



May 3, 2017

VIA HAND DELIVERY

Mr. Jeff Modarelli
City Clerk
City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

Re: Appeal of the April 3, 2017 Decision of the City of Fort Lauderdale Historic Preservation Board – Case No. H17002

Dear Jeff:

We represent NJ Thomson, Inc. (the "Applicant"), the owner of property located at 927 SW 2nd Court, Fort Lauderdale, Florida (the "Property"). On April 3, 2017, the City of Fort Lauderdale (the "City") Historic Preservation Board (the "Board") considered and denied Case No. H17002, which sought a Certificate of Appropriateness for the demolition of a structure on the Property and a Certificate of Appropriateness for the construction of a new two-story duplex on the Property (collectively, the "Application").¹

Pursuant to the City's Unified Land Development Regulations (the "ULDR"), Section 47-26B, the Applicant hereby appeals the Board's denial of the Application because there was a departure from the essential requirements of law and the denial was not supported by competent substantial evidence. For these reasons and as further discussed below, the City Commission must now overturn the decision of the Board and grant the Application.

I. Background.

The Applicant acquired the Property on April 12, 2016 through a foreclosure sale. Per the Broward County Property Appraiser, the Property contains a small house built in 1927. The Property has been abandoned and neglected for many years and the structural integrity and the foundation of the structure is severely compromised beyond repair. The Applicant conducted a preliminary inspection of the Property and structure prior to the acquisition which determined that the structure was not salvageable, the wood frame was completely rotten throughout and the foundation was not sound. In fact, there is a large oak tree growing through the east wall of the structure, the roots causing severe damage to the house and its foundation. The roof is significantly sinking and bent inward and may collapse at any time. Based on the

¹ At the April 3, 2017 Board hearing, the Board only considered the Certificate of Appropriateness for the demolition of a structure on the Property, finding the application for the Certificate of Appropriateness for the construction of a new two-story duplex on the Property moot. In order to preserve all of Applicant's rights under the ULDR, the Applicant is appealing both requests for the Certificates of Appropriateness in Case No. H17002.

due diligence performed, the Applicant acquired the Property and filed the Application for demolition of the degraded structure thereon, as there was no hope of repair. The Applicant submitted new plans consistent with the material and design guidelines for new construction within the Sailboat Bend Historic District (the “District”), as set forth in ULDR Section 47-17.7.

Even though the structure on the Property is greater than 50 years old, it is not architecturally or historically worthy of preservation. Not every property or structure within the District or over 50 years old is worthy of preservation or can be rehabilitated, preserved or repaired. The Board ignored relevant evidence and testimony presented by the Applicant in the Application and at the hearing as to the structure’s worthiness and structural soundness as well as the justification for the need to demolish the structure. The Applicant is hereby appealing the denial of the Application as set forth herein and has relied on the following record of documents in making this appeal.

II. Record of Documents.

- a. Application for Certificate of Appropriateness for Demolition. **Exhibit 1.**
 - i. Application dated January 27, 2017 (the “Demo Application”).
 - ii. Plans dated December 22, 2016.
 - iii. Photographs of structure to be demolished.

- b. Application for Certificate of Appropriateness for New Construction (the “New Construction Application”). **Exhibit 2.**
 - i. Application.
 - ii. Plans dated October 28, 2016 (the “New Construction Application Plans”).

- c. Letter dated December 13, 2016, by Edgar V. Duenas, P.E. of Bunker Engineering regarding Historic Designation (the “Historic Designation Letter”). **Exhibit 3.**

- d. Letter dated February 28, 2017 by Edgar V. Duenas, P.E. of Bunker Engineering regarding Narrative/Justification for Demolition (the “Justification for Demolition Letter”). **Exhibit 4.**

- e. Letter dated April 3, 2017 by Edgar V. Duenas, P.E. of Bunker Engineering regarding Existing Building – Structural Deficiencies (the “Structural Deficiencies Letter”). **Exhibit 5.**

- f. Applicant’s photographs submitted to Board on April 3, 2017 of the structure’s condition (the “Photographs Submitted into Evidence”). **Exhibit 6.**

- g. Staff Memorandum to Historic Preservation Board (the “HPB Memo”), dated April 3, 2017 prepared by Trisha Logan, Planner III (“City Consultant”). **Exhibit 7.**

- h. Draft Historic Preservation Board Minutes from April 3, 2017 hearing (the “Minutes”). **Exhibit 8.**
- i. Videotape of April 3, 2017 hearing. **Exhibit 9.**
- j. Transcribed videotape of April 3, 2017 hearing (the “Transcript”). **Exhibit 10.**

III. Standard of Review.

Pursuant to the ULDR, an application for a certificate of appropriateness is first considered by the Board and any decision of the Board may be appealed in accordance with the procedure set forth in ULDR Section 47-26(B). See ULDR Section 47-24.11.C.3,4. ULDR Section 47-26B.1.A provides that “the appeal shall be made by letter to the city clerk and a copy filed with the department.” Where an appeal is from the historic preservation board to the City Commission, the ULDR requires the City Commission to determine if:

- A. There was a departure from the essential requirements of law in the proceedings appealed; or
- B. Competent substantial evidence does not exist to support the decision.

See Section 47-26B.1.A.1, ULDR.

If the City Commission finds that **either** of these criteria applies to the Board’s actions, then the City Commission shall conduct a de novo hearing which may be immediately held or shall be set by resolution no later than sixty days from the date of adoption of the resolution. Section 47-26.B.1.A.1, ULDR.

IV. Argument.

The ULDR and Florida law require the Board to uphold the essential requirements of law and to base its decision on competent substantial evidence. In other words, the Board must apply the correct law as specifically set forth in the ULDR and base its decision upon relevant and material evidence presented in the Application and at the hearing that a reasonable mind would accept as adequate to support the decision reached.

Under these standards, the City Commission should now overturn the decision of the Board for the following reasons: (A) the Board departed from the essential requirements of law by misinterpreting and misapplying all of the criteria that apply to the Application and by ignoring the Applicant’s testimony and evidence submitted with the Application and at the April 3, 2017 hearing; and (B) competent substantial evidence did not exist to support the Board’s decision and the Board failed to consider the expert testimony and evidence from a licensed Professional Engineer that was submitted into the record.

A. The Board's Actions at the April 3, 2017 Hearing Departed from the Essential Requirements of Law.

Under Florida law, a “departure from the essential requirements of law essentially means that [there was a failure to] apply the correct law and that the failure resulted in a miscarriage of justice.” *State, Department of Highway Safety and Motor Vehicles v. Whitley*, 846 So. 2d 1163, 1165 (Fla. 5th DCA 2003); *Ivey v. Allstate Insurance Co.*, 774 So. 2d 679 (Fla. 2000). At its April 3, 2017 meeting, the Board failed to apply the correct law, and thus departed from the essential requirements of law, because (i) the Application did not satisfy the criteria applied by the Board in reaching its decision; (ii) the Board applied the wrong criteria; (iii) the Board did not follow the City’s own public policy for historic preservation; and (iv) the Board applied its own standards and opinions instead of the ULDR in denying the application.

1. The Board Incorrectly Applied the Criteria to the Application.

Section 47-24.11.C.3.c.i of the ULDR provides the following general criteria as guidelines for the Board’s evaluation of an application for a certificate of appropriateness for alterations, new construction, **demolition** or relocation, each of which must be considered by the Board:

- a) The effect of the proposed work on the landmark or the property upon which such work is to be done;
- b) The relationship between such work and other structures on the landmark site or other property in the historic district;
- c) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or property will be affected;
- d) Whether a denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of the property;
- e) Whether the plans may reasonably be carried out by the Applicant;
- f) Whether the plans comply with the “United States Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.”

Section 47-24.11.C.3.c.i.a–f, ULDR (the “General Criteria”). The Board misapplied the General Criteria with regard to the Application, because the structural integrity of the structure was never taken into consideration by the Board or the City Consultant in the preparation of the HPB Memo. The HPB Memo prepared by the City Consultant in advance of the Board hearing, expressly states that at the time the Application was submitted to the City, the Applicant did not provide substantive evidence of the current condition of the structure by

either providing detailed photographs and/or an existing conditions report that outlines the decay as stated in the narrative to substantiate an unusual or compelling circumstance to warrant demolition in this particular case.” [HPB Memo, p. 3]. However, at the April 3, 2017 hearing, the Applicant through its professional engineer, Edgar V. Duenas, P.E. (FL Reg. Engineer Number 57831) (the “Professional Engineer”) submitted substantive evidence of the current condition into the record by providing detailed testimony, photographs **and** an existing conditions report that outlined the decay and compelling circumstances of the compromised structure to warrant demolition. Notwithstanding the Applicant’s and Professional Engineer’s evidence and testimony submitted into the record, the Board chose to ignore the evidence which detailed the significant structural defects of the house on the Property.

The Applicant’s Professional Engineer submitted several letters, photographs and testified at the hearing that he had inspected the house and the structure was unsafe, its primary structural components were decayed and a large oak tree was growing into the side of the structure causing irreparable harm. [Historic Designation Letter; Justification for Demolition Letter; Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, pp. 4-5, 7-8]. None of this evidence was considered and therefore the application of the General Criteria to evaluate whether a Certificate of Appropriateness for the demolition of a structure was incorrect, as it did not evaluate the evidence indicating that the structure was beyond repair. If the structure is beyond repair and deemed unsafe by a licensed professional engineer, the only alternative is to demolish the structure. However, the Board chose instead to impose their own personal opinions and past experiences as to whether alterations could be made to the structure instead of demolition. Neither the Board nor the City Consultant are qualified in structural engineering nor did they conduct a structural inspection of the structure and therefore, should not be permitted to deny an application where evidence was presented by a licensed professional engineer that the structure should be demolished.

Notwithstanding the foregoing, even when the Board and City Consultant applied the criteria, the record shows that the Board did not apply it correctly. The HPB Memo provides that General Criteria (a), (b), (c), and (f) were applicable to the Application. [HPB Memo, p. 4]. The record demonstrates that the Board gave no consideration whatsoever to the criteria set forth in subsections (d) and (e) of the General Criteria, presumably because such criteria clearly weigh in favor of granting the Application. [HPB Memo, p. 4 (“Consultant Response n/a”)]. It is the Applicant’s position that none of the General Criteria is applicable to the Application based on the following:

With respect to subsection (a) of the General Criteria, the Board relied only on the City Consultant’s response providing that “A contributing historic resource in the historic district will be lost.” [HPB Memo, p. 4]. According to the Professional Engineer, in its February 28, 2017 letter to the City, “the structure is not a contributing resource within the Sailboat Bend Historic District and does not resemble any other building in this neighborhood due to its position on the lot and its original design and configuration.” [Justification for Demolition Letter]. The mere fact that the Property is located within the District and constructed in 1927, does not make the structure contributing if it is in such poor condition that it cannot be restored or altered.

With regard to subsection (b), there is no relationship between the structure on the Property and other property in the neighborhood. [Justification for Demolition Letter]. The house is hidden behind a six-foot high white fence, [Transcript, pp. 4, 12], and has been neglected for many years. [HPB Memo, p. 3; Transcript, p. 2; Minutes, pp. 3-4]. Additionally, the fact that the house is “a one-story, wood frame Vernacular house”, [HPB Memo, p. 1; Transcript, p. 1; Minutes, p. 3], which architecture did not use formally-schooled architects, only local builders based on local needs for shelter, does not necessitate that it needs to be preserved or protected from demolition if the foundation, structure and the wood frame characteristic of the local architecture at the time are in such bad condition that they compromise the safety and welfare of the Property and the community.

In General Criteria (c), the extent to which the historic or architectural significance, architectural style, design, arrangement, texture, materials and color of the property will be affected was incorrectly applied to the Application. The City Consultant stated “the historic house will be destroyed and its history lost to the community.” [HPB Memo, p. 4]. First of all, the house is not designated historic and the Property is not designated a landmark site. The Property is located within the Sailboat Bend Historic District and based on its degraded and neglected structure, it does not contribute to this District. Again, the mere fact that the structure was built more than 50 years ago around 40 other structures that were built using the same materials, does not make the structure worthy of preservation or restoration, if the structure is in shambles, rotten throughout and is structurally unsafe.

Additionally, the current structure has been significantly modified since its construction and most of its original features have been demolished, changed or significantly damaged. According to the HPB Memo, the original house had an open front porch, which was one of characteristics of the homes built at that time. [HPB Memo, p. 3; Transcript, p. 1; Minutes, p. 3]. The porch today is completely enclosed and windows and doors have been replaced throughout, destroying the architectural features of the former house. [HPB Memo, p. 3; Transcript, p. 1; Minutes, p. 3]. Additionally, a garage was previously located in the rear and has since been demolished. [HPB Memo, p. 3]. In years 1987, 1999 and 2000 permits were previously pulled on this Property “for a substantial amount of work” including window replacement, roof replacement, and remodeling. [HPB Memo, pp. 4, 5; Transcript, p. 2; Minutes, p. 4]. A large oak tree is growing out of the eastern side of the structure and its roots have grown underneath the home, destroying its foundation and damaging the footing and wall and floor framing. [Structural Deficiencies Letter; Transcript, p. 4; Minutes, p. 7]. The eastern side of the house’s floor is lifted due to the overgrown roots making it structurally unsafe. [Photographs Submitted into Evidence; HPB Memo attached photographs; Transcript, p. 4; Minutes, p. 7]. The tree has also damaged the roof causing leaks and extensive water damage and rot throughout the structure. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, p. 4; Minutes, pp. 3-4, 7]. Moreover, there is extensive wood damage to the exterior wall framing and clap boards as a result of an infestation of termites. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, pp. 4-5, 7-8; Minutes, p. 7]. The termites have caused significant damage to the exterior walls and floors and parts of the roof to sink, making rehabilitation of the wood framed structure impossible. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, pp. 4-5, 7-8; Minutes, p. 7].

Subsection (f) of the General Criteria regarding rehabilitation of historic buildings is not applicable because the structure is not historic nor can any of its architectural features be retained, preserved or rehabilitated due to the significant damage and unsalvageable condition of the structure. Evidence and testimony were submitted to the Board detailing the deplorable and structurally unsafe conditions of the structure. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, pp. 4, 7-8]. The Board failed to consider any of the evidence and instead denied the Demo Application stating that the Applicant needed to preserve and repair the structure that was deemed to be structurally unsafe and beyond repair by the licensed Professional Engineer. [Transcript, pp. 15-16]. The Applicant submitted the proposed plans, which detailed the demolition of the structure as well as the proposed new construction which satisfied the District's material and design guidelines, because the existing structure cannot be rehabilitated, repaired, altered or restored [See New Construction Application Plans].

However, the Board, disregarding the evidence above and ignoring the compromised and unsafe nature of the existing structure, responded to the Professional Engineer's opinion that the house must be completely rebuilt by cutting off the Professional Engineer and stating:

"Don't focus on the whole house. . . . I said do NOT focus on the whole house."
[Transcript, p. 8].

Further, the Board went so far as to say that it didn't matter what the information shows:

"Regardless of . . . the information you had, the owner, when they purchased this property, there is a process that you must go through that makes sense for anything in the historic district and no one on this Board . . . apologizes for Sailboat Bend being an historic district. We want it to stay that way. So there's no way around this."
[Transcript, p. 14].

These comments demonstrate the following: (i) the Board incorrectly applied the General Criteria to the Application; (ii) did not consider the weight of a Professional Engineer who inspected the structure; and instead (iii) imposed their own opinions regarding the structure.

As stated above, none of the General Criteria is applicable and the Board misapplied the General Criteria with regard to the Application, because the structural integrity of the structure was never taken into consideration by the Board. Therefore, misapplying the criteria to a structure that clearly cannot be rehabilitated results in a miscarriage of justice.

2. The Board Failed to Apply the Correct Law that Applies Specifically to Applications for a Certificate of Appropriateness for Demolition of Structures.

ULDR Section 47-24.11.C.4, provides the requirements for an application for a certificate of appropriateness for the demolition of a structure, the Review Process that the Applicant must go through to seek demolition, and the Review Criteria that the Board must apply when an applicant seeks a certificate of appropriateness for demolition. Specifically, “An application *shall* be submitted to the historic preservation board for review in accordance with criteria provided in subsection C.4.c.”, as follows:

- i. The designated landmark, landmark site or property within the historic district no longer contributes to a historic district; or
- ii. The property or building no longer has significance as a historic architectural or archeological landmark; or
- iii. The demolition or redevelopment project is of major benefit to a historic district.

(collectively, the “Demolition Criteria”). ULDR Section 47-24.11.C.4.c (emphasis added).

Additionally, the City’s own application process requires a Demolition Rider specifying the Demolition Criteria by which the application is to be reviewed. [See Demo Application]. Neither the City Consultant in her analysis of the Application as set forth in the HPB Memo nor the Board addressed the Demolition Criteria. The Application was for a certificate of appropriateness for the demolition of the structure on the Property and therefore, the Board departed from the essential requirements of law in not applying the correct law to the Application in front of them. The failure to apply the Demolition Criteria or any of the evidence presented by the Applicant in the Application for demolition as well as the testimony and evidence presented at the hearing amounts to a miscarriage of justice. The Applicant’s testimony as to the structural integrity of structure and the need for the structure to be demolished based on its inability to be repaired or rehabilitated was ignored by the Board, as they were not reviewing the Application under the correct criteria.

In applying the Demolition Criteria, the Board should have approved the Application because at least one of the Demolition Criteria was satisfied. In Demolition Criteria (i), the Applicant’s Professional Engineer submitted documentation and testified at the hearing that due to the structure being modified from its original design and its deplorable structural condition, the structure no longer contributes to the Sailboat Bend Historic District. [Justification for Demolition Letter; Structural Deficiencies Letter; Transcript, pp. 4-5, 7]. The original architecture has been significantly modified. [HPB Memo, pp. 1-2; Transcript, pp. 4-5]. A majority of the windows and doors have been replaced, the characteristic front porch has been closed in and the City Consultant could not even determine the pitch of the roof, because it has collapsed. [HPB Memo, pp. 1-2; Structural Deficiencies Letter; Transcript, p. 1; Minutes,

p. 3]. The rotting structurally unsafe eyesore of a building hides behind a six foot high fence and no longer contributes to the District. [Transcript, pp. 4, 12].

Regarding Demolition Criteria (ii), neither the Property nor building has significance as a historic, architectural or archeological landmark. The Property is located within the historic District, but the structure itself is not historic or architecturally significant. Even though the structure on the Property is greater than 50 years old, it is not architecturally or historically significant or worthy of preservation. Not every property or structure within the District or over 50 years old is worthy of preservation or can be rehabilitated, preserved or repaired. The Board ignored relevant evidence and testimony presented by the Applicant in the Application and at the hearing as to the structure's worthiness and structural soundness as well as the justification for the need to demolish the structure. A large oak tree is growing out of the eastern side of the structure and its roots have caused significant damage to the foundation of the structure beyond repair. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, p. 4; Minutes, p. 7]. Termites have infested the wood-framed house and have compromised the structural integrity of the frame. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, pp. 4-5, 7-8]. None of this evidence submitted into the record by the Applicant was relied upon by the Board when issuing the denial.

Regarding Demolition Criteria (iii), the demolition of a noncontributing, neglected, deteriorated structure that is structurally unsound and unsafe and ready to collapse at any moment is of major benefit to the District.

The Board and the City Consultant who analyzed the Application completely ignored the required criteria – the Demolition Criteria. In failing to apply the Demolition Criteria the Board disregarded the evidence submitted which detailed the structural deficiencies of the structure and supported the justification for demolition. This amounts to a departure from the essential requirements of law.

3. The Board Departed from the City's Own Public Policy for Historic Preservation.

Section 47-36.2 of the ULDR sets forth the purpose and declaration of public policy for the historic preservation regulations set forth in Section 47-24.11. Section 47-36.A, states "The purpose of these historic preservation regulations is to promote the cultural, economic, educational and general welfare of the people of the city and of the public generally, through the preservation and protection of historically or architecturally **worthy** structures" (emphasis added). The structure on the Property is neither historically or architecturally worthy and the Board did not consider any of Applicant's expert testimony or evidence from the licensed Professional Engineer that the structure and its foundation are structurally unsafe beyond repair. In fact, the City Consultant in the HPB Memo, which was provided to the Board prior to the April 3, 2017 hearing expressly stated, "Staff would urge the HPB to request additional information on the condition of the structure or the potential to rehabilitate, prior to making a final determination and to defer this request to the May HPB Agenda." [HPB Memo, p. 6]. The Applicant submitted evidence detailing the structural deficiencies of the structure,

photographs depicting the actual damage and provided compelling evidence and testimony in the forms of a “Structural Deficiencies” report and exterior and interior photographs showing the extensive, unrepairable damage and deplorable condition of the structure at the hearing, but the Board ignored the evidence. [Structural Deficiencies Letter; Photographs Submitted into Evidence; Transcript, pp. 4-5, 7-8].

4. The Board Applied its Own Standards and Opinions Instead of the ULDR in Denying the Application.

Instead of relying on the law as set forth in the ULDR as it applies to the Application, the Board applied its own criteria in denying the Application. For example, the Board based its denial on whether or not the Applicant conducted due diligence on the Property before it was purchased. Some of the Board members stated:

“Because typically, at least my experience in the real estate and architectural industries, it has been that you have to do your due diligence before you close on a piece of property in order to understand the ramifications of that purchase . . .” [Transcript, p. 6].

“[I]t’s a caveat in their world and *buyer beware*. They need to go in with their eyes open . . . the buyer should have still looked into this and determined that these would be obstacles, not insurmountable, but obstacles with respect to doing what they needed to do.” [Transcript, p. 7 (emphasis added)].

“I have to concur with my colleagues here because I really do agree that someone when you’re buying into an historic neighborhood or an historic district or even in a neighborhood that might be considered historic, the buyer needs to be aware, do the due diligence and come up with the right information.” [Transcript, p. 7].

“[A]s they’re saying on the Board here, the owner’s fault is that they didn’t investigate anything. They just bought it with the idea that they could do whatever they wanted to [as] reflect[ed] in the price they paid.” [Transcript, p. 9].

“So that reinforces my impression that the owner didn’t do his homework. . . .” [Transcript, p. 11].

Even though the Applicant did conduct its due diligence prior to acquiring the Property and its due diligence revealed that the structure was not salvageable and its foundation was severely compromised, conducting due diligence is not a criterion under which the Board is to review the Application. In any event, even if buyer’s due diligence was such a criterion, which it is not, the legal principle that the Board relies upon – “buyer beware” also known as “caveat emptor” – is not the law in Florida in connection with sales of residential houses. *Johnson v. Davis*, 480 So. 2d 625, 630 (Fla. 1985).

