

Historic Architectural Review Commission

Meeting Minutes

April 13, 2010 – 3:00 p.m.

City Commission Chamber

Old City Hall, 510 Greene Street



The Key West Historic Architectural Review Commission held a public hearing on **Tuesday, April 13, 2010 at 3:00 p.m.**, in the City Commission Chambers of Old City Hall located at 510 Greene Street.

1. **Roll Call:** Board members present included George Galvan, Rudy Molinet, Nils Muench, Carlos Rojas and Chairman Peter Batty. Staff present included Assistant City Attorney Ronald Ramsingh, Preservation Planner Enid Torregrosa, Senior Planner Brendon Cunningham, Recording Secretary Patrick Wright, and IT Technical Support David Padron.
2. **Pledge of Allegiance**
3. **Approval of Agenda:** Item 5.a.2., 416 White Street, has been withdrawn. It was moved by George Galvan, seconded by Rudy Molinet, to approve the amended agenda. Motion carried.
4. **Approval of minutes**
 - a. **HARC Meeting Minutes- March 23, 2010:** It was moved by George Galvan, seconded by Rudy Molinet, to approve. Motion carried.
5. **Items for Public Hearing**
 - a. **Old Business- Tabled items**

1. T1- Request to build addition- **#1010 Windsor Lane- Morse Builders Inc. (H10-02-09-127)**
Twenty eight feet eight inches by twelve feet eight inches addition to storage building beside cafeteria.

Roger Morse, Morse Builders, represented the project. Mr. Morse stated that he had been hired to build an addition onto the Knights Building at 1010 Windsor Lane. He stated that they had designed a little hipped roof addition that matched the existing. Mr. Morse stated that they had been before the Tree Commission and received approval for the addition with some care to make certain that the neighboring tree would not be damaged.

Preservation Planner Enid Torregrosa stated that she had spoken to the applicant that day and one of the things the Tree Commission had requested was the reduction of the size of the footprint of the addition so she thought the plans that Mr. Morse had were revised plans for the addition. Mr. Morse agreed that the building had been shortened by 4' from the originally submitted plans.

Assistant City Attorney Ronald Ramsingh stated that he also advised the Tree Commission and he thought that one of their requests was to elevate the addition to help protect the tree root system. Mr. Morse responded that they were inverting the beam and there would be a floating floor. The elevations were the same.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. She stated that her report was for the originally submitted plans; however, the height of the new structure would be unchanged with the revised plans. She stated that her only worry was the Gumbo Limbo tree and those concerns had been addressed. The addition would be to a non-contributing CBS building. Her recommendation was to approve the project.

It was moved by Nils Muench, seconded by Rudy Molinet, to approve. Motion carried.

APPROVED

2. T2- Request to build a second story addition on back- **#416 White Street- Architect Michael Skoglund (H10-02-18-174)** Add second story rear of existing building with porch.

WITHDRAWN

3. T3 -Request to move the existing house and build a back addition-# **322 Southard Street- Thomas Kelly (H10-03-12-264)**-Move existing building back 6'-0" from sidewalk. Add shutters to existing building. Construct new addition with deck at rear.

This is a contributing frame vernacular structure, circa 1931. Thomas Kelly represented the project. Mr. Kelly represented the project. He reviewed the previous meeting where the item was tabled due to the scale of the addition. The addition had been redesigned to be more consistent with the Guidelines. Mr. Kelly stated that the revised addition was away from the contributing structure by means of a deck area.

There was no public input.

Senior Planner Brendon Cunningham reviewed the Staff Comments for the Board. He stated that the redesign was much more in keeping with the Guidelines; however, Staff was requesting that the ridge beam be lowered to match the original structure.

Commissioner Galvan questioned if Mr. Kelly and the applicant were willing to adhere to that request. Mr. Kelly stated that they were willing to go down to 8'.

Commissioner Molinet questioned of the Preservation Planner if she was agreeable to the revisions. Preservation Planner Enid Torregrosa responded in the affirmative. She felt that the height was the issue and if they could lower the height, it would be acceptable. She also stated that the width of the building should be reduced. Ms. Torregrosa reminded them that they were intending to move the front house back 6' as it was on the City right-of-way. They also requested to raise the front house by 1'.

