

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, FEBRUARY 17, 1993

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

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

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Elise P. Mackintosh, Vice Chairman, arrived 9:08 a.m.
Sally Gingras, Secretary, arrived 9:03 a.m.
William S. Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member, arrived 9:03 a.m.
Leslie Divoll, Member
Arthur Silverman, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

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

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that a Court Reporter, Ms. Elizabeth Spurlin, was present to transcribe the Designation Hearing for 210 Via Del Mar.

III. Approval of the Minutes of the January 20, 1993 Meeting:

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

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 3-93, Signage

Owner/Applicant: Palm Beach Historic Inn Inc.

Address: 365 South County Road

Contractor: Phil Rowe Signs

Project Description: Request approval to install identification signage to read "Palm Beach Historic Inn" on the face of the building. Letters will be 10" and painted dark bronze; Signage will be 15' long.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (407) 838-5430

Mr. Steve Rowe stated that subsequent to discussions with Staff, this signage was put in place, using 8" letters instead of 10", as stated above. The same message will appear in gold lettering, (2") on the door and (3") on the courtyard window.

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

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 4-93,
Additions & restoration

Owner/Applicant: Mr. Alberto Vitale

Address: 135 Grace Trail

Architect: Smith Architectural Group

Project Description: Request approval for the following:

1. First floor addition (east side): Master bedroom, bath & closets
2. Two story garage/staff apartment (west side)
3. General restoration.

Mr. Jeffery W. Smith and Mr. Ken Brower of Smith Architectural Group presented this project. The current owner of this original 6,000 - 7,000 square feet Mizner home, and owner for the past 25 years, is Ms. Opal McDowell. This home, which is immediately east of Bienestar, is very run down, very overgrown, and has had numerous code violations through the years. Currently, Mr. Alberto Vitale, Contract Purchaser, has contracted with Smith Architectural Group to do a total restoration of the home, interior and exterior, to include new plumbing, electric, air conditioning, etc., and creating a 4 bedroom/5 bath home, plus staff quarters. The roof was replaced approximately one year ago with Columbian tile.

To begin the presentation, Mr. Smith showed a video of the house as it exists. Moving on to the plans, Mr. Smith showed the existing house in plan, contrasting it with the proposed additions and renovations planned. The main elements of the proposed plans are as follows:

1. Two story garage (two-car)/staff apartment (west side).
2. Demolition of existing construction on west elevation just north of the front door; and construction of drive-through arched porte cochere, attached to the house, to screen the garage from the street.
3. Convert existing staff quarters to kitchen, breakfast room, and butler's pantry; and on courtyard side of kitchen, in an effort to square off the courtyard, create a simple wooden overhang portico, with wooden columns.
4. Replace existing bedroom with new master bedroom one story addition, off the loggia, with two baths, closets, etc. (approximately 1,000 square feet) with detailing and windows to match the living room.
5. New swimming pool on axis with existing gazebo and existing

- loggia. (in the same location as Mizner planned for a pool)
6. Enclose the existing loggia, adding another pair of columns to accommodate available door sizes.
 7. Convert the dining room, which Mizner added and which did not function well from the kitchen, to a library.
 8. Add new dining room off the foyer, adjacent to Butler's pantry.
 9. Remove the existing construction (small porch) lying between the loggia and the new master bedroom addition.
 10. No changes to two upstairs bedrooms and baths.
 11. Retain existing fountain in courtyard.
 12. On north elevation, construct a wall with a gate for courtyard access.

Mrs. Albarran de Mendoza asked whether Mr. Smith would consider lowering the roof of the staff quarters, so it does not appear to be so massive. Mr. Smith was agreeable to this, and in fact, stated it would be a cost saving measure for his client.

Regarding the paving of the courtyard, some investigation will be done first to determine what type of surface exists there. If the surface is not worthy to be retained and/or restored, Mr. Smith will return to the Commission for approval of an alternate surface. Landscaping will also be brought back to the Commission at a future meeting. Regarding the driveway/motorcourt area, the owner likes the existing shellrock set in concrete. The other option for the motorcourt is pea gravel, if the existing surface does not respond well to restoration efforts.

Mrs. Divoll thanked Mr. Smith for his extensive presentation, which carefully contrasted the existing to the proposed. It should be noted that these plans were designed without requiring any variances.

MOTION BY MR. GUBELMANN TO APPROVE CoA #4-93, FOR ADDITIONS AND RESTORATION AS PRESENTED, EXCEPTING THE ROOF HEIGHT OF THE GARAGE WHICH SHALL BE LOWERED A MINIMUM OF TWO FEET, OR MORE IF POSSIBLE.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

- C. Application for Certificate of Appropriateness No. 5-93,
Window & door change
Owner: Everglades Club
Applicant: Ms. Leta Austin Foster
Address: 7 Via Parigi
Architect: Smith Architectural Group
Project Description: Request approval for window and door modifications.

Mr. Ken Brower gave the presentation for this shop which occurs along Peruvian Avenue at the arched entrance to the Via Parigi. The shop entrance occurs on the interior courtyard of the Via.

On the courtyard elevation, sliding glass doors will be removed, and new windows and a door will be installed to match the fenestrations of the building next door. On the Peruvian Avenue side, an existing aluminum door will be converted to a pair of very thin railed fixed french doors. These doors will act as a storefront window, and will not function as a door. Also on this elevation, a small window, with inset above, will be eliminated.

Mrs. Divoll stated her objection to the pair of french doors, as shown. She felt the doors broke up the massiveness of this otherwise fortress-like facade, and suggested that the base course, shown on the plan, be carried across the facade, so the new opening appears more like a window than a door. Installing doors on this facade would suggest entry, and entry to the shops was designed to occur after going through the via archway. It should be noted that the approximately 42" high base course shown on the drawings is also proposed, not existing.

Mr. Brower stated that he will need to obtain the approval of the Everglades Club's Mr. Callahan in order to change the doors to any other design than is shown. Mr. Callahan's ultimate intention is for the Peruvian Avenue facade of Via Parigi to be opened up more than it currently is, so that patrons can shop on Peruvian Avenue and then go through the via, similar to Worth Avenue. The Everglades Club is not interested in maintaining a one entry type via, like the Esplanade.

Mrs. Divoll commented that the Commission recognizes the needs of the "modern marketplace", but is charged with maintaining the essential character of the via. The long term intent to perforate the facade represents a character change, so allowing this perforation would set a precedent as to how to deal with this blank wall. Mrs. Albarran de Mendoza suggested, as a compromise, that the archway quoining be changed to coincide with a lowering of the base course. Then the sill of the new doors could be lined up with the top of the lowered base course, providing a longer opening, but most assuredly, an opening which would be recognized as a window rather than a door.

MOTION BY MRS. DIVOLL TO APPROVE THE CHANGES IN THE INTERIOR PASSAGEWAY OF VIA PARIGI, AND DEFERRAL TO NEXT MONTH FOR ADDITIONAL STUDY OF THE EXTERIOR OPENING AND FACADE ON PERUVIAN AVENUE.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

10:07 TO 10:17 A.M.: 10 MINUTE BREAK

V. Designation Hearings:

ITEM 1: 210 VIA DEL MAR

VERBATIM TRANSCRIPT

OWNER: Mr. Stephen Phillips

(Please note that this item was deferred from the April 15, 1992 meeting, the November 18, 1992 meeting, and the January 20, 1993 meeting.)