Again, whether the Applicant knew the structure was historic or not is not a criterion with which the Board is to review the Application. The Board ignored all of the Professional Engineer's testimony and evidence submitted into the record as to why the structure should be demolished and instead chose to impose their own criteria, personal opinions and past experiences as to whether alterations could be made to the structure instead of demolition:

"I too have remodeled and restored and built and sometimes you get surprises, sometimes you get lucky . . . I'll speak solely for myself now with respect to what was submitted here. . . I see the pictures. Yeah there's a lot of work there, but it's a small house, so it's not that complicated." [Transcript, pp. 6-7].

"I think the bones are really still there in that house and it could be salvaged. OK, so that's my opinion." [Transcript, p. 11].

Neither the Board nor the City Consultant are qualified in structural engineering nor did they conduct a structural inspection of the structure and therefore, should not be permitted to deny an application where evidence was presented by a licensed Professional Engineer that the structure should be demolished. The Board based its denial on its own opinions instead of relying on a Professional Engineer's evidence providing that the structure could not be rehabilitated or repaired.

The Board's failure to correctly apply the General Criteria, the Demolition Criteria or the policies governing certificates of appropriateness under the ULDR is sufficient to support a finding that the Board departed from the essential requirements of law.

B. The Denial of the Application was Not Based on Competent Substantial Evidence.

The City Commission must also determine whether the Board's denial of the Application was based on competent substantial evidence. See Section 47-26.B.1.A.1.b, ULDR. Florida courts define substantial evidence as evidence that "establish[es] a substantial basis of fact from which the fact at issue can be reasonably inferred." *De Groot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). In order for substantial evidence to be competent, the evidence must be "sufficiently *relevant and material* that a reasonable mind would accept it as adequate to support the conclusion reached." *Id.* (emphasis added); *Pollard v. Palm Beach County*, 560 So. 2d 1358, 1359-60 (Fla. 4th DCA 1990).

The Board's denial of the Application was not based on relevant and material evidence to support its decision. The Board failed to review any information presented by the Applicant as to the structural condition of the structure. Even the HPB Memo ignored the Applicant's Historic Designation Letter and Justification for Demolition Letter submitted by its licensed Professional Engineer. The Historic Designation Letter provided that the "current state of the house is not . . . structurally safe . . . [and] is not only a hazard but it does not pose any benefits to the architectural, historical, or archeological significance of the landmark site." [Historic Designation Letter]. The Justification for Demolition Letter provided that the structure has " . . . significant wood rot and decay of its primary structural components" [Justification for Demolition Letter]. The HPB Memo was void of any competent substantial

evidence as to the condition of the structure and whether it should be demolished. In fact, the HPB Memo which was prepared prior to the April 3, 2017 Board hearing expressly stated that, “the applicant did not provide substantive evidence of the current condition of the structure by either providing detailed photographs and/or an existing conditions report that outlines the decay as stated in the [Applicant’s] narrative to substantiate an unusual or compelling circumstance to warrant demolition in this particular case.” [HPB Memo, p. 3]. The HPB Memo went on to state that “Staff would urge the HPB to request additional information on the condition of the structure or the potential to rehabilitate, prior to making a final determination **and** to defer this request to the May HPB Agenda.” [HPB Memo, p. 6 (emphasis added)].

At the April 3, 2017 Board hearing, the Applicant through its licensed Professional Engineer presented detailed photographs and an existing conditions report that outlined the structure’s decay and structural deficiencies to substantiate an unusual and compelling circumstance to warrant demolition in this case. This expert testimony and documentary evidence was ignored and not considered by the Board when issuing the denial of the certificate of appropriateness. The Professional Engineer testified [Transcript, pp. 4-5, 7-8], provided a Structural Deficiency report [Structural Deficiencies Letter] and photographic evidence [Photographs Submitted into Evidence] of his inspection which consisted of an evaluation of the structure, the attic, the foundation and the windows, and submitted all of this evidence into the record detailing the structural deficiencies. [Transcript, p. 4]. The Professional Engineer also stated that the structure was beyond repair, and if repairs could even be made, they would be significant and would be more than the value of the house. [Transcript, p. 4]. The roof is caving in and sagging because of the significant termite damage and water damage. [Structural Deficiencies Letter; Transcript, p. 4]. The structure is not worth preserving, as nothing is salvageable. [Transcript, p. 4].

The Structural Deficiencies Letter outlined the multiple structural deficiencies including:

- Complete structural failure of home causing an unsafe and unrepairable structure;
- Entire roof has collapsed from extensive termite and water damage;
- Walls are structurally compromised from extensive termite and water damage;
- The structural foundation and floors are destroyed beyond repair;
- Significant water intrusion has caused extensive water damage and a proliferation of mold exists;
- The structure’s footing and its framing have been completely destroyed; and
- A large oak tree is growing into the eastern side of the structure, which has significantly compromised the structure. The roots of the tree have also damaged the sewer and water lines.

Electrical damage and mechanical damage are also noted in the Structural Deficiencies Letter.

While the members of the Board may believe that they were correct in preserving a structure in an historic district at all costs, some structures are not worthy of preserving. After all these are not Thomas Jefferson or George Washington's homes. [Transcript, p. 11]. It is a small, deteriorated wood frame structure that is structurally compromised beyond repair and whose architecture has been significantly modified throughout the years, making it no longer historically or architecturally significant. The Board did not review or rely on the overwhelming evidence presented by the Professional Engineer in the oral testimony, the written reports and the photographs, as to the condition of the structure. The evidence submitted substantiated an unusual or compelling circumstance to warrant demolition of the structure. The Board's refusal to acknowledge the findings made by the Professional Engineer, who testified at the hearing that he conducted a full inspection of the structure and determined that it was structurally unsound and beyond repair, constitutes a gross miscarriage of justice that must be remedied by the City Commission on appeal.

Accordingly, there was no relevant evidence that supports the Board's denial of the Application, and the City Commission must now overturn the denial in accordance with the procedure set forth in ULDR Section 47-26.B.1.A.

V. Conclusion.

According to the ULDR, if the City Commission finds that the Board's decision did not comport with the essential requirements of law or that the decision was not based upon competent substantial evidence, the City Commission must overturn the Board's decision and hold a de novo hearing on the Application.

Based upon the foregoing information, the Applicant requests that you set this appeal for hearing on the next available City Commission hearing agenda and, as authorized by the ULDR, that the City Commission conduct both hearings on that date and grant the Application, as the Board's decision did not comport with the essential requirements of law and was not based on competent substantial evidence.

Respectfully,

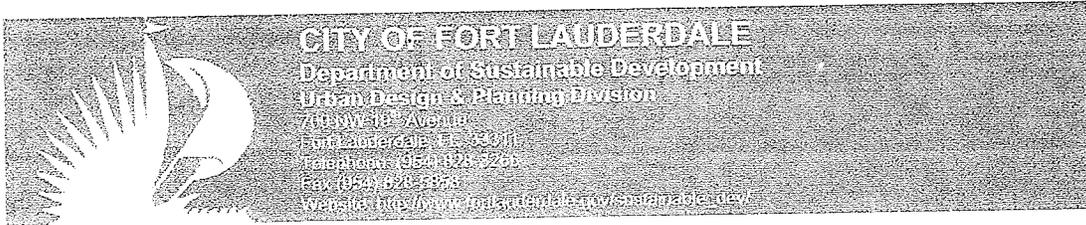


Heidi Davis Knapik

Enclosures

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Trisha Logan (w/encls; via email)
Linda Mia Franco (w/encls; via email)
Lynda Crase (w/encls; via email)
Emanuel Zeltser, Esquire (w/encls; via email)
Vivian Funk (w/encls; via email)

EXHIBIT 1



HISTORIC PRESERVATION BOARD (HPB)

DEMOLITION RIDER

- Cover:** Deadline & Applicant Information Sheet
- Page 1:** Demolition Rider
- Page 2:** Sign Notification Requirements / Affidavit
- Page 3:** Mail Notification Requirements / Affidavit

DEADLINE: Submittals must be received by 4:00 PM by submittal deadline (see website for dates). Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

Applicant Information Sheet



INSTRUCTIONS: Please print or type all information. The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (Not Applicable). The following information requested is per Unified Land Development Regulations (ULDR). Incomplete applications will not be accepted.

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	NJ THOMSON, INC
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	75 N WOODWARD AVE # 86009 TALLAHASSEE, FL 32313
E-mail Address	ASTRAMANAGEMENTINC@GMAIL.COM
Phone Number	786-766-0697
Proof of Ownership	Warranty Deed <input checked="" type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	NANCY CORTES
Applicant / Agent's Signature	<i>Nancy Cortes</i>
Address, City, State, Zip	18786 NW 79 WAY, HIALEAH, FL 33015
E-mail Address	LC ROOFING@YAHOO.COM
Phone Number	305-454-3894
Letter of Consent Submitted	YES

Development / Project Name	TWO (2) STORY DUPLEX
Development / Project Address	927 SW 2ND ST FT LAUDERDALE, FL 33312
Legal Description	
Tax ID Folio Numbers (For all parcels in development)	5042 09 09 1540
Request / Description of Project	TWO (2) STORY DUPLEX
Zoning Review	RML-25
Landscape Review	N/A

Page 1: Demolition Rider

The Code of Ordinances of the City of Fort Lauderdale provides that demolition of any structure in the Historic District requires a Certificate of Appropriateness.

BUILDING TO BE DEMOLISHED:

TYPE: Single Dwelling Unit Multi-Family/Number of Units _____
 Garage Carport Shed
 Partially Windows/Doors Siding Structure
 Porch Enclosure Roofing Other _____

AGE: Year Built 1927 Approximate age of building (if actual year built unknown or not documented)

Is Building OVER fifty (50) years old? YES NO UNKNOWN

Evidence of Age: Broward County Property Appraisal

CONDITION: Excellent Good Fair Poor
 Code Compliance Action in Progress YES NO
 Does the Building conform to Guidelines? YES NO

DOCUMENTATION:

Proposal from Licensed Contractor Architect's Evaluation (attached)
 Engineer's Evaluation (attached) Code Compliance Report (attached)
 Notice of Violation from Code Enforcement (if applicable)
 Other _____

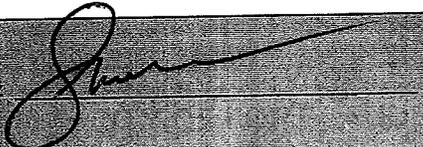
Describe the reason(s) for demolition, the method of demolition and the proposed future uses of the site as well as the proposed future use of the materials from the demolished structure. (Explain below)

Structure will be demolished to build a two (2) story duplex. The building will be demolished using mechanically large hydraulic equipment: elevated work platform, cranes, excavators or bulldozers. The materials will be properly disposed to a landfill.

Section 47-24.11.C.4.c of the ULDR specifies the criteria of the Certificate of Appropriateness for Demolition. The applicant must state below how the proposed demolition meets the following criteria:

- i. The designated landmark, landmark site or property within the historic district no longer contributes to a historic district; or
- ii. The property or building no longer has significance as a historic architectural or archeological landmark, or
- iii. The demolition or redevelopment project is of major benefit to a historic district.

See Attached Letter

Applicant's Signature:  Date: 1/27/17

Page 2: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must **POST SIGNS** (for Planning and Zoning Board and City Commission Hearings) according to Sec. 47-27.4.

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA
BROWARD COUNTY

RE: HISTORIC PRESERVATION BOARD CASE NO.

APPLICANT: NJ Thomson Inc.

PROPERTY: 927 SW 2 Ct. Fort Lauderdale

PUBLIC HEARING DATE:

BEFORE ME, the undersigned authority, personally appeared Alex Schwartz, who upon being duly sworn and cautioned, under oath deposes and says:

- Affiant is the Applicant in the above cited City of Fort Lauderdale Board or Commission Case.
The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the Board or Commission.
That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least fifteen (15) days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the Board or Commission. Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.
Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Development office five (5) calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 27th day of January 2017

(SEAL)

VLADLENA FUNK
MY COMMISSION #FF064924
NOTARY PUBLIC
EXPIRES October 21, 2017
COMMISSION EXPIRES: 10/21/17

NOTE: I understand that if my sign is not posted within the prescribed time limit as noted in Sec. 47.27.3.1 of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit.

AS Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)

MAIL NOTIFICATION

Applicant is responsible for Property Owners **MAIL** notification as explained below:

- **TAX MAP(S)** - Available from Property Appraiser's Office – Land Development Department, 1st Floor, 115 South Andrews Avenue, Phone (954) 357-6830. Subject Neighborhood Association Presidents and Condominium Association Presidents of affected properties within 300 ft., radius of notice are to be clearly shown and delineated. Each property noticed must be numbered (by Folio ID) on the map to cross-reference with Association Presidents Notice List.
- **PROPERTY OWNERS NOTICE LIST** – Available from Property Appraiser's Office – Public Information Office, 1st floor, 115 South Andrews Avenue, Phone (954) 357-6901/6957. List must include Association President's name, property control number (Folio ID) and complete address of all property within the required notification radius, and all homeowners associations, master associations, municipalities and counties noticed, as indicated on the tax roll. Each Association President noticed must be numbered on list to cross-reference with tax maps. **IMPORTANT!!** If the petitioner or Association President(s) own(s) adjacent property, radius of notice must be measured from boundary of adjacent property.
- **ENVELOPES** – Business size (#10) envelopes addressed (typewritten or labeled – no handwritten addresses) to all Association Presidents within 300 ft. of the subject property, along with a copy of the mailing labels before they are affixed to the envelopes shall be submitted to the City with your application. **Stamps only, metered mail will not be accepted.** First class postage required.
- Overseas addresses to be posted by first class mail only. Contact Post Office for postage amount. Business size envelopes addressed **by certified mail required for all municipalities and/or counties.**
- Indicate the following as the **return address on all envelopes:** City of Fort Lauderdale, Urban Design & Development, 700 N.W. 19 Avenue, Fort Lauderdale, FL 33311.

NOTE: Contact the Broward County Appraiser's Office at the above-referenced locations, for minimum number of working days required to complete the order and associated costs, hours of operation, etc..

AFFIDAVIT OF MAIL NOTIFICATION

Case No: _____

STATE OF FLORIDA
BROWARD COUNTY

BEFORE ME THIS DAY PERSONALLY APPEARED

Alex Schwartz, president of UD Thomson Inc.
(PRINT, TYPE, OR STAMP NAME)

WHO BEING DULY SWORN, DEPOSES AND SAYS:

1. The attached Association Presidents list is, to the best of my knowledge, a complete and accurate list of all Association Presidents, mailing addresses and property control numbers as recorded in the latest official tax rolls obtained from the Property Appraisers Office for all properties within 300 feet of the property which is the subject of this request.
2. The attached Association Presidents list includes, to the best of my knowledge, all affected neighborhood associations, condominium associations in accordance with the requirements of the ULDR of the City of Fort Lauderdale.
3. Posting the subject property with public notice, my obligation to provide, will be in accordance with the requirements of the ULDR of the City of Fort Lauderdale.

[Signature]
Signature

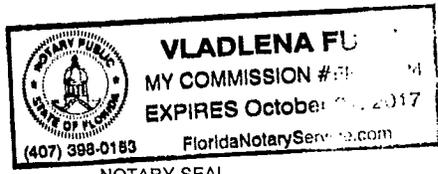
The foregoing instrument was acknowledged before me this 27th day of January 2017

By Alex Schwartz, who is personally known to me, or who has produced
(Name of person acknowledging)
_____, and who did/did not (circle one) take an oath.
(Type of identification)

[Signature]
(Signature of Person Taking Acknowledgment)
Vladlena Funk
(Name of Acknowledger)

(Title of Rank)

(Serial Number)



NOTARY SEAL



"To provide quality engineering with integrity and commitment to the client."

December 13, 2016

Building Official
C/O: City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

Permit# _____
Re: Historic Designation

Dear Building Official:

This letter is to present to the Historic Preservation Board (HPB) the historic designation narrative of the new two (2) story duplex at 927 SW 2nd Court.

The proposed construction will replace a single-family home built in 1927 per Broward County Property Appraiser records. The current state of the house is not aesthetically pleasing and it is not structurally safe. Under these conditions, it is not only a hazard but it does not pose any benefits to the architectural, historical, or archeological significance of the landmark site.

The new construction will take place sometime in 2017. This is a tentative date pending approval of project and plans from building officials plus construction time.

Per Broward County Official Records the property was sold in 1994 to Monte Carlo Motel, Inc, in 1998 to Robert Slattery, in 2000 to Michael Fothergill, in 2005 to Monica Fothergill, and in 2016 to NJ Thomson, Inc its current owners.

Should there be any further questions or comments, please feel free to contact us.

Respectfully Submitted,
Bunker Engineering & Construction Services, Inc.

Edgar V. Duenas

Edgar V. Duenas, P.E.
FL Reg. Eng. No. 57831

DEMOLITION

PHOTOS OF BUILDING TO BE DEMOLISHED



Figure 1 Front View of Existing House to be Demolished



Figure 2 Back View of Existing House to be Demolished



Figure 3 Left Side View of Existing House to be Demolished



Figure 4 Right Side View of Existing House to be Demolished

FULL APPLICATION SUBMITTAL PACKAGE

AVAILABLE AT

CITY OF FORT LAUDERDALE
DEPARTMENT OF SUSTAINABLE DEVELOPMENT

EXHIBIT 2



HISTORIC PRESERVATION BOARD (HPB)

SAILBOAT BEND HISTORIC DISTRICT
 Certificate of Appropriateness Application

- Cover:** Deadline & Fees
- Page 1:** Applicant Information Sheet
- Page 2:** Technical Specifications of Application
- Page 3:** Technical Specifications of Application - continued
- Page 4:** Submittal Checklist

DEADLINE: Submittals must be received by 4:00 PM by submittal deadline (see website for dates). Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

FEES: All applications for a development permit shall have an application fee as established by the City Commission as set forth by resolution, as amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Certificate of Appropriateness for:

<input type="checkbox"/>	Minor Alteration/Review & Comment	\$ 230.00
<input type="checkbox"/>	Major Alteration/Addition to Existing	\$ 310.00
<input type="checkbox"/>	New Construction ≤ 2000 SF GFA	\$ 310.00
<input checked="" type="checkbox"/>	New Construction > 2000 SF GFA	\$ 560.00
<input type="checkbox"/>	Demolition – Accessory	\$ 230.00
<input type="checkbox"/>	Demolition – Primary	\$ 560.00
<input type="checkbox"/>	Relocation	\$ 490.00

Page 1: HPB - Applicant Information Sheet

INSTRUCTIONS: Please print or type all information. The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (Not Applicable). The following information requested is per Unified Land Development Regulations (ULDR). Incomplete applications will not be accepted.

NOTE: To be filled out by Department

Case Number	
Date of complete submittal	
Zoning Review	
Landscape Review	

NOTE: For purpose of Identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	NS THOMSON, INC
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	75 N WOODWARD AVE, TALLAHASSEE, FL 32313
E-mail Address	ASTRA MANAGEMENT INC @ GMAIL.COM
Phone Number	786-766-0697
Proof of Ownership	<input checked="" type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant/Agent's Name	NANCY CORTES
Applicant/Agent's Signature	Nancy Cortes
Address, City, State, Zip	18786 NW 79 WAY HIALCAH, FL 33015
E-mail Address	LC ROOFING @ YAHOO.COM
Phone Number	305-454-3894
Letter of Consent Submitted	YES

Development / Project Name	Two (2) STORY Duplex
Development / Project Address	Existing: 927 SW 2ND CT New: 927 SW 2ND CT UNIT A+B
Legal Description	Waverly Pl. 2-19 D LOT 13, 14 + E 5 OF LOT 15 + S 1/2 VAC VALLEY
Tax ID/Folio Numbers (For all parcels in development)	5042-09-09-1540
Request / Description of Project	Two (2) STORY Duplex
Applicable ULDR Sections	
Total Estimated Cost of Project	\$566,000 (Including land costs)

Future Land Use Designation	RESIDENTIAL
Current Zoning Designation	RML-25
Current Use of Property	RESIDENTIAL
Residential SF (and Type)	
Number of Residential Units	
Non-Residential SF (and Type)	
Total Bldg. SF (including structured parking)	
Site Adjacent to Waterway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Dimensional Requirements	Required	Proposed
Lot Size (SF / Acreage)		
Lot Density		
Lot Width		
Building Height (Feet / Levels)	30 - Feet	30 - Feet
Structure Length	76 - Feet	76 - Feet
Floor Area Ratio		
Lot Coverage		
Open Space		
Landscape Area	N/A	N/A
Parking Spaces		

NOTE: State north, south, east or west for each yard.

Setbacks/Yards*	Required	Proposed
Front N	10 FT	0
Side S	18 FT	0
Side E	5 FT	0
Rear W	5 FT	0

Page 2: Technical Specifications of Application

TECHNICAL SPECIFICATIONS:

Applicant must provide a narrative indicating that the following criteria has been satisfied:

Description of the Project

1. **Yards.** Is a Yard Reduction or Minimum Distance Separation Required? Yes No
(If Yes, please complete the remainder of this section)

Front of Building Faces:

Principal Structure Yard Setbacks (Feet):

Front	Rear	Side	Side
Street Side?	<input type="radio"/> N/A	<input type="radio"/> Left	<input type="radio"/> Right

Accessory Structure #1 Yard Setbacks (Feet):

Front	Rear	Side	Side
Street Side?	<input type="radio"/> N/A	<input type="radio"/> Left	<input type="radio"/> Right

Accessory Structure #2 Yard Setbacks (Feet):

Front	Rear	Side	Side
Street Side?	<input type="radio"/> N/A	<input type="radio"/> Left	<input type="radio"/> Right

Distance Between Structures (Feet):

Principal Structure and Accessory Structure #1: _____

Principal Structure and Accessory Structure #2: _____

2. **Alterations to Non-Conforming Structures?** Yes No

Nature of Non-Conformity: Yard Setbacks Alterations exceed 50% of Value of Structure
 Existing Use NOT permitted under current zoning and alterations exceed 50% of value of structure

3. **Material and Design Guidelines.** Shown below are the Sailboat Bend Historic District Material and Design Guidelines. If you choose to use a material or design not listed in the guidelines, check the "Other*" box and be prepared to present to the Historic Preservation Board your justification for proposing a material or design which does not conform to the guidelines.

