

Historic Preservation Board

January 8, 2014 at 9:00 a.m.

Commission Chambers • City Hall Second Floor 401 South Park Avenue • Winter Park, Florida



1 administrative

1. Call to Order and Approval of December 11, 2013 meeting minutes.

2 action

- 1. Historic Preservation Ordinance Review.
 - a. Demolition process including delay period for certain property classifications.
 - b. Board member qualifications.
 - c. Review process timeline discussion.

3 new business

Next regular HPB meeting, 9:00 a.m. Wednesday, February 8, 2014.

4 adjourn

appeals & assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105).

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



CITY OF WINTER PARK HISTORIC PRESERVATION BOARD

9:00 a.m. December 11, 2013 Commission Chambers 401 Park Avenue South

MINUTES

1. Call to order. Chairman Randall Glidden called the meeting to order at 9:00 a.m.

Present: Chairman Randall Glidden, Candace Chemtob, Rebecca Talbert, Billy Wilson, Louise Sprimont. Absent: Genean MacKinnon and Michael Miller. Staff: Sr. Planner Lindsey Hayes and Recording Secretary Lisa Smith.

2. Approval of Minutes:

Motion made by Ms. Talbert, seconded by Mr. Wilson to approve the September 11th and November 13th meeting minutes. Motion carried unanimously with a 4-0 vote.

3. Action Items.

COR 13-008

Request of Powell and Nancy Brown to add an attached carport on the east side elevation at their property located at 1243 Alberta Avenue. A variance is requested for a side setback of 5 feet and 11 inches in lieu of the required 15 feet. Individually designated historic landmark. Zoned R-1AAA. Parcel ID #05-22-30-6484-03-010.

Senior Planner Lindsey Hayes gave the staff report. She used a power point presentation to give a detailed overview of the subject property. She noted that the left (west) wing and the garage wing to the east were replaced with larger wings with Historic Preservation Board approval in 2001. Further, the additions were in keeping with the style of the house. She provided details of the current request. The applicants are requesting approval for a front facing 275 square foot single car carport on the right (east) side of the house. The carport would be open on the side and have a solid double gate on the facade that coordinates with the existing garage doors. The carport would have a shed roof pitched to the right. The carport would be adjacent to the existing garage and recessed from the front elevation of the house. A variance for a side setback of 5 feet 11 inches is requested in lieu of the required 15 feet. The house is at the end of Alberta Drive which terminates at a large lakefront property at 1301 Alberta Drive. That property is also on Lake Osceola but the building is set well back from the Brown residence. A hedge separates the right (east) side of the Brown property from the adjacent property. Staff recommended approval of the request subject to the Historic Preservation Board review. Ms. Hayes responded to Board member questions and concerns.

Powell Brown, the applicant, was present to address Board member questions and concerns.

Steve Feller, 128 Park Avenue South, the applicant's architect was also present to respond to questions and concerns.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members expressed no objections to this item.

Motion made by Mr. Wilson, seconded by Mrs. Sprimont recommending approval of the request. Motion carried unanimously with a 5-0 vote. A roll call vote was taken and all Board members present voted yes.

4. New Business - Historic Preservation Ordinance Review Discussion

The members of the Board continued the discussion for the Ordinance review. Ms. Hayes presented the ordinance with the revisions from the December 2, 2013 work session. She also distributed written comments sent in by Mrs. MacKinnon. The Board members acknowledged her concerns and they continued their discussion of with the demolition process.

Motion made by Ms. Talbert, seconded by Mr. Wilson directing Planning staff to discuss with Building staff adding a requirement that current elevation photos and street shots be submitted with demolition application. Motion carried unanimously with a 5-0 vote. A roll call vote was taken and all Board members present voted yes.

Staff will work up a timeline to guide the Board to completion of the ordinance review and this will be presented to the Board at the first meeting in January.

- 5. Public Comments: None.
- 6. Adjournment. There was no further business. The meeting adjourned at 10:40 a.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary



CITY OF WINTER PARK HISTORIC PRESERVATION BOARD

Staff Report January 8, 2014

Historic Preservation Ordinance Review: Demolition Process and Board Member Qualifications

Demolition:

Once a historic property is demolished, there is no opportunity in the future to bring it back. Recognized historic properties represent only about 8% of the residential and commercial buildings in the city so demolition should be thoughtfully considered, and the burden to any affected property owners weighed against the community good in the long term. The amended code text areas are attached.

Current city-wide demolition process -

- a. All demolition applications are routed to the HPB staff liaison.
- b. Demolition applications for properties that have been designated in the Winter Park Register of Historic Places either individually or in historic districts are routed to the HPB for a public hearing under the existing Certificate of Review process.
- c. All other properties proceed with the existing demolition process outlined in the permit application packet regardless of their historical and/or architectural importance.

