

CITY OF ST. AUGUSTINE, FLORIDA

Regular Historic Architectural Review Board Meeting
December 16, 2004

The Historic Architectural Review Board met in formal session at 2:00 P.M., Thursday, December 16, 2004 in The Alcazar Room, City Hall. The meeting was called to order by Chairman Dana Ste. Claire, and the following were present:

1. ROLL CALL

Dana Ste. Claire
Roy Barnes
Peter Rumpel
Antoinette Wallace
Paul Weaver

City Staff:

James Wilson, Esq., City Attorney
Mark Knight, Director, Planning and Building Department
David Birchim, Planning Manager
Kim Del Rance, Historic Preservation Planner
Pam Halterman, Recording Secretary

2. APPROVAL OF MINUTES
(November 18, 2004 regular meeting).

Minutes from the November 18, 2004 regular meeting were approved as presented.

3. OPINION OF
APPROPRIATENESS

Item 3(a) 2004-1260

Holly M. King, AIA

Flagler College, Inc.

102 King Street

To construct a new student center.

Dr. William Abare, 112 Herons Nest Lane, was sworn in. He introduced the following members of the design team:

Fred Halback, Halback and Associates

David Duff, Cannon Design

Holly King, Architect

Dr. Abare explained that they were seeking an Opinion of Appropriateness to construct

a student center. He stated that Mr. Halback was hired by the college in the summer of 2003 in order to help develop a comprehensive master plan. He noted that the task had been completed and a formal report had been sent to the Board of Trustees, who had approved the plan in February 2004. He said Mr. Halback would make a presentation in order to set the context of how the proposed development would fit in with the college's master plan. He noted that the planning for the proposed student center had begun in the fall of 2002 but was not formally introduced until January 2003. He disclosed that the college had reviewed several renditions that involved the design and elements of the facility. He noted that currently it was a three story building which would contain a bookstore, food court, mailroom, student lounge and recreation area, several classrooms, approximately twelve faculty offices and a number of offices for student services personnel in the area of career planning, counseling and student

government and other types of clubs and organizations. He advised that the preliminary budget for the proposed building was approximately \$9 million dollars and the building design would be consistent with Flagler Era structures which would add to the attractiveness of the campus and city.

Fred Halback, 287 St. George Street, was sworn in. He stated that it was his task to assist in the development of the master plan for the college. He offered the following points of interest with regard to changes that had occurred since the last time the college developed a master plan which was in 1998:

- ◆ New college president
- ◆ New strategic plan to guide growth
- ◆ New college dormitories had been constructed
- ◆ College had no desire to increase the enrollment count
- ◆ Forty percent of students lived on campus
- ◆ Flagler College had the highest density of students living on campus than any college or university in the State of Florida
- ◆ Change in City politics and leadership
- ◆ The current City Commission started to listen to the community in a different way
- ◆ Creation of Neighborhood Council Associations
- ◆ Aggregate living ordinance was created
- ◆ Parking incentive/disincentive plan
- ◆ Proposed VIC Transportation Parking Facility
- ◆ San Sebastian property project had started

Mr. Halback explained that they had developed four practical goals which included:

- ◆ Increase parking
- ◆ Improve residential environment
- ◆ Add classrooms and offices
- ◆ Continue to be a steward of historic rehabilitation and utilization

Mr. Halback noted that the campus consisted of twenty-two acres with the bulk of the property located in the downtown area. He stated that while designing the proposed project, they had reviewed such elements as land use, zoning requirements, building utilization, open space, student gathering, classroom space, drainage, topography, vegetation and patterns of vehicular / pedestrian circulation. He advised that on-street parking and the student walking radius had been reviewed and most of the primary properties were located within a five minute walking circle. He noted that the two soon-to-be-developed City parking areas were in close proximity to Flagler College. He explained that they had reviewed their parking inventory and parking count / utilization to determine their long-term parking needs. He summarized that the college planned to lease parking spaces at both City locations as a way to move students into structured areas. He advised that they had reviewed the susceptibility to change with areas located around the college. He said they had developed a framework of potential building sites and appropriate locations for a project such as the student center.

Mr. Halback noted the following short and long-term goals of the college:

- ◆ Immediate increase in parking

- ◆ Improvement to the residential environment and student life opportunities
- ◆ Add classrooms and offices
- ◆ Continue historic rehabilitation
- ◆ Develop a campus landscape and signage program
- ◆ Improve the sports complex
- ◆ Continue to increase parking inventory by partnering with the City at the two proposed parking facilities
- ◆ Improve quality of life by developing signals of value for the college and the community

Dave Duff, 137 Strawberry Lane, Jacksonville, Florida, representative from Cannon Design, was sworn in. He submitted documents to the board members which included a revised design for the proposed student center. He noted that they would continue to meet with faculty, students, and City staff as they moved forward with the process. He stated that the proposed structure measured approximately 48,000 square feet and involved a range of student activity centers, such as recreation, lounge, food service, bookstore and a multi-purpose room. He added that the student center would also include faculty offices and student classrooms which had proven to work well for colleges.

