roof is a white hipped roof. Quoins decorate the corners of the central block of the house.

But while the exterior of this house is understated and traditional in a style sometimes called "Volk

¹Building permits #25863, June 10, 1962; #36363, July 31, 1963; #45463, September 23, 1963 and # 46363, September 26, 1963. On file at the Town of Palm Beach.

² Lillian Jane Volk, Lory Armstrong Volk and William Dale Waters, John L. Volk, Palm Beach Architect. (Palm Beach: John L. Volk Foundation, Inc., 2001), 138. The others were the Alvan Fuller House on South Ocean Boulevard, and the James and Zuta Akston residence called La Ronda on North Lake Way. Both have been demolished.

³Ibid. 131.

⁴Ibid. 138-139.

Georgian," the interior was innovative for the time it was built and ties the house directly to its beach front environment. Upon entering the house the visitor walks beyond a perpendicular passageway that leads to guests suites and staff rooms, and steps into a lanai, a living room "which is entirely, or in part, open to the outdoors."⁵ To the south of this space is the pool, sheltered from the ocean but positioned to take advantage of the southern exposure. To the north of the lanai, is another outside courtyard that Volk said at times was used as a dance floor. The openings to this lanai have twenty-foot wide sliding glass doors that slide into pockets opening the entire space to the outdoors.⁶ Beyond the central lanai, the living room, dining room and master suite all front the Atlantic Ocean. Mrs. du Pont's rose garden was placed by the front door at the south end of the property so that it could be out of the ocean breezes.

A review of building permits indicates that 977 North Ocean Way is much as it was when John Volk finished the project in 1963. A retaining wall and stairs were added in the north private easement. A chain link fence was added, and air conditioners and the roof have been replaced over time.⁷

IV. HISTORICAL INFORMATION

Built in 1963, the house at 977 North Ocean Boulevard was a trendsetter from its conception. Although it was named "Casuarina," by Mrs. du Pont for the Australian pines that were planted as a windbreak, well known social reporter Eugenia Shepard quickly called it "the barefoot house," because of the blending of interior and exterior spaces, and the specially made tile floor throughout.⁸ That designation in the press caused Alice Regensburg, the Director of the National Shoe Institute, to write John Volk a letter on June 2, 1965. Ms. Regensburg stated:

If it is true that (a) Palm Beach girls "Have yen to go barefoot"; and (b) "The barefoot girl has led to the barefoot house, the most chic thing anyone can own in Palm Beach these days," then there is indeed the danger of a tidal wave of fashion that might sweep the slippers off American women from Winnepesaukee to San Juan

⁵Cyril M. Harris, editor, Dictionary of Architecture and Construction, (New York: McGraw-Hill, Inc. 1975), 284.

⁶Lillian Jane Volk, *et. al.* 139.

⁷Building Permits # 71468, #13474, #4305, #11738 and # 13231. One file with the Town of Palm Beach.

⁸Lillian Jane Volk *et al.*, 139. Although Australian pines are now considered an invasive species, they were the State of Florida's recommended tree of choice during the first half of the twentieth century to avoid beach erosion.

*Obispo.*⁹

Volk wrote back, assuring the writer that despite the "barefoot house," Palm Beach women were still "elegantly gowned and shoed."¹⁰

977 North Ocean Boulevard received more notoriety in 1997 when as the result of the demolition of the house John Volk designed for Alvan Fuller in 1967, the Town Council asked staff to prepare a list of properties worthy of designation that were less than fifty years old. Staff presented 444 North Lake Way (La Ronda), 1969 by John Volk; 756 North Lake Way, 1958 by Howard Major; 958 North Lake Way, 1977 by Richard Meir; 144 Wells Road, 1960 by Alfred Browning Parker; and 977 North Ocean Boulevard, 1963 by John Volk. The Landmarks Commission decided to move forward with the designation of La Ronda but in 2001, after many delays, the designation was denied and the house was demolished. 144 Wells Road and 756 North Lake Way have also been demolished. 958 North Lake Way was proposed for designation, recommended by the Landmarks Commission but denied by Town Council. Now it is time to evaluate 977 North Ocean Boulevard, the last of the five that were presented in 1997. Research shows that the building has its architectural integrity and fulfills the criteria as outlined in Chapter 54 of the Town of Palm Beach Code of Ordinances.

V. STATEMENT OF SIGNIFICANCE

The house at 977 North Ocean Boulevard is one of John L. Volk's most successful residential projects from the 1960s. Called the "barefoot house," it opened up interiors to the ocean breezes of its beach front lot and celebrated the casual living that was the style of the era. Its association with the prominent Du Pont family adds to its importance and makes it a property worthy of designation under Chapter 54 of the Town of Palm Beach Code of Ordinances.

VI. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

⁹ Correspondence from Alice Regensburg to John L. Volk, February 2, 1965. Copy in the collection of the author.

¹⁰Lillian Jane Volk, *et. al.* 139.

There is only one "barefoot house" in the Town of Palm Beach. Designed by John L. Volk in 1963 the house combines a traditional Georgian Revival style exterior with a new concept of indoor and outdoor space. Built specifically on the beach ridge, facing the Atlantic Ocean, the house is a valuable of Volk attention to the environment as well as the casual lifestyle of the owners.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

There is no questions that John L. Volk was one of the most important architects to work in Palm Beach during the twentieth century. In a career that lasted from 1924 until his death in 1984, Volk completed over one thousand projects that included residences, commercial properties, and municipal buildings, changing the built environment of Palm Beach forever. Taking inventory of this vast amount of work and determining which projects are most important is a difficult task. Toward the end of his life, however, John Volk himself compiled notes on his most important works, leaving behind a valuable tool for the architectural historian. The Nicholas du Pont house at 977 North Ocean Boulevard is included in Volk's list of forty-seven residences and fifteen commercial properties that the architect singled out for reflection.¹¹ As such, this house was chosen by John Volk as one of his most important works and one he wanted to be remembered as a notable work in his long career. It is also listed in his major monograph, John L. Volk, Palm Beach Architect as one of his three most important residential commissions of the 1960s.

VII. ARCHITECT'S BIOGRAPHY

John L. Volk

John Volk has been called the last of the "original" Palm Beach architects. He was one of an elite group of early 1920s architects which included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth who developed the architectural styles of the island that came to be known as the "Palm Beach Style". His designs included the Royal Poinciana Playhouse and Plaza, the conversion of the Four Arts Gallery, the Florida Capital Building on Royal Palm Way and several shops on Worth Avenue including the Everglades Colonnade.

Volk was born in Graz, Austria in 1901. He came to the United States with his parents at the age of nine and grew up in New York. He was a graduate of the Columbia University School of Architecture and the Ecole des Beaux Arts. Volk opened his office in Palm Beach in 1925.

Volk designed more than 1000 houses, theaters, clubs, shops, and other buildings and lived in Palm Beach from 1925 to his death in 1984. He designed homes for some of the wealthiest and most

¹¹John L. Volk, "Notes on His Career," unpublished notes, On file at the John L. Volk Foundation, Phipps Plaza, Palm Beach.

powerful people in America over his 58 year career in Palm Beach including Colonel Robert McCormack, William Paley, George Vanderbilt, Nicholas DuPont, Henry Ford II, Herbert Pulitzer, Matthew Mellon, George Storer, Horace Dodge II, and John S. Phipps

Included in the designs of John Volk are some of the most prominent buildings in the Palm Beach area including the First National Bank, the Royal Poinciana Plaza, the center section of the Town Hall, the Beach Club, Good Samaritan Hospital, and the golf terrace and orange gardens of the Everglades Club. He also extensively modified and rebuilt the Bath and Tennis Club after a major hurricane.

Numerous other buildings are the result of Mr. Volk's labor and it must be noted that no particular style can be exclusively associated with Mr. Volk. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from the popular Mediterranean Revival to Contemporary Design.

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Palm Beach County Property Appraiser

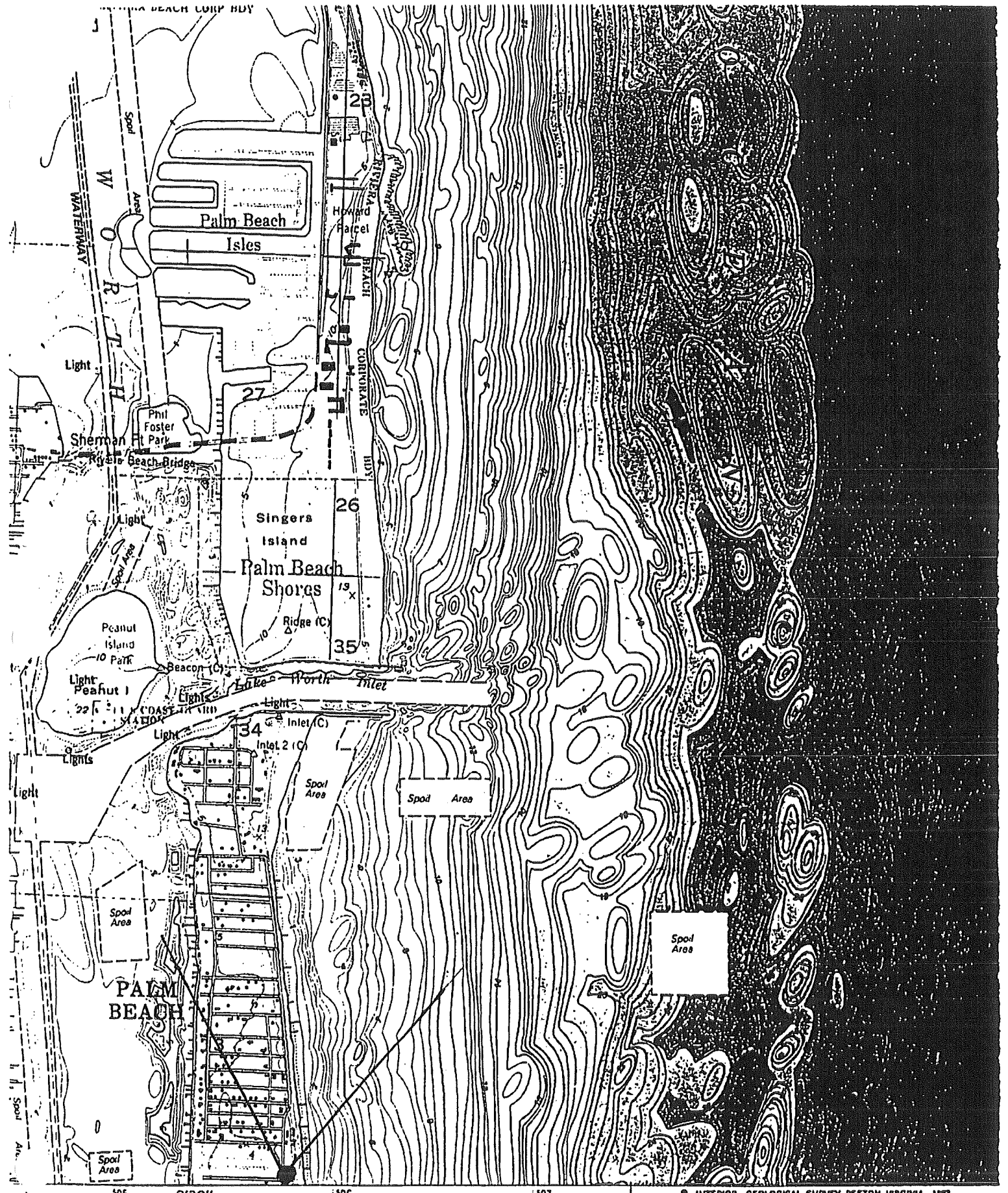
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Location Map : 977 North Ocean Boulevard



977 North Ocean Boulevard
Palm Beach, Florida

ROAD CLASSIFICATION

Heavy duty ——— Light duty
Medium duty ———

© INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA 20197 1:50,000 E 80

**Landmark Preservation Commission
Designation Hearing**

April 21, 2010

Re: duPont - 977 No .Ocean Boulevard

Commission's Discussion

JOANNA GOLINO: I'll jump in, if I may.

GENE PANDULA: We want to do ex-parte? We have not done that.

TED COONEY: I spoke with Mr. Brindell on the telephone on March 19th and also yesterday, April 20th.

CHARLES ROBERTS: I visited the property, met with Mr. Brindell. Mr. Brindell has sent me some pictures and plans which he has presented today and I also, while at the house, met Mrs. duPont's relatives who are in the audience today.

LEE HANLEY: I've known the house practically since it was built. The duPont's daughter is an old, old friend of mine growing up down here and her husband and I were fraternity mates together, so I go back a long way with this property. I've also talked to Jim Brindell twice on the subject.

GENE PANDULA: None from me.

WILLIAM COOLEY: I met Mr. Brindell at the property. He showed me around the property and advocated his client's position against the landmarking.

IMOGENE WILLIS: None.

WALLACE ROGERS: I visited the house in the past and I was on site about three or four days ago.

JOANNA GOLINO: Ok, I made, I jotted down some notes as Dr. Garner was speaking, so if I'm not doing this in a presentation, forgive me. My first thought was, um, what architectural project is not a compromise between owners and interior designers and a notable architect. So when you said the owner throughout the project was making his demands known, well, yeah, I mean that's the way it works in this business. So I think the point is what is the result and I think the result is this house, the Barefoot house, along with, you know, the stylistic considerations that are quote "reminiscent" of Georgian Revival. This house is not pretending to be a complete and 100% Georgian Revival house. I don't think that was ever in the program and it was never meant to be. Dan Curl's point that there may have been more than one

Barefoot house, um, that's also kind of irrelevant to me. We have this one, so I think we should look at this and see whether it is, in fact, notable. The question as to whether it's notable, I think, and I know you have addressed this since I jotted this down but I say again, why would Volk have selected it for inclusion in his list of works if it were...if it's not even reflection, just include it in his list of works if he did not consider it one of his works that he would like to put out in front of the public as evocative of his style? You know architecture is often a blend of the old and the new, and that's the architectural challenge. It's not a copy of a classic Georgian, which you could basically say were perhaps some of his other projects in Town, but a rethinking and that rethinking in the 1960s may, in and of itself make this a notable piece of architecture. I think you did note, Dr. Garner, that there is symmetry throughout the house, that was just typical of the Georgian Revival. I think I quoted that at one point. You said that Georgian often is more vertical than horizontal. You said that his hipped roof is ponderous. I think that it would not be the same as obviously a two story, but I don't think it would try to be. I think, again, it's a rethinking, and I don't particularly find it ponderous. Yes, I hear you say that the windows are not symmetrical. The shutters cover the quoins. You know, shutters are removable. They're like an awning. They're not something that we necessarily look at and the question is, are they even original? And again, is that important or is that irrelevant really in looking at this. The quoins, you say emphasize the corners. Why would there be a jalousied window? It's obviously a secondary window. It's on a façade that you wouldn't even see. I think, if I'm looking at it, but I didn't have the benefit of these, I guess you sent to some commissioners, I didn't get that. Ok, terrific. But I think that's along the side, it's not along the back or the front. I find that the back and the front are largely symmetrical and I think that the jalousie corners, as I say, a secondary window is probably irrelevant. You say the front, that it's not symmetric, the wings are not identical. I do not find that perceptible, granted of course that you're looking at the landscaping. It's hard for us to see that. And by the way on my ex-parte I did drive by the house. I forgot to say that. I didn't actually go on because I didn't receive an invitation to do so. Um, so I think again, the fact that the wings are not identical on the front façade are they perceptible to me. I think that the symmetry is the overriding... um, the architectural feature I see there. You say the windows are not double hung. Yes, I understand that but certainly the verticality of the windows are emphasized as I'm looking at them. The front door, the wrought iron grill is square and not Georgian, not the bold and rectangle, not Palladian. I agree with you on that one. I'm not sure if that was original. Not sure it fitted what. I think the door itself is quite correct and from the Georgian Revival style and quite correct geometrically as well. I'm thinking maybe the wrought iron grill, if it was original, may have been reflective of the horizontal stair railing too. Maybe it was trying to tie into that as well. So those are my thoughts on what you had to say. Again, I think the most important thing is this meant to be not a copy of a two-story Georgian Revival. It was a one story on the beach and I think it is notable in the fact that it was a blend of old and new and again, that, I think was the architectural challenge. Those are my thoughts.

