



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, APRIL 19, 1991

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

I. Call to Order: The meeting was called to order at 9:00 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

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

ABSENT: Elise P. Mackintosh, Vice Chairman
Wilmer J. Thomas Jr., Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that a Court Reporter, Jodi Harmon, was present for the Designation Hearing for 91 Middle Road, and her transcription of same hearing is included as part of these Minutes.

Let the record indicate that Mrs. Metzger arrived at 9:03 a.m.

Let the record show that Mr. Gubelmann left the meeting at 10:36 a.m., immediately before the testimony of Mr. Michael Slade during the Designation Hearing for 91 Middle Road.

III. Approval of the Minutes of the March 15, 1991 Meeting and additions and corrections thereto:

Mrs. Volk read the distributed additions and corrections to the March 15th Minutes, as were suggested by Mrs. Mackintosh. Mrs. Volk also corrected the spelling of the word "fineal" as shown on page 3 to "finial".

MOTION BY MR. SILVERMAN TO APPROVE THE MINUTES AS MAILED AND CORRECTED.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Mrs. Delp clarified that in light of the number of commissioners present, Mr. Silverman would be voting today. Please note that after Mr. Gubelmann left the meeting, at 10:36 a.m., Mrs. Grace was also permitted to vote.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 13-91, Fountain Restoration

Applicant/Owner: Town of Palm Beach

Address: 360 South County Road

Project Description: Request approval for the restoration/renovation of the Mizner Memorial Fountain, reflecting pool, and surrounding area.

As this item had been discussed in detail at the March meeting, and since it had been properly advertised for the April meeting, only a motion was yet necessary regarding this item. To review, the Town Council had previously approved Scenario 3 (previously presented) with dark blue tiles for the basin of the reflecting pool and decorative tile for the trim. Measures are to be taken to ensure that there will be no tripping hazard at the trough leading from the fountain to the reflecting pool. Mr. Sved stated that the fountain restoration/renovation is proceeding as planned. The Garden Club is very close to submitting for approval of the landscape scheme for the fountain.

MOTION BY MRS. DIVOLL FOR APPROVAL OF THE RENOVATION AND RESTORATION OF THE MEMORIAL FOUNTAIN, AS IT WAS PRESENTED AND APPROVED LAST MONTH.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings

Please note that lengthy legal descriptions are available within the Designation Reports for the following properties.

Let the record show that Mr. Lubitz, the attorney representing the property owners of Items 4 and 5 of the Designation Hearings, expressed a need to be heard earlier in the meeting. Staff granted that the order of the agenda be altered to accommodate his request.

① Please note that the following record is a verbatim record of the Designation Hearings which shall follow:

Item 4: 115 Flagler Drive
OWNER: Mrs. Joseph Lauder

Item 5: 126 South Ocean Boulevard
OWNER: Mr. J.H. & Mrs. Estee J. Lauder

Mrs. Volk: We have moved up...

Mr. Frank: We have a request...

Mrs. Volk: We have a request regarding 115 Flagler Drive, Owner - Mrs. Joseph Lauder. It is listed as Item #4 on the agenda, and #5, 126 South Ocean Boulevard, Mr. J. H. & Mrs. Estee J. Lauder, deferral requests. Would the gentlemen representing Mr., Mrs. Lauder please step forward?

① Mr. Lubitz: Thank you, Madame Chairman, Members of the Commission. My name is Charles Lubitz. I am an attorney. I represent Mrs. Estee J. Lauder. I believe that this proposed designation hearing is the first time that this matter has appeared on your agenda. On behalf of my client, I would respectfully request that the matter be adjourned until the next available hearing date. I have provided Mr. Franklin (meaning Mr. Frank) with a request for that adjournment, and I believe that I have also complied with this request in his letter to my client, that my client waive the provision of the Town Code requiring that you make a determination within 30 days.

Mr. Frank: This deferral would be until November.

Mrs. Metzger: Is this the same person who spoke with you?

Mrs. Volk: She already spoke with him, yes.

Mr. Gubelmann: Mr. Joseph Lauder is deceased.

Mrs. Volk: Oh, I thought that might be her son.

Mr. Lubitz: No, Joseph Lauder was her deceased husband.

Mrs. Volk: Oh, it is?

Mr. Lubitz: Yes, her son is Leonard Lauder.

Mr. Silverman: Do you want both of them to be postponed?

Mr. Lubitz: Both matters be postponed, yes sir.

① Mrs. Volk: May I have a motion to that effect please?

Mr. Gubelmann: SO MOVED.

Mrs. Gingras: WE NEED TO MOVE THAT LANDMARKING CONSIDERATION OF 115 FLAGLER DRIVE AND 126 SOUTH OCEAN BOULEVARD BE DEFERRED TO THE NOVEMBER MEETING WITH THE PROVISIO THAT THE OWNER RECOGNIZES THAT SHE IS WAIVING HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

Mrs. Metzger: SECOND.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore: Madame Chairman, for the record, Mr. Lubitz had a conflict, and that is why we moved him forward, but we do want to put that on the record. That is the only reason we moved him forward.

Mrs. Volk: Yes, I understood that. He had a meeting that had to be attended, so we moved it to the first of the hearing, the Designation Hearings, rather than at the end.

Mr. Gubelmann: Should we not correct our records to show that Mrs. Estee Lauder or Mrs. Joseph Lauder is the owner of both properties.

Mrs. Volk: Yes, I think we should.

Mr. Frank: Yes, we will do that. The names listed came from the tax rolls, and apparently the deceased husband's name is still on the tax roll for the other property; and of course, we will correct that as we proceed.

Mr. Gubelmann: And Mrs. Estee Lauder and Mrs. Joseph Lauder are one and the same person?

Mr. Frank: Yes, I believe that's correct.

Mr. Lubitz: They are one and the same person.

Item 1: 25 Middle Road
OWNER: Estate of Patricia M. Mason

(Please note that this item has been deferred from the January 18, 1991 meeting and the March 15, 1991 meeting.)

Mrs. Volk: 25 Middle Road. Do we have proof of publication and proper legal service, Mr. Frank?

Mr. Frank: Yes, Ma'am we do.

Mrs. Volk: All those witnesses that are to speak concerning this property, would you please step forward and be sworn in.

Mrs. Delp: Do you swear or affirm that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that Mr. Robert Moore, Mr. Timothy Frank, Mr.

① James Sved, and Mr. Mason, the property owner, stood to be sworn.

Mrs. Volk: Let the record note that these witnesses have been duly sworn. What are your recommendations, Mr. Frank?

Mr. Frank: Thank you, Madame Chairman. On the matter...thank you...on the matter of 25 Middle Road, Staff has found that the subject property meets the following criterion for designation.

(c) Embodies distinguishing characteristics of an architectural type, or is a specimen inherently valuable to the study of a period, style, method of construction or use of indigenous materials and craftsmanship.

Meeting only Item (c), Mr. Sved, could you continue the presentation.

① Mr. Sved: Thank you, and please, with this property, bear with us. We had a slight problem with the camera and these are a little bit dark. The property at 25 Middle Road was originally designed in 1924 in the Mediterranean Revival style. For many years, it was believed that this was a Marion Sims Wyeth design. However, Dr. Donald Curl came up with some information within the last six months that lists the architect as Harold Martin, and that's indicated in your Designation Reports. This house was designed for the Woodhouses. That was a very prominent family in Palm Beach. This was one of the earliest houses on Middle Road, and it's typified by very many of the Mediterranean Revival details that you've seen in the past including barrel clay tiles, rounded turrets, solomonic or twisted columns, very nice iron and grille work on parts of the building. That slide's a little better. You can just barely make out the twisted columns around the front door on the right slide there. This house is in a very, very wooded part of Palm Beach, very heavy foliated with historic and original Palm Beach foliage, which means that it's not just palm trees on this property. The house was named, upon its completion, "Quinta Marina", and there were minor additions to this building in 1930, 1963, 1968 and 1972. I'd like to also read you a brief quote from Howard Major, who was also an architect in Palm Beach at that time. He was also quite a prolific writer on the architecture of Palm Beach. In an article titled, "Following the Spanish Tradition in Palm Beach", Major wrote that "this property, 25 Middle Road, is one of the finest examples of symmetrical Spanish composition in Palm Beach". It's very worthy of your consideration today, and it's a very historic building.

Mrs. Volk: May I have a motion that the Designation Report be made a part of the record?

MOTION BY MR. SILVERMAN THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. METZGER.

① MOTION CARRIED UNANIMOUSLY.

○ Mrs. Grace: I'd like to add one other bit of information, the Garden Club does a great deal for the Town, and Mrs. Woodhouse was the founder of the Garden Club.

Mrs. Volk: Thank you, Jane. Are there any witnesses from the public to speak? Will you step forward and introduce yourself?

Mr. Paul Mason: Ladies and gentlemen, my name is Paul Mason. I've been appointed the personal representative of the estate of my wife, Patricia Mason, who died on January 13th, and who is the owner of record of this property. The subject property has been devised to me under the will of my wife, which has been admitted to probate in the state of New York by Harry B. Clarke, the family attorney. The dwelling was designed for and built by the grandparents of my wife, and has been continuously occupied by members of the family since it was first built in 1924 until present time. Financial considerations make it imperative that the property now be sold, which breaks my heart. Those of you who knew my wife and her activities in the Society of the Four Arts and the Garden Club, will understand her desire that the new owners of the property be someone who will cherish the unique character, and who will take pride in restoring and maintaining it. Excuse me. While we, my wife and I, were wholeheartedly in agreement with the aims and intentions of landmark preservation, the methods of implementing those aims, now in place, are so burdensome for someone who has to sell a property, as to work severe financial hardship on the owner. The effect of landmarking this particular residence is to substantially reduce its market value, even when the prospective buyer has the stated intention of maintaining or restoring the original, or current architectural character of the property. For these reasons, I most respectfully request that the designation of 25 Middle Road be not carried out at this time.

Mrs. Volk: Thank you, Mr. Mason. Are there any other witnesses to speak? May I have some comments from the Commissioners?

Mr. Silverman: Any comments from Staff?

Mrs. Volk: From Staff?

Mr. Frank: No, no comment.

Mr. Silverman: Is this the property that Mr. Thomas referred to at a prior meeting?

Mr. Moore: Next door.

Mrs. Volk: Next door to Mr. Thomas.

Mr. Mason: His is 5 Middle Road, I'm 25. There are two properties in between.

○ Mrs. Volk: You know, we had a different report on the valuation being affected by the landmarking ordinance. My own personal experience has

been that it has not affected the sale of a property that I owned at all. I wonder from whom you got this information?

Mr. Mason: I would be happy to speak to that if you'll give me enough time. I have placed this property on the market, and in the last two months, over 30 people have looked at the house. They have been required under Florida law of Disclosure to be informed that there was a landmark designation report in the works, and it is my opinion, and I'm sure I can substantiate this, if necessary, with witnesses from the real estate profession, a number of them. Landmarking a property like mine, in the condition that mine is, turns it into a "white elephant". It is quite frankly, "the kiss of death". People look at the property; they are most interested in it; you mention that it's landmarked, or it's up for consideration for landmarking, and they literally throw their hands in the air. I'm sure that most of this is misconception. It is my belief that landmarking improves the value of a home. If it doesn't, it certainly should. However, the actuality is, and I found this out, not just from looking at the responses of these people, because I conducted the tours of the house, but asking privately the real estate representatives who bring these people to look at the house, "What is the result of landmarking on the price of houses?" Ladies and gentlemen, it is considerable. It's punitive. I agree completely with what you're trying to do, but you've taken away, apparently, any possibility of assistance for people who have privately owned landmark dwellings, at least that's the information that I'm given. If you will spare me a second, I'd like to read to you a comment that was solicited by an owner, I mean, by a purchaser, a prospective purchaser of my house. He looked at the house. He went back to his house in Texas and he asked the estate agent that brought him to my house to prepare some comments on landmarking. That broker, I believe, interviewed with Mr. Frank, and the subject letter that I'd like to read to you, it's only a page and a little bit, was sent to the prospective buyer, and it indicates very well what the attitude is.

Mrs. Metzger: Wait a minute. I don't understand. Who is this from, and who is it to? Could you clarify that please?

Mr. Mason: I would prefer not to identify the real estate broker, but it was someone who brought someone to this house, and Mr. Frank, I'm sure knows...

Mrs. Volk: A local real estate broker?

Mr. Mason: Yes.

Mrs. Volk: Local real estate broker.

Mr. Mason: Absolutely. Palm Beach real estate broker.

Mr. Frank: I don't know who this person is.

Mr. Mason: I'm not sure that without her permission, because of the contents of this, that I should reveal it at the time. May I read it?

○ Mrs. Volk: Yes, you may.

Mr. Mason: "Re: 25 Middle Road. 25 Middle Road is an unusual landmarking case in that the entire house and gardens are intended to be designated which means that all work on the house, and landscaping, fountains, walls, gates, and any existing structures on the property must conform to the guidelines as set by the Commission. All plans for all work including landscaping must be presented to and approved by the Commission and the Town. As a result, a buyer of the home must hire a landscape architect and an attorney to present the plans to the Commission. With regard to the gardens, because they are virtually non-existent at this time, as to what they probably were originally, they would have to be duplicated to what the five Commissioners think they should have been"...oh, I'm sorry..."would have been". The landmarking process is as follows: After a Commission's hearing on Friday morning, the Commission has up to 30 days to render a final decision. After the Commission's decision has been made, the Town Council has up to 90 days to hold a public hearing to consider ratification of the determination of the Commission's designation. Once the landmark designation has been placed on the house, the owner who wants to refurbish must do the following: apply with plans 30 days prior to a hearing. After a hearing, the Commission has up to 30 days to act on the application, either approving, denying or deferring action until the next meeting. Once the Landmark Commission has approved, plans must then go to the Architectural Committee for review and approval." I'm not vouching for the accuracy of this, but it's an indication of what's being said. "Only after all other approvals have been received, can an owner apply for permits to do the work. As a result of the process as listed above, it is possible for the renovation process to take at least a year or longer, and any potential buyer would not be able to use the home for possibly two seasons. After the home is landmarked, the cost will be considerably increased for renovations since all materials must be duplicated as closely as possible as those used originally, for example, iron work must be replaced in like kind; cracked coquina must be replaced in coquina; broken balustrades will require re-casting...

○ Mrs. Volk: Mr. Mason, I really think it's unnecessary to read that because it is totally inaccurate, and it only misleads the public.

Mr. Moore and Mr. Randolph: No.

Mrs. Volk: You want him to read it?

○ Mr. Mason: There are only two more paragraphs and then I'd like to comment on it, if I may. (Continuing with the letter) "to duplicate those remaining; if the house has gutters, they would have to be copper instead of the materials in use today. All costs would escalate. Most tax benefits have been removed within the last two years for landmarked private properties. There is no tax benefit for an owner-occupied home. Any benefit at all will apply only to investment and non-owner occupied properties, and the process is so complicated that the Town of Palm Beach refuses to get involved." As

I said, I'm not vouching for the accuracy of any of the statements in here, but the point is...this is typical of the response that the public now feels when they get involved into buying or renovating a landmarked home. There is something wrong with your public relations. The public is misinformed as to what the point is, but the fact, Ladies and Gentlemen, is that the marketable value of my home has been reduced by several hundred thousand dollars. I cannot sell it. Thank you.

