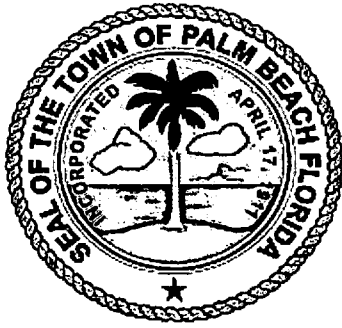




TOWN OF PALM BEACH

MINUTES

LANDMARKS PRESERVATION COMMISSION
TOWN COUNCIL CHAMBERS
SECOND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH

THURSDAY, OCTOBER 16, 2014

09:30 A.M.

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408.

I. CALL TO ORDER:

Chairman Cooley called the meeting to order at 9:30 a.m.

II. ROLL CALL:

William O. Cooley, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Edward Austin Cooney, Member	PRESENT
John T. Gannon, Member	PRESENT
Page Lee Hufty, Member	PRESENT
Rachel Lorentzen, Member	PRESENT
Richard Rene Silvin, Alternate Member	PRESENT
Carol N. Wyett, Alternate Member	PRESENT
William J. Strawbridge, Jr., Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Paul Castro, Zoning Administrator (for part of meeting), John C. Randolph, Town Attorney (for part of meeting), Janet Murphy and Emily Stillings, Staff Historic Preservation Consultants, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

III. PLEDGE OF ALLEGIANCE:

After the Pledge, Mr. Cooley announced that the LPC must conclude business no later than 1:00 p.m. to allow for a subsequent Code Enforcement Board meeting at 2:00 p.m.

IV. APPROVAL OF THE MINUTES OF THE SEPTEMBER 17, 2014 MEETING:

MOTION BY MR. ZUKOV FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. GANNON AND MRS. LORENTZEN SIMULTANEOUSLY.

MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA:

MOTION BY MRS. LORENTZEN FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:

Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

VII. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): None

VIII. PUBLIC HEARINGS:

A. Application for Certificate of Appropriateness #031 - 2014

Rehabilitation

Owner/Applicant: Mary Jordan Saunders and Thomas A. Saunders III

Address: 5 Middle Road

Architect: Kirchhoff & Associates Architects, Thomas M. Kirchhoff

Project Description: Request approval for rehabilitation and interior demolition which is further described as: Exterior work includes the following: Infilling the porch above the garage; Modifying the south facing window in the Library to reduce the sill height; Replacing the existing bay windows with impact rated bay windows - Historical integrity to be maintained. Interior work includes the following: Remodeling of the master suite, bedrooms and bathrooms to meet the new owner's lifestyle; remodeling of other associated areas; no changes to primary spaces; and, other associated changes as presented. *Please note: This residence was previously a tax abatement project under a different property owner. This work is not seeking tax abatement.*

At the August meeting, a motion carried to defer the windows at the balcony to the September meeting, but approve all other changes. At the September meeting, a motion carried for deferral to the October meeting at the request of the architect.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Kirchhoff & Associates

Mr. Kirchhoff returned with updated plans in response to the Commission's comments last month relative to the window layout at the garage area. He showed the existing condition and today's proposal (unchanged since last month) for those windows. This inspired quite a lengthy discussion relative to various design options for the windows and shutters. Members suggested different numbers of windows, shutters, no shutters, and different widths of masonry between the windows, etc.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. COOLEY.

MOTION FAILED 3-4, WITH MRS. ALBARRAN, MS. HUFTY, MRS. LORENTZEN AND MR. ZUKOV OPPOSED.

MOTION BY MR. ZUKOV TO GROUP THE THREE WINDOWS TOGETHER CENTERED ON THE MIDDLE GARAGE AND HAVE SPACE OF AT LEAST 1 FT. OF MASONRY BETWEEN THE WINDOWS.

MOTION FAILED FOR LACK OF A SECOND.

MOTION BY MRS. ALBARRAN "THAT WE REMOVE THE SHUTTERS OF THE EXTERIOR ONES, AND THAT THE THREE IN THE CENTER JUST MOVE ENOUGH INCHES TO BE WHERE THE ORIGINAL ONES WERE."

