

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, JULY 17, 1996

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

I. Call to Order: The meeting was called to order by Chairman Jeffery W. Smith at 9:00 a.m.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Secretary
Jacqueline Albarran de Mendoza, Member (arrived 9:02 a.m.)
Arthur Silverman, Member
Harrison M. Robertson Jr., Member
Lindley M.F. Hoffman, Member
Elizabeth Shields, Alternate Member
Sari M. Wilkey, Alternate Member
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Joanna Frost-Golino, Member
Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that the absence of Mrs. Frost-Golino is pending classification. Let the record show that the absence of Mrs. Grace is unexcused.

III. Approval of the Minutes of the June 19, 1996 Meeting:

MOTION BY MR. SILVERMAN FOR APPROVAL OF THE MINUTES AS MAILED.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

LET THE RECORD SHOW THAT THE CHAIRMAN DISPENSED WITH THE KNOWN DEFERRAL ITEMS FIRST, AS FOLLOWS:

A. Application for Certificate of Appropriateness No. 25-96,
Miscellaneous changes

Owner/Applicant: Paramount Partners

Address: 139 North County Road

Architect: David R. Miller AIA

Project Description: Request approval of the following:

1. Cast stone at grade level planters
2. Cast stone at main entry
3. Exterior door replacement - courtyard
4. Railing replacement
5. Deck/roof-reroof and cast stone installation
6. Planter replacement at roof deck
7. Courtyard common area furnishings
8. Other associated changes as presented

THE ARCHITECT HAS REQUESTED DEFERRAL TO THE AUGUST MEETING.

Please note that Mrs. Albarran de Mendoza has previously declared a Conflict of Interest with respect to this matter. This matter was deferred from the May meeting with the following motion: MOTION BY MRS. FROST-GOLINO APPROVING THE PROJECT AS PRESENTED, EXCEPTING THE METAL RAILING DETAILS WHICH ARE TO BE BROUGHT BACK TO THE LPC FOR REVIEW (DRAWING AND MOCK UP), AND EXCEPTING THE CAST STONE AT THE MAIN ENTRY OF THE AUDITORIUM UNTIL SUCH TIME AS THE ANTICIPATED SIGNAGE IS READY FOR REVIEW.

MOTION AT THE JUNE MEETING FOR DEFERRAL TO THE JULY MEETING.

MOTION BY MR. HOFFMAN TO DEFER THIS PROJECT TO THE AUGUST MEETING.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #29-96,
Miscellaneous changes

Owner/Applicant: Via Parigi Properties c/o The Everglades Club

Address: 347 Worth Avenue

Architect: Brower Architectural Associates

Project Description: Request approval of the following:

1. Add barrel tile roof over existing third floor balcony, with wood columns and wrought aluminum railing
2. Add balcony on second floor with french doors and new round top windows
3. Other associated changes as presented

THE ARCHITECT HAS REQUESTED DEFERRAL TO THE AUGUST MEETING.

MOTION MADE AT THE JUNE MEETING: TO APPROVE THE REQUEST AS PRESENTED WITH THE PROVISIO THAT THE PETITIONER COME BACK AND SHOW THE DETAILS OF THE SECTION OF THE ROOF SUCH THAT IT WORKS AS SPECIFIED, STARTING AT THE EXISTING EAVE LINE AND GOING NO LOWER THAN 3 AND 12 PITCH BECAUSE IF NOT, BARREL TILE WOULD NOT WORK; AND THAT THE DETAILS BE PRESENTED ALONG WITH THE DETAILS OF THE RAILINGS AND THE COLUMNS AND THE COLOR CHIP OF THE BUILDING.

MOTION BY MR. HOFFMAN TO DEFER THIS PROJECT TO THE AUGUST MEETING.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

- E. Application for Certificate of Appropriateness #37-96
 Modification to parapet wall details-tennis cabana
 Owner/Applicant: The Mar-a-Lago Club
 Address: 1100 South Ocean Boulevard
 Architect: REG Architects
 Project Description: Request approval of modification of design detail on north and south patio parapet wall of tennis cabana, and other associated changes as presented

MR. WES BLACKMAN HAS REQUESTED DEFERRAL TO THE AUGUST MEETING.