Mrs. Volk: Thank you, Mr. Mason. I'd like to say before, I know Mr. Moore wants to say something, but I would like to say at this point that you have been talking to someone that's terribly misinformed, and that is a tragedy in itself, and it's a self-perpetuating thing to have it go on this way, because we have, every month, people coming voluntarily with great pride and pleasure to have their house landmarked. Last year, one of the real estate people with like turn of mind, said that...absolutely, a house that Maurice Fatio had designed on North County Road, could not be sold; that it was ruined as far as value was concerned; and that the asking price was then three million. After it was landmarked, it was sold the next week for four-and-a-half million. The next week. So, obviously, it is a question of people knowing their business, and I am horrified that the real estate people have not learned more about landmarking, and would mislead you with this sort of thought. Mr. Moore, would you please address this subject.

Mr. Moore: Yes, the letter is...this is a public hearing on the designation, and once it's started, then it would be appropriate to put it on record. We would, since it has been introduced into the public hearing, like to have a copy of the letter. Obviously, the letter was well written. Whomever wrote the letter obviously spent some time in doing some research on the process. It was fairly accurate as to some of the procedures, however, it certainly was, if it was written by a realtor and not an attorney, it was a well-knowledgeable realtor who wrote it, and I would personally like to have a discussion with the realtor to try to improve the public relations. Unless Mr. Mason's occupation is an attorney, it's quite obvious he's not represented here today by an attorney, and is able to well present his case in front of this Commission. So, if Mr. Mason does not mind, I would like to personally have a copy of the letter so I may address those issues with that realtor. Thank you.

Mrs. Volk: Are there any other comments? Anne? Mrs. Metzger?

Mrs. Metzger: Mr. Mason, are you aware that even if your house were not landmarked, and it was sold to somebody, and they wanted to make a lot of changes, that they would have to come before the Architectural Board (meaning Commission)? I mean you have to come in front of one or the other.

Mr. Mason: Yes, I'm completely aware of that.

Mrs. Metzger: O.K. And actually, as a practical matter, coming before this Commission, believe it or not, is often times easier than

① going in front of them.

Mr. Mason: I have tried to explain that very point to prospective buyers. It's just that, apparently, the word is out. I'm just quoting this not as the heart of a case, but as an individual example, and as I said, I'm quite sure that if necessary, I could probably find a dozen different real estate agents in this Town, whom you all know, to come and state what I have quoted them as saying. This is not an isolated piece of paper. It's the only thing that I had in writing that was representative of the position being taken by both buyers and real estate agents. And Ladies and gentlemen, real estate agents are supposed to represent the seller, not the buyer. So when they say these things to the buyer, they really feel very strongly about them. Of course, they are required to make disclosure, but disclosure can be made in several different ways, as you all understand.

Mr. Moore: Madame Chairman, one or two more questions, if I might, to clarify the issue. Mr. Mason, our records indicate the property runs from Ocean Boulevard to Middle Road. Is that correct even though it has a Middle Road address?

Mr. Mason: That is not correct.

Mr. Moore: That's not correct. O.K. How large is your property?

① Mr. Mason: The property was originally 200 feet frontage on Middle Road, which the plan in the Designation Report shows, that is incorrect. It is now 175 feet. The north 25 feet of frontage all the way to the house, which I believe is 500 South Ocean, was sold by my wife in approximately 1962 or '63. It was then owned by Baron Collier who wanted a driveway access to the garage. The depth of the property varies from 168 feet approximately to 171 or 2, so it's about 170 feet deep on the average, 175...

Mr. Moore: You're about 170 feet deep, and how much across the frontage?

Mr. Mason: 175 feet now. You have two different descriptions of the property in the Designation Report. One shows the full four lots and the other shows the north 25 feet of I think it's Lot 32.

Mrs. Grace: The example of the Anthonys, who were so desperate to sell their house, claimed many times that they couldn't do anything because of the landmarking, and tearing it down and so forth, and now it's up for sale again and nothing.

Mrs. Volk: Mr. Gubelmann.

① Mr. Gubelmann: I have one comment to make. There's probably a great deal of interest in this property seeing that it is formerly four lots and now three. There is probably a lot of interest in this property is coming from professional developers, and the number one aim of professional developers is to demolish the property and subdivide it, and I think that would probably be one of the main objections, that

① they couldn't do that if it was landmarked, and that's the reason that we landmark nice old houses, so they can't be torn down.

Mr. Mason: I'm very aware of who is buying the property and who is looking at it, and what their intentions are, because our wishes are not to have it torn down, modernized or changed in any way. We agree with the principle of landmarking. We want to have it preserved. I think Mrs. Grace can address my wife's feelings on that.

Mr. Gubelmann: Mr. Mason, are you aware of a principle of something called "res judicata".

Mr. Mason: I'm not an attorney, sir.

Mr. Gubelmann: If we were to decide not to landmark the property, that would prevent us from ever re-considering it at a future date, under a future ownership, to landmark it.

① Mr. Mason: I would not like to see that happen. I believe that if the house were in the same condition that Mr. Thomas's house is, which I believe you've all seen to some degree, that landmarking would be an advantage to the selling of the house, because no work would need to be done on it. My house is completely different. It is run down. It needs a lot of restoration work, even though I put a new roof on it in 1988. It needs a lot of renovation. It is structurally sound. It's a hollow tile structure, built to last forever, but there's a lot of wrought iron work that needs to be replaced. There's a lot of cosmetic work on it, the twisted Corinthian columns that need to be repaired, quite extensive stuff, and it need to be air conditioned if someone is going to live in it all year round. There's a half-a-million dollars that needs to be spent on it, unlike Mr. Thomas's house which has just had a major renovation over a period of three years, with which you and I are both familiar. So, I am not trying to have you permanently remove this property from consideration for landmarking. I would love to have it landmarked. I would just like to be able to sell it to someone who is going to appreciate it, without having the burden of severely lowered sales price.

Mrs. Volk: Yes, Mr. Frank.

Mr. Frank: Mr. Mason, I would just like to clarify, at least for my knowledge and for the record, the articulate finding that you had in the letter, was this realtor or attorney who prepared this letter, did he submit any data or evidence that had dollar values and comparable costs, and things like that, of landmarks versus unlandmarked structures and so forth, to come up with these numbers so that they could be placed in front of us?

① Mr. Mason: No. It was prepared by a real estate broker from the Town of Palm Beach who has been here for some years, and it was just handed to me without an address or signature. Here's a copy of what was transmitted to the prospective buyer and with it, with a marked up copy of Ordinance #2-88, is that right? I can't read this.

Mr. Moore: 2-84.

Mr. Mason: But these two pieces of paper were handed to me as what was transmitted to the prospective buyer, who is an out of state person.

Mrs. Metzger: No signature on the letter? Is that what you said?

Mr. Mason: There is no signature and no addressee. It's just a piece of, a document which was included in a package that was sent to this person. She may not have put an addressee on it because she intended to use it to give to other people as a piece of something that she had generated as a result of obviously some amount of research.

Mr. Gubelmann: Well, a lot of the research there is incorrect.

Mr. Mason: Oh, I'm aware of that. I'm aware of that. I've had long discussions with Wilmer Thomas about landmarking, both before and after he became a member of this Commission.

Mrs. Volk: Yes, Mr. Frank.

Mr. Frank: I guess I'm a little bit confused. Is what you're telling us that this information actually went out unannounced to a perspective buyer on your property from somebody that you either don't know or aren't at liberty to disclose.

Mr. Mason: No, it didn't go out unannounced. It went out to a perspective buyer after he had viewed the property and expressed great interest in it.

Mr. Frank: Right, but I mean was it your realtor that gave him that?

Mr. Mason: No. It was the realtor...I asked her...

Mr. Moore: Man or woman?

Mr. Mason: Lady. I asked her whether she was asking as a buyer's broker. She was not. On the other hand, she had bought and sold property, at least one house previously, over the last ten or twelve years for this particular person. She was the broker in the purchase of the house, and seven years later she was the broker in the sale of the house. So, she had some (indiscernible word) to him.

Mr. Frank: No. My confusion was...I thought perhaps the realtor representing you was disseminating this information, and I'm saying Wow!

Mr. Mason: Well, she was legally representing me, even though she was acting like a buyer's broker. And I think only because she was legally representing me, did I get a copy of this at all.

Mr. Frank: That clarifies it. Thank you.

○ Mrs. Volk: Leslie.

Mrs. Divoll: Mrs. Volk, it's my feeling that our duty is to provide for the preservation of properly documented and worthy historic sites. This historic property has had no qualities brought forward that in any way undermine the historic status of the property. With respect to Mr. Mason's strong feelings for the property, and the unfortunate impression on the financial side of it, I would ...

MRS. DIVOLL: ...MOVE THAT 25 MIDDLE ROAD BE RECOMMENDED TO TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA AS PRESENTED AND CORRECTED, REGARDING THE LEGAL DESCRIPTION, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Mr. Mason: May I ask a question?

Mrs. Volk: Yes.

Mr. Mason: This now will go before the Town Council?

Mrs. Volk: Yes.

○ Mr. Mason: Do I have an opportunity to appeal at that point?

Mr. Frank: Yes, sir. I'll assist you with that.

Mr. Mason: Thank you, Tim.

Item 2: 91 Middle Road
OWNER: Estate of William Hanley

(Please note that this item has been deferred from the December 21, 1990 meeting, the February 15, 1991 meeting, and the March 15, 1991 meeting.)

Please refer to the attached court reporter's transcription of this hearing. However, in synopsis of that record, Attorney Francis Lynch represented the property owner, Mrs. Hanley, in her objection to the proposed landmark designation of 91 Middle Road. Mr. Lynch appeared along with the following witnesses: Professor Susan Tate, Professor at the University of Florida and registered architect specializing in historic preservation; Mr. James Hahn, General Contractor involved in restoration and remodeling of landmark properties; and Mr. Mike Slade, Real Estate Appraiser with the firm of Calloway & Price.

○ The Commissioners, as well as Staff consisting of Mr. Robert L. Moore, Director of Planning, Zoning & Building, Mr. Timothy M. Frank, Planner/Projects Coordinator, and Mr. James Edward Sved, Preservation Consultant, testified in support of the designation of the property.

○ After all of the testimony was given by proponents and opponents of the proposed designation, questions were directed to any and all who testified, and summations were delivered.

The following represents the Commission's action toward this designation, as taken from the court transcript:

MRS. GINGRAS: I WOULD LIKE TO MOVE THAT THE EASTERN-MOST PORTION OF 91 MIDDLE ROAD EXCLUDING LOTS 12, 13, 14 AND 15, WHICH FRONT ON MIDDLE ROAD, BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK FOR THE TOWN OF PALM BEACH AND THAT THE CRITERIA AS PRESENTED BE MADE A PART OF THE RECORD.

MRS. DIVOLL: I'LL SECOND THAT.

MS. VOLK: ALL THOSE IN FAVOR?

MS. MENDOZA: I.

MS. METZGER: I DON'T UNDERSTAND. I'M SORRY.

MS. GINGRAS: WE ARE EXCLUDING THE MIDDLE ROAD --

MR. MOORE: EXCLUDING THE LOTS ON MIDDLE ROAD IS WHAT THE MOTION IS.

○ MS. GINGRAS: ON THIS PARTICULAR PLAT, THERE IS NO LOT NUMBER FOR THAT. IT LOOKS LIKE IT MIGHT BE LOT 12.

MS. VOLK: ALL THOSE IN FAVOR?

MS. DIVOLL: I.

MS. MENDOZA: I.

MS. METZGER: I.

MS. VOLK: THOSE OPPOSED? SO MOVED. THANK YOU VERY MUCH.

Item 3: 150 Bradley Place
OWNER: Palm Beach Biltmore c/o Board of Directors

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

Mrs. Volk: Item #3. 150 Bradley Place, Owner - Palm Beach Biltmore c/o Board of Directors. Do we have proof of publication and proper legal service, Mr. Frank?

Mr. Frank: Yes, Ma'am. We do.

Mrs. Volk: Would you please swear in all the witnesses?

○ Mrs. Delp: Mr. Frank has already been sworn.

○ Mrs. Volk: Let the record note that these witnesses have been duly sworn. Staff recommendations, Mr. Frank?

Mr. Frank: Thank you, Madame Chairman. The subject property, 150 Bradley Place, better known as the Biltmore Hotel, meets the following criteria for designation:

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

criterion (c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable to the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

That's it. Mr. Sved, would you continue.

○ Mr. Sved: Thank you very much. The Biltmore Hotel Condominium was originally built in 1925 as a joint design venture between Allen DeYoung, an architect in New York City and Pedro Nuguruza from Madrid, Spain. Additionally, Maurice Fatio, not necessarily, in this case, working as a member of the firm of Treanor and Fatio, did do some project administration on this project on behalf of these other two architects. This structure was originally built as the Alba Hotel, and was a 500 room luxury hotel of steel frame and concrete construction, and of course, it is in the Mediterranean Revival design. I might add that, as you see it on the left, at the easternmost portion of the structure, and what we have here is a two story entrance, a driveway up here for dropping passengers off, as well as a walking entrance down below. This design, which first appears here...it is the first appearance of this type of design in hotel architecture in Florida, and this idea for a two story entrance like this is copied by Schultze & Weaver, who are, by the way, the architects for the Breakers, here in Palm Beach, when they did the Coral Gables Biltmore in Miami, a year later than this in 1926. In 1978, after many years of disrepair and misuse, this building was converted to a condominium by Gene Lawrence and his firm. Very many of the original accoutrements of the exterior of the building have been preserved, as have the balance and the proportion and the harmony of the structure. On the rear of the structure, and I apologize...we just blew a bulb in one of our two machines here...but in the rear of the structure, to make room for mechanical services, a large aedicular facade, which is sort of representative of a doorway, was constructed to mask those windows that would have been blocked up, and provide the service for the building. This is one of only two remaining grand hotels in Palm Beach from the 1920's, as we have lost the others to disrepair. This is very worthy of your consideration, and regardless of, and again, regardless of the fact that the interior has been condominiumized, the exterior of this building is preserved in its original, and it is very worthy of your consideration today.

○ Mrs. Volk: Thank you, Mr. Sved. May I have a motion that the Designation Report be made a part of the record?

MOTION BY MRS. GINGRAS TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Mrs. Volk: Are there any witnesses from the public to speak? Tim?