MOTION SECONDED BY MS. HUFTY.

MOTION CARRIED 4-3, WITH MR. COONEY, MR. ZUKOV AND MR. COOLEY OPPOSED.

B. Application for Certificate of Appropriateness #044 - 2014

Rehabilitation/New Accessory Structure/Landscape&Hardscape

Owner/Applicant: Mary Jordan Saunders and Thomas A. Saunders III

Address: 5 Middle Road

Architect: Kirchhoff & Associates Architects

Project Description: Request approval for rehabilitation, new accessory structure, and landscape/hardscape which is further described as: New one story pool pavilion; replacement and relocation of mechanical equipment and new associated site walls; remove existing swimming pool, new swimming pool, modified hardscape, planting changes; and, new entry gates, garden gates and columns. Other associated changes as presented. Please note that this residence was previously a tax abatement project under a different owner. This work is not seeking tax abatement.

Call for disclosure of ex parte communication: Disclosure by several members

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Kirchhoff & Associates
LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above to re-do the landscape/hardscape, replace the swimming pool, and create a folly at the end of the pool, a chinoiserie pavilion. The pavilion consists of an open loggia, refreshment bar, bath, changing room and outdoor shower. The new pool will have a rectangular shape. The pink stucco will remain on the main house, and the pavilion will have green roof tiles and pickled cypress columns and lattice, with the lattice painted green.

MOTION BY MR. COONEY FOR APPROVAL THE POOL HOUSE AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Williams continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Service drive on the north side with walls, columns, and gates to remain; remove stepping stone path on north side; main drive with columns and gates remains, but brick insert to be

removed in favor of sod; gates to be painted white; fountain remains; reconfigure terraces; remove existing pool and spa; construct new pool; most landscaping to remain, except for tall palms at east side of pool; add landscaping to north perimeter for privacy; reconfigure walkway in coral and gravel; revise foundation landscaping; all equipment relocated to south garden; open up lawn and grass area; add rivulet and small bubbler closer to the house; citrus grove on axis with pavilion; new 50 ft. x 18 ft. pool surrounded by coral paving stones; grass steps; courtyard remains as it is; Bougainvillea on west facade to soften it; palms in varying heights; and, other landscape material as presented.

MOTION BY MR. COONEY FOR APPROVAL AS SUBMITTED, WITH THE EXCEPTION OF RAISING THE COLUMNS ALONG MIDDLE ROAD FOR 1 FT. 6" (WHICH IS NOT APPROVED.)

**MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #035 - 2014

Reconstruction/Addition/Interior/Exterior Demolition/Landscape Hardscape

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: Burke and Susan Ross

Address: 172 South Ocean Boulevard

Architect: Saladrigas & Cohen Architecture, Inc.

Project Description: Request approval for reconstruction, addition to historic structure, interior and exterior demolition, and landscape/hardscape which is further described as: Alteration and partial demolition of the Western 1 story bedroom conversion of the original two-car service garage and attached site wall to allow for a new family pavilion and 3 (net) additional bedrooms. The pavilion and ancillary program proposes to match and/or incorporate details from the 1929 Fatio-Trainor cloister enclosure and elements of the original 1926 Wyeth, King Johnson primary residence through the use of quarried keystone cornices, wood cornices, trim, arches, sills, keystone columns, mahogany casement windows, quatrefoil stained glass inserts, cypress outlookers, clay barrel tile roof, chimney cap, stucco and assorted details. The southwest corner of the addition proposed a modification of the 2005 single story addition to incorporate an (1) additional upstairs bedroom directly over the existing footprint. The original 1926 northwest second (2) story guest quarters above the garage will be altered internally and incorporate an additional bedroom on the west side of the proposed family pavilion facing west. The modifications to the second story include the replacement of previously modified single sash casement windows with new impact resistant mahogany split casement windows and a new entry door with similar muntin pattern. The total net area of the proposed addition is 1,512 square feet. Other associated changes as presented.

