



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, NOVEMBER 15, 2000 AT 9:00 A.M.

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 Eugene Pandula.

II Roll Call:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Ann Blades, Secretary
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Ann Vanneck, Member
Jack Pyms, Member
Nikita Zukov, Alternate Member
Judy Hoffman, Alternate Member
Laurel Baker, Alternate Member
John C. Randolph, Town Attorney (arrived at 9:23 a.m.)
Robert L. Moore, Director of Planning, Zoning & Bldg.(arrived 9:30 a.m.)
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that a court reporter, Beth L. Kelly, was present for the Designation Hearing for 444 North Lake Way. The transcription included in these minutes, however, was done by Mrs. Delp.

III Approval of the Minutes of the October 18, 2000 Meeting:

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE MINUTES AS MAILED.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify: Mrs. Delp administered the oath to all those who were present and wished to testify today.

V

Public Hearings:

A. Application for Certificate of Appropriateness #28-2000 (deferred from October)
Renovation, addition, demolition

Owner/Applicant: 455 North County Road Inc.

Address: 455 North County Road

Architect: In-Architecture, Inc., Anthony Tzamtis

Project Description: Request approval of the following:

1. Demolition of newer additions on existing building, detached two story garage, staff quarters, carport, pool cabana, and pool
2. Total renovation, restoration of existing main residence
3. Addition to existing main residence
4. Restoration of existing beach cabana
5. Other associated changes as presented

1. At the October meeting, there was a motion for approval of the project as presented, with the proviso to add a door where the window is now on the ocean side on the northeast side, and that the little balcony shed roof has open fenestration instead of the closed wall (the closet area), and that the small wall where the secondary garage is closed on the east side of the north facade should be a solid wall, and just giving a standard Certificate of Appropriateness.
2. There was also a motion to leave the roof break up to the applicant's discretion, and when the applicant returns with the landscape plan, he should present the study of the railing and the entrance.
3. There was also a motion that the demolition of the outbuildings and anything on the site, as requested for demolition, is approved as presented.
4. There was also a motion that the cabana, tennis pavilion, tennis court, landscape/hardscape, and swimming pool be deferred to a later date. (Since no date certain was specified, this item was placed on the November agenda.)

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

****PLEASE NOTE THAT THE APPLICANT REQUESTS DEFERRAL TO THE DECEMBER MEETING.****

MOTION BY MRS. BLADES FOR DEFERRAL TO THE DECEMBER MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #29-2000,
Site Work

Owner/Applicant: Mr. and Mrs. Lawrence Sorrel

Address: 1284 North Lake Way

Architect: Thomas M. Kirchhoff

Project Description: Request approval of new pool, pool deck, hardscape, feature wall, landscaping and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mrs. Delp administered the oath to Tom Kirchhoff, Architect for the project, and to Linda Zilman of Innocenti and Webel Landscape Architects.

Mr. Kirchhoff stated that changes to the house were reviewed and approved in April of this year. As for the landscape/hardscape, Mr. Kirchhoff stated that the existing painted concrete driveway will be removed and replaced with cast stone pavers with grass between. A new swimming pool will be centered on the new family room which is being added. It will be surrounded by a cast stone pool deck, border and pool coping. Acid washed cast stone will border the loose chatahoochee parking court and the 2 entrances to that parking court. Ms. Zilman stated that of the two large Ficus Benjamina, one will remain and one will be transplanted to a new location on site. Landscaping will be used to enclose the parking court for added privacy. The entire property will be bordered with 8' tall Ficus Benjamina hedge. Areca palms will provide screening on the northwest and southwest corners of the property. Cocoanut palms surround the pool area. Two topiaries will flank the front door.

Mr. Zukov stated that he had once considered purchasing this house and was informed that there might be some zoning implication to Merrain Road access to the property if the house was remodeled. Mr. Frank stated that this can be investigated further by staff. It was noted that the remodel work has already been permitted.

MOTION BY MRS. DOWDLE TO APPROVE THE PROJECT AS PRESENTED CONTINGENT ON ZONING APPROVAL.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

VI Designation Hearings:

These Designation Hearings are transcribed partially verbatim and partially in paraphrase. Verbatim portions are noted by the speaker's name at the left margin.

Item 1: 444 North Lake Way (deferred from April and October, 1999 and April, 2000)

Owner: Estate of Ziuta Akston c/o Betty Marcus, Personal Representative

Mr. Frank stated that this property meets the following criteria for designation as a landmark of the Town of Palm Beach:

- (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; and
- (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.

Mr. Pandula verified with Mr. Frank that proof of publication and proper legal service were achieved relative to this hearing. Mrs. Delp administered the oath to all those who wished to testify in this matter and were not previously sworn.

JANE DAY, STAFF PRESERVATION CONSULTANT: The house at 444 North Lake Way was designed by John Volk. The original building permit for the house was pulled from the town in 1969,

and it is Building Permit #73169. It's on file at the Town of Palm Beach. Called La Ronda, this house defies definition and compartmentalization. It is truly one of the most unique houses in the Town of Palm Beach, and I feel that it is one of John Volk's most important houses in the town. Although the building permit was pulled in 1969, it took over three years to complete the house. Every detail was attended to not only by Mr. Volk, but by the owners of the property, James and Ziuta Akston. The Akstons were very influential in the arts in the Town of Palm Beach. They were active in the Society of the Four Arts, and when they decided to build a house along North Lake Way, they had been to France in the summer of 1969. John Volk writes that they came back from France with some sketches from a French architect. Those were quickly re-drawn in his office and he developed a new design concept that was spherical in shape rather than the rectilinear forms that were brought back to them. He developed immediate rapport with the Akstons, and had an excellent working relationship with both Jim and Ziuta Akston. The interesting things about the house are not only the style of the house, but also its construction and the materials that were used to build the house. What is on the slide right now is the entrance as you see the property from North Lake Way. This, however, gives you very little feel as to what the house is really like. It is two stories in height. You come into the property through a 90 ft. radius porte cochere, which comes under the first floor. This was also designed as an art gallery, where different paintings could be hung, and it was also secure so that they could pull down doors on either side of the porte cochere to secure the house if that was needed. From this entrance, you either went to your left into a very intimate 30 person theatre, a theater which, in some of the writings, the French Consul came, brought documentaries for the building in France; they had a lot of evenings there of not only popular movies that they showed to their friends, but also, as I said, documentary things. Or you went to the right, into the entryway of the house. It curves around, and there was an outdoor sculpture garden that was to the east of the main block of the house. Mr. Akston was a sculptor. Some of these sculptures are his, and it was an unusual way to have the entrance to a property...through a down below porte cochere, and then the person who was visiting the house would come up through a curved glass enclosed entry and into the main drawing room and library. There are balconies. The outside of the house is covered with Italian marble. The reason for this was that the Akstons were very concerned about the maintenance of the property and with the marble, they felt that this was the most maintenance free that they could get. They also used chrome and stainless steel for the railings. And in 1973, when the house was finished, this is a photograph that was published in Palm Beach Life. It shows the pool areas, the back of the property, and a guest house that was built to the north side of the lot. The guest house has two bedrooms in it. It does mimic the main overhangs and the spherical shape of the house. The pool, itself, was also oval in shape. The design from it was taken from an artist named Carter. It was replicated with 28,000 tiles of glass mosaics that were specially fabricated for the house in Venice, Italy and shipped over here. Mrs. Akston, in some of the newspaper articles and the magazine articles at the time, talks about every detail that was taken for this house including growing the trees so that they were the right height when the Akstons moved into the property. You can't see it from this photograph, but to the west of the pool, the property goes down to a spillway that is down close to Lake Trail. If you stand by the pool area, and there's also a dancing terrace in this entertainment area, you would not see the bike trail. You would just see out into Lake Worth, the City of West Palm Beach and the beautiful sunsets from that view. In this rear section of the house, the glass windows that are in the main block of the house went all the way down into the floor to open the whole property up to the outside. Also, I'd like to add that...and here's the cover of that Palm Beach Life magazine...it is the feature article La Ronda, the Akston house, and it's the annual elegant living addition of the magazine and it was published in 1973. In this article, they really praise the design. John Volk is quoted. There is a picture of the Akstons in the article so that Mr. and Mrs. Akston, I feel, were very happy to have this published in this forum. And as you can see here, it also says "Volk houses...his signature." This was one of the

most important houses of John Volk's career. The roof of the house was concrete, poured and moved in place. The interior spaces are all curved. The ceiling height goes in from the entrance, starts at 12', soars to 18'. It's really quite remarkable, the architectural spaces in this house, and how this house is so unique. I think it's also important to recognize the importance of the Akstons, how important they were to the Town of Palm Beach. They gave a sculpture to the Society of the Four Arts that is now on their lawn. And this house was their house. They were artistic. They were open to new things and they were, I believe, completely thrilled with the results they got in their residence. Recently, I'd also like to state that Linda Rawls wrote on Monday, October 3rd in the Palm Beach Post an article on this house entitled "A Circular Distinction," and in this house, Ms. Rawls also says what I have just tried to express to you, and this is a quote. "It takes an architect of unusual talent to put a round peg in a rectangular hole and create a thing of beauty. It takes unusual owners to let him. Luckily, this house had both." She goes on to say, "La Ronda was the result. Palm Beach's most unusual house, and certainly Volk's most unusual design." If you have any questions about the house, we have all the plans here. They are also on file on microfiche with the Town. It's a beautiful house. It is one of the most unique houses in the Town of Palm Beach. It clearly fulfills criterion (c) for architecture, criterion (d) for the architect who was used to do this, and fulfills those criteria for designation as a landmark of the Town of Palm Beach. Any questions?

