



CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD
CITY OF FORT LAUDERDALE
WEDNESDAY, JANUARY 7, 2019 - 5:00 P.M.
CITY HALL 8th FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>6/2018 through 5/2019</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	P	7	0
George Figler, Vice Chair	P	7	0
Jason Blank	P	5	2
Brenda Flowers	P	6	1
Marilyn Mammano	A	6	1
Donna Mergenhagen	P	6	1
Arthur Marcus	P	7	0
David Parker	P	7	0
Richard Rosa	P	6	1
Jason Wetherington	P	4	2

City Staff

Shari Wallen, Assistant City Attorney
Trisha Logan, Planner III
Suellen Robertson, Administrative Assistant
Jamie Opperlee Recording Secretary, Prototype Inc.

Communication to the City Commission

None

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1. H-18-026	Stranahan House, Inc./April Kirk	<u>2</u>
2. H-18-009	Corner Stone Property Management LLC /Free Bethlehem Baptist Church Inc.	<u>4</u>
3. H-18-030	SB 1010, LLC - Richard Rosa	<u>8</u>
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I. Call to Order/Pledge of Allegiance

Chair Kyner called the meeting of the Historic Preservation Board to order at 5:00 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 December 2018 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:

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Case	H18026
Owner	Stranahan House, Inc.
Applicant	April Kirk, Director
Address	335 SE 6 th Avenue
General Location	Approximately 150'-0" south of the intersection of East Las Olas Boulevard and South Federal Highway/SE 6 th Avenue
Legal Description	BURNHAMS SUB 15-29 B TR 1 LESS N 47.5 & LESS RD R/W
Zoning	H-1
Existing Use	House Museum
Proposed Use	House Museum
Applicable ULDR Sections	ULDR Section 47-24.11.C.3.c.i ; Section 47-24.11.C.3.c.ii
Request	<p>Certificate of Appropriateness for minor alteration.</p> <ul style="list-style-type: none"> • Construction of a new deck over the existing waterfront patio.

[See staff report attached hereto]

Ms. Logan reviewed the staff report and concluded with:
 In accordance with Sections 47-24.11.C.3.c.i and 47-24.11.C.3.c.i of the ULDR, staff recommends that the application for a COA for the construction of a new deck over the

existing waterfront patio under case number H18026 located at 335 SE 6th Street be **Approved with the following Conditions:**

1. This application is subject to the approval by Building, Zoning, and all ULDR requirements.
2. A professional archaeologist, who meets the Secretary of the Interior's Professional Standards for such work as set forth in 36 CFR part 61 as *amended*, should monitor any *new* ground-disturbance activity associated with the proposed development. A letter of agreement for monitoring shall be submitted at the time of the submittal of a building permit application. A monitoring report from the archaeologist shall be submitted to the Historic Preservation Board Liaison within (45) days following the completion of work. If the professional archaeologist deems the subject property does not require monitoring, a letter from the archaeologist stating that monitoring is not necessary shall be submitted to the Historic Preservation Board Liaison. It is recommended that monitoring shall include, but not be limited to the following:
 - a. Removal of existing concrete (such as indicated on Sheet L-0.1 and Sheet L-0.2)
 - b. Excavation of bench footings (such as indicated in Detail 8 of Sheet S-1.2)

Ms. Logan discussed and showed photos of the material the Stranahan House now proposed to use for the decking.

April Kirk, Director of Stranahan House, gave a Power Point presentation on the history of Stranahan House, a copy of which is attached to these minutes for the public record.

Douglas Smith, President of EDSA, continued the Power Point presentation and discussed the two options for the transition from the existing porch to the new decking: The existing porch would step down to a strip of *brick surface* and then to the new decking, or the existing porch would step down to a strip of *contrasting color deck material* and then to the new lighter colored decking.

Mr. Figler liked the brick, and added that Stranahan House could sell the bricks. Other Board members also liked the brick.