At the September meeting a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property. *Please be advised that the attorney for the property owner has requested deferral to the November meeting.*

**MOTION BY MR. COONEY FOR DEFERRAL TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

D. Application for Certificate of Appropriateness #036 - 2014

Awning

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: Rehabilitation Center for Children & Adults Inc.

Address: 300 Royal Palm Way

Architect: Glidden Spina & Partners, Keith Spina

Project Description: Request approval for awning which is further described as: Install new fabric awning structure for 9 covered parking spaces on the south side of existing parking lot. Install new fabric awning at existing west entry of east building. Other associated changes as presented.

At the September meeting a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Danny Brown, Glidden Spina & Partners

Mr. Page reported that at yesterday's Town Council meeting, the Town Council approved the requested variances for this project. Mr. Brown presented the project in accordance with the submitted plans and as described above. Both of the requested awnings will be white and will match the existing awning at the play area.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. LORENTZEN.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #037 - 2014

Modifications

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: Bethesda By The Sea Church

Address: 141 South County Road

Architect: The Pandula Architects, Eugene Pandula

Project Description: Request approval to modify existing religious ceremony area which is further described as: Revise the landscape and hardscape layout of the easternmost portion of the Cluett Garden, total area of approximately 600 sq. ft., to allow the installation of a permanent altar (1), benches (4) and tables (2) and decorative railing and gate in order to better accommodate existing outdoor religious ceremonies. The stone finishes for the new floor paving, railing and furniture will match or be complementary to the existing adjacent stone elements. The new ornamental metal gate will be similar in design to existing adjacent gates and will be finished to match. The existing perimeter site walls of this area are maintained in place and will be restored as may be required with all materials, finishes and colors to match adjacent existing. The existing della robbia wall panel will remain in place and be restored. Landscaping will augment and reinforce the existing overall landscape design of the Cluett Garden. Other associated changes as presented.

At the September meeting, a motion carried that implementation of the special exception and site plan review will not cause negative architectural impacts to the subject landmarked property.

Call for disclosure of ex parte communication: No disclosures

Mr. Page announced that at yesterday's Town Council meeting, the Town Council approved this project. He noted that it is subject to a Declaration of Use Agreement.

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, The Pandula Architects

LANDSCAPE PRESENTATION BY: Adam Mills, Morgan Wheelock Inc.

OTHER PERSONS WHO TESTIFIED: Wendy Victor

Mr. Pandula presented the project in accordance with the submitted plans and as described above to modify a 700 ft. area of the Cluett Memorial Garden to facilitate outdoor religious ceremonies. The affected area is located at the east property line just north of the Tea House. He explained that all of the perimeter walls, piers, della robbia, bench at the end, and the one step riser from the lower terrace will remain. A new permanent altar, four benches (to seat 16 persons), two flower tables, and a new 30" high Gothic wall to define the space are included in the plans. Some existing ashlar paving will be removed and replaced after some drainage work is completed.

Adam Mills continued with the minimal landscape/hardscape plan for the new altar area and the tea house courtyard. Design elements include: Add Foxtail palms; reduce size of planting beds to facilitate seating/walking area; Banana Palms at altar; cream colored cast stone with a slightly darker stone border and 2'x2' inserts in darker stones.

Under commission comments, concern was expressed about the need for shade at the outside altar area. Wendy Victor, Junior Warden at Bethesda, spoke in support of the project as presented. She stated that events will be timed for more shady times of day.

MOTION BY MRS. LORENTZEN FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #038 - 2014

Gate with Lamp

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: William E. James, Trustee of the William E. James Revocable Trust Agreement dated January 15, 1997 and

Janet B. James, Trustee of the Janet B. James Trust Agreement dated January 15, 1997

Address: 10 Golfview Road

Architect: Mesa Architecture Inc., Stephen M. Roy

Project Description: Request approval to replace pedestrian gate and add lamp which is further described as: Replace existing pedestrian gate with new gate and decorative lamp with a height of 9.0 feet, and associated changes. Gate and lamp to be bronze color. Other associated changes as presented.