MOTION BY MRS. WILKEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Randolph arrived at this time.

ATTORNEY PAUL THIBADEAU, ATTORNEY FOR THE PROPERTY OWNER: Thank you. Good morning. My name is Paul Thibadeau. I represent Mrs. Betty Marcus. She is the Personal Representative of the Estate of Ziuta Akston, who was Mrs. Marcus' mother. Mrs. Marcus opposes the proposed landmarking of the property at 444 North Lake Way. The proposed landmarking has prevented and will, in the future, prevent the property from being sold at a fair and just price. Although the effect of the landmarking may not be something you wish to consider at this time, it is fact and may be the subject of consideration in another forum. It should, however, be noted that none of...the one of the stated purposes of the Landmarks Preservation ordinance is to stabilize and improve property values. By this landmarking, you are acting contrary to that stated purpose. Your consultant, in her report, suggests that the property meets two of the criteria that would enable this Commission to find that such property ought to be landmarked. The first criteria she says is met is criteria (c) which says embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of period, style, method of construction or use of indigenous materials or construction. The reasoning that is given, however, is that it meets the criteria because it does not represent any style and is not from any period or style. The report says it is unique and cannot be pigeon-holed. No mention is made of any indigenous materials or craftsmanship. By the words of the Town's own consultant, this property embodies nothing but its own uniqueness. It may be special, beautiful, and as is noted, a veritable sculpture, but it is not what is contemplated by standard (c). Your task is not to landmark properties that you subjectively think ought to be landmarked or that you like, but to landmark those properties contemplated by the ordinance. The second criteria suggested is criteria (d) which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized

or who influenced his age. Firstly, the criteria says that the property must be representative of the work of a notable architect. Yet the report again says that the house is unique both in Palm Beach and all of South Florida. Again, the ordinance is not subjective, but requires that specific criteria be met. The house is not representative of John Volk's other notable work. This designation is driven solely by three things...that John Volk designed the house; that it is different and that someone wants to keep it the way it is. The motive may be popular, but it does not necessarily meet the purposes of the ordinance. It is harmful to the landowner, and would be made over the strong objection of the landowner. Even if this property could be somehow considered representative of Mr. Volk's work, we will prove to you that this was, in fact, not a John Volk design at all, but rather the design of Pierre Delbee, a French designer, whom John Volk, in his writings, recognizes and then dismisses as having prepared some drawings with very little future use. Even if the other problems with the proposed designation are overcome, this is not a John Volk design. You cannot designate it a landmark structure. We acknowledge that John Volk prepared the working drawings and did a superb job in doing so. The design of the house, no matter how unique or wonderful, is not by John Volk, and therefore, does not, in fact, meet the criteria set forth in the Designation Report. We're going to present some testimony as to the background of this, and I'd like to ask Mrs. Marcus first to come up and give you some testimony.

MRS. BETTY MARCUS, PROPERTY OWNER: Good morning. (Mrs. Marcus explains that she is recovering from some eye surgery, and she apologized in advance if she does not meet the gaze of the commission accurately.) With that statement, I would like to say that I am Betty Marcus, and I am the Personal Representative of the Estate of Ziuta Akston, the owner of North Lake Way, and my mother, and yes, she was wonderful. I am familiar with the construction of the design of my late mother's house at 444 North Lake Way, here in Palm Beach. And during the time of the house design, I spoke with my mother regularly, and was kept abreast by her of all matters concerning the design of the house, and how the concept of the house came about. My mother and Jim Akston were both artists and avid collectors. My mother had galleries both in New York and in Rome, and Mr. Akston was an artist and also a publisher of several arts magazines. They had many friends in the art world, and they traveled extensively and frequently to the Orient and Europe to visit their friends in the art world including the visual arts and also artists in other arts fields, such as literature and music. Much of the time they were in Europe they spent in Spain. And after spending time in Marbella they decided to build a house there. They called upon their great friend, Pierre Delbee, who at that time was the highly respected director and owner of the Paris design firm, Jansen. They asked him to build their dream house. Delbee had a worldwide reputation and had clients from all over the world. He had worked for the Shah of Iran, and was responsible for the design of the famous Tent City created by the Shah in the ancient city, capital of Persepolis. My parents spent many months with Delbee and lived with him for a time at his villa in the southern part of France. During that time, La Ronda was conceived. It was definitely a Delbee design with inputs by the Akstons. They had picked out the land in Marbella, and they came up with the concept for what was to become La Ronda with Delbee. As the time grew nearer to begin building the house, and my mother faced the prospect of spending much time in Marbella and away from her grandchildren, she became homesick. And so they returned to Palm Beach where she had had a house since the early 40s. The Akstons already owned a lot on the lake in Palm Beach where La Ronda would eventually be built. They had purchased that lot shortly after their marriage when they had planned to build a new home. They, of course, wanted Delbee to continue with the design, but he refused to travel to Palm Beach for the work. It seems that Delbee's brother was instrumental in the construction of Montsorrel in Palm Beach and became so frustrated and stressed with the perceived bureaucracy in the construction of Montsorrel, that he had a heart attack, became very ill and died in Palm Beach. Pierre Delbee did not want to come back to Palm Beach because of his brother's death. He did agree to

continue the work on the project, but only from Europe. He strongly suggested that my parents hire a well respected and well connected architect who could work through the bureaucracy that Delbee had feared. My mother had, 30 years previously, built a house on Wells Road in Palm Beach and had had a positive experience with a young man who was the contractor on that house. He was chosen first, before the architect was chosen, to be the builder of the new house. That young man, Robert Gottfried, recommended to my parents that they hire John Volk to make the work in Palm Beach go smoother. The plans and concept of the house was set and would not be changed. They needed working drawings and engaged John Volk for that purpose, turning over to him the many drawings and sketches and notes of La Ronda that had been made before. Some slight changes were required for the site, but the basic design was Delbee's, that Delbee had created, and no changes were made to that design without Delbee's agreement. Delbee left his fingerprints throughout the house. The use of signed known artists' work embedded in the floor, in the pool, and in the structure was something Delbee was known for and had done elsewhere.

Mr. Thibadeau passed an Architectural Digest article from 1980 showing a Delbee house done in Majorca, Spain.