MRS. VOLK: We come now to our Designation Hearings. We will adhere to our established procedure please. The first building for consideration is Item 1, 210 Via Del Mar, Owner: Mr. Stephen Phillips. Please note that this item was deferred from April 15th, and November 18th, 1992, and the January 20, 1993 meeting. Mr. Frank, have you proof of publication and proper legal service?

MR. FRANK: Yes, Ma'am. We do.

MRS. VOLK: Cindy, would you swear in the witnesses? All those who wish to speak regarding this matter please rise 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?

ALL WITNESSES: I do. (For the record, those sworn were the following: Mr. Robert L. Moore, Mr. Timothy M. Frank, Mrs. Jane Day, Preservation Consultant, Mrs. Betsy Burden, Attorney for the Property Owner, Mr. Ames Bennett, Architect, Mr. John Nora, General Contractor, Dr. Donald W. Curl, Professor of History, Ms. Sandra Norman, Assistant Professor of History, and Mrs. Alexandra Fatio Taylor.)

MRS. VOLK: Let the record note that these witnesses have been duly sworn. Mr. Frank, would you give us the staff recommendation please?

MR. FRANK: Thank you, Madame Chairman. The subject property is 120 Seabreeze Avenue. I'm sorry...210 Via Del Mar. The Staff has found that the subject property meets the following criteria for designation as found in your report.

Criterion (c): That it embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

Also meeting Criterion (d): That it is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

In this case, the architect is Maurice Fatio. The biography is attached, and I believe there was an addition by John Volk. No. Oh, O.K., just Maurice Fatio. I'm sorry. And Mrs. Day will continue with the presentation.

MRS. JANE DAY: Madame Chairman, Members of the Commission...Good morning. The house at 210 Via Del Mar was designed by Maurice Fatio for Mrs. Charles Curry Chase in 1928. It was Commission #140 for the firm of Treanor and Fatio. J.S. Willson was the builder. Willson

① pulled Building Permit Number 10128 for Lot 7 of the Via Del Mar section on July 2, 1928. Plans for a residence and garage with an original cost estimate of \$ 63,000 were filed with the city. Mrs. Chase was from Oshkosh, Wisconsin, where the family owned the Chase Brass Works. Mrs. Chase's daughter, Eleanor Sawyer Chase, a well known author of the period, became Mrs. Maurice Fatio in 1929. Because of Fatio's marriage to Eleanor, this house became Fatio's Palm Beach residence for a time during the lean years of the Great Depression. As Mr. Frank noted, 210 Via Del Mar meets criteria (c) and (d) for designation as a Palm Beach landmark. Under criterion (c), 210 Via Del Mar is an example of a Norman Tudor style house in Palm Beach, Florida. Designed by Maurice Fatio, it is valuable for the study of the adaptation of this style to South Florida by a master architect. This style is characterized by a tall, steeply pitched, hipped roof, as you can see in this slide. It has flared eaves and decorative half-timbering. The style was popular throughout the country from 1915 to 1945, and interest in the style was brought back to America primarily by U.S. servicemen who had served in Brittany and in Normandy during World War I. This is how the house originally appeared. This photograph is from Alex Fatio Taylor's book. And I did bring it to you to show extra pictures, other slides that it is still intact, as it was when it was originally built. You can see the steeply pitched hipped roofs, the gable front, and the gable dormers that go from the west of the north facade. This is the main entrance to the house. As most of you know, Via Del Mar is a very narrow street, and this picture was probably taken before that house across the way was built because they are further back than you can get at this time. The house is unique, and particularly important, because of Fatio's innovative adaptation of this design of this Norman Tudor style, both to the tropics and to this particular site. By building this house around a U-shaped courtyard, he maximized access to outdoor living. This would be important anywhere in South Florida, but on Lot #7, which is on the banks of Lake Worth, Fatio made the west facade the most important facade of the structure. Here again is the roof. It has the elaborated chimneys, which are brick. It shows you the casement windows which are original to the property. More roof, and the gable on the north facade. And again, this is about as far away as you can get from the hedging, which has grown quite tall, to even shoot a slide at all. The front door of the house is on the north. It is surrounded by a curved archway, and again, you can see the half-timbering and the casement windows on the second floor. This is the interior living room of the house. As it was originally designed and built, this again is a photo from Alex Fatio Taylor's book about her father's work. It is entitled Maurice Fatio. Unfortunately, staff was denied access to the site, so that the only picture I can show you of the west facade which, according to the plans is the most important, is this historic one that was in Alex Fatio Taylor's book. Please note the rounded tower in the corner of the "U", and the conical roof. This is a very important design feature of Norman Tudor style. This photograph also shows you that this house was adapted to South Florida in a unique way. Fatio liked to design in the "U-shaped" plan, and this outdoor living area and those arches toward the back of the "U", all of this faces Lake Worth so that the occupants could get not only a good view of Lake Worth, but could also have the breezes go through the first and second floor of the house in the main rooms. Behind the triple archways in the back is that living area that I showed you earlier. Besides the fact that the house qualifies for designation under criteria (d), or under (c), it also qualifies

under criteria (d). Criteria (d) states that "It is representative of the notable work of a master builder". There should be no question to this Commission that Maurice Fatio was a master builder. Many of his designs have been landmarked in the past. 210 Via Del Mar, however, is also a notable work. This Norman Tudor style house is representative of this style Fatio developed early in his career in New York, and transported to Florida. Designed in 1928, when Mediterranean Revival was in its heyday, 210 Via Del Mar was innovative and a distinct break with the Town's popular architecture. Because of its success, it opened the way for other architects to depart from the typical architecture of the day, thus broadening the base for Palm Beach's eclectic style. Thank you. Are there any questions?

MRS. VOLK: I'd like to have a motion that the Designation Report be made a part of the record.

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

MRS. VOLK: Is there a second?

MRS. MACKINTOSH: I'LL SECOND.

MRS. VOLK: All those in favor, please say Aye.

ALL: AYE. (MOTION CARRIED UNANIMOUSLY.)

MRS. VOLK: So moved.

MR. RANDOLPH: I would like to note also that because a transcript is being made of this that we should make clear that the photographs that have been shown to you should be made a part of the record. I don't believe that a motion is necessary, but I wanted to make sure that the attorney for the property owner agrees that the photographs that have been exercised be made a part of the record so that it will make sense when the transcript is read.

MR. FRANK: Madame Chairman, I believe the motion is out of order. We need...At this time, Mr. Silverman is an alternate, and I think we need a motion from someone that is seated.

MRS. VOLK: Would a regular Commissioner re-make that motion please? Thank you, Mr. Frank.

MRS. GINGRAS: I WOULD MOVE TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MRS. VOLK: Is there a second?

MRS. METZGER: I'LL SECOND.

MRS. VOLK: Thank you. All those in favor, please say Aye.

ALL: AYE. (MOTION CARRIED UNANIMOUSLY.)

MRS. VOLK: So moved. Thank you. Are there any questions at this time? If not, we will move on to the Public. Anyone in the Public

who wishes to testify?

