

Historic Architectural Review Commission

Meeting Minutes

March 23, 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, March 23, 2010 at 3:00 p.m.**, in the City Commission Chambers of Old City Hall located at 510 Greene Street.

1. **Roll Call** Commissioners present included Rudy Molinet, Nils Muench, and Chairman Peter Batty. Absent were George Galvan and Carlos Rojas. Staff present included Assistant City Attorney Ronald Ramsingh, Preservation Planner Enid Torregrosa, Senior Planner Brendon Cunningham, Recording Secretary Diane Nicklaus, new Recording Secretary Patrick Wright, and IT Support by Ryan Salazar.

Chairman Peter Batty introduced the newest HARC Board member, Rudy Molinet and welcomed him to the Board.

2. **Pledge of the Allegiance**
3. **Approval of Agenda:** There were no changes to the agenda. It was moved by Nils Muench, seconded by Rudy Molinet, to approve. Motion carried.
4. **Approval of Minutes**
 - a. HARC Meeting Minutes- **March 9, 2010:** It was moved by Nils Muench, seconded by Rudy Molinet, to approve. Motion carried.
5. **Items for Public Hearing**
 - a. **Old Business- Tabled items**

1. T 1- 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.

Suzanne Atkyns represented the project. She stated that she would like to table to allow time to redesign.

Peter Batty questioned how many times this had been tabled. Preservation Planner Enid Torregrosa responded if tabled today twice.

Nils Muench stated that this address had been before the board for several applications.

Chairman Peter Batty questioned if there had been any new submittal. The response was that Ms. Atkyns felt that Mr. Skoglund was not going to draw new plans but would discuss the options with him.

Rudy Molinet questioned if they tabled it whether revised plans were being done. Ms. Atkyns stated that she didn't feel that new plans were needed.

Seeing no motion to table, the review of the application was going to proceed.

Chairman Peter Batty reviewed the outcome of the previous meeting. Ms. Atkynns stated that the architect had not done plans and could not see the need for any new plans. She felt that they needed to table.

It was moved by Rudy Molinet, seconded by Nils Muench, to table with the stipulation that the architect appear at the next meeting. Motion carried.

TABLED

2. T2- Request to install HVAC units, under construction project- # **830 Truman Avenue- Architect Jose Gonzalez (H10-03-01-213)** Modification to existing approval H08-04-14-443. See attached narrative.

There was no one present to represent the project. Chairman Peter Batty requested of the Preservation Planner if the applicant had contacted her. The response was in the negative. Chairman Batty questioned the will of the Commission. Rudy Molinet stated that he felt they should move forward. The applicant was aware that they were to return with a mock-up of the proposed installation and he felt that they should proceed.

There was no public input.

Preservation Planner Enid Torregrosa stated that this was a project under construction and therefore had no Staff Comments for the Board. The units would be the same width as the windows with grills to diffuse them from the facades. They would be seen from the right-of-way. She felt that the project did not comply with the Guidelines for air conditioning systems.

Nils Muench stated that when a major architectural firm designed a large building and they forgot to include air conditioning units so that they would need to install window units, he felt that it was a shame to be put in this position. He felt that this alternative location would detract from the structure. He cited the Guidelines, Page 43. 7. "If the preferred siting of an HVAC unit, trash facility, satellite dish, or antenna is considered impractical or excessively expensive to achieve by an applicant, HARC will consider alternative placement locations if they do not detract from the appearance of the structure and the request for an exception is documented.

Chairman Peter Batty stated that they were not in an unusual situation. He felt that they should expect an architect to know that they needed air conditioning. Chairman Batty referred to the Guidelines, Page 42.3. "The installation of a through-the-wall or window air conditioner unit is not appropriate on the front façade of any building in the historic district." He was on the fence because possibly the applicant did not have enough time to do the mock-up.

Rudy Molinet didn't think it was their responsibility to call people or follow through on promises made. He felt that this agenda was published and they were the ones who requested tabling. He described "Fedder's Houses." There was something missing, siting Guideline Page 42.3. He felt that Key West deserved better than Fedder's Houses. It was moved by Rudy Molinet, seconded by Nils Muench, to deny. Motion carried.