Amendments

- 1. Demolition permits for all structures:
 - a. With a Florida Master Site File,
 - b. That are listed in the National Register of Historic Places either individually or that are a contributing element in a NRHP listed district, or
 - c. Are 45 years old or older;
- 2. May be issued for 120 days (period used in Sarasota and Gainesville) unless staff finds that:
 - a. The structure is not in or adjacent to a potential historic district as identified in the survey, (see attached per HPB request)
 - b. The structure is not a landmark identified in the survey,
 - c. Is not a landmark structure in that it does not have architectural distinction, or recognized vernacular building pattern, or
 - d. Does not have an association with a historic event or person.
 - e. The exterior of the structure has been damaged with more than 50% of the structure affected.

If staff doesn't find one of the above "outs", then the 120 day delay is imposed and the application goes to the HPB for a public hearing.

- a. The HPB may find no cause to impose the delay and may issue the permit with conditions if the board wishes to apply conditions.
- b. The HPB may waive the delay if the applicant demonstrates economic hardship, using the evidence requirements the state recommends.
- c. Under that claim, the HPB may waive the delay if, based on a qualified report, it is not feasible to keep or restore the structure to useable condition.
- d. HPB may approve the permit with the delay imposed in order to record the site for archival purposes.
- e. HPB may approve the permit with the delay imposed with an architectural salvage condition.
- f. HPB may impose the delay for the board and owner to explore options to avoid demolition.
- g. HPB may deny the application, and this is not a taking provided:
 - a. There is a reasonable use of the property, for example a house is or can be made livable or a property could be preserved and adapted for a reasonable use.
 - b. There is a reasonable economic return on the property.

The details about the evidence requirements for economic hardship are included in the HP ordinance amendments. The requirements have been used by other cities and have not been found to be a burden if an applicant chooses to make such a claim. The HPB is a quasi-judicial board and must have the evidence it needs to make a decision.

Applicants who wish to appeal a decision by the HPB can appeal to the City Commission, but must present the same evidence, address the same criteria and be able to justify why the HPB decision was wrong based on fact—not just that they didn't get the outcome they wanted.

Board member qualifications:

The attached amendment reinserts the same qualifications that were in the 2001 ordinance and would satisfy the qualification criteria for Certified Local Government (CLG) status. CLG status is important to help fund studies, survey updates and educational materials.

The new underlined text in blue would be inserted in the Building Regulation chapter of the city code and the additional scrutiny would apply to all buildings citywide in order to prevent or reduce the possibility of future Casa Feliz and Capen House situations. Additional amendments are included in the Historic Preservation code in Chapter 58.

CODE OF ORDINANCES, Chapter 22. Buildings and Building Regulations

Article II. Section 22-28. Amendments to the Florida Building Code.

105.23 Demolition - Rodent and dust control. In order to control spread of infestation by rodents, the building official may require proof that a building proposed to be demolished is free of rodents. Such proof may be certification by a state certified pest control operator that the building is free of infestation by rodents. Dust control shall be maintained at all times during demolition by watering or other protective means. This Section shall apply to all buildings, residential and non-residential as directed above. In addition, Section 3303 of the Florida Building Code, Building shall apply where applicable.

105.24 Notice provision for demolition of buildings.

- (a) Prior to the issuance of a permit for the demolition of a building, the property owner or the designated representative of the owner of the building proposed for demolition shall post a notice on the property where the building is located so as to be easily visible and readable from the abutting street frontage and shall remain in place for 30 days. This notice shall be provided by the City and shall include the following information:
- (1) Owner of the property.
- (2) Date of posting the notice.
- (3) Address of the building planned for demolition and statement that the building will be demolished at the end of the posting period.
- (b) Buildings not required to follow the notice of demolition provisions of this section:
- 1. Buildings which are determined to be a safety hazard, unsafe, a public nuisance, or otherwise dangerous and require immediate removal.
- 2. Accessory buildings, such as detached carports, garages, sheds, storage buildings, arbors, boathouses, greenhouses, and similar detached structures.
- 3. Other buildings as determined by the building official, such as certain commercial or multifamily buildings, but not including any building listed on the city's registry of historical buildings.

Section 22-29. Waiting period for certain demolition permits.

(a) Permits to demolish structures that have a Florida Master Site File, are listed on the National Register of Historic Places, are a contributing element in a National Register listed historic

Comment [11]: The notice provision for all buildings city-wide could be eliminated or reduced for demolition requests that would not be referred to the HPB under new section 22-29.