It was moved by Rudy Molinet, seconded by Nils Muench, to approve with the reduction of the height by 1'. Motion carried.

APPROVED

b. New Business

1. CL1- Request for exterior renovations- **#1116 Whitehead Street- Architect Thomas E. Pope (H10-03-23-309)** Exterior and interior renovations, new windows and doors as per drawings.

Tom Pope represented the project. He explained that this was a small one story conch house located on a block of similar structures. The house presently has an enclosed front porch which they would like to restore to the original porch design. He stated that the Preservation Planner was requesting the porch floor to be maintained as it was the broken Cuban tile mosaic and they were willing to do that.

There was no public comment.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. She stated that this house had been constructed in 1928. Her recommendation is to approve while keeping the Cuban tile front porch.

It was moved by Nils Muench, seconded by George Galvan, to approve with the condition they retain the Cuban broken tile floor on the front porch. Motion carried.

APPROVED

2. CL2- Request to build a two story addition- **#1221 Duval Street- Architect William Rowan (H10-03-25-322)** Construct two story 20' by 28' addition to the rear of existing one and a half story historic structure.

This is a contributing frame vernacular structure, circa 1892. Bill Rowan represented the project. Mr. Rowan stated that the structure was built in the 1920's and they wanted to add an addition to the back. The original structure was 700 s.f. and they wanted to add an addition of 400 s.f. The lot is 30' wide. He had to jog the addition asymmetrical from the original structure to obtain the setbacks. He tried to retain the same pitch with the addition.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Report for the Board. She stated that this structure used to be a school. She felt that the proposed addition was out of scale and proportion with the original building. The Guidelines state on Page 36-38, that the mass and scale shall be in proportion. She felt that the proposed addition would out scale the original structure. Staff recommended denial.

Nils Muench felt that the proposed addition was out of scale and quite massive compared to the original structure.

Rudy Molinet agreed.

Carlos Rojas agreed with Staff.

George Galvan also agreed. He questioned if the dormers were being retained. The response was in the affirmative.

It was moved by Carlos Rojas to deny with direction to the applicant to reduce the scale of the addition by possibly reorienting the roof.

Chairman Peter Batty stated that if Commissioner Rojas' intention was to deny the applicant could not come back for six months, did he mean to table to allow revision. Commissioner Rojas agreed and moved to table with direction to reduce the scale of the addition possibly by reorienting the roof.

Rudy Molinet seconded the motion. Motion carried. Nils Muench voted no.

TABLED

3. CL3- Request to extend existing solid fence - **# 400 South Street- Christian Cruz (H10-03-25-328)** Wall height increase of 2.9 feet to prevent salt water intrusion, from six feet to 8.9 feet.

The house is not listed in the survey. Christian Cruz represented the project. He stated that this property was situated on the Atlantic Ocean and during significant storms there is a lot of salt water intrusion causing a great deal of damage. The owners hired Dr. Paul Lynd, a coastal engineer, to see how future intrusion could be prevented. The determination was to raise the height of the fence/wall to 9'. They had come to the City Planning department for a variance of the height and needed HARC approval. He was requesting HARC approval.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. Pages 41,42.4. of the Guidelines, Fences and Walls do not allow fences above 6'. The proposed addition reaches 8'9". Staff is recommending denial based on the Guidelines.

Nils Muench felt that the Commission needed to follow the Guidelines and they do unless there was a good reason not to in which case they needed to make an exception. After years spent on and around the ocean he felt that this was one of those cases where they needed to make an exception to the Guidelines. Nils Muench moved to approve, seconded by George Galvan.

Rudy Molinet questioned how long the wall/fence had been there. Mr. Cruz was not sure; however, he thought that it had been there at least three years. They had applied for a variance three years ago. Mr. Molinet questioned how old the house was. Preservation Planner Enid Torregrosa stated that particular property had changed considerably over the years. She stated that in 1948 there was a house on the property; however, it had grown over the years.

Preservation Planner Enid Torregrosa reminded the Board that the Western Union Cable Hut was located at the street on the western corner of this property.