MOTION BY MR. HOFFMAN TO DEFER THIS PROJECT TO THE AUGUST MEETING.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

- F. Application for Certificate of Appropriateness #38-96
 Modification to steps
 Owner/Applicant: Town of Palm Beach
 Address: 345 South County Road
 Architect: Digby Bridges, Marsh & Associates Inc., P.A.
 Project Description: Request for modification to Police Department steps, and other associated changes as presented

MOTION BY MR. HOFFMAN TO REMOVE THIS ITEM FROM THE AGENDA AS IT HAD BEEN GIVEN STAFF APPROVAL.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

- C. Application for Certificate of Appropriateness #35-96
 Hurricane Shutters
 Owner/Applicant: Mr. and Mrs. Michael Fawcett
 Address: 196 Banyan Road
 Architect: Brower Architectural Associates
 Project Description: Request approval of decorative wooden hurricane shutters, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS. The following members declared such communication: Mr. Hoffman, Mrs. Albarran de Mendoza, and Mr. Pandula communicated by phone. Mr. Smith met with Mr. Saladrigas of Brower Architectural Associates to discuss the project.

Mr. Ken Brower and Mr. Rafael Saladrigas returned to the LPC this month, subsequent to last month's denial of a shutter request. Mr. Brower stated that his client was requesting a reconsideration of last month's request. He brought photographs of other Mediterranean style homes where shutters have been applied. Mr. Brower read a letter (see attached) into the record from Mr. Richard E. Berlin Jr. of the Felton Berlin insurance brokerage with regard to issuing insurance coverage for this property, and discussing hurricane shutter protection.

Mr. Smith noted that, according to the letter, other types of shutters are also suitable for use. In fact, Mr. Brower's plans do not indicate Colonial shutters on every opening. It was stated that other shuttering methods will be used in these other areas. Mr. Brower responded that some of the windows are too decorative for this type of shutter.

His client wants this type of shutter specifically due to its convenient operation. He maintained that many and most of the changes that are done to landmarked buildings are much more significant than this addition of hurricane shutters. He stated he would find it difficult to explain a denial of this request to his client. Mrs. Albarran de Mendoza commented that it is not the size of the change that is important, but instead whether the change, regardless of size, is appropriate or not. Mr. Smith commented that in the course of his architectural work, he attempts to ask himself whether the original architect would approve of the change. He commented, "This is a Volk house, and Volk did not design this house for colonial shutters." Mr. Smith stated that the most he could compromise on this issue is to allow colonial shutters on each of the elevations, EXCEPT THE FRONT ELEVATION. Mr. Pandula suggested that laminated glass be used on the seven front elevation windows in question. However, Mr. Brower stated that these windows had just been replaced during the course of renovating this property, and his client, financially speaking, would certainly be reluctant to replace them again. Mr. Pandula responded that the cost of the laminated glass would be offset by the expenses that would have been incurred for the proposed Colonial shutters, and the cost of all labor forever to open and close the shutters.

Mr. Moore stated that current codes require shutters as mandatory for new construction or substantial remodels, and this has been the case for the last several years. In years gone by, architects and owners were left to their own wills with respect to shuttering, and the very acceptable removable panels were typically used, usually done in wood. The issue before the LPC, however, is whether these shutters are appropriate to this structure or not. This LPC judgement is being made not only for the owner's sake, but also for the Town's sake. Mr. Moore clarified that Mr. Smith was stating that this house does not architecturally accept colonial shutters, and that Mr. Volk did not design it as such.

Mr. Brower stated that when the Fawcetts purchased the home there were removable panel shutters at the site, but only in 1/2" thickness. Since that time, these panels were discarded.

Mr. Robertson commented that the owner is entitled to hurricane protection and insurance protection. As to the aesthetic issue, he reiterated Mr. Smith's opinion that Mr. Volk would not have allowed such shutters on this building. It was his understanding that shuttering could be accomplished with removable panels and/or laminated glass.

Mr. Moore interjected that the LPC is a commission of persons from all walks of life, architects and non-architects. Architects serve on the LPC to offer their expertise, but the opinions of all LPC members are equally as important. Review matters should not turn into a debate between architects. Ms. Shields is the LPC expert with regard to historic restoration. All input is valuable. He asked the Chair to encourage all members to participate in the discussion.

Mr. Brower questioned if correctness of the change is the issue, how could colonial shutters be viewed as acceptable on the other elevations, if not acceptable on the front. As Mr. Smith had initially offered this compromise, he retorted that he prefers no colonial shutters at all.

Mr. Hoffman stated his objection to the shutters from an architectural point of view as the windows are not set up well for shutters. He has heard the compromise offered, but unless the windows are better organized on the other elevations, he would also be opposed to colonial shutters on those elevations.