JIM BRINDELL: Are you asking me to respond?

JOANNA GOLINO: No, I'm just putting those on the record. I think we're now at this moment, where we're kind of discussing things.

GENE PANDULA: Mr. Garner, what was your previous presentation to us years ago? Refresh my memory.

DR. JOHN GARNER: The Smythe House?

GENE PANDULA: Which one?

JIM BRINDELL: The Smythe House, it's up on the north end.

[Female] (inaudible)

GENE PANDULA: Right, and that was the one that was described, it was a ranch house, and we were told that ranch was not a style, it was only a realtor's term.

DR. JOHN GARNER: Builder's type.

GENE PANDULA: Yeah, well I think time has proven that to be incorrect. So, I'm a little concerned that we seem to be relying an awful lot about a name or a description to characterize the merits of this building as opposed to looking at it for what it contributes to the continuum of architecture in the Town of Palm Beach over the last 80 or 90 years.

DR. JOHN GARNER: You know, I didn't write the language of your landmark ordinance, but I think you should adhere to that language. If you have language that states out the criteria for designation, you have an obligation to follow the language of that report. I've spent 30 years of my life defending preservation of buildings in this country. I have personally documented numerous buildings that are now drawings of which are in the Library of Congress. So I'm an advocate of preservation. We just succeeded on a project up in the Boston area on an industrial complex in the mid-19th century in saving that from being lost. John Volk was a good architect and he designed a number of handsome buildings, but does this particular property meet the criteria? In my estimation, it doesn't and I'm simply following the language you have... (interrupted)

GENE PANDULA: We appreciate that, but does that mean that because it's not a pure example of something that's not categorized in our manual that you make no allowance for something that's transitional, that moves between pure styles?

DR. JOHN GARNER: I think if you're going to make reference to the Georgian Revival, then we ought to examine the Georgian Revival and you should ask yourself, is this interpretive, is this a good interpretation of it? What are the principles of interpreting? Are you talking about the treatment of the ornamentation? Are you talking about the symmetry? Are you talking about the proportionality? In other words, I did not see the evidence presented in the designation report that spoke to these issues. I just didn't see it.

GENE PANDULA: As a pure interpretation?

DR. JOHN GARNER: No, even as an interpretation. I mean there's always license and the application of a style. And I've seen... you see this in Volk's work. There were other buildings that he designed in the 1960s, other residences. I'd suggest looking at some of these in which he uses some of these elements quite handsomely. If you look at the other elevations on the Ford residence or the Fannell residence or others of these. You clearly recognize what his intent was and he uses those elements handsomely. These are buildings from the 1960s, it's just not this one.

GENE PANDULA: Correct. And this one didn't have this client in this program and this site and so... At what point in time do you think that preservation began moving away from saving icons, saving buildings as only architecture, as physical entities, and began to also express lifestyle or concepts as well?

DR. JOHN GARNER: Well, I don't know what... I can't answer that, I really can't.

GENE PANDULA: But there is a point, I guess my point is there is, you know, when the Town started and it was in the 20s or 30s and it was Mediterranean Revival style, you can go back and you can say, well, it was stolen from somewhere else but here it is and this is what it is. We've had this conversation recently with the Richard Meier house where somebody is expressing the concept of movement, the concept of the light, or flow, physically. So it's hard to review that with the same critical eye that you would something that was only a piece of architecture, okay. And I think, and that's what this Commission has kinda been struggling with recently is how do you move from things that were typically definable as architecture to what we have now with the Meier house which was from the late 70s, and I think that this is one of those buildings that, in the Town of Palm Beach, maybe not in Illinois, maybe not in New York City, and maybe not in Santa Barbara, but in the Town of Palm Beach, it reflected a move away from specific architecture to include as much lifestyle or expression of a lifestyle than it did about architecture. And I think without a building like this, even if it may not be pure Georgian Revival, you wouldn't be able to... you know we have a Richard Meier house. Michael Graves has done work in Town. Mo Jostumer has done work in Town. Stanley Digerman has done work in town. Harry Despond has done work in Town. Without something from the 60s and 70s, and there's a lot of crap in town from the 60s and 70s, but without something like this, I don't think we would be able to recognize the better work that is now coming in. So to say that this isn't pure, this is the point for us as a local community. You know, maybe if we were writing the book it would be more valid, but I think for us...

DR. JOHN GARNER: You know, I think the unhappy compromise here was that he attempted to use these traditional elements on a house that called for a very creative presentation of its exterior. This is what other architects were doing in the 1960s. You think of some of these... I'm thinking of the Millen house that Paul Rudolph does, about 1960 or so, where he's really trying to create this transition from outside to inside. Most architects will tell you that you ought to be able to read the plan of the house by looking at its elevation and you don't do that here. He's using these elevations to kind of mask what is happening on the inside of the house. Richard Meier is a good example. I think part of your problem here was that it had major additions were made to that house. But in Meier, Meier is now working in what we might think of as post-modern style, post-modern age. His houses are in these cubic forms, somewhat reminiscent of the Bauhaus, these large planes of wall and glass and very handsomely executed. But if you look at a post-modern, which does make references to the past, it's done in a very creative, interpretive way. I don't call the application of the Georgian Revival in this particular at 977 a creative application in the same way that you would a Robert Venturi house or some of the other post-modern houses. This is not post-modernism.

GENE PANDULA: No, it's not close to post-modernism. But is it the fact that it's called Georgian what's bothering you? If that title was not here, would you look upon the architecture and what it contributes differently? Is it the name?

DR. JOHN GARNER: Well I might look at it a little bit differently but I would arrive at the same conclusion because those facades are on there and because those references to the

Georgian are there. If they weren't there, maybe I would... or if it really broke new ground in terms of its spatial organization and plan. But again, I've gone back and I've looked at other of Volk's houses, I've looked at other architects here in southern Florida and in southern California, you know you look at Noire's house, Gregg Elwood's houses, some of those houses where you have this play and inter-penetration of space and use of a covered walkway or porch as a transitional element between indoors and outdoors. You see that all over. So I don't particularly see it reflected... I don't see it reflected as a plan of this house, so I can't say just simply based on the concept of the house that it is unique where it breaks new ground, or that it's worthy of designation.

GENE PANDULA: Well, but the concept of an indoor courtyard with contained views and the outdoor broader views goes back to Mizner and Fatio as well, so I mean that's a typical motif. But it's the expression of that I think that is what some of us find appealing, it was the next step forward.

DR. JOHN GARNER: You're not gonna get an argument from me there.

WALLACE ROGERS: Gene, Dr. Garner and Mr. Brindell both mentioned the involvement Mr. and Mrs. duPont had in the design. I think that's the strongest selling point of landmarking it because it's the combination of the architect and the client who have come up with a unique and idio synchronic solution to their problems based on a Georgian design. Anybody who... when her friends talk about her and this house, the thing they mention most, and I'm talking about Mrs. duPont, the thing they'd mention most often is how much she loved this house, how much involved she was in the design of it and how she really loved, and I assume still does, love the house. It is not a grandiose house, it is a charming house. Somehow sentiment and charm are not two of the things we use as criteria for landmarking a house. I'm not sure if maybe we shouldn't.

GENE PANDULA: And what else?

LEE HANLEY: I'm just a little bit concerned how we pick our battles and reference has been made to the Meier house that we did landmark and was turned down because of owner's objection by the Town Council. That I thought was an extraordinary house, an extraordinary example of that architecture. I'm afraid here my feeling is this isn't a great example of Volk architecture. I'm afraid if you look at the Northeast west walls, they are not particularly distinctive. No reason necessarily that they should be, but at the end of the day, I tend to worry that it might, by landmarking it as a Volk house, the more you landmark a particular individual, the more there is the dilution of some of the great, great pieces, and I don't know that this would qualify. I think that there are things that are wrong with it. I was fascinated. I hadn't thought about that square in the front door and that's something that since I was first there thought that something was wrong with the proportions and I now know. It's a square. I'm just not sure if this is a battle against an owner that we should be picking.

CHARLES ROBERTS: I'd like to follow Lee because I thought that I was going to lay down on this grenade alone, so I want to, after Joanna, and again that's why this system works so well is that we're all listening and learning. I'm very impressed with your presentation and I hear clearly about your thirty years of preservation. I'm gonna lean in our program and we've talked a lot about the landmarks program the last three months to pro-landmarking the whole Town, because we love our little Town just like it is and so I'm sort of an anti-growth person. But I agree with Lee on this one. Mr. Volk was amazing. I have won numerous awards for

design as a developer/builder and I have been forced to build things on occasion that were not my best work because the client wanted that, and even though I felt the client had no taste and did not understand what we were doing, I needed the fee. And we all needed fees in the 50s and 60s so I understand. And I could go on and on here. I just don't see why we have an owner that is anti for doing this. I must listen to that owner who hired an architect and bought the land and lived there for fifty years and I'm listening to that. Although I'm not swayed by that, but I still hear it. This house, the windows, the quoins are terrible. Joanna and Gene are architects, I'm not, but much of the front façade, I'm willing to be pretty flexible on the sides and the back because we're primarily looking at the front of this house and as we said on 290 South County today, the one wall is terrible because it was always hidden. So there's a lot here. I'm disturbed that we talked so much about lifestyle, because until Wally gets that changed in our laws, we cannot look to lifestyle or uses inside and we're doing a whole lot of conversation about a Barefoot house and society and things that are important. They're important, but I'm just looking at the architecture of this house. It is not John Volk's best work. I've seen his best work. I think there are numerous other things that should be landmarked. His office building on Royal Palm Way, Jane will tell you I'm the one that threw a fit about why wasn't that land... the first month I was on the Commission 3 years ago, I went to Jane and said I wanna see this office building landmarked, it is a fabulous building. I'm the same guy that's saying this isn't a fabulous building and with all the things I've said just the exterior, the architecture, the windows, the front door was something the owner wanted. I just don't think this meets our high level of standards that we, as a Commission, should adhere to and I would agree with Lee and based on this being a lower level John Volk with much involvement by the owner who probably, honestly was a great guy but was not a very good architect or didn't maybe understand great design, because I don't see great design here.

TED COONEY: Mr. Chairman. I share Mr. Hanley's concerns about picking our right battles and agree about the Meier house. But my question for I guess both of you and specifically Mr. Roberts, but I think for you as well, would be based on your comments, do you not feel that the home meets the criteria for designation? Because I mean as far as I understand, that's what we would vote on and only what we can vote on. Do you feel it doesn't meet the criteria?

CHARLES ROBERTS: I don't think it does. I don't think it's the best work of a local architect, of an important architect. I think it's a house on the beach, we have lots of those. So because it's on the beach, on the dune, doesn't mean anything. Because it has a lower level parking court, because it's 7 feet above grade I've found to be totally unimportant to this decision. So much of what I've heard does not meet our criteria, so I don't think it meets our criteria.

TED COONEY: So it's not representative of the notable work of a master architect.

CHARLES ROBERTS: I don't think this is notable by John Volk at all.

LEE HANLEY: I think my comment, my comment was I felt that it diminishes the other great works that we have landmarked and the more you go down the order, the more diminishment you have and I think from that standpoint, I totally agree with Charlie. I mean it does not meet, generally in my mind, the architectural merit of the architect.

CHARLES ROBERTS: I'd like to hear from... we're blessed having an architect now on the Commission as an alternate. I'd like to hear from Mr. Feldkamp.

WILLIAM FELDKAMP: Great, because I was about to ask to speak. I understand that this is going to be a tough sell if it passes today with the Town Council because it is a tough sell. It's not a great example of Georgian and it's not a great example of some sort of a modern. It is reminiscent, as Joanna says, of Georgian. The 60s were a tough time for architects, and specifically society architects. An architect in the 30s, a society architect could certainly do a Georgian Revival. He could pull out the pattern books and copy it and clients would be happy. I remember in the 60s, and Dr. Garner probably remembers the name of the architect, the architect who did the original Getty museum in Malibu and was castigated, was darn near thrown out of the AIA for doing an archeologically correct Greek villa. The concept was that in the 60s we should do 60s architecture. So poor John Volk, you talk about his best architecture or his least good. Sure, in the 30s he could do a Georgian Revival. It was tougher in the 60s. His compatriots were doing 60s modern architecture, but yet he had these society faux coupe and wanted to hold on to Georgian and said this house, I know it's not Georgian, it's not modern, but I think that future generations are going to find this an example of transitional architecture between what Volk could do in the 30s and what he could do in the 70s if he was doing this stuff in the 70s. So I consider transitional, it's a next step forward. It's worthy of retaining. That's my opinion.

JOANNA GOLINO: Mr. Chairman? Following up on your comment and your comment, I think one thing you might be getting at is maybe criteria 3, which embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of the period. This is a difficult period. I mean we like to find, and it's easy to find, landmarks where you can study the best of the period and periods that are easy to study and wonderful to study, but the 60s was a difficult period, as you rightly say. Um, and maybe that's truly what this is. It's not necessarily that it's a blend of what the owner wanted vs. what the architect wanted, but it's a transitional phase and maybe that's the part that we should be focusing in on which is a criterion point.

WILLIAM FELDKAMP: A transitional period in architecture itself.

JOANNA GOLINO: Yeah, so based on what you're saying, I think that's an argument for designating it based on criterion 3.

GENE PANDULA: Mr. Cooley, you've been very quiet.

WILLIAM COOLEY: This is a tough one because the west façade, I think, is worthy of saving. I think the other three sides just remind me of 1960s Florida architecture. It's a tough, tough situation. I am not sure which way to go, to tell you the truth.

CHARLES ROBERTS: I'm not a weigh in too. I was glad Jane was up all night because I worried about this one at midnight and another glass of wine and I'm going, what am I gonna do tomorrow? Cause this is tough. I do like what Mr. Feldkamp and we are blessed to have you. Every time you speak, I'm impressed with your ideas and thoughts so the Commission is very blessed to have you. I hadn't thought about the transitional concept of... it was... I went in business in the mid 60s and we studied the previous ten or fifteen years was a tough time. It was not a time when people were spending a lot of money on architecture and the transitional concept is something maybe we need to talk about for a minute because that might be what's here, but this is a tough one. I still didn't come back to Lee, why landmark John's most average work vs. his most fantastic work? In the 40s and 50s he has some fantastic work out there.

WILLIAM FELDKAMP: The good and the bad is that architect's careers last 30-40 years and styles change. I think those of you from Philadelphia, Mellor, Meigs and Howe did some wonderful traditional housing in the 20s while Howe went off with Lecasse to do the very modern PSFS building. His thinking evolved with the architectural thinking and I think we have to look at Volk as someone who would spend quite a length of time and his thinking was clearly evolving with this house.

CHARLES ROBERTS: I think that's an important thing for all of us the next year or two. The span here in Palm Beach, especially in our Town from the 20s to the 80s, I mean a giant shift in architecture and styles and what people wanted to do, so that's valid. What from you and Joanna and Gene is your response to the inability of the architect to do his greatest work when the client didn't want great work and didn't want to put a lot of money in exteriors or in unique houses and just wanted a really nice little beach house for their family sitting on a dune and maybe that's what this client wanted and didn't want great architecture and therefore you wanting this commission are willing to produce something that is no where near your best work, or work that should be landmarked.