Mr. Frank: Madame Chairman, I have a letter that we received this morning. It was hand delivered, and it's addressed to myself, Town of Palm Beach, Re: the Biltmore Condominium, 150 Bradley Place, Palm Beach, Florida. It states..."Dear Tim, I am writing on behalf of the Biltmore Condominium Association (the "Association") to confirm our telephone conversations regarding the Association's position on the pending application for certification. As we have discussed, the unit owners are committed to cooperating with the Town in maintaining the Biltmore as a premiere residential property. They are also committed to maintaining the same high standards for the surrounding neighborhood and, as you know, have cooperated with the Town in the past in doing so. They are not, however, all convinced that landmark status is the best course for the Biltmore. Moreover, as you might anticipate would be the case with any multi-owner building, they are not unanimous regarding the position which the Association should take on the pending application. As a consequence, the Board of Directors of the Association have agreed in a spirit of cooperation and compromise to voluntarily designate the Biltmore, i.e., the condominium building itself (the only part of the property which qualifies for landmark status), excluding the landscaped and outlining areas now included in the description of the property to be designated. These excluded areas would continue to be subject to existing Town ordinances, including the review authority of the Architectural Review Commission. This voluntary designation is, of course, subject to the approval of the Landmark Preservation Commission and in lieu of the pending application. On the assumption that this compromised proposal will be acceptable to the Landmark Preservation Commission, neither the Board of Directors nor any of the individual owners will attend or participate at the hearing scheduled for April 19, 1991. They would like to be heard, however, if this compromise is not acceptable and, therefore, in such an event, request that the hearing be continued until next month. Hopefully, this will not be required. Thank you for your cooperation and assistance in this matter. Sincerely, L. Frank Chopin, Attorney for the property owner.

Mrs. Volk: What exactly was the excluded area, other than the landscaped area?

Mr. Frank: The swimming pool.

Mrs. Volk: The swimming pool.

Mr. Frank: In the report, itself, we already did exclude most of the parking area, and we selected a configuration which in a sense had a

description that was readily available and included the structure. It was our focus to landmark the structure, and not be concerned with the parking areas.

Mrs. Volk: Is that acceptable to the Commission? May I have a motion for approval then?

Mrs. Divoll: I have a question, if I may? Would additions, potential future additions to the building built in unlandmarked land come under our purview or Landmarks?

Mr. Moore: If they're attached to the building, they would come under your review. If they were out buildings, they would come under the Architectural Commission.

Mrs. Divoll: Thank you.

Mrs. Albarran de Mendoza: Zoning-wise?

Mr. Moore: Zoning-wise, in reality, other than a possible variance for an out building of some sort, there would be no ability. It's a totally non-conforming structure.

Mrs. Divoll: It sounds like a good compromise.

Mr. Moore: It is.

MRS. GINGRAS: I MOVE THAT THE STRUCTURE ITSELF KNOWN AS THE BILTMORE AT 150 BRADLEY PLACE BE RECOMMENDED TO 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. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

VI. Other Business

A. Discussion of 301 Australian Avenue - (subsequent to Town Council Ratification Hearing 3/12/91)

Mr. Moore reviewed that the LPC had moved to recommend designation of this property. Subsequent to that approval, the property owner's attorney claimed that notice of the hearing had not been delivered to the proper persons. In light of this, they have asked that this matter be postponed to the fall, and the question remains as to whether the property should remain on the list of properties which are "under consideration" for landmarking. The attorneys for the property owners object to remaining "under consideration".

Mr. Randolph commented that the Commission needs to consider possibly removing it from "consideration" at this time, and

then, in the event the LPC wants to re-place it on "the list", they could do so at a later date. He stated that if we remove it from "consideration" at this time, we would, however, want some assurance from their attorneys that they would not use "res judicata" to prevent landmarking the property in the future. The property, at this time, is involved in pending litigation, and a pending landmark designation might be detrimental to their legal and financial negotiations.

Mr. Moore clarified that this property is a hotel use with condominiumized ownership. When asked by a Commissioner whether demolition is being considered by the owners, Mr. Moore replied that it would not be practical to demolish it as this is a totally non-conforming structure with multiple owners. If it were demolished, a new structure would not be able to have the same number of units.

When asked for his recommendation, Mr. Randolph stated that when a property is "under consideration", the LPC has some obligation to move forward within a particular period of time. So, perhaps, if there is no apparent danger to the structure or practical effect, it might be appropriate to remove it from "consideration" at this time, with the proviso that res judicata would not apply, and we indeed receive notification from the attorneys to that effect.

MOTION BY MRS. GINGRAS TO REMOVE 301 AUSTRALIAN AVENUE FROM "CONSIDERATION FOR DESIGNATION AS A LANDMARK" AS LONG AS THE UNDERSTANDING IS CLEAR THAT THERE IS NO JEOPARDY OF RES JUDICATA IN THE FUTURE. IF THIS CONDITION IS NOT AGREEABLE TO THE PROPERTY OWNERS AND/OR THEIR ATTORNEYS, THE PROPERTY WOULD REMAIN ON THE LIST OF PROPERTIES "UNDER CONSIDERATION" FOR LANDMARKING.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

B. Discussion regarding Preservation Celebration

Mr. Frank informed the Commission that the Town's recognition of National Preservation Week will be celebrated at the Society of the Four Arts on Wednesday, May 15th from 5:00 p.m. to 7:30 p.m. This year, our celebration will include a lecture on Mizner by Christina Orr, Director of the Norton Gallery of Art; a panel discussion regarding the values and benefits of landmarking and how it is working in Palm Beach, featuring prominent persons from various disciplines within the Town as panelists; 1928 Hurricane footage narrated by Mr. Charles Simmons of the Flagler Museum; and refreshments. We hope to use this event as an educational tool for the Town and surrounding communities.

C. Status Report on Palm Beach Preservation Plan Project

The Town applied several months ago to do a Palm Beach Preservation Plan, which takes into account the Ordinance, and the policies and procedures of the LPC, and will include a listing and evaluation of archaeological sites in the Town. Mr. Frank stated that the Town applied for grant monies for this project. \$ 10,000 has been approved by the State, and it will be matched by services in kind by the Town Staff. Presently, contracts are being executed. The grant period will run from mid June 1991 through mid June 1992.

D. Discussion regarding the BP Signage at 340 South County Road

Mr. Moore reported various complaints have been heard by Town Staff regarding the color and size of the BP Signage at 340 South County Road, which is a property included in the Town Hall Square Historic District. Mr. Moore reminded the Commission that BP does have both ARCOM and Zoning approval for the sign as it exists. The Town has been in ongoing discussions with BP, regarding the signage, in an attempt to quell some of these complaints. BP has made only one exception regarding signage, and that has occurred in the historic district of Charleston, where they have used what they refer to as the "Old North American Green BP color" on a "ground mounted" sign, instead of the green in the existing style of the signage in Palm Beach. BP has indicated that they would be willing to change the color of the Palm Beach sign to the darker green color, and change the type of sign to the smaller "ground mounted" sign, if they would be allowed to change the color of the mansard roof from the existing terra-cotta to the same green as is used on the sign. Mr. Moore made it clear that BP will not consider changing the sign, if the Town does not allow the change of the roof. Further, because of the approvals already given, they cannot be made to change the sign. The Town is in the position, however, with LPC Commission approval, to barter with BP for a different sign, if the roof item can be used as a trade-off. Mr. Moore asked the Commission to consider this, and requested feedback from the Commission. Mrs. Volk asked the Commissioners to consider this request, and offer any comments and recommendations at the May meeting.

Mrs. Divoll commented that if the Town were to succeed in effecting this change, other historic communities in the country would be looking toward Charleston and Palm Beach as having set precedent.

E. Comments regarding the real estate profession's perception of landmarking

Mrs. Metzger, in light of the erroneous document drafted by

a real estate professional, which was then read into the record by Mr. Mason during the Designation Hearing for 25 Middle Road, questioned whether it could be a requirement of licensure in the Town that the real estate brokers and salespersons be required take perhaps an evening's instruction regarding the landmarking process.

Upon hearing this comment, Ms. Janet Wells, a real estate salesperson from Martha Gottfried Real Estate, stood to address the matter. She stated that she sits on a Governmental Affairs Committee, which is headed by Mr. Alexander Beal. It is the aim of this Committee to become more involved in the various Town meetings and Commissions which meet. She referenced the aforementioned document read by Mr. Mason, and gave her assurance that matters such as this one are precisely the types of problems that their group is attempting to address. She stated that although the document may not be a representation of the realtors in the Town, she was sure that some of her co-professionals do need this type of knowledge. She expressed great interest in the May 15th Preservation Celebration as an educational forum for those in her profession. Staff will be sure to properly notify the real estate professionals of the event.

VII. Adjournment

MOTION BY MRS. DIVOLL TO ADJOURN THE MEETING AT 12:00 P.M.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Friday, May 17, 1991 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras, Secretary

cmd

MEETING OF THE
LANDMARKS PRESERVATION COMMISSION

PALM BEACH, FLORIDA

April 19, 1991

9:00 a.m. - 11:30 a.m.

PRESENTATIONS BY:

FRANCIS LYNCH, ESQUIRE
340 Royal Poinciana Plaza
Palm Beach, Florida 33480

JAMES EDWARD SVED

JAMES HAHN

SUSAN TATE

MICHAEL R. SLADE

(Whereupon, the following proceedings were had:)

MS. VOLK: Moving on to Item II, 91 Middle Road, owner, Estate of William Hanley. Please note that this item has been deferred from the December 21, 1990 meeting, the February 15, 1991 meeting and the March 15, 1991 meeting.

We have proof of publication of proper legal service, Mr. Frank?

MR. FRANK: Yes, ma'am, we do.

MS. VOLK: Would you please swear in all witnesses who are to address this designation?

(Whereupon, witnesses were sworn.)

MS. VOLK: Let the record note that these witnesses have been duly sworn.

Mr. Sved, what are your recommendations?

MR. SVED: I believe Mr. Frank will address that.

MR. FRANK: Thank you, Madam Chairman. For the record, I'll read the criteria for designation concerning 91 Middle Road.

Staff has found that the subject property meets the following criteria for designation. Criterion C, that it embodies distinguishing characteristics of an architectural type or as a specimen inherently valuable for the study of a period

style, method of construction or use of indigenous materials or craftsmanship.

Also, Criterion D, it is representative of the noble work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Mr. Sved will clarify Criterion D in his presentation, and I'd like you to continue.

MR. SVED: Thank you. Property 91 Middle Road was originally designed by Addison Mizner in 1921 and subsequently renovated in 1954 and 1962 by the architectural firm of Wyeth, King and Johnson. Originally, this house known as Audita was accessed from Ocean Boulevard, had the Ocean Boulevard address at 582 South Ocean Boulevard.

In 1952, Wyeth, King and Johnson reversed the access of this property and changed the entrance and the interior configuration of the house so that entrance was off of Middle Road rather than off of the ocean.

I'd like to remind the commissioner real quickly that the interior arrangement of this house has been changed. However, that is not pertinent to the town landmark ordinance.

Originally, Addison Mizner designed this

property in the Mediterranean revival style as was his forte, and you can see all the design elements that Mizner normally added to these properties. Most of the window openings, arches and architectural ornamentation are pre-Renaissance, some of them are even Romanesque.

I'd like to read real quickly something I read to you last year. It's from Addison Mizner's memoirs, and it was relayed as well in Dr. Curl's book on Addison Mizner, and I quote: It's my ambition to make a building look traditional as though it had fought its way from a small unimportant structure to a great rambling house that took centuries of different needs and ups and downs as well to accomplish. I sometimes start a house with a Romanesque corner, pretend that it has fallen into disrepair and has been added to in the gothic spirit when suddenly the great wealth of the new world was poured in and the owner had added a very rich Renaissance tradition.

That is, in fact, exactly what the architectural firm of Wyeth, King and Johnson did to this house. They took an existing Addison Mizner structure, as you see the structure in the photograph at left is very similar to the original, almost exactly the way Mizner intended that ocean front facade to appear.

What Wyeth, King and Johnson did at this property was they continued on a correct time line and on the rear of the property reversed the access of the property and made Middle Road, the Middle Road entrance a Renaissance addition.

I'd also like to read from the Secretary of the Interior Standards for Historic Rehabilitation as revised in March 1990, and this is Standard Number 4, and I quote: Most properties change over time. Those changes have acquired historic significance in their own right shall -- I'm sorry. Most properties have changed over time. Those changes have acquired a historic significance in their own right and shall be retained and preserved.

As you can see, again in this slide, the difference in the access between the Addison Mizner original design and the portion that Wyeth, King and Johnson added to change the access of the entrance to Middle Road.

Additionally, I might add that there are two relatively insignificant out buildings on this property that appear on -- you may see it on the Page 5 of your designation report up here in the little tiny square. Those buildings, whether original or not, is undetermined at this time. However, they are not an

1 integral part of the original design scheme.

2 This is a very important house and it's
3 very indicative of Addison Mizner's designs as well as
4 the way that the architectural firm of Wyeth, King and
5 Johnson added to these buildings.

6 It's very interesting to see, as we have
7 done many times in the last couple years, how Lord
8 Aspacio (phonetic), Marion Wyeth and John Volk most
9 notably worked on Mizner's houses and completed the
10 Mizner tradition of the time line in the houses to make
11 them more habitable.

12 This is a very worthy house and is very
13 worthy of our consideration today. Thank you.

14 MS. VOLK: Thank you, Mr. Sved. May I
15 have a motion that the designation report be made part
16 of the record?

17 MS. GRACE: Moved.

18 MS. GINGRAS: Second.

19 MS. VOLK: All those in favor say I.

20 Are there any witnesses from the public to
21 speak? Just before you do, Mr. Lynch, I'd like to say
22 this house was built for the most distinguished family,
23 Mr. and Mrs. Alfred Kay, and Mrs. Kay was very well
24 known for her work with the Garden Club and other
25 charitable institutions in this town. And Mr. Kay,

1 along with my late husband and a few others, were the
2 founders of the Palm Beach Civic Association.

3 Mr. Lynch?

4 MR. LYNCH: Good morning. My name is
5 Frank Lynch. I'm here on behalf of Mrs. Hanley, and
6 I'm here to tell you that she objects to the
7 designation of the house as a landmark. We brought
8 with us witnesses. You remember last month I presented
9 to you Professor Tate's opinion as to whether the house
10 is worthy or not.

11 Professor Tate is here today together with
12 James Hahn, who is actively involved in restoration and
13 remodeling of landmark properties. In addition, we do
14 have an expert, Mike Slade, as to the valuation
15 problems created by landmarking of the property. We'll
16 get to that in a minute.

17 In addition, to give you some of a flavor
18 of the house, we have done a video and it's four
19 minutes in length and I'll narrate it for you very
20 quickly. Mr. Freeman here, John Freeman, was
21 responsible for doing the videotaping. And if you have
22 any questions as to the methods which he used, he's
23 here to address them.

24 While we are waiting for the videotape to
25 begin, I'd like to put in the record a photograph. I'd

1 like to get the original back. That's the photograph
2 of the original front of the house which faced Ocean
3 Boulevard. I'll put a copy in the record. The
4 original photograph is something Mrs. Hanley would like
5 to have back. I think that's a pretty accurate copy.
6 That was taken in 1953, according to the notes down at
7 the bottom, and as far as we know that was the original
8 house.