Mr. Duff explained that the proposed structure would be located close to the Markland House and relatively close to the Anderson cottage. He stated that they wanted to relate most directly in scale to the Markland House. He described the building as an L-shaped structure with two stories, hip roof and tile clad. He noted that the height would be identical to the Markland House. He explained that the attic level would be tucked under the eaves and would

house the multi-purpose room. He noted that a third level would face Sevilla Street and related directly to the library building setback. He stated that a single point entry would be oriented on Sevilla Street but near King Street. He explained that the single entry would better suit the facility due to the long hours of operation and security reasons. He offered the following elements of the proposed student center:

- ◆ Entrance would involve a two story lobby / atrium space
- ◆ Lobby included a student lounge area, café, recreation and mail drop area
- ◆ Single story theatre style classroom to project from the main body of the building
- ◆ Structure would occupy the area currently used for tennis courts
- ◆ Open lawn along the side of Markland would remain open
- ◆ A grove of trees would be planted to offer a strong statement and appear reminiscent of what had been on the site
- ◆ Area above the third level would house mechanical equipment
- ◆ Outdoor terrace located above the two-story entrance lobby to overlook Sevilla Street
- ◆ Traditional openings on the basic pieces of the building
- ◆ Although not used by the community, the building would not be unfriendly to the community
- ◆ A row of palm trees would be maintained on King Street, oak trees on the south wall by Sevilla Street
- ◆ Front of building would not be closer to Sevilla Street than the library building
- ◆ A trellis pergola would be placed at the west elevation which would be a walk-through space in the auditorium

- ◆ Tree line to be very dense to help buffer the building and to create a nice outdoor space
- ◆ Face of building would be slightly angled to match the Sevilla Street frontage
- ◆ Open staircase to access the second level which would house seven classrooms
- ◆ Building to be very open and inviting from the outside
- ◆ Outside construction material to match surrounding buildings

In response to an inquiry from Mr. Weaver, Mr. Duff affirmed that the grove of trees would be located on the west elevation.

Mr. Weaver said the grove of trees was a wonderful idea and would act as a buffer. He questioned whether the setback on the east elevation would be compatible with the library and other existing building.

Mr. Duff clarified that the south elevation followed the fence line of the tennis courts. He advised that the college had sized the proposed structure to include a full service student center. He acknowledged that the challenge was how to integrate the building on the proposed site.

Dr. Abare stated that the college was interested in public input and an informal public meeting had been scheduled for January 2005.

Mr. Rumpel disclosed that his company was currently working for the college; however, not on the proposed structure. He questioned whether he needed to recuse himself from the application.

Mr. Wilson advised that because he was employed by the college, to avoid any

possible appearance of improprieties, he should recuse himself from the application.

Mr. Rumpel recused himself from the application.

The following board members disclosed ex-parte communications:

- Mr. Barnes – citizens
- Mr. Ste. Claire – Fred Halback and Leslee Keys
- Ms. Wallace – neighborhood resident
- Mr. Weaver – none

Mr. Ste. Claire clarified that the application involved an Opinion of Appropriateness and the College was in the early stages of a conceptual design. He stated that the HARB was not a zoning board and did not review setbacks, height limits and zoning issues. He explained that the board would address the architectural design; although the design had yet to be formalized, and the overall appearance of the building with regard to the AGHP Guidelines.

Mr. Ste. Claire opened the hearing to public comment.

Linda Forsyth, 38 Carrera Street, was sworn in. She stated that she was the President of the Flagler Model Land Neighborhood Association and Vice-President of the Neighborhood Council of Neighborhood Associations. She suggested that it was premature to comment on the architectural design when no one had seen it. She advised that the college and their representatives along with the Neighborhood Association planned to meet in January.

Mr. Ste. Claire agreed that it might be premature to comment on the architectural

design; however, the Certificate of Appropriateness application would be forthcoming.

Mr. Ste. Claire closed the public hearing.

Mr. Weaver said he was excited about the project and the proposed Flagler Era architecture was his favorite in the City. He stated that the project did not involve any demolition which was a positive point. He suggested that the tree grove was a good idea and the landscape design was nice. He noted that the general design included modern elements which were appropriate in order to meet the guidelines. He noted that a buffer was planned on King Street; however, the building was not setback as much as the college. He asked Mr. Duff to address that element of the project.

Mr. Duff stated that they planned to review the setback issue. He noted that they had intended to add a level of detail to the windows in order to minimize the metal framing to allow the main traditional components of the building to appear. He said the glazing on the storefront would be as transparent as possible. He advised that it should appear dramatic but unnoticeable and would not detract from the strength of the traditional forms.