Mr. Silverman agreed with the compromise offered. He hoped the shutters would be in white to match the house.

Mrs. Albarran de Mendoza's opinion was basically unchanged since last month's meeting. Like Mr. Hoffman, her objection was not so much historical, but instead architectural. The window spacing here is simply too tight, and does not allow for shutters, architecturally speaking, anywhere on the building.

Mr. Pandula had no additional comments beyond the offer of compromise previously stated.

Ms. Shields stated she is mainly concerned with the public view, and as such, felt there was room for compromise. She felt that if the street frontage is maintained, she would be satisfied.

Mrs. Wilkey was agreeable to the compromise on the non-public elevations. She also felt that the window spacing does not allow for shutters.

Mr. Smith instructed Mr. Brower that he could now make his final comments. Following that, the discussion of this matter would proceed into executive session, to be followed by a motion.

Mr. Brower passed photos of other Mediterranean styled homes which have shutters in place. He commented that Casa de Leone was originally drawn with shutters on very irregular windows. He questioned if these were historic to the structure, shouldn't they have been replaced during the recent renovation of the structure. In addition, Mr. Brower gave some brief remarks in response to the Commission's comments. In response to Mr. Hoffman's concerns regarding the different sized windows on the home, he had previously discussed with Mr. Hoffman that perhaps the shutters could be in one unified size, regardless of the size of the opening. Since that time, Mr. Brower has determined that this would be inappropriate, and that each shutter should match the size of each opening. Mr. Brower asked Mr. Silverman to clarify his position on the issue. Mr. Silverman agreed with the compromise to laminate the front windows, and shutter the other elevations. In light of Mrs. Albarran de Mendoza's concern over the window spacing, Mr. Brower acknowledged that colonials would be applied where they could fit, and other measures would be taken on other odd sized windows. Mr. Brower felt that the west elevation (South County Road) was equally or more visible than the front or north elevation. Mr. Brower reviewed all four elevations with respect to shutters.

Mr. Smith called for "executive session" to commence.

Mr. Hoffman stated that in looking at the other elevations as well, his opinion remains that shutters are not appropriate anywhere on this building. Mrs. Albarran de Mendoza stated that the front could not be separated from the sides, and as such, shutters were not acceptable anywhere. Mr. Silverman stated he would like the owner to be happy. Mr. Pandula commented that the front facade is the main entrance of the house, and the west elevation would never be confused with the north, as the west elevation is a service entrance. He maintained that the front facade should not be touched, but on the west elevation, and the others, compromise was acceptable. He suggested that Mr. Brower look for a different solution for so many odd windows.

Ms. Shields asked Mr. Brower directly if there was any compromise that would be acceptable to him and his client. Mr. Brower stated that as an architect, he would be able to find compromise, but his client has a different opinion. He stated, "I know what my client has asked me to present, and where he told me to back up to." Mr. Brower stated he does not know his client's reaction to any compromise. If the matter would go to the Town Council on appeal, the Town Council would most likely send it back to the LPC for a solution.

Mr. Moore stated that apparently Mr. Brower had been given a backup position from his client. Mr. Moore outlined the appeal process to the Town Council.

Mr. Smith asked Mr. Brower, "What is your fall back position?" Mr. Brower responded, "I did not mean to imply that there was a fall back position. I think I said, or what I meant to say is that the owner told me how far he wanted to go, and this is that presentation. What my personal comment was, was that as an architect, I would appreciate a response, because I don't know what my client's reaction is going to be to a compromise, and it could very well be, and hopefully would be, and really you hope that it would be that he would accept the Commission's compromise."

There was some discussion as to how to proceed, without knowing how the owner felt regarding a compromise. Because a denial would allow the applicant to either appeal to the Town Council or re-apply to the LPC...

**MOTION BY MR. HOFFMAN TO DENY THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.**

Mr. Robertson stated he did not agree with the motion as the consensus of the LPC was for the compromise offered. Other members of the Commission did not agree with Mr. Robertson's statement. Mr. Smith and Mr. Moore clarified that the applicant has not offered a fall back position. MR. MOORE REITERATED, FOR THE RECORD, THAT THERE IS NOTHING TO PREVENT THE OWNER FROM HAVING HURRICANE PROTECTION IN THE FORM OF REMOVABLE PANELS. IT IS HIS CHOICE OF HURRICANE SHUTTERS THAT IS BEFORE YOU TODAY. THE OWNER IS NOT PRECLUDED FROM PROTECTING HIS HOME WITH REMOVABLE PANEL HURRICANE SHUTTERS.