MRS. MARCUS, (CONTINUING): Jim Akston wanted the house, as he said, to be a sculpture. He said it often. Delbee agreed that to make it so it needed to be coated or patinated in marble. That was the reason for the marble outside. Delbee picked out the type and the size of the marble to be used and specified its installation. That selection and the details of the marble selection can be seen very clearly in the floors of the circular rooms. Art works became part of the floors and walls, and all are signatures of Delbee. My parents were at the site almost every day that they were in town, and participated in every detail. My mother would never have left any detail to John Volk alone, as he claims. In fact, it was well known that she carried with her constantly her red briefcase with all the notes. There were weekly consultations with Delbee during the entire construction of the house. An example of Delbee's participation was the waterfall that John Volk had installed during one of the Akstons' rare absences, that could best be described as rustic and natural. Delbee objected to the waterfall. It was removed and replaced at Delbee's direction with a simple conforming one. The waterfall at the pool is another sign left by Delbee. Unlike waterfalls, most waterfalls, this waterfall has the water from the pool emptying into the waterfall, rather than the waterfall emptying into the pool. Delbee loved to create illusions in his designs and La Ronda has several. You heard about the height of the living room...well, the ceiling of the living room rises toward the lake in such a manner that it looks like it's only one height. The water from the pool disappears over the edge seeming to flow into the lake. After my mother passed away, and Jim Akston had died earlier, I received a call from Jane Volk, who stated that she was contemplating a book on houses her husband had worked on. She asked that if she could visit the house and bring "a friend" with her to take some photographs. My parents had always wanted to help others and did not object at that time to John Volk's claims regarding La Ronda, as long as it was confined in things local. And in keeping with that spirit, I welcomed Jane Volk and her friend to visit the house. It must be noted, however, that there was a time when my parents were alive that Architectural Digest wanted to do an article on La Ronda. My parents told the magazine, truthfully, that Delbee designed the house and John Volk did the working drawings. Apparently, when John Volk heard that the design attribution would go to Delbee, he caused such a stir about the article that my mother decided to cancel it. They did not think it fair to Delbee that John Volk wanted to take the credit for Delbee's design in such an international magazine. The article was never published. After Jane Volk and her friend had spent hours in the house, I asked they send me copies of the photographs and of the book. I never received either. I was introduced to Jane Day, the friend, as a collaborator on a book, a book that was never

written. At that time, I did not know that Jane Volk was lobbying to have anything that John Volk was connected with landmarked. I did not know that Jane Day was the Town's landmark consultant. The next time I saw the photos was in Jane Day's report prepared for this commission. I would never have allowed entrance to the house to allow the photographs to be taken for the purpose of furthering the landmarking process. I therefore object to and protest the use of such photographs. Subsequently, I spoke at some affair to the well known Palm Beach architect, John Gosman, shortly before his death, about the house. He expressed to me that the design came into John Volk's office, where he worked, that when it came into John Volk's office where he worked, the entire office was very excited because the design was like a breath of spring, so fresh and so new. They had never done anything like it before or since. My parents had nothing but praise for the work that John Volk performed in producing the working drawings, but it was not his design, and nothing he did say or that Jane Day would say would make it a John Volk designed house. An example of the fact that John Volk did not participate in the design concept is obvious if you understand my mother and the things she did to personalize her homes. When she built the house on Wells Road, she had a time capsule buried in the house. It contained memorabilia and notes of her feelings at that time. Typically, when La Ronda was contemplated, she wanted something incorporated into the house that would not be obvious to those that did not know of it and that would speak to her feelings. She wanted something that would signify a re-birth for both her and Jim Akston that had a beginning and no end. She wanted something in the house that would live beyond them as the time capsule in the Wells Road house would do. She told Delbee of her wishes and what she wanted was a scarab incorporated somewhere in the house...a scarab because it is the ancient symbol of re-birth and immortality. At one point she became concerned because she thought that Delbee had not put the scarab into the design, and I can remember the day when in great glee she said to me, "you will not believe where he hid it and how it conforms to the design of the house." One would think that if John Volk was the designer, he would have known of this request, known it was an integral part of the design and would have referred to it in his manuscripts. He does not. Why? Because he didn't know it existed. The inclusion of the scarab was not widely known and discussed because it was sort of a family secret, but by faithfully following Delbee's design, John Volk has, unbeknownst to him, included the scarab. When you know about it, the scarab can be seen clearly in the overhead view of the house. John Volk never mentions it. There is no doubt that this is not a house designed by John Volk.

Mr. Thibadeau passed some photographs to the members of the commission: A model of the house, the roof plan. He commented that the scarab jumps out at you when seeing these photos.

MRS. WILKEY: I'd just like to say something. Mrs. Marcus has made the description of the house even more important by what she has said. Delbee...we do know that he designed the house and John Volk worked with him. It also makes your mother more important because she was such an artist, and because she had such a feel, and this design will live beyond her, and this is an opportunity for you to have her memory forever remembered in Palm Beach. And I know that you have said that it would hurt the property value, but I wonder if that really is true. Maybe it will enhance it.

MRS. MARCUS: We already have several bids on the house with the provision that it not be landmarked.

MRS. WILKEY: Mrs. Marcus, even though a house is landmarked, sometimes exceptions can be made to add adjacent structures to the property, and maybe what the buyers would like is more square footage, but that can be arranged. It's such a beautiful piece of property and it is so different.

MRS. MARCUS: I agree with you with everything that you're saying, and my mother's memory doesn't depend, for me, on what Palm Beach thinks.

MRS. WILKEY: No, of course not. The memory is only for you, but you must admit that it is unique and part of what makes this island so wonderful is that we have such varied and unique homes. It really would be a shame not to have this one.

MR. THIBADEAU: Mrs. Wilkey, that all may be true, but the issue here is does it fit your ordinance, and your ordinance is very specific as to what your job is charged to be, and I don't think this fits in that. You can change the ordinance later, but right now, it has to represent an architectural style. It does not. It has to be by John Volk. We have proven it is not. Either one of those things...you can't now create new reasons to designate it while you're here. Your report is what your decisions are based on today. That report is not met. We're not finished with our presentation yet. I would now like to introduce Robert Curry to you. He will also speak on behalf of the opposition to this. Mr. Curry is an architect licensed in Florida and eight other states. He is a principal of Robert G. Curry Partnership with offices in Delray Beach. Mr. Curry received a Master in Architecture from Harvard University Graduate School of Design in 1965, a Bachelor of Architecture at the University of Minnesota in 1962. He and his firm have received numerous awards including the 1999 Award for Excellence in Architecture from the Florida Association of the American Institute of Architects for the design of the historic Sunday Inn and Restaurant. He has received three Florida Trust for Historic Preservation Awards, and was recognized as the firm of the year 2000 by the Florida Association of the AIA. Mr. Curry...

ROBERT CURRY: Thank you. I am Robert Curry, the architect of whom he spoke. I think that everything is pretty clear and I would agree with what's been said here lately. The two criteria that have been chosen to designate the house have not been met. In the first instance, there is reference to a style that refers to Le Corbusier and Mies Van der Rohe, who of course, were pure modernists. They would, neither of them, have had anything to do with this house. It has too much decoration, and if you know their work, of course, Mies coined the phrase, "Less is more," and this certainly doesn't meet that criteria. So, I think it isn't a Modern house; it isn't an Art Deco house; it isn't a Spanish Revival...it is of no specific style that I could discern, and in that regard, I don't think you can designate it...the first criteria. Talk about materials and methods of construction, even the materials are marble brought over from Europe. So, I don't think that's unique or indigenous to the area. Secondly, the second criteria is that it represents John Volk's work. And he is, of course, noted for a great number of houses, none of which, in any fashion, resemble this house. I have some photos actually of some houses that have been designated, if I could pass them around. And you'll see they are Classical Revival or Spanish Revival structures, and they are very similar and very characteristic of all his work. This, in no measure, reflects the character of all his other work, so I don't think it represents the reason for which he is famous. Further, I talked to Bob Gottfried, the contractor. And he said that he was given this plan from Pierre Delbee, and that it was a very unique and different kind of building, house. He actually got the most prominent architect in Town because he thought it would go smoother that way. It is very well put together. There is no question that it's been well built and well detailed. The working drawings are fantastically well done, but the design is representative of the original design that Delbee sent over. So, I think in both instances, it doesn't meet the criteria and in that regard, shouldn't be designated.

No questions were asked of Mr. Curry at this time. Mr. Thibadeau stated that Mr. Curry's testimony concluded their presentation. Mr. Pandula called for any other witnesses to speak.