Exterior Building Walls

N/A

- Stucco

Finish: Smooth

Other* _____

- Wood

Finish: N/A

Other* _____

- Masonry

Finish: N/A

Other* _____

Windows and Doors

N/A

Glass Block

Glass: N/A

Other* _____

Translucent Glass: N/A

Other* _____

Skylights: N/A

Other* _____

Window Frame Materials: Aluminum

Other* _____

Configurations

N/A

Garage Doors - 9' Maximum Width

Other* _____

Windows (check all applicable): Square

Rectangular

Circular

Semi-Circular

Semi-Ellipse

Octagonal

Diamond

Triangular-Gables End Only

Other* _____

Window Operations

N/A

Type: Single Hung

Other* _____

General

N/A

Operable Shutters Sized to Match Openings

Non-Operable Shutters*

Jalousies: N/A

Other* _____

Awnings: N/A

Other* _____

Interior Security Grilles

Bahama Shutters: N/A

Other* _____

Screened Windows Screened Doors

Other* _____

Roofs and Gutters

N/A

Roofs Materials: Fiberglass/Asphalt Shingles

Other* _____

Gutters: ESP Aluminum

Other* _____

Roof Configuration: Type Hip

Parapet

Railings

Roof Pitch is Gable or Hip

Note - Pitch of Gable or Hip roof can be less than 3:12 and no more than 8:12. A Shed roof can have a pitch no less than 3:12. A Tower roof may have any slope. Rafters in overhangs to be exposed. Solar Collectors and Turbine Fans at rear.

Other* _____

Outbuildings

N/A

Materials and Finish: Stucco N/A

Wood N/A

Other* _____

Garden Walls and Fences

N/A

Materials and Style: Stucco N/A

Wood N/A

Masonry N/A

Metal N/A

Other* _____

Note: Front yard fence configuration spacing between pickets is a maximum of six (6) clear inches

Arcades and Porches

N/A

Materials/Style: Stucco Finish (At Piers and Arches only) Smooth

Other* _____

Wood (Posts and Columns)

Other* _____

Metal (At Railings only) ESP Aluminum

Other* _____

Page 4: Submittal Checklist

SUBMITTAL CHECKLIST:

Applicant shall provide to the Planning and Zoning counter a complete application, one (1) full set of plans, and any additional requirements, as specified below. Within five (5) days of receipt, Urban Design & Development staff shall review the application to determine its completeness and compliance with the ULDR.

For those applications that can be approved administratively (See Sec. 47-17.4), once the application is deemed complete the applicant shall submit seven (7) additional sets of plans/applications/photos with additional requirements as listed below. For cases that require a hearing before the Historic Preservation Board, the applicant will be required to submit one (1) original and fifteen (15) additional sets of plans/applications/photos with any additional requirements.

FOR ALL APPLICATIONS:

- Complete application. No items are to be left blank. If it does not apply, indicate with 'n/a'. ✓
- Provide Proof of Ownership ✓
- Property owners signature and/or agent letter signed by the property owner X
- 1 sealed survey X
- 1 vicinity map (typically on the survey)
- 1 zoning and land use map of lands within a 700' radius

NEW CONSTRUCTION & ALTERATION:

- Photos of that part of the building that will be modified (e.g., if front elevation is to be modified, supply a photo of the front and label it with the direction it faces [i.e. FRONT - NORTH]).
- 1 set of sealed drawings that include the site plan, building elevations and floor plan. All drawings must be drawn to scale. Scale cannot exceed 1" = 30'. In addition, drawings shall include the following: proposed exterior alterations, additions, changes, architectural design of buildings/structures, including proposed materials, textures and colors, including walls, walks, terraces, plantings, accessory buildings, signs and lights.
- 1 landscape plan for any multi family or non-residential development.
- 1 set of Product Approvals, Manufacturers' Specifications, or brochures for all building features to be modified (see page 2 of the application). For example, windows, doors, roofs, fences, siding, garages, carports, etc...

FOR NEW CONSTRUCTION ONLY:

- Photos or elevation drawings of buildings adjacent to the subject site.

DEMOLITION:

- Demolition Rider completely filled out, signed and dated.
- A site plan showing the proposed demolition.
- Photos of all sides of structure to be demolished and label the direction each side faces.
- Mail requirements: The applicant must submit a tax map, property owners list, stamped, addressed standard envelopes. The mail affidavit must be signed.
- Sign posting requirements: The applicant must post signs and return the signed affidavit prior to the meeting.

RELOCATION:

- A site plan showing the property as it currently exists and a proposed site plan of how the property will look once the building is relocated.
- Narrative describing what the plans are for the site to be vacated, whether the building or structure can be moved without sufficient damage to its physical integrity, and the compatibility of the building or structure to its proposed site and adjacent properties.
- Photos of all sides of structure to be relocated and label the direction each side faces. If structure is to be relocated to another site, photos of that site as well.

HISTORIC DESIGNATION:

- Application (page 1 and 2) must be COMPLETELY FILLED OUT (all blanks filled-in or marked N/A). Proof of ownership if owner is applicant. If applicant is not property owner, this shall be noted on the application).
- Legal description of the landmark site, historic building or district written out.
- Photographs of subject building from all four sides and label the direction each side faces.
- Narrative describing (1) the architectural, historical, or archaeological significance of the proposed landmark, landmark site, (2) date of construction of the structures on the property, (3) names of current and past owners and, if possible, their dates of ownership.

I acknowledge that I have read and understand the Planning and Zoning Ordinance and the ULDR. I understand that the application is subject to the review and approval of the Planning and Zoning Commission.

Applicant Name: _____
Signature: _____
Date: _____

For Design & Development's use only

Date: _____
Reviewed by: _____
Tech. Specs. Reviewed by: _____
Case No. _____

FULL APPLICATION SUBMITTAL PACKAGE

AVAILABLE AT

CITY OF FORT LAUDERDALE
DEPARTMENT OF SUSTAINABLE DEVELOPMENT

EXHIBIT 3



"To provide quality engineering with integrity and commitment to the client."

December 13, 2016

Building Official
C/O: City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

Permit# _____
Re: Historic Designation

Dear Building Official:

This letter is to present to the Historic Preservation Board (HPB) the historic designation narrative of the new two (2) story duplex at 927 SW 2nd Court.

The proposed construction will replace a single-family home built in 1927 per Broward County Property Appraiser records. The current state of the house is not aesthetically pleasing and it is not structurally safe. Under these conditions, it is not only a hazard but it does not pose any benefits to the architectural, historical, or archeological significance of the landmark site.

The new construction will take place sometime in 2017. This is a tentative date pending approval of project and plans from building officials plus construction time.

Per Broward County Official Records the property was sold in 1994 to Monte Carlo Motel, Inc, in 1998 to Robert Slattery, in 2000 to Michael Fothergill, in 2005 to Monica Fothergill, and in 2016 to NJ Thomson, Inc its current owners.

Should there be any further questions or comments, please feel free to contact us.

Respectfully Submitted,
Bunker Engineering & Construction Services, Inc.

Edgar V. Duenas

Edgar V. Duenas, P.E.
FL Reg. Eng. No. 57831

EXHIBIT 4



"To provide quality engineering with integrity and commitment to the client."

February 28, 2017

Building Official
C/O: City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

Permit# _____

Re: Narrative/Justification for Demolition

Dear Building Official:

This letter is to present to the Historic Preservation Board (HPB) the justification for demolition of the existing house at 927 SW 2nd Court.

The existing house is a single-story wood framed structure of approximately 780 SF built in 1927. The house retains a marginal degree of historic value for its location, setting, materials, and design. The structure is not a contributing resource within the Sail Boat Bend neighborhood and does not resemble any other building in this neighborhood due to its position on the lot and its original design and configuration. The demolition of the structure would not result in an irreparable loss of a significant historic resource.

Because of the significant wood rot and decay of its primary structural components, the applicant has decided that the rehabilitation of the property is no longer feasible. The applicant is requesting the demolition of the existing structure with a simultaneous proposal for new construction.

Should there be any further questions or comments, please feel free to contact us.

Respectfully Submitted,
Bunker Engineering & Construction Services, Inc.

Edgar V. Duenas

Edgar V. Duenas, P.E.
FL Reg. Eng. No. 57831

EXHIBIT 5



ENGINEERING AND CONSTRUCTION SERVICES, INC.

"To provide quality engineering with integrity and commitment to the client."

April 3, 2017

Building Official
C/o: City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

Permit# _____

Re: Existing Building - Structural Deficiencies

Dear Building Official:

This letter is present to the Historic Preservation Board (HPB) the existing conditions justifying the demolition of the home at 927 SW 2nd Court.

During our inspection of the home we found the following conditions:

1. Termite damage: Extensive wood damage to the exterior wall framing and clap boards, interior partition wall framing and roof and floor framing. This has caused the walls and floors to sag and parts of the roof to sink.
2. Water damage: Leaks through the roof and windows has caused extensive water damage. Mold and water stains was found on the drywall ceilings and walls. The ceiling has collapsed in some rooms from water damage. In addition to termite damage there is wood rot around windows from water damage.
3. Tree Root damage: There is a large oak tree next to the home that has damaged the footing and wall and floor framing. On the East side the floor is lifted due to the overgrown roots. It also damaged the sewer and water line.
4. Electrical Damage: There is currently no electricity at the house. The electric components have been vandalized.
5. Mechanical: There is currently no air conditioning system in the house. The A/C was vandalized and most components were stolen. Only some of the A/C ducts remain.

Based on our inspection of the house we found that it is structurally unsafe. Extensive structural, electrical, and mechanical repairs are required that would most likely exceed the value of the structure. Demolition is recommended in this case.

Should there be any further questions or comments, please feel free to contact us.

Respectfully Submitted,
Bunker Engineering & Construction Services, Inc.

Edgar V. Duenas

Edgar V. Duenas, P.E.
FL Reg. Eng. No. 57831

927 SW 2nd Court

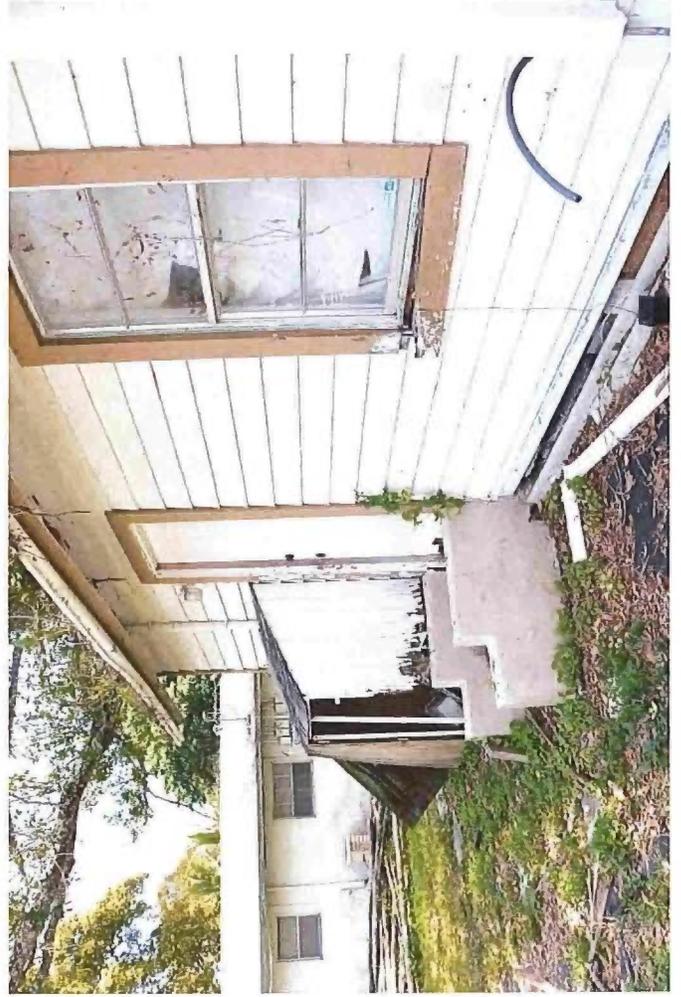
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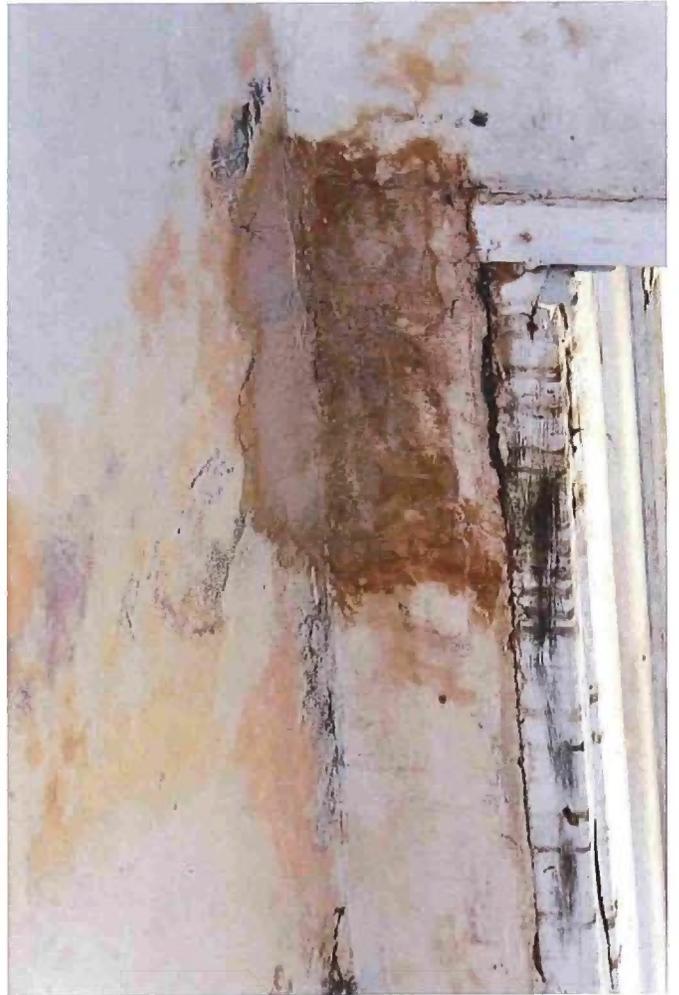
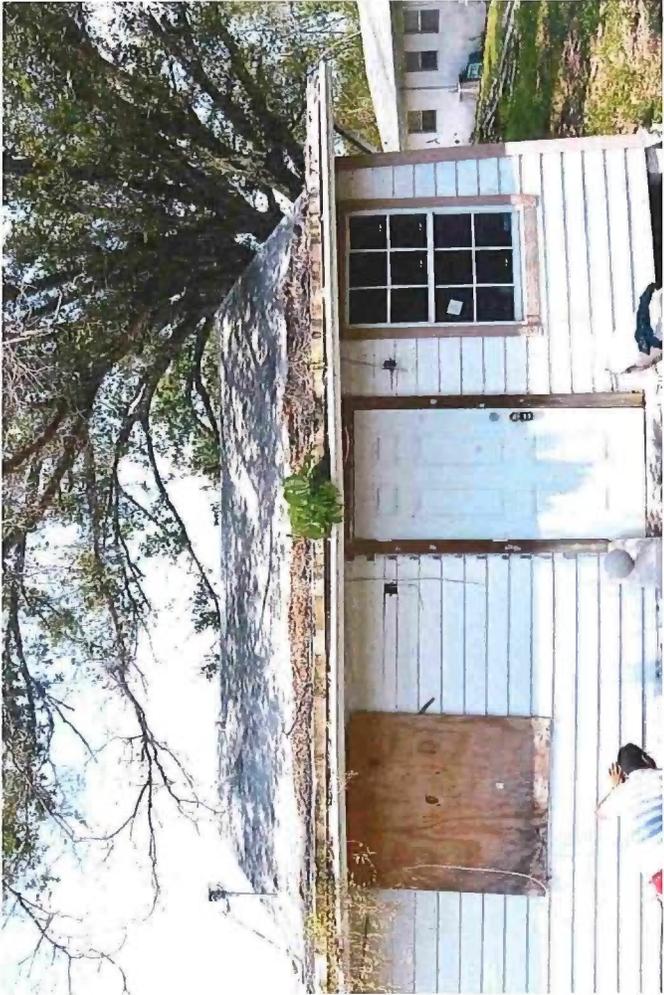
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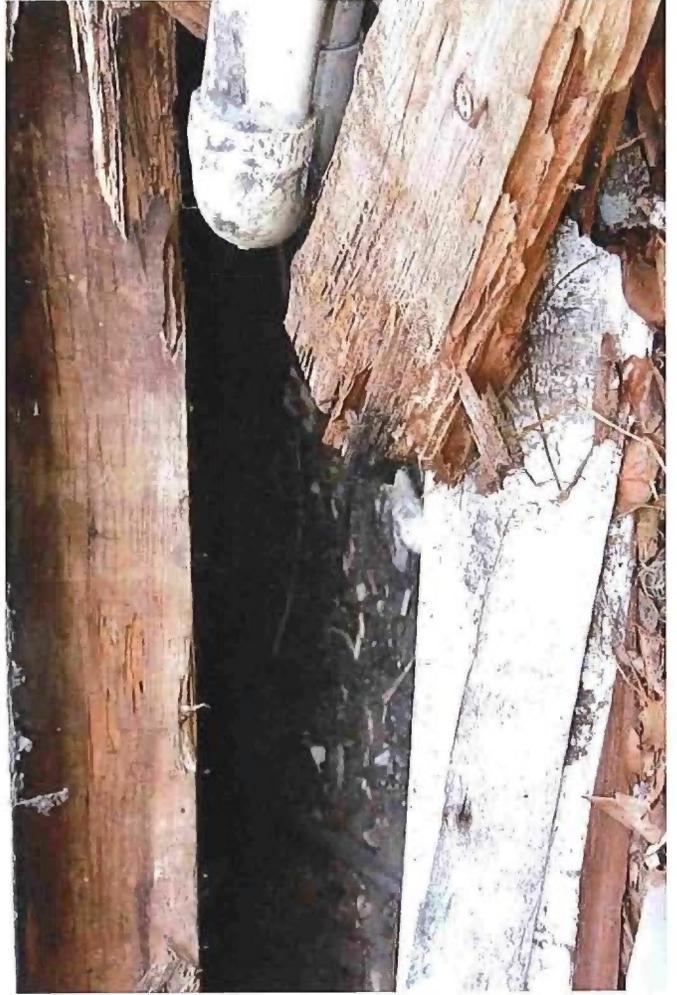
Office (561) 585-5696 | Fax (561) 585-5697 | www.bunkerengineering.com

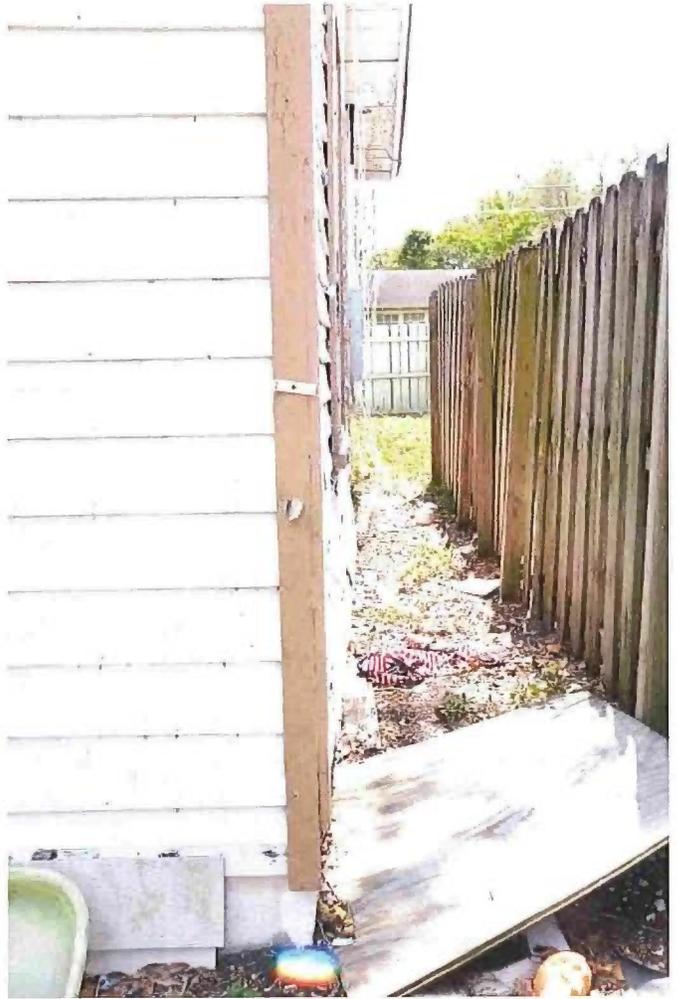
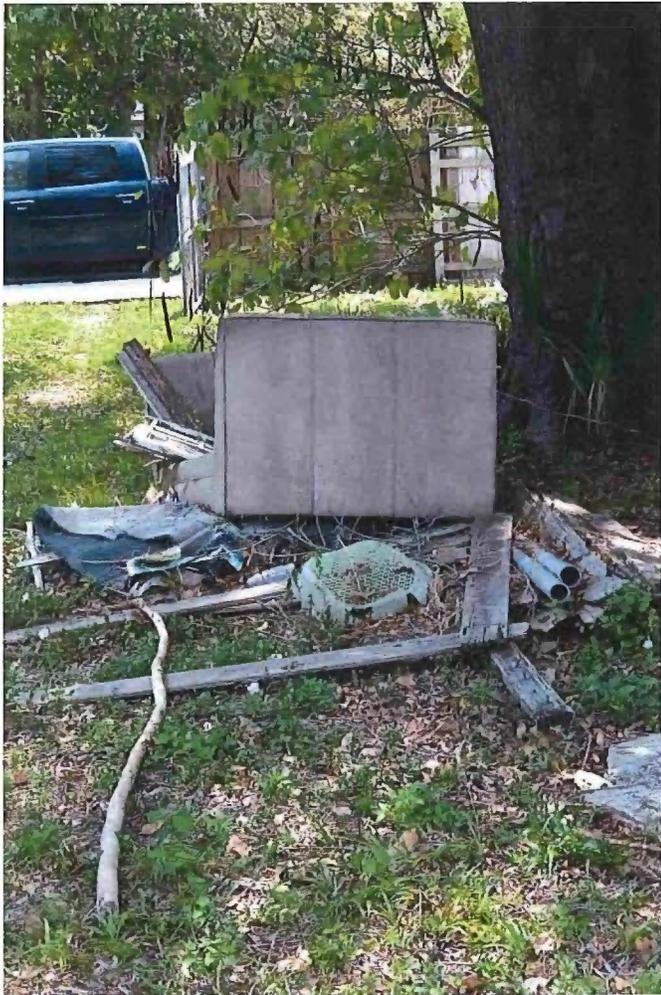
EXHIBIT 6

