



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, DECEMBER 20, 1991

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:02 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Elise P. Mackintosh, Vice Chairman
Sally Gingras, Secretary
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
Arthur Silverman, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: William S. Gubelmann, Member
Wilmer J. Thomas Jr., Alternate Member
Jane R. Grace, Alternate Member

Let the record show that Mrs. Mackintosh arrived at 9:07 a.m. and Mrs. Albarran de Mendoza arrived at 9:10 a.m.

III. Approval of the Minutes of the November 15, 1991 Meeting:

Please note the following correction to the November 15, 1991 Minutes of the Landmarks Preservation Commission, as noted by Mr. James Sved.

On Page 12, Line 16, regarding 301 Worth Avenue...

"If you just sort of **walk** out the transom with your finger somehow..." should read

"If you just sort of **block** out the transom with your finger somehow..."

MOTION BY MR. SILVERMAN TO APPROVE THE MINUTES AS AMENDED.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 43-91,
Landscape plan

Applicant: Town of Palm Beach

Owner: Town of Palm Beach

Address: 360 South County Road, Memorial Fountain

Presented By: Garden Club of Palm Beach

Project Description: Request approval of landscape plan

As the applicant was not present when this item was called,
MOTION BY MRS. GINGRAS TO DEFER THIS ITEM TO LATER IN THE
AGENDA.

MOTION DIED FOR LACK OF A SECOND, AS THE APPLICANT ARRIVED.

Mr. Mario Nievera of Morgan Wheelock Incorporated Landscape Architects appeared, along with Mrs. Ballinger of the Garden Club to present this project. The main components of the plan are the removal of two palms at the rear of the fountain to enhance the view of the newly renovated Town Hall; the removal of the topiary podocarpus/jasmine hedges and replacement with formal boxwood in a diamond pattern infilled with impatiens or marigolds along the sides of South County Road to open up the view of the site; the removal of the old, overgrown hibiscus and bougainvillea and replacement with peach hibiscus and ixora maui, and trees at each corner underneath each palm. Mrs. Ballinger stated that the intent here is make the site more colorful and to emphasize the Fountain and the Town Hall. Previously, white was the color of choice for the plantings, however, peach, amber, and yellow will now be used. She added that attempts will be made to relocate the two palms which will be removed. Mrs. Divoll commented that the presented plan opens up the site spatially, and brings it closer to some earlier photos of the site.

MOTION BY MRS. DIVOLL TO APPROVE THE PLAN AS PRESENTED.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore commented that the lighting of the fountain is yet to be resolved, and the Preservation Foundation has offered their financial assistance to pay for some portion of the lighting. The Commission requested that they review the lighting plan when it is developed.

B. Application for Certificate of Appropriateness No. 44-91,
Historic Marker

Applicant: Palm Beach Town Committee, The National Society
of Colonial Dames of America

Owner: Royal Poinciana Chapel

Address: 58 Cocoanut Row

Project Description: Request approval for installation of
State of Florida Historic marker regarding Seagull Cottage
on church grounds near the sidewalk by Cocoanut Row

Having already received the approval of the Royal Poinciana
Chapel, Ms. Mary Periale presented this request for a free-
standing historic marker to the LPC. The marker will be
typical in size and shape to the official Florida Historic
marker, and will bear text (read into the record by Mr.
Frank) entitled "Sea Gull Cottage, Palm Beach's Oldest
House".

MOTION BY MRS. DIVOLL TO APPROVE THE MARKER, ITS TEXT AND
LOCATION.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 45-91,
Awning

Owner/Applicant: Mr. A. Alfred Taubman

Address: 1820 South Ocean Boulevard

Project Description: Request approval for installation of
31' retractable arm awning over terrace area lower french
doors

Mr. Jack McMillan of Awnings by Jay presented this request
for a red roll-up powered unit awning. The awning will be
used strictly for sun shade and it is actually 26' in length
and will project out 12' at its fullest extension. The
awning will extend for shade when the sun enacts the sun
sensor, and its sensors will cause it to retract into its
metal hood covering if it rains or in winds of 15-20 m.p.h.
Though the awning is on the front of the house, it cannot be
seen from South Ocean Boulevard due to the height of the
wall. Many of the Commissioners felt that red was not an
appropriate awning color for a landmark house, and
particularly detract from this house.

