



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, FEBRUARY 21, 2001 at 9:00 a.m.

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

I Call to Order: The meeting was called to order at 9:00 a.m. by Chairman Eugene Pandula.

II Roll Call:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Ann Blades, Secretary
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Ann Vanneck, Member
Jack Pyms, Member
Judy Hoffman, Alternate Member
Laurel Baker, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: None

*Note: Nikita Zukov resigned from the LPC prior to this meeting.

RECORDING SECRETARY: Cynthia M. Delp

III Approval of the Minutes of the January 17, 2001 Meeting:

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

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify:

Mrs. Delp administered the oath to all those who were present and wished to testify.

As the architect for Items A & B had telephoned saying he would be a bit late, the agenda was taken out of order, and "Other Business" was heard next....First staff comments, then (b) Discussion relative to Preservation Celebration and then (a) Informal review: 1500 South Ocean

2 Boulevard.

VI Other Business:

Staff comments: Request by Preservation Foundation of Palm Beach, Inc.

Mr. Frank stated that a verbal request has been put forward by Polly Earl of the Preservation Foundation to have David Ferro of the State Historic Preservation Office address the LPC in workshop form on the subject of the Secretary of the Interior's Standards. Mr. Frank commented that he felt that staff should find out more about the presentation and then return to the LPC with a recommendation relative to the workshop.

Mr. Moore interjected that he had not informed Mr. Frank that Mr. Ferro can be here at the April 18, 2001 meeting of the LPC, and is tentatively scheduled for same. The workshop could be heard either before or after the regular agenda. The Mayor and Town Council have expressed interest in attending the workshop. Mr. Frank responded that he would not be in favor of having the workshop in April as the Preservation Celebration has tentatively been scheduled for that day. He felt that the regular agenda, the workshop, and the Preservation Celebration all in one day was too ambitious a task, without having any information relative to the length of Mr. Ferro's presentation. Mrs. Day agreed with Mr. Frank, and stated this would pose a problem for her, specifically due to the Preservation Celebration.

Mr. Moore added that, if April is not suitable, Mr. Ferro may be available for another monthly meeting, however, not March. The LPC could likewise hold a special meeting for the workshop alone. Some members stated their preference for having the workshop on the same date as the regular LPC meeting, but wanted more information about Mr. Ferro's program. It was suggested that the Preservation Foundation should place the request in writing to the LPC, together with the details about the presentation, prior to a date being chosen. Mr. Moore stated that the request will be placed in writing.

Mrs. Day commented, in response to a question, that Walt Marder is in charge of tax abatements at the State level, not Mr. Ferro. Mr. Ferro's visit will require staff time to orient him. She felt Mr. Frank should contact Mr. Ferro to see when he is available, and bring that information back to the LPC for review in March. The Preservation Celebration could be moved to May if need be, but to have all three, the regular meeting, the Ferro presentation and the Preservation Celebration on one day would be too difficult. She also felt it would do Mr. Ferro a disservice to have him merely "wedged" between the regular meeting and the Preservation Celebration.

Mrs. Vanneck asked that local architects and landmark owners get notice of the workshop.

In the end, staff was directed to coordinate this effort with the Preservation Foundation, and to report back to the LPC at their regular March meeting.

a. Informal review: 1500 South Ocean Boulevard

Architect Digby Bridges, Mr. Carl Lessard (Owner's Rep.), and Attorney Doyle Rogers were present on behalf of the owner.

At the LPC's last meeting, Mrs. Blades had mentioned that it looked like more work was being done at 1500 South Ocean Boulevard than was approved by the LPC. When Mr. Frank and Mr. Pandula visited the site, they saw that the frame and hollow clay tile system had been effectively removed from the structure. The architect is now proposing its replacement with a masonry system. The architect is here today to explain why this measure was taken without having first obtained LPC approval for change of materials, as this is a tax abatement project. A "Red Tag" has been issued to stop the work on this affected portion of the project.

Mrs. Vanneck commented that working without having first obtained LPC approval is like a slap in the face to the town and the LPC. She asked about the penalty for such actions.

Mr. Moore commented that during construction, there are certain phases where decisions must be made. The problem in this situation, he believed, was between the contractor and the architect. If the contractor discovers deteriorated materials on the job, he must inform the architect, who then brings the problem to the town staff. In this case, the contractor and/or architect submitted such changes to the town in the form of revisions, which were reviewed and approved by the Town for structural integrity, not landmark compliance. Mr. Moore felt this was not a deliberate action on anyone's part to avoid correct procedure, and for that reason, work has been allowed to continue on other areas of the site. The issue here is not a change of design, but a change of materials. This is only a problem in the question of restoration vs. reconstruction, as restoration may be eligible for tax abatement, while reconstruction is typically not.

Mr. Pandula, at this point, declared EXPARTE COMMUNICATIONS as he had met with Mr. Digby Bridges and Mr. Mark Marsh at the site.