LILLIAN JANE VOLK (WIFE OF JOHN VOLK, ARCHITECT): Good morning, Mr. Pandula and all you members of the Commission. I'm not so happy to be here in this place as I was to be on the other side of the fence at one time, but most of you know a great deal about John Volk, and I just want to press on to say that John Volk is as prominent as Mr. Delbee, and this is all...I have written a note here...a perversion of history. Where are the plans? Mr. Delbee was never in this country. Mr. Jansen was and Mr. Volk knew him very well when he was doing Anita Young's house, that my husband turned down. And this is all very obscure and an attempt to discredit the work of my husband, John Volk, in the design of this house, which upsets me and concerns me greatly that official venues are being used to advance dubious history. I knew Mr. and Mrs. Akston before John Volk did. Mr. Akston was on the Norton board with me. We had recommended him for that position. And I was the first Chairman of the first, not the first chairman, but the first art auction that was given at Mary Sanford's house...I was the Chairman of that and it was the first art auction in Palm Beach, and Jim helped me collect works of art for that auction and it was very successful and I got to know him and Ziuta very well. Now, this my husband has written about...the position of Mr. Delbee and the drawings that you see are his drawings and the stretch of the imagination that Mr. and Mrs. Marcus were not here at all during the early planning of these drawings. I was there. I was in the office with them. I saw and heard a lot of the conversation. Mr. Akston gave my husband a present. He was so pleased with everything. So, it really concerns me as a close observer of this house, and I am outraged at this attempt to change the historical record by Town conditions. Why are these people doing this? Mr. Thibadeau and Mr. and Mrs. Marcus? I can only think that it fits with our present local obsession to rearrange history to allow tear downs when overpricing destroys or prevents sales. Some of the gravest mistakes have been made in not landmarking other unique houses that in any other area would have been preserved and cherished. This claim of the Marcus's is really very strange and to me, is an outright lie. There is no basis in the contention if one reads the copyright journal of my husband and looks at the hundred or so drawings with every detail designed by him. I remember Juanita May who was the ceramist who came up from Miami and did the tile work for the pool. I remember the whole thing going along the way, and my husband was an honorable man. He was the founder with Alfred Kaye of the Palm Beach Civic Association, and the design of Good Samaritan Hospital. Now, as far as the book is concerned, there was a book being written by Jane Day at that time, so I was not giving you sort of a false statement. But Jane could not continue with the work because of personal problems. It is still being written and we are hoping for publishing in spring of this coming year. It has taken a long time because the amount of his work is prodigious, and as far as it being different, he did Modern designs and loved to do them. He was such a good Classicist, though, that people asked for that most of the time. He did a round house in Lost Tree, so this is indicative of his work. This is not the first round house that he did, or the last, but I can't carry on except to say that Delbee was never in town and Mr. Volk has done work for the most outstanding people in the world, our theatre, and he's (John Volk) done work all over the world. So, I don't know why anything that would be considered less by those people that have just been speaking....and Mr. Delbee, a more of a genius, I can't say. I'm looking for the photographs and all of the pictures of the houses and the people that he's done work with who are (listed twenty client's names),and I don't know that Mr. Curry is of any authority to speak or be critical or give his opinions because I don't know why they are so worthy. I mean you really don't ^{know} my husband's work, so you just have a kind of a cursory view and that's tiresome. Thank you very much. It is. You are very boring. (addressing Mr. Curry)

LAURIE VOLK (DAUGHTER-IN-LAW OF JANE VOLK): Laurie Volk. Proud to be the daughter-in-law of Jane Volk...not as feisty, perhaps, but the daughter-in-law, nonetheless. It's interesting that you've chosen two portions of your ordinance. I believe that also, I have an outdated, I do admit it, an

outdated ordinance, but I do believe that you still have within the criteria of your ordinance ..."It identifies with historic personage and/or important events in national, state, or local history." Again, if I'm not incorrect...Mrs. Akston, her first husband and she actually invented the Q-tip, so I would think that that has something to do with national heritage and being an inventor herself. I find it interesting that this is a scarab up here. The roof happens to be a ten ton poured in place cement roof in the shape of a horseshoe crab. Now we can certainly see that that's a horseshoe crab. Most of us know what a scarab is and it really doesn't fit the description. I also find it intolerable and unacceptable to think that an attorney believes that he has proven today before this body that this home was not designed by John L. Volk. I've not seen one...one document supporting their thoughts. Hearsay, yes. Proof, none. The Volks have brought with them today a myriad of articles and things where Mr. and Mrs. Akston were quoted, and never once did they talk about a French architect. Jane Day, herself, has brought... Tim Frank came yesterday...we have about 200 lb. of plans...again, not a one of them being signed by anyone other than John Volk. John Volk, himself, as Mrs. Volk spoke of, we have copywritten this document, and if John Volk could speak from the grave, it's certainly here within this orange binder. In 1984, Mrs. Volk, right after John Volk's death, sent this for copyright. He in his own words, and if you'll bear with me for one moment to quote from it....and I'll be brief. It's about eight to ten pages long in Mr. Volk's hand, and it says...."The Akston residence. Mr. and Mrs. Akston, having returned from their European stay in the spring of 1969, called on me to discuss the construction of their residence. They had spent a great deal of time in France and through some mutual friend, met a French architect who prepared some preliminary drawings under the direction and consultation of Mr. and Mrs. Akston. The architect had never been in Palm Beach and therefore was only able to suggest general arrangements of the buildings as described to him by Mr. Akston." So who's the architect here? "Mr. Akston submits these plans to me requesting that I develop them into working plans. The plans consist of a series of rectangular buildings. As we now know, this building is round...360°. Separate from each other, there being a main building, a guest building, a service building, I can see very little future for such a composition of design and livability. I gathered from my first meeting with Mr. and Mrs. Akston, that he was very knowledgeable in the arts and appeared to be receptive to original ideas and willing to depart from the usual and traditional designs and form. I, therefore, was quite intrigued with the opportunity to plan and design a building with an original concept without precedent. The property is located..." On and on it goes. Another article written by Mr. John Volk and he says, "The residence should be referred to as a virtual sculpture. Every wall, section, and the roof are in motion. There is no stagnant beginning or end. It flows. It is contemporary in feeling, a break from the traditional plan. This sphere shape takes full advantage and use of the property, since it recedes from the property line very rapidly. The building form with modifications... there can be a library, theatre or community center and also a smaller residence. I have had the idea and desire for many years, and planned a similar form and theater for Mr. Axel Vennegrend as well as Huntington Hartford on Paradise Island on the Bahamas." I think we need not continue to bash the fact that Volk did or did not design this. If we want to give a little credit to a French gentleman who they may have had cocktails with and thought about a design concept and it was brought here to America....I still say to this body....Where, Mr. Thibadeau, are your proof? Thank you. And bear with me for one more moment....John Volk did many Modern houses and he was probably the forerunner, if not...a good example is in 1935, he did a home which still stands for the housing administrator, James Moffitt. He was always a forerunner in his time and space. We have over 25,000 drawings in our archive, and yes, our book will be published this spring. Thank you for the advertisement, by the way.

PAUL THIBADEAU: We didn't want to come here and we certainly haven't bashed John Volk. That's not the purpose here. The purpose is to show that he wasn't the designer. He was a wonderful architect.

Everyone knows that. That's not the issue. The issue is did he design this house, and I think we've proven clearly that he didn't. The scarab alone...now I know what horseshoe crabs are. Horseshoe crabs have big tails. Here is a picture of a scarab. Now if there is any issue about whether this is a scarab or not, I'd like to pass this around. Horseshoe crabs are not the symbol of anything in ancient Egypt....scarabs are. The staff has recommended to you two criteria. Neither one of them have to do with the Akstons fame or Q-tips or whatever else. You're certainly not going to landmark houses based on Q-tips. This issue is does your report and does the proof presented to you, the proof we have to address...what we are alerted to that you're going to rely on, does that proof today meet the criteria of the ordinance. And we say it does not. Certainly it is not representative of any style as Mr. Curry testified to and we think we've quite clearly proven that Mr. Volk, although he did a wonderful job on the drawings of the house and the house is superbly built and a wonderful house and a veritable sculpture, it's not his design, and without that, I don't think you can connect based on the criteria that your designation report and your staff has recommended, I don't think you can designate this house. The effect on Mrs. Marcus is substantial, but that's not for you to decide today. But this issue of the attribution of the design to John Volk needed to be raised only because you're trying to landmark the house. It has been raised. I think it's been proven and we ask that you not landmark the house.

MR. PANDULA: Beyond conversation, interpreting scarabs versus horseshoe crabs, do you have any other documentation that shows that anyone besides....I think that the only legal documents that we have which are construction documents are all in the name of Mr. Volk.

MR. THIBADEAU: Well, unfortunately, and again, without casting any aspersions on anyone, I went to Mr. Volk's office. Mrs. Volk was kind enough to let me look at the drawings. And in fact, I saw the drawings and they were superb. The drawings by Delbee no longer exist. He had them. We don't have them. Unfortunately, Mrs. Marcus's mother's red envelope or red briefcase no longer exists. I asked Mrs. Volk about the correspondence file. She said unfortunately, somebody destroyed that. So there's nothing we have left. But what we have is Mrs. Marcus's testimony which is here, which is a little bit better than Mr. Volk's writings because he is not here. That's unfortunate. You don't have anything but hearsay to go on, but our hearsay, you know, the Town has to prove its case, and I don't believe they have done that. And again, what we have that Mr. Volk does not mention is, I believe, the scarab. In Mrs. Day's report, she mentions one sculpture that was designed by Mr. Akston and built in Europe for him was called the Re-birth of Life, I think it was,...which again, that was part of what this house meant to the Akstons and that is why the scarab was included, and if Mr. Volk had known that, had been the true designer, he would have mentioned the scarab because that's how important it was to them. And that's all we have.