In response to an inquiry from Mr. Weaver, Ms. Del Rance advised that the AGHP specifically addressed opening details which should be shown on different levels. She explained that the AGHP Guidelines were primarily written for residential architecture. She suggested that the applicant should consider the scale; although, the atrium section appeared in proportion with the building. She noted that window setbacks in the arcade were similar to the windows on the Casa Monica Hotel.

Ms. Wallace said she was concerned that the setback on King Street was not large enough and appeared too close to the street. She suggested that the proposed building would block the view of the college.

Mr. Rumpel questioned whether he could, as a member of the public, comment on the proposed project.

Mr. Wilson affirmed that he could comment as a member of the public.

Mr. Rumpel agreed with Ms. Wallace regarding the setback on King Street. He suggested that it be moved back to the same position as the existing college building. He stated that the overall architecture approach was good and the entrance was appropriate. He said he remained concerned with the size and scale of the building.

Mr. Barnes said he did not have a concern with the use of the third level of the structure. He acknowledged that Flagler Era buildings were generally massive structures. He stated that the proposed structure would appear large; however, it would be surrounded by other larger structures.

Mr. Weaver noted that the neighborhood was a mixed use but included monumental buildings. He said he would be more concerned if the proposed structure was located in another block of the City; however, the subject area was considered mostly commercial.

Mr. Barnes directed attention to the open stairway on the north side of the building and said he was concerned with vagrants and security issues.

In response to an inquiry from Mr. Weaver, Mr. Duff acknowledged that their design team and security personnel from the college had voiced the same concerns with the open stairs. He noted that the stairs accessed the second floor classrooms. He affirmed that they would review the stairway access.

Mr. Rumpel said he hoped that they would be able to obtain exposed concrete on the building. He stated that he liked the opened arches on the building.

Mr. Ste. Claire suggested that the project was quickly approaching a level of compatibility with the surrounding architecture. He noted that the college had been good stewards of historic preservation and had invested millions of dollars in restoration. He commented that the design team and the college should be congratulated for working with the neighborhood association in order to create a structure that would be compatible with the neighborhood. He advised that the board members were available if the public or neighborhood association desired to voice their opinions to them about the project.

In response to an inquiry from Mr. Weaver, Ms. Forsyth advised that the neighborhood association, college and design team would meet on January 9th, 2005, at 7:00 pm, at Opus 39.

Mr. Abare affirmed that he would attend the meeting along with a representative from Cannon Design and Fred Halback.

Ms. Forsyth suggested that the HARB members attend the meeting.

Mr. Ste. Claire advised that, due to the Sunshine Law, board members should be careful while attending the meeting.

Mr. Weaver affirmed that consensus of the board involved a major concern regarding the building setback on King Street and asked that the design team address that issue.

MOTION

Mr. Weaver moved to approve the application with the condition that the design team shall address the building setback concerns voiced by the board that day. Ms. Wallace seconded.

MOTION CARRIED WITH MR. RUMPEL RECUSING HIMSELF FROM THE APPLICATION

Mr. Ste. Claire asked Mr. Wilson if it would be appropriate for board members to attend the Neighborhood Association meeting in January.

Mr. Wilson advised that the members should not attend the meeting. He explained that nothing was wrong with attending the meeting as members of the public. He noted that the neighborhood meeting with the college was not as important as the final product which would be presented to the HARB at a later date. He advised that if the board members attended the meeting, it was important not to interact with other board members and the public regarding their position on the project; although concerns could be voiced to citizens but not with other board members. He suggested that it was a situation that would invite problems. He advised against attending and noted that the final plan would be presented to the board in the future.

Mr. Ste. Claire asked Ms. Del Rance to give notice to Ms. Forsyth that the board members would not attend the meeting on advice from the City attorney; however, the board members were interested in the final plan and were available to receive input from the neighborhood citizens and the public.

4. CERTIFICATE OF APPROPRIATENESS

Item 4(a) 2004-1133

Antony Woodward

54 Cuna Street

To add marble rocks and a cannon to the landscaping.

Mr. Ste. Claire advised that the application had been tabled at the previous meeting because the board was concerned about the brightness of the rock and the appropriateness of the cannon.

Antony Woodward, 54 Cuna Street, was sworn in. He stated that he had a sample of the white rock he planned to place on the property.

Mr. Ste. Claire opened the public hearing but there was no response from the public.

Mr. Weaver stated that he was not concerned with the rocks; however, he had agreed with staff's recommendation that the cannon would not be appropriate for the area. He noted that the City was attempting to keep the area as authentic as possible.

Mr. Woodward suggested that the cannon might detract from the yellow utility poles located in the corner of the yard.

Consensus of the board was to eliminate the cannon as a yard ornament.

Mr. Rumpel stated that he did not like the white rock and suggested that gray or dark colored rocks would work better.

Mr. Woodward submitted four bags of colored rocks and asked the board to choose an appropriate color.

Mr. Rumpel stated that either the crimson or gray rocks would work well in the area. He noted that the application lacked a landscape plan.

