



CITY OF FORT LAUDERDALE

HISTORIC PRESERVATION BOARD  
 CITY OF FORT LAUDERDALE  
 MONDAY, MAY 6, 2019 - 5:00 P.M.  
 CITY HALL COMMISSION CHAMBERS  
 100 NORTH ANDREWS AVENUE  
 FORT LAUDERDALE, FLORIDA

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 6/2018 through 5/2019</u>	
		<u>Present</u>	<u>Absent</u>
David Kyner, Chair	P	11	0
George Figler, Vice Chair	P	11	0
Jason Blank	P	9	2
Brenda Flowers	P	10	1
Marilyn Mammano	P	10	1
Donna Mergenhagen	P	10	1
Arthur Marcus	P	10	1
David Parker	P	11	0
Richard Rosa	P	10	1
Tim Schiavone	P	1	0
Jason Wetherington	A	7	3

**City Staff**

Shari Wallen, Assistant City Attorney  
 Trisha Logan, Urban Planner III  
 Yvonne Redding, Urban Planner III  
 Jamie Opperlee, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

**Motion** made by Ms. Mergenhagen, seconded by Mr. Figler, to communicate to the City Commission that the Fort Lauderdale Federal Courthouse is architecturally significant, to recommend the City initiate the historic designation process for this building and to ask for information on any plans that are in place. In a voice vote, motion passed unanimously.

<u>Index</u>	<u>Owner/Applicant</u>	<u>Page</u>
1. H19012	Rachel Steele	<u>2</u>
2. H19009	Bayshore Hotel LLC/ Paula Yukna	<u>3</u>
	Communication to the City Commission	<u>8</u>
	Good of the City	<u>9</u>

**I. Call to Order/Pledge of Allegiance**

Chair Kyner called the meeting of the Historic Preservation Board to order at 5:02 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 April 2019 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.

**IV. Agenda Items:**

1.

[Index](#)

<b>Case Number</b>	H19012	<b>FMSF#</b>	
<b>Owner</b>	Rachel Steele		
<b>Applicant</b>	Rachel Steel		
<b>Address</b>	1009 SW 4 <sup>th</sup> Street		
<b>General Location</b>	Approximately 125' west from the intersection of SW 4th Street and SW 10th Avenue on the north side of the street.		
<b>Legal Description</b>	WAVERLY PLACE 2-19 D LOT 5 BLK 107		
<b>Existing Use</b>	Single-Family Residential		
<b>Proposed Use</b>	Single-Family Residential		
<b>Zoning</b>	RML-25		
<b>Applicable ULDR Sections</b>	47-24.11.C.3.c.i, 47-17.7.B		
<b>Authored By</b>	Trisha Logan, Urban Planner III		

Request:

Certificate of Appropriateness for Minor Alteration

- After-the-fact placement of a shed in the rear of the structure.

[See staff report attached hereto]

Ms. Logan reviewed the staff report and concluded with:

In accordance with Sections 47-17.7.B and 47-24.11.C.3.c.iii of the ULDR, staff recommends that the application for a COA for new shed in rear yard under case number H19012 located at 1009 SW 4<sup>th</sup> Street be **Approved with the following Condition:**

1. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

Rachel Steele, owner, said the 8' X 10' composite shed was on the property when she purchased it. She said it was inside a fence and was not visible from the right of way.

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. Mammano to recommend:  
**Approval** of the request for a Certificate of Appropriateness under case number H19012 located at 1009 SW 4<sup>th</sup> Street for a new shed in the rear yard based on a finding this request is consistent with the purpose and intent of the Secretary of the Interior Standards for Historic Preservation.

Condition:  
 1. This application is subject to the approval by Building, Zoning, and all ULDR requirements.

In a roll call vote, motion passed 10-0.

2.

[Index](#)

<b>Case Number</b>	H19009	<b>FMSF#</b>	
<b>Owner</b>	Bayshore Hotel LLC		
<b>Applicant</b>	Paula Yukna		
<b>Address</b>	3008 Bayshore Drive (a.k.a. 350 S. Birch Road, Lot 7)		
<b>General Location</b>	At the southeast corner of the intersection of Bayshore Drive and N. Birch Road		
<b>Legal Description</b>	LOT 7, BIRCH ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 24, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.		
<b>Existing Use</b>	Commercial – Hotel, Motel		
<b>Proposed Use</b>	Commercial – Hotel, Motel		
<b>Zoning</b>	ABA		
<b>Applicable ULDR Sections</b>	47-24.11.B.6		
<b>Authored By</b>	Trisha Logan, Urban Planner III		

**REQUEST:** Historic Landmark Designation of the Buccaneer Hotel.

[See staff report attached hereto]

Ms. Logan stated the Phase 1 Cultural Resource Survey and two other architectural resource surveys had concluded that the structure was not eligible for the National Register as an individual property but was eligible as part of a district.