MR. PANDULA: And you also said earlier, if we were to landmark this property we would be acting contrary to our charge to stabilize properties in the town.

MR. THIBADEAU: Stabilize property values in the Town, not stabilize properties. Property values. This house is not your typical landmarked house in Palm Beach that may, in fact, increase in value based on landmarking. This is a different house. It's not your expensive Palm Beach style of house, and anecdotally, we've talked in the past about landmarking being a detriment to a sale of a house. I think this house is different and we can prove it clearly. We've had contract offers that are contingent on not being landmarked. People are scared away. The market has narrowed to virtually no one to buy it because of the threat of landmarking. So this is different than those other houses. And it's an issue that's important. And all we want to do is have the freedom to sell the house without that stigma on it.

You may not think of it as stigma, but for this house it is, in fact. It's a new house. It's not very old. That's not your criteria anymore, but I don't believe it meets the other criteria, and I think we've proven that.

MR. ZUKOV: Can we ask questions now? If the house were designed by a French architect, he didn't have a license in Palm Beach. So, therefore, a licensed architect in Palm Beach stamped the drawings. He becomes the architect of record. But forgetting who designed the house, we love the house. And one of the reasons we want to preserve the house is to make sure that it's not demolished. If your intention is to demolish the house, we very much would like to keep the house. Anyone who touches this house, will affect its design. And that's what we're concerned about.

MR. THIBADEAU: I don't believe that's your charge under the ordinance. Mrs. Marcus, I'm sure, would be thrilled if the house stayed that way forever, but that's not what you are doing. You were charged with preserving the specific parts of this town's architecture that meet the criteria in your ordinance. This does not do that. It may be lovely, but you cannot be subjectively saying "I like the house. It must stay." That's wrong. That's not what the ordinance says you should do.

MR. RANDOLPH: And I believe that's correct. That's not a criteria under the ordinance that you love the house. I would recommend to you that you allow the presentations to be completed and ask questions of the people that are making presentations, and then when you go into executive session, make your comments.

MR. PANDULA: I think that I disagree with you when you say that it's not necessarily representative of an architectural style or a period or unique methods or materials of construction. I think it absolutely is. Perhaps it can't be pigeon-holed precisely as an architectural style, but I think there are landmarked buildings around the country, in fact, around the world that are similar to this, and maybe I would first ask a question. Bob, you've been an architect for what, 30 years?

MR. CURRY: Thirty one years.

MR. PANDULA: Or something. If a client came to you and you do what you do....right, you do whatever you've done for thirty years, and you've got the dream job, and they just let you fly with something, and you came up with something that was totally unique, does that make it more important to your portfolio or less?

MR. CURRY: Does it make it more important or less?

MR. PANDULA: Yeah, I mean does it become invalid if you did something so far above or different than you've ever done before? Does that invalidate it as a great piece of architecture, because let's assume you've been doing, you know, schools for fifty years and then all of a sudden you get to do a wonderful piece of something else?

MR. CURRY: I have a couple of answers to your question. One is that I don't particularly care if it adds to my portfolio. I care about the process and having involvement and being involved in the process of it, which is what you asked me. Do I care if it's a great work of architecture? Sure. I don't think that's what we're here for. Let's all say it's terrific. Let's say it's the best architecture in town. Who designed it? Who was the creator of it? That's what we're here for.

MR. PANDULA: Well, no, we're not. The process is only part of it. The result is the other part. Can you name another building in town that has a cast in place shell concrete roof? It's unique in Palm Beach. It harkens the TWA building in New York, as an example.

MR. CURRY: You could talk about the leaky tee-pee, I think, as an example.

MR. PANDULA: That's not over here and that's something else, and you could, but this is not. Or stylistically, I could say that it is close to the work of John Lautner in California at the same period of time who is now being hailed as an architect of renown who is just being innovative in creating things. So, I don't think it is accurate that we say that it is not important as an architectural style, just because it's not Mediterranean...

MR. CURRY: I don't think it's representative of any specific style that you could designate. That's what I would say.

Mrs. Albarran de Mendoza asked for the date of Mr. Volk's writing wherein he states that the Delbee design was rectilinear. Ms. Laurie Volk responded that it would have been written from 1982 to 1984, or perhaps earlier. The writings were copyrighted as of November 15, 1989.

MRS. ALBARRAN DE MENDOZA: I'm just wondering, you know, if something....if that much of a statement of"I received square drawings and I have created a round design"...that would have been so obviously contested by somebody if he had written something that wrong that I believe that it must be true that he received square designs and did a round design.

MS. LAURIE VOLK: Well, excuse me, more accurately, we have in our possession today, if anyone would like to look at them, a myriad of articles written where Mr. and Mrs. Akston, as well as John Volk, were quoted and never once, in any one of the articles does Mr. or Mrs. Akston ever mention that anyone but John Volk did this house, and those are publications. I would agree with you...we could take this in a separate context, but as far as what was actually published, and do we want to say that this does not fit the tropical setting that it sits in...the Akstons wanted a maintenance free house and that's what they got. They've not had to paint a marble exterior. And John Volk, another interesting story....Mrs. Volk and he were in Mexico about a year after this house was conceived, and Mom Volk said that John would come back to the hotel and she dared not ask where he'd been, and his brief case was just laden with something, dare she ask. He'd been visiting all of the alabaster factories and many of the floors of the floors in this house are translucent alabaster. Thank you.

MR. PANDULA: Mrs. Earl, you wanted to comment?

Mrs. Delp administered that oath to Mrs. Polly Earl and Bob Moore, who had not previously been sworn.

POLLY EARL, PRESERVATION FOUNDATION: I'm sure that this board recalls that several years ago the Preservation Foundation funded an appraisal study of the impact of landmarking and while it is extremely difficult...I think that everybody recognizes the difficulty...finding a comparable for a house like this. Nonetheless, the general conclusions of that study were that for the average house in Palm Beach, and I think that everyone is saying that this is not an average house, but the information that we do have about the impact of landmarking indicates that the value of the landmarked homes increases

○ faster than the value of non-landmarked homes. So, that is something that is factual, that is real. That's the only factual information like that that you have on the value of landmarks. Other statements about the impact of landmarking are episodic and impressionistic. They may, indeed, be correct, but they are not rooted in a professional appraisal study. Thank you.

○ JANE DAY: There are two things that I would like to say to you. First of all, copies of John Volk's writings were handed out to you last month for you to review what he did say in his own hand. Second of all, I would like you to really consider the fact that there is no primary source evidence of a French architect working on this house. For eight years I have relied upon the building records of the Town of Palm Beach, the Preservation Foundation, the Historical Society, and the Volk archive to look at original plans for things that I am designating. I did that in this process. I asked Mr. Thibadeau, when he was hired by Mrs. Marcus, who the French architect was because as you saw in John's own words, there was someone else who did some preliminary work for the Akstons and I wanted to give credit to that person. Mr. Thibadeau told me he would not reveal that information to me until today, so this is the first time that I heard the name. So I have not been able to research that gentleman's body of work, how it might fit into this process or not. But as far as the Town is concerned, the entire original drawings are there. Most of them have been microfiched and are in the Town record. John Volk's name is on the original building permit in 1969. All of the press, including the Palm Beach Life magazine that I showed you the cover from, quotes Mr. Volk and the Akstons together. I think that if the Akstons had had a problem with John Volk's designation as the architect, they would have said so sometime during their lifetime. I also think that criteria (c) is met quite strongly in this because of the uniqueness of this particular house. We're looking at a house that was finished in 1973. Architectural historians have not even had 30 years to go back and look at this house to make a name to put all of this work that is happening in the 60s and 70s together and form an academic criteria of or a designation of what style it could be. We're talking about a time in history when Post-modernism is important, when things are being de-constructed, when people are taking bits and pieces to put together in all of the arts, not just in architecture. So that this house has not been studied to the amount that it really warrants. It is a beautiful house. And I believe that it does meet these criteria. As has been brought up, I could have perhaps stretched it and gone with criteria (a) and criteria (b). I did not do that because in this particular instance, I believe that 444 North Lake Way is important for its architectural style, its uniqueness in the Town of Palm Beach, and its design by John Volk. When they talk about the fact that it is not unique, or representative of the notable work of a major architect, Volk himself brings up, in the writing that Laurie read to you, that he had ideas for this in his work on Paradise Island in the Bahamas. Because of problems with Huntington Hartford and the development of that entire island, he did not get to use those ideas there. His friendship and comradery with the Akstons let two people that were very artistic...three people really...Mr. and Mrs. Akston and Mr. Volk worked together to produce this masterpiece. I think that that's what you have there. If primary source documentation can be produced, I would love to see it, and that, in fact, would only add to the importance of criteria (d) if there was another architect who was involved at the very beginning of the project.