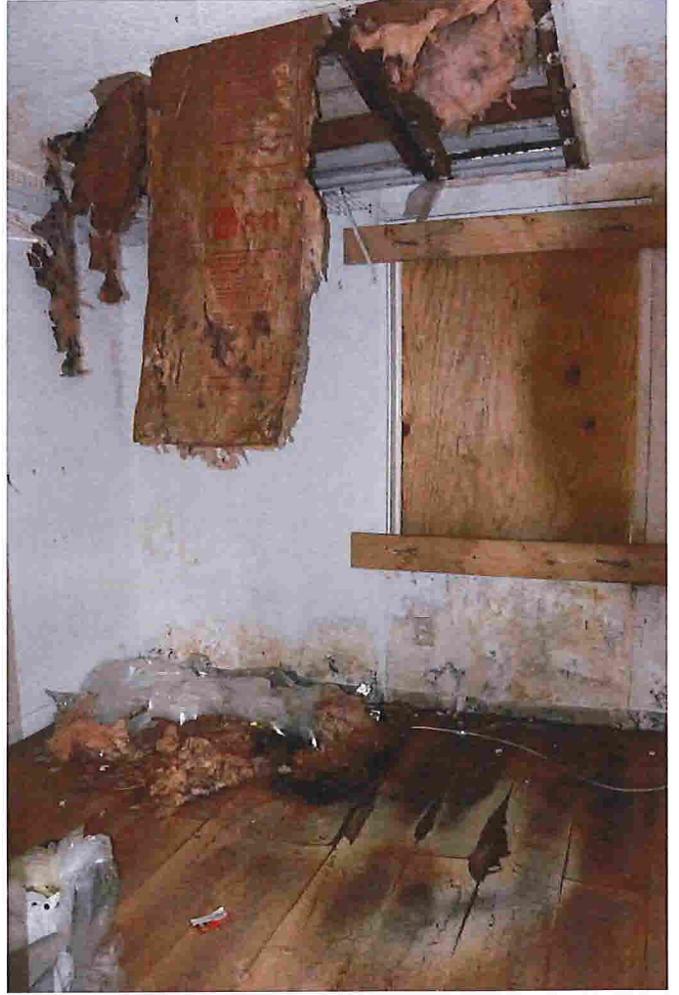


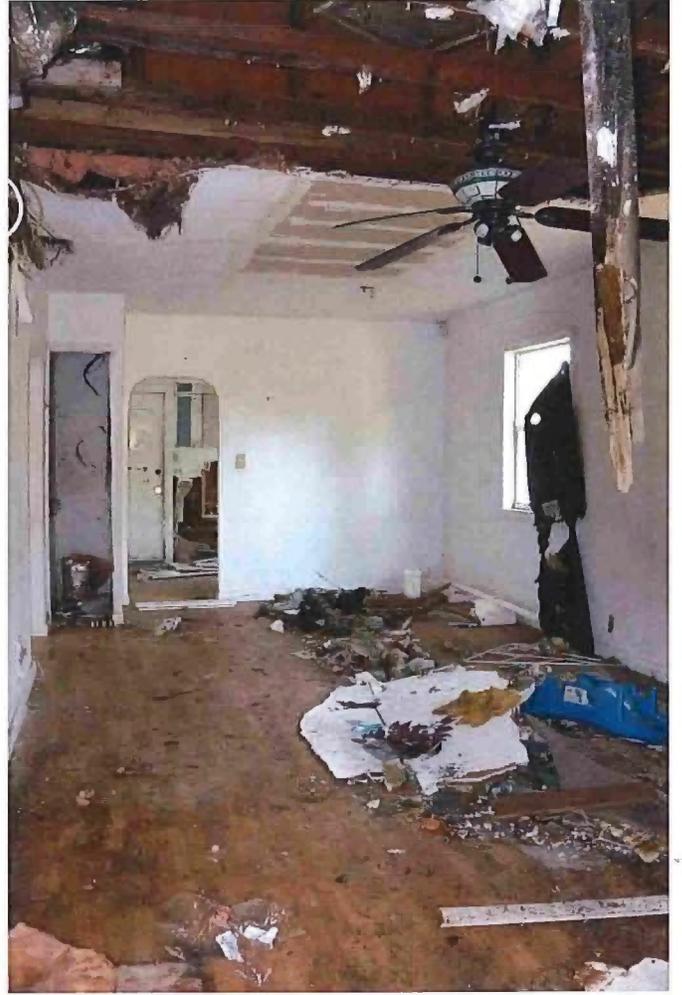
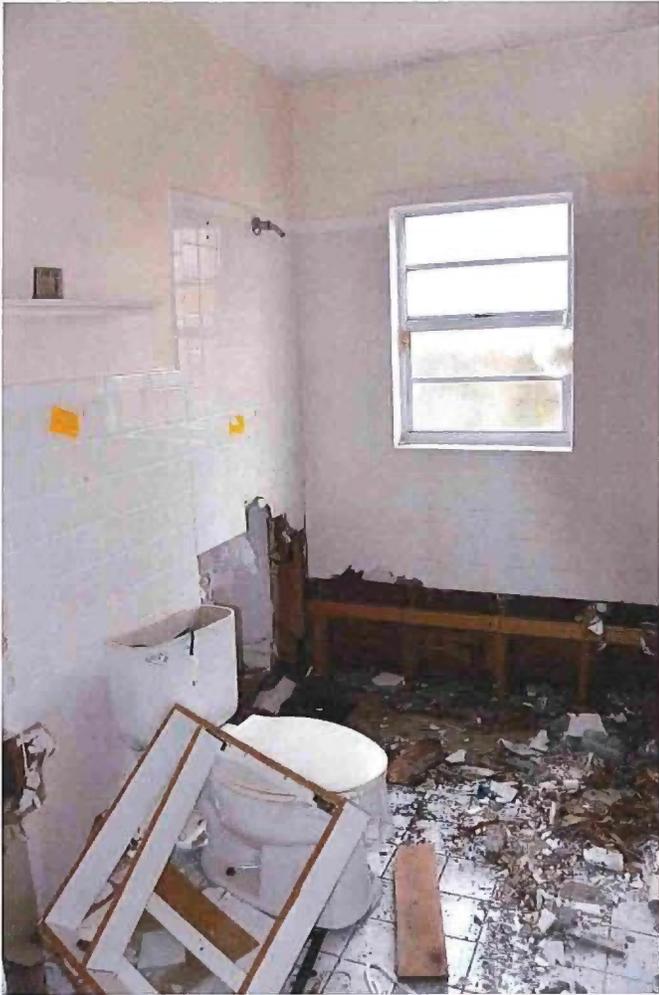


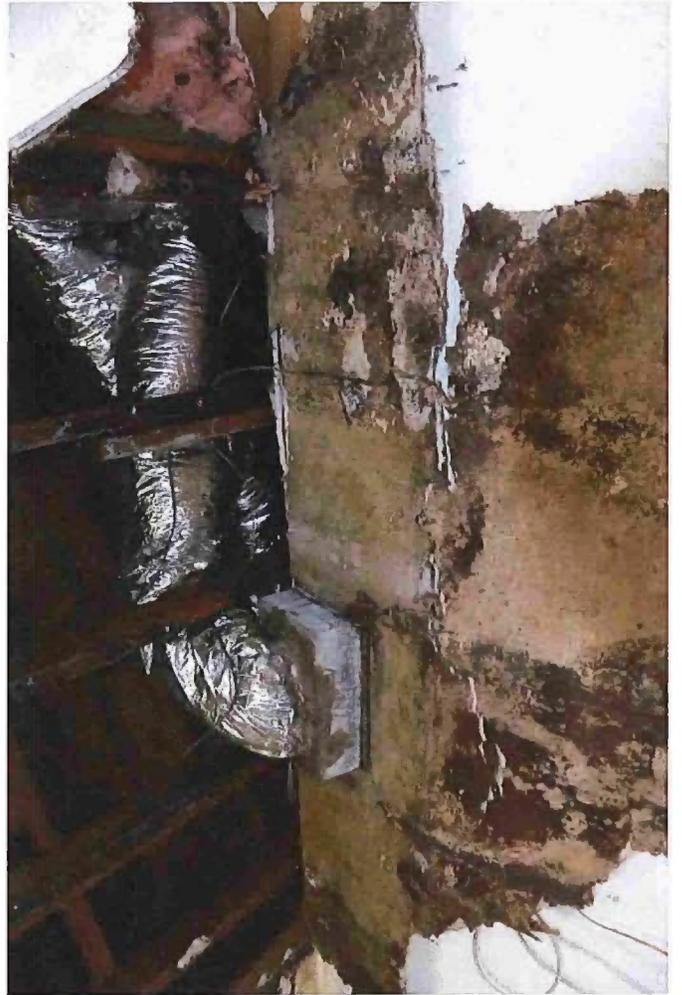


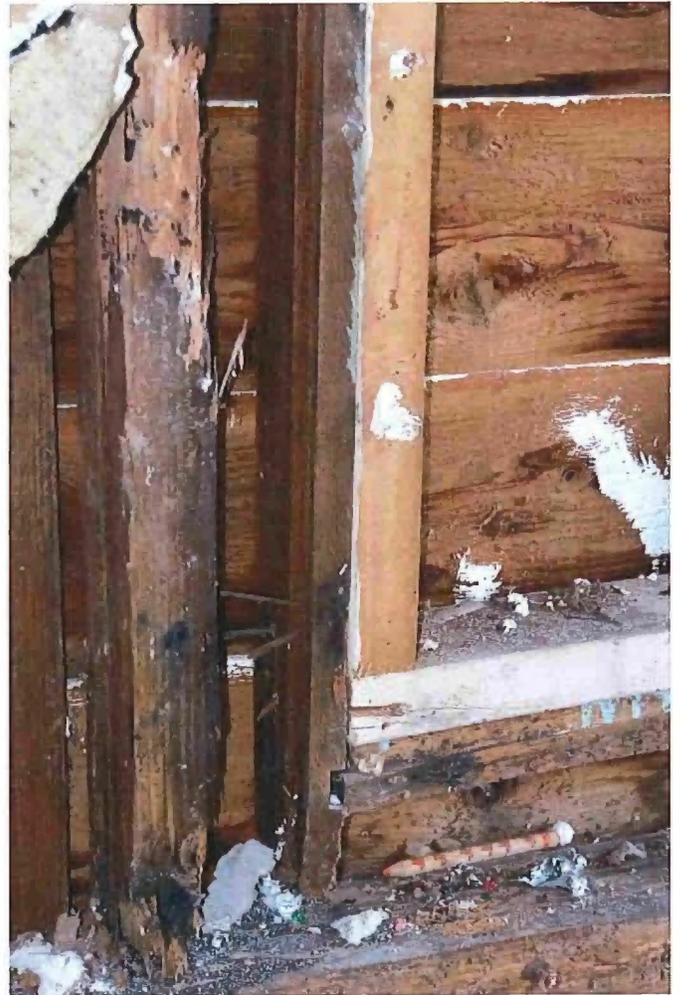
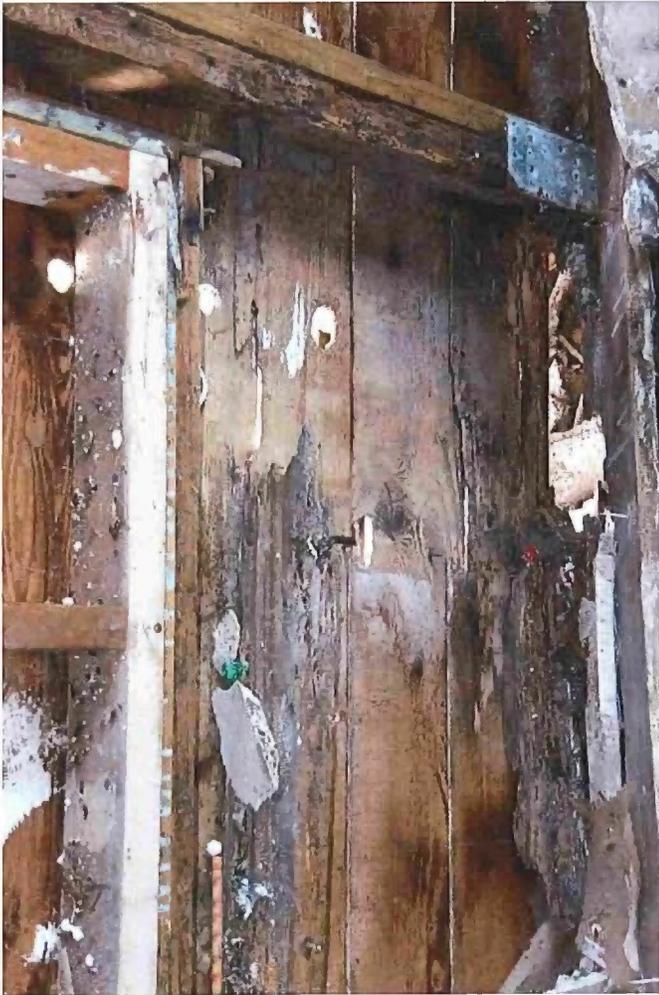


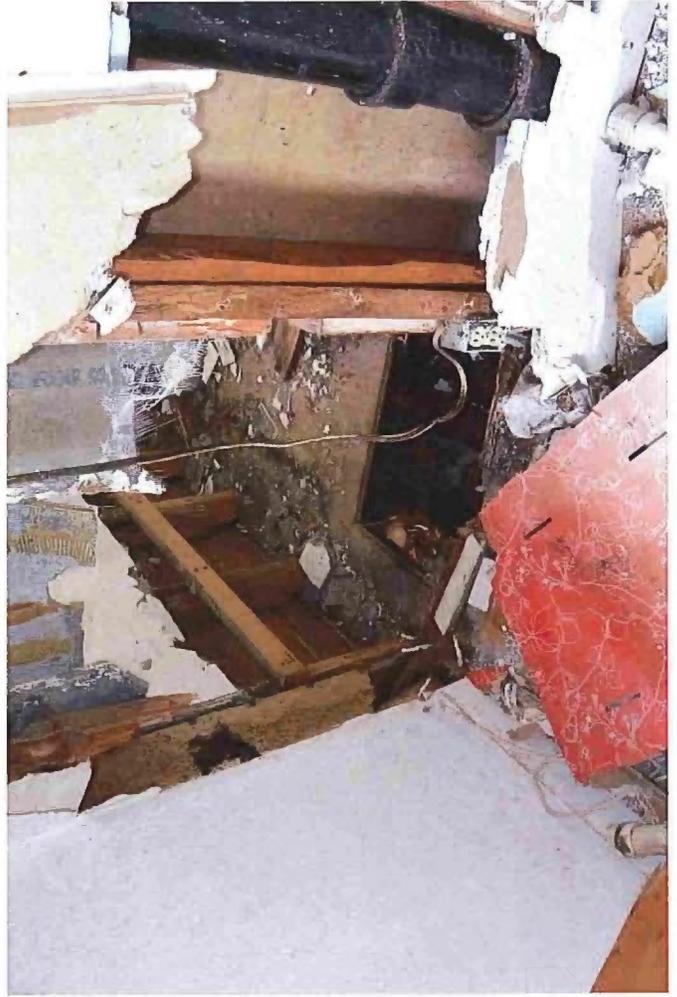
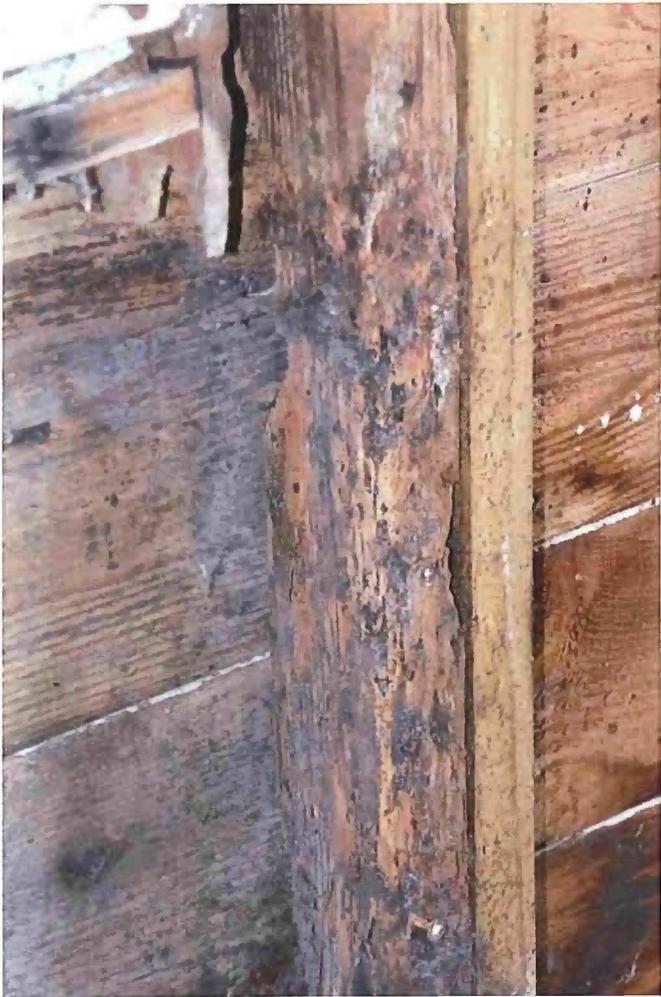


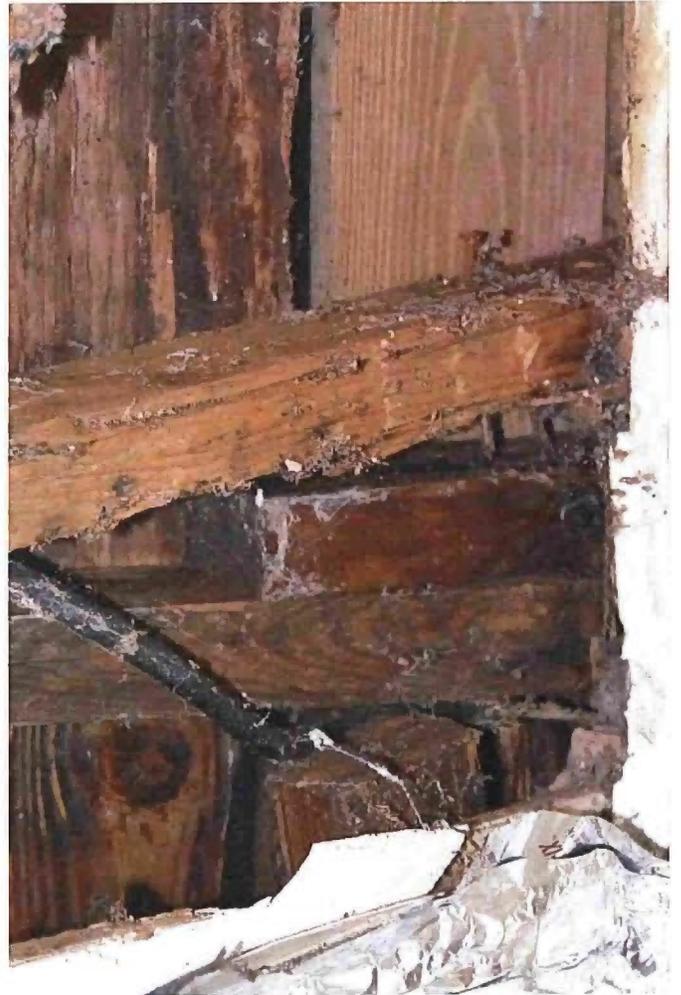












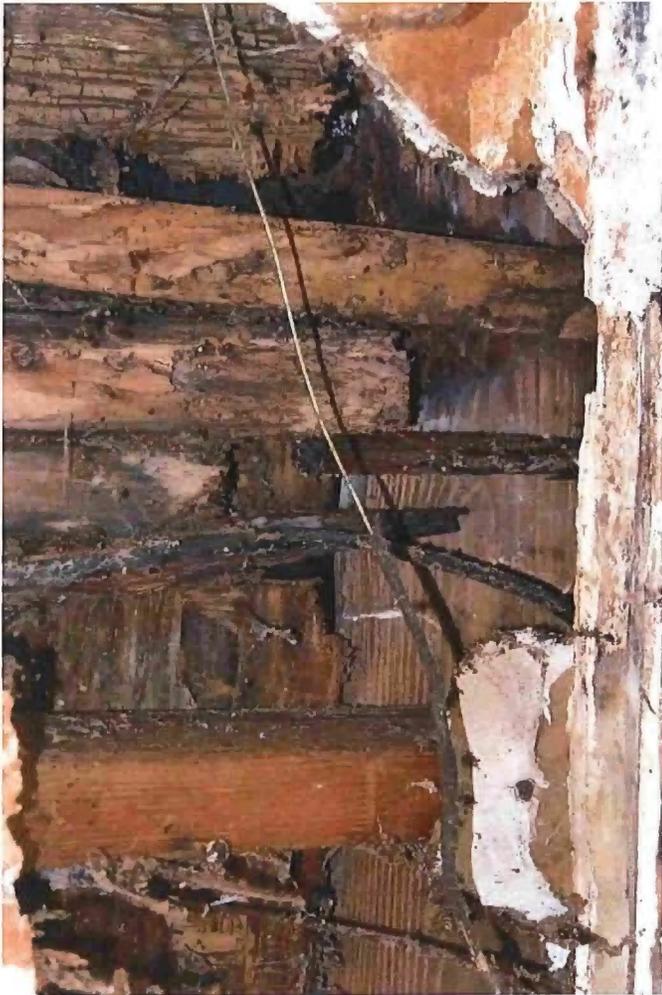


EXHIBIT 7

MEMORANDUM

TO: Historic Preservation Board
FROM: Trisha Logan, Planner III, City of Fort Lauderdale
SUBJECT: 927 SW 2nd Court
DATE: April 3, 2017

Case	H17002	FMSF#	
Owner	N.J. Thompson, Inc.		
Applicant	Nancy Cortez		
Address	927 SW 2 nd Court		
General Location	Approximately 70 feet east of the SW 2 Court and SW 10 Avenue intersection (north side).		
Legal Description	WAVERLY PLACE 2-19 D LOT 13, 14 & E 5 OF LOT 15 & 5 ½ VAC ALLEY		
Existing Use	Single-Family Residential		
Proposed Use	Multi-Family Residential		
Zoning	RML-25		
Applicable ULDR Sections	47-24.11.C.3.c.i, 47-24.11.C.4.c, 47-17.7.B, 47-24.11.C.3.c.iii		
Request(s)	<ol style="list-style-type: none"> 1. Certificate of Appropriateness for Demolition <ul style="list-style-type: none"> - Demolition of an existing single-family residence. 2. Certificate of Appropriateness for New Construction > 2000 SF GFA <ul style="list-style-type: none"> - New Construction of a new two-story duplex. 		