At the September meeting a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property.

Call for disclosure of ex parte communication: No disclosures

Mr. Page reported that the Town Council approved the requested variance yesterday. Mr. Roy presented the project in accordance with the submitted plans and as described above. The presentation is the same as was reviewed informally by the LPC last month for the new entry gate with hanging light. The gate will be done in powder coated Palm Beach bronze along with the light which will have seeded glass and (2) 20 watt bulbs.

MOTION BY MRS. LORENTZEN FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness #039 - 2014

Rehabilitation/Reconstruction/Addition/Interior&Exterior Demolition

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: David and Jeanne Daniel

Address: 322 Seaspray Avenue

Architect: The Pandula Architects, Eugene Pandula

Project Description: Request approval for rehabilitation, reconstruction, addition to historic structure, and interior and exterior demolition, which is further described as: Demolish one-story addition at S.E. corner of residence, wood deck, swimming pool and pool deck. Add 2-story addition at rear of existing residence. Demolish and re-construct one story cabana. Interior modifications. Install new roof finish, windows and repair exterior stucco and details as required which will match existing. Other associated changes as presented.

At the September meeting a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property. *Please be advised that the attorney for the property owner has requested deferral to the November meeting.*

MOTION BY MRS. ALBARRAN FOR DEFERRAL TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

H. Application for Certificate of Appropriateness #040 - 2014

Site walls and generator

Owner/Applicant: Vladislav & Marina Kasarda

Address: 1498 N. Ocean Way

Architect: Kirchhoff & Associates Architects, Thomas M. Kirchhoff

Project Description: Request approval for new site walls and generator. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Kirchhoff & Associates

ATTORNEY PRESENT: M. Timothy Hanlon for Mr. and Mrs. Kapelman

OTHERS WHO TESTIFIED: Gilbert Kapelman, neighbor to the west of subject property

Mr. Kirchhoff first noted that only the east facade of this residence is landmarked. He presented the project in accordance with the submitted plans and as described above for new site walls for privacy and noise considerations, for a new generator, and to replace the front steps (to eliminate a tripping hazard) and to add a railing

① Gilbert Kapelman testified to his strong objection to the proposed location of the wall because he thought that it will negatively affect or kill his landscaping. Mr. Kapelman also objected to the proposed generator location as it will be placed 15 ft. from his bedroom. He requested that the proposed 7 ft. wall be moved back 1-2 feet; that no vote be taken until the property line issue is resolved; that the plan should show that there are going to be plantings installed to protect the Kapelman's privacy...that the applicant be required to install plants at least 12 ft. in height for a length of 85 ft., together with maintenance of same; that the western side of the wall be finished to the same standard as the eastern side; that the western side of the wall be the color of the Kapelman's choice; and, lastly, that the generator be moved to another location, or, that a 12 ft. high hedge be installed for a length of 15 ft. at the generator.

Mr. Kirchhoff stated that he has met with the Kapelmans on two occasions. His client has offered to replace the hedge on their side or give them \$ 5000.00 for landscaping.

It should be noted that the Kapelmans presented one survey, while Mr. Kirchhoff presented another. The two disagree regarding an existing chain link fence and the removal of same. Mr. Randolph commented that if there is a dispute over a boundary line, that is a civil matter. The Town will not get involved in that dispute. M. Timothy Hanlon, Attorney for the Kapelmans stated that the wall, if built, will kill the Kapelman's Ficus. As such, he saw very little civil remedy.

Considerable discussion continued resulting in the following motion:

① **MOTION BY MRS. LORENTZEN FOR APPROVAL AS PRESENTED, GIVEN THAT, IN FACT, THE SURVEY IS CORRECT AND THAT YOU ARE BUILDING THE WALL WHERE YOU SAY IN RELATION TO THE PROPERTY LINE, WHICH YOU'LL HAVE TO WORK OUT WITH THE TOWN, AND THAT YOU WILL MOVE THE GENERATOR AS FAR EAST AS POSSIBLE GIVEN THE CONSTRAINTS OF THE TOWN.**

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

I. Application for Certificate of Appropriateness #041 - 2014

Restoration

Owner/Applicant: The Society of the Four Arts, Inc.