MR. PANDULA: Mr. Thibadeau, was Mr. Delbee an architect?

MR. THIBADEAU: No. No. He was a designer.

○ MR. PANDULA: O.K. Well, then, that settles that issue. I mean there's only one way to be called an architect, and that's by being an architect, and it says right here in the article that you passed out to us that "the interior designer, Delbee, of the firm, Jansen," for this particular project. So, it's possible that

he did design..I mean it's possible that he did design work. Or he can be an interior designer, but an architect is an architect.

MR. RANDOLPH: Let me ask a question. Now that you've heard from all the members of the public, I'm trying to avoid this becoming a debate, and I am assuming that we are now hearing the final presentation from Mr. Thibadeau, and then you will go into executive session.

MR. PANDULA: Yes.

MR. THIBADEAU: We do have some further factual type stuff to bring out though.

MR. RANDOLPH: That you didn't bring out on the first presentation?

MR. THIBADEAU: Right. Correct.

MR. RANDOLPH: Is that in rebuttal to something that has come forward?

MR. THIBADEAU: Yes, yes it is.

MR. RANDOLPH: O.K.

MR. THIBADEAU: And in response to Jacquie Albarran's question, the copyright claim says that the work was completed in 1983. That's in response to your question earlier. This question of designer...Mrs. Volk mentioned that Anita Young's house, which I think is Montsorrel, was designed by Jansen, and constructed by Mr. Delbee, the principal of Jansen's brother. So they designed that house. Back in 1969, I don't believe that architects were necessary to design houses like maybe today.

MRS. MARCUS: I'm not sure, but I don't think that the premier architect of Palm Beach was an architect. I think he was a designer. What's his name? Mizner was not an architect and you know, I'm sure you've landmarked many Mizner houses.

MR. FRANK: If I can respond to that, I have a copy of Mr. Mizner's license at home. Somebody...another architect in town, Mr. Ames Bennett, gave me a copy of Addison Mizner's license as Mizner was a licensed architect.

MRS. MARCUS: I want to just say one thing about these two ladies that just came up and spoke. I really resent the fact that they would even imply that I wasn't telling the truth, Number One; or that they would imply that I didn't know what my mother was thinking, or that I was there when this whole place was being thought about. I am an interior designer by profession. I did a little bit of the interior design work when the house was completed, but my mother spoke to me constantly about this house, and the old saying that no good turn goes unpunished is so obvious here. They thought the world of John Volk. They think what he did was terrific, but he didn't design this house. And because they didn't scream to the world that he was not the designer, and I told you about the time when Architectural Digest wanted to print something about this house, and John was so upset because he was not given the...because they said that he was the man that did the working drawings and not the designs of this house. This house was not designed by John Volk, and because my folks didn't say so doesn't mean that it was designed by him. They didn't want to hurt him. He got many commissions because of this house, which was fine

to them. They didn't care. What difference did it make to them? It was fine. They loved their house. They liked John Volk. They thought that the work he did was wonderful, but don't punish us, and don't punish their memory by saying that they're not telling the truth, that we're not telling the truth, and that this house was designed by him. It was not designed by him. I didn't care what they put in this book. It didn't make any difference to me, but when they did it in an underhanded way in trying to hurt us, we can't stand by and let that happen. This was wrong, and I'm very sorry to have to bring it out no matter what the daughter-in-law says, no matter what the wife says...this was not a John Volk house and I think it would be too bad if in the future we have to make a whole big deal about this. Let it go. Let it be as it was. If he wants to say that he did it...fine, but let's not make it something that is written in stone because he didn't do it.

MR. PANDULA: Let me ^{renowned} ask you a question. If the designation report was amended to say that house was designed by renown French designer, Pierre Delbee, and executed by renown Palm Beach architect, John Volk, would that be an accurate statement in your view?

MRS. MARCUS: I'm sorry. Would you say that again?

MR. PANDULA: (Repeated the question)

MR. THIBADEAU: If I may, I'm her lawyer. We'd have to examine that and see if that meets the criteria of the ordinance as well.

MR. PANDULA: But I'm just asking...I don't know if it meets the criteria of the ordinance, and that's another issue, but would that be an accurate statement...would the two renown designers be the way the house was actually executed in your view. I think that's what you told us. ^{renowned}

MR. THIBADEAU: What I'm saying is that renown is certainly not a term in the ordinance.

MR. PANDULA: Oh, O.K. Never mind. O.K. So Pierre Delbee designed it and it was executed through the technical aspects by Mr. Volk. Is that the way you see it, that there was essentially a partnership, or a shared level of participation?

MRS. MARCUS: Yes. That's true. That's exactly true. But that's not what this Landmark Commission is supposed to do. I have to leave it to my attorney.

MR. PANDULA: O.K. So in your view there was a team effort here.

MRS. MARCUS: Well, yes, in effect, there was a team effort, but the team didn't work together. It was...I would say that my parents were in the middle of the team.

MR. RANDOLPH: Mr. Thibadeau has indicated that he is through with his presentation, so I think that now you go into executive session.

MRS. WILKEY: I think, if I understand the ordinance that we're arguing about, it reads..."is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized and who influenced his age." So, to me, that takes the debate of who designed, who built, whose signature is on. We are talking about a master builder, designer or architect. That's how it

reads Mr. Thibadeau. I'm just reading. I'm through. I just wanted to read how the ordinance reads.

MR. PANDULA: In my view, I mean I think it's really an extraordinary piece of architecture. I think it complies with designation criteria for many levels, I think, for its craftsmanship, for its methods of construction, for its uniqueness in form, and innovative design talent. I think very much it is a unique and important building. Anyone else have any comments?

MRS. ALBARRAN DE MENDOZA: Just agree with that.

MRS. DOWDLE: Yeah, I agree with that.

MR. ZUKOV: We've landmarked buildings here that are not John Volk only. I mean it could be another architect and be a landmarked building.

MR. RANDOLPH: Except, that's not the basis of your report. You should either amend the report, if you believe it was another architect, or your decision should be made on the basis of your report.

MR. ZUKOV: Well, there was not another architect. The architect was Volk. I mean there is no question about that. A designer, perhaps, should be added, but...

MR. RANDOLPH: The Chairman stated it well earlier when he talked about the designer.

MRS. VANNECK: I too dabble in the interior decorating field, and many times have contributed to the architect. That does not make it my design. It's part of our field and our expertise that we can assist, and I would never presume that if I suggested that an entrance be turned, that it would be my design. I think that is a collaboration of team work of the architect, the designer and the home owner, and it is the architect who designs the house. That is my feeling.

MRS. BLADES: I also concur with Mrs. Earl. I work in Real Estate. I think there is no proof that landmarking is a detriment. I think quite the contrary. It's an affirmative, unless of course, the people are interested in demolishing the house. That also has come before this commission. It has also been granted if hardship can be proved. So, I think that the wonder of this house quite supercedes any contractual problems.

MR. PANDULA: Mr. Moore, do you have any questions?

MR. MOORE: No, not in executive session. I would have cross-examined the architect, but I think that you have stated it extremely well when you stated that the architect is the architect of record. The Town's, and this is for information purposes, the Town's requirement for an architect to design, sign and seal plans is there. If someone wants to contribute to that project, they have every right to contribute to it, and the fact of the matter is that we have architects that don't have Florida registrations that design and have an associate architect with Florida registrations that do drawings every day, and we process them in front of our Architectural Commission. So it's not unusual to have someone that is not an architect with a Florida seal have the Florida registered architect design the house. Our records, and we would hold that architect responsible. The State of Florida would hold that architect responsible. If there was a collapse or a failure, that architect would be responsible. So, in definition, of who would be responsible in the case of a designer versus an architect, as far as the Town's administration is

concerned, it would be the architect. And the architect, in this case, is John Volk.

MR. PANDULA: Any other questions...comments?