MOTION BY MRS. DIVOLL TO ACCEPT THE PRODUCT, MOUNTING, AND
SIZE OF THE AWNING, WITH THE PROVISIO THAT AN ALTERNATIVE
COLOR CHOICE BE SELECTED.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

The Commission decided that Mrs. Volk would work with Mr. Frank and the applicant to determine an appropriate color for the awning. Earth tones and neutral colors will be sought for this dark beige residence.

D. Application for Certificate of Appropriateness No. 46-91, Signage, Door and Window Change

Applicant: Mary Mahoney Enterprises, Inc.

Owner: Everglades Club

Address: 351 Worth Avenue

Architect: Smith Architectural Group

Project Description: Request approval of identification signage, front door change, and replacement of existing windows at balconies with french doors

Mr. Don Kino presented a request for signage to include "Mary Mahoney" in green script (10' x 18") above the central awnings on the face of the building, and window lettering (3' x 6") in black or white (to be determined) matching script reading "Mary Mahoney Boutique".

Mr. Frank stated that he had been informed by Mr. Zimmerman, Assistant Building Official, that Mary Mahoney had signs in a different location on Worth Avenue, and that signs in two locations on Worth Avenue will not be permitted. Further, she had previously placed signs in Via Parigi without LPC approval or a building permit. Mr. Frank suggested that any signage approval given today might be subject to zoning approval.

MOTION BY MRS. DIVOLL FOR APPROVAL OF THE SIGNAGE AS TO LOCATION, COLOR, QUANTITY, AS ILLUSTRATED, SUBJECT TO ZONING.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Secondly, approval was requested for two brass sconces with glass globes, one on either side of the door. Mr. Kino explained that lighting in this location is a Code requirement.

MOTION BY MRS. MACKINTOSH TO APPROVE THE LAMPS AS PRESENTED.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

Thirdly, regarding the front door, which previously was the Elizabeth Arden Red Door, the plan includes replacement of the Red Door with a single lite door. It was noted that an additional small sign (1' x 3") would occur at the door.

MOTION BY MRS. GINGRAS TO APPROVE THE DOOR CHANGE AND THE ONE ADDITIONAL SIGN AT THE DOOR, WITH THE PROVISIO THAT TOTAL SIGNAGE CANNOT EXCEED 20 SQUARE FEET.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

Fourthly, the plan includes replacement of three existing windows with french doors. Mr. Kino noted that these had originally been french doors, but had, at some time, been changed to awning windows.

Mr. Kino mentioned that he would be returning to the Commission with a lighting plan for the facade, and that this, then, would complete the facade changes contemplated at this time for this structure.

Although the Commission moved on to the next agenda item, after clarification, this item was re-visited and the following motion was made regarding the french doors.

MOTION BY MRS. GINGRAS TO APPROVE THE REPLACEMENT OF THREE WINDOWS WITH FRENCH DOORS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness No. 47-91, Courtyard, fountain, landscaping

Owner/Applicant: Mr. Franklin Frank

Address: 365 South County Road

Architect: Smith Architectural Group

Project Description: Request approval of courtyard layout, fountain details, and landscaping

Mr. Kino presented a photo of the proposed fountain. It will be made of concrete and will be stained and/or mottled by an artist to give it an aged appearance. The resulting color will be buff, similar to the stone pavers of the courtyard. Mr. Kino did not yet have details regarding the landscape plan, and stated he would return next month with same. Regarding the paving, it will be done in alternating hues of cast stone to give a subtle checkerboard effect.