MRS. BETSY BURDEN, (ATTORNEY FOR THE PROPERTY OWNER): Thank you, Madame Chair and members of the Commission. My name is Betsy Burden. I am an attorney with Caldwell and Pacetti here in Palm Beach, and I am here today representing Mr. and Mrs. Stephen Phillips, who are the owners of 210 Via Del Mar. I would first like to say that we really do deeply appreciate the Commission's prior deferrals of this matter because we had to use that time to gather all of the pertinent information that we have, and I have provided all that information to the Commission in an attempt to simply explain to you the Phillips position in this matter. I am fully aware of the Commission's sentiments toward landmarking, and as Mr. Gubelmann mentioned at one of the prior hearings, "I really would like all of the owners to voluntarily designate." But unfortunately, that's not always the case and unfortunately, that's not the case with Mr. and Mrs. Phillips. The Phillips simply do not wish their house to be landmarked. That's the simple fact of the matter why we are all here today. I'd like to try to explain that to you in more detail. Unfortunately, they are not able to be here today. They are in New York. Since we've been retained by them, when they were first notified of the landmark, we have been communicating with them quite often, quite regularly, over the telephone, through letters. They have since hired an architect. The architect is Mr. Ames Bennett, who I will ask to speak to you in a moment. They've hired a construction contractor, Mr. John Nora, who is also here today. I've also been speaking regularly with their realtor. I should make you aware the house is on the market. So, they are fully aware of the process. They are fully aware of the effects of the landmarking, as I spent a great deal of time discussing with them. I sent to them a Landmarks Manual that the Town has prepared, and we discussed that in great detail, but again unfortunately, they are still adamantly against the landmarking. We'd certainly like this to be as non-adversarial as possible. We hope, and continue to hope, that we can cooperate and work this out. But, I'd just like to try to go through some of our objections today, so we can have a record of these. I have provided, to the Commission, a letter dated February 11, 1993. I hope you've had a chance to look at that letter. It's got several enclosures with that which I think will pretty much summarize the points I'd like to make today. At the conclusion of my presentation, I'd like to go ahead and ask the Commission if that letter, with all its enclosures could be entered into the record as EXHIBIT A, and at the conclusion of my presentation, I could hand it to Mrs. Delp, if that would be sufficient. I'd like to go ahead and try to go through some of the points of that letter. First of all, I'd like to address the issue of how the Designation Reports, and I use that term in the plural, were prepared by this man, in this case. I'd also like to clarify what I assume was the second designation report that was made part of the record just now, as opposed to the first report?

MR. FRANK: Yes, Ma'am. It was.

MRS. BURDEN: Apparently, there was a first report that was prepared that was dated August of 1991, and it was furnished to the Phillips at the time the house first came up for landmarking. Subsequent to that time, Mr. Bennett, who was, again, retained by the Phillips, prepared a report in rebuttal to that first designation report. His first report was dated November 16 of 1992, and I have attached that to the

letter. In that report, Mr. Bennett pointed out numerous inaccuracies and erroneous information that was contained in that report, and subsequently, we sat down with Staff and had two meetings around the first part of December, and discussed some of these problems with Ms. Day and Mr. Frank. We had some very good meetings discussing some of the issues, and in all fairness, I believe that the Town acknowledged that they were aware of some of these points prior to Mr. Bennett even pointing them out. But as a result, only after Mr. Bennett prepared his report, did the Town come out with a second designation report. And in that second report, we do not, in any way, question the competency of Ms. Day in the preparing the second, but we do have some problems with the fact that it almost appeared to us a last minute scramble to try to get some information together to justify the landmarking. We found the procedure a little unorthodox as far as far as the first report and the second report. The second report contained new and different information that was ostensibly available at the time the first report was prepared, but for some reason was not included in the first report. The other problem I should say that I may have with the second report is in it is cited two theses, none of either which have been published in any record or journal. Again, as part of my letter to you, I have a letter there from Dr. Dawn Zoller, who is a Ph.D. from Oklahoma University. She teaches at Palm Beach Atlantic College, and she in there states the general academic community opinion that an unpublished thesis does not necessarily hold much voracity or credibility in the academic community. I'd like Mr. Bennett to expound on that a little bit more, in the specific field of architecture in just a moment. I think the main point that I'd like to make before asking Mr. Bennett to come up is simply the Phillips' objection. I had asked them to send you a letter and I attached that to my letter. I think that most clearly explains their position. I've asked them to explain it as best as they can. As you can see from that, for whatever reason, they are very much against landmarking. So, I'd like to just go ahead and try to continue with the architectural, and ask Mr. Bennett to address you. After he completes his presentation, I'd like to make just a few more points [indiscernible over cough] the presentation. Thank you very much.

MR. AMES BENNETT, ARCHITECT: For the record, my name is Ames Bennett, and I am a licensed architect in the Town of Palm Beach. The report that I completed, the second report that I completed, came very late, only yesterday did I even get it over to Mr. Frank. And in that, I took issue with the voracity of the Masters Thesis by Mr. Ceravolo. Mr. Ceravolo is an architect now living in Orlando, and practicing architecture there. The awarding of architectural degrees has varied over the years, and in this report I try to explain that originally it was a four year degree, a rich man's degree. You studied the finer things of life at the Beaux Arts School in Paris for a year, made the grand tour of all the cathedrals and the pyramids, the acropolis, and then you came back to set the world on fire, and most people couldn't find a job. But it was a good form of fine arts and a nice degree to have. In the 20's and 30's, it became necessary, I think at the wisdom of the State people and with the advent of building codes, that architects necessarily had to be construction engineers as well as artists. And they expanded the academic program in almost all accredited architectural schools to a five year degree, called a professional degree. In essence this required roughly around 160 credits versus 120 credits for an Arts and Sciences degree. I'm recalling this from my memory because this is what we had to go

through when I went to architectural school right after World War II at the University of Florida. The only degree that I could get, as offered by the University of Florida, was a Bachelor of Architecture. In the 70's, about ten or fifteen years later, it became evident that architectural graduates who were going to teach in universities were at the bottom of the scale, when it came to pay, and without a Masters degree it was difficult to make a living for someone who could make a lot more money in the profession. So, the Association of Architectural Colleges and Universities came upon the idea of re-naming the degree without changing the criteria to a four year Bachelor of Design degree and offering, then, a Masters Degree for the next year, or year and a half to come up to 160, 170 credits. This varied from university to university. My associate went to the University of Arkansas, and they still have the Bachelor of Architecture degree there. As I understand it right now, in order to sit for the State exam for practicing architecture, you may have either the Masters or the Bachelor of Architecture. Mr. Ceravolo, who happened to, by chance, work for me one summer, while he was going to school, had no alternative but to go for the Masters degree to become an architect, which he did. I read through his report. It's not completely in error. It's quite factual in many cases. He did refer to some sources that I find questionable, and I, if I'm hiring people, I don't put any difference between the Masters degree and the Bachelor of Architecture degree, because all the Masters does is get you a better pay grade at the colleges that you teach. The...I don't know if there are any questions on what I've said so far. Yes, Ma'am.

MRS. METZGER: I don't understand. Are you saying that Mr. Ceravolo, in your opinion, then, is not a qualified architect? I don't understand. Is that what you're saying?

MR. BENNETT: Oh, no. No. He's a practicing architect. He passed the test, and he's practicing in Orlando right now. But I just commented that he worked for me while he was still a kid going to school years ago, in the 70's.

MRS. VOLK: I think it was an interesting lecture on the earlier architectural degrees, but I've kind of lost the point. We're talking about Maurice Fatio.

MRS. METZGER: I don't understand.

MR. BENNETT: I was referring to the accuracy of the report where they were referring to Mr. Ceravolo's work, which is just, in my opinion, another course he had to take, rather than a factual graduate degree which would be monitored by astute persons in the academic community.

MRS. VOLK: Are there any questions?

MRS. DIVOLL: Yes.

MR. BENNETT: Yes, Ma'am.

MRS. DIVOLL: He did, however, complete the thesis that was a requirement of his Masters degree.

MR. BENNETT: Yes, Ma'am.

