

REGULAR MEETING – HISTORIC PRESERVATION BOARD

Tuesday, February 19, 2019

Minutes for the Regular Historic Preservation Board meeting for the City of Daytona Beach, Florida, held on Tuesday, February 19, 2019, at 6:00 p.m. in Commission Chambers of City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida

Board Members present were as follows:

Mr. Robert Fort, Chair
Mr. Brian Fredley
Dr. Andrei Ludu
Dr. Daniel Stotland
Mr. Warren Trager

Board Members absent were as follows:

Mr. Roman Yurkiewicz, Vice Chair
Mr. James Daniels
Mr. Dallas Peacock
Dr. Deborah Wise

Staff members present:

Mr. Doug Gutierrez, Principal Planner
Mr. Ben Gross, Deputy City Attorney
Ms. Becky Groom, Board Secretary

1. **Call to Order**

Mr. Fort called the meeting to order at 6:00 p.m.

2. **Roll Call**

Roll was called with members present as listed above.

3. **Approval of Minutes:** January 15, 2019

Board Action:

A motion was made by Mr. Trager, seconded by Dr. Stotland, to approve the minutes of the January 15, 2019 Historic Preservation Board meeting, as presented. The motion carried (5-0).

4. **Action Item: DEV2019-016 - Amendment to approved COA for alternative materials for renovation of 837 N. Oleander Avenue, a Contributing Structure in the Seabreeze Local Historic District**

Mr. Fort read a letter from the owner, Raymond Stevens, applicant, stating that the applicant has requested that this item be withdrawn.

Mr. Gutierrez stated he spoke with the applicant who stated she would like to withdraw this applicant and will resubmit the application at a later time.

Mr. Fort stated the individuals from the public that are in attendance and would like to speak on this item will be permitted to speak during the Public Comments portion of the meeting.

5. **Discussion Item: Preservation Award - "The Abbey" - 426 S. Beach Street (Foxtail B & B)**

Mr. Gutierrez stated this property was purchased over a year ago and has been renovated and is used as a Bed & Breakfast. Mr. Gutierrez asked that the Board consider presenting the Historic Preservation Award to this property owner.

Mr. Trager stated he would like to see the plaque placed on the outside of the building.

Board Action:

A motion was made by Mr. Trager, seconded by Mr. Fredley, to present the Historic Preservation Award to "The Abbey," 426 S. Beach Street (the Foxtail B&B), in accordance with the staff report as presented. The motion carried (5-0).

6. **Discussion Item: High School History Essay Project**

Mr. Fort stated the Board has talked about the essay being between 500 to 1,000 words and the topic of the essay has not been determined.

Dr. Ludu suggested adding a membership to an organization for the essay winner. Dr. Ludu stated he would like to see an article in the newspaper about the contest and would hope the winner will be recognized by the Mayor.

Mr. Gross stated the Board will need to receive City Commission approval on the proposed contest.

Mr. Fort stated urban blight is a topic that has been discussed and he would like to see the topic broadened

Dr. Stotland asked if the Board wants to identify the historic areas for the participants or should we ask the participants to identify the historic areas. Dr.

Stotland stated asking the participants to identify the sites would encourage participants to visit historic areas in the city. Dr. Stotland stated the participants could identify historic sties that need revitalization.

Mr. Fredley stated he would want the participants to identify the historic areas and ask them to provide ideas for redevelopment.

Mr. Fort stated the Board should have options for the participants to select which topic they would like to write about.

Mr. Gutierrez stated there are 2 local historic districts and 6 National Historic districts in the city. Mr. Gutierrez stated the maps of the districts could be provided and the Board could decide if there is a particular area where they would like the participants to focus their essays.

Mr. Fredley stated he would suggest that the main corridors into the city be a focus since that is the first impression visitors receive when coming to the city.

Mr. Fort stated he would not like the reports confined to districts.

Dr. Stotland stated perhaps a specific historic site could be identified and the participant could write a history of the site. Dr. Stotland stated the language from that report could be used for signage on the site.

Mr. Fort stated he would like to receive input from some of the Board members that are not in attendance this evening before a decision is made.