Chair Kyner opened the public input portion of the meeting. There being no one 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 Mr. Figler, seconded by Ms. Flowers to approve with the following conditions the request for a Certificate of Appropriateness under case number H18026 located at 335 SE 6th Avenue for the construction of a new deck over the existing waterfront patio based on a finding this request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and complies with the Historic Design Guidelines, as outlined in the staff memorandum.

1. This application is subject to the approval by Building, Zoning, and all ULDR requirements.
2. A professional archaeologist, who meets the Secretary of the Interior's Professional Standards for such work as set forth in 36 CFR part 61 as *amended*, should monitor any *new* ground-disturbance activity associated with the proposed development. A letter of agreement for monitoring shall be submitted at the time of the submittal of a building permit application. A monitoring report from the archaeologist shall be submitted to the Historic Preservation Board Liaison within (45) days following the completion of work. If the professional archaeologist deems the subject property does not require monitoring, a letter from the archaeologist stating that monitoring is not necessary shall be submitted to the Historic Preservation Board Liaison. It is recommended that monitoring shall include, but not be limited to the following:
 - a. Removal of existing concrete (such as indicated on Sheet L-0.1 and Sheet L-0.2)
 - b. Excavation of bench footings (such as indicated in Detail 8 of Sheet S-1.2)
3. Brick Pavers will be used for the transition area.

In a voice vote, motion passed unanimously.

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Case	H18009	FMSF#	
Owner	Free Bethlehem Baptist Church Inc.		
Applicant	Corner Stone Property Management LLC		
Address	721 SW 2 nd Street		
General Location	Northeast corner of the SW 2 nd Street and SW 8 th Avenue intersection		
Legal Description	TOWN OF FT LAUDERDALE B-40 D W 176 FT M/L OF S 135 OF LOT 9 LESS W 20 FOR RW BLK 20		
Existing Use	Industrial		
Proposed Use	Industrial		
Zoning	RMM-25		
Applicable ULDR Sections	47-24.11.C.3.c.i, 47-17.7.B		
Request	Certificate of Appropriateness for Minor Alteration <ul style="list-style-type: none"> • Removal of existing 5'-0" after-the-fact chain link fence and installation of a 6'-0" high green vinyl coated chain link fence and rolling gate. 		

[See staff report attached hereto]

Ms. Logan reviewed the staff report and concluded with:

In accordance with Sections 47-17.7.A and 47-24.11.C.3.c.i of the ULDR, staff recommends that the application for a Certificate of Appropriateness under case number H18009 located at 721 SW 2nd Street for minor alterations to install a new green vinyl coated chain link fence and gate be **Approved with the following Conditions:**

1. Existing fence posts shall be painted green to match the green vinyl coated chain link fencing.
2. Existing galvanized rolling gate shall be replaced with a new green vinyl coated chain link rolling gate.
3. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

Ms. Logan commented that in 1971, the property had been issued a Board of Adjustment variance for use as a commercial mechanic shop and the variance included permission to enclose the property with a chain link fence. The existing fence position had been changed without a permit and this request would remedy that code offense. The green vinyl coated fence would also be more in line with the guidelines for the Sailboat Bend Historic District. Ms. Logan stated they usually would not allow a chain link fence along the perimeter of a right of way, but it was allowed per the variance.

Lucmon Joseph, property manager, said the existing fence had been installed with a permit but without review by the HPB. The new fencing and landscaping would be more aesthetically pleasing and would comply with the code.

Ms. Mergenhagen disclosed that she and Mr. Joseph both owned property in a common association and this would not affect her decision on this.

Mr. Parker said in the past, the chain link fence on the property had not been maintained and this was a concern for the neighborhood. He stated adding landscaping would make a significant, positive difference.

Chair Kyner opened the public input portion of the meeting.

Justin Beachum, neighbor, noted that the variance granted the property the right to a chain link fence if the owner complied with the other requirements in the variance. Mr. Beachum described code violations regarding parking, signage and paving issues at the property and stated the property could not maintain grass now because of the cars parked on it. Mr. Beachum wanted a different, more attractive type of fencing used to block the view.