Address: 2 Four Arts Plaza

Architect: Glidden Spina & Partners

Project Description: Request approval for restoration which is further described as: Replace metal balcony railings at Rovensky Building north, south and east elevations to match existing. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Danny Brown, Glidden Spina & Partners

① Mr. Brown presented the project in accordance with the submitted plans and as described above. He explained that the existing railings are in bad shape. The railings will be replaced in a similar design: Simple pickets with twisted section with ball finial. The height of the railing will be exactly the same.

**MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. HUFTY.
MOTION CARRIED UNANIMOUSLY.**

J. Application for Certificate of Appropriateness #042 - 2014

Driveway Gate

Owner/Applicant: James B. Patterson

Address: 710 South Ocean Boulevard

Architect: Bridges Marsh & Associates

Project Description: Request approval for the replacement of the existing driveway gate. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges Marsh & Associates

Mr. Marsh presented the project in accordance with the submitted plans and as described above. The gate replacement is requested to provide for more privacy, since the existing gate is a fairly transparent iron gate. The proposal is for a solid pecky cypress gate with a curved top to match the other gates on the property.

Under commission comments, the color of the gate, as shown, was an issue for many of the members, as they preferred a darker color. Some noted a preference for a flat top gate rather than a curved one.

**MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED, WITH THE COLOR
MATCHING THE OTHER EXISTING GATES.
MOTION SECONDED BY MS. HUFTY.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that there was a 5 minute recess at 11:15 a.m.

K. Application for Certificate of Appropriateness #043 - 2014

Modifications

Owner/Applicant: Jan Holdings LLC c/o KKR Financial Services Company LLC

Address: 4 El Bravo Way

Architect: Kirchhoff & Associates Architects

Project Description: Request approval for new railing at roof top terrace; parapet repainting; limited interior remodeling and associated changes; and, new glass and metal front door in front of existing front door. Other associated changes as presented. ***Please note that this residence was previously a tax abatement project under a different owner. This work is not seeking tax abatement.***

Call for disclosure of ex parte communication: Disclosure by several members

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Kirchhoff & Associates

OTHERS WHO TESTIFIED: Emily Stillings, Staff Historic Preservation Consultant

Mr. Lindgren noted that the request for the new railing has been withdrawn.

Ms. Stillings stated that while this application is not seeking tax abatement, the property previously was granted tax abatement for work that was done. As such, the LPC was to be sure, in reviewing this property today, that no significant historic features in the public rooms are being substantially altered, and therefore, harming the tax abatement.

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above. He distributed a list of proposed interior changes, as follows:

1. Living Room: Fireplace is original. Returning to functional use.
2. Kitchen Renovation. (Part of Kirchhoff addition performed in 2007 renovation)
3. Second floor master bedroom: Fireplace is original. Decorative applique mantle existed previously. Presumed to be original.
4. Bookshelves: Exclusive to mirador space, the bookshelves shown are not original.
5. Mirador: a. Bar in Mirador-not shown on original Mizner plans. Has been altered since last renovation. b. Niches on wall centered between windows are original although the pecky cypress was not original.

In addition, the project includes the installation of a glass and metal door at the front door over the existing castle door. Roof leaks are present which require repair. A color change of the some stone elements is requested. The railing, now deleted, would have required a variance.

Under Commission comments, there were some reservations to approve the glass and metal door over the existing castle door.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. GANNON.

MOTION CARRIED 6-1, WITH MR. COONEY OPPOSED.

L. Application for Certificate of Appropriateness #045 - 2014

Awning

Owner/Applicant: Virginia L. Mortara

Address: 319 El Vedado Road

Architect: Smith and Moore Architects, Inc.

Project Description: Request approval for awning which is further described as: A removable canvas awning above the main entry door. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects

Mr. Smith presented this project in accordance with the submitted plans to add a removable canvas awning as a protection from the elements at the front door. The proposal is for a black awning with thin gold stripes mounted on a black aluminum frame.