Mr. Woodward acknowledged that he had not submitted a landscape plan for review but would like the issue addressed at a later date.

MOTION

Mr. Rumpel moved to approve the application with the condition that the applicant use either gray granite or crimson red rock, but tabled the landscape portion of the application until the January meeting. He moved to deny the cannon. Mr. Weaver seconded.

MOTION CARRIED UNANIMOUSLY

Item 4(b) 2004-1255

Antony Woodward

54 Cuna Street

To add a vent cover to the roof on the rear of the building.

Mr. Ste. Claire opened the hearing to public comment.

Robert Hall, 42 Spanish Street, was sworn in. He questioned how the board could deny such an application when they allow oversized buildings in the Colonial area. He said he was in favor of the application.

Mr. Ste. Claire closed the public hearing.

Mr. Rumpel asked if it was PVC piping protruding from the roof and the purpose of the pipe.

Mr. Woodward stated that he believed the pipe had been part of a handicapped bathroom located on the first floor. He said he had placed the vent on top of the pipe for display purposes only.

Mr. Rumpel suggested that the pipe be removed.

Mr. Woodward stated that he would determine the purpose of the pipe and remove it if it was not needed.

MOTION

Mr. Weaver moved to approve the application as submitted. Ms. Wallace seconded.

MOTION CARRIED UNANIMOUSLY

Item 4(c) 2004-2278

Andrea Tedder

Chris & Eddy, Inc.

14 Castillo Drive

To approve brick pavers which had replaced a coquina lot.

Mr. Ste. Claire advised that the brick pavers had already been installed. He asked for a

representative to approach the podium but there was no response.

Mr. Ste. Claire opened the public hearing but there was no response from the public.

Mr. Barnes questioned whether the pavers were made from pervious material.

Mr. Birchim advised that the applicant would be required to obtain clearance from the City's stormwater engineer. He noted that the applicant had contacted the engineer; however, he was unaware of the outcome.

MOTION

Mr. Barnes moved to approve the application as submitted. Ms. Wallace seconded.

MOTION CARRIED UNANIMOUSLY

Item 4(d) 2004-1256

Frank Santoriello

Linda Larsen

44 Spanish Street

To add to north and south ends of existing front porch and a new pavilion at rear garden patio.

Frank Santoriello, 707 Viscaya Boulevard, was sworn in. He noted that the building had a front porch which had been centered on the front of the building and the owner desired access to the porches from each bedroom after the completion of interior modifications. He stated that they planned to add a pavilion to obtain a leisure area in the rear of the property. He explained that staff had suggested that they move the porches back to appear as an addition. He suggested that the porch would appear more harmonious if the proposed two side porches

were kept even with the existing front porch. He stated that they would use the same rail design with six-by-six posts and two-by-two railings. He noted that tongue-in-grove siding would be used to distinguish a difference between the porches. He asked the board to allow the porches to be constructed at the same plain as the existing porch.

Mr. Ste. Claire opened the hearing to public comment.

Robert Hall¹ suggested that the pavilion appeared as a tool shed. He stated that the proposed porches would improve the appearance at the front of the building.

Mr. Santoriello explained that the existing ten-by-twelve foot tool shed would be removed and the proposed pavilion would be placed on the site. He noted that the pavilion would measure eighteen-by-fifteen feet.

Mr. Ste. Claire closed the public hearing.

Mr. Weaver stated that he was familiar with the history of the building and the porch was not a historic feature of the building but dated from the 1980's; therefore, it lacked a reason to distinguish a difference between the existing and new porches. He said it would appear more harmonious if the proposed porches lined up with the existing porch.

Ms. Wallace stated that she agreed with Mr. Weaver's opinion regarding the porches. She suggested that it would appear choppy if constructed on a different plain than the existing porch.

¹ Mr. Hall was previously sworn in.

In response to an inquiry from Mr. Rumpel, Mr. Santoriello affirmed that the pavilion would not contain a room but would act only as a recreation area.

MOTION

Mr. Weaver moved to approve the application as submitted. Mr. Rumpel seconded.

MOTION CARRIED UNANIMOUSLY

Item 4(e) 2004-1259

Deborah Callahan
56 Marine Street

To construct a small garden building.

Mr. Barnes recused himself from the application in order to present the case to the board.

Roy Barnes, 1539 San Rafael Way, was sworn in. He explained that he was presenting the case for Deborah Callahan, who was a friend that he had worked with when she purchased the home several years earlier. He stated that the application involved the construction of a small garden shed for storage. He submitted additional photographs and noted that the shed would not be visible from the street due to the surrounding wall on the property. He said the board's packet included several photographs of shed examples but those pictures did not do justice to what Ms. Callahan planned to construct.

Mr. Ste. Claire opened the public hearing but there was no response from the public.

Mr. Ste. Claire noted that it would be difficult to see the shed from the street.