Ms. Wallen confirmed that the Code Enforcement Department was responsible to cite the property for any violations and the Board could not place conditions on the approval regarding code issues. Mr. Joseph said he was in the process of addressing the code issues on the property. He assured the Board that they would repair the automatic sprinkler system to water the new landscaping.

Ms. Wallen stated the variance granted by the Board of Adjustment did not state that the property must remain in compliance with City codes to keep the variance. The Board should make their decision based on whether the application met the criteria, not whether the property had code violations.

Ms. Logan explained that the difference between the historic preservation design guidelines that indicated what was encouraged and discouraged and the Material and Design Guidelines for the Sailboat Bend Historic District, which were codified.

Wanda Beachum, neighbor, wanted the Board to consider their request to require a higher quality fence on the property. She wanted the property closed off so the rest of the neighborhood would not be subjected to the junk cars and vagrants she said frequented the property. She also said the tenant had threatened neighbors and Code Enforcement and was not a Sailboat Bend inhabitant.

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

Mr. Blank reminded the Board that even if they would like a more aesthetically pleasing fence, they must base their decision only on whether the application met the criteria for approval.

Ms. Mergenhagen remarked that the church's tenant was being a bad neighbor but the Board had no enforcement powers.

Mr. Parker stated the community, and specifically the Beachums, had tried unsuccessfully to get the lessee and the owner to maintain the property and be part of the historic district.

Motion made by Mr. Blank, seconded by Mr. Figler to approve with the following conditions the request for a Certificate of Appropriateness under case number H18009 located at 721 SW 2nd Street for minor alterations to install a new green vinyl coated chain link fence and gate based on a finding this request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and complies with the Historic Design Guidelines.

1. Existing fence posts shall be painted green to match the green vinyl coated chain link fencing.

2. Existing galvanized rolling gate shall be replaced with a new green vinyl coated chain link rolling gate.
3. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

Motion died for lack of a second.

Motion made by Mr. Figler, seconded by Ms. Flowers, to deny the request for a Certificate of Appropriateness under case number H18009 located at 721 SW 2nd Street for minor alterations to install a new green vinyl coated chain link fence and gate based on a finding this request is not consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and does not comply with the Historic Design Guidelines.

Ms. Wallen confirmed that if the Board denied the request, the applicant could appeal to the City Commission, who could reverse the Board's decision. She said this request would get the fence to comply with the code.

Mr. Joseph reiterated that he was trying to get the property into compliance by applying for this permit and requesting approval from the Board. Ms. Wallen advised the Board not to base their decision on any of the code violations that might exist on the property but solely on whether the request met the criteria. The Board wanted to ask Mr. Joseph to request a deferral and consider a different material for the fence. Mr. Joseph offered to use green nylon webbing in the chain link and/or grow the landscaping higher.

Mr. Blank stated it was "disingenuous for this Board to put forth and vote on a motion to deny an application that is clearly in compliance with the code because members of this Board don't like the fact that there might be some other factors considered which are unfavorable." He said acting to deny the application with a motion that stated it did not comply with the code was problematic. "If the applicant feels that we are placing him in the position where he now has to go through further processes to appeal this motion because we don't like it, that's wrong, and that's not something that this Board should do." He felt the applicant might want to work with the neighbors but the Board could not require this.

Ms. Mergenhagen acknowledged that the Board had been seen as inconsistent and to deny an application that met the criteria would limit the Board's credibility.

Mr. Figler said he had made the motion to deny because he believed that during his tenure, the Board had never approved a chain link fence in a residential area on the visible sides of the building.

Ms. Wallen explained that the case of Thompson v. Village of Tequesta Board of Adjustment was the basis for the City's variance to allow the chain link fence on the

property in perpetuity. She stated case law trumped the Secretary of the Interior's Standards.

Mr. Joseph asked the Board to tell him what to do so he could pull the permit and start work to comply the fence and other code violations on the property.

Mr. Figler offered to withdraw his motion if the applicant would coordinate with the civic association on the fence design.