MOTION BY MRS. METZGER TO APPROVE THE COURTYARD MATERIALS AND FOUNTAIN, AS PRESENTED, AND TO DEFER THE LANDSCAPE PLAN TO NEXT MONTH.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

In response to some expressed concerns regarding timely submission of plans in advance of the meeting, Mr. Moore addressed the Commission. He explained that for new applications for Certificate of Appropriateness, a legal ad

appears in the newspaper which advertises specific changes to a property. When application is made for such changes, corresponding plans should be part of that application. On ongoing projects which are reviewed over a period of several months as construction progresses, however, architects are hard pressed to adhere to the LPC 30 day advance deadline application requirement, with respect to filing new plans. Mr. Moore suggested that the Commission might want to impose a deadline of one week prior to the meeting for plan submission related to ongoing projects. Correspondingly, Staff might be directed to not accept plans submitted after that one week deadline, which would create an automatic deferral situation. Alternatively, an applicant could argue an automatic deferral at the meeting, and request LPC review. The Commission would then have the ability to allow review or deny review. Mrs. Volk felt that the Commission should give architects the benefit of all time possible to submit plans, as construction in Palm Beach is subject to so many factors, i.e., "season", ability to contact clients, etc.

Also, Mr. Randolph will review the signature line of the Landmarks Application to determine whether persons other than an owner or his attorney can sign same.

MOTION BY MRS. ALBARRAN DE MENDOZA TO PERMIT, FOR ONGOING PROJECTS ONLY THAT REQUIRE APPROVAL OF CERTIFICATE OF APPROPRIATENESS, THAT PLANS BE SUBMITTED NO LESS THAN ONE WEEK PRIOR TO THE DATE OF THE MEETING; OTHERWISE, THE APPLICANT IS SUBJECT TO DEFERRAL BY THE LPC, OR THE APPLICANT COULD ARGUE THEIR CASE BEFORE THE LPC TO BE HEARD.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 48-91, Signage

Applicant: Johnnie Brown's Inc.

Owner: Via Mizner Associates Limited Partnership by
Via Mizner of Worth Avenue, Inc.

Address: 341 Worth Avenue

Project Description: Request approval of identification signage to include window signage, 56" long by 12" high, including the double border with gold lettering outlined in black. Also, courtyard signage consisting of a dark green plaque, 30" long by 10" high, with white letters, in keeping with Via Mizner directory signage. Also, removal of hedge to allow view of courtyard sign.

Mr. Frank Shields presented this sign on behalf of his wife, who is the tenant in this space. He presented a comprehensive chart showing the requested signage, all as listed above. The Commission was pleased with the signage and thanked Mr. Shields for his very complete presentation.

MOTION BY MRS. GINGRAS TO APPROVE THE SIGNAGE AS PRESENTED.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 49-91, Signage

Applicant: Braswell Jewelers, Inc.

Owner: Via Mizner Associates Limited Partnership by
Via Mizner of Worth Avenue, Inc.

Address: 21 Via Mizner

Project Description: Request approval of identification signage for south window and east window in gold letters not to exceed 2-3/4" in height

Mr. Steve Rowe of Phil Rowe Signs presented this request. The lettering will be gold with black outlining and will not exceed 2-3/4" on the south and east windows. Also, 1.5" lettering is requested for the door. Signage will read "Braswell Jewelers, Inc."

MOTION BY MRS. MACKINTOSH TO APPROVE THE SIGNAGE AS PRESENTED.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

H. Application for Certificate of Appropriateness No. 50-91, Signage

Applicant: Paradise Gallery c/o Mr. Eric Bancel

Owner: Via Mizner Associates Limited Partnership by
Via Mizner of Worth Avenue, Inc.

Address: 8 Via Mizner

Project Description: Request approval of identification signage in white lettering on three windows

Mr. Kirk Henckels, Owner's representative, came forward on behalf of the tenants of Via Mizner. He stated that apparently, when Via Mizner was under its previous management, signs were erected in Via Mizner without benefit of LPC approval. Several of the signs being reviewed today fell into that category. He indicated that he has been in contact with Mr. Frank in attempt to arrive at a standard sign for the Via's Shops which might receive blanket approval without having to come to the Commission. They are contemplating either dark green on white, or white on dark green. Mr. Frank added that there seem to be a large number of signs changing in the Via, and having a standard sign readily available would be advantageous to the tenants as well as the Commission. Mr. Henckels added, however, that total conformity is not desired, as that would not promote the Mizner style.

Mr. Henckels objected to the tone of the letters by which the Code Enforcement Officer notified the Via Mizner tenants of their signage violations. Mrs. Volk responded that the

Town has a strong Sign Ordinance which is in force to protect the character of the Town.