9 What we did is we tried to give a drive-by
10 view at the beginning of the tape to see exactly what
11 it was here heading north on South Ocean Boulevard.
12 Here's the house, and now we have passed it. Again, we
13 are going ahead to the north and we'll see exactly what
14 of the house can be seen headed north on the driver's
15 side of a mid-size automobile.

16 I'll point out to you that while the
17 ability to view may not be a specific criteria, I'd
18 like to remind you of what took place in Mrs.
19 Ballenger's situation where she subdivided the property
20 and a vista allowing a view of the landmark house was
21 required in order to subdivide the property.

22 Here we are headed down Middle Road.
23 There is a view, and we are approaching the house.
24 This is the house immediately to the north and driving
25 by headed south, and there is what you see from the

1 entryway, very little.

2 We are going to turn around now and head
3 north on Middle Road again, a passing view of the
4 house. There it is. Again, very little of the house
5 that you can see.

6 MR. GUBELMANN: That's a serviceway, is it
7 not?

8 MR. LYNCH: That is correct. We are going
9 to head south on Ocean Boulevard now. This is the
10 house on the corner. That's Via Marina, headed south.
11 Here's the property immediately to the north of Mrs.
12 Hanley's house, and you can begin to see about all of
13 the house you are going to see is South Ocean Boulevard
14 headed south. There is a service entrance for lawn
15 mowers, and you can see the chimney, and that's it.

16 Here we are standing on the right of way
17 on the ocean side of South Ocean Boulevard, panning to
18 the north, again panning to the north -- okay, middle
19 of the road. All you see is the second floor.

20 This is a panorama of the house as it now
21 exists. That one-story loggia was added in 1954 with
22 most of the renovations. It was glassed in in 1979,
23 and that's something that's not addressed in the
24 landmarks report. We consider that to be significant.

25 This is the view out the front door, what

1 is now the front door. This is up Middle Road and
2 again there is what you see of the house from the
3 middle of Middle Road.

4 Here you can see what Mr. Wyeth added in
5 1954, the entryway, the column work there, and
6 Professor Tate will speak in more detail as to this in
7 a few minutes.

8 Now you are going to see a view from the
9 west of the glassed-in loggia, which we did not
10 consider to be a detracting from the original form of
11 the house.

12 That's it.

13 MS. VOLK: Thank you, Mr. Lynch.

14 MR. LYNCH: Without any further comment
15 from me, I'd like to bring Professor Tate up here and
16 she is going to give you a narrative as to her
17 qualifications and her opinion as to the property --
18 excuse me. Mr. Hahn will be first followed by
19 Professor Tate.

20 MR. GUBELMANN: Mr. Lynch, did it occur to
21 you that another one of the Palm Beach's most
22 formidable landmarks, Mara Lago, is equally non-visible
23 from the road?

24 MR. LYNCH: I questioned that, and it's
25 extensively more visible.

1 MR. GUBELMANN: That doesn't alter the
2 house; it's still a lovely house.

3 MR. LYNCH: I'd like Mr. Hahn to come up
4 and speak as to the renovations and materials that were
5 used, James Hahn.

6 MR. HAHN: Good morning, ladies and
7 gentlemen. A little bit of my background. I'm a
8 graduate of the University of Tennessee, but upon
9 leaving school, I got into the construction field. In
10 fact, the first building I worked on while I was a
11 student at Tennessee is now obsolete and they are
12 building a new building in its place on campus at the
13 University of Florida.

14 I worked in commercial and residential
15 rehabilitation and renovation and restoration work
16 through most of my career. I have done hands-on
17 design, general contracting as well as building
18 evaluations and investigations. I worked closely with
19 my wife, Susan Tate, who teaches historic preservation
20 at the university.

21 I worked on and done a renovation on an
22 1880 Gowan House in Gainesville. I worked on a
23 building evaluation of 1860 Asa May Plantation up near
24 Tallahassee. I worked on a 1916 Porcher House in
25 Cocoa, and did a code compliance research and study for

1 the old federal building in Gainesville, the 1911
2 Building. And I also worked as a superintendent on the
3 renovation of Fort Harrison Hotel in Clearwater. And
4 of these, about half these buildings are of
5 Mediterranean revival style. I'm somewhat familiar
6 with stuccos, textures, hollow plate, structural tile,
7 barrel tile roofs and pretty much what holds these
8 buildings together, what's old and what's new.

9 As we are all aware, this is a good
10 structure. However, in looking at the building from
11 what was the original entrance on the east, which is
12 Ocean Boulevard or Atlantic, I'm sorry -- it's Ocean,
13 okay, what had been a loggia is now a living room.
14 What had been a breezeway is now closed with windows.
15 It has new windows. What had been square windows are
16 now arched windows. But that is still a beautiful
17 facade and it's a facade that's most intact except the
18 addition of windows and the addition of the new loggia
19 which has also been closed in.

20 The new loggia also, when you look at it
21 from that facade, is no longer a Mizner barrel tile
22 roof, it's a new roof. The new loggia has wood cornice
23 where the original one was corviled (phonetic) and
24 bricked and cast in place concrete. The stucco styles
25 are different.

1 When you go around, if you will follow
2 around to the north side -- on the north side is a
3 service entrance. It's sort of 1950 back-door hotel
4 style. The driveway stops pretty abruptly with a small
5 fence that had come through from the east entrance at
6 one time. There's not much there.

7 If you go around to the west side, which
8 is the new entrance, the balustrade that you see there
9 is a new balustrade. The Italian Renaissance entry
10 portico is new. The servants' quarters are new. The
11 door that opens to a porch was removed and turned to a
12 window. The open air windows or colonnade from the
13 loggia have been closed with window air conditioners
14 poked through the wall. There was a servants' quarters
15 out in the middle of that yard that's been removed.
16 There was about six feet of fill put in the yard. It's
17 a beautiful entry, and it's all landscaped and it's all
18 1954.

19 Off to the south end of that is a new
20 loggia which was originally, as we said from the other
21 side, had very round concrete columns that were then
22 enclosed in glass. The balustrade that had been about
23 a hundred feet down in the yard was moved up closer to
24 the house.

25 Miss Hanley tried to duplicate the Mizner

1 balustrade and in doing so she got pretty close only
2 she left seam marks or form work marks on all the
3 balustrades which is something that Mizner would have
4 never done.

5 If you were to view the project or the
6 home from the south, you would see the loggia which is
7 the new loggia and the enclosed loggia and the upper
8 floor, which is about the only original part from that.

9 If you move back to the west and view the
10 home of a total span of 150 feet, there is about 30
11 feet that's original fabric and the rest has been there
12 since the '54 or '72 or '79 renovation or addition.
13 And from that analysis, there is very little there that
14 is historic because it's all, by the records from the
15 courthouse here of Palm Beach, those additions are all
16 pretty new.

17 Have you got any questions about my
18 findings or how I determined these?

19 MS. VOLK: What is your summary of the
20 additions that have been made?

21 MR. HAHN: Well, the one to the south and
22 the new loggias is totally insensitive to the
23 structure. The gardens are beautiful, but we are not
24 landmarking a garden, we are landmarking a building.

25 The handrails, the entries, the grand

1 entry and the steps have nothing, relate in no way to
2 the original intent that Mizner had when he originally
3 designed and built the structure. And the windows
4 filled, windows changed, people change, times change,
5 building technology changes.

6 The house was built pre-air conditioning,
7 of course. It was built before they had a lot of
8 traffic on Ocean Boulevard. So, there is a lot of
9 reasons to change your entrance from one side to the
10 other, and there are reasons to close and change
11 windows. But I'm purely in building analysis and not
12 to make a determination as to the historic value of
13 what is there. That is Ms. Tate's job.

14 MS. VOLK: You know, Mr. Hahn, that there
15 is scarcely a house in Palm Beach that hasn't been
16 changed and usually we find, when an architect as
17 trained as Madam Wyeth was and a graduate of Beaux
18 Arts, that it is done very sensitively. However, once
19 in a while we have strange looking windows because they
20 were very effective as the time came, as the change in
21 weather became necessary to enclose areas, but they are
22 very easily removed in a restoration.

23 Yes, Mr. Moore?

24 MR. MOORE: Question, Mr. Hahn. Your last
25 statement that you were -- what was your last statement

1 regarding what you are testifying to?

2 MR. HAHN: To the integrity of the
3 structure -- well, I analyze the building as to what's
4 new, what is old, where the changes are as opposed to
5 trying to date it for historic significance or make
6 that determination. That is not my expertise.

7 MR. MOORE: I thought you had said in your
8 statement you were not testifying to the sensitivity of
9 the design?

10 MR. HAHN: That's true. But more so to
11 date the parts of the building.

12 MR. MOORE: Is it correct, in reading your
13 dossier here or the information Mr. Lynch submitted,
14 that you are a general contractor?

15 MR. HAHN: That is correct.

16 MR. MOORE: Do you have a degree?

17 MR. HAHN: Yes.

18 MR. MOORE: A degree in what?

19 MR. HAHN: Business administration.
20 Transportation in particular.

21 MR. MOORE: One other question. Your work
22 that you said in your explanation is predominantly in
23 the Gainesville area, is that correct?

24 MR. HAHN: No, throughout the state.

25 MR. MOORE: Okay.

1 MR. HAHN: Clearwater, Cocoa, Nantucket.

2 MR. MOORE: Any in Palm Beach County prior
3 to this?

4 MR. HAHN: No.

5 MR. MOORE: Dade County?

6 MR. HAHN: No.

7 MR. MOORE: Broward County?

8 MR. HAHN: Yes.

9 MR. MOORE: That's all the questions I
10 have.

11 MS. VOLK: Thank you.

12 MS. METZGER: I'm confused. You say there
13 have been many many changes in the house. This is the
14 picture that Mr. Lynch showed me yesterday?

15 MR. HAHN: That is correct.

16 MS. METZGER: The original front door was
17 over here?

18 MR. HAHN: Yes.

19 MS. METZGER: When I looked at it, at
20 this, now not talking about the loggia over here, but
21 the only change I saw was an addition of a window here.

22 MR. HAHN: Look at the top of the windows.

23 MS. METZGER: Did I miss something?

24 MR. HAHN: No. Look at the top of the
25 window.

1 MS. METZGER: These aren't like this?

2 MR. HAHN: No.

3 MR. LYNCH: I'll pass around the
4 photograph. That was taken Wednesday of this week.

5 MS. VOLK: I think the change was
6 beautifully done.

7 MS. METZGER: Mr. Hahn, so it's the tops
8 of those three windows that used to be solid and had
9 lights put in them?

10 MR. HAHN: Right.

11 MS. METZGER: And one addition?

12 MR. HAHN: Right. Now they have lights.

13 MS. METZGER: So, they added a window and
14 put lights in the top four and that's it for this
15 facade of the house?

16 MR. HAHN: Well, that is part of that
17 facade of the house.

18 MS. METZGER: Because the rest of it,
19 unless I'm missing something, looks the same to me.

20 MS. VOLK: Very much the same. Do you
21 have any comments?

22 MS. DIVOLL: Yes, I do have a comment. I
23 visited the site yesterday and the most distinguishing
24 features of the house were quite readable to me. What
25 had been added I think Mr. Hahn has explained very

1 clearly, and those were also quite evident.

2 However, the overall historic building, if
3 we are going to reach to the oldest portions of the
4 building, were very clearly readable. And as we talk
5 about what is newer and what is older, it's my
6 observation that a significant amount, the dominant
7 portions of the older building were readily readable
8 and you could appreciate them.

9 The additions were also -- I mean,
10 additions in the parts that were added to the building
11 were also the sort that are removable and for the most
12 part are sensitive. I think while we can quibble over
13 details of sensitivity, the impression of the glass
14 enclosure needs to be separated, of the loggia, that's
15 the first one.

16 The impression of the glass enclosure
17 needs to be separated from the fact that the previous
18 addition that had been made of the colonnaded open air
19 loggia. These are details applied to an overall
20 building that is still clearly there.

21 MS. VOLK: Thank you, Leslie.

22 MR. HAHN: I would say that's accurate of
23 the east facade. The west facade, which is the main
24 entrance to the building, that's a back door now. The
25 west facade, which is the main entrance to the

1 building, the first 50 feet are new servants' quarters.
2 The next 50 feet is the new entrance where they removed
3 a monumental fireplace.

4 They did extensive interior remodeling.

5 In fact, about two-thirds of the walls on the interior
6 are new, but that's not a consideration in landmarking
7 here. And the loggia, which is below the master
8 bedroom floor suite has a fireplace added and a
9 fireplace on the upper floor, and in doing that, they
10 closed in that loggia, they removed monumental windows
11 and they changed the appearance of that facade that is
12 of original fabric.

13 And then, of course, you have the new
14 glass enclosure with the different roof line and
15 different cornice, different cornice material and a
16 total 1970 look as opposed to Renaissance or
17 pre-Renaissance medieval look. It's a beautiful
18 entrance but it's not what was there.

19 MS. VOLK: Thank you. Is there any other
20 comment regarding Mr. Hahn's testimony?

21 MR. MOORE: Just one. Mr. Hahn, you
22 stated again in your experience as a contractor, and
23 that's what you're testifying to, in your experience
24 in, I believe, Broward County you have worked, I'm not
25 sure about Clearwater, how many projects roughly were

1 you associated with in Broward County or Clearwater?

2 MR. HAHN: One large one in Clearwater, a
3 13-story hotel renovation.

4 MR. MOORE: And in Broward County?

5 MR. HAHN: One large project which I did
6 not do. I consulted on.

7 MR. MOORE: Which was?

8 MR. HAHN: The Bonnet House.

9 MR. MOORE: A single-family residence?

10 MR. HAHN: Yes. It was a single-family
11 estate on the beach.

12 MR. MOORE: Do you find it unusual, as a
13 contractor, that a structure that would perhaps be
14 built in the twenties, thirties, that somewhere into
15 the fifties or sixties would have glass added and air
16 conditioning added in the South Florida area, do you
17 find that as an unusual treatment to a structure?

18 MR. HAHN: I don't find it an unusual
19 treatment anywhere in the country.

20 MR. MOORE: Would you find it a usual
21 treatment?

22 MR. HAHN: Yes.

23 MR. MOORE: Thank you. That's all.

24 MS. VOLK: Any other comments? Thank you,
25 Mr. Hahn.

1 Are there any other witnesses?

2 MS. TATE: Good morning. I'm Susan Tate.

3 I'm a professor at the University of Florida, a
4 registered architect specializing in historic
5 preservation. I participate in research and education
6 in the Center for Architectural Preservation at the
7 university and direct the Preservation Institute in
8 Nantucket and have been involved in a number of
9 projects throughout Florida since approximately 1972
10 working with the state, with the Secretary of the
11 Interior's guidelines, with the National Register,
12 Historic American Building Survey, et cetera, and my
13 projects range anywhere from courthouses to Cracker
14 buildings. So, I have had pretty much the full range.

