

Historic Architectural Review Commission

Agenda Packet

July 27, 2010 – 3:00 p.m.

City Hall Conference Room

City Hall, 3140 Flagler Avenue



Item 4.b.

HARC Meeting Minutes - **June 22, 2010**

Historic Architectural Review Commission

Meeting Minutes

June 22, 2010 – 2:00 p.m.

City Commission Chamber

Old City Hall, 510 Greene Street



The Key West Historic Architectural Review Commission held a public hearing on **Tuesday, June 22, 2010** at **2:00 p.m.**, in the City Commission Chambers of Old City Hall located at 510 Greene Street.

1. Roll Call

2. Pledge of Allegiance

3. **Approval of Agenda** -Enid Torregrosa stated that Item 5b2 was withdrawn. George Galvan made a motion to approve the agenda; Nils Muench seconded the motion. Motion carried.

4. Approval of Minutes

- a. HARC Meeting Minutes – May 25, 2010 George Galvan made a motion to approve the minutes; it was seconded by Rudy Molintet. Motion carried

5. Items for Public Hearing

a. Old Business- Tabled items

1. Request to install solar panels - **#703 Fleming Street- Applicant Chris Fogarty (H10-04-30-485)**- Install 25 solar panels on the roof, facing southwesterly.

Jedde Regante stated that he would reserve his comments until the Assistant City Attorney Ron Ramsingh reviewed his findings on Florida State Statute 163.04. He also requested a finding of fact from the commission on the visibility of the installation of the solar panels from the right-of-way.

Peter Batty asked Mr. Regante if there is a difference in the current application and the one submitted at a previous meeting.

Mr. Regante stated that there was no difference.

No public comment.

Enid Torregrosa reviewed her staff report. She referred to page 28 of the guidelines concerning solar collectors and their allowed placement.

Ron Ramsingh stated that if it is determined that the solar collectors are not visible from the public-right-of-way then there is no issue, however if the commission agrees with staff that it is visible from the right-of-way then there must be a determination between State Statute 163.04 and the HARC guidelines. He reviewed the State Statute 163.04 and clarified that there needed to be a determination on whether or not the guidelines had the effects of prohibiting the energy saving device.

He then cited The City of Ormond Beach Vs. The State of Florida and Charles Delmarco. Mr. Ramsingh gave an overview of this case. He stated that it is clear from this case and similar ones including cell phone tower cases, that the applicant is not entitled to optimum performance of the device if something less satisfactory is available. He added that the applicant must prove with some

level of evidence that it is tantamount to denial that the device is not effective in any other portion of the property.

Jedde Regante stated that this was a shifting of the burden of proof argument, and that the visibility issue will have the effect of prohibiting the installation. He added that there is no other surface on the roof that will sustain the panels that is within the 45 degrees of south that the State Statute indicates. The proposed location is where they need to be for not just optimum capabilities, but satisfactory capabilities. He referred to a photograph of the property to address the visibility issue. Mr. Regante stated that it was his opinion that State Statute 163.04 supersedes any local ordinances.

Ron Ramsingh clarified that it is the commission's charge to make the determination and determine its relevance to State Statute 163.04.

Nils Muench stated that after reviewing the plans there are other possible locations on the roof that the solar panels could be placed that would not be visible from the street.

Mr. Regante stated that there are shading as well as structural issues with these other locations that would not prove cost effective for the applicant.

Nils Muench cited that landscaping is easily removable.

Rudy Molinet stated that the guidelines are clear on this issue and moved to deny.

Ron Ramsingh stated that in this case it might be better to table the item and have the applicant come back before the commission to demonstrate how this is tantamount to a denial.

Mr. Regante stated that he would have to confer with his client and asked the item to be passed until that time. Item passed at 2:34 pm.

Item was continued at 2:59 pm.

Jedde Regante stated that the changed locations of the solar panels that were suggested by the commission were impractical and visible from the public right-of-way.

Rudy Molinet made motion to deny based on page 28 of the guidelines that states that the panels can not be visible from the right-of-way as presented, and that a suggestion of alternative placement had been offered by the commission, but denied by the applicant, furthermore there is no evidence presented that placement in another location is tantamount to denial. The motion was seconded for discussion by Carlos Rojas. Carlos Rojas suggested further amendments to the motion; page 26 of the guidelines guideline number 1, number 4, page 28 number 1. US Secretary of the Interior Standards for rehabilitation number 1, and number 3. Rudy Molinet amended his motion by accepting the following friendly amendments; HARC guidelines page 26 number 1, number 4, and the US Secretary of the Interior Standards for rehabilitation number 3. Rudy Molinet clarified that the US Secretary of Interior Standards for rehabilitation number 1 was left out the amendments. Nils Muench seconded the amendments.

The Chairman requested the Clerk call the roll.

Yeas: Commissioners Galvan, Molinet, Muench, Rojas, and Chairman Batty

Nays: None

DENIED

2. Request for removal of back portion of house and improvements – **#607 Ashe Street – Applicant: Guillermo Orozco, (H10-05-25-576)** Replacement of existing bahama shutters proposed shutters to be made of 5/4” by 4” tong and groove wood. Replace miscellaneous 6/6 wood windows. Proposed windows to be 6/6 Marvin wood. Replace existing asphalt shingle roofing, replacement to be Galvalume v-crimp roofing. Remove existing shed structure at rear of building. Replace structure for open porch (see elevations) and contiguous wood deck addition. Miscellaneous openings at existing kitchen building. Proposed handicapped ramp (see proposed East elevation). Ramp to be wood and concrete pad at starting point of ramp. Repair and replace miscellaneous lap siding as required. Replace T & G flooring at front porch as required to match existing. Replace spindles at front porch railing as required.