Mr. Frank added that the current owners of Via Mizner have inserted a clause into their lease agreement which requires all tenants to secure LPC approval for their shop's sign. Mr. Henckels stated that they are having a problem with the Via's Directory signage in that shoppers are not able to locate the businesses. He asked for LPC input into this problem.

Returning to this particular signage request, (Item H), the signage consists of "Paradise Gallery" in white lettering on three windows. A photo of the existing signage was passed to the Commissioners.

MOTION BY MR. SILVERMAN TO APPROVE COA #50-91 FOR SIGNAGE AS PRESENTED.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

I. Application for Certificate of Appropriateness No. 51-91, Signage

Applicant: Cashmere Palm Beach c/o Jan Salvador
Owner: Via Mizner Associates Limited Partnership by
Via Mizner of Worth Avenue, Inc.

Address: 8 Via Mizner

Project Description: Request approval of identification signage in white lettering on two windows

The signage will read "Cashmere" on the first line and "Palm Beach" on the second line, on both windows. A photo was passed of the existing signage.

MOTION BY MRS. GINGRAS TO APPROVE THE SIGN AS PRESENTED.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

J. Application for Certificate of Appropriateness No. 52-91, Signage

Applicant: Barzina c/o Ms. Gretchen Bentley Black
Owner: Via Mizner Associates Limited Partnership by
Via Mizner of Worth Avenue, Inc.

Address: 7 Via Mizner

Project Description: Request approval of identification signage in white lettering on two windows

Again, a photo was passed showing the existing signage as outlined above. Sign to read: "Barzina".

MOTION BY MR. SILVERMAN TO APPROVE THE COA #52-91 FOR SIGNAGE, AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

K. Application for Certificate of Appropriateness No. 53-91,
Signage

Applicant: Scott Snyder - Horticulture and Design
Owner: Via Mizner Associates Limited Partnership by
Via Mizner of Worth Avenue, Inc.

Address: 99 Via Mizner

Project Description: Request approval of identification signage consisting of dark green wooden plaques with white lettering mounted on the building in three locations, south side Peruvian Avenue, East door Via Mizner and West door Via Mizner.

Mr. Steve Rowe presented this request for signage as listed above, with the addition of corner detailing (quarter rounds) as shown on the submitted rendering. The south side Peruvian Avenue sign will be 16" x 84". Signage will read: "Scott Snyder, Inc." on the first line, and "Horticulture and Design" on the second line.

MOTION BY MRS. GINGRAS TO APPROVE THE SIGNAGE AS PRESENTED.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

L. Application for Certificate of Appropriateness No. 54-91,
Signage

Applicant: Blue Caribe Gems c/o Ms. Denise O'Hara
Owner: Via Mizner Associates Limited Partnership
by Via Mizner of Worth Avenue, Inc.

Address: 66 Via Mizner

Project Description: Request approval of identification signage consisting of two white wooden plaques with blue lettering

Mr. Frank reported that one of these signs did bear a logo of a palm tree, which has since been removed. The removal of the palm left an undetailed corner on the sign, but the existing line border on sign will be extended around that corner to complete the sign. Ms. Denise O'Hara presented this request passing pictures of the existing signage.

MOTION BY MRS. DIVOLL TO APPROVE COA #54-91 AS PRESENTED.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

M. Application for Certificate of Appropriateness No. 55-91,
Signage

Applicant: Robert Scott Stilin, Inc. c/o Mr. Robert Stilin
Owner: Mr. and Mrs. J. Russell Duncan

Address: 9A Via Parigi

Project Description: Request approval for identification signage consisting of one hanging sign suspended from a bracket, (white with black lettering), and window signage

in small black letters

Mr. Robert Scott Stilin came forward bearing the hanging sign (white with black letters) for which he was seeking approval. Window signage will be in 3" black lettering on the bottom of each of the windows flanking the door.

MOTION BY MRS. GINGRAS TO APPROVE THE SIGNAGE AS PRESENTED.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

Mr. Stilin commented that he thought it would be advantageous to provide signage guidelines or establish some sort of pre-approval process to new businesses so that signs might be erected more quickly. This would help alleviate the problem of patrons being unable to find business locations, particularly when they are located in vias.