GENE PANDULA: That depends on how you define best work though. Being a practicing architect, I can relate to these scars, I mean it awful. I had an argument with somebody today before I came here on the telephone and it was just awful because you know you get pushed to a point where you feel like you're not contributing, but a collaborator, it was a question I was going to ask Dr. Garner. I don't necessarily see that a collaboration produces bad work, or a less than... now it can, too many cooks and all that sort of thing. On the other hand, the fact that you're willing, and I find it personally, I find it more rewarding but I also find it much more difficult to be accommodating to another outside designer's requirements, and then there's some interiors person, there's a landscape person, and there's, you know, it's really wonderful to have someone that can knit that together to produce a result. So just because it doesn't follow a form, doesn't mean that it's a bad result. It just means it's a result given that collaboration. It doesn't make it bad architecture. It means it was consensus of opinion.

CHARLES ROBERTS: I'm not sure I'm not more in the dark then I was before.

LEE HANLEY: I think on the collaboration, but there are all kinds of things that can happen with an architect and Alec Taylor told me a story. One time a house at the end of our road, somebody had bet her father, Maurice Fatio, that he couldn't build, complete a house in 30 days, so he took the bet, and it's standing there today and that was built in the late 20s or early 30s. Is it architecturally significant? No, frankly, it looks like a ranch house to me, and but there it is. So a lot of different things can happen to great architects for various reasons and this, I hate to say it, I mean it may be transitional in many ways but I think all of us have been in houses that have got various of these elements in them that were built before and were built afterwards. And that's my piece.

JOANNA GOLINO: I guess one last point before we probably move on would be, you know, the word "notable". That's a tough one because you're not saying in Criterion 4 it's representative of the best work. You're saying it's representative of the notable work. Well, this is certainly notable in the fact that again, we see this tension between what the client wanted and the architect wanted possibly. Or you see the tension between somebody building in the 60s with stylistic things that are reminiscent of earlier generations' work. So in that

sense, it is kinda notable because it is something that obviously expresses that tension. It isn't maybe representative of the best. So that's an interesting word.

CHARLES ROBERTS: Representative of the best where John Volk is concerned, and again, I want to be on the record. Jane will tell you the first thing I wanted to see done was that office building. I think it's one of the best buildings, that building can go anywhere in America, or the world actually and blow you away today or in any period in history because he used all the materials and elements so beautifully from the beginning of time. So I may be out of place for this and I'm happy to be slashed down, but to bring this to a head, I would make a motion to deny this as a landmark and just see what happens and then that's gonna quickly get us to an answer. Can I have a second? Is there a motion and a second?

LEE HANLEY: I'll second.

GENE PANDULA: There's a motion and a second? All in favor to deny this as a landmark?

[Two voices] Aye.

GENE PANDULA: Those against?

[Three or four voices] No.

CINDY DELP: Mr. Roberts?

CHARLES ROBERTS: No.

CINDY DELP: No, you voted yes.

CHARLES ROBERTS: Oh, I'm sorry. I voted yes. I voted no, but I voted yes for no.

CINDY DELP: Mr. Hanley.

LEE HANLEY: Yes.

CINDY DELP: Mr. Cooney.

TED COONEY: No.

CINDY DELP: Mrs. Golino.

JOANNA GOLINO: No.

CINDY DELP: Mr. Cooley.

TED COOLEY: No.

CINDY DELP: Ms. Willis.

IMOGENE WILLIS: Yes.

CINDY DELP: Mr. Pandula.

GENE PANDULA: No.

CINDY DELP: 3 Yes votes and 4 Nos.

GENE PANDULA: So we need another motion to...

TED COONEY: I'll move that 977 North Ocean Boulevard be recommended to the Town Council for designation as a landmark to the Town of Palm Beach and the criteria as presented be made part of the record.

JOANNA GOLINO: And I'll second that.

GENE PANDULA: Okay. There's a motion to designate and a second. All in favor.

[Voices]: Aye.

GENE PANDULA: Any opposed?

[Voices]: No.

CINDY DELP: Mr. Cooney.

TED COONEY: Yes.

CINDY DELP: Mrs. Golino.

JOANNA GOLINO: Yes.

CINDY DELP: Mr. Hanley.

LEE HANLEY: No.

CINDY DELP: Mr. Roberts.

CHARLES ROBERTS: No.

CINDY DELP: Mr. Cooley.

WILLIAM COOLEY: Yes.

CINDY DELP: Ms. Willis.

IMOGENE WILLIS: No.

CINDY DELP: Mr. Pandula.

GENE PANDULA: Yes.

CINDY DELP: 4/3.

GENE PANDULA: Thank you.

John L. Volk Palm Beach Architect
John L. Volk Foundation, 2001

Commission List

John L. Volk undertook more than two thousand commissions during his sixty-year career. The Tube File Cross Index is the complete summary of the work of John L. Volk, Palm Beach Architect. This index was compiled in John Volk's office in 1980. In order to research a Volk project, the name of the original owner or the name of the original project must be available. With the commission number, it is possible to ascertain the time frame of the building under consideration.

FIVE YEAR SPAN	COMMISSION NUMBER	FIVE YEAR SPAN	COMMISSION NUMBER
1925 TO 1935	NO COMMISSION #	1960 TO 1965	#1417 TO #1776
1940 TO 1945	#483 TO #669	1965 TO 1970	#1777 TO #1950
1945 TO 1950	#670 TO #887	1970 TO 1975	#1951 TO #2112
1950 TO 1955	#888 TO #1185	1975 TO 1980	#2113 TO #2237
1955 TO 1960	#1186 TO #1416	1980 TO 1984	#2238 TO #2304

A
 Aaron, #248
 Abercrombie & Fitch Shop, #1290
 Active Sketches
 Adams
 Plans, scaled details, full size details
 Akston, #1925
 Albee, #865
 Albee (formerly Bendix Res.) B.P.
 Plans & Beach House #856Aldrich,
 Aldrich, Winthrop - Lyford Cay, #1779
 Alley, Maass, Rogers & Lindsay, #1340
 Ambus, Joseph K. - Jupiter Island, #2192
 Amer. Chlorophyl Plant, #996
 Anderson, Gordon, A., #2068
 Anderson, Loy, #1309 (pool)
 A & P Supermarket, #521
 South Section, #592
 Andros Island
 Ocean Residence, #1059
 Bucaneer Bay, #953
 Clubhouse - Bucaneer Bay, #972
 Clubhouse Dock - Plot Plan - Bucaneer Bay
 Executive Residence - Buc. Bay,
 (Drayton 958)
 Bucaneer Inn
 Fishing Inn - Bucaneer Bay
 Company House
 Landscape plans - Bucaneer Bay
 Maps - Grand Bahamas
 Personnel Cottages, #1339
 Casa En Bahamans, #1339
 Apartment Houses:
 Biscayne Island Apt. Hotel & Docks,
 Miami
 The Brazilian Apts.
 Australian Ave. & So. Lake Trail, #489
 Bath Club (Apts.)
 Daytona Office & Apt. Bldg., #915

Duplex Apts., Delray, #353
 Embassy Apts., #769
 Everglades Apts. Bldg.
 Everglades & Poinciana Apts.
 Everglades Villas
 Indian Creek Club Apts., #809
 Lake Court Apts.
 Lake Front Apts. (V.F.W.), #495
 Mexico Apts., #1050
 Olsen Apts.
 Royal Palm Way & Lake Trail
 Royal Palm Way, #438
 Royal Palm Way, #759
 Sea Ranch Apts., #768
 Sunrise Ave. Apts. Gottesman, #302
 Via Mizner Apts. Alt., #463
 Delray, #1597
 Amphitheater for Carribean Gardens
 Arc Rib Blvd. Details
 Arden, Eliz., #479 (not bld)
 Salon, #1249
 Argonaut Hotel Corp. Hse, #1
 Armstrong (LaGorce), #766
 Artzt, Walter - Res. #2054
 Arnold Construction Company
 Arnold, Herman - Res., #290
 Arnold, J.Y., #288
 Baker, Phil
 Ballantine, #514
 Barnes - Sketches, #393
 Barton Ave. House, #207
 Beck, Pendleton Avenue
 Butte, Robert
 Cabana Sketches, Queens Lane
 Fouquet, #297
 Fuller, Milton Alt. & Add., #1181
 Gibson Res., #320
 Haskell
 Kahler, #328

Palm Beach Modern Homes, #247
 Pendleton Avenue, #471
 Pendleton Avenue Res. Hasler
 Pendleton Avenue, #351-A-C
 Pendleton Avenue, (Mellon) #419A
 Queens Lane, #419
 Res. - Treanor & Fatio
 Seabreeze Ave. House, #261
 Sketches for Spec. House
 Stotesbury Park Entrance, #561, #602
 Tangier Ave. House w/Portico
 Uihlein, #411
 Atkinson, Arthur K. - Lost Tree, #1663
 Atwood, H.M., #380 & 743
 Atwood, Mrs. Whitney, #1763
 Auerbach Co. - Salt Lake City, #1416
 Ault, Lee Mr.
 Azqueta (Vizcaya Corp.), #1756
 Azqueta, Norberto - Treasure Cay, #2016,
 #2017, #1990, #2289

B
 Babbitt, N.S. - Merion, Pa, #204
 Sketches
 Comm., #204
 Bache, Jules S., #258, #435
 Bacinich, E.J., #2247
 Bacon, Roger - Plaza Bldg.
 Bahamas Country Club, #912, #1020
 Baker, Mrs. Geo. F. - Horseshoe Plantation,
 #395
 Baker, Hollis, #1677
 Alterations, #2218
 Baker, Larry - 1950 S. Ocean Blvd., #227
 East Hampton, NY, #2230
 Park Ave. Apt., #2283
 Baker, Phil
 Baker, P. R. - Ft. Lauderdale, #1265
 Balcom, Ron B., #1508

The Volk Architectural Biography

One of the main priorities of the John L. Volk foundation is the publication of an official architectural biography outlining Volk's life and work. Currently, Mr. William Dale Waters is researching and drafting the document in preparation for a Spring 2001 publication date.

Mr. Waters has worked for ten years in the preservation field and is the first recipient of the John L. Volk Memorial Scholarship. He will be studying architecture and urban design in the graduate program of the University of Miami School of Architecture this fall.

The book will discuss the life of John L. Volk as well as provide detailed descriptions and photographs of many of his over 2,000 commissions. Period photographs and descriptive notes from Volk on the various buildings will be included. Residential and commercial commissions will be described as well as the interesting lives of the many owners, which have included the whole spectrum of the industrial and commercial titans of America:

Kohl, Fisher, Bendix, Dupont, Pulitzer, Storer, Ford, Paley, Simmonds, Eccelstone, Fentress, Fuller, Chandler, Shepard, de Cuevas, Donovan, Harris, Dodge, Phipps, Mellon, Delacorte, Ely, Haupt, Baker, Moffett, Cheatham, Greer-Raese, Landa, Fanjoul, Donnelly, and Trout

just to name a few. If you happen to have period photographs, family stories or notes on one or any of Volk's creations, please contact us for possible inclusion in the publication. Your cooperation with this request will be greatly appreciated by the foundation.

The John L. Volk Foundation
325 Albemarle Road
West Palm Beach, Florida 33405
Tel: 561/655-0966
E-mail: info@johnlvolkfoundation.org

Thank you!

