

HPC

Monroe County Historic Preservation Commission

MINUTES

Monday April 4, 2022



2:00 PM Regular Meeting:

Call to Order.

Brian Shea called the meeting to order.

Roll Call.

Present and answering to roll call were Chair Commissioner Brian Shea, Commissioner Barbara Bauman, Commissioner Bert Bender, Commissioner Kate Deloach, and Commissioner Alice Allen.

Staff present:

Peter Morris, Assistant County Attorney
Devin Tolpin, Principal Planner
Diane Silvia, Preservationist
Rey Ortiz, Assistant County Building Official

Adoption of the Minutes from the meeting on March 7th, 2022.

Bert Bender motioned to approve the minutes from the March 7th, 2022 meeting. Brian Shea seconded the motion. The motion carried unanimously.

Changes to the Agenda.

There were no changes to the agenda.

Applications for Special Certificate of Appropriateness

1. LOWE STREET, LLC (FILE #2021-219) IS SEEKING APPROVAL TO DEMOLISH A STRUCTURE WITHIN THE TAVERNIER HISTORIC DISTRICT, HAVING PARCEL IDENTIFICATION NUMBER 00506410-000000 AND DESCRIBED AS PART OF LOT 48, TAVERNIER COVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 103, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. (Continued from the December 6, 2021, January 11, 2022 and March 7, 2022 meetings).

Staff presentation and recommendation

Diane Silvia read the staff report noting the applicable standards and guidelines.

Applicant presentation of additional material

Nicholas Mulick, Attorney for the owner, presented additional photographs showing the deteriorated condition of the structure. He said there is no way the building can be reconstructed. Even though we didn't need it, the building official said we needed to get your approval. The

building official deemed it unsafe and ordered demolition. This board, for some reason, ordered that a structure report be submitted, and available for public review. It was a ridiculous request.

Mr. Mulick submitted his application to the HPC and thought that would be it. What happened was, at someone's whimsy the HPC required an unnecessary report. He spent hours and hours trying to convince them this was not necessary. Finally, someone agreed. He has submitted an application to the building department for demolition and said a permit will be issued. What is so troubling to him is he had to spend so much time, and my time is money, addressing something that did not need to be addressed. He is ashamed that we have a government entity that has this unnecessary step. This cannot be reconstructed. He then read the demolition ordinance into the record and noted the Building Official represents a governmental agency. Yet we have been told a report and site were required. I don't know why. This is a case he is not proud of. He then presented a written formal withdrawal of the HPC application.

Peter Morris then asked Rey Ortiz to provide his credentials and his assessment of the structure as to its' physical integrity.

Rey Ortiz said he has a BA and MA in architecture and 28 certificates and licenses that include building inspector, plans examiner, code administer, flood plain manager, certified planner, etc... He has certifications in all the disciplines. He then presented a structural assessment report for the record.

Mr. Morris asked the board if they recognized Mr. Ortiz as a professional, with Mr. Mulick's approval.

Mr. Mulick said absolutely.

The board agreed Mr. Ortiz was an expert.

Mr. Ortiz said after Irma they surveyed structures deemed unsafe. This is a process.

Bert Bender asked Diane if a report was required.

Diane Silvia said that is what the board at the December meeting voted on to require. But if this is withdrawn then we are not involved any longer.

Mr. Bender said if this is withdrawn we have no authority to require anything. He does not have a problem with them withdrawing and going ahead with demolition. He feels the purpose of a report is so that it is available for anyone to review it. If there is a problem with our code then we need address it.

Mr. Ortiz said he visited the structure and created this report. In this case there is a tree flush with the structure, wood rot, termite damage, and it is in eminent danger of collapse. Nothing is to code and the floor and foundation are below grade. It is in deplorable condition.

Mr. Bender asked Diane if the application is withdrawn do we need to make a motion.

Ms. Silvia said I do not think so. Peter can answer that better than I, but it should not require a written resolution.