Comment [12]: Locally listed buildings and locally designated historic district buildings need a certificate of review for demolition from the HPB.

Comment [13]: The demolition of landmark buildings and buildings in potential historic districts is one of the concerns. This amendment would establish a timeframe and process including economic hardship to thoughtfully consider demolition requests and to explore alternatives as well as to record significant historic buildings prior to demolition before a permit will be issued.

district, and/or are 45 years of age or older may not be issued until the expiration of 120 days from the date of the permit application. Upon the Building and Permitting Services

Department's receipt of an application to demolish a structure that meets the criteria in Sec.

22-29 (a), the department shall immediately notify the Planning and Community Development

Department liaison to the Historic Preservation Board.

(b) A demolition permit for a structure that has a Florida Master Site File, is listed on the National Register of Historic Places or is a contributing element in a National Register listed historic district, and/or is 45 years of age or older may not be issued prior to the expiration of 120 days from the date of the demolition permit application and will be referred to the Historic Preservation Board for a public hearing unless the Historic Preservation Board liaison finds no cause for referral based on the following standards:

1. The structure:

- a. Is not located in or adjacent to a previously identified potential historic district as categorized in the Winter Park Historic Resources Survey of October 2013 as may be amended from time to time, and which is available in the Planning and Community Development Department; and/or
- b. In the opinion of the Historic Preservation Board liaison and based on the Winter Park Historic Resources Survey of October 2013 as may be amended from time to time, and which is available in the Planning and Community Development Department, is not a landmark structure in that it is not built in a high architectural style or a recognized vernacular building pattern, and does not have historic events or person(s associated with it; or
- 2. The structure has been substantially burned or damaged by an event not within the property owner's control with more than 50% of the structure's exterior affected.
- standards for no cause and the delay is imposed, the application will be referred to the Historic Preservation Board by the board's liaison for consideration and the applicant will be notified by mail of the delay within ten days, the date of the next regularly scheduled Historic Preservation Board meeting for which public notice can be made, and the process to appeal due to economic hardship. City staff shall be permitted access to the premises and to the subject structure by appointment with the owner or proprietor for the purpose of photographing, measuring and documenting information concerning the structure and site.
- (d) At the next regularly scheduled meeting for which public notice can be provided, the Historic Preservation Board shall review the demolition request using the considerations in Chapter 58, Section 58-479. After a demolition permit is requested and the matter deferred to the Historic Preservation Board the property owner shall post the subject property with a sign notifying the public of the owner's intent to demolish the structure in order to allow public comment and for options to come forward. At the hearing, the board may:
 - 1. Waive the demolition delay if they find that the property does not meet the standards in this section,
 - 2. Waive the 120 day demolition delay if the applicant can demonstrate economic hardship, with consideration given to the economic impact of the delay and the

Comment [14]: Was 50 years in December draft

Comment [15]: For example, the Dodge dealership and Corporate Square may be over 50 years old but are not included on the survey of historic resources and demolition would NOT be delayed or be referred to the HPB.

Comment [16]: For example the circa 1940s houses that were demolished for the Jewett Clinic parking expansion were not in a previously identified historic district and were not on the potential landmark list in the survey nor would they be eligible landmarks. They would NOT have been referred to the HPB.

reasonableness of the applicant carrying out the decision of the board. In the event that economic hardship is claimed by an owner, the Historic Preservation Board shall require the property owner to provide the information described in the City of Winter Park Code of Ordinances, Chapter 58, Section 58-479 as applicable, and other information they may need in order to make a determination. The property owner may request additional time to prepare their claim.

- 3. Invoke the 120 day delay in order to consider alternatives to demolition, or
- 4. Invoke the 120 day delay and require the owner to create a record of the property for archival purposes prior to demolition.
- (a) The Historic Preservation Board may impose an additional 120 day delay if alternatives to demolition appear feasible.

Comment [17]: This is only necessary if an owner wants to make an economic hardship claim. Savannah, St. Augustine, Orlando, Gainesville and many other cities include specific economic hardship criteria. This would help prevent takings claims.

DRAFT AMENDMENTS TO EXISTING HP CODE REGARDING DEMOLITION AND RELATED MATTERS. The economic hardship claim provisions in this chapter are the provisions for the city-wide demolition review process in chapter 22.

Sec. 58-446. - Functions, powers and duties.

