



**LANDMARKS PRESERVATION COMMISSION  
IN THE TOWN COUNCIL CHAMBERS  
2<sup>ND</sup> FLOOR, TOWN HALL  
360 S. COUNTY ROAD, PALM BEACH**

**WEDNESDAY, JUNE 13, 2012, 10:30 a.m.**

Please be advised that in keeping with a recent 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](http://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. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

**I. CALL TO ORDER:(10:30:16 a.m.)**

Chairman Cooney called the meeting to order at 10:30 a.m.

**II. ROLL CALL:(10:30:20 a.m.)**

|                                              |                  |
|----------------------------------------------|------------------|
| Edward Austin Cooney, Chairman               | PRESENT          |
| William P. Feldkamp, Vice Chairman           | PRESENT          |
| Dudley L. Moore, Jr., Member                 | PRESENT          |
| Jacqueline Albarran, Member                  | PRESENT          |
| William J. Strawbridge Jr., Member           | PRESENT          |
| Leslie Diver, Member                         | PRESENT          |
| Elizabeth S. Murphy, Member                  | ABSENT (excused) |
| Jorge Sanchez, Alternate Member              | PRESENT          |
| Elizabeth "Libby" Marshall, Alternate Member | PRESENT          |
| Anne Fairfax, Alternate Member               | PRESENT          |

Due to Ms. Murphy's absence, Mr. Sanchez was a voting member for this meeting.

Staff members present: John C. Randolph, Town Attorney, Veronica Close, Assistant Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

**III. APPROVAL OF THE MINUTES OF THE MAY 16, 2012 MEETING: (10:30:46 a.m.)**

**MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.**

**MOTION SECONDED BY MRS. ALBARRAN.**

**MOTION CARRIED UNANIMOUSLY.**

IV. **APPROVAL OF THE AGENDA:(10:30:59 a.m.)**

**MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA.**

**MOTION SECONDED BY MR. MOORE.**

**MOTION CARRIED UNANIMOUSLY.**

V. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (10:31:10 a.m.)**

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

VI. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (10:31:32 a.m.)** None

VII. **PUBLIC HEARINGS:(10:31:43 a.m.)**

A. **Certificate of Appropriateness #009 - 2012**

Revisions to Addition, Landscape/hardscape project

Owner/Applicant: Lynn Foster

Address: 424 Brazilian Avenue

Architect: SKA Architect + Planner

Project Description; Request approval for minor revisions to previously approved project to include raising front wall to 6 ft. on east and west side of front courtyard, new copper gutter on north facade, new coquina hardscape for dining courtyard and front courtyard, new iron and wood front door. *Please be advised that this project was approved at the May meeting pending proper legal advertisement for the June meeting.*

Call for disclosure of ex parte communication: None

Since the project had been fully presented at the May meeting, and since there were no members of the public who wished to comment relative to this project....

**MOTION BY MR. FELDKAMP FOR APPROVAL OF THE CERTIFICATE OF APPROPRIATENESS FOR 424 BRAZILIAN AVENUE.**

**MOTION SECONDED BY MS. DIVER.**

**MOTION CARRIED UNANIMOUSLY.**

B. **Certificate of Appropriateness #010 - 2012**

Addition

\*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)\*

Owner/Applicant: Peter and Laurie Grauer

Address: 201 El Bravo Way

Architect: Thomas M. Kirchhoff, AIA, PA

Project Description: Request approval for addition to historic structure which is further described as new one story pavilion addition, and other associated changes as presented

Please be advised that the applicant's attorney has requested deferral of this project from the June LPC meeting to the July LPC meeting. At the July meeting, after re-design, the LPC,

informally, will render a recommendation to the Town Council relative to the new variance request, and the matter will be heard formally at the August LPC meeting.

**MOTION BY MRS. ALBARRAN FOR DEFERRAL TO THE JULY MEETING.  
MOTION SECONDED BY MS. DIVER.  
MOTION CARRIED UNANIMOUSLY.**

C. Certificate of Appropriateness #016 - 2012

Addition and Restoration

Owner/Applicant: Jeffrey and Frances Fisher

Address: 252 El Bravo Way

Architect: Clemens Bruns Schaub/Architect & Associates, P.A.