Mr. Digby Bridges of Bridges, Marsh & Carmo acknowledged that they should have come to Mr. Frank with this problem, but because they had revisions reviewed and approved by the town plan reviewers, they felt they had done what was required. He continued by explaining that there had previously been an approval to replace all windows with new windows. The new windows will be impact resistant to alleviate the need for hurricane shutters. There was also an approval to replace the coquina. The problem is that the structure must support the windows. With no concrete support, Mr. Bridges asserted that the windows could not be supported. During construction, so much of the building was found in extremely deteriorated condition...crumbling coquina, rotted floors, rusted pieces, and much more. He presented a photo pictorial of the deterioration found. He explained that while restoration is the goal, in some cases, with modern code requirements and extreme deterioration, existing elements cannot be saved. In many cases, the architect and contractor have undertaken exhaustive efforts to preserve the existing, sometimes adding new supports to the old, constructing a double roof over very important ceilings, and the like. This is, he said, to the credit of the owner in this huge undertaking to restore this house. Even with the work which has already been done, they are not near the 50% mark, and are in fact, only at about 35%. He stated further that with the approvals given, they will not exceed a 50% renovation. These percentages are only important as this is a tax abatement project.

Mr. Moore acknowledged that a very significant tax abatement is at stake here for the property owner. The owner's representatives want the LPC to understand what has been encountered on the job site to date, that they have not, to date, gone over the 50% mark, and that the owner still

wants to be able to apply for tax abatement. Staff and the LPC must decide whether the changes made meet the Secretary of the Interior's standards.

① Mrs. Day noted that the LPC is the ultimate authority as to whether the changes meet the Secretary of the Interior's Standards. There can be appeals to the State, but the Town is a Certificated Local Government and does make the determination as to whether the Standards are met. She stated that the Department of the Interior's Standards are not in the Town's Landmarks Preservation Commission Ordinance, except as noted in the section dealing with tax abatements. Under the Town's ordinance relative to the scope of tax abatements, restorations, renovations and rehabilitations are allowed. Our ordinance, however, does not allow for tax abatement for reconstruction. As a result, staff instituted the previously mentioned "50% rule." Staff is very concerned with whether 50% of the original materials are retained. In this particular case, the approvals previously granted by the LPC were made believing that the changes met the Secretary of the Interior's Standards. The problem today is that they did not come forward when these problems resulted during construction. The LPC should have had the opportunity to advise them as to how to proceed. It is, therefore, up to the LPC as to whether it should continue as a tax abatement project or not.

Mr. Randolph interjected that the LPC should not concern itself with the 50% determination as that is for staff to determine. The LPC should only review what has been done and whether it meets the Secretary of the Interior's Standards. Mrs. Day agreed with Mr. Randolph, and stated that a Certificate of Appropriateness must be issued as evidence that the LPC believes the changes meet the Standards.

① Mr. Frank stated that both he and Mr. Pandula have been to the site, and the architect has done a wonderful job, to date, in documenting changes to the property. He applauded today's presentation as well.

Mrs. Albarran de Mendoza, after hearing today's presentation and seeing the photos of the conditions found at the job site, commented that they really had no choice, but to take measures to secure the structure for the next hundred years. Mr. Pandula stated that restoration items, in his view, should not be included in the 50%, as these are changes which protect the integrity of the building. What is at issue here, is whatever has been put back with different materials. In this instance it is the poured columns and the concrete block at certain areas where there was hollow clay tile originally. As an architect, Mr. Pandula felt he would have probably taken similar measures. He suggested, however, that in the next presentation, the architect should describe the alternatives studied to resolve construction problems on the job, and why a certain method was chosen over the others. He asked the architect to focus on those items which are not strictly a representation of what was there previously.

① Mr. Randolph stated there are two issues here...the Certificate of Appropriateness and the Secretary of the Interior's Standards. He commented that the LPC cannot determine right now whether this meets the Secretary of the Interior's Standards for tax abatement, but an indication can be given as to whether, after proper advertising, a Certificate of Appropriateness would be granted. The LPC could also release them from the "Red Tag" which is in place at the site, and allow them to go forward at their own risk as to whether the Secretary of the Interior's Standards

have been met. The risk is relative to tax abatement.

Attorney Doyle Rogers stated that the owner, although having never expected this level of deterioration and resulting expense, is firmly committed to the restoration.

In response to these comments, the LPC unanimously agreed that the "Red Tag" should be lifted, and work be allowed to continue. Mrs. Vanneck asked the architect to return to the LPC on a regular basis to offer an update to the construction. Mr. Bridges pledged that he would do so.

The matter will be advertised formally for next month's meeting.

b. Discussion relative to Preservation Celebration

Mr. Frank stated that the event will be held in April or May, but preferably April to promote greater attendance. The Society of the Four Arts has agreed to permit the use of their facilities as a staging area for the event. It is anticipated that there will be two house tours associated with the event, but arrangements for these must be finalized with the property owners.

