



Historic Preservation Board Regular Meeting Minutes

May 8, 2024 at 9:00 AM

City Hall Commission Chambers
401 S. Park Avenue

Present

Aimee Spencer, Wade Miller, John Skolfield, Lucy Boudet, Drew Henner, Kelsey Wolfe, N. Lee Rambeau

Absent

None

Staff Present

Director of Planning and Zoning Allison McGillis, Planning Consultant Jeff Briggs, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Chairman Miller called the meeting to order at 9:01 a.m.

2. Consent Agenda

- a. Approve the minutes of April 10, 2024.

Motion made by Lucy Boudet, seconded by John Skolfield to approve the April 10, 2024 meeting minutes.

The motion carried unanimously by a 6-0 vote. (N. Lee Rambeau was present for the meeting minutes.)

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

No one from the public wished to speak. The public hearing was closed.

4. Public Hearings (Public participation and comment on these matters must be in person.)

- a. Request of Charles and Lucinda Helton to designate the property at 1601 Berkshire Avenue to the Winter Park Register of Historic Places.

Mr. Briggs provided a summary of the item. He noted that the home was built in 1951

and is located in the historic Orwin Manor neighborhood. He also noted that the owners have lived in the home since 1978. He then indicated that the owners wanted to designate the home because they love it and do not want it to be torn down in the future. He added that the owners were not asking for any variances with the designation.

Staff recommendation was for approval.

Motion made by Aimee Spencer, seconded by Drew Henner, for approval to designate the home at 1601 Berkshire Avenue, built in 1951, to the Winter Park Register of Historic Places.

The motion carried by a 6-0 vote. (N. Lee Rambeau was not present for the motion.)

- b. Request by the City of Winter Park to revoke the setback variances granted by the Historic Preservation Board on April 12, 2023 at 965 Lakeview Drive in response to the demolitions that occurred. Zoned: R-1A.

Mr. Briggs provided a summary of the item. He noted that the application had been approved at the April 12, 2023 Historic Preservation Board meeting based on the existing structure that had since been approximately 90% demolished. He explained that in the City's Land Development Code more than 50% of the home is not allowed to be removed, or the applicant must rebuild the existing home to the current required setbacks. He further explained that the permit plans do not state any type of demo of the home, only interior alterations. He added that the allowed interior alterations are for demo of the interior walls, not the exterior walls of the home. Mr. Briggs indicated that staff received emails from the contractor of the project and the owner of the home admitting to the demo being a mistake. He also expressed that the Board would need to determine a penalty for such a violation so that any future violations can be addressed accordingly. He noted that the City was working on a project to place historic gateway signs on Park Avenue. He suggested that the penalty for the violation could be to have the contractor contribute to the purchase of a gateway sign for Hannibal Square. He then indicated that the burden was on the applicant and contractor to come up with a desired solution for the infraction. He also indicated that as a solution, restoration of the original home could be required, a fine could be imposed, or the Board could table the item indefinitely. He explained that if there was any argument about whether a violation occurred, the Board could defer the matter to the Code Enforcement Board for a ruling.

Staff recommendation was to revoke the setback variances previously granted.

The Board inquired about the following:

- whether or not the contractor's license had been reported to Florida's Department of Business and Professional Regulation (DBPR) for lack of supervision on the job site and exceeding the scope of the permit for the project,

- if there had been any setback variances granted for the second story,
- and if there was a calculation of the potential loss to square footage if the project would need to adhere to the current code setbacks.

The applicant's builder, Charlie Clayton of Charles Clayton Construction at 2250 Lee Road, Winter Park, FL 32789 addressed the Board. Mr. Clayton noted that the mistake was due to his company's oversight, and he had tried to speak to the surrounding neighbors to discuss the matter after it had occurred. He then discussed in detail what had been done to the house and how the mistake occurred.

The Board inquired about the following:

- if there had been preliminary meetings with the architect regarding the project,
- if there had been supervision on the work site,
- how any other architect would be willing to sign off on rebuilding the second floor of the home at this point,
- and how the foundation of the home is to be verified on the site.

Discussion then ensued regarding the applicant's submitted plans, the builder's intentions for the project, and why the mistake occurred.