Mr. Barnes explained that one would need to be half-way into the property in order to view the proposed shed. He stated that the owner recognized the value and uniqueness of her property.

Mr. Ste. Claire stated that, although the shed would not be visible from the street, the proposed design was appropriate and he was comfortable with the application.

Ms. Wallace disclosed that she had driven by the subject property and wondered how one could view the proposed shed due to the surrounding wall and location of the garage.

Mr. Barnes affirmed that one could not see the shed from the street. He added that it was beautiful property that the owner planned to maintain in a first class fashion.

Mr. Rumpel agreed that the shed would be hidden; however, he questioned why the owner would place a prefabricated shed on the property and not spend a little more money to construct a nicer shed to be more compatible with the existing main structure.

Mr. Barnes explained that the submitted photographs of prefabricated sheds were used only as examples and the owner did not intend to use such an item on her property. He affirmed that the shed would be constructed on-site.

In response to an inquiry from Mr. Weaver, Mr. Barnes acknowledged that the owner did not have time, prior to leaving town, to obtain drawings to submit to the board.

Mr. Rumpel pointed out that the owner would need drawings in order to obtain a building permit; therefore, the application should be tabled until January in order for the owner to present drawings to the board.

Mr. Weaver suggested that the application should have been an Opinion of Appropriateness.

Mr. Ste. Claire agreed and stated that the board had the option of approving the application as an Opinion of Appropriateness but table the Certificate of Appropriateness until the next meeting.

Mr. Rumpel reiterated that drawings would be needed in order to obtain the building permit. He suggested that it would set a bad precedence if the board approved the application without drawings.

Mr. Ste. Claire stated that he would normally agree with Mr. Rumpel; however, the proposed shed would not be visible from the street.

Mr. Weaver questioned why the proposed shed was before the board if it was not visible from the street.

Mr. Barnes stated that, due to the surrounding wall, it had always been an issue with the subject property on other elements also. He noted that the owner applied out of respect for the HARB and the AGHP Guidelines. He questioned whether the board would be comfortable with an approval on the condition that staff shall determine the final approval after review of the drawings.

Mr. Ste. Claire suggested that the board handle the matter in that way and noted that it was a small garden shed. He said he would be comfortable with approving a Certificate of Appropriateness and defer the matter to staff to evaluate the final design of the structure to comply with the AGHP Guidelines.

MOTION

Mr. Ste. Claire moved to approve the application with the condition that the final design be submitted to staff for their review and approval. Ms. Wallace seconded.

MOTION CARRIED UNANIMOUSLY²

5. CERTIFICATE OF RELOCATION

None

6. CERTIFICATE OF DEMOLITION

Item 6(a) 2004-1232
Gretta A. Mullis Trustee
June McQuaig Trust
55 S. Whitney Street
To demolish a residence.

Thomas and Gretta Mullis, 316 Marsh Point Circle, were sworn in.

Mr. Mullis explained that his wife was the trustee of her mothers' trust, who was June McQuaig and noted that Ms. McQuaig had passed away in 2003. He added that his wife's father had passed away in 2001 and was the heir of Rophinee McQuaig, who had been the occupant of the home until her death in 1977. He noted that, according to the public records, the deed to the property was written in 1906. He advised that his wife's grandfather, Alexander McQuaig, had purchased the property from a person named Leonardi. He noted that the property had been in the McQuaig family since 1906 but had not been occupied since 1977. He clarified that they were uncertain of the construction date and who had built the

² Mr. Barnes returned to the board.

structure. He noted that the house had been boarded up since 1977. He stated that his wife's father, at the time, was too emotional to deal with the property; therefore, it was not maintained.

Mr. Mullis disclosed that the property was part of a large trust. He acknowledged that title issues remained with the property; therefore, they could not sell or improve the condition of the structure until the issues were resolved. He explained that the condition of the structure forced a major liability on the trust. He stated that they were afraid something might happen to a child if the building was left in its present condition. He said they believed that no value existed with the structure; therefore, the only alternative was to demolish the building. He advised that they could not obtain liability insurance to protect themselves and the trust.

Mr. Ste. Claire opened the public hearing but there was no response from the public.

In response to an inquiry from Mr. Weaver, Mr. Mullis advised that their attorney had suggested that it could take approximately seven to eight years to resolve the issues in order to convey or improve the property. He explained that a total of four and one-half lots were involved with the subject property; however, the house was located only on one of the lots.

Mr. Weaver questioned whether the property had nuisance issues.

Mr. Birchim advised that no nuisance issues existed with the property.

Mr. Mullis acknowledged that City staff had received complaints regarding the property. He said many of the complaints involved

trash and debris which he handled on a regular basis.

Mr. Ste. Claire questioned whether, due to the family history with the building, they had reservations regarding the demolition of the structure.

Mr. Mullis affirmed that he and his wife had reservations about the demolition. He stated that they had not come to the decision easily. He said it was with great sorrow that the situation resulted in the request for demolition. He affirmed that no family member was interested in the property.