Public Comments:

Gary Libby, 723 N. Oleander Avenue, Daytona Beach, Florida, stated there are many historic areas in the city that are unknown by the citizens. Mr. Libby stated the historic areas need signage. Mr. Libby stated he worked in developing the Historic Design Standards which were adopted for the Seabreeze Historical District. Mr. Libby encouraged the Board to review the standards and possibly provide an update to the document. Mr. Libby stated the essay contest is a great idea and feels it will receive citizen support.

7. **Other Business:** Heritage Preservation Trust Report

Mr. Trager stated he had nothing to report.

8. **Staff Update**

Mr. Gutierrez stated he has provided the Board with information on CLG workshops to be held in DeLand and St. Augustine.

Mr. Gross stated at the last Board meeting, there was discussion about individual Board members soliciting funds for the scholarship program. Mr. Gross stated there is nothing that prohibits solicitation of funds but reminded Board members that it would be a violation of the Ethics Law to accept donations from someone in order to sway an opinion. Mr. Gross stated when the request for the City Commission is made to approve the proposed scholarship program, he recommends that language be included that would permit donations for the program be made to the City.

Mr. Fort asked how the public will be made aware of the scholarship program and the request for donations.

Mr. Gross stated the approval request will be presented at a public meeting.

Commissioner Ruth Trager suggested having someone contact Susan Cerbone, the City's Public Relations officer at the city, who would be helpful in providing the information to the public.

9. **Public Comments**

Gary Libby, 723 N. Oleander Avenue, Daytona Beach, Florida stated he appreciates Mr. Gutierrez responding to his request to have minutes from previous Board meetings posted on the city's website. Mr. Libby stated it appears the Board members do not have copies of the officially sanctioned Seabreeze Historic District Design Guidelines that were adopted in 2009. Mr. Libby read from the Historic District Design Guidelines, which state: "These standards provide city staff and the Historic Preservation Board guidance in the Certificate of Appropriateness process. In case of conflict with any other Land Development Code or standards, these standards shall apply. If these standards are silent, provisions of the LDC are applicable." Mr. Libby stated the Historic Preservation Board granted a Certificate of Appropriateness for 837 N Oleander; the work stopped and the project went ahead with a number of very dramatic changes that violate many of the guidelines, particularly relating to the surfaces on the buildings and the walls. Mr. Libby stated he does not know if the application for the Certificate of Appropriateness submitted in November was done honestly or was done just to get the COA because the contractor immediately began to tear down and remove things that were not included on the COA. Mr. Libby stated the neighbors are very concerned about the work being done; and as a result, a Stop Work Order was issued by the city. Mr. Libby stated many of the things that were done were in direct violation of the guidelines. Mr. Libby stated he does not know if the owner encouraged Roman Yurkiewicz, the architect, to make the changes but they are not historic. Mr. Libby encouraged Board members to get a copy of the guidelines and make appropriate revisions to ensure that situations like this do not happen again.

Mr. Gutierrez stated the staff reports for the Board include excerpts from the guidelines; and the document is on the city's website.

Mr. Gross stated Mr. Libby made statements concerning a property that could come back to the Board for consideration; and should the property be presented again, the Board will want to make their decision on the record. Mr. Gross stated the Board should not make a decision when an item is presented in the future based on discussions held this evening.

Mr. Libby asked if staff has given an update to the Board of the current Certificate of Appropriateness.

Mr. Gross stated the COA was issued; and should an application be submitted to the Board, the Board may ask for information on the project.

Ferd Neves, 400 Jessamine, Daytona Beach, Florida, stated he lives across the street from the property at 837 N. Oleander. Mr. Neves stated he wrote a letter to the Board regarding the item that was on the agenda this evening; and the meeting notice addressed four issues: exterior color, which has not been identified but all of the work has been done to the highest standard and with careful selection; the stonework is beautiful and exceeds the existing neighborhood aesthetic; the stucco and brick wall have been a subject of major repair and stuccoed to be more pleasing; stone pilasters have been opened and provides access to the rear yard and is beautiful. Mr. Neves stated the gated back yard will make it a tasteful entryway. Mr. Neves stated a new wall has been added on the north elevation which is very pleasing. Mr. Neves stated he has been pleased with the work that has been done and is surprised with the obstructions and additional costs that have been placed on the homeowner. Mr. Neves stated the home is a great addition to this prominent corner. Mr. Neves stated he encourages the Board to further encourage the continuation of the project since the investment is what is needed for the neighborhood. Mr. Neves stated the homeowner did not want to delay the project for another 30 days.