The applicant had cited the following criterion for designation:

- Its value as a significant reminder of the cultural or archaeological heritage of the city, state, or nation.

Ms. Logan reiterated that the property was not found to eligible on its own, but as part of a district for cultural significance. The property did not distinguish itself and did not “relay the overall context of its history through its own being.”

The second criterion the applicant had cited was:

- Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials

Ms. Logan said the architect, Joseph Phillips, was recognized in South Florida but this building did not meet the criteria for listing in the National Register for individual listing under the criterion related to design and construction.

The applicant had also cited the following criteria:

- Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events
- Its character as an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

Ms. Logan explained that these criteria were more relatable to a historic district designation rather than an individual property.

Ms. Logan reviewed the staff report and concluded with:

Staff finds that the Buccaneer Motel located at 3008 Bayshore Drive (Lot 7) does not meet the criteria for historic landmark designation as outlined in section 47-24.11.B.6 of the ULDR, and staff recommends that the application for historic landmark designation be **Denied**.

Paula Yukna, applicant, said she had watched older structures disappear and she felt this led to the loss of the history of Old Fort Lauderdale. She asked the

Board to designate this property to retain the area's historic quality.

Mr. Blank asked why Ms. Yukna applied for the designation for this building. She said the building had been brought to her attention and she had learned it had "historic background." Ms. Yukna confirmed that she was not the owner of the property, she was a neighbor.

Chair Kyner opened the public input portion of the meeting.

Michaela Conca, an individual supporting the Birch Estates neighbors, said she had seen numerous historic structures in Broward County demolished.

Ms. Conca stated only one of the criteria must be met for designation, and this property met the following criterion:

- Its value as a significant reminder of the cultural or archaeological heritage of the city, state, or nation.

Ms. Conca said they had focused on Fort Lauderdale's history as a tourist attraction and the freedom of movement the automobile provided Americans that allowed them to travel. She said the modern vernacular motels were specifically built to accommodate the automobiles coming to the area.

Ms. Conca wished to correct the application to state that the architect was Joseph Phillips and Donald Castner was a project architect [the application had stated the architect was Castner J. Phillips]. Ms. Conca said Mr. Phillips had designed several structures of different types in the City.

**Motion** by Mr. Blank, to limit public comment to three minutes per person.

Ms. Wallen noted that Ms. Conca had been given seven minutes, so all other public speakers must also be allowed seven minutes.

Ina Lee, resident, opposed the designation request. She said this was not a historic district and per the staff report, this was not a historic building. Regarding designation in general, Ms. Lee feared that designation inhibited property owners' ability to take action to protect properties from the effects of climate change. Ms. Lee felt neighbors were calling for designation of this building to prevent the site's redevelopment. She did not believe any beach district should be designated historic.

Bowes Dempsey, resident, was concerned about the erosion of the character of this neighborhood and about the older buildings being replaced by large buildings that brought more traffic. He was in favor of the designation request.

Michele Renick, resident, said she had purchased her home on Fort Lauderdale beach because of the historic ambience of the area. She supported this application and said they would be losing a lot of charm if this building were demolished.

Abby Laughlin, resident, agreed with the staff recommendation that this property was not worthy of designation. She said they must find public funds to pay for historic preservation. They should not force public good on private owners and preservation should not be used as a weapon to deprive a property owner of his/her rights.

Joanne Smith, resident, was concerned that families could no longer afford to stay at the beach and smaller motels were needed for them. She asked the Board to approve the application.

Mr. Blank reminded the Board that the possible demolition of the property was not before the Board this evening and they should confine their questions, comments and consideration to whether the structure was eligible for designation.

Kathleen Birr, resident, asked the Board to help preserve the City's historic, iconic culture by granting this property historic designation.

Donna Pomponi, resident, discussed the growth in this area and said she thought the neighborhood would have been protected. She supported the application to preserve the neighborhood.

Bob Rolan, resident, said the Central Beach Master Plan stated that Birch Estates had the greatest number of architectural resources defining the character of the area and this motel was one. He asked the Board to recommend approval of the designation request.