Mr. Ste. Claire stated that he saw the structure with great character and as an opportunity. He said he would have viewed the situation differently if the historic integrity had been compromised or was in an advance state of disrepair; however, the building was structurally sound with much character and architectural details. He stated that property values of historic structures in St. Augustine were very high and one might be surprised on the amount of money that could come from the restoration of the building. He noted that the structure was located in an area where it had become popular to demolition structures in order to construct modular structures. He said the historic character was being chipped away and no one seemed to care about it. He suggested that it was difficult for the board to develop an opinion about the importance of historic buildings when the community and neighborhood associations did not object to demolitions. He said he found it difficult to approve the demolition of historic structures which were salvageable.

Ms. Mullis suggested that the property was located in an undesirable area and it did not matter how much money was spent to repair

the structure, it still remained difficult to sell.

Mr. Ste. Claire suggested that the gentrification of Lincolnville had started and with the property values in the downtown area skyrocketing, a gradual movement toward an interest in historic structures and the improvements of other areas of the City had renewed interest in neighborhoods. He said he hoped that it translated into citizens voicing that they had already had enough demolitions in the City.

Mr. Mullis assured the board that he understood the response of Mr. Ste. Claire because he had seen and visited many historical places and would like to see that happen on S. Whitney Street; however, the liability issue remained with the property. He said it was difficult to view the situation differently due to the liability issue.

Mr. Ste. Claire questioned whether a possibility existed where they could approach the rest of the trustees to help them understand the value and significance of the property and to invest back into the property by restoration. He explained that the City's preservation ordinance did not include a provision for demolition but had the option to deny the application to force a delay of twelve months which offered a waiting period in order to find a better solution to the demolition of a structure. He said he would like the Planning and Building Department to help owners to better understand their options other than the demolition of structures. He suggested that many people thought demolition was the simplest way to make more money. He noted that he had completed seventeen house restorations and most were not easily done; however, the final product was extremely gratifying.

Mr. Rumpel questioned whether the other members of the trust had voted to demolish the building.

Ms. Mullis advised that she had the sole power of decision making for the trust. She reiterated that in real estate it was the location of the property that determined the value of the home.

Mr. Rumpel suggested that it would cost just as much to restore the property as it would to construct a new building.

Ms. Mullis said they did not intend to rebuild on the property.

Mr. Ste. Claire suggested that they place the property on the market.

Mr. Mullis advised that they did not have clear title. He explained that the trust owned other properties in St. Johns and Duval counties and those properties were considered the trust's future investments. He said the subject property, although an old family heirloom, was a headache. He noted that they were required to work through the title issues prior to doing anything with the structure. He acknowledged that the demolition would not assist in the title issues; however, it would remove the liability issue for the trust. He suggested that the situation would continue and become worse over time.

In response to an inquiry from Ms. Wallace, Mr. Mullis suggested that they would be allowed to move the structure from the property because only the dirt held the title. He said it was not structurally sound to be able to move it to another location. He noted that he had lived in the house during

the early 1970's and the kitchen floor was touching the ground at that time.

Mr. Barnes stated that he had never been happy with the twelve month delay tactic provided by the demolition ordinance. He said the applicant might not have a marketable title in order to sell the structure. He acknowledged that the people involved had already handled the emotional attachment to the property and had considered, at great lengths, the demolition decision they had made. He noted that the property was not located in a historic district. He stated that insurance was an absolute nightmare and placing the highest fence around the structure would not help the appearance for the neighborhood. He suggested that the board was placing the applicant in jeopardy by not allowing the demolition. He stated that allowing the property to remain and rot away for another twenty-eight years would not help the neighborhood.

Mr. Weaver questioned whether liability was an issue the board could consider.

Mr. Wilson advised that liability was not an issue from a standpoint of what the board reviewed; however, they could consider it as a rational matter regarding what the applicant wanted to do.

Mr. Barnes noted that a small child could get under the structure and get hurt or be bitten by an animal which would cause significant legal action against the trust.

Ms. Mullis said the property would bring very little money to the trust compared to the other properties the trust owned. She advised that they had no plans to develop the property with a new building. She noted that the neighbors would be much happier if

the building was demolished. She affirmed that they were scared because the entire trust was at risk due to the condition of the subject property.

In response to an inquiry from Mr. Barnes, Mr. Wilson advised that assets of the trust could be seized in a lawsuit.

Ms. Mullis affirmed that they were owners of the property; however, clear title remained the only issue for them.

Mr. Rumpel stated that he would like to review interior photographs.

Mr. Mullis said he was weary of attempting to break into the building in order to obtain photographs of the interior.

MOTION

Mr. Barnes moved to approve the application as submitted with respect to the effort the board attempted to preserve property and based on the hardship and potential jeopardy being placed on the applicant. Mr. Rumpel seconded.

Vote on the motion.