REQUEST No. 1 - COA FOR DEMOLITION:

Property Background:

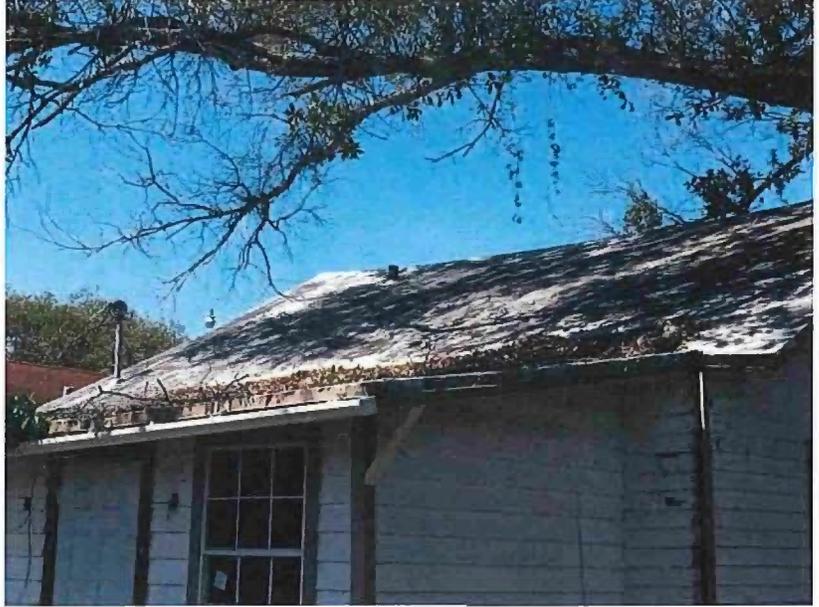
The residential structure located at 927 SW 2 Court is a one-story wood Frame Vernacular house, rectangular in plan, with a gabled roof and a lean-to front porch extension now enclosed. Windows and doors appear to have been replaced throughout, majority of the windows are single hung and some have applied muntins to simulate divided lites. This house was constructed in 1927 and is one of approximately forty structures throughout the Sailboat Bend Historic District that were built in the 1920s.



Front Elevation of Existing House, Facing South



Side (East) Elevation of Existing House



Front Corner and Roof of Existing House

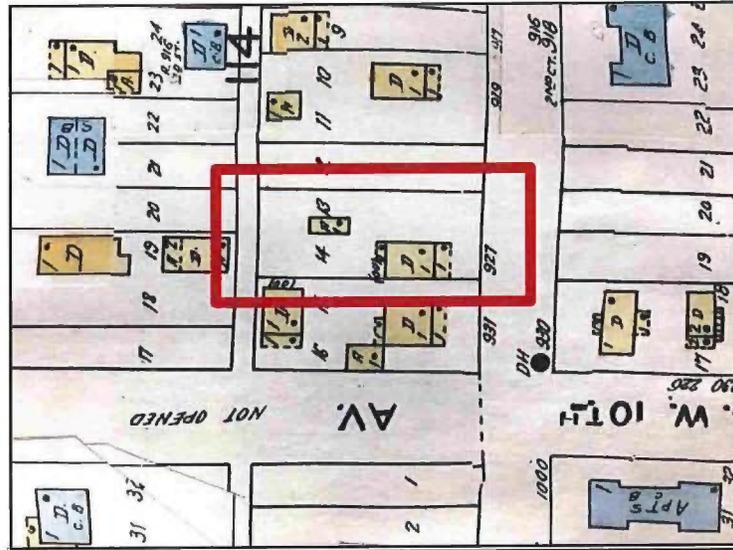


Front Elevation of Existing House



Side (West) Elevation of Existing House

The property is located in the Waverly Place subdivision which was platted in 1911 and this address encompasses two lots with a total width of 55'-0" and a depth of 130'-0". According to the 1926 Fort Lauderdale City Directory, the first owner of this property was Benjamin F. Gaines whose profession was listed as Carpenter. In 1928, the property appears on the Sanborn Fire Insurance Maps and indicates that the front section of the house had an open porch, rather than the enclosed porch that exists today (the site is outlined in red). The map also shows a garage located to the rear of the main house, which has since been demolished.



Description of Proposed Site Plan:

The applicant asks for demolition of the house under criterion i. under Section 47-24.11.C.4.c of the Unified Land Development Regulations ("UDLR"), *the designated landmark, landmark site, or property within the historic district no longer contributes to the historic district.* Within the Sanborn Fire Insurance Map, 1928, the applicant, it states: *"The house retains a marginal degree of historic value for its location, setting, materials, and design. The structure is not a contributing resource within the Sailboat Bend neighborhood and does not resemble any other building in this neighborhood due to its position on the lot and its original design and configuration."*

Additionally, the narrative also states that, *"Because of the significant wood rot and decay of its primary structural components, the applicant has decided that the rehabilitation of the property is no longer feasible."* The applicant did not provide substantive evidence of the current condition of the structure by either providing detailed photographs and/or an existing conditions report that outlines the decay as stated in the narrative to substantiate an unusual or compelling circumstance to warrant demolition in this particular case.

The applicant is requesting a Certificate of Appropriateness ("COA") to demolish this contributing structure within the Sailboat Bend Historic District. Currently, the house located on the property is a vacant one-story structure and is listed as a single family residence with two bedrooms and one bathroom. It is unclear how long the property has been vacant, however the exterior condition of the property indicates that it has been neglected in recent months, perhaps longer. The property was sold to the current owner in 2016 and the permit history shows that permits have not been pulled in over 17 years for the care and maintenance of the structure. The last time permits were pulled on this property for a substantial amount of work was between 1999 to 2000, which

included a new air conditioning unit, select window replacements, and interior remodeling. The roof was last replaced in 1987 and select windows were replaced in both 1987 and 2000.

Proposed plans are to construct a two-story duplex that is rectangular in plan and has an overall height of approximately 30'-6". Setbacks of the proposed new construction project are as follows:

- Front Setback: 25'-0"
- East Side Setback: 5'-0"
- West Side Setback: 5'-0"
- Rear Setback: 10'-0"

Sitting between two one-story residential structures, both utilized as multi-family housing, the proposed duplex will have two-stories. Typically, within a historic district, when constructing a two-story structure that is immediately adjacent to a one-story structure, the design should account for relief in the overall massing as the building progresses into the second level. The proposed design does not allow for any gradual rise in height with the use of varied setbacks and results in a singular rectangular block that will overwhelm the neighboring structures.

Criteria for Certificate of Appropriateness:

Pursuant to ULDR, Section 47-24.11.C.3.c.i, in approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the HPB shall use the following general criteria:

ULDR, Section 47-24.11.C.3.c.i	Consultant Response
a) <i>The effect of the proposed work on the landmark or the property upon which such work is to be done;</i>	CONSULTANT RESPONSE. A contributing historic resource in the historic district will be lost.
b) <i>The relationship between such work and other structures on the landmark site or other property in the historic district;</i>	CONSULTANT RESPONSE. The structure was built during the time of significance for the historic district and is representative of the Frame Vernacular Style.
c) <i>The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;</i>	CONSULTANT RESPONSE The historic house will be destroyed and its history lost to the community.
d) <i>Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property;</i>	CONSULTANT RESPONSE n/a
e) <i>Whether the plans may be reasonably carried out by the applicant;</i>	CONSULTANT RESPONSE n/a
f) <i>Whether the plans comply with the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."</i>	CONSULTANT RESPONSE The applicant's proposed plans do not comply, see below.

From the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Sailboat Bend Historic District material and design guidelines

In addition, pursuant to ULDR, Section 47-17.7.A, the Sailboat Bend Historic District material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the consideration of an application for a certificate of appropriateness for new construction, alterations, relocation, and demolition.

In each of the following sections below, relevant to the specific request being made, a description of the architectural features corresponding to the material & design guidelines as outlined in the ULDR, Section 47-17.7.B, is provided for both the existing buildings and the proposed new construction.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR, Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

ULDR Section 47-17.7.B	Consultant Response
<p>1. Exterior building walls.</p> <p>a. Materials and finish.</p> <p>i. Stucco: float finish, smooth or coarse, machine spray, dashed or troweled.</p> <p>ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.</p> <p>iii. Masonry: coral, keystone or split face block; truncated or stacked bond block.</p>	<p>2. CONSULTANT RESPONSE Exterior building walls.</p> <p>a. Materials and finish.</p> <p>ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather</p>
<p>3. Windows and doors.</p> <p>a. Materials.</p> <p>i. Glass (clear, stained, leaded, beveled and non-reflective tinted).</p> <p>ii. Translucent glass (rear and side elevations only).</p> <p>iii. Painted and stained wood.</p> <p>iv. Aluminum and vinyl clad wood.</p> <p>v. Steel and aluminum.</p> <p>vi. Glass block.</p> <p>vii. Flat skylights in sloped roofs.</p> <p>viii. Domed skylights on flat roofs behind parapets.</p> <p>b. Configurations.</p> <p>i. Doors: garage nine (9) feet maximum width.</p> <p>ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; lited only to gable ends.</p> <p>c. Operations.</p> <p>i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); жалousies and louvers.</p> <p>d. General.</p> <p>i. Wood shutters sized to match openings (preferably operable).</p>	<p>4. CONSULTANT RESPONSE Windows/ doors.</p> <p>a. Materials.</p> <p>v. aluminum</p> <p>b. Configurations</p> <p>ii. rectangular</p> <p>c. Operations.</p> <p>i. Windows: single hung</p>

<ul style="list-style-type: none"> ii. Wood and metal jalousies. iii. Interior security grills. iv. Awnings. v. Bahama shutters. vi. Screened windows and doors. 	
<p>5. Roofs and gutters.</p> <ul style="list-style-type: none"> a. Roof--materials. <ul style="list-style-type: none"> i. Terra cotta. ii. Cement tiles. iii. Cedar shingles. iv. Steel standing seam. v. 5-V crimp. vi. Galvanized metal or copper shingles (Victorian or diamond pattern). vii. Fiberglass/asphalt shingles. viii. Built up roof behind parapets. b. Gutters. <ul style="list-style-type: none"> i. Exposed half-round. ii. Copper. iii. ESP aluminum. iv. Galvanized steel. v. Wood lined with metal. c. Configurations. <ul style="list-style-type: none"> i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port. 	<p>5. CONSULTANT RESPONSE Roofs and gutters.</p> <ul style="list-style-type: none"> a. Roof--materials. <ul style="list-style-type: none"> vii. Fiberglass/asphalt shingles. c. Gutters. <ul style="list-style-type: none"> lii ESP aluminum. d. Configurations. <p>Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.</p>
<p>6. Arcades and porches.</p> <ul style="list-style-type: none"> a. Materials and finish. <ul style="list-style-type: none"> i. Stucco (at piers and arches only): float finish, smooth or coarse, machine spray, dashed or troweled. ii. Wood: posts and columns. iii. Masonry (at piers and arches only): coral, keystone or split face block; truncated or stacked bond block. iv. Metal (at railings only): wrought iron, ESP aluminum. 	<p>7. CONSULTANT RESPONSE</p>

Summary Conclusion:

The applicant is asking for the demolition of an historic house, a contributing property in the SBHD and demolition should not be considered the only option. It is not evident that the property owner has made a reasonable effort to explore options that include stabilization and rehabilitation. The application should be **denied**, however if the HPB determines a compelling case for demolition may be considered, staff would urge the HPB to request additional information on the condition of the structure or the potential to rehabilitate, prior to making a final determination and to defer this request to the May HPB Agenda.

Historic Preservation Board Action:

For each requested Certificate of Appropriateness, the board may:

1. Approve the application as presented; or
2. Approve the application with modification; or
3. Deny the application.

REQUEST No 2: COA FOR NEW CONSTRUCTION:

The applicant is requesting a Certificate of Appropriateness for new construction of a new two-story duplex. Overall the new structure is a rectangular floor plan, rising to two stories, with a metal gable roof. Materials on the exterior include wood, metal, and stucco. The front façade of the proposed new construction project contains two two-car garages on the first level, creating two 16'-0" wide driveways with an approximately 4'-0" wide grass median between. On either side of the structure there are metal picket entry gates, tied into a 6'-0" high masonry piers, each gate leads to a recessed front entrance located on the side elevation of the building. Above on the second floor there are two projecting balconies on each corner with two single-hung windows that are symmetrically placed from the center line of the structure, and are framed with inoperable wood shutters.

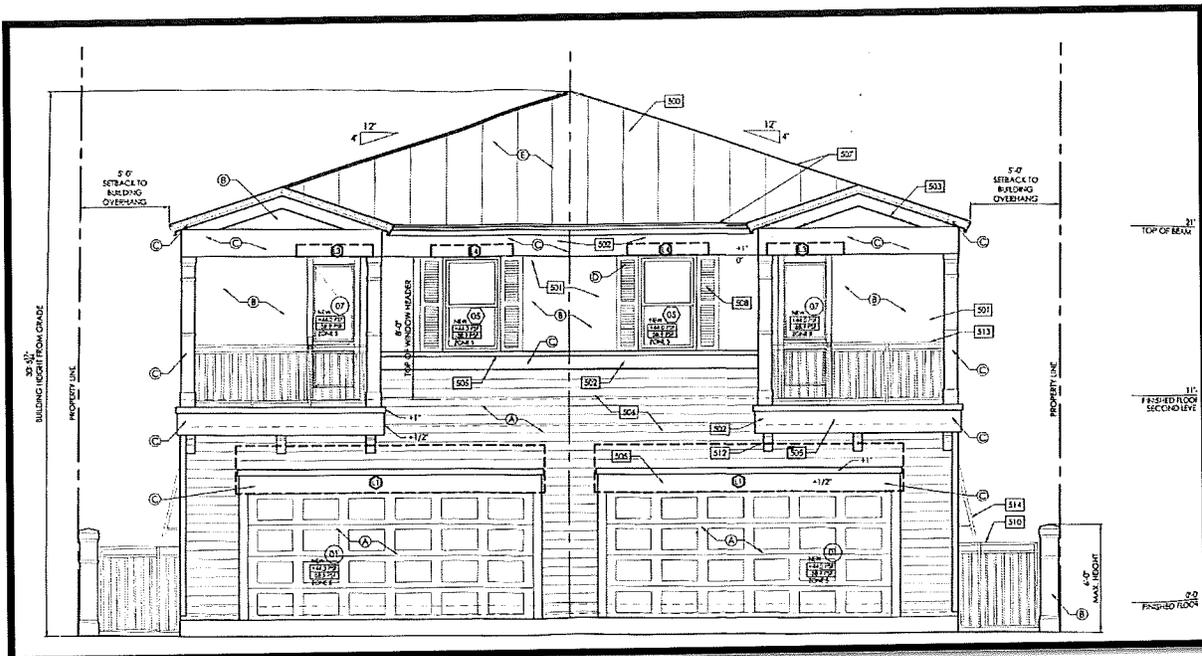
Within the Sailboat Bend Historic District, it is evident that most historic residences did not have garages that were incorporated in the primary façade of a structure. Majority of the houses had a separate structure that was set to the rear of the lot that would serve as automobile storage. When designing new construction to fit in with the context of the surrounding district, this is an important element to consider since the addition of wide driveways and imposing garage doors will interrupt the rhythm that currently exists along the street. The proposed width of each garage door also exceeds the allowable width per the new construction historic preservation guidelines.

Additionally, locations of fenestration and overall massing do not fit in with the context of the neighborhood. Regarding the fenestration, the entrance of historic residential structures are typically found on the front facade rather than on the side. One of the main rules in designing for a new construction project in a historic district is to imitate the façade proportions and rhythm in placement fenestration throughout the façade. On the proposed new design, there are a variety of window sizes and types placed on the exterior of the structure with ten different size variations present, creating visual clutter on the exterior elevations. Overall massing is one continuous rectangular box without much division in height or width to aid in breaking up the building mass that will be imposed on the neighboring one-story structures.

Height of the proposed new construction project rises to 30'-6" to the top of the roof ridge and allows for a 25'-0" setback in the front, 5'-0" side setbacks, and a 10'-0" rear setback. The front setback should be aligned with the neighboring structures. It appears that the neighboring structures are at approximately 20'-0" each, while the proposed project is at 25'-0". The UDLR requires a minimum front setback of 25'-0", however when a structure is located in the Sailboat Bend Historic District – the front setback may be reduced to up to 15'-0" in order to allow for compatibility with the abutting properties. In this case, the applicant must verify the setback of the neighboring structures and align the new construction project accordingly.

Extending around the entire lot is a metal picket fence, height is unspecified on plans, but is potentially 6'-0" in height to match the height of the masonry piers. In the rear of the structure plans show two small pools, placed behind each unit and separated by a 6'-0" high masonry privacy wall. Plans include a note stating that pools are to be designed by others, however without detailed dimensions staff cannot verify that the installation meets ULDR requirements.

Multiple design influences are present including Bahamian, Colonial Revival, and Frame Vernacular. It is unclear how the blend of these historic styles that are found throughout the neighborhood complement the context in which it would be placed.



Front Elevation of Proposed New Construction Project

In addition, pursuant to ULDR, Section 47-17.7.A, the Sailboat Bend Historic District material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the consideration of an application for a certificate of appropriateness for new construction, alterations, relocation, and demolition.

In each of the following sections below, relevant to the specific request being made, a description of the architectural features corresponding to the material & design guidelines as outlined in the ULDR, 47-17.7.B, is provided for both the existing buildings and the proposed new construction.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR, Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

ULDR Section 47-17.7.B	Consultant Response
<p>1. Exterior building walls.</p> <p>a. Materials and finish.</p> <p>i. Stucco: float finish, smooth or coarse, machine spray, dashed or troweled.</p> <p>ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.</p> <p>iii. Masonry: coral, keystone or split face block; truncated or stacked bond block.</p>	<p>CONSULTANT RESPONSE Exterior building walls.</p> <p>b. Materials and finish. Stucco: smooth</p>
<p>2. Windows and doors.</p> <p>a. Materials.</p> <p>i. Glass (clear, stained, leaded, beveled and non-</p>	<p>CONSULTANT RESPONSE Windows and doors.</p> <p>a. Materials. Glass (clear, and non-reflective tinted).</p>

<ul style="list-style-type: none"> reflective tinted). ii. Translucent glass (rear and side elevations only). iii. Painted and stained wood. iv. Aluminum and vinyl clad wood. v. Steel and aluminum. vi. Glass block. vii. Flat skylights in sloped roofs. viii. Domed skylights on flat roofs behind parapets. b. Configurations. <ul style="list-style-type: none"> i. Doors: garage nine (9) feet maximum width. ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; limed only to gable ends. c. Operations. <ul style="list-style-type: none"> i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers. d. General. <ul style="list-style-type: none"> i. Wood shutters sized to match openings (preferably operable). ii. Wood and metal jalousies. iii. Interior security grills. iv. Awnings. v. Bahama shutters. vi. Screened windows and doors. 	<p>Steel and aluminum.</p> <ul style="list-style-type: none"> b. Configurations. <ul style="list-style-type: none"> Doors: garage nine (9) feet maximum width Windows: rectangular; c. Operations. <ul style="list-style-type: none"> i. Windows: single hung d. General. <ul style="list-style-type: none"> i. Wood shutters sized to match openings (preferably operable).
<p>3. Roofs and gutters.</p> <ul style="list-style-type: none"> a. Roof--materials. <ul style="list-style-type: none"> i. Terra cotta. ii. Cement tiles. iii. Cedar shingles. iv. Steel standing seam. v. 5-V crimp. vi. Galvanized metal or copper shingles (Victorian or diamond pattern). vii. Fiberglass/asphalt shingles. viii. Built up roof behind parapets. b. Gutters. <ul style="list-style-type: none"> i. Exposed half-round. ii. Copper. iii. ESP aluminum. iv. Galvanized steel. v. Wood lined with metal. c. Configurations. <ul style="list-style-type: none"> i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and 	<p>CONSULTANT RESPONSE Roofs and gutters.</p> <ul style="list-style-type: none"> a. Roof—materials <ul style="list-style-type: none"> Steel standing seam. b. Configurations. <ul style="list-style-type: none"> Simple gable and hip, pitch no less than 3:12 and no more than 8:12

parapets, where permitted, solar collectors and turbine fans at rear port.	
<p>b. Arcades and porches.</p> <p>a. Materials and finish.</p> <p>i. Stucco (at piers and arches only): float finish, smooth or coarse, machine spray, dashed or troweled.</p> <p>ii. Wood: posts and columns.</p> <p>iii. Masonry (at piers and arches only): coral, keystone or split face block; truncated or stacked bond block.</p> <p>iv. Metal (at railings only): wrought iron, ESP aluminum.</p>	<p>CONSULTANT RESPONSE Arcades and porches.</p> <p>a. Materials and finish.</p> <p>i. Wood: posts and columns</p>

The applicant's request for materials are not appropriate for the following reasons:

1. The overall width of each garage door is 16'-0" which exceeds the 9'-0" maximum width.
2. Although the applicant is providing operable Bahamian wood shutters in some locations, there are inoperable wood shutters on second floor of the front façade where the size does not match the size of the opening.
3. Sizes and placement of doors and windows throughout the house is inconsistent with others on the street and throughout the historic district.

In addition to the General Criteria for obtaining a COA and the Material and Design Guidelines, as previously outlined, pursuant to ULDR, Section 47-24.11.C.3.c.iii, the Board must consider the following additional criteria specific to new construction, taking into account the analysis of the materials and design guidelines above:

"Additional guidelines; new construction. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. In approving or denying applications for certificates of appropriateness for new construction, the board shall also use the following additional guidelines. Where new construction is required to be visually related to or compatible with adjacent buildings, adjacent buildings shall mean buildings which exhibit the character and features of designated or identified historic structures on the site or in the designated historic district where the site is located."