MRS. DIVOLL: I, too, [indiscernible] the day about architectural degrees...I, too, have a five year Bachelor of Arts which is today considered equivalent to a Masters degree in architecture. And in that process, from the University of Florida...

MR. BENNETT: Good school.

MRS. DIVOLL: Good school. A few years afterward. And in that process, I, too, was required to write a thesis to obtain a five year Bachelors. Wasn't that a requirement when you went?

MR. BENNETT: Yes, we had to write...we had to do a thesis. I did mine on housing and home ownership.

MRS. DIVOLL: Was your thesis published?

MR. BENNETT: No. I just turned it in, got my grade, got my degree, and walked home. I had to sell my car to get out.

MRS. VOLK: Any other comments or questions? Do we have any other expert testimony? Ms. Burden, do you have something to say?

MR. BENNETT: Was there anything else you wanted me to tell them? The only other item that I had in my report is that I professionally feel that the house is completely out of place down here. We don't have any snow to be shed. This was built during what was called "the eclectic period", meaning that architects were taught to copy, to go to the books, go into the prize area, and see the original things. That was the purpose of the Grand Tour, so they would get this library of sketches and drawings from which to draw for when they could go to build and design a building. The field of architecture now is more of an inventive nature, although some of us still hold on to the old traditional things as being pure and beautiful. The fact that this has half-timber, for example. Half-timber was the form that they built in Europe, and mostly England...some in Normandy, and it has almost no place down here. Originally, where the buildings had a solid brick wall, we quickly found here that solid brick walls would not stand up under hurricanes. So, all buildings that look like they are masonry buildings actually have a structural system that is wood frame on the inside of them. All the...this one is no exception. There's a wood frame structure inside of it. So, the...all that was really copied is the superficial part of it. I find nothing wrong with the beauty of the building. I think it's a beautiful building. It's just out of place in Palm Beach. Palm Beach is a tropical area. It's likened unto the Villas of Pompeii. When you look at some of those, they could very well be transferred from the ruins of Pompeii right into Palm Beach here. They all look about the same, tropical waterfront...but, that's my opinion. I think it's out of place here in Palm Beach.

MRS. VOLK: Thank you, Mr. Bennett. Any other comments?

MR. BENNETT: I have Mr. Nora here who is General Contractor, licensed, and he has taken care of that property from a maintenance point of view and minor alteration point of view for about twenty five years. And much of the information that I gleaned from my, put out in my original report there, was from things that he pointed out to me. I might note that the original windows in there are steel casements,

and these have long since begun to rust and deteriorate. Some have been replaced erroneously with awning type windows made to look like casements. We have pictures in our files of two of them side by side where unless you look, they look pretty much like it was made that way. The shingles...that's the original roof that's still on there. It's almost sixty five years old, and the original roof has an under layer of tar paper underneath it, which I'm sure, I'd bet my bank account on it, that it's completely rotted underneath. The repairs that have been done have been repairs as needed. Mr. Nora found, and he can tell you this if you want him to, that we couldn't find any original Ludowici tiles anymore. They just don't make them. Ludowici is no longer made in Georgia. They were made by somebody in Chicago, and the tiles are not there. So, in time, the entire roof is going to go, and it'll have to be replaced with some other substitute material. The windows, steel windows, which don't hold up down here, miraculously have held up with a lot of paint. They are eventually going to go. So, this building, in its pristine condition, is not for many more years. It's almost like a human being, everything's going to be worn out pretty soon, and that's going to be the end of it. Then, you'll have a accumulation of artificial materials. It is my opinion that this should not be landmarked based upon that and based upon the fact that the owners just don't want it. They are very emphatic about it, and no amount of reasoning has been able to sway them at all.

MRS. MACKINTOSH: [Indiscernible] May I comment now?

MRS. VOLK: Yes.

MRS. MACKINTOSH: The fact that it is not like all the other houses here makes it much more interesting. Maurice Fatio built modern houses...every kind of architecture anybody wanted. So, I don't see why this has to be singled out as being a freak or anything like that. I mean it's a beautiful house. Palm Beach shouldn't have all of one kind. It would be very dull and not interesting. That's what makes Palm Beach interesting.

MRS. VOLK: Any other comments? Thank you, Mr. Bennett. Are there any other witnesses from the public sector? Will you step forth?

MR. NORA: My name is John Nora. I'm a General Contractor licensed in the Town of Palm Beach. I've been doing work on the Phillips residence for about twenty five years. I replaced about half of the 110 casement windows of the house. We replaced them with aluminum windows. Time was a villain. Today, the windows are made differently than the original steel windows. The frames are much larger. We replaced the roof over the kitchen which can be seen from Via Del Mar. The tile that was originally used cannot be...is no longer made. So, we had to use a tile called Palm Beach tile, which is a red clay tile. Also, in the house, in the living room, where they had cathedral ceilings twenty years ago when I started working on the house, they put a drop ceiling in the living room so they could run pipes containing water and electric conduit above the ceiling, and pretty much have ruined the cathedral ceilings. The house that actually faces Via Del Mar is the garage, the service for that delivery area, the kitchen and staff's quarters. The main part of the house, the beautiful part of the house cannot be seen from Via Del Mar. It can only be seen from the lakeside which you have to enter

the private property in order to see. We also have changed, replaced, part of the half-timber that is on the house. We have changed the arch designs on the open loggia as facing the lake. They had a sealed gutter that was leaking and destroyed practically all the arches, and we've been replacing them. They do not match the original arches that were there. Originally, the house, the brick work, was painted white, and it was sandblasted a number of years ago, and now, it's red brick with white stucco in the same half-timber design. I think that pretty much concludes my comments.

MRS. VOLK: Have there been any major changes, Mr. Nora, to your knowledge?

MR. NORA: No, not to the exterior of the house. On the interior, there have.

MRS. VOLK: Thank you. Any comments or questions?

MRS. BETSY BURDEN: Madame Chair, if I could just make a few more comments. I wanted to just address your question. What do you mean by major changes? Is that a standard term?

MRS. VOLK: Well, it's a standard term. It may be to change a wall, or major changes to most of the fenestration, an addition of something, the removal of the tower, which supposedly took place and we had no record of it. That sort of thing is a major change.

MRS. BURDEN: Is that a definition by the...I don't see that in the Town Ordinance...I was just curious because...

MRS. VOLK: Because we're talking about a landmark as it stands changed or unchanged. I think if you know what landmarking is about, you know what I'm trying to say.

(Tape Change)

MRS. BURDEN: But dropping a cathedral ceiling, or structural changes...

MRS. VOLK: We don't deal with the interior.

MRS. BURDEN: I understand that, but I was just trying to get a little more information about what you mean by "major".

MRS. DIVOLL: I have a question on this. The changes that I have heard discussed...I'm sorry...the changes that I've heard described are, if I followed them correctly, are all either removable or are replacement, like windows for windows within existing openings. Did I understand that correctly?

MRS. BURDEN: I'm not sure...are you referring to Mr. Nora's comments?

MRS. DIVOLL: Yes, I am.

MRS. BURDEN: I'm not sure...she is asking are they reversible changes?

MR. BENNETT: What are the changes on?

MR. NORA: We replaced them with case...the ones that did get changed to casement windows. They have aluminum instead of steel. They are not exactly the same design as the steel.

MRS. DIVOLL: But in the same openings?

MR. NORA: Yes, in the same openings.

MRS. DIVOLL: Then the roof...you replaced the roof.

MR. NORA: Replaced the...

MRS. DIVOLL: A material replacement.

MR. NORA: We placed clay tile shingles on the roof above the kitchen.

MRS. DIVOLL: And I didn't quite understand the changes to the arches on the lake side.