In favor

**Barnes
Rumpel**

Opposed

**Weaver
Wallace
Ste. Claire**

Motion failed.

MOTION

Mr. Weaver moved to deny the application as submitted. Ms. Wallace seconded.

In response to an inquiry from Mr. Barnes, Mr. Birchim advised that an eight foot high fence could be installed outside the front setback area. He noted that the front setback measured fifteen feet from the property line.

Mr. Rumpel suggested that it would be expensive to place an eight foot fence around the entire structure.

In response to an inquiry from Mr. Barnes, Mr. Wilson advised that one should constantly monitor the condition of the fence to ensure it was doing its job. He noted that a child could climb a chain-linked fence; therefore, one could face a negligence lawsuit in any situation.

Ms. Mullis asked if the board was stating that they could not do anything with the property for twelve months.

Mr. Ste. Claire stated that they would have up to one year to exercise many options to save the building but would be allowed to demolish the structure only after the time period had elapsed.

Mr. Weaver noted that the board would be willing to hear the matter again if a nuisance issue surfaced.

Ms. Wallace said the board hoped that they would use the time to review other options for the property.

Ms. Mullis advised that they would give the structure to anyone willing to take it. She added that they would pay the cost to move the structure.

Mr. Ste. Claire noted that his employer had paid a mover approximately \$30,000.00 to move one house. He suggested that they could place the structure on the market to be

sold and relocated. He stated that if no other options were available, they should seek out a salvage company prior to its demolition.

Mr. Mullis advised that he had just placed a fence on his property and the cost to surround the subject property would be several thousand dollars.

Vote on the motion.

In Favor
Weaver
Wallace
Ste. Claire

Opposed
Rumpel
Barnes

Motion carried 3/2.³

Item 6(b) 2004-1240

John Valdes

Charlu Reigle

99 Coquina Avenue

To demolish a residence.

John Valdes, 1395 US 1 South, was sworn in. He stated that he represented Charlu Reigle, who was the owner of the property. He noted that only eight-hundred to one-thousand square feet remained of the original 1947 structure which totaled approximately 1/3 of the original building. He advised that many additions had been placed around the building and were not completed in the same style as the original structure. He stated that multiple concerns were involved with the structure such as a non-accessible crawl space and water problems. He said the entire interior of the structure had been remodeled during the 1970's. He noted that the highest floor level in the building measured 6.96 feet. He advised that several portions of the building had received flooding in September which

³ Mr. Ste. Claire called a break at 4:42 and reconvened at 4:48 pm.

resulted in mold and mildew contamination. He stated that it was his clients' intention to demolish the structure and construct a new home on the property. He noted that his client was concerned with interest rates and what changes in rates would take place in the next year. He reiterated that the additions on the structure dated to the 1970's and the building had no original fabric remaining.

Mr. Ste. Claire opened the public hearing but there was no response from the public.

Mr. Weaver stated that the structure had no historic value and appeared as a 1970's structure with no architectural character.

Ms. Wallace said the mold and flooding issues convinced her to vote in favor of the demolition request.

MOTION

Ms. Wallace moved to approve the application as submitted. Mr. Weaver seconded.

MOTION CARRIED UNANIMOUSLY

Item 6(c) 2004-1251

Jon Cummins

136 Marine Street

To demolish a residence.

Jon Cummins, 136 Marine Street, was sworn in. He stated that he had included a letter in the boards' packet which explained the history of the structure and how they attempted to save it from demolition. He noted that he had purchased the house from the City of St. Augustine approximately two years earlier. He said the structure had been vacant for some time when he purchased it.

He explained that a professional evaluation was included in the bid packet which stated the condition of the building. He noted that he and his wife had hired two architectural firms during the past two years; however, it was determined that they could not save the structure. He stated that the architectural value of the structure had been compromised long ago. He explained that the structure was a framed vernacular style house and someone had applied stucco to the exterior which resulted in water penetrating behind the stucco which eventually rotted the wood. He said floor joists had been cut in order to create interior walls; therefore, the center of the house was sagging and no support existed. He added that the house was infested with bugs; however, the hardwood floors remained in good condition and would be reused along with the existing glass in the windows. He suggested that the first floor level was well below the FEMA level which made it very costly to insure. He stated that it was their vision to have a house in St. Augustine. He reiterated that no historical value remained in the structure.

Mr. Ste. Claire opened the hearing to public comment.

John Valdes⁴, 1395 US 1 South, stated that he remembered the house very well. He noted that he was hired by a resident, who had been interested in purchasing the house, to exam the structure prior to the purchase. He said the structure had suffered due to the applied stucco material. He noted that adding more weight to the structure without creating a more stable foundation resulted in the movement of the structure which allowed the penetration of water behind the stucco. He stated that he had considered the

⁴ Mr. Valdes was previously sworn in.

structure a tear-down when he examined the building three years earlier. He said it was admirable that the Cummins had attempted to save the structure; however, he had written it off which resulted in his clients backing out of the bidding process at that time.