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2008

DATA THROUGH 2008	YRS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANN
13876BIRMINGHAM AP,AL	65	8.1	8.7	9.0	8.2	6.8	6.0	5.7	5.4	6.3	6.2	7.2	7.7	7.1
03856HUNTSVILLE, AL	41	9.0	9.4	9.7	9.2	7.9	6.8	5.9	5.8	6.7	7.2	8.0	8.9	7.9
13894MOBILE, AL	60	10.1	10.3	10.5	10.1	8.7	7.5	6.9	6.7	7.7	8.0	8.9	9.6	8.8
13895MONTGOMERY, AL	64	7.7	8.2	8.3	7.3	6.1	5.8	5.7	5.2	5.9	5.7	6.5	7.1	6.6
26451ANCHORAGE, AK	55	6.4	6.8	7.1	7.3	8.5	8.4	7.3	6.9	6.7	6.7	6.4	6.3	7.1
25308BANNETTE, AK	44	11.2	11.2	10.4	10.2	8.6	8.3	7.5	7.6	8.3	10.8	11.2	11.6	9.8
27502BARROW, AK	75	11.9	11.3	11.3	11.5	12.0	11.5	11.7	12.4	13.3	13.3	12.5	11.7	12.0
27401BARTER IS.,AK	33	15.1	14.4	13.7	12.0	12.7	11.6	10.9	11.8	13.2	14.8	14.9	13.9	13.3
26615BETHEL, AK	50	14.2	14.4	13.6	12.7	11.5	11.0	10.5	10.9	11.3	12.0	13.1	13.4	12.4
26533BETTLES,AK	33	5.5	5.9	6.6	7.0	6.9	6.3	6.1	5.6	5.9	6.0	5.5	5.3	6.1
26415BIG DELTA,AK	32	11.5	10.6	8.9	8.2	8.2	7.0	6.2	6.6	7.6	8.6	10.1	10.7	8.7
25624COLD BAY,AK	53	17.2	17.7	17.4	17.4	16.2	15.6	15.2	16.1	15.9	16.6	17.4	17.3	16.7
26411FAIRBANKS, AK	57	2.9	3.9	5.3	6.5	7.6	7.1	6.5	6.0	5.9	5.2	3.7	3.0	5.3
26425GULKANA, AK	20	4.1	4.8	6.2	8.1	8.2	7.8	7.5	7.2	7.0	5.6	4.0	3.2	6.2
25507HOMER, AK	34	7.5	7.4	7.6	8.0	8.0	7.7	6.9	6.4	6.7	7.1	7.5	7.5	7.4
25309JUNEAU, AK	63	8.0	8.1	8.4	8.5	8.3	7.7	7.5	7.2	8.0	9.3	8.3	8.7	8.2
25503KING SALMON, AK	53	10.3	10.9	11.1	10.8	10.7	10.2	9.7	9.7	10.0	10.3	10.3	10.0	10.4
25501KODIAK, AK	55	12.7	12.3	12.5	11.6	10.6	9.3	7.7	8.4	9.7	11.4	12.4	12.6	10.9
26616KOTZEBUE, AK	62	13.7	12.8	11.7	11.8	10.6	11.8	12.7	12.9	13.1	13.4	14.4	12.7	12.7
26510MCGRATH, AK	58	3.0	4.2	5.3	6.5	6.7	6.4	5.8	5.7	5.7	5.3	3.7	3.2	5.1
26617NOME, AK	61	10.7	10.9	9.9	10.0	9.8	9.7	9.7	10.3	11.0	10.4	11.4	10.3	10.4
25713ST. PAUL ISLAND, AK	34	19.7	19.6	18.1	17.2	14.7	13.3	11.9	13.2	15.2	17.3	19.7	19.7	16.7
26528TALKEETNA, AK	25	5.7	5.2	5.2	4.3	4.5	4.6	3.9	3.3	3.2	3.5	4.7	4.8	4.5
26442VALDEZ, AK	25	7.7	7.5	6.9	5.3	5.8	5.9	4.9	4.2	4.3	6.2	7.4	7.0	6.1
25339YAKUTAT, AK	60	6.8	7.0	7.0	6.9	7.2	6.6	6.4	6.0	6.8	7.4	7.1	7.6	6.9
03103FLAGSTAFF, AZ	41	6.6	6.6	7.2	7.8	7.4	7.0	5.5	5.0	5.6	5.9	6.6	6.6	6.5
23183PHOENIX, AZ	63	5.3	5.8	6.6	6.9	7.0	6.7	7.1	6.6	6.3	5.8	5.3	5.1	6.2
23160TUCSON, AZ	63	7.9	8.1	8.6	8.9	8.8	8.7	8.4	7.9	8.3	8.2	8.1	7.8	8.3
23194WINSLOW, AZ	48	7.0	8.4	10.1	11.3	10.7	10.5	9.0	8.3	8.1	7.6	7.2	6.7	8.7
23195YUMA, AZ	28	7.3	7.4	7.9	8.3	8.3	8.5	9.5	8.9	7.3	6.6	6.9	7.2	7.8
13964FORT SMITH, AR	63	8.2	8.5	9.4	8.9	7.7	6.7	6.3	6.3	6.6	6.8	7.8	8.1	7.6
13963LITTLE ROCK, AR	66	8.4	8.9	9.6	9.0	7.6	7.0	6.7	6.3	6.6	6.8	8.0	8.1	7.7
23155BAKERSFIELD, CA	56	5.2	5.8	6.5	7.1	7.9	7.9	7.2	6.8	6.2	5.5	5.1	5.0	6.3
23225BLUE CANYON, CA	56	7.8	7.7	7.4	6.5	6.5	6.3	5.8	5.9	6.4	6.8	6.6	6.7	6.7
24213EUREKA, CA.	54	6.9	7.2	7.6	8.0	7.9	7.4	6.8	5.8	5.5	5.6	6.0	6.4	6.8
93193FRESNO, CA	59	5.2	5.7	6.7	7.4	8.1	8.3	7.4	6.8	6.1	5.2	4.7	4.9	6.4
23129LONG BEACH, CA	39	5.2	5.8	6.5	7.2	7.0	6.9	6.8	6.6	6.2	5.6	5.1	5.0	6.2
23174LOS ANGELES AP, CA	60	6.7	7.4	8.1	8.5	8.4	8.0	7.9	7.7	7.3	6.9	6.7	6.6	7.5
93134LOS ANGELES C.O., CA	34	5.5	5.8	5.9	5.7	5.5	4.8	4.4	4.3	4.5	4.6	5.2	5.2	5.2
24215MOUNT SHASTA, CA	3	5.0	5.2	5.8	6.2	5.4	5.4	4.4	4.2	4.6	4.2	5.2	5.4	5.1
24257REDDING, CA	22	5.9	6.8	6.9	6.7	7.0	7.4	6.1	5.8	5.8	5.9	5.4	6.3	6.4
23232SACRAMENTO, CA	58	6.9	7.3	8.3	8.6	9.0	9.6	8.9	8.4	7.4	6.4	5.9	6.4	7.8
23188SAN DIEGO, CA	68	6.0	6.6	7.5	7.8	7.9	7.8	7.5	7.4	7.1	6.5	5.9	5.6	7.0
23234SAN FRANCISCO AP, CA	81	7.2	8.6	10.5	12.2	13.4	14.0	13.6	12.8	11.1	9.4	7.5	7.1	10.6
23272SAN FRANCISCO C.O., CA	28	6.7	7.5	8.5	9.5	10.4	10.9	11.2	10.5	9.1	7.6	6.3	6.5	8.7
23190SANTA BARBARA, CA	37	5.0	5.9	6.7	7.3	6.8	6.6	6.5	6.1	5.5	5.4	4.9	4.4	5.9
23273SANTA MARIA, CA	28	6.3	7.0	7.8	7.9	8.2	7.8	6.4	6.3	5.9	6.0	6.2	6.2	6.8
23237STOCKTON, CA	48	6.6	7.0	7.7	8.4	9.2	9.2	8.2	7.7	7.1	6.4	5.8	6.4	7.5
23061ALAMOSA, CO	17	5.6	6.5	8.3	10.3	9.7	8.9	6.8	6.2	6.7	6.5	5.7	5.1	7.2
93037COLORADO SPRINGS, CO	60	9.4	10.0	11.1	11.6	11.2	10.4	9.3	8.9	9.4	9.6	9.5	9.4	10.0
03017DENVER, CO	52	8.7	8.7	9.6	10.0	9.3	8.8	8.3	8.1	8.0	7.8	8.3	8.4	8.7
23066GRAND JUNCTION, CO	62	5.7	6.7	8.4	9.4	9.6	9.8	9.4	9.1	9.0	7.9	6.8	6.0	8.2
93058PUEBLO, CO	53	7.8	8.4	9.6	10.3	9.7	9.3	8.7	7.9	7.9	7.4	7.5	7.7	8.5
94702BRIDGEPORT, CT	36	12.0	12.4	12.4	11.9	10.7	9.4	9.0	9.1	10.1	10.8	11.4	11.7	11.0
14740HARTFORD, CT	54	8.9	9.4	9.9	9.8	8.7	8.0	7.3	7.0	7.3	7.8	8.4	8.7	8.4
13781WILMINGTON, DE	60	9.8	10.3	11.0	10.4	9.0	8.3	7.8	7.4	7.8	8.0	9.2	9.3	9.0
93738WASHINGTON DULLES AP, D.C.	46	8.1	8.5	8.9	8.7	7.4	6.8	6.2	5.8	6.2	6.6	7.6	7.7	7.4
13743WASHINGTON NAT'L AP, D.C.	60	10.0	10.3	10.9	10.5	9.3	8.9	8.3	8.1	8.3	8.7	9.4	9.6	9.4
12832APALACHICOLA, FL	54	8.3	8.7	8.9	8.5	7.7	7.1	6.4	6.4	7.8	8.0	8.0	8.0	7.8
12834DAYTONA BEACH, FL	63	8.8	9.2	9.7	9.4	8.9	7.9	7.3	7.0	8.1	8.9	8.3	8.3	8.5
12835FORT MYERS, FL	63	8.3	8.9	9.3	8.8	8.0	7.2	6.6	6.7	7.4	8.4	8.1	7.9	8.0
12816GAINESVILLE, FL	25	6.8	7.2	7.4	7.1	6.7	5.8	5.3	5.2	5.9	6.1	6.1	5.9	6.3
13889JACKSONVILLE, FL	59	8.1	8.7	9.1	8.5	7.9	7.7	7.0	6.7	7.5	7.7	7.6	7.6	7.8
12836KEY WEST, FL	55	11.8	11.9	12.0	12.2	10.5	9.6	9.4	9.2	9.5	10.8	12.0	11.7	10.9
12839MIAMI, FL	59	9.5	10.0	10.4	10.5	9.5	8.3	7.9	7.9	8.2	9.2	9.7	9.1	9.2
12815ORLANDO, FL	60	9.0	9.6	9.9	9.4	8.8	8.0	7.3	7.2	7.7	8.6	8.6	8.5	8.6
13899PENSACOLA, FL	44	9.0	9.3	9.7	9.5	8.6	7.6	6.9	6.7	7.6	7.9	8.2	8.8	8.3
93805TALLAHASSEE, FL	47	6.7	7.1	7.5	6.8	6.2	5.7	5.0	5.0	6.0	6.3	5.9	6.3	6.2
12842TAMPA, FL	62	8.6	9.1	9.4	9.2	8.6	7.9	7.1	6.9	7.6	8.3	8.2	8.3	8.3
12843VERO BEACH, FL	25	8.6	9.0	9.8	9.4	9.1	7.6	6.8	6.6	7.4	8.6	8.6	8.0	8.3
12844WEST PALM BEACH, FL	66	10.1	10.5	11.0	10.9	9.9	8.3	7.7	7.7	8.8	10.0	10.4	10.0	9.6
13873ATHENS, GA	53	8.3	8.5	8.6	8.2	7.1	6.6	6.3	5.8	6.5	6.6	7.3	7.9	7.3
13874ATLANTA, GA	70	10.4	10.6	10.9	10.1	8.7	8.1	7.7	7.3	8.1	8.5	9.1	9.8	9.1
03820AUGUSTA,GA	57	6.9	7.5	7.8	7.4	6.3	6.0	5.8	5.3	5.4	5.6	5.9	6.5	6.4
93842COLUMBUS, GA	50	7.2	7.7	7.9	7.2	6.6	6.1	5.8	5.5	6.5	6.3	6.4	6.9	6.7
03813MACON, GA	60	8.0	8.4	8.5	8.2	7.4	6.9	6.6	6.1	6.7	6.5	6.9	7.4	7.3
03822SAVANNAH, GA	58	8.2	8.6	9.0	8.5	7.5	7.3	6.9	6.7	7.2	7.3	7.2	7.6	7.7
21504HILO, HI	59	7.4	7.7	7.7	7.5	7.4	7.1	6.9	6.8	6.8	6.7	6.8	7.2	7.2
22521HONOLULU,HI	59	9.4	10.1	11.2	11.6	11.6	12.6	13.1	12.8	11.2	10.4	10.5	10.3	11.2
22516KAHULUI, HI	36	10.8	11.3	12.0	13.3	12.9	14.8	15.4	14.7	13.1	12.1	11.5	11.2	12.8
22536LIHUE, HI	58	11.3	11.7	12.8	13.6	12.8	13.2	13.7	13.1	11.8	12.0	12.4	12.1	12.5
24131BOISE, ID	69	7.9	8.8	9.9	9.9	9.4	9.0	8.4	8.2	8.2	8.3	8.4	8.1	8.7
24156POCATELLO, ID	56	10.3	10.4	11.2	11.6	10.5	10.1	9.1	8.9	9.0	9.5	10.0	9.9	10.0
93809CAIRO, IL	24	9.7	9.5	10.6	10.2	8.4	7.6	6.7	6.4	7.1	7.4	9.0	9.3	8.5
94846CHICAGO, IL	50	11.6	11.3	11.8	11.9	10.5	9.3	8.4	8.2	8.9	10.0	11.1	11.0	10.3
14923MOLINE, IL	65	10.7	10.5	11.6	11.8	10.1	8.8	7.5	7.1	8.0	9.2	10.6	10.3	9.7
14842PEORIA, IL	65	10.9	10.8	11.6	11.6	9.9	8.9	7.8	7.3	8.2	9.3	10.5	10.6	9.8
94822ROCKFORD, IL	58	10.5	10.6	11.6	11.8	10.4	9.3	8.1	7.7	8.4	9.5	10.6	10.4	9.9
93822SPRINGFIELD, IL	61	12.2	12.2	13.1	13.0	11.1	9.5	8.2	7.9	8.6	10.0	12.1	12.0	10.8
93817EVANSVILLE, IN	68	9.2	9.3	10.0	9.6	7.9	7.1	6.2	5.8	6.4	6.9	8.6	8.9	8.0
14827FORT WAYNE, IN	62	11.5	11.0</											

JOHN L. VOLK

PALM BEACH ARCHITECT

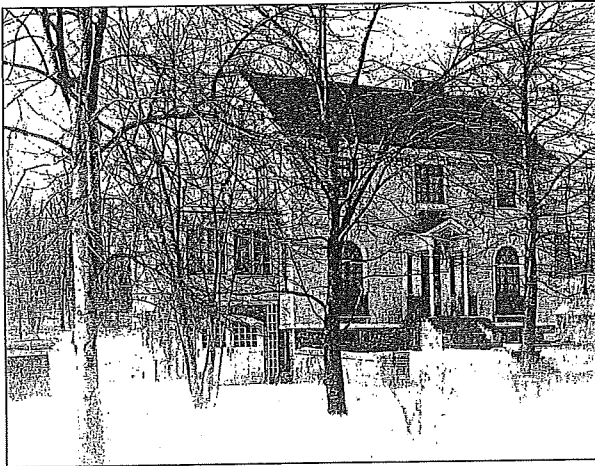
From the Works of
John L. Volk

Compiled by
LILLIAN JANE VOLK
LORY ARMSTRONG VOLK
WILLIAM DALE WATERS

Foreword by Byron L. Ramsing
Prologue by Helen Bernstein Fealy

PALM BEACH
JOHN L. VOLK FOUNDATION, INC.

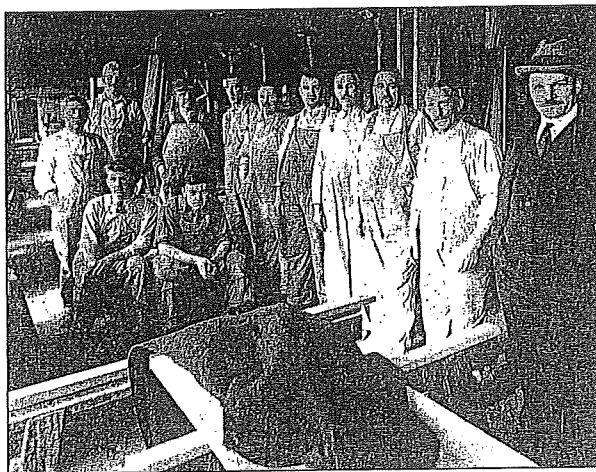
MMI



The Volk residence in New Rochelle, New York

Merit in Architecture and a life membership in the institute. He then attended Columbia University's School of Architecture, followed by more studies at the Ecole des Beaux-Arts in New York City. While receiving his formal education in the evenings, Volk spent most days working as a draftsman and studying construction. He finished his preparations to be an architect in 1923.

While he was still a student, Volk's first employer was with H. P. Knowles of New York where he was employed as a draftsman and designer. During this time, the firm built the Masonic Soldiers and Sailors Hospital in Utica, New York; the Mecca Temple on West Fifty-fifth Street (now the New York City Center for Culture and Dance); a large theatre and office building for the Masonic Order in



Elder Volk in his woodwork shop

collaborating on the interior finishes for his son's houses in Palm Beach, specifically the E. B. Adams residence, and assisting in the carving and erecting of the choir loft at the Episcopal Church of Bethesda-by-the-Sea.

In New York, young Volk received much of his early education in the public school system and graduated from Stuyvesant High School in 1917, where he was a spirited member of the football team. The next year was spent at the esteemed Mechanics Institute; and upon completing his studies in 1918, he received the Medal of



The Volk family

New York City; and the Masonic Temple in Toronto, Canada. He also worked on Broadway's Rivoli Theatre and the Capitol Theatre in New York.

After Mr. Knowles's death, Volk went to work for Joseph H. Friedlander, another well-known architect practicing in New York City. While Volk was employed there, the firm was awarded first prize in the competition to design the Bronze Traffic Towers constructed along Fifth Avenue. The firm also designed the Andrew Freedman home on Grand Concourse, New York; the

James R. Brindell - Re: John L. Volk

From: "Jocelyn K. Wilk" <jkw19@columbia.edu>
To: "James R. Brindell" <JBrindell@gunster.com>
Date: 4/6/2010 10:59 AM
Subject: Re: John L. Volk

Dear Mr. Brindell,

According to information supplied to me by a colleague in the Office of the Registrar (where official student records are still maintained), John L. Volk attended Columbia's University Extension Program between 1921 and 1924. All of his coursework was in Architecture. He did not graduate with a degree from this program - a non-traditional learner's program that is now known as The School of General Studies.

If I can be of any further assistance, do not hesitate to contact me again.

Kind Regards,
Jocelyn Wilk

--

Jocelyn K. Wilk
Public Services Archivist
Columbia University Archives (RBML) | Butler Library, 6th Floor
535 West 114th Street, MC 1127 | New York, NY 10027
tel. 212/854-1338 | fax. 212/854-1365

James R. Brindell wrote:

Thank you for obtaining the information for me. To ensure that I am accurate with the information on Mr. Volk, I would appreciate your sending it to me in an e-mail.

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. Click the following hyperlink to view the complete Gunster IRS Disclosure & Confidentiality note.

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Landmarks Preservation Commission
August 23, 1988; Designation List 208
LP-1667

BEAUX-ARTS INSTITUTE OF DESIGN, 304 East 44th Street, Borough of Manhattan.
Built 1928; architect Frederic C. Hirons of the firm Dennison & Hirons.

Landmark Site: Borough of Manhattan Tax Map Block 1336, Lot 2.

On July 12, 1988, the Landmarks Preservation Commission held a public hearing on the proposed designation as a Landmark of the Beaux-Arts Institute of Design and the proposed designation of the related Landmark Site (Item No. 5). The hearing had been duly advertised in accordance with the provisions of law. Sixteen witnesses spoke in favor of designation. Many letters and other expressions of support in favor of designation have been received by the Commission. The Commission has received a letter from the owner expressing opposition to the designation.