Project Description: Request approval for restoration, addition to historic structure, interior and exterior demolition, awning, and landscape/hardscape which is further described as predominantly a restoration and refurbishment with minor additions and kitchen and garden remodeling.

Landscape/hardscape: includes general redesign of the landscape design (all original elements to stay in their positions); Restoration/refurbishment: exterior details are to be refurbished. A number of elements are to be brought back to the original design. Among those are the iron grilles at arched doorways in the living room in the original Volk design. Additionally, second floor details at the terrace bollards and the breezeway cypress columns; general maintenance and reparation of waterproofing will be done to the entire home, focusing on the second floor terrace; Interior: All principal rooms - foyer, living room, dining room, stair hall, tap room and library are to be refurbished and restored; Additions and Remodeling: There are four areas of involvement: 1. Kitchen/Family rooms - These "back of house" areas need general modernizing. The kitchen is being united with original true back of house rooms; rear stair, boiler room, etc.; 2. An awning covered pool porch, located on the eastern side of the "Library". A door is being proposed to replace the eastern window; 3. The second floor breezeway would be enclosed. The original cypress columns and beams would be restored; 4. An addition of an exercise room would be done over the west roof terrace; Mechanical and electrical systems: General replacement and refurbishment. Note: existing equipment and generator in the exposed auto court to be relocated and concealed. Other associated changes as presented. ***Please be advised that this is a tax abatement project.***

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

*Let the record show that Mr. Sanchez declared a conflict of interest with regard to this project, as Sanchez & Maddux is the landscape architect for the project. As such, Ms. Marshall will be a voting member for this project.*

ARCHITECTURAL PRESENTATION BY: Clemens Schaub, Clemens Bruns Schaub/Architect & Associates, P.A.

LANDSCAPE PRESENTATION BY: Brian Vertesch, Sanchez & Maddux

Mr. Schaub's presentation was very comprehensive including the original Volk drawings, the 1999 changes, and the current restoration proposal. He reviewed the proposed changes, both interior and exterior, according to the submitted plans and as described above. Mr. Schaub explained that the design team had contemplated extending the garage with a shed roof, but staff

informed them that it would require a variance. As such, that part of the proposal has been tabled at this time. Mr. Vertesch continued with the landscape and hardscape in similar fashion.

Commission members were very pleased with the proposal and the very thorough presentation.

**MOTION BY MR. FELDKAMP FOR AN ENTHUSIASTIC APPROVAL OF THE PROJECT AT 252 EL BRAVO WAY, AS SHOWN, WITH THE SPECIFIC EXCEPTION: NO APPROVAL AT ALL FOR THE GARAGE EXTENSION.**

**MOTION SECONDED BY MS. DIVER.**

**MOTION CARRIED UNANIMOUSLY.**

*Let the record show that there was a short recess from 11:35 a.m. to 11:45 a.m.*

## **VIII. OTHER BUSINESS:**

### **A. Informal Review: 456 Worth Avenue:**

**\*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)\***

Request approval for revision to means and methods of construction which is further described as: Request approval to change the means and methods of restoring walls in the existing residence. Exploratory demolition has revealed very deteriorated walls which were poorly constructed and/or reconstructed in the past. The foundations of these walls are bearing on unstable soils and are inadequate and failing. The engineers have recommended that these walls be taken down and rebuilt in the same location with materials that will be structurally sound and waterproof. Other associated changes as presented. *Variances requested to remove more than 50% of the cubic volume of the residence.*

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

ARCHITECTURAL PRESENTATION BY: Michael Johnson, Architect

ATTORNEY PRESENT: Maura Ziska, Attorney for the Applicant

OTHERS WHO TESTIFIED: Bijan Parssi, Parssi & Associates, PL, and David Stewart, Kimley-Horn, Engineers

Veronica Close, Assistant Director of Planning, Zoning and Building, introduced the project. She stated that during the course of construction at this site, severe structural problems were discovered. As such, the applicant hired an engineer and a second engineer, Kimley-Horn, was also hired on behalf of the Town.