Terri Huml, resident, said they had moved to the beach area because of the architectural variation there. She said this building was very important to the rich fabric of the community and she was in favor of this application.

Joe von Birgolin, resident, said there had been three major construction projects in the area in the past few years and many of the new buildings were not occupied. He supported the application because he felt the mom and pop motels were needed for those who could not afford the high rises.

Courtney Crush, attorney for the owner, said they agreed with the staff report that the property was not eligible for designation. She recalled that the Board had reviewed the Architectural Resource Study in 2018. At the time 26

properties had been identified as potentially worthy of individual designation and this property was not one of them.

Ms. Crush stated in 2018, the owner had filed a site plan application to redevelop some of the site and conducted a new study evaluating all buildings on this property. The conclusion was that none of the buildings qualified for designation. She asked the Board to reject the application.

Thorn Grafton, Director of Sustainable Initiatives for Zyscovich Architects, stated there was competent professional analysis from Ms. Logan, the Cultural Resource Survey and other studies that the property was not eligible for designation.

Mr. Grafton had researched the architects and said he had been unable to find “superlatives” regarding Mr. Phillips. Mr. Figler stated Mr. Phillips was one of the first to be awarded a Certificate of Superior Engineering which was before the American Institute of Architects [AIA] existed and that designation today would probably be an FAIA.

Mr. Figler asked if Mr. Grafton believed that the property in question was of value as a significant reminder of the cultural or archaeological heritage of the city or state. Mr. Grafton replied it was not. Mr. Figler asked if Mr. Grafton would consider Mr. Phillips a master builder or master designer, per the commendation he had received. Mr. Grafton stated he was not familiar with that commendation; he had searched for architectural awards and had found none for Mr. Phillips.

Mr. Grafton stated he had focused on the four buildings on the property, none of which had characteristics to make them eligible for the National Register. He explained that this property was discontinuous from the Birch Estates area and the property would have to stand on its own for separate designation.

Mr. Grafton informed Mr. Blank that he had investigated this property only but said he knew the Birch Estates neighborhood well. He informed Mr. Marcus that Zyscovich Architects was not involved with the redevelopment project. He had been hired as an independent consultant by the owner’s attorney.

Anne Blankey Taylor said she was appalled by the development at the beach and asked the Board to preserve some of the City’s history.

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.

Ms. Wallen stated the Board should not consider criterion that was not applied for in the application.

**Motion** made by Mr. Blank, seconded by Mr. Marcus to recommend:

**Denial** of the request for historic landmark designation to the City Commission under case number H19009 for the Buccaneer Motel located at 3008 Bayshore Drive, based on a finding this request is not consistent with the criteria for designation as outlined in the Unified Land Development Regulations, Section 47-24.11.B.6.

Ms. Mammano asked why the property did not meet the criterion:

- Its value as a significant reminder of the cultural or archaeological heritage of the city, state, or nation.

Ms. Logan said to qualify for individual designation, a property should embody certain characteristics that distinguished it among other structures in the area. Ms. Logan stated the assessment done in 2017 had considered Birch Estates for a historic district and identified individual buildings for designation potential but this was not one of those buildings. Ms. Logan said the building was a representation of the area but it did not embody significant characteristic to separate itself from other structures in the area.

Ms. Mergenhagen suggested people educate themselves about the survey and the process for a property to go before the HPB, the Planning and Zoning Board and the City Commission.

Mr. Marcus said he was very pro-preservation, but the property must rise to the level of architectural significance to be worthy.

Chair Kyner felt this building was part of the historical fabric of the area and discussed gentrification on the beach, which was slowly tearing that fabric apart to the point of no longer existing. He acknowledged that the Board was bound by the criteria

Mr. Schiavone wanted to ensure the Board stayed centered on whether the building was eligible for designation per the criteria.

In a roll call vote, **motion to deny** passed 9-1 with Mr. Figler opposed.

## **V. Communication to the City Commission**

[Index](#)

Mr. Figler wanted to ensure that the federal courthouse was preserved and Ms. Mergenhagen said Mayor Trantalis had indicated there were plans for the City to preserve it. Mr. Figler requested an update from staff.



Ms. Mammano suggested waiting until the ordinance was amended when the Board could begin the designation process.

**Motion** made by Ms. Mergenhagen, seconded by Mr. Figler, to communicate to the City Commission that the Fort Lauderdale Federal Courthouse is architecturally significant, to recommend the City initiate the historic designation process for this building and to ask for information on any plans that are in place. In a voice vote, motion passed unanimously.