MRS. BAKER: Can I ask a question since this is the first time I've sat in on something like this. The report prepared...does it adequately provide the information to vote on or act on, or as Jane said, with new information, is there more that should be researched before a decision is made?

MR. PANDULA: In my view, the report is very clear, and I agree with both Item (c) and (d) that are listed here...I do, personally...for criteria for designation. I also believe that other criteria could be applied as well having dealt with historic personages and so forth. I think it's a very strong application. There may be more research that can be done if we were allowed on site, but in my view, that would only enhance the value of the property. I think we'd only find out more very important and interesting things. That is my feeling on it. Other people concur with that.

MRS. HOFFMAN: Can you ask the question...are all the contracts subject to demolition that are going on right now? Is that a fair question or not? Or is that none of our business.

MR. RANDOLPH: I'm not sure it's relevant, and number two, you would be opening the subject back up to the public comment.

MR. PANDULA: O.K. Would anyone care to make a motion?

MRS. WILKEY: I MOVE THAT THE PROPERTY AT 444 NORTH LAKE WAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA AS PRESENTED BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED UNANIMOUSLY.

There was a break from 10:30 to 10:42 a.m.

Item 2: 163 Seminole Avenue (deferred from April 19, 2000)

Owner: Dr. Steven H. Rose

Mr. Frank verified that proof of publication and proper legal service had been achieved relative to this designation hearing. Staff has studied the property and finds that this property meets the following criteria for landmark 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.
- (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.

Mr. Frank stated that the architects involved with this project are Addison Mizner, Maurice Fatio and Howard Major.

JANE DAY: As you know, the house at 163 Seminole Avenue was brought up for designation before we broke for the summer in our designation season. And because the owner does not want designation, he asked us to postpone it, allowed me to go back to the property. Truly, it is an impossible house to photograph unless you get in the inside, which I did not have the opportunity to do. This designation report, however, reflects that the house was built in 1921 in the Mediterranean Revival style by Addison Mizner for O. Frank Woodward. The Town's building permits do not start until 1928 and that's when Treanor and Fatio add a long loggia addition that extends from the original Mizner block of the house to the east of the property. There were some other things that were done to the house. Howard Major, in 1932, added a formal garden, a tea house, and fountain to the property, but as I told you before, I believe it meets the criteria because we have well known architects. It also has been altered, but in many cases in the Town of Palm Beach, the fact that a property is altered by one great architect after another is important for its study, and is a record of what happens over time and with different artistic hands in the project. Again, like Mediterranean, it has a lot of the characteristics, but you cannot see this particularly well from the street. I did find, although I don't have copies of the picture, at the Preservation Foundation, they have an old book that has black and white photographs in it and I have xeroxes of those to give you a little bit better idea of what the interior is like, but again, I apologize that I have not been on the property to see. Let me just pass these around for you. I contend that the house does meet the criteria; that it's a good example of the Mediterranean Revival style, and that Addison Mizner, Treanor and Fatio, and Howard Major are three well known and master architects within the town who worked on this property. I still believe... we have Dr. Rose here, and he still objects to the designation.

MOTION BY MRS. BLADES THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

DR. STEVEN ROSE, PROPERTY OWNER: I'm Steve Rose. The house was built by Addison Mizner. My father-in-law bought it in 1947 from Frank Woodward, and he found a lot of the facts out from Frank Woodward, whose son, incidentally, still lives in town, Orator Woodward. And he told my wife, who inherited the house...she was my wife for 32 years. She, unfortunately, is not alive...and my wife told me a lot of things about the house. There were many, many changes. Howard Major is certainly a famous architect. He did the tea house on the west end. He had three open arches, which was the whole idea, having it an open loggia. They were enclosed afterwards, not by a famous architect, and a bedroom was added on to the tea house. In the main house, Mr. Mizner built four roughly equal size bedrooms upstairs with a bathroom between each pair of bedrooms. Soon afterwards, and again, this was not done by any known architect, these were extended. One of the bedrooms was extended eastward to have a dressing area and a brand new bathroom, becoming a master bedroom; and the other one, also becoming a master bedroom, a whole room was added on and the old bedroom became the dressing area. And that room is large. It is 30' by 14', you know, pretty close to that. And another bathroom was added on there. On the east of the house, there is a one story wing which we call the guest wing, which I gather you said Mr. Treanor or something...

MRS. DAY: Fatio. Maurice Fatio.

DR. ROSE: Fatio did that. Yeah. O.K. And again, this was to be an open loggia facing inward. And Mr. Woodward, again by an unknown architect, needed two more bedrooms so he closed that whole area up completely, added a door out to the street, made two bedrooms out of that open loggia, and added two bathrooms. There were just so many changes that I don't feel it's representative of a true old Mizner house. Oh, one more change. Our dining room had two beautiful arches opening up into another little private garden. That was closed up completely, and windows were put in there instead. So, it's not the true intent of what, I'm sure, that Addison Mizner wanted though I'm very proud to be there. But my main reason for not wanting it landmarked is I was married for 32 years and fortunately, it was a very good marriage. And my wife and her father, who was the buyer of the house, felt very strongly. They did not want the house landmarked for the simple reason that they wanted a home...not to live in a monument. And I completely concurred with my dead wife. I don't want to live in a monument. I want to live in a home. Now, I found a very wonderful girl, and just to tell you...I'm not going to tear the place down...seven years ago, and since I'm about 13-14 years older than she is, she most definitely intends to live on it after I go. And then she has two daughters and two grandchildren and she wants them to live on it eventually. So, this is a house that will always be there, but she, also, like I do, we feel very, very private...that we just don't want to live in a monument. We want to live in a home. And that's my main reason for not wanting it landmarked. We're going to keep it exactly as it is.

MRS. BLADES: Dr. Rose, why do you feel that being landmarked would make it a monument? It has nothing to do with your privacy. It's just a plaque.

DR. ROSE: No, not really. My present better half is not a low profile person by any means of the imagination, but I am, my dead wife was too, and we just don't want anyone to say...Oh, this is a landmark, Mizner....as far as they're concerned, as far as the neighbors are concerned...this is Steve Rose's home. I've lived there since 1960. My father-in-law bought it in 1947, so we've known how to treasure it, and frankly, we don't need any help.

MRS. BLADES: But all we're trying to do is protect it, not make it notorious or on a tourist track.

DR. ROSE: But it does become that, unfortunately. That's the terrible part about it. All of a sudden...oh, you live in a Mizner home. Now, as I said, my Dale is very high profile, and she does tell everyone she lives in a Mizner home, but I'm not. O.K. And I just like to live very privately in a home which is a home, nothing else.

MR. ZUKOV: You don't have to have a plaque on the building.

DR. ROSE: No. I know that, but you know how Palm Beach is. It's a small town, and if you live in a landmarked home, everybody knows it. It's a very small town.

MRS. VANNECK: I find that Mrs. Day's report is very accurate. I think that the house is worthy of being landmarked, and I think that in the scheme of things in this town, we've got a lot of other things to talk about at the moment, and we always will. I don't think that it will invade on your privacy whatsoever. I don't think that landmarking is an invasion on privacy. I think, as a matter of fact, it gives you more privacy. And I am strongly in favor of landmarking this house, landmarking your home.

DR. ROSE: Yeah, but I know Palm Beach. And my dead wife...we lived very quietly. We didn't mingle in the social world at all, and my Dale is the opposite. So, all of a sudden it's a new life for me

that I'm not quite sure that I like. I like Dale, O.K. But everybody knows it's a Mizner, and I want to be able to just stay and sit in my patio and read a book.

MRS. VANNECK: But you can.

DR. ROSE: No, not really. Because even now, with Dale being high profile, we've had people coming...oh, you live in a Mizner. Can I see it? Now everybody will know.

MRS. ALBARRAN DE MENDOZA: Actually, there is this beautiful, enormous book that is Palm Beach homes, which is the one everybody buys, and those, mostly, are not landmarked. And then I have a little book this big which is the landmarked homes. Nobody ever buys that. So, believe me, it is the beautiful homes that people are looking at. They have no idea which are landmarked, and which are not.

DR. ROSE: Well, mine is not big. It's not little. I had to have it surveyed a few years ago, and it's 8000 square feet. So, for a Mizner, it's a very small Mizner. It's not a small house.

Mr. Pandula thanked Dr. Rose for his eloquence and honesty in speaking to the commission. He urged the commission to depart from the emotional aspects of the house, and deal with the facts, especially the architectural facts and staff recommendations. He told Dr. Rose that he still has another forum at which he may make his wishes known, that being the Town Council.

