

**MINUTES  
HISTORIC LANDMARK PRESERVATION BOARD**

**REGULAR MEETING**

**November 15, 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, Geneva Jackson, Sean O'Sullivan, Michael McQuarrie, Sue Parkerson and Dr. Philip Shapiro.

Staff present was Senior Planner Laureen Kornel, Deputy City Attorney Ann-Margret Emery, Planning Director Ric Goss, chief Building Official Joe Levrault, Senior Planner Steven Spraker and Recording Secretary Lois Towey.

Dr. Shapiro stated James Stowers has been elected City Commissioner for Zone 1, so there was one less member on the Board for the balance of the year.

**III. Approval of Minutes – September 20, 2010**

**Mr. Adams moved seconded by Mr. McQuarrie to accept the minutes of the September 20, 2010, meeting. The motion passed unanimously.**

**IV. Public Hearing**

**A. Certificate of Appropriateness (Alteration) – 61 Lincoln Avenue (HTE File #10-159)**

Dr. Shapiro opened the Public Hearing.

Ms. Kornel stated the property was located in the overlay district, the applicant was Lauri Jackson. The structure was a 1.5 story bungalow built in 1915. The applicant is proposing to re-roof the structure with tin to match the existing color. Ms. Jackson would also like to remove the canary palm at the front of the property and propose new landscaping and irrigation. The renovations would not impact the historic style of the home.

Ms. Kornel stated staff recommends approval of a Certificate of Appropriateness for alterations to re-roof with tin to match the color scheme of the primary residence, remove a tree and add new landscaping to 61 Lincoln Avenue.

Dr. Shapiro asked would the re-roof include the detached garage at the rear of the property; wherein Ms. Kornel answered no.

Lauri Jackson, 61 Lincoln Avenue, said she was unsure about re-roofing the garage because it has some structure issues and asked whether it could be added to this Certificate of Appropriateness.

Ms. Kornel stated that an addendum was not necessary.

Dr. Shapiro stated the detached garage might be added.

**Mr. Adams moved, seconded by Mr. O'Sullivan that the Historic Landmark Preservation Board approved the Certificate of Appropriateness for alterations to re-roof with tin to match the color scheme of the primary residence, remove a tree and add new landscaping to 61 Lincoln Avenue. The motion passed unanimously.**

Dr. Shapiro closed the Public Hearing.

**B. Certificate of Appropriateness (Alteration) – 44 S. Halifax Drive (Saint James Episcopal Church - HTE File #11-3)**

Dr. Shapiro opened the Public Hearing.

Ms. Kornel stated this was a Certificate of Appropriateness for the Saint James Episcopal Church and school. She stated the property was historic because of the old chapel built in 1920. There have been significant alterations over the years and in 2008 the Board approved a Certificate of Appropriateness for an expansion project. Ms. Kornel stated the addendum sent was for the southeast corner of the property for a sign advertising the school.

Staff recommends approval of the Certificate of Appropriateness for exterior alterations to construct an awning, sign and shade structure at the St. James Episcopal Church located at 44 S. Halifax Drive.

Mr. O'Sullivan asked what type of sign it would be; wherein Dr. Shapiro stated it was standard signage and would be located at the southeast corner of the church.

Ms. Kornel stated the sign would be regulated through the Land Development Code (LDC).

Mr. O'Sullivan asked whether the awning would change the historic significance of the property.

Dr. Shapiro stated over the years that property has had a few alterations so anything done to it alters it but not the original historic significance. The historic landmark pertains more to the interior than the outside of the structure.

Ms. Kornel agreed that the site has been significantly modified over the years.

Ms. Parkerson stated if only the interior was the only thing historic about the property, why was it necessary for a Certificate of Appropriateness for exterior renovations.

Dr. Shapiro stated the property was listed on the Local Landmark List.

Mr. O'Sullivan took issue with the color of the issue and noted the entire property was considered historic not just the interior.

Dr. Shapiro asked whether the Certificate of Appropriateness should be denied because of the color even if it was accepted by the LDC.

Mr. Adams stated that the placement of the awning was not located close enough to the church to have an effect on the building.

Ms. Kornel stated the Board could make a recommendation that they chose a more neutral color for the awning, but that the church would be under no obligation to comply with the recommendation given the City does not regulate color.

**Mr. Adams moved seconded by Mr. McQuarrie that the Historic Landmark Preservation Board approves the Certificate of Appropriateness for exterior alterations to construct an awning, sign and shade structure at the St. James Episcopal Church located at 44 S. Halifax Drive. The motion passed unanimously.**

Dr. Shapiro closed the Public Hearing.