**VI. Good of the City**

[Index](#)

**3. Review of Proposed Updates to the Unified Land Development Regulations (ULDR):**

**Section 47-24.11** - Historic designation of landmarks, landmark site or buildings and certificate of appropriateness;

**Section 47-27.7** - Historic designation;

**Section 47-27.8** - Certificate of appropriateness and economic hardship exception; and

**Section 47-32** – Historic Preservation Board.

Additional sections with re-numbering or removal due to proposed changes in sections listed above:

**Section 47-3.6.**, Change in structure;

**Section 47-16.5.**, Building regulations;

**Section 47-16.6.**, Certificate of appropriateness;

**Section 47-16.23.**, Parking exemption;

**Section 47-17.4.**, Application for alterations or new construction;

**Section 47-17.5.**, Application for yard and minimum distance separation reduction;

**Section 47-17.6.**, Alterations to non-conforming structures; and Removing Article XII., Purpose and Intent including sections 47-36.1., General; and 47-36.2., Purpose and declaration of public policy for historic preservation regulations of section 47-24.11.

Ms. Logan said the changes had been presented to the Planning and Zoning Board, and those members wanted to know the HPB's opinion on the changes and if the HPB members wanted to have the incentives in phase 2 brought forward at the same time.

Ms. Mammano pointed out that the proposed ordinance had a definition of "contributing structure" but there was no list of those structures. Her desire to get this ordinance passed was due to the improvements in it, the most significant of which was giving the HPB the power to make designation proposals. She wanted the Board to state their support for the changes so they could be implemented as soon as possible.

Ms. Logan explained that defining “contributing” structures was needed prior to assigning that status. Ms. Wallen stated the Board would use the definition to evaluate whether a structure was contributing. Chair Kyner was very concerned that owners of contributing structures had no way to challenge it. Mr. Blank pointed out that an owner could appeal the decision to the City Commission. Ms. Wallen stated in addition, a staff level review could be appealed to the HPB. She said anything that came before the Board required proof by competent, substantial evidence. The Board weighed this evidence for approval or denial.

Mr. Schiavone thought the property owner should be the first person notified of any step taken regarding his/her property, to provide the opportunity to be involved in the decision making process.

Ms. Logan stated per the new ordinance, once the HPB made a proposal to initiate a designation application, notice to the owner was required at least 30 days prior to the public hearing. Mr. Blank suggested a longer notification period.

**Motion** made by Ms. Mammano, seconded by Mr. Figler, to state the Historic Preservation Board supports Phase 1 of the proposed changes to the Historic Preservation Ordinance, with the modification that the period for notification to the property owner of the application for historic designation by the Board be extended to 90 days [not 30].

Ms. Logan informed the Board that this would affect other timelines. Ms. Mammano said this was a recommendation and staff could explain if it was not possible. Ms. Logan suggested it might be possible to include a notice to the owner when a motion was made by the HPB or a resolution was adopted by the City Commission. Ms. Wallen agreed to look into how to implement this.

Ms. Mammano withdrew her previous motion.

**Motion** made by Ms. Mammano, seconded by Mr. Figler, to state that the Historic Preservation Board supports the phase 1 changes to the Historic Preservation Ordinance as shown on page 2 of the staff report and recommends that staff investigate ways to provide additional notice to the property owner when the HPB proposes any historic designation. In a roll call vote, motion passed 9-1 with Mr. Schiavone opposed.

Ms. Logan said the Planning and Zoning Board wanted the HPB’s opinion on whether the phase 1 amendments should wait until the phase 2 amendments were ready. The Board wanted to move forward with phase 1 immediately.

Chair Kyner pointed out that the Board did not have the budget to perform research for designation but must rely on staff and worried that this would curtail their ability to have properties designated, especially if a City Commission did not look favorably upon historic preservation.

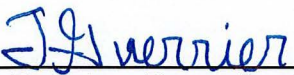
**Motion** made by Ms. Mergenhagen, seconded by Mr. Marcus to state that the HPB does not wish to postpone implementation of phase 1 until phase 2 is ready. In a voice vote, motion passed unanimously.

Ms. Logan thanked Chair Kyner and Ms. Flowers for their service on the Board and welcomed Mr. Schiavone.

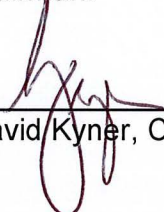
**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:41 p.m.

Attest:

  
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ProtoType Inc. Recording Secretary

Chairman:

  
\_\_\_\_\_  
David Kyner, Chair

George Fidler on  
BEHALF OF

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.