Mr. Pandula asked Mrs. Day if the changes done to this property have altered its architectural integrity or landmark worthiness.

MRS. DAY: I don't think that what you can see from the street, which is all I have been privy to, has been altered to the extent that it doesn't retain its architectural integrity. I think that this house, if you compare what the original block looks like, if you go back to Don Curl's book on Mizner architecture in Florida, you can basically see what the floor plan is and what Mizner intended. I think it meets the criteria of our ordinance.

DR. ROSE: As she just said, the only thing from the street that you very definitely see, but we have so many trees in front that you can't see anything, is one of the bedrooms that's on the east end that was extended way out with a bathroom. That is an alteration because that made a second story on that bedroom there. I'll give you a suggestion. You really cannot see the house from the street. This is true. I suggest the doorway is beautiful. Wouldn't you consider just marking the doorway because that is unusual. The doorway and the wall because that is the part that you really see from the street and that really is impressive. It's very simple. It's not a big double door. It's a single door, but a lovely arch with a grating, a gate. So, I'd like to you to consider that possibly.

Mr. Frank responded that if the commission did only landmark the door and wall as was suggested, Dr. Rose probably would not be eligible for tax sheltering for any renovations in the future. The tax sheltering can be significant. By his own admission, Dr. Rose was more interested in not be landmarked, than receiving any tax incentives.

Mr. Pandula stated that he would not be interested in just landmarking the door and wall. Several other members voiced agreement.

Mrs. Day stated that there are no original building plans on file at the town for this house. She commented that "the majority of the landmarks in town are like Dr. Rose's house. They have had alterations over time. They've been lived in, and this house was built in 1921. Mrs. Day had spoken to Dr. Donald Curl, local historian, who included this house in his book and feels that it is an important house.

Mr. Zukov questioned if the house cannot be seen from the street, and staff has not been permitted entry to the property, and there are no original plans, what are we landmarking and why are we landmarking.

MRS. DOWDLE: I guess all of us clearly empathize with Dr. Rose's position, however, our charge here is to go by our ordinance and we've heard a report from the staff that there is evidence that this house has been documented by a credible architectural historian in a publication. So, clearly, we know it's there. We've heard the owner describe to us a series of changes, none of which in my view would do enough to the house in terms of taking away its architectural integrity. So, I mean, what we have to consider here is the house fifty years, a hundred years from now, not so much, unfortunately, the individual interest of the current owner, or this board, for that matter, but what we have to do is protect the integrity of the house for the town and for the public interest over the long haul. So, for that reason...

MRS. DOWDLE: I WOULD MOVE THAT THE LANDMARKING OF THIS HOUSE, 163 SEMINOLE AVENUE, BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MRS. VANNECK: SECOND.

MOTION CARRIED UNANIMOUSLY.

VII Other Business:

- (a) Distribution of copies of Designation Report(s) for December meeting
Mrs. Day distributed the Designation Report for 250 Sanford Avenue which will be heard next month.

Mrs. Blades requested that there should be a workshop for the members relative to land values and landmark buildings. Mrs. Day stated that she would be delighted to prepare such a workshop. She also stated that the National Trust is available each year at its annual conference as a source of information. There is also the Florida Historic Trust for Preservation conference which will provide information as well. Mrs. Day suggested that she would be happy to do the workshop for the commission after one of the regular meetings. She will make it Palm Beach specific and will have local experts there to assist. This will be available to the public as an educational tool.

Mrs. Blades urged the members of the commission to be in attendance when these properties, heard today for designation, are brought before the Town Council for ratification. She felt the members must be there to defend the LPC decision to recommend landmarking. Mrs. Day stated that most likely these properties will be heard in December at the Town Council meeting, unless there is some scheduling difficulty with the property owner.

Mrs. Polly Earl stated that the Preservation Foundation will be happy to assist with the proposed

workshop. She noted that next year, the National Trust will meet in Providence, Rhode Island, and all of these meetings have sessions which are so informative for commission members.

VII Adjournment:

MOTION BY MRS. WILKEY FOR ADJOURNMENT AT 11:13 A.M.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on WEDNESDAY, **December 20, 2000** in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach at 9:00 a.m.

Respectfully submitted,

Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH

ATTENDANCE RECORD (2000)

MEMBERS	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Jeffery W. Smith	P	P	P	***Resigned***	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Eugene Pandula	P	P	P	P	P	P	P	P	P	P	P	
Elizabeth Dowdle	U	P	P	P	P	P	P	P	P		P	
Sari M. Wilkey	P	P	P	P	P	P	P	U	U	P	P	
Jacqueline Albarran de Mendoza	P	P	E	P	P	P	P	P	P	P	P	
Ann Vanneck	P	P	P	P	P	P	P	P	P	P	P	
Ann Blades	P	P	P	P	P	P	P	P	E	P	P	
Jack Pyms	see below			P	P	U	P	P	P	P	P	
ALTERNATES	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Nikita Zukov	P	P	P	P	E	P	P	U	P	E	P	
Judy Hoffman	P	P	P	P	E	P	P	P	P	P	P	
Jack Pyms	P	P	P	(appt. as regular member)								
Laurel Baker	n/a	n/a	n/a	E	P	P	P	P	P	U	P	

LEGEND: P = Present
 E = Excused Absence
 U = Unexcused Absence
 A = Absence Pending Classification as "Excused" or "Unexcused"

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (2000)

MEMBERS	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Jeffery W. Smith		VPD2										
Eugene Pandula	V1			V1 VPD1								
Elizabeth Dowdle												
Sari M. Wilkey												
Jacqueline Albarran de Mendoza												
Ann Vanneck												
Ann Blades												

ALTERNATES	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Nikita Zukov												
Judy Hoffman												
Jack Pym												

LEGEND: V = One Voting Conflict during a meeting
 V2 = Two Voting Conflicts during a meeting
 V3 = Three Voting Conflicts during a meeting
 And so on...

VPD = Voting Conflict Previously Declared
 (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project. ONLY INT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY)

12/11/00

402 Sea Breeze Avenue

Palm Beach, Florida 33480

DEAR CINDY,

WHEW! WHAT AN EXHAUSTING
JOB YOU HAVE. AND WHAT EXCELLENT
WORK YOU DO!

WAS TO BE THE MOST INTERESTING
LPC MEETING EVER WHAT WITH THE
LA PENOA DEBATE & THE "MY DARE" COM-
MENTS OF DE ROSE. TOO DELICIOUS. AND
THE CUREY'S AMAZING HAIR. SUCH FUN.

MY NIT (SP?) PICKING COMMENTS:

✓ P. 4 - 9TH SENTENCE ^(TOP) - CAPITAL "F" (FRENCH)

^{yes} _{verbatim} P. 4 - MID-PAGE, RT SIDE "DOWN BELOW"?

✓ P. 6 - 9TH SENTENCE - CAPITAL "F" (FRENCH)

<sub>no accent
on keyboard</sub> ✓ P. 6 - SAME " - DOES DELBEE HAVE AN
ACCENT? DELBEE? MATTERS? TOO
MUCH TRICKLE TO CORRECT TYPH-OUT

P. 10 - 6TH SENTENCE FROM BOTTOM - WORD
MISSING, I. E. "KNOW" (MY HUSBAND'S WK.)
LOVED HER TELLING ME CUREY HE

WAS BORING!

✓ P. 11 - MID-PAGE - NEED °? 360°? ^{360 is what was said}

P. 11 - 8TH SENTENCE FROM BOTTOM - "IS" YOUR
PROOF; DOES ONE CORRECT ENGLISH
OR NOT?

no not in
verbatim

✓ P. 13 - 4TH SENTENCE FROM TOP - CAPITAL "F" (FRENCH)

(P. 14 - DURING LAURIE'S "TESTIMONY" - TOO
WONDERFUL MESS ✓ DAREO NOT ASK
HIMSELF WHERE HE'D BEEN, ETC)

~~AK102~~

OK spelling
2 ellipses

P. 15 - 10TH SENTENCE FROM BOTTOM -
"CAMARADERIE" IN MY DICTIONARY

AK102

P. 16 - LOVED "FACTUAL TYPE STUFF" & OTHER
IMPRESSIONS OF LAURIE THIS

✓ P. 17 - MR PAROLLA'S COMMENTS "REMAIN"
SHOULD BE "REMAINED" WHEN USED
AS AN ADJECTIVE (1ST & 3RD COMMENTS)

DON'T KNOW HOW YOU DO THIS!

BEST! Ann