MR. NORA: There was...on the picture that was shown there on the screen, the original arches had pierced openings in them. When they were replaced, they used solid wood. The arches are still there, but the areas above the arches are different.

MR. FRANK: Excuse me just a second. Were the clay tiles replacement clay tiles?

MR. NORA: They are red clay tile, but it does not match the existing clay tile. The existing clay tile is a Dutch tile. This is a red clay shingle tile, as close as they could come to matching.

MR. MOORE: Mr. Nora, excuse me, in your past experience...you and I have known each other for quite a long time...we have known each other for quite a long time...and you have worked in this town for many years. Would you say the changes that you've seen and have been a part of in this home were typical of maintenance type changes through the years, or would you feel that they were substantial in nature?

MR. NORA: I would say they were typical.

MR. MOORE: Thank you.

MRS. BETSY BURDEN: I'd like to summarize the point of Mr. Nora and Mr. Bennett's comments, that being that the house has undergone extensive renovations and I'm not sure again if just certain changes qualify for what shouldn't be landmarked or what should. I just wanted to make a point that we are aware of numerous precedents that the Town has set with certain alterations causing a house to be removed from landmarking. I just wanted to go ahead and make that point for the record. And responsively to Commissioner Divoll's questioning Mr. Bennett about the publishing of the thesis, the point again being that the Town has the burden of proof in going forward in supporting accurately a designation report. Mr. Bennett is not pressing the Town in trying to establish that burden of proof. I know in some respects, this is a battle of the experts. I hate to use that somewhat litigious term, but that is just a point that was made, and I was aware of that. And also in response to Commissioner Mackintosh, I believe you had mentioned you know this as a unique

house.

MRS. MACKINTOSH: I can't really hear you.

MRS. BETSY BURDEN: O.K. You did mention that you felt this was a unique house as far as the style. We are aware of at least one other house, the Kimberly house. In fact, I believe its in a similar architectural style. I find a difference there that there was a historical famous figure associated with the house. The Phillips have felt very strongly that that's not a case with their house. Again, I understand you just have to meet one criterion, but that's just a point the Phillips had made in comparing their house to the Kimberly's. The point, again, about the extensive renovations...I guess I'd just like to refer back to Mr. Bennett's second report, which I didn't ask yet to be entered into the record. I believe you've been furnished with a copy of that. And I'd like Mr. Bennett's second report to be introduced as Exhibit B for the record. Both of his reports, I think, speak for themselves. Again, I hope you've had a chance to look at them in a little more detail. Again, just going through my letter, just continuing, and I will summarize in just a moment, the point being made that we don't feel the house is typical of Palm Beach. I know the point was made by the Town that it has been adapted to Palm Beach. I've cited a couple of out of state cases just to emphasize to you that there are other cities with ordinances that emphasize just their local type of architecture. That's just simply to point those out to you. There are a couple of other ordinances that specifically refer to their type of architecture. We just feel like Palm Beach should continue to emphasize Palm Beach type architecture. The last point that I'd like to make is to refer to the fact that the house is on the market to be sold, and the Phillips did refer to that in their letter, which, I think, is probably their bottom line concern today. They are very concerned about the effect this may have on the sale of the property. The house is currently rented out. The tenants have an option to purchase. It will expire March the 31st, and we have no way, at this time, of knowing whether they will exercise that option, how they feel about landmarking, although they have inquired about that. So, we're just concerned about that time coming and going, and the effect landmarking may have. So, I think, at the very minimum, we would just simply request a further delay, to see how the tenants will exercise what decision they will make, whether a buyer could be procured, and a buyer may very well be out there that would voluntarily designate the house. We're just simply asking, on behalf of the Phillips, while they own the property, at this time, not to landmark the house. I believe, Mr. Bennett, that you had something to say.

MR. BENNETT: On the original photographs that we were looking at here, from the west side, there was no access shown from the servants' quarters out onto the flat deck that sat over a loggia. As it stands right now, and I have pictures here, sometime, probably within a few years after the building was completed, an addition was made to the house on the west side for...with a tower...not a tower, but a little opening for the servants to get from the servants' wing out onto this deck. You can get out onto the deck from the main wing, but you could not get out under the original design...you could not get out on that. I don't know whether anybody would care to see this or not...it seems to be fairly in keeping. Shall I bring it up?

MRS. DIVOLL: Could you please? I'd like to see it.

MRS. VOLK: What year was this done, would you say?

MR. BENNETT: I don't know. It was done, well Mr. Nora's been working there for twenty five years, and it's always been. This little thing was added on here, and ... see, this is the same west side we have been looking at here, but this is back in this corner here....

MR. FRANK: Could we or should we enter the photographs of the west elevation as Exhibit C?

[Indiscernible ...more than one person speaking.]

MR. BENNETT: I think so. It was there twenty five years ago. It's always been there. It does not show on the original plans, and doesn't show on those photographs, so this was added.

MRS. VOLK: Are these going to be entered as part of our record?

MR. RANDOLPH: I think they should.

MR. GUBELMANN: I'D LIKE TO MAKE A MOTION THAT THE PHOTOGRAPHS AS SUBMITTED BE MADE A PART OF THE RECORD.

MRS. VOLK: Is there a second?

MRS. GINGRAS: SECOND.

MRS. VOLK: All those in favor, please say Aye.

ALL: AYE!

MRS. VOLK: So moved.

MR. BENNETT: Jane, do you want more photographs or just this one? I have more.

MRS. VOLK: Stacks and stacks. What do you think?

MR. RANDOLPH: You're going to have to specific about what you enter into the record. So, once you've determined how many photographs or how we can identify them, you can do that.

MR. BENNETT: We just took random pictures all around the place. Every place we could get to take a picture that we thought would be significant, we did.

MRS. VOLK: These photos are [indiscernible]. So, we have a folder one, two, three.

MRS. GINGRAS: Mr. Bennett, these are the awning windows?

MR. BENNETT: Yes, this is awning, and these are the casements.

MRS. GINGRAS: O.K.

MR. BENNETT: And I'm not sure whether that's aluminum on this one

○ painted black. It looked like it was chipped, so maybe it's the original steel one. But here are the two side by side. It's offensive to me, but that's my opinion.

MRS. VOLK: How many folders have we?

MRS. METZGER: Three.

MR. BENNETT: Three.

MRS. VOLK: Three folders.

MR. BENNETT: And one long...one picture.

MRS. VOLK: So, we'll restate that motion...

MR. RANDOLPH: You don't really don't need a motion. I just want the record to be clear. There have been two previous exhibits that have been entered, and then these three folder of photographs taken by Mr. Bennett should be introduced as part of the record, I think, as composite Exhibit C.

MR. BENNETT: Is that alright? We have the negatives if you'd like them.

MR. GUBELMANN: Thank you. We appreciate it.

○ MRS. VOLK: Ms. Burden, do you have something else you wish to say?

MRS. BURDEN: I just have a few comments, Madame Chairman. I believe that the Town staff has other comments. I'd like to end, if I could...

MRS. VOLK: I can't hear you either.

MRS. MACKINTOSH: Yes. Speak up.

MRS. BURDEN: Can I make my comments at the end of the Town's presentation?

MRS. VOLK: Yes.

MRS. BURDEN: O.K.

MR. RANDOLPH: And for the record, I want you to know that you'll have an opportunity to question any of the witnesses that the Town puts out.