MOTION BY MR. GANNON FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

IX. OTHER BUSINESS:

A. Informal Review: 102 Jungle Road

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: Thomas R. Maier Revocable Trust

Architect: Fairfax, Sammons and Partners

Project Description: Request approval for reconstruction, renovation, interior and exterior demolition, awning, exterior color change and landscape/hardscape which is further described as: Interior Work: Remodeling and refurbishing of portions of the first floor, second floor, and basement level; Exterior Work: a. General: Roof replacement, outlooker repairs/replacement, building color change, landscape and hardscape changes, exterior door and window replacement/removal/additions/rearrangement, column replacement and repairs (where necessary), addition of some metal window grilles and some clay window grilles; b. Building Envelope (N,E,W, and S Elevations): Renovations to the terraces and steps to the east of the Ocean Room, extension to the Dining Terrace on the NE corner of the building, a retractable awning addition to the Dining Terrace, a new balcony on the east elevation of the Master Bedroom West on the second floor, rearrangement and replacement of garage doors (four instead of two, with decorative pilasters in between), restoration of the Lanai's south elevation (reopening of the historical passage, and addition of wood rejas to the two previously condemned flanking openings), balcony railing replacement, and entry stone work reconstruction; c. Courtyard: Removal of portions of the existing 1960s cabana and reconstruction as portion of the guest wing, removal of an existing bay window from the living room and replacement with a balcony, renovations to the terraces and steps to the west of the Ocean Room, landscape and hardscape changes, new and relocated swimming pool.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Richard Sammons and Jaime Torres, Fairfax, Sammons and Partners

Mr. Sammons presented the project in accordance to the submitted plans and described in detail above for this residence which was originally Mizner's own home. He reviewed the numerous additions and changes to the house over time as designed by a variety of architects. Following that, he addressed the variances requested for the project: Variance for the second floor balcony above the garage overlooking the forecourt; a variance to extend the terrace (added by Jeffery Smith, Architect) to the north, a variance to add an awning structure, a variance for lot coverage. (Mr. Lindgren read the four requested variances into the record: 3 for front yard setback and one for lot coverage.) Mr. Sammons continued with the project presentation as described above. In addition to the above: Roof replacement with handmade barrel tiles; change stucco color to slight off-white with light grey limestone trim; cypress gates and doors; bronze doors; terra cotta grilles; dark painted wood windows; wrought iron railings; replace two garage doors with four individual garage doors; various fenestration changes; rationalize the window scheme; replace front door surround; interior work to create large serviceable rooms upstairs; outside the breakfast room: fabric awning on rings on an iron frame; and, other changes as presented. Mr. Sammons provided a very thorough and detailed explanation of this complicated and comprehensive project. Several members applauded the efforts of the architect and owner to restore this house, and complimented the presentation.

Let the record show that Mrs. Albarran left the meeting at 12:15 p.m. Mr. Silvin voted in her stead relative to the following motion.

MOTION BY MRS. LORENTZEN THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.

MOTION SECONDED BY MS. HUFTY.

MOTION CARRIED UNANIMOUSLY.

B. COA-026-2014, 105 CLARENDON AVENUE, UPDATE RELATIVE TO STATUS OF PROJECT:

Harold Smith, Smith and Moore Architects, stated that at last month's meeting, he was instructed to meet with Paul Castro, Zoning Administrator, in order to determine the number and nature of the variances required to allow reconstruction of the majority of the home, and then to return to the LPC with a progress report. It was determined that variances would be needed for the west side yard setback, the north street rear yard setback and for building height. Since the LPC agreed that the owner should be allowed to demolish the areas of the house outlined, a revised demolition plan has been submitted to the Building Department for review. That application has been held up until the Town Council reviews the variance requests at their December meeting. Due to the delay, it will be necessary for the applicant to request a waiver to continue the demolition process after the demolition deadline of December 1. Mr. Castro has assigned a zoning case number for the Town Council review of the variances and the demolition waiver, and the LPC will see the plans for reconstruction next month. Construction of the basement and the family room are ongoing. The property owner, Mr. Schumacher, has requested that revisions be made to the tax abatement application "in hopes that under the hardship circumstances of having to renovate most of the structure due to the deterioration of materials over time, that this Commission, the Town Council and Palm Beach County will be sympathetic to the tremendous financial effort he is pouring into the project."