Ms. Ziska discussed the variance request, and stated that Eugene Pandula, Expert Witness-Architect, and Bijan Parssi, the applicant's structural engineer, were present on behalf of the applicant.

Mr. Johnson stated that inspection of the structure during construction revealed deteriorated walls and unstable soil. The tower, however, has not been affected, so there is no request to amend the means and methods of construction for the tower. The request is to demolish and reconstruct most of the other walls and foundations up to the roof. The existing hollow clay tile walls will be replaced by reinforced concrete block. The roof will remain in place, and will be reinforced from within, though there is a small section of roof over the stair hall where removal and replacement of the roof is preferred by the applicant.

Mr. Parssi began to testify with his findings, but the commission elected to be more concise, asking simply whether both engineers were in agreement. Mr. Stewart, of Kimley-Horn, testified that he reviewed the property on behalf of the Town; that he agrees with the Parssi assessment that the south and west walls be demolished and reconstructed. The only difference between the two reports pertains to the small roof over stairway hall #1. It was Mr. Stewart's testimony that that small roof did not warrant removal and replacement, but that his assessment was based upon views from the underside. Mr. Johnson continued with the presentation, including photos of the existing conditions.

The applicant was asked to be sensitive when performing the demolition, so that it does not appear that large pieces of the home are being removed at any given time.

**MOTION BY MR. MOORE THAT BASED ON THE ENGINEERING REPORT, WE RECOMMEND TO THE COUNCIL THAT IT BE CONSIDERED AS AN ENGINEERING ITEM AND BROUGHT BACK TO US FOR APPROVAL FROM AN APPEARANCE POINT OF VIEW, AND PERHAPS, WE COULD ASK AS A PART OF THAT, THAT IT COME BACK WITH AN ACCOMPANYING TIME HORIZON SO THAT WE WOULD KNOW WHAT'S BEING DONE AS PROGRESS IS MADE. MOTION SECONDED BY MS. DIVER.**

Mr. Randolph clarified that this was a recommendation for approval of the variances.

**MOTION CARRIED UNANIMOUSLY.**

B. Informal Review: 79 Middle Road:

**\*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE\***

Request approval for limited demolition and major restoration which is further described as: Restoration of an existing 3-story residence with new hurricane resistant windows and doors, new central air-conditioning and new swimming pool. Removal of a non-conforming 202 sq. ft. mid-century storage shed at the east side. Removal of an 80 sq. ft. cabana at the east side. Removal of a 65 sq. ft. sun porch on the south side facade. Proposed one story addition of 540 sq. ft. at the east facade. Proposed one story addition to the south courtyard of 140 sq. ft. Proposed chimney on the south facade. Proposed one story addition of 70 sq. ft. at the west side of the garage. Extension of via at east side of courtyard. Other associated changes as presented. **Please be advised that this is a tax abatement project.** *Variances requested for street side yard setback, side yard setback and lot coverage.*

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

ARCHITECTURAL PRESENTATION BY: Leslie Pearce, Smith Architectural Group  
ATTORNEY PRESENT: Jacqueline Miller, Attorney for the applicant

Ms. Pearce discussed the variances (for the master bedroom and garage areas, and for lot coverage) and reviewed the proposal per the submitted plans and as stated above. She noted that the net square footage change to the site is actually an increase of 400 square feet. Though the commission had some issues with the architecture, they looked favorably upon the variances.

**MOTION BY MR. SANCHEZ THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**

**MOTION SECONDED BY MS. DIVER.**

**MOTION CARRIED UNANIMOUSLY.**

C. Informal Review: 1560 South Ocean Boulevard:

**\*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)\***

Request approval for new accessory structure which is further described as: Applicant seeks approval to place statuary (4 pieces) by the artist, Menasha Kadishman, in the front yard of this landmarked residence. Other associated changes as presented. *Variances requested for setback and height.*

Mr. Cooney noted that the project has been re-designed and a variance for setback is no longer needed. Only a variance request for height remains.