○ MRS. JANE DAY: As you know, my name is Jane Day. For the record, I would like it to be known that I had staff in the Building Department pull the permits that were issued and approved on this property from the time it was built in 1928. In all of those permits, there were only seven of them. The most extensive thing that was done was a \$2,000 repair job to rotten wood on the porch and loggia level in 1962. And I would like to enter into the record a listing of all those building permits, their dates, and exactly what was done at that time. As far as we can tell from the building permits that are on file here, there were no structural changes. Most of the work was

just repair and maintenance work on the property.

MR. RANDOLPH: Would you show that to Ms. Burden, and that should also be made a part of the Town's record.

MRS. VOLK: Any other witnesses to speak on this matter?

MR. RANDOLPH: Yes.

MR. RANDOLPH: Mr. Frank has a comment.

MR. FRANK: Yes. At this time, I'd like to address a comment made by Mrs. Burden. Mrs. Burden, you referred to an unorthodox procedure in terms of the second report. I would just like the record to show, and I'd also like to state, for your knowledge, that the procedure of writing a second report...the decision to do that was made prior to this. We did it for the Estee Lauder house, and we will do it for all of the projects in the future. The decision was made at a staff level that Mrs. Day shouldn't have the burden of defending a report that was written by someone else. And so, the procedure that you're talking about is actually, although this is only the second or third occurrence of it, this is an accepted routine. The decision was made, and it is not part of this. I understand how you came to your conclusion because there were erroneous portions of information that we had retained...that we had obtained from other sources in the initial report. I'm trustful that Mrs. Day has corrected all of those inaccuracies we think that Mr. Bennett found as a bone of contention, however the procedure of the second report is in fact a procedure that was decided by staff. In addition to that, I'd like to ask that...ask Mrs. Burden, in your Exhibit A, did that include the letter from Jane Duncan Firman Real Estate?

MRS. BURDEN: Yes. I had written Exhibit A, including that letter, because I referred to it in my letter of February 11th. So, I asked if my letter of February 11th, along with all of the enclosures, be admitted as Exhibit A, in an effort to keep it organized.

MR. FRANK: O.K. Thank you. I have two comments on that, and also, I would like to enter, as an exhibit, an advertisement by Jane Duncan Firman Real Estate, by the same real estate salesperson, Carol Digges, which refers to this property as well. It is her statement to the public as to what she thinks about historical landmarking of properties.

MR. RANDOLPH: Let me see if we can more specifically identify this. For the record, it has a photograph of the premises, and it's under the listing of Jane Duncan Firman Real Estate Inc., and under the photograph it says "Romantic French Normandy Lakefront, 210 Via Del Mar, Palm Beach, Florida." That will be entered as part of the Town's record, an exhibit for the Town.

MR. FRANK: O.K. On the letter, I just would like to remark on two things. Number one, and I'm just going to talk generically here, and we can get specific if you'd like, but Ms. Digges talks about that there were structural changes or alterations of this particular property, and I question, whether, as a real estate salesman, whether she has the credentials, or the knowledge or the expertise to determine whether that actually happened. And also, there's a

statement on here that has to do with the value of the property, the marketing, and things of that nature, as far as the salability is concerned. And I think that such a statement is all well and good and probably real estate firms are pretty well equipped to render opinions on this, however, I don't see attached to the letter any data, any statistics, any value comparisons, or anything of that nature. It's just a statement, and we've had these problems with realtors making statements before in the past, and I think it would be really beneficial if this Commission really has something of substance that they can look at. I have a problem with just accepting, at face value, the statement of a salesman.

MRS. VOLK: Thank you, Mr. Frank.

MRS. BURDEN: Could I briefly respond? I have no objection to the exhibit of the real estate brochure, but I don't see any specific reference to the fact that it is proposed for landmarking, the landmark specifically being an unfavorable aspect, but I...

MR. FRANK: O.K. I understand that.

MRS. BURDEN: I didn't mean to upstage you or anything, but I'm just making the point, I didn't...Again, Ms. Digges' letter states, and I believe her opinion is...this particular house, because of its unique, because of its architectural style, would be a deterrent to buyers, and I'm not saying that's the case with every house, but she feels for this particular house, it would be. You ought to consider that too. If you would like this exhibit, I have no objection.

MR. FRANK: I guess why I'm bringing this up is...is that it's good to know that this point be declared to buyers, but I guess I just don't see it in terms of numbers. I'd like to see how much this property might be depreciated or where her figures, and where her facts come to sustain this. That's all. I think the Commission needs that to help them to consider it, if it's available.

MRS. VOLK: Thank you, Mr. Frank. Is there someone from the public...?

MS. SANDRA NORMAN: Madame Chairman, Members of the Commission, my name is Sandra Norman. I am an Assistant Professor of History at Florida Atlantic University. I work with Jane, and I was asked to come speak to the question of Mr. Ceravolo's Masters thesis, and I was asked to state my own pedigree, I guess is the term I'm supposed to use. I have a Bachelor of Arts and History from Lenoir-Rhyne College in Hickory, North Carolina, a Masters of Arts and History from the University of North Carolina at Greensboro, a Masters of Arts and Museum Studies and a Masters in American Civilization from Brown University and my Ph.D. is from Brown. A Masters thesis is, of course, only as good as the person who writes it, and the people who judge it. But in the last fifteen-twenty years, at many places, including the University of Florida, the granting of a Masters degree with the requisite writing of a Masters thesis has required that a committee be formed of people with appropriate degrees overseeing the writing of that thesis. Supervision of the thesis and judgement of the thesis by that committee is not considered to be a throw away anymore, although at some points and in some places, it has been in the past. In this particular case, Mr. Ceravolo came down here and

practiced what I consider one of the finer crafts of history, which is doing oral history. He not only went into the Town records; he not only went into the private collections; he not only saw the houses, studied the plans, photographed them, but he talked to the people who had built them, the people who had owned them, and all the people associated with this so he could draw an informed opinion. With that, he wrote his thesis, defended it before a committee, and it was recognized as a piece of scholarly work by the University of Florida. My only other comment about the use of this in this report is that the owners of the house might have complained if that was the only piece of research used in writing this report. We took one footnote from this thesis at the end of the report in using it. And if you look, the pages of the bibliography are long, are informed, and contain much other material. It is a good thesis. It is worthy of being used. It's not the only piece of material being used. It is being used as one supporting piece of evidence.

MR. RANDOLPH: Can you elaborate on what else was done in regard to the designation... can you or Ms. Day elaborate on actually what goes into the Designation, and what you did in particular. You talked about how this one report was just a part of it.

MS. NORMAN: I think I'll let her explain what we did.

MR. GUBELMANN: Thank you.

MRS. DAY: The first thing you do when you write a designation report is you go out to the site and you look at the house, particularly when you're going to designate it under criterion (c), which is its architectural style. In this particular case, we were at a disadvantage because we were not allowed access to all the facades of the property. We, therefore, went back to historical literature. We went to the Palm Beach Historical Society. We looked at files that Nan Dennison has on file. We read everything we could find about Maurice Fatio during this time period. We also looked into other books to see what other architects were doing. We reviewed Don Curl's book on Mizner. We wanted to see what was going on in Palm Beach in 1928. Fatio is considered a master builder in this Town. I believe that that was established before we came on board as consultants to the Town, and I concur with that opinion. We went back and we read microfilmed copies of the newspapers of the period to see how the property was viewed at the time. We also looked into the background of the owners, the people who were designing, buying, building the house - Mrs. Charles Curry Chase, and found out who she was, what her relationship was with Fatio, and why the design was done the way it was done. We also went into Town records. We found microfiche of the original plans that we could look at what was there and what was supposed to have been built, and as I put into the record before, we looked for and always do every building permit to see what alterations there have been to a property to see if it still retains its architectural integrity. Then we put it all together in a readable form, and disperse it to all of you people so that you can look at these properties with some informed knowledge of them and not just a slide or two.