Yes: Rudy Molinet, Nils Muench

No: Chairman Peter Batty

Preservation Planner Enid Torregrosa stated that for the record she had sent a letter to the applicant explaining what had happened at the last meeting. The applicant was aware of this meeting.

b. New Business

1. CL1- Request to build and install wireless antenna facilities- #**811 Seminole Street- New Cingular Wireless/ AT&T Mobility (H10-02-25-199)**- AT&T Mobility Wireless Rooftop Telecommunication Antenna Facility.

Alfredo Amoedo represented the project for AT&T. He reviewed the application for the Board. He stated that they were proposing a shelter that was 53' in height with the antenna encased behind

a screening that would take the maximum height of 62'. He stated that the screening would be painted to match the building. There is another shelter on that particular roof for another carrier that is 54' in height that is also painted to match and they would mirror that.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. HARC doesn't really have Guidelines for this instance. She wanted to discuss the height. On Page 42, .5. Air conditioning units, antennas, trash facilities and satellite dishes. "Exterior air conditioning units, television dishes and antennas should be mounted *out of sight of the public right-of-way* and obscured behind landscaping or fencing whenever possible". Ms. Torregrosa stated that she felt that this would be seen from the right-of-way even though the antennas would be obscured. From the grade to the top of the screen will be 62'6". She was concerned about the height, citing Page 38. 2. "There must be a sympathetic relationship of height between new buildings and existing adjacent structures of the neighborhood." Staff recommended denial as proposed.

Nils Muench felt that the applicant should approach the dais to describe what has been displayed. Mr. Muench questioned some of the markings. The response was that what he was looking at was what presently existed. There was presently another carrier in existence.

Chairman Peter Batty questioned the height. The response was the total was less than 62'. He stated that they would never see the antenna.

Assistant City Attorney Ronald Ramsingh cautioned the Board that the City was presently in active litigation.

Nils Muench questioned if there was any alternative. The response was in the negative. He stated that they had come with this application as a revised design to the originally applied for antenna.

Chairman Peter Batty stated that their Guidelines had a height limit of 40' no matter what. The Casa Marina would not be allowed to be built today under the present Guidelines. He didn't see why they should add something to the existing structure that would increase the height. The response was that this was a necessity for AT&T to continue to do its service which is an obligation to their customers. Chairman Peter Batty stated that the Board's only option was to apply the Guidelines as they currently existed. The response was that the reason that AT&T went to that site was because there was already an existing tower at that site.

Nils Muench stated that they did not have any authority to disregard the Guidelines. He didn't feel that they had the power to

Rudy Molinet, Page 43.7.8. "If the preferred siting of an HVAC unit, trash facility, satellite dish, or antenna is considered impractical or excessively expensive to achieve by an applicant, HARC will consider alternative placement locations if they do not detract from the appearance of the structure and the request for an exception is documented." Also, "If the preferred placement of an antenna or satellite dish causes interference with the signal, another location may be approved by HARC, if documentation of the problem is provided." He understood the applicant's concern.

Assistant City Attorney Ronald Ramsingh mentioned another issue, Page 42 of the Guidelines. Television antenna. It is television antenna. That doesn't take it out of discussion for height, mass, and scale in addition to the height issue.

Preservation Planner Enid Torregrosa cited Page 38..1.2. and 3, Siting, Height and Proportion, scale and mass.

The applicant questioned if there was a way of coming back and looking to see if its done aesthetically in a different way. The response was that the City Attorney pointed out that it wasn't necessarily cell antennas it was television antennas.

It was moved by Rudy Molinet, seconded by Nils Muench, to deny based on Page 38, 1.2. and 3. of the Guidelines. Nils Muench questioned paragraph 1. The response was it included the height requirement. Motion carried.

