



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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: May 7, 2013

TITLE: Appeal – Historic Preservation Board Denial of Certificate of
Appropriateness for Demolition of Single-Family Home - 716 SW 4th
Place (Bryan Place) – Case 11-H-08

Recommendation

It is recommended that the City Commission conduct a public hearing to consider an appeal of the Historic Preservation Board's (HPB) denial of a Certificate of Appropriateness (COA) for demolition of a single-family home, located at 716 SW 4th Place (Bryan Place) in the Sailboat Bend Historic District.

Background

The decision of the HPB's denial of a COA for demolition of a single-family home is being appealed by the City of Fort Lauderdale Department of Sustainable Development (DSD). On December 1, 2008, the HPB denied by a vote of 0-9, the request for the COA for demolition of the single-family home pursuant to Final Order of the Unsafe Structures Board of the City of Fort Lauderdale, Case #CE07052165, issued July 17, 2008 (see Exhibit 2 – Historic Preservation Consultant Memo & HPB minutes, and Exhibit 3 – Final Order.) The HPB's vote was based on the findings that the demolition request did not meet any of the criteria for demolition found in the Unified Land Development Regulations (ULDR), Section 47-24.11.C.4.c., such as:

- i. The designated property no longer contributes to a Historic District;
- ii. The property or building no longer has significance as a historic architectural or archeological landmark; or
- lii. The demolition or redevelopment

The City of Fort Lauderdale Building Department (now DSD) then appealed the HPB decision to the City Commission on December 31, 2008 (see Exhibit 4), pursuant to Sec. 47-26.B.1. of the ULDR and a City Commission meeting was held on July 7, 2009 to review the case. The City Commission reviewed the appeal, and, due to pending bankruptcy proceedings, voted to defer the appeal until such time as the bankruptcy

proceedings were completed (see Exhibit 5). These proceedings are now complete and the City Commission may now consider the appeal for the COA.

The City Commission shall conduct a public hearing to determine if there was a departure from the essential requirements of law in the proceedings appealed or competent substantial evidence does not exist to support the decision. If the City Commission determines that neither of these conditions has been met, then a resolution upholding the decision of the HPB should be approved (see Exhibit 7). If the City Commission determines that one or both of the conditions has been met, then the City Commission shall conduct a de novo hearing, which may be immediately held or shall be set by resolution no later than 60 days from the date of adoption of the resolution (see Exhibit 8). The available dates to conduct the de novo hearing are May 21st, June 4th, June 18th, or July 2nd.

The application and location map are attached as Exhibit 1. The July 7, 2009 Commission Agenda Report is attached as Exhibit 5. Previously received correspondence is attached as Exhibit 6.

Resource Impact

There is no fiscal impact associated with this action.

Attachments

Exhibit 1 - Application and Location Map

Exhibit 2 - Consultant Memo and Minutes from the December 1, 2008 HPB Meeting

Exhibit 3 - Final Order of the Unsafe Structures Board of the City of Fort Lauderdale (Case #CE07052165, issued July 17, 2008)

Exhibit 4 - Building Department Appeal of HPB Decision (dated December 31, 2008)

Exhibit 5 - Commission Agenda Report and Minutes from the July 7, 2009 City Commission Meeting

Exhibit 6 – Correspondence from Neighbors

Exhibit 7 – Resolution upholding decision of HPB

Exhibit 8 – Resolution setting De Novo Hearing

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