Pamela McMenemy Stamey, 903 N. Oleander, Daytona Beach, Florida, stated her mother and father purchased their home 52 years ago which is directly across the street from 837 N. Oleander. Ms. Stamey stated it is nice to see the home returned to a single family home. Ms. Stamey stated the Historic Design Guidelines were never provided to the homeowners in the neighborhood. Ms. Stamey stated she is concerned that power is being given to certain neighbors to harass other neighbors. Ms. Stamey stated neighbors are walking down the street taking pictures of houses which has created an atmosphere of fear and has changed the tone of the neighborhood.

10. **Board Comments**

Mr. Fredley stated he was a new member of the Historic Preservation Board when the Seabreeze area was brought in as a district. Mr. Fredley stated there were numerous meetings held with the residents to determine if the area was to

become a historic district. Mr. Fredley stated the commercial area of Seabreeze opted out of becoming part of the historic district.

Dr. Stotland asked if the historic guidelines are provided to people when purchasing homes in the area.

Mr. Gross stated the Land Development Code has been adopted by the city and it's the public's responsibility to know what is in the code. Mr. Gross stated the Board does not have the authority to suspend the Code under the auspices that people are not aware of it. Mr. Gross stated if he is sitting as the Board's attorney at a meeting, he will encourage the Board to apply the criteria outlined in the Land Development Code.

Mr. Fredley stated a property owner would have to do their own due diligence when purchasing a home in this area or hire a professional to provide the due diligence. Mr. Fredley stated prior to receiving the agenda, he was not aware of anything happening on the site that was different than what the Board had approved.

Mr. Gross stated the provisions for Certificates of Appropriateness in the Land Development Code contains standards based on the Secretary of Interior's standards regarding historic properties and those are not the design guidelines. Mr. Gross stated in the section of the LDC regarding new construction, applications have to comply with the design guidelines. Mr. Gross stated he does not know if what is discussed would be classified as new construction. Mr. Gross stated during Mr. Libby's presentation, he stated there is language in the design guidelines that the guidelines trump the code by the guidelines' control. Mr. Gross stated he does not have information to advise the Board if that is true or not but he will find out and let the Board know.

Mr. Gutierrez stated the property has had a Stop Work Order issued by the Building Department; and the staff report when the item is resubmitted will outline what was approved and what has changed.

Mr. Fort stated in the future, it would behoove the members of this Board to know about the design guidelines and how they relate to items that come before the Board so the Board does not put someone in a position where they feel they have not been treated fairly.

Mr. Gross stated he will determine if the design guidelines apply to all Certificates of Appropriateness applications but based on what he has researched this evening during the meeting, he does not think they do.

Mr. Libby stated the establishment of the historic district was not something done casually. Mr. Libby stated, previously there was a disintegration of zoning in the neighborhood which created a decrease in value in properties in the neighborhood. Mr. Libby stated the city was a driving force in creating the

district in order to save property values. Mr. Libby stated it is not the goal to make it difficult for people to make repairs to their homes. Mr. Libby stated the reason people were taking pictures of the subject property was because the building permit was not paid for until 4 months after construction had started. Mr. Libby stated a brick wall should not have stucco placed on it.

Mary J. McMenemy, 903 N. Oleander, Daytona Beach, Florida stated she is concerned because she wants people to move into the neighborhood and renovate the old houses. Ms. McMenemy stated she feels the current situation with the subject property will discourage people from moving into the neighborhood and renovating the properties.

11. Adjournment

There being no further business, the meeting was adjourned.



Robert Fort, Chair



Becky Groom, Board Secretary