N. Application for Certificate of Appropriateness No. 56-91, Color Change

Applicant: Buchanan Underwood Travel Associates c/o
Mr. Jerry M. Buchanan

Address: 361 South County Road

Project Description: Request approval for exterior color change

Mr. Underwood presented this request for color change to cream. It shall be noted that the new painting had already been completed prior to this meeting. Mr. Underwood stated that the building's owner had been uncooperative with respect to upgrading the structure, and that currently, the building is in the process of being sold. The Commission was concerned about the general condition of this building and that only the Buchanan Underwood portion of the building had been painted. They encouraged Mr. Underwood to negotiate with the future owner to paint the rest of the building, at least the rest of the first floor. Mrs. Volk advised Mr. Underwood that changes such as this must be reviewed by the LPC prior to them being done.

MOTION BY MR. SILVERMAN TO APPROVE COA #56-91 FOR A COLOR CHANGE.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

V. Other Business

- A. 36 & 38 Via Mizner: Thomas Morrissey Salon
Request approval of identification signage consisting of one 12" x 33" sign installed on the stairwell (white lettering on a dark green sign to match existing Via Directory Signs); and white door lettering on two doors - one upstairs and one downstairs

(Conceptual approval requested pending legal advertisement.)

Mr. Steve Rowe, sign contractor, stated that this business, located on the second floor of Via Mizner has particular difficulty with patrons finding their location. The request was originally for a sign at the base of the stairway in the Via Mizner green and white; also, white lettering on one of the upstairs doors; and the name and "Service Entrance" on the downstairs service entrance in white letters. Since this tenant has been in place for a month and a half, however, they realize that people cannot find them. To attempt to solve this, an additional sign is requested either on the second floor railing or beneath the second floor railing, and they would prefer it on the railing. This, however, would require variance approval. Some Commissioners expressed their opinion that they would not be in favor of the sign on the railing, even if a variance were obtained. Mr. Moore stated that the signage cannot go onto the second floor, and must be applied to the face of a building, even for identification on the second floor. Mr. Rowe, as a sign contractor, stated that, in his professional opinion, if signage would be permitted on the first and second stories, it would destroy the character of Palm Beach.

MOTION BY MR. SILVERMAN FOR CONCEPTUAL APPROVAL OF THE SIGNAGE PENDING LEGAL ADVERTISEMENT, AS SUBMITTED, WITH THE SIGN BENEATH THE SECOND FLOOR RAILING ON THE WALL.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

- B. 337 Worth Avenue: Rudi's
Request approval of identification signage consisting of three 4" signs, each with the word "Rudi's" in gold, one on the front door and one on the back door, and the third on the Worth Avenue window in the lower left corner.

(Conceptual approval requested pending legal advertisement.)

Mr. Robert Sanders came forward presenting photos of his existing signs, all as above.

MOTION BY MRS. DIVOLL TO APPROVE THE SIGNAGE PENDING LEGAL ADVERTISEMENT.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

- C. 256 Worth Avenue: Naturalis
Request approval of identification signage consisting of two signs to be suspended in the windows, one in the east window and one in the north window facing Worth Avenue. Signs to be made of plaster simulating carved stone, size: 31" high, 69.5" wide, 3.5" deep

(Conceptual approval requested pending legal advertisement.)

Mr. Gareth Whitehead, Owner of Naturalis, passed a photo of the completed sign. The sign will actually be positioned to rest on the sill of the arched opening.

MOTION BY MRS. DIVOLL TO APPROVE THE SIGNAGE PENDING LEGAL ADVERTISEMENT.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

VI. Designation Hearings

ITEM 1: 850 SOUTH OCEAN BOULEVARD

OWNER: Mr. Lawrence A. Moens

(Please note that this item has been deferred from the March 15, 1991 meeting and the November 15, 1991 meeting.)

Due to the change in ownership of this property, it was re-advertised for this meeting. The owner has requested deferral to the January meeting.