The Board heard public comment from the following residents:

Jim Zboril of 945 Lakeview Drive, Winter Park, FL 32789; Margie Bridges of 767 Antonette Avenue, Winter Park, FL 32789; Wendy Brandon of 318 Vitoria Avenue, Winter Park, FL 32789; Suzanne Brandon of 318 Vitoria Avenue, Winter Park, FL 32789; and Trippe Cheek of 329 N. Park Avenue, Winter Park, FL 32789.

No one else from the public wished to speak. The public hearing was closed.

City Attorney Langley explained that if the Board determined that the applicant strayed from what was approved, the Board could revoke the approval that was granted. He also noted that the approved variances would become invalid and could be rescinded. He then indicated that the City's code provision that was mentioned by Mr. Briggs regarding demolishing more than 50% of the structure could be invoked whether or not the Board had any authority to revoke the approval and variances.

Chairman Miller called for a five-minute recess at 10:25 a.m.

The meeting resumed at 10:42 a.m.

Mr. Clayton addressed the Board and noted that he wanted to continue to have a good relationship with the City and offered to pay toward the City's gateway sign for Hannibal Square. He expressed that he wanted to pay the City \$50,000 for the gateway sign and an additional \$800 for a cleaning bill to one of the applicant's neighbors that had been affected by the demolition to resolve the matter.

The Board shared their thoughts on the matter and were overall hesitant to rescind the applicant's prior approval, felt a fine was not a harsh enough penalty, and did not want other contractors to feel like they could make similar mistakes and only be subject to paying a fine. Some Board members also suggested that the applicant could possibly create a home plan that meets the code without the need for variances, desired to table the item for one month, and felt the Board should come up with a more stringent application procedure for projects that come before the Board to avoid similar issues in the future.

The applicant's attorney, Trippe Cheek of 329 N. Park Avenue, Winter Park, FL 32789 was allowed to address the Board. Attorney Cheek expressed support for the Board to consider tabling the item.

A brief discussion ensued regarding what should be done regarding the matter and tabling the item.

Motion made by Aimee Spencer, seconded by N. Lee Rambeau, to table the item until the next Planning & Zoning Board meeting.

After brief discussion, the motion was rescinded by Aimee Spencer.

The applicant, Ryan Phillips of 965 Lakeview Drive, Winter Park, FL 32789 addressed the Board. Mr. Phillips spoke in detail about what occurred with the project and how the contractor's mistake has affected his family and their intended project.

The Board briefly shared their thoughts on the item and continued discussion. The applicant indicated that they would be in support of a facade easement as suggested by the Board for keeping the style of the house in perpetuity. Mr. Clayton expressed that he would like the solution to be his responsibility and not the applicant's. The Board then discussed requiring a Board review of an updated architectural set of construction drawings for the property, subject to approval by the Board, that includes historically correct call-outs for all materials, windows, doors, and details.

The Board allowed public comment from Matt Johnson, whose address was not provided. Mr. Johnson expressed that he felt the matter should have been caught by the City's ordinance and the mistake was not the builder's fault.

The Board clarified the details of their proposal for a solution to the matter. The Board recommended that the applicant have the contractor pay for their required second architectural review and updated plans for the project. The Board inquired with Mr. Clayton as to whether or not he agreed with the Board's proposed solution.

Motion made by Wade Miller, seconded by Aimee Spencer to amend the prior Certificate of Review approval to permit the existing altered and demolished condition of the house at 965 Lakeview Drive and keeping in place the approved variances by the Board subject to the additional conditions as follows:

- **that a facade easement on the house be granted prior to Certificate of**

Occupancy to the City with terms acceptable to the City,

- **that the contractor, Charles Clayton Construction Inc. pay \$100,000 into the Historic Preservation fund of the City to be paid before the existing stop work order is lifted on the project,**
- **and in one month, a Board review is required of an updated architectural set of construction drawings for the property, subject to approval by the Board, that includes historically correct call outs for all materials, windows, doors, and details.**

The motion carried unanimously by a 6-0 vote. (N. Lee Rambeau was not present for this motion.)

5. Action Items

- a. Request for Preliminary Review to designate the property at 1243 Westchester Avenue, built in 1925 contingent upon approval of additions to the existing home.

Due to time constraints for the meeting room, the item was continued to the next Historic Preservation Board meeting scheduled for June 12, 2024.

6. Non-Action Items

7. Staff Updates

8. Board Comments

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 11:57 a.m.

Minutes approved by the Board on June 12, 2024.

ATTEST:

/s/ Mary Bush, Recording Secretary