Rudy Molinet stated that the reason he was asking those questions was that he understood Commissioner Muench's point, but when he sold a property he was sure to tell the prospective buyer when they asked about storms that the house had been there 140 years so it probably had a pretty good actuarial value. Therefore, if this house had been there since the 1940's and was still in tack even through the storms, he was inclined to deny based on the Guidelines.

Chairman Peter Batty agreed. He stated that with the Western Union Cable House being so close and being such a historic location, he would be inclined not to approve this. He actually saw this wall touching the Cable House on the plans. He thought that was very disconcerting. He questioned how close it was to touching the Cable House. Mr. Cruz said that he would have to guesstimate because he had a site drawing, but it was not touching. He stated that there was a seawall that touched the Cable House, but not the wall/fence in question.

Chairman Peter Batty questioned of the Assistant City Attorney where they were with exact measurements because the site plan he was looking at did not have exact location measurements. His concern was that it showed the wall/fence directly next to the cable house, 38' long and it didn't show any separation between the Western Union Cable House and the wall/fence. He stated just that alone made him extremely nervous. Mr. Cruz stated that he was not sure he understood the concern. Chairman Peter Batty asked him to approach to review the drawing. Diane Nicklaus stated that the wall/fence in question was inside the seawall and in no way touched the Cable House.

Rudy Molinet stated that given the fact that this was one of the most seen places in the City at the Southernmost Point, he was very uncomfortable with this.

Preservation Planner Enid Torregrosa stated that the Guidelines were based on the LDR's (Land Development Regulations) so they are the ones that determine that a 6' fence is the height limit. That was why the applicant needed to obtain a variance.

Chairman Peter Batty stated that one of the other issues that bothered him was if they approved this because of storm damage, it lead them down the slippery slope to impact windows and doors. He felt that the Board was established to enforce the Guidelines and the historic district was preserved and he felt that approving this would detract from that mission.

Rudy Molinet concurred. If they had something that was set in place to prevent storm intrusion then they were opening up a can of worms for impact windows and doors due to storm intrusion.

Nils Muench understood that this Guideline was also an LDR which made it a little more weighty than just a Guideline for HARC, he felt, and would withdraw his motion to approve.

It was moved by Carlos Rojas, seconded by Rudy Molinet, to deny based on the Guidelines, page 41-42. Fences and Walls.

Mr. Cruz asked for a point of clarity. The only reason they were asking for a variance was because it did not meet the height restrictions, but part of the variance process requires HARC approval. He stated it was like a chicken and the egg. How did they square that when if the Planning Department approved the variance and HARC did not.. Chairman Peter Batty directed him to Planning for an answer to that question.

Carlos Rojas stated that if HARC denied the request then Planning would not hear the variance.

Rudy Molinet stated that he felt that when this was all put together there was a reason why the height was restricted to 6'.

Upon vote, motion carried.

DENIED

4. CL4- Request to modify façade to hide HVAC units, under construction project- # **830 Truman Avenue- Architect Jose Gonzalez (H10-03-26-339)** Modification to existing approval H08-04-14-443. Façade sheathing change and painting scheme.

Jose Gonzalez represented the project. He stated that the Preservation Planner had requested him to provide revised drawings which he passed to the Commission.

Carlos Rojas recused himself from the matter. He stated that he had become friends with the Soni family and felt that he could not be impartial.

Assistant City Attorney Ronald Ramsingh stated that there was a little more to that. If Commissioner Rojas felt that he could be impartial, he could sit and vote. If he had ex parte communications with the applicant then he needed to disclose those. Commissioner Rojas felt that he needed to recuse himself. Assistant City Attorney Ronald Ramsingh questioned if he was saying that he could not be fair and impartial. Commissioner Rojas replied in the affirmative and left the dais.

Jose Gonzalez stated that his change was merely a façade change. It had nothing to do with the HVAC. They had lap siding in different portions on the original design and they just changed some of those locations. They just basically refined the façade.

There was no public input.

Preservation Planner Enid Torregrosa stated that because this project was under construction she would not be providing Staff Comments. She did feel that the new design improved the project.