15 To talk specifically about this building,
16 James Hahn, who is my husband and sometimes my partner
17 in these projects, has done something of an inventory
18 of the work that was done on the building, and I would
19 like to just say a few words about what I think this
20 means.

21 I think that the most significant feature
22 to me is the fact that probably, and correct me if I'm
23 wrong on percentages, that roughly 70 percent of this
24 building is of an age that we would not normally
25 consider historic. Am I far off on that percentage in

1 terms of construction?

2 MR. HAHN: That's pretty accurate.

3 MS. TATE: And to say this, I have to
4 mention a little bit about the interior, and I
5 understand completely that your review of buildings
6 does not involve the interior, as certainly it
7 shouldn't because we would be faced with problems of
8 individual rights, obviously, but we do consider the
9 interior where it impacts the building as a whole, and
10 there are two ways in particular that the interior
11 impacts the building as a whole.

12 One is, of course, a National Register's
13 consideration of significance which local ordinances
14 usually conform to a great extent. An interior as well
15 as the building total concept and execution in terms of
16 materials contributes to significance, and in the 1954
17 alterations to this building, the majority of the
18 significance of both interior configuration and
19 materials was lost.

20 The most important space that impacts the
21 building and what one sees from the exterior is the
22 alteration of what was the loggia, and the loggia is a
23 term that is used variously on this building because
24 there was an original loggia and then there is present
25 loggia or at least so-called, but the portion of the

1 building that was originally the loggia apparently was
2 the space that is now the living room. And as Mizner
3 apparently typically did, the loggia was something of
4 an interior/exterior space that opened two to three
5 sides of a building, and this was originally the case
6 with what is now the living room and was originally the
7 loggia.

8 So, originally this would have had a very
9 important impact on the building itself, and the south
10 side of that open portion of the loggia, of course, was
11 altered when the new loggia or glass enclosure, shall
12 we say, was added onto the building. Certainly the
13 enclosure and change of this space to a living room
14 altered that significant feature, which is probably one
15 of the more predominant spaces in Mizner's
16 architecture.

17 As you undoubtedly noted from my report, I
18 have nothing but good things to say about efforts to
19 preserve Mizner's architecture in Palm Beach, and I
20 certainly commend every effort in that direction. My
21 major concern in the case of this building is that if
22 one does determine historic significance, the building
23 in question does need to be historic and what we are
24 looking at in this building in terms of this particular
25 consideration is unfortunately primarily 1954 and

1 later.

2 And although in some cases in this country
3 I am quite aware that we do consider for the National
4 Register and for local landmarking buildings that are
5 more recent, they are normally buildings that are the
6 works of some very important nationally significant
7 architects such as Frank Lloyd Wright or they have some
8 particular architectural significance in the history of
9 architecture. That is to say they are in some way
10 extremely progressive or unique in their own right.

11 And while I have no contest that the Wyeth
12 additions or the firm of Wyeth, I don't suppose we know
13 precisely which person was responsible for it. At
14 least I would say I did not research that aspect of it.
15 But the firm of Wyeth -- as I said, I do not contest
16 that this is a very lovely addition and that the
17 alterations are handsome as are the works of the
18 landscape, much of which was done by Mrs. Hanley
19 herself, absolutely wonderfully aesthetic works, but I
20 could not say they are historic.

21 I have a number of things I could say
22 about this. Would we like to ask some questions at
23 this point?

24 MS. VOLK: When you say they are not
25 historic, in what context are you saying that?

1 MS. TATE: I'm saying they are all 1954
2 and more recent.

3 MS. VOLK: We have a tradition in this
4 town of landmarking buildings that have had alterations
5 in the fifties, especially when done by one of our
6 master architects, as almost all of them have, and we
7 consider them a major importance on the local scene.

8 We haven't addressed the National Register
9 requirements. I don't believe it's necessarily of
10 national fame, the architect requirement, the National
11 Register.

12 MS. TATE: Do you, in your ordinance,
13 specifically state something to that effect?

14 MS. VOLK: No, we do not.

15 MS. TATE: I, of course, am aware of the
16 Secretary of the Interior standards too as was pointed
17 out quite appropriately that a building's addition is a
18 part of its history, but I think in the case where a
19 majority of the work remaining on a building is of
20 recent work -- and in the case of this one we have a
21 rather significant addition to it which is sixties and
22 seventies work as well as in addition to the 1954 work.
23 So, what the general interpretation of the Secretary of
24 Standards is this refers to additions which were also
25 historic, and I have had experience of working with

1 some of these as well.

2 For example, you may have a federal
3 building, federal meaning period in time as opposed to
4 function, a federal building with mid-eighteen hundreds
5 additions, and one would not normally rip off the 1850s
6 additions in order to turn it back to its original
7 state, obviously, so this is typically what happens
8 with the Secretary of Standards.

9 But ordinarily, additions that were done
10 quite recently unless, as I say, they were works that
11 we would consider an architectural advance or something
12 truly remarkable at a national or international level,
13 we would not be considering something as recent as the
14 additions that are a great proportion of this building.

15 MS. VOLK: In the history of our town, the
16 changes such as those where the change of entrance was
17 to Middle Road has come about because of the change of
18 the traffic patterns and so forth, so it does represent
19 our history in a strange way.

20 Are there any comments?

21 MS. MENDOZA: I had a question. When you
22 mentioned about the 70 percent that is new, it's really
23 because like the service quarters were added and these
24 enclosure were added. In other words, those were areas
25 that were not existing in the original house, the wing

1 that comes forward towards the west.

2 MS. TATE: That plus the entry itself, and
3 if you -- I don't know if you have a copy of the
4 architectural drawings which are town records, but if
5 you will look at those drawings, you will see the
6 indications of the new work and a great many of the
7 walls, in fact, interior walls, and as I mentioned,
8 those -- can I pass this around?

9 You probably don't have really time to
10 study this at this point and as copies they will be a
11 little blurred, but I'm talking about the total
12 structure.

13 MS. MENDOZA: In other words, there were
14 things added to it that you are putting it at 70
15 percent and you are also including renovations inside?

16 MS. TATE: I'm talking about the building
17 itself, the original structure, because as I said and
18 once again, I repeat, that I'm aware that you don't
19 evaluate interiors for obvious reasons of privacy, but
20 we are talking about a building that is an entity in
21 itself, and the original entity was severely altered
22 which included some interior walls, but that affects
23 the building itself.

24 MS. MENDOZA: It's just that I guess what
25 I was getting at is that visually, from the outside,

1 which is what we are really looking at mostly here at
2 this Landmark Commission, the building, original
3 building, even though it has appendages that are new
4 and even though there was remodeling inside, the
5 feeling of that original structure to me is the same.

6 I can see immediately -- the entire
7 feeling of the house to me felt exactly like those
8 pictures I see of the original. So, that's very
9 important.

10 MS. TATE: I see what you mean, but a
11 piece of architecture, as you all well know, is not a
12 skin. It's a total concept and, you know, we have kind
13 of a joke and there's been a great deal of this in some
14 cities like Washington D.C., for example, where a
15 building has been -- the front skin of the building has
16 been saved and then a total new entity has been added,
17 and we sometimes jokingly refer to this as a
18 "facadomy."

19 And I did not suggest in my opinion that
20 it would be a valuable consideration to consider
21 landmarking the east facade of this building. In doing
22 that, I was careful to point out this would mean that
23 work that was done on the building should not
24 negatively impact that facade.

25 So, I am, by saying that, recognizing both

1 the fact that you can only make your judgment based on
2 what you see at the outside and also at the same time
3 standing for the principle that a piece of architecture
4 is more than just a skin; that it includes a total
5 concept, and that's why we consider a building
6 significant.

7 Certainly part of the reason we preserve
8 buildings is not just for our generation but for future
9 generations, and part of our concern is that in future
10 generations people will be able to, from our records,
11 know something of the particular era of the past.

12 And for that reason, I think that I
13 continue to return to the total piece of architecture
14 itself and how much of it has been altered to this day,
15 and that includes, of course, interior spaces, walls,
16 original materials such as the original tile which was
17 produced by Mizner which was lost in the 1950s as well.

18 Part of the significance of Mizner
19 architecture is his own development of materials, and
20 most of those materials on this building were
21 unfortunately lost or covered in a way that they cannot
22 be recovered. I think that is an unfortunate case, and
23 if I were to see the original building today, if we
24 were somehow transported back to 1954 and could be
25 reviewing the building in its original state with the

1 Mizner materials and details intact, with the original
2 configurations intact, my comment in 1954, if we were
3 in our time machine, would be certainly that the
4 building should be preserved as it is. But
5 unfortunately, that was all lost long before our
6 current concepts of preservation developed. And while,
7 as I say, the work I feel was quite handsome, it
8 certainly did remove permanently the historic fabric
9 that we would like to have seen preserved.

10 MS. GINGRAS: So, are you saying it's not
11 worth preserving what is left?

12 MS. TATE: Well, as in my report, I
13 recommended consideration of landmarking of an element
14 much as I presume you landmark fountains and other
15 kinds of architectural elements. And my suggestion was
16 to consider landmarking the facade of the building in
17 such a way, and as I say, I was careful to point out
18 that any work which was done on the building would not
19 negatively impact that facade.

20 In other words, this would include,
21 although I'm sure you are protected by zoning from this
22 anyway, but we would not expect to see a high-rise
23 building glued on the back of the facade because that
24 certainly would be a negative impact on it, but I am
25 saying that the only thing that remains significantly

1 of the historic fabric is that facade.

2 MS. VOLK: I don't think the loss of the
3 Mizner roof tile affects the building because almost
4 every old building, except perhaps mine, has some
5 original rooftop, which I have replaced by handmade
6 tile of the same shape and form. You really would be
7 hard pressed to tell the difference even if you are on
8 the roof, so I don't think that would affect the visual
9 appearance at all.

10 But may I have some comments?

11 MS. DIVOLL: There's been no discussion
12 from Professor Tate on the subject of the out
13 buildings. Do you have a brief comment on that?

14 MS. TATE: My indications are that the out
15 buildings, two in particular that remain, are old, not
16 necessarily architecturally significant, but I do not
17 know for sure that they are original but they appear to
18 be old. One I do know was lost when they added the
19 west driveway.

20 Is there anything specific you had in mind
21 about it?

22 MS. DIVOLL: I'm eventually looking
23 toward the question of what exactly would we be
24 considering for landmarking, perhaps maybe somewhat
25 different than what is in the report. And I'm sorry to

1 say I don't recall whether we are considering those
2 buildings specifically for landmark or not.

3 MR. FRANK: I believe in Mr. Sved's
4 presentation he pointed out that the out buildings did
5 not have what staff would feel was significant. So, I
6 guess, based on that and based on what our analysis is
7 of the site, certainly a portion of this site is more
8 significant than the rest.

9 However, the early report stands on its
10 own. We feel that it meets -- we readily admit it does
11 not meet the federal secretary standards for placement
12 on the Federal Register. As a matter of fact, that was
13 recognized in the initial survey in 1979. That's why
14 it was given a "B" category designation. However, we
15 clearly believe that the structure, the main structure
16 intact does meet at least two of the town's criteria
17 for designation, and I do want to underline that we
18 have no 50-year criteria.

19 MS. DIVOLL: Thank you.

20 MS. TATE: In reference to that building,
21 it would be my opinion, in terms of architectural
22 preservation, that the part that remains that is
23 historically significant and architecturally
24 significant of this building would not be negatively
25 impacted by major additions to the west on this

1 building. That would include the out building
2 locations.

3 For that reason, I feel that, since there
4 is no -- I did not consider the construction to the
5 west architecturally significant. And obviously, some
6 of it is recent, even if you consider 1950s an
7 acceptable date for historic designation here. I would
8 feel that the review of any alterations to the west
9 would be questionable.

10 I would just, in terms of academics, like
11 to raise the argument, since I have said that I don't
12 think that the additions done by the Wyeth firm were
13 significant architecturally, I suppose I should make
14 some sort of statement about that and I think this is
15 something that we could probably all argue until doom's
16 day, as most questions of architectural significance
17 may go on. But I would certainly like to raise the
18 question and that is that we all have stated that the
19 new work to the west was essentially Italian
20 Renaissance in influence whereas the original building
21 was primarily medieval and that this is the concept of
22 Mizner, as we stated earlier; that Mizner looked at
23 developing a building to look as if it had developed
24 over a period of time.

25 But in my opinion, buildings that I've

1 seen of Mizner's, the evolution is still an entity in
2 itself and I did not find this west addition to be an
3 entity that continues the concept that was part of the
4 original building and of Mizner's design. I find it to
5 be a jolting change, and it obscures some of the
6 original building.

7 If you will look even from the
8 photographs, you can see that the angle of view causes
9 this new portico to obscure a great deal of the work on
10 the upper level of this building. I also find its
11 formalism to be in jolting contrast with the concept of
12 the rest of the building and, in fact, of most of
13 Mizner's work. And as I say, I'm not saying this
14 aesthetically.

15 So, I'm just stating the other side, that
16 I would not consider this compatible.

17 MS. GINGRAS: I have a question. Does
18 staff have any recommendations for or against facade
19 designation?

20 MR. MOORE: For one thing, I'm not sure
21 what facade she is recommending.

22 MS. TATE: The east facade. And of
23 course, this wouldn't include the glass addition.

24 MS. GINGRAS: Talking about the whole
25 facade, all facades?

1 MS. TATE: No. I'm discussing the east
2 when I discuss facade.

3 MR. MOORE: Are you still waiting for us
4 to answer?

5 MR. FRANK: I guess that we can point out
6 that there certainly are some features of this
7 structure which, I guess, to use the professor's terms,
8 are glaring contrast and probably are not in keeping
9 with Mizner's intent or theme.

10 However, I feel somewhat strongly that
11 Marion Sims Wyeth, as we mentioned in our criteria for
12 designation, is an architect who has a history in this
13 town, and many of the alterations to this building that
14 were done by Marion Sims Wyeth and his firm are
15 significant. But I don't want to discount that there
16 are some portions, as we find on many of our
17 structures, that are insignificant that we feel as a
18 whole, the combination of the original Mizner design
19 and the added influence by Marion Sims Wyeth, is very
20 worthy.

21 MS. TATE: I'd like to say that you may
22 have evidence but I do not have evidence that Marion
23 Sims Wyeth was, in fact, the prime architect on this.
24 We do know it was his firm.

25 MR. MOORE: If the staff were going to

1 recommend a facade designation, it would be all four
2 sides including the Marion Sims Wyeth. I'd like to
3 point out, and Professor Tate I know has given us her
4 credentials and some excellent explanations as to her
5 criticism from an architectural nature and somewhat
6 from a historical nature, but Professor, two questions:
7 First of all, are you familiar with Ordinance 284?

8 Have you taken a look at that?

9 MS. TATE: I have taken a look at it. I
10 couldn't profess to be an attorney though.

11 MR. MOORE: No, just a simple lay analysis
12 from a historic preservation as well as an instructor
13 point of view, did you find any criteria in there
14 referring to the National Register criteria?