ULDR Section 47-24.11.C.3.c.iii	Consultant Response
a) <i>The height of the proposed building shall be visually compatible with adjacent buildings.</i>	<p>CONSULTANT RESPONSE</p> <p>There is a variety of one and two-story houses and structures along this street, however the buildings that are immediately adjacent to the proposed new construction project are each one story in height. This structure has not allocated for any setbacks to create a gradual height increase that could offset impact to the neighboring one-story buildings.</p>
b) <i>The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.</i>	<p>CONSULTANT RESPONSE</p> <p>The applicant's project does not meet this criterion as to visual compatibility.</p>
c) <i>The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings and places to which the</i>	<p>CONSULTANT RESPONSE</p> <p>Throughout the structure, there is a wide variety of window sizes and types placed on the exterior of the structure with</p>

<i>building is visually related.</i>	ten different size variations present.
d) <i>The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related.</i>	CONSULTANT RESPONSE The applicant's project does not meet this criterion as to visual compatibility.
e) <i>The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related.</i>	CONSULTANT RESPONSE The applicant provides a standard 5' 8" for both side elevations. Side setbacks vary for the existing structures on either side.
f) <i>The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.</i>	CONSULTANT RESPONSE <ol style="list-style-type: none"> 1. The overall width of each garage door is 16'-0" which exceeds the 9'-0" maximum width. 2. Although the applicant is providing operable Bahamian wood shutters in some locations, there are inoperable wood shutters on second floor of the front façade where the size does not match the size of the opening. 3. Sizes and placement of doors and windows throughout the house is inconsistent with others on the street and throughout the historic district.
g) <i>The roof and shape of a building shall be visually compatible with the buildings to which it is visually related.</i>	CONSULTANT RESPONSE N/A
h) <i>Appurtenances of a building such as walls, wrought iron, fences, evergreen, landscape masses and, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to insure visual compatibility of the building to the buildings and places to which it is visually related.</i>	CONSULTANT RESPONSE The front setback should align with the setback of the neighboring structures.
i) <i>The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.</i>	CONSULTANT RESPONSE The proposed project is dissimilar in size, form, and massing to adjacent buildings on the block
j) <i>A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.</i>	CONSULTANT RESPONSE The proposed project meets this criterion, however the front doors are located on the side elevations rather than the front, which would be typical of the historic houses found throughout the neighborhood.

Summary Conclusion:

In reference to new construction, *The City of Fort Lauderdale Historic Preservation Design Guidelines* states:

In Fort Lauderdale's residential neighborhoods the following is encouraged:

- Preservation of the cohesive ambiance of historic properties and neighborhoods with compatible, sympathetic, and contemporary construction that is not visually overwhelming
- Matching setbacks (distances to property lines) of adjacent buildings on a streetscape
- Compatible siting, proportion, scale, form, materials, fenestration, roof configuration, details and finishes to adjacent and nearby properties

As it is presented, the applicant's proposed plan is inappropriate, and unless the plan is modified, the requested COA should be **denied** or **continued** so that the applicant can address the following specific issues that were mentioned above:

1. Break-up the overall massing of the rectangular structure and provide a spatial difference between the new construction project and the neighboring structures;
2. Alter locations and sizes of windows and doors to provide consistency within the context of the street and overall historic district;
3. Adjust front setback to align with neighboring structures;
4. Reduce the size of garage doors and impact of the location on front façade; and,
5. Ensure design compatibility within the Sailboat Bend Historic District and provide justification of material and detail choices.

If the HPB determines that approval is the appropriate course of action, staff would recommend that the following conditions, at a minimum are provided:

1. The front setback shall be adjusted to align with neighboring structures, to be approved by staff.
2. This application is subject to the approval by zoning and all ULDR requirements.

Historic Preservation Board Action:

For each requested Certificate of Appropriateness, the board may:

1. Approve the application as presented; or
2. Approve the application with modification; or
3. Deny the application.

DEMOLITION

PHOTOS OF BUILDING TO BE DEMOLISHED



Figure 1 Front View of Existing House to be Demolished



Figure 2 Back View of Existing House to be Demolished



Figure 3 Left Side View of Existing House to be Demolished



Figure 4 Right Side View of Existing House to be Demolished

EXHIBIT 8

DRAFT
HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
MONDAY, APRIL 3, 2017 - 5:00 P.M.
FIRST FLOOR COMMISSION CHAMBER
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>6/2016 through 5/2017</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	P	5	2
George Figler, Vice Chair	P	6	1
Ginger Coffey	A	5	2
Brenda Flowers	P	5	2
Marilyn Mammano	A	4	3
Donna Mergenhagen	P	7	0
Phillip Morgan	P	7	0
Drew Melville	P	6	0
Arthur Marcus	P	5	0

City Staff

Lynda Crase, Administrative Aide
Linda Mia Franco, AICP, Historic Preservation Board Liaison
D'Wayne Spence, Assistant City Attorney
Trisha Logan, Planner III
Lisa Edmondson, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

<u>Index</u>	<u>Applicant/Owner</u>	<u>Page</u>
1. H-17-002	NJ Thomson, Inc. % Astra/ Nancy Cortes	<u>2</u>
2. H-17-004	Stephanie Cunningham	<u>15</u>
	Good of the City	<u>20</u>
	Communication to the City Commission	<u>20</u>

I. Call to Order/Pledge of Allegiance

Chair Kyner called the meeting of the Historic Preservation Board to order at 5:05 p.m.

II. Determination of Quorum/Approval of Minutes

Roll was called and it was determined a quorum was present.

Motion made by Mr. Figler, seconded by Mr. Marcus, to approve the minutes of the Board's February 2017 meeting. In a voice vote, motion passed unanimously.

III. Public Sign-in/Swearing-In

All members of the public wishing to address the Board on any item were sworn in.

Board members disclosed communications and site visits they had regarding each case.

IV. Agenda Items:

1.

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Case	H17002	FMSF#	
Owner	N.J. Thompson, Inc.		
Applicant	Nancy Cortez		
Address	927 SW 2 nd Court		
General Location	Approximately 70 feet east of the SW 2 Court and SW 10 Avenue intersection (north side).		
Legal Description	WAVERLY PLACE 2-19 D LOT 13, 14 & E 5 OF LOT 15 & 5 ½ VAC ALLEY		
Existing Use	Single-Family Residential		
Proposed Use	Multi-Family Residential		
Zoning	RML-25		
Applicable Sections	ULDR	47-24.11.C.3.c.i, 47-24.11.C.4.c, 47-17.7.B, 47-24.11.C.3.c.iii	
Request(s)	<ol style="list-style-type: none"> 1. Certificate of Appropriateness for Demolition <ul style="list-style-type: none"> - Demolition of an existing single-family residence. 2. Certificate of Appropriateness for New Construction > 2000 SF GFA <ul style="list-style-type: none"> - New Construction of a new two-story duplex. 		

Ms. Logan read from the report:

REQUEST No. 1 - COA FOR DEMOLITION:

Property Background:

The residential structure located at 927 SW 2 Court is a one-story wood Frame Vernacular house, rectangular in plan, with a gabled roof and a lean-to front porch extension now enclosed. Windows and doors appear to have been replaced throughout, majority of the windows are single hung and some have applied muntins to simulate divided lights. This house was constructed in 1927 and is one of approximately forty structures throughout the Sailboat Bend Historic District that were built in the 1920s.

The property is located in the Waverly Place subdivision which was platted in 1911 and this address encompasses two lots with a total width of 55'-0" and a depth of 130'-0". According to the 1926 Fort Lauderdale City Directory, the first owner of this property was Benjamin F. Gaines whose profession was listed as Carpenter. In 1928, the property appears on the Sanborn Fire Insurance Maps and indicates that the front section of the house had an open porch, rather than the enclosed porch that exists today (the site is outlined in red). The map also shows a garage located to the rear of the main house, which has since been demolished.

Description of Proposed Site Plan:

The applicant asks for demolition of the house under criterion i. under Section 47-24.11.C.4.c of the Unified and Land Development Regulations ("ULDR"), *the designated landmark, landmark site, or property within the historic district no longer contributes to the historic district.* Within the narrative that was submitted by the applicant, it states: *"The house retains a marginal degree of historic value for its location, setting, materials, and design. The structure is not a contributing resource within the Sailboat Bend neighborhood and does not resemble any other building in this neighborhood due to its position on the lot and its original design and configuration."*

Additionally, the narrative also states that, *"Because of the significant wood rot and decay of its primary structural components, the applicant has decided that the rehabilitation of the property is no longer feasible."* The applicant did not provide substantive evidence of the current condition of the structure by either providing detailed photographs and/or an existing conditions report that outlines the decay as stated in the narrative to substantiate an unusual or compelling circumstance to warrant demolition in this particular case.

The applicant is requesting a Certificate of Appropriateness ("COA") to demolish this contributing structure within the Sailboat Bend Historic District. Currently, the house located on the property is a vacant one-story structure and is listed as a single family residence with two bedrooms and one bathroom. It is unclear how long the property has been vacant, however the exterior condition of the property indicates that it has been

neglected in recent months, perhaps longer. The property was sold to the current owner in 2016 and the permit history shows that permits have not been pulled in over 17 years for the care and maintenance of the structure. The last time permits were pulled on this property for a substantial amount of work was between 1999 to 2000, which included a new air conditioning unit, select window replacements, and interior remodeling. The roof was last replaced in 1987 and select windows were replaced in both 1987 and 2000.

Proposed plans are to construct a two-story duplex that is rectangular in plan and has an overall height of approximately 30'-6". Setbacks of the proposed new construction project are as follows:

Front Setback: 25'-0"

East Side Setback: 5'-0"

West Side Setback: 5'-0"

Rear Setback: 10'-0"

Sitting between two one-story residential structures, both utilized as multi-family housing, the proposed duplex will have two-stories. Typically, within a historic district, when constructing a two-story structure that is immediately adjacent to a one-story structure, the design should account for relief in the overall massing as the building progresses into the second level. The proposed design does not allow for any gradual rise in height with the use of varied setbacks and results in a singular rectangular block that will overwhelm the neighboring structures.

Criteria for Certificate of Appropriateness:

Pursuant to ULDR, Section 47-24.11.C.3.c.i, in approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the HPB shall use the following general criteria:

ULDR, Section 47-24.11.C.3.c.i

a) *The effect of the proposed work on the landmark or the property upon which such work is to be done;*

Consultant's Response:

A contributing historic resource in the historic district will be lost.

b) *The relationship between such work and other structures on the landmark site or other property in the historic district;*

Consultant's Response:

The structure was built during the time of significance for the historic district and is representative of the Frame Vernacular Style.

c) *The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;*

Consultant's Response:

The historic house will be destroyed and its history lost to the community.

From the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Sailboat Bend Historic District material and design guidelines

In addition, pursuant to ULDR, Section 47-17.7.A, the Sailboat Bend Historic District material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the consideration of an application for a certificate of appropriateness for new construction, alterations, relocation, and demolition.

In each of the following sections below, relevant to the specific request being made, a description of the architectural features corresponding to the material & design guidelines as outlined in the ULDR, Section 47-17.7.B, is provided for both the existing buildings and the proposed new construction.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR, Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

ULDR Section 47-17.7.B

1. Exterior building walls.

- a. Materials and finish.
 - i. Stucco: float finish, smooth or coarse, machine spray, dashed or troweled.
 - ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.
 - iii. Masonry: coral, keystone or split face block; truncated or stacked bond block.

Consultant's Response:

- b. Materials and finish.
 - ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather

2. Windows and doors.

- a. Materials.
 - i. Glass (clear, stained, leaded, beveled and non-reflective tinted).
 - ii. Translucent glass (rear and side elevations only).
 - iii. Painted and stained wood.
 - iv. Aluminum and vinyl clad wood.
 - v. Steel and aluminum.

- vi. Glass block.
- vii. Flat skylights in sloped roofs.
- viii. Domed skylights on flat roofs behind parapets.
- b. Configurations.
 - i. Doors: garage nine (9) feet maximum width.
 - ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; lited only to gable ends.
- c. Operations.
 - i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers.
- d. General.
 - i. Wood shutters sized to match openings (preferably operable).
 - ii. Wood and metal jalousies.
 - iii. Interior security grills.
 - iv. Awnings.
 - v. Bahama shutters.
 - vi. Screened windows and doors.

Consultant's Response:

- e. Materials.
 - v. aluminum
- b. Configurations
 - ii. rectangular
- c. Operations.
 - i. Windows: single hung

3. Roofs and gutters.

- a. Roof--materials.
 - i. Terra cotta.
 - ii. Cement tiles.
 - iii. Cedar shingles.
 - iv. Steel standing seam.
 - v. 5-V crimp.
 - vi. Galvanized metal or copper shingles (Victorian or diamond pattern).
 - vii. Fiberglass/asphalt shingles.
 - viii. Built up roof behind parapets.
- b. Gutters.
 - i. Exposed half-round.
 - ii. Copper.
 - iii. ESP aluminum.
 - iv. Galvanized steel.
 - v. Wood lined with metal.
- c. Configurations.
 - i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less

than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.

Consultant's Response:

- a. Roof--materials.
 - vii. Fiberglass/asphalt shingles.
- c. Gutters.
 - lii ESP aluminum.
- d. Configurations.

Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.

Summary Conclusion:

The applicant is asking for the demolition of an historic house, a contributing property in the SBHD and demolition should not be considered the only option. It is not evident that the property owner has made a reasonable effort to explore options that include stabilization and rehabilitation. The application should be **denied**, however if the HPB determines a compelling case for demolition may be considered, staff would urge the HPB to request additional information on the condition of the structure or the potential to rehabilitate, prior to making a final determination and to defer this request to the May HPB Agenda.

REQUEST No 2: COA FOR NEW CONSTRUCTION:

The applicant is requesting a Certificate of Appropriateness for new construction of a new two-story duplex. Overall the new structure is a rectangular floor plan, rising to two stories, with a metal gable roof. Materials on the exterior include wood, metal, and stucco. The front façade of the proposed new construction project contains two two-car garages on the first level, creating two 16'-0" wide driveways with an approximately 4'-0" wide grass median between. On either side of the structure there are metal picket entry gates, tied into a 6'-0" high masonry piers, each gate leads to a recessed front entrance located on the side elevation of the building. Above on the second floor there are two projecting balconies on each corner with two single-hung windows that are symmetrically placed from the center line of the structure, and are framed with inoperable wood shutters.

Within the Sailboat Bend Historic District, it is evident that most historic residences did not have garages that were incorporated in the primary façade of a structure. Majority of the houses had a separate structure that was set to the rear of the lot that would serve as automobile storage. When designing new construction to fit in with the context of the surrounding district, this is an important element to consider since the addition of wide

driveways and imposing garage doors will interrupt the rhythm that currently exists along the street. The proposed width of each garage door also exceeds the allowable width per the new construction historic preservation guidelines.

Additionally, locations of fenestration and overall massing do not fit in with the context of the neighborhood. Regarding the fenestration, the entrance of historic residential structures are typically found on the front facade rather than on the side. One of the main rules in designing for a new construction project in a historic district is to imitate the façade proportions and rhythm in placement fenestration throughout the façade. On the proposed new design, there are a variety of window sizes and types placed on the exterior of the structure with ten different size variations present, creating visual clutter on the exterior elevations. Overall massing is one continuous rectangular box without much division in height or width to aid in breaking up the building mass that will be imposed on the neighboring one-story structures.

Height of the proposed new construction project rises to 30'-6" to the top of the roof ridge and allows for a 25'-0" setback in the front, 5'-0" side setbacks, and a 10'-0" rear setback. The front setback should be aligned with the neighboring structures. It appears that the neighboring structures are at approximately 20'-0" each, while the proposed project is at 25'-0". The ULDR requires a minimum front setback of 25'-0", however when a structure is located in the Sailboat Bend Historic District – the front setback may be reduced to up to 15'-0" in order to allow for compatibility with the abutting properties. In this case, the applicant must verify the setback of the neighboring structures and align the new construction project accordingly.

Extending around the entire lot is a metal picket fence, height is unspecified on plans, but is potentially 6'-0" in height to match the height of the masonry piers. In the rear of the structure plans show two small pools, placed behind each unit and separated by a 6'-0" high masonry privacy wall. Plans include a note stating that pools are to be designed by others, however without detailed dimensions staff cannot verify that the installation meets ULDR requirements.

Multiple design influences are present including Bahamian, Colonial Revival, and Frame Vernacular. It is unclear how the blend of these historic styles that are found throughout the neighborhood complement the context in which it would be placed.

In addition, pursuant to ULDR, Section 47-17.7.A, the Sailboat Bend Historic District material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the consideration of an application for a certificate of appropriateness for new construction, alterations, relocation, and demolition.

In each of the following sections below, relevant to the specific request being made, a description of the architectural features corresponding to the material & design

guidelines as outlined in the ULDR, 47-17.7.B, is provided for both the existing buildings and the proposed new construction.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR, Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

ULDR Section 47-17.7.B

1. Exterior building walls.

- a. Materials and finish.
 - i. Stucco: float finish, smooth or coarse, machine spray, dashed or troweled.
 - ii. Wood: clapboard, three and one-half (3 1/2) inches to seven (7) inches to the weather; shingles, seven (7) inches to the weather; board and batten, eight (8) inches to twelve (12) inches; shiplap siding smooth face, four (4) inches to eight (8) inches to the weather.
 - iii. Masonry: coral, keystone or split face block; truncated or stacked bond block.

Consultant's Response:

Materials and finish.

Stucco: smooth

2. Windows and doors.

- a. Materials.
 - i. Glass (clear, stained, leaded, beveled and non-reflective tinted).
 - ii. Translucent glass (rear and side elevations only).
 - iii. Painted and stained wood.
 - iv. Aluminum and vinyl clad wood.
 - v. Steel and aluminum.
 - vi. Glass block.
 - vii. Flat skylights in sloped roofs.
 - viii. Domed skylights on flat roofs behind parapets.
- b. Configurations.
 - i. Doors: garage nine (9) feet maximum width.
 - ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; lited only to gable ends.
- c. Operations.
 - i. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers.
- d. General.
 - i. Wood shutters sized to match openings (preferably operable).
 - ii. Wood and metal jalousies.
 - iii. Interior security grills.
 - iv. Awnings.
 - v. Bahama shutters.
 - vi. Screened windows and doors.

Consultant's Response:

- a. Materials.
Glass (clear, and non-reflective tinted).
Steel and aluminum.
- b. Configurations.
Doors: garage nine (9) feet maximum width
Windows: rectangular;
- c. Operations.
 - i. Windows: single hung
- d. General.
 - i. Wood shutters sized to match openings (preferably operable).

3. Roofs and gutters.

- a. Roof--materials.
 - i. Terra cotta.
 - ii. Cement tiles.
 - iii. Cedar shingles.
 - iv. Steel standing seam.
 - v. 5-V crimp.
 - vi. Galvanized metal or copper shingles (Victorian or diamond pattern).
 - vii. Fiberglass/asphalt shingles.
 - viii. Built up roof behind parapets.
- b. Gutters.
 - i. Exposed half-round.
 - ii. Copper.
 - iii. ESP aluminum.
 - iv. Galvanized steel.
 - v. Wood lined with metal.
- c. Configurations.
 - i. Roof: The pitch of new roofs may be matched to the pitch of the roof of existing structures on the lot. Simple gable and hip, pitch no less than 3:12 and no more than 8:12. Shed roofs attached to a higher wall, pitch no less than 3:12. Tower roofs may be any slope. Rafters in overhangs to be exposed. Flat with railings and parapets, where permitted, solar collectors and turbine fans at rear port.

Consultant's Response:

- a. Roof—materials
Steel standing seam.
- b. Configurations.
Simple gable and hip, pitch no less than 3:12 and no more than 8:12

6. Arcades and porches.

- a. Materials and finish.
 - i. Stucco (at piers and arches only): float finish, smooth or coarse, machine spray, dashed or troweled.
 - ii. Wood: posts and columns.

- iii. Masonry (at piers and arches only): coral, keystone or split face block; truncated or stacked bond block.
- iv. Metal (at railings only): wrought iron, ESP aluminum.

Consultant's Response:

- a. Materials and finish.
 - i. Wood: posts and columns

The applicant's request for materials is not appropriate for the following reasons:

1. The overall width of each garage door is 16'-0" which exceeds the 9'-0" maximum width.
2. Although the applicant is providing operable Bahamian wood shutters in some locations, there are inoperable wood shutters on second floor of the front façade where the size does not match the size of the opening.
3. Sizes and placement of doors and windows throughout the house is inconsistent with others on the street and throughout the historic district.

In addition to the General Criteria for obtaining a COA and the Material and Design Guidelines, as previously outlined, pursuant to ULDR, Section 47-24.11.C.3.c.iii, the Board must consider the following additional criteria specific to new construction, taking into account the analysis of the materials and design guidelines above:

"Additional guidelines; new construction. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. In approving or denying applications for certificates of appropriateness for new construction, the board shall also use the following additional guidelines. Where new construction is required to be visually related to or compatible with adjacent buildings, adjacent buildings shall mean buildings which exhibit the character and features of designated or identified historic structures on the site or in the designated historic district where the site is located."

ULDR Section 47-24.11.C.3.c.iii

- a) *The height of the proposed building shall be visually compatible with adjacent buildings.*

Consultant's Response:

There is a variety of one and two-story houses and structures along this street, however the buildings that are immediately adjacent to the proposed new construction project are each one story in height. This structure has not allocated for any setbacks to create a gradual height increase that could offset impact to the neighboring one-story buildings.

- b) *The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.*

Consultant's Response:

The applicant's project does not meet this criterion as to visual compatibility.

- c) *The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings and places to which the building is visually related.*

Consultant's Response:

Throughout the structure, there is a wide variety of window sizes and types placed on the exterior of the structure with ten different size variations present.

- d) *The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related.*

Consultant's Response:

The applicant's project does not meet this criterion as to visual compatibility.

- e) *The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related.*

Consultant's Response:

The applicant provides a standard 5' 8" for both side elevations. Side setbacks vary for the existing structures on either side.

- f) *The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.*

Consultant's Response:

1. The overall width of each garage door is 16'-0" which exceeds the 9'-0" maximum width.
 2. Although the applicant is providing operable Bahamian wood shutters in some locations, there are inoperable wood shutters on second floor of the front facade where the size does not match the size of the opening.
 3. Sizes and placement of doors and windows throughout the house is inconsistent with others on the street and throughout the historic district.
- h) *Appurtenances of a building such as walls, wrought iron, fences, evergreen, landscape masses and, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to insure visual compatibility of the building to the buildings and places to which it is visually related.*

Consultant's Response:

The front setback should align with the setback of the neighboring structures.