## **V. Discussion Item**

## **A. Review of Certificate of Appropriateness fees and criteria**

Dr. Shapiro stated the Board has been discussing the fees associated with obtaining a Certificate of Appropriateness (COA). When the Local Landmark List was established years ago and the Historic Overlay District on Lincoln Avenue, the economy was robust and it was a different time. Now when someone applies for a COA, the fees have increased and it is costly.

Ms. Kornel stated when she started with the Board it was the Board's consensus that staff was implementing the Code loosely. To make sure nothing slipped under the radar, staff red flagged all Landmarks, Lincoln Overlay District and all properties built prior to 1950. That being done Section 2-71 was handled more strictly, which increased the number of COA's for alterations and for demolitions of properties built prior to January 1, 1950.

Ms. Kornel stated because of the expense of the legal ads and the amount of time to prepare a COA, the City is not recommending lowering the cost. She stated staff would like to discuss different options and the type of projects the Board would like to review. Ms. Kornel stated she spoke with other municipalities throughout Volusia County. Volusia County allows a high degree of discretion on staff review to determine if a COA is necessary, they don't use one for routine maintenance, such as total roof replacement or porches, trees or signs, and if someone is replacing like with like, they don't require one. The County regulates signs and trees through other regulations in their Land Development Code. The County does not charge for a COA but is considering implementing a fee at least for the cost of advertising. The City of New Smyrna Beach staff is at liberty to use a fair amount of discretion, staff reviews projects at their discretion and in the past 12 years, they have done only two COA's and it is only required for significant alterations. They charge \$500 for demolition applications but not for COA's. The City of Daytona Beach staff uses a high degree of discretion and only requires COA's for projects other than, repairs, maintenance or replacing like with like. The City of Daytona Beach charges \$150 for a COA and their properties are flagged the same way Ormond Beach flags their landmark properties built prior to January 1, 1950.

~~Mr. Adams~~ Mr. McQuarrie stated the City of Daytona has a ~~demotion~~ demolition fee of \$550.

Ms. Kornel went through the Power Point shows photos of previous COA projects that have come before the Board. She asked while viewing the photos she would like to encourage discussion on whether the Board wanted to continue reviewing certain projects, whether they require a COA, and should the regulations be amended to include exemptions, etc.

Dr. Shapiro stated the Board has been using the US Secretary of Interior Guidelines when reviewing rehabilitation issues and asked whether they wanted to change from using those standards.

Mr. Adams stated the standards are still good to consider, but over the years the Board has gone from one extreme of not reviewing enough to reviewing too much such as requiring a fee for the COA for routine maintenance. He stated the Board should come up with a list of projects that do not require a COA.

Dr. Shapiro suggested there might be levels of review, such as one level to require a public hearing for a COA, another level that does not require a COA for staff review and a level for demolition for staff review.

Mr. Adams stated if someone came in to make alterations or a project that was on the list, staff could just prepare a summary report of the projects that are going on instead of the Board having to review them.

Dr. Shapiro stated the keyword was significant. He stated significant exterior alterations, or demolitions on any Local Landmark List structure or site should continue to require a public hearing.

The Board reviewed the photos and the comments made were:

- Some projects were considered routine maintenance.
- A tree, if not historic was considered routine.
- The benefit of the doubt should fall to the property owner, if there is any doubt it should come before the Board for discussion.
- If the changes that are being made make the house no longer recognizable, then a public hearing is necessary.
- A driveway does not have anything to do with the historic structure and should not require a public hearing.
- A change in material should require a public hearing.
- Adding or removing a fence changes the historical significance of the property.

Ms. Kornel asked specifically for clarification on whether the Board felt a COA should be required for the following improvements;

- Removal of roof? The general consensus of the Board was no COA required.
- Removal of trees? The general consensus of the Board was no COA required.
- Addition of pools and or pool enclosures? The general consensus of the Board was no COA required as long as it is not visible from the right-of-way

- Alignment of a driveway? The general consensus of the Board was no COA required.
- Addition of a dock? The general consensus of the Board was no COA required.
- Additions? The general consensus of the Board was a COA should be required.

Planning Director Ric Goss stated he agreed with the Board's comments regarding like material not requiring a public hearing. He stated if the structure is historic other than being old then it should come to the Board for significant changes.