The HPB shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

- (1) Provide or recommend incentives for historic preservation, and, in a timely manner, to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses prior to planning and zoning board actions or the issuance or permits that could impact historic resources identified in the Winter Park Historic Resources Survey of October 2013 as may be amended from time to time, and which is available in the Planning and Community Development DepartmentFlorida Master Site File survey of the City of Winter Park.
- (5) Review applications for certificates of review for designated landmarks, resources, and property within designated districts;

Sec. 58-468. - Review requirement.

The HPB shall review and render a decision during an advertised public hearing on applications for special certificates of review for any proposed exterior alterations, demolitions, or relocations of designated historic landmarks. The HPB shall review and render a decision on all applications for special certificates of review for any proposed exterior alterations, demolitions, new construction or relocations within the boundaries of designated historic districts. The HPB may approve, approve with recommendations, or deny an application. For reconstructed buildings that have been permitted pursuant to section 58-480, the provisions of this section shall still apply.

Sec. 58-475. - Time limit.

The historic preservation board shall act upon an application within 60 days of receipt of-a <u>complete</u> <u>submission</u>, the <u>proposed action</u>. except in the case of an application for demolition when the board <u>shall act within 120 days of receipt of a complete application</u>. The time limit may be waived at any time by mutual written consent of the applicant and the HPB.

<u>Sec. 58-479.</u> - Guidelines for issuance—Demolition, and construction, excavation or other disturbance in archaeological zones.

- (a) In addition to all other provisions of this article the HPB shall consider the following criteria in evaluating applications for a special-certificate of review for demolition of designated properties:
 - (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
 - (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
 - (3) The structure is one of the last remaining examples of its kind in the city the county or the region.
 - (4) The structure contributes to the historic character of a designated district.

Comment [11]: The FMSF survey does not reflect the totality of historic resources at any given time. The code as written does not include a process for these actions.

Comment [12]: The code text for certificates of review is clarified in the housekeeping amendments; removing "special" and "standard".

Comment [13]: The HPB needs complete information and reasonable time to review the request. In the case of proposed demolition, time is needed to explore other options when appropriate and to be consistent with the building code amendment.

Comment [14]: Some cities retain the option of extending the delay period up to a year.

- (5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
- (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.
- (b) In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPB. A certificate of review may be denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.
- (c) As a condition of issuing a certificate of review for demolition the board may require that all building permits for a replacement structure be submitted and approved by the Building and Permitting Services Department or its designee.

(c) As a condition of issuing a certificate of review for demolition, the board may require, at the applicant's expense, salvage and preservation of significant building materials, architectural details and ornaments. The board may also require at the applicant's expense the recording of the structure for archival purposes prior to demolition. The recording may include but shall not be limited to, photographs and measured drawings.

(e) Applications for the issuance of a certificate of review for demolition may require the following with the burden of proof to be on the applicant.

- 1. A report from an architect or structural engineer licensed in the State of Florida with demonstrated experience in restoration, rehabilitation or renovation as to the structural soundness of the building and its adaptability for rehabilitation and continued use, and /or
- 2. Proof of unreasonable or undue economic hardship if the applicant makes that claim. In any case where an undue economic hardship is claimed by a property owner, the property owner may submit to the board any or all of the following information before the board makes a decision on the application for a Certificate of Review for demolition:

A. An estimate of the cost of proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred in order to comply with the recommendation of the board for changes necessary for the issuance of a certificate of review;

- B. A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- C. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the board; and for proposed demolition, after renovation of the existing property for continued use.

Comment [15]: This helps to ensure that the City does not lose property value if a lot sits vacant and that redevelopment proposal meet all other city codes. .

Comment [16]: Architectural salvage companies buy these materials for reuse

Comment [17]: For landmark and unique buildings this would provide research materials for the future.

Comment [18]: Applicants should be given an opportunity to demonstrate a legitimate economic hardship and/or that the building isn't structurally sound to the extent that continued use isn't feasible. This is an important protection against takings claims and may also justify granting a variance, conditional use or economic assistance. The Florida model preservation code and several cities use comparable text.

- D. An estimate from an architect, developer, licensed contractor, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;
- E. The means by which the property was acquired (whether purchase, gift, or inheritance, the amount paid for the property and the date of purchase or acquisition.

For income=producing property, the board may also require the following additional information:

- F. The annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- G. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
- H. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- L. Any listing of the property for sale or rent, price asked and any offers received within the previous two (2) years;
- G. The assessed value of the property according to the two most recent assessments;
- H. The real estate taxes for the previous two (2) years;
- I. The form of ownership or operation of the property, whether an individual, sole proprietorship for profit or not-for-profit corporation, limited partnership, joint venture or other:
- J. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the board to make a determination as to whether the property does yield or may yield a reasonable return to the property owner.