V Public Hearings:

B. Application for Certificate of Appropriateness #2-2001.
Window Revisions

Owner/Applicant: Mr. Lawrence B. Sorrel

Address: 1284 North Lake Way

Architect: Thomas Kirchhoff

Project Description: Request approval of window revisions to the previously approved project, as follows:

- a. *Windows previously indicated as "existing to remain" were replaced.*
- b. *Double hung units with 8/8 divided lites were replaced with 6/6 to maintain proportion of glass and existing masonry openings.*
- c. *Two existing 4/4 units over front door may be 1/1*
- d. *Other associated changes as presented*

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Architect Tom Kirchhoff presented this request. During the remodel of this residence, the existing windows were replaced with impact resistant windows. In this situation, the clay tile wall was really not bearing. The inner wood frame was bearing the roof loads. So, after discussing this matter with Tim Frank and Jane Day, the load of the new windows was transferred back to the wood wall inside. This resulted in glass sizes about 4" smaller than they originally were, due to the impact requirements of the window. The smaller glass sizes resulted in the change from 8/8 windows to 6/6. **Mr. Kirchhoff noted that this is a tax abatement project.** Mr. Frank confirmed the scenario Mr. Kirchhoff described. Two existing 4/4 units over the front door will be 1/1. Under "Other associated changes," Mr. Kirchhoff stated that the front door was never flashed in correctly. The plans will remove the existing and replicate the front entry exactly.

Secondly, there is a brick wall on the site. The brick wall is not original to the house, and now, a truck has backed into it. The request is to remove the wall from the site.

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE PROJECT AS PRESENTED.

(Including replicating the front door and removal of the brick wall.)

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #3-2001,
Additions

Owner/Applicant: Highland Unlimited Inc.

Address: 230 Pendleton Avenue

Architect: Thomas Kirchhoff

Project Description: Request approval of the following

1. Expand first floor of garage to provide a covered link to the existing residence
2. Add a second story to the expanded garage area to allow for a staff or guest area
3. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared.

Mr. Kirchhoff stated that this is a tax abatement project, for the record. The property just became a landmark as of the February Town Council meeting. The Town Council also granted a variance to expand the garage, moving it 5 feet forward and adding a second floor. The front elevation will appear exactly as it does now, except for the two aforementioned changes to the garage. In the rear, sliding glass doors and jalousies will be replaced with french doors and casements. Awning windows will be replaced with double hung windows. At the den, new french doors will replace a window. A new bay window will be added to the rear at the kitchen matching those in the front. Mr. Kirchhoff reviewed the minimal changes to the interior floor plan.

As the rear side of the garage was so plain, the LPC suggested that a small window with shutters be added to the first floor, and that the flat, no profile door be made more suitable to the house.

MOTION BY MRS. ALBARRAN DE MENDOZA TO APPROVE THE PROJECT WITH THE PROVISIO THAT A SMALL WINDOW WITH SHUTTERS BE ADDED TO THE FIRST FLOOR REAR ELEVATION OF THE GARAGE.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

Comments from Mr. Pandula

Just prior to adjournment, Mr. Pandula thanked all those members who were present at the Town Council meeting to support the designation of La Ronda, 444 North Lake Way.

VII ' Adjournment:

MOTION BY MRS. DOWDLE TO ADJOURN AT 10:30 A.M.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 21, 2001 at 9:00 a.m. in the Town Council Chambers, 2nd Floor of Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2001

MEMBERS	1/01	2/01	3/01	4/01	5/01	6/01	7/01	8/01	9/01	10/01	11/01	12/01
Eugene Pandula	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Elizabeth Dowdle	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Sari M. Wilkey	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Jacqueline Albarran de Mendoza	<u> E </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ann Vanneck	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ann Blades	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Jack Pyms	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ALTERNATE MEMBERS	1/01	2/01	3/01	4/01	5/01	6/01	7/01	8/01	9/01	10/01	11/01	12/01
Nikita Zukov	<u> P </u>	<u>Resigned</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Judy Hoffman	<u> U </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Laurel Baker	<u> P </u>	<u> P </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

LEGEND:

P	=	Present
E	=	Excused
U	=	Unexcused
A	=	Absence Pending Classification as "excused" or "unexcused"



LANDMARKS PRESERVATION COMMISSION

RECORD OF VOTING CONFLICTS 2001

[illegible][illegible]

LEGEND:

V	=	One Voting Conflict during a meeting
V2	=	Two Voting Conflicts during a meeting
V3	=	Three Voting Conflicts during a meeting

VPD = Voting Conflict Previously Declared
(This category to be used when a conflict has
Been declared at a previous meeting, and the
Changes being reviewed are part of an ongoing
project. ONLY COUNT ORIGINAL DECLARED
CONFLICT PER JCR, TOWN ATTORNEY)