Mr. Ste. Claire closed the public hearing.

Mr. Cummins noted that the building was not located in a Historic District.

Mr. Weaver questioned whether the board had the authority to determine what style of structure could be placed on the site after the demolition.

Mr. Knight affirmed that because the property was not located in a Historic District, the board did not have the authority to force a certain style of architecture for the new building.

Mr. Cummins clarified that they planned to build a structure that would be in keeping with the surrounding architecture.

Mr. Weaver suggested that the applicant had completed due diligence, and he agreed that the building had lost its historic architecture and structural integrity. He stated that the case had been made to allow the demolition of the structure.

Mr. Rumpel noted that he lived across the street from the subject property and the structure had become an eyesore. He suggested that the building was salvageable; however, minimal architectural integrity remained. He noted that the building had acquired considerable deterioration since Mr. Valdes' inspection three years earlier.

MOTION

Mr. Weaver moved to approve the application as submitted. Mr. Rumpel seconded.

Mr. Barnes said he would vote in favor of the demolition; however, he felt bad about denying the previous applicant's request. He suggested that the board allow the previous case to be tabled in order to allow time for the structure to be inspected regarding the structural soundness of the building.

Mr. Weaver suggested that the current applicant had demonstrated the condition of the structure whereas the previous applicant had not.

Vote on the motion.

In Favor
Weaver
Rumpel
Wallace
Barnes

Opposed
Ste. Claire

Motion carried 4/1.

Item 6(d) 2004-1258

John S. Antonio

Jacob B. Swick II

117 Kings Ferry Way

To demolish a residence.

Mr. Ste. Claire noted that the application had been withdrawn by the applicant.

7. OTHER BUSINESS

7.a. Review of AGHP additions from the joint HARB/PZB workshop:

- ◆ **Setback changes for non-Colonial architecture in the Historic Preservation Districts**
- ◆ **Preapproved roofing materials based on architectural style**
- ◆ **Preapproved wood shutters meeting Hurricane Codes**
- ◆ **Building height compatibility**
- ◆ **Proposed paint scheme guideline**
- ◆ **Preapproved sign lighting fixtures**

Mr. Knight noted that Item 7a could be delayed until the next meeting.

It was agreed that Item 7a would be heard at the January meeting.

7.b. Recommendation for inclusion of the St. Augustine Civic Center (Visitor Information Center) into the National Register of Historic Places.

MOTION

Mr. Ste. Claire moved to approve and recommend to the City Commission that the VIC be included in the National Register of Historic Places. Ms. Wallace seconded.

MOTION CARRIED UNANIMOUSLY

8. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

None

Other business

Mr. Ste. Claire asked that the issue of demolitions be placed on the January

agenda. He stated that he would like to discuss the absence of historic preservation involved with the demolition ordinance. He noted that other cities had preservation ordinances which seemed to work.

It was agreed that the historic preservation issue regarding the demolition ordinance would be placed on the January agenda.

Mr. Ste. Claire asked staff to provide copies of the Key West, Savannah and Charleston historic preservation ordinances to the board members.

Other business

Mr. Rumpel noted that a number of things were happening in Lincolnton that concerned him. He stated that a historic house had been raised on stilts which had altered the historic fabric of the structure and neighborhood.

Mr. Ste. Claire questioned whether it was an attempt to satisfy FEMA regulations.

Mr. Rumpel said that was part of the reason; however, one building had been raised fifteen feet which did not qualify as a FEMA regulation. He suggested that it would happen more often in order to allow parking to be placed under a structure. He reiterated that handling a historic structure in such a manner destroyed the historic fabric of the building.

Mr. Weaver suggested that the main issue involved new construction in Lincolnton. He noted that the City had previously suggested that Lincolnton should become a HP District; however, at that time concerns were voiced about the burden it would cause property owners.

Mr. Ste. Claire advised that a joint workshop with the PZB, which included David Nolan, had taken place about two years earlier, and Don Crichlow had introduced such an idea. He stated that they were seeking a regulatory overlay for Lincolnton. He noted that residents were completely opposed to the idea.

In response to an inquiry from Mr. Weaver, Mr. Ste. Claire advised that it involved comprehensive regulations.

Mr. Weaver suggested that something less controversial could be addressed for new construction.

Mr. Ste. Claire said the basic constructs of demolition provisions were missing. He suggested that, with a good attorney, one could demolish the thirty-three remaining Spanish Colonial structures within the city.

Mr. Weaver suggested that it would need some grassroots support from the neighborhood.

Mr. Ste. Claire suggested that it needed to reach a level where the neighborhood associations and the community demonstrated grassroots support. He stated that it was the board's charge to address the issue in the context of developing a viable solution.

Mr. Weaver suggested that the major concern involved new construction.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 5:26 P.M.

Dana Ste. Claire, Chairman

Pam Halterman, Recording Secretary