

**MINUTES  
HISTORIC LANDMARK PRESERVATION BOARD  
REGULAR MEETING**

**April 19, 2010**

**4:00 p.m.**

**Ormond Beach City Hall  
Training Room  
22 South Beach Street  
Ormond Beach, Florida**

**I. Call To Order**

Chairman Dr. Shapiro called the meeting to order at 4:00 p.m.

**II. Roll Call**

Members present were: John Adams, Ann Eifert, Carl Gerken, Geneva Jackson, Michael McQuarrie, Sue Parkerson and Dr. Philip Shapiro, James Stowers. Member excused was Sean O'Sullivan.

Staff present was Senior Planner Lauren Kornel, Deputy City Attorney Ann-Margret Emery and Recording Secretary Shá Moss.

**III. Approval of Minutes – December 21, 2009**

**Ms. Parkerson moved seconded by Mr. McQuarrie to accept the minutes of the December 21, 2009, meeting. The motion passed unanimously.**

**IV. Public Hearing**

**A. Certificate of Appropriateness (Alterations) – 70 Highland (Jacobson House), HTE File #10-65**

Dr. Shapiro opened the Public Hearing

Ms. Kornel stated this was a Certificate of Appropriateness for 70 Highland Avenue in which Patricia and Mike Petz were the applicants and owners. The house was a 2-story frame vernacular structure built around 1895. The Petz's

applied for a permit for a re-roof on February 1, and on February 5, staff visited the site and determined that there were leaks and an unsafe condition. Chief Building Official Joe Levrault and Planning Director Ric Goss agreed it was necessary to move forward with the re-roof permit before approval of a Certificate of Appropriateness because it was deemed necessary to prevent further damage, and the applicant agreed to proceed with a Certificate of Appropriateness.

In addition to the re-roof, the applicant is requesting the removal of a fuel tank and to upgrade the property with central heat and air. The condenser would be placed where it was not visible from the front view of the property.

Based on compliance with the Secretary of the Interior's guidelines, staff recommends approval of a Certificate of Appropriateness for alterations to re-roof 70 Highland Avenue, remove the fuel tank and install a heating and cooling system.

Dr. Shapiro asked what the safety issues were.

Ms. Kornel stated the roof was leaking, there was mold and potential for further damage to the inside the structure.

Dr. Shapiro noted there were problems in the past and asked why there wasn't a tarp used. He asked why there was an exception for this property.

Ms. Kornel stated the Planning Director reviewed the case and Code and noted there was a provision relating to maintenance that if a determination was made by the Chief Building Official (CBO) after a site visit that an exception could be made to issue a permit before doing a Certificate of Appropriateness.

Dr. Shapiro stated he was uncomfortable with the exception precedent. He noted if it was a genuine safety issue he was agreeable, but if it just says unsafe regarding a deteriorating roof, he was unsure if he would agree.

Ms. Kornel stated this has been the first case, since she has been here, where the CBO has been brought in for review and there is a provision in the Code that says "... nor shall this section prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the CBO or his designee shall certify is required because of an unsafe or dangerous condition." Ms. Kornel stated the application presented as a re-roof around February 1, the property was flagged as a local landmark so it came to the Planning Department; the Planning Director asked the CBO to do a site visit to determine if the property was unsafe or presented as a dangerous condition, which is what the Staff Report reflects. If the Board

does not support the provision in the Code, then the Code might need to be changed.

Dr. Shapiro stated in the future, should there was an exception that it be defined so that the Board has credibility when asked how the process worked.

Mr. Gerken noted it was the second roof and not the original roof.

Ms. Parkerson agreed that the property owners have done a lot of repairs to the home, and noted the roof was in terrible condition which would cause problem to the structure. She noted because it was a safety issue the applicant should not have to wait for the Board to meet in order to make repair.

Mr. McQuarrie stated that the Board needed to trust that staff would make valid decisions.

Mr. Adams agreed with Mr. McQuarrie, and also agreed that he would like to have seen more documentation.

Ms. Kornel stated in the future she would include the CBO documentation.

**Mr. Adams moved seconded by Mr. Gerken that the Historic Landmark Preservation Board approves a Certificate of Appropriateness for alterations to re-roof 70 Highland Avenue, remove the fuel tank and install a heating and cooling system. The motion passed unanimously. 6-0**

Dr. Shapiro closed the Public Hearing

Dr. Shapiro apologized for making an issue if there wasn't one.

Ms. Kornel stated Dr. Shapiro made a valid point.

**B. Certificate of Appropriateness (Demolition) – 216 Ponce De Leon Drive, HTE File #10-90**

Dr. Shapiro opened the Public Hearing

Ms. Kornel stated this was a Certificate of Appropriateness for demolition of 216 Ponce De Leon Drive by applicant and owner Michael Kratofil. The structure was built in 1949. There have been several revisions to the property over the years, such as a garage and spare bedroom in 2006. The property has had repeated flooding and has been indentified by FEMA as repetitive loss property. The property's elevation is 30 inches lower than the required 18 inches above the crown of the road. The applicant is planning to demolish

the primary residence and replace it with a new home that would be build 18 inches above ground in accordance with the Code.

Based on the present condition of the house and the likelihood on continued flooding staff recommends approval of a Certificate of Appropriateness for demolition of the structure located at 216 Ponce De Leon Drive without a period of delay.

Dr. Shapiro stated the property and some of the other surrounding properties were between two sand dunes which caused constant flooding, besides the fact it was built below the crown of the road. The lowest property in the area is 216 Ponce De Leon Drive.

Ms. Parkerson asked why they built the garage.

Ms. Kornel stated the garage was built in an area what doesn't flood.

**Mr. Gerken moved seconded by Mr. Adams that the Historic Landmark Preservation Board approves a Certificate of Appropriateness for demolition of the structure located at 216 Ponce De Leon Drive without a period of delay. The motion passed unanimously. 6-0**

Dr. Shapiro closed the Public Hearing.

## **V. Member Comments**

Ms. Parkerson stated her property was on the Local Landmark List, the neighbor's property was not, and the fence between the two properties needed to be replaced. It would be replaced with a 52 foot long vinyl fence. She noted the fence would not been seen from the street. She asked whether she would have to come to the Board to replace the fence.

Mr. Adams suggested the neighbor request the permit for the fence.

Ms. Kornel stated if Ms. Parkerson requested the permit, a determination as to whether or not a Certificate of Appropriateness needed to be issued would have to be made. If the neighbor requested the permit for the fence, a Certificate of Appropriateness would most certainly not be necessary. If it were a maintenance issue, it should not have to come before the Board unless it was an entire replacement. She noted the Board discussed in the past allowing staff to have discretion regarding repairs.

Dr. Shapiro stated it should be on a case by case basis and staff should be allowed to decide what to bring to the Board following the Code.

**VI. Public Comments**

None

**VII. Adjournment – Next Meeting**

The meeting adjourned at 4:30 p.m.

Respectfully submitted,

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Shá Moss, Recording Secretary

ATTEST:

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Dr. Philip J. Shapiro, Chairman