- i) *The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.*

Consultant's Response:

The proposed project is dissimilar in size, form, and massing to adjacent buildings on the block

- j) *A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.*

Consultant's Response:

The proposed project meets this criterion, however the front doors are located on the side elevations rather than the front, which would be typical of the historic houses found throughout the neighborhood.

Summary Conclusion:

In reference to new construction, *The City of Fort Lauderdale Historic Preservation Design Guidelines* states:

In Fort Lauderdale's residential neighborhoods the following is encouraged:

- Preservation of the cohesive ambiance of historic properties and neighborhoods with compatible, sympathetic, and contemporary construction that is not visually overwhelming
- Matching setbacks (distances to property lines) of adjacent buildings on a streetscape
- Compatible siting, proportion, scale, form, materials, fenestration, roof configuration, details and finishes to adjacent and nearby properties

As it is presented, the applicant's proposed plan is inappropriate, and unless the plan is modified, the requested COA should be **denied** or **continued** so that the applicant can address the following specific issues that were mentioned above:

1. Break-up the overall massing of the rectangular structure and provide a spatial difference between the new construction project and the neighboring structures;
2. Alter locations and sizes of windows and doors to provide consistency within the context of the street and overall historic district;
3. Adjust front setback to align with neighboring structures;
4. Reduce the size of garage doors and impact of the location on front façade; and,
5. Ensure design compatibility within the Sailboat Bend Historic District and provide justification of material and detail choices.

If the HPB determines that approval is the appropriate course of action, staff would recommend that the following conditions, at a minimum are provided:

1. The front setback shall be adjusted to align with neighboring structures, to be approved by staff.
2. This application is subject to the approval by zoning and all ULDR requirements.

Edgar Duenas, the owner's representative, said he had inspected the home and distributed a report and photos to Board members. He reported the house had been abandoned for many years and had water, termite and vandalism damage. A large tree had damaged the foundation and house framing. He added that there were several elements such as windows and doors, the porch and roof, which were not original. Mr. Duenas believed repair costs would exceed the value of the home. He said there were

several townhomes built next to single family homes in this area. Mr. Duenas confirmed for Mr. Spence that his testimony related to both requests: the demolition and the new construction.

Chair Kyner asked Board members to consider the demolition question first. Mr. Duenas informed Mr. Figler that the new owners had not been aware of the historic aspect of the house when it was purchased and they had purchased it with the intent of demolishing the house and building the duplex. Mr. Figler argued that the owner should have conducted due diligence before purchasing the house. He did not believe enough research had been done into what would be needed to restore the house instead of demolish it.

Ms. Flowers pointed out that realtors did not inform buyers about the possible historic nature of properties. Mr. Marcus felt that buyers must perform this type of due diligence when buying property in historic districts. He said it was important to the integrity of the historic district for owners to "acknowledge the first building on the site and then maybe do something in back of it."

Chair Kyner stated there were a number of houses in this area that had been completely restored, some of which had no "outer parts left." Mr. Duenas reminded the Board that the house would need to be moved to get it away from the large tree that had already damaged it.

Mr. Spence confirmed for Mr. Figler that if the Board denied the request for the Certificate of Appropriateness for demolition, the second request would be moot.

Chair Kyner advised Mr. Duenas that the Sailboat Bend Civic Association and its Design Committee would be a great resource for rehabilitating the house.

Ms. Mergenhagen felt that the fact that the owner had ensured that the utilities were prepared for demolition before applying for the Certificate of Appropriateness proved the owners had not done his homework regarding purchasing a home in the historic district and what his obligations would be to protect and enhance the neighborhood. Mr. Duenas said this was possible, but added he had not been involved in the purchase.

Chair Kyner opened the public input portion of the meeting.

David Parker, President of the Sailboat Bend Civic Association, said their Development Design Committee invited property owners to discuss their intentions with them. Ms. Franco said meeting with the Sailboat Bend Civic Association was not a requirement, but staff asked owners to meet with them.

Paul Boggess, neighbor, noted that every entrance into Sailboat bend had a sign indicating this was "Historical Sailboat Bend." He was aware of a home that had no

floors that had been restored. He said destroying this house would be “absolutely ridiculous.”

There being no one else present wishing to address the Board on this matter, Chair Kyner closed the public hearing and brought the discussion back to the Board.

Mr. Duenas asked if they could rework the application. Mr. Morgan stated the owner must go through the process to determine what needed to be done to preserve the house then decide whether or not it was worth it. Mr. Figler advised Mr. Duenas to maintain the property or the City’s Code Enforcement Board could impose fines.

Motion made by Mr. Figler, seconded by Mr. Morgan to deny a Certificate of Appropriateness for demolition. In a roll call vote, motion passed 7-0.

2.

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Case	H17004	FMSF#	
Owner	Stephanie Cunningham		
Applicant	Stephanie Cunningham		
Address	717 SW 4 th Street		
General Location	Approximately 192 feet (midblock) of the SW 4 Street and SW 8 Avenue intersection.		
Legal Description	LOT 10 BRYAN SUB BLK 33 FT. LAUD 1-290		
Existing Use	Residence		
Proposed Use	Residence		
Applicable Sections	ULDR	47-24.11.C.3.c.i; 47-24.11.C.3.c.ii	
Request(s)	Certificate of Appropriateness for Minor Alteration to replace window with sliding glass hurricane door.		

Ms. Logan read from the memo:

Property Background:

The apartment at 717 SW 4th Street was designed by architect Lester Avery and built in 1949 for Mr. and Mrs. L.S. Shutes. It is a one-story two-family home, Masonry Vernacular in style, and is considered contributing in the SBHD.

Description of Proposed Site Plan:

The applicant plans to install a sliding glass door in place of an existing window and a room air conditioner on the south elevation of the house. The applicant states that the new door will provide hurricane protection and easier access to the patio. This elevation is street facing; however the entry to the house is located on a side elevation. The

owner has landscaped the front yard to be used as a patio. The façade of the house is barely visible from the street, but has been landscaped in this way since at least 2008.

The Sailboat Bend Materials and Design Guidelines (ULDR Section 47-17.7.B) allows sliders, windows or doors, at side and rear elevations only. Even though the front entrance is located on the side elevation, the façade of a contributing structure that is street-facing should not be altered by enlarging an opening.

Criteria for Certificate of Appropriateness:

Pursuant to ULDR Section 47-24.11.C.3.c.i, in approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the HPB shall use the following general criteria:

ULDR Section 47-24.11.C.3.c.i

a) *The effect of the proposed work on the landmark or the property upon which such work is to be done;*

Consultant's Response: In the SBHD patios and terraces with privacy landscaping or fencing are located at the sides or rear of the property, unlike this extant landscaped patio which obscures the street facing elevation of this house. The requested project, new door, is intended to enhance this patio.

b) *The relationship between such work and other structures on the landmark site or other property in the historic district;*

Consultant's Response: The extant landscaped patio is an anomaly on the block.

c) *The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;*

Consultant's Response: Sliders are discouraged in the SBHD on street facing elevations.

f) *Whether the plans comply with the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."*

Consultant's Response: See below

In addition, pursuant to ULDR Section 47-17.7.A, the Sailboat Bend Historic District material and design guidelines shall be read in conjunction with the existing guidelines provided in this section and shall be utilized as additional criteria for the consideration of an application for a certificate of appropriateness for new construction, alterations, relocation, and demolition.

In each of the following sections below, relevant to the specific request being made, a description of the architectural features corresponding to the material & design guidelines as outlined in the ULDR (47-17.7.B), is provided for both the existing buildings and the proposed new construction.

In addition to the General Criteria for obtaining a COA, as outlined above, pursuant to ULDR Section 47-17.7.A, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure:

ULDR Section 47-17.7.B

1. Windows and doors.

- a. Materials.
 - j. Glass (clear, stained, leaded, beveled and non-reflective tinted).
 - ii. Translucent glass (rear and side elevations only).
 - iii. Painted and stained wood.
 - iv. Aluminum and vinyl clad wood.
 - v. Steel and aluminum.
 - vi. Glass block.
 - vii. Flat skylights in sloped roofs.
 - viii. Domed skylights on flat roofs behind parapets.
 - ix. Other
- b. Configurations.
 - j. Doors: garage nine (9) feet maximum width.
 - ii. Windows: square; rectangular; circular; semi-circular; semi-ellipse; octagonal; diamond; triangular; lited only to gable ends.
- c. Operations.
 - j. Windows: single and double hung; casement; fixed with frame; awning; sliders (rear and side only); jalousies and louvers.
- d. General.
 - j. Wood shutters sized to match openings (preferably operable).
 - ii. Wood and metal jalousies.
 - iii. Interior security grills.
 - iv. Awnings.
 - v. Bahama shutters.
 - vi. Screened windows and doors.

Consultant's Response: The applicant requests installation of a sliding glass door

- a. Operations.
 - sliders (rear and side only)

Request - COA for Alterations:

The applicant is requesting a certificate of appropriateness for alterations.

In addition to the General Criteria for obtaining a COA and the Material and Design Guidelines, as previously outlined, pursuant to ULDR Section 47-24.11.C.3.c.ii, the Board must consider the following additional criteria specific to alterations, taking into account the analysis of the materials and design guidelines above:

"Additional guidelines; alterations. In approving or denying applications for certificates of appropriateness for alterations, the board shall also consider whether and the extent

to which the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Rehabilitation, will be met.”

ULDR Section 47-24.11.C.3.c.ii

a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;

Consultant's Response: There is no change in the use

b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;

Consultant's Response: The requested sliding glass door is to be installed in the street facing elevation, which is discouraged in the SBHD.

Summary Conclusion:

The applicant requests a COA to install a sliding glass door in place of a window on the street facing elevation of the house, however sliders are not allowed on facades in the SBHD. The applicant should not be allowed to alter the front façade of a contributing structure by enlarging the existing opening. This application should be **denied**.

Stephanie Cunningham, owner, explained that the side of the home that faced the street was not the front entrance and she had installed landscaping on the street side to prevent neighbors from parking out front and to create a patio area. She said the request would expand living space in the only way that was practical. Ms. Cunningham added that all but one other house on the block had front entrances that were not facing the street.

Mr. Figler asked if Ms. Cunningham had considered a door other than a slider and she said she felt the slider would provide more security than a French door. Mr. Figler stated sliders were discouraged on the front side of a house in Sailboat Bend. He thought the area could accommodate a single French door. Mr. Marcus thought it might be possible to install a door with a side window in this amount of space.

Chair Kyner opened the public input portion of the meeting.

David Parker, President of the Sailboat Bend Civic Association, said they considered a building's "front" to be the side that faced the street. He did not feel this request would destroy the nature of the block.

Paul Boggess, neighbor, explained that when they formulated the ordinance, they intended to allow "some sort of leeway" and he thought the civic association would approve this request.

Ms. Cunningham asked if a double French door would be acceptable and Ms. Logan said this was up to the Board, but a slider was specifically prohibited. She noted that the landscaping was not permanent and would not necessarily disguise the façade long-term.

Motion made by Mr. Marcus to approve the request, replacing the sliding door with some type of swing configuration, since the door was not on the front entrance side of the building. Mr. Marcus withdrew his motion.

Mr. Spence said Ms. Cunningham could request a deferral to consider another solution and bring it back to the Board. Ms. Logan said the Board could approve the application with the condition that a single French door that was approved by staff would be used.

There being no one else present wishing to address the Board on this matter, Chair Kyner closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Mergenhagen, seconded by Mr. Melville, to not approve the sliders and instead approve a single French hurricane door to fit in the opening with no greater than a 10% increase in width from the existing opening. Also, the applicant would work with staff to bring the architectural features within the guidelines of the ULDR. In a roll call vote, the motion passed 7-0.

V. Communication to the City Commission

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None.

VI. Good of the City

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Mr. Figler asked about efforts to identify historic properties for public knowledge. Ms. Logan reported said she intended to work on the surveys in the future and a study was planned for the Central Beach area.

Chair Kyner requested a training meeting for Board members after they were new appointees, which he anticipated would happen over the summer. Ms. Logan reported there would be Certified Local Government training class at the end of April in Coral Gables. She agreed to send a link to Board members.

Ms. Flowers had visited Ms. Rathbun and commented that she looked well.

Ms. Flowers was concerned that realtors did not know about and/or disclose to potential buyers when properties were historic and how this would affect what they do with a house. Mr. Figler said realtors and sellers had a duty to disclose any condition that impacted the property positively or negatively.

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Adjournment

There being no further business to come before the Board, the meeting was adjourned at 6:56 p.m.

Chairman,

David Kyner, Chair

Attest:

ProtoType Inc. Recording Secretary

The City of Fort Lauderdale maintains a Website for the Historic Preservation Board Meeting Agendas and Results:

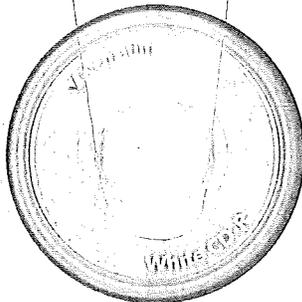
<http://www.fortlauderdale.gov/departments/city-clerk-s-office/board-and-committee-agendas-and-minutes/historic-preservation-board>

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

EXHIBIT 9



GUNSTER
ATTORNEYS AT LAW



Appeal of HPB Case No.H17002
Draft Minutes of April 3, 2017 HPB Meeting

EXHIBIT 10

CITY OF FORT LAUDERDALE
HISTORIC PRESERVATION BOARD MEETING

Monday, April 3, 2017

5:00 PM - City Commission Chambers

TRANSCRIPT OF CASE H17002

Kyner: Our first order of business is Case H17002. Can I get a report on site visits, conversations, emails.

(a few people saying site visits, one conversation)

Kyner: I also had a site visit and an email. Who is going to read the Historic Consultant?

Logan: I'm going to.

Kyner: Great, so we have our expert historian and historic preservationist consultant now on staff, so welcome to the meeting.

Logan: Thank you.

Kyner: Please fire away.

Logan: The residential structure located at 927 SW 2nd Court is a one-story, wood frame vernacular house, rectangular in plan with a gabled roof and a lean-to front porch extension now enclosed. Windows and doors appear to have been replaced throughout. Majority of the windows are single-hung and some have applied muttons to simulate divided lights. This house was constructed in 1927 and is one of approximately 40 structures throughout the Sailboat Bend Historic District that were built in the 1920s.

The property is located in the Waverly Place Subdivision which was platted in 1911 and this address encompasses 2 lots with a total width of 55 feet and a depth of 130 feet. According to the 1926 Fort Lauderdale City Directory, the first owner of this property was Benjamin F. Gaines whose profession was listed as carpenter. In 1928 the property appears on the Sanborn First Insurance Maps and indicates that the front section of the house had an open porch rather than an enclosed porch that exists today. The map also shows the garage located to the rear of the main house which has since been demolished.

The applicant asks for demolition of the house under Criterion I under Section 47-24.11.C.iv.c of the United and Land Development Regulations. The designated landmark site or property within the Historic District no longer contributes to the Historic District. Within the narrative that was submitted by the applicant, it states "The house retains a marginal degree of historic value for its location, setting, materials and design. The structure is not a contributing resource within the Sailboat Bend Historic District and does not resemble any other building in

this neighborhood due to its position on the lot and its original design and configuration.”

Additionally, the narrative also states “Because of the significant wood rot and decay of its primary structural component, the applicant has decided that rehabilitation of the property is no longer feasible.” The applicant did not provide substantive evidence of the current condition of the structure by either providing detailed photographs and/or an existing conditions report that outlines the decay as stated in the narrative to substantiate an unusual or compelling circumstance to warrant demolition in this particular case.

The applicant is requesting a Certificate of Appropriateness to demolish this contributing structure within the Sailboat Bend Historic District. Currently the house is located on the property as a vacant one-story structure and is listed as a single-family residence with two bedrooms and one bathroom. It is unclear how long the property has been vacant. However, the exterior condition of the property indicates that it has been neglected in recent months, perhaps longer. The property was sold to the current owner in 2016 and the permit history shows that permits have not been pulled in over 17 years for the care and maintenance of the structure. The last time permits were pulled on this property for a substantial amount of work was between 1999 and 2000 which included a new air conditioning unit, select window replacements and interior remodeling. The roof was last replaced in 1987 and select windows were replaced in both 1987 and 2000.

Proposed plans are to construct a two-story duplex that is rectangular in plan and has an overall height of approximately 30 feet 6 inches. Setbacks of the proposed new construction project are as follows: front setback – 25 feet, east side setback – 5 feet, west side setback – 5 feet, rear setback – 10 feet.

Sitting between two one-story residential structures, both utilized as multi-family housing, the proposed duplex will have two stories. Typically within a historic district when constructing a two-story structure that is immediately adjacent to a one-story, the design should account for relief in the overall mapping as the building progresses into a second level. The proposed design does not allow for any gradual rise in height with the use of varied setbacks and results in a singular rectangular block that will overwhelm the neighboring structures.

Regarding the criteria for the COA, pursuant to ULDR Section 47-24.11.C.3.c.i in approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the HPB shall use the following general criteria. I’ll read the consultant response for each of these.

a) The effect of the proposed work on the landmark of the property upon which such work is to be done.

A contributing historic resource in the historic district will be lost.

b) The relationship between such work and other structures on the landmark site or the other property in the historic district.

The structure was built during the time of significance for the historic district and is representative of the frame vernacular style.

c) The extent to which the historic, architectural or archeological significance style, design, arrangement, texture, materials and color of the landmark or the property will be affected.

The historic house will be destroyed and the history lost to the community.

And that is the last one that applies in this case whether the plans comply with the “United States Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.”

The applicant’s proposed plans do not comply under #2 of the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.

Regarding the Sailboat Bend Historic District Material and Design Guidelines, in addition, pursuant to ULDR Section 47-17.7.A of the Sailboat Bend Historic District Design Guidelines shall be read in conjunction with the existing guidelines provided in the Section and shall be utilized as additional criteria for the consideration of an application for a COA for new construction, alterations, relocation and demolition.

In each of the following sections below relevant to the specific requests being made, a description of the architectural features corresponding to the material design and guidelines as outlined in the ULDR is provided for both existing buildings and the proposed new construction.

In addition to the General Criteria for obtaining the COA as outlined above pursuant to the ULDR, the Board must consider the following material and design guidelines to identify existing features of a structure which conform to the guidelines and determine the feasibility of alternatives to the demolition of a structure.

Exterior building walls: The current materials and finish are wood with clapboard siding. Windows and doors are aluminum, rectangular and single-hung. The roofs and gutters are fiberglass asphalt shingles with ESP aluminum gutters and the roof pitch – I’m not exactly sure what the exact roof pitch is.

And in summary the applicant is asking for the demolition of a historic house, a contributing property in the Sailboat Bend Historic District, and demolition should not be considered the only option. It is not evident that the property owner has made a reasonable effort to explore options that include stabilization and rehabilitation. The application should be denied. However, if the HPB

determines the compelling case for demolition may be considered, staff would urge the HPB to request additional information on the condition of the structure or the potential to rehabilitate prior to making a final determination and to defer this request to the May HPB Agenda.

Kyner: Thank you. Is the applicant present? OK, could you come and identify yourself to the Board and tell us what your relationship is this property?

Duenas: Good evening, gentlemen and ladies. My name is Edgar Duenas. My company is Bunker Engineering and I represent the owner that bought this property. They fall under the name of NJ Thomson. So I'm representing them today. You did a good job, a lot of research. I did an inspection of the home. I went inside and evaluated the attic, the foundation, the windows, and I did a little summary, a little handout for each one of you, if you may. I have some photographs. I have a little summary of what I found. So the house is, yes, I agree, it's very old and has some good architectural features from the time. However, it's been abandoned for several years, probably over 10 years, and it's been vandalized, it has a lot of termite damage, a lot of water damage. There's a large tree right next to it that has grown almost into the house and pushed the foundation and the floor and wall framing causing it to warp and lift. If you look at the house, the front porch which was open at one time has been closed in. Several years later, the windows have all been replaced, the doors have been replaced, the roof is shingle roof, that's all modern. The only thing that remains is probably some of the clapboard and I think some of those was already replaced. So it's not all original. I guess there is still some of the style left. There's also the fact that it's hidden behind a fence. You almost can't see it. Repairs would be significant. I think the repairs would probably be more than the value of that house. It would probably be cheaper to lift it up and move it to another lot. We have to take off all the roof. The roof is caving in, it's sagging because of the termite damage and water damage. We'd have to redo the whole roof. There's a lot of rot around the windows which is very common in wood frame homes, that's where water leaks in, so we'd have to take out the windows, reframe it, the same with the floor framing and the door framing. There's a lot of work involved with it and that's the reason the owner wants to give the lot a different use. Now we did not come lightly with the selection of what we had. We saw that within this neighborhood, I have some photographs, there's a lot of townhouses next to single-family homes with the same style that we're proposing. I think our style is better looking. We have a much larger setback than most of these townhouses, and you'll see in there there's a map where I highlighted examples I found for these townhouses, and they're all within a few blocks, not even a few blocks, within a block or two blocks away from our proposed lot. In fact, there's one almost directly across the street that looks – I don't think it looks nearly as good as what we're proposed to do. So my point is 1, the house is in really bad shape. It's been abandoned for a long time. Oh, and I forgot to mention, it's been vandalized. A lot of electrical components have been taken out. The air conditioner was stolen. The carpet was stolen. The only thing I have left is there is duct, the ductwork from the air conditioning. The electrical panel was taken, the ceiling inside is collapsed,

insulation is almost gone, so the interior of the house needs a lot of work too, not just the structure. So we find this one-story house to be just too much work to revitalize it. I bought a house about that time, 1926, in Lake Worth, and I spent over \$120,000 fixing that house. I learned my lesson then. I could have torn it down and built a much nicer house, but I learned my lesson the hard way that when you see this much rot, you almost have to rebuild it which I ended up doing with my house just to keep it the way it was in 1926 or 1928. Secondly, is my proposal for the townhouse is similar or I think better than what you have in your neighborhood, and I think we're meeting and I think we're going to improve what's on that block. I saw the two houses right next next to it. They're also multi-family. I don't think they have much appeal, but I guess that's my call. So I think we have a strong. If you disagree, we'll go with whatever you decide, but we're trying to invest into the property, into the neighborhood, and build something that I think will enhance the neighborhood and that's my story.

Male?: Chair Kyner

Kyner: Yes.