Chair Kyner thought the Board must be convinced that an applicant had the intention and the financial wherewithal to follow through on an application or the Board could deny it. Ms. Wallen was not aware of any such criterion and stated the Board's decision should be based on competent substantial evidence and public comment was not evidence.

In a roll call vote, **motion** passed 5-4 with Mr. Blank, Ms. Mergenhagen, Mr. Parker and Mr. Wetherington opposed.

Ms. Mergenhagen stated this ruling could subject the Board to a lawsuit.

Mr. Wetherington said the Board had voted to deny an application that met the criteria and Mr. Blank added that they also knew the applicant would continue to suffer financial damages as a result of this decision (in the form of code fines.) Ms. Mergenhagen said this not only put the City in jeopardy of a lawsuit but also made the Board "look like they don't understand their jobs."

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Case	H18030	FMSF#	BD2797
Owner	SB 1010, LLC - Richard Rosa		
Applicant	SB 1010, LLC - Richard Rosa		
Address	1010 SW 2 nd Court		
General Location	Approximately 160'-0" feet west of the SW 10 th Avenue and SW 2 nd Street intersection on the south side of street.		
Legal Description	WAVERLY PLACE 2-19 D LOT 26,27 & N1/2 OF VAC ALLEY ABUTTING SAID LOTS BLK 112		
Existing Use	Vacant Lot		
Proposed Use	Residential (Duplex)		
Zoning	RML-25		
Applicable ULDR Sections	47-17.7.A, 47-24.11.C.3.c.i , 47-24.11.C.3.c.iii		
Request	Certificate of Appropriateness for New Construction > 2000		

	SF GFA ● New Construction of a new two-story duplex.
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Mr. Rosa recused himself from this case, citing a conflict, and read a prepared statement.

[See staff report attached hereto]

Ms. Logan reviewed the staff report and concluded with:

In accordance with Sections 47-17.7.A, 47-24.11.C.3.c.i, and 47-24.11.C.3.c.iii of the ULDR, staff recommends that the application for a COA for a new construction of a two-story duplex under case number H18030 located at 1010 SW 2nd Court be **Approved with the following Conditions:**

1. All glass shall be clear with the option of a low-e coating.
2. Front setback shall be 20'-0" instead of the proposed 25'-0" to align with the neighboring properties.
3. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

Andrew Yanowitz, partner, said they would agree to replace the grey glass with clear glass but objected to moving the building forward, stating that one adjacent property was set back 20 feet but another was set back approximately 70 feet. He said moving it forward would make it very difficult to fit two cars in the driveway. It would also require a revision of the landscape plans to accommodate parking in the front yard. Ms. Mergenhagen noted that parking on the grass was a code violation and Mr. Yanowitz said many people were not aware of this and were parking on lawns in the area.

Mr. Parker pointed out that the surveyor's certificate indicated the wrong street and Mr. Yanowitz agreed to correct this. He added that the roof would be concrete tile, as the plans indicated.

Ms. Logan stated the recommendation to move the building forward was based on the fact that other houses in the area were already at that depth. Ms. Logan said there was a provision to allow structures to be moved forward up to a 15 foot setback to ensure neighborhood consistency.

The Board, Mr. Yanowitz and Ms. Logan discussed the setback issue. Mr. Blank pointed out that there was a lot of inconsistency in this neighborhood and he did not feel that a difference of five feet would be obvious.

Chair Kyner opened the public input portion of the meeting. There being no one 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 Mr. Wetherington, seconded by Mr. Marcus to approve with the following conditions the request for a Certificate of Appropriateness under case number H18030 located at 1010 SW 2nd Court for the new construction of a two-story duplex based on a finding this request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation and complies with the Historic Design Guidelines, as outlined in the staff memorandum.

1. All glass shall be clear with the option of a low-e coating.
2. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

In a roll call vote, motion passed 7-1 with Ms. Mergenhagen opposed and Mr. Rosa abstaining.

V. Communication to the City Commission

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None

VI. Good of the City

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None

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

Attest:

Chairman:



ProtoType Inc. Recording Secretary

David Kyner, Chair

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.