MOTION BY MR. SILVERMAN TO DEFER THIS ITEM TO THE JANUARY MEETING (AND THIS AMENDMENT ADDED LATER) WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

ITEM 2: 240 ATLANTIC AVENUE

OWNER: J. Lee Rofkind Et Al, J. Lee Rofkind Et Al TRS TI HLDR

VOLK: We are going to recommend removal from consideration because it is really only 45 years old, as I understand it in reading the Designation Report. And we try to, unless it's an exception, to just consider houses that are 50 years old. Would you like to comment, Mr. Frank?

FRANK: Yes. I'll read the Staff recommendation into the record. In your report it says, under Item VI, "Although the Town of Palm Beach Landmarks Preservation Ordinance #2-84 does not specifically address the issue of the age of a structure considered for landmark status, the Secretary of Interior's guidelines regarding eligibility for the National Register of Historic Places require that a structure eligible for the National Register be at least 50 years old at the time of designation. Traditionally, the Landmarks Preservation Commission has honored this Federal guideline. During the research of 240 Atlantic Avenue, it was discovered that this structure was built in 1945, later than had originally been reported. Therefore, while 240 Atlantic Avenue is an excellent representation of its type of architecture, it is recommended that NO ACTION be taken on this structure until a future date, when it crosses the 50 year threshold.

VOLK: Do we need a motion, or do we just dismiss it. We don't want to get into a res judicata situation.

FRANK: We recommend a motion of no action.

VOLK: Do we have such a motion.

SILVERMAN: I SO MOVE THAT NO ACTION BE TAKEN ON THIS APPLICATION.

MACKINTOSH: I SECOND IT.

MOTION CARRIED UNANIMOUSLY.

RANDOLPH: This is not a res judicata problem. Specifically, it is not 50 years old, so the circumstances will have changed in the event that you choose to address this in the future.

ITEM 3: 133 BANYAN ROAD

OWNER: Lawrence Banyan Trust and Barry Banyan Trust

Mrs. Volk stated that the owner has requested that this item be deferred to the February meeting.

MOTION BY MRS. METZGER TO DEFER TO THE FEBRUARY MEETING (AND THIS AMENDMENT ADDED LATER) WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Let the record reflect that at this point, the Commission was in agreement to add the amendments, as reflected above, to the motions for deferral.

ITEM 4: 250 BARTON AVENUE

OWNER: Mr. Harcourt M. Sylvester Jr., Trustee

Mr. Frank verified that proof of publication and legal service was secured for this designation hearing. Mrs. Delp swore in Mr. Frank, Mr. Sved, and the owner, Mr. Harcourt Sylvester Jr. for testimony.

FRANK: Staff has found that 250 Barton Avenue has met the following criteria for designation:

(c) 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.

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

In this case, the architect is John Volk, and the biography has been attached to the report. Mr. Sved, would you continue with the presentation?

SVED: Thank you very much. 250 Barton Avenue was designed in 1933 by the architectural firm of Volk and Maas. It was one of several architectural partnerships that Mr. Volk ventured into. As you can see, and as is very typical of Mr. Volk in this period, this building is designed in the Mediterranean Revival style...very simple stucco facade, and ornamental cast stone entrance which you see at right, several windows that are both rectangular and round headed arches, barrel clay tile roofing. You'll notice the decorative painted eaves above the second floor. In 1933, Mr. Volk returned and did an addition to this house, which he so often did. I might add, I've said this in the past, but Mr. Volk was one of the very few architects who actually returns to his own commissions and makes additions, and for that reason, so many of his additions seem like they are part of the original house. On the slide at left, you can see part of the addition...the addition in 1935 included two bedrooms, one bathroom, a library, and a cloister. This cloister here starts right here on this slide. I tried to mesh them together, but it was rather difficult because of the hedges around the motorcourt. Regardless, it's a very interesting composition, a very beautiful cloister here, very large windows...I believe originally they had cast iron frames around them, and it would be nice, if sometime in the future, those could be explored and put back in place. I spoke briefly, just about fifteen minutes ago with Jeff Smith. He indicated that within the past year, he's completed some work that is not included in this Designation Report. It's in the rear of this property, and what he told me is that he removed the old servants' quarters, the old garage, and in that position, he replaced a pool house, and then somewhere else on the property in the rear of the property, he built a new servants' quarters and a new garage. I can only conjecturalize that when this report was written by its author, that this work was not on file in the Records Office on the microfilm where most of the research is done. However, future copies of the Designation Report will indicate that this work was completed. Mr. Smith did also state that he thought the work he did was very much in keeping with what was there originally, and he's very proud of what he did, and he didn't think it would detract from the landmarking, however, he did want his new work recognized as an addition and an improvement to this property. It is very worthy of your approval here today.