DESCRIPTION AND ANALYSIS

Summary

Founded in 1893 by American architects who had studied at the prestigious Parisian Ecole des Beaux-Arts, the Society of Beaux-Arts Architects had a profound impact on architectural practice in this country by its dedication to fostering the principles established by the Ecole. The Beaux-Arts Institute of Design, chartered in 1916 to accommodate the expanding educational programs of the Society, served as the national headquarters for architectural instruction based on the curriculum of the Ecole and influenced several generations of American architects. By 1927, a new building was required to meet the growing needs of the Institute, and the Board of Trustees sponsored a design competition in keeping with the tradition of the Ecole. The winning design by Frederic C. Hirons of the firm of Dennison & Hirons features a striking composition employing Beaux-Arts principles of symmetry, solidity and monumentality, while displaying a modernized classicism that reflects contemporary currents in Art Deco design. Among the building's outstanding features are its bold block lettering, "Beaux-Arts Institute of Design," surmounting the first story, and exceptional polychrome terra-cotta spandrel plaques, designed by the noted architectural sculptor and model-maker, Rene Chambellan, in collaboration with the architects, and executed by the Atlantic Terra Cotta Company, one of the largest and most important American manufacturers of architectural terra cotta at the time. Depicting the Parthenon, St. Peter's Church, and the Ecole des Beaux-Arts, these plaques symbolize the classical heritage and tradition perpetuated by the Institute.

The Founding of the Beaux-Arts Institute of Design

During the second half of the nineteenth century, ambitious American architectural students began to attend the Ecole Nationale et Speciale des Beaux-Arts in Paris, for training in the highly esteemed French tradition of classical, academic architecture. Many Americans who had studied in Paris--such as the first American Ecole student, Richard Morris Hunt--became prominent architects, influential in promoting the Beaux-Arts

doctrine in this country. As a testament to the profound impact of the Ecole des Beaux-Arts on architectural practice in the United States, the Society of Beaux-Arts Architects was founded in New York in 1893 by a group of Americans, all former students of the Ecole. This professional organization sought to cultivate and perpetuate the French ideals of their discipline, and to offer the opportunity to study the principles of design and composition taught in Paris but not yet formally instituted in American architectural schools. In order to further encourage young students to study the Beaux-Arts methodology, the Society initiated the prestigious Paris Prize in 1904, an annual competition open to Americans under twenty-seven years of age; the winner received admission to the Ecole without having to pass the standard entrance exam.¹

In 1916, the Society, while continuing to function as a professional club, founded the Beaux-Arts Institute of Design, under a provisional charter of the Regents of the University of New York, to accommodate the expanding educational program of the organization. The Institute first provided instruction only in architecture; additional courses in mural painting and sculpture were later established, followed by interior decoration in 1921. The Institute charged a nominal registration fee and classes were free. Financial support was maintained by membership dues, contributions, advertising in the Society yearbook, and proceeds from the annual Beaux-Arts Ball, an elaborate and highly publicized costume party which was the peak of the social calendar for the architectural set. In 1933, the Society of Beaux-Arts Architects Yearbook could boast that the Institute served an average of 2,500 students annually.²

What made the Institute unique in American architectural education was its method of study, modeled after that of the Parisian Ecole. Central to the curriculum was the atelier (or studio) system, in which students were guided through the course of their training in the studio of a practicing architect. The basis of the program was a series of graded architectural competitions, treating different design problems, which became more difficult as one advanced. Students gained a certain number of credits at each level. When the total number of credits was achieved, a Certificate of the Beaux-Arts Institute of Design and an associate membership to the Society of Beaux-Arts Architects were awarded. Competitions were juried by practicing architects, and several prizes and awards, in addition to the Paris Prize, were also associated with merit.³

The Institute established a nation-wide standard of excellence in architectural education. Students from many universities and colleges across the country, as well as independent ateliers and architectural clubs, participated in the competitions conducted by the New York school. The architectural schools officially affiliated with the Beaux-Arts Institute of Design were Columbia, Cornell, Massachusetts Institute of Technology, Harvard, Yale, Princeton, Notre Dame, New York University, Ohio State, and the Universities of Pennsylvania, Texas, Virginia, Illinois, and Southern California, in addition to some fifty others. Premiated drawings were published in the quarterly Bulletin and circulated around the country in travelling exhibitions so that students could compare their work with that of others. The Bulletin also published critiques of competition drawings and accounts of jury deliberations as an additional educational tool.⁴

The competition process itself was also formulated on the long-standing precedent of the Ecole des Beaux-Arts. On the day of the competition, students were given a specific program of the building's requirements, and en loge, (without consultation and unassisted by notes or books), within a limited amount of time, (often nine consecutive hours), they would complete a fundamental esquisse (sketch) of the proposed elevation. One copy of the esquisse was to be submitted to the Institute, and then students were allowed more time to develop the sketch, making modifications in detail without changing the original conception, before final drawings were sent to the jury for review. It was also customary that the name and school of the student be masked so that the drawings were anonymous to the jurors.⁵

The Competition for the New Beaux-Arts Institute of Design

The first location of the Beaux-Arts Institute of Design was 126 East 75th Street, formerly the private stable of Jacob Schiff, purchased by the Society in 1914 and occupied by the Institute in the following year.⁶ Following World War I, the program of the Institute was greatly enlarged, particularly with the addition of mural painting and sculpture departments, making the old building inadequate. A committee chaired by Raymond Hood was formed to find a more suitable and accessible location, preferably near Grand Central Terminal. The former Institute building was sold for \$167,250, and the new property, encompassing two private dwellings at 304 and 306 East 44th Street, was purchased for \$85,000 in October of 1927.⁶

In keeping with the Beaux-Arts tradition, the Board of Trustees of the Institute decided to organize an esquisse competition for their first custom-designed building; the entire process was to be based on French historical precedent. The entrants, all practicing architects, would be required to compete under the same conditions as students of the Beaux-Arts system. Architects Kenneth Murchison and Whitney Warren chaired the planning committee, and the jury was selected: Professor W. Frank Hitchens of the Carnegie Institute of Technology, Professor E. Raymond Bossange of New York University, Professor Warren P. Laird of the University of Pennsylvania, Professor Everett V. Meeks, Dean of the Yale School of Architecture, Charles Z. Klauder of Philadelphia, and F.R. Walker of Cleveland. Professor William A. Boring of Columbia served as professional advisor to conduct the deliberations.

An announcement of October 13, 1927, went to all members of the Beaux-Arts Institute of Design and the Society of Beaux-Arts Architects, stating that the competition, in the form of an esquisse, would be held on November 17, 1927, at noon. It was to last four hours, and the winner, chosen the same day, would be announced at the annual Harvard Club dinner that evening. The competition was open to all members who were practicing architects. To encourage participation, the entry fee was set at \$25.00, while those who chose not to compete would be required to pay \$35.00.⁷ Funds raised went toward the building campaign.

The program of the competition, (which was for the facade only, given the midblock site), specified the basic design requirements, addressing the budgetary and programmatic needs of the institution: a lot fifty feet wide on the south side of the street; four stories and a penthouse with a cellar or basement; a first story of sixteen feet and a second story of fourteen

feet to be used for exhibition space; third and fourth stories of eleven feet to be used for studios and workrooms; and a fifth-story penthouse, nine or ten feet high and forty to forty-four feet wide with a terrace at the front and a roof garden at the back to be used as living quarters for the building's caretaker/general secretary. The program also called for a main entrance at one side of the facade.⁸

The Beaux-Arts methodology, since its inception in the eighteenth century, was grounded in the notion that the program should outline the fundamental exigencies of the proposal, and that the design should evolve from the functional requirements of the building's type.⁹ The program did not restrict aesthetic interpretation, but rather served as the springboard for its development. The many varied solutions which resulted from the competition program for the Beaux-Arts Institute are a telling demonstration of how architectural individuality could be expressed within the given program format and the Beaux-Arts aesthetic.

The high-spirited competition, concerning a building of much significance to the architectural community, generated great interest. On the roster of seventy-two competitors were some of the most notable architects of the time: Raymond Hood, Arthur Loomis Harmon, William Lamb, Ralph Walker, Chester Aldrich, Philip Goodwin, and Harvey Wiley Corbett. First prize was awarded to Frederic C. Hirons of the firm of Dennison & Hirons, second to Harry Sternfeld, third to William Van Alen, and fourth to A.D. Seymour. Interestingly, the first three winners had all been Paris Prize winners as students.¹⁰

Although the esquisse competition was a rigorous and difficult exercise, Hirons had much experience in this traditional academic approach to design. His drawing not only satisfies the requirements of the program and clearly expresses the building's function—a semi-public institution with tall stories suggesting interior spaces for exhibition and studio purposes—it also symbolically evokes the aims of the Institute. Of the winning entry, Murchison wrote that it was "scholarly, well-arrived,"¹¹ and Philip Goodwin remarked that it was "a very simple, very architectural, and very appropriate design."¹² Hirons had also been the subject of a special feature on "Master Draftsmen" published in Pencil Points in July of 1927:

Fortune endowed Frederic Charles Hirons with the inestimable gift of good technique....His knowledge of architectural forms is extensive. With his retentive memory for decorative motifs it is not necessary for him...to buttress himself constantly by referring to books to find out 'just how the darned thing is made.'¹³

With his academic training and expertise, Hirons was a well-qualified candidate to design a building meant to embody the Beaux-Arts spirit.

Dennison & Hirons

A native of King's Heath, near Birmingham, England, Frederic C. Hirons (1882-1942) came at the age of ten to the United States, where his family settled in Boston, Massachusetts. As a teenager interested in drawing, he was introduced to David I. Gregg—a well-known pen-and-ink architectural renderer in the 1890s—with whom he discussed his work. Through Gregg's

influence, Hirons entered the office of the Boston architect Herbert C. Hale in 1898. In 1901, Hirons entered the respected Course of Architecture at Massachusetts Institute of Technology, where he studied for two years under Professor Despradelle. In 1904, he won the Rotch Traveling Scholarship, enabling him to go to Paris and enter the preparatory atelier of Godfroy-Freynet, and later, the atelier of Victor Laloux. After failing his first entrance exam to the Ecole des Beaux-Arts, (a common occurrence), Hirons tried six months later and placed first among the 450 applicants for admission. While visiting New York in 1906, he won the Institute's Paris Prize, which allowed him to continue his studies abroad, where he spent a total of five years.

Hirons returned to New York and formed a partnership with Ethan Allen Dennison in 1909. At this time, he also formed his own atelier, and later spent three years as an instructor at Columbia. He was made Chevalier of the Legion of Honor by the French government in 1926.¹⁴ Hirons also served as president of the Society of Beaux-Arts Architects from 1937 to 1939.

Ethan Allen Dennison (1881-?) was born in Summit, N.J. After studying at Erasmus Hall and Pratt Institute, he worked briefly in New York before spending five years in Europe. He attended the Ecole des Beaux-Arts for three and a half years, having entered second among 150 foreign applicants in 1902. Returning to New York, Dennison opened an office in 1907, and then formed the partnership with Hirons in 1909. He was also Chevalier of the Legion of Honor and awarded the Medal of Honor from the French Diplome Society for founding an endowment in the Beaux-Arts Institute of Design to honor the French architect, Victor Laloux, in whose atelier the two architects possibly met.¹⁵

The firm of Dennison & Hirons was best known for the design of banking institutions--similar in conception to the Institute--which often employed bold, rectilinear compositions that incorporated beautifully executed ornamental details and reflected the current of modernized classicism associated with Art Deco design. In several works, including the Institute, the firm collaborated with the architectural sculptor Rene Chambellan, who executed their characteristic ornament, often a modern stylization of Greek or Near Eastern motifs. The State Bank and Trust Company of New York, (now Manufacturers Hanover), at Eighth Avenue and 43rd Street (1927-28); the Suffolk Title and Guarantee Building, at 90-04 161st Street in Jamaica, Queens (1929); the City National Bank and Trust Company Building in Bridgeport, Connecticut (1929); and the Home Saving Bank in Albany, New York (1929) were also the products of this fruitful collaboration. In New York, the firm designed the whimsical Childs Restaurant in Coney Island. Hirons is also associated with the designs of several courthouses and war memorials.

The Design of the Beaux-Arts Institute of Design

In the first six months of 1928, Hirons's plans and specifications for the Institute were refined by the Board of Trustees, and the design was further developed and slightly modified, without compromising the original sketch. It was decided that the main entrance should be centrally located in the facade, (rather than off to one side as the competition program had dictated), thus creating a bold, symmetrically planned composition and heightening the classical overtones of the design, with its strong piers

and crisp, stylized detail. Although the Institute had originally hoped to clad the building in stone or marble, buff-colored brick with limestone trim and a granite base were used, due to cost restrictions. Three allegorical sculptures--representing the "Beaux-Arts" (Fine Arts) of sculpture, painting, and architecture--were planned to stand on the stone blocks at the second-story windows, after funds for them were raised.¹⁶

Reflective of a classically-oriented current in the development of the Art Deco style, the facade of the Beaux-Arts Institute is characteristic of what the architect Robert A.M. Stern refers to as "Modern Classicism."¹⁷ Rooted in the Beaux-Arts principles of design--bilateral symmetry, axial planning, and monumental compositions combining classical forms--Modern Classicism was a reinterpretation of traditional architectural elements that embraced a stylized, modern aesthetic, most often loosely associated with Art Deco. The compositional contrast between plain surface and rich ornamentation found on the Institute's facade is characteristic of Art Deco, but also carries on the classical aesthetic of placing ornament at areas of emphasis in the design, such as the entrance, the spandrels, and the pier capitals. In addition, the bold, block lettering of the Institute's name, spanning the width of the facade and surmounting the first story, is a modern, streamlined design element, yet it relates to the composition as a whole in a way that recalls a classical frieze or cornice.

The Art Deco style was initiated by the 1925 Paris Exposition Internationale des Arts Decoratifs et Industriels Modernes, from which the style derives its name. Many of the pavilions at the Exposition were inherently classical in their planning and materials, although they expressed a new approach to ornament and its contribution to overall design. Among other influences were the Finnish architect Eliel Saarinen's second-place winning submission to the 1922 Chicago Tribune Building competition, with its streamlined treatment of the facade and lack of cornices; and the elegant, rectilinear compositions of the Viennese Secessionists Otto Wagner, Joseph Olbrich, and Josef Hoffmann; and also the geometric forms of the German Expressionists Bruno Taut and Peter Behrens.¹⁸ Many of the architects who designed New York's Art Deco buildings had either studied at the Ecole des Beaux-Arts or in American architectural schools that taught the Beaux-Arts curriculum.¹⁹ From planning, to the use of rich and varied materials, to the geometrically patterned and often symbolic ornament, many New York buildings labeled as Art Deco, such as the Institute or Rockefeller Center, make apparent an approach which created an intrinsic relationship between tradition and modernity.

The facade of the Institute reveals another fundamental ideal of the academic, classical tradition which is continued by Art Deco, namely, the integration of architecture with the other fine arts, sculpture and painting. Even without the proposed allegorical sculptures, Hirons's intention to represent the Beaux-Arts is carried out by the fine, ornamental details. Figural panels in relief, inspired by the sculpted Greek friezes of antiquity, are placed at the corners of the parapet spanning the fourth story. These depict allegorical scenes with figures holding attributes of the architectural profession: a T-square, a triangle, an ornamental acroterion, and what appears to be a model. Stylized "Ionic" capitals, surmounting the piers which flank the windows,

make another architectonic reference to classicism. Finally, polychrome terra-cotta spandrel plaques set between the second and third stories are rendered with the perspectival effects of painted, Renaissance vistas. These panels depict the Parthenon in Athens, St. Peter's Church in Rome--both monuments of importance to the classically-trained architect--and the Ecole des Beaux-Arts in Paris, the inspiration for the Institute's program.