ROLL CALL VOTE:	MR. HOFFMAN:	YES
	MRS. ALBARRAN DE MENDOZA	YES
	MR. SILVERMAN	YES
	MR. PANDULA	YES
	MR. ROBERTSON	NO
	MS. SHIELDS	YES
	MR. SMITH	YES

MOTION CARRIES 6-1-0 FOR DENIAL OF THE PROJECT.

The applicant was advised that he could re-apply to the LPC for next month's meeting with some sort of compromise.

D. Application for Certificate of Appropriateness #36-96
Awnings

Owner/Applicant: 264 The Grille

Address: 264 South County Road

Project Description: Request approval of awning recovers - from grey with beige trim to beige and black stripes, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS. Mr. Smith stated he had spoken to the applicant months ago relative to the proposed awning change.

Mr. Joe Mattei, of American Awning Company, presented this request to change the awnings from grey with beige trim to black and beige uniform stripes. The awning will have a french scallop.

**MOTION BY MR. PANDULA FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.**

VI. Other Business:

A. Discussion relative to placement of property(s) "under consideration" for designation

Mr. Smith stated that he would like to see the Sanford Avenue vista of Royal Palms landmarked. As such, he passed the gavel to Mr. Pandula.

MOTION BY MR. SMITH TO PLACE THE SANFORD AVENUE VISTA OF ROYAL PALM TREES "UNDER CONSIDERATION" FOR LANDMARKING.

① **MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.**

MOTION CARRIED, 6-0-1, WITH MR. ROBERTSON ABSTAINING AS HE WAS NOT FAMILIAR WITH THE SITE.

Mr. Frank commented that Mrs. Day, our Staff Preservation Consultant, has previously stated that her palette is full for next year's designations. He requested that the LPC might want to establish some priority for the study of this vista, and perhaps defer discussion of the matter further until next month's meeting, when Mrs. Day could be present. Mrs. Delp stated that Mr. Smith had previously stated that the trees were owned by the Sanford Avenue property owners, and in light of the motion made, she would need to send notice to each of the affected property owners that the tree vista was placed "under consideration" for landmarking.

MOTION BY MRS. ALBARRAN DE MENDOZA TO DEFER NOTIFICATION TO THE PROPERTY OWNERS UNTIL AFTER NEXT MONTH'S MEETING.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

COMMENTS FROM MRS. POLLY EARL

Mrs. Earl, Director of the Preservation Foundation, announced a workshop for preservation issues to be held at 2:00 p.m. on November 20, 1996, on the same date as the November LPC meeting. Assorted preservation issues will be discussed with emphasis on the tax abatement issue concerning landmarked properties. She invited the LPC members to offer any input regarding items for discussion.

① **VII. Adjournment:**

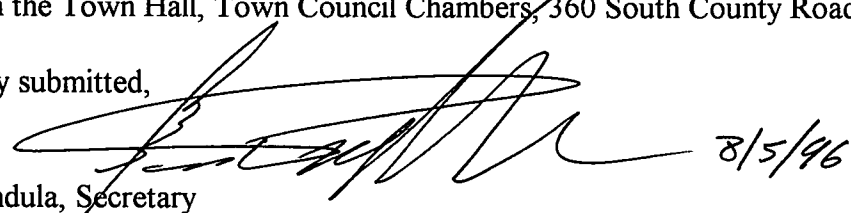
MOTION BY MR. ROBERTSON TO ADJOURN AT 10:15 A.M.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held WEDNESDAY, AUGUST 21, 1996 at 9:00 a.m. in the Town Hall, Town Council Chambers, 360 South County Road, Palm Beach, FL 33480.

Respectfully submitted,

 8/5/96
Eugene Pandula, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

RICHARD E. BERLIN, JR.
MANAGING DIRECTOR

July 16, 1996

The Town of Palm Beach
Landmark Commission
360 South County Road
Palm Beach, FL 33480

Via: Federal Express & Facsimile

Re: Michael Fawcett, 196 Banyan Road - Storm Shutter Construction

Dear Commissioners:

My name is Richard Berlin and I am a founding partner of Felton & Berlin Insurance Services, Inc., a large Boston insurance brokerage with very close ties to the Chubb Group of Insurance Companies.