15 MS. TATE: No. The reason I brought that
16 up is that generally, and I speak primarily for
17 Florida, in local districts, the charge to them is to
18 essentially conform to the goals of the National
19 Register.

20 MR. MOORE: Is it not true that the
21 ordinances that create landmarking are certified and go
22 through the State of Florida and also the federal
23 government?

24 In this particular case, are you familiar
25 with that, that this is a certified ordinance?

1 MS. TATE: That's why I brought up the
2 fact that normally these are expected to conform to the
3 National Register, because the intent of creating them
4 in the first place was to place part of the burden that
5 had normally been at the federal level more at a local
6 level, but the local level was expected to follow the
7 national guidelines.

8 MR. MOORE: So, following that conclusion
9 to its logical end, that if the federal government and
10 State of Florida had certified the order, it must be an
11 ordinance that has gone along with the concepts and so
12 forth of what you are referring to in preservation of
13 historical structures?

14 MS. TATE: I would hope so, but like I
15 say, I wouldn't be certified to do --

16 MR. MOORE: "That's a logical conclusion,
17 and I'm not an attorney"?

18 MS. TATE: Yes. I do know these things
19 aren't always perfect, though, and we do find that in
20 local ordinances that some things change as we get into
21 them and test them. And of course, we don't want to
22 win battles and lose wars for preservation. That's why
23 change is possible in these things, and sometimes we
24 find that things are endangering individual rights or
25 we aren't really saving things. We may go to battle to

1 save a small building and lose one in the heart of
2 town, so I really don't know about the effectiveness of
3 yours or any other local ones in the long run.

4 MR. MOORE: So, you are not familiar with
5 the effect of our ordinance since it's been in place in
6 1979?

7 MS. TATE: To some extent I am.

8 MR. MOORE: Well, you made part of my
9 argument for me, and I appreciate that. The town
10 doesn't want to win the battles and lose the wars
11 either.

12 A question in your review of this, did you
13 study any of the history of the town and how it
14 evolved? You are a history professor as well?

15 MS. TATE: No, I'm an architectural
16 professor. And as I stated in my report, my report is
17 architectural. I did not look at this building as a
18 historian other than what I could see of the physical
19 fabric.

20 And of course, in the National Register,
21 those are two actually separate things, for example,
22 and often on the local level a different person
23 hopefully working together would develop those two
24 things, because I don't profess to have the expertise
25 of a historian but as a preservation architect.

1 MR. MOORE: Well, I did not personally
2 have a hand in developing the original ordinance in '79
3 but yet did in '84, but the history of the town and its
4 evolution was taken into consideration with the experts
5 as well as attorneys that agreed to the ordinance.

6 MS. TATE: I'm sure.

7 MR. MOORE: And we did draw the ordinance,
8 it's, as I said, certified, and we did draw it with
9 some concept of the history of the town and how it's
10 evolved. The mansions built in the twenties have
11 actually become livable mansions through the years
12 where they were once visited only for one or two months
13 out of the year. They are now some of them lived in
14 year-round. So, we do have evolution that's followed
15 through with as far as livability of the structures.

16 The only problem that I find, from my
17 point of view in working with this ordinance, is the
18 determination that you made with the west facade being
19 such a remarkable difference. And I hate to bring it
20 up again, because it's been brought up earlier and also
21 it was in the news itself, but one of our larger
22 estates, Mara Lago, had three different architects and
23 we ourselves find it quite significant and actually the
24 National Register did too. It's on the National
25 Register.

1 MS. TATE: I'm familiar with Mara Lago.

2 MR. MOORE: And in the fifties, late
3 forties or fifties, Mrs. Post actually built a wing on
4 the south side and put a square dance hall in there
5 which was not done by the original architect.

6 MS. TATE: Of course, Mara Lago is a
7 building of national significance and that really is a
8 special case in itself.

9 MR. MOORE: Because you said you weren't
10 that familiar with the history of the town, I wanted to
11 enter that into the record for your sake.

12 MS. TATE: Right. I am that familiar with
13 it.

14 MR. MOORE: The staff would not recommend
15 a deletion of the west facade or the north or the south
16 in the consideration.

17 MS. TATE: In my opinion, none of those
18 are either architecturally significant and they
19 certainly are questionable in terms of their age.

20 MS. VOLK: Thank you, Mrs. Tate.

21 Are there any other experts?

22 MR. SLADE: Ladies and gentlemen, my name
23 is Michael Slade. I'm a real estate appraiser with the
24 firm of Callaway & Price. We are located in West Palm
25 Beach. The firm has been in existence approximately 19

1 years. I have been affiliated with the firm for
2 approximately 15 and a half years. I'm one of the
3 principles in the firm. I'm an MAI, SRPA, CRE. I have
4 been a principal for approximately nine years.

5 In addition to doing a great deal of
6 commercial work, one of my primary responsibilities in
7 the firm is to oversee the residential department in
8 our firm. I have probably done as many homes here in
9 Palm Beach from an appraisal standpoint as I would
10 venture to guess anybody, all the way from the largest
11 mansions in Palm Beach to some of the smaller
12 dwellings, at least smaller from a Palm Beach
13 standpoint. I like to think I'm somewhat familiar with
14 the Town of Palm Beach and the residences here.

15 To give you a little bit more background
16 about myself, I have a Master's degree in business
17 administration, a Bachelor's degree in accounting. I
18 have lived here approximately 29 years. I have also
19 served extensively as a Special Master for Palm Beach
20 County in hearing tax appeals. As a matter of fact, I
21 guess I'm the unofficial head of the Special Masters
22 and have been for the last six or seven years.

23 We were asked to take a look at this
24 property not just from the standpoint of preservation,
25 and I guess I'd like to back up for a second. Whatever

1 I say here with respect to this house and any valuation
2 of this house and what the landmark preservation may
3 have on this does in no way lend itself to other
4 properties.

5 The problem with this property -- there
6 are specific problems to this property. First of all,
7 it's our opinion, when we looked at this property, that
8 it is an under-improvement for the site. You have
9 approximately 1.35 acres of land. You have 150 feet of
10 frontage on the west side of Ocean Boulevard. You have
11 two lots on the ocean and three lots, I believe, on
12 Middle Road.

13 The house itself has approximately 5600
14 square feet of living area. That, in and of itself, in
15 this day and age, creates a problem from the standpoint
16 that when you are talking about people interested in
17 buying a residence and spending millions of dollars on
18 the property, they are typically not interested in
19 looking at a 5600 square foot house. They are
20 expecting a much larger house.

21 Now, I know and I have been sitting here
22 this entire time, and I don't profess to be any kind of
23 an expert on architecture, but from our standpoint,
24 when we are looking at the value of a property, we also
25 have to consider other things, and those are the

1 interior of the building. And the interior -- again,
2 not being very sophisticated, I'm going to call it a
3 hodgepodge. The interior of the residence would
4 require a substantial amount of work for anyone who was
5 interested in buying it.

6 I guess what I'm trying to say is that,
7 from a valuation standpoint, the bulk of the value is
8 in the land. If you put some type of a landmark
9 preservation designation on this property, what you
10 have effectively done, in my opinion, is eliminated at
11 least two of the three potential buyers of this
12 property.

13 One would be -- and I heard one of the
14 commissioners mention it before -- the developer who
15 would be interested in razing the property. I know
16 that's the whole purpose behind this body. But from a
17 strictly valuation standpoint, that creates a problem.

18 The second and maybe even more important
19 is the individual who is interested in buying that
20 residence and adding five or six thousand square feet
21 to it. Those two potential buyers, to me, are two of
22 the most important segments of the market that would be
23 interested in buying this property. And based on that,
24 it's our opinion that the value of the property would
25 diminish because of a landmark preservation

1 designation.

2 At this time, I have not put a specific
3 number on the property, a specific value. I have done
4 quite a bit of work on the property up to this date,
5 and I'd like to answer any questions, if I could.

6 MS. VOLK: You know, Mr. Slade, there is
7 nothing in our ordinance or in any of the historic
8 preservation ordinances that assures an owner of the
9 maximum value of his property. That is not addressed.

10 MR. SLADE: I understand that.

11 MS. VOLK: Any other comments?

12 MS. GINGRAS: I believe there is also
13 nothing in our ordinance that precludes significant
14 additions. We have, in the past, allowed significant
15 additions of houses. That would take care of another
16 third of your customers.

17 MS. VOLK: A house once gone is gone
18 forever.

19 MR. SLADE: I understand that.

20 MS. VOLK: Thank you.

21 MR. MOORE: Mr. Slade, two things. First
22 of all, you did point out that one of the purposes of
23 this commission is to review the structures of the town
24 as to whether they are worthy of preserving into the
25 long future and that, of course, is no question on

1 that.

2 I'd like to address the scenario that Mrs.
3 Gingras just addressed, since you are a very key player
4 in the real estate industry, and I would like to ask
5 you in your statement that you made that there would be
6 a concern by the buyer on an addition of a five or six
7 thousand square foot addition, first of all, in your
8 research as a professional, where did you determine in
9 the town's ordinances that of zoning was in a situation
10 to permit that type of an addition, that an owner would
11 be precluded and therefore that would be a detriment to
12 a potential purchaser, in your thinking process?

13 What ordinances did you use to determine
14 that?

15 MR. SLADE: It is my understanding that it
16 is not from an ordinance standpoint, it's from the
17 standpoint that once it's landmarked, that in order to
18 put a substantial addition on the property, that gets
19 to be a problem.

20 MR. MOORE: Where did you determine that
21 and how, hearsay or through research?

22 MR. SLADE: I believe at some point in
23 time we had done some research. I did not do some
24 research recently on that.

25 MR. MOORE: You cannot recall that?

1 MR. SLADE: No, sir.

2 MR. MOORE: Would it be of any benefit for
3 you to know that that is incorrect, that there is no
4 preclusion in any town ordinance, other than zoning, if
5 the property would support it, that would permit the,
6 quote, five or six thousand square foot addition to any
7 landmark structure providing that a style of the
8 architecture was compatible to the landmark structure?

9 MR. SLADE: That would have an affect.
10 One of the problems that you have with this specific
11 property is its location on the site, how you would be
12 able to make the addition, where you would be able to
13 do it utilizing what you have. It may not lend itself,
14 and I'm by no means an architect, but it may create
15 problems because of the location on the property.

16 MR. MOORE: It may create problems, and I
17 liked your use of the word may. As an appraiser doing
18 an appraisal, is that a word that would be used
19 consistently through the appraisal, may?

20 MR. SLADE: It's something we would
21 consider.

22 MR. MOORE: Are you knowledgeable of the
23 town's other ordinances that govern construction if it
24 is not a landmark structure; are you knowledgeable if
25 there are any ordinances?

1 MR. SLADE: I'm sorry. I don't understand
2 the question.

3 MR. MOORE: The question is if this were
4 not a landmark structure and a potential purchaser came
5 along and wanted to put a five or six thousand square
6 foot addition on the house, are you knowledgeable as to
7 whether the town has other ordinances that would govern
8 the style, the architecture, placement on the property
9 of that five or six thousand square foot addition?

10 MR. SLADE: To the best of my knowledge,
11 you have ordinances, and we are somewhat familiar,
12 though we do not read them every day, and we have done
13 appraisals of that type of property.

14 MR. MOORE: You have already gone to my
15 next question. Have you appraised property that is not
16 landmarked in the town?

17 MR. SLADE: Many properties.

18 MR. MOORE: In your appraisal of that
19 property, have you discovered that there is an
20 ordinance in place, such as obviously you are
21 contending here, that would govern that five or six
22 thousand square foot addition, other than the zoning,
23 assuming the zoning permits it?

24 MR. SLADE: I guess I'm having trouble
25 understanding what you are asking.

1 MR. MOORE: I'm asking if you realize that
2 the town has an architectural commission ordinance that
3 governs construction on the properties that are not
4 landmarked in town.

5 MR. SLADE: Absolutely.

6 MR. MOORE: Okay. So, therefore, since
7 the town has one regulating body to deal with
8 landmarks, which you are here before today, and the
9 town has another body which is the architectural
10 commission which deals with non-landmark property,
11 where would be the difference in your appraisal of the
12 property between the two as far as which one would be
13 diminution of the value of the property versus an
14 enhancement of the value of the property?

15 What led you to that conclusion?

16 MR. SLADE: I guess where I'm coming from
17 is that if it is not a landmark property, a potential
18 purchaser has a great deal more flexibility in what can
19 be done with the property whether it be a combination
20 of razing the building or additions or all of those
21 things, whereas you have made me aware now of the fact
22 that you can make a substantial addition but you do not
23 have the same flexibility.

24 MR. MOORE: So, in other words, your
25 testimony as you gave it earlier, in dividing it into

1 an "A" and "B" category, one, the complete razing of
 2 the property and, "B", a substantial addition of,
 3 quote, five or six thousand square feet, would you say
 4 that is still your testimony excluding "A", because
 5 that's a foregone conclusion that that is the purpose
 6 of this body, to perhaps see that that does not happen
 7 in the future, although it has happened -- we have had
 8 landmark properties that have been demolished -- and go
 9 strictly to "B" on your scenario, would you still say
 10 that that's a detriment to the property with the
 11 understanding that you now have concerning whether or
 12 not this group reviews the addition providing it meets
 13 zoning or the architectural commission reviews it
 14 providing it meets zoning?.

15 Is there a difference between the two?

16 MR. SLADE: I'm not familiar enough with
 17 the two ordinances to make that decision.

18 MR. MOORE: Are you familiar enough with
 19 the two ordinances to say unequivocally here today in
 20 front of this body that the landmarking would be a
 21 detriment to the property?

22 MR. SLADE: Are you just referring to "B"?

23 MR. MOORE: "B" only.

24 MR. SLADE: I guess I would have to say
 25 I'm not familiar enough to make that specific --

1 MR. MOORE: So, your answer then is you
 2 are not sure and you do not know, is that pretty much
 3 your answer?

4 MR. SLADE: But you are eliminating "A"
 5 from the scenario. I understand that and, what I'm
 6 saying --

7 MR. MOORE: Specifically talking about
 8 "B".

9 MR. SLADE: I understand what you are
 10 asking.

11 MR. MOORE: Could you please answer that
 12 question. Forget "A" and please answer "B".

13 You don't know?

14 MR. SLADE: In answer to "B", I do not
 15 know.

16 MR. MOORE: Thank you. That's all I have.

17 MS. VOLK: Thank you. Any other comments?

18 I can make a generalization about the
 19 early architects, having been married to one of the
 20 founding architects of the town and knowing Marion
 21 Wyeth, that those architects who were contemporaries of
 22 Addison Mizner did not sit around thinking about what
 23 Mizner had in mind for a building but rather they
 24 brought to the alterations that they were asked to make
 25 their own concept and did work with the sympathetic

1 feeling to the work that was already there, and I think
2 those of us who live here understand that and that is
3 part of our evolving history of this town.

4 MR. LYNCH: I acknowledge that, and I
5 also, in my legal end of the presentation here, would
6 like to address some of those things, and one of your
7 requirements is that the property in question embody
8 distinguishing characteristics of an architectural
9 style. Here you are saying this is a Mizner house, I
10 think, but there have been modifications done by Mr.
11 Wyeth or at least Mr. Wyeth's firm.