The terra-cotta panels, (and possibly the sculpted reliefs), were designed by Rene Chambellan (1893-1955), in collaboration with Dennison & Hiron. A noted architectural sculptor and model-maker, Chambellan was born in West Hoboken, New Jersey. From 1912 to 1914, he attended New York University, where he later taught sculpture, followed by three years at the Beaux-Arts Institute and a period at the Ecole Julian in Paris. Upon returning to America, Chambellan devoted himself to architectural sculpture, bas-reliefs, and heroic panels in a number of materials, including bronze, stone, and terra cotta. He assisted Raymond Hood with the ornament of the Chicago Tribune Building and the Daily News Building (a designated New York City Landmark), and later contributed a number of works at Rockefeller Center (a designated New York City Landmark), including bronze fountainheads in the Channel Gardens, bronze plaques at the main entrance to Radio City Music Hall, and fourth-story allegorical spandrels on the facades of the British Building and La Maison Francaise. He also worked in New York on the Chanin Building, (a designated New York City Landmark), the East Side Airlines Terminal (demolished), and the New York Life Insurance Building; and elsewhere on the Sterling Library at Yale University and the Pershing Memorial Stadium at Vincennes, France.²⁰

The Atlantic Terra Cotta Company, which executed the terra-cotta spandrel plaques on the Institute facade, devoted the entire June, 1928 issue of their publication to the work of Dennison & Hiron, featuring the new Institute building. The article stresses the collaborative efforts made by the architects, Chambellan, and the Atlantic staff to achieve the delicate blending and shading of the finished panels, work which "requires science as well as artistry."²¹ For the firm's consistent use of fine polychrome terra-cotta ornament--a hallmark of many Art Deco buildings--Dennison & Hiron were praised as being "among the first architects in the country to recognize the new School of Design and to appreciate the advantage of polychrome terra cotta for the modeled detail and colors required by the new style."²²

Once one of the largest and best-known manufacturers of architectural terra cotta in the world, Atlantic Terra Cotta was the result of a merger of the Perth Amboy Company (the oldest manufacturer on the East Coast, founded 1879), with several smaller companies, including the original Atlantic plant of Staten Island. Terra cotta from Atlantic can be found on a number of designated New York City Landmarks, including the Woolworth Building, Tudor City, and in the stations of the IRT subway system. In the 1930s, the Staten Island plant was shut down, and in 1943, the remaining plants in Perth Amboy were closed. The last major contracts for the company were the roof of the Supreme Court Building in Washington, D.C., and the pediment of the Philadelphia Museum of Art.²³

Description

Occupying a midblock site on the south side of East 44th Street between United Nations Plaza and Second Avenue, the original Beaux-Arts Institute of Design building rises approximately seventy feet, extends to a depth of one hundred feet, and is fifty feet wide. Clad in buff-colored brick laid in Flemish bond, with a shallow, light-colored granite base course and limestone trim, the facade displays a four-story elevation with a fifth-story penthouse.²⁴

The original portion of the facade is symmetrically composed with three vertical bands of windows above a high base containing a centralized entranceway. Flanking the main entrance are two rectangular windows with simple, stone sills covered by simple metal grilles. At the west side of the facade is a doorway, which was originally a service entrance. The recessed, double-height entranceway, containing double wooden doors with glazed panels, is reached by two, shallow granite steps. The entranceway is given prominence by a series of stepped-back piers of bluish-purple brick which flank the door. The piers are topped with polychrome terra-cotta capitals set in the reveals. These have a stylized floral pattern in tones of blue and orange. The door enframingent is ornamented with painted iron grilles composed of curved, vertical lines with superimposed circles. A stone inscription in block letters with a roughly-hewn finish reading "Beaux-Arts Institute of Design" surmounts the first story and extends across the width of the facade, setting off the three stories with large metal casement windows above.

The facade of the second, third, and fourth stories is given vertical emphasis by monumental piers separating the three bays of windows. The second-story windows have double stone sills and large, limestone pedestal blocks. Spandrels separating the second- and third-story windows are highlighted by eight-foot wide polychrome terra-cotta plaques in tones of blue, lavender, and yellow. The eastern plaque depicts the Parthenon flanked by columns in the foreground. A band along the bottom contains the word "Athens" offset by a key pattern molding. The central plaque depicts the courtyard of the Ecole des Beaux-Arts, and has a band along the bottom containing the word "Paris" and an intertwined key and vine pattern molding. The western plaque depicts St. Peter's Church flanked by columns and has a band along the bottom containing the word "Rome" and a wave pattern molding. The sills of the third floor windows, just above the spandrels, feature terra-cotta egg-and-dart moldings.

Spandrels separating the third- and fourth-story windows are composed of a geometric brickwork pattern of squares and rectangles. Above, the two central piers have stone capitals which are flattened and stylized versions of the Ionic order. At the corners of the parapet flanking the fourth story are limestone figural panels in relief inspired by classical Greek friezes, which depict allegorical scenes relating to architecture. Two protruding brick courses set off a simple cornice which is cut out to accommodate the window openings of the fifth-story penthouse above.

Alterations have been made to the penthouse story. The facade at this level has been brought forward to just behind the main facade and expanded to the width of the main facade. The eastern and central window openings, of a horizontal casement type, continue the width of the bays below. The

original brick has been retained in these two bays. The western side of the penthouse story has no window and new brick was added. This was in conjunction with an eighteen-foot wide 1961 addition at the western edge.²⁵ It rises the full height of the building and is clad in similar buff-colored brick. Three jalousie windows are located above the third story in the addition.

Subsequent History

In the 1940s , the Beaux-Arts Institute of Design was sold to the Reeves Sound Studios, which used the space for offices, recording studios, and film editing and viewing rooms. In 1956, the Trustees of the Society of Beaux-Arts Architects voted to suspend the educational programs of the Institute. In 1956, The National Institute for Architectural Education was founded in its place and continues to sponsor several important architectural competitions and fellowships. The Beaux-Arts system began to wane in popularity in the 1940s after having dominated architectural education in America for more than half a century. Today, the Beaux-Arts Institute of Design serves as a reminder of a classical tradition which deeply influenced generations of American architects.

Report prepared by Elisa Urbanelli,
Research Department

Report edited by Jay Shockley,
Deputy Director of Research, and
Nancy Goeschel, Research Department

NOTES

1. "The History and Aims of the Society of Beaux-Arts Architects," American Architect 95 (Mar. 24, 1909), 101-02.
2. Henry R. Sedgwick, "The Beaux-Arts Institute of Design," Society of Beaux-Arts Architects Yearbook (New York, 1933), 19.
3. Ibid., 19.
4. Society of Beaux-Arts Architects Yearbook, n.p.
5. Sedgwick, 21.
6. Minutes of the Board of Trustees, Society of Beaux-Arts Architects, June 23, 1927 and Oct. 13, 1927, archives, National Institute for Architectural Education, New York. Research provided by Carol Willis.
7. Francis S. Swales, "The Competition Extraordinary," Pencil Points 9 (Jan., 1928), 37, and letter from Raymond Hood to Harry Sedgwick, Oct. 7, 1927, archives, National Institute for Architectural Education, New York.
8. Bulletin of the Beaux-Arts Institute of Design 4 (Dec., 1927), 1; Swales, 44.
9. For a survey of the principles of the Ecole des Beaux-Arts curriculum, see The Beaux-Arts and Nineteenth Century French Architecture Robin Middleton, ed., (Cambridge, Mass., 1982).
10. Swales, 41, (this article also includes illustrations of several of the more notable competition sketches), and Kenneth M. Murchison, "Mr. Murchison of New York Says--," The Architect 9 (Jan., 1928), 503.
11. Murchison, 504.
12. Philip L. Goodwin, "The New Building of the Beaux-Arts Institute of Design," Architectural Record, 63, no. 6 (June, 1928), 497.
13. Rayne Adams, "Master Draftsmen, XXI: Frederic C. Hirons," Pencil Points 8, no. 7 (July, 1927), 397, 409.
14. Ibid., 397, 401, 409; "Dennison & Hirons, Architects," Atlantic Terra Cotta 9, no. 9 (June, 1928), n.p.
15. "Dennison & Hirons, Architects," n.p.
16. Goodwin, 497-98. This article also illustrates a model, a rendering, plans, and a working drawing of facade details. These sculptures were never executed.
17. Robert A.M. Stern, et al., New York 1930 (New York, 1987), 21-23.
18. Cervin Robinson and Rosemarie Haag Bletter, Skyscraper Style (New York, 1975), 35-64.

19. This point is made by Andrew S. Dolkart, Testimony given before the LPC at a public hearing, July 12, 1988, Item No. 5, (LP-1667), and is evidenced by the list of participants in the Institute competition.
20. LPC, Rockefeller Center Designation Report, report prepared by Janet Adams, (New York, 1985), 253. See also, Rayne Adams, "Thoughts on Modern, and Other, Ornament," Pencil Points 10, no. 1 (Jan., 1929), 3-16, for illustrations of some of Chambellan's work.
21. "Dermison & Hiron," n.p.
22. Ibid.
23. Hildegard J. Stafford, "The Terra Cotta Industry and the Atlantic Terra Cotta Company," The Staten Island Historian 31, no. 18 (Apr.-June, 1974), 153-63.
24. An interior alteration in 1952 sealed off the open mezzanine level between the first and second stories, creating an additional floor. This had no effect on the exterior. See NYC, Dept. of Buildings, Manhattan. Plans, Permits and Dockets, Block 1336, Lot 47. ALT 1420-52.
25. Ibid., ALT 1711-60.

Ecole des Beaux-Arts ([Frontpage](#)) ([Thumbnail Index](#)) ([What's New Page](#)) ([Refer This Site](#))

The Ecole des Beaux-Arts

School of arts founded in 1648 by Cardinal Mazarin developed studies in architecture, drawing, painting, sculpture, engraving, modeling, and gem cutting. The school was brought under control of the government by Louis XIV originally to guarantee a pool of artists available to decorate the palaces and paint the Royalty but was made independent by Napoléon III in 1863.

The Ecole keyed on classical arts – Greek and

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Academic Art

Roman architecture and studying and imitating the Great Masters. Emphasis was placed on drawing before any of the students were allowed to advance to painting and each had to go through a rigorous progression of advancement. They first drew from engravings, also called drawing "from the flat". Only when they mastered that, could they begin drawing from plaster casts or what was called drawing "from the round" or the "antique"; and then, and only then, were they allowed to progress and draw "from the live" (nude models).

When Sargent arrived in Paris in 1874, the art world was made up of three very separate bodies which coexisted symbiotically in a triangle with a fourth filling the center. At the top of this triangle was the dignified Ecole, steeped in tradition and hopelessly stiff, designed to produce classical

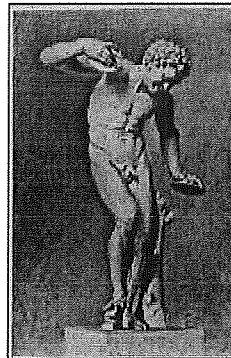
The Paris art-world was made up of a triangle

- The Ecole des Beaux-Arts
- The Independent Ateliers
- The Annual Paris Salon

and in the middle was always the Café life

Ecole des Beaux-Arts

Drawing from the "antique"
John Singer Sargent



The Dancing Faun, after the Antique
c. 1873-1874

Drawing from "The Live"

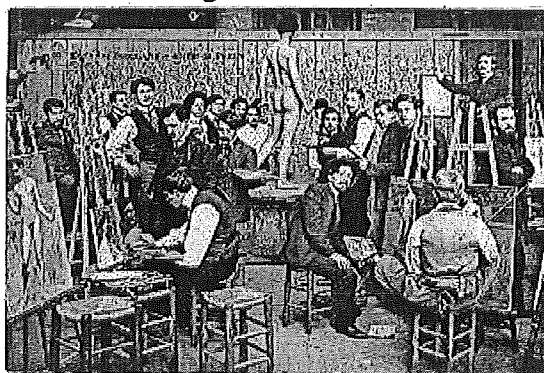


Photo: Students painting "from the live" at the Ecole
Date: unknown appears to be late 1800's
Source: [History of the Ecole des Beaux-arts](#)

Café Life

painters in an emerging world that was excited by new artists pushing at the fringes (Manet and others). Still, the Ecole was the apex of recognized achievement, with established levels of exams deemed so difficult that it was considered the best in the world. To be accepted by the Ecole was to be considered the best; and although a revolution in art was taking place – it wouldn't hit the mainstream until much later. Every year the Ecole held a contest for the *Grand Prix de Rome*. The winner would get a full-ride scholarship to study in Rome.

The second point in this triangle was the small independent ateliers where students learned directly under the tutelage of an established "Master" who were not part of the Ecole. Students not in the Ecole trained in these ateliers with the hopes of passing the entrance exam, as well as students already in the Ecole wanting to get recognized by their association with a known "practicing Master".

The Masters ran their ateliers as a status symbol of their greatness. The success their students had at the Ecole and the Salon only reflected back on them as to how great they truly were. In turn, their student's success and status only brought more commissions. Success bred success. The greater the Master, the more talented students wanted to associate and align themselves to a proven track record -- both at the Ecole and the Salon. The competition between the independent ateliers meant the Ecole could raise the bar even higher guarantying they would get only the best of the best.

The third point in the triangle was the annual Paris Salon, the show everyone wanted to



Café-Concert
Edouard Manet
(French Painter)
1878

Annual Paris Salon



Charles X Distributing Awards to Artists Exhibiting at the Salon of 1824 at the Louvre
Heim, Francois-Joseph (French Painter, 1787-1865)
1827
Musée du Louvre, Paris

Independent Ateliers



Carolus-Duran 2nd painting
John Singer Sargent
1879

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Easy, Fun, Beautiful

James Cagney

succeed at, and from which the public often commissioned their favorite artists. It was the place to be seen, get known, and paintings shown at the Salon often posted not only the artist who did the work, but what atelier they came from and whom they studied under. It was the Paris Salon that was the culmination of a full years worth of work, both at the Ecole and the ateliers. Not every painting was accepted. You had to submit to a jury to get the paintings shown. Over the summer break, the Masters, teachers, and students were almost all expected to leave the city, travel and paint in *plein air*.

In the middle of these three bodies was the lively Parisian life of the cafés which all came together to discuss art. They literally lived, breathed, and drank art -- twenty-four seven. The cafés were but informal extensions of the ateliers and the Ecole, and the Masters would hold court at a table of their followers to argue and discuss theories and technique -- and when the Salon was going -- critique art. It would be the cafés that the vanguard of art flourished and from which the Impressionists came.

Wholly aside from the discipline of painting, was the discipline of Architecture and was one of the most important studies at the Ecole des Beaux-Arts and would influence a whole school of thought. From America came some of the best students to study and it would be the Beaux-Arts that buildings such as the Boston Public Library, Boston Museum of Fine Arts, Grand Central Station, The Metropolitan Museum of Art, and many of the Great public buildings in America of the late 1800's through the 1930's were built.

Today, the Ecole still exists

The Ecole des Beaux-Arts

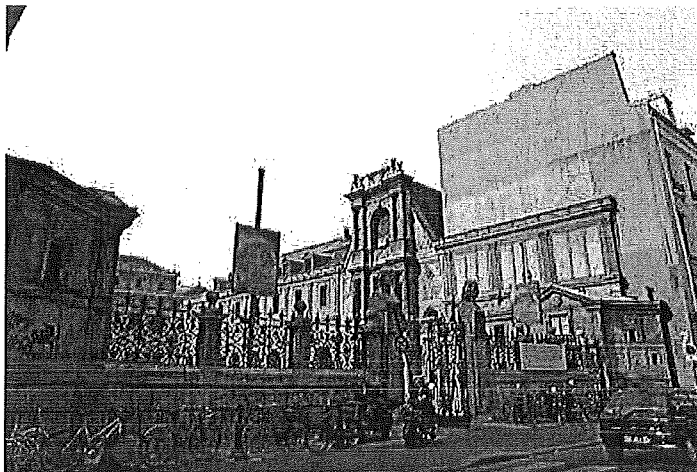


Photo: Contemporary photo

Date: unknown

Source: PagesZoom.com

although the Architectural school was split off after the student riots of 1968.

Notes

Here are some **OUTSTANDING** links to further reading and viewing.