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

ARCHITECTURAL PRESENTATION BY: Mario Nievera, Nievera Williams Design

ATTORNEY PRESENT: Jacqueline Miller, Attorney for the applicant

Mr. Nievera presented the request for four (4) steel tree sculptures with heights as follows: (1) @ 15 ft.; (2) @ 11 ft.; and, (1) @ 9 ft. which will be placed in the front lawn. After some discussion, most members enjoyed the concept of the juxtaposition of a modern sculpture against a landmarked home.

**MOTION BY MR. MOORE THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**

**MOTION SECONDED BY MR. STRAWBRIDGE.**

**MOTION CARRIED UNANIMOUSLY.**

D. Informal Review: 181 Clarendon Avenue:

**\*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE\***

Request approval of addition to historic structure, which is further described as: Modification to previously approved loggia addition - In October 2011, a 358 sq. ft. loggia addition was approved for this property by Variance #25-2011 and LPC CoA#031-2011. Construction activities have not yet been initiated. This application is requesting approval to modify the previous approval by increasing the area by 112 sq. ft., for a total loggia area of 470 sq. ft. The loggia addition is at the west building elevation where canvas awnings had previously provided covered area. The new addition will match in detailing, material selection, color, texture, and scale related features of the existing residence. Other associated changes as presented. *Variances requested for rear yard setback and lot coverage.*

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, The Pandula Architects

ATTORNEY PRESENT: Maura Ziska, Attorney for the applicant

Ms. Ziska stated that approximately one year ago, an application had been filed for variances for rear yard setback and lot coverage for a loggia addition. Approvals were received for the variances and the architecture, but the loggia addition, in the rear, has not yet been built. In reconsideration of the loggia, the property owner would now like the loggia to be 100 sq. feet larger. **Mr. Pandula, noted for the record, that this is a tax abatement project.** Mr. Pandula presented the project in accordance with the submitted plans and as described above. He explained that the current proposal would modify the existing variance to enable adding a 7 ft. x 16 ft. extension to the formerly approved loggia, effectively adding one additional bay. Some paving in a motor court will be removed so the green space will be unaffected. Under discussion, the commission was divided about whether the variance for the additional space was meritorious. It was noted that this is a difficult site; no neighbors are affected; the owners need exterior space; have too many variances been given for this site?; we only look at the aesthetics; but, the structure will be so close to the water...it would be detrimental to the Town.

**MOTION BY MS. DIVER THAT IMPLEMENTATION OF THE PROPOSED VARIANCE(S) WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**

**MOTION SECONDED BY MR. SANCHEZ.**

**MOTION CARRIED 6-1, WITH MR. FELDKAMP OPPOSED.**

**IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (12:45:05 a.m.) None**

**X. ADJOURNMENT: (12:45:13 a.m.)**

The meeting was adjourned at 12:55 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, July 18, 2012 at 9:30 a.m. in the Town Council Chambers, Town Hall, 2<sup>nd</sup> floor, 360 South County Road, Palm Beach.

Respectfully submitted,



Edward Austin Cooney, Chairman  
LANDMARKS PRESERVATION COMMISSION

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# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                           |                        |                                                                                                                                                                                                        |  |
|-----------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>SANCHEZ, JORGE</b> |                        | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>LANDMARKS PRESERVATION COMMISSION</b>                                                                                                |  |
| MAILING ADDRESS<br><b>239 SOUTHLAND RD.</b>               |                        | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> <b>TOWN</b> |  |
| CITY<br><b>PALM BEACH, FL</b>                             | COUNTY<br><b>33480</b> | NAME OF POLITICAL SUBDIVISION:<br><b>TOWN OF PALM BEACH</b>                                                                                                                                            |  |
| DATE ON WHICH VOTE OCCURRED<br><b>6/10/12</b>             |                        | MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE                                                                                                    |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jorge N. Sanchez, hereby disclose that on 13 June, 20 12:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or

☒ inured to the special gain or loss of my firm, where I am 50% owner, which ~~is the parent organization or subsidiary of a principal which has retained me.~~

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

COA - 016 - 2012      252 EL BRAVO

Date Filed

13 July '12

Signature

[Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.