Male?: Just for clarity, since this is a quasi-judicial hearing, there are two requests being presented. One is a Certificate of Appropriateness for a Demolition and one is for a Certificate of Appropriateness for New Construction. Since they're both quasi-judicial in nature, so I just want to clarify for the record that the applicant was presenting either on one or both in his presentation that that was just entered into the record.

Duenas: Could you please repeat that?

Male?: Alright. You have two requests that are pending before the Board. One for a Certificate of Appropriateness for Demolition and one for a Certificate of Appropriateness for New Construction. Was the testimony that you just gave to further both of those applications?

Duenas: Yes. I would like to say to tear down the house and build a new duplex.

Male?: OK. So the Board – that you will have to vote on them one at time, but if it's the Board's pleasure to deliberate on them anyhow you'd like.

Male?: I think one of them so much affects the other one, I think we should just focus on the demolition first.

Male?: Then we'll ask you to – it may be a moot point to come back if it's denied, so then we'll waste everybody's time, but let's just talk about demolition now. And I'd the Board to just hold your comments about the design and just stick to demolition questions right now, OK? So if you'll just hang in there, I'm going to ask you questions and find out how they can clarify what you're requesting for just in terms of demolition.

Duenas: Absolutely, yes.

Male?: Mr. Duenas?

Duenas: Yes.

Male?: Did I pronounce that properly?

Duenas: Correct.

Male?: Mr. Duenas, with respect to the owner, I see that the house was purchased last year. Presumably the owner had knowledge of the historical properties of Sailboat Bend wherein she was purchasing. Is that correct?

Duenas: I don't think she was aware...

Male?: During due diligence or the realtor or _____ [inaudible]?

Duenas: I couldn't tell you that, but from my dealing with them, is I don't think they were aware that that was a historic house.

Male?: Alright, because it sounds like you're representing it as a hardship with respect to the existing improvement.

Duenas: I wouldn't say it's a hardship, no. They bought the property to build a duplex.

Male?: So they went into it with full knowledge that they were going to be approved to tear down an historical structure with an expectation to build a duplex.

Duenas: In a way...they didn't know it was historical but...

Male?: Simply yes or no.

Duenas: They would like to tear that down and build something new, yes.

Male?: Because typically, at least my experience in the real estate and architectural industries, it has been that you have to do your due diligence before you close on a piece of property in order to understand the ramifications of that purchase and I think since we're specifically discussing the demolition, I completely agree with Trisha's analysis insomuch that I don't know that there's been enough homework done with respects to what could be done to that property and I too have remodeled and restored and built and sometimes you get surprises, sometimes you get lucky, but bottom line is that is an historical property and it would seem like those avenues have yet to be explored at least to my satisfaction, I'll speak solely for myself now, with respect to what was submitted here. The implication is demolish and build this and then the emphasis on the duplex as opposed to options that could have been done or could have been looked at and ruled out because of this or ruled out because of that. I see the pictures. Yeah, there's a lot

of work there, but it's a small house, so it's not that complicated. Plus, if you've been vandalized with respect to the HVAC, you've got less work because weren't to code in the first place on the house.

Duenas: Fair enough, yes.

Female?: Just in respect to the first comment is realtors do not do any kind of due diligence as far as telling a prospective buyers if they're going to be in an historic district and what the ramifications are. They don't do it.

Male?: That's perfectly fair. That's fine. I stand corrected with regards to that. However, it's a caveat in their world and buyer beware. They need to go in with their eyes open. So saying that the realtor, and I'm wrong, I'm corrected now, but with respect to that, if that is not the case, then the buyer should have still looked into this and determined that these would be obstacles, not insurmountable, but obstacles with respect to doing what they needed to do.

Male?: Mr. Chair?

Kyner: Yes.

Male?: I have to concur with my colleagues here because I really do agree that someone when you're buying into an historic neighborhood or an historic district or even in a neighborhood that might be considered historic, the buyer needs to be aware, do the due diligence and come up with the right information. If the realtor doesn't have it which they never do, to be honest with you, there's a due diligence that needs to be done. I'm a little troubled by the whole demolition of the house, especially when in the report it said that there didn't seem to be any other avenues taken. As an architect, I always think of like 10 different ways to do it. And the first thing that I would do is maybe chop off the front of the house and build an addition in back and let your architect figure that out, but I'm concerned about driving around the neighborhood. Yes, there are a number of townhouse developments in the neighborhood, but they're starting to drastically change the architectural character of the neighborhood, and I think slowly over time, it's really dissipating. So I think anything that an owner can do to at least acknowledge the first building on the site and then maybe do something in back of it, but just honor that building. I think it's important for the integrity of the district.

Duenas: OK. May I – let me add in a few things. Well, if you restore it, you know that you would have to pretty much rebuild it. I think there's enough rot and termite damage that a lot of the framing is gone. You'd have to take all the clapboard off, practically we'd have to rebuild the house again.

Male?: Don't focus on the whole house.

Duenas: The whole house would have to be _____ [inaudible].

Male?: I said do NOT focus on the whole house. What else can you do with the site? I mean, that's really a question that's been raised very well in the report.

Duenas: So focus on the lot.

Male?: Like I said earlier, can you save a portion of the house, the primary front portion, restore the front porch that used to be there, build a new addition in back, because obviously the owners bought the property for some kind of investment value.

Duenas: Yes, they would like to add to it.

Male?: We understand that, but there's always compromise. There's never one way to solve an issue, that's what I'm trying to say here.

Male?: I would like to take issue with the statement that there's not much left there to restore. I happen to live in the same neighborhood and I've been on the Board for quite a long time, so for those who have a shorter memory than mine, I would like to direct their attention to a number of houses that were completely restored where they didn't even have any of the outer parts left. Alright? And they got design awards for it. As you go down Palm Avenue from the corner of Broward if you look immediately to your right, there are two houses on that property that were rebuilt from the ground up, all keeping the historic proportions, the historic materials, etc., but there was probably nothing left there but frame. Across from Lauderdale Park, the little triangle further down on Palm Avenue, there's a house that was I would say maybe 80% gone but it was rehabbed, but up to be in line with the other houses, the property setback was unusual, but they brought it up to make a perfect line with all the other houses in it, and it's now completely redone with _____ [inaudible]?

Duenas: So did they OK the house _____ [inaudible].

Male? Yeah. They came to us and got permission, there were three of them there, they got permission not to tear any of them down but to correct the things that were wrong. Then we have at Las Olas and Avenue of the Arts a commercial property called the Chimney House Restaurant who he completely rebuilt the historic house and made additions that would line it up to be something that was amenable to a restaurant. He added outdoor dining, etc., and a parking lot, so he took an old house that happened to be on a commercial boulevard and redid the whole thing. So there are many, many, many of them that have been rehabbed from far less than what's still available in this house. There are ways to creatively restore it and still have it as a significant contributor. Not only are we talking about a significant contribution to Sailboat Bend but the owners bought into an entire historic district, not just this isolated house, but Sailboat Bend for many years has been a significant district where we have contributing structures, and then we have infill like you're pointing out. The infill consists of what are really not in keeping with the rest of the neighborhood. Those are the duplexes that are, or in some cases triplexes, vertical townhouses, etc., that have somehow sort of

sneaked in over the years before the, I think largely before the Board was quite so savvy about what contributed to the neighborhood and what didn't contribute to the neighborhood. Then the third thing that I don't know that at all that the owner was aware of but they should have been when they went to see the staff is that we have a complete overlay of rules and regulations specific to Sailboat Bend that when you design you have to build according to them. So there are lot of bits of information that may or may not have been put out there to the owner but the owner, as they're saying on the Board here, the owner's fault is that they didn't investigate anything. They just bought it with the idea that they could do whatever they wanted to and certainly would be reflective in the price they paid.

Duenas: I'm trying to think how we could [do that?]. Where the house is located, I don't know if you've seen it, there's a large tree right next to it, so I can't keep it there. I would have to move it out of the way. Like you mentioned someone had moved it. Maybe move it forward and build behind it, something like that. Would that be something that...

Male?: As we move on to the second part of this discussion, we can have a more in-depth review of some of the things that are acceptable and some of things that are not acceptable and several have been... But I need to draw your attention to the fact that we are only concerned here with the exterior of the house, the proportions of the house, the way the windows are still configured. We're not at all considered with the interior. That never comes up to us and we don't really have anything to say about air conditioning and ductwork, that's the City that's going to talk to you about that. What we care about is trying to put the house as closely back into the style that it was, the placement of the doors, the proportion of the windows and the spacing of the windows, the way the roof was, maybe even being able to find an original drawing or architectural drawings of what the front porch would have looked like. So if we could find that, then we'd say, oh, we can put that back. We're not asking you to recreate something out of thin cloth of what the porch looked like, but if we could find it, that would be great.

Male?: Mr. Chairman, I have a question or a statement rather. Rarely are we faced with a question or relocating a house on its property so it's not something we've typically discussed. However, the siting of the house in respect not only to the property but also to its neighbors and how they relate to each other determines the success of the street. By your own admission, you're saying that some of the duplexes and things are inappropriate. I couldn't agree with you more. They happened before our time and what we're trying to do is to prevent that and that's one of the reasons this Board is in existence. So there is a synergy that's created when the entire street façade works together in unison as opposed to one being forward of the other as brought out in the consultant's report, one being a 25-foot setback versus a 20-foot setback. It does make a difference harmoniously to the entire street façade. That's one.

The second question, now I have the question which really goes to the City Attorney, D'Wayne, if we vote on the demolition right now as these are two

different requests and if it's approved, it would move forward then to the next request. If it's denied, there'd be no point in really reviewing the second one.

Spence: Yes, that is correct. If the request for a Certificate of Appropriateness for Demolition is denied, it would make moot the Certificate of Appropriateness for the New Construction.

Male?: Mr. Chair?

Kyner: Yes.

Male?: One other comment. I don't know how this Board has dealt in the past with recreation versus renovation. This is a relatively simple frame building, and in the case where it has to be totally rebuilt, you're in a sense recreating it anyway. I'm just thinking if they end up moving it or if they can with their front setbacks, but I don't know if you as a Board has dealt with that in the past.

Kyner: We have and the Board has ruled, in my recollection, the Board has ruled both ways. In some cases, it was determined that the house, the structure was so far gone, I'm thinking of the one, the second one that was on the property across from Lauderdale Park which was just a framework, most of the outer boards had disappeared or been stolen, and the roof was also pretty much missing. Then it became an eye sore. In that case, I can only give you my own feelings, this is not the way the Board ruled, but my feelings were that they still had enough record of what it looked like that they could have restored it, and it had a unique structure for Sailboat Bend, but it had a big front porch and it was kind of a shotgun house, but I think the neighborhood decided that it was so derelict as it had set there looking so awful that they would prefer to have it knocked down, so the Board ultimately ruled that way and I believe, if I'm correct, that the Civic Association also came forward, I don't know if it was unanimous, but to have that demolished. So the Civic Association and their Design Committee is a great resource for you if the Board should rule not to grant the Certificate of Appropriateness because they have had much, much experience that goes back way to the time of when they first started to survey every single house and record its date and its style, etc., so they've been through a lot of reclamations and a few demolitions as well and some movements of houses to other locations. So if it goes that direction, to me they would be the first people that you should talk to.

Duenas: What group was that again?

Kyner: There are some people here that I have a feeling that are going to want to speak after you as soon as we've turned it away from the Board and I bet you they'll give you their cards before you leave.

Duenas: Alright.

Male?: Let me say that I understand your question. I mean my understanding has always been historic recreation is contrary to historic preservation and it is not [part?] historic preservation. They do not mix.

Male?: I have a different feeling about that. I'm thinking of the pictures that I've seen of both Jefferson and Washington's home. You would not have thought they were worth saving. They were so destroyed and so neglected and because they were able to look at historic records they removed all the stuff that shouldn't have been there and then they recovered the house. I don't think that there's anything in the Secretary of the Interior's Guidelines that says you can't new materials as long as they are appropriate to what that house would have had because many of our older structures are down to the skeleton of what it was. To me, that's not a recreation. A recreation to me is when you just design it out of whole cloth and say, oh well, it was a Victorian house, and it must have looked something like this. That's a reproduction house. That's in some cases Williamsburg where they've just – some houses were moved there, some were just made up. So yeah, I would never say let's make Disneyland out of Sailboat Bend and just try to think of what these houses were, but having looked at that house as early as this morning, I think the bones are really still there in that house and it could be salvaged. OK, so that's my opinion.

Female?: Chair?

Kyner: Yeah.

Female?: I have two things that I find confusing in the packet. One is that it appears that it's an absentee owner at some distance who may not have been fully informed of the fact that it was an historic district, but moved forward to assure all of the utilities were prepared for demolition prior to ever making application to the Board for approval of demolition. So that reinforces my impression that the owner didn't do his homework and he bought a piece of property in an historic district without understanding what that meant and what his obligations were to protect and enhance the neighborhood.

Duenas: It's possible. I wasn't involved in the purchase of the property. I can't testify to that but it's possible, yes.

Female?: Thank you.

Kyner: Any more questions? Then let me turn this to the public now. Do I have anyone from the public wishing to speak? OK. Alright, [Dave?]. They're going to speak a little bit and they be asking you questions as well.

Duenas: Alright.

Kyner: Please identify yourself and your relationship to the property.

Parker: I'm Dave Parker, President of several [land?] Civic Associations. Many of you know me. I've been around for many years. And I had 4 years hiatus and I didn't have to do this and now I'm back again. But anyway, let me just get from an education purposes. We've initiated as the Chairman has said we have a Development and Design Committee. The chair of that is an individual in our community who has worked with structures and what-not and he leads the Committee and there's several of us on the Board that are there. [We?] ask any one applicant for a development, in this case we never even heard about it until we found out about it was on the agenda. They used to come to us and we'd give them information and talk about it. This past year there have been two of them and I can speak of one them came and we went over it very thoroughly and said it had good promise and everything, a few minor things. Went to our general membership meeting, went fine, it was ok. Went through recently. We had another one that came and had problems and we spoke of that. They took a while and they came back and he made, the architect and the owner made the adjustments. Fine, it went through just recently. So it can be done. And one of the main things that we always have is that developers come in and they want to put a wall of garage doors. I mean, it's continually. I don't know how in the world how many times we can say that is not acceptable in our neighborhood. Porches are and stuff like this. This has a porch. This has potential. And I say, the Committee has been working fine. But we saw or heard nothing. This is the first that we heard of it. And there have been people who have been living in that in the past. I've been down here since 2001, people have been living in that property, and it's obscured from the street with its 6-foot white fence. Just recently that was just opened us so you could see it. Before that, it did not. But this is a home. I have a house that I restored. I put hundreds of thousands of dollars and it's worth it, it's worth it, because it's a valuable one. We have other properties. I mean, we can name, the Chairman mentioned the one on Palm Avenue in the corner, those two there, there were three. One of them we decided to get rid of because it wasn't and then restored the other two. It can happen. It can happen. This is a piece of property that has a part of our community. And when they say it's not really contributing, it is contributing. It is the style of those smaller homes. My home has a porch, screened in. That's the style. I sit on the front and ask my neighbors. They all know that if I'm not out there in the morning sometimes, they have to know if I've been sick or if I'd been away. But that's alright. That's what the neighborhood is about. And I'm disturbed that we just heard about it and the whole intent was to destroy, and so that's where I'm concerned. Thank you.

Kyner: Any questions for Mr. Parker?

Male?: No.

Male?: I have a question for the City staff. When you meet with applicants, are they directed to meet with the neighborhood associations?

Female?: It's not a requirement. We do ask that they do meet, but they don't have to. There is for demolition though a mailer notice for within 300 feet of the property and there's also a sign, so for demolitions it's a little bit more of a notice because it is a demolition request.

Male?: Well, I'm just wondering if it should be just a mild suggestion. I mean, it's strongly advised. I feel badly for the applicant when coming here and none of this information really came out before, that's all.

Female?: Yes, and I don't know if they mentioned it, but the HOA does get notice of the agenda, but it's such a time as you do, but we will definitely put that into mind.

Male?: OK.

Waggus?: My name is Paul [Waggus?] and I live at 804 across the street. The historical district was formed in 1989, if I'm not mistaken, and I was the President at the time. Every entrance of Sailboat Bend has a sign, Historical Sailboat Bend, that we have actually designed to put up there, so to know that it's not an historical district is really bad. Someone didn't even visit the neighborhood to see it. And this house was built in 1927. I've seen houses in that neighborhood that didn't even have a floor in it. The wave houses on Las Olas, didn't have floors in them, and they were restored. My house was built, well, they said 1939, but it was before then, and it's a Dade County pine, and we've restored that. We've come before the Board to get like a new roof and things like that to it. And there's only 40 like this left in our neighborhood and to destroy this is absolutely ridiculous.

Kyner: Any more questions from either the public or the applicant? OK. I'm going to close out discussion. I'll bring it back to the Board for internal discussion.

Male?: Well, I guess I'll start. I don't know in good conscience we can approve something like this with respect to the demolition. But in the same fashion, I don't want to see that the applicant has to go through so many additional hoops wherein there are resources available, not only what we discovered this evening but also with the addition of Trisha. There are sources in this City to speak to to get a better understanding of what really the obstacles are so that you can save something that's important and also accomplish your objective. We're not here to not allow you to do that. You're asking to demolish it.

Duenas: We're not aware of those resources.

Male?: Of course not.

Duenas: I wish we would have known.

Male?: Of course, of course.

Duenas: We got very little help from the Building Department.

Male?: Well, I think you'll find things have changed with the addition of Trisha. If you haven't met her, please introduce yourself. She's over here so I can't see here. Wave your hand or something.

Duenas: Yeah, that would have helped a lot.

Male?: And she's excellent. And you've read her report. You actually complimented her report, so she comes to the team with a great deal of resources as do these gentlemen. And you really should explore that and then pursue your objective. Now to my other question is, what would be the most applicant-supportive way of voting on this? A denial requires what, a reapplication versus if the applicant chooses to withdraw then they can resubmit at some future time?

Male?: Yeah, I would think so.

Male?: I guess I'm asking D'Wayne.

Spence: D'Wayne Spence, Assistant City Attorney. So you're in a quasi-judicial process, you are considering the application based on the criteria set out in the Code, the three criteria that was read to you. The other consideration such as whom he spoke with and those types of considerations are kind of inappropriate for this determination. The Code does provide the Board a delay in making their determination. The Board also has certain discretion once they evaluate the criteria to determine whether or not it meets the criteria to impose certain conditions to ensure that the application meets the criteria for demolition. So if the Board finds that it does not meet the criteria for demolition, it should deny based on the evidence that is before it. If it finds that it meets the criteria, it should approved. And if it finds that it's somewhere in between, it should approve with conditions that would mitigate the circumstances under which the applicant should be denied, if you understand me.

Male?: Thank you.

Duenas: Quick question. I heard you mention a delay. Will we be able to get like a second chance and take advantage of these resources and come up with a better option to preserve that house?

Male?: We have an application in front of us that is sort of a yes or no question. And so there really isn't a maybe in between this one. It's either yes or no.

Morgan: Let me just tell you what I think because I don't believe in sugar-coating things. I can't tear down. Regardless of the lack of information or the information you had, the owner, when they purchased this property, there is a process that you must go through that makes sense for anything in the historic district and no one on this Board and no one in this City apologizes for Sailboat Bend being an historic district. We want it to stay that way. So there's no way around this. You have go through the process of determining what can be done with this house to preserve it if at all, and if you then decide after you've completed the process, that

it isn't worth it to your owner, then the owner has the decision to make about selling or not, but there's no easy way around this. You have follow the process.

Duenas: What I'd like to know is, if I talk to the owner, we come up with a new idea, can I bring it up again?

Morgan: Yeah, but right now what we have in front of us is a demolition. So really for the moment, this is off the table.

Duenas: So [you're going to deny it?].

Male?: And I'd like to add one more thing to what Phil was just saying, there's also a different department or committee within this City called Code Enforcement. And if are the owner and you have knowledge that your property is deteriorating and the City can come in and pose fines, so I would be very careful as to how I protect this property while you're figuring out your next move.

Duenas: I had it cleaned up, yes. You're correct.

Male?: Cleaned up and protected, because having had this meeting and from your report, you're totally aware of all these things, so you couldn't get out of it by saying we didn't know the property was not protected.

Duenas: No, I know exactly what you mean.

Male?: Code Enforcement would not buy that.

Duenas: It's got to be cleaned up and closed in.

Male?: Bringing it back to this discussion _____ [inaudible] voting _____ [inaudible]. I don't think that it's possible that anything, because there's so many criteria by which this house should be saved, there's quite a laundry list here of things. I don't think they're going to disappear in the next couple of months and suddenly the house will seem like, oh, it qualifies for demolition. So my suggestion is that we have the vote up or down on the Certificate of Appropriateness for Demolition and then give you the time to think about how we could best utilize this and maintain it as a resource in the community and get back to the owner and make use of your sources and see how creative you can be in making it a strong contributor to the community.

Male?: Mr. Chairman, with respect to Case H17002, I make a motion that the applicant and his representative have not demonstrated to the satisfaction of the Board that we grant a Certificate of Appropriateness for Demolition.

Kyner: Is there a second?

Male?: Second.

Female?: I didn't hear the motion.

Male?: Insufficient evidence that would lead us to granting a Certificate of Appropriateness for Demolition.

Male?: So I can clarify to the motion maker this is actually a motion to deny the application?

Male?: Looking at Section 47, bottom of page 4, Historical Consultants, about 7 criteria that didn't meet.

Male?: OK.

Male?: So all those in favor of granting a Certificate for Demolition say "Aye."

Male?: No, the other way around.

Male?: All those in favor of denying the granting of a Certificate of Appropriateness for Demolition?

multiple: Aye.

Male? OK, any negatives? OK, it's unanimous.

Male? Do you have any questions where you should go from now?

Duenas: No, no thanks. Thank you for your time.

Male?: Thank you.

Male?: So then do we need to vote on the second request? Is it second or it's moot?

Spence: The second request is moot. We can allow the applicant to preserve the application for _____ [inaudible] and amend it to be an application for an alteration versus new construction, if that's a desire or they can completely withdraw it.

Male?: Do you understand that?

Spence: Your pending application for new construction is moot because the demolition has been denied, but you have an opportunity to go back and revise under that application, amend it and make it an application for Certificate of Appropriateness for Alteration of the Building, if you think that may be the desire of the applicant.

Duenas: I'll have to consult with the owner. That's probably what we'll do.

Spence: OK. Please advise the Planning Staff.