In any case where undue economic hardship is claimed, the board shall make two (2) specific findings. First the board shall determine if the owner would be entitled to a certificate of review for demolition without consideration of undue economic hardship. Second, the board shall determine whether the owner demonstrated an undue economic hardship.

Historic Districts

Historic districts recognize collections of historic buildings and their entire setting. The 2001 evaluation and subsequent studies have identified a number of potential historic districts. The College Quarter Historic District was listed on the local register in 2003 and the Virginia Heights East Historic District in 2010. The Downtown and Interlachen Historic Districts have been listed on the National Register of Historic Places. If the Downtown and Interlachen Historic Districts were listed on the local register, the boundaries could be organized differently from the NRHP boundaries. The Hannibal Square area has lost a significant number of historic resources since 2001. The Ellno-Willno district abuts Virginia Heights and could be incorporated in a Virginia Heights district expansion or as a separate district.

Historic District Name	General Location	Criterion	Period of Significance
Rollins College Historic District	Rollins College Campus	A, C	1885-1955
Golfview Historic District	Golfview Terrace and parts of Webster, Old England, Georgia and Seminole Avenues	С	1921-1955
Westside/Hannibal Square Historic District	Bounded by CSX tracks, Canton Avenue, Denning and Comstock Ave	А	1890s-1950
Downtown Historic District NRHP Listed	Park Avenue, Central Park and parts of Knowles, Welbourne, Lincoln, Center, and Morse	A, C	1885-1965
Interlachen Avenue Historic District Partially NRHP Listed	Interlachen Avenue	С	1880s-1950
Osceola Historic District	Part of East New England Avenue Alexander Place, Osceola Avenue, Osceola Court	С	1880s-1950
Virginia Heights Historic District Partially WPRHP Listed	Generally Virginia, College Point, Stirling, Glencoe, Highland, Richmond, Oxford, Essex Roads	С	1923-1955
College Quarter Historic District WPRHP Listed	French, Maryland, Antonette, Vitoria, McIntyre, Holt, Lakeview and part of Pennsylvania Avenue	С	1923-1950
Palmer Avenue Historic District	Portion of Palmer Avenue	С	1928-1950
Orwin Manor Historic District	Generally bounded by Orange Avenue, Clay Street, and Harmon	С	1925 - 1955
Ellno-Willo Historic District	Virginia, Forrest, Hillcrest	С	1925-1955

ADDING BACK THE BOARD MEMBER QUALIFICATIONS "a" THROUGH "k" FROM THE ORIGINAL ORDINANCE

Sec. 58-445. Establishment of historic preservation board.

There is hereby established pursuant to sections 2-46 through 2-49 and section 2-59, a historic preservation board. This board shall operate and be controlled pursuant to the provisions in sections 2-46 through 2-49 and section 2-59.

(Ord. No. 2843-11, § 3.b.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

- (a) Qualifications. Members shall have demonstrated interest in historic preservation, and;
 - (1) At minimum, one member of the HPB shall be an architect.
 - (2) Other members shall have experience, expertise or demonstrated interest in one or more of the following areas:
 - a. Architecture;
 - b. History
 - c. Architectural history;
 - d. Archaeology;
 - e. Urban planning;
 - f. Landscape architecture;
 - g. Historic preservation;
 - h. Real estate;
 - i. Law;
 - j. Cultural anthropology;
 - k. Building construction or related fields.

Comment [11]: In order to qualify for Certified Local Government (CLG) status and its grant funding, the code needs to include certain qualifications. There are currently 61 CLG's in



HISTORIC PRESERVATION BOARD 2014 CALENDAR

Historic Preservation Board Meeting	Application Deadline
January 8, 2014	December 16, 2012
February 12, 2014	January 20, 2014
March 12, 2014	February 17, 2014
April 9, 2014	March 17, 2014
May 14, 2014	April 21, 2014
June 11, 2014	May 19, 2014
July 9, 2014	June 16, 2014
August 13, 2014	July 21, 2014
September 10, 2014	August 18, 2014
October 8, 2014	September 15, 2014
November 12, 2014	October 20, 2014
December 10, 2014	November 17, 2014
January 14, 2015	December 22, 2014

The HPB meets at 9:00 a.m. in City Hall Commission Chambers unless otherwise posted.

For agenda items that require a public hearing, the program requires that the city file an advertised public notice at least fifteen days before the HPB meeting and that the city mail a notice to property owners of record within a 500' radius of the subject property. Historic property designations are finalized by resolution of the City Commission. In cases of an expedited joint designation-certificate of review process, building permits and variances will not be released until after the designation is finalized.



HISTORIC PRESERVATION BOARD 2014 CALENDAR

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