### Demolitions

Ms. Kornel wanted to discuss the requirement of a COA for a property that was demolished by fire or some other disaster. She noted it would be a change in the Code to state a COA was not necessary in an instance where the property was already destroyed. Ms. Kornel stated there are other properties that have come before the Board for a COA just because they were built before 1950, the year the Board established.

Dr. Shapiro stated if a property that was a danger to the public and needed to be demolished, it should be deferred to staff.

Mr. O'Sullivan stated the year 1950 was very late to deem something historic. Pre-1930 would be more accurate.

Ms. Kornel stated staff should have some discretion.

Dr. Shapiro stated if something is not on the Local Landmark List, we should not have to deal with it and staff should handle it. Also, if the structure is certified as condemned by the City, whether on the Local Landmark List or not, no public hearing should be necessary. Dr. Shapiro stated the Local Landmark List was not linked to date. He suggested changing the date to 1940.

Ms. Kornel stated that changing the date to 1940 would not provide a remedy for the problem of requiring a COA for demolition of derelict properties. Most of the previous COA's for demolition were required for properties built prior to 1940. She stated the COA is currently based on age not whether the property was solely on the Local Landmark List.

Dr. Shapiro suggested removing the designation date from the Code for requesting a COA.

Ms. Kornel summarized that staff would have more discretion, they will change the Code requiring a COA for demolition on structures that don't exist, and to

consider omitting the requirement for COA for demolition on properties built prior to 1/1/1950.

Mr. O'Sullivan stated a lot of the cost comes from the Staff Report, in addition to the advertising; wherein Ms. Kornel agreed.

Mr. McQuarrie asked instead of the date could we use the value of the home to determine if a COA was needed. Or we could use a sliding scale as a way to reduce cost.

Dr. Shapiro stated staff could not use a sliding scale for their time or advertising.

Mr. O'Sullivan asked how many houses that were demolished were historic and how many were built before 1950.

Ms. Kornel stated none of the structures demolished in the past three years were historic landmark properties.

Mr. O'Sullivan stated the Board should focus on the historic properties and not properties built before a certain period. If the alterations were routine then a COA was not necessary.

Ms. Parkerson stated initially the Board used 1946 then changed to 1950 but eliminating the date would be agreeable. She also stated unless the structure is a landmark the Board should not be involved.

Ms. Eifert and Ms. Jackson agreed that specifying a date for a COA should be removed from the Code. Certain projects are considered routine maintenance and should not require a hearing.

Dr. Shapiro stated he would like Ms. Kornel to bring back to the Board two proposals to change the LDC. First, that the Board would like to recommend removing the issue of the time element of January 1, 1950 for a COA for demolitions and alterations. Second, the Board review COA's at a public hearing level for substantial work done on a structure or site if it is on the Local Landmark List.

Ms. Kornel stated she would provide a draft to the Board to remove the date, continue with the maintenance clause, but to give staff more discretion on unsubstantial alterations especially where an alteration is really a matter of maintenance or where a proposed alteration is to replace like material with like material in a manner in which the size, scale and architecture will not be impacted. Further, signs tree removals and landscaping are regulated through the LDC and should not require a second level of review through the HLPB. She noted she would work with Legal on preparing a draft for the Board's review at the December HLPB meeting.

## **VI. Member Comments**

Ms. Kornel stated as of today there are no projects to bring to the Board for the December meeting date, so the draft would be the only item on the agenda, but could wait until the January meeting. She pointed out that there was a demolition request outstanding that under the current rules would require a COA

Ms. Eifert and Mr. O'Sullivan would not be available for the December meeting.

Dr. Shapiro thanked the Board for their service throughout the year and noted the Commission was having an Advisory Board Workshop to discuss appointments. He thanked them for their trust and confidence in Chairing the Board over the past years and noted it had been an honor.

## **VII. Public Comments**

George Rousis, 104 S Beach Street, thanked the Board for further discussing the COA requirement issue. He stated the Board was headed in the right direction and asked that they make the process more efficient and less costly for the City and property owner. He agreed with the fast track for routine alterations and a public hearing for major alterations. Mr. Rousis stated Ormond Beach had the most costly COA's and noted the City of Orlando had a good model for their COA process. He stated the improvements to the structures benefit the entire City and the costs should be shared.

Betty Cartwright, 56 Lincoln Avenue, agreed that the cost of a COA was expensive and would like to see it lowered.

Dr. Shapiro stated that Board was trying to make the process an easy transition for the property owner and the City.

## **VIII. Ad Adjournment – Next Meeting**

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

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Lois Towey, Recording Secretary

ATTEST:

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Dr. Philip J. Shapiro, Chairman