Paul Castro, Zoning Administrator, testified that the project has been stopped until the necessary three variances are secured. He stated that he understood that the LPC had wanted them to proceed forward, but due to the circumstances, the applicant has to go to the Town Council for permission to proceed.

Mr. Cooley asked for an update relative to the requested Tew and Taylor audit. Mr. Page responded that the audit is ongoing and is being performed by the Building Official. He anticipated that it would be available at the November LPC meeting.

Mr. Cooley stated that at the last meeting there was a 6-1 vote to allow the applicant to continue to work. He maintained that fines should have been levied, or a stop work order issued because he had seen the film clips that were posted online of the progression of the demolition, which he felt was done on purpose. Mr. Cooley requested that those clips from the online postings be played at this time. Mr. Cooney questioned why this was necessary, since the LPC handled the issue last month. Some other members stated they were likewise interested in seeing the online clips.

Mr. Page, having anticipated that seeing the clips might come up today, consulted with Mr. Randolph prior to his leaving the meeting today. These are Mr. Randolph's written comments which Mr. Page read into the record:

"You have advised me that Mr. Cooley may wish to display to the members of the Landmarks Commission certain video Facebook images relating to the property at 105 Clarendon. I have concerns regarding this proposal and recommend against it. Except for the status report moving

forward, this matter is closed, as it was acted on and approved by the Commission at its last meeting. Additionally, if I recall correctly, Mr. Cooley offered to show these videos at the last meeting, and the Commission declined the invitation to view them. Secondly, and importantly, there is the matter of due process as it relates to the property owner. The basic elements of due process require notice and an opportunity to be heard. In the event these videos are displayed, absent notice to the property owner and affording the property owner an opportunity to comment, the property owner may have a legitimate claim of violation of due process. It may be argued that the property owner was noticed in regard to the requirement to present a status report. Indeed, the owner should have a reasonable expectation that they are to address the status of this matter going forward from the last meeting, but I am concerned that the property owner did not have an expectation that he would be required to address matters that occurred prior to the Commission's approval at its last meeting, issues which presumably were already addressed or could have been addressed. If Mr. Cooley has videos of activities which may have taken place since your last meeting, those may be relevant to the status report. Otherwise, unless the full Commission feels that activities which took place prior to the Commission's approval at its last meeting are relevant to their discussion, I do not believe that the videos should be displayed, particularly absent notice to the property owner, so as to allow the opportunity for the property owner to respond to any allegations which may be made."

Mr. Cooley suggested that there be a motion to reconsider the matter to allow the matter to be opened up again, placed on the agenda at the next meeting, and that the property owner be informed that the video clips will be shown. No one from the public commented relative to this issue. Mr. Cooley asked whether there was a motion to reconsider.

**MOTION BY MR. SILVIN TO RECONSIDER THIS MATTER.
MOTION SECONDED BY MS. HUFTY.**

Mr. Page read additional comments from Mr. Randolph as follows:

"If, for any reason, there is a motion to reconsider the previous action of the Commission, made by someone who is on the prevailing side of the motion, and said motion is passed, there shall be no further discussion of this matter at this meeting, but the matter should be re-noticed to the next meeting giving the property owner and other related parties the opportunity to be heard."

MOTION CARRIED 4-3, WITH MESSRS. COONEY, GANNON AND ZUKOV OPPOSED.

Mr. Smith stated, on behalf of the property owner, that the property owner objects to showing these videos and objects to the motion to reconsider.