- [History of the Ecole-](#)
Learn more about exams and the famous Grand Prix de Rome
- Learn more about the Architectural style [Beaux-Arts Classicism](#)
- See some of the buildings built in America of this style including the Boston Public Library -- [Digital Archive of American Architecture](#)
- See today's Ecole [nationale supérieure des beaux-arts](#)



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[Get Involved](#)

Sec. 54-41. Appeals and review.

The applicant or any interested party may file an appeal to the town council on any ruling by the commission or the building official made pursuant to this chapter. An appeal shall be on forms provided by the town. The appeal shall be filed or made within ten days. Appeals shall set forth the alleged inconsistency or non-conformity with procedures or criteria set forth in this chapter. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the commission or building official until the town council has decided the appeal. The town council may review any decision of the commission or the building official, and their disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

(Code 1982, § 16-46; Ord. No. 6-06, § 1, 7-11-06)

ARTICLE III. CERTIFICATE OF APPROPRIATENESS

DIVISION 1. GENERALLY

Sec. 54-71. Required.

- (a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.
- (b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.
- (c) Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a

change of design or material or that do not affect the outward appearance of a building.

- (d) The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.
- (e) For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.
- (f) An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. No exterior-change project with an estimated expenditure exceeding \$2,000.00 as determined by the building official shall fall within the definition of this minor project category.
- (g) Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission.

(Code 1982, § 16-37)

Secs. 54-72—54-90. Reserved.

DIVISION 2. PROCEDURES AND EFFECT

Sec. 54-91. Design guidelines.

The commission shall prescribe the procedure for making application for a certificate of appropriateness and may develop design guidelines necessary to provide a framework for studying plans submitted.

(Code 1982, § 16-40(a))

Sec. 54-92. Preliminary conference.

The applicant for a certificate of appropriateness shall, upon request, have the right to a preliminary conference with a member of the commission or of the commission staff for the purpose of making any changes or adjustments to the application that might be more consistent with the commission's standards.

(Code 1982, § 16-40(b))

Sec. 54-93. Public hearing; notice.

The commission shall hold a public hearing upon each application for a certificate of appropriateness affecting property under its control. Notice of the time and place of the hearing shall be provided as follows:

is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

(Code 1982, § 16-41(a))

Sec. 54-123. Exterior alterations.

- (a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.
- (b) Exterior alterations shall not affect the architectural quality or historical character of the building.

(Code 1982, § 16-41(b))

Sec. 54-124. Signs.

For signs located or plainly visible from out-of-doors, the scale, design, materials, style and patterns should be compatible with the buildings and environment with which they are visually related.

(Code 1982, § 16-41(c))

Sec. 54-125. Demolition.

- (a) *Generally.* For demolition of a landmark or a building in an historic district, the following should be considered:

- (1) The historic or architectural significance of the building.
- (2) The importance of the building to the overall ensemble of buildings within the district and the importance of the building to the integrity of the historic district.
- (3) The special character and aesthetic interest the building adds to the district.
- (4) Whether the building is one of the last remaining examples of its kind in the neighborhood, historic district or city.
- (5) The difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or uniqueness of location.
- (6) The future utilization of the site and the effect those plans for the site will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the surrounding area and district.
- (7) Whether reasonable measures can be taken to save the building from further deterioration, collapse, arson, vandalism or neglect.

- (b) *Partial demolition.*

- (1) In the event of a request for a partial demolition, in addition to the above criteria, the commission shall consider the im-

pact of the proposed demolition on the architectural and historical integrity of the remaining structure.

- (2) If a determination is made by the commission that a demolition permit will not be granted on the basis of those items specified in subsection (a) of this section, the applicant may within 30 days of notice of the decision of the commission apply for an exception of extreme economic hardship on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.

- (c) *Appeals on grounds of extreme economic hardship.* When a claim of extreme economic hardship is presented, the property owner/applicant must prove he cannot realize any reasonable and beneficial use of or return from the property. The finding of the commission shall be made by considering, and the property owner/applicant may submit to the commission, evidence establishing each of the following factors:

- (1) The current levels of economic return on the property as considered in relation to the following:
 - a. For all property:
 1. Real estate taxes for the previous four years and the assessed value of the land and improvements thereon according to the two most recent assessed valuations.
 2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired.
 3. The fair market value of the property immediately prior to its designation as a landmark and/or designation of the historic district and the fair market value of the property (in its protected status as a landmark or contributing structure within an historic district) at the time the application for certificate of appropriateness is filed.
 4. Remaining balance of any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two years.
 5. All appraisals obtained within the previous two years by the property owner/applicant in connection with the purchase, financing or ownership of the property.
 6. Any state or federal income tax returns on or relating to the property for the past two years.
 7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.
 - b. For income producing property:
 1. Annual gross income from the property for the previous two years.
 2. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.

3. Depreciation deduction and annual cash flow, if any, for the previous two years before and after debt service, if any, during the same period.
 4. Proof that efforts have been made by the owner to obtain a reasonable return on this investment based on previous service.
 5. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (2) The marketability of the property considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
 - a. Any real estate brokers or firms engaged to sell or lease the property.
 - b. Reasonableness of the price or rent sought by the applicant.
 - c. Any advertisements placed for the sale or rent of the property.
 - d. Any contracts for purchase submitted.
 - (3) The infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:
 - a. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - b. Estimate from a registered architect or professional engineer of the cost of construction, alteration, demolition or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
 - c. Estimate from a qualified appraiser, with competent credentials, of the market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
 - d. In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structure on the property.
 - e. Financial proof of the ability to complete the replacement project, which may include but is not limited to a performance bond, a letter of credit, a trust for completion of improvements, or letter of commitment from a financial institution.
 - f. Any other information the applicant feels is relevant to show extreme economic hardship.
- (4) The commission may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. The commission may also furnish additional information as the commission or staff believes is relevant. In the event any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file an affidavit specifying the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.
 - (5) The commission shall not consider a self-imposed hardship as an extreme economic hardship. Should the applicant for demolition satisfy the commission that he will suffer an extreme economic hardship if a demolition permit is not recommended, such recommendation shall be made.
 - (d) *Demolition and construction permits; plans.* Following recommendation of demolition, the applicant must seek approval of replacement plans based on the standards set forth in this section, prior to receiving a demolition permit. Replacement plans for this purpose shall include but not be limited to project concept, preliminary elevations and site plans, and adequate working drawings. Once the commission has approved the permit for replacement construction, the demolition permit may be issued without further action. Permits for demolition and construction shall be issued simultaneously if the requirements set forth in this section are met and the property owner/applicant provides financial proof of his ability to complete the project. When the commission recommends approval of demolition of buildings of historic or architectural significance, permits shall not be issued until all plans for the site have received approval from all appropriate town departments.
 - (e) *Time period for applications.* Applications for demolition, which demolition involves more than 50 percent of the cubic footage of a landmarked structure, shall be heard by the commission only during the months of November, December, January, February, March and April.

(Code 1982, § 16-41(d))

Sec. 54-126. Reconstruction of a nonconforming use building.

The reconstruction of a building legally nonconforming as to use and destroyed by fire, storm or other act of God shall be governed by the provisions of the zoning ordinance, chapter 134 of this Code, except that the commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in section 54-122.

(Code 1982, § 16-41(e))

Secs. 54-127—54-160. Reserved.

ARTICLE IV. DESIGNATION PROCEDURE

Sec. 54-161. Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

- (a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:
 - (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
 - (2) Is identified with historic personages or with important events in national, state or local history.
 - (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
 - (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
 - (5) Constitutes a unique area of architecture, landscaping and planning.
- (b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
- (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

Mr. and Mrs. Alan Curtis
720 South Ocean Boulevard
Palm Beach, Florida 33480

VIII A.I.
U Aura Ziska
TC 5/12/10

VIA HAND-DELIVERY

March 17, 2010

Landmarks Preservation Commission Members
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Taylor Residence/780 South Ocean Boulevard, Palm Beach, Florida

Dear Members of the Landmarks Preservation Commission:

Our family has resided at 720 South Ocean Boulevard in Palm Beach since 1990. You have pending before you an application for a Certificate of Appropriateness # 7-10 that would allow the property owners of 780 South Ocean Boulevard to construct a two-story 2,000 square foot addition that would be extremely close to our property. We vehemently object to the proposed addition for the following reasons:

- 1) It is on the front of a very important Addison Mizner house and it significantly and negatively impacts the front façade of this landmark.
- 2) The two story addition is too massive and not in character with a landmarked house.
- 3) The second floor sun deck is not in keeping with the original architecture and it is unlikely Addison Mizner would have designed such an addition.
- 4) Additionally, the second floor sun deck contains a outdoor fireplace which suggests it will be an entertaining area and will create excessive noise and intrude into our living area and our teenage daughter's bedroom.
- 5) The proposed landscaping is not sufficient and there is no guarantee that it will last and continue to screen.
- 6) The proposed addition doesn't meet the code as it encroaches into the setback.

Based on the foregoing, we respectfully request that you **deny** the above referenced application.

Thank you.

Sincerely,

Christine Curtis

Mr. and Mrs. Alan Curtis

Sec. 134-237. Dimensional waivers for landmark properties.

The purpose and intent of this section is to provide owners of landmark properties and structures with flexibility in the rehabilitation, expansion, and redevelopment of buildings and structures within the town. This Code establishes general standards for the location, design, scale, and massing of buildings and structures which do not always fit the unique conditions and circumstances of a built-out community that includes many buildings of distinctive individual and cumulative design and character. This section establishes substantive criteria for the review and approval of development on landmarked properties when the property owner desires to use conditional dimensional waivers to the strict application of the underlying zoning district regulations.

(1) *Application of dimensional waivers for landmark properties.* The dimensional waivers of this section may be applied to applications that seek to deviate from the strict application of the underlying zoning district regulations, except that these standards shall not be applied in commercial zoning districts. The dimensional waivers of this section shall be applied in addition to the standards for approval of certificates of appropriateness that are set out in chapter 54. It is not the intent of this section that the consideration of a dimensional waiver supercedes the criteria for granting a certificate of appropriateness.

(2) *Description of conditional dimensional waivers available for landmark structures.* The landmark preservation commission may apply the following conditional dimensional waivers in the alternative to the strict application of the underlying zoning district regulations:

a. *Reduced setbacks for expansion of landmark buildings.* Reduced side and rear yard setbacks may be approved for the expansion of landmark buildings, or the addition of permissible new buildings, on a lot which contains a landmark building if all of the following are demonstrated:

1. The setback does not violate any of the following conditions:

Front: Reduction can be up to 90 percent of underlying zoning district requirement; provided, however that the front yard setback shall not be less than the lesser of the existing front yard setbacks of the principal structures on the lots immediately abutting the side property lines of the lot for which the waiver is being requested.

Side: Reduction can be up to 65 percent of underlying zoning district requirement; provided, however, that the side yard setback shall not be less than five feet.

Side street: Reduction can be up to 65 percent of underlying zoning district requirement.

Rear: Reduction does not result in a rear yard setback of less than seven and one-half feet.

Rear street: Reduction does not result in a rear street yard setback of less than 20 feet.

2. The proposed portion of building or structure between the required setback and the reduced setback does not compromise the historic character of the landmark building, due to one or more of the following:

A. The architecture and design of the additional building or structure between the required setback and the reduced setback:

i. Is complimentary to the architecture of the landmark building, while neither replicating the architecture nor fundamentally departing from it;

ii. Is such that the additional building or structure appears subordinate to those parts of the landmark building that materially contribute to its landmark status;

iii. Does not block public views of those parts of the landmarked building that materially contribute to its landmark status; and

iv. Allows for future removal of the additional building or structure and restoration of the landmark building to its existing design.

- B. The volume and footprint of the portion of the building or structure between the required setback and the reduced setback is de minimus, and the character of the proposed building or structure does not tend to distract the eye from the principal landmark building.
- C. The portion of the additional building or structure between the required setback and the reduced setback is completely screened from view from public rights-of-way by existing topography, existing walls, and/or existing landscaping that do not interfere with the historic character of the landmark building.
- D. Reasonable alternative designs that are permitted by the strict requirements of the underlying zoning district and result in the same cubic content ratio would detract from the landmark character of the building.
- b. *Reduced setbacks for restoration/replacement of documented portion of a landmark building that has been destroyed.* A reduction of up to 100 percent of any required setback may be approved if it is demonstrated that the proposed development between the required setback and the reduced setback area enhances the historic character of the landmark building by restoring or replacing a portion of the original building or structure that had been destroyed or demolished.
- c. *Increasing maximum height of driveway gates.* An increase in the maximum height of driveway gates may be approved if it is demonstrated that:
1. The proposed driveway gates will restore or replace gates that contribute to the character of landmark building;
 2. The proposed driveway gates are located no closer to the street than the original driveway gates; and
 3. The proposed driveway gates will not compromise traffic safety.
- d. *Decreasing minimum setback of driveway gates.* A decrease in the minimum setback of driveway gates may be approved if it is demonstrated that:
1. The proposed driveway gates will restore or replace gates that contribute to the character of landmark building;
 2. The proposed driveway gates are located no closer to the street than the original driveway gates; and
 3. The proposed driveway gates are designed and located in such a manner that they will not compromise traffic safety.
- e. *Decreasing landscaped open space for restoration or renovation of nonconforming landmark buildings.* A decrease in the minimum landscaped open space may be approved in order to permit landmark buildings that do not conform to the minimum landscaped open space requirements to be renovated, reconstructed, or restored, in order to either preserve the building as it existed when it was landmark; or in conjunction with restoration that involves the application of subsection b.
- f. *Decreasing landscaped open space for expansion of landmarked buildings which are used for an important public purpose.* A decrease of up to 15 percent of the minimum required landscaped open space may be approved if it is demonstrated that:
1. The reduction is necessary to permit the necessary expansion of a landmark building which serves an important public purpose; and
 2. Reasonable alternative designs that are otherwise permitted by the strict requirements of the underlying zoning district, and which would result in the same cubic content ratio, would detract from the landmark character of the building.
- (3) *Landmarks preservation commission action; town council ratification of commission action on applications involving dimensional waivers.*
- a. *Decisions to be placed on town council consent agenda.* Decisions of the landmark preservation commission to approve, approve with conditions, or deny applications for development approval involving dimensional waivers shall be placed on the consent agenda of the first available meeting of the town council after the decision.
- b. *Removal of decisions from consent agenda.* Decisions that are placed on the town council consent agenda pursuant to subsection a., may be removed from the consent agenda and placed on the regular agenda at the request of a member of the town council.
- (Ord. No. 8-07, § 2, 5-8-07)
- Secs. 134-238--134-260. Reserved.

TC Mtg
5/12/10
JANEDAY

JANE S. DAY, Ph.D.

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Education

Florida Atlantic University, Boca Raton, Florida
Ph.D. in Comparative Studies for the Public Intellectual, 2010

Florida Atlantic University, Boca Raton, Florida
M.A., History, 1994

Goucher College, Towson, Maryland
B.A., Art History, 1968

Experience

Jane S. Day is the President of Research Atlantica, Inc., an historical consulting firm that has specialized in the management and preservation of historical resources since 1989. Working with the private and public sectors, the firm investigates, documents and publicizes Florida's valuable historical heritage. Since 1992, Ms. Day has been the Preservation Consultant to the Town of Palm Beach where she has written and presented eighty-one reports resulting in local designation and protection. She has also successfully listed eight sites on the National Register of Historic Places. Ms. Day's special interest is in the Bahamas and Florida Keys.