Mr. Morris then asked Mr. Mulick if he would consider not withdrawing the application if there is the majority present today that would vote in favor of the demolition.

Mr. Mulick said he is here to day to get whatever it takes to get the building demolished. Yes, if you believe this is a necessary step then I will agree to go forward with the application.

Mr. Morris said he recommends approval given the Building Official's declaration as an unsafe structure with demolition as the only option. There was no other alternative available to remedy this.

Kate Deloach asked Mr. Ortiz when his report was completed.

Mr. Ortiz said April 1st, 2022.

Mr. Bender said a report is required a head of time so the public can review it. If the Building Official requires that a building be demolished, then it should not come to us. He does not feel we should vote on this.

Mr. Mulick said there is nothing in the code that states a report is required.

Mr. Morris said that was a request at the discretion of this panel rather than an obligation of law.

Public testimony

There was no public testimony.

Board discussion

Kate Deloach said she is familiar with the property as she lives down the street. It is in poor condition, and she personally is comfortable about approving the demolition. What we heard from Rey today provided more of the detail we were looking for. This report should be put into the record available for public review.

Brian Shea agreed and noted in the future, the Building Department should notify us when buildings in the historic district are first deemed unsafe.

Motion

Kate Deloach motioned to approve the demolition. Barbara Bauman seconded the motion. A roll call vote was taken. Kate Deloach, Barbara Bauman, and Brian Shea voted in favor of the motion. Bert Bender voted against the motion. Therefore, the motion carried.

Mr. Mulick then withdrew his application withdrawal. He thanked Mr. Ortiz and Mr. Morris for their help.

2. JOSHUA MCNEW (FILE #2022-004) IS SEEKING APPROVAL TO INSTALL A PAVER DRIVEWAY AT 178 BEACH ROAD, WITHIN THE TAVERNIER HISTORIC DISTRICT, HAVING PARCEL IDENTIFICATION NUMBER 00090270-000202 AND DESCRIBED AS A PARCEL OF LAND IN TAVERNIER, KEY LARGO, MONROE COUNTY, FLORIDA, SAID PARCEL BEING HEREINAFTER REFERRED TO AS PARCEL A 10, SAID PARCEL A 10 BEING A PORTION OF LOT 10 OF “PLAT OF THE AMOS LOWE HOMESTEAD”, CONSISTING OF LOTS 3 AND 4 AND THE WEST HALF OF THE NORTHWEST QUARTER IN SECTION 34, TOWNSHIP 62 SOUTH, RANGE 38 EAST ON KEY LARGO, MONROE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, AT PAGE 80, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. (Continued from the March 7, 2022 meeting)

Staff presentation and recommendation

Diane Silvia read the staff report noting the applicable standards and guidelines.

Applicant presentation

Rodger Young, agent for the owner, said the amount of paver coverage proposed may be reduced.

Public testimony

There was no public testimony.

Board discussion

Bert Bender asked if the pavers were pervious.

Mr. Young said all pavers are pervious but at different levels. These are 12-18% pervious.

Mr. Bender asked how the pavers will be set.

Mr. Young said the joints will be sand. The water will drain, and a swale is required.

Devin Tolpin noted that paver coverage may be reduced and this should be acknowledged in the motion so the applicant does not have to come back.

Diane Silvia asked if Alice Allen was present.

Alice Allen said yes.

The board then agreed Ms. Allen could participate in the vote.

Motion

Barbara Bauman motioned to approve as proposed or with reduced paver coverage.

Kate Deloach seconded the motion. A roll call vote was taken, and all voted in favor of the motion. Therefore, the motion carried.