12 MS. VOLK: They were all fine architects.

13 MR. LYNCH: I don't dispute that. Then
14 that follows to the second question and in the
15 definitional aspect or the characteristic aspect it
16 says it's representative of a notable work of a master
17 architect, and it doesn't say architects.

18 I don't know what was contemplated at the
19 time this ordinance was drafted, but we do use the
20 singular rather than the plural, and that is a concern.
21 There are two architects involved in this, although
22 they are two of the masters, but there is a specific
23 reference to a rather than more than one, and I think
24 that's significant in this particular instance.

25 Also, one of your criteria is a specimen

1 inherently valuable of the style. Well, your
2 designation report relates to two other properties.
3 One is the Winn House on El Bravo and the other is the
4 Woodward House on Seminole, and I called Mr. Sved about
5 this and I asked him about a week ago what was the
6 status of these two properties insofar as the
7 landmarking was concerned. The Woodward House is on
8 the list just as this house is now on the list.

9 The Winn House is a very interesting and I
10 think probably a parallel situation of what we are
11 talking about, and specifically when I asked Mr. Sved
12 about the Winn House, he said, well, that was a Mizner
13 house which Mr. Wyeth did some work on -- and the work
14 that Mr. Wyeth did Mr. Sved can speak to this himself
15 if you like -- but the work that Mr. Wyeth did
16 detracted from rather than added to the Mizner house.
17 That, in this particular instance, we consider to be
18 extremely significant.

19 You heard Professor Tate speak to how she
20 feels the renovations added to or detracted from the
21 Mizner style, Professor Tate's opinion that the Wyeth
22 firm's changes and the subsequent changes detracted
23 from that Mizner style. My question for you is who
24 makes that decision as to whether the additions add to
25 or detract from that original style and also the

1 qualifications of that individual?

2 MS. VOLK: The drawings were done by
3 Wyeth. His name is on the drawings, and I think that I
4 would go with Mr. Wyeth.

5 MR. LYNCH: I'd like to point out one
6 thing. In the plans you have before you, some of those
7 plans are drawn by a man or woman by the name of
8 Hunter.

9 Is it just the elevations? There are also
10 some drawn by Hunter.

11 MS. DIVOLL: In my firm, we have a block
12 where we say drawn by and whatever draftsman had
13 control of the drawing of that, the drafting of that,
14 that person's name goes in. The architect who signed
15 it is the architect who is responsible for it, whoever
16 drew it.

17 When the elevations have Marion Sims
18 Wyeth's initials in them, I would conclude that he both
19 drafted and approved them and that if we are concerned
20 primarily with the elevations, that the elevations with
21 the initials are reasonably attributable to Marion Sims
22 Wyeth.

23 MR. LYNCH: For Mrs. Hanley's standpoint,
24 I think that's important that that be determined with
25 some degree of finality. If Mr. Wyeth did, in fact,

1 draw them, then I think there is a great significance
2 or difference between Mr. Wyeth drawing them and Mr. or
3 Ms. Hunter drawing them. I think that's a material
4 difference.

5 MS. DIVOLL: I would disagree with you on
6 that one, but we'll go on.

7 MR. LYNCH: Again, just to get back to the
8 Winn House, what is the detraction here to the original
9 Mizner house which adds to this particular house, and
10 that I think cuts right to the very crux of what it is
11 we are here about today. How is this house a
12 detraction from or the additions to this house attract
13 to its Mizner value?

14 How does the Wyeth or how do the Wyeth
15 additions to the Winn House detract from it?

16 MS. VOLK: Mr. Sved, could you address
17 that question?

18 MR. SVED: I would like to say first I'm
19 not here prepared today to speak about the
20 architectural significance of the Winn House because
21 that's not in question today. However, I will say and
22 I'm sure Mrs. Tate will agree with me, as will the rest
23 of the Commission, that in a building whether the
24 architect is a notable architect or not a notable
25 architect, there are good renovations and additions and

1 there are bad renovations and additions.

2 In the case of the Winn House, it was my
3 determination as an architectural consultant for
4 historic architecture that the additions to the Winn
5 House were not compatible with the original Mizner
6 structure in that case whereas in this property known
7 as Audita they are compatible and they are good
8 additions.

9 MR. LYNCH: Since Mr. Sved is the
10 determiner and he's the town's expert, I would like to
11 have him state what his qualifications are.

12 MR. SVED: Okay. I'd like to preclude,
13 again, my qualifications are on record with the town.
14 I received Masters' degrees in both architectural
15 history and historic preservation from the University
16 of Virginia, Strathford School of Architecture. I have
17 been, for the past two years, an architectural
18 consultant here in Palm Beach. I have worked on
19 numerous buildings both here in Florida and in the
20 State of Virginia and the State of South Carolina.

21 MR. LYNCH: What year did you receive your
22 degree, Master's degree?

23 MR. SVED: I received both of them in May
24 of '89.

25 MR. LYNCH: So, that was two years ago?

1 MR. SVED: Yes.

2 MR. LYNCH: Again, Mr. Sved made the
3 comment, and I'm just going to add to it, there are
4 good additions and bad additions. And there are good
5 architects and I guess he said there are bad
6 architects. One of the criteria that you are
7 considering this under is it's a master work of a
8 master architect.

9 MS. VOLK: We think so.

10 MR. LYNCH: I acknowledge that. My
11 question or my difficulty with that is Mr. Wyeth and
12 Mr. Mizner both worked on the Winn House. They both
13 worked on this house. If you are saying here they're
14 master and here they are not, I'm confused.

15 MS. VOLK: Well, I wouldn't be confused.
16 I think if you read a little bit about Mr. Wyeth, you
17 would know that he was a master, and we are not
18 considering the Winn House. Let's just stick with this
19 house.

20 MR. LYNCH: I agree you are not
21 considering the Winn House, but your report makes
22 reference to that and I consider that to be very
23 critical. If it's worthy, then fine. If it's not
24 worthy, it really shouldn't be in your report. And I
25 wouldn't have known about it except for your report.

1 MS. VOLK: Mr. Sved?

2 MR. LYNCH: Again, I realize Mr. Sved may
3 not be prepared to speak about this today. I didn't
4 put it in the report.

5 MR. SVED: I'd like to read to you a
6 portion of the report and clarify if there are anything
7 after I read this to clarify it. I'd quote from the
8 designation report, Page 8. Audita, the residence of
9 Mr. and Mrs. Albert G. Kay, was designed by Addison
10 Mizner and constructed in 1921. According to Donald W.
11 Curl, and here again I quote, Mizner used the same
12 basic plan, plan, for the Winn House on El Bravo Way,
13 the Alfred Kay Villa, Audita, on South Ocean Boulevard,
14 and the O. Frank Order House on Seminole Avenue. All
15 three small houses, a center hall entrance with open
16 stairway lead to living and dining rooms on either
17 side, and that is a direct quote from Dr. Curl's
18 Mizner's Florida, Pages 81 and 82.

19 I'd like to reiterate the word plan, basic
20 plan. There is no reference in the designation report
21 nor is there any reference in Dr. Curl's book that the
22 exterior appearance of any of these buildings are
23 similar.

24 MR. LYNCH: It's been noted in your report
25 that these are the same basic plan. If one or the

1 other individuals are willing to voluntarily landmark
2 their house, they are perfectly able to do so. It's
3 perfectly within their discretion to do that.

4 Your second basis for wanting this house
5 to be landmarked is it's a specimen, and I would
6 suggest to you that how many specimens do you need? If
7 one or the other individuals is willing to voluntarily
8 landmark their house, then why do you want to force
9 this upon Mrs. Hanley? How many specimens do you need?
10 How many do you need to preserve the same house?

11 MS. VOLK: That isn't the question, Mr.
12 Lynch. It has an affect on the neighborhood, you know,
13 every house. So, we have to think of other things than
14 just the specimen house, and I think we all understand
15 that.

16 Any comments?

17 MS. METZGER: I don't understand what the
18 Winn House -- why did you bring that up?

19 MR. LYNCH: It's in your report as
20 something under the same basic Mizner plan.

21 MS. METZGER: Are you saying that because
22 it's in the report it should be landmarked?

23 MR. LYNCH: My consideration is if you
24 have the same basic plan -- you are talking about
25 specimen houses. You are saying here there are three

1 specimen houses. You are saying this specimen here is
2 not worthy of landmark.

3 MS. VOLK: We are not talking about
4 specimens, Mr. Lynch. We are speaking about villas
5 that we're trying to landmark or recommend for
6 designation. That's a misleading word.

7 MR. LYNCH: I'm using your word.

8 MS. VOLK: Specimen?

9 MR. LYNCH: Yes. That's in your ordinance
10 and those things are critical. If you are going to say
11 this is a specimen house but you are not going to say
12 the same house two blocks over is not a specimen
13 house --

14 MS. VOLK: In time.

15 MR. LYNCH: It's the same neighborhood.

16 MS. VOLK: Give us time.

17 MR. LYNCH: Your expert says it's not
18 worthy.

19 MS. VOLK: We haven't got to that yet.
20 It's been put on the list you see.

21 MR. LYNCH: It hasn't been put on the
22 list.

23 MS. VOLK: It isn't? Okay.

24 MR. LYNCH: Another problem that we find
25 with your report is your statute specifically says the

1 interior shall not be considered. In your report,
2 there are three specific instances that refer to the
3 interior of the house.

4 As Mr. Randolph can tell you, you put a
5 lot of inadmissible evidence in front of a judge and
6 jury, and the judge will kick it out but the jury
7 remembers it. It's in there. It's in the report.
8 It's in the record as to the reference to the interior
9 of the house, and Mrs. Hanley considers that to be
10 improper.

11 In addition, there are some changes that
12 are not noted in the report, and I know not why. I
13 just know they are not in there. In 1972, according to
14 permits which are on file with the town, and I'll put
15 them in the record, a false mensar (phonetic) roof
16 section was removed. In 1979, a sunroom or loggia had
17 been glassed in. Again, significant to be considered
18 anywhere. The 1954 changes we think were glossed over.
19 You have the plans in front of you. There were many
20 pages of renovations.

21 In addition, I'd like to point out the
22 cost to you in 1954 dollars of those changes was
23 \$45,000. That, in 1954, was a significant amount of
24 money. That will give you an idea of the depth of some
25 of the changes.

1 And last, I'd like to address some of the
2 questions that were brought up that may not have been
3 answered along the way. As far as the out buildings
4 are concerned, there is no reference in the report to
5 any significance in the out buildings whatsoever.

6 Mrs. Volk, I know you as someone who is
7 very interested in the preservation of structures in
8 the town and you made the comment that on your house,
9 you deem it proper, when the roof tiles need to be
10 replaced, to replace them with handmade roof tiles. I
11 consider that to be very significant.

12 When the reroofing of this house was done,
13 the individuals doing that -- and Mrs. Hanley was
14 responsible for that at the time -- didn't see the need
15 to go into that detail which you consider to be
16 important --

17 MS. VOLK: Very few people do. I'm
18 somewhat of a perfectionist.

19 MR. LYNCH: Well, I think if it was done,
20 it ought to be done right, and I tend to agree with
21 you.

22 As far as the economics, you have heard
23 probably as much as you want to hear today about the
24 economics of the valuation of it, and I see Mr. Moore
25 roll his eyes.

1 One of the things, if you choose not to
2 consider the economics of this, in this particular
3 instance or in any instance, I'd just like to throw out
4 to you the Anthony situation where a property was
5 delandmarked based on an economic hardship. If you are
6 telling me that the economics don't enter into it in
7 this situation, what was the difference or the
8 significance of the Anthony situation that allowed the
9 delandmarking?

10 MR. MOORE: I'll answer that directly.
11 This body did not vote to unlandmark the Anthony house
12 and that's not what's at issue before this body. I
13 would like Mrs. Volk to comment for the record, though,
14 that -- and if I'm wrong, please correct me -- that
15 happened to be your personal choice for your own house.

16 MS. VOLK: Yes, my own personal choice.
17 Landmarks didn't request that.

18 MR. MOORE: Many roofs are redone in this
19 town without the handmade tile on the landmark status,
20 for the record.

21 MS. VOLK: Yes.

22 MR. LYNCH: In addition, there's been some
23 reference to the distinction or lack of between you and
24 ARCOM. And I think as Mr. Slade pointed out, at least
25 as far as ARCOM, we have the ability, to put it very

1 bluntly, to plow under a property. Here we don't have
2 that option.

3 In addition, I have been in front of
4 Landmarks before and I have been in front of you a lot
5 less, but I have been here before, and in my particular
6 instances I found the attention to the detail and the
7 material to be much more significant before this body
8 than in front of the ARCOM and I think that is, again,
9 a significant area of distinction.

10 And then, I guess a couple other
11 questions --

12 MS. METZGER: Wait a minute. Before you
13 go on. What is your point about that?

14 MR. LYNCH: I think there is a greater,
15 much greater attention to detail here.

16 MS. VOLK: Is that good or bad?

17 MR. LYNCH: From the property owner's
18 perspective, it's not good.

19 MS. VOLK: It's usually helpful as
20 guidance.

21 MR. LYNCH: I acknowledge that, but the
22 attention to detail is sometimes too hard on the
23 property owner.

24 MS. MENDOZA: And I tend to disagree.
25 Having been present at many presentations of both ARCOM

1 and Landmarks, maybe because people are more prepared
2 for Landmark presentations, I don't know what the
3 answer is, but I've seen many more people been turned
4 down for detailing in the architectural commission than
5 I have here, whatever the reason may be, and that is
6 without a doubt.

7 MR. LYNCH: I guess one of the questions
8 that I have for you, and it's more of a -- well, I'll
9 just go right out and ask it. Let's say we have the
10 1954 changes -- we'll go back to 1954. Would this body
11 have approved those 1954 additions to the house?

12 MS. VOLK: I'm sure they would have. The
13 architect on my left said she would have.

14 MR. LYNCH: The final comment is whose
15 house are you considering this? Are you considering
16 this to be a Mizner house? Are you considering to be a
17 Wyeth house?

18 MR. MOORE: I think our designation report
19 speaks directly to that. It is an Addison Mizner house
20 with additions by Mr. Wyeth.

21 MR. LYNCH: There is a letter from Mr.
22 Weibel which, again, I'd like to put in the record. I
23 have several copies of it. Mr. Weibel was probably as
24 familiar with the property as anyone. He was retained
25 by Mr. Hanley back in 1953 to take a look at the house.

1 His first comment in the letter is, "I was
2 surprised to hear this house classified as Mizner."
3 Given the level of changes that were made, he considers
4 it to be a Wyeth house. Actually, he considers it to
5 be a Wyeth and Weibel house when it comes right down to
6 it.

7 In addition, Mr. Weibel's letter is
8 significant in that this house originally was a
9 three-story house from Middle Road. And now it's not a
10 three-story house of Middle Road, it's a two-story
11 house.