Publications and Presentations

- 2009 "Preserving Modernism," Preservation Foundation of Palm Beach, Florida.
- 2009 "John L. Volk: A Remarkable Life," Palm Beach Jewelry, Art & Antique Show, Palm Beach County Convention Center, for the Historical Society of Palm Beach County
- 2008 "Maintaining Historic Properties: Determining Your Needs," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 2008 "Enhancing the Written Record: Using Archaeology to Expand the Historic Legacy at Preacher's Cave, Eleuthera, Bahamas," the seventy-third meeting of the Society of American Archaeology, Vancouver, British Columbia, Canada
- 2008 "Light Years: 92,900,000 miles to the end of the Lane," poetry published in *The Secret of Salt, An Indigenous Journal*, Key West, Florida
- 2007 "Explore the Architectural History of the Town of Palm Beach," presentation to the Palm Beach Landmarks Commission and invited guests
- 2007 "Lucayans, Puritans and Free Blacks: Preacher's Cave and the Convergence of Culture," Third International African Diaspora Heritage Trail Conference, The Atlantis Resort, Paradise Island, Nassau, Bahamas
- 2007 "Marketing Historic Properties," Preservation Foundation of Palm Beach, Palm Beach,

Florida

- 2007 "Starting a National Park in the Bahamas: The Exciting Discovery of Preacher's Cave, Eleuthera, Bahamas," Ph.D. Colloquium, Florida Atlantic University, Boca Raton, Florida
- 2006 "An Archaeological and Historical Assessment of Preacher's Cave, North Eleuthera, Bahamas," with the Archaeological and Historical Conservancy, Inc., presented to the Bahamas Ministry of Tourism and the North Eleuthera Historical Society
- 2006 "Impressive Houses, Influential People: Preserving Palm Beach's Masterpieces," lecture at Newer Dimensions Dinner Series, Ocean Club of Florida, Ocean Ridge, Florida
- 2004 "Town of Palm Beach, Florida, Historic Sites Survey," Phase IV, Town of Palm Beach and Bureau of Historic Preservation, Tallahassee, Florida, with Sandra L. Norman.
- 2004 "It's A Long Way to Old Miami: Building the Tamiami Trail," XXXI Symposium of the International Committee for the History of Technology, Bochum, Germany
- 2004 "The Architecture of John Volk and Maurice Fatio: an Overview," The Collectors' Forum, Boca Raton Museum of Art, Boca Raton, Florida
- 2003 "Adaptive Re-Use and Historic Preservation in Palm Beach," The Florida Chapter of the American Planning Association, The Breakers Hotel, Palm Beach, Florida, with Wes Blackman, Rick Gonzales, Eugene Pandula and Timothy M. Frank
- 2003 "John Volk and the Renovation of Town Hall," John L. Volk Foundation, Newsletter, Palm Beach, Florida
- 2003 "The Bahamian work of Architect John L. Volk," lecture at the Lyford Cay Club, Nassau, Bahamas
- 2003 "Palaces in Paradise: The Architecture of Maurice Fatio," Lecture and publication for the Twenty-First Annual Palm Beach Winter Antiques Show to benefit The Historical Society of Palm Beach County, Crown Plaza Hotel, West Palm Beach, Florida
- 2003 "The Lysistrata Project: A Theatrical Act of Dissent," participation in the Boca Raton Reading of *Lysistrata* by Aristophanes, Florida Atlantic University, Boca Raton, Florida
- 2002 *The Day Arrives*, collaborative art and poetry book that consists of twenty-one original poems by Day and forty-two paintings by artist, Lenny Addorisio. The art show and book signing for this project were part of the 2003 Key West Literary Seminar, Woodenhead Gallery, Key West, Florida. In April 2003 the work was shown again at the Jack Rabbit Moon Gallery, Delray Beach, Florida.
- 2002 "A Plan for Howard Park, West Palm Beach, Florida," collaborative grant project with artist, Michael Singer, The Armory Art and Cultural Center, West Palm Beach, Florida
- 2002 "Historic Preservation and Social Consciousness," Florida Atlantic University, Boca Raton, Florida, The Public Intellectuals Colloquium
- 2002 "The Arts All Around Us," Arts National Honor Society, Marjorie Stoneman Douglas High School, Coral Springs, Florida
- 2002 "The Status of Historic Preservation in the Town of Palm Beach," Palm Beach Chamber of

Commerce, Breakers Hotel, Palm Beach, Florida

- 2001 "John L. Volk, Architect Extraordinaire," Town of Palm Beach Preservation Celebration, The Society of the Four Arts, Palm Beach, Florida
- 2000 "Saving Historic Structures through Local Ordinance in the Town of Palm Beach," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 2000 "Haitians in Bahamas are trapped in history," *Fort Lauderdale Sun-Sentinel*, May 29, 2000.
- 1999 "Hemingway in Bimini," part of the opening exhibition of the International Game Fishing Museum, Hollywood, Florida
- 1998 "Key West: An Historic Sites Survey," lecture at Monroe County Library, Key West, Florida
- 1998 "City of Key West, Florida: Historic Sites Survey," City of Key West and Bureau of Historic Preservation, Tallahassee, with Sandra L. Norman
- 1998 "Indian Key, Florida: Research Report" Islamorada Historical Society and Florida Department of Natural Resources, with Sandra L. Norman.
- 1997 "Town of Palm Beach, Florida, Historic Sites Survey," Phase III, Town of Palm Beach and Bureau of Historic Preservation, Tallahassee, Florida, with Sandra L. Norman
- 1997 "The 17th Century Legacy of a Bahamian Genetic Isolate: A Prototype Archaeological and Molecular Study," with Lisa L. Baumbach, Ph.D. The Beach Club, Palm Beach, Florida.
- 1997 "Preservation Palm Beach Style," Palm Beach Chamber of Commerce, Breakers Hotel, Palm Beach, Florida
- 1997 "John L. Volk, Architect: An Overview," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 1996 "Clinical, Biochemical and Molecular Investigations of a Bahamian Genetic Isolate of Laron Syndrome," *The Journal of Clinical Endocrinology and Metabolism*, with L. Baumbach, A. Schiavi, R. Bartlett, E. Perea, M. Brown, S. Stein, M. Edison, J.S. Parks, and W. Cleveland, December, 1996
- 1995 "Owning an Historic Landmark: Yes, You Can Change!" Town of Palm Beach Preservation Celebration, The Society for the Four Arts, Palm Beach, Florida
- 1995 "Preservation Palm Beach Style: Respect for the Past, Responsibility for the Future," Palm Beach County Planning Council, Henry Flagler Museum, Palm Beach, Florida
- 1995 "Banker's Row: A Case for Preservation in Delray," Old School Square, U.S. Trust Lecture Series, The DeWitt Home and Gardens Showcase
- 1994 "John L. Volk and the Development of Paradise Island Bahamas," Palm Beach County Historical Society, Henry Morrison Flagler Museum, Palm Beach, Florida
- 1994 "Molecular Investigations of a Bahamian Genetic Isolate with Laron Syndrome and Its Relationship to 17th Century Ancestral Remains," with A. Schiavi, W. Cleveland and L. Baumbach, University of Miami School of Medicine, Miami, Florida

- 1994 Published photograph, "Old Dillard School." *National Register of Historic Places, African American Historic Places*, Beth L. Savage, editor, Preservation Press: National Park Service
- 1994 "City of Homestead, Florida: Historic Sites Survey," City of Homestead and Bureau of Historic Preservation, Tallahassee, Florida, with Sandra L. Norman
- 1993 "Preacher's Cave: A Preliminary Report." Lecture at the Bahamas Historical Society, Nassau, Bahamas
- 1992 "Archaeological Investigations at Preacher's Cave, North Eleuthera, Bahamas: Phase II, May 1992," National Archives of the Bahamas and the Spanish Wells Museum, with Robert S. Carr and Sandra L. Norman.
- 1992 "A Preliminary report on Phase II Excavation," National Archives of the Bahamas and the Spanish Wells Museum, with Robert S. Carr and Sandra L. Norman
- 1992 "Archaeological Survey of the Town of Palm Beach, Florida," Town of Palm Beach and Bureau of Historic Preservation, Tallahassee, Florida, with Robert S. Carr and Sandra L. Norman
- 1991 The Spanish Wells Museum, A Quincentennial Project: Design, Installation and Lecture, with Sandra L. Norman and Robert S. Carr
- 1990 Book Review: "Killing Mister Watson, by Peter Mattheissen," *South Florida History Magazine*, Fall, Number Four
- 1990 "The Bimini Bay Rod and Gun Club," *South Florida History Magazine*, Spring, Number Two
- 1990 "Bimini Bay Rod and Gun Club: Out Island Tourism during the Roaring Twenties," Bahamas Historical Society, Nassau, Bahamas
- 1989 "Bimini, Bahamas: Hemingway's Island in the Stream," *South Florida History Magazine*, Fall, Number Four

Memberships and Professional Affiliations

Florida Trust for Historic Preservation
 National Trust for Historic Preservation
 Preservation Foundation of Palm Beach
 Phi Alpha Theta - International History Honor Society
 Phi Kappa Phi - National Honor Society
 North Eleuthera Historical Society, Secretary



AERIAL VIEW



BRASSEUR

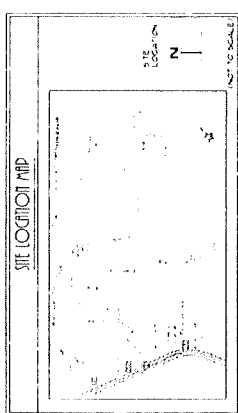
PROBOT

ARCHITECTS

A NEW TWO STORY ADDITION FOR:
TERRY TAYLOR
780 VON OCKEN BLVD
MILWAUKEE, WISCONSIN

SP1

DATE: 10/16/11
BY: [signature]
CHECKED: [signature]
SCALE: 1/8" = 1'-0"



SITE INFORMATION
ALL THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF BRASSEUR PROBOT ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRASSEUR PROBOT ARCHITECTS.

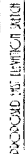
LEGAL DESCRIPTION
SECTION 16, TOWNSHIP 14 N, RANGE 10 E, S4, S5, S6, S7, S8, S9, S10, S11, S12, S13, S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S28, S29, S30, S31, S32, S33, S34, S35, S36, S37, S38, S39, S40, S41, S42, S43, S44, S45, S46, S47, S48, S49, S50, S51, S52, S53, S54, S55, S56, S57, S58, S59, S60, S61, S62, S63, S64, S65, S66, S67, S68, S69, S70, S71, S72, S73, S74, S75, S76, S77, S78, S79, S80, S81, S82, S83, S84, S85, S86, S87, S88, S89, S90, S91, S92, S93, S94, S95, S96, S97, S98, S99, S100, S101, S102, S103, S104, S105, S106, S107, S108, S109, S110, S111, S112, S113, S114, S115, S116, S117, S118, S119, S120, S121, S122, S123, S124, S125, S126, S127, S128, S129, S130, S131, S132, S133, S134, S135, S136, S137, S138, S139, S140, S141, S142, S143, S144, S145, S146, S147, S148, S149, S150, S151, S152, S153, S154, S155, S156, S157, S158, S159, S160, S161, S162, S163, S164, S165, S166, S167, S168, S169, S170, S171, S172, S173, S174, S175, S176, S177, S178, S179, S180, 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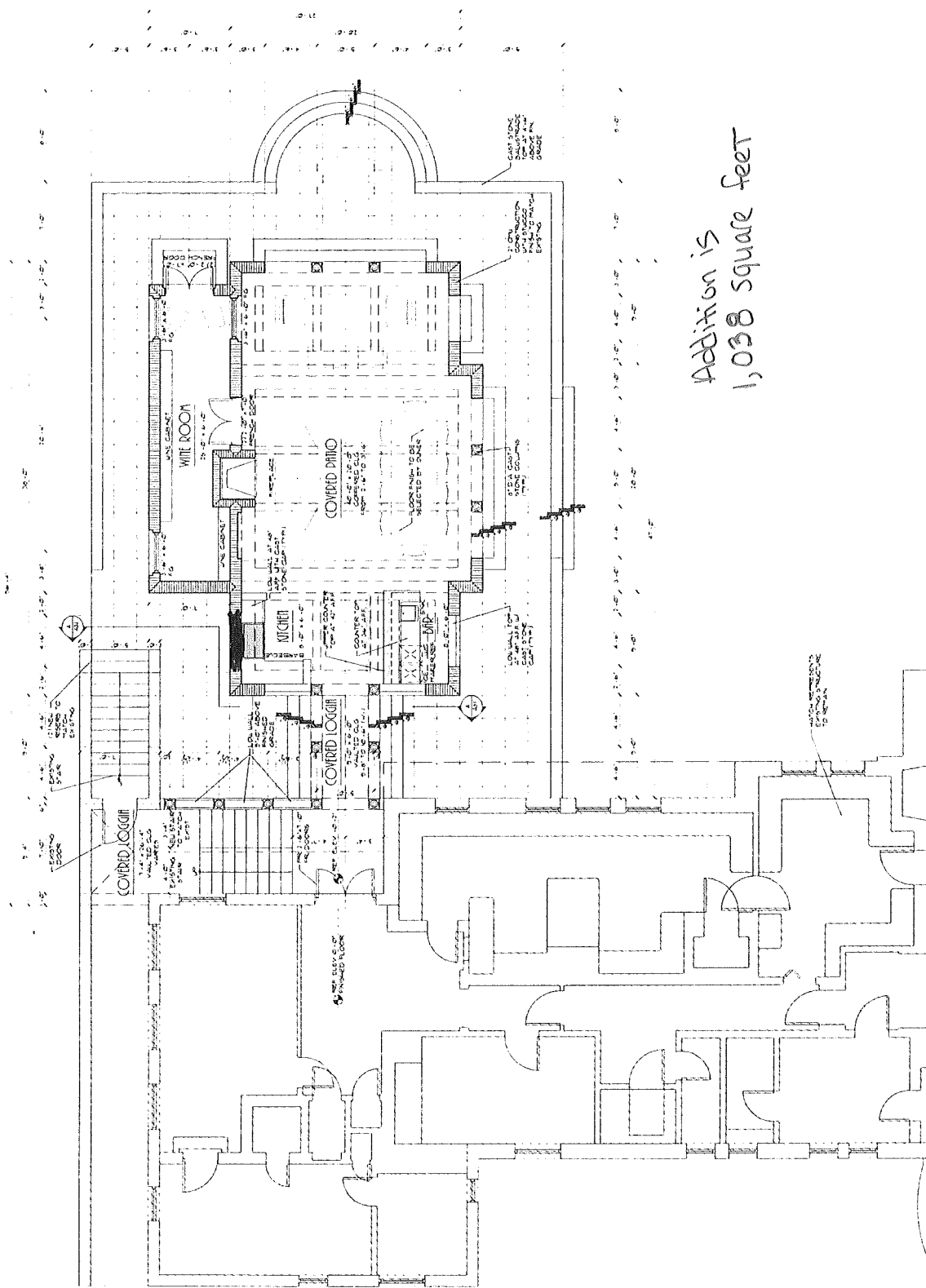


FAST ELEVATION SKETCH



Approximately 19 feet
from grade





CONDITION OF APPROVAL

Special Exception #4-2010 – 710 South Ocean Blvd.

At the time that permits for the seawall were applied for we were not aware that a tunnel was being proposed to cross under South Ocean Blvd. In fact we were led to believe that no tunnel was going to be proposed.

Subsequent to the commencement of construction of the seawall we received the application for Special Exception #4-2010 for the proposed tunnel. My initial recommendations were based only on traffic impacts to the Town.

Since then two additional issues have raised the concern of Public Works staff, the deviation of the seawall construction from the approved plans and the information that another tunnel crossing is proposed at 780 South Ocean Blvd.

It is our recommendation that if the Town Council were to approve Special Exception #4-2010, that conditions which address all these issues be considered for attachment to the approval.

Recommended conditions:

1. Road closure or closing of either lane of South Ocean Blvd. shall not take place during the season December 1 through April 30.
2. Applicant shall coordinate construction of the proposed tunnel with the applicant for the proposed tunnel at 780 South Ocean Blvd. to minimize any traffic impacts to the Town.
3. Prior to issuance of permits for construction of the proposed tunnel, the applicant shall submit a plan acceptable to the Town to modify the constructed seawall to bring it into a condition equivalent to that as required by code, a time frame for which construction of these modifications will be accomplished and a bond in the amount of 135% of the proposed construction costs.