DENIED

2. CL2- Request to use a mobile vendor cart- **Historic District- Steven Mitchell (H10-03-3-230)**- Mobile vendor cart- magnets, hats, bag of shells, souvenirs, ornaments, little tiles, wood conch houses, postcards, photo albums, local artists. The cart will be 72" by 48".

Steven Mitchell represented the project. Chairman Peter Batty spoke about the current approval conditions concerning Mobile Vendors. When the Guidelines are changed or added on to and the City commission approves those amendments, the mobile vendor applications will be readdressed. In the meantime the applicant will be allowed to proceed. It was moved by Rudy Molinet, seconded by Nils Muench, to table. Motion carried.

TABLED

3. CL3- Request to modify main façade and other improvements- **#1218 Varela Street- Michael B. Ingram- Architect (H10-03-12-262)** -Remove pediments at six openings, remove wall mounted light fixtures. Replace two first level doors with true divided light windows to match side. Transom over door. Cover concrete deck with wood. New landscaping.

Michael Ingram represented the project. This structure was not listed on the survey. He stated that this structure had been apartments and was converted to a single family residence. The intention is to make greater street appeal by altering the façade.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. Originally it was a single family and then changed to apartments. The application is bringing the house back to a more traditional form. The windows will be true 6 over 6 true divided wood windows. Her recommendation to the Board was to approve the project.

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

APPROVED

4. CL4-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.

Thomas Kelly represented the project. This is a contributing frame vernacular structure, circa 1901. He stated that the structure was going to be moved back off the street and they were going to add a deck and a story and one-half addition in the rear. He stated that he had tried to differentiate the new structure from the old with the deck.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. Presently the front porch was located on the right-of-way. She reviewed this with the Building Department to see if they needed to raise the house due to FEMA regulations. The house is located in an "X"

zone and will not require raising. Staff felt that the proposed addition was out of scale, mass and proportion. The back addition would be 5'6" higher than the front of the house. She felt that it was too large in comparison to the front house. Staff's recommendation was to deny.

Nils Muench referred to Page 37.4 and 6 of the Guidelines. The drawings showed that the addition altered the balance and symmetry, mass and scale.

Rudy Molinet questioned what the rationale was for raising the house. Tom Kelly responded that they were attempting to prevent changing the plumbing lines and wiring by allowing the raising of the house for workers. Commissioner Molinet questioned of the Preservation Planner what her concern was about the raising of the house. Preservation Planner stated that the Guidelines stated that the elevated floor needed to be maintained as original unless there were FEMA requirements. Mr. Molinet agreed that the back addition was large.

Tom Kelly referred to a photograph showing the side elevation. The building directly next door was two stories. The building across the street was a 3 story monolithic building. He also stated that it was his intention to differentiate between the historic portion of the structure as well as the newer addition. Mr. Kelly stated that this would be a story and one half.

Chairman Peter Batty questioned the dimensions of the addition. His problem was related to the scale and mass with the original structure. He questioned how many square feet were in the new addition. Mr. Kelly responded that it was about 700 s.f. on the original and the back bedrooms was about 560. Chairman Peter Batty responded that he thought about 1200 with the link. This does not meet the scale and mass Guidelines.

Rudy Molinet questioned what height was intended for the new piers. The response was 12". He personally didn't have a problem with some elevation. Was there anything in the Guidelines that prevented raising the new structure.

Nils Muench also agreed that he would have no objection to some raising of the addition.

Assistant City Attorney Ronald Ramsingh cited Page 34, Foundations and Lattice In-fill. New buildings must be compatible with new elevations.

Nils Muench questioned if the applicant would wish to return with amended drawings. Mr. Kelly responded that it was almost a double lot in a neighborhood of larger buildings. He had never seen a limitation of square footage in the past.

Chairman Peter Batty stated that it wasn't the square footage that was the issue. It was the scale and mass of the new structure in relation to the original structure.

Mr. Kelly stated that the width of the additions were narrower than the contributing structure.

Nils Muench questioned if there was any room to put something on a historic lot which is not a part of the historic structure. Preservation Planner Enid Torregrosa stated that she would have to see plans.