12 MS. VOLK: Mr. Weibel should have come
13 here.

14 MR. LYNCH: Mr. Weibel is 90 years old and
15 headed for New York tomorrow.

16 MS. VOLK: Mr. Weibel is a landscape
17 architect. That's his field of expertise which is
18 different than architectural --

19 MR. LYNCH: It's not so much to speak to
20 the architectural aspects as someone who was familiar
21 with the building in 1953.

22 MS. VOLK: I'm familiar with it. I have
23 lived here that long and longer and I'm not going to
24 tell you how long. Nor is Jane.

25 MR. LYNCH: And finally, what I'd like to

1 place in the record are some photographs that we took
2 of the house and also the videotape that you saw.

3 That concludes what I have to say.

4 MS. VOLK: Are there any other --

5 MR. MOORE: Just one point that was
6 brought up and I'd like to ask Mr. Lynch to expand on
7 it. In reference to the economic hardship that he was
8 referring to, do you have any evidence to put into
9 effect, for the record, on the economic hardship?

10 MR. LYNCH: Only to speak as to --

11 MR. MOORE: The potential of it and what
12 Mr. Slade --

13 MR. LYNCH: Well, Mr. Slade, and also I
14 have a record from William Hutton saying basically what
15 Mr. Mason said before me.

16 MR. MOORE: Do you want to put Mr.
17 Hutton's record in?

18 MR. LYNCH: Basically, it says that he has
19 shown the property to 14 people. He's the co-listing
20 broker. He's shown the house to 14 people and the
21 pendency of the landmark proceedings have, for lack of
22 a better word, scared away all but two, and those two
23 are no longer interested in the property, for whatever
24 reason.

25 MS. VOLK: Thank you, Mr. Lynch. Is there

1 anyone else who wishes to speak?

2 MS. TATE: I wanted to add one thing, if I
3 could, that came up in your discussion after I had a
4 chance to speak, and that was that you are basing part
5 of your judgment on the Wyeth addition. And I believe,
6 in your ordinance, part of the question is not only the
7 significance of the architect but the significance of
8 the work in question as a part of his body of work, and
9 I would raise the point that this addition might not be
10 considered a significant work of Wyeth and possibly --

11 MS. VOLK: The survey was made and this
12 house added to the list. I have some faith in the
13 research work that was done and also in the value of
14 Mr. Wyeth's work, and I think visually it's a very
15 handsome addition as a matter of architectural taste.

16 I'd like to say that I find, first of
17 all -- yes, Mr. Hahn?

18 MR. HAHN: I did have another point to
19 make in deciding historical significance and importance
20 to the community. This is obviously a house built in
21 1921, designed and built by Mr. Mizner and his firm.
22 And in 1954, Mr. Wyeth's firm did the drawings but Mr.
23 Carney, I believe it was, did the additions of the
24 Italian Renaissance additions and the glass loggia
25 additions. And this was '54, but this is still

1 historically significant because it was done by a
2 notable architect.

3 Well, if Michael Graves came today and did
4 an addition and he's a notable architect, I guess we
5 would landmark that one too. And then I suppose if I
6 found a building lot here and had Michael Graves come
7 in and he put in a structure and President Nixon stayed
8 at it, it would become historically significant and you
9 would landmark it too.

10 MS. VOLK: Fifty years from now we
11 probably would.

12 MR. LYNCH: Oh, now 50 years counts? I
13 need to know.

14 MS. VOLK: All of our landmark ordinances
15 do address age, to some degree, Mr. Hahn.

16 Yes, Bob?

17 MR. MOORE: I was just simply going to say
18 that that wasn't really significant.

19 MS. VOLK: No. There are a couple of
20 comments I'd like to make. I think I find over the
21 years that I have listened to the real estate reports.
22 Significantly, the first people that look at an old
23 property are people usually, not always -- I can't
24 generalize to that extent -- but are usually people who
25 have in mind tearing it down. They are the first ones

1 who jump into a property that has been around since
2 1921, and of course they lose interest if there is a
3 possibility of landmarking because that does involve
4 their degree of profit-taking that they can get on a
5 piece of property.

6 We are here to preserve those houses and
7 those buildings in this town that make up the fabric of
8 this town that has made Palm Beach what it is. And in
9 the course of that, there have been in this town some
10 of the early architects of extreme talent, ability, and
11 education, and we are trying to preserve their work.
12 And in doing so, it's not always convenient and it
13 seems that we are affecting the value of the property
14 but that is not our consideration, as you know, anyone
15 that's dealt with the landmarking ordinances enabled by
16 the State of Florida enabled by the United States that
17 has passed it down to here.

18 But we would really wish you -- and we are
19 in sympathy with the owners and their desire to have
20 the freedom of adding on, and we spend our entire
21 Landmarks meetings every month issuing certificates of
22 appropriateness for alterations and changes to
23 landmarks ordinances. That's the major part of our
24 business.

25 And I think that this house, in its

1 original facade, is a very interesting and worthwhile
2 structure to be preserved. I don't think the outer
3 houses of the other parts of the estate are
4 significant, and I would like to have your comments and
5 your thoughts on this house.

6 Jackie?

7 MS. MENDOZA: Basically, it's what I
8 mentioned before, that when I first saw the house,
9 whether it had had additions or not, the original
10 structure of the house was so evident to me, in looking
11 at the original pictures, it was so like the original
12 that I really had to look for the changes. Not
13 withstanding, like I'm saying, the additions, that I
14 really felt it was very important to preserve that
15 original house, original structure.

16 MS. DIVOLL: Mrs. Volk, I have already
17 made basically the same statement, but in another
18 observation on the feasibility of the site for major
19 addition, it's my observation that the house could be
20 substantially added to not in the conventional way of
21 just folding it over and doubling it but that that
22 possibility does exist, and the designer who approached
23 the building with the idea of complimenting it and
24 essentially doubling it in size could do so within the
25 kinds of limitation we would be inclined to apply from

1 a landmark standpoint.

2 I do have a question of staff. Our report
3 anticipates designating the entire L-shaped portion of
4 the property. Since kind of the thumb of that "L", the
5 two lots -- is that to the north facing onto Middle
6 Road -- as far as I can tell, only contain out
7 buildings that don't contribute, would it be of
8 interest to drop those two lots from the parcel leaving
9 the building intact?

10 MR. MOORE: Thank you. Let me just
11 reiterate and for the rest of the Landmarks Commission
12 your question. When the staff's report is before you,
13 this is the staff recommendation. You are not
14 obligated to act on a take it or leave it basis on the
15 staff's report or its recommendation to you. That's
16 the purpose for the discussions and the hearing of
17 evidence, hearing all of the input.

18 You may modify and do anything you wish in
19 your either decision to recommend the Council for
20 designation or that they radify your designation or
21 modify designation or non-designation. In that case,
22 it does not even go to the Town Council.

23 So, you're at liberty to discuss and
24 modify staff's recommendations. Staff would give you
25 its opinions, if you wish it, if you wish them, or if

1 you don't wish them, that's also up to you all.

2 MS. DIVOLL: I wish them.

3 MR. LYNCH: I --

4 MR. MOORE: I don't mean, Mrs. Volk, to
5 usurp you, but Mr. Lynch, we're in executive discussion
6 at the moment, if you don't mind.

7 The expert testimony that you have heard
8 here today was good expert testimony. You had a
9 general contractor and you have had a professor from
10 the University of Florida, a professor in architecture.
11 Some of you are licensed to practicing architects, and
12 so I think that you can, as I do, respect the testimony
13 that is before you, especially the general contractors.
14 I'm more into that field than the actual field of
15 architecture.

16 However, both of them self-admittedly did
17 not research our ordinance to the degree to understand
18 the basis for our ordinance or the historic background
19 of the town, know the evolution of the town to know how
20 the structures came to be, and in fact, understand the
21 additions have been put onto some of these older homes
22 through the years.

23 The expert that testified before you today
24 on the financial situation, no economic hardship has
25 been demonstrated to you other than the fact that it

1 would be a diminution in value if the structure stayed
2 on the property.

3 Well, that's what is really before you
4 today. There is no economic hardship being presented
5 that the property owner will be in economic hard times
6 and fall into a position where, in fact, if landmarking
7 occurs, that they will be placed in a significant
8 financial hardship.

9 The expert testified before you that does
10 appraisals in town. Mr. Slade testified for you today
11 other than the fact that the property would lose value
12 if it could not be demolished. Obviously, the property
13 is large enough to be subdivided, two frontages, one on
14 Ocean Boulevard and one on Middle Road.

15 However, when questioned to the point of
16 an addition or modifications to the house which
17 initially were put before you as a detriment to
18 landmarking, he was unsure and unaware of the two
19 ordinances that govern construction in this town
20 outside of the town's planning and zoning ordinance,
21 and that was that another commission would also govern
22 an addition of the size of five to six thousand square
23 feet, and that would be the town's architectural
24 commission. I would submit to you, from the staff's
25 standpoint, they failed to show that that was an

1 economic hardship, something for you to consider.

2 And lastly, the significance of the two
3 master architects that are involved in the construction
4 of this house speak for themselves as far as our own
5 town history is concerned, and I would say world-known
6 architecture and not just regional or State of Florida
7 or even the United States.

8 So, for those reasons, the staff would say
9 to you that we do still believe that, listening to the
10 expert testimony here put on today, that this property
11 and this structure are worthy of your consideration for
12 designation.

13 MS. VOLK: Thank you.

14 MS. GINGRAS: I have a question for Bob.
15 Under the current zoning, exactly how many, if this
16 property were not landmarked, how many lots are we
17 talking about?

18 MR. MOORE: At least two, possibly three,
19 but I would believe that there is a possibility for a
20 variance that would be required for three. But at
21 least two.

22 MS. GINGRAS: So, the two would be one on
23 the ocean and two on Middle Road?

24 MR. MOORE: No. I believe only one on
25 Middle Road without a variance.

1 MS. GINGRAS: And possibly two on the
2 ocean?

3 MR. MOORE: If it was subdivided, it could
4 possibly have a potential for more. But the town
5 subdivision ordinance does not guaranty, just because
6 zoning allows it, you can divide it up and get "X"
7 number of lots. The subdivision ordinance specifically
8 states that there is no guaranty to achieve maximums
9 under the town zoning on a subdivision request.

10 MR. LYNCH: If your inclination is to
11 carve off a portion of this so that it can be
12 subdivided, having had the opportunity to represent
13 someone on Middle Road who had sought a variance before
14 the town, I ask that you do carve out sufficient front
15 footage to provide for that second buildable lot,
16 because that has been an issue in the past and I prefer
17 to not have to address that again.

18 MR. MOORE: I would point out, Mr. Lynch,
19 not to be argumentative, Mr. Lynch, that that is a
20 zoning issue. Whether or not a property can be built
21 on is governed by zoning. The style and architecture
22 and certificate of appropriateness is either a concern
23 of this commission or the Landmarks Commission.

24 And I think what Mr. Lynch is probably
25 asking you is that the front footage requirement of 125

1 feet for Middle Road be considered if you are going to
2 make any kind of a division, so he does not have to go
3 to the Landmarks Commission for a portion of it and the
4 Architectural Commission for another portion, and that
5 is a valid request, so that he does not have to go to
6 two individual commissions.

7 MS. METZGER: Is that what he wants to do
8 is either tear it down and subdivide it or --

9 MR. LYNCH: The house is for sale. Mrs.
10 Hanley has no intention to do anything but to sell the
11 house. What a purchaser elects to do with that
12 property once they buy it is not really her concern.
13 If they would like to knock the house down, fine. If
14 they would like to keep it, I think that is something
15 that you would prefer, and from Mrs. Hanley's
16 standpoint if that is the new property owner's desire,
17 so be it. We like to keep our options open.

18 If someone wants that house exactly as it
19 is, that's fine. If someone wants to knock it down, we
20 would like to keep that option open. Although we own
21 the property, we are basically out of control of what
22 happens after we sell it or what anyone who wants to
23 buy it wants to do with that property.

24 MR. SILVERMAN: Are they trying to sell
25 the house now?

1 MR. LYNCH: It's listed for sale, and
2 that's what the letter from Mr. Hutton speaks to, that
3 he's brought prospects out there.

4 MS. METZGER: How long has it been on the
5 market?

6 MR. LYNCH: Since late March. Mr. Hanley
7 died in late December.

8 MS. METZGER: So, it's been on the market
9 not even a month?

10 MR. LYNCH: Like I said, we are trying to
11 keep all options open.

12 MR. RANDOLPH: For the record, I think
13 it's understood by this board that you do not give
14 consideration to the landmarking of the interiors, and
15 I think any reference in the report to an interior was
16 simply inside rather than something that you would give
17 consideration to, and I would so instruct you, since it
18 was brought up by Mr. Lynch, that any motion you make I
19 think you should keep in mind that you do not consider
20 interiors.

21 MS. TATE: Could I just say one brief
22 thing to staff? You mentioned we were not familiar
23 with the local ordinance, and the reason we were
24 brought in from outside and we did not pursue that was
25 for that very reason of objectivity; that we wanted to

1 look at the building from a point of view of someone
 2 not from Palm Beach, and we were asked to do so. And
 3 it is, in my opinion, worth pointing out that, of
 4 course, Mizner is known nationally, there would be a
 5 question of how well known Wyeth is on a national
 6 level, certainly significant on a local level.

7 MR. MOORE: Thank you very much for
 8 putting that on the record. We appreciate that more
 9 than you know.

10 MS. GINGRAS: I would like to move that
 11 the eastern-most portion of 91 Middle Road excluding
 12 Lots 12, 13, 14 and 15, which front on Middle Road, be
 13 recommended to the Town Council for designation as a
 14 landmark for the Town of Palm Beach and that the
 15 criteria as presented be made a part of the record.

16 MS. DIVOLL: I'll second that.

17 MS. VOLK: All those in favor?

18 MS. MENDOZA: I.

19 MS. METZGER: I don't understand. I'm
 20 sorry.

21 MS. GINGRAS: We are excluding the Middle
 22 Road --

23 MR. MOORE: Excluding the lots on Middle
 24 Road is what the motion is.

25 MS. GINGRAS: On this particular plat,

1 there is no lot number for that. It looks like it
 2 might be Lot 12.

3 MS. VOLK: All those in favor?

4 MS. DIVOLL: I.

5 MS. MENDOZA: I.

6 MS. METZGER: I.

7 MS. VOLK: Those opposed?

8 So moved. Thank you very much.

9 (Whereupon, at 11:30 a.m., the meeting was
 10 adjourned.)

from Sally Higgins

- spelling corrections to the court reporter's version of testimony on the Hanley house - (if it is appropriate to make corrections to that ??)

pg. 6, line 7 Lord Aspacio should be Maurice Fatia

pg. 12, line 23 Corvited should be Corbeled

pg. 40 line 22 and subsequent references.

Mara Lago = Mar a Lago

- pg. 61 line 15 false mensar should be false mansard

pg. 65 line 22 & subsequent references.

Mr. Weibel. should be ~~Weibel~~ WEBEL

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