**C. DISCUSSION RELATIVE TO NEW PROCEDURES TO BE IMPLEMENTED REGARDING
DEMOLITION AT LANDMARKED PROPERTIES:**

Mr. Page stated that he had sent the Commission a list of proposed steps that staff might take, moving forward, to prevent situations like the one at 105 Clarendon Avenue. A "demolition permit", a "Demolition Completion Certificate", a pre-construction meeting, a resident inspector coupled with Town building inspectors, and a projects checklist are elements of the suggested procedures. The Commission reviewed that list and suggested procedures and offered comments.

Mr. Cooley commented that with these projects, deteriorated conditions quite often are only found after work has commenced. Lory Volk commented that the procedure is premature until the subject of 105 Clarendon has been re-visited. Eugene Pandula, Architect and former LPC Chairman, discussed the

① past situation with the Four Winds property and the advent of the requirement for a materials removal plan. He opined that it will not be possible for all demolition to happen at once, prior to any construction. He cautioned that the unintended consequence of the suggested procedures may be that applicants will ask for more demolition than is necessary to not have to come back into the process. This would encourage the loss of more historic fabric than needs to be done. Lastly, he suggested that time limitations for complicated jobs might be waived to encourage applicants go through the process in a timely manner and get the required approvals. Mr. Cooney stressed the point that the materials removal plan must be followed in the field. Concern was expressed regarding the monitoring of inspectors who are not Town employees.

Mr. Cooley asked Mr. Pandula to work with staff over the next month for further discussion of this matter at the next meeting.

Mrs. Lorentzen wanted the record to reflect that the LPC is accommodating to owners by holding monthly meetings to review proposed projects.

X. DISCUSSION RELATIVE TO FUTURE LANDMARKING:

Mr. Cooley stated that the owner at 165 Seaspray Avenue, Katherine McLennan, has requested that her property be placed "under consideration" for landmark designation. Janet Murphy, Staff Historic Preservation Consultant testified that she did a preliminary study of this Colonial Revival structure built in 1919, and supports that it be placed "under consideration" for landmark designation.

MOTION BY MR. COONEY TO PLACE 165 SEASPRAY AVENUE "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MRS. LORENTZEN.

MOTION CARRIED UNANIMOUSLY.

① **A. Discussion of potential landmarking on Parc Monceau and Regents Park:**

Mr. Cooley stated that the idea of establishing two historic districts on Parc Monceau and Regents Park was originally brought up by Alexander Ives of the Preservation Foundation. Mr. Cooley noted his support of the two districts, as did other members.

Attorney John Eubanks, representing Maureen Donnell, testified to his client's support of the historic district on Parc Monceau.

Mr. Page noted that demolition of the existing residence at 1700 South Ocean Boulevard, which would fall into the Parc Monceau proposed district, has been approved by ARCOM. A proposed district would exclude that demolition, but would include new construction at that site.

MOTION BY MR. GANNON "TO DESIGNATE PARC MONCEAU AS AN HISTORICAL AREA" (I.E., PLACE THE PARK MONCEAU HISTORIC DISTRICT "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.)

MOTION SECONDED BY MR. COONEY.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. GANNON TO PLACE THE REGENTS PARK HISTORIC DISTRICT "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

① **MOTION SECONDED BY MR. COONEY.**

MOTION CARRIED UNANIMOUSLY.

XI. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:

Ms. Hufty stated that she has been speaking with the consultants regarding driving the town with them as an educational tool. She wondered if all of the members could simultaneously go with the consultants, without communicating member to member, on a "field trip". Staff will investigate the issue. Mr. Page noted that the general public would have to be invited as well.

Alexander Ives, Preservation Foundation, invited the members to the Preservation Foundation's Historical Properties Workshop on Thursday, November 6, 2014 from 9 a.m. to 12:00 p.m. at 311 Peruvian Avenue. Speakers will be Richard Sammons, Gene Pandula, Jorge Sanchez and Dr. Jane Day.

XII. ADJOURNMENT:

MOTION BY MR. COONEY TO ADJOURN THE MEETING AT 12:56 P.M.

MOTION SECONDED BY MR. GANNON.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, November 19, 2014 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,



William O. Cooley, Chairman

LANDMARKS PRESERVATION COMMISSION

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