VOLK: May I have a MOTION THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD?

SILVERMAN: I MOVE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

ALBARRAN DE MENDOZA: SECOND.

MOTION CARRIED UNANIMOUSLY.

VOLK: Are there any other witnesses who wish to speak from the public sector?

HARCOURT SYLVESTER: I would like to approve of landmarking my home.

VOLK: Would you please introduce yourself?

SYLVESTER: I'm Harcourt M. Sylvester.

VOLK: Oh, how do you do. It's nice to meet you. Congratulations.

SYLVESTER: Well, thank you very much. It's a very beautiful home and I would like to say that Mr. Smith did an exceptional design job on the pool pavilion. It is very much in keeping with the original home. The arches throughout the back of the home and the pool pavilion match beautifully. I enjoy the addition as well as the home itself. The interiors have been redone, the electrical wiring, new roof...so it's been brought up to very good standards.

VOLK: Mead Johnson took me through last year. I agree with you about the pool pavilion. It's very nice.

SYLVESTER: Did you see it?

VOLK: Yes, I did.

SYLVESTER: So, I'm very happy about it, and accept the honor.

VOLK: Thank you very much. Are there any comments from the Commission? WOULD YOU MAKE A MOTION FOR APPROVAL THEN THAT IT BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK?

MACKINTOSH: I WILL.

GINGRAS: SECOND.

MOTION CARRIED UNANIMOUSLY.

VII. Other Business - Continued

- D. 270 Algoma Road - Staff approval given to replace wood trim of screening with aluminum

Mr. Frank stated that the new material will appear just like the old and will be painted white to match. Staff approval was given on this matter, and no further action is required.

- E. Discussion regarding priority rating of structures - Tim Frank

Mr. Frank offered the following information related to priority rating of structures in response to some inquiries made by the Commission. He stated that two surveys or reports have been done...one in 1978/79 which surveyed properties in certain areas of the Town which were 50 years old or older, and one in 1987/88 by John Johnson which surveyed houses Town-wide, including those which had not been surveyed previously. Collectively, these two reports have identified 450 properties Town-wide which are eligible for designation. That eligibility was basically determined "in the field, from the street, with limited review of the Town's records...there was some review of the Town records, but limited review, and actually very little review, close up review of the structures themselves. However in the opinions of the authors of those reports, there are 450 structures that are eligible for landmarking." Since the 1988 report was completed, roughly 90 structures were

landmarked at that point in time. Prior to that time, many structures which were landmarked were done on a purely "voluntary" basis, although the Ordinance does not speak to voluntary or involuntary. With the 90 structures landmarked, Mr. Frank, working with Mr. John Johnson, Mr. James Sved, and various student interns, and the Commission, started to go out in the field to determine priority structures. There was more than one of these exercises. Around 1988, there was a demolition moratorium in effect to protect every structure which was recognized as eligible by the two surveys. Moratoria, however, are not effective as a permanent legal tool to prevent demolition. It was therefore determined that rather than having a blanket moratorium for 450 structures, the LPC would prioritize these structures and proceed with designations. "Approximately, and the number, 200, has been bantered around quite a bit...there is no set number, or there hasn't been officially established a number of 200 at all. However, after, and I checked with Jim Sved on this earlier, and he told me that when we did our studies and our original list when the Landmark Commission went out into the field, we found approximately another 100 structures that were actually placed on the priority list and entered into the record by this Commission. At that time, we had advanced another ten or fifteen structures or so, that I had designated in the interim time, and I believe that priority listing, in addition to what we landmarked already, totaled approximately 200. Then what happened is that of these 100 structures, we have been prioritizing those downward because we couldn't do 100 all at once. So, we have systematically, through the past two or three years, we've been systematically going through the landmarking of these priorities that have been established." Mr. Frank responded to a previous inquiry as to whether all 450 structures are protected from demolition. The answer is no. The only ones protected from demolition at this time are those that are already landmarked or those which are on a list of properties listed as "under consideration". "Under consideration" properties are usually processed within the course of one year. Although there is no set number of properties at which landmarking in the Town will cease, Mr. Frank stated that perhaps, after this number is reached, the Town may not pursue additional landmarks as vigorously as has been done in the past. As it has been evidenced by the recommendations coming forth from Staff, not all of the 450 properties once surveyed will now be recommended for designation, i.e., "marginal" properties will probably not be recommended for designation.