MRS. VOLK: Thank you, Mrs. Day. Dr. Curl.

DR. DONALD W. CURL, PH.D: My name is Don Curl. I'm a Professor of

History at Florida Atlantic University, and I think you probably heard more than you wanted to hear already, so I will be very brief. I'm the one who went to Gainesville and copied the thesis. I did so because Carl Feiss told both Alex Taylor and myself that this is an excellent thesis, and he recommended it. These were the days when you copied theses or any other thing one sheet at a time. So, I spent a great deal of time on it, and I did it because I thought it was very valuable. I think that Sandy Norman made a very good comment that there aren't all that many sources on Palm Beach architecture, particularly on people that are still around, who still remember. This thesis has interviews with architects who actually were in Fatio's office. They didn't always say nice things about him, but basically they did, and certainly the thesis is very valuable from that respect, and while I have complete respect for Mr. Bennett, in fact, I think he's one of the prime sources for Palm Beach architecture today, I have to remark that instead of the Kimberly house, I refer to the house as the Noble house, and that it's a very noble house done by John Volk, and not by Maurice Fatio, and still a beautiful house. I was asking Mrs. Mackintosh about another house on the lakefront that was also Tudor Norman of an earlier period than any of these houses that we're talking about. It was a countess, and I can't find the last name, but she was there for a very long time in the 1920's, so this is not an unknown type of house. Personally, I love the house, and just a quick little story. Having met Alex Taylor many years ago now...I'm not going to say how many for either of our sakes...I happened to be going through files of blueprints, actually construction blueprints, that were in Donald Edge's office in West Palm Beach. He's an architect. I don't know if he's still in business, but the blueprints were actually from the Willson Company, the contractors, and these were their construction blueprints. And I came across the Chase house, and I was so fascinated. This was a blueprint, so it was too early to really make a good xerox. I actually sketched, traced the plans and the drawings to send to Alex so she would know. So, I found it a beautiful house. I found it beautifully detailed. It was perfect for this climate. It was perfect for its setting. I obviously fell in love with it. One other point...I think that since it's in the record, it should be noted that Alex Fatio Taylor put together the book and not Donald Egan or Eric Egan...that Alex did it herself. He only wrote a slight introduction.

MRS. VOLK: Thank you, Dr. Curl.

MR. GUBELMANN: Dr. Curl...

MRS. VOLK: We have a question, Dr. Curl.

MR. GUBELMANN: One question. I heard reference to the fact that the Norman Tudor style of architecture was not typical of South Florida, and you have had great experience in various styles of architecture, what would you say, in addition to the Spanish Revival or Mediterranean architecture that there is in Palm Beach, that are worthy of landmarking or worthy of preservation besides...in addition to the Tudor Norman or other styles?

DR. CURL: Well, in general, what was happening in the 1920's was that architects were getting tired of Mediterranean Revival architecture. They were looking for other sources, and certainly the Tudor Norman was one of them, as I said. There is a great deal of tropical

Georgian, plain formal Georgian architecture. I can think of any number that might, too, be said not to apply to tropical Florida. I think the beauty of Palm Beach is that it has been a continually evolving and changing type of architecture. This is not Palm Beach, but it just reminds me, in the 1960's, John Volk did another sort of Norman Tudor house in Miami...a very famous house for Mr. Wackenhut, which is about three times the size of either of the houses we're talking about. It is a style that some people enjoy, and adds to the beauty of Palm Beach with everything together. Everything doesn't have to look the same. This is no Santa Barbara. This is, you know, a community that has grown over the years.

MRS. VOLK: There really isn't a typical architecture, is there?

DR. CURL: No.

MRS. DIVOLL: Dr. Curl, much is being made about the masters thesis, and if I'm correct, you've expressed your opinion that you think highly of the one that you copied yourself on Carl Feiss's recommendation. Now, this is a name that I recognize, but perhaps, it's unfamiliar to others. Can you tell us who Dr. Feiss is?

DR. CURL: Well, there are two things that make his recommendation, I think, valuable. One...he was the first Town consultant, as far as I know. He came down to look at Town architecture in 1979, when the landmark ordinance was passed. So, this is not somebody sitting in an ivory tower a million miles away. He knew Palm Beach architecture as well as anyone was going to in an academic sense. He has also, over the years, I think, been one of the leaders in the whole preservation movement as far as architectural instruction is concerned, not just in Florida, but I think he has a fairly well national reputation.

MRS. VOLK: Any other questions? Thank you.

MR. GUBELMANN: Thank you.

MRS. BURDEN: If I may, I'd like to make just a couple of very brief comments and then, I'd like to conclude. I just had one other question about the second designation report. The date on it says January 20, 1992. I assume that's supposed to be 1993. Can we clarify that?

MRS. DAY: Yes, that was a typo.

MRS. BURDEN: And the reason, frankly, that we did raise the question about the procedure was because the two reports were so vastly different. That was really the only reason...the main reason that we raised that. Had they been basically the same information, we may not have raised that objection. I did want to clarify that. I'd also like to mention that Mrs. Phillips made very clear to me, I think, in an attempt to clarify a comment made by the Town, that when Mrs. Alex Taylor visited her property...I think it was about five years ago, Mrs. Phillips wanted me to clarify that she did not actually take the initiative to invite her. She certainly didn't deny her the access once Mrs. Taylor asked her if she could come, but she did want me to make that clarification with you, just to again support the fact that the Phillips are not exactly in favor of this process. Just really in sum, I think there have been numerous objections that we have raised,

and just, I think, the totality of all of the problems that we've raised. We just hope that you'd cooperate with the Phillips, and decline, simply for the time being, at least, the landmarking of the house. We're hoping this in an interest of your good will toward the resident, for public relations of the Landmark Commission...whatever. We would just ask that you take the Phillips' feelings into consideration, and I'll, of course, have to go back and call them in New York, and tell them of your decision. I think our letter made it very clear. I'd just like you to concentrate on that probably more than anything, her sentiments, Mr. & Mrs. Philips' sentiments being expressed. We really would appreciate your cooperation on behalf of the Phillips, and we thank you for the opportunity today.

MRS. VOLK: Thank you, Mrs. Burden.

MR. RANDOLPH: Madame Chairman, may I ask...I don't believe...and someone can correct me if I'm wrong...that Dr. Curl put his credentials on the record.

MRS. VOLK: I think he did. Yes.

(Tape Change)

MR. RANDOLPH: ...is this based on your experience with architecture in the Town of Palm Beach and the State of Florida, for the record?

DR. CURL: Well, my elaboration is that I have written Mizner's Florida, which is a biography of Addison Mizner, and basically of Palm Beach architecture. I have been studying Palm Beach architecture, I guess at this point, for about fifteen years. I have looked at almost all the Fatio plans that I can find, which...they are so numerous I don't claim to have...I have seen, I think, every John Volk building. I have seen most of Wyeth's work, and in general, I think I can say in most cases that I'm familiar with the architecture of Palm Beach. And then, I sat here for six years. (referring to being a member of the LPC)

MRS. VOLK: Thank you, Dr. Curl. I'd like some comments from the Commissioners, the criteria for designation still remembered...that this house embodies distinguishing characteristics of an architectural type, or is a specimen inherently valuable in the study of a period, style, method of construction or use of indigenous materials or craftsmanship. We certainly know that it is a unique style of architecture, although there are other half-timber buildings in this Town. There is a commercial building on the corner of South County Road and Brazilian Avenue, and I might add, I just thought that Maurice Fatio's office in Phipps Plaza is a half-timbered building. There are several. So, it was an acceptable style, and it also worked in this climate if the floor plan were well adapted. Are there any comments?