Guillermo Orozco represented the project. He stated that the project was basic renovation which included restoration of windows, shutters, doors, addition of a handicap ramp, and replacement of the back building with an open porch.

No public comment

Enid Torregrosa reviewed her staff report. Staff recommends approval, with a request that existing historic windows should be repaired rather than replaced and similar mullions and glass should be used with true divided light.

George Galvan made a motion to approve the demolition; Rudy Molinet seconded.

George Galvan asked the applicant if they were willing to repair rather than replace the historic windows.

Guillermo Orozco stated that he was willing to repair the historic windows.

Rudy Molinet asked Mr. Orozco if he planned to follow staff’s recommendation on the thinner mullions.

Guillermo Orozco stated that they were on a tight budget, and the board had previously accepted Marvin windows that were true divided light.

Rudy Molinet made a motion to approve with the discussed changes on the windows; George Galvan seconded the motion. Motion carried.

APPROVED

3. Request to demolish Tiki Bar and construction of new bar - **#1319 Duval Street – Applicant: Peter Pike, Architect (H10-05-26-588)** - Demolish existing Tiki Bar. Construct new pool bar and pool area renovations.

Peter Pike represented the project. He stated that this is the second reading for the project.

No public comment

Enid Torregrosa reviewed her staff report. She stated that it is a non-historic structure. She then added the new bar is in keeping with the design of the surrounding properties. She recommended staff approval with the recommendation that the applicant coordinate with landscaping. George Galvan made a motion to approve the demolition; it was seconded by Nils Muench. Motion carried

Nils Muench made a motion to approve the plans as submitted; It was seconded by Rudy Molinet for discussion. He stated that he would like to add that the applicant speaks to the City Landscape Department. Motion carried.

APPROVED

4. Request to demolish existing addition and new construction. New windows and repairs to existing house- # **1030 Fleming Street- Applicant: Michael B. Ingram, Architect (H10-05-28-597)** - Repair of deteriorated existing siding, railings and decking with matching material. New foundation work. Remove existing addition and replace with two story within set backs, subject to variance approval. Stair at rear of new addition within set back. New 6/6 windows at original house, matching aluminum at new addition and slider unit. Paint white, repair shutters dark green.

Michael Ingram represented the project. He stated that they were requesting two approvals to the application, one with a stair, and one without. The stairs require a variance for a setback. He added that the stairs would be in the southwest corner of the property; this would be visible from Frances Street.

Public Comments were read into the record by Patrick Wright they included;
Chuck Sherman 1101 Fleming
Daniel Nona, John Russell, Alex Arnold 1029 Fleming

Enid Torregrosa reviewed her staff report. She stated that the board had approved the demolition for this project. She stated that she had a concern with a recessing fenestration on the second floor, and the possibility of an exterior staircase. She made a recommendation to approve the project with the second floor fenestration flush to the façade and without the stairs.

George Galvan made a motion to approve the demolition; Nils Muench seconded the motion. Motion carried.

Rudy Molinet expressed concern over the staircase, he also compared the rap-around porch to that of the sister house.

Enid Torregrosa clarified that the wrap-around porch is being renovated not removed.

Nils Muench made a motion to approve with the exception of the staircase; Rudy Molinet seconded the motion. Motion carried.

APPROVED

5. Request to demolish and reconstruct rear porch and other modifications- **#516 Emma Street- Applicant: Robert Delaune, Architect (H10-05-28-604)** – Modify previous HARC approval to demo and reconstruct rear porch and modify existing door and window configuration.

Rober Delaune represented the project.

No public comment.

Enid Torregrosa reviewed her staff report. She stated that this was the second reading for demolition. She then stated that staff recommended approval.

George Glavan made a motion to approve the demolition; Rudy Molinet seconded the motion. Motion carried.

Nils Muench made a motion to approve the modifications, Rudy Molinet seconded. Motion carried.

APPROVED

b. New Business

1. Request to build an addition- **#412 William Street- Applicant William Rowan, Architect (H10-01-51)** – Addition at the rear of the one and a half story wood frame structure. Replace historic window at the front in lieu of door. New entry deck at rear.

William Rowan represented the project. He stated they were seeking permission for an addition for affordable housing. The affordable unit would be located in the upstairs of the story and a half. He reviewed the replacement of windows on the addition.

No public comment.

Enid Torregrosa reviewed her staff report. She stated that the proposed plans are minimal and will not have an adverse affect on the house. The proposed front window matches historic documentation and photos. Staff recommends approval.

Carlos Rojas made a motion to approve; Nils Muench seconded the motion. Motion carried.

APPROVED

2. Request to demolish existing structure and build new building- **Mallory Square- Applicant: William P. Horne, Architect and Sea tech Inc. (H10-01-52)** - New two story restaurant building.

WITHDRAWN

6. Historic Preservation Planner's Report

Ron Ramsingh stated that he would like to give an update on the Watermark property. They have been given a notice of code violation, and must install a HARC approved fence.

Peter Batty stated that the Commission chamber at old city hall would not be available for the July 27th HARC meeting.

Enid Torregrosa suggested a possible change in dates.

Peter Batty suggested that the decision be postponed until the July 13th meeting to estimate the work load and necessity for a second meeting.

7. Comments from Commissioners

None

8. Adjournment

Rudy Molinet made a motion to adjourn; it was seconded by George Galvan. 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.