Rudy Molinet questioned of the Assistant City Attorney that although the application did not specifically refer to the previously denied item of A/C grills, was that another way of getting the same denied application reheard and was that O.K. Assistant City Attorney Ronald Ramsingh stated that sometimes the applicant made revisions and resubmitted an application and it was up to the Board to determine if they were just adjusting a denial or if they were truly revising the design from an architectural standpoint. Rudy Molinet stated that one of his concerns was the "Fedder's

Housing”. He would ask in the future, so that they could do this in the grand way, to omit the need for revision. Had they drawn the plans to include HVAC this would not have happened. Mr. Gonzalez agreed but stated that when the initial review was done all of the determinations had not been made. He stated that it was the Board’s responsibility to adhere to the details and commended them for doing that. Rudy Molinet questioned where the units ventilated. Mr. Gonzalez stated that they were all plumbed and piped out.

Nils Muench questioned if a storm would rip these attachments from the structure. Mr. Gonzalez stated that this structure was built to category 5 level and would not be compromised.

It was moved by Nils Muench, seconded by Rudy Molinet, to approve. Motion carried.

APPROVED

6. Historic Preservation Planner’s Report

Preservation Planner Enid Torregrosa stated that the City had been through the DCA twenty-one day waiver period for the two and one half story and had received the Final Order for the change to the Guidelines. The following week they would be incorporating them into the Guidelines.

There is an appeal for the AT&T application that had been denied at the previous meeting. The case would be presented before the Special Magistrate on April 28 and Staff would be present for the process.

There was a fire the previous week on a non-contributing structure. The fire was controlled by the Key West Fire Department and there was no major loss.

7. Comments from Commissioners

It was questioned if the Sustainability Workshop would be held at the next meeting on April 27. Preservation Planner Enid Torregrosa responded in the affirmative and thanked the Commissioner Galvan for reminding her. She stated that the regular meeting would begin at 2:00 p.m. and the Workshop would begin at 3:30 p.m. or as soon after the regular meeting was concluded. She stated that numerous people had been notified and she was expecting good representation.

Chairman Peter Batty questioned if the attorney from central Florida would be able to attend. Assistant City Attorney Ronald Ramsingh stated that he would reach out to her once again and see if she was available. Chairman Peter Batty questioned if they would be able to get an opinion from Planning or Legal prior to the Workshop. Assistant City Attorney Ronald Ramsingh replied in the affirmative.

Preservation Planner Enid Torregrosa stated that she had been talking with an architect for the National Park Service in the Washington, D.C. offices because she would be providing copies of a Preservation Brief #3 which is a publication that the National Park Service is presenting regarding different issues regarding historic preservation and this particular Brief deals with sustainability in old buildings. Right now they are in the process of reviewing the document and she was told that it wouldn’t be available until the end of the year. She spoke about many things that were happening in Key West and although they’re not willing to come to Key West, they wanted to know what was going on and what would happen following the Workshop.

Rudy Molinet questioned about the wall around the Harbor House. Assistant City Attorney Ronald Ramsingh stated that there is a new owner, the Bank had taken it back, and there is already work going on to remove the graffiti and repair the damaged fence. Rudy Molinet questioned if they could request a HARC approved construction fence. Assistant City Attorney Ronald Ramsingh stated that the City Manager was resolving this amicably. He stated that he would speak to the City Manager.

Nils Muench stated that the neighborhood had volunteered to put up a park if the fence came down. He also wanted to endorse what Commissioner Molinet had said.

Assistant City Attorney Ronald Ramsingh stated that he wanted to clarify something that Commissioner Rojas had said during the meeting. Carlos Rojas wanted to make sure that there was no outside communication concerning 830 Truman Avenue. There was no sunshine violation.

8. Adjournment

There being no further business, it was moved by George Galvan, seconded by Nils Muench, to adjourn. Motion carried.

Interested parties may appear at the public hearing(s) and be heard with respect to the proposed items. Copies of the applications are available from the City of Key West Planning Department located at 604 Simonton Street, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Anyone who may wish to appeal any decision made by the HARC Commission at this meeting will need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence which the appeal will be based. Florida Statute 286.0105.

ADA Assistance: Anyone needing special assistance at the HARC Commission hearing due to disability should contact the City of Key West at (305) 809-3720 at least two days prior thereto.

Please note that one or more City Commission and or Planning Board members may be present at this meeting.