MR. GUBELMANN: I'd like to make a comment. I think that sometimes people miss the point. It's not a question whether the house is altered over its lifetime. Very few houses that were built in the 1920's and the 1930's haven't been altered more than several times. It's a question...the house, as it stands and exists today, is it worthy..."A", does it meet the criteria?; and (B), is it worthy of landmarking? That's what we're dealing with in this Commission.

MRS. VOLK: Sometimes, if great changes have been made, we feel the architecture has been compromised, but I feel we've all decided in this case, that they have not been changes that compromised the original architecture. Any comments?

MRS. GINGRAS: I just had one other question. There seems to have been some conflict that Fatio did, in fact, reside in this house? Can you confirm that?

MRS. ALEXANDRA FATIO TAYLOR: Yes, he did.

MRS. VOLK: Would you care to step forward, Alex, Mrs. Taylor. I know, but please do. Let us hear about it.

MRS. ALEXANDRA FATIO TAYLOR: My father lived in the house with my mother and with us for about three years.

MRS. VOLK: Just for the record, identify yourself please.

MRS. ALEXANDRA FATIO TAYLOR: I am Alex Fatio Taylor. I am the daughter of Maurice Fatio.

MRS. VOLK: And he lived there...say it again.

MRS. ALEXANDRA FATIO TAYLOR: For three years, with his mother-in-law, my grandmother. I assume that the house was built before the 1928 hurricane, so it's still there.

MRS. VOLK: Well, it withstood the '47 one and the '49 one, and the several that I remember. Is there anything you wish to ask Mrs. Taylor regarding this house's history?

MRS. MACKINTOSH: I'm sure your father must have been very happy with it, wasn't he?

MRS. ALEXANDRA FATIO TAYLOR: Well, I was only a year at the time. He married his client's daughter, my mother, in the transaction.

MRS. VOLK: Thank you.

MR. GUBELMANN: Thank you.

MRS. GINGRAS: I guess my point in that is that aside from the fact that it's a wonderful house, being the residence of one of our master builders, adds great significance to its worthiness.

MRS. VOLK: I'd like to point out also that some mention was made about not much of the house being seen from the street side, but it is considered the lake side, which this house does give out to, is considered a public facade, and as such, is the best part of the house and the largest part of the house can be seen from the lake side. I think that's been agreed upon.

MR. GUBELMANN: The same can be said of Mar-a-Lago.

MRS. VOLK: Yes. Are there any comments of any kind? What is your feeling?

MRS. GINGRAS: Are you asking for a motion?

MRS. VOLK: Yes, I am asking for a motion.

MRS. GINGRAS: I WOULD MOVE THAT THE PROPERTY AT 210 VIA DEL MAR BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MRS. VOLK: Is there a second to that motion?

MRS. ALBARRAN DE MENDOZA: SECOND.

MRS. VOLK: All those in favor?

ALL COMMISSIONERS: AYE.

MRS. VOLK: So moved.

*Let the record show that Mrs. Metzger left the meeting at 11:26 a.m.

ITEM 2: 120 SEABREEZE AVENUE

OWNER: Mr. Frederick C. & Ms. Arlo Prior

(Please note that this item was deferred from the April 15, 1992 meeting, and the November 18, 1992 meeting.)

Please note that Staff requests that no action be taken on this property toward or against designation, and that it be removed from the "under consideration" list at this time.

MR. FRANK: The subject property, 120 Seabreeeze Avenue, actually is a bungalow style house, cottage style, if you will. The particular priority here, we had received some objections at the Staff level that there were some alterations to this structure which should be considered by the Commission in the decision making process. At that time, the owner was Mrs. Donna Long and Mrs. Long retained an engineer, Bill Wescott, who is a licensed professional engineer. He is also a preservation specialist. Mr. Wescott had done some preliminary studies to determine that the alterations to the structure did not effect the landmark integrity of the house. However, he was unable to complete his report. In the interim, the property has been sold. The new property owner was not interested in retaining Mr. Wescott to continue with his work, so therefore, we do not have a reliable report which can tell us definitively whether or not this structure has lost its integrity due to the alterations we know have been made. So therefore, the Staff recommends that this be removed from the list for consideration without prejudice so that it may be considered at some time in the future when this information may become available to us. As a side note, I might add that the structure, itself, in terms of zoning, exceeds the allowable square footage on that particular type or size of lot. So we feel that the structure probably is not under eminent threat of being demolished or removed or something like that. At some point in time, after discussions with

the new owner, perhaps we can put some material together, but we feel that it should be removed from consideration at this time.

MRS. DIVOLL: Why would it be smart to treat this property differently, in coming up with additional or revised or replacement reports, than we have dealt with the Phillips property and its second report or the Estee Lauder property and its second report? Should we not follow essentially the same concepts...follow through with the second report?

MR. FRANK: I believe that we should and I believe that we have. Essentially, the property was just sold recently, and I did not have any...essentially, this was what we would call a voluntary designation, although we don't use that term, and the impetus was being brought forward by the homeowner. And when we changed owners, I've had discussions with the new homeowner, and the new homeowner is ...this is a double negative...is not negative, but she's really not familiar with our process either. Staff felt that it was best in this particular case to have further discussions with this homeowner, and I might point out that it is very similar to this process because the Phillips property, that we were discussing earlier, as everyone well knows, went on for a great deal of time before it actually came down to a vote. I don't believe that this particular house has been in the process quite that long. I think that we should have the opportunity to apprise the owner of what our program is all about, and perhaps, it was even suggested to me that Mr. Wescott may even be able to give us some of the information. However, we have not explored that yet. I just felt that since we don't have a date certain as to when we'll have that information, it should be removed.

MRS. DIVOLL: So, the significant difference really is that a previous owner initiated the process.

MR. FRANK: I would say that that's one of the differences. Yes.

MRS. VOLK: Any other comments? Is there a motion that this property be taken from the "under consideration" list at this time, and that way it can always be placed on with any information that is available.

MOTION BY MR. GUBELMANN TO REMOVE THIS PROPERTY FROM THE "UNDER CONSIDERATION" LIST AT THIS TIME.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

VI. Other Business

Mr. Moore stated that the Town is going to comply with a smoke-free building requirement, and therefore, is attempting to find an exterior location which would be appropriate as a smoking area. The third floor roof deck north elevation has been suggested as a possible location, with the addition of an 8'x 12' retractable awning (to match the color of the facade) over a small wood deck, a table and some benches. As the Town Hall is a landmarked building, the LPC will ultimately have to give approval for such an addition. Mr. Moore brought this matter to the Commission today on a purely conceptual basis, and invited the Commissioners to view the area, and deliver

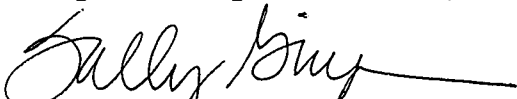
their feedback to Staff as soon as possible.

VII. Adjournment

THE MEETING WAS ADJOURNED AT 11:38 A.M. ON A MOTION MADE BY
MR. SILVERMAN.

The next meeting of the Landmarks Preservation Commission will be
heard on WEDNESDAY, MARCH 17, 1993 at 9:00 a.m., in the TOWN COUNCIL
CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras, Secretary

cmd