Priority lists are generally established in the spring for the next designation season. Landmarking was begun in 1979, and Mr. Frank read the following statistics into the record.

During 1989/90 Designation Season
48 properties designated, including 11 (first time)
designations of Town Hall Square Historic District
properties. (Other 4 properties included in Town Hall
Square Historic District were previously designated on an

individual basis.)

Also, 2 Undesignations in 1989/90 Season
1 partial - 822 South County Road
1 full - 1800 South Ocean Boulevard

During 1990/91 Designation Season
16 properties designated

During 1991/92 Designation Season, to date:
1 property designated (will be 2 if 250 Barton ratified)

Total number of landmarked properties/sites/vistas
as of 12/11/91 = 160 (will be 161 if 250 Barton ratified)

Mrs. Volk felt the Commission should guard against long periods without landmarking occurring to avoid losing important structures in the Town. "That is our focus...to save our architectural heritage, what we think of as our Town."

F. The Carriage House - Comments by Mrs. Mackintosh

Mrs. Mackintosh raised some questions regarding the construction which has occurred at 790 South County Road, the Carriage House. To her recollection, the approvals given by the LPC in the past were given with the proviso that the vista from South County Road to the lake remain open. She stated that the vista is gone. Staff will research this matter.

VIII. Adjournment

MOTION BY MR. SILVERMAN TO ADJOURN AT 11:15 A.M. MEETING
ADJOURNED.

The next meeting of the Landmarks Preservation Commission will be heard on Friday, January 17, 1992 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras, Secretary

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V. STATEMENT OF SIGNIFICANCE

250 Barton Avenue is a reflection of the tremendous popularity of the Mediterranean Revival Style as the preferred choice for residential design in Palm Beach in the early twentieth century. The structure is a fine example of the work of one of the most influential and eclectic architects of Palm Beach, John L. Volk, and deserves protection as a landmark of the Town of Palm Beach.

VI. CRITERIA FOR DESIGNATION

Section 16-38A of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site 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:

(c) "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."

250 Barton Avenue embodies the distinguishing characteristics of the Mediterranean Revival Style as the preferred approach to residential design in the Town of Palm Beach in the early twentieth century. The structure encompasses the ideals of John L. Volk, and his interpretation of the Mediterranean Revival style. In his own words, the architect concluded that, "Simplicity is the keynote of this alluring, rhythmic and sun loving architecture which is now making such a widespread appeal to the lovers of beauty and the home builder of today throughout the country." (Volk, p. 23)

250 Barton is also an example of an architect/designer returning to his original work and making alterations and additions. Choosing a local architect with a strong professional reputation, the client, Olan Tevander, was graced with the convenience of having the same architect come back to the site years later to add to his own work.

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

In the Palm Beach Social Pictorial from 1976, a powerful testament is made to the life and work of John Volk. "Scarcely a street exists in the 12-mile island of Palm Beach that can't boast of at least one home designed by John Volk, for the prolific architect has created more than 1,000 magnificent homes in the fashionable resort alone. This is a singular achievement

in itself and a tribute in that those who live in John Volk homes are his greatest boosters. No one is more highly respected in the community." ("Architect John L. Volk...", Palm Beach Social Pictorial. Vol. XXIII, No. 16, 29 March 1976).

PLEASE SEE JOHN L. VOLK BIOGRAPHY, AS ATTACHED.