



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** October 3, 2017

**TITLE:** Quasi-Judicial – De Novo Hearing – Historic Preservation Board Denial of  
Certificate of Appropriateness for Demolition of Single-Family Home – 927  
SW 2 Court – Case H17002

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### **Recommendation**

It is recommended that the City Commission conduct a public hearing to review an appeal of the Historic Preservation Board's (HPB) denial of a Certificate of Appropriateness (COA) for demolition of a single-family home for the property located at 927 SW 2 Court in the Sailboat Bend Historic District.

### **Background**

The applicant seeks a COA for the demolition (COA-D) of a single-family residence located at 927 SW 2<sup>nd</sup> Court. Application is provided as part of Exhibit 1, drawings provided as part of the application in Exhibit 2, and additional materials submitted at the HPB Meeting in Exhibit 3. At a public hearing held at its April 3, 2017 meeting, the HPB considered the application and determined the application did not meet the criteria for demolition, denying the request by a vote of 7-0. The HPB did not consider the second request for a COA for the New Construction of a Duplex finding that the request is moot due to the denial of the COA for demolition. The HPB's vote was based on the findings that the demolition request did not meet any of the criteria for demolition found in Section 47-24.11.C.4.c. of the Unified Land Development Regulations (ULDR), which includes the following:

- i. The designated property 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.

On May 3, 2017, the representative, Heidi Davis Knapik of Gunster, on behalf of the applicant, NJ Thomson, Inc. filed an appeal of the HPB decision to the City Commission (Exhibit 7), pursuant to Sec. 47-26.B.1. of the ULDR. In addition, letters that have been submitted concerning this appeal are attached (Exhibit 8).

At its September 19, 2017, meeting the City Commission approved a motion pursuant to Section 47-26A.2, City Commission Request for Review, setting a de novo hearing for October 3, 2017.

The City Commission shall now conduct a public hearing to review the application, supplemented by the record below, and determine whether the application meets the criteria for demolition. Demolition applications are subject to criteria outlined in Sections 47-24.11.C.3.c and 47-24.11.C.4.c, as follows:

c. *Criteria.*

- i. *General.* In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the historic preservation board shall use the following general criteria and additional guidelines for alterations, new construction, relocations and demolitions as provided in subsections C.3.c.ii, iii, and iv, and C.4:
  - 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 archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;
  - d) Whether the denial of a certificate of appropriateness would deprive the property owner of all reasonable beneficial use of his property;
  - e) Whether the plans may be reasonably 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."

c. *Criteria—Demolition.*

- 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
- iv. The demolition or redevelopment project is of major benefit to a historic district.

Noticing for HPB Case Number H17002 for the April 3, 2017 Meeting is provided in Exhibit 4, the staff memorandum, which includes review, analysis, and recommendation based on the above criteria is attached as Exhibit 5, with Minutes from the April 3, 2017 HPB Meeting attached as Exhibit 6.

Within the staff memorandum, the house is described as 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.

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. Evidence of the later porch enclosure can also be seen in the size of the wood siding located at the porch area which is larger than that applied to the walls of the main house. The map also shows a garage located to the rear of the main house, which has since been demolished.

As part of the architectural resources survey of the Sailboat Bend Historic District that was conducted between 2009 to 2010, it describes the district as the first residential neighborhood in the City of Fort Lauderdale and many illustrious and important individuals settled here. Related to the style of architecture of 927 SW 2<sup>nd</sup> Court, the same report states that small frame houses are examples of the Frame Vernacular tradition of architecture and houses in the early years of the 20<sup>th</sup> century in Fort Lauderdale and Sailboat Bend. These were the most numerous early buildings in the district. Vernacular refers to the common wood frame construction techniques employed by lay or self-taught builders. This tradition is local in nature and utilizes easily available building materials.

Within the staff memorandum (Exhibit 5), the summary conclusion stated the following:

“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.”

In order for the HPB to justify a demolition request, the structure must qualify under one of the three criteria as stated within the ULDR. The applicant asked for demolition of the house under criterion i of Section 47-24.11.C.4.c of the UDLR, which states:

*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 states:

*“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 initially 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 did provide additional materials on the date of the meeting concerning its existing conditions (Exhibit 3).

The statement above does not connect the overall significance of the historic district to this structure, and how it is no longer contributing to the district other than through statements that are not substantiated through additional resources or from the opinion of a qualified professional. These initial statements concerning the contributing status of the structure are also not connected to statements made by the professional engineer, Edgar Duenas, who describes the structure as “unsafe” and recommends demolition.

During the HPB Meeting, Edgar Duenas, the owner’s representative and who served as the professional engineer, stated prior to describing the deterioration of the house that:

*“...yes, I agree, it’s very old and has some good architectural features from the time.”*

The HPB discussed with the applicant the possibility of preserving the historic house while utilizing the remainder of the lot for a new addition. Several examples of other houses within the Sailboat Bend Historic District were mentioned that were also deteriorated, but then restored. These examples include the following addresses; 1009 SW 4<sup>th</sup> Street, 11 SW 11<sup>th</sup> Avenue, 101 SW 11<sup>th</sup> Avenue, and 701 W. Las Olas Boulevard (Exhibit 9). One HPB Member stated:

“There are ways to creatively restore it and still have it as a significant contributor. Not only are we talking about a 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.”

Following the discussion with the applicant, the HPB concluded that there was insufficient evidence to support the demolition request and that there are possible alternatives that could be explored. The motion made by the HPB, states that:

“the applicant and his representative have not demonstrated to the satisfaction of the Board that we grant a Certificate of Appropriateness for Demolition.”

Motion passed unanimously.

As per the ULDR, the applicant has the option to file for economic hardship in the event of a denial for a demolition request. In this case, the applicant chose to file for both the economic hardship exception and for an appeal. The applicant has continued to request a deferral for the economic hardship exception hearing, and has yet to appear before the Historic Preservation Board for this request.

Since the date of the HPB Meeting, the structure appears to have not been protected from further decay or possible vandalism. In advance of Hurricane Irma, it did not appear as any efforts were made to stabilize the structure or property from the expected heavy winds and rain. Even without these preparations, staff visited the site following the hurricane and found the structure did not appear to be further affected in its visual appearance by the extreme weather (Exhibit 10).

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.
- Objective 2: Ensure a range of housing options for current and future neighbors.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are*

Prosperous.

**Attachments**

- Exhibit 1 – Certificate of Appropriateness Application and Supporting Documents
  - Exhibit 2 – Drawing Set Submitted by Applicant as Part of Certificate of Appropriateness
  - Exhibit 3 – Materials Submitted by Applicant at the HPB Meeting on April 3, 2017
  - Exhibit 4 – Noticing for HPB Case Number H17002 for the April 3, 2017 Meeting
  - Exhibit 5 – Memorandum for HPB Case Number H17002
  - Exhibit 6 – Minutes from April 3, 2017 HPB Meeting
  - Exhibit 7 – NJ Thomson Appeal Filed by Heidi Davis Knapik of Gunster
  - Exhibit 8 – Letters from Neighbors
  - Exhibit 9 – Before and After Photos of Renovated Historic Structures
  - Exhibit 10 – Existing Conditions Photos and Location of 927 SW 2 Court
  - Exhibit 11 – Resolution Approving Certificate of Appropriateness for Demolition
  - Exhibit 12 – Resolution Denying Certificate of Appropriateness for Demolition
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