For almost two years, we have been working closely with Mr. Fawcett, Brower Architectural Associates and the Chubb Insurance Companies in an effort to secure standard market coverages for Mr. Fawcett in the face of a very difficult personal insurance climate extant in Palm Beach County. Chubb agreed to entertain insuring Mr. Fawcett's Banyan Road property only because he is a long time and highly regarded Chubb insured. Having said that, Chubb (and every other insurance carrier) maintains stringent storm shutter requirements to provide adequate protection for both the insured and the insurance company in the event of catastrophic wind storm or hurricane.

After lengthy discussions with Chubb's underwriting department and Mr. Fawcett's architects, we came to the singular conclusion that the implementation of permanent "Colonial" storm shutters represent the only reasonable course of action that will provide adequate protection. The enclosed copy of Chubb's "Physical Elements of Windstorm Exposure" manual describes the various design and installation requirements of several types of storm shutters, which include: aluminum panels, portable plywood shutters, fiberglass accordion shutters, permanent roll down shutters and Colonial and Bahama shutters. From the outset, Mr. Fawcett was not so much concerned with the cost of these various alternative installations, but rather the one which would be the least objectionable from a purely esthetic point of view. For that reason, it became obvious to all parties that the "Colonial type" permanent shutter offered several advantages:

1. The shutter is permanent and closely resembles a normal decorative shutter that would be attached to a house of this period design and construction.

2. Because the shutters are permanent in nature, they can be easily and quickly locked by one person in anticipation of an oncoming storm.

3. No less significantly, they can be unlocked and returned to their normal shutter-like appearance immediately after the danger of storm has passed.

4. A Colonial shutter application will also keep this property out of a badly over-taxed Florida Joint Underwriting Authority which would require substantial and prohibitively expensive additional excess and surplus lines insurance provided by carriers like Lloyd's of London.

In conclusion, we all appreciate that a hurricane-approved storm shutter has not yet been designed that will enhance the esthetic appeal of any house, Mr. Fawcett's included. However, given the current hostile insurance environment in Florida, Mr. Fawcett, Brower Architectural Associates, Chubb Insurance and I all agree that his proposal represents the best possible solution available to this very difficult problem. With the Palm Beach Landmark Commission's approval of Mr. Fawcett's storm shutter proposal, I am confident that Chubb will extend its Masterpiece coverage to 196 Banyan Road forthwith.

Please do not hesitate to contact me directly at 800-215-9980 if I can be of any further service to you or Mr. Fawcett in the resolution of this matter.

With every good wish.

Sincerely yours,

Richard E. Berlin Jr.

Richard E. Berlin, Jr.

cc: Mr. Kenneth Brower, Brower Architectural Associates (fax)

TOWN OF PALM BEACH

ATTENDANCE RECORD (1996)
With New Members

MEMBERS	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jeffery W. Smith	P	P	P	P	P	P	P					
Joanna Frost-Golino	P	P	P	P	P	E	A					
Eugene Pandula	P	P	P	P	P	P	P					
J. Albarran de Mendoza	P	P	P	P	P	P	P					
Arthur Silverman	P	P	P	P	P	P	P					
Lindley Hoffman	n/a	n/a	P	P	P	P	P					
Harrison Robertson	n/a	n/a	P	U	P	P	P					
ALTERNATES	1/96	2/96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jane R. Grace	E	P	P	P	P	P	U					
Elizabeth Shields	U	P	P	P	P	P	P					
Sari M. Wilkey	n/a	n/a	P	P	P	P	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 (1996) With new members

MEMBERS	1 / 96	2 / 96	3 / 96	4 / 96	5 / 96	6 / 96	7 / 96	8 / 96	9 / 96	10 / 96	11 / 96	12 / 96
Jeffery W. Smith	V3	VPD1 V2	VPD4	VPD3	VPD4	VPD1	VPD1					
Joanna Frost-Golino												
Eugene Pandula	V1	VPD1	VPD1	VPD1	VPD1							
J. Albarra de Mendoza		V1	VPD1		V1	VPD1	VPD1					
Arthur Silverman												
Lindley Hoffman												
Harrison Robertson												
ALTERNATES	1/96	2 / 96	3/96	4/96	5/96	6/96	7/96	8/96	9/96	10/96	11/96	12/96
Jane R. Grace		-V1										
Elizabeth Shields												
Sari M. Wilkey												

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 COUNT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECT PER JOHN C. RANDOLPH, (COUNCIL ATTORNEY))