Rudy Molinet referred to the Sandborn Map of 1942. It appeared that there were two houses on the lot. He questioned if this was really two lots. Preservation Planner Enid Torregrosa responded that any time they saw a shadow on the map, it indicated that a structure had existed at one time. Mr. Molinet felt that it was a good idea to move the house back. He was totally not agreeable to the size of the addition. Could the applicant redesign to mirror the previous structure.

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

TABLED

4. CL5- Request to build an addition- **#1407 Petronia Street- Rob Delaune, Architect (H10-03-12-266)**- Construct new bathroom addition at right side of house. Remove jalousie window at existing bathroom and replace with wood window.

This is a contributing, frame vernacular structure, circa 1906. Rob Deleaune represented the project. Mr. Deleaune described the project for the Board.

There was no public comment.

Preservation Planner Enid Torregrosa reviewed the Staff Comments for the Board. Staff recommended approval of the project as proposed.

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

APPROVED

5. CL6- Request to install a statue-# **416 Eaton Street- Key West Society INC. (H10-03-12-271)**- Installation of a life sized iconic statue of Marilyn Monroe in front of the Tropic Cinema. The piece is made of painted cast bronze and is approximately 55 1/2" high, with a footprint of 44" by 51". Full details are in the attached submittal to the Board for Art in Public Places. The Board's approval is also attached.

Matthew Helmerick, Executive Director of the Tropic Cinema, represented the project. He stated that this was a once in a lifetime opportunity to locate a sculpture by a world renowned artist at the entrance to the theatre.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. She stated that there were no Guidelines in HARC to govern this sculpture. Eaton Street belonged to the State of Florida. The sculpture had been reviewed and approved by the Art in Public Places Board. Staff recommended approval of this application.

Peter Batty referred to the previous sculptures at the Southernmost Point. He wondered if this particular sculpture fell under those same guidelines. He wasn't sure where the HARC Board's limits were on this type of matter.

Assistant City Attorney Ronald Ramsingh stated that he thought that the obstruction of the right-of-way at the Southernmost Point was more an issue than the type of sculpture.

Matthew Helmerick referred to comments from Art in Public Places.

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

APPROVED

6. CL7- Interior modifications to a building listed in the National Register of Historic Places- **#429 Caroline Street- The Porter House- Christopher Shultz (H10-03-12-272)** Installation of a bar, booth and wine rack into the property. See attached for details.

This house was on the National Register of Historic Places, built circa 1838. Chairman Peter Batty noted that the HARC Board normally did not have jurisdiction for interior renovations; however, because this was listed on the National Register, the Board was tasked with making certain the preservation was adhered to. Christopher Schultz represented the project. The design would be Victorian in nature.

There was no public input.

Preservation Planner Enid Torregrosa reviewed her Staff Comments for the Board. This was the first time she had reviewed a project for interior designs. The project proposes furniture which would not be attached to walls or existing woodwork altered. Any existing plaster work would not be altered. Her recommendation was to approve.

Nils Muench questioned if ceiling fans were less historic than what was going to be installed. Ms. Torregrosa responded by stating that the present fans were inexpensive aluminum fans with light kits and they were replacing them with chandeliers.

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

APPROVED

6. Historic Preservation Planner's Report

Preservation Planner Enid Torregrosa waited yesterday for a phone call for the grant application from the State. Up until today she didn't receive any phone call. She felt good about the application; however, the comments were that the previous survey had not been very long ago. She also spoke about homes from the recent past, the amount of money, and not many years since the previous survey. Ms. Torregrosa stated that there were 57 applications submitted. She felt that the review group were very pleased.

7. Comments from Commissioners

Rudy Molinet asked about the construction fence at the Watermark. The fence along Lazy Way is covered with graffiti. He thought it was time to do something about this.

Nils Muench stated that a construction fence was a temporary structure (meaning 180 days). There hasn't been any construction for 2 years. A HARC fence may only be 4' tall. Something needs to be done.

8. Adjournment

There being no further business, it was moved by Rudy Molinet, 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.