3. 91731 OH, LLC (FILE #2021-176) IS SEEKING APPROVAL TO CONSTRUCT SITE IMPROVEMENTS LOCATED AT 91731 OVERSEAS HIGHWAY, WITHIN THE TAVERNIER HISTORIC DISTRICT, HAVING PARCEL IDENTIFICATION NUMBER 00556190-000000 AND DESCRIBED AS LOTS 1, 2, 3, 4, 5, AND 6, BLOCK E, TAVERNIER #2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 8, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, TOGETHER WITH THE NORTHWESTERLY 5.00 FEET OF THE 10.00 FOOT WIDE ALLEY ADJACENT TO THE SOUTHEASTERLY LINES OF LOTS 1 THROUGH 6, BLOCK "E", TAVERNIER 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 8 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

Staff presentation and recommendation

Diane Silvia read the staff report noting the applicable standards and guidelines.

Applicant presentation

Eric Parker said he had nothing to add but was there to answer any questions.

Public testimony

There was no public testimony.

Board discussion

Alice Allen asked how many parking spaces are planned.

Mr. Parker said there will be an ADA space and does not believe they are exceeding what is already there.

Ms. Allen asked if you are counting the spaces along US1. They are very difficult and dangerous to use with all the traffic.

Mr. Parker said he agreed, but the traffic light at Winn Dixie gives you about 30 seconds to get out.

Ms. Tolpin said they are asking for nine spaces which is what is required for a restaurant use. They are allowed to use adjacent on street parking.

Ms. Allen said she and the neighborhood are very concerned. It is popular with where it is right now. The parking may be legal and meet code but it will lead to people parking illegally in the neighborhood.

Kate Deloach explained she shares Alice's apprehension but is happy to see this building going back into use.

Brian Shea asked if the dumpster enclosure was going to be the same material as the fencing.

Mr. Parker said yes.

Mr. Shea asked if the impervious surface added was for the ADA space.

Mr. Parker said yes.

Bert Bender asked if they were making any changes to the building.

Mr. Parker said only on the interior.

Motion

Brian Shea motioned to approve. Barbara Bauman seconded the motion. A roll call vote was held. All voted in favor of the motion, therefore the motion carried.

Other Business:

Kate Deloach said several people in the neighborhood have asked her about the HPC process and the time it takes to get approval so they can begin work. Is there anyway we can get turn around more quickly?

Peter Morris said it depends on the complexity of the project.

Devin Tolpin said Diane drafts the resolutions and she and Peter review for accuracy legal sufficiency. The resolution is required to obtain the building permit.

Ms. Deloach asked how long each of these steps take.

Diane Silvia said 1 to 2 days.

Ms. Tolpin said usually a week.

Mr. Morris said usually 1 to 2 weeks. Right now, he is covering for another attorney, so it has taken longer.

Ms. Tolpin then reported the good news, that the Planning Commission has recommended approval of the matrix. This will be heard by the BOCC at the May meeting.

All agreed this will be a huge help and thanked Devin for her work on this.

Bert Bender said he did not have a problem with the demolition approved today, but feels a report should have been available for public review. He heard it takes months to get a permit.

Ms. Tolpin said it is the applicant's responsibility to provide the resolution when applying for a building permit.

Barbara Bauman said in her experience, most of the time it is because the applicant did not address the departments concerns or requirements.

Mr. Morris asked for direction regarding if the building official's order is for demolition should it not come before the HPC. Do members present recognize the Building Official's order as from a governmental entity. If so, that is sufficient as to code and gives staff direction.

Kate Deloach said given the language in the code, what brought this to us in the first place.

Ms. Tolpin said the applicant applied for a special certificate of appropriateness prior to applying for a demolition permit.

Mr. Morris asked if this body recognizes an unsafe declaration by the Building Official with demolition as the only remedy, that this is a determination by a governmental agency and by code does not have to come to the HPC.

Brian Shea said yes, if demolition is the only option, then there is no reason to come to the HPC.

Kate Deloach agreed, if there is no other option.

Barbara Bauman said there should be some documentation provided to staff.

Mr. Bender agreed.

Adjournment.

Brian Shea motioned to adjourn. Kate Deloach seconded the motion. The motion carried unanimously.